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IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION II

FILED
COURT OF CIVIL APPEALS
STATE OF OKLAHOMA

IN THE MATTER OF THE ESTATE OF)
ROBERT C. BODNAR, Deceased:)

OCT 29 2025

ANNE POLING,

Appellee,

vs.

BINA ISLAM BODNAR,

Appellant.

Rec'd (date)	10-29-25
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Publish	yes ☐ no ☒

SELDEN JONES
CLERK

Case No. 122,444

APPEAL FROM THE DISTRICT COURT OF
OKLAHOMA COUNTY, OKLAHOMA

HONORABLE ELIZABETH KERR, SPECIAL JUDGE

AFFIRMED

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For Appellee

Bina Islam Bodnar
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Pro se

OPINION BY GREGORY C. BLACKWELL, JUDGE:

Bina Islam appeals the court's order directing Apple, Inc., to release certain of the decedent's online account passwords to the personal representative, the court's order awarding interim attorney's fees and costs from

the estate, and the court's order releasing the decedent's remains to the personal representative. Upon review, we affirm each of the court's orders.¹

BACKGROUND

Robert Bodnar died on March 19, 2022. The decedent's son, Patrick Bodnar, and Bina filed competing petitions to be appointed as administrator. Bina also alleged she was the decedent's common law spouse. Anne Poling, Robert's sister, later located the decedent's will and filed her own petition for probate of the will in April 2022. The will named Anne as the personal representative and was later admitted to probate, without a timely objection from Bina.

A bench trial took place in January 2023, after which the trial court determined that Bina was the decedent's common law spouse. That decision was appealed, and this Court reversed, finding that there was no common law marriage. *See* Case No. 121,505 (unpublished) (cert. denied Sept. 29, 2025).

In July 2023, some fourteen months after the will had been admitted to probate, Bina filed a motion to contest the validity of the will. Patrick and the personal representative filed motions to dismiss Bina's will contest, which the court later denied. Patrick filed an original action in the Supreme Court seeking to end the contest. *See* Case No. 121,713. The Court assumed original jurisdiction and issued a writ of prohibition to stop all proceedings arising from

¹ Bina's motions filed January 28, 2025 (which the Supreme Court specifically reserved for the decisional stage) and September 11, 2025 (which was filed after assignment) are each denied. Further, to the extent Bina sought pre-decisional relief in any other document filed prior to assignment that remains pending, such relief is denied.

Bina's motion to contest the validity of the decedent's last will and testament because it had been filed more than three months after the admission of the will.

From August 2023 to February 2024 the personal representative filed various motions relevant to the present appeal: a motion directing Apple, Inc., to release the decedent's account passwords, an application for an order authorizing interim payment of attorney's fees and costs from the estate, and an application for the release of the decedent's remains. On July 18, 2024, the court issued three orders granting these requests. Bina timely appealed each order.²

STANDARD OF REVIEW

Probate proceedings are of equitable cognizance. *In re Estate of Fulks*, 2020 OK 94, ¶ 9, 477 P.3d 1143, 1147. On appeal, we presume the trial court's decision is correct and will not disturb it unless it is clearly contrary to the weight of the evidence or to some governing principle of law. *Id.* Issues of law are reviewed under a *de novo* standard of review. *Id.*

ANALYSIS

In her petition in error, Bina raised three issues: (1) whether the court erred in denying her the right to possess the decedent's remains; (2) whether the court erred in awarding interim attorney fees and costs to be paid from the

² Bina filed a motion to reconsider seeking to undo these orders, and also questioning a trial court order requiring her to pay certain fees related to her probate contest. The motion to reconsider was denied, and Bina timely appealed from the three orders referenced above, but not the denial of the motion to reconsider.

estate; and (3) whether the court erred “in allowing the Personal Representative to be able to look into my husband’s and my personal property.”^{3,4}

Based on this Court’s prior determination that Bina was not Robert’s common law wife, we find that Bina no longer has standing to challenge any of the court’s orders under appeal. “Standing in a probate proceeding generally requires a pecuniary interest in the estate of the deceased.” *Matter of Est. of Vose*, 2017 OK 3, ¶ 25, 390 P.3d 238, 248 (citing 58 O.S. 2011 §§ 29, 129). Because we found that Bina was not Robert’s spouse and that she was not otherwise mentioned in his will, she has no pecuniary interest in the estate. Therefore, she no longer has standing in this probate proceeding to challenge the court’s orders. Nevertheless, we note the following, additional reasons lead us to affirm the orders under appeal.

As to the order regarding the decedent’s remains, the law is clear that a personal representative has priority over a surviving spouse to a decedent’s remains. See 21 O.S. § 1158; *Matter of Est. of Foresee*, 2020 OK 88, ¶ 15-19, 475 P.3d 862.

³ The Court presumes this third proposition relates to the Apple-account password order.

⁴ Bina’s appellate brief also raises several other issues that are the subject of the prior appeal, No. 121,505. For example, Bina raises arguments regarding her common law marriage claim, destruction of evidence, the order of closing arguments, and witness credibility as it pertains to the witnesses that testified that Bina and Robert were not married, all of which were part of the prior appeal. Having reviewed those questions in the prior appeal, we cannot review them again. See *Bierman v. Aramark Refreshment Servs.*, 2008 OK 29, ¶ 12, 198 P.3d 877, 881. Bina also makes arguments in her brief related to discrimination, a purported RICO matter, entitlement to mediation, a separate lawsuit filed by Patrick, and more. These issues were not before the trial court and thus are not properly before this Court on appeal. *Jones v. Alpine Inv., Inc.*, 1987 OK 113, ¶ 11, 764 P.2d 513, 515.

As to Bina's argument that the personal representative was not entitled to the decedent's passwords, Bina failed to cite to any legal authority or support for her argument. In her appellate brief, Bina addresses this issue by stating that it would be unsafe to give the personal representative passwords, asserts that Robert's social media had been tampered with and other data had been compromised, and states that the personal representative already took another laptop from the home. None of the above-mentioned statements provide a legal argument that the trial court should have denied the personal representative access to the decedent's devices. Oklahoma courts have consistently held that "judicial review will not be given to issues that receive only superficial treatment in an appellate brief or to assignments of error that lack a reasoned argument or supporting authority." *Cox Oklahoma Telecom, LLC, v. State ex rel. Oklahoma Corp. Comm'n*, 2007 OK 55, ¶ 33, 164 P.3d 150, 162.

Finally, as to the attorney fee award, we note that Bina contends that the court erred in granting fees "since no inventory has been filed and the Personal Representative has not allowed me to have a homestead probate and live in the house." *Petition in Error*, Exhibit C. First, we note that the record reflects that a general inventory and appraisement was filed on October 18, 2023. ROA 342. And, more importantly, Bina did not file an objection to the personal representative's application for an order authorizing payment of interim attorney's fees. While Bina did file a motion to reconsider, it is unclear whether she asked the court to reconsider the award of interim fees from the estate, which was awarded July 29, 2024, or the award of fees to the personal representative

as the prevailing party in the will contest. It follows that it is also unclear whether this issue was heard below and whether it was properly preserved for appeal. See *Jones v. Alpine Inv., Inc.*, 1987 OK 113, ¶ 11, 764 P.2d 513, 515. (holding issues not raised below will not be considered for the first time on appeal). And, in any event, Bina did not appeal the denial of the motion to reconsider.

Further, Bina's appellate brief does not sufficiently address the fee issue. There is a paragraph of her brief titled "legal fees," but in it she merely argues that the personal representative's inventory was incorrect, without sufficiently explaining how it was incorrect. Bina does not provide this Court with any legal authority or support suggesting that the court should not have awarded the interim fees or contesting the amount awarded. "The court has on many occasions said that judicial review will not be given to issues that receive only superficial treatment in an appellate brief or to assignments of error that lack a reasoned argument or supporting authority." *Cox Oklahoma Telecom*, 2007 OK 55, ¶ 33. We also note that while Bina represents herself, this Court has held that "a party proceeding pro se in a civil action or a civil appeal is to be held to the same standards as an attorney." *Funnell v. Jones*, 1985 OK 73, ¶ 4, 737 P.2d 105, 107.

Finally, even if we were to reach the merits of the interim fee order, we would still find that the trial court properly awarded the personal representative \$87,940.08 in fees and costs. The personal representative submitted that its request for attorney fees and costs should be approved for payment from the decedent's estate as an expense of administration pursuant to 58 O.S. § 525.

Bina filed no objection. Attorney fees are not paid out of the estate by virtue of an employment contract but are paid because the administrator is entitled to reimbursement for fees necessarily incurred in administration of the estate or in litigation for the benefit of the estate. *In re Estate of Siggins*, 1994 OK 40, 872 P.2d 932, 935–936. The trial court’s action is an approval of reimbursement, and not an award of attorney fees under *State ex rel. Burk v. City of Oklahoma City*, 1979 OK 115, 598 P.2d 659. Nevertheless, in the present case, the personal representative submitted detailed time records that complied with *Burk* and demonstrated the attorney fees were reasonable and necessary expenses of the estate. Thus, we find no abuse of discretion in the trial court’s approval of the attorney fees. *See also In re Estate of Davis*, 2011 OK CIV APP 66, ¶ 18, 253 P.3d 387, 390.

For each of these reasons, all challenged actions of the district court are affirmed.

AFFIRMED.

WISEMAN, P.J., and FISCHER, J., concur.

October 29, 2025