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FILED Hearing Date: Friday, February 3, 2023
2023 FEB 01 04:04 PM Hearing Time: 10:30 a.m.
KING COUNTY Ex Parte Commissioners Calendar
SUPERIOR COURT CLERK
E-FILED
CASE #: 22-4-08326-1 KNT

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.

**REPLY IN SUPPORT OF VERIFIED
PETITION FOR APPROVAL OF
INTERIM ACCOUNT; FOR
DISCHARGE OF SUCCESSOR
TRUSTEE; AND FOR
APPOINTMENT OF SUCCESSOR
TRUSTEE**

I. REPLY & REQUEST FOR CONTINUANCE

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"), respectfully requests that the Court continue the hearing set for February 3, 2023 so that the Trustee may formulate a response to the voluminous and untimely materials filed by Respondents Sharon Harold, Charles Harold, John Harold, Angel Harold, Josette Ramirez, and Amy Small (collectively, "Respondents"). Respondents, who were served with the Petition in early December 2022, almost two months prior to this (Friday, February 3) hearing, appeared pro se in this matter, and three days after the filing deadline, **filed well over 300 pages of declarations and exhibits.** Respondents' untimely filing at 4:30 p.m. on Monday, January 30, left the Trustee with virtually no time to fully analyze the material, gather evidence to rebut the allegations, and formulate a Reply. Accordingly, the Trustee respectfully requests the Court not rule on the merits at this hearing, but instead continue this hearing to another, mutually agreeable date in the future in order to afford the Trustee with adequate time to formulate a response to Respondents' voluminous and

1 untimely filings.

2 **A. Despite receiving almost two months' notice of the deadline to respond, Respondents**
3 **failed to respond until Monday, January 30.**

4 On December 5, 2022, the Trustee filed a Verified Petition for Approval of Interim
5 Account; for Discharge of Successor Trustee; and for Appointment of Successor Trustee
6 ("Petition") and set the Petition for a hearing on Friday, February 3, 2023. Dkt. #1 (Petition);
7 Dkt. #15 (Amended Notice of Court Date). This Petition, along with a TEDRA Summons, spelling
8 out the deadline for filing a Response, was served on the Respondents on December 6, 2022.
9 Dkt. #14 (Certificate of Mailing dated December 6, 2022); Dkt. #16 (Certificate of Mailing dated
10 December 9, 2022).

11 Each of the Respondents received TEDRA Summonses in accordance with
12 RCW 11.96A.100(3). Dkts. #5-12. Each TEDRA Summons stated, in accordance with RCW
13 11.96A.100(3), that the Respondents "must answer the petition by petition by stating your defense
14 or objections in writing, and by serving your answer upon the person signing this summons **not**
15 **later than five days before the date of the hearing** on the petition."

16 RCW 11.96A.100(5) mandates that answers to a petition under chapter 11.96A RCW must
17 be filed at least five days before the date of the hearing:

18 The answer to the petition and any counterclaims or cross-claims
19 **must be served on the parties or the parties' virtual**
20 **representatives and filed with the court at least five days before**
21 **the date of the hearing**, and all replies to the counterclaims and
22 cross-claims must be served on the parties or the parties' virtual
23 representatives and filed with the court at least two days before the
24 date of the hearing;

25 RCW 11.96A.100(5) (emphasis added). Under CR 6(a), when "computing any period of time
26 prescribed or allowed . . . any applicable statute," "[w]hen the period of time prescribed or allowed
27 is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the
computation." CR 6(a).

Here, with the hearing on Friday, February 3, any response to the Trustee's Petition was
due to be served and filed with the court no later than Friday, January 27. The Respondents,

1 however, **filed over 300 pages of declarations and exhibits three calendar days late**, on January
2 30. This untimely filing violates RCW 11.96A.100(5) and reflects a disregard for the Court's
3 established procedure and proper practice. By filing the voluminous material three calendar days
4 late, the Respondents have prejudiced the Trustee's ability and right to rebut their evidence and
5 argument.

6 That Respondents are proceeding pro se does not mean that court rules do not apply to
7 them. Further, Respondent Sharon Harold, the grantor of the Harold Trust, was represented by
8 counsel until January 30, which was when her attorney's withdrawal became effective under
9 CR 71(c)(1). *See* Dkt. #18 ("Notice of Withdrawal of Counsel" of Ms. Blackwell served on
10 January 19, 2023); CR 71(c)(1) (providing attorney's withdrawal effective on a date which must
11 be 10 days after the service of the notice of intent to withdraw). In short, Ms. Blackwell, an attorney
12 licensed to practice in Washington, should have recognized the January 27 deadline and
13 communicated that deadline to her client, Respondent Sharon Harold.

14 **II. CONCLUSION**

15 In order to formulate his Reply to Respondents' voluminous and untimely material filed in
16 opposition to the Trustee's Petition, the Trustee respectfully requests that: (a) the February 3, 2023
17 hearing **not** be a "hearing on the merits to resolve all issues of fact and all issues of law"; and (b)
18 the Court continue the hearing date to a mutually agreeable time in the future at the Court's earliest
19 convenience.

1 Respectfully Submitted: February 1, 2023.

2
3 LANE POWELL PC

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5 By: 

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14 *Attorneys for David A. Paice, Trustee of the Sharon*
15 *M. Harold Irrevocable Trust dated November 12,*
16 *2004*

17
18 In compliance with KCLR 7(b)(5)(B)(vi), this Reply
19 contains 792 words.
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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 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
Michelle A. Blackwell Blackwell Law, PC 747 Blair Blvd PO Box 10326 Eugene, OR 97440 <i>Former Attorneys for Sharon M. Harold</i> mblackwell@blackwell.law assistant@blackwell.law	<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 joebabe007@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
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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: February 1, 2023.

s/ Silvia Webb

Silvia Webb