

FILED

CAUSE NO. PR-113238-1

17 SEP 25 PM 4:27

IN RE: ESTATE OF  
MAX D. HOPPER,  
DECEASED

IN THE PROBATE COURT

JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY

JO N. HOPPER

Plaintiff,

v.

NO. 1

JP MORGAN CHASE, N.A.,  
STEPHEN B. HOPPER and LAURA S.  
WASSMER

Defendants.

DALLAS COUNTY, TEXAS

**DEFENDANTS STEPHEN B. HOPPER AND LAURA  
WASSMER SUBMIT THE FOLLOWING REQUESTED  
INSTRUCTIONS AND OUST**

Did JPMorgan comply with its fiduciary duty in connection with (a) JPMorgan's use of funds from the Estate to pay the law firm of Hunton & Williams to represent JPMorgan in litigation against Stephen B. Hopper and Laura S. Wassmer or ~~(b) taking out a loan on behalf of the Estate from JPMorgan to pay the law firm of Hunton & Williams to represent JPMorgan in litigation against Stephen B. Hopper and Laura S. Wassmer?~~

*BAH*


In administering the estate, JPMorgan owed Stephen B. Hopper and Laura S. Wassmer as beneficiaries of the Estate a fiduciary duty.

To prove JPMorgan complied with its duty in connection with using funds from the Estate to pay the law firm of Hunton & Williams to represent JPMorgan in litigation against Stephen B. Hopper and Laura S. Wassmer; or ~~(b) taking out a loan on behalf of the Estate from JPMorgan to pay the law firm of Hunton & Williams to represent JPMorgan in litigation against Stephen B. Hopper and Laura S. Wassmer (collectively referred to as "the Transactions,")~~ JPMorgan must show that, at the time JPMorgan conducted those Transactions—

*BAH*

1. The Transactions were fair and equitable to the beneficiaries, considering JPMorgan's obligations in administering the estate; and
2. JPMorgan made reasonable use of the confidence placed in it as the result of its appointment; and
3. JPMorgan acted in the utmost good faith and exercised the most scrupulous honesty toward the Stephen B. Hopper and Laura S. Wassmer as beneficiaries of the Estate in connection with the Transactions; and

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 ORDER  
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4. JPMorgan placed the interests of the Stephen B. Hopper and Laura S. Wassmer as beneficiaries of the Estate before its own and did not use the advantage of its position to gain any benefit for itself at the expense of Stephen B. Hopper and Laura S. Wassmer as beneficiaries of the estate; and
5. JPMorgan fully and fairly disclosed to the Stephen B. Hopper and Laura S. Wassmer, as beneficiaries of the Estate, all material facts known to JPMorgan concerning the Transactions that might affect the rights of the Stephen B. Hopper and Laura S. Wassmer as beneficiaries of the Estate

“Good faith” means an action that is prompted by honesty of intention and a reasonable belief that the action was probably correct.

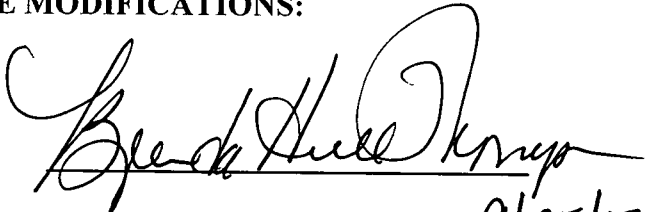
Answer “Yes” or “No.”

Answer: \_\_\_\_\_

ACCEPTED BY THE COURT: \_\_\_\_\_

DENIED BY THE COURT:  \_\_\_\_\_

ACCEPTED BY THE COURT WITH THESE MODIFICATIONS:

  
Honorable Judge Presiding 9/25/17

Submitted by  
Counsel for Heirs  
Kelley E. Co  
S.B. # 24001852