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Hearing Date: Monday, March 13, 2023
Honorable Wyman Yip
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 IN SUPPORT OF
PETITIONER'S MOTION TO
CONTINUE TRIAL DATE AND
ENTER CASE SCHEDULING ORDER
WITH APPROPRIATE PRE-TRIAL
DEADLINES**

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" or "Trust"). I have personal knowledge of the facts set forth herein. I make this declaration based in support of the Trustee's Motion to Continue Trial Date and Enter Case Scheduling Order with Appropriate Pre-Trial Deadlines ("Motion to Continue Trial Date"). In making this declaration 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. Petition under the Trust and Estate Dispute Resolution Act. This matter was initiated as a petition under the Trust and Estate Dispute Resolution Act, Chapter 11.96A RCW, and involves approval of accountings prepared by Petitioner, in his capacity as Trustee, for the Harold Trust. The Trustee's Verified Petition for Approval of Interim Account; For Discharge of Successor Trustee; and For Appointment of Successor Trustee ("Petition") was initially filed on December 5, 2022, with a hearing date of February 3, 2023. Certain Respondents objected to the

DECLARATION OF ALEKSANDER R. SCHILBACH IN SUPPORT
OF PETITIONER'S MOTION TO CONTINUE TRIAL DATE - 1
No. 22-4-08326-1 KNT


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1 accountings, which prevented their approval at the initial hearing. Additionally, Ms. Michelle
2 Blackwell, an attorney representing Ms. Sharon Harold, the trustor and primary lifetime
3 beneficiary of the Harold Trust, formalized her withdrawal from representation of Ms. Harold at
4 the hearing due to Ms. Blackwell's concerns regarding Ms. Harold's competency and Ms.
5 Blackwell's discovery of a "non-waivable conflict of interest." *See* Dkt. # 35 ("Order Authorizing
6 Withdrawal of Michelle A. Blackwell as Attorney for Respondent Sharon M. Harold"); Dkt. #37 &
7 Dkt. #39 (describing circumstances of Ms. Blackwell's concern regarding Ms. Harold's
8 competency and a "non-waivable conflict of interest"). Accordingly, at the February 3, 2023
9 hearing, the Ex Parte Department entered a 90-day Order Setting Trial Date Only Case Schedule,
10 with a trial date of May 1, 2023. Commissioner Henry Judson's February 3, 2023 Order provided:
11 "Other assignment and issues certified for trial: All issues, including but not limited to appointment
12 of an LGAL [litigation guardian ad litem] for Sharon Harold."

13 Status of Discovery. No discovery has been done and the parties are in the beginning stages
14 of preliminary settlement negotiations, which may resolve all disputes between and among them.
15 However, in the event settlement negotiations are not successful, a May 1, 2023 trial date is too
16 early for the necessary anticipated pre-trial activities, including discovery and motion practice.
17 Additionally, lead counsel for Petitioner is unavailable on May 1, 2023. Further, due to the nature
18 of the objections to the accountings, which cover over a decade of transactions; counsel's other
19 trials, hearings, and deadlines; and counsel's previously scheduled time out of the office,
20 November 13, 2023 is the earliest date that lead counsel for Petitioner is available to try this case.

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

23 Executed on this 28th day of February, 2023, at Seattle, Washington.

24 
25 _____
26 Aleksander R. Schilbach
27