

Jennifer Grant
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Pro Per

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

In re the
**SCHWICHTENBERG REVOCABLE
FAMILY TRUST**
DATED JULY 28, 1982

)No. 37-2011-00150239-PR-TR-NC (now CTL)
)
)**JENNIFER GRANT'S OBJECTIONS TO RUSTY**
)**GRANT'S PETITION FOR APPROVAL OF FIRST**
)**ACCOUNT AND REPORT OF TRUSTEE; APPROVAL**
)**OF ATTORNEY FEE AND REIMBURSEMENT OF**
)**COSTS; CONFIRMATION OF BOND AMOUNT;**
)**REQUEST TO LIQUIDATE AND WITHDRAW FUNDS**
)**FROM TRUST A & TRUST B BROKERAGE**
)**ACCOUNTS TO PAY EXPENSES OF**
)**ADMINISTRATION**
)
)Date: February 4, 2013
)Time: 9am
)Dept: Probate Court 1
)Judge: Hon. Jeffrey Bostwick

ON NOVEMBER 5,2012 ON MOTION OF THE COURT THIS PETITION WAS ORDERED
CONSOLIDATED WITH THE OTHERS IN THE CASE AND TO BE HEARD AT THE SAME TIME
WITH THEM. THOSE OTHER PETITIONS ARE UNDER CONTEST AND CURRENTLY PENDING
TRIAL ON THEIR MERITS (see Rusty Grant's Petition for Internal Affairs of
the Trust as Supplemented ROA #s 1,6,198, 205 to which objections were
initially filed by Jennifer--ROA #7; Jennifer's Remove Trustee Petition ROA
#14; Bradd Schwichtenberg's Petition for a Forensic Accounting ROA #23 to
which Jennifer filed objections ROA #55) .

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1 FOR PURPOSES OF THIS DOCUMENT, RUSTY AND MS LARSEN ARE SYNONMOUS AS
2 THEY HAVE BEEN ACTING AT ONE AND IN CONSORT. IT IS ACTUALLY DIFFICULT TO
3 TELL IF ACTIONS HAVE ARISEN WITH RUSTY OR MS LARSEN. THEY ARE FRIENDS, CO-
4 OFFICERS OF ALTRUSA OF ESCONDIDO (Exhibits AC 1a-e;g), HAVE A CONFLICT OF
5 INTEREST RELATIONSHIP WITH REALTOR GINNY BOYER (Exhibits AC 1a-f), AND
6 SHARE(D) THE SAME OFFICE SPACE.

7 Objector Jennifer Grant, acting in pro-per is the daughter of trustors
8 Norman and Mary Schwichtenberg and a beneficiary of this trust. She is also
9 the legal trustee of subtrusts B and C. She is no relation to Rusty Grant
10 (Rusty). Jennifer objects to Rusty's Petition For Approval of First Account
11 as follows:

12 **Entire Document pgs 1-9:** This document qualifies for a demurrer under CCP
13 430.10 as its contents are all part of actions already being contested in
14 this case between the same parties-- Rusty Grant's Petition for Internal
15 Affairs of the Trust as Supplemented ROA #s 1,6,198, 205 to which objections
16 were initially filed by Jennifer ROA #7; Jennifer's Remove Trustee Petition
17 ROA #14; Bradd Schwichtenberg's Petition for a Forensic Accounting ROA #23 to
18 which Jennifer filed objections ROA #55. Therefore, though Ms Larsen has
19 acted in flagrant disregard for Jennifer's due process rights under
20 California Constitution Article I Section !; U.S. Constitution 14th Amendment,
21 Jennifer waives her right to a demurrer due to the other violations of law
22 and factual untruths within Ms Larsen's Petition. Ms Larsen should be
23 sanctioned for this fragrant attempt to violate due process rights in her

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1 continued efforts to discriminate against Jennifer and overturn the terms of
2 the Schwichtenberg Estate Planning documents.(violation of Probate Code
3 16003)--see also ROA #7 and 14.

4 **Page 1 lines 24-25**--Rusty has no authority to file this petition. She is not
5 legal trustee of Trust B and C. (see discussions ROA #7,14,58) Besides the
6 allegations in the Remove Trustee Petition and the objections to the two
7 Internal Affairs Petitions identified supra, in Oct 2011, Rusty violated
8 Mary's 1999 Notarized Declaration to clarify intentions relating to 'gifts'
9 to the 2nd Amendment to Trust A, aka 6th Amendment. Per the terms of that
10 document, this qualified her for dismissal and removal when California Bank
11 and Trust was subpoenaed for the purpose of obtaining documents to subtract
12 gifts from children's shares . (Exhibit AC 2 &3). It should also be noted
13 that Mr. MacGurn participated and encouraged this, thereby qualifying his
14 client to have his share reduced to \$1 under Mary's no contest terms (Exhibit
15 AC 3) .

16 **Page 2 lines 14-16 Item 3**--At the time of Mary's death, Jennifer did not
17 realize she was still legally trustee of B and C. Rusty failed to inform her
18 of such and merely took over both A and B. Jennifer was informed in April of
19 2011 of her legal trusteeship and immediately notified Ms Larsen AND Rusty
20 who purposely ignored her in their determined efforts to overturn the terms
21 of Mary's trust to aid Bradd and help their friend, conflict of interest
22 relationship realtor Ginny Boyer (Exhibits AC 4 a %b). (discussed in ROA #7
23 and #14) .

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1 In addition to the previous paragraph, under the terms of the Third
2 Amendment, the last before the first Trust or to die, Rusty does NOT qualify
3 for successor trusteeship of B and C. as per the terms of that document
4 (discussed in ROA #58)

5 **Page 2 lines 26 and 27 Item 7**—The value for Trust A is false. Rusty
6 purposely had the residence overestimated by some \$200k+ in order to increase
7 her trustee fee. This is discussed in Jennifer's objections to Rusty's
8 Internal Affairs Petition Second Supplement which doesn't have an ROA yet.
9 Rusty's Second Supplement is ROA #198 and was filed 6 days prior to this
10 petition(ROA #201).

11 **Page 3 starting line 4 to Page 4 line 7 Items 8 and 9**-- As just discussed
12 supra the value for Trust A is incorrect due to the overvalue of the
13 residence. Accounting should not be approved for A for not only this
14 reason, but also for other misspenditures which include auto expenses for a
15 car that was to be taken to Hoehn Motors and sold per the 8th amendment,
16 excessive phone bills NOT initiated by Jennifer made from the house phone
17 after Jennifer quit going after July 2011 due to safety issues caused by
18 Rusty and subsequently being forbidden to go by Ms Larsen; the taking of
19 trustee fees prior to court order after ROA #7,10, 14 were filed, etc.

20 Accounting for Trust B is discussed at length in Jennifer's Objections
21 (simultaneously filed with these so ROA # to be determined) to Rusty's Second
22 Supplement to her IA Petition (ROA #198 is Rusty's Second Supplement) .

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Page 4 lines 8 and 9 Item 10—Jennifer had previously questioned items in this period of accounting such as Rusty's taking trustee fees AFTER the Remove Trustee Petition (ROA #14) was filed praying for no fees to be taken without court order (see also prayers of ROA #s 7 and 10); a abnormally high phone bill after Jennifer was intimidated by acts of Rusty and Ms Larsen from continuing to try and go to the residence left her as a life estate; payments of insurance and registration for the car which was to have been sold at Hoehn Motors per the 8th amendment; omission of the Swiss Annuity. Ms Larsen at first refused to respond to Jennifer's e-mail contentions and then rudely replied. Not only was the reply rude, but it contained untruths and a deliberate misinterpretation of Probate Code 11754 (Exhibit AC 4).

The costs of the Forensic Accounting should never have occurred as Ms Larsen subpoenaed and obtained documents to do so in advance of a ruling on Bradd's Forensic Accounting Petition #ROA 23 to which Jennifer had filed objections ROA #55. The accounting was allowed by the North County court during a protective order motion hearing in which the court violated Jennifer's due process rights by permitting the accounting before the petition could be heard and denying her the right to argue a second motion, involving the same subpoenas and calendared for that same day. (ROA #s 110-116 and court reporter transcripts for April 19, 2012) This occurred because the court had failed to realize there were two separate motions to be heard. Instead of allowing Jennifer to argue her second motion when it realized its mistake, she was asked to agree to abide by any decision the court made by

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Judge Cline when he had time to read it AFTER the proceeding. This will be appealed at the end of the case as it not only breaks the Code of Judicial Ethics, but violates Jennifer's Constitutional Due Process rights (CA Constitution Article I Section I and US Constitution 14th Amendment).

All costs of the accounting, to include fees connected with the subpoenas, obtaining the documents and paid to Judge Orfield for document redactions should be personally surcharged to Ms Larsen as well as her accounting fees denied due to her initiating the accounting before Bradd's IA Petition (ROA #23) could be heard. The court should note that Mr. MaGurn aided and abetted her actions and his client should also help bare the costs of the accounting, not the trust or the rest of the beneficiaries.

Pg 4 lines 15-20 Item 12—There have been many expenditures counter to Trust Terms. (see discussion supra in connection with Item 10).

Page 4 starting line 21-Page 5 line 4 Item 13—As discussed supra there are already 2 petitions, Rusty's Internal Affairs (ROA # 1) and the Remove Trustee (ROA #14) that have Rusty's taking of trustee fees without court order contested--see ROA #s 7,10,14. What should be noted here though is Ms Larsen's blatant lie that Rusty took trustee fees prior to the filing of her Internal Affairs petition initiating litigation as well as prior to pleadings requesting no payment of trustee/attorney fees without court order filed by Jennifer and Bradd. Jennifer filed ROA #7 on 7/19/11;Bradd;s response To Rusty's IA petition ROA #10 was filed 7/21/11and Jennifer's Remove Trustee Petition ROA #14 was filed 7/22/11. Rusty was paid \$11.011.50

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1 (NOT \$10,611.50 as Ms Larsen untruthfully claims) on 8/5/11 (several weeks
2 AFTERWARD) using check #181--See Ms Larsen's own exhibit submitted with her
3 petition under "Schedule C Disbursements During Period by Category-Trust A".

4 Additionally, Rusty does not qualify for Trustee Fees for B & C as she
5 is not the legitimate trustee. She also does not qualify for fees from A
6 post Oct 2011 for acting in a manner that contests Mary's 1999 Declaration
7 terms as discussed supra.

8 **Page 5 starting line 5- 26 Item 14**-- In lines 5-14, Ms Larsen is truthful in
9 what she says as to the actions Ms Panajotovic performed. However, what she
10 omits is that Ms Panajotovic was conducting her 'mediation' based on false
11 pretenses as presented by Bradd and Rusty who had given her the distribution
12 chart prepared by Edwards Brokerage, claiming it was correct as to the
13 permanent funding of the subtrusts. Rusty did nothing to verify the accuracy
14 of the chart nor find out what happened to B and C funds to see if any were
15 truly "missing". Instead, she used this as the basis to try to force
16 Jennifer to sign away the life estate and agree to other counter-to-trust
17 terms. During this time, Rusty threatened Jennifer with court action, sided
18 unilaterally with Bradd (violation of Probate 16003) and relentlessly
19 attempted to coerce Jennifer to give up the Life Estate and agree to other
20 terms which violated her mother's wishes. Bradd Schwichtenberg acted in a
21 number of various abusively controlling ways, all which constitute a form of
22 domestic violence, just as he had prior to his mother's death. Rusty did
23 nothing to interceded though Sonja supposedly instructed him to at least stop

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1 making abusive calls. Rusty also engaged in behavior, alone or using Sonja,
2 which sought to overturn the terms of the Melody Underwood Property Trust
3 which is under the trusteeship of Don Mess and at Mary's death became
4 irrevocable and outside of the Schwichtenberg Trust as a specific appointment
5 to Melody. Therefore, acting in consort with and thru Ms Panotanovic, Rusty
6 attempted to violate trust terms (violation of Probate 16000) and used
7 harassing techniques on Jennifer (violation of CCP 527.6(3)) to try and
8 force her to agree to Bradd and Melody's settlement terms violating their
9 mother's wishes under the false pretense that Bradd's chart was accurate as
10 to subtrust asset placement without even taking one step to verify.

11 In lines 15-26 Ms Larsen asks attorney fees for herself. She also has
12 engaged in discriminatory and harassing behavior of Jennifer (Violation of
13 CCP527.6 (3)); acted in consort with Richard MacGurn to aid Bradd (violation
14 of Probate 16003); and attempted to both overturn some and ignore other trust
15 terms (violation Probate 16000). She also has a conflict of interest
16 relationship with realtor Ginny Boyer (Exhiibits AC 1 b,c,e).

17 Some of Ms Larsen's misdeeds have included taking of a computer left
18 Jennifer by specific appt of her mother's and which Jennifer used throughout
19 the time her mother was alive ELEVEN months after Mary's death without
20 supoena, permission or notice with the intent to hack it (violation of Penal
21 Code 502(c)(7) if hacked);refusing to let Jennifer have her own belongings
22 or the items, along with the computer, specifically left her by Mary in
23 defiance of Mary's specific appointments and in denial of Probate 11754;

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1 Refusing to truthfully answer Jennifer's accounting concerns; surpressing
2 evidence (violation of Business and Professions 5-220) as to the placement
3 of trust assets and removing from the internet websites linking her to
4 realtor Ginny Boyer (Exhibits AC 1 b-e).

5 Additionally, since Rusty is not legally trustee of B and C., and Ms
6 Larsen disqualified her from trusteeship of A back in Oct 2011, most of Ms
7 Larsen's legal fees should be denied from the trust and instead be charged to
8 Rusty.

9 More objections to the taking of legal fees by Ms Larsen are in my
10 objections to Ms Larsen's declaration of this petition and the other pending
11 court documents already mentioned supra.

12 **Page 6 Lines 4-6 Item 15**—The only reason that there is so little cash left in
13 Trust A is due to illegal expenditures by Rusty. As discussed supra and in
14 Jennifer's Remove Trustee petition (ROA #14), Rusty has spent thousands of
15 dollars on car insurance and DMV fees for the car which the 8th amendment
16 states was to be taken to Hoehn Motors and sold. She has incurred penalties
17 for late payment of property taxes, paid herself trustee fees after ROA #s 7,
18 10 and 14 were filed, engaged the services of Sonja Panajotovic using them in
19 an attempt to get the life estate sold to please Bradd Schwichtenberg and
20 Ginny Boyer while engaging in coercive and threatening behavior towards
21 Jennifer as discussed supra. (For even further discussion and more
22 violations of law, see ROA # 14 Remove Trustee Petition, ROA #58-Jennifer's

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1 Response to Rusty's objections to Remove Trustee Petition and Jennifer's
2 objections to Second Supplement of Rusty's IA Petition) .

3 Also, as discussed supra, due to the violation of Mary's 1999 notarized
4 Declaration clarifying the Second Amendment to Trust A (6th Amendment) she
5 became ineligible to be trustee of A back in Oct 2011.

6 **Page 6 lines 21-26 Item 16**-Rusty is NOT the legitimate trustee of B and C.
7 Therefore Ms Larsen has no authority by which to make this request. Nor
8 should court fees be allowed to a trustee and her lawyer who have broken the
9 law in numerous ways and sought to overturn the trust's terms.

10 **Page 7 lines 1-14 Item 17**-Bonding is already an issue of Rusty's Internal
11 Affairs petition's first supplement (ROA #6)and and was objected to by
12 Jennifer (ROA #7). Ms Larsen once again attempts to violate due process.

13 **Page 7 lines 11-14 Item 17b**-No bond should be approved as Rusty is not the
14 legal trustee of B. Any bond previously purchased by Ms Larsen with trust
15 funds should be paid back to the trust in the amount spent. Also Jennifer
16 already objected in other documents as per supra.

17 **Page 8 lines 3-4 Item 18**-Based on information and belief, this address is
18 incorrect. Melody has not lived in Crestline since September 2012. Rusty
19 does not even know the whereabouts of the beneficiaries.

20 **Page 8 lines 6-7 Item 18**-Bradd has not resided at this address since the
21 beginning of 2012. Rusty does not even know the whereabouts of the
22 beneficiaries.

23 **PRAYERS**

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1. That this petition itself be stricken in part or in whole with prejudice due to its violation of Jennifer's due process rights under the California Constitution Article I Section I and the 14th Amendment of the US Constitution.
2. That if not stricken in whole, that the remaining parts of the petition, or the entire petition, be denied due to the facts and law stated within these objections
3. That any fees Rusty and/or Ms Larsen took from the trust for the forensic accounting be reimbursed and any outstanding be denied since
 - a) Rusty is not trustee of B & C and therefore had no authority to do the accounting and that she was disqualified from trusteeship of A in Oct 2011 for conducting the accounting for purposes of violating Mary's 1999 notarized declaration.
 - b) That the accounting prior to the hearing of Bradd's Petition (ROA #23) violated Jennifer's Due Process rights under the California Constitution Article I section I and US Constitution 14th Amendment.
4. That no bond be permitted and any bond already purchased be deemed the personal financial responsibility of Rusty and Ms Larsen and those monies be returned to the trust.
5. That the actual accounting be denied in its entirety due to the ignoring of trust terms, no authority over Trust B, Rusty becoming disqualified from Trust A starting Oct 2011 and misspending of trust funds.

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6. That the court sua sponte reverse the previous order authorizing the forensic accounting since it was conducted prior to the hearing on Bradd's IA petition violating CA and US Constitutional law, civil procedure and the judicial canon of ethics rather than having to proceeding with trial only to have it thrown out on appeal.

7. Sanctions for filing this petition which was written with the purposeful and malicious goal of bypassing the other petitions in this case to set up a situation of double jeopardy, thereby violating Jennifer's due process rights under the California and US Constitutions in further discriminate against her (violation 16003).

8. That no court order be given for the release of any brokerage funds until the issues on the petitions in this case have been resolved at trial except from trust A to Jennifer to pay the expenses of the life estate .

9. That Rusty repay to the trust the trustee/attorney fee she illegitimately took on 8/5/11 after ROA #s 7,10, and 14 were filed on July 18, 21, and 22 respectively praying for no payment of trustee or attorney fees be made without court order.

10. That Rusty reimburse the trust for attorney fees paid Sonja Panajotovic since the majority were used to enlist her aid in trying to overturn Mary's trust terms to please Bradd (violation of Probate 16003 and 16000) using threats of litigation and coercive tactics on Jennifer based on the use of an then unproven (now disproved by Ms Larsen herself) and incorrect distribution

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1 chart(false pretenses) without any attempt to verify its accuracy while
2 ignoring all Jennifer's claims in defense of her mother.

3 11. That Rusty reimburse the trust for all expenditures counter to trust
4 terms—ie auto related expenses, etc/

5 12. Reimbursement to Jennifer for court costs due to their willful and
6 flagrant disrespect of the law.

7 13. Referral to disciplinary action with the State Bar

8 14. Any other relief that the court deems just and proper.

9
10 With Respectful Submission:

11 *Dated this 28 day of November, 2012*

12 (filed copy has signature)

13 _____
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