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5 Attorneys for Beneficiaries,
6 JANNA DAY and PAMELA ESTELLE RUMPH

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

10
11 In re the matter of:

12 THE DAY FAMILY SURVIVOR'S TRUST

CASE NO.: SP006992

**OPPOSITION TO PETITION FOR
INSTRUCTIONS TO SELL REAL
PROPERTY; DECL. OF JANNA
DAY; DECL. OF PAMELA
ESTELLE RUMPH; DECL. OF KIP
MILES; DECL. OF HOLLY MILES**

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19 TO THE COURT, AND ALL INTERESTED PARTIES:

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21 Primary beneficiary JANNA DAY and contingent beneficiary PAMELA
22 ESTELLE RUMPH hereby oppose and object to trustee, Jason Rubin's Petition for
23 Instructions to Sell Real Property ("Petition") located at 22223 Carbon Mesa Road,
24 Malibu, California 90265 ("Property") as follows:

25
26 **I. Summary of Major Arguments**

27 A. All beneficiaries of the Day Family Trust ("Trust") object to the sale of the
28 Property, which is an integral part of the family legacy and most significant asset of the

1 Trust. (See attached declarations of Kip Miles, Holly Miles, Janna Day and Pamela
2 Estelle Rumph).

3 B. It is the Trustee's own inactions and failure to repair and renovate the Property
4 for residential use, as promised to the beneficiaries when Mr. Rubin signed on as trustee,
5 which has limited the favorable immediate income produce options (i.e. residential rental)
6 at the Property.

7 C. The Trustee appears to have made no efforts to rent the property or produce
8 income and provides the Court with no analysis as to the viability of renting the Property
9 to generate income. Beneficiaries need the opportunity to conduct a short round of
10 discovery and to confer with real estate professionals, since the Trustee apparently has
11 made no attempt to do so.

12 D. Trustee has embarked on a dismissive and at times actively hostile course of
13 action with the beneficiaries, only recently filing an accounting for the previous 34 month
14 period (from 2/11/19 through 11/30/21) and refusing to meaningfully discuss or inform
15 the family as to income-producing options for the Property that would allow the family to
16 retain it.

17 E. Whereas it may make the Trustee's life simpler, to sell the house and collect
18 trustee's fees for simply managing cash/liquid assets, such course meets neither the best
19 interests of the beneficiaries or the intentions of the Settlers. Moreover, Trustee is seeking
20 to override the Trust terms allowing for the primary beneficiary to live at the Property
21 rent-free (Sec. 10.02) but has not filed a petition for modification or cited any appropriate
22 authority from the Trust to permit this sale.

23 F. The Property was, according to the terms of the Trust, required to be distributed
24 to Janna Day on her 60th birthday, which occurred on November 9, 2013. (Restated Day
25 Trust, Section 10.02(e)). Janna Day intends to file a petition for distribution within a few
26 days of filing this Objection and requests the Court hear said petition in conjunction with
27 the present petition.

28 Therefore, objecting beneficiaries respectfully request the Court deny this Petition

1 outright.

2 If the Petition is not denied outright, prior to the Court's issuance of any order for
3 sale, the beneficiaries request an evidentiary hearing (trial) on this vital matter of concern
4 to the Trust and family.

5 6 **II. All Trust Beneficiaries Object to the Selling of the Property**

7 All beneficiaries of the Day Family Trust ("Trust") object to the sale of the
8 Property, which is an integral part of the family legacy and most significant asset of the
9 Trust. (See attached declarations of Kip Miles, Holly Miles, Janna Day and Pamela
10 Estelle Rumph).

11 Not only is the Property viewed by the beneficiaries as a key financial asset (see
12 declarations of Kip Miles, Holly Miles) it also has a significant sentimental family and
13 legacy value as the place where the Trustors not only raised their family but built JAFRA,
14 an organization with international prestige (see declarations of Janna Day and Pamela
15 Estelle Rumph).

16 17 **III. The Trustee's Proposed Sale Does Not Conform to the Express Terms of the** 18 **Trust**

19 The attempt to sell the Property does not conform to the purpose provisions of the
20 trust or the Probate Code.

21 As recognized in Trustee's Petition:

22 "Section 10.02 of the Trust (Exhibit A) requires that the Malibu Property be made
23 available to Janna Day during her life. This requirement includes payment of all expenses
24 including mortgage, insurance, repairs, etc.". Petition, p. 8.

25 Yet, Trustee has not cited to any authority in the trust in the Probate Code allowing
26 the sale of the real property contravening trust terms allowing the Settlor's daughter to
27 live in said property rent free during her lifetime.

28 Additionally, according to the terms of the Trust, the Carbon Mesa Road Property

1 in question was allocated specifically to Janna Day:

2 10.02 (a) The share allocated for Trustors' daughter shall include Trustors'
3 residence located at 22223 Carbon Mesa Road, Malibu California (legal description
4 omitted)...if said residence is an asset of this trust at the date of death of the
5 Surviving Trustor.

6 All of the Property (i.e. all principal) was supposed to be distributed to Janna Day
7 upon her 60th birthday. See Trust, Sec. 10.02(e).

8 Janna reached years of age on November 9, 2013, so instead of selling the Property
9 and continuing to manage sales proceeds as trust assets, the Property is rightfully
10 distributed to Janna Day.¹

11 So far, trustee Jason Rubin has refused to honor these trust terms and distribute the
12 Property to Janna. Accordingly, the beneficiaries anticipate re-filing a petition for
13 instructions with regard to distribution of the House to Janna Day.

14 Said petition for distribution should be before or in conjunction with this Petition
15 for sale of the Property insofar as the former may render this issue moot.

16 17 **IV. The Trustee's Proposed Sale Does Not Conform to the Provisions of the Probate** 18 **Code**

19 Additionally, what authority does Trustee have to sell the Property? He cites none.
20 This Petition, according to the Trustee is made under the auspices of "Probate Code
21 section 17200(b)(6) [which] permits Successor Trustee to petition the Court for
22 instructions on administration matters." Petition, p. 8.

23 However, the sale of the primary trust asset in contravention of the express trust
24 terms is far more than a matter of administration. Arguably, he may ultimately be seeking
25 modification of the trust terms (cf. Probate Code Sec. 15409), but that is not alleged in the

26 ¹ Trustee Terry Mayo contended to have made a significant payment for transferring
27 ownership of the Property from Janna Day to the Survivor's Trust around 1997, however,
28 this act was done without proper notice, without Court supervision, in contravention of
trust terms. Moreover, this unilateral act and payment in an amount that did not justify
dispossessing Janna Day from this asset earmarked by her parents for her.

1 Petition before the Court. Regardless, such modification would run into the same
2 problem: according to the express trust terms, the Property was supposed to be for the
3 benefit of Janna Day and already distributed to her before now.

4 Insofar as the request made in this Petition does not conform to the Probate Code
5 or the Trust terms, the Court should summarily deny this Petition.

6
7 **V. Trustee's Petition Lacks Any Analysis of Potential Income Streams for the**
8 **Property**

9 What analysis, if any, has the Trustee made regarding income producing potential
10 of the property? From the face of the Petition, it appears none.

11 Mr. Rubin has NOT submitted any evidence or declarations from real estate
12 professionals as to the ability (or inability) to generate income from the Property.

13 The Trustee appears to have made no efforts to rent the property or produce income
14 and provides the Court with no analysis as to the viability of renting the Property to
15 generate income.

16 Opposing beneficiaries believe that all significant efforts to make income from the
17 Property were and always have been coordinated almost exclusively through the efforts of
18 Pamela Estelle Rumph, not the Trustee. See Decl. of Pamela Estelle Rumph; also Exhibit
19 C to Trustee's Petition (Janna Day Email).

20 The Trustee appears to base his analysis solely on the fact Janna has exerted a right
21 to live at the Property. He claims that "Janna Day has 'highjacked' the Malibu Property
22 and Trust...". See Decl. of Jason Rubin, p. 3.

23 However, Janna has been and continues to be willing to temporarily relinquish her
24 right to live at the property as necessary to keep the Property producing necessary income:
25 "I (along with my children) met with the trustee and his attorney on March 28, 2022. At
26 this meeting, they mentioned needing to produce income from the House, yet they did not
27 ask me to temporarily vacate nor did they make any type of proposals for producing
28 income from the House. I have always been willing to consider another temporary

1 relinquishment of my right to live at the House rent-free for some short period(s) of time
2 in order to make income to keep the House in the family, but no such proposals have been
3 made or discussed by the trustee in over a year.” See Decl. of Janna Day, p. 2.

4 The true fact is that the Trustee has never seriously attempted to try to make any
5 income from the Property. See Declaration of Pamela Estelle Rumph, p. 2-3.

6 Janna Day’s cooperation to allow for income at the Property is not a novel concept
7 for the parties, it has already been done successfully.

8 As Trustee has acknowledged, Janna Day temporarily gave up her right to live at
9 the Property:

10 “...on April 18, 2017 Janna Day signed an agreement that she would vacate
11 the Malibu Property so that the Trust could generate income for the Malibu Property.”
12 See Trustee Petition, p. 5.

13 During this time, the Trust accumulated \$246,000 in income through the efforts of
14 Janna Day and Pamela Estelle Rumph. See Decl. of Pamela Estelle Rumph, p. 2.

15 Yet, it seems the Trustee continues to expect the beneficiaries to do all the
16 work and simply complain that his hands are tied. He states:

17 “None of the proposed terms to my knowledge have been implemented, nor have I
18 received any sufficient rental income to cover the current monthly debt obligations to the
19 Malibu Property. Decl. of Jason Rubin in Support of Petition, p. 3.

20 Additionally, “I have not been able to generate rental income on a consistent basis
21 due to conflicts with 2 out of the 4 beneficiaries, further explained below”. Decl. of Jason
22 Rubin in Support of Petition, p. 2.

23 The truth underlying these unsubstantiated conclusions is that the Trustee has never
24 seriously attempted to produce income from the real property.

25 As Ms. Rumph has averred: “I have no knowledge of Mr. Rubin consulting with
26 any real estate professionals (other than the failed listing), having any discussions with
27 potential renters or making any type of proposal ever for renting the Property, including
28 after the expiration of the Foundation lease in July 2020. The one other exception was

1 around November 2021 he mentioned the possibility of another residential rental listing
2 with a broker, but the family objected because of the needed renovations. He never asked
3 myself or to my knowledge, my Mom, to allow him possession of the property or access
4 to rent the Property to a prospective tenant or daily occupant prior to 2022. In fact, the
5 Trustee has never brought in any income from the House.” See Decl. of Pamela Estelle
6 Rumph, p. 2.

7 The Trustee appears to have entirely abdicated his duty to generate income to the
8 beneficiaries by simply claiming (falsely) he doesn’t have any access to the property.

9 The real issue is not that Janna Day has the right to live at the Property, rather that
10 the Trustee has not made any attempts to coordinate with Janna Day to realize income:

11 “I (along with my children) met with the trustee and his attorney on March 28, 2022. At
12 this meeting, they mentioned needing to produce income from the House, yet they did not
13 ask me to temporarily vacate nor did they make any type of proposals for producing
14 income from the House. I have always been willing to consider another temporary
15 relinquishment of my right to live at the House rent-free for some short period(s) of time
16 in order to make income to keep the House in the family, but no such proposals have been
17 made or discussed by the trustee in over a year.” See Decl. of Janna Day, p. 2.

18 Conversely, the Trustee states:

19 “There is a danger of default and foreclosure, due to the main beneficiary Janna Day and
20 her daughter Estelle Rumph’s hostile take over and possession of the Trust’s main asset.”
21 Petition, p. 2.

22 Again, it is simply not the case that these beneficiaries refuse to work with the
23 Trustee to produce income from the House.

24 Yet, it says a lot about the Trustee’s problematic attitude towards the beneficiaries
25 that he classifies Janna’s exercise of the right provided her by her parents to reside at the
26 residence (Trust, Sec. 10.02) as a “hostile take over”, especially when he has done next to
27 nothing to find an appropriate revenue stream.
28

1 Assuming arguendo there is any authority provided under the Trust to sell the
2 Property, the Court would need to weigh the income-potential of the Property along with
3 appreciation and other characteristics of real property) before simply ordering the
4 Property sold.

5 Nor has the Trustee provided any kind of evaluation of the financial position that
6 would be created by a proposed sale. Market value, estimated sales price, commissions
7 and sales costs, other closing costs, effects of capital gains and other taxes are not
8 addressed. How can the value to the trust estate be evaluated without minimal due
9 diligence?

10 Beneficiaries need the opportunity to conduct a short round of discovery and to
11 confer with real estate professionals, since the Trustee apparently has made no attempt to
12 do so.

13 14 15 **VI. The Trustees's Failure to Repair and Renovate the Property Is the Primary** 16 **Obstacle to Producing the Necessary Income from the House**

17 It is the Trustee's own inactions and failure to repair and renovate the Property for
18 residential use, as promised to the beneficiaries when Mr. Rubin signed on as trustee,
19 which has limited the immediate income produce options (i.e. residential rentals) at the
20 Property.

21 The Trustee was supposed to invest \$400,000 from the \$1.5 loan he obtained to
22 renovate the Property. See Exhibit D, p. 1 to Trustee's Petition ("The Parties expect those
23 tenant improvements to cost approximately \$400,000).

24 This was the focus of the agreement when Jason Rubin was picked to be trustee.
25 See Decl. of Pamela Estelle Rumph, p. 1.

26 After Mr. Rubin became trustee, he took out the loan of \$1.5million but did not
27 follow through with the agreed renovations. After 6 months he said he would only invest
28 \$100k and finally spent approximately \$200,000 total. See Decl. of Pamela Estelle

1 Rumph, p. 1.

2 Ms. Rumph managed the renovations herself and even allowed the trustee to
3 borrow \$150K from her personal subtrust, while all along doing nearly all the legwork to
4 produce income. Yet, the house remains half finished because the trustee refused to finish
5 the works he agreed to. See Decl. of Pamela Estelle Rumph.

6 The Trustee's failure to make the agreed upon renovations and the ramifications
7 thereof (i.e., the impossibility of renting to a residential tenant) are well documented
8 throughout the attached declaration of Pamela Estelle Rumph.

9 As summarized by Ms. Rumph:

10 "Jason Rubin hired a broker who put the house on the market for a residential
11 lease. However, because Jason withheld the money for the full renovations, the property
12 was only half finished. The house did not rent and many potential renters informed me it
13 was because the house was uninhabitable.

14 Despite our earlier agreements, after the initial round of renovations, Mr. Rubin has
15 consistently refused to invest any significant sums to put in the additional money to
16 renovate the Property. Since the trustee made the house unrentable to a residential tenant
17 through his inaction, he then wanted to sell the house in 2019." See Decl. of Pamela
18 Estelle Rumph, p. 1.

19 In short, Mr. Rubin has done almost nothing to attempt to generate rental income
20 from the property.

21 Meanwhile, he has paid himself \$180,000 in trustee fees during the last accounting
22 period alone (not including another \$70,000+ in administrative costs for that time).

23 How does this serve the purpose of the Trust? The Trust should be serving the
24 financial interests of the beneficiaries, not primarily the financial interest of the Trustee.

25
26 **VII. There is No Immediate Urgency to Decide This Important Issue and if an**
27 **Urgency Was Created It Was Caused by the Trustee's Inaction**

28 The Trustee falsely claims this matter is urgent because the Trust is running out of

1 liquid assets.

2 Notably, the Trustee has declined to provide the Court with the latest trust
3 accounting.

4 The Trustee was required to submit annual accountings.

5 However, he did not provided beneficiaries with an accounting until January 9,
6 2022 for the entire 34 month period from 2/11/19 through 11/30/21. See Decl. of P.E.
7 Rumph.

8 This left the beneficiaries unaware of any alleged urgency until very recently.

9 Moreover, he failed to make the renovations to the Property which would allow it
10 to generate income from residential rental and he failed to coordinate with the
11 beneficiaries to explore any kind of income opportunity.

12 So the fault of any urgency lies with the Trustee.

13 Nonetheless, the Trustee's Petition indicates \$355,000 in cash reserves. Mr.
14 Rubin cites monthly expenses of approximately \$23,780;

15 Mortgage \$13,980;

16 Average monthly utilities of \$2,000;

17 Monthly beneficiary distributions of \$5,800;

18 Other Estimated Miscellaneous expenses: \$2,000 per month

19 (Decl. of Jason Rubin, p. 2).
20

21 This indicates the trust has enough cash funds for at least 14.9 months of regularly
22 incurred property expenses.

23 Moreover, the Trustee is understating likely revenue streams to bolster his desire
24 to sell the Property. Again, despite the fact Janna Day has exercised her right to live at
25 the Property, it is not true that there are not avenues for income from the Property as
26 obtained in the past. Film shoots or rentals of the Property like the Jafra/Day Foundation,
27 which brought significant revenues to the trust until it ground to a halt due to the
28 Pandemic, are two very viable income streams still available, even while allowing Janna

1 Day her right to reside at the Property.

2 Of course, achieving income from the Property might take some minimal effort
3 from the Trustee, which is not apparent from any allegations he has stated in his Petition
4 as to actual prospects for income from the Property.

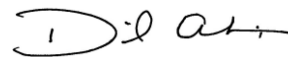
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6 **VIII. Conclusion**

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8 For the reasons set forth above, the Court should deny the trustee's request to sell
9 the Property.

10 If the Petition is not summarily denied, the matter of selling the primary asset of
11 the Trust in contravention of the purposes set forth in the trust documents is too important
12 not to be thoroughly and fairly vetted and requires an evidentiary hearing.

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15 DATED: June 1, 2022

LAW OFFICE OF DAVID R. AKIN

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17 By: _____
18 DAVID R. AKIN,
19 Attorneys for Beneficiaries,
20 JANNA DAY and
21 PAMELA ESTELLE RUMPH
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DECLARATION OF JANNA DAY

Janna Day Declares:

1. I am the daughter of Janice and Frank Day and the primary beneficiary of the Day Family Trust, including the Day Family Survivor's Trust. The following facts are stated from my personal knowledge and if called as a witness, I would so testify.

2. I grew up in the house at 22223 Carbon Canyon ("House"), all my children grew up in the house, and my grandchildren grew up in that house. My parents spent both of their lifetimes of working and saving to leave the house to our family. I watched my parents build their business out of our house and I watched them help thousands of women become successful business owners there, through JAFRA, the company my parents built.

3. Since the time when I moved into the House, when I was seven years old, my parents told me the house was the family legacy. They always told me the house was our most valuable asset, would continue to appreciate in value and be that I would be able to make income from the house if I needed to.

4. We fought through thick and thin, spending our resources and time, for 10 years to save the legacy and the heritage of my parents. It's all we have left of their estate and it only continues to grow in value year after year. So far, our family has been the only ones capable of bringing income to the house when the previous trustees and current trustee could not do so.

5. I do not believe selling the House is in my best interest or that of my children. It seems that somebody is always trying to sell the house for their own gain, because its easier for them. But it is not better for our family for the House to be sold.

1 6. Jason Rubin convinced me to put my own personal real estate in Big Bear into the
2 trust in order to get a better interest rate on the current loan on the Malibu property in order to
3 keep it from being sold. He also told me we could get more cash out to improve the House if I
4 put my personal property in Big Bear into the trust, in order to keep the House from being sold.
5 Not understanding the ramifications, I did so because I trusted him. This is a decision I deeply
6 regret because he never followed through with this promise.

7
8 7. Now I am facing him trying to sell the Malibu house and I may need to face him
9 trying to sell my land in Big Bear which he now declares as a trust asset. It is truly a nightmare.

10
11 8. I (along with my children) met with the trustee and his attorney on March 28,
12 2022. At this meeting, they mentioned needing to produce income from the House, yet they did
13 not ask me to temporarily vacate nor did they make any type of proposals for producing income
14 from the House. I have always been willing to consider another temporary relinquishment of my
15 right to live at the House rent-free for some short period(s) of time in order to make income to
16 keep the House in the family, but no such proposals have been made or discussed by the trustee in
17 over a year. We discussed mediation, however, unbeknownst to the beneficiaries and not
18 mentioned at the March 28, 2022 meeting was the fact the trustee had already filed an unlawful
19 detainer action relating to the House. The trustee and his attorney were in bad faith in not even
20 mentioning the pending eviction, which was filed without cause, since I am the person living at
21 the House, as is my right under the trust.

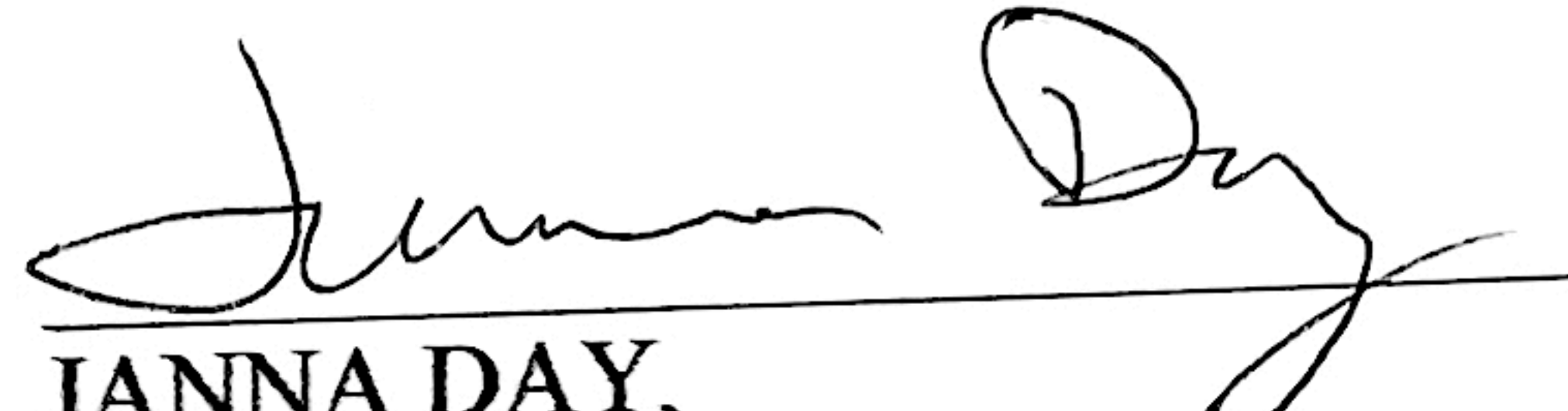
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23 9. For all these reasons stated herein, and for the reasons stated in the Objection I
24 have filed, I vehemently oppose Trustee's Petition for Instructions to Sell Real Property.

25 ///

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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this declaration was executed this 1st day of June 2022, in
3 Los Angeles, California.

4  6/1/22
5 JANNA DAY,
6 Declarant/Beneficiary
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1 a deal between our non-profit charity, the Jan & Frank Day Foundation, and the company my
2 grandparents founded, JAFRA, to use the house for charitable means and to honor my
3 grandparents, the trustors of the Day Family Trust. The Jan & Frank Day Foundation rented the
4 house from the trust between June 2019 and July 2020 and JAFRA subletted from our Foundation
5 during this time. As a result, I brought the trust a rental income of over \$250K during this time
6 period, and also paid for the maintenance on the house.

7 7. In 2020 the pandemic hit, causing shutdowns etc. so that JAFRA and the
8 Foundation could no longer use the house and the Foundation did not renew the lease after July
9 2020. However, I personally continued to pay the monthly maintenance and repairs for the
10 Property after July 2020 through November 2021 as Mr. Rubin refused to pay with trust funds.

11 8. After the shutdowns from Covid-19 lifted, we were still in the same predicament:
12 we could not rent the house to residential tenants because the trustee refused to invest the money
13 to completely renovate it.

14 9. I have no knowledge of Mr. Rubin consulting with any real estate professionals
15 (other than the failed listing), having any discussions with potential renters or making any type of
16 proposal ever for renting the Property, including after the expiration of the Foundation lease in
17 July 2020. The one other exception was around November 2021 he mentioned the possibility of
18 another residential rental listing with a broker, but the family objected because of the needed
19 renovations. He never asked myself or to my knowledge, my Mom, to allow him possession of
20 the property or access to rent the Property to a prospective tenant or daily occupant prior to 2022.
21 In fact, the Trustee has never brought in any income from the House.

22 10. The Trustee's position after 2019 was always that if the family couldn't produce
23 income from the Property, it would need to be sold, but that he had no intention of utilizing trust
24 funds to further improve the Property.

25 11. Because of the Trustee's threat to sell, in 2021, I continued to use my resources
26 and connections to explore ways of renting the house to generate income. The ideal income
27 potential was from residential rental, but that was impossible because the Trustee refused to use
28 funds to make the necessary repairs.

1 12. One option, without additional investment was to generate income through the
2 filming sublets.

3 13. I came up with a 3-year plan, which also itemized all the outstanding renovations
4 the trustee still needed to make on the house. A copy of that 3-year plan is attached as Exhibit F
5 to the Trustee's Petition. See pages 9-10 of Exhibit D itemizing the necessary renovations for
6 residential rental.

7 14. Around the end of 2021, I abandoned serious efforts to produce income from the
8 House as Mr. Rubin had begun to become hostile with me and refused to reimburse me for most
9 of the ongoing maintenance and repairs for the House since 2020, which was hurting me
10 financially. Also, he continued to show no interest in assisting me with producing income from
11 the House and I had grown weary.

12 15. In early 2022, the trustee presented me with almost 3 years of accounting and
13 demanded I sign a full release within 10 days. When I said I needed more time to review his
14 accounting, he retaliated by filing an Unlawful Detainer with the court against the Foundation
15 stating that we had been occupying the house since our lease ended in 2020 and that we owed the
16 trust over \$285K in back-rent. He then filed this petition with this court to sell the house.

17 16. Mr. Rubin delayed in providing the beneficiaries an accounting until he provided
18 an accounting sent by email on January 9, 2022g for the 34 month period from 2/11/19 through
19 11/30/21. Therefore, I and my family were left in the dark about the trust finances for several
20 years.

21 17. This house is not only our family home, it is also a place that holds value to
22 thousands of women around the world. My grandparents used the home as headquarters for
23 JAFRA, the company they founded. JAFRA enabled women to become financially independent
24 in a time when women had far fewer options in the workplace. I have witnessed women coming
25 into the home and crying tears of joy that they are able to be inside the home of my grandparents,
26 Jan & Frank Day.

27 18. Moreover, Malibu is a unique real estate opportunity and a market with some of
28 the highest average appreciation in the country. My grandparents believed in the value of real

1 estate and in my later years I have come to see why they had tried to instill this in me growing up
2 with them.

3 19. I was never given any notification before the previous trustees unilaterally decided
4 not to honor the trust terms stating the House was to be distributed to my mom when she turned
5 60. I fought years in court to have those trustees removed and was successful in the judgment by
6 the trial court hearing all the evidence (although that was reversed) and subsequently both of the
7 trustees resigned. We only recently learned from current trustee, Jason Rubin, who was working
8 on the Massachusetts litigation for my Mom, that one of the previous trustees secretly transferred
9 property that was supposed to be in the Trust to a third party for far less than value and likely
10 solely for his own personal gain.

11 20. I am 100% against the trustee selling this property. My family has proven that we
12 can make the house income producing if there is an effort to do so. I have dedicated 12 years of
13 my life to save this house for my family, my grandparents legacy, and to honor them. I have
14 consulted with multiple real estate professionals in the area who assure me the Property can rent
15 for \$25,000 if the minimal steps are taken to make the House fit for a residential rental in the
16 Carbon Beach micro-market. Selling the house as an asset of The Survivors Trust is against the
17 will of my grandparents and it does not serve my mom nor the beneficiaries. It only serves the
18 interest of the trustee.

19 21. I have read the foregoing Opposition to Trustee's Petition for Instructions to Sell
20 Real Property, know its contents and verify them to be true.

21
22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct and that this declaration was executed this 1st day of June 2022, in
24 Malibu, California.

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27 PAMELA ESTELLE RUMPH,
28 Declarant/Beneficiary

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed this 1st day of June 2022, in Agoura Hills, California.

Kip Miles 6-1-2022
KIP MILES,
Declarant/Beneficiary

DECLARATION OF HOLLY MILES

Holly Miles Declares:

1. I am the daughter of Janna Day, the granddaughter of Janice and Frank Day and a beneficiary of the Day Family Trust, including the Day Family Survivor's Trust. The following facts are stated from my personal knowledge and if called as a witness, I would so testify.

2. I believe retaining the 22223 Carbon Canyon property ("Property") is vital to the long term financial interests of myself and the family as a whole.

3. I attended the meeting with the trustee and his attorney on March 28, 2022 but no real plans to produce income were discussed nor did I have any idea the Trustee intended to rapidly to sell the Property. It does not appear the Trustee is taking any significant actions to make income from the property or to discuss options with the beneficiaries, only that he appears to prefer to sell.

4. On behalf of myself and my son Brandon, I strongly object to the selling of the Property and support my Mother's and Pamela Estelle Rumph's Objections to the Trustee's Petition for Instructions to Sell Real Property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed this 1st day of June 2022, in Agoura Hills, California.



HOLLY MILES,
Declarant/Beneficiary

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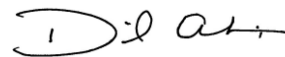
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3 [x] BY MAIL. I placed the envelope, addressed as above, for collection and mailing the next
4 day, following our ordinary business practices. I am readily familiar with this firm's practice for
5 collection and processing correspondence for mailing. On the same day that correspondence is
6 placed for collection and mailing, it is deposited in the ordinary course of business with the
7 United States Postal Service in a sealed envelope with postage fully prepaid.

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9 [x] BY EMAIL: to holly.miles@sbcglobal.net; kip.miles@icloud.com

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct.

12 Executed on June 2, 2022, at Los Angeles, California.

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14 By: _____
15 DAVID R. AKIN
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