

## MEMORANDUM DECISION

Pursuant to [Ind. Appellate Rule 65\(D\)](#), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



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APPELLANT PRO SE

LaTonya King  
Elkhart, Indiana

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## IN THE COURT OF APPEALS OF INDIANA

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In re the Supervised Estate of  
Larry King  
LaTonya King,  
*Appellant,*

v.

The Estate of Larry King,  
*Appellee.*

December 21, 2023

Court of Appeals Case No.  
23A-ES-71

Appeal from the St. Joseph Probate  
Court

The Honorable Jason A.  
Cichowicz, Judge

Trial Court Cause No.  
71J01-2009-ES-160

**Memorandum Decision by Judge Mathias**  
Judges Riley and Crone concur.

**Mathias, Judge.**

[1] LaTonya King appeals the St. Joseph Probate Court’s decree of final distribution of the Estate of Larry King (“the Estate”). King presents a single issue for our review, namely, whether the court’s distribution of the Estate’s assets was clearly erroneous.

[2] We affirm.

### **Facts and Procedural History**

[3] Larry King and Joyce King lived together for approximately ten years, but they were not married. Larry and Joyce bought a home together in South Bend, which they owned as tenants in common. Joyce contributed \$30,000 to the initial purchase of the house. During their time together, Larry bought two vehicles and gifted them to Joyce, and Larry and Joyce co-owned a third vehicle. Larry died intestate on June 15, 2020.

[4] On September 16, Larry’s daughter LaTonya, by counsel, filed a petition with the trial court to name her personal representative of Larry’s estate. LaTonya listed her two sisters, Tracey and Rashonda, and Joyce as Larry’s known heirs. The trial court approved LaTonya’s appointment. However, on April 6, 2021, Joyce petitioned the court to remove LaTonya as personal representative. Joyce alleged that LaTonya had not timely filed an inventory with the court. The trial court granted that petition and appointed a new personal representative, Christopher Potts, who later filed an inventory.

- [5] On December 15, the trial court held an evidentiary hearing to determine ownership of six vehicles and Larry and Joyce’s residence.<sup>1</sup> At that hearing, Joyce testified regarding the residence she owned with Larry, as well as her sole ownership of two vehicles titled in Larry’s name (she testified that he had gifted her the vehicles) and her co-ownership of a third vehicle titled in Larry’s name. Larry’s daughters LaTonya and Rashonda also testified.
- [6] The trial court found in relevant part that Larry and Joyce owned the residence as tenants in common, “with Joyce King entitled to the first \$30,000 of the value of the property” because of her contribution of that amount to the purchase of the residence, with the “remaining value of the property” to be equally divided between the Estate and Joyce under the intestate succession statute. Appellant’s App. Vol. 2, p. 6. The trial court also found that a black Mazda and a white Tahoe were Joyce’s vehicles and that she was entitled to a “1/2 interest” in a green Buick. *Id.*
- [7] On November 22, the personal representative filed the final account, which the trial court approved on December 15. This appeal ensued.

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<sup>1</sup> The trial court also considered evidence regarding Larry’s ownership of a coin collection, but LaTonya does not challenge the distribution of that asset.

## Discussion and Decision

[8] LaTonya argues that the trial court erred when it awarded two vehicles and one-half of the proceeds of a third vehicle to Joyce.<sup>2</sup> Specifically, LaTonya contends that the trial court erred when it awarded “the ‘lion’s share’ of the estate . . . to Joyce King.” Appellant’s Br. at 13. LaTonya maintains that Joyce “was only entitled to receive her 50% portion of the sale of the real property that she owned with [Larry] as tenants in common.” *Id.* LaTonya is incorrect.<sup>3</sup>

[9] When a trial court has entered findings of fact and conclusions of law, we engage in a two-tiered standard of review. We must first determine whether the evidence supports the findings of fact and then whether the findings support the judgment. *Heiligenstein v. Matney*, 691 N.E.2d 1297, 1299-1300 (Ind. Ct. App. 1998). The court’s findings and judgment will not be reversed unless clearly erroneous. *Id.* at 1300. Findings of fact are clearly erroneous when the record lacks any facts or reasonable inferences from the evidence to support them. *Id.* The judgment is clearly erroneous when it is unsupported by the findings of fact and conclusions entered on the findings. *Id.* In making these determinations, we will neither reweigh the evidence nor judge witness credibility, but we will

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<sup>2</sup> In her “Statement of the Issue” section of her brief, LaTonya purports to raise a total of four issues for our review. But in her Argument section, LaTonya only presents cogent argument regarding ownership of three of the six vehicles titled in Larry’s name at his death. Accordingly, we address only the ownership of those vehicles. See *Ind. Appellate Rule 46(A)(8)*.

<sup>3</sup> To the extent LaTonya contends that the trial court found that Joyce was Larry’s wife or common law wife, she is incorrect. The trial court explicitly found that they were not married, and the court made no finding regarding a common law marriage.

consider only the evidence favorable to the judgment and all reasonable inferences therefrom. *Id.*

[10] Initially, we note that the Estate has not filed an appellee’s brief. In such a case, we “need not develop an argument for [the Estate] but instead will reverse the trial court’s judgment if [Appellant’s] brief presents a case of prima facie error.” *In re Adoption of E.B.*, 163 N.E.3d 931, 935 (Ind. Ct. App. 2021) (citation and quotation marks omitted). Prima facie error means “at first sight, on first appearance, or on the face of it.” *Jenkins v. Jenkins*, 17 N.E.3d 350, 352 (Ind. Ct. App. 2014). “Still, we are obligated to correctly apply the law to the facts in the record to determine whether reversal is required.” *Id.*

[11] Here, the trial court heard Joyce’s testimony that Larry had gifted her the black Mazda and the white Tahoe and that she and Larry owned the green Buick jointly. On appeal, LaTonya asks that we disregard that testimony and consider only the evidence that those vehicles were titled in Larry’s name. LaTonya’s argument, then, is nothing more than a request that we reweigh the evidence, which we may not do on appeal. LaTonya has not satisfied her burden on appeal to show error.

[12] For all these reasons, we affirm the trial court’s decree of final distribution of the Estate.

[13] Affirmed.

Riley, J., and Crone, J., concur.