

1. MATTER OF BRULHART FAMILY TRUST, 26PR0131**Petition Re: Trust Administration**

On May 8, 2026, petitioner Simone Kaplan (“petitioner”) filed a petition requesting the court to (1) assume jurisdiction over trust; (2) confirm trustee; (3) compel accounting, or alternatively, to compel the trustee to turn over appropriate source documentation to petitioner so the petitioner can conduct a full accounting; (4) settle accounts; (5) review acts of trustee; (6) set aside any improper acts of trustee; (7) compel redress of breach of trust; (8) remove trustee; and (9) appoint alternative trustee or receiver, or alternatively, compel trustee to perform duties.

On July 15, 2026, the respondent trustee Andree Brulhart (“respondent” or “trustee”) filed a response, which includes a request to charge her attorney fees and costs against petitioner’s distributive share of the trust.

On July 17, 2026, the court, on its own motion, continued the hearing to July 31, 2026, and directed petitioner to file a reply no later than July 24, 2026. Petitioner filed no reply.

1. Background

On June 11, 1992, Leon Brulhart and Monique T. Brulhart,¹ as settlors, established the Brulhart Family Trust (the “Trust”). Leon died on October 17, 2005, and Monique died on November 17, 2025. Leon and Monique were survived by their three children: (1) petitioner; (2) respondent; and (3) Robert Leon Brulhart.

As authorized by the terms of the original Trust, the Trust was amended multiple times, both before and after Leon’s death. The final amendment was executed on July 24, 2025. Upon Monique’s death, the Trust became irrevocable and respondent became the sole trustee.

¹ For clarity, the court will refer to the settlors by first name only. The court intends no disrespect.

Petitioner claims that, following Leon's death, respondent moved in with Monique. Respondent allegedly provided care to Monique and Monique depended on respondent for the necessities of life. (Petn., ¶ 6.) "Petitioner believes and on that basis alleges, that [respondent] in bad faith, wrongfully took, concealed, and/or disposed of property belonging to the [Trust] and/or [Monique]. [¶] Petitioner believes and on that basis alleges that [Monique] was the victim of undue influence, fraud, and financial elder abuse by [Monique]." (Petn., ¶¶ 7, 8.) "At some point, [respondent] took over [Monique's] financial affairs and Petitioner believes and on that basis alleges that [respondent] used [Monique's] finances for her personal benefit." (Petn., ¶ 10.) "Petitioner believes and on that basis alleges that [respondent], in bad faith, wrongfully took, concealed, and/or disposed of property in or belonging to the [Trust] and/or [Monique], within the meaning of Probate Code § 859." (Petn., ¶ 12.)

On January 9, 2026, pursuant to Probate Code section 16061.7, respondent served a Trustee Notification to petitioner and Robert Brulhart, along with a copy of the Trust. (Resp., ¶ 11.) On January 12, 2026, respondent made distributions of specific gifts pursuant to the Trust, and on May 11, 2026, respondent distributed approximately \$125,000 to all three residuary beneficiaries. (Resp., ¶¶ 12, 13.)

2. Timeliness of Petition

As an initial matter, the trustee claims that the petition, insofar as it contests the validity of the Trust, is time-barred because, although it was filed on May 8, 2026, it was not served until May 11, 2026. According to the trustee, the statute of limitations expired May 9, 2026.

Probate Code section 16061.8 provides in relevant part: "A person upon whom the notification by the trustee is served pursuant to paragraph (1) of subdivision (a) of Section 16061.7, ... shall not bring an action to contest the trust more than 120 days from the date the notification by the trustee is served upon the person, or 60 days from

the date on which a copy of the terms of the trust is delivered pursuant to Section 1215 to the person during that 120-day period, whichever is later.” (Prob. Code, § 16061.8.)

In this case, the Trustee Notification was executed on January 8, 2026. Per the trustee, however, the notification was not mailed until the next day, January 9, 2026. (Resp., ¶ 11.) Therefore, the 120-deadline expired on May 11, 2026.² Accordingly, the court finds that the petition is timely.

3. Discussion

3.1. Jurisdiction over Trust and Confirmation of Trustee

The court grants petitioner’s request to assume jurisdiction over the trust and confirm the trustee, respondent Andree Brulhart.

3.2. Accounting

Petitioner seeks an order compelling the trustee to provide an accounting. Upon petition, the court may order the trustee to “[a]ccount to the beneficiary, subject to the provisions of [Probate Code] Section 16064, if the trustee has failed to submit a requested account within 60 days after written request of the beneficiary and no account has been made within six months preceding the request.” (Prob. Code, § 17200, subd. (b)(7)(C).)

As the trustee points out, however, the petition does not identify any written request for an accounting made by petitioner. Additionally, the trustee states she provided trust financial information and bank statements to the petitioner on numerous occasions. (Resp., ¶ 30.)

Therefore, the request to compel accounting is denied. Because there is no accounting for the court to settle, the court denies petitioner’s request to settle account.

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² The 120th day fell on a Saturday.

3.3. Remaining Requests

Petitioner's remaining requests in the petition (to review acts of trustee, set aside any improper acts of trustee, compel redress of breach of trust, remove trustee, appoint alternative trustee, and declare that the purported Restatement is invalid, void, and unenforceable) are all based on vague and conclusory allegations of undue influence. Because the petition fails to allege sufficient facts entitling her to the relief requested, the court denies her remaining requests in the petition.

3.4. Trustee's Request for Attorney Fees

Pursuant to Probate Code section 17211, the trustee requests the court to award attorney fees and costs against petitioner on the grounds that her contest of the account was made without reasonable cause and in bad faith. Probate Code section 17211, subdivision (a) provides: "If a beneficiary contests the trustee's account and the court determines that the contest was without reasonable cause and in bad faith, the court may award against the contestant the compensation and costs of the trustee and other expenses and costs of litigation, including attorney's fees, incurred to defend the account. The amount awarded shall be a charge against any interest of the beneficiary in the trust. The contestant shall be personally liable for any amount that remains unsatisfied." (Prob. Code, § 17211, subd. (a).)

For purposes of Probate Code section 17211, "reasonable cause" is evaluated under an objective standard of whether any reasonable person would have tenably filed and maintained the objection; "bad faith" involves a subjective determination of the contesting party's state of mind — specifically, whether he or she acted with an improper purpose." (*Powell v. Tagami* (2018) 26 Cal.App.5th 219, 234, as modified.)

In this case, the court does not find that the evidence presented against petitioner rises to the level of "bad faith" or "without reasonable cause." Therefore, the court declines to award the trustee's attorney fees and costs under Probate Code section 17211.

TENTATIVE RULING # 1: THE PETITION IS GRANTED IN PART AND DENIED IN PART.
REFER TO FULL TEXT. 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.

2. MATTER OF DeTARR, SP20140014

Status of Mediation (See Related Item No. 4)

**TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY,
JULY 31, 2026, IN DEPARTMENT FOUR.**

3. MATTER OF WAYNE RANDALL MARTIN AND VANESSA LOPEZ FAMILY TRUST, 26PR0178**Trust Petition**

On June 10, 2026, petitioner Cara Martin (“petitioner”) filed the instant petition seeking an order: (1) compelling production of trust documents and information; (2) determining validity of purported trust amendment; (3) determining beneficiaries and entitlement to trust property; (4) for declaratory relief; (5) for recovery of trust property, sale proceeds and/or traceable assets; (6) for cancellation of instruments; (7) compelling accounting and report of trust assets; (8) for breach of trust and surcharge of trustee; (9) suspending or removing trustee and appointing neutral fiduciary; (10) for double damages; and (11) for attorney fees and costs.

The required notice period for this petition is 30 calendar days. (Prob. Code, §§ 851, subd. (a), 17203, subd. (a).) However, petitioner’s proofs of service, filed July 2 and 8, 2026, respectively, show the petition was not timely served.

Respondent trustee Vanessa Lopez (“respondent”) filed no opposition or response to the petition. On July 23, 2026, respondent filed a notice of motion to transfer venue, which is set for hearing on August 28, 2026.

The court, on its own motion and in the interest of judicial economy, hereby continues the hearing on the instant petition to September 11, 2026. The court directs petitioner to properly serve the petition on all parties entitled to notice. If the court grants respondent’s motion to transfer venue, the court will vacate the September 11, 2026, hearing.

TENTATIVE RULING # 3: THE COURT, ON ITS OWN MOTION AND IN THE INTEREST OF JUDICIAL ECONOMY, HEREBY CONTINUES THE HEARING ON THE PETITION TO 8:30 A.M., FRIDAY, SEPTEMBER 11, 2026, IN DEPARTMENT FOUR. PETITIONER IS DIRECTED TO PROPERLY SERVE THE PETITION ON ALL PARTIES ENTITLED TO NOTICE.

4. MATTER OF DeTARR FAMILY TRUSTS, 24PR0335

(A) Petition to Approve First Account and Report (See Related Item No. 2)

(B) Status of Administration

**TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY,
JULY 31, 2026, IN DEPARTMENT FOUR.**