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THE SUPREME COURT OF WASHINGTON STATE

Guy Mettle Appellant, Pro Se Beneficiary	Supreme Court Case No. 91704-0
v.	
Gregg M. Mettle Respondent Personal Representative/Trustee	Court of Appeals Cases No. 38243-1-II, 38603-8-II, 38733-6-II, 41463-5-II, 42213-1-II, 44244-2-II Pierce Co. Superior Court No. 03-4-01245-1 (consolidated with No. 08-4-00411-5)
In the Estate of Dorothy P. Mettle Deceased on 12/10/2002	GUY'S REPLY TO TRUSTEE'S ANSWER TO GUY'S 2 ND SHORTENED PETITION FOR REVIEW

GUY'S REPLY TO TRUSTEE'S ANSWER TO GUY'S 2ND SHORTENED PETITION FOR REVIEW

Filed by Appellant:
Guy Mettle
Pro Se
Beneficiary
Son of Dorothy P. Mettle



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**GUY'S REPLY TO TRUSTEE'S ANSWER TO GUY'S 2ND SHORTENED
PETITION FOR REVIEW**

TRUSTEE'S FALSE CLAIMS

Trustee's answer included the broad and sweepingly false claim that Guy's petition failed to include any relevant authorities. However, Guy's 2nd Shortened Petition for review cited 30 cases, 3 statutes, 11 rules, and 2 constitutional authorities.

Further, the above listed authorities are only a small subset of Guy's authorities because the Court limited Guy to 20 pages in his shortened petition for review. In Guy's opening brief, the Court can expect to see authorities consisting of 192 cases, 51 statutes, 18 other authorities, 69 Rules, 1 Treatise, 1 Regulation, and 6 Constitutional provisions which were included in Guy's initial, unabbreviated petition for review, submitted to the Court on 12/3/2014.

TRUSTEE'S ARGUMENTS FAILED TO ADDRESS ANY ISSUE RAISED BY GUY

Without making a broad statement, but issue by issue, Trustee's arguments failed to address any issue raised by Guy's petition, not even one. The Court must consider Guy's petition as completely unchallenged by the Trustee.

NEW ISSUES RAISE BY TRUSTEE'S ANSWER

ATTORNEY FEES The Trustee presented only one issue with authorities in his argument. Therein, the Trustee reviewed courts' general authority to award attorney fees. However, that is not an issue that was raised or contested by Guy's appeal. What Guy appealed was the court's abuse of discretion by applying only Part 1 of the 2-part Loadstar Method of determining attorney fees.

The PR/Trustee's pleading stated that he was applying the Loadstar Method in determining his attorney fees, but then both the Court and Trustee only applied Part 1 of the Loadstar method, which is merely a listing of attorney hours multiplied by the attorney's billing rate. However, the mandatory Part 2 of the Loadstar method require the Court to analyze said attorney fees to see if the attorney's billed work was necessary, justified, not duplicative, not for defending the attorney's own fees, and that it benefited the beneficiaries in the most efficient manner. (Estate of Larson,¹ Guardianship of Cosby,² Estate of Fuller,³

¹ In re the Guardianship of: Larry K. Cosby, Wash. Court of Appeals, 2000 Wash. App. LEXIS 882

² In re Estate of Larson, Supreme Court Of Washington, 103 Wn.2d 517, 521, 694 P.2d 1051 (1985)

Guardianship of Stamm,⁴). Note the most efficient conduct, which was most beneficial to the beneficiaries, would have been for the Trustee to (1) reveal the initial balance in the Trust's Charles Schwab account, (2) support it with bank documents, and (3) settle the testamentary trust as "rapidly and quickly as possible." (RCW 11.48.010, RCW 11.02.005(10), RCW 11.11.007, Estate of Larson,⁵ and Estate of Ehlers,⁶ Estate of Wind.⁷) Instead, the PR/Trustee has conducted a 15 year cover-up (2000 – 2015) of his theft of \$50,000 from the trust's Charles Schwab account.

Trustee's answer created this **ISSUE/QUESTION** for this Court to review: Are courts required to apply both parts of the Loadstar Method before awarding trustees' attorney fees?

DEBATABLE ISSUES

Trustee's answer claimed that Guy's petition for review did not raise any issues that are debatable by rational men. Per the Trustee, Guy's appeal was therefore frivolous which justified awarding attorney

³ Beneficiaries of the Estate of Leona Fuller V. Donna Taylor, Wash. Court of Appeals, 2006 Wash. App. LEXIS 1278

⁴ Beneficiaries of the Estate of Leona Fuller V. Donna Taylor, Wash. Court of Appeals, 2006 Wash. App. LEXIS 1278

⁵ Estate of Carl Larson, Supreme Court Of Washington, 103 Wn.2d 517; 694 P.2d 1051; 1985 Wash. LEXIS 1063

⁶ In re Estate of Ehlers, Wash. Court of Appeals, 80 Wn. App. 751, 757, 911 P.2d 1017 (1996)

⁷ In the Estate of August Wind v. Alfred Hendrickson, 32 Wn.2d 64

fees to the Trustee. Trustee's answer create these **ISSUES/QUESTIONS** for this Court to review: What makes a debatable issue among rational men? What is a frivolous appeal that justifies award to attorney fees to the trustee?

ISSUE/QUESTION: Can the Court determine that an appeal is frivolous after the COA denies the opposition's motion on the merits?

Respondent filed a motion on the merits, which the COA denied on October 1, 2010. By denying Trustee's motion on the merits, the COA already determined that Guy's appeal presented debatable issues which were not frivolous (Pearson v. Schubach⁸), and hence Trustee should not have been awarded attorney fees. Kirshenbaum v. Kirshenbaum,⁹ Wash. Beef, Inc. v. County of Yakima,¹⁰ In re Marriage of Zier.¹¹

ISSUE/QUESTION: If the Court denies an appeal, is that sufficient to make the appeal frivolous and justify awarding attorney fees? The COA did so, but that contradicts Federal Land Bank v. Redwine, Wash Court of Appeals, 51 Wn. App. 766, 755 P.2d 822 (1988).

⁸ Pearson v. Schubach, Wash Court of Appeals, 52 Wn.App. 716, 763 P.2d 834 (1988), review denied, 112 Wn.2d 1008 (1989), Supreme Court of Washington

⁹ Kirshenbaum v. Kirshenbaum, Wash Kirshenbaum v. Kirshenbaum Court of Appeals, 84 Wn. App. 798, 929 P.2d 1204 (1997)

¹⁰ Wash. Beef, Inc. v. County of Yakima, Wash Court of Appeals, 143 Wn. App. 165, 177 P.3d 162 (2008)

¹¹ In re Marriage of Zier, Wash Court of Appeals, 136 Wn. App. 40, 147 P.3d 624 (2006)

ISSUE/QUESTION: Is an appeal frivolous even if appellant's theories and issues different from past precedents?

Guy's appeal presented theories and issues that were different than past precedent or published opinions. Guy's issues and theories included: (1) Respondent's criminal profiteering, [RCW 9a.82, *Abbott v. Thorne*,¹² *McNeal v. Allen*,¹³ *Oppe v. Atwood*.¹⁴], (2) respondent's intentional violations of due process, (3) respondent's intentional failures to provide notice, (4) respondent's intentional false affidavits of service, (5) judges' and attorneys' corruption in support of racketeering and criminal profiteering, (6) judges' corruption to ensure reelection of incumbent judges, (7) Personal Representatives and Trustees cannot comingle Estate and Trust funds, accounting, and attorney fees, even if both roles are played by the same person, and (8) major crimes by the Trustee and their corrupt, crony judges including kidnapping, elder abuse, extortion, civil fraud, bank fraud, check fraud, and perjury" in order to steal Guy's inheritance. (Trustee's answer, pages 8 & 9, and CP 1525 – 1571.) By these methods and crimes, big law firms and their crony judges routinely

¹² *Abbott v. Thorne*, Wash Supreme Court, 34 Wash. 692; 76 P. 302; 1904 Wash. LEXIS 403

¹³ *McNeal v. Allen*, 95 Wn.2d 265, 267, 621 P.2d 1285 (1980)

¹⁴ *Angela M. Oppe v. The Law Offices of Sarah L. Atwood*, 2012 Wash. App. LEXIS 2391

and systematically loot, mulch, and steal \$ Billions from millions of probate estates in the state of Washington.

Therefore, COA determination, that Guy's appeal was frivolous and justified award of attorney fees to the trustee contradicted Marriage of Tomsovic,¹⁵ Public Employees Mut. Ins. Co. v. Rash,¹⁶ Lockhart v. Greive,¹⁷ because Guy's appeal presented theories and issues that were different than past precedent or published opinions.

ISSUE/QUESTION: Can the court determine that an appeal is frivolous even though it cites case precedents?

In Superior Court and the COA, Guy cited authorities consisting of 192 cases, 51 statutes, 18 other authorities, 69 Rules, 1 Treatise, 1 Regulation, and 6 Constitutional provisions. When COA 38243-1-II actually stated that Guy's appeal was frivolous, and COA 44244-2-II awarded attorney fees based on a frivolous appeal, those decisions contradicted Van Dinter v. City of Kennewick,¹⁸ and Hotel Employees v.

¹⁵ Marriage of Tomsovic, Wash Court of Appeals, 118 Wn. App. 96, 74 P.3d 692 (2003).

¹⁶ Public Employees Mut. Ins. Co. v. Rash, Wash Court of Appeals, 48 Wn. App. 701, 740 P.2d 370 (1987)

¹⁷ Lockhart v. Greive, Wash Court of Appeals, 66 Wn. App. 735, 834 P.2d 64 (1992)

¹⁸ Van Dinter v. City of Kennewick, Wash. Court of Appeals, 64 Wn. App. 930, 827 P.2d 329 (1992), aff'd, 121 Wn.2d 38, 846 P.2d 522 (1993), Supreme Court of Washington.

Jensen.¹⁹ Guy's appeal was not frivolous, because Guy cited many case authorities.

COURT FORCED BENEFICIARY GUY TO WITHDRAW HIS MOTION

Trustee's Answer (page 9) makes the false claim that Guy received all the information that Guy sought.

"In 2011, Guy filed a motion seeking an accounting from the Trust and Estate to include attorney billing records. At the hearing, Guy admitted that Gregg provided him (and he received) all of the information he sought.

That is a false statement by the Trustee. In court, Trustee's attorney recited a list of information provided by the Trustee, and asked if Guy had received said information. Guy said yes to that specific question. Then the Court immediately ruled that Guy had withdrawn Guy's motion even over Guy's objections that Guy had not withdrawn his motion. (Verbatim Report 5/06/2011, Order CP 1185-1186.) Guy's objection was that the information provided by the Trustee was missing several of the items that Guy requested in his motion. Guy's requests for relief which remained unmet (quoted from Guy's motion for accounting information, CP 976 – 984, 1041 – 1049, 1144 – 1150, 1151 - 1184) include:

¹⁹ Employees, Local 8 v. Jensen, Wash Court of Appeals, 51 Wn. App. 676, 754 P.2d 1277 (1988)

1. "Guy Mettle requests the Court to order accounting statements from the Dorothy P. Mettle Trust to be mailed to beneficiaries within 5 days.
2. Sources and uses of funds should be detailed since the last accounting in March 2008"
3. PR/Trustee's attorney fees and cost should be detailed for 2008, 2009, 2010, and 2011 to date, which he has not provided.
4. The accounting should not be combined for both distinct legal entities: (1) the Estate and (2) the Trust. (Estate of McCuen.²⁰) Each distinct legal entity requires separate accounting (which also includes billing and detailed sources and uses of funds). PR/Trustee should provide this for 2008, 2009, 2010, and 2011 to date, which he has not provided in the past. Each year should be separate as required for accounting purposes, or such years and separation as determined by the court.
5. Guy requests that his attorney fees (if any) and costs for this motion (and related litigation in Superior Court) should be paid by the PR/Trustee
6. PR/Trustee should be denied his attorney fees and cost related to this motion, because this motion would not have been needed if the PR/Trustee fulfilled his legal duties in a timely manner, and in accordance with Guy's several requests (as listed above).
7. Guy requests that the PR/Trustee provide a complete description and purpose of the secret work being done and billed under the redacted attorney fee items listed above. (Requested in Addendum 1 to Guy's motion.)

7/01/08 ' DBP <-- REDACTED DESCRIPTION OF WORK	\$ 229.50
7/02/08 DBP .20 <-- REDACTED DESCRIPTION OF WORK	\$ 51.00
7/07/08 DBP .60 <-- REDACTED DESCRIPTION OF WORK	\$ 153.00

²⁰ HN1 in Estate of Genevieve McCuen vs. Fred Schoen, 2007 Wash. App. LEXIS 294.

7/07/08 DBP .60 <-- REDACTED DESCRIPTION OF WORK	\$ 153.00
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8. Guy requests the same for any other attorney work that has not been revealed to the beneficiaries in writing by the PR/Trustee. (Requested in Addendum 1 to Guy's motion.)

Nevertheless, the court curtailed discussion, made its ruling, and closed the hearing.

ISSUE/QUESTION can a judge force a litigant to involuntarily withdraw his motion, or can a judge falsify the record to indicate that a litigant withdrew his motion when the litigant did not do so? (RAP 13.5(b)(2), RAP 13.5(b)(3).

ISSUE/QUESTION can a judge falsify the record to indicate that a litigant withdrew his motion when the litigant did not do so

ISSUE/QUESTION Can the court force Guy to abandon Guy's claims and requests for relief which remain unmet. Guy's motion made the following requests for relief:

1(b)1 -- Guy Mettle requests the Court to order true accounting statements instead of fraudulent accounting statements that exclude \$50,000 stolen by the PR/Trustee from Dorothy P. Mettle's Charles Swab Brokerage account. After 9 years (2002-2011), the PR/Trustee has only revealed the depleted ending balance of said account, without revealing the beginning balance. Anyone who balances a check book knows that you have to start with a true opening balance.

1(b)2 -- Sources and uses of funds should be detailed since the last accounting in March 2008." No sources and uses may remain redacted, and Guy's motion for discretionary review proves that four items still remain redacted.

1(b)3 --_The accounting should not be combined for both distinct legal entities: (1) the Estate and (2) the Trust. (Estate of McCuen.²¹) As a distinct legal entity, the Trust requires separate accounting (which also includes billing and detailed sources and uses of funds). The Trustee should provide annual statements for 2008, 2009, 2010, and 2011 to date, which he has not provided in the past, but which is required by RCW 11.106.020. Each year should be separate as required for accounting purposes and RCW 11.106.020.

The Judge's only possible basis for declaring that Guy had involuntarily withdrawn his motion is if Guy had failed to state a claim upon which relief could be granted. **ISSUE/QUESTION:** Is that the very definition of a nonsuit or summary judgment, and do the principles of nonsuit or summary judgment apply? CR12(b)(6)].

ISSUE/QUESTION When the trustee moved in court to force Guy to withdraw his motion for accounting information, and the Judge so ruled, did the moving party (Trustee) and the judge bear the burden of proof that "that no set of facts would entitle the plaintiffs to the relief they seek"? (Fondren v. Klickitat County,²² . Bly v. Pilchuck.²³)

ISSUE/QUESTION When the court grants a motion to dismiss for failure to state a claim upon which relief may be granted, can a complaint be dismissed unless it appears beyond a doubt that the plaintiff can

²¹ HN1 in Estate of Genevieve McCuen vs. Fred Schoen, 2007 Wash. App. LEXIS 294.

²² Fondren v. Klickitat County, 79 Wn. App. 850, 905 P.2d 928 (1995)

²³ Bly v. Pilchuck Tribe No. 42, Improved Order of Red Men, 5 Wn. App. 606, 489 P.2d 937 (1971).

prove no set of facts in support of his claim which would entitle him to relief? The trustee and the court failed that test. (Sherwood v. Moxee,²⁴ Gold Seal Chinchillas v. State,²⁵ Hofto v. Blumer,²⁶ Brown v. MacPherson's,²⁷ Berge v. Gorton,²⁸ Corrigal v. Ball.²⁹)

ISSUES/QUESTIONS In considering a motion to dismiss for failure to state a claim upon which relief can be granted, are the plaintiff's (Guy's) factual allegations are presumed to be true? Furthermore, the can the court consider hypothetical facts not part of the formal record. (Lien v. Barnett.³⁰)

ISSUE/QUESTION When the court dismisses a motion at the same time as an order overruling the demurrer (Guy), is said order premature, unless the demurring party has refused to plead further? The court erred in doing so. (Pelly v. Behneman.³¹)

²⁴ Sherwood v. Moxee Sch. Dist. No. 90, 58 Wn.2d 351, 363 P.2d 138 (1961);

²⁵ Gold Seal Chinchillas, Inc. v. State, 69 Wn.2d 828, 420 P.2d 698 (1966);

²⁶ Hofto v. Blumer, 74 Wn.2d 321, 444 P.2d 657 (1968)

²⁷ Brown v. MacPherson's, Inc., 86 Wn.2d 293, 545 P.2d 13 (1975)

²⁸ Berge v. Gorton, 88 Wn.2d 756, 567 P.2d 187 (1977)

²⁹ Corrigal v. Ball & Dodd Funeral Home, 89 Wn.2d 959, 577 P.2d 580 (1978)

³⁰ Lien v. Barnett, 58 Wn. App. 680, 794 P.2d 865 (1990)

³¹ Pelly v. Behneman, 168 Wash. 465, 12 P.2d 422 (1932); Gray v. Gregory, 33 Wn.2d 713, 207 P.2d 194 (1949).

ISSUE/QUESTION when the court forces a motion to be withdrawn, can the moving litigant (Guy) raise new facts on appeal? (Collins v. King County,³² Roth v. Bell.³³)

ISSUE/QUESTION - When the court forces a motion to be withdrawn for failure to state a claim upon which relief can be granted, is that equivalent to a motion for summary judgment? (Gain v. Carroll,³⁴ Bruce v. Byrne-Stevens,³⁵ Siegrist v. Simpson,³⁶ Meyer v. Dempcy.³⁷)

ISSUE/QUESTION If the PR/Trustee failed to affirmatively plead his defense that Guy had involuntarily withdrawn his motion, did the PR/Trustee waive his right to an affirmative defense on that issue? (Farmers Ins. Co. v. Miller.³⁸) The PR/Trustee defense was not pleaded or supported in any manner. The PR/Trustee failed to show that Guy made no request for relief that could be granted. The PR/Trustee did not even argue nonsuit. Instead the Court ordered (CP 1185-1186) that Guy and involuntarily “withdrawn” his motion.

³² Collins v. King County, 49 Wn. App. 264, 742 P.2d 185 (1987), overruled on other grounds, 119 Wn.2d 91, 829 P.2d 746 (1992)

³³ Roth v. Bell, 24 Wn. App. 92, 600 P.2d 602 (1979); Fondren v. Klickitat County, 79 Wn. App. 850, 905 P.2d 928 (1995)

³⁴ Gain v. Carroll Mill Co., 114 Wn.2d 254, 787 P.2d 553 (1990)

³⁵ Bruce v. Byrne-Stevens & Assocs. Eng'rs, 51 Wn. App. 199, 752 P.2d 949 (1988), rev'd on other grounds, 113 Wn.2d 123, 776 P.2d 666 (1989)

³⁶ Siegrist v. Simpson Timber Co., 39 Wn. App. 500, 694 P.2d 1110 (1985).

³⁷ Meyer v. Dempcy, 48 Wn. App. 798, 740 P.2d 383 (1987)

³⁸ Farmers Ins. Co. v. Miller, 87 Wn.2d 70, 549 P.2d 9 (1976)

GUARDIANSHIP FRAUD AND APPEAL

Dorothy Mettle's Guardianship was a fraud from the beginning. Dorothy was a fully functioning adult that that lived by herself and drove herself shopping and to lunch every day, and occasionally to church. She was healthy, well nourished, and her house was as neat as a pin. Dorothy was an intelligent and competent conversationalist on subjects that interested her. Then Gregg kidnapped her, falsely imprisoned her, kept her locked-in, alone, deprived of her car, deprived her of spending money, deprived her of sufficient food, and terrorized her. Dorothy tried to escape several times, and she yelled at Gregg's attorney that "Gregg stole all my money and is trying to kill me!" Gregg also deprived Dorothy of use of her own attorney Kiegen, whom she had on retainer.

Gregg had Dorothy declared incapacitated by respiratory therapist, Dr. Kahlstrom, who had no expertise in psychology or elder care. For example, Dr. Kahlstrom used two tests to declare Dorothy mentally incapacitated. 1) That after 30 years of retirement, Dorothy did not know what day of the week it was on the day that she was examined. But, that was a nonsense excuse because many people who have been retired only a year, no longer track the days of the week because they no

longer have to report to work, and the days run together. Heck, people on vacation often forget what day of the week it is. 2) That Dorothy was late on her county taxes. That too was a false excuse, because Dorothy was actually paid up on her county taxes and Dr. Kahlstrom was unqualified and uninformed.

In fact, Gregg told many lies to get Dorothy declared incapacitated. Gregg repeatedly violated Guardianship law by keeping his guardianship proceeding a complete secret from Dorothy's son, Guy, who was entitled to notice and copies of all pleadings by law. That's how Gregg prevented Guy from presenting truthful testimony at the guardianship hearings. Gregg violated Pierce county guardianship rules by hand picking a guardian ad litem, attorney Smith, that was not on the county's list to be assigned as a GAL from the county's rotating list of GALs. Then, Gregg's GAL continued to keep the guardianship a complete secret from Guy. Guy finally found out about the guardianship over a year later, after the GAL had resigned. Guy could not pursue his appeal, because Guy was in Ohio and indigent. Guy's appeal was dismissed because indigent Guy could not pay the court filing fee. Further, the court went along with this fraud and all of these violations of law because the judges are corrupt

racketeers, thugs, and thieves. Honest judges do not make over 90 rulings that are contrary to law by mistake.

Trustee's answer makes three statements which are incomplete, inaccurate, misleading, and constitute perjury by the Trustee executed in his attempt to deceive the court, the beneficiaries, and complete Trustee's theft of \$50,000 from the Trust.

Quote from Trustee's answer:

The co-guardians' Final Report was approved on September 5, 2003. At the close of the guardianship, the Estate's only asset was a Columbia Bank account, and the only Trust asset was a Merrill Lynch account. CP 31-32.

Quote from Trustee's Answer:

The combined value of the Trust and Estate at the time of her death was approximately \$954,614.00. CP 331.

This is a false statement, because the Trust also included the Dorothy Mettle's Charles Schwab bank account, which contained over \$62,000, and which the trustee completely omitted from the Guardian's final report. (See Exhibit 2, Appendix 11, Supreme Court 91074-0). We know that because the Trustee deceived the Guardianship court by filing a final report while Guardian/Trustee Gregg was in non-compliance with the courts' explicit order for the Trustee to combine the Charles Schwab account with the Merrill Lynch account. In fact, the guardianship court

had formally notified Guardian/Trustee Gregg that he was in noncompliance. (See Guardianship court order, Exhibit 1, Appendix 11, Supreme Court 91074-0. Guy also filed said guardianship order in COA 44244-2-II in Appendix 39.) But, we know the Trustee did not do so, because the Charles Schwab account appears for the first time in any of the Guardian/Trustee's pleadings as footnote #3 in the Trustee's interim accounting five years later, in 2008. (CP 3 – 5.)

Quote from Trustee's Answer:

The starting balance in the Trust reflects the figure reported as the ending balance in the Guardian's Final Report, which was approved by the Pierce County Superior Court in Cause No. 00-4-01533-2. *Id.* 3

ISSUES/QUESTIONS Is the guardian's final report the beginning of trust accounting? Or, should trust accounting begin with the beginning balance of the trust?. Should the court allow the Trustee to begin his accounting with whatever sum he reported as his guardianship final report? Should the court allow that considering that the guardian's final report was in noncompliance with a guardianship court order, and that the guardian's final report completely omitted one of the Trust's bank accounts (the Charles Schwab account)?

ISSUES/QUESTIONS Is the Guardian a separate entity from the Trustee even if the two roles are assigned to the same person? Also, is the

guardianship a separate case from the Estate and a separate case from the Trust? Are separate and complete accountings required for each case: 1) Guardianship, 2) Estate, and 3) Trust. Estate of McCuen.³⁹ says yes.

DISTRIBUTION DELAY FOR STATUTE OF LIMITATIONS ON PERSONAL INCOME TAX

Quote from Trustee's answer:

“The second legal issue delaying closure of the Estate involved Gregg’s decision to wait until the statute of limitations had expired with respect to the decedent’s individual federal income tax returns before making additional Trust distributions. CP 481. This statute of limitations expired on or about April 15, 2006. CP 481. “

ISSUE/QUESTION Can the trustee uses the statute of limitations on Dorothy’s personal income tax as cause to retain of \$400,000 in the trust, instead of distribution the bulk of it “as rapidly and quickly as possible” as required by (RCW RCW 11.48.010, RCW 11.02.005(10), RCW 11.11.007, Estate of Larson,⁴⁰ and Estate of Ehlers,⁴¹ Estate of Wind.⁴²

³⁹ Estate of Genevieve McCuen vs. Fred Schoen, Wash. Court of Appeals, 2007 Wash. App. LEXIS 294

⁴⁰ Estate of Carl Larson, Supreme Court Of Washington, 103 Wn.2d 517; 694 P.2d 1051; 1985 Wash. LEXIS 1063

⁴¹ In re Estate of Ehlers, Wash. Court of Appeals, 80 Wn. App. 751, 757, 911 P.2d 1017 (1996)

⁴² In the Estate of August Wind v. Alfred Hendrickson, 32 Wn.2d 64

GUY'S ATTORNEYS

Trustee's answer blames extreme delays on Guy's relationship with his attorneys. That is a false statement. Guy had 3 attorneys in 3 cases (guardianship, estate, and trust) over 15 years (2000 – 2015). By comparison, the Guardian/Personal Representative/Trustee Gregg has used at least 8 attorneys or legal professionals belonging to 4 law firms.

Trustee's answer quotes a self-serving and false statement by Guy's disgruntled ex-attorney Posey. Posey was not a probate attorney. Guy lived in Ohio and had great trouble obtaining an attorney in Tacoma, so Guy accepted Posey. Guy paid Posey \$10,000, but Posey did absolutely nothing but collect his fee. The opinion that Posey gave to Guy was that Posey should continue to do nothing until the Trustee filed his final report. Guy told Posey that this was unacceptable. For 14 months, Posey did not communicate with Guy about action on the case, so Guy began to research the case on his own. Those 14 months, occurred while nothing was going on in the Estate and Trust case, because the Trustee took no action for 4 years (2004 – 2008). Then, when PR/Trustee filed an interim report in 2008, Posey filed a motion to withdraw from the case, which Guy opposed because it was time to respond to the PR/Trustee's interim report. Hence, Posey filed his disgruntled and false statement, now

quoted by the Trustee. Regarding Posey's bill, Guy paid Posey \$10,000, while Posey did nothing. Then, in 2008, Posey suddenly made an excuse out of a small, trivial amount that Posey alleged remained unpaid. That was Posey's excuse to withdraw from the case. The court should note that none of this delayed the Estate and Trust case because the PR/Trustee had taken no action in 4 years. Further, the PR/Trustee has had just as many or more extensions of time than Guy.

ISSUE/QUESTION – Is Guy's short term relationship with an attorney cause for the Trustee to refuse to distribute the Testamentary Trust for 13 years (2002 - 2015, in violation of (RCW RCW 11.48.010, RCW 11.02.005(10), RCW 11.11.007, Estate of Larson,⁴³ and Estate of Ehlers,⁴⁴ Estate of Wind.⁴⁵) which require the Estate and the Trust to be settled "as rapidly and quickly as possible."

Guy requests review per RAP 13.4(b)(1),(2),(3),&(4).

⁴³ Estate of Carl Larson, Supreme Court Of Washington, 103 Wn.2d 517; 694 P.2d 1051; 1985 Wash. LEXIS 1063

⁴⁴ In re Estate of Ehlers, Wash. Court of Appeals, 80 Wn. App. 751, 757, 911 P.2d 1017 (1996)

⁴⁵ In the Estate of August Wind v. Alfred Hendrickson, 32 Wn.2d 64

Unsworn Declaration

I, Guy Mettle, declare, under penalty of perjury, under laws of Washington State, that the foregoing is true to the best of my knowledge and belief.



Date: July 20, 2015

Guy Mettle
P.O. Box 2491
Westerville, OH 43086-2491
614-432-6000

PARTIES

Appellant

Guy Mettle, P.O. Box 2491, Westerville, OH 43086-2491 Tel. (614) 432-6000

Guy Mettle is pro se.

Appellant in the Supreme Court

Appellant in the Court of Appeals

Beneficiary to the Estate of Dorothy P. Mettle, in Superior Court.

Respondent

Gregg M. Mettle

Personal Representative / Trustee

David Petrich, attorney

Eisenhower and Carlson LLP

1201 Pacific Avenue, #1200

Tacoma, WA 98402

CERTIFICATE OF SERVICE

I, Guy Mettle, certify that on the ____July 20, 2015____, I served a copy of the following document(s)
GUY'S REPLY TO TRUSTEE'S ANSWER TO GUY'S 2ND SHORTENED PETITION FOR REVIEW
by U.S. Mail, postage paid, to the following person(s):

David Petrich, attorney
Eisenhower and Carlson
1201 Pacific Avenue, #1200
Tacoma, WA 98402

Unsworn Declaration -- I, Guy Mettle, declare, under penalty of perjury, under laws of Washington State, that the foregoing Certificate of Service is true to the best of my knowledge and belief.



Date: ____July 20, 2015____

Guy Mettle
P.O. Box 2491
Westerville, OH 43086-2491
614-432-6000

File with:

Clerk of Courts
Supreme Court of Washington State
Temple of Justice
415 12th Ave SW
Olympia, WA 98504
Email: supreme@courts.wa.gov
Tel. 360-357-2077

OFFICE RECEPTIONIST, CLERK

To: Guy Mettle
Subject: RE: Supreme Ct 91074-0 Guy's reply to Trustee's answer to petition for review

Rec'd 7/20/2015

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Guy Mettle [mailto:gmmillennium@yahoo.com]
Sent: Monday, July 20, 2015 12:28 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: Supreme Ct 91074-0 Guy's reply to Trustee's answer to petition for review

Appellant: Guy Mettle
Pro Se
Email: gmmillennium@yahoo.com
Tel. 614.432.6000

Attachments:
Supreme Ct 91074-0 Guy's reply to Trustee's answer to petition for review