

FIRST DIVISION  
September 30, 2011

No. 1-10-0823

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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ESTATE OF MITCHELL KUZNAR, a/k/a	)	
MIECZYSLAW KUZNAR, Deceased,	)	
ANNA KUZNAR, putative spouse	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
	)	
v.	)	No. 97 P 0762
	)	
	)	
EMILIA PIASTOWSKA KUZNAR, surviving	)	
spouse, now deceased, by and through	)	
Thomas Kuznar, personal representative	)	
	)	Honorable
	)	Susan M. Coleman,
Defendant-Appellee.	)	Judge Presiding.

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JUSTICE HALL delivered the judgment of the court.  
Presiding Justice Hoffman and Justice Karnezis concurred in the judgment.

**SUMMARY ORDER**

¶ 1 This appeal arises from a dispute between plaintiff Anna Kuznar who was married to

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Mitchell Kuznar at the time of his death, and Emilia Kuznar (now deceased) who also married to Mitchell Kuznar.<sup>1</sup> Mitchell Kuznar died intestate on September 25, 1995. The dispute centers around which of the two women was entitled to receive the funds held in Mitchell's Kraft Foods Global, Inc. Thrift Plan (Kraft 401(k) Plan), at the time of his death.

¶ 2 Plaintiff appeals from a trial court order of October 13, 2009, granting an amended motion for summary judgment filed by Thomas Kuznar. Thomas Kuznar is the son of Mitchell and Emilia Kuznar. In Poland, he was appointed the personal representative of his mother's estate after she died on October 11, 2006.

¶ 3 In granting the amended motion for summary judgment, the trial court granted the motion in favor of Emilia Kuznar, after her death, and not in favor of her personal representative. Therefore, the order granting the amended motion for summary judgment is void because it was granted in favor of a deceased person, Emilia Kuznar. This order is entered pursuant to Supreme Court Rule 23(c)(2), (4) (eff. Jan. 1, 2011).

¶ 4 Order vacated; Judgment dismissed; and cause remanded for further proceedings.

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<sup>1</sup> In 1953, Mitchell and Emilia were married in a religious ceremony in a Roman Catholic church in Krakow, Poland. There was no record of a dissolution of marriage.

Mitchell and Anna were married in a civil ceremony in the circuit court of Cook County in 1971, and there was no record of a dissolution of their marriage.