

## Trust & Estates Litigation

### Atlanta Trusts and Estates Attorney

Our trusts and estates lawyers provide skilled representation to fiduciaries, beneficiaries and other parties engaged in trust contests, will contests, accounting actions, trust and will construction actions where the meaning of an instrument is at issue, and a wide variety of other fiduciary litigation. We have represented trustees seeking to defend the administration of trust assets, as well as beneficiaries seeking removal of trustees based on breach of fiduciary duties. These representations involve a broad range of disputes involving sophisticated and novel legal issues.

### Representative Matters

- We represent a beneficiary and trustee of a multi-million dollar trust in an action against the trust's former attorneys and trustees. Our clients assert claims of breach of fiduciary duty, legal malpractice, conversion, and wrongful eviction and trespass against the former attorneys and trustees for the transfer of assets and auction of a multi-million dollar cattle farm. The trial court had dismissed two defendants and some of our clients' claims – including for punitive damages and attorneys' fees. Our client appealed. The Court of Appeals reversed the dismissal of the two defendants and held that there were factual issues for a jury on the majority of our clients' claims – including punitive damages and attorneys' fees. The Court of Appeals' opinion can be accessed [here](#). The case is set for trial in 2017.
- We have represented trusts and trustees in proceedings where beneficiaries and their spouses seek to access funds protected from creditors and other claimants.
- We represent clients who are involved in litigation involving multiple trusts holding tens of millions of dollars worth of properties. Claims include, among other things, conversion, RICO, breach of fiduciary duty. The litigation is complex as there are several ongoing cases involving the same issues.
- We represented a beneficiary in a complex family dispute involving an estate worth tens of millions of dollars. When a question of trust construction and grantor intent arose, our firm filed a lawsuit seeking declaratory judgment. On appeal, a trusts and estates attorney at our firm obtained a favorable decision that the grantor intended for our client to receive the property in dispute. *Garner v. Redwine*, 309 Ga. App. 158 (2011)
- On numerous occasions we have represented siblings/family members in trust disputes regarding ownership and control of family properties.
- We have represented numerous real estate investment trusts, both in disputes between trustees and members, and in challenges to the trusts by creditors.