

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA  
ORPHANS' COURT**

<b>IN RE:</b>	:	<b>No. 41-16-0105</b>
	:	
<b>ESTATE OF DENNIS H. SMITH,</b>	:	<b>1925a Opinion</b>
<b>decedent</b>	:	

**OPINION AND ORDER**

This Opinion is written in support of the Court's Order filed on January 10, 2017, denying Appellant's Petition for Caveat of Surviving Spouse. For the purpose of this Opinion, the Court will rely on its Opinion filed that same date.

The Court adds that it did consider the inadmissible testimony of Petitioner Jeanette Shires as no objection was raised to its admission at the time of hearing. The Court found Petitioner not credible in her testimony regarding the *verba in praesenti*. Petitioner was unable to testify to an anniversary date or present the rings she testified to existing. No other testimony established an anniversary date nor did any witness testify to observing rings on Petitioner and/or Decedent at any time.

DATE: \_\_\_\_\_

BY THE COURT,

\_\_\_\_\_  
Nancy L. Butts, P.J.

cc: Mary Kilgus, Esq. Petitioner's Counsel  
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Law Clerk (work file)