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In re Estate of Charles E. Lakin, deceased. Charles E. Lakin Foundation, Inc., appellant, v. Thomas Pribil and William Kilzer, Copersonal Representatives of the Estate of Charles E. Lakin, appellees.

In re Trust of Charles E. Lakin, deceased. Charles E. Lakin Foundation, Inc., appellant, v. Thomas Pribil and William Kilzer, Cotrustees of the Charles E. Lakin Revocable Trust, et al., appellees.

___ N.W.2d ___

Filed November 19, 2021. Nos. S-20-093, S-20-094.

SUPPLEMENTAL OPINION

Appeals from the County Court for Douglas County: Stephanie S. Shearer, Judge. Former opinion modified. Motions for rehearing overruled.

Zachary W. Lutz-Priefert, Frederick D. Stehlik, William J. Lindsay, Jr., and John A. Svoboda, of Gross & Welch, P.C., L.L.O., for appellant.

Edward D. Hotz, Amanda M. Forker, and Benjamin C. Deaver, of Pansing, Hogan, Ernst & Bachman, L.L.P., for defendants-appellees Thomas L. Pribil and William A. Kilzer.

Trenten P. Bausch and Megan S. Wright, of Cline, Williams, Wright, Johnson & Oldfather, L.L.P., for appellee Thomas L. Pribil in his individual capacity.

Cathy S. Trent-Vilim and Brian J. Brislen, of Lamson, Dugan & Murray, L.L.P., for appellee William A. Kilzer, an individual.

HEAVICAN, C.J., CASSEL, STACY, FUNKE, and FREUDENBERG, JJ.

PER CURIAM.

This case is before us on three motions for rehearing filed by the appellees, Thomas Pribil and William Kilzer—in their individual capacities and their capacities as copersonal representatives and cotrustees—concerning our opinion in *In re Estate of Lakin*.[1] While there is no substantive merit to the motions, Pribil and Kilzer point out that this court incorrectly found that the check used to pay Pribil was not in our record. The check appears in exhibit 59.

We overrule the motions, but modify the original opinion to substitute language as follows. In the paragraph under the subheading "7. § 6-1437," we withdraw the third and fourth sentences and substitute: "Our record is not clear on the source of the payment and the capacity of the person making the payment."

The remainder of the opinion shall remain unmodified.

FORMER OPINION MODIFIED.

MOTIONS FOR REHEARING OVERRULED.

MILLER-LERMAN and PAPIK, JJ., not participating.

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[1] *In re Estate of Lakin*, 310 Neb. 271, 965 N.W.2d 365 (2021).