

CHUCK HAROLD  
SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING  
DECLARATION OF CHARLES A. HAROLD IN SUPPORT OF  
RESPONDENTS' MOTION TO DISMISS  
TRUSTEE'S ACCOUNTING AS A  
MATTER OF LAW

Hearing Date: November 3, 2023  
Honorable Wyman Yip  
With Oral Argument

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING**

In re the Matter of

Case No. 22-4-08326-1 KNT

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

a Trust.

**DECLARATION OF CHARLES A.  
HAROLD IN SUPPORT OF  
RESPONDENTS' MOTION TO DISMISS  
TRUSTEE'S ACCOUNTING AS A  
MATTER OF LAW**

I, Charles A. Harold, declare as follows:

1. I am a Residual Beneficiary of the Sharon M. Harold Irrevocable Trust dated November 12, 2004 ("Trust"). I also hold dual Power of Attorney ("POA") with my sister Amy Jane Small for Grantor. I have personal knowledge of the facts set forth herein. I make this declaration in support of Respondents' Motion to Dismiss Trustee's Accounting as a Matter of Law.

2. At all relevant times herein, I was entitled to possess the attached documents due to my POA, my mother giving them to me or giving me permission to get the documents from either David Llewellyn or David A. Paice.

3. On November 23, 2022, Mr. Schilbach wrote a letter to Michelle A. Blackwell, Grantor's attorney at the time, in which he admits to Paice's breaches of duty and denies other breaches which were later proven accurate. Attached hereto as Exhibit 11 is a true and correct copy of the October 23 letter.

4. On August 9, 2022, Mr. Schilbach sent a letter to the beneficiaries

1 enclosing a copy of the "Accounting of Trust" ("AOT"). The AOT for 2010 included a  
2 cover letter from David Llewellyn. Attached hereto as Exhibit 12 is a true and correct  
3 copy of the Llewellyn cover letter.

4 5. In the AOT enclosed in Mr. Schilbach's August 9 letter, it included  
5 Schedule A for 2010 at page 13 / 103. A true and correct copy of Schedule A for 2010  
6 is attached hereto as Exhibit 13.

7 6. On January 24, 2011, Paice sent Grantor an email which attached a  
8 Microsoft Excel spreadsheet with the file name of "SharonTrustAccounting.xlsx." A  
9 true and correct copy of the email and the spreadsheet are attached hereto as Exhibit  
10 14.

11 7. Comparing the BECU statement with Paice's AOT, I discovered that  
12 there were multiple discrepancies between documents. Attached hereto as Exhibit 15  
13 is a true and correct copy of the BECU statement for the period of 3/10/10 to 3/12/10.

14 8. In the AOT enclosed in Mr. Schilbach's August 9 letter, it included  
15 Schedule J for 2010 at page 19 / 103. A true and correct copy of Schedule J for 2010  
16 is attached hereto as Exhibit 16.

17 9. On March 29, 2010, Paice purchased an official check from BECU in the  
18 amount of \$2,000, not \$8,000. Grantor deposited the \$2,000 check into her BECU  
19 account. True and correct copies of the official check and the BECU statement  
20 showing the deposit of the check are attached hereto as Exhibit 17.

21 10. I have attempted on several occasions to obtain information regarding  
22 the \$8,000 cashier's check as listed in Schedule J. My latest request was by email to  
23 Mr. Llewellyn and Mr. Schilbach dated October 5, 2023. A true and correct copy of  
24 that email is attached hereto as Exhibit 18.

25 11. In the AOT enclosed in Mr. Schilbach's August 9 letter, it included a  
26 Summary of Account for 2010 at page 6 / 103. A true and correct copy of the 2010  
27 Summary is attached hereto as Exhibit 19.

28 12. In the AOT enclosed in Mr. Schilbach's August 9 letter, it included a

1 Schedule E for 2010 at page 9 / 103. A true and correct copy of Schedule E for 2010  
2 Summary is attached hereto as Exhibit 20.

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

5 Executed this 20<sup>th</sup> day of October, 2023, at Apache Junction, Arizona.

6  
7 s/Charles A. Harold  
8 CHARLES A. HAROLD  
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## **EXHIBIT 11**



ALEKSANDER SCHILBACH  
206.223.7094  
schilbach@lanepowell.com

November 23, 2022

**VIA ELECTRONIC AND REGULAR MAIL**

Michelle A. Blackwell, Esq.  
BLACKWELL LAW, P.C.  
747 Blair Blvd  
PO Box 10326  
Eugene, OR 97440

E-Mail: mblackwell@blackwell.law

Re: *The Sharon M. Harold Irrevocable Trust Dated November 12, 2004*  
Response to Concerns Regarding David A. Paice as Trustee

Dear Ms. Blackwell:

We are writing on behalf of Mr. David A. Paice ("Mr. Paice" or "Trustee"), Trustee of the Sharon M. Harold Irrevocable Trust dated November 12, 2004 ("Harold Trust" or "Trust"), in response to Ms. Harold's concerns regarding Mr. Paice's actions as Trustee. As I explained in my telephone conference with you on November 11, since we have concerns that Ms. Harold may not fully understand the Trust itself, the Trustee's role, or any of the underlying Trust Accountings or financial information that has been provided, we are glad to know that Ms. Harold now has independent counsel who can help her in this matter.

In order to help you erase any confusion about the Trustee's actions, we have enclosed a copy of the Trust's accountings for 2010 through 2021 ("Trust Accountings"). The Trust Accountings, which were prepared at Mr. Paice's request by Llewellyn Accountancy Corporation, were provided to Ms. Harold on July 21, 2022 and to the Trust's remainder beneficiaries on August 9, 2022. In addition, we are providing you with the Trust's Boeing Employee Credit Union ("BECU") bank statements from Mr. Paice's time as Trustee (collectively, "BECU Statements") and investment statements for the Trust ("LPL Statements"). We have made the BECU Statements and the LPL Statements available via a secure download link shared in the transmittal e-mail for this letter. If you need assistance accessing the link, please call me immediately.

When we spoke on November 11 you confirmed that you had not reviewed the Trust Accountings provided to Ms. Harold. Respectfully, we urge you to review the Trust

Accountings, the BECU Statements, and the LPL Statements. We are confident that after reviewing this material, you will see that Mr. Paice took no improper actions as Trustee and that he has, throughout his trusteeship, protected the Trust's assets for its beneficiaries. We are also confident that after reviewing the material provided, you will realize that any continued suspicion of the Trustee's actions is unfounded and that you will support the Trustee's desire to obtain approval of the Trust Accountings, along with his resignation, release, and discharge, and the appointment of a successor trustee, approved by the court.

**A. Response to Ms. Harold's Concerns Regarding Trust Administration**

**1. The Closure of BECU Account Ending x-9349**

Upon being appointed Trustee in 2010, Mr. Paice opened four accounts in the name of the Harold Trust at BECU:

Harold Trust Accounts		
No.	Account	Type
1	BECU Account Ending x-9232	Savings
2	BECU Account Ending x-9349	Money Market
3	BECU Account Ending x-9307	Checking
4	LPL Financial Account Ending x-4662 <sup>1</sup>	Investment

In February 2014, Mr. Paice decided to close the Money Market BECU Account Ending x-9349 as there was no benefit to maintaining it alongside the other accounts. Accordingly, on February 15, 2014, the BECU Account Ending x-9349 was closed and the funds in that account (\$260.48) were transferred to BECU Account Ending x-9307. This is shown on the BECU Statement for the time period of February 15, 2014 to March 14, 2014. That statement confirms that the funds in the closed account (\$260.48) were transferred to BECU Account Ending x-9307.

<sup>1</sup> The LPL Financial investment account is offered through BECU. The LPL Financial Account Ending x-4662 holds a mixture of cash and investments. See generally LPL Statements. Even though there is only *one* LPL Financial Account, the Trust Accountings show the LPL Financial Account ending x-4662 as having both a "Cash Account" component and an "Investments" component.

**2. Alleged Comingling of Mr. Paice's Personal Funds with Trust's Funds**

As Trustee Mr. Paice has never purposefully comingled the Trust's funds with his (or his wife's) personal funds. Over the 12 years that he has served as Trustee, however, there are several instances where Mr. Paice has inadvertently transferred money from the Trust to his personal account. Upon realizing his mistake, Mr. Paice immediately returned the funds to the Trust. We have provided an explanation of the specific instances you raised on our telephone call.

**a. Inadvertent Transfer in March 2014**

On March 3, 2014, Mr. Paice inadvertently transferred \$2,500 from BECU Account Ending x-9307 to Mr. Paice and his wife's personal checking account ("Paice Account Ending x-2739"). A few days later, on March 7, 2014, Mr. Paice realized his mistake and immediately returned \$2,500 to the Trust's BECU Account Ending x-9307. *See* BECU Statement for Period February 15, 2014 to March 14, 2014.

**b. Inadvertent Transfer in July 2020**

On July 26, 2020, Mr. Paice inadvertently transferred \$1,000 from BECU Account Ending x-9307 to Mr. Paice and his wife's personal Paice Account Ending x-2739. Mr. Paice realized his mistake a short time later and immediately returned \$1,000 back to the Trust's BECU Account Ending x-9307 that same day, July 26. *See* BECU Statement for Period July 11, 2020 to August 14, 2020.

**c. Returning a Graduation Gift from Ms. Harold in November 2021**

In May 2021, Ms. Harold sent Ms. Brieana Paice, Mr. Paice's wife, a check for \$2,500 as a graduation gift for graduating college. *Ex. A* ("Check #134"). Check #1341 states that it was "for" "B DAY[,] GRADUATION[,] VACATION." *Id.* Ms. Paice cashed the check, but on November 2, 2021, the Paices returned the money to Ms. Harold because they knew that she was on a very limited income and felt uncomfortable about accepting Ms. Harold's money. *Ex. B* (confirmation of transfer of \$2,500 from Paice Account Ending x-2739). This is not an instance of inadvertent comingling: Ms. Harold gave Ms. Paice a gift, and the Paices returned the gift to her.

**d. Mr. Paice's Name on Ms. Harold's Personal Bank Checks**

In mid-June 2022, Mr. Paice discovered that Ms. Harold had, without his knowledge or consent, put Mr. Paice's name on her personal checks at her personal bank account held at USAA. *Ex. C* (image of one of Ms. Harold's checks with Mr. Paice's name on it). Ms. Harold's checks state:

Michelle A. Blackwell  
November 23, 2022  
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Sharon M. Harold or  
David Paice  
100 River Bend Rd Spc 103  
Reedsport, OR 97467-1385

*Id.* (emphasis added). Mr. Paice did not do this, and only learned of it a few months ago. Upon learning of his name being on Ms. Harold's checks, Mr. Paice called USAA to confirm that he did not have access to these accounts and that he was not listed as an owner of these accounts, which USAA confirmed over the telephone. Although Ms. Harold has previously directed Mr. Paice to deposit checks from the Trust to her in Ms. Harold's USAA bank account by logging into the USAA mobile app (at Ms. Harold's express direction and with the login credentials provided by Ms. Harold), Mr. Paice has never accessed any of Ms. Harold's personal bank accounts without her express permission and at her direction.<sup>2</sup> He never saved Ms. Harold's login information and does not even know how to access her accounts. He certainly never asked Ms. Harold to put his name on her checks for her personal USAA bank account and does not understand why she would do this. He also does not reside at Ms. Harold's address in Reedsport. After he learned that his name was listed on her checks, and even though he does not have any ownership or access to Ms. Harold's personal account, Mr. Paice called Ms. Harold and asked her to remove his name from her USAA checks, which she agreed to do. Mr. Paice is currently unaware of whether Ms. Harold has, as he requested, removed his name from these checks.

This is not an example of comingling: Ms. Harold put Mr. Paice's name on these checks *without his knowledge or consent* for an unknown reason, and Mr. Paice has requested that she remove him.

Please confirm that Ms. Harold has complied with the Trustee's request to remove his name from Ms. Harold's checks.

### **3. Alleged Secret P.O. Box Address Maintained with Convicted Felon**

Based on our conference of November 11, we understand that Ms. Harold may believe the following: (a) Mr. and Ms. Paice (Ms. Harold's granddaughter) maintain a secret P.O. Box address that Mr. Paice uses for "confidential" trust paperwork and financial statements; (b) the Paices allegedly own and maintain this P.O. Box with another person named "Serena Crisamore," who is, allegedly, a convicted felon with a long and serious criminal history; (c) Ms. Crisamore has a social security number similar to Ms. Harold's, which allegedly indicates that she is similar in age to Ms. Harold; and (d) that her identity has been stolen by Ms.

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<sup>2</sup> In order to avoid having to wait for the distribution check to arrive in the mail, Ms. Harold would direct Mr. Paice to log in to the USAA banking app using the login credentials she supplied him with and deposit the check to Ms. Harold's personal account. Once the Trustee became able to make transfers to Ms. Harold's bank accounts, Ms. Harold stopped directing Mr. Paice to do this.

Crisamore and that Mr. Paice may have been involved in the identity theft of his wife's grandmother, Ms. Harold.

*These allegations are absolutely false.* First, Mr. Paice does not know—and has never met—anyone by the name of Serena Crisamore. Second, Mr. Paice *does not* currently maintain a P.O. Box. He uses his home address for all mailings, statements, and accounts related to the Trust. Although the Paices have used a P.O. Box in years past, they no longer use or maintain this P.O. Box. The BECU Statements reflect the change in mailing addresses and the discontinued use of the P.O. Box. *Compare* BECU Statement for Period January 14, 2017 to February 10, 2017 (listing P.O. Box 48212 as mailing address) *with* BECU Statement for Period February 11, 2017 to March 10, 2017 (listing Mr. Paice's current home mailing address). Mr. Paice has *absolutely no knowledge* as to who, if anyone, now uses the old P.O. Box or what activities that P.O. Box may be currently used for. Finally, Mr. Paice has not—and would never—attempt to defraud Ms. Harold or steal her identity; any allegations to the contrary are deeply hurtful and baseless. Mr. Paice has worked closely with Ms. Harold—his wife's grandmother—to administer the Harold Trust *for over a decade at no charge or enrichment to himself*. Mr. Paice and Ms. Harold are extended family. The Trustee has never received any compensation from the Trust for his services as Trustee. He has served as Trustee not for personal gain but to assist a family member—his wife's grandmother—who needed help administering her Trust and asked Mr. Paice to serve as Trustee. Any allegation that Mr. Paice would plot to defraud Ms. Harold or work in concert with another person to defraud her, is absolutely meritless and deeply upsetting.

The Trustee and Ms. Harold have a longstanding personal and familial relationship. Ms. Harold's hollow accusations and unfounded suspicions of Mr. Paice are extremely distressing. To the extent you have any evidence of Mr. Paice's involvement in any attempt to defraud Ms. Harold, then we respectfully request that you share it with us immediately. If you do not provide any evidence supporting this accusation, then we will assume that you have none.

**B. Ms. Harold's Demand that Mr. Paice Resign**

In your e-mail of November 19, you wrote that you "have not had any further response . . . responding to [Ms. Harold's] request that Mr. Paice immediately voluntarily resign as Trustee." In our November 11 conference, however, I made it very clear that the Trustee does not agree to resign without a full release and discharge in place from all of the beneficiaries of the Trust. The Trustee's position has not changed since November 11: to the extent that Ms. Harold requests that the Trustee voluntarily resign without a release and discharge, the Trustee respectfully declines this request. The Trustee intends to petition the Court to approve the Trust Accountings, enter an order releasing and discharging him as Trustee, and appointing a successor trustee.

**C. Ms. Harold's Demand for "Forensic Accounting" is Unnecessary**

In your e-mail of November 19, you demanded that "that the Trustee personally initiate and pay for a forensic accounting of Ms. Harold's choice and he sign an affidavit that the information he will be supplying the accountant is complete, true and accurate." The Trustee respectfully declines this demand. First, a forensic accounting (or another accounting of the Trust) would not provide any value to the Trust. You admitted on November 11 that you had not reviewed the Trust Accounting already prepared and provided. Our office has already made the underlying BECU Statements and LPL Statements available to Ms. Harold, the remainder beneficiaries, and Mr. Edgar Saenz, the attorney representing Ms. Harold's son, Mr. Chuck Harold, and Ms. Harold has been copied on the LPL Statements themselves since 2014. Despite having been provided all of this material, it appears that Ms. Harold still does not understand the Trust Accountings, the BECU Statements, or the LPL Statements as she continues to harbor unfounded suspicions about Mr. Paice's actions as Trustee. In short, another accounting would be a waste of money and time at this point.

Second, we strongly disagree with any contention that Mr. Paice is obligated to pay for a forensic accounting personally. This request is contrary to the Trust. The Harold Trust makes it clear that "expenses incurred by the Trustee in the administration or protection of this Trust . . . shall be a charge upon the Trust Estate . . . . Harold Trust, Art. IV, ¶¶ 10. There is absolutely no evidence of self-dealing, wrongful enrichment or breach of duty by Mr. Paice. Accordingly, he respectfully declines the request that he personally pay for a forensic accounting at this time.

To the extent that you believe a forensic accounting paid for by Mr. Paice personally is (1) required by the Trust; (2) required by law; or (3) made necessary because of evidence of improper conduct that has harmed Ms. Harold, then please immediately provide all evidence, authority, and support in favor of your position.

**D. Ms. Harold's Demand for \$100,000 as an "Advance"**

As we discussed on November 11, Mr. Paice, as Trustee, is extremely concerned that some of Ms. Harold's children are manipulating her and attempting to financially exploit her. You confirmed with me on November 11, however, that you represent Ms. Harold and that you do not represent any of Ms. Harold's children. Given the Trustee's concerns regarding Ms. Harold's children attempting to manipulate Ms. Harold, we are pleased that Ms. Harold is independently represented by counsel.

Mr. Paice, as Trustee, will make a one-time disbursement of \$10,000 from the Trust for your continued representation of Ms. Harold under the following conditions: (1) the disbursement will be made directly to Ms. Harold's trust account held at Blackwell Law P.C.; (2) the disbursement is a one-time disbursement and not a promise to pay any additional legal fees that may be incurred by Ms. Harold in the future; (3) you will represent Ms. Harold in any

Michelle A. Blackwell  
November 23, 2022  
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actions filed with regard to the Harold Trust, including, without limitation, any petition to approve the Trust Accountings, remove, release, and discharge Mr. Paice as Trustee, and appoint a successor trustee of the Trust. **This offer will remain open until Monday, November 28, 2022, at noon.**

In closing, we respectfully request that you review the Trust Accountings, the BECU Statements, and the LPL Statements provided with this letter as soon as possible. Please contact our office with any questions.

Very truly yours,

LANE POWELL PC



Aleksander Schilbach  
Gail E. Mautner

Enclosures: Trust Accountings; Exhibits A-C  
CC: David A. Paice (via e-mail)

134455.0001/9193927.2

## **EXHIBIT 12**

McCord and Llewellyn Accountancy Corporation  
1150 Foothill Boulevard, Suite G  
La Canada, Ca 91011  
818-952-1040

To David F. Llewellyn, Trustee  
Sharon M. Harold Irrevocable Trust

We have compiled the accompanying summary of account of the Sharon M. Harold Irrevocable Trust and the related schedules on pages 3 to 5 as of February 28, 2010 and for the two months then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of the trustee of the Sharon M. Harold Irrevocable Trust. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

The trustee has elected to omit substantially all of the disclosures required by generally accepted accounting principles. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Trust's financial position, results of trust activities, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to the Sharon M. Harold Irrevocable Trust.

*McCord and Llewellyn Accountancy Corporation*

McCord and Llewellyn Accountancy Corporation

March 5, 2010

## **EXHIBIT 13**

**SHARON M HAROLD IRREVOCABLE TRUST**  
**Accounting of Trustee**  
**For Period March 10, 2010 to December 31, 2010**

**SCHEDULE A - PROPERTY ON HAND AT BEGINNING OF ACCOUNTING PERIOD**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Cash in Boeing Employees' Credit Union (BECU) (account 3584939232)	\$ -
Cash in BECU (account 3584939307)	-
LPL Financial account #2601-4662 Cash Account	-
LPL Financial account #2601-4662 Investments	-
	<hr/>
TOTAL Property on Hand as of March 10, 2010	<u>\$ -</u>

## **EXHIBIT 14**



Sharon Harold <smharold7@gmail.com>

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## 2010 Trust accounting

1 message

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**David Paice** <dbpaice@comcast.net>  
To: sharon <smharold7@yahoo.com>

Mon, Jan 24, 2011 at 6:08 PM



**SharonTrustAccounting.xlsx**  
14K

Savings 3584939232			W	D	Money Market 3584939349			W	D
2/28/2010 Funds Received				533529.6	3/12/2010 beginning balance				33000
3/10/2010 Funds transferred to Investments	500000				3/29/2010 withdrawal to Sharon	8000			
3/12/2010 Funds Transferred to Money Market	33000				4/7/2010 investment income				765.43
3/12/2010 dividend		1.15			4/9/2010 dividend				51.42
4/9/2010 dividend		2.31			4/27/2010 check 1003/ May income	2000			
5/14/2010 dividend		2.89			5/3/2010 check 1002/ McCord fee	702.5			
6/11/2010 dividend		2.32			5/4/2010 check 1001/ trustee change	530			
7/9/2010 dividend		2.32			5/7/2010 investment income				1700.31
8/13/2010 dividend		2.9			5/14/2010 dividend				19.03
9/10/2010 dividend		2.32			6/8/2010 check 1004/ June income	1700			
10/8/2010 dividend		2.32			6/8/2010 investment income				1605.24
11/12/2010 dividend		2.9			6/11/2010 dividend				9.72
12/10/2010 dividend		2.23			7/1/2010 check 1005/ July income	1700			
ending balance in Savings		553.34			7/2/2010 check 1006/ Sharon Travel	500			
					7/7/2010 investment income				1615.87
					7/9/2010 dividend				9.09
					7/30/2010 check 1007/ August income	1700			
					8/9/2010 investment income				1592.12
					8/12/2010 deposit from Daley Trust				3500
					8/13/2010 dividend				11.19
					8/25/2010 check 1010/ Sept income	1700			
					8/27/2010 check 1008/ Sharon expenses	3500			
					9/8/2010 investment income				1594.29
					9/10/2010 dividend				9.32
					9/14/2010 check 1011/ Medical Expense	300			
					10/4/2010 check 1012/ October income	2100			
					10/7/2010 investment income				1589.62
					10/8/2010 dividend				8.79
					11/1/2010 check 1013/ Nov Income	2100			
					11/9/2010 investment income				1591.45
					11/12/2010 dividend				10.6
					12/2/2010 check 1014/ December income	2100			
					12/7/2010 investment income				1749.41
					12/10/2010 dividend				8.33
					12/30/2010 short term gain				3700
					12/30/2010 check 1016/ January income	2100			21141.23
					Ending Balance for 2010				23408.73
					to Sharon in 2010/ 29500.00				

[REDACTED]

April income/ CC payoff

Sharon asked monthly income to be increased

total deposits in 2010

## **EXHIBIT 15**

Make sure your retirement  
lives up to your expectations.  
Open a BECU IRA today at [www.becu.org/ira](http://www.becu.org/ira).

#BWNKKNN  
The Sharon M Harold Irrevocable Trust  
PO Box 48212  
Seattle, WA 98148-0212



Statement Period: 03/10/2010 - 03/12/2010

2118918

Summary of Deposit Account Activity						
	Account #	Beginning Balance	Withdrawals/ Fees*	Deposits	Dividends/ Interest	Ending Balance
Member Advantage Savings	3584939232	0.00	(\$33,000.00)	533,529.59	1.15	530.74
Member Advantage Checking	3584939307	0.00				0.00
Money Market	3584939349	0.00	(\$500,000.00)	533,000.00		33,000.00
<b>Including the following Fees*</b>		<b>Statement Period Total</b>		<b>2010 Year-to-Date Total</b>		
Overdraft Fees		0.00		0.00		
Non-sufficient Funds (NSF) Fees		0.00		0.00		

#### Account Activity

##### Member Advantage Savings - 3584939232

If your account converted to Member Advantage during the statement period, you earned the rate effective for the Member Share Savings Account up to the date of conversion.

Year-to-date dividends: \$1.15  
0.62% Annual Percentage Yield Earned for 3 day period  
Average Daily Balance: \$22,529.59

#### Deposits

Date	Amount	Transaction Description	
03/10	533,529.59	ATM Deposit BECU 25250 PACIFIC HWY. SOUTKENT	WAUS
		Machine# WA033962 Trace# 00000000000000008359	
03/12	1.15	Dividend/Interest	

#### Withdrawals

Date	Amount	Transaction Description
03/10	(500,000.00)	Withdrawal
03/12	(33,000.00)	Withdrawal Online Banking Transfer To 3584939349

**Member Advantage Checking - 3584939307**

If your account converted to Member Advantage during the statement period, you earned the rate effective for the Checking Account up to the date of conversion.

Year-to-date dividends: \$0.00

0.00% Annual Percentage Yield Earned for 3 day period

Average Daily Balance: \$0.00

**Money Market - 3584939349**

Year-to-date dividends: \$0.00

1.10% dividends from 03/10/2010 up to 03/12/2010

0.90% dividends from 03/12/2010

1.10% Annual Percentage Yield Earned for 3 day period

Average Daily Balance: \$344,333.33

**Deposits**

Date	Amount	Transaction Description
03/10	500,000.00	Deposit
03/12	33,000.00	Deposit: Online Banking Transfer from 3584939232

**Withdrawals**

Date	Amount	Transaction Description
03/12	(500,000.00)	Withdrawal

## **EXHIBIT 16**

**SHARON M HAROLD IRREVOCABLE TRUST**  
**Accounting of Trustee**  
**For Period March 10, 2010 to December 31, 2010**

**SCHEDULE J - DISTRIBUTIONS TO BENEFICIARY**

<u>Date of Payment</u>	<u>Check No.</u>	<u>Name</u>	<u>Amount</u>
3/29/2010	CASHIERS	Sharon Harold - Distribution (Note 1)	\$ 8,000.00
4/25/2010	1003	Sharon Harold - Distribution	2,000.00
5/27/2010	1004	Sharon Harold - Distribution	1,700.00
6/27/2010	1005	Sharon Harold - Distribution	1,700.00
6/30/2010	1006	Sharon Harold - Distribution	500.00
7/18/2010	1007	Sharon Harold - Distribution	1,700.00
8/17/2010	1008	Sharon Harold - For expenses incurred	3,500.00
8/23/2010	1010	Sharon Harold - Distribution	1,700.00
9/12/2010	1011	Sharon Harold - Distribution	300.00
10/1/2010	1012	Sharon Harold - Distribution	2,100.00
10/30/2010	1013	Sharon Harold - Distribution	2,100.00
11/30/2010	1014	Sharon Harold - Distribution	2,100.00
12/21/2010	1015	Oregon Imaging Center - Medical Exp Sharon	714.00
12/29/2010	1016	Sharon Harold - Distribution	2,100.00
<b>TOTAL</b>			<b><u><u>\$30,214.00</u></u></b>

Note 1      Documentation for cashiers check for \$8,000 on 3/29/2010 is pending.

## **EXHIBIT 17**

THIS DOCUMENT HAS AN ANTI-FRAUD SECURITY FEATURE. PRINTED ON THE BACK, THE FRONT OF THE DOCUMENT HAS A MICROPRINT. SIGNATURE LINE. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

**more than just money B&E** Purchaser: **David Paice** **OFFICIAL CHECK** **42059872**  
P.O. Box 57050, Seattle, WA 98124-9750  
206-435-5700 Toll Free 800-233-2338

Cashbox: 11029-2063917  
Date: 03-29-2010

*Sharon Harold Trust*  
Two Thousand and 00/100\*\*\*\*\*  
DOLLARS \$2,000.00

**VOID**

PAY TO **Sharon Harold**  
THE  
ORDER OF  
April 2010 Expenses  
Issued By: MONEYGRAM PAYMENT SYSTEMS, INC. P.O. BOX 9476 MINNEAPOLIS MN 55480  
Drawee: PREFERRED BANK LOS ANGELES, CA

Drawer: Boeing Employees' Credit Union  
*Kathleen Elder*  
*[Signature]*

⑈ 42059872 ⑈ ⑆ 2204220510 160010356058 ⑈

ENDORSE CHECK HERE

*Sharon Harold*  
*for deposit only to 11544 FSB*  
*check # 26278022*  
DO NOT SIGN/INITIAL/STAMP OR WRITE ANYTHING  
FOR FINANCIAL INSTITUTIONS TO CASH OR DEPOSIT

© 2004, MONEYGRAM PAYMENT SYSTEMS, INC.



Member Since 1998  
Member Since 1998  
Member Since 1998  
Member Since 1998

SHARON M HAROLD  
3615 FRONTAGE RD APT 5  
REEDSPORT OR 97467-1736

	ACCOUNT NUMBER
2	
22	STATEMENT DATE
	04/22/10

PAGE 1

BALANCE LAST STATEMENT	NO OF DEBITS PAID	TOTAL AMOUNT OF DEBITS PAID	NO. OF DEP	TOTAL AMOUNT OF DEPOSITS MADE	SERVICE CHARGES	BALANCE THIS STATEMENT
643.12	24	2,882.43	6	2,992.65	.00	753.34

Please examine immediately and report if incorrect. If no report is received within 60 days, the account will be considered correct.

	OVERDRAFT (OD) FEES	NONSUFFICIENT FUNDS (NSF) FEES	INTEREST PAID ON OVERDRAWN BALANCES
This Statement	0.00	0.00	0.00
This Year's Statements	0.00	0.00	0.00

Note: Fee reversals/refunds made by USAA will not reduce the totals on this chart.

AS OF 1/31/09, NON-USAA VISA CARDS MAY NO LONGER BE USED  
FOR OVERDRAFT PROTECTION OR TO MAKE CASH ADVANCES TO YOUR  
ACCOUNT. MAKE CHANGES ON USAA.COM (KEYWORD: OVERDRAFT).

#### DEPOSITS AND OTHER CREDITS

DATE.....	AMOUNT.	TRANSACTION DESCRIPTION
03/23	300.00	USAA FUNDS TRANSFER CR
04/01	502.00	ACH CREDIT 040210
		US TREASURY 312 SOC SEC ***** SSA
04/01	2,000.00	DEPOSIT @ HOME
04/19	50.00	USAA FUNDS TRANSFER CR
04/22	140.60	DEPOSIT @ HOME
04/22	0.05	INTEREST PAID

#### CHECKS

DATE..	CHECK NO.....	AMOUNT	DATE..	CHECK NO.....	AMOUNT
03/29	1342	14.50	04/14	1344*	82.86

#### OTHER DEBITS

DATE.....	AMOUNT.	TRANSACTION DESCRIPTION
03/23	17.26	DEBIT CARD PURCHASE 032310
		BUDDYS DINER EUGENE OR
03/24	49.99	ACH DEBIT 032410
		DIRECTV ONLINE PMT *****3POS
03/24	495.80	ACH DEBIT 032410
		CHASE EPAY *****6930
03/25	57.29	ACH DEBIT 032510
		VERIZON ONLINE PMT *****3POS
03/29	16.07	DEBIT CARD PURCHASE 032910
		SAFeway STORE00002840 REEDSPORT OR
03/29	41.00	DEBIT CARD PURCHASE 032910
		MIRASTAR 62001 Q39 COOS BAY OR

FDIC  
INSURED

## **EXHIBIT 18**



Chuck Harold <chuckharold@gmail.com>

## Demand for Immediate Accounting of Trust Information

1 message

Chuck Harold <chuckharold@gmail.com>

Thu, Oct 5, 2023 at 3:51 PM

To: "Schilbach, Aleksander" <schilbacha@lanepowell.com>, IN David & Briana Paice Paice <bpaice@outlook.com>, david.paice@live.com, david.paice@becu.org, "Mautner, Gail" <Mautnerg@lanepowell.com>

Cc: Sharon <smharold7@gmail.com>, John Harold <john6231@live.com>, IN Jeni Harold <send2jen3@hotmail.com>, Angel Harold <angelharold25@gmail.com>, ms\_readybetty <nikkiloomis20@gmail.com>, "aj. harold9" <aj.harold9@gmail.com>, Joie harold ramirez <jobabe007@gmail.com>

Dear Mr. Schilbach,

I am writing to you in yet another of many attempts to have David Paice comply with his duties under Cal. Probate Code.

I am copying David Paice so he is fully informed directly from the Grantor as Trustee. I am copying Briana because Paice wants us to sign a waiver of liability for her and she has not told me if she is represented by counsel.

Under the provisions of the Sharon M. Harold Irrevocable Trust, page 5 section C. General Power of Appointment, I am notifying you that Grantor with her "absolute discretion" wishes to appoint the "whole or part" of her Trust estate to a creditor, an attorney, to assist her in his case. You and Paice are hereby directed to cease and desist the use of any Trust funds to pay your litigation. As you recall earlier, you were notified under this provision that Grantor wanted to "appoint whole or part of her Trust estate" to an assisted living facility of her choice. You and Paice ignored that directive and continued to use Trust funds for his self-dealing litigation.

Pursuant to Cal. Probate Code § 16040, despite Paice's self-initiated litigation, he is still required to administer the Trust with reasonable care and skill under the circumstances. Ignoring Grantor's "power to appoint the whole or any part of the Trust Estate" for the benefit of the Grantor is in direct violation of the Trust instrument, "The primary purpose of the Trust shall be to provide for the Grantor...To that end all the provisions governing the Trust shall be construed liberally."

Pursuant to Cal. Probate Code § 16060 - Duty to inform, Paice is required to keep the beneficiaries reasonably informed.

Pursuant to Cal. Probate Code § 16014 – Paice has a duty to apply the full extent of his special skills, that of the Manager of the BECU Financial Center that includes the BECU Trust division under license to LPL Financial.

Under Cal. Probate Code § 16012 – Paice has a duty to not delegate. Paice may NOT delegate his Trustee duties to you, nor may you participate in or act as his de facto co-trustee when it comes to executing his required duties as Trustee. By advising Paice to not comply with the numerous lawful, statutory requests of Grantor and beneficiaries, before and after TEDRA began, you are in essence committing on-going breaches of statutory duty against Grantor as if Paice himself had committed these breaches himself. Under California law you may therefore be personally liable to beneficiaries for any damages arising out of your breaches to beneficiaries.

Under Cal. Prob. Code § Section 16401 - Paice himself may be personally liable for your acts because he has failed to supervise your actions and/or failed to make you perform under Cal.

Prob. Code § 16002, "(a) The trustee has a duty to administer the trust solely in the interest of the beneficiaries." None of Paice's or your actions are "solely in the interest of the beneficiaries."

Therefore, pursuant to Cal. Probate Codes § 16062, 16063, 16322 - Duty to supply an Accounting of Trust, on behalf of Grantor as her co-attorney-in-fact with Amy Jane Small, I am requesting Paice provide the following information that is missing from his Accounting of Trust, immediately, without delay, without subpoena, as Paice's duty requires.

This should be an easy lift since, according to your petition, Paice has already supplied a proper Accounting of Trust. Therefore all the following information "omitted" from the Accounting of Trust per David Llewelyn should be under Paice's dominion and control.

The following information is requested:

- 1) Any and all documents Predecessor Trustee Robert Hatch passed on to Successor Trustee David Llewelyn and any and all documents Predecessor trustee David Llewelyn passed on to Paice.
- 2) An explanation and copy of the 8k cashier check, listed on Schedule J of Paice's AOT, that Paice issued to Grantor on March 29, 2010, only days after Paice started "acting" as Trustee.
- 3) A copy of Grantor's original 535k Trust fund check sent to Paice by Mr. McCord of McCord and Llewelyn on or about March 10, 2010.
- 4) Copies of any and all envelopes, folders, overnight packages, pouches, interbank transfer records or any other information that discloses the way Paice or Brianan Paice received the \$535,000 Trust check, including the address where the check was mailed, such as Briana Paice's business P.O. Box, her work address located near the ATM where the check was deposited, Paice's home address at the time, Paice's work address at the time, the address of Paice's rental property at the time, or any other mailing address not mentioned herein.
- 5) A copy of BECU Trust account application used to open Grantor's "Trust" account and any and all PII of Grantor contained or used therein to open the alleged "Trust" account.
- 6) An explanation as to how the "Trust" account opened at BECU can be a "Trust" account when per BECU policy "Trust" accounts CANNOT be "BECU Member Advantage" accounts as listed on the Grantor's BECU "Trust" account statements.
- 7) A copy of the BECU Trust account statement(s) for the period January through March 2010.
- 8) An explanation of a Trust fund check, paid to a woman, I can't remember her name, listed on Paice AOT wherein Paice claimed it was an accident payment and the funds were returned to the Trust. If I recall, the name of the woman matched the name of a child psychologist in Seattle.
- 9) Copies of all missing checks not listed in the AOT.
- 10) Copies of all BECU financial statements that correspond to and list these missing checks out of sequential order.

- 11) An explanation of how Paice's commingling of funds referenced in his AOT was "inadvertently" done when to "transfer" funds Paice must have had in his possession and under his immediate control, the PII bank account or Zelle information of Briana Paice attached to Grantor's BECU Trust account.
- 12) An explanation of why Briana Paice's Zelle account was accessible from the BECU Trust account
- 13) Copies of any and all Zelle transfers to Sharon M. Harold showing which Zelle account number from which BECU or LPL Financial account was used to transfer ANY money whatsoever to or FROM Sharon M. Harold.
- 14) Copies of all "Bill Pay" checks used to pay Sharon M. Harold her monthly disbursements from her Trust.
- 15) A list of all bank or credit union or investment accounts with numbers, (redacted for now) that clearly show the financial disbursement transactions of all "bill pay" accounts used to pay Sharon M. Harold her monthly Trust disbursements, specifically.
  - A. The originating financial source account, with account numbers, connected to the "bill pay" accounts used to pay Sharon M. Harold her monthly Trust disbursement.
  - B. The names and account numbers of any and all "bill pay" accounts used to transfer Trust funds or any other funds used to pay Sharon M. Harold her monthly Trust disbursements.
  - C. Copies of any and all "bill pay" checks that cleared any account used to pay Sharon M. Harold her monthly or other disbursements from her Trust account or any other account.
- 16) A schedule generated by an original source such as BECU, LPL Financial or early investment funds that show a complete history of any and all interest earned on any and all funds designated as Trust funds of the Sharon M. Harold Irrevocable Trust, dated 11-4-2004, or any account incorrectly and partially listed in a similar way such as the "Sharon M. Harold Trust" as incorrectly listed on the LPL Financial account.
- 17) An explanation as to who deposited the \$535,000 Trust check into an ATM machine of March 10, 2010.
- 18) An explanation as to why the \$535,000 Trust check was deposited into an ATM machine outside a grocery store and not into the BECU branch where Paice was/is the Financial Center Manager/ Sr. Business System Analyst, etc.
- 19) An explanation as to who and how someone approved the withdrawal \$500,000 from the BECU "Trust" fund of Sharon M. Harold within hours, on the same day the \$535,000 check was deposited into the ATM outside a grocery store.
- 20) An explanation as to why Paice found it necessary to generate numerous and various methods and sources to pay Sharon M. Harold her monthly Trust disbursements such as Zelle, bill pay, cashier's checks, bank checks, Trust account checks.
- 21) An explanation as to why Paice did not simply set up a monthly auto pay with LPL Financial and have LPL Financial mail Sharon M. Harold her monthly Trust disbursements directly.

22) An explanation as to what Paice meant in his text to me when he stated Briana Paice, "handles all the money"

23) An explanation as to how and why Briana Paice personally reimbursed me for ammunition using the exact same "bill pay" service and account used to pay Grantor her monthly Trust disbursement.

24) A copy of the \$70,0000 cashier check issued by Paice on 4-6-2017.

Please provide this information immediately.

Cordially,

Charles Harold

Co-Attorney-In-fact  
For Grantor, Sharon M. Harold

## **EXHIBIT 19**

SHARON M. HAROLD IRREVOCABLE TRUST  
SUMMARY OF ACCOUNT  
THREE MONTHS ENDED MARCH 31, 2010

CHARGES

---

ASSETS ON HAND - JANUARY 1, 2010	
SCHEDULE A	<u>\$ 538,849.59</u>
 TOTAL CHARGES	 <u>\$ 538,849.59</u>

CREDITS

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DISBURSEMENTS - JANUARY 1, 2010 TO FEBRUARY 28, 2010	
SCHEDULE C	\$ 1,120.00
 ASSET ON HAND - FEBRUARY 28, 2010	
SCHEDULE E	533,529.59
 DISTRIBUTIONS	
SCHEDULE D	<u>4,200.00</u>
 TOTAL CREDITS	 <u>\$ 538,849.59</u>

See accountant's compilation report

## **EXHIBIT 20**

SHARON M. HAROLD IRREVOCABLE TRUST  
SCHEDULE E  
ASSETS ON HAND  
MARCH 31, 2010

DESCRIPTION	AMOUNT
Cash in Bank of America	<u>\$ 533,529.89</u>

See accountant's compilation report.

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