

The government knew of the Trust since April 1997 as it referenced the Trust in a pre-sentence investigation report. (PE-34) Though Sue Bell testified as if all the property was at risk, in a memo she wrote to document a conference she had with attorney, William Stubbs, she justified the interdiction of Wilfred Bell in 2001 as being "*due to his continuing to place the house and one (1) acre at risk of additional forfeiture.*" Absent from Bell's memo is any alleged threat of forfeiture of the 288 acres the trust owned. (PE-84.) As such the risk, if any, was not to the Trust property but the house and one (1) acre she had taken in mortgage from her father. \*

Last but not least, since bankruptcy was filed, the Trustee has not spent one (1) hour or one (1) dollar doing what Sue Bell claims was necessary to save the Trust and as Mr. Gauthier testified there is no evidence that the Trustee's inaction caused the risks so feared by Bell, to manifest themselves. (Gauthier pg 127)

**1D The Method By Which Bell Chose To Pay Herself Was Also A Breach Of Her Fiduciary Duty To Act As A Prudent Administrator.**

Already discussed in this brief are the arguments as to why Bell's alleged debt, her Dation En Paiment and Act of Exchange breached her duty of disclosure and her duty to manage the Trust solely in the interest of the beneficiaries. Pursuant to La.R.S. 9:2090A, Bell also had a duty to manage the Trust as a prudent administrator including the use of any special skill or expertise she held herself out as having. La R.S. 9:2090B. Plaintiff contends that by spending Trust money on non-trust matters, by her failure to properly document her expenditures as business versus personal, by her use of three (3) or more attorneys for legal matters and then also charging her own \$55.00 per hour for legal matters, on top of her excessive hours on simple tasks with no

