

EX PARTE DEPARTMENT  
Hearing Date: Friday, May 5, 2023  
Hearing Time: 3:30 p.m.

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING**

CHARLES A. HAROLD, JR., on behalf of  
Vulnerable Adult SHARON M. HAROLD,

Petitioner,

vs.

DAVID ALLEN PAICE,

Respondent.

Case No. 23-2-03980-7 KNT

**DECLARATION OF PETITIONER  
CHARLES A. HAROLD, JR. IN  
SUPPORT OF OBJECTION TO NOTICE  
OF PRESENTATION OF DENIAL  
ORDER DENYING PETITION FOR  
PROTECTIVE ORDER AND MOTION  
TO STAY PROCEEDINGS**

I, Charles A. Harold, Jr., declare as follows:

1. I am the Petitioner and interested person filing on behalf of and at the request of my mother, Sharon M. Harold ("Protected Party"), a vulnerable adult. I am the Protected Party's son and hold a durable power of attorney, including attorney-in-fact with power to litigate for her. I am also a beneficiary of the Sharon M. Harold Irrevocable Trust dated November 12, 2004 (the "Trust"). California Probate Code § 4232 states:

- (a) An attorney-in-fact has a duty to act solely in the interest of the principal and to avoid conflicts of interest.
- (b) An attorney-in-fact is not in violation of the duty provided in subdivision (a) solely because the attorney-in-fact also benefits from acting for the principal, has conflicting interests in relation to the property, care, or affairs of the principal, or acts in an inconsistent manner regarding the respective interests of the principal and the attorney-in-fact.

1           2.       Since Respondent's counsel and I could not agree on a version of the  
2 proposed Order denying the Petition for Protective Order, I requested a presentation  
3 hearing. After this Court instructed the parties to agree on a hearing date and time for  
4 the presentation, I received an email from Respondent's counsel informing me that this  
5 Court suggested the dates of May 1 to 5 at 2:30 pm or 3:30 pm. (Dkt. 41, Ex. A)

6           3.       I informed Mr. Schilbach that neither Amy Jane Small, co-attorney-in-fact  
7 for Protected Party, nor I would be available that week due to prior business  
8 commitments and my mother's medical appointment. (*Id.*)

9           4.       Since Mr. Schilbach stated that he got the impression that I "was trying to  
10 stall" the entry of the protective order, I will explain to this Court why I was not  
11 available the week of May 1 through May 5. (Dkt. 41 at ¶ 7.)

12          5.       My original plan was to drive to Reedsport, Oregon on April 30 arriving  
13 late on May 1 so that I could take my mother to her appointment on May 2 in  
14 Roseberg, Oregon. Amy Jane Small was planning to drive up to meet with us to attend  
15 this appointment so there was a complete understanding of our mother's current  
16 medical needs. This appointment was scheduled approximately three months ago.

17          6.       After the appointment, I was going to drive home, which is a two-day  
18 journey, and Amy was going to drive our mother home. I would have arrived home on  
19 May 4.

20          7.       On May 5, I was going to attend a conference, The ASIS 2023  
21 Southwest Security Conference, hosted by a former client. I was asked to attend this  
22 conference months ago. Attending these conferences is essential to the operation of  
23 my business since I use them to gain new business. In addition, I had a pre-arranged  
24 meeting with one of the security directors for a major social media company to discuss  
25 current projects and future opportunities.

26          8.       In my e-mail of April 26 at 11:25 a.m., I stated to Mr. Schibach, "The  
27 following week may suffice but that depends on what happens with Mom's pre-surgery  
28 appointment next week." Although I did not specify a particular date for the hearing

1 during the week of May 8, it was clear that that week was better because there were  
2 no pre-scheduled appointments. (Dkt. 41, Ex. A.)

3 9. However, all of our plans were unexpectedly interrupted when Protected  
4 Party drove herself to see her doctor because she was feeling so ill.

5 10. On April 27, 2023, Protected Party's doctor wrote a letter requesting a  
6 90-day reprieve from this stressful litigation in order to allow low level medical  
7 intervention and potentially prevent an extreme event. Protected Party has a  
8 complicated medical history which includes multiple emergency room visits, three  
9 major strokes, TIAs, fibromyalgia, among other medical conditions. On April 28, 2023,  
10 Protected Party picked up the doctor's letter and sent it to me.

11 11. On April 28, 2023, I emailed Mr. Schilbach the letter from my mother's  
12 physician. In a subsequent email on this same date, I submitted a stipulation to stay  
13 this matter for a maximum of 90 days to which I received no response from Mr.  
14 Schilbach or Ms. Mautner. True and correct copies of the referenced emails are  
15 attached hereto as Exhibit A and B, respectively.

16 12. On May 1, I responded to Mr. Schilbach's email wherein he unilaterally  
17 selected the May 5 hearing date without further input from me or consideration of the  
18 letter written by my mother's physician. A true and correct copy of the May 1 email is  
19 attached hereto as Exhibit C.

20 13. My impression from Mr. Schilbach's declaration is that he is in a rush to  
21 have the order entered memorializing Commissioner Judson's oral ruling so that the  
22 account can be unfrozen. Unfreezing the account benefits Mr. Schilbach personally  
23 since he is illegally being paid his TEDRA attorney's fees from Protected Party's Trust  
24 account; there is a substantial outstanding balance in that case. This in turn enriches  
25 Respondent and places Respondent in direct conflict with Protected Party and the  
26 intent of the Trust instrument.

27 14. At 8:11 a.m. on May 3, 2023, I received a text from my brother John  
28 Harold telling me that Protected Party was in the emergency room again because she

1 could not breathe. I am waiting on more information and know nothing else at this  
2 time. My plans for Friday may once again be altered if I am required to travel to  
3 Reedsport, Oregon to attend to my mother. This episode demonstrates the necessity  
4 for the reprieve as requested by my mother's physician. As the Court can see, my  
5 mother's medical condition is fluid and literally changes each day.

6 15. There is no urgent matter before this Court that would prove detrimental  
7 to Protected Party or Respondent by waiting a maximum of 90 days for her health to  
8 recover. Her living expenses are fully funded for the year, and she has the additional  
9 financial support of her children. Her health and recovery is the actual urgent matter  
10 before us presently, and I respectfully request that this Court grant the 90 day medical  
11 reprieve.

12 DATED: May 3, 2023

s/Charles A. Harold, Jr.  
Charles A. Harold, Jr.  
Petitioner.

# **EXHIBIT A**

Re: Harold v. Paice - King County No. 23-2-03980-7 KNT | Proposed Order Denying  
Petition for Protection Order

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From: Chuck Harold (chuckharold@gmail.com)

To: schilbacha@lanepowell.com

Cc: aj.harold@hotmail.com; smharold7@gmail.com; mautnerg@lanepowell.com; webbs@lanepowell.com

Date: Friday, April 28, 2023 at 01:17 PM MST

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Mr. Schilbach,

As I discussed with you last week, we are not available for the presentation hearing next week because we were still arranging Mom's transportation to yet another doctor, this one out of town, and we were not certain when she, myself and Amy would be available at the same time.

Yesterday, my mother sought medical attention once again and, on advice from her doctor, the TEDRA matter and the Protection Order cases need to be stayed to allow my mother to recover so she can adequately assist in her own defense of these matters.

Attached is a copy of the letter from Dr. Robert Jacques for your review.

Would the acting Trustee be willing to stipulate to the following:

- (1) A continuation of the protective order presentation,
- (2) A stay the Protection Order proceeding, and
- (3) A stay the TEDRA proceeding.

We request a prompt response because if the acting Trustee is not willing to stipulate to these three requests, we will need to file a Motion to Stay in both actions, along with a motion for shortening time to hear the motion for continuation of the protective order presentation.

Thank you for your timely attention to this matter, and we await your prompt response.

Best regards,

Charles A. Harold  
Attorney-in-Fact  
with Power to Litigate for  
Sharon M. Harold

On Wed, Apr 26, 2023, 3:31 PM Schilbach, Aleksander <[SchilbachA@lanepowell.com](mailto:SchilbachA@lanepowell.com)> wrote:

Mr. Harold,

Thank you for your response. First, Mr. Milnor-Lewis's instructions were crystal clear: "The Court will want a proposed orders from whomever was ordered to prepare it previously, and a version with edits/track changes enabled from the other party. The court will further require a summary of what specific language is contested. The court does not wish to receive separate orders."

Date April 20 seven 2023

Note origination:  
Robert L Jacques MD  
OR Med License (MD 19329)  
Dunes Family Healthcare Center  
1620 Ranch Rd, Reedsport OR 97467

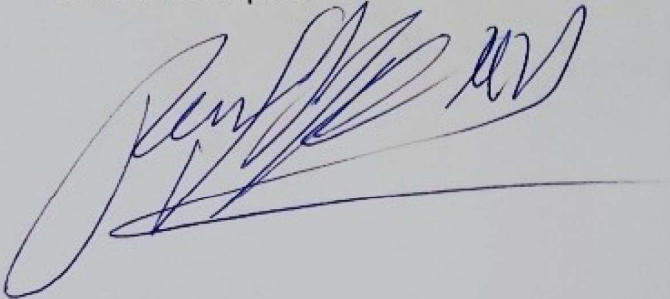
To whom it may concern:

Sharon Harold Was seen in the emergency room setting at Lower Umpqua Hospital on March 24, 2023 complaining of severe global headache described as if her head was about to explode. She very rarely experiences headaches their being absence of any significant neurologic symptoms or sequelae, work up in the emergency room setting failed to demonstrate any evidence of significant pathology. These headaches have persisted on a much severe level. In conjunction with this she's had some issues with memory, anxiety, and difficulty sleeping.

It would appear she has been under significant stress as to how her personal Trust has been managed. As her position is contested it would appear that legal aspects will necessitate several months of involvement and continued stress. Her response given her age at 85 and History of moderately severe hypertension has left her perceiving a high level degree of vulnerability regarding her health. She is requesting a brief reprieve of perhaps 90 days to allow the benefit of a low grade level of medical intervention.

The courts sensitivity to her needs and health at this time in granting her this time is much appreciated.

Robert L Jacques MD

A handwritten signature in blue ink, appearing to read 'Robert L Jacques MD', with a long horizontal flourish extending to the right.

# **EXHIBIT B**

Fwd: Proposed Stipulations - Re: Harold v. Paice - King County No. 23-2-03980-7 KNT | Proposed Order Denying Petition for Protection Order

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----- Forwarded message -----

From: **Chuck Harold** <[chuckharold@gmail.com](mailto:chuckharold@gmail.com)>

Date: Fri, Apr 28, 2023, 1:42 PM

Subject: Proposed Stipulations - Re: Harold v. Paice - King County No. 23-2-03980-7 KNT | Proposed Order Denying Petition for Protection Order

To: <[webbs@lanepowell.com](mailto:webbs@lanepowell.com)>, Schilbach, Aleksander <[schilbacha@lanepowell.com](mailto:schilbacha@lanepowell.com)>, Mautner, Gail <[Mautnerg@lanepowell.com](mailto:Mautnerg@lanepowell.com)>

Cc: amy jane harold <[aj.harold@hotmail.com](mailto:aj.harold@hotmail.com)>, Sharon Harold <[smharold7@gmail.com](mailto:smharold7@gmail.com)>

Miss. Silvia,

Please find the attached proposed stipulation orders regarding my previous email.

I understand that both Mr. Schilbach and Ms. Mautner are out of the office this afternoon. Perhaps you could make them aware of my proposal?

Thank you,

Charles Harold



2023-04-28 TEDRA Stipulation.doc  
58.5kB



2023-04-28 PP Stipulation.doc  
80.5kB

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING**

CHARLES A. HAROLD, JR., on behalf of  
Vulnerable Adult SHARON M. HAROLD,

Petitioner,

vs.

DAVID ALLEN PAICE,

Respondent.

Case No. 23-2-03980-7 KNT

**STIPULATION TO STAY  
PROCEEDINGS**

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**THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

- 1) Petitioner Charles A. Harold, Jr. on behalf of Vulnerable Adult, Sharon M. Harold, filed a Petition for Protection Order on March 3, 2023;
- 2) A Temporary Protection Order was granted on March 6, 2023;
- 3) The hearing for the Protection Order was held on April 20, 2023;
- 4) A presentation on the Proposed Order Denying the Protection Order has not yet been scheduled;
- 5) Protected Party Sharon M. Harold, who is an elderly vulnerable adult, has been participating in these proceedings since its inception;

6) On April 27, 2023, Protected Party visited her physician, Robert Jacques, MD. Based on his examination of Protected Party, he requested that this Court grant her a “reprieve” of a maximum of 90 days for health reasons;

7) On April 28, 2023, Respondent and his counsel were notified of this request by Protected Party’s physician;

8) All parties agree to stipulate to stay this proceeding for a maximum of 90 days pursuant to the request of Protected Party’s physician.

IT IS SO STIPULATED.

Dated: April 28, 2023

LANE POWELL, PC

By: \_\_\_\_\_  
GAIL E. MAUTNER  
ALEKSANDER SCHILBACH  
Attorneys for Petitioner/Trustee

DATED: April 28, 2023

s/Charles A. Harold, Jr.  
Charles A. Harold, Jr., Pro se  
Attorney-in-Fact

DATED: April 28, 2023

s/Sharon M. Harold.  
Sharon M. Harold, Pro se.

DATED: April 28, 2023

s/John J. Harold  
John J. Harold, Pro se

DATED: April 28, 2023

s/Angel M. Harold  
Angel M. Harold, Pro se

DATED: April 28, 2023

s/Amy Jane Small  
Amy Jane Small, Pro se  
Attorney-in-Fact

DATED: April 28, 2023

s/Josette Harold Ramirez  
Josette Harold Ramirez, Pro se

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING**

In re the Matter of

THE SHARON M. HAROLD  
IRREVOCABLE TRUST DATED  
NOVEMBER 12, 2004,

a Trust.

DAVID M. PAICE,

Petitioner-Trustee.

Case No. 22-4-08326-1 KNT

**STIPULATION AND ORDER TO STAY  
PROCEEDING**

**THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

- 1) Petitioner David M. Paice filed his Verified Petition For Approval of Interim Account; For Discharge of Successor Trustee; and For Appointment of Successor Trustee on December 5, 2022;
- 2) The matter is scheduled for trial on November 13, 2023;
- 3) Respondent and Grantor Sharon M. Harold, who is an elderly individual, has been participating in these proceedings since its inception;
- 4) On April 27, 2023, Grantor visited her physician, Robert Jacques, MD. Based on his examination of Grantor, he requested that this Court grant her a “reprieve” of a maximum of 90 days for health reasons;

5) On April 28, 2023, Petitioner and his counsel were notified of this request by Grantor's physician;

6) All parties agree to stipulate to stay this proceeding for a maximum of 90 days pursuant to the request of Grantor's physician.

IT IS SO STIPULATED.

Dated: April 28, 2023

LANE POWELL, PC

By: \_\_\_\_\_  
GAIL E. MAUTNER  
ALEKSANDER SCHILBACH  
Attorneys for Petitioner/Trustee

DATED: April 28, 2023

s/Charles A. Harold, Jr.  
Charles A. Harold, Jr., Pro se  
Attorney-in-Fact

DATED: April 28, 2023

s/Sharon M. Harold.  
Sharon M. Harold, Pro se.

DATED: April 28, 2023

s/John J. Harold  
John J. Harold, Pro se

DATED: April 28, 2023

s/Angel M. Harold  
Angel M. Harold, Pro se

DATED: April 28, 2023

s/Amy Jane Small  
Amy Jane Small, Pro se  
Attorney-in-Fact

DATED: April 28, 2023

s/Josette Harold Ramirez.  
Josette Harold Ramirez, Pro se

# **EXHIBIT C**



Chuck Harold <chuckharold@gmail.com>

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**Re: Harold v. Paice, No. 23-2-03980-7 - Special Set Hearing for Presentation of Proposed Orders Denying Petition for Protection Order**

1 message

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**Chuck Harold** <chuckharold@gmail.com>

Mon, May 1, 2023 at 7:01 AM

To: "Schilbach, Aleksander" <SchilbachA@lanepowell.com>

Cc: SCEXPARTESTAFF <SCEXPARTESTAFF@kingcounty.gov>, Sharon Harold <smharold7@gmail.com>, Amy Jane Small <aj.harold9@gmail.com>, "Mautner, Gail" <MautnerG@lanepowell.com>, "Webb, Silvia" <WebbS@lanepowell.com>

[REDACTED]

Mr. Milnor-Lewis,

My mother, Amy and I are not available for Mr. Schilbach's suggested hearing date this Friday. Please allow me to explain.

In his letter to you on Friday, April 28 at 1:46 pm, Mr. Schilbach stated, "The parties have conferred and are unable to agree on scheduling the special-set hearing." This is not the full story.

On April 26, 2023, I informed Mr. Schilbach that my mother, Amy and I were trying to work out transportation for an out of town doctor appointment regarding eye surgery that my mother scheduled several months ago. I also told Mr. Schilbach that Amy (mom's other attorney in fact) and I had business conflicts we needed to coordinate.

I specifically said, "The following week may suffice but that of course depends on what happens with Mom's pre-surgery appointment next week. I will find out more ASAP and keep you posted." (Mom is trying to schedule surgery to remove a cancer that I believe involves her tear duct).

This matter has now been complicated by the fact that on April 27, 2023, Mom was examined by her doctor who then wrote a letter about Mom's health requesting "...a brief reprieve of perhaps 90 days to allow her the benefit of low grade medical intervention." (Letter attached).

On Friday, April 28, 2023 at 1:11 pm, I sent Mr. Schilbach the letter from Mom's doctor, along with stipulation agreements at 1:42 pm, asking him to agree to the doctor's medical advice for 90 day reprieve. At 1:46 pm, without acknowledging my emails or further conferring with me, Mr. Schilbach sent you a request for a hearing date even though his email auto reply previously informed me he was attending a conference.

Mom's medical condition is fluid and literally changes by the day. I am going to take the advice of her doctor, her several emergency room doctors and visits and my personal knowledge of her extensive medical history and let her rest.

Mom has attended every hearing in this and the TEDRA matter to date. This is her case and she needs to be in optimal physical and mental health in order for her to fairly participate in her own defense. She has a lot to say in this present matter that is highly relevant for the Court to hear.

There is no urgent matter before this Court that would prove detrimental to Mom or David Paice by waiting 90 days for her health to recover. Her living expenses are fully funded for the year and she has the additional financial support of her children. Her health and recovery is the actual urgent matter before us presently.

For these and other reasons surrounding Mom's health that Mr. Schilbach and David Paice are personally aware of, my mother, Amy and I are not available for the suggested hearing date this Friday.

Cordially,

Charles A. Harold  
Amy Jane Small  
Attorneys in Fact for  
Sharon M. Harold