

TRUST AND ESTATE LITIGATION

Hoge Fenton's Trust and Estate Litigation Group offers clients a team of lawyers **widely recognized as being among the most distinguished, experienced, and successful litigators in the field of trusts, estates, and related legal areas**. This area of practice requires a high level of expertise that many estate planning lawyers are not trained to handle. Our trial lawyers have many years of experience in the probate courts. We possess in-depth knowledge of the substantive law and unique procedures applicable to probate and trust disputes.

Disagreements over the administration and distribution of an estate can and do occur, even where there are comprehensive estate plans intended to avoid such conflicts. Due to our success in court, we have the credibility to obtain the favorable settlements of disputes for our clients in mediation or even before there is litigation. We counsel our clients about litigation avoidance and we can provide advice that only comes from years of experience in the courtroom, in negotiated settlements, and in mediation. Our clients benefit from being served by an **integrated team** of highly skilled litigators, tax lawyers, and planners. This is what our team does:

- We provide **efficient, cost-effective, results-oriented solutions** to disputes arising from trusts, wills, probates, abuse of powers of attorney, and related matters.
- We help **protect the interests** of heirs and beneficiaries and help them enforce their rights.
- We **guide executors and trustees in doing their jobs responsibly** and, when necessary, taking action to defend against allegations of mishandling an estate or trust.
- We **work closely with corporate fiduciaries and in-house counsel** in trust and estate litigation matters.
- We are **sensitive to the financial and emotional impact** that these disputes have on families, and strive to resolve each dispute without destroying the families' future relationships.
- In resolving disputes, we not only **seek to negotiate the most beneficial substantive terms**, but also to structure settlements to maximize tax savings.
- We **seek in each case to reach a swift, fair and permanent solution** to end the dispute.

Representative Clients

- Professional and non-professional trustees
- Professional licensed fiduciaries
- Personal representatives of probate estates
- Beneficiaries under trusts and wills
- Persons with claims against trust or probate estates

Representative Matters

- Professional and non-professional trustees
- Will and trust contests
- Representing trustees in defense of breach of fiduciary duty claims and compliance with accounting disclosures
- Representing beneficiaries in prosecution of claims against trustee
- Interpretation of terms of a will or trust or other estate planning documents
- Accounting controversies
- Recovery of gifts made prior to death, or defense of validity of such gifts
- Questionable transfers made under a power of attorney
- Uncertainty as to title of an asset in a trust or an estate
- Determination of recipient of monies on deposit in joint accounts
- Asset valuation issues
- Third-party litigation involving creditors or business associates
- Negligence or incompetence of a fiduciary
- Surcharge of the personal representative for breach of fiduciary duties
- Validity of and challenges to testamentary dispositions based on due execution, testamentary capacity, undue influence, fraud, mistake, conflict of interest, prohibited transfer, or forgery
- Fiduciary appointment and removal

Publications

- ***If it's not in writing, does it exist?***, Denise E. Chambliss and Ariel G Siner, Daily Journal, February 17, 2022
- ***When Is Enough, Enough? Judicial Trustee Removal and Trolan v. Trolan (2019) 31.Cal.App.5th 939***, Denise E. Chambliss and Ariel G Siner, California Trusts and Estates Quarterly, Vol 27, Issue 1, 2021
- ***How to Discuss the Dreaded No Contest Clause***, Denise E. Chambliss, Hoge Fenton
- ***See Something, Say Something - Elder Abuse***, Denise E. Chambliss, Absolute Trust Counsel, June 5, 2018

Videos

Documenting Trust Distributions

Bank Trust Department - Lessons Learned from Lawyers

Notarization Alternatives for California Estate Plans in the Age of COVID-19

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