

1 BUCHALTER  
A Professional Corporation  
2 MICHAEL L. WACHTELL (SBN: 47218)  
GORDON C. STUART (SBN: 294321)  
3 1000 Wilshire Blvd., Suite 1500  
Los Angeles, CA 90017  
4 Email: gstuart@buchalter.com;

5 Attorneys for Petitioner and Trustee  
6 INVENZ, INC.

**FILED**  
Superior Court of California  
County of Riverside  
7/29/2024  
A. Grant  
Electronically Filed

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF RIVERSIDE**

10 In re the

11 DIA KENSHALO ABRAMS TRUST  
12 DATED DECEMBER 16, 2016

13 CLINTON ABRAMS, an individual; and  
14 CRISARA ABRAMS, an individual,

15 Petitioners,

16 v.

17 KEITH HARPER, an individual and as trustee,  
18 DIANA FEDDER (aka DIANE FEDDER), an  
individual and as trustee; and DOES 1 through  
50, inclusive,

19 Respondents.

Case No. PRIN2100297  
Assigned to Honorable Russell Velasquez  
Department: PS3

**TRUSTEE INVENZ, INC.'S *EX PARTE*  
APPLICATION FOR ORDERS (1)  
AUTHORIZING TRUSTEE TO DISPOSE  
OF TRUST PERSONAL PROPERTY;  
AND (2) INSTRUCTING KEITH  
HARPER TO IMMEDIATELY TURN  
OVER CONTROL OF P.O. BOX 1  
MOUNTAIN CENTER, CA 92561 AND  
GRANTING TRUSTEE INVENZ, INC.  
EXCLUSIVE ACCESS TO SAID P.O.  
BOX ; OR IN THE ALTERNATIVE, TO  
SET THIS REQUEST FOR HEARING  
ON THE SOONEST AVAILABLE DATE**

**[Concurrently filed with and Proposed  
Order]**

**DATE: July 31, 2024  
TIME: 10:00 a.m.  
DEPT: PS3**

1 **TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **NOTICE IS HEREBY GIVEN** that on July 31, 2024, at 10:00 a.m., in Department PS3  
3 of the Riverside County Superior Court, located at 3255 E. Tahquitz Canyon Way, Palm Springs,  
4 CA 92262, Invenz, Inc., by and through its Chief Executive Officer, Richard Munro (“Trustee”),  
5 the Court appointed Trustee of the Dia Kenshalo Abrams Trust dated December 16, 2016 (“Trust”),  
6 will and hereby does move by *Ex Parte* Application for orders (1) authorizing the Trustee to dispose  
7 of Trust personal property, and (2) instructing Keith Harper to immediately turn over access to P.O.  
8 Box 1 Mountain Center, CA 92651 to the Trustee and granting the Trustee exclusive access to said  
9 P.O. Box with the US Postal Service. In the alternative, the Trustee requests the Court set this  
10 matter for hearing on the soonest available date.

11 **I. SUMMARY OF EX PARTE APPLICATION**

12 1. The Trustee is seeking two items of relief by way of this *Ex Parte* Application. First,  
13 the Trustee is requesting authority to dispose of the Trust’s personal property. The Trustee was  
14 appointed by order dated March 23, 2023 (the “Appointment Order”). The Trustee has sole  
15 authority to manage the Trust’s tangible and intangible property, including financial accounts.  
16 Although the Trust provides that the trustee has the power to sell Trust property, the order  
17 appointing the Trustee states that the Trustee must obtain prior court approval before liquidating  
18 Trust assets.

19 2. Presently, there are thousands of items of personal property situated within the  
20 Trust’s main real property asset, ranging in value and condition (from valuable to trash). The cost  
21 alone of having all of the personal property inventoried and appraised would be in the hundreds of  
22 thousands of dollars. Likewise, it would be impractical to seek court-approval each time that the  
23 Trustee desires to dispose of an item or items of personal property.

24 3. Accordingly, by way of this *Ex Parte* Application, the Trustee is requesting  
25 authority to dispose of the Trust’s personal property without further order, in a manner that will be  
26 consistent with the Trust beneficiaries’ prior settlement agreement and the Trustee’s fiduciary  
27 duties.

28 4. Second, the Trustee is requesting that the Court order Keith Harper (“Harper”),

1 former Co-Trustee of the Trust, to turn over access to P.O. Box 1 Mountain Center, which post  
2 office box was opened by Settlor Dia Abrams (“Settlor Dia”), but then Harper added himself to the  
3 account following Settlor Abram’s disappearance. Harper should have already turned over this  
4 account to the Trustee when the Court ordered Harper to turn over all information and documents  
5 that the Trustee requires to administer the Trust—but he failed and is now refusing to do so.

6                               Second, **II.     NOTICE OF EX PARTE APPLICATION**

7               5.       Notice of this *Ex Parte* Application was provided on July 26, 2024, before 10:00  
8 a.m., by email as follows:

- 9                               **a.**   To counsel for Clinton Abrams and Crisara Abrams, Matthew Owens of Sheppard  
10                               Mullin Richter & Hampton, LLP, at mowens@sheppardmullin.com; and  
11                               **b.**   To counsel for Keith Harper, Maryann Briseno of The Briseno Law Firm, P.C., at  
12                               maryann@thebrisenolawfirm.com.

13               6.       A true and correct copy of the email notification is marked and attached hereto as  
14 **Exhibit 1.**

15   **III.     JURISDICTION AND VENUE**

16               7.       The Court has jurisdiction over this matter under Probate Code sections 17000 –  
17 17004, 17200, subdivision (a), and 17200, subdivision (b)(1) because this matter concerns the  
18 internal affairs of a trust.

19               8.       Venue is proper in Riverside County under Probate Code sections 17004 and 17005  
20 because (i) the Court already has jurisdiction over the Trust, and (ii) the Trust estate at issue,  
21 including real property, is situated in the County of Riverside, State of California.

22   **IV.     PARTIES**

23               9.       The Trustee is informed and believes, and thereon alleges, that Lydia (aka Dia)  
24 Kenshalo Abrams (“Settlor Dia”) executed the Trust as Settlor on December 16, 2016. Settlor Dia  
25 disappeared over four years ago, on or about June 6, 2020. The circumstances surrounding her  
26 disappearance are currently under investigation by law enforcement and an active homicide case  
27 remains open.

28               10.      The Trustee is a corporation doing business in the State of California, the Court-

1 appointed Trustee of the Trust, and an interested party under Probate Code sections 48 and 17200.

2 11. Crisara Abrams and Clinton Abrams are children of Dia Kenshalo Abrams,  
3 beneficiaries of the Trust, and interested parties under Probate Code sections 48 and 17200.

4 12. Keith Harper is a beneficiary of the Trust, and believed to be a resident of the State  
5 of Colorado.

6 **V. RELEVANT FACTS**

7 **a. Background Regarding the Trustee's Appointment and Power to**  
8 **Manage and Sell Trust Property**

9 13. On or about December 16, 2016, Settlor Dia executed the Trust. A true and correct  
10 copy of the Trust is marked and attached hereto as **Exhibit 2**.

11 14. On or about June 6, 2020, Settlor Dia went missing.

12 15. On March 9, 2021, Clinton and Crisara initiated this trust action by filing a petition  
13 to, *inter alia*, remove Harper as trustee of the Trust. Significant litigation then followed.

14 16. On March 23, 2023, the Honorable John G. Evans, Judge then presiding in  
15 Department PS3 of the Riverside County Superior Court, issued the Appointment Order approving  
16 a term sheet entered between Harper, Clinton, and Crisara, which provides for, *inter alia*, the  
17 appointment of the Trustee as Co-Trustee, with Harper to act as Co-Trustee (with limited authority).  
18 A true and correct copy of the Appointment Order is marked and attached hereto as **Exhibit 3**.

19 17. The Appointment Order provides that the Trustee shall solely and exclusively  
20 manage all assets, tangible and intangible, of the Trust, including all financial accounts.

21 18. Although Article V, Section 5.2 of the Trust grants the trustee the authority to sell  
22 trust property, the Appointment Order states that the Trustee must obtain court approval before  
23 liquidating any trust assets. (See **Exhibit 3**, sec. 1(e).)

24 19. The Appointment Order further provides that on June 6, 2025 (Settlor Dia's date of  
25 presumed death), or upon further order of this Court, the Trust shall be distributed with one-half  
26 (1/2) being distributed to Harper, one-quarter (1/4) being distributed to Clinton, and one-quarter  
27 (1/4) being distributed to Crisara, less the value of any tangible personal property items distributed  
28 to Crisara as set forth in the Appointment Order. (See **Exhibit 3**, sec. 1(j).)

1           20.     On September 1, 2023, the Court ordered that by September 22, 2023, Harper was  
2 obligated to provide an accounting of his actions as a trustee of the Trust from June 6, 2020, to the  
3 present date. A true and correct copy of the September 1, 2023 Order is marked and attached hereto  
4 as **Exhibit 4**. Harper was also obligated to provide certain information to the Trustee by September  
5 22, 2023, including a list of any and all income derived from the Trust assets and supporting  
6 documents, a list of any and all income or Trust assets received by Harper or his agents from the  
7 Trust, and information relating to any debts or liabilities of the Trust. (See **Exhibit 4**, Sec. 1 (a), (b),  
8 (c), and (l).)

9           21.     On November 15, 2023, the Court entered an order removing Harper as Co-Trustee  
10 of the Trust (the “Removal Order”), thereby leaving the Trustee as the sole Trustee of the Trust. A  
11 true and correct copy of the Removal Order dated November 15, 2023, is attached as **Exhibit 5**.

12           **b.     Facts in Support of the Trustee’s Request for Authority to Dispose of**  
13           **Personal Property**

14           22.     As previously reported, the Trust owns/owned three real properties. The Trustee has  
15 already sold the real property located at 36581 Tool Box Spring Road, Mountain Center, CA 92561  
16 (“the Tool Box Spring Property”) pursuant to court order. The Trustee has a pending petition set for  
17 July 29, 2024, for authority to sell the real property located at 28893 Bonita Vista Road, Mountain  
18 Center, CA 92561 (“the 28893 Bonita Vista property”). The last real property is located at 58111  
19 Bonita Vista Road, Mountain Center, CA 92561 (the “Ranch Property”).

20           23.     The Ranch Property consists of approximately 117 acres and is expected to be  
21 marketed for sale before the fall of 2024. The Ranch Property was Settlor Dia’s main home where  
22 she resided before she disappeared on June 6, 2020. The Bonita Vista Ranch comprises a 3-bedroom  
23 cottage, a separate cabin with living and kitchen accommodation, a four-bedroom main residence  
24 with approximately 3,500 square feet, an enclosed outdoor barbeque kitchen, an open outdoor  
25 barbeque kitchen with bathrooms, a large open barn, and at least six forty-foot shipping containers.

26           24.     The shipping containers, living accommodations and the accompanying garage and  
27 barn are completely full and cluttered with personal property such as furniture, antiques, boxes of  
28 decorations and personal effects and the like. The existing cluttered state of the property is

1 suboptimal to market the real property for sale and attract the best price.

2 25. The Trustee has been exploring how best to deal with the huge volume and clutter of  
3 personal property on or around the Ranch Property prior to and in conjunction with marketing the  
4 property for sale. Three separate estate sale firms were invited by the Trustee to visit and inspect the  
5 Ranch Property and submit their proposed process and estimated cost to appraise and sell, or dispose  
6 of the majority of the personal property in, on, or around the Ranch Property. Bids were received  
7 from each of the estate sale firms indicating costs upwards of **\$200,000** to organize, market, sell,  
8 donate, or otherwise dispose of the volume of personal property. The Trustee considered removing  
9 the personal property including some furniture to a warehouse location to auction however, given  
10 the remote location of the Ranch Property and distance to cities, this option will be too expensive  
11 and impractical. Marked and attached hereto as **Exhibit 8** is a true and correct copy of photographs  
12 taken of the interior of the Ranch Property showing the substantial personal property, including junk  
13 and clutter, situated within the Ranch Property.

14 26. The Trustee believes that the cost to remove, store, organize, market or donate and  
15 ultimately sell or otherwise dispose of the personal property is too expensive for the Trust estate,  
16 and the cost is not justified if there are other reasonable options available.

17 27. The Appointment Order appointing the Trustee dated March 23, 2023, at paragraph  
18 (e), specifically gives the Trustee power to manage the assets of the Trust, including liquidating any  
19 assets in its discretion, but subject to Court approval. The Appointment Order, at paragraph (g), also  
20 gives beneficiary Crisara Abrams a first right of refusal to purchase the Trust's personal property.

21 28. The personal property at the Ranch Property can be categorized in three groups:

- 22 a. Furniture and antiques worthy of appraisal and sale, either with a sale of the Ranch  
23 Property, or after providing first Crisara Abrams and then any beneficiary of the Trust  
24 the opportunity to purchase items of personal property at prices to be agreed upon,  
25 with any remaining items put up for sale at public on-site or local auction location..
- 26 b. Clothing and personal effects which have little commercial value which, after being  
27 offered to Settlor Dia's children, would be best to donate to a charity, in which case  
28 Settlor Dia or the Trust would get a tax deduction to the extent it is the most

1           beneficial.

2           c. Personal property to dump. This category includes decorations and miscellaneous  
3           items in shipping containers and rat, mice, and critter-damaged furniture and other  
4           property stored in the large outside barn and in other locations. This will be an  
5           expense to the Trust which is unavoidable.

6           29. The sheer volume of the personal property, as well as the varying conditions (from  
7           excellent to damaged), make it impractical and cost-prohibitive for the Trustee to inventory,  
8           organize, categorize, and then file motions for Court approval to sell individual items of personal  
9           property.

10          30. The Trustee proposes that it be given full authority to dispose of the Trust personal  
11          property located at the Ranch Property in order to efficiently administer the remaining Trust estate  
12          at lower cost, and in less time, without further or serial Court orders.

13          31. The Trust personal property at the Ranch Property includes the following specific  
14          items and categories of property: (i) a Lexus G470 SUV 2006 model and trailers; (ii) furniture and  
15          antiques; (iii) pictures and artwork; (iv) household items (v) personal clothing, shoes and boots; (vi)  
16          a large safe; (vii) boxes of household items and decorations; (viii) garden equipment, including a  
17          golf cart, a Deere gator vehicle, a Kubota tractor with bucket and attachments, a Husqvarna ride on  
18          mower, and blue quad ATV; (ix) assorted garden hand tools, maintenance tools, and spraying  
19          equipment; (x) a wine refrigerator including bottles of wine (of unknown value or condition); and  
20          (xi) an extensive collection of women’s jewelry which has already been appraised and is currently  
21          stored in a safe vault under the control of the Trustee at a separate location.

22          32. The Trustee envisions the following process to efficiently administer the above  
23          categories of Trust personal property as follows (referred to herein as the “Trust Personal Property  
24          Distribution Plan”):

25               a. The Trustee plans to seek an appraisal on personal property items of value that have  
26               not been previously appraised. This will not include all personal property items due  
27               to the sheer volume, but be limited to certain antiques and furniture, pictures and  
28               artwork, and equipment and tools.

- 1 b. Pursuant to the Appointment Order, Crisara Abrams will have a first right of refusal  
2 to view and select any personal property items that she wants to acquire at agreed  
3 prices and the Trustee will account for any such items selected by Crisara.
- 4 c. If another beneficiary is interested in purchasing remaining Trust personal property,  
5 they may send a bid to the Trustee with their detailed list of items and each appraisal  
6 value, or if not appraised, at their offering price and total. The Trustee will forward  
7 their request to the other beneficiaries who will then have 48 hours to object to the  
8 sale, and/or make their counteroffer for such items. If the Trustee has an appraisal  
9 for any such items of personal property, it will take such appraised value into  
10 consideration in determining whether to sell such personal property items to  
11 beneficiary(ies) or to a third-party if higher.
- 12 d. Harper has made a request for certain items of Trust personal property and not offered  
13 to pay for them and he will be subject to the same process and possible objection  
14 from the other beneficiaries. If Harper claims an ownership interest in any Trust  
15 personal property, he will have to prove up his ownership with appropriate receipts,  
16 cancelled checks or other evidentiary support to the satisfaction of the Trustee. If the  
17 Trustee is not satisfied with any evidentiary support from Harper, it will deal with,  
18 sell, donate or dispose of such personal property per this process.
- 19 e. All sales to any of the beneficiaries will provide for delivery of the purchased  
20 personal property at the Ranch Property with prompt removal at the respective  
21 purchasers' cost. Harper remains firmly subject to the Vacate and Stayaway Order  
22 and cannot personally come within one mile of the Ranch Property. Any personal  
23 property he may acquire will have to be delivered to and removed by representatives  
24 who are reasonably acceptable to the Trustee. The Trustee will have no liability  
25 following delivery of any personal property to Harper's representatives at the gate of  
26 the Ranch property.
- 27 f. After any objection and/or counteroffer from a beneficiary, the Trustee will sell the  
28 selected Trust personal items to the highest beneficiary bidder and deduct such



1 equivalent value from the beneficiary prior to any ultimate Trust distributions to  
2 beneficiaries identical to paragraph (h) of the Appointment Order as it applies to  
3 Crisara Abrams.

4 g. The Trustee anticipates that a buyer of the Ranch Property may want to purchase  
5 items of furniture, equipment and other household items located at that property. If  
6 this is economically feasible, the Trustee will sell personal property to such buyer to  
7 minimize overall Trust administration and asset disposal costs. This will likely  
8 include garden equipment and tools and equipment.

9 33. The Trustee plans to sort through the remaining personal property at the Ranch  
10 Property as follows:

- 11 a. Boxes stacked in the garage, barn and shipping containers, and trash any damaged  
12 property, or sell or donate remaining property, or leave in place.
- 13 b. Donate personal clothing and items.
- 14 c. The Trustee will try to sell the boot collection as one lot.
- 15 d. Sell the Lexus 2006 G470 SUV.
- 16 e. Sell, donate or deal with remaining Trust personal property in such manner as the  
17 Trustee in its discretion and business judgment believes is the most economical and  
18 reasonable manner.

19 **Facts in Support of Trustee’s Request for an Order that Harper Turn Over**  
20 **Access to P.O. Box 1 Mountain Center**

21 34. After his appointment, the Trustee took appropriate action to ensure that the U.S. Post  
22 Office re-directed to the Trustee all mail addressed to Settlor Abrams. The Trustee is informed that  
23 several years prior to Settlor Dia’s disappearance, she rented P.O. Box 1 Mountain Center. The  
24 Trustee is further informed that Harper added himself to that account following Settlor Dia’s  
25 disappearance (apparently using a Power of Attorney for Settlor Dia. Mail intended for Settlor Dia  
26 is still being delivered to P.O. Box 1 Mountain Center and then redirected to the Trustee. In recent  
27 months, the Trustee has received correspondence from Banc of California, the Department of Tax  
28 and Fee Administration, and Charles Schwab, all directed to Settlor Dia at 1 P.O. Box Mountain

1 Center. A true and correct copy of samples of correspondence sent to Settlor Dia at 1 P.O. Box  
2 Mountain Center is marked and attached hereto as **Exhibit 6**.

3 35. About July 19, 2024, the Trustee received a notification from the U.S. Post Office  
4 that someone had filed a new mail redirection notice for mail to Settlor Dia from the Trustee to  
5 someone other than the Trustee.

6 36. On July 19, 2024, the Trustee contacted counsel for Harper, Ms. Maryann Briseno,  
7 to request (1) confirmation that Harper had not attempted to re-direct mail intended for Settlor Dia  
8 (i.e., to go to someone other than the Trustee), and (2) that Harper cooperate in turning over P.O.  
9 Box 1 Mountain Center to the Trustee.

10 37. In the week since contacting Ms. Briseno, she has refused to answer the Trustee's  
11 inquiry as to whether Harper attempted to re-direct Settlor Dia's mail. She has also declined the  
12 Trustee's request that Harper cooperate in turning over access to the post office box account to the  
13 Trustee. A true and correct copy of the pertinent email communications are marked and attached  
14 hereto as **Exhibit 7**.

15 **VI. PARTIES ENTITLED TO NOTICE**

16

<b><u>PARTY</u></b>	<b><u>ADDRESS</u></b>
Invenz, Inc., by and through its Chief Executive Officer, Richard Munro, Co-Trustee	C/O Counsel Michael Wachtell Gordon C. Stuart BUCHALTER, A PROFESSIONAL CORPORATION 1000 Wilshire Blvd., Ste. 1500 Los Angeles, CA 90017
Keith Harper, Beneficiary	C/O Counsel Maryann Briseno THE BRISENO LAW FIRM 32395 Clinton Keith Rd., Ste. A206 Wildomar, CA 92595

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<u>PARTY</u>	<u>ADDRESS</u>
Clinton Abrams, Beneficiary	C/O Counsel  Matthew Owens Sheppard Mullin Richter & Hampton, LLP 12275 El Camino Real, Ste. 100 San Diego, CA 92130
Crisara Abrams, Beneficiary	C/O Counsel  Matthew Owens Sheppard Mullin Richter & Hampton, LLP 12275 El Camino Real, Ste. 100 San Diego, CA 92130

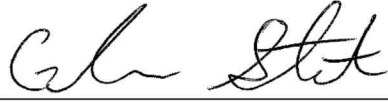
**VI. PRAYER FOR RELIEF**

**WHEREFORE**, the Trustee prays for the following:

1. An order that the Trustee is authorized to dispose of the Trust personal property pursuant to the Trust Personal Property Distribution Plan (as defined above);
2. An order that Harper immediately turn over access to P.O. Box 1 Mountain Center to the Trustee, that he refrain from interfering with the Trustee's access to Settlor Dia's mail forthwith, and that the Trustee has exclusive access to P.O. Box 1 Mountain Center;
3. An order that the Trustee may use this Order to deliver to the US Postmaster of the U.S. Post Office to obtain immediate control of the lease of P. O. Box 1, Mountain Center, CA, 92561, including all mail delivered to that P. O. Box, and including all mail addressed to Settlor Dia.
4. Such further relief as the Court deems just and proper.

DATED: July 29, 2024

BUCHALTER  
A Professional Corporation

By:   
 MICHAEL WACHTELL  
 GORDON C. STUART  
 Attorneys for Petitioner and Trustee  
 INVENZ, INC.