

After Ms. Sztajer died, the Johnson brothers sued Mr. Stojan, alleging legal malpractice. The trial court granted summary judgment to Mr. Stojan, finding that he did not owe a duty to the brothers. The brothers appealed, arguing that Mr. Stojan owed them a duty as co-trustees and beneficiaries.

The Appellate Court of Illinois, Third District, affirms, holding that Mr. Stojan did not owe a duty to the Johnson brothers. According to the court, Ms. Sztajer was competent when she amended the trust to name her daughter as successor trustee, so the Johnson brothers never became co-trustees of the trust. In addition, the court rules that the trust was created to provide financial support for Ms. Sztajer, not to benefit the Johnson brothers, meaning that the Johnson brothers were incidental beneficiaries and Mr. Stojan did not owe them a duty.

For the full text of this decision, go to:

<http://www.illinoiscourts.gov/Opinions/AppellateCourt/2018/3rdDistrict/3170003.pdf>

Moral of this story...get your wishes on legal documents by an expert attorney, so after you pass, they will stand up in court if disputed by ungrateful beneficiaries.

Unfortunately, we see this from time to time. After both parents pass, “the gloves come off.” We hear all the time in the Design Meeting, “My kids get along.” Nothing can come between them.” “I trust them.”

But, sometimes all those childhood jealousies and conflicts rear their ugly heads. And you aren’t there to keep the peace. This is one reason we spend so much time in the Design Meeting discussing Trustee’s, Beneficiaries, and Distribution Plans. We want to make sure your wishes are carried out.

Have you had your Trusts reviewed in the last 3-5 years? Any life changing events? We offer a No Cost Trust Review with Attorney Jim Henke.

- Bring in your documents. (We even offer this service for documents we haven’t prepared!)
- Enjoy the coffee and cookies before being escorted to your conference room.
- Meet Jim for your personalized one-hour Trust Review.



- Jim will review your documents and confirm your Trustee and Beneficiary line-ups with you.
- Jim will confirm that the documents still carry out your wishes.
- Jim will discuss any necessary legal updates or changes you would like to make.
- Jim will also discuss Funding. If there's nothing in the Trust, then nothing is protected, and the 5-year Medicaid look back clock has not started ticking.
- We make it easy, just call the office 616-361-8400 and schedule your meeting.