

App. 1

IN THE COURT OF APPEALS OF THE
STATE OF WASHINGTON
DIVISION ONE

In the Matter of the Estate of
MARGARET RAI-
CHOUDHURY

No. 77740-8-I
UNPUBLISHED
OPINION
FILED:
February 25, 2019

APPELWICK, C.J.—Khashon Haselrig argues the trial court erred when it determined he violated a no contest clause in his grandmother's will. As a result, he was disqualified from inheriting from her estate. We affirm.

FACTS

In July 2015, Margaret Rai-Choudhury met with attorney Steve Avery to prepare a will and other estate documents. She was 82 years old and recently had filed for dissolution from her husband, Prosenjit Rai-Choudhury. Margaret executed her will on July 21, 2015. It was attested by two witnesses. Both witnesses declared that Margaret appeared to be of sound mind and under no duress or undue influence.

The will declared that it was Margaret's intention to leave none of her property to Prosenjit or to their only child, Indira Rai-Choudhury. Instead, she made a specific bequest of \$10,000 to Linda Borland. Of the probate estate residue, she left half to the University

App. 2

of British Columbia and half in trust for her grandson, Khashon Haselrig. She also included a no contest provision in her will, whereby a beneficiary who contests the will loses his or her interest in the estate. Margaret named Stephanie Inslee, a professional guardian, as her personal representative. Margaret had no later contact with Avery to modify or revoke her will or other estate planning documents. The combined value of her assets was approximately \$1,877,000. The bulk of her assets were nonprobate assets.

Margaret died on November 25, 2016. Inslee arranged for the body to be cremated, and the cremation was performed on December 6. The same day a neighbor notified Indira of Margaret's death. Khashon was at dinner with Indira when she found out. Indira called Avery on December 8, 2016. Avery informed her that he did not have the original will and would be filing the probate soon. Upset about the cremation and perceiving inaction on the estate, she began e-mailing with Avery and Inslee.

Unable to locate Margaret's original will, Avery filed a copy with Whatcom County Superior Court. He and the two witnesses to the will attested that it was a true and correct copy. On December 19, 2016, the court admitted the will to probate and appointed Inslee as personal representative.

On January 4, 2017, Avery e-mailed Indira asking for Khashon's address and telephone number. Indira responded that Khashon lived with her and that she would show him the e-mail. The will and probate

App. 3

documents were sent to Khashon by e-mail on January 7 and by mail on January 18, 2017.

On January 25, Khashon filed a motion for removal of the personal representative, appointment of a new personal representative, and revocation of testate probate. He argued that the will copy should not have been admitted to probate. He argued Inslee violated RCW 11.20.070, because she failed to prove that the will was not intentionally revoked and failed to provide required notice to interested parties before admitting the will to probate. Indira joined the motion.

At the hearing on February 10, 2017, Khashon's counsel argued that Inslee "need[s] to prove that she didn't intend to revoke her will. The will is lost, the law is clear on it, it's presumed to be revoked." Khashon's counsel further argued that "according, again, to the statute and to case law . . . Khashon was entitled to notice[prior to admitting the lost will to probate] so that they can bring to the court the issue that there was a lost will." The court denied the motion. The order stated that "[n]o evidence has been submitted to this Court that the . . . Will was lost or destroyed under circumstances such that the loss or destruction had the effect of revoking the will. . . . [It] should be admitted to probate." Khashon did not request reconsideration or appeal this order.

On June 19, 2017, Khashon filed a "motion to void fraudulent admission of copy will, removal of personal representative, obtain full accounting and impose sanctions." (Formatting omitted.) On August 22, 2017,

App. 4

he filed a “motion to strike defendants’ responses and receive default judgment in favor of plaintiff’s motion to void fraudulent admission of copy will, removal of personal representative, obtain full accounting and impose sanctions.” (Formatting omitted.) On August 25, 2017, the court denied the relief that Khashon sought in both motions, because “[t]hat issue was raised earlier in front of the Court at the appropriate time, and the Court made findings with respect to . . . the issues related to notice.” Khashon moved for discretionary review, which was denied.

On September 20, 2017, Inslee filed a motion for judicial determination, arguing that Khashon’s actions violate the no contest provision in Margaret’s will and bar him from receiving any property from her estate. The trial court granted Inslee’s motion for judicial determination on November 3, 2017, barring Khashon from inheriting from Margaret’s estate. Khashon appeals.

DISCUSSION

Khashon appeals the judicial determination barring him from inheriting under Margaret’s will. Khashon also argues that the trial court erred in admitting the will to probate under RCW 11.20.070. He contends that his probate court litigation was procedural, so it did not violate the will’s no contest provision.

“[P]roceedings where a will is being challenged are equitable in nature and are reviewed *de novo* upon the entire record.” In re Estate of Black, 153 Wn.2d 152,

App. 5

161, 102 P.3d 796 (2004). An interested person may contest the validity of a probated will within four months following the probate by filing a will contest petition with the court. RCW 11.24.010. Generally, no contest clauses in wills are enforceable in Washington. In re Estate of Mumby, 97 Wn. App. 385, 393, 982 P.2d 1219 (1999). The no contest provision in Margaret's will is expansive:

If a beneficiary named under this Will or one of my beneficiaries at law shall in any manner contest or attack this Will or any of its provisions, then in such event any share or interest in my estate given or passing to such contestant is hereby revoked. . . . This paragraph shall not be construed to apply to any action brought in good faith to interpret a provision of this Will which may be unclear or ambiguous.

Khashon's argument that RCW 11.20.070 was violated and that the will was improperly admitted to probate was considered by the trial court and rejected in its February 10, 2017 order. “[I]f a party contests the admission of the will to probate, generally that same party may not file a later will contest. The party's only remedy is to appeal the order admitting the will.” Black, 153 Wn.2d at 170. Khashon did not appeal that order. It became final. “A final order from which no appeal is taken becomes the law of the case.” Tornetta v. Allstate Ins. Co., 94 Wn. App. 803, 809, 973 P.2d 8 (1999). We therefore decline to consider Khashon's

App. 6

arguments that the will was improperly admitted to probate.¹

On June 19, 2017, Khason filed a “motion to void fraudulent admission of copy will, removal of personal representative, obtain full accounting and impose sanctions.” (Formatting omitted.) Khason argues his pleadings were merely procedural and not a will contest.

“A court may treat a motion as a will contest, even where the petitioner styles it otherwise.” In re Estate of Finch, 172 Wn. App. 156, 162, 294 P.3d 1 (2012). In Finch, a personal representative sued a physician for medical malpractice. Id. at 159. The physician moved to dismiss the suit on the basis that the will appointing the personal representative was fraudulent, and was granted leave to intervene in the probate. Id. at 159, 161. This court reversed the order granting the physician leave to intervene, reasoning that the physician lacked standing to bring a will contest. Id. at 167. “These allegations—that Finch lacked the capacity to make a will . . . that he had not signed the will, and that the will was not properly witnessed—are precisely what a court considers in a will contest under RCW 11.24.010.” Id. at 163. Khason’s pleadings were a

¹ Khason makes several additional assignments of error, but fails to support those with argument in the brief. “An appellate brief should contain argument in support of every issue presented for review, including citations to legal authority and references to the relevant parts of the record.” Farmer v. Davis, 161 Wn. App. 420, 432, 250 P.3d 138 (2011). “Lacking either, we will not consider this issue.” Id.

App. 7

challenge to the admission and validity of the will. Under Finch, Khashon cannot circumvent the no contest provision by styling his attack on the validity of the will as a procedural motion.

Khashon cites In re Estate of Little, 127 Wn. App. 915, 920, 113 P.3d 505 (2005) in support of his argument that he did not initiate a will contest. In Little, unnamed heirs who were not notified of the decedent's death moved the court to appoint a new administrator six years after the estate was closed. Id. at 918-19. The appellate court declined to apply the limitations period in the will contest statutes, reasoning that this action was more akin to the law of vacating judgments. Id. ("The heirs have not yet brought a will contest and the trial court has therefore had no occasion to apply the law that governs will contests."). But, this case is more like Finch than Little. Like the physician in Finch, Khashon sought to invalidate a lost will prior to the closure of probate, so his motion must be considered a will contest regardless of its label.²

² Khashon also cites three Washington cases that examine whether no contest clauses are operable where an individual brings an action in good faith, or on public policy grounds: In re Estate Chappell, 127 Wash. 638, 221 P. 336 (1923); In re Estate of Kubick, 9 Wn. App. 413, 419, 513 P.2d 76 (1973); In re Estate of Primiani, No. 34200-0-III, slip op. at 11-15 (Wash. Ct. App. May 2, 2017) (unpublished), http://www.courts.wa.gov/opinions/pdf/342000_unp.pdf. But, Khashon does not make a discernable argument why he falls within safe harbor provision of the no contest clause, nor does he propose a public policy ground on which he attacks the will.

App. 8

The trial court did not err in concluding that that “[t]he pleadings filed by, and arguments made by, Khashon Haselrig, repeatedly contested and attempted to invalidate the Decedent’s Last Will and Testament. . . . [They] violate the No Contest provision of Decedent’s Last Will.” Khashon makes no allegation that the will contest provision is unclear or ambiguous.

We affirm.

/s/ Appelwick, C.J.

WE CONCUR:

/s/ Andrus, J.

/s/ Smith, J.

APPENDIX B

**IN THE SUPERIOR COURT OF WASHINGTON
FOR WHATCOM COUNTY**

IN RE THE ESTATE OF: MARGARET RAI- CHOWDHURY Deceased.	CAUSE NO: 16-4-00659-4 ORDER DENYING RELIEF REQUESTED IN HASELRIG'S PLEADINGS TITLED: "ADDENDUM TO - MOTION TO VOID FRAUDULENT ADMIS- SION OF COPY WILL, REMOVAL OF PER- SONAL REPRESENTA- TIVE, OBTAIN FULL ACCOUNTING AND IMPOSE SANCTIONS," AND "MOTION TO STRIKE DEFENDANTS' RE- SPONSES AND RE- CEIVE DEFAULT JUDGMENT IN FAVOR OF PLAINTIFF'S MOTION TO VOID . . ."
---	--

(Filed Aug. 25, 2017)

THIS MATTER having come before the Court on Khashon Haselrig's above pleadings, one filed on July 19, 2017, Dkt. #58, and the second filed on August 22, 2017, Dkt #67. Khashon Haselrig (Haselrig) appearing pro se; and Stephanie Inslee, Personal Representative

App. 10

of the Estate of Margaret Rai-Choudhury, appearing through her attorneys, Shepherd and Allen; and, the Court having reviewed the pleadings and papers filed in the above captioned matter, including those filed in support of, and in response to, the motion submitted by Haselrig, having decided this matter with oral argument, and being otherwise fully informed,

AND THE COURT, after full consideration of the factual and legal issues raised by the two pleadings, makes and enters the following Order:

1. Haselrig's above two pleadings contain the wrong caption.
2. Haselrig is not the plaintiff in this probate action.
3. [Stephanie Inslee,] Doug Shepherd, Heather Shepherd, Bethany Allen and [Steven] Avery are not defendants in this probate action.
4. Washington law does not allow Haselrig to make any due process claims against Stephanie Inslee, Doug Shepherd, Heather Shepherd, Bethany Allen or Steven Avery in this matter.
5. ~~If Haselrig's [pleadings] related to "due process" are directed to this Court, the Court specifically finds as follows and by this Order dismissed any and all due process claims:~~
A. ~~Notice reasonably calculated, under all the circumstances to apprise Haselrig of this probate and the terms and conditions~~

App. 11

~~of his grandmother's Will was given to Haselrig;~~

- ~~B. The notices given afforded Haselrig the opportunity to present his objections and arguments made in the above pleadings in a timely manner and to be fully heard, argued and decided by this Court previously, on February 10, 2017; and~~
- ~~C. Even assuming defective notice, and no opportunity to be heard, the Order entered by this Court on February 10, 2017, did not deprive Haselrig of life, liberty or property.~~

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.

7. Haselrig SHALL NOT file any more pleadings in this matter, listing himself as a plaintiff and/or Doug Shepherd, Heather Shepherd, Bethany Allen and [Steven] Seven Avery as defendants.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Any relief requested in the above pleadings is hereby denied.

App. 12

DONE IN OPEN COURT THIS 25 day of August
2017.

/s/ Raquel Montoya L
HONORABLE JUDGE
MONTOYA-LEWIS

Presented by:
SHEPHERD AND ALLEN

/s/ Douglas R. Shepherd
Douglas R. Shepherd, WSBA #9514
Bethany C. Allen, WSBA #41180
Heather C. Shepherd, WSBA #51127
Of Attorneys for Stephanie Inslee,
as Personal Representative of the
Estate of Margaret Rai-Choudhury

Copy Received:

Khashon Haselrig,
Beneficiary Pro Se

THE SUPREME COURT OF WASHINGTON

In the Matter of the Estate of:) No. 97124-2
MARGARET RAI-)
CHOWDHURY) **ORDER**
) Court of Appeals
) No. 77740-8-I
)
) (Filed Sep. 4, 2019)

Department I of the Court, composed of Chief Justice Fairhurst and Justices Johnson, Owens, Wiggins and Gordon McCloud, considered at its September 3, 2019, Motion Calendar whether review should be granted pursuant to RAP 13.4(b) and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the petition for review is denied. The Respondent's request for attorney fees is denied. The Petitioner's motion for extension of time to file a reply to the answer to the petition for review is also denied.

DATED at Olympia, Washington, this 4th day of September, 2019.

For the Court

/s/ Fairhurst, C.J.

CHIEF JUSTICE

**IN THE SUPERIOR COURT OF WASHINGTON
FOR WHATCOM COUNTY**

IN RE THE ESTATE OF: **MARGARET RAI-CHOWDHURY**
Deceased.

**CAUSE NO:
16-4-00659-4**

**ORDER ON JUDICIAL
DETERMINATION OF
WILL CONTEST**

(Filed Nov. 3, 2017)

This matter, having come before the Court on the Personal Representative's Motion for Judicial Determination; Personal Representative Stephanie Inslee appearing by and through her attorneys, Shepherd and Allen; Khashon Haselrig appearing pro se; and the Court having reviewed the pleadings and papers filed herein, and exhibits attached thereto, in support of the motion and against the motion, and the Court having heard oral argument of counsel and being otherwise fully informed;

AND THE COURT, after full consideration of the factual and legal issues raised by the pleadings, makes and enters the following Order:

01. The pleadings filed by, and arguments made by, Khashon Haselrig, repeatedly contested and attempted to invalidate the Decedent's Last Will and Testament.

02. Margaret Rai-Choudhury's Last Will and Testament, contained a No Contest Clause.

App. 15

03. The pleadings filed by, and arguments made by, Khashon Haselrig, violate the No Contest provision of Decedent's Last Will.

04. Pursuant to the No Contest Clause, Khashon Haselrig is barred from receiving any property belonging to Decedent's estate.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

The Personal Representative's Motion for Judicial Determination is hereby granted.

DONE IN OPEN COURT THIS 3 day of November 2017.

/s/ Raquel Montoya L
HONORABLE JUDGE
MONTOYA-LEWIS

Presented by:
SHEPHERD AND ALLEN

/s/ Douglas R. Shepherd
Douglas R. Shepherd, WSBA #9514
Bethany C. Allen, WSBA #41180
Heather C. Shepherd, WSBA #51127
Of Attorneys for Stephanie Inslee,
as Personal Representative of the
Estate of Margaret Rai-Choudhury

App. 16

Copy Received:

Khashon Haselrig,
Beneficiary Pro Se

FILED IN OPEN COURT

2-10-2017

WHATCOM COUNTY CLERK

By _____

Deputy

**IN THE SUPERIOR COURT OF WASHINGTON
FOR WHATCOM COUNTY**

IN RE THE ESTATE OF:
MARGARET RAI-
CHOWDHURY,
Deceased.

**CAUSE NO:
16-4-00659-4**
**ORDER DENYING
MOTION FOR
REMOVAL OF PR
OF ESTATE; APPOINT
NEW PR; REVOCATION
OF TESTATE PROBATE;
AND ISSUE ORDER**

THIS MATTER having come before the Court on Khashon Haselrig's Motion for Removal of PR of Estate; Appoint New PR; Revocation of Testate Probate; and Issue Order, by and through his attorney of record, Lisa Saar; Stephanie Inslee, Personal Representative of the Estate of Margaret Rai-Choudhury, appearing through her attorneys, Shepherd and Allen; Indira Rai-Choudhury, appearing through her attorney Carrie Coppinger-Carter; and the Court having reviewed the pleadings and papers filed in the above captioned matter, including those filed in support of, and in response to, the motion submitted by Haselrig, having

App. 18

decided this matter with oral argument, and being otherwise fully informed,

AND THE COURT HAVING FOUND, after full consideration of the evidence submitted by the parties:

01. Proof of the execution and validity, including its contents and authenticity, of the July 21, 2015, Last Will and Testament of Margaret Rai-Choudhury, has been proven by clear, cogent, and convincing evidence, by and through the following:

- a. A copy of the Last Will and Testament of Margaret Rai-Choudhury, which was executed consistent with RCW 11.20.020;
- b. Affidavit of Attesting Witness (Steve Avery), filed December 19, 2016;
- c. Affidavit of Attesting Witness (Melissa Sophusson), filed December 19, 2016;
- d. Affidavit of Attesting Witness (Amanda Dykstra), filed December 19, 2016;
- e. Declaration of Steve Avery, filed February 7, 2017;
- f. Second Affidavit of Amanda Dykstra – Attesting Witness, filed February 7, 2017; and,
- g. Second Affidavit of Melissa Sophusson – Attesting Witness, filed February 7, 2017.

02. No evidence has been submitted to this Court that the July 21, 2015, Will was lost or destroyed under

App. 19

circumstances such that the loss or destruction had the effect of revoking the will.

03. The July 21, 2015, Last Will and Testament of Margaret Rai-Choudhury should be admitted to probate.

04. The Letters Testamentary, granted to Stephanie Inslee on December 19, 2016, should not be revoked.

05. There is no cause shown for removal of Stephanie Inslee as Personal Representative of the Estate.

06. The further relief requested in the motion should be denied.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Haselrig's Motion for Removal of PR of Estate, Appoint New PR; Revocation of Testate Probate; and Issue Order, be, and hereby is, denied.

DONE IN OPEN COURT THIS 10 day of February 2017.

/s/ Raquel Montoya-Lewis
HONORABLE MONTOYA-LEWIS

Presented by:
SHEPHERD AND ALLEN

/s/ Douglas R. Shepherd
Douglas R. Shepherd, WSBA #9514
Bethany C. Allen, WSBA #41180
Heather C. Shepherd, WSBA #51127
Of Attorneys for Stephanie Inslee, as Personal
Representative of the Estate of Margaret
Rai-Choudhury

Copy Received:

LAW OFFICE OF LISA SAAR, PLLC

/s/ Lisa M. Saar
Lisa Saar, WSBA #46494
Of Attorneys for Khashon Haselrig

Copy Received:

COPPINGER CARTER, P.S.

/s/ Carrie Coppinger Carter
Carrie Coppinger Carter, WSBA 28817
Of Attorneys for Indira Rai-Choudhury

APPENDIX F

**IN THE SUPERIOR COURT OF
THE STATE OF WASHINGTON IN AND
FOR WHATCOM COUNTY**

In re the Estate of:
MARGARET RAI-
CHOUDHURY,
Deceased.

No. **16 4 00659 4**
ORDER:
1. APPOINTING
PERSONAL
REPRESENTATIVE;
2. ADJUDICATING
ESTATE TO BE
SOLVENT; AND
3. DIRECTING ADMIN-
ISTRATION
WITHOUT COURT
INTERVENTION AND
WITHOUT BOND.

(Filed Dec. 19, 2016)

Judge Deborra E. Garrett

Petitioner STEPHANIE INSLEE has filed with the Court a Petition for an Order Appointing Personal Representative, Adjudicating Estate to be Solvent, and Directing Administration Without Court Intervention and Without Bond. The Court, being fully advised in the premises, finds as follows:

1. MARGARET RAI-CHOUDHURY (hereinafter "Decedent") died a resident of Whatcom County, Washington, on November 25, 2016 leaving property in Whatcom County subject to probate.

App. 22

2. Decedent executed her Last Will and Testament on July 21, 2015, naming STEPHANIE INSLEE as Personal Representative of her estate. The original will has not yet been located. However, the Affidavit of Witnesses of Steven D. Avery, Amanda Dykstra and Melissa Sophusson, dated December 13 and 16, 2016 constitutes all of the testimony submitted in support of the Last Will and Testament of Decedent.

The offered Will of Decedent should be established as Decedent's Last Will and Testament and should be admitted to Probate.

4. Pursuant to RCW 11.28.120(2)(e), the Court finds that Petitioner is willing and qualified to act as Personal Representative of Decedent's estate. Petitioner shall be appointed to serve without bond.

6. Decedent was survived by the following heirs, legatees, and devisees:

<u>Name and Address</u>	<u>Relationship</u>	<u>Age</u>
Khashon Haselrig	Grandson	Adult
University of British Columbia		
Linda Borland	Friend	Adult

7. The assets of the estate exceed its liabilities, and the estate is fully solvent.

8. Decedent's estate is entitled to be administered without court intervention pursuant to RCW 11.68.011(1).

Based on the foregoing Findings, it is hereby

ORDERED, ADJUDGED, AND DECREED as follows:

1. The offered Will is established as Decedent's Last Will and is admitted to probate;
2. The Affidavit of Attestation of Steven D. Avery, Amanda Dykstra and Melissa Sophusson, dated December 13 and 16, 2016, in support of Decedent's Will is certified as adequate to prove such Will;
3. STEPHANIE INSLEE is appointed Personal Representative of decedent's estate and Letters Testamentary shall be issued upon the filing of an oath;
4. The estate is solvent; and
5. The Personal Representative may administer the estate without the further intervention of the Court and is authorized to administer the estate, including the transfer of all property of the estate, without bond and without further Order of the Court.

DATED December 19, 2016

BY THE COURT:

ALFRED L HEYDRICH
Court Commissioner

App. 24

Presented by:
AVERY ELDER LAW P.S.

Steven D. Avery
STEVEN D. Avery, WSBA #35262
Attorney for Petitioner STEPHANIE INSLEE

**IN THE SUPERIOR COURT OF
THE STATE OF WASHINGTON IN AND
FOR WHATCOM COUNTY**

In re the Estate of:	No. 16 4 00659 4
MARGARET RAI-CHOURHURY, Deceased.	LAST WILL AND TESTAMENT OF MARGARET RAI-CHOURHURY (Filed Dec. 19, 2016)
	Judge

Attached hereto and incorporated herein by reference is the LAST WILL AND TESTAMENT of MARGARET RAI-CHOURHURY, dated July 21, 2015.

**LAST WILL AND TESTAMENT
OF
MARGARET RAI-CHOURHURY
ARTICLE 1
DECLARATIONS**

I, MARGARET RAI-CHOURHURY, a resident of Whatcom County, Washington, being of sound mind, competent, and not acting under the undue influence or duress of any person whomsoever, do hereby make, publish and declare:

1.1 TESTAMENTARY INTENT: This document is my Last Will and Testament and in making it, I revoke

all other Wills and Codicils that I have previously made.

1.2 FAMILY DECLARATIONS: I declare that I am over eighteen years of age and a citizen of the United States. Although I was currently married to PROSENJIT RAI-CHOUDHURY as of the date this Will was signed, I am filing for dissolution of marriage to divorce PROSENJIT RAI-CHOUDHURY. It is my intention by this document not to leave any of my separate property or any interest in my share of community or quasi-community property to my spouse, PROSENJIT RAI-CHOUDHURY. I have one (1) adult child now living: INDIRA RAI-CHOUDHURY. It is my intention by this document not to leave any portion of my estate whatsoever to INDIRA RAI-CHOUDHURY. I do not have any children now deceased with issue living. Except as provided below, I make no provision in this Will for any child who survives me, whether named herein or hereafter born or adopted, nor for the descendants of any child who does not survive me.

1.3 IDENTIFICATION OF PROPERTY: I intend by this Will to dispose of my separate property, and, any interest I may have in community or quasi-community property.

1.4 GIFTS BY LIST: At my death, I may have prepared a handwritten and/or signed list defining the persons to whom I wish certain items of tangible personal property to pass. I intend that list to conform to RCW 11.12.260 as a consequence of which the property listed thereon shall pass in accordance with such list.

ARTICLE 2

GIFTS

2.1 SPECIFIC BEQUESTS:

I give to LINDA BORLAND of Bellingham, Washington ten thousand dollars (\$10,000.00).

2.2 ESTATE RESIDUE: I give, devise and bequeath the rest, remainder and residue of my estate, of whatsoever nature and wheresoever situated to the following:

Fifty percent (50%) shall pass to the University of British Columbia (UBC) to be awarded as scholarships to medical students at UBC who are Canadian citizens, have financial need, and have a desire to help the poor.

Fifty percent (50%) shall pass to the then-trustee of the KHASHON HASELRIG Grandchild's Trust for the benefit of my grandson KHASHON HASELRIG to be distributed pursuant to Article 3 below. If KHASHON HASELRIG does not survive me, his share shall pass to the University of British Columbia to be awarded as scholarships to medical students at UBC who are Canadian citizens, have financial need, and have a desire to help the poor.

Accordingly, only for the purposes of determining the residuary distribution, if a beneficiary receives an amount outside of probate through a nonprobate distribution, that amount will be added to the total assets in my probate estate and that beneficiary's distribution of probate assets will be proportionately smaller than those beneficiaries who did not receive a

nonprobate distribution. For example, in the event I had a life insurance policy of \$10,000 naming "A" as a beneficiary and "A" and "B" were equal beneficiaries under my residuary clause with a net probate estate of \$90,000, then "A" would receive the life insurance of \$10,000 plus \$40,000 from the probate estate and "B" would receive \$50,000 from the probate estate.

ARTICLE 3 GRANDCHILD'S TRUST

3.1 GRANDCHILD'S TRUST: I give, devise and bequeath the rest, remainder and residue of my estate, of whatsoever nature and wheresoever situated, to STEPHANIE INSLEE of Inslee, Maxwell & Associates, as Trustee, *in trust*, under the terms and conditions and uses and purposes herein set forth.

A. The Trustee shall hold the trust estate as a separate trust for KHASHON HASELRIG so long as KHASHON HASELRIG is living. From the income and principal of the Trust, the Trustee may make discretionary distributions for the support, health and education of the minor beneficiary named herein.

B. Notwithstanding the above directions, within the limitations of the funds available and considering the requirements of the other beneficiaries and descendants, the Trustee is authorized to assist each beneficiary, regardless of age, in acquiring a college or trade school, and if desired, a professional education; provided that all distributions to or for any beneficiary for educational benefits exceeding the ordinary four year

App. 29

college course or its equivalent shall be charged without interest as an advancement against such beneficiary's share of any subsequent division of the trust as described in subparagraph C. below.

C. The Trustee shall distribute five percent (5%) of the principal and interest of the trust to KHASHON HASELRIG each year on January 1, or as soon thereafter as possible, until such time as no funds remain in the trust.

D. The following administrative provisions shall apply to this Trust:

1. Unequal Benefits. The Trustee need not apportion discretionary distributions and benefits equally, but may consider all individual circumstances.

2. Beneficiaries Statements. The Trustee may request and rely upon written statements from the beneficiaries, their parents or guardians, as to income resources and the other considerations identified above, and suspend benefits during any period a requested statement is not furnished.

3. Tangible Personal Property. The Trustee, in his/her discretion, may retain trust assets which are tangible personal property which he/she believes may have sentimental value to a child in which case he/she shall distribute these assets equitably to him/her at such time or time as he/she thinks appropriate.

4. Retention of Assets. The Trustee shall have full power and authority to retain any asset received from my estate in the same form in which it is received.

5. Payment of Expenses. The Trustee may, in his/her sole discretion, pay all or part of the expenses of last illness and funeral upon the death of a beneficiary, his/her spouse or issue.

6. Distributions to Another for a Beneficiary. The Trustee, in the exercise of his/her discretion, may apply benefits directly for the benefit of a beneficiary, pay the same to the custodian or guardian of the beneficiary or directly to the beneficiary. The receipt showing any of these shall be full and sufficient discharge of the Trustee unless the amount involved is so large that the course of action is unreasonable under the circumstances.

7. Undistributed Income. Income accrued and undistributed may, at the discretion of the Trustee, be added to the principal of the trust.

8. Principal and Income. The Trustee shall have discretion to determine what is principal or income, which authority shall specifically include the right to make any adjustments between principal and income for premiums, discounts, depreciation or depletion.

9. Accounting. The Trustee shall render an annual statement of account to the beneficiary of this Trust, or during his/her minority to his/her guardians. Such statement shall set forth all receipts and disbursements in connection with this trust during the accounting period, and shall show the assets then held in trust hereunder. The Trustee, to the extent permitted by law, shall be relieved from compliance with the obligations of any and all Trustee's accounting statutes

App. 31

now or at any time hereafter in effect; provided, however, that any trustee of this trust, or any adult beneficiary or guardian of a minor beneficiary, may invoke such statutes at any time.

10. Reliance on Advice of Counsel: Agents. The Trustee shall be fully protected in relying upon the advice of legal counsel on questions of law and shall not be liable for any loss or damage caused by an agent selected by the Trustee if reasonable care shall have been exercised in selecting and retaining such agent or attorney.

11. Spendthrift Provision. No interest in this trust estate shall vest in any beneficiary until actually paid to him/her, nor shall the same be liable for his/her debts or subject to the process or seizure of any court or subject to bankruptcy proceedings, or any process whatsoever. No beneficiary hereunder shall have the power to anticipate, assign, alienate, or encumber his interest in the trust. In the event any beneficiary cannot receive and enjoy benefits of this trust which would ordinarily be distributable to him/her, they may be held by the Trustee temporarily, or distributed to any other beneficiary or beneficiaries hereunder, as the Trustee shall elect. Any such payment over to any other beneficiary shall be final and conclusive upon all parties claiming hereunder.

12. Resignation. Any trustee may resign upon thirty (30) days written notice to the beneficiaries or their parents or guardians. If there is no successor trustee named herein, or if that successor trustee is

unable or unwilling to so serve, then the resigning trustee shall appoint, with the consent of the beneficiaries, or their guardian, a successor trustee. If the resigning trustee is unwilling to appoint a successor, or dies or is otherwise unable to make such an appointment, then any beneficiary may petition a court of competent jurisdiction for the appointment of a successor trustee, giving all beneficiaries or their parents or guardians at least fifteen (15) days written notice of the time and place of the hearing. Notices may be sent by certified mail, return receipt requested.

13. General Powers. In addition to the foregoing, the Trustee shall have full power and authority to pay the expenses of the Trust lawfully chargeable to the trust estate; to pay himself/herself reasonable compensation for services as trustee including extra compensation for any extraordinary services; to vote at corporate meetings by proxy, with or without powers of substitution; to determine whether any transaction, if consummated, would violate, or might reasonably be expected to violate, any securities law, and to refrain from action accordingly; to appoint an ancillary trustee or agent to facilitate management of assets located in another state or foreign country; to merge this trust with any other trust having comparable provisions if the trustee believes the same would result in an economy of administration and would not be to the substantial disadvantage of any beneficiary; to have all the powers, rights and duties granted by Washington statutes which are not inconsistent with the express provisions of this trust, as well as all amendments to

App. 33

such statutes; and to exercise all powers granted by law.

14. Rule Against Perpetuities. If any provision hereof violates the rule against perpetuities, that portion of the trust subject to such provision shall be considered to be limited to and administered as herein directed for the period permitted by law, and one (1) day prior to the end of such period such part of this trust estate so affected shall go in fee simple to the beneficiary then actually enjoying the same.

15. Pronouns. The word "trustee" as used herein shall refer to sole or co-trustees, to original, alternate or successor trustees, to individual or corporate trustees, as may be appropriate in the context.

16. Successor Trustee. If STEPHANIE INSLEE of Inslee, Maxwell & Associates is unable to serve as trustee, I hereby nominate CINDY MAXWELL of Inslee, Maxwell & Associates as the First Successor Trustee.

ARTICLE 4 OFFICE OF PERSONAL REPRESENTATIVE

4.1 NOMINATIONS: I nominate as Personal Representative and as Successor Personal Representatives of this Will those named below. Each Successor Personal Representative shall serve in the order designated if the prior designated Personal Representative fails to qualify or ceases to act.

Personal Representative: STEPHANIE INSLEE of Inslee, Maxwell & Associates

Successor Personal Representative: CINDY MAXWELL of Inslee, Maxwell & Associates

4.2 BOND WAIVER: I request that the court not require bond of any Personal Representative nominated in this Will.

4.3 NON-INTERVENTION: I request that this Will and my estate be treated without the intervention of any court as is provided under the laws of any state where this Will may be filed for probate. The non-intervention powers in this Article shall be unrestricted.

4.4 RETAIN ASSETS AND EXCULPATION: The Personal Representative shall have the power to retain any asset of the estate, including unproductive, speculative, or fluctuating assets. The Personal Representative shall not be liable for any resulting losses unless he or she acts in bad faith, willful misconduct, or gross negligence.

4.5 SELL ASSETS: The Personal Representative shall have the power to sell, with or without notice, at either public or private sale, for cash or terms, any property of my estate as the Personal Representative, in the Personal Representative's reasonable discretion, considers necessary for the proper administration and distribution of my estate.

4.6 LEASE PROPERTY: The Personal Representative shall have the power to lease all or any property of my estate on such terms that the Personal Representative considers proper.

4.7 DISTRIBUTION OF PROPERTY - IN KIND, NON PRO-RATA, AT DATE OF DISTRIBUTION VALUES: The Personal Representative shall have the power to determine what property of my estate shall be allocated to the shares, parts, or bequests in selecting property for distribution or satisfaction of any bequest. Further, the Personal Representative may satisfy any general pecuniary bequest, except when specifically directed otherwise, by cash or in kind, or partly in each, with property distributed in kind valued at the date of distribution.

4.8 FACILITY OF PAYMENT: In making distributions to a minor, to a person under legal disability, or to a person not adjudicated incompetent but who, by reason of illness or mental or physical disability, is in the opinion of the Personal Representative unable to manage the distribution properly, then the Personal Representative in his or her reasonable discretion shall pay such distribution in any of the following ways: (1) to the beneficiary directly, (2) to the legally appointed guardian of the beneficiary, (3) to a custodian for the beneficiary under the Uniform Transfers to Minors Act (see following paragraph), (4) to a Trust for the benefit of the beneficiary, or (5) to an adult relative or friend in reimbursement for amounts properly advanced for the benefit of the beneficiary.

In the event any of my beneficiaries is under the age of twenty-five (25) years at the time of distribution and no Trust is provided, my Personal Representative shall designate a Custodian of his or her share under the Uniform Transfers to Minors Act, to be held and applied on the beneficiary's behalf until the beneficiary reaches the age of twenty-five (25) years, or any later age then provided for under the Uniform Transfers to Minor's Act of the State of Washington, as amended. The Custodian may make discretionary distributions for the health, education, welfare, and support of the beneficiary. In no event shall the Custodian be required by the Court to post any bond whatsoever.

4.9 PURCHASE OF ESTATE PROPERTY BY BENEFICIARY, PERSONAL REPRESENTATIVE: Any beneficiary of my estate, even when acting as Personal Representative, shall have the power to purchase or exchange assets for assets of my estate or any fractional interest for adequate consideration.

4.10 PAYMENTS OF EXPENSES, DEBTS AND TAXES: My Personal Representative shall pay all expenses of my estate including but not limited to reasonable funeral, burial or interment expenses and expenses associated with delivery and transportation of my personal property gifts; all debts of my estate; and, all estate, inheritance and succession taxes assessed by reason of my death, whether attributable to property passing under this Will or outside it, from the proceeds of my estate before distribution of the specific bequests listed in paragraph 2.1.

ARTICLE 5 **GENERAL PROVISIONS**

5.1 SURVIVORSHIP REQUIREMENT: For all gifts under this Will, I require that the beneficiary survive me for thirty (30) days before entitlement to such gift.

5.2 NO CONTEST: If a beneficiary named under this Will or one of my beneficiaries at law shall in any manner contest or attack this Will or any of its provisions, then in such event any share or interest in my estate given or passing to such contestant is hereby revoked and shall be disposed of in the same manner provided herein as if such contestant had predeceased me. This paragraph shall apply in like manner to all trusts established under this Will and to all trust beneficiaries. This paragraph shall not be construed to apply to any action brought in good faith to interpret a provision of this Will which may be unclear or ambiguous.

5.3 DEFINITIONS: As used in this Will, the following terms shall mean:

Reference to children, issue and descendants shall include adopted persons and persons hereafter born unless the context requires otherwise.

The masculine, feminine, or neuter gender and the singular or plural number shall each include the others whenever the context indicates.

Clause headings are for reading convenience and shall be disregarded when construing this Will.

ARTICLE 6

EXECUTION

6.1 SIGNATURE CLAUSE: IN WITNESS WHEREOF, I have hereunto set my hand and published and declared this as my Last Will and Testament at Bellingham, Washington, on July 21, 2015.

/s/ Margaret Rai-Choudhury
MARGARET RAI-CHOUDHURY

5.2 ATTESTATION CLAUSE: The Testator, MARGARET RAI-CHOUDHURY, declared to us, the undersigned, that this instrument consisting of nine (9) typewritten pages, including the page signed by us as witnesses, was the Testator's Last Will and Testament and requested us to act as witnesses to it. The Testator thereupon signed this Will in our presence on July 21, 2015, all of us being present at the same time. We now subscribe our names as witnesses at the Testator's request, in the Testator's presence, and in the presence of each other.

We declare under penalty of perjury that the foregoing is true and correct.

/s/ Melissa Sophusson /s/ Amanda Dykstra
Signature Signature

/s/ Melissa Sophusson
Printed Name of
Witness

/s/ Amanda Dykstra
Printed Name of
Witness

Address:
4200 Meridian St.,
Ste. 103
Bellingham, WA 98226

Address:
4200 Meridian St.,
Ste. 103
Bellingham, WA 98226

**AFFIDAVIT OF ATTESTING WITNESSES
TO THE WILL OF**

MARGARET RAI-CHOUDHURY

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

Each of the undersigned attesting witnesses, after
being sworn, on oath states:

1. Request of Testator: MARGARET RAI-CHOUDHURY, testator herein, requested that all attesting witnesses make this affidavit.

2. Execution: The Will to which this affidavit is attached was executed by the above-named testator on July 21, 2015 at Bellingham, Washington.

3. Declarations: Immediately prior to execution, the testator declared the document to be her Last Will and Testament and requested the undersigned witnesses to subscribe their names.

4. Signatures: The testator signed the document in the presence of all witnesses, and the witnesses attested the execution by subscribing their names in the presence of the testator and of each other.

5. Competency: At the time of execution of the Will: (a) the testator appeared to be of sound mind, of legal age, and acted freely without any duress or undue influence, and (b) the witnesses were each competent and of legal age.

/s/ Melissa Sophusson /s/ Amanda Dykstra

Print [Print](#)
Name: Melissa Sophusson Name: Amanda Dykstra

Address: 4200 Meridian St., Ste. 103 Bellingham, WA 98226	Address: 4200 Meridian St., Ste. 103 Bellingham, WA 98226
--	--

SUBSCRIBED AND SWORN before me on July 21, 2015.

**Notary Public
State of Washington**
STEVEN D. AVERY
MY COMMISSION
EXPIRES
1/22/2018

/s/ Steven D. Avery
Steven D. Avery
Notary Public in and for
the State of Washington
Residing in Bellingham,
Washington
My commission expires:
1/22/2018

App. 41

COURT'S CERTIFICATE

The foregoing affidavit in support of the documents offered as the Will of the above named Testator was filed on this date and accepted as proof of the above mentioned Will, pursuant to authority of RCW 11.20.0 0.

Date: 12/19/16

/s/ Raquel Montoya L
Probate Judge

AVERY ELDER LAW, P.S.
4200 Meridian St., Ste. 103
Bellingham, Washington 98226
(360) 325-2550
www.averyelderlaw.com

Westford FUNERAL HOME & CREMATION SERVICE
SINCE 1907

Certification of the Right to Control Disposition

Designated Agent of the Decedent: Yes No

[SI] _____ Name: Stephanie Inslee
Initial Initial Initial

By marking no, I/we declare that no witnessed document exists, signed by the deceased prior to death, appointing any person or persons, with the responsibility to make or control funeral and or disposition arrangements to the best of my/our knowledge.

Surviving Spouse or Registered Domestic Partner:
Yes No _____ Name: _____
Initial

Children (including legally adopted): Yes No

Name of Surviving Children: _____
Initial

Name: _____ Name: _____
Name: _____ Name: _____
Name: _____ Name: _____
Name: _____ Name: _____

Parents: Yes No _____ Number. of Parents
Surviving: _____ Initial

Name: _____ Name: _____

Siblings: Yes No _____ Number of Siblings
Surviving: _____ Initial

Name: _____ Name: _____

App. 43

Name: _____ Name: _____

Name: _____ Name: _____

A court-appointed guardian for the person at the time
of the person's death.

Court-appointed guardian: Yes No _____
Name of Guardian: _____ Initial

More Responsible Party: Yes No _____
Initial

Most Responsible Party: _____

**Important please read and check the above an-
swers carefully. I hereby certify that the above
information is true and correct to the best of my
knowledge. I understand that the funeral home
is relying on my answers to determine who has
the right to control disposition.**

Signature: /s/ Stephanie Inslee Signature: _____

Signature: _____ Signature: _____

Date of Signature: _____

Westford FUNERAL HOME & CREMATION SERVICE
SINCE 1907
1301 Broadway, Bellingham, WA 98225 – (360) 734-1717

Viewing Complete [SI]

AUTHORIZATION FOR CREMATION

IDENTITY: The undersigned hereby requests and au-
thorize Westford Funeral Herne, on behalf of, in ac-
cordance with and subject to the rules and regulations
of Mount Vernon, to cremate the remains of:

App. 44

NAME Margaret Rai-Choudhury
First *Middle* *Last*

DATE OF BIRTH: 3/19/1933 DATE OF DEATH:
11/25/2016 Est. Wt. _____

RELEASE TO: → _____

Cremation Containers: Cremation containers with handles, or other devices, that inhibit the placement of the container into the cremation chamber will have the handles and/or other devices removed and discarded. By signature below, the undersigned permits crematory personnel to make such modification to the container prior to cremation.

PROSTHETIC OR ARTIFICIAL DEVICES: In the event the above named deceased has a heart pace-maker, YES or NO [SI] or radioactive seed implant Yes or NO [SI] (Date of implant:), or any other prosthetic or artificial device implanted or attached which may damage the crematory equipment or injure crematory personnel, the undersigned agrees to inform the funeral home of the presence of such device and further authorizes the crematory to remove such device(s) before cremation is commenced. Should the undersigned neglect to give proper notice of the presence of such device(s), the undersigned agrees to accept liability and responsibility for any damage or injury resulting from the presence of such device(s).

1. [SI] (Initial here) I have read the disclosure information on the reverse of this form and understand the cremation process.

or

App. 45

2. ____ (Initial here): I have declined to read the disclosure information.

.....

3. [SI] (Initial here) Due to the nature of the cremation process, any personal possessions or materials such as dental gold and silver, or jewelry (as well as body prosthesis or dental bridgework) that are left with the Decedent and not removed from the casket or container prior to cremation may be destroyed and become non-recoverable. If not destroyed, the crematory is authorized to dispose of such material at its sole discretion. The Authorizing Agent understands the arrangements must be made with the Funeral Home to remove any such possessions or valuables prior to the time that the Decedent is transported to the Crematory.

Recoverable remains in excess of the capacity of the urn or temporary container, ordered by me are to be placed in a separate container for disposition as directed by me or upon written request of family may be disposed of by Westford Funeral Home in such manner as it deems advisable.

SIGNATURES: The undersigned certifies and represents that he or she has the full legal right to make such authorization as a result of closest family lineage, or by Last Will and Testament of the above named deceased. I further agree that I will indemnify and hold harmless Westford Funeral Home and its employees harmless for any liability on account of said authorization, cremation, and delivery.

App. 46

<u>x /s/ Stephanie Inslee</u>	Executor	11/30/16
Signature	Relationship	Date

Street	City	State	Zip
--------	------	-------	-----

x _____

Signature	Relationship	Date
-----------	--------------	------

x _____

Signature	Relationship	Date
-----------	--------------	------

x _____

Signature	Relationship	Date
-----------	--------------	------
