

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ESTATE OF)	ORDER REVERSING DENIAL OF
VICTORIA O. O'FARRELL,)	PETITION FOR REMOVAL OF
Deceased.)	SPECIAL ADMINISTRATOR AND
)	DIRECTING THE APPOINTMENT
)	OF A QUALIFIED
)	SPECIAL ADMINISTRATOR
)	
)	#31106

The Court, having considered the briefs filed in the above-entitled matter and the entire record, enters this summary disposition pursuant to SDCL 15-26A-87.1(C). The Court concludes that the circuit court did not err in finding that the Appellants failed to timely object to the lack of notice and hearing prior to the appointment of Raymond O'Farrell as special administrator of the Estate of Victoria O. O'Farrell, and the circuit court did not err in concluding that the Appellants, therefore, waived the procedural defect of such appointment.

We further conclude that at the time of the appointment of Raymond O'Farrell as the special administrator of the Estate of Victoria O. O'Farrell, Raymond O'Farrell was a named defendant in an action brought by Victoria O'Farrell and, as such, had a conflict of interest and was not qualified to serve as the special administrator. Such conflict was apparent on the face of the petition for appointment of special administrator, which specifically referenced

#31106, Order

the civil action. The Court, therefore, concludes that the circuit court abused its discretion in denying the Appellants' petition for removal of special administrator.

The Court vacates the circuit court's May 22, 2025 judgment denying the petition to remove special administrator, adopting the reports of special administrator, closing special administration, and discharging the special administrator. It is further

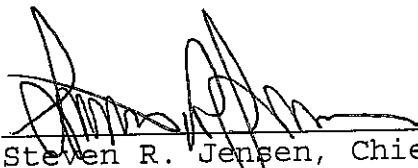
ORDERED that this matter be remanded and that the circuit court appoint a qualified special administrator for the Estate of Victoria O. O'Farrell, pursuant to SDCL 29A-3-617, to perform such duties as are necessary to determine whether Victoria O'Farrell died intestate and to determine what assets or claims, if any, Victoria possessed at the time of her death. In making such appointment, the circuit court may consider whether to appoint an independent special administrator.

DATED at Pierre, South Dakota, this 24th day of March, 2026.

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

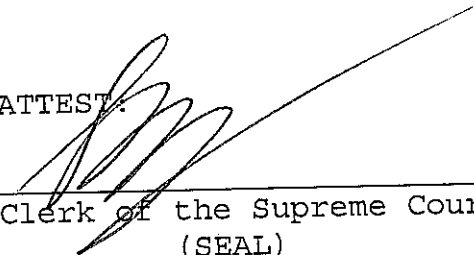
MAR 24 2026

BY THE COURT:


Steven R. Jensen, Chief Justice


Clerk

ATTEST:


Clerk of the Supreme Court
(SEAL)

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Mark E. Salter, Patricia J. DeVaney, Scott P. Myren, and Robert Gusinsky.