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LEGACY LITIGATORS

Glossary:

Trust Litigation Terms Made Simple

A Plain-English Guide for Fox Law Clients

Trust litigation can feel overwhelming, especially when you're being introduced to legal terminology for the first time. This glossary explains common terms in clear, simple language so you can better understand your case and what to expect.

Breach of Fiduciary Duty

When a trustee or estate administrator fails to act in the best interest of the beneficiaries. This can include mismanaging money, self-dealing, hiding information, or failing to follow the trust's instructions or the Probate Code's rules for trustees and estate administrators.

Beneficiary

A person (or organization) who is entitled to receive assets or benefits from a trust or an estate.

Trustee

The person or institution responsible for managing the trust assets and carrying out the terms of the trust. Trustees have strict legal duties.

Estate Administrator/Executor/Personal Representative of the Estate

The person or institution responsible for managing the estate assets through probate in California courts. Estate Administrators have strict legal duties.

Fiduciary Duty

The legal obligation to act honestly, loyally, and in the best interests of someone else. Trustees and Estate Administrators owe fiduciary duties to beneficiaries.



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Trust

A legal arrangement where one person (the trustee) holds and manages property for the benefit of another (the beneficiary).

Trust Administration

The process of managing and distributing trust assets after the person who created the trust (the “settlor”) dies or becomes incapacitated. Trust administration can and should occur outside the court system when done correctly.

Settlor/Trustor/Grantor

The person who created and funded the trust.

Accounting

A detailed financial report showing how trust or estate assets have been managed, including what came in, what went out, and what remains.

Petition

A formal written request filed with the court asking a judge to make a decision.

Probate Court

The court that oversees matters involving estates, trusts, conservatorships, and guardianships.

Undue Influence

Excessive persuasion that causes another person to act or refrain from acting by overcoming that person’s free will and results in inequity.

Lack of Mental Capacity

A claim that the person who created or amended a trust or will did not have the mental ability to understand what they were doing at the time.

Trust Contest

A Petition filed with the court contesting the validity of a trust or trust amendment.

Removal of Trustee

A court request asking a judge to remove a trustee who has acted improperly or is no longer suitable to serve.



Surcharge

A court order requiring a trustee to personally repay money to the trust for losses caused by their misconduct.

No-Contest Clause

A provision in some trusts stating that a beneficiary who contests the validity of the trust may lose their inheritance. These clauses are limited and must be analyzed carefully.

Discovery

The formal process of exchanging information and documents between parties in a lawsuit.

Deposition

Sworn testimony given outside of court, recorded by a court reporter, where attorneys ask questions and answers are given under oath.

Mediation

A confidential meeting where a neutral third party helps both sides try to resolve the dispute without going to trial.

Trial

A court proceeding where a judge (and sometimes a jury) hears evidence and makes a final decision.

Settlement

A negotiated agreement that resolves the dispute without a trial.

Damages

Financial compensation awarded for losses caused by wrongdoing.

Questions? Contact Fox Law

Understanding these terms helps you make informed decisions and reduces unnecessary stress during the process. At Fox Law, we believe informed clients make stronger decisions and we're committed to explaining every step clearly and directly.

If you have questions about any of these terms or how they apply to your case, our team is here to help. **Contact us at foxtrustlaw.com to schedule your no-cost initial consultation.**



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