

STATE OF MICHIGAN  
MIDLAND COUNTY PROBATE COURT

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File No. Z1-1959-TV

Hon. Dorene S. Allen

In re the Trust for the benefit of Anne R. Wolfe

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Malicoat Law, PLC  
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2707 Ashman Street  
Midland, Michigan 48640  
989-495-2555

Christopher L. Wolfe & Cynthia S. Wolfe, Trustees  
3220 Sunset Beach Drive NW  
Olympia, Washington 98502-3530

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**PETITION TO REMOVE TRUSTEE FOR BREACH OF TRUST**

Petitioner, Hal Wolff, represents that he is interested in this matter as a trust beneficiary and states in support of this petition:

1. The interested persons in this matter are:
  - a. Hal Wolff, f/k/a Hal Wolfe, 2045 McKinley, Ypsilanti, MI 48197
  - b. Anne Wolfe, 5109 Grandview Circle, Midland, MI 48640
  - c. Alan Wolfe, 912 Cole Street, #179, San Francisco, CA 94117
  - d. Joel Wolfe, 6645 Forest Beach Drive, Holland, MI 49423
  - e. Christopher Wolfe, 3220 Sunset Beach Drive, Olympia, WA 98502
  - f. Cynthia Wolfe, 3220 Sunset Beach Drive, Olympia, WA 98502
2. The Court has jurisdiction of this matter pursuant to MCL 700.7202.
3. The trust is not registered but venue is proper pursuant to MCL 700.7204.
4. Richard and Ellen Wolfe, husband and wife (trustmakers), executed the Anne R. Wolfe Special Needs Trust on February 15, 2002. The trustmakers were the original sole trustees. Hal Wolff was to serve as the first successor trustee.

A TRUE COPY

  
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Probate Register

5. The trustmakers amended and restated the Anne R. Wolfe Special Needs Trust as the Anne R. Wolfe Trust on April 4, 2007. (Attached as Exhibit 1).
6. The trustmakers were the original sole trustees.
7. The trustmakers named Chris Wolfe, Hal Wolff, and Chemical Bank as the first, second, and third successor trustees, respectively.
8. The trustmakers executed the first amendment to the trust on April 19, 2012. (Attached as Exhibit 2).
9. The first trust amendment replaced Chemical Bank with Cynthia M. Wolfe, wife of Christopher Wolfe, as third successor trustee.
10. The trust amendment also mandated that the trustee shall “render statements of account and disbursements of the Trust at least annually to ANNE R. WOLFE, CHRISTOPHER L. WOLFE, ALAN R. WOLFE, JOEL R. WOLFE, and HAL W. WOLFE.”
11. On September 21, 2013, trustmaker and trustee, Richard Wolfe died, leaving Ellen Wolfe as the surviving trustmaker and sole trustee.
12. Ellen Wolfe executed the second amendment to the trust on May 11, 2015. (Attached as Exhibit 3).
13. The second trust amendment added Chemical bank as the fourth successor trustee after Christopher Wolfe, Hal Wolff, and Cynthia Wolfe as the first, second, and third successor trustees, respectively.
14. The second trust amendment also amended the trustee reporting direction to “So long as Ellen W. Wolfe is serving as Trustee, accountings shall not be provided to the Beneficiary. Any trustee other than Ellen L. Wolfe shall account no less than annually to the Beneficiary and to Christopher L. Wolfe, Alan R. Wolfe, Joel R. Wolfe, and Hal W. Wolfe, or by Court Order...”
15. On or about April 16, 2016, Christopher Wolfe called Ellen Wolfe and made harsh threats if she followed through on her plan to amend her trust to allow Hal Wolff to direct the process for valuing a piece of property in northern Michigan, which he intended to eventually purchase from the trust.
16. Following this period of acrimony between Ellen Wolfe’s children regarding the adjustment of lot lines on the northern Michigan property, and at a time she was vulnerable to fraud, undue influence and/or duress, she was persuaded to execute the third amendment to the trust. (Attached as Exhibit 4).



17. The third trust amendment radically altered the successor trustee succession in a peculiar manner, naming Christopher Wolfe and Cynthia Wolfe, Joel Wolfe and Susan Wolfe, then Alan Wolfe and Hal Wolff as first, second, and third successor co-trustees, respectively. This arrangement provides that a surviving co-trustee could continue to serve in the event of the death of a co-trustee, even if that trustee is not a child of the trustmakers.
18. On October 17, 2016, trustmaker and trustee, Ellen Wolfe died.
19. Since assuming their roles as co-trustees of the trust, Christopher Wolfe and Cynthia Wolfe have violated the terms of the trust and the Michigan Trust Code by failing to keep the trust beneficiaries reasonable informed about the administration of the trust.
20. The co-trustees did not provide an initial inventory of the trust to the beneficiaries.
21. The trustees have not provided a meaningful annual account of the trust to the trust beneficiaries.
22. The most recent documentation provided to the trust beneficiaries by the co-trustees consisted of an incomplete reports (IRS Form 1095) which was missing the majority of the pages, providing little useful information to the beneficiaries. (Attached as Exhibit 5).
23. When the current income beneficiary of the trust, Anne Wolfe, recently requested a simple accounting of the trust via email, co-trustee Cynthia Wolfe, included all beneficiaries in her response condescendingly denying her request and telling her further that "Technically, legally, the Trust is not yours to worry about in any way." Adding that she should "Count your blessings you have all the support from your smart parents and brother (and sister-in-law)." (Attached as Exhibit 6).
24. In addition to the complete lack of transparency regarding the management of the trust assets, the co-trustees have failed to administer the trust in a manner consistent with the intent of the trustmakers.
25. A conservative estimate of the current value of the trust is in excess of \$1.5 million dollars, if the trust had earned even below average market returns since the death of the surviving trustmaker. Petitioner lacks the actual balance because of co-trustees' steadfast opposition to transparency.
26. The trustmakers intended that the trust assets be used to enhance the quality of life of Anne Wolfe, rather than to accumulate wealth to eventually be inherited by co-trustees and other beneficiaries.
27. Anne Wolfe has requested trust assistance from co-trustee Cynthia Wolfe in purchasing clothing but has been denied.

28. Anne Wolfe was not able to attend her most recent high school reunion because she could not afford the ticket price. She also has missed several Midland symphony concerts recently as she is no longer comfortable driving at night and does not have reliable resources available for the expense of a ride service.
29. The Trustees have failed to supply Anne with the level of support the Trust can afford to provide. They are withholding a significant amount of resources that could be allocated to Anne with the intention of "teaching her to live within her means". Her annual personal income is less than \$20,000 per year plus limited current support from the Trust (The Trust is currently supplying her with ~\$6000 of support per year.) The two very wealthy Trustees have taken it upon themselves to try to teach a 65-year-old person who also has physical disabilities and mental health issues but who enjoys buying things for herself to learn to manager her own money and provide for herself on a modest income that is a fraction of their own while sitting on a Trust of over a million dollars. The very basic 4% finance rule would indicate that the Trust could very safely afford to pay far more than this - such as an amount of over \$40,000 per year - with no risk of over-taxing the Trust's resources, but a small fraction of that support is currently being provided.
30. The Trustees have failed to present any plan to Anne or any family member for the wealth that the Trust is (or should be) accumulating, other than to save it for possible end of life medical costs that will likely be largely covered by Medicare and Medicaid. This is a clear violation of the intentions of the Trust founders who dictated that a primary intention is to use the Trust to help enhance Anne's current lifestyle. By not agreeing to pay for clothing or making other support available, and not encouraging Anne to travel is not living up to their responsibility. (Among other things, Anne pays for her own cable TV, and makes co-payments to her therapist out of her own pocket.)

PETITIONER REQUESTS that this honorable Court


1. Accept Supervision of the Trust for the benefit of Anne R. Wolfe for the purposes of this petition.
2. Remove Christopher Wolfe and Cynthia Wolfe as co-trustees.
3. Order Christopher Wolfe and Cynthia Wolfe to provide an accounting of the trust for the previous five years.
4. Appoint a successor trustee or successor co-trustees named in the trust instrument chosen by Anne Wolfe or, in the alternative, appoint an institutional trustee or institutional Trust Director.
5. Enter any other order that will protect the rights of all interested parties in this matter.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Dated: 12-7-21

  
\_\_\_\_\_  
Hal Wolff

Dated: 12/7/2021

  
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By: Geoffrey E. Malicoat (P72621)  
Attorney for Hal Wolff

Prepared by MALICOAT LAW, PLC  
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