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January 12, 2022

Jake Thompson, Esq.
Otterman & Allen, PC
P.O. Box 473
188 Washington St.
Barre, Vt. 05641-0473

Re: Estate of Kenneth Blaisdell

Dear Jake:

John Durkee, Administrator of the Estate of Kenneth Blaisdell, has retained me as legal counsel. It is our understanding that your client, Trini Brassard, managed all of Kenneth's financial and business affairs pursuant to a durable power of attorney executed in 2013. Agents operating under a power of attorney have a duty to "keep records of all transactions taken under the power of attorney" and to "provide accountings upon request of the principal." 14 V.S.A. §3505(a)(9-10). If necessary, "a principal may file a petition in Superior Court to compel the agent to submit an accounting." 14 V.S.A. §3510(a).

We also understand that Ms. Brassard has continued to sell hay, wood products and gravel produced from the Estate's real property for which she must also provide a court accounting upon motion of the Administrator. 14 V.S.A. §1552. I address the issues surrounding ongoing sales of Estate assets in the email to which this letter is attached.

Given the scope of Ms. Brassard's control over her father's business affairs and finances, we believe it appropriate that she account for her handling of his money both under the POA and since Kenneth's death. We want to give your client a fair opportunity to provide a private accounting before bringing this to the Court's attention, with the understanding that any undue delay or failure in producing relevant records will make court supervision necessary.

Accordingly, the Estate of Kenneth Blaisdell hereby demands that Trini Brassard provide a comprehensive accounting of all transactions undertaken by her under authority of Kenneth's Power of Attorney dated July 18, 2013, until his death on April 10, 2021. We also demand an accounting for all transactions of any kind involving Kenneth's real or personal property in which Ms. Brassard played a material role since Kenneth's death.

Exhibit 1
Trini Brassard's Memo in Opposition to Motion to Compel

The accounting must at minimum include the following:

1. Please produce all testamentary instruments in Ms. Brassard's possession, including all wills, codicils, trusts, trust amendments, transfer upon death deeds, enhanced life estate deeds, powers of attorney, advanced directives, and the like. Originals shall be provided if available, and reasonable steps shall be taken to locate and obtain relevant documents in the possession of others.

2. Please prepare and produce a "Schedule of Accounts" in spread sheet format showing all financial accounts bearing the name Kenneth Blaisdell, including but not limited to all savings, deposit, retirement, investment, and securities accounts that existed at any time after July 18, 2013 ("Schedule of Accounts"). The Schedule of Accounts shall identify the name of each financial institution where Kenneth held an account, the account number(s), a description of each account's purpose, and sufficient information for the Administrator to contact the account manager. For each account identified on the Schedule of Accounts, please produce copies of all records in your possession or readily available to you, including all monthly, quarterly, and annual account statements, all cancelled checks and records of electronic transfers, cash withdrawals, ACH withdrawals or other means of electronic debits or transfers. ***We particularly want to see copies of all cancelled checks (not just the statements of account), and copies of all original check registers.***

3. If the ownership of any account appearing on the Schedule of Accounts was changed in any way after July 18, 2013, whether by adding or subtracting names on the account, or by creating, terminating, or changing any designations of life beneficiaries, please describe all such account changes and produce all records in your possession or readily available to you evidencing such changes in ownership or beneficiary designation.

4. Please prepare and produce a "Schedule of Income" in spread sheet format showing all income received by Kenneth Blaisdell from July 18, 2013, to present, including dates, amounts and sources of all income payments and the identity of any account into which each payment was deposited. This schedule should include all regular pension, annuity, and social security income, as well as an itemized accounting of all income from sales of all personal property during that time, including but not limited to all sales of machinery and equipment, farm products, wood products and gravel, including any in-kind or barter exchanges. For all sales of personal property, please produce copies of all invoices, receipts, cancelled checks and other evidence of the sale.

5. Please prepare and produce a "Schedule of Expenses" in spread sheet format showing all expenses paid by Ms. Brassard on Kenneth's behalf to any person from July 18, 2013, to present, including the date, amount, payee and purpose of each expense. If anything of value was provided to any person without fair consideration, please identify that as an expense. For each identified expense, please produce a bill, statement, invoice, or other documentation to substantiate the expense.

6. We understand that Ms. Brassard has invested her own funds into the development of a commercial sugarbush on land belonging to the Estate. While we recognize that she may have an equitable claim to avoid unjust enrichment by the Estate, to our knowledge she has no deeded interest in the property and legally all improvements are the property of the Estate. If she wishes to recover anything on her investment, we need a complete accounting of all funds that she and others have invested into physical improvements that have benefitted the Estate, i.e., the date, amount, purpose and supporting documentation for each expenditure that she believes improved Kenneth's land. In the absence of a lease or other enforceable agreement, we also need to talk about terms for the upcoming sugaring season.

All documents should be produced in paper copies with a corresponding digital copy of the entire production. Documents produced in connection with the accounting will be treated as confidential until and unless the Administrator determines that they are relevant to the administration of the Estate. We are casting no stones, just a broad net to collect all relevant information.

Please call if you have any questions about these requests.

Very truly yours,

/s/

John C. Page

Cc: John Durkee, CPA