

IN THE IOWA DISTRICT COURT FOR WARREN COUNTY
In the Matter of the Estate of Judith A. Perry

**MATTHEW PERRY; and MATTHEW
PERRY o/b/o, minor children Z.P, J.P,
AND S.P.,**

Plaintiffs,

vs.

**MICHAEL PERRY, Individually, and as
Proponent of the Judith A. Perry
Estate, and as Trustee of the Judith A
Perry Revocable Trust,**

Defendant.

CASE NO: ESPR022355

**JURY INSTRUCTIONS AND VERDICT
FORM**

INSTRUCTION NO. 1

Statement Of The Case.

Members of the Jury:

This is a civil case brought by Plaintiffs Matthew Perry and Matthew Perry on behalf of minor children, Z.P., J.P., and S.P., against Defendant Michael Perry, individually and as proponent of the Judith A. Perry Estate and as Trustee of the Judith A. Perry Revocable Trust.

This case involves the following claims:

It is undisputed that Judith Perry created a trust in 2018 and executed certain amendments to her Trust Agreement within 15 months of her death. Plaintiffs allege the Trust amendments executed by Judith A. Perry on March 22, 2023, November 7, 2023, and January 8, 2024, are invalid as the result of undue influence exercised upon Judith Perry by Michael Perry at the time the Trust amendments were created and executed.

Plaintiffs further allege that Defendant intentionally interfered with their expected inheritance. Defendant denies the allegations made by Plaintiffs.

Do not consider this summary as proof of any claim. Decide the facts from the evidence and apply the law, which I will now give you.

INSTRUCTION NO. 2

My duty is to tell you what the law is. Your duty is to accept and apply this law.

You must consider all of the instructions together because no one instruction includes all of the applicable law. The order in which I give these instructions is not important.

Your duty is to decide all fact questions.

As you consider the evidence, do not be influenced by any personal sympathy, bias, prejudices, or emotions. It is common to have hidden or implicit thoughts that help us form our opinions. You are making very important decisions in this case. You must evaluate the evidence carefully. You must avoid decisions based on things such as generalizations, gut feelings, prejudices, fears, sympathies, stereotypes, or inward or outward biases. The law demands that you return a just verdict, based solely on the evidence, your reason, common sense, and these instructions. As jurors, your sole duty is to find the truth and do justice.

INSTRUCTION NO. 3

Whenever a party must prove something, they must do so by the preponderance of the evidence. Some things must be proven by clear, satisfactory, and convincing evidence.

Preponderance of the evidence is evidence that is more convincing than opposing evidence. Preponderance of the evidence does not depend upon the number of witnesses testifying on one side or the other.

INSTRUCTION NO. 4

You shall base your verdict only upon the evidence and these instructions.

Evidence is:

1. Testimony in person or by deposition.
2. Exhibits received by the court.
3. Stipulations which are agreements between the attorneys.
4. Any other matter admitted (e.g. answers to interrogatories, matters which judicial notice was taken, and etc.).

Evidence may be direct or circumstantial. The weight to be given any evidence is for you to decide.

Sometimes, during a trial, references are made to pre-trial statements and reports, witnesses' depositions, or other miscellaneous items. Only those things formally offered and received by the court are available to you during your deliberations. Documents or items read from or referred to which were not offered and received into evidence, are not available to you.

The following are not evidence:

1. Statements, arguments, questions and comments by the lawyers.
2. Objections and rulings on objections.
3. Any testimony I told you to disregard.
4. Anything you saw or heard about this case outside the courtroom.

INSTRUCTION NO. 5

Decide the facts from the evidence. Consider the evidence using your observations, reasoning, common sense, and experience. It is your duty to determine the credibility of witnesses, to resolve any conflicts in the evidence, and to draw reasonable inferences from the evidence. In determining the facts, you may have to decide what testimony you believe. You may believe all, part, or none of any witness's testimony.

There are many factors which you may consider in deciding what testimony to believe, for example:

1. Whether the testimony is reasonable and consistent with other evidence you believe.
2. Whether a witness has made inconsistent statements.
3. The witness's appearance, conduct, age, intelligence, memory and knowledge of the facts.
4. The witness's interest in the trial, their motive, candor, bias and prejudice.

Try to reconcile any conflicts in the evidence; but if you cannot, accept any evidence you find believable and give it the weight you believe it deserves.

INSTRUCTION NO. 6

You have heard evidence claiming Matthew Perry and Michael Perry made statements before this trial while not under oath.

If you find such a statement was made, you may regard the statement as evidence in this case, the same as if Matthew Perry and Michael Perry had made it under oath during the trial.

If you find that such a statement was made and was inconsistent with Matthew Perry and Michael Perry's testimony during the trial, you may also use the statement as a basis for disregarding all or any part of Matthew Perry and Michael Perry's testimony during the trial, but you are not required to do so. You should not disregard Matthew Perry and Michael Perry's testimony during the trial if other credible evidence supports it or if you believe it for any other reason.

INSTRUCTION NO. 7

The law presumes a person is free from undue influence when making a trust amendment. To overcome this presumption, the plaintiffs must prove Judith Perry's trust amendments were the result of undue influence.

If the plaintiffs have failed to prove the above proposition, your verdict will be for the defendants. If the plaintiffs have proved the above proposition, your verdict will be for the plaintiffs.

INSTRUCTION NO. 8

The law presumes a person is free from undue influence. To overcome this presumption and in order for plaintiffs to prove an amendment to a trust was the result of undue influence, plaintiffs must prove the following propositions:

1. At the time the amendment was made, Judith A. Perry was susceptible to undue influence.
2. Defendant had the opportunity to exercise influence and carry out the wrongful purpose.
3. Defendant was motivated to influence Judith A. Perry unduly to get an improper favor.
4. The result was clearly brought about by undue influence.

If plaintiffs have failed to prove one or more of these propositions, your verdict will be for the defendants. If plaintiffs proved all of these propositions, your verdict will be for plaintiffs.

INSTRUCTION NO. 9

With regards to Instructions Nos. 7 and 8, “undue influence” means a person substitutes his or her intentions for those of the person making the amendment to a trust. The amendment then expresses the purpose and intent of the person exercising the influence, not those of the maker of the amendment. Undue influence must be present at the very time the amendment is signed and must be the controlling factor. The person charged with exercising undue influence need not be personally present when the amendment was being made or signed, but the person's influence must have been actively working at the time the amendment was being made and signed.

INSTRUCTION NO. 10

In deciding if there was undue influence, you may consider the following:

1. Dominance over the maker of the amendment.
2. Whether the condition of the maker's mind was subject to such dominance.
3. Whether the distribution of the maker's property is unnatural, unjust or unreasonable.
4. The activity of the person charged with exercising the undue influence and whether the person had the opportunity and frame of mind to exercise undue influence. Activities may include suggestion, request and persuasion short of controlling the amendment of the maker, but they do not alone constitute undue influence. Consider such activities along with any other evidence of undue influence.
5. The intelligence or lack of intelligence of the maker of the amendment.
6. Whether the maker of the amendment was physically or mentally weak.
7. Whether the person charged with exercising undue influence was the controlling party in a confidential relationship with the maker of the amendment.
8. Any other facts or circumstances shown by the evidence which may have any bearing on the question.

No one of the above circumstances is more important than any other.

INSTRUCTION NO. 11

With regard to Instruction No. 10, element no. 7, a confidential relationship is present when one person has gained the complete confidence of another and purports to act or advise with only the interest of the other party in mind.

INSTRUCTION NO. 12

Plaintiffs claim that Michael Perry intentionally and improperly interfered with their inheritance from Judith Perry. In order to recover under this claim, Plaintiff must prove all of the following propositions:

1. Plaintiffs had a reasonable expectation of receiving an inheritance under the 2nd and/or 3rd and/or 4th Trust amendments to Judith Perry's Trust Agreement;
2. Michael Perry knew of Plaintiffs expectancy of receiving the inheritance under the 2nd and/or 3rd and/or 4th Trust amendments to Judith Perry's Trust Agreement;
3. Michael Perry committed an intentional and independent legal wrong;
4. Michael Perry's purpose in committing the independent legal wrong was to interfere with Plaintiffs' expectancy;
5. Michael Perry's conduct caused the expectancy to fail;
6. Plaintiffs suffered damages as a result of the loss of their inheritance.

If Plaintiffs prove all of these propositions, they are entitled to damages in some amount. If Plaintiffs have failed to prove any of these propositions, you must find for Michael Perry on the tortious interference claim.

INSTRUCTION NO. 13

With regard to Instruction No.12, element no. 3, in determining whether Defendant intentionally and improperly interfered with Plaintiffs' expected inheritance by way of undue influence, you should determine whether the conduct was fair and reasonable under the circumstances. In determining whether Defendant's conduct was intentionally improper, you may consider:

1. The nature of Defendant's conduct.
2. Defendant's motive.
3. The interest sought to be advanced by Defendant.
4. The social interests in protecting the freedom of action of Defendant and the inheritance interest of Plaintiffs.
5. The nearness or remoteness of Defendant's conduct to the interference.
6. The relations between the parties.

INSTRUCTION NO. 14

If you find in favor of Plaintiffs on their claim of intentional interference with inheritance against Defendant, then you must determine the amount of damages to which they are entitled. You should award Plaintiffs such sum as you find will fairly and justly compensate them for any damages that you find they sustained as a direct result of the conduct at issue.

The damages you should consider are the losses Plaintiffs suffered from the amount of inheritance they would have received but for Defendant's actions.

In deciding what amounts, if any, to award for these kinds of damages you must decide what damages have been proved, based upon the evidence. Do not base the amount of damages upon speculation, guesswork, or conjecture. On the other hand, the law does not require an injured party to prove the amount of their damages with mathematical precision, but only with as much definiteness and accuracy as the circumstances permit.

In all instances, use your sound judgment based upon an impartial consideration of the evidence.

INSTRUCTION NO. 15

If you find in favor of Plaintiffs on their claim for intentional interference with inheritance by Defendant, you may also consider punitive damages. Punitive damages may be awarded if Plaintiffs have proven by a preponderance of clear, convincing and satisfactory evidence that Defendant's conduct constituted a willful and wanton disregard for the rights or safety of another and caused actual damage to the Plaintiffs.

Punitive damages are not intended to compensate for injury but are allowed to punish and discourage the defendant and others from like conduct in the future. You may award punitive damages only if the defendant's conduct warrants a penalty in addition to the amount you award to compensate for Plaintiffs' actual injuries.

There is no exact rule to determine the amount of punitive damages, if any, you should award. You may consider the following factors:

1. The nature of Defendant's conduct.
2. The amount of punitive damages which will punish and discourage like conduct by Defendant. You may consider the defendant's financial condition or ability to pay. You may not, however, award punitive damages solely because of the defendant's wealth or ability to pay.
3. Plaintiffs' actual damages. The amount awarded for punitive damages must be reasonably related to the amount of actual damages you award to Plaintiffs.
4. The existence and frequency of prior similar conduct by Defendant.

INSTRUCTION NO. 16

Evidence is clear, convincing, and satisfactory if there is no serious or substantial uncertainty about the conclusion to be drawn from it.

INSTRUCTION NO. 17

In arriving at an item of damage, you cannot arrive at a figure by taking down the estimate of each juror as to an item of damage or a percentage of fault and agreeing in advance that the average of those estimates shall be your item of damage or percentage of fault.

INSTRUCTION NO. 18

During the trial, you have been allowed to take notes. You may take these with you to the jury room to use in your deliberations. Remember, these are notes and not evidence. Generally, they reflect the recollection or impressions of the evidence as viewed by the person taking them, and may be inaccurate or incomplete.

Upon reaching a verdict, leave the notes in the jury room and they will be destroyed.

INSTRUCTION NO. 19

Upon retiring, you shall select a foreperson. It will be his or her duty to see that discussion is carried on in an orderly fashion, the issues are fully and freely discussed, and each juror is given an opportunity to express his or her views.

Your attitude at the beginning of your deliberations is important. It is not a good idea for you to take a position before thoroughly discussing the case with the other jurors. If you do this, individual pride may become involved, and you may later hesitate to change an announced position even if it is shown to be incorrect. Remember, you are not partisans or advocates, but are judges - judges of the facts. Your sole interest is to find the truth and do justice.

INSTRUCTION NO. 20

You may not communicate about this case before reaching your verdict. This includes via cell phone and electronic media such as text messages, email, electronic messaging applications, and any social media platform including but not limited to Facebook, LinkedIn, YouTube, Twitter, TikTok, Instagram, Snapchat, and any other social media applications you may use.

Do not do any research or make any investigation about this case on your own. Do not visit or view any place discussed in this case, and do not use internet or application-based maps or programs, or any other application, program, or device to search for or view any place discussed in the testimony. Also, do not research any information about this case, the law, or the people involved, including the parties, the witnesses, the lawyers, or the judge. This includes using the Internet to research events or people referenced in the trial.

This case will be tried on evidence presented in the courtroom. If you conduct independent research, you will be relying on matters not presented in court. The parties have a right to have this case decided on the evidence they know about and that has been introduced here in court. If you do some research or investigation or experiment that we do not know about, then your verdict may be influenced by inaccurate, incomplete, or misleading information that has not been tested by the trial process, including the oath to tell the truth and by cross-examination. All of the parties are entitled to a fair trial, rendered by an impartial jury, and you must conduct yourself so as to maintain the integrity of the trial process. If you decide a case based on information not presented in court, you will have denied the parties a fair trial in accordance with the rules of this state and you will have done an injustice. It is very important that you abide by these rules.

It is important that we have your full and undivided attention during this trial.

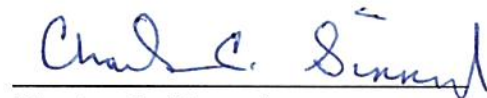
INSTRUCTION NO. 21

I am giving you one verdict form. During the first six hours of deliberations, excluding meals and recesses outside your jury room, your decision must be unanimous. If you all agree, the verdict must be signed by your foreperson.

After deliberating for six hours from 1:22 o'clock P.m., on June 18, 2026, excluding meals or recesses outside your jury room, then it is necessary that only seven of you agree upon the answers to the questions. In that case, the verdict must be signed by all seven jurors who agree.

When you have agreed upon the verdict and appropriately signed it, tell the Court Attendant.

Dated: June 18th, 2026.


Charles C. Sinnard
Judge, 5th Judicial District of Iowa

①

WHAT IS THE MEANING
OF TORTIOUS INTERFERENCE?

②

ARE WE ABLE TO CHANGE
THE VERDICT FORM?

IOWA DISTRICT COURT IN AND FOR WARREN COUNTY

MATTHEW DAVID PERRY Plaintiff vs. MICHAEL DEAN PERRY Defendant	05911 ESPR022355 ORDER ANSWER TO JUARY QUESTIONS
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At about 9:00 a.m. on June 19, 2026, the court received the following questions from the jurors:

Question 1: What is the meaning of tortious interference?

Answer at approximately 9:20 a.m.: Refer to Instructions No. 12. and No. 13.

Question 2: Are we able to change the verdict form?

Answer at approximately 9:20 a.m.: No, you may not change the verdict form. You may ask questions about the verdict form, if necessary.

Charles Sinnard
District Judge

If you need assistance to participate in court due to a disability, call the disability coordinator at (515) 561-5818 or information at <https://www.iowacourts.gov/for-the-public/ada/>. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**

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