

Estate of Dorothy Schenck Kneubuhl
July 6, 2001

Letters of Administration & Orders
Re: Guardianship

\\jly:roush\property\guardian.ord
LAW OFFICES OF RICHARD C.F. CHUN

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2001 JUL 30 PM 3:52

RICHARD C.F. CHUN #1294
Suite 2010, Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813
Tel: (808) 524-1833
Fax: (808) 538-6204

Territorial Registrar's Office F. PAGAY
CLERK

RECEIVED

Date: April 5, 2002 11:25

By: [Signature]

Attorney for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

MAILED FILED IN OFFICE
[Signature]
TERRITORIAL REGISTRAR

| | | |
|----------------------------|---|-----------------------------|
| In the Matter of the |) | G. No. 01-1-0082 |
| Protection of the Property |) | (Guardian of Adult) |
| of |) | ORDER GRANTING PETITION FOR |
| |) | APPOINTMENT OF CO-GUARDIANS |
| DOROTHY SCHENCK KNEUBUHL, |) | OF THE PROPERTY |
| |) | |
| Protected Person. |) | Date: July 6, 2001 |
| |) | Time: 9:00 a.m. |
| |) | Judge: Colleen K. Hirai |

ORDER GRANTING PETITION FOR APPOINTMENT
OF CO-GUARDIANS OF THE PROPERTY

The petition of Gilian Robin Roush for the appointment of Gilian Robin Roush and John Pritchard Kneubuhl as Co-Guardians of the Property of the above-named protected person filed herein on May 9, 2001, came on regularly to be heard on Friday, July 6, 2001, before the Honorable Colleen K. Hirai in her courtroom in the Kaahumanu Hale, Honolulu, Hawaii. Present at the hearing were Richard C.F. Chun, attorney for Petitioner, Michael J. Lum,

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

[Signature]
Clerk, Territorial Court, First Circuit
State of Hawaii

Guardian Ad Litem, and John Pritchard Kneubuhl, Co-Guardian of the Property nominee. The Court finds that basis for appointment of Co-Guardians of the Property has been established and it is in the best interests of the above-named protected person that said Gilian Robin Roush and John Pritchard Kneubuhl be appointed as Co-Guardians of the Property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. The Petition for Appointment of Co-Guardians of the Property filed on May 9, 2001 is hereby granted.
2. Gilian Robin Roush and John Pritchard Kneubuhl are appointed Co-Guardians of the Property of the above-named protected person and that Letters be issued to said Co-Guardians without bond.
3. The Co-Guardians are authorized and directed to collect any and all of the real and personal property, wherever situate, of the protected person.
4. The Co-Guardians shall establish an account under Hawaii Probate Rule 107(c)(1) so long as the cumulative liquid principal assets of the guardianship estate are less than \$10,000.00 with only one (1) of the signatures of the Co-Guardians being required for withdrawal purposes. Said funds are to be used for the regular expenses incurred for the support and maintenance

of the protected person and for expenses incurred for collection of the protected person's assets.

5. In the event that the cumulative liquid principal assets equal or exceed \$10,000.00, said principal funds of the guardianship estate shall be deposited in federally-insured financial institution(s) located in the State of Hawaii in the names of the Co-Guardians of the Property of the above-named protected person and also in the name of the Co-Guardians' attorney (or any member of the law firm representing the Co-Guardians) under Hawaii Probate Rule 107(c)(2), the signatures of both a Co-Guardian and the Co-Guardians' attorney being required for withdrawal purposes. There shall be no withdrawals from this account except upon written order of the Court.

The attorney for the Co-Guardians shall be responsible for ensuring that the accounts of the guardianship are established as required by this rule.

6. The Co-Guardians shall pay to The Law Offices of Richard C.F. Chun, counsel herein, attorney's fees and court costs from their personal funds for legal services rendered herein.

7. The Co-Guardians shall pay to Michael J. Lum, Esq., Guardian Ad Litem of the above-named protected person appointed by

the Court, the sum of \$1,800.00 from their personal funds for services rendered as such guardian ad litem.

8. The Co-Guardians are authorized and directed to prepare a budget in compliance with Hawaii Probate Rule 108 and to file such budget with the first accounting.

9. The Co-Guardians shall annually account to the Court for their administration with the accounting period to end on June 30 of each year.

DATED: Honolulu, Hawaii, JUL 30 2001

RECORDING IN LAND TRANSFER

VOLUME 3 PAGE: 76-77

DATE April 5, 2002

HR 12:00
Heschmate
TERRITORIAL REGISTRAR
AMERICAN SAMOA GOVERNMENT
APPROVED AS TO FORM

Michael J. Ium
MICHAEL J. IUM
Guardian Ad Litem

COLLEEN K. HIRAI



Judge of the above-entitled Court

~~RECORDED BY~~
~~INDEXED BY~~
~~FILED BY~~
~~DATE~~
TERRITORIAL REGISTRAR
AMERICAN SAMOA GOVERNMENT

G. No. 01-2-0082, Dorothy Schenck Kneubuhl, Protected Person
Order Granting Petition for Appointment of Co-Guardians of the
Property

(j):roush\property\guardian.letters)
LAW OFFICES OF RICHARD C.P. CHUN

RICHARD C.P. CHUN #1294
Suite 2010, Pacific Tower
1001 Bishop Street
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Tel: (808) 524-1833
Fax: (808) 538-6204

Attorney for Petitioner

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2001 JUL 30 PM 3:53

F. PAGAY
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

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| In the Matter of the |) | G. No. 01-1-0082 |
| Protection of the Property |) | (Guardian of Adult) |
| |) | |
| of |) | LETTERS OF CO-GUARDIANSHIP; |
| |) | PROPERTY |
| DOROTHY SCHENCK KNEUBUHL, |) | |
| |) | Date: July 6, 2001 |
| Protected Person: |) | Time: 9:00 a.m. |
| |) | Judge: Colleen K. Hirai |

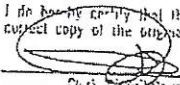
LETTERS OF CO-GUARDIANSHIP; PROPERTY

GILIAN ROBIN ROUSH and JOHN PRITCHARD KNEUBUHL are hereby appointed Co-Guardians of the Property of the above-named protected person.

LIMITATION ON POWERS:

1. The Co-Guardians are authorized and directed to collect any and all of the real and personal property, wherever situate, of the protected person.

I do hereby certify that this is a full true and correct copy of the original on file in this office.


Clerk, Circuit Court, First District
State of Hawaii

2. The Co-Guardians shall establish an account under Hawaii Probate Rule 107(c)(1) so long as the cumulative liquid principal assets of the guardianship estate are less than \$10,000.00 with only one (1) of the signatures of the Co-Guardians being required for withdrawal purposes. Said funds are to be used for the regular expenses incurred for the support and maintenance of the protected person and for expenses incurred for collection of the protected person's assets.

3. In the event that the cumulative liquid principal assets equal or exceed \$10,000.00, said principal funds of the guardianship estate shall be deposited in federally-insured financial institution(s) located in the State of Hawaii in the names of the Co-Guardians of the Property of the above-named protected person and also in the name of the Co-Guardians' attorney (or any member of the law firm representing the Co-Guardians) under Hawaii Probate Rule 107(c)(2); the signatures of both a Co-Guardian and the Co-Guardians' attorney being required for withdrawal purposes. There shall be no withdrawals from this account except upon written order of the Court.

The attorney for the Co-Guardians shall be responsible for ensuring that the accounts of the guardianship are established as required by this rule.

BY ORDER OF THE HONORABLE COLLEEN K. HIRAI, Judge of the
above-entitled Court.

DATED: Honolulu, Hawaii, JUL 30 2001

F. PAGAY

Clerk of the above-entitled
Court

RECORDING IN LAND TRANSFER

VOLUME 3 PAGE: 76-7.7

DATE April 5, 2002

HR 12:00
[Signature]
TERRITORIAL REGISTRAR
AMERICAN SAMOA GOVERNMENT

G. No. 01-1-0082, Dorothy Schenck Kneubuhl, Protected Person
Letters of Co-Guardianship; Property

POWER OF ATTORNEY

TERRITORY OF AMERICAN SAMOA)
)
COUNTY OF TUALATAI)
_____)

SS

Power
RECORDED
INDEXED
10 H. 4
APR 5 2002
11:25
[Signature]
TERRITORIAL REGISTER
APR 11 2002 11:25 AM

KNOW ALL MEN BY THESE PRESENTS, that I, JOHN A. KNEUBUHL, residing in the Village of Taputimu, County of Tualatai, Territory of American Samoa, do hereby nominate, constitute and appoint my wife, DOROTHY S. KNEUBUHL of the Village of Taputimu, County of Tualatai, Territory of American Samoa, my true and lawful attorney in fact, for me and in my name, place and stead, and for my use and benefit,

To ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts, interest, dividends, and demands whatsoever as are now or shall hereafter become due, owing, payable or belonging to me and have, use and take all lawful ways and means in my name or otherwise for the recovery thereof, by attachments, arrests, distress or otherwise and to compromise and agree for the same and acquittances or other sufficient discharges for the same;

For me and in my name, to make, seal and deliver, to bargain, contract, agree for, purchase, receive and take lands, tenements, hereditaments and accept the possession of all lands, and all deeds and other assurances, in the law therefor, and to lease, let, demise, bargain, sell, remise, release, convey, mortgage, and hypothecate lands, tenements and hereditaments upon such terms and conditions and under such covenants as she shall think fit;

Also to bargain and agree for, buy, sell, mortgage, hypothecate, and in any and every way and manner deal in and with goods, wares, and

KNEUBUHL/POA

-1-

OFFICE OF THE TERRITORIAL REGISTER
TERRITORY OF AMERICAN SAMOA
[Signature]
TERRITORIAL REGISTER

merchandise, choses in action, and other property in possession or in action, and to make, do, and transact all and every kind of business of whatsoever nature and kind;

And also for me and in my name, and as my act and deed, to sign, seal, execute, deliver, and acknowledge such instruments in writing of whatsoever kind and nature as may be necessary or proper in the premises:

(a) To endorse any and all checks, drafts, promissory notes, certificates of deposit, or other orders of instruments for the payment of money.

(b) To sign and deliver checks or drafts on any bank, whether against funds actually standing to my credit at the time or against or in anticipation of deposits to be made or funds to be placed to my credit thereafter, and to settle and adjust my accounts with those banks.

(c) To accept any and all drafts or bills of exchange or other orders for payment of money at any time drawn upon any account in my name or for my benefit or use.

(d) To sell any and all promissory notes, drafts, or other orders for the payment of money at any time drawn and endorsed payable to my order or generally, and to endorse the same for the purpose of such a sale.

(e) To borrow in my name whatever sum or sums of money the attorney named herein may think proper, and as security for repayment of any such loan or loans, to make and deliver one or more promissory note or notes, drafts, or other order or orders for the payment of money, and to pledge or hypothecate as collateral security therefor any and all commercial paper, bonds, stocks, certificates of deposit, or securities held by me or by that attorney, and to execute and deliver any and all such endorsements or instruments of assignment or transfer that may be necessary, expedient, or

customary in like cases to effectively transfer the securities so pledged to the lender.

(i) To make and deliver on my behalf any agreements or contracts, verbally or in writing, as the attorney named herein may deem proper.

The following is a specimen of the handwriting and signature to be used by the attorney authorized in this instrument:

John A. Kneubuhl

BY: Dorothy S. Kneubuhl
Dorothy S. Kneubuhl,
Attorney in Fact

GIVING AND GRANTING unto my said attorney in fact full power and authority to do and perform every act necessary, requisite, or proper to be done in and about the premises as fully as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney shall lawfully do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, I have hereunto signed my name this 10th day of April, 1991.

John A. Kneubuhl
JOHN A. KNEUBUHL

SWORN AND SUBSCRIBED TO before me this 10th day of April, 1991.

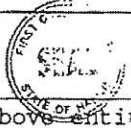
Patricia Bridges-Diffenger
NOTARY PUBLIC
My Commission Expires: 12/31/92

KNEUBUHL/POA

BY ORDER OF THE HONORABLE COLLEEN K. HIRAI, Judge of the
above-entitled Court.

DATED: Honolulu, Hawaii, JUL 30 2001

F. PAGAY



Clerk of the above-entitled
Court

RECORDING IN LAND TRANSFER

VOLUME 3 PAGE: 76-77

DATE April 5, 2002

HR 12:00

[Signature]
TERRITORIAL REGISTRAR
AMERICAN SAMOA GOVERNMENT

G. No. 01-1-0082, Dorothy Schenck Kneubuhl, Protected Person
Letters of Co-Guardianship; Property

BY ORDER OF THE HONORABLE COLLEEN K. HIRAI, Judge of the
above-entitled Court.

DATED: Honolulu, Hawaii,

JUL 30 2001

F. PAGAY

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G. No. 01-1-0082, Dorothy Schenck Kneubuhl, Protected Person
Letters of Co-Guardianship; Property

(jly:roush\property\guardian.letters)
LAW OFFICES OF RICHARD C.F. CHUN

RICHARD C.F. CHUN #1294
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Fax: (808) 538-6204

Attorney for Petitioner

FIRST CIRCUIT COURT
STATE OF HAWAII
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F. PAGAY
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

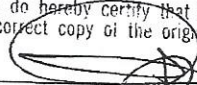
| | | |
|----------------------------|---|-----------------------------|
| In the Matter of the |) | G. No. 01-1-0082 |
| Protection of the Property |) | (Guardian of Adult) |
| |) | |
| of |) | LETTERS OF CO-GUARDIANSHIP; |
| |) | PROPERTY |
| DOROTHY SCHENCK KNEUBUHL, |) | |
| |) | Date: July 6, 2001 |
| Protected Person. |) | Time: 9:00 a.m. |
| |) | Judge: Colleen K. Hirai |
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LETTERS OF CO-GUARDIANSHIP; PROPERTY

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LIMITATION ON POWERS:

1. The Co-Guardians are authorized and directed to collect any and all of the real and personal property, wherever situate, of the protected person.

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

Clerk, Circuit Court, First Circuit
State of Hawaii

2. The Co-Guardians shall establish an account under Hawaii Probate Rule 107(c)(1) so long as the cumulative liquid principal assets of the guardianship estate are less than \$10,000.00 with only one (1) of the signatures of the Co-Guardians being required for withdrawal purposes. Said funds are to be used for the regular expenses incurred for the support and maintenance of the protected person and for expenses incurred for collection of the protected person's assets.

3. In the event that the cumulative liquid principal assets equal or exceed \$10,000.00, said principal funds of the guardianship estate shall be deposited in federally-insured financial institution(s) located in the State of Hawaii in the names of the Co-Guardians of the Property of the above-named protected person and also in the name of the Co-Guardians' attorney (or any member of the law firm representing the Co-Guardians) under Hawaii Probate Rule 107(c)(2), the signatures of both a Co-Guardian and the Co-Guardians' attorney being required for withdrawal purposes. There shall be no withdrawals from this account except upon written order of the Court.

The attorney for the Co-Guardians shall be responsible for ensuring that the accounts of the guardianship are established as required by this rule.

BY ORDER OF THE HONORABLE COLLEEN K. HIRAI, Judge of the
above-entitled Court.

DATED: Honolulu, Hawaii, _____

JUL 30 2001

F. PAGAY



Clerk of the above-entitled
Court

G. No. 01-1-0082, Dorothy Schenck Kneubuhl, Protected Person
Letters of Co-Guardianship; Property

(jly:roush\property\guardian.ord)
LAW OFFICES OF RICHARD C.F. CHUN

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2001 JUL 30 PM 3:52

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F. PAGAY
CLERK

Attorney for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

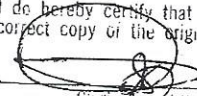
STATE OF HAWAII

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| DOROTHY SCHENCK KNEUBUHL, |) | OF THE PROPERTY |
| |) | |
| Protected Person. |) | Date: July 6, 2001 |
| |) | Time: 9:00 a.m. |
| |) | Judge: Colleen K. Hirai |
| |) | |

ORDER GRANTING PETITION FOR APPOINTMENT
OF CO-GUARDIANS OF THE PROPERTY

The petition of Gilian Robin Roush for the appointment of Gilian Robin Roush and John Pritchard Kneubuhl as Co-Guardians of the Property of the above-named protected person filed herein on May 9, 2001, came on regularly to be heard on Friday, July 6, 2001, before the Honorable Colleen K. Hirai in her courtroom in the Kaahumanu Hale, Honolulu, Hawaii. Present at the hearing were Richard C.F. Chun, attorney for Petitioner, Michael J. Lum,

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.


Clerk, Circuit Court, First Circuit
State of Hawaii

Guardian Ad Litem, and John Pritchard Kneubuhl, Co-Guardian of the Property nominee. The Court finds that basis for appointment of Co-Guardians of the Property has been established and it is in the best interests of the above-named protected person that said Gilian Robin Roush and John Pritchard Kneubuhl be appointed as Co-Guardians of the Property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. The Petition for Appointment of Co-Guardians of the Property filed on May 9, 2001 is hereby granted.
2. Gilian Robin Roush and John Pritchard Kneubuhl are appointed Co-Guardians of the Property of the above-named protected person and that Letters be issued to said Co-Guardians without bond.
3. The Co-Guardians are authorized and directed to collect any and all of the real and personal property, wherever situate, of the protected person.
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The attorney for the Co-Guardians shall be responsible for ensuring that the accounts of the guardianship are established as required by this rule.

6. The Co-Guardians shall pay to The Law Offices of Richard C.F. Chun, counsel herein, attorney's fees and court costs from their personal funds for legal services rendered herein.

7. The Co-Guardians shall pay to Michael J. Lum, Esq., Guardian Ad Litem of the above-named protected person appointed by

the Court, the sum of \$1,800.00 from their personal funds for services rendered as such guardian ad litem.

8. The Co-Guardians are authorized and directed to prepare a budget in compliance with Hawaii Probate Rule 108 and to file such budget with the first accounting.

9. The Co-Guardians shall annually account to the Court for their administration with the accounting period to end on June 30 of each year.

DATED: Honolulu, Hawaii,

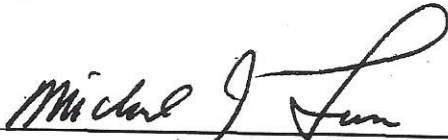
JUL 30 2001

COLLEEN K. HIRAI



Judge of the above-entitled Court

APPROVED AS TO FORM:



MICHAEL J. IIM
Guardian Ad Litem

G. No. 01-2-0082, Dorothy Schenck Kneubuhl, Protected Person
Order Granting Petition for Appointment of Co-Guardians of the
Property

(jly:roush\property\guardian.letters)
LAW OFFICES OF RICHARD C.F. CHUN

FIRST CIRCUIT COURT
STATE OF HAWAII
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2001 JUL 30 PM 3:53

RICHARD C.F. CHUN #1294
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Fax: (808) 538-6204

F. PAGAY
CLERK

Attorney for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

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| In the Matter of the |) | G. No. 01-1-0082 |
| Protection of the Property |) | (Guardian of Adult) |
| |) | |
| of |) | LETTERS OF CO-GUARDIANSHIP; |
| |) | PROPERTY |
| DOROTHY SCHENCK KNEUBUHL, |) | |
| |) | Date: July 6, 2001 |
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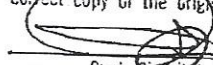
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Clerk, Circuit Court, First Circuit
State of Hawaii

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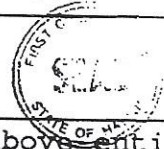
The attorney for the Co-Guardians shall be responsible for ensuring that the accounts of the guardianship are established as required by this rule.

BY ORDER OF THE HONORABLE COLLEEN K. HIRAI, Judge of the
above-entitled Court.

DATED: Honolulu, Hawaii,

JUL 30 2001

F. PAGAY



Clerk of the above-entitled
Court

G. No. 01-1-0082, Dorothy Schenck Kneubuhl, Protected Person
Letters of Co-Guardianship; Property

OF COUNSEL
FAYE T. KIMURA

THE LAW OFFICES OF
RICHARD C. F. CHUN
A LAW CORPORATION
SUITE 2010, PACIFIC TOWER
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 524-1833
FACSIMILE (808) 538-6204
E-MAIL chunlaw@gte.net

August 10, 2001

Ms. Gilian Robin Roush
151 Everit Street
New Haven, CT 06511

Dear Ms. Roush:

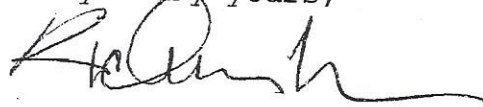
Re: In the Matter of the Protection of
the Property of Dorothy Schenck
Kneubuhl, Protected Person
G. No. 01-1-0082, Circuit Court of
the First Circuit, State of Hawaii

Enclosed are two (2) certified copies each of the Order Granting Petition for Appointment of Co-Guardians of the Property and Letters of Co-Guardianship; Property, both filed on July 30, 2001. We have retained additional copies of these documents in our files, which will be provided to you upon request. Please note that the co-guardians are required to file accountings with the court by June 30 of each year. We will be happy to represent you with regard to this matter, if you require our assistance.

Also enclosed are copies of our letters of transmittal to your brothers.

This concludes our representation of you in this matter. A final invoice for services rendered will be forthcoming. It has been our pleasure to assist you with this matter. If you have any questions or require further legal services with regard to your mother or other matters in the State of Hawaii, please do not hesitate to contact me.

Very truly yours,



Richard C.F. Chun

/jly

Enclosures

(jly:roush\property\roush.L04)

OF COUNSEL
FAYE T. KIMURA

THE LAW OFFICES OF
RICHARD C. F. CHUN
A LAW CORPORATION
SUITE 2010, PACIFIC TOWER
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 524-1833
FACSIMILE (808) 538-6204
E-MAIL chunlaw@gte.net

TRANSMITTAL MEMORANDUM

TO: Mr. David Craig Kneubuhl
535 E. Yanonali Street
Santa Barbara, CA 93103

DATE: August 10, 2001

RE: Guardian of Property of
Dorothy Schenck Kneubuhl
G. No. 01-1-0082

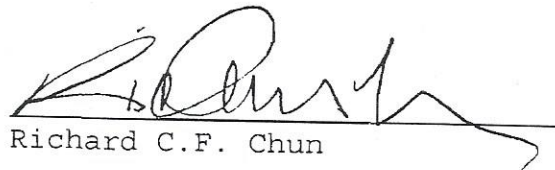
Mailed Hand Delivered Court Jacket

We are sending you the following:

| Copies | Date | Description |
|--------|---------|---|
| 1 | 7/30/01 | Order Granting Petition for Appointment of Co-Guardians of the Property |
| 1 | 7/30/01 | Letters of Co-Guardianship; Property |

For your information For necessary action
 For signature and return Per your request
 For signature, forwarding as noted below, and return Per our conversation
 For review and comment For your approval
 For filing For your files
 For payment See remarks below

Remarks:


Richard C.F. Chun

OF COUNSEL
FAYE T. KIMURA

THE LAW OFFICES OF
RICHARD C. F. CHUN
A LAW CORPORATION
SUITE 2010, PACIFIC TOWER
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 524-1833
FACSIMILE (808) 538-6204
E-MAIL chunlaw@gte.net

August 1, 2001

Hand Delivered

Michael J. Lum, Esq.
1188 Bishop Street, Suite 705
Honolulu, HI 96813


Dear Mr. Lum:

Re: In the Matter of the Protection of the
Property of Dorothy Schenck Kneubuhl,
Protected Person
G. No. 01-1-0082

Enclosed for your records are certified copies of the Order Granting Petition for Appointment of Co-Guardians of the Property and Letters of Co-Guardianship; Property, both filed on July 30, 2001. A check for your fee for services rendered as guardian ad litem was mailed to you earlier this week.

If you have any questions, please call me.

Very truly yours,



Richard C.F. Chun

/jly

Enclosures

cc: Ms. Gilian Robin Roush
(jly:roush\property\lum.L02)

OF COUNSEL
FAYE T. KIMURA

THE LAW OFFICES OF
RICHARD C. F. CHUN
A LAW CORPORATION
SUITE 2010, PACIFIC TOWER
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 524-1833
FACSIMILE (808) 538-6204
E-MAIL chunlaw@gte.net

August 10, 2001

Mr. John Pritchard Kneubuhl
852 Jordan Avenue, Apt. M
Los Altos, CA 94022

Dear Mr. Kneubuhl:

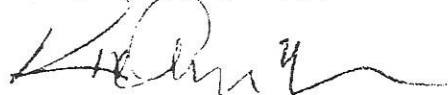
Re: In the Matter of the Protection of
the Property of Dorothy Schenck
Kneubuhl, Protected Person
G. No. 01-1-0082, Circuit Court of
the First Circuit, State of Hawaii

It was a pleasure meeting you during your recent trip to Hawaii. As you know, at the July 6, 2001 hearing, Judge Hirai appointed you and your sister, Robin, as co-guardians of the property of your mother, Dorothy Kneubuhl. Enclosed are two (2) certified copies each of the Order Granting Petition for Appointment of Co-Guardians of the Property and Letters of Co-Guardianship; Property, both filed on July 30, 2001. We have retained additional copies of these documents in our files, which will be provided to you upon request.

By copy of this letter to Ms. Roush, we are notifying her that you have been provided with these documents. You will need to coordinate your duties as co-guardian of the property with her. Please note that the co-guardians are required to file accountings with the court by June 30 of each year.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,



Richard C.F. Chun

/jly

Enclosures

cc: Ms. Gilian Robin Roush

jly:roush\property\john.L05

Dr Chang.

*20268 HRS § 560:5-401

WEST'S HAWAII REVISED STATUTES
DIVISION 3. PROPERTY; FAMILY
TITLE 30A. UNIFORM PROBATE CODE
CHAPTER 560. UNIFORM PROBATE CODE

ARTICLE V. PROTECTION OF PERSONS UNDER DISABILITY AND THEIR
PROPERTY
PART 4. PROTECTION OF PROPERTY OF PERSONS UNDER DISABILITY
AND MINORS

Current through the 1999 Regular Session

§ 560:5-401. Protective proceedings

→ Upon petition and after notice and hearing in accordance with this Part, the court may appoint a resident of this State or a trust company organized under the laws of this State or a nonresident nominated by the will of a parent as a guardian of the property or make other protective order for cause as follows.

- (1) Appointment of a guardian of the property or other protective order may be made in relation to the estate and affairs of a minor if the court determines that a minor owns money or property that requires management or protection which cannot otherwise be provided, has or may have business affairs which may be jeopardized or prevented by the minor's minority, or that funds are needed for the minor's support and education and that protection is necessary or desirable to obtain or provide funds.
- (2) Appointment of a guardian of the property or other protective order may be made in relation to the estate and affairs of a person if the court determines that (i) the person is unable to manage the person's property and affairs effectively for reasons such as mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, confinement, detention by a foreign power, disappearance or other incapacity; and (ii) the person has property which will be wasted or dissipated unless proper management is provided, or that funds are needed for the support, care and welfare of the person or those entitled to be supported by the person and that protection is necessary or desirable to obtain or provide funds.

L 1976, c 200, pt of § 1; am L 1977, c 144, § 45; gen ch 1985.

<General Materials (GM) - References, Annotations, or Tables>

Search this disc for cases citing this section.

*1148 Probate Rule 107

**WEST'S HAWAII COURT RULES
HAWAII PROBATE RULES
PART C. GUARDIANSHIP OF THE PROPERTY PROCEEDINGS
IV. FINANCIAL ARRANGEMENTS**

Current with amendments received through 7/1/00.

RULE 107. DEPOSIT AND INVESTMENT OF FUNDS

(a) Bond. Unless otherwise ordered by the court, a guardian of the property shall post bond in an amount equal to the initial value of the guardianship assets plus one year's anticipated income. Should the value of the guardianship estate significantly increase or decrease, the court may order an appropriate adjustment in the amount of bond at the time of the guardian's regular accounting.

(b) Reduction or Elimination of Bond Requirement. The court may consider reducing or eliminating the requirement for bond in the following situations:

(1) Where the bulk or all of the guardianship estate will be deposited in a federally-insured financial institution located in the State of Hawai'i in the names of the guardian and the guardian's attorney or law firm, the signatures of both the guardian and such attorney, or a representative of the law firm, being required for withdrawal purposes.

(2) Other arrangements as counsel may suggest wherein the guardianship estate will be adequately protected, without involvement of the court clerk.

(c) Deposit of Funds. Unless otherwise ordered by the court, the guardian of the property shall establish two accounts for the guardianship funds as follows:

(1) Such amount or amounts approved by the court for regular expenses of the protected person and the guardian may be deposited in an interest-bearing checking or savings account with a federally-insured financial institution located in the State of Hawai'i in the name of the guardian as guardian of the property of the protected person, the signature of only the guardian being necessary for withdrawal purposes.

(2) The balance (or all) of the funds of the guardianship estate shall be deposited in an interest-bearing savings account with a federally-insured financial institution located in the State of Hawai'i in the name of the guardian as guardian of the property of the protected person, with the signature of both the guardian and the guardian's attorney (or any member of the law firm representing the guardian) being required for withdrawal purposes. The attorney for the guardian shall be responsible for ensuring that the accounts of the guardianship are established as required by this rule. Where a corporate fiduciary is appointed guardian, or where an attorney is appointed as guardian, the court may order that funds may be maintained in a single account requiring the signature of only the fiduciary.

*1149 (d) Investment of Assets. Where the assets of the guardianship estate are sufficiently large in amount, a corporate fiduciary, and with prior court authority, an individual guardian may invest guardianship assets in securities, mutual funds, common trusts funds, or other investments that provide a higher return than a financial institution account with adequate security of investment.

(e) Setting Forth Plan in Petition. All budgets, investment plans, and account arrangement plans must be set forth in the petition by which the plan is proposed to the court. Every petition for appointment of a

guardian shall set forth a proposed investment plan consistent with this rule.

[Adopted effective March 1, 1995.]

***1148 Probate Rule 107**

**WEST'S HAWAI'I COURT RULES
HAWAI'I PROBATE RULES
PART C. GUARDIANSHIP OF THE PROPERTY PROCEEDINGS
IV. FINANCIAL ARRANGEMENTS**

Current with amendments received through 7/1/00.

RULE 107. DEPOSIT AND INVESTMENT OF FUNDS

(a) Bond. Unless otherwise ordered by the court, a guardian of the property shall post bond in an amount equal to the initial value of the guardianship assets plus one year's anticipated income. Should the value of the guardianship estate significantly increase or decrease, the court may order an appropriate adjustment in the amount of bond at the time of the guardian's regular accounting.

(b) Reduction or Elimination of Bond Requirement. The court may consider reducing or eliminating the requirement for bond in the following situations:

(1) Where the bulk or all of the guardianship estate will be deposited in a federally-insured financial institution located in the State of Hawai'i in the names of the guardian and the guardian's attorney or law firm, the signatures of both the guardian and such attorney, or a representative of the law firm, being required for withdrawal purposes.

(2) Other arrangements as counsel may suggest wherein the guardianship estate will be adequately protected, without involvement of the court clerk.

(c) Deposit of Funds. Unless otherwise ordered by the court, the guardian of the property shall establish two accounts for the guardianship funds as follows:

(1) Such amount or amounts approved by the court for regular expenses of the protected person and the guardian may be deposited in an interest-bearing checking or savings account with a federally-insured financial institution located in the State of Hawai'i in the name of the guardian as guardian of the property of the protected person, the signature of only the guardian being necessary for withdrawal purposes.

(2) The balance (or all) of the funds of the guardianship estate shall be deposited in an interest-bearing savings account with a federally-insured financial institution located in the State of Hawai'i in the name of the guardian as guardian of the property of the protected person, with the signature of both the guardian and the guardian's attorney (or any member of the law firm representing the guardian) being required for withdrawal purposes. The attorney for the guardian shall be responsible for ensuring that the accounts of the guardianship are established as required by this rule. Where a corporate fiduciary is appointed guardian, or where an attorney is appointed as guardian, the court may order that funds may be maintained in a single account requiring the signature of only the fiduciary.

***1149** (d) Investment of Assets. Where the assets of the guardianship estate are sufficiently large in amount, a corporate fiduciary, and with prior court authority, an individual guardian may invest guardianship assets in securities, mutual funds, common trusts funds, or other investments that provide a higher return than a financial institution account with adequate security of investment.

(e) Setting Forth Plan in Petition. All budgets, investment plans, and account arrangement plans must be set forth in the petition by which the plan is proposed to the court. Every petition for appointment of a

guardian shall set forth a proposed investment plan consistent with this rule.

[Adopted effective March 1, 1995.]

***1150 Probate Rule 108**

**WEST'S HAWAII COURT RULES
HAWAII PROBATE RULES
PART C. GUARDIANSHIP OF THE PROPERTY PROCEEDINGS
IV. FINANCIAL ARRANGEMENTS**

Current with amendments received through 7/1/00.

RULE 108. BUDGETS

Where it is anticipated that regular distributions will be made for the benefit of the protected person during the guardianship administration, the petition for appointment of the guardian, and all subsequent petitions for approval of accounts, shall include a proposed itemized budget of income and expenditures, including all sources of income no matter where derived or to whom paid for the benefit of the protected person. Such budget as shall be approved by the court shall control the actions of the guardian until amended by court order, provided that:

- (1) the guardian may vary the allocation of funds expended between approved budget categories, as long as the overall budget limitations are not exceeded;
- (2) the guardian may not in any accounting year exceed the overall approved budget by more than ten percent without prior court order;
- (3) where an approved budget is intended to be in effect for more than one calendar year, the budget amounts shall be automatically increased to reflect inflation based on changes in the Consumer Price Index for urban Honolulu as established by the United States Department of Commerce;
- (4) necessary medical and dental expenses of an adult protected person, regardless of amount, may be paid without prior court order;
- (5) extraordinary necessary medical and dental expenses of a minor may be paid without prior court order; and
- (6) all taxes owed by the protected person may be paid without prior court order.

[Adopted effective March 1, 1995.]

(C:\y:roush\property\petition)
LAW OFFICES OF RICHARD C.F. CHUN

RICHARD C.F. CHUN #1294
Suite 2010, Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813
Tel: (808) 524-1833
Fax: (808) 538-6204

Attorney for Petitioner

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2001 MAY -9 AM 9:04

D. SAKIMOTO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Matter of the
Protection of the Property

of

DOROTHY SCHENCK KNEUBUHL,

Protected Person.

G. No. 01-1-0082
(Guardian of Adult)

PETITION FOR APPOINTMENT OF
CO-GUARDIANS OF THE PROPERTY;
SCHEDULE OF PROPERTY;
EXHIBIT "A"; ORDER
APPOINTING OFFICIALS; ORDER
OF NOTICE OF HEARING; SUMMONS

PETITION FOR APPOINTMENT OF CO-GUARDIANS OF THE PROPERTY

TO THE HONORABLE PRESIDING JUDGE OF THE ABOVE-ENTITLED COURT:

The undersigned Petitioner, Gilian Robin Roush,
respectfully shows:

1. The interest of Petitioner is as follows: She is the
daughter of Dorothy Schenck Kneubuhl, the above-named protected
person, whose date of birth is March 24, 1921 (80 years old), whose
Social Security number is 567-46-1449, whose residence address is
45-592 Paleeka Road, Apt. A, Kaneohe, Hawaii 96744, and who resides

I do hereby certify that this is a full, true, and
correct copy of the original on file in this office.

[Signature]

Clerk, Circuit Court, First Circuit
State of Hawaii

and owns property within the jurisdiction of this court and has no legally appointed guardian of the property.

2. Appointment of a guardian of the property of the above-named protected person or other protective order is necessary by reason of the fact that the above-named protected person is unable to manage her property and affairs effectively, as defined by H.R.S. Sections 560:1-201(9) and 560:5-401(2); and (1) the above-named protected has property that will be wasted or dissipated unless proper management is provided and (2) funds are needed for the support, care and welfare of the above-named protected person or those entitled to be supported by her and that protection is necessary or desirable to obtain or provide funds.

A physician's statement indicating that (1) the protected person is under a disability, (2) the cause for the disability, (3) the prognosis for the disability, (4) the impact of the disability on the protected person's ability to manage her affairs, and (5) the length of time the physician has been treating the protected person is attached as Exhibit "A".

3. A general statement of property belonging to the above-named protected person, with an estimate of the value thereof, including any compensation, insurance, pension or allowance to which the above-named protected person is entitled, is

set forth in the "Schedule of Property" annexed hereto and made a part hereof by reference.

4. Petitioner requests the appointment of Gilian Robin Roush, 151 Everit Street, New Haven, Connecticut 06511, and John Pritchard Kneubuhl, 852 Jordan Avenue, Apt. M, Los Altos, California 94022, as co-guardians of the property of the above-named protected person; nominee Gilian Robin Roush is a resident of the State of Connecticut and nominee John Pritchard Kneubuhl is a resident of the State of California; the basis of priority for appointment is that both nominees are adult children of the above-named protected person; it is in the best interests of the above-named protected person that said nominees be appointed co-guardians of the property herein.

5. The guardian of the person, if any, of the above-named protected person is: Gilian Robin Roush, Petitioner herein, is simultaneously petitioning the Family Court of the First Circuit, State of Hawaii, for appointment of herself and Ana Fonua Kneubuhl, as co-guardians of the person of the above-named protected person.

6. The nearest adult relatives of the above-named protected person known to Petitioner are:

Gilian Robin Roush (Daughter)
151 Everit Street
New Haven, Connecticut 06511

John Pritchard Kneubuhl (Son)
852 Jordan Avenue, Apt. M
Los Altos, California 94022

David Craig Kneubuhl (Son)
535 E. Yanonali Street
Santa Barbara, California 93103

Sione Fonua Kneubuhl (Son)
45-592 Paleeka Road, Apt. A
Kaneohe, Hawaii 96744

7. In addition to the persons identified in paragraph 6, the above-named protected person has the following relatives:

- (1) Spouse: John Kneubuhl, Deceased
- (2) Legal Parents: Dorothy Alice Schenck, Deceased
Norman C. Schenck, Deceased
- (3) Adult Children: Gilian Robin Roush
John Pritchard Kneubuhl
David Craig Kneubuhl
Sione Fonua Kneubuhl

8. The persons who have the care and custody of the above-named protected person are Sione Fonua Kneubuhl and Ana Fonua Kneubuhl, 45-592 Paleeka Road, Apt. A, Kaneohe, Hawaii 96744.

9. The following interested person(s) has/have filed with the court a request for notice before entry of any Order in a protective proceeding relative to the above-named protected person:
None.

10. Petitioner has made inquiry of all reasonable sources as to the names and addresses of persons in paragraphs 6,

7, and 8 and has not been able to obtain information other than as alleged in said paragraphs.

11. The co-guardians plan to deposit the funds of the above-named protected person in compliance with Hawaii Probate Rule 107.

12. The above-named protected person is not represented by counsel.

13. Petitioner will submit a budget with the first accounting in compliance with Hawaii Probate Rule 108.

WHEREFORE, Petitioner prays as follows:

1. That the Court set a date of hearing on this petition;

2. That the Court, pursuant to Hawaii Probate Rule 28, appoint a guardian ad litem to represent the person to be protected;

3. That after hearing, the Court find that a basis exists for affecting the property and affairs of the above-named protected person, and authorize the deposit and investment of whatever funds owned by the above-named protected person in compliance with Hawaii Probate Rules 107 and 108;

4. That the Court make appointment by granting Letters to Gilian Robin Roush and John Pritchard Kneubuhl, without bond.

5. That the Court direct the co-guardians of the property to account to the Court for their administration annually;

6. That the Court allow a budget in compliance with Hawaii Probate Rule 108 to be filed with the first accounting;

7. Such other relief as may be proper.

UNDERSIGNED UNDERSTANDS THAT THIS DOCUMENT IS DEEMED TO INCLUDE AN OATH, AFFIRMATION, OR STATEMENT TO THE EFFECT THAT ITS REPRESENTATIONS ARE TRUE AS FAR AS UNDERSIGNED KNOWS OR IS INFORMED, AND THAT PENALTIES FOR PERJURY MAY FOLLOW DELIBERATE FALSIFICATION.

DATED: Honolulu, Hawaii, April 20, 2001.

Gillian Robin Roush
GILLIAN ROBIN ROUSH
Petitioner

Hawaii Probate Rule 5(b) Certification:

Richard C.F. Chun
RICHARD C.F. CHUN
Attorney for Petitioner

G. No. _____, Dorothy Schenck Kneubuhl, Protected Person
Petition for Appointment of Co-Guardians of the Property

SCHEDULE OF PROPERTY

Social Security Benefits estimated at \$900.00 per month

Residual royalty income from the Writer's Guild of America paid on behalf of John Kneubuhl, deceased, husband of the protected person, Dorothy Schenck Kneubuhl, amount unknown at this time

Land claims in American Samoa pursuant to Probate No. 45-92, In the Matter of the Estate of John Kneubuhl, Deceased, in the High Court of American Samoa Trial Division

Other assets to be determined upon discovery

Estate of DOROTHY S. Kneubuhl

Death certificate

Certificate of Death

AMERICAN SAMOA

00-73-44

Hospital Number

2041017

Certificate Number

| | | | | | | |
|--|--|--|---|--|--|--|
| (1) Name of Deceased First: DOROTHY Middle: KNEUBUHL Last: _____ | | | (2) Date of Death Month: OCTOBER Day: 24 Year: 2004 | | | |
| (3) Place of Death Village: FATUOAIGA District: WESTERN D. O. A. <input checked="" type="checkbox"/> Hospital: () | | | (4) Usual Residence: Village: FATUOAIGA, AMERICAN SAMOA District: WESTERN | | | |
| (5) Sex: Male () Female <input checked="" type="checkbox"/> | (6) Race: CAUCASTAN | (7) Single () Married () Widowed <input checked="" type="checkbox"/> Divorced () | (8) Occupation | | | |
| (9) Date of Birth: Mo. MARCH Day 24 Yr. 1921 | | (10) Age (Yrs) a. 83 | If under 1 Yr. b. Mo. _____ Days _____ | | If under 24 hours c. Hr. _____ Mins. _____ | |
| (11) Birthplace: HAWAII | | | (12) Nationality: U.S. CITIZEN | | | |
| (13) Father's Name: NORMAN SCHECK | | | (14) Mother's Name: DOROTHY | | | |
| (15) Accident () Suicide () Homicide () | (16) Place of Injury: Village _____ District _____ | | (17) At work Yes () No () | | (18) Autopsy Yes () No () | |
| (19) Time of Death: 7:05 A.M. _____ P.M. | | (20) Informant: Name: PATIENT'S CHART Signature: _____ | | | | |

(21) I HEREBY CERTIFY THAT I have () have-not () attended the deceased; that death occurred on the date stated above, and to the best of my knowledge, from the cause stated below:
the deceased was () seen () not seen by me after death

| | |
|---|--|
| (22) CAUSE OF DEATH | Approximate interval between onset and death |
| (I) Disease or condition leading to death (a) CARDIORESPIRATOY ARREST Due to (or as a consequence of) _____ | |
| Antecedent Causes: (Morbid conditions, if any, giving rise to the above cause, stating the underlying condition last). (b) _____ Due to (or as a consequence of) _____ | |
| (II) Other significant conditions: (Contributing to death but not related to the disease or condition causing it). (c) _____ | |

IOYAMO T. SALEAPAGA, M.D.

Director of Medical Services

FIATELE POROTESANO, M.B.B.S.

SIGNATURE (PHYSICIAN)

CERTIFIED TO BE TRUE COPY

(23) REGISTRAR:

Signature

[Handwritten Signature]

Date Filed by Registrar

1-14-05

REGISTRAR, VITAL RECORDS