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

CHARLES A. HAROLD, JR.

Petitioner.

v.

DAVID A. PAICE,

Respondent.

Case No. ~~GCHT CUAH~~ EI SPV

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

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

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

2. **PROTECTED PARTY:** Per RCW 74.34.020 (21) (a) (f), Protected Party 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: "I. 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 Briana (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
7 s/Charles A. Harold, Jr.
8 CHARLES A. HAROLD, JR.
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