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May 31, 2017

When it came to deceased senior Frances Berkowitz, professional guardian [Elizabeth "Betsy" Savitt](http://www.mypalmbeachpost.com/news/400-000-allegedly-missing-case-professional-guardian-savitt/L5Ukofe5X5n1hm27RfatSL/) (<http://www.mypalmbeachpost.com/news/400-000-allegedly-missing-case-professional-guardian-savitt/L5Ukofe5X5n1hm27RfatSL/>) appeared ready to fight until the bitter end despite efforts to remove her from her position.

But last week she was ready to not only resign as guardian for the late Berkowitz, but as personal representative of the estate. However, the heirs to Berkowitz's depleted estate wouldn't let her completely off a hook at a court on Wednesday.

**>> \$400,000 allegedly missing in case of professional guardian Savitt**

(<http://www.mypalmbeachpost.com/news/400-000-allegedly-missing-case-professional-guardian-savitt/L5Ukofe5X5n1hm27RfatSL/>)

Savitt's decision came after she sidestepped a scheduled deposition on May 23 to answer questions at the behest of a New York family who the court has determined is the rightful heir to Berkowitz's estate. Savitt sought a protective order to keep from answering questions.



<https://cmgpbpalmbeachhealthbeat.files.wordpress.com/2016/02/savittpic.jpg>  
Elizabeth Savitt appears at a court hearing to discuss attorney fees in, August 2015.  
(Madeline Gray / The Palm Beach Post)

pretenses, court documents allege.

And there are plenty of questions for Savitt.

The former attorneys for Berkowitz tried to remove Savitt, saying they were concerned as much as \$400,000 was missing from the guardianship (<http://www.mypalmbeachpost.com/news/400-000-allegedly-missing-case-professional-guardian-savitt/L5Ukofe5X5n1hm27RfatSL/>). Savitt has denied that any money is missing.

They also told the court that Savitt cost Berkowitz hundreds of thousands of dollars by failing to properly litigate against a caregiver and other parties — including a bank and a Miami lawyer — who took \$1.2 million from the senior under false

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However, Circuit Judge Howard Coates last year found that the attorneys lacked standing to challenge anything that happened in the guardianship once Savitt was appointed.

Savitt used Berkowitz's money to sue the former lawyers — Webb Millsaps and Donna Solomon Greenspan — to recoup fees that Savitt claims were excessive. Still pending is a defamation lawsuit filed by Millsaps and Solomon against one of Savitt's attorneys, as well as an appeal of Coates' decisions.

At a May 24 court hearing, the lawyer representing Berkowitz's heirs, the Kerner family, accepted Savitt's resignation as a personal representative of the estate but said he wouldn't let her out of her fiduciary duty as a guardian of Berkowitz's property just yet.

Attorney John Carter also wouldn't agree to allow Savitt to forgo the final guardianship accounting of her activity in the Berkowitz case. Savitt's attorney said there is no money left, but Carter said he has seen no such proof that is the case.

"I want to make sure I don't waive any rights the Berkowitz heirs have to recoup expenses and fees and wasting of assets intentionally or otherwise caused by Ms. Savitt's professional guardianship," said Carter.

The Kerner family has sought to remove Savitt as personal representative since they learned in January of Berkowitz's death on Dec. 31. The Kernes have asserted in court that Savitt misrepresented to the court that there were no rightful heirs to serve as personal representative even though she knew there were family members who could serve in that capacity.

A Savitt attorney has repeatedly pointed out that the main heir to Berkowitz's estate is facing murder charges for killing the late senior's sister and has pleaded not guilty by reason of insanity. Another Kerner family member has stepped up to replace Savitt as personal representative, however.

With the deposition pending, Savitt's attorney filed a motion for a protective order to keep her from answering questions about her activity in the Berkowitz case, saying the professional guardian is entitled to be protected from "annoyance, embarrassment, oppression and undue burden."

Berkowitz is just one of Savitt's guardianships in turmoil as families have repeatedly complained about her. Foremost among the complaints was that Savitt took tens of thousands of dollars in fees prior to judicial approval.

Savitt's actions were reported in [The Palm Beach Post's series, Guardianship: A Broken Trust](http://www.mypalmbeachpost.com/guardianships-colin-savitt/) (<http://www.mypalmbeachpost.com/guardianships-colin-savitt/>). She points out that she has never been removed from a guardianship or sanctioned by a judge.

After the first stories ran, her husband, Martin Colin, announced his retirement as a circuit judge. Chief Judge Jeffrey Colbath then handed down guardianship reforms, many of which addressed family's complaints about Savitt.



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