

APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, SECOND DIVISION

In re Estate of Hegner

2026 IL App (1st) 240738 · No. 1-24-0738 · Decided June 16, 2026

SUMMARY

The Illinois Appellate Court affirmed the circuit court’s judgment for the defendants in a dispute involving an equitable-adoption claim against the estate of Edward Hegner. The court held that the plaintiff had no constitutional right to a jury trial because equitable adoption is an equitable doctrine, and it upheld exclusion of much of the plaintiff’s testimony under the Dead-Man’s Act. The court also held that the Act’s heirship exception did not apply because equitable adoption would not make the plaintiff a legal heir.

CASE DETAILS

COURT	Appellate Court of Illinois, First District, Second Division
WRITING FOR THE COURT	Justice Ellis; Presiding Justice Van Tine; Justice McBride
JURISDICTION	Appellate Court of Illinois, First District, Second Division
DECIDED	June 16, 2026
DOCKET	1-24-0738
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a consolidated probate proceeding and civil action in which the circuit court struck the plaintiff's jury demand, barred much of his testimony under the Dead-Man's Act, and entered judgment for the defendants on his equitable-adoption claim.
STANDARD OF REVIEW	The constitutional jury-trial issue was reviewed de novo. The court reviewed the evidentiary ruling under the Dead-Man's Act for error; it affirmed the circuit court's statutory interpretation and application.
PRECEDENTIAL VALUE	Published and precedential Illinois appellate opinion
PARTIES	Colin Lateano v. Margaret Murin, individually and as administrator, Thomas Hegner

TOPICS

- probate procedure
- evidence
- constitutional law
- appellate procedure
- standard of review

PRACTICE AREAS

Probate

Evidence

Constitutional law

Appellate procedure

QUESTIONS PRESENTED

1. Whether an equitable-adoption claim carries a constitutional right to a jury trial under the Illinois Constitution.
2. Whether the heirship exception to the Illinois Dead-Man's Act permitted Lateano to testify about conversations and events involving the decedent.

HOLDINGS

1. An equitable-adoption claim does not carry a constitutional right to a jury trial because equitable adoption is an equitable remedy and Illinois provides no constitutional jury-trial right for claims within equity jurisdiction.
2. The heirship exception in subsection 8-201(d) of the Illinois Dead-Man's Act did not permit Lateano to testify about conversations with Hegner or events occurring in Hegner's presence because equitable adoption would not make Lateano an heir; it would merely permit him to share in the estate through an equitable remedy.

KEY QUOTATIONS

“It is a limited remedial doctrine devised by courts using their equitable powers” (§ 31)

“The Act bars only that evidence which the decedent could have refuted.” (§ 38)

“His proffered testimony simply does not fit within the wording of subsection (d) of the Dead-Man's Act.” (§ 44)

“we must interpret the statute as written, not rewrite it to reach an outcome we would prefer” (§ 51)

FACTUAL BACKGROUND

Edward Hegner died intestate in November 2016. He had a close relationship with Colin Lateano, whom he helped care for, educated, and supported, but Hegner never adopted Lateano, did not identify him as his son on official documents, maintained a separate residence, and told friends that Lateano was not his son. Lateano sought a share of the estate under equitable adoption and offered testimony about his relationship and conversations with Hegner, much of which was excluded under the Dead-Man's Act.

PROCEDURAL HISTORY

After Edward Hegner died intestate, Colin Lateano filed a claim seeking a share of the estate under equitable adoption. The claim was consolidated with the probate case. The circuit court denied Lateano's jury demand, excluded much of his testimony under the Dead-Man's Act, and entered judgment for Margaret Murin and Thomas Hegner. Lateano appealed, challenging both rulings.

DISPOSITION

affirmed

CASES CITED

- DeHart v. DeHart, 2013 IL 114137, ¶¶ 52-64
- In re Parentage of Scarlett Z.-D., 2015 IL 117904, ¶¶ 48, 52-53
- Prodromos v. Everen Securities, Inc., 389 Ill. App. 3d 157, 174 (2009)
- Bank One, N.A. v. Borse, 351 Ill. App. 3d 482, 488 (2004)
- Martin v. Heinold Commodities, Inc., 163 Ill. 2d 33, 72-73 (1994)
- Lazarus v. Village of Northbrook, 31 Ill. 2d 146, 148 (1964)
- Martin v. Strubel, 367 Ill. 21, 22-23 (1937)
- Shrock v. Meier, 2024 IL App (1st) 230069, ¶ 37
- Benzakry v. Patel, 2017 IL App (3d) 160162, ¶ 31
- Wolinsky v. Kadison, 2013 IL App (1st) 111186, ¶ 108
- Pettet v. First National Bank of Geneva, 225 Ill. App. 3d 539, 547 (1992)
- Gunn v. Sobucki, 216 Ill. 2d 602, 609 (2005)
- Fleming v. Fleming, 85 Ill. App. 3d 532, 538 (1980)
- In re Estate of Sewart, 274 Ill. App. 3d 298, 306 (1995)
- In re Estate of Bailey, 97 Ill. App. 3d 781, 782-83 (1981)
- In re Estate of Ivy, 2019 IL App (1st) 181691, ¶ 34
- In re Estate of Lewy, 2018 IL App (1st) 172552, ¶ 8
- Phoenix Insurance Co. v. Rosen, 242 Ill. 2d 48, 56 (2011)
- Laurence v. Laurence, 164 Ill. 367, 373 (1896)
- In re Estate of Hutchins, 120 Ill. App. 3d 1084, 1087 (1984)
- People v. Dobbins, 2024 IL App (1st) 230566, ¶ 26, *aff'd*, 2026 IL 131187
- People v. Moore, 2020 IL App (1st) 190435, ¶ 42

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