

- 1 2. In summary, I brought this case seeking the Court’s guidance concerning the
2 50% remainder gift to the Hawai’i Community Foundation because my
3 sisters, remainder beneficiaries and Respondents Jill Rylander and Joy
4 Stahley, asked me to do so. They feel, as do I, that this gift smacks of self-
5 dealing and undue influence. If I had not brought this case, my sisters would
6 have done so. Indeed, if I am prevented from pursuing this case, my sisters
7 will pursue it.
- 8 3. Specifically, the suspicious circumstances surrounding the 50% remainder gift
9 to Hawai’i Community Foundation are as follows:
- 10 a. Nancy Budd, the attorney who drafted my father’s Trust Agreement,
11 is a member of the Hawai’i Community Foundation. In her Ethics
12 Disclosures that she submitted to the state of Hawaii on May 12,
13 2011, Ms. Budd lists herself as a “member” of the foundation. In her
14 Ethics disclosures that she submitted to the state of Hawaii on May
15 15, 2012, Ms. Budd lists herself as a “council member” of the
16 foundation. Further, she lists her relationship with the Hawai’i
17 Community Foundation as a “fiduciary relationship.”
- 18 b. After my father evicting his step-son, Bradley Parries, on June 13,
19 2011 for threatening his life, my father lived alone. (Bradley Parries is
20 the brother of Respondent Brent Parries.) My father was in declining
21 health and on medication for high blood pressure, diabetes, and
22 anxiety. He died on January 27, 2012, just seven months after
23 executing his new Trust Agreement on June 28, 2011. At the time my
24 father executed his new Trust Agreement, he was indeed susceptible

1 to undue influence. In fact, my father spoke with his daughter Jill
2 Rylander in June 2011 and told her, "I am meeting my attorney at
3 the bar to discuss my new trust." My father sent an email to his
4 daughter Joy Stahley on June 17, 2011 that expressed his "interest in
5 impressing" Nancy Budd. His email reads, "I have to go to my
6 Attorney's this morn. have to shower & shave, she's a woman so I
7 want to look my best if I still can."

8 c. There was a confidential, fiduciary relationship between my father
9 and his attorney, Nancy Budd. I believe that Ms. Budd unduly
10 influenced my father to make his desires conform to her own. My
11 father had no prior relationship with the Hawai'i Community
12 Foundation prior to meeting Ms. Budd. Here, the foundation stands
13 to benefit by more than \$300,000 at the expense of a trust she
14 personally set up. Here, a member of and fiduciary for the foundation
15 procured an estate plan that benefits her foundation. This is an
16 incredible conflict of interest.

17 d. Ms. Budd had a duty to see that my father obtained independent and
18 disinterested legal advice concerning the proposed gift to her
19 foundation. There is no indication that Ms. Budd ever followed
20 through on this duty or that my father ever obtained any
21 independent or disinterested advise.

22 e. Ms. Budd was the only witness to the drafting and execution of the
23 Trust Agreement. My father's new trust was set up in secrecy and
24 haste. To my knowledge and that of my sisters, my father never

1 mentioned the Hawai'i Community Foundation to anyone, and the
2 new Trust Agreement was drafted just seven months before my
3 father's death. Further, no person has ever stated to me that they
4 viewed the Trust Agreement executed on June 28, 2011 prior to my
5 father's death. The Trust Agreement was provided to me on February
6 2, 2012 by the Kauai Police Department, who claim to have
7 personally removed the Trust Agreement from my father's residence
8 for "safe keeping." The Trust Agreement was listed in the "property
9 and evidence receipt" as "DECLARATION OF TRUST Jack L.
10 Stahley June 28, 2011 (Nancy BUDD)." The only notation of who
11 drafted the trust (Nancy J. Budd) is the notary signature located on
12 page 10 of the trust, which was enclosed in a generic blue folder
13 labeled "JACK LEE STAHLEY ESTATE PLANNING
14 DOCUMENTS."

15 f. In his new Trust Agreement, my father intentionally omitted his
16 deceased wife's son Bradley Parries, he intentionally removed his
17 deceased wife's son Brent Parries as trustee, and he named the Hawai'i
18 Community Foundation as a 50% beneficiary having never
19 mentioned or donated to the foundation before during his lifetime.
20 Here, there is a decided discrepancy between my father's new and
21 previous estate plans. On August 28, 2000, my father and his wife
22 Betty executed the Stahley Living Trust. They both amended that
23 trust on December 19, 2001. This trust was in effect until my father
24 revoked it on June 28, 2011 and replaced it with the Trust Agreement

1 drafted by Ms. Budd. There was no gift to any charitable organization
2 or foundation or any mention of the Hawai'i Community
3 Foundation in the Stahley Living Trust agreement. The only
4 testamentary gift to any charity or the Hawaii' Community
5 Foundation in a will or trust executed by my father or his wife Betty
6 Stahley was in the Trust Agreement drafted by Nancy Budd on June
7 28, 2011.

8 g. Further, my father never mentioned the Hawai'i Community
9 Foundation to his children, step-children, friends, or long time
10 financial adviser. I believe this based on personal conversations and
11 statements provided. My sisters, Jill Rylander and Joy Stahley, agree.
12 Friends Shirley Marl, Robert Silverman, Lolly Silverman, Jose Agayo,
13 and Laurie Agayo all agree. Financial adviser Ben Benzaken agrees.
14 Tax Consultant Virgil Meads agrees. Step-daughter Cathy Ries states
15 in her sworn statement, "To my best memory, I did not hear them
16 specifically state they wanted to give money to the Hawaii
17 Community Foundation." Step-son Brent Parries states in his
18 personal letter to attorney Jeffrey L. Olson on February 6, 2013, "I
19 know based upon my personal conversations with both my mother
20 and Jack (before my mother's passing), and those many conversations
21 I had with Jack (following my mother's passing) that leaving a fund to
22 the children in Hawaii was their intent." Importantly, he does not say
23 the Hawaii Community Foundation was mentioned by his mother
24 before her death or by my father at anytime during their

1 conversations. In sum, although Respondents Brent Parries and
2 Cathy Ries may claim that my father and his wife Betty spoke of their
3 intent to support the children of Hawaii, there were never any
4 charitable donations made during their lifetimes to any charities that
5 support the children of Hawaii, as confirmed by tax records provided
6 by Virgil Meads, my father's long-time tax consultant.

7 h. The attorney Nancy J. Budd drafted the Trust Agreement and is a
8 member of the foundation. Robert and Lolly Silverman are named as
9 the next successor trustees and have informed me that they have no
10 desire to serve as trustee. Should I be removed as trustee, and should
11 Robert and Lolly Silverman be unable or unwilling to serve, the
12 Hawai'i Community Foundation would be entitled to appoint a
13 successor trustee and would thereby gain complete control of the
14 trust estate. Kauai Memorial Gardens Funeral Home Director
15 Roberta Simpkins is listed as Roberta Cable, a member of the Hawai'i
16 Community Foundation on the foundation's website. My father's
17 good friends Jose and Laurie Agayo have told me that they have no
18 knowledge of Ms. Budd, the Hawai'i Community Foundation, or my
19 father wanting to donate to the foundation, yet Jose's boss and owner
20 of King Auto, Charlie King, is listed as "chair" of the Hawai'i
21 Community Foundation on the foundation's website. The Silvermans
22 have told me that they have no knowledge of Ms. Budd, the Hawai'i
23 Community Foundation, or my father wanting to donate to the
24 foundation, yet I have discovered that Robert Silverman is a close

1 friend of Roy M. Yamakawa, Nancy Budd's husband. In fact, I have a
2 newspaper article from "The Garden Island" published on March 17,
3 2010 in which Robert Silverman is interviewed at his business along
4 with Roy Yamakawa, Nancy Budd's husband. My father's long-time
5 financial adviser told me that my father never mentioned to him any
6 gift to any charity and that he believes my father's attorney Nancy
7 Budd is "corrupt" and advised me to leave the island as soon as
8 possible for my own safety.

9 i. My father told me and others that he had created a "legacy bar tab"
10 for his favorite bar and grill, Rob's Good-Times Grill. He told me and
11 others that he wanted this included in his trust and how, "When I
12 told my attorney [Ms. Budd] I wanted to do this, she said I was crazy
13 and refused to include this in my trust until I insisted she do so." My
14 father even made an investment with his financial adviser specifically
15 to fund this gift. However, the gift my father spoke of leaving to his
16 favorite bar and grill does not exist in his Trust Agreement, while a
17 large gift to the Hawai'i Community foundation does. My father
18 discussed his new Trust Agreement with his close friend (since the age
19 of seven), Shirley Marl. He spoke in detail and described his "legacy
20 bar tab" that he had created, yet he never mentioned to her any intent
21 to support a charity or the Hawai'i Community Foundation.

22 j. I have discovered many conflicts of interest between Hawaii state
23 officials and the Hawai'i Community Foundation. State officers in the
24 Hawaii Attorney General's Tax and Charities Division, Kauai County

1 Salary Commission, Kauai County Administration, and The Fifth
2 Circuit Court Probate Division are all closely connected by marriage
3 or are current members of the Hawai'i Community Foundation. In
4 other words, the State officials responsible for overseeing the Hawai'i
5 Community Foundation also have interests in the foundation. My
6 sister's and I believe it may be necessary to file a complaint in Federal
7 Court under the RICO Act.

8 k. I have personally spoken with an investigative news reporter with
9 "The Hawaii Reporter" in Honolulu, Hawaii and told them the story
10 of Nancy Budd's involvement with the drafting of my father's trust
11 and her association with the Hawai'i Community Foundation. The
12 reporter described this to me in a letter of response as "common
13 Hawaii corruption" and asked that I provide them my documentation
14 so they could investigate my claims and publish my story.

15 l. I have personally met with a representative with the IRS to discuss my
16 concerns that the trust gift to the Hawai'i Community Foundation
17 drafted by Nancy Budd could be considered a deceptive or improper
18 fundraising practice. He instructed me to submit a form 13909 Tax
19 Exempt Organization Complaint (Referral) Form to his office along
20 with a copy of the trust and all my supporting documentation on the
21 Hawai'i Community Foundation and Nancy Budd.

22 DATED June 14, 2013.

23 _____
24 Jeffrey E. Stahley, Petitioner