

1. ESTATE OF BRUSCO, 24PR0331

Status of Administration

Letters of administration were issued on February 7, 2025. On June 17, 2025, petitioner submitted a Partial Inventory and Appraisal Number 1, which identifies the decedent's real property; and on October 9, 2025, petitioner submitted a Final Inventory and Appraisal, which identifies a personal bank account and vehicle.

A final inventory and appraisal is used when it is the only inventory contemplated and, so far as is known, it lists all of the decedent's probate assets. The court deems the final inventory and appraisal filed October 9, 2025, as Partial Inventory and Appraisal Number 2.

To date, there is no petition for final distribution in the court's file.

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, FEBRUARY 6, 2026, IN DEPARTMENT FOUR.

2. ESTATE OF BRETT, 23PR0247**(A) Petition to Confirm Ownership and Order Transfer of Property to the Estate****(B) Status of Administration****Petition to Confirm Ownership and Order Transfer of Property to the Estate**

On November 3, 2025, the executor of the estate, Mastaneh Brett (“petitioner”), filed the instant verified petition to confirm the estate’s claim of ownership of a fine art collection¹ and for an order directing the transfer of said art collection to the estate. Probate Code section 850 authorizes the personal representative to file such a petition where the decedent died having a claim to real or personal property, title to or possession of which is held by another. (Prob. Code, § 850, subd. (a)(2)(D).)

At least 30 days prior to the hearing, the petitioner shall cause notice to be served, in the manner provided in Code of Civil Procedure section 413.10, et seq., on each person claiming an interest in, or having title to or possession of, the property. (Prob. Code, § 851, subd. (a)(2).) Additionally, notice must be served, as provided in Probate Code sections 1220 (where the matter concerns a decedent’s estate) and 17203 (where the matter concerns a trust) to each person listed in Probate Code section 1220, along with any heir or devisee whose interest in the property may be affected by the petition if the matter concerns a decedent’s estate; and each person listed in Probate Code section 17203 if the matter concerns a trust. The instant matter concerns both the Brett Family Trust and the decedent’s estate.

The petition alleges that, other than petitioner, the following persons are entitled to notice of the instant petition: (1) Raymond N. Stella Erlach (co-trustee of the Brett Family Trust); (2) Sabrina Brett (co-trustee of the Brett Family Trust and “beneficiary”);

¹ The petition alleges the fine art collection is currently located in a storage unit in Livermore, California. Much, if not all of the collection consists of paintings by Charles Bradford Hudson. (Petn., ¶ 1.)

(3) Sarah Brett (“beneficiary”); and (4) UOVO (the owner of the storage facility where the art collection is currently located). (Petn., ¶ 30.)

Additionally, Mr. Erlach and Harris & Plottel, LLP² filed requests for special notice in this case. (Petn., ¶ 29.) The court notes that petitioner’s list of persons entitled to notice of the instant petition omits one of the beneficiaries of the Brett Family Trust – the estate of Virginia Brett Smith.

Proof of service filed December 26, 2025, shows Sabrina Brett, Sarah Brett, and Harris & Plottel, LLP were each served by mail that same day. Separate proofs of service filed January 22, 2026, show Mr. Erlach and UOVO were both personally served on January 5, 2026.

On January 30, 2026, Mr. Erlach filed an objection, as well as supporting declarations from himself and Rachel W. Morrison (attorney for the personal representative of Peter Matthew Lewis Smith, the last surviving heir of Virginia Brett Smith and beneficiary of the Brett Family Trust). Mr. Erlach’s objection also includes a request for attorney fees and costs on the grounds that petitioner’s claim is frivolous and made in bad faith.³

Petitioner filed no reply.

1. Background

On January 31, 2000, the decedent’s parents, as settlors, created the Brett Family Revocable Trust, as amended on May 1, 2002 (the “Trust”). (Petn., Exs. B & C.) The Trust named the decedent as the sole trustee. (Petn., Ex. B at ¶ 1.1.) The settlors had three children together: (1) the decedent; (2) Virginia Brett Smith; and (3) Bettsy Brett Lima.

² Petitioner does not articulate Harris & Plottel, LLP’s relation to the case.

³ Code of Civil Procedure section 128.5 authorizes the court to impose attorney fees and costs incurred by another party as a result of actions or tactics, made in bad faith, that are frivolous or solely intended to cause unnecessary delay. (Code Civ. Proc., § 128.5, subd. (a).) However, a request for attorney fees and costs under this section requires a noticed motion. Therefore, Mr. Erlach’s request in his objection papers is not properly before the court.

However, the Trust specifically excludes Bettsy Brett Lima and her issue. (Petn., Ex. B at 1.2.)

The petition alleges that, “many years ago,” the art collection was property of the Trust. (Petn., ¶ 13.) The original Trust provides in pertinent part, “All Tangible Personal Property and personal automobiles, other than any paintings by **CHARLES BRADFORD HUDSON**, shall be distributed to such of the Settlor’s children who survive the Surviving Settlor, to be divided among them in shares of substantially equal value as they agree.” (Petn., Ex. B at 2.4.d.(i)(A).) For estate tax purposes, depending on the overall value of the Surviving Balance, the original Trust provided alternative distribution methods for the art collection (i.e., donate the art collection to charity or add it to the Balance of the Trust). (Petn., Ex. B at 2.7.a.)

On May 1, 2002, the settlors amended the Trust. (Petn., Ex. C.) As relevant here, the settlors revoked Paragraph 2.7.1 of the original Trust, “Outright Distribution to Charity.” Additionally, the settlors amended Paragraph 2.4.d.(i)(A), “Specific Gifts from Survivor’s Balance,” to omit any mention of the art collection. The amended provision reads: “All Tangible Personal Property and personal automobiles shall be distributed to such of the Settlor’s children who survive the Surviving Settlor, to be divided among them in shares of substantially equal value as they agree. The Settlor’s children are requested to divide the Tangible Personal Property in accordance with any instructions the Settlor or either of them may leave. If the Settlor’s children fail to agree on the division of any such property, the gift of such property shall lapse, and such property shall instead be sold and the net proceeds of sale distributed as part of the residue of the Survivor’s Balance.” (Petn., Ex. C at ¶ 2.4.d.(i)(A).)

The petition is silent as to when the surviving settlor died and whether the settlors’ children (the decedent and Virginia Brett Smith, but not the omitted child, Bettsy Brett Lima) agreed on the division of the Tangible Personal Property, including the art collection. Assuming that the settlors’ children failed to agree on the division of such

property, then under the terms of the amended Trust, “such property shall instead be sold and the net proceeds of sale distributed as part of the residue of the Survivor’s Balance.” (Petn., Ex. C at ¶ 2.4.d.(i)(A).)

Petitioner alleges, as early as 2015, the decedent “took affirmative steps to claim ownership of [the] art collection in his individual capacity, outside the Brett Family Trust.” (Petn., ¶ 13.) “For at least ten years prior to [the decedent’s] death,⁴ [the decedent] treated the art collection as his personal asset and continued to maintain that position up through his passing.” (Petn., ¶ 13.)

On October 6, 2020, the decedent executed a document entitled, “Revocation of Designation of Original Successor Trustee and Current Designation of New Successor Trustees of the Brett Family Revocable Trust, Dated 01/31/2000.” (Petn., Ex. D.) Pursuant to Section 3.2.b. of the Trust, the decedent revoked the designation of the original Successor Trustees of the Trust, which had named Sarah Brett and Dan Hudson as successor trustees. (Petn., Ex. D.) The decedent appointed Sabrina Brett and Mr. Erlach as successor co-trustees of the Trust. (Petn., Ex. D.)

The decedent died on January 2, 2023. (Petn., ¶ 14.)

Following the decedent’s death, petitioner paid for the storage unit fees, communicated with storage unit representatives regarding the art collection, and communicated with art dealers regarding inventorying and cataloging individual pieces in the art collection. (Petn., ¶ 14.)

In approximately June 2025, Mr. Erlach attempted to gain access to the storage unit, claiming he is the owner of the art collection in his capacity as co-trustee of the Brett Family Trust. (Petn., ¶ 14.) “Due to Erlach’s erratic behavior when he was denied access

⁴ The decedent died on January 2, 2023. Ten (10) years prior to his death would have been January 2013. This appears to be inconsistent with the previous allegation in the petition that, “as early as 2015” the decedent took affirmative steps to claim ownership of the art collection.

to the storage unit, the storage unit owner, UOVO, also denied Petitioner access to the unit.” (Petn., ¶ 14.) A legal representative of UOVO has informed Petitioner and Mr. Erlach that it cannot grant access or control to parties when there are conflicting claims of ownership. (Petn., ¶ 15.)

The co-trustees of the Brett Family Trust maintain that the art collection is property of the Trust. In support of Mr. Erlach’s objection to the petition is a declaration from the Oregon-licensed attorney for the personal representative of the estate of Peter Matthew Lewis Smith (the last surviving heir of Virginia Brett Smith), who takes the same position as the co-trustees. (See Morrison Decl., filed Jan. 30, 2026.)

2. Discussion

The issue is whether the art collection is property of the decedent’s estate, that is, whether the art collection became property of the decedent, in his individual capacity, before his death on January 2, 2023.

The court finds petitioner has failed to establish that the art collection belongs to the decedent’s estate. The language of the Trust, as amended, is clear regarding the disposition of the art collection: it is to be divided equally amongst the settlors’ children (the decedent and Virginia Brett Smith, but not the omitted child, Betsy Brett Lima) in shares of substantially equal value as they agree; if the settlors’ children fail to agree on the division of such property, such property shall instead be sold and the net proceeds of sale distributed as part of the residue of the Survivor’s Balance. (Petn., Ex. C at ¶ 2.4.d.(i)(A).)

There is no allegation in the petition and no evidence that the settlors’ children reached an agreement concerning distribution of the art collection; thus, the terms of the amended Trust are clear that the art collection shall instead be sold and the net proceeds of sale distributed as part of the residue of the Survivor’s Balance in accordance with the Trust.

Further, as Mr. Erlach points out, the allegation that the decedent, as early as 2015, began to take affirmative steps to claim ownership of the art collection in his personal capacity would appear to constitute a breach of the decedent's fiduciary duties as trustee of the Trust.

The petition is denied.

Status of Administration

Letters testamentary were issued on November 17, 2023. On April 11, 2024, the executor filed Partial Inventory Number 1. On December 3, 2024, the executor filed Partial Inventory Number 2, which indicates that, together with Partial Inventory Number 1, still represents only a portion of the estate.

TENTATIVE RULING # 2:

PETITION TO CONFIRM OWNERSHIP OF PROPERTY: THE PETITION IS DENIED. NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

STATUS OF ADMINISTRATION: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, FEBRUARY 6, 2026, IN DEPARTMENT FOUR FOR THE STATUS OF ADMINISTRATION HEARING.

3. ESTATE OF WILLISON, 23PR0245

Amended Petition for Final Distribution

TENTATIVE RULING # 3: ABSENT OBJECTION, PETITION GRANTED AS REQUESTED.

4. MATTER OF DeTARR FAMILY TRUST, SP20140014

Review Hearing Re: Status of Mediation (See Related Item No. 5)

**TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY,
FEBRUARY 6, 2026, IN DEPARTMENT FOUR.**

5. MATTER OF DeTARR FAMILY TRUSTS, 24PR0335

(A) Review Hearing Re: Status of Mediation (See Related Item No. 4)

(B) Petition to Approve First Account and Report

**TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY,
FEBRUARY 6, 2026, IN DEPARTMENT FOUR.**