

## Practice Contact

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# Probate, Trust, and Fiduciary Litigation

Vorys attorneys represent financial institutions, individuals, fiduciaries and beneficiaries in litigation relating to estates, trusts, and fiduciary relationships. Drawing on multiple disciplines, our experienced litigators work together with estate planners, tax attorneys, and other professionals to resolve disputes.

Our lawyers persuasively present our clients' positions on the unique issues raised in will contests, disputes over trust construction, and claims of fiduciary malfeasance. Our practice includes litigation in probate courts and other courts and agencies.

Our fiduciary litigation experience includes:

- Defense and prosecution of will contest actions, actions to prove or construe wills, and other litigation involving the validity and effect of wills
- Actions to determine and enforce rights and obligations under declarations of trust and trust agreements
- Litigation of fiduciary duty and other claims against trust or estate fiduciaries, including claims arising from alleged self-dealing, breach of trust, and conflicts of interest
- Resolution of disputes involving the identification and valuation of trust or estate assets and the recovery of assets
- Representation of clients in actions contesting or defending fiduciary accountings
- Litigation of disputes arising from the gifts of assets or other transfers of assets prior to death
- Presentation of claims on behalf of creditors of the estate and presentation of objections to creditor claims
- Asserting competing claims of beneficiaries to life insurance benefits and other benefits payable on death
- Resolution of disputes with the Internal Revenue Service and state tax authorities, with respect to estate, gift,

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generation-skipping transfer, and income tax liabilities, among other tax issues

## Cases in Point

- Vorys lawyers obtained a multi-million dollar verdict against co-guardians who mismanaged and diverted guardianship account funds—the largest such verdict in the history of Franklin County
- In a will contest involving the largest claims in memory in Hamilton County, Vorys attorneys obtained a unanimous jury verdict on behalf of the individual named as executor and trustee of a charitable foundation, despite allegations of forgery and undue influence
- We represented trust beneficiaries in successfully pursuing claims against a former trustee and attorney for using trust information on behalf of other parties to the detriment of the beneficiaries
- On behalf of the fiduciary and a major university named as beneficiary, Vorys lawyers obtained a defense verdict against claimants seeking to invalidate trust terms
- Successfully represented clients against allegations involving claims of fraud, incapacity, and undue influence in the sale of stock in a closely held corporation shortly before the seller's death
- We represented the executor of an estate in an action to nullify the decedent's transfer of significant assets to a nurse shortly before death
- We have defended a trustee against allegations that the fiduciary failed to obtain fair market value for a significant trust asset
- We have successfully represented beneficiaries in removing and replacing their trustee

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- We have represented executors and beneficiaries in the defense of disgruntled beneficiaries' filing of exceptions to estate inventories
- We have pursued actions on behalf of estate fiduciaries for declaratory judgment and to quiet title to estate assets
- We have represented beneficiaries in preventing a fiduciary from seeking fee increases