

STATE OF VERMONT  
BENNINGTON COUNTY

BENNINGTON SUPERIOR COURT  
DOCKET NO. 427-12-06 Bncv

ESTATE OF NANCY B. ALDEN, by its executor )  
SETH ALDEN )  
Plaintiff/Counterclaim Defendant )  
v. )  
JULIA DODGE ALDEN DEE and )  
TODD HOWARD ALDEN )  
Defendants/Counterclaim Plaintiffs )  
v. )  
SETH ALGER ALDEN and )  
CORNELIA DODGE ALDEN )  
Counterclaim Defendants )

**OPINION & ORDER**  
**GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND DENYING**  
**DEFENDANTS' CROSS MOTION FOR SUMMARY JUDGMENT**

This case stems from a dispute over the 1973 William C. Alden Trust (the Trust) benefitting grantor's second wife Nancy Alden, his two children by Nancy Alden, and his three children from his first marriage. Todd Alden and Julia Alden Dee, two of grantor's children by his first marriage, allege that Nancy Alden, who was also a trustee of the Trust, acted fraudulently and in violation of her fiduciary duties in her administration of the Trust. They seek to hold Nancy and her two children liable for damages resulting from these alleged improprieties. Pending before the Court are cross motions for summary judgment. Plaintiff/Counterclaim Defendant Estate of Nancy B. Alden, by its executor Seth Alden, and Counterclaim Defendants Seth Alden and Cornelia Alden (Plaintiffs) are represented by Gary F. Karnedy, Esq., and Primmer Piper Eggleston & Cramer, PC. James B. Anderson, Esq. represents Defendants/Counterclaim Plaintiffs Julia Dee and Todd Alden (Defendants).

**I. Procedural Background**

In December 2006, Nancy Alden, as co-trustee and beneficiary of the Trust, filed a complaint for declaratory judgment seeking to release and replace the Trust's two other co-trustees, thereby commencing this protracted litigation. Julia Dee and Todd Alden withheld their

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