From:	Thomas Sawatzki
To:	Alexander Fidis/R10/USEPA/US@EPA
Cc:	Jeffrey Fowlow/R10/USEPA/US@EPA; Bdunn@Dunnandblack. Com; 'John P. Giesa'; Linda Latham; W. Lowry; Al
Subject:	RE: Letters testamentary
Date:	10/04/2010 03:57 PM

Hi, Alex:

1. The Estate either owns a 25% interest or a 100% interest in the property.... I think the that is one of the issues before the court to be decided early next year. I don't think I have authority right now to make decisions about the site. The Judge has asked me to report back with my thoughts about continuing to operate the business. I assume learning more about the EPA issues will help me with my recommendation.

2. I don't think I have any authority to sign any access agreement at this point. But I don't know for sure.

3. I will be at the location to meet and tour at 11 am on the 7th.

4. Happy to share whatever I learn.

Thanks. Tom

-----Original Message-----
From: Fidis.Alexander@epamail.epa.gov
[mailto:Fidis.Alexander@epamail.epa.gov]
Sent: Wednesday, September 29, 2010 3:23 PM
To: Thomas Sawatzki
Cc: Fowlow.Jeffrey@epamail.epa.gov
Subject: Re: Letters testamentary

Tom:
Thank you for keeping me apprised of the court proceedings. As I mentioned in my voice message, I had a chance to discuss this site with EPA's On-Scene Coordinator (OSC) responsible for overseeing the cleanup. I've outlined a few issues below that I'd like to discuss with you and/or the counsel for the estate at your earliest opportunity.

1) Is the property at 980 NE Myra Road (Site) that is subject to the EPA removal action part of the estate you now represent? I'm unclear about who has authority to make decisions concerning the Site.

2) EPA has an existing access agreement for 980 NE Myra Road signed by Lily Shoop, one of the property owners of record as determined by the disputed quit claim deed filed in September 2009. If there is any question concerning who has authority over the Site, EPA would also ask that you or any other appropriate representative of the estate sign an access agreement. A copy of a typically access agreement is attached.

3) EPA's OSC and one of our removal contractors will be conducting a Site visit on October 7, 2010 at 11 am. The purpose of this visit will be to assess the work the Stubblefield's have done at the Site and to collect groundwater and potentially other samples. You are welcome to participate in this walk through and it may be a good opportunity for you to become familiar with the past and future response actions.

4) As I mentioned on our last phone call, EPA is sending out information requests to identify potentially responsible parties. If in your capacity as personal representative you gain access to records or documents related to Emory Stubblefield's business we will likely need to send you an information request.

Please contact me to discuss these issues. Thanks.

Alex Fidis
Assistant Regional Counsel
EPA Region 10
(206) 553-4710

(See attached file: Stubblefield Access 9 29 10.doc)

From: "Thomas Sawatzki" <tom@tomsawatzki.com>

To: "Bdunn@Dunnandblack. Com" <bdunn@dunnandblack.com>, "'John P. Giesa'" <jpgiesa@reedgiesa.com>, "W. Lowry" <slowry@scottlowry.com>, Alexander Fidis/R10/USEPA/US@EPA, "Lori J. Rodriguez \(ECY\)" <LROD461@ECY.WA.GOV>

Cc: "Larry Siegel" <siegel@hscis.net>, "Linda Latham" <llatham@co.walla-walla.wa.us>

Date: 09/27/2010 11:33 PM

Subject: Letters testamentary

Hello: I received my copy of the order installing me as Personal Representative... and then met quickly with Larry Siegel today. He has agreed to assist on a preliminary basis as Estate Counsel and drafted and filed my letters testamentary. He and I are both cautious about getting too far into this until I get a better feel for the status of the Estate. Specifically, (1) what assets remain, and (2) how expensive are the EPA clean up and the continuing requirements of the Department of Ecology. I have copied Alex Fidis from EPA and Lori Rodriguez from Dept of Ecology so they can continue to be aware of the timing.

Al Stubblefield had indicated that he could meet with me on Monday, October 4, but mentioned in an e-mail today that he might not be able to be back in Walla Walla at that time. Either way, I will be back by then and will see how much I can learn that week based on the information that Al sent to me about account access, accounting records, etc... As quickly as I can, I will consider the status of the Estate and the business and report back to Judge Lohrmann.

Please contact me if you have any questions.

Tom

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