



BUYNAK LAW FIRM

Lis Pendens

Lis Pendens Trust Proceedings. Some trusts (usually) involve real property within the trust's assets/estate being administered/distributed. If there is a dispute involving the real property with an outside person (claim on the title, easement, etc.) a lis pendens lien by a beneficiary is important so that the real property is not lost, sold, misused, etc. while the administration is occurring, and distribution is made. Usually, the real estate dispute is resolved and then the distributions that involve the real estate are made.

Recently, in the case of *Nell v. Superior Court* (2024) 107 Cal.Ap.728 allowed the filing of a lis pendens to stand so that (1) the real property is properly administered/distributed and (2) the real property is subject to the litigation. Stated otherwise, the real estate proceedings proceed to adjudication before the trust is completely administered/assets distributed. This is a "first" in legal history all to extend the use of the lis pendens remedy.

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Helping Clients Thrive!

S. Timothy Buynak, Principal