

0300
GEG AÖÖÖÄEGÄFÄÚT
SÖÖÄUWÄVY
ÜWÜÖÜÜÄÜWÜVÄÖSÖÜS
ÖÖSÖÖ
ÖÖÜÖÄÖGÄÄHÄGÄÄSPV

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

In re the Matter of

Case No. 22-4-08326-1 KNT

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

**A TABULATION OF 110 VIOLATIONS
BY LANE POWELL AND TRUSTEE
DAVID ALLEN PAICE, A
SUPPLEMENTAL BRIEF**

a Trust.

Respondents Charles A. Harold, Jr., John J. Harold, Angel Harold, and Josette Ramirez hereby incorporate by reference all prior submissions, rulings, orders, and objections in Case No. 22-4-08326-1 KNT (TEDRA) and Case No. 23-2-03980-7 KNT (VAPO). This includes all previously submitted allegations, arguments, exhibits, and objections, restated in full in this supplemental brief supporting the Verified Joint Objection (Dkt. 28) to the Verified Petition for Approval of Interim Account, Discharge of Successor Trustee, and Appointment of Successor Trustee.

I. INTRODUCTION

The intentional actions of Trustee David Allen Paice and his attorneys at Lane Powell in the TEDRA Case No. 22-4-08326-1 KNT and VAPO Case No. 23-2-03980-7 KNT compel this Court to immediately remove Trustee David Allen Paice from his position as Trustee of The Sharon M. Harold Irrevocable Trust Dated Nov 12, 2004.

Highlighted in this supplemental brief are approximately 110 instances of breaches of trust, violations of statutes and deviations from rules of professional conduct

committed by Trustee David Allen Paice and his attorneys at Lane Powell (soon-to-be Ballard Spahr as of January 2025), in their co-administration of the Sharon M. Harold Irrevocable Trust

DISCLAIMER: While every effort has been made to honestly and accurately extrapolate data from the pleadings in this case and tabulate it into easily understood tables, individual readers reviewing source material may arrive at different calculations depending on their interpretation of statutes and point of view. Some readers may dismiss and not count certain allegations, labeling them unfounded, while others might identify additional violations not recognized by the Respondents, this Court or the perpetrators themselves. There could also be inadvertent duplicates of occurrences included in the data.

Regardless of how one interprets the evidence presented, a clear pattern emerges demonstrating that the Trustee's actions, facilitated by Lane Powell, far exceed mere negligence on Trustee's part or legal malpractice by Lane Powell. The numerous and varied violations outlined in the exhibited tables provide a compelling record of evidence demonstrating malicious behavior and severe breaches of fiduciary duty. This pattern of behavior not only fails to meet the standard of reasonable care expected of a trustee, (and his attorney who, in representing the Trustee effectively represents the Trust itself), but also actively undermines the very purpose and integrity of the Trust.

II. METHODOLOGY

Data was gathered from the review of existing Court dockets and compiled into the following datasets.

A. Table of Court Docket Source Files

Court filings, briefs, and supplemental materials from both the TEDRA case (No. 22-4-08326-1 KNT) and the VAPO case (No. 23-2-03980-7 KNT) were examined for violations of statutes or rules. **(EXHIBIT 1)**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2
3
4

5

6
7
8

9

0
1
2
3

4

5
6

7

- 8
9
20
21
22
23
24
25
26

1 **C. Misuse of Trust Resources**

2 1) The Trustee used trust funds to pay for legal representation in matters
3 designed and intended for his personal benefit and gain, and the personal
4 benefit and gain of his wife and daughter who are residual trust
5 beneficiaries, rather than for the benefit of the Trust's beneficiaries. (Dkt.
6 201) (Dkt 030 VAPO)

7 2) The trust instrument does not authorize the use of trust funds for the
8 Trustee to defend against claims arising from his own breach of duty.
9 (Dkt. 201, Dkt. 203)

10 **D. Violation of Trust Purpose**

11 1) The Trustee's actions in seeking court approval and personal releases
12 prioritized his own interests over the primary purpose of the Trust, which
13 is to provide for the Grantor as stated in Article IV, Section A of the trust
14 instrument. (Dkt. 201, Dkt. 203)

15 **E. Unauthorized Settlement Attempts**

16 1) The Trustee, through his attorneys, engaged in three separate attempts
17 to negotiate confidential settlement agreements seeking personal
18 releases of liability for the Trustee. (Dkt. 207, Dkt. 208). The latest
19 attempt was while Grantor was recovering from kidney failure that caused
20 temporary cognitive impairment or as her doctor told Respondents
21 Charles Harold and Angel Harold, "brain damage".

22 2) These settlement attempts included releases for parties not involved in
23 the Trust administration, such as the Trustee's family members and the
24 law firm itself. (Dkt. 207, Dkt. 208)

25 **F. Extrinsic Fraud and Concealment**

26 1) The efforts to negotiate releases through "confidential" settlements
27 claiming mediation was mandatory when it was not, along with the threat
28 of spending more trust money on a trial, are attempts to conceal actions

1 from the Court and obtain attorney fees that were previously restricted
2 by this Court's order in Lane Powell's MPSJ, violating RPC 8.4
3 (Misconduct). (Dkt. 207) (Dkt. 211)

4 **2)** The dual representation by Lane Powell, acting for both the Trustee in his
5 official capacity and seeking personal benefits for David Paice, his wife
6 and child, suggests a systematic attempt to conceal conflicts of interest,
7 violating RPC 1.7(a) and (b) (Conflict of Interest).

8 **3)** The tangled web of circumstances suggests that Lane Powell has
9 engaged in "lawfare", extrinsic fraud, against the Grantor and
10 Respondents prior to filing the case as well as during two failed attempts
11 at subsequent settlement agreements. (Dkt. 211)

12 **G. "Nefarious" Activity**

13 **1)** Some of the alleged violations extend into criminal territory, including mail
14 fraud, 18 U.S.C. § 1341 and identity theft 18 U.S.C. § 1028, (Dkt. 001,
15 Dkt. 016, Dkt. 211, VAPO Dkt. 028)

16 **IV. AUTHORITY & LEGAL FRAMEWORK**

17 The following law establishes the Court's authority to act sua sponte to remove a
18 trustee:

19 **A. Statutory Basis for Removal**

20 **1) California Probate Code Section 16400 (2023) states:** "A violation by
21 the Trustee of any duty that the Trustee owes the beneficiary is a breach
22 of trust.

23 **2) RCW 11.98.B.010** While the exact wording differs, the essence of the law
24 is similar. Here's the relevant text: "Breach of trust" includes a violation
25 by a trust director or trustee of a duty imposed on that director or trustee
26 by the terms of the trust, this chapter, or law of this state other than this
27 chapter."

1 **3) California Probate Code § 17206:** This statute grants the court broad
2 discretionary powers, stating that "The court in its discretion may make
3 any orders and take any other action necessary or proper to dispose of
4 the matters presented by the petition".

5 **4) California Probate Code § 15642:** This statute provides grounds for the
6 removal of a trustee, including breaches of trust and failure to act.

7 **5) California Probate Code § 15642** states, "(e) If it appears to the court
8 that trust property or the interests of a beneficiary may suffer loss or injury
9 pending a decision on a petition for removal of a trustee and any appellate
10 review, the court may, on its own motion or on petition of a cotrustee or
11 beneficiary, compel the trustee whose removal is sought to surrender
12 trust property to a cotrustee or to a receiver or temporary trustee. The
13 court may also suspend the powers of the trustee to the extent the court
14 deems necessary".

15 **B. Judicial Discretion to Remove Trustees**

16 Courts in both California and Washington have broad discretionary powers to
17 remove Trustees sua sponte when necessary to protect the interests of Trust and
18 beneficiaries:

19 **California Case Law:**

20 **1) Estate of Gilmaker (1962) 57 Cal.2d 627:** The California Supreme Court
21 affirmed that probate courts have broad discretion to remove Trustees sua sponte
22 when necessary to protect beneficiaries' interests, even based on a single breach
23 of trust.

24 **2) Schwartz v. Labow (2008) 164 Cal.App.4th 417:** The Court of Appeal
25 upheld a probate court's sua sponte removal of a Trustee based on a single
26 instance of self-dealing.

1 **Washington Case Law:**

2 1) **In re Estate of Ehlers, 80 Wn. App. 751, 911 P.2d 1017 (1996):** This
3 case addresses issues of trustee removal and the court's discretion in such
4 matters. The court held that a trustee may be removed for reasonable cause,
5 which includes situations involving conflict of interest and bad will generated by
6 litigation.

7 2) **Baker Boyer Nat. Bank v. Garver, 43 Wn. App. 673, 719 P.2d 583**
8 **(1986):** This case deals with the duties of trustees and the standard of care they
9 must exercise. The court found that a trustee's failure to diversify investments
10 and unauthorized transfer of trust property were grounds for removal.

11 These statutes and cases establish the legal framework for trustee removal,
12 emphasizing the court's broad discretion to act in the best interests of the trust and its
13 beneficiaries.

14 **V. APPLICATION TO THE PRESENT CASE**

15 The law is clear. If the Court finds that Trustee and his attorneys breached only
16 a single duty or obligation owed to the Trust and beneficiaries, the Court may remove
17 the Trustee immediately and appoint a successor Trustee.

18 **Limited and Implied Powers of Trustee**

19 The Sharon M. Harold Irrevocable Trust dated October 12, 2004 does not grant
20 the Trustee the power, implied or expressed, to pay his attorney with Trust funds to
21 conceal his breaches of fiduciary duty (Dkt. 201); fabricate a false trust dispute, (Dkt.
22 203); initiate court proceedings for a retroactive approval of accounts that cannot legally
23 be approved (Dkt. Dkt. 149, Dkt, 157, Dkt, 204); and seek additional attorney fees and
24 unlawful personal releases of liability for the Trustee, his wife and daughter who are
25 residual beneficiaries, and his attorneys, when no beneficiary has filed any legal claim
26 or challenge against the Trust. (Dkt. 207, Dkt. 208, Dkt. 209, Dkt. 211).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VI. IMPACT ON BENEFICIARIES

The violations by Trustee David Allen Paice and Lane Powell have had severe and far-reaching consequences for the Grantor and beneficiaries:

A. Emotional and Psychological Distress

The ongoing legal battle, coupled with the uncertainty surrounding the Trust's administration, and the inability of Grantor to anticipate and plan for her long-term health care needs, has inflicted significant physical and emotional trauma on Grantor and the beneficiaries, straining family relationships and causing undue financial stress.

B. Significant Financial Losses

When Trustee Paice inserted himself as acting Trustee in 2010, the approximate combined value of Grantor's estate was approximately \$900,000. The approximate value today is less than \$450,000. (Respondents do not know the actual value based upon Lane Powell and Trustee's refusal to provide timely information about Truste assets and their IOLTA). This depletion of assets jeopardizes the Grantor's ability to meet her end-of-life needs.

C. Lack of Transparency

Beneficiaries have been systematically denied access to crucial information about the Trust's financial state, violating their right to be informed and hindering their ability to protect their interests, resulting in Trustee and Lane Powell's fraudulent TEDRA action.

D. Erosion of Trust

The systemic, 12 years of breaches of fiduciary duty have severely undermined the beneficiaries' faith in the legal and financial systems designed to protect their interests.

VII. OPINIONS AND CONCLUSIONS

Based on the clear statutory language, established case law, and the Trustee's actions in this case, this Court has not only the authority but the duty to immediately remove Trustee David Allen Paice.

1 The Trustee has no individual right to object to his removal because; 1) He has
2 petitioned the Court to be remove and replace him and; 2) His actions, including the
3 filing of the TEDRA petition as a Trustee and attempts to obtain personal releases of
4 liability for his wife, marital estate, daughter and lane Powell, demonstrate a pattern of
5 breaches of fiduciary duty that necessitates immediate removal to protect the interests
6 of the trust and its beneficiaries.

7 The sheer volume and severity of the alleged violations—spanning federal and
8 state laws, as well as rules of professional conduct codes—paint a disturbing picture of
9 systemic abuse, fraud, and mismanagement in the administration of the Sharon M.
10 Harold Irrevocable Trust and has compromised the integrity of trust administration,
11 causing significant harm to the beneficiaries.

12 This pattern of behavior has not only jeopardized the financial well-being of the
13 Trust and its beneficiaries but has also inflicted significant emotional distress and eroded
14 the very foundation of trust that should underpin such fiduciary relationships.

15 The Respondents contend that these violations, taken collectively, demand
16 immediate judicial intervention to prevent further harm and to restore the integrity of the
17 Trust administration.

18 **VIII. RELIEF REQUESTED**

19 The Code of Judicial Conduct, particularly Rules 2.2 and 2.6, compels the Court
20 to ensure impartiality, fairness, and the right to be heard. In light of the extensive
21 evidence of misconduct and the foregoing arguments, Respondents respectfully request
22 that this Court exercise its sua sponte authority and:

- 23 1. Immediately remove David Allen Paice as Trustee of THE SHARON M. HAROLD
24 IRREVOCABLE TRUST DATED OCTOBER 12, 2004;
- 25 2. Dismiss the TEDRA petition with prejudice due to its fraudulent nature;
- 26 3. Appoint an independent, court-supervised successor Trustee to manage the trust
27 in accordance with its terms and applicable law;

- 1 4. Order a comprehensive forensic audit and full accounting of the trust's assets
- 2 and transactions for the entire period of David Allen Paice's Trusteeship;
- 3 5. Order Trustee Paice to personally reimburse the Trust for all improperly incurred
- 4 legal expenses, including attorney-in-fact fees per California Probate Code 4204,
- 5 and return all misappropriated attorney fee funds to the Trust;
- 6 6. Prohibit the use of trust funds for any legal fees or expenses incurred by David
- 7 Allen Paice in defending against this removal action or in seeking personal
- 8 releases of liability;
- 9 7. Impose a constructive trust on any assets improperly transferred out of the trust
- 10 by David Allen Paice;
- 11 8. Ensure that all beneficiaries are granted full access to Trust documents and
- 12 financial records;
- 13 9. Investigate the potential ethical violations committed by Lane Powell and
- 14 consider appropriate sanctions;
- 15 10. Impose appropriate sanctions against Trustee Paice's attorney for filing
- 16 fraudulent documents with the court;
- 17 11. Refer the matter for potential criminal investigation into Trustee Paice's actions;
- 18 12. Prohibit David A. Paice from serving in any future fiduciary capacity;
- 19 13. Award Respondents their reasonable attorneys' fees and costs incurred in
- 20 bringing this action; and
- 21 14. Grant such other and further relief as the Court deems just and proper to protect
- 22 the interests of the trust and its beneficiaries.

23 It has been over two years since this case was filed by Trustee in an attempt to
24 have his 12-year retroactive "verified" interim account of trust approved by this Court.
25 The integrity of our legal system and the well-being of vulnerable individuals depend on
26 the Court's swift intervention.

27 By taking decisive action now, the Court can halt ongoing harm, preserve
28 remaining assets, and restore faith in the judicial process. We respectfully implore Your

1 Honor to uphold the principles of justice and fiduciary duty by granting the relief sought.

2
3
4 Respectfully submitted,

5 DATED: December 2, 2024

s/Charles A. Harold, Jr.

6 Charles A. Harold, Jr., Residual Beneficiary and
Respondent in pro se

7 1455 N. Tomahawk Rd.

Apache Junction, AZ 85119

8 Tel: 818-652-6400 / E-mail: chuckharold@gmail.com

9 DATED: December 2, 2024

s/John Harold

10 John Harold, Residual Beneficiary and
Respondent in pro se

11 230 Westmont Dr.

12 Reedsport, OR 97467

Tel: (541) 662-6262

13 Email: john6231@live.com

14 DATED: December 2, 2024

s/Angel Harold

15 Angel Harold, Residual Beneficiary and
Respondent in pro se

16 100 River Bend Rd. #103

17 Reedsport, OR 97467

Tel: (661) 289-4238

18 Email: angelharold25@gmail.com

19 DATED: December 2, 2024

s/Josette Harold Ramirez

20 Josette Harold Ramirez, Residual Beneficiary and
Respondent in pro se

21 11319 Playa St.

Culver City, CA 90230

22 Tel: (310) 280-6229

23 Email: jobabe007@gmail.com

24 We certify that this memorandum contains 2,598
25 words, in compliance with the Local Civil Rules.

CERTIFICATE OF SERVICE

I am and was at the time of service of these papers herein, over the age of eighteen (18) years.

On December 2, 2024, I caused the following documents: **A TABULATION OF 110 VIOLATIONS BY LANE POWELL AND TRUSTEE DAVID ALLEN PAICE, A SUPPLEMENTAL BRIEF** to be electronically served on the interested parties in this action as follows:

Gail E. Mautner, Esq.
Aleksander Shilbach, Esq.
LANE POWELL, PC
1420 Fifth Avenue, Suite 4200
P.O. Box 91302
Seattle, Washington 98111-9402
Tel: (206) 223-7000 / Fax: (206) 223-7107
E-mail: mautnerg@lanepowell.com
schilbacha@lanepowell.com

Counsel for David A. Paice, Trustee of the
Sharon M. Harold Irrevocable Trust dated
November 12, 2004

Paul Barrera, Esq.
NORTH CITY LAW, PC
17713 Fifteenth Avenue NE, Suite 101
Shoreline, WA 98155-3839
Tel: (206) 413-7288 / Fax: (206) 367-0120
E-mail: paul@northcitylaw.com

Counsel for Sharon M. Harold, Grantor of
the Sharon M. Harold Irrevocable Trust
dated November 12, 2004

John J. Harold
230 Westmont Dr.
Reedsport, OR 97467
Tel: (541) 662-6262
Email: john6231@live.com

Residual Beneficiary, Pro Se

Amy Jane Small
P.O. Box 352
Graeagle, CA 96103
Tel: (805) 827-0051
Email: aj.harold9@gmail.com

Residual Beneficiary, Pro Se

Angel Harold
230 Westmont Dr.
Reedsport, OR 97467
Tel: (661) 289-4238
Email: angelharold25@gmail.com

Residual Beneficiary, Pro Se

Residual Beneficiary, Pro Se

Residual Beneficiary, Pro Se

Residual Beneficiary, Pro Se

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

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

EXHIBITS

EXHIBIT 001

Source Files	VAPO Case No. 23-2-03980-7 KNT
Docket Number	Document Description
Dkt. 001	Petition for Vulnerable Adult Protection Order
Dkt. 006	Declaration of Charles Harold
Dkt. 012	Temporary Restraining Order
Dkt. 016	Violations of federal Electronic Communications Privacy Act
Dkt. 029	Petitioner Reply in Support of Protection Order
Dkt. 094	Trustee's Family Members Linked to Grantor's Bank Account
Dkt. 096	Violations of CJC 2.11(A)(6)(d) by Commissioner Judson & Judge Yip
Source Files	TEDRA Case No. 22-4-08326-1 KNT
Docket Number	Document Description
Dkt. 028	Respondent's Verified Joint Objection
Dkt. 107	Respondent's Opposition to MPSJ
Dkt. 128	Respondents's Motion to Dismiss
Dkt. 149	Trustee's 2010 Account Does Not Balance
Dkt. 157	Trustee's 2022 Account Does Not Balance
Dkt. 201	Determining Grantor's Intent in the Trust Instrument
Dkt. 202	First Amendment Right of Free Intimate Disassociation
Dkt. 203	Lane Powell's Verified Petition is a False Equivalence
Dkt. 204	Retrospective vs Prospective Application of California Probate Code
Dkt. 205	Intersection of First, Fourth & Fourteenth Amendments
Dkt. 207	Lane Powell's Misrepresentation of Mediation Requirements
Dkt. 208	Lane Powell's Violations 18 U.S.C. §§ 4, 1503, 1505, 1512, 1513, 1622
Dkt. 209	Res Judicata Does Not Preclude Other Remedies
Dkt. 211	The Unclean Hands Doctrine
TBD	The Halo Effect & Anchoring Bias of Lane Powell

EXHIBIT 002

**SUMMARY OF TRUSTEE & LANE POWELL CODE & RULE VIOLATIONS IN
TEDRA CASE NO.22-4-08326-1 KNT & VAPO CASE NO.23-2-03980-7 KNT**

**"A violation by the trustee of any duty that the trustee
owes the beneficiary is a breach of trust."**

California Probate Code § 16400

CODE or RULE	No. of Violations
18 U.S.C.	12
California Welfare & Institutions Code	4
California Civil Code	1
California Code of Civil Procedure	1
California Evidence Code	2
California Penal Code	6
California Probate Code	35
Code of Judicial Conduct	9
Judicial Ethics Advisory Opinion	1
Local Civil Rule	1
Revised Code of Washington	16
Rules of Professional Conduct	16
U.S. Constitution	4
Washington Evidence Rule	2
TOTAL CODE & RULE VIOLATIONS	110

EXHIBIT 003

**SUMMARY OF TRUSTEE & LANE POWELL CODE & RULE VIOLATIONS IN
TEDRA CASE NO.22-4-08326-1 KNT & VAPO CASE NO.23-2-03980-7 KNT**

**"A violation by the trustee of any duty that the trustee
owes the beneficiary is a breach of trust."**

California Probate Code § 16400

CODE or RULE	VIOLATION DESCRIPTION
18 U.S.C.	§ 1030 (Computer Fraud and Abuse)
18 U.S.C.	§ 1341 (Mail Fraud)
18 U.S.C.	§ 1503 (Influencing or Injuring Officer or Juror Generally)
18 U.S.C.	§ 1505 (Obstruction of Proceedings Before Departments, Agencies, and Committees)
18 U.S.C.	§ 1512 (Tampering with a Witness, Victim, or an Informant)
18 U.S.C.	§ 1513 (Retaliating Against a Witness, Victim, or an Informant)
18 U.S.C.	§ 1513(e) (Retaliating Against a Witness, Victim, or an Informant - Employment Interference)
18 U.S.C.	§ 1622 (Subornation of Perjury)
18 U.S.C.	§ 1708 (Theft or Receipt of Stolen Mail Matter Generally)
18 U.S.C.	§ 1956 (Laundering of Monetary Instruments)
18 U.S.C.	§ 2511 (Interception and Disclosure of Wire, Oral, or Electronic Communications Prohibited)
18 U.S.C.	§ 4 (Misprision of Felony)
California Welfare & Institutions Code	§ 15610.07 (Definition of Abuse of an Elder or Dependent Adult)

**SUMMARY OF TRUSTEE & LANE POWELL CODE & RULE VIOLATIONS IN
TEDRA CASE NO.22-4-08326-1 KNT & VAPO CASE NO.23-2-03980-7 KNT**

**"A violation by the trustee of any duty that the trustee
owes the beneficiary is a breach of trust."**

California Probate Code § 16400

California Welfare & Institutions Code	§ 15610.43 (Definition of Isolation)
California Civil Code	§ 3336 (Measure of Damages for Wrongful Conversion)
California Code of Civil Procedure	§ 343 (Actions for Relief Not Otherwise Provided For)
California Evidence Code	§ 1271 (Business Records Exception)
California Evidence Code	§ 1272 (Absence of Entry in Business Records)
California Penal Code	§ 132 (Offering False Evidence)
California Penal Code	§ 134 (Preparing False Evidence)
California Penal Code	§ 186.10 (Money Laundering)
California Penal Code	§ 502 (Unauthorized Computer Access)
California Penal Code	§ 518 (Extortion)
California Penal Code	§ 530.5 (Identity Theft)
California Probate Code	§ 1061 (Removal of Trustee for Cause)
California Probate Code	§ 1063 (Suspension of Trustee's Powers)
California Probate Code	§ 155 (Definition of Undue Influence)

**SUMMARY OF TRUSTEE & LANE POWELL CODE & RULE VIOLATIONS IN
TEDRA CASE NO.22-4-08326-1 KNT & VAPO CASE NO.23-2-03980-7 KNT**

**"A violation by the trustee of any duty that the trustee
owes the beneficiary is a breach of trust."**

California Probate Code § 16400

California Probate Code	§ 1572 (Removal of Conservator)
California Probate Code	§ 15800 et seq. (Trust Administration)
California Probate Code	§ 16000 (Duty to Administer Trust)
California Probate Code	§ 16002 (Duty of Loyalty)
California Probate Code	§ 16002(a) (Prohibition on Using Trust Property for Personal Profit)
California Probate Code	§ 16003 (Duty of Impartiality)
California Probate Code	§ 16004 (Conflicts of Interest)
California Probate Code	§ 16004(a) (Presumption of Undue Influence)
California Probate Code	§ 16004(a)(c) (Voidable Transactions)
California Probate Code	§ 16004.5(a) (Prohibition on Trustee Borrowing)
California Probate Code	§ 16009 (Duty to Keep Trust Property Separate)
California Probate Code	§ 16011 (Duty to Enforce Claims)
California Probate Code	§ 16014 (Duty to Keep Beneficiaries Informed)
California Probate Code	§ 16017(a)(2) (Investment of Trust Property)

**SUMMARY OF TRUSTEE & LANE POWELL CODE & RULE VIOLATIONS IN
TEDRA CASE NO.22-4-08326-1 KNT & VAPO CASE NO.23-2-03980-7 KNT**

**"A violation by the trustee of any duty that the trustee
owes the beneficiary is a breach of trust."**

California Probate Code § 16400

California Probate Code	§ 16060 (Trustee's Duty to Inform and Report)
California Probate Code	§ 16061.7 (Duty to Notify Beneficiaries)
California Probate Code	§ 16062 (Duty to Account to Beneficiaries)
California Probate Code	§ 16062(a) (Contents of Accounting)
California Probate Code	§ 16062(e) (Waiver of Accounting)
California Probate Code	§ 16063 (Form of Account)
California Probate Code	§ 16080 (Exercise of Powers by Trustee)
California Probate Code	§ 16081 (Powers of Trustees)
California Probate Code	§ 16401 (Liability for Breach of Trust)
California Probate Code	§ 16420 (Remedies for Breach of Trust)
California Probate Code	§ 21102 (Intention of Transferor)
California Probate Code	§ 3 (Application of Code)
California Probate Code	§ 8502 (Removal of Personal Representative)
California Probate Code	§ 15600 (Creation of Trust)

**SUMMARY OF TRUSTEE & LANE POWELL CODE & RULE VIOLATIONS IN
TEDRA CASE NO.22-4-08326-1 KNT & VAPO CASE NO.23-2-03980-7 KNT**

**"A violation by the trustee of any duty that the trustee
owes the beneficiary is a breach of trust."**

California Probate Code § 16400

California Probate Code	§ 16009(a) (Duty to Keep Property Separate and Identified)
California Probate Code	§ 16061 (Duty to Report Information to Beneficiaries)
California Probate Code	§ 16061.7(a)(2) (Notification of Trust Becoming Irrevocable)
California Probate Code	§ 16322(b) (Grounds for Removal of Trustee)
California Welfare & Institutions Code	§ 15610.57 (Definition of Neglect)
California Welfare and Institutions Code	§ 15610.30 (Definition of Financial Abuse)
Code of Judicial Conduct	Canon 1 (Upholding Integrity and Independence of the Judiciary)
Code of Judicial Conduct	Canon 2 (Avoiding Impropriety and the Appearance of Impropriety)
Code of Judicial Conduct	Rule 1.1 (Compliance with the Law)
Code of Judicial Conduct	Rule 2.2 (Impartiality and Fairness)
Code of Judicial Conduct	Rule 2.6 (Ensuring the Right to Be Heard)
Code of Judicial Conduct	Rule 2.9 (Ex Parte Communications)
Code of Judicial Conduct	Rule 2.10 (Judicial Statements on Pending and Impending Cases)
Code of Judicial Conduct	Rule 2.11(A)(6)(d) (Disqualification - Specific Instances)

**SUMMARY OF TRUSTEE & LANE POWELL CODE & RULE VIOLATIONS IN
TEDRA CASE NO.22-4-08326-1 KNT & VAPO CASE NO.23-2-03980-7 KNT**

**"A violation by the trustee of any duty that the trustee
owes the beneficiary is a breach of trust."**

California Probate Code § 16400

Code of Judicial Conduct	Rule 2.15 (Responding to Judicial and Lawyer Misconduct)
Judicial Ethics Advisory Opinion	17-03 (Advisory Opinion on Judicial Ethics)
Local Civil Rule	LCR [7(b)(5)(C)] (Local Civil Rule on Motion Practice)
Revised Code of Washington	§ 11.106.020 (Trustee's Annual Statement)
Revised Code of Washington	§ 11.96A.010 (Purpose of Trust and Estate Dispute Resolution)
Revised Code of Washington	§ 11.98.016 (Exercise of Powers by Co-Trustees)
Revised Code of Washington	§ 11.98.070 (Power of Trustees)
Revised Code of Washington	§ 11.98.072 (Trustee's Notification to Beneficiaries)
Revised Code of Washington	§ 11.98.078 (Trustee's Duty to Report and Account)
Revised Code of Washington	§ 2.64.020 (Commission on Judicial Conduct)
Revised Code of Washington	§ 5.45.020 (Business Records as Evidence)
Revised Code of Washington	§ 74.34.020 (Definitions for Abuse of Vulnerable Adults)
Revised Code of Washington	§ 74.34.020(12)(a) (Definition of "Neglect")
Revised Code of Washington	§ 74.34.020(15) (Definition of "Vulnerable Adult")

**SUMMARY OF TRUSTEE & LANE POWELL CODE & RULE VIOLATIONS IN
TEDRA CASE NO.22-4-08326-1 KNT & VAPO CASE NO.23-2-03980-7 KNT**

**"A violation by the trustee of any duty that the trustee
owes the beneficiary is a breach of trust."**

California Probate Code § 16400

Revised Code of Washington	§ 74.34.020(2) (Definition of "Abuse")
Revised Code of Washington	§ 74.34.020(7) (Definition of "Consent")
Revised Code of Washington	§ 74.34.020(d) (Definition of "Financial Exploitation")
Revised Code of Washington	§ 9A.36.070 (Coercion)
Revised Code of Washington	§ 9A.46.020 (Harassment)
Revised Code of Washington	§ 9A.56.130 (Extortion in the Second Degree)
Rules of Professional Conduct	Rule 1.1 (Competence)
Rules of Professional Conduct	Rule 1.15A (Safeguarding Property)
Rules of Professional Conduct	Rule 1.16 (Declining or Terminating Representation)
Rules of Professional Conduct	Rule 1.2 (d) (Criminal or Fraudulent Conduct)
Rules of Professional Conduct	Rule 1.3 (Diligence)
Rules of Professional Conduct	Rule 1.4 (Communication)
Rules of Professional Conduct	Rule 1.5 (Fees)
Rules of Professional Conduct	Rule 1.7 (Conflict of Interest: Current Clients)

**SUMMARY OF TRUSTEE & LANE POWELL CODE & RULE VIOLATIONS IN
TEDRA CASE NO.22-4-08326-1 KNT & VAPO CASE NO.23-2-03980-7 KNT**

**"A violation by the trustee of any duty that the trustee
owes the beneficiary is a breach of trust."**

California Probate Code § 16400

Rules of Professional Conduct	Rule 3.1 (Meritorious Claims and Contentions)
Rules of Professional Conduct	Rule 3.3 (Candor Toward the Tribunal)
Rules of Professional Conduct	Rule 3.4 (Fairness to Opposing Party and Counsel)
Rules of Professional Conduct	Rule 4.1 (Truthfulness in Statements to Others)
Rules of Professional Conduct	Rule 4.2 (Communication with Person Represented by Counsel)
Rules of Professional Conduct	Rule 4.3 (Dealing with Unrepresented Person)
Rules of Professional Conduct	Rule 5.3 (Responsibilities Regarding Nonlawyer Assistants)
Rules of Professional Conduct	Rule 8.4 (Misconduct)
U.S. Constitution	1st Amendment (Freedom of Religion, Speech, Press, Assembly, and Petition)
U.S. Constitution	14th Amendment (Citizenship Rights, Equal Protection, Apportionment, Civil War Debt)
U.S. Constitution	4th Amendment (Search and Seizure)
U.S. Constitution	Article IV, Section 1 (Full Faith and Credit)
Washington Evidence Rule	Rule 803(a)(7) (Hearsay Exception for Public Records)
Washington Evidence Rule	Rule 901 (Requirement of Authentication or Identification)

APPENDIX

Appendix of Authorities and Violations Cited

California Probate Code Violations

- California Probate Code § 3 (Construction of Code)
- California Probate Code § 15642 (Removal of Trustee)
- California Probate Code § 16002 (Duty of Loyalty)
- California Probate Code § 16004 (Conflicts of Interest)
- California Probate Code § 17206 (Authority of Court)
- California Probate Code § 4204 (Attorney-in-Fact Fees)

State of California

PROBATE CODE

Section 3

3. (a) As used in this section:

(1) “New law” means either of the following, as the case may be:

(A) The act that enacted this code.

(B) The act that makes a change in this code, whether effectuated by amendment, addition, or repeal of any provision of this code.

(2) “Old law” means the applicable law in effect before the operative date of the new law.

(3) “Operative date” means the operative date of the new law.

(b) This section governs the application of a new law except to the extent otherwise expressly provided in the new law.

(c) Subject to the limitations provided in this section, a new law applies on the operative date to all matters governed by the new law, regardless of whether an event occurred or circumstance existed before, on, or after the operative date, including, but not limited to, creation of a fiduciary relationship, death of a person, commencement of a proceeding, making of an order, or taking of an action.

(d) If a petition, account, report, inventory, appraisal, or other document or paper is filed before the operative date, the contents, execution, and notice thereof are governed by the old law and not by the new law; but any subsequent proceedings taken after the operative date concerning the petition, account, report, inventory, appraisal, or other document or paper, including an objection or response, a hearing, an order, or other matter relating thereto is governed by the new law and not by the old law.

(e) If an order is made before the operative date, including an order appointing a personal representative, guardian, conservator, trustee, probate referee, or any other fiduciary or officer, or any action on an order is taken before the operative date, the validity of the order or action is governed by the old law and not by the new law. Nothing in this subdivision precludes proceedings after the operative date to modify an order made, or alter a course of action commenced, before the operative date to the extent proceedings for modification of an order or alteration of a course of action of that type are otherwise provided by statute.

(f) No personal representative, guardian, conservator, trustee, probate referee, or any other fiduciary, officer, or person is liable for any action taken before the operative date that was proper at the time the action was taken, even though the action would be improper if taken on or after the operative date, and such a person has no duty, as a result of the enactment of the new law, to take any step to alter the course of action or its consequences.

(g) If the new law does not apply to a matter that occurred before the operative date, the old law continues to govern the matter notwithstanding its amendment or repeal by the new law.

(h) If a party shows, and the court determines, that application of a particular provision of the new law or of the old law in the manner required by this section or by the new law would substantially interfere with the effective conduct of the proceedings or the rights of the parties or other interested persons in connection with an event that occurred or circumstance that existed before the operative date, the court may, notwithstanding this section or the new law, apply either the new law or the old law to the extent reasonably necessary to mitigate the substantial interference.

(Enacted by Stats. 1990, Ch. 79.)

State of California

PROBATE CODE

Section 15642

15642. (a) A trustee may be removed in accordance with the trust instrument, by the court on its own motion, or on petition of a settlor, cotrustee, or beneficiary under Section 17200.

(b) The grounds for removal of a trustee by the court include the following:

(1) Where the trustee has committed a breach of the trust.

(2) Where the trustee is insolvent or otherwise unfit to administer the trust.

(3) Where hostility or lack of cooperation among cotrustees impairs the administration of the trust.

(4) Where the trustee fails or declines to act.

(5) Where the trustee's compensation is excessive under the circumstances.

(6) Where the sole trustee is a person described in subdivision (a) of Section 21380, whether or not the person is the transferee of a donative transfer by the transferor, unless, based upon any evidence of the intent of the settlor and all other facts and circumstances, which shall be made known to the court, the court finds that it is consistent with the settlor's intent that the trustee continue to serve and that this intent was not the product of fraud or undue influence. Any waiver by the settlor of this provision is against public policy and shall be void. This paragraph shall not apply to instruments that became irrevocable on or before January 1, 1994. This paragraph shall not apply if any of the following conditions are met:

(A) The settlor is related by blood or marriage to, or is a cohabitant with, any one or more of the trustees, the person who drafted or transcribed the instrument, or the person who caused the instrument to be transcribed.

(B) The instrument is reviewed by an independent attorney who (1) counsels the settlor about the nature of their intended trustee designation and (2) signs and delivers to the settlor and the designated trustee a certificate in substantially the following form:

“CERTIFICATE OF INDEPENDENT REVIEW

I, _____, have reviewed
(attorney's name)

_____ and have counseled my client,
(name of instrument)

_____, fully and privately on the nature and
(name of client)

legal effect of the designation as trustee of _____
(name of trustee)

contained in that instrument. I am so disassociated from the interest of the person named as trustee as to be in a position to advise my client impartially and confidentially as to the consequences of the designation. On the basis of this counsel, I conclude that the designation of a person who would otherwise be subject to removal under paragraph (6) of subdivision (b) of Section 15642 of the Probate Code is clearly the settlor's intent and that intent is not the product of fraud, menace, duress, or undue influence.

”

(Name of Attorney)

(Date)

This independent review and certification may occur either before or after the instrument has been executed, and if it occurs after the date of execution, the named trustee shall not be subject to removal under this paragraph. Any attorney whose written engagement signed by the client is expressly limited to the preparation of a certificate under this subdivision, including the prior counseling, shall not be considered to otherwise represent the client.

(C) After full disclosure of the relationships of the persons involved, the instrument is approved pursuant to an order under Article 10 (commencing with Section 2580) of Chapter 6 of Part 4 of Division 4.

(7) If, as determined under Part 17 (commencing with Section 810) of Division 2, the trustee is substantially unable to manage the trust's financial resources or is otherwise substantially unable to execute properly the duties of the office. When the trustee holds the power to revoke the trust, substantial inability to manage the trust's financial resources or otherwise execute properly the duties of the office may not be proved solely by isolated incidents of negligence or improvidence.

(8) If the trustee is substantially unable to resist fraud or undue influence. When the trustee holds the power to revoke the trust, substantial inability to resist fraud or undue influence may not be proved solely by isolated incidents of negligence or improvidence.

(9) For other good cause.

(c) If, pursuant to paragraph (6) of subdivision (b), the court finds that the designation of the trustee was not consistent with the intent of the settlor or was the product of fraud or undue influence, the person being removed as trustee shall bear all costs of the proceeding, including reasonable attorney's fees.

(d) If the court finds that the petition for removal of the trustee was filed in bad faith and that removal would be contrary to the settlor's intent, the court may order that the person or persons seeking the removal of the trustee bear all or any part of the costs of the proceeding, including reasonable attorney's fees.

(e) If it appears to the court that trust property or the interests of a beneficiary may suffer loss or injury pending a decision on a petition for removal of a trustee and any appellate review, the court may, on its own motion or on petition of a cotrustee or

beneficiary, compel the trustee whose removal is sought to surrender trust property to a cotrustee or to a receiver or temporary trustee. The court may also suspend the powers of the trustee to the extent the court deems necessary.

(f) For purposes of this section, the term “related by blood or marriage” shall include persons within the seventh degree.

(Amended by Stats. 2020, Ch. 36, Sec. 43. (AB 3364) Effective January 1, 2021.)

State of California

PROBATE CODE

Section 16002

16002. (a) The trustee has a duty to administer the trust solely in the interest of the beneficiaries.

(b) It is not a violation of the duty provided in subdivision (a) for a trustee who administers two trusts to sell, exchange, or participate in the sale or exchange of trust property between the trusts, if both of the following requirements are met:

(1) The sale or exchange is fair and reasonable with respect to the beneficiaries of both trusts.

(2) The trustee gives to the beneficiaries of both trusts notice of all material facts related to the sale or exchange that the trustee knows or should know.

(Enacted by Stats. 1990, Ch. 79.)

State of California

PROBATE CODE

Section 16004

16004. (a) The trustee has a duty not to use or deal with trust property for the trustee's own profit or for any other purpose unconnected with the trust, nor to take part in any transaction in which the trustee has an interest adverse to the beneficiary.

(b) The trustee may not enforce any claim against the trust property that the trustee purchased after or in contemplation of appointment as trustee, but the court may allow the trustee to be reimbursed from trust property the amount that the trustee paid in good faith for the claim.

(c) A transaction between the trustee and a beneficiary which occurs during the existence of the trust or while the trustee's influence with the beneficiary remains and by which the trustee obtains an advantage from the beneficiary is presumed to be a violation of the trustee's fiduciary duties. This presumption is a presumption affecting the burden of proof. This subdivision does not apply to the provisions of an agreement between a trustee and a beneficiary relating to the hiring or compensation of the trustee.

(Enacted by Stats. 1990, Ch. 79.)

State of California

PROBATE CODE

Section 17206

17206. The court in its discretion may make any orders and take any other action necessary or proper to dispose of the matters presented by the petition, including appointment of a temporary trustee to administer the trust in whole or in part.

(Enacted by Stats. 1990, Ch. 79.)

State of California

PROBATE CODE

Section 4204

4204. An attorney-in-fact is entitled to reasonable compensation for services rendered to the principal as attorney-in-fact and to reimbursement for reasonable expenses incurred as a result of acting as attorney-in-fact.

(Added by Stats. 1994, Ch. 307, Sec. 16. Effective January 1, 1995.)