

CALIFORNIA COURT OF APPEAL, SECOND DISTRICT, DIVISION FOUR

Estate of Helen Claire Phelps

223 Cal. App. 3d 332 (Cal. Ct. App. 1990) · No. B043887 · Decided August 31, 1990

SUMMARY

The California Court of Appeal held that the trial court erred by permitting a jury trial in an estate petition seeking revocation of a grant deed and quiet title based on lack of mental capacity and undue influence. Because the action presented equitable quiet-title issues and did not allege facts establishing an ejectment-type claim involving possession, there was no right to a jury trial. The judgment was reversed, with directions permitting the trial judge to decide the matter on the existing or additional evidence.

CASE DETAILS

COURT	California Court of Appeal, Second District, Division Four
WRITING FOR THE COURT	Woods (A.M.), P.J.; Goertzen, J.; Epstein, J.
JURISDICTION	California
DECIDED	August 31, 1990
DOCKET	B043887
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from a probate judgment entered after a jury found that a grant deed transferring the decedent's residence to her daughter had been obtained through undue influence.
STANDARD OF REVIEW	The appellate court reviewed de novo whether the probate action carried a right to trial by jury.
PRECEDENTIAL VALUE	Published and precedential California Court of Appeal opinion
PARTIES	Suzanne Phelps Odekerken, Bernardus J. Odekerken v. Janice M. Bambrick, as Executrix of the Estate of Helen Claire Phelps

TOPICS

- probate procedure
- probate
- quiet title
- civil procedure
- undue influence

PRACTICE AREAS

- Probate
- Real estate litigation
- Civil procedure
- Remedies

QUESTIONS PRESENTED

1. Whether the probate action to recover the decedent's residence and quiet title carried a right to trial by jury.
2. Whether the allegations raised possession or an ejectment-like issue sufficient to convert the quiet title action from an equitable action into a legal action triable by jury.

HOLDINGS

1. A probate proceeding does not carry a right to trial by jury merely because the governing statute requires the petition to set forth facts or permits factual issues to be framed. The right exists only to the extent that a jury trial would be available if the underlying action were brought outside probate.
2. The quiet title action remained equitable and was not triable by jury because the petition did not allege possession, wrongful withholding, or facts giving the action the character of ejectment.

KEY QUOTATIONS

“In the case before us, therefore, we must analyze the right to a jury trial by examining the underlying nature of the action.” (340)

“Finding only equitable issues presented, we conclude that the court erred when it permitted a trial by jury and we therefore reverse the judgment.” (341)

FACTUAL BACKGROUND

Helen Claire Phelps transferred title to her home to her daughter Suzanne Phelps Odekerken by grant deed in November 1986. The transfer occurred after Phelps's son died, while Phelps was in physical and mental decline and Odekerken was her primary caretaker with access to Phelps's finances and property. The estate alleged that the deed was procured through lack of mental capacity and undue influence, and a jury found undue influence but also found that Phelps had the requisite mental capacity to execute the deed.

PROCEDURAL HISTORY

The executor petitioned under Probate Code section 9860 to recover the decedent's residence and asserted claims including revocation of the grant deed, quiet title, and constructive trust. The trial court permitted a jury trial, and the jury found that the decedent had testamentary capacity but that the conveyance resulted from undue influence. Judgment was entered for the estate; the daughter's motion for new trial and motion for judgment notwithstanding the verdict were denied, and the appellants appealed.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The judgment was reversed. If the same trial judge presides over further proceedings, the judge may decide the matter without additional evidence or with whatever further evidence the judge considers necessary.

CASES CITED

- Heiser v. Superior Court, 88 Cal. App. 3d 276 (1979)
- Budde v. Superior Court, 97 Cal. App. 2d 615 (1950)
- Estate of Beach, 15 Cal. 3d 623 (1975)
- Estate of Perkins, 21 Cal. 2d 561 (1943)
- Estate of Muller, 2 Cal. App. 3d 259 (1969)
- Estate of Baumann, 201 Cal. App. 3d 927 (1988)
- Medeiros v. Medeiros, 177 Cal. App. 2d 69 (1960)
- Rocha v. Rocha, 197 Cal. 396 (1925)
- In re Marriage of Skelley, 18 Cal. 3d 365 (1976)

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