

DISTRICT COURT, PUEBLO COUNTY, COLORADO Court Address: 320 West 10 th Street Pueblo Colorado 81003 Phone Number:		PUEBLO 2004 FEB -9 PM 3:08 DISTRICT COURT CLERK OF COURT
IN RE: THE MATTER OF THE ESTATE OF Donald E. Skadeland Deceased		▲ COURT USE ONLY ▲
Attorney or Party without Attorney Barbara A. Robbins, <i>Personal Representative</i> 6660 Delmonico Dr D-261 Colorado Springs CO 80919 Phone Number: 719-337-7033 E-mail: barobbins@msn.com		Case No. 01 PR 291 Division No. C Courtroom:
RESPONSE TO and MOTION TO DENY the MOTION FOR INTERIM ACCOUNTING		

Barbara A. Robbins, Personal Representative, pro se, in the above captioned action (herein "Respondent"), hereby offers this Honorable Court the following response to the MOTION FOR INTERIM ACCOUNTING filed by my sister, Catherine L. Clamp, an heir to the above named estate, on behalf of herself and my other sister, Deborah J. Bamesberger, herein ("Petitioners") and moves this Honorable Court to deny the Motion for Interim Accounting as 'needless'. As grounds thereof, this Personal Representative of the estate does hereby state and aver as follows:

1. Line numbers 1 and 2 are herein admitted as accurate. Donald E. Skadeland died intestate on July 16, 2001; there are three heirs; the Probate was filed on or about August 2, 2001; and Barbara A Robbins was appointed as Personal Representative of the Estate by the two other heirs.
2. John M. Stinar, Esq., attorney for the Estate, did not prepare a 'Decedent's Inventory Worksheet' as Petitioner claims. This Respondent prepared all inventories involved, and the worksheet mentioned in Line 3 of the motion was forwarded to the attorney for the estate within weeks of death. All assets were located, quantified, valued, accounted for, and distributed by Respondent.
3. Regarding Line 4. Some of the assets of the estate were divided as a matter of course (Life insurance proceeds, for instance), while some other assets were transferred out of the name of the decedent and into the name(s) of the heirs as a lump sum (Real estate, for instance). This Respondent herein submits that to the best of her knowledge and belief, all assets have been located, identified, quantified, transferred, and distributed – essentially completing the probate.
4. Regarding line 5. The only assets not distributed are real property in the control of Petitioner. Petitioner claims that she has received the documents in question. The documents in question were not sent to the attorney as a matter of course because the attorney was not preparing any inventories, accounting or documents. The attorney was responsible for the probate documents and tax return. This Respondent was in contact with the attorney when necessary, but no more than necessary as a means to save estate funds.

5. Regarding line 6. Petitioner is making references to items that are currently in her possession as though they are unfamiliar. This Respondent submits that all items mentioned in items 'a' through 'e' have been thoroughly accounted for, in writing, to both heirs (Petitioners).
6. This Respondent is still waiting for the accounting of the repair expenses to the rental properties claimed by Petitioners. Respondent requires the accounting to complete the tax returns for the estate, namely the fiduciary tax return Federal Form 1041. To date, no accounting has been provided to this Respondent Personal Representative, though requests have been made numerous times.
7. Regarding line 8. This Respondent Personal Representative has taken no payment for services to the Estate. There are 2 or 3 minor reimbursements made for costs incurred by this Respondent, all outlined in the bank records as such. Petitioner is requesting that this Respondent be compensated according to the breakdown listed in the Motion for accounting. This Respondent takes no issue with that breakdown, and plans to submit an invoice for services rendered to the Petitioner at the scheduled hearing.
8. Regarding Line 9. All rental properties, with the exception of physically driving to Pueblo to supervise the repairs, were handled by Petitioner. Contact with the property manager, Jones-Healy Realty, was made through the Petitioner. This Respondent Personal Representative was left responsible for the utility bills and repair bills for the real property in question; however, the proceeds from the rental of these same properties went to the property management company. This Respondent Personal Representative was forced to make small periodic withdrawals to supplement the funds required to pay the bills. All funds are accounted for, in writing, and have been submitted to the Petitioner(s) many times as progress reports. Expenses are still on-going.
9. Regarding Line 10 and 11. The amount of \$3,000 was drawn from the property management account to pay property taxes. These motions were made during the period of time (less than a week) during which this Respondent was preparing the tax documents for payment. No payment was made to the Pueblo County Treasurer, though the funds remained in the account until further notice. When the meeting between heirs occurred, Petitioner made note of the fact that she had paid the property taxes. The funds remained in the account to pay other bills as they came due.
10. Regarding Line 12. Respondent has been in contact with the attorney for the estate as needed, and no 'repeated attempts to finalize' were made, since no finalization can occur. All items have been distributed; however, with the estate tax being only partially paid the estate cannot be finalized. Upon information and belief provided by the attorney for the estate, this Respondent considers the estate completed except for the tax payment. The Petitioner's claims of uncooperative and uncommunicative are groundless, evidenced by the fact that the estate has been completed. These things would not have occurred if this Respondent were, in fact, uncooperative and uncommunicative.
11. Regarding Line 13. All payments to the attorney for the estate have been outlined in the accounting provided to the Petitioner, in writing. Final payment is pending receipt of the complete breakdown of billing(s) as requested by this Respondent several months ago. Respondent's recent conversation with the attorney for the estate indicated that said final breakdown would be received 'soon'.
12. On or about Monday, April 28, 2003, at the request of the Petitioner(s), this Respondent did physically provide both heirs (Petitioners) with the complete set of records for the estate, at the Petitioner's chosen location (her office in Denver) for their review and copying. After spending

most of the day, the Petitioner personally selected certain documents for copying, and after taking a sizeable stack of copies, including, but not limited to, bank records, tax returns, and stock sales, claimed to be 'satisfied' with the accounting of the estate.

13. No further disbursements have been made other than two or three bills for utilities and costs in Pueblo.
14. This Respondent submits that, even though the Petitioner(s) have been provided with written copies of the progress accounting, complete accounting cannot be produced until the requested documents are provided to this Respondent; namely, the breakdown of expenses drawn from the property management company and the bank account records since April of 2003.

WHEREFORE, this Respondent prays that the Court accept the herein outlined evidence that sufficient and complete interim accounting has been made so far, and that final complete accounting will be impossible until this Respondent is provided with the documents requested AND the assets are sold. No interim accounting is required, THEREFORE, this Respondent prays that this Honorable Court will deny the motion for interim accounting and will move to compel the Petitioner to provide the needed documents so that this Respondent can prepare the final tax returns, and a final and complete accounting to be distributed to the heirs.

Respectfully submitted this 9th day of January, 2004.

Dated: _____

January 9 2004

Barbara A. Robbins
Barbara A. Robbins, Petitioner pro se