

the circuit court's evidentiary rulings were not an abuse of the court's discretion and the court's removal was supported by the record.

¶ 2 Plaintiff, Monique Green, appeals the August 15, 2025, order of the circuit court of St. Clair County removing her as successor trustee of the Maxine P. Little Trust dated December 12, 2012. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 A complete recitation of the pleadings filed in this case is not provided due to the extraordinarily prolific filing of unnecessary pleadings and documents before the circuit court. The relevant documents reveal that on December 12, 2012, Maxine Little executed an estate plan that created the Maxine P. Little Trust. Under its terms, Maxine was the original trustee, and the assets of the trust were to be paid over a five-year period to Maxine's son, Lamont Little, as the sole beneficiary. Maxine's niece, Monique Green, was listed as the successor trustee after Maxine. The trust indicated that if Lamont predeceased Maxine, Monique and Maxine's sister, Shirlee Garrett, would become the beneficiaries of the trust.

¶ 5 An appointment of agent to assist the trustee was executed on May 23, 2013. The appointment named Monique as the trustee's agent and, as agent, Monique was authorized to

“complete banking activities, which include signing of checks in payment of Grantor's or the Trust's obligations or distributions; endorsing checks received for deposit to the Trust account; purchasing, renewing and redeeming Certificates of Deposit; executing stock powers or signing stock certificates and arranging for the sale of stocks and bonds titled in the name of the Maxine P. Little Trust; executing any and all financial documents as the duly appointed Agent of the Trustee; receiving duplicate financial statements from banks, brokerage firms and other

financial institutions in which the Trust maintains an account or accounts; all as agent for the Trustee.”

¶ 6 Maxine died on June 23, 2018. On September 19, 2019, Lamont requested payment of Maxine’s life insurance policy issued by Allstate Life Insurance Company, which is now known as Everlake Life Insurance Company (Everlake). At that time, Lamont completed a document entitled, “Claimant’s Statement for Life Insurance Proceeds” listing the claimant’s information as “Maxine P. Little Trust” and that Lamont was the trustee of said trust. Everlake issued a check representing the amount due on the policy to Lamont; however, the check could not be deposited because Lamont was not the trustee.

¶ 7 Thereafter, on July 27, 2020 Lamont filed a petition for probate of will, issuance of letters testamentary, and a request to appoint himself as executor of Maxine’s estate.¹ An order admitting the will to probate and issuing letters of office to Lamont, as executor of Maxine’s estate, was issued on July 28, 2020.

¶ 8 On May 26, 2021, the probate court issued an order that, based on the record before us, requested a copy of Maxine’s trust documents. On June 10, 2021, Lawrence Waldman, provided Maxine’s December 12, 2012, trust and the May 23, 2013, appointment of agent to assist the trustee. A letter dated May 19, 2014, presumably from Maxine, was also forwarded to the court, and Waldman advised the court that the contents of that letter had “a real bearing on this matter” particularly noting the “second paragraph, second sentence” of the correspondence. No copy of that correspondence is found in the record.

¹Although some probate documents and one transcript of a probate hearing were included in the voluminous record presented on appeal, it is obvious that numerous documents were not included.

¶ 9 On August 7, 2021, Lamont issued a citation to discover assets directed to Monique and set the citation hearing for September 9, 2021. Correspondence dated August 30, 2021, from Monique’s attorney, stated that Monique did not have any trust records and further stated that Monique “stepped aside from her duties and responsibilities for and on behalf of your late client long ago.” The correspondence further noted that the estate plan was drafted by Waldman, but the attorney believed “that plan” was “set aside when your late client terminated her attorney/client relationship” and “retained the services of another attorney who drafted a new estate plan.” Correspondence continued throughout the remainder of 2021, with Monique’s attorney continuing to state that Monique was not required to participate in the proceedings.

¶ 10 In March 2022 correspondence was sent to Monique’s attorney that advised the attorney that Monique was named the successor trustee of Maxine’s trust, and it appeared to Lamont’s counsel and the probate court that Monique did not want the position based on correspondence from Monique’s attorney indicating that Monique had already resigned from the position. A copy of the trust and a proposed resignation was provided to Monique’s counsel. Despite being provided with a copy of the trust, Monique’s attorney sent correspondence on April 15, 2022, with numerous questions, including, *inter alia*, the name of the trust, the name of the current trustee, and the assets of the trust. A pleading entitled “supplemental suggestions,” filed by Monique’s attorney on April 18, 2022, in the probate case, requested that Lamont’s attorney be required to answer the questions from Monique’s attorney’s April 15, 2022, correspondence. In August 2022 Monique’s attorney sent correspondence stating that Monique would not voluntarily resign from the trust position.

¶ 11 Thereafter, Monique moved to transfer Maxine’s trust from the probate division to the civil division, moved for substitution of the probate judge, and later filed a motion requesting the probate judge voluntarily recuse himself. A hearing was held in the probate court on September

15, 2022. At that time, the court agreed that the trust did not belong in the probate division and Lamont's counsel moved to close the estate since all the assets were in the trust.

¶ 12 The court issued an oral ruling that denied the motion to substitute as of right due to the court previously ruling on substantial issues in the case. It further stated that litigation as to the trust was not part of the estate matter and denied all motions pertaining to litigation of the trust. Finally, the court ruled that it would grant Lamont's motion to close the estate, withdraw all pending pleadings, dismiss the case, and order that letters of discharge be issued to Lamont. After the ruling was issued, Monique's attorney objected, stating that he wanted to file sanctions. The court stated that if Monique's attorney wanted to litigate for sanctions, he could, but the court would not litigate the trust. On September 15, 2022, a written order consistent with the court's oral ruling was filed.

¶ 13 On February 8, 2023, Monique Green filed a "petition for instructions" in case No. 23-MR-32. The petition alleged, in pertinent part, that Monique had been unable to discharge her duties as successor trustee of the trust due to a "lack of cooperation and the intentional refusal to cooperate on the part of Lamont" as well as his then-counsel. She asked for an order from the court finding that she had (1) "a clear and unequivocal duty to *** act in the best interests of the trust" and Lamont; (2) "the right to pursue a discovery deposition from Lamont Little *** to help, aid and assist Trustee in meeting her responsibilities and preparing a final report and disbursing the proceeds of the trust,"; (3) the right to "depone each and every attorney of the Blake Behme Links Raney law firm" in order to determine what information they had pertaining to "the trust, financial management of the trust, and the assets of the trust,"; (4) the right to "depone each and every attorney of the Blake Behme Links Raney law firm" to determine "if sanctions should be sought and obtained against said law firm and/or its individual attorneys of the firm" *** "arising from

its very clear unlawful conduct,”; and (5) the right to “further pursue information from [Everlake] as well as ‘Venerable Insurance and Annuity Company’ and ‘Southern Financial Group.’ ” She also asked the court to determine that she “need not file a final report or disburse any monies of the trust without first obtaining permission from the Court.” Notice of the pleading was ultimately made by publication to Lamont.

¶ 14 On March 23, 2023, Everlake filed an interpleader action against Monique and Lamont in case No. 23-CH-18. Therein, Everlake advised of Lamont and Monique’s adversarial claims of being the trustee of Maxine’s trust. Everlake requested it be: (1) allowed to deposit the policy funds plus interest with the clerk of the court, (2) excused from the dispute between Monique and Lamont, and (3) allowed to obtain its costs out of the policy proceeds.

¶ 15 Monique’s counsel entered his appearance in the Everlake interpleader proceeding and moved to consolidate case No. 23-CH-18 with case No. 23-MR-32. Monique further objected to Everlake’s request to obtain its costs out of the policy proceeds. Thereafter, Monique’s counsel filed a motion to dismiss Everlake’s proceeding, an answer to interpleader complaint, a motion for supervision of discovery pursuant to Illinois Supreme Court Rule 201(c) (eff. Mar. 17, 2023) based on alleged past actions by Lamont and Everlake, and a motion to disqualify all the attorneys representing Lamont in the probate matter from representing Lamont in the Everlake matter. Monique then filed motions in her “petition for instructions” case asking the court to appoint counsel to represent Lamont and a motion to disqualify the probate attorneys from representing Lamont in the civil matter.

¶ 16 On June 30, 2023, the circuit court entered an order finding that Lamont failed to appear and was in default in case No. 23-MR-32. It further ordered that Monique had a right to take Lamont’s discovery deposition and pursue information from Everlake and the other financial

companies. The order stated that any requirement to file a final report would remain in abeyance until Monique was satisfied that she had sufficient information on which to file that report. It further precluded Monique from disbursing “any monies of the trust without first obtaining permission from the court.”

¶ 17 On July 12, 2023, Monique filed a counterclaim against Everlake alleging breach of contract and breach of implied covenant of good faith and fair dealing and requested the policy amounts plus 9% interest since Maxine’s death. On October 3, 2023, Everlake filed an answer denying the allegations and providing two affirmative defenses. On October 11, 2023, Everlake moved for a default judgment against Lamont due to Lamont’s failure to timely file an answer to the interpleader action following service of the complaint. On October 24, 2023, Monique moved the court to deny Everlake’s motion for a default judgment against Lamont. In the meantime, Monique sent discovery requests to Everlake on August 29, 2023, and moved to enforce those requests on November 15, 2023.

¶ 18 On November 1, 2023, the court appointed counsel, John Baricevic, to represent Lamont in case No. 23-MR-32 and ordered that his fees be paid out of Maxine’s trust. Lamont’s counsel filed a petition for accounting on December 7, 2023, noting that the five-year payout to Lamont had expired and no funds had been paid to Lamont. On December 12, 2023, Lamont’s counsel also filed a petition to distribute trust assets as well as a motion to cancel Lamont’s deposition, noting that Lamont was sole beneficiary and a deposition would only further deplete the trust funds. On December 12, 2023, counsel also entered his appearance on behalf of Lamont in the Everlake matter (case No. 23-CH-18) and moved for leave for an extension of time to file a response to Everlake’s interpleader petition. Monique objected to Lamont’s requested extension on December 27, 2023.

¶ 19 On January 19, 2024, Lamont moved, pursuant to section 706 of the Illinois Trust Code (Code) (760 ILCS 3/706 (West 2022)) to remove Monique as trustee. Citing section 706(a) of the Code, Lamont stated that “A settlor, a co-trustee, or a qualified beneficiary may request the court to remove a trustee, or a trustee maybe removed by the court on its own initiative.” *Id.* The motion further stated that the court could remove the trustee if the trustee “committed a serious breach of trust”, there was a lack of cooperation among co-trustees impairing administration of the trust, unfitness, unwillingness or persistent failure to administer the trust, a substantial change in circumstances, or removal is requested by the qualified beneficiaries and the court finds that removal “serves the interests of all of the beneficiaries and is not inconsistent with any material purpose of the trust, and a suitable co-trustee or success trustee is available.” *Id.* § 706(b).

¶ 20 The petition alleged that Monique breached her fiduciary duty because she had not administered the trust in good faith and, in fact, had not administered the trust at all. The pleading further alleged that Monique breached her duty of loyalty by naming Lamont as a defendant in the “Petition for Instructions”, accusing him of being an “active participant in this charade”, and revealed an intent to call witnesses to testify against and contrary to Lamont’s interests. The petition also alleged that Monique violated the duty of impartiality, failed to demonstrate prudent administration, failed to prepare any report or accounting, showed no progress regarding protection and control of the trust property or identification of trust property, and violated her duty to inform and account by failing to file an accounting. The motion requested the court find Monique (1) “materially breached her duty to account under 760 ILCS 3/318.1,” (2) “was incapable of being impartial as required by 760 ILCS 3/803,” and (3) “violated some or all of her statutory duties as a Trustee.” The pleading requested the court find that the removal of the trustee served the purpose of the trust and interests of the sole beneficiary due to “unfitness, unwillingness, or persistent

failure of the trustee to administer the trust effectively.” The pleading further requested that the court (1) find Monique was responsible for “her own attorneys fees, costs, and expenses for any charges shown not to be a service to benefit for the Trust and the sole beneficiary,” (2) appoint Lamont or a third party as trustee, (3) order Monique to transfer all assets to the successor trustee immediately, and (3) order Monique to “provide a full Accounting within 30 days.” On January 29, 2024, Monique filed an answer requesting the court deny Lamont’s requested relief.

¶ 21 Following a hearing on January 31, 2024, the court issued an order in case No. 23-CH-18, granting Monique’s motion to consolidate the Everlake case with case No. 23-MR-32. The order stated that Everlake’s motion to default Lamont was withdrawn and Everlake was ordered to calculate the death benefits plus interest in 21 days. Monique and Lamont were directed to provide any objections to the filing. The order stated that Everlake “shall have no obligation to issue payment until further order of the court.” The court also issued an order in case No. 23-MR-32 that took Lamont’s motion for distribution under advisement but granted Lamont’s motion for an accounting and ordered Monique to provide the accounting within 21 days.

¶ 22 On February 14, 2024, Monique filed a response to the court’s January 31, 2024, order, along with an interim accounting. The accounting for one Associated Bank savings account (5099) revealed one deposit from Venerable Insurance and Annuity Company in the amount of \$59,464.94, and four deposits from Western & Southern Financial Group in the amounts of \$107,485.09, \$33,378.33, \$8,543.28, and \$4,718.46, for a total of \$213,590.10. The remaining entries revealed six payments to Monique’s attorney in 2022 totaling approximately \$11,219, six payments to Monique’s attorney in 2023 totaling approximately \$9,900, one payment to Monique’s attorney in 2024 for \$2,150, payments of federal and state taxes, credits for interest in the account, along with transfers to other checking and savings accounts and CDs, with a final

balance of \$40,879.53, in the account. The accounting for a second Associated Bank savings account (5230) revealed a final balance of \$101,237.59, and a checking account (7905) had a balance of \$11,003.94. In total, the accounts had a remaining balance of \$153,121.06.

¶ 23 For the next year and a half, Monique objected to releasing the trust funds to Lamont and instead focused on contending that (1) Lamont was impeding her ability to act as trustee, (2) a legal malpractice claim should be filed against Lamont’s probate attorneys, and (3) the trust was entitled to substantially more interest than was conceded by Everlake. During this time, Monique filed an inordinate number of pleadings, including one “asking the court to determine whether or not [Lamont] is in the need of a guardian or assistance in some form as a result of what appears to be impaired judgment on his part” and another asking the judge to recuse herself.

¶ 24 Monique and Lamont eventually agreed to have the case mediated by a different St. Clair County judge, and mediation began on May 24, 2024. On May 31, 2024, the court issued an order authorizing the trust to withdraw funds from the trust to “meet and satisfy the agreement reached between the parties in the course of the initial mediation conference as to the advancing of funds to [Lamont].” The parties continued to mediate, Monique continued to file pleadings with the court, including a motion for interim attorney fees despite the issue of attorney fees being part of the mediation. Ultimately, by November 2024 the mediator advised the circuit court that mediation was ultimately unsuccessful and a check in the amount of \$43,8357.38 was issued to Lamont.

¶ 25 On November 25, 2024, Monique filed a motion for leave to amend her “petition for instructions.” Count 1 of the proposed amended pleading requested a declaratory judgment that Monique had done everything she could to meet her responsibilities as Maxine’s trustee and her counsel deserved payment of his fees from the trust. Count 2 requested a declaratory judgment that Monique was the only party who should determine if a claim against Everlake was warranted.

Count 3 requested a declaratory judgment stating that Monique was the only party who should determine if a claim against Lamont's previous attorneys was warranted. Count 4 requested a declaratory judgment that Lamont's past conduct, in claiming to be the trustee before Monique was named trustee, and his refusal to communicate with Monique after she was named trustee, made him "solely responsible" for Monique having to come in and defend all the proceedings that arose from Monique's trust and asked that he be held "personally responsible for all attorney's fees, litigation costs and any judgment or judgments that might be entered." Count 5 requested a declaratory judgment stating that Lamont could not pursue distribution of the trust funds until Monique was satisfied that she had all the information necessary to bring the administration of the trust to a rightful conclusion. Attached to the pleading were copies of letters and previously filed pleadings from 2022 to the present, which resulted in the filing being nearly 150 pages. Monique also filed a pleading entitled "suggestions relative to claim against Everlake" on November 27, 2024. Lamont objected to Monique's motion for leave to amend, stated that the trust should have been distributed by June 23, 2023, and argued that Monique's actions were increasing the costs of trust administration. Lamont also requested the court ignore Monique's "suggestions" since no request for relief was found therein.

¶ 26 On January 31, 2025, the court set Lamont's motion to remove trustee for hearing on March 21, 2025. The order also denied Monique's February 26, 2024, motion to depose Lamont. Monique appealed the order denying her motion to depose to this court. We dismissed Monique's appeal due to a lack of jurisdiction on March 28, 2025.

¶ 27 At the April 17, 2025, status hearing, the parties agreed to proceed with an evidentiary hearing on June 13, 2025. On April 30, 2025, Monique filed a motion *in limine* requesting the court preclude Lamont from presenting explanation or justifications as to the matters in the probate

court or offering evidence regarding what occurred in the probate court. Attached to the pleading were 140 pages of documents, most of which were previously filed with the circuit court.

¶ 28 On the same day, Monique also filed a “request/demand/motion for findings of fact and conclusions of law” along with a memorandum in support thereof. The pleading alleged tortious interference with an economic opportunity against Lamont and claimed that Lamont “was being paid by someone to engage in the conduct that has taken place.” It further alleged that the court had “become sympathetic to the plight of [Lamont] and his claim he could end up with nothing” and the court had formed a bias “in favor of [Lamont] and contrary to the interests of [Monique].” It complained that although Monique had filed several motions that had not been scheduled, Lamont’s motion to replace the trustee had been scheduled. The pleading further complained that the court had “at no time has addressed the issue of the applicability of the Doctrine of Clean Hands” and had not “at any time made any mention as to the principle of Perversion of the Judicial Process.”² The filing alleged that Lamont had “never denied the allegations in Plaintiff’s Petition for Instructions” and stated, “[i]t would be interesting hearing Defendant try to explain how and why he’s not bound by what his attorneys did and do.” The pleading further accused Lamont of lying “about everything from the very beginning.” Ultimately, the pleading stated that “[i]n light of all of the facts and the applicable case law, Plaintiff believes the Court is obligated to make a finding of fact and conclusions of law to include the ongoing conduct on the part of Defendant alone and with others being the cause of any financial losses he may have sustained.”

¶ 29 On May 21, 2025, Monique filed a “claim for equitable lien.” Therein, Monique contended that it was only Lamont’s actions that delayed his receipt of the trust funds. She further contended that she had incurred attorney fees of \$31,703.38 and that the trust had “a substantial balance in

²We found no references to these claims in the prior pleadings.

the account.” She argued that “[n]one of these attorney fees would have been necessary had it not been for the conduct on the part of Mr. Lamont Little alone and with others.” Attached to the three-page pleading were over 160 pages of documents that were previously filed with the court as attachments to other pleadings. None of those documents provided detail about the requested legal fees. On June 6, 2025, Monique filed a memorandum of law related to civil conspiracy. It alleged, in pertinent part, that Lamont “was acting in consort with one or more others when he began and pursued and continues to pursue this legal war designed to injure Plaintiff.” On June 23, 2025, Monique filed a motion to dismiss Lamont’s request to remove trustee, alleging that the circuit court lacked jurisdiction. On June 24, 2025, Lamont requested the court deny the motion. Monique then filed a response to Lamont’s response on June 30, 2025.

¶ 30 A hearing on Monique’s motion to dismiss for lack of jurisdiction was heard on July 11, 2025. The court denied the motion to dismiss and took up Lamont’s request to remove the trustee. Suffice it to say that the evidence and testimony confirmed an excessive lack of trust and dislike between Lamont and Monique. Monique testified that the trust contained approximately \$140,000, which did not include the Everlake money. She stated that at one point, she transferred \$43,857.38 to Lamont. As of June 17, 2025, \$95,906.89 was in a CD, and the checking account held \$3,326.26, as of June 16, 2025. The testimony also confirmed that the Everlake money had not been added to the trust despite Lamont telling the court in January 2024 that Everlake could pay the monies it held to the trust. Monique testified that while she was aware that Maxine had a trust, it was not until 2022 that she was aware that she was named the successor trustee of the trust. Lamont testified that he became aware that Maxine had a trust in either 2019 or 2020.

¶ 31 We further note that many of the questions asked of Monique and Lamont involved the period prior to 2022. This included Lamont’s claim of being the trustee, when he found out Maxine

had a trust, what his probate attorneys told him about the trust, the basis of the communication difficulties between Lamont and Monique, as well as when Monique became aware of the trust and her duties as the successor trustee. The court overruled numerous objections related to Lamont's discussions with his probate attorneys. The court further denied Monique's request to introduce evidence that defendant was told by his prior attorneys that he was not the trustee of Maxine's trust. Notably, the evidence was comprised of documents obtained in Monique's ARDC claim against Lamont's probate attorneys. Lamont objected on the basis of relevance and hearsay. Monique argued that the documents could be submitted through judicial notice and in the interest of justice. Ultimately, the court rejected the evidence after finding it irrelevant. The court also ruled that it would only allow evidence from 2023 and 2024 to address the fiduciary violations.

¶ 32 After the first hearing date, Monique filed a motion requesting the court reverse its ruling that precluded evidence related to Lamont and his probate attorneys. The motion argued that Lamont proceeded with new issues that were not contained in the filed request to remove the trustee and essentially proceeded on an oral motion to remove the trustee. Monique also argued that the court's preclusion of the evidence related to Lamont and his probate attorneys was a "complete surprise" and the ruling "made it impossible for [Monique] to have a fair trial." It argued that the ruling was erroneous and further stated that the court never explained its thinking beyond stating the evidence was irrelevant. On the same day, Monique also filed a pleading entitled "plaintiff's amended response to the unnamed, unidentified, and unfiled 'something' defendant proceeded with to remove trustee." Later that day, Lamont filed a response to that pleading, which stated that he "has not proceeded with any action before this Court that was not named, identified or filed with the clerk of the Court" and asked the court to deny "this confusing pleading." The

pleading was classified as a request for reconsideration by the court at the beginning of the second day of the hearing, and after hearing argument, the court denied the motion.

¶ 33 Following the conclusion of testimony on the second day, the attorneys presented their closing arguments. Counsel for Lamont argued that in Illinois, there were no obligations placed upon a beneficiary and only the trustee had duties to fulfill. He averred that the beneficiary had a protected interest in the trust, but the trustee had no such interest. Counsel asserted that the trustee was bound by an “utmost loyalty and a complete responsibility to manage the trust in the best interest of the beneficiary.” He opined that in this case, the trustee was obligated by the conditions of the trust that included a payout plan, and that the payout period had expired without the payout being made. He further argued that the annual accountings were never filed with the court. Counsel for Monique argued that Monique had been attempting to discharge her duties as trustee, but Lamont thwarted her attempts. He further argued that the evidence showed that “[a]ll the money is there” and “[t]here’s been no mismanagement.” At the conclusion of the hearing, the circuit court took the matter under advisement.

¶ 34 On August 15, 2025, the court issued a written order. The court found it had “the authority under 760 ILCS 3/706 to remove a trustee on its own initiative.” It continued, “However, given the circumstances and at the request of the trustee, the Court held an evidentiary hearing on this matter.” The court ultimately found,

“After hearing the testimony and review of the evidence, pleadings, and case law, the Court finds that removal was requested by the only qualified beneficiary in this matter, Mr. Lamont Little, as he is the sole beneficiary; the Court further finds that the removal of the trustee best serves the interests of the sole beneficiary and is not inconsistent with any material purpose of the trust; and the Court finds

that a suitable successor trustee is available as the Court appoints Attorney P.K. Johnson V to serve as trustee in this matter. As such, the Court finds that the requirements under 760 ILCS 3/706(b)(4) have been met.

Additionally, the court has the authority under the statute to remove a trustee if any one of the bases set forth in subsection (b)(1-4) are met, and since the Court has determined that removal of the trustee is warranted under Section 3/706(b)(4), the Court refrains from making a determination as to whether removal would also be appropriate under Section 706(b)(1), (2), or (3).”

¶ 35 The court further ordered Monique to “prepare and submit an accounting” to Lamont “within 14 days.” No posttrial motions were filed. Monique timely appealed.

¶ 36 II. ANALYSIS

¶ 37 On appeal, Monique contends that the circuit court abused its discretion when it (1) allowed Lamont to present his case without first having a pleading filed, (2) precluded Monique from introducing evidence related to the ARDC proceeding Monique filed against Lamont’s probate attorneys, and (3) failed to make findings of fact and conclusions of law. However, before we address the issues raised, we are compelled to address the briefs submitted by the parties and the lackluster conformance with Illinois Supreme Court Rules 341 (eff. Oct. 1, 2020) and 342 (eff. Oct. 1, 2019) that sets forth the requirements for briefs filed with this court.

¶ 38 We start with Monique’s briefs. As noted above, numerous pleadings were filed in this matter; some of which had attachments in excess of 100 pages. The record before this court consisted of almost 2,300 pages. Despite the volume of the record, Monique’s statement of facts consisted of one paragraph. While instances of brevity can be admirable, this is not one of those

instances. Even if it were, the paucity of citation to the record and the use of both argument and comment in the statement of facts cannot be ignored, as both are precluded by Rule 341(h)(6).

¶ 39 Monique’s brief also repeatedly failed to correctly cite the record or provide pinpoint citations for the case law contained therein as required by Rule 341(h)(7). In fact, at one point, Monique requests this court consider how Lamont answered his questions at the hearing but provides no guidance as to which day, say nothing of which response, in Lamont’s testimony was applicable. Even where citations to the record were provided, they were incorrect. Monique’s reply brief contained neither citation to the record nor citation to authority.

¶ 40 Most concerning is the fact that Monique’s appendix included the documents that were rejected for admission as evidence by the circuit court. Further, Monique cites to the appendix and addresses the documents, in detail, in her brief. “The appellant has the burden of presenting a sufficiently complete record to support a claim of error.” *Waukegan Hospital Group, LLC v. Stretch’s Sports Bar & Grill Corp.*, 2024 IL 129277, ¶ 20. “ ‘A party may generally not rely on matters outside the record to support its position on appeal.’ ” *Id.* (quoting *Keener v. City of Herrin*, 235 Ill. 2d 338, 346 (2009)). “If pleadings, exhibits, or other materials are not in the record, they may not be placed before a reviewing court in an appendix.” *Id.* (citing Ill. S. Ct. R. 342 (eff. Oct. 1, 2019)). Inappropriate materials improperly placed in an appendix will be disregarded. *Keener*, 235 Ill. 2d at 346. Here, we disregard the documents that were denied admission at the hearing that Monique placed in the appendix and strike the portions of Monique’s brief that address those documents in detail.

¶ 41 Lamont’s brief was equally unhelpful. Although unnecessary in many circumstances, (see Ill. S. Ct. R. 341(i) (eff. Oct. 1, 2020)), Lamont also provided a statement of facts. While the statement of facts contained three paragraphs, not one citation to the record is found therein.

Further, Lamont’s argument was nearly devoid of citation to the record and failed to address the improper material included in Monique’s appendix and Monique’s inappropriate reference to those materials.

¶ 42 “[T]he rules of procedure for appellate briefs are rules, not mere suggestions.” *Longo Realty v. Menard, Inc.*, 2016 IL App (1st) 151231, ¶ 18. The supreme court rules must be followed. *Oruta v. B.E.W.*, 2016 IL App (1st) 152735, ¶ 33. Failure to comply with the procedural rules permits this court to strike a brief and dismiss an appeal when the procedural violations interfere with our review of the issues. *Parkway Bank and Trust Co. v. Korzen*, 2013 IL App (1st) 130380, ¶ 10. While this case is not “so inadequate in its compliance with the rules and the law as not to justify consideration of the parties’ position,” (*In re Kunz’ Estate*, 7 Ill. App. 3d 760, 763 (1972)), it is very, very close.

¶ 43 “Reviewing courts are entitled to have the issues on appeal clearly defined,” and supported with citation to “pertinent authorities.” *Id.* This court is “not a depository” where the parties may “dump the entire matter of pleadings, court action, argument and research as it were, upon the court.” *Id.* As such, we admonish both parties to review Rules 341 and 342 and prepare their briefs in conformance with the rules in the future.

¶ 44 A. The underlying pleading and evidentiary limitations.

¶ 45 Monique first contends that the circuit court erred by allowing Lamont to present his case without first having a pleading filed. However, Monique concedes that Lamont filed a request to remove trustee on January 19, 2024, which accused Monique of violating her fiduciary duties. As such, Monique’s issue, as presented, has no merit.

¶ 46 In reality, it appears that Monique’s real issue is the fact that the court limited the evidence to the period from 2023 to 2024. We review a circuit court’s evidentiary decisions for an abuse of

discretion. *In re Estate of Bitoy*, 395 Ill. App. 3d 262, 276 (2009). “An abuse of discretion occurs only when the trial court’s ruling is arbitrary, fanciful, unreasonable, or when no reasonable person would adopt the trial court’s view.” *Ittersagen v. Advocate Health and Hospitals Corp.*, 2020 IL App (1st) 190778, ¶ 70 (citing *Kunz v. Little Co. of Mary Hospital & Health Care Centers*, 373 Ill. App. 3d 615, 624 (2007)). In determining whether there has been an abuse of discretion, we do not substitute our judgment for that of the trial court “or even determine whether the trial court exercised its discretion wisely.” *Id.* (citing *Roach v. Union Pacific Railroad*, 2014 IL App (1st) 132015, ¶ 20).

¶ 47 Monique argues that she should have been able to present pre-2023 evidence at the hearing held to remove her as trustee. Her reasoning is based on claims that Lamont interfered with her duties as the trustee prior to 2023. The evidence revealed that Lamont became aware of the fact that Maxine had a trust in either 2019 or 2020. In 2021, after being ordered by the probate court, Lamont obtained a copy of the trust and presented it to the probate court. Monique’s attorney was provided a copy of the trust in March 2022 and in August 2022 confirmed that Monique would not resign from the position.

¶ 48 Thereafter, Monique and her counsel were more concerned with addressing Lamont’s actions in the previous years, than fulfilling Monique’s fiduciary obligations under the trust. While Lamont’s pre-2022 actions are not condoned and may have delayed Monique’s ability to act as the trustee prior to March 2022 Lamont’s actions have little or nothing to do with Monique’s failure to adhere to her fiduciary duties once she was aware of the position in March 2022 and confirmed her acceptance of the position in August 2022.

¶ 49 “ ‘Evidence is relevant if it has any tendency to make the existence of a fact that is of consequence to the determination of the action either more or less probable [than] it would be

without the evidence.’ ” *Bitoy*, 395 Ill. App. 3d at 277 (quoting *Downey v. Dunnington*, 384 Ill. App. 3d 350, 387 (2008)). Relevant evidence is admissible; however, irrelevant evidence is not. *Id.* Lamont’s petition was based on statutory fiduciary duties required by a trustee. As the beneficiary of the trust, Lamont had no statutory duties.

¶ 50 Lamont’s counsel questioned Monique about which duties and responsibilities she completed during her tenure as trustee of Maxine’s trust. The testimony received revealed that short of providing Lamont with approximately \$43,000 after numerous mediations, the bulk of the trust, which was to have been fully disbursed five years after Maxine’s death in 2018, remained undisbursed in 2025. Duties related to annual accountings were also ignored. Further, the record is replete with unnecessary filings in which Monique placed herself in adversarial positions against the trust beneficiary. As the relevant inquiry involved Monique’s actions after she accepted the position, we cannot hold that it was an abuse of discretion for the circuit court to limit evidence, during a hearing requesting removal of the trustee, to the time period in which Monique accepted her position and was the trustee.

¶ 51 B. Rejection of the ARDC evidence.

¶ 52 Monique next argues that the circuit court erred when it did not allow her to introduce evidence that Lamont was told by his previous counsel that he was not the trustee of Maxine’s trust. The evidence Monique wished to introduce was related to communications prior to Monique’s acceptance of the trustee position and while the case was in the probate division. The omitted evidence stemmed from Monique’s request that the ARDC inquire into the propriety of Lamont’s counsel’s actions prior to her acceptance of the trustee position. At the hearing, Lamont’s counsel objected to the admission of the evidence based on a lack of relevance and hearsay.

Ultimately, the court refused to admit the evidence finding it was irrelevant. Our review of the evidentiary issue is an abuse of discretion. *Bitoy*, 395 Ill. App. 3d at 276.

¶ 53 As shown by the pleadings properly contained in the exhibit file, the evidence consisted of correspondence dated from September 10, 2020, to May 12, 2021. All of those documents were written nearly a year before Monique’s lawyer was provided with a copy of the trust, and over a year before Monique confirmed her acceptance of the trustee position. As noted above, the relevant inquiry, based on Lamont’s petition to remove trustee, was whether the court should retain or remove the trustee based on alleged violations of her fiduciary duties. As such, the ARDC documents have no relevance as to the trustee’s actions that did not begin until August 2022.

¶ 54 Further, even if Monique was not precluded by a lack of relevance, she makes no effort to address the objection based on hearsay. Hearsay is an out of court statement “offered in evidence to prove the truth of the matter asserted.” Ill. R. Evid. 801(c) (eff. Oct. 15, 2015). “The phrase ‘matter asserted’ in the hearsay definition includes matters directly expressed as well as implicit matters the declarant necessarily intended to express.” *People v. Camp*, 128 Ill. App. 3d 223, 229 (1984). “Hearsay evidence is generally inadmissible subject to certain exceptions.” *Id.*

¶ 55 Monique attempted to place documents, the majority of which were correspondence, into the record to show that Lamont was told by his probate attorneys that he was not the trustee of Maxine’s trust. However, those documents fit well within the definition of hearsay as Monique was attempting to use the words written by the author of the correspondence to prove her point.

¶ 56 At no point did Monique contend the documents fell within an established exception to hearsay. Instead, she asked the court to take judicial notice of the documents because they came from an ARDC filing. However, judicial notice is generally limited to “readily verifiable facts” (see *Godfrey Healthcare and Rehabilitation Center, LLC v. Toigo*, 2019 IL App (5th) 170473,

¶ 49 (citing *People v. Davis*, 65 Ill. 2d 157, 165 (1976)) from sources of indisputable accuracy, such as public records. *City of Centrailia v. Garland*, 2019 IL App (5th) 180439, ¶ 10. While orders from the ARDC might reach that level, we do not see how correspondence from Lamont’s attorneys filed in an ARDC proceeding are “indisputable.”

¶ 57 At no time does Monique contend the correspondence was of “indisputable accuracy” and instead contends that the circuit court “gave absolutely no consideration to the ‘justice’ exception” found in Illinois Supreme Court Rule 766(b)(2) (eff. June 14, 2006). That portion of the rule states, “In the interests of justice and on such terms as it deems appropriate the court or a member thereof may authorize the Administrator to produce, disclose, release, inform, report or testify to any information, reports, investigations, documents, evidence or transcripts in the Administrator’s possession.” *Id.*

¶ 58 The rule allows a court to authorize an ARDC administrator to testify about documents from an ARDC inquiry in the interest of justice. That is not what occurred in this case. Submission of documents obtained by a party from its own request for an ARDC inquiry does not fit the narrow exception found in Rule 766. For all these reasons, we hold it was not error for the circuit court to deny admission of the documents as being irrelevant and it would not have been error for the court to deny admission for hearsay.

¶ 59 C. Failure to make findings of fact and conclusions of law.

¶ 60 Monique’s final argument contends that the circuit court abused its discretion by failing to make findings of fact and conclusions of law. In support, Monique contends that she “had for some time been very concerned about a bias, a very strong bias, on the part of the Judge” and therefore she filed a “formal request not only for an evidentiary hearing but for findings of fact and conclusions of law.” While there is no dispute that Monique filed pleadings with those requests,

those documents do not make the request based on claims of judicial bias. Indeed, nothing in the record either points to or supports Monique’s claim of judicial bias. At most, the document merely claimed, without evidence supporting the claim, that the court had “become sympathetic to the plight of [Lamont] and his claim he could end up with nothing.” It then claimed that the alleged sympathy for Lamont was “bias the Court has formed in favor of Defendant.” No evidence in support of the claims was attached (despite numerous other pages being attached) and we admonish Monique and her counsel for hurling such accusations in this court with no evidence to support said accusation.

¶ 61 We further note that Monique’s request is also contrary to law. “The trier of fact in a bench trial is not required to mention everything—or, for that matter, anything—that contributed to its verdict.” *People v. Curtis*, 296 Ill. App. 3d 991, 1000 (1998); Ill. S. Ct. R. 366(3)(i) (eff. Feb. 1, 1994). Contrary to Monique’s claim that the court could not remove her as trustee for “something that’s trivial,” the statute provides the circuit court with the authority to remove a trustee without findings of wrongdoing in certain instances. See 760 ILCS 3/706(b)(1)-(4) (West 2024). Included in that authority is if “the court finds that removal of the trustee best serves the interests of all of the beneficiaries and is not inconsistent with any material purpose of the trust, and a suitable co-trustee or successor trustee is available.” *Id.* § 706(b)(4).

¶ 62 Here, those criteria were met as Lamont was the only beneficiary and Monique’s removal was not inconsistent with any material purpose of the trust. Notably, the five-year disbursements had expired, Lamont was long overdue to receive the funds from his mother’s trust, and any trustee could manage the trust account in a manner consistent with the law and the terms of the trust. Maxine’s argument about the court’s statutory authority is better suited for the legislature than this court. Our review of the record finds the circuit court’s removal of Monique as the trustee under

the section 706(b)(4), instead of addressing the claims of violations of fiduciary duty, an undeserved kindness.

¶ 63 It is well established that reviewing courts may affirm the circuit court for any reason or ground appearing in the record regardless of the basis relied upon by the circuit court. See *Tillman v. Pritzker*, 2021 IL 126387, ¶ 24; *Akemann v. Quinn*, 2014 IL App (4th) 130867, ¶ 21. A trustee's duties are found in the Code . 760 ILCS 3/801 *et seq.* (West 2024). They include, *inter alia*, (1) the administration of “the trust in good faith, in accordance with its purposes and the terms of the trust, in accordance with this Code” (*id.*), (2) a duty of loyalty (*id.* § 802), (3) a duty of impartiality (*id.* § 803), (4) a duty of prudent administration (*id.* § 804), (5) a duty to protect the trust property (*id.* § 809), and (5) a duty to inform and account (*id.* § 813.1).

¶ 64 Here, the record reveals that Monique obtained over \$213,000 in funds for the trust in 2022 and at least \$40,991.76 remained due from Everlake that was offered for submission with the circuit court in the interpleader action filed in March 2023. Therefore, the trust was valued over \$250,000 by March 2023. Despite the actual funds received, no funds were disbursed to Lamont beyond a \$43,000 payment issued pursuant to mediation in mid-2024. The record is devoid of any effort to provide an accounting of the trust assets to Lamont or disburse the trust funds to Lamont. We find these failures evidence of Monique's breach of her duty to inform and account under section 813.1 of the Code (760 ILCS 3/813.1 (West 2024)).

¶ 65 While Monique contends that “there was no financial loss to the trust,” the record confirms that Monique's attorney was paid a total of \$23,269 from 2022 to 2024, without court approval, and that Monique filed an equitable lien against the trust alleging additional attorney fees of nearly \$32,000. Despite attaching 160 pages to the pleading, none of those pages contained detail related to the attorney fees incurred for any period after 2022. We find the prior payments, issued without

court approval, and the request for further payment without detail, a breach of Monique's duties to prudently administer the trust and her duty to protect the trust property under sections 804 and 809 of the Code (*id.* §§ 804, 809).

¶ 66 The record also reveals Monique's failed attempt to maintain control over the trust funds by claiming Lamont was in need of a guardianship and her successful attempt to circumvent the attorney client privilege between Lamont and his probate attorneys by filing an ARDC claim against Lamont's probate attorneys. We find those actions evidence of Monique's breach of loyalty to Lamont under section 802 of the Code (*id.* § 802).

¶ 67 Finally, we note the plethora of unwarranted and improper pleadings filed in this case based on irrelevant or unsupportable positions that have been used as a basis to delay disbursement of the trust funds to Lamont. We find those actions a breach of Monique's duty to administer the trust in good faith in accordance with its purposes and the terms of the trust under section 803 of the Code (*id.* § 803). Accordingly, we affirm the circuit court's removal of Monique as trustee of Maxine's trust.

¶ 68 III. CONCLUSION

¶ 69 For the foregoing reasons, we affirm the judgment of the circuit court.

¶ 70 Affirmed.