

# PROBATE & TRUST LITIGATION

## PROTECTING THE LEGACY PLAN. DEFENDING YOUR INHERITANCE.

FMJ's Probate & Trust Litigation group represents executors, trustees, beneficiaries, and interested parties in trust and estate controversies, including through counseling, alternative dispute resolution, and litigation. We have extensive experience in handling estate and trust disputes that involve anything from basic probate matters to complex business and financial issues. Our team is comprised of knowledgeable estate planning attorneys partnering with experienced commercial litigators, and the attorneys in our Probate & Trust Litigation group have successfully resolved numerous complex and contentious estate and trust lawsuits. FMJ's Probate & Trust Litigation group has the experience to handle a variety of estate and trust disputes, including:

- Contested Will Provisions
- Contested Trust Provisions
- Undue Influence of a Decedent
- Lack of Testamentary Capacity
- Lack of Contractual Capacity
- Fraud or Conversion
- Partnership and Shareholder Disputes
- Contested Guardianships
- Breach of Fiduciary Duty Claims
- Failure to Comply with Divorce Decree
- Family Cabin Disputes
- Family Farm Disputes
- Partition Actions
- Business and Corporate Dissolution
- Valuation Disputes and Disagreements

We offer a complimentary 30-minute initial consultation to review your potential case. Please contact [estateplanning@fmjlaw.com](mailto:estateplanning@fmjlaw.com) to have someone from our group connect with you regarding your potential case.

### FMJ Professionals

Patrick J. Rooney  
David M. Ness  
Jared D. Peterson  
Bradley R. Hutter

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## REPRESENTATIVE EXAMPLES OF NOTABLE PAST CASES

*In re Dissolution of Trust Created Under Trust Agreement Dated November 1st, 1994* (Swift County District Court, No. 76-CV-19-561) (2020) (successful representation of trustees and obtained trustees' attorneys' fees against in defense of petition for termination of trust).

*In re John E. Schuett Revocable Trust* (Hennepin County District Court, No. 27-TR-CV-15-261) (2015) (successfully resolved lawsuit alleging breach of fiduciary duty and related claims against trustee clients).

*In re Estate and Trust of Walter G. Anderson*, 654 N.W.2d 682 (Minn. Ct. App. 2002); (successfully defended on appeal district court's order denying petitioner's claim to remove trustee on grounds that the trustee breached his fiduciary duty and violated the terms of a pour-over will, trust agreement, and stock-redemption agreement)