



ORIGINAL

FILED

02/22/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 21-0343

Ann Taylor Sargent
210 W. Grant Street, #202
Minneapolis, MN 55403-2243
ann2022ian@gmail.com
Jenny Jing
10 Alpine PL.
Kearny, NJ 07032
jennyianmt@gmail.com
Pro Se

FILED

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Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA
Case No. DA 21-0343

Ian Elliot,

Appellant

NOTICE / STATUS REPORT

v.

THE SUBSTITUTION OF PARTY
FOR APPELLANT IAN ELLIOT
IS DELAYED

Joseph Womack and Cindy Elliot,

Appellees.

Ann Sargent (Ann) and Jenny Jing (Jenny), the designated personal co-representatives of the Estate of Ian Elliot (Ian) in Ian's Last Will, respectfully submit this notice/status report, that their motion to substitute Appellant Ian and file Ian's Reply Brief is delayed due to the Appellees Joseph Womack and Cindy Elliot's joint actions in the Yellowstone County District Court.

I. The Incidents Happened

Ian passed away on 12/19/2021 in New Jersey, where he stayed more than a year with his domestic partner, Jenny Jing, who has a property there.

Jenny informed the beneficiaries in Ian's Will that Ian designated Jenny and Ian's ex-wife Ann Sargent as Ian Estate's personal co-representatives. Jenny asked whether beneficiaries would give consent to be served with documents via emails.

Immediately, Ian's nephew Adrian Olsen (Adrian) claimed that Ian's Will was illegal and on 1/3/2022, Adrian requested that Ian's Will not to be shared "with anyone who is not a direct blood relative of the Elliot" until they verified the validity of Ian's Will. Some information about Ian's death and Ian's finances in Adrian's claim appeared to be disinformation from Cindy.

Jenny informed Adrian the same day that Ian's Will had been signed and notarized with two of Ian's friends as witnesses while Ian and Jenny lived in Billings, and that Ann and Jenny were waiting for Ian's death certificate to file the documents to the Court and provide the documents to every beneficiary at the same time so Adrian could verify and challenge Ian's will after that. (Exhibit A)

On 1/11/2022, Womack requested Ann and Jenny provide Ian's Will to Adrian and to him. Womack's request on Adrian's behalf made it appear that Womack was providing consultation to Adrian.

On 1/15/2022, Ann and Jenny sent a statement to Womack, stating that Ann and Jenny were waiting for Ian's death certificate to file the documents to the Court and would provide the documents to the interested parties at the same time, including their affidavits under penalty of perjury together with Ian's Last Will.

Ann and Jenny explained to Womack that they had to wait 30 days to request a death certificate after a person's death in New Jersey. (Exhibit B)

Please note that Ann and Jenny were following instructions in the sm_estate_packet.doc, provided on the <https://courts.mt.gov/forms/endoflife> website. The packet implied that a death certificate was needed.

In the morning of 1/28/2022, Ann and Jenny mailed Ian's original Last Will and their affidavits to the Yellowstone County Court for an informal probate.

Ann and Jenny were unaware that, within 4 days of their response to Womack, Womack and Cindy had prepared a petition declaring Ian died intestate, (Exhibit C) and filed to the District Court on 1/21/2022 to "adjudicate Ian's heirs" as Cindy, Cindy's son Elliot Hutchens, and Adrian. Both Womack and Cindy nominated Adrian as Ian Estate's personal representative. Womack also suggested the District Court appoint a Special Administrator for Ian's Estate.

On 1/28/2022, at 4:28 pm Ann's time and 5:28 pm Jenny's time, they were served by email from Womack for his petition for a hearing, claiming that he had obtained an unsigned Ian's Will, and that Ian died intestate.

Womack stated that Ian's "domestic associate" Jenny claimed she had Ian's Will but "refused" to provide it to him. (Please see Exhibit B in which Ann and Jenny informed Womack of their timeline. Also, please note that Womack knew Jenny has been Ian's Domestic Partner for more than a decade, a fact which Ian

made clear under oath in a court hearing when Womack questioned Ian for Jenny's helping Ian doing legal research. (Tr. 7/8/2021, p32)).

On 2/3/2022, Ann and Jenny were informed by the Clerk of Yellowstone County District Court that because Womack had already filed a petition, a response must be filed before an application could be accepted. The Court Clerk then mailed back the documents including Ian's original Last Will.

After receiving the returned documents, Ann and Jenny filed their response to Womack's petition and submitted Ian's Last Will to the District Court again.

II. The Delay Is Not Caused By Ann and Jenny's Error or Negligence

As pro se, Ann and Jenny do not know how long this Court considers "reasonable time", as defined by Rule 25 to substitute party. Our application for informal probate was returned to us because of Womack and Cindy's Petition for Formal Adjudication of Intestacy, which we were unaware of at the time.

Womack and Cindy's actions may result in the contest of Ian's Last Will or objections to Ann and Jenny's appointment, and there maybe longer delays.

Ann and Jenny inform this Court that any filing to this Court to dismiss Ian's pending appeal would be against Ian's expressed wishes.

DECLARATION

I declare under penalty of perjury that I have read this document, and the information I set forth herein is true and correct to the best of my knowledge.

Respectfully submitted: 2/16/2022

Ann Sargent

Ann Sargent, Pro Se

Designated Personal Representative of Ian Elliot's Estate Pending Court Approval

Jenny Jing

Jenny Jing, Pro Se

Designated Personal Representative of Ian Elliot's Estate Pending Court Approval

CERTIFICATION OF SERVICE

I certify that on the 16 day of February, 2022, I served a true copy of this document, via Email or USPS First Class Mail, addressed to:

Michael Manning, Ritchie Manning Kautz PLLP
mmanning@rmkfirm.com

Jeseph Soueidi, Felt Martin PC
2825 3rd Ave. N., Suite 100, Billings, MT 59101

Ann Sargent

& Jenny Jing
Jenny Jing