

CALIFORNIA COURT OF APPEAL, FOURTH APPELLATE DISTRICT,
DIVISION ONE

Amundson v. Catello

Amundson v. Catello · No. D082158 · Decided June 3, 2025

SUMMARY

The California Court of Appeal held that Decedent’s siblings lacked standing to bring a partition action because their prospective ownership interest in the property had not been confirmed through ongoing probate proceedings. The court rejected arguments based on judicial estoppel, compulsory counterclaims, the siblings’ contingent interests, and a later stipulation with the estate administrator. The interlocutory judgment for partition was reversed, with directions to dismiss the case.

CASE DETAILS

COURT	California Court of Appeal, Fourth Appellate District, Division One
WRITING FOR THE COURT	Justice Dato, Acting Presiding Justice; Justice Do; Justice Castillo
JURISDICTION	California Court of Appeal, Fourth Appellate District, Division One
DECIDED	June 3, 2025
DOCKET	D082158
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Catello appealed from an interlocutory judgment ordering partition by sale of real property co-owned by Catello and the estate of Leslie J. Knoles. The appeal challenged the siblings' standing to prosecute the partition claim.
STANDARD OF REVIEW	De novo review applies to standing when the facts relevant to standing are undisputed.
PRECEDENTIAL VALUE	published
PARTIES	Ruth Catello v. Tamara Amundson et al.

TOPICS

- standing
- real estate
- probate
- appellate procedure
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether heirs whose asserted ownership interest in real property remained contingent on unresolved probate proceedings had standing under Code of Civil Procedure section 872.210, subdivision (a)(2), to commence and maintain a partition action.
2. Whether Catello's naming of two siblings as defendants in a quiet-title action or her alleged prior position concerning their property interests judicially estopped her from challenging their standing.
3. Whether the siblings' alleged status as compulsory counterclaimants, their ability to convey or encumber expected inheritance interests, or a post-filing stipulation with the estate administrator cured their lack of standing.

HOLDINGS

1. Heirs whose ownership of a decedent's interest in real property remains contingent on unresolved probate proceedings do not satisfy Code of Civil Procedure section 872.210, subdivision (a)(2)'s requirement that a partition action be brought by an owner of an estate of inheritance.
2. Catello was not judicially estopped from challenging the siblings' standing because naming them as defendants in a quiet-title action was not inconsistent with denying that they owned the property, and the record did not show the deliberate manipulation required for judicial estoppel.
3. A post-filing stipulation in which the estate administrator deferred litigation to the siblings and agreed to be bound by the judgment did not cure the siblings' lack of standing.

KEY QUOTATIONS

“But because it is presently uncertain who will succeed to Decedent’s interest, that uncertainty in the ultimate outcome of the probate proceedings precluded the siblings from establishing the ownership interest required to bring a partition claim under section 872.210.” (9)

“[A]lthough real property of a decedent passes to the decedent’s heirs at law, their right to it is subject to administration of the estate and to its distribution in accordance with the law or the will, and, until that distribution, they have no interest that will enable them to maintain an action for partition.” (9)

FACTUAL BACKGROUND

A 2005 deed identified Ruth Catello and Leslie J. Knoles as joint tenants with a right of survivorship. Shortly before Knoles died in 2020, she recorded a quitclaim deed to herself that, if valid, severed the joint tenancy and created a tenancy in common, potentially leaving a one-half interest to pass through her estate. Knoles's siblings claimed they would inherit that interest, but probate proceedings—including competing petitions concerning a will—had not determined whether the property would pass to them or to Catello under the will. Despite the unresolved ownership, the siblings filed a partition claim in their individual capacities.

PROCEDURAL HISTORY

After Knoles died, her siblings initiated probate proceedings concerning her estate and property. Catello filed a quiet-title action concerning the property's ownership, and the siblings cross-claimed for partition by sale while probate proceedings remained unresolved. The superior court entered an interlocutory judgment identifying Catello and Knoles's estate as the record owners and ordering partition by sale. The Court of Appeal reversed and directed dismissal because the siblings had not established a present ownership interest sufficient to confer standing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Dismiss the partition case. The parties shall bear their own costs on appeal.

CASES CITED

- *Mendoza v. JPMorgan Chase Bank, N.A.* (2016) 6 Cal.App.5th 802, 810
- *Scott v. Thompson* (2010) 184 Cal.App.4th 1506, 1510
- *American Medical International, Inc. v. Feller* (1976) 59 Cal.App.3d 1008, 1013
- *Estate of Bonanno, Estate of Bonanno* (2008) 165 Cal.App.4th 7, 17
- *Aronson v. Bank of America Nat. Trust & Sav. Assn.* (1941) 42 Cal.App.2d 710, 717-718
- *Bank of Ukiah v. Rice* (1904) 143 Cal. 265, 271
- *Common Cause v. Board of Supervisors* (1989) 49 Cal.3d 432, 438
- *Auto Equity Sales, Inc. v. Superior Court of Santa Clara County* (1962) 57 Cal.2d 450, 455
- *Arthur Andersen v. Superior Court* (1998) 67 Cal.App.4th 1481, 1500-1501
- *Jackson v. County of Los Angeles* (1997) 60 Cal.App.4th 171, 181
- *Owens v. County of Los Angeles* (2013) 220 Cal.App.4th 107, 121
- *Cloud v. Northrop Grumman Corp.* (1998) 67 Cal.App.4th 995, 1000
- *Reed v. Hayward* (1943) 23 Cal.2d 336, 342