

COMMONWEALTH OF MASSACHUSETTS  
The Trial Court

1.25 hour  
11/21/07

MIDDLESEX, SS

PROBATE AND FAMILY COURT DIVISION

No. 07 PO 556EP1

IN RE THE MATTER OF:

THE ESTATE OF ANNETTE VILLENEUVE

MEMORANDUM

In accord with the Scheduling Order of this Court and in preparation for the pretrial conference scheduled for November 26, 2007, I arranged a meeting at my office at 37 South St., Northboro, MA on November 13, 2007 at 11:00 A.M.. The following persons were present: James Pazzaneze and his attorney, Alan Garber, Esquire; William Crowley, Esquire, the Court Appointed Special Administrator, and myself. A copy of the agenda and the notice to parties that was sent are attached hereto as Exhibit "A". All items on the agenda were discussed and the following matters were agreed to:

1. Except for a few small bequests, Eugene Villeneuve is the son of the deceased and her Will indicates he is to be the primary beneficiary of the estate in that she provides the use of estate resources for his benefit while he is alive, and upon his death, the balance of the estate goes to James Pazanneze.
2. Eugene Villeneuve is elderly, requires daily care, (which his daughter has been providing) and as of the time of our meeting he was in a nursing home and expected to return to 141 Howe St., Marlboro, MA where he has been living since before his mother the deceased passed away. He lived upstairs before here death, he now lives downstairs because of his condition

All parties at the meeting agreed, subject to the approval of the Court that Eugene should have counsel (of his choice) appointed and paid for by the estate. He wants me to represent him but if there is a conflict because I had been nominated as Executor and Trustee, it has been suggested that Kevin Hart of Marlboro was an attorney that he and his family had previously consulted with and would be willing to represent him. A telephone call was placed to his daughter to verify this but I have received no response as of this writing on 11/21/07.

At a previous meeting between the same parties (Mr. Pazzaneze had a different lawyer) All agreed that subject to Court approval, that future proceedings would be better held in the Marlboro Court Session because it is almost impossible for Eugene to get into Cambridge and he really should be present for any trials or hearings, because he is such a vital part of this case.

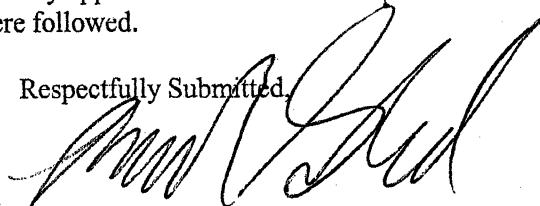
3. There are other beneficiaries in the will and sufficient assets to pay the bequests. There is a bequest of Highland Street Real Estate, but that bequest is Adeemed as it was sold prior to Mrs. Villeneuve's death. All agreed the balance of funds from Highland Street go into the general residue of the estate and said funds are not traceable.
4. There is a mortgage on 141 Howe St., with First Horizon, which the Temporary Executor and the Special Executor have been paying monthly and should continue until an Executor and Trustee are finally appointed and decisions made about the same by whoever is appointed.

5. The personal property (The cellar is full ) and other items such as appliances must be disposed of. When last I spoke to Eugene which was in May, he didn't much care about the items in the cellar provided he got to use the furniture etc that is in the apartment at 141 Howe. Mr. Pazzaneze could take what he wants and the Executor could dispose of the rest.
6. All parties agreed the will provides for up to 5% per year of the assets could be used by the Trustee for Eugene. Based on an estimate, right now it would mean up to \$35,000.00 + or- and therefore the least expensive place for him is right where he is.
7. I agreed to waive my petition to be appointed Executor and Trustee (Mr. Pazzaneze has a great dislike for me, Why I don't know, I never spoke to him until this meeting.) under following two (2) conditions:
  - A. An Executor and/or Trustee would be appointed who would agree that Eugene is the primary beneficiary of this estate and his needs come first. That his daughter Pamela could be paid for services that she renders to Eugene (provided they are approved by the Executor/Trustee) just like any other provider such as giving him showers daily and changing his sheets (he is incontinent) taking care of his medication, shopping etc.
  - B. I would paid in full for all of the time work I put into this matter, until the day and time I am discharged from this estate.
8. I believe Mr. Pazzaneze agreed to waive his motion to replace special administrator, Mr. Crowley.
9. I agree to give Attorney Garber access to my records to prove my Account as Temporary Executor is True and should be allowed, or in lieu of same I suggest the Court appoint a G.A.L. for that purpose as suggested by Mr. Crowley's motion.

In addition:

The Motions by Mr. Pazzaneze relative to my appointment and the issues about the codicil would be dismissed if the above agreements were followed.

Respectfully Submitted,



Richard J. Gabriel, Pro Se  
Law Office of Richard J. Gabriel, Esquire  
37 South St.,  
Northboro, MA 01532  
(508)393-6477

## LIST OF ISSUES TO BE DISCUSSED

1. The Will and Codicil:
  - a. Who are the beneficiaries?
  - b. When do they get their bequests?
  - c. What care does Eugene get by reason of the Will?
  - d. What does J. Pazzanese get out of this while Eugene is alive?
2. What happens to the Highland Street Proceeds?
3. What mortgages exist on which properties?
4. Although what happens to the real estate is in the Trustee, what do you want to happen to it? Do you want some or all of it sold? Rented? If sold, do you want the Trustee to spend money to fix up the apartments or sold as/is.
5. What should happen to Annette's personal property still located at 141 Howe Street.
6. Where do you think Eugene should live. What kind of care if/any should be provided for him by the estate?
7. Your motion to Declare the Codicil Null and Void.
8. Your request to replace special administrator.
9. Your request to challenge my first and final account.
10. Any other issues you want to talk about.

**RICHARD J. GABRIEL, P.C.**

*Attorney at Law*

*37 South Street*

*Northborough, Massachusetts 01532*

**TEL (508) 393-6477 FAX (508) 393-2516**

October 19, 2007

Mr. James Pazzaneze  
154 Howe Street  
2<sup>nd</sup> Floor  
Marlboro, MA 01752

Re: The Estate of Annette Villeneuve #017-P 0556

Dear Mr. Pazzaneze:

In accord with the Court's Scheduling Order (Copy Enclosed) all parties and lawyers are required to meet in person and discuss the case.

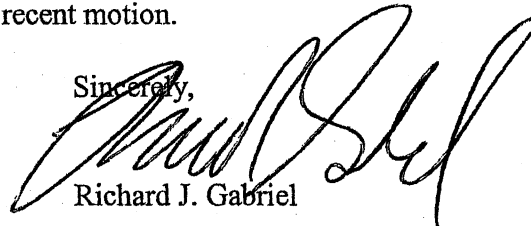
In compliance with that order I hereby request your presence at my office on Tuesday, November 13, 2007 at 11:00 A.M. to discuss all issues in this matter, including all those listed on the attached agenda, and perhaps settle it. If you have additional issues, please call and we can add them to the agenda for discussion.

If the time and or date are not convenient, please call and I will attempt to arrange a date more convenient to all parties.

Since you are representing yourself, I suggest you pay particular attention to the back of the Court Order. It tells you what you must do to comply with the order as well as the consequences if you fail to comply.

I intend to ask attorney William Crowley, the Special Administrator, to attend the meeting as well because of you recent motion.

Sincerely,



Richard J. Gabriel

RJG/cb

Encs:

**RICHARD J. GABRIEL, P.C.***Attorney at Law**37 South Street**Northborough, Massachusetts 01532***TEL (508) 393-6477 FAX (508) 393-2516**

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Encs:

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necessary to accomplish justice. If no parties are present at the pretrial conference and there is a temporary order in effect, the Court may issue a Judgment containing the terms of the temporary order.

7. The memorandum shall include:
  - A. The date, time and place that the in-person meeting was held, and who was present at the meeting.
  - B. A comprehensive written stipulation or statement of all facts the parties agree are true.
  - C. A statement of contested issues of fact and law and progress towards agreement, if any.
  - D. A statement that all discovery has been completed. If discovery has not been completed, an explanation of why it was not completed and a list of what remains to be done.
  - E. If a child custody is an issue, a statement of reasons why each party should, or should not, have custody.
  - F. A list of all people each party intends to call as witnesses at the trial, including for each person a brief statement identifying the person (for example, 'sister of the wife' or 'the children's dentist').
  - G. A list of all exhibits which each party intends to offer in evidence at the trial.
  - H. Depositions each party intends to use at trial.
  - I. (Divorce, property division and original alimony cases and equity case involving property claims only) A stipulation (written agreement) of the current values and costs of all real estate and personal property in issue. If the parties are unable to agree as to current values, each party shall submit an opinion of fair market value.