

In re Estate of Barger

Case Number

S-18-0711

Case Audio

[Download Audio](#)

Call Date

May 21, 2019

Court Number

Red Willow

Case Location

Lincoln

Case Summary

S-18-0711 In the Matter of the Estate of Joan Jane Barger, Deceased, Elizabeth J. Siegfried and Brendon Barger (Appellants) v. Steven Barger and Shane Barger (Appellees)

Red Willow County Court, Judge Anne M. Paine

Attorneys: Cody E. Siegfried (Goodwin Siegfried, LLP, for Appellants) --- Allen L. Fugate (for Appellee Shane Barger) and Patrick J. Nelson (for Appellee Steve Barger)

Civil: Will

Proceedings Below: Appellant Elizabeth Siegfried filed a petition for construction of her mother Joan Barger's will under Neb. Rev. Stat. § 30-2211. Elizabeth asked the county court to find that the decedent made no valid disposition of any property in reference to the Barger Family Irrevocable Trust, as that trust had been terminated six years before Joan's death. The county court found that it was Joan's clear intent to dispose of her property as detailed in her will, regardless of whether the real estate was held in the trust or individually. Elizabeth appealed.

Issues: Whether the county court erred by finding that the will shows it was Joan's intent to leave the real estate and property as detailed in Article IV of the will regardless of whether or not it was held in the trust or individually; whether the county court erred by finding that Joan exercised in the will the power of appointment granted her in the Barger Family Irrevocable Trust; and whether the county court erred by considering extrinsic evidence without finding as a matter of law whether the will is ambiguous.
