

## Estate & Trust Litigation

Stinson's Estate and Trust Litigation practice focuses on serving clients in need of sophisticated advice and advocacy when disputes arise involving an estate or trust.

Our experienced team includes litigators with significant knowledge in trust and estate law, and estate planning attorneys who regularly administer complex estates and trusts. The combination of experienced litigators and estate planning attorneys allows us to evaluate the issues in each case, including tax consequences, and to advise our clients in a manner that both protects their interests and preserves the assets of the estate or trust.

### CAPABILITIES

We have successfully represented fiduciaries and beneficiaries, both in trial and appellate courts, and have experience addressing a wide array of issues, including:

- Disputes between trustees and beneficiaries arising from trust administration, including distribution and accounting issues
- Claims for breach of fiduciary duty based on trust investments, including failure to diversify and lack of suitability
- Disputes relating to business interests owned by trusts, including minority shareholder disputes
- Judicial construction and modification of language in wills and trusts
- Navigating, changing or removing trustees
- Determination of beneficiaries and heirs
- Challenges to the validity of a will, including lack of capacity and undue influence
- Disputes over lifetime transfers
- Representation of charities serving as trustee or named as trust beneficiaries
- Petitions for instruction in supervised proceedings where there are disputes among beneficiaries

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## EXPERIENCE

### Determination of Heirship

Serving as counsel for the Special Administrator of the Estate of Price Rogers Nelson, we established a protocol to navigate through the many claims of heirship for the late musician who dies without a Will. This protocol, which analyzed the interplay between Minnesota Probate Code as to intestacy and Minnesota' Parentage Act, was adopted by the Minnesota district court and later affirmed on appeal by the Minnesota Court of Appeals.

### Beneficiaries of Family Trusts

We are counsel to three individuals who are beneficiaries of family trusts collectively valued at approximately \$1.3 billion. With the approval of the other primary trust beneficiaries (the half-siblings of our clients), certain trustees brought a state court petition seeking to have the trusts interpreted in a manner that would exclude our clients as beneficiaries. At issue was whether the trustees, by their petition, could properly challenge the conclusively established legal parent-child relationship between our clients and their father, the settlor of the trusts. The Minnesota Court of Appeals ruled that the trustees could not do so, and granted summary judgment in favor of our clients. The Minnesota Supreme Court denied petitions by the trustees and the half-siblings for further review.

### Corporate Trustee

Successfully represented a corporate trustee against claims that the trustee impermissibly favored the interests of the preferred lifetime beneficiary when administering and investing trust assets. The decision was affirmed by the appellate court, and the corporate trustee was awarded attorney's fees at both the trial court and appellate levels.

### Charitable Remainder Trust Dispute

We represented life beneficiaries of charitable remainder trusts in a breach of trust action against the co-trustee, the charitable remainder beneficiary. The dispute arose out of the failure to sell out-of-state commercial real estate donated to the trusts. While the amounts at issue were significant to both our clients and the opposing party, we recognized that the cost to fully litigate this matter would only serve to further deplete the assets in the trusts. We recommended mediation of the matter and found a creative solution that provided benefits to both our clients and the charitable remainder beneficiary.

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## Dynasty Trust Dispute

We obtained a very favorable result for the guardian ad litem of unborn beneficiaries in a dynasty trust worth more than \$50 million. The trust was created by the owner of a large Minnesota company for the benefit of his future descendants. Our clients questioned the trustees' interpretation of ambiguous provisions in the trust relating to trustee compensation. The court agreed with our interpretation of the language, which will result in millions of dollars of savings for the trust beneficiaries.

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## TEAM

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## RELATED CAPABILITIES

Income Tax

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Tax, Trusts & Estates

## NEWS

Redd Provides Analysis of In Terrorem Clauses in Wills and Trust Instruments in *The Practical Lawyer*  
03.25.2024

*Trusts & Estates* Features Insight for Estate Planning Professionals in 2024 From Clary Redd  
01.17.2024

Halferty Selected to *Finance & Commerce's* Top Women in Finance Award  
11.22.2023

Estate Planning Council of St. Louis Honors Redd with Distinguished Estate Planner of the Year Award  
06.15.2023

Lowell Stortz Selected to Receive 2022 Minnesota Icon Award  
10.28.2022

Stinson Attorneys Named to *Benchmark Litigation's* 2022 40 & Under Hot List  
08.08.2022

Clary Redd Discusses Treasury Department's Recent Proposal to Limit Tax Saving Opportunities in *Financial Planning*  
05.17.2022

Charley Jensen, Clary Redd and Jay Simpson Named to Tax and Estate Planning "POWER LIST"  
04.25.2022

Stinson Attorneys Named to *Benchmark Litigation's* 2021 40 & Under Hot List  
07.28.2021

Stinson Attorneys Named to *Benchmark Litigation's* 2020 40 & Under Hot List  
07.21.2020

## EVENTS

Estate Planning and Fiduciary Litigation Seminar - St. Louis  
09.28.2022

Estate Planning and Fiduciary Litigation Seminar - Minneapolis  
Stinson, LLP, 09.21.2022

Estate Planning & Fiduciary Litigation Seminar - Kansas City

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Stinson LLP, 09.13.2022

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