

SUPREME COURT OF CALIFORNIA

Wittfield v. Forster

124 Cal. 418 (Cal. 1899) · Decided May 16, 1899

SUMMARY

The California Supreme Court considers whether an instrument conveying all of the decedent's real and personal property to a trustee for a Masonic lodge created a valid trust. The court holds that the attempted trust was void because it did not fall within the statutory purposes for express trusts in relation to real property and failed to identify the trust's purpose and terms with reasonable certainty. The judgment for the defendants is reversed and the cause is remanded.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	McFarland, J.; Temple, J.; Henshaw, J.
JURISDICTION	California
DECIDED	May 16, 1899
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The executor and heirs of Gustav Wittfield appealed from a judgment for the defendants in an action to quiet title and to invalidate an instrument purporting to convey Wittfield's real and personal property to George Forster as trustee for San Diego Lodge No. 35.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Executor and heirs-at-law of Gustav Wittfield v. George Forster, San Diego Lodge No. 35, Free and Accepted Masons

TOPICS

- trusts
- quiet title
- title disputes
- estate litigation

PRACTICE AREAS

- trusts
- real estate
- probate

QUESTIONS PRESENTED

1. Whether the instrument created a valid express trust in the real property under California law.

2. Whether the instrument's uncertainty concerning the trust's purpose, duration, beneficiary interests, and manner of performance invalidated the trust as to both real and personal property.
3. Whether the trustee could later define the trust's terms and thereby affect the rights of the grantor's heirs.

HOLDINGS

1. The attempted express trust in the real property was void because it did not fall within any of the purposes for which California law authorized express trusts in real property.
2. The instrument was too vague and uncertain to create a valid trust because it failed to state with reasonable certainty the trust's purpose, the duration of the trustee's estate, the nature and quantity of the beneficiaries' interests, and the manner of performance.
3. When a declared trust is illegal, void, or too uncertain to perform, the trustee takes no estate or a resulting trust arises in favor of the grantor or the grantor's heirs; either way, the grantor's executor and heirs could challenge the defendants' title.
4. The trustee's later attempt to declare and define the trust could not alter the rights of the grantor's heirs, which attached at the grantor's death.

KEY QUOTATIONS

“trustee takes an estate adequate to the execution of the trust, no more and no less.” (419)

“If we apply the statutory declaration above quoted, and the principle found in the above language of Pomeroy, we see that the language employed in the instrument is entirely too vague and uncertain to constitute a valid trust.” (421)

“The latter could not, by declaring a trust in property which he did not own, defeat the title of the true owners.” (422)

FACTUAL BACKGROUND

A few days before his death, Gustav Wittfield executed an instrument purporting to convey all of his real and personal property to George Forster as trustee for San Diego Lodge No. 35, an unincorporated association. The instrument identified no specific trust purpose, duration, beneficiary interests, or method of performance. More than three years after Wittfield's death and after the action began, Forster attempted to declare and define the trust's terms.

PROCEDURAL HISTORY

The plaintiffs brought an action in the Superior Court of San Diego County seeking to quiet title, invalidate the purported trust instrument, recover possession of the land, and obtain an accounting for the personal property. The superior court entered judgment for the defendants. The California Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded following reversal of the judgment for defendants. The opinion does not provide additional specific remand instructions.

CASES CITED

- Nichols v. Allen, 130 Mass. 212, 39 Am. Rep. 445
- Morffew v. San Francisco etc. R. R. Co., 107 Cal. 587