

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CLACKAMAS  
Probate Section

In the Matter of the Estate                    )  
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of                                                       )  
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Dean Elton Neal,                                 )  
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Deceased.                                         )  
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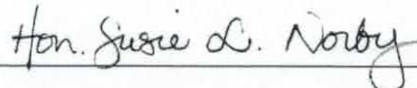
Case No. 18PB07455  
GENERAL  
~~LIMITED JUDGMENT~~ REMOVING  
PERSONAL REPRESENTATIVE AND  
DISMISSING PROBATE PROCEEDING

It appearing to the Court from the show cause hearing held May 17, 2019, that the Personal Representative, Sharon Neal, is found not competent to serve as personal representative and that the probate was filed for an improper and unlawful purpose under the statutes.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. That Sharon Neal is removed as Personal Representative of the above estate and the Court revokes the Letters Testamentary issued to Sharon Neal on November 8, 2018, and
2. That that the case is dismissed.

Signed: 5/17/2019 03:36 PM



Circuit Court Judge Susie L. Norby



# CIRCUIT COURT OF OREGON

FIFTH JUDICIAL DISTRICT  
CLACKAMAS COUNTY COURTHOUSE  
807 MAIN STREET, ROOM 301  
OREGON CITY, OREGON 97045

(503) 650-8902  
FAX (503) 650-8909

Musie L. Norby  
Circuit Court Judge

Original 5/9/19  
Verified Correct Copy of Original

May 9, 2019

Michael O. Stevens  
3699 NE John Olsen Avenue  
Hillsboro, OR 97124  
[Michael@HillsboroFirm.com](mailto:Michael@HillsboroFirm.com)  
Attorney to PR Sharon Neal

RE: In the Matter of the Estate of Dean Elton Neal; Case No. 18PB07455  
Show Cause on Whether PR Should be Removed ORS 113.195(1-3) & ORS 114.395  
Show Cause on Whether to Dismiss Probate Due to Use for Prohibited Purpose

Mr. Stevens:

This letter will inform you that the court is scheduling a Show Cause in the referenced case on whether the PR, Sharon Neal, should be removed, and whether the case should be dismissed.

### CHRONOLOGY OF CASE EVENTS

- May 23, 2015 Decedent passes away.
- September 28, 2018 Filing of Last Will and Testament by Sharon Neal.
- October 12, 2018 Sharon Neal found not competent to act as Personal Representative Pro Se (Advised she could try to improve her competence by retaining an attorney to advise and guide her, and filing anew.)
- October 27, 2018 Filing of Notice of Representation by Michael O. Stevens And Petition to Re-Open (sic) Case for Probate of Will
- October 30, 2018 Limited Judgment signed Admitting Will to Probate and Approving Issuance of Letters Testamentary to Nominated PR.
- November 5, 2018 Nominated PR files lawsuit "on behalf of Estate" for: Specific Performance, Quiet Title, Resulting Trust, Rescission & Unjust Enrichment, Fraud & Constructive Trust, Breach of Fiduciary Duty, Declaratory Relief, Injunctive Relief, Vulnerable Persons Act & Ejectment. Case No. 18CV50745.  
**Filed prior to court issuance of Letters Testamentary.**
- November 8, 2018 **Letters Testamentary issued by Court to Appoint PR.**

18PB07465  
LT  
Letter  
11040930



- December 8, 2018 Deadline for Mailing to all Interested Persons (ORS 113.145(4))  
Deadline for Publication to all Interested Persons (ORS 113.155(1))  
**Deadline not met by PR.**
- January 27, 2019 Deadline to file Inventory & Proof of Completion of PR Class  
**Deadline not met by PR, and no extension request yet filed.**
- January 30, 2019 Overdue Court Notice sent re: Inventory & Proof of PR Class Completion
- February 28, 2019 Filing of PR's Motion to Extend Deadline to Complete Inventory & Class (Reasons for request given: "...counsel was only to be counsel on a temporary basis while the estate was to secure counsel more familiar with probate procedures in Clackamas County. My role was primarily as counsel in 18CV50745, which was brought by the estate. At this time, the estate has yet to locate new counsel to handle the probate proceedings. Meanwhile, my docket has not allowed me to complete the inventory due to the need to file several cases as the statutes of limitations were up in January and February, as well as several briefs being due in the Court of Appeals. Furthermore, the Personal Representative has been engulfed in other litigation in this court as well as in bankruptcy court, preventing her from completing the fiduciary class.") *Emphasis added.*
- March 27, 2019 Filing of Inventory – **Twelve days past approved extension deadline. Inventory either false or incomplete – Since the decedent did not hold title to real property it appears to not be an estate asset. If it is an estate asset, then ORS 113.165 requires its Fair Market Value to be listed as of the date of decedent's death. No other property listed.**
- April 5, 2019 Filing of Certificate of Completion of Non-Professional Fiduciary Class  
**Three weeks past approved extension deadline.**
- April 15, 2019 Show Cause hearing on Insufficiency of Inventory. Caution given to PR to file Accurate and Sufficient Inventory forthwith and secure counsel more familiar with probate proceedings or expect court intervention.
- April 25, 2019 Notice of Removal of 18CV50745 to Bankruptcy Court.  
(Involuntary Bankruptcy case in name of Natalia Neal.)
- May 4, 2019 Filing of Amended Inventory  
**Inventory either false or incomplete – Since the decedent did not hold title to real property it appears to not be an estate asset. If it is an estate asset, then ORS 113.165 requires its Fair Market Value to be listed as of the date of decedent's death.**

#### SHOW CAUSE ISSUES

Several issues reignited the court's concern that the PR did not attain competency by retaining an attorney after she failed her competency hearing on October 12, 2018. The PR's attorney represents her, but he cannot act autonomously to cure her improper execution of her duties. In addition to the past PR deficiencies noted above, the following concerns remain:

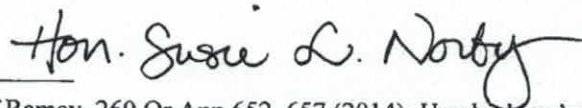
1. The file contains references to potentially interested persons who should have been listed in the Petition, but were not, including (a) two children of the decedent mentioned in his Will – Eric Dean Neal and Sylvia Loren Neal, and (b) two defendants in Case No. 18CV50745 brought by the estate – Natalia Neal and US National Bank Association.

These persons were required to have been listed in the Petition under ORS 113.027(6). Under ORS 113.145(4) the PR was required to mail notice of this probate to them no later than December 8, 2019. Under ORS 113.155(1), the PR was also required to publish notice of the probate to all interested persons no later than December 8, 2019. None of those requirements were met.

2. The only assets listed in the 1<sup>st</sup> Inventory, and only clearly non-marital assets listed in the 2<sup>nd</sup> Inventory, are parcels of land currently titled to Natalia Neal and US National Bank Association. This real property is the subject of a lawsuit filed by the Personal Representative to divest title from those interested persons. If the parcels are estate assets, then the Inventory must state their Fair Market Value (FMV) as of the date of death. Neither Inventory stated the parcels' FMV on May 23, 2015. If the parcels are not estate assets, then probate is unnecessary.
3. Several indicators suggest that this probate was initiated for an improper purpose. The Oregon Supreme Court and Court of Appeals have consistently held that "the probate code bars a personal representative from filing suit to set aside a transfer of property 'unless the remaining assets of the estate are insufficient to pay the claims of creditors...' or administration costs.<sup>1</sup> The following factors indicate that the sole purpose of initiating this estate was to file such a lawsuit:
  - (a) The absence of an Inventory that substantiates the propriety of a probate proceeding;
  - (b) The Personal Representative's choice to file a lawsuit to set aside the decedent's transfer of real property *prior to her Letters Testamentary being issued*;
  - (c) The Personal Representative's attorney's statement in the Motion to Extend Deadline filed on February 28, 2019 that he was retained to pursue the lawsuit and the probate matter is a tangential duty he holds until another lawyer "more familiar with probate procedures" can be retained (which never occurred);
  - (d) The Personal Representative's failure to include the defendants in that lawsuit as interested persons who should receive statutory notice of estate proceedings;
  - (e) The Personal Representative's failure to publish statutory notice of this probate proceeding as required.

The Personal Representative is ordered to show cause why she should not be removed for incompetence and the estate proceeding dismissed due to initiation for an improper purpose.

Sincerely,  
Hon. Susie L. Norby,  
Circuit Court Judge



<sup>1</sup> In re Estate of Ramey, 260 Or App 652, 657 (2014); Hendrickson's Estate v. Warburton, 276 Or 989 (1976); Ledford v. Yonkers, 278 Or 37 (1977).

Verified Correct Copy of Original 8/6/2019

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON  
150 N First Avenue Hillsboro Oregon 97124

**In the Matter of the Estate of:**

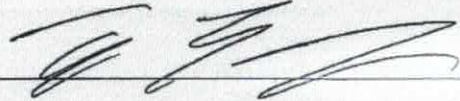
**Case No:** 19PB04635

**Dean Elton Neal**

**GENERAL JUDGMENT  
OF DISMISSAL**

This matter came before the court on the Petition for Probate of Will and Appointment of Personal Representative. The Court hereby takes judicial notice of the prior ruling in Clackamas County Probate 18PB07455 that Petitioner is not competent to act as a Personal Representative, and that the proceeding was filed for an improper and unlawful purpose. The Court makes the same findings in this case;

Therefore it is hereby ORDERED and ADJUDGED this case is summarily dismissed.

8/6/19 

Theodore E. Sims  
Circuit Court Judge

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PPOR  
Order - Proposed  
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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF DESCHUTES

In the Matter of the Estate of:	)	
	)	
DEAN ELTON NEAL,	)	Case No. 19PB06492
	)	
Deceased.	)	GENERAL JUDGMENT
	)	OF DISMISSAL
	)	
	)	

THIS MATTER CAME BEFORE THE COURT on the Petition to Open Case for Probate of Will and Appointment of Personal Representative. The court hereby takes judicial notice of the prior ruling in Clackamas County Case No. 18PB07455, wherein the court determined that petitioner is not competent to act as a Personal Representative, as well as the ruling in Washington County Case No. 19PB04635, wherein the court determined that the proceeding was filed for an improper and unlawful purpose.

NOW, THEREFORE, IT IS HEREBY ORDERED that this proceeding is summarily dismissed.

Signed: 8/27/2019 01:19 PM



**Circuit Court Senior Judge A. Michael Adler**

c Sharon Neal