

1. ESTATE OF CROUSE, 24PR0289

Petition to Administer Estate

To date, the decedent's death certificate is not in the court's file.

**TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY,
DECEMBER 20, 2024, IN DEPARTMENT FOUR.**

2. ESTATE OF GUEX-BURKE, 24PR0310

Petition to Administer Estate with Will Annexed

To date, the decedent's death certificate is not in the court's file. There is also no notice of hearing or proof of publication in the court's file.

TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, DECEMBER 20, 2024, IN DEPARTMENT FOUR.

3. MATTER OF CEFALU FAMILY TRUST, 23PR0291**Petition for Order Compelling Trustee to Provide Information**

Pending before the court is petitioners Gina DeLoia's and Chris Cefalu's (collectively, "petitioners") petition for order compelling the current trustee, Joby Cefalu, to provide the following information: (1) a formal allocation of assets between the Survivor's Trust and the Bypass Trust; and (2) confirmation of the full funding of the Bypass Trust, including shares of JARS Linen (petitioners seek to confirm that the assets of the Bypass Trust are appropriately titled and not commingled with assets belonging to others).

1. Background

John and Judy Cefalu established the Cefalu Family Revocable Trust (the "Family Trust") on March 6, 2014. John and Judy were the initial trustees of the Trust. Judy died on November 20, 2020.

Pursuant to Section 5.4 of the Family Trust, upon the death of the first settlor, the Family Trust is to be divided into two or three shares: a Survivor's Share, a Marital Deduction Share (if needed based on a formula designed to avoid estate tax at the death of the first spouse), and a Nonmarital Share. Petitioners claim upon information and belief that no Marital Deduction Share was created, as Judy did not have a taxable estate.

Petitioners claim the Survivor's Share should consist of John's one-half interest in John and Judy's community property and all of John's separate property (see Family Trust, ¶ 5.4, subd. (a)); and the Nonmarital Share should consist of all assets not allocated to the Survivor's Share, i.e., Judy's one-half interest in the community property and all of Judy's separate property (see Family Trust, ¶ 5.4, subd. (d)).

The Survivor's Share is allocated to the Survivor's Trust (see Family Trust, ¶ 5.4, subd. (b)) and the Nonmarital Share is allocated to the Bypass Trust (see Family Trust, ¶ 5.4, subd. (e)).

2. Preliminary Matter

Respondent claims that petitioners' request is premature under Probate Code section 17200, subdivision (b)(7)(B), which provides: "Proceedings concerning the internal affairs of a trust include, but are not limited to, proceedings ... [to] [p]rovide information about the trust under Section 16061 if the trustee has failed to provide the requested information within 60 days after the beneficiary's reasonable written request, and the beneficiary has not received the requested information from the trustee within the six months preceding the request."

Here, respondent claims that petitioners initially requested the information at issue on October 1, 2024. (Christian Decl., ¶ 10.) The petition was filed on October 31, 2024, which is less than 60 days following the request.

That said, the court finds the issue moot where 60 days has now passed since petitioners' October 1, 2024, request and there is no indication that the requested information has been provided to date, which is now more than 60 days since the date of the request.

3. Discussion

Probate Code section 16061¹ provides, "Except as provided in Section 16069,^[2] on reasonable request by a beneficiary, the trustee shall report to the beneficiary by providing requested information to the beneficiary relating to the administration of the trust relevant to the beneficiary's interest." Petitioners are remainder beneficiaries of the Bypass Trust and claim that "the funding of assets into the Bypass Trust is a fundamental issue affecting all of the beneficiaries of that Trust. In order to assess whether the Bypass

¹ Further undesignated statutory references are to the Probate Code.

² Under section 16069, the trustee is not required to provide requested information to the beneficiary pursuant to section 16061 in the case of a beneficiary of a revocable trust for the period when the trust may be revoked. In this case, petitioners claim the Bypass Trust is irrevocable. (Petn., ¶ 7.)

Trust has been properly funded and thus preserve their remainder interest, Petitioners are requesting confirmation of allocation, full funding, and asset titling.” (Petn., ¶ 23.)

Petitioners claim they are entitled to the requested information not only under section 16061, but also under the parties’ prior agreement dated May 8, 2024. Respondent claims that he complied with the agreement. Specifically, respondent claims he retitled two certificate of deposit accounts in the name of the Bypass Trust, providing proof of re-titling, and providing proof of the principal funds.

Additionally, respondent points to Section 7.14 of the Family Trust (“No Duty to Segregate”), which provides, “Each trust created under this instrument shall constitute a separate trust and be administered accordingly; however, the assets of all of the trusts may be combined for bookkeeping purposes and held for the trust beneficiaries without physical division into separate trusts until time of distribution.” The court agrees with respondent that because John has not yet passed away, the time of distribution has not occurred and respondent is not required to physically divide the assets into separate trusts.

Still, the court finds that petitioners are entitled to bookkeeping records which show which assets are allocated to the Survivor’s Share and the Nonmarital Share. Respondent claims “there is no court order, evidence, or legal basis justifying Petitioners’ assumption that a portion of Judy’s and/or John’s JARS Linen, Inc shares belong in the Bypass Trust.” (Opp. at 2:15–19.) The court disagrees. The Nonmarital Share (which shall be held, administered, and distributed according to the terms of the Bypass Trust) “shall consist of all assets not allocated to the Survivor’s Share or the Marital Deduction Share.” (See Family Trust, ¶ 5.4, subds. (d), (e).) Accordingly, the Nonmarital Share includes Judy’s one-half interest in the community property and all of Judy’s separate property. (See Family Trust, ¶ 5.4, subds. (a), (d).)

Based on the above, the court grants the petition in part and denies the petition in part. Respondent is ordered to provide information to petitioners within 30 days of notice

of the entry of this order showing what assets are allocated to the Survivor's Share and what assets are allocated to the Nonmarital Share.

TENTATIVE RULING # 3: THE PETITION IS GRANTED IN PART AND DENIED IN PART. RESPONDENT JOBY CEFALU IS ORDERED TO PROVIDE INFORMATION TO PETITIONERS WITHIN 30 DAYS OF THE DATE OF SERVICE OF THE NOTICE OF THE ENTRY OF ORDER SHOWING WHAT ASSETS ARE ALLOCATED TO THE SURVIVOR'S SHARE AND WHAT ASSETS ARE ALLOCATED TO THE NONMARITAL SHARE. 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.