

FILED FOR RECORD AT REQUEST OF:

ELDER LAW OFFICES OF  
MEYERS, NEUBECK & HULFORD, P.S.  
2828 Northwest Ave.  
Bellingham, WA 98225



202011200212

11/20/2020 04:10 PM Pages: 1 of 7 Fees: \$109.50  
Skagit County Auditor

WHEN RECORDED RETURN TO:

ELDER LAW OFFICES OF  
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Bellingham, WA 98225

SKAGIT COUNTY WASHINGTON

REAL ESTATE EXCISE TAX  
2020 AG 92  
NOV 20 2020

Amount Paid \$ 0  
By *MN* Skagit Co. Treasurer Deputy

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COVERPAGE  
COURT CERTIFIED – ORDER

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REFERENCE NUMBER(S) OF RELATED DOCUMENT(S):

VOIDED DEED:  
201908200063

ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER:

P83105  
4470-000-007-0006

LEGAL: Lot 7, "HORIZONS DIVISION II", as per plat recorded in Volume 14 of Plats,  
page 1, records of Skagit County, Washington.

GRANTORS:

1. JAN M. HADDOCK, a married woman as her separate property
2. JON K. EDSON, a married man as his separate property

GRANTEE:

3. ESTATE OF MARILYN M. JOHNSON,  
by personal representative JON K. EDSON

DOCUMENT: Order Consolidating Cases; Voiding All Prior Orders of the Court and Actions of  
the Personal Representative Taken in Cause #18-4-00432-29; Authorizing Prior  
Admitted Will to Remain in Effect; Appointing Personal Representative; Issuing  
Letter Testamentary; Adjudicating the Estate to be Solvent; and Directing  
Administration with/without Court Intervention and Without Bond.

COURT CERTIFIED – ORDER

 ELDERLAW  
MEYERS, NEUBECK & HULFORD

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FILED  
SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA

2020 MAY 22 AM 11:02

18-4-00432-29  
OR 28  
Order  
9228991



I, MELISSA BEATON, Clerk of the Superior Court of the State of Washington, for Skagit County, do hereby certify that this is a true copy of the original now on file in my office. Dated 11/10/2020



MELISSA BEATON, County Clerk

By: *[Signature]*  
Deputy Clerk

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

In re the Matter of: THE ESTATE OF  
MARILYN M. JOHNSON,

Cause No. 18-4-00432-29

KATIE EDSON, CALEB EDSON, and  
VERETTA EDSON,

Petitioners,

v.

JAN M. HADDOCK, in her capacity as  
Personal Representative of the Estate of  
Marilyn M. Johnson,

Respondent.

**ORDER:**

1. CONSOLIDATING CASES;
2. VOIDING ALL PRIOR ORDERS OF THE COURT AND ACTIONS OF THE PERSONAL REPRESENTATIVE TAKEN IN CAUSE #18-4-00432-29;
3. AUTHORIZING PRIOR ADMITTED WILL TO REMAIN IN EFFECT;
4. APPOINTING PERSONAL REPRESENTATIVE;
5. ISSUING LETTERS TESTAMENTARY;
6. ADJUDICATING THE ESTATE OT BE SOLVENT; AND
7. DIRECTING ADMINISTRATION WITH/WITHOUT COURT INTERVENTION AND WITHOUT BOND.

CLERK'S ACTION REQUIRED

THIS MATTER having come before the Court on the petition of Katie Edson, Caleb Edson, and Veretta Edson, and having reviewed the file the Court enters the following:

ORDER TO VOID ALL ORDERS OF THE COURT AND ACTIONS OF THE PERSONAL REPRESENTATIVE TAKEN IN CAUSE #18-4-00432-29 1

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**I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Marilyn M. Johnson (Decedent) died testate on September 23, 2018.

2. The Decedent was survived by her husband, Earl E. Johnson and two children from a previous marriage, Jan M. Haddock and Jon K. Edson. Marilyn was also survived by Katie Edson, Chris Edson, Joshua Edson and Caleb Edson, all grandchildren from her predeceased child, Jerry M. Edson. Lastly, Marilyn was survived by Matthew D. Linnell, Mark A. Linnell, and Stephane E. Linnell-Myers, all grandchildren from her predeceased child Jo Ellen Linnell.

3. On December 17, 2018, Jan M. Haddock petitioned the Skagit County Superior Court to admit the Last Will and Testament of Marilyn M. Johnson to Probate. The will nominated Ms. Haddock as the Personal Representative.

4. Also, on December 17, 2018, the court issued an order admitting the will to probate and naming Ms. Haddock as the Personal Representative to serve without bond or intervention of the court.

5. The admitted will devised all of the decedent's personal property to her husband, Earl.

6. The will also made specific cash bequests of \$10,000 to Mathew D. Linnell, Mark A. Linnell and Stephanie Linnell, AKA Stephanie E. Linnell-Myers.

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ORDER TO VOID ALL ORDERS OF THE COURT 2  
AND ACTIONS OF THE PERSONAL  
REPRESENTATIVE TAKEN IN  
CAUSE #18-4-00432-29

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1           7.     The will devised all of the decedent's separate property, including the real  
 2 property at 1515 Sunset Place, Mount Vernon, Washington "in equal shares, one (1)  
 3 share for each of my children, namely JERRY M. EDSON, JAN M. HADDOCK and JON  
 4 K. EDSON who survive me, and one (1) share, by right of representation (per stirpes) to  
 5 the surviving issue of any child who should predecease me."  
 6

7           8.     The will devised to her spouse Earl, all of her interest in community assets  
 8 including jointly held bank accounts and their personal residence located at 16555  
 9 Country Club Drive Burlington, WA.


10          9.     RCW 11.28.237 requires that:

11           "Within twenty days after appointment, the personal representative of the  
 12 estate of a decedent shall cause written notice of his or her appointment  
 13 and the pendency of said probate proceedings, to be served personally or  
 14 by mail to each heir, legatee and devisee of the estate and each beneficiary  
 15 or transferee of a nonprobate asset of the decedent whose names and  
 16 addresses are known to him or her, and proof of such mailing or service  
 shall be made by affidavit and filed in the cause. If a trust is a legatee or  
 17 devisee of the estate or a beneficiary or transferee of a nonprobate asset of  
 18 the decedent, then notice to the trustee is sufficient.  
 19

20          10.    Written notice of the Pendency of Probate was never provided to heirs  
 21 Katie and Caleb Edson, and the court file contains no evidence that any of the heirs  
 22 legatees or devisees received a Notice of Pendency of Probate.  
 23

24          11.    The Declaration of Completion filed on August 19, 2019 does not meet the  
 25 requirements of RCW 11.68.110 because it fails to state the amount of fees paid to the  
 26 Personal Representative, Attorneys, appraisers, and accountants. Further the Court filed  
 contains no evidence that the Declaration of Completion was mailed to any heir, legatee  
 or devisee in conformance with RCW 11.68.110(g)(3).

ORDER TO VOID ALL ORDERS OF THE COURT    3  
 AND ACTIONS OF THE PERSONAL  
 REPRESENTATIVE TAKEN IN  
 CAUSE #18-4-00432-29

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1 12. The Respondent knew of the existence of and how to contact all children  
2 and grandchildren of Marilyn M. Johnson.

3 13. The Respondent knew where Katie and Caleb Edson lived and how to  
4 contact them.

5 14. The attorney for the Personal Representative, Lowell asked Katie and  
6 Caleb to sign disclaimers to their share of the estate. They signed the disclaimers and  
7 a portion of the decedent's separate liquid assets were distributed to their mother Veretta  
8 Edson with the intent that Ms. Edson hold the funds for Katie's and Caleb's benefit.

9 15. For reasons unknown to the Petitioners, Katie's and Caleb's siblings Chris  
10 and Josh Edson also executed disclaimers at the request of attorney Lowell.

11 16. On August 28, 2019, the decedent's separate real property at 1515 Sunset  
12 Place Mount Vernon, WA was transferred by the Personal Representative to herself in  
13 her personal capacity and Jon K. Edson.

14 17. Neither Katie or Caleb consulted with independent counsel regarding  
15 execution of the disclaimers. Further, both executed the disclaimer without ever having  
16 received a copy of the will or the appropriate Notice required by RCW 11.28.237.

17 18. Jan M. Haddock in her capacity as the Personal Representative of the  
18 Estate of Marilyn M. Johnson violated her fiduciary duty to the beneficiaries of the estate  
19 by depriving them due process through failure to provide statutorily required notices and  
20 by distributing estate assets in contravention of the directives of the will.

21 19. Jon is the successor personal representative nominated by Marilyn M.  
22 Johnson in her Last Will and Testament, is willing and able to serve.

23  
24  
25  
26 ORDER TO VOID ALL ORDERS OF THE COURT 4  
AND ACTIONS OF THE PERSONAL  
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20. The assets of the Estate of Marilyn M. Johnson exceed its liabilities.

I. ORDER

The Court, having entered its Findings of Fact, it is now, therefore, ORDERED as follows:

1. All orders issued in Skagit County Superior Court Cause #18-4-00432-29 are voided in their entirety with the exception of the portion of the terms of the December 17, 2018, Order Admitting Will to Probate & Granting Letters Testamentary, and *Non-Intervention Orders* that admit the will to probate.

2. All actions taken by Jan M. Haddock in her capacity as the Personal Representative, are hereby voided;

3. That the Estate of Marilyn M. Johnson under cause # 18-4-00432-29 is hereby deemed never to have been closed due to the filed Declaration of Completion being statutorily deficient and because it was never served on the heirs legatees or devisees as required by RCW 11.68.110.

4. Veretta, Caleb and Katie's TEDRA Petition is hereby consolidated into the Probate pursuant to RCW 11.96A.090(3).

5. Jon K. Edson is hereby appointed and confirmed as Personal Representative of the Estate of Marilyn M. Johnson.

6. Letters Testamentary shall be issued to Jon K. Edson upon the filing of an oath.

7. The Estate of Marilyn M. Johnson is adjudged to be fully solvent.

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ORDER TO VOID ALL ORDERS OF THE COURT AND ACTIONS OF THE PERSONAL REPRESENTATIVE TAKEN IN CAUSE #18-4-00432-29 5

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1 8. Jon K. Edson, as Personal Representative of the Estate of Marilyn M.  
2 Johnson shall administer the estate:

*pending presentation of a verified inventory*

3  with full intervention of the Court, until further order of the Court with any future  
4 order granting non-intervention powers to be issued only upon the Court finding  
5 good cause to believe the estate will be administered in accordance with the  
6 directives of the Last Will and Testament of Marilyn M. Johnson; or  
7

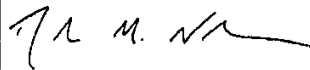
8  without further intervention of the Court and is authorized to administer the  
9 estate, including the transfer of all property of the estate, without court order and  
10 without bond.

11 9. Veretta, Caleb, and Katie's attorney's fees and costs, in the amount of  
12 \$ TBD - the request is reserved, in bringing the TEDRA Petition should be awarded as  
13 administrative expense in the Probate and paid from the Estate.  
14

15 DATED this 22<sup>nd</sup> day of May, 2020.

16  
17   
18 JUDGE / COURT COMMISSIONER

19 Presented By:  
20 ELDER LAW OFFICES OF  
21 MEYERS, NEUBECK & HULFORD, P.S.

22 

23 BARRY M. MEYERS, WSBA #22847  
24 DAVID M. NEUBECK, WSBA #31321  
25 SARA LC HULFORD, WSBA #52098  
26 Attorney for Petitioners

ORDER TO VOID ALL ORDERS OF THE COURT 6  
AND ACTIONS OF THE PERSONAL  
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