



STEVEN H. KRUIS, ESQ.

Representative Cases

Probate, Trusts & Estates

- Dispute involving probate of will of large estate. Decedent had been involuntarily committed into the psychiatric ward of the local hospital after exhibiting psychotic behavior. Her medical chart reflected periods of insane delusions and times of complete mental clarity. Distant cousins sought her discharge, placed her in a nursing home, and allegedly caused decedent to revise her estate plan to leave the entire estate to the cousins. A religious women, her prior estate plan always included the church as a beneficiary, which challenged the new estate plan alleging that decedent lacked testamentary capacity.
- Dispute involving Probate Code Section 17200 petition for instructions filed by professional successor trustee in intra-family dispute regarding the care of surviving co-settlor of trust. Case also raised issues regarding special-needs trust established for disabled beneficiary.
- Dispute involving Probate Code Section 850 claim brought by former spouse against new wife of decedent, who received life-insurance proceeds after decedent's unexpected death. Claim based upon decedent's obligations of child and spousal support to former spouse that were to be secured (but were not) by the subject life insurance pursuant to a qualified domestic relations order.
- Dispute involving companion probate and civil actions dealing with distribution of assets from QTIP and Bypass trusts. Primary issue was determination of assets held by trusts since decedent had made various transfers of real property that allegedly transmuted property from separate to community property and effected transfer of title into the respective trusts upon his death.
- Dispute involving "Marvin Claim" against the estate of decedent by his long-term gay companion.
- Dispute involving nine claimants against estate of deceased attorney who allegedly misappropriated client funds and investments. Mediation involved extensive negotiations over allocation of estate as claims exceeded value of estate.
- Dispute involving adult siblings over the control of their mother's conservatorship involving both her person and estate.

- Dispute between adult siblings challenging distribution of their mother's estate. Petitioner sought enforcement of an oral agreement – the mother's alleged promise to give a larger share of the estate to petitioner for caregiver services at the mother's end-of-life phase.
- Dispute between adult sisters after the death of their father, who had established a trust for his considerable estate that included real property in various states. The non-trustee sister brought claims for breach of fiduciary duty and to surcharge her sister as trustee. The case presented complex tax and accounting issues for 1031 Exchange properties, stepped up basis issues, and other tax questions.
- Dispute involving probate of will. While in her 80s, decedent married her gardener, who was 40 years her junior. Revisions to decedent's estate plan drafted by attorney for gardener that left the entire estate to the gardener. The natural heirs, who had been beneficiaries in prior estate plans, challenged the will claiming decedent lacked testamentary capacity and was under the undue influence of gardener.
- Dispute involving claims for breach of fiduciary duty after trustee sold several parcels of commercial real property. Petitioner alleged that the property was sold well below the fair market value that decreased the distributions made to the beneficiaries.
- Dispute involving breach of fiduciary duty brought by beneficiaries against trustee for mismanagement of and misappropriation from trust estate. The trust beneficiaries were the adult children of settlor from a previous marriage. Trustee was the settlor's second husband.
- Dispute involving petition for accounting and to surcharge trustee for mismanagement of trust estate that included development of raw land and alleged mismanagement of investment equities.
- Dispute involving adult siblings (brother and sister) over distribution of their father's estate. Before his death, the father had changed the successor trustee from son to daughter out of fear the son would place him in a nursing home. Issues included occupancy of residence, claim for "back rent," and mismanagement of assets.
- Dispute involving will contest between nieces and nephews of childless decedent, who changed estate plan to provide larger share to nephew who cared for her. Extensive medical and psychological evidence regarding decedent's testamentary capacity at time will codicil executed.
- Dispute involving the interpretation of a settlement agreement reached in a previous mediation involving who would pay the fees of a special trustee and the attorney fees of her counsel to manage and distribute assets under the trust.

- Dispute involving Probate Code Section 17200 petition for instructions filed by co-trustee in intra-family dispute between sisters regarding care of elderly mother with cross-petition filed by other sister for accounting and seeking to surcharge co-trustee.
- Dispute involving will contest based upon alleged undue influence of caregiver, who prevented family from contacting elderly and infirm decedent and causing decedent to change estate plan to disinherit family and leave entire estate to caregiver.
- Dispute involving petition filed by beneficiary against her sister, the trustee and beneficiary, for accounting and to surcharge trustee for mismanagement of trust estate that included allegedly improper transfers of real property. Trust estate included vintage classic cars, the division of which proved to be the most divisive issue in the mediation.
- Dispute involving petition filed by beneficiaries against trustee for accounting and to surcharge trustee for alleged mismanagement of trust corpus due to failure to diversify investment assets that precipitously declined in value during Great Recession.