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Court finds elder-law attorney committed fraud when changing husband's trust

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TRUST ISSUES—At far right, attorney Terri Hilliard, shown here at a 2012 Senior Concerns program launch event, says she is appealing a ruling invalidating a trust she changed. Acorn file photo

Two Conejo Valley women have prevailed in a legal battle in which it was determined they were wrongfully written out of their father's trust by his wife, who is also one of the area's prominent elder law and estate planning attorneys.

Following an eight-day trial, Ventura County Judge Kent M. Kellegrew late last year found Terri Hilliard took advantage of her husband, Robert Olson, when she changed his living trust, removing his daughters as beneficiaries and leaving herself in total control of the man's estate.

"His original trust left his entire estate to his two daughters," Kellegrew's statement of decision said.

"In contrast, the restated trust drafted by Ms. Hilliard left total control and the entire estate to Ms. Hilliard, a complete reversal of his prior plan," the judge said.

At the time the trust was changed in August of 2019, Olson had experienced a series of serious medical events, including an ascending aortic aneurysm and stroke just four months before and he lacked full cognizance, the court found.

Hilliard has already filed an appeal.

"The court has issued a decision, and while I respect the legal process, I strongly disagree with the findings," Hilliard told the *Acorn* via email. "A motion for new trial is pending and I'm currently appealing the ruling because I believe the full context wasn't properly considered."

According to Judge Kellegrew's findings, Hilliard prepared the trust while Olson was still recovering after the medical emergency, leaving him vulnerable to influence. The attorney did so without disclosure of conflicts of interest and without independent legal counsel for Olson, the legal document said.

"The court found that the trust was drafted and executed in secrecy, and testimony established that neither of Mr. Olson's daughters was told about the new trust at the time," the decision said.

"This is particularly notable because Ms. Hilliard's own published professional guidance emphasizes the importance of transparency and sharing estate plans with family members."

The court concluded that Hilliard committed financial elder abuse and the changed trust was procured through both undue influence and fraud.

The judge invalidated Hilliard's 2019 trust, reinstated Olson's original 2006 trust, suspended Hilliard as successor trustee and ordered her to provide a full accounting. She also must pay attorneys' fees and costs to Olson's daughters, Savanna and Olga Olson, under the state's financial elder abuse statute.

The daughters learned of the new trust in 2023 shortly following Olson's death, four years after the trust was rewritten, and filed a petition in Ventura County Superior Court seeking to invalidate the new trust and remove Hilliard as trustee.

Not only does Hilliard specialize in elder law, her practice centers on, among other things, family protection planning for seniors, according to her biography. She served for more than 14 years on the governing board for Senior Concerns, a Conejo Valley nonprofit organization providing crucial support for older adults.

The Olsons' attorney Mark Lester and Senior Concerns president Andrea Gallagher both declined to comment on the matter.

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