Real estate issues in California estate administration

Most estates contain real estate, and there are potentially thorny issues involved with this type of asset compared to cash or other types of property. For one thing, real estate is not always easy to sell. Property may not sell quickly, but taxes and other bills always arrive precisely on schedule.

Also, maintaining property until it is sold takes time, effort, and money. Finally, figuring out how to fairly divide one piece of real estate among several beneficiaries can sometimes become testy.

Here are a few examples of common situations we see in our trust and litigation practice relating to transferring property:

- When a property is bequeathed to multiple children but only one child occupies the property, that child may feel entitled since they're still a resident, and may try to shut out the other siblings.
- When a child exerts manipulation and coercion upon a parent who may have been beset with a disease that impairs their mental health, the property may be left to them at the expense of other siblings.
- A deed prepared prior to the decedent's death may be fraudulent.
- Sometimes there are family squabbles over whether a property should be sold or kept in the family.
- There are multiple beneficiaries and one of them causes damage to the property.
- Commercial property conveyed to multiple parties may spur friction concerning cost and revenue sharing.

Legal assistance is essential when there are disputes over estate matters. Call the Grossman Law Firm to help you protect your rights—(888) 443-6590.
Q: I am the personal representative of my loved one’s estate, but I can’t locate an heir for sending notice. What do I do?

A: The following steps can be taken when you do not know the location of an heir of a probate estate:

- Consult with friends, relatives or employers of the heir.
- Review telephone and Internet directories to try to find the last known address.
- Review the real estate and personal property indexes at the assessor’s office in the county of the heir’s last known address.
- Prepare and file a “Declaration of Due Diligence” with the probate court if you still cannot locate the heir.

Please call our office if you have any questions or problems locating an heir.

Animal encounters

It’s been called a miracle, and after centuries it’s become a tradition: the annual return of migratory swallows to Capistrano. Well, we can add Casa de Grossman to the list of preferred places for cliff swallows to build their little mud nests.

Our family moved to a new house here in Temecula in March. (It was such a short-distance move that we didn't even change zip codes. Unfortunately, we still had to deal with packing. The philosophical woman who sold me moving boxes said, "Moving is one time in your life when you have to touch every single thing you own at least twice.")

Before we had moved in, the home inspector told me, “You have pests. Call pest control at once.” Then she pointed up meaningfully to what looked like an abandoned wasp's nest in the soffit.

We soon settled into our new home but didn’t see any wasps. I couldn’t imagine what secret message she seemed to be trying to give me.

Suddenly, overnight, there was bird poop everywhere. Birds zipped past like WWII pilots in miniature dogfights. We didn’t have wasps; we have swallows!

Swallows are protected so once you have a nest, you have a nest forever. Like the swallows to Capistrano…they will return every May. They stick around until late summer when they return to South America. And we might be naïve new swallows-nest owners, but we still think it’s pretty cool that they’ve chosen our soffit for their northern summer home.

We have also discovered some other interesting critters around the new house. Jane enjoys cleaning the pool with a skimmer, and she was horrified to discover a baby lizard in the water one day. Her horror turned to fascination as I helped her fish him out and release him to the lawn, where he dried out then ran off into the bushes.

And finally, on the night of Fourth of July, we had friends over for a barbecue. As we sat in the backyard chatting, I noticed some interesting birds swooping low over the pool. They looked like they were doing a beautiful, elaborate ballet. Then it was my turn to be horrified as I realized (and our friend, who knows everything there is to know about wildlife confirmed) that we have bats.

Here’s to the night sky filled with ballet-dancing flying rodents!

Juliet
When you don’t trust the trustee

Putting trust litigation matters into the hands of a California probate court is a wise move, but there are times when a trustee may take liberties with the trust and commit acts of wrongdoing.

If you stand to benefit from a trust but believe the trustee’s intentions for the trust are less than honorable, requesting a bond may provide some measure of comfort. Here are the benefits of a bond:

- Although a bond will not freeze the assets of a trust, it will pay for the wrongful acts of the trustee, somewhat similar to insurance, giving peace of mind to the beneficiaries.
- Even if the language of a trust waives the requirement for a trustee to purchase a bond while administering the trust, a court can override that stipulation in order to protect the beneficiaries.

There are some other key points to be aware of:

- The burden of proof is on the beneficiaries to show that the trustee breached his/her duties in administering the trust before the bond company is required to reimburse them.
- To show that the trustee was derelict in their duties, there will need to be a trial.
- Although the beneficiaries buy a bond to protect the assets of the trust, the bond company can hire its own attorney to defend the trustee. If the trustee wins the case, the bond company is off the hook.

The experienced attorneys at the Grossman Law Firm can guide you safely through the sometimes turbulent waters of probate litigation. Call us at (888) 443-6590 for a consultation.

Giant magnet makes an epic journey


The spectacle of a flying saucer-like cargo crawling at a snail’s pace while perched on a customized truck created a throng of curiosity seekers along the roadways leading to the Fermi National Accelerator Laboratory in Batavia, Illinois. Prior to this, the magnet booked a cruise via the Atlantic Ocean, Gulf of Mexico, and Mississippi River upon departing from New York.

The magnet had been used in concert with a particle beam to discover that muons—super-fast particles that fizzle out in 2.2 millionths of a second—wobble when in the magnetic ring, possibly indicating that as of yet undiscovered subatomic particles may be exerting their influence. How this is of import to the average person is unclear, but scientists seem pretty excited about it.

The reason for the monthlong trip was that the power of the particle beam in Batavia trumped the one in New York. Transporting the magnet was much cheaper than building a new one from scratch. To prep for the journey, the magnet was stabilized with a 40-ton steel frame. If the magnet had twisted even 1/8 of an inch along the way, it could have been permanently damaged—a delicate giant if there ever was one. Pressurized pure dry nitrogen protected the magnet's coils from seawater, as well as shrink wrap—lots of shrink wrap.

Researchers were basking in the glow of public enthusiasm, even though it had little to do with science itself. It’s not so much the destination as it is the journey.
Not Your Father’s Laundry Room

Back in the day, laundry rooms tended to be located in dark, cramped areas in basements and were undesirable and sometimes downright scary.

Not anymore.

Today’s laundry rooms are bright, airy and multifunctional. They are places where families can incorporate high-tech design and actually enjoy spending time.

Modern laundry rooms often include:

- Storage for coats and jackets
- Drawers for small tools, craft items or gift wrapping materials
- Mudrooms for dirty boots, backpacks and sports equipment
- Plenty of space for pet supplies, pet food, toys and leashes
- Sinks for hand washing delicates and cleaning up after craft projects
- Clothes lines for drying clothes not meant for the dryer
- Ironing boards and sewing materials

When designing a laundry room consider custom cabinetry, lots of smooth countertops for folding laundry and good lighting for doing projects. You might also think about adding a television, a small refrigerator or a charging station if you have the space.

If you have questions about how to design the laundry room of your dreams, just call me, and I’ll be glad to help.

Vanessa Banks, Banks Interiors • 951.541.2695/www.BanksInteriors.com