

1 **DECLARATION OF PAMELA ESTELE RUMPH**
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3 Pamela Estelle Rumph Declares:
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5 1. After the previous trustees resigned, my family looked for a new trustee, Jason
6 Rubin, was recommended to us by a contact at City National Bank.

7 2. The reason my family agreed to have Jason Rubin become trustee was because he
8 was a licensed fiduciary and we signed an agreement that he would take out a loan of \$1.5million
9 and invest \$400,000 into the home in renovations to make it rentable to both commercial and
10 residential tenants.

11 3. I know from my own negotiations with prospective renters and my consultations
12 with real estate professionals that a properly renovated house/property, as discussed, could rent
13 for \$25,000 per month and \$35,000 per month as a summer vacation rental.

14 4. After Mr. Rubin became trustee, he took out the loan of \$1.5million but did not
15 follow through with the agreed renovations. After 6 months he said he would only invest \$100k
16 and only spent approximately \$200K in the end. I managed the renovations myself and even
17 allowed the trustee to borrow \$150K from my personal subtrust to pay for trust administrative
18 costs, distributions to my mom, and invest another \$50K into the house renovations. The house
19 was half finished because the trustee refused to finish the works he agreed to.

20 5. Jason Rubin hired a broker who put the house on the market for a residential lease.
21 However, because Jason withheld the money for the full renovations, the property was only half
22 finished. The house did not rent and many potential renters informed me it was because the
23 house was uninhabitable.

24 6. Despite our earlier agreements, after the initial round of renovations, Mr. Rubin
25 has consistently refused to invest any significant sums to put in the additional money to renovate
26 the Property. Since the trustee made the house unrentable to a residential tenant through his
27 inaction, he then wanted to sell the house in 2019.

28 7. In 2019, right before the trustee was going to sell the house, I personally brokered

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.

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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