

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

STEPHEN W. ESSLINGER,

Plaintiff and Respondent,

v.

KENNETH J. CUMMINS, as Trustee, etc.,

Defendant and Appellant.

G034707

(Super. Ct. No. A226959)

ORDER MODIFYING OPINION  
AND DENYING PETITION FOR  
REHEARING; NO CHANGE IN  
JUDGMENT

It is ordered that the opinion filed herein on October 31, 2006, be modified as follows:

On page 2, in the third paragraph beginning “Stephen is a remainder beneficiary,” in the second sentence, change the word “son” to “grandson.”

This modification does not effect a change in the judgment. The petition for rehearing is DENIED.

FYBEL, J.

I CONCUR:

ARONSON, J.

I would grant the petition for rehearing.

BEDSWORTH, ACTING P. J.