

APN# 1318-03-212-023

**Recording Requested by/Mail to:**

Name: Julie Menack Trustee

Address: 5111 Telegraph Ave #102

City/State/Zip: Oakland CA 94609

**Mail Tax Statements to:**

Name: same as above

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Stipulated Order to confirm resignation of Trustee

**Title of Document** (required)

----- (Only use if applicable) -----

The undersigned hereby affirms that the document submitted for recording  
DOES contain personal information as required by law: (check applicable)

Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)

Judgment – NRS 17.150(4)

Military Discharge – NRS 419.020(2)

\_\_\_\_\_  
Signature

J Lane

\_\_\_\_\_  
Printed Name

This document is being (re-)recorded to correct document # \_\_\_\_\_, and is correcting

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\_\_\_\_\_  
\_\_\_\_\_

1 Shannon M. Stein Esq. SBN #255746  
2 Goodwin Brown Gross & Lovelace LLP  
3 4350 La Jolla Village Drive, Suite 350  
4 San Diego, CA 92122  
5 (858) 750-3580  
6 (858) 750-3581 fax

7 Attorneys for Cara Miller

**FILED**  
Clerk of the Superior Court

OCT 15 2019

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA, SAN DIEGO COUNTY  
9 (CENTRAL DIVISION)

10 In re the:

11 WILLIAM E. MILLER AND MARY A.  
12 MILLER 1985 TRUST, as amended.

Case No.: 37-2013-00063737-PR-TR-CTL

13 **STIPULATED ORDER TO (1) CONFIRM**  
14 **RESIGNATION AND RELEASE OF**  
15 **CLAUDIA POWELL, AS TEMPORARY**  
16 **TRUSTEE, (2) APPOINT JULIE MENACK**  
17 **AS SUCCESSOR TRUSTEE, AND (3)**  
18 **CONFIRM THE TERMINATION OF**  
19 **TRUST C**

20 The parties Cara Miller, individually; Robin Cahill, as guardian ad litem for Daniel Miller;  
21 and Claudia Powell, temporary trustee of Trust B and Trust C of the William E. Miller and Mary A.  
22 Miller 1985 Trust, as amended,

23 **HEREBY AGREE AND STIPULATE AS FOLLOWS:**

24 1. Claudia Powell, temporary trustee of Trust B and Trust C of the William E. Miller  
25 and Mary A. Miller 1985 Trust dated May 4, 1985, as amended, hereby resigns as temporary trustee,  
26 effective upon the Court's appointment of a successor trustee.

27 2. Julie Menack, professional fiduciary, hereby consents to act as successor trustee of  
28 Trust B of the William E. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as amended,  
effective upon Court appointment.

3. Claudia Powell, as temporary trustee of Trust B and Trust C of the William E. Miller  
and Mary A. Miller 1985 Trust dated May 4, 1985, as amended, is hereby released from liability and  
each party hereby expressly waives all rights and benefits under California Civil Code §1542 and

1 California Probate Code §16464(b).

2 Section 1542 of the California Civil Code, provides as follows:

3 **A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS**  
4 **THAT THE CREDITOR OR RELEASING PARTY DOES NOT**  
5 **KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT**  
6 **THE TIME OF EXECUTING THE RELEASE AND THAT, IF**  
7 **KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY**  
8 **AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR**  
9 **OR RELEASED PARTY.**

10 Section 16464(b) of the California Probate Code, provides as follows:

11 (b) A release or contract is not effective to discharge the trustee's liability for  
12 a breach of trust in any of the following circumstances:

13 (1) Where the beneficiary was under an incapacity at the time of  
14 making the release or contract.

15 (2) Where the beneficiary did not know of his or her rights and of the  
16 material facts (A) that the trustee knew or reasonably should have known and (B) that the trustee did  
17 not reasonably believe that the beneficiary knew.

18 (3) Where the release or contract of the beneficiary was induced by  
19 improper conduct of the trustee.

20 (4) Where the transaction involved a bargain with the trustee that was not  
21 fair and reasonable.

22 4. Trust C never contained any assets, did not exist as a legal entity, and is hereby  
23 terminated. The only operative trust is Trust B.

24 5. Upon appointment, Julie Menack has full authority to act as successor trustee  
25 of Trust B created under the William E. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as  
26 amended, with all powers and authority provided under the trust and California Probate Code,  
27 including the specific authority to sell the real property commonly known as 136 Ponderosa Drive,  
28 Zephyr Cove, Nevada.

1 IT IS SO STIPULATED.

2  
3 Date: 10/10/19

Cara Miller  
Cara Miller

4  
5 Date: \_\_\_\_\_

Robin Cahill, guardian ad litem for Daniel Miller  
Robin Cahill, guardian ad litem for Daniel Miller

6  
7 Date: \_\_\_\_\_

Claudia Powell, temporary trustee of Trust B and Trust C of the William B. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as amended  
Claudia Powell, temporary trustee of Trust B and Trust C of the William B. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as amended

8  
9  
10 APPROVED AS TO FORM:

11 GOODWIN BROWN GROSS & LOVELACE LLP

12  
13 Date: \_\_\_\_\_

Shannon M. Steis, Esq.  
Attorneys for Cara Miller

15 ALBENCE & ASSOCIATES

16  
17 Date: \_\_\_\_\_

David S. Pawlowski, Esq.  
Attorney for Robin Cahill, guardian ad litem

19 HUGHES & PIZZUTO, APC

20  
21 Date: \_\_\_\_\_

Kent C. Thompson, Esq.  
Attorney for Claudia Powell, temporary trustee of Trust B and Trust C of the William B. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as amended

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IT IS SO STIPULATED.

Date: \_\_\_\_\_

\_\_\_\_\_  
Cara Miller

Date: 10/17/19

Robin L. Cahill  
Robin Cahill, guardian ad litem for Daniel Miller

Date: \_\_\_\_\_

\_\_\_\_\_  
Claudia Powell, temporary trustee of Trust B and Trust C of the William E. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as amended

APPROVED AS TO FORM:

GOODWIN BROWN GROSS & LOVELACE LLP

Date: 10/14/19

Shannon M. Stein  
Shannon M. Stein, Esq.  
Attorneys for Cara Miller

ALBENCE & ASSOCIATES

Date: 10/14/19

David S. Pawlowski  
David S. Pawlowski, Esq.  
Attorney for Robin Cahill, guardian ad litem

HUGHES & PIZZUTO, APC

Date: \_\_\_\_\_

\_\_\_\_\_  
Kent C. Thompson, Esq.  
Attorney for Claudia Powell, temporary trustee of Trust B and Trust C of the William E. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as amended

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IT IS SO STIPULATED.

Date: \_\_\_\_\_

\_\_\_\_\_  
Cara Miller

Date: \_\_\_\_\_

\_\_\_\_\_  
Robin Cahill, guardian ad litem for Daniel Miller

Date: 10/10/19

  
\_\_\_\_\_  
Claudia Powell, temporary trustee of Trust B and Trust C of the William E. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as amended

APPROVED AS TO FORM:

GOODWIN BROWN GROSS & LOVELACE LLP

Date: \_\_\_\_\_

\_\_\_\_\_  
Shannon M. Stein, Esq.  
Attorneys for Cara Miller


ALBENCE & ASSOCIATES

Date: \_\_\_\_\_

\_\_\_\_\_  
David S. Pawlowski, Esq.  
Attorney for Robin Cahill, guardian ad litem

HUGHES & PIZZUTO, APC

Date: 10/12/19

  
\_\_\_\_\_  
Kent C. Thompson, Esq.  
Attorney for Claudia Powell, temporary trustee of Trust B and Trust C of the William E. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as amended

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**IT IS SO ORDERED.**

1. The resignation of Claudia Powell, temporary trustee of Trust B and Trust C of the William E. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as amended is accepted.

2. Claudia Powell, as temporary trustee of Trust B and Trust C of the William E. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as amended, is hereby released from liability.

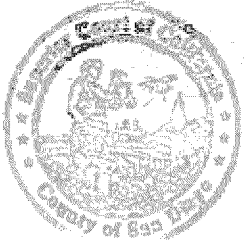
3. Trust C is terminated.

4. Julie Menack, is appointed as successor trustee of Trust B of the William E. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as amended.

5. Julie Menack has full authority to act as successor trustee of Trust B of the William E. Miller and Mary A. Miller 1985 Trust dated May 4, 1985, as amended, with all powers and authority provided under the trust and California Probate Code, including the specific authority to sell the real property commonly known as 136 Ponderosa Drive, Zephyr Cove, Nevada.

DATED: 10-16-19

  
**JEFFREY S. BOSTWICK**  
JUDGE OF THE SUPERIOR COURT



**CLERK'S CERTIFICATE**

The foregoing document, consisting of 4 page(s) is a full, true, and correct copy of the  original  copy on file in this office.

Date 1/8/19 by [Signature]  
Deputy V. Nava  
Clerk of the Superior Court

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