

1. ESTATE OF REINHOLD, 23PR0309

Status of Administration

Letters of administration were issued on January 26, 2024. To date, there is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, JANUARY 24, 2025, IN DEPARTMENT FOUR.

2. ESTATE OF ULRICH, 24PR0342

Petition for Order Confirming Trust Assets

TENTATIVE RULING # 2: ABSENT OBJECTION, PETITION GRANTED AS REQUESTED.

3. GUARDIANSHIP OF SEBASTIAN Q., 25PR0007

Petition to Appoint Temporary Guardians

**TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY,
JANUARY 24, 2025, IN DEPARTMENT FOUR.**

4. MATTER OF THE FRANK I. FORD, JR. TRUST, 24PR0219**Petition for Order Instructing Trustee to Distribute Trust Assets**

Petitioner, a beneficiary of the Frank I. Ford, Jr. Trust, seeks an order instructing the trustee to distribute the settlor's undivided one-half interest in the Meyers Cabin to the beneficiaries pursuant to the terms of the Trust.

1. Background

Around 1934, Frank I. Ford, Sr. and his wife Charlotte Ford purchased the summer cabin located on Lot 5 of the U.S. Forest Service Bridge Tract (the "Meyers Cabin") after the Forest Service approved a recreational use permit and land lease. The interest in the Meyers Cabin was passed down to their children, dividing the interest in the property in half: one-half to each child, Frank I. Ford, Jr., and Helen Ford Mahaney. Each child received an undivided one-half interest in the recreational use permit and land lease.

On August 13, 1999, Mr. Frank, Jr. created the Trust and named his six children as beneficiaries: Maureen,¹ Caroline, Frank III ("petitioner"), Gary,² Bruce ("respondent"), and Robert. Maureen (the "trustee") was appointed trustee of the Trust and began serving in that capacity upon the death of Mr. Frank, Jr. on October 1, 1999.

Pursuant to his pour-over will, Mr. Frank, Jr.'s one-half interest in the Meyers Cabin was transferred to the Trust. The trustee distributed all assets of the Trust except for the Meyers Cabin, which presently remains in the Trust.

Respondent claims that the Trust's right to the Meyers Cabin is limited to the operative lease (executed June 25, 2009, along with a new term special use permit) and that the

¹ The court refers to the beneficiaries by first name only for clarity. The court intends no disrespect.

² Gary died in 2011. He is survived by his spouse, Tracy Solomon. Gary and Tracy did not have any children. Petitioner believes that Tracy will disclaim any interest she might hold in the Meyers Cabin. Respondent and the trustee state they support Tracy's right to claim an interest in the Meyers Cabin, should she choose to exercise her rights, under the spousal survival clause.

Trust does not have a fee interest in the property. Further, respondent claims that the lease is generally not transferable.³

According to respondent, with the exception of petitioner, all of the beneficiaries and the owners of the other one-half interest wish to hold their collective interest in the Meyers Cabin in a limited liability company.

2. Discussion

Respondent objects to the petition on procedural and substantive grounds. Respondent claims that petitioner failed to serve the petition on the owners of the other one-half interest in the Meyers Cabin (the children of Mr. Frank, Jr.'s sister, Helen Ford Mahaney).

Probate Code section 1043, subdivision (a) provides: "An interested person may appear and make a response or objection in writing at or before the hearing." "Interested person" is defined to include persons "having a property right in or claim against a trust estate ... which may be affected by the proceeding." (Prob. Code, § 48, subd. (a)(1); see also Prob. Code, § 20 ["Unless the provision or context otherwise requires, the definitions in this part govern the construction of this code."].)

Respondent argues that without proper notice, the owners of the other one-half interest in the property do not have the ability to present any argumentation as to how the instant petition may or will affect their rights and interests in the lease and/or the property.

Petitioner has not addressed the notice issue.

³ The lease provides in relevant part: "This Permit is not transferable. A purchaser or transferee of the recreation residence covered by this permit must apply for and obtain a new permit from the Forest Service." Respondent claims that even if the beneficiaries each applied for a new permit, there is no guarantee that the Forest Service would grant any or all of the applications. Consequently, some or all of the beneficiaries would risk losing out on their inheritance.

Additionally, respondent requests that the court order the parties to mediation under *Breslin v. Breslin* (2021) 62 Cal.App.5th 801.

TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, JANUARY 24, 2025, IN DEPARTMENT FOUR.