NOTICE
This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (4th) 250465-U

NO. 4-25-0465

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 4, 2026
Carla Bender
4th District Appellate
Court, IL

In re ESTATE OF DEBORAH L. ANDERSON, Deceased	)	Appeal from the Circuit Court of Winnebago County
(Sharon L. Slartman, Executor, and Dennis L. Leahy, Petitioners-Appellees,	)	No. 22PR256
v.	)	Honorable
Ryan D. Nelson and Miranda Nelson, Respondents-Appellants).	)	Gwyn Gulley, Judge Presiding.

JUSTICE GRISCHOW delivered the judgment of the court.
Justices Vancil and Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, holding the circuit court had personal jurisdiction over the decedent's son in an estate action to probate the decedent's will and the court's determination of attorney fees was not an abuse of discretion.

¶ 2 In this will probate proceeding, respondents, the decedent's son, Ryan D. Nelson, and his wife, Miranda Nelson (collectively the Nelsons), appealed the circuit court's order awarding attorney fees to the estate's former attorney. We affirm.

¶ 3 I. BACKGROUND

¶ 4 Deborah L. Anderson (decedent) died testate in March 2022. On August 3, 2022, petitioner, Sharon L. Slartman, filed a petition for the probate of the decedent's will and for testamentary letters. The approximate value of the estate was estimated to be $139,000, consisting of an item of real estate and some personal property. The decedent was survived by two heirs—a daughter, Slartman, and a son, Ryan. On August 4, 2022, the will was admitted to

probate and letters of office were issued to Slartman as the executor of the decedent's estate. On August 15, 2022, notice of the admission of the will to probate was mailed to the decedent's heirs and legatees, which included Slartman, Ryan, and Miranda. A claim notice was also published in a local newspaper.

¶ 5 On August 26, 2022, the decedent's real estate was sold. The decedent's vehicle and other miscellaneous personal property were also sold. The initial accounting, filed on September 19, 2022, asserted an estate balance of $57,489.88. Slartman consented to the entry of an order approving the final report and closing the estate without further notice. On March 7, 2023, the circuit court entered an order approving the final report and the distribution, closing the estate, and discharging the executor. The final report indicated total funds received by the estate of $62,451.30 and total funds paid out of $7,896.01, for a final balance of $54,555.29. The balance was to be distributed in two equal shares to Slartman and Ryan. A check was issued to Ryan in the amount of $27,277.65.

¶ 6 On April 5, 2023, Ryan filed his appearance in the matter, and he *pro se* filed a motion to vacate the March 7, 2023, order approving the final report and order of distribution, closing the estate, and discharging the executor. Ryan alleged he appeared in court on March 15, 2023, the date on the notice for the presentation of the final report, and he was informed the order was already entered and the estate was closed. Ryan asserted he had not consented or waived notice.

¶ 7 The circuit court vacated the March 7, 2023, order and reinstated the case. On June 13, 2023, Slartman filed a motion to close the estate and discharge the executor. Again, prior to the hearing on the motion, the court signed the order approving the final report and distribution, closing the estate, and discharging the executor. On July 18, 2023, Ryan filed a

motion to vacate that order. Ryan also filed a motion to compel the executor to produce documents to verify the accounting. Both motions were granted, and the case was again reinstated.

¶ 8 On September 5, 2023, petitioner Dennis L. Leahy, the attorney for the decedent's estate, filed a motion for attorney fees. Leahy sought a total of $3,500 for work performed up until that date. Leahy also requested the entry of an order closing the estate and discharging the executor. At a hearing on September 11, 2023, Leahy indicated Ryan's distributive share check was canceled after the circuit court vacated the order closing the estate. Ryan's share was being held in the estate checking account. The court ordered Ryan's check be reissued. The executor reissued the check but deducted a $35 stop-check fee.

¶ 9 On October 18, 2023, Ryan filed a motion objecting to Leahy's attorney fees. The motion challenged the current fees, as well as fees already paid to Leahy by the estate pursuant to July 25, 2022, and March 7, 2023, billing statements. Ryan challenged the entirety of Leahy's fees related to the sale of the real estate ($6,675), as well as $750 in charges included in the March 7, 2023, billing statement. Lastly, Ryan objected to Leahy's September 5, 2023, billing statement and requested the entire $3,500 be denied. Ryan also requested his entire distributive share be issued to him, arguing he was not responsible for the $35 stop-check fee. In its order, the circuit court reserved ruling on the distribution of the estate check and ordered certain estate information be turned over to Ryan. Ryan's distributive share was later placed in an attorney trust account. The matter was set for a hearing to close the estate and all pending motions.

¶ 10 On May 15, 2024, the Nelsons filed a motion to remove the executor and disgorge estate disbursements. On June 4, 2024, Leahy withdrew, and Sharon R. Rudy entered her appearance as attorney for the estate. Thereafter, Leahy filed his final consolidated petition for

attorney fees, for the period of March 15, 2023, through June 10, 2024, seeking fees in the amount of $16,225. Prior to the hearing to close the estate, Slartman filed a petition for leave to resign as executor and close the estate or, alternatively, for the circuit court to appoint an administrator. The court granted Slartman's petition for leave to resign but stayed her resignation pending the hearing on Leahy's consolidated petition for attorney fees.

¶ 11 A hearing was held over several days, beginning on November 20, 2024, on Leahy's consolidated petition for attorney fees and Ryan's motion to remove the executor and disgorge estate disbursements. As Slartman had resigned as executor, the circuit court noted the motion to remove the executor was moot. In addition, the court informed Ryan that any claim of fraud by the executor was more appropriate to a separate action. Thus, the primary matter to be determined was Leahy's petition for fees. Leahy testified regarding his fees. According to Leahy, the estate was initially not a probate case, so he quoted Slartman a flat rate. However, after it became a contested case, a new fee agreement was signed, where Leahy charged a rate of $250 per hour. On cross-examination by Ryan's counsel, Leahy specifically described several actions he took on behalf of the estate. Slartman and Ryan also testified at the hearing regarding various aspects of the fee petition.

¶ 12 In rendering its decision, the circuit court noted Slartman was appointed as executor pursuant to the will and no party had filed a petition requesting supervised administration. Slartman proceeded unsupervised and voluntarily resigned, so Ryan's motion to remove the executor and disgorge estate disbursements was a "non-issue." The court specifically found Leahy and Slartman acted in good faith. The only issue before the court was Leahy's petition for attorney fees. The court carefully reviewed all of Leahy's billings—including the interim bills that had already been paid without prior court approval—and made specific findings

as to the reasonableness and appropriateness of each charge. The court reduced the July 25, 2022, billing amount by $1,750 and the May 7, 2023, billing amount by $500. The outstanding November 4, 2024, billing amount was reduced by $1,275 and then reduced by an additional 25%, for an additional reduction of $3,737.50. The resulting net amount still owed to Leahy by the estate was $8,962. As only Ryan's distributive share was held in the trust account, the attorneys were going to have to redetermine the parties' relative distributive shares to allow for the payment of attorney fees. A written order was entered on April 7, 2025. The order indicated Leahy's motion for attorney fees was granted in part.

¶ 13 The Nelsons, *pro se*, appealed the attorney fee award pursuant to Illinois Supreme Court Rule 304(b)(1) (eff. Mar. 8, 2016) (allowing for immediate appeal without a special finding of judgments or orders entered in the administration of an estate which finally determines a right or status of a party). Miranda has not filed a brief on appeal, and Ryan's brief can only represent his own interests. See *In re Estate of Mattson*, 2019 IL App (1st) 180805, ¶ 6 ("[A]lthough a *pro se* litigant is entitled to represent his own personal interests, a non-attorney cannot represent another's legal interests on behalf of that individual."). Accordingly, we proceed only with the appeal as it pertains to Ryan.

¶ 14 II. ANALYSIS

¶ 15 Ryan raises two issues on appeal. First, he argues he was not given the required notice of independent administration of the decedent's estate under the Probate Act of 1975 (Probate Act) (755 ILCS 5/1-1 *et seq.* (West 2022)), so the circuit court erred in finding no violation of the Probate Act. Second, Ryan argues the court's order granting, in part, Leahy's motion for attorney fees was an abuse of discretion. We will address each contention in turn.

¶ 16 A. Notice Under the Probate Act

¶ 17 As an initial matter, we observe that, in neither its oral pronouncement nor its written order filed April 7, 2025, did the circuit court make an official finding there was no violation of the Probate Act. However, Ryan's argument regarding notice does raise a question of jurisdiction.

¶ 18 "Subject matter jurisdiction is the power of the court to adjudicate; personal jurisdiction is the ability to exercise that power as to particular individuals." *In re Shawn B.*, 218 Ill. App. 3d 374, 378 (1991). Under the Probate Act, subject matter jurisdiction is acquired by a court sitting in probate by the filing of a petition to admit the estate for probate, to appoint a fiduciary, and/or by filing the will, if any. *In re Estate of Stanford*, 221 Ill. App. 3d 154, 160 (1991). Here, the circuit court acquired subject matter jurisdiction over the decedent's estate when the will and the petition to probate the will was filed.

¶ 19 Personal jurisdiction over the heirs and beneficiaries in a probate case is acquired by complying with the notice requirements of the Probate Act. *Id.* Without compliance with the notice provisions, the court lacks personal jurisdiction over any heir or beneficiary who does not appear generally. *Id.*

¶ 20 The notice provision applicable to the probate of a will is contained in section 6-10 of the Probate Act, which states, in relevant part:

> "Not more than 14 days after entry of an order admitting or denying admission of a will to probate or appointing a representative, the representative or, if none, the petitioner must mail a copy of the petition to admit the will or for letters and a copy of the order showing the date of entry to each of the testator's heirs and legatees whose names and post office addresses are stated in the petition. *** The information mailed or published under this Section must include an explanation,

> in form prescribed by rule of the Supreme Court of this State, of the rights of heirs and legatees to require formal proof of will under Section 6-21 and to contest the admission or denial of admission of the will to probate under Section 8-1 or 8-2. The petitioner or representative must file proof of mailing and publication, if publication is required, with the clerk of the court. 755 ILCS 5/6-10(a) (West 2022).

¶ 21 In the instant case, there is unrebutted evidence in the record indicating such notice was mailed to Ryan. Ryan does not claim he did not receive the statutory notice. Rather, relying on *Stanford*, he contends the failure to include notice that independent administration had been granted deprived him of his procedural due process rights.

¶ 22 Section 28-2(a) of the Probate Act directs:

> "When independent administration is granted, the independent representative shall include with each notice required to be mailed to heirs or legatees under Section 6-10 or Section 9-5 an explanation of the rights of heirs and legatees under this Article and the form of petition which may be used to terminate independent administration under subsection 28-4(a). The form and substance of the notice of rights and the petition to terminate shall be prescribed by rule of the Supreme Court of this State. Each order granting independent administration and the letters shall state that the representative is appointed as independent executor or independent administrator, as the case may be. The independent representative shall file proof of mailing with the clerk of the court." 755 ILCS 5/28-2(a) (West 2022).

¶ 23 In *Stanford*, the appellate court concluded the circuit court lacked personal jurisdiction over one of the heirs because the required statutory notice was not given and she did not appear generally before the court. *Stanford*, 221 Ill. App. 3d at 161. Here, contrary to the situation in *Stanford,* Ryan received the required statutory notice of the admission of the will to probate. Further, although Ryan did not receive notice that independent administration of the estate had been granted, he filed a general appearance in the matter on April 5, 2023. Thus, we conclude the court had personal jurisdiction over Ryan.

¶ 24 We acknowledge the unusual proceedings below, in that the circuit court twice signed orders approving the final accounting and closing the estate prior to the scheduled dates for presentment of the motions to do so. However, in both instances, after objection from Ryan, the orders were vacated and the estate reinstated. Ryan was allowed to file pleadings and fully participate in hearings on motions. He does not make a cogent argument describing how this deprived him of procedural due process.

¶ 25 Further, we note, although the circuit court stated several times that it was going to approve the final accounting and close the estate, it never actually entered such an order. Thus, the only order for this court to review is the order granting, in part, Leahy's petition for attorney fees.

¶ 26 B. Attorney Fees

¶ 27 While Ryan challenged Leahy's final attorney fee petition in the circuit court, on appeal he only asks this court to reduce Leahy's attorney fees by $12,250, the total of the interim amounts of attorney fees paid to Leahy without approval from the court. As issues not argued on appeal are forfeited, we limit our analysis to the challenge raised by Ryan on appeal. See Ill. S.

Ct. R. 341(h)(7) (eff. Oct. 1, 2020) ("Points not argued are forfeited and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.").

¶ 28 The circuit court concluded that supervised administration was never granted, so Slartman proceeded with independent administration. As such, Slartman was authorized to pay Leahy reasonable attorney fees without court approval. See 755 ILCS 5/28-8(g) (West 2024). However, even if the matter had proceeded with supervised administration, the court in this case retroactively determined the reasonableness of the interim attorney fees after an extensive hearing. See *In re Estate of Thomson*, 139 Ill. App. 3d 930, 939-40 (1986) (finding it was appropriate to remand for the circuit court to consider the propriety of interim attorney fees paid by the estate without court approval).

¶ 29 In general, "[a] trial court has broad discretionary powers in awarding attorney fees and its decision will not be reversed on appeal unless the court abused its discretion." *In re Estate of Callahan*, 144 Ill. 2d 32, 43-44 (1991). Under the Probate Act, executors and their attorneys are entitled to "reasonable compensation" for their administration of the estate. 755 ILCS 5/27-1, 27-2 (West 2024). What constitutes reasonable compensation in relation to the value of the services rendered must be determined on a case-by-case basis. *In re Estate of Thorp*, 282 Ill. App. 3d 612, 619 (1996). "The factors to be considered include the size of the estate, the work involved, the skill evidenced by the work, [the] time expended, the success of the efforts involved, and the good faith and efficiency with which the estate was administered." (Internal quotation marks omitted.) *In re Estate of Weeks*, 409 Ill. App. 3d 1101, 1109 (2011).

¶ 30 Here, the circuit court found Slartman and Leahy acted in good faith. The court considered the size of the estate and the time and effort necessary for the work done by Leahy. It reviewed the interim fees that were paid to Leahy, as well as the final unpaid invoice. The court

specifically addressed a number of entries, or categories of entries, and reduced the billings according to the reasonableness and appropriateness of the charges. We hold the court's determination was careful and reasoned in light of the relevant factors, and there was no abuse of discretion.

¶ 31 III. CONCLUSION

¶ 32 For the reasons stated, we affirm the circuit court's judgment.

¶ 33 Affirmed.