

PRACTICE GROUP
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FIDUCIARY REPRESENTATION

Weintraub's Trusts and Estates practice group represents both professional and non-professional fiduciaries, including banks and trust companies, in all matters relating to trusts and estates. Examples of fiduciaries include personal representatives of estates, trustees of trusts, and conservators of conservatees. Sometimes they are family members and sometimes they are California licensed professionals. Fiduciaries have legal obligations and duties that are among the highest under California law and are entrusted with managing an individual's personal well-being and/or property when the individual is unable or unwilling to do so on his or her own.

Professional Services for General Administration

The Trusts and Estates practice group has a wealth of experience representing fiduciaries to assist them in carrying out duties in a relatively simple trust, estate, or conservatorship administration, and those administrations which are highly complex. Our team advises the fiduciary from start to finish, including assisting with initiating administration, ensuring that proper notices are provided, and advising the fiduciary regarding marshalling of assets, proper accounting methods, and distributions to trust beneficiaries, both during administration and, where applicable, upon termination.

Guidance in Tax Issues

Weintraub Trusts and Estates attorneys specialize in representing and advising fiduciaries as to a wide range of tax matters that arise during probate and the administration of trusts, both revocable and irrevocable. Our team includes tax experts who have extensive knowledge about the many tax forms that are required or recommended to be filed with federal, state, and local tax authorities, and are highly experienced in navigating issues with tax authorities.

Advice for Asset Management



Our team has extensive expertise in advising fiduciaries in more complex aspects of administration, including sales of real property and holding and administering various types of real property assets—residential, commercial, farms, and ranches. Holding real property assets as a fiduciary can present a variety of issues, and our team represents many clients as to these issues, including with respect to purchase and sale agreements, accounting issues, asset management, leases, licenses, occupancy agreements, pasture and grazing leases, and crop leases.

Litigation and Probate Court

Beyond administration, the Trusts and Estates practice group represents fiduciaries in all aspects of litigation filed by or against a fiduciary. In some cases, fiduciaries are sued for mismanagement of a trust or estate and will need to defend their actions or omissions. In others, fiduciaries are obligated to take legal action against family members or third-parties relating to damage to a trust or estate or to recover certain property. Our team, comprised of seasoned litigators, has significant experience in prosecuting and defending any and all actions involving clients serving in a fiduciary role.

In addition, our team frequently handles non-litigated matters in Probate Court, such as petitions for instructions, approval of accountings, and determination of ownership of property, commonly referred to as 850 petitions.

