

CHUCK HAROLD, JR.  
SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING  
IN RE THE MATTER OF  
THE SHARON M. HAROLD  
IRREVOCABLE TRUST DATED  
NOVEMBER 12, 2004,  
a Trust.

HONORABLE WYMAN YIP  
Hearing Date: October 6, 2023  
Without Oral Argument

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING**

In re the Matter of

Case No. 22-4-08326-1 KNT

THE SHARON M. HAROLD  
IRREVOCABLE TRUST DATED  
NOVEMBER 12, 2004,

**OPPOSITION OF RESPONDENTS TO  
PETITIONER TRUSTEE'S MOTION TO  
CONTINUE TRIAL DATE**

a Trust.

**I. INTRODUCTION**

Grantor Sharon M. Harold ("Grantor") and Residual Beneficiaries Charles A. Harold, Jr., John J. Harold, Angel Harold, Amy Jane Small, and Josette Harold Ramirez (hereinafter collectively referred to as "Respondents") oppose Petitioner Trustee's Motion to Continue Trial Date and respectfully request that the trial date remain as currently calendared.

**II. STATEMENT OF FACTS**

**A. Paice Becomes the Alleged Successor Trustee and Immediately Breached, and Continued to Breach, His Fiduciary Duties Owed to Respondents.**

Sometime in February or March 2010, David A. Paice ("Paice") allegedly accepted becoming acting successor trustee of the Sharon M. Harold Irrevocable Trust, dated November 4, 2004. No one, not even Paice himself knows the precise date because within the first 60 days of his alleged tenure, Paice violated Cal. Probate

1 Code § 16061.7, when he failed to provide beneficiaries proper notification of his  
2 succession to acting trustee. Paice continued to breach this duty until his attorney tried  
3 unsuccessfully to cure this breach **12 years later**, in an August 9, 2022 letter to  
4 beneficiaries. Most importantly, Paice's notice of successor omitted the fact that David  
5 Llewelyn was the immediate predecessor trustee and not Bob Hatch as Paice stated,  
6 as more fully discussed in Respondents' Verified Joint Objection (Dkt. 28).

7 After his breach of duty to notify beneficiaries pursuant to Cal. Probate Code §  
8 16061.7, Paice engaged in on-going and continuous breaches of his fiduciary duties  
9 by failing to provide an annual accounting of trust for 12, now 13 years, denying  
10 Grantor funds to retain legal representation, thus failing his duties of loyalty,  
11 compliance, communication, impartiality, and engaging in acts of self-dealing such as  
12 comingling, mismanagement, misappropriation, and failing to follow the stated primary  
13 objective of the Trust instrument, "to provide for Grantor."

14 **B. Respondents Requested an Accounting and Were Forced Into this**  
15 **TEDRA Litigation For Doing So.**

16 This dispute began when Respondent Amy Jane Small ("Amy") was given  
17 power of attorney with disability planning by Grantor on June 21, 2018, to assist her  
18 with moving her into an assisted living facility.

19 On April 27, 2022, Amy requested an accounting from Paice pursuant to Cal.  
20 Probate Code § 16060. Paice refused to supply the information stating Amy was not  
21 entitled to it, despite holding power of attorney for Grantor. Paice also claimed Grantor  
22 did not have enough money for an assisted living facility.

23 Instead of simply providing an accounting as required by Cal. Probate Code §§  
24 16062 and 16063, Paice, with Grantor's then uninformed approval, retained his first  
25 attorney and used trust funds to avoid fulfilling his duties, an obvious misuse of trust  
26 funds.

27 During this period, Paice and Grantor's attorney sent a letter to Amy stating  
28 Grantor had more than enough money for her immediate and future health needs, a

1 posture in direct conflict with Paice's original statement to Amy that Grantor did NOT  
2 have enough money for an assisted living facility.

3 Paice's attorney shortly thereafter withdrew her representation because of the  
4 inherent conflict of interest between Paice using Trust funds against the interest of  
5 Grantor and the other beneficiaries.

6 Paice then retained Lane Powell and hired an accountant/CPA to compile a  
7 tabulation (not an actual accounting) of 12 previous years' worth of trust financial  
8 information. Per the CPA, the financial data Paice supplied to him "omit[ted]  
9 substantially all of the disclosures required by accounting principles generally  
10 accepted in the United States of America." It was later discovered that the alleged  
11 accounting did not balance and was short either \$8,000 or \$6,000, depending on how  
12 one views the conflicting back up information. Paice's accounting stated that Grantor  
13 received a cashier's check for \$8,000, but Grantor's records show that she received a  
14 cashier's check in the amount of \$2,000.

15 Paice and his attorney then soon after provided this flawed accounting to  
16 Respondents **without** (1) the backup data he provided the accountant, and **without**  
17 (2) the "omitted" information referenced in the accountant's cover letter.

18 Accompanying this alleged accounting to beneficiaries was a letter from Paice's  
19 attorney, Mr. Schilbach, threatening to spend future trust funds on litigation unless a  
20 Release of Liability for Paice, his wife and his daughter was signed by all beneficiaries.

21 Since Respondents refused to sign the Release, Paice commenced this  
22 TEDRA action and illegally used trust funds to pay for his attorney fees and costs.  
23 Paice's litigious response was a disproportionate reaction to a simple request to fulfill  
24 his duty to supply an accounting to Grantor and beneficiaries.

25 Respondents take issue with the "facts" as stated by Paice in his motion. While  
26 it is true that the relief sought and/or issues raised in the TEDRA Petition included the  
27 approval of Paice's "accounting," and the removal and replacement of Paice as  
28 Trustee, Paice's motion did not include any mention regarding the "expend[iture] of

1 Trust resources on counsel for the Trustee.” (Motion to Continue Trial, Dkt 112 at 2.)  
2 Pages 9 to 11 of the Verified Petition (Dkt 1) are absent of any mention of using or  
3 approving Trust funds to pay for counsel for Paice, nor is it even slightly implied when  
4 read with and interpretation most favorable to Paice.

### 5 **III. LEGAL ARGUMENTS**

#### 6 **A. Extending the Trial Date Defeats the Legislative Intent of TEDRA.**

7 TEDRA was enacted as a means to streamline and provide efficient resolution  
8 of conflicts that may arise in the administration of trusts and probate estates. TEDRA’s  
9 aim was to reduce the reliance on court litigation and promote timely resolutions  
10 through alternative dispute resolution methods. A trial is not mediation. The motion to  
11 continue trial is a motion to discourage a timely resolution which is the legislative intent  
12 of TEDRA. In addition, continuing trial would further diminish Trust assets by  
13 extending, not reducing litigation. Respondents ask the Court, do average TEDRA  
14 actions last as long as this one, over 14 months as Paice is requesting by way of his  
15 extension request?

16 Respondents were not given the opportunity to resolve this matter in a  
17 reasonable exchange of conversations, correspondence and proposed solutions  
18 because Paice offered beneficiaries an all or nothing, take it or leave it, sign the  
19 release of liability or face litigation solution, a position that breaches Cal. Probate Code  
20 § 16040.

21 Had Paice not breached his duty of loyalty and his duty to administer the  
22 Trust “with reasonable care, skill, and caution under the circumstances then prevailing  
23 that a prudent person acting in a like capacity would use in the conduct of an  
24 enterprise of like character and with like aims to accomplish,” we would not be before  
25 this Court today.

#### 26 **B. A Continuance Of The Trial Date Would Waste Additional Trust Assets.**

27 Paice’s request to continue trial is a violation of several statutes: Cal. Probate  
28 Code §§ 16006 (Duty to preserve trust property), 16007 (Duty to make trust property

1 productive), 16011 (Duty to Defend against losses to Trust (including those instigated  
2 by him)), 16014 (Duty to Apply full extent of skills), and 16040 (Duty to administer  
3 Trust with reasonable care of prudent person), and 16046 (Duty of Prudent investor  
4 rule).

5 Respondents have been very clear from the outset of this litigation that their  
6 intent is to ensure there are sufficient funds for Grantor to live comfortably in an  
7 appropriate care facility. In fact, this is a specific duty required by Paice outlined in the  
8 Trust instrument and supported by California Probate Code, "to provide for Grantor"  
9 not himself. Respondents' intent in this case is to cease the expenditure of Trust funds  
10 for Paice's personal use.

11 If this matter is continued into next year as requested in the instant motion, it  
12 would breach the spirit and goal of TEDRA legislation and result in the waste of  
13 additional trust assets which are presently being quickly depleted. In fact, Amy had  
14 arranged for Grantor to move into a small boutique facility located in Reno several  
15 months ago; however, due to this litigation, she no longer qualifies due to lack of  
16 sufficient Trust assets caused by Paice's improper administration of the Trust and by  
17 his use of Trust funds for attorney fees to defend himself for his indefensible acts.

18 **C. This Motion Is Procedurally Premature.**

19 There are currently three motions to be considered by this Court in the  
20 upcoming weeks, all three of which are potentially dispositive of the TEDRA action.  
21 Therefore, trial may become unnecessary.

22 ***(1) The Motion for Partial Summary Judgment***

23 The referenced motion will be heard on October 6. If the Court bars the use of  
24 Trust funds for Paice's legal representation, it will be because he breached his  
25 statutory duties which preclude him from using Trust funds for attorney fees and costs  
26 to certify his alleged accounting. If the Court determine that Paice is not a legitimate  
27 trustee Paice will have no standing to ask this Court to approve an accounting that  
28 never happened and release him from liability.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**(2) The Motion for Revision**

As discussed in the instant motion, the hearing on the Motion for Revision is set for November 3, 2023. The motion seeks a review by this Court to determine if any judicial errors were committed in denying and dismissing the Petition for Protective Order filed in *Harold v. Paice*, King County Superior Court, No. 23-2-03980-7 KNT. If judicial errors are found, the Protection findings could be overturned resulting in the TEDRA proceeding being dismissed in its entirety. Therefore, any ruling on the instant motion to extend a trial that may not materialize is premature.

**(3) The Motion to Dismiss**

This dispositive motion is set for November 3, 2023, immediately following the Protection Revision hearing. Again, depending on the ruling by this Court, if granted, the Motion to Dismiss may make a trial moot. It is therefore premature for this Court to grant a continuance of the trial date.

**D. Respondents Have Proposed Binding Mediation to Paice.**

At the time of this filing, Paice has not responded to Respondents' September 27 offer to send this matter to binding mediation. Additionally, Grantor has offered to pay for mediation out of Trust funds because she understands that binding mediation will end this litigation at a significantly lower cost to her estate. Respondents remind Paice that under California Probate Code § 16040 and the other sections referenced above, he has an on-going duty to administer the Trust with the reasonable care of a prudent person under similar circumstances. Binding mediation is the most reasonable care under the circumstances since it will also fulfill Paice's other duties stated above such as preserving trust assets, the prudent investor duty and the duty to incur only reasonable costs. Paice's duties are absolute, despite himself being engaged in this, self-initiated litigation.

///  
///  
///

1           **E. Paice's Prosecution of Grantor and Affecting Her Trust Is the Actual**  
2                           **and Proximate Cause of Several of Grantor's Maladies and Health**  
3                           **Issues.**

4           The 90-day stay granted by this Court, based upon the recommendation of  
5 Grantor's doctor, was an immense benefit to Grantor's health. Unfortunately, since  
6 Grantor's health issues continue to worsen, it is not sufficient. After the lifting of the  
7 stay on August 24, 2023, Respondent Charles A. Harold, Jr. spoke with Grantor's  
8 health provider. He was told that this litigation continues to adversely affect her health.  
9 (Harold Decl. ¶ 2.) It is imperative that this matter conclude as soon as possible for  
10 Grantor's sake. Respondents remind the Court that Grantor is 86 years old and asks  
11 the Court to take judicial notice that a very low percentage of people live very much  
12 longer past this age. Since Paice's self-initiated and unnecessary litigation is the actual  
13 and proximate cause of several of Grantor's health issues, Respondents ask the Court  
14 to shorten this proceeding for the benefit of Grantor's health and deny the instant  
15 motion.

16           **F. Discovery Is Not Relevant In This Proceeding.**

17           Paice argues in the instant motion that trial needs to be continued in order for  
18 him to propound discovery and take depositions. This Court should note that since the  
19 filing of his original Petition in December 2022 and the onset of the 90-day stay on  
20 May 24, 2023, Paice has propounded only one set of interrogatories to each  
21 Respondent, all identical. In addition, since the lifting of the stay on August 24, 2023,  
22 Paice has had more than 30 days to file a motion to compel and to take depositions  
23 and propound further discovery but did not do so. While it is true that during the stay  
24 the proceedings were at a standstill, the stay did not preclude Paice from preparing  
25 discovery during those 90 days and serving it on Respondents immediately after the  
26 stay was lifted. Again, Paice chose not to do so.

27           Evidence Rule 401 defines "relevant evidence" as:  
28

1 Evidence having any tendency to make the existence of any fact that  
2 is of consequence to the determination of the action more probable  
or less probable than it would be without the evidence.

3 The only issue in the “determination of the action” is Paice’s alleged accounting  
4 of trust. As Respondents have shown time and time again, Paice’s tabulation is not an  
5 accounting, does not balance, is a violation of California Probate Codes §§ 16062,  
6 16063 and 16322 because it was never created annually as required, was constructed  
7 12 years later and “omit[ted] substantially all of the disclosures required by accounting  
8 principles generally accepted in the United States of America.”

9 Case law and California Probate Codes preclude the certification of Paice’s  
10 alleged accounting.

11 The only person who has knowledge about the alleged accounting is Paice. For  
12 12, now 13 years, the financial posture and health of the Trust was intentionally hidden  
13 from Grantor and withheld from beneficiaries when he violated his duty for 13 years in  
14 a row.

15 Respondents contend that the only relevant evidence in this matter is held by  
16 Paice.

17 Paice is unresponsive to reasonable requests for information under Cal.  
18 Probate Code § 16061. One example is an unanswered request to provide detailed  
19 receipts about the cost Paice paid for his alleged accounting of Trust. (Harold Dec. ¶  
20 3. Ex. 1.)

21 Only Paice can attempt to enlighten the Court about his inexplicable behavior.  
22 Only Paice can explain why he breached so many of his fiduciary duties for the past  
23 13 years. Only Paice can explain why Respondents are before this Court because as  
24 Respondents have demonstrated, Paice’s reason to initiate TEDRA proceedings do  
25 not seem properly based in law or common sense.

26 There is no discovery Paice can propound on Respondents that “is of  
27 consequence to the determination of the action more probable or less probable than it  
28 would be without the evidence.”



1 Discovery in this proceeding is a waste of time and Grantor's Trust funds.  
2 Paice's argument regarding discovery as a reason to continue trial should not be given  
3 significant weight by this Court for the reasons stated in this section.

4 **IV. CONCLUSION**

5 For all the reasons stated herein, Respondents respectfully request that this  
6 Court deny Petitioner's Motion to Continue Trial Date and that the trial date remain as  
7 currently scheduled. In the alternative, the parties can revisit the continuance of the  
8 trial after the rulings are issued regarding the dispositive motions before this Court.

9 DATED: September 29, 2023 s/Charles A. Harold, Jr.  
10 Charles A. Harold, Jr., Residual Beneficiary and  
11 Respondent in pro se  
12 1455 N. Tomahawk Rd.  
13 Apache Junction, AZ 85119  
Tel: 818-652-6400  
E-mail: [chuckharold@gmail.com](mailto:chuckharold@gmail.com)

14 DATED: September 29, 2023 s/Sharon M. Harold  
15 Sharon M. Harold, Grantor and  
16 Respondent in pro se  
17 100 River Bend Rd. #103  
18 Reedsport, OR 97467  
Tel: (541) 662-1937  
Email: [smharold7@gmail.com](mailto:smharold7@gmail.com)

19 DATED: September 29, 2023 s/John Harold  
20 John Harold, Residual Beneficiary and  
21 Respondent in pro se  
22 230 Westmont Dr.  
23 Reedsport, OR 97467  
Tel: (541) 662-6262  
Email: [john6231@live.com](mailto:john6231@live.com)

24 DATED: September 29, 2023 s/Angel Harold  
25 Angel Harold, Residual Beneficiary and  
26 Respondent in pro se  
27 9317 Balcom Ave.  
28 Northridge, CA 91325  
Tel: (661) 289-4238  
Email: [angelharold25@gmail.com](mailto:angelharold25@gmail.com)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: September 29, 2023

s/Amy Jane Small

Amy Jane Small, Residual Beneficiary and  
Respondent in pro se  
P.O. Box 352  
Graeagle, CA 96103  
Tel: (805) 827-0051  
Email: [aj.harold9@gmail.com](mailto:aj.harold9@gmail.com)

DATED: September 29, 2023

s/Josette Harold Ramirez

Josette Harold Ramirez, Residual Beneficiary and  
Respondent in pro se  
11319 Playa St.  
Culver City, CA 90230  
Tel: (310) 280-6229  
Email: [jobabe007@gmail.com](mailto:jobabe007@gmail.com)

We certify that this memorandum contains 2,739  
words, in compliance with the Local Civil Rules

# APPENDIX



State of California

PROBATE CODE

Section 16006

---

16006. The trustee has a duty to take reasonable steps under the circumstances to take and keep control of and to preserve the trust property. (Enacted by Stats. 1990, Ch. 79.



State of California

PROBATE CODE

Section 16040

---

16040. (a) The trustee shall administer the trust with reasonable care, skill, and caution under the circumstances then prevailing that a prudent person acting in a like capacity would use in the conduct of an enterprise of like character and with like aims to accomplish the purposes of the trust as determined from the trust instrument.

(b) The settlor may expand or restrict the standard provided in subdivision (a) by express provisions in the trust instrument. A trustee is not liable to a beneficiary for the trustee's good faith reliance on these express provisions.

(c) This section does not apply to investment and management functions governed by the Uniform Prudent Investor Act, Article 2.5 (commencing with Section 16045).

(Amended by Stats. 1995, Ch. 63, Sec. 4. Effective January 1, 1996.)



State of California

PROBATE CODE

Section 16060

---

16060. The trustee has a duty to keep the beneficiaries of the trust reasonably informed of the trust and its administration. (Enacted by Stats. 1990, Ch. 79.



State of California

PROBATE CODE

Section 16061

---

16061. Except as provided in Section 16069, 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. (Amended by Stats. 2010, Ch. 621, Sec. 3. (SB 202) Effective January 1, 2011.

State of California

PROBATE CODE

Section 16061.7

---

16061.7. (a) A trustee shall serve a notification by the trustee as described in this section in the following events: (1) When a revocable trust or any portion thereof becomes irrevocable because of the death of one or more of the settlors of the trust, or because, by the express terms of the trust, the trust becomes irrevocable within one year of the death of a settlor because of a contingency related to the death of one or more of the settlors of the trust. (2) Whenever there is a change of trustee of an irrevocable trust. (3) Whenever a power of appointment retained by a settlor is effective or lapses upon death of the settlor with respect to an inter vivos trust which was, or was purported to be, irrevocable upon its creation. This paragraph shall not apply to a charitable remainder trust. For purposes of this paragraph, "charitable remainder trust" means a charitable remainder annuity trust or charitable remainder unitrust as defined in Section 664(d) of the Internal Revenue Code. (4) The duty to serve the notification by the trustee pursuant to this subdivision is the duty of the continuing or successor trustee, and any one cotrustee may serve the notification. (b) The notification by the trustee required by subdivision (a) shall be served on each of the following: (1) Each beneficiary of the irrevocable trust or irrevocable portion of the trust, subject to the limitations of Section 15804. (2) Each heir of the deceased settlor, if the event that requires notification is the death of a settlor or irrevocability within one year of the death of the settlor of the trust by the express terms of the trust because of a contingency related to the death of a settlor. (3) If the trust is a charitable trust subject to the supervision of the Attorney General, to the Attorney General. (c) A trustee shall, for purposes of this section, rely upon any final judicial determination of heirship, known to the trustee, but the trustee shall have discretion to make a good faith determination by any reasonable means of the heirs of a deceased settlor in the absence of a final judicial determination of heirship known to the trustee. (d) The trustee need not provide a copy of the notification by trustee to any beneficiary or heir (1) known to the trustee but who cannot be located by the trustee after reasonable diligence or (2) unknown to the trustee. (e) The notification by trustee shall be served by any of the methods described in Section 1215 to the last known address. (f) The notification by trustee shall be served not later than 60 days following the occurrence of the event requiring service of the notification by trustee, or 60 days after the trustee became aware of the existence of a person entitled to receive notification by trustee, if that person was not known to the trustee on the occurrence of the event requiring service of the notification. If there is a vacancy in the office of the trustee on the date of the occurrence of the event requiring service of the notification by trustee, or if that event causes a vacancy, then the 60-day period for service of the notification by trustee commences on the date the new trustee commences to serve as trustee. (g) The notification by trustee shall contain the following information: (1) The identity of the settlor or settlors



of the trust and the date of execution of the trust instrument. (2) The name, address, and telephone number of each trustee of the trust. (3) The address of the physical location where the principal place of administration of the trust is located, pursuant to Section 17002. (4) Any additional information that may be expressly required by the terms of the trust instrument. (5) A notification that the recipient is entitled, upon reasonable request to the trustee, to receive from the trustee a true and complete copy of the terms of the trust. (h) If the notification by the trustee is served because a revocable trust or any portion of it has become irrevocable because of the death of one or more settlors of the trust, or because, by the express terms of the trust, the trust becomes irrevocable within one year of the death of a settlor because of a contingency related to the death of one or more of the settlors of the trust, the notification by the trustee shall also include a warning, set out in a separate paragraph in not less than 10-point boldface type, or a reasonable equivalent thereof, that states as follows: "You may not bring an action to contest the trust more than 120 days from the date this notification by the trustee is served upon you or 60 days from the date on which a copy of the terms of the trust is delivered to you during that 120-day period, whichever is later." (i) Any waiver by a settlor of the requirement of serving the notification by trustee required by this section is against public policy and shall be void. (j) A trustee may serve a notification by trustee in the form required by this section on any person in addition to those on whom the notification by trustee is required to be served. A trustee is not liable to any person for serving or for not serving the notice on any person in addition to those on whom the notice is required to be served. A trustee is not required to serve a notification by trustee if the event that otherwise requires service of the notification by trustee occurs before January 1, 1998. (Amended by Stats. 2017, Ch. 319, Sec. 87. (AB 976) Effective January 1, 2018.

State of California

PROBATE CODE

Section 16062

---

16062. (a) Except as otherwise provided in this section and in Section 16064, the trustee shall account at least annually, at the termination of the trust, and upon a change of trustee, to each beneficiary to whom income or principal is required or authorized in the trustee's discretion to be currently distributed. (b) A trustee of a living trust created by an instrument executed before July 1, 1987, is not subject to the duty to account provided by subdivision (a). (c) A trustee of a trust created by a will executed before July 1, 1987, is not subject to the duty to account provided by subdivision (a), except that if the trust is removed from continuing court jurisdiction pursuant to Article 2 (commencing with Section 17350) of Chapter 4 of Part 5, the duty to account provided by subdivision (a) applies to the trustee. (d) Except as provided in Section 16064, the duty of a trustee to account pursuant to former Section 1120.1a of the Probate Code (as repealed by Chapter 820 of the Statutes of 1986), under a trust created by a will executed before July 1, 1977, which has been removed from continuing court jurisdiction pursuant to former Section 1120.1a, continues to apply after July 1, 1987. The duty to account under former Section 1120.1a may be satisfied by furnishing an account that satisfies the requirements of Section 16063. (e) Any limitation or waiver in a trust instrument of the obligation to account is against public policy and shall be void as to any sole trustee who is either of the following: (1) A disqualified person as defined in former Section 21350.5 (as repealed by Chapter 620 of the Statutes of 2010). (2) Described in subdivision (a) of Section 21380, but not described in Section 21382. (Amended by Stats. 2016, Ch. 86, Sec. 250. (SB 1171) Effective January 1, 2017.



State of California

PROBATE CODE

Section 16063

---

16063. (a) An account furnished pursuant to Section 16062 shall contain the following information: (1) A statement of receipts and disbursements of principal and income that have occurred during the last complete fiscal year of the trust or since the last account. (2) A statement of the assets and liabilities of the trust as of the end of the last complete fiscal year of the trust or as of the end of the period covered by the account. (3) The trustee's compensation for the last complete fiscal year of the trust or since the last account. (4) The agents hired by the trustee, their relationship to the trustee, if any, and their compensation, for the last complete fiscal year of the trust or since the last account. (5) A statement that the recipient of the account may petition the court pursuant to Section 17200 to obtain a court review of the account and of the acts of the trustee. (6) A statement that claims against the trustee for breach of trust may not be made after the expiration of three years from the date the beneficiary receives an account or report disclosing facts giving rise to the claim. (b) All accounts filed to be approved by a court shall be presented in the manner provided in Chapter 4 (commencing with Section 1060) of Part 1 of Division 3. (Repealed and added by Stats. 1997, Ch. 724, Sec. 26. Effective January 1, 1998.



State of California

PROBATE CODE

Section 16322

---

16322. "Accounting period" means a calendar year unless another 12-month period is selected by a fiduciary. The term includes a portion of a calendar year or other 12-month period that begins when an income interest begins or ends when an income interest ends. (Added by Stats. 1999, Ch. 145, Sec. 5. Effective January 1, 2000)