

This Was never

Mark Johnson (142984)  
Attorney at Law  
2531 Forest Avenue Suite 100  
Chico, California 95928  
(530) 345-6801  
mj@mjlaw.net

Attorney for Russell Rogers

heard.

He agreed

FILED  
By Kimberly Flaner, Clerk  
Electronically FILED  
Deputy

Superior Court of California  
County of Butte  
8/14/2019

FILED

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF BUTTE

Estate of Arvel Russell Rogers

Russell Rogers

Petitioner

vs.

DEBRA J. DUTTER

Estate Representative

CASE NO. 18PR00249

Petition for

- Damages for Fraud and Breach of Fiduciary Duty
- Issuance of Citation to Debra J. Dutter
- Suspension of the Representative's Powers,
- Removal of the Estate Representative, and
- Appointment of Successor Estate Representative

(Prob. Code §§ 8500 et seq., 9614)

Petition Filed: 07/18/2019  
Hearing Date: 09/03/ 2019  
Time: 9:00 a.m  
Location: TBA

Petitioner Russell Rogers, alleges:

1. As a petitioner, I have standing to file this petition as an estate heir and beneficiary.
2. Debra J. Dutter is the administrator of the estate in this matter.
3. Ms. Dutter filed her First and Final Account and Report of Status of Administration; Waiver of Account by Administrator and Petition for Settlement Thereof; For

1 Allowance of Statutory Attorney Compensation; and for Payment of Creditors and Final  
2 Distribution (the "Account") on July 18, 2019.

3 4. Ms. Dutter should be removed as administrator of the decedent's estate, her  
4 representative powers should be suspended pending investigation of the charges, Glenn Eaton  
5 should be appointed as the successor estate representative, and Debra J. Dutter should be held  
6 liable in the amount of the Rabobank Deed of Trust according to proof together with interest  
7 according to proof as a result of Debra J. Dutter's failure to either sell the business real  
8 property located at 8099 Skyway, Paradise, CA as ordered by this court on October 16, 2018  
9 or insure the property as required by the deed of trust on the property; and be liable for  
10 general, special and exemplary damages on the following grounds:

- 11 a. Ms. Dutter has Committed Fraud on the Estate. (Prob. Code § 8502(a).)
- 12 b. Ms. Dutter is incapable of properly executing the duties of office of  
13 estate representative. (Prob. Code § 8502(b).)
- 14 c. Ms. Dutter has failed to properly file an inventory and appraisal for the  
15 Estate. (Prob. Code § 8804(b).)
- 16 d. Removal of Ms. Dutter as the estate representative is necessary for the  
17 protection of the Estate. (Prob. Code § 8502(d).)
- 18 e. A petition for removal may be combined with a petition for appointment  
19 of a successor personal representative under Article 7 (commencing with Section 8520.)  
20 (Prob. Code § 8500(a).)

21 5. **Ms. Dutter has Committed Fraud.** Ms. Dutter was appointed as the estate  
22 representative based upon her falsely and fraudulently written representation in her Amended  
23 Petition for Letters of Administration that

- 24 a. she was the best candidate for estate representative because she was the  
25 decedent's business partner; (Amended Petition, Att 3F, ll. 6-11.)
- 26 b. "she is the only one who has the financial ability to deal with the  
27 situation." (Amended Petition, Att 3F, ll. 6-11.)

1 c. she knew the decedent's family. (Amended Petition, Att 3F, ll. 6-11.)

2 6. The representations were false.

3 a. The truth is that when Ms. Dutter represented that she was the  
4 decedent's business partner, she was not the decedent's business partner, she was not a joint  
5 owner of the business, and she was not a signer on the business checking accounts.

6 b. The truth is that when Ms. Dutter represented that "she was the only one  
7 who has the financial ability to deal with the situation", she knew that she was a student,  
8 indigent, underemployed, and insolvent. In short, she was and is unable to obtain the  
9 necessary bond to administer this estate.

10 c. The truth is that when Ms. Dutter represented that she was familiar with  
11 the decedent's family, she did not know address of the decedent's daughter and she did not  
12 know that the decedent's deceased son left an heir.

13 7. When Ms. Dutter made the representations, she had no reasonable ground for  
14 believing them to be true and she made the representations with the intent to induce the estate  
15 beneficiaries and the Court to appoint her as the estate representative for the purpose of  
16 advocating her claims against the estate.

17 8. The estate beneficiaries believed the representations and relied on their truth in  
18 not opposing Ms. Dutter's petition for appointment. The estate beneficiaries would not have  
19 given their apparent consent to Ms. Dutter's appointment had it not been for her fraud.

20 9. The reliance of the estate beneficiaries was justified on the following grounds:

21 a. The decedent had hired Ms. Dutter;

22 b. The decedent had a long-time, sixteen year, business relationship with  
23 Ms. Dutter;

24 c. In her business role, Ms. Dutter was the closest, in the sense of physical  
25 distance, and most knowledgeable person regarding the decedent.

26 d. Neither the decedent's daughter nor his deceased son's child received  
27 notice of Ms. Dutter's Petition for Letters.

1           10.     As a proximate result of Ms. Dutter's misrepresentations, the estate  
2 beneficiaries and the Court were induced to appoint Ms. Dutter as the estate representative, by  
3 reason of which, the estate has been damaged in an amount to be shown according to proof.

4           11.     The damages include an inability to resolve this estate administration: the  
5 estate has not been properly inventoried, the creditors have not received mailed notice of  
6 administration, insurance premiums have not been paid, taxes have not been paid, the Camp  
7 Fire proceeds have not been deposited, interest has not been collected on the Camp Fire  
8 proceeds, the properly presented claims have not been paid, the tax forms have not been  
9 prepared and filed, and more than a year has passed without Ms. Dutter advancing the estate  
10 administration, and unnecessary attorney fees and costs in petitioning to remove and replace  
11 Ms. Dutter as the estate representative have been incurred.

12           12.     In performing these alleged acts, Ms. Dutter intentionally misrepresented or  
13 concealed from the estate beneficiaries and the court the material facts known to her, specifically  
14 the following:

15                 a.     Ms. Dutter knew that she was a student, indigent, underemployed, and in  
16 debt;

17                 b.     Ms. Dutter knew that she was not the decedent's business partner with  
18 signature power on the business accounts;

19                 c.     Ms. Dutter knew that she was petitioning to be appointed as the estate  
20 representative to advance her own claims against the estate; and

21                 d.     Ms. Dutter was ignorant of the names and address of the decedent's heirs.  
22 with the intent of depriving the estate of money and property, thereby justifying an award  
23 of punitive damages against Ms. Dutter.

24           **Ms. Dutter Intentionally Mismanaged the Estate: (Prob. Code § 8502(a).)**

25           The decedent knew that his estate would pass intestate to his issue and Ms. Dutter  
26 would not receive an intestate gift. To leave a gift to Ms. Dutter upon his passing, the  
27 decedent asked his sister to give a secured note the decedent owed his mother to Ms. Dutter.

1 Prior to June 2018, Ms. Dutter cooperated with the family to resolve the decedent's  
2 estate. However, she then learned that if the estate retained the property securing the note, the  
3 note would not be paid in full unless the property was sold. The decedent's issue did not  
4 intend to sell the property. So Ms. Dutter realized that she had to force the property sale to  
5 collect on the note. To do that, she stopped paying on the note and as a result the property  
6 went into foreclosure.

7 **Ms. Dutter has embezzled estate property. (Prob. Code § 8502(a).)**

8 13. Subsequent to the decedent's death, Ms. Dutter has taken and sold estate personal  
9 property for her own benefit include at least two awnings and other personal property.

10 **Ms. Dutter has refused to sell any estate property to raise needed liquid funds to**  
11 **protect the estate. (Prob. Code § 8502(a))**

12 14. Before the Camp Fire, the decedent's son, Russell Rogers, hired a professional  
13 auction company to sell some of his personal property which was located on the decedent's  
14 property. At the auction, Ms. Dutter refused a reasonable \$5,000 offer for one of the decedent's  
15 houseboats, a \$150,000 offer to purchase the decedent's business property, and refused to sell any  
16 of the decedent's personal property even though she knew that money was needed to pay estate  
17 expenses for the note and property insurance.

18 **Ms. Dutter is antagonistic to the estate's beneficiaries.**

19 15. After the decedent died, Ms Dutter cooperated to move Russell Rogers onto the  
20 smaller of the decedent's houses with his household and business equipment.

21 16. After learning that she would have to force the sale of the decedent's property to  
22 collect on her note, Ms. Dutter became antagonistic towards Russell Rogers. She needlessly  
23 called the police four times to harass him while he was peacefully on the property.

1       **Ms. Dutter Admits She Incapable of Managing the Estate Assets: (Prob. Code §**  
2       **8502(b).)**

3       17.     In her Account, Debra J. Dutter admits that she is incompetent to act as the  
4       estate representative without the outside assistance of a professional fiduciary. (Petition, p. 5,  
5       ll 16-17,)

6             a.     The Account was Ms. Dutter's final account and request for final  
7       distribution, yet she has failed to petition to have a professional fiduciary appointed.

8             b.     If a professional fiduciary is to be appointed, this petition can not for the  
9       final distribution as additional expenses for the professional fiduciary must be expected.

10       **Ms. Dutter Is Incapable of Opening a Blocked Account. (Prob. Code § 8502(b).)**

11       18.     In her Amended Petition for Letters of Administration, Ms. Dutter states that  
12       she was the best candidate to be the estate representative because "she is the only one who has  
13       the financial ability to deal with the situation." (Amended Petition, Att 3F, ll. 10-11.) The  
14       surety company disagreed and limited her bond to \$20,000. Ms. Dutter is required to place  
15       any additional funds in a blocked account.

16       19.     **The Court has repeatedly granted Ms Dutter the authority to establish a**  
17       **"Blocked" bank account. (See., i.e., Order to Reduce Bond, Allow for Sale of Real Estate,**  
18       **Open Blocked Account, for Any Funds Greater Than the Amount of Bond filed 10/16/2018,**  
19       **pp. 1-2.).**

20       20.     **In January 2019, Ms. Dutter received over \$500,000 in insurance payments. In**  
21       **the eight months since, Ms. Dutter has shown she is incapable of filing an ex parte application**  
22       **to deposit assets under Probate Code section 9703<sup>1</sup>, obtaining an order to open a block**  
23       **account and deposit funds<sup>2</sup>, and filing a Receipt and Acknowledgment of Order for the**  
24

---

25  
26       <sup>1</sup> **CEB California Decedent Estate Practice § 9.12 Form: "Application to Deposit**  
27       **Assets under Prob. C. § 9703"**

28       <sup>2</sup> **"Order to Deposit Money Into Block Account" Judicial Council form (MC-355)**

1 **Deposit of Money into Blocked Account<sup>3</sup>.**

2 21. Despite the Court repeatedly granting Ms Dutter the authority to establish a  
3 "Blocked" bank account, Ms. Dutter has been incapable of opening a blocked account.

4 22. As a result, the funds have been in danger of being misplaced and have not  
5 gained any interest. Furthermore, Ms. Dutter has been unable to take any action on behalf of  
6 the estate, i.e., pay insurance premiums, engage a probate referee; pay the administrative costs  
7 of the estate such as filing and publication fees; pay creditors; pay property taxes, water bills,  
8 and utilities, or have tax returns prepared.

9 23. Since being appointed Ms Dutter has made no progress in administering the  
10 estate and she refuses to resign. The only reason Ms. Dutter filed a final Account was to  
11 advocate for her own claims against the estate as an estate creditor and claimant.

12 24. **Ms. Dutter is Incapable of Properly Filing an Estate Inventory and**  
13 **Appraisal. (Prob. Code § 8804(b).)**

14 "The inventory and appraisal shall be filed within four months after letters are first  
15 issued to a general personal representative." (Probate Code § 8800(b).) Upon petition, the  
16 court may find the representative liable and remove the representative. (Prob. Code § 8804.)

17 25. Ms. Dutter failed to file a Inventory and Appraisal within 120 days of October  
18 19, 2018, the date her Letters issued.

19 26. The inventory that Ms. Dutter filed with her Account is grossly inaccurate. The  
20 estate owned personal property and two parcels of real property. Included in the personal  
21 property were a life-time collection of tools, materials, and equipment for the decedent's  
22 fiberglass, paint, automotive interiors and upholstery business to include thousands of yards of  
23 upholstery materials, a 20 foot shop van filled with painting equipment and supplies, half a  
24 dozen roll-away mechanic tool chests filled with Snap-on tools, 4 industrial sewing machines,  
25 painting equipment, fiberglass equipment, upholstery equipment, computers, furniture,

---

27 <sup>3</sup> "Receipt and Acknowledgment of Order for the Deposit of Money into Blocked  
28 Account" Judicial Council form (MC-356)

1 workbenches, 4 industrial air compressors, a van, a heavy duty truck, welders, molds for duck  
2 boats, speed boats, skull boats, fuel tanks, and paints to include regular auto body paint and  
3 metal flake paints. The personal property also included two awnings, two houseboats,  
4 numerous other boats and vehicles that were exchanged for services. The personal property  
5 also included the decedent's lifetime collection of household fixtures and furnishings. Many  
6 of the materials and molds were irreplaceable. A conservative value of the decedent's  
7 personal property would exceed \$250,000.

8 27. In her inventory, Ms. Dutter valued the business personal property at \$5,000  
9 and the personal household property at \$3,000. After the Camp Fire, the insurance paid about  
10 \$160,000 for the decedent's personal property.

11 28. The Probate Referee is to appraise the personal and real property. (Prob. Code  
12 § 8902.)

13 29. In neither of the inventories and appraisals Ms Dutter has filed was the personal  
14 or real property appraised by a Probate Referee. As result, the Account starting estate values  
15 are improper. Ms. Dutter must be replaced to obtain a proper inventory and appraisal.

16 30. **Ms. Dutter Has Failed to Resolve the Estate's Taxes:**

17 The personal representative shall pay taxes on, and take all steps reasonably necessary  
18 for the management, protection, and preservation of the estate in his or her possession.  
19 (Prob. Code § 9650(b).) The representative shall attach a schedule to the Summary of  
20 Account which lists the all taxes due but unpaid. (Prob. Code § 1063 (g)(2).) Further, "The  
21 court shall order distribution under this article if at the hearing it appears that the distribution  
22 may be made *without* loss to creditors or injury to the estate or any interested person." (Prob.  
23 Code § 11621(a) (emphasis added).)

24 The decedent died in 2018 and a final income tax return was due April 2019. Ms.  
25 Dutter has not had the tax returns prepared nor has she had the money to pay for the tax form  
26 preparation. As a result, Ms. Dutter does not know whether taxes or refunds are due. But  
27 reports that whatever taxes are will be paid. (Petition, p. 3 ll. 6 - 11.) Where Ms. Dutter has  
28



1 failed to state which taxes have been paid and which are due but unpaid, her Account is  
2 improper and the court is prohibited from ordering a distribution.

3 To obtain a proper Account, Ms. Dutter must be replaced.

4 **31. Ms. Dutter is Incapable of Properly Accounting:**

5 The decedent owned a home and two businesses at his death filled with personal  
6 property. When the Camp Fire destroyed the home, businesses and personal property, the  
7 physical assets transformed into cash in the form of insurance proceeds. After the fire, the  
8 physical personal property and real property improvements no longer existed.

9 However, Debra Dutter reported that the initial estate on hand and then added the  
10 insurance proceeds to the estate total. The result is that she doubled counted the personal  
11 property and real property improvements inflating the value of the estate.

12 To balance the account, Ms. Dutter reports a \$283,000 loss on sale of the estate  
13 personal and real property. However, the estate sold nothing. The estate still retains the real  
14 property. As a result, Ms. Dutter's account is out of balance by at least \$283,000. That error  
15 skews the understanding of the total estate available for payment of creditors and  
16 beneficiaries. To obtain a proper account, Ms. Dutter must be replaced.

17 **32. Ms. Dutter Failed to Report Transactions Which Are Not Understandable**  
18 **from the Schedules:**

19 Ms. Dutter has the duty to report any transaction during the account period that is not  
20 otherwise readily understandable from the Schedules. (Prob. Code § 1064(a)(1).)

21 The Camp Fire destroyed two pieces of estate real property and insurance proceeds  
22 were received for the damages suffered. However, Ms. Dutter was failed to report whether  
23 FEMA or an alternative contractor will remove the debris, what insurance proceeds have been  
24 received to remove the debris, or what steps the County Assessor has taken to reassess the  
25 Properties. Where Ms. Dutter is incapable of reporting this information, she must be  
26 replaced.

1           **33. Ms. Dutter Failed to Account for the Business Property Insurance.**

2           On the Duties and Liabilities of Personal Representative statement Ms. Dutter filed on  
3 June 18, 2018, she represented she would "maintain insurance in force during the entire  
4 period of administration."

5           34. In Ms. Dutter's Account, she has failed to account for the insurance proceeds  
6 on the business real property subject to a deed of trust. Attached as exhibit 1 is a June 2018  
7 policy cancellation refund notice implying a \$774.00 refund check mailed to the address  
8 where Ms. Dutter resided. There is no accounting for the refund check nor an explanation for  
9 why the insurance was not renewed.

10          35. Where Ms. Dutter is incapable of reporting this information and has conflict of  
11 interest regarding her role as a business partner with a duty to insure the real property, she  
12 must be replaced.

13           **36. Ms. Dutter Ignored Court Orders Costing the Estate Over \$140,000.**

14           The court granted Ms. Dutter to the authority to sale of the business real property  
15 located at 8099 Skyway, Paradise, CA on October 16, 2018. (See., i.e.; Order to Reduce  
16 Bond, Allow for Sale of Real Estate, Open Blocked Account, for Any Funds Greater Than the  
17 Amount of Bond filed 10/16/2018, p. 2. ll. 4 -12.). Ms. Dutter did not maintain insurance on  
18 the property. The property was subject to an approximately \$146,000 deed of trust in favor of  
19 Rabobank. The Camp Fire destroy the improvements to the property. Rabobank maintains its  
20 claim on the estate. The estate apparently does not have insurance to pay the deed of trust  
21 amount and the property is now destroyed.

22           The estate has a claim against Ms. Dutter for breach of her fiduciary duties and she  
23 should be surcharged for the damage she has caused the estate.

24           37. Ms. Dutter Failed to List the Estate Liabilities: Ms. Dutter has the duty to  
25 attach a schedule to the Summary of Account which lists all liabilities which are a lien on the  
26 estate. (Prob. Code § 1063 (g)(1).)

27           The estate has a least two deed of trust liens, and potential liens for debris

1 removal and taxes. Yet Ms. Dutter failed to list these liens on the account. Because Ms.  
2 Dutter is incapable of reporting the true picture of the estate's liabilities, she must be replaced.

3       **38. The Account Shows Ms. Dutter's Impermissible Conflict of Interest: As a**  
4 **fiduciary, a representative may not directly or indirectly file a claim against the estate. (Prob.**  
5 **Code 9880.) As stated in CEB *Decedent Estate Practice* § 29.3 Conflicts of Interest.**

6       A personal representative sometimes has other interests in the estate he  
7 or she is to administer, e.g., as a beneficiary, creditor, co-owner of property, or  
8 business partner of the decedent. Despite these interests, the duty of a personal  
9 representative is to advance the interests of the probate estate, not his or her  
10 individual interests. A personal representative who advances his or her own  
11 interests to the disadvantage of the estate may be removed. *Estate of Hammer*  
12 (1993) 19 CA4th 1621, 1638; *Gross v Needham* (1960) 184 CA2d 446, 462.  
13 Similarly, a personal representative who acts in his or her own interest  
14 may be barred from recovering on a claim to property belonging to the  
15 estate, under the doctrine of unclean hands. *Estates of Collins & Flowers*  
16 (2012) 205 CA4th 1238, 1248 (administrator who pursued his own personal  
17 interests in estate property and negligently failed to prosecute action on behalf  
18 of estate had unclean hands and was estopped from seeking quiet title and other  
19 relief in his capacity as administrator).

20       As neither a spouse nor an issue of the decedent, Ms. Dutter is not entitled to an  
21 intestate share of the estate. (Prob. Code §§ 6400, 6402.) However, Ms. Dutter claims she is  
22 entitled to the \$112,350.00 Camp Fire insurance proceeds on the "Front House". (Petition, p.  
23 6, ll. 7-8.) Ms. Dutter has no basis for the claim, nor has she filed a claim.

24       Where Ms. Dutter makes a claim adverse to interests of the intestate heirs in the  
25 Account, her Account is improper and she shows that she is incapable of properly executing  
26 the duties of the estate representative and must be removed as the estate representative.

27       **39. The Account Shows Ms. Dutter Improperly Requests the Estate Pay her**  
28 **Personal Debts.**

29       Debbie Dutter placed her name on a credit card, Capital One (Ex-spouse Aleen Rogers  
30 name) belonging to Aleen Rogers, the decedent's former spouse and incurred \$3,500 of debt.  
31 Debbie Dutter now requests the decedent's estate to pay her personal debts. (Petition p. 5, l.  
32 26.)

33       **40.** Where Ms. Dutter has made this claim adverse to interests of the intestate heirs,  
34 Ms. Dutter's Account is flawed and she has shown that she is incapable of properly executing

the duties of the estate representative and must be removed as the estate representative.

**41. Ms. Dutter Proposes to Pay Claims subsequent to the Lapse of the Statute of Limitations.**

Ms. Dutter proposes paying the following debts of the estate:

Larry Royal	50,000.00
Alliance One (Cap One) credit card	3,620.00
Capital One (Ex-spouse Aleen Roger name)	3,500.00
Wells Fargo credit card	2,673.00
FBS Blaze credit card	2,089.00
Brant State Bank credit card	1,122.00
Debra Dutter	112,350.00
Lakeview Petroleum	643.04
Russell Allen Rogers	9,890.00
<b>Total</b>	<b>\$ 185,887.04</b>

*Back house 8/32*

"If the estate is solvent, the court, in settling that is the representatives account, may allow payment of debts justly due and paid in good faith, without the filing of a claim for approval. (Prob. Code §11005.) The debt must be one that is enforceable (i.e., that the representative is permitted to pay), and payment must be made within the period of filing claims. (*Estate of Erwin* (1953) 117 Cal. App. 2nd 203, 250, 225 P.2nd 97.) . . . In all other cases, claim should not be paid unless they have been timely filed with the court (Prob. Code § 9150) or approved for filing by the court. (Prob. Code § 9103 (a)), *Estate of Sturm* (1988) 201 CA3d 14, 246 Cal. Rptr. 852.)" (CEB *California Decedent Estate Practice* § 31.45.2)

42. The statute of limitations for filing a claim against the estate is one year after the decedent's date of death. (Code Civ. Proc. § 366.2) The statute of limitations has lapsed, and none of the claimants were paid within the claims period or statute of limitations.

43. Where Ms. Dutter proposes paying claims after the statute of limitations has lapsed, her Account is improper and her actions are adverse to the interests of the estate, she has shown that she is incapable of properly executing the duties of the estate representative and must be removed. (Prob. Code § 8502(d), *See Estate of Sturm* (1988) 201 CA3d 14, 246 Cal. Rptr. 852.))

1           44.     **Splitting the Attorney Fees with Mark Johnson is an Impermissible**  
2                   **Conflict of Interest.**

3           Ms. Dutter proposes splitting the statutory attorney fees between her attorney, Thomas  
4 Baker, and my attorney, Mark Johnson. Mark Johnson does not represent Ms. Dutter, nor has  
5 he done any work on behalf of Ms. Dutter for the estate.

6           45.     Because Ms. Dutter proposes Mr. Johnson be paid for work he has not done,  
7 the Account proposal is improper and adverse to interests of the intestate heirs and shows that  
8 she is incapable of properly executing the duties of the estate representative and must be  
9 removed as the estate representative. (Prob. Code § 8502(d).)

10          46.     **Glen Eaton, Professional Fiduciary, Must Be Appointed the Successor**  
11                   **Estate Representative.**

12          47.     Upon the removal of Ms. Dutter as the estate representative, Petitioner requests  
13 that Glen Eaton be appointed as estate representative. It is understood that he will file a  
14 Petition for Letters of Administration pursuant to Probate Code § 8522.

15          **WHEREFORE**, Petitioner requests the following:

16          1.     **The court determine that Debra J. Dutter is liable in the amount of the**  
17 **Rabobank Deed of Trust together with interest according to proof as a result of Debra J.**  
18 **Dutter's failure to either sell the business real property located at 8099 Skyway, Paradise, CA**  
19 **as ordered by this court on October 16, 2018 or insure the property as required by the deed of**  
20 **trust on the property;**

21          2.     **The court award general damages against Debra J. Dutter according to proof**  
22 **due to Debra J. Dutter's fraud and breach of her fiduciary duties;**

23          3.     **The court award special damages against Debra J. Dutter according to proof**  
24 **due to Debra J. Dutter's fraud and breach of her fiduciary duties;**

25          4.     **The court award exemplary damages against Debra J. Dutter according to proof**  
26 **due to Debra J. Dutter's fraud and breach of her fiduciary duties;**

27          5.     **That Debra J. Dutter's liability be charged against the fiduciary's compensation,**  
28



1 any beneficiary claim she has against the estate, any creditors claim she has against the estate,  
2 or recovered from Debra J. Dutter personally;

3 6. The court issue a citation directed to Debra J. Dutter as the administrator of the  
4 decedent's estate requiring her to appear and show cause why she should not be removed and  
5 her letters of administration revoked;

6 7. The court suspend the powers of Debra J. Dutter as administrator of the  
7 decedent's estate pending investigation of the charges made against her;


8 8. The court remove and revoke the letters of administration of Debra J. Dutter;

9 9. The court order Debra J. Dutter to transfer all estate assets to the successor  
10 estate representative;

11 10. The court order Debra J. Dutter to pay petitioner's costs and attorneys fees  
12 incurred to remove her as the estate representative; and

13 11. Order such other relief as the court deems proper.

14  
15  
16 Date: August 14, 2019

17   
18 Mark Johnson  
19 Attorney for Russell Rogers

20 Exhibit 1: Liberty Mutual Insurance Cancellation Notice

21 None of this  
22 Happened!



Coverage Is Provided In:

Ohio Security Insurance Company - a stock company

Policy Number:  
BKS (19) 56 32 17 95

Policy Period:  
From 01/22/2018 To 01/22/2019  
12:01 am Standard Time  
at Insured Mailing Location

RESULT OF CANCELLATION

Named Insured & Mailing Address

ARVEL RUSS ROGERS DBA ANTIQUE &  
UNIQUE UPHOLSTERY  
8099 SKYWAY  
PARADISE, CA 95969

Agent Mailing Address & Phone No.

(530) 895-5260  
IN THE WORKS, INC DBA SWEENEY &  
SELLAND INSURANCE SERVICES  
2580 SIERRA SUNRISE TER  
CHICO, CA 95928-8440

Return Premium

Total Return Charges

\$774.00 \*

\$774.00 \*

Any paid but unearned premium will be returned separate from this notice.

The policy is cancelled effective 06/14/2018.

This policy cancelled due to: Non-Payment

\* The Return premium and Total Return Charges Are Subject To Audit.

Issue Date 06/22/18

Authorized Representative

To report a claim, call your Agent or 1-800-362-0000

DS 70 25 01 08

EXHIBIT

1

1 VERIFICATION

2 I declare:

3 I am an Heir and Beneficiary of the Decedent, Arvel Russell Rogers.

4 I have read the foregoing and know its contents. I am informed and believe and on that  
5 ground allege that the matters stated in the foregoing document are true.

6 I declare under penalty of perjury under the laws of the state of California that the  
7 foregoing is true and correct.

8 Date: *August 14, 2019*

*[Signature]*  
9 Russell Rogers