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JUN 13 2002

Ada County Clerk  
RICHARD E. WESTON  
WESTON LAW OFFICES ISB# 976  
413 West Jefferson, Suite #3  
Boise, Idaho 83701  
Telephone: (208) 336-8850  
Facsimile: (208) 336-8884

NO. \_\_\_\_\_ FILED \_\_\_\_\_  
A.M. \_\_\_\_\_ P.M. 6

JUN 13 2002

J. DAVID NAVARRE, Clerk  
By *[Signature]* DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA  
MAGISTRATES DIVISION

IN THE MATTER OF THE ESTATE OF )

SP. LE 0200281M  
CASE NO. \_\_\_\_\_

GEORGE PALASCH, )  
Deceased. )

) APPLICATION FOR INFORMAL  
) PROBATE AND INFORMAL  
) APPOINTMENT OF PERSONAL  
) REPRESENTATIVE

APPLICANT, MARTIN PALASCH, STATES AND REPRESENTS TO THE REGISTRAR THAT:

1. Applicant's interest in this matter is that of a son of the decedent.
2. The decedent, GEORGE PALASCH, died on January 30, 2002, at the age of 78 years.
3. Venue is proper because at the time of death the decedent was domiciled in this county.
4. The names and addresses of the children, heirs and devisees of the decedent, and the ages of those who are minors are:

APPLICATION FOR INFORMAL PROBATE AND INFORMAL  
APPOINTMENT OF PERSONAL REPRESENTATIVE -1-

<u>NAME</u>	<u>ADDRESS</u>	<u>AGE</u>	<u>RELATIONSHIP</u>
MARTIN PALASCH	3201 W. Kipling Boise, ID 83706		Son
MATTHEW PALASCH	P.O. Box 581 San Antonio, FL 33576		Son
MARK PALASCH	P.O. Box 581 San Antonio, FL 33576		Son
MICHAEL PALASCH	1507 N. 11th St. Boise, ID 83702		Son

5. No personal representative has been appointed in this state or elsewhere.
6. Applicant has neither received nor is aware of any demand for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this state or elsewhere.
7. The time limit for informal probate and appointment has not expired because not more than three (3) years have passed since the decedent's death.
8. Administration of the estate will be intestacy. After the exercise of reasonable diligence applicant is unaware of any unrevoked testamentary instrument which may relate to property subject to the laws of this state.
- 9a. The person whose appointment as personal representative is sought is qualified to act as such and has priority because there is no other person with a prior or equal right.
- b. The status in which such person seeks appointment is as the son of decedent.


10. Bond is not required.

WHEREFORE, APPLICANT REQUESTS That:

1. MARTIN PALASCH be informally appointed personal representative of the decedent, to act without bond.

2. Upon qualification and acceptance, letters of administration be issued.

Dated: 6-6-02

  
\_\_\_\_\_  
MARTIN PALASCH  
3201 Kipling Road  
Boise, ID 83706

(208) 371-3036





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AUG 16 2007

Ada County Clerk  
LAWRENCE G. WASDEN  
ATTORNEY GENERAL

NO. \_\_\_\_\_ FILED \_\_\_\_\_  
A.M. \_\_\_\_\_ P.M. 3:56

JEANNE T. GOODENOUGH  
Deputy Attorney General  
Chief Human Services Division

AUG 16 2007

J. DAVID NAVARRO, Clerk  
By L. MARTIN  
DEPUTY

ERIC R. GLOVER  
Deputy Attorney General  
Division of Human Services  
3276 Elder, Ste. B  
P.O. Box 83720  
Boise, Idaho 83720-0036  
Telephone: (208) 332-7961  
ISB No. 7111  
[glovere@dhw.idaho.gov]

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

IN THE MATTER OF THE ESTATE OF:	)	SP1E 0200281
	)	Case No. CV-IE-2002-20967
GEORGE PALASCH	)	<b>PETITION TO REQUIRE</b>
	)	<b>PAYMENT OF CLAIM</b>
	)	
Deceased.	)	Fee: Exempt (Idaho Code § 31-3212)
_____	)	

COMES NOW the State of Idaho, Department of Health and Welfare (hereinafter the "Department"), by and through its attorney, ERIC R. GLOVER, Deputy Attorney General, claimant in the above matter, and pursuant to Idaho Code § 15-3-1001, petitions the court as follows:

1. On or about January 1, 2002, GEORGE PALASCH (hereinafter the "decedent"), died in Ada County, Idaho.
2. The decedent was a resident of Ada County, Idaho at the time of his death.
3. Prior to his death, but after reaching the age of 55, the decedent applied for and received medical assistance (Medicaid) benefits.

4. The assets of this estate, upon the decedent's death, included a one-half interest in real property described as follows:

Lots 3 and 4 in Block 9 of BRYON ADDITION, according to the Official Plat thereof, filed in Book 1 of Plats at Page(s) 26, records of Ada County, Idaho.

True and correct copies of the Quitclaim Deed of November 17, 1993, Warranty Deed of November 17, 1993, Quitclaim Deed of February 28, 1995, and Quitclaim Deed of January 13, 1998, are attached hereto as Exhibits "A", "B", "C", and "D", respectively, and are incorporated by reference herein.

5. On April 7, 2003, the Department filed an **\$18,677.51** Claim Against Estate and Demand for Notice with the Court and mailed a copy to the Personal Representative through his attorney of record. A true and correct copy of same is attached hereto as Exhibit "E", and incorporated by reference herein.

6. The Department's claim was never disallowed and is therefore deemed allowed pursuant to Idaho Code § 15-3-806(a).

7. The Department has a priority claim for said Medicaid benefits paid on behalf of decedent pursuant to Idaho Code § 56-218(1) and (5).

8. On May 27, 2005, "Martin Palasch, Personal Representative of the Estate of George Palasch; and Martin Palasch and Carolyn Palasch, husband and wife" transferred the above described real property to "Kim C. Randall and Mary S. Randall, husband and wife." A true and correct copy of the Warranty Deed is attached hereto as Exhibit "F", and incorporated by reference herein.

9. The Department shows that no further action has been taken by the Personal Representative since the filing of the Department's Claim and that no payment has been received by the Department.

10. Pursuant to Idaho Code §§ 15-3-807 and 15-3-1001, the Department is entitled to an Order from the Court requiring the Personal Representative to pay the Department's claim.

**WHEREFORE** the Department requests the following:

1. An order requiring the Personal Representative to promptly pay the Department's claim against the decedent's estate;
2. If the Personal Representative is unable to pay the Department's claim, to provide to the Department an accounting of the disposition of all the assets of the estate.
3. For such further and other relief as may be appropriate under the circumstances.

DATED this 14 day of AUGUST, 2007.



ERIC R. GLOVER  
Deputy Attorney General

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that a true and correct copy of the foregoing **PETITION TO REQUIRE PAYMENT OF CLAIM** was mailed first class in the U.S. Mail, postage prepaid, on the 14<sup>th</sup> day of August, 2007, to:

ADA COUNTY CLERK  
PROBATE DIVISION  
200 WEST FRONT STREET  
BOISE ID 83702

RICHARD E. WESTON  
WESTON LAW OFFICES  
P O BOX 1247  
BOISE IDAHO 83701

MARTIN PALASCH  
3201 KINPLING RD  
BOISE IDAHO 83706

MARTIN PALASCH  
206 20<sup>TH</sup> AVENUE S  
NAMPA IDAHO 83651



JACQUELINE R. HORSBURGH  
Legal Assistant for ERIC R. GLOVER  
Deputy Attorney General

SEP 11 2007

J. DAVID NAVARRO, Clerk  
By A TOONE  
DEPUTY

**RICHARD E. WESTON**  
**WESTON LAW OFFICES**  
Attorney and Counselor at Law  
1020 W. Main Street, Suite 400  
Boise, Idaho 83702  
Phone: (208) 333-8506  
Fax: (208) 343-3246  
ISB Member No. 976

Attorney for Petitioners

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA  
MAGISTRATE DIVISION**

IN THE MATTER OF THE ESTATE  
OF

GEORGE PALASCH

Deceased.

\_\_\_\_\_  
STATE OF IDAHO )

County of Ada )  
:ss

)  
)  
) Case No. CV IE 02-20967  
)  
) **AFFIDAVIT OF RICHARD E.**  
) **WESTON IN SUPPORT OF**  
) **MOTION TO WITHDRAW**  
)  
)  
)  
)

COMES NOW, RICHARD WESTON, being over the age of eighteen years and competent to make this Affidavit, after first being duly sworn, and upon his own personal knowledge, states as follows:

1. That I am attorney of record for Martin Palasch, personal representative of the Estate of George Palasch CV IE 02-20967 and make this Affidavit in Support of my Motion to Withdraw.

rm

ORIGINAL

2. On or about August 14, 2007, the State of Idaho, Department of Health and Welfare by and through their attorney, Eric R. Glover, Deputy Attorney General, did Petition to Require Payment of Claim pursuant to Idaho Code § 15-3-1001 on behalf of their client the Department of Health and Welfare for "Medicaid" benefits paid to the Decedent in the above entitled matter, George Palasch.
3. The amount of claim filed by the Department is \$18,677.51.
4. The Court records in this matter indicate that the Department as Petitioner served Martin Palasch, personal representative of the Estate of George Palasch and Affiant, as attorney for the personal representative, Martin Palasch.
5. Upon receipt of these materials, Affiant sent a letter to Martin and Carolyn Palasch dated September 4, 2007, reciting the fact that Affiant has not heard from them about this estate since 2004, and that if Affiant did not hear from them within 7 days of the date of that letter (September 4, 2007), Affiant would petition the Court to be removed as attorney of record for you as personal representative. A true and correct copy of that letter is attached hereto as Exhibit "A".
6. That Affiant has not received any response from Martin Palasch and seeks an Order from the Court for leave to withdraw as attorney of record for Martin Palasch, personal representative.
7. Upon receipt of the Petition to Require Payment of Claim referred to herein, I attempted to reach Martin Palasch by telephone. There is no listing for him in the telephone directory and after seeking assistance through the telephone

company, I was advised that his telephone number is not to be given out to anyone.

8. Also, in an attempt to reach Mr. Palasch, I telephoned the last telephone number that I had in my files and received a curt statement from whoever answered that I had "the wrong number".

9. That I desire to withdraw from this matter as I cannot protect my client's interest or complete this legal matter without his participation.

10. In addition to the above, the personal representative owes affiant over \$1,125 in attorney's fees.

Further your affiant sayeth naught.

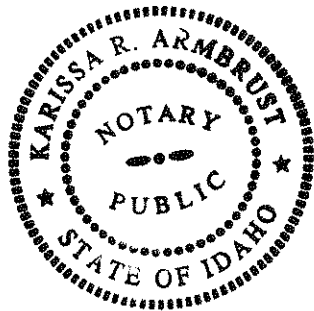
DATED this 10 day September 2007.

Richard E. Weston  
RICHARD E. WESTON  
Attorney at Law

State of Idaho )  
ss:  
County of Ada )

SUBSCRIBED AND SWORN to before me, this 10<sup>th</sup> day of September 2007.

(SEAL)



Karissa R. Armbrust  
NOTARY PUBLIC STATE OF IDAHO  
Residing at Nampa  
My commission expires: 3-19-13

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 11 day of September 2007, a true and correct copy of the **AFFIDAVIT OF RICHARD E. WESTON IN SUPPORT OF MOTION TO WITHDRAW** was served upon the following:

Eric R. Glover  
Deputy Attorney General  
Division of Human Services  
3276 Elder, Ste B  
PO Box 83720  
Boise, ID 83720-0036

U.S. Mail  
 Personal Delivery  
 Via Facsimile

Martin & Carolyn Palasch  
3201 Kipling Rd  
Boise, ID 83706

U.S. Mail  
 Personal Delivery  
 Via Facsimile



Richard E. Weston  
Weston Law Offices  
Attorney for Petitioners

# Weston Law Offices

Attorney and Counselor at Law  
1020 West Main Street, Suite 400  
Boise, ID 83702

Eli Weston  
(1897 - 1982)

Richard E. Weston

Facsimile (208) 343-3246

Telephone (208)333-8506

September 4, 2007

Martin & Carolyn Palasch  
3201 Kipling Rd.  
Boise, ID 83706

Re: Estate of George Palasch

Dear Martin & Carolyn:

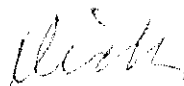
You probably have already received the materials I have enclosed herewith. It is a Petition by the State to pay the Medicaid claim of the above Decedent, George Palasch.

I have not heard anything from you or about this matter since 2004, and my last letter dated September 30, 2004, which I have enclosed herewith has not been responded to.

I do not know what has gone on in this case or what the situation is, but if I do not hear from you within seven (7) days of the date of this letter I will petition the Court to be removed as attorney of record for you.

Please advise.

Very truly yours,



Richard E. Weston  
Weston Law Offices

REW/kra  
Enclosures

*PS. I have been advised that the hearing on the above is on Sept 12 at 2:30 P.M.*

EXHIBIT A