

Trust and Estate Litigation

Krieg DeVault has played a major role in shaping the financial institutions landscape in Indiana over the last several decades. The Firm's Trust and Estate Litigation Practice is an integral aspect of our long tradition of partnering with banks all over the State to advocate for their interests on a broad range of legal issues impacting their business.

The Krieg DeVault Difference

We bring a true team approach to any trust or estate litigation matter, drawing strategically from our experienced estate planners who have an in-depth understanding of sophisticated estate and tax planning strategies and our seasoned litigators who have the depth and resources to handle even the most complex of cases. Our bench strength also includes Certified Public Accountants, tax attorneys, and corporate and real estate lawyers equipped to address the diverse challenges that can arise in complicated trust agreements and estate plans. This effective combination of skill sets, coupled with our collective knowledge of the substantive law and procedural nuances of trust and estate administration, enable us to pursue optimal outcomes for our clients and make Krieg DeVault a go-to litigation firm for corporate fiduciaries of all sizes, from community banks to large national financial institutions.

The Work We Do

We represent corporate fiduciaries (i.e., administrators and trustees) in a wide variety of disputes involving the administration of trusts and estates. We have appeared on behalf of corporate fiduciaries in probate and trial courts throughout Indiana and brought those litigation matters to conclusion, either through motion practice, trial, appeal, or alternative dispute resolution. We understand that trust and estate litigation often brings to bear deeply personal and highly sensitive conflicts between family members. We strive to be the steady hand that guides our corporate fiduciary clients through that often emotionally-driven process.

Focus Areas

Will and trust contests

Lack of mental capacity

Fraud, duress, and undue influence

Creditor claims

Charitable gifts

Abuse of powers of attorney

Breach of fiduciary duty claims

Prudent investor rule

Removal of fiduciaries

Trust modifications, including modifications to add or clarify investment language in trust agreement to allow concentration of holdings or to allow directed investment by the beneficiaries

Unitrust conversions to convert an income trust to a unitrust under the Indiana Unitrust Statute, including both contested and uncontested conversions

Valuation and sale of assets

Beneficiary disputes

Beneficiary distributions

Sufficiency of and entitlement to accountings

Federal and state tax disputes (Federal income, estate, and gift tax and generation skipping tax)