

# Appeals court turns down claim on Stover estate

By Gina Cole | Posted: Monday, December 23, 2013 5:07 pm  
Skagit Valley Herald

A state appeals court has rejected a claim by Anacortes dog trainer Mark Stover's girlfriend against his estate, saying she filed her petition too late. The claim was sent back to Skagit County Superior Court.

Teresa Vaux-Michel sued her late boyfriend's estate for \$150,000 after never receiving a check she says Stover wrote to her in that amount and left in his home before he was murdered in 2009. In her 2011 lawsuit, Vaux-Michel accused Stover's sister of hiding the check.

A civil trial over the check ended in September 2012. Friends and associates testified that Stover feared his ex-wife would murder him and left Vaux-Michel a check in case anything happened to him. The check was dated August 2009, about two months before Stover was killed. He left no will.

Stover's ex-wife, Linda Opdycke, was never charged with a crime. Opdycke's boyfriend, Michiel Oakes, was convicted in 2010 of first-degree murder.

A central question in the civil trial was whether Stover had made his intentions for the check obvious. Vaux-Michel said she learned about the check months after Stover's death. Ann Victoria Simmons, Stover's sister and personal representative of his estate, rejected that claim.

Superior Court Judge John Meyer ruled in Vaux-Michel's favor, ordering Simmons to give her the \$150,000 from the estate, plus her legal fees and costs.

Simmons appealed, saying Vaux-Michel did not file her petition within the time allowed by state law.

State law says a claimant must sue the personal representative of an estate within 30 days after a claim on the estate is rejected. Vaux-Michel's lawsuit came five days after the deadline.

Vaux-Michel argued Simmons did not respond to her initial claim in a timely manner, delaying her ability to file the lawsuit. The appeals court was "not persuaded" by this "unsupported contention," according to the consensus opinion published Monday, whose

14 pages are largely composed of precedent cases that establish how these calendar-day limits are counted.

Simmons requested her legal fees and costs be reimbursed, but the appeals court declined. However, it also vacated Meyer's judgment awarding Vaux-Michel her fees, and said Simmons can try to get reimbursed when the case is back in Superior Court.

— *Reporter Gina Cole*: 360-416-2148, [gcole@skagitpublishing.com](mailto:gcole@skagitpublishing.com), *Twitter*:  
[@Gina\\_SVH](https://twitter.com/Gina_SVH), [facebook.com/byGinaCole](https://facebook.com/byGinaCole)