

In re Estate of Adelung

Additional Case Names

@ 9:45am

Case Number

S-19-0705

Case Audio

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Call Date

March 31, 2020

Case Time

9:00 AM

Court Number

Buffalo

Case Location

Lincoln

Court Type

County Court

Case Summary

S-19-0705 In re Estate of Adelung, Lynda Adelung Heiden, Personal Representative of the Estate of Madeline A. Adelung, Deceased (Appellee) v. Kent A. Adelung (Appellant)

Buffalo County Court, Judge Gerald R. Jorgensen, Jr.

Attorneys: Jared J. Krejci (Smith, Johnson, Baack, Placzek, Allen, Connick & Hansen, for Appellant); Blake E. Johnson & Paul A. Lembrick (Bruning Law Group, for Appellee)

Civil: Probate

Proceedings Below: The county court determined 1) that it had subject matter jurisdiction to hear the personal representative's claim for an equitable accounting; 2) the personal representative was entitled to an equitable accounting by Appellant to the estate; 3) Appellant violated his fiduciary duty to the decedent arising from a power of attorney executed by the decedent appointing Appellant as her attorney-in-fact for financial matters; 4) Appellant violated a confidential and trust relationship with decedent; 5) Appellant was liable to return certain funds to the estate; 6) the personal representative's claim was not barred by the statute of limitations; and 7) that the personal representative's claim was not barred by the doctrine of laches.

Issues: Appellant asserts the following assignments of error: whether 1) the county court lacked subject matter jurisdiction; 2) the county court erred in failing to apply the statute of limitations; 3) the personal representative proved any claim to recover the farm rent; 4) the county court should have applied the NUPOAA; and 5) the personal representative's claims are barred by laches.

On cross-appeal, the Appellee/Cross-appellant asserts the following assignments of error:

whether the county court erred in failing to 1) require all funds transferred from Madeline's account from June 2008 to September 2014 to be returned to the estate; and 2) required all farm rental income to be returned to the estate.

Schedule Code

SC
