

Nebraska Supreme Court Awards Beneficiary of Trust Additional Funds

The Nebraska Supreme Court affirmed the decision of the county court which held that Rosella Reiner was entitled to additional funds from a trust that was established for her benefit. Jeanette Stull represented Ms. Reiner in the county court and Supreme Court proceedings.

Ms. Reiner's longtime employer established a trust several years ago, naming Ms. Reiner and two of the employer's nephews as beneficiaries. Ms. Reiner was to receive \$1,000 per month under the trust during her lifetime. Before the employer died, he sent a letter to the annuity company holding the trust's assets asking that the amount to be paid to Ms. Reiner be increased to \$2,000 per month. For over two years, Ms. Reiner received the \$2,000 per month payment; however, some time after the employer's death, the successor trustee of the trust decreased her payments to the original \$1,000 per month amount, claiming that the letter requesting the increase in payments was not sufficient to amend the trust. Trust administration proceedings were initiated by the nephews in county court. The county court held that the letter was a proper amendment to the trust and that Ms. Reiner was entitled to \$2,000 per month. The nephews appealed to the Nebraska Supreme Court, which affirmed the county court's decision. *In re Wendland-Reiner Trust*, 267 Neb.. 696, 677 N.W.2d 117 (2004).

Ms. Reiner was very pleased to have her employer's wishes carried out and to receive the benefits to which she was entitled. Our firm was happy to be able to assist Ms. Reiner in obtaining the several thousand dollars in past benefits she was owed and effecting an increase in the payments that she will receive in the future.