

APPELLATE COURT OF ILLINOIS, THIRD DISTRICT

In re Estate of Bennett

2026 IL App (3d) 250091 · No. 3-25-0091 · Decided January 30, 2026

SUMMARY

The Illinois Appellate Court, Third District, reversed an order barring claims against the estate of Dayvon Bennett under the Probate Act’s claim-filing deadlines. The court held that the probate court must conduct an evidentiary hearing to determine Bennett’s domicile because the record contained conflicting evidence concerning whether he was domiciled in Illinois or Georgia. The court upheld the time bar as to personal property located in Illinois, but remanded issues concerning the remainder of the estate and claims against an estate-related limited liability company.

CASE DETAILS

COURT	Appellate Court of Illinois, Third District
WRITING FOR THE COURT	Justice Anderson; Presiding Justice Hettel; Justice Brennan
JURISDICTION	Illinois Appellate Court, Third District
DECIDED	January 30, 2026
DOCKET	3-25-0091
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a final Will County probate-court order granting the Bennett Estate's motion to disallow the appellants' claims as untimely under section 18-12 of the Illinois Probate Act.
STANDARD OF REVIEW	De novo review applied because the probate court did not conduct an evidentiary hearing or make factual findings based on matters outside the paper record.
PRECEDENTIAL VALUE	published
PARTIES	Lasheena Weekly, as Independent Administrator of the Estate of Carlton Weekly, Davon Brinson, individually, Cashae Williams, individually v. Hometown National Bank and Natasha Chambers, as Coadministrators of the Estate of Dayvon Bennett

TOPICS

- probate procedure
- ancillary probate
- estate administration
- statutory interpretation
- appellate procedure

PRACTICE AREAS

Probate

Estate administration

Appellate procedure

Statutory interpretation

QUESTIONS PRESENTED

1. Whether the Will County probate court could determine the applicability of the Illinois probate claim bar without first conducting an evidentiary hearing to resolve the disputed facts concerning Bennett's domicile.
2. Whether section 18-12 of the Illinois Probate Act permits equitable tolling or other judicial exceptions to its claim-filing deadlines.
3. Whether the probate court prematurely applied section 18-12 to claims against Forever and a Day LLC, a separate legal entity that was not a party to the appeal.
4. Whether claims against the \$4,000 in personal property located in Illinois were barred by section 18-12.

HOLDINGS

1. An evidentiary hearing was required because the evidence concerning Bennett's domicile was materially disputed, and domicile is a fact-intensive question that cannot be resolved as a matter of law on the paper record.
2. Section 18-12 does not permit equitable tolling or judicially created exceptions to its claim-filing period.
3. The appellants' claims were time-barred to the extent they sought recovery from the \$4,000 in personal property located in Illinois.
4. Application of the section 18-12 bar to claims against the LLC was premature because the LLC is a separate legal entity, was not a party to the appeal, and the record lacked factual development concerning the relationship between the LLC and the Bennett Estate.

KEY QUOTATIONS

“A person can have only one domicile, and once a domicile is established, it continues until a new one is actually acquired.” (¶ 28)

“These difficult intent proofs mandate development through an evidentiary hearing and cannot be determined as a matter of law without the presentation and close review of evidence.” (¶ 28)

“For those reasons, the Act does not allow tolling of the section 18-12 time period.” (¶ 36)

“We further hold that the probate court’s bar on the claims asserted against the LLC was, at a minimum, premature.” (¶ 45)

FACTUAL BACKGROUND

Dayvon Bennett died intestate in Georgia in November 2020, and his estate was opened in Will County, Illinois, where his mother reported that he resided and owned approximately \$4,000 in Illinois personal property. Conflicting evidence indicated that Bennett had relocated to Georgia, was subject to Georgia criminal proceedings and house arrest, identified himself as residing in Georgia in business records, and died there.

Carlton Weekly's estate later filed claims arising from Carlton's 2020 killing, allegedly involving Bennett, but the claims were filed after the Illinois probate claim deadlines. The Bennett Estate also formed an LLC to hold Bennett's intellectual-property and royalty assets, creating an unresolved question about whether the statutory claim bar applied to claims against the LLC.

PROCEDURAL HISTORY

The Bennett Estate was opened in Will County in 2021. After the appellants filed a 2024 Cook County lawsuit asserting claims related to Carlton Weekly's shooting, the Bennett Estate filed a notice of disallowance in the Will County probate case. The probate court ruled in February 2025 that the claims were barred by the statutory time limit without conducting an evidentiary hearing on Dayvon Bennett's domicile or the estate's relationship to an estate-owned LLC. The appellate court reversed and remanded for further factual development, while affirming that claims against the \$4,000 in Illinois-sited personal property were time-barred.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Conduct an evidentiary hearing to determine Bennett's domicile; consider the merits of the appellants' motions concerning the podcast interview and affidavits; permit supplemental evidence on domicile; and develop the factual record necessary to determine whether section 18-12 applies to claims against Forever and a Day LLC. If Bennett was an Illinois resident, determine whether claims against the intellectual property are time-barred; if he was a Georgia resident, limit Illinois jurisdiction and enforcement of the time bar to personal property located in Illinois.

CASES CITED

- People v. McNabb, 2022 IL App (4th) 220070-U
- People v. Garrett, 2024 IL App (1st) 221224-U
- United States v. Liggins, No. 1:21-CR-618 (N.D. Ill. Sept. 30, 2021)
- In re Estate of Zagaria, 2013 IL App (1st) 122879, ¶ 26
- Keller v. Walker, 319 Ill. App. 3d 67, 70 (2001)
- In re Estate of Stanford, 221 Ill. App. 3d 154, 162 (1991)
- In re Estate of Willavize, 21 Ill. 2d 40, 43 (1960)
- In re Estate of Hardy, 35 Ill. App. 3d 823, 826 (1976)
- In re Estate of Elson, 120 Ill. App. 3d 649, 653-55 (1983)
- In re Estate of Jackson, 48 Ill. App. 3d 1035, 1037-38 (1977)
- In re Estate of Hansen, 109 Ill. App. 2d 283, 293 (1969)
- In re Estate of Neilson, 320 Ill. App. 655, 659-60 (1943)
- Chicago Terminal R.R. Co. v. Winslow, 216 Ill. 166, 172-73 (1905)
- Wisemantle v. Hull Enterprises, Inc., 103 Ill. App. 3d 878, 881-82 (1981)

- In re Estate of Swanson, 124 Ill. App. 3d 276, 280 (1984)
- In re Estate of McCalmont, 16 Ill. App. 2d 246, 254-55 (1958)
- People v. Forman, 322 Ill. 223, 230-31 (1926)
- Keck v. Keck, 56 Ill. 2d 508, 514 (1974)
- Fry v. Fry, 332 Ill. App. 484, 492 (1947)
- In re Estate of King, 91 Ill. App. 2d 342, 349 (1968), aff'd, 41 Ill. 2d 412 (1968)
- In re Estate of Hoheiser, 97 Ill. App. 3d 1077, 1081 (1981)
- In re Marriage of Epsteen, 339 Ill. App. 3d 586, 597 (2003)
- Smith v. Connor, 2025 IL App (2d) 240536, ¶ 28
- In re Estate of Topal, 2022 IL App (4th) 210613, ¶¶ 18-19
- In re Estate of Parker, 2011 IL App (1st) 102871, ¶¶ 57-58
- Pratt v. Baker, 48 Ill. App. 2d 442, 444-45 (1964)
- Messenger v. Rutherford, 80 Ill. App. 2d 25, 30-31 (1967)
- In re Estate of Ito, 50 Ill. App. 3d 817, 820 (1977)
- In re Estate of Oliver, 50 Ill. App. 3d 1, 3 (1977)
- Flores v. Westmont Engineering Co., 2021 IL App (1st) 190379, ¶ 29