No. _____

In The

Supreme Court of the United States

KHASHON HASELRIG,

Petitioner,

vs.

STEPHANIE INSLEE,

Respondent.

On Petition For A Writ Of Certiorari To Division I Of The Court Of Appeals Of Washington

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

I. Did the Washington Court err in finding that an infirmity in due process is cured by denial of a motion seeking to correct it and violate the 14th Amendment of the United States Constitution and contravene Armstrong v. Manzo (1965)?

II. Did the Washington Court err against public policy by not recognizing a good faith and probable cause exception to in terrorem clauses as adopted by most jurisdictions, the Uniform Probate Code, and the Restatement to the forfeiture clause in this missing 2015 will?

III. Does enforcing an in terrorem clause against a beneficiary who is complaining of the misconduct, malfeasance, or mistake of a personal representative, without checking the claim's validity simply because the clause is generally enforceable violate public policy, the Washington State Constitution, and the United States Constitutional due process provisions?

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Khashon Haselrig

Stephanie Inslee

Indira Raichoudhury

Linda Borland

The University of British Columbia was not a named party in the lower courts, but was named in Margaret Rai-Choudhury's will.

RELATED CASES

In re the Estate of Margaret Rai-Choudhury, No. 16-4-00659-4 Index #11, Whatcom County District Court. Order entered December 19, 2016

In re the Estate of Margaret Rai-Choudhury, No. 16-4-00659-4 Index #39, Superior Court of Whatcom County, Washington. Judgment entered February 10, 2017

In re Estate of Margaret Rai-Choudhury, No. 17-2-00481-9, Superior Court of Whatcom County, Washington. Judgment entered June 30, 2017

In re the Estate of Margaret Rai-Choudhury, No. 16-4-00659-4 Index # 75, Superior Court of Whatcom County, Washington. Judgment entered August 25, 2017

RELATED CASES—Continued

In re the Estate of Margaret Rai-Choudhury, No. 16-4-00659-4 Index #93, Superior Court of Whatcom County, Washington. Judgment entered November 3, 2017

In the Matter of the Estate of Margaret Rai-Choudhury, No. 77740-8-I Washington State Court of Appeals Division I. Judgment entered February 25, 2019

In the Matter of the Estate of Margaret Rai-Choudhury, No. 97124-2 Washington State Supreme Court. Judgment entered September 4, 2019

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TABLE OF AUTHORITIES

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is unpublished.

The opinion of the Division I Appellate Court appears at Appendix A to the petition and is unpublished.

JURISDICTION

The date on which the highest state court decided my case was Feb 25, 2019. A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: Sep 4, 2019, and a copy of the order denying rehearing appears at Appendix C.

This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution 14th Amendment Sect I: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Washington State Constitution Article I, Section 10 Administration of Justice: Justice in all cases shall be administered openly, and without unnecessary delay.

RCW 11.20.070: Proof of lost or destroyed will

(1) *If a will has been lost or destroyed under circumstances such that the loss or destruction does* ***not*** *have the effect of revoking the will*, the court may take proof of the execution and validity of the will and establish it, *notice to all persons interested having been* ***first*** *given.*

RCW 11.96A.110: Notice in judicial proceedings under this title requiring notice: (1) Subject to RCW 11.96A.160, in all judicial proceedings under this title that require notice, the notice must be personally served on or mailed to all parties or the parties' virtual representatives at least twenty days before the hearing on the petition unless a different period is provided by statute or ordered by the court. The date of service

shall be determined under the rules of civil procedure. Notwithstanding the foregoing, notice that is provided in an electronic transmission and electronically transmitted complies with this section if the party receiving notice has previously consented in a record delivered to the party giving notice to receiving notice by electronic transmission. Consent to receive notice by electronic transmission may be revoked at any time by a record delivered to the party giving notice. Consent is deemed revoked if the party giving notice is unable to electronically transmit two consecutive notices given in accordance with the consent.

(2) Proof of the service, mailing, or electronic delivery required in this section must be made by affidavit or declaration filed at or before the hearing.

STATEMENT OF THE CASE

A copy of a missing will was admitted to probate on Dec 19, 2016 App F, G by Stephanie Inslee, by and through her attorney without a hearing or notice to any interested parties that the original will was missing, what was in the missing will, that it was being admitted to probate on that date, or otherwise informing any interested party of their rights. The ex parte petition so granted on that date also failed to name the testator's (Margaret) only daughter, Indira Raichoudhury (residing in Oklahoma since 2007 Response Indira June 19, 2017 pg. 25 Declaration of

Indira[1]), as an interested party App F. This was in contravention to RCW 11.20.070, and 11.96A.110, and the 14th Amendment of the U.S. Constitution. On the date notice would legally have needed to be delivered Stephanie Inslee was cremating Margaret without permission from family, instruction from the decedent, or any original documentation APP H.

Khashon Haselrig (also living in Oklahoma since 2007 (Response Indira pg. 32-33 Declaration of Haselrig) brought a motion on Feb 10, 2017 (Motion for Removal of PR of the Estate; Revocation of Testate Jan 25, 2017 pg. 3), to correct the lack of hearing and notice by returning the probate to its default intestate status and to name himself as executor due to the initial mishandling of the estate by Stefanie Inslee e.g. admitting a missing will without notice or hearing APP F, G and cremating Haselrig's grandmother without meeting her or bothering to establish her burial wishes in any way, or informing any family she had died (Declaration of Steven Avery Feb 7, 2017 pg. 4), H. Inslee also permitted someone not entitled to any property to take Margaret's cat and have her killed (Declaration of Stephanie Inslee Re Indira June 26, 2017 pg. 2 ¶6[2]).

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[1] Response Indira June 19, 2017 and documents contained is in regards to the same probate under case number 17-2-00481-9 Whatcom County Superior Court and referenced documents were merged on appeal through Designation of Clerk's Papers July 12, 2018.

[2] Declaration of Stephanie Inslee is in regards to the same probate under case number 17-2-00481-9 Whatcom County Superior Court and referenced documents were merged on appeal through Designation of Clerk's Papers July 12, 2018.

Haselrig's Feb 10, 2017 motion was denied, however the lack of notice was not specifically addressed APP E. Haselrig brought a second motion on Aug 25, 2017 (Motion to Void Fraudulent Admission of Copy Will June 19, 2017 pg. 4) to restart the probate for willfully defective notice only and was denied APP B, and subsequently disinherited, even though he was heir to 99% of probate assets since UBC received all non-probate assets which reduced their share of probate assets to zero APP G, (Inventory and Appraisement: First Amended April 24, 2017 pg. 3).

Haselrig started an interlocutory appeal after the order APP B denying his attempt to correct the defective notice, and converted it to an appeal by right after the order disinheriting him APP D.

Feb 10, 2017 was *not* the date the missing will was admitted to probate, it was admitted on Dec 19, 2016 ex parte. The Feb 10, 2017 motion was meant to be a correction of Dec 19, 2016 ex parte admission of missing will as a matter of law *only*, not a hearing on the merits of will validity, it was joined by Indira via counsel.

The effect of continuing the probate with the missing will already admitted was to reverse the moving and non-moving parties as well as the burden of proof. The Court has thus far maintained a presumption that the missing will was not revoked, or not revoked if validly executed, which is counter to Washington law Estate of Bowers, 132 Wn. App. 334, 343 (Wash. Ct. App. 2006). As a result Stephanie Inslee has never

acted as a moving party to prove the will she proffers was not intentionally revoked/destroyed unintentionally.

While the Trial Court and Appellate Court identified that Haselrig's Feb 10, 2017 motion was denied, neither Court has identified or claimed any documents support notice was timely given by Stephanie Inslee to interested parties as directed by RCW 11.96A.110. The Trial Court actually struck the notice section from its order APP B, but does say "6. Washington procedural law, including CR 6 and CR 59(b), does not allow this Court to reconsider the Order of February 10, 2017, as the above pleadings were filed and served more than ten (10) days after February 10, 2017". The Appellate Court did not directly address Haselrig's notice issue at all, though it appeared to infer failure to appeal the denied Feb 10, 2017 motion cured the infirmity in due process APP A. The Appellate order quotes Haselrig's captions without addressing attendant arguments, and then simply states conclusions. The standard of review for probate and statutory disputes in Washington is supposed to be de novo. Estate of Black, 153 Wn. 2d 152, 161 (Wash. 2004).

No Court has identified by what method Haselrig has acted in other than good faith, or that any of his statements are untrue. No Court has identified by what mechanism the failure to give notice or hold a hearing for the Dec 19, 2016 copy will admission was corrected. Haselrig's due process arguments have been basically ignored, yet it is the basis for all of his

argument to this point. Haselrig seeks redress now on the grounds that:

1. In the interest of public policy heirs that bring motions grounded in fact to correct the unlawful actions of executors or trustees should not be subject to an in terrorem clause, and without evidence of 20 day prior notice to will admission on Dec 19, 2016 he has probable cause for this action.

2. Denial of a motion to correct a due process error does not correct the infirmity and until granted causes void judgements because such judgements fail to adhere to the 14th amendment as codified by statutes, specifically RCW 11.96A.110 and RCW 11.20.070.

It is also of note that because Margaret's actions became erratic two months before drafting the now missing will as indicated by a police report (Response Indira June 19, 2017 pg. 60 Police report), it is believable she destroyed and revoked her will, and absent other explanation for its loss such circumstance clouds this probate, Hesthagen v. Harby, 78 Wn. 2d 934, 945 (Wash. 1971). At least until such a time as the presumption of revocation is properly and clearly set and cogently and clearly overcome.

REASONS FOR GRANTING THE PETITION

I. Did the Washington Court err in finding that an infirmity in due process is cured by denial of a motion seeking to correct it and violate the 14th Amendment of the United States Constitution and contravene Armstrong v. Manzo, 380 U.S. 545, 550 (1965)?

This section describes the need for the U.S. Supreme Court to rule regarding due process violations as they pertain to will probates. There is strong case law regarding due process generally, but not specifically or recently in regards to probate law and it appears to be cause for confusion. This document generally is concerned with the intersection of the 14th Amendment, notice, and probate law. In that respect Armstrong v. Manzo is the controlling case law. Like in Armstrong the Washington State Court has:

> "held, in accord with its understanding of the [State] precedents, that whatever constitutional infirmity resulted from the failure to give the petitioner notice had been cured by the hearing subsequently afforded to him upon his motion to set aside the decree. 371 S.W.2d, at 412. We cannot agree." Id at 551.

The Aug 25, 2017 Probate Court order APP B directly contradicts Armstrong and construes motions to correct due process with pleadings in general. The Appellate Court appears to do the same but the basis of their reasoning is not clear APP A. Without proof notice was provided in accord with RCW 11.96A.110 prior

to Dec 19, 2016, Haselrig has probable cause for this case.

The Washington State Court's apparent determination that denial of a motion to correct a failure in due process (arising from both a lack of notice and lack of hearing in accordance with RCW 11.96A.110 and 11.20.070) is curative, directly contradicts the U.S. Supreme Court ruling in Armstrong v. Manzo, 380 U.S. 545, 551 (1965) and places a cloud over the estate Hesthagen 945. The infirmity in due process cannot be overcome without granting the corrective motion brought by Haselrig on Feb 10, 2017 because all subsequent decisions rely on a reversed burden of proof and reversal of moving and non-moving parties Armstrong 552.

It is evident from the Feb 10, 2017 order which states "No evidence has been submitted that the . . . Will was lost or destroyed [and revoked]" and "The Letters Testamentary, granted to Stephanie Inslee on Dec 19, 2016, should not be revoked" APP E that the presumption was reversed to presume Stephanie Inslee was appointed legally and that the missing will was not revoked. Washington law doesn't require evidence to establish a presumption, but to overcome it. Both statute and common law presumes a missing will even if validly executed is revoked in Washington, "[RCW 11.20.070] requires the proponent of a lost or destroyed will to prove it was not revoked" Bowers 343 (2006) (emphasis added). The order demonstrates Stephanie Inslee has never acted as the moving party, nor has the burden of proof ever been upon her. As a result "[t]he

burdens thus placed upon the petitioner were real, not purely theoretical." Armstrong at 551.

If Stephanie Inslee gave notice, and acted as the moving party at the Feb 10, 2017 proceeding, and the Court applied the correct burden of proof, and ruled in her favor on the basis of presumed revocation, the order would have read "(some evidence) was submitted indicating the Will was lost or destroyed (by way of an event) without intent to revoke. The Letters testamentary should be granted." The Court did not find explanation of a cause that would make the will go missing unintentionally. It instead jumped to confirming validity of execution, which is not relevant if destroyed and revoked. Obviously to revoke a will it must have previously existed as a valid document. Valid execution is a red herring prior to proving an unintentional cause of loss or destruction. Using valid execution as proof of unintentional destruction still reverses the burden of proof from Bowers 343.

The ruling of the Appellate Court as it stands means that the determination of Armstrong v. Manzo (1965) does not apply in the State of Washington, and that the Court, not the statutes or Constitution, has blanket authority to reverse moving and non-moving parties and burdens of proof on a whim, and a motion on a matter of law can immediately become a hearing on the merits.

Stephanie Inslee not only failed to schedule a hearing or deliver a reason 20 days prior explaining why the original will was missing, she never gave one

at all APP F, (Inslee Motion Reply Feb 7, 2017). Instead the Court was given a red herring based on the idea that Haselrig did not give evidence of revocation, which is irrelevant because in Washington the presumption is revocation Bowers 343. It was Stephanie Inslee that needed to explain how the original will went missing unintentionally, which she failed to do at any time. The issue would not have been so confused if the copy of the missing will had not been illegally admitted without notice or hearing on Dec 19, 2016 APP F, G. The Court has never specified what if any documents constitute notice under RCW 11.96A.110 for the copy will being admitted on Dec 19, 2016. The Court has not specified what caused the will to go missing unintentionally, and if simple execution of a missing will overcomes presumed destruction it means all missing executed wills are presumed not revoked, thus overturning statute and common law. In fact there are no documents at all prior to Dec 19, 2016 in this case.

Without legal admission of the copy of the missing will through legal notice and hearing, its admission is void and judgments derivative from that initial unlawful admission are also void Hesthagen 942 Armstrong 550 because they reverse the burden of proof and moving and non-moving parties from statutory mandates.

Due process is foundational and if police officers are expected to apprise suspected criminals of their rights even as they apprehend them, surely an attorney can be expected to comply with statutes directing them to timely inform interested parties of their rights in a probate, and to prove they have done so when

asked for evidence. Current rulings contravene public policy because it not only removes the legislature by rendering statutes meaningless, but it encourages violating the 14th amendment and avoiding notice altogether in order to prevent interested parties from *defending* their interests at a meaningful time and manner Armstrong 552. In this case the 20 days prior notice specified under RCW 11.96A.110 was reduced to 0 days, since Stephanie Inslee was not the moving party and merely used her response to confuse the Court in the three days preceding the Feb 10, 2017 proceeding (PR's Response Feb 7, 2017) without ever proving the missing will was unintentionally destroyed as required by law Bowers 343.

Of note is a nearly identical case in Washington State Division I where it was found that a motion to correct due process is not even considered a will contest as the object is a procedural correction Estate of Little, 127 Wn. App. 915, 920 (Wash. Ct. App. 2005).

II. Did the Washington Court err against public policy when it failed to recognize a good faith and probable cause exception to in terrorem clauses as adopted by most jurisdictions, the Uniform Probate Code, and the Restatement to the forfeiture clause for the 2015 will?

This section explains the generally accepted best practices of States regarding in terrorem clauses and the need for the U.S. Supreme Court to give a definitive ruling on the basis of public policy.

While numerous states have adopted the good faith exception on public policy grounds, many of those states under the Uniform Probate Code, the exception appears to be applied inconsistently without an authoritative guide. This is problematic because as noted in Parker v. Benoist, 160 So. 3d 198, 204 (Miss. 2015), the basis for good faith exceptions is rooted in fundamental tenets of law, and the open administration of justice. Without good faith exceptions silence frustrates and delays the process of justice.

What follows is an extremely comprehensive analysis of the issue from Parker citing relevant case law in multiple states including Washington. Absent a ruling from the U.S. Supreme Court it appears the definitive work.

"Courts cannot know whether a will, good on its face, was made in conformity to statutory requirements, whether the testator was of sound mind, and whether the will was the product of undue influence, unless these matters are presented in court. And those only who have an interest in the will will have the disposition to lay the facts before the court. If they are forced to remain silent, upon penalty of forfeiture of a legacy or devise given them by the will, the court will be prevented by the command of the testator from ascertaining the truth, and the devolution of property will be had in a manner against both statutory and common law. Courts exist to ascertain the truth and to apply it to a given situation, and a right of devolution which enables a testator to shut the door of truth and prevent the observance of the law is a mistaken public

policy. If, on contest, the will should have been held invalid, the literal interpretation of the forfeiture provision has suppressed the truth and impeded the true course of justice. If the will should be held valid, no harm has been done through the contest, except the delay and the attendant expense.

South Norwalk Trust Co. v. St. John, 92 Conn. 168, 101 A. 961, 963 (1917). That court concluded that a legatee who brings a contest in good faith and upon probable cause should not forfeit his legacy, as "[h]e has been engaged in helping the court to ascertain whether the instrument purporting to be the will of the testator is such." Id.

Several other courts have come to the same conclusion. See Matter of Seymour's Estate, 93 N.M. 328, 600 P.2d 274, 278 (1979) ("[N]o-contest provisions are valid and enforceable in New Mexico, but they are not effective to disinherit a beneficiary who has contested a will in good faith and with probable cause to believe that the will was invalid."); In re Foster's Estate, 190 Kan. 498, 376 P.2d 784, 786 (1962) ("[A] bona fide belief in the invalidity of the will and with probable cause prevents the application of an in terrorem clause as to a beneficiary under the will."); Hartz' Estate v. Cade, 247 Minn. 362, 77 N.W.2d 169, 171 (1956) (holding that the existence of a good-faith and probable-cause exception is "more in conformity with the interests of justice and the dictates of public policy"); Ryan v. Wachovia Bank & Trust Co., 235 N.C. 585, 70 S.E.2d 853, 856 (1952) ("[A] bona fide inquiry whether a will was procured through fraud or undue influence, should not be

stifled by any prohibition contained in the instrument itself."); In re Estate of Cocklin, 236 Iowa 98, 17 N.W.2d 129, 135 (1950) (recognizing that a good-faith and probable-cause exception to forfeiture clauses was "in the interest of good public policy"); Dutterer v. Logan, 103 W.Va. 216, 137 S.E. 1, 3 (1927) ("We think there can be no doubt that the great weight of authority is against the strict enforcement of forfeitures contained in devises and bequests. On the contrary, that when there is probabilis causa litigandi, such forfeitures will not be enforced. . . ."); In re Chappell's Estate, 127 Wash. 638, 221 P. 336, 338 (1923) ("[I]t not being denied that the contest was made in good faith, . . . we are further convinced that appellant had probable cause for instituting the proceedings he did, and that by so doing he did not forfeit his legacy."); Tate v. Camp, 147 Tenn. 137, 245 S.W. 839, 842 (1922) (holding that the reasoning of the cases which found that a good-faith and probable-cause exception should apply to will contests announced "a more equitable and just rule. . . ."); Rouse v. Branch, 91 S.C. 111, 74 S.E. 133, 135 (1912) ("The right of a contestant to institute judicial proceedings upon probable cause to ascertain whether the will was ever executed by the apparent testator is founded upon justice and morality."); In re Friend's Estate, 209 Pa. 442, 58 A. 853, 854 (1904) ("The better rule, however, seems to us to be that the penalty of forfeiture of the gift or devise ought not to be imposed when it clearly appears that the contest to have the will set aside was justified under the circumstances, and was not the mere vexatious act of a disappointed child or next of kin."). The Uniform Probate Code also has

adopted a good-faith and probable-cause exception. See Unif. Probate Code § 3–905 (1982).

The Restatement (Third) of Property supports the position that a probable-cause exception should be made to forfeiture provisions in will contests. Restatement (Third) of Property: Wills and Donative Transfers § 8.5 (2003). "A provision in a donative document purporting to rescind a donative transfer to, or a fiduciary appointment of, any person who institutes a proceeding challenging the validity of all or part of the donative document is enforceable unless probable cause existed for instituting the proceeding." Id. The Restatement does acknowledge that forfeiture clauses may serve a valuable purpose in deterring "unwarranted challenges to the donor's intent by a disappointed person seeking to gain unjustified enrichment," or preventing "costly litigation that would deplete the estate or besmirch the reputation of the donor," or discouraging "a contest directed toward coercing a settlement—the so-called strike suit." Id., cmt. B. However, enforcing such a provision without a probable-cause exception would defeat "the jurisdiction of the court to determine the validity of a donative transfer." Id. Essentially, the Restatement reasons that unlimited enforceability of forfeiture clauses frustrates the fundamental purpose of the courts to ascertain the truth." Parker v. Benoist, 160 So. 3d 198, 204 (Miss. 2015).

California case law is not mentioned in Parker, but California Probate Code section 21311 also limits in terrorem clauses on a basis of direct attacks and

probable cause. Absent evidence of notice 20 days prior to Dec 19, 2016 under RCW 11.96A.110, Haselrig has probable cause for his actions given Hesthagen 945 and Armstrong 551 find the defects caused by defective notice are not time barred.

III. Does enforcing an in terrorem clause against a beneficiary who is complaining of the misconduct, malfeasance, or mistake of a personal representative, without checking the claim's validity simply because the clause is generally enforceable violate public policy, the Washington State Constitution, and the United States Constitutional due process provisions?

This section describes the need for the U.S. Supreme Court to rule definitively whether or not motions resulting from executor misconduct and to correct due process violations are de facto bad faith or if they should be generally exempt from in terrorem clauses. For a state to apply an in terrorem clause to such motions and without explanation is to violate the 14th Amendment and deny a "person within its jurisdiction the equal protection of the laws." It is to presume they act on something other than good faith and further stifle the rights, privileges, and protections they'd otherwise have if the original defect had not occurred.

The difference in application of in terrorem clauses between states is not a trivial preference. The division is between whether the Court is meant to

serve justice as bound by the Constitution or to apply individual clauses or rules at its whim to reach an arbitrary result. If indeed it can dared be argued that the intent of our system is to be just, then surely the position of the Washington State Courts in this instance is astray, as the Texas Courts were in Armstrong 545.

The primary expense here is to Haselrig. As beneficiary to 99% of probate assets and only blood heir named by the copy of the missing will APP G, he cannot further enrich himself through his actions, nor has he in any way besmirched or attacked the reputation of his grandmother. The only reputations besmirched are of the respondents by their own actions. They have disrespected Margaret in callow destruction of her body without funeral APP H, carelessly allowed the death of her pet of over a decade (Declaration of Stephanie Inslee Re Indira June 26, 2017 pg. 2 ¶6), have failed to give or prove they gave notice of their actions as required by law, and now disinherit the single blood heir in the will they claim to support when he reveals them. Somehow Stephanie Inslee claims Haselrig acts in bad faith by motioning to correct the cloud placed on the estate Hesthagen 942 Armstrong 552 Little 922 by her failing to hold a hearing or give notice to any interested parties before admitting the copy of the missing and presumably revoked will on Dec 19, 2016 APP F, G.

The burden is upon the party claiming notice was given to prove they did so, without which there is probable cause to bring a motion on a due process basis. There are no documents prior to the missing will being admitted on Dec 19, 2016 filed in this case, and

Armstrong is explicit that denial of a corrective motion does not cure infirmity in due process caused by failure of timely notice. Logic tells us that the meaningful time to be heard is not after a judgement has deprived a person of privileges, property, or protections, as expressed by the 14th Amendment. To do so casts a cloud on the estate Hesthagen 945-946 where any interested party was known to be affected. In this case Haselrig knows Indira was not notified, because no one was notified a missing will was being admitted to probate Dec 19, 2016. The Court has no cause to assert and has given no explanation as to why the in terrorem clause should be applied to Haselrig; it simply found it to be "generally . . . enforceable" APP A.

Admitting a copy of a missing and presumed revoked will on Dec 19, 2016 APP F, G without notice, hearing, or any evidence whatsoever that interested parties were notified of their rights is misconduct Hesthagen 944. To vex the Court and impede a motion to correct the due process violation is arguably further misconduct in delay of justice. The Dec 19, 2016 missing will admission was objectively an illegal action under RCW 11.96A.110 and RCW 11.20.070, and knowingly perpetuated for the sole benefit of the executor Stephanie Inslee. Haselrig is heir to 99% of assets listed in the will and the cloud placed over the estate as described generally by Armstrong 552 and specifically in Hesthagen 942 would affect primarily him. To disinherit Haselrig serves no one but those paid to administer the estate to named beneficiaries. Haselrig is the beneficiary, yet somehow he must fight a

presumption that he should be disinherited while bringing a factually and legally supported case that would solidify the finality of the probate's final distribution and his interests in it.

Stephanie Inslee may attempt to grandstand that the case law referenced in this document, and the fact that she has *no original* documents of any kind from Margaret, should be set aside because she served the will of the testator, yet that is an obvious post facto justification. Stephanie Inslee never met the testator (Declaration of Stephanie Inslee Re Indira June 26, 2017 pg. 2 ¶6), and Steven Avery who drafted the now missing will knew so little about his client he omitted her other grandson entirely and didn't even know his name (Declaration Certificate of Service by Shepherd and Allen *Jan 19, 2017*). Haselrig meanwhile was incorrectly named as a minor without higher education APP G in the missing will. When at that time he was already a college graduate and airline pilot (a minor cannot legally work as an airline pilot), and now is the author of this document.

It appears the only thing Stephanie Inslee knows about Margaret was that she wanted to have her only named blood heir disinherited from her will despite Margaret presumably knowing he would end up with nearly everything in it when she set her non probate assets to UBC. Even if we pretend Stephanie Inslee's misconduct has been noble, it doesn't change the fact she violated the 14th amendment rights of known interested parties as framed by statute RCW 11.96A.110 and RCW 11.20.070 thereby damaging the integrity of

the estate. There is no evidence Stephanie Inslee gave notice to anyone prior to will admission on Dec 19, 2016, and there is no evidence Haselrig has made any claims which are untrue. At the same time Inslee's current counsel continue to claim that time or method of notice isn't specified (PR's Response Feb 7, 2017 pg. 7), when RCW 11.96A.110 clearly does specify both time and method of notice for Washington Title 11 in great detail.

CONCLUSION

"The trial court could have fully accorded [due process] to the petitioner only by granting his motion to set aside the decree and consider the case anew. Only that would have wiped the slate clean. Only that would have restored the petitioner to the position he would have occupied had due process of law been accorded to him in the first place. His motion should have been granted."

Armstrong v. Manzo, 380 U.S. 545, 551 (1965), after the petitioner lost his original motion on due process and failed to appeal it within the time required by the rules of his state.

In the interest of supporting the fair and open administration of justice as discussed in Parker (2015), upholding the necessity of due process as discussed in Armstrong (1965), and providing a contemporary example of how the Constitution and public policy

intersects with probate law, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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