

EX PARTE DEPARTMENT
Hearing Date: April 20, 2023
Hearing Time: 10:30 AM

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

CHARLES A. HAROLD, JR., OBO VA
SHARON M. HAROLD,

Petitioner,

v.

DAVID ALLEN PAICE,

Respondent.

No. 23-2-03980-7 KNT

**DECLARATION OF ALEKSANDER
R. SCHILBACH IN SUPPORT OF
SUPPLEMENTAL OPPOSITION TO
PETITION FOR PROTECTION
ORDER**

I, Aleksander R. Schilbach, declare as follows:

1. I am an attorney with Lane Powell PC, attorneys of record for David A. Paice, in his individual capacity and in his capacity as successor trustee ("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 Supplemental Opposition to Petition for Protection Order ("Supplemental Opposition"). In making this declaration to authenticate the attached exhibits, 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. TEDRA Proceeding. On December 5, 2022, the Trustee filed a Verified Petition for Approval of Interim Account; For Discharge of Successor Trustee; and For Appointment of Successor Trustee ("Verified Petition") in King County Superior Court, case number 22-4-08326-1 KNT (hereafter, "TEDRA Proceeding"). The TEDRA Proceeding is currently pending before

DECLARATION OF ALEKSANDER R. SCHILBACH IN SUPPORT
OF SUPPLEMENTAL OPPOSITION TO PETITION FOR
PROTECTION ORDER - 1

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

1 Judge Wyman Yip. On April 7, 2023, Judge Yip granted the Trustee's motion to continue the trial
2 date in the TEDRA Proceeding from May 1 to November 13, 2023. Attached as **Exhibit A** is a
3 true and correct copy of the Order Granting Renewed Motion to Continue Trial Date and Enter
4 Case Scheduling Order entered by Judge Yip in the TEDRA Proceeding. Attached as **Exhibit B**
5 is a true and correct copy of a Notice of Mediation Pursuant to RCW 11.96A.300 that my office
6 served on March 27, 2023.

7 3. Correspondence with Charles Harold After March 20 Hearing. On March 21, 2023,
8 Mr. Harold e-mailed my office to make a number of demands. Attached as **Exhibit C** is a true and
9 correct copy of Mr. Harold's e-mail. Although I have asked Mr. Harold not to e-mail my client
10 directly multiple times, Mr. Harold sent his e-mail to my client's work e-mail address, which was
11 highly improper. I believe that Mr. Harold did this in order to try to cause yet more problems for
12 my client. Mr. Harold's March 21 e-mail contained a number of bizarre allegations and
13 unsupported claims. Among them, Mr. Harold alleged that I had threatened his mother—an
14 allegation that I categorically deny. Mr. Harold also requested a billing and payment history for
15 the Trust's legal fees paid to my law firm, which we subsequently provided.

16 4. On March 23, my office responded via letter to Mr. Harold's March 21 e-mail.
17 Attached as **Exhibit D** is a true and correct copy of my March 23 letter to Mr. Harold. My letter
18 (a) explained to Mr. Harold—again—that the Trust allowed the Trustee to hire and pay counsel
19 from the Trust; (b) explained that I had never threatened his mother in any way, and that I had only
20 explained to her that a trustee has a right to seek approval of the accountings in court; (c)
21 requested—again—that he stop contacting Mr. Paice either through his work e-mail or his personal
22 e-mail; and (d) provided a billing and payment history for the Harold Trust, as requested by Mr.
23 Harold.

24 5. The next day, on March 24, Mr. Harold e-mailed my office again. Attached as
25 **Exhibit E** is a true and correct copy of Mr. Harold's March 24 e-mail. Mr. Harold's March 24 e-
26 mail contained two recordings that Mr. Harold apparently obtained from the Reedsport Police
27 Department. Upon receiving these recordings, I listened to them multiple times and understood

1 that they do not concern or mention my client in any way whatsoever. Mr. Harold also explained
2 that Sharon Harold “was in the emergency room once again, this morning at approximately 4:00
3 am for a stress related medical issue arising directly from this case.” Mr. Harold is the petitioner
4 in this case.

5 6. On March 31, my office responded via letter to Mr. Harold’s March 24 e-mail. A
6 true and correct copy of our March 31 letter in response to Mr. Harold’s March 24 e-mail is
7 attached as **Exhibit F**. Our March 31 letter explained that Mr. Paice is concerned about Ms.
8 Harold’s well-being and comfort, and reiterated that “the Trustee has always been, and continues
9 to be, willing to make appropriate distributions to Ms. Harold, or on her behalf to third-party care
10 providers, from the Harold Trust.” The letter explained to Mr. Harold that:

11 If there is any documentation that a care setting has been
12 recommended or that she has a particular housing alternative that
13 she would like to pursue, please provide us with that information
immediately so that the Trustee can work to make funds available in
her best interest.

14 The letter continued:

15 As you know, because of Mr. Harold’s baseless Protection Order,
16 all but one of the Harold Trust’s bank accounts remain frozen.
17 However, if there is a specific expenditure that should be made for
18 Ms. Harold’s care, including, for example, specific medical invoices
19 or an admission or entrance fee for any alternative housing or care
arrangement, then please present the request or invoice to the
Trustee so that he can work with you to jointly request the Court
unfreeze the Harold Trust’s accounts to pay such an expense.

20 To date, my office has not received a response from Mr. Harold to my March 31 letter (Exhibit
21 F). Among other things, the letter also explained to Mr. Harold—again—that the Harold Trust
22 allows the Trustee to hire and pay counsel from the Trust.

23 7. Distribution Check to Ms. Harold for \$20,740.50. After this Court unfroze the
24 Harold Trust’s checking account, and in accordance with this Court’s Temporary Order, the
25 Trustee made a distribution of \$20,740.50 to Ms. Harold and overnighted the check to her via Fed
26 Ex. Attached as **Exhibit G** is a true and correct copy of the distribution check and the Fed Ex
27 delivery slip.

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

3 Executed on this 14th day of April, 2023, at Seattle, Washington.

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5 Aleksander R. Schilbach
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CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the United States and the State of Washington, that on April 14, 2023, I served a copy of the foregoing document on all counsel of record as indicated below:

Charles A. Harold, <i>Pro Se</i> 1455 N. Tomahawk Road Apache Junction, AZ 85119 chuckharold@gmail.com Petitioner	<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
Sharon M. Harold, <i>Pro Se</i> 100 River Bend Rd. #103 Reedsport, OR 97467 smharold7@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

Executed at Seattle, Washington this 14th day of April, 2023.

/s/ Silvia Webb
Silvia Webb

Exhibit A

Order Granting Renewed
Motion to Continue Trial Date

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7 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

8 In re the Matter of

Case No. 22-4-08326-1 KNT

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

a Trust.

**ORDER GRANTING RENEWED
MOTION TO CONTINUE TRIAL
DATE AND ENTER CASE
SCHEDULING ORDER**

12
13 **ORDER**

14 THIS MATTER, having come on by Petitioner David A. Paice ("Trustee") renewed
15 Motion to Continue Trial Date and Enter Case Scheduling Order, and the Court having considered
16 the pleadings on file with the Court, including the Declaration of Gail E. Mautner in support of the
17 Motion to Continue and the exhibits thereto, and being fully apprised in the premises, IT IS
18 HEREBY ORDERED:

19 1. This case was originally certified for trial by the Ex Parte Department on February
20 3, 2023 and issued a 90-day "Trial Date Only Case Schedule" with a trial date of May 1, 2023.

21 2. Petitioner has demonstrated good cause to continue the trial date and therefore the
22 originally scheduled May 1, 2023 trial date is hereby stricken.

23 3. The trial in this matter is reset to November 13, 2023;

24 4. The case schedule is amended as set forth below:
25
26
27

ORDER GRANTING RENEWED MOTION TO CONTINUE
TRIAL DATE - 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

Case Event	Proposed Date
Deadline for Disclosure of Possible Primary Witnesses	June 12, 2023
Deadline for Disclosure of Possible Additional Witnesses	July 24, 2023
Final Date to Change Trial Date	August 7, 2023
Discovery Cutoff	September 25, 2023
Deadline for Engaging in Alternative Dispute Resolution	October 16, 2023
Deadline for filing "Joint Confirmation Regarding Trial Readiness"	October 23, 2023
Deadline for Exchanging Witness & Exhibit Lists & Documentary Exhibits	October 23, 2023
Deadline for Hearing Dispositive Pretrial Motions	October 30, 2023
Deadline for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law	November 6, 2023
Joint Statement of Evidence	November 6, 2023
Trial Date	November 13, 2023

IT IS SO ORDERED this 7th day of April, 2023.

Electronic signature attached
HONORABLE WYMAN YIP

ORDER GRANTING RENEWED MOTION TO CONTINUE
TRIAL DATE - 2
No. 22-4-08326-1 KNT

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
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King County Superior Court
Judicial Electronic Signature Page

Case Number: 22-4-08326-1
Case Title: IN RE SHARON M HAROLD
Document Title: ORDER OF CONTINUANCE

Signed By: Wyman Yip
Date: April 07, 2023



Judge: Wyman Yip

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: CBE1F3ABAC3B4DCC855077E8413E7560C67370BD
Certificate effective date: 1/6/2023 4:43:36 PM
Certificate expiry date: 1/6/2028 4:43:36 PM
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="Wyman Yip:
TgIvh6kz7RGpbO6W8uVs5w=="

Exhibit B

Notice of Mediation

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,

**NOTICE OF MEDIATION
UNDER RCW 11.96A.300**

a Trust.

TO: All Parties of Record

AND TO: The Clerk of the Court

NOTICE IS HEREBY GIVEN that the following matter shall be resolved by mediation under RCW 11.96A.300. The matter in dispute relates to the issues framed in the Verified Petition for Approval of Account; For Discharge of Successor Trustee; and For Appointment of Successor Trustee filed by David A. Paice, Trustee of The Sharon M. Harold Irrevocable Trust Dated November 12, 2004 and the Objections thereto filed by various Respondents.

This matter must be resolved using the mediation procedures of RCW 11.96A.300 unless a petition objecting to mediation is filed with the superior court within twenty days of service of this notice. If a petition objecting to mediation is not filed within the twenty-day period, RCW 11.96A.300(4) requires you to furnish to all other parties or their virtual representatives a list of acceptable mediators within thirty days of your receipt of this notice.

NOTICE OF MEDIATION UNDER RCW 11.96A.300 - 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

Our list of acceptable mediators is as follows:

1. Stew Cogan;
2. Honorable Terrence A. Carroll (ret.); or
3. Honorable Larry A. Jordan (ret.).

DATED this 27th day of March, 2023.

LANE POWELL PC

By: /s/ Aleksander R. Schilbach

Gail E. Mautner, WSBA No. 13161
Aleksander Schilbach, WSBA No. 51693
1420 Fifth Avenue, Suite 4200
P.O. Box 91302
Seattle, Washington 98111-9402
Telephone: 206.223.7000
mautnerg@lanepowell.com
schilbacha@lanepowell.com

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

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 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 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 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 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 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 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 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

NOTICE OF MEDIATION UNDER RCW 11.96A.300 - 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: March 27, 2023.

s/ Silvia Webb

 Silvia Webb

Exhibit C

Mr. Harold's Email of
March 21, 2023

From: [Chuck Harold](#)
To: [Schilbach, Aleksander](#)
Cc: [Sharon Harold](#); [Mautner, Gail](#); [Webb, Silvia](#); [Amy Jane Small](#); david.paice@becu.org
Subject: Re: Harold v. Paice - No. 23-2-039980-7 KNT - Proposed Order for Review
Date: Tuesday, March 21, 2023 9:19:05 AM

CAUTION: This is an external email. **STOP and THINK.** Do **NOT** click links or open attachments unless you are certain the content is safe.

Mr. Schilbach,

We will be asking the Court to include David Paice's personal account, that was just unfrozen, in his 2022 AOT.

Since you stated there is no balance in your IOTLA for David Paice, I am going to assume you are NOT working for free. Which brings me to the realization that David could be paying you out of his personal account that contains transferred funds from my mother's LPL Financial account. This would of course be yet another violation of his fiduciary and another example of commingling.

I am still away from my office but if I recall correctly, in 2022, David took out over 120k from the LPL Financial account. Then Mom received a "sell" notice from LPL for another 17k taken out on January 12, 2023. You stated in an email last year that up to that date, you had received 65K in attorney fees from David and my mother's Trust. Mom usually receives 30k a year.

Let's do the math....120k plus 17k equals 137k, minus 30k from Mom's income, minus 65k for your attorney fees. That leaves approximately 42k unaccounted for. Where is that 42k? Once again, David continues to breach his fiduciary duties to keep Grantor informed by not providing accurate information when requested or for the 2022 AOT which he has failed to provide at this late date in March 2023.

You have been asked several times to provide my mother with a statement of Lane Powell's attorney charges to my mother's trust account.

I am now asking you again as Mom's attorney-in-fact, to immediately provide an accurate accounting of any and all fees and costs paid to you on behalf of David Paice out of funds derived from my mother's trust funds. This would include any costs you paid to third parties, such as investigators, other attorneys, etc. It would also include any fees paid to Lane Powell or third parties during the time frame David initially obtained permission from my mother to engage Lane Powell, and the time frame you incorrectly assumed my mother was on David's side and you engaged her in unprivileged communication about this case using your personal cell phone.

As you will recall, you never answered by previous correspondence wherein I asked if you charged my mother's Trust funds for speaking to her on your private cell phone about your threatening to file your TEDRA motion against the beneficiaries unless they signed a release. I am asking you to answer that once again.

You may answer these questions here via email or I will file a motion to obtain that information, which of course will further demonstrate to the Commissioner, Lane Powell's perpetual motion billing machine.

We also demand that David provide ALL Trust tax records he has filed on behalf of the Trust EID 56-6647393, since he allegedly became the acting Trustee. David Llewelyn states he does not file taxes for the Trust. He told me David Paice does that. My mother has never seen any such filings nor have we located them in her papers.

Please respond by Thursday, March 23, 2023 or I will file a motion with the Court.

None of this should be a problem of course because, to paraphrase what David swore to in his initial declaration to the Court, he kept Grantor informed even when he was on-duty in the Coast Guard.

Thank you,

Charlie Harold
818-652-6400

Exhibit D

Trustee's Response to Email
from C. Harold of
March 21, 2023



ALEKSANDER SCHILBACH
206.223.7094
schilbach@lanepowell.com

March 23, 2023

**VIA REGULAR & ELECTRONIC MAIL – smharold7@gmail.com;
chuckharold@gmail.com**

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

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

RE: Response to E-mail dated March 21, 2023 at 9:18 AM from Mr. Charles Harold

Dear Ms. Harold and Mr. Harold:

We are responding to your e-mail dated Tuesday, March 21, 2023 at 9:18 AM.

1. Request for Billing and Payment History for Legal Fees

In your e-mail of March 21 you wrote:

I am now asking you again as Mom's attorney-in-fact, to immediately provide an accurate accounting of any and all fees and costs paid to you on behalf of David Paice out of funds derived from my mother's trust funds. This would include any costs you paid to third parties, such as investigators, other attorneys, etc. It would also include any fees paid to Lane Powell or third parties during the time frame David initially obtained permission from my mother to engage Lane Powell, and the time frame you incorrectly assumed my mother was on David's side and you engaged her in unprivileged communication about this case using your personal cell phone.

We have enclosed a billing and payment history for the Sharon M. Harold Irrevocable Trust dated November 13, 2004 ("Harold Trust"). This billing and payment history does not reflect charges related to *Harold v. Paice*, King County Superior Court No. 23-2-03980-7 KNT ("Civil-Protection Action"), none of which have been paid from the Harold Trust

As we have explained many times before, the Harold Trust explicitly allows for the Trustee to hire counsel and pay counsel from the trust estate:

Ms. Sharon Harold and
Mr. Charles Harold
March 23, 2023
Page 2

To carry out the purposes of the Trust, and subject to any limitation stated elsewhere herein, the Trustee and any successor Trustee are hereby vested with the following powers and discretions, in addition to those now or hereafter conferred by law:

. . . .

11. To employ counsel to assist and advise in the management, preservation and administration of the Trust Estate; and to compromise, arbitrate, settle, or litigate any matters pertaining thereto. The Trustee shall pay reasonable compensation therefor, and the same shall be charged against income and/or principal in such manner as the Trustee shall deem just and equitable.

Art. IV, ¶ F.11. Washington law also allows a trustee to “have a judicial proceeding” or petition the court for the approval of an interim account, to request the appointment of a successor trustee, and to request the court’s approval of the trustee’s actions. *See* RCW 11.96A.080; RCW 11.106.030; RCW 11.98.039. The Trustee’s filing of the Verified Petition for Approval of Interim Account; For Discharge of Successor Trustee; and For Appointment of Successor Trustee is expressly allowed by law.

2. False Allegation of Threats to Ms. Harold

In your e-mail of March 21 you also wrote:

As you will recall, you never answered by previous correspondence wherein I asked if you charged my mother's Trust funds for speaking to her on your private cell phone about your threatening to file your TEDRA motion against the beneficiaries unless they signed a release. I am asking you to answer that once again.

Your e-mail falsely accuses me of “threatening” Ms. Harold. I have never “threaten[ed]” Ms. Harold in any way, either on the telephone or via e-mail—period. A beneficiary is not required to approve an accounting; however, as noted above, if a beneficiary chooses not to approve an accounting, the fiduciary may bring the accounting to court for approval. Advising a beneficiary of that fact cannot constitute “threatening.”

3. Tax Records

In your e-mail of March 21 you also wrote:

We also demand that David provide ALL Trust tax records he has filed on behalf of the Trust EID 56-6647393, since he allegedly became the acting Trustee. David Llewelyn states he does not file taxes for the Trust. He told me

Ms. Sharon Harold and
Mr. Charles Harold
March 23, 2023
Page 3

David Paice does that. My mother has never seen any such filings nor have we located them in her papers.

Mr. David F. Llewellyn, CPA, the principal of Llewellyn Accountancy Corporation has prepared the Harold Trust's tax returns at least since Mr. Paice assumed the role of successor trustee in 2010. We are gathering copies of the income tax returns for the years from 2010 through 2021 to provide them to you.

4. Cease Contact with Mr. Paice's Personal and Work E-mails

We have repeatedly asked you to stop sending e-mails to the Trustee's personal e-mail accounts and work e-mail accounts. Mr. Paice is represented by counsel, and we can convey any message you give us to Mr. Paice. **Please direct all future contact regarding the Harold Trust or the Civil-Protection Action to us. Please stop all contact with Mr. Paice immediately.** If you do not stop immediately, we will ask the court to intervene.

5. **ER 408 Communication** Scheduling Mediation

In mid-February you suggested engaging in settlement discussions with us, and we indicated that we were willing to discuss settlement. We remain open to engaging in settlement discussions. We believe that this matter could be, with the help of an effective mediator, amicably resolved and that settling this matter would benefit all parties involved, including, Ms. Harold, the primary lifetime beneficiary of the Harold Trust. Please let us know whether you are willing to engage in a mediation before a mutually agreed upon mediator and whether you have any suggested mediators.

Sincerely,

LANE POWELL PC



Aleksander Schilbach
Gail E. Mautner

CC: Mr. David A. Paice, Trustee

Enclosure: Billing and Payment History for the Sharon M. Harold Irrevocable Trust dated November 14, 2004 from June 2022 to March 23, 2023

**Billing and Payment History for the Sharon M. Harold Irrevocable Trust dated November 14,
2004**

June 2022 to March 23, 2023

Type	Date	Fees	Cost	Other	Tax	Interest	Total
BILL	6/13/2022	4,758.50	0	0	0	0	4,758.50
PAY	6/21/2022	-3,500.00	0	0	0	0	-3,500.00
PAY	7/29/2022	-1,258.50	0	0	0	0	-1,258.50
Total	6/13/2022	0	0	0	0	0	0
BILL	7/22/2022	23,112.15	0	0	0	0	23,112.15
PAY	8/19/2022	-23,112.15	0	0	0	0	-23,112.15
Total	7/22/2022	0	0	0	0	0	0
BILL	9/21/2022	20,174.00	36.03	0	0	0	20,210.03
PAY	10/17/2022	-20,174.00	-36.03	0	0	0	-20,210.03
Total	9/21/2022	0	0	0	0	0	0
BILL	10/26/2022	13,167.50	0	0	0	0	13,167.50
PAY	11/23/2022	-13,167.50	0	0	0	0	-13,167.50
Total	10/26/2022	0	0	0	0	0	0
BILL	12/20/2022	28,880.50	25.83	0	0	0	28,906.33
PAY	1/20/2023	-28,880.50	-25.83	0	0	0	-28,906.33
Total	12/20/2022	0	0	0	0	0	0
BILL	1/30/2023	5,788.00	613.1	0	0	0	6,401.10
PAY	2/23/2023	-5,788.00	-613.1	0	0	0	-6,401.10
Total	1/30/2023	0	0	0	0	0	0
BILL	2/22/2023	5,677.50	3.24	0	0	0	5,680.74
BILL	3/22/2023	34,075.50	141.66	0	0	0	34,217.16
GRAND TOTAL		39,753.00	144.9	0	0	0	39,897.90

Exhibit E

Mr. Harold's Email of
March 24, 2023

From: [Chuck Harold](#)
To: [Mautner, Gail](#); [Schilbach, Aleksander](#)
Cc: [Sharon Harold](#); [Amy Jane Small](#); [Angel Harold](#); [Joie harold ramirez](#); [John Harold](#); [ms_readybetty](#); [IN Jeni Harold](#); [Powell, Bryan](#)
Subject: A New Protection Order & Renewed Insurance Request
Date: Friday, March 24, 2023 8:45:09 PM
Attachments: [2-Jeni Calls for Welfare Check Ext_7719_2023_02_09_11_44_40.wav](#)
[1-Nighbor calls about Jeni yelling - 2_Ext_7719_2022_09_04_14_46_22_by_Start_Time_asc.wav](#)

CAUTION: This is an external email. **STOP and THINK.** Do **NOT** click links or open attachments unless you are certain the content is safe.

Mr. Schilbach,

I recently received the attached, disturbing audio files from the Reedsport Police Department regarding two incidents.

1) 9-4-2022 - Jeni Harold was visiting Mom and a neighbor called to report they were fighting all morning. The original dispatcher log (that you have in your possession) incorrectly reported what the witnessing party said. According to the witness, recorded on the attached audio file, Jeni actually said, "I hate you." "I am going to kill you." to which Mom replied, "You want me dead?"

2) 2-9-23 - Jeni Harold called in a false police report to check on the welfare of Mom when all Jeni had to do was call Mom. Jeni is not blocked on Mom's phone and she could have called any of her brothers and sisters to know what is happening at any time. Jeni also falsely reported that Angel was living at Mom's house. Again, all Jeni had to do was pick up the phone and call instead of upsetting Mom's mental and physical well being.

I am providing notice that we will be filing a separate protection order against Jeni and filing a supplemental brief to our original protection order to include these audio files.

As I am sure you are aware, Jeni's actions constitute serious violations of both Washington and Oregon laws dealing with Elderly Abuse and Vulnerable Adult Abuse.

You will recall from my previous timeline that shortly after Jeni told Mom "I'm going to kill you," Mom signed your liability release for David's AOT which included a release for his wife Brieana and their daughter. What a coincidence!! Mom then did her own math, figured out what David was up to and rescinded that release.

Please send this to David directly to make absolutely certain he understands the seriousness of this matter. He is the actual and proximate cause of his mother-in-law not being able to see her mother. If David and Lane Powell never filed this litigious motion, Jeni would not have been at Mom's house taking pictures and removing documents from Mom's house without her knowledge or permission, gathering evidence for this case, for who, her?

I also want David to hear directly from me that Mom was in the emergency room once again, this morning at approximately 4:00 am for a stress related medical issue arising directly from this case. We are reserving her medical privacy under HIPPA so that is all we will say for now.

Mom is once again asking David and Lane Powell in this email, to assign her trust funds immediately so she can move to an assisted living facility. Is there even enough money left for that now!

If my math is correct, your last email included your attorney fees, mostly paid from Mom's Trust as follows:

The total amount billed since June 2022 through March 2023:	\$136,453.51
Total amount paid by David with Mom's Trust money:	\$ 96,582.61
Unpaid amounts:	\$ 39,870.90

If David and Lane Powell keep spending Mom's money incorrectly on attorney fees instead of her medical care, any reasonable person will conclude that Lane Powell and David were the actual and proximate cause of Mom's exponentially declining health and accelerated end of life. There simply is no way to justify your behavior David. Your inaction is the definition of elderly abuse and Lane Powell is your legal mechanism.

Mr. Schilbach, I did not see your law firm's malpractice insurance information listed in your last letter. Please confirm you notified your insurance carrier of Mom's pending claim. Since you are spending all of Mom's money for your legal fees, I need to file a claim as soon as possible to recover money for Mom's immediate and future health care needs. As you recall she has eye duct cancer and other issues that are going untreated due to your withholding of funds.

We will now need David's homeowner insurance sooner than later as well.

Cordially,

Charles Harold
Attorney-in-Fact
Sharon M. Harold

Exhibit F

Letter to S. Harold re:
Distribution and Response to
C. Harold's March 24 email



ALEKSANDER SCHILBACH
206.223.7094
schilbach@lanepowell.com

March 31, 2023

VIA ELECTRONIC MAIL and REGULAR MAIL

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: Response to Mr. Harold's March 24, 2023 E-mail

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

We write on behalf of Mr. David A. Paice, Trustee of the Sharon M. Harold Irrevocable Trust dated November 12, 2004 ("Harold Trust"), in response to Mr. Harold's e-mail of Friday, March 24, 2023 at 8:39 p.m.

Distribution for Medical Expenses for Ms. Harold

In his March 24 email, Mr. Harold wrote

Please send this to David directly to make absolutely certain he understands the seriousness of this matter. He is the actual and proximate cause of his mother-in-law not being able to see her mother. If David and Lane Powell never filed this litigious motion, Jeni would not have been at Mom's house taking pictures and removing documents from Mom's house without her knowledge or permission, gathering evidence for this case, for who, her?

I also want David to hear directly from me that Mom was in the emergency room once again, this morning at approximately 4:00 am for a stress related medical issue arising directly from this case. We are reserving her medical privacy under HIPPA so that is all we will say for now.

Ms. Sharon Harold,
Mr. Charles Harold and Ms. Amy Small
March 31, 2023
Page 2

Mom is once again asking David and Lane Powell in this email, to assign her trust funds immediately so she can move to an assisted living facility. Is there even enough money left for that now!

Please know that Mr. Paice has always been, and continues to be, concerned for Ms. Harold's health, well-being and comfort. If her needs have changed such that she should be in assisted living, the Harold Trust and its assets are available for that purpose. Setting aside Mr. Harold's false claims of the Trustee's wrongdoing, the Trustee has always been, and continues to be, willing to make appropriate distributions to Ms. Harold, or on her behalf to third-party care providers, from the Harold Trust. If there is any documentation that a care setting has been recommended or that she has a particular housing alternative that she would like to pursue, please provide us with that information immediately so that the Trustee can work to make funds available in her best interest.

As you know, because of Mr. Harold's baseless Protection Order, all but one of the Harold Trust's bank accounts remain frozen. However, if there is a specific expenditure that should be made for Ms. Harold's care, including, for example, specific medical invoices or an admission or entrance fee for any alternative housing or care arrangement, then please present the request or invoice to the Trustee so that he can work with you to jointly request the Court unfreeze the Harold Trust's accounts to pay such an expense.

In any event, we respectfully disagree that the Trustee is "the actual and proximate cause of his mother-in-law not being able to see her mother" or responsible for any other long-standing intra-family disputes between Ms. Harold and her children. We also dispute your suggestion that the Trustee's filing of a Verified Petition for Approval of Interim Account; For Discharge of Successor Trustee; and For Appointment of Successor Trustee, which is expressly allowed by Washington law, is a "litigious motion." Mr. Harold is wrong to allege that the Trustee has acted litigiously by filing an action that is expressly authorized under Washington law. Finally, we absolutely deny that the Trustee caused Ms. Harold to suffer any medical problems by any sort of litigiousness on his part. To the contrary, the only "litigious motion" filed in connection with the Harold Trust is Mr. Harold's own filing of a Petition for Protection Order. Mr. Harold's Petition—which is wholly baseless and filed to abuse Mr. Paice and his family—has likely caused Ms. Harold undue stress and anxiety, and has caused Ms. Harold to become upset with certain of her children, including Ms. Sawyer.

Reedsport Police Department Audio Files

In Mr. Harold's March 24 email, he also wrote:

I recently received the attached, disturbing audio files from the Reedsport Police Department regarding two incidents.

Ms. Sharon Harold,
Mr. Charles Harold and Ms. Amy Small
March 31, 2023
Page 3

1) 9-4-2022 - Jeni Harold was visiting Mom and a neighbor called to report they were fighting all morning. The original dispatcher log (that you have in your possession) incorrectly reported what the witnessing party said. According to the witness, recorded on the attached audio file, Jeni actually said, "I hate you." "I am going to kill you." to which Mom replied, "You want me dead?"

2) 2-9-23 - Jeni Harold called in a false police report to check on the welfare of Mom when all Jeni had to do was call Mom. Jeni is not blocked on Mom's phone and she could have called any of her brothers and sisters to know what is happening at any time. Jeni also falsely reported that Angel was living at Mom's house. Again, all Jeni had to do was pick up the phone and call instead of upsetting Mom's mental and physical well being.

I am providing notice that we will be filing a separate protection order against Jeni and filing a supplemental brief to our original protection order to include these audio files.

Neither of these audio recordings has anything to do with Mr. Paice or the Harold Trust. Lane Powell PC has never represented Jenifer Sawyer in any capacity.

The Trustee's Power to Hire and Pay Counsel

In the March 24 e-mail, Mr. Harold also wrote:

If David and Lane Powell keep spending Mom's money incorrectly on attorney fees instead of her medical care, any reasonable person will conclude that Lane Powell and David were the actual and proximate cause of Mom's exponentially declining health and accelerated end of life. There simply is no way to justify your behavior David. Your inaction is the definition of elderly abuse and Lane Powell is your legal mechanism.

As we have explained multiple times—including in a letter sent to you on March 23, 2023, which was a day before Mr. Harold's e-mail—article IV, ¶ F.11 of the Harold Trust allows the Trustee to hire counsel and pay counsel from the Trust:

To carry out the purposes of the Trust, and subject to any limitation stated elsewhere herein, the Trustee and any successor Trustee are hereby vested with the following powers and discretions, in addition to those now or hereafter conferred by law:

. . . .

11. To employ counsel to assist and advise in the management, preservation and administration of the Trust Estate; and to compromise, arbitrate, settle, or

Ms. Sharon Harold,
Mr. Charles Harold and Ms. Amy Small
March 31, 2023
Page 4

litigate any matters pertaining thereto. The Trustee shall pay reasonable compensation therefor, and the same shall be charged against income and/or principal in such manner as the Trustee shall deem just and equitable.

Washington law also allows a trustee to “have a judicial proceeding” or petition the court for the approval of an interim account, to request the appointment of a successor trustee, and to request the court’s approval of the trustee’s actions. *See* RCW 11.96A.080; RCW 11.106.030; RCW 11.98.039. The Trustee’s filing of the Verified Petition for Approval of Interim Account; For Discharge of Successor Trustee; and For Appointment of Successor Trustee is expressly allowed by law and in no way constitutes a “litigious motion” or litigious filing.

Request for Insurance Information

In his e-mail of March 24, Mr. Harold also wrote:

Mr. Schilbach, I did not see your law firm's malpractice insurance information listed in your last letter. Please confirm you notified your insurance carrier of Mom's pending claim. Since you are spending all of Mom's money for your legal fees, I need to file a claim as soon as possible to recover money for Mom's immediate and future health care needs. As you recall she has eye duct cancer and other issues that are going untreated due to your withholding of funds.

We will now need David's homeowner insurance sooner than later as well.

Please provide us with any authority in support of your request to provide you with this information. In the absence of applicable authority, we will not be providing Lane Powell PC’s “malpractice insurance information” or the Trustee’s “homeowner insurance” information.

ER 408 – Mediator Preferences

In the Notice of Mediation Under RCW 11.96A.300 served on March 27, 2023, and in accordance with RCW 11.96A.300(4), we listed three mediators: Mr. Stew Cogan, the Honorable Terrence A. Carroll (ret.), or the Honorable Larry A. Jordan (ret.). Please let us know whether these suggested mediators are agreeable or whether you have suggestions of other qualified, neutral mediators. We would prefer to schedule the mediation soon.

Ms. Sharon Harold,
Mr. Charles Harold and Ms. Amy Small
March 31, 2023
Page 5

Sincerely,

LANE POWELL PC



Aleksander Schillbach
Gail E. Mautner

CC: Mr. David A. Paice, Trustee (via email)
John J. Harold, *Pro Se* (via email)
Angel Harold, *Pro Se* (via email)
Josette Harold Ramirez, *Pro Se* (via email)
Jennifer Sawyer, *Pro Se* (via email)
Nicole Loomis, *Pro Se* (via email)

134455.0001/9332077.2

Exhibit G

Scan of Mailing to Sharon
Harold re distribution of check



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

A handwritten signature in blue ink, appearing to read "A. Schilbach".

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

\$ 20,740.50

twenty thousand seven hundred forty & 50/100

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Details on Back.

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Seattle, WA 98124-9750
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www.becu.org

MEMO

Dental / Attorney Fee

MP

9307101105

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
ACTWGRT: 1.00 LB
CAD: 100628375/FINET4584

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:



J231023011101uv

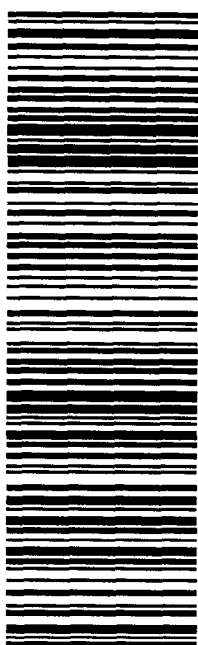
TRK# 7716 7622 2757

**TUE - 28 MAR 4:30P
PRIORITY OVERNIGHT**

RES
97467

WS OTHA

OR-US PDX



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