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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

JEFFREY SIEGEL, as Trustee, etc.,

Plaintiff and Respondent,

v.

ELISABETH FIFE,

Objector and Appellant.

B256224

(Los Angeles County
Super. Ct. No. BP135326)

APPEAL from an order of the Superior Court of Los Angeles County, James A. Steele, Judge. Dismissed.

Law Offices of Phillip K. Fife and Phillip K. Fife for Objector and Appellant.

Orren & Orren and Tyna Thall Orren; Paul F. Cohen; and Leslie Barnett, for Plaintiff and Respondent.

The objector, Elisabeth Fife, appealed from a probate court order directing the successor trustee of the Betty Jean Brown Trust to proceed with a real property sale. The prior trustee, Michael Wilson, has now been succeeded as trustee by Jeffrey Siegel. The objector timely appealed the order. Mr. Wilson subsequently sought an order for relief from the automatic stay of the real property sale. Mr. Wilson argued the appeal did not stay enforcement of the probate court's sale order. Mr. Wilson cited Code of Civil Procedure section 917.4 and Probate Code section 1310, subdivision (b). The objector opposed Mr. Wilson's petition. On March 6, 2014, following a hearing, the probate court granted Mr. Wilson's petition and ordered sale of the property. The objector appealed the order directing the sale of the property, which is the subject of this appeal.

Mr. Siegel has moved to dismiss this appeal as moot. As Mr. Siegel notes in a prior appeal, we had stayed the sale of real property located at Edgecliffe Drive pending further court order. (*Wilson v. Fife* (Apr. 22, 2014, B253746) [nonpub. order].) As to the prior appeal, we found in favor of the trustee and against objector as to the real property sale. We ordered our April 22, 2014 stay vacated. Thus we have now ordered the sale consummated. (*Siegel v. Fife* (2015) __ Cal.App.4th __, __.) There is now no further actual controversy pending before us. Accordingly, the objector's current appeal is moot. (*Eye Dog Foundation v. State Board of Guide Dogs for the Blind* (1967) 67 Cal.2d 536, 541; *Mercury Interactive Corp. v. Klein* (2007) 158 Cal.App.4th 60, 77-78.)

The appeal is dismissed. Jeffrey Siegel, as trustee of the Betty Jean Brown Trust, is to recover his costs incurred on appeal from the objector, Elisabeth Fife.

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TURNER, P. J.

We concur:

MOSK, J.

KRIEGLER, J.