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June 13, 2011

*Via email [susan.h.novak@jpmchase.com](mailto:susan.h.novak@jpmchase.com)*

Ms. Susan Novak  
Sr. Estate Officer  
J.P. Morgan  
2200 Ross Avenue, 5<sup>th</sup> Floor  
Dallas, Texas 75201

**RE: Estate of Max Hopper ("Estate")/Requests and Concerns/URGENT  
ACTION REQUIRED**

Dear Susan:

We are in receipt of the Executor's documents delivered to counsel late Thursday, June 9<sup>th</sup>. While we appreciate what was transmitted, we do not believe the documents delivered comport fully with the requests made in this Firm's letter of May 27<sup>th</sup> directed to you. We would like to visit with you further about that, and indeed there are some brief comments near the end of the letter that will make our position more clear and mention at least part of what we still want and believe has not yet been provided.

In any event, that aside, this letter also addresses several other topics.

They are as follows:

1. Our client, Mrs. Jo Hopper, is of the view that the pace of the resolution of the Estate issues and appropriate distributions has been far too slow and needs to speed up.
2. It is apparent that the offer that Mrs. Hopper made to resolve things and transmitted via Michael Graham's office on or about April 12, 2011 has never been accepted and therefore the Executor (and Steven and Laura) should consider that offer withdrawn

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TEXAS BOARD OF LEGAL SPECIALIZATION

EXHIBIT

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CONFIDENTIAL

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effective immediately.

3. The Executor is currently holding two checks from Mrs. Hopper, one, check No. 9466 in the amount of \$2,800.00 and the other, check No. 9467 in the amount of \$7,615.00 (which have not been negotiated through the close of business last Friday, to the best of Mrs. Hopper's knowledge). Mrs. Hopper would like both checks returned for safekeeping to the undersigned, at once, by courier later today, from the Executor.
4. In keeping with her view that this matter has taken far too long, Mrs. Hopper, an undivided interest owner (of at least 50%) in certain physical assets of the Estate, wishes the Executor to do the following forthwith:
  - a. Mrs. Hopper instructs that the golf clubs and related golfing items and equipment should be divided, by dollar value, into two lots "A" and "B", and upon being divided, be loaded onto different racks. The lots should be of equal dollar value (certainly within a \$100.00 – and with the appraisal that was already done, it will be easy enough to simply divide the golf clubs up by value and put them on separate racks accordingly). Mrs. Hopper will take half of the racks with one-half of the golf clubs and the one-half of their value, and the children can have the other racks with the other half of the golf clubs. There is no need for further "wondering" or time wasting about "what to do with the golf clubs". The children can do with whatever they want with their half of the golf clubs and Mrs. Hopper will do whatever she chooses with her half. She wants to take physical possession of the golf clubs sometime this next week. She doesn't care whether she gets Lot "A" or Lot "B". She just wants to get her half of the clubs and equipment, move forward and quit squabbling over nothing.
  - b. As to the wine, Mrs. Hopper instructs essentially the same thing. The bottles of wine simply need to be divided equally – by kind [meaning each division by bottles, has same quality, provenance, age, value, etc.] and thus also by value. She does not care whether she gets Lot "A" or Lot "B" of the wine bottles. She simply wants to get her half of the bottles and "go on down the road" as to this subject. The children need to make arrangements to pick up their half of the bottles from the homestead and have them delivered to them wherever they want them stored. She does not want their half stored in her homestead any longer and does not want responsibility for them. If they are not moved within the next thirty days, she will move them out of the wine cooler and into the

unrefrigerated garage if necessary – to free up space for wine purchases she intends to make (and has already begun making). She has no obligation to either store the children's wine or to continue to pay for the cost of refrigeration of same.

Again, she is not trying to be difficult: in fact the reverse. She wants to get this matter on track. She simply wants to dispose of half of the wine to the children, and keep the other half so she may do with it as she pleases without further concern or waste of time.

5. Again, Mrs. Hopper's overarching concern (as to the divisions set out in this letter) is that the division of property in this Estate in which she has an undivided interest, has simply taken far too long and is costing somebody (though it's not going to be Mrs. Hopper) far too much. In that regard, Mrs. Hopper has noted a number of legal charges that have been paid by the Estate – based on the documents that she received from the Estate through her attorney for the first time yesterday afternoon. For example, the paid charges of the Hunton & Williams firm, already total over \$105,000.00. We find this a shocking figure (to say the least) given that thus far this is an Estate as to which no contest has been filed. Usually legal fees of this degree involve *highly contested* estates. There are a number of other legal fees to others that have been paid out of the Estate's assets as well. She assumes that both Mr. Steve Hopper and Mrs. Laura Wassmer were and are as much "in the dark" about these very large legal charges as she has been – until she first learned of them last Friday afternoon. The children of course are entitled to their own opinions (and will doubtless express them) about these enormous legal charges once they know of them, particularly as their portion of the Estate will be paying these charges. But certainly, these charges (not to mention the charges of Chase as Executor – on which we've seen nothing) are very substantial given what little has occurred to date.
6. In that regard, we have also discovered through our own efforts (since Ms. Hopper has not been copied on any prior probate extension requests) that the Inventory due for the Estate has been put off yet again and now the Inventory is due on or about June 16<sup>th</sup> – that is, in a matter of days.

Please be on notice that if another Motion to Extend Time further to file an Inventory in this case is to be made by the Executor through its attorneys, that Mrs. Hopper wants to:

- (a) be informed it is being sought and informed of it by timely service of same on her attorneys; and,
- (b) she intends to contest it.

Certainly with at least \$105,000.00 in legal fees already paid to Hunton & Williams (and not counting whatever time and bills are currently being incurred and processed), an Inventory should have been ready to file by now – or in fact, long ago.

7. As to the request made in the letter of May 27<sup>th</sup>, a number of items have not yet been provided, as is plain by what little was actually transmitted late last Thursday. Particularly prominent in the items not included, are the list of charges of the Bank for its work to date as Executor and the absence of any listing of Estate assets (an informal inventory). Neither was sent.

Again, after spending (now) over \$105,000.00 with Hunton & Williams, plus large sums with other firms, one would think that these kinds of documents would be readily available for Mrs. Hopper's perusal as a person interested in the Estate.

We look forward to transmittal forthwith of the two checks that the Estate is holding in its possession, to and in care of the offices of the undersigned, today. We also look forward to your producing the documents requested previously and again referenced herein, forthwith – by the beginning of the week.

Finally, we look forward to working with you this coming week to conclude the physical division of the assets referenced herein in which Mrs. Hopper has an undivided interest, so that her in-kind share can be either taken into her sole possession (in the case of the golf clubs and related equipment), or part of the wine which is currently stored in her residence can immediately be picked up by the children after an equivalent in-kind division is made in which she keeps half the wine.

As an accommodation (if everyone keeps this simple), if the children want to review and directly select a couple of items, as *to either the golf clubs or the wine*, and have those particular items put within their portion of the clubs or group of bottles (of wine) of equivalent kind and value – that will be agreeable with Mrs. Hopper. We can work that out easily. If this entire “division” matter becomes difficult – her position on that is subject to change.

Right now Mrs. Hopper just wants her half of these groups of items which she already owns, and have this particular matter done and over with as soon as possible.

Ms. Susan Novak  
June 13, 2011  
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Please do not hesitate to call with any questions.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Albert Jennings', written over the printed name.

James Albert Jennings

JAJ:je

Cc: Mr. Tom Cantrill  
Mr. Michael Graham  
Client