

AMENDED
NOTICE OF REPRIMAND
(By Consent)

Case No. 95-75-GA

Dale M. Krause, P-37433, Iron Mountain, Michigan, by Attorney Discipline Board Upper Peninsula Hearing Panel #3.

- 1) Reprimand;
- 2) Effective December 12, 1995.

Respondent was retained to handle estate matters for his client's aunt and reviewed a general durable power of attorney granted to his client by the aunt. The client thereafter executed a living trust under his aunt's name, as well as a family trust. The Formal Complaint alleged that respondent drafted and counseled his client to create the trusts when he knew or should have known that the power of attorney prohibited the creation of a trust; failed to inform his client that the power of attorney prohibited the creation of a trust; and, after the aunt's death but prior to the commencement of probate action, he counseled his client to transfer and dispose of estate assets when he knew or should have known that his client had no authority to do so.

Approximately one year after the aunt's death, the client commenced an independent probate of the aunt's estate. Respondent filed an appearance behalf of his client, who was appointed independent personal representative. The Formal Complaint alleged that respondent failed for a period of nearly one year to inform his client that the estate must be submitted to the probate court; and sent responses to letters from two named beneficiaries of the estate which did not address their concerns appropriately.

Respondent pled no contest to violating MCR 9.104(1),(2)and (4); and Michigan Rules of Professional Conduct 1.1(b); 1.2(a)and (c); 1.4(b); and 8.4(a)and(c). Costs were assessed in the amount of \$275.96.