

2026 IL App (2d) 250400-U
No. 2-25-0400
Order filed September 18, 2026

NOTICE: This order was filed under Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

In re Estate of RUTH M. GERDES, Deceased

(Estate of Ruth M. Gerdes, Petitioner-Appellants v. Julie R. Hampton, Respondent-Appellee).

Appeal from the Circuit Court of De Kalb County.
Honorable Bradley J. Waller, Judge, Presiding.
No. 23-PR-53

JUSTICE HUTCHINSON delivered the judgment of the court.
Presiding Justice Kennedy and Justice Jorgensen concurred in the judgment.

ORDER

¶ 1 *Held:* We lack jurisdiction to address the trial court's October 25, 2024, order on appeal, as appellant failed to timely file his notice of appeal as to that order. We affirm the trial court's May 19, 2025, June 20, 2025, and August 19, 2025, orders, where appellant largely failed to support his arguments with citations to relevant authority. Where appellee's attorney apparently used generative AI to draft his brief, resulting in the inclusion of fictitious citations, we issue a rule to show cause as to why sanctions should not be entered against appellee.

¶ 2 Appellant, the Estate of Ruth M. Gerdes, deceased, appeals several orders entered by the trial court. For the following reasons, we dismiss in part, affirm in part, and issue a rule to show cause as to why sanctions should not be entered against appellee.

¶ 3 I. BACKGROUND

¶ 4 Ruth Gerdes appointed her granddaughter, Julie Hampson as her power of attorney for property on August 27, 2015. Ruth died on May 10, 2023, at the age of 96. In her will, she devised her entire estate in equal shares to her three daughters and appointed Julie as executor. Julie ultimately declined to act as executor. Brian Schafer, Julie's brother and Ruth's grandson, was appointed as executor, and testamentary letters were issued on April 11, 2024. Ruth's will was admitted to probate that same day.

¶ 5 On April 29, 2024, David Reid, attorney for both the estate and the executor, Brian Schafer, sent a letter to Julie Hampson, seeking to schedule a deposition. In the letter, he indicated that "[u]pon a cursory review, some estate documents and financial (bank) transactions dating back to October 2021, there is a need to review certain transactions and confirm that these checks were for the benefit of Ruth Gerdes." He sent another handwritten letter dated May 13, 2024, which read as follows:

"Pursuant to your request, we have provided you with documents that require a response from you. In this regard, I require a written response to each transaction which appears to benefit you at the expense of the decedent and her heirs. Absent a complete response, I will file a citation in the Court to require you to respond to each transaction. The Judge will be present at the hearing. At this point, it appears that you and others will be required to pay the estate for certain transactions."

¶ 6 On May 17, 2024, Reid filed his appearance on behalf of the estate and Schafer. It read as follows:

"Now Comes the undersigned Attorney, David R. Reid who enters his appearance in the above-referenced case on behalf of independent Administrator Brian Schafer and the Estate of Ruth M. Gerdes. It is our understanding that Ms. Gerdes was in poor health in a

nursing home and unable to manage her affairs during the last two to three years of her life. For this and other reasons, the Administrator of the Estate desires to review withdrawals from the decedent's Bank Account and assets together with payments to vendors and others that did not benefit Ms. Gerdes. Accordingly, a Citation may be necessary."

¶ 7 On May 28, 2024, the estate filed a document entitled "Request an Accounting Against the Agent and Citation to Recover Assets." The document was structured as a letter to Julie and read as follows:

"You are commanded to appear before the Honorable Judge Waller via Zoom or telephone number at the status call on July 23, 2024, at 9:00 a.m. or any subsequent dates set by the court. Until an Accounting is completed, it is not possible to file an Inventory.

The facts which form the basis of the citation are that the decedent appointed Julie Hampson as her Power of Attorney for property on August 27, 2015. Ms. Hampson served as Power of Attorney until the death of Ms. Gerdes on May 10, 2023. Subsequently, Ms. Hampson sought to withdraw as Power of Attorney and Executor on June 13, 2023.

During the time that Ms. Hampson was Power of Attorney, Mrs. Ruth Gerdes was a patient in a nursing home. It is our understanding that Ruth Gerdes was unable to represent herself due to health problems. During this same period, a review of bank records shows that Ms. Julie Hampson received two (2) lots of Mrs. Gerdes for minimal amounts and wrote several checks to herself and other businesses that did not benefit Ruth Gerdes or her estate.

Subsequently, on June 13, 2023, Mrs. Hampson attempted to walk away from her role as Agent and 'Wash Her Hands' by seeking to withdraw as Executor. The next person agreeing to represent Ruth M. Gerdes is Brian Schafer. Administrator Schafer has sought

to obtain documents, bank records, etc. since his appointment. Letters and requests for cooperation from Julie Hampson have been delayed and stone-walled. Copies of acquired documents received by Administrator Brian Schafer upon his request are attached hereto as Exhibits A-O. The administrator has made several requests to Julie R. Hampson including certified letters, for records but these records have not been provided. Copies of these letters are attached as Exhibits 1 and 2.

It is unfortunate that this action is necessary for this family. There are limited assets but there is still a need to follow the law. Upon resolutely [*sic*] of these expenses a small estate affidavit may be possible and attorney fees may be limited.”

Julie was served with summons on June 15, 2024. Her attorney, Jedediah McClure, filed his appearance on her behalf on July 18, 2024. The parties appeared on July 23, 2024, and the matter was continued to August 12, 2024.

¶ 8 On August 5, 2024, Schafer, on behalf of the estate, filed a “Petition to Enforce Citation,” despite no citation having been issued. Confusingly, the petition opens with the following language: “Comes now Brian Schafer, Executor of the Estate of Ruth M. petitions the court to *enforce the citation filed May 29, 2024.*” (Emphasis added.) Its conclusion includes the following language: “It follows that *a citation should be issued against Julie R. Hampson* for violation of her fiduciary duties as Power of Attorney for Ruth M. Gerdes.” Julie filed a response to both the “Request an Accounting Against the Agent and Citation to Recover Assets” and the “Petition to Enforce Citation” on August 9, 2024. She also filed a motion to dismiss both filings on August 26, 2024.

¶ 9 On August 27, 2024, Schafer filed a “Petition for Citation to Discover Information,” alleging that Julie had possession, control, information, or knowledge about certain assets of the estate. He also filed an “Amended Petition for Citation to Reover [sic] Assets.”

¶ 10 At the August 29, 2024, court date, the trial court set a briefing schedule for all pending motions and petitions and set the matter for hearing on October 21, 2024. Specifically, Schafer was granted 21 days to respond to Julie’s motion to dismiss. Instead of filing a response to the motion to dismiss, Schafer filed a “Supplemental Brief in Support of Amended Petition for Citation to Discover Information and Recover Assets.” In it, he stated it was submitted pursuant to the trial court’s August 29, 2024, order. The document was filed first on September 9, 2024, and then again on September 30, 2024.

¶ 11 Julie filed a response to Schafer’s “Amended Petition for Citation to Reover [sic] Assets” on September 30, 2024.

¶ 12 The matter apparently proceeded to hearing, though the transcript of that hearing was not included in the record on appeal. On October 25, 2024, the trial court entered an order denying without prejudice the “Petition for Citation to Discover Information,” the “Amended Petition for Citation to Reover [sic] Assets,” and the “Petition to Enforce Citation” for the reasons stated on the record. The parties were also ordered to cooperate to obtain the bank records from Havana Bank for the Estate of Ruth Gerdes for the years 2015 to 2023.

¶ 13 Also on October 25, 2024, Julie issued a subpoena to Havana National Bank, seeking the bank records as ordered by the court. On November 14, 2025, Schafer filed a document entitled “Motion to Object and Correct Subpoena Limitations.” Schafer alleged the subpoena contained unacceptable provisions. Specifically, he took issue with the fact the subpoena directed toward Havana National Bank indicated that no personal appearance from Julie Hampson would be

required if the requested documents were delivered. He stated: “A personal appearance and oral interrogatories directed to Ms. Hampson are required *in a Citation, if allowed by the Court*” and “[i]f the above requests are not provided, we will issue a Notice to Ms. Hampson and pursue the pending Summons *if the Court allows a Citation.*” (Emphasis added.)

¶ 14 On November 14, 2024, Schafer also sent a letter to the Circuit Clerk of the Court, which stated: “The Court *** *has not yet made a finding on the pending Citations against Ms. Julie Hampson.*” (Emphasis added.) Contrary to Schafer’s assertions, his request for a citation was denied. *Supra* ¶ 12. He did not file a new petition for citation.

¶ 15 Havana National Bank responded to the subpoena and provided the trial court with all bank statements from 2015 to 2024. On November 21, 2024, the parties were ordered to “discuss specific items of property and their current disposition for the purpose of an inventory.”

¶ 16 On December 9, 2024, Schafer filed a document entitled “POA and Executor (Julie Hampson) Deliberately Withheld and Concealed the Mismanagement of Funds for Personal Gain from the Estate of Gerdes (Repetitive Behavior Case in Sangamon County Case 2022PR000039 Estate of Hampson).” The document contains a list of transactions that Julie allegedly mismanaged and concealed from the estate. It also includes a timeline including six dates, a list of questions for Julie, and “Financial Reference Points.” The same day, Schafer also filed a document entitled “Letter and Exhibits to Assist the Court and Parties in the Review of Bank Statements and Documents for the 12/12/24 Hearing.” The letter accuses a bank employee (it does not specify which bank), Debbie Wickman, of scheming with Julie to drain Ruth’s bank accounts. It also complained that the documents produced by Havana National Bank in response to the subpoena did not include any of Julie’s accounts, despite the subpoena not requesting documents from Julie’s

accounts. The letter ended, “[w]e believe that a Citation and Collection of Assets from Julie Hampson and possibly others are warranted.”

¶ 17 On December 16, 2024, a hearing was held. Schafer’s attorney, Reid, stated to the trial court “[w]e have filed some citations, some amended citations, and this goes back to I think April of 2024.” Julie’s attorney noted that the citations were denied in October 2024. *Supra* ¶ 12. Despite that, Julie testified under oath regarding some of the questions listed in Schafer’s December 9, 2024, filing. At the outset, Schafer himself attempted to interrogate Julie. Schafer’s attorney, Reid, stated that he would like to defer to Schafer, as he compiled the “questions and letters.” The trial court did not allow Schafer himself to question Julie.

¶ 18 Reid’s questioning of Julie largely consisted of general accusations of fraud, which Julie denied. For example:

“MR. REID [(PETITIONER’S ATTORNEY)]: [D]id you violate the law by doing things or taking liberties with Mrs. Gerdes that were prohibited? Yes or no?

JULIE HAMPSON: No.

* * *

Q. [T]he scheme *** that you placed on Mrs. Gerdes that you would receive a bill from her, you would pay the bill and then later you would get reimbursed from Mrs. Gerdes; is that true?

A. There are some things that, for instance, she needed a battery for her car, and my husband and I were there in Bath and she and I were doing things at the house and he went and bought a car battery, brought it back, and he paid for it. Yes, that’s true, and I have a receipt for such.

* * *

Q. What did you do with Mrs. Gerdes' money?

A. What did I do with her money? I spent it on her. I took care of her. I -- she moved into our home and it became her home as well. I took care of her house in Bath. I didn't do anything I should not have done.

* * *

Q. Did you close out an account and keep \$5,000 in cash?

A. No, sir, I did not.

* * *

MR. REID [(PETITIONER'S ATTORNEY)]: Okay. Well I don't know where to head at this point, Judge. *** This witness cannot appear and say, 'No, no, I don't remember' or 'I didn't do that'.

We want to go beyond that and if she could write some responses to some of the questions we've asked."

¶ 19 Julie's attorney then questioned her. Of note, when asked why she had transferred via quit claim deed Ruth's two vacant lots for consideration in the sum of \$1.00, she responded that once Ruth's accounts were depleted so that she could no longer afford the retirement home, she needed to rely on Medicaid. In order to qualify for Medicaid, Ruth could not own any property. She explained it was not her intention to keep the lots, she was just trying to help Ruth and keep the lots in the family. After Ruth died, Julie transferred the lots to Ruth's daughters.

¶ 20 The trial court ultimately concluded that there was no pleading before it. It entered an order requiring Julie to file an accounting pursuant to 755 ILCS 45/2-7 (West 2024) and 755 ILCS 5/24-1 (West 2024). The order also indicated again that the previously filed petitions for citation were denied without prejudice.

¶ 21 On January 14, 2025, Schafer again filed the document entitled “POA and Executor (Julie Hampson) Deliberately Withheld and Concealed the Mismanagement of Funds for Personal Gain from the Estate of Gerdes (Repetitive Behavior Case in Sangamon County Case 2022PR000039 Estate of Hampson).” *Supra* ¶ 16.

¶ 22 Also on January 14, 2025, Schafer filed a “Motion for Reconsideration Under 735 ILCS 5/2-615 et. al. of a December 16, 2024 Order Which Denied Previously Filed Citations by the Petitioner and Relies on an Accounting by Ms. Hampson.” In his motion, he did not include any newly discovered evidence, any changes in the law, or any errors in the trial court’s application of existing law. Rather, he included essentially the same complaints that had been listed in all his earlier filings. Also, he states: “Attorney Reid attempted to have the Petitioner/Executor/Administrator (Brian Schafer) testify, on 12/16/2024 but the Court denied the testimony of Executor Schafer and requested Attorney Reid to ask questions to Ms. Hampson. The problem was that Executor Schafer had prepared questions for Ms. Hampson, for which the attorney was not knowledgeable.”

¶ 23 On January 21, 2025, Julie filed an accounting for each of the years she was Ruth’s power of attorney, 2016 through 2023. On January 29, 2025, Schafer filed a “Response and Objections to the Estate of Ruth Gerdes ‘Report’ Filed by Counsel for Ms. Hampson and Notice of Accounting by Executor, Brian Schafer.” A briefing schedule was set, and the matter was continued for hearing on the objections to the accounting for March 28, 2025.

¶ 24 On March 13, 2025, Schafer filed a “Motion for Summary Judgment Pursuant to Section 2-1005, or in the Alternative Involuntary Dismissal Pursuant to Code Sections 2-619 and Illinois Supreme Court Rule 191.” It is unclear from the record what the motion is directed towards. In it, he sought judgment as a matter of law, as the affidavits attached to his motion “layout the plot by

Julie Hampson to rob her grandmother.” He also stated that Illinois Supreme Court Rule 191 requires affidavits in support of a motion for summary judgment under section 2-1005 of the Code of Civil Procedure “must be based on information or belief.”¹ Finally, he concluded by requesting sanctions against Julie Hampson. The motion was supported by affidavits from two of Ruth’s daughters and Brian Schafer. The affidavits of Ruth’s daughters each contain seven identical paragraphs, and alleged that “[u]pon information and belief, Julie Hampson has taken personal objects from the Estate and utilized her Power of Attorney for property for her personal advantage.” Brian Schafer’s two affidavits were more robust but ultimately alleged that “[u]pon my understanding and belief, Julie Hampson stole assets from Ruth Gerdes as shown below.” The motion was denied on April 1, 2025, as the trial court found the supporting affidavits to be deficient because they were not based on personal knowledge. Additionally, Schafer failed to show there was no genuine dispute of material fact that would entitle him to judgment as a matter of law.

¶ 25 On April 9, 2025, Schafer filed a “Response to Order Dated March 28, 2025, Which Ignored Petitioners [*sic*] Pleadings and Statement of Facts to Support a Summary Judgment.” The document was essentially a motion to reconsider. Schafer argued that the affidavits establish that

¹This is incorrect. Illinois Supreme Court Rule 191 requires that supporting affidavits submitted in connection to a motion for summary judgment under section 2-1005 of the Code of Civil Procedure “shall be made on the personal knowledge of the affiants; shall set forth with particularity the facts upon which the claim, counterclaim, or defense is based; shall have attached thereto sworn or certified copies of all documents upon which the affiant relies; shall not consist of conclusions but of facts admissible in evidence; and shall affirmatively show that the affiant, if sworn as a witness, can testify competently thereto.” Ill. S. Ct. R. 191(a) (eff. Jan. 4, 2013).

the affiants have personal knowledge of material facts, therefore, his motion for summary judgment should have been granted.

¶ 26 Julie responded to Schafer's objections to her accounting on April 11, 2025. She also filed receipts for the transactions on April 14, 2025. On April 25, 2025, Schafer then filed a "Response to Respondent's Response to Petitioner's Response and Objections to the Estate of Ruth Gerdes 'Report' Filed by Counsel for Ms. Hampson and Notice of Accounting by Executor, Brian Schafer." He argued that Ruth lacked full mental capacity while Julie acted as her power of attorney, which constituted clear evidence that Julie "exercised financial control over Ruth's assets during a period of demonstrated cognitive impairment." He claimed that Julie used Ruth's funds to pay for a Bankers' Bank Visa credit card that Julie owned and used for her own personal expenditures. He also objected to many transactions included in Julie's accounting, and requested Julie reimburse the estate \$61,238.56.

¶ 27 Schafer also filed a "Motion to Strike Respondent's (Ms. Hampson's) Response to the Petitioner's (Mr. Schafer) Opposition to Accounting Report and Motion for Judgment on the Pleadings Pursuant to 735 ILCS 5/2-615." He argued Julie's "Accounting Reports" should be stricken and stated: "The Plaintiff has met the burden of convincing the burden of producing evidence and convincing the trier of fact" and "[t]he Court Records for this case show there is no issue of facts to be tried." He provided no support for either conclusory statement. The trial court denied the motion on May 2, 2025.

¶ 28 The matter proceeded to hearing on the accounting, objections to the accounting, and all pending filings on May 2, 2025. Also on May 2, 2025, Julie filed an amended response to petitioner's objection to accounting reports and filed a response to Schafer's filing dated April 25, 2025.

¶ 29 The trial court treated Schafer's "Response to Order Dated March 28, 2025, Which Ignored Petitioners [*sic*] Pleadings and Statement of Facts to Support a Summary Judgment," as a motion to reconsider and denied it. In denying it, the trial court noted that no order was entered on March 28, and the motion contained no assertions that the Court misapplied the law, no new facts, nor any evidence that the law had changed.

¶ 30 Next, Schafer waived any interest to recover Ruth Gerdes' motor vehicle, which had been transferred to Julie's son before Ruth's death. Regarding the accounting, Julie testified regarding some of the disputed transactions. Namely, the purchase of multiple stoves for Ruth's property. The first stove was returned, and a refund should have been issued in the amount of \$535.18. The record did not reflect a refund in that amount.

¶ 31 The trial court ordered Julie to reimburse the estate a total of \$8,282.03 for various transactions that Julie could not produce receipts for or otherwise provide an explanation for: (1) \$1,000.00 for check number 103, which Julie claimed was for repairs to the floor of Ruth's property but had no receipts for; (2) \$191.36 for check number 1396, which Julie admitted was a mistake; (3) \$700 for a cash withdrawal on October 15, 2020, of which Julie had no recollection; (4) \$200 for check number 1033, which Julie has no recollection of nor receipts for; (5) 290.67 for check number 1212, as the check was in the amount of \$800 for taxes, but taxes for the year were only \$509.33; (6) \$400 for check number 1035, as Julie had no receipts for the sump pump; and (7) \$5,500 for unaccounted withdrawals from Ruth Gerdes' Market Star Account.

¶ 32 The trial court reserved the following issues, to be heard on June 16, 2025: (1) ACH withdrawal to Bankers' Bank; (2) reimbursement for a stove in the amount of \$535.18; (3) two payments to a VISA credit account in the amount of \$2,000.00 each; (4) late fees; and (5) attorney fees.

¶ 33 On June 2, 2025, Schafer filed a “Petitioner’s Motion to Strike Defendant’s Order filed May 5, 2025 Because the Order Contains False Statements and Violates the Courts Rules.” In this filing, he again merely asserted the same complaints from his earlier filings. Schafer also filed a document entitled “Petitioner’s Response to Banker’s [sic] Bank Subpoena/Court Reserved Items.” The document does not address the subpoena, rather, it contains unsupported accusations that Julie committed perjury and further objections to the accounting.

¶ 34 The matter proceeded to hearing on the reserved issues and pending filings on June 16, 2025. Records were provided in response to the Bankers’ Bank subpoena, which showed that the Bankers’ Bank Visa credit card belonged to Ruth Gerdes, not Julie. Schafer argued, without presenting any supporting evidence, that Julie forged Ruth’s signature to open the account.

¶ 35 Brian Schafer then testified at the hearing. Of note, he testified regarding the Bankers’ Bank Visa credit card. He claimed that the records he saw did not make sense. On cross-examination, he testified that he did not have any involvement with Ruth Gerdes’ Visa card. Additionally, he had no involvement with her financial accounts in 2017 or 2018.

¶ 36 The trial court ultimately denied with prejudice “Petitioner’s Motion to Strike Defendant’s Order filed May 5, 2025 Because the Order Contains False Statements and Violates the Courts Rules.” In regards to the reserved issues, the trial court ruled as follows: (1) Julie did not have to reimburse the estate for the ACH withdrawal to Bankers’ Bank or the two payments to a VISA credit account in the amount of \$2,000.00 each, as Ruth Gerdes was the sole owner of the account; (2) Julie did have to reimburse the estate for a stove in the amount of \$535.18, as she could not provide receipts; (3) Julie did have to reimburse the estate for \$200.00 in late fees, for the late fees that accrued while Ruth Gerdes was living in the nursing home; and (4) Julie did not have to pay attorney fees.

¶ 37 Julie’s attorney also sought leave to file a petition for attorney fees against the estate and Schafer’s attorney Reid for frivolous claims. Leave was granted and the petition for sanctions and attorney fees was filed on June 30, 2025, seeking an award of \$25,044.40, which comprised of: (1) \$5,635.31 in attorney fees and costs related to the petitions for citation leading up to and including the October 21, 2024, hearing; (2) \$633.00 in attorney fees and costs related to the motion to object and correct subpoena and the hearing on November 21, 2024; (3) \$501.00 in attorney fees and costs related to the letter to the court filed on December 9, 2024; (4) \$2,325.00 in attorney fees and costs related to the hearing on November 16, 2024, and the subsequent motion for reconsideration; (5) \$8,847.61 in attorney fees and costs related to the objections to accounting for 2016 to 2017; (6) \$700 in attorney fees and costs related to the petition for summary judgment; \$375.00 in attorney fees and costs related to the response to order dated March 28, 2025; (7) \$3,294.08 in attorney fees and costs related to the hearing on May 2, 2025, petitioner’s motion to strike, and petitioner’s response to respondent’s response to objections; and (8) \$2,733.40 in attorney fees and costs related to the hearing on June 16, 2025, petitioner’s second motion to strike, and petitioner’s response to Bankers’ Bank subpoena.

¶ 38 In response to the petition, Schafer filed a 53-page document, wherein he attempted to relitigate issues already ruled upon, alleged Julie’s attorney had a conflict of interest, and argued that Julie’s petition for sanctions and attorney fees was vexatious and frivolous. He also expressed discontent with the manner in which the trial court handled the case: “This whole process has been exhausting *and mainly due to the Courts [sic] environment and direction.*” (Emphasis added.)

¶ 39 The matter proceeded to hearing on the petition for sanctions. After a lengthy oral ruling, the trial court ultimately ordered Reid to pay McClure \$4,908.00 in attorney fees and \$1,300.00 in sanctions for a total amount of \$6,208.00:

“THE COURT: Mr. McClure is seeking \$25,044.40 in attorneys’ [sic] fees. He has broken it down into timeframes and motions respectively.

* * *

Fees/sanctions will be awarded in the amount of \$633 for addressing and reviewing the motion to object to correct subpoena limitations. This goes to the issue of Havana Bank.

This is even in derogation and violation of a court order that this Court had entered that the parties cooperate in obtaining that information, that documentation, those bank statements.

Again, there is absolutely no basis under the law that someone appear to testify, that somehow Ms. Hampson needed to testify. The target, if you will, of the subpoena was the bank, not Ms. Hampson, and that was what I consider a total and complete waste of Mr. McClure’s time, and so for that matter, \$633 will be awarded.

The letter to the Court dated 12/9 of ’24 had absolutely no factual basis, and the time spent by Mr. McClure will be awarded to the extent of \$400.

The hearing on 12/16/24 and motion to reconsider filed on 1/14/25, I don’t say this -- I don’t think I’ve ever said this, but the hearing on 12/16 of ’24 was -- had to be one of the worst evidentiary hearings that this Court has ever presided over, due to Mr. Reid’s lack of preparation and unfamiliarity with both the law and the facts. However, that is not grounds for sanctions.

That said, Mr. Reid then found it appropriate to file a motion for reconsideration on 1/14 of ’25 which consisted of nothing of substance.

His assertions that he had no knowledge of the order denying the citations as I addressed a few moments ago until the hearing on 12/16/24 is belied by the fact that he

was present for the hearing wherein the Court denied the citations and entered an order on 10/24/24 denying the same, and Mr. Reid received the order via e-mail.

He then argued that his client was denied an opportunity to testify at the 12/16/24 hearing. Again, belied by the true facts of what actually occurred on 12/16.

Fees/sanctions are awarded to Attorney McClure for the two hours and 15 minutes he spent reviewing the motion to reconsider in the amount of \$700.

The motion for summary judgment was supported by insufficient affidavits that failed to comply with Rule 191. Mr. McClure is awarded \$850 in fees and sanctions for having to defend against a motion that was not well-grounded nor supported in fact or law.

The response to the order dated 3/28/25 which ignored, quote, petitioner's pleadings and statement of facts to support summary judgment was denied because it improperly asserted the violation of a nonexistent law, the accounting was procedurally compliant with 755 ILCS 5/24-1, and the affidavits violated Rule 191.

Again Mr. Reid seems to take issue with the words procedurally compliant. It's procedurally compliant in the sense that the accounting was provided. The issue of the substance was addressed at the respective hearings ***.

There was no good-faith basis to file such a motion, and \$375 will be awarded as sanctions in favor of Mr. McClure.

On 4/25 of '25, Mr. Reid filed petitioner's response on objections, and then on 4/28/25 filed a motion to strike, which is number 1, the first motion.

Mr. Reid argued ad nauseam that Ms. Gerdes suffered from dementia without any medical testimony. He endeavored at the 5/2/25 hearing to try to admit the medical records

without foundation. He falsely argued that Dr. Wagner (phonetic) confirmed the dementia diagnosis when the medical records did not show that, and Mr. Reid failed to call Dr. Wagner as a witness.

Mr. Reid utterly and completely wasted the Court's time arguing that somehow medical records are *** self-authenticating or are business records that should be admitted into evidence without any sort of foundation.

It would be one thing if Mr. McClure stipulated to those medical records, but Mr. McClure did not stipulate. At that point, it is incumbent upon the movant to provide a foundation for the medical records.

The Court gave Mr. Reid every opportunity to show the Court where in the records a diagnosis of dementia or Alzheimer's appeared, but alas, Mr. Reid, could not point to a single jot, tittle, phrase, sentence, or words that spoke to a diagnosis of dementia that would otherwise be admissible into evidence in the absence of proper foundation. Now Mr. Reid is asking that the Court give him a do-over.

The determination by the Court did not deter Mr. Reid. He then filed a motion to strike, asking the Court to reverse its ruling denying the admission of medical records, but that didn't deter him either. Now in his response to the Rule 137 motion, he asks yet again.

The petitioner's response and objections to the motion to strike were without basis in fact or law, were frivolous, and therefore, Mr. McClure is awarded \$1,200 in attorneys' [sic] and sanctions of \$800, for a total of \$2,000 with respect to that issue.

On 6/2 of '25, Mr. Reid filed two more what I'll characterize as documents, a response to Bankers [sic] Bank subpoena and motion to strike defendant's order filed May 5th, 2025 because the order contains, quote, false statements and violates court rules.

The motion to strike is baseless both in fact and law.

Without evidence, petitioner wrongfully asserts that respondent, quote, made herself an agent of the decedent and that the decedent lost her bank account due to respondent's theft. That's motion to strike number 2 on page 1.

He also wrongfully asserts that respondent has helped herself to decedent's bank account which had a total in excess of \$80,000 in 2017, but respondent used this money for herself and her family. That's on page 2 of motion to strike number 2.

Only the most incompetent or dishonest attorney could look at the bank records and copies of the checks written to the nursing home totaling roughly \$80,000 in 2018, and then seriously claim that respondent used this money for herself.

Further, petitioner continued to wrongfully allege a conspiracy by the bank and respondent to hide the bank records from petitioner, asserting that the, quote, bank's staff advised the executor that there were no records available for prior years. Subsequently, the bank quietly admitted that it had records for prior years, but a subpoena was necessary.

No conspiracy existed and the bank promptly provided the requested bank statements within three weeks of receiving respondent's subpoena.

*** [P]etitioner continued to wrongfully assert that the decedent suffered from dementia prior to the nursing home. He continued to argue that the medical records were

an exception to the hearsay rule, but provided no statute or case law. He also continued to claim that the medical records provide a diagnosis of dementia, but could not show on any medical record where that diagnosis was made. That's on motion to strike number 2, page 2.

Petitioner's misrepresentation of the facts and the court record was so egregious that it could only stem from severe incompetence or willful misrepresentation.

* * *

Petitioner further asserts that the order is very weak and raises new questions and issues which were previously not discussed or agreed to. That's found on motion to strike number 2, page 3.

Petitioner appears to not understand that this is a court order and not a petition by the respondent. Further, a court order does not require the petitioner to agree to its terms, but rather it represents the decisions of the Court.

Again, petitioner provided no statute or case law in support of his petition, and in fact, his petition had no basis in law or fact.

A hearing was held on 6/16/25 for the above petition and issues which lasted approximately an hour and 40 minutes. The majority of the time was used by petitioner to argue his two frivolous filings or by respondent disputing petitioner's claims for late fees and attorneys' [sic] fees, neither of which had any factual or legal basis as demonstrated above.

Of the entire court hearing, less than 10 percent was occupied by legitimate legal issues. Consequently, respondent believes that roughly one hour and 30 minutes was consumed with frivolous issues put before the Court by respondent.

The fees are awarded for what I consider to be groundless, baseless, and frivolous response and motion filed on 6/2 of this year in the amount of \$750 plus additional sanctions of \$500, for a total of \$1,250.

The total amount of fees and sanctions equals \$6,208. A judgment shall enter in favor of Attorney McClure and against Attorney Reid only for that amount.”

¶ 40 Additionally, in making its ruling, the trial court noted that “Mr. Reid *** was ill-prepared for each and every hearing” and his “inability or unwillingness to accept the decisions of this Court is perplexing at best. His unprovoked attacks on this Court and his misapprehension as to the role of the Court is again perplexing.”

¶ 41 On September 8, 2025, Schafer filed his notice of appeal.

¶ 42 II. ANALYSIS

¶ 43 A. Jurisdiction

¶ 44 Although jurisdiction was not raised in any of the briefs on appeal, it is this court’s duty to independently consider its jurisdiction and dismiss an appeal if jurisdiction is lacking. *In re Estate of O’Gara*, 2022 IL App (1st) 210709, ¶ 28. Here, the notice of appeal indicates four orders being appealed and claims appellate jurisdiction under Illinois Supreme Court Rule 301, which allows for appeals from final judgments of the circuit court in civil cases. Ill. S. Ct. R. 301 (eff. Feb. 1, 1994). However, this appeal does not arise from a final judgment—the estate remains open. As our supreme court has held that notices of appeal are to be construed liberally, we will consider the

orders appealed if we have jurisdiction through another rule. *In re Estate of O’Gara*, 2022 IL App (1st) 210709, ¶ 28.

¶ 45

1. Order Dated October 25, 2024

¶ 46 Appellant first lists the trial court’s order dated October 25, 2024, which denies (1) his petition for citation to discover information, (2) his amended petition for citation to recover assets, and (3) his petition to enforce citation. Proceedings on a petition for citation on behalf of an estate are special statutory proceedings under the Probate Act of 1975. *Harris v. Vitale*, 2014 IL App (1st) 123514, ¶ 14; 755 ILCS 5/16-1 (West 2024). Here, the order denying appellant’s petitions was a final order. The order finally determined the rights of the parties, as to appellant’s request for a citation to discover information and recover assets. See *In re Estate of Mueller*, 275 Ill. App. 3d 128, 139 (reviewing court had jurisdiction under Rule 340(b)(1) over order denying a petition to intervene in an estate proceeding, as the order finally determined the petitioner’s right to participate in the estate proceeding). Although the order indicated the petitions were denied without prejudice, this does not render the orders non-final, as any newly filed petitions by appellant would have been an “entirely new and separate action, not a reinstatement of the old action.” *Dubina v. Mesirow Realty Development, Inc.*, 178 Ill. 2d 496, 504 (1997).

¶ 47 Illinois Supreme Court Rule 304(b)(1) allows for the immediate appeal of “a judgment or order entered in the administration of an estate, guardianship, or similar proceeding which finally determines a right or status of a party.” Ill. S. Ct. R. 304(b)(1) (eff. Mar. 8, 2016). Such examples include an order admitting or refusing to admit a will to probate, appointing or removing an executor, or allowing or disallowing a claim. Ill. S. Ct. R. 304 Committee Comments, (adopted Sep. 1988). “Orders within the scope of Rule 304(b)(1), even though entered before the final settlement of estate proceedings, must be appealed within 30 days of entry or be barred.” *In re*

Estate of Jackson, 354 Ill. App. 3d 616, 628 (2004). Here, as appellant failed to file a notice of appeal within 30 days of entry of the October 25, 2024, order, we lack jurisdiction under Rule 304(b)(1).

¶ 48 We note that on November 14, 2024, appellant filed a document entitled “Motion to Object and Correct Subpoena Limitations.” In it, appellant takes issue with the subpoena directed to Havana National Bank. He also seems to ignore the trial court’s denial of his petition for a citation, stating: “[W]e will issue a Notice to Ms. Hampson and pursue the pending Summons *if the Court allows a Citation.*” (Emphasis added.) Even liberally construed, we cannot consider this document to be a timely filed postjudgment motion directed against the October 25, 2024, order. It does not request reconsideration of the trial court’s denial of appellant’s petitions for a citation. Rather, it acts as though the trial court has not yet ruled upon the petitions.

¶ 49 Under Illinois Supreme Court Rule 304(b)(1), appellant has failed to timely file a notice of appeal as to the October 25, 2024, order. Accordingly, we lack jurisdiction to address it on appeal.

¶ 50 2. Orders Dated May 19, 2025, June 20, 2025, and August 19, 2025

¶ 51 Appellant next lists the trial court’s orders dated May 19, 2025, and June 20, 2025. The May 19, 2025, order (1) denied Schafer’s “Motion to Strike Respondent’s (Ms. Hampson’s) Response to the Petitioner’s (Mr. Schafer) Opposition to Accounting Report and Motion for Judgment on the Pleadings Pursuant to 735 ILCS 5/2-615”; (2) denied Schafer’s “Response to Order Dated March 28, 2025, Which Ignored Petitioners [*sic*] Pleadings and Statement of Facts to Support a Summary Judgment”; (3) denied Schafer’s request to recognize Ruth’s cognitive incapacity beginning in 2016; (4) denied Schafer’s request for fees and costs; (5) denied 75 of Schafer’s objections; (6) ordered Julie to reimburse the estate \$8,282.03; and (7) reserved certain

other issues. The June 20, 2025, order, resolved the reserved issues and also denied with prejudice appellant's "motion to strike defendant's order."

¶ 52 As discussed above, Illinois Supreme Court Rule 304(b)(1) allows immediate appeal of "a judgment or order entered in the administration of an estate, guardianship, or similar proceeding which finally determines a right or status of a party." Ill. S. Ct. R. 304(b)(1) (eff. Mar. 8, 2016). "Orders within the scope of Rule 304(b)(1), even though entered before the final settlement of estate proceedings, must be appealed within 30 days of entry or be barred." *Jackson*, 354 Ill. App. 3d at 628. "Rule 304(b)(1) promotes efficiency and provides certainty by allowing appeal as to some issues as those issues are resolved during the lengthy procedure of estate administration." *Mueller*, 275 Ill. App. 3d at 139.

¶ 53 Here, the May 19, 2025, order was not appealable under Rule 304(b)(1) until the reserved issues were resolved. *In re Moses' Estate*, 13 Ill. App. 3d 137, 144 (order not final where trial court sustained or overruled 19 objections to an accounting, but then also ordered a corrected accounting; further judicial action was necessary, therefore, order was nonfinal). Those reserved issues were resolved on June 20, 2025. The June 20, 2025, order finally determined the rights of the parties as it resolved the reserved issues and determined what exactly the estate was entitled to as it related to Julie Hampson's financial involvement with the decedent. However, a judgment is not final while an unresolved Supreme Court Rule 137 motion for sanctions is pending. As appellee filed a petition for sanctions under Supreme Court Rule 137 on June 30, 2025, the June 20, 2025, order was not appealable until the petition for sanctions was resolved.

¶ 54 The August 19, 2025, order imposed monetary sanctions on attorney David Reid and finally resolved the pending petition for sanctions under Supreme Court Rule 137. He was ordered to pay opposing counsel \$4,908.00 in attorney fees and \$1,300.00 in sanctions. It is well established that

a judgment or order does not become final and appealable while a Rule 137 claim is pending. *Davis v. Davis*, 2019 IL App (3d) 170744, ¶ 21. The August 19, 2025, order is a final, appealable order as it fully resolves the Rule 137 claim and leaves nothing to be done but to proceed with execution of the judgment. *Lamar Whiteco Outdoor Corp. v. City of West Chicago*, 395 Ill. App. 3d 501, 504-505. Additionally, the resolution of the petition for sanctions renders the May 19, 2025, and the June 20, 2025, orders appealable. Accordingly, we have jurisdiction over the May 19, 2025, order, the June 20, 2025, order and the August 19, 2025, order.

¶ 55

B. Appellee's Brief

¶ 56 Before addressing the merits of this appeal, we first must address some serious issues with appellee's brief. Upon careful review, it appears as though numerous fictitious authorities were cited. This has led us to believe appellee's attorney used generative artificial intelligence (AI) to draft his brief.

¶ 57 The Illinois Supreme Court recently adopted the "Illinois Supreme Court Policy on Artificial Intelligence," which in relevant part provides: "Attorneys, judges, and self-represented litigants are accountable for their final work product. All users must thoroughly review AI-generated content before submitting it in any court proceeding to ensure accuracy and compliance with legal and ethical obligations." Ill. Sup. Ct., Illinois Supreme Court Policy on Artificial Intelligence (Jan. 1, 2025), <https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/e43964ab-8874-4b7a-be4e-63af019cb6f7/Illinois%20Supreme%20Court%20AI%20Policy.pdf>. Important to note, the policy does not prohibit the use of AI; it holds attorneys accountable for what he or she files. Here, it is clear that Mr. McClure did not thoroughly review his work product before submitting his brief, as his brief is rife with fictitious citations. Although

these citations may have been generated by artificial intelligence, Mr. McClure signed and filed the brief that contained them.

¶ 58 Mr. McClure has cited five cases that do not exist. We will address each of these in turn. First, Mr. McClure cites to *People v. Fernandez*, 2014 IL App (2d) 120508, to stand for the proposition that where a plaintiff fails to develop reasoned arguments within the proper standard of review, the appellate court may reject the argument outright. The case does not exist as cited. However, there is a First District case of the same name and a similar citation: *People v. Fernandez*, 2014 IL App (1st) 120508. The particular paragraph cited by appellee does not stand for what he claims it does. In fact, that contention is nowhere to be found in the case.

¶ 59 The next fictitious citation is *U.S. Bank Nat'l Ass'n v. Eldridge*, 2016 IL App (1st) 150532. This case does not exist as cited. Again, there is a First District case with the same name: *U.S. Bank Nat'l Ass'n v. Eldridge*, 2020 IL App (1st) 191445-U. Appellee first quotes this fictitious case: “[n]othing in Rule 218 suggests that the failure to hold a timely case management conference should result in dismissal.” Interestingly, this quote is contained in the First District case, though it is found at ¶ 42, not ¶ 28, as appellee claims. Appellee next cites this fictitious citation to stand for the proposition that trial court’s possess broad discretion to manage their dockets and tailor procedures to the needs of individual cases. Nothing in the First District case stands for this proposition.

¶ 60 Appellee next cites to *U.S. Bank Nat'l Ass'n v. Peterson*, 2014 IL App (2d) 130759, which does not exist as cited.

¶ 61 Appellee relies heavily on the fictitious citation, *In re Estate of Shelton*, 2017 IL App (2d) 160199. There is an existing Illinois Supreme Court case with the same name: *In re Estate of Shelton*, 2017 IL 121199. However, the facts of the Illinois Supreme Court case do not align with

the facts presented in appellee's brief. Appellee claims that in *Shelton*, "the fiduciary provided a statutorily compliant accounting but lacked receipts for every item. The court conducted an evidentiary hearing and allowed explanations via testimony for disputed transactions, examined individual expenditures and decisions, heard explanations, and determined whether each was reasonable and proper under the circumstances." This did not occur in *In re Estate of Shelton*, 2017 IL 121199.

¶ 62 The last fictitious citation is *In re Estate of McHenry*, 2016 IL App (2d) 140913. Again, this case does not exist as cited. However, there is a Third District case with the same name and a very similar citation: *In re Estate of McHenry*, 2016 IL App (3d) 140913. Appellee cites the fictitious case for the following propositions: (1) "Mental capacity is a factual determination based on the totality of the circumstances, and evidence of cognitive decline does not establish legal incapacity absent proof that the individual was unable to manage his or her affairs."; (2) mental capacity is a factual determination based on the totality of the circumstances; and (3) evidence of confusion or memory decline does not establish legal incapacity. The Third District case stands for none of these propositions.

¶ 63 We take serious issue with these fictitious citations, and we want to emphasize that this is not merely a case of an attorney misjudging the reach of a genuine precedent or advancing a debatable interpretation of settled law. Mr. McClure has cited authorities that *do not even exist*. This is not advocacy at all. We regard citation to these fictitious authorities as egregious and unacceptable, and we condemn it in the strongest terms. As the First District noted in *Scott v. Illinois Human Rights Commission*, AI hallucinations are not "just 'technical deficiencies' or a fact of modern practice we must accept." *Scott v. Illinois Human Rights Commission*, 2026 IL App (1st)

251462, ¶ 48. The onus is on the individual utilizing the technology to ensure the final work product is free of AI hallucinations, including fictitious citations.

¶ 64 Additionally, many of the cases cited by Mr. McClure that *do* exist do not stand for the proposition that Mr. McClure claims they do. He cites a purported quote from *In re Estate of Miller*, 334 Ill. App. 3d 692, 698-699 (2002): “Whether the fiduciary has met the burden of rebutting the presumption of fraud is a question of fact, and the trial court’s determination will not be disturbed unless it is against the *manifest weight of the evidence*.” This quote does not appear in *Miller*. Appellee also cites *In re Estate of Rybolt*, 258 Ill. App. 3d 886, 890 (1994), to support that same quotation. Again, that quote does not appear in *Rybolt*. Although the *Rybolt* court *does* address the importance of facts and evidence in overcoming the presumption of fraud, there is no specific mention that the fiduciary meeting their burden is a question of fact.

¶ 65 Appellee also cites *In re Estate of DeJarnette*, 286 Ill. App. 3d 1082, 1089 (1997), in support of the quote: “Mental capacity is a factual determination based on the totality of the circumstances, and evidence of cognitive decline does not establish legal incapacity absent proof that the individual was unable to manage his or her affairs.” He adds in a parenthetical: “speculation or evidence short of inability to manage affairs is insufficient.” There is no mention of mental capacity within *DeJarnette*. The specific page that he cites discusses the law regarding the presumptions arising in fiduciary relationships, holding that the presumption of fraud controls over the presumption of donative intent. *DeJarnette*, 286 Ill. App. 3d at 1089.

¶ 66 By citing cases that do not exist, and misrepresenting the holdings of existing cases, Mr. McClure has violated Illinois Supreme Court Rule 341(i) (eff. Oct. 1, 2020), which requires appellee’s brief to conform with Illinois Supreme Court Rule 341(h)(7) (eff. Oct. 1, 2020). Rule

341(h)(7) requires contentions of the parties' arguments to be supported with citation to authority. It is axiomatic that the authority cited must actually exist.

¶ 67 Mr. McClure has also violated several of the Illinois Rules of Professional Conduct of 2010. As the Fourth District appellate court noted in *In re Baby Boy*, 2025 IL App (4th) 241427, the Illinois Rules of Professional Conduct of 2010 requires lawyers to “provide competent representation to a client.” Ill. R. Pro. Conduct (2010) R. 1.1. (eff. Jan. 1, 2010). By citing fictitious cases and apparently failing to educate himself on the risks associated with the emerging technology of generative AI, Mr. McClure has demonstrated a lack of competence in his representation. Competence in the age of generative AI carries with it the basic obligation to verify that the authorities the technology produces are real and stand for what they are cited to support.

¶ 68 Mr. McClure additionally implicates professional conduct rules 3.1, 3.3, and 8.4(c), as his citations to nonexistent cases essentially constitute a false statement or a misrepresentation of the applicable law to this court. See Ill. R. Pro. Conduct (2010) R. 3.1 (eff. Jan. 1, 2010) (“A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good-faith argument for an extension, modification or reversal of existing law.”); R. 3.3(a)(1) (eff. Jan. 1, 2010) (“A lawyer shall not knowingly *** make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer[.]”); R. 8.4(c) (eff. July 1, 2024) (“It is professional misconduct for a lawyer to” “engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.”); see also *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 112.

¶ 69 Illinois Supreme Court Rule 375(a) allows us to impose a sanction upon a party who has willfully failed to comply with the appeal rules. Ill. S. Ct. R. 375(a) (eff. Feb. 1, 1994). That is

certainly the case here. As discussed in *Baby Boy*, Black’s Law Dictionary defines “willful” as “voluntary and intentional,” which includes “inexcusable carelessness.” *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 114. Accordingly, we order Mr. McClure to show cause as to why sanctions should not be entered against him. See *Palsen v. Webb Chevrolet, Inc.*, 2026 IL App (3d) 250498-U, ¶ 40. He shall file his response within 21 days of this order. Should we find sanctions are warranted, we will issue a separate written order imposing the sanction. See Ill. S. Ct. R. 375(b) (eff. Oct. 1, 2020).

¶ 70

C. Appellant’s Brief

¶ 71 We next address appellant’s brief, which is also problematic. Appellee notes, although with the apparent assistance of generative AI, that appellant’s brief grossly violates the appeal rules. We agree.

¶ 72 Rule 341(h)(3) requires “a concise statement of the applicable standard of review for each issue, with citation to authority.” Ill. S. Ct. R. 341(h)(3) (eff. Oct. 1, 2020). Instead of providing a concise statement, as required by the rule, appellant confusingly stated: “The standard of review of motions exists for cases and statutes,” and then lists 19 cases, 4 statutes, and 4 Supreme Court Rules. This does nothing to aid our analysis and makes little sense as a statement standing on its own.

¶ 73 Rule 341(h)(6) requires a non-argumentative statement of the facts necessary to an understanding of the case. Ill. S. Ct. R. 341(h)(6) (eff. Oct. 1, 2020). Here, appellant’s brief is riddled with argumentative statements that are unsubstantiated by the record. For example, appellant claims that Julie, the trial court, and the circuit clerk of De Kalb county “ignored the Summons” served upon Julie on June 15, 2024, despite the fact that Julie’s attorney promptly filed his appearance on July 18, 2024, and appeared diligently throughout the proceedings. Further,

there is virtually no procedural history included in appellant's brief, which here, is especially necessary to fully understand this case, given the magnitude of appellant's filings. Importantly, in his statement of facts, appellant makes no mention of certain filings directly relevant to his appeal. Namely, Julie's petition for attorney fees, and the trial court's subsequent order sanctioning appellant and awarding attorney fees.

¶ 74 Rule 341(h)(7) requires argument to be supported with citation to authority. Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020). Points not properly argued are forfeited. *Id.* Appellant begins his argument with a bolded paragraph that does not clearly outline his contentions on appeal:

“This case is a mistake. It should not have happened. Ruth Gerdes was an older Christian woman who walked into a difficult situation. She lived in a home in Mason County. Her husband was deceased. She received Social Security funds and funds from the church. Her three (3) daughters lived in different towns. Ruth left her assets to her three (3) daughters in her Will. Ruth became close to her granddaughter, Julie Hampson. Ms. Hampson was not a good influence on Ruth. Ms. Hampson became Ruth's Power of Attorney for property. Ruth opened bank accounts in her name. Subsequently, Julie Hampson became an agent for Ruth's bank accounts. Julie Hampson took over Ruth's bank accounts. Over a course of five (5) years Julie Hampson depleted Ruth's bank accounts for Julie Hampson's personal expenses. After Ruth's death, Brian Schafer became the executor of Ruth's Will and estate. Executor Schafer began to try an [sic] Inventory and soon realized that something was amiss. Julie Hampson resigned as agent for Ruth Gerdes in 2023. Mr. Schafer wanted to obtain all bank records. This case had to utilize a Petition to Conduct a Citation. However, the Court denied a Citation and delayed the Probate process for several years. The Court later said that the bank was responsible – Not Julie Hampson.”

Notably, this section of appellant's brief does not contain citations to the record on appeal.

¶ 75 Appellant argues six points in his brief: (1) the trial court abused its discretion and failed to apply Rule 218 and set an initial case management conference but did not address many of the issues therein; (2) the trial court erred and abused its discretion in finding that Ms. Hampson did not abuse the statutory short-form Power of Attorney for Property; (3) the trial court erroneously kept the burden of proof on the petitioner after the burden of proof had switched or should have switched to Julie Hampson because of the presumption of fraud; (4) there is no proof that Mrs. Gerdes was capable of making independent issues in her own best interests; (5) attorney fees and late fees were improperly awarded; and (6) the trial court abused its discretion in awarding sanctions under Rule 137, as sanctions were not warranted by objective facts and specific findings. Many of these points are completely unsupported by citation to authority. Arguments not supported by relevant authority and coherent legal argument are forfeited. *U.S. Bank v. Lindsey*, 397 Ill. App. 3d 437, 459 (2009).

¶ 76 Appellant's first point, that the trial court abused its discretion and failed to apply Rule 218 and set an initial case management conference but did not address many of the issues therein, is unsupported by any citations to authority, outside of a general citation to Illinois Supreme Court Rule 218. "Citations to authority that set forth only general propositions of law and do not address the issues presented do not constitute relevant authority for purposes of Rule 341(h)(7)." *Robinson v. Point One Toyota, Evanston*, 2012 IL App (1st) 111889, ¶ 54. Accordingly, this point is forfeited. *U.S. Bank*, 397 Ill. App. 3d at 459.

¶ 77 Appellant's second point, that the trial court erred and abused its discretion in finding that Ms. Hampson did not abuse the statutory short-form Power of Attorney, is similarly only supported

by general citations to statutory authority.² Appellant accuses Julie of fraud because she “benefited from her agency and management,” but provides no citations to the record on appeal showing these fraudulent transactions. He also claims that Julie failed to maintain receipts (again, without citation to the record on appeal), which is contradicted by the record. Julie provided the trial court with extensive receipts. *Supra* ¶ 26. The trial court also ordered her to reimburse the estate for transactions she was unable to provide receipts for. *Supra* ¶ 31 & 36. Accordingly, appellant’s second point is forfeited, as he has failed to support it with relevant authority and coherent legal argument. *Robinson*, 2012 IL App (1st) 111889, ¶ 54; *U.S. Bank*, 397 Ill. App. 3d at 459.

¶ 78 Appellant’s fourth point, that there was no proof that Mrs. Gerdes could make independent decisions in her own best interest, contains no citation to authority and one singular citation to the record on appeal. Accordingly, this point is forfeited. See *U.S. Bank*, 397 Ill. App. 3d at 459.

¶ 79 Appellant’s fifth point, that attorney fees and late fees were improperly awarded, is supported by a single paragraph and no citations to authority. Outside of conclusory statements (“The Court abused its discretion by approving the alleged accounting without requiring substantiation or assessing appropriate late fees that were clearly incurred and acknowledged by Ms. Hampson.”), appellant does not offer any support as to *why* attorney fees and late fees were improperly awarded. Consequently, as his argument is unsupported by relevant authority, this point is forfeited. *U.S. Bank*, 397 Ill. App. 3d at 459.

²Appellant cites the following statutory provisions: The Illinois Power of Attorney Act (755 ILCS 45/1 *et seq.*) (West 2024); *Id.* § 3-4 (explanation of powers granted in the statutory short form power of attorney for property); and *Id.* § 2-7(c) (“[a]n agent shall keep a record of all receipts, disbursements, and significant actions taken under the authority of the agency and shall provide a copy of this record when requested to do so[.]”).

¶ 81 Based on the foregoing, appellant has two surviving arguments. Appellant first argues that “the trial court erroneously kept the burden of proof on the petitioner after the burden of proof had switched or should have switched to Julie Hampson because of [the] presumption of fraud.” He then states “[w]here a fiduciary *** transacts with a principal, a presumption of fraud arises, and the fiduciary bears the burden to rebut the presumption by establishing full disclosure, adequate consideration, and independent advice. He cites no authority supporting this statement. It is not clear what order appellant is addressing with this argument. As he later claims that “[t]he [c]ourt erred by treating Ms. Hampson’s accounting as ‘procedurally compliant,’” we will assume he is addressing the May 19, 2025, and June 20, 2025, orders, which both in part deal with the accounting and the objections to the accounting.

¶ 82 Appellant has failed to provide a standard of review, outside of a single sentence: “The standard of review of motions exists for cases and statutes.” He also then lists 19 cases, 4 statutes, and 4 Supreme Court Rules. This is insufficient to aid our review. Regardless, we review the trial court’s determination as to the alleged breach of fiduciary duty pursuant to the manifest-weight-of-the-evidence standard. *Lawlor v. North American Corporation of Illinois*, 2012 IL 112530, ¶ 70. A judgment is against the manifest weight of the evidence only when an opposite conclusion is clearly apparent, or if the trial court’s findings appear to be unreasonable, arbitrary, or not based upon the evidence. *Id.*

¶ 83 An individual holding power of attorney is a fiduciary as a matter of law. *In re Estate of Gerulis*, 2020 IL App (3d) 180734, ¶ 35. Here, as Julie holds power of attorney over Ruth Gerdes, she owed Ruth a fiduciary duty, beginning when she signed the power of attorney on August 27, 2015. *Supra* ¶ 4. “A presumption of fraud arises when a fiduciary agent benefits from a transaction

involving the principal.” *Gerulis*, 2020 IL App (3d) 180734, ¶ 36. Further, “any conveyance of the principal’s property that either materially benefits the agent or is for the agent’s own use is presumed to be fraudulent.” *In re Estate of Shelton*, 2017 IL 121199, ¶ 23 (quoting *Spring Valley Nursing Center, L.P.*, 2012 IL App (3d) 110915, ¶ 12). Once the presumption of fraud arises, the agent must rebut the presumption by showing that he or she acted in good faith. *Gerulis*, 2020 IL App (3d) 180734, ¶ 37.

¶ 84 Appellant argues that Julie’s “substantial withdrawals and transfers from accounts ***, unsubstantiated payments to herself, possession of estate property for \$1.00, and transfers of real property for nominal consideration—gives rise to the presumption of fraud.” Appellant does not provide citations to the record to support these claims. Further, he does not identify specifically which transactions he takes issue with, instead, he broadly claims that:

“Ms. Hampson’s failure to produce bank and tax records, unexplained depletion of assets, and multiple acts of alleged self-dealing (transfer of lot for \$1.00; retention of estate personal property; writing checks out of an account that at one time had a total of \$80,000 without receipts of all transactions; opening and using a credit card account (VISA) in the decedent’s name; failing to produce nursing-home payment receipts; utility bills, and presenting an accounting which lacked substantiation).”

Without knowing which transactions appellant specifically takes issue with, we are unable to determine whether or not the presumption of fraud has arisen. This court is not a depository where parties may dump the burden of researching and crafting their arguments. *In re Marriage of Petrik*, 2012 IL App (2d) 110495, ¶ 39.

¶ 85 Regardless, even assuming, *arguendo*, that appellant’s bare accusations are sufficient to give rise to the presumption of fraud, Julie sufficiently rebutted that presumption. The trial court

heard extensive testimony from Julie explaining the transactions and apparently found her to be credible. We will not disturb the trial court's determinations regarding the credibility of the witnesses or the weight to be given their testimony. *People v. Diaz*, 247 Ill. App. 3d 625, 627 (1993).

¶ 86 Julie testified regarding the transfer of the vacant lots for \$1.00 and provided a reasonable explanation for the transfer. Additionally, the lots were transferred back to the estate. *Supra* ¶ 19. Appellant does not identify what piece of the estate's personal property that Julie has retained. If he is referencing Ruth Gerdes' vehicle, he dismissed his claim as to the vehicle and irrevocably waived any claim or interest in it. *Supra* ¶ 30. If he is discussing Ruth Gerdes' stove, the trial court ordered Julie to reimburse the estate, as she did not have proof of the refund that was issued from Lowes. *Supra* ¶ 36.

¶ 87 Next, appellant claims that Julie's writing of checks out of Ruth's account without receipts of all transactions establishes a *prima facie* case of "suspicious transfers." Appellant fails to cite to the record on appeal and further fails to identify which checks he takes issue with. Again, the trial court addressed this at the May 2, 2025, hearing. Appellant filed objections to Julie's accounting which the trial court considered. Where Julie lacked proof and therefore breached her duty to keep an accounting and was unable to rebut the presumption of fraud, the trial court appropriately ordered Julie to reimburse the estate for any transfers of money that were unaccounted for. *Supra* ¶ 31 & 36. Appellant fails to acknowledge this.

¶ 88 Appellant's claim that Julie opened and used a credit card account in the decedent's name is not supported by the record. Although a Bankers' Bank Visa card was discussed, the account was owned by Ruth Gerdes. Outside of appellant's accusations, no evidence was presented showing that Julie opened the account fraudulently and used it. Appellant's claim that Julie failed

to produce nursing home receipts and utility bills is also unsupported by the record. As the trial court noted: “Only the most incompetent or dishonest attorney could look at the bank records and copies of the checks written to the nursing home totaling roughly \$80,000 in 2018, and then seriously claim that [Julie] used this money for herself.”

¶ 89 We also take issue with four case citations in appellant’s argument. He cites *Arrington v. Walter E. Heller International Corp*, 30 Ill. App. 3d 631, to stand for the contention “[o]nce a fiduciary relationship and suspicious transfers or self-dealing are shown, the burden shifts to the agent (Ms. Hampson) to justify the transactions.” *Arrington* does not discuss burden shifting in the context of the presumption of fraud in a fiduciary relationship. *Arrington* involves a landlord-tenant dispute, wherein the landlord sought a declaration that the tenant was acting unreasonably under the lease. *Arrington*, 30 Ill. App. 3d at 632-633. The page cited by appellant discusses the distinction between the burden of production and the burden of persuasion. *Id.* 638-639.

¶ 90 Appellant also cites *Rizzo v. Rizzo*, 3 Ill. 2d 291 (1954). His citation in his brief is incorrect. The citation he provided was: 2 Ill. 2d 291. Appellant’s quote from *Rizzo* is also incorrect. The quote he provides is:

“However, the presumption of fraud or undue influence arises from the confidential relationship where the dominant party has enjoyed a benefit by virtue of his fiduciary status, and the burden is upon that party who has so benefited to rebut the presumption of by clear and convincing proof that *she/he* has not betrayed the confidence reposed in *factor* significant in determining particular transaction between parties standing in a fiduciary relation is fair include a showing that fiduciary has made a frank disclosure of all relevant information which he had, that the consideration was adequate, and that the other party *has* competent and independent advice before completing the transaction.” (Emphasis added.)

The correct quote is:

“However, the presumption of fraud or undue influence arises from the confidential relationship where the dominant party has enjoyed a benefit by virtue of his fiduciary status, and the burden is upon that party who has so benefited to rebut the presumption by clear and convincing proof that he *has exercised good faith* and has not betrayed the confidence reposed *in him*. [Citations.] *Factors* significant in determining *whether a* particular transaction between parties standing in a fiduciary relation is fair include a showing that *the* fiduciary has made a frank disclosure of all relevant information which he had, that the consideration was adequate, and that the other party *had* competent and independent advice before completing the transaction.” (Emphasis added.) *Rizzo v. Rizzo*, 3 Ill. 2d 291, 305.

¶ 91 Appellant also cites the following alleged quote from *In re Estate of Miller*, 334 Ill. App. 3d 692: “A fiduciary’s transfer of funds from a principal’s account to her own benefit represents a clear abuse of the fiduciary relationship and supports the finding of fraud.” This quote does not appear in *Miller*.

¶ 92 Lastly, appellant cites to *Estate of Schwartz v. Schwartz*, 2014 IL App (1st) 130440-U, to stand for the contention that the trial court “erred by treating [Julie’s] accounting as ‘procedurally compliant’ while ignoring the statutory duty to maintain and produce contemporaneous records and failing to shift the burden of proof to [Julie] in order to rebut the presumption of fraudulent self-dealing.” First, appellant provides only the database identifier in his citation. He fails to provide the public-domain citation, as well as a pinpoint citation to relevant paragraphs, as required by Illinois Supreme Court Rule 6. Ill. S. Ct. R. 6 (eff. July 1, 2011). Second, he fails to indicate that the case is unpublished, and therefore, is nonprecedential. Ill. S. Ct. R. 23(e). Third, and most

importantly, *Schwartz* does not stand for what appellant claims it does. Although *Schwartz* discusses burden shifting, it is in the context of a citation petition which seeks to recover property. *Estate of Schwartz v. Schwartz*, 2014 IL App (1st) 130440-U, ¶ 24. To recover property, petitioner must establish a *prima facie* case that the property at issue belongs to the decedent's estate. *Id.* The burden then shifts to respondent "to prove by clear and convincing evidence his or her right to possession." *Id.* That is not the situation here. Here, appellant takes issue with Julie's accounting pursuant to 755 ILCS 45/2-7 (West 2024) and 755 ILCS 5/24-1 (West 2024) and alleges that the trial court failed to shift the burden to Julie to rebut the presumption of fraud.

¶ 93 *In re Estate of Jackson*, 2022 IL App (1st) 211132, squarely addresses this situation. In *Jackson*, Jackson granted her friend, Raymond Thomas, power of attorney, giving him authority to handle her business, financial, medical, and real estate affairs. *In re Estate of Jackson*, 2022 IL App (1st) 211132, ¶ 1. Jackson's cognitive health deteriorated and her sister petitioned for appointment of a guardian of Jackson's estate and person. *Id.* Subsequently, a guardian was appointed and the trial court ordered Thomas to provide an accounting during the time he served as Jackson's agent. *Id.* After filing several accountings, which were all objected to, the trial court held a hearing on the accountings and the objections. *Id.* ¶ 12. At the hearing, Thomas was unable to sufficiently explain: (1) where the proceeds from the sale of 749 shares of British American Tobacco on August 8, 2017, in the amount of \$47,397.37 went; (2) where the \$25,000 distribution from Jackson's Ameritrade brokerage account went; (3) the \$1,000 paid to Thomas's attorney without court approval; and (4) the understatement of Jackson's monthly income by \$777.62. *Id.* As Thomas was unable to provide sufficient explanations, the trial court ordered him to reimburse Jackson's estate in the amount of \$76,274.99. *Id.*

¶ 94 On appeal, the *Jackson* court affirmed the trial court's order, finding that a power of attorney, including a statutory short form power of attorney for property under section 3-3 of the Illinois Power of Attorney Act, imposes a duty to keep an accounting. *Id.* ¶20. Because Thomas breached that duty, section 2-7(d) and (f) of the Act justified the trial court's order requiring him to reimburse Jackson's estate. *Id.* ¶25. Similarly here, where Julie breached her duty to keep an accounting, the trial court ordered her to reimburse the estate. *Supra* ¶ 31 & 36. Accordingly, we affirm the trial court's May 19, 2025, and June 20, 2025, orders.

¶ 95 Appellant next argues that "[t]he sanctions under Rule 137 are not warranted by objective facts and specific findings such that the court has abused its discretion." Appellant, for the most part, does not discuss each document that was the basis for the trial court's sanction. Rather, he broadly argues that he did not attempt to harass or unduly delay the proceedings. He also states that the "Court was wrong about denying the Citation and apparently protecting Ms. Hampson," though the trial court did not impose a sanction for appellant's filing of petitions for citations to discover assets.

¶ 96 Illinois Supreme Court Rule 137 requires every pleading, motion, and other document to be signed by at least one attorney of record, if a party is represented. Ill. S. Ct. R. 137 (eff. Jan. 1, 2018). The signature of the attorney constitutes a certificate that he or she has read the document, that it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not being brought for any improper purpose. *Id.* The rule allows for the imposition of sanctions if a pleading, motion, or other document is signed in violation of the rule. *Id.* Whether to impose sanctions under Rule 137 is a discretionary matter and we will not reverse the trial court's decision imposing sanctions absent an abuse of discretion. *Swanson v. Cater*, 258 Ill. App. 3d 157, 162 (1994). An abuse of discretion

occurs where no reasonable person would agree with the trial court's decision. *Lake Environmental, Inc. v. Arnold*, 2015 IL 118110, ¶ 16. The standard for evaluating a party's conduct under Rule 137 is one of reasonableness under the circumstances at the time the document at issue was filed. *Law Offices of Brendan R. Appel, LLC v. Georgia's Restaurant and Pancake House, Inc.*, 2021 IL App (1st) 192523, ¶63. "A reviewing court may affirm the trial court's imposition of sanctions for any reason provided in the record." *Enbridge Pipeline (Illinois), LLC v. Hoke*, 2019 IL App (4th) 150544-B. Although a trial court's decision whether to impose sanctions is entitled to deference, the trial court must still make explicit factual findings as to the reasons why sanctions were or were not imposed. *North Shore Sign Co., Inc. v. Signature Design Group, Inc.*, 237 Ill. App. 3d 782, 790 (2d. Dist. 1992).

¶ 97 Here, Jedediah McClure, Julie Hampson's attorney, filed a thorough 42-page motion for sanctions wherein he sought a total of \$25,044.40 in attorney fees. He also supported his motion with an attorney fees affidavit, in which he states his hourly fee was \$300 per hour and he spent a total of 73.76 hours on the case. After a hearing, the trial court imposed sanctions based on appellant's filing of (1) a "Motion to Object and Correct Subpoena Limitations" on November 14, 2024; (2) a document entitled "Letter and Exhibits to Assist the Court and Parties in the Review of Bank Statements and Documents for the 12/12/24 Hearing" on December 9, 2024; (3) a "Motion for Summary Judgment Pursuant to Section 2-1005, or in the Alternative Involuntary Dismissal Pursuant to Code Sections 2-619 and Illinois Supreme Court Rule 191"; (4) "Response to Order Dated March 28, 2025, Which Ignored Petitioners [sic] Pleadings and Statement of Facts to Support a Summary Judgment"; (5) "Response to Respondent's Response to Petitioner's Response and Objections to the Estate of Ruthe Gerdes 'Report' Filed by Counsel for Ms. Hampson and Notice of Accounting by Executor, Brian Schafer"; (6) "Motion to Strike Respondent's (Ms.

Hampson's) Response to the Petitioner's (Mr. Schafer) Opposition to Accounting Report and Motion for Judgment on the Pleadings Pursuant to 735 ILCS 5/2-615"; (7) "Petitioner's Motion to Strike Defendant's Order filed May 5, 2025 Because the Order Contains False Statements and Violates the Courts Rules"; and (8) "Petitioner's Response to Banker's [sic] Bank Subpoena/Court Reserved Items."

¶ 98 As mentioned above, appellant fails to address any of these documents with specificity. "The appellate court is not merely a repository into which the appellant may dump the burden of argument and research." *U.S. Bank*, 397 Ill. App. 3d at 459. As appellant has failed to argue how and why each sanction imposed was unwarranted by objective facts and specific findings, he has forfeited this argument as well. *Id.*

¶ 99 Regarding the lack of written findings, although mentioned very briefly in appellant's opening brief, his argument for reversal on that basis is lacking. Accordingly, as he has not supported his argument with pertinent authority, he has forfeited it. See *In re Marriage of Katsap*, 2022 IL App (2d) 210706, ¶ 143. Even though the trial court's written order here is admittedly lacking, its oral ruling was robust. *Supra* ¶ 39. The written order explicitly stated that sanctions were imposed "for the reasons stated on the record." We have previously found inclusion of this language, coupled with a robust oral ruling, to be sufficient for compliance with Rule 137(d). See *Asher Farm Limited Partnership v. Wolsfeld*, 2022 IL App (2d) 220072, ¶ 61. Accordingly, we affirm the trial court's imposition of Rule 137 sanctions.

¶ 100 As a closing note, we would like to briefly comment on David Reid's behavior in both this court and the trial court. As the trial court noted, Mr. Reid misrepresented facts so egregiously, "it could only stem from severe incompetence or willful misrepresentation." We agree with this assessment and additionally note that his misrepresentations constitute a violation of rule 8.4(c) of

the Illinois Rules of Professional Conduct of 2010. Ill. R. Pro. Conduct (2010) R. 8.4(c) (eff. July 1, 2024). The Illinois Rules of Professional Conduct additionally requires lawyers to “provide competent representation to a client.” Ill. R. Pro. Conduct (2010) R. 1.1. (eff. Jan. 1, 2010). Mr. Reid’s representation has certainly fallen below that bar. Given these violations, we would be well within our rights to impose an additional sanction upon him. However, as he has already been sanctioned, we decline to do so at this time. We strongly admonish Mr. Reid to ensure his behavior is compliant with all rules of professional conduct in the future.

¶ 101 Lastly, Mr. Reid’s response on appeal to the trial court’s imposition of Illinois Supreme Court Rule 137 sanctions and appellee’s request for Illinois Supreme Court Rule 375 sanctions is concerning. In his opening brief, he states:

“Attorney Reid has been a Judge and commissioner for 20 years with the Secretary of State, Illinois Court of Claims. I am admitted to the bar in Illinois, Florida and Georgia. I was a Senior attorney for IRS District Counsel for 10 Years in Illinois and Georgia before entering private practice in Springfield Illinois. I was president of the Sangamon County Inn of Courts. I am semi-retired but not new to this business.”

In his reply brief, he states:

“It is very bold and brash of Ms. Hampson and Attorney McClure to ask the Court to assess sanctions personally against Attorney Reid and his law office. Mr. Reid has appeared and presented cases in Illinois, Florida and Georgia for over 20 years. Attorney Reid has been a Senior Attorney for the IRS, Judge and Commissioner for the Court of Claims and private practice attorney for over 20 years. Attorney Reid has been offended by the award of damages against Attorney Reid and Reid Law Office, LLC.”

¶ 102 We take serious issue with these responses, as it appears as though Mr. Reid is attempting to leverage his former position as a judge for the court of claims. This is wholly improper. Under the Illinois Code of Judicial Conduct, “[a] judge shall not misuse the prestige of judicial office to advance the personal or economic interests of the judge or others.” Ill. Code of Judicial Conduct, Rule 1.3. We caution Mr. Reid against making such comments in future filings.

¶ 103

III. CONCLUSION

¶ 104 For the reasons stated, we dismiss appellant’s appeal for lack of jurisdiction as to the October 25, 2024, order; we affirm the trial court’s May 19, 2025, June 20, 2025, and August 19, 2025, orders; and we order appellee to show cause as to why sanctions should not be entered against her.

¶ 105 Appeal dismissed in part; affirmed in part; rule to show cause entered.