IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the Matter of the Estate of: ELTON GEORGE, JR.	))	C.A. No. 2025-0194-DG

ORDER

WHEREAS:

A. LaKeisha Joy Conkey ("Petitioner") and Talisa Elton ("Respondent") are surviving children of their late father, Elton George, Jr. ("Decedent").[1] They were, until this Court's recent removal of Respondent, Co-Executrixes of Decedent's estate (the "Estate").[2]

B. The Register of Wills docket reflects that the Co-Executrixes opened the Estate in October 2023.[3]

C. On February 21, 2025, Petitioner filed a Petition (1) to remove Respondent as Co-Executrix, (2) to "[d]irect Respondent to return any property belonging to the Decedent at the time of his death to Petitioner[,]" and (3) to "[a]ward Petitioner's counsel fees and costs . . . and [tax them] against Respondent's share of the Estate" (the "Civil Action").[4]

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[1] Dkt. 1 Ex. A.

[2] Dkt. 1 Ex. B; *In re Est. of Elton George, Jr.*, ROW Folio No. 185501 PJT-DG (Del. Ch.) (cited as "ROW Proceeding"), Dkt. 57.

[3] ROW Proceeding, Dkt. 5.

[4] Dkt. 1 at 8–9.

D. Petitioner supported her request for relief with allegations that Respondent: (1) failed to retain counsel,[5] (2) refused to sign, or delayed in filing, an Estate inventory,[6] (3) removed and withheld the title to the Decedent's vehicle and refused to sign paperwork to obtain a duplicate title,[7] (4) acted uncooperatively toward Petitioner,[8] and (5) failed to act in accordance with her fiduciary duties as Co-Executrix.[9]

E. On April 9, Petitioner filed a Motion for Default Judgment against Respondent.[10] On April 25, Respondent filed a response to the Petition.[11]

F. On June 20, Petitioner asked the Court to hear argument on this Petition at the already-scheduled hearing on Petitioner's exceptions to Respondent's inventory in the ROW Proceeding.[12] After holding a conference with the parties on July 29, the Court declined.[13]

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[5] Dkt. 1 ¶¶ 13, 24, 25.

[6] Dkt. 1 ¶¶ 14–17.

[7] Dkt. 1 ¶ 26.

[8] Dkt. 1 ¶ 22.

[9] Dkt. 1 ¶ 27.

[10] Dkt. 5.

[11] Dkt. 7. Petitioner withdrew her Motion for Default Judgment on May 9. Dkt. 10.

[12] ROW Proceeding, Dkt. 40 at 1–2.

[13] *See* Dkt. 11.

G. On September 4, Petitioner filed a Motion for Schedule in this Civil Action.[14]

H. On October 29, Petitioner filed a proposed schedule for bringing her action to trial, which the Court granted with modifications.[15] The Court set a trial for February 24, 2026.[16]

I. On January 30, 2026, Petitioner notified the Court that she was unable to file the joint Pre-Trial Order and Joint Exhibit List required under the Scheduling Order, because Respondent "failed and/or refused to provide . . . and propose[]" any materials and did not sign the documents.[17] Petitioner filed her own portions of a pretrial order and an exhibit list.[18]

J. On February 24, this Court conducted a one-day trial on the Petition.[19] The Court took testimony on five contested issues of significance.

i. First, Petitioner testified that Elton resisted participating in the administration of the Estate. Petitioner introduced multiple communications

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[14] Dkt. 12. Respondent did not respond to the motion, and the Court took no action on the motion.

[15] Dkts. 13–14.

[16] Dkt. 14.

[17] Dkt. 15 at 1–2.

[18] Dkt. 15 Ex. A.

[19] Dkt. 19. The Rule to Show Cause hearing in the ROW Proceeding preceded before the Civil Action hearing on the same day. Dkt. 19.

reflecting efforts to obtain Respondent's cooperation with Estate matters. The bulk of those communications related to the retention of California counsel to manage the California property,[20] Decedent's bank accounts,[21] and status updates, including updates concerning rental income from real properties owned by the Estate.[22] Petitioner's correspondence frequently prompted Respondent to take necessary action in connection with this Court's order.[23] Respondent generally testified that she did not recall or receive the correspondence, or that she responded to Petitioner verbally.[24]

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[20] *E.g.,* Trial Tr. 76:14–18, 83:22–24; Pet'r's Exs. 6, 7, 10, 11.

[21] *E.g.,* Trial Tr. 67:17–23; Pet'r's Ex. 5. Relatedly, Respondent asserted that she understood a certain account to be used to pay estate debts "before [any remaining funds were] rolled over to the other parties' name that was on the account" but was denied relevant information when requested it. Trial Tr. 182:16–24, 183:1–3. In response, Petitioner stated that the account could not be opened "[b]ecause Respondent didn't want to provide her personal information." Trial Tr. 192:1–3.

[22] *E.g.,* Trial Tr. 100:12–16, 122:10–13, 136:1–2; Pet'r's Exs. 5, 19. In particular, Respondent contended that Petitioner provided no "receipts" to substantiate the information Petitioner reported to Respondent. Trial Tr. 77:17–21.

[23] *E.g.,* Trial Tr. 106:8–13, 112:4–20, 125:18–126:6, 126:18–20, 127:1–12; Pet'r's Exs. 12, 13, 14, 17, 18.

[24] *E.g.,* Trial Tr. 76:22, 84:5–9, 100:11, 101:24, 102:14–15, 107:6–8, 126:9–11, 127:14–16. Both Respondent and her daughter Tirrena Roberts consistently testified that Roberts was solely responsible for Respondent's email communications. Trial Tr. 85:22–23, 217:4–10. In her witness testimony, Roberts characterized Petitioner's communication as speaking poorly of Respondent but failed to identify any evidence in the record supporting that allegation. Trial Tr. 217:21–24. Roberts is neither an executor nor beneficiary of the Estate, and she is neither a party to, nor a representative in, this Civil Action.

ii. Second, Respondent repeatedly denied signing the petition that appears to have been filed by both parties seeking to open the Estate as co-executors.[25] Decedent's Will provided that either or both of Respondent and the parties' brother, Elton George, III ("Elton George"), were to be Decedent's executors.[26] It is undisputed that Elton George renounced his executorship.[27] The Will also stated that Petitioner was to serve as alternate personal representative if neither Elton George nor Respondent were "willing or able to act."[28] Respondent testified that she never agreed to allow Petitioner to serve with Respondent as co-executor, notwithstanding apparent evidence to the contrary.[29] Petitioner testified that "there was never any clear objection" from Respondent regarding Petitioner's appointment.[30]

iii. Third, the parties testified about the retention of former Estate counsel John Williams and his role. Respondent testified that Williams misrepresented the identity of his client and led her to believe that he was an

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[25] *E.g.*, Trial Tr. 34:23–24, 35:19–36:22, 40:15–16. Respondent made allegations of forgery and fraud regarding her purported signature on the petition. Trial Tr. 133:20–134:8. She did not clearly identify the alleged perpetrator(s). of

[26] ROW Proceeding, Dkt. 9, at 2.

[27] *E.g.,* Trial Tr. 57:15–19, 155:14–23.

[28] ROW Proceeding, Dkt. 9, at 2.

[29] *See* ROW Proceeding, Dkt. 4.

[30] Trial Tr. 197:18–23. Respondent did not attempt to rebut this testimony.

attorney "[her] father hired, not [Petitioner]."[31] Petitioner testified that both parties hired Williams because he was not retained until they met with Williams at his office and agreed to move forward.[32] Petitioner further testified that she found Williams because he had previously represented Decedent and Decedent "had directed [her] to use John Williams."[33] Respondent objected to Petitioner's testimony that Decedent directed Petitioner to use Williams as hearsay (the "Hearsay Objection").[34] The Court sustains the Hearsay Objection.[35]

iv. Fourth, Petitioner testified that the title to the Decedent's Dodge Ram was missing, that Respondent sent Petitioner a photograph of the title, that Petitioner asked Respondent to return the title or execute the paperwork necessary to obtain a duplicate title and that Respondent did neither.[36] Respondent testified that she obtained the photo of the title sometime around October 2023, after the Decedent's death, from her son, Tazell Coner, and that

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[31] Trial Tr. 209:4–7. Respondent contended that Petitioner told her they were "meet[ing] with Dad's attorney for the sales of the property." Trial Tr. 209:3–6.

[32] Trial Tr. 206:17–24.

[33] Trial Tr. 171:20–23.

[34] Trial Tr. 172:5–9. I advised the parties that I would take the Hearsay Objection under advisement and resolve it in this report. Trial Tr. 172:9–10.

[35] The Court finds that the statement is hearsay and that it does not qualify for admission under Rule 803, 804 or 807. *See* D.R.E. 801–804, 807.

[36] Trial Tr. 188:15–189:1, 189:24–191:17.

Coner took the photo at Decedent's Delaware residence.[37] Respondent testified that she "do[es] not possess the title" and did not pursue a duplicate title because she believed that "the title [would] be passed on to [her] brother[,]" Elton George.[38] When Petitioner attempted to explore Respondent's belief that the vehicle title could be transferred without Respondent's signature, Respondent again challenged the legality of Petitioner's service as executor.[39] Petitioner's counsel moved to strike the latter statement as nonresponsive ("Motion to Strike").[40] The Court agrees that the testimony is not responsive in this context but notes that it is duplicative. The Court declines to strike the testimony but has not considered it in connection with this report.

v. Fifth, Petitioner attempted to establish the circumstances surrounding the apparent forced entry, after Decedent's death, into a safe located in Decedent's home. Petitioner believed that Respondent was involved because she had a key to Decedent's property.[41] Respondent

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[37] Trial Tr. 52:16–53:17.

[38] Trial Tr. 117:11–17. The evidence does not establish that Respondent stole the title or possessed the title and refused to return it. The Court reaches no conclusion regarding the failure to execute paperwork to obtain a duplicate title.

[39] Trial Tr. 119:3–15.

[40] Trial Tr. 119:18–20. I advised the parties that I would take the Motion to Strike under advisement and resolve it in this report. Trial Tr. 120:3–5.

[41] Trial Tr. 167:3–18.

testified that the safe was already damaged when she arrived at the property, but that her son "probably did" pry it open.[42] Coner denied both knowing about the safe and damaging it.[43]

K. On October 2, 2026, the Court issued an order removing Respondent from her role as Co-Executrix after she failed to show good cause for ignoring the Court's rulings on Petitioner's exceptions to Respondent's inventory and the Court's direction to work with Petitioner to file an amended inventory (the "Removal Order").[44]

L. As a result of the Removal Order, Petitioner will be the sole executor of the Estate.[45]

IT IS ORDERED, this 5th day of October, 2026, that:

1. Petitioner's request to remove Respondent as Co-Executrix is **MOOT** in light of the Court's Removal Order.

2. Petitioner's request for an order requiring Respondent to return the title to the Dodge Ram is **DENIED**. Petitioner did not prove that Respondent has the

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[42] Trial Tr. 54:2–55:10.

[43] Trial Tr. 232:5–233:17. The evidence does not establish that Respondent damaged Decedent's safe.

[44] ROW Proceeding, Dkt. 57.

[45] ROW Proceeding, Dkt. 57 ¶ 1.

title, and, in any event, Petitioner will be able to obtain a duplicate title as sole executor.[46]

3. Respondent would have been within her rights to disagree with Petitioner about the disposition of the asset, and this could have been raised with the Court. Notably, however, Respondent did not testify that she disagreed with a proposed disposition of the asset. Respondent testified only that she believed that the truck would be given to George Elton.

4. Petitioner's request to tax her attorneys' fees and costs against Respondent's share of the Estate is **DENIED WITHOUT PREJUDICE**. In light of the Court's Removal Order, the Court has found it unnecessary to reach Petitioner's allegations that Respondent breached her fiduciary duties.[47]

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[46] The Court notes that Respondent did not take steps to help obtain a duplicate title when Petitioner requested that she do so. Respondent's motivation is unclear. The Court makes no finding at this time. *But see In re Est. of Solberg*, 2024 WL 5379574, at *3 (Del. Ch. Feb. 5, 2025) (finding that an executor owes fiduciary duties to the estate and its beneficiaries); *see also Del. Tr. Co. v. McCune*, 80 A.2d 507, 511 (Del. Ch. 1951) ("[An] executor is required to use good judgment in the administration of the estate it represents, . . . to act in all ways with good faith[,] . . . [and] to use ordinary care, prudence, skill and diligence[.]").

[47] *See* Dkt. 1 ¶¶ 31–33.

5. In addition, the Estate is still being administered. The Court therefore leaves open whether a surcharge may be appropriate in connection with the final accounting or closing of the Estate, should either party establish circumstances warranting such relief.[48]

/s/ Danielle Gibbs
Magistrate in Chancery

[48] When an executor "breaches their duties to the [e]state and its beneficiaries and there is a resulting loss to the [e]state because of those breaches, the [executor] will be subjected to a surcharge." *In re Est. of Zamichieli*, 2024 WL 1480370, at *9 (citing *Del. Tr. Co.*, 80 A.2d at 511). "A surcharge is, essentially, a sanction against a[n] [executor] requiring the [executor] to fund (or refund) the estate because the [executor] improperly or poorly handled the estate, engaged in self-dealing, or improperly depleted estate assets." *In re Est. of Clark*, 2019 WL 3022904, at *7 (citations omitted). It is "normally tailored to remedy the specific harm caused, rather than to punish" the executor. *Id.* (citing *In re Est. of Reichert*, 2001 WL 1398579 (Del. Ch. Oct. 31, 2001)).