

# In re Estate of Radford

**Case Number**

S-18-0863

**Case Audio**

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**Call Date**

August 26, 2019

**Case Time**

9:00 AM

**Court Number**

Douglas

**Case Location**

Lincoln

**Court Type**

County Court

**Case Summary**

S-18-0863, In re Estate of Sheila Foxley Radford, Mary Radford (Appellant) v. Brigid Radford

Douglas County Court, Hon. Stephanie R. Hansen

**Attorneys:** Michael J. Decker; Robert M. Schartz, Howard J. Kaslow, M. Tyler Johnson (Abrahams Kaslow & Cassman LLP)

**Civil:** Probate

**Proceedings below:** County court determined that money Sheila Radford had given to Mary Radford prior to Sheila's death was an ademption of Mary's interest in a trust that had been created by Sheila.

**Issues:** The trial court erred in 1) finding that Neb. Rev. Stat. §3-2350 (Reissue 2008) of the Nebraska Probate Code applies to a trust, 2) finding that the doctrine ademption of a devisee's interest in a trust can be made prior to the creation of the trust instrument, 3) finding that the writing created by the Appellant constituted an ademption as defined by Neb. Rev. Stat. §30-2350 (Reissue 2008) of the Nebraska Probate Code and that her share of the Trust should be adeemed by gift, and 4) disregarding Sheila Foxley Radford's intent to give Mary Radford a one-sixth interest in the Trust-as expressed in the plain language of the trust instrument.

**Schedule Code**

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