

12/11/2024

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STATE OF MONTANA

Case Number: DA 24-0125

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IN THE SUPREME COURT OF THE STATE OF MONTANA  
Supreme Court Cause No. DA 24-0125

RE: District Court Case No. DP 2021-42  
Montana 15<sup>th</sup> Judicial District Court, Sheridan County  
Honorable David Cybulski

DONNA KATHERINE FINLEY

Appellants/ Petitioner

v.

AUSTIN ZUGG AND KOLBY ZUGG

Appellee/Respondents

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REPLY BRIEF OF APPELLANT

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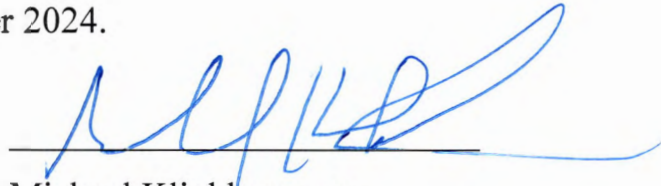
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### **CERTIFICATE OF COMPLIANCE**

I, Michael Klinkhammer, the undersigned, certify that the Opening Brief of Appellant is Double Spaced, 14 point, Times Roman, Proportionately Spaced, and that the total words, excluding the table of contents table of citations, certificate of service, certificate of compliance and any appendix are 4,415 words.

Dated this 11<sup>th</sup> day of December 2024.



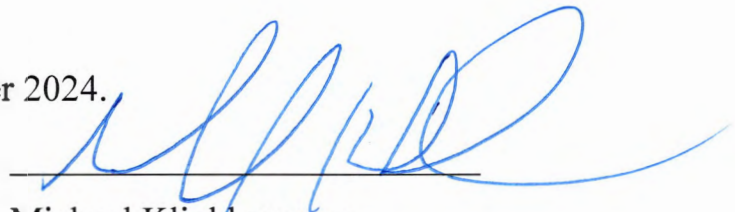
Michael Klinkhammer

Attorney for Appellant/Petitioner

### **CERTIFICATE OF SERVICE**

I, Michael Klinkhammer, the undersigned, certify that I am registered to e-file. I verified with the Clerk of the Montana Supreme Court that counsel for the Thomas Hollo, the Attorney for the Appellee/Respondent, is also registered to e-file. As we are both registered e-file attorneys, the Respondents Austin Zugg and Kolby Zugg were electronically served on December 11, 2024 to their registered e-file attorney.

Dated this 11<sup>th</sup> day of December 2024.



Michael Klinkhammer

Attorney for Appellant

## **STATEMENT OF THE ISSUE**

1.The District Court erred when it found that the facts do not support appointing the Petitioner as Personal Representative with a priority of a surviving spouse and denied the Petition For Formal Adjudication of Intestacy, Determination of Heirs, and Appointment of Personal Representative.

## **STATEMENT OF APPELLEE'S ISSUES**

- I. The Appellee mistakenly argues that no common law marriage because they never lived together in Montana.
- II. The Appellee mistakenly argues that the decedent Neven Zugg and Katherine Finley were not married because they did not hold themselves out to the community as married.

## **STATEMENT OF THE STANDARD OF REVIEW**

I. The standard of review of a District Court's Findings of Fact is whether the findings are clearly erroneous. The Court adopted a three part test to determine whether district court's findings of fact are clearly erroneous. A finding of fact is clearly erroneous if it is not supported by substantial evidence, if the district court misapprehended the effect of the evidence, or if, after reviewing the record, the Court is left with the definite and firm conviction that a mistake has been made.

In re Estate of Hunsaker, 1998MT 279, ¶25,26; 201 Mont. 412 , ¶25,26; 968 P.2d 281, ¶25,26.

## **SUMMARY OF REPLY ARGUMENT**

The District Court denied the Appellant's Petition for Appointment as Personal Representative of the estate of Estel Neven Zugg stating among other findings of fact that, "Decedent's ties to Montana were limited to items that would have helped him avoid sales tax in North Dakota where he primarily lived" The District Court's findings ignore the fact that the decedent filed taxes in Montana and claimed Montana, and more specifically Plentywood, Sheridan County, Montana, as his residence and domicile.

The Appellee claims that the Appellant's appeal should be denied as the decedent and Appellant and Katherine did not actually "live" together in Montana and that consequently their common law marriage cannot be recognized in Montana . Both are mistaken. The record demonstrates that when Neven and Katherine lived in Montana, they lived at Neven's accountant Rick Darvis' or with Neven's brother and sister-in-law, Ed and Deborah Zugg. They had also lived for several weeks in Roundup Montana. The fact that the parties were snow birds living in Arizona during winter months does not deprive them of their Montana residence. The fact that Neven did seasonal work in North Dakota does not deprive them of Montana residence and domicile.

Finally, the Appellee argues that Neven and Katherine did not hold themselves out to the public as married. As demonstrated by the testimony who were close friends and business associates, Neven consistently stated that Katherine was his wife. Against this overwhelming testimony, the Appellee introduced testimony of Ms. Sandra Jacobson, an ex-girlfriend who had not seen him since 2014 regarding Neven's 2016 marriage; A Jessie Frickle who testified the only place in Montana that Neven had referred to where he stayed was with a girlfriend named Sandy, last name Jacobson whose relationship was 2 years prior to Neven's marriage to Katherine; A Ms. Spoklie, who was employed at the Sheridan County Treasurer's Office who testified to a long standing joke between the two of them that they would never remarry, that she had seen Neven with another woman and he had stayed with that woman but the year when this happened was not testified to, that at one point, Neven had introduced Katherine as his girlfriend, and that after Neven had passed away, Katherine had called identifying her as his wife; and Austin Zugg who testified that his father said he would never remarry. As demonstrated by the testimony of those that knew Neven, Rick Darvis, Jim Rice, John Jackson, Scotty Fain, is brother Ed Zugg and sister-in-law Deborah Zugg, and the testimony of Donna

Katherine Finley, Neven Zugg had consistently, publicly declared Donna Katherine Finley to be his wife

## ARGUMENT

### **I. The Appellee Mistakenly Argues That No Common Law Marriage Because They Never Lived Together In Montana. The Record Demonstrates That Neven Zugg and Katherine Finley Lived In Montana As Husband And Wife. Temporary Residence Outside The State Do Not Prevent The Common Law Marriage.**

Montana's precedent on common law marriage is well established. It is established by presumption stating, "A man and a woman deporting themselves as husband and wife have entered into a lawful contract of marriage." Mont. Code Ann. 26-1-602(30).

It is established by statute, "Parties to a marriage prohibited under this section who cohabit after removal of the impediment are lawfully married as of the date of the removal of the impediment." Mont. Code Ann. 40-1-401(2). Common-law marriages are not invalidated by this chapter. Declarations of marriage pursuant to 40-1-311 through 40-1-313, 40-1-323, and 40-1-324 are not invalidated by this chapter. Mont. Code Ann. 40-1-403.

It is established by case precedent,

This Court in Welch v. All Persons (1926), 78 Mont. 370, 384, 254 P. 179, 182, stated that the presumption in favor of matrimony is one of the strongest known to the law and that every intendment of the law is in favor of matrimony, which presumes morality and not immorality, marriage and not concubinage, legitimacy and not bastardy. Estate of Swanson (1972), 160 Mont. 271, 502 P.2d. 33.



In re Estate of Murnion, 212 Mont. 107,113, 686 P.2d 893,897 (Mont. 1984).

The Appellee raises the issue of an impediment to marriage arguing that Neven and Katherine Finley did not live in Montana as husband and wife.

In this case, the record indisputably establishes that Montana, and in particular, Plentywood Montana was the residence and domicile of the decedent. Mr. Rick Darvis testified that he had been Neven's personal friend, business partner and tax accountant. [Supplemental Appendix [S.A.] p. 92, lines 11 -18. Mr. Darvis testified that it was his understanding that Neven lived in Montana and that his address was Plentywood Montana. S.A. p. 92, lines 19-23. Even though Neven had sold his house in Plentywood, he continued to claim Plentywood as his residence. S.A. p. 93, lines 3-17. He testified that Neven's last tax filing was in 2019 in which Neven claimed Plentywood Montana as tax domicile. S.A. p. 93, lines 12-22. According to Mr. Darvis, probably the last real property owned by Neven was in Koocanusa, Libby. He may have owned some elsewhere but Mr. Jarvis was not aware of it. S.A. p. 95, lines 14-19. As Neven's accountant, Mr. Darvis testified that when Neven worked in the oil fields, he filed in Montana and North Dakota. S.A. p. 93, lines 12-22. In Neven's later years, he wintered in North Dakota or Arizona. Mr. Darvis had been Neven's accountant for approximately 40

years. S.A. p. 98, lines 12-15. Mr. Darvis testified that Neven's tax domicile was Plentywood Montana. S.A. p. 289, lines 13-25.

The testimony of Katherine Finley [Katherine] confirms the Montana residence. Katherine testified that they were married in 2016. S.A. p. 187, lines 14-18. It occurred in 2016 when they went to Vegas. S.A. p. 205, lines 4-10.

Katherine testified that she and Neven had a trailer in Arizona and for the past approximately 5 years wintered there. It was their winter home. They would spend three months there and then turn around and come back. S.A. p. 192, 193, lines 23-

8. Addressing Blacktail and Williston North Dakota, Katherine testified Neven never resided there as his residence. He stayed there when he worked the oil fields.

Neven's mother had a trailer there and everyone went there. S.A. p. 205, lines 11-

19. These were places Neven stayed when he worked in North Dakota. S.A. p.

206, lines 3-5. Neven did not claim Williston N.D. as his domicile since it was a

temporary situation when he worked in the oilfields. S.A. p. 208 lines 12-24.

Addressing where Neven lived in Montana, after Neven sold his real property, he

would stay with Rick Darvis. S.A. p. 205, lines 4-10. The appellant, Katherine,

also testified that they had lived several weeks in Roundup Montana. S.A. p. 230,

lines 8-12. Finally, Katherine testified that they lived at 1447 Canyon Drive,

Billings Montana. S.A. p. 230, lines 2-5.

Deborah Zugg, Katherine's sister-in-law, testified that Katherine and Neven would stay with her and Neven's brother Ed off and on. Sometimes for a couple of weeks. Sometimes a couple of days. S.A. p. 175, lines 8-16.

In any event, as Katherine testified, Neven stated. "I'm a Montana boy" and never gave up his domicile because Montana, that was his familiar lifestyle and that was him. S.A. p. 289, line 1, lines 4-10.

Neven's Montana residence and domicile was confirmed by his friends who knew Neven and Katherine. Mr. Jim Rice testified that he had known Neven for 12 to 14 years. S.A. p. 10, lines 6-18. Mr. Rice testified that Neven had told him that he was an outfitter in Montana and Plentywood was where he was from. He had owned a hotel there. S.A. p. 13, lines 1-5. Neven never told Mr. Rice that he lived in Arizona permanently. Neven had told Mr. Rice that they were going to Arizona but the only place Mr. Rice knew him to live was Plentywood or Culbertson. S.A. p. 13, lines 7-14.

Another long time friend, Scotty Fain testified that Neven would stay at his mother's in North Dakota but he would go back to Montana most of the time. S.A. p. 41, lines 3-12.

Again, as noted above, long time friend John Jackson testified Neven told him that his home was Plentywood Montana. S.A. p. 68, lines 18-20.

Mr. Jackson further testified that, “I think they would go to Arizona sometimes in the Winter. And that’s the best I can tell you. I do not know where or what part. But, when I would talk to Neven in the hard winters generally it would be from, he would be in Arizona, in the later years.”

S.A. 72, lines 4-10. Finally, from Mr. Jackson, he testified, “Far as I knew, Neven only had one home and that was Plentywood, Montana. And we used to tease Neven a little bit and call him the mayor. Because somebody at one point said he was the mayor of Plentywood. I don’t know if he ever was. But, you know how guys call each other things. S.A. 76, lines 20-26.

Neven’s brother, Ed Zugg, also testified that Neven claimed Plentywood as his domicile. He testified, “Yep, yep, he always had a Montana driver’s license. And he always had an address here, I don’t know what that was but.” S.A. 145., lines 15-18.

As the record clearly establishes that Neven and Katherine resided in Montana as husband and wife, when not temporarily employed in North Dakota or “snow birds” in Arizona, the Supreme Court should reverse the District Court’s finding that the decedent’s ties to Montana were limited to those that would have helped him avoid sales tax on purchases in North Dakota.

Here, it is important to note that applying Mont. Code Ann. 1-1-215, the decedent was a resident of Montana. Mont. Code Ann. 1-1-215 provides:

Every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- (1) It is the place where a person remains when not called elsewhere for labor or other special or temporary purpose and to which the person returns in seasons of repose.
- (2) There may be only one residence. If a person claims a residence within Montana for any purpose, then that location is the person's residence for all purposes unless there is a specific statutory exception.
- (3) A residence cannot be lost until another is gained.
- (4) The residence of an unmarried minor is:
  - (a) the residence of the minor's parents;
  - (b) if one of the parents is deceased or the parents do not share the same residence, the residence of the parent having legal custody;
  - (c) if neither parent has legal custody, the residence of the legal guardian or custodian appointed by a court of competent jurisdiction;or
- (d) if the conditions in 20-5-502 are met, the residence of the caretaker relative.
- (5) In the case of a controversy, the district court has jurisdiction over which residence is the residence of an unmarried minor.
- (6) Except as provided in Title 20, chapter 5, part 5, and this section, the residence of an unmarried minor who has a parent living cannot be changed by either the minor's own act or an act of the minor's guardian.
- (7) The residence can be changed only by the union of act and intent.

Mont. Code Ann. 1-1-215 (2024) (Emphasis added).

In this case, the record demonstrates that Neven never, in union of act and intent, changes his residence from Montana and in particular, Plentywood, Montana.

Neven's Montana residence is further substantiated in the Administrative Rules of Montana where it provides:

The following definitions apply to rules found in this subchapter:

(1) "Part-year resident" means an individual who either was a Montana resident at the start of the year that established residency in another state during the year, or who was a nonresident at the start of the year that established residency in Montana during the year. The term does not include individuals such as:

(a) retirees, commonly referred to as "snowbirds," who are residents of Montana but live in another state for a portion of each year;

(b) a resident of another state who works in Montana on a seasonal basis, but does not establish residency in Montana; or

(c) a Montana resident attending an out-of-state college who has not established residency elsewhere.

(2) "Permanent place of abode" means a dwelling place habitually used by an individual as the individual's home, whether or not owned by the individual or a dwelling the individual may someday leave.

A.R.M. 42.15.107 (2024) (Emphasis Added)

Neven's permanent place of business, which also claimed as his home was Plentywood Montana,

**II. The Appellee Mistakenly Argues That The Decedent Neven Zugg and Katherine Finley Were Not Married Because They Did Not Hold Themselves Out To The Community As Married.**

The Appellee's argument is grossly mistaken on this point. The case on point, as previously argued, is In re Estate of Ober, 2007 MT 7, 314 Mont. 20, 62 P.3<sup>rd</sup> 1114 (Mont. 2014)

In Ober, the spouse did not assume the deceased husband's last name, she maintained separate bank accounts, they filed their taxes separately as single, the filed documents with the Farm Service Agency as single, the deceased husband did not report her as his beneficiary on his insurance policy, the deceased husband did not report her as his wife with his employer, the deceased had granted his brother power of attorney on three separate documents, the deceased husband had continued to pay rent on an apartment in Conrad Montana after he moved in with her and she even continued to receive Widow's Survivor benefits for a deceased husband named Frank Klein. Id. at ¶11.

The deceased's wife, as in this case, countered with evidence that they had entered into a marital relationship and that he had proposed to her in 1987. Id. at ¶12. Analogously, Neven proposed to Donna Katherine in 2016.

In Ober, they had exchanged rings. Id. Analogously, Neven had given Donna Katherine a ring.

In Ober, documents were submitted into evidence which read Don and Selma Ober. A picture was introduced from his wallet showing Selma and on the back of it written "my wife." Id. at ¶13. Analogously, in the instant matter, Neven introduced Donna Katherine as his wife, a Christmas Card from Neven's brother and sister-in law was to Neven & Katherine Zugg, and a Christmas Card from their

friend, Bev and Ed Lindsay was to Nevin and Katherine Zugg. In the present case, unlike Ober, Neven listed Donna Katherine on his bank account as his beneficiary.

Noting that the Court was not aware of any legal requirement that the wife assume the husband's last name or that they mutually list each other on insurance, retirement or health forms, the Montana Supreme Court confirmed the District Court findings that the couple had assumed a marriage by mutual consent. Id. at ¶16. (Emphasis added) Further based on the testimony of several witnesses, the Montana Supreme Court confirmed the District Court Finding that the couple had confirmed their marriage by public repute. Id. at ¶20. In the present case, Neven and Katherine's common law marriage was established by public repute that included:

Neven's long time Rick Jarvis who testified that Neven had told him that Donna Katherine Finley was his wife. S.A. p. 96, lines 14-22;

Deborah Zugg, the wife of Edgar J. Zugg, Neven's brother, also testified that it was her understanding that Donna Katherine Finley was Neven Zugg's wife. S.A. p.172, lines 17-20. Further evidence of Deborah Zugg's belief that they were husband and wife was the Christmas card sent by her to Nevin and Katherine Zugg. Petitioner's Exhibit A, S.A. p. 324;



Ed Zugg, Neven's brother who testified that he had told Neven to make an honest woman of Katherine and marry her which he understood Neven to have done in 2016 in Las Vegas. S.A. 137,138, Lines 16-9. Later, when asked how often Neven would talk to him about Katherine, he responded, "Oh, I don't know, as any two brothers would talk about their wives together. I mean that's just conversation I guess." S.A. 147., line 3-9.

Mr. Jim Rice, a long time friend associate of Neven having known Neven for 12 or 14 years. S.A. p. 10, lines 16-21. testified that Neven had introduced him to Donna Finley as his wife and referred to her multiple times over the years. S.A. p. 10, lines 25-26. Mr. Rice further specifically testified that in a meeting with himself, Scotty Fain and John Jackson that Neven introduced Donna Finley to them as his wife. S.A. p. 11, lines 1-11.

Scotty Fain testified that he was present at that meeting where Neven Zugg introduced Donna Katherine Finley as his wife.

John Jackson also testified that Neven Zugg introduced Donna Katherine Finley as his wife and had done so 99% of the time. S.A. p. 65, lines 21 through p. 66, line 1. He also recalled several people being present including Rice, Scotty Fain, Larry Dickman and Indian Jim. S.A. p. 66, lines

12-26. According to Mr. Jackson, Neven told him that his home was Plentywood Montana. S.A. p. 68, lines 18-20.

Against this overwhelming evidence that Neven consistently referred to Katherine as his wife, the Appellee claims multiple witnesses testified that they understood Neven and Katherine were not married. The first, was Sandra Scott Jacobson, a former girlfriend who had not seen Neven since 2014. S.A. p. 49, lines 4-14. She had not seen Neven in 30 years. Id. As she lacked knowledge, the Court could not rely on her testimony.

The reference to Jessie Frickle is an individual who knew Neven Zugg as a poker player at the State Line Casino. S.A. p. 125, lines 1-18. Mr. Frickle testified that he had known Neven for approximately 10 years and that for the first few years Neven frequented the establishment every Friday, Saturday and Sunday. S.A. p. 125, lines 19-26. According to Mr. Frickle, the only place in Montana that Neven had referred to where he stayed was with a girlfriend named Sandy, last name Jacobson. S.A. p. 125, lines 19-26. As Mr. Frickle's knowledge was all from 2014 and before and the marriage to Katherine took place in 2016, Mr. Frickle's testimony as to the common law marriage could not be relied on by the Court.

Addressing Ms. Spoklie, she was employed at the Sheridan County Treasurer's Office. S.A. p. 298, lines 1-2. No years are given. However, there appears to testimony to the past and the present. In the past, Neven and she had a standing joke that neither of them would remarry. S.A. p. 298, lines 1-2. Also from the past was her understanding that Neven had been seeing someone when he went to Plentywood. She knew they were seeing each other, she had seen them out together, and he stayed at this other persons house. S.A. p. 300, lines 2-8. This appears to be a reference to Ms. Jacobson who had not seen Neven since 2014. In terms of the present, Ms. Frickle testified that at one time, no date given, Neven introduced Katherine as his girlfriend. S.A. p. 299, lines 11-17. She later testified that after Neven passed away, Katherine had called identifying her as his wife. S.A. p. 300, lines 15-18. Since there are no references as to years, Ms. Spoklie does not present testimony which overcomes the testimony of Neven close friends, business partners and associates and accountant.

That leaves the testimony of Neven son Austin. While Austin testified that his father said he would never remarry, Neven's good friend, business partner and account testified that Neven never told him that he would never remarry. S.A. p. 99, lines 19-25.

Applying In re Ober, as previously argued, the Court should grant the Petitioner's Appeal, overturn the District Court's finding of fact that Donna Katherine was not Neven's Zugg's common law wife, and reverse the denial of Donna Katherine's Petition for Formal Adjudication of Intestacy, Determination of Heirs, and Appointment of Personal Representative and appoint Donna Katherine Finley the Personal Representative of the probate estate of Neven Zugg.

The Appellee argument rests on the assumption that these two who were snowbirds in the winter and had temporary resided in North Dakota for employment, did not live together in Montana. As demonstrated above, that was not true. Plentywood Montana was always the residence of Neven Zugg and later Donna Katherine Finley. As a result, there was no failure to meet the relocation requirements of In re Marriage of Swanson-Renner, In re Estate of Murnion, or In re Estate of Dauenhauer. The Appellee's citation to In re Marriage of Abernethy, 260 Mont. 402, 860 P.2d 157 (Mont. 1993) is not applicable. In Abernethy, the issue was venue in dissolution of marriage proceedings. Id. at 403, 860 P.2d at 158. The husband argued that venue should not lie in Yellowstone County as she commuted to work in Bozeman and stayed in Pray, which is in Park County. Id. The Montana Supreme

Court ruled that the District Court did not err when it denied Mr. Abernethy's motion for change of venue. Instead, the Court stated, that "Section 1-1-215 recognizes that an individual, like Rosemary, may have to leave her residence for a temporary purpose, such as commuting a distance to attend school; and this temporary leave does not change the individual's residence. " Id. at 405, 860 P.2d. 159. Applied to the present case, Neven's temporary work in North Dakota did not change his residence from Montana.

The cases the Appellee cites in support of the Court are not applicable to the instant case. In In re Estate of White, 212 Mont. 228,230; 686 P.2d 915, 916 (Mont. 1984) "A number of witnesses testified in behalf of Virgil White to the effect that Virgil White and Irene White had a reputation in the community of being husband and wife and on occasion representing themselves as husband and wife." Here, White is distinguished from the present case as after 2016, Neven consistently introduced Katherine as his wife. Further, in White, the Court held that the common law marriage cannot be created piecemeal but must come instantly into being. Id. at 231, 686 P.2d. at 916. This rule was overturned in In re Marriage of Swanner-Renner, 2009 MT 186, ¶21.

In re Marriage of Geertz, 232 Mont.141, 755 P.2d 34 (Mont. 1988) is also distinguished. In Geertz, the parties had a marriage which was dissolved July 10, 1981. Id. at 142, 755 P.2d at 35. On or about November 1981, the former Mrs. Geertz moved back into the family home. Id. In February 1984, the former Mrs. Geertz filed a dissolution petition alleging common law marriage. Mr. Geertz denied the marriage. The former Mrs. Geert presented evidence of a car loan that Mr. Geertz had cosigned on for her and joint title. Id. She also introduced evidence that Mr. Gertz had occasionally introduced her as his wife. Mr. Geertz acknowledged he had introduced her as his wife on a few occasions to avoid embarrassment.

Geertz is distinguished from the present case as Neven consistently introduced Katherine as his wife after 2016. He did not do so under duress. He did so to his long time friends, business associates and accountant.

### **CONCLUSION STATING RELIEF SOUGHT**

The Appellee mistakenly argued that no common law marriage arose because they never lived together in Montana. The fact was that Neven Zugg never relinquished his Montana residence or domicile. As the record clearly establishes that Neven and Katherine resided in Montana as husband and wife, when not temporarily employed in North Dakota or “snow birds” in

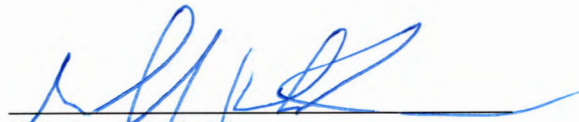
Arizona, the Supreme Court should reverse the District Court's finding that the decedent's ties to Montana were limited to those that would have helped him avoid sales tax on purchases in North Dakota. With respect to the District Court, the propensity of individuals to claim Montana residence to avoid paying North Dakota taxes is not what the evidence presented. The evidence presented a man who always claimed Montana and in particular, Plentywood Montana as his reference without any concern over tax status. Instead, he filed Montana tax returns and North Dakota tax returns.

Similarly, the Appellee mistakenly argues that the decedent Neven Zugg and Katherine Finley were not married because they did not hold themselves out to the community as married. Here, the Appellee relies on the testimony of witnesses whose knowledge of Neven Zugg was prior to his marriage to Katherine. As they generally lacked knowledge of Neven after 2014 and before his marriage, the District Court could not rely on their testimony in reaching its Order.

As in the present case, the District Court's findings were clearly erroneous as based on stale evidence and a mistaken understanding of the requirement of residence and domicile, the Appellant respectfully requests that the Montana Supreme Court grant her appeal, overturn the Finding of

the District Court that she was not the decedent Neven Zugg's common law wife and reverse the denial of her Petition for Formal Adjudication of Intestacy, Determination of Heirs, and Appointment of Personal Representative and appoint her the Personal Representative of the probate estate of Estel Neven Zugg.

Dated this 11<sup>th</sup> day of December, 2024,



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Michael Klinkhammer  
Attorney for Appellant/Petitioner



## **CERTIFICATE OF SERVICE**

I, Michael R. Klinkhammer, hereby certify that I have served true and accurate copies of the foregoing Brief - Appellant's Reply to the following on 12-11-2024:

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Service Method: Conventional

Electronically Signed By: Michael R. Klinkhammer  
Dated: 12-11-2024