

March 3, 2025

Hearing for SB 744 at 3 pm  
PB Case: 17PB06229

My name is Kimberly Sullivan.

I am from Albany and the Personal Representative of our mother's Estate.

I am here today for a few reasons:

**1** – I am here in support of SB 744 bill to help protect decedents who are not here to protect themselves.

**Secondly** – I am here to request that additional clear requirements be added to this bill and eventually to the ORS 113.085 so unethical behavior, excuses or knowingly wrongful conduct cannot be allowed by careless judges, unethical attorneys and evil, hateful persons inside or outside of families. They must be held accountable and responsible.

My experience was a very unbelievable situation. Not many people know about probate or what it means to be a PR or executor of an estate until they are dealing with it. I followed the advice of an estate attorney as did our mother, but it still did not prevent harm.

Currently, it does not matter how prepared, organized and secure a decedent may feel that their final wishes will be followed. As it stands today ORS 113.085 is not adequate and does not protect them.

Although this situation started in 2017 when our mother unexpectedly passed, it still feels like yesterday.

My experience with my mother's estate was a very unbelievable situation.

Enormous harm was caused to the Estate by the swift approval of an "intestate" probate petition and litigation was needed to right the wrong due to a careless judge, Kathleen Johnson, an unethical attorney, Thomas Crawford, and his evil client, Sherry Hammett, estranged daughter of our mother, all of whom are from Douglas County here in Oregon. For clarity, I will refer to this daughter as the

“estranged daughter”. ORS 113.085 allowed this malicious, fraudulent action and intentional misleading of the court. I believe additional clear requirements can prevent this in the future or at least hold perpetrators accountable.

Our mother was very organized and had all the details of her estate planned. She worked with an estate attorney in 2007 to update her existing Will to exclude her estranged daughter, whom by the estranged daughter’s own choice did not want any contact with our family and had not been to our mother’s home or in her life for over 20 years. Our mother still loved her as her daughter, and it took tremendous courage to exclude her, but she wanted to prevent any issues after she passed.

As PR, it was my duty to not only protect the Estate, but to protect my mother who was not here to protect herself but I quickly learned this was in the hands of the courts! My mother’s estate was NOT an “intestate” estate, but anyone can file for an “intestate” probate stating there is no Will and that is exactly what this estranged daughter did through an unethical attorney who withheld from the courts a certified letter signed by the “Executor of the Estate” allowing the court to proceed with approving a fraudulent PR appointment request.

Her entire family and friends were in shock and very saddened when our mother unexpectedly passed. Her estate attorney advised me that there was no rush and to come to her when we were ready to start probate. I scheduled an appointment on August 11 to meet with her to start probate but this estranged daughter met with her attorney for a second time on August 7 and submitted the request to the court on August 8!

I want to be clear the ONLY reason we had to file for probate was because of our mother’s home which did not have a TOD or beneficiary assigned. Otherwise, we would NOT have had to file at all, even with a Will. Having beneficiaries on all property and by-passing probate does NOT mean a person passed “intestate” so just merely checking for a probate case on record on file does not tell you that there is NOT a Will! This is why Intestate Probates must be handled carefully and completely.

This ORS needs to recognize this, and attorneys need to not try to disregard what is ethically right as did this attorney for the estranged daughter stating in court that he checked twice for a probate before proceeding.

My mother passed in June 2017. It all started in mid July 2017 within 30 days of our mother's passing when the estranged daughter and her husband appeared via cameras at our mother's home looking around and trying to get into the home and met with her unethical attorney, Thomas Crawford. He checked for a probate filing and advised her to get a death certificate to prepare for filing in the future. When I became aware that she was suddenly showing up on the property, upon the advice of our mother's estate attorney, I notified the estranged daughter to stop trespassing on the property in a written certified return receipt letter signed as the "Executor of the Estate".

Exactly 60 days after our mother's passing, the estranged daughter signed for my certified letter and immediately the same day met with her unethical attorney again, Thomas Crawford, giving him the letter.

After checking a *second* time for a probate filing in the courts on the 60<sup>th</sup> day after my mother's passing, her attorney, moved quickly submitting the petition for an "intestate" probate but intentionally WITHHELD from the court, the certified letter he possessed signed from the "Executor of the Estate". This certified letter should have given him ethical pause, but he did not exercise ANY due diligence regarding it except to deviously WITHHELD it from the court. A simple phone call could have stopped all of this.

He simply stated in the petition to the court, "**The Petitioner has made reasonable efforts to "identify and locate" all heirs of the decedent**" and the only effort made was listing each name and address which were all in the local area and easily reachable in the request to the court. But because the ORS stated "may" notify and does require "actual notification with proof" it was processed by the judge without question after a bond was secured appointing this estranged daughter as PR within 15 days of the request which immediately allowed her access to the property.

NO effort was made to contact myself or siblings about a Will or estate. This was all being done unbeknownst to myself and siblings! We were never notified, and the judge did not ask or care.

Do you see how this statement in the ORS is not sufficient? It states "reasonable attempt to notify persons of higher priority...." And "...may require..."but does not ask for or require proof or evidence.

However, in court, Thomas Crawford told so many untruths and defended his actions that the certified letter did not mean anything because I did not include a copy of the Will and that I did not sign as Executor of the **Will** per his own statements! My question to you is .... How many Wills are sent to people who are not in them and how many times have you heard someone say they are “Executor of the Will” in place of “Executor of the Estate”? If this defense wasn’t so deceitful, it would be comical!

After a mere easy 15 days, the PR appointment was approved and the estranged daughter along with her husband and cousins who had never been on the property, immediately went to the rural home meeting a locksmith to drill locks. They went through the home removing items and violating our mother’s personal home and wishes.

A neighbor saw unknown people on the rural property and the police were called. Even after a deputy presented a copy of the Will, which clearly proved there was a Will with a named PR and confirmed clearly that his client was written out of the Will, the attorney Thomas Crawford, refused to have his client cease and desist.

Instead, he refused to release the PR appointment of his client demanding that the Estate pay his expenses first. **Thomas Crawford was holding the Estate hostage** until I would pay over \$4000 for the devious actions he allowed!

Keep in mind it took only 15 days for this fraudulent appointment to be done but it took almost 1 month for me to get the appointment rightfully reversed. The home was locked up for a month with no care for anything inside and I was not allowed on the property to maintain it!

When I finally received court approval as PR, I tried to recoup all the legal expenses that the estate had incurred to get this wrong corrected through the bond, however the bond advised that a probate court would need to give approval before they could pay! I had no choice but to take this to court which caused a large harm in attorney fees and expenses for the estate.

I have never been involved with any court or litigation. My eyes were opened wide with all the false testimony allowed. After so many lies and obvious falsities from Thomas Crawford, his client and witnesses he called, the court

found that there was little doubt that the estranged daughter acted in bad faith and intentionally misled the court giving the estate a very small portion of the legal fees incurred to get the appointment reversed but put blame on the estate as well and would not award all the attorney fees for litigation, the lost property or other expenses incurred.

In the end, I could not get reimbursement from the bond company due to the unethical attorney, Thomas Crawford having his client submit a check to the court which I was advised I had to take. What is bizarre is that the judge was very irritated and impatient with this entire case I think due to her being the one that signed for approval in the beginning. She put blame on the estate (me and my other siblings) as well and didn't believe the estranged daughter was the one that removed items!

I submitted a claim to both the PLF and the Oregon State Bar. They had 2 opposite conclusions. The PLF concluded that even if we had privity, the claim would be denied due to it being deemed a "knowingly wrongful conduct". The OSB concluded that the certified letter was not "actual" knowledge of a Will and holding the estate hostage demanding his fees be paid even after he had received the actual Will, he was not held accountable.

This cannot happen again to anyone! And in the end, I could not get reimbursement from the bond company due to the attorney, Thomas Crawford having his client submit a check to the court which I was advised I had to take. Due to the way the judge wrote up the final judgment and her attitude I was told that an appeal would be costly and not beneficial!

I am hopeful that ORS 113.085 and 113.035 can be reviewed and clearer requirements be added. I feel judges and attorneys need tighter guardrails to confirm situations and protect decedents.