



## OPINION ON REHEARING

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## IN THE COURT OF APPEALS OF INDIANA

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Kenneth J. Schaefer,  
*Appellant-Defendant,*

v.

Estate of Cletus P. Schaefer,  
Deceased,  
*Appellee-Plaintiff*

July 8, 2021

Court of Appeals Case No.  
20A-ES-1007

Appeal from the Spencer Circuit  
Court

The Honorable Jon A. Dartt, Judge

Trial Court Cause No.  
74C01-1606-ES-000025

**May, Judge.**

[1] Kenneth J. Schaefer files a petition for rehearing, asking this court to interpret Indiana Code section 29-1-17-3, which governs abatement of estate assets

should the estate be insolvent. As the trial court did not rule on that issue in the order appealed to our court, any opinion we would render would be premature and purely advisory in nature. *See State Farm Mut. Auto Ins. Co. v. Glasgow*, 478 N.E.2d 918, 926 (Ind. Ct. App. 1985) (“We are a court of review and will not decide such an issue until it properly has been decided at the trial level.”), *reh’g denied*. It is well-established that our court does not issue advisory opinions. *See Snyder v. King*, 958 N.E.2d 764, 786 (Ind. 2011) (explaining the history, dating back to 1793, of the “cardinal principle of the judicial function . . . that courts should not issue advisory opinions but should instead decide cases only on the specific facts of the particular case and not on hypothetical situations”).

[2] We grant rehearing to clarify our reason for declining Kenneth’s request to review an issue not decided by the trial court. We affirm our original opinion in all other respects.

[3] Affirmed.

Riley, J., and Altice, J., concur.