

QŠÖÖ
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ÚWÚÖÜQÜÁOUWÜVÁÖŠÖÜS
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ÖÖÜÖÁKGEÄ EI HG EÁÞV

HONORABLE WYMAN YIP
Hearing Date: May 22, 2023
Without Oral Argument

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

In Re the Matter of:

Case No. 22-4-08326-1 KNT

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

a Trust.

**DECLARATION OF ALEKSANDER
R. SCHILBACH**

I, Aleksander R. Schilbach, declare as follows:

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

2. Attached as **Exhibit A** is a true and correct copy of a certified copy of the Denial Order entered on May 5, 2023 in *Harold v. Paice*, King County Superior Court cause number 23-2-03980-7 KNT.

3. Attached as **Exhibit B** are true and correct excerpts from the following pages of the transcript of the April 20, 2023 hearing before Commissioner Judson in *Harold v. Paice*, King County Superior Court cause number 23-2-03980-7 KNT:

DECLARATION OF ALEKSANDER R. SCHILBACH - 1
No. 22-4-08326-1 KNT

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

Page 4, line 4 through 6

Page 4, lines 18 through 24

Page 7, line 4 (showing the speaker)

Page 11, lines 1-3

Page 24, lines 21 through page 28, line 16

Page 33, lines 7 through 8

4. On May 5, 2023, during the hearing on Mr. Paice's Notice of Presentation of Denial Order Denying Petition for Protection Order in *Harold v. Paice*, King County Superior Court cause number 23-2-03980-7 KNT, Commissioner Judson explained why he struck the first sentence of the second paragraph of ¶ 3.N (General Findings: Other). The sentence that the Court struck read: "The Court finds that the Respondent was entitled and authorized to file the TEDRA Petition to approve his accountings and to seek his discharge as trustee, which is now pending before Judge Yip under King County Cause No. 22-4-08326-1 KNT ("TEDRA Petition")." Commissioner Judson explained that even though he did say what the sentence stated, he believed that the statement was not necessary for the Denial Order and that it was appropriate to defer to Judge Yip regarding the TEDRA Petition filed by the Trustee in this action.

5. Attached as **Exhibit C** is a true and correct copy of a letter dated March 27, 2023 that was sent from my office to Ms. Sharon Harold, which enclosed a check for \$20,740.50.

6. Attached as **Exhibit D** is a true and correct copy of Petitioner's Motion for Revision that was filed by Petitioner Charles A. Harold, Jr. in *Harold v. Paice*, King County Superior Court cause number 23-2-03980-7 KNT, on May 15, 2023.

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

Executed on this 16th day of May, 2023, at Seattle, Washington.



Aleksander R. Schilbach

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2023, I caused to be served a copy of the foregoing document to be delivered in the manner indicated below to the following person at the following address:

Sharon M. Harold, <i>Pro Se</i> 100 River Bend Rd. #103 Reedsport, OR 97467 smharold7@gmail.com	<input checked="" type="checkbox"/> by CM/ECF <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input checked="" type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery
Charles A. Harold, <i>Pro Se</i> 1455 N. Tomahawk Road Apache Junction, AZ 85119 chuckharold@gmail.com	<input checked="" type="checkbox"/> by CM/ECF <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input checked="" type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery
John J. Harold, <i>Pro Se</i> 230 Westmond Drive Reedsport, OR 97467 john6231@live.com	<input checked="" type="checkbox"/> by CM/ECF <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input checked="" type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery
Amy Jane Small, <i>Pro Se</i> P.O. Box 352 Graegle, CA 96103 aj.harold9@gmail.com	<input checked="" type="checkbox"/> by CM/ECF <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input checked="" type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery
Angel Harold, <i>Pro Se</i> 9317 Balcom Avenue Northridge, CA 91325 angelharold25@gmail.com	<input checked="" type="checkbox"/> by CM/ECF <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input checked="" type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery
Josette Harold Ramirez, <i>Pro Se</i> 11319 Playa St Culver City, CA 90230 jobabe007@gmail.com	<input checked="" type="checkbox"/> by CM/ECF <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input checked="" type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery

DECLARATION OF ALEKSANDER R. SCHILBACH - 3
No. 22-4-08326-1 KNT

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

Jenifer Sawyer, <i>Pro Se</i> 1819 74 th St. E Tacoma, WA 98404 send2jen3@gmail.com	<input type="checkbox"/> by CM/ECF <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input checked="" type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery
Nicole Loomis 31688D U.S. 97 Tonasket, WA 98855 nikkiloomis20@gmail.com	<input type="checkbox"/> by CM/ECF <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input checked="" type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery

DATED: May 16, 2023.

s/ Silvia Webb
Silvia Webb

Exhibit A

Certified Copy of the Denial
Order entered on May 5, 2023
in *Harold v. Paice*

Case Number: 23-2-03980-7
Date: May 10, 2023
Serial ID: 23-073578-2536749H3B
Certified By: Barbara Miner King County Clerk, Washington

FILED
KING COUNTY, WASHINGTON

MAY 05 2023

SUPERIOR COURT CLERK
BY Jennifer Xam
DEPUTY

Superior Court of Washington, County of King

CHARLES A. HAROLD, JR., OBO VA SHARON

M. HAROLD 1/3/1961
Petitioner Date of Birth

vs.

DAVID ALLEN PAICE 2/12/1980
Respondent Date of Birth

No. 23-2-03980-7 KNT

Denial Order

☐ Domestic Violence
☐ Sexual Assault ☐ Harassment
☐ Stalking ☒ Vulnerable Adult

☐ ORDMTP (denied)

☐ ORDSM (dismissed)

Clerk's Action Required: 4, 5, 6

Next Hearing Date and Time:

See **How to Attend** at the end of this order.

Denial Order

1. **Request.** (Name) Charles A. Harold requested a:

☐ Temporary Order ☒ Full Order ☐ Renewal Order
☐ Modification Order ☐ Termination Order

2. **Hearing**

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

☒ Protected Person: Sharon M. Harold ☐ in person ☐ by phone ☒ by video
☒ Petitioner: Charles A. Harold ☐ in person ☐ by phone ☒ by video
☒ Restrained Person: David A. Paice ☐ in person ☐ by phone ☒ by video
☒ Restrained Person's Lawyer: Aleksander R. Schilbach ☒ by video
☒ Other: Briana Paice ☐ in person ☐ by phone ☒ by video
☒ Other: Amy Jane Small ☐ in person ☐ by phone ☒ by video
☒ Other: Nicole Loomis ☐ in person ☐ by phone ☒ by video
☒ Other: John Harold ☐ in person ☐ by phone ☒ by video
☒ Other: Angel Harold ☐ in person ☐ by phone ☒ by video
☒ Other: Josette Harold Ramirez ☐ in person ☐ by phone ☒ by video
☒ Other: Unknown Observer 1 ☐ in person ☐ by phone ☒ by video
☒ Other: Unknown Observer 2 ☐ in person ☐ by phone ☒ by video

☐ **Not Held.** The court denies the request without a hearing.
(Complete the findings section below.)

3. Findings

- A. ☐ **Non-Appearance.** ☐ Petitioner ☐ Respondent did **not** appear.
- B. ☐ **No basis. Do not schedule hearing.** The *Petition for Protection Order* does not list a specific incident and approximate date of behavior that would support a domestic violence, stalking, antiharassment, sexual assault, or vulnerable adult protection order as defined in RCW 7.105.100. The Protected Person should have **14 days to amend** their petition before dismissal.

Temporary Order Findings

- C. ☐ **Notice required. Schedule for full hearing.** The Protected Person has not shown that there is sufficient basis to enter a temporary order without notice to the ☐ opposing party ☐ vulnerable adult.
The court will approve or deny the protection order after a hearing with notice.

Final Order Findings

- D. ☐ **Request.** The Protected Person requested dismissal of petition.
- E. ☐ **Service unsuccessful or impossible.** All available methods of service have been attempted unsuccessfully or are not possible.
- F. ☒ **Insufficient evidence.** A preponderance of the evidence does not support issuing any type of protection order that this court has authority to issue.
- G. ☐ **Insufficient evidence (vulnerable adult contests).** Clear, cogent, and convincing evidence has not established that there is abandonment, abuse, financial exploitation, or neglect of a vulnerable adult. (*When a vulnerable adult protection order is contested by the vulnerable adult.*)
- H. ☒ **Evidence.** ☒ Protected Person ☒ Restrained Person supports their account of events with the following evidence (*specify*):
1. Petition for Protection Order;
 2. Declaration of Charles A. Harold in Support of Petition for Protective Order, and the exhibits thereto;
 3. Supplemental Brief in Support of Protection Order for Vulnerable Adult Financial Abuse, and the exhibits thereto;
 4. Opposition to Petition for Protection Order;
 5. Declaration of David A. Paice, Trustee, in Support of Motion to Deny Petition for Protection Order, and the exhibits thereto;
 6. Declaration of Aleksander R. Schilbach, and the exhibits thereto;
 7. Motion to Strike Opposition to Petition for Protective Order, Declaration of Aleksander Schilbach, and Declaration of David A. Paice and Request for Judicial Notice;
 8. Supplemental Opposition to Petition for Protection Order;
 9. Declaration of Aleksander R. Schilbach in Support of Supplemental Opposition to Petition for Protection Order, and the exhibits thereto; and

10. Declaration of David A. Paice, Trustee, in Support of Supplemental Opposition to Petition for Protection Order, and the exhibits thereto;
 11. Petitioner's Reply in Support of Petition for Protection Order, and the exhibits thereto;
 12. Declaration of Harmony R. Harold in Support of Petitioner's Reply Brief;
 13. Declaration of Josette Ramirez Harold in Support of Petitioner's Reply Brief, and the exhibits thereto; and
 14. Declaration of Amy Jane Small in Support of Petitioner's Reply Brief, and the exhibit thereto.
- I. ☐ **Realignment.** (*DV or Harassment only*) The original Protected Person is the abuser or harasser and the original Restrained Person is the victim of domestic violence or unlawful harassment. The parties should be switched.

Renewal Findings

- J. ☐ The **Restrained Person proved** by a preponderance of the evidence that there has been a substantial change in circumstances and they will **not**:
- ☐ (*for DV orders*) resume acts of domestic violence against the Protected Person or the Protected Person's children or household members who are minors or vulnerable adults when the protection order expires.
 - ☐ (*for sexual assault orders*) engage in, or attempt to engage in, physical or nonphysical contact with the Protected Person when the order expires.
 - ☐ (*for stalking orders*) resume acts of stalking against the Protected Person or the Protected Person's family or household members when the order expires.
 - ☐ (*for anti-harassment orders*) resume harassment of the Protected Person when the order expires.
 - ☐ (*for vulnerable adult orders*) resume acts of abandonment, abuse, financial exploitation, or neglect against the vulnerable adult when the order expires.
- K. ☐ **Late filing.** The Protected Person did not file for renewal before the order expired.

Modify or Terminate Findings:

- L. ☐ **Protected Person's motion** to modify or terminate a protection order is denied because:

M. ☐ **Restrained Person's motion** to modify or terminate a protection order is denied because:

☐ **Repeat filing.** The court finds that the Restrained Person has previously filed a motion to modify or terminate during the current 12-month period following entry of the order, and is not eligible for the relief requested.

☐ **No adequate cause.** The restrained person did not establish adequate cause to modify or terminate. No hearing is necessary.

☐ **Insufficient evidence.** A preponderance of the evidence failed to establish that there has been a substantial change in circumstances such that if the order is terminated or modified the Restrained Person will not resume, engage in or attempt to engage in acts of:

☐ domestic violence.

☐ physical or nonphysical contact (for sexual assault protection orders).

☐ stalking.

☐ unlawful harassment.

☐ **No substantial change.** Since the protection order was entered, there has not been a substantial change in circumstances.

(Check all that apply)

☐ The Restrained Person has committed or threatened domestic violence, sexual assault, stalking, or other harmful acts against the Protected Person/s.

☐ The Restrained Person has violated the terms of the protection order.

☐ The Restrained Person has exhibited suicidal ideation or attempts.

☐ The Restrained Person has been convicted of criminal activity.

☐ The Restrained Person has:

- Not acknowledged responsibility for the acts of sexual assault, domestic violence, stalking, or behavior that resulted in entry of the protection order, and

- Not successfully completed perpetrator treatment or counseling.

☐ The Restrained Person has continued to abuse drugs or alcohol (if this was a factor in the protection order).

☐ The Protected Person has not voluntarily and knowingly consented to terminating the protection order.

☐ Other _____

☐ **Severe acts.** The Restrained Person proved that there has been a substantial change of circumstances; however, the court declines to terminate the protection order because the acts of domestic violence, sexual assault, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

General Findings

N. ☒ Other:

The Court finds that the Petitioner's allegations and the evidence offered by the Petitioner fail to meet the standard required for entry of a Vulnerable Adult Protection Order under chapter 7.105 RCW. The Court finds that the Petitioner has failed to prove by a preponderance of the evidence that Sharon M. Harold, the Protected Person, has been abandoned, abused, financially exploited, or neglected, or has been threatened with abandonment, abuse, financial exploitation or neglect by the Respondent.

related 22-4-08326-1
~~The Court finds that the Respondent was entitled and authorized to file the TEDRA Petition to approve his accountings and to seek his discharge as trustee, which is now pending before Judge Yip under King County Cause No. 22-4-08326-1 KNT ("TEDRA Petition"). The Respondent's filing of the TEDRA Petition does not constitute abandonment, abuse, financial exploitation or neglect, nor does it constitute abusive litigation under chapter 7.105 RCW. The objections raised by the Petitioner to attorney fees paid from the Trust are part of the TEDRA Petition proceeding and are also before Judge Yip.~~

Effective immediately upon the entry of this Order, all accounts that were temporarily frozen and blocked by the Temporary Protection Order and Hearing Notice dated March 6, 2023 and the Reissuance of Temporary Protection Order and Notice of Hearing dated March 24, 2023 are unblocked and unfrozen in all respects, specifically including the following accounts: BECU bank account ending in x-9232 and LPL Financial Account ending in x-4662 in the name of the Sharon M. Harold Irrevocable Trust dated November 12, 2004; and Sharon M. Harold's USAA member number 6888.

Order

- ☐ **Petition denied without a full hearing. 14 days to amend before dismissal.** The petition does not contain allegations that could support issuing any type of protection order. The person who filed the petition has 14 days to file an amended petition. If an amended petition is not filed within 14 days, the case may be dismissed.

Temporary Order

- ☐ **Temporary Order denied. Full hearing to be held.** The request for a temporary order is denied. The court will approve or deny the protection order after a full hearing with notice. The hearing the date and time is **shown on page 1**.


Warning! Failure to appear at the hearing may result in the court granting all of the relief requested in the petition. See **How to Attend** at the end of this order.

Final Order

- ☐ **Dismissed** without prejudice because (*check one*):
- ☐ Protected Person's asked to terminate the order or did not appear at the hearing.
 - ☐ All available methods of service have been attempted unsuccessfully or are not possible. Dismissal is over Protected Person's objection.

Any previously entered temporary order and any order to surrender weapons under this case number expires today, upon the signing of this order or at (time) _____.

(In caption above, check ORDSM (dismissed))

 ☒ **Denied on the merits after a hearing and dismissed.** The request for a full order is denied and the Petition for Protection Order is denied on the merits and dismissed with prejudice as to all allegations contained therein. Any previously entered temporary order, including the Reissuance of Temporary Protection Order and Notice of Hearing dated March 24, 2023, and any order to surrender weapons under this case number ~~expires today, upon the signing of this order or at~~

(time) N/A. expired at noon on 4/20/23

☐ **Realignment** (for domestic violence and harassment cases only). The parties are switched so that the original Protected Person is now restrained and the original Restrained Person is now protected.

☐ The court will issue a **new Temporary Protection Order** so that:

The Protected Person is: _____

The Restrained Person is: _____

Important! The new Protected Person must file a **Petition for Protection Order**, form PO 001, if they want protection to last beyond the temporary order.

Modification, Termination, or Renewal

☐ The request to **modify, terminate, or renew** the order dated _____ is denied.

Weapons

☐ The request for an **Order to Surrender and Prohibit Weapons** is denied.

☐ If any **firearms or dangerous weapons have been surrendered** under this cause number, they shall be released to the restrained person, absent some other legal reason that may exist prohibiting the restrained person from possessing them.

Other

☐ The request before the court is denied, provided that **it may be renewed after notice** has been provided to the ☐ vulnerable adult ☐ opposing party according to the Civil Rules.

☐ Other order: _____

5. Service on the Restrained Person (only required if a future hearing is scheduled)

☐ **Not required.**

☐ The petition was denied and service is not required.

☐ The restrained person appeared at the hearing, in person or remotely, and received notice of the order. No further service is required. See section 2 above

for appearances. (May apply even if the restrained person left before a final ruling is issued or signed.)

☐ **Required.** The restrained person must be served with a copy of this order.

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

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

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

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

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

6. ☐ **Service on Others** (only required if a future hearing is scheduled)

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

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

☐ **Required.**

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

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

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

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

7. **Next Court Hearing**







☒ No further court hearings are scheduled in this case.

☐ The next court hearing is or will be scheduled by a separate order.

☐ The next court hearing is scheduled for the date at time listed on page 1.

How to attend the next court hearing

The hearing scheduled on page 1 will be held:

	In person Judge/Commissioner: _____ Courtroom: _____ Address: _____
	Online (audio and video) App: _____ [] Log-in: _____ [] You must get permission from the court at least 3 court days before your hearing to participate online (audio and video). To make this request, contact: _____
	By Phone (audio only) [] Call-in number: _____ [] You must get permission from the court at least 3 court days before your hearing to participate by phone only (without video). To make this request, contact: _____
	If you have trouble connecting online or by phone (instructions, who to contact) _____
	Ask for an interpreter, if needed. Contact: _____
	Ask for disability accommodation, if needed. Contact: _____

Ask for an interpreter or accommodation as soon as you can. Do not wait until the hearing!

Ordered.

Dated: 5/5/23 at 4:04 a.m./p.m.


Judge/Court Commissioner

HENRY H. JUDSON

Commissioner Henry H. Judson
Print Judge/Court Commissioner Name

MAY 05 2023

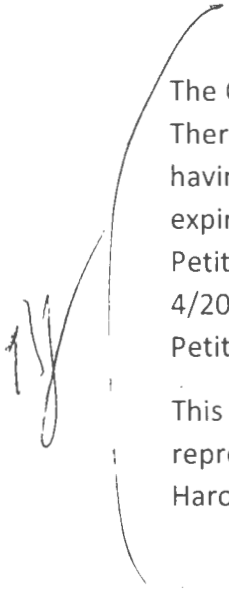
I received a copy of this order. **COURT COMMISSIONER**

/s/ Aleksander R. Schilbach No. 51693
Signature of Respondent/Lawyer WSBA No.

Aleksander R. Schilbach April 20, 2023
Print Name Date

Signature of Petitioner/Lawyer WSBA No.

Charles A. Harold April 20, 2023
Print Name Date

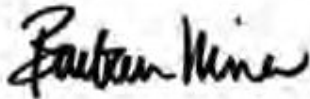


The Court has reviewed Petitioner's request for a Stay of Proceedings and denies the same. There are no further proceedings in this case due to the request for a full protection Order having been denied at the 4/20/23 hearing. The Temporary Order was not renewed and has expired. An Order should be entered to reflect the Court's oral ruling at the 4/20/23 hearing. Petitioner has provided a proposed order which does not reflect the Court's oral ruling at the 4/20/23 hearing. The Court therefore denies the request to enter the Order proposed by Petitioner.

This presentation hearing was scheduled for 3:30 p.m. Neither Mr. Harold nor anyone representing Mr. Harold appeared. The court waited until 3:45 to start the hearing in case Mr. Harold was experiencing difficulty in accessing the Zoom platform.

Case Number:	23-2-03980-7
Date:	May 10, 2023
Serial ID:	23-073578-2536749H3B
Certified By:	Barbara Miner King County Clerk, Washington

I, BARBARA MINER, Clerk of the Superior Court of the State of Washington for King County, do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof. IN TESTIMONY WHEREOF, I have affixed this Seal of said Superior Court at my office at Seattle.



Barbara Miner, King County Clerk



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Clerk, you must create and/or sign-in to your KC Script Portal account. Only e-certified documents that were directly ordered through the KC Script Portal can be verified through this tool.

Sign in to KC Script Portal:

<https://dja-prd-ecexap1.kingcounty.gov/>

After you login to your account, click Certified Copy Verification from the black ribbon menu at the top of the screen. There you will enter the following Serial ID.

Serial ID: **23-073578-2536749H3B**

This document contains 9 page plus this sheet, and is a true and correct copy of the original that is of record in the King County Clerk's Office. The copy associated with Serial ID will be displayed by the Clerk.

Exhibit B

Transcript of the hearing in
Harold v. Paice on April 20,
2023 before Commissioner
Henry Judson

Hearing

Harold v. Paice

April 20, 2023



206.287.9066 | 800.846.6989

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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

CHARLES A. HAROLD, JR., OBO VA)	
SHARON M. HAROLD,)
)
Petitioner,) Cause No. 23-2-03980-7 KNT
)
v.)
)
DAVID ALLEN PAICE,)
)
Respondent.)

HEARING - VIA ZOOM

Commissioner Henry Judson Presiding

April 20, 2023

TRANSCRIBED BY: Angela Dutenhoffer

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A P P E A R A N C E S

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On Behalf of Petitioner:

CHARLES A. HAROLD, JR.

Pro se

On Behalf of Respondent:

ALEKSANDER R. SCHILBACH

Lane Powell, PC

1420 Fifth Avenue

Suite 4200

Seattle, Washington 98111-9402

I N D E X O F P R O C E E D I N G S

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1 -o0o-

2 April 20, 2023

3

4 THE COURT: -- matter involving Sharon Harold. And that
5 is King County Superior Court Cause Number 23-2-03980-7.

6 And --

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18 THE COURT: All right. Very good, folks. Good morning to
19 you.

20 So I have received and reviewed a fair amount of pleadings
21 back and forth.

22 So, Mr. Harold, I'll hear from you first and then I'll
23 hear from Mr. Schilbach as to where this matter should go
24 today.

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4 MR. HAROLD: Thank you, sir. I appreciate that.
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1 Now, do we think David Paice stole money? No. Nobody
2 thinks that. He keeps bringing that up. Nobody thinks
3 that.

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21 THE COURT: Thank you. All right. Thank you, both.

22 So what I'm hearing this morning is, essentially all tied
23 to the accounting and the TEDRA case. The fact that
24 Mr. Paice brought a TEDRA petition seeking approval of his
25 accounting is something that, as in his position, he was

1 completely and authorized and entitled to do. That's what
2 the TEDRA statute is there for.

3 And I believe that it would be in, frankly, everyone's
4 best interest -- particular Ms. Harold -- to have only one
5 case proceed, rather than one case and a civil protection
6 order proceed. I do not believe that the allegations here
7 rise to the level of personal and financial exploitation,
8 abandonment, abuse, and neglect. Those are the standards
9 for a vulnerable adult protection order.

10 All of the issues that have been raised here and discussed
11 here today -- all of them -- the attorney's fees, the
12 allegations of breach of fiduciary duty, the allegations of
13 commingling funds -- everything -- all of that is something
14 that could be dealt with -- if you wish it to be dealt
15 with -- in the TEDRA -- in the TEDRA case.

16 Alternatively, if the parties felt that they wish to do
17 so, Mr. Schilbach did indicate that there's a notice of
18 mediation floating around out there. The TEDRA statute
19 places an emphasis on attempting to resolve disputes without
20 incurring \$141,000 in attorney's fees.

21 And I will comment, as well, the issue of attorney's fees
22 and the reasonableness and the necessity of those fees and
23 that amount is something that Judge Yip would ultimately
24 decide. I can't decide that here, and so that is not
25 something that we can deal with today.

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1 The case before me today is for a civil protection order
2 that says no harm and stay away and don't contact and that
3 kind of thing.

4 And Mr. Harold, I think candidly -- quite candidly, has
5 indicated that he doesn't believe that Mr. Paice acted with
6 malice or intentionally attempting to cause personal or
7 financial exploitation or abuse or neglect. And, again,
8 that -- those are the issues to be resolved in the TEDRA
9 proceeding.

10 I would suggest that if there is -- I mean, what I'm
11 hearing is Ms. Harold needs funds on a regular basis. There
12 is confusion as to how those funds are to be -- this is
13 outside of the protection order issue. But there is
14 confusion as to how -- for how she is to efficiently receive
15 those funds. That doesn't seem to me to be a terribly
16 complicated issue.

17 I would think that -- and I'm not going to make -- enter
18 an order about it now. But if this is something that
19 Ms. Harold needs on a regular basis and she's entitled to
20 it -- she is the beneficiary of the trust, after all -- then
21 if there is communication in saying: Here's what we need.
22 Here's when we need it. Here's how we need it. Then it
23 would seem to me that that is something that the trustee of
24 the trust could comply with.

25 I may not -- I may not be understanding all of the issues,

1 and I'm not trying to insert myself in the family dynamic
2 here, but it would seem to me that, you know, it appears
3 that everyone is very concerned about Ms. Harold. The Court
4 is concerned about Ms. Harold, as well.

5 If Ms. Harold needs assistance, then -- and she -- and
6 that is -- the trust can assist with paying for that
7 assistance, then that's something that ought to happen. And
8 all of the back and forth that, again, Mr. Harold was
9 candidly referring to, that's not what's important now.
10 What's important now is providing for Ms. Harold
11 efficiently, effectively.

12 And everything I've seen sort of suggests that Mr. Paice
13 is not focused on the idea of maintain- -- of staying as the
14 trustee of this trust. It would seem to me the issue comes
15 down to -- I'm guessing -- that his accounting needs -- he
16 wishes his accounting to be approved so he can resign and be
17 discharged.

18 If there are problems with the accounting, that's -- and
19 they can't be resolved either informally or through
20 mediation, then that's why the TEDRA case is here. That's
21 what its purpose is, is to resolve those issues and deal
22 with the accounting, all of the allegations of -- that have
23 been made; the attorney's fees; allocation of the attorney's
24 fees; all of those issues.

25 And there's no question that probate trust litigation is

Page 28

1 an expensive proposition. I see it constantly.

2 Anyway, that was sort of my little pulpit, if you will,
3 today. But I do commend the idea of mediation to all of
4 you. You don't -- I'm not ordering it. That's not my place
5 to do. That would be something that, if the parties wish to
6 discuss it, they can approach Judge Yip if that needs to
7 occur.

8 At any rate, I do not find that the evidence that has been
9 presented in this case rises to the level for the Court to
10 enter a full vulnerable adult protection order. If there
11 are other issues or problems with how funds are to be
12 transferred or received or requested, that would be an issue
13 for Judge Yip in the TEDRA case. All right, folks?

14 So I'm going to enter an order that denies the request for
15 a full protection order and dismisses this proceeding today.
16 So thank you very much.

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MR. HAROLD: All right. We'll see you in federal court.
Thanks.

(April 20, 2023 proceeding concluded)

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C E R T I F I C A T E

STATE OF WASHINGTON)
)
COUNTY OF KING)

I, the undersigned, do hereby certify under penalty of perjury that the foregoing court proceedings or legal recordings were transcribed under my direction as a certified transcriptionist; and that the transcript is true and accurate to the best of my knowledge and ability, including changes, if any, made by the trial judge reviewing the transcript; that I received the electronic recording in the proprietary court format; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of April, 2023.

Angela J. Dutenhoffer



s/ Angela Dutenhoffer, CET

Exhibit C

Letter dated March 27, 2023
to Ms. Sharon Harold



ALEKSANDER SCHILBACH
206.223.7094
schilbach@lanepowell.com

March 27, 2023

**VIA ELECTRONIC MAIL and FEDERAL EXPRESS FOR OVERNIGHT
DELIVERY**

Ms. Sharon Harold, *Pro Se*
100 River Bend Road, #103
Reedsport, OR 97467
smharold7@gmail.com

Charles A. Harold, *Pro Se*
Co-Attorney-in-Fact for Ms. Sharon Harold
1455 N. Tomahawk Road
Apache Junction, AZ 85119
chuckharold@gmail.com

Amy Jane Small, *Pro Se*
Co-Attorney-in-Fact for Ms. Sharon Harold
P.O. Box 352
Graeagle, CA 96103
aj.harold9@gmail.com

RE: Distribution of \$20,740.50 to Ms. Harold

Dear Ms. Harold, Mr. Harold, and Ms. Small:

In accordance with ¶ 3.4 of the Reissuance of Temporary Protection Order and Notice of Hearing dated March 24, 2023, we have enclosed a check for \$20,740.50 to Ms. Harold. This letter and the enclosed check are being overnighted via Fed Ex to Ms. Harold.

We will respond to your e-mail of March 24, 2023 in due course.

Sincerely,

LANE POWELL PC

Aleksander Schilbach
Gail E. Mautner

CC: Mr. David A. Paice, Trustee (w/encl., via email)
Enclosure Check No. 1105 dated March 28, 2023 for \$20,740.50 to Ms. Sharon Harold

134455.0002/9332606.1

THE SHARON M HAROLD IRREVOCABLE TRUST
DAVID PAICE TRUSTEE
PO BOX 48212
SEATTLE, WA 98148

19-8140/3250

1105

DATE 28 MAR 2023

PAY TO THE
ORDER OF

SHARON HAROLD

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MP

ORIGIN ID:BFIA (206) 308-2190
ALEKSANDER SCHILBACH
LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
SUITE 4200
SEATTLE, WA 98101
UNITED STATES US

SHIP DATE: 27MAR23
ACTWGT: 1.00 LB
CAD: 100628375INET4584

BILL SENDER

TO **MS. SHARON HAROLD, PRO SE**

**100 RIVER BEND ROAD
#103**

REEDSPORT OR 97467

(206) 308-2190

REF: CLIENTMATTER #134455.0002

INV:

DEPT:



J2310230111101uv

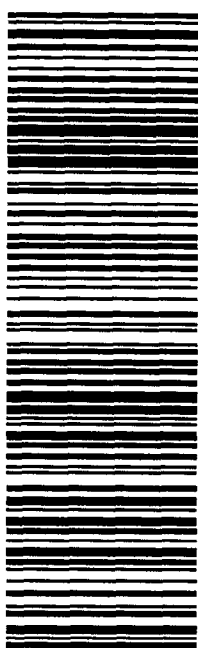
TRK# 7716 7622 2757

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PRIORITY OVERNIGHT**

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97467

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Exhibit D

Petitioner's Motion for
Revision filed on May 15, 2023
in *Harold v. Paice*

CHIEF CIVIL DEPARTMENT
May 26, 2023

SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

CHARLES A. HAROLD, JR. OBO VA SHARON Case No. 23-2-03980-7 KNT

M. HAROLD 1/3/1961

Petitioner DOB

vs.

DAVID ALLEN PAICE 2/12/1980

Respondent DOB

PETITIONER'S MOTION FOR REVISION

I. RELIEF REQUESTED

Petitioner Charles A. Harold, Jr., on behalf of vulnerable adult Sharon M. Harold, pro se, moves the Court for an order revising and vacating the Court Commissioner's order entered May 5, 20223.

II. ERRORS CLAIMED

1. The errors in the Order are as follows:

- a. Denying the petition on the merits after a hearing and dismissing the case when sufficient evidence was presented to show the Respondent's harm to the vulnerable person and that Respondent failed to obey the "Temporary Restraints" of the original temporary protection order.

- 1 b. Denying the Petitioner's request for a Stay of Proceedings when sufficient
2 evidence of the need for a stay was proven.
- 3 c. Failing to set further proceedings to resolve any disputed evidence or to
4 take live testimony.
- 5 d. Rejecting the Petitioner's proposed order that matched the oral ruling of the
6 court commissioner.
- 7 e. Holding the May 5, 2023 hearing without the participation of the Petitioner
8 or the vulnerable adult who were known to the court commissioner and the
9 parties as being unavailable for the following reasons:
- 10 (1) April 27, 2023, vulnerable adult's physician addressed a letter to
11 the court requesting a 90-day reprieve from litigation due to the
12 detrimental effect on vulnerable adult's health;
- 13 (2) Vulnerable adult had a medical appointment out of town
14 scheduled for May 2, 2023, which was scheduled three months
15 prior, and transportation to and from appointment was
16 complicated.
- 17 (3) On May 3, 2023, vulnerable adult was taken to the emergency
18 room for shortness of breath and was diagnosed with a near heart
19 attack, precluding her from attending May 5, 2023 hearing.
- 20 f. Denying Petitioner and vulnerable adult due process by not ruling
21 individually on each of the seven "Temporary Restraints" granted in the
22 original temporary protection order. Justice has not been done.

23
24 DATED: May 15, 2023.

25
26 
27 _____
28 CHARLES A. HAROLD, JR.
OBO VA SHARON M. HAROLD