

**IACHR Second Supplemental Petition List of Exhibits**

- Exhibit 1      Formal Criminal Complaint of Dr. Mario Velasquez Chizmar filed October 6, 2010 in the National Congress
- Exhibit 2      Appeal for Constitutional Relief (Amparo) filed by Teofanes Lopez Avila on October 14, 2010 with Supreme Court of Justice
- Exhibit 3      Excerpts of the Panama Civil Code
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- Exhibit 6      Public Deed No. 6646 dated June 20, 2005 (Original Will of Wilson C. Lucom)
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- Exhibit 8      Public Deed No. 1131 dated February 3, 2006 (Second Codicil of Wilson C. Lucom)
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- Exhibit 10      Order No. 952 of the Fifth Civil Circuit for the First Judicial Circuit of Panama dated August 29, 2008

# Exhibit 1

(English Translation and Spanish Original)

**COMPLAINT**

**DR. MARIO VELASQUEZ CHIZMAR**

**VS**

**JUSTICES OYDEN ORTEGA**

**DURAN, ALBERTO CIGARRUISTA C.**

**AND HARLEY J. MITCHELL D.**

**HONORABLE CHAIR OF THE NATIONAL CONGRESS:**

The undersigned, **DR. MARIO VELASQUEZ CHIZMAR**, a male, Panamanian, identity card No. 8-176-422, a practicing attorney, acting on my own behalf as a victim, and in my capacity as an attorney, Bar No. 724 and whose law office is located at Edificio Victoria Eugenia, No. 2, Calle Juan XXIII and Via Italia, Punta Paitilla (Tel. 2151538), District of San Francisco, place where I accept personal service, hereby appear before you for the purpose of filing a **FORMAL CRIMINAL COMPLAINT** against the following Justices of the Supreme Court of Justice: **OYDEN ORTEGA DURAN**, identity card No. 8-126-900 and who may be located at Palacio Gil Ponce, Third Floor, Ancon District; **ALBERTO CIGARRUISTA C.**, identity card No. 7-76-566 and who may be located at Palacio Gil Ponce, Third Floor, Ancon District; and **HARLEY J. MITCHELL D.**, identity card No. 1-17-275 and who may be located at Palacio Gil Ponce, Third Floor, Ancon District, for the commission of an act in the performance of their duties in violation of the Political Constitution, the law and which is a crime.

**I - PARTIES IN THIS COMPLAINT**

The **COMPLAINANT** is **DR. MARIO VELASQUEZ CHIZMAR**, identity card No. 8-176-422, who acts herein on his own behalf in his capacity as a practicing attorney. The complainant is the **AGGRIEVED PARTY**, inasmuch as being the Second Notary Public received the will object of the act committed by the accused, which injured his credibility and professional prestige.

The **ACCUSED** consist of the following Justices: **OYDEN ORTEGA DURAN**, **ALBERTO CIGARRUISTA C.** and **HARLEY J. MITCHELL D.**

**II - JURISDICTION**

Pursuant to our Constitution, the Legislative Assembly (National Congress) is the body who has jurisdiction to investigation and judge members of the Supreme Court of Justice (Art. 154 of the Political Constitution and Art. 2478 of the Judicial Code).

**III - VIOLATIONS**

- 1) Violation of the Political Constitution: The accused Justices have violated the Political Constitution, specifically Article 17 (Title III, Chapter 1), upon jeopardizing the honor and assets of the deceased Wilson Charles Lucom and the honor of the undersigned.
- 2) Violation of the law: The accused Justices have violated the law, specifically Articles 707, 778, 854, 864 paragraph 3, 1715 and 1727 of the Civil Code upon replacing the last will and testament of decedent Wilson Charles Lucom and disavowing the nature of the duties of a Notary in certifying the authenticity of a document.
- 3) Crime: The conduct of the Justices is an offense according to criminal law (Article 351, Criminal Code), upon using their positions to give a final and binding nature to a false version of the last will and testament of decedent Wilson Charles Lucom, which constitutes an arbitrary act that harms the testator and is directly prejudicial to the undersigned, inasmuch as such conduct is a legal block to the legal duties of the Notary Public as the person who receives the acts and statements that individuals wish to authenticate for enforcement thereof in its everyday legal traffic, mocking the enforceability of this duty and the legal importance of the notarial proceeding in a will, hurting its usefulness and safety inasmuch as if this conduct is allowed, it would be best for no person to make a will because the Supreme Court of Justice will always be able to change and alter anyone's will.

#### **IV - PLACE AND DATE OF THE OFFENSE**

The act committed by the accused Justices which is the object of this action took place in the Civil Division of the Supreme Court of Justice at Palacio Gil Ponce, Ancon District and occurred by issuing the Legal Decision dated August sixth (6) two thousand ten (2010), styled "ENTRY: 198-07."

#### **V - BASIS OF THIS COMPLAINT WITH THE FOLLOWING FACTS AND CONSIDERATIONS:**

FIRST: Pursuant to the Decision dated December 7, 2007, the Civil Division of the Supreme Court of Justice admitted the Appeal for Annulment filed by Hilda Antonia Piza Blondet (the widow of the decedent, also known as HILDA PIZA LUCOM), in respect of the testamentary succession proceeding of Wilson Charles Lucom (R.I.P.).

SECOND: Such Appeal for Annulment was filed against the Decision dated May 4, 2007, issued by the First Superior Court for the First Judicial District, which

modifies Order No. 1025/173-06 dated July 5, 2006, issued by the Fourth Civil Circuit Court for the First Judicial Circuit of Panama.

THIRD: In all of the referenced court decisions, the conflictive issue relates to the appointment of the Executor in the testamentary succession of Wilson Charles Lucom (R.I.P.), and as a general matter includes the stated will of the testator. **In accordance with the respective will, the estate consists of assets worth over fifty million dollars.**

FOURTH: In Oder No. 1025/173-06 dated July 5, 2006, issued by the Fourth Civil Circuit Court for the First Judicial Circuit of Panama, with respect to the matter at issue the following was established: *"APPOINTED as Executor of the estate is Mr. RICHARD LEHMAN, a American citizen, identification number L 550-757-44-081-0, who must appear before the Court to be installed."*

FIFTH: In the Decision dated May 4, 2007, issued by the First Superior Court for the First Judicial District with respect to the matter at issue, the true will of the testator is established and in the dispositive part of the ruling orders what was stated to me, as the Notary Public before whom he granted his will, as follows: *"APPOINTED as EXECUTORS AND TRUSTEES of the estate are Messrs. RICHARD SAM LEHMAN, CHRISTOPHER RUDY and HILDA PIZA LUCOM, so that jointly, in accordance with Articles 857 and 858 of the Civil Code they will exercise the position of executors and trustees, who must appear before the Court to be installed; ..."*

SIXTH: The Civil Division of the Supreme Court of Justice in the Decision on Annulment dated August sixth (6) two thousand ten (2010), styled "ENTRY: 198-07", ordered the opposite to the last will and testament of Mr. CHARLES WILSON LUCOM (R.I.P.) and what he had set forth in his will upon imposing a proceeding for execution over the instructions of the decedent, to wit: *"APPOINTED as EXECUTOR and TRUSTEE of the estate is Mrs. HILDA ANTONIA PIZA BLONDET, so that in accordance with Article 864 of the Civil Code she will exercise the position of executor and trustee, who must appear before the Court to be installed;..."*

SEVENTH: The Civil Division of the Supreme Court of Justice, pursuant to the Decision dated August sixth (6) two thousand ten (2010), styled "ENTRY: 198-07", added the following with respect to the general matter: *"DECLARES Mrs. HILDA PIZA LUCOM the UNIVERSAL HEIR."* This was never the will of the decedent, who reiterated to me that his estate was to be managed by several persons.

EIGHTH: The matter at issue has been dealt with at three judicial stages: in the first, the Judge presiding over the matter issued an order appointing an executor, who was not the widow; at the appellate level, the Superior Court

issued a decision appointing three executors, among them, the widow; and on Annulment, the Supreme Court of Justice issued a decision that appointed only the widow as the executor, and furthermore, affirmed that the widow was the universal heir. The will is the perfect instrument so that [a person] can name heirs, legatees and executors, aside from who can legally hold said rights. Therefore, the "appointment" that a jurisdictional body makes is strictly a formalism that a succession proceeding must go through for validity thereof. That is, the "appointment" by the judge cannot contradict the will of the testator.

NINTH: The last will of Mr. Wilson Charles Lucom was set forth in his Will, which consists of three (3) public deeds (as reiterated by all of the referenced judicial levels). The first of these is No. 6646 dated June 20, 2005; the second public deed is No. 11191 dated October 20, 2005; and the last is No. 1131 dated February 3, 2006, all from the Office of the Second Notary Public for the Circuit of Panama, for which I was in responsible on those dates.

TENTH: Such will was expressed in these three Public Deeds inasmuch as that was the testator's wish, stating so clearly upon declaring in the two modifications to the content of the first that, "It is my will that the nuncupative will granted by me in Public Deed No. six thousand six hundred forty-six (6646) on June twentieth (20) two thousand five (2005) before the Second Notarial Office in and for the Circuit of Panama, remain in force and effect for all legal purposes, in its entirety, that is, that at this time I expressly reiterate all clauses in the referenced document, with the only exception I am stating hereunder." (our underlining). Therefore, the Second Clause in the first public deed (6646 of June 20, 2005), wherein the testator expressly states that his wish is that it remain in force and effect "for all legal purposes, in its entirety" begins as follows: "My appointed executors in this will must..." (our underlining). The clear and express will of the testator is that the desired force and effect is FOR ALL LEGAL PURPOSES, IN ITS ENTIRETY, wherefor in all testamentary provisions he states that his wish is that they remain in force FOR ALL LEGAL PURPOSES, IN THEIR ENTIRETY; plural not singular.

ELEVENTH: Furthermore, the comprehensiveness expressly required by the testator again sheds light regarding his will with respect to the matter at issue when he stated that, "As payment for execution of this will, each Executor must receive the sum of FIFTY THOUSAND DOLLARS (US\$ 50,000.00). -----  
----- If Mr. RICHARD LEHMAN reaches three hundred hours of work in executing this will, then Mr. RICHARD LEHMAN must receive payment pursuant to his regular fee schedule." (our underlining).

TWELFTH: In the event the will of the testator in the Will of Wilson Charles Lucom (R.I.P.) must be interpreted in respect of a specific issue, what is correct is to analyze the referenced three public deeds together, because that was the

will of the testator who clearly stated that the last two of the aforementioned public deed were only partial modifications or codicils (which means an addition to a will). That is, the content of the latter two public deeds was not to revoke the content of the first public deed or to make a new will. If that were the case, the testator always states so to preclude any doubt (in fact, it is thus set forth in all forms for wills applied by the undersigned Notary Public with nine years of experience).

TWELFTH: In recording his will, testator Wilson Charles Lucom (R.I.P.) stated in the FIRST CLAUSE in Public Deed No. 6646 dated June 20, 2005 granted by the Office of the Second Notary Public for the Circuit of Panama, the first one that was granted, "As Executors, I appoint Richard Lehman from Boca Raton, Florida, USA; Ruben Carles from Panama, in the Republic of Panama and my beloved wife Hilda Piza Lucom, formerly Hilda Piza Arias.... In the event Mr. Ruben Carles cannot continue as an Executor for any reason, I appoint Mr. Christopher Rudy as the Executor in his stead." (our underlining).

THIRTEENTH: In recording his will, testator Wilson Charles Lucom (R.I.P.) maintained in the SECOND CLAUSE in Public Deed No. 11191 dated October 20, 2005, granted second by the Office of the Second Notary Public for the Circuit of Panama, that "It is my will that the **FIRST CLAUSE** in the referenced Will read as follows: **FIRST: I, Wilson C. Lucom, a resident in...as Executors, I appoint Richard Lehman of Boca Raton, Florida, USA; Christopher Rudy of Florida, USA, and my beloved wife Hilda Piza Lucom..." (our underlining).**

FOURTEENTH: In Public Deed No. 1131 dated February 3, 200, testator Wilson Charles Lucom (R.I.P.) granted by the Office of the Second Notary Public for the Circuit of Panama, he expressly adds a codicil to his Will (an addition to a will), only set forth a bequest, leaving out, in the clause that he modified, the appointment of executors, but expressly retaining "the force and effect" of the will "for all legal purposes, in its entirety, ..." (our underlining).

FIFTEENTH: The fundamental reason for granting a will lies in clearly providing for his assets, after his death, for the purpose of substituting application of legal provisions that govern the subject in such a manner that the will of the testator is, specifically, that the respective distribution will be made independently from legal regulations or the intervention of authorities. Wherefor both interventions, either common legal provisions or the authorities are contrary to the will of the testator and only constitute an alteration of that will.

SIXTEENTH: In none of the Public Deeds that comprise the will of Wilson Charles Lucom (R.I.P.) does the testator set forth the statements that determine the decision of the accused Justices, such as appointing the widow as the executor and trustee exclusively and conferring the category of universal heir to her. The testator left most of his fortune to a foundation that existed at the time

of his death or was to be created; both possibilities are permitted in a will, which, considering the amount and its purpose, required the capacity of several persons, not just one who is 89 years old. This characteristic motivated the testator to appoint three persons so that they would jointly carry out his plan. The express will of the testator was that the distribution of tens of millions of dollars among several non-profit organizations was to be done as efficiently as possible, which he felt would be guaranteed by appointing three executors that he trusted. And not only did he state so in Public Deed No. 6646 dated June 20, 2005 granted by the Office of the Second Notary Public for the Circuit of Panama, but he also said so to me so on two occasions, telling me with respect thereto that *"with three persons my will can be carried out"* (referring to RICHARD SAM LEHMAN, CHRISTOPHER RUDY and HILDA PIZA LUCOM), and furthermore, asking me to assist him with *"what was legally necessary for my will to be carried out."*

SEVENTEENTH: In our laws and in everyday practice, the executor not only manages the estate but also defends it, and at all times secures its validity. Well then, the aforementioned widow filed a legal action to annul the will (Case 349-07, Fifth Civil Circuit Court for the First Judicial Circuit of Panama), and a criminal complaint adducing falsehood in the will (Case ....., Seventh Criminal Circuit Court for the First Judicial Circuit of Panama). That is, the accused Justices decided that a widow with such characteristics was the only executor of an estate that she not only does not defend but attempts to invalidate. **(absolutely contrary to her legal obligation).**

EIGHTEENTH: The testator, Wilson Charles Lucom (R.I.P.) also granted before me as the Second Notary Public for the Circuit of Panama, Public Deed No.3880 dated April 21, 2006, whereby he granted a General Power of Attorney to RICHARD SAM LEHMAN, CHRISTOPHER RUDY and HILDA PIZA LUCOM to exercise jointly. For the purpose of clearly documenting his will, he insisted that each of the attorneys-in-fact sign such document as an indication of acceptance; they did so, one after the other.

NINETEENTH: The same testator also granted before me Public Deed No. 3882 dated April 21, 2006, whereby he appointed RICHARD SAM LEHMAN, CHRISTOPHER RUDY and HILDA PIZA LUCOM, so that they would jointly care for him in the event of his disability, including decisions regarding disconnecting him from machines that would keep him breathing artificially. Appointing persons to take care of you in the event of any physical or mental disability arises is a true act of trust, **and it so happens this trust was deposited with the three mentioned persons, not exclusively with the widow, notwithstanding how "beloved a wife" she was** (a term that is impossible to apply to the other two "executors" for obvious reasons). **I bring up**



**this term because it was used by the accused Justices as the basis for their decision.**

TWENTIETH: In spite of the Will that was left by Wilson Charles Lucom (R.I.P.) it is very, very clear, in the sense that his executors are three (3) persons and that there is no universal heir and he left none, that Article 707 of the Civil Code provides a principle that serves as a guide when obscurity invades the testator's terminology. It so happens this text limits the understanding of testamentary provisions to the "literal sense of his words, unless it is clear that the will of the testator was different" (our underlining). How did the accused Justices apply this legal mandate? The answer is found by reading the decision on annulment dated August 6, 2010. In fact, the [decision] itself maintains the prevalence of the literal tenor over the will of the testator, clearly expressed. That is, they completely bent this rule because this same provision stipulates that if the will is other than the literal tenor thereof, then the will prevails. Of course that will must surface clearly, as fulfilled in the case of the will of Wilson Charles Lucom (R.I.P.).

TWENTY-FIRST: The undersigned, DR. MARIO VELASQUEZ CHIZMAR, has a duty and commitment in respect of the decedent WILSON CHARLES LUCOM, in the sense that he trusted me and, furthermore, I gave him my word that I would cooperate as allowed by my position so that his last Will would be accurately executed, which was his objective in looking for a Notary to formalize his Will. He sought the same security that everyone looks for when they go to a Notary Public, which is today attacked by the accused Justices, for whom this guarantee to citizens, delegated by the State to the notaries, no longer has any importance.

Based on all of the foregoing, I demand the Justices of the Civil Division of the Supreme Court of Justice be prosecuted, tried and sentenced, who have demolished the legal institution of the will and have fiercely attacked Panamanian Notaries Public, in addition to having disseminated among the population the idea that the last Will of an individual can be altered at any time by jurisdictional bodies, without any concern for the security that a notary provides by law.

#### MOTION FOR CRIMINAL ATTACHMENT:

I move the Congressmen of the National Congress, by way of the Credentials Committee, to admit this Criminal Complaint, and in accordance with Article 2053 and the other concurring articles in the Judicial Code, to order the CRIMINAL ATTACHMENT of the properties that comprise HACIENDA SANTA MONICA, inasmuch as its sale is the source of the funds that comprise the

personal fortune of WILSON CHARLES LUCOM (R.I.P.), earmarked for the poor and needy children in Panama, which are specified hereafter: 1) Property 11270, Roll 1, Document 1; 2) Property 11272, Roll 1, Document 1; 3) 11274, Book 1561, Page 156; 4) Property 3008, Roll 1, Document 1; y 5) Property 7022, Roll 1, Document 2; all these real properties are located in Coclé Province.

The object of this measure is to prevent the squandering of the fundamental assets that comprise the estate, which have been jeopardized by the act committed by the accused Justices, mocking the clear and express Will of the testator as well as the seriousness and enforceability of the duties of the Notary (the undersigned), upon receiving and formalizing a Will.

#### EVIDENCE:

##### Documentary:

- 1- Certified copy of the judgment on Annulment dated August 6, 2010 issued by the Civil Division of the Supreme Court of Justice, pertaining to "Entry 198-07". By virtue of the fact that the Justices of the Supreme Court of Justice only act by way of their rulings or decisions, this is where their criminal offense is perfected, wherefor it is the summary evidence.
- 2- Certified copy of the decision by this same court dated September 30, 2010, whereby the accused Justices decide appeals for clarification of the judgment.
- 3- Certified copy of Public Deed No. 6646 dated June 20, 2005 granted by the Office of the Second Notary Public for the Circuit of Panama.
- 4- Certified copy of Public Deed No. 3880 dated April 21, 2006, whereby the decedent Wilson Charles Lucom grants a General Power of Attorney to RICHARD SAM LEHMAN, CHRISTOPHER RUDY and HILDA PIZA LUCOM.
- 5- Certified copy of Public Deed No. 3882 dated April 21, 2006, whereby the decedent Wilson Charles Lucom appoints RICHARD SAM LEHMAN, CHRISTOPHER RUDY and HILDA PIZA LUCOM, to jointly take care of him in the event of his disability.

#### SPECIAL MOTION

We move that Justices **OYDEN ORTEGA DURAN, ALBERTO CIGARRUISTA C.,** y **HARLEY J. MITCHELL D.** be tried and removed from their positions as Justices and that they be required to deliver the main file which is physically kept at the Panamanian legal body in accordance with provisions in Article 2473 of the Judicial Code which literally states:

*"When the act for which the criminal liability of a public employee is sought refers to a judgment, order or judicial decision, the Legislature, the Supreme Court of Justice or the trial court must request the proceeding which has the judicial decision which gives rise to the liability if the case has ended, and if it has not, a copy of the pertinent part at the expense of the interested party or sua sponte."*

**LAW**

Article 154 of the Political Constitution; Article 2478 of the Judicial Code; Articles 707, 778, 854, and 864 paragraph 3; 1715 and 1727 of the Civil Code and Article 351 of the Criminal Code.

Panama, October 6, 2010.

**DR. MARIO VELASQUEZ CHIZMAR**

# Exhibit 2

(English Translation and Spanish Original)

...[Illegible] CLERK OF SUCH SUPERIOR COURT

**HONORABLE PRESIDING JUSTICE OF THE SUPREME COURT OF  
JUSTICE EN BANC, HAND DELIVERED.**

The undersigned, TEOFANES LOPEZ AVILA, a male, a Panamanian, of legal age, personal identity card No. 3-33-986, a practicing attorney, whose office is located in Panama City, Via Israel, across from Colegio Richard Newman, next to Edificio No. 96, second chalet, where I accept personal service, respectfully come before you for and on my own behalf, and in my capacity as a an interested citizen in defense of national assets, in a PUBLIC INTEREST ACTION, for the purpose of filing, as I in fact file, an **APPEAL FOR CONSTITUTIONAL RELIEF** in the following terms:

**I.- LEGAL BASIS AND TIMELINESS:**

This Appeal for Constitutional Relief that I make and file for and on my own behalf, and as a citizen who is watchful and interested in the defense of national assets, is viable and lawful, wherefor I move for admission thereof based on the following:

1. Mr. WILSON CHARLES LUCOM, a foreign national residing in the Republic of Panama, now deceased, while living granted a WILL pursuant to PUBLIC DEED No. 6,646 dated June 20, 2005, before the Office of the Second Notary Public for the Notarial Circuit of Panama. In such WILL, in addition to appointing three (3) Executors, and establishing that "the remaining balance must be placed in Fundacion Wilson C. Lucom Trust Fund", provided in his testamentary will that "the principal objective of FUNDACION WILSON C. LUCOM TRUST FUND is to feed the needy children in Panama. I instruct my trustees to find an area where there are children's schools that don't have meals for their lunch, and that lack the usual needs and those provided in schools that do give lunch."

"It is my wish that the school principals form groups of volunteers with parents and others, and that they plant gardens with seeds provided by Fundacion WILSON C. LUCOM TRUST FUND."

One of the parents or any other person must provide some hectares for these gardens, at no cost. There must be many plantations to feed the children and to sell at market, in such a way there will be no need to provide seeds more than two times (2) per school, and that they themselves will continue the process of planting in these gardens and their own sale of the product for their own benefit."

2.- In the same document, the testator established a BEQUEST for his beloved wife, HILDA PIZA LUCOM, stating that "in the event my wife HILDA PIZA LUCOM survives me, I leave to my wife 50% of my joint interest-bearing account, wherever it may be. I wish for my wife to receive US\$20,000.00 per month or US\$ 240,000.00 MINIMAL ANNUAL INCOME, or more. If the joint interest-bearing account does not reach the US\$240,000.00 per year amount, the main account must be added to fill the deficit of the US\$240,000.00 per year. The minimum US\$240,000.00 per year or more that my wife is to receive, must be solely for her use while she lives, and after her death the entire bequest ends and what was given to her must be returned to FUNDACION WILSON C. LUCOM TRUST FUND as of her death. No principal account or interest-bearing accounts must go to the assets of HILDA PIZA LUCOM." ... "As of the death of my wife, the 50% and any other payment of any kind must cease and be returned to FUNDACION WILSON C. LUCOM TRUST FUND, and not to her estate. No work of art or valuable antiques, such as the grand piano, may be sold or exchanged by my wife."

3.- In spite of the fact that the testator's purpose consisted in that all assets of the estate, except for provisions with respect to the bequests, among whom was the wife, HILDA PIZA LUCOM, were to go the FUNDACION WILSON C. LUCOM TRUST FUND to "feed the needy children in Panama." As stated in such Will, he instructed his Trustees, to be understood as the referenced Foundation, "to find an area where there are children's schools that don't have meals for their lunch, and that lack the

usual needs and those provided in schools that do give lunch," the Honorable Supreme Court of Justice, in our judgment and with all due respect, incurred in an error by [top line of page is missing...] likewise omitting the appointment of the other two EXECUTORS, a situation that jeopardizes the social nature of will of the decedent and the fundamental purpose of the will.

4.- However, from the moment the decedent disposed of the assets of his estate so that after his death it would be earmarked to satisfy the needs of the poor children of Panama after taking care of the legatees, said estate must necessarily be earmarked for the social objective which is to take care of the needs of the children, wherefor, inasmuch as the members of the Foundation are unknown, such property or assets of the estate earmarked by the testator for social, popular and national purposes must be understood as earmarked or to be earmarked for public use, and particularly for the poor children of Panama since upon the death of the testator such assets are not private property, but automatically and legally national assets inasmuch as, based on their purpose or destination by the testator these belong to the State and are for public use in accordance to Article 258 of the National Constitution and the Tax Code.

Therefore, the referenced assets which are, or are in danger of being illegally in the possession of individuals are considered Hidden Assets in accordance with Article 80 of the Tax Code, according to which, "National assets which are in the possession of individuals that have not been legally purchased from the State are considered Hidden Assets."

5.- Pursuant to the will of the testator and as provided in the National Constitution and the Tax Code, any citizen may report the existence of hidden assets or a specific attempt to dispose of, contrary to law or contrary to the will of the donor or testator, national assets that are earmarked for a social or national social purpose, wherefor my action as a concerned citizen for compliance with the will of the testator is legitimate, or as was the wish and request of the testator himself that "parents or any other person" must cooperate so that the will of the testator to take care of the poor children of Panama will be crystalized, a mission that, if the parties of the Foundation

are not known, it would be incumbent upon the State to perform through the Ministry of Social Development, or Labor or Social Welfare, or Agriculture, or the one who should handle such mission.

6. Our concept is that the Appeal for Constitutional Relief against an order to do or not to do has a constitutional level that authorizes use thereof by any citizen not only for the selfish or personal interest, but also due to a citizen, public and social interest, a guarantee that cannot be only earmarked for those who in a proceeding have suffered direct and personal procedural damages as shown by the fact that, legislatively, it is set forth in Title I of the Fourth Book of the Judicial Code which addresses, the "PROTECTION OF THE INTEGRITY OF THE CONSTITUTION"; that is, in the same Chapter concerning matters relating to an Objection on Unenforceability, a Consultation on Constitutionality, the Unconstitutionality and the Habeas Corpus that follows, wherefor exercise thereof cannot in any event be limited exclusively to a specific interest, inasmuch as the integrity of the Constitution is a matter that not only concerns the Honorable Court, but every citizen as well, keeping in mind that, as in this specific case, "The State will protect the physical, mental and moral health of minors and will guarantee their rights to food, health, education and safety and social benefits." (Article 56 N.C.)

Therefore, in this brief epigraph, I believe this Appeal for Relief is viable as stated.

## **II. PARTIES TO THIS COMPLAINT FOR THE PROTECTION OF CONSTITUTIONAL GUARANTEES:**

A) **PLAINTIFF**: is the undersigned, Dr. TEOFANES LOPEZ AVILA, a practicing attorney, whose personal information appears above.

B) **DEFENDANT**: is the First Superior Court of Justice, represented by the Presiding Judge.

## **III. CLAIM:**

I respectfully move the Honorable Justices of the Supreme Court of Justice, en banc, to admit this Appeal for Constitutional Relief, and therefore **REVOKE the Order to Do issued by the First Superior Court set forth in Official Communication No. 10-2285 dated October 14, 2010, signed by the Clerk of the**



First Superior Court, Atty. Jose Juan Karamafites on behalf of such court.

**IV. FACTS WHICH ARE THE BASIS FOR THIS APPEAL FOR CONSTITUTIONAL RELIEF:**

**First:** The First Civil Division of the Honorable Court issued a Judgment on Annulment dated August 6, 2010, modifying a judgment issued by an appeals court and ordering that Mrs. HILDA PIZA LUCOM be recognized as the Universal Heiress of the assets of decedent WILSON CHARLES LUCOM, in addition to appointing her as the sole TESTAMENTARY EXECUTOR, but ignoring the true will of the testator set forth in his WILL, formalized in Public Deed No. 6646 of June 20, 2005, which provided that the assets and all assets of the estate go into FUNDACION WILSON C. LUCOM TRUST FUND so that it will carry out the will to take care of the poor children of Panama.

**Second:** With the referenced judgment of the Civil Division of the Honorable Court, and which doesn't even allude to the rights of the poor children of Panama, instead [addressing] the claim of the decedent's wife, there is an imminent risk that the final will of the testator will not be enforced, and the nutritional needs of the poor children will not be taken care of as was the wish of the decedent, or that such assets or funds will not come to be national assets for a social purpose and thus enforce the will of the Will, inasmuch as the same would go to swell the assets of an individual as the Universal Heiress, which is not the foundation and has not given guarantees on enforcing the will of the testator to satisfy the poor Panamanian children.

**Third:** Upon the Honorable Court remitting the file pursuant to Official written document No. 308-10 of October 12, 2010 to the First Superior Court, it [the 1<sup>st</sup> Superior Ct], instead of issuing a ruling on the reentry of the file, or mere compliance, the Clerk of the First Superior Court signs Official written communication No. 10-2285 dated October 14, 2010, remitting to the Fourth Civil

Circuit Court Judge for Panama, the file "containing the file of the Testamentary Succession of Wilson C. Lucom (R.I.P.) filed by RICHARD SAM LEHMAN, consisting of 863 pages."

**Fourth:** The First Superior Court of Justice, instead of the Clerk, should have issued an order in compliance therewith and reentry of the record prior to remitting the file by way of an Official written communication of the Clerk of such Appeals Court, inasmuch as the Court, upon nullifying the Appeals Judgment, modified what had been decided by the same First Superior Court; therefore, it was to issue the instructions received by the Civil Division to the lower Court as to the date on which the parties or the court must execute such acts or proceedings, as provided in Article 1145 of the Judicial Code.

**Fifth:** On the other hand, it is worth noting that the Official written communication remitting the file is addressed to the Fourth Civil Circuit Court for Panama, in spite of the fact that the court presiding over the matter is the FIFTH CIVIL CIRCUIT COURT FOR PANAMA. In addition thereto, it indicates that it is remitting the "file containing the Testamentary Succession of Wilson Charles Lucom (R.I.P.) filed by RICHARD SAM LEHMAN", when such file that contains the Succession has not been remitted to the First Superior Court because it is in the Fifth Court; therefore, remittance thereof is not in accordance with law.

**Sixth:** The conduct of the First Superior Court of Justice causes procedural damages to the poor children of Panama inasmuch as, given the Judgment on Annulment issued on August 6, 2010, their legitimate rights are ignored, by erroneously recognizing Mrs. HILDA PIZA LUCOM as the Universal Heiress and ignoring the right FUNDACION WILSON C. LUCOM TRUST FUND has according to the Will, which has to execute the testator's will in favor of the poor children of Panama, wherefor the speed in returning the file to the lower Court without providing an opportunity for any citizen or the State to come forth in the proceeding in the Appeals

Court to enforce his rights, thereby violates the due process stipulated in Article 32 of the National Constitution.

**CONSTITUTIONAL PROVISIONS THAT WERE VIOLATED AND  
OPINION ON THE VIOLATIONS:**

1.- Article 32 of the National Constitution has been directly violated by omission.

**Article 32.** "No person shall be judged other than by the competent authority and in accordance with legal proceedings, or more than once for the same criminal, administrative, police or disciplinary case."

Article 32 of the National Constitution provides the constitutional principle of legal due process, which is to be observed mandatorily by all officers who judge or penalize an individual, a principle which implies the competence of the officer or authority, the prohibition for judging or penalizing a person more than once for the same criminal case [double jeopardy] and the trier's subjection to compliance with legal proceedings.

Article 32 of the National Constitution has been directly violated, by omission, by the First Superior Court of Justice inasmuch as the proceeding and the will of the legislator in those events when a process that has been received from the higher court must be remitted, either due to an appeal or annulment, or consultation, and where a proceeding has been ordered or decided, what is correct is to issue, before remitting the file, a Ruling of Mere Compliance or an Order remitting the file to later issue the Official Written Communication pertaining to the remittal. Furthermore, the file is incorrectly being remitted to the Fourth Civil Circuit Court of Panama when such file, which does not contain the testamentary succession, must be remitted to the Fifth Circuit Court of Panama, which is where the Testamentary Succession proceeding is being processed. I repeat the fact that according to the Official written communication, what is remitted is the Succession proceeding in

spite of the fact that the truth is that what is remitted is only the smaller file containing the proceeding of the appointment of the Executors, which was the object of the Appeal and subsequently the Appeal for Annulment, wherefor what is stated in the official written communication does not reflect the truth.

**EVIDENCE:** Attached hereto are:

- 1.- A photocopy of Official written communication No. 10-2285 dated October 14, 2010, signed by Atty. Jose Juan Karamafites, Clerk of the First Superior Court. I request a certified copy, at my expense.
- 2.- A certified copy of Public Deed No. 6646 dated June 20, 2005, granted by the Second Notary Public for the Circuit of Panama, which recorded the Will granted by Mr. WILSON CHARLES LUCOM and which reflects the Will of the testator to benefit the Poor Children of Panama.
- 3.- A copy of the Judgment on Annulment dated August 10, 2010, issued by the Civil Division of the Supreme Court of Justice.
- 4.- A certified copy of Public Deed No. 11191 dated October 20, 2005, issued by the Second Notary Public for the Circuit of Panama, which contains codicils added to the Will.
- 5.- A certified copy of Public Deed No. 11131 dated February 3, 2006, issued by the Second Notary Public for the Circuit of Panama, which contains codicils to the will that was granted.

**SPECIAL MOTION:** Inasmuch as time is of the essence, and inasmuch as I was not able to obtain a certified copy of the challenged act, that is, Official written communication No. 10-2285 dated October 14, 2010, signed by Jose Juan Karamafites, Clerk of the First Superior Court, I respectfully move the Court where the file is kept that is mentioned in the referenced written communication be ordered to remit a certified copy thereof, to be added to the file of the Appeal.

**PREVIOUS AND SPECIAL MOTION:** Inasmuch as time is of the essence, and given the social and national nature thereof, I respectfully move the Honorable Justices, based on Articles 2615, 2629 and 2621 of the Judicial Code, TO ORDER the First Superior Court of Justice or the Court where the file is held that is related

to the challenged Official written communication, to immediately Stay the effect of such Official written communication, as well as the process, and therefore, to remit to the Court the same File that was the basis for the Judgment of the Court's Civil Division.

**LAWS: Article 54 of the National Constitution; Articles 2615, 2616, 2617, 2619, 2620, 2621 of the Judicial Code.**

Panama, on the date it is filed.

/s/ Illegible

DR. TEOFANES LOPEZ AVILA

**[ILLEGIBLE] OF PANAMA  
THE JUDICIARY  
SUPREME COURT OF JUSTICE – EN BANC**

Admits this APPEAL FOR CONSTITUTIONAL RELIEF filed by Attorney TEOFANES LOPEZ AVILA on the order to do set forth in Official written communication No. 10-2285 dated October 14, 2010, issued by the Clerk of the First Superior Court for the First Judicial District of Panama.

Therefore, the defendant authority, the First Superior Court of the First Judicial District of Panama is asked to remit the proceeding to this High Court, if it exists, or in absence thereof, a report regarding the facts object of this action within the period of two (2) hours following notice of this court order. Likewise, the complained of act is stayed in accordance with provisions in Article 2615 Article 1 of the Judicial Code.

Serve Notice,

/s/ Illegible  
**JUSTICE WINSTON SPADAFORA FRANCO**

/s/ Illegible  
**Dr. CARLOS H. CUESTAS G.**  
Clerk of the Court

# Exhibit 3

(English Translation and Spanish Original)

**CHAPTER X  
REVOCATION AND UNENFORCEABILITY OF WILLS**

**Article 773.** The previous will is revoked by law by the subsequent perfect [one], if the testator does not state his will in the latter his will that the former subsist as a whole or partially. However, the previous will recovers its force and effect if the testator revokes, the subsequent [will] afterwards, and expressly states his will that the first is to be valid.

**Article 774.** Revocation will be effective even if the second will expires due to the disability of the heir or the legatees named therein, or by waiver of the former or the latter.

**Article 775.** Recognition of a child born out of wedlock does not lose its legal force and effect, even if the will wherein it was done is revoked.

**Article 776.** A closed will which shows up in the domicile of the testator is presumed to be revoked if it has broken covers or seals, or the authorizing signatures have been erased, scratched or modified.

However, this will shall be valid when it is proven that the imperfection occurred without the testator's will, or if [the testator] had dementia; but if the cover or seals are broken, it will be necessary to further prove the authenticity of the will for it to be valid.

If the will is in someone else's possession, it will be understood the defect stems therefrom, and it will not be valid if its authenticity is not proven, if the cover or seals are broken; and if [the cover] and [the seals] are whole, but the signatures are scratched...

**CHAPTER XVII  
EXECUTORS**

**Article 854.** The testator may designate one or more executors, either heirs or alien to the estate.

**Article 855.** A person who has no capacity to be bound cannot be an executor. A minor cannot do so, not even with the father or guardian's authorization. This prohibition is extensive to emancipated minors or entitlement by age.

The third paragraph was repealed by Article 360 in Law No. 3 dated May 17, 1994, published in *Gaceta Oficial* No. 22.591 on August 1, 1994.

**Article 856.** The executor may be universal or specific. In any event, executors may be designated jointly, successively or solidarily.

**Article 857.** When there are joint executors, only what is done by all jointly will be valid, or what is done by one, legally authorized by the others; or what, in the event of dissidence, is agreed by the greatest number.

If there is no agreement, the decision of the Court will prevail.



**Article 858.** In cases of extreme emergency, one of the joint executors may, under his personal responsibility, carry out the acts that may be necessary, immediately advising the others.

**Article 859.** If the testator does not clearly establish the solidarity of the executors, or sets the order in which their job is to be performed, they will be understood to have been jointly appointed and will perform their duties as provided in the two foregoing Articles.

**Article 860.** The executor position is voluntarily accepted, and will be understood to have been accepted by the appointee for execution thereof if he does not excuse himself within the six days following the date on which his appointment is notified.

**Article 861.** The executor who accepts the position undertakes the obligation to perform [said position], but may resign by alleging just cause at the discretion of the Court.

**Article 862.** An executor who accepts the position or resigns without just cause will lose what the testator would have left him, always excepting the right [the person] would have to support [*alimentos* in Spanish, as in maintenance and support].

**Article 863.** The executors will have all powers which were expressly granted by the testator and which are not contrary to law.

**Article 864.** If the testator did not expressly establish the powers of the testators, the following shall apply:

1. To arrange and pay for the testator's funeral in keeping with the testator's wishes in the will; and in absence thereof, in accordance with custom;
2. To satisfy bequests, with the interested parties' knowledge and judicial authorization;
3. To oversee execution of everything else that was ordered in the will, and to uphold, being just, its validity in and out of trial; and
4. To take the necessary precautions for conservation and custody of the assets, with the intervention of the heirs who are present.

**Article 865.** If the estate does not have enough funds to pay for the funeral and bequests, and the heirs do not pay these with their own [funds], the executors will promote the sale of the movable assets; and if these are not enough, the real properties, with the heirs' intervention.

If a minor, a disabled person, absentee, corporation or public establishment has an interest in the estate, the sale of the assets will be done in keeping with the formalities established by law therefor.

**Article 866.** The executor, for whom the testator did not set a period, must fulfill his job within one year as of the date of his acceptance, or as of the date of the end of litigation that is filed on the validity or nullity of the will, or one of its provisions.

**Article 867.** If the testator wishes to extend the legal period, he must expressly indicate the period of the extension. If he did not, it will be understood to be extended for six months.

If once this extension has lapsed the will of the testator still has not been fulfilled, the Court may grant another for the time that is necessary in keeping with the circumstances in the case.

**Article 868.** The heirs and legatees may, by common agreement, extend the referenced period for the time they believe is necessary; but, if the agreement was by majority only, the extension cannot be greater than six months.

**Article 869.** The executors must provide reports on their work to the interested parties. If they were appointed, not to deliver assets to specific heirs, but to give them the investment or distribution that the testator would have provided in cases authorized by law, they will report to the Court.  
All provisions by the testator contrary to this Article will be invalid.

**Article 870.** The executor's remuneration will be as indicated by the testator. If the testator did not indicate any, the Court must regulate it, taking into account the estate and the difficulty or ease of the position.  
The Court will also regulate [remuneration] when the remuneration set by the testator affects the interests of the hereditary creditors.  
If the testator indicates their salary jointly, the part [for those] who do not admit or resign their position will be added to the [remuneration] of those who perform it.

**Article 871.** The executor cannot delegate the position, other than with the express authorization of the testator. However, he may establish attorneys-in-fact who act on his orders; but he will be responsible for their operations.

**Article 872.** The executor position ends upon the death, impossibility, resignation or removal of [the executor], and upon lapse of the period indicated by the testator, by law, and as the case may be, by the interested parties.

**Article 873.** In the events [cited] in the foregoing Article, and when the executor did not accept the position, the heirs are to execute the will of the testator.

# Exhibit 4

(English Translation and Spanish Original)

**POWER OF ATTORNEY AND CRIMINAL COMPLAINT  
AGAINST JUSTICES OYDEN ORTEGA DURAN,  
ALBERTO CIGARRUISTA C. AND HARLEY J. MITCHELL D,  
JUSTICES OF THE CIVIL DIVISION OF THE  
SUPREME COURT OF JUSTICE**

**HONORABLE CHAIR OF THE NATIONAL CONGRESS, HAND DELIVERED:**

The undersigned, **RICHARD SAM LEHMAN**, a male, an American citizen, Passport No. 420303869 and identification number L-550-757-44-081-0, domiciled at 2600 N. Military Trail, Suite 270 Boca Raton, FL 33431, United States of America, by virtue of the duly registered General Power of Attorney hereby ratify the Special Power of Attorney granted to Attorney **VICTOR ANTONIO CROSBIE CASTILLERO**, a male, a Panamanian, of legal age, identity card No. 8-155-1933, a practicing attorney, Professional License N° 11138, duly issued by the Supreme Court of Justice, whose law office is located at Torre Banco Delta, Floor No.13, Suite 1302, telephone 263-8225, grants a special power of attorney, as ample and sufficient as required by law to Attorney **MIGUEL ANTONIO BERNAL VILLALAZ**, a male, a Panamanian, of legal age, personal identity card No. , a practicing attorney, Professional License No. , duly issued by the Supreme Court of Justice, whose law office is located at Calle Ricardo Arias, Edificio Procomsa, 8th Floor, telephone 269-5662, to file a Criminal Complaint against Justices **OYDÉN ORTEGA DURÁN**, **ALBERTO CIGARRUISTA C.** and **HARLEY J. MITCHELL D.**, Justices of the Civil Division of the Supreme Court of Justice for committing or imparting the wrongful breach of public duties as provided in Book II, Title X (Crimes against Public Administration), Articles 342 and 351 of the Criminal Code and for committing acts in violation of the Political Constitution and substantive provisions in the Civil Code, as well as International Human Rights Principles, of which the Republic of Panama is a signatory.

Attorney **MIGUEL ANTONIO BERNAL VILLALAZ** is hereby empowered to receive, settle, substitute and waive this power of attorney, as well as to file all necessary actions and appeals he deems are necessary for the best compliance therewith.

On the date it is filed.

**ATTY. VICTOR CROSBIE CASTILLERO**  
Bar Assn. No.

**COMPLAINT****RICHARD SAM LEHMAN  
VS****MAGISTRADOS OYDEN ORTEGA DURAN  
ALBERTO CIGARRUISTA C.  
AND HARLEY J. MITCHELL D.****HONORABLE CHAIR OF THE NATIONAL CONGRESS:**

The undersigned, Attorney **MIGUEL ANTONIO BERNAL VILLALAZ**, a male, a Panamanian, of legal age, personal identity card No. , a practicing attorney, Professional License No. , duly issued by the Supreme Court of Justice, whose law office is located at Calle Ricardo Arias, Edificio Procomsa, Floor 8, telephone 269-5662, place where I accept personal service, hereby appear before you for the purpose of filing a **FORMAL CRIMINAL COMPLAINT** against the following Justices of the Supreme Court of Justice: **OYDEN ORTEGA DURAN**, identity card No. No. 8-126-900 and who may be located at Palacio Gil Ponce, Third Floor, Ancon District; **ALBERTO CIGARRUISTA C.**, identity card No. 7-76-566 and who may be located at Palacio Gil Ponce, Third Floor, Ancon District, and **HARLEY J. MITCHELL D.**, identity card No. 1-17-275, and who may be located at Palacio Gil Ponce, Third Floor, Ancon District, for the commission of acts in the performance of their duties which are in violation of the Political Constitution and the law, which are offenses clearly set forth in our positive body of laws.

This Criminal Complaint is formalized as follows:

- I. **COMPLAINANT:** Attorney Richard Sam Lehman, a male, an American citizen, Passport No. No. 420303869 and identification No. L-550-757-44-081-0, domiciled at 2600 N. Military Trail, Suite 270 Boca Raton, FL 33431, United States of America, the duly appointed Executor in the Will of WILSON CHARLES LUCOM, represented by Attorney **MIGUEL ANTONIO BERNAL VILLALAZ**, a male, a Panamanian, of legal age, personal identity card No. , a practicing attorney.
- II. **THE ACCUSED:** The ACCUSED PARTY consists of the following Justices: OYDEN ORTEGA DURAN, ALBERTO CIGARRUISTA C. and HARLEY J. MITCHELL D., all members of the Civil Division of the Supreme Court of Justice, whose personal information is unknown to us, but who can be located in the building of the Supreme Court of Justice.

- III. JURISDICTION:** Pursuant to our Constitution, the Legislative Assembly (National Congress) is the body who has jurisdiction to investigate and judge members of the Supreme Court of Justice (Art. 154 of the Political Constitution and Art. 2478 of the Judicial Code).
- IV. CRIME CHARGED.** A wrongful corruption of justice, an offense set forth in Article 342 of the Criminal Code as one of the types of corruption by public employees, as well as the abuse of authority and breach of the duties of public employees. It is worth noting that for jurists such as Attorney José Rigoberto Acevedo, all arbitrary acts by any hierarchical official are an attack on effective judicial protection.

**Article 342:** Any public employee, who, in the performance of his duties as a member of the Judiciary or the Office of the Attorney General, administrative authority, arbiter or any other position entrusted with deciding a matter that he entertains or is competent therefor, who, personally or through a third party, accepts, receives or requests a donation, promise, benefit or advantage to harm or favor one of the parties to the proceeding, or that as a result thereof harmed or favored one of them, shall be penalized with imprisonment for four to eight years.

An equal penalty shall be applied to the officer of the Judiciary or the Office of the Attorney General who:

1. By collusion or other fraudulent means issues a decision that is overtly contrary to the Constitution or the Law, in such a manner that it causes harm.
2. By collusion or other fraudulent means receives or gives legal advice to any of the parties, in such a manner that it causes harm.
3. Maliciously delays a process that has been submitted for his decision.

If an innocent person is sentenced as a result of the conducts set forth in this article, the penalty will be imprisonment for five to ten years."

- V. HOW THE CRIME WAS COMMITTED.** This offense was intentionally executed by the Accused Justices inasmuch as within the proceeding for Civil Annulment in the Testamentary Succession of Wilson Charles Lucom, they issued a signed judgment which was overtly in violation of the Constitution and the Law. We must note that in

Article 215 paragraph 2, the Political Constitution provides, "The object of the process is to recognize the rights set forth in substantive law," which according to doctrine is known as Effective Judicial Protection, which likewise is regulated in the Judicial Code, Article 231, "All persons have free access to the courts of justice to claim the protection of rights recognized by law. Such protection cannot be limited, other than as provided in express legal provisions," and in Article 469 "The Judge, in issuing his decisions, must take into consideration that the object of the process is the recognition of the rights set forth in substantive law and the provisions in this Code must be construed in accordance therewith..."

By virtue of the Constitution and the law, it is absolutely inexplicable that Justice Oyden Ortega D. issued a decision in a confirmation proceeding for the rest of the Civil Division whereby he appoints Mrs. Hilda Piza as the only executor and administrator of the estate of Wilson Charles Lucom, who, in civil and criminal complaints, is the person who disavows the legitimacy of the will that names her as one of the heirs and as one of the testamentary executors.

It is worth noting that in this offense there is no need to prove that the Accused received something in exchange for their decision or the famous summary evidence. It is sufficient for the Credentials Committee of the National Congress to review the process to verify that absurd departure from the aforementioned constitutional and legal provisions.

The execution of the intentional breach of duty set forth in Article 342 paragraph 1 of the Criminal Code is palpable. The accused breach their duties pursuant to the following:

1. In the Decision dated August six (6) two thousand ten, they intentionally fail to protect the rights of Richard Sam Lehman and others by appointing Mrs. Hilda Piza as the sole executor, contrary to the will of the Testator Wilson Charles Lucom.
2. They intentionally ignore the rights of Richard Sam Lehman as a Testamentary Executor.
3. They intentionally give validity to part of the will, favoring Hilda Piza, while this is the person who has disputed and filed claims against its legitimacy. Additionally, she admitted she suffers from a psychic degenerative illness such as Alzheimer's, which makes her even more incapable by reason of her advanced age (89 years old).

4. With knowledge of the existence of the criminal proceeding which had been filed for documentary forgery (signature of Wilson Charles Lucom) in the will, ignore the fact the expert report established that Wilson Charles Lucom, in fact, signed his will and therefore it cannot be modified other than in accordance with established legal provisions.
5. Deliberately, and affecting Richard Sam Lehman, ignore Article 1526 of the Judicial Code.
6. Richard Sam Lehman is affected in his capacity as testamentary Executor appointed by the decedent. He is the person who has currently been fighting for execution of the will of the testator and for the poor children of Panama to enjoy the benefits of Lucom's estate, because that was his last will.
7. They intentionally ignore Article 772 of the Civil Code, which provides: "The will cannot be partially or wholly revoked, other than pursuant to the necessary solemnities to testate." One of these solemnities to change the will of the testator is not by means of a judicial decision because then the judge becomes the testator, but by specifically utilizing the formal means with which the will was made (will of the testator and notarial formality).

#### **VI - OTHER VIOLATIONS COMMITTED**

- 1) Violation of the Political Constitution: The accused Justices have violated the Political Constitution, specifically Article 17 (Title III, Chapter 1), upon jeopardizing the honor and assets of the deceased Wilson Charles Lucom and the honor of the undersigned.
- 2) Violation of the law: The accused Justices have violated the law, specifically Articles 707, 778, 854, 864 paragraph 3, 1715 and 1727 of the Civil Code upon replacing the last will and testament of decedent Wilson Charles Lucom and disavowing the nature of the duties of a Notary in certifying the authenticity of a document.
- 3) Crime: The conduct of the Justices is an offense according to criminal law (Article 351, Criminal Code), upon using their positions to give a final and binding nature to a false version of the last will and testament of decedent Wilson Charles Lucom, which constitutes an arbitrary act that harms the testator and is directly prejudicial to the undersigned, inasmuch as such conduct is a legal block to the legal duties of the Notary Public as the person who receives the acts and statements that



individuals wish to authenticate for enforcement thereof in its everyday legal traffic, mocking the enforceability of this duty and the legal importance of the notarial proceeding in a will, hurting its usefulness and safety inasmuch as if this conduct is allowed, it would be best for no person to make a will because the Supreme Court of Justice will always be able to change and alter anyone's will.

#### **VII - PLACE AND DATE OF THE OFFENSE**

The act committed by the accused Justices which is the object of this action took place in the Civil Division of the Supreme Court of Justice at Palacio Gil Ponce, Ancon District and occurred by issuing the Legal Decision dated August sixth (6) two thousand ten (2010), styled "ENTRY: 198-07."

#### **VIII - BASIS OF THIS COMPLAINT WITH THE FOLLOWING FACTS AND CONSIDERATIONS:**

FIRST: Pursuant to the Decision dated December 7, 2007, the Civil Division of the Supreme Court of Justice admitted the Appeal for Annulment filed by Hilda Antonia Piza Blondet (the widow of the decedent, also known as HILDA PIZA LUCOM), in respect of the testamentary succession proceeding of Wilson Charles Lucom (R.I.P.).

SECOND: Such Appeal for Annulment was filed against the Decision dated May 4, 2007, issued by the First Superior Court for the First Judicial District, which modifies Order No. 1025/173-06 dated July 5, 2006, issued by the Fourth Civil Circuit Court for the First Judicial Circuit of Panama.

THIRD: In all of the referenced court decisions, the conflictive issue relates to the appointment of the Executor in the testamentary succession of Wilson Charles Lucom (R.I.P.), and as a general matter includes the stated will of the testator. **In accordance with the respective will, the estate consists of assets worth over fifty million dollars.**

FOURTH: In Order No. 1025/173-06 dated July 5, 2006, issued by the Fourth Civil Circuit Court for the First Judicial Circuit of Panama, with respect to the matter at issue the following was established: "*APPOINTED as Executor of the estate is Mr. RICHARD LEHMAN, a American citizen, identification number L 550-757-44-081-0, who must appear before the Court to be installed.*"

FIFTH: In the Decision dated May 4, 2007, issued by the First Superior Court for the First Judicial District with respect to the matter at issue, the true will of the testator is established and in the dispositive part of the ruling orders what

was stated to the Notary Public before whom he granted his will, as follows: *"APPOINTED as EXECUTORS AND TRUSTEES of the estate are Messrs. RICHARD SAM LEHMAN, CHRISTOPHER RUDY and HILDA PIZA LUCOM, so that jointly, in accordance with Articles 857 and 858 of the Civil Code they will exercise the position of executors and trustees, who must appear before the Court to be installed; ..."*

SIXTH: The Civil Division of the Supreme Court of Justice in the Decision on Annulment dated August sixth (6) two thousand ten (2010), styled "ENTRY: 198-07", ordered the opposite to the last will and testament of Mr. CHARLES WILSON LUCOM (R.I.P.) and what he had set forth in his will upon imposing a proceeding for execution over the instructions of the decedent, to wit: *"APPOINTED as EXECUTOR and TRUSTEE of the estate is Mrs. HILDA ANTONIA PIZA BLONDET, so that in accordance with Article 864 of the Civil Code she will exercise the position of executor and trustee, who must appear before the Court to be installed;..."*

SEVENTH: The Civil Division of the Supreme Court of Justice, pursuant to the Decision dated August sixth (6) two thousand ten (2010), styled "ENTRY: 198-07", added the following with respect to the overall matter: *"DECLARES Mrs. HILDA PIZA LUCOM the UNIVERSAL HEIR."* This was never the will of the decedent, who reiterated that his estate was to be managed by several persons.

EIGHTH: The matter at issue has been dealt with at three judicial stages: in the first, the Judge presiding over the matter issued an order appointing an executor, who was not the widow; at the appellate level, the Superior Court issued a decision appointing three executors, among them, the widow; and on Annulment, the Supreme Court of Justice issued a decision that appointed only the widow as the executor, and furthermore, affirmed that the widow was the universal heir. The will is the perfect instrument so that [a person] can name heirs, legatees and executors, aside from who can legally hold said rights. Therefore, the "appointment" that a jurisdictional body makes is strictly a formalism that a succession proceeding must go through for validity thereof. That is, the "appointment" by the judge cannot contradict the will of the testator.

NINTH: The last will of Mr. Wilson Charles Lucom was set forth in his Will, which consists of three (3) public deeds (as reiterated by all of the referenced judicial levels). The first of these is No. 6646 dated June 20, 2005; the second public deed is No. 11191 dated October 20, 2005; and the last is No. 1131 dated February 3, 2006, all from the Office of the Second Notary Public for the Circuit of Panama.

TENTH: Such will was expressed in these three Public Deeds inasmuch as that was the testator's wish, stating so clearly upon declaring in the two

modifications to the content of the first that, *"It is my will that the nuncupative will granted by me in Public Deed No. six thousand six hundred forty-six (6646) on June twentieth (20) two thousand five (2005) before the Second Notarial Office in and for the Circuit of Panama, remain in force and effect for all legal purposes, in its entirety, that is, that at this time I expressly reiterate all clauses in the referenced document, with the only exception I am stating hereunder."* (our underlining). Therefore, the Second Clause in the first public deed (6646 of June 20, 2005), wherein the testator expressly states that his wish is that it remain in force and effect *"for all legal purposes, in its entirety"* begins as follows: *"My appointed executors in this will must..."* (our underlining). The clear and express will of the testator is that the desired force and effect is FOR ALL LEGAL PURPOSES, IN ITS ENTIRETY, wherefor in all testamentary provisions he states that his wish is that they remain in force FOR ALL LEGAL PURPOSES, IN THEIR ENTIRETY; plural not singular.

ELEVENTH: Furthermore, the comprehensiveness expressly required by the testator again sheds light regarding his will with respect to the matter at issue when he stated that, *"As payment for execution of this will, each Executor must receive the sum of FIFTY THOUSAND DOLLARS (US\$ 50,000.00). -----  
----- If Mr. RICHARD LEHMAN reaches three hundred hours of work in executing this will, then Mr. RICHARD LEHMAN must receive payment pursuant to his regular fee schedule."* (our underlining).

TWELFTH: In the event the will of the testator in the Will of Wilson Charles Lucom (R.I.P.) must be interpreted in respect of a specific issue, what is correct is to analyze the referenced three public deeds together, because that was the will of the testator who clearly stated that the last two of the aforementioned public deeds were only partial modifications or codicils (which means an addition to a will). That is, the content of the latter two public deeds was not to revoke the content of the first public deed or to make a new will. If that were the case, the testator always states so to preclude any doubt (in fact, it is thus set forth in all forms for wills applied by the undersigned Notary Public with nine years of experience).

TWELFTH: In recording his will, testator Wilson Charles Lucom (R.I.P.) stated in the FIRST CLAUSE in Public Deed No. 6646 dated June 20, 2005 granted by the Office of the Second Notary Public for the Circuit of Panama, the first one that was granted, *"As Executors, I appoint Richard Lehman from Boca Raton, Florida, USA; Ruben Carles from Panama, in the Republic of Panama and my beloved wife Hilda Piza Lucom, formerly Hilda Piza Arias.... In the event Mr. Ruben Carles cannot continue as an Executor for any reason, I appoint Mr. Christopher Rudy as the Executor in his stead."* (our underlining).

THIRTEENTH: In recording his will, testator Wilson Charles Lucom (R.I.P.) maintained in the SECOND CLAUSE in Public Deed No. 11191 dated October

20, 2005, granted second by the Office of the Second Notary Public for the Circuit of Panama, that *"It is my will that the **FIRST CLAUSE** in the referenced Will read as follows: **FIRST: I, Wilson C. Lucom, a resident in...as Executors, I appoint Richard Lehman of Boca Raton, Florida, USA; Christopher Rudy of Florida (SIC), USA, and my beloved wife Hilda Piza Lucom..."*** (our underlining).

FOURTEENTH: In Public Deed No. 1131 dated February 3, 200, testator Wilson Charles Lucom (R.I.P.) granted by the Office of the Second Notary Public for the Circuit of Panama, expressly adds a codicil to his Will (an addition to a will), only set forth a bequest, leaving out, in the clause that he modified, the appointment of executors, but expressly retaining *"the force and effect"* of the will *"for all legal purposes, in its entirety,..."* (our underlining).

FIFTEENTH: The fundamental reason for granting a will lies in clearly providing for his assets, after his death, for the purpose of substituting application of legal provisions that govern the subject in such a manner that the will of the testator is, specifically, that the respective distribution will be made independently from legal regulations or the intervention of authorities. Wherefor both interventions, either common legal provisions or the authorities are contrary to the will of the testator and only constitute an alteration of that will.

SIXTEENTH: In none of the Public Deeds that comprise the will of Wilson Charles Lucom (R.I.P.) does the testator set forth the statements that determine the decision of the accused Justices, such as appointing the widow as the executor and trustee exclusively and conferring the category of universal heir to her. The testator left most of his fortune to a foundation that existed at the time of his death or was to be created; both possibilities are permitted in a will, which, considering the amount and its purpose, required the capacity of several persons, not just one who is 89 years old. This characteristic motivated the testator to appoint three persons so that they would jointly carry out his plan. The express will of the testator was that the distribution of tens of millions of dollars among several non-profit organizations was to be done as efficiently as possible, which he felt would be guaranteed by appointing three executors that he trusted. And not only did he state so in Public Deed No. 6646 dated June 20, 2005 granted by the Office of the Second Notary Public for the Circuit of Panama, but he also said so to the Notary Public on two occasions, telling me with respect thereto that *"with three persons my will can be carried out"* (referring to RICHARD SAM LEHMAN, CHRISTOPHER RUDY and HILDA PIZA LUCOM).

SEVENTEENTH: In our laws and in everyday practice, the executor not only manages the estate but also defends it, and at all times secures its validity. Well then, Mrs. **HILDA PIZA, LUCOM'S WIDOW, who today is appointed by the Accused as the only Executor**, filed a civil action to annul the will (Case 349-07, Fifth Civil Circuit Court for the First Judicial Circuit of Panama),

and a criminal complaint adducing falsehood in the will (a case that is on file in the Seventh Criminal Circuit Court for the First Judicial Circuit of Panama). That is, the accused Justices decided that a widow with such characteristics was the only executor of an estate that she not only does not defend but attempts to invalidate (**absolutely contrary to her legal obligation**).

**EIGHTEENTH:** The same testator also granted Public Deed No. 3882 dated April 21, 2006, whereby he appointed RICHARD SAM LEHMAN, CHRISTOPHER RUDY and HILDA PIZA LUCOM, so that they would jointly care for him in the event of his disability, including decisions regarding disconnecting him from machines that would keep him breathing artificially. Appointing persons to take care of you in the event of any physical or mental disability arises is a true act of trust, **and it so happens this trust was deposited with the three mentioned persons, not exclusively with the widow, notwithstanding how "beloved a wife" she was. It is worth noting this term because it was used by the accused Justices as the basis for their decision.**

**NINETEENTH:** Without any need to address foreign references and in spite of the fact that the Will left by Wilson Charles Lucom (R.I.P.) is very, very clear, in the sense that his executors are three (3) persons and that there is no universal heir and he left none, we wish to underscore that Article 707 of the Civil Code contains a principle that serves as a guide when obscurity invades the testator's terminology. It so happens this text limits the understanding of testamentary provisions to the "literal sense of his words, unless it is clear that the will of the testator was different" (our underlining). How did the accused Justices apply this legal mandate? The answer is found by reading the decision on annulment dated August 6, 2010. In fact, the [decision] itself maintains the prevalence of the literal tenor over the will of the testator, clearly expressed. That is, they completely broke this rule because this same provision stipulates that if the will is other than the literal tenor thereof, then the will prevails. Of course that will must surface clearly, as fulfilled in the case of the will of Wilson Charles Lucom (R.I.P.).

Based on all of the foregoing, we respectfully request of this Honorable Body that the Justices of the Civil Division of the Supreme Court of Justice be prosecuted, tried and sentenced, who have demolished the legal institution of the will and deprived the poor children of Panama of a legitimate gift, in addition to having disseminated among the population the idea that the last Will of an individual can be altered at any time by jurisdictional bodies, without any concern for the legal security that must prevail in a State that values itself as Democratic and intends to sign bilateral agreements with sister nations.

**MOTION FOR CRIMINAL ATTACHMENT:**

I move the Congressmen of the National Congress, by way of the Credentials Committee, to admit this Criminal Complaint, and in accordance with Article 2053 and the other concurring articles in the Judicial Code, to order the CRIMINAL ATTACHMENT of the properties that comprise HACIENDA SANTA MONICA, inasmuch as its sale is the source of the funds that comprise the personal fortune of WILSON CHARLES LUCOM (R.I.P.), earmarked for the poor and needy children in Panama, which are specified hereafter: 1) Property 11270, Roll 1, Document 1; 2) Property 11272, Roll 1, Document 1; 3) 11274, Book 1561, Page 156; 4) Property 3008, Roll 1, Document 1; y 5) Property 7022, Roll 1, Document 2; all these real properties are located in Coclé Province.

The object of this measure is to prevent this process from being illusory and squandering of the fundamental assets that comprise the estate, placed in jeopardy by the act committed by the accused Justices, mocking the clear and express Will of the testator, the national population and the international community.

**EVIDENCE:**

**Documentary:**

- 1- Certified copy of the judgment on Annulment dated August 6, 2010 issued by the Civil Division of the Supreme Court of Justice, pertaining to "Entry 198-07". By virtue of the fact that the Justices of the Supreme Court of Justice only act by way of their rulings or decisions, this is where their criminal offense is perfected, wherefor it is the summary evidence.
- 2- Certified copy of the decision by this same court dated September 30, 2010, whereby the accused Justices decide appeals for clarification of the judgment.
- 3- Certified copy of Public Deed No. 6646 dated June 20, 2005 granted by the Office of the Second Notary Public for the Circuit of Panama.
- 4- Certified copy of Public Deed No. 3880 dated April 21, 2006, whereby the decedent Wilson Charles Lucom grants a General Power of Attorney to RICHARD SAM LEHMAN, CHRISTOPHER RUDY and HILDA PIZA LUCOM. (RSL: They excluded this paragraph... )
- 5- Certified copy of Public Deed No. 3882 dated April 21, 2006, whereby the decedent Wilson Charles Lucom appoints RICHARD SAM LEHMAN, CHRISTOPHER RUDY and HILDA PIZA LUCOM, to jointly take care of him in the event of his disability.
- 6- Certified copy of Order No. \_\_\_\_ issued by the Fourth Civil Circuit Court, appointing Mr. RICHARD SAM LEHMAN as the Executor of the Testamentary Succession of WILSON CHARLES LUCOM.
- 7- Certified copy of Court Order No. \_\_\_\_ dated \_\_\_\_, issued by the Fifth Civil Circuit Court, which orders delivery of sums of money to HILDA

PIZA, in accordance with provisions in the Will of WILSON CHARLES LUCOM.

**SPECIAL MOTION**

We move that Justices **OYDEN ORTEGA DURAN, ALBERTO CIGARRUISTA C.,** y **HARLEY J. MITCHELL D.** be tried and removed from their positions as Justices and that they be required to deliver the main file which is physically kept at the Panamanian Judiciary in accordance with provisions in Article 2473 of the Judicial Code which literally states:

*"When the act for which the criminal liability of a public employee is sought refers to a judgment, order or judicial decision, the Legislature, the Supreme Court of Justice or the trial court must request the proceeding which has the judicial decision which gives rise to the liability if the case has ended, and if it has not, a copy of the pertinent part at the expense of the interested party or sua sponte."*

**LAW**

Article 154 of the Political Constitution; Article 2478 of the Judicial Code; Articles 707, 778, 854, and 864 paragraph 3; 1715 and 1727 of the Civil Code and Article 351 of the Criminal Code.

Panama, October 8, 2010.

**DR. MIGUEL ANTONIO BERNAL VILLALAZ**

# Exhibit 5

(English Translation and Spanish Original)



**ENTRY: 198-07**

**JUSTICE WRITING THE OPINION: OYDEN ORTEGA DURAN**

**HILDA ANTONIA PIZA BLONDET FILES AN APPEAL FOR REVERSAL IN THE  
TESTAMENTARY SUCCESSION PROCEEDING OF WILSON CHARLES LUCOM (R.I.P.)  
FILED BY RICHARD SAM LEHMAN**

**SUPREME COURT OF JUSTICE – CIVIL DIVISION – PANAMA, AUGUST SIX (6) TWO  
THOUSAND TEN (2010)**

**HAVING CONSIDERED:**

*The law firm INFANTE & PEREZ ALMILLANO, acting as legal counsel for Mrs. HILDA ANTONIA PIZA BLONDET, formally filed an Appeal for Reversal on the Decision dated May fourth (4) two thousand seven (2007), issued by the First Superior Court for the First Judicial District, which modifies Order No. 1025/173-06 dated July fifth (5) two thousand six (2006), issued by the Fourth Civil Circuit Court for the First Judicial Circuit of Panama, both issued in the Testamentary Succession Proceeding of WILSON CHARLES LUCOM (R.I.P.).*

*This Civil Division, pursuant to the Decision dated December seventh (7) 2007, at pages 259 to 260 of the record, admitted the Appeal for Reversal filed by the Appellant.*

*After verifying that the allegations phase was finalized, which the Appellant and legal counsel for Mr. RICHARD LEHMAN used well, this Court then proceeds to decide on the merits of the Appeal based on the considerations set forth hereunder.*

*Inasmuch as this Appeal for Reversal is in the substantive allegations phase, Attorney DORIS SERRANO BATISTA, acting for and on behalf of the ROCHESTER,*

MINNESOTA MAYO CLINIC, filed a Motion to declare the nullity of all proceedings as of the Order dated December seventh (7) two thousand seven (2007), issued by this Court and which decided to admit the Appeal for Reversal object of this review.

Inasmuch as this Appeal for Reversal is in the decision phase and based on the Principle of Procedural Economy, this Court shall proceed to decide both the Motion to Nullify filed by Attorney Doris Serrano Batista and this Appeal.

#### **MOTION TO NULLIFY**

Attorney DORIS SERRANO BATISTA, acting for and on behalf of the ROCHESTER, MINNESOTA MAYO CLINIC, who is a legatee in the will of Mr. Wilson Charles Lucom (R.I.P.), and has been recognized as such by the Appellate Court in the challenged Decision, filed a motion to nullify all proceedings as of the Order dated December 7, 2007, which ordered the admission of the Appeal for Reversal filed by Hilda Antonia Piza Blondet inasmuch as the Moving Party considers that this Court was barred at that procedural juncture from deciding on the admissibility of the Appeal for Reversal since compliance with a court order issued by the Substantiating Judge was pending, "and that according to the right to a defense which assists her principal, as provided in the Political Constitution and by operation of Law" the process should have been stayed.

The Court notes that Attorney Doris Serrano has filed the Motion to Nullify with this Appeal for Reversal in violation of provisions in Article 1191 of the Judicial Code,

which stipulates:

*"Article 1191: During substantiation of the appeal, no motions other than for recusal shall be admitted."*

*Article 1191 of the Judicial Code transcribed above, clearly indicates that during substantiation of the Appeal for Reversal, no incidental proceeding is appropriate, except for a recusal, wherefor this Court cannot proceed in any manner other than to flatly reject the Motion to Nullify filed by Attorney Doris Serrano on behalf of the ROCHESTER, MINNESOTA MAYO CLINIC because it is not in accordance with law.*

**BACKGROUND:**

Through legal counsel, Mr. RICHARD SAM LEHMAN moves for the Testamentary Succession Proceeding of who, while living, was WILSON CHARLES LUCOM (R.I.P.), attaching a brief of the request, public deeds containing the nuncupative will of the decedent and by virtue thereof, moving the Court to appoint him as the executor of the estate together with Messrs. Christopher Rudy and Hilda Piza Lucom, according to the moving party, in keeping with the will of the decedent.

The controversy that intends to be decided in this Appeal for Reversal which is the object of our review at this time, arises by virtue of the fact that the will of the decedent is divided in three separate public deeds, while the first clause is the one that pertains to the appointment of the executors, which has given rise to the proceeding which this Court must decide, wherefor we find it is necessary to

describe the contents of the different Public Deeds:

1. Public Deed No. 6646 dated June 20, 2005, "whereby Wilson Charles Lucom grants [his] will," consisting of four clauses, and the text in the first clauses indicates:

**"FIRST:** I, Wilson C. Lucom, a resident in Panama City, Republic of Panama, of sound will and mind, make this my last will and testament, which revokes all previous provisions and codicils; As Executors, I appoint Richard Lehman from Boca Raton, Florida, USA; Ruben Carles from Panama, in the Republic of Panama and my beloved wife Hilda Piza Lucom, formerly Hilda Piza Arias, daughter-in-law of Harmodio Arias, former president of the Republic of Panama, and the niece of Mireya Moscoso, former president of the Republic of Panama. In the event Mr. Ruben Carles cannot continue as an Executor for any reason, I appoint Mr. Christopher Rudy as the Executor in his stead."

2. Public Deed No. 11191 dated October 29, 2005, "whereby Wilson Charles Lucom grants [his] will," consisting of three clauses, where the second clause addresses modifying the first clause in the aforementioned public deed No. 6646, in order that its first clause will read as follows:

**"FIRST:** I, Wilson C. Lucom, a resident in Panama City, Republic of Panama, being of sound will and mind, make the following codicil to the will granted previously. As Executors, I appoint Richard Lehman of Boca Raton, Florida, USA; Christopher Rudy of Florida, USA, and my beloved wife Hilda Piza Lucom, formerly Hilda Piza Arias, daughter-in-law of Harmodio Arias, former president of the Republic of Panama, and the niece of Mireya Moscoso, former president of the Republic of Panama."

3. Public Deed No. 1131 dated February 3, 2006, "whereby Wilson Charles Lucom grants [his] will", consisting of three clauses, which, like the foregoing codicil, only and exclusively state his intention to modify the first clause in the original will

as recorded in the aforementioned public deed No. 6646, only that in this instance, he makes no reference to the executors and the entire text as to how, according to his will, the referenced first clause should read, he states:

"FIRST CLAUSE: I, Wilson C. Lucom, a resident in Panama City, Republic of Panama, being of sound will and mind, make the second codicil to the will granted previously. I bequeath to **ISRAEL DEL CARMEN TEJADA CUERVO**, personal identity card No. eight - two hundred thirty-three - six hundred sixty-eight (8-233-668), a Panamanian national, plot number one hundred ten thousand forty-one (110041), a house and a lot, with the precedent that he remain in my employ until I die. The property, duly registered with the Public Registry is described as follows: ----- Property number one hundred ten thousand forty-one (110041), Roll seven thousand one hundred seventy-two (7172), Document five (5) in the Property Section, duly registered at the Civil Registry, Province of Panama, which consists of a house located in Altos de la Pulida, lot number M-3, San Miguelito District and whose measurements and boundaries are registered in the property section at the Public Registry in the Province of Panama. ----- If Israel Tejada is not employed by me at the time of my death, the condition precedent controls and no part of property number one hundred ten thousand forty-one (110041) shall be bequeathed to him; furthermore, he must move out of the said property within sixty days. Additionally, Mr. Tejada shall not have past or future interest in property one hundred ten thousand forty-one (110041). ----- In the event Mr. Tejada is not working for me, he will not receive this property as a bequest, and therefore will not own it and the aforementioned property will go to the END WAR TRUS. In the event the condition precedent is fulfilled and Mr. Tejada is employed by Mr. Lucom until the time of his death, Mr. Tejada shall freely own the said property. ----- It is irrelevant that Mr. Tejada remain employed by Mrs. HILDA LUCOM at the time of Mr. LUCOM'S death. ----- The foregoing condition has immediate force and effect.

The Fourth Civil Circuit Court in Panama, to rule as to how the three aforementioned public deeds should be construed, and consequently to appoint an executor in the testamentary succession proceeding, substantiates her opinion

based on the opinions stated by the Second Notary Public for the Circuit of Panama, which were incorporated into the proceeding by legal counsel for Mr. Lehman. Therefore, the dispositive part of her order, specifically states:

"Declares open this Testamentary Succession Proceeding of Mr. WILSON CHARLES LUCOM (R.I.P.) who died on June 2, 2006.

1. His legatees are, without prejudice to third parties, Mrs. HILDA PIZA LUCOM, ISABEL MARIA CLARK, ROBERT CLARK, I.D. NO. 224-1307992, ALEXANDER CLARK, I.D. NO. 230-13-7714, LANNY CLARK, I.D. NO 552-69-3776, CASSANDRA CLARK, I.D. No 557-75-8741, ROCHESTER, MINNESOTA MAYO CLINIC, MELINDA MORRICE, HILDA ABDELNOUR, MADELINE ARIAS, GILBERTO ARIAS ALLISON, NORA GARNER, JAMES GIBBONS, ANN SMITH, WALTER GARNER, GABY ELKINS, CHRISTOPHER RUDDY, DR. PETER HIBBERD, MARIO BOYD, ANDREA OSPINA, TANYA RAMOS, ISRAEL TEJADA, EDILBERTO SOTO. CONDITIONAL: END WAR TRUS FOUNDATION. FUNDACION WILSON C. LUCOM TRUST FUND is the heir.
2. APPOINTED as Executor of the estate is Mr. RICHARD LEHMAN, a United States citizen, identification number L 550-757-44-081-0, who must appear before the Court to be sworn in.
3. All persons who have any interest therein are ORDERED TO APPEAR, and POST and PUBLISH the summons as provided in Article 1526 of the Judicial Code.

In compliance with his rights and authority to represent, counsel for Mrs. Hilda Antonia Piza Blondet filed a Motion to Appeal on the aforementioned Order, and the First Court, in deciding the appeal pursuant to the Decision dated May fourth (4) two thousand seven (2007), the dispositive part states:

**FINDS:**

1. The Testamentary Succession Proceeding of WILSON CHARLES LUCOM, who died on June 2, 6006, is open;

2. His legatees are, without prejudice to third parties, Mrs. HILDA PIZA LUCOM, ISABEL MARIA CLARK, CASSANDRA CLARK, ROCHESTER, MINNESOTA MAYO CLINIC, MELINDA MORRICE, HILDA ABDELNOUR, MADELINE ARIAS, GILBERTO ARIAS, MARGARITA ARIAS ALLISON, NORA GARNER, JAMES GIBBONS, ANN SMITH, WALTER GARNER, GABY ELKINS, CHRISTOPHER RUDDY, DR. PETER HIBBERD, MARIO BOYD, ANDREA OSPINA, TANYA RAMOS, EDILBERTO SOTO and ISRAEL TEJADA.
3. APPOINTED as EXECUTORS and TRUSTEES of the estate are Messrs. RICHARD LEHMAN, CHRISTOPHER RUDDY and HILDA PIZA LUCOM, to jointly, in accordance with Articles 857 and 858 of the Civil Code, perform duties as executors and trustees, who must appear before the Court to be installed.
4. All persons who have any interest therein are ORDERED TO APPEAR, and POST and PUBLISH the summons as provided in Article 1526 of the Judicial Code.

...

The Court of Appeals substantiates the decision set forth in the Decision challenged in this Appeal for Reversal by considering, contrary to statements by the lower court, that the testator made a mistake in numbering by referring to the first clause in Public Deed No. 6646 inasmuch as through Public Deed No. 1131, his intention was to modify the bequest which he set forth immediately thereafter. In that sense, [the Court] decided the dilemma regarding the appointment of the

executors, further stating that, in her judgment, it was closest to the will and intent of the testator since, according to the Appeals Court, it was "obvious that the intent of the testator was to have executors inasmuch as from several clauses in the will, one gleans that the assets of the estate should be managed, distributed and in some instances sold by executors, who were indicated how they should manage the assets entrusted to them and disposition thereof, including mention of the fees the executors would earn"; therefor, the last executors appointed by the decedent in the referenced public deed No. 1191 should have been appointed by lower court.

The Appellant has filed the Appeal for Reversal against this Decision, which this Court will now entertain and decide.

#### **APPEAL FOR REVERSAL**

The Appeal for Reversal in the instant case is substantially, inasmuch as the only ground that has been invoked is the "violation of substantive legal provisions on account of the direct violation that has substantially influenced the dispositive part of the appealed decision", which is substantiated pursuant to five Reasons, which we transcribe hereunder:

"FIRST: While the judgment issued by the Superior Court recognizes that Mr. Wilson Charles Lucom (R.I.P.) granted a nuncupative will on June 20, 2005, pursuant to Public Deed No. 6646 before the Second Notary Public for the Circuit of Panama, whose first clause was modified with respect to the appointment of executors pursuant to Public Deed 11191 dated October 20, 2005, and that likewise, such clause was modified pursuant to Public Deed No. 1131 dated February 3, 2006, [the decision] concludes that the second clause, which



modifies the first clause of the will granted in Public Deed No. 6646 does not allude to the executors at any time whatsoever, thereby violating the substantive legal precept that indicates to the judge that testamentary provisions must be understood as literally set forth in the wording upon finding that the modification had no effect whatsoever on the issue of the executors; all as a result of not requiring that the literal meaning of the wording in the will prevail, or the will of the testator when he expressly modified the first clause of the will, as was his will, explicitly.

SECOND: While the challenged decision recognized that the first clause of the original will was modified and that the will of the testator must be literally understood, [the decision] fails to consider basic considerations which, in accordance with substantive law, should have been taken into account for purposes of establishing the force and effect of the appointment of the executors. In the first place, the Court gave no importance to the last modification to the will and set forth in Public Deed No. 1131 when [the testator] expressly stated that he reiterate the force and effect of the clauses in the will granted in Public Deed No. 6646, with the only exception of the contents of the first clause which was changed completely. Ignoring this truth allows us to state that the appealed judgment incurred in a direct violation of the legal provision that governs the meaning and scope that must be given to the will of the testator and, therefor, if the decedent's intent had been construed literally, the effectiveness of the appointment of the executors should not have been recognized.

THIRD: The direct violation of the substantive law by the Superior Court has caused that the effectiveness granted to the appointment of the executors remove itself completely from provisions in substantive law for purposes of understanding the will of the testator as to the fact that what appears to agree most with the will of the testator as gleaned from the will itself; however, the Court not only understands that the will of the testator was to have executors, but that a mistake in numbering was made upon referring to the first clause of the will remaining as stated in the modification that appears established in Public Deed No. 1131, thereby setting aside the literal meaning and intention of the testator, as provided by the legal provision that regulates the matter since the literal reference was to the first clause and not the third clause of the will.

**FOURTH:** In the challenged decision, the Court incurs in a direct violation of the law by establishing that HILDA PIZA LUCOM has not been established as the universal heir, inasmuch as the will of the testator provided that his beloved wife would be a legatee, when his intent or will as set forth in Public Deed No. 6646 was none other than to leave to his legitimate wife as the heir of 50% of his assets wherever she existed, therefor the will of the testator is clear regarding this title and aside from not having used the word heir, the will set forth in the last will and testament is noted, that the disposition given by the decedent to the spouse was made on universal title or inheritance and not as a legatee.

**FIFTH:** The direct violation of substantive law incurred by the Superior Court has been the principal cause for granting force and effect to the appointment of three executors, notwithstanding the fact that, based on the literal meaning of the testamentary provisions, or observing the will or intent of the testator, effects contrary to the rule are produced when the result should have been only to find that the executors had been removed by an express modification by the testator. And, on the other hand, that [the Court] would have found that Hilda P. Lucom was a legatee instead of holding her as the universal heir, as was the will of the decedent when he grants her the right over fifty percent of his assets."

As allegedly violated legal provisions, the Appellant indicates Articles 707, 771 and 700 of the Civil Code, which literally provide:

"Article 700: The testator may dispose of his assets as an inheritance or bequest.

Upon any doubt, although the testator may not have used the word heir, if his will is clear regarding this concept, the provision shall be valid as though made on universal title or inheritance.

Article 707: All testamentary provisions must be construed literally unless it is clearly apparent that the will of the testator was different. In the event of doubt, what appears to be closest to the intent of the testator shall be observed, according to the tenor of the will itself.

Article 771: All testamentary provisions are basically revocable, although the testator may state in his will his will or decision not to revoke them.

Clauses that revoke future provisions and those whereby the testator

orders that revocation of the will shall not be valid if not set forth with certain words or signals shall be deemed not to have been included."

### CONCLUSION

Of the first, second, third and fifth reasons in support of the Appeal for Reversal that is entertained, this court finds only one charge of illegality attributable by the Appellant to the appealed Decision, which is that the Appeals Court recognizes that the last modification by the decedent to the will recorded in the referenced Public Deed No. 6646 was made in the aforementioned Public Deed No. 1131; wherein he did not refer to the appointment of Executors, but expressly modified the clause that appointed them, and referred only to the bequest, setting aside the appointment of executors. However, nonetheless, the Appeals Court found that this modification did not affect the appointment of executors in the Public Deed before the last will of the decedent, failing to make the literal meaning of the statement in the will prevail.

Likewise, in arguing the charge of illegality, the appellant, complaining that the Appeals Court gave no importance to the will of the decedent when in the last modification to his will, expressly stated that he reiterated the force and effect of the clauses in the will granted pursuant to the aforementioned Public Deed No. 6646, with the only exception of the contents in the first clause, which was changed completely, addressing only the bequest and setting aside the appointment of executors, wherefor the challenged Decision incurs in a direct violation of the legal provision that governs the meaning and scope to be given to the will of the

testator.

In this sense, this Court finds that the Appeals Court exceeded its authority by expressing, as a statement, in the considerations in the appealed Decision, that **"the testator made a mistake in numbering** by referring to the first clause to modify the bequest set forth thereafter and such doubt must be decided as closely to the will and intent of the testator" (our emphasis).

This is correct, because stating that the decedent make a numbering mistake in the will, keeping the provisions prior to his last will, lead to stating a situation as if there were total certainty; when, contrary thereto, in this case under consideration, this certainty does not exist because the express will of the decedent is not clear.

The last will expressed by Mr. Wilson Charles Lucom (R.I.P.) is set forth in the aforementioned Public Deed No. 1131 and which has triggered the problem in its interpretation with the appointment of executors, in spite of the fact that this Public Deed, that consists of three clauses, makes no appointment of executors whatsoever. In fact, the decedent, in the first clause, expresses his wish to retain the force and effect of all clauses in Public Deed No. 6646, also aforementioned, except the contents in the first clause which he subsequently describes in the second clause of the Public Deed that contains his last modification; therefore, this first clause will not contain a bequest that has already been transcribed by this Court and not an appointment of the executors.

The Court calls attention to the fact that the lower Court appointed Mr. Richard Lehman as the executor of the estate. Notwithstanding, in ruling on this same appointment, the Appeals Court appointed Messrs. Richard Lehman Christopher Ruddy and Hilda Piza Lucom (Hilda Antonia Piza Blondet) as executors and trustees of the estate; reason wherefor, this must be an aspect that must merit special consideration.

The issue of testamentary interpretation is a sensitive subject inasmuch as, for someone to be responsible for doing so, [the person] must investigate and strictly adhere to the "footprints" its creator has left when he made a statement of his will, and who cannot clarify doubts with respect thereto, in those events in which the literal meaning is not clear.

Doctrine has provided several theories or principles for interpreting wills for the purpose of attempting to establish what was the true will of the decedent regarding the disposition of his assets more precisely.

Our body of laws, in establishing rules for interpreting testamentary provisions which are set forth in Article 707 of the Civil Code, transcribed above, was based wholly and literally on Article 675 of the Spanish Civil Code, which original provisions provide a reference if we wish to review this doctrine which has attempted to dismember the main basic elements for application thereof. Therefore, we feel it is appropriate to refer to Spanish doctrine through Manuel Albadalejo, one of its most recognized jurists, who in his "Course on Civil Law" refers to the issue of

interpreting the Will as follows:

**"1. Interpretation of the will.**- On interpreting specific testamentary provisions, the Code has some articles (747, 749, 751, etc., already seen) and they must be abided by in such specific cases, which are each treated in the place where the matter of reference is examined.

Furthermore, in general (and also including those cases, except as to what pertains to those specific precepts), in interpreting wills, it would almost be enough to simply remit to what has already been studied under the general part on interpretation of legal concerns. Nonetheless, I prefer to refer to certain extremes on the subject here:

**2. Subjective interpretation must prevail.** With the common opinion of jurisprudence and doctrine, I believe that in interpreting the will, the subjective criterion must prevail, consisting of, while possible, in attributing to the statement the meaning presumably given thereto by the testator.

**3. Any clarifying element or information may be used in searching for the spirit of the testamentary statement, in or beyond the will.** To seek the true meaning in the testamentary provision, it is possible to resort to what is said in the will, but to any elements and data not set forth therein, so that the meaning thus found can be understood as stated in the statement of the will set forth in the will.

This is correct because since it involves a solemn affair, only what has been stated is valid to be the object of interpretation, in keeping with the essential required form. But that is one thing; different to investigating the meaning that formal statement has, one may resort - as can be done - to information that will clarify it even if they are beyond the will.

**4. The will that is one seeks to establish is the one the grantor had when he testated.** - The will that is sought, that is, the spirit that one seeks to find is the one the testator wished to set forth when he made the statement upon testating.

Then, it does not involve an attempt to know what the deceased wanted when he died, but what his purpose was when he granted the will.

**5. Integrating the will of the testator.** - In principle, the supplementary legal provision is applied to what is not regulated in the will. But since what the deceased has provided cannot contain the entire necessary regulation therefor and, however, imply the exclusion of the pertinent legal regulation for the remainder, deciding each presumption that is stated very carefully if whatever legal rule is appropriate for what is left blank, or otherwise, a different rule, coherent with the decedent's provision that was stated. When this happens, interpretation of the will extends to also seeking what

presumably is his will (coherently with what is stated) in addition to the meaning of what the testator ordered to the extent he left no specific rule. This may be called integration of the testamentary will.

6. General precept in the Code for interpreting the will. Article 675. 1 of the Code provides: "Every testamentary provision must be interpreted with the literal meaning of its wording, unless it is clearly apparent that the will of the testator was different. In the event of doubt, what appears closest to the intent of the testator according to the tenor of the will itself will be observed.

I believe this precept supports everything I have stated in the foregoing paragraphs on the interpretation of a will. It clearly shows that the meaning that must be given to the testamentary statement is the one the testator would have wished to state therein, provided it fits within the tenor of the will, and one must presume, unless it clearly appears otherwise, that the will of the testator is literally what he said." (ALBADALEJO, Manuel, Course on Spanish Civil Law", Volume V, Testamentary Law, Bosch-Ronda Universitaria Bookstore, 11, Barcelona, Spain, 1982, pages 343-346). (Our underlining)

From the foregoing transcription we then conclude that, in application of Article 707 of the Civil Code, one must always try to clearly give preeminence to the true will of the decedent, and the Court presiding over the matter must establish the true scope of the testamentary clauses.

That is correct inasmuch as the referenced rule gives priority to the will of the testator over the literal meaning of the statement without undermining the fact that, in principle, the court or interpreter must adhere to the strict meaning, provided the intent of the decedent with the words he used is clear; inasmuch as if they are not clear and on the contrary are obscure, ambiguous or contradictory, and a simple reading does not suffice to determine the intent of the testator, it will then be necessary to resort to other interpretative elements from which his true will can be deduced.

It is evident to this Court that the decedent was clear in stating that it was his will to comprehensively retain the force and effect of all clauses that comprise Public Deed No. 6646, which is his original will, prior to his subsequent modifications, except for provisions in the first clause which addresses the appointment of executors. Therefrom, one can consider that this Public Deed (6646), which must prevail for purposes of truly establishing what the true meaning of the will of the decedent is for any interpretation of the will of the decedent.

From the review of the aforementioned Public Deed No. 6646, we then see that it consists of four clauses, of which the first appoints three executors; the second, contains instructions for the executors, which consist of paying expenses of his last illness, funeral, taxes and others; in the third clause, he lists his legatees, as well as certain duties of the executors, who also must be trustees in fulfilling his wish to leave a very unusual bequest, which deserves special mention inasmuch as its execution requires essential management. With regard thereto, the last testamentary instruction set forth in the third clause in the aforementioned Public Deed No. 6646 provides the following:

The executors must also be trustees of **FUNDACIÓN WILSON C. LUCOM TRUST FUND**, with an initial salary of **FIVE THOUSAND DOLLARS (US\$ 5,000.00)** per month, or **SIXTY THOUSAND DOLLARS (US\$ 60,000.00)** per year, and the necessary expenses. -----  
 The main objective of the **FUNDACIÓN WILSON C. LUCOM TRUST FUND** is to feed needy children in Panama. I instruct my trustees to find an area where there are children's schools that don't have meals for lunch, and lack the usual needs and those provided by schools where lunch is provided. -----  
 It is my wish that directors of schools form groups of volunteers with



parents and others, and that they plant gardens with seed provided by the **WILSON C. LUCOM TRUST FUND** foundation. -----

One of the parents, or any other person, must provide some hectares for these gardens, at no cost. Many plantings must be sown to feed the children and to sell at market, in such a manner that there will be no need to provide seeds more than two (2) times, per school, and that these will continue the plantation process in these gardens and their own sale with the product of its own benefit." (Page 10)

On its part, the fourth clause addresses the decedent's wish to expressly revoke any testamentary provision prior to Public Deed No. 6646.

Therefore, this Court coincides with the opinion of the Appeals Court as to the fact that the intent of the testator as to have one or more executors, inasmuch as the established bequests required management, further indicating their fees, since fulfillment thereof would be otherwise impossible.

However, it is also evident to this Court that with respect to the issue of appointing the executors, the testator was not completely sure since the only modifications he made to his testamentary provisions addressed changing his executors, as can be noted in the modifications set forth in the also aforementioned Public Deed No. 11191 and in the also referenced Public Deed No. 1131.

Reviewing together all Public Deeds that comprise the last will of the testator, the governing element that gives rise to the problem in this Appeal as to the interpretation of the will of Mr. Wilson Charles Lucom (R.I.P.), as we stated before, is the appointment of the executors. With respect thereto, it is important to note that an executor is the person appointed by the testator to enforce compliance

with his last will and testament provisions, wherefor this person, in principle, should be entirely trusted by the decedent.

Inasmuch as, we repeat, the insecurity stated by the testator as to the appointment of his executors is evident, which can be determined from his last modification by not naming specifically who the person or persons that would hold said position would be; however, likewise, the Decedent's wish that to ensure his will is fulfilled, there must be one or more executors.

Therefore, this Court must weigh, based on the testator's will and provisions set forth in Article 873 of the Civil Code, the appointment of who can serve as executor to administer the establish in the case at hand; with respect thereto, the referenced provision provides the following:

**"Article 873: In cases [involving] the foregoing article and if there is no executor accepted in the position, the heirs shall execute the will of the testator." (Our highlighting)**

Within the text contained in Public Deed No. 6646, one clearly gleans that the Decedent's trusted person for compliance with his will is the Appellant. That is why one can conclude without any mistake whatsoever, that in this case it is "the beloved wife", as the decedent called his wife, Mrs. HILDA ANTONIA PIZA BLONDET, who he also repeatedly appointed as an executor.

Other parts of the will have assisted this Court in establishing that, in absence of a certain wish of the decedent for appointing one of more executors in the will, it is MRS. HILDA ANTONIA PIZA BLONDET who must remain as the executor of his will,

specifically when therein he states the following: "The bequest to my wife **HILDA PIZA LUCOM** is to be for her comfort, health, support and well-being, including all expenses owed for her current standard of living (the wife of a wealthy man)," which, we repeat, is evident of the affection and trust deposited in her, a situation that is not in keeping with other interpretations by the Courts of first and second instance.

Likewise, the aforementioned Public Deed No 6646 retains, except for the first clause on the appointment of executor [sic], the full force and effect of the last three clauses which leads us to conclude that in absence of a specific appointment of an executor, the only executor is Mrs. HILDA ANTONIA PIZA BLONDET, furthermore the legatee of 50% of the decedent's joint accounts, and therefore, the legatee of 50% of the liquid assets left by the decedent, who likewise bequeathed the apartment where they lived to her.

As we noted above, the unusual bequest of the Decedent to the WILSON C. LUCOM TRUST FUND FOUNDATION, which was previously transcribed, provides for performance of activities in coordination with schools and other organizations to provide meals to school children in rural areas, and after the donation of a plot of land therefor by the interested parties; a situation that constitute a specific and very unusual wish of the Decedent, which will be executed best by the person who shared his life and to whom he, undisputably, states his affection and trust.

Now then, another charge of illegality stated in this Appeal for Cassation is

set forth in the fourth reason, the Appellant complaining of the violation of the substantive provision when the Appeals Court did not interpret the will of decedent WILSON CHARLES LUCOM (R.I.P.) In his last will, as set forth in Public Deed No. 6646 with its due subsequent modifications, of determining his wife, Mrs. HILDA ANTONIA PIZA BLONDET is the universal heir of the assets of the estate.

In fact, as noted by the Appellant in the fourth reason, the fact that in the will the word heir is not used does not prevent clearly establishing said condition after the pertinent interpretation of the will. It would be a similar situation if the testator, within his will, names a person as a legatee when in fact the same [person] is his heir, while it must be understood that this fact would not be an impediment for the trier of facts to attribute the condition of heir to such legatee.

Our legal system considers the fact that the testator has the power to appoint executors, while these can likewise be heirs, or be beyond the estate, as set forth in Article 854 of the Civil Code in concurrence with Article 1583 of the Judicial Code.

With regard thereto, this Court shares the assertion by the Appellant in developing the charge set forth in the fourth Reason, when it states that Mrs. HILDA PIZA DE LUCOM, as we have stated, is the executor appointed by the Decedent, and it must also be understood that with the Testamentary Proceeding, the condition of heir under universal title of Mr. WILSON CHARLES LUCOM extends to her, with all powers and authority under by substantive law for said determination.

This determination as to Mrs. HILDA PIZA DE LUCOM as the universal heir in the Testamentary Succession proceeding of WILSON CHARLES LUCOM arises from the interpretation given to the acts contemporary with or previous to granting the will by the Decedent, interpreting together what his wish most in keeping with his intent has been, in compliance with provisions set forth in Article 707 of the Civil Code. And this is correct inasmuch as Mrs. HILDA PIZA DE LUCOM enjoyed a very special position over the rest of the legatees, inasmuch as the testator himself stated she was his "beloved wife, a condition that is not explicit for the remainder of the persons listed in the will.

It is appropriate to specify that our body of laws echoes a concept in former Roman Law such as the succession that granted title to the persons closest or related to the citizens, where the succession had greater relevance as to the person, over all estate-related conditions. That is how the Napoleonic Code establishes provisions directed to establishing the will of the Decedent, based on facts or acts arising from the document itself that contain the testator's last will (will) and that the testator's intention will serve to clarify doubts regarding the terms that were used for purposes of considering a person is an heir without enjoying such condition, could enforce this person's determination under universal title or inheritance. Our civil laws also include this under Article 700, which expressly sets forth in the second paragraph that in view of doubt, "although the testator may not have used the word heir, if his will is clear regarding this concept, the provision

will be valid as made under universal title or inheritance."

Thus, it is clear to this Court, after a detailed review of the will and its exhibits that, undoubtedly, Mrs. HILDA PIZA DE LUCOM enjoyed a privileged position with the Decedent, upon being the "beloved wife", which even after the death of the Decedent, gave rise to his concern for her well-being even after his death and the socioeconomic position of the person who, at the time of his death, was his spouse, a situation that cannot be inferred a Foundation could have, which in the end happened to be a Trust and, that for purposes of this judgment, we share the opinion stated by the Superior Court, when it correctly and conclusively ruled that the aforementioned Foundation was not a person, but a contract without any possibility of being a party in a proceeding or enjoying the legal capacity to inherit; wherefor, any provision with regard thereto must be understood to null and void, while the heir must assume the obligations the will imposed for compliance with the will of the testator.

Based on the foregoing consideration, this Court find the charge of illegality affirmed by the Appellant has been substantiated with regard to the direct violation of Article 707 of the Civil Code, which provides the general rule for interpreting testamentary provisions, wherefor it must so be decided.

Based on the foregoing, the Supreme Court of Justice, **CIVIL DIVISION**, administering justice on behalf of the Republic and as vested by Law, **FLATLY REJECTS** the Motion to Nullify the Proceedings filed by Attorney DORIS SERRANO

BATISTA because it is not in accordance with law; and **ANNULS** the Civil Order dated May fourth (4) two thousand seven (2007), issued by the First Superior Court for the First Judicial District which modifies Order No. 1025/173-06 dated July fifth (5) two thousand six (2006) issued by the Fourth Civil Circuit Court for the First Judicial Circuit of Panama, all within the Testamentary Succession Proceeding of WILSON CHARLES LUCOM (R.I.P.) in such a manner that the tenor of the dispositive part will be the following:

MODIFIES Order No. 1025/173-06 dated July 5, 2006, issued by the Fourth Civil Circuit Court for the First Judicial Circuit of Panama, in such a manner that its dispositive part will read:

1. That the testamentary Succession Proceeding of WILSON CHARLES LUCOM (R.I.P.), who died on June 2, 2006, is open.
2. DECLARE Mrs. HILDA PIZA LUCOM is the UNIVERSAL HEIR.
3. HIS LEGATEES ARE, without prejudice to third parties, ISABEL MARIA CLARK, ROBERT CLARK, ALEXANDER CLARK, LANNY CLARK, CASSANDRA CLARK, ROCHESTER, MINNESOTA MAYO CLINIC, MELINDA MORRICE, HILDA ABDELNOUR, MADELINE ARIAS, GILBERTO ARIAS, MARGARITA ARIAS ALLISON, NORAH GARNER, JAMES GIBBONS, ANN SMITH, WALTER GARNER, GABY ELKINS, CHRISTOPHER RUDDY, DR. PETER HIBBERD, MARIO BOYD, ANDREA OSPINA, TANYA RAMOS, ISRAEL TEJADA and EDILBERTO SOTO.

4. Mr. HILDA ANTONIA PIZA BLONDET is APPOINTED as the EXECUTOR and TRUSTEE of the estate so that in accordance with Article 864 of the Civil Code, she will perform the position of executor and trustee, who must appear before the Court to be installed; and

5. All persons with any interest therein ARE ORDERED TO APPEAR, and POST AND PUBLISH the summons as provided in Article 1526 of the Judicial Code.

Copy and Serve,

**JUST. OYDEN ORTEGA DURAN**

**JUST. ALBERTO CIGARRUISTA C.**

**JUST. HARLEY J. MITCHELL D.**

**ATTY. SONIA F. DE CASTROVERDE  
CLERK, CIVIL DIVISION**

[Stamp:] Illegible  
FIRST CIVIL DIVISION  
Panama, August 6, 2010  
I HEREBY CERTIFY THE FOREGOING IS A TRUE  
COPY OF THE ORIGINAL.  
/s/ Illegible  
Clerk



# Exhibit 6

(English Translation and Spanish Original)

#1

REPUBLIC OF PANAMA  
NOTARIAL PAPER



[Seal:] Second Notary Public  
Panama, Rep. of Panama

**SECOND NOTARIAL OFFICE IN AND FOR THE CIRCUIT OF PANAMA**

PUBLIC DEED NUMBER SIX THOUSAND SIX HUNDRED FORTY-SIX -----  
----- (6846) -----

WHEREBY WILSON CHARLES LUCOM GRANTS [HIS] WILL. -----  
----- Panama, JUNE 20, 2005. -----

In Panama City, Capital of the Republic and seat of the Circuit of the same name, on the twentieth (20) day of June two thousand five (2005), before me, **DOCTOR MARIO VELASQUEZ CHIZMAR**, Second Notary Public in and for the Circuit of Panama, personal identity card number eight one hundred seventy-six four hundred twenty-two (8-176-422), at the request of Mr. **WILSON CHARLES LUCOM**, a male, a citizen of Saint Kitts [sic], of legal age, passport number A zero zero zero three six six (A000366), who stated that he needed an interpreter because he did not fully understand the Spanish language, wherefor the Notary appoints Atty. **VICTOR CROSBIE**, a male, a Panamanian, of legal age, personal identity card number eight - one hundred fifty-five - one thousand nine hundred thirty-three (8-155-1933), domiciled at Villa Costa del Este number two C (2C), telephones two hundred sixty-four eight thousand seven hundred thirty-nine (264-8739), we traveled to Apartment No. 11 in Edificio Royal Palace, Punta Paitilla, Panama City, and he requested that I record his nuncupative will in a public deed, which I proceed to write in accordance with the following clauses: -----

**FIRST:** I, Wilson C. Lucom, a resident in Panama City, Republic of Panama, of sound will and mind, make this my last will and testament, which revokes all previous provisions and codicils. As Executors, I appoint Richard Lehman from Boca Raton, Florida, USA; Ruben Carles from Panama, in the Republic of Panama and my beloved wife Hilda Piza Lucom, formerly Hilda Piza Arias, daughter-in-law of Harmodio Arias, former president of the Republic of Panama, and the niece of Mireya Moscoso, former president of the Republic of Panama. In the event Mr. Ruben Carles cannot continue as an Executor for any reason, I appoint Mr. Christopher Rudy as the Executor in his stead. -----

**SECOND: EXPENDITURES** -----  
My Executors, appointed in this will, must pay all the expenses of my last illness and all expenses for my funeral. I wanted to be buried and not cremated.

**Liaison** 5560 North Bayshore Drive • Miami, FL 33137 • Telephone: (305) 754-1550 • Telefax: (305) 754-1449

Costs for safekeeping and delivery of my bequest and other charges against my estate (secured debts on real property or life insurance are excluded) must be paid by my Executors, who must also pay inheritance and capital taxes which will be payable by reason of my death. I waive all rights for distribution or reimbursement to my estate for any payment made in accordance with this article.

**THIRD: THE BEQUEST**-----

All my bequests must be paid from the principal interest accounts and the **FUNDACIÓN WILSON C. LUCOM TRUST FUND**.-----

**A. 1. My bequest to my beloved wife, Hilda Piza Lucom**.-----

In the event my wife **HILDA PIZA LUCOM** survives me, I leave my wife 50% of my combined interest account, wherever it exists. I want my wife to receive **US\$ 20,000.00** per month, or the MINIMUM ANNUAL INCOME OF US\$ 240,000.00 per year, or more. If the combined interest accounts do not amount to **US\$ 240,000.00** per year, the principal account must be added to cover the deficit for the **US\$ 240,000.00** per year. The minimum of **US\$ 240,000.00** per year or more that my wife is to receive shall be solely for her use while she lives, and after her death all bequests end, and what was given to her must be returned to the **WILSON C. LUCOM TRUST FUND** foundation, as of her death. No principal or interest account shall go to the estate of **HILDA PIZA LUCOM**. The bequest to my wife **HILDA PIZA LUCOM** is to be for her comfort, health, support and well-being, including all expenses owed for her current standard of living (the wife of a wealthy man). These reasonable expenses must include only all expenses related to the Royal Palace, Apartment 11 and five (5) employees, which include a cook, a driver, a maid, a watchman and a part-time laundrywoman. In this standard of living I am not including luxuries such as the purchase of another house or condominium, without first selling Apartment No. 11 in the Royal Palace Building, for her to receive funds for the purchase of another house, the purchase of works of art, a yacht or other purchases, and I forbid categorization of those luxuries as reasonable. Upon the death of my wife, the 50% and any other payment of any kind must cease and be returned to **WILSON C. LUCOM TRUST FUND** Foundation, not to her estate. No work of art or valuable antiques, such as the grand piano, are to be sold or exchanged by my wife.-----

REPUBLIC OF PANAMA  
NOTARIAL PAPER

[Seal:] Second Notary Public  
Panama, Rep. of Panama



[Tax stamp on coat of arms, all pages]

**SECOND NOTARIAL OFFICE IN AND FOR THE CIRCUIT OF PANAMA**

Upon my death, the Executors must place all interest earned by everything I possess (except Hacienda Santa Monica, including the entire extension of land) in an interest bearing account wherefrom all expenses of any kind must be deducted, except the Hacienda Santa Monica expenses.

In the event of an accident where both husband and wife die virtually at the same time, it must be assumed that Wilson C. Lucom survives Hilda Piza Lucom.

**A. 2. Bequest to Isabel Maria Clark.**

I have great fondness for the memory of my deceased ex-wife Virginia Willys Lucom and her daughter Isabel Maria Clark, to whom I give my next bequest. I hereby spread upon the record that Isabel Maria Clark is not legally a relative of mine, and that the only right she has in this will, with respect to my bequest, is the 25% of the remaining balance of the Interest account after the deduction for my wife, which must not exceed the sum of US\$ 200,000.00 per year.

The remaining balance must be placed in the Wilson C. Lucom Trust Fund foundation. Upon the death of Isabel Maria Clark, all money and interest that have been paid must cease and be returned to the Wilson C. Lucom Trust Fund Foundation, except for the following:

I bequeath to:

ROBERT CLARK, ID No. 224-13-7992, the sum of US\$250,000.00

ALEXANDER CLARK, ID No. 230-13-7714, the sum of US\$250,000.00

LANNY CLARK, ID No. 552-69-3776, the sum of US\$250,000.00

CASSANDRA CLARK, ID No. 557-75-9741, the sum of US\$250,000.00

**OTHER BEQUESTS:**

I bequeath ONE MILLION DOLLARS (US\$ 1,000,000.00) to the ROCHESTER, MINNESOTA, MAYO CLINIC from the WILSON C. LUCOM TRUST FUND foundation, for urological research work as of the death of my wife HILDA PIZA LUCOM or myself, whoever dies last, and only then shall the ONE MILLION DOLLARS referenced in this paragraph be delivered to the aforementioned MAYO CLINIC.

I bequeath the following amounts to my wife's children: Upon the death of my wife, or myself, whoever dies last:

MELINDA MORRICE: US\$ 50,000.00

[Registry seal]

HILDA ABDELNOUR: US\$ 50,000.00

**MADLINE ARIAS: US\$ 100,000.00** -----  
**GILBERTO ARIAS: US\$ 50,000.00** -----  
**MARGARITA ARIAS ALLISON: US\$ 200,000.00** -----

My wife's grandchildren and other relatives must look to their inheritance from their parents, who are wealthy. -----

Upon the death of my wife, or mine, whoever dies last, I bequeath to the children of my late sister **CHARLOTTE GIBBONS**, as follows:

**NORAH GARNER: US\$ 50,000.00** -----  
**JAMES GIBBONS: US\$ 50,000.00** -----  
**ANN SMITH: US\$ 50,000.00** -----  
**WILLIAM GARNER: US\$ 50,000.00** -----  
**GABY ELKINS: US\$ 50,000.00** -----  
**CHRISTOPHER RUDDY: US\$ 50,000.00** -----  
**DR. PETER HIBBERD: US\$ 50,000.00** -----  
**MARIO BOYD: US\$ 50,000.00** -----

My bequest, without delay, to my employees at the time of my death, if they are still employed by my wife or myself, as follows:

**ANDREA OSPINA: US\$ 10,000.00** -----  
**TANYA RAMOS: US\$ 10,000.00** -----  
**ISRAEL TEJADA: US\$ 75,000.00** -----

(The amount for Mr. ISRAEL TEJADA must be distributed as follows. US\$ 50,000.00 for a house and US\$ 25,000.00 for a car, to be paid to the seller of the car and to the seller of the house; if there is any amount remaining, it shall be for Mr. ISRAEL TEJADA.) -----

**EDILBERTO SOTO: US\$ 7,500.00** -----

I am the sole owner of Hacienda Santa Monica, which has no liens or mortgages. I instruct my Executors to place my Hacienda Santa Monica on the market as SUN CITY in the Panamanian Riviera, to be sold as a single parcel to city developers, not to intermediaries. It may take two or three years for this property to sell because I do not want Hacienda Santa Monica to be sold immediately for any low price that is offered immediately. The product of the sale of Hacienda San-

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Panama, Rep. of Panama



**SECOND NOTARIAL OFFICE IN AND FOR THE CIRCUIT OF PANAMA**

La Monica must go to the WILSON C. LUCOM TRUST FUND foundation. -----  
Hacienda Santa Monica must continue operating, as well as the sales process, in accordance with what it has been doing in order not to cause the deterioration of its structure or the land or its own capital.-----

The same shall be applied to the 50 acres I own in Palm Desert, California. They are to be sold to a project developer, which shall constitute an entire development, instead of being sold to a speculator who buys land for a "middleman", who would subsequently sell it to a developer. ----

I own 7 or 8 acres near OKEECHOBEE, Florida. This property may be sold at any time. It has been proposed as a possible sale to the State of Florida for the sum of US\$ 473,000.00 for 5 acres. ---  
The product of the same must go to the WILSON C. LUCOM TRUST FUND foundation. The foundation fund may be invaded to be able to cover any short amounts in the bequests. -----

The other Apartment I own in Edificio Mediterráneo in Panama, Republic of Panama, under another name, must be sold and the product of the sale must be placed in the WILSON C. LUCOM TRUST FUND foundation. -----

**PRORATED REDUCTION OF BEQUESTS: -----**

At the time this will is executed, the value of my estate includes not only Hacienda Santa Monica, but approximately seven million dollars or more in other assets as well. In the event that upon my death or the death of my wife, there are surplus assets to pay each and every one of the bequests set forth in this will, those assets must be considered the remainder of my estate, and placed in the WILSON C. LUCOM TRUST FUND foundation. However, in the event the assets are not sufficient to pay the total of all bequests in full, each and every bequest must be reduced proportionally. This proportional reduction must be applied irregardless of a direct bequest, or quality bequest, or a bequest that is held in trust by a trustee. For example, if there are funds only to cover ninety percent (90%) of the bequests, the amount to be paid to the Mayo Clinic fund for urological research must be reduced by ten percent (10%), that is, NINE HUNDRED THOUSAND DOLLARS

[Registry seal]

(US\$ 900,000.00) of ONE MILLION (US\$1,000,000.00). -----

**ROYAL PALACE BUILDING, APARTMENT No. 11:** My wife and I possess a fifty percent (50%) interest each in APARTMENT No. 11 in the ROYAL PALACE Building in Punta Patilla, San Francisco section. In the event my wife survives me, she must receive my fifty percent (50%) lien-free and gratuitously. If my wife does not survive me, the fifty percent (50%) interest I possess in Apartment number eleven (11) in the Royal Palace Building must go directly, lien-free, to the WILSON C. LUCOM TRUST FUND foundation, after my death. -----

My wife has total and complete use of any work of art, antique furniture, antique silver and any other antiques while she lives. Upon her death, all these valuable assets must pass lien-free and gratuitously to the WILSON C. LUCOM TRUST FUND foundation, for subsequent sale at auction. This, of course, assumes my wife survives me. -----

**EXECUTORS AND TRUSTEES:** -----

Each individual EXECUTOR or TRUSTEE must not be subject to any legal liability for any act, omission or loss in connection with the administration of this estate, except for fraud or theft, or any other crime committed against the assets of the WILSON C. LUCOM TRUST FUND foundation.

Executors or Trustees must manage the assets and funds entrusted with all the necessary powers granted by the Panamanian State in respect of provisions in the Civil Code and complementary laws of the Republic of Panama, so that they may efficiently manage the assets of the estate and funds entrusted thereto, always for the purpose of acting in the best interest, as required by the situation. -----

As payment for execution of this will, each Executor must receive the sum of FIFTY THOUSAND DOLLARS (US\$ 50,000.00). -----

If Mr. RICHARD LEHMAN reaches three hundred hours of work in executing this will, then Mr. RICHARD LEHMAN must receive payment pursuant to his regular fee schedule. -----

Mr. ISRAEL TEJADA must be a permanent employee of the WILSON C. LUCOM TRUST FUND foundation, unless he resigns voluntarily, commits fraud or theft against the foundation, in which case he must be terminated. His initial salary must be ONE THOUSAND DOLLARS PER MONTH (US\$ 1,000.00). -----

REPUBLIC OF PANAMA  
NOTARIAL PAPER

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Panama, Rep. of Panama



**SECOND NOTARIAL OFFICE IN AND FOR THE CIRCUIT OF PANAMA**

The executors must also be trustees of **FUNDACIÓN WILSON C. LUCOM TRUST FUND**, with an initial salary of **FIVE THOUSAND DOLLARS (US\$ 5,000.00)** per month, or **SIXTY THOUSAND DOLLARS (US\$ 60,000.00)** per year, and the necessary expenses. -----

The main objective of the **FUNDACIÓN WILSON C. LUCOM TRUST FUND** is to feed needy children in Panama. I instruct my trustees to find an area where there are children's schools that don't have meals for lunch, and lack the usual needs and those provided by schools where lunch is provided. -----

It is my wish that directors of schools form groups of volunteers with parents and others, and that they plant gardens with seed provided by the **WILSON C. LUCOM TRUST FUND** foundation. ---

One of the parents, or any other person, must provide some hectares for these gardens, at no cost. Many plantings must be sown to feed the children and to sell at market, in such a manner that there will be no need to provide seeds more than two (2) times, per school, and that these will continue the plantation process in these gardens and their own sale with the product of its own benefit. ---

**FOURTH:** The testator states it is his will to expressly revoke every previous testamentary provision, granted anywhere; it is his wish that only what is now granted and is set forth in this instrument be complied with accurately and in a timely manner, inasmuch as it is his sole and deliberate will. -- Immediately thereafter, I, the Notary, hereby certify: -----

(1) This will was granted in strict compliance with each and every legal formality required for the full validity of these acts; -----

(2) This will was read aloud by me before the legally required witnesses, and said reading was done uninterrupted; -----

(3) The testator is of sound mind and will, perfectly knowledgeable of this proceeding, and absolutely free of any form of coercion or violence. -----

(4) That the writing of this will has been the direct product of his stated wishes and will, and that in concurrence therewith, signs hereinbelow, carefully observed by the documentary witnesses. --

-- I admonished the appearing party that this Public Deed must be registered and as it was read to



him before documentary witnesses ZORAIDA DE VERGARA, personal identity card number eight - one hundred thirty seven - three hundred one (8-137-301), ALEXI GUERRA, personal identity card number four - one hundred seventy-five - one hundred seventy-two (4-175-172); JOEL ARTURO LASSO, personal identity card number eight - seven hundred forty-seven - five hundred thirty-eight (7-747-538), of legal age, Panamanian nationals, residents of this city, persons who are known to me and are competent therefor, concurred therewith, approved it and all sign in witness whereof before me, the attesting Notary. -----

----- (6646) -----

(Signed) WILSON CHARLES LUCOM - VICTOR CROSSBIE INTERPRETER - ALEXI GUERRA ZORAIDA DE VERGARA - JOEL LASSO - DR. MARIO VELASQUEZ CHIZMAR, SECOND NOTARY PUBLIC IN AND FOR THE CIRCUIT OF PANAMA. -----

I ISSUE, SIGN AND SEAL THIS COPY IN PANAMA CITY, REPUBLIC OF PANAMA, ON JUNE TWENTIETH (20) TWO THOUSAND FIVE (2005); WHICH CONCURS WITH THE ORIGINAL.

/s/ Illegible [Notarial seal]  
DR. MARIO VELASQUEZ CHIZMAR  
Second Notary Public in and for the Circuit of Panama

# Exhibit 7

(English Translation and Spanish Original)



**REPUBLIC OF PANAMA  
PROVINCE OF PANAMA**

**Office of the Second Notary Public in and for the Circuit  
DR. MARIO VELASQUEZ CHIZMAR  
NOTARY**

**TEL: 213-2200  
TELEFAX: 213-2201**

**Calle Manuel Maria Icaza, Area Bancaria  
Edificio Angeliki, Local 1, Planta Baja**

**P.O. Box 832-0149 WTC  
PANAMA, REP. DE PANAMA**

**COPY  
PUBLIC DEED No. 11191 OF 20 OCTOBER, 2005**

**WHEREBY  
CHARLES WILSON LUCOM GRANTS A WILL**

**[Seal:] REPUBLIC OF PANAMA  
SOLE ENTRY REGISTRY  
THE JUDICIARY**



**SECOND NOTARIAL OFFICE IN AND FOR THE CIRCUIT OF PANAMA**

PUBLIC DEED NUMBER ELEVEN THOUSAND ONE HUNDRED NINETY-ONE-----

----- (11191) -----

WHEREBY WILSON CHARLES LUCOM GRANTS [HIS] WILL. -----

----- Panama, OCTOBER 20, 2005. -----

In Panama City, Capital of the Republic and seat of the Circuit of the same name, on the twentieth (20) day of October two thousand five (2005), before me, **DOCTOR MARIO VELASQUEZ CHIZMAR**, Second Notary Public in and for the Circuit of Panama, personal identity card number eight one hundred seventy-six four hundred twenty-two (8-176-422), at the request of Mr. **WILSON CHARLES LUCOM**, a male, a citizen of Saint Kitts [sic], of legal age, passport number A zero zero zero three six six (A000366), who stated that he needed an interpreter because he did not fully understand the Spanish language, wherefor the Notary appoints Atty. **VICTOR CROSBIE**, a male, a Panamanian, of legal age, personal identity card number eight - one hundred fifty-five - one thousand nine hundred thirty-three (8-155-1933), domiciled at Villa Costa del Este number two C (2C), telephones two hundred sixty-four eight thousand seven hundred thirty-nine (264-8739), we traveled to Apartment No. 11 in Edificio Royal Palace, Punta Paitilla, Panama City, and he requested that I record a codicil to his nuncupative will in a public deed, which I proceed to write in accordance with the following clauses:-----

**FIRST:** It is my will that the nuncupative will granted by me in Public Deed No. six thousand six hundred forty-six (6646) on June twentieth (20) two thousand five (2005) before the Second Notarial Office in and for the Circuit of Panama, remain in force and effect for all legal purposes, in its entirety, that is, that at this time I expressly reiterate all clauses in the referenced document, with the only exception I am stating hereunder:-----

**SECOND:** It is my will that the **FIRST CLAUSE** in the referenced will read as follows: **FIRST:** I, Wilson C. Lucom, a resident in Panama City, Republic of Panama, being of sound will and mind, make the following codicil to the will granted previously. As Executors, I appoint Richard Lehman of Boca Raton, Florida, USA; Christopher Rudy of Florida, USA, and my beloved wife Hilda Piza

Republic of Panama, and the niece of Mireya Moscoso, former president of the Republic of Panama. -----

**THIRD:** What I state in this instrument constitutes my sole and express will, therefore I request that the Notary enter a **NOTARIAL ANNOTATION** to Public Deed No. 6846 of June 20, 2005 of the Second Notarial Office in and for the Circuit of Panama, specifying that the Testator modified the said Will, repeating his proceeding by way of this new Public Deed. -----

Immediately thereafter, I, the Notary, in agreement with the request of the Testator, hereby certify:

(1) This will was granted in strict compliance with each and every legal formality required for the full validity of these acts; -----

(2) This will was read aloud by me before the legally required witnesses, and said reading was done uninterrupted, and duly translated by the interpreter for the testator's knowledge; -----

(3) The testator is of sound mind and will, perfectly knowledgeable of this proceeding, and absolutely free of any form of coercion or violence. -----

(4) That the writing of this will has been the direct product of his stated wishes and will, and that in concurrence therewith, signs hereinbelow, carefully observed by the documentary witnesses. --

I admonished the appearing party that this Public Deed must be registered and as it was read to him before documentary witnesses **ZORAIDA DE VERGARA**, personal identity card number eight - one hundred thirty seven - three hundred one (8-137-301), **ALEXI GUERRA**, personal identity card number four - one hundred seventy-five - one hundred seventy-two (4-175-172); **JOEL ARTURO LASSO**, personal identity card number eight - seven hundred forty-seven - five hundred thirty-eight (7-747-538), of legal age, Panamanian nationals, residents of this city, persons who are known to me and are competent therefor, concurred therewith, approved it and all sign in witness whereof before me, the attesting Notary. -----



**SECOND NOTARIAL OFFICE IN AND FOR THE CIRCUIT OF PANAMA**

THIS PUBLIC DEED IS NUMBERED ELEVEN THOUSAND ONE HUNDRED NINETY-ONE:---

----- (11191) -----

(Signed) WILSON CHARLES LUCOM - VICTOR CROSSBIE INTERPRETER - ALEXI GUERRA  
ZORAIDA DE VERGARA - JOEL LASSO - DR. MARIO VELASQUEZ CHIZMAR, SECOND  
NOTARY PUBLIC IN AND FOR THE CIRCUIT OF PANAMA. -----

I ISSUE, SIGN AND SEAL THIS COPY IN PANAMA CITY, REPUBLIC OF PANAMA, ON  
OCTOBER TWENTIETH (20) TWO THOUSAND FIVE (2005), WHICH CONCURS WITH THE  
ORIGINAL.

/s/ Illegible [Notarial seal]  
DR. MARIO VELASQUEZ CHIZMAR  
Second Notary Public in and for the Circuit of Panama

[Sole entry registry seal]

# Exhibit 8

(English Translation and Spanish Original)



REPUBLIC OF PANAMA  
PROVINCE OF PANAMA

Office of the Second Notary Public in and for the Circuit  
**DR. MARIO VELASQUEZ CHIZMAR**  
NOTARY

TEL: 213-2200  
TELEFAX: 213-2201

Calle Manuel Maria Icaza, Area Bancaria  
Edificio Angeliki, Local 1, Planta Baja

P.O. Box 832-0149 WTC  
PANAMA, REP. DE PANAMA

COPY  
PUBLIC DEED No. 1131 OF 3 FEBRUARY, 2006

WHEREBY  
CHARLES WILSON LUCOM GRANTS A WILL

[Seal:] REPUBLIC OF PANAMA  
SOLE ENTRY REGISTRY  
THE JUDICIARY





**SECOND NOTARIAL OFFICE IN AND FOR THE CIRCUIT OF PANAMA**

PUBLIC DEED NUMBER ONE THOUSAND ONE HUNDRED THIRTY-ONE-----

----- (1131) -----

WHEREBY WILSON CHARLES LUCOM GRANTS [HIS] WILL. -----

----- Panama, FEBRUARY 3, 2006. -----

In Panamá City, Capital of the Republic and seat of the Circuit of the same name, on the third (3) day of February two thousand six (2006), before me, **DOCTOR MARIO VELASQUEZ CHIZMAR**, Second Notary Public in and for the Circuit of Panama, personal identity card number eight one hundred seventy-six four hundred twenty-two (8-176-422), at the request of Mr. **WILSON CHARLES LUCOM**, a male, a citizen of Saint Kitts [sic], of legal age, passport number A zero zero zero three six six (A000366), who stated that he needed an interpreter because he did not fully understand the Spanish language, wherefor the Notary appoints Atty. **VICTOR CROSSIE**, a male, a Panamanian, of legal age, personal identity card number eight - one hundred fifty-five - one thousand nine hundred thirty-three (8-155-1933), domiciled at Villa Costa del Este number two C (2C), telephones two hundred sixty-four eight thousand seven hundred thirty-nine (264-8739), we traveled to Apartment No. 11 in Edificio Royal Palace, Punta Paitilla, Panama City, and he requested that I record a codicil to his nuncupative will in a public deed, which modification I proceed to write in accordance with the following clauses: -----

**FIRST:** It is my will that the nuncupative will granted by me in Public Deed No. six thousand six hundred forty-six (6646) on June twentieth (20) two thousand five (2005) before the Second Notarial Office in and for the Circuit of Panama, remain in force and effect for all legal purposes, in its entirety, that is, that at this time I expressly reiterate all clauses in the referenced document, with the only exception I am stating hereunder: -----

**SECOND:** It is my will that the **FIRST CLAUSE** in the referenced will read as follows: **FIRST:** I, Wilson C. Lucom, a resident in Panama City, Republic of Panama, being of sound will and mind, make the second codicil to the will granted previously. I bequeath to **ISRAEL DEL CARMEN TEJADA CUERVO**, personal identity card No. eight - two hundred thirty-three- six hundred sixty-

eight (8-233-668), a Panamanian national, plot number one hundred ten thousand forty-one (110041), a house and a lot, with the precedent that he remain in my employ until I die. The property, duly registered with the Public Registry is described as follows: -----

Property number one hundred ten thousand forty-one (110041), Roll seven thousand one hundred seventy-two (7172), Document five (5) in the Property Section, duly registered at the Civil Registry, Province of Panama, which consists of a house located in Altos de la Pulida, lot number M-3, San Miguelito District and whose measurements and boundaries are registered in the property section at the Public Registry in the Province of Panama. -----

If Israel Tejada is not employed by me at the time of my death, the condition precedent controls and no part of property number one hundred ten thousand forty-one (110041) shall be bequeathed to him; furthermore, he must move out of the said property within sixty days. Additionally, Mr. Tejada shall not have past or future interest in property one hundred ten thousand forty-one (110041). -- In the event Mr. Tejada is not working for me, he will not receive this property as a bequest, and therefore will not own it and the aforementioned property will go to the **END WAR TRUS** (sic). In the event the condition precedent is fulfilled and Mr. Tejada is employed by Mr. Lucom until the time of his death, Mr. Tejada shall freely own the said property. -----

It is irrelevant that Mr. Tejada remain employed by Mrs. HILDA LUCOM at the time of Mr. LUCOM'S death. -----

The condition precedent has immediate force and effect. -----

**THIRD:** What I state in this instrument constitutes my sole and express will, therefore I request that the Notary enter a **NOTARIAL ANNOTATION** to Public Deed No. 6646 of June 20, 2005 of the Second Notarial Office in and for the Circuit of Panama, specifying that the Testator modified the said Will, repeating his proceeding by way of this new Public Deed. -----

Immediately thereafter, I, the Notary, in agreement with the request of the Testator, hereby certify:

(1) This will was granted in strict compliance with each and every legal formality required for the full validity of these acts; -----

(2) This will was read aloud by me before the legally required witnesses, and said reading was done uninterruptedly, and duly translated by the interpreter for the testator's knowledge: -----



**SECOND NOTARIAL OFFICE IN AND FOR THE CIRCUIT OF PANAMA**

(3) The testator is of sound mind and will, perfectly knowledgeable of the proceeding, and absolutely free of any form of coercion or violence. -----

(4) That the writing of this will has been the direct product of his stated wishes and will, and that in concurrence therewith, signs hereinbelow, carefully observed by the documentary witnesses. --

I admonished the appearing party that this Public Deed must be registered and as it was read to him before documentary witnesses **ZORAIDA DE VERGARA**, personal identity card number eight - one hundred thirty seven - three hundred one (8-137-301), **ALEXI GUERRA**, personal identity card number four - one hundred seventy-five - one hundred seventy-two (4-175-172); **JOEL ARTURO LASSO**, personal identity card number eight - seven hundred forty-seven - five hundred thirty-eight (7-747-538), of legal age, Panamanian nationals, residents of this city, persons who are known to me and are competent therefor, concurred therewith, approved it and all sign in witness whereof before me, the attesting Notary. -----

THIS PUBLIC DEED IS NUMBERED ONE THOUSAND ONE HUNDRED THIRTY-ONE.-----

----- (1131) -----

(Signed) **WILSON CHARLES LUCOM - VICTOR CROSSIE INTERPRETER - ALEXI GUERRA ZORAIDA DE VERGARA - JOEL LASSO - DR. MARIO VELASQUEZ CHIZMAR, SECOND NOTARY PUBLIC IN AND FOR THE CIRCUIT OF PANAMA.** -----

I ISSUE, SIGN AND SEAL THIS COPY IN PANAMA CITY, REPUBLIC OF PANAMA, ON JANUARY [sic] THIRD (3) TWO THOUSAND SIX (2006), WHICH CONCURS WITH THE ORIGINAL.

/s/ Illegible [Notarial seal]  
**DR. MARIO VELASQUEZ CHIZMAR**  
Second Notary Public in and for the Circuit of Panama

[Sole entry registry seal]

# Exhibit 9

(English Translation and Spanish Original)

[Court Seal]

FIFTH CIVIL CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT OF PANAMA.-  
Panama, June ten (10) two thousand nine (2009).

ORDER No. 587

HAVING CONSIDERED:

Within the testamentary succession proceeding of Wilson Charles Lucom (R.I.F.), Mr. CHRISTOPHER WILLIAM RUDDY files a motion through legal counsel, the MIZRACHI, DAVARRO & URRIOLO law firm, to be recognized as a legatee and executor as set forth in the will granted by the decedent.

The factual statements used as the basis for the claim by the party against whom a judgment has been entered can be summarized as follows: As set forth in the will granted by WILSON CHARLES LUCOM (R.I.F.), CHRISTOPHER WILLIAM RUDDY has been designated as a legatee and executor; however, when the Fourth Civil Circuit Court for the First Judicial Circuit of Panama issued the order opening the succession proceeding, [the court] only appointed RICHARD LEHMAN as the executor, ignoring the will of the decedent to appoint three executors.

The moving party attached documentary evidence to his motion, visible at pages 7-18 of the file.

Pursuant to a decision dated September 18, 2006, notice of this motion was given, providing a three (3) day period [for response].

With respect to this motion, the INFANTE & PEREZ ALMILLANO law firm, on behalf of Hilda Antonia Piza Blondet, filed a brief in answer thereto challenging the motion, indicating that on the issue there is an ongoing appeal that has not been decided; therefore, all matters relating thereto

are the object of an appeal and the Court is barred from entering a decision (pp. 21-26).

By way of Order No. 1139 dated November 21, 2007, the evidence filed by the moving party is admitted which, by nature is documentary, in ratification and testimonial evidence.

A period of six (6) days was granted by way of the order dated November 21, 2007 (pg. 30) for processing the admitted evidence.

The moving party reported as evidence the file of the testamentary succession proceeding of Wilson Charles Lucom (R.I.P.), as well as the sworn statement of ISRAEL TEJADA CUERVO before the Ninth Notary Public for the Circuit of Panama on September 14, 2006, a photocopy of Public Deed No. 3880 from the Office of Second Notary Public for the Circuit of Panama whereby Mr. WILSON CHARLES LUCOM grants a special power of attorney to HILDA P. LUCOM, RICHARD LEHMAN and CHRISTOPHER RUDDY on April 21, 2006, and a photocopy of public deed No. 3881 from the Office of the Second Notary Public for the Circuit of Panama, whereby Mr. Wilson Charles Lucom (R.I.P.) appoints his healthcare surrogates on April 21, 2006 (pp. 8-18).

Once the procedural requirement was fulfilled in respect of this motion, the undersigned Judge proceeds to the considerations the case merits in accordance with provisions in our legal code inasmuch as there is no showing of cause for nullity whatsoever or procedural pretermission that prevents issuing a decision on the merits. That is, this jurisdictional court proceeds to decide on the merits of this motion.

The claim set forth in the motion is reduced to the following: for this Court to recognize that CHRISTOPHER WILLIAM RUDDY is a legatee in the succession of WILSON CHARLES LUCOM (R.I.P.) and, further, to declare that he is also an executor in that succession [proceeding].

The subjective right sought by the moving party is legally based on the substantive provision in Article 707 of the Civil Code, which is of the following tenor:

Article 707. All testamentary provisions must be understood within the literal meaning of its words, unless it clearly appears that the intention of the testator was different. In the event of doubt, what appears to be closest to the intention of the testator will be observed, in keeping with the tenor of the will itself.

The testator cannot forbid a challenge of the will in the event nullity has been established by law."

With respect to the request of the moving party to be recognized as a legatee, in the main file there is a decision issued by the Fourth Civil Circuit Court for the First Judicial District of Panama in Order No. 1025 dated July 5, 2006, thereby declaring the opening of the testamentary succession proceeding of WILSON CHARLES LUCOM (R.I.P.), and that legatees, without prejudice to third parties, are CHRISTOPHER RUDDY, among others, wherefor the Court finds this motion is not viable inasmuch as CHRISTOPHER RUDDY was already declared a legatee within the succession proceeding at issue, as stated by the deceased WILSON CHARLES LUCOM (R.I.P.) in a nuncupative will granted by the Office of the Second Notary Public for the Circuit of Panama in Public Deed 6646 dated June 20, 2005.

Therefore, the moving party must note that in testamentary succession proceedings, contrary to what happens in an intestate succession proceeding, motions for inclusion of heirs are not viable by virtue of the fact that the last will of the testator is executed in testamentary successions, and therein he states who he appoints as his successors or legatees.

As to a declaration as "executor", it is worth noting that this situation was decided by the Superior Court of Justice in the decision dated May 4, 2007, which modified the Order declaring the opening of the

instant testamentary succession proceeding issued by the Fourth Civil Circuit Court for the First Judicial Circuit of Panama, as to appointing Messrs. RICHARD SAM LEHMAN, CHRISTOPHER RUDDY and HILDA PIZA LUCOM as executors and trustees of the estate left by WILSON CHARLES LUCOM (R.I.P.), regarding which there was an announcement of an Appeal for Reversal (Cassation) before the Civil Division of the Supreme Court of Justice and which, to date, has not been decided.

For said reason, this Court finds that the motion filed by the moving party is not in accordance with law inasmuch as the appeal on the matter has not been decided, a situation that prevents the Court presiding over the matter from deciding on any motion relating to the said succession [proceeding].

In view of these concepts, the [Court] can only find that this motion was not proven for the reasons set forth above.

The Court finds there will be no judgment for court costs inasmuch as the moving party acted in good faith upon filing the motion.

Based on the foregoing reasons, the undersigned FIFTH CIVIL CIRCUIT JUDGE FOR THE FIRST JUDICIAL CIRCUIT OF PANAMA, with respect to the Testamentary Succession proceeding of Wilson Charles Lucom (R.I.P.) DENIES the motion for recognition as legatee and appointment as Executor filed by CHRISTOPHER WILLIAM RUDDY.

No judgment on court costs as set forth in the bases for the decision.

LEGAL BASIS: Articles 701 and 465 and 466 of the Judicial Code.

JUDGE,

/s/ Illegible  
ATTY. JUAN BOSCO MOLINA R.

CLERK,

/s/ Illegible  
ATTY. LUCENIA HAWKINS



EDICT No. 776 FILE 304-07

In the motion to be recognized as a legatee and to be declared an executor pursuant to the terms set forth in the will granted by WILSON CHARLES LUCOM (R.I.P.) filed by CHRISTOPHER WILLIAM RUDDY, a court order of the following tenor has been issued:

"FIFTH CIVIL CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT OF PANAMA, June ten (10) two thousand nine (2009).

ORDER No. 587

HAVING CONSIDERED .....  
Based on the foregoing considerations, the undersigned FIFTH CIVIL CIRCUIT JUDGE FOR THE FIRST JUDICIAL CIRCUIT OF PANAMA with respect to the Testamentary Succession proceeding of Wilson Charles Lucom (R.I.P.) DENIES the motion for recognition as legatee and appointment as Executor filed by CHRISTOPHER WILLIAM RUDDY.

No judgment on court costs as set forth in the bases for the decision.

LEGAL BASIS: Articles 701 and 465 and 466 of the Judicial Code.

Provide notice.

(Signed) JUDGE, ATTY. JUAN BOSCO MOLINA R.

(Signed) CLERK, ATTY. LUCENIA HAWKINS

Therefore, to provide notice to the parties based on Article 1001 of the Judicial Code, this edict is posted at the Courthouse steps for a period of five (5) working days, today, Friday (12) of June 2009 at 8:00 in the morning.

/s/ Illegible  
ATTY. LUCENIA HAWKINS  
CLERK

Eng.1  
/df

Upon lapse of the period for the foregoing Edict, at 8:00 in the morning, today 18 19 June in two thousand 2009, I remove it and add it to the file.

/s/ Illegible

# Exhibit 10

(English Translation and Spanish Original)

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