

To: Marshall Buttrick, Clerk of the Court  
Hillsborough Superior Court  
30 Spring St.  
Nashua, NH 03060

HILLSBOROUGH COUNTY  
SUPERIOR COURT SOUTH  
NASHUA, NH 03060  
MAR - 8 A 10:45

re: No. 06-M-0655

Dear Mr. Buttrick:

I am unable to be present at the Hearing Scheduled for March 9, 2010. I was released from prison in AZ Feb. 9<sup>th</sup> and upon my release discovered I had my Soc. Sec. (widows' benefits discontinued and therefore had ~~no~~ source of income to allow me to travel to NH. I am available to appear telephonically if that is acceptable. My phone # is 602-999-9559. I would also be open to continuing this matter to another date.

Should neither request be approved, I have included e-mails between my probate attorney, Julio Zapata and Equity Trust Company showing that I have been trying to liquidate assets designated for my son, Connor Strobel's college and that any hold ups are not by my choice, but because of the ongoing probate litigation with my late husband's estate.

I do not have legal representation in NH as once again I am unable to afford it. In addition, it was virtually impossible for me to accomplish anything on this front while incarcerated.

I can assure you, Providing funds for my son to be able to attend the college of his choice has been and remains of the utmost importance to me. I am certainly not in contempt of any orders of this court. I am simply facing a multitude of challenges in liquidating the assets to comply with the court's directive.

Thank you,

Phil Rosier

602-999-9559

12801 N. 19<sup>th</sup> St.

Phoenix, AZ 85022

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10-17-88 BY SP-1 HHS

**RE: Rosier/Equity Trust/IRA Account 16740**HILLSBOROUGH COUNTY  
SUPERIOR COURT SOUTH

From:

2010 MAR -8 A 10:44

Sent:

To:

**ZAPATA, JULIO**

(JZAPATA@FCLAW.com)

Tue 3/02/10 12:45 PM

Sandra Sarudis

(s.sarudis@trustetc.com)

Cc:

BROWN, JAMIE (JBROWN@FCLAW.com); CIUPAK, SUSAN (SCIUPAK@FCLAW.com); ZAPATA, JULIO (JZAPATA@FCLAW.com); ROGITZ, NANCY (NROGITZ@FCLAW.COM)

Attachments:

Document.pdf (182.8 KB)

Hello Sandy: Thank you for the update. Can you please forward me to your in-house legal counsel or outside counsel, if applicable? We believe it is inappropriate for Equity Trust Company ("ETC") to make such a demand when ETC has been provided with a notarized and witnessed change of beneficiary form. That is all that is required of our client.

It is also interesting to us that ETC has been communicating with Mr. Pattullo, the witness to the change of beneficiary form, as well as Jacob and Elizabeth Rosier (which Mr. Pattullo represents), and yet claims that ETC was unaware of the change in beneficiary designation.

In any event, ETC has all the documentation that is required in order to provide my client with her beneficiary share, as represented on the attached ETC beneficiary notarized and witnessed change form. If you believe we are mistaken then please provide us with the factual and legal foundation upon which ETC rests its position so that we may reconsider our position.

We are at a loss as to why ETC would require a Court order to effectuate the purpose and intent of the ETC change in beneficiary designation. You state that because the "revised" beneficiary designation form was not received from the client ETC cannot follow it without a court order. This seems backward to us. ETC has been provided with a perfectly legal document that follows all of ETC's requirements. The form was prepared and executed on February 1, 2007 just a couple of weeks before Peter Rosier (your client) died. Mr. Rosier was represented by counsel--Mr. Pattullo. Mr. Pattullo before and after Mr. Rosier died has been in communications with ETC. See ETC internal documents previously disclosed. In addition, Mr. Pattullo witnessed your client's (Mr. Peter Rosier) signature. The change in beneficiary designation form was notarized, as required. ETC has been provided the executed beneficiary designation form. It seems to us that if you need further verification that ETC should contact Mr. Pattullo, your client's lawyer, not require my client to obtain a court order. The court order requirement appears to be unnecessary based on these facts. We are we missing?

Please let us know how you wish to proceed.

Julio Zapata | Fennemore Craig, P.C.

3003 North Central Avenue, Suite 2600 | Phoenix, AZ 85012-2913

Tel: 602.916.5365 | Fax: 602.916.5565 | Mobile: 602.882.7696

Bio: <http://www.fc|aw.com/attorneys/bio.cfm?aid=50958>

Admitted in Arizona, Washington

HILLSBOROUGH COUNTY  
SUPERIOR COURT SOUTH  
2010 MAR -3 A 10:44

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**From:** Sandra Sarudis [mailto:s.sarudis@trustetc.com]

**Sent:** Tuesday, March 02, 2010 11:47 AM

**To:** ZAPATA, JULIO

**Subject:** RE: Rosier/Equity Trust/IRA Account 16740

We would like you to provide us with an order freezing the account until the matter can be resolved. Since we did not receive the revised beneficiary designation from the client we cannot follow it without a court order.

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**From:** ZAPATA, JULIO [mailto:JZAPATA@FCLAW.com]

**Sent:** Tuesday, March 02, 2010 12:06 PM

**To:** Sandra Sarudis

**Cc:** ROGITZ, NANCY; CIUPAK, SUSAN; BROWN, JAMIE

**Subject:** RE: Rosier/Equity Trust/IRA Account 16740

Hello Sandy: Following up per correspondence noted below. Can you please provide me with a status and when my client can obtain her beneficiary share?

Thanks,

HILLSBOROUGH COUNTY  
SUPERIOR COURT SOUTH

2010 MAR -8 A 10:45

Julio Zapata | Fennemore Craig, P.C.

3003 North Central Avenue, Suite 2600 | Phoenix, AZ 85012-2913

Tel: 602.916.5365 | Fax: 602.916.5565 | Mobile: 602.882.7696

Bio: <http://www.fclaw.com/attorneys/bio.cfm?aid=50958>

Admitted in Arizona, Washington

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**From:** Sandra Sarudis [mailto:s.sarudis@trustetc.com]

**Sent:** Thursday, February 25, 2010 6:24 AM

**To:** ZAPATA, JULIO

**Cc:** ROGITZ, NANCY; CIUPAK, SUSAN; BROWN, JAMIE

**Subject:** RE: Rosier/Equity Trust/IRA Account 16740

Probably next Monday or Tuesday.

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**From:** ZAPATA, JULIO [mailto:JZAPATA@FCLAW.com]

**Sent:** Wednesday, February 24, 2010 9:53 PM

**To:** Sandra Sarudis

**Cc:** ROGITZ, NANCY; CIUPAK, SUSAN; BROWN, JAMIE; ZAPATA, JULIO

**Subject:** RE: Rosier/Equity Trust/IRA Account 16740

HILLSBOROUGH COUNTY  
SUPERIOR COURT SOUTH

Sandy: Thanks for the update. Do you have time estimate? We don't understand why there is a delay when we have provided the supporting documentation to you. Please advise.

Julio Zapata | Fennemore Craig, P.C.  
3003 North Central Avenue, Suite 2600 | Phoenix, AZ 85012-2913  
Tel: 602.916.5365 | Fax: 602.916.5565 | Mobile: 602.882.7696  
Bio: <http://www.fcflaw.com/attorneys/bio.cfm?aid=50958>

Admitted in Arizona, Washington

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**From:** Sandra Sarudis [mailto:s.sarudis@trustetc.com]  
**Sent:** Tuesday, February 23, 2010 12:24 PM  
**To:** ZAPATA, JULIO  
**Cc:** ROGITZ, NANCY; CIUPAK, SUSAN; BROWN, JAMIE  
**Subject:** RE: Rosier/Equity Trust/IRA Account 16740

We are still reviewing/investigating this issue.

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**From:** ZAPATA, JULIO [mailto:JZAPATA@FCLAW.com]

**Sent:** Tuesday, February 23, 2010 1:28 PM

**To:** Sandra Sarudis

**Cc:** ROGITZ, NANCY; CIUPAK, SUSAN; BROWN, JAMIE; ZAPATA, JULIO

**Subject:** RE: Rosier/Equity Trust/IRA Account 16740

HILLSBOROUGH COUNTY  
SUPERIOR COURT SOUTH

2010 MAR -8 A 10:45

Sandy: Can you please provide me with a status and when my client can obtain her beneficiary share? Thanks,

Julio Zapata | Fennemore Craig, P.C.

3003 North Central Avenue, Suite 2600 | Phoenix, AZ 85012-2913

Tel: 602.916.5365 | Fax: 602.916.5565 | Mobile: 602.882.7696

Bio: <http://www.fclaw.com/attorneys/bio.cfm?aid=50958>

Admitted in Arizona, Washington

**FENNEMORE CRAIG**

**CONFIDENTIALITY NOTICE:** The information contained in this message may be protected by the attorney-client privilege. If you believe that it has been sent to you in error, do not read it. Please immediately reply to the sender that you have received the message in error. Then delete it. Thank you.

WILLSBOROUGH COUNTY  
SUPERIOR COURT SOUTH  
200 Hall - 3 A B 45

In response to your letter and produced documents I called you to inquire about the beneficiary designation on the account because there is no reference that Gail Rosier is a 33 1/3% beneficiary of the IRA account. The documents produced to us do not reference Gail Rosier as a beneficiary of the IRA account. See Quarterly Statements (ETC1724 through ETC1840), attached hereto.



In contrast, we have received documents from decedent's accountant--Mr. Rubenstein. One of those documents is an Equity Trust Company IRA Designation/Change of Beneficiary Form. I have attached a copy of that document hereto. The form shows Gail Rosier as a beneficiary of the IRA account in the percentage value of 33 1/3%, which is consistent with my client's understanding. Significantly, decedent (R. Peter Rosier) signed the form and such form was witnessed by decedent's attorney--John Pattullo--which you have dealt with in the past according to documents produced by Equity Trust Company. See Equity Trust Contact History, attached hereto (ETC0025--showing client's estate planner being emailed the beneficiary change form; ETC0016--showing John Pattullo advising Equity Trust of beneficiary status and widow contesting; ETC0018 through ETC0019--reference to assets to be moved; ETC0020--reference to Jacob Rosier communication regarding alleged settlement with step-mother; ETC0021--regarding directive to release partial interest on a sale of IRN 10016933). My client, Gail Rosier, also signed the form, which is dated February 1, 2007. It is my understanding from the correspondence noted in your files that Mr. Pattullo contacted your company to change the IRA account to the other two beneficiaries. This is of concern to us, as you can imagine because Mr. Pattullo was aware of the beneficiary change and indeed witnessed the transaction. See IRA Designation (JROS000279 through JROS000280).

In any event, please let me know when Equity Trust Company is prepared to recognize the beneficiary change, which is attached hereto dated February 1, 2007 (JROS000279 through JROS000280). Then, what Gail Rosier needs to provide you in order to obtain her 33 1/3% interest in the IRA account. We would also like to know what changes/distributions/transfers have occurred with respect to the IRA account since February 1, 2007, if any. It is our understanding, based on the Quarterly Statements, that the current value of the IRA account is \$657,881.10.

I look forward to working with you on this matter.

Regards,

Julio Zapata | Fennemore Craig, P.C.

HILLSBOROUGH COUNTY  
SUPERIOR COURT SOUTH  
200 001 - 8 A 10:45