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**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,

**SUPPLEMENTAL BRIEF RE: THE  
UNCLEAN HANDS DOCTRINE IN  
SUPPORT OF VERIFIED JOINT  
OBJECTION (DKT 28)**

a Trust.

Respondents Charles A. Harold, Jr., John J. Harold, Angel Harold, Amy Jane Small and Josette Ramirez herein incorporate by reference all prior submissions to this Court in the captioned TEDRA matter, and all submissions in the case entitled, *Harold v. Paice*, Case No. 23-2-03980-7 as if fully set forth herein. Each and every allegation, argument, exhibit and objection previously submitted by Respondents is reiterated and realleged with the same force and effect as if fully stated in this document, the Supplemental Brief Regarding The Unclean Hands Doctrine in Support of the Verified Joint Objection to Verified Petition for Approval of Interim Account; For Discharge of Successor Trustee; and For Appointment of Successor Trustee.

**I. INTRODUCTION**

Respondents submit this Supplemental Brief about the unclean hands doctrine to preserve any and all of their rights under appeal per Moriarty v. Carlson (1960) 184 Cal.App.2d 51.

1           **A. "He Who Comes Into Equity Must Come With Clean Hands."**

2           Often referred to as the clean hands doctrine, it is the underlying principal in  
3 equity law. It asserts that someone seeking equitable relief must have acted fairly and  
4 ethically concerning the subject matter of their claim **before they come to court**. If a  
5 party has engaged in "murky," potentially "nefarious" or wrongful conduct related to the  
6 case, the court may deny them the equitable relief they seek.

7           The primary purpose of this doctrine is to protect the Court's integrity. It helps to  
8 ensure that the legal system is not used to reward individuals who have acted  
9 dishonorably or unethically, because it requires plaintiffs to act in good faith and  
10 maintain fairness and due process in legal proceedings.

11          The clean hands doctrine can be used effectively as an affirmative defense by  
12 an opposing party. It requires the moving party to prove that the opposing party  
13 engaged in misconduct directly related to the subject matter of the lawsuit. This  
14 misconduct can include a wide range of behavior, but fraud and misrepresentation are  
15 the most egregious.

16          In the present case, Petitioner Trustee David Allen Paice ("Paice") asking the  
17 Court to approve a 12-year retroactive account of trust retrospectively when California  
18 Probate Code § 3 requires a prospective application of the law is the minimum  
19 showing of fraud and misrepresentation in this case.

20          A Court finding of "unclean hands," can result in equitable relief or even  
21 dismissal of an entire case.

22          The saying, "He who comes into equity must come with clean hands," lets  
23 parties know that if they seek justice while engaging in unconscionable behavior the  
24 courts will not allow them to use the judicial system as cover if they have acted  
25 improperly.

26          The proof of unclean hands in the present case is easily achieved because: (1)  
27 Paice engaged in conduct involving fraud, deceit, unconscionability, and bad faith, (2)  
28 this conduct directly relates to the matter at issue which is the administration of the

1 trust, (3) this conduct has injured the beneficiaries by diminishing trust assets and  
2 violating their rights, and (4) Paice's conduct has affected the balance of equities such  
3 that he should not be permitted any remedy in equity.

4 These actions bar Paice from seeking any equitable relief from this Court.

5 Using this overarching principle, Respondents will now examine the specific  
6 ways in which Paice has acted with unclean hands, breaching his fiduciary duties and  
7 engaging in potentially criminal conduct.

8 which would cover and pay for the additional services being sought by WPS

## 9 **II. SUMMARY OF FACTS**

10 The following is a summary of facts previously pleaded in Respondents'  
11 objections and supplemental briefs. While this summary is less detailed than the  
12 original submissions, it is fully supported by evidence, which is excluded in this brief for  
13 brevity.

14 **1. Paice Succession and Initial Discrepancies:** David A. Paice became the  
15 "acting" Trustee of the Sharon M. Harold Irrevocable Trust in early 2010. The exact  
16 date is unknown due to Paice's failure to provide proper documentation. Discrepancies  
17 exist regarding the timing and method of depositing a \$533,000 trust check into an  
18 ATM machine, indicating an account existed prior to the deposit of what should have  
19 been an opening balance of a trust account.

20 **2. Account Irregularities:** The trust account at Boeing Employees Credit Union  
21 (BECU) was not a proper trust account, but a "Member Advantage Account." A money  
22 market account was opened within this alleged "trust" account, violating BECU policy.  
23 Paice and BECU have refused to provide the trust account application

24 **3. Failure to Notify Beneficiaries:** Paice failed to notify beneficiaries of his  
25 succession. His attorney attempted to rectify this 12 years later but provided incorrect  
26 information about the correct predecessor.

27 **4. Accounting and Financial Statement Failures:** For 12 years, Paice failed  
28 to provide the Granto with any accounting of the Trust or monthly financial statements

1 for the BECU "Trust" account.

2 **5. Mail Obstruction and Potential Fraud:** From 2010 to 2017, Paice  
3 intentionally mailed the Grantor's financial statements to his wife's business P.O. Box  
4 in Washington State, potentially violating 18 U.S. Code § 1701 (Obstruction of Mails)  
5 and § 1341 (Postal Frauds and Swindles).

6 **6. Joint Bank Account Issues:** For 12 years, Paice was a joint bank account  
7 holder on the Grantor's personal bank account, potentially allowing unauthorized  
8 access to Trust assets.

9 **7. Commingling of Funds and Questionable Transactions:** Paice admitted  
10 to commingling trust funds with his personal account, diverting financial statements,  
11 and engaging in questionable transactions involving Trust funds.

12 **8. Vacation Expenses:** Paice, his wife, and mother-in-law took several  
13 expensive vacations with the Grantor, paid for from Grantor's and Paice's joint bank  
14 account.

15 **9. Multiple Code Violations:** Over 12 years, Paice allegedly violated over 100  
16 provisions of California Probate, Welfare & Institutions, and Penal Codes, as well as  
17 Washington and United States Codes.

18 **10. TEDRA Petition Filing:** In December 2022, Paice filed a TEDRA Petition  
19 despite knowing he had not provided an accounting in 12 years, the accounting did not  
20 balance, and he had violated numerous California Probate codes.

21 **11. Unauthorized Email Access:** In March 2023, an unknown email address  
22 for the Grantor was discovered, potentially created by Paice, giving him unauthorized  
23 access to Grantor's email records. This may violate 18 U.S. Code §§ 1030 and 2511.

24 **12. Motion for Partial Summary Judgment:** On October 6, 2023, Paice filed a  
25 Motion for Partial Summary Judgment to justify his attorney fees being paid from the  
26 Trust. Judge Yip expressed concerns about potential "nefarious activity" and declined  
27 to authorize the use of Trust funds for legal fees at that time.

1           **13. Concealment of Assets:** Paice's actions may violate California Penal Code  
2 § 155, which criminalizes fraudulent concealment, sale, or disposal of personal  
3 property to avoid paying damages from a lawsuit or judgment.

4           **14. Ongoing Refusal to Provide Information:** Since April 2022, Paice has  
5 refused to provide Grantor and beneficiaries with basic information about Trust assets,  
6 and continuing to withdraw funds from the LPL Financial Securities account without  
7 explanation.

8           **15. Unauthorized Jurisdiction Change:** Paice never filed a petition with the  
9 California court asking for permission to remove jurisdiction of the Trust to Washington  
10 State.

11           **16. Questionable Financial Transactions:** Paice's wife and mother-in-law (a  
12 beneficiary) received over \$5,000 from Grantor over the years, paid from Grantor's and  
13 Paice's personal joint bank account. Multiple family members had their personal bank  
14 accounts linked to this joint account.

15           **17. Lack of Financial Documentation:** Paice did not provide financial backup  
16 records to support the accounting submitted to Respondents and the court.

17           **18. Coercion Attempt:** Paice threatened to sue family members if they did not  
18 sign a release of liability for his accounting, without providing backup records or  
19 receipts to verify the accuracy of what he knew was a 12 year retroactive account of  
20 Trust.

21           **19. Misuse of Trust Funds for Legal Fees:** Paice used Trust money to pay his  
22 attorney while denying Grantor matching funds to hire her own attorney, leading to an  
23 Elderly Abuse investigation and a protection order against Paice.

24           **20. False Statements and Admissions:** Paice's evidence submitted to the  
25 court contained multiple lies. He admitted to commingling and converting trust funds  
26 but claimed it was inadvertent and that all money was returned to Grantor.

27           **21. Improper Delegation of Duties:** For the last two years, Paice delegated  
28 his exclusive fiduciary duties to his attorney, who refused to explain breaches of trust

1 or the removal of approximately \$120,000 from the Trust since litigation began,  
2 violating Cal. Prob. Code § 16012(a).

3 **22. Obstruction of Settlement:** Respondents cannot engage in meaningful  
4 settlement discussions due to Paice and his attorney's refusal to disclose information  
5 about the Trust's financial status.

6 **23. Summary of Breaches:** For 13 years, Paice has allegedly acted  
7 intentionally, with gross negligence, in bad faith, and with reckless indifference against  
8 the interests of the Grantor and objectives of the Trust, potentially violating various  
9 criminal statutes referenced in TEDRA and Protection filings.

10 **24. Perjury, Subornation of Perjury and False Documentation:** On  
11 December 5, 2022, Paice filed a sworn declaration with his TEDRA Petition, which  
12 was later proven by Respondents to contain perjurious statements. California Penal  
13 Code § 123 defines perjury as making false statements under oath, regardless of the  
14 statement's materiality. California Penal Code § 127 criminalizes subornation of  
15 perjury which applies to Lane Powell's filings as Paice's attorneys. Additionally, Cal.  
16 Penal Code § 132 addresses the submission of false documents as evidence.

17 **25. Financial Abuse of an Elder:** Under California Welfare and Institutions  
18 Code § 15610.30(a), financial abuse of an elder occurs when someone wrongfully  
19 takes, secretes, appropriates, obtains, or retains an elder's property with intent to  
20 defraud. Paice's actions over the past 13 years, including the concealment of financial  
21 statements and unauthorized access to the Grantor's email, constitute financial abuse.  
22 This is further supported by Paice's refusal to provide basic trust information and the  
23 unauthorized withdrawal of trust funds to pay for his attorney fees.

24 **26. Concealment of Assets:** California Penal Code § 155 criminalizes the  
25 fraudulent concealment, sale, or disposal of personal property to avoid paying  
26 damages from a lawsuit or judgment. Paice's refusal to provide an accounting and  
27 continuing to withdrawal of trust funds without explanation constitutes concealment of  
28 assets.

1           **27. Unauthorized Jurisdiction Change and Threats:** The Trustee never filed  
2 a petition with the California court to remove the trust's jurisdiction to Washington  
3 State, violating California Probate Code § 16012(a) instead, he threatened to sue  
4 family members if they did not sign a release of liability for his fraudulent accounting.

### 5                                   **III. EVIDENCE RELIED UPON**

6           This Supplemental Brief relies on Paice's own sworn declarations and evidence  
7 submitted to this Court and the VAPO Court.

### 8                                   **IV. LEGAL ARGUMENTS**

9           The following cases illustrate how courts apply the Unclean Hands Doctrine,  
10 particularly in cases involving trustees and fiduciaries. These cases highlight the courts'  
11 emphasis on the necessity of good faith, loyalty, and transparency in fiduciary  
12 relationships. At the time Paice came to this Court and filed his verified petition he had  
13 already engaged in actions such numerous breaches of California Probate Code, self-  
14 dealing, failing to maintain proper records, and the intentional concealing and  
15 obfuscation of material information from beneficiaries, which fundamentally  
16 undermined his to seek judicial relief.

17           In Saks v. Damon Raike & Co., 7 Cal. App. 4th 419 (1992) , the court held that  
18 a trustee who has committed misconduct may be barred from seeking equitable relief  
19 under the "unclean hands" doctrine. Paice's egregious breaches of fiduciary duty  
20 fundamentally undermined their standing to bring any action before the court. Specific  
21 misconduct included: Misappropriating trust assets for personal gain. Failing to  
22 maintain proper accounting records. Engaging in self-dealing transactions without  
23 beneficiary consent. Deliberately concealing material information from beneficiaries.

24           The case of Pierce v. Lyman, 1 Cal. App. 4th 1093, 3 Cal. Rptr. 2d 236 (1991)  
25 noted that a trustee's fiduciary obligations include undivided loyalty and the duty to  
26 avoid conflicts of interest. Paice's individual rights are subordinate to his fiduciary  
27 duties. By initiating legal action against the grantor using trust funds, Paice improperly  
28 elevated his personal interests above his duties to the trust and its beneficiaries.



1 Specific misconduct included: Using trust funds to initiate and finance personal legal  
2 actions. Failing to disclose conflicts of interest to beneficiaries. Prioritizing personal  
3 interests over fiduciary duties.

4 In Kendall-Jackson Winery v. Superior Court, 76 Cal.App.4th 970 (Cal. Ct. App.  
5 1999), the court held that the party asserting the unclean hands defense must prove  
6 that the misconduct relates directly to the subject matter concerning which a particular  
7 claim is made. Paice's misconduct in this case was inextricably linked to their  
8 administration of the trust and their attempt to seek court approval for their actions.  
9 Specific misconduct included: Acting in bad faith in the administration of the trust.  
10 Engaging in actions that directly contradicted fiduciary responsibilities.

11 The court in Cheroff v. Schneider (2008) 160 Cal.App.4th 1255 found that the  
12 plaintiff, Cheroff, engaged in self-dealing and other misconduct as a trustee, which  
13 violated her fiduciary duties. This misconduct included persuading an elderly trustor to  
14 sign documents that benefited her personally. The court applied the doctrine of  
15 unclean hands, barring Cheroff from obtaining judicial relief for her claims against  
16 Schneider for alleged legal malpractice in drafting the trust documents. Specific  
17 misconduct included: Persuading an elderly trustor to sign documents for personal  
18 benefit. Engaging in self-dealing transactions without proper disclosure or approval.  
19 Manipulating trust assets for personal gain. Failing to maintain proper records and  
20 provide accurate accountings. Paice has demonstrated most of this behavior.

21 As cited previously, Moriarty v. Carlson, supra, stands for the proposition that  
22 the unclean hands doctrine could not be applied because the defendant did not raise it  
23 during the trial. The case emphasized that misconduct must be directly related to the  
24 cause of action before the court to bar relief. The court did not find sufficient  
25 connection between the alleged misconduct and the matter at hand to apply the  
26 doctrine. In the present case, Respondents are raising unclean hands in this  
27 supplemental brief.

28 The court found in Estate of Gump (1991) 1 Cal.App.4th 582 that the trustee



1 engaged in self-dealing and breached fiduciary duties by failing to act impartially  
2 among beneficiaries. The trustee's actions included using trust assets for personal  
3 gain and failing to provide accurate accounting. The court applied the unclean hands  
4 doctrine to bar trustee from seeking equitable relief, emphasizing that trustees must  
5 act with the utmost good faith and loyalty. Specific misconduct included using trust  
6 assets for personal benefit, failing to act impartially among beneficiaries, providing  
7 inaccurate and misleading accountings, and concealing information about trust  
8 transactions.

9 In Estate of Giralдин (2012) 55 Cal.4th 1058, the California Supreme Court held  
10 that the settlor's intent is the guiding principle in trust interpretation and administration.  
11 Paice's actions in filing a TEDRA petition against the Grantor directly contradicted the  
12 settlor's clear intent as expressed in the trust instrument. Specific misconduct included  
13 acting contrary to the clearly expressed intent of the settler, using trust resources to  
14 initiate legal action against Grantor, failing to prioritize the primary objective of  
15 providing for Grantor, and attempting to shield himself from accountability through  
16 legal maneuvers.

17 The court in In re Estate of Ehlers (1996) 80 Wn. App. 751 found that the  
18 trustee abused her discretion and violated fiduciary duties by failing to distribute trust  
19 shares promptly, misallocation of expenses, and failing to provide an accounting. The  
20 trustee's actions were deemed unreasonable and inconsistent with her fiduciary  
21 duties, leading to a ruling against her. The unclean hands doctrine was applied to bar  
22 trustee from obtaining relief. Specific misconduct included failing to distribute trust  
23 shares promptly, misallocating expenses to benefit some beneficiaries over others,  
24 refusing to provide a proper accounting of trust activities, and abusing discretionary  
25 powers granted by the trust instrument.

26 In McKelvie v. Hackney, 58 Wn.2d 23 (1961), the Washington Supreme Court  
27 held that a party seeking equitable relief must come to court with clean hands. The  
28 court emphasized that any conduct violating conscience, good faith, or other equitable

standards of conduct is sufficient to invoke the doctrine of unclean hands. Paice's behavior in this case, including the concealment of financial information, failure to provide timely accountings, and attempts to coerce a release of liability, clearly violated these equitable standards. As such, Paice should be barred from seeking any equitable relief due to their unclean hands. His specific misconduct included concealing financial information from beneficiaries, failing to provide timely and accurate accountings, and attempting to coerce beneficiaries into releasing Paice from liability.

In In re Beverly C. Morgan Family Trust, No. 72657-9-I, 2015 WL 4719421 (Wash. Ct. App. Aug. 10, 2015), the court held that a trustee's conduct resulting in unnecessary legal expenses was a proper equitable basis to award fees against them. Paice's use of trust funds to pay for legal fees associated with the TEDRA petition was an improper expenditure that diminished trust assets. Specific misconduct included: Using trust funds to pay for personal legal expenses. Engaging in legal actions that were not in the best interest of the trust or its beneficiaries. Mismanaging trust assets, leading to unnecessary depletion of trust funds.

The U.S. Supreme Court in Precision Instrument Mfg. Co. v. Automotive Maintenance Machinery Co., 324 U.S. 806 (1945) stated that the unclean hands doctrine "closes the doors of a court of equity to one tainted with inequitableness or bad faith relative to the matter in which he seeks relief." Paice's actions satisfied all elements of the unclean hands defense. Paice's specific misconduct included engaging in fraudulent conduct related to the subject matter of the litigation, suppressing evidence and providing false testimony and other legal advantages.

#### **A. Statutory Violations**

This section outlines the statutory violations committed by Paice over a 12-year period, as detailed in the Respondents' filings with TEDRA and the VAPO Courts. These breaches, which encompass violations of California Probate Codes, Welfare & Institutions Codes, Penal Codes, and other relevant statutes, demonstrate a pattern of

1 gross negligence, bad faith, and reckless indifference against the interests of the  
2 Grantor and the objectives of the Trust

3 **1. Duty to Apply Full Extent of Skills:** Under California Probate Code §  
4 16014, a trustee must apply the full extent of their skills. Paice, who holds a college  
5 degree in science and was the BECU and Trust Center manager, claimed in court  
6 filings that he never consulted an attorney about his Trust duties and did not  
7 understand his responsibilities. This is a clear misrepresentation, as his background  
8 suggests he had the necessary skills to manage the Trust properly.

9 **2. Duty to Administer Trust with Reasonable Care:** California Probate Code  
10 § 16040 mandates that a trustee must administer the trust with the care, skill, and  
11 caution of a prudent person. Paice failed to provide an accounting of the trust for 13  
12 years, a clear breach of this duty. Numerous other breaches, such as not notifying  
13 beneficiaries of his succession and commingling trust funds, further demonstrate his  
14 lack of reasonable care.

15 **3. Prudent Investor Rule:** California Probate Code §§ 16046 and 16047  
16 require trustees to invest and manage trust assets prudently. Paice violated this rule  
17 by removing approximately \$120,000 from the Trust to spend on attorney fees pre-  
18 trial, which is not in line with prudent investment practices.

19 **4. Primary Purpose of the Trust:** California Probate Code § 16082 states that  
20 the primary purpose of the Trust is to provide for the Grantor. Paice spent over four  
21 years of the Grantor's future income on attorney fees in one year, compromising the  
22 Trust's primary objective of supporting the Grantor.

23 **5. Duty to Review Trust Assets:** Under California Probate Code § 16049, a  
24 trustee must review trust assets and make decisions regarding their retention and  
25 disposition. Paice failed to do this, as evidenced by his inability to provide an  
26 accounting of the Trust for 12 years. Without an accounting, Paice cannot prove he  
27 acted prudently.

1           **6. Reasonable and Appropriate Costs:** California Probate Code § 16050  
2 stipulates that a trustee may only incur costs that are appropriate and reasonable in  
3 relation to the trust's assets and overall strategy. Filing a TEDRA Petition to have a  
4 fraudulent 12-year late accounting certified and taking approximately \$120,000 from  
5 the Trust for attorney fees is not reasonable. Encumbering the trust with \$260,000 in  
6 attorney fees demanded during mediation discussions is blatantly unreasonable.

7           **7. Duty to Inform Beneficiaries:** California Probate Code § 16060 requires a  
8 trustee to keep beneficiaries reasonably informed about the trust and its  
9 administration. When Respondent Amy Small requested an accounting in 2022, Paice  
10 falsely claimed there was not enough money in the Grantor's Trust for assisted living,  
11 despite there being over \$700,000 in the Trust.

12           **8. Prohibition Against Waiver of Information:** California Probate Code §  
13 16068 states that any waiver by a settlor of the obligation to provide information to  
14 beneficiaries is against public policy and void. Paice's refusal to provide information  
15 under § 16061 prevented Respondents and Grantor from engaging in meaningful  
16 settlement discussions.

17           **9. Unauthorized Jurisdiction Change and Threats:** Paice never filed a  
18 petition with the California court to remove the Trust's jurisdiction to Washington State,  
19 violating California Probate Code § 16012(a). He also threatened to sue family  
20 members if they did not sign a release of liability for his fraudulent accounting,  
21 demonstrating a lack of transparency and misuse of trust funds.

22           **10. Misuse of Trust Funds for Legal Fees:** Paice used Trust money to pay his  
23 attorney while denying the Grantor matching funds to hire her own attorney, leading to  
24 an Elderly Abuse investigation and a protection order against him. This misuse of  
25 funds is a clear breach of fiduciary duty and the express purpose of the Grantor and  
26 Trust.

27           **11. Concealment of Assets:** California Penal Code § 155 criminalizes the  
28 fraudulent concealment, sale, or disposal of personal property to avoid paying

1 damages from a lawsuit or judgment. Paice's refusal to provide an accounting and  
2 continued withdrawal of Trust funds without explanation constitutes concealment of  
3 assets.

4 **12. Judicial Concerns and Motion for Attorney Fees:** On October 6, 2023,  
5 Paice filed a Motion for Partial Summary Judgment to ratify his attorney fees paid from  
6 the Trust. Judge Yip expressed concerns about potential "nefarious activity" and  
7 declined to authorize the use of Trust funds for legal fees, highlighting the severity of  
8 Paice's misconduct.

9 Paice's actions over the past 13 years demonstrate a consistent pattern of  
10 gross negligence, bad faith, and reckless indifference, violating multiple California  
11 Probate Codes. These breaches of trust and fiduciary duties have caused significant  
12 harm to the Grantor and beneficiaries, warranting legal action and potential criminal  
13 charges.

## 14 **V. CONCLUSION**

15 In light of the overwhelming evidence of misconduct by Paice, it is clear that he  
16 has acted with gross negligence, bad faith, and reckless indifference to the interests of  
17 the Grantor and the objectives of the Trust. His actions, which include  
18 misappropriating trust assets, failing to maintain proper accounting records, engaging  
19 in self-dealing transactions, and deliberately concealing material information from  
20 beneficiaries, fundamentally undermine his standing to seek any equitable relief from  
21 this Court. The doctrine of unclean hands is designed to protect the integrity of the  
22 judicial system by ensuring that those who seek equity must do so with clean hands.  
23 Trustee Paice's egregious breaches of fiduciary duty and potential criminal conduct  
24 warrant the application of this doctrine. Therefore, we respectfully urge the Court to  
25 deny any equitable relief sought by Trustee Paice and to take appropriate measures to  
26 rectify the harm caused to the Grantor and beneficiaries.

1 **VI. SUA SPONTE RELIEF REQUESTED**

2 In light of the Trustee's extensive misconduct, Respondents respectfully request  
3 the Court grant the following relief:

4 1. **Dismissal of the TEDRA Petition:** Dismiss Trustee Paice's TEDRA  
5 Petition in its entirety due to his unclean hands and fraudulent conduct.

6 2. **Reimbursement of Legal Expenses:** Order Trustee Paice to personally  
7 reimburse the Trust for all legal expenses incurred as a result of his actions, including  
8 the costs of defending against his baseless claims.

9 3. **Removal of Trustee:** Remove David A. Paice as Trustee of the Sharon  
10 M. Harold Irrevocable Trust due to his egregious breaches of fiduciary duty and  
11 misconduct.

12 4. **Sanctions Against Trustee's Attorney:** Impose sanctions against  
13 Trustee Paice's attorney for knowingly filing fraudulent documents and perpetuating  
14 the Trustee's misconduct.

15 5. **Referral for Criminal Investigation:** Refer the matter to the appropriate  
16 authorities for a potential criminal investigation into Trustee Paice's actions, including  
17 but not limited to, fraud, elder abuse, and obstruction of justice.

18 6. **Restitution to the Trust:** Order Trustee Paice to return all  
19 misappropriated funds to the Trust, including any amounts used for personal expenses  
20 or unauthorized legal fees.

21 7. **Prohibition of Future Fiduciary Roles:** Prohibit David A. Paice from  
22 serving in any fiduciary capacity in the future due to his demonstrated inability to fulfill  
23 his duties ethically and responsibly.

24 DATED: August 2, 2024

s/Charles A. Harold, Jr.

25 Charles A. Harold, Jr., Residual Beneficiary and  
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We certify that this memorandum contains 4,109  
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 August 2, 2024, I caused the following documents: **SUPPLEMENTAL BRIEF RE: THE UNCLEAN HANDS DOCTRINE IN SUPPORT OF VERIFIED JOINT OBJECTION (DKT 28)** to be electronically served on the interested parties in this action as follows:

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November 12, 2004

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14 via the electronic filing system maintained by the Clerk's Office at the above-captioned  
15 court or by email if they were not registered to receive electronic service via the Clerk's  
16 Office.

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

19 Dated August 2, 2024, at Apache Junction, Arizona.

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