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 7 Columbus Life Insurance Company

8
 9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 COLUMBUS LIFE INSURANCE COMPANY,

No.: 2:10-CV-00460-MCE-KJM

12 Plaintiff,

13 vs.

**STIPULATION AND ORDER FOR ENTRY
 OF JUDGMENT**

14 MARY S. REED, individually and as trustee of
 THE SPIDELL INSURANCE TRUST, DATED
 15 MAY 30, 1990; the HAYDON J. SPIDELL AND
 RUTH C. SPIDELL IRREVOCABLE TRUST,
 16 DATED 1989; ANNE SMITH, an individual;
 and HAYDON J. SPIDELL, JR., an individual,

17 Defendants.
 18

19
 20 IT IS HEREBY STIPULATED by and between plaintiff Columbus Life Insurance Company
 21 (“Columbus Life”), and defendants Mary S. Reed, individually and as trustee of The Spidell
 22 Insurance Trust, Dated May 30, 1990; Anne Smith, an individual; and Haydon J. Spidell, Jr., through
 23 their respective attorneys of record, as follows:

24 1. That Columbus Life issued a life insurance policy on the life of the late Ruth C.
 25 Spidell dated February 22, 1996 with a death benefit of \$500,000, Policy No. CM4119594U (“the
 26 Policy”);

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28 ///

REED SMITH LLP
 A limited liability partnership formed in the State of Delaware

1 2. That the named beneficiary of the Policy was defendant Hayden J. Spidell and Ruth
2 C. Spidell Irrevocable Trust dated 1989 (“the 1989 Trust”), and that this beneficiary designation was
3 never changed;

4 3. That decedent Ruth C. Spidell died on or about August 17, 2009, and that death
5 benefits are therefore payable under the terms of the Policy;

6 4. That defendant Mary S. Reed, as trustee of The Spidell Insurance Trust, dated May
7 30, 1990 (“the 1990 Trust”) made a claim to the death benefit proceeds of the Policy by submitting
8 claim forms on behalf of the 1990 Trust in September 2009;

9 5. That because the Policy designates a different trust, the 1989 Trust, as the beneficiary,
10 Columbus Life was unable to pay the claim;.

11 6. That defendant Mary S. Reed informed Columbus Life that the 1989 Trust does not
12 exist, but Columbus Life is unable to independently verify that fact, and Columbus Life is unable to
13 determine to whom the death benefits, plus accrued interest, may be paid without risking double or
14 multiple liability;

15 7. That at all times, Columbus Life was ready, willing and able to pay the death benefit
16 of the Policy to the person or persons legally entitled thereto;

17 8. That Columbus Life filed its Complaint in Interpleader on February 19, 2010;

18 9. That concurrently with the filing of its Complaint in Interpleader, Columbus Life
19 deposited the death benefit, plus interest, with the Clerk of the Court, in the amount of \$510,191.78;

20 10. That, having deposited the death benefit of the Policy, plus interest, with the Clerk of
21 the Court on February 19, 2010, Columbus Life is released, discharged, and acquitted of and from
22 any liability of any kind or nature whatsoever under the Policy or by reason of the death of Ruth C.
23 Spidell;

24 11. Defendants have presented evidence, in the form of the declarations of Anne Smith,
25 Mary S. Reed and Hayden J. Spidell, Jr., who are Ruth Spidell’s children, and the estate planning
26 attorneys for Hayden J. Spidell and Ruth C. Spidell, David L. Smith and Deanaa Lyon. These
27 declarations indicate that the named beneficiary of the Policy, the 1989 Trust, never existed, and that
28 the death benefit should be paid to the 1990 Trust;


1 PARACLETE ESTATE PLANNING

2
3 By //s// David L. Smith
4 David L. Smith
5 Attorneys for Defendants Mary S. Reed,
6 Individually and as Trustee Of The Spidell
7 Insurance Trust, Dated May 30, 1990; Anne Smith;
8 and Haydon J. Spidell, Jr.

9 **ORDER**

10 Pursuant to the above Stipulation between the parties,
11 IT IS SO ORDERED.

12 DATED: October 13, 2010

13 
14 MORRISON C. ENGLAND, JR.
15 UNITED STATES DISTRICT JUDGE