

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

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IN RE ESTATE OF	)	Heard in:
	)	No. 16-4-00861-8
LEEANNA RUTH MICKELSON	)	
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VERBATIM REPORT OF PROCEEDINGS  
(FROM TAPED PROCEEDINGS)

BE IT REMEMBERED that the foregoing and numbered proceeding was heard on May 16, 2016, before THE HONORABLE KARENA KIRKENDOLL, Commissioner.

HEATHER MICKELSON, Pro Se Petitioner.

(Proceedings transcribed by: Adrienne Kuehl)

WHEREUPON, the following proceedings were had and done, to wit;

1 THE COURT: Do you have a case number, ma'am?

2 MS. MICKELSON: I do. It's 16-4-00861-8.

3 THE COURT: Thank you. Let me see what we have here.  
4 And tell me what's happening here, please. Your name?

5 MS. MICKELSON: Um, hello. My name is Heather  
6 Mickelson. I'm the daughter of Leeanna Ruth Mickelson, who  
7 passed away just over four years ago.

8 And I'm here for two reasons. The first one is for  
9 the Court to enter findings that my mom -- mother died  
10 intestate, without a will, um, with my Petition of  
11 Adjudication of Intestacy in Heirship.

12 The second one is to ask for a temporary injunction to  
13 prevent my dad from selling off of her assets, including a  
14 home in Cabo San Lucas, and her other persona, separate and  
15 community property. He is currently listing the home and  
16 has a flight booked tomorrow to possibly sell it. Mexico  
17 law states that if someone dies intestate, the property  
18 succession is to the children, and not to the spouse.

19 It is a beautiful house that she intended to leave to  
20 her children to be able to visit, remember and (Inaudible)  
21 there. If we don't order -- if we don't enter the order  
22 today to stop him, the house that my mother left for her  
23 children and the future memories may be lost forever.

24 THE COURT: Ma'am, this is the ex parte courtroom.

25 And you're telling me that you have until tomorrow to get

1 this stopped?

2 MS. MICKELSON: He's --

3 THE COURT: And she died four years ago?

4 MS. MICKELSON: I'm here to find that my mother did or  
5 did not have a will.

6 THE COURT: Okay. And then you've got a -- and then -  
7 - what else did you just tell me. Because it looks like  
8 you're trying to get me to sign an ex parte --

9 MS. MICKELSON: If it is determined that she does not  
10 have a will, the property in Mexico, per Mexico law, would  
11 then succeed to the children, and not to the spouse. He is  
12 listing the home for sale illegally.

13 THE COURT: And you want to have a hearing on that?

14 MS. MICKELSON: That's correct.

15 THE COURT: I think that you are missing a document.  
16 You filed the Petition for Adjudication of Intestacy and  
17 Heirship. And you handed up an order for my signature.  
18 But I don't have any kind of a declaration or anything that  
19 would tell me that she died without a will. All I have is  
20 a petition and an order.

21 MS. MICKELSON: And that is why I'm here today is to  
22 allow us the four months to -- to find if there is a will  
23 or not.

24 THE COURT: I don't have anything in writing that  
25 tells me that there was -- the search for the will was

1 fruitless, and that there is no will. Do you have  
2 something, maybe? Did you file something? Do you have a  
3 declaration?

4 MS. MICKELSON: Um, I, um, have, um -- this is an  
5 email from the Estate attorney, Luce and Associates, where  
6 they state that they do not have the original or copy of  
7 it. Further, I have an email from my father that says my  
8 mom did not have a will.

9 THE COURT: So Mr. Luce told you he believes they have  
10 a copy of it?

11 MS. MICKELSON: They did earlier in the morning, and  
12 then four hours later, they said that they were confused;  
13 they had made a mistake, that my mom does not have a -- a  
14 will.

15 THE COURT: But they have -- your parents had a  
16 Community Property Agreement, but no will?

17 MS. MICKELSON: Correct. And that cites that there is  
18 a will, uh, within a Community Property Agreement.

19 THE COURT: And this is what I was asking you for.  
20 You did file this declaration with the Court already?

21 MS. MICKELSON: Yes. And I -- for the disbursements,  
22 I wrote, "To be determined", but you may change it to  
23 "according to law". I wasn't sure what percent.

24 THE COURT: Were, uh -- were these attorneys your  
25 mother's attorneys of record? These attorneys here?

1 MS. MICKELSON: Uh, when you say "attorney of record",  
2 um --

3 THE COURT: Why did you contact these attorneys? What  
4 did you --

5 MS. MICKELSON: It's my -- it's my mother's and  
6 father's attorney.

7 THE COURT: Okay. Okay. Um, do you have a staple  
8 remover? Thank you. Will you make a copy of that for me?  
9 Go ahead and give that back to her. (Inaudible).

10 MS. MICKELSON: Thank you.

11 THE COURT: You are Heather Mickelson?

12 MS. MICKELSON: I am.

13 THE COURT: Okay. I'm filing this as an amended  
14 declaration. And I need your signature on it, which  
15 includes the email from the attorney's office saying  
16 there's no will, which is what I need before I can sign  
17 what you're asking me to sign. So go ahead and sign right  
18 there.

19 MS. MICKELSON: Thank you.

20 THE COURT: Okay. So let's give her back her petition  
21 here.

22 MS. MICKELSON: Thank you.

23 THE COURT: And then let's file the amended  
24 declaration with the email from the attorney's office and  
25 sign the order. And then you have an Order to Show Cause.

1 And do you believe that you -- are you asking me to sign  
2 this?

3 MS. MICKELSON: Yes, I am. And that is to stop my  
4 father from selling the Cabo home until --

5 THE COURT: Okay. This is not going to stop him.  
6 This is going to set a hearing, okay?

7 MS. MICKELSON: Okay.

8 THE COURT: Okay. Okay. What is your father's name?

9 MS. MICKELSON: James Albert Mickelson.

10 THE COURT: Where is he?

11 MS. MICKELSON: Um, he's in Edgewood, Washington. Um,  
12 tomorrow morning he'll be on a flight to Cabo San Lucas.

13 THE COURT: Do you (Inaudible)?

14 MADAM CLERK: (Inaudible).

15 THE COURT: Um, for a temporary injunction?

16 MADAM CLERK: Okay. That would be June 13<sup>th</sup>.

17 THE COURT: Your hearing's not going to be until June  
18 13<sup>th</sup>.

19 MS. MICKELSON: Okay.

20 THE COURT: Would it be at nine?

21 MADAM CLERK: Yes.

22 THE COURT: Is it Room 100?

23 MADAM CLERK: Yes.

24 THE COURT: Okay. So I guess you would file that.

25 Her copy. Here's your motion -- Order to Show Cause.

1 These are copies.

2 MS. MICKELSON: Thank you.

3 THE COURT: Ma'am, I think you're going to need more  
4 than just your word or what you think Mexican law is in  
5 order to convince the Court to do what you're asking to do.

6 MS. MICKELSON: Right. And I planned a trip to Mexico  
7 to pull the -- the deeds and trusts and consult with a  
8 Mexican attorney.

9 THE COURT: However you intend to do it.

10 MS. MICKELSON: Thank you.

11 THE COURT: But before you bring that before the Court  
12 here, you're going to have to have more than what you just  
13 gave me.

14 MS. MICKELSON: Okay.

15 THE COURT: Good luck.

16 MS. MICKELSON: Thank you very much.

17 THE COURT: Uh huh.

18 MADAM CLERK: (Inaudible).

19 MS. MICKELSON: Okay. Thank you.

20 (END OF RECORDING)

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24

25

C E R T I F I C A T E

STATE OF WASHINGTON )  
  ) ss.  
County of PIERCE         )

I, the undersigned in and for the State of Washington,  
do hereby certify:

That the foregoing Audio Transcription of the above  
was transcribed under my direction; that the transcript is  
a full, true and complete transcript of the proceedings,  
including all questions, objections, motions and  
exceptions; except for those portions shown as Inaudible,  
if any;

That I am not a relative, employee, attorney or  
counsel of any party to this action or relative or employee  
of any such attorney or counsel, and that I am not  
financially interested in the said action or the outcome  
thereof; That I am herewith delivering the same to Heather  
Mickelson for filing.

IN WITNESS WHEREOF, this 15th Day of August, 2016.

          /s/ Adrienne Kuehl            
Adrienne Kuehl, Residing  
At Tacoma, Washington.