



When asked why Chase could justify holding the \$800,000 Account nearly six years after Max Hopper had passed away, Chase's attorneys claimed that they were entitled to withhold funds from this account under Section 404.0037(a) of the Estates Code because Plaintiff Jo Hopper had filed a motion to remove Chase as the administrator of the estate. *See* Exhibit B. **However, Plaintiff Jo Hopper has removed this cause of action from her Second Amended Petition, filed in early December.** There is no pending cause of action asserting any such claim against Chase. Accordingly, Chase has no excuse to retain the \$800,000 Account and it must be properly distributed to the Heirs. Its retention of the \$800,000 Account is simply the bullying tactics of one of the biggest corporations in the world to try and improperly pressure two individuals.

### **APPLICATION FOR DISTRIBUTION OF PROPERTY AND MOTION FOR PROTECTIVE ORDER**

#### **I. After Max Hopper's Unexpected Death in Early 2010, Chase is Appointed IA.**

Max Hopper sadly and unexpectedly passed away on January 25, 2010. No will was located. Chase was eventually appointed as the independent administrator ("IA") of the estate on June 24, 2010, via Order of this Court. As the IA, Chase has distributed some, but not all, of the estate over the last five and a half years. Chase has yet to distribute significant assets of the estate. *See* Exhibits C and D.

On September 21, 2011, more than a year after Chase was appointed as the IA, Plaintiff Jo Hopper filed her Original Petition for: Declaratory Judgment, Breach of Contract, Breach of Fiduciary Duty, Fraud et al, For Removal of Independent Administrator, and Jury Demand ("Original Petition"). In her Original Petition, Jo Hopper sought the removal of Chase as the IA on various grounds, including the fact that as of September 2011, Chase's inventory for the estate was incomplete despite the passage of more than a year as the IA. Jo Hopper also alleged

that Chase had not lived up to its responsibilities despite being hired in the spring of 2010.

Rather than fulfill its fiduciary duties to the beneficiaries of the estate, and rather than stepping aside to let a new IA handle these responsibilities, Chase resisted all efforts to remove it as the IA. Notably, Chase wrongfully and improperly spent more than \$2,000,000 from the estate to pay its attorneys for work that Chase should have performed itself and/or could have easily avoided with much less time, expense and hassle.

**II. Nearly Six Years Later, Chase is Retaining Estate Assets Including an \$800,000 Account That Should Properly be Distributed to the Heirs.**

Now, more than four years after Hopper's Original Petition and nearly six years after Hopper passed away, Chase still has not fully lived up to its responsibilities. Notably, Chase is retaining an account P19276008 ("the Account") that as of October 31, 2015 had a balance of approximately \$817,666.91. *See* Exhibit "A." Chase is using the Account to fund its litigation expenses, as clearly indicated by its recent withdrawal of nearly \$27,000.00 to pay its attorneys Hunton & Williams. *See id.* and Exhibits C and D. Accordingly, while Jo Hopper and the Heirs hired Chase to adequately protect the estate assets, it is clear that Chase is using this money to enrich its lawyers. The Heirs are the beneficiaries of the Account.

**III. Chase Claims it Has Retained These Funds for Defense of An Action to Remove it as IA.**

There is no basis for Chase to use the Account as its own personal slush fund that depletes the estate and enriches its counsel. When the Heirs' counsel asked Chase the reason why this account had not been distributed, Chase's counsel claimed that it had a right to use these funds to fund efforts by Jo Hopper to remove it as independent administrator. Specifically, Chase referred to Estates Code § 404.0037(a) and claimed that Chase had the right to retain the Account to pay its attorneys for the claims seeking to remove it as the IA. *See* Exhibit "B."

Section 404.00037(a) provides:

**An independent executor who defends an action for the independent executor's removal in good faith**, whether successful or not, shall be allowed out of the estate the independent executor's necessary expenses and disbursements, including reasonable attorney's fees, in the removal proceedings. (emphasis added).

The notion that it is “good faith” for Chase’s to pay its own attorneys millions of dollars so it can stay on as the IA, while simultaneously depleting the estate assets for its own financial gain is simply ridiculous. As a fiduciary, Chase has a responsibility to the beneficiaries.

However, this issue is moot as there is no action to remove it as IA.

**IV. There is No Action to Remove Chase as the IA, and Therefore Chase Has No More Excuse to Retain These Funds as Hopper is No Longer Seeking Chase’s Removal as IA.**

Accordingly, the Court does not have to face Chase’s desire to enrich its stockholders as the expense of the Heirs at this time. Specifically, on December 7, 2015, Plaintiff Jo Hopper filed her Second Amended Original Petition for: Declaratory Judgment, Breach of Contract, Breach of Fiduciary Duty, Fraud et al, and Jury Demand (“Second Amended Petition”). Notably and critically, Hopper amended her petition and eliminated the request to have Chase removed as the IA. The Heirs have never filed any motion to remove Chase as the IA. As such, the entire basis for Chase’s refusal to distribute the Account is gone.

**V. This Court Should Order Chase to Administer the Account in Accordance with Its Duties as the IA.**

Despite these facts, and despite the passage of nearly six years since Max Hopper sadly passed away, Chase refuses to administer the Account. There is simply no basis for this position and Chase’s refusal to do so is simply litigation gamesmanship done in “bad faith” to try and pressure the Heirs into a settlement of the claims in this litigation. This Court should not allow

Chase to engage in such combative litigation tactics and should order Chase to administer the Account.

As noted above, Chase has already withdrawn more than \$2,000,000 in funds from the estate to pay their attorneys. If Chase is not forced to turn over the \$800,000 Account, it will continue to wrongfully deplete the estate and will permanently harm the Heirs. Accordingly, the Heirs ask for this Court to intervene to protect the estate.

This Court has authority to order a distribution under the Probate Code when an independent administrator fails to make such distributions after two years of being appointed. Section 149B(b) states that a court may order such a distribution. The Court has the power to do this even where the court finds that other estate issues still require administration. *See* Prob Code § 149B(b).

There is simply no valid excuse for Chase's conduct, other than to steamroll the rights of the Heirs by bullying tactics of withholding their inheritance. Chase, as one of the biggest corporations in the world worth more than a hundred billion dollars, knows that the Heirs cannot match their financial strength, so Chase seeks to pound them into submission by depleting their inheritance with a complete disregard of the law and any concept of fairness, equity or its own fiduciary duties.

**VI. This Court Should Further Enter a Protective Order that Chase is Prevented from Making any Further Withdrawals from the Account.**

As noted above, there is simply no basis for Chase to make any further withdrawals from the Account. Its stated reason for doing so is rendered void by Jo Hopper's Second Amended Petition. This Court should protect the assets of the estate and enter a protective order preventing Chase from making any further withdrawals from the Account for its own benefit. Alternatively,

Chase should be required to post a bond in the amount of the Account to protect the assets from further depletion.

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P



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ANTHONY L. VITULLO  
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(972) 934-9100  
(972) 934-9200 [Fax]  
lvitullo@feesmith.com  
ATTORNEY FOR DEFENDANTS

**CERTIFICATE OF CONFERENCE**

This will certify that the parties have conferred regarding the facts and issues addressed in this Application and Motion. Counsel for Defendant Chase is designated as *opposed*.



**CERTIFICATE OF SERVICE**

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, emailed, telecopied or hand delivered to all attorneys of record in this cause of action on the 4<sup>th</sup> day of February, 2016.

John C. Eichman  
Hunton & Williams, LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202

Alan S. Loewinsohn  
Loewinsohn Flegle Deary LLP  
12377 Merit Dr., Suite 900  
Dallas, Texas 75251

Christopher M. McNeil  
Steven R. Block  
BLOCK & GARDEN, LLP  
5949 Sherry Lane, Suite 900  
Dallas, Texas 75225



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**ANTHONY L. VITULLO**

*J.P. Morgan*

J.P.Morgan

**EXHIBIT A**





For the Period 10/1/15 to 10/31/15



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**IMPORTANT ADDITIONAL INFORMATION SPECIFIC TO A TRUST OF WHICH YOU ARE A BENEFICIARY**

Limitation of Action Against Trustee. State laws provide that an action against a trustee for breach of trust based on matters in a trustee's report that adequately disclose the existence of a potential claim for breach of trust may be barred unless the action is commenced within a certain time period after your receipt of such a report. The limitations periods for certain states are as follows - Florida and Utah: within 6 months; Arizona, Arkansas, District of Columbia, Kansas, Maine, Michigan, Missouri, North Dakota, New Hampshire, New Mexico, Nebraska, Oregon, South Carolina, Tennessee, Vermont, West Virginia and Virginia: within 1 year; Alabama, Ohio, Oklahoma and Wyoming: within 2 years; California: within 3 years. For other state limitation periods or questions, please consult your attorney. This disclosure is hereby made a part of the trustee's written report(s) (consisting of the statements relating to your trust(s)) provided to you as a trust beneficiary and is incorporated therein.

**IF THIS STATEMENT RELATES TO A TRUST GOVERNED BY CALIFORNIA LAW FOR WHICH JPMORGAN CHASE BANK, N.A. ("JPMCB") IS A FIDUCIARY, CALIFORNIA PROBATE CODE SECTION 16060,**

et. seq., requires us to tell you the following:

- The recipient of this account may petition the court pursuant to California Probate Code Section 17200 to obtain a court review of this account and of the acts of the trustee reported here.
- Claims against the Trustee for breach of trust must be made within three years of the date the beneficiary receives an account or report disclosing facts giving rise to the claim.

If you have any questions regarding your statement, please call your Fiduciary Manager.

**IMPORTANT INFORMATION ABOUT YOUR INVESTMENTS AND POTENTIAL CONFLICTS OF INTEREST APPLICABLE TO YOUR MANAGED INVESTMENT ACCOUNT(S)**

Conflicts of interest will arise whenever JPMorgan Chase Bank, N.A. or any of its affiliates (together, "J.P. Morgan") has an actual or perceived economic or other incentive in its management of our clients' portfolios to act in a way that benefits J.P. Morgan. Conflicts will result, for example (to the extent the following activities are permitted in your account): (1) when J.P. Morgan invests in an investment product, such as a mutual fund, structured product, separately managed account or hedge fund issued or managed by JPMorgan Chase Bank, N.A. or an affiliate, such as J.P. Morgan Investment Management Inc.; (2) when a J.P. Morgan entity obtains services, including trade execution and trade clearing, from an affiliate; (3) when J.P. Morgan receives payment as a result of purchasing an investment product for a client's account; or (4) when J.P. Morgan receives payment for providing services (including shareholder servicing, recordkeeping or custody) with respect to investment products purchased for a client's portfolio. Other conflicts will result because of relationships that J.P. Morgan has with other clients or when J.P. Morgan acts for its own account.

Investment strategies are selected from both J.P. Morgan and third-party asset managers and are subject to a review process by our manager research teams. From this pool of strategies, our portfolio construction teams select those strategies we believe fit our asset allocation goals and forward looking views in order to meet the portfolio's investment objective.

As a general matter, we prefer J.P. Morgan managed strategies. We expect the proportion of J.P. Morgan managed strategies will be high (in fact, up to 100 percent) in strategies such as, for example, cash and high-quality fixed income, subject to applicable law and any account-specific considerations.

While our internally managed strategies generally align well with our forward looking views, and we are familiar with the investment processes as well as the risk and compliance philosophy of the firm, it is important to note that J.P. Morgan receives more overall fees when internally managed strategies are included.

J.P. Morgan



For the Period 10/1/15 to 10/31/15

**Offshore Deposits**

Non-U.S. dollar funds are held in accounts at JPMorgan Chase Bank, N.A. ("JPMCB") branches outside of the United States ("Foreign Accounts"), in addition to any funds you have elected to be held in Foreign Accounts. Deposits in Foreign Accounts are not insured by the FDIC or any other Agency of the U.S. Federal Government, are subject to cross-border risk, and do not have the benefit of any domestic preference applicable to U.S. deposits. Certain Foreign Accounts are considered reportable to the Internal Revenue Service on a Report of Foreign Bank and Financial Accounts (TD F90-22.1). Funds held in certain Foreign Accounts may be eligible for protections afforded by the United Kingdom's deposit guarantee program, the Financial Services Compensation Scheme ("FSCS"). If insolvency of JPMCB should occur, eligible deposits in your account that are held at the London Branch of JPMCB may be repaid up to a specified amount by the FSCS. You can find more information about FSCS deposit protection and a list of deposits excluded from, and thus not eligible for, protection at [www.jp Morgan.com/pages/deposit-guarantee-scheme-directive](http://www.jp Morgan.com/pages/deposit-guarantee-scheme-directive).

**Custody of security positions reflected on this statement**

J.P. Morgan offers a wide range of accounts that are both self-directed and discretionary. In general, U.S. assets held in your Asset, Investment and Trust & Estate Accounts are held directly or indirectly through one or more J.P. Morgan custodians or sub-custodians. Securities purchased in Margin Accounts and listed option positions are typically held at JPMCC. Non-U.S. positions are held in global depositories such as Euroclear. J.P. Morgan may agree, on a limited basis, to allow assets for which it is fiduciary or custodian to be held at another financial institution at the request of the client, beneficiary or other interested party. Such assets shall be noted as HELD @ OTHER FIN INST. In addition, certain physical assets may be held under the custody and control of a client, beneficiary or other interested party. Such assets are noted as CLIENT HELD ASSET.

Your statement may reflect positions for which J.P. Morgan does not have fiduciary or custodial responsibility, and are reflected on your statement as an accommodation to you and are held at other institutions or locations external to and without affiliation to J.P. Morgan. In such cases, unless J.P. Morgan otherwise agrees, J.P. Morgan has no responsibility for the verification, valuation, safekeeping or management of those assets. In these cases, this statement reflects a notation of MEMO POSTED ASSET on the holding which indicates that the asset is reflected only as an accommodation and not held at a J.P. Morgan custodian or sub-custodian.

Bank products and services are offered through JPMorgan Chase Bank, N.A. ("JPMCB") and its banking affiliates. Securities are offered by J.P. Morgan Securities LLC ("JPMS") and, to the extent noted below, cleared through J.P. Morgan Clearing Corp. ("JPMCC").

Neither JPMS, nor JPMCC is a bank and are each separate legal entities from its bank or thrift affiliates.

**Investment Products: Not FDIC Insured -No Bank Guarantee -May Lose Value**

**Fund manager disclosure information available upon request**

If you have an investment account that is managed by an SEC-Registered Investment Advisor, J.P. Morgan will provide a copy of the advisor's Form ADV II or brochure upon written request. These statements are not official documents for income tax reporting purposes and should not be relied upon for such purposes, including determination of income, cost basis, amortization or accretion, or gain/loss. Such information, which may be inaccurate, incomplete or subject to updating, should be confirmed with your records and your tax advisor.

Please take the steps indicated below if you think statement(s) are incorrect or contact your J.P. Morgan team if you require additional information about a transaction on your statement(s).

**IMPORTANT INFORMATION APPLICABLE ONLY TO YOUR FIDUCIARY ACCOUNT(S) WHICH REFLECTS ASSETS HELD AT JPMORGAN CHASE BANK, N.A. OR A BANKING OR TRUST AFFILIATE**

J.P. Morgan



For the Period 10/1/15 to 10/31/15

For your convenience we have combined statement(s) for activity you conduct through J.P. Morgan in one package. Below are important disclosures relating to these different accounts. These statements may relate to various account types. Some of the disclosures are applicable to all of your accounts. For ease of reference the disclosures applicable to a particular type of account have been grouped together by descriptive headers.

**IMPORTANT GENERAL INFORMATION APPLICABLE TO ALL OF YOUR ACCOUNT(S)**

**Important information about Pricing, Valuations, Estimated Annual Income, and Estimated Yield**

Market value information (including without limitation, prices, exchange rates, accrued income and bond ratings) furnished herein, some of which has been provided by pricing sources that J.P. Morgan believes to be reliable, is not guaranteed for accuracy but provided for informational purposes and is furnished for the exclusive use of the client.

The current price is the value of the financial asset share, unit or contract as priced at the close of the market on the last day of the statement period or the last available price. All values provided for structured yield deposits (for example, JPMorgan London Time Deposits) reflect the original deposit amount only. The value for Real Estate, Mineral Interests and Miscellaneous Assets may not reflect the most current value of the asset.

The values in this statement are shown in USD. If your investment currency is not USD, please be aware that the value of your return could differ positively or negatively due to exchange fluctuations from the value shown in this statement.

Important information regarding Auction Rate Securities (ARS). ARS are debt or preferred securities with an interest or dividend rate reset periodically in an auction. Although there may be daily, weekly and monthly resets, there is no guarantee that there will be liquidity. If there are not enough bids at an auction to redeem the securities available for sale, the result may be a failed auction. In the event of a failed auction, there is no assurance that a secondary market will develop or that the security will trade at par or any other price reflected on statements and online. Accordingly, investors should not rely on pricing information appearing in their statements or online with respect to ARS. When J.P. Morgan is unable to obtain a price from an internal or outside source for a particular ARS, the price column on your statement will indicate "unpriced".

Valuations of over-the-counter derivative transactions, including certain derivatives-related deposit products, have been prepared on a mid-market basis. These valuations are sourced from the various issuers of the securities or they are sourced from a third party valuation provider. J.P. Morgan expressly disclaims any responsibility for (1) the accuracy of the models or estimates used in deriving the valuations, (2) any errors or omissions in computing or disseminating the valuations, and (3) any uses to which the valuations are put. Valuations are provided for information purposes only and are intended solely for your own use. Please refer to the trade confirmation for details of each transaction.

Certain assets, including but not limited to, pooled and private investments, non-publicly traded and infrequently traded securities, derivatives, partnership interests and tangible assets are generally illiquid, the value of such asset may have been provided to us by third parties who may or may not be independent of the issuer or manager. Such information is reflected as of the last date provided to us, and is not independently verified.

In cases where we are unable to obtain a current market value from an internal or outside source for a particular security, the price column on your statement will indicate "unpriced". Although such securities may have value, please note that the value of a security indicated as "unpriced" will not be included in your overall current market value as reflected on the statement.

J.P. Morgan makes no representation, warranty or guarantee, express or implied, that any quoted value represents the actual terms at which securities could be bought or sold or new transactions could be entered into, or the actual terms on which existing transactions or securities could be liquidated. Such values may only be indicative.

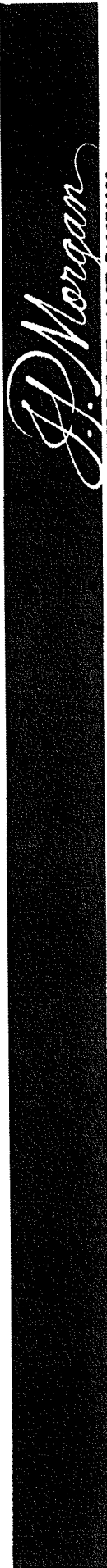
When we are unable to obtain a current value from an internal or outside source for a particular security, the price column on your statement will indicate "unpriced".

If a partial call is made with respect to an issue of securities included in your Accounts we will allocate the call by a method we deem fair and equitable.

To the extent applicable, please note the following regarding estimated annual income (EAI) and estimated yield (EY): EAI and EY for certain types of securities could include a return of principal or capital gains in which case the EAI and EY would be overstated. EAI and EY are estimates and the actual income and yield might be lower or higher than the estimated amounts. EY reflects only the income generated by an investment. It does not reflect changes in its price, which may fluctuate.



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MAX HOPPER ESTATE ACCT. P19276008  
 For the Period 10/1/15 to 10/31/15

## Portfolio Activity Detail

### INFLOWS & OUTFLOWS

Settle Date	Type	Selection Method	Description	Quantity Cost	Per Unit Amount	PRINCIPAL Amount	INCOME Amount
10/1	Interest Income		DEPOSIT SWEEP INTEREST FOR 09/01/15 - 09/30/15 @ .03% RATE ON AVG COLLECTED BALANCE OF \$867,557.06 AS OF 10/01/15				21.30
10/21	Misc Disbursement		PAID HUNTON AND WILLIAMS LEGAL FEES INV 115060609 FILE 76995.000002 INV DT 10/13/2015 TREASURERS CHECK NO: 3634998			(26,950.10)	
<b>Total Inflows &amp; Outflows</b>						<b>(\$26,950.10)</b>	<b>\$21.30</b>



MAX HOPPER ESTATE ACCT. P19276008  
For the Period 10/1/15 to 10/31/15



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## Portfolio Activity Summary

Transactions	PRINCIPAL		INCOME	
	Current Period Value	Year-To-Date Value*	Current Period Value	Year-To-Date Value*
<b>Beginning Cash Balance</b>	844,617.01	--	18,518.05	--
<b>INFLOWS</b>				
Income			21.30	223.16
Contributions		26,866.66		
<b>Total Inflows</b>	\$0.00	\$26,866.66	\$21.30	\$223.16
<b>OUTFLOWS **</b>				
Withdrawals	(26,950.10)	(129,355.49)	\$0.00	\$0.00
<b>Total Outflows</b>	(\$26,950.10)	(\$129,355.49)		
<b>Ending Cash Balance</b>	\$817,666.91	--	\$18,539.35	--
<b>Securities Transferred In/Out</b>				
Securities Transferred Out		(140,689.50)		

\* Year to date information is calculated on a calendar year basis.  
\*\* Your account's standing instructions use a HIGH COST method for relieving assets from your position



MAX HOPPER ESTATE - ACCT. P19276008  
For the Period 10/1/15 to 10/31/15

Note: <sup>1</sup> This is the Annual Percentage Yield (APY) which is the rate earned if balances remain on deposit for a full year with compounding, there is no change in the interest rate and all interest is left in the account.

### Cash & Fixed Income Detail

	Price	Quantity	Value	Adjusted Tax Cost Original Cost	Unrealized Gain/Loss	Est. Annual Income Accrued Interest	Yield
Cash							
US DOLLAR PRINCIPAL	1.00	817,666.91	817,666.91	817,666.91		245.30	0.03% <sup>1</sup>
						21.79	



MAX HOPPER ESTATE ACCT. P19276008  
For the Period 10/1/15 to 10/31/15



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Account Summary CONTINUED

	PRINCIPAL		INCOME	
Portfolio Activity	Current Period Value	Year-to-Date Value	Current Period Value	Year-to-Date Value
Beginning Market Value	844,617.01	1,060,845.24	18,518.05	18,316.19
Additions		26,866.66		
Withdrawals & Fees	(26,950.10)	(129,355.49)		
Securities Transferred Out		(140,689.50)	\$0.00	\$0.00
Net Additions/Withdrawals	(\$26,950.10)	(\$243,178.33)	21.30	223.16
Income			\$18,539.35	\$18,539.35
Ending Market Value	\$817,666.91	\$817,666.91	21.79	21.79
Accruals				
Market Value with Accruals			\$18,561.14	\$18,561.14

Tax Summary	Current Period Value	Year-to-Date Value
Interest Income	21.30	223.16
Taxable Income	\$21.30	\$223.16



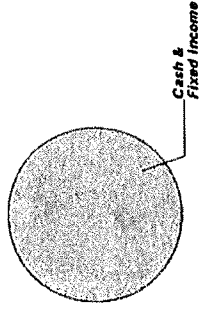
MAX HOPPER ESTATE ACCT. P19276008  
For the Period 10/1/15 to 10/31/15

## Account Summary

### PRINCIPAL

Asset Allocation	Beginning Market Value	Ending Market Value	Change In Value	Estimated Annual Income	Current Allocation
Cash & Fixed Income	844,617.01	817,666.91	(26,950.10)	245.30	100%
Market Value	\$844,617.01	\$817,666.91	(\$26,950.10)	\$245.30	100%

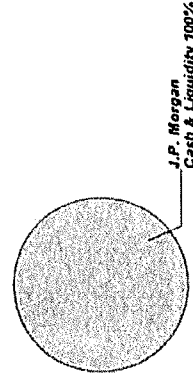
### Asset Allocation



### INCOME

Cash Position	Beginning Market Value	Ending Market Value	Change In Value
Cash Balance	18,518.05	18,539.35	21.30
Accruals	21.30	21.79	0.49
Market Value	\$18,539.35	\$18,561.14	\$21.79

### Manager Allocation \*



\* J.P. Morgan Cash & Liquidity Funds includes cash, J.P. Morgan deposit sweeps and J.P. Morgan money market mutual funds. See important information about investment principles and conflicts in the disclosures section.





MAX HOPPER ESTATE ACCT. P19276008  
For the Period 10/1/15 to 10/31/15

JPMorgan Chase Bank, N.A.  
270 Park Avenue, New York, NY 10017-2014

## Fiduciary Account

J.P. Morgan Team	
Susan Novak	T & E Officer
Henry Eiter Jr	T & E Administrator
Roy Popham	Portfolio Manager
Online access	<a href="http://www.jpmorganonline.com">www.jpmorganonline.com</a>

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**Client News**  
Please review the information about potential conflicts of interest at the end of your statement.  
If you plan to make gifts of securities this year, please notify your Client Service Representative before December 1, 2015. This will allow us to process your request before year-end and meet the deadline for tax filing purposes.

Please see disclosures located at the end of this statement package for important information relating to each J.P.Morgan account(s). Information about deposits held at branches outside the U.S., including non-U.S. dollar deposits  
Please refer to the disclosures at the end of your statement for information about non-U.S. dollar funds held in accounts at JPMorgan Chase Bank, N.A. branches outside of the United States and the potential eligibility of deposits held in such branches for protections afforded by the United Kingdom's deposit guarantee program.



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*J.P. Morgan*

J.P. Morgan

**EXHIBIT A**

OCTOBER

J.P. Morgan



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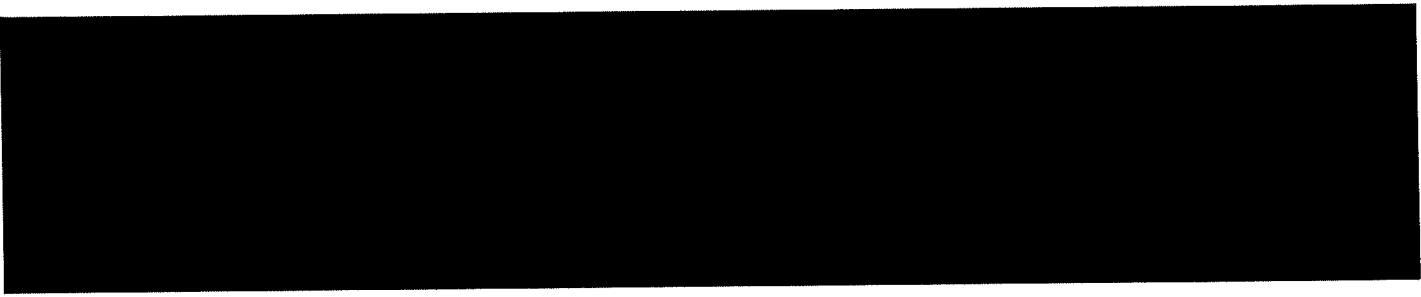
LAURA WASSMER  
8005 ROE AVE  
PRAIRIE VILLAGE KS 66208-5075

J.P.Morgan

EXHIBIT A







I will send you the statute

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

From: Eichman, John [<mailto:jeichman@hunton.com>]

Sent: Tuesday, November 10, 2015 11:34 AM

To: Anthony "Lenny" Vitullo

Subject: RE: Probate code section

Lenny--The Probate Code section we discussed yesterday is now Estates Code section 404.0037 (a). You should also take a look at section 404.0037 (b).

John C. Eichman  
Hunton & Williams LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202  
(214) 468-3321  
(214) 740-7118 (fax)

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

From: Anthony "Lenny" Vitullo [<mailto:lvitullo@feesmith.com>]

Sent: Monday, November 09, 2015 8:55 PM

To: Eichman, John

Subject: Probate code section

Just a reminder to send me that section of the probate code that we discussed

Anthony "Lenny" Vitullo  
Fee,Smith,Sharp & Vitullo LLP  
13155 Noel Road Suite 1000  
Dallas, Texas 75240  
(972) 934-9100  
Sent from my iPhone




Bank distribute the assets in the Estate, noting that Chase Bank was retaining an unusually large amount of assets that could be distributed. Chase Bank was also requested to provide an explanation of why it was retaining such large amounts of the estate rather than distributing them. Attached as Exhibit E to the First Amended Application for Distribution of Property and Motion for Protective Order is a true and correct letter sent to Chase in April 2011 by my counsel noting these issues.

5. Despite the passing of more than six years since my father died, and more than five years since my attorney sent the above referenced letter, Chase Bank still has not disbursed all of the estate assets. A true and correct copy of an account statement for Account P19276008 for the period of October 1, 2015 to October 31, 2015 ("October Statement") is attached as Exhibit A to the First Amended Application for Distribution of Property and Motion for Protective Order. This October Statement shows that Chase had retained more than \$844,617.01 in "Case and Fixed Income" at the beginning of October 2015. However, during October 2015, Chase paid its attorneys Hunton & Williams legal fees of \$26,950.10. My sister, Laura Wassmer, and I are the beneficiaries of these funds pursuant to Texas law.

6. To date, upon information and belief, Chase has paid its attorneys Hunton & Williams more than \$2,000,000 from my father's estate. If Chase is not required to distribute the remaining amount, which I understand is now less than \$800,000.00, it is clear that Chase will use all of these estate assets to pay its attorneys.

Further Affiant Sayeth Not.

  
STEPHEN HOPPER



SWORN TO AND SUBSCRIBED BEFORE ME on this 5<sup>th</sup> day of February,

2016.



Angie G. Morgan  
Notary Public

My Commission Expires: 5-16-18

CAUSE NO. PR-11-3238-3

IN RE: ESTATE OF MAX D. HOPPER  
DECEASED

IN THE PROBATE COURT

JO N. HOPPER  
Plaintiff

NO. 3

v.

JP MORGAN CHASE BANK, NA  
STEPHEN B. HOPPER AND LAURA  
S. WASSMER,  
Defendants

DALLAS COUNTY, TEXAS

AFFIDAVIT OF LAURA WASSMER

STATE OF TEXAS

§

COUNTY OF DALLAS

§

§

Before me, the undersigned notary public, on this day personally appeared **LAURA WASSMER** who, after first being duly sworn by me on her oath, deposed and stated as follows:

1. My name is **LAURA WASSMER**. I am over 21 years of age and am of sound mind. I have personal knowledge of the matters stated in this affidavit, and am competent to testify thereto and not under any legal disability such as would disqualify me from making this Affidavit. All statements in this Affidavit are true and correct.

2. I am one of the parties in the above-reference lawsuit.

3. On January 25, 2010, my father, Max Hopper, unexpectedly died. No will was located and therefore he was determined to have died intestate.

4. JP Morgan Chase Bank NA ("Chase Bank") was appointed as independent administer of my father's estate. As early as 2011, my counsel had been requesting that Chase

Bank distribute the assets in the Estate, noting that Chase Bank was retaining an unusually large amount of assets that could be distributed. Chase Bank was also requested to provide an explanation of why it was retaining such large amounts of the estate rather than distributing them. Attached as Exhibit E to the First Amended Application for Distribution of Property and Motion for Protective Order is a true and correct letter sent to Chase in April 2011 by my counsel noting these issues.

5. Despite the passing of more than six years since my father died, and more than five years since my attorney sent the above referenced letter, Chase Bank still has not disbursed all of the estate assets. A true and correct copy of an account statement for Account P19276008 for the period of October 1, 2015 to October 31, 2015 (“October Statement”) is attached as Exhibit A to the First Amended Application for Distribution of Property and Motion for Protective Order. This October Statement shows that Chase had retained more than \$844,617.01 in “Case and Fixed Income” at the beginning of October 2015. However, during October 2015, Chase paid its attorneys Hunton & Williams legal fees of \$26,950.10. My brother, Stephen Hopper, and I are the beneficiaries of these funds pursuant to Texas law.

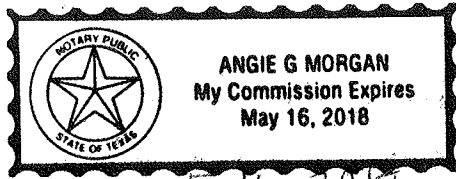
6. To date, upon information and belief, Chase has paid its attorneys Hunton & Williams more than \$2,000,000 from my father’s estate. If Chase is not required to distribute the remaining amount, which I understand is now less than \$800,000.00, it is clear that Chase will use all of these estate assets to pay its attorneys.

Further Affiant Sayeth Not.

  
LAURA WASSMER

SWORN TO AND SUBSCRIBED BEFORE ME on this 5<sup>th</sup> day of February

2016.



Angie G. Morgan  
Notary Public

My Commission Expires: 5-16-2018

# LATHROP & GAGE<sub>LLP</sub>

LYLE D. PISHNY  
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FAX: 913.451.0875

April 26, 2011

**VIA E-MAIL susan.h.novak@jpmchase.com**

Ms. Susan Novak  
Senior Fiduciary Officer  
Private Wealth Management Estate Settlement Unit - Dallas  
JP Morgan  
2200 Ross Avenue, 7th Floor  
Dallas, TX 75201

Re: Max D. Hopper Estate

Dear Susan:

There were a few points in our discussion of April 15th that I want to address by way of this follow up letter.

With respect to disbursements to Steve and Laura, you indicated that you would make a disbursement of \$1 million and also immediately distribute the Real Page stock and the other equities. I understand the \$1,000,000 distributions and the Real Page stock have been received, but not the other equities.

Even after the distributions we discussed, it appears that there would still be approximately \$5.5 million in the estate. This still seems to be an excessive amount to retain inside the estate, given the estate is opting out of the estate tax. We would like for you to consider an additional distribution as soon as possible. If you see a need to retain more than \$1 million in the estate at this point, we would like to have a fairly specific understanding of why you feel that to be necessary.

With respect to those securities that you have determined to be worthless, would you please call Brian Perrot (Steve and Laura's advisor) to determine whether they see a need to transfer these certificates. You are going to check with your tax people to see that tax benefits, if any, are being addressed with respect to the worthless securities.

With respect to the status of tax return preparation, you indicated that you would have a better idea after tax season and would keep Steve and Laura posted.

CALIFORNIA    COLORADO    ILLINOIS    KANSAS    MASSACHUSETTS    MISSOURI    NEW YORK

15235973v1

**EXHIBIT E**

Ms. Susan Novak  
April 26, 2011  
Page 2

As you know, Mr. Michael Graham, as counsel for Jo Hopper, has requested reimbursement for a number of expenses. Steve and Laura shared with you concerns about this request, including some expenses that have already been reimbursed. As Tom indicated on the phone conversation, you are going to hold up in responding to or paying any of these expenses. You are going to "scrub" these expenses and claims yourselves and share with us your thoughts on the claims and your preliminary judgment on reimbursement before any action will be taken.

Mr. Graham raised issues in connection with maintenance and repair of hardwood floors. There was also a question raised about the allocation of mortgage expense changes. Tom is going to look at that and get back with us.

We expressed concern that Mr. Graham's letter states that you had instructed him to list Jo Hopper as the "sole owner" of the residence. I understood Tom to say that he told Mr. Graham that this is incorrect and that the residence is not solely owned by Jo. Tom indicated that he will send a letter to Mr. Graham correcting this and copy us.

With respect to the golf clubs, Steve and Laura feel that they should be sold with the exception of those clubs noted on Exhibit C.

Steve and Laura expressed their concern about how the appraisal process has worked. Apparently, Jo met with the appraiser prior to you. It concerns Steve and Laura that Jo was so involved at the early stages of the engagement and conversation with the appraiser.

With respect to the Lufkin property, you will provide Steve directions. It is somewhat concerning that the door, as we understand it, remains unlocked and unsecured.

We discussed that it is Jo's obligation to demonstrate to you by clear and convincing evidence, that items that she claims to have been gifted to her were gifted and not community property. You indicated that you have told Jo that all items that she is claiming will be presumed to be community property unless Jo appropriately proves it. It is my understanding that Jo is claiming that in excess of \$300,000 of personal property was gifted, including wine, art, silver, dishware. It is our understanding that these will be inventoried as community property unless Jo meets the statutory burden, which we understand at this point has not been met. Some specific concerns are noted on Exhibit A.

Examples of charges that are of concern are listed on Exhibit B.

Ms. Susan Novak  
April 26, 2011  
Page 3

With respect to the question of personal property the children would like, please see Exhibit C.

Could you clarify the extent of your examination of the financial records from Max's investment advisor/accountant in California and the specifics of your review of tax return records. Would you also clarify the life insurance listed on the JP Morgan statement. Have you now directly contacted all companies with which Max was involved, such as eCivis and Jamcracker?

It is my understanding that you will be coordinating a follow up telephone meeting in the very near future.

LATHROP & GAGE LLP

By:  
Lyle D. Pishny

LDP/sjt

cc: Ms. Laura Wassmer, via e-mail  
Dr. Steve Hopper, via e-mail  
Mr. Tom Cantrill, via e-mail  
Mr. Scott Weber, via e-mail