

IN THE SUPREME COURT OF THE STATE OF MONTANA

Stephanie Zito, personal representative of the Estate of Charles Eugene Fisch,	Appellant Cause No. DA 22-0201
Appellant,	District Court Cause No. DP 2021-18
vs.	
EILEEN GEEHAN,	
Appellant.	

APPELLEE'S NOTICE RE STATUS OF TRANSCRIPTS ON APPEAL

On Appeal from the Montana First Judicial District Court, Broadwater County,
the Honorable Kathy Seeley, Presiding

APPEARANCES:

Michelle H. Vanisko
HINSHAW & VANISKO, PLLC
1 N. Last Chance Gulch, Ste. 1
Helena, Montana 59601
(406) 442-1925 (Voice)
(406) 442-1922 (Facsimile)

Barbara Prescott
Prescott Civil Law, PLLC
P.O. Box 596
Bozeman, MT 59711
(406) 443-0009 (Voice)
(406) 443-0609 (Facsimile)

Attorneys for Appellee Eileen Geehan

Attorney for Appellant Stephanie
Zito, Personal Representative for the
Estate of Charles Eugene Fisch

COMES NOW Appellee Eileen Geehan (“Eileen”), by and through her counsel of record, and submits the following Notice Re Status of Transcripts on Appeal.

On June 9, 2022, Eileen filed *Appellee’s Motion to Dismiss Appeal and Request for Attorney’s Fees* (“Motion to Dismiss”). On June 10, 2022, Eileen received Appellant Stephanie Zito’s (“Stephanie”) *Motion for Extension of Time for Transmission of Record* (“Motion for Extension”), served on June 7, 2022, and filed with the District Court on June 10, 2022. (See Register of Actions, attached hereto as Exhibit A.) On June 14, 2022, the District Court granted the extension. On June 16, 2022, Eileen filed a Motion to Vacate the District Court Order because the Motion for Extension was untimely (the appeal was filed on April 20, 2022; the deadline to request an extension was May 31, 2022; the motion for extension was filed on June 10, 2022).

The purpose of this Notice is merely to advise the Supreme Court of the timeline of events that have the potential for impacting Eileen’s Motion to Dismiss.

Dated: June 16, 2022.

HINSHAW & VANISKO, PLLC

By: **Michelle H. Vanisko**
Michelle H. Vanisko
Attorney for Appellee Eileen Geehan
(Electronically Signed on 6/16/2022)

Roa Listing
DP-04-2021-0000018-II

Date	Filing #	Code	Action	Clerk	Judge
In the Matter of the Estate of Charles Eugene Fisch					
06/14/2022	34.00	DOCS	Notice of Appearance (Filed By Charlton, Craig on behalf of)	CU4205	Seeley, Kathy
06/14/2022	33.00	DOCO	Order -on motion for extension of time for transmission of record	CUC140	Seeley, Kathy
06/10/2022	32.00	DOCS	Motion for Extension of Time (Filed By Prescott, Barbara on behalf of Zito, Stephanie)	CU4205	Seeley, Kathy
06/09/2022	31.00	DOCS	Notice of Filing (Filed By Supreme Court on behalf of)	CU4205	Seeley, Kathy
06/08/2022	30.00	DOCS	Notice of Filing (Filed By Bowen Greenwood Clerk of the supreme court on behalf of Zito, Stephanie)	CUC140	Seeley, Kathy
06/08/2022	29.00	DOCS	Notice of Filing (Filed By Bowen Greenwood Clerk of the supreme Court on behalf of)	CUC140	Seeley, Kathy
06/08/2022	28.00	DOCS	Motion for Extension of Time (Filed By Prescott, Barbara on behalf of Zito, Stephanie)	CUC140	Seeley, Kathy
06/07/2022	27.00	DOCS	Certificate of Service and certified copy of ROA sent to Supreme Court (Filed By Clerk of Court on behalf of)	CU4205	Seeley, Kathy
04/26/2022	26.00	DOCS	Request of Transcript of Proceedings (Filed By Prescott, Barbara on behalf of)	CU4205	Seeley, Kathy
04/21/2022	25.00	DOCS	Notice of Filing (Filed By Supreme Court on behalf of Zito, Stephanie)	CU4205	Seeley, Kathy
04/20/2022	24.00	DOCS	Request of transcript of proceedings (Filed By Zito, Stephanie on behalf of Zito, Stephanie)	CU4205	Seeley, Kathy
04/01/2022		DOC\$	Appearance Fee (No Doc) 9350 \$70.00	CUC140	Seeley, Kathy

Roa Listing
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Date	Filing #	Code	Action	Clerk	Judge
In the Matter of the Estate of Charles Eugene Fisch					
04/01/2022	23.00	DOCS	Creditor's Claim (Filed By Krutzfeldt & Jones, LLP on behalf of)	CU4205	Seeley, Kathy
03/22/2022	22.00	DOCS	Notice of Entry of Judgment (Filed By Michelle Vanisko attorneys for Eileen Geehan on behalf of)	CUC140	Seeley, Kathy
01/28/2022	21.00	DOCO	Order -	CUC140	Seeley, Kathy
01/11/2022	20.00	DOCO	Findings of Fact, Conclusions of Law in in determination of heirs	CUC140	Seeley, Kathy
01/11/2022	19.00	DOCO	Findings of Fact, Conclusions of Law and Order	CUC140	Seeley, Kathy
01/11/2022	18.00	DOCS	Notice of Substitution of Counsel (Filed By Barbara Prescott on behalf of)	CUC140	Seeley, Kathy
12/17/2021	17.00	DOCO	Order -	CUC140	Seeley, Kathy
11/22/2021		CONVERSION	Email Sent Date: 11/22/2021 03:37 pm To: audrey@mttaxlaw.com; barbara@mttaxlaw.com and Michell@hinshawlaw.cc File Attached: MINUTEENTRY.pdf Name of Document: Minute Entry	CU4329	Seeley, Kathy
11/22/2021	16.00	DOCME	Minute Entry Hearing type: Hearing Hearing date: 11/22/2021 Time: 3:31 pm	CU4329	Seeley, Kathy
11/22/2021		HEARSET	Hearing Scheduled (Hearing 12/17/2021 01:30 PM)	CU4329	Seeley, Kathy
11/22/2021		HEARCON	Hearing result for Hearing held on 11/19/2021 10:30 AM: Hearing Continued Determination of Heirs	CU4329	Seeley, Kathy

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Date	Filing #	Code	Action	Clerk	Judge
In the Matter of the Estate of Charles Eugene Fisch					
11/19/2021		CONVERSION	Email Sent Date: 11/19/2021 08:19 am To: audrey@mttaxlaw.com File Attached: ORDEROFREQUESTF Name of Document: Order of request for redetermination of suspension of appointed	CU4329	Seeley, Kathy
11/19/2021		CONVERSION	Email Sent Date: 11/19/2021 08:18 am To: audrey@mttaxlaw.com File Attached: ME.pdf Name of Document: ME	CU4329	Seeley, Kathy
11/19/2021		CONVERSION	Email Sent Date: 11/19/2021 08:13 am To: audrey@mttaxlaw.com File Attached: APPLICATIONOFINFOI Name of Document: Application of Informal Probate and appointment of Personal Repr	CU4329	Seeley, Kathy
11/19/2021		CONVERSION	Email Sent Date: 11/19/2021 08:12 am To: audrey@mttaxlaw.com File Attached: VHORNSVELD.pdf	CU4329	Seeley, Kathy
11/18/2021		CONVERSION	Email Sent Date: 11/18/2021 04:40 pm To: audrey.mttaxlaw.com File Attached: DTAVES.pdf	CUC140	Seeley, Kathy
10/14/2021		CONVERSION	Email Sent Date: 10/14/2021 01:53 pm To: vhornsveld@mt.gov File Attached: ME.pdf Name of Document: ME	CU4329	Seeley, Kathy

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Date	Filing #	Code	Action	Clerk	Judge
In the Matter of the Estate of Charles Eugene Fisch					
10/13/2021	15.00	DOCOR	Order of request for redetermination of suspension of appointed personal representative's power	CU4205	Seeley, Kathy
10/06/2021	14.00	DOCME	Minute Entry Hearing type: Hearing Hearing date: 10/6/2021 Time: 2:06 pm	CU4205	Seeley, Kathy
10/06/2021		HEARRESC	Hearing Rescheduled (Hearing 11/19/2021 10:30 AM) Determination of Heirs	CU4329	Seeley, Kathy
09/27/2021	13.00	DOCNO	Renunciation of Steven Fisch	CU4205	Seeley, Kathy
09/24/2021		CONVERSION	Email Sent Date: 09/24/2021 04:32 pm To: Marcinek, Susan File Attached: PETITION,AFFIDAVITA Name of Document: Petition, Affidavit and Order to Judge for consideration	CU4205	Seeley, Kathy
09/24/2021		CONVERSION	Email Sent Date: 09/24/2021 04:29 pm To: audrey@mttaxlaw.com File Attached: AFFIDAVITOFSTEPHA Name of Document: Affidavit of Stephanie Zito	CU4205	Seeley, Kathy
09/24/2021	12.00	DOCAFF	Affidavit of Stephanie Zito	CU4205	Seeley, Kathy
09/24/2021		CONVERSION	Email Sent Date: 09/24/2021 04:23 pm To: audrey@mttaxlaw.com File Attached: VERIFIEDPETITIONFO Name of Document: Verified Petition for redetermination of suspension of appointed	CU4205	Seeley, Kathy

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Date	Filing #	Code	Action	Clerk	Judge
In the Matter of the Estate of Charles Eugene Fisch					
09/24/2021	11.00	DOCPET	Verified Petition for redetermination of suspension of appointed personal representative's powers	CU4205	Seeley, Kathy
09/07/2021	10.00	DOCAPP	Amended Application adding heirs/devisees	CU4205	Seeley, Kathy
09/03/2021	9.00	DOCOR	Order on request for hearing	CU4205	Seeley, Kathy
09/03/2021		HEARSET	Hearing Scheduled (Hearing 10/15/2021 10:30 AM)	CU4205	Seeley, Kathy
09/03/2021		CONVERSION	Email Sent Date: 09/03/2021 12:36 pm To: michelle@hinshawlaw.r barbara@mttaxlaw.com kathryn@mttaxlaw.com and audrey@mttaxlaw.com File Attached: ORDERONREQUdstf Name of Document: Order on reqdst for hearing	CU4205	Seeley, Kathy
09/03/2021		CONVERSION	Miscellaneous Payment: Email/Fax Filing - Incoming Paid by: Hinshaw and Vanisko, PLLC Receipt number: 0008841 Dated: 9/3/2021 Amount: \$2.50 (Check)	CU4205	Seeley, Kathy
09/03/2021		CONVERSION	Miscellaneous Payment: Copies by Email, Fax, etc - Outgoing Paid by: Hinshaw and Vanisko, PLLC Receipt number: 0008841 Dated: 9/3/2021 Amount: \$.25 (Check)	CU4205	Seeley, Kathy

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Date	Filing #	Code	Action	Clerk	Judge
In the Matter of the Estate of Charles Eugene Fisch					
09/03/2021		CONVERSION	Filing: Appearance Paid by: Hinshaw and Vanisko, PLLC Receipt number: 0008840 Dated: 9/3/2021 Amount: \$70.00 (Check) For: [NONE]	CU4205	Seeley, Kathy
09/01/2021		CONVERSION	Email Sent Date: 09/01/2021 02:15 pm To: Marcinek, Susan File Attached: MOTIONANDORDERFOR Name of Document: Motion and order for hearing	CU4329	Seeley, Kathy
08/30/2021	7.00	DOCNO	Demand for Notice	CU4205	Seeley, Kathy
08/30/2021	8.00	DOCNO	Verified petition for the determination of heirs and request for hearing	CU4205	Seeley, Kathy
08/27/2021	6.00	DOCNO	Proof of delivery	CU4205	Seeley, Kathy
08/25/2021		CONVERSION	Email Sent Date: 08/25/2021 01:14 pm To: crystal@hinshawlaw.ne File Attached: APLYMALE.pdf	CU4205	Seeley, Kathy
08/24/2021		CONVERSION	Email Sent Date: 08/24/2021 01:34 pm To: crystal@hinshawlaw.ne File Attached: LETTERSAPPOINTING Name of Document: Letters appointing personal representative	CU4329	Seeley, Kathy
08/24/2021		CONVERSION	Email Sent Date: 08/24/2021 01:33 pm To: crystal@hinshallaw.net File Attached: ORDERFORINFORMAL Name of Document: Order for Informal Probate and appointment of personal representa	CU4329	Seeley, Kathy

Roa Listing
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Date	Filing #	Code	Action	Clerk	Judge
In the Matter of the Estate of Charles Eugene Fisch					
08/24/2021		CONVERSION	Email Sent Date: 08/24/2021 01:31 pm To: crystal@hinshawlaw.ne File Attached: APPLICATIONOFINFOI Name of Document: Application of Informal Probate and appointment of Personal Repr	CU4329	Seeley, Kathy
08/17/2021	3.00	DOCL	Letters appointing personal representative	CU4205	Seeley, Kathy
08/17/2021	2.00	DOCOR	Order for Informal Probate and appointment of personal representative in intestacy	CU4205	Seeley, Kathy
08/17/2021	1.00	DOCAPP	Application of Informal Probate and appointment of Personal Representative in Intestacy	CU4205	Seeley, Kathy
08/17/2021		CONVERSION	Miscellaneous Payment: Certification With A Seal Paid by: Zito, Stephanie Receipt number: 0008792 Dated: 8/17/2021 Amount: \$6.00 (Check)	CU4205	Seeley, Kathy
08/17/2021		CONVERSION	Filing: Probate / Formal And Informal Paid by: Zito, Stephanie (other party) Receipt number: 0008791 Dated: 8/17/2021 Amount: \$100.00 (Check) For: Zito, Stephanie (other party)	CU4205	Seeley, Kathy
08/17/2021		CASEFILE	New Case Filed	CU4205	Seeley, Kathy
08/17/2021		ATTRET	Other party: Zito, Stephanie Attorney Retained Kathryn A. Munro	CU4205	Seeley, Kathy
08/17/2021	5.00	DOCNO	Notice and Information to Heirs and Devisees	CU4205	Seeley, Kathy

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Date	Filing #	Code	Action	Clerk	Judge
In the Matter of the Estate of Charles Eugene Fisch					
08/17/2021	4.00	DOCNO	Notice to creditors	CU4205	Seeley, Kathy

CERTIFICATE OF SERVICE

I, Michelle H. Vanisko, hereby certify that I have served true and accurate copies of the foregoing Notice - Other to the following on 06-16-2022:

Barbara Prescott (Attorney)
PO Box 596
Bozeman MT 59771
Representing: Stephanie Zito, Charles Eugene Fisch
Service Method: eService

Electronically Signed By: Michelle H. Vanisko
Dated: 06-16-2022