

FILED

10 JUN 03 AM 8:30

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 10-4-00500-2 SEA

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

Estate of

STEPHEN GEORGE POTHIER,

Deceased.

NO. 10-4-00500-2 SEA

**NOTICE OF ATTORNEY'S
INTENT TO WITHDRAW &
DECLARATION OF MAILING**

Clerk's Action Required

PLEASE TAKE NOTICE

Richard Wills gives notice of his intent to withdraw as attorney of record for

**William D. Pothier
6 Bay Road # 26
Newmarket, NH 03857**

as an heir of Decedent's estate, and for:

**William D. Pothier
6 Bay Road # 26
Newmarket, NH 03857**

**Domonic Z. Harper
1865 West Uncas Rd
Port Townsend, WA 98368**

As the prior Co-Personal Representatives of Decedent's estate, both effective ten (10) days after the date stated below. This withdrawal will become effective without Court order unless an objection to the withdrawal is served on me and filed with the Court before the effective date of withdrawal.

June 3, 2010

/s/ R. Wills
Richard Wills,
WSBA 19720

DECLARATION OF MAILING

I declare under penalty of perjury under the laws of the State of Washington that on the date written below, I mailed via the US Postal Service, postage prepaid, by both certified mail and first-class mail to both Messrs. Pothier & Harper, at the addresses on the prior page, and by first class mail to each of the following persons, a true and correct copy of this *Notice of Attorney's Intent to Withdraw & Declaration of Mailing*

**John W. Pothier
360 Main St # 710
Hartford, CT 06106**

**Mary S. Pothier
PO Box 35
464 Ridgeview Dr
Twin Mountain, NH 03595**

**Theresa M. Pothier
504 Via Sevilla
Mesquite, Texas 75150**

**Kara Pothier
c/o Richard L. Furman, Jr.
801 2nd Ave # 1200
Seattle, WA 98104**

SIGNED

On June 3, 2010

At Seattle, WA

/s/ R. Wills
Richard Wills,
WSBA 19720

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

Estate of

STEPHEN GEORGE POTHIER,

Deceased.

NO. 10-4-00500-2 SEA

**DECLARATION OF
RICHARD WILLS**

Richard Wills, WSBA 19720, in support of his *Motion to Allow Withdrawal of Counsel*, declares under penalty of perjury according to the laws of the State of Washington that the following is true & correct to the best of his knowledge:

1. I am the attorney of record for:
 - William D. Pothier & Domonic Z. Harper, as the prior Co-Personal Representatives of Decedent's estate, and
 - William D. Pothier, as an heir of Decedent's estate.
2. I desire to terminate my representation of the above clients.
3. My Terms of Representation regarding my representation above states: "Either of us may terminate this engagement at any time, at the sole discretion of the terminating party."
4. I have filed in this matter a *Motion to Allow [my] Withdrawal [as] Counsel* regarding my representation above.
5. The circumstances in case of *Kingdom v. Jackson*, 78 Wn.App. 154 (1995), are remarkably similar to those here. There, Paul Luvera, a well-known WA personal injury

attorney, entered into a written agreement to represent the client in a malpractice suit. The agreement stated that the attorney reserved the right to terminate their relationship at any time. The attorney attempted to withdraw months before trial. The trial Court denied his *Motion to Withdraw*, because the clients had been unable to find successor counsel. The Court of Appeals held: The trial Court abused its discretion to grant an unconditional *Order of Withdrawal*, stating:

- When withdrawal is sought by a retained attorney in a civil case, it generally should be allowed. The attorney-client relationship is consensual, and either side's desire to quit it should be given great weight. At page 160.
- Even though withdrawal generally should be allowed, it can be denied if specific articulable circumstances warrant that result. [Examples: If on date of trial; if it would delay trial & jeopardize the client's prospects.] At page 161.
- In this case, the signed attorney-client agreement stated that Luvera reserved the right to terminate the relationship at any time. Luvera notified Kingdom of his intent to do that 17 months before trial. At page 161.

Here, no trial or hearing has been set, and Declarant's withdrawal would not jeopardize the client's prospects. Therefore, the Court should allow Declarant's withdrawal.

SIGNED

On June 3, 2010

At Seattle, WA

/s/ R. Wills
Richard Wills,
WSBA 19720

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

In Re the Estate of:

Case No.: 10-4-00500-2 SEA

STEPHEN GEORGE POTHIER,

OBJECTION AND RESPONSE TO
MR. WILLS' MOTION TO
WITHDRAWAL AS COUNSEL

Deceased.

I. INTRODUCTION

Kara Pothier, the successor personal representative of the estate, by and through her attorneys at Aiken, St. Louis & Siljeg P.S respectfully request that this Court deny Mr. Wills' motion to withdraw as attorney for William D. Pothier and Dominic Harper. Instead, the Court should enter an order that retains Mr. Wills as the resident agent for both individuals.

II. FACTUAL SUMMARY

On or about January 2010, Mr. Wills prepared and presented all of the pleadings necessary to have his clients appointed as the co-administrators of this estate. *See, Clerk's Sub Nos. 1-8.* Neither of Mr. Wills' clients are residents of King County, Washington. *See, Clerk's Sub No. 44, Wills' Notice of Withdrawal.*

Mr. Wills' motion to have his clients appointed as co-administrators was done without the proper notice to the decedent's surviving spouse. *See, Clerk's Sub No. 18 Response and Request to Cancel Letters of Administration; and Clerk's Sub No. 32, Order on Civil Motion.* In February, when this issue was brought to the attention of the Court, both individuals were

1 removed from their fiduciary capacity, but not discharged, and the surviving spouse was
2 appointed as the successor administrator. *See, Clerk's Sub. No. 32, Order on Civil Motion.*

3 This Court ordered Mr. Wills' clients to account for all of their activities as the
4 personal representatives of the estate and to prepare an inventory. *Id.* It has been over 90 days
5 and Mr. Wills' clients have not complied with that order. A separate motion for contempt is
6 being filed concomitantly with this response.

7 III. LEGAL ARGUMENT

8 A. It is not an abuse of discretion to deny Mr. Wills request to resign.

9 Nothing in CR 71 defines the circumstances under which a withdrawal might be
10 denied by the court. CR 71(a). Withdrawal is a matter for the discretion of the trial court.
11 *Kingdom v. Jackson*, 78 Wn. App. 154, 156, 896 P.2d 101 (1995). In exercising its discretion
12 the Court should consider all pertinent factors of the case some of which are as follows:

- 13 1) Will the withdrawal delay the trial or otherwise interfere
14 with the functioning of the Court;
- 15 2) Whether the client will have an opportunity to secure
16 substitute counsel;
- 17 3) Whether the client has sufficient prior notice of the lawyers
18 intent to withdraw;
- 19 4) Whether the client lacks the ability to prove a prima facie
20 case;
- 21 5) Whether the client has failed to pay the lawyers fee;
- 22 6) Whether the client has failed to cooperate with the lawyer;
- 23 7) Whether the withdrawal will cast an unfair financial burden
24 on the attorney;
- 25 8) Whether the lawyer is unable to find or communicate with
the client; and
- 26 9) Whether there is any other prejudice to the client or lawyer;

27 *Id.* at 158-160.

28 Mr. Wills did not engage in a detailed analysis of the considerations above, he simply
29 states that his withdraw would not jeopardize his clients prospects. Indeed, Mr. Wills'

1 resignation will help his clients shirk their fiduciary duties even further and avoid service of
2 process. Allowing Mr. Wills to resign will cut all tethers that this Court has over his clients.

3 It appears that Mr. Pothier and Mr. Harper have no intention of providing the
4 accounting and inventory that this Court ordered them to produce. It was shortly after the
5 undersigned contacted Mr. Wills about deposing Mr. Harper, that Mr. Wills sent an e-mail
6 announcing his withdrawal as counsel. Decl. Denevan, p. 2, ¶6. The following day a CR 26(i)
7 discovery conference was held, and Mr. Wills explained that his clients did not want to be
8 deposed and he was directed to fight the deposition request at all costs. *Id.* Based upon
9 information and belief, Mr. Harper was acting as the decedent's attorney-in-fact prior to his
10 death. A request has been made for Mr. Harper to account for all financial transactions as
11 attorney-in-fact for the decedent. Decl. Denevan, p. 1-2, ¶3. Admittedly, the deadline for that
12 request has not passed, however it is reasonable to assume that if Mr. Harper has not provided
13 the accounting and inventory ordered by the Court and intends on fighting any other
14 discovery, it is more likely than not that he will not produce the accounting as attorney-in-fact.
15 This is disconcerting as Mr. Harper distributed nearly all of the cash assets, over \$300,000.00,
16 of the decedent's estate just days before the decedent's death. Decl. Denevan, p.2, ¶4.
17 Additionally, Mr. Harper has not accounted for the rent rolls collected on the commercial
18 property owned by the estate. *Id.* at p.1-2, ¶3.

19 Allowing Mr. Wills to resign will interfere with the administration of this case. Mr.
20 Potheir is not a resident of this state and Mr. Harper is not a resident of this county. When
21 they were appointed as the co-administrators of this estate they should have appointed a
22 resident agent. RCW 11.36.010; *See also, Olson v. Olson*, 194 Wash. 219,225, 77 P.2d 781
23 (1938)(explaining the importance of residence requirements for fiduciaries, which is to give
24 the Court the right of control over estates and administrators). This did not occur, so by

1 default Mr. Wills serves as their resident agent. RCW 11.36.010. Mr. Wills should not now be
2 allowed to leave the case and enable his clients to evade service.¹

3 **B. There are unanswered questions about Mr. Wills involvement with this**
4 **estate that must necessarily be answered.**

5 At the conclusion of any probate proceeding, an attorney must account to the Court
6 and to the beneficiaries for the fees and costs that they have charged the estate. If Mr. Wills is
7 allowed to withdraw we may never receive that information. Unless Mr. Wills has all of the
8 financial source documents for this estate he cannot truly explain to the Court how his fees
9 and costs were paid, which is further reason to deny his withdrawal until such time as his
10 clients fulfill their fiduciary duty to account for the management of the decedent's estate to the
11 satisfaction of this Court.²

12 **IV. CONCLUSION**

13 It has been established that Mr. Wills petition to have his clients appointed as co-
14 administrators was inappropriate and for that his clients were removed. Mr. Wills' clients are
15 acting inappropriately by not accounting for their actions. Mr. Wills needs to be retained as
16 counsel for the purpose of effecting service on both of his clients.

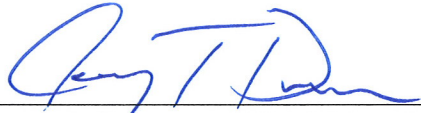
17
18 [EXECUTION ON FOLLOWING PAGE]
19
20

21 ¹ It is believed that Mr. Harper is squatting in a residence owned by the estate and not paying rent. A notice to
22 pay rent or vacate has been sent to Mr. Harper on or about May 14, 2010, without a response. Decl. Denevan,
23 p.3, ¶9. It is believed that once Mr. Harper leaves the home or is forced out it will be impossible to locate Mr.
Harper.

24 ² This would include not only the accounting and inventory by Mr. Pothier and Mr. Harper as co-administrators,
but also the accounting by Mr. Harper as attorney-in-fact .

1 Respectfully submitted this 9th day of June, 2010.

2
3 AIKEN, ST. LOUIS & SILJEG, P.S.

4 By 
5 Corey T. Denevan, WSBA No. 32114
6 Richard L. Furman, WSBA No. 31101
7 Attorneys for Kara Pothier, as Successor
8 Administrator
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FILED

10 JUN 09 AM 10:23

KING COUNTY
SUPERIOR COURT CLERK
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CASE NUMBER: 10-4-00500-2 SEA

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

In Re the Estate of:

STEPHEN GEORGE POTHIER,

Deceased.

Case No.: 10-4-00500-2 SEA

DECLARATION OF COREY
DENEVAN IN SUPPORT OF
OBJECTION AND RESPONSE TO
MR. WILLS WITHDRAWAL AS
COUNSEL; MOTION FOR
CONTEMPT AND MOTION TO
AUTHORIZE AND COMPEL
DISCOVERY

I, Corey T. Denevan, am over age eighteen and competent to provide testimony in these proceedings and make the following declaration based upon personal knowledge.

1. I am an attorney licensed to practice law in the State of Washington.

2. I am a shareholder at the firm of Aiken, St. Louis & Siljeg P.S., and represent Kara Pothier as the successor administrator of this estate.

3. **Request for an Accounting for Acts as Attorney-in-Fact.** Attached hereto as Exhibit A is a true and correct copy of a letter from my files in this matter, that was sent by my partner, Richard L. Furman Jr., to Mr. Wills requesting that his client, Dominic Harper provide an accounting of all of his acts as attorney-in-fact for Steven Pothier. The deadline for providing the accounting is June 27, 2010, which is more than sixty-days as required by RCW11.94.090(1)(b). Attached as Exhibit B is a second letter sent directly to Mr. Harper requesting an accounting of all of his acts as attorney-in-fact for Steven Pothier. Mr. Harper

1 has not responded to either letter and has not provided this accounting to date. My office and
2 my client have been in contact with the tenants in the commercial building owned by the
3 estate in Port Townsend. We understand that Mr. Harper was in charge of receiving the rent
4 payments on the building for which Mr. Harper has not accounted.

5 4. **Distribution of Assets.** On behalf of my client, and in furtherance of her duty
6 to marshal the assets of the estate, I subpoenaed the decedent's bank records from JP Morgan
7 Chase. Almost all of the cancelled checks on this account appear to have been signed by
8 Dominic Harper as "POA". Attached hereto as Exhibit C are copies of just of few of the
9 checks from the account, most notably a check written to CO2 Petrol in the amount of
10 \$300,000. These checks were all written just days before Steven Pothier died from brain
11 cancer.

12 5. **CO2 Petrol.** Attached hereto as Exhibit D are true and correct print outs from
13 the Florida Department of State Division of Corporation. These documents establish that Mr.
14 Harper is a managing member of CO2 Petrol.

15 6. **Request for Deposition.** On or about June 1, 2010, I contacted Mr. Richard
16 Wills to inquire about taking the deposition of his client, Mr. Harper, and suggested some
17 dates. Mr. Wills indicated that he would contact his client. My office confirmed with Mr.
18 Wills that we could serve our deposition request via e-mail. I later received a responsive e-
19 mail from Mr. Wills objecting to the timing and form of our request for deposition and request
20 for information. In response to his objections, I sent Mr. Wills a notice of deposition via e-
21 mail and told him to disregard our first request for deposition and production of documents. I
22 requested that he contact me on or before 5 pm on June 2, 2010 to confirm the date, time and
23 place for his client's deposition. Mr. Wills did not respond by the deadline, so I called him on
24 June 3, 2010, after I received his notice of withdrawal, and informed him that I considered our
discussion to be a conference of counsel as required by the civil rules. I asked Mr. Wills if his
client would be attending the deposition as set forth in my notice of deposition. Mr. Wills

1 informed me that his client would not be attending and that he had been instructed to take any
2 and all steps possible to prevent his deposition from being taken. I asked Mr. Wills if there
3 was any other means of setting up this deposition short of a petition to the Court. Mr. Wills
4 did not offer any alternatives or solutions.

5 7. **Request to Comply with Court Order.** In my conversations with Mr. Wills
6 and my e-mails to Mr. Wills, I requested that his clients provide me with their accounting and
7 inventory of the estate as ordered by the Court on February 24, 2010. To date, Mr. Wills'
8 clients have not provided an inventory or accounting for the estate.

9 8. **Attorney Fees and Costs.** On June 8, 2010, I spent 1.9 hours working on a
10 motion for contempt. My hourly rate is \$250.00. My hourly rate has been approved in
11 numerous cases in the King County Superior Court. I am frequently requested to speak on
12 issues of probate litigation and I have extensive experience in litigating probate matters. My
13 hourly rate is commensurate with attorneys in King County with similar experience and
14 expertise. I anticipate that I will spend an additional 2.5 hours preparing a reply to any
15 response to the Motion for Contempt and attending a hearing on the Motion. I respectfully
16 request that the Court order and direct Mr. Pothier and Mr. Harper to reimburse the estate for
17 my fees and costs in a total amount to be set at the hearing in this motion.

18 9. **Request to Pay Rent** Dominic Harper is believed to be squatting in a
19 residential property owned by the estate. A true and correct copy of a letter from my files sent
20 to Mr. Harper requiring him to pay rent or vacate is attached hereto as Exhibit E.

21 I declare under penalty of perjury as defined by the laws of the State of Washington
22 that the foregoing is true and correct based upon my recollection and belief.

23 Signed at Seattle, Washington this 9th day of June, 2010.

24 AIKEN, ST. LOUIS & SILJEG, P.S.

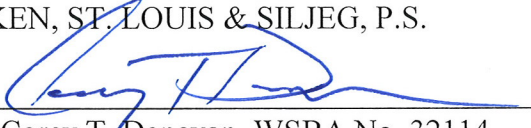
By 
Corey T. Denevan, WSBA No. 32114

EXHIBIT A

AIKEN, ST. LOUIS & SILJEG, P.S.

ATTORNEYS AT LAW

1200 NORTON BUILDING

801 SECOND AVENUE

SEATTLE, WASHINGTON 98104

FACSIMILE: 206-623-5764

TELEPHONE: 206-624-2650

RICHARD L. FURMAN JR.

DIRECT LINE: (206) 654-2190
E-MAIL: FURMAN@AIKEN.COM

April 28, 2010

Richard Wills
Washington Probate
915 Queen Anne Ave. No., No. 706
Seattle, WA 98109-5607

Re: *The Estate of Stephen G. Pothier*
King County Cause No.: 10-4-00500-2 SEA

Dear Richard:

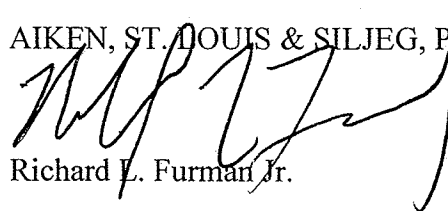
Thank you for speaking with me on the telephone on April 28, 2010, regarding the probate estate of Stephen Pothier.

As we discussed during our phone conversation, my client understands that Dominic Harper may have served as an attorney-in-fact for Mr. Pothier prior to his death. Please forward to my attention a copy of the Power of Attorney document that may have designated Mr. Harper as attorney-in-fact. Further, the Personal Representative of the estate requests that Mr. Harper provide the Personal Representative with an accounting of all actions he took prior to Mr. Pothier's passing, in his capacity as attorney-in-fact for Mr. Pothier. This accounting should include a statement of all of Mr. Pothier's assets, income received by Mr. Harper, disbursements made by Mr. Harper, and a statement of Mr. Pothier's assets at the time of his passing.

Please forward Mr. Harper's accounting to my attention no later than June 27, 2010. Thank you.

Very truly yours,

AIKEN, ST. LOUIS & SILJEG, P.S.



Richard L. Furman Jr.

RLF:bjd
cc: Client

EXHIBIT B

AIKEN, ST. LOUIS & SILJEG, P.S.

ATTORNEYS AT LAW

1200 NORTON BUILDING

801 SECOND AVENUE

SEATTLE, WASHINGTON 98104

FACSIMILE: 206-623-5764

TELEPHONE: 206-624-2650

RICHARD L. FURMAN JR.

DIRECT LINE: (206) 654-2190
E-MAIL: FURMAN@AIKEN.COM

May 12, 2010

Dominic Harper
1865 West Uncas
Port Townsend, WA 98368

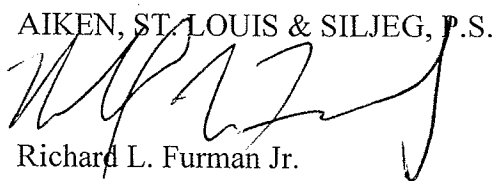
Re: *Stephen G. Pothier*

Dear Mr. Harper:

Our office represents the successor personal representative of the estate of Stephen Pothier, Kara Pothier. My client understands that you reportedly served as attorney-in-fact for Mr. Pothier prior to his death. Please forward to my attention a copy of the power of attorney document that designated you as attorney-in-fact for Mr. Pothier. In addition, please provide my client with an accounting of all actions you took prior to Mr. Pothier's passing in your capacity as his attorney-in-fact. Please note that this accounting should include a statement of all of Mr. Pothier's assets, income received by you on behalf of Mr. Pothier, disbursements made by you on behalf of Mr. Pothier, and a statement of Mr. Pothier's assets at the time of his passing. Please forward the accounting to my attention no later than July 12, 2010. Thank you.

Very truly yours,

AIKEN, ST. LOUIS & SILJEG, P.S.



Richard L. Furman Jr.

RLF:bjd

cc: Client

(pothst.001; 7279-1) harper 5.12.10.doc

EXHIBIT C

Posting Date: 2009-12-02
Sequence #: 8090955041
Account #: XXXXXXXXXX
Routing Transit: 32507076
Amount #: \$300000.00
Check/Serial #: 000000001058
Bank #: 702
Tran Code: 001058
IRD: 0
ItemType: P
BOFD: 000000000
Cost Center: N/A
Teller Number: N/A
Teller Seq Number: N/A
Processing Date: N/A

STEPHAN G. POTHIER 1865 W UNCAS RD. PORT TOWNSEND, WA 98368-9397		18-7076/3250 8851533741 1058
Date: <u>11/24/09</u>		
Pay to the order of: <u>CO 2 Petal</u>	<u>\$300,000⁰⁰</u>	
<u>Three Hundred thousand & no/100</u>		Dollars
WaMur <small>Washington Mutual Bank Port Townsend Financial Center 185 P.O. Box 592 Port Townsend, WA 98368</small> 900-788-7000 24 hour Customer Service		
Notes: <u>POA</u>		

* FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

The security features listed below are well as those not listed, exceed industry guidelines.

Security Features:

- **Security of document:**
 - At least one of the following:
 - A watermark in the paper
 - A security thread
 - A security feature on each side of the paper

ENDORSE HERE

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

Posting Date: 2009-11-25
Sequence #: 9590646702
Account #:
Routing Transit: 32507076
Amount #: \$11190.00
Check/Serial #: 000000001071
Bank #: 702
Tran Code: 001071
IRD: 0
ItemType: P
BOFD: 074909962
Cost Center: 740163
Teller Number: 3
Teller Seq Number: 127
Processing Date: 20091125

STEPHAN G. POTHIER
1865 W UNCAS RD.
PORT TOWNSEND, WA 98368-9397

19-7076/3250
8851533741
Date: 11/25/09 1071

Pay to the order of: CASH \$11,190⁰⁰
Eleven thousand one hundred ninety dollars

WaMu
Washington Mutual Bank
Port Townsend Financial Center 163
P.O. Box 592 800-788-7000
Port Townsend, WA 98368 24 hour Customer Service

Notes: POA

⑆325070760⑆ 1071

Pay any bank JPMorgan Chase Bank 933970370080

CARTER M. CARTER

HERE
M. CARTER

Posting Date: 2009-10-21
Sequence #: 6590674559
Account #: XXXXXXXXXX
Routing Transit: 32507076
Amount #: \$1100.00
Check/Serial #: 000000001066
Bank #: 702
Tran Code: 001066
IRD: 0
ItemType: P
BOFD: 074909962
Cost Center: 740163
Teller Number: 2
Teller Seq Number: 243
Processing Date: 20091021

STEPHAN G. POTHIER
1865 W UNCAS RD.
PORT TOWNSEND, WA 98368-9397

19-7076/3250
8851533741

1066

Date: 10/22/09

Pay to the
order of:

Nick Harper

\$ 1,100.00

Dollars



Security Features
Included
Details on Back



WaMu

Washington Mutual Bank
Port Townsend Financial Center 165
P.O. Box 592 800-788-7000
Port Townsend, WA 98368 24 hour Customer Service

Notes:

POB POB

MP

⑆325070760⑆

1066

WRITE HERE

MP

WRITE HERE ON REVERSE OF THIS LINE

Posting Date: 2009-10-26
Sequence #: 2390039795
Account #:
Routing Transit: 32507076
Amount #: \$1000.00
Check/Serial #: 000000001064
Bank #: 702
Tran Code: 001064
IRD: 0
ItemType: P
BOFD: 074909962
Cost Center: 740163
Teller Number: 1
Teller Seq Number: 420
Processing Date: 20091026

STEPHAN G. POTHIER
1865 W UNCAS RD.
PORT TOWNSEND, WA 98368-9397

18-7076/3250
8851533741

1064

Date

10/26/09

Pay to the
order of:

Nick Harper

\$ 1,000

01

One Thousand & no/100

Dollars



Security Features
Included
Details on Back



WaMu

Washington Mutual Bank
Port Townsend Financial Center 163
P.O. Box 592 800-788-7000
Port Townsend, WA 98368 24 hour Customer Service

Notes

GNP POK

MP

3250707601

1064

Pay any bank SUPPLEMENTAL Chase Bank 855370581703

ENDORSE HERE

[Signature]

RECEIVED
FALL 2009
10/26/09
1:10 PM
FALL 2009

Posting Date: 2009-12-23
Sequence #: 6380002973
Account #: XXXXXXXXXX
Routing Transit: 32507076
Amount #: \$1388.00
Check/Serial #: 000000001091
Bank #: 702
Tran Code: 001091
IRD: 0
ItemType: P
BOFD: 074909962
Cost Center: 740163
Teller Number: 6
Teller Seq Number: 97
Processing Date: 20091223

STEPHAN G. POTHIER
1865 W UNCAS RD.
PORT TOWNSEND, WA 98368-9397

19-7076/3250
8851533741

1091

Date

12/20/09

Pay to the
order of

Nick Harper

\$1,388.00

One Thousand Three Hundred Eighty Eight Dollars

05



Security Features
Included
Details on Back



WaMu Washington Mutual Bank
Port Townsend Financial Center 163
P.O. Box 592 800-788-7000
Port Townsend, WA 98368 24 hour Customer Service

Notes

MANAGEMENT FEE PLW 4HAR

RR POA

MP

⑆325070760⑆ XXXXXXXXXX 1091

ENDORSE HERE

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DO NOT WRITE
ON THIS LINE

Posting Date: 2009-12-10
Sequence #: 8390015876
Account #:
Routing Transit: 32507076
Amount #: \$10000.00
Check/Serial #: 000000001056
Bank #: 702
Tran Code: 001056
IRD: 0
ItemType: P
BOFD: 000000000
Cost Center: N/A
Teller Number: N/A
Teller Seq Number: N/A
Processing Date: N/A

STEPHAN G. POTHIER
1865 W UNCAS RD.
PORT TOWNSEND, WA 98368-0397

19-7078/3250
8851533741

1056

Date

11/24/09

Pay to the
order of

Sandy Pothier
Ten thousand & no/100

\$ *10,000.00*

04

Dollar Security Features: Hidden. Details on Back.

WaMu Washington Mutual Bank
Port Townsend Financial Center 163
P.O. Box 892
Port Townsend, WA 98368
800-788-7000
24 hour Customer Service

CHILL POA

Notes

⑆325070760⑆ 1056

FEL

FIVE BOARD OF GOVERNORS

Revised 11/24/09
M. Carter

Posting Date: 2009-12-03
Sequence #: 2880403667
Account #: XXXXXXXXXX
Routing Transit: 32507076
Amount #: \$10000.00
Check/Serial #: 000000001057
Bank #: 702
Tran Code: 001057
IRD: 0
ItemType: P
BOFD: 111900057
Cost Center: 745954
Teller Number: 3
Teller Seq Number: 15
Processing Date: 20091203

STEPHAN G. POTHIER
1865 W UNCAS RD.
PORT TOWNSEND, WA 98368-9397

19-7076/3250
8851533741

1057

Date: 11/24/09

Pay to the
order of:

Terry Pothier

\$ 10,000.00

Ten Thousand & 00/100

Dollars



Security Features
Included
Details on Back



WaMu

Washington Mutual Bank
Port Townsend Financial Center 163
P.O. Box 592 800-788-7000
Port Townsend, WA 98368 24 hour Customer Service

Notes:

CR PL POA

MP

⑆325070760⑆

1057

Stephan G. Pothier



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STAN
HIS LINE

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OVERNORS REG. CC

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EXHIBIT D

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS					
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Previous on List	Next on List	Return To List	<div>Entity Name Search <input type="text"/> <input type="button" value="Submit"/></div>		
No Events No Name History					
<u>Detail by Entity Name</u>					
<u>Florida Limited Liability Company</u>					
CO2 PETROL, LLC					
<u>Filing Information</u>					
Document Number L09000113404					
FE/EIN Number NONE					
Date Filed 11/25/2009					
State FL					
Status ACTIVE					
<u>Principal Address</u>					
52 RILEY RD #234 CELEBRATION FL 34747 US					
<u>Mailing Address</u>					
52 RILEY RD #234 CELEBRATION FL 34747 US					
<u>Registered Agent Name & Address</u>					
BREWER, TREVOR K 1800 PEMBROOK DR STE 300 ORLANDO FL 32810 US					
<u>Manager/Member Detail</u>					
Name & Address					
Title MGRM					
HARPER, DOMONIC 52 RILEY RD #234 CELEBRATION FL 34747 US					
Title MGRM					
POUTHIER, THERESA 52 RILEY RD #234 CELEBRATION FL 34747 US					
Title MGRM					
MCGEOWN, ARTHUR 52 RILEY RD #234 CELEBRATION FL 34747 US					
<u>Annual Reports</u>					
No Annual Reports Filed					
<u>Document Images</u>					

11/25/2009 -- Florida Limited Liability

[View image in PDF format](#)**Note:** This is not official record. See documents if question or conflict.[Previous on List](#)[Next on List](#)[Return To List](#)

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EXHIBIT E

AIKEN, ST. LOUIS & SILJEG, P.S.

ATTORNEYS AT LAW

1200 NORTON BUILDING

801 SECOND AVENUE

SEATTLE, WASHINGTON 98104

FACSIMILE: 206-623-5764

TELEPHONE: 206-624-2650

RICHARD L. FURMAN JR.

DIRECT LINE: (206) 654-2190
E-MAIL: FURMAN@AIKEN.COM

May 12, 2010

Dominic Harper
1865 West Uncas
Port Townsend, WA 98368

Re: 1865 West Uncas, Port Townsend, WA

Dear Mr. Harper:

My client understands that you continue to reside in the West Uncas property owned by the estate of Stephen Pothier, and that you continue to pay no rent to the estate for the privilege of your occupancy of that home. This letter is to inform you that you cannot reside in the West Uncas property without paying rent to the probate estate.

The personal representative has determined that a fair market rent for the West Uncas home is \$1,300 per month. Please forward a check made payable to the Estate of Stephen Pothier in the total amount of \$7,800 for the rental of the West Uncas property for the period from December 1, 2009 through May 2010. If that check is not received at our office by the close of business on May 21, 2010, then the personal representative shall initiate a legal proceeding to collect the unpaid back rent owed to the estate.

Going forward, your continued residency in the West Uncas property will require you to pay your monthly rent in the amount of \$1,300 on the first day of each month, beginning with June 1, 2010. If you elect not to continue to reside in the West Uncas, then please be advised that you must vacate the property no later than May 31, 2010.

Previously, my client contacted your attorney, Richard Wills, and requested that you provide my client with a key to the West Uncas home. Much to everyone's surprise, you informed your attorney that you did not have a key to the West Uncas home. Such a statement is puzzling, given that you reside in the property. Please forward a copy of the key for the property to my attention, along with the check for the back rent owed.

Dominic Harper
June 9, 2010
Page 2

Please do not hesitate to contact me if you have any questions about this letter. Thank you.

Very truly yours,

AIKEN, ST. LOUIS & SILJEG, P.S.

MAILED WITHOUT SIGNATURE TO AVOID DELAY

Richard L. Furman Jr.

RLF:bjd
cc: Client

(pothst.001; 7279-1) harper 5.12.10[2].doc

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

In Re the Estate of:

Case No.: 10-4-00500-2 SEA

STEPHEN GEORGE POTHIER,

MOTION TO AUTHORIZE AND
COMPEL DISCOVERY

Deceased.

I. RELIEF REQUESTED

Kara Pothier, the successor administrator of the estate, by and through her attorneys of record at Aiken, St. Louis & Siljeg, P.S. respectfully requests the following relief:

1. Entry of an order authorizing the successor administrator to engage in discovery.

2. Entry of an order directing Dominic Harper to appear on July 9, 2010 at 9:00 a.m. at the firm of Aiken, St. Louis & Siljeg, P.S. located at 801 Second Avenue, Suite 1200, Seattle, Washington 98104 for his deposition

II. EVIDENCE RELIED UPON

This Motion is based upon the separately filed Declaration of Corey Denevan, the attachments thereto, and the entire record and file herein.

III. STATEMENT OF FACTS

Dominic Harper was purportedly acting as the attorney-in-fact for the decedent. Mr. Harper has been asked by the successor administrator's attorney to account for all of his activities as attorney-in-fact. Decl. Denevan, p.1, ¶ 3. The statutory deadline for providing this

1 accounting is July 12, 2010. Mr. Harper has advised his attorney, Mr. Wills, to fight any
2 request for deposition. Decl. Denevan, p.2-3, ¶6. The successor administrator has discovered
3 that all of the cash assets from at least one of the decedent's bank accounts has been wiped out
4 by Dominic Harper acting as attorney-in-fact. \$300,000 was distributed to CO2 Petrol LLC a
5 Florida Limited Liability Corporation, which was established November 25, 2009, just days
6 before the death of the decedent. Decl. Denevan, p.2, ¶4. Mr. Harper serves as a manager of
7 CO2 Petrol. Decl. Denevan, p.2, ¶5.

8 III. ISSUES

9 Each of the following questions should be answered in the affirmative, which will
10 result in the granting of an order authorizing the successor administrator to engage in
11 discovery and compel Mr. Harper to sit for his deposition.

12 1. Should the Court authorize the successor administrator to engage in discovery
13 to get a full and complete understanding of the assets of the estate?

14 2. Should the Court enter an order compelling Mr. Harper to appear for his
15 deposition in King County, Washington and to answer questions about his various fiduciary
16 capacities and how they have affected the estate?

17 IV. ARGUMENT

18 1. **Further discovery should be authorized to follow up on the accountings
19 and inventories that are to be produced and prepared by Mr. Harper in this matter.**

20 Mr. Harper was responsible for secreting hundreds of thousands of dollars in cash
21 from the decedent's estate. Additionally, Mr. Harper collected rents on commercial real
22 property belonging to the estate located in Port Townsend, and lived in a residence owned by
23 the estate also located in Port Townsend. An accounting by Mr. Harper without sufficient
24 explanation and context will not be helpful. A deposition will provide insight as to whether
the disbursements and management of various accounts and assets was appropriate and
authorized. Good cause exists for this court to enter an order authorizing discovery to afford

1 the successor administrator an opportunity to explore Mr. Harper's administration of the
2 decedent's estate. RCW 11.96A.115.

3 **2. To avoid further delay this Court should enter an order compelling Mr.
4 Harper to attend a deposition at Aiken, St. Louis & Siljeg P.S.**

5 Mr. Harper has not been forthcoming with information regarding this estate, to wit, the
6 successor administrator has had to file motions for contempt to compel Mr. Harper to obey
7 previous orders of this Court. Mr. Harper has specifically requested his attorney to fight any
8 attempt to compel his deposition. In order to avoid undue delay with scheduling of
9 depositions or service of subpoenas, the most efficient and effective means of moving this
10 case forward is for this Court to enter an order compelling Mr. Harper to attend a deposition
11 in the county in which he initiated this probate proceeding. If Mr. Harper chooses not to attend
12 his deposition, the estate will not have to suffer further delay and expense with discovery
13 conferences and the like, the estate can simply request the Court enter order of contempt.

14 Respectfully submitted his 9th day of June, 2010.

15 AIKEN, ST. LOUIS & SILJEG, P.S.

16 By 

17 Corey T. Denevan, WSBA No. 32114
18 Richard L. Furman, WSBA No. 31101
19 Attorneys for Kara Pothier, as Successor
20 Administrator
21
22
23
24

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

In Re the Estate of:

Case No.: 10-4-00500-2 SEA

STEPHEN GEORGE POTHIER,

MOTION FOR CONTEMPT

Deceased.

I. RELIEF REQUESTED

Kara Pothier, the successor administrator of the estate, by and through her attorneys of record at Aiken, St. Louis & Siljeg, P.S. respectfully requests the following relief:

1. Entry of an order of contempt against William D. Pothier and Dominic Harper for failing to provide an accounting and inventory of this estate as ordered by the Court on February 24, 2010.

2. Entry of an order directing William D. Pothier and Dominic Harper to provide an accounting and inventory of the estate on or before June 27, 2010 to the successor administrator.

3. Entry of an order awarding the estate legal fees and costs for having to bring this motion for contempt.

II. EVIDENCE RELIED UPON

This Motion is based upon the Court's order entered and filed in the above captioned proceeding on February 24, 2010, attached hereto for the Court's convenience as Exhibit A, as well as the separately filed Declaration of Corey Denevan, and the attachments thereto.

III. STATEMENT OF FACTS

On February 24, 2010, this Court entered an order which annulled the letters of administration granted to Mr. Pothier and Mr. Harper. Ex. A, ¶1. The order further provided that William Pothier and Dominic Harper shall prepare and inventory and full accounting (including rents, income, distributions & attorney fees) to Kara Pothier, the successor administrator, within a reasonable time. Ex. A, ¶4.

Through her attorneys, the successor administrator has made several requests for an inventory and accounting of the estate. Decl. Denevan p.3, ¶ 7. It has been more than 90 days since the Court directed Mr. Pothier and Mr. Harper to provide their inventory and accounting of the estate. Neither Mr. Pothier nor Mr. Harper has responded to these requests. *Id.* The firm of Aiken, St. Louis & Siljeg, P.S. have incurred fees and costs on behalf of this estate to prepare and present this motion for contempt, for which apportionment is sought against both Mr. Pothier and Mr. Harper. Decl. Denevan, p. 3, ¶8.

III. ISSUES

William Pothier and Dominic Harper have ignored the order of the Court compelling them to provide a detailed accounting and inventory of the estate. Should the Court hold them in contempt of court and direct them to provide the accounting and inventory of the estate by June 22, 2010 and apportion the legal fees and costs incurred for the preparation of this motion against them?

IV. ARGUMENT


Contempt is defined as the intentional disobedience of any lawful order of the Court. RCW 7.21.010. This Court entered an order that required Mr. Pothier and Mr. Harper to prepare an inventory and accounting. This order is not uncommon when letters of administration are annulled and is statutorily required by RCW 11.28.290. Mr. Harper served as the decedent's attorney-in-fact prior to his death and then as a co-administrator of this

1 estate. An accounting and inventory of this estate is clearly within Mr. Harper's and Mr.
2 Potheir's power to perform.

3 The court may impose the following punishment: (a) imprisonment; (b) forfeiture up
4 to \$2000 for each day the contempt continues; (c) any order designed to ensure compliance
5 with the order of the court; (d) any other remedial sanction. RCW 7.21.030.

6 It is appropriate for the Court to require Mr. Pothier and Mr. Harper to prepare, file
7 and serve an accounting and inventory of the estate on or before June 27, 2010. In the event
8 that Mr. Pothier and Mr. Harper fail to provide an inventory or accounting on or before June
9 22, 2010, then they should be fined every day thereafter until the accounting and inventory is
10 complete.

11 Additionally, this court should enter an order apportioning the legal fees and costs
12 incurred by the estate for this motion against Mr. Pothier and Mr. Harper and direct payment
13 within 10 days after entry of this order. RCW 11.96A.150 (the court may order the costs to be
14 paid in such amount and in such manner as the court determines to be equitable) Not to
15 apportion the fees and costs against Mr. Pothier and Mr. Harper would be to require those
16 parties, innocent of any wrongdoing, to bear legal expenses and costs. *See, e.g., In re Estate of*
17 *Jones*, 152 Wn.2d 1, 20-21, 93 P.3d 147 (2004) (personal representative/beneficiary of a will
18 ordered to pay other beneficiaries' attorney fees personally "because the litigation was
19 necessitated by his multiple breaches of fiduciary duty to those beneficiaries).

20 Respectfully submitted his  day of June, 2010.

21 AIKEN, ST. LOUIS & SILJEG, P.S.

22 By 

23 Corey T. Denevan, WSBA No. 32114
24 Richard L. Furman, WSBA No. 31101
Attorneys for Kara Pothier, as Successor
Administrator

EXHIBIT A

FILED

EXP01

10 FEB 24 PM 12:19

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

CERTIFIED
COPY

IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF KING

IN RE THE ESTATE OF

Plaintiff

Cause No. 10-4-00500-2 SEA

vs.
STEPHEN G. POTHIER

Defendant.

ORDER ON CIVIL MOTION
(ORM)

The above-entitled Court, having heard a motion Panel 11
~~Panel 11~~ for the purpose of
~~Panel 11~~ of the court ~~for the purpose of~~ and Appointed
~~Panel 11~~ for the purpose of ~~for the purpose of~~ the
IT IS HEREBY ORDERED that orders are made

(1) THE CO-PR's Letters of Administration shall be
ANNULLED PURSUANT TO RCW 11.25.160

(2) KARA POTHIER, The Surviving Spouse, shall be
APPOINTED AS ADMINISTRATOR/PERSONAL REPRESENTATIVE
OF THE ESTATE OF STEPHEN GEORGE POTHIER IN THE
STATE OF WASHINGTON.

DONE IN OPEN COURT this _____ day of _____

(3) Letters of Administration shall be ISSUED TO
KARA POTHIER upon Filing of her OATH AND UPON
PROVIDING A Bond in the Amount of \$10,000.00

COURT COMMISSIONER/JUDGE

Presented by:

Copy Received:

IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF KING

vs.

Plaintiff

Defendant

Cause No. 10-4-06500-2SEA

ORDER ON CIVIL MOTION
(ORM)

1149c (2) ERIC WATNESS

The above-entitled Court, having heard a motion

FEB 24 2010

COURT COMMISSIONER

IT IS HEREBY ORDERED that (4) The Co-PR's, WILLIAM D. POTIER & DOMINIC Z. HARKER, shall prepare an inventory & full accounting (including rents, income, distributions & attorney fees) to KARA POTIER WITHIN A REASONABLE TIME.

(5) KARA POTIER is the surviving spouse. marriage TERMINATES AT DEATH. for purposes of appointment of PR owner & for no other purpose.

DONE IN OPEN COURT this _____ day of _____

(6) This Court shall retain jurisdiction for Washington property.

(7) The parties shall prepare and present an Order to replace this order which contains findings & conclusions.

COURT COMMISSIONER/JUDGE

Presented by

Kim Kilgus

Copy Received:

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

Estate of

STEPHEN GEORGE POTHIER,

Deceased.

NO. 10-4-00500-2 SEA

**REPLY TO RESPONSE TO MOTION TO
ALLOW WITHDRAWAL OF COUNSEL
(CR 71)**

Richard Wills, WSBA 19720, as counsel for:

- **William D. Pothier & Domonic Z. Harper, as the prior Co-Personal Representatives of Decedent's estate, and**
- **William D. Pothier, as an heir of Decedent's estate,**

Replies to the *Objection & Response to Mr. Wills' Motion to Withdraw as Counsel* of Corey T. Denevan, as counsel for Kara Pothier, as successor PR of Decedent's estate, & declares under penalty of perjury under the laws of the State of Washington that the following is true & correct:

A. Reply to Respondent's Factual Summary

Respondent's Factual Summary is true except that while it is true that Movant's clients were appointed without notice to Respondent, whether such notice was required was disputed, and as Movant recalls, the Court made no finding that such notice was in fact required to have been given, and it removed Movant's clients as Co-PRs and appointed Respondent as the successor PR because it found under RCW 11.28.160 that she, as Decedent's surviving wife, was "the more appropriate person" to serve as Decedent's PR.

B. Reply to Respondent's Legal Argument

A. Respondent's Argument re "It is not an abuse of discretion to deny Mr. Wills' request to [withdraw]."

While it is true that according to *Kingdom v. Jackson*, 78 Wn.App. 154 (1995), "withdrawal is a matter for the discretion of the trial Court," *Kingdom*, as is *Estate of Pothier*, is a case in which the withdrawing attorney reserved the right in his Engagement Letter to terminate the attorney-client relationship at any time, and the Court in *Kingdom* opined:

- When withdrawal is sought by a retained attorney in a civil case, it generally should be allowed. The attorney-client relationship is consensual, and either side's desire to quit it should be given great weight. At page 160.
- Even though withdrawal generally should be allowed, it can be denied if specific articulable circumstances warrant that result. At page 161.

The Court in *Kingdom* then set forth a substantial laundry list of cases in which "specific articulable circumstances" had warranted that result. Omitting the case citations, those circumstances (at pages 158-60) were:

- whether withdrawal will delay trial or otherwise interfere with the functioning of the court,
- whether the client has had or will have an opportunity to secure substitute counsel,
- whether the client has sufficient prior notice of the lawyer's intent to withdraw,
- whether the client lacks the ability to prove a prima facie case,
- whether the client has failed to pay the lawyer's fees,
- whether the client has failed to cooperate with the lawyer,
- whether a denial of withdrawal will cast an unfair financial burden on the attorney,
- whether the lawyer is unable to find or communicate with the client, and
- whether there is any other prejudice to the client or lawyer. (withdrawal would prejudice client because it would delay resolution of the case).

No such "articulable circumstance" delaying trial, interfering with the functioning of the Court, or prejudicing the client is present here.

The Court in *Kingdom* further opined:

[I]n *Fisher*, 248 So.2d at 486, the Florida Supreme Court said:

We hold that in a civil case any attorney of record has the right to terminate the attorney-client relationship and to withdraw as an attorney of record upon due notice to his client and approval by the court. Approval by the court should be rarely withheld and then only upon a determination that to grant said request would interfere with the efficient and proper functioning of the court.

And held: “the trial court abused its discretion by refusing to grant an unconditional order of withdrawal.”

Here, as there are no “articulable circumstances” described above, the holding in *Kingdom* should be followed, and the Court should allow Movant to withdraw.

Respondent objects to Movant’s withdrawal not because it would delay trial, interfere with the functioning of the Court, or prejudice Movant’s clients --- but because Movant’s withdrawal will make it harder for Respondent and her attorneys to communicate and deal with Movant’s clients upon Movant’s withdrawal. While that may be true, that is no reason to deny Movant’s request to withdraw. Movant does not owe a duty to Respondent or her attorneys to make their work easier or not to make their work harder. Respondent has set forth no reason why Movant’s withdrawal will delay trial --- as no trial or hearing has been set --- or why Movant’s withdrawal will interfere with the functioning of the Court. And neither of Movant’s clients has set forth any reason why Movant’s withdrawal will prejudice either of them --- as neither of Movant’s clients has responded to Movant’s request to withdraw, and Respondent lacks standing to speak for either of them.

Respondent states that Mr. Pothier is not a resident of WA, and that while Mr. Harper is a resident of WA, he is not a resident of King County --- and that “When they were appointed as Co-PRs, they should have appointed a resident agent.” Respondent cites RCW 11.36.010 for authority that the Co-PRs should have appointed a resident agent. Respondent is mistaken. When the Co-PRs were appointed, one of them, Mr. Harper, was a resident; therefore, service of process against the Co-PRs could have been made in WA against Mr. Harper and no resident agent was required to be appointed. Respondent also says that “since [the appointment of a resident agent] did not occur, ... by default, Mr. Wills serves as their resident agent. RCW 11.36.010.” Respondent is mistaken. Because Mr. Harper was a WA resident, no resident agent was required for the appointment of the Co-PRs. Furthermore, neither RCW 11.36.010 nor any other statute provides that the attorney for a PR serves as that PR’s resident agent “by default” if a resident agent is lawfully required to be but is not appointed. Lastly, Mr. Wills as the current attorney for the Co-PRs has never consented and does not now consent to serve as resident agent for either of them.

B. Respondent’s Argument re “There are unanswered questions about Mr. Wills’ involvement with this estate that must necessarily be answered.”

Respondent asserts “At the conclusion of any probate proceeding, an attorney must account to the Court and to the beneficiaries for the fees and costs that they have charged the estate.” Respondent cites no authority therefor, because none exists. It is not the attorney who must account to the Court, it is the Personal Representative. Neither the estate nor any of its heirs or beneficiaries is the attorney’s client and the attorney owes his or her duty to his or her client, the PR, and not to some abstract entity such as “the estate” or to any person interested in it other than the PR. *Trask v. Butler*, 123 Wn.2d 835 (1994). The PR accounts to the Court and to the estate’s beneficiaries by filing a *Declaration of Completion of Probate* under RCW 11.68.110 or a *Final Report, Account, & Petition for Distribution* under RCW 11.76.030. In such a document, the PR states the attorney’s fees and costs the PR proposes to pay or has paid. While the PR’s attorney might prepare and file such a document for the PR, it is the PR’s document and duty to account, not his or her attorney’s duty.

C. Violation of Rules of Professional Conduct.

Respondent’s *Response* implies that Movant’s withdrawal from his clients’ representation resulted from some action of Respondent or her attorneys, for example, from Mr. Denevan’s communications with Movant regarding Mr. Denevan’s desire to depose Mr. Harper or to take some other action regarding one of both of Movant’s clients. Respondent is mistaken. Movant acted to withdraw from his clients’ representation because in his opinion, by continuing to represent them, he would violate multiple sections of the WA Rules of Professional Conduct, and in light of that, his only proper action was to immediately withdraw from their representation, which he did and to which Respondent now objects. The actions of Respondent or her attorneys were incidental to and played no role in Movant’s decision to withdraw.

WHEREFORE, Movant requests that the Court:

A. Allow the withdrawal of Richard Wills from the representation of William Pothier & Domonic Harper, as the prior Co-Personal Representatives of Decedent’s estate and the representation of William Pothier as one of Decedent’s heirs.

B. Alternatively, if the Court does not allow such withdrawal, instruct Richard Wills as to how he may properly continue to represent them and conform his behavior to the Rules of Professional Conduct.

SIGNED

On June 9, 2010, at Seattle, WA

/s/ R. Wills

Richard Wills, WSBA 19720

Counsel for the prior Co-PRs & for William D. Pothier, an heir

Reply to Response to
Motion to Allow Withdrawal of Counsel
CR 71
Page 4 of 4

WASHINGTON PROBATE
Richard Wills --- WSBA 19720
915 Queen Anne Ave N # 706
Seattle, WA 98109 --- 206 545-1463
RichardWills@Washington-Probate.com

FILED
10 JUN 11 AM 11:45
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

EXPO 1

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

Estate of

STEPHEN GEORGE POTHIER,

Deceased.

NO. 10-4-00500-2 SEA

**ORDER ALLOWING WITHDRAWAL
OF COUNSEL**

(Clerk's Action Required)

THE COURT, having heard and considered:

From Richard Wills, as counsel for William D. Pothier & Domonic Z. Harper, as the prior Co-Personal Representatives of Decedent's estate, and William D. Pothier, as an heir of Decedent's estate:

- *Motion to Allow Withdrawal of Counsel.*
- *Declaration of Richard Wills.*
- *Reply to Response to Motion to Allow Withdrawal of Counsel.*
- *Copy of RPC Rule 1.16, Declining or Terminating Representation.*

From Corey T. Denevan, as counsel for Kara Pothier, as successor PR of Decedent's estate:

- *Objection & Response to Mr. Wills' Motion to Withdraw as Counsel.*
- *Declaration of Corey T. Denevan.*

Having heard testimony of counsel, having reviewed the records & files, and finding good cause therefor;

ORDERS:

The Motion is approved; Richard Wills shall be allowed to withdraw as counsel for William D. Pothier & Domonic Z. Harper, as the prior Co-Personal Representatives of Decedent's estate, and William D. Pothier, as an heir of Decedent's estate; and his withdrawal shall take effect immediately.

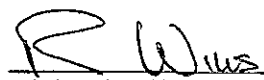
DONE IN OPEN COURT on June 11, 2010

ERIC WATNESS

JUN 11 2010


Commissioner of the Superior Court
COURT COMMISSIONER

Presented by:


Richard Wills, WSBA 19720

Copy received:

Corey T. Denevan, WSBA 32114
Attorney for the PR

RICHARD WILLS SHALL ALSO FILE
WITH THE COURT WITHIN 5 COURT
DAYS A DECLARATION STATING
THE CURRENT PHYSICAL ADDRESS
OF BOTH OF HIS CLIENTS, WHICH
THE PRZ MAY USE FOR PURPOSES
OF SERVICE OF PROCESS ON THEM.

IF THE DECLARATION IS NOT
TIMELY FILED, THE PRZ MAY USE FOR SUCH PURPOSES
THE CLERK OF THE COURT + ITS ADDRESS.

THE COURT ALSO FINDS THAT THE CO-PRZ WERE
ORDERED TO ACCOUNT FOR THEIR ACTIONS IN A
REASONABLE TIME + HAVE FAILED TO DO SO.

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

Estate of

STEPHEN GEORGE POTHIER,

Deceased.

NO. 10-4-00500-2 SEA

**DECLARATION OF RICHARD WILLS
Re ADDRESSES OF PRIOR CO-PRs**

Richard Wills, WSBA 19720, declares under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. Today, in its *Order Allowing Withdrawal of Counsel*, the Court said:

Richard Wills shall also file with the Court within 5 Court days a Declaration stating the current physical address of both of his clients, which the PR may use for purposes of service of process on them.

2. The mailing addresses I have for the prior Co-PRs are:

**William D. Pothier
6 Bay Road # 26
Newmarket, NH 03857**

**Domonic Z. Harper
1865 West Uncas Rd
Port Townsend, WA 98368**

SIGNED on June 11, 2010, at Seattle, WA

/s/ R. Wills
Richard Wills,
WSBA 19720

Declaration of Richard Wills re
Addresses of Prior Co-PRs
Page 1 of 1

WASHINGTON PROBATE
Richard Wills --- WSBA 19720
915 Queen Anne Ave N # 706
Seattle, WA 98109 --- 206 545-1463
RichardWills@Washington-Probate.com