

IN THE COURT OF APPEALS OF IOWA

No. 13-1747
Filed August 27, 2014

**IN THE MATTER OF THE CLETUS
W. HERRIG TRUST AGREEMENT
DATED DECEMBER 19, 2005**

NED J. HERRIG,
Appellant.

Appeal from the Iowa District Court for Dubuque County, Margaret L. Lingreen, Judge.

Beneficiary appeals the district court's order denying his claims arising out of the alleged mismanagement of his father's trust. **AFFIRMED.**

Francis J. Lange of Lange & Neuwoehner, Dubuque, for appellant.

Brian J. Kane of Kane, Norby & Reddick, P.C., Dubuque, for appellee.

Considered by Danilson, C.J., and Potterfield and McDonald, JJ.

MCDONALD, J.

In this intra-family dispute, beneficiary Ned Herrig appeals the district court's order denying his claims for relief arising out of his sister's (the trustee) administration of their father's trust. Specifically, Ned challenged the following: (1) the trustee's disposition of Ned's personal property abandoned on the trust's farm and the assessment of costs to Ned for the same, (2) the trustee's failure to timely provide an accounting to the beneficiaries, (3) the trustee's failure to pay Ned an additional sum he contends he is owed under the trust agreement, and (4) the total fees and expenses paid for administration of the trust. He also claims the district court abused its discretion in not allowing him to amend his pleading during trial to assert a new claim for conversion of property.

"Probate matters are tried in equity, and the district court's ruling on the merits is reviewed de novo." *In re Estate of Roethler*, 801 N.W.2d 833, 837 (Iowa 2011). "[W]e are not bound by the trial court's conclusions of law or findings of facts, although we do give weight to factual findings, particularly when they involve the credibility of witnesses." *Id.* This appeal presents only the application of well-settled rules of law to a recurring fact situation, the administration of a trust, and a full opinion would not augment or clarify existing case law. We conclude the district court's findings are supported by the record and its conclusions are without error. We adopt the district court's findings and conclusions as our own. The judgment of the district court is affirmed without further opinion. See Iowa Ct. R. 21.26(1)(a), (d), and (e).

AFFIRMED.