

(Hood pg 172, PACER 118) Bell did not do so. Hood recognized that where the Trustee is also a beneficiary, the duty of loyalty and right to compensation create a tension, mitigating in favor of more disclosure to the beneficiaries. (Hood pg 167, PACER 118) Bell cannot feign ignorance or good faith, as she testified that she considered the withholding of information that one knows to be pertinent to a direct request, to be an untruthful act. (Bell 2/20 pg. 6-7, PACER 120)

Incredibly, Gauthier testified that Bell told him not to disclose the fact of the Dation, the Termination and Act of Exchange to Mr. Marcantel. (Gauthier pg 52-56, 132, PACER 128) Such action cannot be construed as chaste or dealing with a beneficiary fairly under La. R.S. 9:2083, with full disclosure of material facts under La. R.S. 9:2083 and La. R.S. 9:2089 or acts solely in the interests of the beneficiaries under La. R.S. 9:2082. Such acts were solely in the interest of the Trustee and were reasonably seen as bad faith by the lower court!

If an order from Bell to Gauthier to keep things secret is not enough, additional evidence of Bell's bad faith comes from the fact that Bell had been previously counseled by the attorney who formed the Trust that she had an affirmative obligation to advise the beneficiaries of activities in the Trust. Mr. Friedman further testified that a sale or transfer of assets or an offer of \$120,000.00 for the minerals was the type of thing that should have been disclosed. (Friedman pg 25-26, PE-69).

Bell administered the Trust solely in her interest as evidenced by her transfers to herself and concealment in response to the beneficiaries' request for an accounting. Her self dealing is also evident from other examples. Bell took a mortgage on Mr. Bell's house and one (1) acre, from Mr. Bell, after Mr. Bell had already donated this asset to the Trust. (PE-1, Gauthier pg 70-80, PACER 128) Sue Bell recorded this Donation four (4) years after it was signed; (PE-1), and then a year later drafted the Dation to transfer the same house to herself, (PE-12) with no regard for the loss of the asset to the Trust. Another act of selfishness was evidenced when, upon

