

In the Supreme Court of the State of California

**THE PEOPLE OF THE STATE OF
CALIFORNIA,**

Plaintiff and Respondent,

v.

PAUL DEAN RUNYAN,

Defendant and Appellant.

Case No. S187804

Appellate District, Case No. B218863
Los Angeles County Superior Court, Case No. BA322080
The Honorable Marcelita Haynes, Judge

MOTION TO AUGMENT

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SUPREME COURT
FILED

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Frederick W. Church Clerk

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Los Angeles County
Superior Court, Case
No. BA322080

MOTION TO AUGMENT

Respondent, the People of the State of California, respectfully moves this Court, pursuant to Rules 8.155(a) and 8.340(c) of the California Rules of Court, to augment the record on appeal to include the document entitled “Points and Authorities in Support of Restitution to the Estate of Donald Benge,” that the People filed in the Los Angeles County Superior Court, case number BA322080, on May 28, 2009. (See 2RT 601; 3CT 582-583.) The document is attached with the instant motion to augment as Exhibit A.

Rule 8.155(a) of the California Rules of Court provides in relevant part: “(1) At any time, on motion of a party or its own motion, the reviewing court may order the record augmented to include: [¶] (A) Any document filed or lodged in the case in superior court; . . . [¶] . . . (2) A party must attach to its motion a copy, if available, of any document or transcript that it wants added to the record. If the reviewing court grants the motion it may augment the record with the copy.”

The appellate record in the instant case, which consisted of a three-volume clerk’s transcript (588 pages) and a two-volume reporter’s transcript (56 pages) is missing a document that has become important to an issue relevant to the disposition of this case. On February 22, 2012, this

Court requested supplemental briefing addressing the specific categories of restitution assessed in this case. Although the reporter's transcript reflects the specific amounts of restitution in conjunction with the economic loss asserted, there is little explanation of how those amounts were calculated. (See 2RT 601-617.) The propriety of the restitution order in this case cannot be adequately argued without reference to the People's written points and authorities in support thereof.

In April 2011, counsel for respondent personally retrieved a copy of the document from the Los Angeles County District Attorney's Office located at the Clara Foltz Criminal Justice Center in Los Angeles, California. A copy of the motion is attached with the instant motion to augment as Exhibit A.

Accordingly, respondent hereby requests that this Court augment the appellate record in this case with the attached "Points and Authorities in Support of Restitution to the Estate of Donald Bengé."

CONCLUSION

For the foregoing reasons, respondent respectfully requests that this Court augment the appellate record with the People's "Points and Authorities in Support of Restitution to the Estate of Donald Bengé" filed in the trial court on May 28, 2009.

Dated: March 2, 2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DANE R. GILLETTE
Chief Assistant Attorney General
LANCE E. WINTERS
Senior Assistant Attorney General
LAWRENCE M. DANIELS
Supervising Deputy Attorney General



SHIRA B. SEIGLE
Deputy Attorney General
Attorneys for Respondent

CERTIFICATE OF COMPLIANCE

I certify that the attached **MOTION TO AUGMENT** uses a 13 point Times New Roman font and contains 415 words.

Dated: March 2, 2012

KAMALA D. HARRIS
Attorney General of California

A handwritten signature in black ink, appearing to read "Shira B. Seigle". The signature is written in a cursive style with a large, looping initial "S".

SHIRA B. SEIGLE
Deputy Attorney General
Attorneys for Respondent

SBS:lz

**DECLARATION OF
SHIRA B. SEIGLE**

DECLARATION OF SHIRA B. SEIGLE

I, Shira B. Seigle, declare as follows:

1. I am a Deputy Attorney General responsible for the handling of this case for the People of the State of California on review from Division Eight of the Second Appellate District of the California Court of Appeal.

2. While drafting the respondent's brief on the merits, I realized that the clerk's transcript did not contain the People's "Points and Authorities In Support of Restitution to the Estate of Donald Benge." At the time, I believed reviewing that document would provide detailed information of the specific amounts, and calculation of, the restitution ordered in this case. I believed that background information would be helpful as I drafted the respondent's brief. Accordingly, I contacted the Los Angeles County District Attorney's Office. A Supervising Deputy District Attorney retrieved the document from their internal case file and left it for me at their front desk, where I retrieved the document in April 2011. I did not request to augment the record with that document at the time because it did not appear that the specific amounts of restitution were relevant to the disposition of the case.

3. I now believe that the People's "Points and Authorities In Support of Restitution to the Estate of Donald Benge" has become a necessary document for me to adequately respond to this Court's supplemental briefing order.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd day of March, 2012, at Los Angeles, California.


SHIRA B. SEIGLE
Deputy Attorney General

EXHIBIT A

1 STEVE COOLEY
District Attorney of Los Angeles County
2 By: ILIANA ALVAREZ; State Bar No. 210716
Deputy District Attorney
3 CENTRAL CT15 OFFICE
210 W TEMPLE STREET 18-206
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(213) 974-7460

5 Attorney for Plaintiff

CONFORMED COPY
OF ORIGINAL FILED
LOS ANGELES SUPERIOR COURT

MAY 28 2009

JOHN A. CLARKE, EXECUTIVE OFFICER/CLERK
BY: Debra [Signature] DEPUTY
~~DEBORAH A. COTTON~~
P. RODRIGUEZ

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **FOR THE COUNTY OF LOS ANGELES**

8 PEOPLE OF THE STATE OF CALIFORNIA,

9 Plaintiff,

10 v.

11 01 PAUL DEAN RUNYAN,

12 Defendant.

Case No. BA322080

**POINTS AND AUTHORITIES IN
SUPPORT OF RESTITUTION TO THE
ESTATE OF DONALD BENGE**

Date: June 19, 2009

Time: 08:30 AM

Court: Department 134

13 **TO: THE HONORABLE RONALD H. ROSE, JUDGE OF THE COURT, AND TO**
14 **CRAIG STURM, ATTORNEY FOR DEFENDANT PAUL DEAN RUNYAN.**

15 **THE PEOPLE OF THE STATE OF CALIFORNIA**, Plaintiff in the above entitled
16 matter, hereby submit the following points and authorities in support of restitution to be made by the
17 defendant Paul Dean Runyan to the estate of Donald Benge.

18 Dated this 28th day of May, 2009

Respectfully submitted,

19 STEVE COOLEY
District Attorney of Los Angeles County

20 By [Signature]
21 ILIANA ALVAREZ
22 Deputy District Attorney

23 Attorney for Plaintiff

1 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF RESTITUTION TO THE**
2 **ESTATE OF DONALD BENGE**

3 **INTRODUCTION**

4 Donald Benge was killed on April 6, 2007, by defendant Paul Runyan (hereinafter "defendant")
5 when the defendant caused a head-on collision. The defendant drove on the wrong side of the eastbound
6 134 Freeway for over three miles almost colliding with other motorists and eventually striking the Donald
7 Benge's vehicle head-on. Mr. Benge was killed instantly. The defendant was convicted of gross vehicular
8 manslaughter while intoxicated, driving under the influence causing injury, and driving with a .08 BAC
9 causing injury.

10 **STATEMENT OF FACTS**

11 The defendant was held to answer to a charge of murder, among other charges, on October 17,
12 2007. The defendant killed Donald Benge on April 6, 2007, when the defendant struck the victim's
13 vehicle head-on while driving the wrong way on the eastbound 134 Freeway.

14 Prior to the incident, the defendant had attended a 12-hour course in traffic school in August of
15 2006, in which instructors Sheila Cohen and Gregory Snyder both discussed the dangers of driving under
16 the influence of alcohol.

17 On November 3, 2008, the jury returned guilty verdicts of guilty on counts two, three, and four.
18 The jury found the defendant not guilty of count 1 (P.C. 187).

19 **POINTS AND AUTHORITIES**

20 **A.**

21 **THE ESTATE OF DONALD BENGE IS ENTITLED TO RESTITIUTION**

22 Donald Benge was killed as a direct result of the defendant's criminal conduct, and as such, he is
23 a victim entitled to restitution. Had Donald Benge survived the horrific collision that took his life, and
24 sustained serious bodily injuries, he would undoubtedly be entitled to full restitution. According to *Penal*
25 *Code* section 1202.4, restitution can include medical (current and future) expenses, the cost of mental
26 health counseling services, wages or profits lost, interest, actual and reasonable attorney's fees, and
27

1 expenses required to retrofit a residence, among others. Unfortunately, Mr. Bengé did not survive.

2 However, Donald Bengé's estate should be entitled to restitution.

3 California's Proposition 8, also known as The Victims' Bill of Rights, gave crime victims the
4 right to receive restitution directly "from the persons convicted of the crimes for losses they suffer."
5 *California Constitution, Article I, section 28(b)*. According to section 28(b), "(i)t is the unequivocal
6 intention of the People of the State of California that all persons who suffer losses as a result of criminal
7 activity shall have the right to restitution from the persons convicted of the crimes for losses they suffer.
8 Restitution shall be ordered from the convicted persons in every case, regardless of the sentence or
9 disposition imposed, in which a crime victim suffers a loss, unless compelling and extraordinary reasons
10 exist to the contrary." *Ibid*.

11 The term "victim," as pertaining to restitution, is further defined in 18 U.S.C.A. § 3663(a)(2),
12 which states that: "in the case of a victim who is...incapacitated, or deceased, the legal guardian of the
13 victim or *representative of the victim's estate*, another family member, or any other person appointed as
14 suitable by the court, may assume the victim's rights under this section." [Emphasis added.]

15 Government Code section 13951 contains various definitions including that of a derivative victim
16 in subparagraph (c). Derivative victim is defined as "an individual who sustains pecuniary loss as a result
17 of injury or death to a victim." *Government Code 13951(c)*. Pecuniary loss is defined as "an economic
18 loss or expense resulting from injury or death to a victim of crime that has not been and will not be
19 reimbursed from any other source." *Government Code 13951(e)*.

20 Because Congress has *expressly* stated that a representative of the victim's estate is entitled to
21 step into the shoes of the deceased victim for purposes of restitution, the estate of Donald Bengé,
22 currently represented by Art Olson, is entitled to full restitution from defendant, who was convicted of
23 killing the decedent in the vehicular collision on April 6, 2007.

24 **B.**

25 **APPLICABLE LAW AND STATUTES GOVERNING SCOPE OF RESTITUTION**

26 *California Penal Code* section 1202.4 sets for the parameters for restitution. *Penal Code*
27
28

1 section 1202.4 provides as follows: "(a)(1) It is the intent of the Legislature that a victim of crime who
2 incurs any economic loss as a result of the commission of a crime shall receive restitution directly from
3 any defendant convicted of that crime." The court shall order the defendant to pay restitution to the victim
4 or victims, if any, in accordance with subdivision (f), which shall be enforceable as if the order were a
5 civil judgment. *P.C.* 1202.4(a)(3)(B).

6 Subsection (f) provides that in every case in which a victim has suffered economic loss as a result
7 of the defendant's conduct, the court shall require that the defendant make restitution to the victim or
8 victims in an amount established by the court." *P.C.* 1202.4(f). "The court shall order full restitution
9 unless it finds compelling and extraordinary reasons for not doing so, and states them on the record." *Ibid.*
10 Pursuant to subsection (f)(3), "the restitution order shall be prepared by the sentencing court . . . and shall
11 be of a dollar amount that is sufficient to reimburse the victim or victims for every determined economic
12 loss incurred as the result of the defendant's criminal conduct, *including, but not limited to, all of the*
13 *following:*" *Ibid.* Subsections (A) through (K) describe different types of economic losses. Subsection (D)
14 specifically allow for the recovery of wages or profits lost due to injury incurred by the victim including
15 commission income as well as any base wages. *Ibid.* Subsection (E) allows for the recovery of wages or
16 profits lost by the victim which also includes any commission income as well as any base wages. *Ibid.*

17 Thus, based on the language of 1202.4(f)(3), the type of damages or economic losses that can be
18 ordered as part of restitution is not limited by what is enumerated in that section. Therefore, while some
19 of the economic losses suffered by the estate of Donald Benge are not specifically enumerated in the
20 statute, the court can nonetheless order restitution for those items.

21 As a result of defendant killing Donald Benge, the estate was caused to incur funeral and burial
22 expenses in the amount of \$45.00. This amount should be included in the restitution order. *See People v.*
23 *Brasure* (2008) 42 Cal.4th 1037, finding defendant who plead guilty to felony hit and run was required to
24 pay funeral expenses to the victim's family since such expenses were incurred "as a result of the
25 commission of a crime." *See also Government Code* 13957(a)(9)(B).

26 Furthermore, the estate incurred probate costs in the amount of \$148,645 which would have been
27 otherwise avoided since Mr. Benge would have instead maintained a revocable trust, as he had planned,
28 but for his untimely death. Mr. David Rawson, Estate Planner to Donald Benge, spent approximately four

1 hundred (400) hours on the case at a rate of \$90/hour, along with Presenter Mr. Art Olson, who spent fifty
2 (50) hours at \$70/hour and incurred \$1600 in travel expenses, for a total of \$41,100 also due as restitution
3 to the estate. In *People v. Crisler* (2008) 165 Cal.App.4th 1503, the court found that costs incurred by a
4 victim's survivors need not fit into one of the enumerated categories in order to qualify for reimbursement
5 through restitution. Because of defendant's crime, the estate also incurred a substantial loss upon
6 liquidating the contents of Mr. Bengé's residence, which were only able to be sold at a below-market rate,
7 for a net loss of \$17,211.

8 In accordance to subsections (f)(3)(D) and (E), which allows restitution for wages or profits lost
9 by the victim, the estate suffered a net loss from both of the decedent's business: for his rare coin
10 business, the estate incurred a net loss of \$229,721; for his fencing equipment business, the estate
11 incurred a net loss of \$9,764. The total amount of restitution owed to the estate for the economic losses
12 suffered though lost wages or profits is \$239,485.

13 In *People v. Giordano* (2007) 42 Cal.4th 644, the court awarded restitution to the victim's
14 wife that included compensation for lost economic support even though such loss was not enumerated in
15 the restitution statute. The defendant was convicted of vehicular manslaughter and sent to prison for a
16 term of four years. *Giordano, supra*, 42 Cal.4th at 649. The defendant was ordered to pay restitution in the
17 amount of \$167,711.65, the value of five years of the victim's average annual earning. *Ibid*. The court
18 examined Penal Code section 1202.4 and determined that a court may include this loss of economic
19 support in a direct restitution order. *Ibid*. The court in *Giordano* noted that 'since a written constitution is
20 intended as and is the mere framework according to whose general outlines specific legislation must be
21 framed and modeled, and is therefore . . . necessarily couched in general terms or language, it is not to be
22 interpreted according to narrow or supertechnical principles, but liberally and on broad general lines, so
23 that it may accomplish in full measure the objects of its establishment and so carry out the great principles
24 of government.' *Id.* at 655 citing *Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization*
25 (1978) 22 Cal.3d 208, 244-245, quoting *Stephens v. Chambers* (1917) 34 Cal.App. 660, 663-664.

26 Finally, the victim can also recover interest at ten (10) percent per annum, along with actual and
27 reasonable attorney's fees and other costs of collection accrued by a private entity on behalf of the victim
28 pursuant to subsection (G) and (H). *Penal Code* sections 1202.4(f)(3)(G) and (H).

Estate

1 In sum, economic loss suffered as a result of the defendan
2 follows:

3	1.	\$229,721	net loss on rare coin business
4	2.	\$9,764	net loss on fencing equipment
5	3.	\$17,211	net loss on contents of decedent's residence
6	4.	\$36,000	amount of time invested by David Rawson, estate advisor
7	5.	\$5,100	amount for time and travel expenses for presenter Art Olson
8	6.	\$148,645	probate costs
9	7.	\$45.00	Funeral/mortuary cost
10	Total	\$446,486	

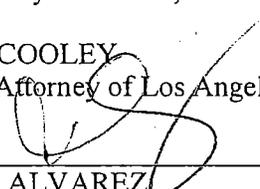
11 CONCLUSION

12 The purpose of restitution is to "make the victim whole." *U.S. v. Angilan* (6th Cir. 1986),
13 784 F.2d 765, 767 and the court has consistently adopted a broad and liberal interpretation of the losses
14 that are recoverable through said restitution. *See People v. Keichler* (2005) 129 Cal.App.4th 1039; *see*
15 *also People v. O'Neal* (2004) 122 Cal.App.4th 817. Furthermore, Congress has made it very clear that in
16 the case of a deceased victim, that victim's estate steps into the shoes of the victim to receive restitution
17 as ordered by the court. (18 U.S.C.A. 3663 § (a)(2)). The estate should receive a total of \$446,486, plus
18 reasonable attorney's fees and 10% interest, in restitution from Defendant for murdering the decedent,
19 Mr. Donald Benge.

20 Dated this 28th day of May, 2009

21 Respectfully submitted,

22 STEVE COOLEY
23 District Attorney of Los Angeles County

24 By 
25 ILIANA ALVAREZ
26 Deputy District Attorney

27 Attorney for Plaintiff
28

ATTACHMENT

Statement of Losses and Request for Restitution

Statement of losses incurred by the estate of Donald E. Bengé due to his untimely death as a result of being killed by drunk driver Paul Dean Runyan

Rare coin business

\$ 863,934 wholesale appraised value of coin inventory
1,036,721 retail value @ 20% mark up
807,000 actual sales price of entire coin inventory
\$ 229,721 net loss on coins

Fencing equipment business

12,264 retail value of inventory
2,500 actual sales price
\$ 9,764 net loss on fencing inventory

Some contents of residence

22,771 appraisal value
5,560 actual sales price
\$ 17,211 net loss on these contents

David Rawson, estate advisor, long time close friend of Donald Bengé

\$ 36,000 four hundred hours at \$90 per hour

Art Olson, presenter

3,500 fifty hours at \$70 per hour
1,600 travel expenses estimate
\$ 5,100 travel expenses plus \$3,500 for fifty hours

Probate costs that would not have had to be paid if Donald died with a Revocable Trust as he had planned. Please see checked items on Donald's Tax Form 706

\$ 148,645

Additional values not quantified

To be awarded as additional sums as may be determined by the Court

- 1) Value of the Conquest Game business.
- 2) Value of Donald's businesses as "Going Concerns".
- 3) Additional values for restitution as suggested biblically ranging from 20% to double.

Ex c22v1-15 Lev c5v16 Num c5v7-8

The Bengé estate asks restitution for the damages caused by the death of Donald E. Bengé as herein outlined.

Respectfully,



Art Olson

Am.
①

WALTER ROSEN

❀ ❀ ❀ DONALD'S CHRISTMAS LETTER ❀ ❀ ❀

Composed on Christmas Day, this is, of course, more like a New Year's letter. Next year, I'll write my Christmas letter before Thanksgiving because there never seems to be the time to do it in December.

This may be my last year in Burbank. All my good friends have finally convinced me to quit the business and start having fun. Life on a cruise ship beckons. Quitting the coin business is easy, but I don't like quitting the game business on the brink of big success. Grand Conquest has made a pretty impressive start with the big kick off in Germany. With 2,000 game boards and boxes coming in next month, some time and attention will have to be devoted to selling them or finding someone to do it for me.

In last year's letter, I commented the remarkable technological and scientific advances and speculated about the future. I had also commented on the war in Iraq, which still drags on. It appears most of the fighting is between the Muslim sects... more of a civil war with a few terrorists mixed in. With Rumsfeld out of the picture, and a new Congress, I expect there will be some big changes, but I don't see an end to it soon. In retrospect, it is clear the big mistake was not in going after Saddam, but doing so without clear and careful planning of what to do after he was deposed. You cannot fault our military for that. There were some very ill considered political decisions that kept them from making the action a success.

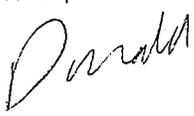
What good is all our scientific advances if it does not bring about peace? The threat of another terrorist attack still looms, and the rhetoric from Iran and North Korea is becoming more belligerent. If only we could put as much effort into international relations as we do into research and development, maybe we would see some peace. Congress knows how to throw money at a problem, but not how to make that money do the job it was intended to do.

"Politics is perhaps the only profession for which preparation is thought unnecessary." Robert Louis Stevenson. There are probably several thousand people in this country who are quite capable of doing a good job in government. Alas, with the dreadful process of choosing our leaders and representatives, we seem always stuck with the task of deciding who is the lesser of two evils. "Ninety percent of the politicians give the other ten percent a bad name." Henry Kissenger.

This holiday letter should be upbeat, but I have to hit upon an important subject that recently came into sharp focus for me. A lady friend of mine died a few weeks ago. She was lonely and depressed and actually drank herself to death. Everyone around her saw it coming. Over fifty friends attended her memorial service. Why someone with so many friends found time to be lonely and get depressed (alcohol is a serious depressant) is a good question. It has always bothered me to see someone who had many friends and people who depend on them slowly kill themselves. If you drink to excess, do drugs, smoke or over eat, you are shortening your life. You will be depriving your loved ones of your company and support when you die. And so I look at those abuses as being damn selfish little pleasures that will eventually hurt your friends and family. Dying before your time is downright inconsiderate, especially if you have children. So, please, take good care of yourself for the sake of those who love you and depend on you.

I just missed making the World Cup Team this year, but I am now determined to make a run for it in 07. It will be held in Australia. Currently, I am in 6th place and need to move up a couple notches to qualify. Training is a real self-discipline. There is not much a new coach can teach me. I know all the moves. Practice and conditioning is the key. Come June, I shall be in the best physical shape of my life.

Wishing you a fun filled and happy New Year.

Love to all,


②

Bank Appraisal Totals
as of: 25-Oct-07

Boxes US1-US42: United States Coins, including Type, Silver Dollars, Silver & Gold Coins,
Pre-1964 Silver Coinage, Sets, and Gold.
Totalling: \$642,930.17

Boxes M1-M18: Modern United States issues, Proof & Mint Sets, Commemoratives,
Prestige Sets, and Proof Silver Eagles.
Totalling: \$83,558.11

Boxes F1-F21: Foreign Coins, including Ancients, Classic, and Modern Issues, Proof Sets,
Commemorative Issues, Gold
Totalling: \$137,446.19

Grand Total: \$863,934.47

3

Art Olson

From: "Jim Foster" [redacted]
To: "Art Olson" [redacted]
Sent: Wednesday, February 25, 2009 8:08 PM
Subject: Re: Benge appraisal

Dear Mr. Olson

The appraisal of the coins was at the wholesale value at time of death. There are two categories, collector coins and bullion coins. The retail mark up for the collector coins averages about 25% to 30% and the bullion is 3%. Approximately 90% were collector coins so the average mark up for all the coins is about 20%. Please contact me if you have any additional questions.

Sincerely,
Jim Foster

----- Original Message -----

From: Art Olson
To: Jim Foster
Sent: Wednesday, February 25, 2009 2:50 PM
Subject: Re: Benge appraisal

Thank you for your reply. I need to know if the appraisal was wholesale or retail. In other words, is the amount what could be expected from another dealer or that which Donald might have sold them to a private collector. We're trying to determine the value lost because of Donald's death for a restitution hearing. The usual markup in the coin business would also be good to know. Thank You so much for your help. Regards, Art Olson

----- Original Message -----

From: Jim Foster
To: durangotrans@earthlink.net
Sent: Tuesday, February 24, 2009 10:21 PM
Subject: Benge appraisal

Mr Olsen,
I received an email from my manager @ Liberty Coin that you had questions regarding the 2007 appraisal of the coins in the Benge estate. I am traveling and email is the best way to contact me.

Sincerely,
James Foster

*nothing on
next sheet*

2/27/2009

February 18, 2009

Hi Art,

You requested that I provide you with an estimate of how many hours I have spent trying to help get the Donald Benge estate settled in a manner that gets very good financial value for the assets of the estate. You wanted me to provide this estimate in time for the February 26th court hearing regarding financial restitution to the Benge estate by the convicted wrong way drunk driver.

I have not kept track of how many hours I have spent trying to help get the estate of Donald Benge settled. According to the terms of Donald's 1971 will and 1974 codicil and taking into consideration which beneficiaries have passed away, Utano Okita is by far the largest beneficiary of Donald's estate. In the spring of 2007 Mrs. Okita told me she wanted me to monitor the Donald Benge estate situation for her and keep her informed of the more important matters of the estate. In the spring of 2007 Tim Shirk, a paralegal at Velasco Law Group, told me that I should not phone Farmers and Merchants Trust Company to keep informed of developments of the Benge estate. Tim said that in order to keep informed about the Benge estate I should phone him. Therefore I have not phoned the Trust Company and have not been to the offices of the Trust Company in person. From spring of 2007 up to and including December of 2008 I kept in contact with Tim Shirk of Velasco Law Group regarding the Benge estate.

Brandon Okita has a degree in finance from the University of California at Irvine and he is the grandson of Utano Okita. Brandon resides in the Mar Vista-Venice area of Los Angeles. In addition to keeping Utano Okita informed of the developments of the Benge estate, I decided to keep Brandon Okita informed of the Benge estate developments. By keeping both Uta and Brandon informed, I think that Uta's relatives will continue to have confidence in me.

I have spent hundreds of hours of my time regarding the Benge estate. The car crash which killed Donald Benge occurred before dawn on Friday, April 6, 2007. Sometime between 8 a.m. and 10 a.m. on April 6, 2007, I received a phone call from Steve, the man who had been residing in Donald's house for about three years. Steve told me there had been a traffic accident on a freeway and that Donald Benge had been killed in the accident. Steve wanted me to drive to Donald's house as soon as possible to help Steve calm down. I told Steve that due to the tragic news about Donald I needed to lie down for at least a little while, perhaps about a half hour. I said that when I finished lying down, I would phone Steve and then drive the 25 miles to Donald's house. After receiving that phone call from Steve, I lay down in bed and felt nauseous. I knew that Donald had very recently been planning to establish a revocable living trust and he had told me he wanted me to be the Executor of his estate. After lying down in bed for about 20 or 30 minutes I phoned Steve and said I would drive to Donald's house right away. Starting April 6, 2007, up through and including Tuesday, April 17, 2007, I spent about 8 to 12 hours per day every day on matters directly involving the Donald Benge estate. My 2007 federal income

tax return is evidence that my income in 2007 was more than \$250,000. Spending more than a hundred hours on the Benge estate from April 6th through April 17th of 2007 had a negative impact on my ability to generate income. During the 22 months since April 17, 2007, I have spent hundreds of hours regarding the Benge estate. The hundreds of hours I spent on Benge estate matters since April 17, 2007, in addition to the more than 100 hours I spent on the Benge estate from April 6-April 17, 2007, were a major effort on my part to help with the estate. After April of 2007, there have been a few months in which I spent dozens of hours per month regarding Donald's estate and other months in which I spent less than 20 hours regarding Donald's estate. Other than the major amount of time I have spent on the Benge estate, I have not had direct major financial expense caused by my efforts to help get Donald's estate settled. A few hundred miles of driving, perhaps between \$100 and \$200 of telephone expenses, and some other rather modest expenses have been the extent of my cash expenditures regarding the Benge estate.

July of 2007 was a month when I spent many hours on Benge estate matters. One of the matters that took a number of hours of my time in July of 2007 was the claim by a former coin customer of Donald that the customer had many thousands of dollars of coins on consignment with Donald at the time of the fatal car crash. On July 8, 2007, a man phoned me and said he had many thousands of dollars of coins on consignment with Donald Benge. I have never met this former coin customer of Donald Benge. He obtained my phone number from Bill Noshkin, the plumbing contractor who was renting the property next door to Donald's house. This former coin customer wound up claiming that more than \$40,000 of his coins had been consigned to Donald Benge and that the former customer had not received any money for the coins and had not received back any of his coins. I spent considerable time that month to show why I believed there was less than one chance in 100 that as of the date of the April fatal car crash Donald Benge had any coins on consignment that belonged to this former customer and why I believed that there was more than a 99% probability that Donald did not owe this former customer any money or coins. Farmers and Merchants Trust Company, helped by advice from Velasco Law Group (the law office was helped by information I provided on this matter), made no payment whatsoever to the man who claimed he had more than \$40,000 of rare coins on consignment to Donald.

Art, included in this mailing to you are photocopies of a few dozen pages of some of the notes and letters I have typed in the past 22 months regarding the Benge estate. These photocopies are for the purpose of providing you with some evidence to show that I have spent a major amount of time trying to help get the Benge estate settled. The photocopies of these few dozen pages are only a rather small fraction of the hundreds of pages of notes and letters I have typed or written in order to help with the estate of Donald Benge.

The combination of my efforts and the efforts of Danielle Avidan were responsible for the discovery of a valid 1971 will and 1974 codicil of Donald

Benge in Danielle's garage in Pacific Palisades. If I had not spent a considerable amount of time thinking about where Donald Benge might have a valid will, perhaps the Donald Benge will and codicil never would have been found in the Pacific Palisades garage. The combination of my recollection of who handled legal matters for Donald for many years prior to 1995 and the willingness of Danielle Avidan, the widow of Donald's former longtime attorney, to search the paperwork in her garage for a will, led to the discovery of the will and codicil. According to what I have been told by Velasco Law Group, under California law, if the will and codicil of Donald Benge had not been found, none of the current beneficiaries of the Benge estate would receive anything from the Benge estate. Without the discovery of the 1971 will and the 1974 codicil, according to what Velasco Law Group has told me, all proceeds of the estate would go to the two first cousins and 27 second cousins of Donald Benge.

Sincerely,

Dave Rawson

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A Partial Chronology of Donald Benge Estate Events

FROM 4-6-07
THROUGH 4-25-07

by David Branson

Friday, April 6, 2007 Car crash

Monday morning, April 9 I phoned attorney Carl Kane. He said he had a 2½ hour session with Don starting at 9:30 a.m. on Monday, April 2, to establish a revocable living trust but Don had no will at that meeting. Mr. Kane said I was to be the Executor and Bill Webbert was to be the alternate Executor. Mr. Kane said he could not divulge the intended beneficiaries. He said he is not aware of any valid will of Don.

Tuesday or Wednesday, April 10 or 11 I phoned Velasco Law Group. Later attorney Dana Cannon of Velasco returned my phone call. I described the Benge estate situation and she said her law office was willing to help me settle this estate.

Week of Monday, April 9 through and including Friday, April 13 I phoned Danielle Avidan and asked her to contact the attorney who had taken over her husband's law practice to see if Donald Benge has a will. Danielle phoned me back the next day and said the law office did not have any Donald Benge will but that Danielle had looked in her garage and had found carbon copies of a 1968 will, a 1971 codicil, and a 1974 codicil. I asked Danielle if she is sure that the 1968 will and the two codicils are carbon copies. She replied that she is sure. I asked her to keep those carbon copies in a safe place in her house. I told her that within the next few weeks the three safes in Donald's house are expected to be opened and that a will may be in one of those safes. I told Danielle that if a valid will of Donald Benge is found that I would phone Danielle to let her know. I also told her that if the three safes are opened and no will is found in any of the safes that I would phone Danielle and that at the time she should probably hand over her carbon copies of the 1968, 1971, and 1974 documents to Velasco Law Group.

Week of Monday, April 9 through and including Friday, April 13 I phoned Bill Webbert in Virginia at least once. He told me that Donald has a first cousin named Marilyn Pyper who is alive and well and who resides in Salt Lake City. Bill said that he is pretty sure that Donald has no living relatives who are closer by bloodline than first cousin.

Wednesday or Thursday, April 11 or 12 Paralegal Tim Shirk of Velasco told me I would be the Nominated Administrator of the Benge estate and that if the Probate Court agreed, I would become either the Special Administrator or the Administrator of the estate provided that I signed some paperwork that would be required and that I am bondable for a large amount. As the Nominated Administrator, I was very concerned about the safety of Don's roommate, Steve. My main safety concern was that criminals might try to enter Don's house late at night while Steve was sleeping there. I told Steve that retractable metal bars should be put over all windows of the house. I also offered to have one or two guard dogs assigned to guard the house. Steve declined my offer of metal bars

and declined my offer of guard dogs. He preferred to have security lights installed on all four sides of the house. I told Steve that in my opinion a burglar could turn off the electricity from the exterior of the house and that would prevent a burglar alarm from sounding and would prevent security lights from working. I said that if the electricity was turned off, metal bars would still be intact and that guard dogs could still perform their job. Steve still declined to have retractable metal bars installed and declined to have any guard dogs on the premises. Therefore I arranged to have security lights installed.

Friday morning, April 13 A delivery person for an overnight delivery service knocked on my door with some paperwork from Velasco. Later in the day I read a few pages of this paperwork and phoned Tim Shirk to ask some questions.

Friday night, April 13, from 10 to 10:30 I read all of the pages of the paperwork that had been delivered to me that morning from Velasco. I was expected to sign this paperwork in several places. I could not in good conscience sign at least two places where I was expected to sign. Therefore I did not sign the paperwork in those places.

Monday morning, April 16 I phoned Velasco and said I can not in good conscience sign the paperwork in all of the places where I was expected to sign. Tim Shirk told me that if I did not sign in all places indicated for me to sign, I could not become the Special Administrator or the Administrator of the estate. I replied that I am declining to serve as Administrator or as Special Administrator of the estate. Later on April 16 Tim Shirk phoned me and said that a Trust Company could be nominated by a relative of Donald Bengé to be the Administrator or Special Administrator of the estate and that the Probate Court would very likely approve. His first choice was Farmers and Merchants Trust Company and I liked that choice because I knew someone who had a very high opinion of Farmers and Merchants Trust Company.

Tuesday, April 17 Velasco faxed paperwork for Marilyn Pyper to an office in Salt Lake City. Marilyn went to that office and read and signed the paperwork. Then Marilyn replied by fax to Velasco just before the office in Salt Lake City closed at 7 p.m. Rocky Mountain Time.

Wednesday, April 18 A Probate Court appointed Farmers and Merchants Trust Company as Special Administrator of the Bengé estate.

Friday, April 20 All 3 of the safes at Don's house were drilled into by a professional safe opening person in the presence of Tim Shirk, at least one person from the Trust Company, and Steve Alvarenga. No will of Don was in any of the 3 safes. Steve phoned me at about 5:45 p.m. to say that the law office and trust company people had just left Don's house, all 3 safes had been opened, and no will of Don was in any of the 3 safes.

Monday morning, April 23 I phoned Tim Shirk. He told me the Trust Company was going to Don's house that day (apparently to look for a will).

Tuesday morning, April 24 I phoned Tim Shirk. He said no will has been found but that the Trust Company was going to Don's house that day.

Wednesday morning, April 25 I phoned Tim Shirk. He said no will has been found and that the Trust Company was not going to Don's house that day.

Wednesday afternoon, April 25 I phoned Danielle Avidan. She said she was leaving in 5 minutes but that she would like me to give her a 2 minute update about what has happened with the Benge estate (I had not talked to Danielle in about 12 or 14 days). I told her that on Friday, April 20, all 3 safes at Don's house had been opened by a professional safe opening person in the presence of a person from the law firm, at least one person from the Trust Company, and Steve, Don's roommate. I told Danielle that no will of Don and no codicil of Don was in any of the 3 safes and that no will or codicil of any kind has been found except the 3 carbon copy documents in Danielle's possession. I told Danielle that in my opinion she should promptly get the 3 carbon copy documents she has to Velasco Law Group. Then I told Danielle that I had thought of something in the last one or two days: there is a possibility that perhaps the signature of the 1968 carbon copy will may be an original signature. I said I am not a lawyer or a paralegal but that there may be very large legal significance if the 1968 signature is an original signature. Danielle asked me to hold on for a minute while she went to look at the 1968 paperwork. She came back on the phone line and said that the signature looks like an original signature. I asked if she was sure. She asked me to hold on for a few moments. Then she said that the whole 1968 will looks like an original will. I was extremely surprised to hear this. I reminded her that she had told me about 2 weeks ago that she was sure the 1968 will was a carbon copy. She replied (on April 25) that today in the light in which she was now that the 1968 document looks like an original will with an original signature. She then walked a little way in her house and looked at the 1968 document again. She said that in this light the document does not look original and that she was not sure about the signature. I asked her to look at the 1971 codicil and in particular to look at the signature of the 1971 codicil. I waited during a number of seconds of silence. Then Danielle said that the entire 1971 codicil looked original including the signature. She walked to at least one other area of her house and again looked at the 1971 document. Then she again told me that the 1971 document and 1971 signature look original. I told I was going to phone the law firm immediately to tell them this information. I told Danielle that I would phone her back in a few minutes. I phoned the law firm and talked to Tim Shirk. He said to have Danielle phone him immediately. I phoned Danielle and told her to phone Tim Shirk at Velasco Law Group for the purpose of arranging to have Velasco Law Group receive the 1968 and 1971 and 1974 documents from Danielle in a very safe manner as soon as is reasonably possible. A few hours later, at about 2:30 p.m., I returned to my apartment and there was a message on my phone answering machine from Danielle Avidan. I returned her phone call and she said she had sent the 1968 and 1971 and 1974 documents to Velasco by overnight delivery service and she had not made a photocopy of any of the documents.

Donald Benge Beneficiary Situation as of Friday afternoon, April 27, 2007

by David Rawson

Donald Benge was killed in a car crash on Friday, April 6, 2007. On Monday morning, April 9, 2007, I phoned attorney Carl Kane. Donald had met with Mr. Kane for about 2½ hours on April 2, 2007, because Donald was interested in establishing a revocable living trust. On April 9 Mr. Kane told me that at the April 2 meeting Donald had said that he wanted me to be the Executor of Donald's estate and that Bill Webbert was to be the alternate Executor. On April 9 or within a few days of April 9, I phoned Bill Webbert and he told me that Donald has a first cousin named Marilyn Pyper who resides in Salt Lake City. On April 10, or within two days of April 10, I talked on the phone to Velasco Law Group, a law firm that primarily deals in matters involving wills, estates, and trusts. Velasco Law Group is in Long Beach, California. Velasco Law Group told me that if Marilyn Pyper was willing to approve that I be nominated as the Administrator or Special Administrator of the Donald Benge estate, Velasco Law Group was willing to provide me with the legal help I would need to administer the Benge estate. I phoned Marilyn Pyper and she agreed to approve that I be nominated as the Administrator or as the Special Administrator of the Benge estate.

Because Donald Benge had not established a revocable living trust, the Probate Court has authority regarding many estate matters. On Friday, April 13, I received by overnight delivery from Velasco Law Group 15 pages of legal documents which were largely requirements of the Probate Court. In order to be appointed as Special Administrator of the estate I had to agree to all of the requirements of the Probate Court in the 15 pages and I was required to sign several of the pages. I was able to read a few of the pages during the daytime Friday and about 10 at night on Friday, April 13, I sat down to read the rest of the pages. One of the pages said that I would be signing under the penalty of perjury. By 10:30 p.m. I was aware there were at least two pages that I could not in good conscience sign. Velasco Law Group was not open on Saturday or Sunday so I phoned that law firm on Monday morning, April 16, to inform them that I was not willing to sign all of the documents. The law firm said that I was required to sign in all places indicated for me to sign in the 15 pages or I could not become Special Administrator. I declined to sign. Because I was unwilling to sign, the law firm suggested that I have a trust company, a company with professional experience in handling complicated estates, handle the Benge estate. I agreed. The written or faxed approval of a relative of Donald was required to enable a trust company to handle the estate. Marilyn Pyper very promptly faxed her approval to have Farmers and Merchants Trust Company become Special Administrator of the Donald Benge estate.

Another reason that I felt that a trust company should handle the Donald Benge estate is that by April 13 I was starting to realize that properly administering this estate would be an extremely complicated and very time consuming situation. Taking into consideration what I knew by April 27, 2007, regarding the extremely complicated nature of the Donald Benge estate, in my

opinion this estate should be administered by well trained people with professional experience in handling very complicated estates.

During the few days in which I thought that I was probably going to be the Special Administrator of the estate, one of my priorities was to find a valid will of Donald Benge. Donald's roommate had told me that Donald kept important papers and documents in one of the three safes in Donald's house. Therefore my guess at that time was that Donald probably had a valid will in that safe. However, I had some doubt about whether or not Donald had a valid will in that safe or had a valid will anywhere in his house because the April 2, 2007, meeting with attorney Carl Kane had started in Donald's house and Mr. Kane told me that Donald did not have a will for Mr. Kane. I was puzzled why Donald would have scheduled a meeting with an attorney for the purpose of establishing a revocable living trust if Donald did not have a will ready to show the attorney. Because Donald did not provide a will to attorney Carl Kane on April 2, 2007, I thought there was a possibility that Donald did not have a will in his house. Mr. Kane said that his April 2 meeting with Donald Benge started at Donald's house, then they went to a local restaurant, then they went back to Donald's house. After talking on the phone to Mr. Kane on April 9 I thought Donald probably had a will in a safe in Donald's house but that there was a possibility that there was not a will in the house. I began to wonder where Don might have a will if there was not a will in Donald's house. Donald's employee of 38 years, Utano Okita, told me that when she retired about three years ago she was pretty sure that Donald did not have any safety deposit boxes at that time. In recent years Donald had not said anything to me about having any safety deposit boxes. I remembered that for more than 20 years Donald had an attorney named Bernie Avidan. This attorney had suddenly died of a heart attack in about the mid-1990's. I telephoned Danielle Avidan, the widow of Bernie Avidan. I informed Danielle that Donald Benge had been killed in a traffic accident by a wrong way drunk driver. Although very saddened by this tragic news, Danielle agreed to see if the lawyer who had taken over her husband's law practice in the mid-1990's had a will of Donald Benge in his law files. The next day Danielle phoned me and said the lawyer who took over her husband's law practice had not found a Donald Benge will and did not have Donald Benge paperwork in his files. However, Danielle also said that she had found a 1968 Donald Benge will in her garage and a 1971 codicil and a 1974 codicil with the 1968 will. I asked Danielle if the 1968 will was signed and dated. She said yes. I asked her if the 1968 will is an original will or a photocopy. She replied that the 1968 will is a carbon copy. I asked her if she was sure the 1968 will is a carbon copy. She said yes, she was sure. I asked Danielle if the 1971 codicil was signed and dated. She said yes. I asked if the 1971 codicil was an original or a copy. She said the 1971 codicil was a carbon copy. I asked her if she was sure the 1971 codicil was a carbon copy and she replied yes. I began to ask her if the 1974 codicil was signed and dated but she had become impatient with my very careful, methodical questions regarding the documents and she interrupted me by saying that "everything" she had, the 1968 will and the two codicils, were

carbon copies. She said "everything" is signed and dated but that "everything" is a carbon copy. I asked if she was sure that everything is a carbon copy and she said yes. I asked Danielle to keep in a safe place the 1968-1974 documents she had found because even though they were carbon copies they might have some importance if no original will of Donald Benge is found. I told her that I did not consider her garage as safe as her house and asked that she not keep the documents in her garage. I told Danielle that a safe deposit box or her house would be a safer location in which to keep documents than her garage. I also told Danielle that if she keeps the 1968-1974 documents in her house that she keep those documents in a place where no other occupants of the house or visitors to the house would have access to them. I specifically mentioned that if Danielle has a maid, Danielle should make sure that the maid would not have any access to the 1968-1974 documents.

Danielle Avidan used to work in a law office and then she married an attorney and remained married to her attorney-husband until he died of a heart attack. I assumed that if Danielle said she was sure a document was a carbon copy that she was probably correct.

As soon as I finished the phone call to Danielle in which I learned that she had found 1968-1974 carbon copies of a Donald Benge will and codicils, I telephoned Velasco Law Group and informed them of this information in detail. I was told by Velasco Law Group in that phone call that carbon copies of a Donald Benge will and codicils would not be of significance. I then very promptly telephoned Danielle Avidan to tell her that a carbon copy of a 1968 Donald Benge will and two carbon copy codicils dated in 1971 and 1974 would not be of much significance according to Velasco Law Group. But Danielle and I agreed that she would safely keep those 1968-1974 documents until she heard from either Velasco Law Group or from me.

Since the spring of 2001 I had been urging Donald Benge to create a revocable living trust and Don agreed that he should create a revocable living trust. Don did not say anything to me from 2001 until he passed away regarding not having a will or not having a recent will.

At least one day prior to Friday, April 20, 2007, I was informed by Velasco Law Group that the three safes at Donald's house would very likely be opened on April 20. At about 5:40 p.m. on April 20 Steve Alvarenga, the roommate of Donald, phoned me from Don's house. Steve said that a man from the Trust company and a man from the law firm had just left the house. Steve said all three safes in Donald's house had been opened that afternoon by a safe opening person drilling into the safes and that no will of Donald Benge had been found. Because Velasco Law Group was already closed for the day and was not going to be open that Saturday or Sunday, I waited until Monday morning, April 23, to phone Velasco Law Group. On Monday morning, April 23, I was told by Velasco Law Group that the Trust Company would be at Donald's house in Burbank that day. I interpreted that to mean one or more people from the Trust Company would be at Donald's house that day. On Tuesday morning, April 24, I phoned Velasco Law Group and was told that no will of Donald Benge had yet

been found at Don's house but that the Trust Company would be at the house again that day. On Wednesday, April 25, I phoned Velasco Law Group and was told that no will of Donald Benge had yet been found at Don's house and that nobody from the Trust Company was going to the house that day. On the afternoon of April 25, I phoned Danielle Avidan. I had not talked to Danielle for approximately two weeks. She was home when I phoned her on April 25 but she said she was leaving in five minutes. I asked if it was all right if I phoned her that evening. She said not to phone her that evening, she wanted me to phone her the next morning. She then said she could talk to me for about two minutes now. I asked Danielle if Velasco Law Group had contacted her at any time. She replied no. I was rather surprised that Velasco Law Group had not contacted her. Danielle asked me to bring her up to date about the Donald Benge situation. I told her that on Friday, April 20, all three of the safes at Donald's house were opened in the presence of a person from Velasco Law Group, a person from Farmers and Merchants Trust Company, and Steve, Donald's roommate. I told Danielle that no will of Donald Benge was found in any of the three safes. I said that because no will of Donald's has been found in his house that in my opinion Danielle should now safely and promptly have the 1968-1974 Donald Benge documents in her possession sent to Velasco Law Group. Danielle finished the April 25 phone call by saying that she would have time to talk to me the next morning. The April 25 phone call to Danielle was brief and was very cordial.

On Thursday morning, April 26, I phoned Danielle between 9 and 9:30 a.m. She was home and I said I wanted to talk to her about how to promptly and safely get the 1968-1974 carbon copies of documents regarding Donald Benge to Velasco Law Group. I told Danielle that in my opinion she should make at least one photocopy of every page of the 1968-1974 Donald Benge documents before she arranged for Velasco Law Group to take possession of those documents. Then I told Danielle that in thinking about the Donald Benge will situation during the past one or two days, the thought had occurred to me that even though the 1968 will is a carbon copy, there is a possibility that the signature on that will may be an original signature. I told Danielle that I did not know if there would be any important legal significance if the signature was an original signature but that there was perhaps a chance that an original signature might be very important. Danielle asked me to wait a minute while she went to get the 1968 will. She rather quickly came back on the phone line and said yes, the signature on the 1968 will does appear to be an original signature. I said there is a chance that may be extremely important. She said something like wait a minute and then she said the whole 1968 will looks like an original will. I was very, very surprised to hear this. I reminded Danielle that approximately two weeks ago she had told me she was sure the 1968 will was a carbon copy. She replied that in this light today the will looks original. She asked me to wait a few moments and I did. Then she said she had walked to an area of her house where the light is a little different than where she had just been and she could not tell now if the 1968 will appears to be an original or a copy. I asked her if the

will was signed and dated. She immediately replied yes. Then I asked her to look at the 1971 codicil and try to ascertain if that codicil appears to be an original or a copy and to try to ascertain if the signature on that codicil appears to be an original or a copy. After only about five to ten seconds she said that the whole 1971 codicil appears to be original including the signature. She then walked to an area where the light was at least a little different and said that she could not tell if the 1968 will appeared to be original or a copy but that in each place she had looked at the 1971 codicil during this phone call that codicil appeared to be original. I did not ask Danielle about the 1974 codicil in this phone call on the morning of April 26 because when Danielle told me the 1971 codicil appeared to be original I had the very strong opinion that she should arrange as soon as reasonably possible for Velasco Law Group to safely take possession of the 1968-1974 documents. I told Danielle that I should phone Velasco Law Group immediately and inform them of the news that some or all of the 1968-1974 documents may be original documents. I also told Danielle that in my opinion a person from Velasco Law Group and a person from Farmers and Merchants Trust Company should both get in the same vehicle that day and drive to Danielle's house to pick up the 1968-1974 documents from her. I told Danielle I was going to hang up, phone Velasco Law Group, and then I would immediately phone Danielle again. She agreed. I phoned Velasco Law Group and Tim Shirk was available. I told Tim what had transpired during the phone call I had just finished with Danielle Avidan. I told Tim that in my opinion a person from the law firm and a person from the Trust Company should get in a vehicle together and drive to Danielle's house to pick up the 1968-1974 documents that day. Tim asked me how far Danielle's house is from Long Beach. I replied that I had not asked Danielle for permission to tell her address to anyone but that I was willing to say to Tim that my estimate was that Danielle's house is approximately 35 or 40 miles by car from Long Beach. Tim agreed that the 1968-1974 documents should very safely and very promptly be transferred from Danielle's possession to Velasco Law Group. As soon as I finished talking to Tim Shirk I phoned Danielle Avidan. I said that she should telephone Tim Shirk of Velasco Law Group immediately and arrange to have Velasco Law Group take possession of the 1968-1974 documents. I reminded Danielle that she should make at least one photocopy of every page of the documents before having Velasco Law Group take possession of the documents. Danielle said that she did not have a photocopy machine at her house. I replied that if the law firm picks up the documents in person she could first go to a photocopy place near where she resides and make photocopies before handing over possession of the documents to Velasco Law Group. I told Danielle that if any of these 1968-1974 documents is an original will and that in the event that no other Donald Bengé will is found, the will in Danielle's possession right now is an irreplaceable document and that the beneficiaries of the Donald Bengé estate of perhaps about two million dollars may wind up to be the beneficiaries listed in that will. I emphasized to Danielle that at least part of what she had right there in her possession may very well be an irreplaceable

document and that she should make sure that those documents are promptly and extremely safely received by Velasco Law Group. Danielle readily agreed to immediately phone Velasco Law Group.

Danielle Avidan decided not to make any photocopies of any pages of the 1968-1974 documents and on April 26 she sent those documents by an overnight delivery service to Velasco Law Group. Not until at least three hours after I had last talked to Danielle on the morning of April 26 did I find out the following two things: 1) Danielle had chosen to not follow my advice regarding making at least one photocopy of every page before allowing Velasco to have the 1968-1974 documents. 2) Danielle had also chosen to not follow my advice regarding arranging for someone from Velasco Law Group to pick up the documents in person.

I was not home from about 11:30 a.m. until about 2:30 p.m. on Thursday, April 26. When I arrived home at about 2:30 in the afternoon on April 26, there was a message on my phone answering machine from Danielle Avidan. I phoned her. Danielle told me that she had sent the documents to Velasco by an overnight delivery service and that she had not made any photocopies. Danielle said that after sending the documents by overnight delivery service she had talked on the phone to her stepdaughter and that her stepdaughter had expressed very serious concern that Danielle had not made any photocopies and had not arranged for Velasco Law Group to pick up the documents in person. I told Danielle that I agreed with the concerns of her stepdaughter regarding the 1968-1974 documents. Danielle sounded very worried. I told her that I thought the chances of the documents arriving safely at Velasco Law Group were between 99% and 100% and that worrying about the situation would not do any good. I recommended that she phone Velasco Law Group the next day for the purpose of finding out if the documents had arrived safely. I also told her that I was going to phone Velasco the next day.

The next morning, Friday, April 27, I talked on the phone to Tim Shirk of Velasco Law Group and he told me that the documents had arrived safely from Danielle Avidan. Tim then told me that what Danielle had described as a 1971 codicil was actually a complete will. Tim went on to say that the 1971 will appears to be an original document and that the law firm is confident that when a judge looks at the documents the judge will rule that the 1971 will is an original document. Tim said the 1971 will revokes the 1968 will and that the 1974 codicil revises part of the 1971 will. I asked Tim if attorney Dana Cannon had looked at the 1971 will that morning. Tim replied yes and said that Dana is confident the 1971 will is an original document, not a copy. Tim recommended that I not inform any relatives of Donald Bengé that what appears to be a valid and original 1971 will is now in possession of the law firm until after the law firm has informed at least one of the Bengé relatives about the 1971 will. I said that I would keep in phone contact with Tim to verify that Velasco Law Group would inform at least one relative of Donald Bengé reasonably soon that a 1971 will that appears to be an original will has been found.

Art Olson

From: "H.O.M. Fencing" <[REDACTED]>
To: [REDACTED]
Sent: Tuesday, February 24, 2009 11:20 AM
Subject: RE: Benge estate

Close...I just looked at my records. The stuff that was sellable came in at \$10,264.00....the remainder I did not value because, as I saidm it was not suitable for sale to the fencing public. I'd guess that vale at an additional \$2000 max (some of it WAS sellable -- masks, primarily -- but Tim Weske took those for SwordPlay, so I never valued them into my sales inventory).

Sam Signorelli
 H.O.M. Fencing Supply
Shipping address:

[REDACTED]
 [REDACTED]

Mailing address:

[REDACTED]
 [REDACTED]

<http://www.homfencing.com>

Day Phone (home) [REDACTED]
 Evening Phone (work)/F [REDACTED]

From: durangotrans@earthlink.net
To: homfencing@hotmail.com
Subject: Benge estate
Date: Tue, 24 Feb 2009 10:50:27 -0700

Dear Sam,

As you know I am to appear at a restitution hearing concerning Donald Benge.

You are familiar with the Benge fencing equipment assets. I believe they were sold for about \$2500.00. The retail value of the salable items might be estimated at \$10,000.00 and a substantial amount had become obsolete. I appreciate your confirming this information and anything else you might know about Donald's equipment business.

Thanks!
 Art Olson

Windows Live™ Hotmail@:...more than just e-mail. [Check it out.](#)

17

COPY

CONFIRMED COPY OF ORIGINAL FILED Los Angeles Superior Court

DE-111

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) PAUL D. VELASCO, Bar No. 192421 DANA M. CANNON, Of Counsel, Bar No. 242576 VELASCO LAW GROUP, APC 100 West Broadway, Ste. 255 Long Beach, CA 90802 TELEPHONE NO.: 562-432-5541 FAX NO. (Optional): FAX 432-5581

E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Farmers and Merchants Trust Company of Long Beach SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 415 W. Ocean Boulevard MAILING ADDRESS: Same CITY AND ZIP CODE: Long Beach, California 90802 BRANCH NAME: South District

ESTATE OF (Name): DONALD E. BENGE aka DONALE EUGENE BENGE aka DONALD BENGE DECEDENT

AMENDED PETITION FOR [] Probate of Will and for Letters Testamentary [X] Probate of Will and for Letters of Administration with Will Annexed [] Letters of Administration [] Letters of Special Administration [] with general powers [X] Authorization to Administer Under the Independent Administration of Estates Act [] with limited authority

By John A. Clarke, Clerk, Deputy MAY 18 2007 CASE NUMBER: NP012340 HEARING DATE: June 14, 2007 6-21-07 DEPT.: H TIME: 9:00 a.m.

- 1. Publication will be in (specify name of newspaper): Metropolitan News Company a. [X] Publication requested. b. [] Publication to be arranged. 2. Petitioner (name each): Farmers and Merchants Trust Company of Long Beach requests that a. [X] decedent's will and codicils, if any, be admitted to probate. b. [X] (name): Farmers and Merchants Trust Company of Long Beach be appointed (1) [] executor (2) [X] administrator with will annexed (3) [] administrator (4) [] special administrator [] with general powers and Letters issue upon qualification. c. [X] full [] limited authority be granted to administer under the Independent Administration of Estates Act. d. (1) [X] bond not be required for the reasons stated in item 4d. (2) [] \$ bond be fixed. The bond will be furnished by an admitted surety insurer or as otherwise provided by law. (Specify reasons in Attachment 2 if the amount is different from the maximum required by Prob. Code, § 8482.) (3) [] \$ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location): 3. a. Estimated value of the estate for filing fee purposes (Complete in all cases. The estimated value of the estate is the fair market value of the real and personal property of the estate at the date of the decedent's death, without reduction for encumbrances. See Gov. Code, § 26827.): (1) [] Less than \$250,000 (2) [] At least \$250,000 and less than \$500,000 (3) [] At least \$500,000 and less than \$750,000 (4) [] At least \$750,000 and less than \$1 million (5) [] At least \$1 million and less than \$1.5 million (6) [X] At least \$1.5 million and less than \$2 million (7) [] At least \$2 million and less than \$2.5 million (8) [] At least \$2.5 million and less than \$3.5 million (9) [] \$ * (For estates of \$3.5 million or more, specify total estimated value of estate.) b. [X] This petition is not the first petition for appointment of a personal representative with general powers filed in this proceeding. The first petition was filed on (date): April 18, 2007

ESTATE OF (Name): DONALD E. BENGE aka DONALE EUGENE BENGE aka DONALD BENGE	CASE NUMBER: NP012340
DECEDENT	

4. a. Decedent died on (date): 4/6/07 at (place): Los Angeles, California

(1) a resident of the county named above.

(2) a nonresident of California and left an estate in the county named above located at (specify location permitting publication in the newspaper named in item 1):

b. Street address, city, and county of decedent's residence at time of death (specify):
1122 West Burbank Boulevard, Burbank, Los Angeles County, California 91506

c. Character and estimated value of the property of the estate (complete in all cases):

(1) Personal property:		\$ 740,000
(2) Annual gross income from		
(a) real property:		\$ 15,000
(b) personal property:		\$ 14,000
(3) Subtotal (add (1) and (2)):		\$ 769,000
(4) Gross fair market value of real property:	\$ 1,225,000	
(5) (Less) Encumbrances:	\$ (Zero)	
(6) Net value of real property:		\$ 1,225,000
(7) Total (add (3) and (6)):		\$ 1,994,000

- d. (1) Will waives bond. Special administrator is the named executor, and the will waives bond.
- (2) All beneficiaries are adults and have waived bond, and the will does not require a bond. (Affix waiver as Attachment 4d(2).)
- (3) All heirs at law are adults and have waived bond. (Affix waiver as Attachment 4d(3).)
- (4) Sole personal representative is a corporate fiduciary or an exempt government agency.

e. (1) Decedent died intestate.

(2) Copy of decedent's will dated: 8/31/71 codicils dated (specify for each): 4/18/74
are affixed as Attachment 4e(2).
(Include typed copies of handwritten documents and English translations of foreign-language documents.)

The will and all codicils are self-proving (Prob. Code, § 8220).

- f. Appointment of personal representative (check all applicable boxes):
- (1) Appointment of executor or administrator with will annexed:
- (a) Proposed executor is named as executor in the will and consents to act.
- (b) No executor is named in the will.
- (c) Proposed personal representative is a nominee of a person entitled to Letters. (Affix nomination as Attachment 4f(1)(c).)
- (d) Other named executors will not act because of death declination other reasons (specify):

- Continued in Attachment 4f(1)(d).
- (2) Appointment of administrator:
- (a) Petitioner is a person entitled to Letters. (If necessary, explain priority in Attachment 4f(2)(a).)
- (b) Petitioner is a nominee of a person entitled to Letters. (Affix nomination as Attachment 4f(2)(b).)
- (c) Petitioner is related to the decedent as (specify):
- (3) Appointment of special administrator requested. (Specify grounds and requested powers in Attachment 4f(3).)

ESTATE OF (Name): DONALD E. BENGE aka DONALE EUGENE BENGE aka
DONALD BENGE

CASE NUMBER:

DECEDENT

NP012340

4. g. Proposed personal representative is a

- resident of California.
 nonresident of California (specify permanent address):

- resident of the United States.
 nonresident of the United States.

5. Decedent's will does not preclude administration of this estate under the Independent Administration of Estates Act.

6. a. Decedent is survived by (check items (1) or (2), and (3) or (4), and (5) or (6), and (7) or (8))

- (1) spouse.
(2) no spouse as follows:
(a) divorced or never married.
(b) spouse deceased.
(3) registered domestic partner.
(4) no registered domestic partner.
(See Fam. Code, § 297.5(c); Prob. Code, §§ 37(b), 6401(c), and 6402.)
(5) child as follows:
(a) natural or adopted.
(b) natural adopted by a third party.
(6) no child.
(7) issue of a predeceased child.
(8) no issue of a predeceased child.

b. Decedent is is not survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier. (See Prob. Code, § 6454.)

7. (Complete if decedent is survived by (1) a spouse or registered domestic partner but no issue (only a or b apply), or (2) no spouse, registered domestic partner, or issue. (Check the first box that applies):

- a. Decedent is survived by a parent or parents who are listed in item 9.
b. Decedent is survived by issue of deceased parents, all of whom are listed in item 9.
c. Decedent is survived by a grandparent or grandparents who are listed in item 9.
d. Decedent is survived by issue of grandparents, all of whom are listed in item 9.
e. Decedent is survived by issue of a predeceased spouse, all of whom are listed in item 9.
f. Decedent is survived by next of kin, all of whom are listed in item 9.
g. Decedent is survived by parents of a predeceased spouse or issue of those parents, if both are predeceased, all of whom are listed in item 9.
h. Decedent is survived by no known next of kin.

8. (Complete only if no spouse or issue survived decedent.)

- a. Decedent had no predeceased spouse.
b. Decedent had a predeceased spouse who
(1) died not more than 15 years before decedent and who owned an interest in **real property** that passed to decedent,
(2) died not more than five years before decedent and who owned **personal property** valued at \$10,000 or more that passed to decedent,

(If you checked (1) or (2), check only the first box that applies):

- a. Decedent is survived by issue of a predeceased spouse, all of whom are listed in item 9.
b. Decedent is survived by a parent or parents of the predeceased spouse who are listed in item 9.
c. Decedent is survived by issue of a parent of the predeceased spouse, all of whom are listed in item 9.
d. Decedent is survived by next of kin of the decedent, all of whom are listed in item 9.
e. Decedent is survived by next of kin of the predeceased spouse, all of whom are listed in item 9.
(3) neither (1) nor (2) apply.

ESTATE OF DONALD E. BENGE
AMENDED PETITION FOR PROBATE

ATTACHMENT 4e(2)

Attached are true and correct copies of the following documents:

1. Last Will and Testament of Donald E. Benge, dated August 31, 1971; and
2. Codicil to Last Will and Testament of Donald E. Benge, dated April 18, 1974.

LAST WILL AND TESTAMENT

OF

DONALD E. BERGE

I, DONALD E. BERGE, residing at 409 D San Vicente Boulevard, Santa Monica, California, being of sound and disposing mind and memory, and not acting under duress, fraud or undue influence of any person whatsoever, do make, publish and declare this my Last Will and Testament and I hereby expressly revoke all former Wills and Codicils to Wills heretofore made by me.

FIRST: I declare that I am presently unmarried and have never been married and that therefore all of my property is my sole and separate property.

SECOND: It is my intention to dispose of all real and personal property which I have a right to dispose of by Will.

THIRD: I give, to my Mother, DOROTHY PARKER of ██████████ the sum of TEN THOUSAND DOLLARS, (\$10,000.00).

FOURTH: All the rest, residue and remainder of my property whether real or personal or mixed, I give to the following named persons in the following percentage amounts:

DEB

- (a) DOROTHY PARKER, [REDACTED], [REDACTED],
City, Utah - Twenty Percent (20%).
- (b) DAVID OKITA, [REDACTED], [REDACTED],
California - Fifteen Percent (15%).
- (c) UTANO OKITA, [REDACTED], [REDACTED],
California - Fifteen Percent (15%).
- (d) BONNIE C. SMITH, [REDACTED], California -
Forty Percent (40%).
- (e) DANIEL VANCE, [REDACTED], [REDACTED],
California - Two Percent (2%).
- (f) JOHN CVEJANOVICH, JR., [REDACTED],
[REDACTED] - Two Percent (2%).
- (g) MR. AND MRS. LARRY ZINGALE, or to the sur-
vivor of them, [REDACTED],
[REDACTED] - Two Percent (2%).
- (h) MR. AND MRS. LES BEIGEL, or to the sur-
vivor of them, [REDACTED],
[REDACTED] - Two Percent (2%).
- (i) MR. AND MRS. ART OLSEN, or to the survivor
of them, [REDACTED],
California - Two Percent (2%).

I further direct that in the event that BONNIE C. SMITH should predecease me or shall not survive distribution of my estate, then I give her share to DAVID OKITA and UTANO OKITA, in equal shares, or to the survivor of them. Provided further that in the event either DAVID OKITA or UTANO OKITA should predecease me or shall not survive distribution of my estate, then I give his or her share to the survivor of them. Furthermore that in the event any residual beneficiary except as hereinabove provided should predecease me or shall not survive distribution of my estate, then said beneficiary's share shall augment the share of all other named beneficiaries..

FIFTH: If any provision in this Will or any Codicil thereto should be invalid, it is my intention that all of the remaining provisions thereof shall continue to be fully effective.

DEB

SIXTH: I direct that all succession, inheritance, or other taxes or duties imposed upon, or in relation to, any property owned by me at the time of my death, or required to be included in my gross estate under the provisions of any tax law, shall be paid out of the residue of my estate without any charge therefor against any specific bequest or devise hereunder or against any assets not included in my probate estate.

SEVENTH: If any devisee or legatee or legal heir of mine or person claiming through any of them shall contest this Will or attack or seek to impair or invalidate any of its provisions, I specifically disinherit each such persons, and all legacies, bequests, devise and interest given under this Will to such person shall be forfeited and shall augment, proportionately, the shares of my estate giving it to such devisees and legatees as shall not have participated in such acts.

EIGHTH: The devise of any real property contained herewith shall be subject to any encumbrance on said property at the time of my death, including any mortgage, deed of trust, and real property taxes and assessments.

NINTH: I specifically request that DAVID OKITA, [REDACTED], and JOHN B. LOVE, Cut Bank, Montana, be jointly employed to appraise my coin collection and that my personal representatives shall submit an appraisal

DEB

thereof obtained through said persons to the Inheritance Tax Appraiser for his examination and consideration.

TENTH: I appoint, BONNIE C. SMITH as Executrix of my estate and should said Executrix be unwilling or unable to serve in that capacity, then in that event I appoint BERNARD M. AVIDAN as successor Executor. That said personal representatives shall serve without bond and are authorized to sell at either public or private sale any property belonging to my estate with or without notice subject to such confirmation as may be required by law and to hold, manage and operate any such property.

My Executor is further authorized, subject to Court approval, either to continue the operation of any business belonging to my estate for such time and in such manner as it may deem advisable and for the best interests of my estate, or to sell or liquidate said business at such time and upon such terms as my Executor may deem advisable and for the best interests of my estate, and any such operation, sale or liquidation shall be at the risk of my estate and without liability on the part of my Executor for any losses resulting therefrom.

IN WITNESS WHEREOF, I have executed this Will this 31 day of August, 1971.


DONALD E. BENGE
Testator

The foregoing instrument, consisting of five (5) pages, including this page, was at the date hereof, by DONALD E. BENCE, signed as and declared to be his Will, in the presence of us, who at his request and in his presence, and in the presence of each other, have subscribed our names as witnesses thereto. Each of us observed the signing of this Will by DONALD E. BENCE, and by each other subscribing witness and knows that each signature is the true signature of the person whose name was signed.

Each of us is now more than 21 years of age and a competent witness and resides at the address set forth after his name.

We are acquainted with DONALD E. BENCE. At this time, he is over the age of 18 years, and to the best of our knowledge he is of sound mind and is not acting under duress, menace, fraud, misrepresentation, or undue influence.

We declare under penalty of perjury that the foregoing is true and correct.

Executed on August 31, 1971, at Los Angeles, California.

Donald W. Lind
Residing at 1000 Santa Monica Blvd
Los Angeles, Calif

Harold Grossman
Residing at 5013 1/2 1st Ave
Beverly Hills, Calif

DEB

CODICIL TO
LAST WILL AND TESTAMENT
OF
DONALD E. BENGE

I, DONALD E. BENGE, of Burbank, California, being of lawful age and of sound and disposing mind and memory, and not acting under duress, menace, fraud or the undue influence of any person whomsoever, do hereby make, publish and declare this to be a Codicil to my Last Will and Testament dated August 31, 1971, and do hereby ratify and confirm my said Last Will and Testament, except as modified hereby:

FIRST: Paragraph FOURTH is deleted in its entirety and insert in lieu thereof the following:

FOURTH: All the rest, residue and remainder of my property whether real or personal or mixed, I give to the following named persons in the following percentage amounts:

- (a) DOROTHY PARKER, [REDACTED]
[REDACTED] - Twenty Percent (20%).
- (b) DAVID OKITA, [REDACTED]
[REDACTED] - Fifteen Percent (15%).
- (c) UTANO OKITA, [REDACTED], [REDACTED],
California - Fifteen Percent (15%).
- (d) BONNIE C. SMITH, [REDACTED],
[REDACTED] - Forty Percent (40%).
- (e) MR. AND MRS. ART OLSON, or to the survivor of
them, [REDACTED] -
Five Percent (5%).

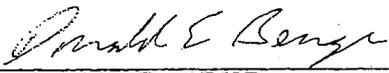
(f) SHARON SPROUSE, [REDACTED]

[REDACTED] - Five Percent (5%).

I further direct that in the event that BONNIE C. SMITH should predecease me or shall not survive distribution of my estate, then I give her share to DAVID OKITA and UTANO OKITA, in equal shares, or to the survivor of them. Provided further that in the event either DAVID OKITA or UTANO OKITA should predecease me or shall not survive distribution of my estate, then I give his or her share to the survivor of them. Furthermore that in the event any residual beneficiary except as hereinabove provided should predecease me or shall not survive distribution of my estate, then said beneficiary's share shall augment the share of all other named beneficiaries.

SECOND: All other provisions shall remain unchanged.

IN WITNESS WHEREOF I have hereunto set my hand this 18th day of April, 1974 at Los Angeles, California.


DONALD E. BENGE

The foregoing instrument, consisting of two (2) pages, including this page, was at the date hereof, by DONALD E. BENGE, signed as and declared to be his Codicil to his Last Will and Testament, in the presence of us who, at his request and in his presence, and in the presence of each other, have subscribed our names as witnesses thereto. Each of us observed the signing of this Codicil by DONALD E. BENGE and by each other subscribing witness and knows that each signature is the true signature of the person whose name was signed.

Each of us is now more than 21 years of age and a competent witness and resides at the address set forth after his name.

We are acquainted with DONALD E. BERGE. At this time, he is over the age of 18 years, and to the best of our knowledge he is of sound mind and is not acting under duress, menace, fraud, misrepresentation, or undue influence.

We declare under penalty of perjury that the foregoing is true and correct.

Executed on April 11 1974 at Los Angeles, California.

Ronald M. Under residing at 10000 Santa Monica Blvd
Los Angeles, Calif

Barbara Lambau residing at 5215 Sepulveda Blvd
Culver City, Calif.

1 Paul D. Velasco, Bar No. 192421
2 Dana M. Cannon, Of Counsel, Bar No. 242576
3 VELASCO LAW GROUP,
4 A Professional Corporation
5 100 W. Broadway, Suite 255
6 Long Beach, CA 90802
7 (562) 432-5541 Phone
8 (562) 432-5581 Facsimile
9 Attorneys for Petitioner
10 Farmers and Merchants Trust Company of Long Beach

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
SOUTH DISTRICT

Estate of:)	Case No.: NP012340
)	
DONALD E. BENGE,)	NOMINATION OF ADMINISTRATOR WITH
)	WILL ANNEXED
Decedent.)	
)	
)	
)	
)	
)	
)	

I, Utano Okita, am a named beneficiary of the Will of Donald E. Bengé dated August 31, 1971 and the Codicil dated April 18, 1974. I hereby nominate Farmers and Merchants Trust Company of Long Beach to serve as Administrator with Will Annexed of the Estate of Donald E. Bengé.

Dated: April 30, 2007 Utano Okita
Utano Okita

ESTATE OF DONALD E. BERGE
 AMENDED PETITION FOR PROBATE

ATTACHMENT 9

Attachment 9: Names, relationships, ages, and addresses, so far as known to or reasonably ascertainable by petitioner, of (1) all persons named in decedent's will and codicils, whether living or deceased, (2) all persons named or checked in items 2, 6, 7, and 8, and (3) all beneficiaries of a devisee trust in which the trustee and personal representative are the same person.

<u>Name & Relationship</u>	<u>Age</u>	<u>Address</u>
Farmers and Merchants Trust Company of Long Beach (Nominated Administrator with Will Annexed)	N/A	Attn: Joel Napalan 302 Pine Avenue, Second Floor Long Beach, CA 90802
David Okita (Beneficiary of Will – See Will and Codicil)	Deceased	N/A
Utano Okita (Beneficiary of Will – See Will and Codicil)	Adult	[REDACTED]
Bonnie C. Smith (Beneficiary of Will – See Will and Codicil /First Named Executor – See Will)	Deceased	N/A
Art Olson (Beneficiary of Will – See Will and Codicil)	Adult	[REDACTED]
Lucy Olson (Beneficiary of Will – See Will and Codicil)	Adult	[REDACTED]
Sharon Mears (Beneficiary of Will – See Codicil – Referred to as Sharon Sprouse in the Codicil)	Adult	[REDACTED]

ESTATE OF DONALD E. BENG
AMENDED PETITION FOR PROBATE

ATTACHMENT 9

<u>Name & Relationship</u>	<u>Age</u>	<u>Address</u>
Bernard M. Avidan (Second Named Executor – See Will)	Deceased	N/A
Daniel Vance (Beneficiary of Will – Gift revoked in Codicil)	Adult	[REDACTED]
John Cvejnovich (Beneficiary of Will – Gift revoked in Codicil)	Adult	[REDACTED]
Mr. and Mrs. Larry Zingale (Beneficiary of Will – Gift revoked in Codicil)	Adult	[REDACTED]
Mr. and Mrs. Les Beigel (Beneficiary of Will – Gift revoked in Codicil)	Adult	[REDACTED] S [REDACTED]
Elden E. Beng (Father)	Deceased	N/A
Dorothy Parker (Mother/Named beneficiary of will – See Will and Codicil)	Deceased	N/A
Ronald E. Beng (Brother)	Deceased	N/A
Louis Hagen (Uncle – Maternal)	Deceased	N/A

ESTATE OF DONALD E. BENGE
AMENDED PETITION FOR PROBATE

ATTACHMENT 9

<u>Name & Relationship</u>	<u>Age</u>	<u>Address</u>
Donna Spencer (Cousin – Issue of Louis)	Deceased	N/A
Jan Spencer (2 nd Cousin – Issue of Donna)	Adult	[REDACTED]
Bryan Spencer (2 nd Cousin – Issue of Donna)	Adult	[REDACTED]
Herbert Hagen (Cousin – Issue of Louis)	Deceased	N/A
Jeanne Hagen-Santiago (2 nd Cousin – Issue of Herbert)	Adult	[REDACTED]
John Hagen (Cousin – Issue of Louis)	Deceased	N/A
Jeanette Hagen (Aunt – Maternal)	Deceased	N/A
Henrietta Hagen (Aunt - Maternal)	Deceased	N/A
Margaret Hagen (Aunt - Maternal)	Deceased	N/A
Marilyn Pyper (Cousin – Issue of Margaret)	Adult	[REDACTED]
Sheri Heyman (Cousin – Issue of Margaret)	Adult	[REDACTED]

ESTATE OF DONALD E. BENGE
AMENDED PETITION FOR PROBATE

ATTACHMENT 9

<u>Name & Relationship</u>	<u>Age</u>	<u>Address</u>
Beverly Zimmerman (Cousin – Issue of Margaret)	Deceased	N/A
Sandra Bell (2 nd Cousin – Issue of Beverly)	Adult	[REDACTED]
Jerry Zimmerman (2 nd Cousin – Issue of Beverly)	Adult	[REDACTED]
Bryan Zimmerman (2 nd Cousin – Issue of Beverly)	Adult	[REDACTED]
Susan Hansen (2 nd Cousin – Issue of Beverly)	Adult	[REDACTED]
Carol Zimmerman (Cousin – Issue of Margaret)	Deceased	N/A
Pamela Allred (2 nd Cousin – Issue of Carol)	Adult	[REDACTED]
Melanie Offerman (2 nd Cousin – Issue of Carol)	Adult	[REDACTED]
Michael Gray (2 nd Cousin – Issue of Carol)	Adult	[REDACTED]
Deborah Marinos (2 nd Cousin – Issue of Carol)	Adult	[REDACTED]
Steffanie Zimmerman (2 nd Cousin – Issue of Carol)	Adult	[REDACTED]

ESTATE OF DONALD E. BERGE
AMENDED PETITION FOR PROBATE

ATTACHMENT 9

<u>Name & Relationship</u>	<u>Age</u>	<u>Address</u>
Carolyn Dean (2 nd Cousin – Issue of Carol)	Adult	[REDACTED] [REDACTED]
Jason Zimmerman (2 nd Cousin – Issue of Carol)	Adult	[REDACTED] [REDACTED]
Earl Hagen (Uncle – Maternal)	Deceased	N/A
Robert Earl Hagen (Cousin – Issue of Earl)	Deceased	N/A
Jeffrey Hagen (2 nd Cousin – Issue of Robert)	Adult	[REDACTED] [REDACTED]
Susan Heaton (2 nd Cousin – Issue of Robert)	Adult	[REDACTED] [REDACTED]
Walter E. Hagen (Cousin – Issue of Earl)	Adult	[REDACTED] [REDACTED]
Leah N. Brenton (Cousin – Issue of Earl)	Adult	[REDACTED] [REDACTED]
Charles William Hagen (Cousin – Issue of Earl)	Deceased	N/A
Richard Hagen (2 nd Cousin – Issue of Charles)	Adult	[REDACTED] [REDACTED]
William Hagen (2 nd Cousin – Issue of Charles)	Adult	[REDACTED] [REDACTED]

ESTATE OF DONALD E. BERGE
AMENDED PETITION FOR PROBATE

ATTACHMENT 9

<u>Name & Relationship</u>	<u>Age</u>	<u>Address</u>
Robert Hagen (2 nd Cousin – Issue of Charles)	Adult	[REDACTED] [REDACTED] 8
Harold Hagen (Uncle – Maternal)	Deceased	N/A
Ralph Hagen (Cousin – Issue of Harold)	Deceased	N/A
Susan Cook (2 nd Cousin – Issue of Ralph)	Adult	[REDACTED] [REDACTED]
Michael Hagen (2 nd Cousin – Issue of Ralph)	Adult	[REDACTED] [REDACTED]
Herbert Hagen (Uncle – Maternal)	Deceased	N/A
Norma Watkins (Aunt – Maternal)	Deceased	N/A
Gloria Harrison (Cousin – Issue of Norma)	Adult	[REDACTED] [REDACTED]
Dennis Watkins (Cousin – Issue of Norma)	Adult	Address Unknown *
Alvin Hagen (Uncle – Maternal)	Deceased	N/A
Helen Flegal (Aunt – Maternal)	Deceased	N/A

ESTATE OF DONALD E. BENGE
AMENDED PETITION FOR PROBATE

ATTACHMENT 9

<u>Name & Relationship</u>	<u>Age</u>	<u>Address</u>
Thomas Flegal (Cousin – Issue of Helen)	Deceased	N/A
Robert Flegal (Cousin – Issue of Helen)	Deceased	N/A
Kenneth Richard Flegal (Cousin – Issue of Helen)	Deceased	N/A
Kirk Kenneth Flegal (2 nd Cousin – Issue of Kenneth)	Adult	[REDACTED]
Kacie Karmen Flegal (2 nd Cousin – Issue of Kenneth)	Adult	[REDACTED]
Scott W. Hansen, Esq. (Attorney for Kacie and Kirk Flegal)	Adult	LEWIS HANSEN WALDO PLESHE, Attorneys at Law The Judge Building Eight East Broadway, Suite 410 Salt Lake City, UT 84111

* Petitioner will conduct a diligent search to locate the whereabouts of Dennis Watkins. If Dennis Watkins whereabouts become known to Petitioner, the Petition will be supplemented to reflect that address and notice of administration will be given to him. On the other hand, if Petitioner is unable to locate Dennis Watkins, a declaration will be filed as to the efforts taken to locate him. In the event that Petitioner is unable to locate Dennis Watkins, Petitioner respectfully requests that the court dispense with the notice requirement to Dennis Watkins.

8

Form 706

(Rev September 2007) Department of the Treasury Internal Revenue Service

United States Estate (and Generation-Skipping Transfer) Tax Return

Estate of a citizen or resident of the United States (see separate instructions). To be filed for decedents dying after December 31, 2006 and before January 1, 2008.

OMB No. 1545-0015

DECEDENT'S PART 1 a Decedent's first name and middle initial (and maiden name, if any) Donald E 1 b Decedent's last name Bengue 2 Decedent's SSN [redacted] 3 a County, state, and ZIP, or foreign country, of legal residence (domicile) at time of death Burbank, CA 91506 3 b Year domicile esld 1942 4 Date of birth [redacted] 5 Date of death 04/06/07 6 a Name of executor (see the instructions) Farmers & Merchants Trust Co of Long Beach 6 b Executor's address (number and street including apartment or suite no. or rural route; city, town, or post office; state; and ZIP code) and phone number. [redacted] (562) 437-0011 6 c Executor's social security number (see instructions) [redacted] 7 a Name and location of court where will was probated or estate administered LA Co Supr Crt, 415 W. Ocean Blvd, Long Beach, CA 90812 7 b Case number NP 012340 8 If decedent died testate, check here [X] and attach a certified copy of the will. 9 If you extended the time to file this Form 706, check here [X]

PART 2 TAX COMPUTATION Table with 20 rows and 2 columns. Row 1: Total gross estate less exclusion (from Part 5 - Recapitulation, page 3, item 12) 2,578,306. Row 2: Tentative total allowable deductions (from Part 5 - Recapitulation, page 3, item 22) 158,305. Row 3a: Tentative taxable estate (before state death tax deduction) (subtract line 2 from line 1) 2,420,001. Row 3b: State death tax deduction. Row 3c: Taxable estate (subtract line 3b from line 3a) 2,420,001. Row 4: Adjusted taxable gifts (total taxable gifts (within the meaning of section 2503) made by the decedent after December 31, 1976, other than gifts that are includible in decedent's gross estate (section 2001(b))) 4. Row 5: Add lines 3c and 4 2,420,001. Row 6: Tentative tax on the amount on line 5 from Table A in the instructions 969,800. Row 7: Total gift tax paid or payable with respect to gifts made by the decedent after December 31, 1976. Row 8: Gross estate tax (subtract line 7 from line 6) 969,800. Row 9: Maximum unified credit (applicable credit amount) against estate tax 9 780,800. Row 10: Adjustment to unified credit (applicable credit amount) (This adjustment may not exceed \$6,000. See instructions.) 10. Row 11: Allowable unified credit (applicable credit amount) (subtract line 10 from line 9) 780,800. Row 12: Subtract line 11 from line 8 (but do not enter less than zero) 189,000. Row 13: Credit for foreign death taxes (from Schedule(s) P). (Attach Form(s) 706-CE.) 13. Row 14: Credit for tax on prior transfers (from Schedule Q) 14. Row 15: Total credits (add lines 13 and 14) 15. Row 16: Net estate tax (subtract line 15 from line 12) 189,000. Row 17: Generation-skipping transfer (GST) taxes payable (from Schedule R, Part 2, line 10) 17. Row 18: Total transfer taxes (add lines 16 and 17) 189,000. Row 19: Prior payments. Explain in an attached statement 261,000. Row 20: Balance due (or overpayment) (subtract line 19 from line 18) -72,000.

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer other than the executor is based on all information of which preparer has any knowledge.

Signature of executor(s) [Signature] KEVIN A. NICK, SUP FARMERS & MERCHANTS TRUST COMPANY OF LONG BEACH Date 7/3/08

Signature of preparer other than executor [Signature] Velasco Law Group APC 2101 E. 4th Street, Suite 220A Santa Ana, CA 92705-3814 Date Preparer's SSN or PTIN EIN 20-3204644 Phone no. (714) 567-9266

Estate of: Donald E Benge

Part 3 – Elections by the Executor

Please check the 'Yes' or 'No' box for each question (see instructions).

Note. Some of these elections may require the posting of bonds or liens.

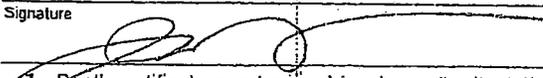
	Yes	No
1 Do you elect alternate valuation?		X
2 Do you elect special-use valuation? If 'Yes,' you must complete and attach Schedule A-1.		X
3 Do you elect to pay the taxes in installments as described in section 6166? If 'Yes,' you must attach the additional information described in the instructions. Note. By electing section 6166, you may be required to provide security for estate tax deferred under section 6166 and interest in the form of a surety bond or a section 6324A special lien.		X
4 Do you elect to postpone the part of the taxes attributable to a reversionary or remainder interest as described in section 6163?		X

Part 4 – General Information (Note: Please attach the necessary supplemental documents. You must attach the death certificate.) (see instructions)

Authorization to receive confidential tax information under Regulations section 601.504(b)(2)(i); to act as the estate's representative before the IRS; and to make written or oral presentations on behalf of the estate if return prepared by an attorney, accountant, or enrolled agent for the executor:

Name of representative (print or type) <u>Paul D. Velasco, Esq.</u>	State <u>CA</u>	Address (number, street, and room or suite number, city, state, and ZIP code) <u>2101 E. 4th Street, Suite 220A Santa Ana, CA 92705-3814</u>
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I declare that I am the attorney/ certified public accountant/ enrolled agent (you must check the applicable box) for the executor and prepared this return for the executor. I am not under suspension or disbarment from practice before the Internal Revenue Service and am qualified to practice in the state shown above.

Signature 	CAF number <u>0303-04698R</u>	Date <u>07/03/2008</u>	Telephone number <u>(714) 567-9266</u>
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1 Death certificate number and issuing authority (attach a copy of the death certificate to this return).

#3200719021929, Dept. of Health Services, Co. of Los Angeles, State of CA

2 Decedent's business or occupation. If retired, check here and state decedent's former business or occupation.

Dealer of rare coins

3 Marital status of the decedent at time of death:

- Married
 Widow or widower – Name, SSN, and date of death of deceased spouse ▶

- Single
 Legally separated
 Divorced – Date divorce decree became final ▶

4a Surviving spouse's name <u>None</u>	4b Social security number	4c Amount received (see instrs)
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5 Individuals (other than the surviving spouse), trusts, or other estates who receive benefits from the estate (do not include charitable beneficiaries shown in Schedule O) (see instructions).

Name of individual, trust, or estate receiving \$5,000 or more	Identifying number	Relationship to decedent	Amount (see instructions)
Utano Okita	554-42-5063	Friend	1,952,125.
Art Olson	Unknown	Friend	69,719.
Lucy Olson	Unknown	Friend	69,719.
Sharon Sprouse (Mears)	528-56-7117	Friend	139,438.

All unascertainable beneficiaries and those who receive less than \$5,000	0.
Total	2,231,001.

Please check the 'Yes' or 'No' box for each question.

	Yes	No
6 Does the gross estate contain any section 2044 property (qualified terminable interest property (QTIP) from a prior gift or estate) (see the instructions)?		X
7 a Have federal gift tax returns ever been filed? If 'Yes,' please attach copies of the returns, if available, and furnish the following information:		X
7 b Period(s) covered		
7 c Internal Revenue office(s) where filed		
8 a Was there any insurance on the decedent's life that is not included on the return as part of the gross estate?		X
b Did the decedent own any insurance on the life of another that is not included in the gross estate?		X

Part 4 – General Information (continued)

If you answer 'Yes' to any of questions 9-16, you must attach additional information as described in the instructions.		Yes	No
9	Did the decedent at the time of death own any property as a joint tenant with right of survivorship in which (a) one or more of the other joint tenants was someone other than the decedent's spouse, and (b) less than the full value of the property is included on the return as part of the gross estate? If 'Yes,' you must complete and attach Schedule E		X
10a	Did the decedent, at the time of death, own any interest in a partnership (for example, a family limited partnership), an unincorporated business, a limited liability company; own a fractional interest in real estate; or own any stock in an inactive or closely held corporation?	X	
b	If 'Yes,' was the value of any interest owned (from above) discounted on this estate tax return? If 'Yes,' see the instructions for Schedule F for reporting the total accumulated or effective discounts taken on Schedule A, F, or G		X
11	Did the decedent make any transfer described in section 2035, 2036, 2037, or 2038 (see the instructions for Schedule G in the separate instructions)? If 'Yes,' you must complete and attach Schedule G		X
12a	Were there in existence at the time of the decedent's death any trusts created by the decedent during his or her lifetime?		X
b	Were there in existence at the time of the decedent's death any trusts not created by the decedent under which the decedent possessed any power, beneficial interest, or trusteeship?		X
c	Was the decedent receiving income from a trust created after October 22, 1985 by a parent or grandparent? If 'Yes,' was there a GST taxable termination (under section 2612) upon the death of the decedent?		X
d	If there was a GST taxable termination (under section 2612), attach a statement to explain. Provide a copy of the trust or will creating the trust, and give the name, address, and phone number of the current trustee(s).		
e	Did the decedent at any time during his or her lifetime transfer or sell an interest in a partnership, limited liability company, or closely held corporation to a trust described in question 12a or 12b? If 'Yes,' provide the EIN number to this transferred/sold item		X
13	Did the decedent ever possess, exercise, or release any general power of appointment? If 'Yes,' you must complete and attach Schedule H		X
14	Did the decedent have an interest in or a signature or other authority over a financial account in a foreign country, such as a bank account, securities account, or other financial account?		X
15	Was the decedent, immediately before death, receiving an annuity described in the 'General' paragraph of the instructions for Schedule I or a private annuity? If 'Yes,' you must complete and attach Schedule I		X
16	Was the decedent ever the beneficiary of a trust for which a deduction was claimed by the estate of a pre-deceased spouse under section 2056(b)(7) and which is not reported on this return? If 'Yes,' attach an explanation		X

Part 5 – Recapitulation

Item number	Gross estate	Alternate value	Value at date of death
1	Schedule A – Real Estate	1	900,000.
2	Schedule B – Stocks and Bonds	2	1,594,527.
3	Schedule C – Mortgages, Notes, and Cash	3	21,683.
4	Schedule D – Insurance on the Decedent's Life (attach Form(s) 712)	4	0.
5	Schedule E – Jointly Owned Property (attach Form(s) 712 for life insurance)	5	0.
6	Schedule F – Other Miscellaneous Property (attach Form(s) 712 for life insurance)	6	62,096.
7	Schedule G – Transfers During Decedent's Life (attach Form(s) 712 for life insurance)	7	0.
8	Schedule H – Powers of Appointment	8	0.
9	Schedule I – Annuities	9	0.
10	Total gross estate (add items 1 through 9)	10	2,578,306.
11	Schedule U – Qualified Conservation Easement Exclusion	11	0.
12	Total gross estate less exclusion (subtract item 11 from item 10). Enter here and on line 1 of Part 2 – Tax Computation	12	2,578,306.
Item number	Deductions	Amount	
13	Schedule J – Funeral Expenses and Expenses Incurred in Administering Property Subject to Claims	13	158,305.
14	Schedule K – Debts of the Decedent	14	
15	Schedule K – Mortgages and Liens	15	
16	Total of items 13 through 15	16	158,305.
17	Allowable amount of deductions from item 16 (see the instructions for item 17 of the Recapitulation)	17	158,305.
18	Schedule L – Net Losses During Administration	18	
19	Schedule L – Expenses Incurred in Administering Property Not Subject to Claims	19	0.
20	Schedule M – Bequests, etc, to Surviving Spouse	20	
21	Schedule O – Charitable, Public, and Similar Gifts and Bequests	21	
22	Tentative total allowable deductions (add items 17 through 21). Enter here and on line 2 of the Tax Computation	22	158,305.

Estate of: Donald E Benga

SCHEDULE A – Real Estate

- For jointly owned property that must be disclosed on Schedule E, see the instructions.
- Real estate that is part of a sole proprietorship should be shown on Schedule F.
- Real estate that is included in the gross estate under section 2035, 2036, 2037, or 2038 should be shown on Schedule G.
- Real estate that is included in the gross estate under section 2041 should be shown on Schedule H.
- If you elect section 2032A valuation, you must complete Schedule A and Schedule A-1.

Item number	Description	Alternate valuation date	Alternate value	Value at date of death
1.	<p>Real property situated in the City of Burbank, County of Los Angeles, State of California, more commonly known as 1122 W. Burbank Boulevard, Burbank, California 91506 and legally described as:</p> <p>Lot 10 Tract 3419, in the City of Burbank, County of Los Angeles, State of California, as per map recorded in Book 37 Page 49 of Maps, in the office of the County Recorder of said County. EXCEPT therefrom the southerly 260 feet. ALSO EXCEPT therefrom the northeasterly 20 feet as conveyed to the City of Burbank, by deed recorded in Book 7871 Page 315, Official Records.</p> <p>APN: 2449-011-026</p> <p>See residential real property appraisal and copy of deed attached hereto as Exhibit "3".</p>			900,000.
Total from continuation schedules or additional sheets attached to this schedule				
TOTAL. (Also enter on Part 5 – Recapitulation, page 3, at item 1.)				900,000.

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size.)
(See instructions.)

Estate of: Donald E Benge

SCHEDULE B – Stocks and Bonds

(For jointly owned property that must be disclosed on Schedule E, see the instructions for Schedule E.)

Item number	Description including face amount of bonds or number of shares and par value for identification. Give CUSIP number, if trust, partnership, or closely held entity, give EIN.	Unit value	Alternate valuation date	Alternate value	Value at date of death
1.	TD Ameritrade Account No. 786-141926 Consisting of: Money Market Deposit Account Liberty Mines Inc (LBE) Toronto Stock Exchange No. of Units: 7,000 See Exhibit "4" attached hereto.	CUSIP number or EIN, where applicable.			93,840.
2.	E Trade Financial Account No. 5550-3841 Consisting of: Cash/Margin Debt Valued Securities Accrued dividends See Exhibit "5" attached hereto.				126,549.
3.	E Trade Financial IRA Account No. 5649-6011 Owner: Donald E. Benge Beneficiary: Estate of Donald E. Benge See Exhibit "6" attached hereto.				236,944.
4.	Scottrade Account No. 17130472				102.
Total from continuation schedules (or additional sheets) attached to this schedule					64,260.
TOTAL (Also enter on Part 5 – Recapitulation, page 3, at item 2.)					1,051,507.
					1,594,527.

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size.)
 (The instructions to Schedule B are in the separate instructions.)

Estate of: Donald E Bengt

Continuation of SCHEDULE B –
Stocks and Bonds

Item number	Description including face amount of bonds or number of shares and par value for identification. Give CUSIP number. If trust, partnership, or closely held entity, give EIN.	Unit value	Alternate valuation date	Alternate value	Value at date of death
	Consisting of:				
	Cash Account				12,535.
	Agnico Eagle Mines LTD (CAN) Toronto Stock Exchange No. of Shares: 255 See Exhibit "7" attached hereto.				10,316.
5.	Quest Game Co., Inc. 1,000 Shares See Exhibits "8" through "12" attached hereto.				1,028,656.

Total. (Carry forward to main schedule) 1,051,507.

(The instructions to Schedule B are in the separate instructions.)

Estate of: Donald E Bengte

SCHEDULE C – Mortgages, Notes, and Cash

(For jointly owned property that must be disclosed on Schedule E, see the instructions for Schedule E.)

Item number	Description	Alternate valuation date	Alternate value	Value at date of death
1.	Washington Mutual Bank Interest Checking Account No. 876-047453-1			
	See Exhibit "13" attached hereto.			16,694.
2.	Downey Savings Bank Checking Account No. 84-5011638-7			
	See Exhibit "14" attached hereto.			4,989.
Total from continuation schedules (or additional sheets) attached to this schedule				
TOTAL. (Also enter on Part 5 – Recapitulation, page 3, at item 3.)				21,683.

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size.)
(See the instructions.)

Estate of: Donald E Benge

SCHEDULE D -- Insurance on the Decedent's Life

You must list all policies on the life of the decedent and attach a Form 712 for each policy.

Item number	Description	Alternate valuation date	Alternate value	Value at date of death
None.				
Total from continuation schedules (or additional sheets) attached to this schedule				
TOTAL. (Also enter on Part 5 -- Recapitulation, page 3, at item 4:)				

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size.)
 (See the instructions.)

Estate of: Donald E Benge

SCHEDULE E – Jointly Owned Property

(If you elect section 2032A valuation, you must complete Schedule E and Schedule A-1.)

PART 1. Qualified Joint Interests – Interests Held by the Decedent and His or Her Spouse as the Only Joint Tenants (Section 2040(b)(2))

Item number	Description. For securities, give CUSIP number. If trust, partnership, or closely held entity, give EIN.	Alternate valuation date	Alternate value	Value at date of death
	N/A.	CUSIP number or EIN, where applicable.		
Total from continuation schedules (or additional sheets) attached to this schedule				
1a Totals			1a	
1b Amounts included in gross estate (one-half of line 1a)			b	

PART 2. All Other Joint Interests

2a State the name and address of each surviving co-tenant. If there are more than three surviving co-tenants, list the additional co-tenants on an attached sheet.

Name	Address (number and street, city, state, and ZIP code)

Item number	Enter letter for co-tenant	Description (including alternate valuation date if any). For securities, give CUSIP number. If trust, partnership, or closely held entity, give EIN.	Percentage includible	Includible alternate value	Includible value at date of death
		None.	CUSIP number or EIN, where applicable.		
Total from continuation schedules (or additional sheets) attached to this schedule					
2b Total other joint interests				2b	
3 Total includible joint interests (add lines 1b and 2b). Also enter on Part 5 – Recapitulation, page 3, at item 5				3	

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size.) (See the instructions.)

Estate of: Donald E Benge

SCHEDULE F -- Other Miscellaneous Property Not Reportable Under Any Other Schedule

(For jointly owned property that must be disclosed on Schedule E, see the instructions for Schedule E.)
 (If you elect section 2032A valuation, you must complete Schedule F and Schedule A-1.)

1	Did the decedent at the time of death own any works of art or items with collectible value in excess of \$3,000 or any collections whose artistic or collectible value combined at date of death exceeded \$10,000?	Yes	No
	If 'Yes,' submit full details on this schedule and attach appraisals.		X
2	Has the decedent's estate, spouse, or any other person, received (or will receive) any bonus or award as a result of the decedent's employment or death?		X
	If 'Yes,' submit full details on this schedule.		
3	Did the decedent at the time of death have, or have access to, a safe deposit box?		X
	If 'Yes,' state location, and if held in joint names of decedent and another, state name and relationship of joint depositor.		

If any of the contents of the safe deposit box are omitted from the schedules in this return, explain fully why omitted.

Item number	Description. For securities, give CUSIP number. If trust, partnership, or closely held entity, give EIN.	Alternate valuation date	Alternate value	Value at date of death
1.	1999 Cadillac DeVille Sedan 4D VIN 1G6KD5473XU751710 195,000 Miles Poor Condition Sales Value: \$380.23	CUSIP number or EIN, where applicable.		380.
2.	Miscellaneous fencing equipment Sales Value: \$2,200 See Exhibit "15" attached hereto.			2,200.
3.	Sales of miscellaneous jewelry Sales value: \$7,624. See Exhibit "16" attached hereto.			7,624.
4.	Jewelry appraised by Dave Schneider Fine Jewelry. Appraised value: \$3,135 See Exhibit "17" attached hereto.			3,135.
5.	Tangible personal property and			
Total from continuation schedules (or additional sheets) attached to this schedule				48,757.
TOTAL. (Also enter on Part 5, Recapitulation, page 3, at item 6.)				62,096.

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size.) (See the instructions.)

Decedent's SSN

Estate of: Donald E Benge

**Continuation of SCHEDULE F –
Other Miscellaneous Property Not Reportable Under Any Other Schedule**

Item number	Description. For securities, give CUSIP number. If trust, partnership, or closely held entity, give EIN.	Alternate valuation date	Alternate value	Value at date of death
	furnishings at decedent's residence appraised by Yvonne Karn, ASA.	CUSIP number or EIN, where applicable.		
	Appraised Value: \$22,771.00			
	See Exhibit "18" attached hereto.			22,771.
6.	Cash found at decedent's residence.			25,986.

Total. (Carry forward to main schedule) 48,757.

Estate of: Donald E Bengé

SCHEDULE G – Transfers During Decedent's Life

(If you elect section 2032A valuation, you must complete Schedule G and Schedule A-1.)

Item number	Description. For securities, give CUSIP number. If trust, partnership, or closely held entity, give EIN.	Alternate valuation date	Alternate value	Value at date of death
A	Gift tax paid or payable by the decedent or the estate for all gifts made by the decedent or his or her spouse within 3 years before the decedent's death (section 2035(b))	X X X X X		
B	Transfers includible under section 2035(a), 2036, 2037, or 2038: None			
Total from continuation schedules (or additional sheets) attached to this schedule				
TOTAL. (Also enter on Part 5 – Recapitulation, page 3, at item 7.)				

SCHEDULE H – Powers of Appointment

(Include '5 and 5 lapsing' powers (section 2041(b)(2)) held by the decedent.)
(If you elect section 2032A valuation, you must complete Schedule H and Schedule A-1.)

Item number	Description	Alternate valuation date	Alternate value	Value at date of death
Total from continuation schedules (or additional sheets) attached to this schedule				
TOTAL. (Also enter on Part 5 – Recapitulation, page 3, at item 8.)				

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size.)
(The instructions to Schedules G and H are in the separate instructions.)

Estate of: Donald E Bengel

Decedent's SSN
XXXXXXXXXX

SCHEDULE I – Annuities

Note. Generally, no exclusion is allowed for the estates of decedents dying after December 31, 1984 (see the instructions).

A Are you excluding from the decedent's gross estate the value of a lump-sum distribution described in section 2039(f)(2) (as in effect before its repeal by the Deficit Reduction Act of 1984)?

Yes	No
	X

 If 'Yes,' you must attach the information required by the instructions.

Item number	Description Show the entire value of the annuity before any exclusions.	Alternate valuation date	Includible alternate value	Includible value at date of death
	None.			
Total from continuation schedules (or additional sheets) attached to this schedule				
TOTAL. (Also enter on Part 5 – Recapitulation, page 3, at item 9.)				

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size.) (The instructions to Schedule I are in the separate instructions.)

Estate of: Donald E Benge

[REDACTED]

SCHEDULE J – Funeral Expenses and Expenses Incurred in Administering Property Subject to Claims

Note. Do not list on this schedule expenses of administering property not subject to claims. For those expenses, see the instructions for Schedule L.

If executors' commissions, attorney fees, etc, are claimed and allowed as a deduction for estate tax purposes, they are not allowable as a deduction in computing the taxable income of the estate for federal income tax purposes. They are allowable as an income tax deduction on Form 1041 if a waiver is filed to waive the deduction on Form 706 (see the Form 1041 instructions).

Item number	Description	Expense amount	Total amount
A Funeral expenses:			
1	McKenzie Mortuary - Delivery charge of cremated remains	45.	
	Total funeral expenses		45.
B Administration expenses:			
1	Executors' commissions - amount estimated /\$5,000 /\$200 (Strike out the words that do not apply.)		57,000. ✓
2	Attorney fees - amount estimated /\$5,000 /\$200 (Strike out the words that do not apply.)		49,000. ✓
3	Accountant fees - amount estimated /\$5,000 /\$200 (Strike out the words that do not apply.)		10,000. ✓
4 Miscellaneous expenses:			
		Expense amount	
1.	Court cost - Certified Letters of Testamentary	233.	
2.	Court cost - Probate filing fee; Special Administration filing fee	- 2,175.	✓
3.	Court cost - Publication fee of Notice of Petition for Probate	- 733.	✓
4.	Los Angeles County Police Department - Copy charge for police report	10.	
5.	Court cost - Filing fee for Amended Petition for Probate	- 44.	✓
6.	Court cost - Additional certified Letters of Testamentary	95.	
7.	Los Angeles County Recorder - Recording fee for Affidavit of Death	18.	
8.	Court cost - Additional certified Letters of Testamentary	29.	
9.	Court cost - Copy fee of court's Minute Order and other court documents from court file	18.	
	Total miscellaneous expenses from continuation schedules (or additional sheets) attached to this schedule	38,905.	
	Total miscellaneous expenses		42,260.
TOTAL (Also enter on Part 5 - Recapitulation, page 3, at item 13.)			158,305.

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size.) (See the instructions.)

Estate of: Donald E Benghe

Continuation of SCHEDULE J -
Funeral Expenses and Expenses Incurred in Administering Property Subject to Claims

Item number	Description	Expense amount	Total amount
10.	4 Miscellaneous expenses: Overnight Express - Delivery charges	105.	
11.	Home Depot - Storage boxes to contain personal property of decedent prior to appraisal	- 22.	✓
12.	UPS Store - Bubble wrap to protect personal property of decedent prior to appraisal	- 22.	✓
13.	Federal Express - Secured delivery of securities account transfer paperwork to Mellon Investor Service	- 22.	
14.	Waste Management Services - Rental of industrial 40 foot trash bin for clean up at decedent's residence	350.	
15.	Liberty Coin Appraisal Service - Coin appraisal fee for coins reported on Schedule B, Item 9, Set 1	- 7,777.	✓
16.	Liberty Coin Appraisal Service - Coin appraisal fee for coins reported on Schedule B, Item 9, Set 2	. 3,621.	✓
17.	Liberty Coin Appraisal Service - Coin appraisal fee for coins reported on Schedule B, Item 9, Set 3	- 6,906.	✓
18.	Federal Express - Secured delivery of securities account paperwork to Mellon Investor Services	- 22.	18,304 ✓
19.	ASAP Appraisal Service - Appraisal fee of decedents multi-use/residential property	1,500.	
20.	Law Offices of Fred Szkolnik - Retainer paid to evict tenant of rental unit on decedent's residence	975.	
21.	Federal Express - Secured delivery of securities account paperwork to Scott Trade	- 15.	✓
22.	Federal Express - Secured delivery of securities account paperwork to E*Trade	- 22.	✓
23.	Federal Express - Secured delivery of securities account paperwork to Firsthand Funds	- 22.	✓
24.	Joey's Locksmith - Re-key exterior locks of main house at decedents multi-use/residential property	- 285.	✓
25.	The Towing Company - Charge to jumpstart dead battery in decedent's car	55.	
TOTAL. (Carry forward to main schedule.)		21,721.	

Estate of: Donald E Bengé

Continuation of SCHEDULE J -
Funeral Expenses and Expenses Incurred in Administering Property Subject to Claims

Item number	Description	Expense amount	Total amount
26.	4 Miscellaneous expenses; On Site Shredding - Shredding of decedent's personal & business papers	300.	
27.	Cleaning service charges - Removal of personal effects and clean up of rental unit at decedent's multi-use/residential property	480.	
28.	Richardson Safe & Vault - Safe cracking coin vault at decedent's multi-use/residential property	- 1,195.	✓
29.	Golden State Lock & Safe - Rekeying of vault and "safe-room" at decedent's multi-use/residential property	- 1,412.	✓
30.	Dependable Locks - Rekeying of all exterior locks on all buildings on decedent's multi-use/residential property	- 1,014.	2467 ✓
31.	Dave Schneider Fine Jewelry - Appraisal fee of decedent's jewelry	- 750.	✓
32.	Federal Express - Secured delivery of securities account paperwork to TD Ameritrade	- 21.	✓
33.	Yvonne Karn, Personal Property Appraisal - Appraisal fee of decedent's personal property	- 6,509.	✓
34.	Joey's Locksmith - Re-key locks on rental unit after tenant evicted	633.	
35.	Office Max - Purchase of additional storage boxes to contain personal proeprty of decedent prior to appraisal	- 61.	✓
36.	Cleaning company to clean out and removal contents of rental garages at decedent's multi-use/residential property.	2,200.	
37.	Lock Shop - Purchase of pad locks for rental garages at decedent's multi-use/residential property.	13.	
38.	Waste Management Services - Rental of industrial 40 foot trash bin for clean up at decedent's residence	979.	
39.	Cleaning company to clean out and removal of contents of the residential portion of decedent's multi-use/residential property.	1,600.	
TOTAL. (Carry forward to main schedule.)		17,167.	

Estate of: Donald E Benge

Continuation of SCHEDULE J -
Funeral Expenses and Expenses Incurred in Administering Property Subject to Claims

Item number	Description	Expense amount	Total amount
4	Miscellaneous expenses:		
40.	Federal Express - Secured delivery of securities account paperwork to Scottrade	17.	
TOTAL (Carry forward to main schedule.)		17.	

Decedent's SSN

Estate of: Donald E Bengel

SCHEDULE K— Debts of the Decedent, and Mortgages and Liens

Item number	Debts of the Decedent – Creditor and nature of claim, and allowable death taxes	Amount unpaid to date	Amount in contest	Amount claimed as a deduction
	None.			

Total from continuation schedules (or additional sheets) attached to this schedule

TOTAL. (Also enter on Part 5 – Recapitulation, page 3, at item 14.)

Item number	Mortgages and Liens – Description	Amount

Total from continuation schedules (or additional sheets) attached to this schedule

TOTAL. (Also enter on Part 5 – Recapitulation, page 3, at item 15.)

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size.)
 (The instructions to Schedule K are in the separate instructions.)

Decedent's SSN

Estate of: Donald E Bengé

SCHEDULE L – Net Losses During Administration and Expenses Incurred in Administering Property Not Subject to Claims

Item number	Net losses during administration (Note. Do not deduct losses claimed on a federal income tax return.)	Amount
	None.	
Total from continuation schedules (or additional sheets) attached to this schedule		
TOTAL. (Also enter on Part 5 – Recapitulation, page 3, at item 18.)		

Item number	Expenses incurred in administering property not subject to claims. (Indicate whether estimated, agreed upon, or paid.)	Amount
Total from continuation schedules (or additional sheets) attached to this schedule		
TOTAL. (Also enter on Part 5 – Recapitulation, page 3, at item 19.)		0.

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size.)
Schedule L – Page 26 (The instructions to Schedule L are in the separate instructions.)

Estate of: Donald E Bengt

SCHEDULE O – Charitable, Public, and Similar Gifts and Bequests

	Yes	No
1 a If the transfer was made by will, has any action been instituted to have interpreted or to contest the will or any of its provisions affecting the charitable deductions claimed in this schedule? If 'Yes,' full details must be submitted with this schedule.		X
b According to the information and belief of the person or persons filing this return, is any such action planned? If 'Yes,' full details must be submitted with this schedule.		X
2 Did any property pass to charity as the result of a qualified disclaimer? If 'Yes,' attach a copy of the written disclaimer required by section 2518(b).		X

Item number	Name and address of beneficiary	Character of institution	Amount
	None.		

Total from continuation schedules (or additional sheets) attached to this schedule

3 Total		3
4 a Federal estate tax payable out of property interests listed above	4 a	
b Other death taxes payable out of property interests listed above	4 b	
c Federal and state GST taxes payable out of property interests listed above	4 c	
d Add items 4a, 4b, and 4c		4 d
5 Net value of property interests listed above (subtract 4d from 3). Also enter on Part 5 – Recapitulation, page 3, at item 21		5

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size.)
(The instructions to Schedule O are in the separate instructions.)

SCHEDULE R – Generation-Skipping Transfer Tax

Note. To avoid application of the deemed allocation rules, Form 706 and Schedule R should be filed to allocate the GST exemption to trusts that may later have taxable terminations or distributions under section 2612 even if the form is not required to be filed to report estate or GST tax.

The GST tax is imposed on taxable transfers of interests in property located outside the United States as well as property located inside the United States. (see instructions)

Part 1. GST Exemption Reconciliation (Section 2631) and Section 2652(a)(3) (Special QTIP) Election

You no longer need to check a box to make a section 2652(a)(3) (special QTIP) election. If you list qualifying property in Part 1, line 9 below, you will be considered to have made this election. See the instructions for details.

1	Maximum allowable GST exemption	1	2,000,000.
2	Total GST exemption allocated by the decedent against decedent's lifetime transfers	2	0.
3	Total GST exemption allocated by the executor, using Form 709, against decedent's lifetime transfers	3	0.
4	GST exemption allocated on line 6 of Schedule R, Part 2	4	0.
5	GST exemption allocated on line 6 of Schedule R, Part 3	5	0.
6	Total GST exemption allocated on line 4 of Schedule(s) R-1	6	0.
7	Total GST exemption allocated to <i>inter vivos</i> transfers and direct skips (add lines 2-6)	7	0.
8	GST exemption available to allocate to trusts and section 2032A interests (subtract line 7 from line 1)	8	2,000,000.
9	Allocation of GST exemption to trusts (as defined for GST tax purposes):		

A Name of trust	B Trust's EIN (if any)	C GST exemption allocated on lines 2-6, above (see instructions)	D Additional GST exemption allocated (see instructions)	E Trust's inclusion ratio (optional – see instructions)
None				

9D Total. May not exceed line 8, above 9D

10 GST exemption available to allocate to section 2032A interests received by individual beneficiaries (subtract line 9D from line 8). You must attach special-use allocation schedule (see instructions) 10

Estate of: Donald E Benge

Part 2. Direct Skips Where the Property Interests Transferred Bear the GST Tax on the Direct Skips

Name of skip person	Description of property interest transferred	Estate tax value
None		

1 Total estate tax values of all property interests listed above	1	
2 Estates taxes, state death taxes, and other charges borne by the property interests listed above	2	
3 GST taxes borne by the property interests listed above but imposed on direct skips other than those shown on this Part 2 (see instructions)	3	
4 Total fixed taxes and other charges (add lines 2 and 3)	4	
5 Total tentative maximum direct skips (subtract line 4 from line 1)	5	
6 GST exemption allocated	6	
7 Subtract line 6 from line 5	7	
8 GST tax due (divide line 7 by 3.222222)	8	
9 Enter the amount from line 8 of Schedule R, Part 3	9	
10 Total GST taxes payable by the estate (add lines 8 and 9). Enter here and on line 17 of Part 2 -- Tax Computation, on page 1	10	

Estate of: Donald E Bengt

Part 3. Direct Skips Where the Property Interests Transferred Do Not Bear the GST Tax on the Direct Skips

Name of skip person	Description of property interest transferred	Estate tax value
None		

1 Total estate tax values of all property interests listed above	1	
2 Estate taxes, state death taxes, and other charges borne by the property interests listed above	2	
3 GST taxes borne by the property interests listed above but imposed on direct skips other than those shown on this Part 3 (see instructions)	3	
4 Total fixed taxes and other charges (add lines 2 and 3)	4	
5 Total tentative maximum direct skips (subtract line 4 from line 1)	5	
6 GST exemption allocated	6	
7 Subtract line 6 from line 5	7	
8 GST tax due (multiply line 7 by .45). Enter here and on Schedule R, Part 2, line 9	8	

9
YVONNE KARN ASA APPRAISALS • ESTATE SALES • BROKERAGE • CONSULTING

Date of Fair Market Value: April 6, 2007
Inspection Dates: August 29, 2007 and September 27, 2007

Ordered by: Karin Finnegan
Property of: Donald Bengé

CERTIFICATION OF VALUE

I, Yvonne M. Karn, hereby certify that to the best of my knowledge and belief the statements of fact contained in this report are true and correct.

The Personal Property In This Report Consists Of: General Contents

Located at: 302 Pine Avenue, Long Beach CA 90802

The basis of the value is the research, review and analyses of market sales data. The basis of conclusions is the background and experience of the appraiser.

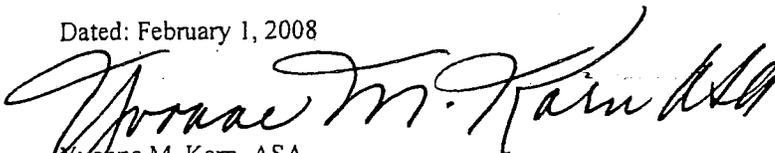
My estimate of FAIR MARKET VALUE, for the undivided whole interest of the property, for the intended use of providing information for Estate Management and Trust Purposes:

\$22,771.00

(TWENTY TWO THOUSAND SEVEN HUNDRED AND SEVENTY ONE DOLLARS)

- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and they are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no past, present, or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- My compensation is not contingent upon the reporting of a predetermined value nor direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, nor the occurrence of a subsequent event.
- My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the 'Uniform Standards of Professional Appraisal Practice', 2007 edition, as published by the Appraisal Foundation and the 'Principles of Appraisal Practice and Code of Ethics of the American Society of Appraisers'.
- I am a Senior Member of the American Society of Appraisers and in compliance with mandatory re-accreditation and re-certification requirements.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant professional assistance to the person signing this report
- I have truly, honestly, and impartially appraised to the best of my ability, each item set forth in the attached appraisal. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: February 1, 2008



Yvonne M. Karn, ASA
Accredited Senior Appraiser
American Society of Appraisers

RARE COINS
PRECIOUS METALS
FINE COLLECTIBLES
DIAMONDS



2201 E. WILLOW ST. #AA
SIGNAL HILL, CA 90755
(800) 400-0824 FAX: (562) 988-8777 / LIBCOIN.COM

March 31, 2008

Farmers & Merchants Bank
Attn: Sean Miller
302 Pine Avenue
Long Beach, CA 90802

Re: Benge Estate

Dear Sean:

The following are our bids for the three Benge Estate collections:

U.S. coins box #US1 – box #US42	\$607,000.00
U.S. modern coins box #M1 – box #M18	79,000.00
Foreign coins box #F1 – box #F21	<u>121,000.00</u>
Grand total	\$807,000.00

Prices listed will be for pick up at stored location.

Sincerely,


Jim Foster

JF:bhf

A.N. ABELL AUCTION COMPANY

2613 Yates Avenue
Commerce, CA 90040
(323) 724-8102 . FAX (323) 724-9550

CONSIGNMENT STATEMENT

Page: 1 of 2
Printed: 1/20/2009 10:44:18 AM

Description: RE: ESTATE OF DONALD BENGE

CONSIGNOR: Farmers & Merchant Trust
P. O. Box 891
Long Beach, CA-90801.

Consignment ID#: 205213
Consignor ID#: 10107

Rate : 20.00 %
Rate - 1 : 10.00 % Over \$3,000.00
Rate - 2 : 0.00 %
Rate - 3 : 0.00 %
Pick-Up Date : 9/30/2008
Pick-Up Information: Brought In
Driver ID :

Line	Seq	Item ID#	Description	Selling Price	Sold With
1		37293-B08	IVORY CHESS SET IN CHIN. BOX	\$800.00	
2		37294-B08	CARVED BONE CHESS SET	\$400.00	
3		37295-B08	ANTIQUE CYLINDER ORGAN WITH ROLLS	\$250.00	
4	75	37296-B08	BOX OF DISHES	\$5.00	
5		37297-B08	TWO TRUMPETS IN CASE	\$600.00	
6		37298-B08	SILVER TRUMPET	\$250.00	
7		37299-B08	BENGE BRASS TRUMPET	\$300.00	
8		37300-B08	BOX OF S/P FLATWARE	\$20.00	
9		37301-B08	BOX OF ROGERS & B FLATWARE	\$170.00	
10		37302-B08	THREE 3M. SILVER PILL BOXES	\$40.00	
11		37303-B08	BOX OF ASST. SILVER AND S/P	\$25.00	
12		37304-B08	BONE CHESS SET	\$175.00	
13		37305-B08	SABRE	\$100.00	
14		37306-B08	TWO SWORDS	\$40.00	
15		37307-B08	TWO SWORDS ASST.	\$70.00	
16		37308-B08	BONE HANDLED STICK/SWORD	\$50.00	
17		37309-B08	64 PCB. REED & BARTON STERLING FLATWARE	\$1,000.00	
18		37310-B08	VIOLIN IN CASE	\$80.00	
19	28	37311-B08	3M BOX OF ASST. STERLING & S/P	\$30.00	
20		37346-B08	BONE CHESS SET	\$160.00	
21	23	37553-B06	2)14K & RUBY "BEE" RING	\$100.00	
22	30	37659-B08	7)FR 14K GOLD CUFF LINKS	\$800.00	
23	1	37300-B08	13,14)14K GOLD & DIAMOND ENGAGEMENT SETT. 82 CT WEIGHT)	\$100.00	
24	26	37561-B08	15)14K GOLD & DIAMOND (APPROX 2CT TOTAL WEIGHT) RING	\$250.00	
25	15	37562-B08	16)14K WHITE GOLD & DIAMOND RING (CENTER STONE NOT DIAMOND)	\$175.00	
26		37563-B08	8,9,10,11,12,17)BAG LOT OF 8 ASST. RINGS	\$220.00	
27	6	37564-B08	1,3,4,5,5)BAG OF 5 ASST. GOLD BANDS	\$176.00	
28	17	37565-B08	22)14K GOLD RING OF MAN W/ CROWN	\$600.00	
29		37566-B08	BAG LOT OF 14 ASST. RINGS	\$125.00	
30		37667-B08	LOT OF UNMOUNTED OPALS	\$60.00	
31		37668-B08	BAG OF UNMOUNTED STONES	\$10.00	

--- THANK YOU, WE APPRECIATE YOUR BUSINESS ---

A.N. ABELL AUCTION COMPANY

2613 Yates Avenue
Commerce, CA 90040
(323) 724-8102 . FAX (323) 724-8550

CONSIGNMENT STATEMENT

Page : 2 of 2

Printed : 1/20/2009 10:44:18 AM

CONSIGNOR : Farmers & Merchant Trust
P. O. Box 891
Long Beach, CA 90801-

Consignment ID# : 205213
Consignor ID# : 10107

Line	Seq	Item ID#	Description	Selling Price	Sold With
32		37569-B08	BAG OF ASST. COSTUME JEWELRY & MISC.		
33		37570-B08	2 BOXES OF CUBIC ZIRCONIAS	\$80.00	\$100.00

Payment Date	Payment Type	Check No.	Amount	Description
1/16/2009		23977	\$5,300.00	

Gross Sales :	\$6,850.00
Commission :	(\$1,390.00)
Drayage :	(\$0.00)
Net Proceeds :	\$6,560.00
Payments :	\$5,580.00
Balance :	\$0.00

--- THANK YOU, WE APPRECIATE YOUR BUSINESS ---

Finnegan, Karin

From: Tim Weske [mailto:tim.weske@f&mtrust.com]
Sent: Friday, February 22, 2008 9:37 AM
To: Finnegan, Karin
Subject: RE: Estate of Donald Benge - Fencing Supplies

Hi Karin,

Thank you. I will look at my calendar for next week meeting at Donald's house. Is there a good time for you?

Tim

-----Original Message-----

From: Finnegan, Karin
Date: 2/22/2008 8:58:56 AM
To: Tim Weske
Subject: RE: Estate of Donald Benge - Fencing Supplies

Tim, your bid of \$2,200.00 was the highest bid received for the fencing supplies of Donald Benge. At this time we would like to schedule a time to meet with you at the house for you to remove the items. At which time we would also request to receive payment in the form of a money order or cashiers check payable to the Estate of Donald Benge. Please let me know what times would work for you to meet at the house.

Thank you!

Karin Finnegan

From: Tim Weske [mailto:tim.weske@f&mtrust.com]
Sent: Tuesday, February 19, 2008 10:26 AM
To: Finnegan, Karin
Subject: Re: Estate of Donald Benge - Fencing Supplies

Hi Karen,

Thank you for letting me know about the bidding.

I would like to increase my bid to \$2,200.00

If this does not beat the highest bid that is now in place, please let me know, and if I again am outbid, I would like to know that as well.

Thank you again,
Tim

Please let me know that you received this email.

-----Original Message-----

From: Finnegan, Karin
Date: 02/19/08 10:16:59
To: Tim Weske
Subject: Estate of Donald Bengé - Fencing Supplies

Good morning Tim! We received the second bid for the fencing supplies. The bid was higher than your original bid of \$1300.00. If you would like to increase your bid at this time please send me an email with the amount and then I can inform you of the outcome. Thank you for your patience!

Karin Finnegan

Karin Finnegan CTFA
Assistant Vice President & Trust Officer

Farmers & Merchants Bank of Long Beach
302 Pine Avenue
Long Beach, CA 90802

Dir: 562-437-0011 Ext 3982
Fax: 562-437-8672

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Although this email (and any attachment) is believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Farmers & Merchants Bank of Long Beach for any loss or damage arising in any way from its use.

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **People v. Paul D. Runyan**

No.: **S187804**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On **March 2, 2012**, I served the attached **MOTION TO AUGMENT** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Jacqueline Mac, Deputy District Attorney
Los Angeles County District Attorney's Office
18000 Foltz Criminal Justice Center
210 West Temple, 18th Floor, Room 709
Los Angeles, CA 90012

Joseph A. Lane
Clerk of the Court of Appeal
Second Appellate District
300 South Spring Street, 2nd Floor, North
Los Angeles, CA 90013

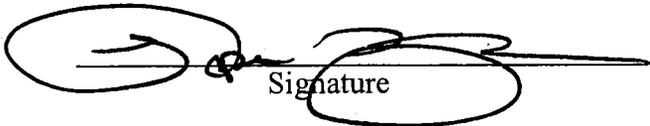
Jason Andrew Lieber
Attorney At Law
LIEBER WILLIAMS & LABIN LLP
22130 Clarendon Street
Woodland Hills, CA 91367-6307

The Honorable Marcelita Haynes
Los Angeles County Superior Court
Clara Shortridge Foltz
Criminal Justice Center
Central District
210 West Temple Street, Department 134
Los Angeles, CA 90012

The one copy for the California Appellate Project was placed in the box for the daily messenger run system established between this Office and California Appellate Project (CAP) in Los Angeles for same day, personal delivery.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **March 2, 2012**, at Los Angeles, California.

Lupe Zavala
Declarant


Signature