

No. 1-12-3330

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

MARTIN CASTANON,)	Appeal from the
Plaintiff-Appellant,)	Circuit Court of
)	Cook County.
v.)	
)	
PATRICIA HANDLIN,)	
Defendant-Appellee,)	No. 06 P 53
)	
and)	
)	Honorable
MARIA AGUINA,)	Ann Collins-Dole,
Defendant.)	Judge Presiding.

JUSTICE CUNNINGHAM delivered the judgment of the court.
Justices Hoffman and Delort concurred in the judgment.

ORDER

¶ 1 *Held:* The guardianship court lacked jurisdiction and properly denied a motion to reopen the guardianship estate for the purpose of filing sanctions against the guardian and her attorney following the death of the ward and the closing of the estate.

¶ 2 This appeal arises from a May 7, 2012 judgment entered by the circuit court of Cook County, which denied, on the basis of lack of jurisdiction, a “motion to reopen a guardianship estate” filed by plaintiff Martin Castanon (Martin) in seeking to impose sanctions against

defendants Maria Aguina (Maria) and Maria's attorney, Patricia Handlin. This appeal also arises from the circuit court's October 4, 2012 judgment denying Martin's motion to reconsider the court's May 7, 2012 ruling. On appeal, Martin argues that the circuit court erred in denying his motion to reopen a guardianship estate. For the following reasons, we affirm the judgment of the circuit court of Cook County.

¶ 3

BACKGROUND

¶ 4 This case involves a complex factual background and only the facts most pertinent to the resolution of the appeal are set forth here. Zeferina Castanon (Zeferina) and her husband, Toribio Castanon (Toribio), were longtime Chicago residents and parents to four adult children—Maria, Martin, Antonia Stach (Antonia), and Julian Castanon (Julian). In November 2005, Zeferina was legally declared disabled. On December 15, 2005, Toribio died. Subsequently, in February 2006, the probate division of the circuit court of Cook County appointed Maria as plenary guardian of Zeferina's guardianship estate¹ and administrator of Toribio's decedent's estate.

¶ 5 In February 2006, Maria, as plenary guardian of Zeferina's estate, filed a citation to recover assets against Martin and First Financial Credit Union (First Financial) in the probate division of the circuit court of Cook County (case No. 06 P 53), alleging that approximately \$475,000 in assets in a First Financial account, which was jointly owned by Toribio and Zeferina, had been improperly transferred to a TCF Bank account that was held in the names of Martin and his wife. Martin subsequently returned a majority of the funds to First Financial, leaving a shortfall of \$7,107.81. First Financial filed a cross-petition against Martin to recover

¹ JP Morgan Chase Bank was also named as co-guardian of Zeferina's guardianship estate.

the \$7,107.81 shortfall, and Maria, as the plenary guardian of Zeferina's guardianship estate, sought to recover attorney fees and costs that the guardianship estate had incurred with respect to the citation to recover assets.

¶ 6 On November 9, 2006, Martin, First Financial, and Maria as plenary guardian of Zeferina's guardianship estate, entered into a settlement agreement resolving all claims pertaining to the citation to recover assets. The terms of the settlement agreement stated that Martin and First Financial agreed to collectively pay the sum of \$10,000 toward the shortfall and the attorney fees and costs incurred by Zeferina's guardianship estate with respect to the citation to recover assets. The settlement agreement also contained confidentiality terms stating that the parties agreed not to disclose the settlement terms to anyone except "immediate family members, attorneys, tax advisors and necessary employees." On that same day, November 9, 2006, the circuit court approved the settlement agreement.

¶ 7 On December 19, 2008, Zeferina died and subsequently, a decedent's estate was opened for Zeferina in the circuit court of Cook County (case No. 08 P 8450).

¶ 8 On December 22, 2008, Martin filed a "petition for letters of administration," seeking to be appointed administrator of Zeferina's decedent's estate (case No. 08 P 8450). On January 27, 2009, Patricia Handlin (Attorney Handlin), as counsel for Maria, filed a written objection to Martin's petition, arguing that he was not a proper party to act as administrator of Zeferina's decedent's estate and requesting the court to appoint Maria as administrator instead. Attached to the objection was a copy of the parties' November 9, 2006 settlement agreement. Thereafter, Martin filed an amended petition to appoint M.B. Financial Bank as administrator of Zeferina's decedent's estate, while Maria also filed an amended petition asking the court to appoint JP Morgan Chase Bank as the administrator of Zeferina's decedent's estate. In March 2009, the

circuit court (case No. 08 P 8450) appointed JP Morgan Chase Bank as the administrator of Zeferina's decedent's estate, on the basis that JP Morgan Chase Bank was already serving as co-guardian of Zeferina's guardianship estate (case No. 06 P 53).

¶ 9 On April 1, 2009, the circuit court (case No. 06 P 53) entered an order closing Zeferina's guardianship estate and discharging Maria and JP Morgan Chase Bank as co-guardians.

¶ 10 On January 18, 2012, Martin filed a "motion to reopen estate" before the circuit court that presided over Zeferina's guardianship estate (case No. 06 P 53), for the purpose of filing a motion for sanctions against Maria and Attorney Handlin.² The motion to reopen estate alleged that Maria and Attorney Handlin violated the confidentiality clause of the November 9, 2006 settlement agreement, when they attached a copy of the agreement to Maria's January 27, 2009 written objection to Martin's original petition seeking to appoint himself as administrator of Zeferina's decedent's estate in case No. 08 P 8450.

¶ 11 On February 22, 2012, Maria, represented by new counsel Miguel Prieto (Attorney Prieto), filed a motion to dismiss Martin's motion to reopen the estate, arguing, *inter alia*, that the circuit court which presided over Zeferina's guardianship estate (case No. 06 P 53) lacked jurisdiction. In February 2012, Attorney Handlin also filed a motion to dismiss Martin's motion to reopen the estate.³ Thereafter, on March 30, 2012, Martin filed separate responses to Maria and Attorney Handlin's motions to dismiss.

² The factual background in Attorney Handlin's brief states, and Martin does not dispute, that by this time, Zeferina's decedent's estate had also closed (case No. 08 P 8450).

³ It does not appear that a copy of Attorney Handlin's motion to dismiss was included in the record on appeal. However, the contents of the motion to dismiss can be inferred from Martin's response thereto, which was included in the record on appeal. No table of contents of the record on appeal appears in the appendix of Martin's brief.

¶ 12 On April 12, 2012, a hearing on the motion to reopen the estate was held and, on May 7, 2012, the circuit court (case No. 06 P 53) denied Martin's motion to reopen the estate on the basis that the court had no jurisdiction to adjudicate the matter.

¶ 13 On June 4, 2012, Martin filed a motion to reconsider the circuit court's May 7, 2012 ruling. On August 8, 2012, Attorney Handlin filed a response to Martin's motion to reconsider, to which Martin filed a reply on August 20, 2012.

¶ 14 On August 30, 2012, a hearing on the motion to reconsider the circuit court's May 7, 2012 ruling was held. On October 4, 2012, the circuit court denied Martin's motion to reconsider.

¶ 15 On November 1, 2012, Martin filed a notice of appeal.⁴

¶ 16 ANALYSIS

¶ 17 The sole issue on appeal is whether the circuit court erred in denying Martin's motion to reopen Zeferina's guardianship estate for the purpose of filing a motion for sanctions against Maria and Attorney Handlin.

¶ 18 As a preliminary matter, the parties disagree on the standard of review on appeal. Martin asserts that *de novo* review is proper to determine the circuit court's denial of his motion to reopen the estate and the court's denial of the motion to reconsider that ruling. Attorney Handlin, however, argues for an abuse of discretion standard, on the basis that some of the alternative grounds upon which she raises as support for the court's denial of the motion to reopen the estate—such as whether an enforceable order existed and whether sanctions lie—are “fact bound” and thus require a discretionary standard of review. Because the relevant inquiry

⁴ Although the notice of appeal identifies both Maria and Attorney Handlin as appellees, Maria has not filed a brief before this court and is not a party to the appeal.

before us on appeal is whether the circuit court (case No. 06 P 53) which presided over Zeferina's guardianship proceedings (the guardianship court) had jurisdiction to adjudicate the matter of Martin's motion to reopen the estate, we find such inquiry to be a question of law warranting *de novo* review. See *In re Estate of Ahern*, 359 Ill. App. 3d 805, 809 (2005) (a circuit court's subject matter jurisdiction over a given set of proceedings is reviewed *de novo*).

¶ 19 Turning to the merits of the appeal, Martin argues that the guardianship court (case No. 06 P 53) erred in denying his motion to reopen the estate, arguing that this court's holding in *In re Estate of Ahern*, 359 Ill. App. 3d 805, supports the enforcement of the guardianship court's order approving the settlement agreement, which was entered during Zeferina's life, and that the order remains enforceable following her death.

¶ 20 Attorney Handlin counters that the circuit court properly denied Martin's motion to reopen Zeferina's guardianship estate, arguing that Martin's request for relief could only have been heard by the court which presided over Zeferina's decedent's estate (the decedent's estate court) (case No. 08 P 8450), where the purported breach of the settlement agreement terms occurred. Attorney Handlin cites our supreme court's holding in *In re Estate of Gebis*, 186 Ill. 2d 188 (1999), for support. She further contends that the guardianship court (case No. 06 P 53) properly denied the motion to reopen the estate because the November 9, 2006 settlement agreement was not an enforceable order, and the court's subsequent order approving the settlement agreement did not incorporate it by reference nor did it expressly retain jurisdiction to enforce the agreement. She argues that, even if Martin's motion to reopen the estate had been brought before the proper court, the motion was appropriately denied because judicial enforcement of the settlement agreement was barred by the doctrine of waiver; she was protected

from liability under the principle of "litigation privilege"; and Martin could not establish that any "sanctionable act" or "redressable harm" occurred.

¶ 21 Subject matter jurisdiction refers to a court's power both to adjudicate the general question involved and to grant the particular relief requested. *Gebis*, 186 Ill. 2d at 192. If a court attempts to hear issues or to provide relief beyond its jurisdiction, its orders are void and subject to attack at any time. *Ahern*, 359 Ill. App. 3d at 809.

¶ 22 Under the Illinois Probate Act (the Probate Act), a court may establish guardianship for a disabled person or his estate, based on evidence that he lacks sufficient understanding or capacity to make responsible decisions concerning the care of his person, or, based on evidence that his disability prevents him from managing his own estate or financial affairs. 755 ILCS 5/11a-3 (West 2012). Generally, in guardianship proceedings, upon a ward's death, both the guardianship and the trial court's jurisdiction to supervise the ward's estate necessarily terminate. See 755 ILCS 5/24-12 (West 2012); *Gebis*, 186 Ill. 2d at 193. In other words, once a disabled person dies, the guardianship terminates and the guardianship court supervising the guardianship estate loses jurisdiction to adjudicate a claim filed against the estate, thus, leaving the decedent's estate as the only avenue for recovery. *Gebis*, 186 Ill. 2d at 194. However, upon a ward's death, the Probate Act gives limited powers to a representative of the deceased ward's guardianship estate to preserve the estate "until an executor or administrator is appointed." *Id.* at 193-94; see 755 ILCS 5/24-19 (West 2012) (a representative of the estate of a deceased ward has the power and duties of an administrator to collect "until the issuance of letters of testamentary or of administration or until sooner discharged by the court").

¶ 23 In *Gebis*, our supreme court held that claims against a guardianship estate with a deceased ward were impermissible, by reasoning that there could be no guardianship estate

without a living ward. *Gebis*, 186 Ill. 2d at 193-94. In that case, the son of the decedent filed a claim against the guardianship estate, seeking over \$300,000 in compensation, pursuant to section 18-1.1 of the Probate Act, for caring for his mother during the final years of her life. *Id.* at 191. The claimant's sister, as co-guardian of their mother's guardianship estate, moved to dismiss his claim on various grounds, including attacking the statute's constitutionality. *Id.* at 191-92. The circuit court granted the sister's motion to dismiss, holding that the statute was unconstitutional. *Id.* at 192. On appeal, our supreme court, *sua sponte*, raised the issue of whether the circuit court possessed subject matter jurisdiction over the son's claim. *Id.* In vacating the circuit court's ruling, our supreme court held that the son's claim could only have been filed against the decedent's estate, rather than the guardianship estate, because the guardianship court's jurisdiction following the death of the mother was confined to supervising the preservation of her estate until the mother's will was admitted to probate or letters of administration issued. *Id.* at 195-97. Our supreme court reasoned that, pursuant to the rule that the guardianship estate and the circuit court's jurisdiction over it terminate upon the death of the ward, a decedent's estate does not have a living ward who would require a guardian, and any subsequent claims against the guardianship estate would therefore be improper. *Id.* at 195.

¶ 24 However, in *Ahern*, this court distinguished *Gebis*, holding that the circuit court retained subject matter jurisdiction after the death of the ward to enforce its own prior order awarding attorney fees to counsel who had helped protect the assets of the estate. *Ahern*, 359 Ill. App. 3d at 805. In that case, in April 2000, Janna Dutton (Dutton), as counsel for North Shore Senior Center, filed a guardianship petition on behalf of Marie Ahern (Marie) for the appointment of a guardian *ad litem*. *Id.* at 807. The petition alleged that Marie suffered from advanced dementia and was therefore incapable of managing her affairs and making or communicating decisions

regarding her care. *Id.* The petition further alleged that Marie's son, Robert, was financially exploiting his mother. *Id.* Robert objected to the petition for guardianship. *Id.* In May 2000, the circuit court appointed a public guardian as temporary guardian for Marie's person and estate, and granted the public guardian the authority to investigate any assets in which Marie had an interest, including all assets held in trust. *Id.* In June 2000, the circuit court appointed the public guardian as plenary guardian of Marie's estate. *Id.* In October 2000, the circuit court awarded \$8,029.55 in fees and costs to Dutton, which were assessed against "the active Trustee of the Marie Ahern Trust, currently Robert Ahern, Trustee." *Id.* at 808. The court later reduced the fee award against the trust to an amount of \$7,934.55. *Id.* In November 2000, Marie died, and her guardianship estate closed in October 2001. In August 2001, two months prior to the closure of the guardianship estate, enforcement proceedings against Robert, as trustee, commenced when Dutton filed a "petition for a rule to show cause for failure to pay the fees awarded against the trust." *Id.* Robert failed to appear in court and was later held in contempt of court. *Id.* Ten days after the closure of the guardianship estate, Dutton filed a second petition for a rule to show cause against Robert, as trustee, for failing to pay the fees awarded, which the circuit court later granted. *Id.* at 808-09. In September 2004, Dutton directed citations to discover the trust's assets to various financial institutions, which Robert opposed by filing an emergency motion for change of judge, alleging that the judge presiding over the enforcement proceedings had "harming and harassing" motives. *Id.* at 809. Another judge assigned to hear Robert's motion subsequently struck it and dismissed the matter, holding that, pursuant to *Gebis*, the circuit court had lost subject matter jurisdiction over the proceedings after Marie's guardianship estate closed in October 2001. *Id.* Dutton appealed the dismissal, arguing that the circuit court retained jurisdiction to enforce its own judgment of attorney fees regardless of the

closing of Marie's guardianship estate and the attendant guardianship proceedings. *Id.* On appeal, this court held that the circuit court retained subject matter jurisdiction to enforce its own prior order awarding fees to Dutton. *Id.* at 811. In distinguishing the facts from those presented in *Gebis*, the *Ahern* court noted that the circuit court's order awarding fees to Dutton was entered *prior* to the ward's death, against a party other than the ward's estate. *Id.* at 810. Specifically, the fees awarded to Dutton were assessed against a separate legal entity—the trust, with Robert as trustee. *Id.* This court further noted that, because the trust did not terminate upon Marie's death or the closing of her guardianship estate, and the circumstances presented in *Ahern* involved the enforcement of a valid order issued *prior* to Marie's death and that was binding on a party other than the estate, the reasoning applied in *Gebis* was inapplicable. *Id.* at 810-11. Moreover, the *Ahern* court found that Marie's death and the closing of her guardianship estate did not bar Dutton from collecting a portion of the assets she helped to protect. *Id.* at 811 (citing *In re Estate of Wellman*, 174 Ill. 2d 335 (1996) (upholding the award of fees to guardian *ad litem*, where she was properly awarded fees from the assets that she was appointed to protect, and the validity of the fee award for services rendered to the estate was not affected by the ward's death)). Thus, the *Ahern* court held that the circuit court had subject matter jurisdiction over the enforcement proceedings, where the order Dutton sought to enforce had been entered prior to Marie's death and the closing of her estate. *Id.*

¶ 25 We find the facts in the case at bar to be distinguishable from the facts in *Ahern*. Unlike *Ahern*, in the instant case, the guardianship court (case No. 06 P 53) did not enter a prior order, either before or after Zeferina's death and before the closing of her guardianship estate, imposing any sanctions against Attorney Handlin that may now be the subject of enforcement. Rather, Martin waited until January 2012, almost three years *after* the guardianship court (case No. 06 P

53) closed Zeferina's guardianship estate and discharged the estate's co-guardians, and three years *after* the decedent's estate opened (case No. 08 P 8450), before bringing to the guardianship court's attention for the first time, pursuant to a motion to reopen the guardianship estate, a purported breach of the settlement agreement terms that occurred in the decedent's estate court (case No. 08 P 8450) in January 2009.⁵ We further find *Ahern* to be distinguishable from the instant case, where the holding in *Ahern* stands for the narrow extension of *Wellman's* holding allowing the award of fees to a guardian *ad litem* following the ward's death, to include the recovery of attorney fees by counsel who had acted to protect the guardianship estate. Unlike *Ahern* in which the ward's death and the closing of her guardianship estate did not bar counsel from collecting a portion of the assets she helped to protect, Martin neither served as a guardian nor in any representative capacity on behalf of Zeferina in her guardianship estate. Instead, Martin seeks to reopen the guardianship estate for the sole purpose of filing sanctions against Maria and Attorney Handlin on the basis that he suffered personal damages as a result of their purported breach of the confidentiality provision in the settlement agreement. To the extent that Martin argues that the guardianship estate should be reopened on the basis that he was not directly seeking a claim against either Zeferina's guardianship or decedent's estate, but rather was only seeking a claim against Maria and Attorney Handlin, we reject this contention. At the time the settlement agreement was executed on November 9, 2006, Maria signed the agreement as plenary guardian on behalf of Zeferina's estate, and any subsequent action by Attorney Handlin

⁵ Martin's motion to reopen the estate briefly alleged that the confidentiality provision of the settlement agreement was also breached in Maria's response brief in an appeal before this court concerning a separate matter (appeal No. 1-08-2008). However, the crux of the allegations in the motion to reopen the estate concerned Maria and Attorney Handlin's alleged breach of the settlement agreement by attaching a copy of the instrument to Maria's January 27, 2009 written objection to Martin's petition to be appointed administrator of Zeferina's decedent's estate.

was conducted on behalf of her client, Maria. Thus, regardless of how Martin attempts to characterize the target of his motion in seeking to reopen the guardianship estate, we find that any relief granted would have been inextricably linked to Zeferina's estate. We find that, applying the principles of *Gebis*, upon Zeferina's death and the closing of her guardianship estate and the opening of her decedent's estate, the proper avenue for Martin's claims of recovery would have been to proceed in the decedent's estate court, where the alleged breach of the settlement agreement occurred. Once Zeferina died, the guardianship court's jurisdiction was confined to supervising the preservation of her estate until the decedent's estate was opened and JP Morgan Chase Bank was appointed as administrator of her decedent's estate, after which the guardianship court closed Zeferina's guardianship estate. Thus, we find that the guardianship court (case No. 06 P 53) lacked subject matter jurisdiction to reopen the guardianship estate for the purpose of allowing Martin to file sanctions against Maria and Attorney Handlin.

¶ 26 Nonetheless, Martin insists that *Ahern* is analogous to the facts of the instant case, by arguing that the guardianship court was empowered to grant his motion to reopen the estate because it had authority to enforce its own orders. Specifically, he contends that, just like *Ahern* in which the guardianship court entered an order approving attorney fees during the guardianship proceedings, the case at bar involved an order entered by the guardianship court approving the settlement agreement during the guardianship proceedings. To the extent that Martin implies the settlement agreement itself was an "enforceable order," we reject this argument. The November 9, 2006 settlement agreement was a contract between the parties to the agreement and did not constitute an enforceable order of the guardianship court. See *K4 Enterprises, Inc. v. Grater, Inc.*, 394 Ill. App. 3d 307, 313 (2009) (a settlement agreement is in the nature of a contract and is governed by principles of contract law). As discussed, on November 9, 2006, the guardianship

court approved the settlement agreement, and dismissed all issues between the parties with respect to the citation to recover assets filed by Maria as plenary guardian of Zeferina's estate against Martin and First Financial. We find that the guardianship court's November 9, 2006 order did not confer any continuing jurisdiction upon the court to enforce the settlement agreement. Our review of the record shows that the November 9, 2006 court order approving the settlement agreement simply noted that the "settlement agreement is approved" without incorporating any terms of the settlement agreement, referring to the performance of the settlement agreement, directing the parties' future conduct, or expressly retaining jurisdiction. See *Kempa v. Murphy*, 260 Ill. App. 3d 701, 706 (1994) (finding that an order dismissing a cause pursuant to a settlement conferred no continuing jurisdiction upon the court, where the order did not incorporate any settlement terms, did not direct any further activity, and did not retain jurisdiction); see also *Brigando v. Republic Steel Corp.*, 180 Ill. App. 3d 1016, 1020-21 (1989) (scope of a dismissal order entered by the court was limited solely to the dismissal of the claims of the parties, and thus, the court had no jurisdiction to "enforce" the dismissal order, where the order did not include any terms of the settlement agreement nor direct or enjoin any activity by the parties, and there was no basis to conclude that the settlement terms were inherently part of the dismissal order). Thus, we find that no prior enforceable order existed upon which Martin could predicate his motion to reopen the estate for the purpose of filing sanctions. But *cf. In re Estate of Ramlose*, 344 Ill. App. 3d 564, 572 (2003) (circuit court acted well within its authority in transferring all pending matters to the decedent's estate after closing the guardianship estate following the ward's death, where, under the Probate Act, an action for damages for conversion of personal property, or for fraud or deceit, survives the death of the ward and the court retains jurisdiction to enforce its prior orders). Therefore, we hold that the guardianship court (case

No. 06 P 53) lacked jurisdiction to reopen Zeferina's guardianship estate and properly denied Martin's motion to reopen the estate for the purpose of filing sanctions against Maria and Attorney Handlin. Accordingly, in light of our holding that the guardianship court lacked jurisdiction, and the fact that we must withhold our opinion regarding the likelihood of success of Martin's purported claims for sanctions on the basis of a purported breach of the settlement terms, we need not address the merits of Attorney Handlin's alternative arguments as to the whether the doctrine of waiver barred his claim, whether she was protected from liability under the principle of "litigation privilege," and whether Martin could establish the existence of any "sanctionable act" or "redressable harm."

¶ 27 Attorney Handlin further requests that appellate attorney fees and costs be imposed against Martin pursuant to Supreme Court Rule 375(b) (eff. Feb. 1, 1994), arguing that Martin's appeal is frivolous, not reasonably well grounded in either fact or law, and that his failure to produce a complete record necessitated Attorney Handlin to incur extra costs in obtaining a supplemental record.

¶ 28 Martin counters that Attorney Handlin's request for appellate attorney fees and costs should be denied, arguing that there remained genuine questions of law regarding the extension of narrow exceptions to existing law, and that the appeal was brought in good faith.

¶ 29 Rule 375(b) provides that, "[i]f, after consideration of an appeal or other action pursued in the reviewing court, it is determined that the appeal or other action itself is frivolous, or that an appeal or other action was not taken in good faith, for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, *** an appropriate sanction may be imposed upon any party or the attorney ***." Ill. S. Ct. R. 375(b) (eff. Feb. 1, 1994).

¶ 30 We decline to impose sanctions against Martin under Rule 375(b). Based on our review of Martin's briefs on appeal, we find that the appeal was brought in good faith in an attempt, *albeit* unsuccessful, to extend the *Ahern* holding to allow for the imposition of sanctions against a guardian of an estate and the guardian's legal counsel following the death of a ward and the closing of the guardianship estate. Further, we decline to grant Attorney Handlin's request for reimbursement for the expenses she incurred in obtaining the supplemental record, which was filed with this court on September 4, 2013. The supplemental record at issue contains the transcripts of the April 12, 2012 hearing on Martin's motion to reopen the estate and the August 30, 2012 hearing on his motion to reconsider the guardianship court's ruling denying his motion to reopen the estate. Although the transcripts of the parties' arguments and the court's comments were helpful, they were not essential in aiding this court's *de novo* review in resolving the issues on appeal, where the parties' pleadings concerning Martin's motion to reopen the estate and the court's rulings were properly included elsewhere in the record on appeal. Therefore, we decline to impose sanctions against Martin pursuant to Rule 375(b).

¶ 31 For the foregoing reasons, we affirm the judgment of the circuit court of Cook County.

¶ 32 Affirmed.