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Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

NICHOLAS CHRISTOFORO, an infant, by
and through his mother and next friend,
Jessica Christoforo,

and

JESSICA CHRISTOFORO,

and

JAMES CHRISTOFORO,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

NO: CV 4-5462 BHS

**AMENDED ORDER APPROVING
ANNUAL ACCOUNTING**

THIS AMENDED ORDER REPLACES the Court's prior Order, Dkt. 122, and corrects the amounts and Dates in Paragraph 3.4. The Prior Order is VACATED.

THIS MATTER having come on regularly for hearing before The Honorable Benjamin H. Settle on the date shown below upon the Petition of Trustee for the entry of an order approving its annual accounting and fees, filed by Wells Fargo Bank, N.A., Trustee of the Nicholas Christoforo Reversionary Special Needs Trust, u/a dtd March 30, 2006 ("Trust"), the Trustee being represented by Aiken, St. Louis & Siljeg, P.S., and the Court having

1 considered the Petition, the Trustee’s Annual Accounting, and being fully advised in the
2 premises, Now Therefore, the Court Makes the Following:

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4 **I. FINDINGS OF FACT**

5 1.1 **Jurisdiction.** The facts alleged in the Petition of Trustee for Order Approving
6 Annual Accounting and Fees, and the Trustee’s Annual Accounting are true and include all of
7 the facts necessary to give the Court jurisdiction over this matter.

8 1.2 **Acts of Trustee.** It appears to the Court that all acts required of the Trustee
9 have been performed and are valid and proper. The expenses incurred for the period May 1,
10 2021 through April 30, 2022 are reasonable and necessary and within the terms and purpose
11 of the Trust.

12 1.3 **Correctness of Annual Accounting.** It appears to the Court that the
13 accounting submitted by the Trustee is correct.

14 1.4 **Guardian ad Litem Report.** The guardian ad litem completed her
15 investigation and recommends approval of the annual accounting.

16 1.5 **Notice.** Notice of the hearing on this matter has been properly provided to the
17 parties entitled to receive such notice.

18 1.6 **Trustee Fees.** The fees charged by Wells Fargo Bank, N.A., as Trustee, are
19 reasonable and necessary for the administration of the Trust.

20 1.7 **Legal Fees and Costs.** The fees incurred by Aiken, St. Louis & Siljeg, P.S. as
21 the attorneys for the Trustee are reasonable and necessary for the administration of the Trust.

22 **II. CONCLUSIONS OF LAW**

23 2.1 **Jurisdiction.** The Court has retained jurisdiction over the parties and the
24 subject matter of this trust proceeding.

1 2.2 **Approval of Accounting.** The Court should enter an Order approving the
2 accounting and all acts of the Trustee for the period from May 1, 2021 through April 30,
3 2022.

4 Based on the foregoing Findings of Fact and Conclusions of Law, the Court makes the
5 following:

6 **III. ORDER**

7 3.1 **Approval of Accounting of Trustee.** The accounting of Wells Fargo Bank,
8 N.A., the Trustee of the Nicholas Christoforo Reversionary Special Needs Trust, u/a dtd
9 March 30, 2006, and all of the Trustee’s accounts, actions, investments, and expenditures set
10 forth in the accounting for the period from May 1, 2021 through April 30, 2022 are approved.

11 3.2 **Approval of Fees of Trustee.** The Trustee shall receive reasonable
12 compensation for services pursuant to its published fee schedule, and is authorized to deduct
13 the same, as well as all other expenses and costs of administration, from the funds in its
14 hands. The fees of Wells Fargo Bank, N.A., as Trustee of the Nicholas Christoforo
15 Reversionary Special Needs Trust, u/a dtd March 30, 2006 for the period from May 1, 2021
16 through April 30, 2022 in the total amount of \$44,807.49 are approved. The payment of the
17 approved fees and costs from the assets of the Trust shall be and hereby is ratified.

18 3.3 **Approval of Legal Fees.** The fees and costs of Aiken, St. Louis & Siljeg, P.S.
19 that were incurred during the period from July 20, 2021 through August 4, 2022 in the total
20 amount of \$1,884.55 are approved as reasonable and necessary for the administration of the
21 Trust, and the Trustee is directed to pay its attorneys’ fees and costs from the assets of the
22 Trust as incurred, subject to approval at the next annual accounting.

23 3.4 **Approval of Guardian ad Litem Fees and Costs.** The fees and costs of the
24 guardian ad litem, Brianna Johnston Hanks, in the amount of \$1,115.50 for the period from

1 August 10, 2022 through September 8, 2022 are approved as reasonable and necessary and
2 shall be paid from the assets of the Trust.

3 3.5 **Next Reporting Deadline.** The deadline for filing the Trustee’s next annual
4 accounting is July 30, 2023. That accounting shall cover the period from May 1, 2022
5 through April 30, 2023.

6 DATED this 11th day of October, 2022.

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 BENJAMIN H. SETTLE
10 United States District Judge

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