

**DENISE E. CHAMBLISS**

SHAREHOLDER, CHAIR, TRUST AND ESTATE LITIGATION

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PRACTICE OVERVIEW

Denise E. Chambliss is a shareholder in the firm with offices in Pleasanton, San Jose, and San Mateo. She is the founding chair of their Trust and Estate Litigation Practice Group and currently chairs the firm's Trust and Estate Planning Practice Group.

Denise has over twenty-five years of litigation experience, with a concentration in Trust and Estate matters since 2011. She has experience in legal issues involving trust accountings, breach of fiduciary duty, defense of trustees, surcharge, creditor claims, challenges to estate planning documents based on lack of capacity or undue influence, and financial elder abuse. Hoge Fenton's trust and estate litigation group also oversees ancillary trust administrations and probate matters related to the litigation where necessary. Denise's cases are based primarily in the greater San Francisco area and surrounding counties but also extend south to Santa Barbara, Los Angeles, and San Diego counties, and north to Marin and Solano counties. She regularly speaks and writes on these topics as well.

In the area of trust and estate disputes, Denise represents individual and corporate trustees, as well as executors and beneficiaries. Her practice balances the representation of fiduciaries and of beneficiaries, along with petitioners and respondents.

Denise has first chair experience in over fifteen trials and/or binding arbitrations. She was lead trial counsel in the financial elder abuse case of R.M. v. K.M., a decision currently pending on appeal before the California 1st Appellate District Court, Case No. A168157. Denise was lead trial counsel at the four-day bench trial before the Santa Barbara County Probate Court in the case of Wilkin v. Nelson (2020) 45 Cal.App.5th 802, a case of first impression of judicial reformation of a pour-over will (judgment affirmed on appeal holding community property assets belonged to surviving husband and not controlled by the residue term in the pour-over will). She also served as first chair in an eight-day bench trial, resulting in successful judgment on Quiet Title Complaint on undue influence claim and in defeat of an improper asset protection irrevocable trust. Foust v. Foust, Alameda County Case, reported at 2015 Verdicts Lexis 7891. Further, Denise has also managed cases on appeal, including oral arguments before the Court of Appeals.

Denise has been recognized as a Super Lawyer since 2015 and as a Best Lawyer since 2021 for her trust and estate litigation practice in Northern California. Hoge Fenton's trust and estate litigation practice has been recognized by Best Lawyers since 2021, as well as Hoge Fenton's trust and estate practice.

RECENT REPRESENTATIVE MATTERS

- Successful trial against ownership of real property allegedly acquired by an "asset protection" irrevocable trust in quiet title case, with a subsequent negotiated settlement to resolve eight years of related litigation in three separate legal proceedings. Reported at Foust v. Foust, 2015 Verdicts Lexis 7891
- Negotiated settlement of beneficiary disputes with their stepfather over community property and separate property to resolve a four-year-long probate

RECENT REPRESENTATIVE MATTERS CONT.

- Negotiated settlement of judicial foreclosure on commercial parcels, with full recovery on amount lent
- Successfully negotiated settlement of disputes between co-trustees involving allegations of self-dealing over eight rental properties
- Successful pre-litigation settlement in favor of trustee against beneficiary's claim on breach of fiduciary duties claims and failure to account
- Obtained default judgment against corporation and, by post-judgment motion, its alter ego shareholder on fraud claims arising from business purchase; judgment affirmed by the Court of Appeal; review denied by the California Supreme Court, *Guo v. Luminary Spa, Inc.* (2010)
- Successfully negotiated settlement of financial elder abuse claim against predatory lender

PROFESSIONAL ACTIVITIES

Denise is an active member of the Litigation Section and the Trust and Estate Section of the State Bar of California, and a member of the East Bay Trust and Estate Lawyers. She is a past President of the Tri-Valley Estate Planning Council, a past President of the Eastern Alameda County Bar Association, a past Director of the Alameda County Bar Association, a past Chair of the Trial Practice Section of the Alameda County Bar Association, and a past Treasurer and Director of The Law Center of Contra Costa County.

SPEAKING ENGAGEMENTS AND PUBLICATIONS

- Speaker, *Difficult Clients and Issues in Their Representation*, Alameda County Bar Association, December 7, 2023
- Speaker, *Non-Pro Rata Distributions in Trust Administrations: Creating Equalized Divisions*, Silicon Valley Bar Association, November 2, 2023
- Speaker, *Non-Pro Rata Distributions in Trust Administrations: Creating Equalized Divisions*, Tri-Valley Estate Planning Council, October 5, 2023
- Speaker, *"No More Fractional Discounts": California's Adoption of the Uniform Partition of Heirs Property Act*, California Lawyers Association, November 2, 2022
- Speaker, *Attorney's Fee Awards to Trust Beneficiaries*, Probate Attorneys of San Diego, October 19, 2022
- Speaker, *Contesting Trusts and Wills*, Probate and Estate Planning Section of the Legal Professionals, Inc., San Jose, Calif., May 20, 2022
- Co-Author, *California's Adoption of the Uniform Partition of Heirs Property Act*, California Trusts and Estates Quarterly, Vol. 28, Issue 3, 2022
- Co-Author, *The Uniform Partition of Heirs Property Act Adopted in California*, Daily Journal, December 12, 2022
- Co-Author, *If it's not in writing, does it exist?*, Daily Journal, February 17, 2022
- Co-Presenter, *When is Enough, Enough? Judicial Trustee Removal and Trolan v. Trolan*, San Mateo Bar Association, Estate Planning & Probate Section, September 16, 2021
- Co-Author, *When is Enough, Enough? Judicial Trustee Removal and Trolan v. Trolan (2019) 31 Cal.App.5th 939*, California Trust and Estates Quarterly, Vol. 27, Issue 1, 2021
- Guest Speaker, *Trust Me: Trustee Removal Litigation and Mediation*, The Trusts & Estates Section Podcast, California Lawyers Association, August 30, 2021
- Speaker, *Attorney Fee Awards to Trust Beneficiaries: Substantial Benefit Doctrine*, Orange County Bar Association, May 12, 2021
- Co-Speaker, *Documenting Trust Distributions*, Hoge Fenton, March 30, 2021
- Speaker, *Lessons Learned from Lawyers: Trust Dept. Risk Reduction Strategies*, Hoge Fenton, July 23, 2020
- Speaker, *Notarization Alternatives for California Estate Plans*, Hoge Fenton, May 28, 2020
- Author, *Smith v. Szeyller: Probate Court Authority for Attorney's Fee Award under the Substantial Benefit Doctrine for Successful Beneficiaries*, California Trust and Estates Quarterly, Vol. 26, Issue 2, 2020
- Speaker, *If You Love Me ... Studies in Undue Influence and Financial Elder Abuse*, Estate Planning and Probate Section of the San Mateo County Bar Association, April 26, 2020
- Author, *Seeing Triple under Probate Code 859 "Double Damages"*, Daily Journal, April 10, 2020
- Author, *"Tell Me What You Want, What You Really Really Want": Placencia v. Strazicich*, Daily Journal, February 10, 2020

SPEAKING ENGAGEMENTS AND PUBLICATIONS CONT.

- Speaker, *Where There's a Will, There's a Way*, Eastern Alameda County Bar Association, January 16, 2020
- Speaker, *Drafting and Functions of Wills*, C.E.B. Basics of Estate Planning, Continuing Education of the Bar, November 5, 2019
- Co-Author, *Judicial Reformation of a Will, Like Running Through a Minefield*, Eastern Alameda County Bar Association Newsletter, Vol. 20, No. 1, Summer 2019
- Co-Author, [Probate Court Closed to Disinherited Trust Beneficiaries](#), Daily Journal, September 27, 2018
- Speaker, *Drafting Petitions and Responses*, East Bay Trust and Estates Lawyers Litigation Boot Camp, September 12, 2018
- Guest Speaker, [See Something. Say Something – Elder Abuse](#), Absolute Trust Talk Episode 9, June 5, 2018
- Author, [How to Discuss the Dreaded No Contest Clause](#), 2018
- Speaker, *Undue Influence and Financial Elder Abuse in Will and Trust Litigation*, Tri-Valley Estate Planning Council, March 1, 2018
- Speaker, *Basics 101: Drafting a Will v. a Pour-over Will*, C.E.B. Basics of Estate Planning Seminar, October 9, 2017
- Speaker, *Undue Influence in Will and Trust Contests Under Probate Code §86*, Marin County Estate Planning Council, September 13, 2017
- Speaker, *Undue Influence Contest in Will and Trust Litigation PROBATE CODE §86 AND FAMILY CODE §721*, Eastern Alameda County Bar Association, March 16, 2017
- Speaker, *Dealing with Difficult Trust Beneficiaries: Legal Issues and Reasonable Responses*, Santa Clara County Estate Planning Council, November 16, 2015
- Speaker, *Drafting a Pour-Over Will and Uses in Post-Death Administration*, C.E.B. Basics of Estate Planning Seminar, September 25, 2015
- Speaker, *More Than Normal Reckless and Wanton Spousal Spending: Case of Undue Influence and Financial Abuse Held to Void Testamentary Instruments Favoring Third Wife*, in the recent case of *Lintz v. Lintz*, Eastern Alameda County Bar Association, November 21, 2014
- Speaker, *Dealing with Difficult Trust Beneficiaries*, Professional Fiduciary Association of California, San Francisco Chapter, October 22, 2014
- Speaker, *Master Class: Will Drafting*, Continuing Education of the Bar, October 30, 2013
- Author, *Standing to Sue Expands in Revocable Trust Disputes*, San Francisco Daily Journal, February 26, 2013
- Speaker, *Assessment & Litigation of Capacity in Trust and Estate Cases: Medical & Legal Perspectives*, Santa Clara County Estate Planning Council, November 12, 2012
- Speaker, *Case Study in Trust and Will Contest Litigation: Capacity and Undue Influence*, Hoge Fenton, Brown Bag, August 15, 2012
- Speaker, *"Lost Your Marbles?": Updates on Judicial Determination of Testamentary Capacity*, Hoge Fenton Litigation Group, 2012
- Author, [Capacity and Undue Influence Challenges in Trust and Estate Litigation](#), Eastern Alameda County Bar Association Newsletter, June/July 2012
- Author, [A Successor Trustee's Accounting Obligations – An Overview](#), Eastern Alameda County Bar Association Newsletter, January/February 2012
- Author, [The 'Treat 'Em Like They're Dead' Remedy: Inheritance Forfeiture and Elder Abuse](#), Daily Journal, October 6, 2011
- Author, *Addition of Alter Ego to Default Judgment*, Alameda County Bar Association Bulletin, 2011

PRACTICE AREAS

Estates and Trusts
Trust and Estate Litigation
Litigation and Dispute Resolution

EDUCATION

J.D., South Texas College of Law, Houston
B.A., University of Houston

ADMISSIONS

California

U.S. District Court, Northern District of California

U.S. Court of Appeals, Ninth Circuit

AWARDS

Super Lawyer, Northern California, Trust and Estate Litigation, 2015-2023

Best Lawyers in America 2021-2022, Litigation – Trusts and Estates