

FIFTH CIVIL COURT OF THE FIRST JUDICIAL CIRCUIT OF PANAMA. Panama,  
this twenty-ninth (29<sup>th</sup>) day of August, two thousand and eight (2008).

ORDER No. 952

HAVING SEEN:

HILDA ANTONIA PIZA BLONDET, represented in these testate estate proceedings involving the late WILSON CHARLES LUCOM by INFANTE & PEREZ ALMILLANO, has filed a formal motion to declare null and void the installation of Executor RICHARD SAM LEHMAN, designated by the late WILSON CHARLES LUCOM.

In essence, this Court is being asked to order the nullity of Mr. RICHARD SAM LEHMAN's installation in the office of executor and to render his acts without effect by virtue of the fact that as of July 6, 2006, the date on which the latter was installed in his office before the Court, notice of the resolution designating him, i.e., Order No. 1025 of July 5, 2006, had not been duly served upon the interested parties and, therefore, could not have any effect whatsoever.

The required process having been served service upon the interested parties, RICHARD SAM LEHMAN, represented by Tapia, Linares & Alfaro, and FUNDACION C. LUCOM TRUS [sic.] FUND, represented by Tapia, Linares & Alfaro, they filed their formal objection to the present motion. At this stage of the proceedings, the objecting parties asked the Court to flatly dismiss the motion to declare null and void that is before it, on the basis of Article 701 of the Judicial Code, inasmuch as the fact that gives rise to the motion was known to the moving party,

[Seal:]  
REPUBLIC OF PANAMA  
FIFTH CIVIL COURT CIRCUIT OF PANAMA  
(Coat of Arms)  
DONE 2/4/2006  
JUDICIARY



which did not proceed to question it; nor is it a flaw that would render the proceedings null and void; nor is it essential for the prosecution thereof.

Without going into further considerations as to substance, a review of the evidence in the record shows that, indeed, Order No. 1025 of July 5, 2006, among other provisions, appointed RICHARD SAM LEHMAN as the executor of the estate of the late WILSON CHARLES LUCOM, and urged him to appear before the Court to be sworn into office.

On July 6, 2007 [*sic.*], RICHARD SAM LEHMAN was installed, in the Court's courtroom, as the executor of the estate of the late WILSON CHARLES LUCOM. p. 33

It so happens, however, as the mover of the motion points out, that as of July 6, 2006, the resolution designating the office of executor of the estate was in the process of being served; let us see:

- Only RICHARD SAM LEHMAN, through his judicial attorney-in-fact, had been formally been notified of said resolution. (p. 28 and back)
- Summoning Edict No. 088 had been withdrawn on July 5, 2006, to be published in the press (which publication took place on the 12<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup> days of July).
- HILDA PIZA BLONDET or HILDA LUCOM was notified on July 12, 2006, and she appealed from said resolution on July 14, 2006.
- A regular summoning edict was posted on August 9, 2006, and removed on August 17, 2008.

Now the, inasmuch as the provisions in Order No. 1025 of July 5, 2006, including the appointment of an executor, cannot become effective until such time as the parties are duly given notice of it (Article 1022 of the J.C.), the mover of the motion is right that it is appropriate to declare null and void the installation of Executor RICHARD SAM LEHMAN, and to render without effect all which he did by virtue of said office.

Therefore, based upon the foregoing, the undersigned **FIFTH CIVIL JUDGE OF THE FIRST JUDICIAL CIRCUIT OF PANAMA**, DECREES the NULLITY of the installation of Executor RICHARD SAM LEHMAN in the testate estate proceedings of the late WILSON CHARLES LUCOM, and, therefore, **ORDERS TO RENDER WITHOUT EFFECT** all which he might have done by virtue of said office.

Once the present resolution has been entered, let these pages be added to main case file.

**LEGAL GROUNDS:** Articles 710 and 1022 of the Judicial Code.

Let it be notified.

[Illegible signature]

**JUAN BOSCO MOLINA R.**  
Fifth Civil Judge of the  
First Judicial Circuit of Panama

[Illegible signature]

**HEYSELL ACOSTA**  
Clerk

[Rubber stamp:]

I CERTIFY: That, in order to notify the parties of the foregoing Resolution, I am posting Edict number 1143 on a public location in these offices.

This 1<sup>st</sup> day of September, two thousand and 08 at 3:00 p.m.

[Illegible signature]

Clerk

[Rubber stamp:]

At 2:54 in the afternoon of this 2<sup>nd</sup> day of September, two thousand and 08

I notified Infante & Pérez Almillano (Mr. Núñez) of the foregoing resolution dated 29/8/08 - Order No. 952

Clerk

[Illegible signature]

[Rubber stamp:]

I, THE UNDERSIGNED CLERK OF THE FIFTH CIVIL COURT OF THE PANAMA CIRCUIT, CERTIFY: that all of the foregoing is a true copy of [sic.] Panamá, September 2, 2008

[Illegible signature]

Clerk

[Seal:]

REPUBLIC OF PANAMA  
FIFTH CIVIL COURT CIRCUIT OF PANAMA  
(Coat of Arms)  
DONE 2/42006  
JUDICIARY