

## **Lincoln Attorneys Awarded Decision Before Nebraska Supreme Court**

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Lincoln, Nebraska based law firm Perry, Guthery, Haase, and Gessford and their experienced team in trust and estate litigation have just announced that they have won an impressive appeals case before the Nebraska Supreme Court. The case concerned an allegation by the administrator of an estate appointed at the request of the Catholic Church, alleging the deeds transferring farmland to a tenant and caregiver of the grantor were the product of undue influence.

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The appellant for the case was special administrator, Clarence E. Mock III, appointed by the probate court for the estate of Carl Landgraf, a land owner in Otoe County Nebraska. A bachelor without any children or close family members, Carl acquired many acres of farmland and approximately \$1.5 million in monetary assets over his life, all while living in his family home without modern amenities such as indoor plumbing and electricity. Mock claimed that the property which was deeded to Gail and Marlene Neumeister was a result of undue influence. Undue influence refers to an individual taking advantage of a position of power over another person, creating a situation where the grantor is unable to freely exercise his independent will.

Gail Neumeister and his wife Marlene were close friends and caretakers of Landgraf and also farmed some of his acreage in Otoe County. Two years before Landgraf's death in 2013, he deeded land to the Neumeisters and created a trust to which he transferred property to two other longstanding farmers who worked tracts of land for Landgraf.

Mock chose to sue the Neumeisters, stating that joint tenancy warranty deeds of approximately 1,000 acres gifted to the couple were executed under pressure, also claiming that Landgraf might have been experiencing impaired cognitive abilities.

The Supreme Court held that Mock failed to meet his burden of proving his claim of undue influence and ruled in favor of the Neumeisters, upholding the deeds transferring the land to them.

The trial team consisted of Jeanette Stull and Justin J. Knight, who have a great deal of experience in the courtroom in both state and federal courts. When asked about the outcome, Jeanette Stull said, "The Neumeisters feel vindicated by both the district court and Supreme Court's decisions upholding the deeds. Gail and the entire Neumeister family devoted many years to helping care for Carl Landgraf. They treated Carl as family and were treated by Carl as his family. They are happy to honor Carl's legacy by ably farming his land for years to come."

Perry Law Firm has attorneys that are divided into differing areas of expertise, including estate and personal injury law. Perry Law Firm was founded in 1920 by E. B. Perry who was a former district court judge. Since that time, the firm has provided legal services to individuals and businesses across Nebraska.

Perry Law Firm has a staff of award-winning lawyers and their team is always prepared to meet their

clients' needs. They also believe that the size of their firm allows them to have a more personal relationship with their clients and to work together as a team.

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