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A Professional Corporation

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September 6, 2024

VIA Email and USPS

Jesse Duane Niesen
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Jesse Duane Niesen
c/o Reggie and Dro
19141 Stone Oak Pkwy. #403
San Antonio, TX 78258

RE: Kathrynne J. Niesen and
The C. Duane Niesen and Kathrynne J. Niesen Revocable Trust

Dear Jesse:

Please again accept my condolences on the passing of your father. Enclosed is a letter sent to you and the other Trust beneficiaries regarding Kathrynne's estate and the Trust, but there are some issues I wanted to address separately to you. I represent your brother Perry Duane Niesen ("Duane") who became the successor Trustee of the above-named trust upon the death of your father and the incapacity of your mother.

It is my understanding that you are the named and currently acting Attorney-In-Fact (Agent) for your mother Kathrynne ("Kathy"), who was declared incapacitated and unable to make her own decisions on May 21, 2024 by Dr. Zarlisht Fakiri, DO, who was one of Kathy's physicians at the care facility in Auburn Oaks in Auburn, California, where she was a resident.

Shortly after your father's death, as Kathy's acting Agent under her Advance Health Care Directive, you moved your mother out of Auburn Oaks, up to Prestige Assisted Living, an assisted living facility in Chico, California. At Auburn Oaks, Kathy had an established routine and caregivers, and was receiving visits from family members and friends. In Chico, the only person Kathy knows is your former girlfriend Beth.

Beth has informed Duane that the bill for Kathy's care is two months delinquent. Furthermore, it is my understanding you have been using the "Ranch Property," which is titled in the name of the Trust, for your own purposes, specifically, you have been operating part of your Texas-based cannabis-related business out of your father's shop. You do not have authorization from the Trustee of the Trust to use the property for this, or any other, purpose, including running an Air BNB or a "glamping" business. Such actions would require Duane's approval as acting Trustee, which approval has not been given.

Furthermore, there has been an increase in expenses related to your current use of the property for your business, specifically, a large increase in the electric bill, which is being billed to Kathy. I understand that the PG&E payment is currently delinquent in the amount of \$811.48. Your actions benefit you directly, and not Kathy, the Trust, or any of the other beneficiaries. You are not only using the property rent-free (which, if you were required to rent a similar property, would cost thousands of dollars each month,) but also increasing the expenses payable by Kathy for electricity, among other currently unknown expenses, none of which benefits Kathy who is the current beneficiary of the Trust. You have not compensated or reimbursed either Kathy or the Trust in any manner for such use of the property and the electric.

As Kathryne's Agent under her Durable Power of Attorney following the death of your father, you are in charge of any and all property that is not titled in the name of the Trust. As Agent you must act in Kathy's best interests. You are obligated to ensure that Kathy's bills are paid, and have a fiduciary duty to manage her assets under your control for her best interests. You may not use Kathryne's assets for your own legal obligations or for your benefit. Further, you are specifically prohibited by her Durable Power of Attorney from taking any action that results in a change in the ultimate distribution of Kathryne's estate. What this means is that, when managing Kathy's assets, you may not do so in a manner which would favor one of the remainder beneficiaries (such as yourself) over any other(s).

At the time of Kathy's death all of the property being managed by you will come under Duane's management and control as Kathy's Executor under her Will. Duane, as Executor and per the terms of Kathy's will has the duty to distribute those assets to the Trust, which will then be under his control as Trustee.

It is my opinion that you have breached your fiduciary duty as Kathy's agent by: 1) failing to pay her bills as they have come due; 2) by operating a business which benefits only you from property titled in the name of the Trust, and which is to be used solely for Kathy's benefit during her lifetime; and 3) by incurring or increasing bills payable by Kathy for your own benefit.

Duane believes you have been denied access to Kathy's accounts, despite being named as her Agent under her Power of Attorney, because you are in the cannabis business, and thus are unable to perform your duties under her Durable Power of Attorney. Nevertheless, we believe that you may currently have online access to Kathy's accounts. We are therefore demanding a formal accounting of all of Kathy's assets from the time Kathy was declared incapacitated. We are further requesting that you immediately transfer all assets held in Kathy's name into an account titled in the name of the Trust, so that Duane may pay Kathy's bills as they come due, and that you reimburse the Trust for all additional expenses incurred by you to operate your business on Trust property.

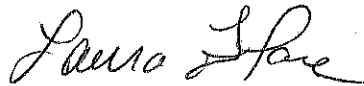
If this cannot be done, we will have no choice but to seek a conservatorship over Kathy, requesting that Duane be appointed as her conservator, based upon the facts stated above. In

addition, Duane will seek any and all remedies for breach of your duty as attorney-in-fact for Kathy under California Probate Code S4231.5, which may include any loss or depreciation in value of Kathy's assets resulting from your breach of duty, plus interest, and any profit you made through the breach of duty, plus interest. If a court finds you have acted in bad faith, you may also be liable for twice the value of the property, plus reasonable attorney's fees and costs, in addition to any other remedies available in law.

Duane has written a letter to you which he asked that I enclose, in the hopes of avoiding any unpleasant and costly legal proceedings. He is seeking your cooperation to ensure that Kathy's needs are met for the remainder of her life, and to be able to preserve the Ranch Property for the benefit of all of the Niesen siblings.

We do not represent "the Trust" nor anyone as a beneficiary. You are welcome to contact me with any questions.

Best Regards,

A handwritten signature in cursive script, appearing to read "Laura F. Paré".

Laura F. Paré

Enclosures

cc: Perry Duane Niesen