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HONORABLE WYMAN YIP
Hearing Date: March 17, 2023
Without Oral Argument

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

In Re the Matter of:

Case No. 22-4-08326-1 KNT

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

a Trust.

**DECLARATION OF ALEKSANDER
R. SCHILBACH**

I, Aleksander Schilbach, declare as follows:

1. I am an attorney with Lane Powell PC, attorneys of record for David A. Paice (“Trustee”), in his capacity as successor trustee of the Sharon M. Harold Irrevocable Trust dated November 12, 2004 (“Harold Trust” or “Trust”). I have personal knowledge of the facts set forth herein. I make this declaration in support of the Trustee’s Reply in Support of the Motion for Appointment of a Litigation Guardian Ad Litem for Sharon M. Harold (“Motion for Appointment”). In making this declaration to authenticate the attached exhibits or to discuss non-privileged communications with third parties, I am not waiving any attorney-client privilege held by our client as to our communications and legal advice, nor any work-product protections that attach to the legal services and work that we have done for him.

2. Attached as **Exhibit A** is a true and correct copy of a letter that I sent to Ms. Sharon Harold dated February 27, 2023. This letter was sent in response to an e-mail originating from Ms. Harold’s e-mail address dated February 24, 2023.

3. Attached as **Exhibit B** is a true and correct copy of the Temporary Protection Order and Hearing Notice (“Temporary Order”) that was entered on March 6, 2023 in King County

DECLARATION OF ALEKSANDER R. SCHILBACH - 1

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WASHINGTON 98111-9402
206.223.7000 FAX: 206.223.7107

1 Superior Court, Case No. 23-2-03980-7 KNT (“Civil-Protection Proceeding”). My office did not
2 receive any notice from Mr. Charles Harold or any other Respondent that Mr. Harold would be
3 filing a Petition for Protection Order against my client, the Trustee. The Petition for Protection
4 Order, which was filed and obtained *ex parte*, is attached as **Exhibit C**.

5 4. Attached as **Exhibit D** is a true and correct copy of the Declaration of Charles A.
6 Harold in Support of Petition for Protective Order that was filed in the Civil-Protection Proceeding.

7 5. Telephone Conversation with Ms. Harold. I never contacted Ms. Harold when I
8 knew her to be represented by counsel or incompetent. When I spoke with her on October 5, 2022,
9 in response to her telephone call to me, I believed that she was competent and I understood that
10 she was not represented by counsel at that time. The fact that she was not represented by counsel
11 on October 5, 2022 was confirmed by Ms. Harold’s former attorney’s statement to me on October
12 25, 2022 that she did not represent Ms. Harold at that time. Attached as **Exhibit E** is a true and
13 correct copy of some of my e-mail correspondence with Ms. Michelle Blackwell, Ms. Harold’s
14 former attorney, from October 2022. In Ms. Blackwell’s e-mail of October 25, 2022, she states
15 that “[a]s of this moment, Ms. Sharon Harold is not yet represented by counsel” and advised me
16 to “[p]lease continue to correspond directly with Ms. Sharon Harold until further notice.”

17 6. Lane Powell PC’s IOLTA Account. As another example of Mr. Harold’s
18 unsuitability to represent his mother in these proceedings, today Mr. Harold requested that the
19 King County Ex Parte Department issue an order freezing Lane Powell PC’s IOLTA account. In
20 support of this request, he provided absolutely no evidence that Lane Powell’s IOLTA account
21 holds any funds in which Ms. Sharon Harold holds any interest, either legally or beneficially (it
22 does not). Freezing Lane Powell’s IOLTA account would bring no benefit whatever to Ms. Sharon
23 Harold, would immediately place Lane Powell in violation of the Washington State Bar
24 Association Rules that govern attorney trust accounts, and would cause irreparable harm to Lane
25 Powell PC and its other clients. A proper litigation guardian ad litem should be representing Ms.
26 Harold’s interests with regard to these trust accountings and Mr. Paice’s intention to resign as
27 trustee in favor of an appropriate successor who does not have a conflict of interest with Ms.

1 Harold.

2 I declare under penalty of perjury under the laws of the State of Washington that the
3 foregoing is true and correct to the best of my knowledge.

4 Executed on this 15th day of March, 2023, at Seattle, Washington.

5 

6 Aleksander R. Schilbach

Exhibit A



ALEKSANDER SCHILBACH
206.436.9909
SCHILBACH@LANEPOWELL.COM

February 27, 2023

VIA REGULAR & ELECTRONIC MAIL – smharold7@gmail.com

Ms. Sharon Harold
100 River Bend Road, #103
Reedsport, OR 97467

RE: *The Sharon M. Harold Irrevocable Trust dated November 12, 2004*
Response to E-mail to Mr. Paice dated February 24, 2023

Dear Ms. Harold,

We are writing on behalf of Mr. David Paice, the Trustee of the Sharon M. Harold Irrevocable Trust dated November 12, 2004, in response to an e-mail of February 24, 2023, originating from your e-mail address to Mr. Paice. The February 24 e-mail to Mr. Paice stated:

Please send me \$1,106.00 for Dental bills.

Also reimburse me for \$19,282.50 I have spent on attorney fees plus \$352.00 in finance charges on credit cards I used to pay the attorneys. I need these funds immediately so I can pay off these credit cards that are accruing interest and have money for upcoming eye surgery for which I have been waiting for almost a year. I also have other medical expenses. And return any attorney fees you have spent out of my trust.

In reliance on the representation that you have incurred \$19,282.50 in attorney's fees, \$352 in finance charges related to the fees, and that you have \$1,106 in outstanding medical bills, the Trustee will be making a distribution of \$20,740.50 to you in the coming days. Mr. Paice will distribute the money via check, which we anticipate will arrive to you by Tuesday or Wednesday, March 7 or 8, 2023.

The claim that the Trustee has refused to make distributions to you so that you can obtain legal representation is false. The Trustee is—and has always been—willing to make distributions to ensure that you are independently represented by counsel, especially given the Trustee's concern that some of your children may be trying to take advantage of you. As we explained in our letter of November 23, 2022 to your former attorney Ms. Michelle Blackwell, the Trustee was willing to make a distribution of \$10,000 for Ms. Blackwell's continued representation of you. Unfortunately, Ms. Blackwell withdrew because she discovered a "non-waivable conflict

of interest”¹ and because she learned that “important information” regarding your mental and physical health and capacity had been “withheld” from her.² Mr. Paice remains concerned about your well-being, and he will continue to perform his duties on your behalf until the court approves his resignation and discharge and he is able to transfer responsibility for your irrevocable trust to an appropriate successor trustee.

In response to the statement in the February 24 e-mail that the Trustee must “return any attorney fees you have spent out of my trust,” we remind you that Article IV, § F, ¶ 11 explicitly provides that the Trustee may hire counsel to advise the Trustee on the “management, preservation and administration” of the Trust:

To carry out the purposes of the Trust, and subject to any limitation stated elsewhere herein, the Trustee and any successor Trustee are hereby vested with the following powers and discretions, in addition to those now or hereafter conferred by law:

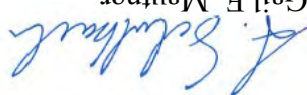
....

11. To employ counsel to assist and advise in the management, preservation and administration of the Trust Estate; and to compromise, arbitrate, settle, or litigate any matters pertaining thereto. The Trustee shall pay reasonable compensation therefor, and the same shall be charged against income and/or principal in such manner as the Trustee shall deem just and equitable.

As noted above, we anticipate that the check for \$20,740.50 will arrive to you by March 7 or 8, 2023. Please let us know if you have any questions regarding the distribution.

Sincerely,

LANE POWELL PC


Gail E. Mautner
Aleksander Schilbach

CC: Mr. David A. Paice, Trustee

134455.0001/9297613.1

¹ Declaration of Michelle A. Blackwell in Support of Alternative Motion for Withdrawal by Order for Respondent Sharon M. Harold dated February 1, 2023, ¶ 14.

² Supplemental Declaration of Michelle A. Blackwell in Support of Alternative Motion for Withdrawal by Order for Respondent Sharon M. Harold dated February 2, 2023, ¶ 8.

Exhibit B

593608

FILED

KING COUNTY, WASHINGTON

MAR 06 2023

SUPERIOR COURT CLERK

Superior Court of Washington, County of King

Charles A. Harold, Jr. 1/3/1961
 Petitioner, OBO VA Date of Birth
 SHARON M HAROLD
 vs.
 David Allen Paice 2/12/1980
 Respondent. Date of Birth

No. 23-2-03980-7 KNT

Temporary Protection Order and Hearing Notice (TMO-)

☐ Domestic Violence (RPRT)
☐ Sexual Assault (RSXP) ☐ Harassment (RAH)
☐ Stalking (STKH) ☒ Vulnerable Adult (RVA)

Clerk's action required: 5.B, 10, 11, 12

Next Hearing Date and Time:

~~3/17/2023 at 10:30am~~

3/20/2023

See How to Attend at the end of this order

Information on how to attend the next court hearing is at the end of this order.

Temporary Protection Order and Hearing Notice

1. This order is effective until the end of the hearing listed above.

This protection order complies with the Violence Against Women Act and shall be enforced throughout the United States. See last page.

2. This order restrains (name): David Allen Paice

also known as (list any known aliases)

The restrained person must obey the restraints ordered in section 8.

Sex M	Race Caucasian	Height 5'8"	Weight 180
Eye Color Unknown	Hair Color Light Brown	Skin Tone White	Build Average

Noticeable features (Ex.: tattoos, scars, birthmarks):

Has access to ☐ firearms ☐ other weapons ☒ unknown

Surrender weapons ordered: ☐ Yes ☒ No

3. This order protects (name): Sharon M. Harold

and the following children who are under 18 (if any) ☒ no minors

ORIGINAL

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	
5.		6.	

There is a rebuttable presumption to include the protected person's minor children.

☐ For good cause, the court is **not** including the protected person's minor children in this order because: _____

Warnings to the Restrained Person



You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. **Only the court may change the order.** Requests for changes must be made in writing.

If you do not obey this order, you can be arrested and charged with a crime.

- The crime may be a misdemeanor, gross misdemeanor, or felony depending on the circumstances. You may also be found in contempt of court.
- You can go to jail or prison, lose your right to possess a firearm or ammunition, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.



Firearms and Weapons. If the court approves a full protection order, you may not be able to get or have a gun, firearm, other dangerous weapon, ammunition, or concealed pistol license for as long as the protection order is in place.



Go to the court hearing scheduled on page 1. If you do not, the court may:

- Make this temporary order effective for one year or longer
- Order weapons restrictions, even if that was not requested
- Order other relief requested in the petition
- Order electronic monitoring, payment of costs, and treatment
- Issue a final order that you are required to follow and you may not be served with the order if it is substantially the same as this temporary order

If you are under age 18, your parent/s or legal guardian/s will also be served with this order and should also go to the hearing. The court will decide if someone should be appointed to represent you.

Findings

4. Ex Parte Hearing

☐ The court issues this temporary order without a hearing.

☒ The court held a hearing before issuing this temporary order. These people attended:

☐ Protected Person ☐ in person ☐ by phone ☐ by video

☐ Restrained Person ☐ in person ☐ by phone ☐ by video

☒ Other: PETITIONER ☐ in person ☐ by phone ☒ by video

5. Basis

A. The court finds: Based upon the petition, testimony, and case record, it appears that the restrained person engaged in conduct against the protected person/s that would be a basis for a protection order under chapter 7.105 RCW. This *Temporary Protection Order* should be issued without notice to the restrained person to avoid serious immediate harm or irreparable injury.

B. Antiharassment Temporary Protection Order

☐ No fee required (stalking, hate crime, single act/threat of violence including malicious and intentional threat, or presence of firearm/weapon causing substantial emotional distress, family or household member engaged in domestic violence, or nonconsensual sexual conduct or penetration or a sex offense. RCW 7.105.105(9).)

6. Jurisdiction

The court has jurisdiction over the parties and the subject matter.

☐ **Minors:** Washington state ☐ has exclusive continuing jurisdiction; ☐ is the home state; ☐ has temporary emergency jurisdiction over the children.

☐ **Temporary Emergency Jurisdiction:** The petitioner has until (date) _____ to return to (state/court with jurisdiction over the minors) _____ to seek any court orders about these minors:

The Washington order will terminate on that date for the minors. RCW 26.27.231.

☐ **The person who filed is not a parent** of one or more children listed above.
(*Important!* Complete Protection Order Attachment A: Non-Parent (ICWA), PO 030A/PO 040A.)

7. Other Findings (if any)

TEDRA case 22-4-08326-1

Hearing has been set for 3/17/2023 @ 4:00 PM
at the request of Resp on motion to appoint a GAL.

Temporary Restraints (Check all that apply):

8. The Court Orders: To the restrained person: DAVID ALLEN PAICE

General Restraints

- A. ☐ **No Harm:** Do not cause any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and do not harass, threaten, or stalk:

☐ the protected person ☐ the minors named in section 3 above

☐ these minors only: _____

- B. ☒ **No Contact:** Do not attempt or have any contact, including nonphysical contact, directly, indirectly, or through third parties, regardless of whether those third parties know of the order, except for service of court documents with:

☒ the protected person ☐ the minors named in section 3 above

☐ these minors only: _____

- ☐ **Exception** (if any): Only this type of contact is allowed: _____

Exceptions about minors, if any, provided in P below.

- C. ☒ **Exclude and Stay Away:** Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance (*specify*) _____ of:

☒ the protected person

☒ protected person's vehicle

☐ protected person's school

☐ protected person's workplace

☒ protected person's residence

☐ protected person's adult day program

☐ the shared residence

☐ the residence, daycare, or school of

☐ the minors named in section 3 above

☐ these minors only: _____

☐ other: _____

Address: The protected person chooses to (*check one*):

☒ keep their address confidential ☐ list their address here: _____

- D. ☐ **Vacate Shared Residence:** The protected person has exclusive right to the residence that the protected person and restrained person share. The restrained person must immediately vacate the residence.

- E. ☐ **Stalking Behavior:** Do not harass, follow, monitor, keep under physical or electronic surveillance, cyber harass (as defined in RCW 9A.90.120), or use phone, video, audio or other electronic means to record, photograph, or track locations or communication, including digital, wire, or electronic communication, of:

☐ the protected person

☐ the minors named in section 3 above

☐ these minors only: _____

☐ these members of the protected person's household: _____

F. ☐ **Intimate Images:** Do not possess or distribute intimate images of a protected person, as defined in RCW 9A.86.010. The restrained person must take down and delete all intimate images and recordings of a protected person in the restrained person's possession or control and cease any and all disclosure of those intimate images.

G. ☐ **Electronic Monitoring:** You must submit to electronic monitoring. (*Restrained person must be age 18 or older.*)

H. ☐ **Evaluation:** ☐ To be decided at the hearing. ☐ Ordered now.

The restrained person shall get an evaluation for: ☐ mental health ☐ chemical dependency (drugs) at: _____

The evaluation shall answer the following question/s: _____

An evaluation is necessary and it is feasible and appropriate to order an evaluation in this temporary order because: _____

I. ☐ **Treatment:** ☐ To be decided at the hearing. ☐ Ordered now.

The restrained person shall participate in state-certified treatment as follows:

☐ domestic violence perpetrator treatment program approved under RCW 43.20A.735 at: _____

☐ sex offender treatment program approved under RCW 18.155.070 at: _____

It is feasible and appropriate to order treatment in this temporary order because: _____

J. ☐ **Personal Belongings:** The protected person shall have possession of essential personal belongings, including the following: _____

K. ☒ **Transfer of Assets:** Do not transfer jointly owned assets.

☒ **Finances:** The following financial relief is ordered: Freeze BECU accounts x9232, x9307, x9349 and x2739; LPL Financial account x4662 and USAA Member #x6888

L. ☐ **Vehicle:** The protected person shall have use of the following vehicle:

Year, Make & Model _____ License No. _____

M. -- **Restrict Abusive Litigation:** To be decided at the hearing, if requested.

N. -- **Pay Fees and Costs:** To be decided at the hearing, if requested.

*2/11/23
Petitioner
requested this
provision during
testimony.*

Firearms and Other Dangerous Weapons

O. ☐ Surrender Weapons:

Important! Also use form *Order to Surrender and Prohibit Weapons*, WS 001.

The court finds that (check all that apply):

- ☐ Irreparable injury could result if the order to surrender weapons is not issued.
- ☐ The restrained person's possession of a firearm or other dangerous weapon presents a serious and imminent threat to public health or safety or the health or safety of any individual.
- ☐ Irreparable injury could result if the restrained person is allowed to access, obtain, or possess any firearms or other dangerous weapons, or obtains or possesses a concealed pistol license.

The restrained person must:

- Immediately surrender to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive firearms, other dangerous weapons, or concealed pistol licenses; and
- Comply with the **Order to Surrender and Prohibit Weapons**, filed separately.

Minors

P. ☐ **Custody:** The protected person is granted temporary care, custody, and control of:

☐ the minors named in section 3 above

☐ these minors only: _____

Exceptions for Visitation and Transportation, if any (including exchanges, meeting location, pickup and dropoff): _____

Visitation listed here is an exception to any No-Contact provision in **B** above.

(Only for children the protected and restrained person have together.)

To comply with the Child Relocation Act, anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the child must notify every other person who has court-ordered time with the child. Specific exemptions from notification may be available if the court finds unreasonable risk to health or safety. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09.405 - .560 for more information.

Q. ☐ **Interference:** Do not interfere with the protected person's physical or legal custody of:

☐ the minors named in section 3 above

☐ these minors only: _____

R. ☐ **Removal from State:** Do not remove from the state:

☐ the minors named in section 3 above

☐ these minors only: _____

- S. ☐ **School:** Do not attend the elementary, middle, or high school that a protected person attends (*name of school*) _____
(Only if both the restrained person and a protected person are students at the same school. Can apply to students 18 or older. Includes public and private schools. Complete form Appendix A School Attendance.)

Pets

- T. ☐ **Custody:** The protected person shall have exclusive custody and control of the following pet/s owned, possessed, leased, kept, or held by the protected person, restrained person, or a minor child who lives with either the protected or restrained person. (*Specify name of pet and type of animal.*) _____
- U. ☐ **Interference:** Do not interfere with the protected person's efforts to get the pet/s named above.
- V. ☐ **Stay Away:** Do not knowingly come within, or knowingly remain within (*distance*) _____ of the following locations where the pet/s are regularly found:
☐ Protected person's residence (*home address may be kept confidential*)
☐ Other (*specify*) _____

Vulnerable Adult

- W. ☒ **Safety:** Do not commit or threaten to commit acts of abandonment, neglect, financial exploitation, or abuse, including sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraints, against the vulnerable adult.
- X. ☒ **Accounting:** You must provide an accounting of the disposition of the vulnerable adult's income or other resources by (*date*) the next hearing 3/20/23 (AKS)
- Y. ☒ **Property Transfer:** Do not transfer the property of:
☒ the vulnerable adult ☐ the restrained person
This restraint is valid for up to 90 days.

Other

- z. None. (AKS)
- _____
- _____
- _____
- _____

Other Orders (Check all that apply):

9. ☐ Law enforcement must help the protected person with (RCW 7.105.320(1))

- ☐ Possession of the protected person's residence.
- ☐ Possession of the vehicle listed in section L above.
- ☐ Possession of the protected person's essential personal belongings located at
- ☐ the shared residence ☐ the restrained person's residence
- ☐ other location _____
- ☐ Custody of ☐ the minors named in section 3 above
- ☐ these minors only _____
- ☐ Other: _____

- ☐ **Law enforcement must be present while the restrained person collects** personal clothing, personal items needed during the duration of this order, and these other items (*specify*) _____ from the shared residence that restrained person has been ordered to vacate in D above (RCW 7.105.320(3)).

10. Washington Crime Information Center (WACIC) and Other Data Entry

Clerk's Action. The court clerk shall forward a copy of this order immediately to the following law enforcement agency (*county or city*) Burien, WA Reedsport, Oregon (check only one): ☐ Sheriff's Office or ☒ Police Department

This agency shall enter this order into WACIC and National Crime Info. Center (NCIC).

11. Service on the Restrained Person

- ☒ **Required.** The restrained person must be served with a service packet, including a copy of this order, the petition, and any supporting materials filed with the petition.

- ☒ The law enforcement agency where the restrained person lives or can be served shall serve the restrained person with the service packet and shall promptly complete and return proof of service to this court.

Law enforcement agency: (*county or city*) Burien, WA

(check only one): ☐ Sheriff's Office or ☒ Police Department

- ☐ The protected person (or person filing on their behalf) shall make private arrangements for service and have proof of service returned to this court. (*This is not an option if this order requires: weapon surrender, vacating a shared residence, transfer of child custody, or if the restrained person is incarcerated. In these circumstances, law enforcement must serve, unless the court allows alternative service.*)

Clerk's Action. The court clerk shall forward a service packet on or before the next judicial day to the agency and/or party checked above. The court clerk shall also provide a copy of the service packet to the protected person.

- ☐ **Alternative Service Allowed.** The court authorizes alternative service by separate order (*specify*): _____

☐ **Not required.** The restrained person appeared at the hearing, in person or remotely, and received notice of the order. No further service is required. See section 4 above for appearances. (May apply even if the restrained person left before a final ruling is issued or signed.)

12. ☒ Service on Others (Vulnerable Adult or Restrained Person under age 18)

Service on the ☒ vulnerable adult ☐ adult's guardian/conservator ☐ restrained person's parent/s or legal guardian/s (name/s) _____ is:

☒ **Required.**

☒ ~~The law enforcement agency~~ where the person to be served lives or can be served shall serve a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (county or city) Reedsport Oregon
(check only one): ☐ Sheriff's Office or ☒ Police Department

☐ The **protected person** or person filing on their behalf shall make private arrangements for service and have proof of service returned to this court.

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or party checked above.

MS

☒ **Not required.** They appeared at the hearing where this order was issued and received a copy.

13. Other Orders (if any):

None.

MS

Information on how to attend the next court hearing is at the end of this order.

Ordered.

Dated: 3/06/2023 at 2:00 a.m./p.m.

Heritage M. Filer
Judge/Court Commissioner

Pro Tem Commissioner Heritage Filer

Print Judge/Court Commissioner Name

I received a copy of this Order:

▶

Signature of Respondent/Lawyer WSBA No.

Print Name

Date

▶ s/Charles A. Harold, Jr. **Appeared via Zoom**

Charles A. Harold, Jr.

3/3/23

Signature of Petitioner/Lawyer WSBA No.

Print Name

Date

Important! Protected Person, if you ask for it, you have the right to be notified if the restrained person gets their surrendered firearms back. You must contact the law enforcement agency that has the firearms to ask for this notice. The Proof of Surrender in the court file should say which agency has the firearms. RCW 9.41.340.

Certificate of Compliance With VAWA. This protection order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 USC § 2265 (1994) (VAWA) upon notice to the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be given notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is enforceable in all 50 states, Indian tribal lands, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam, as if it were an order of that jurisdiction.

Exhibit C

FILED
2023 MAR 03
KING COUNTY
SUPERIOR COURT CLERK

CASE #: 23-2-03980-7 KNT

Superior Court of Washington, County of King

CHARLES A. HAROLD, JR.	1/3/1961
Petitioner (<i>Person starting this case</i>)	DOB
vs.	
DAVID ALLEN PAICE	2/12/1980
Respondent (<i>Person responding to this case</i>)	DOB

Case No. 23-2-03980-7 KNT

Petition for Protection Order

Clerk's Action: 1

Petition for Protection Order

What kind protection order do you want? There are different orders based on the type of harm and how the parties know each other. **See definitions in Attachments A and B.**

1. Choose the type of protection order that best fits your situation. Check only one.

- ☐ Domestic Violence – Protection from an intimate partner or family or household member who has committed domestic violence, nonconsensual sexual conduct or penetration, unlawful harassment, or stalking. (PTORPRT)
- ☐ Sexual Assault – Protection from someone who has committed sexual assault. (PTORSXP)
- ☐ Stalking – Protection from someone who has committed stalking. (PTORSTK)
- ☒ Vulnerable Adult – Protection from someone who has abandoned, abused, financially exploited, or neglected a vulnerable adult (or threatened to do so). (PTORVA)

Important! If you are asking for a Vulnerable Adult Protection Order, you must complete **Attachment B: Vulnerable Adult** as part of this Petition.

- ☐ Anti-Harassment – Protection from someone who has committed unlawful harassment. (PTORAH) (*fee may be required*)
Conduct also includes (*check all that apply*): ☐ stalking ☐ hate crime
☐ single act/threat of violence including malicious and intentional threat or presence of firearm/weapon causing substantial emotional distress
☐ family or household member engaged in domestic violence
☐ nonconsensual sexual conduct or penetration or a sex offense

2. If more than one of the protection order types listed above fits your situation, list any additional order types here: N/A

3. Who should the order restrain? ("Restrained Person")

Name: DAVID ALLEN PAICE

Restrained Person's age: ☐ Under 13 ☐ 13 to 17 ☒ 18 or over ☐ unknown

Who should be protected? Check all that apply. Depending on the type of order, you can protect yourself and/or children, or you can file on behalf of a vulnerable adult, or another adult who cannot file for themselves.

4. Who should the order protect? ("Protected Person") (Check all that apply.)

☐ **Me.** My name is _____
(You must be age 15 or older.)

☐ **Minor Children.**

☐ I am the minor's ☐ parent ☐ legal guardian ☐ custodian.

☐ I am age 18 or older and the minor is a member of my family or household.
(For domestic violence petitions only.)

☐ I am age 15 to 17. The minor is a member of my family or household. I have been chosen by the minor and am capable of pursuing their stated interest in this case.

Child's Name	Age	Sex	Lives With	How related to you	How related to Restrained Person

Important! If the restrained person is a parent of any of the children, complete **Attachment C: Child Custody**. If you are **not** a parent of any of the children, complete **Attachment D: Non-parents protecting children (ICWA)**. You must include these Attachment/s with your Petition if they apply.

☒ **Someone else.** (List your name as Petitioner at the beginning of this form. Describe who you are filing for here.) I am filing to protect:

☒ a vulnerable adult (name) SHARON M. HAROLD
(See definition and complete Attachment B.)

☐ an adult (name) _____
who does not meet the definition of a vulnerable adult, but who cannot file the petition themselves because of age, disability, health, or inaccessibility.
(Do not check this for vulnerable adult or domestic violence petitions.)
What is the age, disability, health or inaccessibility concern that makes the adult unable to file themselves? (Examples: the adult is hospitalized, temporarily incapacitated, or in jail/prison.)

5. **Service address.** What is your address for receiving legal documents? You have the right to keep your residential address private. You may use a different mailing address for receiving legal documents.

Mail: 1455 N. TOMAHAWK RD., APACHE JUNCTION, AZ 85119

Email (if you agree to receive legal documents by email): chuckharold@gmail.com

6. **Interpreter**

Do you need an interpreter? ☒ No ☐ Yes, Language: _____

Important! You may need to request an interpreter separately. You will get instructions with an order setting your hearing.

How do the parties know each other?

7. Check all the ways the protected person is connected or related to the restrained person:

Intimate Partners – Protected person and restrained person are intimate partners because they are:

- ☐ current or former spouses or domestic partners
☐ parents of a child-in-common (unless child was conceived through sexual assault)
☐ current or former dating relationship (age 13 or older) who
☐ never lived together ☐ live or have lived together

Family or household members - Protected person and restrained person are family or household members because they are:

- ☐ parent and child ☐ stepparent and stepchild
☐ grandparent and grandchild ☐ parent's intimate partner and child
☐ current or former cohabitants as roommates
☐ person who is or has been a legal guardian
☒ related by blood or marriage (specify how) Grandson-in-law

Other (examples: coworker, neighbor, acquaintance, stranger)

Trustee of the Sharon M. Harold Irrevocable Trust dated November 12, 2004

Connection to Washington State. This helps decide if the court has authority (jurisdiction).

8. **Why are you filing in this county and state?** Check all that apply.

- ☐ The protected person lives in this county now, or used to live in this county but left because of abuse, or this is the nearest court to where I live or used to live.
☒ An incident that made me want this protection order happened in this county or state.

9. **Restrained Person's residence.** Where does the restrained person live?

☒ In Washington State in (city or county): Burien, King County, Washington

☐ Outside of Washington State ☐ Unknown

Are there other court cases involving the parties or any children?

10. **Other court cases.** Have there been any other court cases between any of the people involved in this case or about any children? Include court cases happening now and in the past and requests for protection that were denied or have expired. (Examples: criminal no contact order, civil protection order, family law restraining order, protection order from another state, tribal order, military orders, parenting plans, divorce, landlord-tenant, employment, property, assault, police investigations. File copies in this court case of everything you want the court to review.)

[] No [X] Yes. If yes, fill out below.

Type of Case (see examples)	Court Location (City or County and State)	Court Type (Superior / District / Municipal / Tribal / Military)	Case Number (if known)	Status (active / dismissed / pending / expired, unknown)
TEDRA	Seattle, WA	Superior	22-4-018326-1 KNT	Active

Other details: _____

Do you need immediate protection? If needed, you can ask for a Temporary Protection Order that starts now, before the restrained person gets notice. This protection can last up to 14 days or until the court hearing (whichever comes first).

11. **Immediate Protection:** Do you need a Temporary Protection Order to start immediately, without prior notice to the restrained person? [X] Yes [] No
12. **Immediate Weapons Surrender:** Do you want a temporary order that requires the restrained person give up all firearms, other dangerous weapons, and concealed pistol licenses right away, and prohibits the restrained person from getting more?
[] Yes [X] No

If Yes to 11 or 12, explain why: What serious immediate harm or irreparable injury could occur if an order is not issued immediately without prior notice to the restrained person? (Briefly explain how you or anyone else might be harmed if you do not get protection now.)

Respondent refuses to release trust funds so Protected Person (PP) can be placed in assisted living. Meanwhile, she has fallen twice and severely injured herself. She has memory issues and is deteriorating due to all her medical conditions. She is a fall risk. Respondent is spending excessive amounts of trust funds prosecuting a TEDRA case against PP to conceal verified acts of his comingling, conversion and breaches of his fiduciary duties. In the past 14 months, Trustee has withdrawn approx. \$137,000 (\$65,000 for his attorney) while denying PP funds for her own lawyer. If he is not stopped, there will be insufficient funds for PP's healthcare.

What protections do you need? Check everything you want the court to order.

13. I ask for a protection order with these restraints:

General Restraints

- A. ☐ No Harm:** Do not cause any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and do not harass, threaten, or stalk

☐ protected person ☐ the minors named in section 4 above

☐ these minors only: _____

- B. ☐ No Contact:** Do not make any attempts or have any contact, including nonphysical contact, directly, indirectly, or through third parties, regardless of whether those third parties know of the order, except for service of court documents with

☐ protected person ☐ the minors named in section 4 above

☐ these minors only: _____

☐ **Exception** (if any): Only this type of contact is allowed: _____

Exceptions about minors, if any, provided in **P** below.

- C. ☐ Exclude and Stay Away:** Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance (*specify*) _____ of

☐ the protected person ☐ protected person's vehicle

☐ protected person's school ☐ protected person's workplace

☐ protected person's residence ☐ protected person's adult day program

☐ the shared residence

☐ the residence, daycare, or school of ☐ the minors named in section 4 above

☐ these minors only: _____

☐ other: _____

Address: The protected person chooses to (*check one*)

☐ keep their address confidential ☐ list their address here:

- D. ☐ Vacate shared residence:** The protected person has exclusive right to the residence that the protected person and restrained person share. The restrained person must immediately vacate the residence. The restrained person may take the restrained person's clothing, personal items needed during the duration of the order, and these items (*specify*): _____
from the residence while a law enforcement officer is present.

- E. ☐ Stalking Behavior:** Do not harass, follow, monitor, keep under physical or electronic surveillance, cyber harass (as defined in RCW 9A.90.120), or use phone, video, audio or other electronic means to record, photograph, or track locations or communication, including digital, wire, or electronic communication of

☐ the protected person ☐ the minors named in section 4 above

☐ these minors only: _____

☐ these members of the protected person's household: _____

F. ☐ **Intimate Images:** Do not possess or distribute intimate images of a protected person, as defined in RCW 9A.86.010. The restrained person must take down and delete all intimate images and recordings of a protected person in the restrained person's possession or control and cease any all disclosure of those intimate images.

G. ☐ **Electronic Monitoring:** The restrained person must submit to electronic monitoring. Example: location tracking via ankle bracelet. *(Restrained person must be age 18 or older.)*

H. ☐ **Evaluation:** The restrained person shall get an evaluation for:
☐ mental health ☐ chemical dependency (drugs)

I. ☐ **Treatment:** The restrained person shall participate in state-certified treatment for:
☐ sex offender ☐ domestic violence perpetrator

J. ☐ **Personal Belongings:** The protected person shall have possession of essential personal belongings, including the following:

K. ☒ **Assets:** Do not transfer jointly owned assets.

☒ **Finances:** Provide the following financial relief: Freeze all PP's accounts assoc. w/Respondent

L. ☐ **Vehicle:** The protected person shall have use of the following vehicle:

Year, Make & Model _____ License No. _____

M. ☐ **Restrict Abusive Litigation:** Do not engage in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the protected person, making harassing or libelous communications about the protected person to third parties, or making false reports to investigative agencies.

N. ☒ **Pay Fees and Costs:** The restrained person must pay fees and costs of this action. This may include administrative court costs, service fees, and the protected person's costs including lawyer fees.

Firearms and Other Dangerous Weapons

O. ☐ **Surrender Weapons:** The restrained person must immediately surrender to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive firearms, other dangerous weapons, or concealed pistol licenses.

Important! *The court may be required to order the restrained person to surrender firearms, other dangerous weapons, or concealed pistol licenses even if you do not request it.*

Does the restrained person have or own firearms?

☐ Yes ☐ No ☐ Unknown

Complete **Attachment E: Firearms Identification** if Yes or Unknown.

Would the restrained person's use of firearms or other dangerous weapons be a serious and immediate threat to anyone's health or safety?

☐ Yes ☐ No ☐ Unknown

Even if the restrained person does not have firearms now, has the restrained person ever used firearms, other weapons or objects to threaten or harm you?

☐ Yes ☐ No

If Yes, describe what happened.

Is the restrained person already not allowed to have firearms?

☐ Yes ☐ No ☐ Unknown

If Yes, why? _____

Minors

- P. ☐ **Custody:** The protected person is granted temporary care, custody and control of
☐ the minors named in section 4 above
☐ these minors only: _____

Exceptions for Visitation and Transportation (including exchanges, meeting location, and pickup and dropoff) of Minors (if any): _____

Visitation listed here is an exception to any No Contact provision in B above.

(Only for children the protected and restrained person have together.)

- Q. ☐ **Interference:** Do not interfere with the protected person's physical or legal custody of
☐ the minors named in section 4 above
☐ these minors only: _____

- R. ☐ **Removal from State:** Do not remove from the state:
☐ the minors named in section 4 above
☐ these minors only: _____

- S. ☐ **School:** Do not attend the elementary, middle, or high school that a protected person attends: *(name of school)* _____
(Only if both the restrained person and a protected person are students at the same school. Can apply to students 18 or older. Includes public and private schools.)

Describe any continuing physical danger, emotional distress, or educational disruption to a protected person that would happen if the restrained person attends the same school.

Pets

- T. ☐ **Custody:** The protected person shall have exclusive custody and control of the following pet/s owned, possessed, leased, kept, or held by the protected person, restrained person, or a minor child who lives with either the protected or restrained

person. (Specify name of pet and type of animal.):

- U. ☐ **Interference:** Do not interfere with the protected person's efforts to get the pet/s named above.
- V. ☐ **Stay Away:** Do not knowingly come within, or knowingly remain within (distance) _____ of the following locations where the pet/s are regularly found:
☐ Protected person's residence (home address may be kept confidential.)
☐ Other (specify): _____

Vulnerable Adult

- W. ☒ **Safety:** Do not commit or threaten to commit acts of abandonment, neglect, financial exploitation, or abuse, including sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraints, against the vulnerable adult.
- X. ☒ **Accounting:** Provide an accounting of the disposition of the vulnerable adult's income or other resources.
- Y. ☒ **Property Transfer:** Do not transfer the property of ☒ the vulnerable adult ☐ the restrained person. This restraint can last for up to 90 days.

Other

Z. _____

Do you need help from law enforcement? They may help you get the things you asked for.

14. **Law Enforcement Help:** Do you want the court to order the appropriate law enforcement agency to help you with any of the things listed below?
Check all that apply.

- ☐ Possession of my residence.
☐ Possession of the vehicle I asked for in section L above.
☐ Possession of my essential personal belongings that are located at
☐ the shared residence
☐ the restrained person's residence
☐ other location: _____
☐ Custody of ☐ the minors named in section 4 above
☐ these minors only: _____
☐ Other: _____

How long do you need this order to last?

15. **Length of Order**
(The order will last for **at least one year** unless you ask for something different. Orders restraining a parent from contacting their own children may not exceed one year.)

I need this order to last for: ☒ 1 year ☐ more than 1 year ☐ less than 1 year (*specify how long*): _____

If you checked more or less than one year, briefly explain why.

Why do you need a protection order? What happened? This is your statement, where you tell your experience.

Be as specific and descriptive as possible. Put the date, names, what happened and where. Use names rather than pronouns (he/she/they) as much as possible. If you cannot remember the date, put the time of year it happened (around a holiday, winter, summer, how old your child was) or about how long ago.

For all of the questions below, include details:

- Who did what?
- When did this happen?
- How were any statements made? (in person, mail, text, phone, email, social media)
- How did this make you, the minor, or the vulnerable adult feel?

If you need more space to answer any of the questions below, use form PO 010 Statement or attach additional pages.

Privacy Warning! The restrained person will see this Petition and any other evidence you file with the court. This information is also available to the public for anyone to see.

16. **Most Recent Incident.** What happened most recently that made you want a protection order? This could include violent acts, fear or threats of violence, coercive control, nonconsensual sexual conduct or penetration, sexual abuse, harassment, stalking, hate crimes. For a vulnerable adult, include incidents or threats of abandonment, abuse, neglect and/or financial exploitation. Include specific date/s and details of the incident.
- On 12/5/22, Respondent filed a TEDRA petition. At a 2/4/23 hearing, PP appeared without legal representation because Respondent denied funds. Relief requested by Respondent was not granted and the case was set for trial on 5/1/23. Respondent wishes to continue trial to November 2023 and spend more trust money in the process. In the interim, PP's medical condition continues to deteriorate and on 2/27/23 received a diagnosis of skin cancer in her tear duct. I am concerned that Respondent will leave PP with insufficient funds for her required medical care for the remainder of her life. Despite repeated requests for trust funds so PP can retain an attorney, Respondent continues to deny her requests as recently as yesterday, 2/26/23. PP has written several cease and desist emails and letters to Respondent asking him to stop using trust funds for his prosecution of PP. Trust funds may be spent to defend a challenge to the Trust but not to conceal admitted breaches of fiduciary duties, like a mandatory annual accounting, which Respondent has not provide in 12 years.

17. **Past Incidents.** What happened in the past that makes you want a protection order? This could include violent acts, fear or threats of violence, coercive control, nonconsensual sexual conduct or penetration, sexual abuse, harassment, stalking, hate crimes. For a vulnerable adult, include incidents or threats of abandonment, abuse, neglect and/or financial exploitation. Include specific date/s and details of the incidents.

Respondent allegedly became trustee of PP's trust fund in 2010. Multiple parties asked for an accounting from Respondent, and it was discovered that he had not done one in 12 years. In 2018, PP sought help from Amy Small, her daughter, who was given power of attorney to assist her with disability planning. In April 2022, Respondent sought permission from PP to hire a lawyer for a "tax issue." They retained Jeanne Kvale, who eventually dismissed them due to conflicts and because PP is a vulnerable adult. Respondent then hired Lane Powell on 6/10/22; he wanted to stop Amy from getting an accounting and financial documents. Respondent, along with other people, began harassing PP which resulted in her rescinding Amy's POA on 6/22/22. This harassment included a barrage of texts and phone calls to the point that PP told Amy that she "wanted to make it stop." One of PP's neighbors called the police when Respondent's mother-in-law, Jenifer Sawyer, was visiting due to hearing "I hate you. I want you dead." The parties were then asked to sign a "Release" releasing Respondent from all liability for his accounting. This form needed to be signed by all parties before any backup documents to the accounting would be provided, even though the parties had not received the accounting yet. Respondent threatened that if all parties did not sign the Release, trust funds would be spent to initiate a legal action, which they did.

18. **Medical Treatment.** Describe any medical treatment you received for issues related to your request for protection.
PP is a fall risk, vulnerable adult. Since Trustee disallowed funds to pay for a proper care facility, PP has fallen multiple times, requiring medical attention. See attached declaration.

19. **Suicidal Behavior.** Describe any threats of self-harm or suicide attempts by the restrained person.
Unknown.

20. Restrained Person's Substance Abuse

Is substance abuse involved? ☐ Yes ☒ No ☐ Unknown
If yes, what type of substance abuse? ☐ Alcohol ☐ Drugs ☐ Other

21. Minors Needing Protection, if any (If the information is not already included above.)

Has there been any violence or threats towards children? How have the children been affected by the restrained person's behavior? Were the children present during any of the incidents described above? Describe and give details.

22. Supporting Evidence (Include anything else you want the court to see that helps prove what you are saying is true. You are responsible for filing your supporting evidence, including police reports, if any. Before you file any attachments, you can black out (redact) any sensitive information. Examples: your home address and account numbers (leave last four digits). If you have audio or video evidence, contact the court for how to submit.)

☒ I am attaching the following evidence to this Petition (check all that apply):

- ☐ Pictures
- ☐ Text / email / social media messages
- ☐ Voice messages (written transcript)
- ☐ Written notes / letters / mail
- ☐ Police report
- ☒ Declaration or statement from witness (name/s): Charles A. Harold, Jr.

☒ Other (describe): Exhibits to Declaration include photo, emails, police report, among other things.

I certify under penalty of perjury under the laws of the state of Washington that all the information provided in this petition and any attachments is true and correct.

☒ I have attached (number): 3 pages.

Signed at (City and State): Apache Junction, AZ

Date: February 27, 2023

Sign here

Charles A. Harold, Jr.
Print name

Attachment A: Definitions (*Always include with petition.*)

"Domestic violence" means:

- (a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or
- (b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

"Sexual conduct" means any of the following:

- (a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;
- (b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;
- (c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;
- (d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;
- (e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

"Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration.

Evidence of emission of semen is not required to prove sexual penetration.

"Stalking" means any of the following:

- (a) Any act of stalking as defined under RCW 9A.46.110;
- (b) Any act of cyber harassment as defined under RCW 9A.90.120; or
- (c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:
 - (i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;
 - (ii) Serves no lawful purpose; and
 - (iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

"Unlawful harassment" means:

- (a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or
- (b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include:
 - (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or
 - (ii) the presence of a firearm or other weapon.

Attachment B: Vulnerable Adult

Only complete this attachment if your case involves a vulnerable adult. **If not**, skip or remove this attachment.

1. What qualifies the adult as a vulnerable adult? The adult (*check all that apply*):

- ☒ Is over 60 years old and does not have the functional, mental, or physical ability to care for himself or herself.
- ☐ Is an individual subject to guardianship under RCW 11.130.265 or an individual subject to conservatorship under RCW 11.130.360.
- ☐ Has a developmental disability as defined in RCW 71A.10.020.
- ☐ Self-directs their own care and receives services from a personal aide under RCW 74.39.
- ☐ Is receiving services from a home health, hospice, or home care agency licensed or required to be licensed under RCW 70.127.
- ☐ Is receiving in-home services from an individual provider under contract with DSHS.
- ☐ Has been admitted to an assisted living facility, nursing home, adult family home, soldiers' home, residential habilitation center or any other facility licensed by DSHS.

2. Does the vulnerable adult know you will be filing this petition?

☒ Yes ☐ No If no, what efforts did you make to notify the vulnerable adult?

3. Connection to Washington. Does the vulnerable adult live in Washington State?

☐ Yes ☒ No If no, are you asking to protect any **family members** of the vulnerable adult who:

- ☐ Live in Washington State, and
- ☐ Have been affected by the restrained person's actions

☒ Yes ☐ No

4. What is your relationship to the vulnerable adult?

☐ DSHS is filing this petition for a vulnerable adult who ☐ has consented ☐ lacks capacity or ability to consent to this petition.

☐ I am the vulnerable adult's guardian/conservator, or limited guardian/conservator.

I was appointed in (*county and state*) _____

in Case Number _____

on or about (*date*) _____

(*Attach a copy of your letters or order appointing guardian/conservator, if available.*)

☐ To protect the vulnerable adult, I imposed an **emergency restriction** on the vulnerable adult's right to associate with the restrained person on (*date*) _____

☒ I am the vulnerable adult's legal fiduciary. I was appointed ☐ trustee ☒ power of attorney on or about (*date*) October 2022.

(*Attach a copy of your relevant documents, if available.*)

- [] I am interested in the welfare of the vulnerable adult. I have a good faith belief that the court's intervention is necessary and that the vulnerable adult is unable at this time to protect their own interests, due to incapacity, undue influence, or duress.

What is the nature of your relationship to the vulnerable adult? How long has this relationship lasted? *(Describe)*

What is the incapacity, undue influence, or duress that makes the vulnerable adult unable to protect their own interests? *(Describe)*

Definitions For Vulnerable Adult Protection Orders:

"Vulnerable adult" includes a person:

- (a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
- (b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or
- (c) Who has a developmental disability as defined under RCW 71A.10.020; or
- (d) Admitted to any facility; or
- (e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or
- (f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or
- (g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

"Abuse," for the purposes of a **vulnerable adult** protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is

presumed to cause physical harm, pain, or mental anguish.

"Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a **vulnerable adult**, which have the following meanings:

- (a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that:
 - (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW;
 - (ii) is not medically authorized; or
 - (iii) otherwise constitutes abuse under this section.
- (b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.
- (c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to

act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

- (d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.
- (e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

"Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the **vulnerable adult** by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

- (a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;
- (b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or
- (c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or

clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

"Neglect" means:

- (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or
- (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

Exhibit D

1 FILED
2 2023 MAR 03
3 KING COUNTY
4 SUPERIOR COURT CLERK

5 CASE #: 23-2-03980-7 KNT
6
7

8 SUPERIOR COURT OF THE STATE OF WASHINGTON
9 FOR THE COUNTY OF KING
10

11 CHARLES A. HAROLD, JR.

12 Petitioner.

13 v.

14 DAVID A. PAICE,

15 Respondent.
16

Case No. 23-2-03980-7 KNT

17 **DECLARATION OF CHARLES A.
18 HAROLD IN SUPPORT OF PETITION
19 FOR PROTECTIVE ORDER**

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

21 1. **INTERESTED PERSON:** Per RCW 74.34.110 & RCW 74.34.020 (11), I
22 am an "interested person" filing on behalf of and at the request of my mother, Sharon
23 M. Harold ("Protected Party" and "Grantor"), a vulnerable adult. I am the Protected
24 Party's son and hold a durable power of attorney, including attorney-in-fact with power
25 to litigate for her. (Ex. 1.) I am a beneficiary of the Sharon M. Harold Irrevocable Trust
26 dated November 12, 2004 (the "Trust").

27 2. **PROTECTED PARTY:** Per RCW 74.34.020 (21) (a) (f), Protected Party
28 is a high functioning, 85 year old female who lives alone in the State of Oregon. She is
properly defined as a "vulnerable adult" under both Washington State and Oregon law
because she has fibromyalgia accompanied by fatigue, altered sleep, periodic memory

1 lapses and mood swings caused by lack of sleep and drug interactions. She is prone
2 to falling and has fallen and suffered severe injuries in recent years. She also has
3 many other health issues that require her to receive medical services from several
4 medical providers on a regular basis. She has a history of transient ischemic attacks
5 (TIA).

6 3. **PROTECTED PARTY'S IRREVEVOCABLE TRUST:** The Trust was
7 established in California. (Ex. 2.) The Trust states: "1. California Law - The trust has
8 been accepted by the trustee in the state of California and, unless otherwise provided
9 in this instrument, or required by the laws of another state where property is situated,
10 its validity construction and all rights here under shall be governed by the laws of
11 California. This paragraph shall apply regardless of any change of residence of the
12 trustee or any beneficiary or appointment or substitution of a trustee residing in
13 another state." (Ex. 2, p. 32.)

14 4. **RESPONDENT:** Respondent is David A. Paice, alleged Trustee of
15 Protected Party's Trust. Respondent accepted the alleged appointment of Trustee
16 while Protected Party resided in California, and he resided in Washington State.
17 Respondent is currently a resident of the State of Washington, related by affinity and is
18 the Protected Party's grandson-in-law and my nephew-in-law. Respondent is not a
19 beneficiary of the Trust; however, Respondent's mother-in-law Jenifer (Harold) Sawyer
20 is a beneficiary. Respondent administers the Trust in the State of Washington at
21 Boeing Employee's Credit Union ("BECU"), where he is employed.

22 5. **WHY INTERESTED PARTY IS BEFORE THIS COURT:** This Petition for
23 Protective Order arose out of a current TEDRA petition in this courthouse (Case No.
24 22-4-08326-1 KNT). In the initial hearing on February 4, 2023, Respondent (Petitioner
25 in the TEDRA proceeding) asked the court to: 1) approve his accounting of trust, 2)
26 approve his resignation as Trustee and release him from liability, and 3) appoint a
27 successor trustee. Protected Party and her beneficiaries filed a Joint Verified Objection
28 to Verified Petition in pro se. The court did NOT grant the relief sought in the petition,

1 and Respondent's counsel asked that the matter be set for trial.

2 6. In October 2022, Protected Party asked that I assist her in investigating
3 irregularities in her trust accounting provided to her by Respondent. She asked me
4 because of my combined 41 years of experience in law enforcement, corporate
5 security, and private investigations. (Ex. 3.)

6 7. At all relevant times herein, I was entitled to possess the attached
7 documents to this Petition for several reasons: a) my mother gave them to me; b) my
8 mother directed her accountant David Llewellyn to give them to me; c) my sister Amy
9 Jane (Harold) Small who obtained the documents with my mother's permission and/or
10 under her Power of Attorney gave them to me; d) the Reedsport Police Department
11 gave them to me; e) open sources such as Google and FCRA compliant public record
12 databases supplied them to me; f) I was already in possession of some documents; g)
13 Respondent or Respondent's attorney gave them to me; and h) Sharon's attorney
14 gave them to me as directed by my mother.

15 8. An immediate protective order is required in this matter for the following
16 reason: **TRUSTEE CONTINUES TO INTERFERE WITH DISABILITY PLANNING**
17 **AND REFUSES TO RELEASE TRUST FUNDS TO GRANTOR FOR ASSISTED**
18 **LIVING CARE.**

19 9. On June 21, 2018, Amy Jane (Harold) Small ("Amy") was given Power of
20 Attorney ("POA") with Disability Planning by her mother, Protected Party herein. (Ex.
21 4.) This was done in anticipation of Protected Party's aging and foreseeable medical
22 issues. At the time the POA was issued, the value of Protected Party's Trust was
23 \$602,938.00.

24 10. After Amy was given POA, Respondent refused for years to release
25 funds so Protected Party can be placed in an assisted living facility.

26 11. During a trip to my house on April 29, 2019, Respondent was asked
27 about moving Protected Party to assisted living and Respondent's reply was, "There's
28 not enough money for that." There was in fact approximately \$603,366 in Protected

1 Party's Trust fund.

2 12. On October 18, 2019, Protected Party fell down in her neighbor's
3 driveway severely injuring herself. (Ex. 5.)

4 13. On December 31, 2019, after Respondent made me aware of Protected
5 Party's most recent injury, I visited a newly opened assisted living facility near my
6 home. I took a tour of the facility, obtained brochures and pricing and sent the
7 information via text to Respondent and respondent's wife Brianna. In subsequent
8 conversations, I told Respondent the approximate price for the top of the line service
9 at this facility was approximately \$4,500 per month. Again, Respondent replied there
10 was not enough money in Protected Party's estate. At the time Respondent made this
11 statement, the value of Protected Party's LPL Financial investments alone was
12 approximately \$625,000.00. Respondent made no more effort to facilitate Protected
13 Party's move to an assisted living facility anywhere. (Ex. 6.)

14 14. On November 4, 2021, Amy received a phone call from Respondent
15 wherein he stated he was concerned about Protected Party's mental state and
16 capabilities, specifically her memory. Respondent also stated he wanted to resign as
17 Trustee because Protected Party was so difficult to deal with. This conversation was
18 memorialized in a letter to Respondent's attorney on May 27, 2022. (Ex. 7.)

19 15. On May 6, 2022, Protected Party fell down in her home and severely
20 injured herself. Had Respondent worked with Amy and other family members to place
21 Protected Party in assisted living facility as she requested these specific injuries would
22 not have occurred. (Ex. 8.)

23 16. In April 2022, Amy asked Respondent for an accounting of the trust. She
24 still had power of attorney. Respondent's response was to file a TEDRA petition in this
25 court on December 5, 2022 (Case No. 22-4-08326-1 KNT).

26 17. Respondent and his attorney then manipulated Protected Party into
27 removing Amy's power of attorney so he did not need to provide Protected Party with
28 the requested financial documents. They recommended Protected Party hire an

1 attorney named Roger Gould to do this. Protected Party's phone logs demonstrate the
2 interference with Amy's power of attorney. (Ex. 9.)

3 18. It is crystal clear that Respondent's behavior as Trustee, as shown
4 throughout this Petition, is the antithesis of the Trust's primary purpose, to provide for
5 Protected Party (Grantor) as stated in the Trust in Article IV. (Ex. 2, p. 25.)

6 19. Respondent, acting as Trustee has acted to HIS personal advantage
7 because had Respondent released funds, it would have disclosed his fiduciary
8 malfeasance, breaches of duty, commingling of funds, conversion of funds and
9 violations of federal postal laws involving misdirection of financial statements through
10 the U.S. Postal Service. (Ex. 10.)

11 20. On February 13, 2023, I reported this diversion of mail to the U.S. Postal
12 Service, Inspector Uriah Compton. He accepted the case, and I am waiting for him to
13 assign a branch office to the case so I can submit evidence. (Ex. 11.)

14 21. An immediate protective order is required in this matter for the following
15 reason: **TRUSTEE REFUSES TO RELEASE TRUST FUNDS TO PROTECTED**
16 **PARTY SO SHE CAN HIRE AN ATTORNEY TO DEFEND HERSELF AGAINST THE**
17 **TRUSTEE'S TEDRA MOTION.**

18 22. After filing the TEDRA petition, Respondent refused to release Protected
19 Party's own Trust money so she could hire an attorney to defend herself in the TEDRA
20 hearing initiated by Respondent himself. Respondent did this for his personal
21 advantage to conceal his gross malfeasance, breaches of his fiduciary duties and
22 potential crimes he committed as Trustee, leaving Protected Party defenseless in a
23 frivolous legal proceeding of his own creation. Protected Party has made numerous
24 requests for attorney fees and has asked Respondent to cease and desist spending
25 her Trust money for his legal fees. (Ex. 12.) Initially, Protected Party charged her
26 credit cards to retain an attorney but eventually could not afford to do so anymore, so
27 the attorney stopped working on her case and withdrew. Protected Party told the
28 attorney she could no longer afford to pay.

1 23. An immediate protective order is required in this matter for the following
2 reason: **RESPONDENT CONTINUES TO TAKE MONEY FORM THE TRUST TO**
3 **PAY FOR HIS PERSONAL ATTORNEY FEES TO DEFEND HIS FIDUCIARY**
4 **BREACHES.**

5 24. While Respondent refuses to pay Protected Party's attorney fees,
6 Respondent himself has taken approximately \$137,000 out of Protected Party's Trust
7 fund in the past 14 months. Approximately \$35,000 was used last year for Protected
8 Party's 2022 living expenses.

9 25. This leaves approximately \$102,000 of Protected Party's Trust money
10 unaccounted for. Respondent's attorney has stated to Protected Party's former
11 attorney that he has been paid approximately \$65,000 for attorneys' fees. I believe the
12 remainder of this money has or will be spent on additional attorney fees for the
13 upcoming TEDRA trial. Respondent's actions are not permitted because they were
14 done for his personal advantage, NOT the advantage of the Protected Party and her
15 Trust. Furthermore, the Trust funds for legal services are to be used if the Trust is
16 challenged, not the malfeasance of the Trustee.

17 26. An immediate protective order is required in this matter for the following
18 reason: **RCW 9A.56.130 - Extortion in the second degree. RESPONDENT AND HIS**
19 **ATTORNEYS EXTORTED PROTECTED PARTY'S TRUST FUNDS FOR LEGAL**
20 **FEES BECAUSE BENEFICIARIES REFUSED TO SIGN A "RELEASE AND**
21 **DISCHARGE OF TRUSTEE."**

22 27. Respondent hired the law firm of Lane Powell on June 10, 2022. Over
23 the course of the following 6 months, Respondent's attorney sent a series of letters to
24 Protected Party and the beneficiaries of the Trust stating in a variety of ways that in
25 order to receive an accounting of the Trust, or backup documents to the accounting,
26 ALL parties were required to sign a "Release and Discharge of Trustee." (Ex. 13.)

27 28. If the Release was not signed by all parties, Respondent threatened to
28 initiate legal proceedings in the form of a TEDRA hearing and incur more attorney fees

1 that would be charged to the Trust. The Release, sent at various dates, preceded
2 distributions of the accounting and back-up documentation. This made it impossible for
3 Protected Party and the beneficiaries to analyze the accounting in a timely manner to
4 determine if a Release was appropriate. In the end, Protected Party and the
5 beneficiaries refused to sign the Release, analyzed the accounting and found
6 Respondent had commingled and converted Trust funds, failed to inform Protected
7 Party (Grantor) of her assets by diverting financial statements through the U.S. Postal
8 Service, used his own personal accounts to transfer Trust funds and many other
9 violations of his fiduciary duties. As a result, I am now before this Court seeking
10 protection from Respondent's malicious actions and to prevent the further expenditure
11 of Trust money. (Ex. 13.)

12 29. **CHRONOLOGY OF THE ABOVE EVENTS:** In support of the opening
13 statements in this Petition, I prepared a summary of how and why I am now before this
14 Court asking for protection and relief. For the sake of brevity, I have not attached all
15 the exhibits supporting my chronology, but they will be available if requested by the
16 Court or law enforcement. (Ex. 14.)

17 30. Although California law controls the Trust, I believe that Respondent
18 violated the following Washington State statutes: RCW 74.34.005 defines a
19 "vulnerable adult" RCW 74.34.020 provides definitions to help understand the various
20 ways "vulnerable adults" can be victimized. The following is a list of relevant
21 "definitions" under RCW 74.34.020 that will provide the Court with additional evidence
22 of Respondent's ongoing malfeasance.

23 31. *RCW 74.34.020 (2) "Abuse" means the intentional, willful, or reckless*
24 *action or inaction that inflicts injury, unreasonable confinement, intimidation, or*
25 *punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is*
26 *unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is*
27 *presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual*
28 *abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult,*

1 *and improper use of restraint against a vulnerable adult which have the following*
2 *meanings: (c) "Mental abuse" means an intentional, willful, or reckless verbal or*
3 *nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates,*
4 *unreasonably confines, or punishes a vulnerable adult. Mental abuse may include*
5 *ridiculing, yelling, or swearing. The following paragraph is an example of abuse.*

6 32. On September 4, 2022, a witness heard these words at Protected Party's
7 home: "I hate you." and "I want you dead." These are the words reported to the
8 Reedsport Police Department from Protected Party's neighbor when she called the
9 police to report "fighting all morning." Police were dispatched to Protected Party's
10 residence for a welfare check. Jenifer (Harold) Sawyer, Protected Party's daughter
11 and Trustee's mother-in-law, stayed at Protected Party's home from September 3 to
12 September 10, 2022. The police report identifies Jenifer's car. (Ex. 15.) I believe she
13 was acting under Respondent's direction and/or his benefit in order to get Protected
14 Party to sign the Release. A few days after this visit, Protected Party signed the
15 Release.

16 33. *RCW 74.34.020(d) "Personal exploitation" means an act of forcing,*
17 *compelling, or exerting undue influence over a vulnerable adult causing the vulnerable*
18 *adult to act in a way that is inconsistent with relevant past behavior, or causing the*
19 *vulnerable adult to perform services for the benefit of another. The following paragraph*
20 *is an example of personal exploitation.*

21 34. On June 14, 2022, Respondent, his wife Brieana (Harold) Paice and his
22 mother-in-law Jenifer (Harold) Sawyer engaged in a series of phone calls and texts,
23 harassing Protected Party to remove the durable power of attorney with disability
24 planning from Amy. This was done so Amy would no longer be able to assist her
25 mother (Protected Party) with disability planning and obtain a proper accounting to
26 place her in an assisted living facility. (Ex. 16.)

27 35. *RCW 74.34.020 (7) "Financial exploitation" means the illegal or improper*
28 *use, control over, or withholding of the property, income, resources, or trust funds of*

1 the vulnerable adult by any person or entity for any person's or entity's profit or
2 advantage other than for the vulnerable adult's profit or advantage. "Financial
3 exploitation" includes, but is not limited to:

4 (a) The use of deception, intimidation, or undue influence by a person or entity in a
5 position of trust and confidence with a vulnerable adult to obtain or use the property,
6 income, resources, or trust funds of the vulnerable adult for the benefit of a person or
7 entity other than the vulnerable adult;

8 (b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power
9 of attorney, trust, or a guardianship appointment, that results in the unauthorized
10 appropriation, sale, or transfer of the property, income, resources, or trust funds of the
11 vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

12 (c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds
13 without lawful authority, by a person or entity who knows or clearly should know that
14 the vulnerable adult lacks the capacity to consent to the release or use of his or her
15 property, income, resources, or trust funds. The following paragraphs are examples of
16 financial exploitation.

17 36. From my review of Protected Party's financial documents, I have
18 discovered the following discrepancies:

19 (1) Respondent, who is employed by BECU Credit Union ("BECU"),
20 opened a "Member Advantage" bank account at BECU, which he called a "trust
21 account." I discovered that pursuant to BECU rules a "Member Advantage" account
22 cannot be a trust account. (Ex. 17 [relevant page from BECU rules, last sentence].)

23 (2) On March 29, 2010, Respondent as Trustee, purchased a \$2,000
24 check from BECU for Protected Party's (Grantor's) expenses. Trustee submitted a
25 packet to the beneficiaries which included a listing of distributions during that time
26 period. The 3/29/10 withdrawal was actually \$8,000, not \$2,000. On Respondent's
27 accounting, there is a note from which reads, "Documentation for cashier's check for
28 \$8,000 on 3/29/10 is pending." (Ex. 18.) To date, Trustee has not submitted the

1 pending documentation.

2 (3) In December 2022, Mr. David Llewellyn, a former trustee of
3 Protected Party's Trust and CPA, discussed this discrepancy in an email string, in
4 which Mr. Llewellyn concludes that there appears to be commingling. (Ex. 19.)

5 (4) Amy and I discovered that in 2011, Respondent signed the
6 signature card for Protected Party's personal USAA accounts, making him a joint
7 account holder. Respondent had full access to Protected Party's checking and savings
8 accounts. Every time Respondent wrote a check to Protected Party from the Trust
9 account, he was in effect depositing it into his own USAA account. (Ex. 20.)

10 (5) From 2010 to 2022, Respondent did not provide Protected Party
11 with monthly financial statements from BECU. He had them mailed to his wife's P.O.
12 Box or his home address. This P.O. Box was the business address of Respondent's
13 wife, Briana Paice: Briana Michelle Photography, LLC, Washington, UBI
14 #603561972 with registered address of P.O. Box 48212, Seattle, WA 98148-0212.

15 (6) In his TEDRA declaration, Respondent admitted to commingling
16 funds but claimed it only happened once. However, while visiting my home in 2018, he
17 told me that it was his custom and practice to withdraw funds from the Trust account
18 on an annual basis and deposit it to his personal account. He then would pay
19 Protected Party's monthly disbursement from his personal account. I replied that that
20 was commingling. Respondent replied, "It's easier that way," and that this practice was
21 acceptable to Protected Party.

22 (7) From 2010 through 2022, there are numerous sequential check
23 numbers missing that are not commented on by Respondent. I created a chart listing
24 all of Respondent's missing checks. (Ex. 21.)

25 (8) From 2011 through 2018, Respondent's accounting lists duplicate
26 check numbers with different dates of issuance and often different amounts. I created
27 a chart outlining all 32 duplicate check numbers listed in Respondent's accounting.
28 (Ex. 22.)

1 (9) As stated herein, Respondent, acting as Trustee, has withheld
2 Trust funds from Protected Party that she needs to pay for an attorney in the TEDRA
3 matter, yet Respondent has taken Protected Party's Trust money to enhance himself
4 personally and pay for his attorney fees.

5 (10) On January 6, 2023, I called the Oregon Department of Human
6 Services, Adult Protective Services and filed a report for financial elderly abuse. The
7 case is under active investigation by Jennifer Short.

8 37. RCW 74.34.020 (12)(a) *"Isolate" or "isolation" means to restrict a*
9 *vulnerable adult's ability to communicate, visit, interact, or otherwise associate with*
10 *persons of his or her choosing. Isolation may be evidenced by acts including but not*
11 *limited to: (i) Acts that prevent a vulnerable adult from sending, making, or receiving*
12 *his or her personal mail, electronic communications, or telephone calls. Examples of*
13 *preventing Protected Party from receiving her mail is shown in Exhibit 23.*

14 38. RCW 74.34.020 (15) *"Neglect" means (a) a pattern of conduct or inaction*
15 *by a person or entity with a duty of care that fails to provide the goods and services*
16 *that maintain physical or mental health of a vulnerable adult, or that fails to avoid or*
17 *prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission*
18 *by a person or entity with a duty of care that demonstrates a serious disregard of*
19 *consequences of such a magnitude as to constitute a clear and present danger to the*
20 *vulnerable adult's health, welfare, or safety, including but not limited to conduct*
21 *prohibited under RCW 9A.42.100. The following paragraph is an example of*
22 Respondent's neglect based upon his inaction.

23 39. As stated above, Respondent has failed to provide Protected Party her
24 own Trust money so she can move to an assisted living facility, as well as failing to
25 provide Protected Party her own Trust money to defend herself in a legal action
26 commenced by Respondent.

27 40. **ADDITIONAL VIOLATION OF CALIFORNIA AUTHORITIES:**
28 Respondent has failed virtually all the requirements of a Trustee under California

1 Probate Codes which dictate the administration of Protected Party's Trust. A list of
2 those codes is incorporated herein by reference to Exhibit 24.

3 I declare under penalty of perjury under the laws of the State of Washington
4 that the foregoing is true and correct to the best of my knowledge.

5 Executed this 27th day of February, 2023, at Apache Junction, Arizona.

6

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s/Charles A. Harold, Jr.
CHARLES A. HAROLD, JR.

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Exhibit E

From: [Michelle Blackwell](#)
To: [Schilbach, Aleksander](#)
Cc: [Sharon Harold](#); Assistant
Subject: RE: Disbursement
Date: Wednesday, October 26, 2022 12:36:07 PM
Importance: High

CAUTION: This is an external email. Do **NOT** click links or open attachments unless you are certain the content is safe.

Mr. Shilbach,

This email responds to yours dated October 25, 2022. Please continue to correspond directly with Ms. Sharon Harold until further notice.

As of this moment, Ms. Sharon Harold is not yet represented by counsel. I anticipate representing her soon, but I am not yet formally engaged. There is one housekeeping matter that requires Ms. Harold's attention before I can confirm the representation with you.

Ms. Harold,

Please feel free to continue to communicate directly with Mr. Shilbach regarding your request below.

Very sincerely,

Michelle

Michelle A. Blackwell
Attorney | Managing Shareholder
BLACKWELL LAW, P.C. dba BLACK LETTER LAW
Oregon | California | Idaho | Washington
747 Blair Blvd
PO Box 10326
Eugene, OR 97440
P: [541 345-8800](tel:5413458800)
www.blackletter.law

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From: Schilbach, Aleksander <SchilbachA@LanePowell.com>
Sent: Tuesday, October 25, 2022 12:18 PM
To: Michelle Blackwell <mblackwell@blackwell.law>
Cc: Ohainle, Paul <OhainleP@LanePowell.com>; Webb, Silvia <WebbS@LanePowell.com>; MautnerG@LanePowell.com
Subject: RE: Disbursement

Removing Ms. Sharon Harold and Mr. David Paice from the E-mail

Dear Ms. Blackwell,

On the understanding that you may represent Ms. Sharon Harold, I'm reaching out to ask if you have a few minutes free to discuss Ms. Harold's request below. Please let me know if you have time available today for a call. I'm generally available from now until 4:30 PM. Thank you, and I look forward to connecting with you soon.

Best regards,
Sascha


ALEKSANDER "Sascha" SCHILBACH
Associate [Bio](#) | [vCard](#)
(He/Him)
schilbacha@lanepowell.com
D 206.223.7094 **C** 206.436.9909
LANEPOWELL.COM

From: Sharon Harold <smharold7@gmail.com>
Sent: Saturday, October 22, 2022 4:44 PM
To: David Paice <paice@outlook.com>; david paice@live. com <david.paice@live.com>; David Paice <paice.da@gmail.com>
Cc: Schilbach, Aleksander <SchilbachA@LanePowell.com>; Ohainle, Paul <OhainleP@LanePowell.com>; Webb, Silvia <WebbS@LanePowell.com>; Michelle Blackwell <mblackwell@blackwell.law>
Subject: Disbursement

CAUTION: This is an external email. Do **NOT** click links or open attachments unless you are certain the content is safe.

Dear David,

I have not received a reply from my email to you yesterday, therefore I am asking you

again to send me the check registers from all my bank accounts immediately.

Since you have not sent me what I have asked for and in light of your attorney's letter, I have now retained counsel and require a revised distribution of \$100,000 from my trust as a retainer for legal fees.

Please send me the revised retainer funds of \$100,000 by October 31, 2022.

Thank you,

Sharon M. Harold

This message is private or privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately, and please do not copy or send this message to anyone else.