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By **John Pacenti**
Palm Beach Post Staff Writer

Judge Martin Colin is married to guardian Elizabeth Savitt. She manages the lives of seniors who can't take care of themselves.

With her career choice comes complications ... and accusations – her husband's influence over her lawyers; another judge, his daily lunch companion, approving her fees; and her taking money from the seniors before any judge approves it.

The judge

Jan. 14, 2016



When Martin Colin presides over cases involving his wife's lawyers, the parties are apt to doubt his ability to be fair and impartial. **A former high court justice says this doesn't look right.** *Read more.*

The judge's wife

Jan. 14, 2016



Clearing out belongings from a house, seeking to annul a marriage, paying children accused of abusing the senior: Elizabeth Savitt stands accused of all this and more. **She says her husband's colleagues have never found a problem.** *Read more.*

Judge Colin's family court problem

Jan. 25, 2016



The mother of Judge Colin's grandson says **she fears his influence on his fellow family court judges** while battling for more time with her 5-month-old infant. *Read more.*

How to stop guardianship abuse

Jan. 23, 2016

There's lots more the state can do, advocates and experts suggest. *Read more.*



Chief judge investigating Post's findings

Jan. 20, 2016



Chief Judge Jeffrey Colbath says he is in fact-finding mode and **"is preparing to make appropriate changes to address concerns"** about Judge Colin's role in adult guardianship. *Read more.*

The couple's financial picture

Jan. 14, 2016



IRS liens, multiple foreclosures, loans from judge's former clients. **Their bottom line improved after she became a guardian.** *Read more.*

The past hot water over his wife

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Judge Colin barred from case in 2007 involving one of her lawyers when she was his girlfriend. *Read more.*

Is taking fees before a judge approves them legal?

Jan. 14, 2016



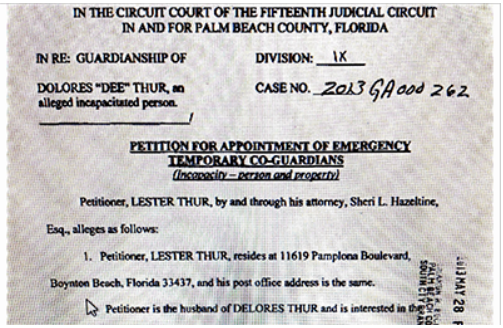
Elizabeth Savitt's attorney says, "Yes." But other local elder law attorneys don't advise it. *Read more.*

How we got the story

Investigative reporter John Pacenti **started with a Craigslist ad.** *Read more.*



Explore the documents



IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF DIVISION: IX

DOLORES "DEE" THUR, an alleged incapacitated person. CASE NO. 2013 GA 000 262

PETITION FOR APPOINTMENT OF EMERGENCY TEMPORARY CO-GUARDIANS
(Incapacity – person and property)

Petitioner, LESTER THUR, by and through his attorney, Sheri L. Hazeltine, Esq., alleges as follows:

1. Petitioner, LESTER THUR, resides at 11619 Pamplona Boulevard, Boynton Beach, Florida 33437, and his post office address is the same.

Petitioner is the husband of DELORES THUR and is interested in the

For readers interested in reviewing documents, The Post has assembled files **most pertinent to our stories.** *Read more.*

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How we got the story: 'Mini estate sale' on Craigslist started it off

Posted: 3:24 p.m. Thursday, Jan. 14, 2016

By John Pacenti - Palm Beach Post Staff Writer

It started with a Craigslist ad, a "mini-estate sale" at the address of Palm Beach County Circuit Judge Martin Colin.

The Palm Beach Post knew the judge's wife was a guardian and that guardians sometimes

In this Section

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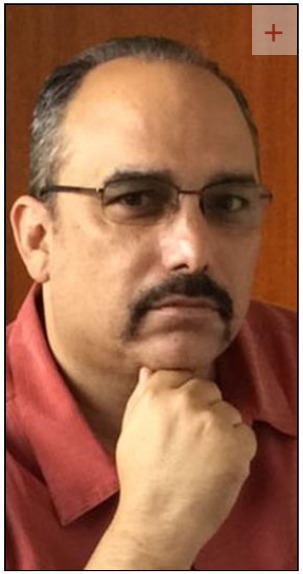
liquidate seniors' assets, including their belongings. So Post investigative reporter John Pacenti started looking into Elizabeth Savitt's cases and talked to families who accused her of double-billing and taking fees without prior court approval.



John Pacenti

The story touched on a subject of national interest. Families nationwide were telling stories of guardians and their attorneys siphoning off the savings of seniors. In April, investigative reporter John Pacenti put a local face on the issue with stories on the annulment of a senior's marriage and the seizing of property.

Pacenti, 49, a reporter for 30 years, dug into cases involving the judge's wife, sifting through thousands of court documents. While case

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dockets are available online, specific court documents could be viewed only at the courthouse and others are sealed.

Pacenti and senior investigative team editor Holly Baltz tracked Savitt's actions and her ties to attorneys who appeared before her husband.

Data reporter Mike Stucka sorted through thousands of court records to zero in on Colin's recusals since he became a judge and found the judge started recusing himself en masse from cases involving Savitt's attorneys once the Post started asking questions.

Post researcher Melanie Mena tracked Colin's and Savitt's finances in the public record, reviewing several liens and foreclosures, as well as debts owed to the judge's former legal clients.

Pacenti interviewed dozens of family members, sorting through their versions of events documented in court records. He talked to guardianship advocates and reformers, legal

The inside story of how Ted Cruz won Iowa

Why did Donald Trump lose in Iowa?

experts, two former Florida Supreme Court justices, lawyers and other judges. In several interviews spanning hours, he spoke with Judge Colin himself.

He invited Savitt's attorneys to respond to questions and spoke with many, but they were limited on what they could say on the record.

He exchanged several emails with Savitt. As far as the sale in the Craigslist ad and an accusation brought up later in court that it may have been a senior's items, she said, "There was no proof presented."

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Forgetaboutit2 Report

Wonderful and greatly needed investigative report that I hope results in laws protecting seniors/those unable to care for themselves.

1:04 p.m. Jan. 14, 2016



Funkaholic Report

Huh, reminds me of a patient my husband had who was suffering from Dementia. Out of the blue a woman, who claimed she was now his court appointed guardian showed up at the this older gentleman's house and moved him into a condo she had down in Delray Beach. Honestly, we have no idea if this man was worth money, I suspected he may have been, but she came in wrote my husband a check for what she felt was owed to him and we never heard anything from them. It made me feel almost sick, that someone could come in without anyone overseeing it and take off with this man. I wish I knew then, what I know now.

4:54 p.m. Jan. 14, 2016



pepper38 Report

Kudos to Mr. Pacenti for taking a simple ad on Craig's List one step farther. It didn't pass his 'smell' test I guess you could say and may be one of the best reporting tools that may open a silent plague many families facing similar circumstances have no idea is going on right under their noses. Congrats to his team as well.

1:59 p.m. Jan. 17, 2016



BOBNBOYNTON Report

This a practice that must be stopped!! The children of parents with Dementia depend on the court system in many cases. When you have a greedy sibling that forces the case to end up in court and the court ends up assigning a Guardian for the care of the person and/or to manage the assets of the person, families have to be able to trust in the court system.
Now that this case has been exposed this situation must be transitioned to Guardians without a horse in the race. Both judge and wife must no longer handle nor be involved in these cases.
PB Post- "PLEASE" follow this up and keep the pressure on until justice is done. It is the older people that suffer from these terrible diseases that made our country the great place it is.

9:35 a.m. Jan. 18, 2016



Eliot Bernstein Report

For information on Colin, French and Phillips and one of the most bizarre cases involving Fraud on the Court and Fraud by the Court, including Forgery and Fraudulent Trust and Estate Documents committed by by the Court Appointed attorneys at law and fiduciaries in the case and allowed by the courts. please review the following link

http://tedbernsteinreport.blogspot.com/

4:03 p.m. Jan. 27, 2016



Eliot Bernstein Report

www.tedbernsteinreport.blogspot.com/

4:04 p.m. Jan. 27, 2016

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John Pacenti
Palm Beach Post Staff Writer



Why this man regrets tapping judge's wife as his dad's guardian

11:00 a.m. Thursday, Jan. 14, 2016 | Filed in: **Southern PBC**

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'Evil-doer' or inspiration? The dilemma of Father Gallagher

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EXPLORE

James Vassallo can't stop beating himself up for bringing Elizabeth "Betsy" Savitt into his elderly father's life.

Savitt is the wife of Palm Beach County Circuit Judge Martin Colin and serves as guardian to his incapacitated father.

Not knowing she was married to a judge, Vassallo chose her to protect his father after his brother and sister transferred $180,000 from his father's accounts.



James Vassallo, left, with his father, Albert Vassallo Sr. at an adult day-care center in Deerfield Beach on Nov. 19, 2015. Vassallo Sr. was a senior "ward" of professional guardian Elizabeth "Betsy" Savitt, wife of Circuit Judge Martin Colin. (John Pacenti/The Palm Beach Post)

But under Savitt's care, his father still lives with his sister, Vassallo has been removed as trustee of his father's estate and he says he can't get satisfactory answers from her about how his father's money is spent.

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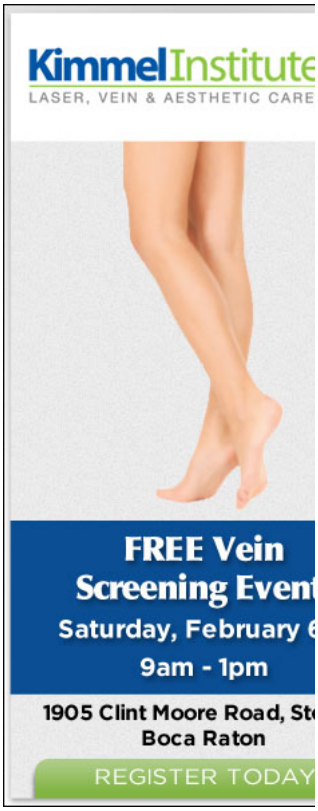
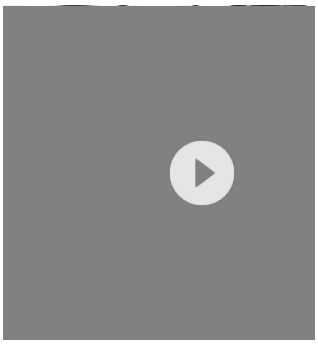
Vassallo then learned that Savitt settled a $308,000 foreclosure on her home while shepherding his father's finances.





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Madeline Gray

Elizabeth Savitt appears at a hearing with Attorney Sheri Hazeltine to discuss attorney fees. Elizabeth Savitt is the wife of Judge Martin Colin and also a professional guardian. (Madeline Gray / The Palm Beach Post)

When he asked about it in court, Colin's close colleague – Judge David French – abruptly ended the hearing.

"If I knew her husband was a judge, I never would have went with her because whatever I said to her meant nothing. She can do whatever she wants because she has the court's backing and that is exactly what is happening now," said Vassallo.

Guardianships: A Broken Trust

Click here to read this Palm Beach Post exclusive investigative series.



Madeline Gray

Judge Martin Colin presides over a hearing. Judge Colin's wife Elizabeth Savitt, who is a professional guardian, was simultaneously participating in a hearing in another courtroom with Attorney Sheri Hazeltine. (Madeline Gray / The Palm Beach Post)



Guardianship: A Broken Trust

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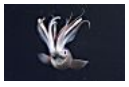
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Judge picks fight with ex-mobster; history of conflict with wife

Posted: 11:00 a.m. Thursday, Jan. 14, 2016

By John Pacenti - Palm Beach Post Staff Writer

Palm Beach County Circuit Judge Martin Colin is no stranger to accusations of conflict of



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interest or controversy in his decade on the bench.

The state Judicial Qualifications Commission received complaints about Colin in 2008, claiming he was favoring divorce attorneys from the powerhouse law firm of Weiss Handler Angelos & Cornwell, who represented Elizabeth Savitt. She and Colin were married in 2008.



Lewis Kasman, the self-described adopted son of mobster John Gotti, said Judge Colin jailed him in a divorce case to favor ... Read More

The judge, first elected in 2004, was transferred around 2009 from the family to the probate and division, where Savitt became a professional guardian for incapacitated adults two years later. Her entry into the lucrative world of professional guardians created a whole new set of potential conflicts.

In 2008, the judge picked a fight with former mobster Lewis Kasman.

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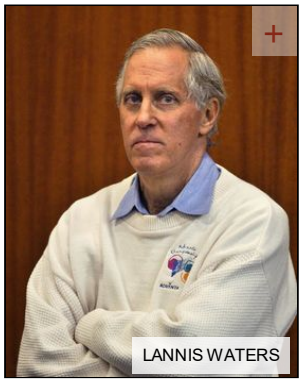
Colin jailed Kasman, the adopted son of Mafia boss John Gotti Sr., for about a week in February 2008 for failure to pay his ex-wife child support. It was later determined the judge acted without a proper order in jailing Kasman, who claimed it was done as a favor for his wife's attorney, Carol Kartagener from Weiss Handler.



Jay Gordon, Elizabeth Savitt's ex-husband. At hearing where Martin Colin served as the main witness and Savitt's attorney acted as prosecutor, ... Read More

Kasman and two other men in cases in front of Colin filed complaints with the JQC that the judge favored attorneys who had represented Savitt, including those at Weiss Handler.

The JQC in March 2011 informed Kasman that it had considered his complaints "and has taken appropriate action on the same."

In a paternity case in 2007

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involving one of Savitt's divorce attorneys, the 4th District Court of Appeal ordered Colin off the case and told him that disclosing his conflict with the attorneys on the other side "would have been prudent." Savitt was the judge's girlfriend at the time, but the court found no difference between a wife and a girlfriend, saying there was still an "appearance of bias or prejudice."



Current Chief Judge Jeffrey Colbath presided over a contempt case against Jay Gordon, Elizabeth Savitt's ex-husband. Colbath would eventually say that ... Read More

In May 2008, Colin produced a letter instructing four attorneys — Henry Handler, Jonathan Root, John F. Schutz and Christopher Jette — to disclose the conflict, again putting the onus on the lawyers.

Controversy has followed Colin and Savitt since they started dating during Colin's days as her divorce attorney. In 2001, Colin moved into Savitt's Delray Beach home while he was representing her in her divorce.

The ex-husband, former restaurateur Jay Gordon, filed a complaint against Colin with the Florida Bar, but the matter was dropped in 2004 when Colin became a judge because the Bar doesn't handle complaints about judges.

Child custody issues were argued in front of Circuit Judge Jeffrey Colbath. At a 2004 hearing where Colin served as the main witness and Savitt's attorney Root acted as prosecutor, Colbath sentenced Gordon to 30 days in jail for violating a restraining order to avoid contact with his ex-wife. The conviction was overturned on appeal.

"There is a great difference between an 'appointed' prosecutor who develops facts to support a finding and one who misuses the appointment for injustice and oppression. The record in this case contains facts which support the latter conclusion," the 4th DCA wrote in a 2007 opinion.

Colbath would eventually state that Colin sought to use the court system to “bully and intimidate” Gordon.

“As a result of this relationship with Ms. Savitt, Mr. Colin may have lost his objectivity and is not problem solving but is exacerbating the post-judgment conflicts between these parties,” Colbath wrote.

Colin asked for Judge Colbath’s remarks to be stricken from the record. Colbath refused.

Colbath is now chief judge of Palm Beach County.

Colin made headlines again in 2005 when he was investigated on allegations of battery on a child, accused of holding his future stepson underwater in a pool after the 12-year-old sassed him. Although Delray Beach police filed a probable cause affidavit, neither Palm Beach nor Broward prosecutors filed charges. The judge remained on the bench during the investigation.

In 2006, attorney Bill Abramson made public Colin's driving record. The judge had averaged a speeding ticket every 18 months since 1994. Colin had failed to turn in his not guilty plea and paperwork, which caused his driver's license to be suspended for two weeks.

Three years later, the Palm Beach County Property Appraiser's Office asked Colin and Savitt why they were both claiming a $50,000 homestead exemption on their Atlantis and Delray Beach homes. The issue was complicated by a foreclosure proceeding on Colin's home.

The probate judge, who presides over financial matters, said the couple were living at both homes at the time and said he didn't know claiming homestead on both residences was prohibited.

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Amadhaun Report

Looks like this investigator, Mr. Pacenti, is on to something, something rotten in the State of Florida. I'll wager this is only the tip of the iceberg, and that elder abuse from "guardians" is systematic and widespread. I have heard of other cases where the legal system prevented family from caring for parents, and appointed people to manage their affairs, when no such actions were called for. These two need to be suspended pending a complete investigation, and prevented from carrying out any further activities.

7:57 p.m. Jan. 14, 2016

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Judge, wife benefit from frail seniors' money

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Written By: JOHN PACENTI
Palm Beach Post Staff Writer

The savings of incapacitated seniors flow into the household of Palm Beach County Circuit Judge Martin Colin.

This occurs courtesy of Colin's wife — Elizabeth "Betsy" Savitt. She serves as a professional guardian, appointed by judges to make decisions for adults who no longer can take care of themselves.

Cover photo: **Judge Martin Colin** *hears guardianship cases, but not those of his wife. However, he hears other cases involving her lawyers. A former Florida high court justice says it looks improper and could violate the Judicial Code of Conduct. (Madeline Gray / The Palm Beach Post)*

Savitt makes her money off the nest eggs of the elderly, many suffering from dementia and put in guardianships in the same Probate & Guardianship Division where Judge Colin wields considerable influence. His fellow judges approve Savitt's fees.



'I'm the wife of a judge': *Some familes say Elizabeth Savitt, a professional guardian, cites her husband's position when they complain. (Madeline Gray / The Palm Beach Post)*

Savitt has **taken money** from the elderly people whose lives she controls without first getting a judge's approval as well as **double-billed** their accounts, a Palm Beach Post investigation has uncovered in court records. Families of some of the seniors say the judge's wife and her attorneys drum up **unnecessary litigation** that runs up fees, benefiting herself, the judge and her lawyers.

Savitt doesn't appear before her husband, but Judge Colin does oversee other guardianship

cases where he is responsible for safeguarding the finances and well-being of these “wards” of the court. Colin’s colleague, Circuit Judge David French who lunches with him regularly, has overseen almost two-thirds of Savitt’s cases. Some lawyers who have opposed Savitt in Judge French’s courtroom say he didn’t disclose that Savitt is the wife of a fellow judge or his social connections to the couple.

The lawyers Savitt has hired to represent her also practiced before her husband in other cases, where he had the power to approve their fees. A former Florida Supreme Court chief justice **and a law professor** say this constitutes, at minimum, an appearance of impropriety and should be investigated.



Click here to read more in the Guardianship series

“This conflict puts the whole courthouse under a cloud because it raises so many questions and there are no answers forthcoming. And that is why we have a judicial canon on the appearance of impropriety, so there are no questions like this,” Nova Southeastern law Professor Robert Jarvis said.



The guardianship arena is an attorney’s playground. Everyone - the elderly ward, the guardian, relatives of the senior - are lawyered up. And most, if not all, get paid out of the savings of the senior in guardianship.

Families wonder if their lawyers naturally would be gun shy in opposing Savitt, a wife of a judge who they must

Lunches with husband: *Judge David French hears the majority of Savitt's cases. He lunches with her husband every day. (Damon Higgins/The Palm Beach Post)*

appear in front of in other, more lucrative, cases.

This elaborate dance plays out in south county in the lucrative Probate & Guardianship Division, where Colin is a longtime sitting judge.

This isn't the first time Colin has had a conflict involving his wife and her lawyers. An appeals court in 2007 **barred the judge** from presiding over a case involving Savitt's divorce lawyers, ruling he had an "apparent conflict of interest that would cause a reasonable litigant to have a well-grounded fear of not receiving a fair trial."

115 recusals in six months

His wife's job as a professional guardian leaves Judge Colin compromised, handcuffing him from fully doing his job, The Post found. He's recused himself from 115 cases that involve his wife's lawyers in the last six months of 2015 after The Post started asking questions in its investigation.

"When you have a judge suddenly recuse himself of so many cases, it certainly sends up a red flag," Jarvis said. "How did a judge allow himself to be put in such a position? I have never heard of a judge doing such a thing."

But Judge Colin doesn't see a problem. Even before his recent mass recusals, he remarked in a court hearing that in the past he had required his wife's attorneys to tell opposing lawyers that they represented Savitt.

But at least one attorney told The Post that's not always how it worked. Gary Susser gave an example in which Colin's disclosure policy fell short, saying he was "floored and shocked" when he found out about the conflict.

Attorney Sheri Hazeltine didn't tell Susser until April **that she works for Savitt**, almost a year into a probate case, Susser said.

"She never disclosed her relationship until she was told by Judge Colin to do so," he said. "It's a huge concern for me when opposing counsel represents the judge's wife."

A **transcript** of the hearing shows Colin asking Hazeltine to disclose, she does so and then Susser **objected** to Colin continuing to preside over the case.

"It was news to me what I just found out," Susser tells Colin.

Colin responds, "OK. That's why we make what we call a disclosure."

"Yeah," Susser responds.

Colin then defends the policy that he would change later in the summer: "Can't disclose until it's, you know, ripe to disclose," he tells Susser.

Colin had the case reassigned to another judge.

The judge spoke to The Post for hours, but because of his position, was limited in what he could say. He would only say on the record that he has dealt with the conflict with his wife properly through established methods.

How do you convince a god he is wrong?

he nation as a whole is beset by unscrupulous guardians, some of whom have been charged with crimes. Florida passed its **first effort at reform** last legislative session, including applying criminal penalties to guardians found guilty of abuse. Advocates say legislative reform, though, means nothing if judges are complicit in draining the life savings of seniors in guardianships.

Judges like Colin are the main line of defense against guardianship abuse.

Colin, 66, is one of a handful of judges in Palm Beach County Circuit Court who oversee



Sam Sugar, co-founder of Americans Against Abusive Probate Guardianships, says state bills to rein in professional guardians have wide support this legislative session.

guardians for incapacitated adults. When a senior is found to be incapacitated, they can lose all legal rights to make decisions for themselves. So these judges **approve expenditures** including fees for the guardian and the guardian's attorney — again all coming from the senior's money.

"The problems all arise from the judges and the lawyers and the greed-driven abusive guardians they enable," said Dr. Sam Sugar, co-founder of **Americans Against Abusive Probate Guardianship**, which spearheaded the Florida legislation.

"Judges are extremely insulated. They are legal gods who live in a court bubble in which they only believe what their friendly guardians tell them. I mean how do you convince a god that he or she is wrong? It's a near incestuous fraternity."

The final arbiter for judges' behavior is the Florida Supreme Court. A former chief justice says Colin's conflict needs to be investigated.

"If you are sitting on the bench, you should not be doing things that would put a question in the minds of the public," said **Gerald Kogan**, who served on the high court from 1987 to 1998.

Judge's history of debt: Foreclosures, IRS liens



Colin's Atlantis home: He was sued for foreclosure in 2009 but told The Post it was a mortgage modification.

olin and Savitt are positioned as the power couple of the lucrative probate arena. Colin's financial history, however, is littered with debt, including **suits for**

C**foreclosure on three properties** and **$65,000 once owed to the IRS** for back taxes.

Savitt also had a **recent foreclosure** on a property. The couple's financial problems appear to have eased since she became a professional guardian.

Financial records show Savitt's finances are mainly separate from the judge's, but it appears the couple has co-mingled finances at least somewhat, West Palm Beach accountant Richard Rampell said. He pointed to a **co-signed $30,000 loan from Helen Rich**, a Wrigley chewing gum heiress who was a former client of Colin's when he practiced as a divorce lawyer.

And even with couples who keep their finances separate, there is bound to be overlap, Rampell said.

"It's very common, especially if one makes more money than other. And even if they say they don't, they often do," Rampell.

Sugar puts it simply: "Any money she collects would essentially be money he collects."

Professional guardians can be a big help

A majority of **professional guardians** aren't looking to line their pockets.

They can be a godsend, taking over the decision-making for families fighting over a failing relative. But the salvation can be costly. Many of these seniors have substantial savings, and without proper oversight, a guardianship can become a fee frenzy.

Because the cases are in probate, and Florida law is complex, most parties hire lawyers to represent them. Many lawyers rely on the judge to approve their fees, paid from the senior's bank account.

Florida judicial canons are explicit in barring judges from appearing to use the bench for their own or their family's benefit.

“A judge shall not allow family, social, political or other relationships to influence the judge’s judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others. - Canon 2(b) - Florida Judicial Code of Conduct”

Former Chief Justice Kogan suggests Colin’s and Savitt’s conflict could violate the Florida Judicial Code of Conduct and should trigger an investigation by the Judicial Qualifications Commission.

“If I were somebody associated with the JQC, this is something I definitely would want to look into. It gives, if nothing else, an appearance of impropriety,” he said.

The JQC has the power to recommend to the Florida high court punishment for judges — from a private reprimand to sanctions to removal from the bench.

Kogan and **Raoul Cantero**, another former high court justice, wonder why Palm Beach County’s chief judge didn’t remove Colin from the probate division.

“If I were the chief judge, I wouldn’t put up with this type of thing because it looks terrible, not only to members of the public but also to members of the legal profession,” Kogan said.

Cantero agreed: “One way to handle that as an administrative matter is to have that judge in a division where those conflicts don’t occur.”

In Palm Beach County, two chief judges have been in a position to move Colin since his wife became a professional guardian in 2011. But each presided at one time over her divorce case, when Colin was her attorney and her lover.

'Savitt wasted our money for her personal gain'



Retired teacher Helen O'Grady, who died at 83 in 2012 in Boynton Beach, was a senior "ward" of professional guardian Elizabeth "Betsy" Savitt, wife of Circuit Judge Martin Colin.

Families say they watched slack-jawed as Savitt, 60, and her lawyers siphoned the wealth of their loved ones. They feel they are rendered powerless by judges who rule repeatedly for the judge's wife. Families fighting Savitt say Colin's colleagues allow her and her attorneys to pursue what critics of guardianships call "staged litigation" — pursuit of unnecessary legal issues to run up fees.

“It’s his wife, Betsy Savitt, and her attorneys who wasted our family money and time for their personal gain through billing hours due to sibling infighting,” said Thomas Mayes, who fought off Savitt’s **effort to claim $55,000** from the estate of his mother, Helen O’Grady. “I feel she helps herself and her attorneys and not the client nor the ward of the court.”

The seniors might be incapacitated, but some are dubious of the judge’s wife. Albert Vassallo Sr., a retired Brooklyn plumber who is one of Savitt’s wards, spoke to The Post at a Deerfield Beach senior center.

“The only one taking money from me is that woman. But I’m going to get on that,” he said. “I wish I could stop her.”

Attorney: ‘Courts have allowed this culture’

he conflict created for Colin by his wife working as a professional guardian is a frequent topic of conversation among probate and elder law attorneys. But many told The Post that they fear reprisals for themselves or their clients if they speak on the record about Colin, particularly on matters involving his wife.

“I blame the courts because they have allowed this culture,” said one attorney, speaking on the condition of anonymity. “Savitt acts with impunity because she has the wind behind her.”

Probate attorney Edward Shipe said Colin’s conflict of interest at the very least “doesn’t look right, doesn’t feel right.”

“I can’t sit here and deny that,” Shipe said. “So we got this wife and she wanted to do guardianship cases so she started a guardianship business. It was talked about before it happened. I was scratching my head a little bit, thinking, ‘You are going to have problems doing this.’”

Professor Jarvis questioned whether attorneys who represent Savitt hope to get an edge in front of Colin.

"Are they doing this either to curry favor with Judge Colin or to avoid his wrath?" Jarvis said.



Ellen Morris, who works for Savitt, has also practiced in front of her husband. (Lannis Waters / The Palm Beach Post)

Savitt often hires attorneys Hazeltine, Ellen Morris and John Pankauski, prolific practitioners in elder law. They or members of their firms practiced in front of Colin before he began recusing himself from their cases last year. From 2009 to 2014, Colin's recusals totaled 30. Since the beginning of July, he's taken himself off 133 cases — 115 involving his wife's lawyers.

Hazeltine, **Morris** and Pankauski **or their firms** — as well as the guardians they represent — have had fees in non-Savitt cases repeatedly approved by Judge Colin, The Post found.

Clifford Hark of Boca Raton refers cases to Savitt. He has also earned fees approved by the judge in other cases. For example, Colin signed off on $51,000 from the estate of retired Judge Stanley Hornstine in September 2013.

One of O'Grady's daughters, Kathleen Osterbuhr of Derby, Kan., **wrote the court** to say Hark promised the family to fight Savitt's petitions for lucrative fees in court, but never followed through.

Mayes said in another letter that "Hark has made mistakes and prolonged this case for his benefit" and that Savitt's "conflict of interest has caused more problems than it has solved."

Hark told The Post he has been practicing for 28 years in South Florida and does not “rely on Judge Colin for my livelihood.”

“I represent and zealously advocate for my client’s interest regardless of Ms. Savitt’s involvement in the case,” he wrote to The Post in an email.



Attorney Sheri Hazeltine, left, during a hearing regarding attorney fees. Elizabeth Savitt, seated right, is the wife of Judge Martin Colin and also a professional guardian. (Madeline Gray / The Palm Beach Post)

He pointed out that in some guardianship cases Savitt has opposed his fees and that Colin has also not awarded him the entire amount of fees sought by his firm.

Hark did say that he was unaware of complaints about her by attorneys or family members in the O’Grady case, which he referred to Savitt, and the guardianship of Lorraine Hilton, in which the family accuses the judge’s wife of financial mismanagement. But, Hark reiterated that he recommends other guardians besides Savitt and that the decision, in the end, rests with the families.

Most of Savitt’s attorneys also spoke to The Post but were limited in what they could say on the record.

O’Grady’s son, Mayes, said Savitt capitalized on family turmoil, sending their conflicts to court to be resolved, where the litigation generated more fees.

“That was a fix,” Mayes said in an interview. “I was still doing all the work, but she and her attorneys were billing and kept stirring it up with the family.”

The family learned that Savitt was married to a judge when Judge Rosemarie Scher, then presiding over their case, said she’d been out to dinner with the couple and described the judge’s wife as “part of the judicial community.”

“Savitt never told us beforehand, which I thought she should have,” said Mayes. “The

lawyers never told us. I figured he was in another division, but he was in probate."

Chief judges presided over Savitt's divorce



Chief Circuit Judge Jeffrey Colbath. (Lannis Waters / The Palm Beach Post)

Colin has been allowed to remain in probate under Peter Blanc and Jeffrey Colbath, chief judges since Savitt became a registered guardian four years ago. While other judges rotate, Colin hasn't been moved out of the south county courthouse since at least 2008.

Blanc and Colbath, the current chief judge, presided separately over Savitt's divorce and made rulings favorable to her.

Blanc said he worked in Colin's law firm for about nine months as an "independent contractor." He told The Post that when Savitt became a guardian there was some discussion about a potential conflict, but he felt satisfied not moving him out of probate because Colin vowed not to preside over any of her cases. The Post has not found any of Savitt's cases where he did.

Chief Judge Colbath declined to answer questions for this story, but he has the power to move Colin to another division if he suspects impropriety.

Florida Supreme Court Chief Justice Jorge Labarga in 2013 issued an **administrative order** to emphasize that the chief judges of circuit courts have the duty to take "corrective action as may be appropriate" if they feel a judge is acting inappropriately. Labarga declined to comment for this story.

Judges socialize, planned trip together

Judge Colin and his wife have socialized with one of the judges she appears in front of regularly, The Post has learned.

Colin and Circuit Judge David French eat lunch together nearly every day. Colin and French co-hosted a **trivia night** in May for the South Palm Beach Bar Association. The event was co-sponsored by Pankauski's firm. French did not return repeated attempts for comment.

French's first ex-wife Gayle Smith said her son, now grown, grew up in French's household

and knew Colin as his father's running "mate" and that they often went on trips together.

French's second ex-wife, Christine Connelly, said she and Judge French were friends with Colin and Savitt. The two couples had planned a cruise vacation about five years ago, but it fell through when Colin didn't have his passport.

"We hung out, played tennis," she said.

French apparently doesn't always disclose this information to lawyers opposing Savitt in his courtroom on issues such as fees or her activities as a guardian.

Thomas Dougherty said he would have liked to have known that the judges socialized when he opposed Savitt in front of French.

Colin heads up elder-care pilot program

Any conflicts aside, Chief Judge Colbath has faith in Colin.

In September, Colbath announced an **Eldercare Coordination Pilot Program** headed by Colin to resolve family disputes in guardianship cases outside court will become permanent. The program is meant to decrease costs for families by bypassing attorneys and sending them to mediation.

Colin is excited.

"This pilot program is designed to put in place a conflict dispute mechanism that will allow guardians and family members to deal with nonlegal matters in a conference room setting and not in a courtroom …with less cost and tension," he said.

Palm Beach County joined seven other circuits in Florida as well as Indiana, Minnesota, Idaho and Ohio in testing the program.

Are recusals enough to end conflict?

In the courtroom, Colin is trying to shed any conflict, but a divorce case illustrates how treacherous it can become.

Amber Larkin accused her ex-husband, Andrew, of hiring trust attorney Pankauski because Andrew knew Colin would have to recuse himself. Judge Colin had indicated he would rule in her favor on a life insurance issue and even throw her husband in jail, according to **court transcripts.**

In addition to the recusal allegation, Pankauski was forced to defend himself on accusations that he was part of a strategy to get Colin recused.

The judge at a Sept. 29 hearing in the case explained why after four years he now recuses himself from cases involving his wife's lawyers.



Attorney John Pankauski makes arguments before Judge David French during a hearing surrounding the guardianship of James Vassallo's father. (Damon Higgins/The Palm Beach Post)

Colin said that requiring attorneys to disclose that they work for Savitt used to be "a 100 percent acceptable procedure" and that there had never been a complaint.

But Colin said automatic recusals assure there is a court record, so there is no question about whether opposing lawyers know of the potential conflict.

"We have adopted long-standing approved methods to properly deal with such potential

conflicts," he told The Post.

Colin's previous policy may have been flawed. A **2005 opinion** by the Supreme Court's Judicial Ethics Advisory Committee said judges are the ones who are supposed to disclose.

This is not the first time Colin has been called out for conflict of interest. **Complaints surfaced in 2009** about him favoring attorneys who represented Savitt in her divorce after he became a judge. Colin says he wasn't punished. But the JQC can choose to reprimand a judge in private.

Colin was removed from the family division briefly and put into probate. Within two years, his wife was working as a professional guardian.

Despite his financial difficulties, Colin oversees divorce and probate cases in which he makes crucial rulings on money.

"By staying in the probate division, he put himself in a position to influence what work his wife gets," said Jarvis, who teaches a class on professional responsibility. "In fact, having this many recusals shows that something is amiss. It is all just rationalization – he should have avoided putting himself in a position where he has had to recuse himself so often."

Data editor Mike Stucka, researcher Melanie Mena and staff writer Holly Baltz contributed to this story. Web page production by Kristyn Wellesley and Gurman Bhatia.

The entire series



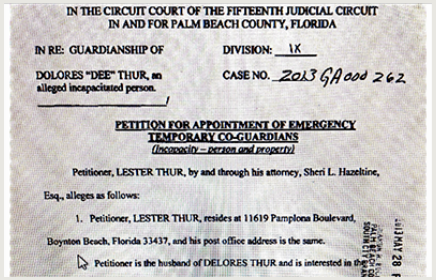
The judge's wife



The couple's financial picture



Explore the documents



IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF DIVISION: IX

DOLORES "DEE" THUR, an alleged incapacitated person. CASE NO. 2013 GA 000 262

PETITION FOR APPOINTMENT OF EMERGENCY TEMPORARY CO-GUARDIANS
(Incapacity – person and property)

Petitioner, LESTER THUR, by and through his attorney, Sheri L. Hazeltine, Esq., alleges as follows:

1. Petitioner, LESTER THUR, resides at 11619 Pamplona Boulevard, Boynton Beach, Florida 33437, and his post office address is the same.

Petitioner is the husband of DELORES THUR and is interested in the

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Mother of Judge Colin's grandson says she fears his influence

Updated: 9:50 p.m. Monday, Jan. 25, 2016 | Posted: 8:25 p.m. Monday, Jan. 25, 2016

By John Pacenti - Palm Beach Post Staff Writer



Embattled Circuit Judge Martin Colin is now embroiled in another accusation of undue influence: this time involving his 5-month-old grandson in a case in front of a fellow family court judge.

In this Section

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The mother of the infant has been trying for months to get a judge assigned from outside Palm Beach County — and away from Colin's legal clout — to determine how much time she gets to spend with her son.



Kacie Herrick sits in court for a custody arrangement hearing for Judge Colin's grandson Monday, January 25, 2016. (Lannis Waters / ... Read More

On Monday, she scored a victory.

Circuit Judge Edward Garrison granted Kacie Herrick's motion to disqualify him before a hearing that was to establish a parenting plan, time sharing, child support and other matters.

Herrick in pleadings filed Sunday claimed she could never receive a fair hearing because of Colin's influence upon his fellow judges. Colin plays a pivotal role in the care of his son's child and was listed as a material witness in the case.

The attorney for the infant's father — Matthew Colin, teacher and head basketball coach at Wellington High School — claims Herrick, of Briny Breezes, is making untrue statements about what should be a private matter.

Herrick said she felt she had no choice but to go public after Garrison ruled against her previous attempt to move the hearing on the time-share arrangement to another county.

The child was born out of a three-month relationship and the couple are no longer together.

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Matthew Colin, 41, lives with the judge in Atlantis. Herrick says the current 50-50 time-share arrangement benefits the judge and his wife — not Matthew Colin and certainly not the infant.

Herrick on Sunday also petitioned Chief Judge Jeffrey Colbath to assign the matter to a judge either in Broward or another county.

Colbath said last week that he is investigating findings about Colin reported by The Palm Beach Post in the series Guardianships: A Broken Trust, which outlined what a former Florida Supreme Court justice called Colin's appearance of impropriety in the adult guardianship arena.

Colin sits in the Probate & Guardianship Division, as well as the Family Division. His wife, Elizabeth "Betsy" Savitt, works as a court-appointed professional guardian of incapacitated seniors. Savitt has been accused in pleadings of taking thousands of dollars in fees in her guardianships without prior court approval.

Families of seniors under Savitt's care told The Post they feel their concerns are not heeded by Colin's colleagues.

Neither Matthew Colin, nor his father nor Savitt was in court Monday morning when the mother sought Garrison's disqualification.

"The judge before whom this case is pending and Judge Colin are related by affinity as they are and have been co-workers for many years, and Judge Colin is extremely interested and affected by the outcome hereof," attorney Tracy Newmark

wrote in a pleading.

The parents exchange the baby nearly every other day. The mother says the child rarely sleeps in the same bed two nights in a row. Judge Colin is often the one who picks up or drops off the child and has suggested Herrick retrieve the child at the courthouse where he sits in Delray Beach.

“I have made it clear to Matt that I’m intimidated by his father,” Herrick said. “I mean, he is a judge in the county.”

Herrick said Savitt is the primary care provider when the baby is not with her.

Newmark said her client “feels like she has been treated as a surrogate for Betsy and Marty.” She said the baby no longer sleeps through the night because of the time-sharing arrangement and that his breast-feeding has been disrupted. The father argues in pleadings that the child can either drink formula or the mother can provide pumped breast milk.

“He is just the trophy baby of the Colin family,” Newmark said.

Herrick recalled how Judge Colin and his wife threw her a baby shower attended by attorneys and others in the legal community. The Colin family kept all the gifts but Savitt made her write the thank-you notes, she said.

As with many family court disputes, both parents take umbrage with the actions of the other and claim each is interfering with their time with the child.

The dispute between Herrick and the Colin family escalated in the hospital during the baby's birth. She said the two sides argued on a variety of issues during her complicated labor, which ended in an emergency Caesarean section. The Colin family attempted to serve Herrick with legal papers at the hospital.

Matthew Colin's attorney, John Schutz, said Herrick has a vested interest in influencing the case and is making untrue statements. "My client, Matt Colin, wants nothing more than to be a good father and believes that his personal life and that of Ms. Herrick and their son should not be public," he said. "He regrets the mother of their child does not feel similarly."

The case involving Colin's grandson is just the most recent in which a member of the public has feared the judge's influence.

While Colin doesn't hear any of his wife's guardianship cases, attorneys who represent her in such matters have appeared in front of him in other cases, sometimes seeking lucrative fees. Colin last year recused himself of 115 cases involving Savitt's lawyers once The Post started investigating.

Colin does not hear his wife's cases, but two former Florida Supreme Court justices and a renowned ethics law professor say the appearance of impropriety is so great that he should never have been allowed to continue to sit in the Probate & Guardianship Division where his wife has operated as a guardian since 2011.

Meanwhile, families of these seniors in guardianships under

Savitt accuse her in court documents and legal correspondence of double-billing, pursuing unnecessary litigation to drum up fees, and other improprieties, such as taking fees without court approval. They say their complaints fall on deaf ears in front of Colin's colleagues.

The result is that the savings of incapacitated seniors, many with dementia, flow into the household of Colin and Savitt, who have a history of foreclosure and financial problems. Those problems were mostly alleviated after Savitt started overseeing the finances of seniors.

In her motion to transfer venue, attorney Newmark says Florida statute demands the matter be transferred to another county because Judge Colin has undue influence over the mind of the court.

"The respondent/mother genuinely fears that the paternal grandfather in these proceedings (Judge Colin) has significant influence over the court conducting these proceedings," the most recent pleading to transfer venue states.

When the son of former Chief Judge Marvin Mounts in 1995 was charged with grand theft and other charges, he went to trial in front of a Broward County judge and was prosecuted by an assistant prosecutor specially assigned from Miami-Dade County. Even then, the prosecutor had to defend a five-year probationary last-minute plea deal was not reflective of special treatment.

Fort Lauderdale family attorney Robert S. Hannan says it is not

uncommon for a change of venue when proceedings involve family members of a judge or other officers of the court, such as prosecutors. He said Garrison did the right thing and that Colbath will most likely follow suit and assign the Herrick-Colin matter to an outside judge.

“It’s just the appearance of impropriety,” Hannan said. “You don’t want to lose the public confidence. If the motion is denied, people are going to think, ‘Well, he’s the judge next door.’”

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Mother of Judge Colin's grandson gets Broward judge

HEALTH

By John Pacenti - Palm Beach Post Staff Writer

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Updated: 6:50 p.m. Thursday, Feb. 18, 2016 | Posted: 6:27 p.m. Thursday, Feb. 18, 2016

The mother of the grandson of embattled Circuit Judge Martin Colin won a key victory in her fight to spend more time caring for her 6-month-old baby. The family court dispute has been assigned to a Broward County judge after she voiced fears that Colin's colleagues in Palm Beach County could not be impartial.

But now Kacie Herrick faces an effort by the Colin family to put her in jail. In a motion filed last week, Colin's son said she took the infant to a doctor's office in Coral Springs closer to her home rather than in Boynton Beach near the father's residence in violation of court-ordered shared parental responsibility.

The father of the child — Wellington High basketball coach Matthew Colin — lives with the judge and the judge's wife in nearby Atlantis. His attorney, John Schutz, could not be reached for comment.

Both Judge Colin and his wife, Elizabeth "Betsy" Savitt," play a pivotal role in caring for the child. Colin or Savitt often pick up or hand off the child.

The case was first assigned to Palm Beach Circuit Judge Edward Garrison, who initially rejected Herrick's effort to have the case heard by a judge in another county. Herrick then spoke to The Palm Beach Post about how she was concerned that any judge in Palm Beach County would lean toward ruling in favor of Judge Colin's family.



Judge Martin Colin's wife, Elizabeth "Betsy" Savitt

The family court controversy came to light in the wake of The Post's investigation into Colin and Savitt's role in the adult guardianship system in Palm Beach County. Colin has since been transferred from the probate and family divisions to the circuit civil division.

In the meantime, Matthew Colin and Herrick fought in court over establishing a parenting plan, time sharing, child support and other matters. Herrick's attorneys have said the child is constantly being shuffled between her and the Colin family

and that the baby hardly ever sleeps in the same bed two nights in a row.

The judge, his son and his wife were scheduled to testify at a hearing in front of Garrison at a Jan. 25 hearing when Garrison reversed course and recused himself from the case. Since then, two other Palm Beach County judges recused themselves and it was assigned to Broward County Circuit Judge Alfred J. Horowitz.



Circuit Judge Martin Colin

Horowitz may hear the case in Fort Lauderdale or travel to West Palm Beach to hold hearings.

“We are thrilled about it,” said attorney Tracy Newmark, who represents the mother. “He is a great judge. He is very fair. He listens. He gives you the time that you need.”

Horowitz’s first test is coming up with a pending motion for contempt made by Matthew Colin, asking the judge to fine and incarcerate the mother of his child, as well as order her to attend further parenting courses and to consider the father to be awarded “sole decision-making” authority, among other things.

The father claims Herrick created a hardship for him by unilaterally changing the baby’s check-up from the Boynton Beach office to the Coral Springs location of the same group of pediatric doctors. Herrick say the appointment was always made for the Coral Springs office.

In 2004, Jay Gordon, the ex-husband of Savitt was jailed for contempt for violating a restraining order. Gordon said he took his son back to his ex-wife’s home to retrieve the boy’s sports equipment and never got out of his car. Gordon spent nine days in jail but the contempt charge was eventually overturned on appeal.

Judge Colin testified against Gordon at a hearing, saying he needed to spend more time in jail.

Herrick, in a response to the contempt motion, said Matthew Colin hasn't attended all of his son's doctors appointments, and when he does, "refuses to follow the medical advice he is provided," such as documenting the child's eating and sleeping.

Attorney Natalie Kay, also representing Herrick, said disagreements between estranged parents over shared responsibility is normal.

"The difference here is he is asking for incarceration. That is the crazy part," she said. "He is definitely taking a smaller issue and making it bigger than it needs to be. This could have all been dealt with in a phone call."

What The Post Found

The savings of incapacitated seniors flow into the household of Palm Beach County Circuit Judge Martin Colin,

courtesy of Colin's wife — professional guardian Elizabeth "Betsy" Savitt. The chief judge is now making changes to the guardianship system. Read the series at www.mypalmbeachpost.com/guardianships-colin-savitt/

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Judge's finances show history of unpaid debt, IRS liens, foreclosures

Posted: 11:00 a.m. Thursday, Jan. 14, 2016

By John Pacenti - Palm Beach Post Staff Writer

In this Section

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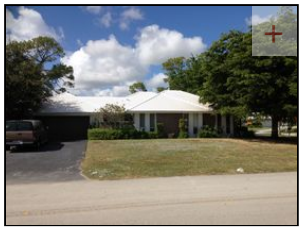
7 things to know

Foreclosures, liens and unpaid debts.



These dominate the financial record of Palm Beach County Circuit Judge Martin Colin and his wife, Elizabeth Savitt, a professional guardian. The couple have enormous power over the life saving of seniors no longer competent to care for themselves because of dementia or medical illness.



Judge Martin Colin's Atlantis home: He was sued for foreclosure in 2009 but told The Post it was a mortgage modification.

The pair's financial difficulties peaked in the Great Recession. Then in 2011, Savitt became a paid professional guardian and much of their financial distress dissipated, including when Savitt paid off a $308,000 foreclosure on a Delray Beach house that was set to be auctioned off in March.

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So where has all the money gone?

Colin earns a $146,000 annual salary as a circuit judge. Savitt was previously a tennis pro and a 2007 affidavit from a post-divorce proceeding show assets as high as $1.27 million.

Despite this, Colin's financial records show he has repeatedly borrowed money from clients from his days as a divorce attorney.

One of these clients was Helen Rich, an heiress to the Wrigley chewing gum fortune. In May 2006, Colin borrowed $85,000 from Rich, then a Palm Beach resident who Colin had represented in a divorce when she was known as Helen Rosburg. Colin paid back that loan.

Two years later, she said, Colin asked to borrow another $20,000, explaining that Savitt, whom he had just married, had cancer and he needed money for her treatment. Rich was a former cancer survivor. Colin's first wife, Ellen, died of leukemia.

after poor showing in Iowa

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Rich and Colin modified the $20,000 loan in 2013 to include interest. According to his latest financial disclosure with the state's Commission on Ethics, Colin still owes Rich about $30,000.

Neither Savitt nor Colin responded to questions about their finances.

Savitt and Colin live in a home he owns in Atlantis, a golf course community. He also owned a West Palm Beach condominium sold in October and co-owns a condominium with his son in King's Point west of Delray Beach. Savitt still owns the home from her previous marriage in Delray Beach and another West Palm Beach condominium.

Lenders and a homeowners association have sued for foreclosure on four of the five properties, with the exception of Savitt's condo, since 2008.

The lender on the Atlantis home sued for foreclosure in 2009, but Colin told The Post at that time that it wasn't a foreclosure, despite court filings that said it was.

“I modified my mortgage, but it’s not in foreclosure,” he said. But the modification didn’t happen until three years later by Ocwen Financial Corp. through a government program of loan modifications to help homeowners avoid losing their homes.

Colin had about $67,000 in liens from the Internal Revenue Service for back taxes from 2001 and 2005. He satisfied the IRS liens in 2012 and 2014.

The judge also has borrowed at least $200,000 in the past decade from former clients.

In 2010, the year before Savitt became a registered professional guardian, the couple were delinquent on about $9,000 in property taxes, county tax records show.

Besides the Rich loan, Colin hasn’t paid off loans from Atlantis oncologist Dr. Surendra Sirpal, who was once a client. He borrowed $35,000 from the doctor in 2007 and still owes him $60,000, his latest financial disclosure shows. Sirpal said Colin

was his neighbor and he loaned him some money for the judge's real estate investments.

Colin — elected to the bench in 2004 and re-elected in 2010 — has been delinquent on dues to homeowner associations and fines from code enforcement. The boards have slapped liens on his properties.

Since 2006 in his financial disclosures, Colin estimated the value of his Atlantis home between $650,000 and $700,000. The real estate website Zillow estimated the value at a high of $472,000 in 2014 and a low of $317,000 in 2011. The county assessed the market value of the property at $305,000 in 2015.

The disclosures are signed under oath "that the information disclosed on this form is true, accurate, and complete."

Savitt had a judgment of foreclosure on her home in Delray Beach in 2010, but the bank backed off. Another judgment was filed in November 2014 that

sent a house to the auction block.

In 2011, she told the Department of Elder Affairs when she was registering to be a guardian that the foreclosure matter involved a dispute with the lender over a home equity loan and was not due to "an oversight or neglect."

But court records show that she racked up late charges and interest and made only a handful of payments for six years. Her claim that Citibank violated the Truth In Lending Act fell apart.

During at least part of that time, she rented the house to tenants.

In March, days before the house was to be auctioned, she produced $308,000 to satisfy the judgment, records show.

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zCO3aA7YAKSQojiiuGmlzHlhYrs Report

Judges protect their court-appointed attorneys and guardians - always, no matter what state you are in. As an attempt to show Pattern & Practice of the court-appointed Trustee's inability to properly manage funds and pay IRS taxes, I pointed out to the Judge in my hearing that the court-appointed Trustee had mismanaged his own funds by having an IRS lien imposed on his own personal home, for unpaid income taxes. The judge's response was to warn me (for having brought this Public Record info about the court-appointee unable to pay his own IRS taxes to her attention), "When you do something like that, though, it makes a person feel like you're getting to the point of stalking. Okay? You have to be careful on that."

To this day, I believe the court-appointed Trustee has not properly accounted for my mother's Trust's income to the IRS, and thus may have committed income tax

fraud -- in the name of my mother's Trust. It's impossible to say for sure what has happened, since the Judge will not allow any oversight or auditing of her court's appointee.

If any of us of mere mortals without law degrees or judges' robes were to behave in this fashion, we'd be sentenced and hauled off so fast, it would make your head spin. But when the judges and attorneys to collude to break the law -- even if it's the government that is ripped off -- nothing happens; they are beyond and above the law, because where you can you go to complain?

9:51 p.m. Jan. 14, 2016

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Publication: Palm Beach Post; Date: Jan 18, 2016; Section: Main; Page: A10

How guardianship works

Why do families need guardians?

Family members often disagree over the care of an incapacitated loved one, especially when a lot of money is involved. Professional guardians are expected to base decisions on the best interest of the incapacitated senior, called a ward, not feuding family members or their own interests.

How does a court decide to appoint a guardian?

A petition is filed by a family member, a professional guardian or any other interested party. If the judge feels the vulnerable senior is in imminent danger, he may appoint an emergency temporary guardian. Three professionals, including either a doctor or a psychiatrist, assess whether the senior is able to take care of himself. If a court determines the senior incapacitated, a permanent guardian is appointed.

What is a professional guardian?

If a family member can't be appointed guardian, a professional often is sought. These individuals must take 40 hours training, post a $50,000 bond and have their criminal and credit histories checked in order to be registered by the state. They are not licensed. They care for several incapacitated people at one time and can manage the assets, their housing and their medical care.

What rights do the elderly have?

Often the senior loses all legal rights to care for themselves or make many decisions involving property, medical care, finances or living arrangements. Sometimes only some of these rights are ceded to the guardian.

Why do guardians hire lawyers?

They face tricky legal and financial matters, such as tracking down a senior's assets, removing family members as trustees or even annulling marriages.

How do guardians and their attorneys get paid?

All fees come from assets of the incapacitated adult. The lawyer and guardian files a petition for fees with the court, which then determines whether the requests are reasonable. They are rarely rejected.

What happens when the senior dies?

The guardian can seek to become personal representative of the estate. They would be entitled to 3 percent of the estate. The guardian's attorney can seek the same amount.

Who regulates the guardians?

Judges oversee guardians they appoint. The Department of Elder Affairs says it has no regulatory authority other than registering them and reviewing their continuing education requirements. The court clerk reviews guardian finances and investigates complaints, reporting back to the judge.

What's being done about unscrupulous guardians?

The Legislature passed a bill last year to end favoritism between the judiciary and professional guardians. A bill this year would allow the state to monitor and even fine guardians. Advocate groups are pushing for more, including a referendum to cap fees for guardians and attorneys.

— JOHN PACENTI

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Judge's wife accused of taking fees before court OKs them

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Written By: JOHN PACENTI
Palm Beach Post Staff Writer

Elizabeth "Betsy" Savitt, a tennis pro turned professional guardian for incapacitated senior citizens, profits from her marriage to a sitting judge, a Palm Beach Post investigation has uncovered.

As the wife of Palm Beach County Circuit Judge Martin Colin, Savitt wields power in her husband's Probate & Guardianship Division, where guardians are appointed to take

Cover photo: Professional guardian Elizabeth Savitt, married to Judge Martin Colin, says complaints from families of double billing and sending disputes to court to run up fees are 'frivolous' and 'baseless.' (Madeline Gray / The Palm Beach Post)

over the lives of seniors no longer able to care for themselves. Fees for guardians and their attorneys are paid from the assets of their elderly wards and approved by the court.

In several cases, Savitt has taken tens of thousands of dollars from their accounts without prior court permission, The Post found in court documents.

The chief auditor for Palm Beach County's clerk and comptroller says that in about 800 guardianship cases he's reviewed, only one guardian has taken money without first getting court approval: Judge Colin's wife.

Some of the seniors' family members express frustration with what they say are unnecessary **legal disputes** pursued by Savitt that drive up fees for her and her lawyers, depleting their loved one's assets. In addition, they say Savitt **funneled cash** and assets to family members accused of financially, or **in one case,** even physically abusing the senior she is sworn to protect, court documents show.



Click here to read more in the Guardianship series

In December 2014, Savitt held a "mini estate sale" advertised on **Craigslist** at Judge Colin's address. "Cleaned out a home and selling all I could find," the ad said. A lawyer said in court that he was concerned the items belonged to one of the seniors.

In another case, court records show Savitt, **working for a family guardian**, seized items inside a home and helped load them onto a moving truck. A lot of the items, however, belonged to the homeowner and not the senior. Sheriff's deputies and a judge made **Savitt and her attorney** return the items.

Savitt doesn't appear in front of her husband. She does appear in front of his colleagues.



Judge Martin Colin, a fixture at the south county courthouse, was admonished by an appeals court in 2007 for conflicts involving Savitt after he represented her in her divorce. (Madeline Gray / The Palm Beach Post)

For families, taking on a judge's wife is daunting, and they complain that their protests go unheeded. Savitt responds that she has never been sanctioned for any wrongdoing, and The Post did not find any such instances.

Savitt claimed in an email exchange that her detractors are “disgruntled.”

Besides how she takes retainers and fees, families take umbrage with other actions of Savitt.

The judge’s wife **double-billed** seniors’ accounts. In one case, she **paid back the money**

after a family member spotted it, court records show. Another instance, cited by the clerk, is part of an ongoing investigation.

Savitt even pursues seniors' money after their deaths, **taking $30,000** in one probate case without court approval and with no apparent justification other than it was to be "held in trust." The court required her to give most of it back.

Families say they have depleted their own savings fighting her, to no avail.



Judge David French once planned a vacation with Colin and Savitt but Colin couldn't get a passport at the last minute. (Damon Higgins/The Palm Beach Post)

Savitt has been appointed in about 25 cases, nearly all guardianships, since she became a professional guardian in 2011. She worked without fees for some indigents, but several of her cases involve multimillion-dollar estates. Most of her cases were in front Circuit Judge David French, a friend of her husband's.

"Colin and Savitt are a particularly good example and a very illuminating one of the conflicts of interest that exist within the guardianship system and how these conflicts lead to a miscarriage of justice and unspeakable amounts of pain, loss and frustration on behalf of families," said Dr. Sam Sugar, co-founder of Americans Against Abusive Probate Guardianship, the force behind guardianship reform last year in the Florida Legislature.

Several families separately told The Post that Savitt openly cites her husband's powerful position.

When James Vassallo, whose father Albert Vassallo Sr. is incapacitated, asked Savitt to provide receipts for expenditures he questioned, she told him to mind his own business.

"She told me, 'In the real world, it doesn't work that way, but I can get away with it because

I'm married to a judge.'"

Savitt declined to address specific documents submitted to the court accusing her of wrongdoing in various cases.

Instead, in an email, Savitt noted that judges always approved her fees, even if she took the money beforehand. She denied selling wards' possessions out of the judge's home and said she did nothing wrong in withdrawing the $30,000 from one senior's accounts.

She called such numerous concerns by families of the seniors in her guardianships "frivolous" and "baseless."

"To the best of my knowledge, I have not been found by a court after a hearing to violate in any material way an order of the court or a rule that I was to follow," Savitt wrote.

Savitt also accused The Post of searching for "something negative to write" and that the newspaper was not interested in reporting about her "good work."

"It is obvious to all who are aware of what you desire to do that you do not intend to be fair, accurate and balanced," Savitt wrote.

Savitt's husband presided over cases involving her attorneys for years before The Post began questioning the practice. After that, between July 1 and the end of 2015, he had recused himself from 115 cases involving his wife's lawyers.

Colin, as well as most of Savitt's attorneys, also spoke to The Post but were limited in what they could say on the record.

High cost of family discord: Fees blossom in court



During a hearing before Judge David French, James Vassallo represents himself in a case centering around the guardianship of his father. (Damon Higgins/The Palm Beach Post)

The families involved in guardianship cases are often broken. Brothers hate sisters. Fathers characterize their own daughters as evil for opposing them in court. It's not unusual for many family members to hire lawyers themselves, accusing one another of scheming to get the riches of the incapacitated senior.

Families who spoke to The Post say Savitt exploits those rifts to pursue litigation that drives up her fees. Savitt's attorneys, though, say it's the family rancor that necessitates costly

actions in guardianships, such as **removing a sibling** from a trust of a senior.

“I don’t know if they seek out cases where there is family dysfunction, but they certainly take advantage of it,” said Bruce Rosenwater, a West Palm Beach attorney who sought to remove Savitt from a guardianship.

Some family members applaud Savitt. The husband of one of her wards, Dolores Thur, said she’s been a good caretaker and his wife’s assets have been documented painstakingly. Lester Thur, 84, says he doesn’t think any criticism of Savitt is justified even though his wife’s case is under investigation by the clerk, which has questioned **several items in the annual inventory,** including double-billing.

In five Savitt cases The Post examined, however, family members said the judge’s wife seemed more interested in the money from the estate than caring for the incapacitated senior.

The cases involved Brooklyn plumber Vassallo, 87; Kansas schoolteacher Helen O’Grady, 83; New York accountant Robert Paul Wein, 89; Chicago-area decorator Lorraine Hilton, 94; and Gwendolyn Batson, 89, a retired school administrator who lived in Lake Worth.

O’Grady died in 2012, Batson in 2013 and Wein died Dec. 1, but the other two are still alive and under the power of Savitt.

Gwen Batson: Savitt clears house with husband's order

n a case The Post **wrote about in April**, Savitt along with attorney Sheri Hazeltine — who represents Savitt in many cases — hauled out belongings from Gwendolyn Batson’s Lake Worth home. **Photos show** they took nearly everything but the chandelier. Wearing badges with the word “guardian,” they invoked an **order signed by Judge Colin**, witnesses told The Post.

Colin's order appointed Batson's brother and sister-in-law as emergency temporary guardians for Batson in late January 2012, court records show. That decision would be **reversed** by a successor judge, but not before Savitt and Hazeltine in mid-February broke the lock on the home that Batson lived in and seized all of the belongings.



Gwendolyn Batson, who died at 89 in 2013, was a retired school administrator in Lake Worth. (Contributed)

It turned out the home and much of the property seized didn't belong to Batson but to restaurateur Skender Hoti, a Kosovo native who had taken care of Batson for decades. To get appointed emergency temporary guardian, Batson's brother, Kenneth Davis, claimed Hoti had taken financial advantage of his sister. Colin agreed, noting in his order that immediate action needed to be taken to safeguard Batson's belongings.

But if Hoti was taking advantage of Batson, it was a long con. Their relationship spanned decades. She traveled to Kosovo to attend his wedding and was a fixture at Hoti's Lake Worth restaurant, Little Italy. Hoti claimed the guardianship was a means for Davis to seize his sister's properties.

Davis used Colin's order — employing the judge's wife to help — to seize all the possessions in the home where his sister lived.

As Savitt and others moved items into a truck, Hoti called sheriff's deputies who stopped them. The two argued that they had authority from Judge Colin but the **deputies said the order was insufficient**, that they needed what is called a writ of possession.

Hoti said he saw Savitt scream at deputies: "You can't do that. I'm a judge's wife. I'm Judge Colin's wife."

Three days after the seizure of Hoti's property, Colin **recused himself** from the case.



Savitt and her attorney cleared out the home where Gwen Batson lived. But it was her adopted son Skender Hoti's house. Hoti says most of what they took was his.

Savitt wasn't Batson's guardian, yet Judge French **approved paying her $1,500** of Batson's money. The clerk questioned the expenditure more than a year after the house was cleared out and then Savitt submitted a bill, **court documents show**.

Hoti said even though deputies made them return his possessions, he later found valuables missing: jewelry, firearms and about $18,000 in cash.

Last summer, Hoti said he filed an additional complaint about Savitt with the sheriff's office.

In a remarkable document, **Savitt's bill filed with the court** shows she worked as a hired hand for Batson's brother to spirit Batson to Alabama.

The bill indicates Savitt spied on Hoti at the restaurant he owns to make sure she could operate unencumbered and take possession of valuables from the Batson residence.

In the end, the restaurateur fought the brother and persevered, getting a judge to order Batson back to Florida.

Savitt's home: $308,000 staves off auction



Elizabeth Savitt's house *in Delray Beach: She took out a $250,000 home equity loan but didn't make payments on it for years.*

n 2011, just before the Batson case, Savitt became a registered professional guardian. Savitt and Colin's financial picture — replete with foreclosures, debt and liens —

I started to improve.

Savitt's path from tennis professional to professional guardian didn't require much heavy lifting. She completed 40 hours of training, put up a $50,000 bond for her firm Savitt Guardians and submitted to credit and criminal background checks.

The Department of Elder Affairs **registered her** as a professional guardian in 2011 despite a **pending foreclosure** on a home she owns in Delray Beach.

Savitt passed the credit check after telling the department that she was in a dispute with her lender and wasn't past due because of **"neglect or oversight."** It wasn't until November 2014 that her dispute was settled with a **judgment of foreclosure**, sending the house to the auction block.

Six days before the home was to be **auctioned off in March**, she came up with **$308,000 to satisfy** a delinquent home equity loan, court records show. She didn't make payments for several years on the $250,000 loan and rented out the home for a portion of that period.



Colin's Atlantis home: He was sued for foreclosure in 2009 but told The Post it was a mortgage modification.

Vassallo found the timing of the $308,000 payment suspicious. "I want to know if any of my father's money went to her foreclosure case," he said. When he told Judge French his concerns, a May 21 hearing was abruptly ended.

Despite the delinquencies, Savitt said she paid off the home equity loan on her property before the note was due. "I do not know how many professional guardians are debt free as I am," she said.

Most of Savitt's cases are in front of Judge French. Two of French's ex-wives have described Colin and French as good friends who once planned a vacation together. The two judges have lunch together frequently in Delray Beach.

Families say they are also frustrated by the lack of transparency in the guardianship cases of their loved ones. It's not unusual for key documents regarding the guardian's activities to be sealed.

The Palm Beach County **Clerk & Comptroller's Office** audits the guardians' annual accounting of the seniors' assets and the guardianship plan. It also investigated complaints, but the office's investigations and findings are confidential under state law. Records show that at least four of Savitt's cases have been investigated by the clerk's inspector general, but any findings remain confidential.

Helen O'Grady: Lawyer aghast as Savitt withdraws $30,000

Thomas Mayes of Boynton Beach sought legal advice in a dispute with his two brothers over his mother's health care and finances. His attorney, Clifford Hark of Boca Raton, recommended Savitt as a guardian for his mother, Helen O'Grady.



Helen O'Grady, *a former Kansas schoolteacher, invested her money well. (Contributed)*

Even with Savitt as guardian, it was Mayes who made his mother's doctor's appointments, managed her transportation, readied her house for sale — all tasks he thought Savitt should have handled.

After Mayes' mother died, Savitt recommended that the family urge the court to appoint her

curator of the estate, telling them it would **save money for her** to temporarily manage it until the family disputes were settled.

Once that happened and Mayes became personal representative of the estate, he said he could not get Savitt to pony up details of his mother's financial picture and relinquish control.

Before Mayes could get a grip on his mother's finances, Savitt started withdrawing money, court pleadings show.

She wrote herself a check for **$1,725 and another for $1,745** to Hazeltine for fees before a judge approved it, according to a pleading filed by attorneys. Hazeltine said Savitt obtained **an order** allowing her to write the checks, but the order Hazeltine referenced said nothing about fees, court documents show.

Then Savitt took without proper court approval **$30,000 to be "held in trust"** by her and Hazeltine.

"This action is so beyond the realm of reasonable conduct that I can hardly express myself right now," Mayes' attorney, Christopher Salivar, said in a **series of emails** to Hazeltine.

Mayes' lawyers, Andrew M. Schwartz and Salivar, **told the court** that Savitt actions amounted to the unlawful taking of O'Grady's property.

"The foregoing actions in and of themselves fall within the textbook **legal definition of conversion**."

Mayes agreed. "To me, I thought it was a criminal act. They were intentionally stealing it. This is how they make their money."

Judge Edward Garrison ordered Savitt and Hazeltine to return all but about **$2,600 of the $30,000.**

But that was not all. After the $30,000 withdrawals, the two asked for **flat fees of $55,000 each**, citing a state law that entitles **personal representatives to 3 percent of the estate**. Personal representatives, also known as executors, administer and close out the estate. Savitt was simply the temporary curator of the estate — not the personal representative.

Savitt and her attorneys would not relent on their claims for fees. Mayes said he aimed to fight them in court, but settled after his wife got ill, liquidating his mother's long-held Philip Morris stock to pay them.



Once Helen O'Grady's family *settled their battles over their inheritance, O'Grady's son said he couldn't get Savitt to turn over management of the money. (Contributed)*

Grady's **family estimates** attorney fees and court costs from their own pockets of around $150,000. "Is this fair? Is this reasonable?" Mayes' sister, Kathleen Osterbuhr **wrote to the court** in objecting to Hark's fee. The attorney who represented Mayes and recommended Savitt collected more than **$35,000.**

"My mother Helen O'Grady did not benefit from having a court-appointed guardian. … My mother was a teacher who raised five children on a salary that was less than what Mr. Hark has already been paid."

Mayes estimates that fees for Savitt and her attorneys — Hazeltine and Ellen Morris — amounted to more than $70,000.

"They just kept draining the estate," Mayes said. "And the judges kept rubber-stamping all of this. They are not helping the elderly; they are helping themselves.

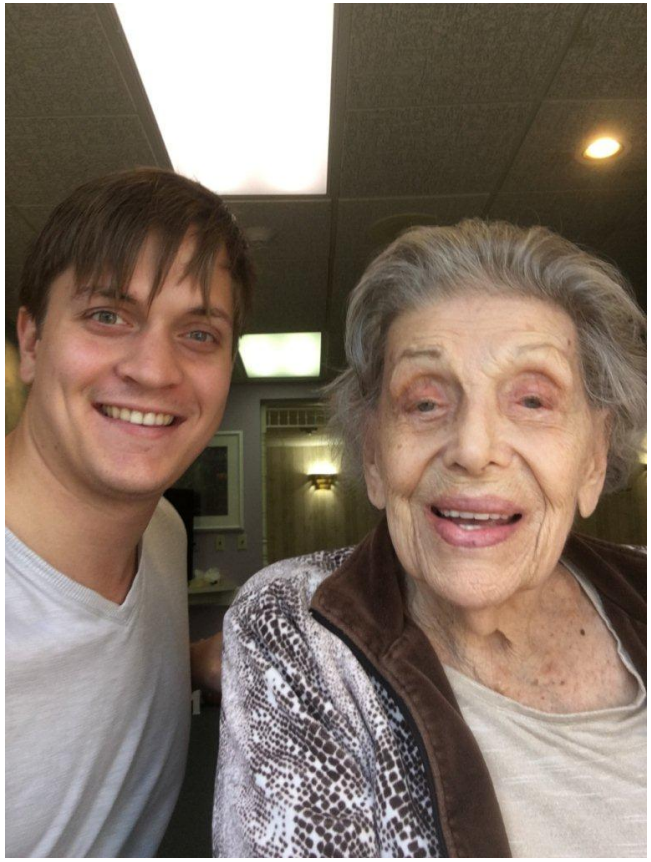
Savitt denied any wrongdoing. "Of course, I did not convert $30,000 and that would be a lie to report that I did."

Lorraine Hilton: Son accused of abuse gets money from Savitt

In the case of retired decorator Lorraine Hilton, Savitt's actions benefited Hilton's son Robert, who was accused of physically abusing and stealing from his mother, according to **court documents**. Savitt's attorney Hazeltine persuaded Hilton herself — who had advancing dementia — to agree to a **guardianship**.

Her other son, James Hilton, learned in March 2013 that Savitt had taken control of his mother's assets, though Lorraine Hilton had a **living trust** established in 2007. Lorraine Hilton **in a declaration for a preneed guardian** explicitly stated that she didn't want her son Robert taking care of her.

James Hilton sought to intervene as an emergency guardian. He also wanted a restraining order against his brother, Robert. James Hilton cited incidents such as an "accident" in which Lorraine Hilton broke her hip and Robert left her at the hospital and left the state, **court**



New guardian: *Lorraine Hilton and her grandson Max, who has taken over her care. Her son Robert, who Savitt paid, was accused of abusing her. (Contributed)*

documents say.

“I am truly alarmed that a judicial process has been put in place there without me having been duly contacted,” **wrote James Hilton**, who died in February.

Robert Hilton declined to comment. Billing documents in the case indicate his many demands on Savitt, **such as for $20,000** of his mother’s money to buy a warehouse.

Billings from Savitt and Hazeltine memorialize phone messages from Robert Hilton left for Savitt in which his mother can be **heard weeping** in the background. On another, she called when all of sudden Lorraine Hilton let out **“a blood-curdling scream and cuts off.”**

Savitt resigned after James Hilton came forward. James Hilton objected to Savitt’s final accounting, accusing her of funneling money to Robert Hilton.

The pleading alleges:

- Savitt failed to secure a bank account, off of which Robert Hilton wrote two checks totaling **$49,685 for real estate**. The deeds indicate he’s the sole owner. The pleading alleges that Lorraine Hilton appears to have signed the checks.
- Savitt paid Robert Hilton **$2,500** without explanation or receipt. She also paid **$5,300** for property taxes on two homes owned by Robert Hilton.
- Savitt took as much as a **$2,000 retainer fee** without prior court permission.
- A Wells Fargo bank statement shows Savitt accessed Hilton’s account to make two separate deposits and to write two checks — all four in the amount of $3,189.50 — without explanation.

“The system sometimes ends up harming the people it’s supposed to protect,” said Palm Beach Gardens attorney Thomas Dougherty, who filed the objection on behalf of James Hilton.

Judge French took no action on the objection against Savitt.



Judge Krista Marx. (Gary Coronado/Palm Beach Post)

Savitt also took various amounts from the bank accounts of seniors without court approval in three of the guardianship cases The Post examined.

For example, at an August hearing before Circuit Judge Krista Marx, Savitt acknowledged she took about **$17,000** for her fees and a retainer from Robert Wein's accounts without prior court permission. Judge Marx approved the payments, saying Savitt simply was "asking for forgiveness instead of permission."

When asked about this, again Savitt pointed out that the judge approved her actions.

Anthony Palmieri — senior internal auditor of guardianship cases for the clerk — said a guardian taking a retainer or other money from a senior without prior court approval "would

not be consistent" with any of the 800 other cases he's reviewed.

"From an auditor's perspective, it is a concern," he said.

Is it legal?

Florida law says that "when fees for a guardian or an attorney are submitted to the court for determination," several factors determine whether they are reasonable. It goes on to list the factors.

Ellen Morris, one of Savitt's attorneys, cited sub-sections of the guardianship law in saying that her client is allowed to take money without court approval. "You will not find anything that says guardians need approval to pay their fee," Morris told The Post in an email exchange. Morris serves as administrative chair on the executive committee of the **Elder Law Section** of The Florida Bar, which promotes professional standards for the lawyers who practice in the area.

Mini-estate sale at judge's house

But it's not just bank accounts, but property and possessions of these elderly wards that are controlled by professional guardians. Savitt's actions have been questioned in this regard, as well.

In the Robert Wein guardianship, attorney Rosenwater expressed concern to Judge Marx in August that the judge's wife may have sold some of Wein's belongings at the December garage sale.

A listing **on Craigslist** in late December under "mini estate sale (Atlantis FL)" and listing the judge's address, stated: "Cleared out a home and selling all I could find. I got new quality items." For sale: jewelry, fine china, computer, printer, artwork and various household items.

When asked about the garage sale by The Post, Savitt rolled her eyes. When it was brought up in court during a hearing in the Wein case, she appeared irritated. Savitt denies any item

of a ward was sold at the garage sale.

“The guardian is getting money, the guardian’s attorney is getting money, and interested parties come into the case. Everyone is getting paid and it’s all coming from the ward’s money,” Rosenwater said.

Robert Wein: Costly try at annulling marriage



Before Robert Wein died, *Savitt tried to annul his marriage to Vita Wein, 82, whom he wed in 1958. Vita says Savitt is a ‘despicable woman,” but Robert’s brother Daniel says Savitt has always been ‘aboveboard.’*

The case of Robert Wein illustrates the often savage nature of guardianship cases. Family members say Savitt splits families into camps by pursuing what is called "staged litigation," settling disputes in court to run up fees.

On one side is Daniel Wein, Robert's brother.

The other side is Robert's wife, Vita, and Jodi Rich, Daniel's estranged daughter.

Rich said all Savitt has done as guardian is "bill, bill, bill" and criticized her lack of success in tracking down **$700,000** in promissory notes owed to her late uncle, who died Dec. 1. Robert Wein was worth up to $3 million, according to court documents.

Though married in 1958, the couple renewed their vows in 2014 and obtained a Florida marriage license. Daniel Wein believed his brother divorced Vita, 82, and wasn't competent enough to remarry. So for the last months of Robert Wein's life, Savitt — as his guardian — focused on undoing the union of this elderly couple in a fight over what would be a lucrative estate.

Vita, as a spouse, can claim one-third of Wein's estate. Daniel claims Vita Wein and Jodi Rich are interested only in that money.

"She has been guardian for 12 months and hasn't done anything except try to dissolve the marriage of these two elderly people who had been married for 58 years," said Rich before Wein's death. "So there are two marriage licenses. Who cares? What's the difference? They wanted to end their life together."

Emails show Savitt discussing with Daniel Wein trying to get the authority to annul Robert's marriage, contending he and Vita were divorced and that she tricked him into remarrying in 2014. Savitt also was trying before Robert's death to amend the trust to **give Daniel $150,000**.

"Daniel and Savitt, they are in bed together," Rich said. "We have a lot of evidence."

Litigation on the marriage issue resulted in an expensive 2½ hour court hearing and depositions before the matter was dropped unceremoniously by Savitt at a hearing in August.

"Savitt is the culprit here. She is the one who caused all the problems," Rich said. "She shouldn't be a guardian." Daniel Wein, though, praised Savitt for protecting his brother's

assets.

“I don’t know how she handles her other cases; I know with this, particularly with my brother, they have been aboveboard,” he said.

Vita Wein, though, has pressed Savitt to explain her actions.

In a June 10 deposition and in **his motion for Savitt’s removal**, Vita’s attorney at the time, Rosenwater, repeatedly tried to get the judge’s wife to say why she hadn’t filed one invoice in the case in eight months but took $17,000 without prior court approval.

When Savitt refused to answer a question about whether she had any objections to a critical report to the court on Wein, Rosenwater was exasperated. “She can’t answer. It’s amazing,” he said.

“The guardian has used her fiduciary relationship with the ward for her own financial gain, as well as her attorney,” Rosenwater **wrote in another pleading**. “It is clear the guardian has breached her duties.” Rosenwater no longer represents Vita Wein, and Robert Wein died before a motion to remove Savitt as guardian was ruled on. A motion for sanctions against her remains unresolved.

Vita Wein, in an interview at her nursing home before her husband died, said Savitt saw her as a threat to the amount of money she can siphon off her husband’s assets. She said her husband, who was struggling mightily with dementia, just wanted to be happy in his waning years.

“She is a despicable person. She is very two-faced,” Vita Wein said from Colony Club in Sunrise. Her husband, oblivious to the complex details driving her anger, sat down next to her on the love seat. He died less than two weeks later.

Savitt said annulling the Weins’ 2014 marriage was well within the propriety of the court, but she wouldn’t answer why the legal action was necessary for the ward at the end of his life when the 1958 union was still valid.

Albert Vassallo Sr.: From friend to enemy, Savitt cites 'bad blood'

James Vassallo can't stop beating himself up. He blames himself for allowing Savitt to take control of his father's finances. As result, he has a list of questions about Savitt's actions that he says remains unanswered to his satisfaction.

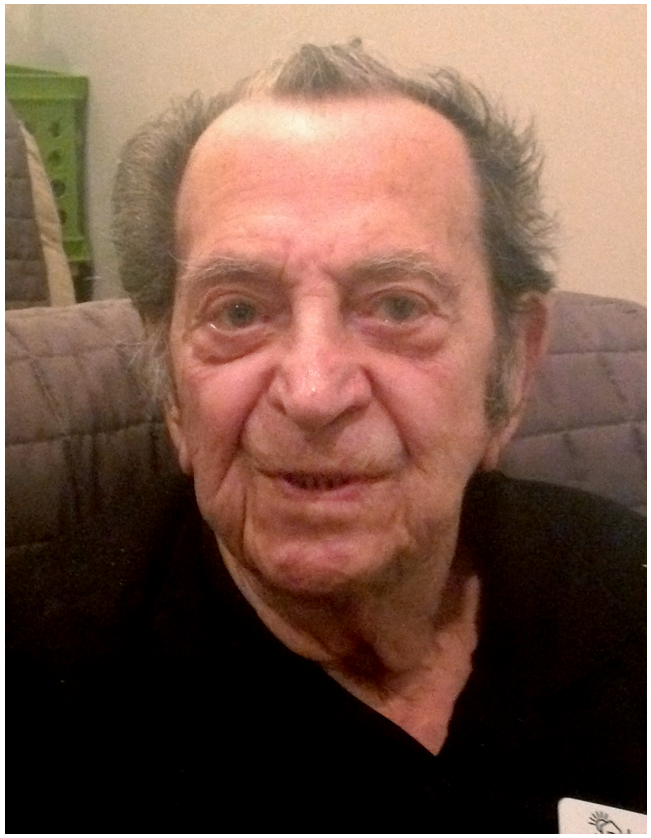
Like in the O'Grady case, Vassallo sought the advice of Hark when he learned last year that his brother and sister had **transferred $180,000** from the accounts of his father. And like in O'Grady, Hark steered him to Savitt, saying she would protect the assets of Albert Vassallo Sr., who was suffering from early stages of dementia.

Vassallo, who moved from Brooklyn to live next door and care for his father at Century Village in Deerfield Beach, says Savitt instead aligned with his sister who had taken $140,000 and other assets, according to demand letters.



James Vassallo holds a photo of his parents, Albert Vassallo Sr. and Geraldine Mickey Vassallo. (John Pacenti/The Palm Beach Post)

Savitt successfully petitioned Judge



Albert Vassallo Sr. in November 2015. (John Pacenti/The Palm Beach Post)

French to remove Vassallo as a trustee to his father's estate, which would have allowed him to retain some administrative control. Savitt claimed Vasallo **wasn't getting along** with the very siblings, whose actions prompted him to seek the guardianship in the first place.

"If I knew her husband was a judge, I never would have went with her because whatever I said to her meant nothing. She can do whatever she wants because she has the court's backing and that is exactly what is happening now," said Vassallo.

In a **voicemail** that Vassallo still has, Savitt had assured him attorneys were working to remove his brother and sister but there was no reason to remove him because "you didn't do anything wrong." She did, however, suggest paying Hark more money to defend him just in case.

Vassallo said Savitt **made her move to remove him** from his father's trust after he repeatedly questioned her billing practices. He estimates that Savitt and her attorneys collected $40,000 to get him off the trust. His father's savings have been depleted by more than $200,000 in about year, he said.

Savitt said, "To accomplish getting the relief favorable to the Ward, and because of bad blood and conflicts between all three children of the Ward, it was agreed by the lawyers that I should be the sole trustee, not because of anything wrong James did."

Vassallo produced email and bank statements showing how Savitt **doubled-billed** his father's accounts by about $7,300 and did not pay it back until he confronted her with the

bank account statements. “She never would have given that back on her own,” Vassallo said. The $7,300 plus a $3,000 retainer fee came before a judge approved them and even before she submitted a petition to the court for that money.

To address the $180,000, a deal was struck in mediation, allowing James’ brother and sister to pay back half the money over 15 years and keep the rest.

Vassallo never signed the agreement and vehemently opposed it.

After The Post asked Savitt about **$10,000 in U.S. savings bonds**, James Vassallo said she told him the bonds had been located and provided her accounting of expenses.

Still missing is reimbursement for his dad’s Hyundai and assets from a savings account and a safety deposit box, Vassallo said. “My father said it was over $100,000 in there.”

But the knife in James Vassallo’s heart came when Savitt and Judge French allowed his father to be permanently placed with his sister, Susan Mast. Savitt is paying the sister $2,400 a month for the father’s care under a **settlement agreement** that bears the guardian’s signature. Little of the money initially taken has been returned.



Trust attorney John Pankauski, who has represented Savitt, was forced to defend himself in a divorce case that Judge Colin presided over from accusations that he was part of a strategy to get Colin recused. (Damon Higgins/The Palm Beach Post)

Albert Jr. says his father consented in court to remain with his sister, but James Vassallo says the judge never should have asked his incapacitated father if he wanted to live with Mast considering the money owed.

Mast cursed at a reporter when asked about the case and threatened legal action. Her brother, Albert Jr., said the money he got from his father was a gift to help him pay his medical bills.

Vassallo has also questioned Judge French in court about whether any money from the bank accounts of Savitt's wards went to satisfy the foreclosure judgment on her Delray Beach home. He also objected at a hearing to attorney John Pankauski's **bill** — which at the time was for $18,000 and heavily redacted.

"I asked the judge, 'What are you going to do, rubber stamp everything?' and French told me that Pankauski should have charged my dad $40,000," Vassallo said.

Now Vassallo has hired attorney Dougherty, hoping he can work the same magic he did for James Hilton by detailing questionable actions by Savitt for the court. Vassallo hopes this would force her to resign or have a court remove her.

Albert Vassallo Sr. remains alert and talkative. Interviewed at a Deerfield Beach senior center, he said he doesn't trust Savitt. "She doesn't show me any reports. At least, show me where the money is going," he said.

James Vassallo can't sleep at night, poring over bills and other documents, thinking what he could have done differently. His apartment is piled high with stacks of court papers.

"I was the one who brought this woman into my father's life," he said. "And what is she doing? She is taking the money that these seniors worked so hard for, set aside for their children, for their grandchildren."

Data editor Mike Stucka, researcher Melanie Mena and staff writer Holly Baltz contributed to this story. Web page production by Kristyn Wellesley and Gurman Bhatia.

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Is taking fees before a judge approves them legal?

Posted: 11:00 a.m. Thursday, Jan. 14, 2016

By John Pacenti - Palm Beach Post Staff Writer

The attorney for professional guardian Elizabeth Savitt — the wife of a Palm Beach



In this Section

Jupiter High School evacuated after threat to campus

7 things to know now: Iowa caucus winners; O.J.

County circuit judge — claims her client is well within her legal rights to take money out of the accounts of seniors in guardianship without a judge's prior approval.

But local attorneys who practice elder law — as well as the auditor of guardian cases for the Clerk & Comptroller's Office — say they've never seen another professional guardian take retainers or fees without judicial approval.



Attorney Ellen Morris, who often works for Elizabeth Savitt, said, 'You will not find anything that says guardians need approval to ... Read More

"I know I've never seen that before," said attorney Michael W. Connors of Juno Beach. "I don't know what the judge would think about that."

Savitt is married to Palm Beach County Circuit Judge Martin Colin. Her fees are approved, sometimes after she has taken them from the senior's account, by Colin's colleagues who preside over her cases. Savitt's

Simpson; Groundhog Day

Weather forecasting Canadian groundhog dies just before Groundhog Day

UPDATE: Police: Driver not at fault in pedestrian crash on PB Lakes

2nd place finish pierces Trump's gold-plated mystique

Dead even after Iowa vote, Clinton and Sanders are now poised for long slog

How to understand Donald Trump's defeat in Iowa

O'Malley and Huckabee end their campaigns after poor showing in Iowa

"wards of the court" are mostly seniors citizens deemed incapacitated because they no longer can care for themselves due to senility or other medical problems.

In three of Savitt's guardianships, involving Robert Paul Wein, Albert Vassallo Sr. and Lorraine Hilton, family members have complained about her taking tens of thousands of dollars in retainers or fees before a judge approved them.

Florida Statute 744.108 says: "A guardian, or an attorney who has rendered services to the ward or to the guardian on the ward's behalf, is entitled to a reasonable fee for services rendered and reimbursement for costs incurred on behalf of the ward."

The judge is the one who determines what's reasonable, the law states.

Savitt's attorney Ellen S. Morris, though, cites subsections of the guardianship law. Florida Statute 744.444 (16) says under the heading of

Why a 'virtual tie' in Iowa is better for Clinton than Sanders

The inside story of how Ted Cruz won Iowa

“Power of guardian without court approval”: “Pay or reimburse costs incurred and reasonable fees or compensation to persons, including attorneys, employed by the guardian … from the assets of the guardianship estate, subject to obtaining court approval of the annual accounting.”

However, guardians taking their own fee is not mentioned.

Morris said, “You will not find anything that says guardians need approval to pay their fee.”

Connors said he’s never heard of anyone interpreting these sections of guardianship law as meaning a guardian can take fees from a **guardianship account** before submitting them for determination by a judge.

“That is an overly expansive interpretation,” he said.

Anthony Palmieri is the senior internal auditor of guardianship cases for the clerk. He has reviewed

more than 800 cases and, except for the judge's wife, has never seen a professional guardian take a retainer or fee before a court has had the chance to approve it.

Attorneys in Miami-Dade and Broward counties say it is verboten by their local courts for guardians to take fees without prior court approval.

The Broward County Guardianship Association states on its website: "The court must approve any fee requested for reimbursement of expenses. You should keep good records of time you spend on guardianship matters. The burden is on you to show you are entitled to the fees you request."

When Morris was asked about this, she responded in an e-mail: "I can't answer why an association misquotes the law."

Fellow respected elder law attorney Scott M. Solkoff of Delray Beach said the short answer is that professional guardians shouldn't be able to take fees without approval. "Laws are subject to

interpretation and it is conceivable that a guardian might argue that court approval is not mandated by statute," he said. "It is also conceivable, in the right case, that a court might not require it, though this would be a big exception and not the rule."

Paul Auerbach, an elder law attorney from Palm Beach Gardens, said taking a fee before a court approved it is certainly something he would not advise his guardian clients to do.

"A guardian's fee is to be determined by the court upon of a proper bill presented," he said. "I feel that a fee before starting would be frowned upon."

Boca Raton elder law attorney Michelle Hollister sided with Morris' interpretation, saying there is no direct prohibition on retainers or taking fees beforehand of money from incapcitated seniors in court-ordered guardianships.

Still, Hollister added, "I require my clients to petition for fees and to receive a court order prior to taking fees," she said.

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Solution to guardianship crisis? Advocates say cap fees

Updated: 10:02 p.m. Sunday, Jan. 24, 2016 | Posted: 12:00 a.m. Saturday, Jan. 23, 2016

By John Pacenti - Palm Beach Post Staff Writer

Despite a new state law and local safeguards, such as a fraud investigator, advocates for guardianship reform



In this Section

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An anti-aging event like no other

say the system remains broken — almost hopelessly so.

Without serious changes, unethical court-appointed guardians and their attorneys can operate with impunity, draining bank accounts of seniors and isolating them from loved ones. And if the judiciary is compromised, there's no stopping the abuse, advocates say.



Elizabeth Savitt is the wife of Judge Martin Colin and also a professional guardian. (Madeline Gray / The Palm Beach Post)

Solutions are complex but reformers focus on three areas: putting a cap on fees, drafting a type of Bill of Rights for seniors that will give them and their families more say in guardianships and giving the state the power to weed out bad actors. A bill reintroduced in the Legislature for the current session would for the first time give the state real regulatory authority over guardians.

And there's good reason to reign in the

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professional guardianship industry in Florida, which saw a boom after the last recession. The number of registered guardians swelled from 108 in 2003 to 457 last year, according to the Department of Elder Affairs.

"Guardianship is a business and it's a big business and it's tremendously profitable," said Dr. Sam Sugar, co-founder of Americans Against Abusive Probate Guardianship.



Judge Martin Colin is married to a professional guardian who works in Palm Beach (Madeline Gray / The Palm Beach Post)

No amount of legislation will do anything, however, if judges refuse to take advantage of the laws to crack down on unethical guardians.

In The Post's recent stories about Judge Martin Colin and his wife, guardian Elizabeth "Betsy" Savitt, families of seniors in guardianship say in court documents and interviews with The Post that Savitt took advantage of her position as a guardian. They said

Panda has a blast in snow at National Zoo

the judge's wife went after the life savings of their loved ones through unnecessary litigation, double-billing and taking fees for herself and her lawyers without prior court approval.

Right now, the Department of Elder Affairs can do little about unscrupulous professional guardians.



Fernando Gutierrez, director of the Guardian Association of Pinellas County.

"The department does not have any authority over professional guardians," said spokeswoman Ashley Chambers. "This is a profession that we do not regulate and have no jurisdiction."

The pending bill seeks to address this. Senate Bill 232, sponsored by Sen. Nancy Detert, R-Venice, would create the Office of Public and Professional Guardians under the Department of Elder Affairs and give it oversight of professional guardians. The executive director would develop and enforce standards for professional guardians.

The office would regularly monitor guardians' activities and do reviews that are different from the annual financial audits that the Clerk & Comptroller's Office does. It also would investigate complaints about the guardians. If an investigation finds the complaint is justified, the executive director could discipline the guardians, including revoking their registration, which would make them ineligible for court appointment.



Martha T.S. Laham, a San Francisco Bay area college professor, wrote "The Con Game," says families need to be educated on ... Read More

"Somebody has found a cottage industry, and they are not targeting the poor people," Detert was quoted by The Florida Bar News last year.

Capping fees

But advocates say the reforms need to hit unscrupulous guardians and their attorneys in the pocketbook in order to dampen the current profit

motive in guardianships.

Among the most radical solutions proposed in Florida is a constitutional amendment to cap the fees of guardians and especially their attorneys. If guardians can't keep going back to a seniors' account for money, they'll be motivated to block unnecessary legal work and get their own work done more efficiently, advocates say.

Fees for professional guardians are set by the judicial circuit in each county. In Palm Beach County, it ranges from $50 to $95 per hour, guardians told the Post. Attorney fees, though, routinely range from $250 to $450 an hour, and guardianship cases are replete with lawyers.

The guardian, the ward and various family members may all be represented by lawyers who seek to be paid out of the savings of the incapacitated individual. A conference call with all the stakeholders can easily run $1,000 an hour, turning routine matters into a money machine for the lawyers involved.

Americans Against Abusive Probate Guardianship is considering ways to gather more than 680,000 signatures needed to put such a measure on the ballot to change the Florida Constitution.

“If you have a cap on the fees, there is going to be less guardianships, not as much abuse and the elderly will be able to stay with their families,” said Lidya Abramovici, a co-founder of the Aventura-based group. “That is the way it is in other countries.”

Caps could be fashioned after state laws that limit the amount of money attorneys can collect in medical malpractice cases — possibly 30 percent of the senior’s annual budget or 5 percent of the senior’s assets. The group’s proposal also would limit payments to one attorney, Sugar said.

Some professional guardians, however, striving to do their best for a senior while working with often-conflicting family members, object to the proposal.

Fernando Gutierrez, a director of the

GuardianAssociation of Pinellas County, said capping fees would be arbitrary and capricious because fees for guardians vary from county to county.

“Maybe, it’s time for a uniform fee schedule,” he said. “The major drawback to this system is making revisions that reflect fair compensation amounts. Capping guardian fees would make sense, only if a Florida statute would require the chief judges of each district to review and implement new fees every five years.”

Sugar said it is up to the judges and prosecutors, though, to order penalties. “We desperately need prosecution of the worst offenders to set an example and dissuade others,” he said.

Let seniors decide

To offset problems that can arise when a guardian takes charge, a reform gaining national attention is called “supported decision-making.”

It lets seniors decide where they live and how much financial help they need through a type of Bill of Rights. The approach automatically considers alternatives to guardianship, such as giving a family member power of attorney. Texas and other states are considering incorporating the approach into guardianship laws.

Even the United Nations has chimed in, stating, “With supported decision-making, the presumption is always in favor of the person with a disability who will be affected by the decision.”

“It needs to be translated into state legislative statutes,” Sugar said.

But Jetta Getty, former president of the Florida State Guardianship Association, said current laws are enough and that the industry is being unfairly maligned.

“Less than 1 percent of professional guardians have any black marks or infractions,” the Daytona Beach professional guardian said. “This is a

judicial problem. I believe statutes already present give the courts full authority to rectify the problems that are being highlighted."

Local fraud investigator

On a local level, Palm Beach County Clerk and Comptroller Sharon Bock established a fraud hotline and hired an auditor in 2011 to look into complaints. The clerk's inspector general audits and investigates professional guardians, non-professional guardians, family members, attorneys, caregivers and anyone else suspected of exploiting a person under guardianship.

Bock's office says it has investigated more than 900 cases and uncovered more than $4.5 million in questionable expenditures.

"Even a small amount of fraud is really intolerable," Bock said. "When we get to the point that all guardians are invested in the outcome of protecting the ward, then we have really reached our goal."

Sugar said he routinely hears complaints from Palm Beach County about professional guardians.

He said it is important for the public to understand that when a senior is put under plenary guardianship that they lose all rights, that they are "dead in the eyes of law." The guardian can determine where they live, how they spend their money and — most importantly — their medical care.

"It just seems like every day we hear about something more egregious," said Martha T.S. Laham, author of The Con Game: A Failure of Trust. "It's a matter of the individual's basic rights. They strip these from them in a matter of minutes and reduce them to the status of an infant."

Easy to qualify

Laham, a professor at Diablo Valley College in Pleasant Hill, Calif., said some states are toughening qualification standards for guardians. Savitt was a tennis pro and became a guardian

after 40 hours of training, a test and a credit and criminal background check.

Guardians need to be monitored much more strictly. Judges need to look at the credentials of guardians prior to appointment and then follow up to make sure the senior's finances aren't being abused, she said.

There are ways for families and seniors to protect themselves from falling prey to predatory guardianship. That is to set up a defined power-of-attorney and pre-need directives for the senior long before senility sets in. Some advocates claim that such planning would eliminate the need for guardianships for the vast majority of seniors.

How do these thwart aggressive professional guardians? Families only need to look to the precedent-setting Palm Beach County case of J. Alan Smith recently decided by the 4th District Court of Appeal in West Palm Beach.

The appellate court found that Smith's pre-need

directives naming his new wife, Glenda Martinez, his health-care surrogate trumped all of the claims of the guardian and his attorney. The guardian successfully sought to annul the marriage but not the pre-need directive.

“That decision was badly needed in guardianship law here in Florida,” said Martinez’s attorney, Jennifer Carroll. “The personal wishes of the ward somehow disappear over time and become irrelevant in the guardianship proceeding and all the players in the system lose sight of that fundamental principle.”

Guardians’ side

Guardian-advocate Gutierrez challenged Sugar to a debate on Oct. 19 in Clearwater, where families and professional guardians squared off.

While the industry needs reform, he said Sugar’s group is too eager to depict every professional guardian as a gold digger. He said there are fewer than 100 complaints to the state about guardians.

“Are there bad guardians? You betcha,” Guiterrez said. “But there are bad everything. Bad reporters. Bad doctors.”

Still, Gutierrez conceded there is too much focus on the financial responsibilities of guardians and they need more training to do a job that is often done by professionals who went to school for years.

“The court is more interested in the money rather than the health and welfare of the patients that they call wards,” he said.

A guardianship, he said, should be a last resort after all other avenues have been exhausted.

Palm Beach Guardians attorney Thomas Dougherty challenged many of Savitt’s actions in the guardianship of Lorraine Hilton, and the judge’s wife resigned as guardian.

He first experienced the fee frenzy in guardianship cases when representing a mentally handicapped

man a few years ago.

“That’s why I encourage clients to avoid guardianships if at all possible by either setting up trusts or powers of attorney or other methods,” he said. “The system can be very frustrating and end up hurting those it was intended to protect and benefiting those who are supposed to be protecting the wards.”

What the Post found

Families of incapacitiated seniors protest the practices — such as taking fees without prior court approval, for example — of Elizabeth Savitt, the guardian charged with taking care of them, The Post found in a yearlong investigation. Savitt is married to Judge Martin Colin and the position this arrangement puts the judge in makes for an appearance of impropriety, a violation of judicial canons, a former Florida chief justice says.

PREVIOUS: FOOD & COOKING NEXT: PETS

Publication: Palm Beach Post; Date: Jan 31, 2016; Section: Main; Page: A18

OUR VIEWS
GUARDIANSHIP

Who's making sure guardians don't prey on the vulnerable?

The Post's recent series, "Guardianships: A Broken Trust," has placed a penetrating spotlight on a system that is ripe for abusing people at their most vulnerable.

In Post reporter John Pacenti's stories about Palm Beach County Circuit Judge Martin Colin and his wife, Elizabeth "Betsy" Savitt – a tennis pro turned court-appointed guardian of incapacitated adults – some families of seniors in guardianship say in court papers and interviews that Savitt took advantage of her position, going after the life savings of their loved ones through unnecessary litigation, double billing and fees taken for herself and her lawyers without court approval.

That a guardian should do this in a court system where her husband sits as a judge – though not taking part in her cases directly – raises serious questions of ethics. We're glad to see that Chief Judge Jeffrey Colbath has responded by saying he is "preparing to make appropriate changes to address concerns."

This is a field in which rules are remarkably lacking.

But the problems of guardianships go far beyond these cases. In Palm Beach County, which has the state's largest population of people over 85, guardianship cases have been increasing at 15 percent per year. There are now 2,800 open guardianship cases in the county, according to Palm Beach County Clerk & Comptroller Sharon Bock.

And with 10,000 Americans turning 65 each day, Bock notes, the nation at large will inevitably feel the strains that are appearing here first. "We call it the Gray Tsunami," she told the Post Editorial Board.





Judge Martin Colin and wife Elizabeth "Betsy" Savitt.

It's time to lay down some rules.

Because this is a field in which rules are remarkably lacking.

Professional guardians are not regulated, for instance, by the state Department of Elder Affairs. A measure now pending in the Legislature, Senate Bill 232, would change this, establishing an Office of Public and Professional Guardians under the department that would develop, set and enforce professional standards of practice – and make violators ineligible for court appointments.

Efforts should also be made to cap fees for guardians and their attorneys, to limit the amount of money they can sap from seniors they're supposed to be protecting.

And the counties' Clerk & Comptroller offices must be strengthened. Bock's office already reviews every guardianship's financial records each year, acts as an independent auditor with the power to dig deeply into suspect cases and pursue criminal, as well as civil, penalties. With just a lead auditor and a staff of six clerk auditors, her office has investigated more than 900 cases, uncovered more than $4.5 million in questionable expenditures, and, she said, "put two people in jail."

The office could be more effective with more resources. But the state's 67 clerks offices are already facing a $42 million shortfall in fiscal 2015-16 and will be struggling to fulfill their basic duties in running the courts, Bock said. She plans to seek federal and state money to expand guardian oversight, she said, after gathering statistics demonstrating the scope of the problem, a project started Friday.

The system must have more safeguards. Because any one of us could get caught in it.

"Which one of us doesn't have aging parents?" Bock said. "And which one of us isn't aging?

"If you don't have yourself properly set up," she added, "if you don't have a trust, if you don't have a will, you could ... become a ward of the court."

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POST INVESTIGATION GUARDIANSHIPS

Chief judge investigating Post's findings on Colin, Savitt

Updated: 7:06 p.m. Wednesday, Jan. 20, 2016 | Posted: 6:52 p.m. Wednesday, Jan. 20, 2016

By John Pacenti - Palm Beach Post Staff Writer

In this Section

Jupiter High School evacuated after threat to campus

7 things to know



The chief judge for Palm Beach County said Wednesday that he is investigating what needs to be done to address concerns brought forth by The Palm Beach Post's stories on Circuit Judge Martin Colin's role in adult guardianship.

Circuit Judge Jeffrey Colbath said in an email to The Post that he is in fact-finding mode and "is preparing to make appropriate changes to address concerns."



,Elizabeth Savitt appears at a hearing with Attorney Sheri Hazeltine to discuss attorney fees for Albert Bach on Thursday, August 20, ... Read More

Colin oversees family and probate matters in Delray Beach, including guardianships of adults no longer able to care for themselves. Colin's wife, Elizabeth "Betsy" Savitt, is a former tennis pro turned professional guardian who operates in the same division

now: Iowa caucus winners; O.J. Simpson; Groundhog Day

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2nd place finish pierces Trump's gold-plated mystique

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and appears in front of Colin's colleagues.

But Colbath and the chief judge before him, Peter Blanc, took no action to eliminate potential conflicts caused by the close relationships in the south county courthouse.

Colbath has the power to transfer Colin out of the Probate & Guardianship Division, where he has been since about 2009. He also has the power to transfer Circuit Judge David French, who has been a close friend of both Colin and Savitt and oversees many of her guardianships.



Judge Martin Colin presides over a hearing on Thursday, August 20, 2015, at the South County Courthouse in Delray Beach.

The Post found Colin's colleagues must approve Savitt's fees and fees for attorneys who represent her in guardianships of incapacitated senior citizens, many with sizable life savings. Families have accused Savitt, a guardian since 2011, of

after poor showing in Iowa

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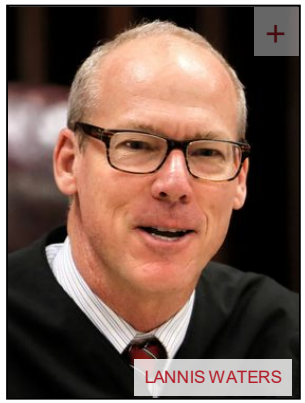
double-billing, taking fees without prior court approval and pursuing unnecessary litigation to drum up fees.

Several families separately told The Post that Savitt openly cites her husband's powerful position when confronted over her actions.

Savitt does not appear directly in front of her husband, but the attorneys who represent her litigated cases in front of him and relied on him at times to approve lucrative fees.



Palm Beach County Chief Circuit Judge Jeffrey Colbath

Two former Florida Supreme Court justices and a legal ethics expert told The Post the relationships pose a conflict of interest and appear improper.

After The Post started investigating last year, Colin recused himself from 115 cases in six months involving

those attorneys who represent Savitt in guardianships, such as Ellen Morris, Sheri Hazeltine and John Pankauski, The Post reported Sunday. Previously, Colin said he required the attorneys to disclose their professional relationship with his wife, but The Post found that didn't happen in at least one case.

"We have adopted long-standing approved methods to properly deal with such potential conflicts," Colin told The Post.

Colbath has the power to transfer Colin or French out of the probate division. It's common for judges to be rotated every few years.

Savitt pointed out that she has never been sanctioned by any of her husband's colleagues and that complaints were from "disgruntled" family members. She also accused the paper of holding a grudge against her and her husband.

Families with seniors in Savitt's guardianships told The Post that their complaints about her financial

management of seniors' life savings were ignored by Colin's colleagues, especially French.

Of particular issue is the tens of thousands of dollars Savitt has taken in fees prior to judicial approval in either guardianships or probate cases after the senior has died. Overwhelmingly, attorneys in the elder law field told The Post that state guardianship law does not allow guardians to take fees before a judge gives the OK.

This week it has been business as usual in Colin's courtroom in Delray Beach. Several attorneys told The Post they are not comfortable with the relationships in the probate division but fear repercussions if they speak out.

The families of some of Savitt's current and former wards did not hold back.

"They should be moved out of probate, and if possible, moved off the bench," said Jodi Rich, niece of Robert Paul Wein, who was in a Savitt guardianship before he died at 89 on Dec. 1.

“They are not abiding by ethical standards,” she said.

Thomas Mayes, whose mother, Helen O’Grady, was in a Savitt guardianship, said there needs not only to be further guardianship reform by state lawmakers but a criminal investigation into Savitt. He doubted, though, anything would done.

“They will just sweep the dirt under the rug or in a corner,” he said.

Skender Hoti, a Lake Worth restaurant owner, watched Savitt in February 2012 try to assist a family guardian in seizing nearly every possession in a house he owned before she was stopped by sheriff’s deputies.

“All their cases should be reviewed,” he said of Colin and French. “No judge should be able not to rotate and stay in the probate arena.”

What the Post found

Palm Beach County Circuit Judge Martin Colin is compromised by his wife's work as a professional guardian in the same probate and guardianship division where he has presided for years. His wife, Elizabeth "Betsy" Savitt, took fees without court approval and in some instances double-billed. Read all the stories and see the documents at myPalmBeachPost.com/guardianships-colin-savitt.

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rw_PnwWvMAw28uCIF9WI1_OB2LU Report

Thank you

7:43 p.m. Jan. 20, 2016



mcfinn25 Report

Well, honestly, Judge Colbath is a person named in the article under not so ethical circumstances. Is he reliable to make a proper inquiry?

9:29 p.m. Jan. 20, 2016



CaptfFoyd Report

This just seems to say that The Good Old Days are still here!!!
Palm Beach County is STILL the COUNTY of CORRUPTION!!!!!!!!!!!!!!!
Office Of Inspector General still has a massive Clean p Job to do!!!!!!!!!!!!!!!!!!!!

I am guessing that they see it in the POTUS's Staff!
US Sec. Kerry's family is married to IRAN's Official!!
The top White House Advisor was born in IRAN & her family was under FBI investigation & has 24/7 Secret Security Detail and was not elected!!!!
Solar company that was given US Funds & then went bankrupt & the money was never repaid!! This same Solar company was given another even ore US Funds!!! They are also Obama's Donors!

Elected Official need to be in office 1 Term! The 2nd Term in JAIL!!!!

10:55 p.m. Jan. 20, 2016



Floridawalker Report

They just should be removed altogether for the misery they have caused in the courtrooms

11:17 p.m. Jan. 20, 2016



citizenobserver Report

Kudos to the Palm Beach Post for exposing this egregious mess! Wish they had a larger staff so they could take on irregularities at the municipal and county levels,also. There is plenty to investigate, but their corporate parent doesn't value the value of role the newspaper at the local level and continues to cut staff non stop. We need good reporting like this and other investigations they have done recently to keep our community healthy and corruption free. It forces people to stop looking the other way with a nod and a wink while corruption runs rampant.

1:07 a.m. Jan. 21, 2016



pepper38 Report

'Citizenobserver' said it so well, much better than I ever could. I wish someone would take the suggestions seriously.

10:08 a.m. Jan. 21, 2016



Fidel Report

Transfer the Judge. No more clients for the wife

1:47 p.m. Jan. 21, 2016



Fidel Report

CaptainFoyd is a wacko and needs his meds

1:49 p.m. Jan. 21, 2016



Fidel Report

Can you spell "CONFLICT OF INTEREST?"

4:20 p.m. Jan. 21, 2016



carolynballaban Report

There is a Polish saying "ONE HAND WASHES THE OTHER SO THEY BOTH STAY DIRTY"That Savitt and CO.mess invites a criminal investigation;nothing less will do!!! ALI BABA and 7

7:44 p.m. Jan. 21, 2016

Comment(s) 1-10 of 10

All Comments (10) | Post a Comment

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Jane Musgrave
www.PalmBeachPost.com

Mob informant claims corruption in court system in wake of divorce

9:31 a.m. Friday, Dec. 11, 2015 | Filed in: **Crime**

Editor's note: This story originally ran in print on Sunday, June 29, 2008.

Lewis Kasman isn't easily intimidated.



The self-proclaimed adopted son of the late mob boss John Gotti, Kasman didn't like the way the Gambino crime family treated him after the Dapper Don died in prison in 2002. So the 51-year-old Boca Raton man strapped on an FBI wire and spilled information that in February helped the feds build criminal cases against 62 reputed New York mobsters.



MOST READ

1. Gators to lose commits Vosean Joseph, Lamical Perine, Jeawon Taylor?

Lewis Kasman

Now Kasman has his sights set on a much less notorious target: Palm Beach County Family Court Judge Martin Colin.

Using court decisions that grew out of a long-running legal battle among Colin and his wife and her ex-husband, Kasman is on a tear to have the judge thrown out of office and get longtime Democratic power broker and attorney Henry Handler disbarred.

"I want Colin removed from the bench or censored -- not some kind of slap on the wrist," Kasman, a former garment district executive, said in an accent that reflects his Queens roots, if not his once strong Mafia ties.

When the Judicial Qualifications Commission, which disciplines judges, meets in mid-July, it will consider claims from Kasman and at least two other men that the judge dished out favors to attorneys who represented his wife in her divorce. Similar allegations have been raised in a strange and tortuous legal battle that went all the way to the Florida Supreme Court. The Florida Department of Law Enforcement has investigated as well.

Colin and attorneys embroiled in the quagmire dismiss allegations that a conspiracy was afoot to tip the scales of justice against Kasman or anyone else.

They point out that at the root of Kasman's claims is Jay Gordon, a seriously disgruntled ex-husband. The 64-year-old Delray Beach man has devoted roughly seven years of his life to largely unsuccessful litigation aimed at proving that not only is Colin corrupt but so is the entire Palm Beach County judicial system.

His near-maniacal obsession is fueled by the fact that Colin represented Gordon's ex-wife in their 2001 divorce, then dated and ultimately married her. Gordon is convinced that Colin, who took the bench in 2004, has used his power to defeat him in court.

2. Florida Gators 2016 recruiting class: Bios, projections, facts to know

3. Dolphins' Ryan Tannehill needs a big season under Adam Gase

Consider the source, Colin said.

"The persistent personal offensive attacks of a few dispassionate litigants like Kasman and Gordon are not only meritless but seek to interfere with the independence of the judicial system," the judge said.

'Unfair ghost prosecutor'

The cases have come back to haunt Colin and those who represented his client-turned-girlfriend-turned-wife, Betsy Savitt, in her divorce and the myriad lawsuits it spawned.

Even judges who have heard the cases have questioned Colin's actions.

Shortly before Colin took the bench, Palm Beach County Circuit Judge Jeffrey Colbath censured his soon-to-be colleague, writing: "It appears that Mr. Colin is seeking to invoke the Court system to intimidate and bully Mr. Gordon. Mr. Colin may have lost his objectivity and is not problem-solving, but is exacerbating the post-judgment conflicts between these parties."

Colin asked Colbath to retract the statement. Colbath refused.

However, when Colbath's words were repeated by the appeals court last year, Colin hired one of the county's top appellate attorneys, Jane Kreusler-Walsh, and the comments were stricken.

Later, in an unsuccessful appeal to the Supreme Court, Gordon's appointed attorney said she was prepared to try to prove that Colin had manipulated the system from behind the scenes.

"Allegations that Colin was the unfair ghost prosecutor of (Gordon) are just now emerging," wrote Assistant Public Defender Margaret Good-Earnest.

Good-Earnest was trying to convince the high court that one of Savitt's attorneys, Jonathan Root, should not have been allowed to serve as special prosecutor in the case that put Gordon behind bars for seven days for violating a court order limiting his contact with Savitt. In its opinion, the appeals court said it was troubled by Gordon's treatment but did not want to ban lawyers in civil cases from also serving as special prosecutors.

Gun Club's 'old man's ward'

Still, as the appeals court was dealing with Gordon's case, another one surfaced, questioning Colin's relationship with his wife's attorneys.

Raymond Baez, a former Wellington man who came before Colin in a paternity case, told the appeals court that he couldn't get a fair hearing because his ex-girlfriend, who was seeking child support, was represented by Root, who had represented the judge's then-girlfriend.

While judicial canons require judges to disclose only a possible conflict involving a spouse or relative, in August the appeals court agreed that Baez's concerns were justified.

"We find the distinction between a wife and girlfriend (or husband and boyfriend) as it relates to the appearance of bias or prejudice by the judge, to be a distinction without a difference," it wrote.

Nevertheless, six months after the appeals court said Colin had to reveal his potential bias, the judge failed to disclose it when Kasman appeared before him.

New to Kasman's divorce case, Colin said he looked over the file, filled with motions to hold Kasman in contempt for not abiding by court orders. On Feb. 27, the judge ordered Kasman jailed until he paid his wife, Eileen, the $317,000 that her attorney claimed he owed.

"I spent seven days in the old man's ward -- that's what they call it -- at Gun Club," Kasman said.

On March 6, Colin agreed an accounting error had been made and released Kasman after his parents coughed up $40,000. Colin also asked for a full accounting of the $277,000 that was withdrawn from his children's accounts.

Kasman said he now suspects Colin jailed him because his wife is represented by Handler's associate, Carol Kartagener. Handler represented Savitt in a case sparked by her divorce from Gordon.

However, Kasman said, it wasn't until May 23, nearly nine months after the appeals court ruling, that he discovered the connection.

At a hearing, Colin acknowledged that Handler had represented Savitt.

Colin said he alerted Root and John Schutz, another attorney who represented Savitt, months before. But he said he simply did not make the connection between Kartagener and Handler. Further, he said, Handler represented Savitt only for "about a week."

Handler describes his service to Savitt as "a one-and-done appearance," meaning he represented her at only one hearing. Records show he was involved in the case from at least January to August 2005 and never formally withdrew as her attorney.

Kasman also points out that the phone number Colin lists on the Florida Bar's Web site rings at Handler's office.

Colin said he listed Handler's number when he was closing his practice before taking the bench. His paralegal went to work for Handler, and he wanted to give his clients a number to call to inquire about their cases.

"You can always find a conspiracy wherever you want to look," he said of

Kasman's claims. "I looked at what my obligations were to my former clients. I thought by leaving it and transferring it to where (my paralegal) went to work, I thought that was a real public service."

Colin said he is not surprised or worried about the complaints filed with the Judicial Qualifications Commission. Likewise, Handler said neither he nor Kartagener did anything improper; it was up to Colin to disclose any potential conflicts.

Root said the accusations are ridiculous.

"People know that no one gets any favoritism from Judge Colin," he said. "They know it's a bunch of B.S. ... I certainly don't walk on water in that courtroom."

Colin said he has made all necessary disclosures and few have asked that he step down. Yet when Circuit Judge Amy Smith recused herself from Kasman's case last week, she expressed frustration at the number of cases she was inheriting from Colin.

As to Kasman, he said he's confident Colin's behavior was improper. While the FDLE said it lacked jurisdiction to pursue similar complaints against Colin, state agents said the FBI may be interested.

The man who ratted out the mob said he's been arming himself with lawyers and is ready for a long fight.

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POINT OF VIEW State must come together to combat human trafficking





Jane Musgrave

PBC Circuit Judge Martin Colin won't seek re-election

February 2, 2016 | Filed in: **15th Circuit**, **Judicial Election**, **Palm Beach County courts**, **politics**.

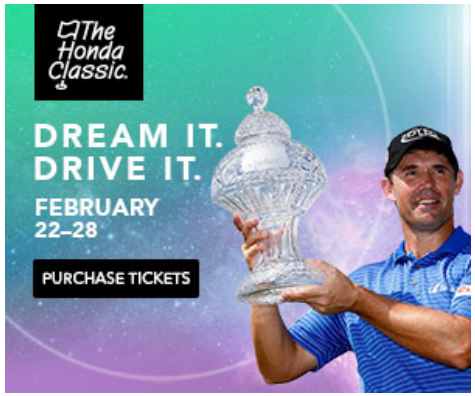
Palm Beach County Circuit Judge Martin Colin, who has come under fire for his wife's work as a guardian while he presides over probate cases at the South County Courthouse, said Tuesday he will not seek a third term.



Palm Beach County Circuit Judge Martin Colin on the bench in August. (Madeline Gray / The Palm Beach Post)

He said his decision has nothing to do with recent stories by The Palm Beach Post, raising questions about the potential conflict between his wife's work and his judicial responsibilities. Rather, he said, it'ss because of a state law that requires judges to retire when they reach age 70.

"This announcement coincides with Judge Colin's long-standing decision not to pursue a partial term, as due to his age, he is not



Follow

eligible to serve another full six years on the bench," he wrote in an email to The Post.

The law allows judges to continue to serve after they turn 70 if they serve at least half their term. But, at 66, Colin would be forced to resign if he is re-elected to another six-year term in August.

He said he wanted to make the announcement to allow those interested in becoming judges to seek his seat. Last week, Boca Raton securities fraud lawyer Gregory Tendrich filed papers to seek Colin's seat.

First elected in 2004, and relected in 2010, Colin said he will finish his term which expires at the end of the year. He said he has been privileged to serve on the bench and considers the county's judiciary among the best in the state.

VIEW COMMENTS

PREVIOUS Police expert: PBSO deputy had reason to shoot Dontrell Stephens

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saturday, june 18, 2005

Another questionable judge

Judge Martin Colin is the second Palm Beach County Judge in the last two months to be accused of assault and or battery. Two months ago Judge Lucy Chernow Brown was accused of assaulting a court baliff. No charges were filed in the end.

In this case Judge Colin is being accused of holding a 12-year-old boy's head under water after the boy shot a newsaper he was reading with a water pistol. There are several other twists to this story. The boy is the son of a woman the Judge is dating and who he represented less than a year ago in her divorce with her now ex-husband. The ex-husband Jay Gordon is one who took his son to Delray Beach police where the boy filed a criminal complaint.

All seems a little cozy. This judge involved with a former client. Probably happens all the time but you have to wonder if this started when he was representing Elizabeth Savitt. There is a great deal of personal involvement in this story which leaves me wondering whether this man should even be on the bench.

The entire Palm Beach Post story can be found at-http://www.palmbeachpost.com/localnews/content/local_news/epaper/2005/06/18/s1b_judge_0618.html

Judge investigated over incident with girlfriend's son
By John Pacenti
Palm Beach Post Staff Writer
Saturday, June 18, 2005

What started off as seeming pool-side shenanigans on Mother's Day has escalated into a police investigation of a Palm Beach County circuit judge.

Judge Martin Colin is accused of holding his girlfriend's 12-year-old son underwater for up to 10 seconds after the boy squirted the newspaper Colin was reading with a water pistol, according to a police report.

The Delray Police Department has forwarded the case to State Attorney Barry Krischer's office for a determination on whether Colin should be charged with misdemeanor battery.

Colin's attorney, Scott Richardson, said Colin did nothing wrong to the child and that the judge is being victimized by the boy's father.

Jay Gordon, the ex-husband of Elizabeth Savitt, took his son to the police department on May 10 to file a complaint against Colin.

The episode is the latest twist in the Gordon-Savitt split. Colin, before becoming a judge, represented Savitt in the divorce. After the divorce, they became romantically involved. Colin had continued to represent her in child-custody matters.

Gordon complained to the Florida Bar. But it ended its investigation last year, saying it no longer had jurisdiction because Colin had been elected judge. After 30 years as a lawyer, he became a family court judge in January.

Last fall, Judge Jeffrey Colbath chastised Colin for using the court system to "intimidate and bully Mr. Gordon." In December, Gordon was sentenced to 30 days in jail for violating an order limiting contact with his ex-wife.

"I had no chance in the system with Martin Colin," Gordon said. "I'm playing on his field with his ball with his rules."

On May 8, Colin, Savitt, her son and others gathered at a friend's house to eat and swim. The boy told police he had soaked Colin's newspaper as a joke.

Colin then entered the pool and picked him up "with his face towards the sky, like a baby cradle." The boy said he told Colin, "Get the (expletive) off me," and that Colin "threw him into the water and he landed on his side, which hurt his ear," according to the police report.

The boy said he cursed at Colin after the judge insulted his father — and that's when Colin dunked him. The boy's 13-year-old friend corroborated his account, according to the police report.

Colin declined to give a statement to police. Savitt told police she did not see what happened but felt Colin did not do anything inappropriate.

Gordon said he plans to file a complaint with the Judicial Qualifications Commission, which disciplines judges.

posted by the florida masochist at 6/18/2005 12:18:00 pm 

Opinion

Protect Floridians from guardian abuses: Where we stand

FEBRUARY 4, 2016, 6:41 PM

Court-appointed guardians are supposed to protect their wards. So it's depressing that somebody needs to guard against the guardians. Yet that's the reality in Florida.

Last year, spurred on by reports of widespread abuses, the Florida Legislature enacted a first round of reforms to improve court oversight of guardians appointed to safeguard the property, wealth and health of people deemed incapable of managing their own affairs. Many of those incapacitated people are elderly.

These reforms included protections for people who wish to resist appointment of a guardian and procedures to keep courts from handing out for-profit guardianships to preferred insiders. Lawmakers also were poised to approve a second round of reforms that for the first time would have given the state Department of Elder Affairs the power and duty to regulate the burgeoning "professional guardian" business.

The courts turn to professional guardians when there is no appropriate family member or friend to assume those duties. Professional guardians are entitled to collect fees, usually paid from the assets of the ward they have been appointed to protect.

Although the proposal to improve regulation unanimously passed the Senate, it died when the House — angry about unrelated matters — threw a fit and went home early.

This year, the measure's main sponsor, Venice Republican Nancy Detert, has reintroduced the bill (Senate Bill 232), and it has cleared several early tests. The Legislature should approve it this session, and Gov. Rick Scott should sign it.

Most guardians are honest. All judicial circuits strive, with the help of clerks of court, to provide oversight for guardians. Yet there is ample evidence — including a recent notorious case out of Palm Beach County — that more is needed on the state level.

Allegations in a recent Palm Beach Post series frame the issues. The series suggested that Elizabeth "Betsy" Savitt, a professional guardian, has benefited from her status as the wife of Circuit Court Judge Martin Colin, who serves in the probate division.

Savitt, according to The Post, collected fees before they were approved by a court, cited her husband's power in an attempt to intimidate

opponents, instigated unnecessary legal action to increase guardianship and lawyers' fees, and frequently appeared before a probate judge who was a close family friend. Savitt denied any wrongdoing.

Two chief judges did nothing to intervene until The Post series ran, though now Chief Judge Jeffrey Colbath has undertaken an investigation.

Judges are supposed to oversee fees collected by guardians and attorneys in cases before them. That system is insufficient if one of the probate judges is friendly with a guardian. Probate attorneys would be reluctant to file complaints since retaliation could affect the outcome of guardianship and other cases.

The Palm Beach County example shows the need to establish an office above the judicial-circuit level to handle complaints concerning guardians and, where appropriate, to discipline guardians for misconduct. Detert's bill would create the Office of Public and Professional Guardians. It would provide for a staff of investigators and empower the office to review and recommend regulations governing guardians.

Some advocacy groups, such as Americans Against Abusive Probate Guardianship, lobby for even further reforms, including a cap on guardianship fees, which would prevent gouging. For the moment, Detert's bill is the next reasonable legislative step.

Of course, individuals can and should take steps on their own before they are incapacitated. Those include granting trusted family or friends financial power of attorney and designating individuals to make health-care decisions. Even those arrangements can fail in the midst of family feuds — which are common, particularly when large sums are at stake, and currently are a major reason why the courts turn to professional guardians.

So — one of the most difficult pieces of advice to accomplish — make family peace when possible.

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This article is related to: Florida Legislature

Opinion

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FEBRUARY 4, 2016, 6:41 PM

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So — one of the most difficult pieces of advice to accomplish — make family peace when possible.

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This article is related to: Florida Legislature

STATE POLITICS FEBRUARY 5, 2016 3:13 PM

Jorge Labarga to serve rare 2nd term as chief justice of Florida Supreme Court

HIGHLIGHTS

He's the first chief justice to serve a second consecutive term since the Civil War

Impending retirement of Justice Perry was a factor

Chief justice position is decided upon by court's other six justices

BY KRISTEN M. CLARK
Herald/Times Tallahassee Bureau

TALLAHASSEE — Florida Supreme Court Chief Justice Jorge Labarga continues to make history.

Two years ago, he became the first Hispanic person to lead the state's judicial system. On July 1, he'll begin his second term in that role — becoming the first chief justice to succeed himself since the end of the Civil War and the first in four decades to serve more than one term.

The court announced this morning that the six other justices chose Labarga to serve for another two-year term as chief justice.

The Supreme Court has long followed a custom of rotating the chief justice role to the next most senior member who has not yet held the post.

But in this case, Justice James E.C. Perry, who normally would have received the rotation in 2016, will be forced to retire because of age only a few months later. He chose not to stand for election, the court said.

As chief justice, Labarga leads the state's top bench and also serves as the administrative head of the state's judiciary.

> **IT IS A PRIVILEGE TO SERVE THE PEOPLE OF FLORIDA.**
> Chief Justice Jorge Labarga

"It is a privilege to serve the people of Florida," Labarga said in a statement. "My second term will continue the work started during the first — especially the efforts of the Access to Civil Justice Commission and implementation of both our new long-range plan and the first comprehensive statewide communications plan developed for the state courts system."

Labarga, 63, was the second Cuban-American appointed to Florida's high court. He came to Florida as an 11-year-old, graduated high school in West Palm Beach and then attended the University of Florida, where he earned his undergraduate and law degrees. Before becoming a Supreme Court justice seven years ago, he was a trial judge in Palm Beach County.

The court said the last chief justice to succeed himself was Charles H. Dupont, who was elected in 1860, served during the Civil War and then succeeded himself in 1865.

Labarga also will become the first person to serve more than a single term as chief justice since the late Justice B.K. Roberts. He held the post for three non-consecutive terms, the last of which was in the early 1970s, the court said.

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COMMENTS

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floridawoman You guys at The Post rock--every time I fear our newspapers are dying and will not be be able to sustain news reporting, much less investigative reporting, you people just forge ahead and knock the lights out--the private prison series, this one—congratulations on keeping the spirit of journalism alive, and people in power accountable. Report

4:41 p.m. Feb. 2, 2016

CatInTheHat Palm Beach County where greed and thievery run rampant. Report

5:25 p.m. Feb. 2, 2016

RLidinsky Great Work! Report

5:35 p.m. Feb. 2, 2016

citizenobserver This is why we need to support the viability of The Post! Our community needs the press more than most for their excellent investigative reporting!!!! Thank you PBPost Report

6:10 p.m. Feb. 2, 2016

Zoiberg I totally agree. The Post's investigative articles are top notch. Papers like this are needed to keep government honest and she'd light on systemic corruption. Just wish the yearly subscription was a bit cheaper. Report

7:31 p.m. Feb. 2, 2016

Harris Shows you can..do.if you have connections Report

9:25 a.m. Feb. 3, 2016

pepper38 Thanks to the Post and staff for doing their darndest to help keep Palm Beach County HONEST. It ain't easy I'm sure. Thanks too for being the advocate for many who have no one else on their side to protect them. Good Job!!! Report

10:42 a.m. Feb. 3, 2016

tommo3 so it took his article to wake up Judge Colbath, from his slumber, obviously many people new this was happening. Some minor repairs, but the chief culprits, will be let off scot free, as always. they can take the money and pensions and have a wonderful retirement. so much for justice in Palm Beach County Report

12:01 p.m. Feb. 3, 2016

Fidel now investigate the past ten years tax returns for the Judge, and his "conflict of Interest" wife. They are a disgrace. PB Post has done a great job!! Renew my subscription!!! Report

12:35 p.m. Feb. 3, 2016

Lobius1 Local investigations. A++. Report

When I was in college (1990s,) you guys were the scum of the earth. Your reporters cared more about getting to their luncheons over doing the right thing. You were more interested in writing character assassinations of people who don't matter instead of going after real bad guys.

It seems like there is a real change as the Post.

Note: stop publishing anything beyond state level news. Even at the state level, find a way to replace it with something local before running it. I have many, many, many, many, MANY ways of finding nonlocal news but I have very few ways of figuring out what affects me RIGHT HERE in Palm Beach County.

The TV can tell me WHAT happens but it remains print (including your website) that can tell me WHY and HOW.

Why and how are how you guys are going to keep paying your bills as professional journalists.

Don't forget that.

12:54 p.m. Feb. 3, 2016

SickOfTaxes 2011 tennis instructor to Professional Guardian entailed what licensing, training and oversight? Report



Nail techs, hairdressers, real estate agents, plumbers etc. are all governed by the licensing laws of the state yet these people were allowed free access to the bank accounts of many. What a sham. She and the judge should be in jail for theft.

4:41 p.m. Feb. 3, 2016

pibernie Having been a lawyer in Quebec for 49 years, including 15 years as a judge in La bor relations, and retired for the last three years, I am convinced that the judicial system, everywhere, and in every jurisdiction, needs more people like Chief Circuit Judge Colbath. Report



8:09 p.m. Feb. 3, 2016

Eliot Bernstein Letter to the editor Report



"The Only place these changes will sweep is under the rug"

The changes proposed by Jeffrey Colbath are a "Farce". Victims deserve to see this hen house cleaned out by Federal Mediators. Where are the criminal charges against Elizabeth Savitt,
Sheri Hazeltine, Judge Colin and Judge French?, Judge Colbath is at least guilty of knowingly allowing this Guardianship piracy to continue unabated for more than a decade where the procedure dictates Judges should be rotated out of a branch of the judiciary every two years. Instead they have been allowed to decide among themselves who can trade. It would now seem to be obvious even to the Chief Judge the reason for the rule. His blinders are highly suspect and incompetence is a given. Proposed change #2 puts forth training for the Judges and the court staff. Where has been the training up to this point. What types of training.? Proposed change #3 adds a "wheel" to allow corrupt guardians to continue. Proposed change #4 advocates standardization of billing practices to guardians and attorneys. Hopefully the bill before the legislature will cover this area at a higher level. And finally proposed change #4 recusal of the judges from Savitt's cases. That's it; for a guardian and an attorney (Hazeltine) who in my case broke into my house without a writ of possession and stole jewelry, money,and furniture which to this day has not been returned. All under a temporary guardianship order issued by Colin with just a statement from a family member that I was abusing his sister, my foster mother.. There was no medical examination prior to the order and the order did not give these burglars the right to break in my home and load up all the contents. If it hadn't been for a concerned neighbor they would have gotten away with it. These people are criminals and should be put in Jail along with Savitt's husband judge Colin. You can sure if it was you or me we would be up on charges. You cannot allow the "Fox" in the hen house to write the rules for all the other foxes posing as hens. A septic tank pumping would seem to be a more appropriate measure.

Skender Hoti

10:37 a.m. Feb. 9, 2016

Eliot Bernstein Reminiscent of the Shuffling of the Deck Chairs on the Titanic or the Pedophile Priest Shuffle. Report



For more on these criminals disguised as Judges and Attorneys activities, including massive fraud and forgery on the court and then fraud by the court, please see http://tedbernsteinreport.blogspot.com/

11:24 a.m. Feb. 9, 2016

Eliot Bernstein Letter to the editor Report

"The Only place these changes will sweep is under the rug"

The changes proposed by Jeffrey Colbath are a "Farce". Victims deserve to see this hen house cleaned out by Federal Mediators. Where are the criminal charges against Elizabeth Savitt, Sheri Hazeltine, Judge Colin and Judge French?, Judge Colbath is at least guilty of knowingly allowing this Guardianship piracy to continue unabated for more than a decade where the procedure dictates Judges should be rotated out of a branch of the judiciary every two years. Instead they have been allowed to decide among themselves who can trade. It would now seem to be obvious even to the Chief Judge the reason for the rule. His blinders are highly suspect and incompetence is a given. Proposed change #2 puts forth training for the Judges and the court staff. Where has been the training up to this point. What types of training.? Proposed change #3 adds a "wheel" to allow corrupt guardians to continue. Proposed change #4 advocates standardization of billing practices to guardians and attorneys. Hopefully the bill before the legislature will cover this area at a higher level. And finally proposed change #4 recusal of the judges from Savitt's cases. That's it; for a guardian and an attorney (Hazeltine) who in my case kidnapped my foster mother, broke into my house without a writ of possession, stole jewelry, money,and furniture which to this day has not been returned. All under a temporary guardianship order issued by Colin with just a statement from a family member that I was abusing his sister, my foster mother all without proof.There was no medical examination prior to the order and the order did not give these burglars the right to break in my home and load up all the contents. If it hadn't been for a concerned neighbor they would have gotten away with it. These people are criminals and should be put in Jail along with Savitt's husband judge Colin. You can be sure if it was you or me we would be up on charges. You cannot allow the "Fox" in the hen house to whitewash reforms rules for all the other foxes posing as hens. We have been caught so we will change clothing and continue as usual. A septic tank pumping would seem to be a more appropriate measure.

If you a story like this and there are plenty of you that do please contact me at Skendertravel@yahoo.com. We are compiling a list of cases and abuses to submit to higher authorities.

Skender Hoti -Guardianship victim

4:50 p.m. Feb. 9, 2016

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John Pacenti

Colin transferred out of Probate following Post's guardianship findings

COMMENTS 6

February 10, 2016 | Filed in: **Alzheimer's**, **Article**, **bnblogs**, **post-staff**, **Public Health**, **Uncategorized**.

Circuit Judge Martin Colin's tenure as a probate judge is over in the wake of The Palm Beach Post's investigation into the role of the judge and his wife in the guardianships of incapacitated seniors.

Palm Beach County Chief Circuit Judge Jeffrey Colbath, with little fanfare, posted Colin's transfer on the judicial circuit's website on Tuesday, moving him from the Probate & Guardianship Division in Delray Beach to the Civil Circuit division in the Central Courthouse in West Palm Beach.

The move was buried on the website and not readily seen without searching an announcement section that appeared blank on the home page.



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Judge Martin Colin is out of the Probate & Guardianship Division after an investigation by The Palm Beach Post into his conflict of interest and the possible appearance of impropriety due to his wife's work as a professional guardian.

Circuit Judge Jaimie Goodman will take Colin's place in the South County Courthouse.

Colin assumes Goodman's docket as of Monday in the circuit civil division. He said he would not seek re-election following the Post's series, Guardianship: A Broken Trust.

Colin's transfer comes just as the state Senate is set to approve significant reform that would give Florida its first regulatory authority over professional guardians. The bill – along with one passed last year – is in response to complaints of guardians bilking the savings of the elderly as appointed officers of the court.

Many of these elderly seniors – called wards – suffer from Alzheimer's disease or some other form of dementia



Chief Judge Jeffrey Colbath instituted a plan to address findings about adult guardianship but has yet to make a

Colbath's moving Colin came without initial comment.

His also office did not respond to The Post's repeated questions on whether Colin will continue in his role coordinating the Courts Elder Care program. That power would allow Colin to steer guardianship disputes to mediation where a number of former judges make money as referees of court disputes – including Colbath's father, former judge Walter Colbath Jr.

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public statement. (Lannis Waters / The Palm Beach Post)

Also, it appears that Colbath is not taking any direct action on Colin's wife, Elizabeth "Betsy" Savitt, a professional guardian who has taken tens of thousands of dollars from the life savings of incapacitated seniors prior to court approval.

Savitt's work as a guardian coincides with her and Colin's finances substantially improving after years of foreclosures, liens and unpaid loans to private individuals.



Elizabeth Savitt is the wife of Judge Martin Colin and also a professional guardian. (Madeline Gray / The Palm Beach Post)

As a court-appointed professional guardian, Savitt takes over the lives of seniors and other adults who no longer can care for themselves, managing their finances, medical care and whether they can remain in their homes. She has access to hundreds of thousands of dollars. She was a tennis pro before she became a guardian.

The families of these seniors, backed up by reams of court documents, say that besides taking fees without court approval, Savitt double-billed, funneled money to relatives of the ward who are suspected of financial – and even physical abuse. In numerous cases, she was accused by families of creating unnecessary litigation in order to generate more fees for herself and the cadre attorneys who represent her.

Those attorneys regularly appeared in front of Colin, sometimes seeking his approval for generous fees in other cases. When The Post started investigating, Colin started shedding their cases: 115 recusals in all from July 1 to Dec. 31.

Colin's colleagues on the bench appointed his wife to cases. Presently, she has, at least, two guardianships but is also involved in managing trusts and other work as a fiduciary.

Former Supreme Court Chief Justice Gerald Kogan told The Post for its series that Savitt's role as a professional guardian created a severe conflict of interest for Colin and an appearance of impropriety that put him in jeopardy of violating the state's judicial canons.

Colin didn't hear Savitt's cases, but his colleagues do – particularly Circuit Judge David French, a family friend

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who once planned a cruise vacation with the both of them.



Judge David French listens to arguments at the South County Courthouse. (Damon Higgins/The Palm Beach Post)

French, for now, appears to be staying put in the Probate & Guardianship Division, but Colbath announced last month a five-point plan that directed all South County judges to recuse themselves from Savitt's cases.

Colbath's plan also includes training for probate judges and their staff, standardization of billing practices and wheel to provide random assignments of guardians to cases.

VIEW COMMENTS 6

PREVIOUS Now this is a crisis: world out of sugar free Tums

Diane Dimond: Elder Guardianships a Shameful 'Racket' in America

By Diane Dimond | @DiDimond | Published on 02.20.2016 5:30 p.m.

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Betty Winstanley is a well-spoken, elegant and wealthy 94-year-old widow, and as she told me from her room at the Masonic Village retirement facility in Elizabethtown, Pa., "I feel like I am in prison. My life is a living hell."

Welcome to America's twisted world of court-appointed guardianships for the elderly.

Quick backstory: Betty and her husband, Robert, were married for 72 years. They had three children, Richard, David and Betsy. For nearly seven years, the couple occupied a "lovely" apartment at the Masonic Village retirement home in Elizabethtown.

In early 2014, Betty, who uses a rolling walker to get around, said she felt faint. Seeing no staff nearby she lowered herself to the ground.

"They said I fell," she told me. "But that is a bad, bad word around here. Once you fall they decide you aren't capable of taking care of yourself anymore."

Betty was sent to the medical section of the compound for rehabilitation after a small fracture was found.

Robert, a doctor of ophthalmology with a keen interest in aerospace medicine, took ill shortly after and was also transferred to the medical unit. Betty stayed with him but longed to return to her apartment.

"They wouldn't let me," Betty said.

Labeled as a resident who could no longer live independently, Betty was transferred to a smaller room where nurses could keep better track of her. Sadly, on June 16, 2014, Robert died of heart failure.

Within three weeks, the eldest Winstanley son, Richard, was in court claiming his mother needed a guardian to make decisions for her. Betty believes Richard was angry because she recently transferred her power of attorney from him to her other two children.

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At this crucial initial hearing, Betty was without her hearing aids because the home collected them "for cleaning" and had not returned them. Still deep in grief, Betty was unable to understand the proceeding and her court-appointed lawyer never told her that she had the right to speak before the judge made a decision.

On July 17, 2014, Common Pleas Judge Jay J. Hoberg of Lancaster County, Pa., heard testimony from one doctor and one nurse from Masonic Village, and ruled that Betty was "a totally incapacitated person."

This, despite the fact that two independent neuropsychologists who tested Betty declared she was of sound mind. Depressed? Understandably, yes. Affected by dementia or Alzheimer's disease? No.

Those conclusions didn't seem to matter. Betty was appointed a guardian — two, in fact — and immediately felt cut off from the rest of the world. Her family visits were curbed, her checkbook was taken and she was restricted from leaving the Village campus. Her guardian, Patricia Maisano, did not even let her leave the campus at Christmas.

"They make me feel like a piece of protoplasm on a deserted island," Betty told me. "I just want to move to an assisted-living home in Annapolis, Md., so I can be near David and Betsy. I have no family around here except Richard, who rarely comes to visit."

Interestingly, Betty is not allowed to pay for her own lawyer from her $1.9 million estate funds. Her son, David, a flight attendant, told the court he has spent his life's savings trying to help his mother escape the grasp of a legal system that is supposed to help the elderly.

Groups fighting to change contested guardianship laws call the system a "nationwide racket," wherein an all-powerful judge appoints a guardian who, in turn, can hire a local attorney, any number of merchants and service people and, as in Betty's case, the elder has no idea how their money is being spent.

Betty only knows that her monthly apartment cost was about $3,300 and now she's charged $8,500 for her smaller, skilled-nursing-care room.

In the words of Dr. Sam Sugar, an advocate for elders in Florida, "The mantra of the guardianship system is litigate, medicate and take the estate."

I've read hundreds of pages of court transcripts and documents about Betty's case, and while there is much more to her story — including brothers who no longer speak and the prolonged focus in court on son David, who reportedly upset Betty in the past by yelling in frustration — there is really only one important takeaway.

Betty wants to leave the place where her husband died and live closer to her family in Maryland. The reason she can't move? Pennsylvania won't let her go, despite a state law that says a guardian must take into account what the ward wants. Hoberg, the ultimate arbiter, has allowed Betty's limbo to drag on for 18 months.

"I get the impression they just plan to wait her out until she dies," Betty's attorney, Candace Beckett, told me. "I've watched my client decline during this prolonged fight ... She is like a flower who's dying on the vine."

There is an appeal pending but that will take months to be heard.

This is what happens in America when the kids can't — or won't — agree on what's

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— Diane Dimond is the author of Be Careful Who You Love: Inside the Michael Jackson Case. *Contact her at , follow her on Twitter: @DiDimond, or click here to read previous columns. The opinions expressed are her own.*

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Whistleblower Lawyers Counterattack Against DC Disciplinary Counsel

By **Editor** Filed in **News** February 15th, 2016 @ 8:59 pm

The DC Disciplinary Counsel — previously known as the DC Bar Counsel — is on the attack against whistleblower lawyers.

And whistleblower lawyers are not happy about it. They have launched something of a counterattack.



Tom Devine

The Disciplinary Counsel has filed charges against prominent Washington whistleblower lawyer Lynne Bernabei and former Justice Department attorney Thomas Tamm.

The Disciplinary Counsel brought charges in June 2014 against Bernabei and Notre Dame Law Professor G. Robert Blakey — alleging that the two advised their client — former General Electric lawyer and whistleblower Adriana Koeck — to go public to reporters and law enforcement officials in the United States with incriminating and alleged confidential information against General Electric.

The case was initiated with a complaint filed by General Electric with the Disciplinary Counsel against Koeck.

In November 2015, Blakey was given the mildest possible sanction in the District — an admonition. The cases against Koeck and Bernabei are pending.

Last month, Tamm was charged with calling a reporter from a pay phone to make public the federal government's program of illegal wiretapping.

Now, the whistleblower bar is organizing to push back at what they see as an ideological attack on whistleblower lawyers.

"We have rolled up our sleeves and we are organizing," Tom Devine of the Government Accountability Project told *Corporate Crime Reporter* in an interview last week. "We are not going to be passive."

"These whistleblowers were acting within the legal rights Congress created with the whistleblower statutes," Devine said. "In the Tamm case, the government didn't even attempt to charge him with misconduct. His activities were legally

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protected. In the Bernabei case, the Department of Labor rejected the same charges when General Electric tried to censor Ms. Bernabei's advocacy for the whistleblower in government proceedings. This is an attack by the DC Bar Counsel on the constitutional authority of Congress and the President to enact the rules of law and for judicial bodies to enforce them. The Bar Counsel is saying that its standards trump and can cancel out the free speech rules that our government has enacted to protect the public against bureaucratic misconduct."

Former Justice Department official and whistleblower lawyer Jesselyn Radack told *Corporate Crime Reporter* that the Disciplinary Counsel "has a nasty history of politically-motivated bar discipline, especially against whistleblowers and attorneys for whistleblowers."

"Like Thomas Tamm, I blew the whistle as a Justice Department attorney," Radack said. "As with Tamm, the federal criminal case against me closed with no charges ever being brought. Afterwards, we both faced charges from the Maryland Bar, which were dismissed in a timely fashion. However, in my case, the DC Bar charges hung like a Sword of Damocles over my head for ten years. We see the exact same pattern with Tamm. The DC Bar is bringing charges 12 years after his revelation of the government's unconstitutional and illegal warrantless wiretapping program."

"If Tamm or I were threats to the public, the Bar would obviously want to pull our licenses as soon as possible — instead, they have taken it upon themselves to act as a retaliatory tool of the Justice Department."

Washington University Law Professor Kathleen Clark said that "Tamm's disclosure of the surveillance program to a Capitol Hill staffer and to the *New York Times* appears to be a quintessential public interest disclosure."

"Tamm — and others within the Office of Intelligence and Policy Review (OIPR) — believed that the program was illegal," Clark said. "Officials at the highest levels of the Justice Department had nonetheless purported to authorize it. Tamm spoke with supervisory lawyers within OIPR about it, and they apparently confirmed its illegality but weren't doing anything about that illegality."

"After the *New York Times* published articles about the program, members of Congress were up in arms about it. Eventually, Attorney General Holder acknowledged that the program was illegal."

"It seems strange that DC's Disciplinary Counsel would bring these charges against Thomas Tamm for his critical role in the disclosure of an illegal government surveillance program. It's even more strange that they decided to do this more than seven years after Tamm's role was made public."

Whistleblower lawyer Jason Zuckerman told *Corporate Crime Reporter* that "as a whistleblower advocate, I am concerned about what appears to be an ideological crusade against whistleblowers and their counsel."

"The ostensible mission of Bar Counsel is to 'protect the public and the courts from unethical conduct by members of the D.C. Bar,'" Zuckerman said. "But despite limited resources and a backlog resulting from receiving approximately hundreds of complaints a year, the highest priority of Bar Counsel appears to be

prosecuting whistleblowers and their attorneys."

"In the Tamm matter, the conduct occurred in 2004 and in the Bernabei matter, the conduct took place in 2008. And even though the disciplinary process in DC is complaint driven, Bar Counsel chose to prosecute Bernabei without having received any complaint about her conduct in that matter. It seems very suspicious that Bar Counsel is devoting such significant resources to prosecuting Bernabei and Tamm, especially where the alleged conduct appears to fall into a gray area, if there was any violation at all, which makes it very difficult for Bar Counsel to prove by clear and convincing evidence that Bernabei and Tamm knowingly violated the Rules of Professional Conduct."

"There seems to be a double standard. Has Bar Counsel ever prosecuted any attorneys at corporate firms that help their clients perpetrate fraud? And did Bar Counsel investigate prominent lawyer executives at Fannie Mae who appear to have engaged in actions that led to a multi-billion dollar restatement and left taxpayers footing the bill? Did Bar Counsel prosecute the attorneys that enabled large banks to nearly tank the economy? And has Bar Counsel prosecuted government attorneys that enabled torture and other flagrant unlawful human rights violations? Does Bar Counsel protect the public or does it protect the interests of big corporations and big government?"

"About one week ago, 60 Minutes aired a show in which they caught lawyers, including a former American Bar Association president, providing advice on how to move suspect money into the United States," Zuckerman said. "Is it Bar Counsel's position that lawyers that take steps to combat or oppose fraud should be disbarred and that lawyers that enable corporate fraud are the pinnacle of the profession? I resent that my mandatory bar dues are used to fund an office that is zealously prosecuting corporate and government whistleblowers while apparently ignoring a serious problem in the legal profession of attorneys perpetrating and enabling massive frauds."

"What is especially odd in the Bernabei matter is that Bar Counsel is taking positions that are contrary to federal law and Supreme Court precedent. Several federal courts and indeed the Supreme Court in *Lawson v. FMR* have held that attorneys can bring Sarbanes-Oxley claims when they suffer retaliation for blowing the whistle. Yet in the Bernabei matter, Bar Counsel appears to claim that federal law does not preempt inconsistent state rules of professional conduct. Advancing this bizarre legal argument is an odd use of Bar Counsel's limited resources."

At the center of the storm is Assistant Disciplinary Counsel Hamilton P. Fox III, who is bringing the charges against Bernabei and Tamm.

Fox is a former partner at Sutherland Asbill. He currently teaches a course at Georgetown Law Center titled "Counseling the Corporation in Crisis."

While at Sutherland Asbill, Fox represented the Israeli spy Jonathan Pollard. And a couple of years ago, he settled a high-profile run in he had with DC police over a parking dispute. Fox says DC wrote him a check for $80,000 to settle the dispute.

Fox told *Corporate Crime Reporter* that there is no ideological crusade against

whistleblowers.

Fox said that out of the thousands of cases investigated over the past ten years by his office, he knows of only two brought against whistleblower lawyers — the Bernabei cases and the Tamm case.

Fox says that there have been many more brought against corporate lawyers.

"I can think of at least three lawyers in major law firms whom we have disciplined in recent years," Fox said.

"And it's simplistic to say that we are trying to trump federal law," Fox said. "Federal law does not give lawyers the right to violate attorney-client privilege. If you hired a lawyer and disclosed to him something very bad that you have done, do you want that lawyer to be free to disclose to the public?"

Fox said that his office gets about 500 to 600 complaints about lawyers every year.

"If you go back ten years, that's about what — 5,000 complaints?" Fox said. "And so far, we have brought two cases against whistleblower lawyers?"

"How is that a crusade?" he asked.

Fox says that if a lawyer hears from a client about activity that poses immediate risk to human health, then they would have a duty to report that to law enforcement and go public with it.

"But that's different from the kinds of corporate wrongdoing — like misleading advertising — it depends on what the misconduct is," Fox said.

"If the lawyer hears — I'm going to shoot my wife, you can disclose," Fox said. "If the lawyer hears — I'm going to divorce my wife, you can't."

What about rampant corporate bribery?

"I actually had such a case when I was in practice," Fox said. "I found out that agents of my client company were bribing people in a foreign country to get licenses. If I have actual knowledge of that, under rules of professional conduct, I'm required to report that up the chain within the company, to the board and to give them the opportunity to correct. If they do not correct it, then I am allowed to report it outside the company, only if to prevent the client from committing the crime or fraud and if it is reasonably certain that substantial financial injury will occur to someone else. If it is simply that some government official in some foreign country is being enriched, I cannot report it."

"That's the premise of our profession," Fox said. "We withhold the secrets of our clients."

Sarbanes-Oxley imposed a different standard, Fox admits — "probably under SOX I report to the SEC — but overall — this area of law has not yet been settled." Disciplinary enforcers like Fox don't have prosecutorial discretion and thus can't launch vendettas, he says. Every case he brings has to be approved by a superior. But he admits that in most cases, his recommendations are approved.

Devine counters that the DC Disciplinary Counsel has "gone rogue"

"The DC Bar Counsel has gone rogue in a back door attack on the rule of law as established by our Constitution," Devine said. "It is also ignoring federal pre-emption. Prior DC Bar Counsel opinions had respected preemption and said they could trump its internal bar rules."

[For the complete q/a format Interview with Tom Devine, see page 30 Corporate Crime Reporter 7(14), February 15, 2016, print edition only.]

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The Spirit of American Slavery Lives On in Probate Court

By Juliette Fairley | Friday, 08 Apr 2016 01:10 AM

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Marcia DiZenzo was only 46 years old when she says she fell ill and was admitted to a hospital in downtown Jacksonville, Florida. That was some four years ago and DiZenzo was never returned to her rented condo near the beach.

Instead, she says she walked out as a ward of the state of Florida under the command of a professional guardian.

"I didn't have health insurance at the time and somebody filed an emergency guardianship petition with the local court while I was hospitalized," said DiZenzo who moved to Florida from Connecticut for the sunny climate.

DiZenzo is among the 58% of Americans who became wards of the state based on a probate court order of emergency temporary guardianship, according to the **Americans Against Abusive Probate Guardianship (AAAPG)**, an advocacy organization in Florida.

"Probate courts in America have a sordid history," said Dr. Sam Sugar, founder of the AAAPG in Miami. "They were the primary mechanism for dealing with legal issues in the slave trade until slavery was abolished in 1865. These equity courts committed and continue to commit egregious abuse against the most vulnerable in society."

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When slavery was legal in the U.S., bounty hunters would travel across state lines to reclaim runaway slaves while slave masters thought nothing of heartlessly alienating children from their parents by selling them off to other slave owners. Although DiZenzo is of Italian-American and not African-American descent, she says her family experienced something



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African American descent, she says her family experienced something different but very similar.

“My dad was successful in relocating me back to South Port, Connecticut but the guardian followed us and threatened to charge him with kidnapping if I was not extradited back to Florida,” said DiZenzo of her 86 year old father who has since passed away.

Hiring a personal attorney to fend off an emergency temporary guardianship requires a considerable amount of money, which DiZenzo didn't access fast enough while she was sick.

"When I called the bank to inquire about my bank account, customer service refused to disclose any information," she said.

That’s because once under guardianship an individual becomes a ward of the state and loses all rights, even financial ones.

“A guardian has the power to help themselves to the assets of wards without any oversight," Sugar told Newsmax Finance. "The guardian’s power is total and cannot easily be challenged. They are lord and master over that person's life, assets and existence and in some cases guardians buy and sell wards to one another.”

Court appointed attorneys are mandatory for people who find themselves entangled in guardianship proceedings depending on the state.

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“The legislature in Texas is concerned with ensuring that a proposed ward is represented by an attorney who has special experience in handling guardianship matters," said Don Ford, an attorney and partner with Ford + Bergner, a boutique law firm that specializes in litigating and appealing guardianship cases across the state.

"In determining whether you want to rely on the court-appointed attorney or instead choose a privately-retained attorney, if possible, the proposed ward should carefully consider the quality and expertise of the lawyer and also the facts of the particular case.”

In Harris County, a retired nurse named Doris Davis was reportedly admitted to a hospital emergency room after experiencing a reaction to new medication.

There, a psychiatrist deemed Davis incapacitated and the 87 year old subsequently became a ward of the state under the county’s guardianship program, according to Monica Shaw, a distant relative of Davis who works as an assistant at a law firm.

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"It's my understanding that she was overly medicated, not allowed to call family or friends and was transferred to a retirement home from the hospital against her will," Shaw told Newsmax.

"She had several bank accounts and CDs that have since been liquidated and the county guardianship program sold her house, which is awaiting approval from Judge Mike Wood who has authorized the county guardianship program to spend $6,500 a month from her estate." Judge Wood declined to comment because he told Newsmax that the case is pending.

In response to circumstances like Davis and DiZenzo, Glynnis Walker Anderson is organizing a movement called Gray Rights.

Special: Jim Rogers Warns: Coming Collapse Will Be Worst 'We Have Ever Seen in Recorded History'

"Aging women are the most vulnerable but entire families are affected," said Anderson who wrote the book **"Stealing Joy: A True Story of Alzheimer's, Elder Abuse and Fraud."** "Relatives, spouses, children and grand-children, employees and the community at large are also impacted."

Still in Florida, miles away from her Connecticut family of origin, DiZenzo has adjusted to life in the American South but believes she has lost her inheritance.

"The sale of my parent's home was to be split four ways between me and my three siblings," Dizenzo said. "I was supposed to get $120,000. I haven't seen a penny."

Juliette Fairley is an author, lecturer and TV host based in New York. To read more of her work, **Click Here Now.**

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State attorney marshals a team to target exploitation of elderly

NEWS

By John Pacenti - Palm Beach Post Staff Writer

0

Posted: 7:07 p.m. Thursday, April 7, 2016

Alzheimer's disease took its toll on Joseph Cavallaro.

He couldn't keep himself fed and in 2010 was found wondering his West Palm Beach neighborhood several times. But just months earlier, the 81-year-old bought a $24,000 Harley Davidson Ultra motorcycle. The octogenarian also bought a Chevrolet Impala and a GMC pickup.

A fleet for a senior who lost his driver's license for medical reasons in 2006.

Turned out the co-owner of these vehicles was Cavallaro's live-in professional caregiver, Richard Okray. He had obtained Cavallaro's power of attorney. Palm Beach County sheriff's investigators discovered Okray defrauded the senior of more than $246,000.

"One of the big issues we are seeing is that people like to operate under the color of law," said Palm Beach County State Attorney Dave Aronberg. "They say, 'Oh, I have power of attorney or I have a guardianship.'"



Assistant State Attorney Kathryn Perrin outside court after a hearing Thursday, April 7, 2016. (Lannis Waters / The Palm Beach Post)

It's cases like these that led Aronberg in January to establish the Elder Affairs Task Force, tapping Chief Assistant Brian Fernandes to head it and assigning two go-get-'em prosecutors from the white-collar crime unit to look into cases: Kathryn Perrin and Michael Rachel.

Scamming the elderly is as much a characteristic of Florida as the beach and alligators — and it is always a moving target for law enforcement.

Aronberg said he saw a need to coordinate law enforcement, government agencies and outreach groups to better recognize when a trusted relative or caretaker has their hand in the pocket of a senior.

Sheriff deputies got wind of Okray by happenstance when the caregiver was arrested for DUI and Cavallaro ended up alone and struggling at night, according to a sheriff investigator's report. Okray is now at an upstate prison work camp serving nearly a three-year sentence for exploitation of an elderly person. Cavallaro died in November 2013.

So far there have been three task force meetings involving municipal police forces, the Florida Department of Children & Families, the Legal Aid Society and the Palm Beach County clerk's auditor overseeing guardianship abuse.

When police learn about suspected exploitation of a senior, this type of fraud involves heavy lifting for municipal police and prosecutors, Aronberg said. Rooting out criminality is a time-consuming task of compiling bank statements and other documents and interviewing the victim suffering from dementia and family members often at cross-purposes.

Mitchell Kitroser, a North Palm Beach attorney specializing in elder law, describes such cases as a "nightmare" for police investigators, especially when the suspect is the grown child of the senior. Investigators must determine whether the senior is operating out of kindness of heart or under undue influence.

"It is a blurry line. It is very hard for law enforcement under those circumstances," he said. "But if you don't prosecute them you are leaving the elderly vulnerable in the community. You have to prosecute the ones you know about so you can deter people from doing it. Otherwise, it is open season on the elderly."

Perrin said seniors are sometimes reluctant to report financial abuse to police or prosecutors. "A lot of times we don't see these cases because they don't want to be embarrassed," she said.

Seniors targeted often are of the Greatest Generation who are isolated after a spouse dies and whose children live out of state. They are more trusting than their children and grandchildren of

authority figures, including caregivers, guardians or seemingly well-intentioned relatives.

A good example, she said, was last year's conviction of Boynton Beach caregiver Sultane Valcius, who received a 10-year prison sentence for bilking senior Maxwell Stander of $1.4 million in written checks over five years, investigators found. The 95-year-old described Valcius to sheriff's deputies as "a member of his family" and thought he was helping her pay for schooling and investment properties. When police listened in on his calls to Valcius, the caregiver insisted she was destitute and asked for even more money.

Perrin and Rachel, the prosecutors on the task force, also have been out in the community sounding the alert. Perrin spoke in October to the South Palm Beach County Bar Association, titling her speech: "When Worlds Collide: Criminal Prosecutions Overlapping with Estate and Guardianship Matters."

Judges appoint relatives or professionals as guardians to handle the affairs of incapacitated seniors. The task force came online as lawmakers in Tallahassee cracked down on reports of unethical court-appointed professional guardians by establishing the state's first regulatory authority over the industry.

In Palm Beach County, Clerk & Comptroller Sharon Bock set up a guardianship hotline in 2011, leading to 900 cases investigated and discovery of more than $4.5 million in unsubstantiated disbursements, missing assets and fraud.

Chief Circuit Judge Jeffrey Colbath also announced reforms in February following The Palm Beach Post's investigation, Guardianships: A Broken Trust, that discovered cronyism and nepotism involving Circuit Judge Martin Colin and his wife, Elizabeth "Betsy" Savitt, a professional guardian who has taken tens of thousands of dollars in fees from guardianship accounts without prior court approval.

Colbath transferred Colin out of the Probate & Guardianship Division and moved his wife's

cases away from south county judges to halt any appearance of favoritism. Colbath also said he planned to have professional guardians randomly assigned to cases, standardize their billing practices and have probate judges and their staff undergo in-house training.

Perrin said she is passionate about protecting the elderly. She came to the State Attorney's Office about six years ago after spending time in a lucrative private practice because she found public service more rewarding. She said seniors are easy prey for criminals at a time in life when they are in the most need for respect and understanding.

"It's heart-wrenching what happens," she said. "I think we all deserve some dignity."

What The Post reported

The Palm Beach Post's John Pacenti dug deep into guardianships to show how a local judge and his wife held sway in the south county courthouse. After his stories ran in January, Circuit Judge Martin Colin was moved to a different division and south county judges were told to steer clear of cases involving Colin's wife, professional guardian Elizabeth Savitt.

To read the stories, turn to myPalmBeachPost.com/guardianships-colin-savitt

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Families Against Court Travesties - FACTS Inc. Court Watch - Bernstein Case Watch

ELIOT BERNSTEIN · FRIDAY, MARCH 4, 2016

Families Against Court Travesties - FACTS Inc. Court Watch

February 26 at 12:02pm ·

Yesterday a group of Court Watchers went to NPB Courthouse to sit in on the Bernstein C in Front of Judge Phillips. From the beginning, the Judge made demeaning remarks to th Bernstein's, which for sure, unrattled them in their presentation as pro se litigants. (they couldn't afford an attorney)

Judge definitely showed bias against them by allowing the 5 other attorneys on the Trust' side to disparage the Bernsteins relentlessly. When Mr. Bernstein was allowed to present case, he was shut down by the Judge immediately when he tried to explain his case which was about alleged fraud and misconduct on the Trust Co and his brother's part.

To make matters worse, the judge put everyone under tremendous stress by constantly reminding them of how many minutes they had left.

This case is about a very large trust that is being disputed by the Bernstein's and their 3 children. The trust wants to appoint a GAL for their children. As we all know, that usually muddies the waters even more by giving a complete stranger who will undoubtedly favor one who pays them, all the power in court.

Judge to issue his decision on Monday.

This report was written by Adele Guadalupe

Press Release Regarding Protest at South Branch Probate Court West Palm Beach by FAC

https://factscourtwatch.files.wordpress.com/...

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Delray Beach FL 33482
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5560
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FACTS, Inc. is a 501(c)3 non profit all volunteer corporation created by PBC National Organization for Women.

Press Release February 20, 2016

CORRUPTION, COLLUSION AND CRONYISM IN PBC COURTS

Thanks to Palm Beach Post's reporter John Pacenti for uncovering some of the corruption in the Guardianship section of the Palm Beach County court system. It is endemic, in both the Guardianship and Family Court divisions.

Families Against Court Travesties, Inc. (FACTS),
a non-profit organization, has been monitoring these courtrooms for over 13 years and ha evaluations of some of the judges in these divisions. Because of Mr. Pacenti's investigativ reporting, Chief Justice Colbath has said he would overhaul the guardianship system. Has he?

The Family Court system needs overhauling as well. Because of court appointed professionals and the expensive, connected attorneys who recommend them, children being torn away from good, loving parents and irreparable damage is done to the entire family.

Those involved in the Guardianship collusion are:

Judge Martin Colin whose wife Elizabeth Savitt's cases went to their friend Judge Frer who appeared to rubber stamp her overreaching fees and those of her associates.

Professional Guardian Elizabeth Savitt (Judge Colin's wife) who owns a guardianship business that appeared consistently before Judge French.

According to the Palm Beach Post, she took fees without court approval, double-billed, overcharged and encouraged unnecessary litigation.

Judge David French (close friends with the couple) who apparently did not disclose his friendship with Savitt to opposing lawyers, as required.

Chief Justice Jeffrey Colbath who allowed Judge Colin to remain in the Guardianship Division for 4 years after Savitt became a registered Guardian, while other judges rotated regularly.

While Justice Colbath was in Family Court several years ago, FACTS Court Watch wa often called due to many complaints against him.

Having him as Chief Justice is like having the fox guard the chicken coop.

These people are not above the law and need to be prosecuted!

These families must receive justice!
The corruption in these courts has to end!
Contact State Attorney David Aronberg at StateAttorney@sa15.state.fl.us or (561) 355-71(
Contact US Attorney General Loretta Lynch at http://www.justice.gov/contact-us or (202 353-1555 To read more, go to
http://www.mypalmbeachpost.com/guar...

From The Palm Beach Post, January 17, 2016 p. A12,
"Part 1: Post Investigation GUARDIANSHIPS A BROKEN TRUST"



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EDITORIAL: Unhealthy news...

[Editorial]

Posted April 4, 2016 - 9:00pm

Elder abuse

Las Vegas Review-Journal

A state Supreme Court panel moved closer last week to proposing a series of reforms designed to protect vulnerable seniors from predators masquerading as their protectors. Meanwhile, Nevada Attorney General Adam Laxalt announced the formation of a task force to coordinate law enforcement efforts to investigate and prosecute such cases.

Both are welcome developments.

The moves stem in part from a Review-Journal series highlighting dysfunction in Clark County's guardianship system, which exists to safeguard the assets of senior citizens whom courts have determined can no longer manage their own affairs. In some cases, however, those appointed to look after the financial assets of the infirm or incapacitated used their access to raid bank accounts, sell property or otherwise drain the resources of the person they were charged with sheltering.

Even more distressing, many of these so-called guardians are family members.

Such cases are difficult to prosecute because the victims are often intimidated into silence or unable to cooperate with the authorities.

The attorney general's announcement on Thursday included the creation of a fraud investigator in his office to work with local law enforcement agencies on matters involving elder exploitation. The move is intended to prod police and prosecutors to take these cases more seriously – which they should. It's of little solace to victims whether the criminals who robbed them used a gun or a power of attorney. It might also be useful for the judicial system to more vigorously monitor these guardians.

A day after Mr. Laxalt's announcement, the Nevada Supreme Court commission studying the guardianship issue heard from District Court Judge Cynthia Dianne Steele, who revealed that about half of the 3,800 cases currently in the system were out of compliance with state law. Many either lacked an initial inventory of assets – making it impossible to determine if any shenanigans had occurred – or were missing annual reports required by the state.

Judge Steele noted that new software in place will flag files that lack the required paperwork, a development that should help as long as those in the system follow through on the information. Encouraging such due diligence should be high on the list of the commission's recommendations.

And so should the issue of legal representation. Judge Steele informed the panel that 85 percent of seniors in the Clark County guardianship program were not represented by an attorney during the process. That's too high. Ensuring that incapacitated seniors have a lawyer in these cases might help discourage illegal activity and increase the odds that any suspicious actions will come to light.

There's a not-so-special place reserved for those who prey on physically or mentally vulnerable seniors. Last week's developments move us closer to ensuring that such stone-hearted souls end up there.

EDITORIAL: Unhealthy news...

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Elyse Mueller, a freshman at Palm Beach Atlantic University, helps pick peppers on a field owned by Bedner Farms near Delray Beach on Sunday. PHOTOS BY RICHARD GRAULICH / THE PALM BEACH POST

Peppers

continued from B1

enough.

The wet, warm weather has waylaid crops in what is typically the region's most robust season: winter.

"This has been a really tough year for agriculture in the county. In December, there was no gleaning – we've never had a December with no gleaning before. We've always had opportunities in December to be in the field," Cutshall said, adding that the one ray of welcome sunshine that month came from trees bearing starfruit. "We did get in some backyards to collect those."

From November to the end of May, the gleaners work the county's fields gathering sweet corn, peppers, green beans, peppers, okra and more.

In June and July the focus shifts to tropical fruit. "We did about 4,000 pounds of mangoes in people's backyards last year," Cutshall said.

CROS coordinates the gleaning, but anyone can volunteer.

Students seeking to earn volunteer hours toward graduation are a big help. Sunday's crew included four students from Atlantic High, three from Oxbridge Academy and a couple from Palm Beach Atlantic University as well.



In the first two days, Keith Cutshall, who directs CROS Ministries' gleaning efforts, says pickers will have plucked more than 10,000 pounds of peppers.

CROS coordinates the gleaning, but anyone can volunteer.

They filled buckets. The buckets filled crates. And by morning's end, the crates filled a semitractor-trailer hauling the goods back to the Palm Beach County Food Bank.

According to the Food Bank, more than 200,000 of the county's residents struggle with hunger – 1 in 6 don't know where their next meal will come from.

Last year, the haul from gleaning the county's fields was one of the largest that Executive Director Perry Borman can recall, totaling 400,000 pounds.

That was about 15 percent of all the produce received by the bank, which also collects surplus from local farmers and other donations.

Often food banks are eager to collect fresh produce – something that's in high demand because of its health value and also pricey because it's perishable.

"People aren't always able to buy this stuff," Borman said. "So gleaning is really important."

sisger@pbpost.com

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MR. DONALD TRUMP, AS A PALM BEACH RESIDENT, WE CHALLENGE YOUR PRESIDENTIAL CAMPAIGN TO SHINE A NATIONAL SPOTLIGHT ON THIS ABJECT ABUSE OF U.S. CITIZENS AND FAMILIES

Florida is home to over 4.5 million retirees and baby boomers who seek a sunny place to spend their golden years. But, even as the flow of seniors in the "Silver Tsunami" increases, retiring to Florida as well as other "retirement States" has become a nightmare as the wealth accumulated by honest, law abiding, hard working Americans is being systematically extorted in thousands of fraudulent guardian and probate proceedings every year.

This devious scheme mercilessly deprives retirees of their assets inheritances and constitutional rights with racketeering lawyers, judges, guardians and complicit state agencies. Probate/Guardianship Courts all across the State are used to financially exploit, isolate and often physically abuse elderly adults with assets while family members who object and expose these crimes publically are viciously retaliated against and isolated from their loved ones. And there is no reason to expect that anything will change without Federal intervention.

Billions of dollars have been extorted from our loved ones in this inconceivable crime that is hidden in secrecy in the Courts using sequestered files, "Inside Clubhouse" Lawyers, massive billing fraud, persons taken into Guardianship with no due process and blatant unchecked conflicts of interest and unfit, complicit Judges.

Before another victim falls into the abyss of these court based predators, we urge you to learn more at http://aaapg.net/the-guardianship-racket-in-florida/
Political Advertisement paid for by the AAAPG

Parks

continued from B1

– from a county park or natural area without permission.

"If an area becomes a commonplace or a problem area, they can get a handle on it and end it," Robbins said. "We're targeting illegal activities or threats or damage to an area."



Rob Robbins says staff have seen evidence of hunting.

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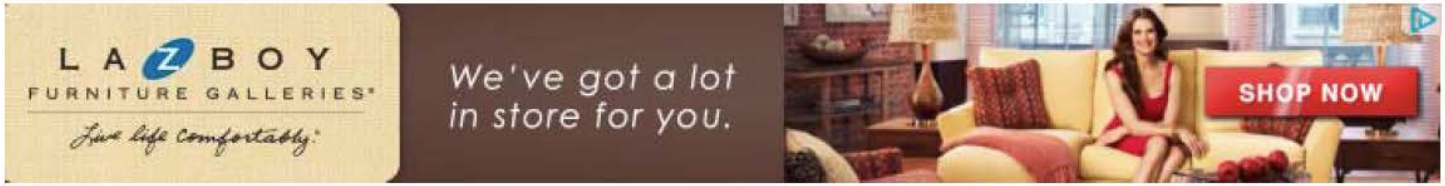

Friday, April 1, 2016

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SUNCOAST HOT VEGAS DEALS

Posted March 31, 2016 - 12:34pm | Updated March 31, 2016 - 6:47pm

Task force created to fight guardianship abuse in Clark County

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Clark County Sheriff Joe Lombardo speaks during a transportation industry press conference at the Clark County Government Center Outdoor Amphitheater, 500 S. Grand Center Parkway, on Monday, May 11, 2015. Transportation industry owners and community leaders spoke out in support of stringent regulation of transportation. (Jeff Scheid/Las Vegas Review-Journal) Follow Jeff Scheid on Twitter @jlscheid

By COLTON LOCHHEAD
LAS VEGAS REVIEW-JOURNAL

Local and state law enforcement agencies have banded together in hopes of protecting the elderly and infirm from those who want to exploit them.

Nevada Attorney General Adam Laxalt officially announced Thursday that his office has partnered with with local district attorneys and police agencies to form a multi-agency task force to better protect vulnerable people under guardianships from financial exploitation and abuse.

The initiative started quietly in the summer on the heels of a Review-Journal series highlighting the flaws of Clark County's guardianship system that oversees over 4,000 at-risk adults, who are often referred to as wards.

The series showed a lack of oversight by the courts that allowed private, for-profit guardians to skirt the system and drain wards of their freedoms and bilk their life savings, often within two or three years of becoming the guardian.

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The new task force will add state resources to efforts historically handled by city and county law enforcement, including dedicating an attorney general fraud investigator to working exploitation cases alongside Las Vegas police. If a local district attorney decides to press charges, the attorney general's office has pledged to help prosecute those cases.

"The satisfaction of the victim will be slow coming, but we want to expedite that and give them solace," Sheriff Joesph Lombardo told The Associated Press. "We've learned that we have to not drag our feet."

Guardianship abuse is notoriously hard for police to investigate and for attorneys to prosecute.

Once granted guardianship by the courts, the guardians have full control over a person's life. They can access a ward's bank accounts, sell any and all property — most without even informing the courts — and even force the ward to move out of their home.

Because of that access and power, proving theft in a guardianship becomes difficult unless it is completely overt. The cases are often document-intensive and can take several months from the time police submit the case until the time charges are pressed.

Even when abuses happen, wards are rarely able to report it themselves due to their physical or mental condition.

But in the past, even when claims of abuse are made, getting police to investigate has been problematic.

Nevada Supreme Court Justice James Hardesty, who is chairing a year-long Supreme Court commission that is looking at ways to improve the state's guardianship system, said one of the most common complaints heard at commission meetings has been that law enforcement hasn't done enough to investigate guardianship abuse claims. Several have told the commission they were turned away because police said the cases were "civil matters."

"That may be true for many of the issues that have been raised by people," Hardesty said Thursday. "But certainly where the facts warrant at least an investigation, law enforcement should equip itself to do it effectively and that's what they've done."

The commission is scheduled to meet three more times before submitting its recommendations to the Supreme Court. The next meeting is 1 p.m. Friday at the Regional Justice Center.

The Associated Press contributed to this report. Contact Colton Lochhead at clochhead@reviewjournal.com or 702-383-4638. Find @ColtonLochhead on Twitter.

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Publication: Palm Beach Post; Date: Mar 20, 2016; Section: Obituaries; Page: B4

Mitch Always Went Above and Beyond



Mitchell B. Huhem

At the age of 9, Mitch Huhem, born in Brooklyn, New York and raised in San Diego, California, learned from his parents as the oldest of five children, that nothing was given – everything was earned. That seminal understanding inspired Mitch to declare himself, as a fourth grader, an official "entrepreneur."

His first project was to craft an "irresistible offer" where he would take out and put away all the neighborhood trash cans for 25 cents a week, diligently sweeping up any trash and making the experience seamless and delightful for his customers. He learned one thing very quickly: you may get paid for what you've charged, but you get tipped for what you've earned! That lesson was not lost on such a brilliant student: go above and beyond, and amazing things happen!

Entrepreneurship at a young age was combined with a penchant for leadership. When Mitch Huhem was just 12 years old, he organized as an Eagle Scout Program dozens of business owners and hundreds of people to convert a dilapidated and dangerous city park into one of the nicest and safest parks for children in San Diego. Under Mitch's direction, in just four days, individuals of all ages transformed an entire 10-acre park to serve the needs of the community.

Before he was even 18, he led his high school as senior class president, valedictorian, and prom king. Upon graduation, Mitch attended Brigham Young University on a full academic scholarship and went on to receive many more awards and accolades while there.

At the age of 22, Mitch won first place in BYU's prestigious Marriott School of Management Business Plan Contest. Just a year later, he was awarded BYU's top Young Entrepreneur of the State of Utah. By age 26, Mitch was a self-made millionaire starting multiple companies that produced hundreds of millions of dollars of sales and tens of thousands of successful students across the country.

The professional career which followed was no less formidable. Over the next 20 years, as a fully committed entrepreneur, Mitch amassed a direct sales organization of over 500,000 distributors in 22 countries that collectively had sales of over $480,000,000 at their peak; owned and operated a financial seminar business – the one which brought Donald Trump to national attention for the very first time – from a start-up to $220,000,000 in just seven years; and consulted with companies across the country who sought out his expertise in marketing, sales and motivation.

Despite the enormous success of Mitch's business and investment endeavors, Mitch was a man of deeply held convictions, a lifelong philanthropist, a champion of free enterprise, and a devout Christian who was committed to elevate the human spirit and promote goodness and exemplary character each and every day of his life.

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EXCLUSIVE — Donald Trump Friend, Motivational Speaker Mitch Huhem Found Dead in $1.1 Million-Boca Raton Home … Suicide Suspected!

February 26, 2016 by Jose Lambiet

0 0 2 0 7



Mitch Huhem with Donald Trump (mitchhuhem.com photo)

EXCLUSIVE BOCA RATON — Close **Donald Trump** friend **Mitch Huhem**, an entrepreneur and motivational speaker who had seven children, was found dead in his Boca Raton mansion Tuesday night.

Authorities believe Huhem, 45, shot himself in the head with a handgun in his garage at St. Andrews Country Club.

The Palm Beach County Medical Examiner's Office confirmed Huhem's body was brought in for an autopsy performed early Wednesday. The results have not been made public.



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Donald Trump has a bathtub made out of solid gold for each of his estates

TRUE FALSE

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But Palm Beach County Sheriff's Spokeswoman **Teri Barbera** confirmed investigators believe Huhem indeed committed suicide.

Huhem, who became a self-made millionaire at 26, wrote in his online bio he was the first to get presidential candidate Donald Trump before the public as a business seminar speaker.

Huhem got Trump to speak on the topic financial freedom.

Why aren't West Palm Beach's out-of-town corporate media reporting this? They got no sources! Good thing we do: Isn't it time you click here to subscribe to our daily news alerts?

Publicly, Huhem seemed to have it all, and not just because he had a beautiful wife and enough kids to build a basketball team.



Boca Raton motivational speaker Mitch Huhem, who was dead at home in Boca Raton Tuesday (mitchhuhem,com photo)

He ran a successful seminar company that taught folks how to become millionaires. The company, MIT or Millionaires in Training, once conducted 1,600 seminars a year in 638 U. S. cities.

Huhem claimed he offered investment advice to presidents, Olympic athletes, celebrities, captains of industry and national heroes.

Huhem also specialized in multi-level marketing. Early in life, according to his bio, he built and managed a direct sales organization of 600,00 distributors in 22 countries that collectively brought in $480 million.

In private, however, Huhem may have been struggling — and not able to live up to his glowing claims.

Public records in Orlando, where he owned a modest suburban house, show Huhem and a business partner defaulted on a $2 million-loan and owed a bank nearly $3 million with interests and fees.

According to Orange County records, he was accused of stalking a woman who was not his wife in 2013.

The woman's request for a stay-away order was denied by a judge.

Here was Huhem in one of his motivational gigs:









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Comments

1Ronald says
February 26, 2016 at 5:47 pm

Many people suspect that those who teach seminars and write books make more money off of telling others what they can't apply to their own lives. Which questions the value of what they offer. As Johnnie Cochran was so fond of saying "those who can't do it teach it."

Phyllis says
February 26, 2016 at 9:04 pm

1Ronald…Why would you ever quote J. Cochran? He did neither. Is his legacy the legacy you would want to leave? Not me!. Is this what you would tell your children? Or, maybe a better alternative would be to tell them that there are mentors out there who have helped millions of people accomplish their dreams by guiding them along the way. These men and women (Richard Branson, sports coaches, Chefs, Parents, Shark Tank) and many more like these have changed others lives. Obviously, you have not experienced success or you wouldn't be talking like a loser. There is a wealth of knowledge obtained from reading. Try it.

There are Users and Losers in every industry and walk of life. However, there are many more Givers and Winners to teach others to be the same!

Believe in a Full Glass. Not just a Half Full Glass (or worse yet, half empty glass). Good Luck to you!

1Ronald says

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Got news for Jose? 561-801-0893!



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February 27, 2016 at 10:14 am

Johnnie came up with that after the divorce from his teacher wife. To get back at her. She blurted back at him “You didn’t have any problem using the Teacher Credit Union to finance that car.”

Ric says
February 26, 2016 at 6:24 pm

He sounds like one of those TV evangelists who get suckers to send donations but instead of selling the hope of heaven, this guy was selling the hope of millions here on earth

MIMIB says
February 26, 2016 at 6:36 pm

How is all of his scheming different from a Bernie Madoff ponzi scheme? Precious little.

Heywood Jablomee says
February 26, 2016 at 6:54 pm

Jonny Cockring didn’t invent that saying. But he did did invent, if da glove don’t fit you must acquit!

JOEL GOODMAN says
February 26, 2016 at 6:58 pm

SAD, JUST SAD FOR A YOUNG MAN WITH A FAMILY TO END THAT WAY, GOD REST HIS SOUL AND GIVE COMFORT TO HIS FAMILY.

Oh Yeah says
February 26, 2016 at 8:05 pm

Follow the string to Trump. Con Artist Inc.

Mr Pete says



Images From Woodstock 1969 That No One Has Ever Seen
Historical Times



Campaign observers have said Bill Clinton looks "washed out" and "listless."
National Enquirer



There Are More Celeb Republicans Than You Think - #11 Is A Shocker
The Webtrovert



Which famous people might be knocking at death's door in 2016?
National Enquirer

February 26, 2016 at 9:44 pm

In 2016 a 1.1 million $$$ house in Boca in not a mansion,
actually a very ordinary home

I'M not so sure it was suicide, need to learn more
Very few men who are able to make a quick buck, still fairly young, have some very influential friends
would end it , and than just remember he has seven children , who would ever leave seven kids behind

San Diego Friend says
February 26, 2016 at 9:50 pm

I knew Mitch's family growing up in San Diego. My heart goes out to them. I truly love Jackie (his mom) and her beautiful family, and I know she prayed for a long time hoping he'd turn his life around. Now he's gone on to the world of spirits where we can continue to pray that he refocus his efforts toward rekindling a relationship with Jesus Christ and our Father in Heaven.

Oh well says
February 27, 2016 at 8:40 am

This is a tragic story for the family. The family has been blindsided by "Mr Millionaire Success" because he has told them for years that he could do anything he set his mind to. I personally don't love "job coaches, life coaches, tv televangelists, etc" as they get people to grasp at everything they say….."for a nominal fee of course." Be wary of those that tout success despite having no tools for the job except their sales pitch.

Boca Raton is a magnet for folks that want to appear successful. St Andrews is full of people like this, the house he died in was a shrine to "Boca Bigger is Better" though most would see it as a gaudy 23 year old box decorated by the spirit of Liberace.
https://www.redfin.com/FL/Boca-Raton/7020-Lions-Head-Ln-33496/home/42233714

Allover4u says
February 27, 2016 at 11:43 am

Suicide is such a selfish and cowardly act. Now his beautiful wife and seven kids are left underneath a collapsed house of cards. Hopefully they are not completely ruined financially and can move on. Very sad.

Another SD Friend says
February 27, 2016 at 12:27 pm

I knew him from High school through 20s. He was the Golden Boy. Super charismatic and from a wonderful family. He never failed at anything until recently. So sad. We miss the Mitch that we knew.



The late Nancy Reagan took a few feuds to the grave with her.
National Enquirer



Yes, these Celebrities Really Look Like That Now
OkCeleb

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Elizabeth Ballard says
February 27, 2016 at 1:52 pm

I find it sickening that so many people feel they have the right to judge this great man when they do not even know him. I do know him and know that he was everything that he taught or claimed to be. I also know his wonderful family and how dare anyone feel they have the right to slander Mitch in this time of morning. Wouldn't we all like to have his legacy and be as generous as he was to his family and the world! This is a tremendous loss and I do not believe that it was a suicide.

Your po says
February 27, 2016 at 6:10 pm

Your post at 1:52pm is afternoon. You must mean "mourning."

Bang says
February 27, 2016 at 8:19 pm

Ok, it wasn't suicide, it was lead poisoning. Feel better?

I knew Mitch says
February 27, 2016 at 8:40 pm

I knew Mitch very well. His words and speeches didn't match his own behavior. It's sad that he's gone, but let's not place him on a pedestal. This is terrible. He was as "normal" as the rest of us. The "conspiracy" stuff is nonsense from those trying to find meaning in tragedy. He made terrible mistakes. It's unfortunate for his children and wife that this was his last. I hope the best for his family.

Lynette Henk says
February 28, 2016 at 1:25 am

I find it hard if not impossible to believe that Mitch Huhem would have commited suicide. I believe it was foul play. I also suggest before you post something negative about a man who can no longer speak for himself, you think long and hard what you would want said about you after you die. My husband and I were blessed to know Mitch. The training he provided was invaluable and I will always feel blessed for having known him. I pray for his family as I can only imagine what they are going through right now.

A 1911 SHOOTER says

February 28, 2016 at 5:18 am

Any pics of this fore mentioned hot wife ?

Eliot Bernstein says
February 28, 2016 at 7:29 am

http://tedbernsteinreport.blogspot.com/

> Allover4u says
> February 28, 2016 at 10:31 am
>
> WOWZER!!!

looks badly says
February 29, 2016 at 12:16 pm

Wow. Sad ending for him but that link above has a lot of crazy stuff on it!

It does seem odd that a success with 7 kids would committ self-murder.

Circumstances smell very bad.

Condolonces to his family.

Undisclosed says
March 2, 2016 at 4:57 pm

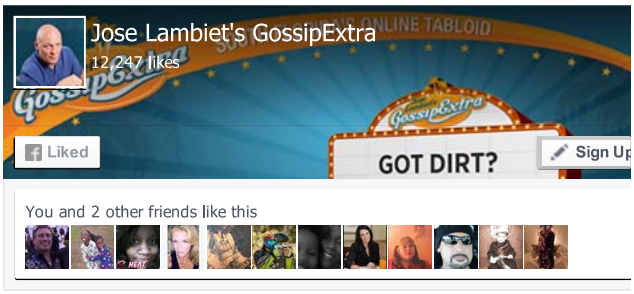
This man was not a good person, nor did he became successful by positive means. I have known of him for a very long time, from before he even started doing his pep talks. (one of which was at a Jr high where I was at, likely at the beginning of his talking career, from a time I remember of him having pictures of helicopters in his home because it was his goal to own one, showing the appearance of money when he had the opposite) and the rumors and stories about this man and the things he subjected his 1st wife and kids to are terrible. Rumors of abuse and later harassment by sending nude photos of the upgrade wife to the ex? Gloating that his new wife had a perfect body and was better at sexual acts? All of these “private”, evil and degenerate things he did eventually did get out, many people… an entire community knew about them. Trust me, he had many reasons to commit suicide and honestly? It’s well deserved.

Mark says
March 17, 2016 at 7:25 pm

Hopefully he can get to terms with God now…. Is heaven doing Multi-Level Marketing

now?
All kidding aside I knew Mitch from our youth and I lost respect for him the moment when he tried to get me involved. NEVER!

FACEBOOK



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Mitch resided in Boca Raton, Florida, the home of his choice, and passed away at the age of 45 on February 23rd. He leaves behind his wife, Deborah, and an extended family which includes a combined seven children. He was a loving husband, father, brother, and son. He loved God. And he loved people.

Mitch will be remembered at a private graveside service followed by a celebration of life on Sunday. In lieu of flowers, donations can be made to Christ for All Nations or WithOneAccord.org.





Crime Blog

Frisco hospice owner urged nurses to overdose patients so they would die quicker, FBI says

Jamie Knodel

Published: March 29, 2016 10:29 pm

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BY SCOTT GORDON
KXAS-TV (NBC5)

The owner of a Frisco medical company regularly directed nurses to overdose hospice patients with drugs such as morphine to speed up their deaths and maximize profits and sent text messages like, “You need to make this patient go bye-bye,” an FBI agent wrote in an affidavit **for a search warrant obtained by NBC 5**.

The executive, Brad Harris, founded the company, Novus Health Care Services, Inc., in July 2012, according to state records.

Novus’ office is on Dallas Parkway in Frisco.

No charges have been filed against Novus or Harris. Harris, 34, did

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About this Blog

Criminal justice reporters, editors and invited guests provide news and analysis impacting Dallas-area police, courts, fire and other public safety issues and entities. Readers

not return messages left with a receptionist and at his Frisco home.

Harris, an accountant, told a nurse to overdose three patients and directed another employee to increase a patient's medication to four times the maximum allowed, the FBI said.

In the first case, the employee refused to follow the alleged instructions, the agent wrote in the affidavit. The document does not say whether the other three patients were actually harmed.

Harris also told other health care executives over a lunch meeting that he wanted to "find patients who would die within 24 hours," and made comments like, "if this f— would just die," an FBI agent wrote in the warrant.

An FBI spokeswoman declined to comment on the investigation.

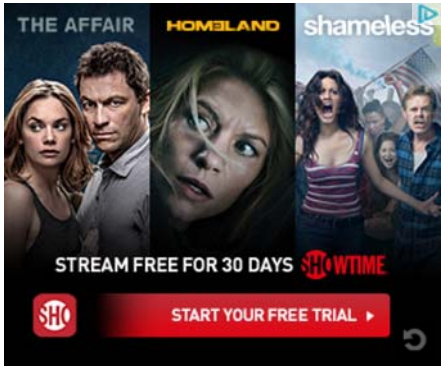
Novus' website says the company offers hospice and home healthcare services.

"We have a saying at Novus, be fast and treat people the way we would want to be treated," the website says. "This encourages us to go the extra mile to make patients feel comfortable and secure about their special needs and requests."

'Aggregator cap'

Healthcare providers do not necessarily make more money for longer hospice stays.

are encouraged to join the conversation.



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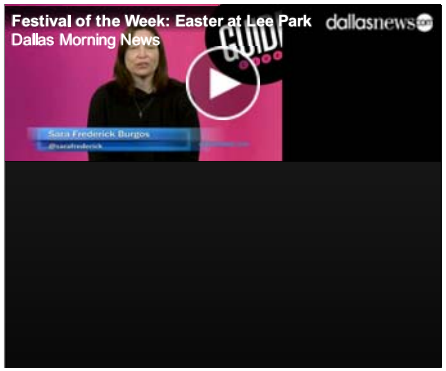

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That's because hospices are subject to an "aggregator cap," which limits Medicare and Medicaid payments based on the yearly average hospice stay, the FBI said.

If patients live too long, the provider can be forced to pay back part of their payments to the government.

"Hence, hospice providers have an incentive to enroll patients whose hospice stays will be short relative to the cap," an agent wrote in the affidavit.

The investigation

The FBI said its investigation into Novus started in October 2014 and initially focused on allegations that for the previous two years, the company recruited patients "who did not qualify for services" and charged the government for services that were not medically necessary.

The investigation revealed that "as part of this scheme, Harris, who has no medical training or licenses, would direct his employed nurses to overdose hospice patients with palliative medications such as morphine to hasten death, and thereby minimize Novus' (paybacks) under the cap."

The search, for emails and other electronic documents, was executed in early February but the paperwork was obtained Tuesday by NBC 5.

The warrant refers to an FBI raid of Novus' offices in September

Crime Stories



Dallas woman charged with murder after feud between her girlfriend, man ends in bloodshed



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Brad Harris (inset) founded and owns Novus Health Care Services, Inc., according to state records. (KXAS-TV)

2015 but court records related to that search could not be found and appear to be under seal.

The FBI said investigators had interviewed several Novus employees.

One worker said Harris himself decided which home health care patients would be moved to hospice.

"He did this by having employees who were not doctors sign the certifications with the names of doctors also employed by Novus," the agent said. "If a patient was on hospice care for too long, Harris would direct the patient be moved back to home health, irrespective of whether the patient needed continued hospice care."

In a lunch meeting, the FBI said Harris asked two health care executives to "find patients who would die within 24 hours" because that would "save my ass toward the cap."

Speaking of one of his patients, Harris said "words to the effect of, 'If this f— would just die.'"

Another Norvus employee told agents that in late 2013, Harris sent a text message asking the worker to "administer an overdose of medication to a hospice patient ... by increasing the patient's





medication dosage to approximately four times the maximum allowed."

The employee did not comply with the request because it would have killed the patient, the FBI said.

One worker said Harris regularly directed nurses to "overdose hospice patients when they have been on hospice service for too long" by sending text messages like, "You need to make this patient go bye-bye," the FBI said.

Search warrant

The search warrant required that a data storage company that Novus had hired, Smarsh of Portland, Oregon, turn over all of Novus' emails and medical records.

The company turned over the information the same day, according to court records.

In the warrant, signed Feb. 3, the FBI said it was investigating health care fraud, false statements relating to health care matters, and obstruction of a criminal investigation into health care offenses.

The FBI said it searched Novus' offices on Sept. 17, 2015 and seized 18 DVD's of the company's emails. Another 44 were subpoenaed from the attorney of a former unnamed executive.

Agents needed a password to read the emails, according to the records. Smarsh turned over the password along with a hard drive

and account and search histories, records showed.

Smarsh, which is not accused of any wrongdoing, did not respond to a request for comment.

An FBI agent investigating the case said he was working with investigators from the Department of Health and Human Services' Inspector General's office.

HHS administers the Medicare program, which provides health benefits for people 65 and older.

Medicaid, which is funded mostly by federal tax dollars and administered by the state of Texas, provides health care for poor people.

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lindawn1993 @lindawn1993 from Twitter 15m

@JeffreyGuterman \U0001f621\U0001f621\U0001f621\U0001f621I Use to work with terminally ill elderly. That is horrible what is done. \U0001f64f\U0001f3fb\U0001f64f\U0001f3fb\U0001f64f\U0001f3fb\U0001f64f\U0001f3fb\U0001f64f\U0001f3fb

Like Reply



myalevelpsych @myalevelpsych from Twitter 20m

@JeffreyGuterman who is wrong here.

Like Reply

LAH 27 minutes ago

WOW.

Like Reply



Scottie713Smith @Scottie713Smith from Twitter 40m

@dallasnews the nurses are just as responsible as he is

Like Reply

texguy 27 minutes ago

@Scottie713Smith @dallasnews If they did as he directed, if not, then they are not.

Like Reply



juliettetorrez @juliettetorrez from Twitter 42m

@dallasnews @NBCDFW let's hope the company wasn't running hospice centers in Northern New Mexico.

Like Reply

50king 52 minutes ago

In brads on words he needs to go Bye-Bye

1 Like Reply



FranklinCole3 1 hour ago

Nail Harris for multiple premeditated murders and prosecute Novus for complicity.

Like Reply

MaxMacke 1 hour ago

You can say what you want, but a slow drawn out death of cancer, is not something I would want, most people by the time you are on Hospice, you are ready to go.

1 Like Reply



1DalM 1 hour ago

@MaxMacke That's not the director's call.

Like Reply

Annag0327 40 minutes ago

@MaxMacke Except you know nothing of these patients or what was wrong with them. You should make your own healthcare decisions based on discussions between you & your doctor. Do you want someone other than you or your doctor making your healthcare decisions?

Like Reply

MaxMacke 23 minutes ago

@Annag0327 @MaxMacke by the time you are on Hospice, those decisions have been made for you, that is what Hospice is therefore, to ease your pain in the last few weeks before death

Like Reply

lcdrrek 1 hour ago



The headline on this article says virtually nothing. Perhaps the owner "urged" nurses to overdose patients. There is nothing in the article that says that any nurses actually followed the "urging" of the owner. It seems that the FBI is investigating. Perhaps we should allow the investigation to conclude before we "jump to conclusions."

There are very strict criteria for admission to hospice care. If the agency was not following those criteria and then were billing for that care then there seems to be fraud which is what the FBI will find.

Let's hold on til the investigation is complete before we tar and feather this company.

1 Like Reply



Roberto99 2 hours ago

Some sick people out there. Hopefully this guy and the nurses giving the overdoses get what they have coming to them.

1 Like Reply



lcdrrek 1 hour ago

@Roberto99 There is nothing in the article that says any nurses actually gave overdoses to patients. Let's wait til the investigation is concluded.

3 Like Reply



SixPack 1 hour ago

@lcdrrek @Roberto99 Do you work for these guys. You sound almost frantic.

Like Reply

ShelbyKaufman 2 hours ago

A Pike (frat idiot) at UT Austin. Nice.

Like Reply



TomLemons 2 hours ago

@ShelbyKaufman And this is relevant because...

1 Like Reply



TomField 2 hours ago

Why isn't this guy under arrest for attempted murder?

2 Like Reply



Robert_W_Dora 1 hour ago

@TomField Because....Texas.

1 Like Reply



BluTygyr @BluTygyr from Twitter 3h

@BluTygyr Every hospital is different, but I know personally that there are MANY places where nurses and doctors use strategies to same end.

2 Like Reply



BluTygyr @BluTygyr from Twitter 2h

@BluTygyr Yes "Hospitals" not hospice. Care altered/denied because "at Xyo what enjoyment do they have out of life anyway?" Not Your Call!

Like Reply



lcdrrek 1 hour ago

@BluTygyr @BluTygyr If you are aware of hospitals that are using these "strategies" then it is incumbent upon you to report them to the authorities.

2 Like Reply



1DalM 1 hour ago

@BluTygyr @BluTygyr You know of instances of attempted murder at "MANY places" and you aren't reporting this to the police?

1 Like Reply



carolannwomack 3 hours ago

Love of money is the root of all evil.

4 Like Reply

NickG 3 hours ago

Having run the surgical gauntlet over the past 16 years, I have on file a living will with among my medical files with the hospital, and it spells out clearly my desire to have the plug pulled if and when it's determined that death for me is imminent, rather than prolong my wife and family's ordeal of having me kept alive through artificial means.

Like Reply



JulieB 2 hours ago

@NickG Thank you for taking control. An elderly relative we were caring for ended up in hospice care, and while she fought until the end (that's what she wanted), she also understood that hospice was not a place to go to be put on life support. OTOH, a patient shouldn't expect someone would try to shorten what time they have left for the money.

Like Reply

TexasDavid 7 hours ago

Perhaps some day he'll end up in a hospice with the same staffers that he wanted for his own hospice.



3 Like Reply

Jerry_Holding 11 hours ago

Wow HOPEFULLY HE WILL LIVE A VERY SHORT LIVE

1 Like Reply

1stPlaceTexasRangers 12 hours ago

If Harris would stand in front of my car, I will see to it that he "goes bye-bye"

3 Like Reply

BackpackGrandpa 9 hours ago



...without morphine!

4 Like Reply



FredFreeloaf 32 minutes ago

Off Topic: After the 1stPlaceHoustonAstros beat the Yanks Monday noontime start 2ndPlaceTexasRangers' car gonna be in the rearview mirror.

Like Reply



1stPlaceTexasRangers 21 minutes ago

SI picked them to win the WS. This means certain doom.

Like Reply

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Jane Musgrave

Palm Beach man Martin Zelman, focus of twisted guardianship case, has died

March 29, 2016 | Filed in: **15th Circuit, 4th District Court of Appeal, Civil, Divorce, guardianship, Palm Beach County courts.**

A Palm Beach man, who was the focus of what amounted to a custody fight between his wife and his adult children, has died.



Martin and Lois Zelman in 2014 at a reception for American Friends of the Israel Museum's Palm Beach Fundraiser.

The death of Martin Zelman, a successful Long Island real estate investor, was announced by his family in an obituary that appeared on March 8 in the New York Times. He was 87.

His second wife, Lois Zelman, who fought his adult children's efforts to separate them after 15 years of marriage, was not mentioned in the obituary.

Lois Zelman was ordered out of the couple's Palm Beach condo in 2014 by then-Palm Beach County Circuit Judge Diana Lewis. She believed Martin's children's claims that Lois was a threat to their father's well-being. The decision was overturned nearly a year later by the 4th District Court



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of Appeal. It ruled that Lewis had for fallen for “legal hocus pocus” and had violated Lois’ rights.

But by that time, it was too late for the couple to resume their life together. With Martin Zelman falling deeper into the well of Alzheimer’s disease, he no longer recognized his wife, said attorney Jeff Fisher, who represented Lois in the litigation.

“Due to an abuse of the guardianship process, Lois lost the ability to care for and be with her husband in the last years of his life,” Fisher said Tuesday. “Martin’s passing makes that fact all the more painful for her. At this point, we simply hope that the rulings from her case prevent the same thing from happening to other couples who are at a similarly vulnerable stage of their lives.”

At stake in the case was roughly $10 million. According to a prenuptial agreement, if Martin divorced Lois she wouldn’t get the money.

In the guardianship case, Lewis ruled that Martin was incompetent and appointed his children as his guardians. But she let him preserve the ability to file lawsuits. While a divorce suit was filed, Judge Charles Burton later threw it out, ruling that Martin lacked the capacity to understand what he was doing.

The dispute was ultimately settled out of court.

VIEW COMMENTS

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NEWS

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By Miya Shay

Tuesday, March 29, 2016 06:38PM

HARRIS COUNTY (KTRK) -- At 87 years old, Doris Davis planned on enjoying her golden years in her own home, the house she built more than 60 years ago. But these days, she can't even make decisions for herself.

"You done worked and saved your money," said the retired nurse. "And they walk into a place and tell you , you don't have no money, you don't have no house, and you don't have nowhere to live."

In May 2014, Davis says she had a bad headache, wasn't feeling well, and called an ambulance. She somehow ended up at Memorial Hermann Hospital. One thing led to another, and the hospital discharged her to a nursing home. The specific details of how she ended up in a nursing home is murky, but what is clear is that until then, Davis had lived in her own house. During her stay in the nursing home, a doctor at that facility signed papers declaring she was incapacitated. That began a process to place Davis under the guardianship of Harris County, something she never wanted. Almost two years later, she's still there.

"I feel like the system failed her," said Monica Shaw, a neighborhood activist who is trying to help Davis.

Shaw was shocked to learn that Harris County planned to sell Davis's home in order to pay for the guardianship she never wanted.

"That hurt me very deeply, because you know, I built that house, from the very beginning. And you know how I did, I had to pay $10 a month on a lot," recalled Davis, who first moved into the house in the 1950s.

Shaw stopped sale action, and recently got another physician to examine Davis. Court records show that the doctor determined Davis doesn't need a guardian and is not demented. Shaw says it's now up to the probate judge to rule that Davis can go home.

"He has signed the order to place her in this program. So if he signs the new

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order, she can go home," she said.

However, things are not so simple.

ABC13 talked to Probate Judge Mike Wood over the phone. He says he's waiting for an independent doctor's evaluation. Davis' court appointed attorney says he is still trying to arrange that independent evaluation.

Meanwhile, Harris County says the guardianship program has served county residents in need since 1992. However, it can't comment on specific guardianship cases.

For Davis, that means she must return to the nursing home, and wait.

"I don't want to be there, no."

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Palm Beach County guardian case: Will living will be honored?

CRIME & LAW

By John Pacenti - Palm Beach Post Staff Writer

Posted: 4:22 p.m. Monday, May 18, 2015

DELRAY BEACH — Col. J. Alan Smith no longer can talk or walk. The 83-year-old former Boynton Beach resident is said to be in the throes of Stage 4 dementia.

But when he still had his faculties in October 2009, Smith – who worked for 30 years for the U.S. Army Corps of Engineers – said he wanted his then-girlfriend, Glenda Martinez-Smith, to be his health-care surrogate and to handle all his affairs through a durable power of attorney.

And the 4th District Court of Appeal agreed in a precedent-setting ruling on March

18, ousting professional court-appointed guardian John Cramer, saying Smith's pre-need directives should have been considered a priority.

But despite the appeals court ruling — the fourth reversal in the case — Palm Beach County Circuit Judge David French says he must hold an evidentiary hearing to consider whether to appoint a new professional guardianto control the money that pays for his medical care.

At issue is how Americans will treat their growing elderly population. Will their living wills and advance directives be followed or will lawyers at the behest of family members be able to do what critics call "downspend" their assets to nothing?



Judge David E. French presides over a court hearing to enforce the 4th DCA's ruling removing court appointed guardian John Cramer ... Read More

French set a hearing for Wednesday in what Martinez-Smith's attorneys say should be a ministerial decision to adopt the opinion removing Cramer and appointing Martinez-Smith, now Smith's wife.

This all plays out as court-appointed guardianship in Florida is under the microscope. The Palm Beach Post wrote about Smith's guardianship and the

problems plaguing the system in an investigation last month. Recently, the state legislature took steps to strengthen accountability for court-appointed guardians in a measure sent to the governor.

Dr. Sam Sugar of Aventura, co-founder of Americans Against Abusive Probate Guardianships, the grass-roots group behind the legislation, said the guardianship system originally designed to protect vulnerable elders has been perverted to benefit professional guardians and attorneys who control it.



Glenda Martinez Smith smiles as her husband Alan Smith opens his eyes while waiting for a doctor's appointment at Holy Cross ... Read More

"Their lucre is so enormous — billions of dollars a year in diverted Social Security payments in Florida alone," Sugar said. "Once declared a ward, you are owned by and at the mercy of the guardianship machine, and life as you knew it is over for you and your loved ones."

J. Alan Smith's assets were once estimated in court documents at $425,000, but after his divorce and fees for guardians and lawyers, Martinez-Smith said it is now around $80,000.

And so much of Smith's assets have been depleted fighting his advance directives, said Martinez-Smith's appellate attorney Jennifer Carroll.

"I'm afraid Alan's wishes once again are being ignored," she said. "It's a constant battle and it shouldn't be. Why does it have to be this complicated?"

Cramer wants to resign, but his attorney, Ellen Morris of Boca Raton, earlier this month told French the appellate decision isn't clear that Martinez-Smith should be in control of the ward's assets. She said he needs to decide whether a new professional guardian should be appointed to replace Cramer for this task.

“There was no advance directive put forth as for a guardian of the property,” Morris said. “I think the 4th’s mandate is clear as to the health-care surrogate. But as to the guardian of property, I don’t think it is as clear.”

Cramer – a prolific guardian in Palm Beach County — made $95 an hour on the Smith case. Morris, for her work representing Cramer, charged Smith much more: $350 per hour, according to court documents.

Morris said she and Cramer have been awarded $143,000 in fees in the case and are requesting $14,113 more at present.

Morris is quick to point out that Carroll has said in a pleading to the 4th DCA that her fees have accrued in excess of $76,000. None of Martinez-Smith’s current attorneys — including trial counsel Gary Kovacs — have sought money yet from Smith’s assets. They say they have been paid by Martinez-Smith and said they are not certain what they will request from the court, if anything.

In the meantime, Morris can still generate fees from the case by simply having to appear in court by floating an issue about the appellate decision.

West Palm Beach appellate law specialist Bard D. Rockenbach said indeed the enforcement of an appellate mandate, such as the one issued in the Smith case, is a ministerial matter. However, the appellate court’s intent is not always so clear

for the judge, though.

“What the trial court is required to do is limited by the opinion. That sometimes means the trial judge has to interpret the opinion and apply it to the case,” he said.

The legal battle between Morris and Martinez-Smith is contentious.

Morris, the attorney representing Cramer, persuaded French to annul Smith’s Dec. 28, 2011 marriage — a decision which is under appeal, the fifth in the case.

Smith’s daughter, Gwen Smith, said at the May 6 hearing that she believes Cramer took good care of her father as the court-appointed guardian and that Martinez-Smith has acted unscrupulously and is interested only in her father’s money.

Martinez-Smith, 71, claims that under Cramer’s care, her husband condition deteriorated. Since the appellate decision, she has removed him from the nursing home to the hospital with plans to move him back to her Miami home.

She met Smith on a senior citizens dating site in 2009.

She said she has hired an accountant to run Smith’s financial affairs.

Carroll, her attorney, said it is incumbent upon French to enforce the appellate court's mandate. She said she doesn't understand Morris' continued concern in the case since her client — the ousted guardian Cramer — has told the court he wants to resign.

"It seems to have become personal with her," Carroll said after a May 6 hearing where she asked the mandate be enforced. "I do not think a professional guardian is supposed be advocating for a particular family member. They should be independent and objective."

Morris denies she has any stake anymore, but it was she who brought up to French the issue of appointing a new financial guardian. Morris says she will not represent any other guardian who would be appointed.

French – who has overseen the Smith case for more than a year — appeared to agree with Morris that the 4th DCA opinion does not designate a guardian for Smith's financial needs. He said an evidentiary hearing was needed to allow him to research matters, including Smith's pre-need directives.

As a result, French refused to accept Cramer's resignation without further proceedings. "There are many issues that need to be resolved," he said.

Tuesday, March 29, 2016 | 5:08 a.m.

Palm Beach Daily News

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Posted: 7:01 p.m. Monday, March 28, 2016

Judge appoints guardian for philanthropist Montgomery

By John Pacenti

Palm Beach Post Staff Writer

After a hearing closed to the public and the media, a judge on Monday appointed a professional guardian to oversee the care — as well as the millions of dollars — of Mary Montgomery, the Palm Beach socialite and widow of legal legend Robert Montgomery.

The guardianship of one of the county's most celebrated philanthropists comes the same month the Florida Legislature passed a bill to establish the state's first regulatory authority over professional guardians whose ranks have come under fire for gouging the life savings of incapacitated senior citizens through fees for themselves and their legion of attorneys.

The Palm Beach Post's series in January, Guardianships: A Broken Trust, explored cronyism in the county judiciary that allowed professional guardians to take fees without prior judicial approval and act without fear of reprisal. As a result, one judge was transferred from the guardianship division and reforms were instituted to address conflicts of interest.

The hearing Monday in front of Circuit Judge John Phillips pitted Montgomery's daughter, Courtnay, against her mother's long-time administrative aide Hilda Santana.

The Post reported on Sunday that Santana petitioned to become Montgomery's guardian, stating in court documents that the 85-year-old suffers from dementia. She cited Courtnay's arrest in Minnesota last October in which the daughter allegedly tried to bite a law enforcement officer checking on her mother's welfare. Santana said Courtnay was unfit to oversee her mother's case or her vast finances.

The resolution on Monday came after Montgomery's attorney Theo Kypreos asked Judge Phillips to close the hearing to the public, which is allowed under the guardianship statute. As a result, a Post reporter and photographer had to leave the courtroom after Phillips denied a hearing sought by The Post on First Amendment grounds.

Neither Montgomery nor Courtnay were present for the proceeding, but attorneys said the daughter agreed to veteran professional guardian John Cramer overseeing Montgomery's care. Cramer will be assisted by Montgomery's nephew John Neasen, who lives in Anchorage, Alaska.

Unlike in some guardianships, Montgomery will retain certain legal rights, but it was unknown late Monday which ones or how much her assets will be managed.

She receives $1.5 million every four months stemming from her late husband's greatest legal triumph: a $11.3 billion settlement with tobacco companies on behalf of the state of Florida. The Montgomerys have given reportedly $100 million to various causes and the arts.

Ed Downey, attorney for Santana, said his client is satisfied with the resolution because it ensures the safety of Montgomery.

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Case Details: 50-2016-CP-001119-XXXX-SB



Full Name	HUHEM, NATASHA	**DOB**	
Party Type	PETITIONER	**Sex**	
Case #	50-2016-CP-001119-XXXX-SB	**Race**	
Status	Open	**Fee Balance**	0.0000
Citation #		**Division**	IX: South Branch Probate - IX
Booking #		**Speedy Trial Du**	

Court Events

No Court Events Found.

Parties

Full Name	Party Type	Sex	Race	Date of Birth	AKA	Deceased	Sheriffs #	Hair	Eyes	
HUHEM, NATASHA	PETITIONER									
HUHEM, MITCHELL B	DECEDENT					2/23/2015				

Main Parties

Judge: FRENCH, JUDGEDAVID E

Charges

No Charges Found.

Linked Cases

No Linked Cases Found.

Dockets

Image	Docket Number	Effective Date	Count	Description
1	1	3/4/2016		PETITION
0	2	3/7/2016		DIVISION ASSIGNMENT
1	3	3/7/2016		PAID $232.00 ON RECEIPT 1553629
1	4	3/7/2016		ORDER ON EMERGENCY VERIFIED PETITION FOR ORDER ENFORCING BURIAL PROVISIONS DENIED. SIGNED BY JUDGE D FRENCH ON MARCH 7, 2016
1	5	3/7/2016		AMENDED ORDER
1	6	3/8/2016		NOTICE OF FILING
1	7	3/8/2016		OBJECTION
1	8	3/8/2016		NOTICE OF APPEARANCE CIVIL
1	9	3/14/2016		ORDER
1	10	3/18/2016		EMERGENCY MOTION
1	11	3/18/2016		NOTICE OF VOLUNTARY DISMISSAL
1	12	3/21/2016		ORDER DENYING SIGNED BY JUDGE D FRENCH ON MARCH 21, 2016

Sentences

No Sentences Found.

Warrants/Service Docs

No Warrants/Service Docs Found.

Arrests

No Arrests Found.

Total Fees

Total Amount Due: $232.00 **Total Amount Paid: $232.00** **Total Balance: $0.00** **Total Judgment Interest: $0.00**

Total Balance + Interest: $0.00

Fees

Effective Date	Due Date	Description	Amount Due	Amount Paid	Balance	In Collections	In Judgment
3/7/2016	3/7/2016	505FF Opening Any Estate	$232.00	$232.00	$0.00		

Bonds

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Payment Plans

No Payment Plans Found.

Case Details: 50-2016-CP-001119-XXXX-SB



Full Name	HUHEM, NATASHA	**DOB**	
Party Type	PETITIONER	**Sex**	
Case #	50-2016-CP-001119-XXXX-SB	**Race**	
Status	Open	**Fee Balance**	0.0000
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Booking #		**Speedy Trial Du**	

Court Events

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Parties

Full Name	Party Type	Sex	Race	Date of Birth	AKA	Deceased	Sheriffs #	Hair	Eyes	
HUHEM, NATASHA	PETITIONER									
HUHEM, MITCHELL B	DECEDENT					2/23/2015				

Main Parties

Judge: FRENCH, JUDGEDAVID E

Charges

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Linked Cases

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Bob and Mary Montgomery's legacy in peril in guardianship feud

NEWS

By John Pacenti - Palm Beach Post Staff Writer

3

Posted: 8:45 p.m. Friday, March 25, 2016

The last time Linda Silpe saw Mary Montgomery — one of Palm Beach's most celebrated philanthropists — was at lunch at The Breakers in June, just before the 85-year-old traveled to Minnesota for a regular visit with her adopted daughter, Courtnay.

Montgomery excitedly talked about the upcoming social season on Palm Beach, and when Silpe asked Montgomery if she would be the honorary chairwoman at an upcoming "Take Home A Nude" art auction, she twinkled: ""Do I have to come naked?"

“We had a perfectly delightful conversation,” Silpe said. “She wasn’t as sharp as she was 25 years ago, but none of us are.”

Montgomery took her long-time administrative aide, Hilda Santana, with her to Minnesota, Silpe said. Santana came back alone, setting up what could be an epic court battle between the aide and the adopted daughter for control of millions — and the care of Mary.

What happens next could forever tarnish the carefully crafted legacy of Mary and Robert Montgomery.



Bob and Mary Montgomery at a Palm Beach Opera gala in 2007. (The Palm Beach Post photo)

Sure to come to the fore are Courtnay's scrapes with the law — a crack cocaine arrest in the mid-1990s and an arrest more recently in Minnesota, where a sheriff's investigator, worried about guns in her house, said she tried to bite him.

The opening salvo came when Courtnay fired all of the staff at her mother's Palm

Beach home, giving a list of their names — including Santana's — to the police to deny entry, according to court documents.

Friends on Palm Beach contacted Minnesota authorities, claiming that Montgomery was being held against her will by her daughter and fearing that dementia had taken a bigger toll on the grand dame of Palm Beach, documents obtained by The Palm Beach Post show.





Lois Pope and Mary Montgomery at the Armory Art Center's 11th annual Mad Hatter's Luncheon at Club Colette in March 2015. ... Read More

Mother and daughter showed up in Florida earlier this year, staying at Montgomery's 50-room, oceanfront Mizner manse — known as Sin Cuidado, Without Care.

Silpe tried without success to reach Courtnay. When she learned they were back, she went to Sin Cuidado to speak to her friend of 25 years. She never got past the gate.

"I was asked to leave the premises," she said.







Bob Montgomery

Concerned friends

Montgomery receives more than $1.5 million every four months from tobacco fee payments stemming from one of her husband's crowning courtroom achievements, the landmark case that forced tobacco companies to pay $11.3 billion to Florida.

Santana is seeking a judge's order to appoint her as Montgomery's guardian, saying in 2014 she was named health surrogate, giving her power of attorney if Montgomery becomes incapacitated. New documents filed in August, however, put Courtnay in charge.





Courtnay Montgomery, daughter of Mary Montgomery, in her arrest photo on Oct. 27, 2015, in Olmsted County, Minn. She blocked deputies ... Read More

“I’ve worked with the Montgomery family for 34 years,” Santana wrote in her application to become a court-appointed guardian. “Mr. and Mrs. Montgomery both shared with me how they wanted to be cared for and trusted me to make sure their wishes were followed.”

A gloves-off hearing is set for Monday in front of Palm Beach County Circuit Judge John Phillips, where the Montgomery legacy will be on display. Courtnay’s attorney, though, has asked for a postponement.

Montgomery’s friends are closed lip about the matter, afraid of provoking Courtnay. They say Montgomery is being manipulated and controlled by her daughter, one of two children the Montgomerys adopted.





Mary and Bob Montgomery at a Palm Beach Opera benefit. (Palm Beach Daily News photo)

“Over time, I’ve gotten numerous calls from Mary’s friends inquiring about her health and they all seem quite concerned,” said Richard Rampell, the

Montgomerys longtime local accountant. “Beyond that, I have no comment.”

Courtnay told The Post she is adamant about protecting her mother.

“Do you know who we are? We got one shot to protect my mom. I’ll tell you what is happening. Staff is taking advantage of my mother. There are some crooked lawyers and crooked accountants. It is bigger than Madoff,” she said before cutting off an interview.

Neither Courtnay nor her attorneys returned subsequent phone calls.

‘She is an artist’

Bob Montgomery, who died in August 2008, not only helped forge the $11.3 billion tobacco settlement, but, after he claimed to have been cheated on his fees, sued the state and won. The award: $206 million.

In his lengthy career, he represented the wealthy and the forlorn. He won a $10.5 million estate settlement for Kathleen DuRoss Ford, the third wife of auto industry magnate Henry Ford II. He sued the distributor of the handgun used by student Nathaniel Brazill to kill teacher Barry Grunow in 2000, winning a $1.2 million verdict before a judge invalidated it.

He represented local celebrity Burt Reynolds in his headline-grabbing divorce from Loni Anderson. Later, Courtnay became Reynolds' assistant.

When asked about being the first to get a verdict against a gun seller, the Alabama-born lawyer mustered up another one of his paraphrased Southern colloquialisms in his tell-tale Alabama drawl: "Even a trip to China starts with a first step," he said.

He and Mary were married for 54 years. Their financial support and willingness to serve on the boards of local cultural organizations earned them legendary status.

Montgomery was a principal benefactor of the $98 million Raymond F. Kravis Center for the Performing Arts that changed the face of downtown West Palm Beach.

He credited his wife to opening his eyes to art and today the Robert and Mary Montgomery name adorns the Armory Art Center in West Palm Beach.

The couple met at the University of Alabama where he played football and majored in math and chemistry. She majored in fashion illustration.

"She is an artist," Montgomery told The Post in 1987. "She's quite accomplished, although with the kids growing up, she put it aside and doesn't paint anymore. So

she receives her enjoyment vicariously now by attending various cultural activities, and I tag along."

Redefined socialite

After her husband died, Mary Montgomery remained a benefactor of his beloved Palm Beach Opera, which he chaired for 25 years. She helped underwrite the opera's annual waterfront concert.

While her husband often grabbed the headlines, it was Mary who redefined the contemporary Palm Beach socialite by organizing black-tie galas that brought tens of thousands of dollars for various causes and serving as chairwoman for numerous organizations. She dominated the society pages for decades.

The Montgomerys were intent on giving back to the underprivileged. They played a big role in raising more than $1 million to HomeSafe for at-risk children.

They adopted Courtnay as an infant. Their adopted son, Scott, died in 1992 of AIDS. Bob Montgomery didn't talk about it publicly in deference to his son's wishes but said his son's battle with the disease would help inform him in his nationally publicized representation of Kimberly Bergalis, a Florida woman who contracted AIDS from her dentist and received an undisclosed settlement.

Courtnay, meanwhile, excelled in golf and worked in theater. She also worked as a confidential informant for police before she was arrested in 1995, passed out in her Cadillac, holding 24 rocks of crack cocaine.

She ended up in Minnesota where her father went to the Mayo Clinic to be treated for cancer. In Minnesota, the Olmsted County sheriff knew Courtnay well enough to fear her, court records filed after her October arrest show.

“If you enter without authorization, I will stand my ground,” Courtnay told deputies armed with a search warrant seeking to check on Mary’s well-being on Oct. 27, according to a charging complaint. “Do you hear what I am saying?”

Sheriff’s investigator David Rikhus wrote: “From past contacts, deputies knew that (Courtnay) Montgomery possessed firearms in her home and interpreted (Courtnay) Montgomery’s words as a threat to use deadly force against the deputies.”

The charging complaint, filed by prosecutors, said deputies feared Courtnay was “manipulative and controlling” of her mother, who had missed two neurocognitive appointments at the Mayo Clinic.

After more than an hour, deputies persuaded Courtnay to allow them to enter the home but she refused to allow her mother to be interviewed outside her presence.

When deputies threatened to arrest her, Courtnay wrapped herself around the armrest of a bench.

“While in this position, Montgomery lunged her head towards investigator Rikhus in an apparent attempt to bite him,” the report said.

As Rikhus tried to take her into custody, she wrestled with him. “Montgomery was lying on her back kicking at deputies, thrashing and screaming,” according to the court document.

On Feb. 4, Courtnay pleaded guilty to one count of gross misdemeanor obstruction of the legal process and was sentenced to two years of probation.

Shortly, thereafter, friends saw mother and daughter at a Palm Beach restaurant together, a person close to the matter told The Post.

Fight enters court

Newspaper reports of the arrest are part of the evidence Santana provided in a Feb. 23 petition to the Palm Beach Circuit Court claiming Courtnay is unfit to care for her mother and remains under criminal investigation.

“She is not sufficiently stable or responsible for holding a fiduciary role,” it said.

“There appears to be imminent danger that the physical, mental health and safety of the AIP (alleged incapacitated person) will be seriously impaired,” Santana stated. She added that Montgomery’s wealth also is in danger of being misappropriated or wasted.

All indicators are that the court battle will be brutal and center on whether Montgomery was in her right mind when she replaced Santana with Courtnay in August. Montgomery’s attorney have filed motions intent on protecting her privacy and avoiding a guardianship.

Phillips has denied Santana’s petition to be named Montgomery’s emergency temporary guardian. And Courtnay already has won another court battle in Minnesota, where a judge found Montgomery “trusts her daughter for her care.”

“Accusations are being made against her from individuals in Florida who do not have the petitioner’s best interests in mind, who do not know her care needs and who are upset that she recently terminated their services,” Judge Kevin A. Lund wrote on Nov. 4.

Montgomery, as a showing of good faith to concerned social service providers in Minnesota, requested the appointment of a guardian and conservator. However, this arrangement for a third party to oversee Montgomery’s care and finances has since been terminated, according to court documents.

Daniel Biaggi, general director of the Palm Beach Opera, is one of the few people to visit with Montgomery since her return this winter.

“She was well when I saw her,” he said. “They (Montgomery and Courtnay) were always cordial and in many ways similar to the way their relationship has been in the last couple of years.”

But her friends say that the Mary Montgomery they knew would be mortified at how events have transpired and believe she is under the undue influence of her daughter.

Silpe said she can’t help but recall the last time she saw her friend at The Breakers in June. As Silpe left, Montgomery said she wanted to stay a little while longer and watch the ocean surf.

“I said, ‘Mary you live on the ocean, you get to see it every day.’ She said, ‘but I’m much closer to it here,’” Silpe said.

The Post on guardianships

The Palm Beach Post’s John Pacenti dug deep into guardianships to show how a local judge and his wife held sway in the south county courthouse. After his

stories ran in January, Circuit Judge Martin Colin was moved to a different division and south county judges were told to steer clear of cases involving Colin's wife, professional guardian Elizabeth Savitt. **To read the stories, turn to MyPalmBeachPost.com/guardianships-colin-savitt/**

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John Pacenti

Clerk's office gets $20,000 to protect seniors in guardianships

COMMENTS 0

March 23, 2016 | Filed in: **bnblogs**, **newsfeed**, **Uncategorized**.

The Palm Beach County Clerk & Comptroller's Office just got more resources to rein in unethical court-appointed guardians of incapacitated seniors and other adults.

Clerk & Comptroller Sharon R. Bock was selected as the recipient of the 2015 Rosalinde Gilbert Innovations in Alzheimer's Disease Caregiving Legacy Award in the public policy category for her innovative guardianship fraud program and hotline. Bock accepted the award – which comes with $20,000 for the office – during the Aging in America Conference in Washington D.C. on Tuesday.

Senior citizens and other adults who can no longer can take care of themselves can be put in court-order guardianships under the complete control of a professional if a relative can not be agreed upon.

The Florida Legislature passed reform this past session, giving the state its first regulatory authority over these professional guardians who often have little prior expertise in handling finances or medical care for individuals.

State lawmakers received numerous complaints that unethical professional guardians were draining the savings

Follow

of their senior ward through fees for themselves and their attorneys and failing to are for their elderly wards properly.

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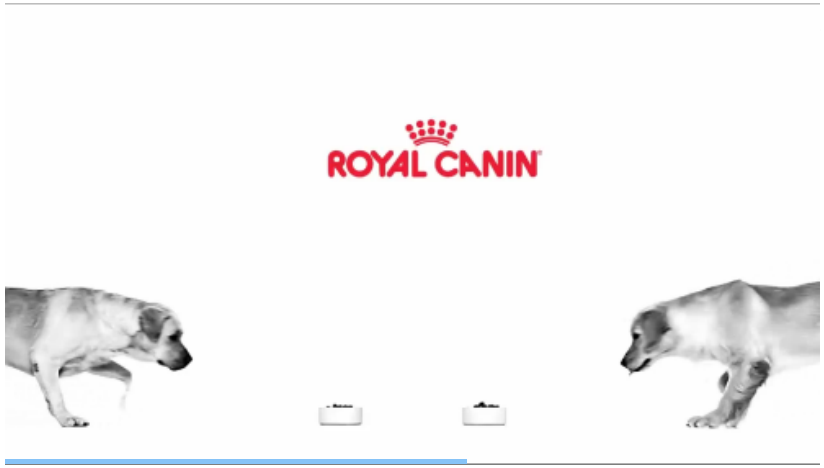

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Clerk & Comptroller Sharon Bock

The Palm Beach Post in its series this year, Guardianship: A Broken Trust, explored the judiciary's role in the guardianship system in the county that was beset by nepotism and cronyism.

The result was that Circuit Judge Martin Colin – whose wife is a professional guardian – was transferred out of the Probate & Guardianship Division. Colin then announced he would not run for re-election.

"It has become my mission to strengthen statewide guardianship laws ensuring our most vulnerable citizens receive the protection they deserve," said Bock said.

"This award reaffirms the need for our guardianship fraud program and hotline and will enable my office to continue to explore new ways to serve our rapidly growing senior population."

The guardianship hotline is 561-355-FRAUD (561-355-3728).

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- Clerk's office gets $20,000 to protect seniors in guardianships

Since the inception of the hotline in 2011, the Clerk & Comptroller's accredited Division of Inspector General has audited and investigated more than 900 guardianship cases and identified more than $4.5 million in unsubstantiated disbursements, missing assets and fraud.

VIEW COMMENTS 0

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- Gov. Scott signs guardianship reform law to protect seniors

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Lori Smith embraces her mother, Bunny Garst, after a hearing March 1, at the Manatee County Judicial Center, where a judge authorized her husband's guardian to move him from his Bradenton ranch to a long-term care facility. At right is Bunny Garst's attorney, Lisa Bell. STAFF PHOTO / BARBARA PETERS SMITH

By Barbara Peters Smith

Published: Thursday, March 10, 2016 at 1:31 p.m.

Last Modified: Thursday, March 10, 2016 at 2:25 p.m.

With Gov. Rick Scott's signing of a landmark guardianship reform bill on Thursday, adult wards of the state and their families will for the first time have a number they can call for official intervention, without having to go through an attorney, when problems arise.

The bill, authored by Sen. Nancy Detert of Venice, is intended for Floridians trying to challenge the complex legal system that strips citizens of their rights after they are deemed incapable of making their own decisions. It establishes a new Office of Public and Professional Guardians, which will monitor the people paid to handle those wards' affairs, and review allegations that this sweeping trust is being violated.

Detert has said the law “will be the model for the other states,” and was inspired by the anguish of family members who have told their stories in Tallahassee to press for systemwide reform. She called the bill her “absolute top priority” for this year's session, her last as she leaves the

Legislature to run for the Sarasota County Commission.

“I would be frankly devastated to leave the Senate without having finished that job,” she said after Scott signed the bill.

Detert had tried to get the measure through the Legislature last year, but it failed, in part because of Scott's concerns. This year, the governor was on board.

“We couldn't have done it without him, because we tried doing it without him and it didn't work,” Detert said. “The governor himself heard from lots of people in his travels, because Naples is one of the target areas for unscrupulous folks preying upon elderly wealthy old ladies. He heard it first hand. He was very supportive. I never doubted that he'd sign it. I'm thrilled that he did. He said he would come to our community and do a ceremonial signing, which will be great.”

For many of the families profiled in the Herald-Tribune's ongoing coverage of this topic, the new standards and scrutiny amount to a welcome change that will come too late for them personally. This month Bunny Garst of Bradenton saw her husband lose his last remaining right — to choose where he lives — after his family's costly legal struggle of more than three years with his professional guardian.

She wonders whether his case might have unfolded differently, if she could have had early access to what Detert has called a “complaint department.”

“We have to have somewhere to turn,” said Garst, who retained a series of attorneys in an effort to reverse her husband's assignment to a paid guardian — and fight that guardian's actions to sell off her husband's property. “The frustration is that all this is going on and you're totally helpless.”

In September 2011, Garst called Florida's Adult Protective Services and asked for an investigation of her husband's living situation. She was concerned, she said, that Claflin Garst Jr., a former Manatee County judge, had rapidly advancing dementia and was being unduly influenced by an employee. When she and the employee both petitioned to be named guardian, the judge appointed a professional instead.

The only right Claflin Garst retained in these proceedings was the freedom to choose his residence, and for years he remained at home with paid caregivers on his buffalo ranch — where friends and family contend that it was difficult to visit him. In February his guardian asked the court to remove that right and allow placement in a facility that offers memory care.

“Due to the deteriorating condition of the ward,” the petition states, “the aides are not able to provide the level of service required to maintain him in a safe nurturing environment.”

“That ranch means everything in the world to him,” said Bunny Garst, who was visibly upset after this petition was granted on March 1.

The guardian did not respond to a request for comment, and Claflin Garst's court-appointed attorney declined to comment.

Along with his order, 12th Judicial Circuit Chief Judge Charles E. Williams called for a status conference in 90 days to assess the ward's condition, and “strongly encouraged” his guardian and family to consider using a new, voluntary Eldercare Coordinating program to resolve their ongoing differences. But Bunny Garst said her attorney advised her that such a step at this stage would be “too little, too late.”

The number of professional guardians in Florida has grown from 23 in 2003 to nearly 500 today, and is expected to climb as the baby boom generation ages.

In a December 2014 series, "The Kindness of Strangers," and followup stories, the Herald-Tribune chronicled the struggles of wards and their families with an underfunded legal system that draws on the life savings of wealthier wards to support the "pro bono" work of attorneys and guardians for indigent wards. The project also found that wards' rights under the statute were routinely disregarded, and that the practice of placing elders under "temporary emergency guardianship" typically led to permanent guardianship before anyone could contest the process.

Sam Sugar, an Aventura physician who founded an organization called Americans Against Abusive Probate Guardianship, said recent reforms to the system have been limited in scope, and more profound change is needed.

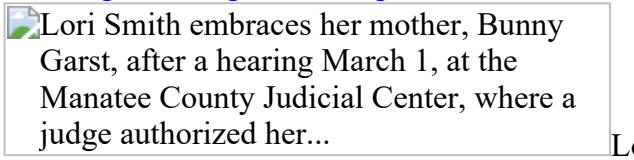
He worried that Detert's bill, while establishing state oversight, still leaves the burden of proof on wards and their families. And it does not allow for criminal prosecution of wrongdoing by guardians.

"The bill does nothing, absolutely nothing, to address grievances for active guardianships," he added, "or those that have been closed by virtue of the death of the ward. The guardianship racket is so complicated and well-entrenched ... it may take something far stronger than this type of bill to adequately address it."

WHAT THE NEW LAW WILL DO

• Encourage courts to consider appointing guardian advocates as an alternative to full guardianship.
• Place the Florida Secretary of Elder Affairs in charge of a new Office of Public and Professional Guardians.
• Fund the office with six full-time staff positions in the first year, and a recurring budget of almost $700,000.
• Direct that office to establish standards for guardians by Oct. 1.
• Generate procedures for monitoring guardians and looking into allegations against them.
• Create a way to discipline guardians who fail to meet professional standards.
• Establish a training program for guardians.
• Spell out grounds for discipline or penalties.
• Establish a matching grant program to fund local public guardianships for indigent wards.
For more information on adult guardianship in Florida, go to heraldtribune.com/guardianship

Scott signs elder guardianship bill; but for some, it's too lateBy Barbara Peters Smith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HeraldTribune.comMarch 10, 2016 2:25 PM
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authored by Sen. Nancy Detert of Venice, is intended for Floridians trying to challenge the complex legal system that strips citizens of their rights after they are deemed incapable of making their own decisions. It establishes a new Office of Public and Professional Guardians, which will monitor the people paid to handle those wards' affairs, and review allegations that this sweeping trust is being violated. Detert has said the law “will be the model for the other states,” and was inspired by the anguish of family members who have told their stories in Tallahassee to press for systemwide reform. She called the bill her “absolute top priority” for this year's session, her last as she leaves the Legislature to run for the Sarasota County Commission. “I would be frankly devastated to leave the Senate without having finished that job,” she said after Scott signed the bill. 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This month Bunny Garst of Bradenton saw her husband lose his last remaining right — to choose where he lives — after his family's costly legal struggle of more than three years with his professional guardian. She wonders whether his case might have unfolded differently, if she could have had early access to what Detert has called a “complaint department.” “We have to have somewhere to turn,” said Garst, who retained a series of attorneys in an effort to reverse her husband's assignment to a paid guardian — and fight that guardian's actions to sell off her husband's property. “The frustration is that all this is going on and you're totally helpless.” In September 2011, Garst called Florida's Adult Protective Services and asked for an investigation of her husband's living situation. She was concerned, she said, that Claflin Garst Jr., a former Manatee County judge, had rapidly advancing dementia and was being unduly influenced by an employee. When she and the employee both petitioned to be named guardian, <a href="http://www.heraldtribune.com/article/20130721/ARTICLE/130729970/" target="_blank">the judge appointed a professional instead. The only right Claflin Garst retained in these proceedings was the freedom to choose his residence, and for years he remained at home with paid caregivers on his buffalo ranch — where friends and family contend that it was difficult to visit him. In February his guardian asked the court to remove that right and allow placement in a facility that offers memory care. “Due to the deteriorating condition of the ward,” the petition states, “the aides are not able to provide the level of service required to maintain him in a safe nurturing environment.” “That ranch means everything in the world to him,” said Bunny Garst, who was visibly upset after this petition was granted on March 1. 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Hi there, and welcome to our new Viafoura commenting system! You'll likely notice some additional functionality and changes (never fear - in this case, change is a good thing).

As a reader, you can now sign in using a variety of social media accounts instead of being limited to logging in via Facebook. And it's easier than ever to engage with fellow commenters - like or dislike comments, follow other users, receive instant notifications on commenting activity, earn badges, or take a moment to flag anything that's offensive or abusive.

Yes, there'll inevitably be some hiccups and growing pains as we make this exciting transition. But stick with us, as we're confident this new commenting platform will help spark more discussion and engagement within our online community. Thanks for your patience, and happy commenting!

Eliot Bernstein | Logout

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Eliot Bernstein Rank 0

A shuffle of deck chairs on the Titanic, yet none of the victims that caused legislative change due to abuse have had any relief & no perpetrators have been investigated by authorities. Now the victims this paper & PB Post exposed appear to be being retaliated against. While the Post stories exposed these victims horror stories & alleged wrongdoings by judges, attorneys & guardians, all of them continue with impunity now in committing crimes against new victims fearing no retribution for their actions. As far as the legislation goes, if they were not following the old laws that protected seniors and others, what makes you think they will follow the new ones? Seniors beware do not die or become disabled in Florida.

For more information on the rampant fraud in the Probate / Guardian / Family Court see http://tedbernsteinreport.blogspot.com where the Post is aware of a dead body of a one Mitch Huhem, Donald Trumps friend found in my father's house only days after moving in after it being sold in what appears a massively fraudulent transaction approved by Judge Colin and Judge Phillips. See http://www.gossipextra.com/2016/02/26/donald-trump-friend-motivational-speaker-mitch-huhem-found-dead-boca-raton-5709/ « less

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1 minute ago

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Eliot Bernstein Rank 0

@Eliot Bernstein A case with Proven Fraud on the Court by fiduciaries & counsel and replete with falsified and forged documents Post Mortem and attorneys closing a dead persons estate with their deceased husband acting as PR Post Mortem to change beneficiaries and more. Attorneys admitting on the stand to Mail Fraud, Fraudulently Creating a Trust and sending it to minor children's counsel to commit fraud and judges "doodling" during the hearing and retaliating against the victims while praising the attorney. Can't make it up.

Judge Phillips is so outraged that I have caught the attorneys and his "love" Martin Colin in a web of fraud to steal 100 Million from my family that he placed guardians on my children to silence our family and he held multiple hearings with minors unrepresented and blocking counsel from entering the case on their behalf, a form of child abuse.

So where are the Feds since Florida has abandoned the victims and left them with new predatory guardians and failed to protect them or their assets? « less

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1 minute ago

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NASGA Rank 0

Bunny Garst has every reason to be horrified at the judge's decision to move her husband from the comfort of his ranch to a facility. Everyone knows by now that a major move of this sort will only exasperate dementia and hasten Mr. Garst's demise.

Meanwhile, his wife is rendered helpless to protect him. Is this the intent of guardianship law? You can bet it's not.



Families Against Court Travesties - FACTS Inc. Court Watch - Bernstein Case Watch

ELIOT BERNSTEIN · FRIDAY, MARCH 4, 2016

Families Against Court Travesties - FACTS Inc. Court Watch

February 26 at 12:02pm ·

Yesterday a group of Court Watchers went to NPB Courthouse to sit in on the Bernstein Case in Front of Judge Phillips. From the beginning, the Judge made demeaning remarks to the Bernstein's, which for sure, unrattled them in their presentation as pro se litigants. (they couldn't afford an attorney)

Judge definitely showed bias against them by allowing the 5 other attorneys on the Trust's side to disparage the Bernsteins relentlessly. When Mr. Bernstein was allowed to present his

case, he was shut down by the Judge immediately when he tried to explain his case which was about alleged fraud and misconduct on the Trust Co and his brother's part.

To make matters worse, the judge put everyone under tremendous stress by constantly reminding them of how many minutes they had left.

This case is about a very large trust that is being disputed by the Bernstein's and their 3 children. The trust wants to appoint a GAL for their children. As we all know, that usually muddies the waters even more by giving a complete stranger who will undoubtedly favor the one who pays them, all the power in court.

Judge to issue his decision on Monday.

This report was written by Adele Guadalupe

Press Release Regarding Protest at South Branch Probate Court West Palm Beach by FACT.

https://factscourtwatch.files.wordpress.com/...

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Delray Beach FL 33482
(800) 201
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5560
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FACTS, Inc. is a 501(c)3 non profit all volunteer corporation created by PBC National Organization for Women.
Press Release February 20, 2016
CORRUPTION, COLLUSION AND CRONYISM IN PBC COURTS
Thanks to Palm Beach Post's reporter John Pacenti for uncovering some of the corruption in the Guardianship section of the Palm Beach County court system. It is endemic, in both the Guardianship and Family Court divisions.
Families Against Court Travesties, Inc. (FACTS),
a non-profit organization, has been monitoring these courtrooms for over 13 years and has evaluations of some of the judges in these divisions. Because of Mr. Pacenti's investigative

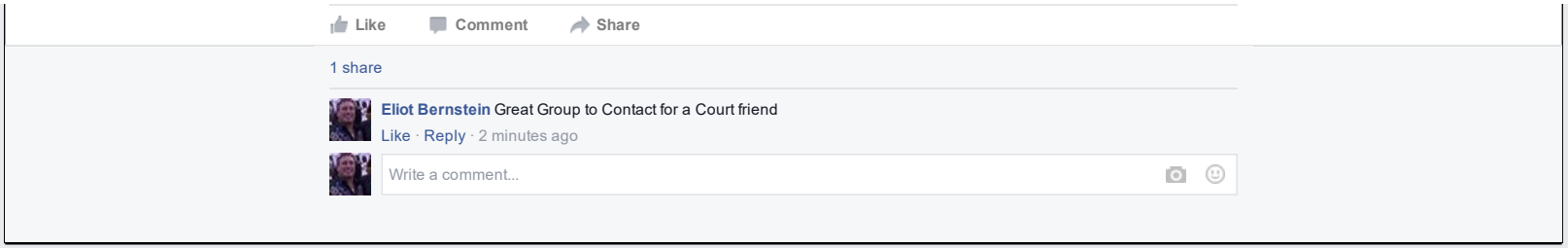
reporting, Chief Justice Colbath has said he would overhaul the guardianship system.
Has he?

The Family Court system needs overhauling as well. Because of court appointed professionals and the expensive, connected attorneys who recommend them, children are being torn away from good, loving parents and irreparable damage is done to the entire family.

Those involved in the Guardianship collusion are:
Judge Martin Colin whose wife Elizabeth Savitt's cases went to their friend Judge French, who appeared to rubber stamp her overreaching fees and those of her associates.
Professional Guardian Elizabeth Savitt (Judge Colin's wife) who owns a guardianship business that appeared consistently before Judge French.

According to the Palm Beach Post, she took fees without court approval, double-billed, overcharged and encouraged unnecessary litigation.
Judge David French (close friends with the couple) who apparently did not disclose his friendship with Savitt to opposing lawyers, as required.
Chief Justice Jeffrey Colbath who allowed Judge Colin to remain in the Guardianship Division for 4 years after Savitt became a registered Guardian, while other judges rotated regularly.
While Justice Colbath was in Family Court several years ago, FACTS Court Watch was often called due to many complaints against him.
Having him as Chief Justice is like having the fox guard the chicken coop.
These people are not above the law and need to be prosecuted!
These families must receive justice!
The corruption in these courts has to end!
Contact State Attorney David Aronberg at StateAttorney@sa15.state.fl.us or (561) 355-7100.
Contact US Attorney General Loretta Lynch at http://www.justice.gov/contact-us or (202) 353-1555 To read more, go to
http://www.mypalmbeachpost.com/guar...

From The Palm Beach Post, January 17, 2016 p. A12,
“Part 1: Post Investigation GUARDIANSHIPS A BROKEN TRUST”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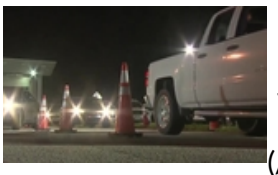
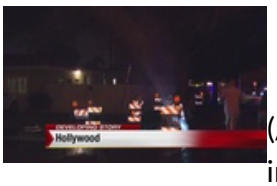


Miami Police to conduct DUI checkpoint Thursday

(/traffic/miami-police-to-conduct-dui-checkpoint-thursday)



Sewer pipe breaks in Hollywood

(/traffic/sewer-pipe-breaks-in-hollywood)



CALL CHRISTINA (HTTP://WWW.LOCAL10.COM/CONSUMER)

Local 10 News viewer claims guardian not acting in best interest of father

Professional guardianship booming business in South Florida

By **Judy Reich (http://www.local10.com/author/judyreich)**

Posted: 1:33 PM, March 02, 2016
Updated: 4:58 PM, March 02, 2016

10 10

PEMBROKE PARK, Fla. - Florida ranks as one of the top states with a large elderly population and professional guardianship is a booming business, especially in the tri-county area.

Florida law designed guardianship to protect vulnerable seniors. However, some families accuse guardians and their attorneys of not working in the ward's best interest.

More Call Christina Headlines

Small businesses Call Christina for help after being slapped with ADA suits (/consumer/call-christina/small-businesses-call-christina-for-help-after-being-slapped-with-ada-suits)

Company subject of 'Call Christina' investigation now banned from… (/consumer/call-christina/company-subject-of-a-call-christina-investigation-now-banned-from-selling-alumni-directories)

'Call Christina' takes you to frontlines of consumer protection (/consumer/call-christina/call-christina-takes-you-to-the-frontlines-of-consumer-protection)

People living near North Miami dry cleaner 'Call Christina' to complain… (/consumer/call-christina/people-living-near-a-north-miami-drycleaner-call-christina-to-complain-of-noise-and-fumes)

The Call Christina team explored the lightly regulated industry and efforts to reform it, beginning with a Century Village man who called Christina for help.

During the course of a months-long Call Christina investigation into a complaint about professional guardian Elizabeth Savitt, her husband, a Palm Beach County Judge, was reassigned.

In an email to Local 10 News, a spokesman for the Chief Judge stated, "Judge Martin Colin is now presiding in the Circuit Civil division at the main courthouse. This change took effect on Monday, February 15, 2016. In addition, the change is permanent as Judge Colin has indicated he does not intend to seek re-election. The Chief Judge is a proponent of transparency in government and wanted to be proactive in addressing concerns expressed by the media and the public. The move of Judge Colin to Circuit Civil division was one of the initiatives implemented by the court."

"We'd lock the doors. We'd get in his car. We'd go out; food shopping, doctors. My father lived here. I moved in 107 right next to each other," James Vassallo told Local 10 News investigative reporter Christina Vazquez.

Vassallo said he and his dad Albert did everything together.

Noting Albert's odd behavior over the years combined with a legal battle with his siblings over missing money from his father's bank account, Vassallo asked the Palm Beach County Court to intervene. His attorney urged him to hire a professional guardian, recommending Elizabeth Savitt.

"I said great," Vassallo said.

Now Vasallo said things are not so great, claiming the guardian fees and legal bills are out of control. In the six-month period from August 2014 to February 2015, the bills totaled $65,000, and they continue to grow.

"This is what you call a legal way of robbing people and they're getting away with it," Vassallo said.

Citing continual family discord, the court removed Vassallo as his father's trustee, making Savitt the sole decision-maker in all of Albert's affairs.

Now Vassallo is appealing the ruling, citing Savitt's personal financial worthiness in her guardianship application with Florida's Department of Elder Affairs.

"If I knew she had a lien, foreclosure, a judgment against her," Vassallo said during a court hearing in front of Judge David French.

Savitt's 2015 guardianship application with the Department of Elder Affairs revealed a pending home foreclosure case, and a FICO credit score below 600.

"Are you financially fit to be a guardian?" Local 10 asked Savitt after she emerged from another guardianship hearing.

Savitt did not answer the question, but in a response to the Department of Elder Affairs Savitt stated, "the loan was made under improper conditions and circumstances," and she said she hoped the court will negate the delinquent loan status. Records show the court issued a final judgment of foreclosure in November of 2014 and Savitt later paid off the loan.

Last fall at a different guardianship hearing, Savitt requested the judge to sign off on her invoice for payment.

"You took funds?" Judge Krista Marx asked while questioning Savitt's payday advance.

"It happens every single morning in here, that people come in and ask forgiveness instead of permission," Marx said.

The judge then signed off on Savitt's motion for payment, but opposing attorney Bruce Rosenwater questioned the practice.

"We have a motion to remove the guardian. We have a motion for sanctions. We have a motion for surcharge," Rosenwater said to the court. The ward in this case has since died and there are no more issues in court relating to the guardianship.

Exiting the courtroom after the hearing, Savitt slipped past Local 10 as she was escorted down a hallway reserved for judges by a Palm Beach County Sheriff. A judge she is not, although her husband, Judge Martin Colin, is.

At the time, Colin served in the Probate division, the same court division Savitt's clients are in and often heard arguments from attorneys representing Savitt in court.

Colin never presided over any of his wife's cases, however last month he was reassigned and now hears cases in the Civil division.

For Varrello, who is appealing his removal as trustee, the odds may be stacked against removing Savitt as his father's guardian.

"Getting out of one of these guardianships is harder than going to the moon. It just doesn't happen," Sam Sugar said.

Sugar is a retired physician and founder of Americans Against Abusive Probate Guardianship. His organization wants laws changed protecting the elderly against abusive guardians. Sponsoring seminars nationwide, he hears from others with stories similar to James'.

"Litigate, medicate and take the estate. The cases are all the same," Sugar said. "They involve emergency temporary guardianships, favoritism by the judge toward certain guardians and lawyers and ultimately the rape of the estate."

Last February, Gov. Rick Scott signed HB-5 into law adding additional protections to make it difficult for guardians to seize control of their wards' assets.

This legislative session, state Sen. Nancy Detert was successful in getting SB 232 passed. Her bill establishes a "complaint department" for families and those in guardianships.

The bill also certifies and supervises court-appointed guardians. As of now those decisions are left to the individual courts and vary from county to county. The bill now goes to Scott for his signature to become law.

In an email to Local 10, a spokesman for the Chief Judge also said, "the information listed on the Court's web site is accurate, Judge Martin Colin is now presiding in the Circuit Civil division at the main courthouse. This change took effect on Monday, February 15, 2016. In addition, the change is permanent as Judge Colin has indicated he does not intend to seek re-election. Between now and the end of his term, the Chief Judge does anticipate the need to rotate Judge Colin."

"The Chief Judge is a proponent of transparency in government and wanted to be proactive in addressing concerns expressed by the media and the public. The move of Judge Colin to Circuit Civil division was one of the initiatives implemented by the court. Other initiatives include the following:

- In-house training for probate Judges and court staff;
- The establishment of a Guardianship Wheel which will provide for random assignment of professional guardians to cases;
- Standardization of bill practices for Guardians and Attorneys; and
- Recusal of the current South County Judges from Ms. Savitt's cases."

In a statement, Savitt told Local 10, "all concerns brought by James Vassallo were brought out in open court and are meritless." With respect to her credit report that accompanied her application for guardianship, she said, "all the years that I have been a professional guardian there has been no finding that I have not duly performed my duties to a Ward of mine as a result of my financial condition."

Savitt also said she is "debt free."

"You haven't seen your father?" Vazquez asked Vassallo.

"Haven't seen my father in six months," Vassallo said.

"You have to miss him?" Vazquez said.

"I do I miss him a lot," Vassallo said.

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John Pacenti

Marriage annulment upheld in controversial guardianship case

COMME

March 2, 2016 | Filed in: **Uncategorized**.

In a decision underscoring the great power of the courts over seniors in guardianships, an appellate court in West Palm Beach upheld the annulment of a couple's marriage in a controversial case that has already set legal precedent.



Glenda Martinez Smith smiles as her husband Alan Smith opens his eyes while waiting for a doctor's appointment last year. (Richard Graulich / The Palm Beach Post)

A panel of judges on the 4th District Court of Appeal ruled 2-1 to uphold the annulment of the 2011 marriage of Glenda Martinez and J. Alan Smith, formerly of Boynton Beach.

The Palm Beach Post wrote about the case last April after Martinez won the right to care for Smith as he had specified in his pre-need directives before falling ill. The case showed how incapacitated seniors' legal rights were taken away in guardianships.

Even though Martinez succeeded in ousting the guardian last year, she was not able to convince the 4th DCA to undo Palm Beach County Circuit Judge David French's ruling to annul the couple's marriage.



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Judge David French listens to arguments in a case at the South County Courthouse. (Damon Higgins/The Palm Beach Post)

The majority of the 4th DCA appellate panel – Judges Dorian Damoorgian and Melanie May – said the couple married without the approval of French as stipulated by the guardianship of Smith.

Martinez's attorney Jennifer Carroll argued that the requirement flew in the face of state statute, but Damoorgian said in the written ruling that a court could indeed make such a requirement.

Judge Martha Warner, however, in a 8-1/2 page dissenting opinion, said the right to marry is a fundamental right guaranteed by the U.S. Constitution. The dissent possibly sets up the case for the Florida Supreme Court to look at the issue.

Warner noted evidence of how Martinez and Smith fell in love, vacationed together and how he named her his health care surrogate before a 2010 car accident sent his health on the decline. Warner said the only restriction put on Smith by the guardianship was the right to enter into contracts regarding finances.

Warner also noted how Martinez opposed court-appointed guardian John Cramer's decision to put Smith in a nursing home, where Martinez felt Smith received sub-par care and how a court-appointed attorney to represent Smith failed him.

The 4th DCA eventually ruled that Martinez – not Cramer – was Smith's designated health surrogate. She brought him home last year and takes care of him to this day

"I do not believe due process of the ward was sufficiently protected," Warner wrote, adding that the Legislature's intent in guardianship is to protect the rights of the ward, not infringe upon them.

"This has not happened in this case," the judge went on. "Instead, this frail gentlemen has been deprived of his fundamental right to marry, in proceedings which violated his fundamental rights to due process and without a consideration of his best interest."

In January, The Post published its investigative series into guardianship of seniors and the role of judges. One judge in particular, Martin Colin, is married to guardian and his friend, French, heard the majority of her cases. As a result, Chief Judge Jeffrey Colbath transferred Colin and instituted a plan to train court personnel on probate matters, among other reforms.

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Posted February 26, 2016 - 8:55pm

AG official wants more resources to battle guardianship abuse crisis in Nevada

Rudy North speaks during the Nevada Supreme Court guardianship committee meeting at the Regional Justice Center Friday, Feb. 26, 2016. David Becker/Las Vegas Review-Journal Follow @davidjaybecker

By Colton Lochhead
Las Vegas Review-Journal

The Nevada attorney general's chief of investigations told a Supreme Court panel Friday that he is becoming "increasingly aware" of the impact guardianship abuse is having on the state.

And it's something he hopes his office can fix.

"The guardianship and elder abuse problems in our state are not going to go away," Roland Swanson said. "Our elder population continues to grow. Our elderly citizens continue to be victimized across the state."

Over 4,000 people in Clark County have been deemed a ward, or someone incapable of handling their own money or affairs, and been placed under a court-approved guardianship. Those guardians are given control of the wards' lives, including the house, car and even life-savings.

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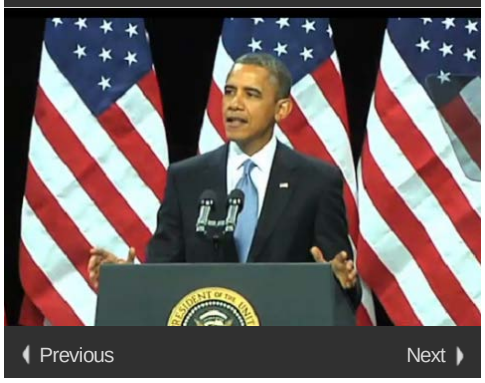

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The panel was formed after a series of stories in the Review-Journal published in April exposed longstanding problems in the system that left elderly and infirm adults open to losing hundreds of thousands of dollars to fees, mismanagement and even outright theft.

Swanson, who was appointed by Attorney General Adam Laxalt in August 2015 after working for the FBI for over 20 years, said he doesn't think local law enforcement agencies have the resources or training to thoroughly investigate criminal exploitation by guardians, especially in the state's rural areas.

Swanson said his office is looking for additional resources so it can better investigate abuses and mentioned the possibility of forming a "broader, statewide task force."

His comments about forming a statewide body to handle guardianships would seem to line up with the previously stated goals of the Supreme Court panel of getting law enforcement more involved when criminal actions are suspected in guardianships.

But for the 26-member panel, the rest of the goals seem to be moving along much slower than expected, even after getting a six-month extension.

Justice James Hardesty, who chairs the panel, said the group will have to buckle down if it wants to have a concrete list of recommendations by its final meeting in May. He said that going forward they will likely heavily restrict the public comment period, which often takes up over one-third of the alotted meeting time.

The final three meetings are scheduled for April 1, April 22 and May 20. They from 1 to 4:30 p.m. on the 17th floor of the Regional Justice Center, 200 Lewis Ave.

— Contact Colton Lochhead at clochhead@reviewjournal.com or 702-383-4638. Find him on Twitter: @ColtonLochhead

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The Probate Court's Dirty Secret That's Robbing the Elderly in Retirement



By Juliette Fairley | Friday, 26 Feb 2016 08:56 PM

Kathleen Dunn's mother Jacqueline Scott was placed under the care of a professional fiduciary in Florida after a sibling filed in probate court to be her guardian. When a Pinellas County Judge began to restrict visitation with her then 82-year-old mother, Dunn filed a complaint.

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"I was under the impression that we lived in America and this is the land of the free but I had no idea that people were being legally kidnapped to be robbed of all their assets and Constitutional rights," Dunn said.

Dunn is among a rising number of baby boomers and Gen Xers involved in expensive custody battles concerning their World War II generation family members who are expected to collectively pass along $41 trillion in inheritance money. However, family disputes and professional guardians sanctioned by courts nationwide stand to intercept this transference of wealth.

"Probate judges are increasingly handing over an innocent elderly person's health, wealth and life to a total stranger whose only focus is often just to take and make as much money from the family as possible," says Dr. Sam Sugar, founder Americans Against Abusive Probate Guardianship, an advocacy group.

In most cases, courts appoint family members as guardian but they are increasingly turning to an emerging cottage industry of professional guardians who are not related to their wards and usually work in for-profit firms and whose fees are paid from the assets of the person they're taking care of. But several reports note a rising number of allegations of financial exploitation.

The courts of 65 percent of state judges and court staff have taken action against at least one guardian for "misconduct, malfeasance, or serious failure to fulfill their obligations" in the previous three years, according to a 2014 survey by the Administrative Conference of the United States. Some 60 percent of court personnel did not review credit or financial reports on prospective guardians.

"The best way to prevent a guardianship is to have the family of the incapacitated person enter into some sort of agreement as to how things will be handled from that point forward," said Don Ford, an attorney in Houston whose legal strategy liberated 97-year-old Ann Walton James, whom Titus County Judge Brian Lee placed under professional guardianship.

Spelling out wishes in a trust, power of attorney or will can avoid disputes in some cases but even this foresight is not fool proof.

"Estate planning can be very useful in preventing or delaying guardianships, however, this will not work if the person or family member you have designated to serve as power of attorney or trustee end up abusing their authority," Ford said.

It's often rivalry among family members that creates chaos in the lives of the elderly who may be losing their memory or experiencing the symptoms

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"Our mother had given me medical power of attorney in 1998 and now I have limited access to see her and no authority to make medical decisions for her," said Rose, an R.N. who lives in Grand Island, Nebraska.

The elderly Ms. Nabity remains locked up in an Alzheimer's facility in Omaha.

"The biggest source of abuse comes from someone who ends up taking their parents' or spouse's money for their own personal use instead of using it solely for the benefit of the incapacitated parent or partner," said Ford.

Juliette Fairley is an author, lecturer and TV host based in New York. To read more of her work, **Click Here Now.**

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Florida guardianship reform passes; seniors protest at courthouse

HEALTH

By John Pacenti - Palm Beach Post Staff Writer

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Posted: 7:20 p.m. Wednesday, Feb. 24, 2016

In the wake of numerous reports of abuse of incapacitated seniors by court-appointed professional guardians, the Florida House on Wednesday sent a bill to Gov. Rick Scott that for the first time would exert regulatory authority over a burgeoning industry that some critics dub “elder cleansing.”

On the same day, protesters marched outside of the Palm Beach County Courthouse in Delray Beach, calling for judicial reform.

The Legislature’s action follows media reports about professional guardians more

interested in draining the savings of incapacitated seniors through fees for themselves and the cadre of elder law attorneys who represent them. The Palm Beach Post's series Guardianship: A Broken Trust in January brought to public attention the role of the judiciary in guardianship of the elderly — many with dementia — who no longer can care for themselves.

As a result, Palm Beach County Chief Circuit Judge Jeffrey Colbath transferred Circuit Judge Martin Colin out of the Probate & Guardianship Division. Colin's wife, Elizabeth "Betsy" Savitt, works as a professional guardian, compiling complaints from families of taking tens of thousands of dollars in fees without court approval. The chief judge required the south county judges to recuse themselves from her cases.

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Sheila Jaffe (left) and Natalie Andre (right), President of FACTS (Families Against Court Travesties), protest with a group of people about ... Read More

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Anybody can become a professional guardian with such vast powers over a senior's life simply by going through a credit and criminal background check and 40 hours of training. The ranks of these professionals have risen from 108 in 2003 to 457 last year, according to the Department of Elder Affairs.



Elizabeth "Betsy" Savitt, Judge Colin's wife and a professional guardian

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“Hopefully when this is in place over the next couple of years, it can be improved to provide the best oversight or security for people who may be in a very delicate spot,” Pafford said.



Circuit Judge Martin Colin

The bill, which passed the Senate on Feb. 2, has received support from advocate group Americans Against Abusive Probate Guardianship, Gov. Rick Scott and the Florida State Guardianship Association. Lawmakers appropriated more than $820,000 to fund it.

Lidya Abramovici, a co-founder of the advocate organization, hailed the bill's sponsor, Sen. Nancy Detert, R-Venice.

“Now Florida is leading the push for reform in order to stop elderly abuse,” Abramovici said. “So many retirees that come to Florida need to feel safe that their estates are not going to dissipate in the hands of unscrupulous guardians and their representatives. At the same time, parents will not be separated from their families.”

But Abramovici added that real reform will happen only when people committing a crime are prosecuted for financial abuse of the elderly.

That was the same message of nearly 20 protesters — many of them seniors — in front of the Palm Beach County Courthouse in Delray Beach on Wednesday.

Carrying signs that said “Jail 4 Judges” and “Guardianship is Big Business,” the protest was organized by Families Against Court Travesties’ Court Watch, which plans similar protests at the other two county courthouses. They handed out a flyer headed “Corruption, collusion and cronyism in PBC Courts.”

The group included individuals protesting Colin and his wife, Savitt, who were featured in The Post’s series. Others had scarves over their faces because they said they have cases in front of Circuit Judge David French. French is a friend of Colin’s who was also featured in The Post’s investigative series.

“I think it is about time that it is being exposed,” protester Gloria Stein said. “I’ve

sat in many a courtroom and seen the judges just sign every paper for every request for every appointed professional for fees. No questions. It's all about the money and the families sit there and cry because everything is out of their hands."

Nearby protester Eliot Bernstein said senior citizens should think twice before retiring to Florida because of predatory professional guardians.

"This is going to take federal intervention," he said. "When there is this much money and profit in elder cleansing, in a state like this, it is going to take a lot more, like people going to go to jail."

What The Post Found

The savings of incapacitated seniors flow into the household of Palm Beach County Circuit Judge Martin Colin.

courtesy of Colin's wife — professional guardian Elizabeth "Betsy" Savitt. Fees in most of her cases were approved by another judge who is a friend of her husband's. Colin approved the fees of her lawyers in other cases.

www.mypalmbeachpost.com/guardianships-colin-savitt/

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Lawlib 1 day ago

These articles are getting a little ridiculous. The only judges constantly picked on are French and Colin, and the Chief Judge has kept French in the guardianship division, Colin is in the Civil division and retiring and the articles interestly do not report that either French or Colin have been found to have committed misconduct. The only professional guardian named over and over again is Betsy Savitt and although she also has not been found to have done wrongdoing, she is still convicted by the Post based on "accusations by families". How do you say "personal vendetta" by the reporter. No

wonder the Post is viewed in such disrepute in so many circles.

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Eliot Bernstein 3 minutes ago

@Lawlib Obviously you have not looked at the cases of those protesting and they are against a host of judges, guardians and attorneys and most are claiming their loved ones are being tortured and murdered while their families are bled in legal bills and thefts of properties. May I ask, are you a lawyer? Eliot Bernstein

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The group included individuals protesting Colin and his wife, Savitt, who were featured in The Post’s series. Others had scarves over their faces because they said they have cases in front of Circuit Judge David French. French is a friend of Colin’s who was also featured in The Post’s investigative series.

“I think it is about time that it is being exposed,” protester Gloria Stein said. “I’ve

sat in many a courtroom and seen the judges just sign every paper for every request for every appointed professional for fees. No questions. It's all about the money and the families sit there and cry because everything is out of their hands."

Nearby protester Eliot Bernstein said senior citizens should think twice before retiring to Florida because of predatory professional guardians.

"This is going to take federal intervention," he said. "When there is this much money and profit in elder cleansing, in a state like this, it is going to take a lot more, like people going to go to jail."

What The Post Found

The savings of incapacitated seniors flow into the household of Palm Beach County Circuit Judge Martin Colin.

courtesy of Colin's wife — professional guardian Elizabeth "Betsy" Savitt. Fees in most of her cases were approved by another judge who is a friend of her husband's. Colin approved the fees of her lawyers in other cases.

www.mypalmbeachpost.com/guardianships-colin-savitt/

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Reader Comments 4



Eliot Bernstein

- Unfollow Share Post comment

Newest | Oldest



Eliot Bernstein 22 hours ago

http://tedbernsteinreport.blogspot.com/

Like Reply



gethefax 1 day ago

Get yourself a Trust Fund set up for your Pooch...let it Service you in old age...just keep enough treats around and your Pooch and you will be just fine until its your time to pass...

Like Reply



Lawlib 1 day ago

These articles are getting a little ridiculous. The only judges constantly picked on are French and Colin, and the Chief Judge has kept French in the guardianship division, Colin is in the Civil division and retiring and the articles interestly do not report that either French or Colin have been found to have committed misconduct. The only professional guardian named over and over again is Betsy Savitt and although she also has not been found to have done wrongdoing, she is still convicted by the Post based on "accusations by families". How do you say "personal vendetta" by the reporter. No

wonder the Post is viewed in such disrepute in so many circles.

Like Reply



Eliot Bernstein 3 minutes ago

@Lawlib Obviously you have not looked at the cases of those protesting and they are against a host of judges, guardians and attorneys and most are claiming their loved ones are being tortured and murdered while their families are bled in legal bills and thefts of properties. May I ask, are you a lawyer? Eliot Bernstein

Like Reply

Next Up in Lifestyles



Gefilte fish and gumbo in Buenos Aires

You asked for it: recipe for red velvet cake



Make the best gluten-free snack at home

Return to: (enclose self-addressed stamp velope)

Name:

Address:

CFN 20110470458
OR BK 24914 PG 1584
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Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 1584; (1pg)

This Document is the property of the Palm Beach County Clerk & Comptroller

REVOCATION OF POWER OF ATTORNEY

I, Gwendolyn Batson of 133 Blaze Dr, Florence, Alabama, hereby revoke the power of attorney, which was granted by me on the 4 day of September, 2008 and which appointed Kenneth Davis of 2049 Alpine Dr, Florence, Alabama and Mary Ann Davis of 2049 Alpine Dr., Florence, Alabama as my attorneys-in-fact. Kenneth Davis and Mary Ann Davis no longer have the authority to act on my behalf and any authority previously conferred on Kenneth Davis and Mary Ann Davis by said power of attorney is revoked, canceled and terminated as of this 12th day of December, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at the city of ~~Palm Springs~~ West Palm Beach in the State of Florida this 12th day of December, 2011.

Gwendolyn Batson
Gwendolyn Batson

NOTARY ACKNOWLEDGEMENT

State of Florida)
) ss.
County of Palm Beach)

The foregoing instrument was acknowledged before me this ~~12th~~ 19th day of December, 2011, by Gwendolyn Batson, who is personally known to me or who has produced FL DL as identification.

Notary Public

Catherine S. Siegel
(print name)

NOTARY PUBLIC-STATE OF FLORIDA
Catherine S. Siegel
Commission # DD892625
Expires: MAY 25, 2013
BONDED THRU ATLANTIC BONDING CO, INC.

067456

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

DIVISION: IY

CASE NO. 502012GA600028XXXXSB

IN RE: GUARDIANSHIP OF

GWENDOLYN D. BATSON,

An alleged incapacitated person.
_____/

PETITION FOR APPOINTMENT OF EMERGENCY TEMPORARY CO-GUARDIANS
(Incapacity – person and property)

Petitioners, KENNETH DAVIS and MARY ANN DAVIS, by and through their attorney, Sheri L. Hazeltine, Esq., allege as follows:

1. Petitioners, KENNETH DAVIS and MARY ANN DAVIS' residence is 2049 Alpine Drive, Florence, Alabama 35630 and Petitioners' post office address is the same.

2. A Petition for Determination of Incapacity has been filed in this Court with respect to GWENDOLYN D. BATSON, an alleged incapacitated person, but a guardian has not been appointed.

2012 JAN 24 AM 11:27
SHARON R. BOCK
PALM BEACH COUNTY FL
SOUTH COUNTY BRANCH FILED

3. Petitioners are the brother and sister-in-law of GWENDOLYN D. BATSON and are interested in the welfare of the alleged incapacitated person.

4. There appears to be an imminent danger that the physical or mental health or safety of the alleged incapacitated person will be seriously impaired or that the property of that person is in danger of being wasted, misappropriated or lost unless immediate action is taken because: GWENDOLYN D. BATSON is incapacitated, has severe dementia, is vulnerable and easily influenced. There is also evidence that she is being taken financial advantage of by a gentleman named Skender Hoti.

5. GWENDOLYN D. BATSON (the Ward), an alleged incapacitated person whose date of birth is February 28, 1924 and who is 87 (eighty-seven) years of age. Her present address is 3396 Via Mancebo, Lake Worth, Florida 33467, and post office address of the alleged incapacitated person is the same.

6. The nature of the alleged incapacitated person's alleged incapacity is that she has severe dementia. It is clear from recent incidents that GWENDOLYN D. BATSON is in need of an emergency temporary guardianship.

7. According to Mr. and Mrs. Davis, about 30 years ago, GWENDOLYN D. BATSON and her husband met a man who immigrated to America from Kosovo who

be-friended them. His name was "SKENDER HOTI", and he was much younger than she and her now-deceased husband. Throughout the years, Mr. and Mrs. Batson were friendly with Mr. Hoti. He married, had children, and his own separate residence. Mr. Batson passed away, and Mrs. Batson was then alone. She began to exhibit signs of dementia several years ago. It was at that time that Mr. Hoti began using the name "Kenneth Batson," which is the same last name as the alleged Ward, and there is no evidence that this name change was legal. It was also then that incidents began occurring where it became evident that Mr. Hoti was having Mrs. Batson sign various deeds transferring her home to him.

8. According to Petitioners, in 1993 and October 16, 2009, Mrs. Batson signed a financial power of attorney document naming the Petitioner, KENNETH DAVIS as her attorney-in-fact. Exhibit A.

9. Mrs. Batson lives in her home located at 3396 Via Mancebo Street in Lake Worth. She and her husband originally purchased the home on February 7, 1980. Exhibit B, copy of Warranty Deed signed 02/07/1980.

10. On October 7, 1993 Mrs. Batson signed a new Quit Claim deed transferring the home into "The Gwendolyn D. Batson Trust". Exhibit C, copy of Quit Claim deed signed 10/07/93.

11. On April 26, 2004 Mrs. Batson as trustee signed a new Quit Claim Deed to the Gwendolyn D. Batson Trust *and* Kenneth Batson a/k/a Skender Hoti. Exhibit D, copy of Quitclaim Deed signed 04/26/04.

12. On May 7, 2010 GWENDOLYN D. BATSON signed yet another deed entitled "Warranty Deed", whereby she (as grantor) transferred the property to Skender Hoti a/k/a Kenneth Batson, whose address was stated as 3103 Drew Way, Palm Springs, Florida 33406. Exhibit E, copy of Warranty Deed signed May 7, 2010 and recorded on May 7, 2010.

13. On April 11, 2011 yet another Warranty Deed was prepared wherein Mrs. Batson was asked yet again to sign another deed transferring her property to Mr. Hoti. Exhibit F. It was apparently recorded on the same day. It is believed by Petitioners that Mr. Hoti thought the previous two (2) deeds may have been prepared incorrectly, and that out of caution he asked Mrs. Batson to sign a third deed out of caution.

14. On December 12, 2011, GWENDOLYN BATSON signed a document created through an online company called "Law Depot.com" called "Revocation of Power of Attorney" at a location in West Palm Beach. The document allegedly revoked the financial power of attorney document held by Petitioners. Exhibit G. This document was also recorded in the Public Records of Palm Beach County on December 19, 2011. Mrs. Batson signed this document without notifying or checking with her family first.

15. On December 19, 2011, Skender Hoti prepared a Durable Power of Attorney for Financial Management, had GWENDOLYN D. BATSON sign it, where it was

subsequently recorded in the Public Records of Palm Beach County, Florida on December 19, 2011. Exhibit H, copy of Power of Attorney.

16. On or about 2009, it is believed that Mrs. Batson signed an estimated $44,000.00 car loan to purchase a new BMW for Mr. Hoti. Mrs. Batson has been making subsequent payments in the amount of $675.00 per month for his vehicle. Exhibit I, copy of invoice.

17. Additionally, Petitioners believe an estimated $180,000.00 was "loaned" to Skender Hoti by the alleged Ward. There is also evidence that a new credit card contract was recently signed by Mrs. Batson through her bank, Bank of America, and approximately over $11,200.00 withdrawn on it. Exhibit J.

18. Attached as a printout from the Palm Beach County court docket system of the many lawsuits that Skender Hoti has been involved in. Exhibit K.

19. The names and addresses of the next of kin of the alleged incapacitated person are:

NAME	ADDRESS	RELATIONSHIP
Kenneth Davis	2049 Alpine Dr., Florence AL 35630	Brother
Mary Ann Davis	2049 Alpine Dr., Florence AL 35630	Sister in law
Roland Rickard,	9020 CR 404, Loraine, TX 79532	Cousin
Terry Davis,	1569 Berry Rd., Birmingham, AL 35226	Nephew
Melanie Phillips,	2306 CR 135, Florence, AL 35634	Niece
Brenda Myrick,	2197 CR 25, Killen, AL 35645	Niece
Joshua Phillips,	2306 CR 135, Florence, AL 35633	Great-Nephew

20. The proposed emergency temporary guardians, KENNETH DAVIS and MARY ANN DAVIS, who are not professional guardians, whose residence is 2049 Alpine Drive, Florence, Alabama 35630, whose post office is the same; and who is sui juris and otherwise qualified under the laws of Florida to act as guardians of the alleged incapacitated person. The relationship and association to the Ward is that she is KENNETH DAVIS' sister and MARY ANN DAVIS' sister-in-law. They know her very well and care about her deeply. They are interested in making sure she is safe, and ensure that GWENDOLYN D. BATSON's assets are protected and used for her healthcare and well-being, and not wasted or used inappropriately by others. The proposed guardians should be appointed because they love her very much, and are genuinely interested in helping her so that she will be safe and properly cared for.

21. The nature and value of the property subject to the guardianship is as follows:

Description	Value
Her home located at 133 Blaze Drive, Florence AL in which she owns a life estate.	
Her home located at 3396 Via Mancebo, Lake Worth, FL.	

Bank accounts:
Bank of America - $5,000.00
SunTrust – less than $500.00

Petitioners request that summary proceedings be held upon this petition, that the court appoint an attorney to represent the alleged incapacitated person in these proceedings, and that an emergency temporary guardian be appointed for the alleged incapacitated person.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on this 23rd day of January, 2012.

By: Kenneth Davis
Petitioner, KENNETH DAVIS

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on this 23rd day of January, 2012.

By: Mary Ann Davis
Petitioner, MARY ANN DAVIS

DATED THIS 23rd day of January, 2012 at Delray Beach, Florida.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: Sheri L. Hazeltine
Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567
800 Palm Trail, Suite 3
Delray Beach, Florida 33483
(561) 243-4655 (office)
(561) 243-6933 (fax)

DURABLE GENERAL POWER OF ATTORNEY

I. APPOINTMENT OF ATTORNEY-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, that I, Gwendolyn D. Batson, of 133 Blaze Drive, Florence, Alabama, 35630 (the Principal), do hereby nominate and appoint Kenneth O. Davis of 2049 Alpine Drive, Florence, Alabama, 35630, my true and lawful Attorney-in-Fact for me and in my name, place, and stead, and in my behalf, and for my use and benefit.

II. EFFECTIVE DATE

This Durable Power of Attorney shall become effective immediately upon the execution of this document. This Durable Power of Attorney shall not be affected by the disability, incompetence, or incapacity of the principal.

III. POWERS OF ATTORNEY-IN-FACT

Attorney is granted hereby full power and authority:

1. To exercise or perform any act, power, duty, right or obligation whatsoever that I now have, or may hereafter acquire the legal right, power, or capacity to exercise or perform, in connection with, arising from, or relating to any person, item, transaction, thing, business, property, real or personal, tangible or intangible, or matter whatsoever;

2. To request, ask, demand, sue for, recover, collect, receive, and hold, possess and invest all sums of money, debts, commercial paper, checks, drafts, accounts, deposits, bequests, devises, notes, interests, bonds, dividends, certificates of deposit, any and all documents of title, choses in action, and demands whatsoever, whether agreed to or disputed, as now are, or shall hereafter become, owned by, or due, owing payable, or belonging to, me or in which I have or may hereafter acquire any interest, to have, or use; and take all lawful means and equitable and legal remedies, procedures, and writs in my name for the collection and recovery thereof, and to adjust, sell, compromise, and agree for the same; and to make, execute, and deliver for me, on my behalf, and in my name, all endorsements, releases, receipts, or other proper discharges for the same as if done by me personally;

3. To maintain, repair, improve, manage, insure, rent, lease, grant, bargain, sell, exchange, pledge and contract for all of the foregoing, and in any way or manner deal with all or any part of any real or personal property whatsoever, tangible or intangible, or any interest therein, that I now own or may hereafter acquire, in my behalf, and in my name; and to effect any or all of the above-described transactions to any entities on such terms and at prices my attorney-in-fact may deem proper, and in my name to make, execute, acknowledge and deliver any deed of conveyance or other instrument, necessary to effect such transactions; and to ask for, demand, sue for, collect, recover and receive all monies which may become due and owing to me by reason of such transaction;

4. To conduct, engage in, and transact any and all lawful business of whatever nature or kind for me, on my behalf and in my name keeping the Principal's and beneficiary's best interest in mind;

Exhibit A

5. To receive, deposit, hold, invest or cash all payments which I receive from Social Security, Medicare or any other government program or agency, annuities, pension and retirement benefits, insurance benefits and proceeds and to request, ask, demand, sue for and recover same;

6. To make, receive, sign, endorse, execute, acknowledge, deliver, and possess such applications, contracts, agreements, options, covenants, conveyances, deeds, trust deeds, security agreements, bills of sale, leases, mortgages, assignments, insurance policies, bills of lading, warehouse receipts, documents of tide, bonds, debentures, checks, drafts, bills of exchange, letters of credit, notes, stock certificates, proxies, warrants, commercial paper, receipts, withdrawal receipts and deposit instruments relating to accounts or deposits in, certificates of deposit, or investments with or through banks, savings and loan brokers, mutual fund companies or other institutions or associations, proofs of loss, evidences of debts, releases, and satisfaction of mortgages, lien, judgments, security agreements and other debts and obligations and such other instruments in writing of whatever kind and nature as may be necessary or proper in the exercise of the rights and powers herein granted;

7. To enter any safe deposit box, vault or other storage area leased by me alone or in conjunction with any other person, to sign such documents as may be necessary to gain access to same, and to examine, remove and keep the contents of same fully as I could if I were present;

8. To prepare, or cause to be prepared, state and local powers of attorney; to execute and file federal, state and local tax returns on my behalf and in my name; to respond to Internal Revenue Service notices and audit inquiries and to settle tax disputes;

9. To deal with and elect options under retirement plans including but not limited to annuities, pension plans, profit sharing plans, individual retirement accounts, rollovers, transfer and voluntary contributions of same; to apply for and maintain life insurance; to complete charitable contributions; to make statutory elections and disclaimers; and to settle, pursue, or appeal litigation on my behalf and in my name;

10. To make, execute, deliver and complete gifts of my property, whether real or personal, tangible or intangible, and without regard to whether such gifts are a part of estate planning or otherwise, and regardless of whether such gifts are a part of a pattern begun by me.

11. I grant to said attorney full power and authority to do, take, and perform, all and every act and thing whatsoever requisite, proper or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully for all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.

12. To make all financial health care and end of life decisions in keeping with my Health Care Power of Attorney, Advance Health Care Directive (Living Will) and final instructions that I have executed or written down or may write down.

IV. ADMINISTRATIVE MATTERS

No person shall be required to inquire as to the circumstances of the issuance or use of this instrument or as to the disposition of any proceeds paid to my attorney based on this instrument.

This Durable General Power of Attorney revokes any prior Durable General Power of Attorney executed previously by the Principal.

In the event that any provision herein is invalid, the remaining provisions shall nonetheless be in full force and effect.

If this Durable Power of Attorney is terminated by operation of law, any person acting in reliance upon it without notice of such termination shall be held harmless. The enumeration of specific terms, rights, acts, or powers is not intended to limit the definition or scope of powers granted herein.

V. NOMINATION OF SUCCESSOR ATTORNEY

If the person appointed as Attorney-in-Fact should at any time, for any reason, be unable or unwilling to act or to continue to act as Attorney, then I nominate and appoint as Attorney-in-Fact the person(s) named as "Successor Attorney-in-Fact" in this document. I nominate and appoint in the order specified as Successor Attorney-in-Fact to serve by virtue of the authority herein granted the following:

First Successor:	Mary Ann Davis, 2049 Alpine Drive, Florence, Alabama 35630
Second Successor:	Terry Davis, 1569 Berry Road, Birmingham, Alabama 35226
Third Successor:	Brenda D. Myrick, 2197 County Road 25, Killen, Alabama 35645
Fourth Successor:	Melanie D. Phillips, 2306 County Road 135, Florence, Alabama 35634

If the Second, or Third successor Attorney so chooses, he/she may nominate and appoint the next successor Attorney to serve jointly with him/her.

If my Attorney is unwilling or unable to serve, successor Attorney(s) shall be fully authorized to serve, and have all powers granted originally to my Attorney. Successor Attorney should execute an affidavit that my Attorney is unwilling or unable to serve and such affidavit shall be conclusive evidence, insofar as third parties are concerned. Any person acting in reliance upon such affidavit shall incur no liability to my estate because of such reliance.

VI. DECLARATION OF PRINCIPAL

Principal declares that the follow is correct:

A. Principal has been advised in regard to this Durable General Power of Attorney.

B. Principal understands that the Durable General Power of Attorney gives to the Attorney nominated herein broad powers to dispose, sell, convey, and encumber Principal's real and personal property, which powers arise on the Principal's execution of this document, and Principal understands that these powers for the Durable General Power of Attorney will exist for an indefinite period of time after the Principal's disability, incompetency, or incapacity unless their duration has been limited in this document.

VII. SIGNATURE BY ATTORNEY

When signing on behalf of Principal under this Durable Power of Attorney, Attorney shall sign as follows: "Gwendolyn D. Batson by Kenneth O. Davis, her attorney-in-fact."

In witness whereof, Gwendolyn D. Batson has executed this Durable General Power of Attorney on October 16, 2009.

Gwendolyn D. Batson

Gwendolyn D. Batson, Principal

Witness: Barbara W. Cox

Address: 1825 Darby Dr G-10, Florence, Al 35630

Witness: Margaret P. White

Address: 1624 Hermitage Dr., Florence, AL 35630

State of ALABAMA)
) §
County of Lauderdale)

On this 16th day of October, 2009, before me, a Notary Public, personally appeared Gwendolyn D. Batson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the Gwendolyn D. Batson who subscribed this instrument, and who appears to be of sound mind and not under or subject to duress, fraud, or undue influence, and acknowledged that she executed it, is informed of its contents, and executed it voluntarily.

Shirley K. Hamm

Notary Public Shirley K. Hamm

My commission expires 08/25/2013

NOTARY SEAL

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

GWENDOLYN D. BATSON,
An alleged incapacitated person.
_____/

DIVISON: IY

CASE NO. 502012 GA000028 XXXX SB

ORDER APPOINTING EMERGENCY
TEMPORARY CO-GUARDIANS

On the petition of KENNETH DAVIS and MARY ANN DAVIS for appointment of emergency temporary co-guardians for GWENDOLYN D. BATSON, an alleged incapacitated person, and it appearing to the court that there is an imminent danger that the physical or mental health or safety of the alleged incapacitated person will be seriously impaired or that the property of that person is in danger of being wasted, misappropriated, or lost unless immediate action is taken; and the court having jurisdiction and being fully advised; it is

ADJUDGED as follows:

1. KENNETH DAVIS and MARY ANN DAVIS are qualified to serve and are hereby appointed as emergency temporary co-guardians of the person and property of GWENDOLYN D. BATSON, the Ward. In addition, the co-guardians may exercise their authority jointly or solely, and it is not required that all act together in concert in order for any individual guardian to exercise their authority.

2. Upon taking the prescribed oath, filing designation of resident agent and acceptance and entering into bond in the amount of – 0 - payable to the Governor of the State of Florida and all successors in office, conditioned on the faithful performance of all duties by the guardian, letters of emergency temporary guardianship shall be issued to the emergency temporary co-guardians granting the following powers and duties: PLENARY.

3. The Court is not aware whether the Ward, prior to incapacity, has executed any valid advance directive pursuant to Chapter 765, Florida Statutes. If any such advance directive exists, the guardians shall exercise no authority over the surrogate until further order of this Court.

4. Unless further extended by order of this Court, the authority of the emergency temporary co-guardians will expire ninety (90) days after the date of this order, or when a permanent guardian is appointed pursuant to Section 744.344, Florida Guardianship Law, whichever occurs first.

ORDERED ON January 25, 2012 at Delray Beach, Florida.

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
DELRAY BEACH CITY BRANCH-FILED
2012 JAN 25 PM 3:29

CIRCUIT COURT JUDGE

Copy Sent to:
Sheri L. Hazeltine, Esq.

CFN 20120043601, OR BK 24993 PG 911,RECORDED 02/02/2012 14:55:25
Sharon R. Bock,CLERK & COMPTROLLER, Palm Beach County, NUM OF PAGES 1

DISPOSITION: ZULU
DIVISION: ROAD PATROL

CIVIL MATTER CODE: 9566 DATE: 02/18/12 SATURDAY
ZONE: B43 GRID: DEPUTY ID.: 7713 ASSIST: TIME D 1208 A 1218 C 1516
OCCURRED BETWEEN DATE: 02/18/12 , 1208 HOURS AND DATE: 02/18/12 , 1515 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 3396 VIA MANCEBO ST APT. NO.:
CITY: LAKE WORTH STATE: FL ZIP: 33467
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEH. STOLEN: 0 NO. PREM. ENTERED: 0
LOCATION: RESIDENCE - SINGLE FAMILY
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

..
OTHER SHERI L HAZELTINE DOB: 02/21/1959
SEX: F RACE: W HT: 506 WT: 160 HR: BLOND EYE: BROWN
RESIDENTIAL ADDRESS: 301 NE 8 AV DELRAY FL 33483
HOME PHONE: 561 665-1066
BUSINESS NAME ADDRESS: HAZELTINE & ASSOC 800 PALMTRACE PLAZA DELRAY
BUSINESS PHONE: 561 243-4655
OTHER SKENDER HOTI DOB: 12/10/1953
SEX: M RACE: W HT: 508 WT: 160 HR: BROWN EYE: BROWN
RESIDENTIAL ADDRESS: 3103 DREW WY PALMSPRING FL 33463
HOME PHONE: 561 000-0000
BUSINESS PHONE: 561 000-0000
OTHER MARYANNE DAVIS DOB: 03/18/1937
SEX: F RACE: W HT: 507 WT: 140 HR: GRAY EYE: BROWN
RESIDENTIAL ADDRESS: 2049 ALPINE DR FLORENCE AL 35630
HOME PHONE: 561 000-0000
BUSINESS PHONE: 561 000-0000
OTHER GWENDOLYN BATSON DOB: 02/28/1924
SEX: F RACE: W HT: 507 WT: 160 HR: BROWN EYE: BROWN
RESIDENTIAL ADDRESS: 3396 VIA MANCEB LAKE WORTH FL 33467
HOME PHONE: 561 000-0000
BUSINESS PHONE: 561 000-0000
..
..
..
..
REPORT NUMBER: 1
FLORIDA VICTIM ? N
WEATHER: CLEAR

ON 2/18/2012, AT APPROXIMATELY 1215 HOURS, I WAS DISPATCHED TO A SUSPICIOUS INCIDENT AT 2396 VIA MANCEBO STREET, LAKE WORTH, FLORIDA 33467 IN UNINCORPORATED PALM BEACH COUNTY.

UPON MY ARRIVAL, I MET WITH SHERI HAZELTINE AS WELL AS A MOVING COMPANY. MS. HAZELTINE STATED TO ME, THAT SHE WAS THE LEGAL REPRESENTATIVE OF HER CLIENT MARYANNE DAVIS SHE PROVIDED ME WITH HER FLORIDA BAR ASSOCIATION CARD, WHICH WAS BAR NUMBER 0674567 WITH ALSO LEGAL DOCUMENTATION SHOWING THAT MS. DAVIS HAS BEEN ISSUED PRIMARY CUSTODY AND CAREGIVER TO GWEN BATSON WHO IS A RESIDENT AT THE CURRENT ADDRESS THAT IS LISTED ABOVE AT THE 2396 VIA MANCEBO STREET.

MS. HAZELTINE STATED, THEY ARE IN A CIVIL SUIT REFERENCE TO THE OWNER OF THE RESIDENCE REFERENCE TO MS. BATSON'S ADOPTED SON, KENNETH BATSON

WHO NOW HIS LEGAL NAME IS SKENDER HOTI. MS. HAZELTINE PROVIDED ME WITH THE DOCUMENTATION THAT SHOWS THAT MARYANNE DAVIS HAD BEEN GIVEN PRIMARY CAREGIVER AND CUSTODY OF GWEN BATSON DUE TO THE FACT THAT MS. BATSON IS SUFFERING FROM ALZHEIMER'S AND CAN'T MAKE ANY TYPE OF DECISIONS ANYMORE FOR HER WELL BEING. MS. HAZELTINE STATED, THAT MS. DAVIS CONTACTED HER TODAY IN REFERENCE TO GETTING THE PROPERTY THAT IS INSIDE THIS RESIDENCE AND BRINGING IT TO ALABAMA WHERE THEY ARE CURRENTLY LOCATED AT. I ASKED MS. HAZELTINE HOW SHE WAS ABLE TO ENTER THE RESIDENCE AND SHE STATED, BASED ON THE FLORIDA LAW THAT SHE WAS ALLOWED TO GET THE PROPERTY THAT WAS INSIDE THE RESIDENCE HERSELF. I EXPLAINED TO HER THAT I WANTED TO SEE THE DOCUMENTATION, AND SHE PROVIDED ME THE DOCUMENTATION JUST FOR THE GUARDIANSHIP ALONE BUT NOTHING IN REFERENCE TO THE WRIT OF POSSESSION ISSUED BY A JUDGE AT THE ACTUAL PROPERTY ITSELF.

WHEN I ARRIVED ON SCENE, THERE WAS A MOVING TRUCK THAT WAS PARKED OUT FRONT. THE MOVING TRUCK WAS BASICALLY HALF FULL OR ALMOST 3/4 FULL OF FURNITURE ALREADY FROM INSIDE THE RESIDENCE. I ASKED MS. HAZELTINE HOW SHE GAINED ENTRY. SHE STATED, THAT A LOCKSMITH WAS CONTACTED BY MS. DAVIS TODAY AND THE LOCKSMITH REMOVED THE LOCK THAT WAS ON THE FRONT DOOR. I ASKED MS. HAZELTINE WHAT GAVE THE LOCKSMITH THE RIGHT TO GO IN AND TAKE OUT THE DOOR AND SHE STATED THAT MS. DAVIS REPRESENTS MS. BATSON WHO IS A RESIDENT AT THIS RESIDENCE AND UNDER FLORIDA LAW SHE IS ABLE TO HAVE ACCESS TO THE RESIDENCE ITSELF. I STATED, THAT MS. BATSON OR MS. DAVIS WERE NOT PRESENT I COULDN'T PROVE THAT EITHER ONE OF THEM HAD ANY INVOLVEMENT REFERENCE TO GETTING THE FRONT DOOR CHANGED OUT AND EVERYTHING ELSE. SHE TRIED TO CONTACT MS. DAVIS AND GIVE ME A PHONE OF SOMEBODY SHE SAID WAS MS. DAVIS WHO IDENTIFIED THEMSELF AS MS. DAVIS BY STATING, BASED ON THE CIRCUMSTANCES, THAT THEY WEREN'T SUPPOSED TO POP THE FRONT DOOR LOCK ON THE DOOR WITHOUT THE OTHER PARTY PRESENT OR TRY TO GAIN CONTACT WITHOUT THE OTHER PARTY TO GAIN ENTRY.

MS. HAZELTINE TRIED TO VERBALLY EXPRESS THAT SHE HAS THE RIGHT TO THE PROPERTY INSIDE, AND I SAID, BASED UPON THE INFORMATION THAT SHE HAD THAT I COULDN'T DEEM THAT SHE HAD ANY TYPE OF RIGHT OF THE PROPERTY INSIDE DUE TO THE FACT THAT JUDGEMENT IN THE STATE OF FLORIDA IN PALM BEACH COUNTY IN WHICH THIS RESIDENCE RESIDES HAS NOT INDICATED THAT THERE IS A WRIT OF POSSESSION AND THAT MS. BATSON OR NOW MS. DAVIS HAS ANY RIGHTS TO THE PROPERTY INSIDE THE RESIDENCE. WHILE I WAS EXPLAINING THIS TO HER, MR. HOTI ARRIVED ON SCENE AND STATED, THAT SEVERAL OF THE PIECES OF PROPERTY INSIDE THE BACK OF THIS TRUCK BELONG TO HIM AND THAT MS. HAZELTINE DOES NOT HAVE A RIGHT TO TAKE IT OUT OF THE RESIDENCE FROM WANTING TO MOVE BACK. MS. HAZELTINE STILL TRIED TO PROFESS THAT SHE HAS THE RIGHT TO THE PROPERTY, AND I EXPLAINED TO HER THAT BASED ON FLORIDA LAW AND WHAT I COULD SEE THAT SHE NEEDED TO REMOVE THE PROPERTY FROM THE BACK OF THIS VEHICLE AND PUT IT BACK IN THE RESIDENCE. SHE TRIED TO TELL ME SEVERAL TIMES THAT I NEEDED TO CONTACT AN ON CALL JUDGE TO HAVE THIS CASE LOOKED AT AND I EXPLAINED TO HER THAT THIS WAS NOT GOING TO HAPPEN. THAT WE DO NOT CALL AN ON CALL OR ANY TYPE OF JUDGES FOR CIVIL MATTERS ON THE WEEKENDS IN REFERENCE TO THIS INCIDENT.

I STATED, THAT BASED ON THE LEGALITYS FROM WHAT I SAW THAT SHE NEEDED TO REMOVE THE PROPERTY AND TAKE THIS UP IN COURT IN REFERENCE TO WHO IS GETTING THE PROPERTY THAT IS INSIDE THIS RESIDENCE. AFTER SEVERAL MINUTES MS. HAZELTINE REFUSED TO LISTEN TO WHAT I HAD TO SAY AND DEMANDED A SUPERVIOSR ARRIVE ON SCENE. I CONTACTED MY SGT., MIKE FERRANTE, AND HAD HIM ARRIVE ON SCENE, WHICH HE EXPLAINED TO MS. HAZELTINE THE SAME THING I EXPLAINED TO HER THAT BASED ON THE CIRCUMSTANCES THAT WE HAD THAT THE PROPERTY WAS NOT TO BE REMOVED FROM THIS PROPERTY UNTIL THEY WORKED IT OUT IN COURT AND

GET AN EMERGENCY HEARING OR AN EX-PARTE ON WHO IS GOING TO BE GETTING CUSTODY OF THE PROPERTY INSIDE THIS HOUSE OR GETTING OWNERSHIP OF THE PROPERTY, EITHER MS. DAVIS IN REFERENCE TO MS. BATSON OR SKENDER HOTI. I SAID, BASED ON THE CIRCUMSTANCES THAT I SAW THE PROPERTY NEEDED TO BE REMOVED OFF THE TRUCK IN WHICH IT WAS, WHILE I WAS STILL PRESENT AND PLACED BACK INTO THE RESIDENCE.

I EXPLAINED TO BOTH PARTIES THAT BASICALLY UNDER FLORIDA LAWS THAT THEY ARE BOTH IN THE WRONG DUE TO THE FACT THAT MR. HOTI CHANGED THE LOCKS ON THE DOORS AND DID NOT PROVIDE MS. HAZELTINE WHO IS A REPRESENTATIVE FOR MS. DAVIS WITH A KEY, WHICH BY FLORIDA LAW HE IS LEGALLY REQUIRED TO. I EXPLAINED TO MS. HAZELTINE AS A REPRESENTATIVE FOR MS. DAVIS, THAT SHE HAD NO RIGHT TO TAKE THE PROPERTY INSIDE WITHOUT A COURT ORDER SIGNED BY A JUDGE STATING THAT SHE GETS TO HAVE THE WRIT OF POSSESSION. I EXPLAINED TO BOTH PARTIES THAT THE PROPERTY NEEDED TO REMAIN INSIDE THE HOUSE AND THAT THE LOCKS FOR THE HOUSE OR ENTRY TO THE HOUSE NEEDS TO BE ACCESSED BY BOTH PARTIES UNTIL A JUDGE SAYS OTHERWISE ON TUESDAY OR WHENEVER THEY CAN GET THERE EMERGENCY HEARING TO TAKE PLACE. AS BOTH PARTIES LEFT, THESE ISSUES WERE ALL RESOLVED. THE PROPERTY WAS ALL PUT BACK INSIDE THE HOUSE AND BOTH PARTIES HAD A KEY TO THE HOUSE ITSELF. I EXPLAINED TO BOTH PARTIES ONCE THE JUDGE DEEMED WHOEVER GETS THE OWNERSHIP THAT IS WHEN THE DECISION WILL BE MADE AND CIVIL DEPUTIES WILL RESPOND BACK OUT IN REFERENCE TO GETTING THE PROPERTY ISSUES RESOLVED.

AT THIS POINT IN TIME, I RECLASSIFIED THIS CASE AS A CIVIL MATTER. I GAVE BOTH PARTIES A CASE NUMBER AND I EXPLAINED TO THEM THAT IF THEY HAVE A COURT CASE ON TUESDAY THAT THEY CAN BRING A CASE AT WHICH TIME DEPUTIES WERE CONTACTED TO COURT.

AT THIS POINT IN TIME, THIS CASE IS FOR INFORMATIONAL PURPOSES ONLY. THIS CONCLUDES THE INFORMATION I HAVE FOR THIS CASE.
D/S PAULSON ID 7713 2/19/2012 0952 /KJT 2/22/12

DISPOSITION: ZULU
DIVISION: ROAD PATROL

DOMESTIC DISTURBANCE CODE: 9538 DATE: 01/31/12 TUESDAY
ZONE: B43 GRID: DEPUTY ID.: 7021 ASSIST: TIME D 2218 A 2236 C 0057
OCCURRED BETWEEN DATE: 01/31/12 , 1400 HOURS AND DATE: , 2100 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 3396 VIA MANCEBO ST APT. NO.:
CITY: GREENACRES STATE: FL ZIP: 33467
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEH. STOLEN: 0 NO. PREM. ENTERED: 0
LOCATION: RESIDENCE - SINGLE FAMILY
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

..
COMPLAINANT SKENDER HOTI DOB: 12/10/1953
SEX: M RACE: W HT: 508 WT: 160 HR: BROWN EYE: BROWN
RESIDENTIAL ADDRESS: 3103 DREW WY PALMSPRING FL 33463
HOME PHONE: 561 000-0000
BUSINESS NAME ADDRESS: CELL (561) 285-6390
BUSINESS PHONE: 561 000-0000
OTHER QUENDOLYN BATSON DOB: 02/24/1928
SEX: F RACE: W HT: 503 WT: 150 HR: BLOND EYE: BLUE
RESIDENTIAL ADDRESS: 3396 VIAMANCEBO ST GREENACRES FL 0
HOME PHONE: 561 385-6390
BUSINESS PHONE: 561 000-0000
..
..
..
..
REPORT NUMBER: 1
FLORIDA VICTIM ? N

ON 1-31-12 AT 2200 HOURS, I RESPONDED TO 3103 DREW WAY, IN THE CITY OF PALM SPRINGS, IN REFERENCE TO A DOMESTIC INCIDENT THAT HAPPENED INSIDE OF PBSO'S JURISDICTION.

UPON ARRIVAL, I MET WITH THE CALLER MR. SKENDER HOTI. HE TOLD ME THAT HIS MOTHER, QUENDOLYN BATSON, HAS BEEN IN A DISPUTE WITH HER BROTHER IN ALABAMA, OVER PROPERTY OWNED BY HER THAT NOW SHOWS HER BROTHER'S NAME ALSO ON THE DEED. HE TOLD ME SOMETIME TODAY AFTER 2:00 P.M., HIS MOTHER WAS TAKEN FROM HER HOME AT 3396 VIA MANCEBO STREET, GREENACRES, IN WHAT HE BELIEVES WAS AGAINST HER WISHES. HE TOLD ME THAT HE ATTEMPTED TO CALL HIS MOTHER SEVERAL TIMES, BUT HE DID NOT MAKE CONTACT. WHEN HE WENT TO HER HOME, HE NOTICED SHE WAS GONE, AS WERE MANY PHOTOS AND DOCUMENTS. HE TOLD ME THAT KENNETH DAVIS, HER BROTHER, CREATED A LIFE ESTATE ON THE PROPERTY IN ALABAMA, WITHOUT APPROVAL OF HIS MOTHER, AND SHE HAS BEEN TRYING TO GET HIM TO REMOVE HIS NAME FROM THE DEED BEFORE CONTACTING AN ATTORNEY OR POLICE.

HE SHOWED ME SEVERAL DOCUMENTS HAND WRITTEN BY MRS. BATSON, STATING HER BROTHER KENNETH DAVIS, PUT HIS NAME ON THE PROPERTY, IN FLORENCE, ALABAMA, WITHOUT HER APPROVAL, AND SHE WANTED IT REMOVED IMMEDIATELY SO SHE COULD SELL THE PROPERTY. I ALSO SHOWED THAT SHE HAS NOT LIVED IN ALABAMA FOR OVER 30 YEARS, AND ALL OF HER FRIENDS THERE IN FLORENCE, ALABAMA, ARE DEAD. IT ALSO SHOWS SHE IS VERY HAPPY IN FLORIDA, AND HAS FRIENDS LOCALLY IN THE NEIGHBORHOOD.

MR. HOTI, WHO HAS ADOPTED NAME OF KENNTH BATSON, ADVISES THAT

HE WAS ADOPTED BY MS. BATSON OVER 30 YEARS AGO, AND HAS A CURRENT POWER OF ATTORNEY. HE SHOWED ME DOCUMENTATION LOGGED IN AT THE CLERK'S OFFICE IN DECEMBER, 2011, GIVING HIM POWER OF ATTORNEY OVER HER FINANCIAL RIGHTS. IT ALSO SHOWED ANY/ALL VERIFICATION OF ANY POWER OF ATTORNEY FOR MR. KENNETH DAVIS, AND HIS WIFE MARYANN DAVIS AS OF 2008. MR. HOTI TOLD ME THAT HE WAS CONTACTED BY MR. DAVIS' ATTORNEY, SHERRI HAVEODINE, WHO CAN BE REACHED AT (561_ 243-4655, AND A BUSINESS PHONE OF (561) 665-1066. SHE ADVISED HIM HIS MOTHER WAS BEING FLOWN BACK TO ALABAMA, BUT LATER FOUND OUT THAT SHE WAS BEING DRIVEN. HE TOLD HER HE WAS CALLING THE POLICE TO REPORT A KIDNAPPING.

SHORTLY AFTER, HE MADE CONTACT WITH HIS MOTHER VIA CELL PHONE. SHE SEEMED UPSET AND WAS CRYING. SHE ASKED HIM NOT TO CALL THE POLICE, AND SHE WAS WITH HER BROTHER. THEN KENNETH DAVIS GOT ON THE PHONE, AND TOLD HIM TO NEVER CONTACT HIM OR HIS MOTHER AGAIN.

AT THIS TIME, IT APPEARS MR. DAVIS HIRED A LOCAL ATTORNEY, FLEW DOWN TO THIS LOCATION, AND THEN TOOK HIS SISTER BACK TO ALABAMA, VIA HER VEHICLE.

BASED ON WHAT I LEARNED AND OBSERVED IN DOCUMENTS FROM SCENE, IT DOES APPEAR THAT MRS. BATSON HAS THE INTENTION OF REMOVING MR. DAVIS FROM THE DEED ON HER HOME THAT SHE OWNS IN FLORENCE ALABAMA. SHE APPEARS TO BE OF SOUND MIND, AND APPEARED BEFORE THE CLERK OF THE COURTS TO GIVE POWER OF ATTORNEY TO HER SON, MR. SKENDER HOTI, A.K.A. KENNETH BATSON.

I ADVISED MR. HOTI TO CONTACT A FAMILY ATTORNEY IN THE MORNING, AND TO GET FURTHER LEGAL ADVISE. I ALSO ADVISED HIM TO CONTACT THE BANK TO GET OPTIONS ON POSSIBLY FREEZING THE BANK ACCOUNT, THAT HE HAD CURRENT POWER OF ATTORNEY OVER. ADDITIONAL INFORMATION WAS ALSO GIVEN TO ASSIST HIM IN THIS ISSUE.

AT THIS TIME, I THERE ARE NO CRIMINAL CHARGES IN THIS CASE.

D/S JOHNSON, #7021, SC
TRANS. 2-2-12
DATE 2-2-12 AT 0430 AM

DISPOSITION: ZULU
DIVISION: ROAD PATROL

CIVIL MATTER CODE: 9566 DATE: 03/10/12 SATURDAY
ZONE: B43 GRID: DEPUTY ID.: 7387 ASSIST: TIME D 1556 A 1603 C 1820
OCCURRED BETWEEN DATE: 03/10/12 , 1556 HOURS AND DATE: 03/10/12 , 1820 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 3396 VIA MANCEBO APT. NO.:
CITY: LAKE WORTH STATE: FL ZIP: 33467
NO. OFFENSES: 00 NO. OFFENDERS: 00 NO. VEH. STOLEN: 0 NO. PREM. ENTERED: 0
LOCATION: APARTMENT / CONDOMINIUM
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

..
OTHER MARYANNE DAVIS DOB: 03/18/1937
SEX: F RACE: W HT: 507 WT: 140 HR: GRAY EYE: BROWN
RESIDENTIAL ADDRESS: 2049 ALPINE DR FLORENCE AL 35630
HOME PHONE: 256 767-4915
BUSINESS PHONE: 561 000-0000
OTHER GWENDOLYN BATSON DOB: 02/28/1924
SEX: F RACE: W HT: 507 WT: 160 HR: BROWN EYE: BROWN
RESIDENTIAL ADDRESS: 3396 VIA MANCEB LAKE WORTH FL 33467
HOME PHONE: 256 767-4915
BUSINESS PHONE: 561 000-0000
OTHER SKENDER HOTI DOB: 12/10/1953
SEX: M RACE: W HT: 508 WT: 160 HR: BROWN EYE: BROWN
RESIDENTIAL ADDRESS: 3103 DREW WY PALMSPRING FL 33463
HOME PHONE: 561 385-6390
BUSINESS PHONE: 561 000-0000
..
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..
..

ON THE ABOVE DATE AND TIME, I RESPONDED TO THE ABOVE LOCATION IN REFERENCE TO A CIVIL MATTER. UPON MY ARRIVAL, I MET WITH MARYANNE DAVIS. DAVIS ADVISED HER SISTER, GWENDOLYN BATSON, CURRENTLY RESIDES AT THE ABOVE ADDRESS.

DAVIS ADVISED SHE OBTAINED AN EMERGENCY TEMPORARY GUARDIANSHIP DATED JANUARY 31, 2012 OVER HER SISTER, GWENDOLYN BATSON, DUE TO HER DETERIORATING MENTAL CONDITION. DAVIS ADVISED HER SISTER IS SHOWING SIGNS OF ALZHEIMER'S. DAVIS ADVISED HER SISTER IS BECOMING MORE AND MORE FORGETFUL. DAVIS ADVISED SHE CURRENTLY LIVES OUT OF STATE BUT HAS COME DOWN TO TAKE CARE OF GWENDOLYN BATSON AND OBTAIN DOCTORS MEDICAL OPINIONS PERTAINING TO HER SISTER'S MENTAL CONDITION. DAVIS ADVISED SHE IS HAVING A PROBLEM WITH GWENDOLYN BATSON'S LIVE-IN FRIEND, SKENDER HOTI.

I MET WITH SKENDER HOTI, WHOM ADVISED HE HAS BEEN FRIENDS WITH GWENDOLYN BATSON FOR A NUMBER OF YEARS. SKENDER ADVISED HE HAS BEEN A CARETAKER FOR MS. BATSON FOR QUITE SOME TIME NOW. HOTI ADVISED HE IS THE OWNER OF THE RESIDENCE AND DOES CURRENTLY LIVE IN THE RESIDENCE PART-TIME. I DID OBSERVE HIS BEDROOM CLOSET FULL OF CLOTHES AND OTHER PERSONAL ITEMS. I ADVISED DAVIS, ALTHOUGH SHE IS THE PRIMARY TEMPORARY GUARDIAN OF HER SISTER, GWENDOLYN BATSON, FOR A PERIOD OF 90 DAYS FROM THE DATE THE DOCUMENT WAS SIGNED, I CAN NOT FORCE HOTI TO LEAVE THE RESIDENCE WHILE SHE IS IN TOWN.

I MET WITH GWENDOLYN BATSON, WHOM ADVISED SHE DID WANT MR. HOTI TO STAY AT THE RESIDENCE. I BEGAN TALKING TO BATSON AND DURING MY INFORMATION GATHERING, SHE FORGOT SKENDER HOTI WAS AT THE RESIDENCE. IT SHOULD BE NOTED SEVERAL TIMES DURING MY CONVERSATION WITH BATSON, SHE COULD NOT REMEMBER WHO ELSE WAS IN THE RESIDENCE. IT DID APPEAR MS. BATSON WAS STARTING TO SUFFER FROM THE FIRST STAGES OF ALZHEIMER'S. SKENDER HOTI ADVISED HE DID NOT WANT TO LEAVE GWENDOLYN BATSON, IN WHICH I ADVISED THE JUDGE'S ORDER STATED MARYANNE DAVIS HAS TEMPORARY PLENARY GUARDIANSHIP OVER HER DUE TO HER CURRENT MEDICAL CONDITION. SKENDER ADVISED HE HAS COURT DOCUMENTS STATING OTHERWISE. I ALLOWED SKENDER HOTI APPROX. ONE HOUR WHILE COMPLETING MY INFORMATION REPORT, IN WHICH HE COULD NOT PROVIDE ANY COURT DOCUMENTS STATING THE SAME. MARYANNE DAVIS DID HAVE IN HER POSSESSION A SIGNED AND NOTARIZED DOCUMENT EXPLAINING THE EMERGENCY TEMPORARY GUARDIANSHIP SIGNED BY JUDGE COLIN. I EXPLAINED TO SKENDER HOTI HE HAS NO PHYSICAL RIGHTS OVER GWENDOLYN BATSON DUE TO THE JUDGE'S ORDER. HOTI ADVISED HE WOULD LEAVE THE RESIDENCE ON HIS OWN TO LEAVE BATSON AND DAVIS UNTIL THE COURT DATE ON TUESDAY IN REFERENCE TO BATSON'S EVALUATION. HOTI PROVIDED ME WITH A HOUSE KEY TO THE RESIDENCE WHICH I GAVE TO MARYANNE DAVIS FOR SAFEKEEPING.

I GAVE BOTH PARTIES A PBSO BUSINESS CARD WITH A CASE NUMBER AND ADVISED SHOULD THEY NEED ANY FURTHER ASSISTANCE, TO CALL THE PALM BEACH COUNTY SHERIFF'S OFFICE TO AVOID ANY CONFRONTATIONS. THIS REPORT IS FOR INFORMATION PURPOSES ONLY.

NO FURTHER INFORMATION.

D/S CALLAHAN #7387
DICT 3/11/12 AT 1812 HOURS
TRANS 3/11/12/KR

IN THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA

In Re: Guardianship of
GWENDOLYN D. BATSON,
an alleged incapacitated person.
_____/

PROBATE DIVISION
FILE NO.: 502012GA000028XXXXSB

EMERGENCY MOTION TO VACATE EMERGENCY TEMPORARY GUARDIANSHIP AND TO COMPEL RETURN OF WARD TO FLORIDA

2012 FEB 21 AM 8:46
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH COUNTY BRANCH FILED

SKENDER HOTI (hereinafter "SKENDER"), by and through his undersigned counsel, moves this Honorable Court for an order vacating the Emergency Temporary Guardianship and compelling the guardian to return the Ward to Florida, and as grounds therefore, states:

1. The Emergency Petition to Determine Incapacity was filed on January 24, 2012.

2. The order appointing Emergency Temporary Guardian ("ETG") was entered by this Court on January 25, 2012 without a hearing and without notice to either John T. Milton, Esq. (the Ward's court appointed counsel) or SKENDER (the Ward's surrogate son and attorney-in-fact under her Durable Power of Attorney).[1]

3. The basis for the Emergency Petition to Determine Incapacity was that the Ward has "severe dementia". Contrary to the ETG's allegations, the Ward is not suffering from dementia. Refer to the attached medical report from Stuart Bagatell, M.D., dated January 18, 2012 (6 days prior to the filing of this guardianship). The ETG and the Ward were not close and SKENDER believes that this guardianship was filed as a ruse to kidnap the Ward and gain control of her assets.

4. The Batson's relationship with SKENDER spans a period of over thirty (30) years, and the Batsons raised SKENDER as their own son. In fact, in 1989 SKENDER changed his last

[1] Pursuant to §709.2121, F.S., suspension of the Durable Power of Attorney is not effective until SKENDER receives written notice of this guardianship proceeding. SKENDER is not on the service list and never received written notice of this guardianship from either the ETG or this Court.

name to Batson. Refer to the attached Order of Name Change and Certificate of Birth. There is no dispute that SKENDER received real estate and money from the Batsons over a seven (7) year period. The ETG conveniently fails to point out that these transfers were voluntary on the part of the Batsons and were based on the Batson's familial relationship with SKENDER as their surrogate son.

5. Immediately after their appointment, the ETG removed the Ward from the State of Florida to their home in Alabama without Court approval and without notifying SKENDER of his actions. During the drive to Alabama, the Ward called SKENDER on her cell phone and advised him that she was in a car, she did not know the driver of the automobile, and did not know where she was going. The Ward was very frightened and pleaded with SKENDER for help. As a result, SKENDER filed this emergency petition.

6. Pursuant to §744.2025, Fla. Stat., the ETG is prohibited from changing the residence of the Ward from Florida to Alabama without prior court approval.

7. After removing the Ward from this State, the ETG filed for guardianship in Alabama and may have subsequently filed a motion to terminate this guardianship.

8. Termination of this guardianship is not mandatory upon a ward's change of domicile from Florida to another state. Sec. 744.524, F.S. does not create a presumption that the guardianship must be terminated upon a change of domicile of the ward, and a probate court has discretion in making the decision whether to terminate a guardianship. *See* In re Guardianship of Gechtman, 719 So. 2d 960 (Fla. 4th DCA 1998).

9. In Weissenborn v. Graham, 963 So. 2d 275 (Fla. 4th DCA 2007), Judge John L. Phillips entered an order denying the motion to dismiss the guardianship proceedings because the ETG surreptitiously took the Ward from her Florida residence and moved her to California

without giving notice to the court or any of the parties. The appellate court, in affirming the Judge Phillips order, reasoned:

> If a person could secrete the incapacitated ward away to another state and thereby cause termination of the guardianship, the entire purpose of having a guardianship procedure would be nullified. The equities in this case strongly call for the circuit court's continued exercise of jurisdiction. See also Nelson v. Beverly Beach Props., 47 So. 2d 310, 316 (Fla. 1950) (stating that "when equity takes hold it should retain jurisdiction until all matters between the parties have been disposed of").
>
> The statutes provide for termination of a guardianship upon a change in domicile of the ward where another state has appointed a guardian, but the statute requires that the change in domicile be accomplished by the legal guardian with prior approval of the court. § 744.524, Fla. Stat. (2006) (providing for termination of guardianship when the domicile of a ward has changed as provided in section 744.2025).
>
> * * * *
>
> Larry, who continues to assert that he is the proper guardian based on the Health Care Directive, did not obtain prior court approval and did not notify anyone that he had taken Betty to California. If a guardian cannot remove the ward from the state without prior court approval, surely Larry cannot do so under these circumstances. *Termination of the guardianship on the ground that Betty was no longer located in Florida would permit Larry to benefit from his misdeed of illegally removing Betty from the jurisdiction. The lower court in this case has jurisdiction to continue with the guardianship proceedings.* [emphasis added].

10. Here, termination of this Guardianship on the ground that the Ward is no longer located in Florida would permit the ETG to benefit from their misdeed of illegally removing the Ward from this jurisdiction. Therefore, this court has jurisdiction to continue with this guardianship proceeding.

11. Finally, the principals of comity preclude termination of this guardianship. Comity applies where courts in different states have concurrent jurisdiction over a matter, the court which first exercises its jurisdiction acquires exclusive jurisdiction to proceed with that case. *See* Bogert v. Morrison, 972 So. 2d 905 (Fla. 2nd DCA 2007) .

12. Here, this Court first exercised jurisdiction over this matter. Therefore, this Court

acquired exclusive jurisdiction to proceed with that case.

WHEREFORE, SKENDER HOTI prays that this Court enter an order: (a) vacating the Emergency Temporary Guardianship, (b) compelling the guardian to return of the Ward to Florida, and (c) awarding him such other relief as this Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the forgoing has been furnished by Email and/or U.S. Mail to Sheri L. Hazeltine, Esq., 800 Palm Trail, Ste 3, Delray Beach, Florida 33483-5859 and John T. Milton, Esq., 917 N. Dixie Hwy., Lake Worth, Florida 33460-2530this 20th day of February, 2012.

LAW OFFICE OF DAVID M. GARTEN

By: _____
David M. Garten, Esq.
400 Columbia Drive, Suite 100
West Palm Beach, FL 33409
Tel: (561)689-0054 / Fax: (561)687-8103
Florida Bar No.: 454680

Batson, Gwendolyn

87 Y old Female, DOB: 02/28/1924
3306 Via Mancebo, Lake Worth, FL-33467
Home: 561-965-0344
Guarantor: Batson, Gwendolyn Insurance: MEDICARE MCR A and B
Appointment Facility: JFK Internal Medicine Faculty and Resident Practice

01/17/2012

Appointment Provider: Maria Silva-Chuecos, MD
Supervising Provider: Stuart Bagatell, MD

Current Medications
Livalo 2 MG Tablet 1 tablet Once a day
Namenda 10 MG Tablet 1 tablet Twice a day

Past Medical History
No Medical History.

Allergies
N.K.D.A.

Reason for Appointment
1. Early signs of dementia

[redacted]

[redacted]

Follow Up

2 Weeks (Reason: fu labs)

Appointment Provider: Maria Silva-Chuecos, MD

[redacted]

Electronically signed by Stuart Bagatell , MD on 01/18/2012 at 03:21 PM EST

Sign off status: Completed

JFK Internal Medicine Faculty and Resident Practice
160 JFK Drive Suite 102
Atlantis, FL 33462
Tel: 561-548-1450
Fax: 561-548-1463

JFK Internal Medicine Faculty and Resident Practice

160 JFK Drive Suite 102
Atlantis FL 33462
Ph: 561-548-1450 Fax:561-548-1463

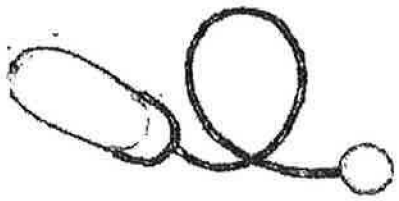
Depression Screening(PhQ2)

Name: Gwendolyn Batson **Date:** 01/17/2012

Little interest or pleasure in doing things

[redacted]

Powered By eClinicalWorks LLC.



Batson, Gwendolyn

87 Y old Female, DOB: 02/28/1924
3396 Via Mancebo, Lake Worth, FL-33467
Home: 561-385-6390
Guarantor: Batson, Gwendolyn Insurance: MEDICARE MUTUAL A and B
Appointment Facility: JFK Internal Medicine Faculty and Resident Practice

01/31/2012

Appointment Provider: Maria Silva-Chuecos, MD
Supervising Provider: Vicki Britton, MD

Current Medications
Livalo 2 MG Tablet 1 tablet Once a day
Namenda 10 MG Tablet 1 tablet Twice a day

Past Medical History
HTN
Vit B12 in 1/12 on the low normal side

Reason for Appointment
1. Fu labs

History of Present Illness
Depression Screening:
PHQ-2 In last 2 weeks have you been bothered by Little interest or pleasure in doing things No, Feeling down depressed or hopeless No.
Memory Loss:
Pt was seen 2 weeks ago, family co memory loss, Mini mental test performed at that visit did not qualify pt as dementia. Causes of memory loss reviewed, vit b12 wnl, ts wnl, RPR negative. MRI was done by her previous pcp and records pending (within 1 yr). Here today to review her labs. No new complaints.

Vital Signs
BP 176/73, HR 86, RR 20, Temp 98.0, Wt 157, Oxygen sat % 97, Pain scale 0.

Past Orders
VITAMIN B12 (Order Date - 01/17/2012) (Collection Date - 01/18/2012)

VITAMIN B12	353

CBC (INCLUDES DIFF/PLT)-Q (Order Date - 01/17/2012) (Collection Date - 01/18/2012)

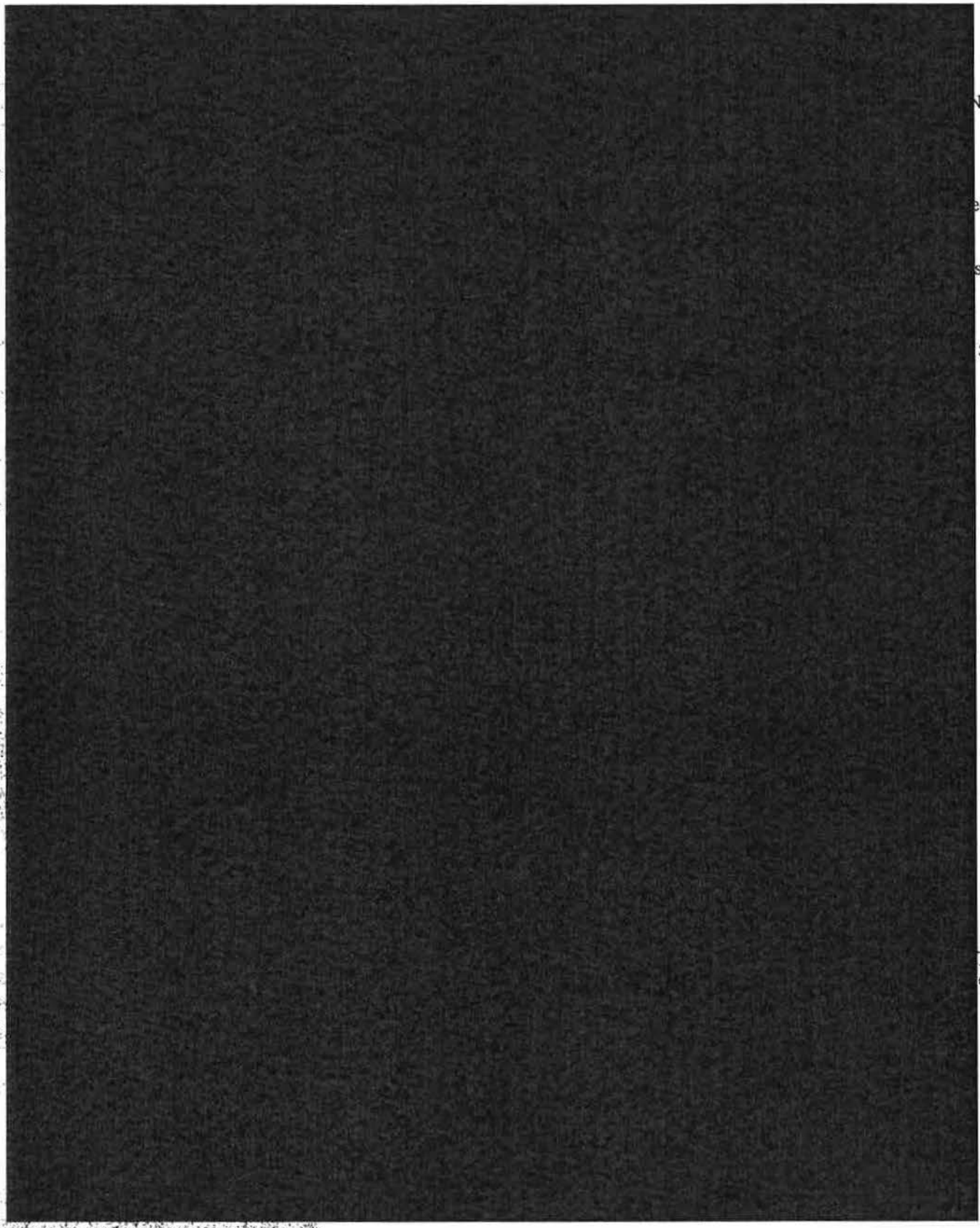
WHITE BLOOD CELL COUNT	5.6
RED BLOOD CELL COUNT	4.50
HEMOGLOBIN	13.7
HEMATOCRIT	41.1
MCV	91.3
MCH	30.5
MCHC	33.5
RDW	13.6
PLATELET COUNT	169
NEUTROPHILS	55.6
ABSOLUTE NEUTROPHILS	1.7
LYMPHOCYTES	30.7
ABSOLUTE LYMPHOCYTES	1.7
MONOCYTES	11.9
ABSOLUTE MONOCYTES	0.7
EOSINOPHILS	1.4
ABSOLUTE EOSINOPHILS	0.1
BASOPHILS	0.4
ABSOLUTE BASOPHILS	0.0
MPV	9.4

RPR TITER (Order Date - 01/17/2012) (Collection Date - 01/18/2012)

RPR TITER	Non-Reactive

TSH reflex to T4F (Order Date - 01/17/2012) (Collection Date - 01/18/2012)

TSH	2.250



N,

eck

s)

3

y
ed.

Electronically signed by Vicki Britton , MD on 02/03/2012 at 03:44 PM

JFK Internal Medicine Faculty and Resident Practice

160 JFK Drive Suite 102
Atlantis FL 33462
Ph: 561-548-1450 Fax:561-548-1463

Depression Screening(PhQ2)

Name: Gwendolyn Batson **Date:** 01/31/2012

[redacted]

☒ No

Powered By eClinicalWorks LLC.

HAYES
CLINICAL LABORATORY

2431 Quantum Blvd. BOYNTON BEACH FLORIDA 33426
Phone: 561-752-5550 FAX:581-752-5549

Physician:
BAGATELL,STUART
JFK Internal Medicine Faculty & Residence Practice
160 JFK Drive Suite 102
ATLANTIS, FL 33462

548-1540 F: 548-1463

Patient:
BATSON,GWENDOLYN

Accession: **118120284** ID: **412758**
Requisition #:
Doctor ID: **BAG1619**
Account No:

D.O.B.: **02/28/1924** 87
Sex: **F** Female
Phone: **385-6390**
Collected: 01/18/2012 14:00
Received: 01/18/2012 14:06
Status: Final Report

[redacted]

RPR Serology	Non-Reactive	Non-Reactive

Unless otherwise noted, testing performed at:
Hayes Clinical Laboratory, Inc., 2431 Quantum Blvd., Boynton Beach, FL 33426, CLIA # 10D0645478

In the Circuit Court of the 15th Judicial Circuit of Florida, in and Palm Beach County, Florida.

MAY-10-1989 03:44pm 89-132522

ORB 6061 Pg 5

CD 89-4199 FA

IN THE MATTER OF CHANGING THE NAME

SKENDER HOTI

TO: KENNETH LEE BATSON

89 MAY -9 AM 11:21

ORDER ON NAME CHANGE

This cause having come on for hearing, upon this sworn petition of Skender Hoti for a judgment changing name to Kenneth Lee Batson. And it appearing to the court that said petitioner is an actual bond file resident of Palm Beach Count, Florida, and the court being otherwise fully advised in in the premises, it is thereupon upon consideration thereof.

Considered, Ordered, Adjudged and Decreed by the court that said petition be and the same is hereby granted, and that the name of Skender Hoti be and the same is hereby changed to Kenneth Lee Batson by which name the said petitioner shall ever hereafter be known.

Done and Ordered in Chambers at Palm Beach County Court House ---------- , Florida, this ---8------ of May 1989.

JUDGE

(3)

RECORD VERIFIED
PALM BEACH COUNTY, FLA.
JOHN B. DUNKLE
CLERK CIRCUIT COURT

15th JUDICIAL CIRCUIT CLERK & COMPTROLLER COURT PALM BEACH COUNTY FLORIDA STATE OF FLORIDA

I hereby certify that the foregoing is a true copy
of the record in my office this day, Feb 07, 2012.
Sharon R. Bock , Clerk Circuit Court, Palm Beach County, Florida
BY Teresa Martine Deputy Clerk

STATE OF FLORIDA

OFFICE of VITAL STATISTICS

CERTIFICATION OF BIRTH

NAME: SKENDER H BATSON

DATE OF BIRTH: 7/09/92 SEX: MALE

PLACE OF BIRTH: PALM BEACH COUNTY, FLORIDA

CERTIFICATE NUMBER: [redacted]

DATE FILED: 7/21/92 DATE ISSUED: 9/28/92

MOTHER'S MAIDEN NAME: BEBA ZENUNI

FATHER'S NAME: KENNETH LEE BATSON

This is to certify that this is a true abstract of the official record filed with this office.

By Irene N. Stevens

OLIVER H. BOORDE, M.P.H.
State Registrar

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HRS

DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

HRS Form 1563 (3/88)

IN THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA

In Re: Guardianship of
GWENDOLYN D. BATSON,
an alleged incapacitated person.
_____/

PROBATE DIVISION
FILE NO.: 502012GA000028XXXXSB

EMERGENCY MOTION TO VACATE EMERGENCY TEMPORARY GUARDIANSHIP AND TO COMPEL RETURN OF WARD TO FLORIDA

2012 FEB 21 AM 8:46
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTHERN BRANCH FILED

SKENDER HOTI (hereinafter "SKENDER"), by and through his undersigned counsel, moves this Honorable Court for an order vacating the Emergency Temporary Guardianship and compelling the guardian to return the Ward to Florida, and as grounds therefore, states:

1. The Emergency Petition to Determine Incapacity was filed on January 24, 2012.

2. The order appointing Emergency Temporary Guardian ("ETG") was entered by this Court on January 25, 2012 without a hearing and without notice to either John T. Milton, Esq. (the Ward's court appointed counsel) or SKENDER (the Ward's surrogate son and attorney-in-fact under her Durable Power of Attorney).[1]

3. The basis for the Emergency Petition to Determine Incapacity was that the Ward has "severe dementia". Contrary to the ETG's allegations, the Ward is not suffering from dementia. Refer to the attached medical report from Stuart Bagatell, M.D., dated January 18, 2012 (6 days prior to the filing of this guardianship). The ETG and the Ward were not close and SKENDER believes that this guardianship was filed as a ruse to kidnap the Ward and gain control of her assets.

4. The Batson's relationship with SKENDER spans a period of over thirty (30) years, and the Batsons raised SKENDER as their own son. In fact, in 1989 SKENDER changed his last

[1] Pursuant to §709.2121, F.S., suspension of the Durable Power of Attorney is not effective until SKENDER receives written notice of this guardianship proceeding. SKENDER is not on the service list and never received written notice of this guardianship from either the ETG or this Court.

name to Batson. Refer to the attached Order of Name Change and Certificate of Birth. There is no dispute that SKENDER received real estate and money from the Batsons over a seven (7) year period. The ETG conveniently fails to point out that these transfers were voluntary on the part of the Batsons and were based on the Batson's familial relationship with SKENDER as their surrogate son.

5. Immediately after their appointment, the ETG removed the Ward from the State of Florida to their home in Alabama without Court approval and without notifying SKENDER of his actions. During the drive to Alabama, the Ward called SKENDER on her cell phone and advised him that she was in a car, she did not know the driver of the automobile, and did not know where she was going. The Ward was very frightened and pleaded with SKENDER for help. As a result, SKENDER filed this emergency petition.

6. Pursuant to §744.2025, Fla. Stat., the ETG is prohibited from changing the residence of the Ward from Florida to Alabama without prior court approval.

7. After removing the Ward from this State, the ETG filed for guardianship in Alabama and may have subsequently filed a motion to terminate this guardianship.

8. Termination of this guardianship is not mandatory upon a ward's change of domicile from Florida to another state. Sec. 744.524, F.S. does not create a presumption that the guardianship must be terminated upon a change of domicile of the ward, and a probate court has discretion in making the decision whether to terminate a guardianship. *See* In re Guardianship of Gechtman, 719 So. 2d 960 (Fla. 4th DCA 1998).

9. In Weissenborn v. Graham, 963 So. 2d 275 (Fla. 4th DCA 2007), Judge John L. Phillips entered an order denying the motion to dismiss the guardianship proceedings because the ETG surreptitiously took the Ward from her Florida residence and moved her to California

without giving notice to the court or any of the parties. The appellate court, in affirming the Judge Phillips order, reasoned:

> If a person could secrete the incapacitated ward away to another state and thereby cause termination of the guardianship, the entire purpose of having a guardianship procedure would be nullified. The equities in this case strongly call for the circuit court's continued exercise of jurisdiction. See also Nelson v. Beverly Beach Props., 47 So. 2d 310, 316 (Fla. 1950) (stating that "when equity takes hold it should retain jurisdiction until all matters between the parties have been disposed of").
>
> The statutes provide for termination of a guardianship upon a change in domicile of the ward where another state has appointed a guardian, but the statute requires that the change in domicile be accomplished by the legal guardian with prior approval of the court. § 744.524, Fla. Stat. (2006) (providing for termination of guardianship when the domicile of a ward has changed as provided in section 744.2025).
>
> * * * *
>
> Larry, who continues to assert that he is the proper guardian based on the Health Care Directive, did not obtain prior court approval and did not notify anyone that he had taken Betty to California. If a guardian cannot remove the ward from the state without prior court approval, surely Larry cannot do so under these circumstances. *Termination of the guardianship on the ground that Betty was no longer located in Florida would permit Larry to benefit from his misdeed of illegally removing Betty from the jurisdiction. The lower court in this case has jurisdiction to continue with the guardianship proceedings.* [emphasis added].

10. Here, termination of this Guardianship on the ground that the Ward is no longer located in Florida would permit the ETG to benefit from their misdeed of illegally removing the Ward from this jurisdiction. Therefore, this court has jurisdiction to continue with this guardianship proceeding.

11. Finally, the principals of comity preclude termination of this guardianship. Comity applies where courts in different states have concurrent jurisdiction over a matter, the court which first exercises its jurisdiction acquires exclusive jurisdiction to proceed with that case. *See* Bogert v. Morrison, 972 So. 2d 905 (Fla. 2nd DCA 2007) .

12. Here, this Court first exercised jurisdiction over this matter. Therefore, this Court

acquired exclusive jurisdiction to proceed with that case.

WHEREFORE, SKENDER HOTI prays that this Court enter an order: (a) vacating the Emergency Temporary Guardianship, (b) compelling the guardian to return of the Ward to Florida, and (c) awarding him such other relief as this Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the forgoing has been furnished by Email and/or U.S. Mail to Sheri L. Hazeltine, Esq., 800 Palm Trail, Ste 3, Delray Beach, Florida 33483-5859 and John T. Milton, Esq., 917 N. Dixie Hwy., Lake Worth, Florida 33460-2530this 20th day of February, 2012.

LAW OFFICE OF DAVID M. GARTEN

By: _____
David M. Garten, Esq.
400 Columbia Drive, Suite 100
West Palm Beach, FL 33409
Tel: (561)689-0054 / Fax: (561)687-8103
Florida Bar No.: 454680

Batson, Gwendolyn

87 Y old Female, DOB: 02/28/1924
3366 Via Mancebo, Lake Worth, FL-33467
Home: 561-965-9544
Guarantor: Batson, Gwendolyn Insurance: MEDICARE MCR A and B
Appointment Facility: JFK Internal Medicine Faculty and Resident Practice

01/17/2012

Appointment Provider: Maria Silva-Chuecos, MD
Supervising Provider: Stuart Bagatell, MD

Current Medications
Livalo 2 MG Tablet 1 tablet Once a day
Namenda 10 MG Tablet 1 tablet Twice a day

Past Medical History
No Medical History.

Allergies
N.K.D.A.

Reason for Appointment
1. Early signs of dementia

[redacted]

[redacted]

Follow Up

2 Weeks (Reason: fu labs)

Appointment Provider: Maria Silva Chuecos, MD

[redacted]

Electronically signed by Stuart Bagatell , MD on 01/18/2012 at 03:21 PM EST

Sign off status: Completed

JFK Internal Medicine Faculty and Resident Practice
160 JFK Drive Suite 102
Atlantis, FL 33462
Tel: 561-548-1450
Fax: 561-548-1463

JFK Internal Medicine Faculty and Resident Practice

160 JFK Drive Suite 102
Atlantis FL 33462
Ph: 561-548-1450 Fax:561-548-1463

Depression Screening(PhQ2)

Name: Gwendolyn Batson **Date:** 01/17/2012

Little interest or pleasure in doing things

[redacted]

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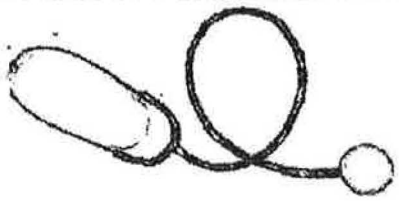


Batson, Gwendolyn

87 Y old Female, DOB: 02/28/1924
3396 Via Mancebo, Lake Worth, FL-33467
Home: 561-385-6390
Guarantor: Batson, Gwendolyn Insurance: MEDICARE MUTUAL A and B
Appointment Facility: JFK Internal Medicine Faculty and Resident Practice

01/31/2012

Appointment Provider: Maria Silva-Chuecos, MD
Supervising Provider: Vicki Britton, MD

Current Medications
Livalo 2 MG Tablet 1 tablet Once a day
Namenda 10 MG Tablet 1 tablet Twice a day

Past Medical History
HTN
Vit B12 in 1/12 on the low normal side

Reason for Appointment
1. Fu labs

History of Present Illness
Depression Screening:
PHQ-2 In last 2 weeks have you been bothered by Little interest or pleasure in doing things No, Feeling down depressed or hopeless No.
Memory Loss:
Pt was seen 2 weeks ago, family co memory loss, Mini mental test performed at that visit did not qualify pt as dementia. Causes of memory loss reviewed, vit b12 wnl, ts wnl, RPR negative. MRI was done by her previous pcp and records pending (within 1 yr). Here today to review her labs. No new complaints.

Vital Signs
BP 176/73, HR 86, RR 20, Temp 98.0, Wt 157, Oxygen sat % 97, Pain scale 0.

Past Orders
VITAMIN B12 (Order Date - 01/17/2012) (Collection Date - 01/18/2012)

VITAMIN B12	353

CBC (INCLUDES DIFF/PLT)-Q (Order Date - 01/17/2012) (Collection Date - 01/18/2012)

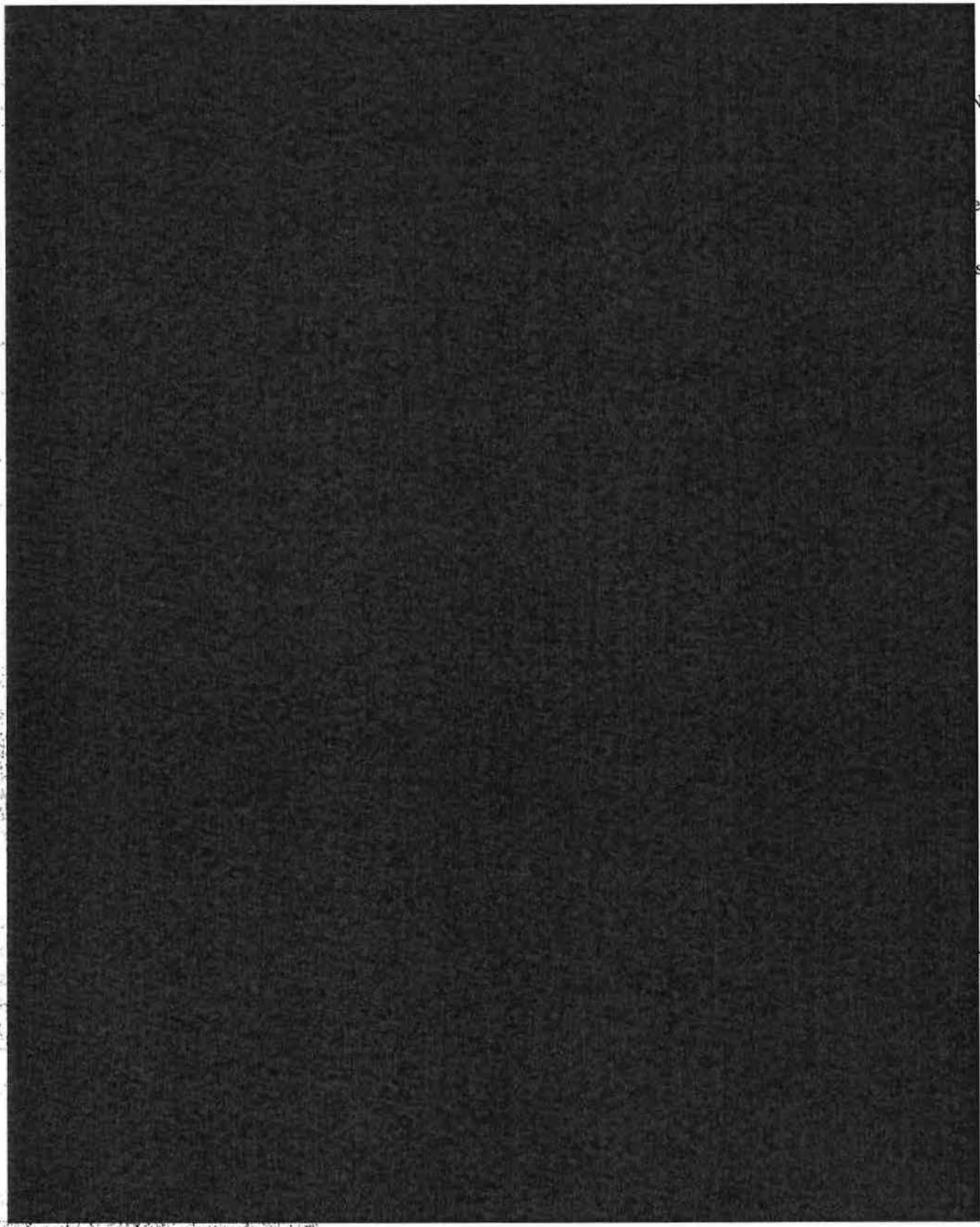
WHITE BLOOD CELL COUNT	5.6
RED BLOOD CELL COUNT	4.50
HEMOGLOBIN	13.7
HEMATOCRIT	41.1
MCV	91.3
MCH	30.5
MCHC	33.5
RDW	13.6
PLATELET COUNT	169
NEUTROPHILS	55.6
ABSOLUTE NEUTROPHILS	1.7
LYMPHOCYTES	30.7
ABSOLUTE LYMPHOCYTES	1.7
MONOCYTES	11.9
ABSOLUTE MONOCYTES	0.7
EOSINOPHILS	1.4
ABSOLUTE EOSINOPHILS	0.1
BASOPHILS	0.4
ABSOLUTE BASOPHILS	0.0
MPV	9.4

RPR TITER (Order Date - 01/17/2012) (Collection Date - 01/18/2012)

RPR TITER	Non-Reactive

TSH reflex to T4F (Order Date - 01/17/2012) (Collection Date - 01/18/2012)

TSH	2.250



Electronically signed by Vicki Britton , MD on 02/03/2012 at 03:44 PM

JFK Internal Medicine Faculty and Resident Practice

160 JFK Drive Suite 102
Atlantis FL 33462
Ph: 561-548-1450 Fax:561-548-1463

Depression Screening(PhQ2)

Name: Gwendolyn Batson **Date:** 01/31/2012

[redacted]

☒ No

Powered By eClinicalWorks LLC.

HAYES
CLINICAL LABORATORY

2431 Quantum Blvd. BOYNTON BEACH FLORIDA 33426
Phone: 561-752-5550 FAX:561-752-5549

Physician:
BAGATELL,STUART
JFK Internal Medicine Faculty & Residence Practice
160 JFK Drive Suite 102
ATLANTIS, FL 33462

548-1540 F: 548-1463

Accession: **118120284** ID: **412758**
Requisition #:
Doctor ID: **BAG1619**
Account No:

Collected: 01/18/2012 14:00
Received: 01/18/2012 14:06

Patient:
BATSON,GWENDOLYN

D.O.B.: **02/28/1924** 87
Sex: **F** Female
Phone: **385-6390**
Status: Final Report

[redacted]

RPR Serology	Non-Reactive	Non-Reactive

Unless otherwise noted, testing performed at:
Hayes Clinical Laboratory, Inc., 2431 Quantum Blvd., Boynton Beach, FL 33426, CLIA # 10D0645478

In the Circuit Court of the 15th Judicial Circuit of Florida, in and Palm Beach County, Florida.

MAY-10-1989 03:44pm 89-132522

ORB 6061 Pg 5

CD 89 4199 FA

IN THE MATTER OF CHANGING THE NAME

SKENDER HOTI

TO: KENNETH LEE BATSON

89 MAY -9 AM 11:21

ORDER ON NAME CHANGE

This cause having come on for hearing, upon this sworn petition of Skender Hoti for a judgment changing name to Kenneth Lee Batson. And it appearing to the court that said petitioner is an actual bond file resident of Palm Beach Count, Florida, and the court being otherwise fully advised in in the premises, it is thereupon upon consideration thereof.

Considered, Ordered, Adjudged and Decreed by the court that said petition be and the same is hereby granted, and that the name of Skender Hoti be and the same is hereby changed to Kenneth Lee Batson by which name the said petitioner shall ever hereafter be known.

Done and Ordered in Chambers at Palm Beach County Court House ---------- , Florida, this ---8--- of May 1989.

JUDGE

(3)

RECORD VERIFIED
PALM BEACH COUNTY, FLA.
JOHN B. DUNKLE
CLERK CIRCUIT COURT

15th JUDICIAL CIRCUIT COURT · CLERK & COMPTROLLER · PALM BEACH COUNTY, FLORIDA · STATE OF FLORIDA

I hereby certify that the foregoing is a true copy
of the record in my office this day, Feb 07, 2012.
Sharon R. Bock , Clerk Circuit Court, Palm Beach County, Florida
BY Teresa Martinez Deputy Clerk

STATE OF FLORIDA

OFFICE of VITAL STATISTICS

CERTIFICATION OF BIRTH

NAME: SKENDER H BATSON

DATE OF BIRTH: 7/09/92 SEX: MALE

PLACE OF BIRTH: PALM BEACH COUNTY, FLORIDA

CERTIFICATE NUMBER: [redacted]

DATE FILED: 7/21/92 DATE ISSUED: 9/28/92

MOTHER'S MAIDEN NAME: BEBA ZENUNI

FATHER'S NAME: KENNETH LEE BATSON

This is to certify that this is a true abstract of the official record filed with this office.

By Irene N. Stevens

OLIVER H. BOORDE, M.P.H.
State Registrar

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HRS
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

HRS Form 1563 (3/88)

THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE ID: 502012GA000028XXXXSB
DIVISION: IZ

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED
12 FEB 21 AM 9:29

IN RE: THE GUARDIANSHIP OF GWENDOLYN D BATSON
_____/

CLERK'S NOTICE OF REASSIGNMENT

Pursuant to Court order of the Honorable JUDGE MARTIN H COLIN dated FEBRUARY 21, 2012 the above styled case is reassigned to Division IZ, JUDGE JAMES L MARTZ for all further proceedings.

WITNESS my hand and seal on FEBRUARY 21, 2012.

Sharon R. Bock
Clerk & Comptroller

By: _____

Deputy Clerk

cc:
JONH MILTON, ESQ 917 NORTH DIXIE HWY LAKE WORTH, FL 33460
SHERI L HAZELTINE ESQ. , 800 PALM TRAIL PLAZA STE 3 DELRAY BEACH, FL 33483
DAVID M GARTEN, ESQ 400 COLUMBIA DR STE 100 WEST PALM BEACH, FL 33409

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

DIVISION: ____

CASE NO. 502012GA000028XXXXSB

IN RE: GUARDIANSHIP OF

GWENDOLYN D. BATSON,

An alleged incapacitated person.
_____/

2012 FEB 23 PM 4:47
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED

RESPONSE TO SKENDER HOTI A/K/A/ KENNETH BATSON'S EMERGENCY MOTION TO VACATE EMERGENCY TEMPORARY GUARDIANSHIP AND TO COMPEL RETURN OF WARD TO FLORIDA

KENNETH DAVIS and MARY ANN DAVIS, by and through their attorney, Sheri L. Hazeltine, Esq., respond to SKENDER HOTI, aka KENNETH BATSON'S emergency motion as follows:

Kenneth Davis is the biological brother of GWENDOLYN BATSON, and Mary Ann Davis is her sister in law. Both live in Florence, Alabama where Gwen is also from.

As stated in the previously-filed petitions, GWENDOLYN BATSON has severe dementia. Her long-term family physician, Dr. Gregory Azlanian, began prescribing Namenda for Mrs. Batson after she began complaining about memory problems on June 7, 2011. Exhibit A, copies of medical records for Mrs. Batson from 02/06/2007 to 01/10/2012. On 09/12/2011 Dr. Azlanian began prescribing Aricept for Mrs. Batson also, along with the Namenda. These two drugs are commonly used to treat persons with dementia and/or Alzheimer's disease. Exhibit B, computer printout of definitions of Namenda and Aricept.

After Mrs. Batson was diagnosed with severe dementia, Mr. Hoti changed her long-term doctor, and her last visit to Dr. Azlanian was on January 10, 2012.

In addition, Mr. Hoti is not the biological son of Robert and Gwendolyn Batson. While he has repeatedly alleged Mrs. Batson was his mother and he was her son, this is false and he was never adopted by Mr. and Mrs. Batson.

In addition, Mr. Hoti's repeated claim that he resides at 3396 Via Mancebo, Lake Worth, Florida and all of the personal property contained within the residence is 'his' property, is also false. Instead his residence is located at 3103 Drew Way, Palm Springs, Florida where he lives with his wife Beba. Exhibit C, copy of Request for Notice and Copies filed by his attorney, Mr. Garten, Esq.; Exhibit D, copy of FL Department of State Div. of Corporations Administrative Dissolution for Annual Report in 09/23/2011

showing dissolution of corporation and address for Mr. Hoti at 3103 Drew Way, West Palm Beach, FL 33406; Exhibit D-2, copy of court docket print-out.

Moveants contend that Mr. Hoti did not change his name in order to become a member of the Batson family, and instead changed it after being charged with criminal conspiracy and cocaine-trafficking charges in 1985. Exhibit E, copy of newspaper article "Businessman Charged with Attempted Bribery"; Exhibit F, "Man Pleads Guilty to Bribery Attempt"; Exhibit G, "Bribery Suspect Asks for, Gets Trial"; Exhibit H; Exhibit I.

He even involved Mr. Robert Batson, the husband of Gwendolyn Batson, a college professor. Mr. Batson's charges were later dropped and he was able to retain his job.

As for Mr. Hoti receiving "notice" of this 2012 emergency temporary guardianship proceeding, Mr. Hoti called and spoke to Mr. and Mrs. Davis and to this office several times. He was informed of the proceedings and knew of the ETG. In fact, he was mailed a copy of the pleadings plus knew he could go to the courthouse to obtain a copy. He even spoke to Mrs. Batson on the phone when she was returning to her residence in Alabama and she told him she was fine and not to come and get her.

The truth is Mr. Hoti does not care about Mrs. Batson: he has not written letters to Mrs. Batson since she has been gone, has not called her, and has failed to express any interest in her.

Mrs. Batson has a regular yearly routine of living at her home in Florence Alabama and going down south to her Florida home in the winter. This is her regular yearly 'snowbird' routine, and has been since she and her husband purchased their home on Mancebo Via on February 7, 1980.

No court approval was ever needed to transfer Mrs. Batson to her home in Alabama near her family. In fact, Mr. Hoti prevented her from returning to Alabama last year as she was accustomed to as he intended to further isolate her from her family. Also, Mr. Hoti has no status where he must be "notified" and it is therefore false that the law requires that he be notified. Compelling her return to Florida would be against her and her family's wishes and not in Mrs. Batson's medical and financial interests. She is now back living at her home in Alabama where she is safe and sound with her family and friends. If she was fully competent there is no doubt she would have been able to contact Mr. Hoti or someone else to ask her to bring her back to Florida. She is no longer competent and instead is being taken care of by her family.

It is also untrue as alleged that Mr. Hoti filed an emergency petition for guardianship. Instead, he only recently became involved in this case after his hope to take all of Mrs. Batson's personal property was put in jeopardy. It was only then that he finally hired an attorney and even attempted to have a presence in this important court case.

Mrs. Batson has extensive personal property remaining in her home on Via Mancebo and an attempt was made on Saturday February 25th to secure this property on her behalf by moving it into storage. It turns out Mr. Hoti changed the locks on Mrs. Batson's home and a locksmith had to be called in order to get into the home to secure her property. A neighbor two doors down, a realtor, came by to visit stating she was Mr. Hoti's friend, and also said she had been discussing listing the sale of the home with him soon. In addition, she said where was Mr. Hoti? She left, and soon after a West Palm Beach policeman showed up at the residence because she called Mr. Hoti, and Mr. Hoti then called the police. Mr. Hoti then arrived at the scene and told police the home was his personal residence and produced documents from the home to convince the police he lived there. In addition, he told police that Mrs. Batson was his mother and that it was his house and all the property and possessions, including her clothes, shoes, kitchenware, underwear, photographs, college diplomas, food in the refrigerator, old books, videos, furniture: all were his property. The police did not know what to do, and advised this attorney to resolve this dispute in the guardianship proceeding. The personal property taken out at that time was returned to the garage for storage. Two keys were given to Mr. Hoti and to this attorney, with the admonishment to Mr. Hoti that he was not to move any of the property pending resolution by this court. Exhibit J, copies of personal property in rooms in Mrs. Batson's home and her vehicle.

It is extremely important that Mrs. Batson's remaining property be secured for her and placed in storage and/or liquidated on her behalf. In addition, the photographs represent years of memories that belong to her, and not Mr. Hoti. It is unconscionable that someone would claim possession of an elderly person's personal property as he did, and it is important that her property be returned on her behalf immediately. The co-guardians request that an order be entered immediately allowing them to remove Mrs. Batson's personal property from her residence to be placed in storage.

Therefore, the co-emergency temporary guardians request that SKENDER HOTI a.k.a KENNETH BATSON's emergency motion be DENIED in its entirety.

DATED THIS 23rd day of February, 2012 at Delray Beach, Florida.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: Sheri L. H

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567
800 Palm Trail, Suite 3
Delray Beach, Florida 33483
(561) 243-4655 (office)
(561) 243-6933 (fax)

CERTIFICATE OF SERVICE

A true and correct copy of this Response was faxed to John Milton, Esq.; David Garten, Esq.; on February 23, 2012; with a courtesy copy sent to the dropbox at the South County Courthouse on February, 23, 2012.

By: Sheri L. H

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

DIVISION: IZ

CASE NO. 502012GA000028XXXXSB

IN RE: GUARDIANSHIP OF

GWENDOLYN D. BATSON,

An alleged incapacitated person.
_____/

2012 MAR -7 PM 4:56
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED

STATUS REPORT TO COURT

KENNETH DAVIS and MARY ANN DAVIS, the co-emergency temporary guardians of GWENDOLYN D. BATSON, the Ward, by and through their attorney, SHERI L. HAZELTINE, ESQ., hereby file this Status Report to the Court:

1.) As per the court's instructions the undersigned's attorney made arrangements to return the rest of the Ward's personal property that had been kept in storage to be sent or picked up by the emergency temporary co-guardians. This property was duly delivered to Mrs. Batson's home today at approximately 1:00 pm with professional guardian Joanne McNamara and Rex Blazer assisting. Ms. Savitt is out of town this week so Ms. McNamara was asked to assist in delivering the items back to the home.

2.) Upon arrival at Mrs. Batson's home, a maroon vehicle was parked in the driveway, and Mr. Hoti was seen bent over in the garage. He then spotted us, vehicle, got on his cell phone, and quickly pulled the garage door down to shut it. This attorney then called Mr. Garten's office and spoke to Cheryl, in order to notify Mr. Hoti, as Ms. McNamara simply wanted to assist in returning Mrs. Batson's items to her home. Ms. Hazeltine asked Cheryl to help in calling Mr. Hoti and tell him to allow us to place the items back within the garage. Ms. Hazeltine then left Mr. Blazer's cell phone number with Mr. Garten's office, as her cell phone

battery was running low and she was afraid he would be unable to reach her.

3.) Then, another man opened the garage door, and introduced himself as Mr. Hoti's brother. He allowed Ms. McNamara to place the items in the garage.

4.) Mr. Blazer then received a phone call on his cell from Mr. Milton, who said that Mr. Garten had called him and said a confrontation was occurring. Mr. Blazer told him this was incorrect, and that we were simply attempting to return Mrs. Batson's items as stated by the court at yesterday's hearing.

5.) This attorney then called to speak to Mr. Milton to verify the items had been returned. While she was explaining the items had been returned, as discussed at yesterday's hearing, her cell phone 'died'. This attorney is filing this report in an abundance of caution in order to keep the court informed.

Respectfully submitted,

DATED THIS 7th day of March, 2012 at Delray Beach, Florida.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567
800 Palm Trail, Suite 3
Delray Beach, FL 33483
(561) 243-4655 (office)
(561) 243-6933 (fax)

IN THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA

In Re: Guardianship of
GWENDOLYN D. BATSON,
an alleged incapacitated person.
_____/

PROBATE DIVISION
FILE NO.: 502012GA000028XXXXSB

SKENDER HOTI'S RESPONSE TO STATUS REPORT FILED BY EMERGENCY TEMPORARY CO-GUADIANS ON MARCH 7, 2012

SKENDER HOTI (hereinafter "SKENDER"), by and through his undersigned counsel, responds to the Status Report filed by Emergency Temporary Co-Guardians on March 7, 2012 as follows:

1. Since the early morning on Wednesday March 7, 2012, SKENDER and his relative, Steve Zenuni, had been repairing the damage to Mrs. Batson's residence located at 3396 Via Mancebo Street, Lake Worth, FL previously caused by attorney Hazeltine. At approximately 1 p.m. the same day, attorney Hazeltine arrived at the residence unannounced. When SKENDER saw attorney Hazeltine, he immediately shut the garage door and called his attorney. It was SKENDER'S understanding that attorney Hazeltine had to make prior arrangements with his attorney regarding delivery of Mrs. Batson's personal property so that he would not be present. After communicating with his attorney's office, SKENDER advised attorney Hazeltine that she could place Mrs. Batson's property in the garage.

FILED
12 MAR 13 PM 4:18
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT PROBATE

3. A short time later, SKENDER heard the sound of a key in the front door. Attorney Hazeltine had entered the premise with two unidentified people without knocking even though she was aware that SKENDER and Mr. Zenuni were inside the home. Attorney Hazeltine informed Mr. Zenuni that she had a court order, that she had just spoken to Mr. Garten's office, and that she was authorized to enter the premises. SKENDER stopped the two unidentified

people and insisted that they present him with identification before entering. He was handed a business card identifying the female as Joanne McNamara, a professional guardian, and a Montana driver's license identifying the male as Rexford Blazer.

4. As attorney Hazeltine, Ms. McNamara, and Mr. Blazer were walking through the residence, SKENDER overheard attorney Hazeltine ask Mr. Blazer "why did you give him your ID? He's going to call the police". Mr. Zenuni said "yes, he is going to call the police", at which point attorney Hazeltine, Ms. McNamara, and Mr. Blazer immediately vacated the premises. As Attorney Hazeltine was leaving, she was laughing and waving the house key in the air stating "I have a key and a court order. I can come into this house anytime I want."

I HEREBY CERTIFY that a true and correct copy of the forgoing has been furnished by Email and/or U.S. Mail to Sheri L. Hazeltine, Esq., 800 Palm Trail, Ste 3, Delray Beach, Florida 33483-5859 and John T. Milton, Esq., 917 N. Dixie Hwy., Lake Worth, Florida 33460-2530this 9th day of March, 2012.

LAW OFFICE OF DAVID M. GARTEN

By: _____
David M. Garten, Esq.
400 Columbia Drive, Suite 100
West Palm Beach, FL 33409
Tel: (561)689-0054 / Fax: (561)687-8103
Florida Bar No.: 454680

IN THE CIRCUIT COURT OF THE15th JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA
PROBATE DIVISION

2013 JAN 17 AM 10:41
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED

IN RE: GUARDIANSHIP OF
GWENDOLYN D. BATSON,
An incapacitated person.
_____/

DIVISION: IZ
CASE NO. 502012GA00028XXXXSB

ORDER ON 1)SKENDER HOTI A/K/A KENNETH BATSON'S MOTION FOR CIVIL CONTEMPTAND ENFORCEMENT OF THE JUNE 25, 2012 COURT ORDER,

2) MOTION TO VACATE and/or MODIFY THE JOINT STIPULATION OF PARTIES ENTERED ON JUNE 25, 2012 and OF THE JUNE 25, 2012 COURT ORDER, AND

3) SECOND MOTION FOR CONTEMPT AND TO COMPELTHE RETURN OF WARD TO FLORIDA

THESE MOTIONS came to before the Court on JANUARY 11, 2013 at 9:00AM. Ms. Hazeltine, nor her clients, the Davis', attended this hearing. Ms. Hazeltine filed a Motion to Withdraw this date that has not yet been ruled on by this Court. Ms. Rochlin appeared with her client and his family members with the Ward, and the Court having heard argument of counsel Debra P. Rochlin, and the testimony of Gwendolyn D. Batson, the Ward and Skender Hoti a/k/a Kenneth Batson. being otherwise fully advised in the premises and

FINDS THE FOLLOWING:

This Court has tried desperately to apply some King Solemn wisdom to this case. At every juncture where the Court has attempted to impose some type of reasonable sharing of the time and responsibilities for Ms. Gwendolyn D. Batson's benefit, the Court has been left frustrated and with great consternation at the conduct of the Davis' with regard to travel, with regard to visitation, with regards to communication and with regard to abiding by the Court Orders. The Court has repeatedly had to resort to the threat of bodily attachment to get compliance by the Davis'.

If not by the Davis' conduct alone, this Court cannot allow Ms. Gwendolyn D. Batson to continue to have the swirl of litigation and conflict around her as she is in the years of her life where she should be free from conflict and enjoy her relatives and her loved ones.

ORDERED AND ADJUDGED that: the Court will grant the Motions to RESCIND/VACATE the three prior orders, more particularly, the **JOINT STIPULATION OF PARTIES ENTERED ON JUNE 25, 2012 and the COURT ORDER ratifying same.**

SKENDER HOTI aka KENNETH BATSON is appointed as the Guardian of the person and

property of Gwendolyn D. Batson, the Ward. This is without prejudice to the Court hearing objections by the Davis' when and if they reinvest themselves in this case with appropriate counsel and participate at an appropriate level where the Court has some confidence that they are earnest and sincere in their desire to ease this family's constant litigation, and do what is in the best interest of Gwendolyn D. Batson, the Ward.

The Court has had the luxury today of having a delightful conversation with Gwendolyn D. Batson, the Ward. The Court finds her to be certainly interested and aware enough to express to the Court her desire for all of the fighting to end in the family. She believes these people should be able to get along.

ORDERED AND ADJUDGED that the any and all legal rights are removed from the KENNETH AND MARYANN DAVIS. This Court hereby appoints SKENDER HOTI a/k/a KENNETH BATSON to attempt to continue some type of a visitation that will allow Ms. Batson to continue to visits with the Kenneth and Mary Ann Davis' in the fashion that he deems appropriate, in an environment that will not cause further litigation.

ORDERED AND ADJUDGED that the court Grants an ore tenus Motion for Skender Hoti aka Kenneth Batson by the authority vested in him by this court orderto make all decisions regarding time sharing/ visitation out of the State.Gwendolyn D. Batson, the Ward is not to leave the State of Florida with anyone without the expressed written permission of Mr. Skender Hoti aka Kenneth Batson with specific instructions attached to it, with itinerary, and time frames to leave and return, that will all be subject to enforcement by this Court.

Skender Hoti aka Kenneth Batson can require that any time travel arrangements are provided that there be a filing in this Court of those travel arrangements. That counsel must seek a Court Order ratifying any agreement of travel arrangements in order that the travel arrangement be enforceable with the powers of contempt of this court, if not followed.

FURTHER ORDERED AND ADJUDGED that the court reserves on the issue of attorney fees and costs and any other sanctions that are requested in the motions.

Done and ordered in Chambers at West Palm Beach, Palm Beach County, Florida this 16 day of January, 2013

HONORABLE JAMES MARTZ
CIRCUIT COURT JUDGE

Copies furnished:
Debra P. Rochlin, Esq.
Sheri Hazeltine, Esq.
Kenneth and Mary Ann Davis

12-2009/ order for contempt.doc

IN THE COUNTY COURT OF THE

15TH JUDICIAL CIRCUIT, IN AND FOR

WEST PALM BEACH, FLORIDA

CASE NO.: 502012GA000028XXXXSB

The Guardianship of Gwendolyn D. Batson

_____/

COPY

PROCEEDINGS HAD TAKEN PLACE BEFORE

THE HONORABLE JAMES MARTZ,

CIRCUIT CIVIL JUDGE, PURSUANT TO NOTICE

JANUARY 11, 2013

9:00 A.M. - 9:53 A.M.

Reported By:

Millicent De Camps, Court Reporter

Notary Public, State of Florida

APPEARANCES OF COUNSEL

On behalf of the Plaintiff:

DEBRA P. ROCHLIN, ESQ.
LAW OFFICES OF DEBRA P. ROCHLIN, P.A.
900 S. ANDREWS AVENUE
FORT LAUDERDALE, FL 33316
(954) 832-9009

THE COURT: This Court has tried desperately to apply some solemnest wisdom to this case. At every juncture where the Court has attempted to impose some type of reasonable sharing of the time and responsibilities for Ms. Batson's benefit, the Court has been left frustrated and with great consternation at the conduct of the Davis' with regard to travel, with regard to visitation, with regards to communication and with regard to abiding by the Court orders. The Court has repeatedly had to resort to the threat of bodily attachment in compliance to the Davis'. If not by the Davis' conduct alone, this Court cannot allow Ms. Batson to continue to have the swirl of litigation and conflict around her as she is in the years of her life where she should be free from conflict and enjoy her relatives and her loved ones. For that reason, the Court will grant through request to rescind the prior orders to make Mr. Skender Hoti guardian of the person and property without prejudice to the Court hearing objections by the Davis' when and if they reinvest themselves in this case with appropriate counsel and participate at an appropriate level where the Court has some confidence that they are earnest and sincere in their desire to ease this family's constant litigation, and

to do what is in the best interest of Ms. Batson. The Court has had the luxury today of having a delightful conversation with Ms. Batson. The Court finds her to be certainly interested and aware enough to express to the Court her desire for all of the fighting to end in the family. She believes these people should be able to get along. I believe the best chance we have at that is if we remove the legal rights from the Davis' and that this Court employ Skender Hoti to attempt to continue some type of a visitation that will allow Ms. Batson to continue to visit with the Davis' in the fashion that you deem appropriate, in an environment that will not cause further litigation. To be specific, the Court wonders if the visitation should all take place in the state of Florida. If requested -- and I'm going to give you a minute to talk to your client on that, this Court will likely grant a motion that requires that Mr. Hoti holds the authority now -- with the authority vested in him by this court order -- to make those decisions. And I want explicitly in the court order that you'll prepare, Ms. Rochlin, that Ms. Batson is not to leave the state of Florida with anyone without the expressed written permission of Mr. Hoti with specific instructions attached to

it, with itinerary, time frames and return times, that will all be subject to enforcement by this Court. I would also suggest, but not order, that any time travel arrangements are provided that there be a filing in this Court of those travel arrangements and that counsel seeks a court order ratifying agreement the parties for travel so that that order of travel by Mr. Hoti is enforceable with the powers of contempt. I don't think we can do anything less than that in this case and be successful. Does that address the needs?

MS. ROCHLIN: Yes.

THE COURT: The things that I'm reserving on are fees and any other sanctions that are requested in that the Court requires that the Davis' be present and it did not require their presence, in light of the fact that we served counsel who still represents them, but has failed to appear here today apparently based on the filing of a request of this Court to withdraw which has not yet been addressed or granted and may not be granted depending on the Court's view on that until such time as it's appropriate to withdraw, not the morning of the hearing on contempt. So we'll address those issues at a later date. Ms. Rochlin, I will tell you to take whatever action you

deem appropriate for Ms. Hazeltine's non-appearance today. And the Court will address those when those are filed and if those are filed. I don't know if you're going to be satisfied with the ruling today and I don't know what response we're going to get on that ruling. But I have not granted that motion to withdraw and keep an eye on it, you may want to file an objection because -- face the reality is that I'll only be here another week and then it will be Judge McCarthy, who will not be familiar with this case. And if he has no instructions in the file, he may not know the history of this case.

MS. ROCHLIN: Right.

THE COURT: All right, when he reads this order, he should get a pretty good flavor of where we're at in this case.

MS. ROCHLIN: Absolutely.

THE COURT: All right?

MS. ROCHLIN: Okay.

THE COURT: Fine. Any other need from me?

MR. Hoti: Thank you.

MS. ROCHLIN: No. Thank you so much, Your Honor.

THE COURT: All right. Good luck to you. Ms. Batson, it was a pleasure to meet you.

MS. BATSON: Well, pleasure to meet you.

THE COURT: Thank you for coming down and talking to me today.

MS. BATSON: Well, I'm happy you're doing as much as you can to help me.

THE COURT: I'm trying.

MS. ROCHLIN: She do -- she understood.

THE COURT: She understood.

MS. ROCHLIN: She understood.

THE COURT: All right. Thank you, folks.

MS. ROCHLIN: Thank you so much, Your Honor.

(Hearing concluded at time 9:53 a.m.)

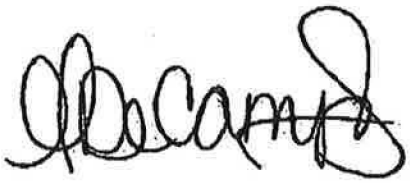
CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF BROWARD

I, MILLICENT DE CAMPS, certify that I was authorized to and did digitally report and transcribe the foregoing proceedings, page 3 to 8 inclusive, and that the transcript is a true and complete record of my digital notes.

Dated this 11th day of January, 2013.



Millicent De Camps, Court Reporter

Notary Public, State of Florida

Commission No.: EE 174904

Commission Expiration: 3/10/2016

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. ***

Electronically Filed 04/10/2013 06:02:47 PM ET

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE GUARDIANSHIP OF GWENDOLYN BATSON.
_____/

Guardianship Division
Case No. 502012GA000028XXXXSB

SUGGESTION OF DEATH

COME NOW, Kenneth and Mary Ann Davis (hereinafter, "the Davises"), by and through the undersigned counsel, and hereby suggest the death of the above-named person, Gwendolyn Batson, which occurred on or about April 8, 2013.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail only to: Debra P. Rochlin, Esquire, 900 South Andrews Ave., Ft. Lauderdale, FL 33316 (pleadings@dprlawgroup.com), this 10th day of April, 2013.

PANKAUSKI LAW FIRM P.L.L.C.
120 South Olive Avenue, Suite 701
West Palm Beach, FL 33401
Phone: (561) 514-0906
courtfilings@pankauskilawfirm.com

By: _____
John J. Pankauski, Esquire
Florida Bar No.: 0982032
Allison R. Sabocik, Esquire
Florida Bar No.: 716006

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

Office of the
CLERK OF THE CIRCUIT COURT
FIFTEENTH JUDICIAL CIRCUIT PALM BEACH COUNTY
Please respond to:
SOUTH COUNTY BRANCH OFFICE-GUARDIANSHIP DIVISION
200 West Atlantic Avenue, Delray Beach, Florida 33444
(561) 274-1562
Please visit our website at http://www.mypalmbeachclerk.com

Thursday, May 23, 2013

Allison Sabocik Esq.
120 South Olive Avenue Suite 701
West Palm Beach, FL 33401

THE GUARDIANSHIP OF: GWENDOLYN BATSON 502012GA000028XXXXSB

We are currently reviewing the Annual Guardianship Report of the Guardian of Person and/or Property which was filed in the above-referenced case on 3/12/13. In order to complete the processing of the report, we need you to submit the following:

XXX Other: Order for Attorney fees (Sheri Hazeltine)
Order for Betsy Savitt check #93 &143
Why is the ward paying for a car tag and oil change when an auto is not listed as an asset?
Order for legal support fees
Order for court appointed attorney (court file does not have an order dtd 4/17/12 for attorney fees)

PLEASE RESPOND WITHIN 20 WORKING DAYS FROM THE DATE OF THIS LETTER.

Sheri Paige
Deputy Clerk/Auditor

CC: Kenneth and Mary Ann Davis 2049 Alpine Drive Florence AL 35630

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED
13 MAY 23 AM 11:56

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE GUARDIANSHIP OF GWENDOLYN BATSON.
_____/

Guardianship Division
Case No. 502012GA000028XXXXSB

ORDER ON MOTION FOR ENTRY OF OMNIBUS ORDER REGARDING AMENDED ACCOUNTING

THIS CAUSE came before the Court on the Motion for Entry of Omnibus Order Regarding Amended Accounting, dated June 18, 2013, which came before this Court for hearing on July 17, 2013. The Court, having been fully advised, it is

ORDERED AND ADJUDGED that the Motion is **GRANTED**. The Court hereby approves the payments made from Ms. Batson's guardianship account as follows: to *Sheri Hazeltine, Esq.* in the amount of $1500.00 (Check #91 on 2/7/2013); to *U.S. Legal Support* in the amount of $250.00 (Check #168 on 4/23/2012); and to *Betsy Savit/Savit Guardians* in the amounts of $1000.00 (Check #93 on 2/7/2012) and $498.00 (Check #143 on 3/28/2012).

Provided that this order is as anticipated by the Clerk's directive set forth in its June 11, 2013 correspondence, the Court directs that the Clerk approve the Amended Accounting filed on March 12, 2013 and close this guardianship file, imposing no further obligation or responsibility to Kenneth or Mary Ann Davis with regard to this guardianship matter.

DONE AND ORDERED in Delray Beach, Palm Beach County, Florida, this 17 day of July, 2013.

The Honorable David French
Circuit Judge

2013 JUL 22 AM 10:15
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED

Copies to:

John J. Pankauski, Esquire & Allison R. Sabocik, Esquire, Pankauski Law Firm PLLC, 120 South Olive Avenue, Suite 701, West Palm Beach, FL 33401

Debra P. Rochlin, Esquire, 900 South Andrews Ave., Ft. Lauderdale, FL 33316

Skender Hoti, 3103 Drew Way, Palm Springs, FL 33409

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

Office of the
CLERK OF THE CIRCUIT COURT
FIFTEENTH JUDICIAL CIRCUIT PALM BEACH COUNTY
Please respond to:
SOUTH COUNTY BRANCH OFFICE-GUARDIANSHIP DIVISION
200 West Atlantic Avenue, Delray Beach, Florida 33444
(561) 274-1562
Please visit our website at http://www.mypalmbeachclerk.com

Thursday, May 23, 2013

Allison Sabocik Esq.
120 South Olive Avenue Suite 701
West Palm Beach, FL 33401

THE GUARDIANSHIP OF: GWENDOLYN BATSON 502012GA000028XXXXSB

We are currently reviewing the Annual Guardianship Report of the Guardian of Person and/or Property which was filed in the above-referenced case on 3/12/13. In order to complete the processing of the report, we need you to submit the following:

XXX Other: Order for Attorney fees (Sheri Hazeltine)
Order for Betsy Savitt check #93 &143
Why is the ward paying for a car tag and oil change when an auto is not listed as an asset?
Order for legal support fees
Order for court appointed attorney (court file does not have an order dtd 4/17/12 for attorney fees)

PLEASE RESPOND WITHIN 20 WORKING DAYS FROM THE DATE OF THIS LETTER.

Sheri Paige
Deputy Clerk/Auditor

CC: Kenneth and Mary Ann Davis 2049 Alpine Drive Florence AL 35630

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED
13 MAY 23 AM 11:56

pankauski
LAW FIRM
P.L.L.C.

120 south olive avenue
guaranty 701
west palm beach, fl 33401

(561) 514 - 0900

June 6, 2013

2013 JUN 10 PM 3:43
SHARON R. BOCK
PALM BEACH COUNTY, FL
SOUTH CTY. BR. OFF. FILED

VIA U.S. MAIL
Sheri Paige, Deputy Clerk/Auditor
Fifteenth Judicial Circuit
South County Branch Office – Guardianship Division
200 West Atlantic Avenue
Delray Beach, FL 33444

Re: Guardianship of Gwendolyn Batson, an Incapacitated Person
Case No. 50 2012 GA 000028 XXXX SB / Palm Beach County, FL

Dear Ms. Paige:

Our firm represents Kenneth and Mary Ann Davis in the above-referenced case, and I write in response to your May 23, 2013 correspondence. Your letter references the "Annual Guardianship Report" filed on March 12, 2013, but on March 12, 2013 the Amended Annual Accounting was on behalf of Mr. and Mrs. Davis. To that end, your inquiries are relative to the Amended Accounting, and your inquiries are responded to as follows:

1. **Order for Attorney fees (Sheri Hazeltine)**
   There is no Order for Ms. Hazeltine's attorney's fees. Ms. Hazeltine served as former counsel to Mr. and Mrs. Davis in this case; Mr. and Mrs. Davis were appointed as Emergency Temporary Guardians of the ward on January 25, 2013 (D.E. #7). The $1,500 paid on 2/11/2012 as reflected in the Amended Accounting was paid after their appointment by the Court. A copy of the legal services contract between Mr. and Mrs. Davis and Ms. Hazeltine is available on request.

2. **Order for Betsy Savit (check #93 and 143)**
   There is no Order for Betsy Savit. Ms. Savit's services were retained by Mr. and Mrs. Davis to assist them with the guardianship and care of the ward. A copy of Ms. Savit's billing statement to Mr. and Mrs. Davis is enclosed.

3. **Why is the ward paying for a car tag and oil change when an auto is not listed as an asset?**
   The ward's car was owned by her trust. However, the car was available to and utilized by the ward's caregivers and sitters to transport the ward where she wanted or needed to go.

4. **Order for legal support fees**
   There is no Order for legal support fees. Check #168 (in the amount of $250) was paid from the ward's guardianship account, for swearing in Dr. Aslanian (for telephone testimony at trial), and Skender Hoti's deposition, during the pendency of the litigation. A copy of the invoice from U.S. Legal Support is enclosed.

5. **Order for court appointed attorney (court file does not have an order dtd 4/17/12 for attorney fees)**
   The Order dated 4/17/2012 was filed in the related mental health file for the ward (Case No. 502012MH000123XXXXSB). A copy of same is enclosed for your ready reference.

As an aside, pursuant to Article VI(B) of the ward's trust, Mr. and Mrs. Davis are the residuary beneficiaries. As is evident from the Amended Accounting, any amounts remaining in the guardianship account were transferred to the ward's trust. Any expenses paid from or through the guardianship account reduced their ultimate inheritance of the residuary amount from the ward's trust.

If you have any further questions or require any additional documents or explanations relating to the Amended Accounting, please advise. Thank you for your attention to this matter.

Very truly yours,

PANKAUSKI LAW FIRM PLLC
By: Allison R. Sabocik, Esquire

ARS/
Enclosures

cc: Mr. and Mrs. Davis, *via e-mail only with enclosures*

2013 JUN 10 PM 3:43
SHARON R. BOCK
PALM BEACH COUNTY, FL
SOUTH COUNTY - FILED

Betsy Savitt
Professional Guardian
Billing Period from 1/26/12 - 3/14/12

Date	Description	Hour	Cost
1/26/12	Initial telephone Call from Sheri Hazeltine about Mrs. Batson Case T.C. Mrs. Davis about the history of case	0.4 0.5	
1/30/12	.T.C. Mrs Davis, after they arrived in Florida Travel to Hotel and meet with Kenneth, Maryann and Brenda.	0.3 0.5	
1//31/12	E-mail and response Mrs. Davis. Concern for her physical and mental health. Her property is in danger of being taken. Evidence that she has been taken advantage of by Skender Hoti. T.C. Locksmiths T.C. Mrs. Davis to coordinate evacuation of Mrs. Batson Travel to Little Italy restaurant to secure location of Mr. Hoti before Robert and I went to house. T.C. from Mrs. Davis, Gwen is not home. Stay in area and look for her at the local drug store. Travel to Mancebo home. Meet Davis group and go to the door. Talk with Mrs. Batson and convince her that she has to pack a few things and leave. Stay with Maryann while she is packing bags for Gwen. Search home for important papers and valuables to put into the trunk of Toyota. Drive the Toyota home and store in home driveway.	0.4 0.2 0.2 3.0 4.0	
2/1/12	T.C. Sheri Hazeltine, Go over what paperwork we found. Return to house with Sheri Hazeltine and do a complete written inventory and take pictures. Do a more extensive search for more paperwork and valuables. Place paperwork in truck of Toyota, send valuables to office with Sheri.	0.2 0.3 1.5	
2/17/12	T.C. MaryAnn Davis, to talk about the licenses, house titles, car tag expirations. T.C. Locksmith for appointment.	0.5 0.2	
2/18/12	Rent truck and hire extra hands for moving Mrs. Batson's possessions, clothes, files. Meet Skender Hoti with police for two hours. Read and respond to e-mails	0.5	$308
2/20/12	E-mails with MaryAnn, filing new case.	0.3	
2/22/12	Paperwork, read e-mails, prepare for trial, get updated on everything.	1.0	
2/24/12	Appear in court, testify	1.0	
2/28/12	E-mails from attorney for Hoti, Hazeltine, and Milton. Wants a deposition. Cancel ticket for Robert to St. Louis.	0.6	
2/29/12	E-mails from MaryAnn concerning cancelling the driving of Toyota to Alabama. Purchase a new ticket for Robert to return to St. Louis. Look thru paperwork in Toyota, and return car to office.	0.2 0.3	$190
3/13/12	T.C. Brenda, needs to have someone watch Gwen for trial tomorrow. Attend incapacity hearing to testify	1.0	
	171 Hours x $75.00 per hour = 1,282.50. Out of pocket cost- $498.00		

STATEMENT

U.S. Legal Support, Inc.
One Southeast Third Avenue
Suite 1250
Miami FL 33131
Phone:305-373-8404 Fax:305-358-1427

Account No.	Date
F24583	4/5/2012

Current	30 Days	60 Days
$375.00	$0.00	$0.00
90 Days	**120 Days & Over**	**Total Due**
$0.00	$0.00	**$375.00**

Accounts Payable
Sheri Hazeltine & Associates, P.A.
800 Palm Trail Plaza
Suite 3
Delray Beach FL 33483

Invoice Date	Invoice No.	Balance	Job Date	Witness	Case Name
3/20/2012	903628	100.00	3/14/2012	Swearing in Dr. Gregory Aslanian for trial	In re: Gwendolyn Batson
3/30/2012	907215	150.00	3/29/2012	Skender Hoti	In re: Gwendolyn Batson
~~3/30/2012~~	~~907216~~	~~125.00~~	~~3/29/2012~~	~~Mary Ann Davis~~	~~In re: Gwendolyn Batson~~
		250.00			

2013 JUN 10 PM 3:43
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED

Tax ID: [redacted]

Phone: 561-243-4655 Fax:561-243-6933

Please detach bottom portion and return with payment.

Accounts Payable
Sheri Hazeltine & Associates, P.A.
800 Palm Trail Plaza
Suite 3
Delray Beach FL 33483

Account No. : F24583
Date : 4/5/2012

Total Due : ~~$ 375.00~~
250.00

Remit To: **U.S. Legal Support, Inc.**
P.O. Box 864407
Orlando FL 32886-4407

RECEIVED 4/12/13

COPY

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA.

IN RE: 502012MH000123XXXXSB

GWENDOLYN D. BATSON,

MENTAL HEALTH/PROBATE DIVISION

alleged incapacitated person

_____/

SHARON R. BOCK
PALM BEACH COUNTY, FL
SOUTH FILED
2013 JUN 10 PM 3:43

ORDER ON PETITION FOR COURT-APPOINTED ATTORNEY'S FEES

THIS CAUSE came on to be heard upon the Second Petition for Court Appointed attorney's fees, and the Court having reviewed the Petition, having heard counsel, and being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that the sum of $4,750.00 _____ are reasonable attorney's fees (from 3/6/12 through 4/11/12) and shall be paid to John T. Milton, Esq., court-appointed attorney, within ten (10) days from the date of this Order by the (ETG) Guardians, Kenneth Davis, and Mary Ann Davis.

DONE AND ORDERED in Delray Beach, Palm Beach County, Florida on this _____ day of _____, 2012.

SIGNED & DATED
APR 17 2012

CIRCUIT JUDGE JAMES MARTZ
JUDGE JAMES MARTZ

cc: John T. Milton, Esquire, 917 North Dixie Highway, Lake Worth, FL 33460
Sheri Hazeltine, Esq., 800 Palm Trail Plaza, Suite 3, Delray Beach, FL 33483
David Garten, Esq., 400 Columbia Drive, Suite 100, West Palm Beach, FL 33409

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

Office of the
CLERK OF THE CIRCUIT COURT
FIFTEENTH JUDICIAL CIRCUIT PALM BEACH COUNTY
Please respond to:
SOUTH COUNTY BRANCH OFFICE-GUARDIANSHIP DIVISION
200 West Atlantic Avenue, Delray Beach, Florida 33444
(561) 274-1562
Please visit our website at http://www.mypalmbeachclerk.com

Tuesday, June 11, 2013

Allison Sabocik Esq.
120 South Olive Avenue Suite 701
West Palm Beach, FL 33401

THE GUARDIANSHIP OF: GWENDOLYN BATSON 502012GA000028XXXXSB

The Deputy Clerk/auditor is unable to approve your Amended Annual Accounting for 1/25/12 – 7/31/12 without an Order for Attorney fees for Sheri Hazeltine, Order for Betsy Savitt and Order for legal support fees. If you are unable to obtain these orders you can go directly to the court to get your Amended Annual Accounting for 1/25/12 – 7/31/12 approved.

Sheri Paige
Deputy Clerk/Auditor

CC: Kenneth and Mary Ann Davis 2049 Alpine Drive Florence AL 35630

13 JUN 11 AM 9:16
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE GUARDIANSHIP OF GWENDOLYN BATSON.
_____/

Guardianship Division
Case No. 502012GA000028XXXXSB

ORDER ON MOTION FOR ENTRY OF OMNIBUS ORDER REGARDING AMENDED ACCOUNTING

THIS CAUSE came before the Court on the Motion for Entry of Omnibus Order Regarding Amended Accounting, dated June 18, 2013, which came before this Court for hearing on July 17, 2013. The Court, having been fully advised, it is

ORDERED AND ADJUDGED that the Motion is **GRANTED**. The Court hereby approves the payments made from Ms. Batson's guardianship account as follows: to *Sheri Hazeltine, Esq.* in the amount of $1500.00 (Check #91 on 2/7/2013); to *U.S. Legal Support* in the amount of $250.00 (Check #168 on 4/23/2012); and to *Betsy Savit/Savit Guardians* in the amounts of $1000.00 (Check #93 on 2/7/2012) and $498.00 (Check #143 on 3/28/2012).

Provided that this order is as anticipated by the Clerk's directive set forth in its June 11, 2013 correspondence, the Court directs that the Clerk approve the Amended Accounting filed on March 12, 2013 and close this guardianship file, imposing no further obligation or responsibility to Kenneth or Mary Ann Davis with regard to this guardianship matter.

DONE AND ORDERED in Delray Beach, Palm Beach County, Florida, this 17 day of July, 2013.

The Honorable David French
Circuit Judge

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED
2013 JUL 22 AM 10:15

Copies to:

John J. Pankauski, Esquire & Allison R. Sabocik, Esquire, Pankauski Law Firm PLLC, 120 South Olive Avenue, Suite 701, West Palm Beach, FL 33401

Debra P. Rochlin, Esquire, 900 South Andrews Ave., Ft. Lauderdale, FL 33316

Skender Hoti, 3103 Drew Way, Palm Springs, FL 33409

8-6-14

HARK BURKHALTER YON, PL
ATTORNEYS AT LAW
2101 NW CORPORATE BLVD., SUITE 220
BOCA RATON, FLORIDA 33431

TELEPHONE: (561) 995-1800
FACSIMILE: (561) 995-1801

James Vassallo
107 Westbury, Bldg E
Deerfield Beach, Florida 33442

Aug 06, 2014

File #: Vassallo

RE: Guardianship of Albert Vassallo

Inv #: 15459

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Jun-26-14	Initial meeting w/ Client [NO CHARGE]	0.58	0.00	CBH
Jul-07-14	Meeting w/ Client; Review Guardianship procedures	0.75	262.50	CBH
Jul-10-14	Preparation for and Meeting w/ Client & Betsy Savitt; Directions to Paralegal	1.17	409.50	CBH
	Prepare pleadings for incapacity and Guardianship Cases; Directions to Paralegal; Directions to Paralegal	1.83	686.25	CBH
Jul-15-14	Review and correct pleadings to open Guardianship; Correspondence to Financial Institutions	1.66	581.00	CBH
Jul-17-14	Meeting w/ Client; Review of financials w/ Paralegal	0.50	187.50	CBH
Jul-31-14	Telecon w/ Client; Telecon w/ Betsy Savitt; Review file; E-mail to Atty O'Connell; Review and correct letters to Financial Institutions; Directions to Paralegal; Telecon w/ Atty Crispin	0.83	311.25	CBH
Aug-05-14	Telecon with Optimum Bank regarding Accounts; Follow up with Paralegal	0.42	157.50	CBH
	Telecon with Client; Follow up wtih Atty Hark; Follow up with Hearing Date	0.17	21.25	BMC
	Totals	7.91	$2,616.75	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Clifford B. Hark	7.74	$335.34	$2,595.50

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

CASE NO.: CASE NO.:502014MH001432XXXXSB

IN RE:

ALBERT VASSALLO,

An Alleged Incapacitated Person.
_____/

ORDER ON MOTION FOR CONTINUANCE OF INCAPACITY HEARING

THIS CAUSE came before the Court for Hearing upon Clifford B. Hark's Motion for Continuance of Incapacity Hearing Scheduled for Thursday, August 28, 2014, at 2:30 P.M. After reviewing the Motion and being advised that the Court-Appointed Counsel, Brian O'Connell, is in agreement with the Motion, and that there is not a need to obtain new Examining Committee Reports, it is,

ORDERED that the Hearing scheduled for Thursday, August 28, 2014, at 2:30 P.M. on the Petition for Incapacity filed by JAMES VASSALLO is hereby canceled and rescheduled for September 9, 2014 @ 10.00 AM

DONE AND ORDERED in Delray Beach, Palm Beach County, Florida this 12th day of August, 2014.

SIGNED & DATED
AUG 12 2014
CIRCUIT JUDGE
DAVID E. FRENCH

HONORABLE DAVID E. FRENCH
CIRCUIT JUDGE

Copies of this executed Order furnished to:
Clifford B. Hark, Esquire, 2101 NW Corporate Blvd. Suite 220, Boca Raton, FL 33431
Brian O'Connell, Esquire, 515 N. Flagler Dr., West Palm Beach, FL 33401
Dr. Stanley Bloom, 10760 Northgreen Dr. Wellington, FL 33449
Dr. Phillip Heller, 2200 NW Corporate Blvd. Suite 110, Boca Raton, FL 33431
Gregory Calder, 964 SW 13th Street, Boca Raton, FL 33486

HARK | BURKHALTER | YON, PL
ATTORNEYS AT LAW

2101 NORTHWEST CORPORATE BOULEVARD, SUITE 220
BOCA RATON, FLORIDA 33431

201 NORTHEAST 95TH STREET
MIAMI SHORES, FLORIDA 33138

E-MAIL: CLIFF@HARKLEGAL.COM

CLIFFORD B. HARK
LAURA BOURNE BURKHALTER
MATTHEW F. YON

PALM BEACH: (561) 995-1800
BROWARD: (954) 925-7795
FACSIMILE: (561) 995-1801

MIAMI-DADE: (305) 757-3307
FACSIMILE: (305) 757-3396

August 12, 2014

Susan Mast
9324 Ketay Circle, Unit 1 (Building 5)
Boca Raton, FL 33428

Re: Guardianship of Albert Vassallo

Dear Susan:

As you are aware, our Firm has been retained by your brother, James Vassallo, in connection with determining your father's incapacity and establishing a Guardianship on his behalf.

Enclosed please find the Court's Order on Motion for Continuance of Incapacity Hearing. Please note that the Incapacity Hearing originally set for August 28, 2014 at 2:30 P.M. is cancelled and the new Incapacity Hearing is September 9, 2014.

Can you please give me a call to discuss this matter.

Thank you for your attention to this matter. I remain,

Very truly yours,

HARK | BURKHALTER | YON, PL

Clifford B. Hark, Esquire
For the Firm

CBH/bmc

CC: James Vassallo

5

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

CASE NO.:502014GA000369XXXXSB

IN RE:

ALBERT VASSALLO,

An Alleged Incapacitated Person.
_____/

NOTICE OF UNAVAILABILITY

The undersigned counsel, CLIFFORD B. HARK, Esq., counsel for the Petitioner, JAMES VASSALLO hereby gives notice of his unavailability on the following dates: **August 18, 2014 through and including September 1, 2014 and,** inclusive and further states:

1. The undersigned requests that no hearings, mediations, depositions or Court appearances be set during such periods. Furthermore, the undersigned requests that no motions, requests to produce, interrogatories or other pleadings which require a timely response be filed during these times.

2. The filing and service of this Notice shall constitute an application and request for continuance, extension of time and/or a protective order, as appropriate, for such reason.

3. The undersigned thanks opposing counsel for their courtesy in observing such unavailability.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Brian O'Connell, Esquire, 515 N. Flagler Dr., West Palm Beach, FL 33401 (service@ciklinlubitz.com, probateservice@ciklinlubitz.com, boconnell@ciklinlubitz.com) by e-service through the Florida Courts E-Filing Portal and by First Class Mail to Dr. Stanley Bloom,

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

CASE NO.:502014MH001432XXXXSB

IN RE:

ALBERT VASSALLO,

An Alleged Incapacitated Person.
_____/

NOTICE OF UNAVAILABILITY

The undersigned counsel, CLIFFORD B. HARK, Esq., counsel for the Petitioner, JAMES VASSALLO hereby gives notice of his unavailability on the following dates: **August 18, 2014 through and including September 1, 2014 and,** inclusive and further states:

1. The undersigned requests that no hearings, mediations, depositions or Court appearances be set during such periods. Furthermore, the undersigned requests that no motions, requests to produce, interrogatories or other pleadings which require a timely response be filed during these times.

2. The filing and service of this Notice shall constitute an application and request for continuance, extension of time and/or a protective order, as appropriate, for such reason.

3. The undersigned thanks opposing counsel for their courtesy in observing such unavailability.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Brian O'Connell, Esquire, 515 N. Flagler Dr., West Palm Beach, FL 33401 (service@ciklinlubitz.com, probateservice@ciklinlubitz.com, boconnell@ciklinlubitz.com) by e-service through the Florida Courts E-Filing Portal and by First Class Mail to Dr. Stanley Bloom,

HARK | BURKHALTER | YON, PL
ATTORNEYS AT LAW

2101 NORTHWEST CORPORATE BOULEVARD, SUITE 220
BOCA RATON, FLORIDA 33431

201 NORTHEAST 95TH STREET
MIAMI SHORES, FLORIDA 33138

E-MAIL: CLIFF@HARKLEGAL.COM

CLIFFORD B. HARK
LAURA BOURNE BURKHALTER
MATTHEW F. YON

PALM BEACH: (561) 995-1800
BROWARD: (954) 925-7795
FACSIMILE: (561) 995-1801

MIAMI-DADE: (305) 757-3307
FACSIMILE: (305) 757-3396

August 12, 2014

Dr. Stanley Bloom
10760 Northgreen Dr.
Wellington, FL 33449

Gregory Calder
964 SW 13th Street
Boca Raton, FL 33486

Dr. Phillip Heller
2200 NW Corporate Blvd.
Suite 110
Boca Raton, FL 33431

Re: Guardianship of Albert Vassallo

Dear Dr. Bloom, Mr. Calder and Dr. Heller:

As you are aware, our Firm has been retained by James Vassallo, in connection with determining his father's, Albert Vassallo's, incapacity and establishing a Guardianship on his behalf.

Enclosed please find the Court's Order on Motion for Continuance of Incapacity Hearing. Please note that the Incapacity Hearing originally set for August 28, 2014 at 2:30 P.M. is cancelled and the new Incapacity Hearing is September 9, 2014.

Thank you for your attention to this matter. I remain,

Very truly yours,

HARK | BURKHALTER | YON, PL

Clifford B. Hark, Esquire
For the Firm

CBH/bmc

CC: James Vassallo

5

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

CASE NO.: CASE NO.:502014MH001432XXXXSB

IN RE:

ALBERT VASSALLO,

An Alleged Incapacitated Person.
_____/

ORDER ON MOTION FOR CONTINUANCE OF INCAPACITY HEARING

THIS CAUSE came before the Court for Hearing upon Clifford B. Hark's Motion for Continuance of Incapacity Hearing Scheduled for Thursday, August 28, 2014, at 2:30 P.M. After reviewing the Motion and being advised that the Court-Appointed Counsel, Brian O'Connell, is in agreement with the Motion, and that there is not a need to obtain new Examining Committee Reports, it is,

ORDERED that the Hearing scheduled for Thursday, August 28, 2014, at 2:30 P.M. on the Petition for Incapacity filed by JAMES VASSALLO is hereby canceled and rescheduled for September 9, 2014 @ 10.00 AM

DONE AND ORDERED in Delray Beach, Palm Beach County, Florida this 12th day of August, 2014.

SIGNED & DATED
AUG 12 2014

HONORABLE DAVID E. FRENCH
CIRCUIT JUDGE
CIRCUIT JUDGE
DAVID E. FRENCH

Copies of this executed Order furnished to:
Clifford B. Hark, Esquire, 2101 NW Corporate Blvd. Suite 220, Boca Raton, FL 33431
Brian O'Connell, Esquire, 515 N. Flagler Dr., West Palm Beach, FL 33401
Dr. Stanley Bloom, 10760 Northgreen Dr. Wellington, FL 33449
Dr. Phillip Heller, 2200 NW Corporate Blvd. Suite 110, Boca Raton, FL 33431
Gregory Calder, 964 SW 13th Street, Boca Raton, FL 33486

9-16-14

HARK BURKHALTER YON, PL
ATTORNEYS AT LAW
2101 NW CORPORATE BLVD., SUITE 220
BOCA RATON, FLORIDA 33431

TELEPHONE: (561) 995-1800
FACSIMILE: (561) 995-1801

James Vassallo
107 Westbury, Bldg E
Deerfield Beach, Florida 33442

Sep 16, 2014

File #: Vassallo

RE: Guardianship of Albert Vassallo

Inv #: 15556

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Aug-06-14	Review file; Directions to Paralegal	0.42	157.50	CBH
	Review File; Prepare Motion for Continuance of Incapacity Hearing for both Mental Health and Guardianship Case; Prepare Orders for Motion for Continuance of Incapacity Hearing for both Mental Health and Guardianship Case; Prepare Notice on Unavailability for both Mental Health and Guardianship Case; Prepare Spread sheet for Bank Accounts; Send package to Client with Mental Health Pleadings	2.00	250.00	BMC
	Telecon w-Client re-Financial Accounts; Review w-Atty Hark	0.17	21.25	SW
Aug-11-14	Review Stanley Bloom, MD's Report; Telecon w/ Client; Telecon w/ Atty O'Connell & follow up e-mail; Review and Correct Motion for Continuance and Order; Directions to Paralegal	0.58	217.50	CBH
	Prepare for Hearing with Atty Hark	0.17	21.25	BMC
	Review instructions from Atty Hark; Follow up w/ Paralegal	0.17	21.25	EBH
Aug-12-14	Attendance at Hearing; Follow up E-mail to Atty O'Connell; Directions to Paralegal	1.50	562.50	CBH
	Review and correct Notice of Unavailability	0.17	63.75	CBH
	Follow directions from Atty Hark; Prepare letter to Committee Members with Order; Prepare Letter to Susan with Order; Follow up with Atty Hark	0.75	93.75	BMC
	Meeting with Atty Hark; Send e-mail to Client with Letters and Orders; Follow up with File; Send Packages to Examining Committee Members	0.75	93.75	BMC
Aug-13-14	Review and correct letters to Examining Committee Members;	0.17	63.75	CBH
Aug-14-14	Follow up with E-Portal and Emails regarding Acceptance of Pleading; Follow up with Atty Hark; Follow up with File	0.25	31.25	BMC

Aug-19-14	Review correspondence from Bank of America; Follow up w/ Atty Hark; Follow up w/ Paralegal; Follow up w/ file	0.17	21.25	EBH
Aug-20-14	Review Phil Heller, PsyD's Report; E-mail to Betsy Savitt; E-mail to Atty O'Connell and Client; Review letter from Financial Institutions	0.33	123.75	CBH
	Review File; Follow up with Examining Committee Members and Reports; Prepare Spreadsheet; Follow up with Atty Hark	0.75	93.75	BMC
Aug-26-14	Telecon with Ralph Vassallo regarding Guardianship and File; Send e-mail to Atty Hark	0.33	41.25	BMC
Sep-03-14	Review file; Telecon w/ Ralph Vassallo; Telecon w/ Client	0.25	93.75	CBH
Sep-08-14	Review File; Prepare Order and Letters of Guardianship; Telecon with Mental Health Clerk regarding Report from Examining Committee Member; Prepare File for Court with Atty Hark; Prepare Spreadsheet with Reports	3.00	375.00	BMC
Sep-09-14	Review and correct drafts of Orders; Attendance at Court; Follow up w/ Clerk; Follow up w/ all Parties	2.58	967.50	CBH
	Follow directions from Atty Hark regarding Oath and Hearing; Follow up with File	0.50	62.50	BMC
	Meeting with Atty Hark regarding Hearing; Follow up with File; Send Orders to Clients; Follow up with Bank Accounts	1.00	125.00	BMC
Sep-10-14	Telecon w/ Client; Telecon w/ Ralph Vassallo; Follow up e-mail to Betsy Savitt	0.25	93.75	CBH
Sep-11-14	Review E-Service of Pleadings; Follow up with File and Atty Hark	0.25	31.25	BMC
Sep-12-14	Review file; E-mail to Guardian	1.00	375.00	CBH
Totals		17.51	$4,001.25	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Clifford B. Hark	7.25	$375.00	$2,718.75
Brittany Carraro	9.75	$125.00	$1,218.75
Elissa B. Holder	0.34	$125.00	$42.50
Sierra White	0.17	$125.00	$21.25

DISBURSEMENTS		Disbursements	Receipts
Aug-06-14	Retainers Carried Forward		1,731.26
	Postage	9.21	
Sep-04-14	39 Copies @ $.20/Copy	7.80	

Totals		$17.01	$1,731.26
Total Fees & Disbursements			**$2,287.00**
Previous Balance			$0.00
Payments Received	$0.00		$0.00
Balance of Retainer	$0.00		
Balance Due Now			**$2,287.00**

10-23-14

HARK BURKHALTER YON, PL
ATTORNEYS AT LAW
2101 NW CORPORATE BLVD., SUITE 220
BOCA RATON, FLORIDA 33431

TELEPHONE: (561) 995-1800
FACSIMILE: (561) 995-1801

James Vassallo

107 Westbury, Bldg E
Deerfield Beach, Florida 33442

Oct 23, 2014

File #: Vassallo

RE: Guardianship of Albert Vassallo

Inv #: 15691

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Sep-11-14	Directions from Atty Hark; Pick up Court Order from Courthouse	0.75	93.75	CW
Sep-16-14	Telecon w/ Atty Hazeltine; Review Motion ref. SDB; Review and correct proposed Orders	0.42	157.50	CBH
Sep-17-14	Review pleading filed by Atty Hazeltine; Follow up w/ Paralegal; Follow up w/ file	0.08	30.00	CBH
	Attendance at Court; Follow up w/ Ex-Parte Clerk Tehera Smith; Prepare Response to Motion ref. SDB	1.83	686.25	CBH
	Directions to Paralegal ref Response to Limited Guardian's Motion to Inventory Ward's SDB; eFile and eServe Response; Telecon and emails with Tehera, ExParte Case Manager	1.33	498.75	CBH
Sep-26-14	Review file w/ Atty Burkhalter	0.25	93.75	CBH
	Review file with Atty Hark	0.25	93.75	LBB
Oct-14-14	Telecon with Dr. Stanley Bloom; Follow up with File regarding Order to net payroll Examining Committee Members; Follow up with Atty Hark	0.25	31.25	BMC
	Totals	5.16	$1,685.00	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Clifford B. Hark	3.91	$375.00	$1,466.25
Laura Bourne Burkhalter	0.25	$375.00	$93.75

Brittany Carraro	0.25	$125.00	$31.25
Cecilia White	0.75	$125.00	$93.75

DISBURSEMENTS		**Disbursements**	**Receipts**
Sep-17-14	Court Fees - Certified Copy	4.00	
	Court Fees - Certified Copies	24.84	
Sep-23-14	Photocopies 38 x $.20	7.60	
Totals		$36.44	$0.00
Total Fees & Disbursements			**$1,721.44**
Previous Balance			$2,287.00
Payments Received	$0.00		$0.00
Balance of Retainer	$0.00		
Balance Due Now			**$4,008.44**

 9-8-14

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY

IN RE: GUARDIANSHIP OF	PROBATE/GUARDIANSHIP DIVISION
ALBERT VASSALLO, SR.,	CASE NO.: 502014MH001432XXXXSBIX
An Alleged Incapacitated Person.	502014GA000369XXXXSBIX

_____/

REPORT OF COURT APPOINTED COUNSEL

The undersigned attorney, pursuant to his appointment by this Court as counsel for ALBERT VASSALLO ("Mr. Vassallo"), in accordance with this Court's Order of July 24, 2014, files this Report:

INQUIRIES/REVIEW BY COUNSEL

1. The undersigned BRIAN M. O'CONNELL, ESQ. ("Counsel") and his associate, ASHLEY N. CRISPIN, ESQ. ("Crispin"), have spoken with Clifford B. Hark, attorney for the Petitioner, James Vassallo.

2. Counsel interviewed Mr. Vassallo at Day Scape, an adult daycare center located at 4800 Hillsboro Blvd., Coconut Creek, Florida 33073, on August 21, 2014 and Counsel toured the Day Scape facilities at that time as well.

3. Counsel conversed with the director of Day Scape regarding Mr. Vassallo's background, family information, capacity, ability and disability issues, and the activities in which Mr. Vassallo participates.

4. Counsel's paralegal has conversed with Mr. Vassallo's daughter, Susan Mast, regarding the accommodations she has put into place for her father, regarding family background and regarding Mr. Vassallo's estate planning documents and management of Mr. Vassallo's finances.

5. Counsel's paralegal conversed with Mr. Vassallo's son, Albert Vassallo, Jr. who along with Susan Mast, serves as attorney-in-fact- and co-trustee for Mr. Vassallo.

6. Counsel's associate, JOIELLE A. FOGLIETTA, ESQ., also conversed with Susan Mast and Albert Vassalo, Jr.

7. Counsel has reviewed the following records in connection with this matter:

-All Pleadings filed under Mental Health Case No. 502014MH001432XXXXSBIX

-All Pleadings filed under Guardianship Case No. 502014GA000369XXXXSBIX

Albert Vassallo Revocable Trust U/A dated February 17, 2009
Last Will and Testament dated February 17. 2009
Power of Attorney dated February 17, 2009
Healthcare Surrogate Designation dated February 17, 2009

ALTERNATIVES TO GUARDIANSHIP

1. It appears that Mr. Vassallo does have appropriate estate planning documents in place, which would seemingly be a sufficient alternative to guardianship. However, based upon interviews with various parties and the allegations made by petitioner, the appointment of a guardian may be required to preserve and protect Mr. Vassallo's assets. pending further review. Title to Mr. Vassaallo's former homestead located at 108 Westbury East, Deerfield Beach, Florida is held by the Albert Vassallo Revocable Trust. Counsel is informed, but has been unable to confirm that Mr. Vassallo's Trust is otherwise fully funded at this time.

2. Should Mr. Vassallo be adjudicated incapacitated (either limited or plenary), at this time, the undersigned believes that the reporting requirements and Court supervision afforded by a guardianship would serve to benefit him. In addition, a review needs to occur with regard to the availability of alternatives to guardianship and the handling of Mr. Vasallo's

finances to date. Thus, at present, the undersigned will not object to the appointment of a guardian on this basis.

POSITION ON INCAPACITY

1. Mr. Vassallo was well groomed, appropriately dressed, happy in his surroundings, when seen at Day Scape, and he is ambulatory with the use of a cane. Mr. Vassallo exhibited memory loss issues, but demonstrated a basic understanding of the current incapacity and guardianship legal proceedings and expressed frustration with his children and the arguments taking place among them relative to these proceedings. Mr. Vassallo provided counsel with information regarding his six children and other family background. As to the incapacity issues, limited incapacity is admitted. The undersigned recognizes that two examining committee members, Dr. Bloom and Dr. Heller, have filed their reports recommending plenary guardianships and that examining committee member Mr. Calder has filed his report stating that no guardianship is required. Counsel stipulates to the entry of all examining committee reports into evidence.

2. Based upon Counsel's interview of Mr. Vassallo on August 21, 2014, statements made by Mr. Vassallo, and statements made by Susan Mast, Albert Vassallo, Jr. and petitioner's attorney, Clifford Hark, Counsel is agreeable to Limited Guardianship of person and property.

POSITION ON APPOINTMENT OF GUARDIAN

1. As of this writing, Counsel is aware of only Ms. Savitt's petition to be appointed guardian. Family conflict exists here among certain of Mr. Vassalo's children. With such conflict, a professional guardian is usually the best option for a ward. If a Guardian is to be

appointed, counsel agrees to the appointment of Elizabeth Savitt, a professional guardian, as guardian of the person and property of ALBERT VASSALLO, SR., with the ability for Mr. Vassallo to remain in his current residential setting unless otherwise ordered by the Court.

OTHER ISSUES

Mr. Vassallo did not like living with or near Petitioner, as he felt lonely. Mr. Vassallo enjoys living with his daughter, Susan Mast. Mr. Vassallo should retain the right to determine his place of residence to the extent he is able to appropriately express his wishes.

Additionally, Counsel suggests that if Elizabeth Savitt is appointed guardian, she investigate the allegations made by Susan Mast and Albert Vassallo, Jr., and the allegations made by James Vassallo in the Verified Petition to Determine Incapacity and the Petition for Appointment of Plenary Guardian regarding the purchase of the home.

Respectfully submitted this 8th day of September, 2014.

BRIAN M. O'CONNELL, ESQUIRE
Florida Bar No. 308471
CIKLIN LUBITZ MARTENS & O'CONNELL
515 North Flagler Drive, 20th Floor
West Palm Beach, FL 33401
Telephone: 561-832-5900
Fax 561-833-4209
Primary e-mail: service@ciklinlubitz.com

IN RE: GUARDIANSHIP OF
ALBERT VASSALLO
An Alleged Incapacitated Person
Case No. 502014MH001432XXXXSB

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished on the following this 8th day of September, 2014 by U.S. Mail unless otherwise indicated.

BRIAN M. O'CONNELL, ESQ.

Clifford B. Hark, Esq. HARK / BURKHALTER / YON, PL 2101 NW Corporate Blvd., Suite 220 Boca Raton, FL 33431 At Email: cliff@harklegal.com and service@harklegal.com	Susan Mast 9324 Ketay Cir., #1, Bldg. 5 Boca Raton, FL 33428
Dr. Stanley Bloom 10760 Northgreen Dr. Wellington, FL 33449	Ralph Vassallo 303 Lake Ave. South Nesconset, NY 11767
Dr. Phillip Heller, PSYD 2200 N.W. Corporate Blvd., #110 Boca Raton, FL 33431	Jacqueline S. Cantela 26 Parkside Ave. Miller Place, NY 11764
Gregory Calder 964 S.W. 13th St. Boca Raton, FL 33486	Albert Vassallo, Jr. 28 Lafayatte Ave. Lake Grove, NY 11755
Marie Vassallo-Castagnetta 433 Mills Rd., Unit 26 Calverton,NYU LI 11933	

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF ALBERT VASSALLO, SR.

PROBATE/GUARDIANSHIP DIV. "IX"
CASE NO. 502014GA000369XXXXSB

/

ORDER ON MOTION TO CANCEL AND RESET HEARING ON PETITION FOR REMOVAL OF CO-TRUSTEES SCHEDULED FOR DECEMBER 9, 2014 AT 9:30 a.m.

THIS CAUSE came before this Court on December 4. 2014 (8:45a.m./UMC hearing) on the Motion to Cancel and Reset Hearing on Petition for Removal of Co-Trustees Scheduled for December 9, 2014, which was filed on December 3, 2014 (hereinafter, "Motion"). The Court, having reviewed the Motion, having heard from counsel, and being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED that Granted respondents, Albert Vassallo, JR. & Susan Mast Shall have 10 days from the date of approval of the Settlement agreement to file their response or motion to said motion due to fact that same maybe resolved upon entry of an Order Approving Settlement Agreement.

DONE AND ORDERED, in Chambers, in Delray Beach, Palm Beach County, Florida, this ___ day of December, 2014.

SIGNED & DATED
DEC 04 2014

The Honorable David E. French
Circuit Judge

SHERI L. HAZELTINE & ASSOCIATES, P.A.

Attorney at Law

Member, National Academy of Elder Law Attorneys; Florida State Guardianship Association; Academy of Florida Elder Law Attorneys; South County Palm Beach County Bar Association; Palm Beach County Bar Association; Palm Beach County Guardianship Association; Justice Teaching Program; Florida's Voice on Developmental Disabilities, vice-president.

Admitted to the practice of law in Florida and Alaska

800 Palm Trail, Suite Three
Delray Beach, Florida 33483
(561) 243-4655 (office); (561) 243-6933 (fax)
sheri@hazeltinelaw.com

SENT VIA CERTIFIED MAIL, USPS, RETURN RECEIPT REQUESTED

October 14, 2014

Susan Mast
9324 Ketay Circle, Unit 1, Building 5
Boca Raton, Florida 33428

RE: *In re Guardianship of Albert Vassallo*
Case No.: 502014GA000369XXXXSB

Dear Ms. Mast,

I represent Elizabeth Savitt, the guardian for your father, Albert Vassallo. Ms. Savitt was appointed the guardian on September 9, 2014.

It has come to our attention that funds and items belonging to Mr. Vassallo or his trust were transferred or taken by you.

Specifically you transferred:

Date	Amount	From Mr. Vassallo's account #
November 15, 2013	$50,000.00	Bank of America XXXX3886 partial withdraw of CD held in trust account.
April 7, 2014	$13,760.16	Chase Bank XXXX3839, trust checking account withdrawal.
April 7, 2014	The emptying and removal of the contents of Mr. Vassallo's two (2) safe deposit boxes at Bank of America, 3311 West Hillsboro Blvd., Deerfield Beach FL 33442 and Bank United, 2201 W. Hillsboro Blvd., Deerfield Beach, FL 33442.	
September 9, 2014	$30,000.00	Chase Bank XXXX2772 check no. 109 to Susan Mast

September 9, 2014	$25,000.00 Vassallo	Chase Bank XXXX2772 check no. 107 to Albert Jr., signed by Susan Mast, to Albert Vassallo, Jr.
September 21, 2014	$ 100.00	Chase Bank XXXX3839 check no. 1734 loan to Albert Vassallo, Jr.
October 2014	10 (ten) government bonds at $1,000.00 each, which belong to Mr. Vassallo and were in his possession = $10,000.00	

Total: **$128,860.16**

In addition, transfers were made from Mr. Vassallo's trust accounts to an individual checking account opened by you and Albert Vassallo, Jr. on behalf of Albert Vassallo, with yourself and Albert Vassallo Jr. as the beneficiaries of the account:

September 8, 2014	$50,000.00	Chase Bank XXXX3828, trust checking, transfer to acct. XXX2722
September 2, 2014	$4,000.00	Chase Bank XXXX3839, trust checking, transfer to acct. XXXX2722

Finally, a vehicle belonging to Mr. Vassallo, specifically a 2009 Hyundai Elantra, fair market value approximately $13,000.00, is missing and must be accounted for.

THEREFORE, PLEASE IMMEDIATELY PAY OR RETURN THE FOLLOWING:

1.) Payment in the amount of $128,860.16 which represents Albert Vassallo's or his trust account's funds and his government bonds.

The foregoing total of **$128,860.16** shall be paid by cash or bank check made payable to ELIZABETH SAVITT, guardian on behalf of ALBERT VASSALLO, for deposit into the ALBERT VASSALLO guardianship account, within 5 (five) days of the date of this letter.

2.) Production of Mr. Vassallo's 2009 Hyundai vehicle or payment in the amount of $13,000.00.

The foregoing vehicle shall be produced to the guardian Elizabeth Savitt within 5 (five) days of the date of this letter, or a total of **$13,000.00** shall be paid by cash or bank check made payable to ELIZABETH SAVITT, guardian on behalf of ALBERT VASSALLO, for deposit into the ALBERT VASSALLO guardianship account, within 5 (five) days of the date of this letter.

3.) Return of the contents of Mr. Vassallo's safe deposit boxes contents taken from Bank of America, 3311 West Hillsboro Blvd., Deerfield Beach FL 33442, and Bank United, 2201 W. Hillsboro Blvd., Deerfield Beach, FL 33442.

The foregoing contents shall be returned to the guardian ELIZABETH SAVITT within 5 (five) days of the date of this letter.

SHERI L. HAZELTINE & ASSOCIATES, P.A.
Attorney at Law
Member, National Academy of Elder Law Attorneys; Florida State Guardianship Association; Academy of Florida Elder Law Attorneys; South County Palm Beach County Bar Association; Palm Beach County Bar Association; Palm Beach County Guardianship Association; Justice Teaching Program; Florida's Voice on Developmental Disabilities, vice-president.

Dear Mr. Vassallo,

I represent Elizabeth Savitt, the guardian for your father, Albert Vassallo. Ms. Savitt was appointed the guardian on September 9, 2014.

It has come to our attention that funds were recently taken from Mr. Vassallo that belonged to him. Specifically, a total of **$45,000.00** was transferred to you from Mr. Vassallo's accounts at

Therefore, please immediately pay the following back:

transferred to you from Chase Bank account XXXX3839, check no. 1404 on or about April 18,

2.) Payment in the amount of $25,000.00 which represents Albert Vassallo's funds that were

ALBERT VASSALLO guardianship account, within 5 (five) days of the date of this letter

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF ALBERT VASSALLO. /

DIVISION: IX

CASE NO. 502014GA000369XXXXSB

PETITION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND EXPENSES

Petitioner, Sheri L. Hazeltine, Esq. alleges:

1. Petitioner is an attorney engaged in the practice of law in Palm Beach County and elsewhere in the State of Florida.

2. Petitioner is the attorney for ELIZABETH SAVITT, the limited guardian of ALBERT VASSALLO (the Ward).

3. Petitioner has rendered legal services for the benefit of the Ward, from September 11th, 2014 to November 11th, 2014, as more fully described and set forth in the itemized schedule of services and expenses attached hereto as Exhibit A, for which petitioner has not been paid.

4. Petitioner's records indicate that during the period of time above mentioned in excess of 22.9 attorney hours and 4.0 paralegal hours have been devoted to the representation of the co-guardians of the Ward.

5. Based upon the criteria established by Section 744.108(2) of the Florida Guardianship Law, petitioner believes that a reasonable fee for the services performed by the petitioner during that period of time is:

Hourly rate:	$	325.00
Atty. Hours worked:	$	22.9
Paralegal rate:	$	120.00
Paralegal Hrs. worked:	$	4.0
Total fees:	$	7922.50
Total costs:	$	116.76

Total amount of Fees and Compensation: **$8,039.26**

6. That this attorney's fees have a reasonable value of $8,039.26.

7. That previous fees and costs have been billed in the amount of $N/A.

WHEREFORE, Sheri L. Hazeltine, Esq. respectfully requests that this Court enter an Order awarding attorney fees and expenses provided on behalf of the Ward and made payable from the guardianship estate.

Under penalties of perjury I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

DATED this 12th day of November, 2014.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567
800 Palm Trail Plaza, Ste. 3
Delray Beach, Florida 33483
(561) 243-4655, Fax (561) 243-6933

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Petition for Attorney's Fees was sent via E-Service to the following parties and/or persons of interest on this 12th day of November, 2014:

1.) **Clifford Hark, Esq.,** attorney for James Vassallo.
3301 N.W. Boca Raton Blvd.
Suite 200
Boca Raton 33431
(561) 955-0093 (office)
cliff@harklegal.com
laura@harklegal.com
service@harklegal.com

2.) **Brian M. O'Connell, Esq.**, court appointed attorney.
Ciklin Lubitz Martens & O'Connell
515 N. Flagler Dr., 20th Floor
West Palm Beach, FL 33401
(561) 832-5900 (office)
(561) 833-4209 (Fax)
Primary email: **service@cilinlubitz.com**
Secondary email: probateservice@cilinlubitz.com

3.) **Robert M. Trinkler, Esq.**, attorney for Susan Mast and Albert Vassallo, Jr.
SunTrust Center, Suite 1050
515 East Las Olas Boulevard
Fort Lauderdale, FL 3330
Office: ph.(954) 764-7273
Fax: ph.(954) 764-7274
Legal-service@athomaslaw.com

and via U.S.P.S. certified mail, return receipt requested, to the follow persons:

4.) Mr. Ralph Vassallo
303 Lake Avenue South
Nesconset, NY 11767

5.) Jacqueline S. Cantela
26 Parkside Avenue
Miller Place, NY 11764

6.) Marie Vassallo-Castagnetta
433 Mills Road, Unit #26
Calverton, NY 11933

By: _____
Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567

SHERI L. HAZELTINE & ASSOCIATES, P.A.

Attorney at Law

800 Palm Trail Plaza, Suite 3
Delray Beach, Florida 33483
Phone: 561-243-4655; Fax: 561-243-6933
sheri@hazeltinelaw.com

Member, National Academy of Elder Law Attorneys; Academy of Florida Elder Law Attorneys; Florida Guardianship Association; Palm Beach Guardianship Association; Florida Bar Association; Elder Law Section, Palm Beach County Bar Association; South Palm Beach County Bar Association; Florida's Voice on Developmental Disabilities; Admitted in Alaska and Florida.

Elizabeth Savitt, guardian.
501 N. Country Club Dr.
Atlantis, FL 33462

Invoice Date: November 11, 2014
Invoice Number: 11879
Invoice Amount: **$8,039.26**

Case: *In re Guardianship of Albert Vassallo*
Case No.: 502014GA000369XXXXSB

Attorney Fees 22.9 Hours @ $325/hr; Paralegal Fees 4.0 Hours @ $120/hr.

9/11/2014	Receipt and review of order determining limited incapacity, letters of limited guardianship and order appointing limited guardian from guardian.	R.P.	.20	No Charge
9/11/2014	Prepare application and oath.	R.P.	.20	$24.00
9/11/2014	Prepare e-mail to guardian attaching application and oath for her signature.	R.P.	.10	No Charge
9/11/2014	E-filed guardian's application and oath with Court, ref. #18145131. E-mailed to guardian.	R.P.	.20	No Charge
9/11/2014	Preparation of email to guardian asking her to forward information case.	R.P.	.10	No Charge
9/11/2014	Telephone call with Mr. Hark, Esq. regarding case.	S.L.H.	.10	$32.50
9/11/2014	Review of order and letters appointing guardian.	S.L.H.	.10	$32.50
9/12/2014	Travel to courthouse to obtain petition for appointment of guardian.	S.L.H.	.50	No Charge
9/12/2014	E-mailed petition for appointment of guardian to guardian.	R.P.	.10	No Charge
9/12/2014	Review of email from guardian requesting the preparation of a petition for authorization to open and access contents of safe deposit boxes located at Bank of America and Bank United near Century Village. Prep of response email. Preparation of petition as requested. Research of bank locations and addresses on internet. Finalized petition.	S.L.H.	.80	$260.00
9/12/2014	Emailed draft petition to Client for review.	S.L.H.	.10	$32.50
9/15/2014	Review of email from Client after her review of the draft petition. Issue regarding authority to access if there is more than one name on the box (i.e., joint lessees).	S.L.H.	1.00	$325.00

EXHIBIT A

	Additional research of statutes and caselaw regarding issue. Added additional language and statutes and rules to draft petition. Preparation of emailed letter to Client with attached copy of draft petition to open, access, and remove items from safe deposit boxes.			
9/16/2014	Prepare notice of appearance.	R.P.	.20	$24.00
9/16/2014	Prepare draft initial guardianship plan and verified inventory.	R.P.	.50	$60.00
9/16/2014	Re-sent email and attached draft petition to Client, asking if she rec'd it.	S.L.H.	.10	No Charge
9/16/2014	Review of draft annual plan and inventory docs. Asked paralegal to make change, then back to me for review.	S.L.H.	.10	$32.50
9/16/2014	E-filed notice of appearance, ref. #18269512. E-mailed copy to Client.	R.P.	.20	No Charge
9/16/2014	E-mailed initial guardianship plan and verified inventory to	R.P.	.10	No Charge
9/16/2014	Review of email from Client requesting changes to the draft petition. Made changes.	S.L.H.	.10	$32.50
9/16/2014	Emailed petition back to Client.	S.L.H.	.10	No Charge
9/16/2014	Telephone call from Client regarding draft petition. Transmitted information to atty. to make further changes.	R.P.	.10	$12.00
9/16/2014	Made additional changes to petition.	S.L.H.	.10	$32.50
9/16/2014	Emailed petition again to Client for her review.	S.L.H.	.10	No Charge
9/16/2014	Review of email from Client re final changes to draft document. Made changes and finalized for e-filing.	S.L.H.	.30	$97.50
9/16/2014	Telephone call to Mr. Hark, Esq. He will cover hearing tomorrow at 8:45 am on filed motion.	S.L.H.	.20	$65.00
9/16/2014	Preparation of email to Mr. O'Connell, Esq. with attached motion for his review. Asked whether he was in agreement or not.	S.L.H.	.10	$32.50
9/16/2014	E-filed motion to inventory safe deposit box.	S.L.H.	.10	No Charge
9/16/2014	Forwarded copy of the e-filed motion to Client.	S.L.H.	.10	No Charge
9/16/2014	Preparation of draft order for hearing for tomorrow's hearing.	S.L.H.	.40	$130.00
9/16/2014	Emailed draft Order to Client for review.	S.L.H.	.10	No Charge
9/16/2014	Review of email from Mr. Hark, Esq. asking for proposed Order. Prep of response email.	S.L.H.	.10	No Charge
9/16/2014	Emailed draft Order to Mr. Hark, Esq. for his review.	S.L.H.	.10	No Charge
9/17/2014	Review of rec'd Response to Limited Guardian's Motion for Authorization to Inventory and Safeguard Contents of Safe Deposit Boxes, filed by Clifford Hark, Esq., on behalf of James Vassallo.	S.L.H.	.10	$32.50
9/18/2014	Receipt and review of response to guardian's motion for authorization to inventory and safeguard contents of safe deposit boxes.	R.P.	.10	No Charge
9/18/2014	Receipt and review of signed agreed order authorizing inventory of safe deposit boxes.	R.P.	.10	No Charge
9/22/2014	Receipt and review of signed initial guardianship plan.	R.P.	.10	No Charge
9/24/2014	E-filed initial guardianship plan, ref. #18604854. E-	R.P.	.20	No Charge

	mailed copy to guardian.			
9/24/2014	Review of initial plan. Signed and finalized for e-filing.	S.L.H.	.10	$32.50
9/25/2014	Review of signed Order (agreed) authorizing Inventory of Safe Deposit Boxes Leased by the Ward; and Order Restricting Access of Co-Lessees to Safe Deposit Boxes Leased by the Ward.	S.L.H.	.10	$32.50
9/25/2014	Telephone call with Client the guardian regarding the Ward's bank accounts and monies taken out of the account.	S.L.H.	.80	$260.00
9/25/2014	Preparation of email to Client asking her for copies of bank statements she has received so far and accounts she has found out about.	S.L.H.	.10	$32.50
9/25/2014	Preparation of email to Client asking her Ward's monthly income.	S.L.H.	.10	No Charge
9/25/2014	Review of Florida statutes regarding restricted depository accounts and requirements for Florida guardians for bonds and/or restricted accounts. Preparation of motion to amend the Order appointing limited guardian, to remove the requirement for a restricted depository account.	S.L.H.	1.00	$325.00
9/25/2014	Emailed copy of draft motion to amend Order appointing limited guardian to Client for review.	S.L.H.	.10	No Charge
9/26/2014	Review of emails from Client responding to my prior emails and questions regarding the two motions. Made additions to draft Motion to Compel. Preparation of emailed letter to Client with attached new draft of the motion to compel.	S.L.H.	.50	$162.50
9/26/2014	Review of Palm Beach County Property Appraiser's records showing Ms. Mast purchased condo in Nov. 2013 via Warranty Deed for $188,000 and is sole owner of home. Preparation of email to Client with this information.	S.L.H.	.10	$32.50
9/27/2014	Scanned in motion; E-filed motion.	S.L.H.	.40	No Charge
9/27/2014	Review of msg. from Client regarding date of hearing on motion. Preparation of response email.	S.L.H.	.10	No Charge
9/27/2014	Review of msg. from Client asking for preparation of draft Orders. Prep of response msg.	S.L.H.	.10	No Charge
9/27/2014	Scanned in; e-filed Motion to Amend Order appointing guardian.	S.L.H.	.40	No Charge
9/27/2014	Preparation of Order for Motion to Compel Financial Institutions to Provide Access to Financial Records; and Order on Motion to Direct Financial Institutions to Distribute any and all Funds of the Ward and/or of his trust to the guardian.	S.L.H.	.50	$162.50
9/27/2014	Preparation of draft Amended Order Appointing Limited Guardian.	S.L.H.	.50	$162.50
9/27/2014	Emailed copies of the draft Orders to Client for review.	S.L.H.	.10	No Charge
9/27/2014	Preparation of Notice of Hearing.	S.L.H.	.20	$65.00
9/27/2014	E-filed Notice of hearing with clerk of court.	S.L.H.	.30	No Charge

9/27/2014	Preparation of emailed letter to Clifford Hark, Esq., with attached motions (2) and draft orders for his review.	S.L.H.	.10	$32.50
9/27/2014	Preparation of emailed letter to Brian O'Connell, Esq., with attached e-filed motions (2) and draft Orders for his review, along with the copy of the Notice of Hearing.	S.L.H.	.10	$32.50
9/29/2014	Telephone call from Clifford Hark, Esq. He and his client are in agreement with the motions.	S.L.H.	.10	$32.50
9/29/2014	Telephone call from paralegal at Brian O'Connell's office regarding the two motions filed this week. He is in agreement with the two motions; he will not be there tomorrow.	R.P.	.10	No Charge
9/30/2014	Prepare e-mail to Clifford Hark, Esq. and Brian O'Connell, Esq. attaching amended agreed order appointing limited guardian and agreed order to compel financial institutions to provide access to accounts to guardian.	R.P.	.10	No Charge
9/30/2014	Attendance at court hearing in front of the Honorable Circuit Judge David French on the filed motions. Court signed both Orders.	S.L.H.	.30	$97.50
9/30/2014	Obtained certified copies of Orders (two) from court hearing this morning.	S.L.H.	.10	$32.50
9/30/2014	Meeting with guardian after court hearing to discuss case and to transfer certified copies of two Orders to her.	S.L.H.	.30	$97.50
9/30/2014	Emailed copy of draft demand letter to Mrs. Mast to guardian for review.	S.L.H.	.10	No Charge
10/7/2014	Telephone call from Client stating that Chase Bank still refuses to assist her in accessing the Ward's account, even though it has been almost a week since we obtained the court order. Asked her to send me the phone number for the bank and person she spoke to. Review of msg with 800# for Chase. Telephone call to Chase Bank - received Customer Service for national office - she asked that I give her the social security number or the branch office for Mr. Vassallo. Msg. back to Client asking for branch office or ss# so I can find out who to contact at branch.	S.L.H.	.20	$65.00
10/8/2014	Review of email from Client with the information about the Chase Bank branch office.	S.L.H.	.10	No Charge
10/8/2014	Telephone call to Chase Bank, and spoke to Norma. Asked for phone number of Legal Dept. She said she could not give it out, but said she had spoke to 3 members of the legal dept. and none would approve the Order signed by the court. Told her Chase Bank was in contempt of a court's order. She said her mgr. and the legal dept. would call me back soon. Telephone call to Ms. Savitt to report what bank stated. Recommended we file a motion for contempt of court against Chase Bank, and she was in agreement. She said the branch that Mr. Vasallo dealt with was on Hillsboro Blvd. in Deerfield	S.L.H.	.30	$97.50

	Beach.			
10/8/2014	Prepare petition to remove co-trustees.	R.P.	.50	$60.00
10/8/2014	Prepare draft motion for contempt for attorney review.	R.B.	.50	$60.00
10/9/2014	Review of draft motion for contempt. Made changes to it. Emailed copy to Client Ms. Savitt.	S.L.H.	.10	$32.50
10/9/2014	Review of email from Client regarding changes to the demand letters. Made changes to demand letters.	S.L.H.	.30	$97.50
10/9/2014	Emailed revised demand letter to Client for review.	S.L.H.	.10	No Charge
10/9/2014	Review of email from Client regarding copies of financial statements. Preparation of response email stating we need the copies of statements.	S.L.H.	.10	No Charge
10/10/2014	Meeting in person with Client Ms. Savitt to discuss case and transactions from Mr. Vassallo's accounts.	S.L.H.	1.00	$325.00
10/11/2014	Review of email from Ms. Savitt. Worked on demand letters in light of the new financial information from Client yesterday.	S.L.H.	1.00	$325.00
10/11/2014	Preparation of email to Client with attached draft demand letters.	S.L.H.	.10	No Charge
10/11/2014	Preparation of email to Client asking her for a copy of the revocable trust agreement, along with all amendments.	S.L.H.	.10	No Charge
10/11/2014	Further work on the draft petition for removal of co-trustees of Mr. Vassallo's trust.	S.L.H.	.50	$162.50
10/11/2014	Emailed copy of the new draft petition to Client for review.	S.L.H.	.10	No Charge
10/13/2014	Telephone call from Client regarding meeting for teleconference with Mr. Hark; review of email from Mr. Hark regarding meeting this afternoon. Preparation of response email stating I could meet after 1 pm today.	S.L.H.	.10	No Charge
10/13/2014	Review of email from Client Ms. Savitt approving letter to Albert Jr. Preparation of response email.	S.L.H.	.10	$32.50
10/13/2014	Telephone call from Mr. Hark, Esq. for teleconference (approx. 3:30pm). Unable to contact Client for teleconference; he will try again tomorrow.	S.L.H.	.10	No Charge
10/14/2014	Sent demand letter to Mr. Albert Vassallo, Jr. Letter has 5 day deadline.	S.L.H.	.10	No Charge
10/14/2014	Emailed copy of demand letter to Albert Vassallo Jr. to Client; letter to be sent out today via USPS, certified mail.	S.L.H.	.10	No Charge
10/14/2014	Dr. Bloom called and will be sending us a copy of his examining committee bill to forward to the guardian.	R.B.	.10	No Charge
10/14/2014	Telephone call with Client Ms. Savitt. Teleconference with Mr. Hark, Esq. and Ms. Savitt regarding petition to file. Telephone call with Ms. Savitt.	S.L.H.	.30	$97.50
10/15/2014	Preparation of email to Client asking her for the physical location of the Bank of America SDB, as there are 2 locations on Hillsboro. Need this information for the petition and letter.	S.L.H.	.10	$32.50
10/15/2014	Further work on the draft petition for removal of trustees and demand letter to Ms. Mast, as per discussion with	S.L.H.	.60	$195.00

	Client and Mr. Hark yesterday afternoon on teleconference. Preparation of emailed letter to Mr. Hark, with attached petition for removal of trustees and the demand letter for Ms. Mast.			
10/16/2014	Telephone call with Client Ms. Savitt regarding demand letter and petition for removal of trustee. Client asked for changes in documents.	S.L.H.	.60	$195.00
10/16/2014	Further work on the draft petition for removal of trustees and demand letter to Ms. Mast, in light of corrections and changes req'd by Client.	S.L.H.	1.00	$325.00
10/16/2014	Emailed Client the new draft petition and demand letter.	S.L.H.	.10	No Charge
10/16/2014	Preparation of email to Client reminding of due date for verified inventory, with attached copy of inventory form.	S.L.H.	.10	$32.50
10/16/2014	Review of email from Client Ms. Savitt stating she approved the petition for removal and demand letter to Ms. Mast.	S.L.H.	.10	No Charge
10/16/2014	Emailed Client copy of the petition for removal, and asked Client to sign and return signature page.	S.L.H.	.10	No Charge
10/16/2014	Mailed demand letter to Susan Mast, via USPS, certified mail, return receipt requested.	R.B.	.10	No Charge
10/20/2014	Preparation of email to Client asking for signed signature page for petition.	S.L.H.	.10	No Charge
10/20/2014	Receipt of signed green card showing demand letter was rec'd by Susan Mast on Saturday October 18, 2014.	S.L.H.	.10	No Charge
10/20/2014	Preparation of email to Client with scanned in copy of the green card rec'd showing delivery of letter to Ms. Mast.	S.L.H.	.10	No Charge
10/20/2014	E-filed the petition for removal of trustees with the clerk of court.	S.L.H.	.25	No Charge
10/20/2014	Emailed copy of the e-filed petition for removal of trustees to Client Ms. Savitt.	S.L.H.	.10	No Charge
10/21/2014	Review of clerk of court docket, to see if the petition was assigned a docket # yet so we can get a court hearing. Noticed that Robert Trinkler, Esq. filed a Notice of Appearance. Forwarded copy of the docket entry to Client.	S.L.H.	.10	$32.50
10/21/2014	Telephone call to Mr. Trinkler, Esq.; left phone msg. asking him to send me a copy of his notice of appearance and designation of email addresses. Forwarded copy of court docket entries to Client; Preparation of email to Mr. Trinkler asking him to send us copies of his notice of appearance and notice of email designation.	S.L.H.	.10	$32.50
10/21/2014	Receipt of signed green card showing service of the demand letter to Albert Vassallo, Jr.	R.P.	.10	No Charge
10/21/2014	Review of email from Mr. Trinkler, Esq. stating he would have his paralegal send us copies tomorrow, and that he would speak to his client about communication with the guardian. Prep of response email. Forwarded his email to Client Ms. Savitt.	S.L.H.	.10	$32.50

10/25/2014	Finalized petition to compel repayment from Albert Vassalo Jr. and completed Notice of Confidential Information; E-filed with clerk of court.	S.L.H.	.10	$32.50
10/25/2014	E-filed petition to compel payment from Susan Mast; completion and e-filing of Notice of Confidential Information.	S.L.H.	.10	$32.50
10/25/2014	Emailed copies of the e-filed petitions and notices of confidential information to Client.	S.L.H.	.10	No Charge
10/27/2014	Telephone message left with Judge French's JA to see if December 2nd at 1:30 was still available on petition for removal of co-trustees.	R.P.	.10	No Charge
10/27/2014	Receipt of verified inventory. Gave to attorney for review.	R.P.	.10	No Charge
10/27/2014	Work on review of draft Inventory prepared by guardian. Made additions.	S.L.H.	.50	$162.50
10/28/2014	Receipt and review of e-mails from counsel. Everyone is available on December 9th at 9:30 for our petition for removal of co-trustees.	R.P.	.10	No Charge
10/28/2014	Telephone call to Judge French's JA inquiring if the December 9th date was still available which it was. Booked the date and time with her.	R.P.	.10	$12.00
10/28/2014	Prepare Order Setting Hearing.	R.P.	.20	$24.00
10/28/2014	Telephone call to Judge French's JA to obtain a one hour hearing on the petitions of compel Albert Vassallo, Jr. and Susan Mast to re-pay funds. Was informed we need to write a letter to Judge French enclosing the petitions and he will decide if a one hour hearing is necessary. Relayed the message to Ms. Hazeltine who stated that 30 minutes would be okay.	R.P.	.10	$12.00
10/29/2014	Telephone call to Judge Frenchs' JA to obtain dates and times for our petitions to compel.	R.P.	.10	$12.00
10/29/2014	Prepare e-mail to all parties giving them the dates and times for our petitions to compel. Asked them to please let us know their availability by this afternoon.	R.P.	.10	$12.00
10/29/2014	Receipt and review of e-mails from counsel. All attorneys are available on November 24th at 1:30 p.m. for the petitions to compel.	R.P.	.10	No Charge
10/29/2014	Telephone call to Judge French's JA securing the November 24th date at 1:30 p.m.	R.P.	.10	$12.00
10/29/2014	Prepare e-mail to counsel telling them that we have secured the November 24th date. Told them to put it in their calendars and they would shortly be receiving the Order Setting Hearing.	R.P.	.10	$12.00
10/29/2014	Prepare Order Setting Hearing on petitions to compel.	R.P.	.20	$24.00
10/29/2014	Further work on review of draft inventory. Made changes and additions.	S.L.H.	.40	$130.00
10/30/2014	Telephone call from Client. Discussion of case and visit today to Ms. Mast. Telephone call again from Client re:	S.L.H.	.20	$65.00

	her meeting with Ms. Mast today.			
10/30/2014	Review of draft verified inventory. Made changes and additions.	S.L.H.	2.10	$682.50
10/30/2014	Emailed inventory to Client again for her review.	S.L.H.	.10	No Charge
11/1/2014	Review of email from Client with info. on Prudential stock to add to inventory. Prep of response email. Review of second email regarding petitions to compel repayment. Preparation of response email.	S.L.H.	.10	$32.50
11/6/2014	Prepare e-mail to James Vassallo attaching the Order Setting Hearing on petition to remove co-trustees.	R.P.	.10	$12.00
11/6/2014	Receipt and review of e-mail from Ms. Savitt. She will not be able to attend the 12/9 hearing; however she will attend by phone.	R.P.	.10	No Charge
11/6/2014	Receipt and review of Order approving initial guardianship plan.	S.L.H.	.10	$32.50
11/9/2014	Review of email and attachment from Client regarding the addition of Prudential stock at ComputerShare. Prep of response email asking her the date of this value. Review of email and attachment from Client regarding additional information regarding the demand letter to Ms. Mast. Preparation of response email.	S.L.H.	.10	$32.50
11/11/2014	Prepare e-mail to Ms. Savitt attaching the e-filed verified inventory and the clerk's receipt in the amount of $88.00.	R.P.	.10	No Charge
11/11/2014	Prepare e-mail to James Vassallo attaching the verified inventory.	R.P.	.10	No Charge
11/11/2014	Receipt and review of motion to withdraw filed by Clifford Hark, Esq.	R.P.	.10	No Charge
11/11/2014	Prepare e-mail to Ms. Savitt and James Vassallo attaching Clifford Hark, Esq.'s motion to withdraw.	R.P.	.10	No Charge
11/11/2014	Receipt of attorney fee petition from Clifford Hark, Esq.	R.P.	.10	No Charge
11/11/2014	Prepare e-mail to Ms. Savitt and James Vallasso attaching attorney fee petition from Clifford Hark, Esq.	R.P.	.10	No Charge
SUBTOTAL:			35.65	$7,922.50

Costs

9/30/2014	Cost for certified copies of two (2) orders.	$8.00
10/14/2014	Certified mail postage for letter to Albert Vassallo, Jr.	$6.49
10/16/2014	Cost of mailing demand letter to Susan Mast, certified mail, return receipt req'd.	$6.49
10/28/2014	Postage for mailing petition to remove co-trustees and order setting hearing to Judge French and postage for self-addressed, stamped envelopes for all parties.	$5.18
11/4/2014	Postage for mailing petitions to compel, order setting hearing and self-addressed stamped envelopes to Judge French's JA.	$5.60
11/10/2014	E-File Verified Inventory; Reference # for this filing is 20411091.	$85.00
SUBTOTAL:		$116.76

TOTAL: $8,039.26

EXHIBIT A

11-13-14

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

CASE NO.:502014GA000369XXXXSB (IX)

IN RE: GUARDIANSHIP OF

ALBERT VASSALLO,
Ward.
_____/

PETITION FOR PAYMENT OF ATTORNEYS' FEES AND COSTS
[June 26, 2014 through November 13, 2014]

The Petitioner, CLIFFORD B. HARK, Esquire, of HARK | BURKHALTER | YON, PL, as counsel for JAMES VASSALLO, who is the ward, ALBERT VASSALLO'S, son and the Petitioner in the Mental Health and Guardianship cases, as well as the Successor Co-Trustee of the Albert Vassallo Revocable Trust Agreement U/A/D 2/17/2009, hereby files his Petition for Payment of Attorneys' Fees and Cost [June 26, 2014 through November 13, 2014] and says:

1. The Petitioner is a law firm engaged in the practice of law in Palm Beach County and elsewhere in the State of Florida.

2. The Petitioner has rendered services and incurred costs for the benefit of the Limited Guardianship of ALBERT VASSALLO from June 26, 2014 through November 13, 2014 as more fully described and set forth in the itemized schedule of services and costs attached hereto as **Composite Exhibit "A"**, for which the Petitioner has been partially paid.

4. The Petitioner's records indicate that during the period of the time mentioned above, 33.99 hours have been devoted to the representation of the Limited Guardianship of ALBERT VASSALLO, Ward [an additional .85 hours was expended, but not billed to the Guardianship]. Clifford B. Hark, Esquire, billed 18.98 hours [an additional .75 hours was expended, but not

billed to the Guardianship]; Laura Bourne Burkhalter, Esquire, billed .91 hours; and the Paralegals for HARK | BURKHALTER | YON, PL billed 13.10 hours [an additional .10 hours was expended, but not billed to the Guardianship]. The Limited Guardianship is being billed at an hourly rate of $375.00 per hour for time expended by Clifford B. Hark, Esquire and Laura Bourne Burkhalter, Esquire, and $125.00 per hour for time expended by the Paralegals for HARK | BURKHALTER | YON, PL.

5. Based upon the criteria set forth in Florida Statute Section §744.108, the Petitioner believes that a reasonable fee for the ordinary and extraordinary services performed during the period of time listed above is $9,006.75, together with costs in the amount of $705.44, less a retainer fee of $5,000.00, for a total amount of $4,712.19 due and owing to HARK | BURKHALTER | YON, PL.

WHEREFORE, the Petitioner, CLIFFORD B. HARK, Esquire of HARK | BURKHALTER | YON, PL, requests that an Order be entered, awarding the Petitioner the following: (i) a reasonable fee for the services rendered by the Petitioner for the benefit of the Limited Guardianship in the amount of $9,006.75, together with costs in the amount of $705.44, less a retainer fee of $5,000.00, for a total amount of $4,712.19 due and owing to HARK | BURKHALTER | YON, PL; (ii) directing the Petitioner to be paid the sum of $4,712.19 from the

assets of the Ward's Estate; and (iii) granting any and all other relief this Court deems appropriate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to: Sheri L. Hazeltine, Esquire, Sheri L. Hazeltine & Associates, P.A., 800 Palm Trail, Suite 3, Delray Beach, Florida 33483 [sheri@hazeltinelaw.com / randee@hazeltinelaw.com / rex@hazeltinelaw.com] and Brian O'Connell, Esquire, and Joielle A. Foglietta, Esquire, Ciklin Lubitz Martens & O'Connell, 515 N. Flagler Dr., 20th Floor, West Palm Beach, FL 33401 [service@ciklinlubitz.com / probateservice@ciklinlubitz.com / dreed@ciklinlubitz.com] by e-service through the Florida Courts E-Filing Portal on this 13 day of November, 2014.

Respectfully submitted,

HARK | BURKHALTER | YON, PL
Attorneys for the Guardian of Property
2101 N.W. Corporate Blvd., Suite 220
Boca Raton, Florida 33431
Telephone: (561) 995-1800
Facsimile: (561) 995-1801
Email: Cliff@harklegal.com
Secondary: Laura@harklegal.com
Tertiary: Service@harklegal.com

By: _____
CLIFFORD B. HARK, ESQ.
FLORIDA BAR NO.: 301590

HARK BURKHALTER YON, PL
ATTORNEYS AT LAW
2101 NW CORPORATE BLVD., SUITE 220
BOCA RATON, FLORIDA 33431

TELEPHONE: (561) 995-1800
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James Vassallo

107 Westbury, Bldg E
Deerfield Beach, Florida 33442

Aug 06, 2014

File #: Vassallo

RE: Guardianship of Albert Vassallo

Inv #: 15459

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Jun-26-14	Initial meeting w/ Client [NO CHARGE]	0.58	0.00	CBH
Jul-07-14	Meeting w/ Client; Review Guardianship procedures	0.75	262.50	CBH
Jul-10-14	Preparation for and Meeting w/ Client & Betsy Savitt; Directions to Paralegal	1.17	409.50	CBH
	Prepare pleadings for incapacity and Guardianship Cases; Directions to Paralegal; Directions to Paralegal	1.83	686.25	CBH
Jul-15-14	Review and correct pleadings to open Guardianship; Correspondence to Financial Institutions	1.66	581.00	CBH
Jul-17-14	Meeting w/ Client; Review of financials w/ Paralegal	0.50	187.50	CBH
Jul-31-14	Telecon w/ Client; Telecon w/ Betsy Savitt; Review file; E-mail to Atty O'Connell; Review and correct letters to Financial Institutions; Directions to Paralegal; Telecon w/ Atty Crispin	0.83	311.25	CBH
Aug-05-14	Telecon with Optimum Bank regarding Accounts; Follow up with Paralegal	0.42	157.50	CBH
	Telecon with Client; Follow up wtih Atty Hark; Follow up with Hearing Date	0.17	21.25	BMC
Totals		7.91	$2,616.75	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Clifford B. Hark	7.74	$335.34	$2,595.50

Brittany Carraro	0.17	$125.00	$21.25

DISBURSEMENTS		Disbursements	Receipts
Jul-15-14	Retainer-ck#132 $5,000.00		5,000.00
Jul-24-14	Court Fees - Incapacity Filing	238.96	
	Court Fees - Guardianship Filing	413.03	
Totals		$651.99	$5,000.00

Total Fees & Disbursements		**$0.00**
Previous Balance		$0.00
Payments Received	$0.00	$0.00
Balance of Retainer	$1,731.26	
Balance Due Now		**$0.00**

HARK BURKHALTER YON, PL
ATTORNEYS AT LAW
2101 NW CORPORATE BLVD., SUITE 220
BOCA RATON, FLORIDA 33431

TELEPHONE: (561) 995-1800
FACSIMILE: (561) 995-1801

James Vassallo

107 Westbury, Bldg E
Deerfield Beach, Florida 33442

Sep 16, 2014

File #: Vassallo

RE: Guardianship of Albert Vassallo

Inv #: 15556

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Aug-06-14	Review file; Directions to Paralegal	0.42	157.50	CBH
	Review File; Prepare Motion for Continuance of Incapacity Hearing for both Mental Health and Guardianship Case; Prepare Orders for Motion for Continuance of Incapacity Hearing for both Mental Health and Guardianship Case; Prepare Notice on Unavailability for both Mental Health and Guardianship Case; Prepare Spread sheet for Bank Accounts; Send package to Client with Mental Health Pleadings	2.00	250.00	BMC
	Telecon w-Client re-Financial Accounts; Review w-Atty Hark	0.17	21.25	SW
Aug-11-14	Review Stanley Bloom, MD's Report; Telecon w/ Client; Telecon w/ Atty O'Connell & follow up e-mail; Review and Correct Motion for Continuance and Order; Directions to Paralegal	0.58	217.50	CBH
	Prepare for Hearing with Atty Hark	0.17	21.25	BMC
	Review instructions from Atty Hark; Follow up w/ Paralegal	0.17	21.25	EBH
Aug-12-14	Attendance at Hearing; Follow up E-mail to Atty O'Connell; Directions to Paralegal	1.50	562.50	CBH
	Review and correct Notice of Unavailability	0.17	63.75	CBH
	Follow directions from Atty Hark; Prepare letter to Committee Members with Order; Prepare Letter to Susan with Order; Follow up with Atty Hark	0.75	93.75	BMC
	Meeting with Atty Hark; Send e-mail to Client with Letters and Orders; Follow up with File; Send Packages to Examining Committee Members	0.75	93.75	BMC
Aug-13-14	Review and correct letters to Examining Committee Members;	0.17	63.75	CBH
Aug-14-14	Follow up with E-Portal and Emails regarding Acceptance of Pleading; Follow up with Atty Hark; Follow up with File	0.25	31.25	BMC

Aug-19-14	Review correspondence from Bank of America; Follow up w/ Atty Hark; Follow up w/ Paralegal; Follow up w/ file	0.17	21.25	EBH
Aug-20-14	Review Phil Heller, PsyD's Report; E-mail to Betsy Savitt; E-mail to Atty O'Connell and Client; Review letter from Financial Institutions	0.33	123.75	CBH
	Review File; Follow up with Examining Committee Members and Reports; Prepare Spreadsheet; Follow up with Atty Hark	0.75	93.75	BMC
Aug-26-14	Telecon with Ralph Vassallo regarding Guardianship and File; Send e-mail to Atty Hark	0.33	41.25	BMC
Sep-03-14	Review file; Telecon w/ Ralph Vassallo; Telecon w/ Client	0.25	93.75	CBH
Sep-08-14	Review File; Prepare Order and Letters of Guardianship; Telecon with Mental Health Clerk regarding Report from Examining Committee Member; Prepare File for Court with Atty Hark; Prepare Spreadsheet with Reports	3.00	375.00	BMC
Sep-09-14	Review and correct drafts of Orders; Attendance at Court; Follow up w/ Clerk; Follow up w/ all Parties	2.58	967.50	CBH
	Follow directions from Atty Hark regarding Oath and Hearing; Follow up with File	0.50	62.50	BMC
	Meeting with Atty Hark regarding Hearing; Follow up with File; Send Orders to Clients; Follow up with Bank Accounts	1.00	125.00	BMC
Sep-10-14	Telecon w/ Client; Telecon w/ Ralph Vassallo; Follow up e-mail to Betsy Savitt	0.25	93.75	CBH
Sep-11-14	Review E-Service of Pleadings; Follow up with File and Atty Hark	0.25	31.25	BMC
Sep-12-14	Review file; E-mail to Guardian	1.00	375.00	CBH
Totals		17.51	$4,001.25	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Clifford B. Hark	7.25	$375.00	$2,718.75
Brittany Carraro	9.75	$125.00	$1,218.75
Elissa B. Holder	0.34	$125.00	$42.50
Sierra White	0.17	$125.00	$21.25

DISBURSEMENTS		Disbursements	Receipts
	Postage	9.21	
Sep-04-14	39 Copies @ $.20/Copy	7.80	

Totals		$17.01	$1,731.26
Total Fees & Disbursements			**$2,287.00**
Previous Balance			$0.00
Payments Received	$0.00		$0.00
Balance of Retainer	$0.00		
Balance Due Now			**$2,287.00**

HARK BURKHALTER YON, PL
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TELEPHONE: (561) 995-1800
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James Vassallo

107 Westbury, Bldg E
Deerfield Beach, Florida 33442

Oct 23, 2014

File #: Vassallo

RE: Guardianship of Albert Vassallo

Inv #: 15691

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Sep-11-14	Directions from Atty Hark; Pick up Court Order from Courthouse	0.75	93.75	CW
Sep-16-14	Telecon w/ Atty Hazeltine; Review Motion ref. SDB; Review and correct proposed Orders	0.42	157.50	CBH
Sep-17-14	Review pleading filed by Atty Hazeltine; Follow up w/ Paralegal; Follow up w/ file	0.08	30.00	CBH
	Attendance at Court; Follow up w/ Ex-Parte Clerk Tehera Smith; Prepare Response to Motion ref. SDB	1.83	686.25	CBH
	Directions to Paralegal ref Response to Limited Guardian's Motion to Inventory Ward's SDB; eFile and eServe Response; Telecon and emails with Tehera, ExParte Case Manager	1.33	498.75	CBH
Sep-26-14	Review file w/ Atty Burkhalter	0.25	93.75	CBH
	Review file with Atty Hark	0.25	93.75	LBB
Oct-14-14	Telecon with Dr. Stanley Bloom; Follow up with File regarding Order to net payroll Examining Committee Members; Follow up with Atty Hark	0.25	31.25	BMC
Totals		5.16	$1,685.00	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Clifford B. Hark	3.91	$375.00	$1,466.25
Laura Bourne Burkhalter	0.25	$375.00	$93.75

Brittany Carraro	0.25	$125.00	$31.25
Cecilia White	0.75	$125.00	$93.75

DISBURSEMENTS		**Disbursements**	**Receipts**
Sep-17-14	Court Fees - Certified Copy	4.00	
	Court Fees - Certified Copies	24.84	
Sep-23-14	Photocopies 38 x $.20	7.60	
	Totals	$36.44	$0.00

Total Fees & Disbursements		**$1,721.44**
Previous Balance		$2,287.00
Payments Received	$0.00	$0.00
Balance of Retainer	$0.00	
Balance Due Now		**$4,008.44**

HARK BURKHALTER YON, PL
ATTORNEYS AT LAW
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BOCA RATON, FLORIDA 33431

TELEPHONE: (561) 995-1800
FACSIMILE: (561) 995-1801

James Vassallo

107 Westbury, Bldg E
Deerfield Beach, Florida 33442

Nov 13, 2014

File #: Vassallo

RE: Guardianship of Albert Vassallo

Inv #: 15708

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Oct-20-14	Review Atty Hazeltine's pleadings; Follow up w/ Atty Burkhalter [NO CHARGE - 20 Minutes]	0.17	63.75	CBH
	Review of documents filed by Atty Hazeltine; Follow-up email and meeting w-Atty Hark;	0.66	247.50	LBB
Oct-23-14	Directions to paralegal ref. Ward's E/P Docs	0.08	30.00	CBH
	Telecon with Atty Hazeltine's Office regarding Estate Planning Documents; Follow up with Atty Hark	0.33	41.25	BMC
Oct-27-14	Review E-Service of Pleadings; Follow up with File and Paralegal	0.08	30.00	CBH
Oct-28-14	Review emails from Guardian's Attorney; Directions to Paralegal ref. sending e-mail confirming dates	0.08	30.00	CBH
Oct-29-14	Review e-mail from Atty Hazeltine's Office; Follow up with Calendar; Send reply e-mail	0.17	21.25	BMC
Nov-05-14	Draft Pet for Atty Fees [NO CHARGE]	0.10	0.00	CW
Nov-06-14	Telecon w/ Client [NO CHARGE]	0.17	0.00	CBH
Nov-10-14	Prepare M/ Withdraw; E-mail to all Parties	0.25	93.75	CBH
	Review File; Prepare Motion to Withdraw; Prepare Order to Withdraw; Prepare Letter to Judge with Proposed Order; Follow up with Atty Hark	1.17	146.25	BMC

Totals	3.26	$703.75

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Clifford B. Hark	0.83	$298.19	$247.50
Laura Bourne Burkhalter	0.66	$375.00	$247.50
Brittany Carraro	1.67	$125.00	$208.75
Cecilia White	0.10	$0.00	$0.00

Total Fees & Disbursements		**$703.75**
Previous Balance		$4,008.44
Payments Received	$0.00	$0.00
Balance of Retainer	$0.00	
Balance Due Now		**$4,712.19**

IN RE: GUARDIANSHIP OF
Albert Vassallo, Sr. Incapacitated
Case No. 502014GA000369XXXXSBIX

FURTHER AGREEMENT

The Parties shall execute a more formalized settlement agreement.

OTHER AGREEMENTS

If requested, the Guardian shall represent to the Court that she does not believe it is in the best interest of the Ward for any of his family to serve as his trustee.

DISMISSALS

All pending motions or petitions shall be dismissed, except for the Petition to Remove Trustees.

ATTORNEYS' FEES

All Parties shall bear their own attorneys fees and costs.

This will be further reduced to a written agreement with attached form promissory notes and amortization schedule.

IN RE: GUARDIANSHIP OF
Albert Vassallo, Sr. Incapacitated
Case No. 502014GA000369XXXXSBIX

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals this 10th day of December, 2014.

12/1/14
Date

ELIZABETH SAVITT, Guardian

12/1/14
Date

ROBERT HAUSER, ESQ., attorney for Savitt

Date

SUSAN MAST

12/1/14
Date

ROBERT TRINKLER, ESQ., Attorney for Mast and VASSALLO, JR.

Date

BRIAN M. O'CONNELL, Court Appointed Counsel for the Ward.

Retired Judge Jack Cook
Mediator

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY

IN RE: GUARDIANSHIP OF

ALBERT VASSALLO, SR.
Incapacitated Person.
_____/

PROBATE/GUARDIANSHIP DIVISION

CASE NO.: 502014GA000369XXXXSBIX

MEDIATED SETTLEMENT AGREEMENT

This Mediated Settlement Agreement ("Agreement") is made this ____ day of December, 2014 by and among the Parties listed below, for and in consideration of the mutual promises and releases made herein, the receipt and adequacy of which is acknowledged by all Parties hereto:

PARTIES:

Petitioner, Elizabeth Savitt, as Guardian of the Person and Property of Albert Vassallo, Sr., ("Guardian" and "Ward" respectively) represented by Robert Hauser, Esq. ("Mr. Hauser")

Respondents, Susan Mast ("Susan") and Albert Vassallo, Jr., ("Al, Jr.") represented by Robert Trinkler, Esq. ("Mr. Trinkler")

Court Appointed Counsel for the Ward, Brian M. O'Connell, Esq. ("Counsel")

WHEREAS, ALBERT VASSALLO, SR. was adjudicated incapacitated limited on September 9, 2014 and Letters of Guardianship were issued to the Guardian on September 9, 2014;

WHEREAS, the Guardian filed a Petition to Compel Susan to Re-pay Funds and Return Property of the Ward and a Petition to Compel Al, Jr. to Re-pay Funds Belonging to the Ward on October 25, 2014;

WHEREAS, a hearing on the above petitions was held November 24, 2014, at which

EXHIBIT "B"

time the Parties were directed to participate in a mediation which then took place on December 1, 2014 with retired Judge Jack Cook acting as mediator;

WHEREAS, the Parties desire to resolve the various disputes in the above referenced Guardianship, so as to avoid the continued expense and uncertainty of litigation and do so as follows:

AGREEMENT

1. ALBERT VASSALLO, JR.

Al Jr. will execute a promissory note for $45,000 to the Guardian at the rate of 4% per annum with interest. The balance due under the note is payable at the earlier of : (1) the death of the Ward or (2) under a 15-year amortization schedule. The first payment is due January 1, 2015. The entire note balance is secured by Al Jr.'s expected inheritance /trust distribution. The note, amortization schedule and security agreement shall be in the form set forth in Exhibit "A" Composite attached hereto.

2. SUSAN MAST

Susan will execute a promissory note for $54,000 to the Guardian at the rate of 4% per annum with interest. Upon the maturity of the note, an additional payment of $2,160 shall be made which represents accrued interest from November 15, 2013 to present. The note is payable at the earlier of: (1) the death of the Ward, or (2) under 15-year amortization schedule. The first payment is due January 1, 2015. The entire note balance is secured by Susan's expected inheritance/trust distribution. The note, amortization schedule and security agreement shall be in the form set forth in Exhibit "B" Composite attached hereto.

3. ELECTRONIC WITHDRAWALS

Susan will separately execute a promissory note for $8,000 to the Guardian at the rate of 4% per annum with interest accruing from September 9, 2014. The note is payable at the earlier of: (1) the death of the Ward or (2) pursuant to a 15 year amortization schedule. The first Payment is due January 1, 2015. The entire note balance is secured by Susan's expected inheritance/trust distribution. The note, amortization schedule and security agreement shall be in the form set forth as Exhibit "C" Composite attached hereto.

This promissory note will be held, in escrow, by the Guardian unless and until the Guardian has determined in good faith and in her sole discretion that Susan has failed to account for the $8,128.00 in electronic withdrawals listed below or if the withdrawals did not benefit the Ward:

$1,482.68	December 11, 2013
1,288.25	February 12, 2014
1,298.44	May 28, 2014
2,254.31	July 20, 2014
1,504.32	August 2014

If the Guardian determines that the withdrawals benefited the Ward, she will return the original signed $8,000 note to Susan. If the Guardian chooses to enforce the note, she will give written notice to Susan through her attorney, Mr. Trinkler, of the decision to enforce the note and the amounts due, adjusted based on the amounts, if any, that benefited the Ward. Susan will present her evidence of the use of the funds within 30 days of the date of this agreement.

4. EXPENSES

During the time the Ward resides with Susan, the parties agree on a current expense budget of $820.00 monthly, based on the following:

Bus Company Tops	$ 140.00
Health and cosmetics, depends, razor, Vitamins	150.00

Petty cash for movies/personal	80.00
Food	450.00
Total	$ 820.00

less bus fare if paid by the Guardian.

The parties also agree on the $2,083 per month payment to Susan as compensation for care of the Ward, if and so long as the current care schedule continues (5 hours of care x 6 days per week; 8 hours on Sunday)

5. RELEASES

All Parties shall exchange mutual general releases including (in all fiduciary capacities, including, but not limited to, attorney-in-fact, trustee, and/or guardian) except as to the Parties performance of this agreement. Such Releases shall be in the form set forth as Exhibit "D" attached hereto.

6. OTHER AGREEMENTS

If requested, the Guardian shall represent to the Court that she does not believe it is in the best interest of the Ward for any of his family to serve as his trustee.

7. DISMISSALS

All pending motions or petitions shall be dismissed, except for the Petition to Remove Trustees.

8. ATTORNEYS' FEES

All Parties shall bear their own attorneys fees and costs.

ADDITIONAL PROVISIONS

9. ENFORCEMENT

The Court presiding over the above-styled action shall retain jurisdiction to enforce the terms of this Agreement until such time as it has been fully performed.

10. ADDITIONAL DOCUMENTS

The Parties agree to cooperate in the preparation, execution and delivery of whatever additional documents, if any, that may be reasonably required to effectuate the intents and purposes of this Agreement.

11. COMPROMISE

The Parties expressly acknowledge that any payment, agreement, promise, exchange, or other consideration provided in connection with this Agreement is made or accepted solely for the purpose of settlement and compromise.

12. ENTIRE AGREEMENT

This Agreement, including Exhibits, constitutes the entire agreement and understanding between the Parties, and supersedes any prior agreements or understandings between the Parties. No amendment to this Agreement may be made except by a written instrument executed by all Parties to this Agreement and approved by the Court presiding over the Palm Beach action. Any attempted oral modification of this Agreement shall be void.

13. CONSTRUCTION OF TERMS

The language of this Agreement shall in all cases be construed in its entirety, according to its fair meaning, and not strictly for or against any party, as the parties hereto jointly participated in the preparation of this Agreement.

14. GOVERNING LAW

This Agreement shall be construed in accordance with the laws of the State of Florida, without regard to its conflict of law provisions.

15. NOTICE

Any notice required under this Agreement shall be provided to the following by U.S. Mail and by e-mail as follows:

a. Notices to Elizabeth Savitt:

Robert J. Hauser
Pankauski Law Firm PLLC
120 South Olive Avenue
7th Floor Guaranty Building | West Palm Beach, FL 33401
West Palm Beach, FL 33401
hauser@Pankauskilawfirm.com

b. Notices to Susan Mast and Albert Vassallo, Jr.:

Robert M. Trinkler, Esq.
Adrian Philip Thomas, P.A.
Sun Trust Center, Suite 1050
legal-service@athomaslaw.com

c. Notices to Brian M. O'Connell:

Joielle Foglietta, Esq.
Ciklin Lubitz Martens & O'Connell
515 N. Flagler Dr., 20th Floor
West Palm Beach, FL 33401
Service@ciklinlubitz.com

16. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall be deemed one and the same instrument. Agreement by all parties is necessary for this Agreement to bind any of the parties. Facsimile copies of this Agreement shall be treated as an original.

17. BINDING EFFECT

This agreement will inure to the benefit of and bind the respective heirs, personal representatives, successors and permitted assigns of the parties hereto. Terms worded in the masculine include the feminine and terms worded in the feminine include the masculine, and terms worded in the singular include the plural and terms worded in the plural include the singular, and terms worded in the neuter include feminine, masculine, singular and plural, in each case as the context of this Agreement admits or requires.

IN RE: GUARDIANSHIP OF
Albert Vassallo, Sr. Incapacitated
Case No. 502014GA000369XXXXSBIX

18. COURT APPROVAL REQUIRED

All Parties will use their best efforts to have this Agreement approved by the Court and adopted as a judgment thereof. This Paragraph shall become effective on the date this Agreement is executed by the last of the Parties. The remainder of this Agreement will become effective upon Court approval; if the Court declines to approve this Agreement, then it shall not become effective and no Party will have or incur any further duties hereunder.

The undersigned hereby agree to the terms and conditions of the foregoing Agreement.

WITNESS WHEREOF, the Parties have hereunto set their hands and seals this ____ day of December, 2014.

_____ _____
Date ELIZABETH SAVITT, Guardian of the Person and Property of Albert Vassallo, Sr.

Witnesses:

_____ _____
Print name: _____

_____
Print name: _____

_____ _____
Date ROBERT HAUSER, ESQ., attorney for Savitt

Witnesses:

_____
Print name: _____

_____
Print name: _____

1-8-15 Susan Mast
Date SUSAN MAST

Witnesses:

IN RE: GUARDIANSHIP OF
Albert Vassallo, Sr. Incapacitated
Case No. 502014GA000369XXXXSBIX

Print name: JULIANA OLIVERA

Print name: MACKENZIE GOLDEN

Date ALBERT VASSALLO, JR.

Witnesses:

Print name:

Print name:

Date ROBERT TRINKLER, ESQ., Attorney for Mast and Vassallo, Jr.

Witnesses:

Print name:

Print name:

Date BRIAN M. O'CONNELL, Court Appointed Counsel for the Ward.

Witnesses:

Print name:

Print name:

IN RE: GUARDIANSHIP OF
Albert Vassallo, Sr. Incapacitated
Case No. 502014GA000369XXXXSBIX

_____
Print name:_____

_____
Print name: _____

_____ _____
Date ALBERT VASSALLO, JR.

Witnesses:

_____
Print name:_____

_____
Print name: _____

_____ _____
Date ROBERT TRINKLER, ESQ., Attorney for Mast and Vassallo, Jr.

Witnesses:

_____
Print name:_____

_____
Print name: _____

_____ _____
Date BRIAN M. O'CONNELL, Court Appointed Counsel for the Ward.

Witnesses:

_____
Print name:_____

_____
Print name: _____

I Did not Like this Agreement (3) 4

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY

IN RE: GUARDIANSHIP OF	PROBATE/GUARDIANSHIP DIVISION
ALBERT VASSALLO, SR. Incapacitated Person.	CASE NO.: 502014GA000369XXXXSBIX

/

MEDIATED SETTLEMENT AGREEMENT

This Mediated Settlement Agreement ("Agreement") is made this ____ day of December, 2014 by and among the Parties listed below, for and in consideration of the mutual promises and releases made herein, the receipt and adequacy of which is acknowledged by all Parties hereto:

PARTIES:

Petitioner, Elizabeth Savitt, as Guardian of the Person and Property of Albert Vassallo, Sr., ("Guardian" and "Ward" respectively) represented by Robert Hauser, Esq. ("Mr. Hauser")

Respondents, Susan Mast ("Susan") and Albert Vassallo, Jr., ("Al, Jr.") represented by Robert Trinkler, Esq. ("Mr. Trinkler")

Court Appointed Counsel for the Ward, Brian M. O'Connell, Esq. ("Counsel")

WHEREAS, ALBERT VASSALLO, SR. was adjudicated incapacitated limited on September 9, 2014 and Letters of Guardianship were issued to the Guardian on September 9, 2014;

WHEREAS, the Guardian filed a Petition to Compel Susan to Re-pay Funds and Return Property of the Ward and a Petition to Compel Al, Jr. to Re-pay Funds Belonging to the Ward on October 25, 2014;

WHEREAS, a hearing on the above petitions was held November 24, 2014, at which

(3) **RIGHT OF SALE:** It is agreed that the Creditor shall have the right to sell such pledged property at public sale in Palm Beach County, Florida or where such property is located as determined in the sole and absolute discretion of Creditor, provided, however:

(a) No sale shall be made before the maturity of the said Obligation, the giving by Creditor of notice of default, and the expiration of all times to cure any failure of performance although time periods shall be concurrent and not consecutive;

(b) The Creditor shall give to the Debtor written notice of such sale at least thirty (30) days prior to the date of such sale. The written notice shall fix the time and place at which such sale shall be held. The notice may be served upon the Debtor either by personal delivery or by certified mail directed to the Debtor at the address given below, or as may be directed in writing to Creditor. Such notice shall be effective on the date of the personal delivery thereof to the Debtor or the date it is received by Debtor if sent by U.S. mail, or the date of postmark if actually received by Debtor if sent by U.S. mail, certified, return receipt requested. Said time shall be computed by excluding the first day and including the last day;

(c) Such sale shall vest in the purchaser the legal and equitable title to said property free and clear of any right, title, interest or right of redemption of the Debtor;

(d) At such sale the Creditor may become the purchaser of said property; and

(e) The proceeds of such sale, shall be applied pro tanto in payment of the said Obligation to the Creditor. If the proceeds of such sale are insufficient to pay in full said Obligation, the Debtor shall promptly pay the balance then due, and in the event the proceeds of such sale be in excess of the amount due the Creditor, the surplus shall be paid to the Debtor. All the provisions of the Florida Uniform Commercial Code shall govern this transaction.

(4) **REMEDIES:** The method of sale herein provided for the enforcement of this pledge shall not be deemed exclusive of all other legal or equitable rights or remedies which may be available to Creditor for the enforcement of this Security Pledge Agreement.

3. ELECTRONIC WITHDRAWALS

Susan will separately execute a promissory note for $8,000 to the Guardian at the rate of 4% per annum with interest accruing from September 9, 2014. The note is payable at the earlier of: (1) the death of the Ward or (2) pursuant to a 15 year amortization schedule. The first Payment is due January 1, 2015. The entire note balance is secured by Susan's expected inheritance/trust distribution. The note, amortization schedule and security agreement shall be in the form set forth as Exhibit "C" Composite attached hereto.

This promissory note will be held, in escrow, by the Guardian unless and until the Guardian has determined in good faith and in her sole discretion that Susan has failed to account for the $8,128.00 in electronic withdrawals listed below or if the withdrawals did not benefit the Ward:

$1,482.68	December 11, 2013
1,288.25	February 12, 2014
1,298.44	May 28, 2014
2,254.31	July 20, 2014
1,504.32	August 2014

If the Guardian determines that the withdrawals benefited the Ward, she will return the original signed $8,000 note to Susan. If the Guardian chooses to enforce the note, she will give written notice to Susan through her attorney, Mr. Trinkler, of the decision to enforce the note and the amounts due, adjusted based on the amounts, if any, that benefited the Ward. Susan will present her evidence of the use of the funds within 30 days of the date of this agreement.

4. EXPENSES

During the time the Ward resides with Susan, the parties agree on a current expense budget of $820.00 monthly, based on the following:

Bus Company Tops	$ 140.00
Health and cosmetics, depends, razor, Vitamins	150.00

Petty cash for movies/personal	80.00
Food	450.00
Total	$ 820.00

less bus fare if paid by the Guardian.

The parties also agree on the $2,083 per month payment to Susan as compensation for care of the Ward, if and so long as the current care schedule continues (5 hours of care x 6 days per week; 8 hours on Sunday)

5. RELEASES

All Parties shall exchange mutual general releases including (in all fiduciary capacities, including, but not limited to, attorney-in-fact, trustee, and/or guardian) except as to the Parties performance of this agreement. Such Releases shall be in the form set forth as Exhibit "D" attached hereto.

6. OTHER AGREEMENTS

If requested, the Guardian shall represent to the Court that she does not believe it is in the best interest of the Ward for any of his family to serve as his trustee.

7. DISMISSALS

All pending motions or petitions shall be dismissed, except for the Petition to Remove Trustees.

8. ATTORNEYS' FEES

All Parties shall bear their own attorneys fees and costs.

ADDITIONAL PROVISIONS

9. ENFORCEMENT

The Court presiding over the above-styled action shall retain jurisdiction to enforce the terms of this Agreement until such time as it has been fully performed.

10. ADDITIONAL DOCUMENTS

The Parties agree to cooperate in the preparation, execution and delivery of whatever additional documents, if any, that may be reasonably required to effectuate the intents and purposes of this Agreement.

11. COMPROMISE

The Parties expressly acknowledge that any payment, agreement, promise, exchange, or other consideration provided in connection with this Agreement is made or accepted solely for the purpose of settlement and compromise.

12. ENTIRE AGREEMENT

This Agreement, including Exhibits, constitutes the entire agreement and understanding between the Parties, and supersedes any prior agreements or understandings between the Parties. No amendment to this Agreement may be made except by a written instrument executed by all Parties to this Agreement and approved by the Court presiding over the Palm Beach action. Any attempted oral modification of this Agreement shall be void.

13. CONSTRUCTION OF TERMS

The language of this Agreement shall in all cases be construed in its entirety, according to its fair meaning, and not strictly for or against any party, as the parties hereto jointly participated in the preparation of this Agreement.

14. GOVERNING LAW

This Agreement shall be construed in accordance with the laws of the State of Florida, without regard to its conflict of law provisions.

15. NOTICE

Any notice required under this Agreement shall be provided to the following by U.S. Mail and by e-mail as follows:

a. Notices to Elizabeth Savitt:

Robert J. Hauser
Pankauski Law Firm PLLC
120 South Olive Avenue
7th Floor Guaranty Building | West Palm Beach, FL 33401
West Palm Beach, FL 33401

b. Notices to Susan Mast and Albert Vassallo, Jr.:

Robert M. Trinkler, Esq.
Adrian Philip Thomas, P.A.
Sun Trust Center, Suite 1050

c. Notices to Brian M. O'Connell:

Joielle Foglietta, Esq.
Ciklin Lubitz Martens & O'Connell
515 N. Flagler Dr., 20th Floor
West Palm Beach, FL 33401

16. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall be deemed one and the same instrument. Agreement by all parties is necessary for this Agreement to bind any of the parties. Facsimile copies of this Agreement shall be treated as an original.

17. BINDING EFFECT

This agreement will inure to the benefit of and bind the respective heirs, personal representatives, successors and permitted assigns of the parties hereto. Terms worded in the masculine include the feminine and terms worded in the feminine include the masculine, and terms worded in the singular include the plural and terms worded in the plural include the singular, and terms worded in the neuter include feminine, masculine, singular and plural, in each case as the context of this Agreement admits or requires.

Filing # 21336652 Electronically Filed 12/08/2014 11:52:07 AM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: 502014GA000369XXXXSBIX

GUARDIANSHIP OF
ALBERT VASSALLO, Sr.

MEDIATOR'S REPORT

COMES NOW, the undersigned certified Mediator from ARC Mediation, and reports to this Honorable Court:

The Mediation was held on **December 1, 2014**, the result of which was:

☑ Agreement

☐ No agreement

- ☐ **Plaintiff attorney to file Mediator Report**
- ☐ **Defense attorney to file Mediator Report**

Jack Cook, Certified Circuit Civil Mediator
ARC Mediation

Copies Furnished to: All parties

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY

IN RE: GUARDIANSHIP OF

ALBERT VASSALLO, SR.
Incapacitated Person.
_____/

PROBATE/GUARDIANSHIP DIVISION

CASE NO.: 502014GA000369XXXXSBIX

MEDIATED TERM SHEET

This Term Sheet is made this 1st th day of December, 2014 by and among the Parties listed below, for and in consideration of the mutual promises and releases made herein, the receipt and adequacy of which is acknowledged by all Parties hereto.

On this the 1st th day of December, 2014, the Parties (collectively "Parties"):

Petitioner, Elizabeth Savitt, as Guardian of the Person and Property of Albert Vassallo, Sr., represented by Robert Hauser, Esq.

Respondents, Susan Mast and Albert Vassallo, Jr., represented by Robert Trinkler, Esq.

Court Appointed Counsel for the Ward, Brian M. O'Connell, Esq.

desire to resolve the various disputes in the above referenced Guardianship of Albert Vassallo, Sr., Incapacitated Ward ("Guardianship" and "Ward" respectively) so as to avoid the continued expense and uncertainty of litigation and do so as follows:

ALBERT VASSALLO, JR. ("AL JR.")

Al Jr. will execute a promissory note for $45,000 to Elizabeth Savitt, as Guardian of Albert Vassallo at 4% per annum with interest.

Note is payable at the earlier of (1) death of Al Sr., or (2) under a 15-year amortization schedule. First Payment is due January 1, 2015. Entire balance is secured by Al Jr.'s expected

e. The parties agreed on a current expense budget ("Expenses") of $820 per month (subject to adjustments) and payment of $2,083 per month as compensation to Susan Mast for care of the Ward, if the then-current schedule continues.

f. The parties agreed to exchange mutual general releases except as to the performance of this agreement.

g. The Guardian consented to represent to the Court that it is not in the best interests of the Ward for any of his family to serve as his trustee.

h. Attorneys' fees are borne by the parties.

8. The Court concurs with the Guardian's judgment that it is in the best interest of the Ward for the Court to ratify the Mediated Term Sheet. An agreement will largely avoid the legal expense from the guardianship which would be associated with litigation on the merits. Furthermore, the Court accepts the Guardian's testimony that the Mediated Term Sheet represents a fair and reasonable compromise regarding obligations owed to the Ward. *See* Fla. Stat. §744.441(2), (10).

9. Accordingly, the Court will ratify the Guardian's execution of the Mediated Term Sheet and any prospective written formalized agreement with the same material terms.

Whether to bring a suit on the Mediated Term Sheet or, if necessary, on the merits.

10. As of the date of filing the instant Petition, the Ward's two adult children who agreed to the Mediated Term Sheet have not complied with the mediated terms. Their counsel has now moved to withdraw.

11. Accordingly, the Guardian seeks authorization vis-à-vis Fla. Stat. §744.441(11), to bring a civil action against Al Jr. and Susan to enforce the Mediated Term Sheet. *See* Fla. Stat. §744.441(11).

12. Section §744.441(11) provides in relevant part:

> After obtaining approval of the court pursuant to a petition for authorization to act [...] a guardian of the property [...] may:
> (11) **Prosecute** or defend **claims or proceedings in any jurisdiction for the protection of the estate and of the guardian in the performance of his or her duties.** (emphasis supplied)

13. The Court concurs that the Guardian has a fiduciary obligation to protect the Ward's person and property. As a result, it is appropriate for the Guardian and beneficial to the Ward for her to institute proceedings against Al Jr. and Susan to enforce the Mediated Term Sheet, and to otherwise protect, marshal, and secure the Ward's revocable trust and assets which would be available for his benefit.

14. For these reasons, the Court authorizes the Guardian to institute civil proceedings against Al Jr. and Susan to enforce the Mediated Term Sheet.

15. If the Mediated Term Sheet cannot be enforced in civil court, the Guardian alternatively requests court authorization to sue Susan and Al Jr. in the Civil Division. According to the Guardian, the Ward had claims to recover substantial funds that are allegedly the property of the Ward; to void transfers of the Ward's property that were allegedly undertaken at a time when he lacked capacity; and to address those instances in which Susan and Al Jr. have allegedly exploited or taken advantage of the Ward both before and after the Guardianship. These are the claims that the Guardian attempted to settle at mediation with the Mediated Term Sheet.

16. The Court concurs that the Guardian has a good faith basis to pursue these claims. If the Mediated Term Sheet cannot be enforced in civil court, then the Ward will still have claims against Susan and Al Jr. and it is therefore in the best interest of the Ward's estate to take legal action to recover it.

Whether to amend and fund the Ward's Revocable Trust in accordance with Fla. Stat. §744.441(17) and/or (19).

17. The Ward maintained assets pursuant to the Albert Vassallo Revocable Trust Agreement (the "Revocable Trust"). When he became incapacitated, three of his children (James, Susan, and Al Jr.) became the successor co-Trustees. On September 30, 2014, this Court directed all financial institutions to distribute and/or transfer immediately all of the ward's funds, including accounts belonging to the Revocable Trust, to the guardianship account on behalf of the Ward.

18. The Guardian has averred, however, that the Revocable Trust is a reasonable alternative mechanism for the Ward's assets (1) to be used during life and (2) to pass to his heirs outside of probate as an estate planning mechanism. Two of the co-Trustees, however, are Susan and Al Jr. (i.e., the proposed defendants in the claims discussed above). Because of their adverse position to the Ward and the Guardian, the Court concurs that they should not continue to serve as co-trustee. Similarly, the Court concurs that the third co-Trustee, James, is hostile to his siblings and vice-versa as a result of this litigation and that he will not serve objectively as a co-Trustee.

19. Accordingly, it is in the Ward's best interest to be rid of any inter-family disputes over the Trust and for the Guardian to serve as the sole Trustee of the Revocable Trust, funded with the Ward's assets pursuant to section 744.441(17) and (19), for the remainder of the Ward's life. Therefore, the Court grants authorization to the Guardian to amend the Ward's revocable trust and to name herself as sole Trustee pursuant to the provisions Fla. Stat. §744.441(19).

20. The Ward could have amended his own Revocable Trust and replaced the named successor co-Trustees at will and at any time, but for the adjudication of his incapacity and the appointment of the Guardian in this captioned cause. See Fla. Stat §736.0402(1)(a); *Jasser v. Saddeh*, 97 So. 3d 241 (Fla. 4th DCA 2012). Under subsection (19), the Guardian may now do so in the Ward's place.

WHEREFORE, it is ORDERED AND ADJUDGED as follows:

(1) the Guardian may execute the Mediated Term Sheet and the formal written agreement as contemplated;

(2) the Guardian may institute civil breach of contract proceedings against Al Jr. and Susan for their breach of the Mediated Term Sheet, or, if needed, to alternatively sue them to recover property on behalf of the Ward;

(3) the Guardian may amend the Ward's Revocable Trust by replacing the named co-Trustees and naming herself has sole Trustee;

(4) the Guardian may fund the Revocable Trust by transferring all or substantially all of the Ward's accounts to the Revocable Trust; and

(5) The Court reserves jurisdiction to enforce this order and to order payment of the Guardian's fees and those of her counsel.

DONE AND ORDERED, in Chambers, in Delray Beach, Palm Beach County, Florida, this _____ day of February, 2015.

_____
The Honorable David E. French
Circuit Court Judge

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: 50 2013 CA 016492 XXXX MB

DONALD E. CLARK II and JILL MARIE CLARK
Plaintiff,

vs.

DELRAY SECURITY, INC., a Florida Corportion doing business as Sunn Security; ALARM PARTNERS, LLC. a Florida limited liability company; and TELULAR CORPORATION, a foreign corportion,
Defendant.

MEDIATOR'S REPORT

COMES NOW, the undersigned certified Mediator from ARC Mediation, and reports to this Honorable Court:

The Mediation was held on **December 3, 2014,** the result of which was:

☑ Agreement

☐ No agreement

- ☐ **Plaintiff attorney to file Mediator Report**
- ☐ **Defense attorney to file Mediator Report**

Jack Cook, Certified Circuit Civil Mediator
ARC Mediation

Copies Furnished to: All parties

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail/e-service upon: **Sheri L. Hazeltine, Esquire**, 800 Palm Trail, Suite 3, Delray Beach, FL 33483 (sheri@hazeltinelaw.com), **Brian M. O'Connell, Esquire**, 515 N. Flagler Dr., 20th Floor, West Palm Beach, FL 33401 (service@ciklinlubitz.com, probateservice@ciklinlubitz.com), **Robert M. Trinkler, Esquire,** SunTrust Center, Suite 1050, 515 East Las Olas Boulevard, Fort Lauderdale, FL 33301 (legal-service@athomaslaw.com) and **James Vassallo** via e-mail (james.vassallo@yahoo.com) and via regular U.S. mail to: **Ralph Vassallo**, 303 Lake Avenue South, Nesconset, NY 11767, **Jacqueline S. Cantela**, 26 Parkside Ave., Miller Place, NY 11764 and **Marie Vassallo-Castagnette**, 433 Mills Rd., Unit #26, Calverton NY 11933, this 27th day of January, 2015.

PANKAUSKI LAW FIRM PLLC
120 South Olive Avenue, Suite 701
West Palm Beach, FL 33401
Phone: (561) 514-0900
courtfilings@pankauskilawfirm.com

By: /s/ Robert J. Hauser
Robert J. Hauser
Florida Bar No.: 55141

Filing # 21336652 Electronically Filed 12/08/2014 11:52:07 AM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: 502014GA000369XXXXSBIX

GUARDIANSHIP OF
ALBERT VASSALLO, Sr.

_____/

MEDIATOR'S REPORT

COMES NOW, the undersigned certified Mediator from ARC Mediation, and reports to this Honorable Court:

The Mediation was held on **December 1, 2014**, the result of which was:

☑ Agreement

☐ No agreement

- ☐ **Plaintiff attorney to file Mediator Report**
- ☐ **Defense attorney to file Mediator Report**

Jack Cook, Certified Circuit Civil Mediator
ARC Mediation

Copies Furnished to: All parties

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY

IN RE: GUARDIANSHIP OF

ALBERT VASSALLO, SR.
Incapacitated Person.
_____/

PROBATE/GUARDIANSHIP DIVISION

CASE NO.: 502014GA000369XXXXSBIX

MEDIATED TERM SHEET

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On this the 1st th day of December, 2014, the Parties (collectively "Parties"):

Petitioner, Elizabeth Savitt, as Guardian of the Person and Property of Albert Vassallo, Sr., represented by Robert Hauser, Esq.

Respondents, Susan Mast and Albert Vassallo, Jr., represented by Robert Trinkler, Esq.

Court Appointed Counsel for the Ward, Brian M. O'Connell, Esq.

desire to resolve the various disputes in the above referenced Guardianship of Albert Vassallo, Sr., Incapacitated Ward ("Guardianship" and "Ward" respectively) so as to avoid the continued expense and uncertainty of litigation and do so as follows:

ALBERT VASSALLO, JR. ("AL JR.")

Al Jr. will execute a promissory note for $45,000 to Elizabeth Savitt, as Guardian of Albert Vassallo at 4% per annum with interest.

Note is payable at the earlier of (1) death of Al Sr., or (2) under a 15-year amortization schedule. First Payment is due January 1, 2015. Entire balance is secured by Al Jr.'s expected

e. The parties agreed on a current expense budget ("Expenses") of $820 per month (subject to adjustments) and payment of $2,083 per month as compensation to Susan Mast for care of the Ward, if the then-current schedule continues.

f. The parties agreed to exchange mutual general releases except as to the performance of this agreement.

g. The Guardian consented to represent to the Court that it is not in the best interests of the Ward for any of his family to serve as his trustee.

h. Attorneys' fees are borne by the parties.

8. The Court concurs with the Guardian's judgment that it is in the best interest of the Ward for the Court to ratify the Mediated Term Sheet. An agreement will largely avoid the legal expense from the guardianship which would be associated with litigation on the merits. Furthermore, the Court accepts the Guardian's testimony that the Mediated Term Sheet represents a fair and reasonable compromise regarding obligations owed to the Ward. *See* Fla. Stat. §744.441(2), (10).

9. Accordingly, the Court will ratify the Guardian's execution of the Mediated Term Sheet and any prospective written formalized agreement with the same material terms.

Whether to bring a suit on the Mediated Term Sheet or, if necessary, on the merits.

10. As of the date of filing the instant Petition, the Ward's two adult children who agreed to the Mediated Term Sheet have not complied with the mediated terms. Their counsel has now moved to withdraw.

11. Accordingly, the Guardian seeks authorization vis-à-vis Fla. Stat. §744.441(11), to bring a civil action against Al Jr. and Susan to enforce the Mediated Term Sheet. *See* Fla. Stat. §744.441(11).

12. Section §744.441(11) provides in relevant part:

> After obtaining approval of the court pursuant to a petition for authorization to act [...] a guardian of the property [...] may:
> (11) **Prosecute** or defend **claims or proceedings in any jurisdiction for the protection of the estate and of the guardian in the performance of his or her duties.** (emphasis supplied)

13. The Court concurs that the Guardian has a fiduciary obligation to protect the Ward's person and property. As a result, it is appropriate for the Guardian and beneficial to the Ward for her to institute proceedings against Al Jr. and Susan to enforce the Mediated Term Sheet, and to otherwise protect, marshal, and secure the Ward's revocable trust and assets which would be available for his benefit.

14. For these reasons, the Court authorizes the Guardian to institute civil proceedings against Al Jr. and Susan to enforce the Mediated Term Sheet.

15. If the Mediated Term Sheet cannot be enforced in civil court, the Guardian alternatively requests court authorization to sue Susan and Al Jr. in the Civil Division. According to the Guardian, the Ward had claims to recover substantial funds that are allegedly the property of the Ward; to void transfers of the Ward's property that were allegedly undertaken at a time when he lacked capacity; and to address those instances in which Susan and Al Jr. have allegedly exploited or taken advantage of the Ward both before and after the Guardianship. These are the claims that the Guardian attempted to settle at mediation with the Mediated Term Sheet.

16. The Court concurs that the Guardian has a good faith basis to pursue these claims. If the Mediated Term Sheet cannot be enforced in civil court, then the Ward will still have claims against Susan and Al Jr. and it is therefore in the best interest of the Ward's estate to take legal action to recover it.

Whether to amend and fund the Ward's Revocable Trust in accordance with Fla. Stat. §744.441(17) and/or (19).

17. The Ward maintained assets pursuant to the Albert Vassallo Revocable Trust Agreement (the "Revocable Trust"). When he became incapacitated, three of his children (James, Susan, and Al Jr.) became the successor co-Trustees. On September 30, 2014, this Court directed all financial institutions to distribute and/or transfer immediately all of the ward's funds, including accounts belonging to the Revocable Trust, to the guardianship account on behalf of the Ward.

18. The Guardian has averred, however, that the Revocable Trust is a reasonable alternative mechanism for the Ward's assets (1) to be used during life and (2) to pass to his heirs outside of probate as an estate planning mechanism. Two of the co-Trustees, however, are Susan and Al Jr. (i.e., the proposed defendants in the claims discussed above). Because of their adverse position to the Ward and the Guardian, the Court concurs that they should not continue to serve as co-trustee. Similarly, the Court concurs that the third co-Trustee, James, is hostile to his siblings and vice-versa as a result of this litigation and that he will not serve objectively as a co-Trustee.

19. Accordingly, it is in the Ward's best interest to be rid of any inter-family disputes over the Trust and for the Guardian to serve as the sole Trustee of the Revocable Trust, funded with the Ward's assets pursuant to section 744.441(17) and (19), for the remainder of the Ward's life. Therefore, the Court grants authorization to the Guardian to amend the Ward's revocable trust and to name herself as sole Trustee pursuant to the provisions Fla. Stat. §744.441(19).

20. The Ward could have amended his own Revocable Trust and replaced the named successor co-Trustees at will and at any time, but for the adjudication of his incapacity and the appointment of the Guardian in this captioned cause. See Fla. Stat §736.0402(1)(a); *Jasser v. Saddeh*, 97 So. 3d 241 (Fla. 4th DCA 2012). Under subsection (19), the Guardian may now do so in the Ward's place.

WHEREFORE, it is ORDERED AND ADJUDGED as follows:

(1) the Guardian may execute the Mediated Term Sheet and the formal written agreement as contemplated;

(2) the Guardian may institute civil breach of contract proceedings against Al Jr. and Susan for their breach of the Mediated Term Sheet, or, if needed, to alternatively sue them to recover property on behalf of the Ward;

(3) the Guardian may amend the Ward's Revocable Trust by replacing the named co-Trustees and naming herself has sole Trustee;

(4) the Guardian may fund the Revocable Trust by transferring all or substantially all of the Ward's accounts to the Revocable Trust; and

(5) The Court reserves jurisdiction to enforce this order and to order payment of the Guardian's fees and those of her counsel.

DONE AND ORDERED, in Chambers, in Delray Beach, Palm Beach County, Florida, this _____ day of February, 2015.

_____
The Honorable David E. French
Circuit Court Judge

1-2-15

THE LAW OFFICES OF
ADRIAN PHILIP THOMAS P.A.

Adrian P. Thomas, LL.M., J.D.
Michele M. Thomas, Esq.
Daniel A. McGowan, Esq.*
Robert M. Trinkler, Esq.

Jonathan W. Bridges, Esq.**
Jeffrey S. Bunin, Esq.
Victor D. Orihuela, Esq.
Raymond Paparella, Esq.

* Also admitted in Ohio and Pennsylvania
** Also admitted in North Carolina

January 2, 2015

Robert J. Hauser, Esquire
Pankauski Law Firm, PLLC
120 South Olive Avenue, Suite 701
West Palm Beach, FL 33401

Re: Guardianship of Albert Vassallo, Sr.
Our File No. 2579-001

Dear Mr. Hauser:

First and foremost, I wish to extend a happy and healthy new year to you.

This morning, I was able to speak with my clients and I have been informed that I will be receiving a fully executed copy of the Settlement Agreement and Releases for delivery to you by Tuesday, January 6, 2015.

Regarding the approximate $8,128.00 in electronic withdrawals as referenced in paragraph 3 of the Settlement Agreement, enclosed please find documentation supporting payments of expenses on behalf of the ward. The details of these transactions are as follows:

1. December 11, 2013 - $1,482.68;

Hartford Auto Insurance	$153.02
Chase credit card	$864.67
AT&T	$ 32.46
FP&L	$ 22.32
Seacrest Service/Condo	$196.21
Seacrest Service/Condo	$116.00
Seacrest Service/Condo	$ 98.00

2. February 12, 2014 - $1,288.25;

Chase credit card	$707.27
FP&L	$ 17.75
Seacrest Service/Condo	$196.21
Seacrest Service/Condo	$116.00

Seacrest Service/Condo	$ 98.00
Hartford Auto Insurance	$153.02

3. May 28, 2014 - $1,598.44;

Seacrest Service/Condo	$196.21
Seacrest Service/Condo	$116.00
Seacrest Service/Condo	$ 98.00
Hartford Auto Insurance	$153.02
Chase credit card	$761.85
FP&L	$ 23.36
Transfer to Ward	$250.00

4. July 14, 2014 - $2,254.31;

Seacrest Service/Condo	$ 196.21
Seacrest Service/Condo	$ 116.00
Seacrest Service/Condo	$ 98.00
Hartford Auto Insurance	$ 202.90
Chase credit card	$1,365.83
FP&L	$ 25.37
Transfer to Ward	$ 250.00

5. August 14, 2014 - $1,504.32;

Seacrest Service/Condo	$196.21
Seacrest Service/Condo	$116.00
Seacrest Service/Condo	$ 98.00
Chase credit card	$803.59
FP&L	$ 40.52
Transfer to Ward	$250.00

For your clarification we are providing photocopies of the bank statements that support these electronic transfers. It is my clients' contention that all of these funds were exclusively for the benefit of the ward. Should your client require any further back-up, she should request same directly from the payees as my client no longer has access to this information since she is not the guardian. It is my understanding that your client is in possession of all of this information already, including the Chase credit card statements. It is our position that we have fully complied with the terms of paragraph 3 of the Settlement Agreement and request that your client confirm that there is no longer a need for Susan Mast to separately execute a Promissory Note for the $8,128.00 and to exclude this paragraph from the agreement. In the event this is not correct, we request that you advise us of same immediately and provide us with additional time to respond to any further questions or concerns that your client may have.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE:

GUARDIANSHIP OF
ALBERT VASSALLO, SR.

Incapacitated Person.
_____/

PROBATE DIVISION IX
CASE NO. 502014GA000369XXXXSB

ORDER ON GUARDIAN'S VERIFIED PETITION FOR DIRECTION TO ACT

THIS CAUSE came before this Court on February 13, 2015 on the Guardian's Verified Petition for Direction to Act, which was filed on January 27, 2015 (hereinafter, "Petition"). The Court, having reviewed the Petition, having heard argument from counsel, reviewed the file and being otherwise fully advised, finds as follows:

Background

1. Elizabeth Savitt (the "Guardian"), pursuant to Fla. Stat. §744.447, has petitioned this Court for the entry of an order authorizing her to act. The Guardian was appointed on September 9, 2014, as the limited guardian of the person and property for the captioned Ward.

2. Shortly thereafter, in October of 2014, the Guardian sought to compel the return of certain of the Ward's funds and property from the Ward's adult children, Albert Vasallo, Jr. ("Al Jr.") and Susan Mast ("Susan").

3. Prior to a hearing on these contentious matters, the parties participated in court-directed mediation.

4. On December 1, 2014, the Guardian, Al Jr., Susan, and the Ward's court-appointed counsel participated in the referenced mediation before the Honorable Jack Cook (retired). The mediation resulted in a signed agreement (the "Mediated Term Sheet").

5. The Mediated Term Sheet contains all of the material terms of an agreement. Nevertheless, it expressly states that the Mediated Term Sheet is to be reduced to a formal written agreement and that promissory notes are to be executed by Al Jr. and by Susan.

6. After the Mediated Term Sheet was executed, counsel for the Guardian and for Susan and Al Jr. agreed on the form of a settlement agreement and promissory notes. However, as of the date of filing the instant Petition, both of the Ward's adult children who are parties to it, Al Jr. and Susan, have either refused to execute or refused to deliver the signed formalized agreement. They also will not deliver the promissory notes required by the mediated terms. Their counsel, Robert Trinkler, Esq., has now moved to withdraw.

Whether to Authorize the Mediated Term Sheet.

7. Pursuant to Fla. Stat. §744.447 and Fla. Stat. §744.441(2), (10) and (11), the Guardian seeks this Court's approval and authorization for her execution of such Mediated Term Sheet (and for the prospective execution of such written formalized agreement as was contemplated therein). The Mediated Term Sheet, summarized, provides as follows:

a. Al Jr. will execute a promissory note for $45,000 payable to the Guardian at 4% per annum interest.

b. Susan will execute a promissory note for $54,000 payable to the Guardian at 4% per interest.

c. Susan will execute a second promissory note for $8,000 to the Guardian at 4% per annum with interest running from September 9, 2014, the enforcement of which is subject to Susan's failure to account to the Guardian for $8,120 in electronic withdrawals of the Ward's funds.

d. Each promissory note is due at the earlier of (1) the death of the Ward or (2) under the 15-year amortization schedule. Each note is secured by the obligor's inheritance or trust distributions.

WHEREFORE, the Guardian prays that this Court enter an order which grants the instant Petition, as follows:

(1) grant to the Guardian the authority to execute the Mediated Term Sheet and the formal written agreement as contemplated;

(2) grant the Guardian the authority to institute breach of contract proceedings against Al Jr. and Susan for their breach of the Mediated Term Sheet, and, alternatively, to sue them for the underlying wrongs that were the basis for the Guardian's claims that led to the Mediated Term Sheet;

(3) grant to the Guardian the authority to amend the Ward's Revocable Trust by replacing the named co-Trustees and to fund the Revocable Trust;

(4) award to the Guardian her reasonable attorney's fees and costs; and

(5) grant any other such further relief as this Court deems just and proper.

VERIFICATION

Under penalty of perjury, I have read the foregoing document and the facts stated therein are true.



Elizabeth Savitt Date

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: 50 2013 CA 016492 XXXX MB

DONALD E. CLARK II and JILL MARIE CLARK
Plaintiff,

vs.

DELRAY SECURITY, INC., a Florida Corportion doing business as Sunn Security; ALARM PARTNERS, LLC. a Florida limited liability company; and TELULAR CORPORATION, a foreign corportion,
Defendant.

MEDIATOR'S REPORT

COMES NOW, the undersigned certified Mediator from ARC Mediation, and reports to this Honorable Court:

The Mediation was held on **December 3, 2014,** the result of which was:

☑ Agreement

☐ No agreement

- ☐ **Plaintiff attorney to file Mediator Report**
- ☐ **Defense attorney to file Mediator Report**

Jack Cook, Certified Circuit Civil Mediator
ARC Mediation

Copies Furnished to: All parties

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail/e-service upon: **Sheri L. Hazeltine, Esquire**, 800 Palm Trail, Suite 3, Delray Beach, FL 33483 (sheri@hazeltinelaw.com), **Brian M. O'Connell, Esquire**, 515 N. Flagler Dr., 20th Floor, West Palm Beach, FL 33401 (service@ciklinlubitz.com, probateservice@ciklinlubitz.com), **Robert M. Trinkler, Esquire,** SunTrust Center, Suite 1050, 515 East Las Olas Boulevard, Fort Lauderdale, FL 33301 (legal-service@athomaslaw.com) and **James Vassallo** via e-mail (james.vassallo@yahoo.com) and via regular U.S. mail to: **Ralph Vassallo**, 303 Lake Avenue South, Nesconset, NY 11767, **Jacqueline S. Cantela**, 26 Parkside Ave., Miller Place, NY 11764 and **Marie Vassallo-Castagnette**, 433 Mills Rd., Unit #26, Calverton NY 11933, this 27th day of January, 2015.

PANKAUSKI LAW FIRM PLLC
120 South Olive Avenue, Suite 701
West Palm Beach, FL 33401
Phone: (561) 514-0900
courtfilings@pankauskilawfirm.com

By: /s/ Robert J. Hauser
Robert J. Hauser
Florida Bar No.: 55141

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY

IN RE: GUARDIANSHIP OF

ALBERT VASSALLO, SR.
Incapacitated Person.
_____/

PROBATE/GUARDIANSHIP DIVISION

CASE NO.: 502014GA000369XXXXSBIX

MEDIATED TERM SHEET

This Term Sheet is made this 1st th day of December, 2014 by and among the Parties listed below, for and in consideration of the mutual promises and releases made herein, the receipt and adequacy of which is acknowledged by all Parties hereto.

On this the 1st th day of December, 2014, the Parties (collectively "Parties"):

Petitioner, Elizabeth Savitt, as Guardian of the Person and Property of Albert Vassallo, Sr., represented by Robert Hauser, Esq.

Respondents, Susan Mast and Albert Vassallo, Jr., represented by Robert Trinkler, Esq.

Court Appointed Counsel for the Ward, Brian M. O'Connell, Esq.

desire to resolve the various disputes in the above referenced Guardianship of Albert Vassallo, Sr., Incapacitated Ward ("Guardianship" and "Ward" respectively) so as to avoid the continued expense and uncertainty of litigation and do so as follows:

ALBERT VASSALLO, JR. ("AL JR.")

Al Jr. will execute a promissory note for $45,000 to Elizabeth Savitt, as Guardian of Albert Vassallo at 4% per annum with interest.

Note is payable at the earlier of (1) death of Al Sr., or (2) under a 15-year amortization schedule. First Payment is due January 1, 2015. Entire balance is secured by Al Jr.'s expected

IN RE: GUARDIANSHIP OF
Albert Vassallo, Sr. Incapacitated
Case No. 502014GA000369XXXXSBIX

FURTHER AGREEMENT

The Parties shall execute a more formalized settlement agreement.

OTHER AGREEMENTS

If requested, the Guardian shall represent to the Court that she does not believe it is in the best interest of the Ward for any of his family to serve as his trustee.

DISMISSALS

All pending motions or petitions shall be dismissed, except for the Petition to Remove Trustees.

ATTORNEYS' FEES

All Parties shall bear their own attorneys fees and costs.

This will be further reduced to a written agreement with attached form promissory notes and amortization schedule.

Filing # 21336652 Electronically Filed 12/08/2014 11:52:07 AM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: 502014GA000369XXXXSBIX

GUARDIANSHIP OF
ALBERT VASSALLO, Sr.

MEDIATOR'S REPORT

COMES NOW, the undersigned certified Mediator from ARC Mediation, and reports to this Honorable Court:

The Mediation was held on December 1, 2014, the result of which was:

☑ Agreement

☐ No agreement

- ☐ **Plaintiff attorney to file Mediator Report**
- ☐ **Defense attorney to file Mediator Report**

Jack Cook, Certified Circuit Civil Mediator
ARC Mediation

Copies Furnished to: All parties

5. The Mediated Term Sheet contains all of the material terms of an agreement. Nevertheless, it expressly states that the Mediated Term Sheet is to be reduced to a formal written agreement and that promissory notes are to be executed by Al Jr. and by Susan.

6. After the Mediated Term Sheet was executed, counsel for the Guardian and for Susan and Al Jr. agreed on the form of a settlement agreement and promissory notes. However, as of the date of filing the instant Petition, both of the Ward's adult children who are parties to it, Al Jr. and Susan, have either refused to execute or refused to deliver the signed formalized agreement. They also will not deliver the promissory notes required by the mediated terms. Their counsel, Robert Trinkler, Esq., has now moved to withdraw.

Whether to Authorize the Mediated Term Sheet.

7. Pursuant to Fla. Stat. §744.447 and Fla. Stat. §744.441(2), (10) and (11), the Guardian seeks this Court's approval and authorization for her execution of such Mediated Term Sheet (and for the prospective execution of such written formalized agreement as was contemplated therein). The Mediated Term Sheet, summarized, provides as follows:

a. Al Jr. will execute a promissory note for $45,000 payable to the Guardian at 4% per annum interest.

b. Susan will execute a promissory note for $54,000 payable to the Guardian at 4% per interest.

c. Susan will execute a second promissory note for $8,000 to the Guardian at 4% per annum with interest running from September 9, 2014, the enforcement of which is subject to Susan's failure to account to the Guardian for $8,120 in electronic withdrawals of the Ward's funds.

d. Each promissory note is due at the earlier of (1) the death of the Ward or (2) under the 15-year amortization schedule. Each note is secured by the obligor's inheritance or trust distributions.

e. The parties agreed on a current expense budget ("Expenses") of $820 per month (subject to adjustments) and payment of $2,083 per month as compensation to Susan Mast for care of the Ward, if the then-current schedule continues.

f. The parties agreed to exchange mutual general releases except as to the performance of this agreement.

g. The Guardian consented to represent to the Court that it is not in the best interests of the Ward for any of his family to serve as his trustee.

h. Attorneys' fees are borne by the parties.

8. The Court concurs with the Guardian's judgment that it is in the best interest of the Ward for the Court to ratify the Mediated Term Sheet. An agreement will largely avoid the legal expense from the guardianship which would be associated with litigation on the merits. Furthermore, the Court accepts the Guardian's testimony that the Mediated Term Sheet represents a fair and reasonable compromise regarding obligations owed to the Ward. *See* Fla. Stat. §744.441(2), (10).

9. Accordingly, the Court will ratify the Guardian's execution of the Mediated Term Sheet and any prospective written formalized agreement with the same material terms.

Whether to bring a suit on the Mediated Term Sheet or, if necessary, on the merits.

10. As of the date of filing the instant Petition, the Ward's two adult children who agreed to the Mediated Term Sheet have not complied with the mediated terms. Their counsel has now moved to withdraw.

11. Accordingly, the Guardian seeks authorization vis-à-vis Fla. Stat. §744.441(11), to bring a civil action against Al Jr. and Susan to enforce the Mediated Term Sheet. *See* Fla. Stat. §744.441(11).

12. Section §744.441(11) provides in relevant part:

> After obtaining approval of the court pursuant to a petition for authorization to act [...] a guardian of the property [...] may:
> (11) **Prosecute** or defend **claims or proceedings in any jurisdiction for the protection of the estate and of the guardian in the performance of his or her duties**. (emphasis supplied)

13. The Court concurs that the Guardian has a fiduciary obligation to protect the Ward's person and property. As a result, it is appropriate for the Guardian and beneficial to the Ward for her to institute proceedings against Al Jr. and Susan to enforce the Mediated Term Sheet, and to otherwise protect, marshal, and secure the Ward's revocable trust and assets which would be available for his benefit.

14. For these reasons, the Court authorizes the Guardian to institute civil proceedings against Al Jr. and Susan to enforce the Mediated Term Sheet.

15. If the Mediated Term Sheet cannot be enforced in civil court, the Guardian alternatively requests court authorization to sue Susan and Al Jr. in the Civil Division. According to the Guardian, the Ward had claims to recover substantial funds that are allegedly the property of the Ward; to void transfers of the Ward's property that were allegedly undertaken at a time when he lacked capacity; and to address those instances in which Susan and Al Jr. have allegedly exploited or taken advantage of the Ward both before and after the Guardianship. These are the claims that the Guardian attempted to settle at mediation with the Mediated Term Sheet.

16. The Court concurs that the Guardian has a good faith basis to pursue these claims. If the Mediated Term Sheet cannot be enforced in civil court, then the Ward will still have claims against Susan and Al Jr. and it is therefore in the best interest of the Ward's estate to take legal action to recover it.

Whether to amend and fund the Ward's Revocable Trust in accordance with Fla. Stat. §744.441(17) and/or (19).

17. The Ward maintained assets pursuant to the Albert Vassallo Revocable Trust Agreement (the "Revocable Trust"). When he became incapacitated, three of his children (James, Susan, and Al Jr.) became the successor co-Trustees. On September 30, 2014, this Court directed all financial institutions to distribute and/or transfer immediately all of the ward's funds, including accounts belonging to the Revocable Trust, to the guardianship account on behalf of the Ward.

18. The Guardian has averred, however, that the Revocable Trust is a reasonable alternative mechanism for the Ward's assets (1) to be used during life and (2) to pass to his heirs outside of probate as an estate planning mechanism. Two of the co-Trustees, however, are Susan and Al Jr. (i.e., the proposed defendants in the claims discussed above). Because of their adverse position to the Ward and the Guardian, the Court concurs that they should not continue to serve as co-trustee. Similarly, the Court concurs that the third co-Trustee, James, is hostile to his siblings and vice-versa as a result of this litigation and that he will not serve objectively as a co-Trustee.

19. Accordingly, it is in the Ward's best interest to be rid of any inter-family disputes over the Trust and for the Guardian to serve as the sole Trustee of the Revocable Trust, funded with the Ward's assets pursuant to section 744.441(17) and (19), for the remainder of the Ward's life. Therefore, the Court grants authorization to the Guardian to amend the Ward's revocable trust and to name herself as sole Trustee pursuant to the provisions Fla. Stat. §744.441(19).

20. The Ward could have amended his own Revocable Trust and replaced the named successor co-Trustees at will and at any time, but for the adjudication of his incapacity and the appointment of the Guardian in this captioned cause. See Fla. Stat §736.0402(1)(a); *Jasser v. Saddeh*, 97 So. 3d 241 (Fla. 4th DCA 2012). Under subsection (19), the Guardian may now do so in the Ward's place.

WHEREFORE, it is ORDERED AND ADJUDGED as follows:

(1) the Guardian may execute the Mediated Term Sheet and the formal written agreement as contemplated;

(2) the Guardian may institute civil breach of contract proceedings against Al Jr. and Susan for their breach of the Mediated Term Sheet, or, if needed, to alternatively sue them to recover property on behalf of the Ward;

(3) the Guardian may amend the Ward's Revocable Trust by replacing the named co-Trustees and naming herself has sole Trustee;

(4) the Guardian may fund the Revocable Trust by transferring all or substantially all of the Ward's accounts to the Revocable Trust; and

(5) The Court reserves jurisdiction to enforce this order and to order payment of the Guardian's fees and those of her counsel.

DONE AND ORDERED, in Chambers, in Delray Beach, Palm Beach County, Florida, this _____ day of February, 2015.

The Honorable David E. French
Circuit Court Judge

inheritance /trust distribution.

SUSAN MAST

Susan will execute a promissory note for $54,000 to Elizabeth Savitt, as Guardian of Albert Vassallo at 4% per annum with interest. Upon maturity of the note, an additional payment of $2,160 shall be made which represents accrued interest from November 15, 2013 to present. Note is payable at the earlier of (1) death of Al Sr., or (2) under 15-year amortization schedule. First payment is due January 1, 2015. Entire balance due is secured by Susan's expected inheritance/trust distribution.

ELECTRONIC WITHDRAWALS.

Susan will separately execute a promissory note for $8,000 to the Guardianship of Albert Vassallo at 4% per annum with interest running from September 9, 2014. Note is payable at the earlier of (1) death of Albert Vassallo, Sr., or (2) pursuant to 15 year amortization schedule. First Payment is due January 1, 2015. Entier balance due would be secured by Susan's expected inheritance/trust distribution. This promissory note will be held in escrow by the Guardianship of Albert Vassallo, Sr., unless and until the Guardian has determined in good faith and in her sole discretion that Susan Mast has failed to account for the $8,128.00 in electronic withdrawals as follows, or if the withdrawals did not benefit the Ward:

$1,482.68	12/11/13
1,288.25	2/12/14
1,298.44	5/28/14
2,254.31	7/20/14
1,504.32	8/2014

If the Guardian determines that the withdrawals benefited the Ward, it will return the original signed $8,000 note to Susan Mast. If the Guardian chooses to enforce the note, it will give written notice to Susan Mast through her attorney of the decision to enforce the note and the amounts due, adjusted based on the amounts, if any, that benefited the Ward. Susan will present her evidence of the use of the funds within 30 days of today, December 1, 2014.

EXPENSES

During the time the Ward resides with Susan Mast, the parties agree on a current expense budget of $820.00 monthly, based on the following:

$ 140.00	Bus Company Tops
150.00	Health and cosmetics, depends, razor, Vitamins
80.00	Petty cash for movies/personal
450.00	Food
$ 820.00	Total

less bus fare if paid by the Guardian.

The parties also agree on $2,083 per month to Susan Mast as compensation for care of the Ward, if and so long as the current schedule continues (5 hours of care x 6 days per week; 8 hours on Sunday)

RELEASES

All Parties shall exchange mutual general releases including (in all fiduciary capacities, including, but not limited to, attorney-in-fact, trustee, and/orguardian) except as to the Parties performance of this agreement.

IN RE: GUARDIANSHIP OF
Albert Vassallo, Sr. Incapacitated
Case No. 502014GA000369XXXXSBIX

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals this 10th day of December, 2014.

12/1/14
Date

ELIZABETH SAVITT, Guardian

12/1/14
Date

ROBERT HAUSER, ESQ., attorney for Savitt

Date

SUSAN MAST

12/1/14
Date

ROBERT TRINKLER, ESQ., Attorney for Mast and VASSALLO, JR.

Date

BRIAN M. O'CONNELL, Court Appointed Counsel for the Ward.

Retired Judge Jack Cook
Mediator

(9) Borrow money, with or without security, to be repaid from the property or otherwise and advance money for the protection of the estate.

(10) Effect a fair and reasonable compromise with any debtor or obligor or extend, renew, or in any manner modify the terms of any obligation owing to the estate.

(11) Prosecute or defend claims or proceedings in any jurisdiction for the protection of the estate and of the guardian in the performance of his or her duties. Before authorizing a guardian to bring an action described in s. 736.0207, the court shall first find that the action appears to be in the ward's best interests during the ward's probable lifetime. There shall be a rebuttable presumption that an action challenging the ward's revocation of all or part of a trust is not in the ward's best interests if the revocation relates solely to a devise. This subsection does not preclude a challenge after the ward's death. If the court denies a request that a guardian be authorized to bring an action described in s. 736.0207, the court shall review the continued need for a guardian and the extent of the need for delegation of the ward's rights.

(12) Sell, mortgage, or lease any real or personal property of the estate, including homestead property, or any interest therein for cash or credit, or for part cash and part credit, and with or without security for unpaid balances.

(13) Continue any unincorporated business or venture in which the ward was engaged.

(14) Purchase the entire fee simple title to real estate in this state in which the guardian has no interest, but the purchase may be made only for a home for the ward, to protect the home of the ward or the ward's interest, or as a home for the ward's dependent family. If the ward is a married person and the home of the ward or of the dependent family of the ward is owned by the ward and spouse as an estate by the entirety and the home is sold pursuant to the authority of subsection (12), the court may authorize the investment of any part or all of the proceeds from the sale toward the purchase of a fee simple title to real estate in this state for a home for the ward or the dependent family of the ward as an estate by the entirety owned by the ward and spouse. If the guardian is authorized to acquire title to real estate for the ward or dependent family of the ward as an estate by the entirety in accordance with the preceding provisions, the conveyance shall be in the name of the ward and spouse and shall be effective to create an estate by the entirety in the ward and spouse.

(15) Exercise any option contained in any policy of insurance payable to, or inuring to the benefit of, the ward.

(16) Pay reasonable funeral, interment, and grave marker expenses for the ward from the ward's estate, up to a maximum of $6,000.

(17) Make gifts of the ward's property to members of the ward's family in estate and income tax planning procedures.

(18) When the ward's will evinces an objective to obtain a United States estate tax charitable deduction by use of a split interest trust (as that term is defined in s. 736.1201), but the maximum charitable deduction otherwise allowable will not be achieved in whole or in part, execute a codicil on the ward's behalf amending said will to obtain the maximum charitable deduction allowable without diminishing the aggregate value of the benefits of any beneficiary under such will.

(19) Create or amend revocable trusts or create irrevocable trusts of property of the ward's estate which may extend beyond the disability or life of the ward in connection with estate, gift, income, or other tax planning or in connection with estate planning. The court shall retain oversight of the assets transferred to a trust, unless otherwise ordered by the court.

(20) Renounce or disclaim any interest by testate or intestate succession or by inter vivos transfer.

(21) Enter into contracts that are appropriate for, and in the best interest of, the ward.

(22) As to a minor ward, pay expenses of the ward's support, health, maintenance, and education, if the ward's parents, or either of them, are alive.

Credits

Laws 1974, c. 74-106, § 1; Fla.St.1974, Supp. § 744.501; Laws 1975, c. 75-222, §§ 22, 26; Laws 1977, c. 77-174, § 1; Laws 1977, c. 77-328, § 2; Laws 1979, c. 79-400, § 281; Laws 1980, c. 80-203, § 4; Laws 1986, c. 86-120, § 3; Laws 1987, c. 87-317, § 2; Laws 1989, c. 89-96, § 73; Laws 1990, c. 90-271, § 52. Amended by Laws 1997, c. 97-102, § 1100, eff. July 1, 1997; Laws 1997, c. 97-240, § 11, eff. May 30, 1997; Laws 2006, c. 2006-77, § 5, eff. June 6, 2006; Laws 2006, c. 2006-178, § 20, eff. July 1, 2006; Laws 2006, c. 2006-217, § 46, eff. July 1, 2007; Laws 2011, c. 2011-183, § 12, eff. June 21, 2011.

Notes of Decisions (40)

West's F. S. A. § 744.441, FL ST § 744.441
Current through Ch. 255 (End) of the 2014 2nd Reg. Sess. and Sp. "A" Sess. of the Twenty-Third Legislature

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West's Florida Statutes Annotated
Title XLIII. Domestic Relations (Chapters 741-759)
Chapter 744. Guardianship (Refs & Annos)
Part I. General Provisions (Refs & Annos)

West's F.S.A. § 744.108

744.108. Guardian's and attorney's fees and expenses

Effective: May 30, 2003
Currentness

(1) A guardian, or an attorney who has rendered services to the ward or to the guardian on the ward's behalf, is entitled to a reasonable fee for services rendered and reimbursement for costs incurred on behalf of the ward.

(2) When fees for a guardian or an attorney are submitted to the court for determination, the court shall consider the following criteria:

(a) The time and labor required;

(b) The novelty and difficulty of the questions involved and the skill required to perform the services properly;

(c) The likelihood that the acceptance of the particular employment will preclude other employment of the person;

(d) The fee customarily charged in the locality for similar services;

(e) The nature and value of the incapacitated person's property, the amount of income earned by the estate, and the responsibilities and potential liabilities assumed by the person;

(f) The results obtained;

(g) The time limits imposed by the circumstances;

(h) The nature and length of the relationship with the incapacitated person; and

(i) The experience, reputation, diligence, and ability of the person performing the service.

(3) In awarding fees to attorney guardians, the court must clearly distinguish between fees and expenses for legal services and fees and expenses for guardian services and must have determined that no conflict of interest exists.

(4) Fees for legal services may include customary and reasonable charges for work performed by legal assistants employed by and working under the direction of the attorney.

(5) All petitions for guardian's and attorney's fees and expenses must be accompanied by an itemized description of the services performed for the fees and expenses sought to be recovered.

(6) A petition for fees or expenses may not be approved without prior notice to the guardian and to the ward, unless the ward is a minor or is totally incapacitated.

(7) A petition for fees shall include the period covered and the total amount of all prior fees paid or costs awarded to the petitioner in the guardianship proceeding currently before the court.

(8) When court proceedings are instituted to review or determine a guardian's or an attorney's fees under subsection (2), such proceedings are part of the guardianship administration process and the costs, including fees for the guardian's attorney, shall be determined by the court and paid from the assets of the guardianship estate unless the court finds the requested compensation under subsection (2) to be substantially unreasonable.

Credits

Laws 1975, c. 75-222, §§ 18, 26; Laws 1989, c. 89-86, § 11; Laws 1990, c. 90-271, § 5; Laws 1996, c. 96-354, § 2. Amended by Laws 2003, c. 2003-57, § 7, eff. May 30, 2003.

Notes of Decisions (66)

West's F. S. A. § 744.108, FL ST § 744.108
Current through Ch. 255 (End) of the 2014 2nd Reg. Sess. and Sp. "A" Sess. of the Twenty-Third Legislature

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West's Florida Statutes Annotated
Title XLII. Estates and Trusts (Chapters 731-740) (Refs & Annos)
Chapter 736. Florida Trust Code (Refs & Annos)
Part IV. Creation, Validity, Modification, and Termination

West's F.S.A. § 736.0402

736.0402. Requirements for creation

Effective: July 1, 2007
Currentness

(1) A trust is created only if:

(a) The settlor has capacity to create a trust.

(b) The settlor indicates an intent to create the trust.

(c) The trust has a definite beneficiary or is:

1. A charitable trust;

2. A trust for the care of an animal, as provided in s. 736.0408; or

3. A trust for a noncharitable purpose, as provided in s. 736.0409.

(d) The trustee has duties to perform.

(e) The same person is not the sole trustee and sole beneficiary.

(2) A beneficiary is definite if the beneficiary can be ascertained now or in the future, subject to any applicable rule against perpetuities.

(3) A power of a trustee to select a beneficiary from an indefinite class is valid. If the power is not exercised within a reasonable time, the power fails and the property subject to the power passes to the persons who would have taken the property had the power not been conferred.

Credits
Added by Laws 2006, c. 2006-217, § 4, eff. July 1, 2007.

Notes of Decisions (1)

West's F. S. A. § 736.0402, FL ST § 736.0402
Current through Ch. 255 (End) of the 2014 2nd Reg. Sess. and Sp. "A" Sess. of the Twenty-Third Legislature

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97 So.3d 241
District Court of Appeal of Florida,
Fourth District.

Summer JASSER, Lena Mamone and Anthony Saadeh, As Co–Trustees of the Trust Agreement of Karim H. Saadeh dated June 24, 2009, Appellants,
v.
Karim H. SAADEH, Appellee.

Nos. 4D09–3974, 4D09–4879, 4D10–140, 4D10–1193, 4D10–3991. | July 18, 2012. | Rehearing Denied Oct. 10, 2012.

Synopsis

Background: Petition was filed to determine father's incapacity, and an emergency temporary guardian (ETG) was appointed. After entry of an agreed order dismissing the guardianship proceeding, and requiring father to execute a trust naming his children as co-trustees, the Circuit Court appointed a new examining committee and, based on their unanimous determination that father was competent, dismissed the petition to determine incapacity and terminated the emergency temporary guardianship. Father also filed petition to revoke the trust, and the Fifteenth Judicial Circuit Court, Palm Beach County, Richard Oftedal, J., entered orders that, among other things, declared the trust void ab initio. Children, as trustees of the trust, appealed multiple orders, and the appeals were consolidated.

Holdings: The District Court of Appeal held that:

[1] agreed order dismissing the guardianship proceedings and requiring father to execute the trust was a nullity, and

[2] father lacked authority to execute the trust.

Affirmed.

West Headnotes (6)

[1] **Mental Health**
Temporary guardian
Mental Health
Dismissal of proceedings
Mental Health
Confirming or vacating finding; new commission or new trial

Agreed order dismissing plenary guardianship proceedings involving father, and requiring him to execute trust naming his children as co-trustees, was a nullity, and thus trial court had authority to vacate order, appoint new examining committee, and, after committee unanimously found father completely competent, dismiss the petition for determination of incapacity and terminate the emergency temporary guardianship; petition to determine incapacity could not be dismissed until issue of incapacity was actually determined, and could not be dismissed without also terminating the emergency temporary guardianship, since appointment of guardian deprived father of nearly all his rights. West's F.S.A. §§ 744.3031(1), 744.331.

1 Cases that cite this headnote

[2] **Mental Health**
Appearance and representation by attorney; guardian ad litem
Mental Health
Hearing and Determination

An attorney for an alleged incapacitated person may not waive an adjudicatory hearing when required. West's F.S.A. § 744.331.

Cases that cite this headnote

[3] **Mental Health**
Determination of mental disorder in general
Mental Health
Dismissal of proceedings

If a person is incompetent, it is the duty of the court to assure that person's protection and his or her autonomy is respected to the greatest extent possible; to permit dismissal of proceedings where a party is in fact incompetent may endanger that person. West's F.S.A. § 744.1012.

Cases that cite this headnote

[4] **Mental Health**
Mental incompetency or incapacity in general

The guardianship statutes and rules should not be used to protect competent persons from their spendthrift ways or to protect their beneficiaries; an individual who is competent should not be subject to the control of the courts through guardianship proceedings, temporary or plenary.

Cases that cite this headnote

[5] **Mental Health**
Temporary guardian
Mental Health
Dismissal of proceedings

Father who was the subject of a petition to determine incapacity, and for whom an emergency temporary guardian (ETG) had been appointed, lacked authority to execute trust naming his children as co-trustees, even after dismissal of the plenary guardianship proceedings; emergency temporary guardianship had not been terminated, ETG had been delegated all of father's legal rights except the right to vote, and father and ETG could not both execute the right to contract. West's F.S.A. §§ 736.0402(1), 744.3031.

1 Cases that cite this headnote

[6] **Mental Health**
Temporary guardian

To permit both a ward and an emergency temporary guardian (ETG) to exercise the right to contract would render the protection afforded by an ETG non-existent; in such cases, the ward could continue to deal with his or her property and conceivably give it all away while a petition for incapacity is pending even though that person is incompetent but not officially adjudicated as such.

Cases that cite this headnote

Attorneys and Law Firms

***242** Brian M. O'Connell and Ashley N. Girolamo of Casey Ciklin Lubitz Martens & O'Connell, P.A., West Palm Beach, for appellants.

Irwin R. Gilbert and Bryan J. Yarnell of Gilbert Yarnell, Palm Beach Gardens, for appellee.

Opinion

PER CURIAM.

In their consolidated appeals, Summer Jasser, Lena Mamone, and Anthony Saadeh, the children of appellee, Karim Saadeh, appeal five orders, arising out of proceedings to determine the incapacity of their father as well as the appointment of an emergency temporary guardian. [1] In connection with these proceedings, Saadeh executed a trust agreement, the validity of which was later contested by him after competency proceedings were dismissed. The crux of this appeal is a challenge to the court's summary judgment determining that the trust was void *ab initio*. Because we conclude that the court correctly determined that Saadeh did not have legal authority to create the trust, we affirm the summary judgment.

Karim Saadeh, now in his eighties, emigrated from Jordan with his wife, raised a family of three children, and became a very successful businessman. He and his wife were wealthy at the time of his wife's death in 2007. After her demise, Saadeh contemplated remarrying.

Saadeh met a younger woman through one of his wife's relatives. He loaned her money, which greatly disturbed his children even though he had his lawyer draw up a promissory note. The children then worried about his other substantial bank accounts on which they were named accountholders. The children became concerned that their father was not completely competent and expressed that concern to his business and estate planning attorney, Michael Singer. To prevent Saadeh from draining his accounts, the children transferred over a million dollars from these accounts to other accounts over which he had no control without his knowledge.

Saadeh was upset when he discovered that his children had drained his accounts. Around the same time, he discovered that ***243** substantial money and jewelry located in a safe were missing. Because his children had the combination to his safe, he suspected that they had likewise taken these assets.

West's Florida Statutes Annotated
Title XLIII. Domestic Relations (Chapters 741-759)
Chapter 744. Guardianship (Refs & Annos)
Part VI. Powers and Duties

West's F.S.A. § 744.441

744.441. Powers of guardian upon court approval

Effective: June 21, 2011
Currentness

After obtaining approval of the court pursuant to a petition for authorization to act, a plenary guardian of the property, or a limited guardian of the property within the powers granted by the order appointing the guardian or an approved annual or amended guardianship report, may:

(1) Perform, compromise, or refuse performance of a ward's contracts that continue as obligations of the estate, as he or she may determine under the circumstances.

(2) Execute, exercise, or release any powers as trustee, personal representative, custodian for minors, conservator, or donee of any power of appointment or other power that the ward might have lawfully exercised, consummated, or executed if not incapacitated, if the best interest of the ward requires such execution, exercise, or release.

(3) Make ordinary or extraordinary repairs or alterations in buildings or other structures; demolish any improvements; or raze existing, or erect new, party walls or buildings.

(4) Subdivide, develop, or dedicate land to public use; make or obtain the vacation of plats and adjust boundaries; adjust differences in valuation on exchange or partition by giving or receiving consideration; or dedicate easements to public use without consideration.

(5) Enter into a lease as lessor or lessee for any purpose, with or without option to purchase or renew, for a term within, or extending beyond, the period of guardianship.

(6) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement.

(7) Abandon property when, in the opinion of the guardian, it is valueless or is so encumbered or in such condition that it is of no benefit to the estate.

(8) Pay calls, assessments, and other sums chargeable or accruing against, or on account of, securities.

C) Alternatively, the Guardian petitions for court approval to sue Susan and Al Jr. for damages.

16. Alternatively, if the Mediated Term Sheet is not approved or if a litigation to enforce the Mediated Term Sheet fails, then the Guardian requests court approval to sue Susan and Al Jr. in the Civil Division to recover the substantial funds that are rightfully the property of the Ward; to void transfers of the Ward's property that were undertaken at a time when he lacked capacity; and to address those instances in which Susan and Al Jr. have exploited or taken advantage of the Ward both before and after the Guardianship. If no mediated agreement exists, then the Ward will still be owed money from Susan and Al Jr. and it is therefore in the best interest of the Ward's estate to take legal action to recover it.

D) The Guardian seeks further authorization from this Court to amend and fund the Ward's Revocable Trust in accordance with Fla. Stat. §744.441(17) and/or (19).

17. The Ward maintained assets pursuant to the Albert Vassallo Revocable Trust Agreement (the "Revocable Trust"). When he became incapacitated, three of his children (James, Susan, and Al Jr.) became the successor co-Trustees. On September 30, 2014, this Court directed all financial institutions to distribute and/or transfer immediately all of the ward's funds, including accounts belonging to the Revocable Trust, to the guardianship account on behalf of the Ward.

18. The Revocable Trust, however, is a reasonable alternative mechanism for the Ward's assets (1) to be used during life and (2) to pass to his heirs outside of probate as an estate planning mechanism. Unfortunately, two of the co-Trustees are Susan and Al Jr. (i.e., the proposed defendants in the claims discussed above). Because of their adverse position to the Ward and the Guardian, they should not continue to serve as co-trustee. A third co-Trustee, James, is so hostile to his siblings and vice-versa as a result of this litigation that he cannot serve objectively as a co-Trustee.

exercise all delegable legal rights and powers of the ward with the exception of his right to vote. Pursuant to statute, the court set the term of the temporary guardianship for ninety days.

The day after the hearing, two of the members of the examining committee filed their reports, both stating that Saadeh was fully capable of managing his own affairs and was completely competent. Unfortunately, the third person appointed to examine Saadeh passed away before the hearing. It does not appear that the court ever saw these reports. Within two days of the appointment of the ETG, Singer filed an emergency petition to set aside the guardianship and for rehearing. The ward's court-appointed attorney joined in the petition and also moved for rehearing.

The next day, only three days after the appointment of the ETG, Meyer, the attorney for the ETG, and the appointed counsel for Saadeh, submitted to the court an agreed order to "settle" the guardianship. The parties agreed that execution of a trust would be the "least restrictive alternative to plenary guardianship in this matter." The May 21 order provided for Saadeh to execute a trust agreement with his children serving as co-trustees, which could be amended only with consent of the co-trustees. Upon Saadeh's death, the trust assets would be distributed to the children. Saadeh would also execute a pour-over will, naming his three children as his co-personal representatives, and devising the residue of his estate to his children. In addition, Saadeh would create a new healthcare surrogate designation, appointing his three children as his surrogates. The ETG would acquire all of Saadeh's assets and place title to them in the trust. Thereafter, the ETG could seek leave of court for her discharge. The order provided that Saadeh shall execute the trust, will and healthcare surrogate within seven days. The last provision of the order ***245** states that "All pending incapacity proceedings for the Ward in this Court are hereby dismissed, subject to the Court's retention of jurisdiction to enforce the terms of this Agreed Order if necessary." At the same time, the court dismissed the examining committee and denied the pending petition to set aside the guardianship filed by Singer the day before. It does not appear that Singer was notified of any hearing on this issue.

After the petition to set aside the guardianship failed, the accountant, Levine, who had power of attorney [POA] and who was Saadeh's current health care surrogate, filed his own petition to set aside the guardianship and requested rehearing. In his petition, Levine alleged that he had never been provided notice of the ETG proceedings. He attached the reports of two doctors, who stated that Saadeh was competent to attend to his own affairs. The court scheduled this motion for hearing on June 25, 2009.

Despite the fact that the agreed order "dismissed" the pending incapacity proceedings, neither the parties nor the court operated as though anything was dismissed. A few days after entry of the agreed order, Noble, the court-appointed attorney for the ward, filed a motion for clarification of the order appointing the ETG. The court entered an order of clarification. In addition, both sides filed motions to disqualify attorneys. Noble wanted to disqualify Singer from representing Levine, and Singer sought to disqualify Meyer from representing Barfield because Meyer simultaneously represented Saadeh's children. In addition, Noble complained that Levine was not forwarding bills that the ETG was required to pay on behalf of Saadeh, thus acknowledging that the ETG continued to exercise Saadeh's rights. Moreover, Saadeh was not allowed to hire Singer as his attorney in the incapacity proceedings.

At a hearing, Singer raised the issue of whether the guardianship proceedings had been vacated and whether Saadeh's rights were restored. The ETG and the ward's court-appointed attorney argued that the order appointing the ETG took away all of Saadeh's rights, except the right to vote, and his rights had not been restored. The court agreed that all of his rights, with the exception of the right to vote, had been removed.

The same afternoon and without notification to Singer, the ETG had Saadeh sign a new trust agreement. Contrary to its title as an "initial revocable trust," the trust was not revocable by Saadeh. There are disputed issues of fact as to the circumstances surrounding the execution of the trust and what Saadeh was told regarding the terms of the trust. [2] The ward's court-appointed attorney, however, admitted that he told him that if he signed the trust, the proceedings would be over. To transfer property to the trust, the ETG executed deeds to Saadeh's property, and Saadeh executed quit-claim deeds to some of the properties.

When the parties next appeared before the court, the court questioned whether it had "pulled the trigger" too quickly in signing the order of settlement because Saadeh was not really incapacitated. In other words, the court was concerned that it did not possess the authority to order Saadeh to enter into trusts if he were not ***246** incapacitated and would have his

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[2] First, the statutes and rules do not provide for the dismissal of a petition to determine the incapacity of an individual before the actual determination of the issue. In *Borden v. Guardianship of Borden-Moore*, 818 So.2d 604 (Fla. 5th DCA 2002), the court held that a petition for guardianship could not be dismissed before receiving the report of the examining committee:

> Section 744.331 contemplates that once a facially sufficient petition to determine incapacity has been filed, the court must ensure that the alleged incapacitated person has an attorney, that an appropriately qualified examining committee promptly examines the person, and that an adjudicatory hearing be set no more than fourteen days after the filing of the report of the examining committee, unless good cause is shown to extend that time. Compliance with the requirements of section 744.331 is mandatory and the trial court's failure to adhere to those requirements constitutes reversible error.

Id. at 608–09. ***See*** § 744.331(4), Fla. Stat. (2008); ***see also*** *In re Keene*, 343 So.2d 916, 917 (Fla. 4th DCA 1977) ("Proceedings to determine the competency of a person are generally controlled by statute and where a statute prescribes a certain method of proceeding to make that determination, the statute must be strictly followed.") (citation omitted). An attorney for the person may not waive an adjudicatory hearing when required. ***See*** *In re Frederick*, 508 So.2d 44, 45 (Fla. 4th DCA 1987).

[3] **[4]** There is good reason for such a rule. If a person is incompetent, it is the duty of the court to assure that person's protection and his or her autonomy is respected to the greatest extent possible. ***See*** § 744.1012, Fla. Stat. (2008). To permit dismissal of proceedings where a party is in fact incompetent may endanger that person. On the other hand, without knowing whether the person is actually incompetent, the court could restrict a person's independent ability to deal with his property and place it out of the control of a ***248** person who may be completely capacitated. The guardianship statutes and rules should not be used to protect competent persons from their spendthrift ways or to protect their beneficiaries. An individual who is competent should not be subject to the control of the courts through guardianship proceedings, temporary or plenary.

That the order dismissing the plenary guardianship proceedings was a nullity is further supported by the fact that the order did not dismiss the petition for emergency temporary guardian, revoke the letters of guardianship, or terminate the same. Section 744.3031(1), Florida Statutes (2008), permits the appointment of an ETG only after a petition for determination of incapacity has been filed. For an ETG to be appointed there must be a pending determination of incapacity. As such, the court could not dismiss the petition for incapacity and retain the ETG. Unfortunately, that is what occurred in these proceedings.

The ETG, and even court-appointed counsel for Saadeh, never intended to restore any rights to him during the period of the temporary guardianship, and their statements to the court that all of Saadeh's rights had been removed were made at a hearing on the same day he executed the trust agreement. At a separate hearing, the attorney for the children as trustees also told the court that because of the appointment of the ETG, Saadeh could not be a trustee of his own trust. Thus, the trustees acknowledged that the appointment of the ETG deprived Saadeh of all of his rights. Because all parties relied on the ETG's appointment as depriving Saadeh of the ability to exercise all rights, they are now judicially estopped from taking the position that the incapacity proceedings were final. ***See*** *Blumberg v. USAA Cas. Ins. Co.*, 790 So.2d 1061, 1066 (Fla.2001). Because the order did not dismiss the ETG proceedings and restore Saadeh's rights, it was legally impossible to continue to deprive Saadeh of his rights unless incapacity was determined. The court, recognizing its mistake in entering the order which purported to dismiss the incapacity proceedings, appointed the new examining committee. Then, when the examining committee unanimously found that Saadeh was completely competent, it appropriately dismissed the petition for determination of incapacity and terminated the ETG. The court was within its authority in these rulings.

[5] We agree with the trial court that when the court conferred the ward's rights on the ETG, it removed them from the ward; both cannot simultaneously exercise those rights. Section 744.3031(1) provides that the court shall specify the rights to be exercised by the ETG. In this case, the order delegated to the ETG *all* legal rights, reserving only the right to vote to the ward. Thus, the court removed the ward's

rights restored at the end of the temporary guardianship. The court stated:

> If it's determined that he's not incapacitated, then it seems to me there's no reason that the court should have entered this settlement agreement in the first place because he should be allowed to exercise his own free will with regard to this instrument.... If it's wrong, I want to undo it.

A lengthy hearing ensued regarding whether Saadeh should have the right to choose his attorney. Both the ETG and the ward's court-appointed attorney argued that he did not have the right to choose his attorney. Nevertheless the court permitted Saadeh to hire his own attorney. The court also reappointed an examining committee for the purpose of determining Saadeh's incapacity. In all other respects, the guardianship continued, and Saadeh did not regain any of his rights. In fact, his attorneys had to request and receive permission for him to travel.

Each member of the new examining committee met with Saadeh and declared him fully competent and capable of managing his own affairs. At the hearing to determine incapacity, the recently retained attorney for the children as trustees under the trust contended that because of the May 21st order dismissing the incapacity hearings, there was no competency issue to be resolved. Nonetheless, the court pointed out that all parties had labored under the assumption that incapacity was still at issue. The court proceeded to consider the examining committee reports. Based upon the unanimous determination of the examining committee that Saadeh was competent, the court dismissed the petition.

Unfortunately, this did not end the litigation, far from it. Saadeh had already filed a petition to revoke the trust. In his petition, he claimed the following: 1) he had executed the trust based upon undue influence, coercion, and duress and without understanding its terms; 2) his children participated in the coercion and duress imposed on him and stood to gain substantially through the provisions of the trust; 3) he was denied the right to consult counsel of his choice; 4) the trust was inconsistent with the terms that he had previously discussed he would be willing to enter; 5) he did not agree to a trust that he could not revoke; and, 6) because he had never agreed to the trust when the settlement was presented to the trial court, a fraud on the court had been committed. The children defended as trustees and filed a declaratory judgment action to determine the validity of the trust.

Eventually, Saadeh moved for summary judgment. The three questions addressed to the court were: 1) whether the May 2009 order requiring the execution of the trust and dismissal of the incapacity proceedings was properly entered and valid; 2) whether Saadeh lacked the legal right or power to enter into the settlement or trust agreement; and 3) whether the trust agreement was void ab initio. The court did not reach the question of undue influence, coercion, duress, or fraud on the court.

The court found that the May 2009 order was entered, but it did not authorize the execution of an irrevocable trust. When the court entered the order, it was not informed of catastrophic gift tax consequences if the trust was created, nor was it informed that the trust could not be revoked by Saadeh himself. **When it appointed the ETG and granted her all of the ward's legal rights, it thereby removed them from the ward. Thus, Saadeh had no legal capacity to enter into the trust *247 agreements.** Therefore, the June 2009 trust agreement was void ab initio.

In addition, while the May 2009 order provided that the execution of the trust was the least restrictive alternative to a guardianship, the court found that "[t]he implementation of a least restrictive alternative to plenary guardianship presupposes the appointment of a plenary guardian is warranted." *See* § 744.344(2), Fla. Stat. (2008). If the court does not find a need for a plenary guardianship, then there is no need for a least restrictive alternative. The court could not order any less restrictive alternative before it found incapacity on the part of the ward. Finally, the court found that the trust went beyond the terms of the order in that the trust was executed as an irrevocable trust with very significant tax consequences. For these reasons, the trial court determined the trust was void ab initio and ordered the return of the trust assets to Saadeh. From this order, the trustees appeal.

[1] The co-trustees attack the trial court's final judgment by first arguing that the May 2009 agreed order was final, but not appealed; therefore, it is no longer subject to attack. They cite, however, to cases involving a voluntary dismissal of proceedings. This was not a voluntary dismissal, but rather an allegedly agreed settlement and a mutual dismissal. They also contend that the court was without jurisdiction to vacate the May 2009 order of dismissal because there was no incapacity petition pending due to its earlier dismissal. We disagree.

rights restored at the end of the temporary guardianship. The court stated:

> If it's determined that he's not incapacitated, then it seems to me there's no reason that the court should have entered this settlement agreement in the first place because he should be allowed to exercise his own free will with regard to this instrument.... If it's wrong, I want to undo it.

A lengthy hearing ensued regarding whether Saadeh should have the right to choose his attorney. Both the ETG and the ward's court-appointed attorney argued that he did not have the right to choose his attorney. Nevertheless the court permitted Saadeh to hire his own attorney. The court also reappointed an examining committee for the purpose of determining Saadeh's incapacity. In all other respects, the guardianship continued, and Saadeh did not regain any of his rights. In fact, his attorneys had to request and receive permission for him to travel.

Each member of the new examining committee met with Saadeh and declared him fully competent and capable of managing his own affairs. At the hearing to determine incapacity, the recently retained attorney for the children as trustees under the trust contended that because of the May 21st order dismissing the incapacity hearings, there was no competency issue to be resolved. Nonetheless, the court pointed out that all parties had labored under the assumption that incapacity was still at issue. The court proceeded to consider the examining committee reports. Based upon the unanimous determination of the examining committee that Saadeh was competent, the court dismissed the petition.

Unfortunately, this did not end the litigation, far from it. Saadeh had already filed a petition to revoke the trust. In his petition, he claimed the following: 1) he had executed the trust based upon undue influence, coercion, and duress and without understanding its terms; 2) his children participated in the coercion and duress imposed on him and stood to gain substantially through the provisions of the trust; 3) he was denied the right to consult counsel of his choice; 4) the trust was inconsistent with the terms that he had previously discussed he would be willing to enter; 5) he did not agree to a trust that he could not revoke; and, 6) because he had never agreed to the trust when the settlement was presented to the trial court, a fraud on the court had been committed. The children defended as trustees and filed a declaratory judgment action to determine the validity of the trust.

Eventually, Saadeh moved for summary judgment. The three questions addressed to the court were: 1) whether the May 2009 order requiring the execution of the trust and dismissal of the incapacity proceedings was properly entered and valid; 2) whether Saadeh lacked the legal right or power to enter into the settlement or trust agreement; and 3) whether the trust agreement was void ab initio. The court did not reach the question of undue influence, coercion, duress, or fraud on the court.

The court found that the May 2009 order was entered, but it did not authorize the execution of an irrevocable trust. When the court entered the order, it was not informed of catastrophic gift tax consequences if the trust was created, nor was it informed that the trust could not be revoked by Saadeh himself. When it appointed the ETG and granted her all of the ward's legal rights, it thereby removed them from the ward. Thus, Saadeh had no legal capacity to enter into the trust *247 agreements. Therefore, the June 2009 trust agreement was void ab initio.

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[2] First, the statutes and rules do not provide for the dismissal of a petition to determine the incapacity of an individual before the actual determination of the issue. In *Borden v. Guardianship of Borden–Moore*, 818 So.2d 604 (Fla. 5th DCA 2002), the court held that a petition for guardianship could not be dismissed before receiving the report of the examining committee:

> Section 744.331 contemplates that once a facially sufficient petition to determine incapacity has been filed, the court must ensure that the alleged incapacitated person has an attorney, that an appropriately qualified examining committee promptly examines the person, and that an adjudicatory hearing be set no more than fourteen days after the filing of the report of the examining committee, unless good cause is shown to extend that time. Compliance with the requirements of section 744.331 is mandatory and the trial court's failure to adhere to those requirements constitutes reversible error.

Id. at 608–09. *See* § 744.331(4), Fla. Stat. (2008); *see also In re Keene*, 343 So.2d 916, 917 (Fla. 4th DCA 1977) ("Proceedings to determine the competency of a person are generally controlled by statute and where a statute prescribes a certain method of proceeding to make that determination, the statute must be strictly followed.") (citation omitted). An attorney for the person may not waive an adjudicatory hearing when required. *See In re Frederick*, 508 So.2d 44, 45 (Fla. 4th DCA 1987).

[3] **[4]** There is good reason for such a rule. If a person is incompetent, it is the duty of the court to assure that person's protection and his or her autonomy is respected to the greatest extent possible. *See* § 744.1012, Fla. Stat. (2008). To permit dismissal of proceedings where a party is in fact incompetent may endanger that person. On the other hand, without knowing whether the person is actually incompetent, the court could restrict a person's independent ability to deal with his property and place it out of the control of a ***248** person who may be completely capacitated. The guardianship statutes and rules should not be used to protect competent persons from their spendthrift ways or to protect their beneficiaries. An individual who is competent should not be subject to the control of the courts through guardianship proceedings, temporary or plenary.

That the order dismissing the plenary guardianship proceedings was a nullity is further supported by the fact that the order did not dismiss the petition for emergency temporary guardian, revoke the letters of guardianship, or terminate the same. Section 744.3031(1), Florida Statutes (2008), permits the appointment of an ETG only after a petition for determination of incapacity has been filed. For an ETG to be appointed there must be a pending determination of incapacity. As such, the court could not dismiss the petition for incapacity and retain the ETG. Unfortunately, that is what occurred in these proceedings.

The ETG, and even court-appointed counsel for Saadeh, never intended to restore any rights to him during the period of the temporary guardianship, and their statements to the court that all of Saadeh's rights had been removed were made at a hearing on the same day he executed the trust agreement. At a separate hearing, the attorney for the children as trustees also told the court that because of the appointment of the ETG, Saadeh could not be a trustee of his own trust. Thus, the trustees acknowledged that the appointment of the ETG deprived Saadeh of all of his rights. Because all parties relied on the ETG's appointment as depriving Saadeh of the ability to exercise all rights, they are now judicially estopped from taking the position that the incapacity proceedings were final. *See Blumberg v. USAA Cas. Ins. Co.*, 790 So.2d 1061, 1066 (Fla.2001). Because the order did not dismiss the ETG proceedings and restore Saadeh's rights, it was legally impossible to continue to deprive Saadeh of his rights unless incapacity was determined. The court, recognizing its mistake in entering the order which purported to dismiss the incapacity proceedings, appointed the new examining committee. Then, when the examining committee unanimously found that Saadeh was completely competent, it appropriately dismissed the petition for determination of incapacity and terminated the ETG. The court was within its authority in these rulings.

[5] We agree with the trial court that when the court conferred the ward's rights on the ETG, it removed them from the ward; both cannot simultaneously exercise those rights. Section 744.3031(1) provides that the court shall specify the rights to be exercised by the ETG. In this case, the order delegated to the ETG *all* legal rights, reserving only the right to vote to the ward. Thus, the court removed the ward's

exercise all delegable legal rights and powers of the ward with the exception of his right to vote. Pursuant to statute, the court set the term of the temporary guardianship for ninety days.

The day after the hearing, two of the members of the examining committee filed their reports, both stating that Saadeh was fully capable of managing his own affairs and was completely competent. Unfortunately, the third person appointed to examine Saadeh passed away before the hearing. It does not appear that the court ever saw these reports. Within two days of the appointment of the ETG, Singer filed an emergency petition to set aside the guardianship and for rehearing. The ward's court-appointed attorney joined in the doctors, who stated that Saadeh was competent to attend to his own affairs. The court scheduled this motion for hearing on June 25, 2009.

Despite the fact that the agreed order "dismissed" the pending incapacity proceedings, neither the parties nor the court operated as though anything was dismissed. A few days after entry of the agreed order, Noble, the court-appointed attorney for the ward, filed a motion for clarification of the order appointing the ETG. The court entered an order of clarification. In addition, both sides filed motions to disqualify attorneys. Noble wanted to disqualify Singer from representing Levine, and Singer sought to disqualify Meyer

right to contract. The fact that the court removed his right to contract was specifically discussed not only in the original hearing appointing the ETG but in almost every other hearing thereafter.

[6] To permit both a ward and the guardian to exercise the right to contract would render the protection afforded by an ETG non-existent. In such cases, the ward could continue to deal with his or her property and conceivably give it all away while a petition for incapacity is pending even though that person is incompetent but not officially adjudicated as such. The ETG would be faced with the difficult task of recovering missing property.

This case is distinguishable from *Holmes v. Burchett*, 766 So.2d 387 (Fla. 2d DCA 2000). In *Holmes*, an ETG was appointed for the ward. *Id.* at 388 n. 2. The trial court refused to permit an attorney retained by the ward from participating in ***249** the incapacity proceedings even though, pursuant to section 744.331(2)(a), the alleged incapacitated person was entitled to substitute his or her own attorney for the one appointed by the court. *Id.* The appellate court granted certiorari, concluding that until the ward is declared incompetent, she is presumed competent to contract and to substitute her chosen counsel. *Id.* However, in *Holmes* there is no mention as to what rights were conferred on the ETG. Thus, the opinion does not stand for the proposition that even though the legal right to contract is removed from a ward, the ward may still contract until found incapacitated.

In re Guardianship of Graham, 963 So.2d 275 (Fla. 4th DCA 2007) is more on point. In that case, a petition to determine the incapacity of the ward was filed, and an ETG with plenary authority over the ward's person and property was appointed, much like the ETG authority in this case. *See id.* at 276–77. The trial court did not adjudicate the ward incapacitated before the ward filed a motion to substitute counsel, which the trial court denied. *See id.* On petition for writ of certiorari to this Court, we denied the petition on the ground that where the ward's right to contract had been removed by the appointment of a plenary guardian, she did not possess the right to contract and enter into an agreement with the attorney. *See id.* at 278. *Graham* is consistent with the trial court's conclusion that where an ETG is granted the right to contract, the ward can no longer exercise that power.

As found by the trial court in granting summary judgment, at the time of the execution of the trust, the right to contract had been removed from Saadeh, as the parties acknowledged to the court the day that the trust was signed. Section 736.0402(1), Florida Statute (2008), provides that "[a]trust is created *only if:* (a) the settler has *capacity* to create a trust." § 736.0402(1)(a), Fla. Stat. (2008) (emphasis added). Thus, because Saadeh had no legal right to execute the trust, the trust was invalid and void. The trial court's ruling was correct.

With respect to the issues raised in connection with the remaining orders on appeal, we find no error.

Affirmed.

WARNER, DAMOORGIAN and CONNER, JJ., concur.

Parallel Citations

37 Fla. L. Weekly D1696

Footnotes

1 The five orders include: 1) "Order Dismissing Incapacity Proceedings" dated September 9, 2009; 2) "Order on November 10, 2009 Hearing Re Saadeh's Motion to Strike Co–Trustees' Motion to Dismiss" nunc pro tunc to November 10, 2009; 3) "Order Granting Motion for Partial Summary Judgment and Rendering Final Judgment" dated December 22, 2009; 4) "Order on Karim Saadeh's Motion to Enforce Judgment and Release Funds to Karim H. Saadeh and for Attorney Fees" dated March 23, 2010; and 5) "Order Granting Saadeh's Amended Motion to Dismiss" dated September 17, 2010.

2 The ETG prepared an affidavit which Saadeh signed, stating that he had executed the trust agreement voluntarily. However, Saadeh has continually testified that he was misled as to the terms of the trust and that his execution was not voluntary. He was told that the execution of the trust was the only way he could end the guardianship proceedings and get his life back to normal.

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West's Florida Statutes Annotated
Title XLIII. Domestic Relations (Chapters 741-759)
Chapter 744. Guardianship (Refs & Annos)
Part VI. Powers and Duties

West's F.S.A. § 744.447

744.447. Petition for authorization to act

Currentness

(1) Application for authorization to perform, or confirmation of, any acts under s. 744.441 or s. 744.446 shall be by petition stating the facts showing the expediency or necessity for the action; a description of any property involved; and the price and terms of a sale, mortgage, or other contract. The application must state whether it conforms to the general terms of the guardianship report and whether the ward has been adjudicated incapacitated to act with respect to the rights to be exercised.

(2) No notice of a petition to authorize a sale of perishable personal property or of property rapidly deteriorating shall be required. Notice of a petition to perform any other acts under s. 744.441 or s. 744.446 shall be given to the ward, to the next of kin, if any, and to those interested persons who have filed requests for notices and copies of pleadings, as provided in the Florida Probate Rules, unless waived by the court. Notice need not be given to a ward who is under 14 years of age or who has been determined to be totally incapacitated.

Credits

Laws 1974, c. 74-106, § 1; Fla.St.1974, Supp. § 744.503; Laws 1975, c. 75-222, §§ 24, 26; Laws 1979, c. 79-221, § 12; Laws 1989, c. 89-96, § 76; Laws 1990, c. 90-271, § 55.

Notes of Decisions (11)

West's F. S. A. § 744.447, FL ST § 744.447
Current through Ch. 255 (End) of the 2014 2nd Reg. Sess. and Sp. "A" Sess. of the Twenty-Third Legislature

End of Document

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1-27-15

Filing # 23040712 E-Filed 01/27/2015 04:45:36 PM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF ALBERT VASSALLO, SR. An incapacitated person. /	PROBATE/GUARDIANSHIP DIV. "IX" CASE NO. 502014GA000369XXXXSB

GUARDIAN'S VERIFIED PETITION FOR DIRECTION TO ACT

Elizabeth Savitt ("Guardian"), by and through the undersigned counsel, and pursuant to Fla. Stat. §744.447, hereby petitions this Court for the entry of an order authorizing her to act, and in support, states as follows:

Introduction

1. The Guardian was appointed on September 9, 2014, as the limited guardian of the person and property for the captioned Ward.

2. Shortly thereafter, in October of 2014, the Guardian sought to compel the return of certain of the Ward's funds and property from the Ward's adult children, Albert Vasallo, Jr. ("Al Jr.") and Susan Mast ("Susan").

3. Prior to a hearing on these contentious matters, the parties participated in court-directed mediation.

Mediated Agreement

4. On December 1, 2014, the Guardian, Al Jr., Susan, and the Ward's court-appointed counsel participated in the referenced mediation before the Honorable Jack Cook (retired). The mediation resulted in a signed agreement that is set forth on Exhibit 1 hereto (the "Mediated Term Sheet").

5. The parties to the mediation executed a Mediated Term Sheet on that date. The Mediated Term Sheet contains all of the material terms of an agreement. Nevertheless, it expressly

states that the Mediated Term Sheet is to be reduced to a formal written agreement and that promissory notes are to be executed by Al Jr. and by Susan. A copy of the Mediated Term Sheet is attached hereto as Exhibit "1".

6. After the Mediated Term Sheet was executed, counsel for the Guardian and for Susan and Al Jr. agreed on the form of a settlement agreement and promissory notes. However, as of the date of filing the instant Petition, both of the Ward's adult children who are parties to it, Al Jr. and Susan, have either refused to execute or refused to deliver the signed formalized agreement. They also will not deliver the promissory notes required by the mediated terms. Their counsel has now moved to withdraw, quite possibly because of Susan and Al Jr.'s apparent decision to renege on the Mediated Term Sheet.

7. Action is now required by the Guardian, subject to court authorization, to either (1) enforce the Mediated Term Sheet or (2) to abandon it and sue Susan and Al Jr. The action contemplated herein is not inconsistent with any guardianship report or plan. This petition for judicial direction and authorization follows.

A) Petition to Approve the Mediated Term Sheet

8. Pursuant to Fla. Stat. §744.447 and Fla. Stat. §744.441(2), (10) and (11), the Guardian seeks this Court's approval and authorization for her execution of such Mediated Term Sheet (and for the prospective execution of such written formalized agreement as was contemplated therein). A summary of the Mediated Term Sheet is as follows:

a. Al Jr. will execute a promissory note for $45,000 payable to the Guardian at 4% per annum interest.

b. Susan will execute a promissory note for $54,000 payable to the Guardian at 4% per interest.

c. Susan will execute a second promissory note for $8,000 to the Guardian at 4% per annum with interest running from September 9, 2014, the enforcement of which is subject to Susan's failure to account to the Guardian for $8,120 in electronic withdrawals of the Ward's funds.

d. Each promissory note is due at the earlier of (1) the death of the Ward or (2) under the 15-year amortization schedule. Each note is secured by the obligor's inheritance or trust distributions.

e. The parties agreed on a current expense budget ("Expenses") of $820 per month (subject to adjustments) and payment of $2,083 per month as compensation to Susan Mast for care of the Ward, if the then-current schedule continues.

f. The parties agreed to exchange mutual general releases except as to the performance of this agreement.

g. The Guardian consented to represent to the Court that it is not in the best interests of the Ward for any of his family to serve as his trustee.

h. Attorneys' fees are borne by the parties.

9. The Guardian believes it is in the best interest of the Ward for the Court to ratify the Mediated Term Sheet. An agreement will largely avoid the legal expense from the guardianship which would be associated with litigation on the merits. The Guardian also believes that it was a fair and reasonable compromise regarding obligations owed to the Ward. *See* Fla. Stat. §744.441(2), (10).

10. For these reasons, the Guardian requests the Court's entry of an order authorizing her act of executing the Mediated Term Sheet and the prospective written formalized agreement.

B) Petition to Permit a Lawsuit to Enforce It

11. As of the date of filing the instant Petition, the Ward's two adult children who agreed to the Mediated Term Sheet have not complied with the mediated terms. Their counsel has now moved to withdraw.

12. Accordingly, the Guardian seeks authorization vis-à-vis Fla. Stat. §744.441(11), to bring an action against Al Jr. and Susan to enforce the Mediated Term Sheet. More particularly, the Guardian seeks this Court's authorization, if necessary, to institute and prosecute proceedings for the protection of the Ward's estate, as part of her duties. *See* Fla. Stat. §744.441(11).

13. Section §744.441(11) provides in relevant part:

> After obtaining approval of the court pursuant to a petition for authorization to act [...] a guardian of the property [...] may:
> (11) **Prosecute** or defend **claims or proceedings in any jurisdiction for the protection of the estate and of the guardian in the performance of his or her duties**. (emphasis supplied)

14. As the Guardian has a fiduciary obligation to protect the Ward's person and property, it is appropriate for the Guardian and beneficial to the Ward for her to institute proceedings against Al Jr. and Susan relative to their breach of the Mediated Term Sheet, and to otherwise protect, marshal, and secure the Ward's revocable trust and assets which would be available for his benefit.

15. For these reasons, the Guardian seeks this Court's authorization to institute proceedings against Al Jr. and Susan to enforce the Mediated Term Sheet setting forth their agreement. In connection with such proceedings, the Guardian seeks attorney's fees and costs, for these services performed on behalf of and for the benefit to the Ward, pursuant to Fla. Stat. §744.108.

C) Alternatively, the Guardian petitions for court approval to sue Susan and Al Jr. for damages.

16. Alternatively, if the Mediated Term Sheet is not approved or if a litigation to enforce the Mediated Term Sheet fails, then the Guardian requests court approval to sue Susan and Al Jr. in the Civil Division to recover the substantial funds that are rightfully the property of the Ward; to void transfers of the Ward's property that were undertaken at a time when he lacked capacity; and to address those instances in which Susan and Al Jr. have exploited or taken advantage of the Ward both before and after the Guardianship. If no mediated agreement exists, then the Ward will still be owed money from Susan and Al Jr. and it is therefore in the best interest of the Ward's estate to take legal action to recover it.

D) The Guardian seeks further authorization from this Court to amend and fund the Ward's Revocable Trust in accordance with Fla. Stat. §744.441(17) and/or (19).

17. The Ward maintained assets pursuant to the Albert Vassallo Revocable Trust Agreement (the "Revocable Trust"). When he became incapacitated, three of his children (James, Susan, and Al Jr.) became the successor co-Trustees. On September 30, 2014, this Court directed all financial institutions to distribute and/or transfer immediately all of the ward's funds, including accounts belonging to the Revocable Trust, to the guardianship account on behalf of the Ward.

18. The Revocable Trust, however, is a reasonable alternative mechanism for the Ward's assets (1) to be used during life and (2) to pass to his heirs outside of probate as an estate planning mechanism. Unfortunately, two of the co-Trustees are Susan and Al Jr. (i.e., the proposed defendants in the claims discussed above). Because of their adverse position to the Ward and the Guardian, they should not continue to serve as co-trustee. A third co-Trustee, James, is so hostile to his siblings and vice-versa as a result of this litigation that he cannot serve objectively as a co-Trustee.

19. Accordingly, it is in the Ward's best interest to be rid of any inter-family disputes over the Trust and for the Guardian to serve as the sole Trustee of the Revocable Trust, funded with the Ward's assets pursuant to section 744.441(17) and (19), for the remainder of the Ward's life. Therefore, the Guardian seeks the authorization of this Court to amend the Ward's revocable trust pursuant to the provisions Fla. Stat. §744.441(19).

20. Fla. Stat. §744.441(19) provides:

> After obtaining approval of the court pursuant to a petition for authorization to act [...] a guardian of the property [...] may:
>
> (19) Create or **amend revocable trusts** or create irrevocable trusts of property of the ward's estate which may extend beyond the disability or life of the ward in connection with estate, gift, income, or other tax planning **or in connection with estate planning**. The court shall retain oversight of the assets transferred to a trust, unless otherwise ordered by the court. (emphasis supplied).

21. The powers conferred in subsection (19) are directly applicable here, subject to Court approval. The Ward could have amended his own Revocable Trust and replaced the named successor co-Trustees at will and at any time, but for the adjudication of his incapacity and the appointment of the Guardian in this captioned cause. See Fla. Stat §736.0402(1)(a); *Jasser v. Saddeh*, 97 So. 3d 241 (Fla. 4th DCA 2012). Under subsection (19), the Guardian may now do so in the Ward's place if the Court approves. The Guardian should therefore be permitted to do so in his place and replace the feuding siblings with a single, court-appointed Trustee who is also the Guardian.

WHEREFORE, the Guardian prays that this Court enter an order which grants the instant Petition, as follows:

(1) grant to the Guardian the authority to execute the Mediated Term Sheet and the formal written agreement as contemplated;

(2) grant the Guardian the authority to institute breach of contract proceedings against Al Jr. and Susan for their breach of the Mediated Term Sheet, and, alternatively, to sue them for the underlying wrongs that were the basis for the Guardian's claims that led to the Mediated Term Sheet;

(3) grant to the Guardian the authority to amend the Ward's Revocable Trust by replacing the named co-Trustees and to fund the Revocable Trust;

(4) award to the Guardian her reasonable attorney's fees and costs; and

(5) grant any other such further relief as this Court deems just and proper.

VERIFICATION

Under penalty of perjury, I have read the foregoing document and the facts stated therein are true.



Elizabeth Savitt Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail/e-service upon: **Sheri L. Hazeltine, Esquire**, 800 Palm Trail, Suite 3, Delray Beach, FL 33483 (sheri@hazeltinelaw.com), **Brian M. O'Connell, Esquire**, 515 N. Flagler Dr., 20th Floor, West Palm Beach, FL 33401 (service@ciklinlubitz.com, probateservice@ciklinlubitz.com), **Robert M. Trinkler, Esquire,** SunTrust Center, Suite 1050, 515 East Las Olas Boulevard, Fort Lauderdale, FL 33301 (legal-service@athomaslaw.com) and **James Vassallo** via e-mail (james.vassallo@yahoo.com) and via regular U.S. mail to: **Ralph Vassallo**, 303 Lake Avenue South, Nesconset, NY 11767, **Jacqueline S. Cantela**, 26 Parkside Ave., Miller Place, NY 11764 and **Marie Vassallo-Castagnette**, 433 Mills Rd., Unit #26, Calverton NY 11933, this 27th day of January, 2015.

PANKAUSKI LAW FIRM PLLC
120 South Olive Avenue, Suite 701
West Palm Beach, FL 33401
Phone: (561) 514-0900
courtfilings@pankauskilawfirm.com

By: /s/ Robert J. Hauser
Robert J. Hauser
Florida Bar No.: 55141

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
7th Floor
West Palm Beach, FL 33401

Invoice submitted to:

Betsy Savitt Re G/O Albert Vassallo

Invoice #	**22292**
Invoice Date	**01/28/2015**
For Services Through	12/31/2014
Terms:	N/A

Date	By	Service Summary	Hours/Rate	Amount
In Reference To: **G/O Albert Vassallo (Prof Service)**				
11/27/2014	RJH	*Receipt/Review* Review materials transmitted by client [redacted].	0.10 at $ 350.00/hr	$ 35.00
12/01/2014	RJH	*Prepare* Review materials provided by Guardian [redacted]	0.30 at $ 350.00/hr	$ 105.00
12/01/2014	RJH	*Prepare* Prepare for mediation.	0.50 at $ 350.00/hr	$ 175.00
12/01/2014	RJH	*Mediation* Attend successful mediation of disputes with Albert Vassallo Jr. and Susan Mast before Hon. Jack Cook.	7.20 at $ 350.00/hr	$ 2,520.00
12/02/2014	RJH	*Phone Call* Telephone call with B. O'Connell regarding [redacted]	0.10 at $ 350.00/hr	$ 35.00
12/03/2014	RJH	*Phone Call* Telephone calls with S. Hazeltine office regarding [redacted]	0.10 at $ 350.00/hr	$ 35.00
12/03/2014	RJH	*Prepare correspondence* Memos to and telephone call with B. O'Connell office regarding [redacted]	0.10 at $ 350.00/hr	$ 35.00
12/03/2014	RJH	*Client Communication* Memos to and from client about [redacted]	0.10 at $ 350.00/hr	$ 35.00
12/03/2014	RJH	*Court Time--Prepare For* Prepare for hearing on 12/4/14	0.20 at $ 350.00/hr	$ 70.00
12/03/2014	RJH	*Phone Call* Phone call with B. O'Connell regarding [redacted].	0.20 at $ 350.00/hr	$ 70.00
12/03/2014	ARS	*Attention to* Attention to hearing preparation for UMC on motion to cancel and reset hearing, approve notice of appearance for filing	0.40 at $ 300.00/hr	$ 120.00
12/03/2014	HLG	*Prepare* Prepare and finalize for filing and service, update file and pleadings index and e-file and e-serve Notice of Appearance.	0.30 at $ 150.00/hr	$ 45.00

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12/03/2014	LCC	*Attention to* Attended to correspondence: Ralph Vassallo, Jacqueline Cantela, and Marie Vassallo-Castagnette re: Notice of Appearance and Request for Electronic Service; Email correspondence to client re: [redacted]	0.30 at $ 150.00/hr	$ 45.00
12/03/2014	HLG	*Prepare* Preparation of materials for hearing on 12/04/2014; prepare email correspondence to Cari Kelley requesting court reporter for same.	0.80 at $ 150.00/hr	$ 120.00
12/04/2014	RJH	*Court Time* Attend hearing on motion to postpone 12/9 hearing.	0.90 at $ 350.00/hr	$ 315.00
12/04/2014	RJH	*Communication from Opposing Counsel* Conference with R. Trinkler about disposition of trust matter.	0.20 at $ 350.00/hr	$ 70.00
12/05/2014	RJH	*Client Communication* Review and respond to client memos regarding [redacted].	0.20 at $ 350.00/hr	$ 70.00
12/08/2014	RJH	*Prepare comm to counsel* Memo to B. O'Connell [redacted].	0.20 at $ 350.00/hr	$ 70.00
12/10/2014	RJH	*Case Management* Review and reply to B. Labutka status memo regarding settlement agreement draft.	0.10 at $ 350.00/hr	$ 35.00
12/11/2014	RJH	*Client Communication* [redacted].	0.10 at $ 0.00/hr	No Charge
12/11/2014	RJH	*Receipt/Review* Review proposed settlement agreement draft prepared by Ciklin [redacted].	0.30 at $ 350.00/hr	$ 105.00
12/12/2014	RJH	*Court filed document* Review draft settlement agreement; 2 memos to R. Trinkler and Ciklin Lubitz with comments and suggested revisions.	0.50 at $ 350.00/hr	$ 175.00
12/12/2014	RJH	*Receipt/Review* Review C. Hark memo regarding representation of James Vassallo and requesting telephone call.	0.10 at $ 350.00/hr	$ 35.00
12/12/2014	RJH	*Phone Call* Telephone call with C. Hark regarding interests of James Vassallo.	0.30 at $ 350.00/hr	$ 105.00
12/12/2014	RJH	*Client Communication* [redacted].	0.10 at $ 0.00/hr	No Charge
12/12/2014	RJH	*Client Communication* Update memo to client regarding [redacted].	0.10 at $ 350.00/hr	$ 35.00

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12/12/2014	RJH	*Client Communication* Transmittal memo to client [redacted].	0.10 at $ 0.00/hr	No Charge
12/12/2014	RJH	*Client Communication* Update memo to client re: [redacted]	0.10 at $ 350.00/hr	$ 35.00
12/17/2014	RJH	*Settlement or Settlement Agreement* Revise release and transmit to client and counsel.	0.40 at $ 350.00/hr	$ 140.00
12/18/2014	RJH	*Phone Call* Set up and attend phone call with R. Trinkler regarding settlement agreement terms.	0.40 at $ 350.00/hr	$ 140.00
12/18/2014	RJH	*Client Communication* [redacted].	0.30 at $ 350.00/hr	$ 105.00
12/19/2014	RJH	*Receipt/Review* Review client memo.	0.10 at $ 0.00/hr	No Charge
12/23/2014	RJH	*Communication from Opposing Counsel* Draft follow up memo to R. Trinkler regarding status of signed agreement; review response; forward to client; reply to response.	0.20 at $ 350.00/hr	$ 70.00
12/31/2014	RJH	*Case Management* Memos to and from E. Savitt and to and from R. Trinkler regarding follow up on settlement status [redacted].	0.20 at $ 350.00/hr	$ 70.00

In Reference To: **G/O Albert Vassallo (Expenses)**

12/17/2014	DLM	*Court Reporter* Check #13898 to Pleasanton Greenhill Meek & Marsaa Inv. 53978 dtd 12/5/2014 Re: court reporter at hearing before Judge French on 12/4/2014	$95.00	$ 95.00

Total Hours: *15.60 hrs*
Total Prof Service: *$ 5,020.00*
Total Expenses: *$ 95.00*
Total Invoice Amount: $ 5,115.00

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If you disagree in any way with this invoice or entries, pursuant to our Legal Services Contract, you agree to inform the Firm in writing within thirty (30) days of receipt and you also agree that if you do not object in writing within thirty (30) days, that you accept this invoice and all entries as accurate and are later prohibited from objecting to them. We assume you receive our correspondence within three (3) days of postmark or same day if via email.

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Invoice submitted to:

Betsy Savitt Re G/O Albert Vassallo

Invoice #	22333
Invoice Date	03/12/2015
For Services Through	01/31/2015
Terms:	N/A

Date	By	Service Summary	Hours/Rate	Amount
In Reference To: **G/O Albert Vassallo (Prof Service)**				
01/02/2015	RJH	*Receipt/Review* Review R. Trinkler letter [redacted]; forward to client for consideration.	0.20 at $ 350.00/hr	$ 70.00
01/02/2015	RJH	*Prepare comm to counsel* Memo to R. Trinkler requesting [redacted]	0.10 at $ 350.00/hr	$ 35.00
01/05/2015	RJH	*Client Communication* Advice memo to client about [redacted]	0.10 at $ 350.00/hr	$ 35.00
01/05/2015	RJH	*Communication from Opposing Counsel* Memo to R. Trinkler requesting [redacted]	0.20 at $ 350.00/hr	$ 70.00
01/06/2015	RJH	*Client Communication* Telephone call with client about [redacted]	0.20 at $ 350.00/hr	$ 70.00
01/06/2015	RJH	*Prepare correspondence* Prepare demand letter to R. Trinkler on behalf of S. Mast concerning [redacted]	0.30 at $ 350.00/hr	$ 105.00
01/06/2015	RJH	*Client Communication* Review [redacted] and transmit [redacted] to client for approval or revision.	0.10 at $ 350.00/hr	$ 35.00
01/07/2015	RJH	*Prepare correspondence* Finalize and transmit demand letter re: [redacted] R. Trinkler.	0.10 at $ 350.00/hr	$ 35.00
01/09/2015	RJH	*Communication from Opposing Counsel* Review R. Trinkler memo regarding settlement status; asbestos settlement checks; and dispute over $8100 of Ward funds.	0.10 at $ 350.00/hr	$ 35.00
01/09/2015	RJH	*Client Communication* Memo to client [redacted]	0.10 at $ 0.00/hr	No Charge
01/09/2015	RJH	*Prepare comm to counsel* Response memo to R. Trinkler, including request for conference call with E. Savitt to discuss $8100 issue.	0.10 at $ 350.00/hr	$ 35.00
01/09/2015	HLG	*Phone Call* Telephone call from Jennifer at R. Trinkler's office regarding conference with R. Hauser and B. Savit.	0.20 at $ 0.00/hr	No Charge
01/12/2015	HLG	*Attention to* Attention to coordinating telephone conference with client and counsel; prepare email correspondence to B. Savitt regarding same; telephone call to R. Trinkler's office regarding status of same.	0.20 at $ 0.00/hr	No Charge

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01/13/2015	RJH	*Case Management* Memos to and from H. Graboyes to set up conference call on 1/19/2015.	0.10 at $ 0.00/hr	No Charge
01/13/2015	RJH	*Receipt/Review* Review client memo asking about R. Trinkler's respons[redacted]	0.10 at $ 350.00/hr	$ 35.00
01/14/2015	RJH	*Client Communication* Memos to and from client about [redacted]	0.20 at $ 350.00/hr	$ 70.00
01/14/2015	HLG	*Attention to* Attention to Settlement Agreement and coordinating conference regarding case status; telephone call with Jennifer from R. Trinkler's office; prepare email correspondence to R. Trinkler and B. Savitt regarding same.	0.40 at $ 150.00/hr	$ 60.00
01/15/2015	RJH	*Client Communication* Review and respond to client memos [redacted]	0.20 at $ 350.00/hr	$ 70.00
01/15/2015	RJH	*Prepare correspondence* Memos to R. Trinkler regarding A. Vassallo Jr. failure to execute settlement agreement; review response and forward to client.	0.20 at $ 350.00/hr	$ 70.00
01/16/2015	RJH	*Case Management* Memo to H. Graboyes and telephone call re: cancellation of telephone conference on 1/19/2015.	0.10 at $ 0.00/hr	No Charge
01/16/2015	HLG	*Attention to* Attention to telephone conference with counsel regarding accounting; telephone call with Jennifer regarding cancellation of telephone conference; prepare email correspondence to client regarding same.	0.10 at $ 0.00/hr	No Charge
01/21/2015	RJH	*Client Communication* [redacted]	0.40 at $ 350.00/hr	$ 140.00
01/21/2015	RJH	*Client Communication* Memos to E. Savitt regarding [redacted] /	0.20 at $ 350.00/hr	$ 70.00
01/22/2015	RJH	*Conference* Office conference with A. Sabocik about [redacted]	0.40 at $ 350.00/hr	$ 140.00

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01/22/2015	RJH	*Client Communication* Draft and revise advice memo to client [redacted]	0.50 at $ 350.00/hr	$ 175.00
01/22/2015	RJH	*Conference* Memo to A. Sabocik regarding [redacted]	0.10 at $ 0.00/hr	No Charge
01/22/2015	ARS	*Attention to* [redacted]	0.20 at $ 300.00/hr	$ 60.00
01/22/2015	ARS	*Attention to* [redacted]	2.10 at $ 300.00/hr	$ 630.00
01/22/2015	HLG	*Receipt/Review* Receipt and review of Petition for Authorization to Sell Homestead Property of Ward dated 01/22/2015; update file regarding same.	0.10 at $ 150.00/hr	$ 15.00
01/23/2015	RJH	*Receipt/Review* Review R. Trinkler motion to withdraw; forward to client [redacted]	0.10 at $ 350.00/hr	$ 35.00
01/23/2015	RJH	*Court filed document* Revise draft petition.	0.90 at $ 350.00/hr	$ 315.00
01/23/2015	RJH	*Client Communication* Memo to E. Savitt [redacted]	0.10 at $ 350.00/hr	$ 35.00
01/23/2015	RJH	*Conference* [redacted]	0.10 at $ 350.00/hr	$ 35.00
01/23/2015	ARS	*Prepare* Continued preparation of draft petition for authorization to act	1.60 at $ 300.00/hr	$ 480.00
01/23/2015	ARS	*Receipt/Review* Reviewed RJH email to client re: copy of draft petition for authorization	0.10 at $ 0.00/hr	No Charge
01/23/2015	HLG	*Receipt/Review* Receipt and review of Motion to Withdraw by Robert Trinkler dated 01/23/2015; update file and pleadings index regarding same.	0.10 at $ 150.00/hr	$ 15.00
01/26/2015	RJH	*Court filed document* Revise draft petition for authorization.	0.70 at $ 350.00/hr	$ 245.00

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01/26/2015	RJH	*Client Communication* Memo to client [redacted]; [redacted]	0.30 at $ 350.00/hr	$ 105.00
01/26/2015	ARS	*Attention to* Attention to status re: petition for authorization, and review of rule with RJH	0.20 at $ 300.00/hr	$ 60.00
01/26/2015	ARS	*Receipt/Review* Reviewed RJH email transmittal to client re: [redacted]; NO CHARGE	0.20 at $ 0.00/hr	No Charge
01/27/2015	RJH	*Client Communication* Review 2 memos from client [redacted].	0.10 at $ 350.00/hr	$ 35.00
01/27/2015	RJH	*Client Communication* Memo to client [redacted].	0.10 at $ 350.00/hr	$ 35.00
01/27/2015	ARS	*Attention to* Attention to final petition for authorization in advance of filing	0.20 at $ 300.00/hr	$ 60.00
01/27/2015	HLG	*Attention to* Finalize for filing and service, update file and pleadings index and e-file and e-serve Guardian's Verified Petition for Direction to Act; forward copy of same to client via email; forward copy of same to Ralph Vassallo, Jacqueline Cantela and Marie Vassallo-Castagnette via regular mail.	0.40 at $ 150.00/hr	$ 60.00
01/28/2015	RJH	*Court filed document* Revise and finalize petition; add request to explicitly seek authorization for transfer of funds back into trust with court permission.	0.70 at $ 350.00/hr	$ 245.00
01/28/2015	HLG	*Receipt/Review* Receipt and review of email correspondence from clerk of the court regarding acceptance of court filed document - Petition for Authorization to Act dated 01/27/2015; update file and pleadings index regarding same.	0.10 at $ 150.00/hr	$ 15.00
01/29/2015	RJH	*Client Communication* Memos to and from client [redacted].	0.10 at $ 350.00/hr	$ 35.00
01/29/2015	HLG	*Attention to* Attention to coordinating hearing on Petition for Authorization to Act; telephone call with Tahara regarding procedures for setting same.	0.20 at $ 0.00/hr	No Charge

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01/29/2015	HLG	*Prepare* Prepare Order Specially Setting Hearing on Guardian's Verified Petition for Authorization to Act; forward same to counsel and parties via email requesting agreement of same; forward same to client via email requesting agreement of same; update file regarding same.	0.40 at $ 150.00/hr	$ 60.00
01/29/2015	HLG	*Receipt/Review* Receipt and review of email confirmation from B. Savitt regarding [redacted]	0.10 at $ 150.00/hr	$ 15.00
01/29/2015	HLG	*Prepare correspondence* Prepare correspondence to Judge French enclosing proposed order specially setting hearing on Petition for Direction to Act.	0.20 at $ 150.00/hr	$ 30.00
01/30/2015	RJH	*Prepare legal communication* Review and revise letter to Judge French setting hearing with attached proposed order.	0.20 at $ 350.00/hr	$ 70.00
01/30/2015	HLG	*Phone Call* Telephone Call with judicial assistant confirming hearing on 02/13/2015 re Petition for Direction to Act.	0.10 at $ 0.00/hr	No Charge
01/30/2015	HLG	*Attention to* Revise and finalize correspondence and enclosures to Court regarding proposed order setting hearing on Petition for Direction to Act; prepare same for delivery via regular mail; update file regarding same; forward same to counsel and client via email.	0.50 at $ 150.00/hr	$ 75.00

Total Hours: 15.20 hrs
Total Prof Service: $ 4,120.00
Total Invoice Amount: $ 4,120.00

If you disagree in any way with this invoice or entries, pursuant to our Legal Services Contract, you agree to inform the Firm in writing within thirty (30) days of receipt and you also agree that if you do not object in writing within thirty (30) days, that you accept this invoice and all entries as accurate and are later prohibited from objecting to them. We assume you receive our correspondence within three (3) days of postmark or same day if via email.

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Invoice #	22334
Invoice Date	03/12/2015
For Services Through	02/28/2015
Terms:	N/A

Date	By	Service Summary	Hours/Rate	Amount
In Reference To: **G/O Albert Vassallo (Prof Service)**				
02/03/2015	RJH	*Conference* Conference with H. Graboyes about preparing for hearing on 2/13/2015	0.10 at $ 0.00/hr	No Charge
02/03/2015	HLG	*Prepare* Begin preparation of Order on Guardian's Verified Petition for Direction to Act.	0.20 at $ 150.00/hr	$ 30.00
02/03/2015	HLG	*Prepare correspondence* Begin preparation of letter to Court enclosing materials for hearing on Petition for Direction to Act scheduled for 02-13-2015.	0.20 at $ 150.00/hr	$ 30.00
02/04/2015	RJH	*Conference* Office conference with H. Graboyes about hand-delivery of hearing materials to court in advance of 2/13/2015 hearing.	0.10 at $ 0.00/hr	No Charge
02/04/2015	RJH	*Court filed document* Prepare proposed order on verified petition for authorization to act.	0.90 at $ 350.00/hr	$ 315.00
02/04/2015	RJH	*Client Communication* Memo to client [redacted].	0.10 at $ 350.00/hr	$ 35.00
02/04/2015	RJH	*Court Time--Prepare For* Review statutes and case law [redacted].	0.20 at $ 350.00/hr	$ 70.00
02/04/2015	HLG	*Attention to* Attention to preparation of materials for hearing on 02/13/2015; research authority cited.	0.70 at $ 150.00/hr	$ 105.00
02/05/2015	RJH	*Court Time--Prepare For* Revise and finalize materials to be sent to trial court for hearing on Feb. 13, 2015.	0.50 at $ 350.00/hr	$ 175.00
02/05/2015	HLG	*Attention to* Finalize letter and enclosures to Judge French in connection with hearing on 02/13/2015; prepare same for hand delivery; update file regarding same; forward same to client and counsel.	0.40 at $ 150.00/hr	$ 60.00
02/06/2015	RJH	*Client Communication* Review fax copies of documents transmitted by R. Trinkler office; forward same to client.	0.10 at $ 350.00/hr	$ 35.00

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02/06/2015	RJH	*Prepare comm to counsel* Review R. Parrish memo and respond regarding scheduling of petition for authority to sell condominium on 2/13/15 along with other relief before Hon. David French.	0.10 at $ 350.00/hr	$ 35.00
02/06/2015	HLG	*Prepare correspondence* Prepare email correspondence to C. Kelley requesting court reporter for hearing on 02/13/2015; update file regarding same.	0.10 at $ 0.00/hr	No Charge
02/08/2015	RJH	*Prepare comm to counsel* Memo to S. Hazeltine	0.10 at $ 0.00/hr	No Charge
02/10/2015	RJH	*Court Time--Prepare For* [redacted]	0.10 at $ 350.00/hr	$ 35.00
02/10/2015	RJH	*Client Communication* Memos to and from client and A. Sabocik regarding [redacted]	0.20 at $ 0.00/hr	No Charge
02/10/2015	ARS	*Attention to* Attention to petition for authority [redacted]	0.30 at $ 300.00/hr	$ 90.00
02/11/2015	RJH	*Communication from Opposing Counsel* Review Cliff Hark memo indicating that he will represent James Vassallo in objection to his removal as trustee; [redacted]	0.40 at $ 350.00/hr	$ 140.00
02/11/2015	RJH	*Conference* Office conference with H. Graboyes regarding materials needed for 2/13/15 hearing	0.10 at $ 0.00/hr	No Charge
02/12/2015	RJH	*Receipt/Review* Review objection filed on behalf of James Vassallo and case cited in opposition.	0.20 at $ 350.00/hr	$ 70.00
02/12/2015	RJH	*Communication from Opposing Counsel* Memos to and from Cliff Hark regarding James' opposition to E. Savitt serving as sole trustee.	0.20 at $ 350.00/hr	$ 70.00
02/12/2015	RJH	*Phone Call* Phone call with Joiette Foglietta (attorney for Ward) about hearing on Friday 2/13/15	0.20 at $ 350.00/hr	$ 70.00
02/12/2015	RJH	*Court Time--Prepare For* Review and add materials to be used for hearing on 2/13/15, including final settlement agreement and executed fax agreements.	0.40 at $ 350.00/hr	$ 140.00

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Terms:	**N/A**

02/12/2015	RJH	*Receipt/Review* Review notice of hearing on petition to sell homestead.	0.10 at $ 0.00/hr	No Charge
02/12/2015	RJH	*Prepare comm to counsel* Draft memo to R. Trinkler requesting that he deliver signed promissory notes and agreement at hearing on 2/13/15.	0.10 at $ 350.00/hr	$ 35.00
02/12/2015	HLG	*Prepare* Attention to hearing scheduled for 02/13/2015; preparation of hearing folder and materials regarding same; prepare proposed blank order on Petition for Direction to Act.	1.60 at $ 150.00/hr	$ 240.00
02/12/2015	HLG	*Receipt/Review* Receipt and review of Notice of Hearing dated 02/12/2015, setting Petition for Authorization to Sell Homestead Property of Ward; update file regarding same.	0.10 at $ 150.00/hr	$ 15.00
02/13/2015	RJH	*Court Time--Prepare For* Prepare for guardianship court hearing on authorization to perform various acts.	0.70 at $ 350.00/hr	$ 245.00
02/13/2015	RJH	*Client Communication* Conference with client [redacted].	0.30 at $ 350.00/hr	$ 105.00
02/13/2015	RJH	*Court Time* Attend court hearing on authorization for guardian to act.	0.70 at $ 350.00/hr	$ 245.00
02/13/2015	RJH	*Conference* Conference with Clifford Hark, E. Savitt and Brian O'Connell before court hearing regarding proposed settlement [redacted]	0.20 at $ 350.00/hr	$ 70.00
02/13/2015	RJH	*Court Time* Travel to and from court for guardianship hearing.	1.00 at $ 0.00/hr	No Charge
02/13/2015	RJH	*Communication from Opposing Counsel* Review and reply to M. Carbone message attaching signed 2/11/15 order for R. Trinkler to withdraw; review M. Carbone message apologizing for failing to serve Pankauski Law Firm PLLC; forward to client and atty for Ward.	0.20 at $ 350.00/hr	$ 70.00
02/13/2015	RJH	*Client Communication* Review E. Savitt memo regarding [redacted]; draft memo to client [redacted].	0.10 at $ 0.00/hr	No Charge
02/13/2015	HLG	*Prepare* Preparation of Additional Materials for hearing on Petition for Direction to Act.	0.30 at $ 150.00/hr	$ 45.00

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
7th Floor
West Palm Beach, FL 33401

Invoice submitted to:

Betsy Savitt Re G/O Albert Vassallo

Invoice #	22334
Invoice Date	03/12/2015
For Services Through	02/28/2015
Terms:	N/A

02/13/2015	HLG	*Hearing* Attention to court hearing on Petition for Direction to Act.	2.70 at $ 0.00/hr	No Charge
02/13/2015	ARS	*Attention to* Attention to and update re: hearing on petition for direction	0.40 at $ 0.00/hr	No Charge
02/13/2015	HLG	*Receipt/Review* Receipt and review of Objection to Count D of Guardian's Verified Petition for Direction to Act dated 02/12/2015; update file regarding same.	0.10 at $ 150.00/hr	$ 15.00
02/18/2015	RJH	*Order* Dictate proposed order on approving mediated settlement agreement and term sheet.	0.10 at $ 350.00/hr	$ 35.00
02/18/2015	RJH	*Order* Dictate proposed order on modification of trust.	0.10 at $ 350.00/hr	$ 35.00
02/18/2015	ARS	*Attention to* Attention to strategy and proposed orders for 2/13 hearing	0.20 at $ 300.00/hr	$ 60.00
02/18/2015	HLG	*Order* Prepare Order on Mediated Term Sheet and Granting Other Relief and Order Approving Appointment of Trustee.	0.50 at $ 150.00/hr	$ 75.00
02/19/2015	RJH	*Client Communication* Communications with client about [redacted]	0.20 at $ 350.00/hr	$ 70.00
02/19/2015	RJH	*Communication from Opposing Counsel* Review memo from C. Hark to E. Savitt.	0.10 at $ 350.00/hr	$ 35.00
02/19/2015	RJH	*Phone Call* Phone calls with C. Hark and J. Foglietta concerning proposed orders.	0.30 at $ 350.00/hr	$ 105.00
02/19/2015	RJH	*Order* Revise proposed orders and e-mail to counsel for approval.	0.80 at $ 350.00/hr	$ 280.00
02/20/2015	RJH	*Client Communication* Phone call with client [redacted]	0.20 at $ 350.00/hr	$ 70.00
02/20/2015	RJH	*Order* Revise proposed order on settlement agreement per client comments and circulate to all counsel for comments.	0.60 at $ 350.00/hr	$ 210.00
02/20/2015	RJH	*Client Communication* Memos to and from client about [redacted]	0.30 at $ 350.00/hr	$ 105.00
02/20/2015	LCC	*Attention to* Attention to correspondence and materials for service to Judge French, Clifford Hark, Sheri Hazeltine, Brian O'Connell, Albert Vassallo, Jr., Susan Mast, and James Vassallo	0.60 at $ 150.00/hr	$ 90.00

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Invoice Date	03/12/2015
For Services Through	02/28/2015
Terms:	N/A

02/24/2015	RJH	*Client Communication* Memos to and from client and JJP [redacted].	0.40 at $ 350.00/hr	$ 140.00
02/24/2015	RJH	*Prepare comm to counsel* Review motion for rehearing filed by attorney Hollander on behalf of J. Vassallo; draft memo to attorney Hollander.	0.40 at $ 350.00/hr	$ 140.00
02/25/2015	RJH	*Client Communication* Telephone call with client [redacted].	0.20 at $ 350.00/hr	$ 70.00
02/25/2015	RJH	*Prepare correspondence* Revise letter to court.	0.10 at $ 0.00/hr	No Charge
02/25/2015	RJH	*Phone Call* Telephone call with judicial assistant re status of trust order.	0.10 at $ 350.00/hr	$ 35.00
02/25/2015	RJH	*Conference* Review fax signature pages and assist H. Graboyes assemble final executed agreement.	0.30 at $ 0.00/hr	No Charge
02/25/2015	JJP	*Conference* with Client (12:30pm) Re: [redacted]	0.10 at $ 0.00/hr	No Charge
02/25/2015	HLG	*Prepare* Preparation of materials to be provided to Judge in connection with Order on Mediation Settlement Agreement.	1.50 at $ 150.00/hr	$ 225.00
02/26/2015	RJH	*Conference* Office conference with H. Graboyes re: signature pages on final signed mediated agreement.	0.10 at $ 0.00/hr	No Charge
02/26/2015	HLG	*Attention to* Further attention to compilation of Order and finalize correspondence and enclosures to Judge French in connection with proposed Order on Mediated Term Sheet and Settlement Agreement; prepare same for delivery via email to counsel; update file regarding same; forward same to Albert Vassallo and Susan Mast via regular mail.	1.20 at $ 150.00/hr	$ 180.00

In Reference To: **G/O Albert Vassallo (Expenses)**

02/19/2015	DLM	*Courier* Ck 14018 to BDS Courier Invoice #510708 dtd 2/12/15 Re: South County Courthouse Judge	$45.98	$ 45.98

Total Hours: 22.90 hrs

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
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Betsy Savitt Re G/O Albert Vassallo

Invoice #	22334
Invoice Date	03/12/2015
For Services Through	02/28/2015
Terms:	N/A

Total Prof Service: $ 4,550.00
Total Expenses: $ 45.98
Total Invoice Amount: $ 4,595.98

If you disagree in any way with this invoice or entries, pursuant to our Legal Services Contract, you agree to inform the Firm in writing within thirty (30) days of receipt and you also agree that if you do not object in writing within thirty (30) days, that you accept this invoice and all entries as accurate and are later prohibited from objecting to them. We assume you receive our correspondence within three (3) days of postmark or same day if via email.

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
7th Floor
West Palm Beach, FL 33401

Invoice submitted to:

Betsy Savitt Re G/O Albert Vassallo

Invoice #	22488
Invoice Date	07/21/2015
For Services Through	03/31/2015
Terms:	N/A

Date	By	Service Summary	Hours/Rate	Amount
In Reference To: **G/O Albert Vassallo (Prof Service)**				
03/02/2015	RJH	*Receipt/Review* Review signed order on mediated settlement agreement.	0.10 at $ 0.00/hr	No Charge
03/02/2015	HLG	*Receipt/Review* Receipt and review of Order Approving Mediated Term Sheet and Granting Other Relief entered by the Court on 02/27/2015; update file regarding same; forward same to client via email; attention to Court required deadlines.	0.20 at $ 0.00/hr	No Charge
03/03/2015	RJH	*Receipt/Review* Review correspondence from attorney Hollander to Judge French enclosing motion for rehearing.	0.10 at $ 350.00/hr	$ 35.00
03/03/2015	RJH	*Legal Research* [redacted]	0.30 at $ 350.00/hr	$ 105.00
03/03/2015	HLG	*Receipt/Review* Receipt and initial review of Notice of Appearance by Hollander and Associates on behalf of James Vassallo dated 02/24/2015, Designation of E-Mail Address by Hollander and Associates dated 02/24/2015, Stipulation for Substitution of Counsel dated 02/24/2015 and Successor Co-Trustee James Vassallo's Post-Hearing Memorandum of Law and/or Verified Petition for Rehearing dated02/24/2015; update file regarding same.	0.10 at $ 150.00/hr	$ 15.00
03/03/2015	HLG	*Receipt/Review* Receipt and review of correspondence from Hollander and Associates to the Court with proposed Order on Rehearing; update file regarding same; forward same to client via email; research docket regarding entry of Order on Rehearing.	0.10 at $ 150.00/hr	$ 15.00
03/04/2015	RJH	*Conference* Office conference with J. Pankauski regarding [redacted]	0.20 at $ 0.00/hr	No Charge
03/04/2015	RJH	*Court filed document* Draft text of proposed motion for status conference.	0.20 at $ 350.00/hr	$ 70.00
03/04/2015	RJH	*Communication from Opposing Counsel* Review memo from Hollander firm about status conference date and prepare memo to J. Pankauski re: same	0.10 at $ 350.00/hr	$ 35.00

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Invoice #	22488
Invoice Date	07/21/2015
For Services Through	03/31/2015
Terms:	N/A

03/04/2015	HLG	*Phone Call* Telephone call with Kim regarding Motion for Rehearing and entry of Order on same.	0.10 at $ 0.00/hr	No Charge
03/04/2015	HLG	*Attention to* Attention to rehearing and Motion for Status Conference	0.30 at $ 0.00/hr	No Charge
03/04/2015	HLG	*Prepare* Prepare Motion for Status Conference.	0.20 at $ 150.00/hr	$ 30.00
03/04/2015	HLG	*Attention to* Finalize for filing and service, update file and pleadings index and e-file and e-serve Motion for Status Conference; forward same to client via email; forward same to parties listed on service list via regular mail (x5).	0.20 at $ 150.00/hr	$ 30.00
03/04/2015	HLG	*Attention to* Attention to original signature pages to settlement agreement received from Susan Mast and Albert Vassallo, Jr.; advise client of receipt of same via email.	0.10 at $ 150.00/hr	$ 15.00
03/04/2015	HLG	*Prepare* Prepare Notice of Hearing on Motion for Status Conference.	0.10 at $ 150.00/hr	$ 15.00
03/04/2015	HLG	*Attention to* Finalize for filing and service, update file and pleadings index regarding same; forward same to client via email; forward same to parties listed on service list via regular mail (x5).	0.30 at $ 150.00/hr	$ 45.00
03/05/2015	HLG	*Receipt/Review* Receipt and review of correspondence from the court regarding acceptance of court filed document - Notice of Hearing on Motion for Status Conference; update file regarding same.	0.10 at $ 150.00/hr	$ 15.00
03/06/2015	RJH	*Case Management* Memos to J. Pankauski re: [redacted]	0.20 at $ 0.00/hr	No Charge
03/06/2015	RJH	*Conference* Attention to client concerns [redacted]	1.00 at $ 0.00/hr	No Charge
03/06/2015	HLG	*Attention to* Attention to Motion for Status Conference, Orders previously entered by the Court; prepare Notice of Withdrawal of Motion for Status Conference and Notice of Cancellation of same; telephone call to client regarding Payment Schedules; prepare email correspondence enclosing same; attention to case status.	1.80 at $ 150.00/hr	$ 270.00

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Invoice Date	07/21/2015
For Services Through	03/31/2015
Terms:	N/A

03/06/2015	HLG	*Attention to* Finalize for filing and service, update file and pleadings index and e-file and e-serve Notice of Withdrawal of Motion for Status Conference and Notice of Cancellation of Hearing on Motion for Status Conference; forward same to client via email; forward same to parties listed on the service list via regular mail (x5).	0.30 at $ 150.00/hr	$ 45.00
03/06/2015	HLG	*Attention to* Attention to Order Authorizing Appointment of Sole Successor Trustee of the Albert Vassallo Revocable Trust and Authorization to Transfer Wards Assets to Trust entered by the Court on March 2, 2015; update file regarding same; various telephone calls with B. Savitt regarding same; prepare detailed correspondence to B. Savitt regarding Order.	0.50 at $ 150.00/hr	$ 75.00
03/06/2015	LCC	*Attention to* Attention to confirmation of materials sent to Judge French with correspondence of 2/20/15	1.00 at $ 0.00/hr	No Charge
03/09/2015	RJH	*Conference* Memo to H. Graboyes and office conference regarding rendition of order to which a rehearing motion pertains.	0.30 at $ 350.00/hr	$ 105.00
03/09/2015	HLG	*Receipt/Review* Receipt and review of email correspondence from B. Savitt regarding [redacted].	0.20 at $ 150.00/hr	$ 30.00
03/12/2015	HLG	*Attention to* Attention to Successor Co-Trustee James Vassallo's Petition for Rehearing and to Amend Final Judgment dated 03/12/2015; update file regarding same; forward same to B. Savitt via email.	0.20 at $ 150.00/hr	$ 30.00
03/12/2015	JJP	*Conference* Call to and conf with client re: [redacted]. NO CHARGE	0.10 at $ 0.00/hr	No Charge
03/19/2015	RJH	*Receipt/Review* Review motion and consent for F. Hollander to withdraw on behalf of J. Vassallo; forward to H. Graboyes and J. Pankauski with memo to forward to client.	0.10 at $ 350.00/hr	$ 35.00
03/19/2015	HLG	*Attention to* Attention to Motion to Withdraw as Counsel of Records obo James Vassallo dated 03/19/2015 and signed Consent of James Vassallo regarding Motion to Withdraw dated 03/19/2015; update file regarding same; forward same to client via email.	0.10 at $ 150.00/hr	$ 15.00

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
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West Palm Beach, FL 33401

Invoice submitted to:

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Invoice #	22488
Invoice Date	07/21/2015
For Services Through	03/31/2015
Terms:	N/A

03/23/2015	RJH	*Client Communication* Review and respond to client memo about [redacted].	0.10 at $ 350.00/hr	$ 35.00
03/23/2015	HLG	*Receipt/Review* Receipt of correspondence from Frank Hollander to the Court regarding proposed agreed order on Motion to Withdraw as counsel for James Vassallo; update file regarding same; forward same to client via email.	0.10 at $ 150.00/hr	$ 15.00
03/24/2015	ARS	*Prepare* Prepared fee petition per JJP request	0.60 at $ 300.00/hr	$ 180.00
03/24/2015	HLG	*Phone Call* Telephone call with Tahara regarding Motions for Rehearing.	0.10 at $ 0.00/hr	No Charge
03/27/2015	HLG	*Receipt/Review* Receipt and review of email correspondence from B. Savitt regarding [redacted].	0.20 at $ 150.00/hr	$ 30.00

In Reference To: **G/O Albert Vassallo (Expenses)**

03/06/2015	DLM	*Certified Copies* Check #14044 to the Clerk of Court PBC for a certified copy of the Order Authorizing Appointment of Sole Successor Trustee of the Albert Vassallo Revocable Trust and Authorization to Transfer Wards Assets to Trust entered on 3/2/2015	$4.00	$ 4.00
03/12/2015	DLM	*Court Reporter* Check 14066 to Pleasanton Greenhill Meek & Marsaa Inv. 54823 dtd 2/24/2015 Re court reporter at hearing before Judge French on 2/13/2015	$95.00	$ 95.00
03/13/2015	DLM	*Print Copy Scan* Check 14076 to Pictera Solutions Inv. 15-50829 dtd 2/25/2015 Re: Materials to Judge - Order on Settlement	$57.24	$ 57.24
03/13/2015	DLM	*Courier* Check 14068 to BDS Courier Inv. 510763 dtd 2/28/15 Re: delivery of documents to South County Courthouse on 2/26/2015	$59.98	$ 59.98

Total Hours: *9.70 hrs*
Total Prof Service: *$ 1,290.00*

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
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West Palm Beach, FL 33401

Invoice submitted to:

Betsy Savitt Re G/O Albert Vassallo

Invoice #	**22488**
Invoice Date	**07/21/2015**
For Services Through	03/31/2015
Terms:	**N/A**

Total Expenses: *$ 216.22*
Total Invoice Amount: $ 1,506.22

If you disagree in any way with this invoice or entries, pursuant to our Legal Services Contract, you agree to inform the Firm in writing within thirty (30) days of receipt and you also agree that if you do not object in writing within thirty (30) days, that you accept this invoice and all entries as accurate and are later prohibited from objecting to them. We assume you receive our correspondence within three (3) days of postmark or same day if via email.

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
7th Floor
West Palm Beach, FL 33401

Invoice submitted to:

Betsy Savitt Re G/O Albert Vassallo

Invoice #	22489
Invoice Date	07/21/2015
For Services Through	04/30/2015
Terms:	N/A

Date	By	Service Summary	Hours/Rate	Amount
In Reference To: **G/O Albert Vassallo (Prof Service)**				
04/01/2015	RJH	*Client Communication* Review E. Savitt memo regarding [redacted].	0.10 at $ 0.00/hr	No Charge
04/01/2015	JJP	*Phone Call* To client re: [redacted]	0.10 at $ 0.00/hr	No Charge
04/02/2015	JJP	*Conference* With client, re: [redacted]	0.40 at $ 450.00/hr	$ 180.00
04/02/2015	HLG	*Phone Call* Telephone call with Tahara regarding status of Motions for Rehearing.	0.10 at $ 0.00/hr	No Charge
04/07/2015	HLG	*Attention to* Attention to Court Appointed Counsel for the Ward's Petition for Order Authorizing Payment of Attorney's Fees and Costs dated 04/03/2015; update file regarding same; forward same to client via email.	0.10 at $ 150.00/hr	$ 15.00
04/09/2015	RJH	*Receipt/Review* Review court order granting motion for rehearing filed by James Vassallo	0.10 at $ 0.00/hr	No Charge
04/09/2015	HLG	*Attention to* Attention to Order Granting James Vassallo's Motion for Rehearing; update file regarding same; forward same to client via email; attention to strategy regarding Motion for Rehearing.	0.20 at $ 150.00/hr	$ 30.00
04/09/2015	HLG	*Attention to* Attention to client email communication regarding [redacted]	0.10 at $ 150.00/hr	$ 15.00
04/09/2015	JJP	*Conference* With client [redacted]	0.10 at $ 450.00/hr	$ 45.00
04/10/2015	RJH	*Conference* Office conference with J. Pankauski regarding [redacted]	0.10 at $ 350.00/hr	$ 35.00
04/10/2015	RJH	*Court filed document* Draft response in opposition to J. Vassallo's motion for rehearing; office conference with J. Pankauski regarding revisions and comments.	1.10 at $ 350.00/hr	$ 385.00

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Invoice Date	07/21/2015
For Services Through	04/30/2015
Terms:	N/A

04/10/2015	HLG	*Attention to* Attention to Order on Motion for Rehearing; attention to coordinating hearing on same; telephone conference with James Vassallo regarding same.	0.20 at $ 150.00/hr	$ 30.00
04/10/2015	JJP	*Communication from Opposing Counsel* Mr. O'Connell's office re: fee petition, prep response 2x.	0.10 at $ 450.00/hr	$ 45.00
04/10/2015	HLG	*Attention to* Attention to various email communications from client and opposing counsel regarding [redacted].	0.10 at $ 150.00/hr	$ 15.00
04/10/2015	JJP	*Attention to* Conference with Joy at Mr. O'Connell's firm re: payment of fees, prep detailed comm to client with action items. Call to client, left message.	0.30 at $ 450.00/hr	$ 135.00
04/10/2015	HLG	*Attention to* Attention to hearing transcript from February 13, 2015.	0.10 at $ 150.00/hr	$ 15.00
04/10/2015	JJP	*Receipt/Review* Draft opposition to motion for rehearing	0.40 at $ 450.00/hr	$ 180.00
04/12/2015	RJH	*Court filed document* Revise response to motion for rehearing.	0.80 at $ 350.00/hr	$ 280.00
04/12/2015	RJH	*Prepare comm to counsel* Memo to J. Foglietta and B. O'Connell [redacted]	0.10 at $ 350.00/hr	$ 35.00
04/12/2015	RJH	*Court filed document* Review R. Hauser e-mails leading up to 2/13/15 hearing with C. Hark; select and mark exhibits for attachment to draft response to motion for rehearing.	0.30 at $ 350.00/hr	$ 105.00
04/13/2015	HLG	*Attention to* Attention to Agreed Order Granting Motion to Withdraw as Counsel of Record for James Vassallo entered by the Court on 03/31/2015; update file regarding same; forward same to all counsel via email; forward same to client via email.	0.40 at $ 150.00/hr	$ 60.00
04/13/2015	HLG	*Phone Call* Telephone call with Kim from Judge French's office regarding case status and setting Motion for Rehearing.	0.10 at $ 0.00/hr	No Charge
04/13/2015	HLG	*Attention to* Receipt and initial review of transcript excerpt from hearing on 02/13/2015; update file regarding same; forward same to client via email with detailed information regarding case status.	0.30 at $ 150.00/hr	$ 45.00

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Invoice Date	07/21/2015
For Services Through	04/30/2015
Terms:	N/A

04/14/2015	RJH	*Phone Call* Phone call with Joy Foglietta regarding court appointed attorney for Ward's approval or joinder of response to motion for rehearing.	0.10 at $ 350.00/hr	$ 35.00
04/17/2015	RJH	*Prepare comm to counsel* Review and reply to J. Folgietta memo regarding O'Connell joinder in response to motion for rehearing.	0.10 at $ 350.00/hr	$ 35.00
04/20/2015	HLG	*Phone Call* Telephone Call to JA regarding status of scheduling rehearing.	0.10 at $ 0.00/hr	No Charge
04/21/2015	RJH	*Court filed document* Finalize response to motion for rehearing for filing on 4/22; memo to H. Graboyes re: same.	0.20 at $ 350.00/hr	$ 70.00
04/22/2015	RJH	*Conference* Office conference re: [redacted]	0.10 at $ 0.00/hr	No Charge
04/22/2015	HLG	*Phone Call* Second follow-up telephone call to Kim in Judge French's office regarding setting of Motion for Rehearing granted by the Court.	0.10 at $ 0.00/hr	No Charge
04/22/2015	HLG	*Attention to* Finalize for filing and service, update file and e-file and e-serve Response of the Guardian to James Vassallo's Motion for Rehearing; forward same to parties listed on service list via regular mail (x5).	0.30 at $ 150.00/hr	$ 45.00
04/27/2015	RJH	*Court Time--Prepare For* Office conference with H. Graboyes about providing a blank proposed order setting hearing to judicial assistant; revise cover letter re: same.	0.20 at $ 350.00/hr	$ 70.00
04/27/2015	HLG	*Prepare correspondence* Prepare correspondence to the Court regarding Motion for Rehearing and setting of hearing on same.	0.20 at $ 150.00/hr	$ 30.00
04/27/2015	HLG	*Prepare* Prepare proposed blank order specially setting hearing on Albert Vassalo's Petition for Re-hearing.	0.10 at $ 150.00/hr	$ 15.00
04/27/2015	HLG	*Attention to* Finalize letter and enclosures to Judge French regarding James Vassallo's Motion for Re-hearing; prepare envelopes for return of Order Specially Setting Hearing; prepare same for delivery via priority mail; forward same to client via email; forward same to counsel via email; forward same to Albert Vassallo and Susan Mast via regular U.S. Mail; forward same to James Vassallo via email.	0.40 at $ 150.00/hr	$ 60.00

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Invoice #	22489
Invoice Date	07/21/2015
For Services Through	04/30/2015
Terms:	N/A

04/28/2015	RJH	*Phone Call* Phone call with Judicial Assistant about setting hearing.	0.10 at $ 0.00/hr	No Charge
04/28/2015	HLG	*Client Communication* Attention to client communication regarding [redacted].	0.10 at $ 150.00/hr	$ 15.00
04/28/2015	HLG	*Attention to* Attention to Joinder to Response of Guardian to James Vassallo's Motion for Rehearing by Brian M. O'Connell, Esquire dated 04/28/2015; forward same to client via email.	0.10 at $ 150.00/hr	$ 15.00
04/30/2015	RJH	*Communication from Opposing Counsel* Review and forward James Vassallo memo to E. Savitt and J. Pankauski.	0.10 at $ 350.00/hr	$ 35.00
04/30/2015	RJH	*Court filed document* Review hearing transcript excerpt and proposed notice of filing.	0.20 at $ 0.00/hr	No Charge
04/30/2015	RJH	*Conference* Phone conference with J. Pankauski regarding [redacted].	0.10 at $ 0.00/hr	No Charge
04/30/2015	HLG	*Prepare* Prepare Notice of Filing Excerpt of Hearing Transcript.	0.10 at $ 150.00/hr	$ 15.00
In Reference To: **G/O Albert Vassallo (Expenses)**				
04/13/2015	DLM	*Print Copy Scan* Check #14130 to Clerk of Court PBC for copy of Order Granting Counsel (Frank Hollander for James Vassallo) to Withdraw entered 3/31/2015	$2.00	$ 2.00
04/14/2015	DLM	*Court Reporter* Check #14135 to Pleasanton Greenhill Meek & Marsaa Inv. 55361 dtd 4/13/2015 Re ordered transcript from hearing on 2/13/2015	$76.20	$ 76.20

Total Hours: *8.40 hrs*
Total Prof Service: *$ 2,090.00*
Total Expenses: *$ 78.20*
Total Invoice Amount: $ 2,168.20

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
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West Palm Beach, FL 33401

Invoice submitted to:

Betsy Savitt Re G/O Albert Vassallo

Invoice #	22489
Invoice Date	07/21/2015
For Services Through	04/30/2015
Terms:	N/A

If you disagree in any way with this invoice or entries, pursuant to our Legal Services Contract, you agree to inform the Firm in writing within thirty (30) days of receipt and you also agree that if you do not object in writing within thirty (30) days, that you accept this invoice and all entries as accurate and are later prohibited from objecting to them. We assume you receive our correspondence within three (3) days of postmark or same day if via email.

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
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West Palm Beach, FL 33401

Invoice submitted to:

Betsy Savitt Re G/O Albert Vassallo

Invoice #	22490
Invoice Date	07/21/2015
For Services Through	05/31/2015
Terms:	N/A

Date	By	Service Summary	Hours/Rate	Amount
In Reference To: **G/O Albert Vassallo (Prof Service)**				
05/01/2015	HLG	*Attention to* Finalize for filing and service, update file and e-file and e-serve Notice of Filing Excerpt of Hearing Transcript; prepare same for delivery via regular mail to parties on service list; forward same to client via email.	0.30 at $ 150.00/hr	$ 45.00
05/05/2015	RJH	*Phone Call* Phone call with judicial assistant regarding date of hearing on m/ rehearing.	0.10 at $ 0.00/hr	No Charge
05/07/2015	HLG	*Phone Call* Telephone call with JA regarding setting of Motion for Rehearing.	0.10 at $ 0.00/hr	No Charge
05/08/2015	RJH	*Order* Review order setting hearing on motions for rehearing; review correspondence with E. Savitt regarding hearing attendance.	0.10 at $ 350.00/hr	$ 35.00
05/08/2015	HLG	*Attention to* Attention to Order Specially Setting Hearing on James Vassallo's Rehearing, entered by the Court on 04/29/2015; update file; forward same to client via email.	0.10 at $ 0.00/hr	No Charge
05/08/2015	HLG	*Client Communication* Attention to client communication regarding [redacted]	0.10 at $ 150.00/hr	$ 15.00
05/13/2015	HLG	*Prepare* Preparation of materials for hearing on 05-21-2015; [redacted].	1.70 at $ 150.00/hr	$ 255.00
05/14/2015	RJH	*Motion--Prepare For* Revise letter to Judge French; review and revise materials to be transmitted to Judge French for 5/21 hearing on motion for rehearing.	0.40 at $ 350.00/hr	$ 140.00
05/14/2015	RJH	*Phone Call* Phone call with Ciklin Lubitz regarding submission of proposed order.	0.10 at $ 0.00/hr	No Charge
05/14/2015	RJH	*Phone Call* Phone call with C. Thomas at Ciklin Lubitz re: materials we sent in to Judge French for hearing on 5/21.	0.10 at $ 0.00/hr	No Charge
05/14/2015	HLG	*Attention to* Finalize letter and materials to the Court in advance of hearing on May 21, 2015; prepare same for hand-delivery via courier; update file regarding same; forward same to counsel, James Vassallo and E. Savitt via email.	0.30 at $ 0.00/hr	No Charge
05/14/2015	JJP	*Conference* Fees, motion, Mr. O'Connell's fees, rehearing.	0.20 at $ 450.00/hr	$ 90.00

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
7th Floor
West Palm Beach, FL 33401

Invoice submitted to:

Betsy Savitt Re G/O Albert Vassallo

Invoice #	22490
Invoice Date	07/21/2015
For Services Through	05/31/2015
Terms:	N/A

05/14/2015	HLG	*Prepare* Prepare proposed order denying James Vassallo's Motions; prepare correspondence to court enclosing proposed order and envelopes for return service of same; prepare same for delivery via Federal Express; forward copy of same to counsel, J. Vassallo and client via email.	0.40 at $ 150.00/hr	$ 60.00
05/20/2015	JJP	*Court Time--Prepare For* Motion re hearing.	0.90 at $ 450.00/hr	$ 405.00
05/21/2015	HLG	*Prepare* Further attention to materials for hearing on James Vassallo's Motion for Rehearing; preparation of proposed Order.	0.30 at $ 150.00/hr	$ 45.00
05/21/2015	HLG	*Phone Call* Telephone call with client regarding [redacted].	0.20 at $ 150.00/hr	$ 30.00
05/21/2015	JJP	*Court Time* Motion for rehearing.	1.00 at $ 450.00/hr	$ 450.00
05/26/2015	RJH	*Receipt/Review* review memo from B. O'Connell and J. Pankauski.	0.10 at $ 0.00/hr	No Charge
05/28/2015	RJH	*Receipt/Review* Review order denying rehearing; memo to client [redacted].	0.10 at $ 350.00/hr	$ 35.00
05/28/2015	HLG	*Attention to* Attention to Order Denying James Vassallo's Motions for Rehearing and to Amend Final Judgment dated 05/22/2015; update file; forward same to client via email; attention to deadline for appeal of Order.	0.10 at $ 150.00/hr	$ 15.00
In Reference To: **G/O Albert Vassallo (Expenses)**				
05/31/2015	DLM	*Courier* Check #14180 to BDS Courier Inv. 511428 dtd 5/14/2015 Re delivery of documents to South County Courthouse on 5/14/2015	$10.76	$ 10.76

Total Hours: *6.70 hrs*
Total Prof Service: *$ 1,620.00*
Total Expenses: *$ 10.76*
Total Invoice Amount: $ 1,630.76

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
7th Floor
West Palm Beach, FL 33401

Invoice submitted to:

Betsy Savitt Re G/O Albert Vassallo

Invoice #	**22490**
Invoice Date	**07/21/2015**
For Services Through	05/31/2015
Terms:	**N/A**

If you disagree in any way with this invoice or entries, pursuant to our Legal Services Contract, you agree to inform the Firm in writing within thirty (30) days of receipt and you also agree that if you do not object in writing within thirty (30) days, that you accept this invoice and all entries as accurate and are later prohibited from objecting to them. We assume you receive our correspondence within three (3) days of postmark or same day if via email.

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
7th Floor
West Palm Beach, FL 33401

Invoice submitted to:

Betsy Savitt Re G/O Albert Vassallo

Invoice #	22491
Invoice Date	07/21/2015
For Services Through	06/30/2015
Terms:	N/A

Date	By	Service Summary	Hours/Rate	Amount
In Reference To: **Appeal: Vassallo v. Savitt (Prof Service)**				
06/24/2015	RJH	*Receipt/Review* Review notice of appeal by James Vassallo. Analyze for timeliness and legal sufficiency.	0.10 at $ 350.00/hr	$ 35.00
06/24/2015	HLG	*Attention to* Attention to Notice of Appeal of Final Order dated 06/22/2015; forward same to E. Savitt via email.	0.10 at $ 150.00/hr	$ 15.00
06/25/2015	HLG	*Client Communication* Attention to various email correspondence from client regarding [redacted].	0.10 at $ 150.00/hr	$ 15.00
06/25/2015	HLG	*Attention to* Attention to Order Directing Appellant to File Conformed Copy of Order being Appealed, Acknowledgement of New Case and Order Directing payment of filing fee for filing Notice of Appeal, all dated 06/25/2015; forward same to client via email.	0.10 at $ 150.00/hr	$ 15.00
06/26/2015	RJH	*Client Communication* Review memos regarding [redacted].	0.10 at $ 350.00/hr	$ 35.00
06/26/2015	HLG	*Attention to* Attention to Receipt of payment for filing fee from 4th DCA Clerk dated 06/26/2015; forward same to client via email.	0.10 at $ 150.00/hr	$ 15.00
06/29/2015	RJH	*Client Communication* Draft memo to client [redacted].	0.20 at $ 350.00/hr	$ 70.00
06/29/2015	HLG	*Attention to* Attention to Notice of Appeal filed with Palm Beach County Clerk on 06/22/2015; forward same to client via email.	0.10 at $ 150.00/hr	$ 15.00

Total Hours: 0.90 hrs
Total Prof Service: $ 215.00
Total Amount: $ 215.00

In Reference To: **G/O Albert Vassallo (Prof Service)**				
06/25/2015	RJH	*Client Communication* Advice memo regarding Guardian's duties as trustee now that judgment is final and rehearing has been denied.	0.20 at $ 350.00/hr	$ 70.00
In Reference To: **G/O Albert Vassallo (Expenses)**				

Pankauski Law Firm P.L.L.C.
120 South Olive Avenue
7th Floor
West Palm Beach, FL 33401

Invoice submitted to:

Betsy Savitt Re G/O Albert Vassallo

Invoice #	22491
Invoice Date	07/21/2015
For Services Through	06/30/2015
Terms:	N/A

06/15/2015	DLM	*Courier* Check #14242 to FedEx Inv. 5-037-68666 dtd 5/19/2015 Re delivery to Judge French on 5/15/2015	$16.04	$ 16.04

Total Hours: *0.20 hrs*
Total Prof Service: *$ 70.00*
Expenses: *$ 16.04*
Total Amount: $ 86.04

Total Hours: *1.10 hrs*
Total Prof Service: *$ 285.00*
Total Expenses: *$ 16.04*
Total Invoice Amount: $ 301.04

If you disagree in any way with this invoice or entries, pursuant to our Legal Services Contract, you agree to inform the Firm in writing within thirty (30) days of receipt and you also agree that if you do not object in writing within thirty (30) days, that you accept this invoice and all entries as accurate and are later prohibited from objecting to them. We assume you receive our correspondence within three (3) days of postmark or same day if via email.

Post 2-13-15

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

FILE NO.: 502014GA000369XXXXSB (IX)

IN RE: GUARDIANSHIP OF

ALBERT VASSALLO, SR.,

The ward.
_____/

SUCCESSOR CO-TRUSTEE JAMES VASSALLO'S POST-HEARING MEMORANDUM OF LAW AND/OR VERIFIED PETITION FOR REHEARING

JAMES VASSALLO, successor co-trustee, next of kin, son of the ward, and interested person, by and through his undersigned counsel, and pursuant to Fla.R.Civ.P. 1.530(a) - (d), files this Post-Hearing Memorandum of Law and /or Verified Petition for Rehearing of the February 13, 2015 hearing authorizing appointment of sole successor trustee of the Albert Vassallo, Sr. Revocable Trust et al. and in support, states as follows:

1. James Vassallo is next of kin, son and interested person of the ward in the above-styled matter.

2. At hearing held February 13, 2015 James Vassallo was removed, along with the other two successor co-trustees of the Albert Vassallo, Sr. Revocable Trust Agreement U/A/D 02/17/2009, as amended.[1]

[1]As of February 23, 2015 the on-line docket showed no entry of an order authorizing Elizabeth Savitt's appointment as sole successor trustee of the Albert Vassallo, Sr. Revocable Trust et al., the requested relief of the matter heard before the Court February 13, 2015: Guardian's Verified Petition for Direction to Act dated January 27, 2015. Exhibit G.

3. Pertinent provisions of the Revocable Trust Agreement are as follows:

a. Article I (D) Incapacitated. If the Grantor and Trustee is under a legal disability or by reason of illness, or mental or physical disability or is, in the certified written opinion of his physician and Albert Vassallo, Jr. and Susan Mast, unable to properly manage his affairs he shall be deemed incapacitated for the purposes of this trust agreement."

b. Article II Administration During Life of Grantor (D) Right to Revoke and Amend. The Grantor reserves the right during his lifetime, except during any period when he is certified incapacitated as set forth in Article I to revoke this instrument, signed and acknowledged by Grantor and to change the identity of the trustee, etc. The Revocable Trust as Amended is attached as **exhibit A.**

4. By the Second Amendment the Grantor added James Vassallo as a co-trustee. Albert Vassallo Sr. never amended his trust to replace James Vassallo. Since the time he was legally disabled, September 9, 2014 Albert Vassallo Sr. was never certified incapacitated as defined in Article I (D). Elizabeth Savitt has no right to amend based upon the trust agreement language. F.S. §744.441 (19) has no application since it does not contain the required "certified incapacity" required to revoke or amend under Article II.

5. Neither on February 13, 2015 nor at anytime was evidence adduced, nor testimony taken by Albert Vassallo Sr.'s physician. The argument is fallacious in the guardian's verified petition paragraph 21 that the ward could have amended his own revocable trust and replaced the named successor co-trustee at will at any time (because in fact he did not), but for the adjudication of his incapacity [as it was not a certified

incapacity by his own physician as defined in Article I(D)] so that under F.S. §744.441 (19) "the guardian may (not) now do so." as prohibited under Article II. This so-called statutory authority is belied by trust agreement Article VI Trustee's Power. "It is Grantor's declared intent that my trustee or his successor not be bound by any laws of the State of Florida" [(including F.S. §744.441 (19)] and that the only requirement is that they act in good faith (which Albert Vassallo, Jr. and Susan Mast violated but James Vassallo did not). By all accounts James Vassallo has acted in good faith at all times. No testimony has been adduced to the contrary.

6. Albert Vassallo, Sr. was never under a certified incapacity as defined, so that Elizabeth Savitt had no right as guardian to amend the trust during the legal incapacity, especially since Revocable Trust Agreement Article XII. Survivorship provides that the trust agreement shall be binding upon the assigns of the parties. To the extent Elizabeth Savitt, as guardian is Grantor's assign, she is bound by the terms of the trust agreement, Article I(D) and Article II.

7. James Vassallo seeks relief for additional reasons set forth herein.

8. At all times material Albert Vassallo, Sr. lived at 108 Westbury Building E, Deerfield Beach, Florida 33442 and James Vassallo lived at 107 Westbury Building E, Deerfield Beach, Florida 33442 next door and he took care of his father free of charge until late, 2013.

9. In 2012 James Vassallo obtained VA disability benefits for his father after he had been exposed in World War II to asbestos while serving in the Navy. In 2012 James Vassallo increased Albert Vassallo Sr.'s monthly income from $1000 to $2580.

10. After James Vassallo's May, 2013 was added as co-successor trustee

in the trust second amendment, with the original 2 successor co-trustees, his 2 siblings Albert Vassallo, Jr. and Susan Mast, (nominated co-successor trustees in the trust agreement in 2009), James Vassallo discovered in November, 2013 that these 2 siblings were misappropriating for their own use his father Albert Vassallo Sr.'s funds through powers of attorney for approximately $60,000 and $110,000, respectively.

11. James Vassallo retained attorney Clifford Hark to rectify this issue. Mr. Hark prepared and James Vassallo signed a petition for incapacity indicating James Vassallo resided at 107 Westbury Building E, Deerfield Beach, Florida 33442 **Exhibit B** and a petition for the appointment of a guardian seeking Elizabeth Savitt as a professional guardian. **Exhibit C.**

12. On September 9, 2014 Elizabeth Savitt was appointed guardian. Before the bank account could be frozen by the Court, Susan Mast wrote out 2 checks, one to Albert Vassallo, Jr. for $25,000 and one to herself for $30,000. On December 1, 2014 a mediation agreement was entered into between Elizabeth Savitt, as guardian and Susan Mast, and Albert Vassallo, Jr's attorney. No where in the settlement agreement, the mediated term sheet, are the 2 said September 9, 2014 checks referred to or the misappropriation that necessitated these proceedings brought by James Vassallo, in the first instance addressed therein. As a consequence, it seems James Vassallo's role as a successor trustee remains essential as Elizabeth Savitt has failed in her duties. In a similar demonstration of her dereliction of duty, Ms. Savitt has failed and refused James Vassallo's repeated requests of her to contact the VA to place the now unclaimed VA funds into the guardianship/trust account since the checks began to accumulate without accruing interest since November 1, 2014. As a third example, after Susan Mast was

caught "red-handed" with the September 9, 2014 checks that this court ordered frozen that day, Ms. Savitt as guardian later knowing, saw fit in November, 2014 to allow the financial exploitative Susan Mast to receive retro-active pay of $25,000 from Albert Vassallo, Sr., and James Vassello as sole trustee advised her it was unacceptable. That disagreement provides the basis for the hostilities claimed by Elizabeth Savitt, but those are between James Vassallo and Elizabeth Savitt. As a fourth example 10 $1000 United States bonds of Albert Vassallo, Sr. have been missing since November, 2013 when Susan Mast and Albert Vassallo, Sr. were involved with moving Albert Vassallo, Sr. James Vassallo gave Elizabeth Savitt a claim form to track down the missing bonds 4 months ago to see if the bonds were cashed in or lost. No response has been forthcoming during this 120 day time period. Other examples abound such as Elizabeth Savitt's refusal to pay Albert Vassallo Sr.'s credit card bill minimum payments thus allowing his credit rating to plummet. The trust can ill-afford Elizabeth Savitt's kind of management style with the 90 day inventory filing period having now expired without compliance or extension thus explaining Elizabeth Savitt's eagerness to move the guardianship assets to the trust.

13. By court order dated November 20, 2014 Clifford Hark withdrew as attorney of record for James Vassallo. Mr. Hark's prepared order mistakenly directed Elizabeth Savitt's counsel to notice James Vassallo at 108 Westbury Building E, Deerfield Beach, Florida 33442. **Exhibit D.**

14. On January 27, 2015 guardian Elizabeth Savitt filed a verified petition for direction to act, seeking approval of the mediation and without attaching the Revocable trust agreement, sought the court's imprimatur to swiftly remove James Vassallo under

statutory authority, F.S. 744.441 (17) and (19) from his appointed role as the remaining sole trustee on the sole ground that he is not appreciated by those persons, Susan Mast and Albert Vassallo, Jr. involved in the theft of their father's property. Elizabeth Savitt referred to whistleblower James Vassallo as "so hostile to his siblings that he cannot serve objectively as a co-trustee." He was "objective" enough to seek her very appointment as guardian in the first instance, all through court proceedings, no self help has been alleged, let alone has it occurred as there was no direct contact made with his siblings.

15. On February 3, 2015 the order specially setting hearing for February 13, 2015 was mailed out to James Vassalo. Pursuant to the November 20, 2015 Court order of Mr. Hark's withdrawal, it was mailed to the ward's old address, 108 Westbury E and not to James Vassallo's address, 107 Westbury Building E, Deerfield Beach, Florida 33442 and that wrong address envelope was provided to the court presumably by Elizabeth Savitt's counsel based upon Mr. Hark's error. The order required James Vassallo to submit within seven (7) days prior to the February 13, 2015 hearing (i.e. on or before February 6, 2015) his Memoranda and case law authority and proposed orders. **See composite Exhibit E.**

16. Because of the wrong mailing address, James Vassallo did not receive the order until after the February 6, 2015 deadline had elapsed.

17. Clifford Hark was notified thereafter and he re-appeared in the case and served a late well-taken but limited objection on behalf of James Vassallo by certificate of service dated February 12, 2015. **Exhibit F.** It cited the removal as sought would constitute an abuse of discretion absent a showing of actual mismanagement. Removal of

trustees due to friction among contingent beneficiaries, which included trustees, was found to be an abuse of discretion, absent a showing of actual mismanagement. *Parr v. Cushing*, 507 So.2d 1227 (Fla. 5th DCA 1987) (Hostility and/or tension between trustee and potential beneficiaries of a trust does not by itself constitute ground for removal of a trustee). Generally removal of a trustee should be predicated upon a clear showing of abuse or wrongdoing in the actual administration of the trust. *In Re Estate of Murphy*, 336 So.2d 697 (Fla. 4th DCA 1976). As the order authorizing the appointment of Elizabeth Savitt as sole successor trustee reflects, this matter came before the court and the court heard argument of counsel but no testimony of any witness as to James Vassallo actually having mismanaged the trust was given. In fact ***James Vassallo was denied the opportunity to be heard at the hearing***. "A trustee is entitled to an opportunity to be heard prior to his removal as trustee for his father's estate." *Kountze v. Kountz* 93 So.3d 1164 (Fla. 2nd DCA 2012). A factual finding must be made as to the trustee's unfitness unwillingness, and persistent failure to administer the trust effectively. F.S. §736.0706(1), (2)(c). In fact James Vassallo has administered the trust extremely efficiently and the decision by Elizabeth Savitt to remove him without due process is completely self-dealing. James has not sought any compensation from the trust although he is entitled under Trust Article VII, and Ms. Savitt will seek the compensation that James Vassallo would sacrifice in the future, all in the best interest of Albert Vassallo, Sr.

18. Pursuant to the Revocable Trust Article XII, the same is binding on its assigns binding Elizabeth Savitt to the extent she, as guardian is Grantor Albert Vassallo, Sr.'s assign. According to the trust agreement, the trustee is not to be in limitation of any

statutory authority i.e., F.S. §744.441 (17) and (19) that serve as the sole basis of James Vassallo's removal by Elizabeth Savitt.

WHEREFORE, James Vassallo files this post hearing Memorandum of Law and alternative petition for rehearing of the February 13, 2015 hearing authorizing the appointment of the Guardian Elizabeth Savitt as the sole successor trustee of the Albert Vassallo Sr. Revocable Trust and requests an evidentiary hearing and an opportunity to be heard.

VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

James Vassallo

James Vassallo

2-16-15

HARK BURKHALTER YON, PL
ATTORNEYS AT LAW
2101 NW CORPORATE BLVD., SUITE 220
BOCA RATON, FLORIDA 33431

TELEPHONE: (561) 995-1800
FACSIMILE: (561) 995-1801

James Vassallo

Feb 16, 2015

107 Westbury, Bldg E
Deerfield Beach, Florida 33442

File #: Vassallo

RE: Guardianship of Albert Vassallo

Inv #: 15922

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Oct-23-14	Preparation for and Meeting w/ Client [NO CHARGE]	1.00	0.00	CBH
Nov-13-14	Draft Pet for Atty Fees, Consents, Affidavit and Order; Efile and Eservice, Revised documents [NO CHARGE]	3.00	0.00	CW
Nov-17-14	Review e-mail from Atty Hazeltine's Office; Follow up with Atty Hark regarding Hearing Date- NO CHARGE	0.25	0.00	BMC
Nov-18-14	Follow up ref. Atty Hazeltine Objection and Motion to Withdraw; Follow up w/ file- NO CHARGE	0.17	0.00	CBH
Nov-20-14	Preparation and attendance at Court Hearing on Motion to Withdraw [NO CHARGE]	1.00	0.00	MFY
	Meeting with Atty Yon regarding Hearing and Order; Send e-mail to all Parties with Order ['NO CHARGE]	0.17	0.00	BMC
Dec-12-14	Telecon w/ Atty Hauser	0.25	93.75	CBH
Dec-15-14	Review file; Telecon w/ Atty Trinkler	0.25	93.75	CBH
Dec-29-14	Review Mediation papers, Financials and Inventory; Preparation for and Meeting w/ Client	2.00	750.00	CBH
Jan-06-15	Preparation for and attendance at Court; Meeting w/ Client and Betsy Savitt (45 mins- NO CHARGE)	0.75	281.25	CBH
Jan-09-15	Review file; E-mail to Betsy Savitt	0.08	30.00	CBH
Jan-12-15	Review E-Service of Pleadings; Follow up with File and Paralegal	0.08	30.00	CBH
	Telecon w-Ralph Vassallo; Review w- Atty Hark [NO CHARGE]	0.17	0.00	SW
Jan-13-15	Telecon w/ James and Ralph; Telecon w/ Det. White	0.25	93.75	CBH
Jan-14-15	Preparation for and meeting w/ Client	1.25	468.75	CBH

Jan-26-15	Review E-Service of Pleadings; Follow up with File and Paralegal	0.08	30.00	CBH
Feb-02-15	Telecons w-Client; Review w-Atty Hark [NO CHARGE]	0.17	0.00	SW
Feb-04-15	Directions to Paralegal ref. review and organization of Bank Statements	0.25	93.75	CBH
	Telecon w/ Atty Trinkler	0.17	63.75	CBH
	Review E-Service of Pleadings; Follow up with File and PL	0.08	30.00	CBH
Feb-10-15	Direction from Atty Hark; Review file w-Atty Hark and Paralegal, BMC; Review financial Statements	4.08	510.00	SW
Feb-11-15	Review pleadings filed by Atty Hauser; Review finances; Research; Review and respond to e-mails; Telecon w/ Client	1.58	592.50	CBH
	Meeting w-Atty Hark; Review financials	1.42	177.50	SW
Feb-12-15	Review and respond to Guardian's pleading; Research; Telecons to Client; Review and respond to e-mails; Preparation for Hearing	1.92	720.00	CBH
	Draft Response to Guardian's Pet/Authority to Act	1.25	468.75	LBB
Feb-13-15	Preparation for and attendance at Hearing; Meeting w/ Client	1.75	656.25	CBH
Totals		23.42	$5,183.75	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Clifford B. Hark	11.91	$338.16	$4,027.50
Laura Bourne Burkhalter	1.25	$375.00	$468.75
Matthew Yon	1.00	$0.00	$0.00
Brittany Carraro	0.42	$0.00	$0.00
Cecilia White	3.00	$0.00	$0.00
Sierra White	5.84	$117.72	$687.50

DISBURSEMENTS		Disbursements	Receipts
Jan-23-15	Retainer $2000.00		2,000.00
Jan-22-15	Photocopies 119 x $.20	23.80	

Totals		$23.80	$2,000.00
Total Fees & Disbursements			**$3,207.55**
Previous Balance			$4,712.19
Payments Received	$4,712.19		$4,712.19
Balance of Retainer	$0.00		
Balance Due Now			**$3,207.55**

2-21-15

HOLLANDER AND ASSOCIATES, LLC

ATTORNEYS AT LAW

FRANK L. HOLLANDER
ATTORNEY AT LAW
ONE BISCAYNE TOWER
SUITE 1650
2 SOUTH BISCAYNE BOULEVARD
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WEBSITE: WWW.ATTORNEYATLAW.BZ
EMAIL: FRANKH99@AOL.COM

February 21, 2015

Mr. James Vassallo
107 Westbury East #107
Deerfield, FL 33442

RE: Guardianship of Albert Vassallo, Sr.

Mr. Vassallo:

You the "CLIENT" have requested my firm to act as your attorney in connection with the above matter and to advise you and serve as your counsel advising you relating to the issues that have arisen.

This document sets forth the agreement concerning our representation of you and shall become effective upon our receipt of a signed copy of this document and the amount required herein as to fees and costs.

A. You agree to pay to Hollander and Associates, LLC an initial nonrefundable attorney fee retainer in the sum of $8,000.00. It is also understood that we will bill by the hour for additional fees at our discounted professional courtesy hourly rate of $440.00 per hour (normally it is $550 per hour) for 18.18 hours. Attorney's compensation is based upon, among other factors, the time and labor involved, the novelty, complexity, and difficulty of the issues, questions, and the case as a whole as presented, the skill, reputation, experience, ability and diligence of attorneys in performing this type of service, the time limitations imposed upon attorneys by this representation, the likelihood this employment will preclude other employment, the amounts Attorneys customarily charge, the significance of the amount in controversy and the experience, reputation, diligence, and ability of the attorney in performing this type of service. CLIENT agrees this retainer fee is justified as long as attorney begins the work and is in compliance with the Rules. You shall replace this $8,000 attorney fee retainer upon its being depleted to $1,000.00 (15.90 hours) or less upon receipt of an itemized invoice for services rendered and under these same terms and conditions, and so forth, until the case is completed. If those attorneys' fees are not paid, then attorneys may withdraw from the representation. Failure of the CLIENT to do so permits ATTORNEY to withdraw from this representation and the attached consent today executed by the CLIENT may be dated and submitted to the Court at such future time in order to obtain an order authorizing ATTORNEY's withdrawal as attorney of record without need of a hearing, citing irreconcilable differences. The CLIENT further understands that these attorneys' fees are nonrefundable as are all attorneys fees hereafter received in this case are nonrefundable and earned upon receipt.

James Vassallo (CLIENT's initials)

B. Costs. We shall expend costs as we shall determine is in your best interests in representing you, which shall be expended for expenses including, but not limited to court, arbitration, and/or service of process fees, mediation costs, deposition transcript costs, subpoenas, litigation costs, copying costs, court reporter's expenses and fees, research, postage, courier, filing fees, court fees, service of process fees, investigation fees, and expenses of experts as may be needed as deemed necessary to assist us in handling of this matter employed to examine persons or information pertinent to this case, to testify at deposition or at trial, or whose examination may further the case, attorney's travel time to and from West Palm Beach for any purpose involving this case such as traveling to and from court hearings or meetings (the court hearings and meetings themselves will be charged at the $440.00 per hour rate) at $100 per hour for the travel time alone/itself, and hotel expenses, if any, and all other expenses the Attorney considers reasonably necessary for the proper representation of the CLIENT and file storage. CLIENT agrees to promptly pay expense deposits upon receipt of a written request. Any unused portion may be applied to any unpaid fees at attorneys' option. Costs may also include hiring junior lawyers, para professionals as needed to be billed at an hourly rate of between $200.00 and $250.00 per hour. Their travel time will be $50 per hour.

C. We shall use our best judgment to determine the amount of time required to be expended on your behalf, and which attorneys and paralegal personnel shall perform the required services contemplated to be performed. We shall proceed as we deem necessary. You must assist in providing us all information concerning the facts and your objectives.

D. I have made a preliminary analysis of the problem you have presented and have determined that it seems you have a colorable claim in seeking a rehearing within 15 days of the 2.13.15 order removing you as sole trustee/replacing you with Elizabeth Savitt as sole trustee and thereafter goal 2, seeking to remove her as guardian. JV (Client's initials). It is unknown whether this initial fee retainer will be available to be applied toward this second goal.

E. I have explained my preliminary analysis of the case to you and the necessity of your assistance in order to keep expenses to a minimum. You must send me copies of all court filings to date, research completed and court documents in order to minimize the legal fees and costs.

F. You acknowledge that we have made no guarantees in relation to the disposition of any phase of this matter for which we have been retained, as all expressions relative to it are only our opinions. All warranties express or implied are hereby denied and waived.

G. In the event any monies are received from you hereunder or as proceeds due and owing hereunder and the same are deposited to our firm's Trust Account, we are authorized to JV (CLIENT's initials)

disburse said funds from our Trust Account to any individual or any entity entitled to the same including, but not limited to, payment to this firm as provided for herein.

H. All other matters which we handle for you or on your behalf must be evidenced by a modification to this Agreement or by a new Agreement or if work proceeds billed on an hourly basis.

I. This is the entire agreement between the parties and this Agreement shall only be modified by an instrument in writing signed by the parties to this Agreement or otherwise clearly assented to by the parties. Client agrees all prior discussions and representations, if any, cannot and have not been relied upon and there are no understandings whatsoever or promises not contained herein. Attorney has promised to render his best professional skill and to exercise his best professional judgment and advice to client.

J. Any dispute that may arise between the parties, Hollander and Associates, LLC and CLIENT (and not the natural person Frank L. Hollander, not a party hereto) and shall be resolved in Miami-Dade County Courts for venue and jurisdictional purposes. No consequential damages shall be allowed. As a condition precedent to a lawsuit or other complaint the parties shall attempt a good faith resolution of all of their differences through mediation at Florida Mediation Group in Miami, Florida with each party to pay half of the cost thereof

K. Attorney's obligation under this agreement terminates on decision of judge as to the 2 petitions, to be reinstated as trustee, due March 2, 2015 and for Ms. Savitt to be removed as guardian. No appeal is anticipated to be filed under this agreement.

L. Please sign a copy of this Agreement where provision has been made for your signature and cause an executed copy of said Agreement to be returned to the undersigned.

M. Contact me or my staff (Niurka) when any issue arises or if you have any questions or comments by phone email or facsimile. Remember that our charges relate to the time spent in your service.

Thank you for utilizing our services.

Very truly yours,

Frank L. Hollander, Esq.
For the LLC

Agreed: James Vassallo February 21, 2015
James Vassallo

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

FILE NO.:

IN RE: GUARDIANSHIP OF

ALBERT VASALLO, SR.,

The ward.
_____/

CONSENT TO MOTION TO WITHDRAW AS COUNSEL OF RECORD

James Vassallo, interested person hereby consents to Frank L. Hollander of Hollander and Associates' motion to withdraw as counsel of record in the above styled matter.

Executed this _____

James Vassallo

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

FILE NO.:

IN RE: GUARDIANSHIP OF

ALBERT VASALLO, SR.,

The ward.
_____/

STIPULATION FOR SUBSTITUTION OF COUNSEL

IT IS HEREBY AGREED AND STIPULATED by and between FRANK L. HOLLANDER, ESQ. of HOLLANDER AND ASSOCIATES, LLC and CLIFFORD HARK, ESQ. that FRANK L. HOLLANDER, ESQ. of HOLLANDER AND ASSOCIATES, LLC enter as counsel of record for JAMES VASSALLO, interested person in the captioned matter.

_____ _____

FRANK L. HOLLANDER, ESQ.
HOLLANDER AND ASSOCIATES, LLC
2 SOUTH BISCAYNE BOULEVARD
Ste. 1650
MIAMI, FL 33131
TEL: (305) 373-9999
F.B.N.: 745332

CLIFFORD HARK, ESQ.

F.B.N.:

Dated: 2-21-2015

Dated: _____

James Vassallo
JAMES VASSALLO

Dated: _____

ORDER GRANTING STIPULATION FOR SUBSTITUTION OF COUNSEL

THIS CAUSE having come before the Court upon the foregoing Stipulation, and the Court having been fully advised in the premises, it is thereupon:

ORDERED AND ADJUDGED that FRANK L. HOLLANDER, ESQ. HOLLANDER AND ASSOCIATES, LLC. shall be substituted in the place and stead of CLIFFORD HARK, ESQ. as attorney of record for JAMES VASSALLO, interested person in the captioned matter; that CLIFFORD HARK, ESQ., shall be relieved of any further responsibility in connection to the aforementioned matter.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida this ____ day of _____, 2015.

_____
CIRCUIT COURT JUDGE

Copies furnished to:

FRANK L. HOLLANDER, ESQ.
CLIFFORD HARK, ESQ.
JAMES VASSALLO
ROBERT HOUSEN

HARK | BURKHALTER | YON, PL
ATTORNEYS AT LAW

2101 NORTHWEST CORPORATE BOULEVARD, SUITE 220
BOCA RATON, FLORIDA 33431

201 NORTHEAST 95TH STREET
MIAMI SHORES, FLORIDA 33138

E-MAIL: CLIFF@HARKLEGAL.COM

CLIFFORD B. HARK
LAURA BOURNE BURKHALTER
MATTHEW F. YON

PALM BEACH: (561) 995-1800
BROWARD: (954) 925-7795
FACSIMILE: (561) 995-1801

MIAMI-DADE: (305) 757-3307
FACSIMILE: (305) 757-3396

February 19, 2015

James Vassallo
107 Westbury, Building E
Deerfield Beach, FL 33442

Re: Guardianship of Albert Vassallo
Termination of Representation

Dear James:

Pursuant to our meeting this afternoon, this letter will confirm that I will not longer be representing you in any further matters involving your father's Guardianship or Trust.

With regard to last Friday's Hearing, I have advised you that you have thirty (30) days to file a Notice of Appeal of Judge French's ruling where you were removed and not appointed as your father's Successor Trustee. Thank you once again for allowing me to represent you in this matter. I remain,

Very truly yours,

HARK | BURKHALTER | YON, PL

Clifford B. Hark, Esquire
For the Firm

CBH/sw

I have read, understood and agreed to the above this 19th day of February, 2015.

Signed: February 19, 2015

James Vassallo
James Vassallo

HOLLANDER AND ASSOCIATES, LLC
ATTORNEYS AT LAW

2-24-15

FRANK L. HOLLANDER
ATTORNEY AT LAW
ONE BISCAYNE TOWER
SUITE 1650
2 SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33131

TELEPHONE: (305) 373-9999
TOLL FREE: (800) 966-4041
TELEFAX: (305) 373-7777
WEBSITE: WWW.ATTORNEYATLAW.BZ
EMAIL: FRANKH99@AOL.COM

February 24, 2015

VIA FEDEX

The Honorable David E. French
South County Courthouse
200 West Atlantic Avenue
Delray Beach, FL 33444

RE: Guardianship of Albert Vassallo, Sr.
Case No. 502014GA000369XXXXSB (IX)

Dear Judge French:

Our firm represents successor co-trustee James Vassallo in connection with the above-captioned matter.

Enclosed please find a proposed Order requesting a Special Set evidentiary hearing on the enclosed Petition along with a Stipulation for Substitution of Counsel and a proposed Order thereon.

If the Court approves the proposed Orders, upon their execution, kindly forward conformed copies to all persons listed on the Service List using the enclosed self-addressed, stamped envelopes and have your Honor's judicial assistant fill-in the date and time for the requested evidentiary hearing. We request a one and a half hour hearing.

If the Court requires any additional materials, please do not hesitate to contact our office.

Thank you for your Honor's attention to this matter.

Respectfully submitted,

Frank L. Hollander

HOLLANDER AND ASSOCIATES, LLC
By: Frank L. Hollander

FLH:np
cc: service list

Filing # 24204494 E-Filed 02/25/2015 04:12:47 PM

2-25-14

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000369XXXXSB
Division: IX

IN RE: GUARDIANSHIP OF
ALBERT VASSALLO.
_____/

AMENDED PETITION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND EXPENSES

Petitioner, Sheri L. Hazeltine, Esq. alleges:

1. Petitioner is an attorney engaged in the practice of law in Palm Beach County and elsewhere in the State of Florida.

2. Petitioner is the attorney for ELIZABETH SAVITT, the limited guardian of ALBERT VASSALLO (the Ward).

3. Petitioner has rendered legal services for the benefit of the Ward, from November 12th, 2014 to February 24th, 2015, as more fully described and set forth in the itemized schedule of services and expenses attached hereto as Exhibit A, for which petitioner has not been paid.

4. Petitioner's records indicate that during the period of time above mentioned in excess of 12.4 attorney hours and 7.4 paralegal hours have been devoted to the representation of the co-guardians of the Ward.

5. Based upon the criteria established by Section 744.108(2) of the Florida Guardianship Law, petitioner believes that a reasonable fee for the services performed by the petitioner during that period of time is:

Hourly rate:	$325.00 ($350 as of 1/1/15)
Atty. Hours worked:	12.4
Paralegal rate:	$120.00 ($125 as of 1/1/15)
Paralegal Hrs. worked:	7.4
Total fees:	$4924.00
Total costs:	$104.78

Total amount of Fees and Compensation: **$5,028.78**

Total amount of Fees and Compensation: **$5,028.78.**

6. That this attorney's fees have a reasonable value of $5,028.78.

7. That previous fees and costs have been billed in the amount of $8,039.26.

WHEREFORE, Sheri L. Hazeltine, Esq. respectfully requests that this Court enter an Order awarding attorney fees and expenses provided on behalf of the Ward and made payable from the guardianship estate.

Under penalties of perjury I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

DATED this ~~24~~ 25th day of February, 2014.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567
800 Palm Trail Plaza, Ste. 3
Delray Beach, Florida 33483
(561) 243-4655, Fax (561) 243-6933

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Petition for Attorney's Fees was sent via E-Service to the following parties and/or persons of interest on this 24th day of February, 2015: 25th

1.) **Frank Hollander, Esq.,** attorney for James Vassallo.
One Biscayne Tower, Suite 1650
2 South Biscayne Boulevard
Miami, FL 33131-1806
Primary email: frank@hollander.lawyer
Secondary email: niurka@hollander.lawyer

2.) **Brian M. O'Connell, Esq.**, court appointed attorney.
Ciklin Lubitz Martens & O'Connell
515 N. Flagler Dr., 20th Floor
West Palm Beach, FL 33401
(561) 832-5900 (office)
(561) 833-4209 (Fax)
Primary email: service@cilinlubitz.com
Secondary email: probateservice@cilinlubitz.com

3.) **Susan Mast**
9324 Ketay Circle, Unit 1, Building 5
Boca Raton, Florida 33428

4.) **Albert Vassallo, Jr.**
28 Lafayette Avenue Lake Grove, NY 11755

By: _____
Sheri H. Hazeltine, Esq.
Florida Bar No. 0674567

SHERI L. HAZELTINE & ASSOCIATES, P.A.

Attorney at Law

800 Palm Trail Plaza, Suite 3
Delray Beach, Florida 33483
Phone: 561-243-4655; Fax: 561-243-6933
sheri@hazeltinelaw.com

Member, National Academy of Elder Law Attorneys; Academy of Florida Elder Law Attorneys; Florida Guardianship Association; Palm Beach Guardianship Association; Florida Bar Association; Elder Law Section, Palm Beach County Bar Association; South Palm Beach County Bar Association; Florida's Voice on Developmental Disabilities; Admitted in Alaska and Florida.

Elizabeth Savitt, Guardian.
501 N. Country Club Dr.
Atlantis, FL 33462

Invoice Date: February 24, 2015
Invoice Number: 12011
Invoice Amount: $5,028.78

Case: *In re Guardianship of Albert Vassallo*
Case No.: 502014GA000369XXXXSB

Attorney Fees 12.4 Hours @ $325/hr. ($350 as of 1/1/2013); Paralegal Fees 7.4 Hours @ $120/hr. ($125 as of 1/1/2015)

11/11/2014	Telephone call from Mr. Hark, Esq. regarding case and his upcoming withdrawal from matter. Telephone call from Robert Trinkler, Esq. regarding settlement of case. Discussion of case. Told him I will contact my client and get back to him by tonight.	S.L.H.	.30	$97.50
11/11/2014	Prepare draft attorney fee petition for attorney review.	R.B.	.40	No Charge
11/12/2014	Emailed Client a copy of the signed Order setting hearing for 11/24/14 at 1:30 pm.	S.L.H.	.10	No Charge
11/12/2014	Emailed a copy of the signed Order setting hearing on petition for removal of co-trustees to Client.	S.L.H.	.10	No Charge
11/12/2014	Review of petition for attys. fees.	S.L.H.	.10	No Charge
11/12/2014	E-file attorney fee petition; Reference # for this filing is 20493819.	R.B.	.10	No Charge
11/12/2014	Review of rec'd signed order setting hearing on the petition for removal of co-trustees.	S.L.H.	.10	$32.50
11/12/2014	Review of rec'd copy of signed Order setting hearing on petition to compel Albert Vassallo to repay funds and petition to compel Susan Mast to repay funds. Set for Monday November 24 at 1:30 pm.	S.L.H.	.10	$32.50
11/13/2014	Receipt and review of Chase Freedom visa account from Ms. Savitt.	R.P.	.10	No Charge
11/13/2014	Review of petition for fees from Mr. Hark, Esq. and Mr. O'Connell, Esq. Guardian objects to Mr. O'Connell's fee petition.	S.L.H.	.10	$32.50

EXHIBIT A

11/13/2014	Preparation of email to Mr. O'Connell, Esq. regarding his fee petition.	S.L.H.	.10	$32.50
11/14/2014	Preparation of email to Client with attached atty. fee petition from Clifford Hark, Esq. and his affidavit.	S.L.H.	.10	No Charge
11/14/2014	Review of consent to withdrawal of attorney Clifford Hark, Esq. and consent to attys. fees by James Vassallo (his client).	S.L.H.	.10	$32.50
11/14/2014	Emailed copies of received consents from James Vassallo to Client.	S.L.H.	.10	No Charge
11/14/2014	Receipt of petition for attys. fees from Clifford Hark, Esq. and affidavit.	S.L.H.	.10	No Charge
11/17/2014	Preparation of email to Mr. Trinkler, Esq. asking if we could meet in person with his client this week.	S.L.H.	.10	No Charge
11/17/2014	Telephone call to Judge French's JA to obtain available dates and times for Ms. Hazeltine's attorney fee petition. Prepare e-mail to all counsel asking them to respond ASAP with dates they are available.	R.P.	.20	$24.00
11/17/2014	Telephone call from Client. Discussion of case.	S.L.H.	.70	$227.50
11/17/2014	Receipt and review of e-mails from counsel. All attorney's are available on January 6th at 9:30 a.m.	R.P.	.10	No Charge
11/17/2014	Preparation of email to Mr. O'Connell asking him to re-calculate his fee petition as per the reduced hourly rates. Review of response email from Mr. O'Connell stating 'will do'. Forwarded email to client for review.	S.L.H.	.10	$32.50
11/18/2014	Prepare Order Setting Hearing for January 6th. E-mailed blank Order to all attorneys. Told them they would get the signed Orders from Judge French next week.	R.P.	.20	$24.00
11/18/2014	Follow up email again to Mr. Trinkler, Esq. asking if he had received my email from yesterday asking if we could meet in person with him and his client this week.	S.L.H.	.10	No Charge
11/18/2014	Telephone call from Mr. James Vassallo. Discussion of his concerns in the case.	S.L.H.	.30	$97.50
11/18/2014	Telephone call to Judge French's JA to secure the 1/6 at 9:30 a.m. date.	R.P.	.10	$12.00
11/18/2014	E-mailed copy of Clifford Hark, Esq.'s attorney fee petition to Ms. Savitt.	R.P.	.10	No Charge
11/19/2014	E-filed objection, ref. #20749281. E-mailed copy to Ms. Savitt.	R.P.	.20	No Charge
11/19/2014	Review of email from Client regarding Mr. Hark's fee petition with request. Preparation of response email.	S.L.H.	.10	$32.50
11/19/2014	Meeting in person with Client Ms. Savitt; Mr. James Vassallo on telephone conference. Discussion of Ward's accounts and charges made on the accounts by Susan Mast.	S.L.H.	1.00	$325.00
11/19/2014	Prepare objection to attorney Clifford Hark, Esq.'s attorney fee petition.	R.P.	.20	$24.00
11/19/2014	Prepared spreadsheet for Albert Vassallo's checking account.	R.P.	.50	$60.00
→ 11/19/2014	Preparation of email to Mr. Trinkler, Esq. requesting an	S.L.H.	.10	$32.50

	account history (online printout) of all of her personal accounts since April 4, 2014, to the meeting tomorrow at 2:30 pm, at the request of the guardian.			
11/19/2014	Telephone calls to and from Jennifer at Mr. Trinkler's office to schedule a place for the meeting tomorrow. Mr. Trinkler had to change the 2:30 meeting to 3:30. It was agreed by all parties to have the meeting at Empire Legal in Boca Raton.	R.P.	.30	$36.00
11/20/2014	Forwarded copy of re-calculated fee petition from Mr. O'Connell to Client for review.	S.L.H.	.10	No Charge
11/20/2014	Meeting in person with Client, Mr. Trinkler, Esq., Albert Jr., and Susan Mast at office space off Yamato Rd. in Boca. Asked questions of Ms. Mast and Mr. Vassallo Jr. Discussion of case.	S.L.H.	1.50	$487.50
11/20/2014	Telephone call from paralegal, who was unsuccessful with phone call to Dr. Virginia MacIntosh' office to obtain copies of the medical records. Telephone call to Dr. MacIntosh' office and spoke to Debbie the office mgr. Discussion of case and procedure to obtain copies of the records. Need to send her a request and release and they will provide the records. Her fax number is 954-426-9995.	S.L.H.	.10	$32.50
11/20/2014	Prepare medical release and fax cover letter to Debbie at Dr. McIntosh's office attaching the Order and Letters. Requested Dr. McIntosh's reports for Mr. Vassallo.	R.P.	.20	$24.00
11/20/2014	Telephone call with James Vassallo. Discussion of medical records; plus more medical records at VA Clinic in Pompano Beach.	S.L.H.	.10	$32.50
11/20/2014	Forwarded email from Mr. Hark, Esq. to Client for her review.	S.L.H.	.10	No Charge
11/20/2014	Review of email from Client acknowledging receipt of re-calculated petition from Mr. O'Connell, Esq. She will need additional time to review the petition also - no consent yet.	S.L.H.	.10	No Charge
11/20/2014	Review of email from Client regarding fee petition from Mr. Hark, Esq. Preparation of email to Mr. Hark, Esq. asking for specific reductions in hourly rate and line item.	S.L.H.	.10	$32.50
11/20/2014	Telephone call from Client regarding meeting today at 3:30 pm with Mr. Trinkler, Esq. Questions about meeting and also the rec'd medical records from Mr. James Vassallo yesterday. Discussion of records; client asked me to call Mr. James Vassallo now to follow up to obtain more medical records, which I agreed to do.	S.L.H.	.10	$32.50
11/20/2014	Driving time to meeting with Client, Mr. Trinkler, Esq., and Mr. Vassallo Jr. and Ms. Mast.	S.L.H.	.40	$60.00
11/20/2014	Review of email from Biddy from Mr. O'Connell's office with attached re-calculated fee petition from Mr. O'Connell. Preparation of response email telling her I	S.L.H.	.10	$32.50

EXHIBIT A

	would forward to client and then get back to her.			
11/20/2014	Telephone call with Client after meeting today, regarding case.	S.L.H.	.40	$130.00
11/20/2014	Review of email from Clifford Hark, Esq. stating he would reduce his fee petition as requested. Prep of response email.	S.L.H.	.10	$32.50
11/20/2014	Telephone call to Mr. James Vassallo, as req'd by Client. Left phone msg. asking him for additional medical records as per Client.	S.L.H.	.10	No Charge
11/20/2014	Telephone call to Dr. McIntosh's office. Client requested we obtain a copy of the doctor's report as we have the report on the test results but not a doctor's report. I was told by the person who answered the phone (I unfortunately did not get her name) that Mr. Vassallo would have to go to their office personally to request it. I explained to her that Mr. Vassallo was under a guardianship and Ms. Savitt was his guardian. I told her I would fax over the Order and Letters naming Ms. Savitt guardian. She was very rude and kept telling me that it did not matter and that Mr. Vassallo would have to go there himself.	R.P.	.20	$24.00
11/21/2014 →	Emailed Mr. Trinkler copies of the chart Chase Checking account XXX3839 and "Electronic Withdrawals" list, prepared by Client Ms. Savitt, at Ms. Hazeltine's request. These documents were provided to Mr. Trinkler and his clients at yesterday's meeting also, as per Ms. Hazeltine.	R.P.	.10	No Charge
11/21/2014	Telephone call with Client regarding case.	S.L.H.	.20	$65.00
11/21/2014	Preparation of emailed letter to Mr. Trinkler, Esq. with subpoenas attached for Ms. Mast and Mr. Vassallo Jr.	R.P.	.10	No Charge
11/21/2014	Telephone call with Mr. Trinkler, Esq. regarding case. Discussion of case - told him there was no agreement and that instead Ms. Mast needs to pay back the $50,000 or put her father's name on title to house. His client not in agreement with this, and disputes issue; says the medical evidence will have to be there before we can prove it.	S.L.H.	.20	$65.00
11/21/2014	Review of email from Robert Trinkler, Esq. stating no attachments, plus he wanted to talk to Ms. Hazeltine, Esq. Consulted with Ms. Hazeltine (in meeting) and preparation of response email to Mr. Trinkler stating she could call him this afternoon.	R.P.	.10	No Charge
11/21/2014	Review of email from Client regarding my attys. fee petition. Preparation of response email.	S.L.H.	.10	No Charge
11/21/2014	Preparation of 3 (three) subpoenas for attendance of James Vassallo, Albert Vassallo Jr., and Susan Mast for the court hearing on Monday Nov. 24 at 1:30 pm.	R.P.	.30	$36.00
11/21/2014	Review of 3 (three) prepared subpoenas for hearing. Signed and finalized for emailing to Atty. Mr. Trinkler and Mr. James Vassallo.	S.L.H.	.10	$32.50

11/21/2014	Preparation of email to James Vassallo Jr. along with attached subpoena for his attendance at hearing on Monday Nov. 24 at 1:30 pm.	R.P.	.10	No Charge
11/21/2014	Review of email and letter from Mr. Trinkler.	S.L.H.	.10	$32.50
11/22/2014	Preparation of email to Mr. O'Connell Esq. asking for a copy of his report.	S.L.H.	.10	No Charge
11/22/2014	Telephone call with Client Ms. Savitt regarding case and hearing on Monday.	S.L.H.	.60	$195.00
11/22/2014	Review of email from Client regarding court appt'd attys report. Preparation of response email.	S.L.H.	.10	$32.50
11/23/2014	Preparation for court hearing next day Nov. 24 at 1:30 pm. Preparation of email to Mr. Boutwell, Esq. asking for copies of Mr. Vassallo's estate plannings documents. Preparation of email to Client asking about the copies of medical records.	S.L.H.	.90	$292.50
11/23/2014	Review of email from Client regarding questions. Preparation of response email. Review of another email with questions. Preparation of response email.	S.L.H.	.10	$32.50
11/24/2014	Preparation of email to court reporter asking her for copy of transcript.	R.P.	.10	No Charge
11/24/2014	Prepare exhibit files for today's hearing and prepare exhibits.	R.P.	.50	$60.00
11/24/2014	Attendance at court hearing on the two petitions - petition to compel repayment of funds from Susan Mast and petition to compel repayment of funds from Albert Vassallo Jr. Present also was guardian Ms. Savitt, Mr. O'Connell, Esq., Mr. Trinkler, Esq., Susan Mast, and Albert Vassallo. James Vassallo also appeared at hearing. Took testimony from Susan Mast and Albert Vassallo Jr.	S.L.H.	1.00	$325.00
11/24/2014	Review of email from paralegal requesting transcript of court hearing today. Preparation of email to court reporter asking how much a transcript would cost.	S.L.H.	.10	No Charge
11/24/2014	Telephone call to U.S. Legal Support to secure at court reporter at the hearing today.	R.P.	.20	$24.00
11/24/2014	Telephone call to Delray Blueprint to order large copies of checks on poster board after request for these exhibits from Client (telephone call). E-mailed copy of checks to be copied.	R.P.	.20	$24.00
11/24/2014	Preparation of email to Mr. O'Connell, Esq., with copy to Client (guardian), regarding situation after hearing today.	S.L.H.	.10	$32.50
11/24/2014	Pick up and pay for court exhibits at Delray Blueprint.	R.B.	.30	$36.00
11/24/2014	Telephone call with Client after court hearing to discuss case.	S.L.H.	.20	No Charge
11/25/2014	Review of amended notice of mediation, e-filed by Brian O'Connell, Esq.	S.L.H.	.10	$32.50
11/25/2014	Prepare draft motion to withdraw.	R.P.	.20	No Charge
11/25/2014	Review of email from Client regarding mediation. She	S.L.H.	.10	No Charge

	would like it resolved in two (2) hours, not stay all day.			
11/25/2014	Review of email from Client regarding ordering transcript, said to hold off on ordering a copy yet. Preparation of response email to clarify message.	S.L.H.	.10	$32.50
11/25/2014	Receipt and review of Amended Notice of Mediation - 12/1/14 at 10:30 a.m. for two hours (rather than all day).	R.P.	.10	No Charge
11/25/2014	E-mailed amended notice of mediation to James Vassallo.	R.P.	.10	No Charge
11/25/2014	Telephone call from James Vassallo. He wanted to know about the mediation and what was going to happen at it. He said that if he did not agree with everyone else, what would happen? Would that sink the deal? He also wanted to know why Betsy had not moved his father out of his sister's house, he feels his father is being abused now. He wants a copy of all medical records received.	S.L.H.	.20	No Charge
11/25/2014	Review of e-mail from Lisa Zachary at U.S. Legal Support. The estimate for the transcript is $774.00.	R.P.	.10	No Charge
11/25/2014	Telephone call to Client to inform her of Mr. James Vassallo's call to our office.	S.L.H.	.10	No Charge
11/25/2014	Receipt of CD from the VA with Mr. Vassallo's medical records. Ms. Hazeltine told me to call Ms. Savitt and let her know that we are in possession of it.	R.P.	.20	No Charge
11/25/2014	Receipt and review of Mediation Letter from ARC Mediation for December 1, 2014	R.P.	.10	No Charge
11/26/2014	Review of email from Stephanie at ARC Mediation, with attached copy of the amended notice of mediation. Preparation of response email to Stephanie acknowledging her email, as she requested.	S.L.H.	.10	No Charge
11/26/2014	Ms. Savitt came to the office and put the CD in the unused computer. She printed out a few pages. Gave her the CD per Ms. Hazeltine's instructions.	R.P.	.40	$48.00
11/26/2014	Preparation of email to Client requesting permission to send the other persons on the service list a copy of the notice of mediation time, date and location.	S.L.H.	.10	$32.50
12/1/2014	Review of faxed letter from Diversified Medical Records in CA, regarding medical records of Mr. Vassallo's, at Unimed Health Systems Center. They asked for approval of the request before they would send the records; there will be a charge of $538.18.	R.P.	.10	$12.00
12/1/2014	Preparation of email to Client Ms. Savitt with copy of the rec'd letter from Diversified Medical Records regarding copying medical records. Stated we would hold off approving this until we heard from her.	S.L.H.	.10	No Charge
12/2/2014	Telephone call from Client at Diversified Medical Records. He offered to reduce the invoice to $300.00. Relayed this to Client who stated she did not need the medical records anymore.	R.P.	.10	No Charge
12/3/2014	Telephone call to Attorney Trinker's office letting them	R.P.	.10	$12.00

	know that we are scheduling an 8:45 hearing on December 4th to cancel and reset the petition on removal of trustees. Mr. Trinkler will be there.			
12/3/2014	Prepare motion to cancel hearing scheduled for December 9th.	R.P.	.40	$48.00
12/3/2014	Telephone call from Client.	R.P.	.20	No Charge
12/3/2014	E-filed notice of hearing and motion to cancel and reset, ref. #21177617. E-mailed copy to Client and James Vassallo.	R.P.	.20	No Charge
12/3/2014	Telephone call from Rob Hauser, Esq. He asked me if he or Ms. Hazeltine was covering the 8:45 hearing tomorrow. I told him that it is up to Ms. Savitt.	R.P.	.10	$12.00
12/3/2014	Prepare notice of hearing on motion to cancel and reset.	R.P.	.20	$24.00
12/3/2014	Prepare Order resetting December 9th hearing.	R.P.	.20	$24.00
12/3/2014	Telephone call to Client. Asked her who she wanted to cover the 8:45 hearing tomorrow. She said Mr. Hauser. Called him back and told him to be there.	R.P.	.10	$12.00
12/4/2014	Received Notice of appearance and request foe electronic service from Robert J. Hauser, Esq.	R.B.	.10	No Charge
12/4/2014	Receipt and review of notice of appearance from Robert Hauser, Esq. E-mailed to Client.	R.P.	.10	No Charge
12/5/2014	Receipt and review of Order on motion to cancel and reset hearing on petition for removal of co-trustess - granted.	R.P.	.10	No Charge
12/8/2014	Receipt and review of mediator's report - agreed.	R.P.	.10	No Charge
12/8/2014	Review of rec'd bill from US Legal Support in amt. of $120.00 for appearance at the hearing on Nov. 26, 2014. Prep of email to Client with attached bill asking for payment.	S.L.H.	.10	No Charge
12/8/2014	Preparation of email to Client with attached copy of bill from U.S. Legal Support for appearance at court hearing on Nov. 24, 2014.	S.L.H.	.10	No Charge
12/8/2014	Review of order from court signed Dec. 4, 2014 on the Motion to Cancel and Reset Hearing on the Petition for Removal of the Co-Trustees scheduled for Dec. 9, 2014 at 9:30am. Court granted the motion; respondents Albert Vassallo Jr. and Susan Mast shall have 10 days from the date of approval/objection of the settlement agreement to file teir response or motion to said motion, due to the fact that same may be rendered moot upon entry of an order approving the settlement agreement.	S.L.H.	.10	No Charge
12/8/2014	Emailed copy of the rec'd Mediator's Report to Client.	S.L.H.	.10	No Charge
12/8/2014	Prepare e-mail to Client attaching mediator's report.	R.P.	.10	No Charge
12/8/2014	Review of copy of mediator's report.	S.L.H.	.10	No Charge
12/12/2014	Review of email from Clifford Hark, Esq. stating Mr. James Vassallo had asked that he get back involved in the matter on a limited basis. He wanted a copy of the proposed settlement agreement, and also wanted to	S.L.H.	.10	$32.50

	schedule a call with myself and Client to discuss the relationship between the Trust and guardianship. Forwarded email to Client for review.			
12/18/2014	Prepare notice of unavailability.	R.P.	.20	$24.00
1/6/2015	Attendance at court hearing on SLH petition for attys. fees in front of the Honorable Judge French. Court signed agreed Order. Present also was Robert Trinkler, Esq. and Clifford Hark, Esq. Mr. Hark then presented his fee petition and agreed order for attys. fees. Court signed his order too.	S.L.H.	.50	No Charge
1/6/2015	Mailed envelope via USPS to Mr. O'Connell, Esq.'s office that Client gave office to mail.	S.L.H.	.10	No Charge
1/6/2015	Client stopped by and paid attorneys fees via check for SLH in amt. of $8039.26. Also she gave us check to send to Mr. O'Connell's office in amt. of $6740.90.	S.L.H.	.10	No Charge
1/6/2015	Emailed a copy of the signed fee orders for Mr. Hark and Ms. Hazeltine to Client Ms. Savitt.	S.L.H.	.10	No Charge
1/8/2015	Prepare draft attorney fee petition for attorney review.	R.B.	.40	No Charge
1/9/2015	E-File attorney fee petition; Reference # for this filing is 22380848.	R.B.	.20	No Charge
1/10/2015	Review of email from Client asking that we hold off on setting for hrg. yet.	S.L.H.	.10	No Charge
1/19/2015	Review of email from Client and attached comps and purchase contract.	R.P.	.10	No Charge
1/20/2015	Emailed draft petition to sell property to Client for review.	S.L.H.	.10	No Charge
1/20/2015	Preparation of petition to sell real estate of Ward.	S.L.H.	.50	$175.00
1/21/2015	Review of emails from Client asking us to include the comps. Prep of email to paralegal asking her to revise the petition to sell the real estate to include the comps.	S.L.H.	.10	No Charge
1/21/2015	Made changes to petition to sell real estate. Finalized for sending to Client. Preparation of email to client with attached revised petition.	S.L.H.	.10	$35.00
1/21/2015	Prepare revised petition to add the comps.	R.P.	.20	$25.00
1/22/2015	Prepare certified mail packages.	R.P.	.20	No Charge
1/22/2015	E-filed petition for authorization to sell homestead property of ward, ref. #22841369. E-mailed copy to Ms. Savitt.	R.P.	.20	No Charge
1/22/2015	Review of 'read' receipt from James Vassallo showing he read the email and attached copy of the petition filed.	R.P.	.10	No Charge
1/23/2015	Review of clerk of court docket. Petition e-filed yesterday has docket number now. Prep of email to paralegal asking her to call the JA now to schedule court hearing on the e-filed petition.	S.L.H.	.10	No Charge
1/23/2015	Telephone call from Susan Mast. She said that she had tried to call the guardian but voice mail was full. Preparation of email to Client asking her to call Susan Mast, and gave her her phone number.	R.P.	.10	$12.50

1/26/2015	Review of email from Client stating she tried to call and reach Susan Mast.	R.P.	.10	No Charge
1/28/2015	Receipt and review of guardian's verified petition for direction to act.	R.P.	.10	No Charge
1/28/2015	Review of case; noticed court hearing has not been set yet. Paralegal responded that waiting for green cards to come back showing proof of service on beneficiaries first.	S.L.H.	.10	No Charge
2/2/2015	Receipt and review of order specially setting hearing on guardian's verified petition for direction to act.	R.P.	.10	No Charge
2/6/2015	Telephone call to Robert Hauser, Esq. to inquire if we may "piggy back" our petition to sell homestead property on his 2/13 hearing for petition for authority to act. He had no objection and said to confirm this with Ms. Savitt.	R.P.	.10	No Charge
2/6/2015	Telephone call to Ms. Savitt regarding adding our petition to sell homestead to Mr. Hauser's special set hearing on 2/13. Ms. Savitt stated to ask Mr. Hauser if he will give our Order to Judge French for signature. This will save attorney's fees as only one attorney will have to attend.	R.P.	.10	No Charge
2/6/2015	Receipt and review of notice of hearing on Robert Trinkler, Esq.'s motion to withdraw.	R.P.	.10	No Charge
2/6/2015	Prepare e-mail to Mr. Hauser attaching petition to sell homestead property and agreed order. He will take it to court next Friday to get it signed by Judge French.	R.P.	.10	No Charge
2/6/2015	Prepare Agreed Order on petition for authorization to sell homestead property of ward.	R.P.	.30	$37.50
2/8/2015	Review of email from Mr. Hauser, Esq. stating to make sure the JA was consulted and a new Order adding the petition on to his hearing was prepared and signed, etc. Prep of response email.	S.L.H.	.10	$35.00
2/8/2015	Review of email from Mr. Robert Hauser, Esq. regarding adding the petition to sell real property on to his court hearing. Prep of response email stating we were in the process of doing this.	S.L.H.	.10	$35.00
2/10/2015	Prepare e-mail to Ms. Savitt informing her of my conversations with Judge French's JA and Tehera. Asked her if she had e-mail addresses for the three out of town "interested parties" so we may e-mail them and get written agreements.	R.P.	.20	$25.00
2/10/2015	Telephone call from Marie Vassallo-Castagnetta. She is in agreement with the selling of the home. Prepare e-mail to her and asked her to reply that she was in agreement. Her new address is: P.O. Box 160, Clarkridge, Arkansas 72623 - email: mariejames1963@gmail.com.	R.P.	.10	$12.50
2/10/2015	Telephone messages left with Jacqueline Cantella and Marie Vassallo-Castagnetta inquring if they were in agreement to the sale of Albert Vassallo's home.	R.P.	.10	$12.50
2/10/2015	Review of email from Client Ms. Savitt, forwarding email from Jeffrey Kalika stating they hoped for a closing of the	S.L.H.	.10	$35.00

EXHIBIT A

	condo on February 20, 2015. He said they were waiting for approval from Seacrest Services, then from the board of directors of Westbury E.			
2/10/2015	Receipt and review of Ralph Vassallo; Jacqueline Cantela and Marie Castagnetta's telephone numbers from Ms. Savitt.	R.P.	.10	No Charge
2/10/2015	Prepare e-mails to Ralph Vassallo and James Vassallo.	R.P.	.10	$12.50
2/10/2015	Telephone call to Judge French's JA to add on petition for authorization to sell real property with Mr. Hauser's petition on Friday.	R.P.	.20	$25.00
2/11/2015	Receipt and review of e-mail from Ms. Savitt.	R.P.	.10	No Charge
2/11/2015	Prepare notice of hearing on petition to sell homestead property.	R.P.	.20	$25.00
2/11/2015	Receipt and review of e-mail from Ralph Vassallo.	R.P.	.10	No Charge
2/12/2015	Forwarded e-filing to Client Ms. Savitt.	S.L.H.	.10	No Charge
2/12/2015	Scanned in the financial statements dropped off at our office on 02.10.15 by Susan Mast. Emailed them to Client Ms. Savitt for review.	S.L.H.	.20	No Charge
2/12/2015	Prepare e-mail to Cliff Hark, Esq. and James Vassallo attaching the notice of hearing pursuant to Ms. Savitt's request. Sent a cc to Ms. Savitt.	R.P.	.10	$12.50
2/12/2015	E-filed notice of hearing on petition for authorization to sell homestead, ref. #23688544. E-mailed copy to Ms. Savitt.	R.P.	.20	No Charge
2/12/2015	Review of Objection filed by Clifford Hark, Esq. regarding the guardian's filed Petition for Direction to Act.	S.L.H.	.10	No Charge
2/17/2015	Prepare Order to sell homestead property.	R.P.	.30	$37.50
2/17/2015	Review of email from Mr. Ackerman, Esq. asking for specific court order approving sale of property. Prep of response email stating we will be attending a court hearing tomorrow at 8:45 am to obtain a signed copy of the order. Asked him whether he needed a certified copy or not.	S.L.H.	.10	$35.00
2/17/2015	Review of email from Mr. Ackerman asking that we obtain a certified copy of the signed order.	S.L.H.	.10	$35.00
2/17/2015	As per Client, was asked to email copies of the Letters and Order appointing guardian, to Mr. Jason Ackerman, Esq. Prep of emailed letter with attached copies of the Order and Letters appointing guardian.	R.P.	.10	$12.50
2/18/2015	Attendance at court hearing today in front of the Honorable Circuit Judge David French. Court signed Order authorizing sale of property.	S.L.H.	.30	$105.00
2/18/2015	Preparation of email to Client and Mr. Ackerman, with attached copy of certified Order authorizing sale of property.	S.L.H.	.10	No Charge
2/18/2015	At clerk's office to obtain certified copy of the Order obtained today. Was then asked by Client to ask clerk to check to see if I could obtain a copy of the Order from last	S.L.H.	1.00	$350.00

	Friday's hrg. she attended. The clerk looked it up on the computer and stated it had not come down to their office yet (it is Wed.). Telephone call with Client whereby she requested I obtain an order from September 2014 also, which I then did in separate transaction with clerk's office.			
2/18/2015	Review of court docket to find out if order approving Inventory was ever entered - no not yet.	S.L.H.	.10	No Charge
2/19/2015	Prepare e-mail to Mr. Ackerman, Esq. giving him Mr. Vassallo's social security number pursuant to his request.	R.P.	.10	$12.50
2/21/2015	Forwarded filing to Client Ms. Savitt for review.	S.L.H.	.10	No Charge
2/21/2015	Review of notice approving initial guardianship plan; affidavit of reasonable guardian fees filed by Clifford Hark, Esq.	S.L.H.	.10	$35.00
2/23/2015	Prepare draft amended attorney fee petition for attorney review.	R.B.	.40	No Charge
2/23/2015	Receipt and review of Mr. Hauser's letter and proposed Orders to Judge French regarding replacement of successor trustee.	R.P.	.10	No Charge
2/23/2015	Prep of email to Mr. Jason Ackerman asking for copy of the HUD; also whether a check was issued, and whether closing went o.k. or not.	S.L.H.	.10	$35.00
2/24/2015	Receipt and review of copy of settlement statement for Ms. Vassallo's condo.	R.P.	.10	No Charge
2/24/2015	Telephone call from Marie Vassallo. She wants to know the amount of assets of her dad's estate. She has no idea what is going on. I told her that I did not have any authority to give out information. She will be calling Ms. Savitt.	R.P.	.10	$12.50
2/24/2015	Receipt and review of notice of appearance of Frank L. Hollander for James Vassallo; designation of e-mail address; successor co-trustee James Vassallo's post hearing memorandum; and stipulation for substitution of counsel.	R.P.	.20	No Charge
2/24/2015	Preparation of email to Client asking her if she rec'd a check at the closing last Friday; and if so, the amount; and where it was deposited.	S.L.H.	.10	No Charge
SUBTOTAL:			31.20	$4,924.00

Costs

11/24/2014	Pick up and pay for court exhibits at Delray Blueprint.	$45.58
11/26/2014	Certified mail postage for mailing Amended Notice of Mediation to Marie Vassallo-Castagnetta; Ralph Vassallo; and Jacqueline Cantala.	$19.44
1/6/2015	Cost for mailing envelope with check for Brian O'Connell, Esq.	$0.48
1/23/2015	Certified mail postage for sending petition to sell homestead property to family members in New York.	$23.46
2/10/2015	Certified mail envelope came back undeliverable to Marie Vassallo-Castagnetta. Obtained her new address. Re-sent petition to sell homestead via certified mail.	$7.82
2/18/2015	Cost for obtaining two (2) certified copies of two (2) Orders.	$8.00
SUBTOTAL:		$104.78

TOTAL: $5,028.78
PREVIOUS BALANCE DUE: $0.00
CURRENT BALANCE DUE AND OWING: $5,028.78

Thank you for your business. We do expect payment promptly, so please process this invoice within 14 days. There will be a late payment charge of 1.5 percent, in 30 day increments, applied to any past-due unpaid balance of accounts.

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

FILE NO.: 502014GA000369XXXXSB (IX)

IN RE: GUARDIANSHIP OF

ALBERT VASALLO, SR.,

The ward.

_____/

STIPULATION FOR SUBSTITUTION OF COUNSEL

IT IS HEREBY AGREED AND STIPULATED by and between FRANK L. HOLLANDER, ESQ. of HOLLANDER AND ASSOCIATES, LLC and CLIFFORD HARK, ESQ. that FRANK L. HOLLANDER, ESQ. of HOLLANDER AND ASSOCIATES, LLC enter as counsel of record for JAMES VASSALLO, interested person in the captioned matter.

Frank L. Hollander

FRANK L. HOLLANDER, ESQ.
HOLLANDER AND ASSOCIATES, LLC
2 SOUTH BISCAYNE BOULEVARD
Ste. 1650
MIAMI, FL 33131
TEL: (305) 373-9999
F.B.N.: 745332

Dated: 2-21-2015

Clifford Hark

CLIFFORD HARK, ESQ.
HARK BURKHALTER YON, PL
2101 NW CORPORATE BLVD #220
BOCA RATON, FL 33431
(561) 995-1800
F.B.N.: 301540

Dated: 2/23/15

James Vassallo

JAMES VASSALLO

Dated: 2-24-15

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

FILE NO.: 50214GA000369XXXXSB (IX)

IN RE: GUARDIANSHIP OF

ALBERT VASALLO, SR.,

The ward.
_____/

ORDER GRANTING STIPULATION FOR SUBSTITUTION OF COUNSEL

THIS CAUSE having come before the Court upon the foregoing Stipulation, and the Court having been fully advised in the premises, it is thereupon:

ORDERED AND ADJUDGED that FRANK L. HOLLANDER, ESQ. of HOLLANDER AND ASSOCIATES, LLC. shall be substituted in the place and stead of CLIFFORD HARK, ESQ. as attorney of record for JAMES VASSALLO, interested person in the captioned matter; that CLIFFORD HARK, ESQ., shall be relieved of any further responsibility in connection to the aforementioned matter.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida this ____ day of _____, 2015.

_____
CIRCUIT COURT JUDGE

Copies furnished to:
Frank L. Hollander
Clifford Hark
James Vassallo
Robert J. Hauser
Sheri Hazeltine
Brian M. O'Connell
Robert M. Trinkler
Ralph Vassallo
Jacqueline Cantela
Marie Vassallo-Castagnette

2-24-15

Ciklin Lubitz Martens & O'Connell
515 North Flagler Drive, 20th Floor
West Palm Beach, FL 33401
561-832-5900
Federal ID #59-2523541

Brian M. O'Connell, Esq.
c/o Biddy

February 24, 2015
Bill Number 291264
File Number 11270-52950

The enclosed bill is for services rendered for the period ending February 23, 2015. The breakdown of this bill by matter is as follows:

Guardianship of Albert Vassallo, BMO Court Appointed

Total for Legal Services	$10,504.50
Total for Expenses	$52.12
Total for This Bill	$10,556.62

Please make your check payable to
Ciklin Lubitz Martens & O'Connell

EXHIBIT A

Filing # 25692179 E-Filed 04/03/2015 04:05:10 PM

COPY

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY

IN RE: GUARDIANSHIP OF

ALBERT VASSALLO, SR.
Incapacitated Person.
_____/

PROBATE/GUARDIANSHIP DIVISION

CASE NO.: 502014GA000369XXXXSBIX

COURT APPOINTED COUNSEL FOR THE WARD'S PETITION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND COSTS

COMES NOW, Brian M. O'Connell, Esq., of the law firm of Ciklin Lubitz Martens & O'Connell ("Ciklin Lubitz"), court-appointed counsel for Ward, ALBERT VASSALLO, SR. , ("Court Appointed Counsel" and "Ward") and files this petition with the Court for an Order authorizing the payment of attorney's fees and costs, and states as follows:

1. Court Appointed Counsel represented the Ward in all pending matters under §744.331, Florida Statutes, pursuant to this Courts Order entered on July 24, 2014, under Case No. 502014MH001432XXXXSBIX.

2. Court Appointed Counsel has rendered services and incurred expenses on behalf of Ward and for the benefit of the Guardianship from on or about October 10, 2014 through February 20, 2015, as more fully described and set forth in the detailed transaction statement attached hereto as Exhibit "A."

3. Ciklin Lubitz's records indicate that during the above-referenced period of time, in excess of 53.20 hours, totaling $10,504.50, have been devoted by Court Appointed Counsel to the representation of Ward, and a total of $52.12 in costs expended, for a total due of $10,556.62.

WHEREFORE, Petitioner respectfully requests this Court enter an Order authorizing and

directing the payment of reasonable attorneys' fees and costs for services rendered to Ward and the Guardianship pursuant to Florida Statute §744.108 in the amount of $10,556.62 , to Court Appointed Counsel's law firm, Ciklin Lubitz Martens & O'Connell, from the assets of the Guardianship.

Under Penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Dated April 3, 2015.

94238

FOR

BRIAN M. O'CONNELL, ESQUIRE
Florida Bar No. 308471
CIKLIN LUBITZ MARTENS & O'CONNELL
515 North Flagler Drive, 20th Floor
West Palm Beach, FL 33401
Telephone: 561-832-5900
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Primary e-mail: service@ciklinlubitz.com

Ciklin Lubitz Martens & O'Connell
515 North Flagler Drive, 20th Floor
West Palm Beach, FL 33401
561-832-5900
Federal ID #59-2523541

Brian M. O'Connell, Esq.
c/o Biddy

February 24, 2015
Bill Number 291264
File Number 11270-52950

FOR PROFESSIONAL SERVICES

Re: Guardianship of Albert Vassallo, BMO Court Appointed

LEGAL SERVICES

Through February 23, 2015

Date	Atty	Description	Time
10/08/14	BMO	Conference with and instructions to Biddy regarding call from Mast.	0.10
10/08/14	BMO	Receipt and review of BCL 10/8/14 memo.	0.10
10/15/14	BMO	Receipt and review of Trinkler 10/15/14 Notice of Appearance and Request for Copies.	0.10
10/15/14	BMO	Receipt and review of Trinkler 10/14/14 Notice of Designation of Primary E-Mail Address for Service.	0.10
10/16/14	CCL	Receive, review notices, pleadings; work on fee petition, service list; calendaring	0.60
10/20/14	BMO	Receipt and review of Hazeltine 10/20/14 Petition for Removal of Co-Trustees and Notice of Hearing re: same.	0.10
10/23/14	CCL	Calls, Hearing preparation re: trustee removal	0.30
10/27/14	BMO	Receipt and review of Hazeltine 10/25/14 Petition to Compel Susan Mast to Re-Pay Funds and Return Property of the Ward.	0.20
10/27/14	BMO	Receipt and review of Hazeltine 10/25/14 Notice of Confidential Information Within Court Filing.	0.10

10/27/14	BMO	Receipt and review of Hazeltine 10/25/14 Petition to Compel Albert Vassallo, Jr. to Re-Pay Funds Belonging to the Ward.	0.20
10/27/14	CCL	Receive, prepare pleadings for BMO hearing attendance	1.20
10/27/14	CCL	Prepare fee petition exhibit; finalize for attorney review and signature; memo	0.60
10/28/14	BMO	Receipt and review of 10/28/14 e-correspondence from Randèe Parrish (Hazeltine firm) with copy of Order Setting Hearing for 12/9/14.	0.10
10/28/14	CCL	Hearing preparation	0.40
10/29/14	CCL	Correspondence form various attorneys re: hearing;	0.30
10/29/14	CCL	Revise fee petition; status memo to JF	0.50
11/06/14	CCL	Prepare for JF conference	0.10
11/10/14	BMO	Receipt and review of 11/7/14 Order Setting Hearings on 11/24/14 (Special Set).	0.10
11/10/14	BMO	Receipt and review of Hark 11/10/14 Motion to Withdraw as Counsel of Record.	0.10
11/10/14	CCL	Received Hearing Notices; hearing prep	0.20
11/11/14	CCL	Review Inventory; status memo to attorneys in prep of upcoming hearings	0.50
11/11/14	CCL	Prepare for and attend conference with JF; efile and eserve petition for court appointed fees	0.20
11/11/14	CCL	Received Hark's Motion to Withdraw; memo to attorneys	0.20
11/11/14	JAF	Consideration of issues re: inventory and petitions to compel.	0.30
11/12/14	BMO	Receipt and review of Hazeltine 11/12/14 Petition for Order Authorizing Payment of Attorney's Fees and Expenses.	0.20
11/13/14	BMO	Receipt and review of Consent to Motion to Withdraw as Counsel of Record, filed by Hark 11/13/14.	0.10
11/13/14	BMO	Receipt and review of Consent to Petition of Payment of Attorney's Fees and Costs filed by Hark 11/13/14.	0.10

11/13/14	BMO	Receipt and review of Petition for Payment of Attorney's Fees and Costs, with Affidavit as to same, filed by Hark 11/13/14.	0.20
11/13/14	CCL	Review fee petition of Cliff Hark and consents; memo	0.20
11/17/14	CCL	Instructions from BMO; recalculate fees; revise fee order	0.50
11/17/14	CCL	Correspond with Hazeltine's office re: hearing dates, fee petitions at issue, possible agreed order	0.20
11/18/14	BMO	Conference with JAF re: guardian's fee petition.	0.10
11/18/14	CCL	Memo to Hazeltine re: reduced fees and proposed order	0.10
11/18/14	JAF	Conference with BMO re: guardians fee petition.	0.10
11/19/14	CCL	Confer with/Instructions from JF; Memo to Hazeltine re: fee petition;	0.40
11/19/14	CCL	Hearing preparation - various issues/matters	0.30
11/21/14	BMO	Receipt and review of Susan Mast's Response and Objection to Petition to Compel Susan Mast to Re-Pay Funds and Return Property of the Ward, filed by Trinkler 11/21/14. 10/27	0.20
11/21/14	CCL	Prepare hearing file	0.20
11/24/14	BMO	Prepare for and attend Hearing on Petition to Compel Albert Vassallo, Jr. and Susan Mast to Repay Funds Belonging to the Ward. 10/27	2.40
11/24/14	CCL	Emails from guardian and from guardian's attorney; reply to each (.2); received Mast and Vassallo, Jr.'s answers to petitions (.2) additional hearing file preparation (.3)	0.70
11/24/14	CCL	Additoinal emails/correspondence from Guardian's attorney and replies; review and transmit Ward's EP docs to Ms. Hazeltine; memo to BMO	0.40
11/24/14	CCL	Call from BMO re: hearing results; instructions re: Mediation; calls, draft notice of mediation; finalize and efile, eserve Notice	0.80
11/24/14	CCL	Work on summary chart of transactions for use at mediation	0.50
11/25/14	BMO	Telephone call to Elizabeth Savitt.	0.20

11/25/14	CCL	Call from guardian; memo to BMO; prepare / efile Amended Notice of Mediation; E-serve Notice; email notice to guardian and ARC Mediation Services.	0.40
11/25/14	CCL	Correspond with ARC Mediation Services; consider disbursement chart summary per BMO instructions for use at mediation; consider information for delivery to mediator; additional instruction from BMO; call guardian re: existing summary.	0.80
11/25/14	JAF	Prep for mediation.	0.30
11/26/14	BMO	Receipt and review of 11/26/14 Settlement Breakdown.	0.20
11/26/14	BMO	Receipt and review of 11/25 and 11/26/14 email communications (4), Robert Trinkler, Biddy.	0.10
11/26/14	CCL	Correspondence with Mr. Trinkler re: mediation arrangements (.3); received/refview information from guardian for Mediation (.2); confer with BMO and email Judge Cook and ARC Mediation (.2)	0.70
11/26/14	CCL	Spam issues regarding Trinkler's emails; administrative support to attorneys NO CHARGE	0.40
12/01/14	BMO	Prepare for and attend mediation.	5.10
12/01/14	CCL	Communications and documents from guardian; prepare for mediation	1.50
12/01/14	CCL	Work with mediator, attorneys, RBC in creating amortization schedules on 3 loans; create/revise documents	3.00
12/01/14	CCL	Administrative Support during Mediation NO CHARGE	0.80
12/01/14	JAF	Instructions to BL re: prep for mediation.	0.40
12/02/14	BMO	Telephone conference with Rob Hauser re: postponement of summary judgment hearing.	0.20
12/02/14	CCL	Communications with guardian, BMO and staff re: 12/9/14 hearing on trustee removal and guardian testimony, mediation settlement approval, fee petitions, cancellation of 12/9 hearing and rescheduling, 12/4/14 exparte, misc.	0.90

12/02/14	CCL	Communications with guardian re: fee order; finalize order with Letter to Court	0.50
12/03/14	BMO	Telephone call with Robert Hauser.	0.20
12/03/14	BMO	Conference with JAF re: Settlement Agreement terms.	0.20
12/03/14	BMO	Receipt and review of Hauser 12/3/14 Notice of Appearance and Request for Electronic Service.	0.10
12/03/14	BMO	Receipt and review of Hazeltine 12/3/14 Motion to Cancel and Reset Hearing and Notice of Hearing for 12/4/14 re: same.	0.10
12/03/14	CCL	Multiple emails and calls re: rescheduling 12-9-14 hearing (.2); received and categorized hearing notice and motion; memo to BMO (.3); calendaring (.1)	0.60
12/03/14	CCL	Received and categorized Notice of Appearance by Hauser; revise service lists, hearing calendar	0.30
12/03/14	CCL	Additional communications re: hearings on 12-4-14 and 12-9-14	0.20
12/03/14	JAF	Conference with BMO re: settlement agreement terms.	0.20
12/04/14	BMO	Receipt and review of 12/4/14 Order on Motion to Cancel and Reset Hearing on Petition for Removal of Co-Trustees Scheduled for 12/9/14.	0.10
12/04/14	BMO	Instructions to BCL.	0.10
12/04/14	CCL	Call from JF; call and email Hauser re: hearing attendance, new hearing dates; received Order cancelling hearing with instructions to Mast and Jr.	0.40
12/04/14	CCL	Instructions from BMO; work on formal settlement agreement and promissory notes; memo to RBC re: amortization	0.80
12/04/14	CCL	Work on settlement agreement and promissory notes; memo to RBC re: Amoritzation schedules	0.60
12/04/14	JAF	Prepared for and attended hearing on motion to cancel removal hearing (.5); Instructions to BL re: same (.1); Reviewed and instructions to BL re: revisions to SA (.8).	1.40

12/05/14	BMO	Receipt and review of Savitt itemized list that issues have been narrowed to and list of electronic withdrawals.	0.10
12/08/14	BMO	Receipt and review of Mediator's Report filed 12/8/14.	0.10
12/08/14	BMO	Receipt and review of 12/8/14 e-correspondence from Robert Hauser.	0.10
12/08/14	CCL	Memo re: Mediator Report	0.10
12/09/14	BMO	Receipt and review of BCL 12/9/14 memo.	0.10
12/09/14	CCL	Finalize Settlement, amortization and promissory notes for delivery to BMO for review	0.20
12/10/14	BMO	Receipt and review of 12/10/14 JAF memo.	0.10
12/10/14	BMO	Instructions to JAF.	0.10
12/10/14	CCL	Memos and attorney conferences, instructions from JF/BMO re: document revisions	0.60
12/10/14	CCL	Correspond with Hauser	0.10
12/11/14	BMO	Review and revise Mediated Settlement Agreement.	0.60
12/11/14	BMO	Review and approve Settlement draft; revise security agreement and mutual release.	0.40
12/11/14	CCL	Document revisions; draft release and settlement; agreement; instructions from BMO; assemble, finalize and transmit to other parties for review	1.90
12/11/14	JAF	Instructions to BL re: revisions to settlement agreement; correspondence with BMO re: same.	0.20
12/12/14	BMO	Receipt and review of 12/12/14 e-correspondence from Robert Hauser with comments on draft agreement.	0.10
12/12/14	CCL	Voice message from James Vassallo re: new hearing date rescheduled form 12/9; returned call and left message that hearingh as not been rescheduled yet and to call his attorney for status	0.10
12/12/14	CCL	Emails from Rob Hauser; document revisions; administrative support to attorneys NO CHARGE	0.30

12/12/14	JAF	Consideration of issues re: suggested revisions to SA.	0.20
12/13/14	BMO	Instructions to BCL.	0.10
12/16/14	CCL	Prepare document revisions requested by Mr. Hauser; memo	0.30
12/22/14	CCL	Confer with JF; review release languaqe from Mr. Hauser; compile documents for BMO review	0.60
12/23/14	BMO	Conference with JAF re: revisions to release in Settlement Agreement.	0.10
12/23/14	JAF	Conference with BMO re: revisions to release in SA.	0.10
12/29/14	CCL	Received signed fee order; memo to guardian/attorney	0.20
12/30/14	CCL	Review Order dated 12-23-14; memo to Savitt and Hazeltine	0.20
01/02/15	CCL	Review status of settlement agreement; prepare for upcoming hearings; memos to attorneys	0.60
01/05/15	CCL	Instructions from JF; prepare file for attorney review in connection with proposed document revisions	0.60
01/12/15	BMO	Receipt and review of Petition for Order Authorizing Payment of Attorney's Fees and Expenses, filed by Hazeltine 1/9/15.	0.20
01/12/15	CCL	Prepare notes regarding Hazeltine 2nd fee petition (.2); memo to attorneys re: settlement and release form (.s)	0.40
01/13/15	BMO	Receipt and review of JAF 1/13/15 memo.	0.10
01/15/15	BMO	Receipt and review of letter received 1/15/15 from James Vassalo to Judge French.	0.10
01/15/15	CCL	Call from Hauser; search files for original Mediated Term Sheet signed 12/1/14 (actual search time 1.00 hour); memo to Hauser; memo to BMO/JF/SRL	0.40
01/22/15	BMO	Receipt and review of Petition for Authorization to Sell Homestead Property of Ward, filed by Hazeltine 1/22/15.	0.10

01/22/15	CCL	Review real property value information; review court docket re: status of contested issues; memo re: fees	0.90
01/22/15	CCL	Work on fee petition and order, prepare exhibt; draft memo to attorneys	0.90
01/23/15	BMO	Receipt and review of Motion to Withdraw as Attorney of Record, filed by Trinkler 1/23/15.	0.10
01/27/15	BMO	Receipt and review of Guardian's Verified Petition for Directions to Act, filed by Hauser 1/27/15.	0.10
01/30/15	BMO	Receipt and review of Hauser 1/30/15 letter to Judge French with proposed Order Specially Setting Hearing for 2/13/15.	0.20
02/02/15	CCL	Review Correspondence from Hauser to Judge French; memo to BMO; hearing prep re: 2/13/15	0.20
02/04/15	BMO	Receipt and review of Notice of Hearing for 2/11/15 filed by Trinkler 2/4/15.	0.10
02/04/15	CCL	Communications with Trinkler's office; hearing preparation	0.30
02/06/15	BMO	Receipt and review of 2/3/15 Court Order Specially Setting Hearing for 2/13/15.	0.10
02/09/15	BMO	Conference with JAF re: Petition for Direction to Act.	0.20
02/09/15	JAF	Conference with BMO re: pet for direction to act.	0.20
02/12/15	BMO	Receipt and review of Notice of Hearing for 2/18/15 filed by Hazeltine 2/12/15.	0.10
02/12/15	BMO	Conference with JAF re: prep for Hearing on Petition for Direction, Settlement Agreement and Trustee.	0.10
02/12/15	CCL	Prepare hearing file for 2/13; memo to BMO; received research from JF; update/finalize hearing file	0.40
02/12/15	JAF	Instructions from BMO re: hearing on pet for direction (.2); Conference with Robert Hauser re: same and trustee appointment (.3); Instructions to BL re: prep for hearing (.2); Conference with BMO re: same (.2).	0.90
02/13/15	BMO	Prepare for and attend Special Set Hearing on Guardian's Petition, Direction to Act.	2.50

02/13/15	JAF	Memo to BMO re: prep for hearing on SA and trustee.	0.20
02/16/15	CCL	Prepare hearing file for 2/18/15 (.3); categorize pleadings, correspondence for attorney review and upcoming hearings	0.60
02/19/15	JAF	Memo to BMO re: draft orders on trustee appointment and approval of mediated term sheet.	0.10
02/20/15	JAF	Conference with Robert Hauser re: order on enforcement of settlement (.2); Reviewed proposed order on mediated settlement agreement (.1).	0.30

TOTAL LEGAL SERVICES: $10,504.50

LEGAL SERVICES SUMMARY

BRIAN M O'CONNELL	17.10 Hrs	$350/Hr	$5,985.00
BIDDY C LABUTKA	1.50 Hrs	$0/Hr	$0.00
BIDDY C LABUTKA	29.70 Hrs	$120/Hr	$3,564.00
JOY A FOGLIETTA	4.90 Hrs	$195/Hr	$955.50
	53.20 Hrs		$10,504.50

COSTS ADVANCED

Through February 23, 2015

Postage			
02/23/15	Postage	13.61	
	Total Postage		13.61
Copy/Printing Expense			
02/23/15	Copy/Printing Expense	34.20	
	Total Copy/Printing Expense		34.20
Long Distance Telephone			
02/23/15	Long Distance Telephone	0.31	
	Total Long Distance Telephone		0.31
Certified Copies			
12/02/14	Collin C. Labutka; Certified Copies	3.00	
	Total Certified Copies		3.00
Printing Costs			
01/06/15	Collin C. Labutka - plain copy	1.00	
	Total Printing Costs		1.00

TOTAL COSTS ADVANCED:	$52.12
TOTAL THIS BILL	$10,556.62

9 + 3 + 1

2-25-14

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IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000369XXXXSB
Division: IX

IN RE: GUARDIANSHIP OF
ALBERT VASSALLO.
_____/

AMENDED PETITION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND EXPENSES

Petitioner, Sheri L. Hazeltine, Esq. alleges:

1. Petitioner is an attorney engaged in the practice of law in Palm Beach County and elsewhere in the State of Florida.

2. Petitioner is the attorney for ELIZABETH SAVITT, the limited guardian of ALBERT VASSALLO (the Ward).

3. Petitioner has rendered legal services for the benefit of the Ward, from November 12th, 2014 to February 24th, 2015, as more fully described and set forth in the itemized schedule of services and expenses attached hereto as Exhibit A, for which petitioner has not been paid.

4. Petitioner's records indicate that during the period of time above mentioned in excess of 12.4 attorney hours and 7.4 paralegal hours have been devoted to the representation of the co-guardians of the Ward.

5. Based upon the criteria established by Section 744.108(2) of the Florida Guardianship Law, petitioner believes that a reasonable fee for the services performed by the petitioner during that period of time is:

Hourly rate:	$325.00 ($350 as of 1/1/15)
Atty. Hours worked:	12.4
Paralegal rate:	$120.00 ($125 as of 1/1/15)
Paralegal Hrs. worked:	7.4
Total fees:	$4924.00
Total costs:	$104.78

Total amount of Fees and Compensation: **$5,028.78**

Total amount of Fees and Compensation: **$5,028.78.**

6. That this attorney's fees have a reasonable value of $5,028.78.

7. That previous fees and costs have been billed in the amount of $8,039.26.

WHEREFORE, Sheri L. Hazeltine, Esq. respectfully requests that this Court enter an Order awarding attorney fees and expenses provided on behalf of the Ward and made payable from the guardianship estate.

Under penalties of perjury I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

DATED this 25th day of February, 2014.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567
800 Palm Trail Plaza, Ste. 3
Delray Beach, Florida 33483
(561) 243-4655, Fax (561) 243-6933

Filing # 24971818 E-Filed 03/17/2015 01:19:59 PM

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000369XXXXSB
Division: IX

IN RE: GUARDIANSHIP OF
ALBERT VASSALLO.
_____/

PETITION FOR ORDER AUTHORIZING PAYMENT OF COMPENSATION AND EXPENSES OF GUARDIAN

1. Petitioner, ELIZABETH SAVITT, was appointed by the court as the limited guardian of the person and property of ALBERT VASSALLO (the Ward) on September 9, 2014.

2. The total amounts of all prior fees paid or costs awarded to petitioner in this proceeding are:

Fees: $3,000.00
Costs: $-0-

3. Petitioner has rendered services as guardian of the Ward and incurred expenses from September 9, 2014 through March 9, 2015 as more fully described and set forth in the itemized schedule of services and expenses attached hereto as Exhibit A, for which petitioner has not been paid.

4. Based upon the criteria established by Section 744.108(2), Florida Guardianship Law, petitioner is of the opinion that reasonable compensation for the

services performed by petitioner during that time period is:

Fees: $7,288.50
Costs: $ 15.80

Total: $7,304.30

Petitioner requests that an order be entered awarding petitioner reasonable compensation for the services rendered and expenses incurred by the petitioner for the benefit of the Ward and the Ward's estate, and authorizing and directing that such compensation and expenses be paid from the assets of the Ward's estate.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on this 17th day of March, 2015.

By: _____
Elizabeth Savitt, Petitioner and Guardian

DATED this 17th day of March, 2015 at Delray Beach, Florida.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

Sheri L. Hazeltine, Esq.
sheri@hazeltinelaw.com
Attorney for Elizabeth Savitt
Florida Bar No. 0674567
800 Palm Trail, Suite 3
Delray Beach, Florida 33483
(561) 243-4655 (office)
(561) 243-6933 (fax)

Savitt Guardians

Elizabeth "Betsy" Savitt
501 N Country Club Dr.
Atlantis, FL 33462
Phone: 561-573-1292 | Fax: 561-439-6765

Account Statement

Prepared for Albert Vassallo

Re: Limited Guardianship

Previous Invoice Amount	$0.00
Last Payment Received	$0.00
Previous Balance	$(3,000.00)
Current Charges	$10,304.30
Total Due	$7,304.30

Matter: Limited Guardianship

Albert Vassallo

Savitt Guardians

Albert Vassallo

Invoice Date: March 09, 2015
Invoice Number: 10071
Invoice Amount: $10,304.30

Guardian's Fees

9/9/2014	Attend court hearing, meeting with family after hearing, retrieve original file and signatures, obtain stamped documents.	E.S.	2.30	$218.50
9/9/2014	T.C. S. Hazeltine re: new case, brief review of history and background.	E.S.	.50	$47.50
9/9/2014	T.C. Albert Jr. re: payment of bills ongoing. Options for placement of Albert senior.	E.S.	.40	$38.00
9/11/2014	Set up file, billing, send signatures and letters to S. Hazeltine office. E-mail to Cliff Hark for information.	E.S.	.70	$66.50
9/12/2014	T.C. Cliff Hark for the file. T.C. James Vassallo, re: bank information. Safe Deposit Box.	E.S.	.50	$47.50
9/12/2014	E-mail to Sheri re: petition to get access to S.D.B.	E.S.	.20	$19.00
9/12/2014	T.C. James re: confirm meeting at banks on Thursday, more family history and assets that sister has taken from the ward.	E.S.	.40	$38.00
9/15/2014	Set up portable file for visit to banks. Review and print documents from C. Hark.	E.S.	1.30	$123.50
9/16/2014	T.C. S. Hazeltine re: petition for SDB. Review and add on to petition to open SDB. T.C. To Susan, e-mail plan for review.	E.S.	.60	$57.00
9/17/2014	T.C. to Susan re: scheduling meeting to complete the plan. Questions about care of Albert.	E.S.	.30	$28.50
9/17/2014	Review of petition for SDB, e-mails to S. Hazeltine, Cliff Hark.	E.S.	.50	$47.50
9/18/2014	T.C. James for meeting at banks. Met James at condo, went to real estate office with trust and guardianship paperwork, Wells Fargo for back statements, Bank of America, Chase, Bank United.	E.S.	4.00	$380.00

	Consulted with James and reviewed account statements. Collected information for initial inventory.			
9/19/2014	T.C. Chase bank, James, Albert, Susan re: trust accounts frozen at banks. Suggested moving to one brokerage account that could handle the 3 trust signatures. Travel to Chase for documents.	E.S.	1.50	$142.50
9/21/2014	Review and sign yearly plan.	E.S.	.20	$19.00
9/22/2014	Meeting with Susan Mast, guardianship plan, memorandum to file.	E.S.	2.50	$237.50
9/22/2014	T.C. James re: account statements from Chase, Wells Fargo, Bank of America. Gave me the timeline of bank united SDB closing and tracing the 50,000 removed to Chase then to Albert and Susan.	E.S.	.30	$28.50
9/25/2014	Pick up documents from home of Susan Mast. Review and file.	E.S.	1.40	$133.00
9/25/2014	Travel to Wells Fargo Deerfield Beach, Bank of America, Chase. Chase provided all documentation.	E.S.	3.20	$304.00
9/25/2014	T.C. Wells Fargo, can not open unrestricted account without more court orders. T.C. S. Hazeltine re: case overview and discussion of 2 motions, amending orders and adding access to all accounts titled in all names, transfer of trust account held at Chase and frozen with the addition 3rd trustee.	E.S.	.70	$66.50
9/25/2014	Review motions, additional e-mails for information from S. Hazeltine.	E.S.	.70	$66.50
9/25/2014	Travel to Bank of America Lake Worth requesting documentation. Sent orders to legal department.	E.S.	.50	$47.50
9/26/2014	Review revised motions and approve.	E.S.	.20	$19.00
9/26/2014	T.C. James for update and set up meeting at banks.	E.S.	.10	$9.50
9/27/2014	Send additional information to S. Hazeltine. Review of new documents from banks.	E.S.	.30	$28.50
9/30/2014	Travel to Chase Bank Greenacres to give them new court orders and open guardianship account. Did not get approved by legal until late afternoon.	E.S.	.50	$47.50
10/6/2014	Travel to Bank of America, Optima, Wells Fargo, Am Trust, Bank of America with SDB, returned to all banks to get paperwork. Review and file.	E.S.	4.50	$427.50
10/6/2014	T.C. Albert and Susan re: payment of his bills.	E.S.	.20	$19.00
10/6/2014	T.C. (5) Chase bank re: hold on account. T.C. S. Hazeltine, bank manager and obtained numbers for legal department. Hold will take an additional 2-3 days.	E.S.	.50	$47.50
10/6/2014	Travel to Chase bank to set up guardianship account. Holds are placed on all accounts.	E.S.	.50	$47.50
10/9/2014	Obtained statements of credit card from Chase. Account is frozen and bill is now 3,000. Closed account as they can not take Susan off account and she is not accounting for expenditures. Gave Motion for contempt to officer and they sent documents to legal. Gave us additional background	E.S.	4.00	$380.00

	documentation. Obtained all the check numbers and duplicates of fraudulent withdraws from accounts.			
10/9/2014	T.C. S. Hazeltine with update on bank efforts and information for pleadings.	E.S.	.40	$38.00
10/9/2014	Billing and filling records from banks.	E.S.	.40	$38.00
10/9/2014	Continued to trace money exchanging from bank to bank.	E.S.	.20	$19.00
10/10/2014	Put investigation file together for attorney. Typed documents outlining expenditures in accounts for inclusion in demand letter. Created new spread sheet of accounts, balances and dates closed.	E.S.	3.00	$285.00
10/10/2014	Contacted VA, stock accounts for transfer to guardianship. Scan, fax, mail guardianship documentation, letters of instruction, identification.	E.S.	1.40	$133.00
10/10/2014	Meeting with S. Hazeltine to go over case, deliver documentation, copy file.	E.S.	1.20	$114.00
10/11/2014	T.C. James, money is in account, he will set up auto pays. E-mail S. Hazeltine with totals owed by Susan and Albert Jr.	E.S.	.20	$19.00
10/14/2014	Conference call with C. Hark and S. Hazeltine re: petitions to remove and demand letters. T.C. James re: review of money transferred.	E.S.	.80	$76.00
10/15/2014	Review petition to remove and demand for Susan Mast. T.C. James re: same. Forward petitions.	E.S.	.30	$28.50
10/16/2014	T.C. S. Hazeltine re: final review petitions, discuss strategy.	E.S.	.50	$47.50
10/16/2014	T.C. Day scape, re: billing. Calculated costs for the month and send check for $1,020.00. Any unused days will be credited to next month.	E.S.	.20	$19.00
10/16/2014	Proof final drafts and e-mail to James.	E.S.	.20	$19.00
10/21/2014	Work on verified inventory. T.C. Peoples Bank, sent documents for guardianship.	E.S.	1.50	$142.50
10/21/2014	Travel to Chase Bank for more documents needed for verified inventory.	E.S.	.50	$47.50
10/21/2014	Contacted Sun America for annuity distribution change.	E.S.	.10	$9.50
10/21/2014	T.C. Susan Mast for bills to be paid and notify her of payment to Day Scape. Said she would forward to me by fax and mail.	E.S.	.20	$19.00
10/21/2014	T.C. S. Hazeltine re: letter to new attorney for continued communication with Susan about home health care.	E.S.	.10	$9.50
10/22/2014	T.C. Susan with bills. Faxed FPL and Chase, paid FPL.	E.S.	.30	$28.50
10/23/2014	T.C. Peoples United, they need us to send all guardianship documents and notarized copy of license.	E.S.	.40	$38.00
10/23/2014	T.C. S. Hazeltine re: next step on demands, payment of care taking bills, new attorney on case.	E.S.	.30	$28.50
10/23/2014	T.C. James, billing for condo and budget amounts for Albert. Setting up meeting for next week.	E.S.	.20	$19.00

10/24/2014	Sent notarized copy of license and all paperwork. T.C. Peoples Bank, T.C. First Sun America, faxed more documentation. Complete verified inventory. Scan and e-mail all documents to S. Hazeltine.	E.S.	3.50	$332.50
10/24/2014	Review, sign and scan petitions to collect to Albert and Susan.	E.S.	.20	$19.00
10/29/2014	T.C. James re: attorney billing, petition. E-mail S. Hazeltine re: supplementing petition.	E.S.	.50	$47.50
10/29/2014	Meeting at Social Security to apply for Rep Payee, filing all documents.	E.S.	1.20	$114.00
10/30/2014	T.C. S. Hazeltine re: hearing dates and amending the petition. E-mail to Cliff re: billing.	E.S.	.40	$38.00
10/30/2014	Meeting with Susan Mast to go over bills, obtain a budget, discuss finances.	E.S.	1.20	$114.00
10/30/2014	T.C. Sheri Hazeltine re: hearing dates and strategy.	E.S.	.20	$19.00
10/30/2014	Meeting with James to go over additional items for hearing. Review the statements and go over testimony.	E.S.	2.00	$190.00
11/1/2014	Made additions to the demand letter, added all checks from 3 accounts, Chase charges, withdrawals. Scanned and sent to S. Hazeltine. Paid bills, deposit retirement distribution from Peoples Bank. T.C. James re: petitions.	E.S.	2.00	$190.00
11/2/2014	Set up online account at Computerserve and printed statement of account for inventory of Prudential stock.	E.S.	.40	$38.00
11/5/2014	T.C. US LIFE, re: check returned. They have guardianship papers, want another form with notarized signature and another guardianship order stamped. Print, fill out, get signed.	E.S.	.70	$66.50
11/5/2014	Took claim form for Celotex settlement to Wells Fargo for medallion stamp.	E.S.	.40	$38.00
11/7/2014	T.C. Chase bank, wants me to come in to sign for closing account. T.C. Chase Hillsboro re: CD maturing 11/9. Travel to bank for signing.	E.S.	.60	$57.00
11/16/2014	T.C. James re: getting CD money from Chase and Am Trust and putting it into money market at Bank United making 1%. until trust hearing is over then where to place it to make 4%, secured.	E.S.	.10	$9.50
11/17/2014	T.C. Am Trust re: moving CD's. Fax all documents. T.C. James. T.C. Am Trust, Call back to confirm appointment on Wed.	E.S.	.50	$47.50
11/17/2014	T.C. S. Hazeltine to go over request sent for additional demand.	E.S.	.40	$38.00
11/18/2014	T.C. S. Hazeltine re: preparation for meeting and hearing. T.C. James re: same. Meeting manager at Chase to get funds from CD's	E.S.	1.00	$95.00
11/19/2014	Meeting at S. Hazeltine office for document exchange and review of case for meeting and hearings. Meet with James to pick up documents, go to Bank United to set up new guardianship account	E.S.	4.20	$399.00

	with trust assets there. Set up appointment with Private banking.			
11/19/2014	Travel to Chase to sign for CD money to be transferred into guardianship account.	E.S.	.40	$38.00
11/20/2014	T.C. S. Hazeltine re: results of meeting with Susan, Albert and Attorney. Stipulation agreement.	E.S.	.50	$47.50
11/20/2014	Preparation for and meeting with S. Hazeltine, Susan, Albert and attorney.	E.S.	2.00	$190.00
11/21/2014	T.C. Bank United re: Cd's and changing to guardianship. They are sending me to private banking for guardianship account, Sean Benneau. Also, James and Susan and Albert have all come into the bank separately. States they do not understand guardianship.	E.S.	.25	$23.75
11/21/2014	T.C. S. Hazeltine re: Monday hearing	E.S.	.50	$47.50
11/21/2014	Pay bills, deposit annuity check, send in hard copy of documentation for annuity direct deposit.	E.S.	.50	$47.50
11/21/2014	Review Cliff Hark fees, E-mail reduction amounts to S Hazeltine. T.C. to discuss with James. Sign consent.	E.S.	.50	$47.50
11/21/2014	T.C. Susan re: Humana expiration due to address change. 6 month's temp has expired. They are sending new cards. She may want to go to new day care for Albert 2-3 days a week.	E.S.	.20	No Charge
11/22/2014	Review of petition from Robert Trinkler, attorney for Susan and Albert Mast.	E.S.	.30	$28.50
11/22/2014	Tele conference with S. Hazeltine re: hearing on motion to compel.	E.S.	.50	$47.50
11/23/2014	T.C. James Vassallo re: hearing on Monday. T.C. Sheri Hazeltine	E.S.	1.20	$114.00
11/24/2014	Meeting with S. Hazeltine re: hearing.	E.S.	.80	$76.00
11/24/2014	Attend hearing and meet after with all parties to discuss mediation.	E.S.	1.30	$123.50
11/24/2014	T.C.'s James Vassallo, S. Hazeltine re: results of hearing.	E.S.	.80	$76.00
11/25/2014	Return to S. Hazeltine office to review Disk from VA with medical records. Pick up files for mediation.	E.S.	1.00	$95.00
11/26/2014	E-mail to Rob Hauser, Brian O'Connell for mediation. Include drafted proposal and copies of demands.	E.S.	.40	$38.00
11/26/2014	Draft mediation letter.	E.S.	.90	$85.50
11/26/2014	T.C. Biddy @ Brian O'Connell office, T.C. Rob Hauser @ Pankauski Law Firm re; mediation.	E.S.	.40	$38.00
11/26/2014	Review and organize file and prepare for mediation Monday.	E.S.	.50	$47.50
11/29/2014	Draft additional letter for mediation.	E.S.	.25	$23.75
12/1/2014	Attend mediation.	E.S.	7.00	$665.00
12/1/2014	Prepare for mediation.	E.S.	1.00	No Charge
12/2/2014	T.C. Brian O'Connell office and Rob Hauser re: re-schedule of hearing on petition to remove trustees.	E.S.	.40	$38.00

	Draft of settlement agreement.			
12/3/2014	T.C. Bank United re: special 18 month cd rates for account	E.S.	.25	$23.75
12/3/2014	T.C. VA: does not recognize State of Fl. guardianship papers. They assign a fiduciary to come and interview both Mr. Vassallo and myself. District is Columbia, paperwork started.	E.S.	.40	$38.00
12/3/2014	E-mail Hauser re; hearing. Filing documents from mediation.	E.S.	.40	$38.00
12/3/2014	Pay Dayscape and T.C. Dr. Blume for payment of Exam Committee.	E.S.	.50	$47.50
12/4/2014	T.C. R. Hauser re: scheduling. T.C. James re: forwarding documents.	E.S.	.10	$9.50
12/5/2014	T.C. James Vassallo re: disagreement with mediation and trusts.	E.S.	.70	No Charge
12/9/2014	Mail CD to James with medical records. Download records.	E.S.	.20	$19.00
12/16/2014	E-mail to James, Detective and attorney's re; Settlement	E.S.	.30	$28.50
12/17/2014	Paid bills.	E.S.	.20	$19.00
12/18/2014	T.C. James re: yearly physical and questions about mediation agreement.	E.S.	.30	$28.50
12/19/2014	Receive settlement from R. Hauser. Forward to detective.	E.S.	.20	$19.00
12/29/2014	E-mails to R. Hauser re: petition settlement.	E.S.	.20	$19.00
1/2/2015	Review of Hazeltine fee petition for hearing on 1/6/15. Print Cliff Hark agreement for fees.	E.S.	.40	$38.00
1/5/2015	T.C. S. Hazeltine re: Hark fees at hearing tomorrow. She is only one on docket.	E.S.	.10	$9.50
1/6/2015	Meet with Cliff Hark and James Vassallo re: mediation agreement. Received check from Asbestos settlement. Meet with S. Hazeltine re: fees paid to her, Hark, O'Connell.	E.S.	1.10	$104.50
1/6/2015	T.C. R. Hauser re; settlement, refusal of accounting on withdrawals. Demand letter for asbestos checks missing to Susan Mast.	E.S.	.30	$28.50
1/6/2015	Print and fill out forms for lost/stolen treasury bonds. Went through the VA file, T.C. VA for update on status of checks. Billing and filling. Prepare for meeting at Chase.	E.S.	1.20	$114.00
1/6/2015	T.C. James re: Treasury Bonds, Chase withdrawals, Chase accounts, checks from Asbestos settlement.	E.S.	.30	$28.50
1/7/2015	Print materials for demand letter to Jacqueline Cantela, respond to e-mail from R. Hauser re; demand for checks, Travel to Chase bank for medallion stamp for treasury bond replacement and clarification of auto withdraws on Albert's accounts.	E.S.	1.20	$114.00
1/14/2015	T.C. Century Village relator re: contract for sale of condo.	E.S.	.20	$19.00
1/15/2015	T.C. Cliff Hark, T.C. James Vassallo re: settlement agreement. E-mail R. Hauser re: answer to request	E.S.	.60	$57.00

	for telephone conference.			
1/16/2015	Letter to R. Hauser re: demand to Susan and Albert for signatures on document.	E.S.	.15	$14.25
1/19/2015	T.C. Weitz Luxemborg re: claim and payments made. Claim payments ongoing since 2001. Request total and payment since 2013. coming from non bankruptcy and bankrupt court.	E.S.	.30	$28.50
1/20/2015	Forward completed contract from relator and further E-mails to S. Hazeltine re; petition to sell condo, review, make additions. Filing.	E.S.	.40	$38.00
1/20/2015	Review documents from Weitz-Luzemborg, payments made since 2001 and checks cashed in 2013-2014.	E.S.	.30	$28.50
1/21/2015	Read full contract, print, sign, scan to relator.	E.S.	.40	$38.00
1/21/2015	E-mail to Mr. Trinkler denying accounting of expenditures.	E.S.	.10	$9.50
1/21/2015	Receive letter from Dep of Vet Affairs stating they are deciding after review of file and will contact us.	E.S.	.15	$14.25
1/26/2015	Review of petitions from R. Hauser. Review of documents from Relator re: sale of condo. Sign and return.	E.S.	.50	$47.50
1/27/2015	E-mail to R. Hauser with additions to petition, sign and scan.	E.S.	.30	$28.50
1/27/2015	Multiple calls to contact Susan Vassallo, unable to contact.	E.S.	.30	No Charge
2/3/2015	Scan request to Optima for 1099. T.C. Optima bank re: same.	E.S.	.20	$19.00
2/6/2015	Demand to Jacqueline for insurance and car payment. Sent certified mail.	E.S.	.30	$28.50
2/6/2015	Billing to Dayscape, filing tax documents.	E.S.	.30	$28.50
2/8/2015	Meeting with Albert in home. Looked great, was going to a movie. Susan states her son and daughter will be moving out. Pay bills, file mail.	E.S.	1.00	$95.00
2/10/2015	T.C. James re: telephones, condo sale, trust. T.C. Susan re: same plus explanation of electronic withdrawals.	E.S.	.40	$38.00
2/11/2015	T.C. R. Hauser re: hearing on Friday. E-mail to family members.	E.S.	.40	$38.00
2/11/2015	E-mail S. Hazeltine re: sale of condo, T.C. family members.	E.S.	.50	$47.50
2/11/2015	Receive and review chase documents from Susan Mast. T.C. Susan Mast re: 8,000 in withdrawal. E-mail to R. Hauser.	E.S.	.50	$47.50
2/13/2015	Attend hearing for petitions on mediation and trustee. Meeting with Cliff Hark, James Vassallo, R. Hauser after hearing to discuss finances and related issues.	E.S.	1.30	$123.50
2/13/2015	E-Mail R. Hauser re; issues regarding hearing.	E.S.	.15	$14.25
2/19/2015	T.C. Ralph Vassallo re; visitation, hostility with Susan, trust questions. T.C. Susan re: medications, change of address, funds from VA.	E.S.	.40	$38.00

2/19/2015	Coordinate closing of condo and documents needed for tomorrow.	E.S.	.20	$19.00
2/20/2015	T.C. Cliff Hark re: visitation, T.C. Ralf, T.C. Susan. Picking up certified copies of documents for closing.	E.S.	.40	$38.00
2/20/2015	E-mails from Robert Hauser concerning the hearing and orders drafted.	E.S.	.30	$28.50
2/20/2015	Attend closing on condo at title company on Hillsboro. Pick up refreshed court orders for closing from court house. Attempt to deposit check at Chase. Problem with account title.	E.S.	1.20	$114.00
2/24/2015	T.C. Marie Castagnetta, daughter. Update on Albert and trust funds. Got new contact information and sent her the verified inventory.	E.S.	.40	$38.00
2/24/2015	Review petition from James Vassallo. T.C. S. Hazeltine re: the e-filed inventory.	E.S.	.40	$38.00
2/25/2015	T.C. R. Hauser re: status of petitions from hearing last Friday.	E.S.	.20	$19.00
2/25/2015	Letter to Detective White with update on case and answer to her E-mail requesting information on accounts.	E.S.	.30	$28.50
2/25/2015	E-mail and telephone call to James/Cliff Hark re: visitation with Albert.	E.S.	.20	$19.00
2/25/2015	T.C. VA. They sent e-mail with an authorization to disclose that we already sent in. It states may not be used by beneficiary recognized as incompetent. Online account already established so not accessible. Download additional form for Albert to sign. Fill out information.	E.S.	.50	$47.50
2/25/2015	T.C. Susan and James for online VA information. Susan wants confirmation that James is coming for visitation. T.C. Day center.	E.S.	.30	$28.50
3/2/2015	T.C. Susan to give mailing address for sending in signed agreement.	E.S.	.10	No Charge
3/2/2015	Meet bank officer at Chase to deposit check for condo. T.C. Chase in Deerfield to verify.	E.S.	.10	$9.50
3/3/2015	Review of petitions re; trustee hearing from Robert Hauser.	E.S.	.20	$19.00
3/4/2015	E-mail, Heather @ Pankauski Law Firm re: orders, hearing, payment schedule.	E.S.	.20	$19.00
3/6/2015	Billing and filling	E.S.	.30	$28.50
3/9/2015	Received response from VA. Albert is declared incompetent. T.C. To VA re: benefits.	E.S.	.40	$38.00
3/9/2015	Receive additional fiduciary documents from VA. Fax form and correct telephone for interview. Requesting all financial information.	E.S.	.30	$28.50
3/9/2015	Received signed orders from Pankauski Law Firm.	E.S.	.10	No Charge
3/9/2015	E-mail from Heather at Pankauski Law Firm with payment schedules.	E.S.	.10	$9.50
SUBTOTAL:			110.70	$10,288.50

Costs

10/24/2014	postage	$4.60
10/29/2014	copies 42 @ .15, 6.30	$6.30
2/6/2015	Postage	$4.90
SUBTOTAL:		$15.80

TOTAL: $10,304.30
PREVIOUS BALANCE (CREDIT): $3,000.00
CURRENT BALANCE DUE AND OWING: $7,304.30

CHASE

April 16, 2015 through May 15, 2015
Account Number: 000000438801234

TRANSACTION DETAIL (continued)

DATE	DESCRIPTION		AMOUNT	BALANCE
04/23	Service Fee Reversal		6.00	577,634.20
04/23	Deposit 706103909		25,837.42	603,471.62
04/23	Deposit		90.54	603,562.16
04/27	Deposit		7,304.30	610,866.46
04/28	Check # 140	Day Care	- 1,095.00	609,771.46
04/30	Fsa Alga	PPD ID: 5000955077	250.00	610,021.46
05/01	Vacp Treas 310 Xxva Benef	PPD ID: 9111036002	1,567.00	611,588.46
05/01	SSA Treas 310 Xxsoc Sec	PPD ID: 9031736042	1,060.00	612,648.46
05/08	Deposit 723884727		41.24	612,689.80
05/12	Check # 143	Do not Know	- 876.00	611,813.80
05/14	Check # 142	Susan	- 2,463.57	609,350.23
05/14	Check # 141	Susan	- 2,463.57	606,886.66
05/15	Interest Payment		4.87	606,891.53
	Ending Balance			$606,891.53

A monthly Service Fee was not charged to your Chase Premier Plus Checking account. Here are the two ways you can continue to avoid this fee during any statement period.

- Have an average qualifying deposit and investment balance of $15,000.00 or more
  (Your average qualifying deposit and investment balance was $612,753.00)
- OR, authorize us to make automatic payments to your qualifying Chase mortgage from your Chase account.
  (You do not have a qualifying Chase mortgage)

3. The limited guardian is authorized and directed to pay that fee and these expenses from the assets of the Ward for a total of **$7,304.30** within five (5) days from the date of this Order.

DONE and ORDERED on this 31 day of March, 2015 in Delray Beach, Florida.

David E. French
CIRCUIT JUDGE DAVID E. FRENCH

Copies provided to:
Sheri L. Hazeltine, Esq.
800 Palm Trail, Suite 3
Delray Beach, Florida 33483

Frank Hollander, Esq.
One Biscayne Tower, Suite 1650
2 South Biscayne Boulevard
Miami, Florida 33131-1806

Brian M. O'Connell, Esq.
Ciklin Lubitz Martens & O'Connell
515 N. Flagler Dr., 20th Floor
West Palm Beach, Florida 33401

pankauski
LAW FIRM
P.L.L.C.

a professional limited liability company

120 South Olive Avenue
Guaranty 701
West Palm Beach, FL 33401

(561) 514-0906

April 27, 2015

VIA PRIORITY MAIL

The Honorable David E. French
South County Courthouse
200 West Atlantic Avenue
Delray Beach, FL 33444

Re: Guardianship of Albert Vassallo, Sr.
Case No. 502014GA000369XXXXSB

Dear Judge French:

Our firm represents the Guardian. Elizabeth Savitt. in connection with the above-captioned matter.

On April 2, 2015 Your Honor entered an Order granting James Vassallo's Motion for Rehearing. For your ease of reference, a copy of same has been enclosed herewith. The Order directed the moving party to contact your Judicial Assistant for hearing times. As of the date of this letter, we have not received any proposed dates from the Court's Judicial Assistant or Mr. Vassallo, for this matter to be heard.

On April 22, 2015, we filed the enclosed Response of Guardian to James Vassallo's Motion for Rehearing. A courtesy copy of the Response is enclosed.

We kindly request that the Court set a date and time to have Mr. Vassallo's Motion for Re-Hearing heard. As a courtesy and for the Court's use, please find a blank order specially setting hearing and self-addressed stamped envelopes for its circulation, if the Court is inclined to do so.

If the Court requires additional information or materials, please do not hesitate to contact our office. Thank you in advance for your attention to this matter.

Sincerely,

PANKAUSKI LAW FIRM, P.L.L.C.
By: Robert J. Hauser

RJH/hg
Enclosure
cc: Elizabeth Savitt (via email, with enclosures)
Sheri L. Hazeltine, Esquire (via email, with enclosures)
Brian M. O'Connell, Esquire (via email, with enclosures)
James Vassallo (via email, with enclosures)
Albert Vassallo, Jr. (via U.S. Mail, with enclosures)
Susan Mast (via U.S. Mail, with enclosures)

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 502014GA000369 IX

IN RE: GUARDIANSHIP OF
ALBERT VASSALLO, SR.,
The ward.
_____/

ORDER GRANTING JAMES VASSALLO'S MOTION FOR REHEARING

THIS CAUSE submitted to the Court the James Vassallo's Motion for Rehearing, and the Court having fully reviewed said Motion, and the Court file, it is hereby,

ORDERED AND ADJUDGED that said Motion is GRANTED for Rehearing. The moving party is directed to contact the Judges Assistant for hearing times.

DONE AND ORDERED in Chambers at Delray Beach, Palm Beach County, Florida, this 2nd day of April, 2015.

SIGNED & DATED
APR 02 2015
CIRCUIT JUDGE
DAVID E. FRENCH

DAVID E. FRENCH, Circuit Judge

Copies furnished:

James Vassallo
107 Westbury Building E
Deerfield Beach, FL 33442

Robert J. Hauser, Pankauski Law Firm
120 South Olive Avenue Suite 701
West Palm Beach, 33401

Sheri L. Hazeltine
800 Palm Trail, Suite 3
Delray Beach FL 33483

Brian M. O'Connell
515 N. Flagler Dr. 20th floor
West Palm Beach, FL 33401

Filing # 26392726 E-Filed 04/22/2015 12:07:12 PM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE:

GUARDIANSHIP OF
ALBERT VASSALLO, SR.

Incapacitated Person.
_____/

PROBATE DIVISION IX
CASE NO. 502014GA000369XXXXSB

RESPONSE OF GUARDIAN TO JAMES VASSALLO'S MOTION FOR REHEARING

Elizabeth Savitt (the "Guardian") respectfully responds in opposition to James Vassallo's motion to rehear this Court's orders replacing James Vassallo, Albert Vassallo, Jr., and Susan Mast as successor co-trustees and appointing Ms. Savitt as the lone successor trustee of the Ward's revocable trust, and state:

1. James Vassallo's argument that the Ward's revocable trust does not allow him to be replaced is circular. Under guardianship law, it would not matter even if the Ward's trust contained language expressly forbidding replacement of James as a co-trustee. That is because the whole point of 744.441(19) is to allow a trust to be *amended* by a guardian with court approval. It states:

> **744.441 Powers of guardian upon court approval.**—After obtaining approval of the court pursuant to a petition for authorization to act, a plenary guardian of the property, or a limited guardian of the property within the powers granted by the order appointing the guardian or an approved annual or amended guardianship report, may:
>
> ...

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 22nd day of April, 2015 to the individuals on the service list below in the manner indicated.

PANKAUSKI LAW FIRM, P.L.L.C.
120 South Olive Avenue, Suite 701
West Palm Beach, FL 33401
Phone: (561) 514-0900
courtfilings@pankauskilawfirm.com

By: /s/ John J. Pankauski
John J. Pankauski
Florida Bar No. 0982032

SERVICE LIST

Servied via e-mail/e-service:

Sheri L. Hazeltine, Esquire, 800 Palm Trail, Suite 3, Delray Beach, FL 33483 (sheri@hazeltinelaw.com)

Brian M. O'Connell, Esquire, 515 N. Flagler Dr., 20th Floor, West Palm Beach, FL 33401 (service@ciklinlubitz.com, probateservice@ciklinlubitz.com),

Servied via e-mail and U.S. Mail:

James Vassallo, 107 Westbury Building E, Deerfield Beach, Florida, 33442 (james.vassallo@yahoo.com)

Served via regular U.S. Mail only:

Susan Mast, 9324 Ketay Circle, Boca Raton, Florida 33428

Albert Vassallo, Jr., 666 Rosevale Avenue, Lake Ronkonkoma, NY 11779

Ralph Vassallo, 303 Lake Avenue South, Nesconset, NY 11767

Jacqueline S. Cantela, 26 Parkside Ave., Miller Place, NY 11764

Marie Vassallo-Castagnette, 433 Mills Rd., Unit #26, Calverton NY 11933

5-19-15

SHERI L. HAZELTINE & ASSOCIATES, P.A.

Attorney at Law

800 Palm Trail Plaza, Suite 3
Delray Beach, Florida 33483
Phone: 561-243-4655; Fax: 561-243-6933
sheri@hazeltinelaw.com

Member, National Academy of Elder Law Attorneys; Academy of Florida Elder Law Attorneys; Florida Guardianship Association; Palm Beach Guardianship Association; Florida Bar Association; Elder Law Section, Palm Beach County Bar Association; South Palm Beach County Bar Association; Florida's Voice on Developmental Disabilities; Admitted in Alaska and Florida.

Elizabeth Savitt, Guardian.
501 N. Country Club Dr.
Atlantis, FL 33462

Invoice Date: May 19, 2015
Invoice Number: 12121
Invoice Amount: $474.63

Case: *In re Guardianship of Albert Vassallo*
Case No.: 502014GA000369XXXXSB

Attorney Fees 1.1 Hours @ $350/hr.; Paralegal Fees 0.7 Hours @ $125/hr.

2/24/2015	Further revise attorney fee petition, per attorney direction.	R.B.	.60	No Charge
2/24/2015	Review of copy of signed stipulation for substitution of counsel, substituting in Mr. Frank Hollander, Esq. for Mr. Hark, Esq. on behalf of James Vassallo.	S.L.H.	.10	$35.00
2/24/2015	Telephone call from Client regarding inquiry into the e-filing of the inventory. Review of file and research online. The inventory was e-filed on November 10, 2014, #20411091. However, it does not show up as e-filed on the clerk of court docket. Prep of email to Client regarding call to clerk's office.	S.L.H.	.10	No Charge
2/25/2015	E-File Amended Attorney Fee Petition; Reference # for this filing is 24204494.	R.B.	.20	No Charge
2/25/2015	Review of amended atty. fee petition. Gave to RB for further changes.	S.L.H.	.10	No Charge
3/2/2015	Review of email from Mr. Hollander, Esq. stating he was in agreement with our law firm's attys. fee petition.	S.L.H.	.10	No Charge
3/2/2015	Prepare e-mail to Mr. Frank Hollander, Esq. and Brian O'Connell, Esq. asking if they were in agreement with Ms. Hazeltine's attorney fee petition.	R.P.	.10	No Charge
3/2/2015	Left voicemail with Judge French's JA to schedule attorney fee hearing.	R.P.	.10	No Charge
3/3/2015	Prepare letter to Judge French enclosing petition for	R.P.	.30	No Charge

EXHIBIT A

	attorney's fees; agreed order; and self-addressed, stamped envelopes.			
3/3/2015	Review of rec'd Order authorizing appointment of sole successor trustee of the Albert Vassallo revocable trust and authorization to transfer Ward's assets to Trust, signed by the Honorable David French on Feb. 25, 2015.	S.L.H.	.10	No Charge
3/5/2015	Receipt and review of notice of hearing and motion for status conference.	R.P.	.10	No Charge
3/6/2015	Receipt and review of notice of cancellation of status hearing.	R.P.	.10	No Charge
3/10/2015	Prepare petition for guardian fees. E-mailed it to Ms. Savitt for signature.	R.P.	.20	$25.00
3/10/2015	Receipt and review of guardianship invoice from Ms. Savitt.	R.P.	.10	No Charge
3/12/2015	Receipt and review of James Vassallo's petition for rehearing and to amend final judgment.	R.P.	.10	No Charge
3/16/2015	Sent reminder email to Client asking her to review & sign the petition for guardian fees.	S.L.H.	.10	No Charge
3/16/2015	Telephone call with Client regarding Susan's (the caregiver's) assertion that if her brother James gets to visit with her father she wants him moved to an assisted living facility. She said she does not want her father picked up by James at the home, etc. Advised Client that this issue may need to be set before the court if there is no resolution between the parties.	S.L.H.	.10	$35.00
3/17/2015	Receipt and review of signed agreed order authorizing payment of attorney's fees. E-mailed to Ms. Savitt for payment.	R.P.	.10	No Charge
3/17/2015	Review of signed guardian fee petition; signed and finalized for e-filing.	S.L.H.	.10	$35.00
3/17/2015	E-filed guardian fee petition with Court, ref. #24971818. E-mailed copy to Ms. Savitt.	R.P.	.20	No Charge
3/17/2015	Emailed copy of the fee petition and signed fee order (SLH attys fees) to Mr. Hollander and James Vassallo, so they have a copy.	R.P.	.10	No Charge
3/17/2015	Preparation of emailed letter to Mr. Hollander, Esq. and Mr. O'Connell, Esq. asking if they are in agreement with Ms. Savitt's guardian fee petition so we may prepare an Agreed Order.	R.P.	.10	$12.50
3/20/2015	Review of rec'd motion to withdraw from Mr. Hollander, Esq.	S.L.H.	.10	$35.00
3/20/2015	Review of email from Mr. James Vassallo regarding guardian's fee petition and his objection to some line items.	S.L.H.	.10	$35.00
3/20/2015	Receipt and review of motion to withdraw as counsel for James Vassallo filed by Frank Hollander, Esq.	R.P.	.10	No Charge
3/20/2015	Receipt and review of e-mail from James Vassallo questioning some of Ms. Savitt's charges on her invoice.	R.P.	.10	No Charge

3/23/2015	Check received in the amount of 5028.78, # 135.	R.B.	.10	No Charge
3/24/2015	Review of letter to Judge French, along with copy of petition and proposed agreed order on guardian Ms. Savitt's fees. Signed and finalized for sending to the court.	S.L.H.	.10	$35.00
3/24/2015	Receipt and review of e-mail from Ms. Savitt stating that James Vassallo is in agreement with her guardian fee petition.	R.P.	.10	No Charge
3/24/2015	Prepare agreed order for guardian fee petition.	R.P.	.20	$25.00
3/24/2015	Prepare letter to Judge French enclosing petition for authorization of guardian fees, agreed orders and self-addressed, stamped envelopes.	R.P.	.20	$25.00
4/6/2015	Review of email from Client regarding attys. fee petition from court appt'd attorney. Asked for several items to be reduced. Preparation of emailed letter to Mr. O'Connell, Esq. asking for his fee petition to be reduced, and cited specific line items.	S.L.H.	.10	$35.00
4/6/2015	Review of email from Ms. Foglietta, Esq. asking if there was a set amt. for reduction from Client. Prep of response email saying I would check. Prep of email to Ms. Savitt forwarding this question to her.	S.L.H.	.10	$35.00
4/7/2015	Prepare e-mail to Ms. Savitt asking what amount she would like to Mr. O'Connells fee petition be reduced to.	R.P.	.10	No Charge
4/7/2015	Receipt and review of signed Order authorizing guardian fees. E-mailed to Ms. Savitt.	R.P.	.10	No Charge
4/7/2015	Prepare e-mail to Ms. Foglietta stating that Ms. Savitt would consider a $1,000.00 reduction in Mr. O'Connell's fee petition.	R.P.	.10	No Charge
4/9/2015	Telephone call with Client Ms. Savitt. Discussion of my remaining on case as second attorney and need for it. She asked that I continue to remain on in a limited capacity to maintain the annual documents in the guardianship. Also, she said that Mr. Pankauski's law firm would handle the objection to the court appointed attorney's fee petition.	S.L.H.	.10	$35.00
4/9/2015	Emailed copy of the Order granting James Vassallo's motion for rehearing, to Client Ms. Savitt. Asked her what this was for.	S.L.H.	.10	No Charge
4/9/2015	Telephone call from Mr. James Vassallo. He is upset about Mr. O'Connell's bill, wants it reduced by 1/2 at least. Upset about not being able to visit his father.	S.L.H.	.10	$35.00
4/9/2015	Review of rec'd signed Order on motion for re-hearing, signed by Judge French.	S.L.H.	.10	No Charge
4/13/2015	Emailed copy of the Notice of Limited Representation to Client Ms. Savitt. Asked paralegal to mail copy to Mr. James Vassallo plus email him a copy.	S.L.H.	.10	No Charge
4/13/2015	Receipt and review of signed Order allowing Frank Hollander, Esq. to withdraw as counsel for James Vassallo.	R.P.	.10	No Charge
4/13/2015	Preparation of Notice of Limited Representation.	S.L.H.	.10	$35.00

EXHIBIT A

4/22/2015	Receipt and review of guardian's response to motion for rehearing.	R.P.	.10	No Charge
4/29/2015	Review of e-mail from James Vassallo stating that he would like to schedule his "rehearing date" for May 27, 2015 at 3:00 p.m.	R.P.	.10	No Charge
5/8/2015	Receipt and review of Order Setting Hearings for James Vassallo.	R.P.	.10	No Charge
5/19/2015	Petition for Authorization to Sell Homestead undeliverable to Jacqueline Cantela.	P.1.	.20	No Charge
SUBTOTAL:			6.00	$472.50

Costs

3/24/2015	Postage.	$1.44
4/8/2015	Postage for mailing Brian O'Connell's petition for order authorizing attorney's fees to James Vassallo.	$0.69
SUBTOTAL:		$2.13

TOTAL: $474.63
PREVIOUS BALANCE DUE: $0.00
CURRENT BALANCE DUE AND OWING: $474.63

Thank you for your business. We do expect payment promptly, so please process this invoice within 14 days. There will be a **late payment charge** of 1.5 percent, in 30 day increments, applied to any past-due unpaid balance of accounts.

EXHIBIT A

page 7

6-3-15

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000369XXXXSB
Division: IX

IN RE: GUARDIANSHIP OF
ALBERT VASSALLO.
_____/

AMENDED PETITION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND EXPENSES

Petitioner, Sheri L. Hazeltine, Esq. alleges:

1. Petitioner is an attorney engaged in the practice of law in Palm Beach County and elsewhere in the State of Florida.

2. Petitioner is the attorney for ELIZABETH SAVITT, the limited guardian of ALBERT VASSALLO (the Ward).

3. Petitioner has rendered legal services for the benefit of the Ward, from February 25th, 2015 to June 2nd, 2015, as more fully described and set forth in the itemized schedule of services and expenses attached hereto as Exhibit A, for which petitioner has not been paid.

4. Petitioner's records indicate that during the period of time above mentioned in excess of 1.1 attorney hours and 0.7 paralegal hours have been devoted to the representation of the co-guardians of the Ward.

5. Based upon the criteria established by Section 744.108(2) of the Florida Guardianship Law, petitioner believes that a reasonable fee for the services performed by the petitioner during that period of time is:

Hourly rate:	$350.00
Atty. Hours worked:	1.1
Paralegal rate:	$125.00
Paralegal Hrs. worked:	0.7
Total fees:	$472.50
Total costs:	$ 2.13

Total amount of Fees and Compensation: **$474.63**

Total amount of Fees and Compensation: $474.63.

6. That this attorney's fees have a reasonable value of $474.63.

7. That previous fees and costs have been billed in the amount of $13,068.04.

WHEREFORE, Sheri L. Hazeltine, Esq. respectfully requests that this Court enter an Order awarding attorney fees and expenses provided on behalf of the Ward and made payable from the guardianship estate.

Under penalties of perjury I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

DATED this 3rd day of June, 2015.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567
800 Palm Trail Plaza, Ste. 3
Delray Beach, Florida 33483
(561) 243-4655, Fax (561) 243-6933

COPY

6-23-15

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000369XXXXSB
Division: IX

IN RE: GUARDIANSHIP OF
ALBERT VASSALLO.
_____/

ORDER SETTING HEARING
15-Minute Special Set

PLEASE TAKE NOTICE that the Court will hold a hearing on the following petition listed below on Tuesday, July 28, 2015 at 9:30 a.m., before the Honorable David E. French, Circuit Court Judge, South County Courthouse, 200 West Atlantic Avenue, Courtroom 2, Delray Beach, Florida 33444.

PETITION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND EXPENSES

NOTE: This hearing is specially set by Court Order and CANNOT BE CANCELLED, RESET OR ADDED ON TO EXCEPT BY FURTHER COURT ORDER.

DONE AND ORDERED in Delray Beach, Palm Beach County, Florida, on this _____ day of June, 2015.

SIGNED & DATED
JUN 23 2015
CIRCUIT JUDGE
DAVID E. FRENCH

_____
CIRCUIT JUDGE DAVID E. FRENCH

Copy furnished to:
Sheri L. Hazeltine, Esq.
800 Palm Trail, Suite 3
Delray Beach, Florida 33483

Guardianship-Albert Vassallo

Case #502014GA000369XXXXSB

July 2, 2015

I'm objecting to Elizabeth Savitt serving as my father's guardian.

Elizabeth Savitt became guardian of property and person, filed on September 9, 2014. I, James Vassallo objects to the following items, her accounting for the inventory which is incomplete and incorrect. Elizabeth Savitt has not shown any receipts or copies of checks or who they are written to on my father's accounts. The guardian took a $3,000 retainer fee for herself from my father's money without a date as to when to she took it and without petitioning the court for it. Also, the guardian paid herself check #133, date, 3/10/2015 $7,304.30. Then, on 4/14/2015, check #139, she double paid herself, $7,304.30. If I didn't catch it, she would not have reimbursed the money because she told me that she had no idea she had done it. On 4/14/2015, check #138, she paid Susan Mast $7,390.71 with no explanation as to why this much. On 5/15/2015, she wrote Susan two checks out, check numbers #141 and #142 in the amount of $2,463.57 each. On 6/8/2015, she wrote Susan Mast two checks, #144 and #145 in the amount of $2,463.57 each. On the same day 6/8/2015, she wrote out a check #146 for Walgreens in the amount of $189.88. There are also fifteen to twenty checks since she has been guardian that do not apply to my father's living expenses.

April, 2014, Susan Mast and Albert Vassallo Jr. moved out my father's personal belongings from his condo where he lived at 108 Westbury E in Deerfield Beach, FL. There were two brand new fifty inch tv's, jewelry, $2,500 in coins, and other personal property. Also, they looted his safe which had ten United States Savings Bonds valued at $1,000 each, which Elizabeth Savitt knows about. Elizabeth Savitt has failed to account for these items. Also in April, 2014, Susan removed my father's 2007 Hyundai, tag #YIYMG and the car has not been seen since. Susan said that she gifted the car away to Jacqueline Cantela in April, 2014 and showed the guardian the bill of sale. Susan had been paying car insurance for it for 7 months with money from my father's accounts after she gifted it. The guardian stated that the car could not have been gifted. From September 9, 2014 to the present time, the guardian has not secured the car, nor the money that Susan has paid for the insurance.

Elizabeth Savitt and her attorney Sheri Hazeltine sent out demand letters on October 14, 2014 to Susan Mast and Albert Vassallo Jr. On November 15, 2013, Susan Mast withdrew $50,000 from my father's Bank Of America CD. On April 7, 2014, Susan Mast withdrew $13,760.16 from my father's trust checking account. Then, on the same day, she closed out my father's trust accounts from three different banks for a total of $269,515.29. Susan and Albert Jr. opened up a CD in Chase Bank for $200,000, which left $69,515.29. With the $69,515.29, they opened up a checking account beneficiary to them and my father had no idea what was going on. On September 2, 2014 Susan transferred $4,000 from my fathers checking account to their beneficiary account. On April 8, 2014, Albert Jr. wrote himself a check in the amount of $20,000.

Susan 128,000
Albert took 50,00

After the guardianship was established on September 9, 2014, Susan Mast wrote out two checks, one for $30,000 to herself and one for $25,000 to Albert Vassallo Jr. Susan Mast signed both checks.

In the year 2014, Susan Mast and Albert Vassallo Jr. wrote out checks from my father's account in the amount of $3,106.00 which the guardian has not accounted for. Also, electronic withdrawals add up to $16,644.23 which the guardian has not accounted for. My father had lawsuit money coming in from Weitz & Luxenberg for over $900.00. The guardian is not accounting for the missing checks that Susan Mast received.

Susan Mast used my fathers credit card for her own benefit and some of my father's needs with a steady balance of over $3,000 or more each month. The guardian closed out my father's credit card in November, 2014 with a balance of $2,886.16. Before she closed the credit card account, she gave Susan the credit card and she charged another $129.04 on it. The guardian paid $786.96 on October 21, 2014 towards the balance. She left a balance of 2,111.36 and did not pay anything more towards the credit card until March 16, 2015. On March 16, 2015 she paid $2,945.95 with my father incurring late charges and interest for $834.59. She never made Susan accountable for the money she charged on my father's credit card for her benefit.

As of this date, July, 2015, the guardian has not received any money back that was taken from Susan Mast or Albert Vassallo Jr. The guardian has spent over $50,000 of my father's money in lawyer fees to take me off as a trustee unnecessarily. This amount is without her new attorney John Pankauski's fees.

James Vassallo

James Vassallo

Betsy, how did you get involved in this case?

I hired Cliff Hark and he recommended you as a guardian. At the time, I did not know that you had a lien and a judgement on you and you had a foreclosure on your home which was just ready to get auctioned off. I would never had hired you had I known that. I asked you what are a guardians duties? You said the first thing that you would do as a guardian was to make sure that I could see my father. The next thing is that you and Cliff would freeze my fathers money so Albert Jr. and Susan wouldn't be able to take it anymore.

Why did you take Albert Jr. and Susan Mast off as trustees? Because the stole money from my fathers trust and his trust says that the only way one can be taken off is Article VI, trust power is that they do not act in good faith which they did not by stealing money. Why did you take me off as trustee? I helped you, for the interest of the ward, found out where his banks were and what kind of bank accounts he had. I gave you all the bank paperworks with statements, I gave you all the info about how much they stole from my father. I took care of my father free of charge from 2010 until late 2013. I took him to his doctors appointments, grocery shopping....etc. I benefited my father by getting him full disability benefits from the VA. due to him getting asbetos in his lung from fighting in the war. ($1,600 more per month). For the best interest of my father, I helped sell his condo so that he wouldn't have to pay maintenace on it since he wasn't living in it.$5,400 a year, plus another $800 taxes. I never asked my father for money, I never was given any money or stole any money.

My father put me on as a trustee as he knew that I would divide up the money equally between my siblings. cost my father no money to put me on as trustee, but now its costing him with you being the sole trustee thousands of dollars between your fees and your lawyer fees.

You were hired as a guardian to safeguard his money and to get money that his owed to him returned to him and nothing more. Now, you are abusing your powers as a guardian and costing my father thousands of dollars to unnecessarily remove me as trustee who did nothing wrong.

Why did you want to be sole trustee for my father? How much are you going to charge or make off my father as a trustee and as a guardian?

9 9
10 10
11 13
12 12

7-24-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE:

GUARDIANSHIP OF
ALBERT VASSALLO, SR.

Incapacitated Person.
_____/

PROBATE DIVISION IX
CASE NO. 502014GA000369XXXXSB

AMENDED PETITION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEE AND EXPENSES

COMES NOW the Pankauski Law Firm PLLC ("Petitioner"), pursuant to Fla. Stat. §744.108, and hereby petitions the Court for authorization of payment of attorneys' fees, legal services, and costs for litigation rendered to the court appointed guardian, Elizabeth Savitt, and alleges:

1. Petitioner is a law firm engaged in the practice of law in Palm Beach County, and elsewhere in the State of Florida.

2. Elizabeth Savitt is the duly appointed and acting Guardian of the person and property of Albert Vassallo, Sr. ("Ward").

3. The Petitioner has not yet been awarded any fees or costs in this proceeding.

4. Petitioner has rendered services and incurred costs for the benefit of the Ward, *see* Fla. Stat. §744.108 from November 1, 2014 through June 30, 2015, for which Petitioner has not been paid. A copy of the itemized invoices will be made available to the Court in connection with such expenses, and a redacted set of these itemized invoices will be provided to counsel.

5. The total amount of costs sought is: **$462.20**

6. Based on the criteria established in Fla. Stat. §744.108(2), Petitioner believes that a reasonable fee for the services performed for the benefit of the Ward, from November 1, 2014

through June 30, 2015 is: $ **18,975.00.** The business records of this Firm reflect that the following hours have been spent on professional services during this time:

a.	John J. Pankauski, Esquire @ $450.00 / hour	3.4 hours	$1,530.00
b.	Robert J. Hauser @ $450.00 / hour	35.4 hours	$12,390.00
c.	Allison R. Sabocik, Esquire @ $300.00 / hour	5.8 hours	$1,740.00
d.	Heather Graboyes @ $150.00 / hour	21.2 hours	$3,180.00
e.	Lynda Crate @ $150.00 / hour	.9 hours	$135.00

7. Petitioner therefore requests that an Order be entered by this Court awarding Petitioner a reasonable fee and costs for the services rendered by Petitioner for the benefit of the Ward, and authorizing the Guardian to pay to Petitioner from the assets of the Ward the fee awarded and the expenses incurred by Petitioner.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief.

Robert J. Hauser
Partner

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via e-mail/e-service to: **Sheri L. Hazeltine, Esquire**, 800 Palm Trail, Suite 3, Delray Beach, FL 33483 (sheri@hazeltinelaw.com). **Brian M. O'Connell, Esquire**, 515 N. Flagler Dr., 20th Floor, West Palm Beach, FL 33401 (service@ciklinlubitz.com, probateservice@ciklinlubitz.com), and via regular U.S. Mail to: **James Vassallo**, 107 Westbury, Bldg. E, Deerfield Beach, FL 33442, **Susan Mast**, 9324 Ketay Circle, Boca Raton, Florida 33428, **Albert Vassallo, Jr.**, 666 Rosevale Avenue, Lake Ronkonkoma, NY 11779, **Ralph Vassallo**, 303 Lake Avenue South, Nesconset,

NY 11767, **Jacqueline S. Cantela**, 26 Parkside Ave., Miller Place, NY 11764, **Marie Vassallo-Castagnette**, 433 Mills Rd., Unit #26, Calverton NY 11933, this 24th day of July, 2015.

PANKAUSKI LAW FIRM, P.L.L.C.
120 South Olive Avenue, Suite 701
West Palm Beach, FL 33401
Phone: (561) 514-0900
courtfilings@pankauskilawfirm.com

By: /s/ John J. Pankauski
John J. Pankauski
Florida Bar No.: 0982032



PLEASANTON, GREENHILL,
MEEK & MARSAA

330 CLEMATIS STREET, STE 208
WEST PALM BEACH, FL 33401
561.833.7801 FAX 561.833.7809
WWW.PLEASANTONGREENHILL-MEEK.COM

INVOICE

Invoice No.	Invoice Date	Job No.
53978	12/5/2014	11610
Job Date	**Case No.**	
12/4/2014	502014GA000369XXXXSB	
Case Name		
Guardianship of Albert Vassallo		
Payment Terms		
Net 30		

Robert Hauser, Esq.
Pankauski Law Firm, PLLC
120 S Olive Ave.
Suite 701
West Palm Beach, FL 33401

HEARING BEFORE:
Judge French
Per Diem 95.00

TOTAL DUE >>> $95.00
AFTER 1/4/2015 PAY $96.43

Reference No. : TM2391
8:45-9:40

Pleasanton, Greenhill, Meek & Marsaa does not abdicate payment responsibility to third parties.
Past due invoices in excess of 30 days shall bear interest at 18% annually.
Above-named addressee agrees to pay all costs of collection, including attorney's fees.

Tax ID 65-0959121 Phone: 561.514.0906 Fax:

Please detach bottom portion and return with payment

Robert Hauser, Esq.
Pankauski Law Firm, PLLC
120 S Olive Ave.
Suite 701
West Palm Beach, FL 33401

Job No. : 11610 BU ID : 1-MAIN
Case No. : 502014GA000369XXXXSB
Case Name : Guardianship of Albert Vassallo

Invoice No. : 53978 Invoice Date : 12/5/2014
Total Due : $95.00
AFTER 1/4/2015 PAY $96.43

PAYMENT WITH CREDIT CARD

Cardholder's Name:
Card Number:
Exp. Date: Phone#:
Billing Address:
Zip: Card Security Code:
Amount to Charge:

Remit To: **Pleasanton, Greenhill, Meek & Marsaa**
330 Clematis Street
Suite 208
West Palm Beach, FL 33401

Subject: Re: Vassallo

From: Elizabeth Savitt (savittguardians@gmail.com)

To: james.vassallo@yahoo.com;

Date: Friday, July 31, 2015 5:44 PM

James,
Don't forget, Savittguardians returned 7,304.30 duplicate check error. All of your check requests have court orders/mediated settlement agreement orders, and all of the guardianship accounting will be filed in a month and will be checked by the clerk of court for approval by the court. You will receive copy of the filing.

On Fri, Jul 31, 2015 at 3:48 PM, Elizabeth Savitt <savittguardians@gmail.com> wrote:

James,

Attached are all of the checks that you requested.

Betsy Savitt.

On Fri, Jul 31, 2015 at 12:14 PM, James Vassallo <james.vassallo@yahoo.com> wrote:

Betsy, Thank you for sending me a copy of the check paid to Dayscape. Now, could you send me copies of the following checks written from my fathers checking account so that I have them for my records? Thanks, James

Checks:

#133 3/10/15
#138 4/14/15
#139 4/14/15
#141 5/14/15
#142 5/14/15
#144 6/8/15
#145 6/8/15

8-18-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE:

GUARDIANSHIP OF
ALBERT VASSALLO, SR.

Incapacitated Person.
_____/

PROBATE DIVISION IX
CASE NO. 502014GA000369XXXXSB

ORDER SPECIALLY SETTING HEARING

The following Matter has been specially set for hearing before Judge David E. French in Courtroom 2A of the South County Courthouse, 200 West Atlantic Avenue, Delray Beach, Florida, 33444.

DATE: Tuesday, August 18, 2015

TIME: 2:30 p.m. to 3:00 p.m. (30 minutes reserved)

MATTER: **Amended Petition for Order Authorizing Payment of Attorney's Fee and Expenses dated July 24, 2015**

The Attorneys/Parties must submit directly to the Court no later than seven (7) days prior to the hearing:

1. Copies of all relevant pleadings
2. Original* Memoranda of Law(*see A.O.2.301)
3. Copies of case law authority
4. Proposed order and/or judgment with copies and self addressed stamped envelopes for all parties

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH FILED
2015 AUG -7 PM 1:16

NOTE: This hearing is specially set by Court Order and CANNOT BE CANCELLED, RESET OR ADDED ON TO EXCEPT BY FURTHER COURT ORDER.

DONE AND ORDERED this 6 day of Aug., 2015 in Delray Beach, FL, Palm Beach County, Florida.

David E. French
DAVID E. FRENCH, Circuit Judge

8-20-15 ?

Subject: Susan Mast

From: Savitt Guardians (savittguardians@gmail.com)

To: James.vassallo@yahoo.com;

Date: Thursday, August 20, 2015 2:00 PM

James,

Here is the payments for Susan Mast. She has paid $3,195.44 from her loan. It is being deducted from her monthly payment.

Thanks,

Elizabeth Savitt

Table 1

Month	Bus	expenses	caretaking	loan	Total paid
January	100.00	680.00	2,083	-399.43	2,463.57
February				-399.43	2,463.57
March				-399.43	2,463.57
April				-399.43	2,463.57
May				-399.43	2463.57
June				-399.43	2463.57
July				-399.43	2463.57
August				-399.43	2463.57
September					
October					
November					
December					
TOTAL				-3195.44	19708.56

inheritance /trust distribution.

SUSAN MAST

Susan will execute a promissory note for $54,000 to Elizabeth Savitt, as Guardian of Albert Vassallo at 4% per annum with interest. Upon maturity of the note, an additional payment of $2,160 shall be made which represents accrued interest from November 15, 2013 to present. Note is payable at the earlier of (1) death of Al Sr., or (2) under 15-year amortization schedule. First payment is due January 1, 2015. Entire balance due is secured by Susan's expected inheritance/trust distribution.

ELECTRONIC WITHDRAWALS.

Susan will separately execute a promissory note for $8,000 to the Guardianship of Albert Vassallo at 4% per annum with interest running from September 9, 2014. Note is payable at the earlier of (1) death of Albert Vassallo, Sr., or (2) pursuant to 15 year amortization schedule. First Payment is due January 1, 2015. Entier balance due would be secured by Susan's expected inheritance/trust distribution. This promissory note will be held in escrow by the Guardianship of Albert Vassallo, Sr., unless and until the Guardian has determined in good faith and in her sole discretion that Susan Mast has failed to account for the $8,128.00 in electronic withdrawals as follows, or if the withdrawals did not benefit the Ward:

$1,482.68	12/11/13
1,288.25	2/12/14
1,298.44	5/28/14
2,254.31	7/20/14
1,504.32	8/2014

If the Guardian determines that the withdrawals benefited the Ward, it will return the original signed $8,000 note to Susan Mast. If the Guardian chooses to enforce the note, it will give written notice to Susan Mast through her attorney of the decision to enforce the note and the amounts due, adjusted based on the amounts, if any, that benefited the Ward. Susan will present her evidence of the use of the funds within 30 days of today, December 1, 2014.

EXPENSES

During the time the Ward resides with Susan Mast, the parties agree on a current expense budget of $820.00 monthly, based on the following:

$ 140.00	Bus Company Tops
150.00	Health and cosmetics, depends, razor, Vitamins
80.00	Petty cash for movies/personal
450.00	Food
$ 820.00	Total

less bus fare if paid by the Guardian.

The parties also agree on $2,083 per month to Susan Mast as compensation for care of the Ward, if and so long as the current schedule continues (5 hours of care x 6 days per week; 8 hours on Sunday)

RELEASES

All Parties shall exchange mutual general releases including (in all fiduciary capacities, including, but not limited to, attorney-in-fact, trustee, and/orguardian) except as to the Parties performance of this agreement.

IN RE: GUARDIANSHIP OF
Albert Vassallo, Sr. Incapacitated
Case No. 502014GA000969XXXXSBIX

If the Guardian determines that the withdrawals benefited the Ward, it will return the original signed $8,000 note to Susan Mast. If the Guardian chooses to enforce the note, it will give written notice to Susan Mast through her attorney of the decision to enforce the note and the amounts due, adjusted based on the amounts, if any, that benefited the Ward. Susan will present her evidence of the use of the funds within 30 days of today, December 1, 2014.

EXPENSES

During the time the Ward resides with Susan Mast, the parties agree on a current expense budget of $820.00 monthly, based on the following:

$ 140.00	Bus Company Tops
150.00	Health and cosmetics, depends, razor, Vitamins
80.00	Petty cash for movies/personal
450.00	Food
$ 820.00	Total

less bus fare if paid by the Guardian.

The parties also agree on $2,083 per month to Susan Mast as compensation for care of the Ward, if and so long as the current schedule continues (5 hours of care x 6 days per week; 8 hours on Sunday)

RELEASES

All Parties shall exchange mutual general releases including (in all fiduciary capacities, including, but not limited to, attorney-in-fact, trustee, and/orguardian) except as to the Parties performance of this agreement.

Table 1

January	100.00	660.00	2,063	-399.43	2,463.57
February				-399.43	2,463.57
March				-399.43	2,463.57
April				-399.43	2,463.57
May				-399.43	2463.57
June				-399.43	2463.57
July				-399.43	2463.57
August				-399.43	2463.57
September					
October					
November					
December					
TOTAL				-3195.44	19706.56

9-10 '15

IN THE DISTRICT COURT OF APPEAL
FOURTH DISTRICT, STATE OF FLORIDA

JAMES VASSALLO,

Appellant/Petitioner,

CASE NO. 4D15-2449
L.T. CASE NO.: 502014GA000369XXXSB

v.

ELIZABETH SAVITT,

Appellee/Respondent.
_____/

APPELLEE'S RESPONSE TO APPELLANT'S MOTION FOR EXTENSION OF TIME TO SERVE INITIAL BRIEF

Appellee, ELIZABETH SAVITT, in her capacity as Guardian of Albert Vassallo, Sr., by and through the undersigned counsel, hereby files her Response to Appellant's Motion for Extension of Time to File Initial Brief dated September 9, 2015 and states:

1. The Appellee has no objection to Appellant's request for a forty-five (45) day enlargement of time to serve his initial brief.

I HEREBY CERTIFY that a true copy of the foregoing has been served this 10th day of September, 2015 via e-mail and U.S. mail upon: **James Vassallo,** pro se, 107 Westbury Building E, Deerfield Beach, FL 33422 [james.vassallo@yahoo.com].

Respectfully submitted,

/s/Robert J. Hauser
Robert J. Hauser
B.C.S. (Appellate Practice)
Florida Bar No. 0055141
PANKAUSKI LAW FIRM PLLC
120 South Olive Avenue
Guaranty Building Suite 701
West Palm Beach, Florida 33401
(561) 514 0900
hauser@pankauskilawfirm.com
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Filing # 35903700 E-Filed 12/24/2015 12:09:35 PM

IN THE CIRCUIT COURT FOR **Palm Beach** COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

Albert Vassallo

PROBATE DIVISION

File Number **502014GA000369XXXXSB**

Division **Probate**

ANNUAL ACCOUNTING OF GUARDIAN OF PROPERTY

ANNUAL ACCOUNTING
FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SUMMARY

I.	Starting Balance			
	Assets per Inventory or Assets on Hand at Close of Last Accounting Period			$ 35,218.61
II.	Receipts			
	Schedule A - Income	$ 301.14		
	Principal	$ 717,446.32	$ 717,747.46	
	Sub Total		$ 752,966.07	
III.	Disbursements and Distributions			
	Schedule B - Income	$ 0.00		
	Principal	$ 140,083.85	$ 140,083.85	
	Sub Total		$ 612,882.22	
IV.	Capital Transactions and Adjustsments			
	Schedule C - Net Gain or (Loss)		$ 52,414.27	
V.	Assets on Hand at Close of Accounting Period			
	Schedule D - Cash and Other Assets		$ 665,296.49	

NOTE: See Appendix A, Rule 5.346, Florida Probate Rules for instructions relating to summary and all schedules

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - A Receipts During Period

Does not include receipts from sale or other dispositions of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #xxxxxx2772		
10/09/14	Interest	0.02	
	Chase Bank a/c #438601234		
10/09/14	Tfr fr Chase Bank a/c #xxxxxx2772 (closed)		131.07
10/10/14	Deposit from Chase Bank (CD) a/c #xxxxxx3839 (Estate)		13,758.16
10/14/14	Deposit from Chase Bank Savings a/cxxxx3828 (Estate)		0.08
10/16/14	Interest	0.03	
11/03/14	Tfr fr People's United Bank - a/c #53363H		45.35
11/05/14	Deposit - First Sun/United States Life Insurance		250.00
11/07/14	Deposit - SSA & VA		2,597.03
11/18/14	Interest	0.10	
11/19/14	Deposit from Chase Bank (CD) a/c #xxxxxx1754 (Estate)		200,620.13
11/19/14	Deposit from Chase Bank (CD) a/c #xxxxxx1218 (Estate)		120,674.13
11/21/14	Deposit - First Sun/United States Life Insurance		250.00
11/26/14	Deposit - First Sun/United States Life Insurance		250.00
12/03/14	SSA Treasury 310		1,040.00
12/15/14	Interest	2.41	
12/26/14	Dividend - Prudential Inc.	45.24	
12/30/14	Deposit - First Sun/United States Life Insurance		250.00
01/02/15	SSA Treasury 310		1,060.00
01/06/15	Deposit - Asbestos (Weitzer & Luxenberg)		377.87
01/16/15	Interest	2.79	
02/02/15	Deposit - First Sun/United States Life Insurance		250.00
02/03/15	SSA Treasury 310		1,060.00
02/17/15	Interest	2.64	
		$ 53.23	$ 342,613.82

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - A Receipts During Period

Does not include receipts from sale or other dispositions of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #438601234		
02/27/15	Deposit - First Sun/United States Life Insurance		250.00
03/03/15	Deposit - Sale of Condominium (108 Westbury E, Deerfield)		41,782.32
03/03/15	SSA Treasury 310		1,060.00
03/05/15	VACP Treasury 310 - Retroactive payment		6,258.00
03/16/15	Interest	2.38	
03/31/15	Deposit - First Sun/United States Life Insurance		250.00
04/01/15	VACP Treasury 310		1,567.00
04/03/15	SSA Treasury 310		1,060.00
04/14/15	Deposit from Bank United (CD) a/c #xxxxxx3096 (Estate)		114,347.64
04/14/15	Deposit from Bank United (CD) a/c #xxxxxx5277 (Estate)		111,759.55
04/14/15	Deposit from Bank United (CD) a/c #xxxxxx3525 (Estate)		17,240.93
04/14/15	Deposit from Bank United (CD) a/c #xxxxxx3947 (Estate)		7,770.77
04/15/15	Interest	2.82	
04/23/15	Bank Fee Reversal		6.00
04/23/15	Bank Fee Reversal		6.00
04/23/15	Bank Fee Reversal		6.00
04/23/15	Bank Fee Reversal		6.00
04/23/15	Tfr fr NY Community Bank (CD) a/c #xxxxxx3099 (closed)		11,141.99
04/23/15	Tfr fr NY Community Bank (CD) a/c #xxxxxx1747 (closed)		11,341.21
04/23/15	Tfr fr NY Community Bank (CD) a/c #xxxxxx8115 (closed)		3,354.22
04/23/15	Interest - Prudential Inc	45.24	
04/23/15	Tfr fr People's United Bank - a/c #53363H		45.30
04/27/15	Deposit - Reverse pymt made to E. Savitt		7,304.30
04/30/15	Deposit - First Sun/United States Life Insurance		250.00
05/01/15	VACP Treasury 310		1,567.00
05/01/15	SSA Treasury 310		1,060.00
		$ 50.44	$ 339,434.23

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - A Receipts During Period

Does not include receipts from sale or other dispositions of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #438601234		
05/08/15	Interest - Prudential Inc	41.34	
05/18/15	Interest	4.87	
05/18/15	Tfr fr Peoples United (CD) a/c #53363H		2,028.76
05/18/15	Tfr fr People's United Bank - a/c #53363H		45.51
05/29/15	Deposit - First Sun/United States Life Insurance		250.00
06/01/15	VACP Treasury 310		1,567.00
06/03/15	SSA Treasury 310		1,060.00
06/15/15	Interest	5.09	
06/18/15	Dividend - Prudential Inc.	45.24	
06/30/15	Deposit - First Sun/United States Life Insurance		250.00
07/02/15	SSA Treasury 310		1,060.00
07/08/15	VACP Treasury 310		1,567.00
07/15/15	Interest		4.91
07/30/15	APA Treasury 310		10,339.20
0731/15	VACP Treasury 310		1,567.00
07/31/15	Deposit - First Sun/United States Life Insurance		250.00
08/03/15	SSA Treasury 310		1,060.00
08/17/15	Interest	5.47	
08/31/15	Deposit - First Sun/United States Life Insurance		250.00
09/01/15	VACP Treasury 310		1,537.08
09/03/15	SSA Treasury 310		1,060.00
09/16/15	Interest	4.88	
09/17/15	Dividend - Prudential Inc.	45.24	
09/30/15	Deposit - First Sun/United States Life Insurance		250.00
		$ 152.13	$ 24,146.46

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - A Receipts During Period

Does not include receipts from sale or other dispositions of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #3022282452		
10/10/14	Deposit - Open Account		11,251.81
10/21/14	Interest	0.08	
10/31/14	Interest	0.09	
11/28/14	Interest	0.26	
12/31/14	Interest	0.21	
01/30/15	Interest	0.28	
02/27/15	Interest	0.26	
03/31/15	Interest	0.30	
04/30/15	Interest	0.28	
05/29/15	Interest	0.27	
06/30/15	Interest	0.29	
07/31/15	Interest	0.29	
08/31/15	Interest	0.29	
09/30/15	Interest	0.28	
	Am Trust (New York Community Bank) - xxxx3099		
04/23/15	Interest	1.23	
	Am Trust (New York Community Bank) - xxxx1747		
04/23/15	Interest	40.54	
	Am Trust (New York Community Bank) - xxxx8115		
04/23/15	Interest	0.39	
		$ 45.34	$ 11,251.81

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #xxxxxx2772		
10/09/14	Tfr to Chase Bank a/c #438601234		131.07
	Chase Bank a/c #438601234		
10/21/14	Chk #9993 - Freedom Credit Card payment (Pre Guardianship)		786.96
10/22/14	Chk #9991 - Dayscape Senior Activity Ctr		1,020.00
10/27/14	Chk #5901 - FPL		111.25
10/27/14	Chk #9992 - Chase Credit Card (Pre Guardianship)		103.00
10/28/14	Chk #5902 - Bay Management		30.00
10/29/14	Chk #0102 - Elizabeth Savitt (Retainer fee incl. in c/o 3/31/15)		3,000.00
11/03/14	Chk #0103 - Chase Credit Card (PRC Guardian)		66.00
11/05/14	Chk #0106 - Westbury Condo Fees		196.21
11/06/14	Debit - Seacrest Service Inc (Property Management)		196.21
11/06/14	Debit - Seacrest Service Inc (Property Management)		116.00
11/06/14	Debit - Seacrest Service Inc (Property Management)		98.00
11/24/14	Chk #0110 - Broward County Tax Collector		860.21
11/24/14	Chk #0105 - Randa Parish (miscl office work)		125.00
11/25/14	Chk #0114 - FPL		22.87
11/26/14	Chk #0112 - West Boca Medical Ctr		65.00
12/02/14	Chk #0113 - West Boca Medical Ctr		367.00
12/03/14	Chk #0109 - Dayscape Senior Activity Ctr		816.00
12/05/14	Chk #0117 - Dr. Blume		350.00
12/08/14	Chk #0115 - Judge Cook (mediation service)		2,600.00
12/08/14	Debit - Seacrest Service Inc (Property Management)		196.21
12/08/14	Debit - Seacrest Service Inc (Property Management)		116.00
12/08/14	Debit - Seacrest Service Inc (Property Management)		98.00
12/08/14	Chk #0119 - Dr. Calver		75.00
		$ 0.00	$ 11,545.99

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #438601234		
12/11/14	Chk #0116 - Dr. Phillip Heller		300.00
12/22/14	Chk #0120 - US Legal Support (hearing)		120.00
12/22/14	Chk #0121 - FPL		11.96
01/06/15	Chk #0124 - Sheri Hazeltine (Attorney fees) C/O 1/6/15		8,039.26
01/06/15	Chk #0122 - C/O 01/06/15 Fees to Clifford Hark		3,000.00
01/07/15	Debit - Seacrest Service Inc (Property Management)		201.64
01/07/15	Debit - Seacrest Service Inc (Property Management)		120.00
01/07/15	Debit - Seacrest Service Inc (Property Management)		98.00
01/13/15	Chk #0126 - Dayscape Senior Activity Ctr		884.00
01/13/15	Chk #0125 - Attorney - Brian O'Connell C/O 12/23/14		6,740.90
01/13/15	Chk #0123 - Reimb Cheryl Canty C/O 1/6/15		5,000.00
01/21/15	Chk #0127 - FPL		10.20
02/06/15	Debit - Seacrest Service Inc (Property Management)		201.64
02/06/15	Debit - Seacrest Service Inc (Property Management)		120.00
02/06/15	Debit - Seacrest Service Inc (Property Management)		98.00
02/17/15	Chk #0109 - Dayscape Senior Activity Ctr		816.00
03/02/15	Chk #0130 - FPL		31.99
03/10/15	Chk #0133 -Elizabeth Savitt (reimb Guardian fee) C/O 3/31/15		7,304.30
03/16/15	Chk #0131 - Dayscape Senior Activity Ctr		884.00
03/16/15	Chk #0134 - Chase Credit Card (final pymt - Pre guardianship)		2,945.95
03/23/15	Chk #0135 - Sheri Hazeltine (Attorney fee) C/O 3/12/15		5,028.78
04/03/15	Chk #0134 - Chase Credit Card (Interest pymt)		18.29
04/06/15	Chk #0137 - Prudential Insurance Premium		299.40
04/09/15	Bank Fee - Stmt copies		6.00
04/14/15	Chk #0138 - Susan Mast - 3 mths Caretaking fees per Mediation Settlemenet Agreement (Caretaking services		7,390.71
		$ 0.00	$ 49,671.02

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #438601234		
	3 X $2,863.00 less loan payment 3 X $399.43)		
04/14/15	Chk #0139 - Elizabeth Savitt (dupilicate pmt reimb on 4/27/15)		7,304.30
04/14/15	Bank Fee - Stmt copies		6.00
04/14/15	Bank Fee - Stmt copies		6.00
04/14/15	Bank Fee - Stmt copies		6.00
04/28/15	Chk #0140 - Dayscape Senior Activity Ctr		1,095.00
05/12/15	Chk #0143 - Dayscape Senior Activity Ctr		876.00
05/14/15	Chk #0142 - Susan Mast - Caretaking fees per Mediation		2,463.57
	Settlemenet Agreement (Caretaking services $2,863.00		
	less $399.43 loan payment		
05/14/15	Chk #0141 - Susan Mast - Caretaking fees per Mediation		2,463.57
	Settlemenet Agreement (Caretaking services $2,863.00		
	less $399.43 loan payment		
06/08/15	Chk #0144 - Susan Mast - Caretaking fees per Mediation		2,463.57
	Settlemenet Agreement (Caretaking services $2,863.00		
	less $399.43 loan payment		
06/08/15	Chk #0145 - Susan Mast - Caretaking fees per Mediation		2,463.57
	Settlemenet Agreement (Caretaking services $2,863.00		
	less $399.43 loan payment		
06/08/15	Chk #0146 - Walgreens Pharmacy		189.88
06/09/15	Chk #0147 - Dayscape Senior Activity Ctr		1,095.00
07/13/15	Chk #0149 - Dayscape Senior Activity Ctr		949.00
07/28/15	Chk #0151 - Dr. Marvin Stein (co-pay)		15.00
07/29/15	Chk #0150 - Humana Insurance		59.00
07/30/15	Chk #0152 - Palm Beach County Ambulance Srv		150.00
08/05/15	Chk #0153 - West Boca Med. Center		510.00
08/06/15	Chk #0154 - Humana Insurance		29.50
08/12/15	Chk #0155 - Sheri Hazeltine (Attorney fee) C/O 7/28/15		474.63
		$ 0.00	$ 22,619.59

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #438601234		
08/17/15	Chk #0156 - Dayscape Senior Activity Ctr		730.00
08/17/15	Chk #0153 - West Boca Med. Center		170.00
08/24/15	Chk #0159 - Ambulance Fee		200.00
08/25/15	Chk #0160 - John Pankauski - (Attorney Fee) C/O 8/18/15		18,544.70
08/26/15	Chk #0158 - Susan Mast - Caretaking fees per Mediation Settlemenet Agreement (Caretaking services $2,863.00 less $399.43 loan payment)		2,463.57
09/02/15	Chk #0161 - Susan Mast - Caretaking fees per Mediation Settlemenet Agreement (Caretaking services $2,863.00 less $399.43 loan payment)		2,463.57
09/08/15	Chk #0162 - Humana Insurance		29.50
09/10/15	Chk #0163 - Dayscape Senior Activity Ctr		1,168.00
09/29/15	Chk #0161 - Susan Mast - Caretaking fees per Mediation Settlemenet Agreement (Caretaking services $2,863.00 less $399.43 loan payment)		2,463.57
	Chase Bank a/c #3022282452		
04/14/15	Bank Fee		6.00
04/30/15	Bank Fee		6.00
	People's United Bank - a/c #53363H		
11/03/14	Tfr to Chase Bank a/c #438601234		45.35
04/23/15	Tfr to Chase Bank a/c #438601234		45.30
05/18/15	Tfr to Chase Bank a/c #438601234		45.51
05/18/15	Tfr to Chase Bank a/c #438601234		2,028.76
		$ 0.00	$ 30,409.83

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	NY Community Bank (CD) a/c #xxxxxx3099		
04/21/15	Tfr to Chase Bank a/c #438601234		11,141.99
	NY Community Bank (CD) a/c #xxxxxx1747		
04/21/15	Tfr to Chase Bank a/c #438601234		11,341.21
	NY Community Bank (CD) a/c #xxxxxx8115		
04/21/15	Tfr to Chase Bank a/c #438601234		3,354.22
		$ 0.00	$ 25,837.42

Savitt Guardians

Elizabeth "Betsy" Savitt
501 N Country Club Dr.
Atlantis, FL 33462
Phone: 561-573-1292 | Fax: 561-439-6765

Account Statement

Prepared for Albert Vassallo

Re: Limited Guardianship

Previous Invoice Amount	$0.00
Last Payment Received	$0.00
Previous Balance	$(3,000.00)
Current Charges	$10,304.30
Total Due	$7,304.30

Matter: Limited Guardianship

Albert Vassallo

IN THE FIFTEENTH JUDICIAL CIRCUIT COURT

IN AND FOR PALM BEACH COUNTY, FLORIDA

CIVIL DIVISION

CASE NO: 502014GA000472

PROBATE DIVISION IB

IN RE: THE GUARDIANSHIP OF

ROBERT PAUL WEIN,

The Ward. /

CERTIFIED COPY

Deposition of ELIZABETH SAVITT

(Vol. II)

Wednesday, June 10, 2015

1601 Forum Place, Suite 610

West Palm Beach, Florida 33401

8:46 a.m. - 11:04 a.m.

Reported by:
Suzanne L. Anderson, Shorthand Reporter
Notary Public, State of Florida

APPEARANCES:

On behalf of the Petitioner:
Elder Law Associates, P.A.
7284 W. Palmetto Park Road, Suite 101
Boca Raton, Florida 33433
BY: ELLEN S. MORRIS, ESQUIRE

On behalf of Vita Wein:
Bruce S. Rosenwater & Associates, P.A.
1601 Forum Place, Suite 610
West Palm Beach, Florida 33401
BY: BRUCE S. ROSENWATER, ESQUIRE

Also present: Jody Rich

- - -

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Witness:		
ELIZABETH SAVITT		
BY MR. ROSENWATER		130

EXHIBITS MARKED

No:	Vita Wein's Exhibits	
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22	Emails from Jody Rich to Betsy Savitt	190
23	Email From Betsy Savitt to Jody Rich	207

(ALL EXHIBITS RETAINED BY MR. ROSENWATER.)

Certified Question: Page 146, Line 12

PROCEEDINGS

- - -

(Volume II)

- - -

Deposition of ELIZABETH SAVITT, a witness, taken by Counsel for Vita Wein for the purpose of discovery and for use as evidence in the above-entitled cause, pursuant to notice heretofore filed, before Suzanne L. Anderson, Shorthand Reporter, and Notary Public in and for the State of Florida at large, at 1601 Forum Place, Suite 610, West Palm Beach, Florida, on Wednesday, June 10, 2015, commencing at 8:46 a.m.

- - -

MS. MORRIS: Those are the documents that you asked for that are separate from the request to produce you sent, which is not due until I think the 14th. These are the documents that you asked Betsy for during her deposition certain questions. I made a note that I would produce them for you. A lot was communication with Dan Wein or other -- I think it was mostly Dan Wein. You asked for emails and other communications, so you have all of that there.

- - -

THEREUPON,
ELIZABETH SAVITT,
being by the undersigned Notary Public first duly sworn, was examined and testified as follows:

THE WITNESS: I do.

CONT. DIRECT (ELIZABETH SAVITT)

BY MR. ROSENWATER:

Q. Let me go through this real quick. Your attorney said you provided or she provided some documents that we requested at the last deposition. Those documents that were provided or handed to me was a 1040 U.S. Income Tax Return for Robert Wein just the first page. Do you know where the rest of the tax return is?

A. Can I see it?

MS. MORRIS: Just yes or no.

THE WITNESS: I'll find it. Yes. Maybe.

BY MR. ROSENWATER:

Q. So you're going to produce it?

MS. MORRIS: No, not necessarily. It may be privileged. You asked her if she knows where it is. She said yes.

MR. ROSENWATER: Well, I don't know if it's privileged. She provided the first page,

09:11:46-09:13:01 Page 131

so it's not privileged.
MS. MORRIS: That's what we're providing.
MR. ROSENWATER: Are you objecting that it's privilege? What's the privilege?
MS. MORRIS: I don't know yet. You can send a follow-up request to produce if you want the full tax return.
MR. ROSENWATER: We're not going to send a follow-up request. We requested documents pursuant to our duces tecum, and you haven't provided all of the documents. We'll take it up with the court.
MS. MORRIS: I've objected to the whole file that you -- and I produced the documents that I felt were not objectionable, Bruce.
MR. ROSENWATER: You provide the first page, but no other page of the tax return?
MS. MORRIS: That's right.
MR. ROSENWATER: We'll bring that up with the court.
BY MR. ROSENWATER:
Q. You produced some documents regarding a B of A core checking account 3992. It doesn't say whose account it was for. Whose account is this for?

09:13:33-09:15:14 Page 132

A. It's the guardianship account.
Q. When was that account opened?
A. I'm not sure.
Q. Are those complete records for that account?
A. Oh, here we go. September 29th.
Q. Are those the complete records for this account?
A. Yes.
Q. And whose handwriting is this on these accounts?
A. My assistant.
Q. Who is your assistant?
A. Kiriam.
Q. Who?
A. Kiriam.
Q. Is that the first name or last name?
A. Kiriam Ruiz.
Q. On 4/13/2015 there's check number 200 to Morgan Stanley. It says condo for $200,000. Can you explain that entry?
A. Can I see it? I think condo is a mistake. I'm not sure exactly, but I think this is the Paraveda funds that came back.
Q. It's what, for the court reporter?

09:15:31-09:16:19 Page 133

A. It's not condo. It's Paraveda.
Q. What is Paraveda?
A. Paraveda is an investment that Robert had that came due.
Q. So the --
A. It was sent to Morgan Stanley.
Q. Was that an investment or was that a promissory note?
A. Investment.
(Reporter clarification.)
THE WITNESS: P-A-R-A-V-E-D-A.
BY MR. ROSENWATER:
Q. Are there any other monies that are due from Paraveda?
A. No.
Q. Are there any promissory notes entered into with Paraveda?
A. No.
Q. Is there a number of outstanding promissory notes for monies that Robert Wein lent individuals and companies to?
MS. MORRIS: Objection. Relevance. Go ahead.
BY MR. ROSENWATER:
Q. Are there promissory notes?

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THE WITNESS: Am I supposed to answer?
MS. MORRIS: Yes. You can answer.
THE WITNESS: There are promissory notes, yes.
BY MR. ROSENWATER:
Q. Who are the promissory notes from?
MS. MORRIS: I want a standing irrelevant objection to this line of questioning.
THE WITNESS: I don't have them.
BY MR. ROSENWATER:
Q. Have you made any effort to collect on these promissory notes?
A. Yes.
Q. What efforts have you done?
A. Tried to collect them.
Q. How did you try to collect them?
A. They're all different.
Q. Tell me.
A. Well, they're in the inventory.
Q. They're in the inventory that these are monies that are owed to the guardianship, to the ward. But how did you collect them? In the inventory it said --
A. I'm in the process of collecting them.
Q. In the process? What are you doing? Have

09:17:16-09:18:02 Page 135

you sent out demand letters?
A. I've been calling and speaking to the people that owe the money.
Q. And your records reflect that?
A. Possibly.
Q. You've been the guardian for almost eight months now. These monies have been due and outstanding since that time. You filed no court action or sent any demand letters to these individuals or companies?
MS. MORRIS: Objection. Irrelevant and argumentative.
You can answer.
THE WITNESS: I've done many things to collect these monies.
BY MR. ROSENWATER:
Q. What are the many things that you've done?
A. Mostly telephone calls.
Q. And your records would reflect that?
A. Possibly.
Q. Have you collected any of these monies?
A. Not yet -- that's wrong. I take that back. I have collected some of them.
Q. What have you collected?
A. The interest from the Copa Cabana loan.

09:18:23-09:19:51 Page 136

Q. Is that note due?
A. It's not a -- it doesn't have a due date. I'm collecting interest.
MS. MORRIS: There's an irrelevant objection to all of those questions.
BY MR. ROSENWATER:
Q. On February 18, 2015, check number 182, you paid yourself $5,000 for guardianship fees. Did you get court approval for those fees?
A. No.
Q. On March 11th, 2015, check number 190 to Elder Law Associates for $4,146.85, did you get court approval for that check?
A. No.
Q. Have you petitioned the court for guardianship fees?
A. No.
Q. Do you intend to?
A. Yes.
Q. When do you intend to do so?
MS. MORRIS: Objection. Irrelevant.
BY MR. ROSENWATER:
Q. You can answer the question.
A. I don't know.
Q. On November 17, 2014, you wrote a check

09:20:14-09:21:23 Page 137

for $3,577.50 to Elder Law Associates. Did you get court approval for that?
A. No.
Q. On October 29th, 2014, you wrote a check to yourself for guardian fees for $3,000. Did you get court approval for that?
A. No.
MS. MORRIS: Standing irrelevant objection to all of these questions, please.
BY MR. ROSENWATER:
Q. On October 22nd, 2014, you wrote a check to Ellen Morris for $1,137.50. Did you get court approval?
A. No.
Q. On December 15, 2014, you wrote a check to Mitchell Kitroser for $13,972.52.
(Reporter clarification.)
MR. ROSENWATER: $13,972.52.
BY MR. ROSENWATER:
Q. Is that correct, you wrote a check to Mitchell Kitroser?
A. I did.
Q. Was that pursuant to a court order?
A. I believe so.
Q. Have you paid yourself more than the

09:21:57-09:22:42 Page 138

$5,000 and the $3,000 that I just asked you about?
A. No.
Q. Do you have billing records?
A. Yes.
Q. Did you bring those?
A. No.
Q. Weren't they asked for at the last deposition and requested as part of the notice of taking deposition duces tecum?
A. Yes.
Q. Why didn't you bring them?
A. I don't have them finished yet.
Q. Why didn't you bring what you had completed?
A. It doesn't let me do that.
Q. You can't print it out?
A. I can't print out the incomplete invoice.
Q. So from October 2014 to June 10th, 2015, you have not completed one invoice in this case?
A. I haven't invoiced for this guardianship yet, no.
Q. But you've paid yourself $8,000?
A. Yes.
Q. What was that based upon?
A. What was due and owing at the time I paid

09:22:50-09:23:42 Page 139

it.
Q. Off of your billing records?
A. Yes.
Q. And you can't print a partial billing record?
A. Not on my program.
Q. What program do you have?
A. Rocket Matter.
Q. Are you going to provide those records?
A. Yes.
Q. When are you going to provide those?
MS. MORRIS: Subject to any privilege redaction.
BY MR. ROSENWATER:
Q. When are you going to provide those records?
A. By the date that they're due.
Q. You have a gmail account?
A. Yes.
Q. And you communicate with Dan Wein via email at Dan Wein's email address: DWein5680@aol.com?
A. Yes.
Q. And you provided us with copies of emails that you've had with Dan Wein regarding Robert

09:23:51-09:25:07 Page 140

Wein?
A. Yes.
Q. The emails that you provided are all of the emails that you've had with Dan Wein since the beginning of this matter?
A. Yes.
Q. Now, on some of these emails you've redacted information from these emails. Why did you redact the information?
A. Because it wasn't specific to what we're here for today.
Q. What are you discussing with Dan Wein other than Robert Wein? What other matters are you discussing with him?
A. His healthcare, finances.
Q. Robert Wein's healthcare and finances?
A. Yes.
Q. That's not relevant to the guardianship?
A. It doesn't have anything to do with the annulment or the trust issues.
Q. Dan Wein sent you an email on November 20, 2014. The first half of the email is redacted. But it says thereafter: Insofar as Vita, I understand she is on Medicare. If so, she can see any doctor that accepts Medicare and pays the

09:25:23-09:26:33 Page 141

co-payment. The best approach is to have the marriage annulled and then have her go on Medicaid when all expenses are paid.
Did Dan Wein send you this email?
A. Yes.
Q. Whose idea was it to have the marriage annulled, yours or Dan Wein's?
A. I don't know.
Q. You don't know?
A. No.
Q. Did you have any emails with him or discussions with him prior to this email of November 20, 2014, regarding the annulment of the marriage?
A. I'm not sure.
Q. Why were these discussions made with Dan Wein regarding Robert Wein's marriage to Vita Wein?
A. I'm not sure.
Q. Why does Dan Wein have any standing to have this marriage annulled?
A. I don't know if he does.
Q. Why are you discussing this as the ward? Isn't that information that shouldn't be discussed with the brother, his marriage?
A. I can't prevent him from emailing me.

09:26:50-09:27:13 Page 142

Q. He emails you on November 20, 2014, at 10:00 p.m. saying: The best approach is to have the marriage annulled and then have her go on Medicaid when all expenses are paid. Is that correct?
A. That's part of that email.
Q. What is the rest of the email?
MS. MORRIS: Objection. The document speaks for itself.
MR. ROSENWATER: She said she's --
BY MR. ROSENWATER:
Q. What's the rest of the email?
MS. MORRIS: Well, obviously it's part of the email. There's already --
MR. ROSENWATER: She said that's --
MS. MORRIS: -- testimony that there's redactions as to the healthcare or other issues that are not relevant to what we're here for. I don't understand the question.
MR. ROSENWATER: Can you repeat the question.
(The preceding question was read back by the Reporter.)
MR. ROSENWATER: Go back to her answer.
(A portion of the record was read back by

09:27:54-09:28:50 Page 143

the Reporter.)
BY MR. ROSENWATER:
Q. What is the rest of the email?
A. It's right there.
Q. Here. Tell me what is the rest of the email.
MS. MORRIS: Objection to anything that's redacted. Obviously she's not testifying to that.
BY MR. ROSENWATER:
Q. I'm talking about the annulment.
A. In the rest of the email he's talking about Vita's social worker at Jewish Home Life in the Bronx, and that social worker told him that Vita was on Medicaid. He wants to know when did she go off Medicaid and back on Medicare, which she says she's presently on.
Q. What relevance does that have to do with ward?
A. I don't know.
Q. On November 20th Dan Wein emails you about having the marriage annulled. Then on November 21st, one day after that, you email Jody Rich and suggest that Vita -- the best approach is to have the marriage annulled and then have her go back on

09:29:10-09:29:58 Page 144

Medicaid when all expenses are paid, housing, doctors, hospital, et cetera. Is that correct?
A. If that's what you're reading.
Q. Well, look at it.
A. Yes.
Q. So Dan Wein on the 20th tells you that the marriage should be annulled. You email Jody Rich the next day saying, the best approach is to have the marriage annulled. Whose idea was it to have the marriage annulled, yours or Dan Wein's?
A. I don't know.
Q. You don't know?
A. No.
Q. At your last deposition you said that Robert Wein wanted his marriage annulled, and he told you in January of 2015. Do you recall that?
A. Yes.
Q. And you said that was the first time that came up, correct?
A. The first time it came up with Robert.
Q. So prior to January of 2015, Robert never said anything about his marriage being annulled?
A. I can't remember.
Q. Did you have any discussions with Robert prior to January of 2015 regarding these emails and

09:30:13-09:30:55 Page 145

discussions that you had with Dan Wein for the best approach for the marriage to be annulled so Vita can go on Medicaid?
A. No. That was concerning Jody's request for health insurance for Vita.
Q. So you've never had discussions with Robert Wein prior to January of 2015 --
A. No. I didn't say that.
Q. -- regarding the annulment of the marriage?
A. I didn't say that.
Q. When did you first have discussions with --
A. I don't remember exactly.
Q. Would your -- do you take notes? Do you have notes on the guardianship?
A. Some notes.
Q. Did you provide those notes?
A. They would be in the emails or --
MS. MORRIS: Unless they were objected to.
BY MR. ROSENWATER:
Q. You have other notes as well, correct?
A. No.
Q. You don't -- you visit Robert Wein on such and such date. You don't take notes on what took

09:31:09-09:32:09 Page 146

place on that visit? You don't have a journal?
A. No.
Q. How do you document what took place with the ward if anything needed to be done? For example, you met the ward today.
A. It would be in my billing.
Q. Your billing records would reflect conversations or the extent of what was done?
A. Possibly.
Q. If they're not in the billing records, where would they be?
A. Then I probably don't have them.
CERTIFIED QUESTION
BY MR. ROSENWATER:
Q. Did you speak with Mitchell Kitroser regarding the annulment of Robert Wein's marriage?
A. Yes.
MS. MORRIS: Objection.
MR. ROSENWATER: What is your objection?
MS. MORRIS: Mitchell Kitroser was the attorney for Robert Wein. The attorney/client privilege extends to fiduciaries. Betsy is Robert Wein's fiduciary. Any conversation that she had with Mitchell Kitroser is privileged attorney/client communication.

09:32:21-09:33:15 Page 147

MR. ROSENWATER: If there's a discussion. I've asked if she had any discussions. That's not privileged.
MS. MORRIS: It actually is.
MR. ROSENWATER: It is not.
MS. MORRIS: It is. And I'm directing you not to answer.
MR. ROSENWATER: That's not privileged. Again mark that. We'll certify that and bring that up before the court.
BY MR. ROSENWATER:
Q. So you're not going to testify that you had any discussions with Mitchell Kitroser?
A. No.
Q. Did you review his report that he filed with the court?
A. I did.
Q. Did his report indicate anything about Robert Wein's marriage?
A. I can't remember the report exactly. I'd have to read it again.
Q. When is the last time you read his report?
A. At the very beginning of the guardianship.
Q. I'm handing you the report of the court appointed counsel, which was Mitchell Kitroser.

09:33:29-09:34:16 Page 148

Have you seen that report before?
A. Yes.
Q. The report was signed on October 14, 2014, by Mitchell Kitroser, correct?
A. Signed, yes.
Q. And you read that report?
A. Yes.
Q. Did you have any objections to the report?
A. Not at the time.
Q. Do you have objections to the report now?
A. I don't know. I'll have to reread it.
Q. You said, not at the time. I mean, either you have objections or not. Have you filed any objections to the report?
A. No.
Q. What are your objections to the report, if any?
A. I would have to reread it and let you know if I have an objection.
Q. Wouldn't you know now?
A. No. I don't know. I haven't reread it since beginning of the guardianship.
Q. So you haven't looked at it since the beginning of the guardianship. But you're saying you may have objections to it. But you haven't

09:34:36-09:35:13 Page 149

filed any objections with the court?
MS. MORRIS: Objection. Argumentative.
MR. ROSENWATER: She can't answer the question. It's amazing.
BY MR. ROSENWATER:
Q. Let me direct your attention to page five of the report. Do you have page five?
A. You want me to read the whole report?
MS. MORRIS: No. He wants you to go to page five.
THE WITNESS: Okay.
BY MR. ROSENWATER:
Q. Do you see the stipulation as to the rights to be removed?
A. The rights that will be delegated to the guardian. Is that what you're looking at?
Q. No. On page five, the stipulation as to --
A. Stipulation, okay, uh-huh.
Q. And Mr. Kitroser says that Mr. Wein recalls that he remarried his former wife Vita and wishes to remain married. Have you read that before?
A. Yes.
Q. (Reading.) And for the purposes of this

09:35:32-09:36:28 Page 150

hearing in this matter, Mr. Wein states that he no longer has the need to marry in the future and has no need to retain this right. Correct?
A. Yes.
Q. When Mr. Kitroser filed this report, did you file any objections to that?
A. No.
Q. Do you object to his statement that Mr. Wein wishes to be remain married to his wife?
A. Do I what?
Q. Do you have an objection to his statement that Mr. Wein wishes to remain married?
A. I don't have an objection to what he's saying.
Q. And he was the court-appointed attorney for the ward, correct?
A. Yes.
Q. And your petition to annul is based upon statements that Robert Wein made to you?
MS. MORRIS: It's a petition for authority to annul. Let's just be clear what we're on. This is not the annulment petition. It's a petition for authority to annul.
MR. ROSENWATER: I understand that. But I'm trying to find out why there's even a basis

09:36:36-09:39:26 Page 151

for authority to annul.
BY MR. ROSENWATER:
Q. What is your basis for filing this petition?
A. Conversations with Mr. Wein.
Q. And Mr. Wein has said to you, I don't want to be married to Vita Wein?
A. Correct.
Q. When were those conversations?
A. I don't have the exact date.
MR. ROSENWATER: Let's enter this as Exhibit --
(Off-the-record discussion.)
(Vita Wein's Exhibit 20, Report of Court-Appointed Counsel.)
MR. ROSENWATER: Let's mark as Composite Exhibit 21 the additional documents that were produced today.
(Vita Wein's Exhibit 21, Documents Produced at Deposition.)
BY MR. ROSENWATER:
Q. Has Robert Wein ever had any recent discussions with you stating that he wanted to remain married?
A. He called me on the telephone.

09:39:46-09:40:42 Page 152

Q. When?
A. The day after our deposition.
Q. And what did he say?
A. He said -- I don't know exactly.
Q. Why did he call you?
A. I'm not sure.
Q. What did you say to him?
A. I just listened to him.
Q. You didn't say anything to him?
A. I asked him who was there.
Q. Who did he say?
A. He said Jody and Vita.
Q. And what else? That's it? That was your whole conversation?
A. No. It wasn't the whole conversation.
Q. What else did you speak with Robert on that day. And that would be May 20th, correct, because your deposition was taken on May 19th?
A. Yes.
Q. So it was approximately a little less than three weeks ago?
A. Yes.
Q. So Robert Wein called you on May 20th. And he said he -- he asked you. Strike that. Robert Wein called you on May 20th,

09:40:53-09:41:34 Page 153

correct?
A. Yes.
Q. And on May 20th did he have discussions with you regarding his marriage to Vita?
A. It wasn't a discussion, no.
Q. Did he say anything to you about his marriage being annulled?
A. No.
Q. Did he say that he wanted to be married to Vita?
A. Possibly.
Q. Well, what did he say to you?
A. I don't have it written in front of me.
Q. So you had a telephone conversation on May 20th with Robert Wein. You didn't visit him on that day. Would it be reflected in your billing records?
A. Yes.
Q. So your billing records would indicate what you talked to Robert Wein on May 20th about, correct?
A. Or my notes.
Q. So you have notes as well. Where do you take notes?
A. On my Rocket program.

09:41:43-09:42:17 Page 154

Q. Is that connected with your billing program?
A. Yes.
Q. So when you print your invoice, your notes would come up as well?
A. No. I have to print my notes.
Q. So your notes are separate? You don't have to finalize your billing to print your notes, correct?
A. Correct.
Q. Did you bring your notes on the guardianship file with you today?
A. No.
Q. Why not?
A. Because I haven't printed them yet.
Q. Weren't you asked for that at your last deposition?
A. Yes. But I haven't finished it yet.
Q. Did you say you were going to produce them at the deposition with the emails and the billing records?
A. No. I said I would produce them when they were due.
Q. I don't think so.
A. Well, I produced all of the emails.

09:42:28-09:43:10 Page 155

Q. You knew your deposition was renoticed for June 10th, and the purpose of renoticing the deposition was to go over the documents that were requested, right?
A. Correct.
MS. MORRIS: Objection. Argumentative.
BY MR. ROSENWATER:
Q. I guess we're going to have to continue your deposition again because you haven't provided the records. Is that okay with you?
A. No.
Q. Are you going to provide the records?
A. Yes.
MS. MORRIS: They're due on the 14th. You served your notice prior and asked for documents before your request for production due date. We gave you professional courtesy and produced whatever we could produce before that time. We filed an objection to your duces tecum in your depo, which was overbroad, and we'll produce whatever we're not objecting to according to your request for production.
MR. ROSENWATER: You had a notice of taking deposition pursuant to the guardian's deposition. You were supposed to provide those

09:43:20-09:43:57 Page 156

documents unless you had an objection. You didn't object to the billing records. You said you were going to provide the billing records.
MS. MORRIS: We objected in total to your notice as overbroad.
MR. ROSENWATER: We'll file a motion.
MS. MORRIS: Go right ahead. File whatever you want.
MR. ROSENWATER: You guys don't provide anything.
BY MR. ROSENWATER:
Q. So on May 20th you had a discussion with Robert Wein. You don't recall what was discussed in this conversation?
A. I do.
Q. What was discussed?
A. He called and he spoke. We didn't discuss anything.
Q. Well, when someone calls, isn't that a discussion? You responded to him, correct?
A. No.
Q. He just said, hello, Betsy, this is Robert Wein?
A. (Nodding head.)
Q. And you just sat there shaking your head

09:44:07-09:45:04 Page 157

and didn't respond?
A. Yes. He gave a speech.
Q. You said nothing?
A. Not until he was done.
Q. What did you say when he was done?
A. I said, who's there with you.
Q. Other than that, what did you say?
A. That's it.
Q. Did you discuss Larry Wein with him?
A. I don't think so.
Q. Would your notes reflect that?
A. They would.
Q. You said he gave a speech. What was the speech that he gave to you?
A. Something about, I don't want to change anything.
Q. Meaning his estate documents?
A. I don't know what he meant.
Q. And then after this discussion on May 20th, did you have any other discussions with Robert Wein regarding the annulment of his marriage or his estate documents?
A. He called again with Vita from Vita's phone. And I have to look to see exactly what he said.

09:45:15-09:45:56 Page 158

Q. You don't know what he said?
A. Well, he said something about, I want to pay for Vita.
Q. And what did you say to him?
A. I don't remember.
Q. And when was that conversation?
A. Sometime after the first conversation.
Q. So it was sometime after May 20th?
A. Yes. A couple days later.
Q. So less than two weeks ago?
A. Yes.
Q. And you don't recall the conversation?
A. I don't recall exactly the conversation.
Q. Well, can you paraphrase the conversation?
A. I just did.
Q. What do you recall of the conversation?
A. I just paraphrased it.
Q. Just that I want to pay for Vita?
A. I want to pay for Vita. I want to leave everything as it.
Q. Were there any other conversations with Robert after that conversation?
A. No.
Q. No other telephone conversations?
A. No.

09:46:05-09:46:39 Page 159

Q. Did you meet with him?
A. Yes.
Q. When did you meet with him?
A. I'll provide you with that date.
Q. You don't have that?
A. Not on me, no.
Q. Approximately?
A. Approximately sometime between then and now.
Q. When is then?
A. The last deposition.
Q. Well, it had to be after May 20th, correct?
A. Yes. It was after May 20th, correct.
Q. And then a few days after that you had a conversation with him, you said, a telephone conversation?
A. Right.
Q. It was after that conversation, correct?
A. I'm not sure.
Q. You don't review your notes and records before you come to these depositions?
A. It could have been before that. I was busy copying the emails.
Q. How many guardianships do you have right

09:46:49-09:47:35 Page 160

now?
A. I don't know exactly.
Q. What about approximately?
A. I have all different things. I have trusts. I have full plenary guardianships. I have guardian advocates. They're all different. When you say "guardianships," guardianships, I don't have very many.
Q. How many, less than five?
A. Six.
Q. These are six ongoing guardianships?
A. Yes.
Q. You're court appointed for each of them?
A. Yes.
Q. What other matters are you working on?
MS. MORRIS: Objection. Irrelevant. Don't answer.
MR. ROSENWATER: It's not.
MS. MORRIS: I'm instructing her not to answer, Bruce. Move on.
MR. ROSENWATER: It's relevant because she's not recalling anything. I want to know how busy she is. She can't provide these records.
MS. MORRIS: That's not what you asked.

09:47:41-09:48:20 Page 161

You asked what do they involve.
MR. ROSENWATER: I said, what other records are you working on, what other cases do you have.
MS. MORRIS: She said six.
MR. ROSENWATER: Six guardianships. She said she was busy and had other matters and she hasn't --
MS. MORRIS: What types of other cases?
MR. ROSENWATER: Yeah. What types of other cases.
MS. MORRIS: Okay. You can answer that.
THE WITNESS: I have guardian advocates.
BY MR. ROSENWATER:
Q. What is a guardian advocate?
A. Oh, boy. A guardian advocate is different from a regular guardianship. It deals with people who are incapacitated from birth.
Q. How many cases do you have?
A. I don't know exactly.
Q. Approximately.
A. Three.
Q. What other matters are you handling?
A. Special needs trusts.
Q. How many special needs trusts are you

09:48:33-09:49:35 Page 162

involved in?
A. Five.
Q. Any other matters you're presently working on?
A. Estates.
Q. Estate what?
A. Personal representative.
Q. How many estates?
A. Two.
Q. Court appointed?
A. Yes.
Q. Any other matters?
A. No.
Q. On November 28th, 2014, you have an email with Dan Wein regarding the eviction of Larry Wein. Is that it?
A. Yes.
Q. Yes? Correct?
A. Yes.
Q. Why did you get involved in Larry Wein's eviction?
A. Bob asked me to.
Q. Those are in your notes?
A. No.
Q. Larry Wein is an adult, right?

09:50:01-09:51:34 Page 163

A. Yes.
Q. Again, in this email on Friday, November 28th, Dan Wein says: Bob's marriage to Vita has to be annulled. I prepared a brief delineating the reasons to annul the marriage and reversed, revised and restated trust of August 25th, 2014. I will email the brief to you within a day or so.
Did you provide that brief?
A. I believe so, yes.
Q. So Dan Wein emails you on Wednesday, December 31st, 2014: Have you made progress on the reversal of the trust and annulment of the marriage. Was my brief of any help to you?
Is he telling you what to do regarding this guardianship?
A. He's sending emails.
Q. You're aware that Dan Wein took out a large amount of money from Robert Wein's accounts prior to this guardianship? Are you aware of that?
A. No.
Q. Bob Wein never told you that?
A. No.
Q. No one ever told you that?
A. No.

09:51:41-09:52:47 Page 164

Q. Did Jody Rich tell you that?
A. No.
Q. Jody Rich never said that?
A. No.
Q. Didn't she give you a note telling you about that?
A. What are we referring to?
Q. That Dan Wein took a large amount of money from Bob Wein?
A. A large amount of money? How much money are we talking about?
Q. $100,000.
A. No. I didn't hear that.
Q. Did you know that Dan Wein tried to take $200,000 after his power of attorney was revoked from Robert Wein's account?
A. No.
Q. Do you feel it's appropriate to talk to Dan Wein regarding these issues?
A. What issues?
Q. His annulment and financial issues?
A. If I need to.
Q. Why do you need to speak to him regarding these issues?
A. Which issues?

09:52:58-09:53:40 Page 165

Q. The annulment and amending the estate documents?
A. He has a lot of documentation.
Q. What documentation does he have?
A. Whatever he's given us.
Q. What has he given you? I'm asking you.
A. Anything we have that came from Dan, documentation, or Jody. I started the guardianship with nothing, so...
Q. So you started the guardianship with nothing and Dan Wein and Jody Rich provided you with documentation?
A. Correct.
Q. When you went to court the first time regarding this matter, did you meet with Jody Rich?
A. I met her, yes.
Q. Did she provide a package to you?
A. Sometime later she sent a package.
Q. What was in the package?
A. I don't recall exactly. I have it in my file.
Q. Was it the estate documents for Robert Wein?
A. Some of them, yes.
Q. So at your last deposition you said that

09:53:54-09:54:57 Page 166

Ellen Wein provided -- Ellen Morris provided those documents to you. Who provided the estate documents for Robert Wein to you, Jody Rich or Ellen Morris?
A. Well, there are lots of estate documents, so I don't know which ones you're asking about.
Q. At some time Jody Rich provided these documents to you, estate documents?
A. Correct. Correct.
Q. And you're aware that she had these estate documents?
A. I have to look in the file to see which ones she had. I'm sure she had -- I know she had the second trust.
Q. Did you ever ask her how she got these estate documents?
A. I don't think so, no.
Q. Your attorney is alleging that these documents are privileged?
A. Correct.
Q. You sent an email to Dan Wein on January 30, 2015. It says: I hear you, and I'm making an appointment with Bob to take him to see my attorney. I will let you know when. I had a very nice call with Bob. He said nice things about you.

09:55:10-09:56:11 Page 167

Do you recall this email?
A. Yes.
Q. What did Bob say?
A. In his conversation with me?
Q. Yeah, on January 30th, 2015.
A. He said that he loved his brother and he wanted to redact anything negative he's ever -- he has said to anyone about his brother.
Q. So you can remember this conversation on January 30th, 2015, which was almost six months ago, but you can't recall your conversation last week with Bob Wein?
MS. MORRIS: Objection. Argumentative. Stating facts not in evidence. That's not what she testified to.
BY MR. ROSENWATER:
Q. You say: I'm making an appointment with Bob to take him to see my attorney. What were you taking Bob to see the attorney for?
A. He wanted to annul the marriage and change his trust documents.
Q. This was after he was already determined to be incapacitated and show that he had dementia, correct?
A. Correct.

09:56:20-09:57:49 Page 168

Q. He didn't have the ability to contract?
A. Correct.
Q. And you're trying to set aside the 2014 amendment because he didn't have the capacity to enter into those documents; is that correct?
MS. MORRIS: Objection. That is misstating facts in evidence. That's not what the petition says.
BY MR. ROSENWATER:
Q. There's an email from Dan Wein to you on Monday, February 9, 2015. It says: Attached are some documents I meant to give you this afternoon. They are files, an email from Mitch Kitroser, which of course was not paying Vita's attorney and two separate affidavits which support the annulment of Bob's marriage to Vita.
Do you recall that email?
A. Yes.
Q. Did you attach those documents?
A. Yes.
Q. Can you show me where they are?
MS. MORRIS: Let me look. It will probably be easier.
THE WITNESS: I wrote back and sent them yesterday. These additional documents were

09:58:02-09:58:47 Page 169

those testimonies from the two people --
MS. MORRIS: They're right here. Hang on.
THE WITNESS: -- his two friends and then --
MS. MORRIS: Hang on.
THE WITNESS: (Inaudible.)
THE REPORTER: I can't hear what you're saying.
MS. MORRIS: I don't know that this needs to be on the record.
MR. ROSENWATER: It does.
MS. MORRIS: You want this on the record?
MR. ROSENWATER: Yeah.
MS. MORRIS: Okay. I'm finding the affidavits that are the additional documents for her and handing them to Bruce.
MR. ROSENWATER: Or throwing them.
BY MR. ROSENWATER:
Q. Who had these affidavits prepared?
A. I don't know.
Q. Did you instruct Dan Wein to get these affidavits prepared?
A. No.
Q. So Dan Wein on his own got these affidavits from these individuals?

09:59:00-10:01:48 Page 170

A. I don't know who got them.
Q. Dan Wein provided these documents to you, correct?
A. On this day he did, yes, February 9th.
Q. And there's also an email from Mitch Kitroser on February 9th. Do you have that email from Mitch Kitroser?
MS. MORRIS: This is an email from Mitch Kitroser that's dated October 13th, 2014. Here's another email that's part of an email string where there's an email contained from Mitch Kitroser in it dated somewhere also in October. Those are the only emails that you have.
BY MR. ROSENWATER:
Q. So the two emails that were handed to me by your attorney from Mitch Kitroser, are those the emails that were attached to this email of February 9th that Dan Wein provided to you?
A. I don't know exactly. I can look it up again.
Q. Did you speak with Larry Wein regarding his affidavit that he filed?
A. No.
Q. In paragraph three Larry Wein states: My

10:02:06-10:02:44 Page 171

father has been manipulated, coerced and exploited by his caretaker, Delores Bryant, my mother Vita and other third parties such as Jody Rich.
You never spoke to him about this?
A. No.
Q. You didn't think it was important to speak to him about this?
MS. MORRIS: Objection. Argumentative. Asked and answered.
BY MR. ROSENWATER:
Q. Did you think it was important to speak with these individuals regarding the allegations made by Robert Wein's son?
A. I've never spoken to Larry Wein.
Q. You've never spoken to him?
A. No.
Q. Does Larry Wein have any type of mental issues?
A. Yes.
Q. Do you know what they are?
A. Not exactly.
Q. How did you find out about his mental issues?
A. From his family members.
Q. What did they tell you about Larry Wein?

10:02:58-10:03:55 Page 172

A. That he has mental issues.
Q. Are you relying on his affidavit in this case?
A. That's a legal question. I can't answer.
Q. Do you know who had -- strike that.
This affidavit of Eugene Kaplan, did you speak with Mr. Kaplan?
A. No.
Q. This affidavit of, the first name is S-U-R-U-J-E-A-Y-E, last name J-A-I-K-A-R-A-N, have you spoken with this individual?
A. No.
Q. Do you know who this individual is?
A. A friend of Robert's.
Q. Do you know who Eugene Kaplan is?
A. Another friend of Robert's.
Q. Dan Wein provided those affidavits to you, correct?
A. Yes.
Q. He provided the marital settlement agreement to you that was entered into evidence as the last exhibit?
A. Yes.
Q. And has he provided you with any other documents regarding Robert and Vita's marriage?

10:04:09-10:05:07 Page 173

A. No. I don't believe so.
Q. Did he provide you with the marriage license?
A. I don't think he did, no.
Q. Where did you obtain that document from?
A. From the courthouse, the clerk of court.
Q. The marriage license, did you speak to the individual who performed the ceremony?
A. No.
Q. And I believe you've also attached to your amended petition to appoint an attorney to annul the marriage a marriage license application?
A. Yes.
Q. Who provided that application to you?
A. The clerk of court.
Q. When did you obtain that license?
A. I don't have the date.
Q. Did you go to the court directly and get it?
A. Yes.
Q. Did you discuss that application with Robert?
A. No.
Q. On the inventory that you prepared on behalf of the ward, you indicated there's numerous

10:05:22-10:05:55 Page 174

individuals that have outstanding obligations to the ward, correct?
MS. MORRIS: Objection. Irrelevant.
You can answer, Betsy.
THE WITNESS: Yes. There are people that have monies owed.
BY MR. ROSENWATER:
Q. I believe Eugene Kaplan was one of the individuals that owes Robert money, correct?
A. Yes.
Q. Have you made any efforts to contact Mr. Kaplan to collect these monies?
MS. MORRIS: Objection. Irrelevant.
THE WITNESS: Yes.
BY MR. ROSENWATER:
Q. What did you do?
A. Telephone calls.
Q. Did you send any demand letters?
A. No.
Q. Has Mr. Kaplan made any payments?
A. No.
Q. Do you know how much money he owes Robert Wein?
A. No.
Q. You provided an email. I guess it was

10:07:56-10:10:15 Page 175

from Ellen Morris to Mitchell Kitroser regarding the Wein guardianship dated October 14, 2014. In that email Ellen Morris states to Mitch Kitroser: She maintains that Robert continues to say he wants to live with and take care of Vita.
Is the "she" you?
A. Can I see it? Yes, that is me.
Q. So Robert was telling you in October of 2014 that he wanted to remain married to Vita, correct?
A. I think that he wants to continue taking care of her.
Q. And he told you that last week or a few weeks ago according to you, correct?
A. Yes.
Q. On February 11th, 2015, you get an email from Dan Wein and it says: Betsy, attached are the cogent, ethical and fiduciary arguments to annul the marriage.
Can you provide those to me? I don't see where those are.
MS. MORRIS: They're there.
BY MR. ROSENWATER:
Q. So at your last deposition you said that you met with Bob and yourself and Ellen Morris on

10:10:34-10:11:34 Page 176

February 9th, 2015, and Bob wanted his marriage annulled, correct?
A. Yes.
Q. But this letter or email that Dan Wein sent to you states: He was coerced by Vita and Jody into a marriage he would never have partaken in if he were not in a demented state. Bob's statement on February 9, 2015, to Ellen Morris, Esquire, that he wanted to stay married to Vita was in variance to the statements made by Bob to me on numerous occasions that he did not want to stay married.
Is that a true and correct statement?
A. From Dan?
Q. Yes.
A. It appears to be.
Q. So you were discussing with Dan Wein statements that Bob made to you and Ellen Morris, correct?
A. Let me see the email again. What was your question again?
Q. I asked if you were discussing statements with Dan Wein that were made between you and Ellen Morris and Robert Wein?
A. If I was discussing with Dan Wein

10:11:56-10:12:47 Page 177

statements that --
Q. Took place in the presence of yourself and Ellen Morris.
MS. MORRIS: Betsy, just put that down and answer his question.
THE WITNESS: I'm not sure exactly.
BY MR. ROSENWATER:
Q. How would Dan Wein know that Bob made a statement on February 9, 2015, to Ellen Morris that he wanted to stay married to Vita?
A. I may have paraphrased our meeting.
Q. So you discussed attorney/client privilege documentations to a person that's not a party to this?
A. No. I paraphrased it.
Q. You said that Bob made statements that he wanted to stay married to Vita.
MS. MORRIS: Objection. That's what Dan said.
BY MR. ROSENWATER:
Q. You're saying that Dan is incorrect when he's saying this to you?
A. Yes. He writes a lot of incorrect things there.
Q. How do you know what's true and what's not

10:12:58-10:13:55 Page 178

correct when he tells you stuff?
MS. MORRIS: Objection. Relevance as to what Dan says that's true or not.
BY MR. ROSENWATER:
Q. Well, you're using Dan's information to help you with your petition.
MS. MORRIS: Objection. That's actually contrary to the testimony that was given.
MR. ROSENWATER: Not contrary. You can question her. You have the right to cross-examine her. You don't have the right -- file a legal objection. But speaking objections aren't proper. You can't comment on the question. If you have an objection to it, state your objection. You're coaching your witness.
BY MR. ROSENWATER:
Q. On February 9th, 2015, did Bob make a statement to Ellen Morris that he wanted to stay married to Vita?
A. I'm not sure exactly.
Q. Was Dan present at the meeting with you and Ellen Morris and Bob?
A. No.
Q. Was anyone else there besides you, Bob and

10:14:12-10:15:59 Page 179

Ellen Morris?
A. No.
Q. Where would Dan Wein get this information that Bob made a statement on February 9th, 2015, to Ellen Morris that he wanted to stay married to Vita?
A. I don't know.
Q. So according to Dan Wein on February 9, 2015, Bob wanted to stay married to Vita; is that correct?
A. That's what Dan said.
Q. In October of 2014 Bob states and emails and discusses that he wants -- strike that.
On October 14th your records indicate that Robert Wein indicated to you that he wanted to stay married to Vita, correct?
A. What's that, in an email?
Q. Yes.
A. Which one?
Q. An email from Ellen Morris to Manny Kushner that we went over. It says: She maintains that Robert continues to say he wants to live with and take care of Vita?
A. Wants to live with and continue paying her bills.

10:16:05-10:16:49 Page 180

MS. MORRIS: You said that was an email to Manny Kushner. Isn't that an email to Mitch Kitroser that you read prior?
MR. ROSENWATER: No. It's an email from you to -- strike that. It was to Mitchell Kushner (sic) and Manny Kushner.
MS. MORRIS: Cc'd Manny, I think.
MR. ROSENWATER: No. It was to --
MS. MORRIS: That's fine. I just wanted to make sure I'm thinking about the same email that you're talking about.
BY MR. ROSENWATER:
Q. And then on February 9th it appears that Bob Wein told you that he wants to remain married to Vita, correct?
A. No.
Q. So this is incorrect?
A. That's what Dan said.
Q. Dan wasn't present at the meeting, correct?
A. Dan writes a whole long email. I can't verify what Dan said was true or not.
Q. Well, where would he get this information of what Bob's statements were on February 9th regarding his marriage?

10:16:54-10:18:01 Page 181

A. I don't know.
MS. MORRIS: Objection. Asked and answered.
BY MR. ROSENWATER:
Q. Dan was present at Ellen Morris's office on that date, correct?
A. He drove Bob.
Q. Did you speak with Dan after this meeting?
A. I'm sure I spoke with him after the meeting at some point.
Q. In May again, May of 2015, Bob called you at least on two occasions recently you told us stating that he wants to be married to Vita and take care of her, correct?
A. He stated that he wanted to keep things the same, and he wanted to continue paying for Vita.
Q. And as the guardian for the ward, don't you have the best interest of the ward?
A. Yes.
Q. And if the ward wants something, isn't that what you're supposed to provide?
A. Possibly.
Q. So are you going to provide -- are you going to honor Bob's wishes to take care of Vita?

10:18:15-10:19:04 Page 182

A. If it's in his best interest.
Q. Are you going to dismiss your petition to appoint an attorney to annul the marriage?
A. No.
Q. But Bob told you -- you're saying it's not in Bob's best interest to remain married to Vita?
A. That's a legal question.
Q. Well, you're the guardian.
A. But it's a legal question.
Q. A legal question is it's in the best interest that someone is going to be married to someone?
A. It's a legal question that we're asking the judge to decide.
Q. But Bob has told you. Your ward has indicated to you on numerous occasions that he wants to remain married to Vita and take care of her.
A. He wants to continue paying for her. He doesn't care if he continues paying for her or not. It doesn't make any difference to him.
THE REPORTER: He doesn't care if he continues paying for her or not?
THE WITNESS: Yeah.
BY MR. ROSENWATER:

10:19:12-10:20:13 Page 183

Q. You also want to amend his estate documents based upon statements he's made to you, correct?
A. Yes.
Q. Have you ever asked him if he was happy being married to Vita?
A. Yes.
Q. What did he say?
A. He doesn't care.
Q. Have you ever asked him, do you want to remain married to Vita?
A. Yes.
Q. And what has he said?
A. No.
Q. And when did he say that?
A. When I talked to him in -- I don't know the date. I have to look it up.
Q. You've asked him if he wanted to remain married, and he says no. And he calls you and says, I want to remain married to Vita. So he keeps changing his mind, correct?
A. You could see it that way.
Q. So basically he could change his mind depending on who asks the question and the date or time, correct?

10:20:19-10:21:50 Page 184

A. Possibly.
Q. At this point he's suffering from dementia, correct?
A. Yes.
Q. And he doesn't have the ability to make decisions regarding his marriage or his trust documents, correct?
A. That's a legal question.
Q. I think at your last deposition didn't you testify that Bob has sufficient assets to support him and his wife for the remainder of his life?
A. Yes.
Q. So what's the problem with him supporting his wife for the rest of his life?
A. I don't know.
Q. Has Dan Wein provided you with a final judgment of dissolution of marriage for Bob Wein's and Vita Wein's marriage that took place?
A. No.
Q. Have you researched that?
A. Yes.
Q. Have you found the final judgment of dissolution of marriage?
A. No.
Q. When you say you researched it, what have

10:22:01-10:22:42 Page 185

you done?
A. Wrote -- made telephone calls and wrote letters.
Q. To who?
A. New York.
Q. Did you get back any letters from the state of New York?
A. I got back one.
Q. Was that produced?
MS. MORRIS: No. It's not in the production. We'll produce it.
BY MR. ROSENWATER:
Q. That letter indicated --
A. I think I sent it yesterday.
MS. MORRIS: I haven't seen it yet.
BY MR. ROSENWATER:
Q. The letter indicated that they have no records that Robert and Vita Wein were ever divorced?
A. Yes.
Q. Yes. They have no records?
A. Yes. They have no records.
Q. Did you ask Dan Wein when Robert and Vita Wein were allegedly divorced?
A. Yes.

10:22:50-10:24:02 Page 186

Q. What did he say?
A. I can't remember.
Q. How does he know? Did you ask him if he had any records or any knowledge of that?
A. Ask Robert?
Q. Ask Dan Wein.
A. Oh, Dan. Dan doesn't know either the exact date.
Q. And he has no records, correct?
A. No.
Q. Who is Stacy Wein?
A. Dan's daughter.
Q. Why are you --
A. Larry's sister.
Q. Why are you communicating with Stacy Wein?
A. I don't speak to Larry, so I've had some communication with her concerning Larry.
Q. And it says she sent you an email on Thursday, April 9th, 2015: Unfortunately Larry was taken to the hospital again yesterday from the shelter. They say if he's disruptive one more time, he will be kicked out of the homeless shelter and really be homeless.
What did you do in response to this email?
A. I'm not sure.

10:24:24-10:25:52 Page 187

Q. And it says: If Vita through Jody did not evict Larry, he would still be paying the mortgage as he has always had and she would be collecting the approximately $3,000 a month.
Did you ever ask Vita whether Larry was paying the mortgage?
A. Yes.
Q. What did Vita tell you?
A. She said she wouldn't discuss it.
Q. Did you ask Jody if Larry was ever paying the mortgage?
A. I can't remember.
Q. Weren't you aware that Larry wasn't paying the mortgage and the house was going in foreclosure?
A. No. I don't know all of the details about that house.
Q. You went ahead and took a thousand dollars from the guardianship account and hired -- had Stacy Wein hire an attorney, correct?
A. Yes.
Q. Stacy Wein sent you an email on Friday, April 10th, 2015. And you received emails from Jody Rich, correct?
A. Yes.

10:26:56-10:28:23 Page 188

Q. Do you recall receiving these emails from Jody Rich to you in November of 2014?
A. I'll have to look this up.
Q. You don't remember it?
A. No. I don't remember the first page. I saw this part, the second page. I remember the second page.
Q. This is -- you're Betsy, correct?
A. Yes.
Q. This is an email from Jody Rich to you, correct?
A. Yes.
Q. It states: Larry is living in Vita's condo in New Jersey and stopped paying the mortgage payments for several months now. As of today the mortgage is in collections.
This was sent in October -- excuse me, November of 2014.
MS. MORRIS: I'm going to object to lack of foundation.
BY MR. ROSENWATER:
Q. You're saying you don't recall this email?
A. I recall the second page. I don't recall the first page.
Q. On the second page, that's the one: In addition, I do not think it's appropriate for Dan Wein to be discussing Bob's finances or any related business?
A. Correct.
Q. It says: My understanding is that Dan continues to upset Bob, speaking about his son Larry in such drama.
Have you had discussions with Bob regarding that at that point in November?
A. There's been discussions about Larry all along.
Q. What about Dan upsetting Bob?
A. No. He never -- no.
Q. Does Vita upset Bob?
A. Sometimes.
Q. And Bob has told you that?
A. Yeah.
Q. Bob never told you that Dan upsets him?
A. He did not say that Dan upsets him, no.
Q. Never?
A. No. He's never said that.
MR. ROSENWATER: Let's have this marked as Exhibit 22, the emails from Jody Rich to Betsy Savitt.
MS. MORRIS: Over objection.

10:28:32-10:29:20 Page 189

10:29:53-10:30:35 Page 190

(Vita Wein's Exhibit 22, Emails from Jody Rich to Betsy Savitt.)
BY MR. ROSENWATER:
Q. So Stacy Wein sends you an email on April 10th, 2015: Betsy, I saw this article you mentioned to my father regarding Ellen Morris.
What article did you mention to her father regarding Ellen Morris?
A. I mentioned the article?
Q. Yes. That's what she says.
A. I didn't mention the article to her.
Q. No?
A. No.
Q. Do you know what article she's talking about?
A. I think she's referring to an article about Ellen Morris that was in the paper.
Q. In the Palm Beach Post?
A. Yes.
Q. Are you familiar with that article?
A. Somewhat.
Q. Did you read the article?
A. I don't think so.
Q. Why didn't you?
A. I didn't read it.

10:30:42-10:31:43 Page 191

Q. It was regarding professional guardians, wasn't it?
A. Yes.
Q. And how they're taking advantage of the ward?
A. Yes.
Q. Wasn't this a case in which Ellen Morris tried to have a marriage annulled as well?
A. Yes.
Q. Stacy Wein said: I believe you need to have new counsel represent you and my uncle annulling the marriage.
Did you have discussions with her regarding this?
A. No.
Q. And Dan Wein is emailing you on April 13, 2015. And he's stating that: It's now close to six weeks after Ellen filed the petition February 23rd. There was ample time to speak to Bob before now. I'm disturbed, especially after our conversation.
What were you supposed to speak to Bob about?
A. I'm not sure.
Q. Do you know what he was disturbed about?

10:31:49-10:33:01 Page 192

A. Who, Dan?
Q. Yes.
A. No.
Q. He said: I'm disturbed, especially after our conversation.
What conversation did you have with Dan Wein it appears sometime in April 2015?
A. I don't think he's referring to me.
Q. He's sending it to you. The email is to you. He says, Betsy. And then he's saying, I'm disturbed especially after our conversation.
So you don't think he's speaking to you?
A. I'm not sure he's referring to our conversation.
Q. And again he says: I'm more convinced now that Ellen is not interested to pursue this because of the very bad publicity naming her in an annulment controversy in a recent Palm Beach Post article. Is this a delaying tactic on her part?
Did you have any discussions with him regarding this article?
A. No.
Q. And Bob Wein -- excuse me, Dan Wein states in this email: Since that court order of October finding him incapacitated, his dementia has

10:33:13-10:34:01 Page 193

deepened as his physical condition.
Do you agree with that?
A. Somewhat.
Q. What do you mean "somewhat"?
A. It's gone up and down.
Q. Do you think his dementia has deepened?
A. It goes up and down.
Q. Does he have a private nurse?
A. He has nurses at the Colony.
Q. Any other additional private nurses?
A. Not a private nurse.
Q. Isn't there another nurse that comes three hours a day that's not affiliated with the Colony?
A. It's an aide.
Q. That's not a nurse?
A. No.
Q. What does the aide do?
A. Takes care of his needs, gets him to eat.
Q. Who suggested that this aide be provided for Bob?
A. Jody.
Q. Don't you think it's in the best interest and welfare of Bob that the aide is there?
A. Do I think it's in the best interest that the aide is there?

10:34:07-10:35:11 Page 194

Q. For Bob, yes.
A. For Bob, yes.
Q. But you never made that decision on your own?
A. Yes, I did.
Q. And Dan Wein never suggested that an aide be there for Bob, did he?
A. No. He didn't not suggest.
Q. Shouldn't the aide be there more than three hours a day?
A. Right now she's sufficient.
Q. And what do you base that on, that she's sufficient? You don't think Robert needs an aide more than three hours a day?
A. We're still analyzing that process.
Q. It seems like Dan Wein is controlling these petitions; is that correct?
A. Just the opposite.
Q. It seems like he's telling you what to do.
A. Just the opposite.
Q. What's the opposite? Who's controlling this, you?
A. He's not.
Q. But you're listening to him, aren't you?
A. He sends emails.

10:35:21-10:36:28 Page 195

Q. Do you respond to his emails?
A. Sometimes.
Q. You walked into the deposition yesterday with him and Stacy Wein. Did you have discussions with him prior to Jordan's deposition?
A. I picked up some paperwork.
Q. What did you pick up?
A. What did I pick up? I picked up the Florida Bar Journal paperwork.
Q. That was from Dan Wein?
A. Yeah. It's about the Carpenter Factors.
Q. Dan Wein provided that to you or Stacy?
A. Dan.
Q. But you're communicating with Stacy as well, correct?
A. Not really.
Q. As of April 11th you were having emails with her, correct?
A. She emails me, yes.
Q. You email her as well, correct?
A. Occasionally.
Q. You say: Stacy, I will need to speak to Bob again, as I want to make clear what his intentions are. What does he want to do with Vita? This is April 11th, 2015, correct?

10:36:57-10:37:42 Page 196

A. Let me see. Yes.
Q. So did you have discussions with Bob after April 11th, 2015?
A. Yes.
Q. With what he wants to do with Vita?
A. Yes.
Q. When were those discussions?
A. I don't have the exact date.
Q. How many discussions did you have with him?
A. I don't know.
Q. It would be on your billing records in your Rocket notes?
A. Probably.
Q. You're going to be providing those, correct?
A. Yes.
Q. And then it says, Stacy -- you say to Stacy: Also you may not know we have already filed to amend the trust, as Bob asked to add your father back into the trust for $150,000 and it was stated that he did have testamentary capacity. Is that what Bob wants?
A. I can't really comment on that.
Q. Well, you did already.

10:37:58-10:39:08 Page 197

A. I know but you're reading it there, so...
Q. Is that what Bob wants, those are the changes to his will to add back or to his trust to add back -- to add Dan Wein back into the trust for $150,000?
A. Yes.
Q. How does that benefit Bob, Robert Wein? How does that benefit the ward?
A. Those are his wishes.
Q. But you're not aware, I think you said earlier, that Dan Wein has already taken money in excess of that from Robert Wein?
A. I don't have any records of that.
Q. Are you aware that Robert Wein told his attorney in the presence of two other individuals that he wanted to take Dan Wein out of the trust because he stole money from him?
A. No.
Q. No one has ever told you that?
A. No.
Q. Dan Wein sent an email on April 14, 2015, and it says: You mentioned to me that Ellen filed a petition to scare Vita and Jody to drop Larry's eviction proceedings. Is that true?

10:39:57-10:41:10 Page 198

A. Can I see that one? Who is it to?
Q. Dan Wein.
A. Yes. That's what he says.
THE REPORTER: You just said Dan Wein sent an email, and then she just said who is it to, and you said Dan Wein.
MR. ROSENWATER: I meant Betsy Savitt.
BY MR. ROSENWATER:
Q. It says: You mentioned to me that Ellen filed these petitions. So you're saying you never said that to Dan Wein?
A. It's out of context.
Q. You sent Dan Wein and copied Ellen Morris on an email of April 14, 2015: I'm writing to both of you so we can all be on the same page. Notwithstanding the views of the three of us on this annulment and revocation of the trust matters, remember that our views are not evidence and can't be used at trial.
Who is the three of us, Dan Wein, Ellen Morris and Elizabeth Savitt?
A. Correct.
Q. So you guys are working together on these matters?

10:41:20-10:43:19 Page 199

A. No.
Q. Of course both of you can be fact witnesses.
Who is "both of you," Stacy Wein, Stacy Wein and Dan Wein?
A. (Nodding head.)
Q. You shook your head. Is that yes or no?
A. Pardon me?
Q. I agree we must proceed with diligence to make a determination that the case can be won and it's the best interest of Bob.
Have you made that determination?
A. Well, it's a legal question.
Q. And on these emails they have quoted text hidden. Do you know what that means?
A. No.
Q. You're not deleting things from the emails?
A. No. That would be like my name and whatever on the bottom of the email or Dan's, the disclaimer or something like that.
Q. On April 24, 2015, Stacy Wein sent you a detailed email regarding the trust document that was prepared by the Chaves firm and also trust assets. Do you recall this email?

10:43:43-10:45:20 Page 200

A. I was copied on an email to Ellen.
Q. You're right, excuse me. Why is Stacy Wein communicating directly with Ellen Morris regarding this matter?
A. I have no idea.
Q. Have you instructed her not to, Stacy not to contact Ellen Morris?
A. I have.
Q. You have?
A. Yes.
Q. There's a document or a piece of paper that says, funds to Vita Wein. It has 4/2015 under that. Who prepared that?
A. This would be from Dan.
Q. What was the purpose of this?
A. I don't know. Informative.
Q. So he's saying that from Bob's account there was a $12,500 that was written to Vita?
A. Yes.
Q. And he was concerned that these monies were given to Bob by Vita -- given to Vita from Bob?
A. I think they're all different entries there.
Q. There's also a check for 5,355 from Larry Wein to Jody Wein (sic) POA for Vita Wein. Did you investigate any of these?
A. I'm aware of the first one.
Q. When was the check for $12,500 given to Vita?
A. September. I want to say September, August or September.
Q. Do you know what the check was for? Do you know what the check was for?
A. (Shaking head.)
Q. You have to answer yes or no.
A. No, I don't. You were looking at her, so I thought you were asking her.
Q. Did you ever ask Bob about this check?
A. Yes.
Q. And what did he say?
A. He said Vita asked me for it.
Q. He didn't say anything more?
A. No.
Q. Do you know whether it was to pay for Delores Bryant?
A. No. It was not to pay for Delores Bryant.
Q. How do you know that?
A. As far as I know.
Q. You don't know for sure, correct?

10:45:41-10:46:40 Page 201

10:46:53-10:47:54 Page 202

A. Well to pay for Delores Bryant for who?
Q. She was taking care of Bob, wasn't she?
A. Yes. And I paid her for taking care of Bob.
Q. This is prior to you being appointed the guardian?
A. Correct.
Q. And Delores was helping Vita as well, correct, taking care of Vita as well?
A. When I met them, yes.
Q. And there's numerous checks that Dan Wein wrote to himself and Dorothy Wein, his former wife, and Stacy Wein, his daughter, from Robert's account when he was power of attorney?
A. Yes.
Q. Have you made any efforts to get those monies back?
A. Not yet.
Q. This is the same individual that allegedly wants -- that you're having numerous conversations with regarding getting the $150,000 back to him in the trust documents, correct?
A. No.
Q. No?
A. No.

10:48:05-10:49:30 Page 203

Q. Isn't that -- I think you testified earlier isn't that why Bob wants to amend the trust?
MS. MORRIS: Objection. Outside the scope of this witness's knowledge.
BY MR. ROSENWATER:
Q. Does Dan Wein have a healthcare surrogate for Robert Wein?
MS. MORRIS: Objection. Irrelevant.
You can answer, Betsy.
THE WITNESS: No.
BY MR. ROSENWATER:
Q. Did you see the motion of Daniel Wein to intervene that he filed yesterday?
A. No.
Q. Do you want to see it?
MS. MORRIS: I didn't see it either.
THE WITNESS: Okay.
BY MR. ROSENWATER:
Q. So Dan Wein says: With the concurrence of the guardian he's been seeing for the medical care for the ward such as selecting his physicians, making doctor's appointments, driving him to doctors' appointments, discussing treatment with his physicians...

10:49:36-10:50:21 Page 204

Is that correct?
A. He helps with that.
Q. He helps with all of those?
A. Yes.
Q. But Dan Wein doesn't have any healthcare surrogate, correct?
A. Not anymore, no.
Q. He doesn't have the right to discuss these privileged matters with his doctors, does he?
A. Yes. He's a family member. He has the right to do that.
Q. Only if he had a healthcare surrogate?
A. No. Because I'm -- he's helping me do that.
Q. Did you give a letter to the doctor saying they can speak to Dan Wein regarding his medical treatment?
A. No. I told him.
Q. You called the doctors up and said they can speak to Dan Wein?
A. Yes.
Q. Isn't that your job as the guardian, to make decisions regarding his medical care?
A. Yes.
Q. Isn't the medical condition of the ward

10:50:40-10:53:11 Page 205

privileged?
A. Privileged to an outsider, yes.
Q. And also privileged to any family members. He's not a -- he doesn't have any type of healthcare surrogate, does he?
MS. MORRIS: Objection. Asked and answered.
BY MR. ROSENWATER:
Q. Is there any legal document that Robert Wein provided to Dan Wein authorizing him to discuss his medical treatment or make medical decisions on his behalf?
A. No. It's in the guardianship.
Q. Which was appointed to you?
A. Correct.
Q. And you're the one that's supposed to be making these decisions and not delegate them, correct?
MS. MORRIS: Objection.
BY MR. ROSENWATER:
Q. You can answer the question.
A. I can't answer that.
Q. You can't?
A. No.
While you're looking for that, may I go to

10:57:04-10:58:25 Page 206

the rest room?
MR. ROSENWATER: Yes.
(A brief recess was taken.)
BY MR. ROSENWATER:
Q. At the last deposition we entered -- there was an Exhibit Number 8. It was an order determining limited incapacity for Robert Wein.
A. Yes.
Q. Basically it stated that the ward lacks capacity to consent to medical and mental health treatment, correct?
A. Correct.
Q. And there was also an order entered appointing you as the guardian, correct?
A. Uh-huh, yes.
Q. And that order is appointing you as the guardian. You're the one that's now supposed to make the medical decisions on behalf of Robert?
A. Correct.
Q. You delegated that duty to Dan Wein?
A. No.
Q. Maybe this will -- we showed you some emails from Jody Rich to you dated November 30th, 2014, stating regarding Larry and Larry's eviction. Here's a cleaner copy. Do you recall seeing this

10:58:42-11:00:05 Page 207

email from Jody or receiving this email?
A. This is my email to Jody?
Q. Correct.
A. This is the first I've heard -- this one?
Q. Yes?
A. The first I've heard anything about Vita's condo?
Q. Yes.
A. Yes.
Q. You did send an email to Jody on November 30th?
A. Yes.
MR. ROSENWATER: Let's mark that.
(Vita Wein's Exhibit 23, Email From Betsy Savitt to Jody Rich.)
THE WITNESS: What is the date of that email?
BY MR. ROSENWATER:
Q. Your email to Jody, correct, November 30th, 2014?
A. When is the rest of the email from Jody to me?
Q. The same date, correct?
MS. RICH: Yes. That's why I didn't print it for you. It wasn't clear.

11:00:26-11:02:10 Page 208

BY MR. ROSENWATER:
Q. Have you ever filed any complaints with the Adult Protective Services regarding any individuals involved with Robert Wein?
MS. MORRIS: Objection. Confidential. I'm instructing you not to answer.
BY MR. ROSENWATER:
Q. Did you go to college?
A. Yes.
Q. What college did you go to?
A. University of Miami.
Q. Did you graduate?
A. Yes.
Q. What was your degree?
A. Bachelor of education.
Q. Do you have any master's or any education after your bachelor's of education?
A. I went for an MBA, but I didn't finish it.
Q. Do you have any -- have you taken -- strike that.
Do you have any degrees in finance?
A. No.
Q. Have you managed large trusts in the past?
A. Trusts?
Q. Yes.

11:02:25-11:03:12 Page 209

A. Yes.
Q. What was the largest amount of money that you've handled?
MS. MORRIS: Objection. Irrelevant.
BY MR. ROSENWATER:
Q. You're seeking -- you filed a petition for an order appointing guardian as a lifetime trustee of the ward's trust, correct?
A. Correct.
Q. As the trustee of the ward's trust, it's your intent to control the finances, the assets in the trust?
MS. MORRIS: Objection. Irrelevant.
THE WITNESS: It's merely a clarification of the guardianship orders.
BY MR. ROSENWATER:
Q. You say, currently it has assets titled in the name of the trust as Morgan Stanley, TIG Arbitrage Associates and Joseph Gunner, LLC. Do you intend to take the moneys out of these accounts?
MS. MORRIS: Objection. Irrelevant.
You can answer.
THE WITNESS: No.
BY MR. ROSENWATER:

11:03:22-11:04:20 Page 210

Q. Wouldn't it be better to have a professional trustee such as someone from these entities as a trustee versus you?
A. No.
Q. No? Why not? Isn't it a conflict of your interest as the guardian to be the trustee?
A. As I said, that's merely a clarification of what the judge already ordered in the guardianship papers.
MR. ROSENWATER: You have to leave?
MS. MORRIS: Yeah, I do. I've got to get to the doctor. You said you only had a half hour after the last deposition.
MR. ROSENWATER: Well, there was a couple of things that were filed since then. And I didn't realize what was in the documents.
MS. MORRIS: I understand the document thing. What was filed since then is not really relevant to what we're here for in the action. I understand that the documents were produced and you needed more time, but I've got to go.
THE REPORTER: Are we adjourning, continuing?
MR. ROSENWATER: Adjourning.
MS. MORRIS: We're ending as far as I'm

concerned.

MR. ROSENWATER: As far as me, we're adjourning. We'll make a determination. There are certain documents that weren't provided, so...

(Thereupon, the Proceedings were adjourned at 11:04 a.m.)

CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF PALM BEACH

In my capacity as a Notary Public of the State of Florida, I certify that on Wednesday, June 10, 2015 at 8:46 a.m., ELIZABETH SAVITT, personally appeared before me and took an oath (or affirmation) for the purpose of giving testimony in the matter: Guardianship of Robert Paul Wein.

SWORN TO and SUBSCRIBED before me this 25th day of June, 2015, in the City of West Palm Beach, County of

SUZANNE L. ANDERSON
Commission # EE 117726
Expires September 18, 2015
Bonded Thru Troy Fain Insurance 800-385-7019

Suzanne L. Anderson, Notary Public
State of Florida at Large.

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, Suzanne L. Anderson, Shorthand Reporter do hereby certify that I was authorized to and did stenographically report the deposition of ELIZABETH SAVITT; that a review of the transcript WAS NOT requested; and that the foregoing transcript pages are a true and correct record of my stenographic notes.

I further certify that the said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not an attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel or party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

DATED this 25th day of June 2015.

Suzanne L. Anderson, Court Reporter
Mudrick Court Reporting, Inc.
1615 Forum Place, Suite 500
West Palm Beach, Florida 33401
561-615-8181

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. ***

Electronically Filed 07/02/2013 01:06:32 PM ET

IN THE CIRCUIT COURT OF THE 15th JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY.

GUARDIANSHIP DIVISION

CASE# 502013GA00052XXXXSBIX

RE: GUARDIANSHIP OF)
LORRAINE HILTON)
Ward.)
/

OBJECTION TO FINAL REPORT, FINAL ACCOUNTING AND PETITION FOR DISCHARGE

COMES NOW, James Hilton as Emergency Temporary Guardian of the Person and Property of Lorraine Hilton, by and through his undersigned attorneys, and hereby files this Objection to Final Report, Final Accounting and Petition for Discharge filed by Elizabeth Savitt, as Guardian of the Property, filed on June 11, 2013 and in support thereof states:

1. James Hilton files a general objection to the Final Report and Accounting as the same is incomplete and inaccurate and objects to the Petition for Discharge until such time as a full and complete accounting can be performed.

2. James Hilton objects to the following specific items on said Final Report and/or Final Accounting:

a) Guardian lists a disbursement of $998.30 (without any receipts of breakdown of expenses although per Chapter 744 of Florida Statutes, these must be presented and kept for 3 years by the Guardian) for the Inventory of New Port Richey house (personal Property) yet the accounting and inventory list no personal property. (see Exhibit A). The Guardian indicated to James Hilton that she had photographs of the contents of the Roseland property but has never provided such photographs. In addition, the Ward had jewelry, fine crystal, art and other items of Personal Property that the Guardian was made aware of on March 20, 2013 by the current ETG and the Guardian did not secure said property and has failed to account for said property.

b) The Guardian failed to secure the personal property which is believed to have been stolen by Robert Hilton. The ETG, upon appointment, requested a

key to the Wards home in New Port Richey from the Guardian. The Guardian stated she "did not have time" to give him the key but instead mailed the key to the ETG. As a result of the delay in obtaining the key, Robert Hilton entered the home and removed all of the Ward's Property.

c) The "Account Statement" attached to the Petition for Order Authorizing Payment of Compensation and expenses shows a prior invoice of $4,208.50 and payments received of $3,189.50 yet those payments are not listed in the disbursements.

d) The accounting shows a "Guardian Retainer Fee" on May 17, 2003 without authorization.

e) The accounting does not reflect a payment received by the Guardian in the amount of $1,000.00 paid from a Bank America account (#[redacted]) on January 31, 2013 prior to her appointment as Guardian. (see attached Exhibit B)

f) The accounting does not disclose the existence of the Bank America Account [redacted], which was a joint account with Robert Hilton, although all funds in the account belonged to the ward.

g) The Guardian failed to secure and separate joint accounts including the Bank America Account listed although she was aware of the account and as a result, Robert Hilton wrote 2 checks on the account AFTER the Guardianship was established for a total of $49,685.00 (check 390 for $33,485.00, check 391 for $16,200.00 (See attached Exhibit C) It appears that the ward signed each check despite the existence of the Guardianship. These checks were for real property yet the deeds indicate sole ownership in favor of Robert Hilton.

h) The accounting shows two payments to Robert Hilton (April 17, 2013 for $1,000.00 and April 29, 2013 for $1,500.00) without any explanation or receipt. Noteworthy is that both were identified as check #101 of the same bank account.

i) The accounting reveals that the Guardian paid the property taxes on two homes that are titled in the name of Robert Hilton for a total of $5,304.50 (Property tax 5170 for $2653.87 and Property Tax 5210 $2,650.63) Further,

these properties were previously owned by the Ward and acquired by Robert Hilton by Warranty deed in October 2012 while the ward was incompetent. The Guardian took no steps to reclaim these properties.

j) The Accounting reveals one single payment for a Chase Credit Card 4587 in the amount of $1,000.00 without detail as to the charges, receipts, balance etc., let alone the fact that a charge card exist and who is authorized to charge.

k) The Guardian failed to notify credit agencies of the guardianship leaving the ward exposed to credit fraud and accounts being opened in her name which has occurred. Robert Hilton in fact opened at least one card with Discover after the appointment of the Guardian in the name of the ward. The ETG has since taken steps to prevent additional accounts from being opened.

l) The accounting shows a "withdraw to Lorraine Hilton" on April 8, 2013 in the amount of $500.00 without any explanation or receipt.

m) The accounting shows Cash for Lorraine Hilton on May 9, 2013 in the amount of $200.00 without any explanation or receipt.

n) The accounting shows Cash for Lorraine Hilton on May 17, 2013 in the amount of $200.00 without any explanation or receipt.

o) The initial Inventory of the Ward Shows three accounts at Chase (XX8880, XX1264, and XX8670) the Final Accounting does not show the accounts or list them in any manner.

p) The Initial Inventory does not show any accounts at Wells Fargo however, the Final Accounting Shows an Account without any explanation.

q) The Final Accounting shows only three disbursements from the Wells Fargo account (#[redacted]) [a wire fee of $15.00, a Federal Tax Fee of $.11 and the payment of a $2,000.00 "Guardian Retainer Fee"] and four receipts [Wire of $10,000.00, Interest of $.05, Interest of $.41 and Interest of .27] However, the bank statement attached show two separate deposits in the amount of $3,189.50 and two withdrawals/checks each in the same amount without any explanation.

r) The Guardian was appointed on March 20, 2013 and the Bank account [redacted] shows check a check #202 on April 2, 2013 in the amount of $600.00, Check 198 on March 27, 2013 in the amount of 183.80, and check 197 (Walgreens) in the amount of $66.89. None of these items are accounted for or explained.

3. The accounting fails to account for all receipts and disbursement made during the accounting period. The Guardian fails to provide cancelled checks and/or receipts for all disbursements.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Ellen Morris, Esq, attorney for the Guardian of the Property via email at lrubin@elderlawassociates.com 7000 West Palmetto Park Rd Ste 205 Boca Raton, Florida 33433 Carol Crozier, via email at cc@kmkpa.com on the 2nd day of July, 2013.

THOMAS H.DOUGHERTY, PA.
Attorneys for James Hilton
PO Box 30056
Palm Beach Gardens, FL 33420-0056
(561) 842-9707-Telephone
(561) 842-9696 Fax
E-Mail: thdlaw@bellsouth.net

By: _____
Thomas H. Dougherty
Fla. Bar # 0957630

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. ***

Electronically Filed 04/30/2013 04:53:43 PM ET

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

LORRAINE HILTON.
_____/

DIVISION: IX

CASE NO. 502013GA000052XXXXSB

PETITION FOR ORDER AUTHORIZING PAYMENT OF COMPENSATION AND EXPENSES OF GUARDIAN

1.) Petitioner, ELIZABETH SAVITT, was appointed by the court as the voluntary guardian of the property of LORRAINE HILTON (Ward) on March 20, 2013.

2.) The total amounts of all prior fees paid or costs awarded to petitioner in this proceeding are:

Fees: $ 0.00
Costs $ 0.00

3.) Petitioner has rendered services as voluntary guardian of the property of the Ward and incurred expenses from January 15, 2013 to April 25, 2013 as more fully described and set forth in the itemized schedule of services and expenses attached hereto as Exhibit A, for which petitioner has not been paid.

4.) Based upon the criteria established by Section 744.108(2), Florida Guardianship Law, petitioner is of the opinion that reasonable compensation for the services performed by petitioner during that time period is:

Fees: $ $4,208.50 (less $1,000.00 paid as retainer)
Costs: $ - 0 -

Total: $ 3,208.50

Petitioner requests that an order be entered awarding petitioner reasonable compensation for the services rendered and expenses incurred by the petitioner for the benefit of the Ward and the Ward's estate, and authorizing and directing that such compensation and expenses be paid from the assets of the Ward's estate.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on this 25th day of April, 2013.

By: _____
Elizabeth Savitt, Petitioner and Guardian

E-File 4/30/13

Dated: April 30, 2013

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

Sheri L. Hazeltine, Esq.
Attorney for Elizabeth Savitt and Lorraine Hilton.
Florida Bar No. 0674567
800 Palm Trail Plaza, Ste. 3
Delray Beach, Florida 33483
(561) 243-4655 (office)
(561) 243-6933 (fax)

I hereby certify that a true copy of this Petition for Order Authorizing Payment of Compensation and Expenses of Guardian was mailed via first class mail service through the U.S. Postal Service on this 30th day of April, 2013 to: Lorraine Hilton; Elizabeth Savitt.

By: _____

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. ***

Electronically Filed 06/18/2013 02:00:09 PM ET

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF **PROBATE DIVISION**

LORRAINE HILTON **CASE NO. 502013GA000052XXXXSB**

_____/

PETITION FOR ORDER AUTHORIZING PAYMENT OF COMPENSATION AND EXPENSES OF GUARDIAN
(April 26, 2013 through June 7, 2013)

Petitioner, Elizabeth Savitt, alleges:

1. Petitioner was the Voluntary Guardian of the Property of Lorraine Hilton (the Ward) but has since resigned and is awaiting discharge.

2. The total amounts of all prior fees and costs awarded to petitioner in this proceeding are:

   Fees: $4,208.50
   Costs: $0.00

3. Petitioner has rendered services as guardian of the property of the Ward from **April 26, 2013 through June 7, 2013**, as more fully described and set forth in the itemized schedule of services attached hereto as Exhibit "A," for which petitioner has not been paid.

4. Petitioner's records indicate that during the period of time above mentioned, Petitioner has performed services as guardian of the property of the Ward in the total amount of **23.95** hours and incurred expenses in the amount of $3.60 as reflected on the attached time sheets.

5. Based upon the criteria established by § 744.108(2), Florida Statutes, and the hours Petitioner has expended in handling the affairs of the Ward, Petitioner believes that a reasonable hourly rate of compensation for the services performed is $95.00 per hour. Therefore, a reasonable compensation for the services performed and expenses incurred by Petitioner during that period of time is **$2,231.35**, less a $2,000 credit as reflected on the attached time sheets.

Petitioner requests that an order be entered awarding petitioner reasonable compensation for the services rendered by the petitioner for the benefit of the Ward and authorizing and directing that such compensation be paid from the assets of the Ward.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief

Signed on 6/11/13, 2013.

Elizabeth Savitt, Petitioner

Ellen S. Morris, Esq.
Attorney for Petitioner
Florida Bar Number: 850306
ELDER LAW ASSOCIATES PA
7000 W. Palmetto Park Road, Suite 205
Boca Raton, FL 33433
Telephone: (561) 750-3850
Fax: (561) 750-4069
Primary E-mail: emorris@elderlawassociates.com
Secondary E-mail: lrubin@elderlawassociates.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of June, 2013, a true copy of the foregoing was served by certified mail to Ms. Lorraine Hilton, P.O. Box 1432, New Port Richey, Florida 34656 and Thomas H. Dougherty, Esq. (thdlaw@bellsouth.net), THOMAS H DOUGHERTY, P.A., P.O. Box 30056, Palm Beach Gardens, FL 33420-0056

Ellen S. Morris, Esq.
Florida Bar No. 850306

Savitt Guardians

4101 Satin Leaf Ct.
Delray Beach , FL 33445
Phone: 561-573-1292 | Fax: 561-496-1559

Account Statement

Prepared for Lorraine Hilton

Re: Voluntary Guardianship

Previous Invoice Amount	$4,208.50
Last Payment Received	$3,189.50
Previous Balance	$(2,000.00)
Current Charges	$2,231.35
Total Due	$231.35

Savitt Guardians

4101 Satin Leaf Ct.
Delray Beach , FL 33445
Phone: 561-573-1292 | Fax: 561-496-1559

Lorraine Hilton

Invoice Date: June 07, 2013
Invoice Number: 10017
Invoice Amount: $2,231.35

Matter: Voluntary Guardianship

5/2/2013	T.C. K.C. Williams, the office is getting calls from Lorraine for money. They have asked her to call me. They are concerned because she screamed into the phone before it was hung up.	E.S.	.30	$28.50
5/6/2013	T.C. Jim, request to see his Mother, have her flown to Tampa.	E.S.	.20	$19.00
5/7/2013	T.C. (2) Bob and Lorraine about getting receipts for items, having them copied and meeting today to give them to me.	E.S.	.30	$28.50
5/7/2013	T.C. Karen at Ellen Morris office to set up and prepare for appointment for initial meeting.	E.S.	.30	$28.50
5/8/2013	T.C. Bob, Lorraine is still sleeping and he did not say what happened to meeting me yesterday, but said he would call back again today. He is getting receipts together and getting them copied.	E.S.	.20	$19.00
5/8/2013	T.C. Jim Hilton re: Visiting with his Mom and the Morgan Stanley account in trust.	E.S.	.30	$28.50
5/8/2013	T.C. Morgan Stanley re: trust account, ira account, distributions, dividends. Legal department issues.	E.S.	.50	$47.50
5/8/2013	Meeting at office of Ellen Morris to sign retainer agreement for guardianship and supply data.	E.S.	2.20	$209.00
5/9/2013	T.C. Chase credit card, fax guardianship paperwork.	E.S.	.40	$38.00
5/9/2013	Drive to Lake Mangonia home to see Lorraine and pick up bill and receipts. Lorraine hit her head and it still hurts. She wants to be taken to hair dresser. Bob did not have receipts copied. Picked up three bills.	E.S.	1.50	$142.50
5/10/2013	T.C. Lorraine, Bob, (3) They are going to be packing up and leaving West Palm Beach. He is going to deliver the receipts. He needs to get on the	E.S.	.50	$47.50

	road so he is going to buy a printer for his I pad so she can scan receipts on the way to Okeechobee house and New Port Richie. He will allow Lorraine to visit her son Jim.			
5/10/2013	E-mail Bob about not selling the house or renting without the trust signing off. Billing and filing.	E.S.	1.00	$95.00
5/12/2013	Read and respond to E-mails Ellen Morris and Comerica re: Bob executing a quitclaim deed May 1, 2013 transferring title of New Port Richie home to himself.	E.S.	.70	$66.50
5/12/2013	T.C. Jim Hilton asking about title of the New Port Richie home, tax return, money, bills.	E.S.	.50	$47.50
5/13/2013	Look up property tax unpaid on Lorraine's rental property. Travel to Chase to purchase Checks to pay Property Taxes. Drop off at tax office.	E.S.	.80	$76.00
5/13/2013	Responce E-mail to Comerica and Ellen Morris re: clouding the quitclaim deed.	E.S.	.40	$38.00
5/13/2013	Voice messages (6) from Lorraine from 1:00 am re: request for $8,000 including one in which her voice is all of a sudden pitched to a high scream. E-mail from Jim detailing same series of phone messages.	E.S.	.40	$38.00
5/13/2013	Letter to homeowners association listing contact information. E-mails to Comerica and Morris.	E.S.	.40	$38.00
5/14/2013	T.C. Lorraine and Bob asking for 8,000.00 they want to pick up now while they are near courthouse. T.C. Lorraine from home said she needs someone to help take care of her. Bob is not there. T.C. voice mails from Lorraine and Bob, in one she is screaming again, very agitated.	E.S.	.60	$57.00
5/14/2013	T.C. Chase credit card re: paid down bill and transferred address. Limiting the credit.	E.S.	.50	$47.50
5/14/2013	T.C. to court house to notify of threat and get security. Travel to hearing, meet with Sheri Hazeltine before hearing re: billing, attend hearing. Speak to security afterwards concerning Bob's inability to drive home on drugs.	E.S.	1.40	$133.00
5/14/2013	T.C. Randee from Hazeltine office. She called to warn me that she received a threatening voice mail from Bob Hilton asking for my home address so that he can force me to give him the $8,000. of his Mother's money that he needs to pay for property. He needs it right now and wants to get it immediately. I told her to preserve it for a police report.	E.S.	.40	$38.00
5/14/2013	Text from Jim that Bob was in fact going to the hearing this morning and he is bringing all his paperwork.	E.S.	.10	$9.50
5/14/2013	T.C. Officer from Delray Police re: voice message report. T.C. DCF re: Lorraine's safety and care. T.C. attorney Doreghty re: background of Lorraine, phone calls, issues with Bob Hilton. E-mail Ellen	E.S.	1.20	$114.00

	Morris office with details of events.			
5/15/2013	T.C. Jim, (4) wanted to know the whereabouts of his Mother, what medications she was taking, how the hearing with Judge French went on Tuesday.	E.S.	.30	$28.50
5/15/2013	T.C. Bob and Lorraine (8) wanting to make arrangements to meet and give me receipts and get some spending cash. Delay in meeting as Bob did not sound like he was in condition to drive. Lorraine had called the fire department and they came into house to see Bob. He refused to go to hospital. He told me he was out of medication and in pain. Lorraine wanted to get some help as well.	E.S.	.50	$47.50
5/15/2013	T.C. Ellen Morris, discuss the T.C. from Jim's attorney and the mistakes in his filing.	E.S.	.20	$19.00
5/16/2013	T.C. Bob, (4) the police have his Mother. He is going to hire an attorney. T.C. Jim, (3) He is going to pick up his Mother in Pahokee. He wants the keys to the house so that he can get clothes for his Mother and he will be taking her to see her doctor here tomorrow.	E.S.	.20	$19.00
5/17/2013	T.C. Holly at H & R, schedule B for income from other accounts/banks etc. She is having a hard time with the taxes.	E.S.	.20	$19.00
5/17/2013	T.C. Jim, Lorraine has not I.D., no wallet. Sending house key and inventory. At attorney for restraining order. T.C. Bob, wants me to write him a check for caretaker fees of his Mother.	E.S.	.40	$38.00
5/18/2013	Review of bills from Bob, text requesting to pay the auto insurance.	E.S.	.30	$28.50
5/20/2013	Receive text from Bob Hilton requesting to be paid for caretaker. Text from Jim Hilton stating he is the plenary E.T.G. Respond to both text. E-mail to Ellen Morris re: bills from Bob and turning over said bills to Jim's attorney, service of restraining order and request for no further contact.	E.S.	.50	$47.50
5/21/2013	Voicemail from Bob re: money	E.S.	.10	No Charge
5/22/2013	Voicemails from Bob Hilton re: his Mother being kidnapped and getting money.	E.S.	.20	No Charge
5/22/2013	T.C. Holly Durfee re: taxes, how to estimate the work done on property.	E.S.	.20	No Charge
5/23/2013	E-mail to Ellen Morris re: bills to pay. E-mail Cris at Comerica re: bills on home in trust.	E.S.	.30	$28.50
5/24/2013	Scan tax documents to Holly Durfee at H & R.	E.S.	.15	$14.25
5/27/2013	Paid FPL bill for April and Palm Beach Neurology, forward Comerica to Jim.	E.S.	.20	$19.00
5/27/2013	Forward Utility and Electric for New Port Richey home to Comerica	E.S.	.10	$9.50
6/5/2013	Final Accounting. Complete all receipts, dispursements and summary work. Forward to E. Morris office.	E.S.	3.50	$332.50
6/7/2013	Final accounting review and billing.	E.S.	1.50	$142.50

SUBTOTAL:		23.95	$2,227.75

Costs

5/16/2013	Postage 8@.45	$3.60
SUBTOTAL:		$3.60

TOTAL: $2,231.35
PREVIOUS BALANCE (CREDIT): $2,000.00
CURRENT BALANCE DUE AND OWING: $231.35

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF **PROBATE DIVISION**

LORRAINE HILTON **CASE NO. 502013GA000052XXXXSB**

_____/

ORDER AUTHORIZING PAYMENT OF COMPENSATION AND EXPENSES OF VOLUNTARY GUARDIAN

On the petition of Elizabeth Savitt, as voluntary guardian of the property of Lorraine Hilton (the Ward), for an order authorizing payment of compensation for services rendered and expenses incurred, the Court having examined the file in this proceeding and having considered the evidence presented regarding the criteria established by Section 744.108(2), Florida Statutes, and finding that the material allegations of the petition are true and $95.00 per hour is a reasonable rate of compensation for the services of the guardian, and being otherwise fully advised, it is

ORDERED AND ADJUDGED as follows:

1. Petitioner is hereby awarded a reasonable fee under Section 744.108(2), Florida Statutes, for services rendered by the Petitioner during the period of **April 26, 2013**, through **December 2, 2013**, as follows:

Hourly Rate:	$95.00
Hours Worked:	29.75
Total Fees:	$2,778.75
Total Costs:	$3.60
Total Fees and Costs:	**$2,782.35** (less a $2,000.00 credit)

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED
2013 DEC 16 AM 9:56

2. The guardian of the property of the Ward is authorized and directed to pay that compensation and those expenses from the assets of the Ward in the total amount of **$782.35** to Elizabeth Savitt.

3. Such payment shall be made within ten (10) days from the date of this Order, if not sooner, and shall be made through any accounts held in the name of the Ward or guardianship, including any accounts restricted under Section 69.031, Florida Statutes.

DONE AND ORDERED on this _____ day of _____, 2013 at Delray Beach, Palm Beach County, Florida.

David E. French

HONORABLE DAVID E. FRENCH
Circuit Judge

Copies furnished to: See attached list

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF HELEN O'GRADY, /

FILE NO.: 502012CP002908XXXXSB

DIVISION: IX

FINAL ACCOUNTING OF CURATOR ELIZABETH SAVITT

FOR THE PERIOD COMMENCING April 1, 2013
THROUGH August 22, 2013.

The purpose of this accounting is to acquaint all interested persons with the transactions that have occurred during the period covered by the accounting and the assets that remain on hand. It consists of a SUMMARY sheet and Schedule A showing all Receipts, Schedule B showing all Disbursements, Schedule C showing all Distributions, Schedule D showing all Capital Transactions and Adjustments (the effect of which are also reflected in other schedules, if appropriate), and Schedule E showing assets on hand at the end of the accounting period.

It is important that this accounting be carefully examined. Requested for additional information and any questions should be addressed to the curator or the attorney for the curator, the names and addresses of whom are set forth below.

Under penalties of perjury, the undersigned curator declares that I have read and examined this accounting and that the facts and figures set forth in the Summary and the attached Schedules are true, to the best of my knowledge and belief, and that it is a complete report of all cash and property transactions and of all receipts and disbursements by me as curator of the estate of Helen O'Grady, deceased, from April 1, 2013 through August 22, 2013.

Signed on August 30, 2013.

Attorney for Curator:

Sheri L. Hazeltine, Esq, Attorney
Florida Bar No. 0674567
sheri@hazeltinelaw.com
800 Palm Trail, Suite 3
Delray Beach, Florida 33483
Telephone: (561) 243-4655
Fax: (561) 243-6933

Signed on August 30, 2013.

Curator:

Name: Elizabeth Savitt.

IN THE CIRCUIT COURT FOR Palm Beach COUNTY, FLORIDA

IN RE: Estate OF

Helen M. O'Grady

PROBATE DIVISION

File Number 502012CP002908XXXXSB

Division IX

FINAL ACCOUNTING OF CURATOR OF PROPERTY

ACCOUNTING
FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SUMMARY

I.	Starting Balance			
	Assets per Inventory or Assets on Hand at Close of Last Accounting Period			$ 2,194,915.15
II.	Receipts			
	Schedule A - Income		$ 36,953.91	
	Principal		$ 2,511.18	$ 39,465.09
	Sub Total			$ 2,234,380.24
III.	Disbursements and Distributions			
	Schedule B - Income		$ 0.00	
	Principal		$ 284,149.86	$ 284,149.86
	Sub Total			$ 1,950,230.38
IV.	Capital Transactions and Adjustsments			
	Schedule C - Net Gain or (Loss)			$ (1,540,574.61)
V.	Assets on Hand at Close of Accounting Period			
	Schedule D - Cash and Other Assets			$ 409,655.77

NOTE: See Appendix A, Rule 5.346, Florida Probate Rules for instructions relating to summary and all schedules

FINAL ACCOUNTING

Estate OF Helen M. O'Grady

FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Morgan Stanley Smith Barney a/c 719-147723-267		
04/05/13	Hark Burkhalter Yon, PL - Atty fees		9,021.09
04/09/13	Sheri Hazeltine - Atty fees		8,755.19
04/05/13	Thomas Mayes		3,381.25
04/08/13	Thomas Mayes		500.00
07/19/13	Wire Tfr to Jami L Huber a/c # xxxxxxx9461 c/o 7/11/13		100,000.00
07/29/13	Withdrawal - Andrew M. Schwartz, P.A c/o dtd 7/11/13		85,000.00
07/29/13	Withdrawal - Clark Skatoff, P.A. c/o dtd 7/11/13		30,000.00
08/22/13	Sheri Hazeltine - Atty fees (held in trust)		10,000.00
08/22/13	Guardianship Financial Reporting Services		1,040.00
08/22/13	Ira Goldfarb		200.00
	Wells Fargo Checking a/c 5536352734		
04/04/13	Ck # 1050 - Elizabeth Savitt (fees)		2,821.50
04/10/13	Ck # 1077 - Florida Space (storage)		151.58
04/11/13	Ck # 1076 - City of Boca Raton		73.44
04/17/13	Debit - ATT		151.34
05/31/13	Ck # 1078 - CVR distributon		396.80
08/14/13	Ck # 1053 - E. Savitt (held in trust)		13,000.00
	Wells Fargo Checking a/c xxxxxxx2739		
05/13/13	Ck # 95 - Daily Business Review		194.00
05/14/13	Debit - FPL		219.24
06/03/13	Ck # 104 - Fla Space Coast (storage)		75.79
06/03/13	Ck # 103 - City of Boca Raton		73.73
06/18/13	Debit - FPL		58.50
06/25/13	Ck # 106 - Mary Sue Donohue		4,552.50
		$ 0.00	$ 269,665.95

FINAL ACCOUNTING

ESTATE OF Helen M. O'Grady

FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SCHEDULE - A Receipts During Period

Does not include receipts from sale or other dispositions of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Morgan Stanley Smith Barney a/c 719-147723-267		
04/12/13	Div - Philip Morris Intl Inc	9,180.00	
04/29/13	Int Income	0.31	
04/16/13	Deposit Kraft/Mondelez Div.	1,295.45	
05/30/13	Int Income	0.26	
06/27/13	Int Income	0.23	
07/12/13	Div - Philip Morris Intl Inc	9,180.00	
07/30/13	Int Income	0.31	
07/30/13	Int Income	0.28	
07/15/13	Deposit Kraft/Mondelez Div.	1,295.45	
	Wells Fargo Checking a/c xxxxxxx2739		
04/16/13	Tfr fr PNC Bank a/c 12-0894-6799		2,511.18
04/22/13	Deposit - Dividend from Altria Stock	8,000.10	
07/10/13	Deposit - Dividend from Altria Stock	6,336.00	
07/12/13	Deposit - Dividend from Kraft Stock	1,660.50	
07/12/13	Deposit - Dividend from Kraft Stock	5.00	
	PNC Bank a/c 12-0894-6799 (acct closed)		
04/16/13	Int Income	0.02	
		$ 36,953.91	$ 2,511.18

FINAL ACCOUNTING

Estate OF Helen M. O'Grady

FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Wells Fargo Checking a/c xxxxxxx2739		
07/23/13	Ck # 110 - Guardianship Financial Reporting Svcs, Inc.		1,275.00
07/23/13	Ck # 112 - Fla Space Coast (storage)		75.79
07/23/13	Ck # 108 - Fla Space Coast (storage)		75.79
07/23/13	Ck # 107 - Fla Space Coast (storage)		75.79
08/12/13	Ck # 114 - Elizabeth Savitt- Guardian fees c/o dtd 8/18/13		1,725.00
08/13/13	Ck # 113 - Sheri Hazeltine c/o date c/o dtd 8/18/13		1,745.36
08/14/13	Ck # 115 - Elizabeth Savitt (Held in Trust)		7,000.00
	PNC Bank a/c 12-0894-6799 (acct closed)		
04/16/13	Tfr to Wells Fargo Bank a/c # xxxxxxxx2739		2,511.18
		$ 0.00	$ 14,483.91

FINAL ACCOUNTING

ESTATE OF Helen M. O'Grady

FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SCHEDULE - C Capital Transactions and Adjustments

Does not include distributions.
Distributions are shown on Schedule B.

Date	Brief Descriptions of Transactions	Net Gain	Net Loss
	Morgan Stanley Smith Barney a/c 719-147723-267		
07/05/13	Sld - 1,145.00 shs Philip Morris Intl Inc @ $87.7577....		6,106.59
	$100,046.36 - 3/31/13 value $106,152.95		
07/22/13	Sld - 1,122.00 shs Philip Morris Intl Inc @ $89.5956.....		3,930.67
	$100,089.95 - 3/31/13 value $104,020.62		
	Distributions per c/o dtd 7/11/13 (valued a/o 3/31/13)		
	2000 shs to .....Tom Mayers - $185,420.00		185,420.00
	2000 shs to..... Kathleen Osterbuht - $185,420.00		185,420.00
	2000 shs to.....Stephanie Chambers - $185,420.00		185,420.00
	2000 shs to .....Dan Mayers - $185,420.00		185,420.00
	Remaining Asset		
08/22/13	533.00 shs Philip Morris Intl Inc @$84.17...$44,862.61		4,551.82
	3/31/13 value $49,414.43		
08/22/13	14,400 shs Altria Group Inc Stock @ $34.39...$495,216.00		
	(valued as of 3/31/13) Shares distributed per c/o 7/11/13		
	3000 shs to .....Tom Mayers - $103,170.00		103,170.00
	3000 shs to..... Kathleen Osterbuht - $103,170.00		103,170.00
	3000 shs to.....Stephanie Chambers - $103,170.00		103,170.00
	3000 shs to .....Dan Mayers - $103,170.00		103,170.00
	Remaining shr bal 2,400.00 value as of 3/31/13.....		
	$82,536.00 8/22/13 Value: $80,544.00		1,992.00
TOTAL NET GAINS AND LOSSES		$ 0.00	$ 1,170,941.08
NET GAIN OR (LOSS)		$ 0.00	$ 1,170,941.08

FINAL . ACCOUNTING

ESTATE OF Helen M. O'Grady

FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SCHEDULE - C Capital Transactions and Adjustments

Does not include distributions.
Distributions are shown on Schedule B.

Date	Brief Descriptions of Transactions	Net Gain	Net Loss
08/22/13	9,965.00 shs Mondelez Inc @ $30.62...$305,128.30		
	(valued as of 3/31/13) Shares distributed per c/o 7/11/13		
	2000 shs to .....Tom Mayers - $61,240.00		61,240.00
	2000 shs to..... Kathleen Osterbuht - $61,240.00		61,240.00
	2000 shs to.....Stephanie Chambers - $61,240.00		61,240.00
	2000 shs to .....Dan Mayers - $61,240.00		61,240.00
	Remaining shr bal 1,965.00 value as of 3/31/13		
	$60,168.30 - 8/22/13 value $61,032.90	864.60	
08/22/13	3,321.00 shs Kraft Foods Grp Inc. @ $51.53...$171,131.13		
	(valued as of 3/31/13) Shares distributed per c/o 7/11/13		
	700 shs to .....Tom Mayers - $36,071.00		36,071.00
	700 shs to..... Kathleen Osterbuht - $36,071.00		36,071.00
	700 shs to.....Stephanie Chambers - $36,071.00		36,071.00
	700 shs to .....Dan Mayers - $36,071.00		36,071.00
	Remaining shr bal 521.00 value as of 3/31/13		
	$26,847.13 - 8/22/13 value $27,613.00	765.87	
08/22/13	**Real Property Located at: 3742 N.W. 5th Avenue, Boca Raton, FL 33432**		
	Adjustment to reflect the increase in value of ward's real property per the attached Palm Beach Appraisers report.	17,980.00	
	Value 2012..... $175,701.00		
	Value 2013..... $193,681.00		
	TOTAL NET GAINS AND LOSSES	$ 19,610.47	$ 389,244.00
	NET GAIN OR (LOSS)	$ 0.00	$ 369,633.53

FINAL ACCOUNTING

ESTATE OF Helen M. O'Grady

FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SCHEDULE - D Assets on Hand at Close of Accounting Period

Indicate where held and legal description, certificate numbers or other informations.

		Carrying Value	Market Value
ASSETS OTHER THAN CASH:			
1.	2,400.00 Shs Altria Group Stock @ $35.90		80,544.00
2.	1,965 Shs Mondelez Inc @ $31.58		61,032.90
3.	521.00 Shs Kraft Foods Group Inc @ $56.45		27,613.00
4.	Morgan Stanley Smith Barney a/c 719 - 147723-267 533 Shs Philip Morris Intl @ $84.17		44,862.61
5.	Real Property Located at: 3742 N.W. 5th Avenue, Boca Raton, FL 33432		193,681.00
OTHER ASSETS TOTAL		$ 0.00	$ 407,733.51
CASH:			
1.	Morgan Stanley Smith Barney a/c 719 - 147723-267		0.48
2.	Wells Fargo Checking a/c 5536352734		555.49
3.	Wells Fargo Checking a/c xxxxxxx2739		1,366.29
CASH TOTAL			$ 1,922.26
TOTAL ASSETS (entered as Item V on Summary)			$ 409,655.77

(Attached are copies of each annual or year-end statement from each depository of all the Ward's cash assets.)

For the period commencing 04/01/13 through 08/22/13.

Attached are copies of the statements of the decedent's accounts from each of the institutions where the funds were deposited.

This final accounting was prepared by Guardian Financial Reporting Services, Denzil Parkes, 1040 Bayview Drive, Ste. 405, Ft. Lauderdale, Florida, 33304.

Under penalties of perjury, the undersigned Curator declares that I have read and examined this accounting and that the facts and figures set forth in the Summary and Schedules are true, to the best of my knowledge and belief, and that it is a complete report of all cash and property transactions and of all receipts and disbursements by me as curator of the estate of Helen O'Grady, deceased, from April 1, 2013 through August 22, 2013.

Signed on this 30th day of August, 2013.

ELIZABETH SAVITT, Curator.

DATED this 30th day of August, 2013 at Delray Beach, Florida.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

SHERI L. HAZELTINE, ESQ.
Attorney for the Curator, Elizabeth Savitt.
Florida Bar No. 0674567
sheri@hazeltinelaw.com
800 Palm Trail Plaza, Suite 3
Delray Beach, Florida 33483
Telephone: (561) 243-4655
Facsimile: (561) 243-6933

Gary R. Nikolits, CFA

Property Appraiser

Palm Beach County

Property Appraiser's Public Access PAPA

Location Address	3742 NW 5TH AVE
Municipality	BOCA RATON
Parcel Control Number	06-43-47-07-02-026-0090
Subdivision	BOCA RATON HILLS SEC 3
Official Records Book	06326 Page 1437
Sale Date	JUL-1989
Legal Description	BOCA RATON HILLS SEC 3 LT 9 BLK 26

Owners	Mailing address
OGRADY HELEN EST	SAVIT ELIZABETH C/O 4101 SATIN LEAF CT DELRAY BEACH FL 33445 1259

Sales Date	Price	OR Book/Page	Sale Type	Owner
JUL-1989	$100	06326 / 1437	REP DEED	OGRADY HELEN EST

No Exemption Information Available.

Number of Units	1	*Total Square Feet	1878
Acres	0.35		
Use Code	0100 - SINGLE FAMILY	Zoning	R1D - Single Family (06-BOCA RATON)

Tax Year	2013 P	2012	2011
Improvement Value	$95,031	$88,400	$95,741
Land Value	$98,650	$87,301	$91,896
Total Market Value	$193,681	$175,701	$187,637

P = Preliminary

All values are as of January 1st each year

Tax Year	2013 P	2012	2011
Assessed Value	$193,681	$105,895	$102,811
Exemption Amount	$0	$50,000	$50,000
Taxable Value	$193,681	$55,895	$52,811

Tax Year	2013 P	2012	2011
Ad Valorem	$3,775	$1,301	$1,263
Non Ad Valorem	$260	$259	$254
Total tax	$4,035	$1,560	$1,517

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

DIVISION: IX

CASE NO. 502012CP002908XXXXSB

IN RE: ESTATE OF

HELEN M. O'GRADY.
_____/

PROOF OF SERVICE

I, Sheri L. Hazeltine, Esq., certify that a true and correct copy of the Final Accounting of the Curator for the period April 1, 2013 through August 22, 2013 was transmitted via E-Service on this 30th day of August, 2013 to:

Christopher Salivar, Esq.
Attorney for Thomas Mayes
101 Plaza Real, Suite 218
Boca Raton, Florida 33432
ams@amslaw.biz
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1008 Arbor Meadows
Derby, Kansas 67037
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Kathleen M. Osterbuhr
1300 Chesthill
Derby, Kansas 67037
kosterbuhr1@cox.net

DATED this 30th day of August, 2013 at Delray Beach, Florida.

By: _____
Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567
sheri@hazeltinelaw.com
800 Palm Trail Plaza, Suite 3
Delray Beach, Florida 33483
(561) 243-4655 (Office)
(561) 243-6933 (Fax)

WELLS FARGO Wells Fargo Business Online®

Account Activity

HELEN O'GRADY Accounts

CHECKING-XXXXXX2734

Activity Summary

Current Posted Balance	$555.49
Pending Withdrawals/ Debits	$0.00
Pending Deposits/ Credits	$0.00
Available Balance	$555.49

The Available Balance shown above reflects the most up-to-date information available on your account. The balances shown below next to the last transaction of each day do not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when the transaction posted. If you had insufficient available funds when the transaction posted to your account, fees may have been assessed.

Transactions

Show: for Last 6 Months

Date	Description	Deposits / Credits	Withdrawals / Debits	Ending Daily Balance
Pending Transactions	Note: Amounts may change			
No pending transactions meet your criteria above.				
Posted Transactions				
08/14/13	CHECK # 1053 Fee deposit E. Smith (HELD IN TRUST)		$13,000.00	$555.49
05/31/13	CHECK # 1078 CVR distribution re payment Rec'd 12/12/12 Dep.		$398.80	$13,555.49
04/17/13	ATT Payment 041613 823828002EPAYF Helen OGrady		$151.34	$13,952.29
04/11/13	CHECK # 1076 City of Boca Raton		$73.44	$14,103.63
04/10/13	CHECK # 1077 Florida Space Center		$151.58	$14,177.07
04/04/13	CASHED CHECK # 1050 Elizabeth Smith Fees		$2,821.50	$14,328.65
03/19/13	ATT Payment 031813 920492001EPAYC Helen OGrady		$151.34	$17,150.15
Totals		$0.00	$16,746.00	

Equal Housing Lender
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WELLS FARGO Wells Fargo Business Online®

Account Activity

ESTATE OF HELEN M. O'GRADY Accounts

CHECKING XXXXXX2739

Activity Summary

Current Posted Balance	$1,366.29
Pending Withdrawals/ Debits	$0.00
Pending Deposits/ Credits	$0.00
Available Balance	$1,366.29

The Available Balance shown above reflects the most up-to-date information available on your account. The balances shown below next to the last transaction of each day do not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when the transaction posted. If you had insufficient available funds when the transaction posted to your account, fees may have been assessed.

Transactions

Show: for Last 6 Months

Date	Description	Deposits / Credits	Withdrawals / Debits	Ending Daily Balance
Pending Transactions	Note: Amounts may change			
No pending transactions meet your criteria above.				
Posted Transactions				
08/14/13	CHECK # 115 Fee deposit		$7,000.00	$1,366.29
08/13/13	CHECK # 113 & Hazeltine Fees		$1,745.38	$8,366.29
08/12/13	CASHED CHECK # 114 E. Savitt Fees		$1,725.00	$10,111.65
07/23/13	CHECK # 107 Storage Fla Space Center		$75.79	$11,836.65
07/23/13	CHECK # 108 storage		$75.79	
07/23/13	CHECK # 112 storage		$75.79	
07/23/13	CHECK # 110 Guardian Financial		$1,275.00	
07/12/13	KRAFT FOODS COMM DIV 0.5000 130628 KRF14003580111 SAVITT,ELIZABETH	$5.00		$13,339.02
07/12/13	KRAFT FOODS COMM DIV 0.5000 130628 KRF14003582710 SAVITT,ELIZABETH	$1,660.50		
07/10/13	ALTRIA GROUP INC DC01DD1307 130710 C0038642821MOA ELIZABETH SAVITT CURAT	$6,336.00		$11,673.52
06/25/13	CHECK # 106 Mary Sue Donohue		$4,552.50	$5,337.52
06/18/13	FPL DIRECT DEBIT ELEC PYMT 06/13 7455017579 PPDA HELEN O'GRADY		$58.50	$9,890.02
06/03/13	CHECK # 103 City of Boca Raton		$73.73	$9,948.52
06/03/13	CHECK # 104 Storage		$75.79	
05/14/13	FPL DIRECT DEBIT ELEC PYMT 05/13 7455017579 PPDA HELEN O'GRADY		$219.24	$10,098.04
05/13/13	CHECK # 95 Daily Business Review		$194.00	$10,317.28
04/22/13	DEPOSIT MADE IN A BRANCH/STORE #653890611 ALTRIA DIV	$8,000.10		$10,511.28
04/16/13	DEPOSIT MADE IN A BRANCH/STORE #653877392 PNC	$2,511.18		$2,511.18
Totals		$18,512.78	$17,146.49	

Equal Housing Lender
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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF

HELEN M. O'GRADY.

PROBATE DIVISION

CASE NO. 502012CP002908XXXXSB

/

ORDER ON AMENDED MOTION FOR EXTENSION OF TIME

THIS MATTER having come before the Court upon Sheri L. Hazeltine, Esq.'s Motion for Extension of Time to File the Final Accounting, and the Court being fully advised in the premises, it is

ORDERED AND ADJUDGED that the final accounting in this matter be filed by ~~September 15~~ AUG 30, 2013.

DONE and ORDERED on this 8th day of August, 2013 at Delray Beach, Palm Beach County, Florida.

By: _____
CIRCUIT JUDGE EDWARD GARRISON

Copy furnished to:
Sheri L. Hazeltine, Esq.
800 Palm Trail, Suite 3
Delray Beach, Florida 33483

2013 AUG -8 PM 3:3
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH FILED

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: THE ESTATE OF HELEN M. O'GRADY

Deceased,

Probate Division
Case No. 502012CP002908XXXXSB (IX)

The Honorable Judge Edward Garrison

THOMAS H. MAYES

Petitioner/Counter-Respondent,

v.

RONALD O. MAYES, Respondent/Counter-Petitioner, and DANIEL MAYES, Respondent.

2013 NOV 14 AM 9:50
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED

ORDER ON CURATOR, ELIZABETH SAVITT'S PETITION FOR DISCHARGE OF CURATOR AND ON PERSONAL REPRESENTATIVE, THOMAS H. MAYES' OBJECTION TO ELIZABETH SAVITT'S NOTICE OF FINAL ACCOUNTING OF CURATOR AND PETITION FOR DISCHARGE

THIS CAUSE, having come to be considered before this Court on October 31, 2013 upon the aforementioned Petition for Discharge of Curator and the Personal Representative's Objection to same, and the Court having heard the argument of the parties and being otherwise duly advised in the premises,

IT IS HEREUPON ORDERED AND ADJUDGED as follows:

1) Elizabeth Savitt is hereby discharged as Curator for the estate of Helen M. O'Grady, and is relieved of all authority to act on behalf of the estate of Helen M. O'Grady.

2) The Court hereby retains jurisdiction over the Curator to a) address the issue of approval of the Curator's Final Accounting, b) address the Personal Representative's pending Petition for Removal and Surcharge, and c) address the Petition for Hourly Fees and Costs which the Curator shall be filing pursuant to the Order of this Court also entered this day.

3) The Curator is hereby Ordered to turnover all of the assets of the estate (including the $20,000.00 sum presently held by the Curator in trust and the $7,330.00 sum presently held by Sheri Hazeltine, Esq. in trust) to the Personal Representative, THOMAS H. MAYES, within ten (10) days of ~~October 31, 2013~~ THIS ORDER.

IT IS SO DONE AND ORDERED, in Chambers at Palm Beach County, Florida, this 13 day of November, 2013.

The Honorable Edward Garrison

OCR Language: English

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - C Capital Transactions and Adjustments

Does not include distributions.
Distributions are shown on Schedule B.

Date	Brief Descriptions of Transactions	Net Gain	Net Loss
	Prudential Financial Inc - Computershare		
10/09/15	78 shs Prudential Financial Inc @ $78.08....$6,090.24 - 09/09/14 value $6,913.14		822.90
09/30/15	Adjustment to reflect correct Inventory of People United Bank (IRA) balance as of:		214.24
	September 9, 2014.....$2,379.16		
	Corrected Amount.....$2,164.92		
09/09/14	108 Westbury E 108, Deerfield Beach, Florida 33442 - Adjustment to add Real Property to Inventory per attached Broward County property appraisers report.	31,970.00	
02/20/15	Adjustment to reflect the sale of property per attached H.U.D. statement.		
	2014 Value per property appraisers report.....$31,970.00		
	Sale Price.....$46,000.00		
	Gain / loss on sale price.....	14,030.00	
	CVE Master dues 2/20/15 to 2/28/15	35.51	
	Westbury E dues 2/20/15 to 2/28/15	59.66	
	CVRF dues 2/20/15 to 2/28/15	29.00	
	Non-Ad Valorem 2/20/15 to 9/30/15	106.92	
	Settlement charges		4,350.00
	City Taxes		98.77
	Remove asset from accounting due to sale of property (Net proceeds deposited in Chase Bank a/c #438601234)		41,782.32
TOTAL NET GAINS AND LOSSES		$ 46,231.09	$ 47,268.23
NET GAIN OR (LOSS)		$ 0.00	$ 1,037.14

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - C Capital Transactions and Adjustments

Does not include distributions.
Distributions are shown on Schedule B.

Date	Brief Descriptions of Transactions	Net Gain	Net Loss
	American General Life Insurance Company		
09/09/14	Adjustment to add American General Life Insurance Company - Annuity Contract #1CJ83449 discovered after filing Inventory 9/9/2014	1,452.82	
09/09/14	Adjustment to add loan receivable from Susan Mast (Guardian) per Mediation Settlement Agreement	51,998.59	
	TOTAL NET GAINS AND LOSSES	$ 53,451.41	$ 0.00
	NET GAIN OR (LOSS)	$ 53,451.41	$ 0.00

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - D Assets on Hand at Close of Accounting Period

Indicate where held and legal description, certificate numbers or other informations.

		Carrying Value	Market Value
ASSETS OTHER THAN CASH:			
1.	Prudential Financial Inc		6,090.24
2.	American General Life Insurance Company #1CJ83449		1,452.82
3.	Loan Receivable Susan Mast (Guardian)		51,998.59
OTHER ASSETS TOTAL		$ 0.00	$ 59,541.65
CASH:			
1.	Chase Bank a/c #438601234		$594,511.85
2.	Chase Bank a/c #30222282452		11,242.99
CASH TOTAL			$ 605,754.84
TOTAL ASSETS (entered as Item V on Summary)			$ 665,296.49

(Attached are copies of each annual or year-end statement from each depository of all the Ward's cash assets.)

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

The undersigned guardian certifies that said guardian has obtained a receipt or cancelled check for expenditures or receipts made on behalf of the ward, which said guardian will preserve along with other substantiating papers for a three (3) year period after discharge of said guardian, which will upon request be made available for inspection as the Court may order.

Attached hereto is the required fee for the auditing of this annual financial return (unless waived by court order).

Under penalties of perjury, I declare that I have read and examined the foregoing return and that, to the best of my knowledge and belief, it constitutes a full and correct account of all the ward's property of which this guardian has control, and is a complete report of all cash and property transactions and of all receipts and disbursements by me

from September 9 20 14, through September 30 20 15, and includes a statement of the ward's assets at the close of said period.

Executed on 12/22/15, 20 15.

12/24/15

By:

Guardian

Attorney for Guardian

Florida Bar No. 0674565

800 Palm Trail, Ste. 3

Delray Beach, FL 33483

(Address)

Telephone: (561) 243-4655

Prudential

Computershare

Computershare Trust Company, N.A.
P.O. Box 43038
Providence Rhode Island 02940-3038
1-800-586-1305
Hearing-impaired 1-800-619-2837
www.computershare.com/investor

498303

*******AUTO**SCH 5-DIGIT 33461 S000002072/P000000001

ALBERT N VASSALLO
501 NORTH COUNTRY CLUB DRIVE
ATLANTIS FL 33462-1005

Holder Account Number
C0004518012 IND

Reminder Regarding the Sales Facility at Computershare

As of the close of the market on October 9, 2015, you owned 78 share(s) of Prudential Financial, Inc. Common Stock valued at $6,090.24.

This letter is being sent as a reminder of the terms of the Sales Facility offered by Computershare, Prudential's Transfer Agent. **There are three options for selling your shares.**

- **By calling 1-800-586-1305** (For hearing-impaired, call 1-800-619-2837).
- **By going online** at www.computershare.com/investor.
- **By mail,** by signing the form below or submitting a signed letter of instruction.

The market value will fluctuate until your sales transaction is completed and the actual sales price is determined. A check will be mailed to you within two weeks of the sale. The proceeds will reflect a transaction fee and a fee for each share sold. Please refer to the enclosed Term Sheet for additional information regarding the applicable fees. **Selling your shares will not impact any policy or contract you own with Prudential.**

To sell all of your shares, sign the form below, detach this portion and return in the envelope provided.

Sale Authorization Form for your Prudential Financial, Inc. Shares.
This program is voluntary. Should you decide to sell all of your shares, sign in the box(es) below and return in the envelope provided. Additional information is listed on the back of this form and in the Sales Facility Term Sheet provided.

All persons listed must sign exactly as named above

Signature for sale only *Please sign inside box*	**Additional signature if needed** *Please sign inside box*	**Date** *(mm/dd/yyyy)*

I (we) agree to the Sales Facility Term Sheet included in this mailing.

C0004518012 IND ALBERT N VASSALLO
5 U C F P R U

002CSP006B 025ZAD

251940_CertW9NCorpD/498303/996605

To sell ALL of your shares ...
For the quickest response, call 1-800-586-1305 (for the hearing-impaired, call 1-800-619-2837) or log on to www.computershare.com/investor. Otherwise, you may sign and return the Sale Authorization Form on the reverse side.

To sell only a PORTION of your shares ...
You must either call 1-800-586-1305 (for the hearing-impaired, call 1-800-619-2837) or log on to www.computershare.com/investor.

If you are selling your shares and you have a stock certificate ...
You must return a properly completed Sale Authorization Form together with your stock certificate to Computershare. Do not sign the back of the stock certificate. For your protection, we suggest you use registered mail and insure your envelope's contents for 3% of the value of the shares represented on your certificate. Alternatively, if you choose not to use registered mail, please return your Sale Authorization Form and stock certificate in the enclosed business reply envelope.

NOTE: In authorizing the sale of your shares, you are agreeing to the terms and conditions in the Sales Facility Term Sheet included in this mailing.

CHASE

JPMorgan Chase Bank, N.A.
P O Box 659754
San Antonio, TX 78265-9754

September 17, 2015 through October 16, 2015
Account Number: 000000438601234

CUSTOMER SERVICE INFORMATION

Web site:	Chase.com
Service Center:	1-800-935-9935
Deaf and Hard of Hearing:	1-800-242-7383
Para Espanol:	1-877-312-4273
International Calls:	1-713-262-1679

00084282 1 AV 0.391

00084282 DRE 021 141 29015 NNNNNNNNNNN T 1 000000000 11 0000 T2742402 P92978

ALBERT VASSALLO
BY ELIZABETH S SAVITT GRDN
501 N COUNTRY CLUB DR
ATLANTIS FL 33462-1005

CHECKING SUMMARY

Chase Premier Plus Checking

	AMOUNT
Beginning Balance	**$596,680.18**
Deposits and Additions	2,927.07
Checks Paid	- 3,631.57
Ending Balance	**$595,975.68**
Annual Percentage Yield Earned This Period	0.01%
Interest Earned This Period	$4.83
Interest Paid Year-to-Date	$40.68

CHECKS PAID

CHECK NUMBER	DATE PAID	AMOUNT
164 ^	09/29	$2,463.57
165 ^	10/13	1,168.00
Total Checks Paid		**$3,631.57**

If you see a check description in the Transaction Detail section, it means your check has already been converted for electronic payment. Because of this, we're not able to return the check to you or show you an image on Chase.com.

^ An image of this check may be available for you to view on Chase.com.

TRANSACTION DETAIL

DATE	DESCRIPTION		AMOUNT	BALANCE
	Beginning Balance			**$596,680.18**
09/17	Prudential Finan Tc01Dd1509	PPD ID: 2431912740	45.24	596,725.42
09/29	Check # 164		- 2,463.57	594,261.85
09/30	US Life Insuranc Annuityach O1Cj83449	CCD ID: 5000130788	250.00	594,511.85
10/01	Vacp Treas 310 Xxva Benef	PPD ID: 9111036002	1,567.00	596,078.85
10/02	SSA Treas 310 Xxsss Sss	PPD ID: [illegible]	1,060.00	597,138.85
10/13	Check # 165		- 1,168.00	595,970.85
10/16	Interest Payment		4.83	595,975.68
	Ending Balance			**$595,975.68**

bal a/o 9/30/15

CHASE PRIVATE CLIENT
JPMorgan Chase Bank, N.A.
P O Box 659754
San Antonio, TX 78265-9754

September 01, 2015 through September 30, 2015
Account Number: 000003022282452

CUSTOMER SERVICE INFORMATION

Web site:	Chase.com
Service Center:	1-800-935-9935
Deaf and Hard of Hearing:	1-800-242-7383
Para Espanol:	1-877-312-4273
International Calls:	1-713-262-1679

00106090 DRE 021 142 27415 NNNNNNNNNNN T 1 000000000 69 0000

ALBERT VASSALLO
BY ELIZABETH S SAVITT GRDN
501 N COUNTRY CLUB DR
ATLANTIS FL 33462-1005

We are making changes to non-Chase ATM fees and Travelers Checks

Your relationship is important to us, and we are committed to keeping you informed about changes that may affect you beginning November 9.

Non-Chase ATMs

When you use an ATM that is not owned by Chase we charge a non-Chase ATM fee; which will change beginning November 9. The fees listed below apply to each transaction made at a non-Chase ATM:

- $2.50 for any Inquiries, Transfers or Withdrawals while using a non-Chase ATM in the U.S., Puerto Rico and the U.S. Virgin Islands.
- $2.50 for any Transfers or Inquiries at ATMs outside the U.S., Puerto Rico and the U.S. Virgin Islands. As a reminder, we will still charge $5 per Withdrawal at ATMs outside the U.S., Puerto Rico and the U.S. Virgin Islands.

Fees from the ATM owners still apply. As a reminder, there is no fee to use any of the 15,500 Chase ATMs.

For the products listed below, these fees may be waived entirely or for a certain number of times per statement period. For all other products, the fees listed above apply to each transaction made at a non-Chase ATM.

- Chase Private Client Checking(SM) and Chase Private Client Savings(SM): You will not pay a fee to us for using a non-Chase ATM. We will also refund up to 5 fees charged by the ATM owner every statement period.
- Chase Premier Platinum Checking(SM), Chase Premier Plus Checking(SM) with Chase Military Banking benefits, Chase Plus Savings(SM) and Chase Premier Platinum Savings(SM): You will not pay a fee to us for using a non-Chase ATM. You will have to pay all fees charged by the ATM owner.
- Chase Premier Plus Checking (without Chase Military Banking benefits) and Chase Premier Checking(SM): You will not pay a fee to us for the first 4 non-Chase ATM transactions each statement period. You will have to pay all fees charged by the ATM owner.
- Chase Workplace Checking(SM): You will not pay a fee to us for the first 2 non-Chase ATM transactions each statement period. You will have to pay all fees charged by the ATM owner.

Travelers Checks

Beginning November 9, we will no longer sell Travelers Checks. There are other alternatives to Travelers Checks, please talk to a banker to learn more. We apologize for the inconvenience.

All other terms and conditions of your Deposit Account Agreement still apply. If you have any questions, please call the number listed at the top of this statement.

CHASE PRIVATE CLIENT

September 01, 2015 through September 30, 2015
Account Number: 000003022282452

SAVINGS SUMMARY

Chase Plus Savings

	AMOUNT
Beginning Balance	**$11,242.71**
Deposits and Additions	0.28
Ending Balance	**$11,242.99**
Annual Percentage Yield Earned This Period	0.03%
Interest Earned This Period	$0.28
Interest Paid Year-to-Date	$2.54

The monthly service fee for this account was waived as an added feature of Chase Premier Plus Checking account.

TRANSACTION DETAIL

DATE	DESCRIPTION	AMOUNT	BALANCE
	Beginning Balance		**$11,242.71**
09/30	Interest Payment	**0.28**	11,242.99
	Ending Balance		**$11,242.99**

bal 9/1 9/30/15

You earned a higher interest rate on your Chase Plus Savings account during this statement period because you had a qualifying Chase Premier Plus Checking account.

IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC FUNDS TRANSFERS: Call or write us at the phone number or address on the front of this statement (non-personal accounts contact Customer Service) if you think your statement or receipt is incorrect or if you need more information about a transfer listed on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the problem or error appeared. Be prepared to give us the following information:

- Your name and account number
- The dollar amount of the suspected error
- A description of the error or transfer you are unsure of, why you believe it is an error, or why you need more information.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days (or 20 business days for new accounts) to do this, we will credit your account for the amount you think is in error so that you will have use of the money during the time it takes us to complete our investigation.

IN CASE OF ERRORS OR QUESTIONS ABOUT NON-ELECTRONIC TRANSACTIONS: Contact the bank immediately if your statement is incorrect or if you need more information about any non-electronic transactions (checks or deposits) on this statement. If any such error appears, you must notify the bank in writing no later than 30 days after the statement was made available to you. For more complete details, see the Account Rules and Regulations or other applicable account agreement that governs your account.

EQUAL HOUSING LENDER

JPMorgan Chase Bank, N.A. Member FDIC

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE:

GUARDIANSHIP OF
ALBERT VASSALLO, SR.

Incapacitated Person.
_____/

PROBATE DIVISION IX
CASE NO. 502014GA000369XXXXSB

ORDER APPROVING MEDIATED TERM SHEET AND GRANTING OTHER RELIEF

THIS CAUSE came before this Court on February 13, 2015 on the Guardian's Verified Petition for Direction to Act, which was filed on January 27, 2015 (hereinafter, "Petition"). The Court, having reviewed the Petition, having heard argument from counsel, reviewed the file and being otherwise fully advised, it is hereby:

ORDERED AND ADJUDGED that:

1. The Guardian's entry into the Mediated Term Sheet and resulting Mediated Settlement Agreement attached hereto as Exhibits A and B, respectively, are hereby approved by this Court.

2. At the hearing, the Court learned that Susan Mast and Albert Vassallo, Jr., provided facsimile images of their signatures rather than originals to the Mediated Settlement Agreement. The Court finds that it has jurisdiction over Susan Mast and Albert Vassallo, Jr. as they appeared before this Court and have expressly agreed to the jurisdiction of this Court in paragraph 9 of the Mediated Settlement Agreement.

3. The Court directs that within five (5) days of the date of this Order, Susan Mast and Albert Vassallo, Jr. shall either 1) furnish the original executed Mediated Settlement Agreement along with supporting documentation to the Guardian, Elizabeth Savitt, c/o Robert J. Hauser, Esquire, Pankauski Law Firm, PLLC, 120 South Olive Avenue, Suite 701, West Palm Beach, FL

33401 or alternatively 2) show cause to this Court why they should not be required to furnish their original signed Agreements and attachments in accordance with the Mediated Term Sheet.

4. If original signatures are not received within five (5) business days from the date of this Order, the Court will deem the copies of the signatures provided to be originals.

5. The Court reserves jurisdiction to enter further orders, including orders enforcing the Mediated Settlement Agreement under its terms.

6. The Court reserves jurisdiction to award fees and costs to the Guardian and counsel.

. **DONE AND ORDERED**, in Chambers, in Delray Beach, Palm Beach County, Florida, this _____ day of February, 2015.

The Honorable David E. French
Circuit Court Judge

Copies furnished to:

Robert J. Hauser, Esquire, Pankauski Law Firm, PLLC, 120 South Olive Avenue, Suite 701, West Palm Beach, FL 33401 (courtfilings@pankauskilawfirm.com)

Sheri L. Hazeltine, Esquire, 800 Palm Trail, Suite 3, Delray Beach, FL 33483 (sheri@hazeltinelaw.com)

Brian M. O'Connell, Esquire, 515 N. Flagler Dr., 20th Floor, West Palm Beach, FL 33401 (service@ciklinlubitz.com, probateservice@ciklinlubitz.com)

Frank L. Hollander, Esquire, Hollander and Associates, LLC, One Biscayne Tower, Suite 1650, 2 South Biscayne Boulevard, Miami, Florida 33131-1806 (frank@hollander.lawyer)

Susan Mast, 9324 Ketay Circle, Boca Raton, Florida 33428

Albert Vassallo, Jr., 666 Rosevale Avenue, Lake Ronkonkoma, NY 11779

Ralph Vassallo, 303 Lake Avenue South, Nesconset, NY 11767

Jacqueline S. Cantela, 26 Parkside Ave., Miller Place, NY 11764

Marie Vassallo-Castagnette, 433 Mills Rd., Unit #26, Calverton NY 11933

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY

IN RE: GUARDIANSHIP OF

ALBERT VASSALLO, SR.
Incapacitated Person.
_____/

PROBATE/GUARDIANSHIP DIVISION

CASE NO.: 502014GA000369XXXXSBIX

MEDIATED TERM SHEET

This Term Sheet is made this 1st th day of December, 2014 by and among the Parties listed below, for and in consideration of the mutual promises and releases made herein, the receipt and adequacy of which is acknowledged by all Parties hereto.

On this the 1st th day of December, 2014, the Parties (collectively "Parties"):

Petitioner, Elizabeth Savitt, as Guardian of the Person and Property of Albert Vassallo, Sr., represented by Robert Hauser, Esq.

Respondents, Susan Mast and Albert Vassallo, Jr., represented by Robert Trinkler, Esq.

Court Appointed Counsel for the Ward, Brian M. O'Connell, Esq.

desire to resolve the various disputes in the above referenced Guardianship of Albert Vassallo, Sr., Incapacitated Ward ("Guardianship" and "Ward" respectively) so as to avoid the continued expense and uncertainty of litigation and do so as follows:

ALBERT VASSALLO, JR. ("AL JR.")

Al Jr. will execute a promissory note for $45,000 to Elizabeth Savitt, as Guardian of Albert Vassallo at 4% per annum with interest.

Note is payable at the earlier of (1) death of Al Sr., or (2) under a 15-year amortization schedule. First Payment is due January 1, 2015. Entire balance is secured by Al Jr.'s expected

EXHIBIT "A"

AV Sr

inheritance /trust distribution.

SUSAN MAST

Susan will execute a promissory note for $54,000 to Elizabeth Savitt, as Guardian of Albert Vassallo at 4% per annum with interest. Upon maturity of the note, an additional payment of $2,160 shall be made which represents accrued interest from November 15, 2013 to present. Note is payable at the earlier of (1) death of Al Sr., or (2) under 15-year amortization schedule. First payment is due January 1, 2015. Entire balance due is secured by Susan's expected inheritance/trust distribution.

ELECTRONIC WITHDRAWALS.

Susan will separately execute a promissory note for $8,000 to the Guardianship of Albert Vassallo at 4% per annum with interest running from September 9, 2014. Note is payable at the earlier of (1) death of Albert Vassallo, Sr., or (2) pursuant to 15 year amortization schedule. First Payment is due January 1, 2015. Entier balance due would be secured by Susan's expected inheritance/trust distribution. This promissory note will be held in escrow by the Guardianship of Albert Vassallo, Sr., unless and until the Guardian has determined in good faith and in her sole discretion that Susan Mast has failed to account for the $8,128.00 in electronic withdrawals as follows, or if the withdrawals did not benefit the Ward:

$1,482.68	12/11/13
1,288.25	2/12/14
1,298.44	5/28/14
2,254.31	7/20/14
1,504.32	8/2014

If the Guardian determines that the withdrawals benefited the Ward, it will return the original signed $8,000 note to Susan Mast. If the Guardian chooses to enforce the note, it will give written notice to Susan Mast through her attorney of the decision to enforce the note and the amounts due, adjusted based on the amounts, if any, that benefited the Ward. Susan will present her evidence of the use of the funds within 30 days of today, December 1, 2014.

EXPENSES

During the time the Ward resides with Susan Mast, the parties agree on a current expense budget of $820.00 monthly, based on the following:

$ 140.00	Bus Company Tops
150.00	Health and cosmetics, depends, razor, Vitamins
80.00	Petty cash for movies/personal
450.00	Food
$ 820.00	Total

less bus fare if paid by the Guardian.

The parties also agree on $2,083 per month to Susan Mast as compensation for care of the Ward, if and so long as the current schedule continues (5 hours of care x 6 days per week; 8 hours on Sunday)

RELEASES

All Parties shall exchange mutual general releases including (in all fiduciary capacities, including, but not limited to, attorney-in-fact, trustee, and/orguardian) except as to the Parties performance of this agreement.

Filing # 35903700 E-Filed 12/24/2015 12:09:35 PM

IN THE CIRCUIT COURT FOR **Palm Beach** COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

Albert Vassallo

PROBATE DIVISION

File Number **502014GA000369XXXXSB**

Division **Probate**

ANNUAL ACCOUNTING OF GUARDIAN OF PROPERTY

ANNUAL ACCOUNTING
FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SUMMARY

I.	Starting Balance			
	Assets per Inventory or Assets on Hand at Close of Last Accounting Period			$ 35,218.61
II.	Receipts			
	Schedule A - Income	$ 301.14		
	Principal	$ 717,446.32	$ 717,747.46	
	Sub Total		$ 752,966.07	
III.	Disbursements and Distributions			
	Schedule B - Income	$ 0.00		
	Principal	$ 140,083.85	$ 140,083.85	
	Sub Total		$ 612,882.22	
IV.	Capital Transactions and Adjustsments			
	Schedule C - Net Gain or (Loss)		$ 52,414.27	
V.	Assets on Hand at Close of Accounting Period			
	Schedule D - Cash and Other Assets		$ 665,296.49	

NOTE: See Appendix A, Rule 5.346, Florida Probate Rules for instructions relating to summary and all schedules

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - A Receipts During Period

Does not include receipts from sale or other dispositions of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #xxxxxx2772		
10/09/14	Interest	0.02	
	Chase Bank a/c #438601234		
10/09/14	Tfr fr Chase Bank a/c #xxxxxx2772 (closed)		131.07
10/10/14	Deposit from Chase Bank (CD) a/c #xxxxxx3839 (Estate)		13,758.16
10/14/14	Deposit from Chase Bank Savings a/cxxxx3828 (Estate)		0.08
10/16/14	Interest	0.03	
11/03/14	Tfr fr People's United Bank - a/c #53363H		45.35
11/05/14	Deposit - First Sun/United States Life Insurance		250.00
11/07/14	Deposit - SSA & VA		2,597.03
11/18/14	Interest	0.10	
11/19/14	Deposit from Chase Bank (CD) a/c #xxxxxx1754 (Estate)		200,620.13
11/19/14	Deposit from Chase Bank (CD) a/c #xxxxxx1218 (Estate)		120,674.13
11/21/14	Deposit - First Sun/United States Life Insurance		250.00
11/26/14	Deposit - First Sun/United States Life Insurance		250.00
12/03/14	SSA Treasury 310		1,040.00
12/15/14	Interest	2.41	
12/26/14	Dividend - Prudential Inc.	45.24	
12/30/14	Deposit - First Sun/United States Life Insurance		250.00
01/02/15	SSA Treasury 310		1,060.00
01/06/15	Deposit - Asbestos (Weitzer & Luxenberg)		377.87
01/16/15	Interest	2.79	
02/02/15	Deposit - First Sun/United States Life Insurance		250.00
02/03/15	SSA Treasury 310		1,060.00
02/17/15	Interest	2.64	
		$ 53.23	$ 342,613.82

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - A Receipts During Period

Does not include receipts from sale or other dispositions of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #438601234		
02/27/15	Deposit - First Sun/United States Life Insurance		250.00
03/03/15	Deposit - Sale of Condominium (108 Westbury E, Deerfield)		41,782.32
03/03/15	SSA Treasury 310		1,060.00
03/05/15	VACP Treasury 310 - Retroactive payment		6,258.00
03/16/15	Interest	2.38	
03/31/15	Deposit - First Sun/United States Life Insurance		250.00
04/01/15	VACP Treasury 310		1,567.00
04/03/15	SSA Treasury 310		1,060.00
04/14/15	Deposit from Bank United (CD) a/c #xxxxxx3096 (Estate)		114,347.64
04/14/15	Deposit from Bank United (CD) a/c #xxxxxx5277 (Estate)		111,759.55
04/14/15	Deposit from Bank United (CD) a/c #xxxxxx3525 (Estate)		17,240.93
04/14/15	Deposit from Bank United (CD) a/c #xxxxxx3947 (Estate)		7,770.77
04/15/15	Interest	2.82	
04/23/15	Bank Fee Reversal		6.00
04/23/15	Bank Fee Reversal		6.00
04/23/15	Bank Fee Reversal		6.00
04/23/15	Bank Fee Reversal		6.00
04/23/15	Tfr fr NY Community Bank (CD) a/c #xxxxxx3099 (closed)		11,141.99
04/23/15	Tfr fr NY Community Bank (CD) a/c #xxxxxx1747 (closed)		11,341.21
04/23/15	Tfr fr NY Community Bank (CD) a/c #xxxxxx8115 (closed)		3,354.22
04/23/15	Interest - Prudential Inc	45.24	
04/23/15	Tfr fr People's United Bank - a/c #53363H		45.30
04/27/15	Deposit - Reverse pymt made to E. Savitt		7,304.30
04/30/15	Deposit - First Sun/United States Life Insurance		250.00
05/01/15	VACP Treasury 310		1,567.00
05/01/15	SSA Treasury 310		1,060.00
		$ 50.44	$ 339,434.23

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - A Receipts During Period

Does not include receipts from sale or other dispositions of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #438601234		
05/08/15	Interest - Prudential Inc	41.34	
05/18/15	Interest	4.87	
05/18/15	Tfr fr Peoples United (CD) a/c #53363H		2,028.76
05/18/15	Tfr fr People's United Bank - a/c #53363H		45.51
05/29/15	Deposit - First Sun/United States Life Insurance		250.00
06/01/15	VACP Treasury 310		1,567.00
06/03/15	SSA Treasury 310		1,060.00
06/15/15	Interest	5.09	
06/18/15	Dividend - Prudential Inc.	45.24	
06/30/15	Deposit - First Sun/United States Life Insurance		250.00
07/02/15	SSA Treasury 310		1,060.00
07/08/15	VACP Treasury 310		1,567.00
07/15/15	Interest		4.91
07/30/15	APA Treasury 310		10,339.20
0731/15	VACP Treasury 310		1,567.00
07/31/15	Deposit - First Sun/United States Life Insurance		250.00
08/03/15	SSA Treasury 310		1,060.00
08/17/15	Interest	5.47	
08/31/15	Deposit - First Sun/United States Life Insurance		250.00
09/01/15	VACP Treasury 310		1,537.08
09/03/15	SSA Treasury 310		1,060.00
09/16/15	Interest	4.88	
09/17/15	Dividend - Prudential Inc.	45.24	
09/30/15	Deposit - First Sun/United States Life Insurance		250.00
		$ 152.13	$ 24,146.46

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - A Receipts During Period

Does not include receipts from sale or other dispositions of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #3022282452		
10/10/14	Deposit - Open Account		11,251.81
10/21/14	Interest	0.08	
10/31/14	Interest	0.09	
11/28/14	Interest	0.26	
12/31/14	Interest	0.21	
01/30/15	Interest	0.28	
02/27/15	Interest	0.26	
03/31/15	Interest	0.30	
04/30/15	Interest	0.28	
05/29/15	Interest	0.27	
06/30/15	Interest	0.29	
07/31/15	Interest	0.29	
08/31/15	Interest	0.29	
09/30/15	Interest	0.28	
	Am Trust (New York Community Bank) - xxxx3099		
04/23/15	Interest	1.23	
	Am Trust (New York Community Bank) - xxxx1747		
04/23/15	Interest	40.54	
	Am Trust (New York Community Bank) - xxxx8115		
04/23/15	Interest	0.39	
		$ 45.34	$ 11,251.81

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #xxxxxx2772		
10/09/14	Tfr to Chase Bank a/c #438601234		131.07
	Chase Bank a/c #438601234		
10/21/14	Chk #9993 - Freedom Credit Card payment (Pre Guardianship)		786.96
10/22/14	Chk #9991 - Dayscape Senior Activity Ctr		1,020.00
10/27/14	Chk #5901 - FPL		111.25
10/27/14	Chk #9992 - Chase Credit Card (Pre Guardianship)		103.00
10/28/14	Chk #5902 - Bay Management		30.00
10/29/14	Chk #0102 - Elizabeth Savitt (Retainer fee incl. in c/o 3/31/15)		3,000.00
11/03/14	Chk #0103 - Chase Credit Card (PRC Guardian)		66.00
11/05/14	Chk #0106 - Westbury Condo Fees		196.21
11/06/14	Debit - Seacrest Service Inc (Property Management)		196.21
11/06/14	Debit - Seacrest Service Inc (Property Management)		116.00
11/06/14	Debit - Seacrest Service Inc (Property Management)		98.00
11/24/14	Chk #0110 - Broward County Tax Collector		860.21
11/24/14	Chk #0105 - Randa Parish (miscl office work)		125.00
11/25/14	Chk #0114 - FPL		22.87
11/26/14	Chk #0112 - West Boca Medical Ctr		65.00
12/02/14	Chk #0113 - West Boca Medical Ctr		367.00
12/03/14	Chk #0109 - Dayscape Senior Activity Ctr		816.00
12/05/14	Chk #0117 - Dr. Blume		350.00
12/08/14	Chk #0115 - Judge Cook (mediation service)		2,600.00
12/08/14	Debit - Seacrest Service Inc (Property Management)		196.21
12/08/14	Debit - Seacrest Service Inc (Property Management)		116.00
12/08/14	Debit - Seacrest Service Inc (Property Management)		98.00
12/08/14	Chk #0119 - Dr. Calver		75.00
		$ 0.00	$ 11,545.99

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #438601234		
12/11/14	Chk #0116 - Dr. Phillip Heller		300.00
12/22/14	Chk #0120 - US Legal Support (hearing)		120.00
12/22/14	Chk #0121 - FPL		11.96
01/06/15	Chk #0124 - Sheri Hazeltine (Attorney fees) C/O 1/6/15		8,039.26
01/06/15	Chk #0122 - C/O 01/06/15 Fees to Clifford Hark		3,000.00
01/07/15	Debit - Seacrest Service Inc (Property Management)		201.64
01/07/15	Debit - Seacrest Service Inc (Property Management)		120.00
01/07/15	Debit - Seacrest Service Inc (Property Management)		98.00
01/13/15	Chk #0126 - Dayscape Senior Activity Ctr		884.00
01/13/15	Chk #0125 - Attorney - Brian O'Connell C/O 12/23/14		6,740.90
01/13/15	Chk #0123 - Reimb Cheryl Canty C/O 1/6/15		5,000.00
01/21/15	Chk #0127 - FPL		10.20
02/06/15	Debit - Seacrest Service Inc (Property Management)		201.64
02/06/15	Debit - Seacrest Service Inc (Property Management)		120.00
02/06/15	Debit - Seacrest Service Inc (Property Management)		98.00
02/17/15	Chk #0109 - Dayscape Senior Activity Ctr		816.00
03/02/15	Chk #0130 - FPL		31.99
03/10/15	Chk #0133 -Elizabeth Savitt (reimb Guardian fee) C/O 3/31/15		7,304.30
03/16/15	Chk #0131 - Dayscape Senior Activity Ctr		884.00
03/16/15	Chk #0134 - Chase Credit Card (final pymt - Pre guardianship)		2,945.95
03/23/15	Chk #0135 - Sheri Hazeltine (Attorney fee) C/O 3/12/15		5,028.78
04/03/15	Chk #0134 - Chase Credit Card (Interest pymt)		18.29
04/06/15	Chk #0137 - Prudential Insurance Premium		299.40
04/09/15	Bank Fee - Stmt copies		6.00
04/14/15	Chk #0138 - Susan Mast - 3 mths Caretaking fees per Mediation Settlemenet Agreement (Caretaking services		7,390.71
		$ 0.00	$ 49,671.02

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #438601234		
	3 X $2,863.00 less loan payment 3 X $399.43)		
04/14/15	Chk #0139 - Elizabeth Savitt (dupilicate pmt reimb on 4/27/15)		7,304.30
04/14/15	Bank Fee - Stmt copies		6.00
04/14/15	Bank Fee - Stmt copies		6.00
04/14/15	Bank Fee - Stmt copies		6.00
04/28/15	Chk #0140 - Dayscape Senior Activity Ctr		1,095.00
05/12/15	Chk #0143 - Dayscape Senior Activity Ctr		876.00
05/14/15	Chk #0142 - Susan Mast - Caretaking fees per Mediation		2,463.57
	Settlemenet Agreement (Caretaking services $2,863.00		
	less $399.43 loan payment		
05/14/15	Chk #0141 - Susan Mast - Caretaking fees per Mediation		2,463.57
	Settlemenet Agreement (Caretaking services $2,863.00		
	less $399.43 loan payment		
06/08/15	Chk #0144 - Susan Mast - Caretaking fees per Mediation		2,463.57
	Settlemenet Agreement (Caretaking services $2,863.00		
	less $399.43 loan payment		
06/08/15	Chk #0145 - Susan Mast - Caretaking fees per Mediation		2,463.57
	Settlemenet Agreement (Caretaking services $2,863.00		
	less $399.43 loan payment		
06/08/15	Chk #0146 - Walgreens Pharmacy		189.88
06/09/15	Chk #0147 - Dayscape Senior Activity Ctr		1,095.00
07/13/15	Chk #0149 - Dayscape Senior Activity Ctr		949.00
07/28/15	Chk #0151 - Dr. Marvin Stein (co-pay)		15.00
07/29/15	Chk #0150 - Humana Insurance		59.00
07/30/15	Chk #0152 - Palm Beach County Ambulance Srv		150.00
08/05/15	Chk #0153 - West Boca Med. Center		510.00
08/06/15	Chk #0154 - Humana Insurance		29.50
08/12/15	Chk #0155 - Sheri Hazeltine (Attorney fee) C/O 7/28/15		474.63
		$ 0.00	$ 22,619.59

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Chase Bank a/c #438601234		
08/17/15	Chk #0156 - Dayscape Senior Activity Ctr		730.00
08/17/15	Chk #0153 - West Boca Med. Center		170.00
08/24/15	Chk #0159 - Ambulance Fee		200.00
08/25/15	Chk #0160 - John Pankauski - (Attorney Fee) C/O 8/18/15		18,544.70
08/26/15	Chk #0158 - Susan Mast - Caretaking fees per Mediation Settlemenet Agreement (Caretaking services $2,863.00 less $399.43 loan payment)		2,463.57
09/02/15	Chk #0161 - Susan Mast - Caretaking fees per Mediation Settlemenet Agreement (Caretaking services $2,863.00 less $399.43 loan payment)		2,463.57
09/08/15	Chk #0162 - Humana Insurance		29.50
09/10/15	Chk #0163 - Dayscape Senior Activity Ctr		1,168.00
09/29/15	Chk #0161 - Susan Mast - Caretaking fees per Mediation Settlemenet Agreement (Caretaking services $2,863.00 less $399.43 loan payment)		2,463.57
	Chase Bank a/c #3022282452		
04/14/15	Bank Fee		6.00
04/30/15	Bank Fee		6.00
	People's United Bank - a/c #53363H		
11/03/14	Tfr to Chase Bank a/c #438601234		45.35
04/23/15	Tfr to Chase Bank a/c #438601234		45.30
05/18/15	Tfr to Chase Bank a/c #438601234		45.51
05/18/15	Tfr to Chase Bank a/c #438601234		2,028.76
		$ 0.00	$ 30,409.83

ANNUAL REPORT OF GUARDIAN OF PROPERTY - ANNUAL ACCOUNTING

GUARDIANSHIP OF **Albert Vassallo**

FOR THE PERIOD COMMENCING: 09/09/14

THROUGH: 09/30/15

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	NY Community Bank (CD) a/c #xxxxxx3099		
04/21/15	Tfr to Chase Bank a/c #438601234		11,141.99
	NY Community Bank (CD) a/c #xxxxxx1747		
04/21/15	Tfr to Chase Bank a/c #438601234		11,341.21
	NY Community Bank (CD) a/c #xxxxxx8115		
04/21/15	Tfr to Chase Bank a/c #438601234		3,354.22
		$ 0.00	$ 25,837.42

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

DOLORES "DEE" THUR, an alleged incapacitated person.

_____/

DIVISION: IX

CASE NO. 2013 GA 000 262

PETITION FOR APPOINTMENT OF EMERGENCY TEMPORARY CO-GUARDIANS
(Incapacity – person and property)

Petitioner, LESTER THUR, by and through his attorney, Sheri L. Hazeltine, Esq., alleges as follows:

1. Petitioner, LESTER THUR, resides at 11619 Pamplona Boulevard, Boynton Beach, Florida 33437, and his post office address is the same.

2. Petitioner is the husband of DELORES THUR and is interested in the welfare of the alleged incapacitated person.

3. There is imminent danger that the physical or mental health or safety of the alleged incapacitated person will be seriously impaired or that the property of that person is in danger of being wasted, misappropriated or lost unless immediate action is taken because: she is mentally ill with a diagnosis of mild dementia syndrome of Alzheimer's type. See Exhibit A, report from the Memory and Wellness Center at Florida Atlantic University.

4. DELORES THUR (the Ward), an alleged incapacitated person, whose date of birth is March 19, 1936, and who is 77 (seventy-seven) years of age, who currently resides at home with her husband LESTER THUR at 11619 Pamplona Boulevard, Boynton Beach, Florida 33437; (ph.) (561) 736-1149, and is a permanent resident of Boynton Beach, Florida.

5. DELORES THUR is incapacitated based upon the following factual

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED
2013 MAY 28 PM 12:02

information: According to Lester Thur, the nature of his wife's alleged incapacity is that she has been diagnosed with mild dementia syndrome of Alzheimer's type. See Exhibit A, Comprehensive Counseling and Care Coordination Summary prepared by the Memory and Wellness Center at Florida Atlantic University on August 20, 2012.

Mrs. Thur has refused to go to any follow up appointments, and refused to go to her appointment FAU Memory and Wellness Center on May 20, 2013. She has not rescheduled this appointment. She is in need of medications listed in Exhibit A, and according to her husband Lester, her behavior is out of control. It is imperative that the Petitioner be named guardian to ensure Mrs. Thur will get the medical treatment and help she requires.

Mrs. Thur's current physician is Dr. Mostel at Palm Beach Cardiology, 3365 Burns Road, Suite 101, Palm Beach Gardens, Florida 33410, (561) 775-1061. Dr. Mostel has prescribed high blood pressure medication for Mrs. Thur. She refuses to go to any follow up appointments with Dr. Mostel.

Mr. Thur is very worried about his wife as she has been exhibiting signs of very bizarre behavior and actions, for example:

Mrs. Thur will wake up her husband in the middle of the night accusing him of outrageous things, such as stealing her checkbooks. According to Mr. Thur, one night recently she woke Mr. Thur up and turned all of the lights on, and asked him the whereabouts of her checkbooks. She insisted he took all of her checkbooks. Mrs. Thur then found her checkbooks and set fire to them. A few days later she asked Mr. Thur again where her checkbooks were. He said she had burnt them up. She then stated that "no", she had put the checks in the oven.

Mrs. Thur also recently misplaced her cell phone and accused Mr. Thur of taking it.

Mr. Thur recently went to their joint bank at Bank of America and everything was missing, including diamonds and bonds. Mrs. Thur accused Mr. Thur of stealing the diamonds, but he did not take any of these items. It was later figured out that Mrs. Thur gave the diamonds to a neighbor.

According to Mr. Thur, because of her forgetfulness, Mrs. Thur is continuously throwing away items in the household including their mail. The situation is getting worse and worse as bills are being unpaid because of Mrs. Thur's condition.

In addition, Mr. Thur has stated his wife is constantly taking money out of one bank account and putting it in another bank account. He says that she forgets when she does this, and then thinks money is missing or stolen.

Most recently, Mr. Thurs said that Mrs. Thur became very angry and smashed up their computer tower and threw the keyboard outside by the curb.

On May 15, 2013, according to Mr. Thur, Mrs. Thur approached him in the living room and asked him for her keys. He told her he did not have her keys nor did he know where they were. She then picked up a hammer and threatened him that she would "smash" up the living room if he did not give her back her keys. He reiterated that he did not know where they were.

According to Mr. Thur, Mrs. Thur then proceeded into a violent rage to the wall and hit the wall with the hammer, which resulted in a hole in the wall. She then said that she would smash Mr. Thur's car while ranting and raving in the process. Mr. Thur said he told her they would try to find her keys, and to put down the hammer. He found her keys a few minutes later in her bathrobe.

During this period Mrs. Thur used the worst profanity and told Mr. Thur that he

was stealing her money and that he did not want her to leave the house. Her rage and anger was frightening and scary to Mr. Thur. He had to leave the house and go for a drive in fear that she might damage his car.

Finally, according to Mr. Thur it has come to the point that Mr. Thur is forced to sleep in another bedroom at their home with the door locked. He is in fear that Mrs. Thur will physically attack him.

It is clear to Mr. Thur that his wife's physical and mental health have significantly declined because of her dementia. She is in need of regular medical care, but she is non-cooperative about going to physician appointments or taking any prescribed medications.

It is necessary that temporary emergency co-guardians be appointed to exercise certain delegable rights of the Ward. Those rights are: the right to make medical decisions on her behalf; the right to manage her property and finances; and the right to contract. In addition, Mrs. Thur's right to drive and travel should be taken away.

6. The names and addresses of all persons known to the petitioner who have knowledge of such facts through personal observations are:

Name of Person	Address	Relationship
Lester Thur	11619 Pamplona Blvd., Boynton Beach, FL 33427	Husband
Ellen Thur	P.O. Box 856, Bellmore, NY 11710	Daughter
Lorie Katz	4 Randolph Drive, Dix Hills, New York 11746	Daughter
Maria Ordonez	Memory and Wellness Center, FAU 777 Glades Road, Bldg. AZ-79, Boca Raton, FL 33431	Nurse Practitioner
Dr. Mostel	3365 Burns Road, Suite 101, Palm Beach Gardens, FL 33410	Cardiologist
Edward Thur	610 Clematis Street, Apt. 38, West Palm Beach, FL 33401	Brother-in-Law
Carol Thur	610 Clematis Street, Apt. 38, West Palm Beach, FL 33401	Sister-in-Law

7. The alleged incapacitated person is incapable of exercising, to the best of petitioner's knowledge, the right to make medical decisions on her own; the right to manage her property; the right to contract; the right to drive and right to travel; and is in need of an emergency temporary guardianship.

8. The names and addresses of the next of kin of the alleged incapacitated person are:

NAME	ADDRESS	RELATIONSHIP
Lester Thur	11619 Pamplona Blvd., Boynton Beach, FL 33427	Husband
Ellen Thur	P.O. Box 856, Bellmore, NY 11710	Daughter
Lorie Katz	4 Randolph Drive, Dix Hills, New York 11746	Daughter

8. The proposed emergency temporary co-guardians, ELLEN THUR, who is not a professional guardian, and ELIZABETH SAVITT, a profession guardian, who are sui juris and otherwise qualified under the laws of Florida to act as emergency temporary co-guardians of the incapacitated person. The relationship and association to the Ward is ELLEN THUR is the daughter of DELORES THUR and ELIZABETH SAVITT is a professional guardian. They are interested in making sure DELORES THUR is safe, and ensure that her assets are protected and used for her healthcare and well-being, and not wasted or used inappropriately by others.

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

Office of the
CLERK OF THE CIRCUIT COURT
FIFTEENTH JUDICIAL CIRCUIT PALM BEACH COUNTY
Please respond to:
SOUTH COUNTY BRANCH OFFICE-GUARDIANSHIP DIVISION
200 West Atlantic Avenue, Delray Beach, Florida 33444
(561) 274-1562
Please visit our website at http://www.mypalmbeachclerk.com

Wednesday, April 29, 2015

Sheri L Hazeltine Esq.
800 Palm Trail Suite 3
Delray Beach FL 33483

THE GUARDIANSHIP OF: DOLORES THUR 502013GA000262XXXXSB

We are currently reviewing the Annual Guardianship Report of the Guardian of Person and/or Property which was filed in the above-referenced case on 3/2/15. In order to complete the processing of the report, we need you to submit the following:

XXX Other: Amended Annual Accounting for 5/28/13 – 7/31/14

- **Beginning balance should reflect the ending balance of the amended inventory which did not include the safe deposit box cash $392,708.07**
- **Why wasn't the money deposited into the guardianship account at the time of the safe deposit inventory? Deposit slip of deposit of cash from the safe deposit into the guardianship account should be attached to the amended annual accounting**
- **Explain the savings bonds that were on the first inventory but not on any of the amended inventories or on the annual accounting?**
- **Why are "household expenses" paid as reimbursements and not monthly? Order for budget only allowed one reimbursement to L Thur and monthly payments of household expenses.**
- **Order for use of "Bank of America Credit Card", "Amex", TJX rewards and Citicard". Order allowing credit card dated 1/29/15 only allowed Case Freedom and Hilton Honors.**
- **The order dated 4/21/14 for guardian fees was paid twice and returned also the order for attorney fees dated 4/21/14 was paid twice but not returned to the guardianship account. Please attach deposit slip to amended accounting of this money being returned**
- **Order of P Law Firm, FAU Driving Test, Dee Thur expenses and for all gifts**
- **On all credit card purchases please give a brief description of the purchases**
- **Please explain all return check fees and bank fees**
- **What is "Love Katz"?**
- **What was purchased at Target?**
- **Please explain the cost of the lost credit card?**
- **Please explain the "Cashed Check . . . sent to hidden Post Office Box**

PLEASE RESPOND WITHIN 20 WORKING DAYS FROM THE DATE OF THIS LETTER.

Sheri Paige
Deputy Clerk/Auditor

CC: Elizabeth Savitt 501 North Country Club Drive Atlantis FL 33462

RECEIVED 5/4/15

SHERI L. HAZELTINE & ASSOCIATES, P.A.

Attorney at Law

Member, National Academy of Elder Law Attorneys, Florida State Guardianship Association; Academy of Florida Elder Law Attorneys; South County Palm Beach County Bar Association; Palm Beach County Bar Association; Palm Beach County Guardianship Association, Justice Teaching Program; Florida's Voice on Developmental Disabilities, board member.

800 Palm Trail, Suite Three
Delray Beach, Florida 33483
(561) 243-4655 (office); (561) 243-6933 (fax)
sheri@hazeltinelaw.com

May 18, 2015

Sheri Paige, Deputy Clerk/Auditor
South County Courthouse
200 West Atlantic Avenue
Delray Beach, Florida 33444

2015 MAY 22 AM 8:56

Re: Guardianship of Dolores Thur
Case No. 502013GA000262XXXXSB

Dear Ms. Paige,

Pursuant to your letter request dated April 29, 2015 (copy enclosed), here are responses to your questions:

1. A deposit of cash in the safe deposit boxes was made on February 2, 2015 (after the annual accounting) in the amount of $370.00, $3,110.00 and 8,564.00. These amounts were listed on the inventory. The guardian does not know where the amount of $392,708.07 (listed in the clerk's letter) came from.

2. There is no petition to close or remove contents of boxes as the Ward wished to keep everything where it was in each of the boxes.

3. The guardian does not know why bonds were not on any of the amended inventories. They were physically in the safe deposit box. They are in the name of the husband and wife. Lester Thur (the Ward's husband) and the guardian signed and cashed 1/3 of them for tax purposes last year and they plan to do the same this year.

4. All household expenses are paid by Lester Thur (the Ward's husband who lives in the marital home). Delores is one-half owner. Mr. Thur pays the bills, and gets reimbursed after providing receipts.

OCR Languag

5. Chase Freedom is the only credit card now in use. The Ward's aide has a prepaid debit card for the Ward's daily use for limited shopping, movies, museums and other outings.

Amex, and Citicard and Hilton Honors are all cards that the Ward previously had. She refused to give up the Hilton, in case she lost the Chase, but agreed not to use it. The Amex and Citicard were cancelled. The Ward herself opened a TJX card and had the bill coming to a post office box she opened. When guardian discovered what she did, it was cancelled.

6. Checks bounced as the bank did not transfer money as requested from savings account. The bank agreed to refund the fees. The bank covered the check to Sheri Hazeltine, and the guardian sent an additional check as it was the guardian's belief that the check would not be covered. Sheri Hazeltine will refund the money and the guardian will submit a deposit slip to show that the money was returned.

7. The guardian's attorney will prepare a petition to authorize payment to Pankouski Law Firm, payment for the FAU Driving Test, and gifts to family members for birthdays.

8. Please refer to the Order dated January 29, 2015 authorizing all credit card purchases.

The Ward had her own car, was driving, and was free to go about on her own with a credit card. The guardian will review the credit card charges with her in order to properly document a description of the purchases.

9. Service charges have/or will be refunded.

10. "Love Katz", is a birthday gift to her daughter, Lori Katz.

11. The Target purchases were for household items purchased by the Ward.

12. The guardian does not know about the lost credit card, as the Ward was always changing her phone, the number, losing cards, or thinking someone was stealing her identity due to commercials touting such. She frequently ordered new credit cards.

13. As for the "Cashed Check" sent to hidden post office box: this was from the David Lerner, a brokerage account the Ward previously used and had checks for. She paid credit cards directly from this account. The Ward was told not to use this account for check writing and the account was transferred into guardianship.

The Ward called David Lerner and had them change the address to send the statements to her private P.O. Box. The Ward insisted she needed to keep writing checks on that account until the guardian opened her a small bank account for her use.

The Ward is now in an assisted living facility in the memory care unit. She currently has no credit cards in her possession.

The Ward's Chase Freedom is used for medical expenses. Her prepaid debit card is used for daily expenses. The household bills, car, and weekend entertainment is paid for by Lester Thur and he is reimbursed for her share.

Please let us know if you need anything further.

Sincerely,

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____
Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567

SLH/rkp
Enclosure

cc: Elizabeth Savitt

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

Office of the
CLERK OF THE CIRCUIT COURT
FIFTEENTH JUDICIAL CIRCUIT PALM BEACH COUNTY
Please respond to:
SOUTH COUNTY BRANCH OFFICE-GUARDIANSHIP DIVISION
200 West Atlantic Avenue, Delray Beach, Florida 33444
(561) 274-1562
Please visit our website at http://www.mypalmbeachclerk.com

Friday, November 06, 2015

Sheri L Hazeltine Esq.
800 Palm Trail Suite 3
Delray Beach FL 33483

THE GUARDIANSHIP OF: DOLORES THUR 502013GA000262XXXXSB

We are currently reviewing the Annual Guardianship Report of the Guardian of Person and/or Property which was filed in the above-referenced case on 9/30/15 and your correspondence to me dated 5/18/15. As to $392,708.07 I meant that should be the beginning balance of the Annual Accounting. The money that was in the safe deposit box was $12,044 which you explained was deposited in her account on 2/2/15. I verified that the money from the safe deposit box was deposited in the ward's account as noted on the annual accounting for the next period. I'm very sorry for the confusion in this matter.

Sheri Paige
Deputy Clerk/Auditor

CC: Elizabeth Savitt 501 North Country Club Drive Atlantis FL 33462

15 NOV -6 PM 3:32
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED

*** FILED PALM BEACH COUNTY, FL

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF DIVISION: IX

DOLORES "DEE" THUR. CASE NO.: 502013GA000262XXXXSB

/

AMENDED PETITION FOR AUTHORIZATION TO ACT
F.S. 744.441

COMES NOW Petitioner, ELIZABETH SAVITT, as plenary guardian, by and through her attorney, SHERI L. HAZELTINE, ESQ., and moves this Honorable Court for an Order granting her authority to act, and allowing her to amend DOLORES 'DEE' THUR's, (the Ward's), revocable trust, and as grounds states as follows:

1. On May 28, 2013 ELIZABETH SAVITT was appointed the emergency temporary guardian (ETG) of the person and property of Mrs. Thur. On July 16, 2013 a hearing was held and Ms. Savitt was appointed the permanent limited guardian of Mrs. Thur.

2. The Ward has a revocable trust that was signed on September 12, 2001 while she was capacitated. Mrs. Thur, as grantor, appointed herself and her husband, Peter Lester Thur, as co-trustees, and the primary beneficiary of the trust is the Ward.

3. The Trust has standard language that allows the suspension of the Trust if the trustee becomes incapacitated and further allows the co-trustee, her husband, LESTER THUR, to thereupon make all decisions concerning the Trust.

4. The Trust contains valuable assets of the Ward that are needed solely for the care and benefit of the Ward.

5. As for the filing of this petition, the Ward and her husband have had marital difficulties, to the extent that they are considering separate residences, division of assets, and determination of support. A divorce is not available for at least three (3) years

from the date of the Ward becoming incapacitated.

6. It is currently not in the best interests of the Ward that her husband have sole control of her trust as trustee.

7. Instead, the Ward's two (2) daughters, ELLEN THUR and LORIE KATZ, wish to be added as co-trustees along with the guardian, for a total of three (3) co-trustees.

8. It is in the best interests of the Ward that the guardian be able to amend the Ward's Trust to put in place revised provisions concerning the designation and powers of the co-trustee and that allows the guardian the ability to make property/money decisions for the Ward that the guardian is already empowered to do by the guardianship that Orders do not, by law, reach this Trust.

9. Florida Statute 744.447 allows the guardian to bring a petition for authority to perform acts under Florida Statute 744.441. The latter statute, in subsection (19), allows a plenary guardian who secures court approval to amend revocable trusts of the Ward which extend beyond the disability of the Ward in connection with matters that will serve the best interests of the Ward.

WHEREFORE, for the foregoing reasons, the guardian respectfully requests that this Honorable Court grant the relief requested herein and as set forth the Order relating thereto.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on this 1st day of November, 2013.

By: _____
Elizabeth Savitt, Petitioner and Guardian

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY

IN RE GUARDIANSHIP OF

LORRAINE HILTON,
voluntary guardianship
of the property.
_____/

DIVISION: IX

CASE NO. 502013GA000052XXXXSB

2013 JAN 24 PM 5:01
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED

PETITION FOR VOLUNTARY GUARDIANSHIP

F.S. 744.341 *(Voluntary Guardianship of the Property)*

COMES NOW LORRAINE HILTON, by and through her attorney, Sheri Hazeltine, Esq., and files this Petition for Voluntary Guardianship of her property, pursuant to FS 744.341. Mrs. Hilton, by and through her attorney, represent that:

1. Mrs. Hilton is 92 (ninety-two) years old, widowed, and lives at 5501 Lake Shore Drive, West Palm Beach, FL 33407. She has two (2) sons, Robert Hilton, 5501 Lake Shore Drive, West Palm Beach, FL 33407, and James Hilton, 1714 Emerald Dr., Clearwater, FL 33756.

2. She needs assistance with her financial affairs and is unable to manage her property and financial affairs on her own now, even though she is mentally competent.

3. She is a resident of Palm Beach County, Florida.

4. Mrs. Hilton would like to remain as independent as possible and is interested in having a guardian appointed to assist her with her financial affairs.

5. Mrs. Hilton requests that ELIZABETH SAVITT be appointed as her guardian over all matters regarding her property. Even though she is mentally competent, she agrees that she requires assistance in the management, protection, and investment of her income and property and timely payment of her bills. ELIZABETH SAVITT is a professional guardian.

Mrs. Hilton is currently capable of exercising all of her other rights.

6. Mrs. Hilton requests that any requirements for a bond on behalf of Elizabeth Savitt be waived, and that no bond or surety be required.

7. This petition is accompanied by a certificate of a licensed physician, Dr. Pierre Andre, as required under F.S. 744.341(1). *See* Exhibit A, Physician's Certificate. Dr. Andre examined Mrs. Hilton on January 17th, 2013 and found her to be competent to understand the nature of the guardianship and her delegation of authority.

8. This petition is also accompanied by an Application for Appointment as Guardian (Fla. Prob. R. 5.590(a)) and Oath (Fla. Pro. R. 5.600). Exhibits B & C.

WHEREFORE, it is requested that the Court appoint ELIZABETH SAVITT as the Guardian of all of Mrs. Hilton's property, as she agrees she is incapable of the care, custody, and management of her estate by reason of her mental state at this time.

That under penalties of perjury, I declare that I have read every page of the this Petition for Voluntary Guardianship dated January 18th, 2013 and the facts alleged are true to the best of my knowledge and belief.

DATED THIS 21st day of January, 2013 at Delray Beach, Florida.

By Lorraine K. Hilton
LORRAINE HILTON, Petitioner

Dated this 21st day of January, 2013 at Delray Beach, Florida.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____
Sheri L. Hazeltine, Esq.
Attorney for Mrs. Hilton.
Florida Bar No. 0674567

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Voluntary Guardianship, including Certificate of Physician, Application for Guardian, and Oath of Guardian, has been furnished via United States Postal Service mail to Lorraine Hilton, 5501 Lake Shore Drive, West Palm Beach, FL 33407; Elizabeth Savitt, 4101 Satin Leaf Court, Delray Beach, FL 33445; Robert Hilton, 5501 Lake Shore Drive, West Palm Beach, FL 33407; and James Hilton, 1714 Emerald Dr., Clearwater, FL 33756; and Dr. Pierre Andre; 16244 S Military Trail, Suite 320, Delray Beach, FL33484 this ~~18th~~ 21st day of January, 2013.

DATED this ~~18th~~ 21st day of January, 2013.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

SHERI L. HAZELTINE, ESQ.
Attorney at Law
Florida Bar No. 0674567
800 Palm Trail, Suite 3
Delray Beach, Florida 33483
(561) 243-4655 (office)
(561)243-6933 (fax)
randee@hazeltinelaw.com

PHYSICIAN'S STATEMENT
Voluntary Guardianship, F.S. 744.341

I. Dr. Pierre Andre, hereby certify that:

1. I am a Physician licensed in the United States by the State of Florida.
2. My principal place of business is 16244 Military Trail, Delray Beach, Florida 33484, telephone: (561) 499-9506.
3. I have known LORRAINE HILTON, (date of birth: Feb 2, 1921) since January 1, 2013. My professional involvement with her in brief is as follows: psychiatric Evaluation
4. I have personally examined or evaluated her, most recently on January 17, 2013.
5. That based on my examination or evaluation, it is my medical opinion that she is, to a reasonable degree of medical certainty, incapacitated or disabled, resulting in her inability to effectively manage her financial affairs.
6. That based on my examination or evaluation, the following is my opinion as to the a) cause: DEMENTIA
   b) nature: Severe
   c) extent: it will get worse with Time
   and d): probable duration of the disability: undetermined

(Please attach continuation sheet if necessary)

7. That it is my opinion that LORRAINE HILTON does have sufficient mental capacity to understand the nature of and consent to the appointment of a voluntary guardian to manage her financial affairs. She can NOT manage her affairs

By: Pierre Andre MD Dated: January 17, 2013.
Dr. Pierre Andre, Physician

Please mail and/or fax this to:
Sheri L. Hazeltine & Associates, P.A.
c/o Sheri L. Hazeltine, Esq.
800 Palm Trail Plaza, Ste. 3
Delray Beach, FL 33483
(561) 243-4655 (office)
(561) 243-6933 (fax)

Exhibit A

2013-01-17 03:33 Pierre Andre MDPA 561 4990501 >> 5612436933 p 2/3

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. ***

Electronically Filed 05/15/2013 11:11:02 AM ET

IN THE CIRCUIT COURT OF THE
15th JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY.

GUARDIANSHIP DIVISION

CASE# 502013GA00052XXXXSBIX

RE: GUARDIANSHIP OF)
)
LORRAINE HILTON)
)
Ward.)
/

PETITION FOR APPOINMENT OF EMERGENCY GUARDIAN and FOR INJUNCTION AGAINST VIOLENCE

Petitioner, JAMES A. HILTON, by and through his undersigned attorney, allege as follows:

1. Petitioner residence 115 Parkside Colony Drive Tarpon Springs, FL 34689. Further, Petitioner is the son of the Ward.

2. LORRAINE HILTON, the Ward, whose date of birth is February 22, 1921, who is 92 years of age and currently resides at 5501 Lake Shore Drive, Mangonia Park, Fl.

3. LORRAINE HILTON is totally incapacitated by reason that she suffers from Dementia/Alzheimer, as diagnosed by Dr. Teresa Delgado and Dr. Pierre Andre.

4. The Ward has been determined by this court to be incapacitated and is subject to a Guardianship of her property. As a result of the effects of Dementia/Alzheimer, the ward is her incapable of managing her affairs on daily living without ongoing supervision and assistance.

4. Petitioner is an adult interested in the welfare of the incapacitated person.

5. There appears to be an imminent danger that the physical or mental health or safety of the alleged incapacitated person will be seriously impaired or that the property of that person is in danger of being wasted, misappropriated or lost unless immediate action is

taken because:

a. the Ward suffers from Dementia/Alzheimer and is unable to protect herself;
b. the ward resides with her son Robert Hilton who has a criminal record and admits he is currently taking drugs;
c. Multiple people have witnessed acts of abuse by Robert Hilton against the ward;
d. the Ward has called the Guardian of the Property on numerous occasion, including today, request assistance and requesting care;
e. during phone calls with the ward, the Guardian has heard the ward scream as if she is being hurt by her son, Robert Hilton.
f neighbors have heard screams from the home of the ward and have witnessed the ward lock his elderly mother out of her home;
g. despite the fact that the ward is under a Guardianship of her Property and has a trust, Robert Hilton continues to exploit her financially. As recently as May 1, 2013, he has her execute a quit claim deed (see attached) on property she owns and is attempting to sell the property;
h. In addition to abuse of the ward, Robert Hilton has threatened the Petitioner, James Hilton and the Guardian of the Property;
i. In June of 2012, the ward had a "accident" in which she broke her hip and had to be operated on. Robert Hilton left the ward at the hospital without any personal effects and left the State of Florida. Upon his return he had his mother sign a document saying he had nothing to do with her injury (copy attached). The ward does not recall how the injury occurred.
k. After surgery, the ward was placed in a rehabilitation facility. She was removed from the facility by Robert Hilton against medical advice and taken to the bank to close out an account that was joint with the Petitioner;
l. The ward requires medication which must be monitored and Robert Hilton does not properly provide and /or monitor said medication;
m. the Ward continues to ask for help, appears to be in fear of Robert Hilton and her appearance has declined greatly and appears she is unable to care for or protect herself.
n. Robert Hilton does not work and is financial dependant on the assets of the Ward.

6. The above are examples, but not an all inclusive list of action of Robert Hilton that have placed the Ward imminent danger to her physical or mental health or safety, as well as financial exploitation by Robert Hilton.

7. Based on the above, there appears to be imminent danger that the physical and mental health and safety of LORRAINE HILTON will be seriously impaired unless

immediate action is taken because LORRAINE HILTON is unable to care for herself in any manner whatsoever.

8. LORRAINE HILTON is incapable of executing a Power of Attorney and unable to speak for herself. Without an appointment of an emergency guardian, LORRAINE HILTON is subject to physical, emotional and financial abuse at the hands of Robert Hilton.

9 Robert Hilton has committed and threatens to commit of domestic violence as described above. These acts of domestic violence have been previously reported to various Police Departments and DCF.

10. Robert Hilton has an alcohol problem and is currently taking oxycontin and other drugs.

11. Petitioner fears for the safety and welfare of the Ward and himself. Petitioner asks the Court to enter a TEMPORARY INJUNCTION for protection against domestic violence that will be in place from now until the scheduled hearing in this matter. Petitioner asks the Court to enter, after a hearing has been held on this request for protection, a final judgment on injunction prohibiting Robert Hilton from committing any acts of domestic violence against the Ward and Petitioner; prohibiting Robert Hilton from going to or within 500 feet of any place the Ward and Petitioner live; prohibiting Robert Hilton from going to or within 500 feet of the Petitioner's place(s) of employment; prohibiting Robert Hilton from contacting the Ward or Petitioner by mail, by telephone, through another person, or in any other manner; prohibiting Robert Hilton from knowingly and intentionally going to or within 100 feet of Petitioner's motor vehicle; and prohibiting Robert Hilton from defacing or destroying Petitioner's personal property

Wherefore, Petitioner request a Summary proceeding be held on this Petition and matter and the Court appoint Petitioner James Hilton as Emergency Guardian of LORRAINE HILTON and enter an injunction against Robert Hilton as described above.

Under penalty of perjury, I declare that I have read the above and the facts alleged are true and correct to the best of my knowledge and belief.

James A. Hilton

THOMAS H. DOUGHERTY, P.A.
Attorneys for Petitioner
P.O. Box 30056
Palm Beach Gardens, Florida 33420-0056
561/842-9707
Designated email: thdlaw@bellsouth.net

By: _____
Thomas H. Dougherty Florida Bar No. 957630

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Appointment of Emergency Guardian has been furnished to The Honorable David French, South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33401 and Ellen Morris, Esq, attorney for the Guardian of the Property 7000 West Palmetto Park Rd Ste 205 Boca Raton, Florida 334333430712 US Highway one Suite 210, North Palm Beach, FL 33408 on the 15 day of May, 2013.

THOMAS H.DOUGHERTY, PA. Attorneys for
James Hilton
PO Box 30056
Palm Beach Gardens, FL 33420-0056
(561) 842-9707-Telephone
(561) 842-9696 Fax
E-Mail: thdlaw@bellsouth.net

By: _____
Thomas H. Dougherty
Fla. Bar # 0957630

S/H

2013076993

Rept:1517258 Rec: 18.50
DS: 0.70 IT: 0.00
05/01/13 K. Kraengel, Dpty Clerk

PAULA S.O'NEIL,Ph.D.PASCO CLERK & COMPTROLLER
05/01/13 05:02pm 1 of 2
OR BK 8866 PG 407

Recording requested by: LORRAINE K. HILTON
Space above reserved for use by Recorder's Office

When recorded, mail to:
Name: LORRAINE K. HILTON
Address: 12060 ROSELAND DRIVE
City/State/Zip: NEW PORT RICHEY FL, 34654

Document prepared by:
Name LORRAINE K. HILTON
Address 12060 ROSELAND DRIVE
City/State/Zip NEW PORT RICHEY FL

Property Tax Parcel/Account Number: 33-25-17-0010-00000-0480

Quitclaim Deed

$10.00

This Quitclaim Deed is made on May 1, 2013, between Lorraine K. Hilton, Grantor, of 12060 Roseland Drive, City of New Port Richey FL, State of Florida 34654, and Robert O. Hilton, Grantee, of 5501 Lake Shore Drive, City of Mangonia Park, State of Florida, 33407.

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs and assigns, to have and hold forever, located at 12060 Roseland Drive, City of New Port Richey, State of Florida, 34654:

ROSEWOOD At River RIDGE
PHASE I
PB 29 PGS 22-28
LOT 48

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any.

Taxes for the tax year of 2013 shall be prorated between the Grantor and Grantee as of the date of recording of this deed.

Dated: May 1, 2013

Lorraine K Hilton
Signature of Grantor

LORRAINE - K - HILTON
Name of Grantor

Catherine L Thomas
Signature of Witness #1

CATHERINE L THOMAS
Printed Name of Witness #1

Signature of Witness #2

GITA PATEL
Printed Name of Witness #2

State of FLORIDA County of PASCO
On May 1, 2013, the Grantor, Lorraine K. Hilton,
personally came before me and, being duly sworn, did state and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

Susan L. Weisberg
Notary Signature Susan L. Weisberg

Notary Public,
In and for the County of PASCO State of FLORIDA
My commission expires: August 30, 2014

SUSAN L. WEISBERG
MY COMMISSION # DD 987770
EXPIRES: August 30, 2014
Bonded Thru Notary Public Underwriters

Send all tax statements to Grantee.

DECLARATION NAMING PRENEED GUARDIAN

I, LORRAINE K. HILTON, presently residing at 12060 Roseland Drive, New Port Richey, Florida 34654-6316, telephone (727) 856-9090, do hereby make the following declaration naming a preneed guardian to serve in the event of my future incapacity:

If I am at any time determined to be an incapacitated person, as that term is defined in the Florida Guardianship Law as it now exists or may hereafter be amended, I declare that my nephew, JOHN W. DUBBS III, whose current mailing address is Hinshaw & Culbertson LLP, 222 N. LaSalle, Suite 300, Chicago, Illinois 60601-1081, telephone (312) 704-3075, shall serve as guardian of the property to exercise all delegable legal rights and powers and to perform all tasks necessary to care for my property or estate.

If I am at any time determined to be an incapacitated person, as that term is defined in the Florida Guardianship Law as it now exists or may hereafter be amended, I declare that my son, JAMES A. HILTON, whose current mailing address P. O. Box 1432, New Port Richey, Florida 34656, telephone (727) 457-0662, shall serve as guardian of the person to exercise all delegable legal rights and powers and to perform all tasks necessary to care for my person.

I specifically direct that my son, ROBERT O. HILTON, shall not serve as guardian of the property or guardian of the person for me under any circumstances regardless of any future vacancy.

I further declare that it is my intent and desire that the Guardian of the property and/or person be appointed by the Court having jurisdiction to serve in their respective capacities without bond.

LKH

"Improper Ex-Parte Communication
Not Considered By The Court
Clerk to File"

RECEIVED
MAR 25 2013
Chambers of Judge
DAVID E. FRENCH

James A. Hilton
P.O. Box 1432
New Port Richey, Florida 34656

February 19, 2013

Judge David E. French
Division IX
Fifteenth Judicial Circuit in and for Palm Beach County
301 N. Olive Avenue
West Palm Beach, Florida 33401

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED
2013 MAR 25 PM 4:16
FILED

RE: Case number 502013GA000052XXXXSB
Voluntary Guardianship of the Property of Lorraine Hilton

Esteemed Judge David E. French:

I am concerned about my mother. Our family set up a living trust in 2007 which outlines the steps to follow given that her long-time doctor, Dr. Elena Delgado, has stated my mother Lorraine Hilton does not have the capacity for decision-making and her dementia is getting worse. [See Attachment A]

I am truly alarmed that a judicial process has been put in place there without me having been duly contacted. Diligence was not performed by the lawyer who filed this case, Sheri L. Hazeltine, Esq., because mail was sent to a deceased James Arthur Hilton in Clearwater--a town where I have never lived since moving to New Port Richey, Florida from Illinois in 2005. The widow of Mr. James Arthur Hilton contacted Hazeltine's office alerting Ms Hazeltine's paralegal that the correct James A. Hilton has not be notified. [See Attachment B]

Furthermore, since learning that the case filed in October 2012 with the Elder Affairs Agency regarding my mother's well-being and questionable financial transactions prompted by my brother, Robert O. Hilton, was closed in January, I did not receive responses to questions posed in phone calls I have placed to the Elder Affairs Investigator Amelia Rose, or Sheri Hazeltine, Esq., and lastly, to the proposed guardian, Elizabeth Savitt.

I believe that vital information continues to be withheld from me and our family attorneys from Hinshaw & Culbertson, LLP, which leads me to be suspicious about this process. [See Attachment C] After multiple phone attempts to gain information by me and by Stephen Cutler of Hinshaw & Culbertson, LLP, I finally received in mid-February a copy of the Petition for Voluntary Guardianship filed by Sheri L. Hazeltine, but it was without the pertinent case number. I had to find this myself by going online. Yesterday, February 18, 2013, after 3 calls placed to Elizabeth Savitt, I was able to speak with her and learned that she knew nothing of my mother's home in New Port Richey, where my mother could comfortably live with professional care giver.

I plea that I will be included in any prospective correspondence, at the addresses and phone numbers and emails that the Elder Affairs Agency has had on file since concern was raised in October, 2012. My mailing appears at the top of this correspondence, my phone number is 727-457-0662, and my email is hilton331@yahoo.com. I appreciate your consideration and truly am only motivated by my concern for my mother.

Respectfully,
James A. Hilton

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. ***

Electronically Filed 04/30/2013 04:53:43 PM ET

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

LORRAINE HILTON.
_____/

DIVISION: IX

CASE NO. 502013GA000052XXXXSB

PETITION FOR ORDER AUTHORIZING PAYMENT OF COMPENSATION AND EXPENSES OF GUARDIAN

1.) Petitioner, ELIZABETH SAVITT, was appointed by the court as the voluntary guardian of the property of LORRAINE HILTON (Ward) on March 20, 2013.

2.) The total amounts of all prior fees paid or costs awarded to petitioner in this proceeding are:

Fees: $ 0.00
Costs $ 0.00

3.) Petitioner has rendered services as voluntary guardian of the property of the Ward and incurred expenses from January 15, 2013 to April 25, 2013 as more fully described and set forth in the itemized schedule of services and expenses attached hereto as Exhibit A, for which petitioner has not been paid.

4.) Based upon the criteria established by Section 744.108(2), Florida Guardianship Law, petitioner is of the opinion that reasonable compensation for the services performed by petitioner during that time period is:

Fees: $ $4,208.50 (less $1,000.00 paid as retainer)
Costs: $ - 0 -

Total: $ 3,208.50

Petitioner requests that an order be entered awarding petitioner reasonable compensation for the services rendered and expenses incurred by the petitioner for the benefit of the Ward and the Ward's estate, and authorizing and directing that such compensation and expenses be paid from the assets of the Ward's estate.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on this 25th day of April, 2013.

By: _____
Elizabeth Savitt, Petitioner and Guardian

E-File 4/30/13

Dated: April 30, 2013

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

Sheri L. Hazeltine, Esq.
Attorney for Elizabeth Savitt and Lorraine Hilton.
Florida Bar No. 0674567
800 Palm Trail Plaza, Ste. 3
Delray Beach, Florida 33483
(561) 243-4655 (office)
(561) 243-6933 (fax)

I hereby certify that a true copy of this Petition for Order Authorizing Payment of Compensation and Expenses of Guardian was mailed via first class mail service through the U.S. Postal Service on this 30th day of April, 2013 to: Lorraine Hilton; Elizabeth Savitt.

By: _____

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. ***

Electronically Filed 06/18/2013 02:00:09 PM ET

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF **PROBATE DIVISION**

LORRAINE HILTON **CASE NO. 502013GA000052XXXXSB**

_____/

PETITION FOR ORDER AUTHORIZING PAYMENT OF COMPENSATION AND EXPENSES OF GUARDIAN
(April 26, 2013 through June 7, 2013)

Petitioner, Elizabeth Savitt, alleges:

1. Petitioner was the Voluntary Guardian of the Property of Lorraine Hilton (the Ward) but has since resigned and is awaiting discharge.

2. The total amounts of all prior fees and costs awarded to petitioner in this proceeding are:

   Fees: $4,208.50
   Costs: $0.00

3. Petitioner has rendered services as guardian of the property of the Ward from **April 26, 2013 through June 7, 2013**, as more fully described and set forth in the itemized schedule of services attached hereto as Exhibit "A," for which petitioner has not been paid.

4. Petitioner's records indicate that during the period of time above mentioned, Petitioner has performed services as guardian of the property of the Ward in the total amount of **23.95** hours and incurred expenses in the amount of $3.60 as reflected on the attached time sheets.

5. Based upon the criteria established by § 744.108(2), Florida Statutes, and the hours Petitioner has expended in handling the affairs of the Ward, Petitioner believes that a reasonable hourly rate of compensation for the services performed is $95.00 per hour. Therefore, a reasonable compensation for the services performed and expenses incurred by Petitioner during that period of time is **$2,231.35**, less a $2,000 credit as reflected on the attached time sheets.

Petitioner requests that an order be entered awarding petitioner reasonable compensation for the services rendered by the petitioner for the benefit of the Ward and authorizing and directing that such compensation be paid from the assets of the Ward.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief

Signed on 6/11/13, 2013.

Elizabeth Savitt, Petitioner

Ellen S. Morris, Esq.
Attorney for Petitioner
Florida Bar Number: 850306
ELDER LAW ASSOCIATES PA
7000 W. Palmetto Park Road, Suite 205
Boca Raton, FL 33433
Telephone: (561) 750-3850
Fax: (561) 750-4069
Primary E-mail: emorris@elderlawassociates.com
Secondary E-mail: lrubin@elderlawassociates.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of June, 2013, a true copy of the foregoing was served by certified mail to Ms. Lorraine Hilton, P.O. Box 1432, New Port Richey, Florida 34656 and Thomas H. Dougherty, Esq. (thdlaw@bellsouth.net), THOMAS H DOUGHERTY, P.A., P.O. Box 30056, Palm Beach Gardens, FL 33420-0056

Ellen S. Morris, Esq.
Florida Bar No. 850306

Savitt Guardians

4101 Satin Leaf Ct.
Delray Beach , FL 33445
Phone: 561-573-1292 | Fax: 561-496-1559

Account Statement

Prepared for Lorraine Hilton

Re: Voluntary Guardianship

Previous Invoice Amount	$4,208.50
Last Payment Received	$3,189.50
Previous Balance	$(2,000.00)
Current Charges	$2,231.35
Total Due	$231.35

Savitt Guardians

4101 Satin Leaf Ct.
Delray Beach , FL 33445
Phone: 561-573-1292 | Fax: 561-496-1559

Lorraine Hilton

Invoice Date: June 07, 2013
Invoice Number: 10017
Invoice Amount: $2,231.35

Matter: Voluntary Guardianship

5/2/2013	T.C. K.C. Williams, the office is getting calls from Lorraine for money. They have asked her to call me. They are concerned because she screamed into the phone before it was hung up.	E.S.	.30	$28.50
5/6/2013	T.C. Jim, request to see his Mother, have her flown to Tampa.	E.S.	.20	$19.00
5/7/2013	T.C. (2) Bob and Lorraine about getting receipts for items, having them copied and meeting today to give them to me.	E.S.	.30	$28.50
5/7/2013	T.C. Karen at Ellen Morris office to set up and prepare for appointment for initial meeting.	E.S.	.30	$28.50
5/8/2013	T.C. Bob, Lorraine is still sleeping and he did not say what happened to meeting me yesterday, but said he would call back again today. He is getting receipts together and getting them copied.	E.S.	.20	$19.00
5/8/2013	T.C. Jim Hilton re: Visiting with his Mom and the Morgan Stanley account in trust.	E.S.	.30	$28.50
5/8/2013	T.C. Morgan Stanley re: trust account, ira account, distributions, dividends. Legal department issues.	E.S.	.50	$47.50
5/8/2013	Meeting at office of Ellen Morris to sign retainer agreement for guardianship and supply data.	E.S.	2.20	$209.00
5/9/2013	T.C. Chase credit card, fax guardianship paperwork.	E.S.	.40	$38.00
5/9/2013	Drive to Lake Mangonia home to see Lorraine and pick up bill and receipts. Lorraine hit her head and it still hurts. She wants to be taken to hair dresser. Bob did not have receipts copied. Picked up three bills.	E.S.	1.50	$142.50
5/10/2013	T.C. Lorraine, Bob, (3) They are going to be packing up and leaving West Palm Beach. He is going to deliver the receipts. He needs to get on the	E.S.	.50	$47.50

	road so he is going to buy a printer for his I pad so she can scan receipts on the way to Okeechobee house and New Port Richie. He will allow Lorraine to visit her son Jim.			
5/10/2013	E-mail Bob about not selling the house or renting without the trust signing off. Billing and filing.	E.S.	1.00	$95.00
5/12/2013	Read and respond to E-mails Ellen Morris and Comerica re: Bob executing a quitclaim deed May 1, 2013 transferring title of New Port Richie home to himself.	E.S.	.70	$66.50
5/12/2013	T.C. Jim Hilton asking about title of the New Port Richie home, tax return, money, bills.	E.S.	.50	$47.50
5/13/2013	Look up property tax unpaid on Lorraine's rental property. Travel to Chase to purchase Checks to pay Property Taxes. Drop off at tax office.	E.S.	.80	$76.00
5/13/2013	Responce E-mail to Comerica and Ellen Morris re: clouding the quitclaim deed.	E.S.	.40	$38.00
5/13/2013	Voice messages (6) from Lorraine from 1:00 am re: request for $8,000 including one in which her voice is all of a sudden pitched to a high scream. E-mail from Jim detailing same series of phone messages.	E.S.	.40	$38.00
5/13/2013	Letter to homeowners association listing contact information. E-mails to Comerica and Morris.	E.S.	.40	$38.00
5/14/2013	T.C. Lorraine and Bob asking for 8,000.00 they want to pick up now while they are near courthouse. T.C. Lorraine from home said she needs someone to help take care of her. Bob is not there. T.C. voice mails from Lorraine and Bob, in one she is screaming again, very agitated.	E.S.	.60	$57.00
5/14/2013	T.C. Chase credit card re: paid down bill and transferred address. Limiting the credit.	E.S.	.50	$47.50
5/14/2013	T.C. to court house to notify of threat and get security. Travel to hearing, meet with Sheri Hazeltine before hearing re: billing, attend hearing. Speak to security afterwards concerning Bob's inability to drive home on drugs.	E.S.	1.40	$133.00
5/14/2013	T.C. Randee from Hazeltine office. She called to warn me that she received a threatening voice mail from Bob Hilton asking for my home address so that he can force me to give him the $8,000. of his Mother's money that he needs to pay for property. He needs it right now and wants to get it immediately. I told her to preserve it for a police report.	E.S.	.40	$38.00
5/14/2013	Text from Jim that Bob was in fact going to the hearing this morning and he is bringing all his paperwork.	E.S.	.10	$9.50
5/14/2013	T.C. Officer from Delray Police re: voice message report. T.C. DCF re: Lorraine's safety and care. T.C. attorney Doreghty re: background of Lorraine, phone calls, issues with Bob Hilton. E-mail Ellen	E.S.	1.20	$114.00

	Morris office with details of events.			
5/15/2013	T.C. Jim, (4) wanted to know the whereabouts of his Mother, what medications she was taking, how the hearing with Judge French went on Tuesday.	E.S.	.30	$28.50
5/15/2013	T.C. Bob and Lorraine (8) wanting to make arrangements to meet and give me receipts and get some spending cash. Delay in meeting as Bob did not sound like he was in condition to drive. Lorraine had called the fire department and they came into house to see Bob. He refused to go to hospital. He told me he was out of medication and in pain. Lorraine wanted to get some help as well.	E.S.	.50	$47.50
5/15/2013	T.C. Ellen Morris, discuss the T.C. from Jim's attorney and the mistakes in his filing.	E.S.	.20	$19.00
5/16/2013	T.C. Bob, (4) the police have his Mother. He is going to hire an attorney. T.C. Jim, (3) He is going to pick up his Mother in Pahokee. He wants the keys to the house so that he can get clothes for his Mother and he will be taking her to see her doctor here tomorrow.	E.S.	.20	$19.00
5/17/2013	T.C. Holly at H & R, schedule B for income from other accounts/banks etc. She is having a hard time with the taxes.	E.S.	.20	$19.00
5/17/2013	T.C. Jim, Lorraine has not I.D., no wallet. Sending house key and inventory. At attorney for restraining order. T.C. Bob, wants me to write him a check for caretaker fees of his Mother.	E.S.	.40	$38.00
5/18/2013	Review of bills from Bob, text requesting to pay the auto insurance.	E.S.	.30	$28.50
5/20/2013	Receive text from Bob Hilton requesting to be paid for caretaker. Text from Jim Hilton stating he is the plenary E.T.G. Respond to both text. E-mail to Ellen Morris re: bills from Bob and turning over said bills to Jim's attorney, service of restraining order and request for no further contact.	E.S.	.50	$47.50
5/21/2013	Voicemail from Bob re: money	E.S.	.10	No Charge
5/22/2013	Voicemails from Bob Hilton re: his Mother being kidnapped and getting money.	E.S.	.20	No Charge
5/22/2013	T.C. Holly Durfee re: taxes, how to estimate the work done on property.	E.S.	.20	No Charge
5/23/2013	E-mail to Ellen Morris re: bills to pay. E-mail Cris at Comerica re: bills on home in trust.	E.S.	.30	$28.50
5/24/2013	Scan tax documents to Holly Durfee at H & R.	E.S.	.15	$14.25
5/27/2013	Paid FPL bill for April and Palm Beach Neurology, forward Comerica to Jim.	E.S.	.20	$19.00
5/27/2013	Forward Utility and Electric for New Port Richey home to Comerica	E.S.	.10	$9.50
6/5/2013	Final Accounting. Complete all receipts, dispursements and summary work. Forward to E. Morris office.	E.S.	3.50	$332.50
6/7/2013	Final accounting review and billing.	E.S.	1.50	$142.50

SUBTOTAL:		23.95	$2,227.75

Costs

5/16/2013	Postage 8@.45	$3.60
SUBTOTAL:		$3.60

TOTAL: $2,231.35
PREVIOUS BALANCE (CREDIT): $2,000.00
CURRENT BALANCE DUE AND OWING: $231.35

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF **PROBATE DIVISION**

LORRAINE HILTON **CASE NO. 502013GA000052XXXXSB**

_____/

ORDER AUTHORIZING PAYMENT OF COMPENSATION AND EXPENSES OF VOLUNTARY GUARDIAN

On the petition of Elizabeth Savitt, as voluntary guardian of the property of Lorraine Hilton (the Ward), for an order authorizing payment of compensation for services rendered and expenses incurred, the Court having examined the file in this proceeding and having considered the evidence presented regarding the criteria established by Section 744.108(2), Florida Statutes, and finding that the material allegations of the petition are true and $95.00 per hour is a reasonable rate of compensation for the services of the guardian, and being otherwise fully advised, it is

ORDERED AND ADJUDGED as follows:

1. Petitioner is hereby awarded a reasonable fee under Section 744.108(2), Florida Statutes, for services rendered by the Petitioner during the period of **April 26, 2013**, through **December 2, 2013**, as follows:

Hourly Rate:	$95.00
Hours Worked:	29.75
Total Fees:	$2,778.75
Total Costs:	$3.60
Total Fees and Costs:	**$2,782.35** (less a $2,000.00 credit)

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED
2013 DEC 16 AM 9:56

2. The guardian of the property of the Ward is authorized and directed to pay that compensation and those expenses from the assets of the Ward in the total amount of **$782.35** to Elizabeth Savitt.

3. Such payment shall be made within ten (10) days from the date of this Order, if not sooner, and shall be made through any accounts held in the name of the Ward or guardianship, including any accounts restricted under Section 69.031, Florida Statutes.

DONE AND ORDERED on this _____ day of _____, 2013 at Delray Beach, Palm Beach County, Florida.

David E. French

HONORABLE DAVID E. FRENCH
Circuit Judge

Copies furnished to: See attached list

C.

COPY

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

LORRAINE HILTON.
_____/

DIVISION: IX

CASE NO. 502013GA000052XXXXSB

VERIFIED INVENTORY of the
Voluntary Guardian of the Property

ELIZABETH SAVITT, the guardian of the property of LORRAINE HILTON (the Ward), by and through her attorney, Sheri L. Hazeltine, Esq., files, as the Verified Inventory of the Guardian, this inventory of all of the property of the Ward that has come into the guardian's possession or knowledge, including all encumbrances, liens and other secured claims on any item, as of **March 20, 2013.** All property not in the Guardian's possession as of the date of this inventory is identified by an asterisk (*) in the right margin.

REAL ESTATE

Description and Location of Property and Encumbrances, Liens or Security Interests on any Item	Estimated Fair Market Value	Estimated Amount of Encumbrances, Liens, and Security Interests

None.

PERSONAL PROPERTY:

Description and Location of Property and of Encumbrances, Liens or Security Interests on any Item	Estimated Fair Market Value	Estimated Amount of Encumbrances, Liens or Security Interests
-0-		

Total Estimated Value of Personal Property	$ -0-
Less: Encumbrances, Liens, Security Interests	$ -0-
Estimated Net Value of Personal Property	$ -0-

5x A

TOTAL ESTIMATED NET VALUE OF PERSONAL PROPERTY: $- 0 -

CLAIMS:

Name and Address of Potential Claims	Basis for Claim	Amount of Claim	Estimated Amt. of Claim

None.

INCOME (monthly):

Description of All Income of Ward, Including Name and Address of Payor	Frequency of Payment	Amount of Payment
Social Security Administration	Monthly	$1,668.00

CASH ASSETS:

Attached to this Inventory are copies of the most current statements of all of the Ward's cash assets from all institutions where the cash is on deposit *as of March 20, 2013*:

Banks or Institutions	Account No.	Amount
Chase Bank	[redacted]	$9,041.38
Chase Bank	[redacted]	3,294.88
Chase Bank	[redacted]	704.06

Total Cash Assets: $ 13,040.32

TOTAL ESTIMATED PROPERTY INCLUDING REAL ESTATE AND CASH ASSETS: $ 13,040.32

The Ward has the right to sue on the following causes of action:

None.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on this 23 day of April, 2013.

ELIZABETH SAVITT,
Guardian of the Property

Dated this 23 day of April, 2013 at Delray Beach, Florida.

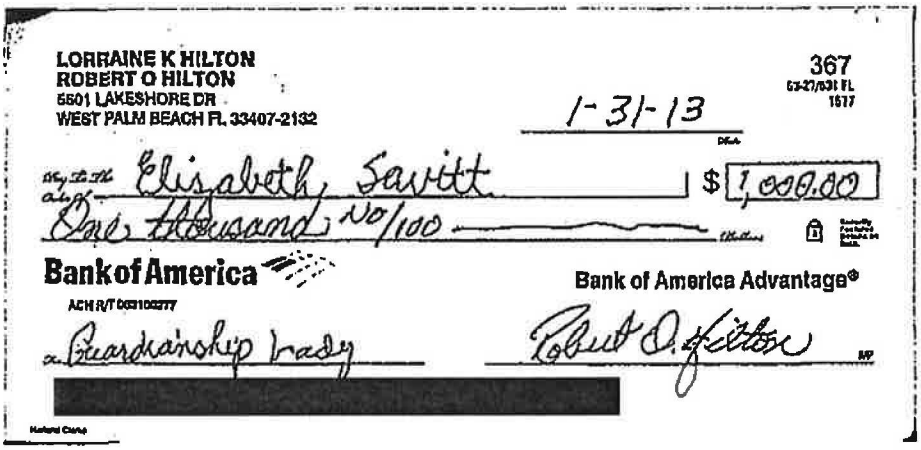
SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____
Sheri L. Hazeltine, Esq.
Attorney for Elizabeth Savitt
Florida Bar No. 0674567
800 Palm Trail Plaza, Suite 3
Delray Beach, Florida 33483
(561) 243-4655 (office)
(561) 243-6933 (fax)
sheri@hazeltinelaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Verified Inventory was mailed via First Class Mail, U.S. Postal Service, on this 23rd day of April, 2013 to the following parties: Elizabeth Savitt and Lorraine Hilton.

By: _____
Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567



LORRAINE K HILTON
ROBERT O HILTON
5501 LAKESHORE DR
WEST PALM BEACH FL 33407-2132

367
53-27/631 FL
1517

1-31-13

Elizabeth Savitt $ 1,000.00

One thousand No/100

Bank of America

Bank of America Advantage®

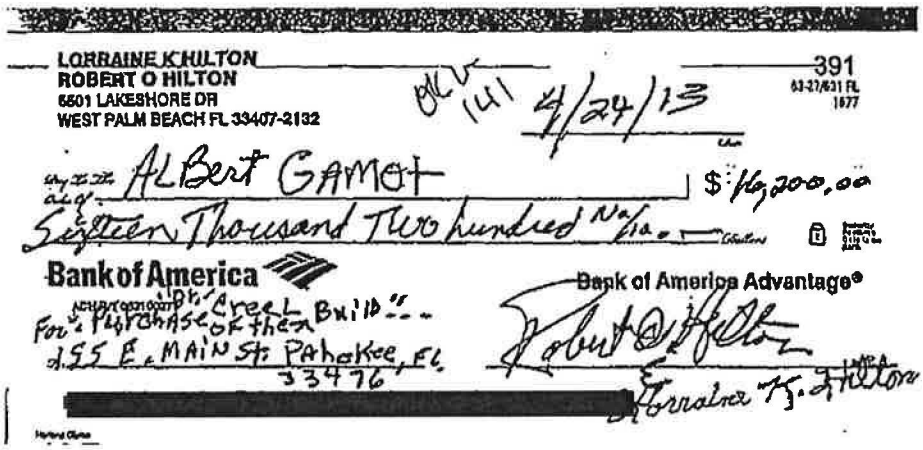
ACH R/T 063100277

Guardianship Lady

Robert O. Hilton

[redacted]

Ex B



LORRAINE K HILTON
ROBERT O HILTON
6501 LAKESHORE DR
WEST PALM BEACH FL 33407-2132

391
63-27/631 FL
1677

OKV 141 4/24/13

Pay to the Order of ALBert GAMOT $ 16,200.00

Sixteen Thousand Two hundred No/100 Dollars

Bank of America

Bank of America Advantage®

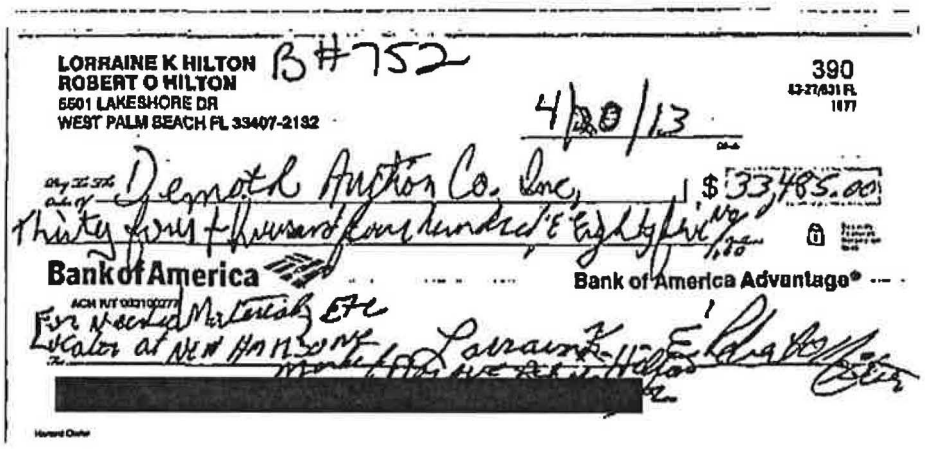
For "Dr. Creel Build" Purchase of the
255 E. MAIN St. Pahokee, FL
33476

Robert O Hilton

Lorraine K. Hilton

[redacted]

Ex C
1 of 2



LORRAINE K HILTON B#752
ROBERT O HILTON
5501 LAKESHORE DR
WEST PALM BEACH FL 33407-2132

390
63-27/631 FL
1877

4/20/13

Demoth Auction Co. Inc, $ 33,485.00

Thirty four thousand four hundred & eighty five No/100

Bank of America

Bank of America Advantage®

ACH R/T 002100277

For Vacated Materials Etc
Locator at New Harrison
Market [illegible]

Lorraine K. Hilton

[redacted]

Ex C
2 of 2

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. ***

Electronically Filed 06/17/2013 02:13:55 PM ET

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

LORRAINE HILTON
_____/

PROBATE DIVISION

CASE NO. 502013GA000052XXXXSB

PETITION FOR DISCHARGE OF VOLUNTARY GUARDIAN OF THE PROPERTY

Petitioner, Elizabeth Savitt, as voluntary guardian of the property of Lorraine Hilton (the Ward), alleges:

1. Petitioner should be discharged because she resigned on May 24, 2013, and an Order on Resignation of Guardian was signed on May 30, 2013.

2. Petitioner has fully administered the guardianship.

3. Petitioner files herewith a Final Report which includes an accounting showing all receipts and disbursements from the date of the previous annual accounting (or from the commencement of the administration of the voluntary guardianship if no annual accounting has been filed) and a schedule showing: (a) the amount of unpaid and anticipated costs and fees to be paid to the voluntary guardian and to attorneys, accountants, or other agents employed by the voluntary guardian, (b) all amounts reserved for unpaid and anticipated disbursements, costs and fees, (c) all other relevant financial information not shown on the accounting, and (d) a list of the assets to be turned over to the persons entitled to them.

4. A copy of the Final Report, a copy of this petition, and a notice containing the statements required by Fl. Prob. R. 5.680(d) will be served on the persons required by Fl. Prob. R. 5.680(e), or waivers by those persons of such notice and service are either attached hereto or will be filed herein.

Petitioner requests that an order be entered authorizing Petitioner to make the disbursements and distributions indicated in the Final Report, and, after satisfactory evidence has been presented that all property of the Ward has been distributed to the persons entitled to it, that an order be entered discharging petitioner as voluntary guardian of the property and releasing the surety on petitioner's bond, if any, from further liability.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on 2/11/13, 2013.

Elizabeth Savitt, Petitioner

Ellen S. Morris, Esq
Attorney for Petitioner
Florida Bar Number: 850306
ELDER LAW ASSOCIATES PA
7000 W. Palmetto Park Road, Suite 205
Boca Raton, FL 33433
Telephone: (561) 750-3850
Fax: (561) 750-4069
E-Mail: emorris@elderlawassociates.com
Secondary E-Mail: lrubin@elderlawassociates.com

		Hrs/Rate	Amount
7/1/2013	Phone call with Jim Hilton; several emails to Lisa Rubin at Ellen Morris' office	0.40 $325.00/hr	$130.00
7/2/2013	Receipt and review and forward emails of videos of house to Jim Hilton; email to and from Ellen Morris with Notice of Unavailability	0.30 $325.00/hr	$97.50
7/3/2013	Telephone conference with Jim	0.40 $325.00/hr	$130.00
	Receipt and review of Last Will and Testament, Durable Power of Attorney, Revocable Trust, Durable Health Care Power of Attorney and Designation of Health Care Surrogate from Sheri Hazeltine	0.50 $325.00/hr	$162.50
7/5/2013	Receipt and review of Objection to Final Report, Final Accounting and Petition for Discharge; and Objection to Petition for Order Authorizing Payment of Compensation and Expenses of Guardian and Petition for Discharge, both filed by Thomas Doughterty on 7/2/13	0.30 $325.00/hr	$97.50
7/8/2013	Receipt and review of Report of Gregory Calder	0.20 $325.00/hr	$65.00
7/10/2013	Email to Tom Dougherty; email to Lisa at Ellen Morris' office	0.20 $325.00/hr	$65.00
	Telephone call with Tom Doughterty	0.20 $325.00/hr	$65.00
7/11/2013	Travel to courthouse for hearing on Motion to Continue; notify Attorney Dougherty of new date	1.00 $325.00/hr	$325.00
7/16/2013	Receipt and review of photos of Roseland Drive property; forward to Jim Hilton and Tom Dougherty	0.20 $325.00/hr	$65.00
7/17/2013	Phone conference with Michelle from Signature Title; fax to Tom Dougherty re: sale	0.30 $325.00/hr	$97.50

		Hrs/Rate	Amount
7/18/2013	Receipt and review of Dr. Boltson's Report; forward to attorney	0.20 $325.00/hr	$65.00
7/19/2013	Phone conference with Tom Dougherty	0.20 $325.00/hr	$65.00
7/22/2013	Receipt and review of prior email to Sheri Hazeltine; begin drafting report; investigate criminal background of Robert and James Hilton	0.50 $325.00/hr	$162.50
	Receipt and review of Report of Dr. Andre	0.20 $325.00/hr	$65.00
7/23/2013	Telephone call with Tom Dougherty; receipt and review of email re: Discover Card balance letter stating Ward not responsible	0.30 $325.00/hr	$97.50
7/24/2013	Receipt and review of Order Authorizing Payment of Expenses of Emergency Temporary Guardian; Motion to Vacate Quit Claim Deed; and Notice of Hearing	0.50 $325.00/hr	$162.50
7/26/2013	Receipt and review of email from Jim Hilton re: Ward attending hearing; receipt and review of Notice of Hearing, Initial Report of Emergency Temporary Guardian, Interim Accounting and Petition to Void Deed; finalize Report of Court Appointed Attorney and send to attorney	1.50 $325.00/hr	$487.50
7/29/2013	Receipt and review of Petition for Attorney Fees of Tom Dougherty; phone call with Tom Dougherty	0.40 $325.00/hr	$130.00
	Travel to Delray courthouse to attend hearing on Petition to Determine Incapacity; review financial documentation	2.00 $325.00/hr	$650.00
	For professional services rendered	15.00	$4,655.00
	Additional Charges :		
Copies			$15.75
Fax			$6.00

		Amount
Postage		$1.38
	Total additional charges	$23.13
	Total amount of this bill	$4,678.13
	Balance due	$4,678.13

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. ***

Electronically Filed 07/02/2013 01:06:32 PM ET

IN THE CIRCUIT COURT OF THE 15th JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY.

GUARDIANSHIP DIVISION

CASE# 502013GA00052XXXXSBIX

RE: GUARDIANSHIP OF)
)
LORRAINE HILTON)
)
Ward.)
/

OBJECTION TO FINAL REPORT, FINAL ACCOUNTING AND PETITION FOR DISCHARGE

COMES NOW, James Hilton as Emergency Temporary Guardian of the Person and Property of Lorraine Hilton, by and through his undersigned attorneys, and hereby files this Objection to Final Report, Final Accounting and Petition for Discharge filed by Elizabeth Savitt, as Guardian of the Property, filed on June 11, 2013 and in support thereof states:

1. James Hilton files a general objection to the Final Report and Accounting as the same is incomplete and inaccurate and objects to the Petition for Discharge until such time as a full and complete accounting can be performed.

2. James Hilton objects to the following specific items on said Final Report and/or Final Accounting:

a) Guardian lists a disbursement of $998.30 (without any receipts of breakdown of expenses although per Chapter 744 of Florida Statutes, these must be presented and kept for 3 years by the Guardian) for the Inventory of New Port Richey house (personal Property) yet the accounting and inventory list no personal property. (see Exhibit A). The Guardian indicated to James Hilton that she had photographs of the contents of the Roseland property but has never provided such photographs. In addition, the Ward had jewelry, fine crystal, art and other items of Personal Property that the Guardian was made aware of on March 20, 2013 by the current ETG and the Guardian did not secure said property and has failed to account for said property.

b) The Guardian failed to secure the personal property which is believed to have been stolen by Robert Hilton. The ETG, upon appointment, requested a

key to the Wards home in New Port Richey from the Guardian. The Guardian stated she "did not have time" to give him the key but instead mailed the key to the ETG. As a result of the delay in obtaining the key, Robert Hilton entered the home and removed all of the Ward's Property.

c) The "Account Statement" attached to the Petition for Order Authorizing Payment of Compensation and expenses shows a prior invoice of $4,208.50 and payments received of $3,189.50 yet those payments are not listed in the disbursements.

d) The accounting shows a "Guardian Retainer Fee" on May 17, 2003 without authorization.

e) The accounting does not reflect a payment received by the Guardian in the amount of $1,000.00 paid from a Bank America account (#[redacted]) on January 31, 2013 prior to her appointment as Guardian. (see attached Exhibit B)

f) The accounting does not disclose the existence of the Bank America Account [redacted], which was a joint account with Robert Hilton, although all funds in the account belonged to the ward.

g) The Guardian failed to secure and separate joint accounts including the Bank America Account listed although she was aware of the account and as a result, Robert Hilton wrote 2 checks on the account AFTER the Guardianship was established for a total of $49,685.00 (check 390 for $33,485.00, check 391 for $16,200.00 (See attached Exhibit C) It appears that the ward signed each check despite the existence of the Guardianship. These checks were for real property yet the deeds indicate sole ownership in favor of Robert Hilton.

h) The accounting shows two payments to Robert Hilton (April 17, 2013 for $1,000.00 and April 29, 2013 for $1,500.00) without any explanation or receipt. Noteworthy is that both were identified as check #101 of the same bank account.

i) The accounting reveals that the Guardian paid the property taxes on two homes that are titled in the name of Robert Hilton for a total of $5,304.50 (Property tax 5170 for $2653.87 and Property Tax 5210 $2,650.63) Further,

these properties were previously owned by the Ward and acquired by Robert Hilton by Warranty deed in October 2012 while the ward was incompetent. The Guardian took no steps to reclaim these properties.

j) The Accounting reveals one single payment for a Chase Credit Card 4587 in the amount of $1,000.00 without detail as to the charges, receipts, balance etc., let alone the fact that a charge card exist and who is authorized to charge.

k) The Guardian failed to notify credit agencies of the guardianship leaving the ward exposed to credit fraud and accounts being opened in her name which has occurred. Robert Hilton in fact opened at least one card with Discover after the appointment of the Guardian in the name of the ward. The ETG has since taken steps to prevent additional accounts from being opened.

l) The accounting shows a "withdraw to Lorraine Hilton" on April 8, 2013 in the amount of $500.00 without any explanation or receipt.

m) The accounting shows Cash for Lorraine Hilton on May 9, 2013 in the amount of $200.00 without any explanation or receipt.

n) The accounting shows Cash for Lorraine Hilton on May 17, 2013 in the amount of $200.00 without any explanation or receipt.

o) The initial Inventory of the Ward Shows three accounts at Chase (XX8880, XX1264, and XX8670) the Final Accounting does not show the accounts or list them in any manner.

p) The Initial Inventory does not show any accounts at Wells Fargo however, the Final Accounting Shows an Account without any explanation.

q) The Final Accounting shows only three disbursements from the Wells Fargo account (#[redacted]) [a wire fee of $15.00, a Federal Tax Fee of $.11 and the payment of a $2,000.00 "Guardian Retainer Fee"] and four receipts [Wire of $10,000.00, Interest of $.05, Interest of $.41 and Interest of .27] However, the bank statement attached show two separate deposits in the amount of $3,189.50 and two withdrawals/checks each in the same amount without any explanation.

r) The Guardian was appointed on March 20, 2013 and the Bank account [redacted] shows check a check #202 on April 2, 2013 in the amount of $600.00, Check 198 on March 27, 2013 in the amount of 183.80, and check 197 (Walgreens) in the amount of $66.89. None of these items are accounted for or explained.

3. The accounting fails to account for all receipts and disbursement made during the accounting period. The Guardian fails to provide cancelled checks and/or receipts for all disbursements.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Ellen Morris, Esq, attorney for the Guardian of the Property via email at lrubin@elderlawassociates.com 7000 West Palmetto Park Rd Ste 205 Boca Raton, Florida 33433 Carol Crozier, via email at cc@kmkpa.com on the 2nd day of July, 2013.

THOMAS H.DOUGHERTY, PA.
Attorneys for James Hilton
PO Box 30056
Palm Beach Gardens, FL 33420-0056
(561) 842-9707-Telephone
(561) 842-9696 Fax
E-Mail: thdlaw@bellsouth.net

By: _____
Thomas H. Dougherty
Fla. Bar # 0957630

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

IN RE:

GUARDIANSHIP OF

CASE NO.: 502012GA000016XXXXSB

HELEN M. O'GRADY

/

APPLICATION FOR APPOINTMENT AS GUARDIAN

Pursuant to Section 744.3125 of the Florida Guardianship Law, the undersigned submits this Application for Appointment as Guardian of Helen M. O'Grady (the Ward) and submits the following information:

1. Name: THOMAS H. MAYES
2. Social Security Number: [redacted]
3. Date and Place of Birth: 7-16-1960 PA.
4. Residence address: 1602 SW NICHOLAS DRIVE
5. Mailing address: BOYNTON BEACH FL 33426
6. U.S. citizen? Yes x No
7. Employer's name and address: US. DEPT OF HOMELAND SECURITY (TSA)
   3200 BELVEDERE ROAD STE A-124 WEST PALM BEACH FL 33406
   Applicant's position:
   LEAD SCREENING OFFICER
8. Marital status and name of spouse, if any: MARRIED SANDRA J. SMITH
9. Home telephone number: 561-733-0160 561-742-0669
10. Length of residence in county wherein application is filed: 17 YEARS
11. If currently serving as guardian for any other ward, list names of each ward, court file number(s), circuit court(s) in which the case(s) is/are pending and whether applicant is acting as the limited or plenary guardian of the person or property or both:

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

2012 JAN 11 PM 4:21
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED

PROBATE DIVISION

Case No.: 502012GA000016XXXXSB

Florida Bar No.: 301590 IX

_____/

IN RE:

HELEN M. O'GRADY,

An Alleged Incapacitated Person.

_____/

PETITION FOR APPOINTMENT OF GUARDIAN OF THE PERSON AND PROPERTY

The Petitioner, THOMAS MAYES, alleges:

1. The Petitioner is the Son of HELEN M. O'GRADY. The Petitioner's residence address is the following: 1602 SW Nicholas Drive, Boynton Beach, FL 33426. The Petitioner's post office address is the same as his residence address and the post office address of the Petitioner's attorney is set forth at the end of this Petition.

2. The Alleged Incapacitated Person, HELEN M. O'GRADY, is an eighty-three (83) year old, English speaking female, whose date of birth is January 27, 1929, and whose Social Security Number is [redacted]. The Alleged Incapacitated Person is a resident of Palm Beach County, Florida, whose permanent address is 3742 NW 5th Avenue, Boca Raton, FL 33431, but who is presently residing at Emiritus Assisted Living Facility, 1935 South Federal Highway, Boynton Beach, FL 33435, (561) 736-2424.

3. The Petitioner believes HELEN M. O'GRADY to be incapacitated based upon the following factual information: (i) She suffers from Alzheimer's disease and/or vascular dementia; (ii) She suffers from an aortic valve disease, congestive heart failure, essential hypertension, chronic

1/29
1/2011

19
2011
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92

92
29
121

atrial fibrillation, chronic kidney disease [Stage III to IV], renal artery stenosis, and post stenting of the left renal artery during April, 2010; (iii) She suffers from cognitive decline; (iv) that the Alleged Incapacitated Person refuses to take her medication and refuses to consent to necessary medical treatment, which includes an aortic valve replacement recommend by Carlos Alonso, M.D. of the University of Medicine no later than the end of February, 2012(*), (v) the Alleged Incapacitated Person is not allowing her son to assist her with her necessary medical care, (vi) the Alleged Incapacitated Person has threatened to leave the Emeritus ALF and return to her home, which upon information and belief is not a safe and secure structure or environment, and (vii) the Alleged Incapacitated Person has withdrawn $3,100.00 from her account for no apparent reason, especially since the Petitioner pays all of her bills and provides her with spending money. **[*Without that surgery, Dr. Alonso feels that the AIP's coronary condition is so deteriorated that her death will occur if there is a stroke or a heart attack.]**

The Alleged Incapacitated Person has previously executed a Durable Power of Attorney and Health Care Advance Directive with her attorney, Robert S. Kleinman, Esquire, on May 19, 2010, appointing her son, Thomas Mayes, as her attorney-in-fact and health care surrogate and surrogate under her Living Will. The Alleged Incapacitated Person is not allowing her son to exercise his duties as her attorney-in-fact and health care surrogate. A copy of the Advance Directive documents are being filed concurrently with this Petition.

The Alleged Incapacitated Person needs replacement of a heart valve and has refused treatment of this severe condition. Dr. Carlos Alfonso of University of Miami School of Medicine recommended this replacement no later than the end of February, 2012, but the Alleged Incapacitated Person refuses to have the surgery.

4. The names and addresses of all interested parties and next of kin of the Alleged Incapacitated Person are:

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF HELEN M. O'GRADY. / DIVISION: IX

CASE NO. 502012GA000016XXXXSB

APPLICATION FOR APPOINTMENT OF ELIZABETH SAVITT AS GUARDIAN OF THE PERSON

Pursuant to Section 744.3125, Florida Statutes, the undersigned, submits this Application for Guardian of the Person for (the Ward, HELEN M. O'GRADY) and submits the following information:

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED
2012 JAN 17 PM 3:45

1. Name of Applicant: ELIZABETH SAVITT
2. Social Security Number: [redacted]
3. Date and Place of Birth: 09/09/1955 – Louisville, Kentucky
4. Residence address: 4101 Satin Leaf Court, Delray Beach, Florida 33445
5. Mailing Address: same as above
6. U.S. Citizen? Yes.
7. Employer's name and address: Self, same.
8. Marital status and name of spouse, if any: Husband, Martin H. Colin
9. Home telephone number: (561) 573-1292
   Work telephone number: Same
10. Length of residence in county wherein application is filed: 13 years
11. If currently serving as guardian for any other ward, list names of each ward, case number(s), circuit court(s) where case(s) is/are pending and whether each guardianship is limited or plenary:

Jennifer Keller, Palm Beach County Case No. 502006GA000155XXXSB
(Guardian Advocate)
Danielle Peterson, Palm Beach County Case No. 502010GA000431XXXXSB
(Guardian Advocate)
Carol Dobrzynski, Palm Beach County Case No. 502010GA000556XXXXSB
(Guardian Advocate)

Irving Stone (now deceased but case is still open) Palm Beach County Case No. 502011GA000510XXXXSB.
(Emergency Temporary Guardian)

12. Does applicant have any physical disabilities? No

If yes, please describe and state whether such disability will affect applicant's ability, in any degree, to serve as guardian:

13. Has applicant ever been treated for the following:

a. Mental condition? No

b. Alcohol? No

c. Drugs ? No

d. Other? No

If "yes" was answered to any of the above, please state date, time location of treatment and name of physician or professional involved:

14. Has applicant ever been judicially determined to have committed abuse or neglect against a child or adult as defined by Florida Statute? Yes _____ No X

15. Has applicant ever been the subject of a confirmed report of abuse, neglect, or exploitation which has been uncontested or upheld pursuant to the provisions of Sections 415.104 and 415.1075 of the Florida Statutes? Yes____ No X

16. Has applicant ever been charged with fraud, misrepresentation or perjury in a judicial or administrative proceeding? No. If yes, please give date and complete details:

17. Has applicant ever been charged with, arrested for or convicted of a felony? No. If yes, please furnish details including date, type of offense, location and final disposition:

18. Has applicant ever been charged with, arrested for or convicted of any other crimes? No. If yes, please furnish details including date, type of offense, location and final disposition:

19. Has applicant ever held a position which required bonding? No. If yes, please describe position, date, amount of bond and name of surety:

20. Has applicant, in the past, ever served as guardian of a person or of a person's property? No.
If yes, please describe below, including reason for termination of fiduciary position: N/A.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF HELEN M. O'GRADY. / DIVISION: IX

CASE NO. 502012GA000016XXXXSB

AGREED ORDER AUTHORIZING PAYMENT OF ATTORNEYS FEES AND COSTS

On the petition of Sheri L. Hazeltine, Esq. for an order authorizing payment of attorney's fees for services rendered and expenses incurred for her representation of ELIZABETH SAVITT, the plenary guardian of the property of the Ward, for the benefit of the Ward, HELEN M. O'GRADY, the court having examined the file in this proceeding and having considered the evidence presented regarding the criteria established under the Florida Guardianship law, and that the material allegations of the petition are true and being otherwise fully adjudged, it is

12 MAY -3 AM 10:05
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED

ADJUDGED as follows:

1. The sum of $4,282.25 is a reasonable fee for the services of Sheri L. Hazeltine, Esq. for the period from January 12, 2012 through the date of April 19, 2012.

2. The guardian of the property of the Ward, ELIZABETH SAVITT, is authorized and directed to pay that fee of $4,282.25 to Ms. Hazeltine from the assets of the Ward's estate, for a total of $4,282.25.

DONE AND ORDERED in Palm Beach County, Delray Beach, Florida this 2nd day of May, 2012.

CIRCUIT COURT JUDGE
ROSEMARIE SCHER

Copies furnished to:
Sheri L. Hazeltine, Esq., 800 Palm Trail Plaza, Suite 3, Delray Beach, Florida 33483
Joseph Lee, Esq., 1005 Lake Avenue, Lake Worth, Florida 33460
Clifford Hark, Esq., 3301 N.W. Boca Raton Blvd., Suite 200, Boca Raton, Florida 33431

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

CASE NO.: 502012GA00016XXXXSB

IN RE: GUARDIANSHIP OF

HELEN M. O'GRADY,

Ward.
_____/

2012 MAY 22 AM 9:41
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED

PETITION FOR PAYMENT OF EMERGENCY TEMPORARY GUARDIAN'S ATTORNEYS' FEES AND COSTS
[January 11, 2012 through May 14, 2012]

The Petitioner, HARK | BURKHALTER | YON, PL, as counsel for THOMAS MAYES as the Emergency Temporary Guardian of the Property of HELEN M. O'GRADY, hereby files its Petition for Payment of Emergency Temporary Guardian's Attorneys' Fees and Costs [January 11, 2012 through May 14, 2012] and says:

1. The Petitioner is a law firm engaged in the practice of law in Palm Beach County and elsewhere in the State of Florida.

2. The Emergency Temporary Guardian, THOMAS MAYES, has been appointed the Emergency Temporary Guardian of the Property of HELEN M. O'GRADY, pursuant to the Letters of Emergency Temporary Guardianship of Person and Property entered by this Honorable Court on February 9, 2012.

3. The Petitioner has rendered services and incurred costs for the benefit of the Emergency Temporary Guardianship of HELEN M. O'GRADY from January 11, 2012 through May 14, 2012, as more fully described and set forth in the itemized schedule of services and

costs attached hereto as **Composite Exhibit "A",** for which the Petitioner has been partially paid.

4. The Petitioner's records indicate that during the period of the time mentioned above 119.73 hours have been devoted to the representation of the Guardianship of HELEN M. O'GRADY [an additional 1.00 hours have been expended, but not billed to the Guardianship]. Clifford B. Hark, Esquire billed 79.32 hours; Elissa B. Holder, FRP billed 4.83 hours; Cecilia L. White, FRP billed 2.60 hours [an additional 1.00 hours have been expended, but not billed to the Guardianship]; and the Paralegals billed 32.98 hours. The Guardianship is being billed at an hourly rate of $350.00 per hour for time expended by Clifford B. Hark, Esquire; $125.00 per hour for time expended by the Certified Paralegals, Elissa B. Holder, FRP and Cecilia L. White, FRP; and $95.00 per hour for time expended by the Paralegals for HARK | BURKHALTER | YON, PL.

5. Based upon the criteria set forth in Florida Statute Section §744.108(2), the Petitioner believes that a reasonable fee for the ordinary and extraordinary services performed during the period of time listed above is $31,823.85, together with costs of $1,187.46, less a payment of $5,000.00, for a total due and owing in the amount of $28,011.13.

WHEREFORE, the Petitioner, HARK | BURKHALTER | YON, PL, requests that an Order be entered, awarding the Petitioner the following: (i) a reasonable fee for the services rendered by the Petitioner for the benefit of the Guardianship totaling $31,823.85, together with costs of $1,187.46, less a payment of $5,000.00, for a total due and owing in the amount of

$28,011.13; and (ii) directing the Petitioner to be paid the sum of $28,011.13 from the assets of the Restricted Guardianship Account at Morgan Stanley Smith Barney Account No. XXXXXX6267.

Consented to this 21st day of May, 2012

Thomas Mayes

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was forwarded via Facsimile and First Class Mail this ___ day of May, 2012, to: ***Elizabeth Savitt,*** c/o Sheri Hazeltine, Esquire, Sheri L. Hazeltine & Associates, P.A., 800 Palm Trail Plaza, Suite 3, Delray Beach, Florida 33483 [(561) 243-6933]; ***Joseph Lee, Esquire***, Court Appointed Attorney, 1005 Lake Avenue, Lake Worth, Florida 33460-3709 [(561) 533-1285]; ***Ronald Mayes*** c/o Jami L. Huber, Esquire, Miller & O'Neill, P.L., 2101 N.W Corporate Blvd., Suite 400, Boca Raton, Florida 33431 [(561) 353-0643]; ***Kathleen Osterbuhr***, 1300 Cresthill, Derby, Kansas 67037; ***Stephanie Chambers,*** 1008 Arbor Meadows, Derby, Kansas 67037; and ***Daniel Mayes***, 3742 NW 5th Avenue, Boca Raton, Florida 33431.

Respectfully submitted,

HARK | BURKHALTER | YON, PL
Attorneys for the Emergency Temporary Guardian
3301 N.W. Boca Raton Blvd., Suite 200
Boca Raton, Florida 33431
Telephone: (561) 955-0093
Facsimile: (561) 955-0094
Email: Cliff@Harklegal.com

BY: _____
CLIFFORD B. HARK, ESQUIRE
FLORIDA BAR NO.: 301590

HARK * BURKHALTER * YON, PL
ATTORNEYS AT LAW
3301 NW BOCA RATON BLVD., SUITE 200
BOCA RATON, FLORIDA 33431

Telephone: (561) 955-0093 / Facsimile: (561) 955-0094

Tom Mayes

1602 SW Nicholas Drive
Boynton Beach, Florida 33426

Feb 07, 2012

File #: O'Grady

RE: Guardianship of Helen M. O'Grady

Inv #: 12328

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Jan-11-12	Meeting w/ Client & Atty Schwartz; Meeting w/ Client & Betsy Savitt; Preparation of pleadings with Client; Attendance at Court on Emergency Hearing; Draft P/Restricted Depository and M/Payment of Expenses (1.5 hrs- NO CHARGE)	6.50	2,275.00	CBH
	Make Copies for new Clients; Prepare Oath for Client and Elizabeth to sign; Follow up with Atty Hark; Follow directions from Atty Hark regarding Petitions; Amend Petitions; Prepare Pleadings for Filing; Meeting with Paralegal and Atty Hark	2.00	190.00	BMC
	Mtg. w/ Atty Hark and Tom Mayes; Prepare Petition to Appoint Emergency Temporary Guardian; Prepare Petition to Appoint Guardian; Prepare Letters of Emergency Temporary Guardian; Prepare Order Appointing Emergency Temporary Guardian; Prepare Notice of Filing Durable of Power of Attorney and Health Care Directive for Mental Health and Probate; Provide application for completion; Prepare Petition to Determine Incapacity; Prepare Notice of Filing Confidential Information for Mental Health and Probte; Conf. w/ Paralegal ref. opening file; Follow up w/ LMH; Follow up w/ Atty Hark	4.00	500.00	EBH
Jan-12-12	Review Client's e-mail ref. financial accounts and expenses; Draft P/Restricted Depository and Order	1.92	672.00	CBH
	Attendance at Court; Meeting at Chase Bank; Follow up fax to Chase Bank; Telecon w/ Michael Shapiro @ Morgan Stanley; Follow up e-mail to Michael Shapiro; Directions to Paralegals ref. Correspondence and Faxes to Financial Institutions; Telecon(s) w/ Client; Review and correct correspondence to Computershare and Shareholder Services; Telecon w/ Sheila @ Computershare and follow up fax; Fax to Kathleen and Stephanie; Review and correct Receipts; Telecon w/ Atty Hazeltine; Telecon w/ Betsy Savitt; Directions to Paralegals	4.83	1,690.50	CBH
	Telecon with Atty Hark regarding Hearing and Directions; Telecon with Computershare and Shareowner regarding contact information and fax numbers; Prepare letters to Computershare and Shareowner regarding assets and transferring to MorganStanley and SmithBarney; Follow up with Atty Hark; Prepare Faxes to Computershare and Shareowner with Orders; Prepare Fed Ex Airbills to send packages with Letters and Orders; Meeting with Paralegal and Atty Hark; Prepare a Fax to	3.00	285.00	BMC

	Judge with Letters to Computershare and Shareowners and Receipt of Assets from JP Morgan and MorganStanley and SmithBarney; Follow up with Atty Hark; Telecon with JP Morgan regarding Receipt of Acceptance; Follow up with Atty Hark and Paralegal			
	Conf. w/ Atty Hark and Paralegal ref. pending matters; Conf. w/ Atty Hark; Review Order per t/c w/ Atty Hazeltine; Follow up w/ file	0.17	21.25	EBH
	Direction from Atty Hark; Prepare Receipts of Assets for JP Chase Morgan and Stanley Morgan; Update file w-scanned docs; Prepare Consents to Guardian/Elizabeth Savitt for Interested Persons; Prepare facsimile to JP Morgan Chase w-Receipt; Review w-Atty Hark; Telecon w-Stephanie Chambers; Prepare Notice of Filing Consent from Stephanie; Telecon w-Atty Hazeltine; Prepare Notice of Filing Acceptance (MorganStanley)	1.83	173.85	SW
Jan-13-12	Review e-mails; Directions to Paralegal; Follow up w/ Michael Shapiro @ Morgan Stanley; Telecon w/ Client	0.33	115.50	CBH
	Review e-mail from Atty Hark; Telecon with Client regarding Consent; Telecon with Chase Bank regarding a Acceptance; Meeting with Paralegal; Update File; Telecon with Atty Hark	1.00	95.00	BMC
	Multiple telecons w- Chase Bank; Review w-Atty Hark; Update file; Telecon w-Atty Hazeltine; Email to Atty Hazeltine w-Docs	1.17	111.15	SW
Jan-16-12	Review Consent from Kathleen Osterbuhr; Prepare Notice of Filing Consent from Kathleen Osterbuhr; Follow up with Atty Hark	0.25	23.75	BMC
	Telecon w-Atty Coleman; Review w-Atty Hark	0.08	7.60	SW
Jan-17-12	Telecon w-Chase ref Order and Receipt of Assets; Review w-Atty Hark; Review and respond to Atty Hazeltine's emails; Telecon w-Atty Hazeltine's Paralegal	0.50	47.50	SW
Jan-18-12	Telecon(s) w/ Chase Bank; Telecon(s) w/ Client; Review Account Statements ref. Budget; Directions to Paralegal; Meeting at Chase Bank	1.83	640.50	CBH
	Telecon w/ Atty Beller; Review draft of P/Monthly Budget; Review and respond to e-mails	0.50	175.00	CBH
	Conf. w/ Atty Hark ref. hrg.	0.08	10.00	EBH
	Mtg. w-Atty Hark; Email to Atty Hazeltine; Conference call w-Chase Legal; Telecon w-Jason at Chase; Begin drafting Petition for Monthly Budget; Teleconference w-Client; Meeting w-Client; Telecon w-Computershare; Set Execution Searches Parte Hearing; Prepare corrected Order of ETG	3.17	301.15	SW
	Telecon w-Sandy ref Sunflower Bank; Review w-Atty Hark	0.17	16.15	SW
Jan-19-12	Telecon(s) w/ Client; Telecon(s) w/ Atty Beller; Telecon w/ Atty Hazeltine; Telecon w/ ETG; Review and respond to e-mails; Preparation for Meeting w/ Parties	1.83	640.50	CBH
Jan-20-12	Preparation for Meeting; Meeting w/ Tom & Sandy, Atty Beller, Helen, Daniel and Ron & Stephanie [by telephone]; Visit Helen's home; Telecon w/ CPA Jeff Coleman; Telecon w/ Stephanie;	3.92	1,372.00	CBH
	Draft Intro letters to the three Examining Committee	0.75	93.75	CW
	Conf. w/ Atty Hark	0.17	21.25	EBH
	Assist w-Preparation of Meeting; Telecon w-Atty Coleman; Review w-Atty Hark	0.75	71.25	SW

Jan-23-12	Meeting w/ Atty Hazeltine & Betsy Savitt; Telecon w/ Client; Follow up w/ Atty Beller & JA	0.92	322.00	CBH
Jan-25-12	Telecon with Atty Hazeltine's Office regarding Hearing	0.08	7.60	BMC
	Direction from Atty Hark; Prepare Motion to Liquidate Chase & Monthly Budget	1.42	134.90	SW
Jan-26-12	Review Accounting; Telecon w/ Atty Lee; E-mail to Atty Beller	0.42	147.00	CBH
Jan-30-12	Review e-mail from Atty Hazeltine; Review File; Send follow up e-mail to Atty Hazelton	0.42	39.90	BMC
Jan-31-12	Review Original Receipt from MorganStanley; Prepare for Filing; Follow up with Atty Hark	0.17	16.15	BMC
	Conf. w/ Paralegal and Atty Hark	0.08	10.00	EBH
Feb-01-12	Telecon w/ Betsy Savitt; Review file	0.25	87.50	CBH
	Conf. w/ Paralegal	0.08	10.00	EBH
Feb-06-12	Status of Examining Committe Reports	0.25	31.25	CW
Totals		44.84	$10,355.95	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Clifford B. Hark	23.25	$350.00	$8,137.50
Brittany Carraro	6.92	$95.00	$657.40
Cecilia White	1.00	$125.00	$125.00
Elissa B. Holder	4.58	$125.00	$572.50
Sierra White	9.09	$95.00	$863.55

DISBURSEMENTS		**Disbursements**	**Receipts**
Jan-16-12	Retainer-ck#2701 $5000.00		5,000.00
	Filing Fee	655.16	
Jan-12-12	Courier Expense - FedEx Fees - Shareholder Services	26.09	
	Courier Expense - FedEx Fees - Computershare	23.66	
Jan-13-12	Photocopies 381 x $.20	76.20	

Totals		$781.11	$5,000.00
Total Fees & Disbursements			**$6,137.06**
Previous Balance			$0.00
Payments Received	$0.00		$0.00
Balance of Retainer	$0.00		
Balance Due Now			**$6,137.06**

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Tom Mayes

1602 SW Nicholas Drive
Boynton Beach, Florida 33426

Mar 16, 2012

File #: O'Grady

RE: Guardianship of Helen M. O'Grady

Inv #: 12448

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Feb-07-12	Review and correct draft of Motion ref. Chase Accts and Restricted Depository and Payment of Expenses	0.58	203.00	CBH
Feb-08-12	Meeting w/ Client to review and correct final draft of Motion ref. Chase Accts and Restricted Depository and Payment of Expenses Telecon w/ Client & Betsy Savitt; Telecon w/ Atty Lee; Draft Order; Directions to Paralegal;	2.75	962.50	CBH
	Follow directions from Atty Hark regarding Hearing tomorrow; Prepare Atty Hark and file for Hearing	0.33	31.35	BMC
Feb-09-12	Preparation for and attendance at Hearing; Follow up w/ Clerk; Meeting w/ JP Morgan Chase Bank	2.50	875.00	CBH
	Meeting with Atty Hark; Scan in Pleadings; Send e-mail to Atty Lee and Atty Hazeltine with Pleadings; Send e-mail to Elizabeth regarding Letters; Send e-mail to Client regarding Pleadings and Orders; Send e-mail to MorganStanley SmithBarney regarding Orders; Telecon with Client; Follow up with File; Follow up with Atty Hark	2.00	190.00	BMC
	Telecon w-Chase Bank (Jamal); Review w-Atty Hark	0.08	7.60	SW
Feb-13-12	Conference call w/ Terri @ MSSB & Tom	0.17	59.50	CBH
Feb-16-12	Follow directions from Atty Hark; Scan and e-mail Doctor Report to Clients	0.25	23.75	BMC
Feb-20-12	Follow up with File regarding pending mattes; Send e-mail to Atty Hark; Meeting with Atty Hark regarding file and pending matters	0.50	47.50	BMC
Feb-21-12	Telecon w/ Atty Lee; Telecon w/ Client	0.25	87.50	CBH
	Follow directions from Atty Hark; Review Doctor Reports and make a Spread Sheet; Follow up with File regarding PNC Account;	0.75	71.25	BMC
Feb-22-12	Meeting w/ Ex-Parte Clerk; Attendance at Court on Amended Order on Budget; Follow up w/ Ex-Parte Clerk; Follow up w/ Michael Shapiro @ MSSB	1.75	612.50	CBH

	Telecon w-Atty Lee; Review w-Atty Hark	0.08	7.60	SW
Feb-24-12	Telecon w/ Atty Lee; Follow up e-mail ref. independent exam; Meeting w/ Client and wife; Preparation for Hearing; Telecon w/ Elizabeth Savitt	2.25	787.50	CBH
Feb-27-12	Telecon w/ Tom Mayes; Follow up w/ file	0.17	59.50	CBH
	Meeting with Client; Review Documents from Client; Follow up with File and Atty Hark	0.50	47.50	BMC
Feb-28-12	Review docs from Client; Follow up telecon	0.66	231.00	CBH
Mar-01-12	Telecon w/ Atty Miller ref. O'Grady	0.25	87.50	CBH
Mar-05-12	Telecon with Atty Beller's Office regarding Hearing; Send Pleadings to Atty Beller's Office; Follow up with file	0.42	39.90	BMC
Mar-07-12	Preparation for Hearing	1.58	553.00	CBH
	Review File; Telecons with Atty Beller's Office regarding Pleadings and Orders; Follow up with Atty Hark	0.75	71.25	BMC
	Telecon w-Jamie Huber; Review w-Atty Hark	0.08	7.60	SW
Mar-08-12	Attendance at Court; Follow up with Client and Client's Family	2.00	700.00	CBH
	Telecon w/ Atty Hazeltine; Telecon w/ Elizabeth Savitt; Meeting w/ Client, Stephanie and Kathleen	2.42	847.00	CBH
	Review e-mail from Atty Hazeltine; Follow up with Atty Hark; Send follow up e-mail to Atty Hazeltine	0.25	23.75	BMC
	Meeting with Atty Hark to prepare for Hearing this afternoon	1.83	173.85	BMC
Mar-09-12	Review and correct letters to Examining Committee Members and follow up e-mails	0.66	231.00	CBH
	Follow directions from Atty Hark regarding yesterday's Hearing. Prepare Fax to Doctor Marks; Scan and e-mail Pleadings and Orders to Atty's	0.75	71.25	BMC
	Draft letters to Examining Committee Members re Re-Evaluation; Draft letters to Attys w/copy of Orders	1.25	156.25	CW
Mar-12-12	Review and correct fax to Neville Marks, MD; Review and respond to Client	0.42	147.00	CBH
	Meeting with Atty Hark; Review File; Telecon with Doctor Mark's Office regarding Fax; Send e-mail to all Atty's with Fax; Send e-mail to Atty Hark and Paralegal regarding Orders	0.75	71.25	BMC
	F/U with Examining Committee Members	0.25	31.25	CW
	Telecon w-Dr.Boltson; Email to Doctor Boltson with Reports by Doctor Andre and Otto	0.25	23.75	SW
Mar-13-12	Directions to Paralegal; Telecon w/ Client	0.33	115.50	CBH
	Telecon w/Shannon Otto comfirmed receipt of Order of Re-evaluation	0.10	12.50	CW
	T/C w/ physician; Follow up w/ Atty Hark	0.08	10.00	EBH

Telecons with: Atty Lee; Atty Hark; Doctor Marks' office; Client -- all ref. Doctor Appointment for Helen O'Grady;	0.42	39.90	SW
Totals	30.41	$7,718.05	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Clifford B. Hark	18.74	$350.00	$6,559.00
Brittany Carraro	9.08	$95.00	$862.60
Cecilia White	1.60	$125.00	$200.00
Elissa B. Holder	0.08	$125.00	$10.00
Sierra White	0.91	$95.00	$86.45

DISBURSEMENTS		Disbursements	Receipts
	Postage	1.35	
Feb-17-12	Photocopies 87 x $.20	17.40	
Mar-15-12	Photocopies 315 x $.20	63.00	
Totals		$81.75	$0.00

Total Fees & Disbursements		**$7,799.80**
Previous Balance		$6,137.06
Payments Received	$0.00	$0.00
Balance of Retainer	$0.00	
Balance Due Now		**$13,936.86**

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Tom Mayes
1602 SW Nicholas Drive
Boynton Beach, Florida 33426

Apr 12, 2012

File #: O'Grady

RE: Guardianship of Helen M. O'Grady

Inv #: 12485

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Mar-16-12	Preparation for Hearing; Directions to Paralegal	0.25	87.50	CBH
Mar-22-12	Telecon w/ Pierre Andre, MD and follow up e-mail with Medical report	0.25	87.50	CBH
	Review Neville Marks, MD and Pierre Andre, MD Reports; E-mail to Client; Review file	0.33	115.50	CBH
Mar-23-12	Telecon w/ Client; Review Examining Committee Reports from Shannon Otto & David Boltson and follow up e-mail to all Parties	0.25	87.50	CBH
	Telecon with Atty Miller's Office regarding Doctor. Report; Follow up with File and Atty Hark; Follow directions from Atty Hark regarding Doctor Report	0.17	16.15	BMC
Mar-24-12	Review Client's Activity Log	0.92	322.00	CBH
Mar-26-12	Preparation for and Meeting w/ Client and Kathleen	2.75	962.50	CBH
	Preparation for Hearing	4.75	1,662.50	CBH
	Meeting with Atty Hark; Prepare Atty Hark for Hearing tomorrow	0.75	71.25	BMC
	Direction from Atty Hark; Telecon w-Stephanie Chambers; Prepare TeleCourt Appearance for Stephanie	0.83	78.85	SW
Mar-27-12	Preparation for and attendance at Hearing	5.50	1,925.00	CBH
	Review e-mails; Correct draft of Letters and Order	0.58	203.00	CBH
	Direction from Atty Hark; Order Court Reporter; Telecon w-Esquire; Telecon w-Atty Miller's office; Email to Esquire; Review and Respond to Atty Miller's Paralegal [email]	0.33	31.35	SW
Apr-02-12	Review and respond to e-mails	0.17	59.50	CBH

	Prepare Atty Hark for meeting with Client	0.33	31.35	BMC
Apr-03-12	Preparation for and attendance at Meeting w/ Client, Sandy, Atty Hazeltine & Betsy Savitt; Follow-up with file	2.50	875.00	CBH
Apr-05-12	Follow directions from Atty Hark; Send e-mail to Client with Orders; Follow up with file	0.25	23.75	BMC
Apr-09-12	Follow directions from Atty Hark; Scan and e-mail Pleadings to Client	0.33	31.35	BMC
Apr-10-12	E-mail to Michael Shapiro @ Morgan Stanley	0.17	59.50	CBH
	Review file; E-mails to all parties	0.58	203.00	CBH
	Review file; Email to Client, Betsy Savitt and Atty Hazeltine; Email to Michael Shapiro at MSSB; Review and respond to Emails; Directions to Paralegal	1.25	437.50	CBH
	Review File; Send e-mail to Atty Hark regarding Payment for Doctor MArks	0.33	31.35	BMC
Apr-11-12	Telecon w/ Michael Shapiro @ MSSB & follow up e-mail	0.33	115.50	CBH
	Pet for Fees [NO CHARGE]	1.00	0.00	CW
Totals		24.90	$7,518.40	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Clifford B. Hark	20.58	$350.00	$7,203.00
Brittany Carraro	2.16	$95.00	$205.20
Cecilia White	1.00	$0.00	$0.00
Sierra White	1.16	$95.00	$110.20

DISBURSEMENTS		Disbursements	Receipts
	Court Reporter Fees	190.00	
Mar-28-12	Court Fees - Telecourt Charges	25.00	
Apr-10-12	189 Copies @ $>20/Copy	37.80	
Totals		$252.80	$0.00

Total Fees & Disbursements		**$7,771.20**
Previous Balance		$13,936.86
Payments Received	$0.00	$0.00
Balance of Retainer	$0.00	
Balance Due Now		**$21,708.06**

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Tom Mayes
1602 SW Nicholas Drive
Boynton Beach, Florida 33426

May 14, 2012

File #: O'Grady

RE: Guardianship of Helen M. O'Grady

Inv #: 12573

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Apr-12-12	Telecon w/ Betsy Savitt; Follow up w/ file	0.25	87.50	CBH
Apr-14-12	Telecon w/ Betsy Savit; Directions to Paralegal	0.25	87.50	CBH
Apr-24-12	Meeting w/ Paralegal	0.17	59.50	CBH
	Follow directions from Atty Hark regarding Pleadings from Atty Hazeltine; Follow up with File	0.42	39.90	BMC
	Prepare Final Accounting; Telecon with Client and Guardian	1.66	157.70	BMC
May-01-12	Review file to prepare Inventory and Final Accounting w/ Paralegal; Telecon w/ Stephanie Chambers; E-mail to Michael Shapiro @ MSSB and Vivien @ Wells Fargo; E-mail to Client; Telecon w/ Client	1.33	465.50	CBH
	Conf. w/ Paralegal ref. Petition to Reimburse Expresnes; Review FLSSI forms; Provide Petition and Order to Paralegal	0.17	21.25	EBH
May-02-12	Review of pleadings to prepare for Hearing; Telecon w/Atty Hazeltine and follow up e-mail to all Parties; Follow up w/ Paralegal ref Final Accounting; Telecon w/ Betsy Savitt ref. missing records	0.75	262.50	CBH
	Prepare Atty Hark for Hearing; Follow up with file	0.50	47.50	BMC
May-05-12	Review Atty Huber letter and e-mail to Tom	0.17	59.50	CBH
May-08-12	Follow directions from Atty Hark; send e-mail to Client with Order from Judge; Follow up with File	0.33	31.35	BMC
	Review e-mail from Atty Hark; Review e-mail from Guardian; Finalize Accounting; Follow up with Atty Hark	0.75	71.25	BMC
May-09-12	Review and respond to Client's e-mail; Telecon w/ Elizabeth Savit; Review and correct draft of Inventory and Final ETG Accounting	0.58	203.00	CBH

May-14-12	BULK BILL - Time to complete Final Accounting and Close ETG; Attendance at Court [UNUSED FEES TO BE REFUNDED TO GUARDIANSHIP ESTATE]	12.00	4,200.00	CBH
	Review and correct pleadings to close ETG	1.25	437.50	CBH
	Totals	20.58	$6,231.45	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Clifford B. Hark	16.75	$350.00	$5,862.50
Brittany Carraro	3.66	$95.00	$347.70
Elissa B. Holder	0.17	$125.00	$21.25

DISBURSEMENTS		Disbursements	Receipts
May-14-12	Photocopies - 158 copies @ $0.20 / copy	31.60	
	Postage - Certified Mail Charges	40.20	
	Totals	$71.80	$0.00

Total Fees & Disbursements		**$6,303.25**
Previous Balance		$21,708.06
Payments Received	$0.00	$0.00
Balance of Retainer	$0.00	
Balance Due Now		**$28,011.31**

FIND A GRAVE

Actions

Begin New Search
Refine Last Search
Cemetery Lookup
Add Burial Records
Help with Find A Grave

Find all **O'Grady**s in:

- Boca Raton Municipal Cemetery and Mausoleum
- Boca Raton
- Palm Beach County
- Florida
- Find A Grave

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Helen M *Mayes* O'Grady

Birth: Jan. 27, 1929
Death: May 29, 2012

Helen M. (Mayes) O'Grady, 83, loving mother, grandmother, great grandmother and former teacher for USD 259, passed away Tuesday, May 29, 2012.

Services are being held in Boca Raton, Florida on Monday, June 4, 2012 at 10 a.m. at Glick Family Funeral Home. Gravesite services will be following at the Boca Raton Cemetery.

Helen was born January 27, 1929 in New York, New York, the second child of two children to Joseph and Margaret (Flynn) O'Grady. They have all preceded her in death.

Helen was a teacher at McCollum Elementary, Jesse Hunter Black Elementary and Hadley Junior High School all of Wichita, KS. Her love of games and children kept her active. She was involved in the American Business Women's Association (ABWA), American Association University Women (AAUW) and Radio Emergency Associated Communications Team (REACT). She enjoyed swimming every morning at the YMCA, reading and playing bridge with the girls.

Survivors: sons, Ronald O' (Gaynelle) Mayes of Andover, KS; Daniel Mayes of Boca Raton, FL; Thomas (Sandra) Mayes of Boynton Beach, FL. Daughters: Kathleen (Ken) Osterbuhr and Stephanie (Steve) Chambers both of Derby, KS. Grandchildren: Michael (Hayley) Mayes of Wichita, KS; Michelle (Nathen) Hornecker of Wichita,KS; Kevin (Tonya) Osterbuhr of Wichita, KS; Kelsi Osterbuhr of Derby, KS; Ciara and Sean Chambers of Derby, KS and Lukas (Anna) Smith of Boynton Beach, FL, and great grand-children: Katlyn & Zean Osterbuhr, Payton, Hunter, & Vanessa Smith, Jordan & James Hornecker, and Liam & Skyler Mayes.



Added by: Shock



Added by: recordagrave.com



Cemetery Photo
Added by: David G. Stuart

Burial:
Boca Raton Municipal Cemetery and Mausoleum
Boca Raton
Palm Beach County
Florida, USA

Created by: Shock
Record added: Sep 13, 2012
Find A Grave Memorial# 96972757

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Rest In Peace
- Shock
Added: Sep. 13, 2012

Leave flowers and a note

Advertisement

Extend your search results for Helen O'Grady

ancestry

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View records

Census & Voter Lists
City directories
Birth, Marriage & Death
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See more...

Newspapers.com

Newspaper records for Helen O'Grady:

View records

The Atlanta Constitution
The San Bernardino County Sun
Reading Times
The Timespicayune
See more...

fold3 by ancestry

Military records for Helen O'Grady:

View records

The Revolutionary War



The Civil War

WWII

The War of 1812

See more...

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IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA
PROBATE DIVISION

IN RE: File No. 502012GA000016XXXSB

GUARDIANSHIP OF HELEN M. O'GRADY Division IX

/

JUN 13 PM 3:11
PALM BEACH COUNTY FL
SOUTH CTY BRANCH-FILED

OBJECTION TO FINAL GUARDIANSHIP REPORT
OF GUARDIAN OF THE PROPERTY

COMES NOW, Respondent, RONALD O. MAYES, by and through his undersigned counsel and, hereby objects to the Final Guardianship Report of Guardian of the Property filed by the Emergency Temporary Guardian of the Property of HELEN M. O'GRADY for the period during January 11, 1012 through April 4, 2012, and in support of this objection avers the following:

1. Ronald O. Mayes objects to the Final Accounting of Guardian on the grounds that Schedule "A" and Schedule "C" do not reflect any stock dividend income for the period of January 11, 2012 through [April 2, 2012]. If the stocks issued dividends, then the income should be reflected on Schedule "A". If the dividends were reinvested, those transactions should be shown on Schedule "C".

2. Ronald O. Mayes objects to the Final Accounting on the grounds that it appears to list the inappropriate address of real estate. As indicated on the Initial Inventory, Helen M. O'Grady owned a piece of property located at 3742 NW 5th Avenue, Boca Raton, Florida. In contrast, on Schedule "C" and Schedule "D" of the Final Accounting, the accounting shows property located at the address of 8849 Thames River Drive, Boca Raton, Florida. Additionally, this property is listed on Schedule "C" although there appears to be no capital transaction associated with this property.

3. Ronald O. Mayes objects to both the Initial Inventory and the Final Accounting on the grounds that it inappropriately describes Helen M. O'Grady's personal property. In both the Initial Inventory and the Final Accounting, Thomas Mayes states that he is completely unaware of any furniture, household goods, clothing and jewelry owned by Helen M. O'Grady. In his capacity as Guardian, it is his duty to marshal, inventory, protect and account for her assets. It is completely unacceptable to underhandedly and self-servingly breach these

responsibilities by stating that he is unaware of the personal property. Additionally, Thomas Mayes is believed to have removed jewelry and other valuables from the Ward's residence and will not account for same.

4. Ronald O. Mayes objects to both the Initial Inventory and the Final Accounting on the grounds that it fails to appropriately account for liens against real property and against certain stock in the amount of approximately $338,000 for a personal loan that Helen M. O'Grady had with Sunflower Bank in Wichita, KS.

WHEREFORE, Ronald O. Mayes, respectfully asks this Honorable Court to sustain the objections, enter an Order requiring the Guardian to amend both the Initial Inventory and the Final Accounting, so that they are consistent with these objections, and asks this Court to award him such other and further relief as this Court deems just and proper under the circumstances, including costs and attorney's fees..

Jami L. Huber, Esquire

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished via facsimile and regular U.S. Mail this 13 day of June, 2012 to **Clifford B. Hark, Esquire**, Hark Burkhalter Yon PL, *Attorneys for Emergency Temporary Guardian*, 3301 N.W. Boca Raton Blvd., Suite 200, Boca Raton, FL 33431, Telephone (561) 955-0093, Facsimile (561) 955-0094; **Joseph Matthew Lee, Esquire**, *Attorney for Helen M. O'Grady, an alleged incapacitated person,* 1005 Lake Avenue, Lake Worth, FL 33460, Telephone (561) 533-6700, Facsimile (561) 533-1285; **Sheri Hazeltine, Esquire**, Sheri L. Hazeltine & Associates, P.A., 800 Palm Trail Plaza, Suite 3, Delray Beach, FL 33483 Telephone (561) 243-4655, Facsimile (561) 243-6933

Respectfully submitted,

MILLER & O'NEILL, P.L.
Attorneys for Ronald O. Mayes
2101 N.W. Corporate Blvd., Suite 400
Boca Raton, FL 33431
Telephone: (561) 353-3880
Fax: (561) 353-0643

By: _____
Jami L. Huber, Esquire
Florida Bar Number: 098019

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

HELEN M. O'GRADY.
now deceased.

DIVISION: IX

CASE NO.: 502012GA000016XXXXSB

/

ORDER ON REQUEST FOR AUTHORIZATION FOR GUARDIAN TO PAY INTERIM MONTHLY COSTS TO MAINTAIN HOME OF DECEASED WARD

On the request for authorization for guardian to pay interim monthly costs of home of the deceased Ward, filed by the guardian, ELIZABETH SAVITT, by and through her attorney, SHERI L. HAZELTINE, ESQ., the Court having considered said request for the guardian to pay the interim monthly costs; and the Court being fully advised in the premises, it is

ORDERED AND ADJUDGED that the request is hereby GRANTED. The guardian may pay the following monthly bills until a personal representative or curator has been appointed:

FPL	$ 100.00
Taxes	$ 120.00
Insurance	$ 120.00
Miscellaneous	$ 100.00
Loan from Sunflower Bank	$2,000.00
	$2,440.00

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED
2012 JUN 20 AM 9:36

DONE AND ORDERED in Delray Beach, Palm Beach County, Florida on this 20th day of June, 2012.

Circuit Court Judge Rosemarie Scher

Copies furnished to:
Sheri L. Hazeltine, Esq., 800 Palm Trail Plaza, Suite 3, Delray Beach, Florida 33483
Clifford Hark, Esq., 3301 N.W. Boca Raton Blvd., Suite 200, Boca Raton, Florida 33431
Jami Huber, Esq., 2101 N.W. Corporate Blvd., Suite 400, Boca Raton, Florida 33431
Joseph Lee, Esq., 1005 Lake Avenue, Lake Worth, FL 33460

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

CASE NO.: 502012CP002908XXXXSB

IN RE: ESTATE OF

HELEN M. O'GRADY,

Deceased.
_____/

2012 SEP 24 PM 3:09
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED

STATEMENT OF CLAIM

The undersigned, HARK | BURKHALTER | YON, PL, hereby presents for filing against the above Estate this Statement of Claim, as a known creditor, and alleges:

1. The basis of this claim is for attorney fees for serviced rendered to the Decedent prior to her death for the benefit of the Decedent's Guardianship.

2. The name and address of the Claimant is Hark | Burkhalter | Yon, PL, 2101 NW Corporate Blvd., Suite 220, Boca Raton, FL 33431, and the Tax ID Number of the Claimant is 20-4911806.

3. The amount of the claim is $35,425.66, which amount is now due. As additional legal work is performed in the Guardianship case, the outstanding balance increases.

4. The claim is not contingent or unliquidated.

5. The claim is not secured.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of our knowledge and belief.

Signed this 20th day of September, 2012.

_____
Clifford B. Hark, for Hark | Burkhalter | Yon, PL,
Claimant

Copy mailed to the attorney for the Personal Representative on

_____, 2012.

CLERK OF THE COURT

By: _____

Date	Explanation	Time	Amount
4-2-2013	Prepare motion to duplicate orders appointing curator and duplicate letters of curator; prepare draft orders appointing curator and letters of curator.	.50	$60.00
4-2-2013	Scheduled UMC online for 8:45 a.m. hearing tomorrow on Motion for Duplicate Orders and letters	.20	$24.00
4-2-2013	Receipt and review of letter from Sunflower Bank enclosing stipulation and dismissal. Scanned and e-mailed to Ms. Savitt	.20	N/C
4-3-2013	Preparation for court hearing today at 8:45 am to obtain duplication letters & order	.25	$81.25
4-3-2013	Attendance at court hearing at 8:45 am in front of the Honorable Judge Garrison to obtain duplicate order and letters appointing curator, so that Ms. Savitt could have certified copies. Waited from 8:45 am until 9:30 am in line at UMC and then in back of courtroom. Was told at 9:30 am by deputy to instead see the JA for court to speak to her instead first. Spoke to court's JA, who said she would talk to the court about it, as he did not have UMC on Wednesdays. Went back to courtroom and waited until break in court's cases. Court signed new duplicate order and letters. Took court file downstairs to clerk's office and obtained certified copies for Ms. Savitt	1.75	$568.75
4-3-2013	Telephone call to curator Ms. Savitt to tell her I had obtained new certified copies. Will meet with her this afternoon to give to her	.10	N/C
4-5-2013	Review of email from Ms. Savitt requesting we prepare a petition regarding the real property. Preparation of response email	.10	$32.50
4-5-2013	Review of email from Ms. Savitt asking for preparation of petition for early distribution to siblings, 10% to each of the 4 children, as per requests from some of them, leaving 60% of funds remaining. Preparation of response email	.10	$32.50
4-6-2013	Review of email from Ms. Savitt regarding petitioning court to provide an early distribution to the siblings. Preparation of response email	.10	$32.50
4-8-2013	Review of email from Ms. Savitt; review of email she sent to family regarding Mr. Ron Mayes' questions	.10	$32.50
4-8-2013	Telephone call with Client Ms. Savitt regarding tasks in case	.25	$81.25
4-13-2013	Preparation of petition regarding real estate and curator's desire to take possession of property. Research and review of relevant rules and statutes. Review of previous filed pleadings. Preparation of Formal Notice to parties	3.50	$1,137.50
4-14-2013	Further work on petition and formal notice. Preparation of emailed letter to Client Ms. Savitt along with attached copies of draft petition documents for her review	.50	$162.50
4-15-2013	Preparation of email to Ms. Savitt regarding sending filed petition via formal notice, with 20 days for parties to respond, along with attached copy of Formal Notice document	.10	$32.50
4-15-2013	Client Ms. Savitt came in to office to review the Notice of Intent to take Possession of Protected Homestead Property and Petition to Determine Homestead Status of Real Property. Discussion of documents, she rcq'd a few changes; made changes	.30	$97.50

Date	Explanation	Time	Amount
4-15-2013	Review of Request for Production of Documents from Ronald Mayes to Thomas Mayes	.10	N/C
4-15-2013	Receipt and review of petition/counter-respondent T. Mayes' motion to compel responses to duces tecum request served upon R. Mayes on 1/14/13. E-mailed to Ms. Savitt	.10	N/C
4-15-2013	Revision of the petition document	.10	$32.50
4-15-2013	Transmitted via email the revised petition for Ms. Savitt's review	.10	N/C
4-15-2013	Review of email from Curator Ms. Savitt approving final revisions to the petition	.10	$32.50
4-16-2013	Review of Motion for Implementation of Pretrial Deadlines filed by Daniel Mayes	.10	N/C
4-16-2013	Filed Notice of Intent to Take Possession of Protected Homestead Property; and Petition to Determine Homestead status of Real Property.	.10	N/C
4-17-2013	Prepare six certified mail packages enclosing formal notice, notice of intent to take possession of protected homestead property; and petition to determine homestead status of real property to all parties on the service list	.40	N/C
4-17-2013	Review of email from Christine Parrott asking for coordination of UMC date for the motion to compel responses from Ronald Mayes. Preparation of emailed response stating I would check with client and get back to her	.10	N/C
4-17-2013	Review of Thomas Mayes' Motion for Implementation of Pretrial Deadlines	.10	N/C
4-17-2013	Receipt of UMC Notice of Hearing on Mayes' Motion for Implementation of Pretrial Deadlines	.10	N/C
4-17-2013	Preparation of E-Service of formal notice, notice of intent to take possession of protected homestead property; and petition to determine homestead status of real property	.30	$36.00
4-17-2013	Review of Jordan Hammer's response stating he was available for all dates	.10	$32.50
4-17-2013	Preparation of email to Client Ms. Savitt asking her about her availability about the named UMC dates on the motion to compel	.10	$32.50
4-17-2013	Emailed copy of the filed petition to Client Ms. Savitt	.10	N/C
4-17-2013	Review of Notice of Hearing (UMC) of April 23, 2013 at 8:45 am on Dan Mayes' Motion for Implementation of Pretrial Deadlines	.10	$32.50
4-18-2013	Prepare e-mail to Judge Garrison's JA (per her request) asking her to give us some available dates and times for a hearing on our notice of intent to take possession of protected homestead property; and petition to determine homestead status of real property	.20	$24.00
4-18-2013	Preparation of E-Service Notice Cover Sheet, with all attached copies of filed documents	.10	$12.00
4-18-2013	Preparation of emailed letter to Christine Parrott and Mr. Salivar, Esq. informing them Ms. Savitt and I were not available before May 6th for a hearing on Thomas Mayes' Motion to Compel	.10	N/C

Date	Explanation	Time	Amount
4-18-2013	Preparation of email to Client Ms. Savitt, with attached copy of rec'd notice of hearing for UMC of April 23, 2013	.10	$32.50
4-18-2013	Review of email from paralegal stating Mr. Hammer had called asking if the guardian had had the power turned off at Mrs. O'Grady's home. Preparation of response email to paralegal; forwarded email to Ms. Savitt marked 'urgent'	.10	$32.50
4-18-2013	Filed Notice of Intent to Take Possession of Protected Homestead property; Petition to Determine Status of Real Property with clerk of court	.10	N/C
4-18-2013	Emailed filed docs and cover sheet to all parties	.10	N/C
4-19-2013	Review of email from Ms. Savitt stating we do not need to attend the hearing on the motion to compel. Preparation of response email	.10	N/C
4-19-2013	Preparation of email to parties with dates and times for hearings. Asked them to please respond by 5:00 today	.10	$12.00
4-19-2013	Receipt and review of e-mail from Jami Huber, Esq. She is available on 5/16	.10	$12.00
4-19-2013	Review of e-mail from Judge Garrison's JA giving us some new dates and times for our hearing	.10	$12.00
4-19-2013	Review of emailed responses from attorneys regarding the hearing dates. The dates did not work for most of them	.10	$12.00
4-19-2013	Review of email from Ms. Savitt regarding Mr. Dan Mayes putting power in his name for FPL. Preparation of response email	.10	$32.50
4-19-2013	Prepare e-mail to Judge Garrison's JA requesting alternative dates and times	.10	$12.00
4-19-2013	Review of emailed msg. back from Judicial asst. Ms. Bernier stating the same dates as before	.10	$12.00
4-23-2013	All parties are available on 6/19. Preparation or e-mail to JA to lock in the date; and she confirmed	.10	$12.00
4-23-2013	Review of emailed letter from Judge Garrison's JA giving us alternative hearing dates	.10	$12.00
4-23-2013	Prepare notice of hearing for June 19, 2013 @ 1:30 p.m.	.20	$24.00
4-23-2013	Review of Order on Motion for Implementation of Pretrial Procedures, signed April 23, 2013 by the Honorable Judge Garrison	.10	$32.50
4-24-2013	Telephone call with Jordan Hammer, Esq. regarding his client's request for an interim distribution. Said Dan Mayes is not financially well off. Said the depos were very volatile	.25	$81.25
4-24-2013	Prepare notice of filing of court document – notice of hearing, special set	.20	$24.00
4-24-2013	Review of email from Client Ms. Savitt regarding interim distribution. Preparation of response email	.10	$32.50
4-24-2013	Telephone call with Client Ms. Savitt regarding sale of homestead property and any early interim distributions	.25	$81.25
4-24-2013	Preparation of emailed letter with attached Notice of Hearing, Notice of Intent to Take Possession of Protected Homestead Property; and Petition to Determine Homestead Status of Real Property to Jennifer Bernier	.10	$12.00

Date	Explanation	Time	Amount
4-24-2013	Review of email (after phone call today) from Mr. Jordan Hammer, Esq. stating to follow up on our conversation earlier today, his client is requesting an interim distribution of $100,000. He asked that I please discuss this with Ms. Savitt. Forwarded email to Ms. Savitt	.10	$32.50
4-24-2013	Telephone call to Mr. Jordan Hammer, Esq. regarding his request for interim distribution for his client, Mr. Dan Mayes. He will follow up with a more specific number/amt. that his client will want as a distribution. He also said he was not sure yet whether his client would want to purchase the homestead property or not yet	.25	$81.25
4-25-2013	Review of email from Ms. Savitt regarding interim distribution to Mr. Dan Mayes; asked about giving interim distributions to other family members also. Preparation of response email	.10	$32.50
4-26-2013	Preparation of email to Ms. Savitt asking her position regarding petition for interim distribution to Mr. Dan Mayes and/or other siblings. Review of response email from Ms. Savitt regarding interim distribution	.10	$32.50
4-29-2013	Review of email from Mr. Jordan Hammer, Esq. asking whether I have discussed with Ms. Savitt making an interim distribution to his client; and if so, what her position was	.10	$32.50
4-29-2013	Review of email from Ms. Savitt regarding interim distribution to Mr. Dan Mayes	.10	$32.50
4-30-2013	Review of email from Mr. Jordan Hammer, Esq. stating he had no preference as to a mediator; he is out of town on June 5 and 6	.10	$32.50
4-30-2013	Review of email from Client Ms. Savitt stating family members were inquiring of her as to how much Mr. Dan Mayes owned the estate, in light of the bills being paid on his behalf out of estate, the fact he is staying in home rent-free, and that the costs being spent on his behalf should be repaid from his share of the estate. In addition, family members were asking when the next hearing date was scheduled. Also, a realtor she contacted to estimate the home's worth believed the home's FMV was around $205,000, but this was just an estimate at this time	.10	$32.50
4-30-2013	Review of email from Ms. Parrott, From Mr. Salivar's office, stating needed to narrow down date for mediation; and suggestion for proposed mediator	.10	$32.50
5-1-2013	Review of email from Client Ms. Savitt regarding we set on homestead petition for 8:45 am hearing. Preparation of response email	.10	$32.50
5-1-2013	Telephone call with Client Ms. Savitt regarding setting court hearing on petition	.20	$65.00
5-1-2013	As per request from Client Ms. Savitt to set issues at hearing at 8:45 am, preparation of emailed letter to JA Ms. Bernier asking if court will allow petition to be heard on May 9th at 8:45 am. Review of response email from JA Ms. Bernier stating 'yes' it may be scheduled for UMS on May 9th	.10	$12.00
5-1-2013	Review of email from Client requesting set petition for hrg. on UMC on May 9th. Preparation of response email	.10	$32.50

5-1-2013	Review of Ron Mayes' Responses to Duces Tecum Request from Thomas H. Mayes	.10	$32.50
5-1-2013	Review of email from Mr. Salivar, Esq. to Ms. Huber, Esq. stating their response was incomplete. Review of response email from Ms. Huber	.10	$32.50
5-2-2013	Preparation of emailed letter to client Ms. Savitt regarding hearing on the petition to take possession of homestead property	.20	$65.00
5-2-2013	Review of email and attached correspondence (letter) from Mr. Jordan Hammer, Esq. regarding request of his client for interim distribution of $100,000.	.20	$65.00
5-2-2013	Telephone call with Client Ms. Savitt re: setting hrg. on filed petition	.10	$32.50
5-2-2013	Review of filed Objection of Dan Mayes, through Mr. Jordan Hammer, Esq.	.30	$97.50
5-3-2013	Telephone call with Client Ms. Savitt regarding setting petition issues for UMC hearing on May 14 at 9 am	.10	$32.50
5-3-2013	Prepare notice of E-Service of notice of court hearing – court filing for emailing to all parties	.10	$24.00
5-3-2013	Preparation of emailed letter to Ms. Savitt, along with attached copy of prior signed order from guardianship case regarding payment of monthly bills of Mrs. O'Grady's home. Order states guardian may pay the monthly bills until a PR or curator is appointed	.10	$32.50
5-3-2013	Telephone call to Judge Garrison's JA to clarify if they cancelled the 6/19 special set hearing or if our office needs to prepare a order of cancellation of hearing	.10	$12.00
5-3-2013	Prepare notice of hearing for 5/14/13 at 9:00 a.m. on notice of intent to take possession of homestead property; petition to determine homestead status of real property	.20	$65.00
5-3-2013	Review of emailed letter from Christine Parrott, paralegal to Mr. Salivar, Esq., requesting to coordinate a date for mediation pursuant to the order entered by Judge Garrison. The deadline for implementation of the mediation is June 17th, 2013. Ms. Parrott proposed Friday June 14th as the mediation date. Also, suggested Mary Sue Donohue as the mediator. Asked that the parties respond to her by May 6th at 5:00 pm	.10	$32.50
5-3-2013	Review of email from Ms. Jami Huber, Esq. responding to Ms. Parrott's email regarding mediation date. She believed the mediation should proceed the depositions which needed to be scheduled at the same time of out of state parties. Have mediation first, and if unsuccessful, the depositions could occur in the days following	.10	$32.50
5-3-2013	Review of email from Mr. Jordan Hammer, Esq. responding to Ms. Parrott's email re: mediation. Said that they are avail. June 14th, and asked that a location for mediation be set. Presumed her office (Ms. Donohue's) office was not large enough. Said we would need 4 rooms to properly mediate case	.10	N/C
5-3-2013	Preparation of notice of hearing on notice of intent to take possession of homestead property; determination of homestead status	.10	$12.00
5-5-2013	Review of email from Ms. Savitt regarding petition to be filed, along with orders to obtain, regarding real estate property	.10	$32.50

5-5-2013	Telephone call from Client Ms. Savitt regarding real estate property and questions about access and sale	.30	$97.50
5-6-2013	Review of msg. from Client stating not in agreement with suggested mediator, and instead would like to put out names of Glen Mednick and Jay Schwartz. Preparation of email to parties with new suggested names	.10	$32.50
5-6-2013	Review of email from Jordan Hammer, Esq. stating he has conflict with Jay Schwartz being the mediator	.10	$32.50
5-6-2013	Preparation of draft petition to inspect real estate property	.30	$97.50
5-7-2013	Review of emailed letter from Ms. Rousso at Ms. Huber's office asking if we have a confirmation date for the mediation, and asked for confirmation of the date of June 11th. Asked if we had determined the name of a mediator. Ms. Huber had no objection to Mary Sue Donohue	.10	$32.50
5-7-2013	Preparation of email to parties stating Ms. Savitt was available for mediation on June 11th	310	$32.50
5-7-2013	Review of email from Client stating she is available June 11 for mediation. Preparation of response email	.10	$32.50
5-7-2013	Telephone call with Client re: mediation, draft petition to inspect real estate property, and her desire to have this issue heard on UMC hearing as soon as possible	.10	$32.50
5-8-2013	Preparation of email stating as to selection of mediator, we objected to Ms. Donohue and instead suggest alternative names of Mr. Kauffman and Jack H. Cook retired circuit judge	.10	$32.50
5-8-2013	Review of email from Client regarding selection of mediator. Preparation of response email. Preparation of email to parties suggesting new names	.10	$32.50
5-9-2013	Prepare notice of hearing on petition for inspection and permission to list and sell real estate	.20	$24.00
5-9-2013	Prepare notice of cancellation of hearing scheduled on 5-14-13	.20	$24.00
5-9-2013	Review of email from Mr. Salivar, Esq. regarding notice of hearing scheduled for May 14. Preparation of response email	.10	$32.50
5-9-2013	E-Filed Petition for Inspection of Estate Real Property and for Permission to List and Sell said Estate Real Property	.10	$12.00
5-9-2013	Meeting with Ms. Savitt in person regarding petition to inspect property	.20	$65.00
5-10-2013	Review of email from Ms. Huber, Esq. to parties regarding her 3 Notice of Intent to Serve Subpoena for production of documents without deposition; she requested responses to her questions regarding whether anyone objected to the 3 subpoenas; if they will waive the 10 day notice period	.10	$32.50
5-10-2013	Preparation of email to Mr. Hammer, Esq. asking him to provide evidence of his unavailability on May 14 or 16th. Review of his response email stating his assistant would forward copies of proof of his unavailability	.10	$32.50
5-10-2013	Review of letter from Ms. Skatoff, Esq.	.10	$32.50
5-13-2013	Review of email from Ms. Savitt regarding UMC hearing	.10	$32.50

5-13-2013	Prepare notice of service of court document on notice of cancellation of hearing	.20	$24.00
5-13-2013	Prepared notice of cancellation of court hearing for 5/14/13	.20	$24.00
5-13-2013	Prepare e-mail attaching notice of cancellation of court hearing to all parties	.10	N/C
5-13-2013	Preparation of email to parties stating hearing scheduled for May 14, 2013 at UMC was cancelled	.10	$12.00
5-14-2013	Review of email from Mr. Salivar, Esq. stating he had spoken with Thomas Mayes and can confirm the 11th for mediation. As to Depositions Thomas Mayes had scheduling conflicts with work for the 12th and 13th, but the 17th and 18th would work. He stated he could reschedule Ronald Mayes to be completed the morning of the 17th, and Thomas Mayes to begin that afternoon, or the following day (the 18th)	.10	$32.50
5-14-2013	Review of email from Ms. Parrott regarding mediation date of June 11th stating Mr. Hammer was correct. Said still had to select a mediator though	.10	$32.50
5-14-3013	Review of Formal Notice; and Objection to Curator's Petition for Inspection of Estate Real Estate Property and for permission to list and sell said real estate, filed by Jordan Hammer, Esq.	.50	$162.50
5-14-2013	Preparation of emailed letter to Client Ms. Savitt regarding pending petition to inspect real estate property, etc.	.10	$32.50
5-14-2013	Preparation of email to Ms. Savitt re: objection to petition filed	.10	$32.50
5-14-2013	Review of email from Ms. Huber to Mr. Salivar regarding her intention to let Mr. Salivar continue to depose with Ronald Mayes first and then set Thomas Mayes. She stated she also needed dates for additional depositions; Yoshi Smith, Esq., Dr. Jorge Macia, and once they had reviewed the documents from Boulevard and Bethesda Memorial Hospital, the appropriate parties from these institutions. She said she also needed to set Kathy O. She said she had not excused any party form appearing at the mediation and neither had the court	.10	$32.50
5-15-2013	Review of Objection to Notice of Mediation and Motion to Compel Coordination of Depositions and Mediation filed by Ms. Huber, Esq.	.10	N/C
5-16-2013	Review of email from Ms. Rousso from Ms. Huber's office confirming there is no UMC on May 22 or 23 with Judge Garrison; please advise if you are able to attend UMC on May 21 on their "Objection to Notice of Mediation and Motion to Compel Coordination of Depositions and Mediation."	.10	$32.50
5-17-2013	Preparation of emailed letter to Ms. Savitt in response to her prior email	.20	$65.00
5-19-2013	Review of email from Client stating that we can keep the June 19th ct. hrg. date and amend existing petition to request further instructions from court	.10	$32.50
5-20-2013	Review of email from Christine Parrott from Mr. Salivar's office; review of attached Motion to Dispense with Mediation; Notice of Filing Second Affidavit of Petitioner Thomas Mayes	.10	$32.50
5-21-2013	Telephone call from Client asking about hearing at 8:45 am tomorrow	.10	$32.50

5-22-2013	Review of copy of Order court entered today re: Mediation on June 11, 2013 at the Boca office of Mary Sue Donohue, Esq. Also stated Mr. Ron Mayes submitted a settlement offer yesterday afternoon	.10	$32.50
5-22-2013	Review of Order on Motion to Compel Coordination of Depositions and Mediation, ordered by Judge Garrison. Motion to dispense with mediation filed by Mr. Thomas Mayes denied; mediation ordered to occur on June 11, 2013 before Mary Sue Donohue, Esq.; all parties shall attend mediation in person	.10	$32.50
5-29-2013	Review of email from Client Ms. Savitt stating she was available on date of mediation, but would be out of town from June 12 to June 16, 2013	.10	$32.50
5-31-2013	Preparation of amended petition and request for instructions from court. Review of response filed by Mr. Hammer and Mr. Schwartz. Review of probate rules and statutes governing duties of curator	1.00	$325.00
5-31-2013	Emailed copy of draft amended petition to Client Ms. Savitt for review	.10	N/C
5-31-2013	Review of email from Ms. Huber, Esq. with attached authorizations for Ms. Savitt to sign. Forwarded via email the documents to Client Ms. Savitt	.10	$32.50
6-3-2013	Preparation of amended petition with changes indicated; finalized for E-filing with clerk of court	.10	$32.50
6-3-2013	Review of email from Ms. Savitt with signed attached amended petition	.10	$32.50
6-3-2013	E-file Petition for instruction	.20	$24.00
6-5-2013	Receipt and review of petitioner T. Mayes' pre-trial disclosure	.10	N/C
6-13-2013	Review of Global Settlement Agreement emailed by Ms. Huber, Esq. Preparation of email to Ms. Huber for typo correction	.20	$65.00
6-19-2013	Review of mediated settlement agreement dated June 11th, in regard to issue that the parties have 10 days or until the end of the day this Friday to come up with second amended agreement	.20	$65.00
6-25-2013	Preparation of email to Kathleen Kosterbuhr asking for update on her review of the final settlement agreement	.10	N/C
6-26-2013	Review of email from Kathleen Kosterbuhr. Review of email from Ms. Savitt. Preparation of email with attached copy of mediated signed settlement agreement to MS. Kosterbuhr	.10	$32.50
6-30-2013	E-Filed the "Notice of Creditors" with clerk of court	.20	$65.00
6-30-2013	Preparation of E-Service document to e-mail the "Notice to Creditors" to the parties and persons	.20	$65.00
7-2-2013	Review of email from Jami Huber, Esq. stating she is preparing a motion to compel based on the lack of response from the attys.	.10	$32.50
7-2-2013	Review of email from Stephanie Chambers, daughter of Mrs. O'Grady. She stated she was not going to sign the new 13 page. Agreement. Preparation of response email, with cc to all the parties, asking her if that was Kathleen's position also	.10	$32.50
7-2-2013	Review of notice of hearing sent by Mr. Hammer on his motion to compel	.10	$32.50
7-2-2013	Forwarded notice of hearing to Client Ms. Savitt	.10	N/C
7-3-2013	Review of email from Ms. Huber, Esq. regarding settlement	.10	$32.50

	agreement		
7-3-2013	Review of email from Mr. Hammer stating he had prepared a motion to compel enforcement of the mediation agreement, with attached motion to compel	.10	$32.50
7-3-2013	Review of email from Mr. Salivar, Esq. stating he was available on July 9th; but he will also ask to affirm the mediation agreement, and will send in a proposed order	.10	$32.50
7-3-2013	Review of email from Ms. Huber, Esq. stating it would continue to be her position to enforce the global settlement agreement, plus she would ask to assess fees against the parties that would not sign, as their only objection had been about its length	.10	$32.50
7-7-2013	Review of email from Ms. Savitt regarding change to be made regarding the listing of Mr. Ron Mayes' companies in the first paragraph of the global settlement agreement, so they are included as "hereto referred as Ron", etc.	.10	$32.50
7-7-2013	Preparation of emailed letter to attorneys and parties regarding preparation for court hearing on July 11th and final settlement	.10	$32.50
7-8-2013	Review of email from Kathleen Osterbuhr and copy of attached letter she sent to the court on July 5th, 2013. She asked if I would answer questions. Preparation of response email stating I would need to check with my client Mr. Savitt first. Forwarded email and response to Ms. Savitt for review	.30	$97.50
7-15-2013	Review of email from Client Ms. Savitt regarding payment of the funds to Mr. Ron Mayes. Preparation of response email	.10	$32.50
7-16-2013	Review of email from Client regarding transfer of estate funds to Ronald Mayes. Expressed concern about meeting terms of signed mediated agreement. Preparation of response email	.10	$32.50
7-26-2013	Preparation of response email to Mr. Salivar, Esq. asked him for a proposal from Mr. Thomas Mayes on final division of the assets of estate to the beneficiaries	.10	$32.50
8-6-2013	Prepare UMC notice of hearing on motion for extension of time to file accounting	.20	$24.00
8-6-2013	Review of amended motion and notice of hearing for August 8 at 8:45 am. Finalized for filing	.10	$32.50
8-6-2013	Review of email from Mr. Salivar, Esq. stating he did not consent to the request for extension of time on filing of final accounting for the curator. Preparation of response email	.10	$32.50
8-7-2013	Telephone call from Andrew Schwartz, Esq. He stated that he would give us an extension until 8/13 and that 9/15 was unreasonable. He also stated that there was no reason or a hearing tomorrow. He requested a call back to confirm this	.10	$12.00
8-30-2013	Preparation of draft petition for discharge and petition for fees. Review of statutes and case law	2.00	$650.00
8-31-2013	Further preparation of draft petition for discharge of curator; petition for curator's fees; and petition for attorneys fees. Finalized and sent to Ms. Savitt for review	3.00	$975.00
9-2-2013	Review of emails from Client asking for corrections, changes regarding	.25	$81.25

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

HELEN M. O'GRADY.
_____/

DIVISION: IX

CASE NO. 502012GA000016XXXXSB

SECOND AMENDED PETITION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND EXPENSES

Petitioner, Sheri L. Hazeltine, Esq. alleges:

1. Petitioner is an attorney engaged in the practice of law in Palm Beach County and elsewhere in the State of Florida.

2. Petitioner is the attorney for ELIZABETH SAVITT, the guardian for the Ward, HELEN M. O'GRADY.

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED
2012 OCT 31 PM 4:39

3. Petitioner has rendered legal services for the benefit of the Ward, from 4/20/2012 through 10/31/2012, as more fully described and set forth in the itemized schedule of services and expenses attached hereto as Exhibit A , for which petitioner has not been paid.

4. Petitioner's records indicate that during the period of time above mentioned in excess of 29.55 attorney hours and 5.2 paralegal hours have been devoted to the representation of the guardian of the Ward.

5. Based upon the criteria established by Section 744.108(2) of the Florida Guardianship Law, petitioner believes that a reasonable fee for the services performed by the petitioner during that period of time is:

Hourly rate:	$	300.00
Atty. Hours worked:	$	29.55
Paralegal rate:	$	100.00
Paralegal Hrs. worked:	$	5.2
Total fees:	$	9385.00
Total costs:	$	33.86

Total amount of Fees and Compensation: **$9,418.86**

6. That this attorney's fees have a reasonable value of $9,418.86

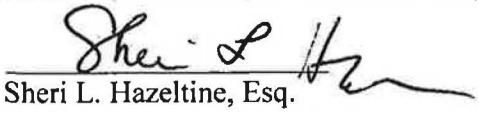
7. That previous fees and costs have been billed in the amount of $4,282.25.

WHEREFORE, Sheri L. Hazeltine, Esq. respectfully requests that this Court enter an Order awarding attorney fees and expenses provided on behalf of the Ward and made payable from the guardianship estate.

Under penalties of perjury I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

DATED this 31st day of October, 2012.

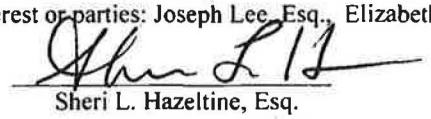
SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: 

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567
800 Palm Trail Plaza, Ste. 3
Delray Beach, Florida 33483
(561) 243-4655, Fax (561) 243-6933

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Second Amended Petition for Attorneys Fees was sent on this 31st day of October, 2012, via the U.S.P.S., First Class Mail, to the following persons of interest or parties: Joseph Lee, Esq., Elizabeth Savitt.

By: 

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567

SHERI L. HAZELTINE & ASSOCIATES, P.A.

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Member, National Academy of Elder Law Attorneys; Academy of Florida Elder Law Attorneys; Florida Guardianship Association; Palm Beach Guardianship Association; Florida Bar Association; Elder Law Section, Palm Beach County Bar Association; South Palm Beach County Bar Association; Florida's Voice on Developmental Disabilities, Secretary; Admitted in Alaska and Florida.

Elizabeth Savitt, Guardian
4101 Satin Leaf Ct.
Delray Beach, FL 33445

Invoice Date: October 31, 2012
Invoice Number: 10785
Invoice Amount: $9,418.86

Case: In re Guardianship of HELEN O'GRADY, deceased
Case No.: 502012GA000016XXXXSB

Attorney Fees 29.55 Hours @ $300/hr; Paralegal Fees 5.2 Hours @ $100/hr.

4/18/2012	Review of email from Ms. Savitt re: Mrs. O'Grady with questions about the fee petition submitted by Ms. Beller, Esq. Preparation of response email.	S.L.H.	.10	$30.00
4/19/2012	Prepare amended draft attorney fee petition and invoice for attorney review.	R.B.	.40	No Charge
4/20/2012	Review and finalization of amended attorneys fee petition.	S.L.H.	.30	No Charge
4/21/2012	Review of receipt of invoice from Dr. Pierre Andre in amt. of $600.00, for preparation of order on payment of examining committee. Preparation of email inquiring what 'deposition' was.	S.L.H.	.10	$30.00
4/21/2012	Preparation of email to Dr. David Boltson asking him again to submit his invoice in order to prepare finalized Order on payment of examining committee. We still do not have this information despite repeated requests from paralegal to him.	S.L.H.	.10	$30.00
4/22/2012	Preparation of email to Mr. Lee asking for his fee petition & invoice for hearing on May 2nd.	S.L.H.	.10	$30.00
4/22/2012	Review of file and research of issues on what issues need to be resolved and petitions prepared. Prepared emailed letter to Ms. Savitt regarding due date for filing verified inventory, due date for Thomas Mayes' verified inventory and final report, need to prepare petition for authorization to change depository account to unrestricted account at Wells Fargo, and petition for authorization to modify the current court-approved monthly budget set up by Mr. Hark in light of Ward's move to Newport Place and other	S.L.H.	.50	$150.00

EXHIBIT A

	changes.			
4/22/2012	Preparation of email to Mr. Hark reminding him of May 2nd due date for filing of final report of Mr. Thomas Mayes, ETG of property, and for Mr. Hark to prepare and file his attys. fee petition and invoice in time for May 2nd. hearing.	S.L.H.	.10	$30.00
4/23/2012	Preparation of scanning and e-mailing Atty. Hazeltine's April 21st letter to Amy Beller, Esq.	R.P.	.10	No Charge
4/23/2012	Filed amended petition for order authorizing payment of attorney's fees.	R.P.	.10	No Charge
4/23/2012	Preparation of scanning and e-mailing amended petition for attorney's fees to Ms. Savitt and Mr. Lee.	R.P.	.20	No Charge
4/25/2012	Telephone call with Ms. Amy Beller, Esq. regarding her attys. fee petition.	S.L.H.	.25	$75.00
4/25/2012	Telephone call to Client Ms. Savitt re: phone call with Ms. Beller.	S.L.H.	.10	$30.00
4/26/2012	Review of email and attached fee petition from Mr. Joe Lee, Esq., court apt'd atty. for Mrs. O'Grady.	S.L.H.	.30	$90.00
4/30/2012	Preparation of Agreed Order on petition for payment of attorney's fees and expenses.	R.P.	.30	$30.00
4/30/2012	Preparation of Order for payment of examining committee members.	R.P.	.30	$30.00
5/1/2012	Review of draft orders for hearing tomorrow. Made changes to order on petition to change residence of Mrs. O'Grady.	S.L.H.	.40	$120.00
5/1/2012	Preparation of Order authorizing ward to change residence.	R.P.	.30	$30.00
5/1/2012	Telephone call from Louise Halpen from Ms. Beller's office. Told her that Client Ms. Savitt would agree to her petition if was reduced by $1,000.00. Ms. Beller will agree to this.	R.P.	.10	$10.00
5/1/2012	Telephone call from Mr. Joseph Lee, Esq. regarding his petition for attys. fees. Discussion of his fee petition. Told him Ms. Savitt was out of town this week and would be able to review his fee petition next week. He is in agreement and will not be at the hearing tomorrow.	S.L.H.	.25	$75.00
5/2/2012	Attendance at court hearing on petition for attys. fees for Ms. Amy Beller, Esq.; attys. fees for Ms. Hazeltine, Esq.; and petition to move residence of Ward Mrs. Helen O'Grady. Present was Ms. Jamie Huber, Esq.; Danny Mayes; Mr. _____ from Ms. Beller's office; and Ms. Hazeltine, Esq. Court signed the order on payment of examining committee; order on Ms. Hazeltine's attys. fees; and order on Ms. Beller's fees. Ms. Huber said at this time her client was not in agreement with moving Helen yet, and court said we would hold off on this issue until Ms. Savitt returns.	S.L.H.	.25	$75.00
5/2/2012	Preparation of email to all parties with update of what	S.L.H.	.10	$30.00

EXHIBIT A

	happened at hearing today.			
5/2/2012	Receipt and review of letter from Jami Huber, Esq. Scanned and e-mailed to Ms. Savitt.	R.P.	.20	No Charge
5/2/2012	Receipt and review of amended petition for attorney's fees and costs from Amy B. Beller, Esq.	R.P.	.10	No Charge
5/2/2012	Mailed Agreed Order authorizing payment of Sheri Hazeltine, Esq.'s attorney's fees and costs to all parties.	R.P.	.10	No Charge
5/2/2012	Telephone call with Ms. Savitt regarding hearing today.	S.L.H.	.25	$75.00
5/3/2012	Review of email from Amy Beller Esq. thanking us and stating she no longer needs to receive notice in this case. Preparation of reply email.	S.L.H.	.10	No Charge
5/8/2012	Telephone call from guardian Ms. Savitt. Discussion of what to do regarding promissory note owed by Mrs. O'Grady and also pending move to Newport Place. Ms. Hazeltine to call Jamie Huber, Esq. to schedule a meeting between her, Ms. Savitt, and her client Ron Mayes regarding move of Mrs. O'Grady to Newport Place.	S.L.H.	.30	$90.00
5/8/2012	Called and left phone message for Jami Huber, Esq., attorney for Ron Mayes re: his concerns about move of his mother.	S.L.H.	.10	No Charge
5/8/2012	Preparation of emailed letter to Ms. Huber, Esq. asking for appointment with her to discuss her letter dated May 2nd.	S.L.H.	.10	$30.00
5/8/2012	Review of file and ETG appointment date and date of appointment of permanent guardian. Preparation of emailed letter to Mr. Hark, Esq. reminding him that final report of ETG of property is now overdue to be filed. Asked when it would be filed.	S.L.H.	.20	$60.00
5/8/2012	Review of email from Jami Huber Esq. stating she will get back to us soon regarding a meeting.	S.L.H.	.10	No Charge
5/8/2012	Review of email from Mr. Hark, Esq. stating he was going file the final report within the next 5 days.	S.L.H.	.10	No Charge
5/8/2012	Review of email from Ms. Huber, Esq. asking for 1:00 pm appt. tomorrow, Wed. May 9. Preparation of email to Ms. Savitt asking her if she was available then for an appt.	S.L.H.	.10	No Charge
5/9/2012	Meeting with Ms. Huber, Ms. Savitt, and Ron Mayes (via telephone). Discussion of move of Mrs. O'Grady to new residence at Newport Place; discussion of transition and obtaining financial inventory documents from previous guardian; discussion of method of communication by Ms. Savitt with other family members. .	S.L.H.	2.00	$600.00
5/11/2012	Review of email from Client Ms. Savitt. Preparation of reply email regarding petitions to prepare and file, plus hearing to schedule. Also, recommendation to prepare letter regarding her status as guardian to Mrs. O'Grady's healthcare professional team.	S.L.H.	.40	$120.00
5/12/2012	Review of email and attached copy of statement from Sunflower Bank. Preparation of reply email.	S.L.H.	.10	$30.00

EXHIBIT A

5/14/2012	Preparation of filing UMC hearing on petition for authorization of change of residence of Ward.	R.P.	.10	$10.00
5/15/2012	Preparation of petition for order authorizing payment of guardian fees and expenses.	R.P.	.30	No Charge
5/16/2012	Received Morgan Stanley checks for Dr. Boltson in the amount of $600.00 and Dr. Andre in the amount of $600.00. Mailed checks to both doctors.	R.P.	.10	No Charge
5/16/2012	Preparation of order authorizing change of residence.	R.P.	.20	$20.00
5/17/2012	Received payment in the amount of $4,282.25, check #905259334.	R.P.	.10	No Charge
5/21/2012	Review of emailed letter from attorney Mr. Joseph Lee Esq. Forwarded copy of email to Ms. Savitt and paralegal to determine status of Ms. Savitt's petition for guardian fees.	S.L.H.	.10	$30.00
5/22/2012	Preparation of email to Mr. Hark, Esq. asagainking for verified inventory from ETG of property and final accounting again.	S.L.H.	.10	$30.00
5/22/2012	Review of emailed letter from Mr. Thomas Mayes regarding his request for fees. Preparation of reply email to Client Ms. Savitt.	S.L.H.	.10	$30.00
5/22/2012	Review of email from Ms. Savitt re: Mr. Mayes' request for fees at $25.00 per hour. Preparation of reply email.	S.L.H.	.10	$30.00
5/22/2012	Received $450.00 examining committee fee check for Shannon Otto.	R.P.	.10	No Charge
5/22/2012	Prepare draft attorney fee petition and invoice for attorney review.	R.B.	.40	No Charge
5/23/2012	Review of email from Mr. Hark, Esq. Stated that the verified inventory from Thomas Mayes was mailed out on Monday and was filed with court yesterday morning.	S.L.H.	.10	No Charge
5/24/2012	Preparation of email to Client Ms. Savitt re: copy of verified inventory and final report from Thomas Mayes; plus preparation of verified inventory and initial plan from Ms. Savitt.	S.L.H.	.10	No Charge
5/25/2012	Preparation of e-mail to Ms. Savitt, Mr. Hark, Mr. Lee and Mr. Miller attaching 5/30 notice of hearing on Ms. Savitt's guardians fees.	R.P.	.20	No Charge
5/26/2012	Receipt of inventory and accounting from Mr. Hark, Esq. and Mr. Mayes.	R.P.	.10	No Charge
5/26/2012	Receipt and review of formal notice, verified initial inventory of ETG, final guardianship report, petition for order authorizing reimbursement of expenses of Ward's daughter and petition for authorization for payment of ETG's guardian fees and costs.	S.L.H.	.10	No Charge
5/28/2012	Review of documents packet received from Mr. Hark, including verified inventory and petitions for fees and reimbursement for costs and expenses.	S.L.H.	.25	$75.00
5/28/2012	Preparation of emailed letter to Client Ms. Savitt regarding inventory pkt. and fees submitted.	S.L.H.	.10	$30.00

EXHIBIT A

5/29/2012	Review of emailed letter from Mr. Thomas Mayes stating his mother had passed away at approx. 5 pm tonite. Preparation of reply response.	S.L.H.	.10	$30.00
5/30/2012	Preparation of notice of ward's death.	R.P.	.20	$20.00
5/30/2012	Finalized Notice of Ward's Death for filing with court.	S.L.H.	.10	$30.00
5/30/2012	Review of email from Andrew Schwartz, Esq. who said he was the new attorney for Thomas Mayes, personal representative. Wanted information about closing guardianship. Preparation of response email stating I would contact him tomorrow.	S.L.H.	.10	$30.00
5/31/2012	Telephone call from Mr. Schwartz. Called him back and left phone msg.	S.L.H.	.10	No Charge
5/31/2012	Telephone call from Mr. Andrew Schwartz, Esq. He said he was the new attorney for Mr. Thomas Mayes. Said Mr. Mayes was named as the Personal Representative under Mrs. O'Grady's Will. He said he will be working for his appointment as Personal Representative next week. Asked when guardianship was being closed out. Explained to him we just rec'd the verified inventory and annual accounting as of May 24th from Mr. Hark's office, and were working hard to complete Ms. Savitt's verified inventory now. Told him our final report was not due until 45 days after Letters of Administration were issued, but that we would be working on completing this as soon as possible.	S.L.H.	.25	$75.00
6/1/2012	Review of email from Gerry Brown from MorganStanley stating it would be faxing us copies of financial statements. Preparation of response email.	S.L.H.	.10	No Charge
6/1/2012	Preparation of re-notice of hearing on guardian fees; phone call to Judge Scher's JA.	R.P.	.20	$20.00
6/1/2012	Receipt and review of notice of filing proof of service of formal service on interested persons filed by Clifford Hark, Esq.	R.P.	.10	No Charge
6/4/2012	Review of draft Verified Inventory dropped off by guardian Ms. Savitt. Still need documentation from some other financial institutions.	S.L.H.	.25	$75.00
6/4/2012	Preparation of email to guardian about additional documentation still needed for Verified Inventory.	S.L.H.	.10	$30.00
6/4/2012	Preparation of notice of unavailability.	R.P.	.20	$20.00
6/6/2012	Review of emailed letter from Client, Ms. Savitt, guardian. Preparation of response email regarding instructions for completing wrap up of guardianship.	S.L.H.	.30	$90.00
6/9/2012	Review of copy of letter from Holly O'Neill, Esq. to clerk of court with copy of notice of hearing for attys. fee petition for August 29th.	S.L.H.	.10	$30.00
6/9/2012	Review of letter from Holly Miller Esq. regarding notice of hearing set for August 29th for one-half hour at 9:30 am in front of Judge Scher on their petition for order	S.L.H.	.10	$30.00

EXHIBIT A

	authorizing payment of attys. fees and expenses.			
6/11/2012	Filed verified inventory with Court.	R.P.	.10	No Charge
6/11/2012	Review of emailed letter from Stephanie Chambers re: fees and expenses requested by Ronald Mayes and his attorney.	S.L.H.	.10	$30.00
6/11/2012	Telephone call with Client, Ms. Savitt, guardian re: final report and accounting.	S.L.H.	.40	$120.00
6/13/2012	Receipt and review of Mr. Ronald Mayes' Objection to Petition for Payment of ETG's Attorney Fees; Petition for Order Authorizing Reimbursement of Expenses to Ward's Daughter; Petition for Authorization for Payment of ETG's Fees and Costs incurred on Behalf of the Ward; and Objection to Final Guardianship Report of Guardian of the Property.	R.P.	.20	No Charge
6/13/2012	Hand-delivered copy of verified inventory to Ms. Savitt.	R.P.	.10	No Charge
6/13/2012	Attendance at court hearing on petition for guardian fees on behalf of Ms. Savitt. Court signed agreed order.	S.L.H.	.25	$75.00
6/13/2012	Meeting with guardian Ms. Savitt in person at office to discuss response to file to filings from Mr. Thomas Mayes from Mr. Hark, and also from the daughters for reimbursement for expenses.	S.L.H.	1.00	$300.00
6/13/2012	Preparation of Objection to petition for authorization for payment of emergency temporary guardian's fees and costs incurred on behalf of Ward; Objection to final guardianship report of the guardian of the property; objection to petition for payment of emergency temporary guardian's attorneys fees and expenses; and objection to petition for payment of Ward's daughters' request for payment of expenses.	S.L.H.	1.50	$450.00
6/14/2012	Review of rec'd copies of filed objections from Ms. Jami Huber, Esq., attorney for Ronald Mayes.	S.L.H.	.20	$60.00
6/15/2012	Preparation of Request for Authorization for Guardian to Pay Interim Monthly Costs of Home of Deceased Ward.	S.L.H.	.75	$225.00
6/18/2012	Preparation of e-mailing all parties notice of hearing and request for authorization for tomorrow's hearing.	R.P.	.20	No Charge
6/18/2012	Review of petition for attorney's fees from Ms. Jami Huber Esq. for representation of Ronald Mayes. Preparation of email to Ms. Huber requesting she prepare an attached invoice breaking down the dates, times, and type of legal services provided.	S.L.H.	.20	$60.00
6/19/2012	Preparation of Order on request granting authorization to pay expenses.	R.P.	.20	$20.00
6/19/2012	Attendance at hearing on calendar for 8:45 am. File was not pulled due to it not being properly scheduled with correct case #. Requested paralegal to re-schedule for 8:45 am tomorrow again.	S.L.H.	.10	No Charge
6/20/2012	Preparation of petition for production of Will of Mrs. O'Grady. Checked online court docket and Will is still	S.L.H.	1.00	$300.00

EXHIBIT A

	not deposited with clerk of court.			
6/20/2012	Transmitted via email draft petition for production of Will for her review.	S.L.H.	.10	No Charge
6/20/2012	Attendance at court hearing in front of the Honorable Circuit Judge Rosemarie Scher. Court signed order on paying interim bills of home. Present also was Mr. Daniel Mayes.	S.L.H.	.25	$75.00
6/20/2012	Meeting in person with Ms. Savitt to discuss case. Concern about Will of Mrs. O'Grady not being filed yet, and no Personal Representative appointed to take care of the estate. Discussion of inventory and final accounting.	S.L.H.	.20	$60.00
6/20/2012	Finalized petition for production of Will; Ms. Savitt signed. Filed with clerk of court.	S.L.H.	.10	No Charge
6/20/2012	Receipt and review of objection for authorization of payment for temporary guardians fee and cos incurred incurred on behalf of the ward typed and signed by Daniel Mays. Gave copy to Ms. Savitt.	R.P.	.10	No Charge
6/22/2012	Receipt and review of letter from Clerk. We need to prepare an amended front page correcting the date of the plan to read 2/19/12-4/30/13.	R.P.	.10	No Charge
6/24/2012	Review of email from Client Ms. Savitt regarding funeral expenses and request for reimbursement for these.	S.L.H.	.10	$30.00
6/24/2012	Review of email from Client Ms. Savitt, to paralegal, regarding confusion about date she was appointed the ETG. Review of response from paralegal stating it will be amended on Monday June 22.	S.L.H.	.10	No Charge
6/25/2012	Preparation of second amended intial guardianship report correcting dates per court's request.	R.P.	.20	$20.00
6/25/2012	Prepare draft invoice and fee petition for attorney review.	R.B.	.40	No Charge
6/25/2012	Review of emailed letter from Mr. Hark, Esq., with attached copy of objection to attorneys fees on behalf of Jami Huber, Esq., atty. for Ronald Mayes.	S.L.H.	.20	$60.00
6/25/2012	Transmitted via email copy of letter and objection to attys. fees for Ms. Huber, Esq. to Ms. Savitt.	S.L.H.	.10	No Charge
6/26/2012	Receipt and review of Clifford Hark, Esq.'s objection to petition for order authorizing payment of attorney's fees filed by Miller & O'Neill, P.A. Gave copy of Elizabeth Savitt.	R.P.	.10	No Charge
6/26/2012	Ms. Savitt signed second amended initial guardianship plan. Filed with Court.	R.P.	.10	No Charge
6/27/2012	Hand-delivered to Ms. Savitt order on request for authorization for guardian to pay interim monthly costs to maintin home of deceased Ward; transmitted same via e-mail to Mr. Schwartz.	R.P.	.10	No Charge
6/27/2012	Telephone call from Client Ms. Savitt regarding the preparation of the final accounting and period it will cover. No "end" date yet as she is still paying the bills for the home yet, pending appt. of a P.R., per the court order	S.L.H.	.10	$30.00

EXHIBIT A

	signed by the court.			
7/6/2012	Review of email from Cindy Lawrence from Miller law firm, with attached invoice of legal services charges of Mr. Miller, Esq. Preparation of response email.	S.L.H.	.10	$30.00
7/6/2012	Forwarded copy of the invoice of legal services bill to Client Ms. Savitt via email.	S.L.H.	.10	No Charge
7/11/2012	Preparation of Order Setting Hearing; phone call to Judge Scher's J.A.	R.P.	.20	No Charge
7/12/2012	Review of email from asst. to Andrew Schwartz, Esq. and attached copy of Notice of Appearance on behalf of Thomas Mayes.	S.L.H.	.10	$30.00
7/12/2012	Forwarded copy of notice of appearance of Andrew Schwartz, Esq. to Ms. Savitt via email.	S.L.H.	.10	No Charge
7/12/2012	Review of email from Jami Huber, Esq. to Mr. Schwartz, Esq., asking if a copy of the petition for administration was going to be forwarded to the parties. Forwarded copy of emailed letter to Client Ms. Savitt.	S.L.H.	.10	$30.00
7/13/2012	Review of email from law firm of Andrew Schwartz, Esq. with attached copy of petition for administration and formal notice, along with copy of 2010 Will for Helen O'Grady.	S.L.H.	.25	$75.00
7/13/2012	Transmitted copies of docs via email to Client Ms. Savitt.	S.L.H.	.10	No Charge
7/14/2012	Receipt and review of notice of appearance from Andrew Schwartz, P.A. in the guardianship case.	R.P.	.10	No Charge
7/16/2012	Receipt and review of Formal Notice, Petition for Administration and Mrs. O'Grady's Last WIll and Testament. Scanned into file and e-mailed to Ms. Savitt.	R.P.	.20	No Charge
7/19/2012	Receipt and review of order setting hearing for our 9/24 attorney fee petition.	R.P.	.10	No Charge
7/19/2012	Receipt and review of letter from Clerk's office requesting another amended verified inventory. They need statements and the cash assets do not balance.	R.P.	.10	No Charge
7/23/2012	Receipt and review of order approving initial guardianship plan.	S.L.H.	.10	$30.00
7/30/2012	Review of email from Client Ms. Savitt regarding inventory and additional information needed. Preparation of response email.	S.L.H.	.10	$30.00
7/30/2012	Meeting with Client Ms. Savitt re: providing additional information to clerk's office re: her inventory. Also, discussion regarding petition for authorization to resolve problem with the Sunflower bank loan.	S.L.H.	.30	$90.00
7/30/2012	Review of emails from Client and banker at Sunflower Bank regarding pay-off of note due to Sunflower Bank in Salinas, KS. Preparation of draft petition for authorization to pay off loan at Sunflower Bank. Preparation of emailed letter to Client Ms. Savitt, along with attached draft petition for her review, signature, and return to our office.	S.L.H.	1.00	$300.00

EXHIBIT A

7/30/2012	Preparation of emailed letter to banker Stephen Kammerer at Sunflower Bank in Salinas, KS, asking for copy of promissory note, amts. paid, and amt. still due.	S.L.H.	.10	$30.00
7/30/2012	Preparation of draft response to Formal Notice and Petition for Administration filed by Thomas Mayes.	S.L.H.	.20	$60.00
7/30/2012	Preparation of email to Client Ms. Savitt along with attached draft response, for her review.	S.L.H.	.10	$30.00
8/3/2012	Preparation of response email to Mr. Kammerer, with c'c to Client Ms. Savitt.	S.L.H.	.10	$30.00
8/3/2012	Review of emailed letter from Client Ms. Savitt regarding First Choice Credit Union. Preparation of response email.	S.L.H.	.10	$30.00
8/3/2012	Review of email from Mr. Stephen Kammerer from Sunflower Bank in KS, along with copy of promissory note. He said that pay-off of the loan was as of today $322,343.34 plus a daily accrual of $44.7636 plus unknown legal fees to add to it.	S.L.H.	.10	$30.00
8/3/2012	Review of email from Client Ms. Savitt regarding fees involved in paying off loan. Preparation of response email.	S.L.H.	.10	$30.00
8/4/2012	Receipt and review of notice of appearance of counsel - Jeffrey H. Skatoff, Esq. for Daniel Mayes.	R.P.	.10	No Charge
8/4/2012	Review of email from Ms. Shannon Braun, atty. for Sunflower State Bank. Said she will be out of the office until August 13th and that I do not need to call her now and can talk at a later date.	S.L.H.	.10	$30.00
8/6/2012	Preparation of letter to Clerk's office, attn. Sheri Paige, asking for additional time of 20 days to comply with her request for additional information.	S.L.H.	.20	$60.00
8/6/2012	Preparation of faxed letter and attached copy of clerk of court letter requesting more information, to Dianna at First Choice Credit Union.	S.L.H.	.30	$90.00
8/6/2012	Faxed copy of letter to First Choice Union along with copy of clerk of court's letter.	S.L.H.	.10	No Charge
8/6/2012	Receipt and review of Formal Notice and response to petition for administration and counter petition for administration filed by Jami Huber, Esq. on behalf of Ronald Mayes.	R.P.	.10	No Charge
8/6/2012	Review of copy of Formal Notice with Response to Petition for Administration and Counter Petition for Administration filed by Mr. Miller, Esq. on behalf of Ronald Mayes.	S.L.H.	.30	$90.00
8/6/2012	Scanned in and emailed copy of response petition from Mr. Miller to Client Ms. Savitt.	S.L.H.	.20	No Charge
8/7/2012	Review of rec'd faxed Response from Daniel Mayes to Ronald Mayes' Counter Petition for Administration.	S.L.H.	.10	$30.00
8/8/2012	Left telephone msg. for Dianna at First Choice Credit Union asking her to call me regarding the copies of financial statements still needed. Re-faxed copy of letter	S.L.H.	.10	$30.00

EXHIBIT A

	and attachment.			
8/8/2012	Preparation of emailed letter to Stephen Kammerer at Sunflower Bank asking him to re-send copy of the promissory note. Could not open his emailed attachment of copy.	S.L.H.	.10	No Charge
8/8/2012	Scanned and e-mailed notice of appearance of Jeffrey H. Skatoff, Esq. to Ms. Savitt.	R.P.	.20	No Charge
8/9/2012	Receipt and review of Petitioner, Daniel Mayes' response to Ronald Mayes' counterpetition for administration. Scanned and e-mailed to Ms. Savitt.	R.P.	.20	No Charge
8/14/2012	Telephone call to Dianna at First Choice Credit Union, to request copies of financial statements from credit union. She said she does have all of the documents that Ms. Savitt still needs, and that she can come back to the bank to obtain the copies. Telephone call to Client Ms. Savitt to relay conversation with First Union employee.	S.L.H.	.30	$90.00
8/16/2012	Receipt and review of objection to petition for authorization to pay off Sunflower Bank loan. Scanned and e-mailed to Ms. Savitt.	R.P.	.20	No Charge
8/17/2012	Review of Objection to Petition for Authorization to Pay Off Sunflower Bank Loan sent by Ms. Huber Esq. on behalf of Ronald Mayes.	S.L.H.	.20	$60.00
8/20/2012	Receipt and review of Thomas Mayes' reply to response to petition for administration filed by R. Mayes and petition for administration of lost will. Receipt and review of formal notices (3). Receipt and review of declaration that proceeding is adversary. Receipt and review of T. Mayes' response to D. Mayes' objection to T. Mayes petition for appointment as personal representation.	R.P.	.20	No Charge
8/20/2012	Receipt and review of formal notice and petition for appointment of a curator.	R.P.	.10	No Charge
8/20/2012	Telephone call with Client Ms. Savitt to discuss outstanding issues including preparation and filing amended inventory.	S.L.H.	.50	$150.00
8/21/2012	Scanned and e-mailed formal notice and petition for appointment of curator to Ms. Savitt.	R.P.	.20	No Charge
8/21/2012	Meeting in person with Ms. Savitt to discuss pending issues in case.	S.L.H.	.50	$150.00
8/24/2012	Review of email from Client Ms. Savitt regarding letter received from Sunflower Bank. Preparation of response email.	S.L.H.	.10	$30.00
8/25/2012	Review of rec'd letter and Notice of Email Address Designation from Jami Huber Esq.	S.L.H.	.10	$30.00
8/27/2012	Telephone call from Client Ms. Savitt re: fee hrg. coming up plus Mr. Hark and Mr. Lee's request to piggy-back on to Wed. hrg.	S.L.H.	.25	$75.00
8/28/2012	Preparation for fee hearings tomorrow. Review of fee petitions from Mr. Hark, Mr. Lee, Thomas Mayes, and	S.L.H.	1.50	$450.00

EXHIBIT A

	Mr. Miller.			
8/28/2012	Telephone call with Ms. Savitt re: fee hearings scheduled for tomorrow.	S.L.H.	.50	$150.00
8/28/2012	Telephone call to Mr. Miller's office as we still do not have a copy of the invoice for their fee petition. Cindy said she would email a copy to me.	S.L.H.	.10	$30.00
8/28/2012	Review of 'blank' or 'redacted' fee invoice from Mr. Miller's office.	S.L.H.	.20	$60.00
8/28/2012	Telephone call to Client Ms. Savitt after forwarding via email copy of Mr. Miller's invoice. Objection from client as to fees.	S.L.H.	.20	$60.00
8/29/2012	Attendance at court hearing on fee petition hrgs. Court re-sent until September 24 at 3:30 pm.	S.L.H.	.75	$225.00
8/30/2012	Review of email from J.A. Debra Rosenblatt, asking for matter to be set at next hrg. on September 24th. Preparation of reply email back to her.	S.L.H.	.10	$30.00
8/31/2012	Receipt and review of designation of current mailing and e-mail addresses - Clifford Hark, Esq.	R.P.	.10	No Charge
8/31/2012	Receipt and review of response to Ronald Mayes objection to petition for authorization to pay off Sunflower Bank loan.	R.P.	.10	No Charge
9/4/2012	Preparation of scanning and e-mailing Mayes' objection to Ms. Savitt.	R.P.	.10	No Charge
9/5/2012	Preparation of designation of e-mail address.	R.P.	.20	$20.00
9/6/2012	Receipt and review of designation of e-mail address from Andrew M. Schwartz, Esq.	R.P.	.10	No Charge
9/6/2012	Receipt and review of order on petition authorizing payment of attorney's fees and expenses for Jami Huber, Esq.	R.P.	.10	No Charge
9/6/2012	Scanned and e-mailed order to Ms. Savitt.	R.P.	.10	No Charge
9/10/2012	Receipt and review of T. Maye's notice for trial and certificate of no objection and request for copies. E-mailed to Ms. Savitt.	R.P.	.20	No Charge
9/11/2012	Review of rec'd Notice of Production from Non-Party Records Custodian of Chase Bank USA and JP Morgan Chase Bank, N.A. signed September 5, 2012.	S.L.H.	.10	$30.00
9/11/2012	Review of Order on Petition Authorizing Payment of Attorney's Fees & Expenses of Jami Huber, Esq. of O'Neill & Miller.	S.L.H.	.20	$60.00
9/13/2012	Receipt and review of letter from Jordan Hammer, Esq. re: inventory of O'Grady home.	R.P.	.10	No Charge
9/13/2012	Review of letter rec'd from Mr. Skatoff regarding inventory of home items and contact by guardian with Mr. Dan Mayes. Forwarded emailed letter to Client Ms. Savitt for review.	S.L.H.	.10	$30.00
9/13/2012	Telephone call with Ms. Savitt regarding the letter from Mr. Skatoff's office regarding the inventory that the guardian must do of Mrs. O'Grady's personal property in	S.L.H.	.25	$75.00

	her home.			
9/13/2012	Preparation of emailed letter to Jordan Hammer, Esq. asking why my client Ms. Savitt is contacting his client, Daniel Mayes, to perform an inventory of the personal property.	S.L.H.	.25	$75.00
9/14/2012	Prepare amended attorney fee petition and invoice for attorney review; transmit invoice to Ms. Savitt.	R.B.	.30	No Charge
9/19/2012	Preparation of petition for order authorizing payment of compensation and expenses of guardian. Preparation of Agreed Order.	R.P.	.70	$70.00
9/19/2012	Review of email from Tanya Latham, on behalf of atty. Skatoff, requesting availability for dates October 9, 10, or 11th for court hearing. Preparation of response email stating was available on all 3 dates.	S.L.H.	.10	$30.00
9/20/2012	Filed fee petition at courthouse on behalf of Client.	S.L.H.	.10	No Charge
9/20/2012	Preparation of email to Client regarding final accounting.	S.L.H.	.10	$30.00
9/20/2012	Telephone call with Client regarding final accounting. She will prepare it, but does not know the official end date yet because she is still using the funds to pay the bills for the home. My office will notify the clerk's office about the ongoing nature of the guardianship and accounting, so that an OTSC does not issue.	S.L.H.	.10	$30.00
9/24/2012	Attendance at court hearing today in front of the Honorable Circuit Judge Rosemarie Scher. Present also were Ms. Savitt; Larry Miller, Esq.; Clifford Hark, Esq.; Thomas Mayes; Joseph Lee, Esq. The court stated it decided it needed to recuse itself from the case, especially in light of Mr. Dan Mayes' allegations in his filed emails with the court. Gave us copy of written order assigning case to Judge Martz, Division IZ. Parties to re-set court hearing.	S.L.H.	.25	$75.00
9/24/2012	Telephone call from Client Ms. Savitt regarding the court hearing today at 3:30 pm. Discussion of the individual fee petitions pending.	S.L.H.	.30	$90.00
9/24/2012	Telephone call to Mr. Joseph Lee, Esq. regarding his outstanding fee petition. He will be submitting an order to the court and has agreed to reduce his fees to $7,500.00.	S.L.H.	.10	$30.00
9/24/2012	Preparation of new Orders on the fee petitions.	S.L.H.	.25	$75.00
9/25/2012	Telephone call(s) to Judge Martz's J.A. to obtain hearing dates on attorney and guardian fees. One hour requested. E-mailed dates to counsel.	R.P.	.20	$20.00
9/25/2012	Attendance at court hearing on fee petitions for Joseph Lee, Esq., Clifford Hark, Esq., Sheri Hazeltine, Esq., and Ms. Savitt. The Honorable Circuit Judge Rosemarie Scher stated she needed to recuse herself, and the case would be re-assigned to Judge Martz.	S.L.H.	.25	$75.00
9/26/2012	Telephone call to Brittany at Clifford Hark, Esq.'s office.	R.P.	.10	$10.00

EXHIBIT A

	1/11/13 is okay with him for the hearing.			
9/26/2012	Review of email from paralegal stating Mr. Hark and Ms. Hazeltine were available for re-set date, and asking if other attys./parties were available.	S.L.H.	.10	No Charge
9/26/2012	Scanned and e-mailed Judge Scher's recusal to Ms. Savitt.	R.P.	.10	No Charge
9/26/2012	Review of email sent by paralegal to attorneys and parties asking if January 11, 2013 at 10:00 a.m.-11:00 a.m re-set date is o.k.	S.L.H.	.10	$30.00
9/27/2012	Telephone call to J.A. Joli asking if date is available still for re-notice of hearing. She said 'yes'. Preparation of Re-Notice of Hearing with new date, setting petition for fees for Ms. Savitt, Ms. Hazeltine, Mr. Hark, and Mr. Mayes on for new hearing. Telephone call from Mr. Skatoff's office stating he was available now for the hearing.	R.P.	1.00	$100.00
9/27/2012	Scanned in and transmitted via email to all the parties copy of the re-notice of hearing on petitions.	R.P.	.10	No Charge
9/27/2012	Review of re-notice of hearing; signed and finalized for filing at clerk of court.	S.L.H.	.10	$30.00
9/27/2012	Filed original re-notice of hearing in-person with clerk of court. Obtained date-stamped copy.	S.L.H.	.10	No Charge
9/28/2012	Telephone call and msg. left for Mr. Jordan Hammer, Esq. asking him to call me regarding Ms. Savitt's request to visit Mrs. O'Grady's home Wed. October 3 to perform inventory of personal items in home. Preparation of emailed letter to Mr. Hammer, Esq.	S.L.H.	.20	$60.00
9/29/2012	Preparation of emailed letter to guardian Ms. Savitt regarding requested visit to Mrs. O'Grady's home on October 3 to perform inventory of personal property of Mrs. O'Grady. This is overdue to be done, as Mr. Dan Mayes has not allowed Ms. Savitt to come in perform the inventory.	S.L.H.	.10	$30.00
9/29/2012	Review of file and court docket in guardianship and probate court cases. Preparation of letter to Clerk of Court, Ms. Paige, notifying her as courtesy that guardian Ms. Savitt is unable to prepare final accounting yet, as she is still paying household bills of Mrs. O'Grady's home.	S.L.H.	.50	$150.00
10/2/2012	Telephone call with Jordan Hammer, Esq., atty. for Daniel Mayes. He said he will check with his client today as to whether Ms. Savitt will be allowed to come in to the home to perform her inventory on the personal property of Mrs. O'Grady. Preparation of email to Client to update her.	S.L.H.	.10	$30.00
10/3/2012	Preparation of emailed letter to Mr. Hammer, Esq. regarding visit to O'Grady home by guardian in order to perform inventory of personal property.	S.L.H.	.10	$30.00
10/3/2012	Review of email from Mr. Jordan Hammer, Esq., atty. for Mr. Dan Mayes. Stated he and his client would allow the visit to Mrs. O'Grady's home for the purpose of	S.L.H.	.10	$30.00

	completing the inventory of the personal property. Preparation of response email stating I would get back to him shortly with proposed dates and times.			
10/3/2012	Preparation of amended notice of designation of e-mail address.	R.P.	.20	$20.00
10/3/2012	Filed amended designation of email address with clerk of court.	S.L.H.	.10	No Charge
10/4/2012	Receipt and review of motion for enlargement of time filed by Lawrence Miller, Esq.	R.P.	.10	No Charge
10/4/2012	Receipt and review of notice of hearing from Clifford Hark, Esq.	R.P.	.10	No Charge
10/5/2012	Receipt and review of objection to first amended verified inventory filed by R. Mayes. Scanned and e-mailed to Ms. Savitt.	R.P.	.20	No Charge
10/5/2012	Telephone call from Ms. Savitt stating she had no idea about a life insurance policy. Was very upset about the objection to the inventory.	R.P.	.10	No Charge
10/5/2012	Receipt and review of D. Mayes anwers to T. Mayes interrogatories. Sent to Ms. Savitt.	R.P.	.20	No Charge
10/5/2012	Telephone call from Enid at Clark Skatoff requesting another copy of the first amended verified inventory, which was complied with.	R.P.	.10	No Charge
10/6/2012	Telephone call from Client Ms. Savitt. Discussion of objection filed regarding the verified inventory, and what we will be filing next in response.	S.L.H.	.10	$30.00
10/9/2012	Scanned and e-mailed amended designation of e-mail address to all parties.	R.P.	.20	No Charge
10/10/2012	Meeting with Ms. Savitt regarding objection filed by Mr. Ron Mayes to the filed amended inventory. Discussion of personal property and need to obtain court authorization to conduct inventory.	S.L.H.	.25	$75.00
10/10/2012	Review of email and notice of hearing on bifurcated trial in probate matter and request for availability. Preparation of response email back.	S.L.H.	.10	$30.00
10/10/2012	Preparation of email to Client Ms. Savitt along with copy of Order on bifurcation of trial in probate case regarding Will Contest and appt. of P.R. Asked Client about her availability about the dates.	S.L.H.	.10	$30.00
10/11/2012	Receipt and review of Order approving ETG final acccounting of guardian of property. Scanned and e-mailed to Ms. Savitt.	S.L.H.	.10	$30.00
10/11/2012	Review of order approving verified inventory of guardian of the property.	S.L.H.	.10	$30.00
10/11/2012	Preparation of petition for authorization to conduct inventory of personal property of home of now-deceased Ward, Mrs. O'Grady.	S.L.H.	.75	$225.00
10/11/2012	Receipt and review of Order approving verified inventory of guardian of property. Scanned and e-mailed to Ms.	R.P.	.20	No Charge

EXHIBIT A

	Savitt.			
10/12/2012	Telephone call to Ms. Savitt regarding finalization of petition for authorization to conduct inventory. Will review and file today with court if possible.	S.L.H.	.10	$30.00
10/15/2012	Review of emailed letter to conduct inventory of personal property from Client. Preparation of reply email.	S.L.H.	.10	$30.00
10/15/2012	Finalized preparation of motion for authorization to conduct inventory.	S.L.H.	.25	$75.00
10/16/2012	Emailed Client a copy of filed motion for authorization to conduct inventory. Requested when she would be available for 8:45 am hearing next week.	S.L.H.	.10	$30.00
10/16/2012	Filed motion for authorization to conduct inventory of personal property with clerk of court.	S.L.H.	.10	No Charge
10/17/2012	Prepare notice of hearing for motion for authorization to conduct inventory.	R.P.	.30	$30.00
10/17/2012	Prepare service of court document attaching motion for authorization to conduct inventory to all parties.	R.P.	.20	No Charge
10/22/2012	Prepare renotice of hearing for 24 as court will be closed the morning of 10/23. Sent notice of filing court document to all parties.	R.P.	.30	No Charge
10/23/2012	Telephone call from Client Ms. Savitt regarding judge in this matter was now Judge Martz & that notice of hearing incorrect. Prepared amended re-notice of hearing and sent to all parties. Also changed our online 8:45 division case hearing to Judge Martz.	R.P.	.40	No Charge
10/23/2012	Review of email from Mr. Pratt, Esq. regarding motion to perform inventory. Said that his client had no objection, and that they believed there was personal property in several locations plus Thomas Mayes had taken property out of the home. Preparation of response email; forwarded all to Client Ms. Savitt.	S.L.H.	.10	$30.00
10/24/2012	Receipt and review of R. Maye's response to guardian of the property's motion for inventory filed by Larry Miller, Esq.	R.P.	.10	No Charge
10/25/2012	Sent e-mail to Jordan Hammer, Esq. giving him dates and times for Ms. Savitt to go to Mrs. O'Grady's house to do the inventory.	R.P.	.20	$20.00
10/26/2012	Receipt and review of e-mail from Mr. Hammer requesting copy of Order first. Telephone call to Ms. Savitt who sent us the Order.	R.P.	.10	No Charge
10/26/2012	E-mailed Order to Jordan Hammer, Esq.	R.P.	.10	No Charge
10/31/2012	Preparation of email to Client Ms. Savitt regarding visit to O'Grady home today. Reminder about visit.	S.L.H.	.10	$30.00
10/31/2012	Preparation of email to Client Ms. Savitt asking her to prepare amended guardian fee invoice..	S.L.H.	.10	No Charge
SUBTOTAL:			47.75	$9,385.00

Costs

EXHIBIT A

4/23/2012	Postage for mailing letter.	$0.45
5/2/2012	Postage for mailing Amy Beller's petition to Elizabeth Savitt.	$0.85
5/2/2012	Postage for mailing agreed Order on Beller Smith's amended petition for attorney's fees and Order for payment of examining committee to all parties.	$2.25
5/9/2012	Postage for mailing letter from Jami Huber, Esq. to Clifford Hark, Esq & Elizabeth Savitt.	$0.90
5/16/2012	Postage for mailing examining committee fee checks.	$0.90
5/22/2012	Postage for mailing check to Shannon Otto.	$0.45
5/25/2012	Postage for mailing formal notice and attachments to Ms. Savitt.	$4.90
5/30/2012	Postage for mailing notice of ward's death to all parties.	$1.80
5/31/2012	Postage for mailing attorney fee petition for SLH filed 5/23 to Ms. Savitt and Mr. Lee, Esq. E-mailed invoice to Jamie Huber, Esq. pursuant to her secretary's request.	$1.30
6/6/2012	Postage for mailing notice of unavailablity to all parties.	$1.60
6/6/2012	Postage for mailing re-notice of hearing on petition authorizing payment of compensation to guardian.	$1.60
6/9/2012	Mailed copy of letter and notice to Client Ms. Savitt.	$0.45
6/13/2012	Postage for mailing copes of verified inventory to all counsel.	$2.55
6/13/2012	Postage for mailing copies of filed objections.	$2.60
6/27/2012	Postage for mailing second amended initial guardianship plan to all parties.	$1.35
6/29/2012	Postage for mailing copy of order on request for authorization for guardian to pay interim monthly costs to Thomas Mayes.	$0.45
7/11/2012	Postage for mailing attorney fee petition to Mr. Lee, Esq.; hand-delivered petition to Ms. Savitt.	No Charge
8/3/2012	Postage for mailing Notice of filing response to formal notice and petition for administration filed by Thomas Mayes and Response to formal notice and petition for administration filed by Thomas Mayes and Petition for Authorization to Pay off Sunflower Bank Loan to all counsel and Elizabeth Savitt.	$4.76
8/6/2012	Postage for mailing copy of petition to Client Ms. Savitt.	$0.85
8/8/2012	Postage for mailing letter to Clerk regarding a 20-day extension to Ms. Savitt.	$0.45
8/20/2012	Postage for sending all documents listed below to Ms. Savitt.	$1.90
8/25/2012	Postage for mailing copy of letter and Notice of Email Designation to Client Ms. Savitt.	$1.05
9/4/2012	Postage for mailing Mayes' objection to Ms. Savitt.	$0.45
SUBTOTAL:		$33.86

TOTAL: $9,418.86
PREVIOUS BALANCE DUE: $0.00
CURRENT BALANCE DUE AND OWING: $9,418.86

EXHIBIT A

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

HELEN M. O'GRADY.
now deceased.

DIVISION: IX

CASE NO.: 502012GA000016XXXXSB

/

ORDER ON REQUEST FOR AUTHORIZATION FOR GUARDIAN TO PAY INTERIM MONTHLY COSTS TO MAINTAIN HOME OF DECEASED WARD

On the request for authorization for guardian to pay interim monthly costs of home of the deceased Ward, filed by the guardian, ELIZABETH SAVITT, by and through her attorney, SHERI L. HAZELTINE, ESQ., the Court having considered said request for the guardian to pay the interim monthly costs; and the Court being fully advised in the premises, it is

ORDERED AND ADJUDGED that the request is hereby GRANTED. The guardian may pay the following monthly bills until a personal representative or curator has been appointed:

FPL	$ 100.00
Taxes	$ 120.00
Insurance	$ 120.00
Miscellaneous	$ 100.00
Loan from Sunflower Bank	$2,000.00
	$2,440.00

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED
2012 JUN 20 AM 9:36

DONE AND ORDERED in Delray Beach, Palm Beach County, Florida on this 20th day of June, 2012.

Circuit Court Judge Rosemarie Scher

Copies furnished to:
Sheri L. Hazeltine, Esq., 800 Palm Trail Plaza, Suite 3, Delray Beach, Florida 33483
Clifford Hark, Esq., 3301 N.W. Boca Raton Blvd., Suite 200, Boca Raton, Florida 33431
Jami Huber, Esq., 2101 N.W. Corporate Blvd., Suite 400, Boca Raton, Florida 33431
Joseph Lee, Esq., 1005 Lake Avenue, Lake Worth, FL 33460

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

HELEN M. O'GRADY.
now deceased.

DIVISION: IX

CASE NO.: 502012GA000016XXXXSB

/

ORDER ON REQUEST FOR AUTHORIZATION FOR GUARDIAN TO PAY INTERIM MONTHLY COSTS TO MAINTAIN HOME OF DECEASED WARD

On the request for authorization for guardian to pay interim monthly costs of home of the deceased Ward, filed by the guardian, ELIZABETH SAVITT, by and through her attorney, SHERI L. HAZELTINE, ESQ., the Court having considered said request for the guardian to pay the interim monthly costs; and the Court being fully advised in the premises, it is

ORDERED AND ADJUDGED that the request is hereby GRANTED. The guardian may pay the following monthly bills until a personal representative or curator has been appointed:

FPL	$ 100.00
Taxes	$ 120.00
Insurance	$ 120.00
Miscellaneous	$ 100.00
Loan from Sunflower Bank	$2,000.00
	$2,440.00

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED
2012 JUN 20 AM 9:36

DONE AND ORDERED in Delray Beach, Palm Beach County, Florida on this 20th day of June, 2012.

Circuit Court Judge Rosemarie Scher

Copies furnished to:
Sheri L. Hazeltine, Esq., 800 Palm Trail Plaza, Suite 3, Delray Beach, Florida 33483
Clifford Hark, Esq., 3301 N.W. Boca Raton Blvd., Suite 200, Boca Raton, Florida 33431
Jami Huber, Esq., 2101 N.W. Corporate Blvd., Suite 400, Boca Raton, Florida 33431
Joseph Lee, Esq., 1005 Lake Avenue, Lake Worth, FL 33460

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

CASE NO.: 502012CP002908XXXXSB

IN RE: ESTATE OF

HELEN M. O'GRADY,

Deceased.
_____/

2012 SEP 24 PM 3:09
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED

STATEMENT OF CLAIM

The undersigned, HARK | BURKHALTER | YON, PL, hereby presents for filing against the above Estate this Statement of Claim, as a known creditor, and alleges:

1. The basis of this claim is for attorney fees for serviced rendered to the Decedent prior to her death for the benefit of the Decedent's Guardianship.

2. The name and address of the Claimant is Hark | Burkhalter | Yon, PL, 2101 NW Corporate Blvd., Suite 220, Boca Raton, FL 33431, and the Tax ID Number of the Claimant is 20-4911806.

3. The amount of the claim is $35,425.66, which amount is now due. As additional legal work is performed in the Guardianship case, the outstanding balance increases.

4. The claim is not contingent or unliquidated.

5. The claim is not secured.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of our knowledge and belief.

Signed this 20th day of September, 2012.

_____
Clifford B. Hark, for Hark | Burkhalter | Yon, PL,
Claimant

Copy mailed to the attorney for the Personal Representative on

_____, 2012.

CLERK OF THE COURT

By: _____

Date	Explanation	Time	Amount
4-2-2013	Prepare motion to duplicate orders appointing curator and duplicate letters of curator; prepare draft orders appointing curator and letters of curator.	.50	$60.00
4-2-2013	Scheduled UMC online for 8:45 a.m. hearing tomorrow on Motion for Duplicate Orders and letters	.20	$24.00
4-2-2013	Receipt and review of letter from Sunflower Bank enclosing stipulation and dismissal. Scanned and e-mailed to Ms. Savitt	.20	N/C
4-3-2013	Preparation for court hearing today at 8:45 am to obtain duplication letters & order	.25	$81.25
4-3-2013	Attendance at court hearing at 8:45 am in front of the Honorable Judge Garrison to obtain duplicate order and letters appointing curator, so that Ms. Savitt could have certified copies. Waited from 8:45 am until 9:30 am in line at UMC and then in back of courtroom. Was told at 9:30 am by deputy to instead see the JA for court to speak to her instead first. Spoke to court's JA, who said she would talk to the court about it, as he did not have UMC on Wednesdays. Went back to courtroom and waited until break in court's cases. Court signed new duplicate order and letters. Took court file downstairs to clerk's office and obtained certified copies for Ms. Savitt	1.75	$568.75
4-3-2013	Telephone call to curator Ms. Savitt to tell her I had obtained new certified copies. Will meet with her this afternoon to give to her	.10	N/C
4-5-2013	Review of email from Ms. Savitt requesting we prepare a petition regarding the real property. Preparation of response email	.10	$32.50
4-5-2013	Review of email from Ms. Savitt asking for preparation of petition for early distribution to siblings, 10% to each of the 4 children, as per requests from some of them, leaving 60% of funds remaining. Preparation of response email	.10	$32.50
4-6-2013	Review of email from Ms. Savitt regarding petitioning court to provide an early distribution to the siblings. Preparation of response email	.10	$32.50
4-8-2013	Review of email from Ms. Savitt; review of email she sent to family regarding Mr. Ron Mayes' questions	.10	$32.50
4-8-2013	Telephone call with Client Ms. Savitt regarding tasks in case	.25	$81.25
4-13-2013	Preparation of petition regarding real estate and curator's desire to take possession of property. Research and review of relevant rules and statutes. Review of previous filed pleadings. Preparation of Formal Notice to parties	3.50	$1,137.50
4-14-2013	Further work on petition and formal notice. Preparation of emailed letter to Client Ms. Savitt along with attached copies of draft petition documents for her review	.50	$162.50
4-15-2013	Preparation of email to Ms. Savitt regarding sending filed petition via formal notice, with 20 days for parties to respond, along with attached copy of Formal Notice document	.10	$32.50
4-15-2013	Client Ms. Savitt came in to office to review the Notice of Intent to take Possession of Protected Homestead Property and Petition to Determine Homestead Status of Real Property. Discussion of documents, she rcq'd a few changes; made changes	.30	$97.50

Date	Explanation	Time	Amount
4-15-2013	Review of Request for Production of Documents from Ronald Mayes to Thomas Mayes	.10	N/C
4-15-2013	Receipt and review of petition/counter-respondent T. Mayes' motion to compel responses to duces tecum request served upon R. Mayes on 1/14/13. E-mailed to Ms. Savitt	.10	N/C
4-15-2013	Revision of the petition document	.10	$32.50
4-15-2013	Transmitted via email the revised petition for Ms. Savitt's review	.10	N/C
4-15-2013	Review of email from Curator Ms. Savitt approving final revisions to the petition	.10	$32.50
4-16-2013	Review of Motion for Implementation of Pretrial Deadlines filed by Daniel Mayes	.10	N/C
4-16-2013	Filed Notice of Intent to Take Possession of Protected Homestead Property; and Petition to Determine Homestead status of Real Property.	.10	N/C
4-17-2013	Prepare six certified mail packages enclosing formal notice, notice of intent to take possession of protected homestead property; and petition to determine homestead status of real property to all parties on the service list	.40	N/C
4-17-2013	Review of email from Christine Parrott asking for coordination of UMC date for the motion to compel responses from Ronald Mayes. Preparation of emailed response stating I would check with client and get back to her	.10	N/C
4-17-2013	Review of Thomas Mayes' Motion for Implementation of Pretrial Deadlines	.10	N/C
4-17-2013	Receipt of UMC Notice of Hearing on Mayes' Motion for Implementation of Pretrial Deadlines	.10	N/C
4-17-2013	Preparation of E-Service of formal notice, notice of intent to take possession of protected homestead property; and petition to determine homestead status of real property	.30	$36.00
4-17-2013	Review of Jordan Hammer's response stating he was available for all dates	.10	$32.50
4-17-2013	Preparation of email to Client Ms. Savitt asking her about her availability about the named UMC dates on the motion to compel	.10	$32.50
4-17-2013	Emailed copy of the filed petition to Client Ms. Savitt	.10	N/C
4-17-2013	Review of Notice of Hearing (UMC) of April 23, 2013 at 8:45 am on Dan Mayes' Motion for Implementation of Pretrial Deadlines	.10	$32.50
4-18-2013	Prepare e-mail to Judge Garrison's JA (per her request) asking her to give us some available dates and times for a hearing on our notice of intent to take possession of protected homestead property; and petition to determine homestead status of real property	.20	$24.00
4-18-2013	Preparation of E-Service Notice Cover Sheet, with all attached copies of filed documents	.10	$12.00
4-18-2013	Preparation of emailed letter to Christine Parrott and Mr. Salivar, Esq. informing them Ms. Savitt and I were not available before May 6th for a hearing on Thomas Mayes' Motion to Compel	.10	N/C

Date	Explanation	Time	Amount
4-18-2013	Preparation of email to Client Ms. Savitt, with attached copy of rec'd notice of hearing for UMC of April 23, 2013	.10	$32.50
4-18-2013	Review of email from paralegal stating Mr. Hammer had called asking if the guardian had had the power turned off at Mrs. O'Grady's home. Preparation of response email to paralegal; forwarded email to Ms. Savitt marked 'urgent'	.10	$32.50
4-18-2013	Filed Notice of Intent to Take Possession of Protected Homestead property; Petition to Determine Status of Real Property with clerk of court	.10	N/C
4-18-2013	Emailed filed docs and cover sheet to all parties	.10	N/C
4-19-2013	Review of email from Ms. Savitt stating we do not need to attend the hearing on the motion to compel. Preparation of response email	.10	N/C
4-19-2013	Preparation of email to parties with dates and times for hearings. Asked them to please respond by 5:00 today	.10	$12.00
4-19-2013	Receipt and review of e-mail from Jami Huber, Esq. She is available on 5/16	.10	$12.00
4-19-2013	Review of e-mail from Judge Garrison's JA giving us some new dates and times for our hearing	.10	$12.00
4-19-2013	Review of emailed responses from attorneys regarding the hearing dates. The dates did not work for most of them	.10	$12.00
4-19-2013	Review of email from Ms. Savitt regarding Mr. Dan Mayes putting power in his name for FPL. Preparation of response email	.10	$32.50
4-19-2013	Prepare e-mail to Judge Garrison's JA requesting alternative dates and times	.10	$12.00
4-19-2013	Review of emailed msg. back from Judicial asst. Ms. Bernier stating the same dates as before	.10	$12.00
4-23-2013	All parties are available on 6/19. Preparation or e-mail to JA to lock in the date; and she confirmed	.10	$12.00
4-23-2013	Review of emailed letter from Judge Garrison's JA giving us alternative hearing dates	.10	$12.00
4-23-2013	Prepare notice of hearing for June 19, 2013 @ 1:30 p.m.	.20	$24.00
4-23-2013	Review of Order on Motion for Implementation of Pretrial Procedures, signed April 23, 2013 by the Honorable Judge Garrison	.10	$32.50
4-24-2013	Telephone call with Jordan Hammer, Esq. regarding his client's request for an interim distribution. Said Dan Mayes is not financially well off. Said the depos were very volatile	.25	$81.25
4-24-2013	Prepare notice of filing of court document – notice of hearing, special set	.20	$24.00
4-24-2013	Review of email from Client Ms. Savitt regarding interim distribution. Preparation of response email	.10	$32.50
4-24-2013	Telephone call with Client Ms. Savitt regarding sale of homestead property and any early interim distributions	.25	$81.25
4-24-2013	Preparation of emailed letter with attached Notice of Hearing, Notice of Intent to Take Possession of Protected Homestead Property; and Petition to Determine Homestead Status of Real Property to Jennifer Bernier	.10	$12.00

Date	Explanation	Time	Amount
4-24-2013	Review of email (after phone call today) from Mr. Jordan Hammer, Esq. stating to follow up on our conversation earlier today, his client is requesting an interim distribution of $100,000. He asked that I please discuss this with Ms. Savitt. Forwarded email to Ms. Savitt	.10	$32.50
4-24-2013	Telephone call to Mr. Jordan Hammer, Esq. regarding his request for interim distribution for his client, Mr. Dan Mayes. He will follow up with a more specific number/amt. that his client will want as a distribution. He also said he was not sure yet whether his client would want to purchase the homestead property or not yet	.25	$81.25
4-25-2013	Review of email from Ms. Savitt regarding interim distribution to Mr. Dan Mayes; asked about giving interim distributions to other family members also. Preparation of response email	.10	$32.50
4-26-2013	Preparation of email to Ms. Savitt asking her position regarding petition for interim distribution to Mr. Dan Mayes and/or other siblings. Review of response email from Ms. Savitt regarding interim distribution	.10	$32.50
4-29-2013	Review of email from Mr. Jordan Hammer, Esq. asking whether I have discussed with Ms. Savitt making an interim distribution to his client; and if so, what her position was	.10	$32.50
4-29-2013	Review of email from Ms. Savitt regarding interim distribution to Mr. Dan Mayes	.10	$32.50
4-30-2013	Review of email from Mr. Jordan Hammer, Esq. stating he had no preference as to a mediator; he is out of town on June 5 and 6	.10	$32.50
4-30-2013	Review of email from Client Ms. Savitt stating family members were inquiring of her as to how much Mr. Dan Mayes owned the estate, in light of the bills being paid on his behalf out of estate, the fact he is staying in home rent-free, and that the costs being spent on his behalf should be repaid from his share of the estate. In addition, family members were asking when the next hearing date was scheduled. Also, a realtor she contacted to estimate the home's worth believed the home's FMV was around $205,000, but this was just an estimate at this time	.10	$32.50
4-30-2013	Review of email from Ms. Parrott, From Mr. Salivar's office, stating needed to narrow down date for mediation; and suggestion for proposed mediator	.10	$32.50
5-1-2013	Review of email from Client Ms. Savitt regarding we set on homestead petition for 8:45 am hearing. Preparation of response email	.10	$32.50
5-1-2013	Telephone call with Client Ms. Savitt regarding setting court hearing on petition	.20	$65.00
5-1-2013	As per request from Client Ms. Savitt to set issues at hearing at 8:45 am, preparation of emailed letter to JA Ms. Bernier asking if court will allow petition to be heard on May 9th at 8:45 am. Review of response email from JA Ms. Bernier stating 'yes' it may be scheduled for UMS on May 9th	.10	$12.00
5-1-2013	Review of email from Client requesting set petition for hrg. on UMC on May 9th. Preparation of response email	.10	$32.50

5-1-2013	Review of Ron Mayes' Responses to Duces Tecum Request from Thomas H. Mayes	.10	$32.50
5-1-2013	Review of email from Mr. Salivar, Esq. to Ms. Huber, Esq. stating their response was incomplete. Review of response email from Ms. Huber	.10	$32.50
5-2-2013	Preparation of emailed letter to client Ms. Savitt regarding hearing on the petition to take possession of homestead property	.20	$65.00
5-2-2013	Review of email and attached correspondence (letter) from Mr. Jordan Hammer, Esq. regarding request of his client for interim distribution of $100,000.	.20	$65.00
5-2-2013	Telephone call with Client Ms. Savitt re: setting hrg. on filed petition	.10	$32.50
5-2-2013	Review of filed Objection of Dan Mayes, through Mr. Jordan Hammer, Esq.	.30	$97.50
5-3-2013	Telephone call with Client Ms. Savitt regarding setting petition issues for UMC hearing on May 14 at 9 am	.10	$32.50
5-3-2013	Prepare notice of E-Service of notice of court hearing – court filing for emailing to all parties	.10	$24.00
5-3-2013	Preparation of emailed letter to Ms. Savitt, along with attached copy of prior signed order from guardianship case regarding payment of monthly bills of Mrs. O'Grady's home. Order states guardian may pay the monthly bills until a PR or curator is appointed	.10	$32.50
5-3-2013	Telephone call to Judge Garrison's JA to clarify if they cancelled the 6/19 special set hearing or if our office needs to prepare a order of cancellation of hearing	.10	$12.00
5-3-2013	Prepare notice of hearing for 5/14/13 at 9:00 a.m. on notice of intent to take possession of homestead property; petition to determine homestead status of real property	.20	$65.00
5-3-2013	Review of emailed letter from Christine Parrott, paralegal to Mr. Salivar, Esq., requesting to coordinate a date for mediation pursuant to the order entered by Judge Garrison. The deadline for implementation of the mediation is June 17th, 2013. Ms. Parrott proposed Friday June 14th as the mediation date. Also, suggested Mary Sue Donohue as the mediator. Asked that the parties respond to her by May 6th at 5:00 pm	.10	$32.50
5-3-2013	Review of email from Ms. Jami Huber, Esq. responding to Ms. Parrott's email regarding mediation date. She believed the mediation should proceed the depositions which needed to be scheduled at the same time of out of state parties. Have mediation first, and if unsuccessful, the depositions could occur in the days following	.10	$32.50
5-3-2013	Review of email from Mr. Jordan Hammer, Esq. responding to Ms. Parrott's email re: mediation. Said that they are avail. June 14th, and asked that a location for mediation be set. Presumed her office (Ms. Donohue's) office was not large enough. Said we would need 4 rooms to properly mediate case	.10	N/C
5-3-2013	Preparation of notice of hearing on notice of intent to take possession of homestead property; determination of homestead status	.10	$12.00
5-5-2013	Review of email from Ms. Savitt regarding petition to be filed, along with orders to obtain, regarding real estate property	.10	$32.50

5-5-2013	Telephone call from Client Ms. Savitt regarding real estate property and questions about access and sale	.30	$97.50
5-6-2013	Review of msg. from Client stating not in agreement with suggested mediator, and instead would like to put out names of Glen Mednick and Jay Schwartz. Preparation of email to parties with new suggested names	.10	$32.50
5-6-2013	Review of email from Jordan Hammer, Esq. stating he has conflict with Jay Schwartz being the mediator	.10	$32.50
5-6-2013	Preparation of draft petition to inspect real estate property	.30	$97.50
5-7-2013	Review of emailed letter from Ms. Rousso at Ms. Huber's office asking if we have a confirmation date for the mediation, and asked for confirmation of the date of June 11th. Asked if we had determined the name of a mediator. Ms. Huber had no objection to Mary Sue Donohue	.10	$32.50
5-7-2013	Preparation of email to parties stating Ms. Savitt was available for mediation on June 11th	310	$32.50
5-7-2013	Review of email from Client stating she is available June 11 for mediation. Preparation of response email	.10	$32.50
5-7-2013	Telephone call with Client re: mediation, draft petition to inspect real estate property, and her desire to have this issue heard on UMC hearing as soon as possible	.10	$32.50
5-8-2013	Preparation of email stating as to selection of mediator, we objected to Ms. Donohue and instead suggest alternative names of Mr. Kauffman and Jack H. Cook retired circuit judge	.10	$32.50
5-8-2013	Review of email from Client regarding selection of mediator. Preparation of response email. Preparation of email to parties suggesting new names	.10	$32.50
5-9-2013	Prepare notice of hearing on petition for inspection and permission to list and sell real estate	.20	$24.00
5-9-2013	Prepare notice of cancellation of hearing scheduled on 5-14-13	.20	$24.00
5-9-2013	Review of email from Mr. Salivar, Esq. regarding notice of hearing scheduled for May 14. Preparation of response email	.10	$32.50
5-9-2013	E-Filed Petition for Inspection of Estate Real Property and for Permission to List and Sell said Estate Real Property	.10	$12.00
5-9-2013	Meeting with Ms. Savitt in person regarding petition to inspect property	.20	$65.00
5-10-2013	Review of email from Ms. Huber, Esq. to parties regarding her 3 Notice of Intent to Serve Subpoena for production of documents without deposition; she requested responses to her questions regarding whether anyone objected to the 3 subpoenas; if they will waive the 10 day notice period	.10	$32.50
5-10-2013	Preparation of email to Mr. Hammer, Esq. asking him to provide evidence of his unavailability on May 14 or 16th. Review of his response email stating his assistant would forward copies of proof of his unavailability	.10	$32.50
5-10-2013	Review of letter from Ms. Skatoff, Esq.	.10	$32.50
5-13-2013	Review of email from Ms. Savitt regarding UMC hearing	.10	$32.50

5-13-2013	Prepare notice of service of court document on notice of cancellation of hearing	.20	$24.00
5-13-2013	Prepared notice of cancellation of court hearing for 5/14/13	.20	$24.00
5-13-2013	Prepare e-mail attaching notice of cancellation of court hearing to all parties	.10	N/C
5-13-2013	Preparation of email to parties stating hearing scheduled for May 14, 2013 at UMC was cancelled	.10	$12.00
5-14-2013	Review of email from Mr. Salivar, Esq. stating he had spoken with Thomas Mayes and can confirm the 11th for mediation. As to Depositions Thomas Mayes had scheduling conflicts with work for the 12th and 13th, but the 17th and 18th would work. He stated he could reschedule Ronald Mayes to be completed the morning of the 17th, and Thomas Mayes to begin that afternoon, or the following day (the 18th)	.10	$32.50
5-14-2013	Review of email from Ms. Parrott regarding mediation date of June 11th stating Mr. Hammer was correct. Said still had to select a mediator though	.10	$32.50
5-14-3013	Review of Formal Notice; and Objection to Curator's Petition for Inspection of Estate Real Estate Property and for permission to list and sell said real estate, filed by Jordan Hammer, Esq.	.50	$162.50
5-14-2013	Preparation of emailed letter to Client Ms. Savitt regarding pending petition to inspect real estate property, etc.	.10	$32.50
5-14-2013	Preparation of email to Ms. Savitt re: objection to petition filed	.10	$32.50
5-14-2013	Review of email from Ms. Huber to Mr. Salivar regarding her intention to let Mr. Salivar continue to depose with Ronald Mayes first and then set Thomas Mayes. She stated she also needed dates for additional depositions; Yoshi Smith, Esq., Dr. Jorge Macia, and once they had reviewed the documents from Boulevard and Bethesda Memorial Hospital, the appropriate parties from these institutions. She said she also needed to set Kathy O. She said she had not excused any party form appearing at the mediation and neither had the court	.10	$32.50
5-15-2013	Review of Objection to Notice of Mediation and Motion to Compel Coordination of Depositions and Mediation filed by Ms. Huber, Esq.	.10	N/C
5-16-2013	Review of email from Ms. Rousso from Ms. Huber's office confirming there is no UMC on May 22 or 23 with Judge Garrison; please advise if you are able to attend UMC on May 21 on their "Objection to Notice of Mediation and Motion to Compel Coordination of Depositions and Mediation."	.10	$32.50
5-17-2013	Preparation of emailed letter to Ms. Savitt in response to her prior email	.20	$65.00
5-19-2013	Review of email from Client stating that we can keep the June 19th ct. hrg. date and amend existing petition to request further instructions from court	.10	$32.50
5-20-2013	Review of email from Christine Parrott from Mr. Salivar's office; review of attached Motion to Dispense with Mediation; Notice of Filing Second Affidavit of Petitioner Thomas Mayes	.10	$32.50
5-21-2013	Telephone call from Client asking about hearing at 8:45 am tomorrow	.10	$32.50

5-22-2013	Review of copy of Order court entered today re: Mediation on June 11, 2013 at the Boca office of Mary Sue Donohue, Esq. Also stated Mr. Ron Mayes submitted a settlement offer yesterday afternoon	.10	$32.50
5-22-2013	Review of Order on Motion to Compel Coordination of Depositions and Mediation, ordered by Judge Garrison. Motion to dispense with mediation filed by Mr. Thomas Mayes denied; mediation ordered to occur on June 11, 2013 before Mary Sue Donohue, Esq.; all parties shall attend mediation in person	.10	$32.50
5-29-2013	Review of email from Client Ms. Savitt stating she was available on date of mediation, but would be out of town from June 12 to June 16, 2013	.10	$32.50
5-31-2013	Preparation of amended petition and request for instructions from court. Review of response filed by Mr. Hammer and Mr. Schwartz. Review of probate rules and statutes governing duties of curator	1.00	$325.00
5-31-2013	Emailed copy of draft amended petition to Client Ms. Savitt for review	.10	N/C
5-31-2013	Review of email from Ms. Huber, Esq. with attached authorizations for Ms. Savitt to sign. Forwarded via email the documents to Client Ms. Savitt	.10	$32.50
6-3-2013	Preparation of amended petition with changes indicated; finalized for E-filing with clerk of court	.10	$32.50
6-3-2013	Review of email from Ms. Savitt with signed attached amended petition	.10	$32.50
6-3-2013	E-file Petition for instruction	.20	$24.00
6-5-2013	Receipt and review of petitioner T. Mayes' pre-trial disclosure	.10	N/C
6-13-2013	Review of Global Settlement Agreement emailed by Ms. Huber, Esq. Preparation of email to Ms. Huber for typo correction	.20	$65.00
6-19-2013	Review of mediated settlement agreement dated June 11th, in regard to issue that the parties have 10 days or until the end of the day this Friday to come up with second amended agreement	.20	$65.00
6-25-2013	Preparation of email to Kathleen Kosterbuhr asking for update on her review of the final settlement agreement	.10	N/C
6-26-2013	Review of email from Kathleen Kosterbuhr. Review of email from Ms. Savitt. Preparation of email with attached copy of mediated signed settlement agreement to MS. Kosterbuhr	.10	$32.50
6-30-2013	E-Filed the "Notice of Creditors" with clerk of court	.20	$65.00
6-30-2013	Preparation of E-Service document to e-mail the "Notice to Creditors" to the parties and persons	.20	$65.00
7-2-2013	Review of email from Jami Huber, Esq. stating she is preparing a motion to compel based on the lack of response from the attys.	.10	$32.50
7-2-2013	Review of email from Stephanie Chambers, daughter of Mrs. O'Grady. She stated she was not going to sign the new 13 page. Agreement. Preparation of response email, with cc to all the parties, asking her if that was Kathleen's position also	.10	$32.50
7-2-2013	Review of notice of hearing sent by Mr. Hammer on his motion to compel	.10	$32.50
7-2-2013	Forwarded notice of hearing to Client Ms. Savitt	.10	N/C
7-3-2013	Review of email from Ms. Huber, Esq. regarding settlement	.10	$32.50

	agreement		
7-3-2013	Review of email from Mr. Hammer stating he had prepared a motion to compel enforcement of the mediation agreement, with attached motion to compel	.10	$32.50
7-3-2013	Review of email from Mr. Salivar, Esq. stating he was available on July 9th; but he will also ask to affirm the mediation agreement, and will send in a proposed order	.10	$32.50
7-3-2013	Review of email from Ms. Huber, Esq. stating it would continue to be her position to enforce the global settlement agreement, plus she would ask to assess fees against the parties that would not sign, as their only objection had been about its length	.10	$32.50
7-7-2013	Review of email from Ms. Savitt regarding change to be made regarding the listing of Mr. Ron Mayes' companies in the first paragraph of the global settlement agreement, so they are included as "hereto referred as Ron", etc.	.10	$32.50
7-7-2013	Preparation of emailed letter to attorneys and parties regarding preparation for court hearing on July 11th and final settlement	.10	$32.50
7-8-2013	Review of email from Kathleen Osterbuhr and copy of attached letter she sent to the court on July 5th, 2013. She asked if I would answer questions. Preparation of response email stating I would need to check with my client Mr. Savitt first. Forwarded email and response to Ms. Savitt for review	.30	$97.50
7-15-2013	Review of email from Client Ms. Savitt regarding payment of the funds to Mr. Ron Mayes. Preparation of response email	.10	$32.50
7-16-2013	Review of email from Client regarding transfer of estate funds to Ronald Mayes. Expressed concern about meeting terms of signed mediated agreement. Preparation of response email	.10	$32.50
7-26-2013	Preparation of response email to Mr. Salivar, Esq. asked him for a proposal from Mr. Thomas Mayes on final division of the assets of estate to the beneficiaries	.10	$32.50
8-6-2013	Prepare UMC notice of hearing on motion for extension of time to file accounting	.20	$24.00
8-6-2013	Review of amended motion and notice of hearing for August 8 at 8:45 am. Finalized for filing	.10	$32.50
8-6-2013	Review of email from Mr. Salivar, Esq. stating he did not consent to the request for extension of time on filing of final accounting for the curator. Preparation of response email	.10	$32.50
8-7-2013	Telephone call from Andrew Schwartz, Esq. He stated that he would give us an extension until 8/13 and that 9/15 was unreasonable. He also stated that there was no reason or a hearing tomorrow. He requested a call back to confirm this	.10	$12.00
8-30-2013	Preparation of draft petition for discharge and petition for fees. Review of statutes and case law	2.00	$650.00
8-31-2013	Further preparation of draft petition for discharge of curator; petition for curator's fees; and petition for attorneys fees. Finalized and sent to Ms. Savitt for review	3.00	$975.00
9-2-2013	Review of emails from Client asking for corrections, changes regarding	.25	$81.25

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

HELEN M. O'GRADY.
_____/

DIVISION: IX

CASE NO. 502012GA000016XXXXSB

SECOND AMENDED PETITION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND EXPENSES

Petitioner, Sheri L. Hazeltine, Esq. alleges:

1. Petitioner is an attorney engaged in the practice of law in Palm Beach County and elsewhere in the State of Florida.

2. Petitioner is the attorney for ELIZABETH SAVITT, the guardian for the Ward, HELEN M. O'GRADY.

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED
2012 OCT 31 PM 4:39

3. Petitioner has rendered legal services for the benefit of the Ward, from 4/20/2012 through 10/31/2012, as more fully described and set forth in the itemized schedule of services and expenses attached hereto as Exhibit A , for which petitioner has not been paid.

4. Petitioner's records indicate that during the period of time above mentioned in excess of 29.55 attorney hours and 5.2 paralegal hours have been devoted to the representation of the guardian of the Ward.

5. Based upon the criteria established by Section 744.108(2) of the Florida Guardianship Law, petitioner believes that a reasonable fee for the services performed by the petitioner during that period of time is:

Hourly rate:	$	300.00
Atty. Hours worked:	$	29.55
Paralegal rate:	$	100.00
Paralegal Hrs. worked:	$	5.2
Total fees:	$	9385.00
Total costs:	$	33.86

Total amount of Fees and Compensation: **$9,418.86**

6. That this attorney's fees have a reasonable value of $9,418.86

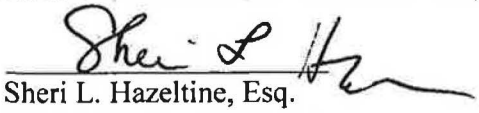
7. That previous fees and costs have been billed in the amount of $4,282.25.

WHEREFORE, Sheri L. Hazeltine, Esq. respectfully requests that this Court enter an Order awarding attorney fees and expenses provided on behalf of the Ward and made payable from the guardianship estate.

Under penalties of perjury I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

DATED this 31st day of October, 2012.

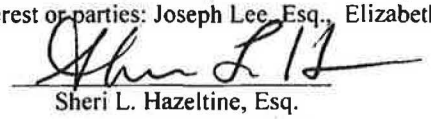
SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: 

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567
800 Palm Trail Plaza, Ste. 3
Delray Beach, Florida 33483
(561) 243-4655, Fax (561) 243-6933

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Second Amended Petition for Attorneys Fees was sent on this 31st day of October, 2012, via the U.S.P.S., First Class Mail, to the following persons of interest or parties: Joseph Lee, Esq., Elizabeth Savitt.

By: 

Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567

SHERI L. HAZELTINE & ASSOCIATES, P.A.

Attorney at Law

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Delray Beach, Florida 33483
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sheri@hazeltinelaw.com

Member, National Academy of Elder Law Attorneys; Academy of Florida Elder Law Attorneys; Florida Guardianship Association; Palm Beach Guardianship Association; Florida Bar Association; Elder Law Section, Palm Beach County Bar Association; South Palm Beach County Bar Association; Florida's Voice on Developmental Disabilities, Secretary; Admitted in Alaska and Florida.

Elizabeth Savitt, Guardian
4101 Satin Leaf Ct.
Delray Beach, FL 33445

Invoice Date: October 31, 2012
Invoice Number: 10785
Invoice Amount: $9,418.86

Case: In re Guardianship of HELEN O'GRADY, deceased
Case No.: 502012GA000016XXXXSB

Attorney Fees 29.55 Hours @ $300/hr; Paralegal Fees 5.2 Hours @ $100/hr.

4/18/2012	Review of email from Ms. Savitt re: Mrs. O'Grady with questions about the fee petition submitted by Ms. Beller, Esq. Preparation of response email.	S.L.H.	.10	$30.00
4/19/2012	Prepare amended draft attorney fee petition and invoice for attorney review.	R.B.	.40	No Charge
4/20/2012	Review and finalization of amended attorneys fee petition.	S.L.H.	.30	No Charge
4/21/2012	Review of receipt of invoice from Dr. Pierre Andre in amt. of $600.00, for preparation of order on payment of examining committee. Preparation of email inquiring what 'deposition' was.	S.L.H.	.10	$30.00
4/21/2012	Preparation of email to Dr. David Boltson asking him again to submit his invoice in order to prepare finalized Order on payment of examining committee. We still do not have this information despite repeated requests from paralegal to him.	S.L.H.	.10	$30.00
4/22/2012	Preparation of email to Mr. Lee asking for his fee petition & invoice for hearing on May 2nd.	S.L.H.	.10	$30.00
4/22/2012	Review of file and research of issues on what issues need to be resolved and petitions prepared. Prepared emailed letter to Ms. Savitt regarding due date for filing verified inventory, due date for Thomas Mayes' verified inventory and final report, need to prepare petition for authorization to change depository account to unrestricted account at Wells Fargo, and petition for authorization to modify the current court-approved monthly budget set up by Mr. Hark in light of Ward's move to Newport Place and other	S.L.H.	.50	$150.00

EXHIBIT A

	changes.			
4/22/2012	Preparation of email to Mr. Hark reminding him of May 2nd due date for filing of final report of Mr. Thomas Mayes, ETG of property, and for Mr. Hark to prepare and file his attys. fee petition and invoice in time for May 2nd. hearing.	S.L.H.	.10	$30.00
4/23/2012	Preparation of scanning and e-mailing Atty. Hazeltine's April 21st letter to Amy Beller, Esq.	R.P.	.10	No Charge
4/23/2012	Filed amended petition for order authorizing payment of attorney's fees.	R.P.	.10	No Charge
4/23/2012	Preparation of scanning and e-mailing amended petition for attorney's fees to Ms. Savitt and Mr. Lee.	R.P.	.20	No Charge
4/25/2012	Telephone call with Ms. Amy Beller, Esq. regarding her attys. fee petition.	S.L.H.	.25	$75.00
4/25/2012	Telephone call to Client Ms. Savitt re: phone call with Ms. Beller.	S.L.H.	.10	$30.00
4/26/2012	Review of email and attached fee petition from Mr. Joe Lee, Esq., court apt'd atty. for Mrs. O'Grady.	S.L.H.	.30	$90.00
4/30/2012	Preparation of Agreed Order on petition for payment of attorney's fees and expenses.	R.P.	.30	$30.00
4/30/2012	Preparation of Order for payment of examining committee members.	R.P.	.30	$30.00
5/1/2012	Review of draft orders for hearing tomorrow. Made changes to order on petition to change residence of Mrs. O'Grady.	S.L.H.	.40	$120.00
5/1/2012	Preparation of Order authorizing ward to change residence.	R.P.	.30	$30.00
5/1/2012	Telephone call from Louise Halpen from Ms. Beller's office. Told her that Client Ms. Savitt would agree to her petition if was reduced by $1,000.00. Ms. Beller will agree to this.	R.P.	.10	$10.00
5/1/2012	Telephone call from Mr. Joseph Lee, Esq. regarding his petition for attys. fees. Discussion of his fee petition. Told him Ms. Savitt was out of town this week and would be able to review his fee petition next week. He is in agreement and will not be at the hearing tomorrow.	S.L.H.	.25	$75.00
5/2/2012	Attendance at court hearing on petition for attys. fees for Ms. Amy Beller, Esq.; attys. fees for Ms. Hazeltine, Esq.; and petition to move residence of Ward Mrs. Helen O'Grady. Present was Ms. Jamie Huber, Esq.; Danny Mayes; Mr. _____ from Ms. Beller's office; and Ms. Hazeltine, Esq. Court signed the order on payment of examining committee; order on Ms. Hazeltine's attys. fees; and order on Ms. Beller's fees. Ms. Huber said at this time her client was not in agreement with moving Helen yet, and court said we would hold off on this issue until Ms. Savitt returns.	S.L.H.	.25	$75.00
5/2/2012	Preparation of email to all parties with update of what	S.L.H.	.10	$30.00

EXHIBIT A

	happened at hearing today.			
5/2/2012	Receipt and review of letter from Jami Huber, Esq. Scanned and e-mailed to Ms. Savitt.	R.P.	.20	No Charge
5/2/2012	Receipt and review of amended petition for attorney's fees and costs from Amy B. Beller, Esq.	R.P.	.10	No Charge
5/2/2012	Mailed Agreed Order authorizing payment of Sheri Hazeltine, Esq.'s attorney's fees and costs to all parties.	R.P.	.10	No Charge
5/2/2012	Telephone call with Ms. Savitt regarding hearing today.	S.L.H.	.25	$75.00
5/3/2012	Review of email from Amy Beller Esq. thanking us and stating she no longer needs to receive notice in this case. Preparation of reply email.	S.L.H.	.10	No Charge
5/8/2012	Telephone call from guardian Ms. Savitt. Discussion of what to do regarding promissory note owed by Mrs. O'Grady and also pending move to Newport Place. Ms. Hazeltine to call Jamie Huber, Esq. to schedule a meeting between her, Ms. Savitt, and her client Ron Mayes regarding move of Mrs. O'Grady to Newport Place.	S.L.H.	.30	$90.00
5/8/2012	Called and left phone message for Jami Huber, Esq., attorney for Ron Mayes re: his concerns about move of his mother.	S.L.H.	.10	No Charge
5/8/2012	Preparation of emailed letter to Ms. Huber, Esq. asking for appointment with her to discuss her letter dated May 2nd.	S.L.H.	.10	$30.00
5/8/2012	Review of file and ETG appointment date and date of appointment of permanent guardian. Preparation of emailed letter to Mr. Hark, Esq. reminding him that final report of ETG of property is now overdue to be filed. Asked when it would be filed.	S.L.H.	.20	$60.00
5/8/2012	Review of email from Jami Huber Esq. stating she will get back to us soon regarding a meeting.	S.L.H.	.10	No Charge
5/8/2012	Review of email from Mr. Hark, Esq. stating he was going file the final report within the next 5 days.	S.L.H.	.10	No Charge
5/8/2012	Review of email from Ms. Huber, Esq. asking for 1:00 pm appt. tomorrow, Wed. May 9. Preparation of email to Ms. Savitt asking her if she was available then for an appt.	S.L.H.	.10	No Charge
5/9/2012	Meeting with Ms. Huber, Ms. Savitt, and Ron Mayes (via telephone). Discussion of move of Mrs. O'Grady to new residence at Newport Place; discussion of transition and obtaining financial inventory documents from previous guardian; discussion of method of communication by Ms. Savitt with other family members. .	S.L.H.	2.00	$600.00
5/11/2012	Review of email from Client Ms. Savitt. Preparation of reply email regarding petitions to prepare and file, plus hearing to schedule. Also, recommendation to prepare letter regarding her status as guardian to Mrs. O'Grady's healthcare professional team.	S.L.H.	.40	$120.00
5/12/2012	Review of email and attached copy of statement from Sunflower Bank. Preparation of reply email.	S.L.H.	.10	$30.00

EXHIBIT A

5/14/2012	Preparation of filing UMC hearing on petition for authorization of change of residence of Ward.	R.P.	.10	$10.00
5/15/2012	Preparation of petition for order authorizing payment of guardian fees and expenses.	R.P.	.30	No Charge
5/16/2012	Received Morgan Stanley checks for Dr. Boltson in the amount of $600.00 and Dr. Andre in the amount of $600.00. Mailed checks to both doctors.	R.P.	.10	No Charge
5/16/2012	Preparation of order authorizing change of residence.	R.P.	.20	$20.00
5/17/2012	Received payment in the amount of $4,282.25, check #905259334.	R.P.	.10	No Charge
5/21/2012	Review of emailed letter from attorney Mr. Joseph Lee Esq. Forwarded copy of email to Ms. Savitt and paralegal to determine status of Ms. Savitt's petition for guardian fees.	S.L.H.	.10	$30.00
5/22/2012	Preparation of email to Mr. Hark, Esq. asagainking for verified inventory from ETG of property and final accounting again.	S.L.H.	.10	$30.00
5/22/2012	Review of emailed letter from Mr. Thomas Mayes regarding his request for fees. Preparation of reply email to Client Ms. Savitt.	S.L.H.	.10	$30.00
5/22/2012	Review of email from Ms. Savitt re: Mr. Mayes' request for fees at $25.00 per hour. Preparation of reply email.	S.L.H.	.10	$30.00
5/22/2012	Received $450.00 examining committee fee check for Shannon Otto.	R.P.	.10	No Charge
5/22/2012	Prepare draft attorney fee petition and invoice for attorney review.	R.B.	.40	No Charge
5/23/2012	Review of email from Mr. Hark, Esq. Stated that the verified inventory from Thomas Mayes was mailed out on Monday and was filed with court yesterday morning.	S.L.H.	.10	No Charge
5/24/2012	Preparation of email to Client Ms. Savitt re: copy of verified inventory and final report from Thomas Mayes; plus preparation of verified inventory and initial plan from Ms. Savitt.	S.L.H.	.10	No Charge
5/25/2012	Preparation of e-mail to Ms. Savitt, Mr. Hark, Mr. Lee and Mr. Miller attaching 5/30 notice of hearing on Ms. Savitt's guardians fees.	R.P.	.20	No Charge
5/26/2012	Receipt of inventory and accounting from Mr. Hark, Esq. and Mr. Mayes.	R.P.	.10	No Charge
5/26/2012	Receipt and review of formal notice, verified initial inventory of ETG, final guardianship report, petition for order authorizing reimbursement of expenses of Ward's daughter and petition for authorization for payment of ETG's guardian fees and costs.	S.L.H.	.10	No Charge
5/28/2012	Review of documents packet received from Mr. Hark, including verified inventory and petitions for fees and reimbursement for costs and expenses.	S.L.H.	.25	$75.00
5/28/2012	Preparation of emailed letter to Client Ms. Savitt regarding inventory pkt. and fees submitted.	S.L.H.	.10	$30.00

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5/29/2012	Review of emailed letter from Mr. Thomas Mayes stating his mother had passed away at approx. 5 pm tonite. Preparation of reply response.	S.L.H.	.10	$30.00
5/30/2012	Preparation of notice of ward's death.	R.P.	.20	$20.00
5/30/2012	Finalized Notice of Ward's Death for filing with court.	S.L.H.	.10	$30.00
5/30/2012	Review of email from Andrew Schwartz, Esq. who said he was the new attorney for Thomas Mayes, personal representative. Wanted information about closing guardianship. Preparation of response email stating I would contact him tomorrow.	S.L.H.	.10	$30.00
5/31/2012	Telephone call from Mr. Schwartz. Called him back and left phone msg.	S.L.H.	.10	No Charge
5/31/2012	Telephone call from Mr. Andrew Schwartz, Esq. He said he was the new attorney for Mr. Thomas Mayes. Said Mr. Mayes was named as the Personal Representative under Mrs. O'Grady's Will. He said he will be working for his appointment as Personal Representative next week. Asked when guardianship was being closed out. Explained to him we just rec'd the verified inventory and annual accounting as of May 24th from Mr. Hark's office, and were working hard to complete Ms. Savitt's verified inventory now. Told him our final report was not due until 45 days after Letters of Administration were issued, but that we would be working on completing this as soon as possible.	S.L.H.	.25	$75.00
6/1/2012	Review of email from Gerry Brown from MorganStanley stating it would be faxing us copies of financial statements. Preparation of response email.	S.L.H.	.10	No Charge
6/1/2012	Preparation of re-notice of hearing on guardian fees; phone call to Judge Scher's JA.	R.P.	.20	$20.00
6/1/2012	Receipt and review of notice of filing proof of service of formal service on interested persons filed by Clifford Hark, Esq.	R.P.	.10	No Charge
6/4/2012	Review of draft Verified Inventory dropped off by guardian Ms. Savitt. Still need documentation from some other financial institutions.	S.L.H.	.25	$75.00
6/4/2012	Preparation of email to guardian about additional documentation still needed for Verified Inventory.	S.L.H.	.10	$30.00
6/4/2012	Preparation of notice of unavailability.	R.P.	.20	$20.00
6/6/2012	Review of emailed letter from Client, Ms. Savitt, guardian. Preparation of response email regarding instructions for completing wrap up of guardianship.	S.L.H.	.30	$90.00
6/9/2012	Review of copy of letter from Holly O'Neill, Esq. to clerk of court with copy of notice of hearing for attys. fee petition for August 29th.	S.L.H.	.10	$30.00
6/9/2012	Review of letter from Holly Miller Esq. regarding notice of hearing set for August 29th for one-half hour at 9:30 am in front of Judge Scher on their petition for order	S.L.H.	.10	$30.00

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	authorizing payment of attys. fees and expenses.			
6/11/2012	Filed verified inventory with Court.	R.P.	.10	No Charge
6/11/2012	Review of emailed letter from Stephanie Chambers re: fees and expenses requested by Ronald Mayes and his attorney.	S.L.H.	.10	$30.00
6/11/2012	Telephone call with Client, Ms. Savitt, guardian re: final report and accounting.	S.L.H.	.40	$120.00
6/13/2012	Receipt and review of Mr. Ronald Mayes' Objection to Petition for Payment of ETG's Attorney Fees; Petition for Order Authorizing Reimbursement of Expenses to Ward's Daughter; Petition for Authorization for Payment of ETG's Fees and Costs incurred on Behalf of the Ward; and Objection to Final Guardianship Report of Guardian of the Property.	R.P.	.20	No Charge
6/13/2012	Hand-delivered copy of verified inventory to Ms. Savitt.	R.P.	.10	No Charge
6/13/2012	Attendance at court hearing on petition for guardian fees on behalf of Ms. Savitt. Court signed agreed order.	S.L.H.	.25	$75.00
6/13/2012	Meeting with guardian Ms. Savitt in person at office to discuss response to file to filings from Mr. Thomas Mayes from Mr. Hark, and also from the daughters for reimbursement for expenses.	S.L.H.	1.00	$300.00
6/13/2012	Preparation of Objection to petition for authorization for payment of emergency temporary guardian's fees and costs incurred on behalf of Ward; Objection to final guardianship report of the guardian of the property; objection to petition for payment of emergency temporary guardian's attorneys fees and expenses; and objection to petition for payment of Ward's daughters' request for payment of expenses.	S.L.H.	1.50	$450.00
6/14/2012	Review of rec'd copies of filed objections from Ms. Jami Huber, Esq., attorney for Ronald Mayes.	S.L.H.	.20	$60.00
6/15/2012	Preparation of Request for Authorization for Guardian to Pay Interim Monthly Costs of Home of Deceased Ward.	S.L.H.	.75	$225.00
6/18/2012	Preparation of e-mailing all parties notice of hearing and request for authorization for tomorrow's hearing.	R.P.	.20	No Charge
6/18/2012	Review of petition for attorney's fees from Ms. Jami Huber Esq. for representation of Ronald Mayes. Preparation of email to Ms. Huber requesting she prepare an attached invoice breaking down the dates, times, and type of legal services provided.	S.L.H.	.20	$60.00
6/19/2012	Preparation of Order on request granting authorization to pay expenses.	R.P.	.20	$20.00
6/19/2012	Attendance at hearing on calendar for 8:45 am. File was not pulled due to it not being properly scheduled with correct case #. Requested paralegal to re-schedule for 8:45 am tomorrow again.	S.L.H.	.10	No Charge
6/20/2012	Preparation of petition for production of Will of Mrs. O'Grady. Checked online court docket and Will is still	S.L.H.	1.00	$300.00

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	not deposited with clerk of court.			
6/20/2012	Transmitted via email draft petition for production of Will for her review.	S.L.H.	.10	No Charge
6/20/2012	Attendance at court hearing in front of the Honorable Circuit Judge Rosemarie Scher. Court signed order on paying interim bills of home. Present also was Mr. Daniel Mayes.	S.L.H.	.25	$75.00
6/20/2012	Meeting in person with Ms. Savitt to discuss case. Concern about Will of Mrs. O'Grady not being filed yet, and no Personal Representative appointed to take care of the estate. Discussion of inventory and final accounting.	S.L.H.	.20	$60.00
6/20/2012	Finalized petition for production of Will; Ms. Savitt signed. Filed with clerk of court.	S.L.H.	.10	No Charge
6/20/2012	Receipt and review of objection for authorization of payment for temporary guardians fee and cos incurred incurred on behalf of the ward typed and signed by Daniel Mays. Gave copy to Ms. Savitt.	R.P.	.10	No Charge
6/22/2012	Receipt and review of letter from Clerk. We need to prepare an amended front page correcting the date of the plan to read 2/19/12-4/30/13.	R.P.	.10	No Charge
6/24/2012	Review of email from Client Ms. Savitt regarding funeral expenses and request for reimbursement for these.	S.L.H.	.10	$30.00
6/24/2012	Review of email from Client Ms. Savitt, to paralegal, regarding confusion about date she was appointed the ETG. Review of response from paralegal stating it will be amended on Monday June 22.	S.L.H.	.10	No Charge
6/25/2012	Preparation of second amended intial guardianship report correcting dates per court's request.	R.P.	.20	$20.00
6/25/2012	Prepare draft invoice and fee petition for attorney review.	R.B.	.40	No Charge
6/25/2012	Review of emailed letter from Mr. Hark, Esq., with attached copy of objection to attorneys fees on behalf of Jami Huber, Esq., atty. for Ronald Mayes.	S.L.H.	.20	$60.00
6/25/2012	Transmitted via email copy of letter and objection to attys. fees for Ms. Huber, Esq. to Ms. Savitt.	S.L.H.	.10	No Charge
6/26/2012	Receipt and review of Clifford Hark, Esq.'s objection to petition for order authorizing payment of attorney's fees filed by Miller & O'Neill, P.A. Gave copy of Elizabeth Savitt.	R.P.	.10	No Charge
6/26/2012	Ms. Savitt signed second amended initial guardianship plan. Filed with Court.	R.P.	.10	No Charge
6/27/2012	Hand-delivered to Ms. Savitt order on request for authorization for guardian to pay interim monthly costs to maintin home of deceased Ward; transmitted same via e-mail to Mr. Schwartz.	R.P.	.10	No Charge
6/27/2012	Telephone call from Client Ms. Savitt regarding the preparation of the final accounting and period it will cover. No "end" date yet as she is still paying the bills for the home yet, pending appt. of a P.R., per the court order	S.L.H.	.10	$30.00

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	signed by the court.			
7/6/2012	Review of email from Cindy Lawrence from Miller law firm, with attached invoice of legal services charges of Mr. Miller, Esq. Preparation of response email.	S.L.H.	.10	$30.00
7/6/2012	Forwarded copy of the invoice of legal services bill to Client Ms. Savitt via email.	S.L.H.	.10	No Charge
7/11/2012	Preparation of Order Setting Hearing; phone call to Judge Scher's J.A.	R.P.	.20	No Charge
7/12/2012	Review of email from asst. to Andrew Schwartz, Esq. and attached copy of Notice of Appearance on behalf of Thomas Mayes.	S.L.H.	.10	$30.00
7/12/2012	Forwarded copy of notice of appearance of Andrew Schwartz, Esq. to Ms. Savitt via email.	S.L.H.	.10	No Charge
7/12/2012	Review of email from Jami Huber, Esq. to Mr. Schwartz, Esq., asking if a copy of the petition for administration was going to be forwarded to the parties. Forwarded copy of emailed letter to Client Ms. Savitt.	S.L.H.	.10	$30.00
7/13/2012	Review of email from law firm of Andrew Schwartz, Esq. with attached copy of petition for administration and formal notice, along with copy of 2010 Will for Helen O'Grady.	S.L.H.	.25	$75.00
7/13/2012	Transmitted copies of docs via email to Client Ms. Savitt.	S.L.H.	.10	No Charge
7/14/2012	Receipt and review of notice of appearance from Andrew Schwartz, P.A. in the guardianship case.	R.P.	.10	No Charge
7/16/2012	Receipt and review of Formal Notice, Petition for Administration and Mrs. O'Grady's Last WIll and Testament. Scanned into file and e-mailed to Ms. Savitt.	R.P.	.20	No Charge
7/19/2012	Receipt and review of order setting hearing for our 9/24 attorney fee petition.	R.P.	.10	No Charge
7/19/2012	Receipt and review of letter from Clerk's office requesting another amended verified inventory. They need statements and the cash assets do not balance.	R.P.	.10	No Charge
7/23/2012	Receipt and review of order approving initial guardianship plan.	S.L.H.	.10	$30.00
7/30/2012	Review of email from Client Ms. Savitt regarding inventory and additional information needed. Preparation of response email.	S.L.H.	.10	$30.00
7/30/2012	Meeting with Client Ms. Savitt re: providing additional information to clerk's office re: her inventory. Also, discussion regarding petition for authorization to resolve problem with the Sunflower bank loan.	S.L.H.	.30	$90.00
7/30/2012	Review of emails from Client and banker at Sunflower Bank regarding pay-off of note due to Sunflower Bank in Salinas, KS. Preparation of draft petition for authorization to pay off loan at Sunflower Bank. Preparation of emailed letter to Client Ms. Savitt, along with attached draft petition for her review, signature, and return to our office.	S.L.H.	1.00	$300.00

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7/30/2012	Preparation of emailed letter to banker Stephen Kammerer at Sunflower Bank in Salinas, KS, asking for copy of promissory note, amts. paid, and amt. still due.	S.L.H.	.10	$30.00
7/30/2012	Preparation of draft response to Formal Notice and Petition for Administration filed by Thomas Mayes.	S.L.H.	.20	$60.00
7/30/2012	Preparation of email to Client Ms. Savitt along with attached draft response, for her review.	S.L.H.	.10	$30.00
8/3/2012	Preparation of response email to Mr. Kammerer, with c'c to Client Ms. Savitt.	S.L.H.	.10	$30.00
8/3/2012	Review of emailed letter from Client Ms. Savitt regarding First Choice Credit Union. Preparation of response email.	S.L.H.	.10	$30.00
8/3/2012	Review of email from Mr. Stephen Kammerer from Sunflower Bank in KS, along with copy of promissory note. He said that pay-off of the loan was as of today $322,343.34 plus a daily accrual of $44.7636 plus unknown legal fees to add to it.	S.L.H.	.10	$30.00
8/3/2012	Review of email from Client Ms. Savitt regarding fees involved in paying off loan. Preparation of response email.	S.L.H.	.10	$30.00
8/4/2012	Receipt and review of notice of appearance of counsel - Jeffrey H. Skatoff, Esq. for Daniel Mayes.	R.P.	.10	No Charge
8/4/2012	Review of email from Ms. Shannon Braun, atty. for Sunflower State Bank. Said she will be out of the office until August 13th and that I do not need to call her now and can talk at a later date.	S.L.H.	.10	$30.00
8/6/2012	Preparation of letter to Clerk's office, attn. Sheri Paige, asking for additional time of 20 days to comply with her request for additional information.	S.L.H.	.20	$60.00
8/6/2012	Preparation of faxed letter and attached copy of clerk of court letter requesting more information, to Dianna at First Choice Credit Union.	S.L.H.	.30	$90.00
8/6/2012	Faxed copy of letter to First Choice Union along with copy of clerk of court's letter.	S.L.H.	.10	No Charge
8/6/2012	Receipt and review of Formal Notice and response to petition for administration and counter petition for administration filed by Jami Huber, Esq. on behalf of Ronald Mayes.	R.P.	.10	No Charge
8/6/2012	Review of copy of Formal Notice with Response to Petition for Administration and Counter Petition for Administration filed by Mr. Miller, Esq. on behalf of Ronald Mayes.	S.L.H.	.30	$90.00
8/6/2012	Scanned in and emailed copy of response petition from Mr. Miller to Client Ms. Savitt.	S.L.H.	.20	No Charge
8/7/2012	Review of rec'd faxed Response from Daniel Mayes to Ronald Mayes' Counter Petition for Administration.	S.L.H.	.10	$30.00
8/8/2012	Left telephone msg. for Dianna at First Choice Credit Union asking her to call me regarding the copies of financial statements still needed. Re-faxed copy of letter	S.L.H.	.10	$30.00

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	and attachment.			
8/8/2012	Preparation of emailed letter to Stephen Kammerer at Sunflower Bank asking him to re-send copy of the promissory note. Could not open his emailed attachment of copy.	S.L.H.	.10	No Charge
8/8/2012	Scanned and e-mailed notice of appearance of Jeffrey H. Skatoff, Esq. to Ms. Savitt.	R.P.	.20	No Charge
8/9/2012	Receipt and review of Petitioner, Daniel Mayes' response to Ronald Mayes' counterpetition for administration. Scanned and e-mailed to Ms. Savitt.	R.P.	.20	No Charge
8/14/2012	Telephone call to Dianna at First Choice Credit Union, to request copies of financial statements from credit union. She said she does have all of the documents that Ms. Savitt still needs, and that she can come back to the bank to obtain the copies. Telephone call to Client Ms. Savitt to relay conversation with First Union employee.	S.L.H.	.30	$90.00
8/16/2012	Receipt and review of objection to petition for authorization to pay off Sunflower Bank loan. Scanned and e-mailed to Ms. Savitt.	R.P.	.20	No Charge
8/17/2012	Review of Objection to Petition for Authorization to Pay Off Sunflower Bank Loan sent by Ms. Huber Esq. on behalf of Ronald Mayes.	S.L.H.	.20	$60.00
8/20/2012	Receipt and review of Thomas Mayes' reply to response to petition for administration filed by R. Mayes and petition for administration of lost will. Receipt and review of formal notices (3). Receipt and review of declaration that proceeding is adversary. Receipt and review of T. Mayes' response to D. Mayes' objection to T. Mayes petition for appointment as personal representation.	R.P.	.20	No Charge
8/20/2012	Receipt and review of formal notice and petition for appointment of a curator.	R.P.	.10	No Charge
8/20/2012	Telephone call with Client Ms. Savitt to discuss outstanding issues including preparation and filing amended inventory.	S.L.H.	.50	$150.00
8/21/2012	Scanned and e-mailed formal notice and petition for appointment of curator to Ms. Savitt.	R.P.	.20	No Charge
8/21/2012	Meeting in person with Ms. Savitt to discuss pending issues in case.	S.L.H.	.50	$150.00
8/24/2012	Review of email from Client Ms. Savitt regarding letter received from Sunflower Bank. Preparation of response email.	S.L.H.	.10	$30.00
8/25/2012	Review of rec'd letter and Notice of Email Address Designation from Jami Huber Esq.	S.L.H.	.10	$30.00
8/27/2012	Telephone call from Client Ms. Savitt re: fee hrg. coming up plus Mr. Hark and Mr. Lee's request to piggy-back on to Wed. hrg.	S.L.H.	.25	$75.00
8/28/2012	Preparation for fee hearings tomorrow. Review of fee petitions from Mr. Hark, Mr. Lee, Thomas Mayes, and	S.L.H.	1.50	$450.00

EXHIBIT A

	Mr. Miller.			
8/28/2012	Telephone call with Ms. Savitt re: fee hearings scheduled for tomorrow.	S.L.H.	.50	$150.00
8/28/2012	Telephone call to Mr. Miller's office as we still do not have a copy of the invoice for their fee petition. Cindy said she would email a copy to me.	S.L.H.	.10	$30.00
8/28/2012	Review of 'blank' or 'redacted' fee invoice from Mr. Miller's office.	S.L.H.	.20	$60.00
8/28/2012	Telephone call to Client Ms. Savitt after forwarding via email copy of Mr. Miller's invoice. Objection from client as to fees.	S.L.H.	.20	$60.00
8/29/2012	Attendance at court hearing on fee petition hrgs. Court re-sent until September 24 at 3:30 pm.	S.L.H.	.75	$225.00
8/30/2012	Review of email from J.A. Debra Rosenblatt, asking for matter to be set at next hrg. on September 24th. Preparation of reply email back to her.	S.L.H.	.10	$30.00
8/31/2012	Receipt and review of designation of current mailing and e-mail addresses - Clifford Hark, Esq.	R.P.	.10	No Charge
8/31/2012	Receipt and review of response to Ronald Mayes objection to petition for authorization to pay off Sunflower Bank loan.	R.P.	.10	No Charge
9/4/2012	Preparation of scanning and e-mailing Mayes' objection to Ms. Savitt.	R.P.	.10	No Charge
9/5/2012	Preparation of designation of e-mail address.	R.P.	.20	$20.00
9/6/2012	Receipt and review of designation of e-mail address from Andrew M. Schwartz, Esq.	R.P.	.10	No Charge
9/6/2012	Receipt and review of order on petition authorizing payment of attorney's fees and expenses for Jami Huber, Esq.	R.P.	.10	No Charge
9/6/2012	Scanned and e-mailed order to Ms. Savitt.	R.P.	.10	No Charge
9/10/2012	Receipt and review of T. Maye's notice for trial and certificate of no objection and request for copies. E-mailed to Ms. Savitt.	R.P.	.20	No Charge
9/11/2012	Review of rec'd Notice of Production from Non-Party Records Custodian of Chase Bank USA and JP Morgan Chase Bank, N.A. signed September 5, 2012.	S.L.H.	.10	$30.00
9/11/2012	Review of Order on Petition Authorizing Payment of Attorney's Fees & Expenses of Jami Huber, Esq. of O'Neill & Miller.	S.L.H.	.20	$60.00
9/13/2012	Receipt and review of letter from Jordan Hammer, Esq. re: inventory of O'Grady home.	R.P.	.10	No Charge
9/13/2012	Review of letter rec'd from Mr. Skatoff regarding inventory of home items and contact by guardian with Mr. Dan Mayes. Forwarded emailed letter to Client Ms. Savitt for review.	S.L.H.	.10	$30.00
9/13/2012	Telephone call with Ms. Savitt regarding the letter from Mr. Skatoff's office regarding the inventory that the guardian must do of Mrs. O'Grady's personal property in	S.L.H.	.25	$75.00

	her home.			
9/13/2012	Preparation of emailed letter to Jordan Hammer, Esq. asking why my client Ms. Savitt is contacting his client, Daniel Mayes, to perform an inventory of the personal property.	S.L.H.	.25	$75.00
9/14/2012	Prepare amended attorney fee petition and invoice for attorney review; transmit invoice to Ms. Savitt.	R.B.	.30	No Charge
9/19/2012	Preparation of petition for order authorizing payment of compensation and expenses of guardian. Preparation of Agreed Order.	R.P.	.70	$70.00
9/19/2012	Review of email from Tanya Latham, on behalf of atty. Skatoff, requesting availability for dates October 9, 10, or 11th for court hearing. Preparation of response email stating was available on all 3 dates.	S.L.H.	.10	$30.00
9/20/2012	Filed fee petition at courthouse on behalf of Client.	S.L.H.	.10	No Charge
9/20/2012	Preparation of email to Client regarding final accounting.	S.L.H.	.10	$30.00
9/20/2012	Telephone call with Client regarding final accounting. She will prepare it, but does not know the official end date yet because she is still using the funds to pay the bills for the home. My office will notify the clerk's office about the ongoing nature of the guardianship and accounting, so that an OTSC does not issue.	S.L.H.	.10	$30.00
9/24/2012	Attendance at court hearing today in front of the Honorable Circuit Judge Rosemarie Scher. Present also were Ms. Savitt; Larry Miller, Esq.; Clifford Hark, Esq.; Thomas Mayes; Joseph Lee, Esq. The court stated it decided it needed to recuse itself from the case, especially in light of Mr. Dan Mayes' allegations in his filed emails with the court. Gave us copy of written order assigning case to Judge Martz, Division IZ. Parties to re-set court hearing.	S.L.H.	.25	$75.00
9/24/2012	Telephone call from Client Ms. Savitt regarding the court hearing today at 3:30 pm. Discussion of the individual fee petitions pending.	S.L.H.	.30	$90.00
9/24/2012	Telephone call to Mr. Joseph Lee, Esq. regarding his outstanding fee petition. He will be submitting an order to the court and has agreed to reduce his fees to $7,500.00.	S.L.H.	.10	$30.00
9/24/2012	Preparation of new Orders on the fee petitions.	S.L.H.	.25	$75.00
9/25/2012	Telephone call(s) to Judge Martz's J.A. to obtain hearing dates on attorney and guardian fees. One hour requested. E-mailed dates to counsel.	R.P.	.20	$20.00
9/25/2012	Attendance at court hearing on fee petitions for Joseph Lee, Esq., Clifford Hark, Esq., Sheri Hazeltine, Esq., and Ms. Savitt. The Honorable Circuit Judge Rosemarie Scher stated she needed to recuse herself, and the case would be re-assigned to Judge Martz.	S.L.H.	.25	$75.00
9/26/2012	Telephone call to Brittany at Clifford Hark, Esq.'s office.	R.P.	.10	$10.00

EXHIBIT A

	1/11/13 is okay with him for the hearing.			
9/26/2012	Review of email from paralegal stating Mr. Hark and Ms. Hazeltine were available for re-set date, and asking if other attys./parties were available.	S.L.H.	.10	No Charge
9/26/2012	Scanned and e-mailed Judge Scher's recusal to Ms. Savitt.	R.P.	.10	No Charge
9/26/2012	Review of email sent by paralegal to attorneys and parties asking if January 11, 2013 at 10:00 a.m.-11:00 a.m re-set date is o.k.	S.L.H.	.10	$30.00
9/27/2012	Telephone call to J.A. Joli asking if date is available still for re-notice of hearing. She said 'yes'. Preparation of Re-Notice of Hearing with new date, setting petition for fees for Ms. Savitt, Ms. Hazeltine, Mr. Hark, and Mr. Mayes on for new hearing. Telephone call from Mr. Skatoff's office stating he was available now for the hearing.	R.P.	1.00	$100.00
9/27/2012	Scanned in and transmitted via email to all the parties copy of the re-notice of hearing on petitions.	R.P.	.10	No Charge
9/27/2012	Review of re-notice of hearing; signed and finalized for filing at clerk of court.	S.L.H.	.10	$30.00
9/27/2012	Filed original re-notice of hearing in-person with clerk of court. Obtained date-stamped copy.	S.L.H.	.10	No Charge
9/28/2012	Telephone call and msg. left for Mr. Jordan Hammer, Esq. asking him to call me regarding Ms. Savitt's request to visit Mrs. O'Grady's home Wed. October 3 to perform inventory of personal items in home. Preparation of emailed letter to Mr. Hammer, Esq.	S.L.H.	.20	$60.00
9/29/2012	Preparation of emailed letter to guardian Ms. Savitt regarding requested visit to Mrs. O'Grady's home on October 3 to perform inventory of personal property of Mrs. O'Grady. This is overdue to be done, as Mr. Dan Mayes has not allowed Ms. Savitt to come in perform the inventory.	S.L.H.	.10	$30.00
9/29/2012	Review of file and court docket in guardianship and probate court cases. Preparation of letter to Clerk of Court, Ms. Paige, notifying her as courtesy that guardian Ms. Savitt is unable to prepare final accounting yet, as she is still paying household bills of Mrs. O'Grady's home.	S.L.H.	.50	$150.00
10/2/2012	Telephone call with Jordan Hammer, Esq., atty. for Daniel Mayes. He said he will check with his client today as to whether Ms. Savitt will be allowed to come in to the home to perform her inventory on the personal property of Mrs. O'Grady. Preparation of email to Client to update her.	S.L.H.	.10	$30.00
10/3/2012	Preparation of emailed letter to Mr. Hammer, Esq. regarding visit to O'Grady home by guardian in order to perform inventory of personal property.	S.L.H.	.10	$30.00
10/3/2012	Review of email from Mr. Jordan Hammer, Esq., atty. for Mr. Dan Mayes. Stated he and his client would allow the visit to Mrs. O'Grady's home for the purpose of	S.L.H.	.10	$30.00

	completing the inventory of the personal property. Preparation of response email stating I would get back to him shortly with proposed dates and times.			
10/3/2012	Preparation of amended notice of designation of e-mail address.	R.P.	.20	$20.00
10/3/2012	Filed amended designation of email address with clerk of court.	S.L.H.	.10	No Charge
10/4/2012	Receipt and review of motion for enlargement of time filed by Lawrence Miller, Esq.	R.P.	.10	No Charge
10/4/2012	Receipt and review of notice of hearing from Clifford Hark, Esq.	R.P.	.10	No Charge
10/5/2012	Receipt and review of objection to first amended verified inventory filed by R. Mayes. Scanned and e-mailed to Ms. Savitt.	R.P.	.20	No Charge
10/5/2012	Telephone call from Ms. Savitt stating she had no idea about a life insurance policy. Was very upset about the objection to the inventory.	R.P.	.10	No Charge
10/5/2012	Receipt and review of D. Mayes anwers to T. Mayes interrogatories. Sent to Ms. Savitt.	R.P.	.20	No Charge
10/5/2012	Telephone call from Enid at Clark Skatoff requesting another copy of the first amended verified inventory, which was complied with.	R.P.	.10	No Charge
10/6/2012	Telephone call from Client Ms. Savitt. Discussion of objection filed regarding the verified inventory, and what we will be filing next in response.	S.L.H.	.10	$30.00
10/9/2012	Scanned and e-mailed amended designation of e-mail address to all parties.	R.P.	.20	No Charge
10/10/2012	Meeting with Ms. Savitt regarding objection filed by Mr. Ron Mayes to the filed amended inventory. Discussion of personal property and need to obtain court authorization to conduct inventory.	S.L.H.	.25	$75.00
10/10/2012	Review of email and notice of hearing on bifurcated trial in probate matter and request for availability. Preparation of response email back.	S.L.H.	.10	$30.00
10/10/2012	Preparation of email to Client Ms. Savitt along with copy of Order on bifurcation of trial in probate case regarding Will Contest and appt. of P.R. Asked Client about her availability about the dates.	S.L.H.	.10	$30.00
10/11/2012	Receipt and review of Order approving ETG final acccounting of guardian of property. Scanned and e-mailed to Ms. Savitt.	S.L.H.	.10	$30.00
10/11/2012	Review of order approving verified inventory of guardian of the property.	S.L.H.	.10	$30.00
10/11/2012	Preparation of petition for authorization to conduct inventory of personal property of home of now-deceased Ward, Mrs. O'Grady.	S.L.H.	.75	$225.00
10/11/2012	Receipt and review of Order approving verified inventory of guardian of property. Scanned and e-mailed to Ms.	R.P.	.20	No Charge

EXHIBIT A

	Savitt.			
10/12/2012	Telephone call to Ms. Savitt regarding finalization of petition for authorization to conduct inventory. Will review and file today with court if possible.	S.L.H.	.10	$30.00
10/15/2012	Review of emailed letter to conduct inventory of personal property from Client. Preparation of reply email.	S.L.H.	.10	$30.00
10/15/2012	Finalized preparation of motion for authorization to conduct inventory.	S.L.H.	.25	$75.00
10/16/2012	Emailed Client a copy of filed motion for authorization to conduct inventory. Requested when she would be available for 8:45 am hearing next week.	S.L.H.	.10	$30.00
10/16/2012	Filed motion for authorization to conduct inventory of personal property with clerk of court.	S.L.H.	.10	No Charge
10/17/2012	Prepare notice of hearing for motion for authorization to conduct inventory.	R.P.	.30	$30.00
10/17/2012	Prepare service of court document attaching motion for authorization to conduct inventory to all parties.	R.P.	.20	No Charge
10/22/2012	Prepare renotice of hearing for 24 as court will be closed the morning of 10/23. Sent notice of filing court document to all parties.	R.P.	.30	No Charge
10/23/2012	Telephone call from Client Ms. Savitt regarding judge in this matter was now Judge Martz & that notice of hearing incorrect. Prepared amended re-notice of hearing and sent to all parties. Also changed our online 8:45 division case hearing to Judge Martz.	R.P.	.40	No Charge
10/23/2012	Review of email from Mr. Pratt, Esq. regarding motion to perform inventory. Said that his client had no objection, and that they believed there was personal property in several locations plus Thomas Mayes had taken property out of the home. Preparation of response email; forwarded all to Client Ms. Savitt.	S.L.H.	.10	$30.00
10/24/2012	Receipt and review of R. Maye's response to guardian of the property's motion for inventory filed by Larry Miller, Esq.	R.P.	.10	No Charge
10/25/2012	Sent e-mail to Jordan Hammer, Esq. giving him dates and times for Ms. Savitt to go to Mrs. O'Grady's house to do the inventory.	R.P.	.20	$20.00
10/26/2012	Receipt and review of e-mail from Mr. Hammer requesting copy of Order first. Telephone call to Ms. Savitt who sent us the Order.	R.P.	.10	No Charge
10/26/2012	E-mailed Order to Jordan Hammer, Esq.	R.P.	.10	No Charge
10/31/2012	Preparation of email to Client Ms. Savitt regarding visit to O'Grady home today. Reminder about visit.	S.L.H.	.10	$30.00
10/31/2012	Preparation of email to Client Ms. Savitt asking her to prepare amended guardian fee invoice..	S.L.H.	.10	No Charge
SUBTOTAL:			47.75	$9,385.00

Costs

EXHIBIT A

4/23/2012	Postage for mailing letter.	$0.45
5/2/2012	Postage for mailing Amy Beller's petition to Elizabeth Savitt.	$0.85
5/2/2012	Postage for mailing agreed Order on Beller Smith's amended petition for attorney's fees and Order for payment of examining committee to all parties.	$2.25
5/9/2012	Postage for mailing letter from Jami Huber, Esq. to Clifford Hark, Esq & Elizabeth Savitt.	$0.90
5/16/2012	Postage for mailing examining committee fee checks.	$0.90
5/22/2012	Postage for mailing check to Shannon Otto.	$0.45
5/25/2012	Postage for mailing formal notice and attachments to Ms. Savitt.	$4.90
5/30/2012	Postage for mailing notice of ward's death to all parties.	$1.80
5/31/2012	Postage for mailing attorney fee petition for SLH filed 5/23 to Ms. Savitt and Mr. Lee, Esq. E-mailed invoice to Jamie Huber, Esq. pursuant to her secretary's request.	$1.30
6/6/2012	Postage for mailing notice of unavailablity to all parties.	$1.60
6/6/2012	Postage for mailing re-notice of hearing on petition authorizing payment of compensation to guardian.	$1.60
6/9/2012	Mailed copy of letter and notice to Client Ms. Savitt.	$0.45
6/13/2012	Postage for mailing copes of verified inventory to all counsel.	$2.55
6/13/2012	Postage for mailing copies of filed objections.	$2.60
6/27/2012	Postage for mailing second amended initial guardianship plan to all parties.	$1.35
6/29/2012	Postage for mailing copy of order on request for authorization for guardian to pay interim monthly costs to Thomas Mayes.	$0.45
7/11/2012	Postage for mailing attorney fee petition to Mr. Lee, Esq.; hand-delivered petition to Ms. Savitt.	No Charge
8/3/2012	Postage for mailing Notice of filing response to formal notice and petition for administration filed by Thomas Mayes and Response to formal notice and petition for administration filed by Thomas Mayes and Petition for Authorization to Pay off Sunflower Bank Loan to all counsel and Elizabeth Savitt.	$4.76
8/6/2012	Postage for mailing copy of petition to Client Ms. Savitt.	$0.85
8/8/2012	Postage for mailing letter to Clerk regarding a 20-day extension to Ms. Savitt.	$0.45
8/20/2012	Postage for sending all documents listed below to Ms. Savitt.	$1.90
8/25/2012	Postage for mailing copy of letter and Notice of Email Designation to Client Ms. Savitt.	$1.05
9/4/2012	Postage for mailing Mayes' objection to Ms. Savitt.	$0.45
SUBTOTAL:		$33.86

TOTAL: $9,418.86
PREVIOUS BALANCE DUE: $0.00
CURRENT BALANCE DUE AND OWING: $9,418.86

EXHIBIT A

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

IN RE: GUARDIANSHIP OF
HELEN M. O'GRADY
File No. 502012GA000016XXXXSB
Division IX- SCHER, MARTZ, GARRISON

FILED
2013 FEB 13 PM 4:21
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CIVIL

OBJECTION TO PETITION FOR PAYMENT OF EMERGENCY TEMPORARY GUARDIAN'S ATTORNEYS' FEES AND EXPENSES (MAY 14, 2012 through January 11, 2013)

Thomas H. Mayes, The Emergency Temporary Guardian of my late mother Helen O'Grady and applicant

For appointment as limit Guardian for my late mother Helen O'Grady, files this Objection to the Petition

For payment of Emergency Temporary Guardian's Attorneys' Fees and Expenses filed by Hark, Burkhalter Yon, PL, as attorneys for Thomas Mayes, as Emergency Temporary Guardian, and states as follows:

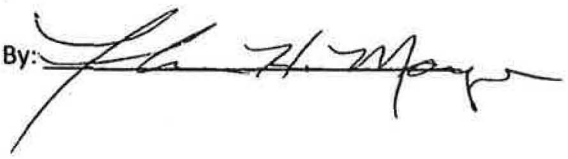
1. Mr. Hark has made mistakes and prolonged this case for his benefit.
2. Mr. Hark stated to me and my wife Sandra Smith that I will be the "First one to be reimbursed for my out of pocket expenses for taking care of my late mother" I have not.
3. Mr. Hark stated to me he has to "change his game plan" when we found out in the first day of court that the other limited guardian Elizabeth Betsy Savitt, that Mr. Hark brought into the case was married to Judge Colin of Probate Division of Palm Beach. In which (Conflict of Interest) has caused more problems than it has solved.
4. Mr. Hark accepting this case has not precluded any other employment. He has been late for meetings and not taking phone calls because Mr. Hark was with other clients or in court.
5. Mr. Hark stated in his petition to be paid for his services. That he has saved time in this case? He has not; this case should have been over in June of 2012. My brother Ronald Mayes counsel Mr. Miller has objected to my fees and Mr. Harks fees too. In which brings us to another hearing, the last hearing 11/09/2012 Mr. Hark does not recall the agreement with Mr. Miller in front of Judge Martz, that if I turn over my personal journal (Log) it would justify my billing so that I can be reimbursed. Two months later I had to do my bill over because Mr. Hark should have clearly stated and directed what Florida Statue 744.108 meant. To itemize my billing properly in the form of the Statue for reimbursement back in June of 2012. Now

Mr. Miller turned over my journal to his client Ronald Mayes and he is trying to use it against me in the O'Grady Estate case. Case No.: 502012CP002908XXXXSB

6. Mr. Hark stated to me and my wife that he was afraid of my brother Daniel Mayes who is residing in my late mother house rent free. Mr. Hark told us when he was a prosecutor for Miami and he put away murderers and drug dealers and did not fear them but he feared my brother Daniel? Because he was a loose cannon? Mr. Hark should have stepped down, if he feared for his safety? I feel it interfered with his ability to represent me responsibly in this guardianship case.

WHEREFORE, Thomas H. Mayes objects to the Final Petition for Payment of Emergency Temporary Guardian's Attorneys' Fees and Cost filed by Hark Burkhalter Yon, PL as attorneys for Thomas Mayes, as Emergency Temporary Guardian, request that they be determined to be substantially unreasonable, and for whatever and further relief the Court deems just.

Thomas H. Mayes
1602 SW Nicholas Drive
Boynton Beach Fl. 33426
Telephone: (561) 733-0160

By: 

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: Guardianship of

HELEN M. O'GRADY
Now deceased.

_____/

PROBATE DIVISION
CASE NO: 502012GA000016XXXXSB

2013 MAR 18 PM 2:58
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH FILED

OBJECTION TO DANIEL W. MAYES' PETITION FOR EXTENSION OF TIME TO APPOINT A CURATOR

COMES NOW A Beneficiary and Interested Party STEPHANIE J. CHAMBERS who wishes to OBJECT to the appointment of a curator.

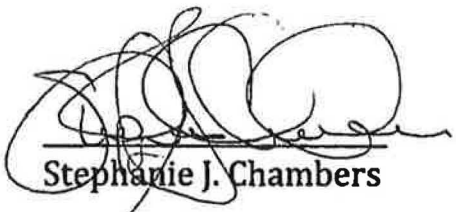
I am asking this Honorable Court to once again OBJECT to an appointment of a curator. I am hoping my mother, Helen O'Grady's guardian; Elizabeth Savitt has paid the Sunflower Bank Loan in full as was granted by the Honorable Judge Garrison. My sister and I have refrained from obtaining council in this probate matter, as we feel there are too many Attorney's involved as it is.

My brother, Daniel Mayes is a mentally ill alcoholic who without any burden of proof, falsely accused my brother, Thomas H. Mayes to only delay and stall my mother's will to probate. I feel Daniel W. Mayes does not comprehend the financial obligations he now has incurred with Clark & Skatoff PA. Because he has no income or assets to pay for his council, it is in my opinion the estate is now being extorted legally by the Attorneys.

The same sham is proceeding with my other brother, Ronald O. Mayes who with his attorney, Jami Huber did not comply with the court order to produce the burden of proof for his allegations at his deposition on February 11, 2013. This is another stall and delay tactic that is wasting the estate's resources and the courts precious time. It has been over 30 days with no reply from Jami Huber when he will finish his deposition.

It is my opinion, Elizabeth Savitt is now feeling the same intimidation and harassment that Thomas, Kathleen, and I have endured for months.

WHEREFORE, I ask this Honorable Court to object to the appointment of a curator and dismiss this erroneous lawsuit that has no documentation or proof to the support the allegations against Thomas H. Mayes, enter the estate into probate and appoint my brother Thomas H. Mayes as the Personal Representative so we can honor my mother's wishes.



Stephanie J. Chambers

March 13, 2013

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION: IV
File No: 502012CP002908XXXXSB

IN RE: THE ESTATE OF

HELEN M. O'GRADY,

Deceased

FILED
13 MAR 20 AM 11:46
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
DISTRICT COURT BRANCH

ORDER ON PETITION FOR APPOINTMENT OF CURATOR

THIS MATTER having come before the Court on March 19, 2013 on Daniel W. Maye's Petition for Appointment of Curator and the Court having heard argument of counsel and being otherwise fully advised in the premises, it is hereby:

ORDERED and ADJUDGED that the Petition for Appointment of Curator is GRANTED. That ELIZABETH SMITH is appointed as Curator of the estate, and shall serve without bond. The curator is authorized to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate. The curator shall file a designation of resident agent and oath. Upon such filing, letters of curatorship shall issue.

DONE and ORDERED in Chambers in Delray Beach, Palm Beach County, Florida this WITHIN 5 DAYS 19 day of March, 2013.

Edward Garrison
Circuit Court Judge

Copies furnished to:
Jordan R. Hammer, Esq.
Andrew Schwartz, Esq.
Jami Huber, Esq.
Sheri Hazeltine, Esq.
Stephanie Chambers
Kathleen Osterbuhr

OCR Language: English
NUM
4/5/2013 2:28
4/5/2013 2:20

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF **DIVISION: IX**

HELEN M. O'GRADY. **CASE NO. 502012CP002906XXXXSB**

_____/

PETITION FOR CURATOR ELIZABETH SAVITT'S FEES AND COSTS

Petitioner, ELIZABETH SAVITT, the Curator, by and through her attorney, SHERI L. HAZELTINE, ESQ., files this Petition for Curator Fees and Costs, and states as follows:

1. On March 26, 2013 Elizabeth Savitt was appointed Curator of the estate by the Court.

2. The Curator has completed her final accounting and the estate is ready to be closed.

3. Even after the Court recently appointed a personal representative of the estate, the Court ordered the Curator to continue to have concurrent authority of the estate until further order.

4. FS 733.501(3) provides the Curator is entitled to reasonable compensation for her services and the Court may consider the provisions of FS 733.617 in determining the amount of said fee.

5. FS 733.617 provides that the reasonable rate of compensation for personal representatives shall be based on the inventory value of the estate, plus income earned during administration determined at 3% (three percent) of the first million dollars and 2.5% (two and one-half percent) of the amount between $1 million dollars and $5 million dollars. The inventory value of this estate is $2,008,904 and as a result, the presumed reasonable fee for this Curator is $55,222.60.

Wherefore for the foregoing reasons, it is respectfully requested that this Honorable Court enter an Order awarding Elizabeth Savitt a Curator fee in the amount $55,222.60.

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK ***

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF DIVISION: IX

HELEN M. O'GRADY. CASE NO. 502012CP002908XXXXSB

_____/

PETITION FOR ATTORNEYS FEES FOR SHERI L. HAZELTINE, ESQ.

Petitioner SHERI L. HAZELTINE, ESQ. files this Petition for Attorneys Fees and states as follows:

1. On March 26, 2013 Elizabeth Savitt was appointed Curator of the estate by the Court. This attorney has served as the attorney for the Curator.

2. The Curator completed her final accounting and the estate is ready to be closed.

3. FS 733.6271 provides the attorney who assists the Personal Representative in the administration of a probate estate is entitled to reasonable compensation for services. Under FS 733.501 Curators shall be allowed reasonable compensation for the services, and the court may consider the provisions of FS 733.617 (compensation of personal representative) in determining a Curator's fees.

5. FS 733.6171(3) provides that the reasonable rate of compensation for attorneys in formal estate administration is presumed to be reasonable if based on the compensable value of the estate, which is the inventory value of the probate estate assets plus the income earned by the estate during administration. This compensation is determined at 3% (three percent) of the first million dollars and 2.5% (two and one-half percent) of the amount between $1 million dollars and $5 million dollars. The inventory value of this estate is $2,008,904 and as a result, the presumed reasonable fee for this attorney is $55,222.60.

Wherefore for the foregoing reasons, it is respectfully requested that this Honorable Court enter an Order awarding Sheri L. Hazeltine & Associates, P.A. a fee in the amount of $55,222.60.

OCR Language: English

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: THE ESTATE OF
HELEN M. O'GRADY

Deceased,

THOMAS H. MAYES

Petitioner/Counter-Respondent,

v.

RONALD O. MAYES, Respondent/Counter-Petitioner,
and DANIEL MAYES, Respondent.

Probate Division
Case No. 502012CP002908XXXXSB (IX)
(Previously proceeding in Division IZ, but transferred to Division IX by way of an Order of this Court dated January 31, 2013)

2013 JUL 11 AM 10:37
PALM BEACH COUNTY, FLA.
SOUTH CITY BRANCH-FILED

ORDER APPROVING MEDIATION SETTLEMENT AGREEMENT

THIS CAUSE, having come to be considered before this Court on the Parties submission for in camera inspection of a confidential Mediation Settlement Agreement, and the Court having reviewed same and being otherwise duly advised in the premises,

IT IS HEREUPON ORDERED AND ADJUDGED as follows:

1. The Parties' Mediation Settlement Agreement dated June 11, 2013 is hereby approved by this Court.

2. All parties obligated to take action pursuant to the Mediation Settlement Agreement are hereby authorized to take such action.

3. Within five (5) days of the entry of this Order, RONALD O. MAYES shall file a Notice of Voluntary Dismissal with Prejudice of all claims which he has and which are pending in this action.

4. Within five (5) days of the entry of this Order, all parties to this action shall execute the General Releases which shall immediately hereafter be circulated by Andrew M. Schwartz, P.A.

5. Elizabeth Savitt, as Curator of the Estate and Guardian for the property of the decedent, is hereby authorized to immediately take such action as is necessary to comply with all payment obligations imposed upon her by the Mediation Settlement Agreement dated June 11, 2013

6. By way of this Order, the May 19, 2010 will submitted by THOMAS H. MAYES and referenced within the Petition for Administration filed on June 26, 2012 is hereby admitted to probate.

7. By way of this Order, THOMAS H. MAYES is hereby appointed Personal Representative of the Estate of Helen M. O'Grady, to serve in such capacity and

Exhibit A

exercise such powers as are authorized by Florida law. Letters of Administration shall hereafter immediately be issued to THOMAS H. MAYES as Personal Representative of the Estate of Helen M. O'Grady.

8. Within five (5) days of the entry of this Order, THOMAS H. MAYES shall file his Oath of Personal Representative and Designation and Acceptance of Resident Agent.

9. Within 30 days of the entry of this Order, Elizabeth Savitt, as Curator of the Estate and Guardian for the property of the decedent, shall file her Petition for Discharge and Final Accounting.

Until the Curator is discharged by order of the Court, the Personal Representative and the Curator shall have concurrent authority over the assets of the estate. The Personal Representative and the Curator are hereby authorized to make an interim $300,000.00 preliminary distribution to each of the beneficiaries. The Personal Representative and the Curator

IT IS SO DONE AND ORDERED, in Chambers at Palm Beach County, Florida, this 11 day of July, 2013.

I hereby certify that the foregoing is a true copy of the record in my office.
THIS 11 DAY OF July, 2013
SHARON R. BOCK
CLERK & COMPTROLLER
By Susan LaBelle

The Honorable Edward Garrison

Copies to:

- **Andrew M. Schwartz, Esq.**, Andrew M. Schwartz, P.A., 101 Plaza Real South, Suite 218, Boca Raton, Florida 33432 (Counsel for Plaintiff)
- **Jami Huber, Esq.** Jami L. Huber, P.A., (Counsel for Ronald O. Mayes), 2101 NW Corporate Boulevard, Suite 400, Boca Raton, Florida 33431
- **Jordan R. Hammer, Esq.**, (counsel for Daniel Mayes), Clark & Skatoff, P.A. 2925 PGA Boulevard, Suite 103, Palm Beach Gardens, Florida 33410
- **Sheri Hazeltine, Esq.** (counsel for Guardian, Elizabeth Savitt) 800 Palm Trail Plaza, Suite 3, Delray Beach, Florida 33483
- **Stephanie J. Chambers**, 1008 Arbor Meadows, Derby, Kansas 67037
- **Kathleen M. Osterbuhr**, 1300 Cresthill, Derby, Kansas 67037

Curator also hereby authorized to pay from the estate the sum of $55,000.00 to Andrew M Schwartz, P.A. (TO Andrew M. Schwartz Trust Account) and to Clark Skatoff P.A. (TO Clark Skatoff P.A. IOTA) the sum of $30,000.00, within Ten(10) days, for attorney fees incurred in this action.

* The $300,000.00 interim distribution to Daniel Mayes shall be sent to Clark Skatoff P.A. [redacted]

FLORIDA DEPARTMENT OF REVENUE

Affidavit of No Florida Estate Tax Due

DR-312
R. 06/11

Rule 12C-3.008
Florida Administrative Code
Effective 01/12

(This space available for case style of estate probate proceeding) | (For official use only)

State of Florida County of Palm Beach

I, the undersigned, Elizabeth Savitt (print name of personal representative), do hereby state:

1. I am the personal representative as defined in section 198.01 or section 731.201, Florida Statutes, as the case may be, of the estate of Helen O'Grady (print name of decedent).
2. The decedent referenced above died on 05/29/12 (date of death), and was domiciled (as defined in s. 198.015, F.S.) at the time of death in the state of Florida.

   On date of death, the decedent was (check one): ☑ a U.S. citizen ☐ not a U.S. citizen
3. A federal estate tax return (federal Form 706 or 706-NA) is not required to be filed for the estate.
4. The estate does not owe Florida estate tax pursuant to Chapter 198, F.S.
5. I acknowledge personal liability for distribution in whole or in part of any of the estate by having obtained release of such property from the lien of the Florida estate tax.

Under penalties of perjury, I declare that I have read this Affidavit and the facts stated in it are true. This declaration is based on all information of which the personal representative has any knowledge [ss. 92.525(1)(b); 213.37; 837.06, F.S.].

Executed this 31 day of August, 20 13 X Signature Elizabeth Savitt

Print name Elizabeth Savitt Telephone number

Mailing address 9101 Satin Leaf Ct. City/State/ZIP Delray Beach, FL 33445

State of Florida County of Palm Beach

Sworn to (or affirmed) and subscribed before me by Elizabeth Savitt

On this 30th day of August, 20 13

Signature of Notary Sheri L Hazeltine

Notary Public State of Florida
Sheri L Hazeltine
My Commission DD981343
Expires 04/12/2014

(Check one)

☒ Personally known

☐ Or produced identification
Type of identification produced

Sheri L. Hazeltine
Print, type, or stamp name of Notary Public

File this form with the appropriate clerk of the court. Do not mail to the Florida Department of Revenue.

Exhibit B

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. ***

Electronically Filed 09/05/2013 02:28:44 PM ET

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF HELEN M. O'GRADY. /

DIVISION: IX

CASE NO. 502012CP002908XXXXSB

NOTICE OF WITHDRAWAL OF PETITION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND EXPENSES FILED ON JULY 17, 2013

and

NOTICE OF WITHDRAWAL OF PETITION FOR ORDER AUTHORIZING PAYMENT OF COMPENSATION AND EXPENSES OF CURATOR ELIZABETH SAVITT FILED ON JULY 17, 2013

COMES NOW SHERI L. HAZELTINE, ESQ., attorney for the Curator, Elizabeth Savitt, and files this Notice of Withdrawal of Petition for Order Authorizing Payment of Attorney's Fees and Expenses filed on July 17, 2013 and Notice of Withdrawal of Petition for Order Authorizing Payment of Compensation of Curator Elizabeth Savitt filed on July 17, 2013. Counsel for the Curator, and the Curator herself will continue to seek an award of fees pursuant to their respective petitions filed on September 2, 2013.

Dated this 5th day of September, 2013 at Delray Beach, Florida.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

Sheri L. Hazeltine, Esq.
Attorney for the Curator Elizabeth Savitt.
Florida Bar No. 0674567
sheri@hazeltinelaw.com
800 Palm Trail Plaza, Ste. 3
Delray Beach, Florida 33483
(561) 243-4655 (office)
(561) 243-6933 (fax)

EXHIBIT "5"

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF HELEN M. O'GRADY. / PROBATE DIVISION

CASE NO. 502012CP002908XXXXSB

AMENDED MOTION FOR EXTENSION OF TIME TO FILE FINAL ACCOUNTING BY THE CURATOR ELIZABETH SAVITT

COMES NOW SHERI L. HAZELTINE, ESQ., attorney on behalf of the Curator, ELIZABETH SAVITT, and hereby files this Amended Motion for Extension of Time to file the final accounting. The curator was appointed on March 26, 2013. On July 11, 2013 Thomas Mayes was appointed as the curator by the Honorable Circuit Judge Garrison, with 20 days given as the time allowed to file the final accounting. This was an unrealistic time-frame, especially as Ms. Savitt has been on vacation and was out of the country for the past two weeks.

Therefore, this attorney respectfully requests until September 15th, 2013 to file the final accounting.

DATED this 6th day of August, 2013 at Delray Beach, Florida.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

Sheri L. Hazeltine, Esq.
Attorney for Elizabeth Savitt, Curator
Florida Bar No. 0674567
sheri@hazeltinelaw.com
800 Palm Trail, Suite 3
Delray Beach, Florida 33483
(561) 243-4655 (office)
(561) 243-6933 (fax)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Motion for Extension of Time was sent via E-Service on August 6, 2013 to the parties and/or attorneys of record listed on the Service List below.

By: _____
Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567

SERVICE LIST

Christopher Salivar, Esq.
Attorney for Thomas Mayes
101 Plaza Real, Suite 218
Boca Raton, Florida 33432
ams@amslaw.biz
cs@amslaw.biz
cmp@amslaw.biz
receptionist@amslaw.biz

Jordan R. Hammer, Esq.
Jeffrey H. Skatoff, Esq.
Attorney for Daniel Mayes
Clark Skatoff PA
3300 PGA Blvd., Suite 450
Palm Beach Gardens, Florida 33410
jhammer@clarkskatoff.com
jskatoff@clarkskatoff.com
service@clarkskatoff.com
sperini@clarkskatoff.com

Jami Huber, Esq.
Attorney for Ronald Mayes
500 South Australian Ave., Suite 500
West Palm Beach, FL 33401
jami@jamihuberlaw.com
admin@jamihuberlaw.com

Stephanie Chambers
1008 Arbor Meadows
Derby, Kansas 67037
schambers61@cox.net

Kathleen M. Osterbuhr
1300 Chesthill
Derby, Kansas 67037
kosterbuhr1@cox.net

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF

HELEN M. O'GRADY.

PROBATE DIVISION

CASE NO. 502012CP002908XXXXSB

/

ORDER ON AMENDED MOTION FOR EXTENSION OF TIME

THIS MATTER having come before the Court upon Sheri L. Hazeltine, Esq.'s Motion for Extension of Time to File the Final Accounting, and the Court being fully advised in the premises, it is

ORDERED AND ADJUDGED that the final accounting in this matter be filed by ~~September 15~~ AUG 30, 2013.

DONE and ORDERED on this 8th day of August, 2013 at Delray Beach, Palm Beach County, Florida.

By: _____
CIRCUIT JUDGE EDWARD GARRISON

Copy furnished to:
Sheri L. Hazeltine, Esq.
800 Palm Trail, Suite 3
Delray Beach, Florida 33483

2013 AUG -8 PM 3:3
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH FILED

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: THE ESTATE OF HELEN M. O'GRADY

Deceased,

Probate Division
Case No. 502012CP002908XXXXSB (IX)

The Honorable Judge Edward Garrison

THOMAS H. MAYES

Petitioner/Counter-Respondent,

v.

RONALD O. MAYES, Respondent/Counter-Petitioner, and DANIEL MAYES, Respondent.

2013 NOV 14 AM 9:50
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED

ORDER ON CURATOR, ELIZABETH SAVITT'S PETITION FOR DISCHARGE OF CURATOR AND ON PERSONAL REPRESENTATIVE, THOMAS H. MAYES' OBJECTION TO ELIZABETH SAVITT'S NOTICE OF FINAL ACCOUNTING OF CURATOR AND PETITION FOR DISCHARGE

THIS CAUSE, having come to be considered before this Court on October 31, 2013 upon the aforementioned Petition for Discharge of Curator and the Personal Representative's Objection to same, and the Court having heard the argument of the parties and being otherwise duly advised in the premises,

IT IS HEREUPON ORDERED AND ADJUDGED as follows:

1) Elizabeth Savitt is hereby discharged as Curator for the estate of Helen M. O'Grady, and is relieved of all authority to act on behalf of the estate of Helen M. O'Grady.

2) The Court hereby retains jurisdiction over the Curator to a) address the issue of approval of the Curator's Final Accounting, b) address the Personal Representative's pending Petition for Removal and Surcharge, and c) address the Petition for Hourly Fees and Costs which the Curator shall be filing pursuant to the Order of this Court also entered this day.

3) The Curator is hereby Ordered to turnover all of the assets of the estate (including the $20,000.00 sum presently held by the Curator in trust and the $7,330.00 sum presently held by Sheri Hazeltine, Esq. in trust) to the Personal Representative, THOMAS H. MAYES, within ten (10) days of ~~October 31, 2013~~ THIS ORDER.

IT IS SO DONE AND ORDERED, in Chambers at Palm Beach County, Florida, this 13 day of November, 2013.

The Honorable Edward Garrison

OCR Language: English

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF HELEN O'GRADY, /

FILE NO.: 502012CP002908XXXXSB

DIVISION: IX

FINAL ACCOUNTING OF CURATOR ELIZABETH SAVITT

FOR THE PERIOD COMMENCING April 1, 2013
THROUGH August 22, 2013.

The purpose of this accounting is to acquaint all interested persons with the transactions that have occurred during the period covered by the accounting and the assets that remain on hand. It consists of a SUMMARY sheet and Schedule A showing all Receipts, Schedule B showing all Disbursements, Schedule C showing all Distributions, Schedule D showing all Capital Transactions and Adjustments (the effect of which are also reflected in other schedules, if appropriate), and Schedule E showing assets on hand at the end of the accounting period.

It is important that this accounting be carefully examined. Requested for additional information and any questions should be addressed to the curator or the attorney for the curator, the names and addresses of whom are set forth below.

Under penalties of perjury, the undersigned curator declares that I have read and examined this accounting and that the facts and figures set forth in the Summary and the attached Schedules are true, to the best of my knowledge and belief, and that it is a complete report of all cash and property transactions and of all receipts and disbursements by me as curator of the estate of Helen O'Grady, deceased, from April 1, 2013 through August 22, 2013.

Signed on August 30, 2013.

Attorney for Curator:

Sheri L. Hazeltine, Esq, Attorney
Florida Bar No. 0674567
sheri@hazeltinelaw.com
800 Palm Trail, Suite 3
Delray Beach, Florida 33483
Telephone: (561) 243-4655
Fax: (561) 243-6933

Signed on August 30, 2013.

Curator:

Name: Elizabeth Savitt.

IN THE CIRCUIT COURT FOR Palm Beach COUNTY, FLORIDA

IN RE: Estate OF

Helen M. O'Grady

PROBATE DIVISION

File Number 502012CP002908XXXXSB

Division IX

FINAL ACCOUNTING OF CURATOR OF PROPERTY

ACCOUNTING
FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SUMMARY

I.	Starting Balance			
	Assets per Inventory or Assets on Hand at Close of Last Accounting Period			$ 2,194,915.15
II.	Receipts			
	Schedule A - Income		$ 36,953.91	
	Principal		$ 2,511.18	$ 39,465.09
	Sub Total			$ 2,234,380.24
III.	Disbursements and Distributions			
	Schedule B - Income		$ 0.00	
	Principal		$ 284,149.86	$ 284,149.86
	Sub Total			$ 1,950,230.38
IV.	Capital Transactions and Adjustsments			
	Schedule C - Net Gain or (Loss)			$ (1,540,574.61)
V.	Assets on Hand at Close of Accounting Period			
	Schedule D - Cash and Other Assets			$ 409,655.77

NOTE: See Appendix A, Rule 5.346, Florida Probate Rules for instructions relating to summary and all schedules

FINAL ACCOUNTING

Estate OF Helen M. O'Grady

FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Morgan Stanley Smith Barney a/c 719-147723-267		
04/05/13	Hark Burkhalter Yon, PL - Atty fees		9,021.09
04/09/13	Sheri Hazeltine - Atty fees		8,755.19
04/05/13	Thomas Mayes		3,381.25
04/08/13	Thomas Mayes		500.00
07/19/13	Wire Tfr to Jami L Huber a/c # xxxxxxx9461 c/o 7/11/13		100,000.00
07/29/13	Withdrawal - Andrew M. Schwartz, P.A c/o dtd 7/11/13		85,000.00
07/29/13	Withdrawal - Clark Skatoff, P.A. c/o dtd 7/11/13		30,000.00
08/22/13	Sheri Hazeltine - Atty fees (held in trust)		10,000.00
08/22/13	Guardianship Financial Reporting Services		1,040.00
08/22/13	Ira Goldfarb		200.00
	Wells Fargo Checking a/c 5536352734		
04/04/13	Ck # 1050 - Elizabeth Savitt (fees)		2,821.50
04/10/13	Ck # 1077 - Florida Space (storage)		151.58
04/11/13	Ck # 1076 - City of Boca Raton		73.44
04/17/13	Debit - ATT		151.34
05/31/13	Ck # 1078 - CVR distributon		396.80
08/14/13	Ck # 1053 - E. Savitt (held in trust)		13,000.00
	Wells Fargo Checking a/c xxxxxxx2739		
05/13/13	Ck # 95 - Daily Business Review		194.00
05/14/13	Debit - FPL		219.24
06/03/13	Ck # 104 - Fla Space Coast (storage)		75.79
06/03/13	Ck # 103 - City of Boca Raton		73.73
06/18/13	Debit - FPL		58.50
06/25/13	Ck # 106 - Mary Sue Donohue		4,552.50
		$ 0.00	$ 269,665.95

FINAL ACCOUNTING

ESTATE OF Helen M. O'Grady

FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SCHEDULE - A Receipts During Period

Does not include receipts from sale or other dispositions of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Morgan Stanley Smith Barney a/c 719-147723-267		
04/12/13	Div - Philip Morris Intl Inc	9,180.00	
04/29/13	Int Income	0.31	
04/16/13	Deposit Kraft/Mondelez Div.	1,295.45	
05/30/13	Int Income	0.26	
06/27/13	Int Income	0.23	
07/12/13	Div - Philip Morris Intl Inc	9,180.00	
07/30/13	Int Income	0.31	
07/30/13	Int Income	0.28	
07/15/13	Deposit Kraft/Mondelez Div.	1,295.45	
	Wells Fargo Checking a/c xxxxxxx2739		
04/16/13	Tfr fr PNC Bank a/c 12-0894-6799		2,511.18
04/22/13	Deposit - Dividend from Altria Stock	8,000.10	
07/10/13	Deposit - Dividend from Altria Stock	6,336.00	
07/12/13	Deposit - Dividend from Kraft Stock	1,660.50	
07/12/13	Deposit - Dividend from Kraft Stock	5.00	
	PNC Bank a/c 12-0894-6799 (acct closed)		
04/16/13	Int Income	0.02	
		$ 36,953.91	$ 2,511.18

FINAL ACCOUNTING

Estate OF Helen M. O'Grady

FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SCHEDULE - B Disbursements and Distributions

Does not include purchases of principal assets.
Such transactions are shown on Schedule C.

Date	Brief Descriptions of Items	Income	Principal
	Wells Fargo Checking a/c xxxxxxx2739		
07/23/13	Ck # 110 - Guardianship Financial Reporting Svcs, Inc.		1,275.00
07/23/13	Ck # 112 - Fla Space Coast (storage)		75.79
07/23/13	Ck # 108 - Fla Space Coast (storage)		75.79
07/23/13	Ck # 107 - Fla Space Coast (storage)		75.79
08/12/13	Ck # 114 - Elizabeth Savitt- Guardian fees c/o dtd 8/18/13		1,725.00
08/13/13	Ck # 113 - Sheri Hazeltine c/o date c/o dtd 8/18/13		1,745.36
08/14/13	Ck # 115 - Elizabeth Savitt (Held in Trust)		7,000.00
	PNC Bank a/c 12-0894-6799 (acct closed)		
04/16/13	Tfr to Wells Fargo Bank a/c # xxxxxxxx2739		2,511.18
		$ 0.00	$ 14,483.91

FINAL ACCOUNTING

ESTATE OF Helen M. O'Grady

FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SCHEDULE - C Capital Transactions and Adjustments

Does not include distributions.
Distributions are shown on Schedule B.

Date	Brief Descriptions of Transactions	Net Gain	Net Loss
	Morgan Stanley Smith Barney a/c 719-147723-267		
07/05/13	Sld - 1,145.00 shs Philip Morris Intl Inc @ $87.7577....		6,106.59
	$100,046.36 - 3/31/13 value $106,152.95		
07/22/13	Sld - 1,122.00 shs Philip Morris Intl Inc @ $89.5956.....		3,930.67
	$100,089.95 - 3/31/13 value $104,020.62		
	Distributions per c/o dtd 7/11/13 (valued a/o 3/31/13)		
	2000 shs to .....Tom Mayers - $185,420.00		185,420.00
	2000 shs to..... Kathleen Osterbuht - $185,420.00		185,420.00
	2000 shs to.....Stephanie Chambers - $185,420.00		185,420.00
	2000 shs to .....Dan Mayers - $185,420.00		185,420.00
	Remaining Asset		
08/22/13	533.00 shs Philip Morris Intl Inc @$84.17...$44,862.61		4,551.82
	3/31/13 value $49,414.43		
08/22/13	14,400 shs Altria Group Inc Stock @ $34.39...$495,216.00		
	(valued as of 3/31/13) Shares distributed per c/o 7/11/13		
	3000 shs to .....Tom Mayers - $103,170.00		103,170.00
	3000 shs to..... Kathleen Osterbuht - $103,170.00		103,170.00
	3000 shs to.....Stephanie Chambers - $103,170.00		103,170.00
	3000 shs to .....Dan Mayers - $103,170.00		103,170.00
	Remaining shr bal 2,400.00 value as of 3/31/13.....		
	$82,536.00 8/22/13 Value: $80,544.00		1,992.00
TOTAL NET GAINS AND LOSSES		$ 0.00	$ 1,170,941.08
NET GAIN OR (LOSS)		$ 0.00	$ 1,170,941.08

FINAL . ACCOUNTING

ESTATE OF Helen M. O'Grady

FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SCHEDULE - C Capital Transactions and Adjustments

Does not include distributions.
Distributions are shown on Schedule B.

Date	Brief Descriptions of Transactions	Net Gain	Net Loss
08/22/13	9,965.00 shs Mondelez Inc @ $30.62...$305,128.30		
	(valued as of 3/31/13) Shares distributed per c/o 7/11/13		
	2000 shs to .....Tom Mayers - $61,240.00		61,240.00
	2000 shs to..... Kathleen Osterbuht - $61,240.00		61,240.00
	2000 shs to.....Stephanie Chambers - $61,240.00		61,240.00
	2000 shs to .....Dan Mayers - $61,240.00		61,240.00
	Remaining shr bal 1,965.00 value as of 3/31/13		
	$60,168.30 - 8/22/13 value $61,032.90	864.60	
08/22/13	3,321.00 shs Kraft Foods Grp Inc. @ $51.53...$171,131.13		
	(valued as of 3/31/13) Shares distributed per c/o 7/11/13		
	700 shs to .....Tom Mayers - $36,071.00		36,071.00
	700 shs to..... Kathleen Osterbuht - $36,071.00		36,071.00
	700 shs to.....Stephanie Chambers - $36,071.00		36,071.00
	700 shs to .....Dan Mayers - $36,071.00		36,071.00
	Remaining shr bal 521.00 value as of 3/31/13		
	$26,847.13 - 8/22/13 value $27,613.00	765.87	
08/22/13	**Real Property Located at: 3742 N.W. 5th Avenue, Boca Raton, FL 33432**		
	Adjustment to reflect the increase in value of ward's real property per the attached Palm Beach Appraisers report.	17,980.00	
	Value 2012..... $175,701.00		
	Value 2013..... $193,681.00		
	TOTAL NET GAINS AND LOSSES	$ 19,610.47	$ 389,244.00
	NET GAIN OR (LOSS)	$ 0.00	$ 369,633.53

FINAL ACCOUNTING

ESTATE OF Helen M. O'Grady

FOR THE PERIOD COMMENCING: 04/01/13

THROUGH: 08/22/13

SCHEDULE - D Assets on Hand at Close of Accounting Period

Indicate where held and legal description, certificate numbers or other informations.

		Carrying Value	Market Value
ASSETS OTHER THAN CASH:			
1.	2,400.00 Shs Altria Group Stock @ $35.90		80,544.00
2.	1,965 Shs Mondelez Inc @ $31.58		61,032.90
3.	521.00 Shs Kraft Foods Group Inc @ $56.45		27,613.00
4.	Morgan Stanley Smith Barney a/c 719 - 147723-267 533 Shs Philip Morris Intl @ $84.17		44,862.61
5.	Real Property Located at: 3742 N.W. 5th Avenue, Boca Raton, FL 33432		193,681.00
OTHER ASSETS TOTAL		$ 0.00	$ 407,733.51
CASH:			
1.	Morgan Stanley Smith Barney a/c 719 - 147723-267		0.48
2.	Wells Fargo Checking a/c 5536352734		555.49
3.	Wells Fargo Checking a/c xxxxxxx2739		1,366.29
CASH TOTAL			$ 1,922.26
TOTAL ASSETS (entered as Item V on Summary)			$ 409,655.77

(Attached are copies of each annual or year-end statement from each depository of all the Ward's cash assets.)

For the period commencing 04/01/13 through 08/22/13.

Attached are copies of the statements of the decedent's accounts from each of the institutions where the funds were deposited.

This final accounting was prepared by Guardian Financial Reporting Services, Denzil Parkes, 1040 Bayview Drive, Ste. 405, Ft. Lauderdale, Florida, 33304.

Under penalties of perjury, the undersigned Curator declares that I have read and examined this accounting and that the facts and figures set forth in the Summary and Schedules are true, to the best of my knowledge and belief, and that it is a complete report of all cash and property transactions and of all receipts and disbursements by me as curator of the estate of Helen O'Grady, deceased, from April 1, 2013 through August 22, 2013.

Signed on this 30th day of August, 2013.

ELIZABETH SAVITT, Curator.

DATED this 30th day of August, 2013 at Delray Beach, Florida.

SHERI L. HAZELTINE & ASSOCIATES, P.A.

By: _____

SHERI L. HAZELTINE, ESQ.
Attorney for the Curator, Elizabeth Savitt.
Florida Bar No. 0674567
sheri@hazeltinelaw.com
800 Palm Trail Plaza, Suite 3
Delray Beach, Florida 33483
Telephone: (561) 243-4655
Facsimile: (561) 243-6933

Gary R. Nikolits, CFA

Property Appraiser

Palm Beach County

Property Appraiser's Public Access PAPA

Location Address	3742 NW 5TH AVE
Municipality	BOCA RATON
Parcel Control Number	06-43-47-07-02-026-0090
Subdivision	BOCA RATON HILLS SEC 3
Official Records Book	06326 Page 1437
Sale Date	JUL-1989
Legal Description	BOCA RATON HILLS SEC 3 LT 9 BLK 26

Owners	Mailing address
OGRADY HELEN EST	SAVIT ELIZABETH C/O 4101 SATIN LEAF CT DELRAY BEACH FL 33445 1259

Sales Date	Price	OR Book/Page	Sale Type	Owner
JUL-1989	$100	06326 / 1437	REP DEED	OGRADY HELEN EST

No Exemption Information Available.

Number of Units	1	*Total Square Feet	1878
Acres	0.35		
Use Code	0100 - SINGLE FAMILY	Zoning	R1D - Single Family (06-BOCA RATON)

Tax Year	2013 P	2012	2011
Improvement Value	$95,031	$88,400	$95,741
Land Value	$98,650	$87,301	$91,896
Total Market Value	$193,681	$175,701	$187,637

P = Preliminary

All values are as of January 1st each year

Tax Year	2013 P	2012	2011
Assessed Value	$193,681	$105,895	$102,811
Exemption Amount	$0	$50,000	$50,000
Taxable Value	$193,681	$55,895	$52,811

Tax Year	2013 P	2012	2011
Ad Valorem	$3,775	$1,301	$1,263
Non Ad Valorem	$260	$259	$254
Total tax	$4,035	$1,560	$1,517

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

DIVISION: IX

CASE NO. 502012CP002908XXXXSB

IN RE: ESTATE OF

HELEN M. O'GRADY.
_____/

PROOF OF SERVICE

I, Sheri L. Hazeltine, Esq., certify that a true and correct copy of the Final Accounting of the Curator for the period April 1, 2013 through August 22, 2013 was transmitted via E-Service on this 30th day of August, 2013 to:

Christopher Salivar, Esq.
Attorney for Thomas Mayes
101 Plaza Real, Suite 218
Boca Raton, Florida 33432
ams@amslaw.biz
cs@amslaw.biz
cmp@amslaw.biz
receptionist@amslaw.biz

Daniel Mayes
3742 N.W. 5th Avenue
Boca Raton, Florida 33431
whodawatda@hotmail.com

Ronald Mayes
ron@advcom.net

Stephanie Chambers
1008 Arbor Meadows
Derby, Kansas 67037
schambers61@cox.net

Kathleen M. Osterbuhr
1300 Chesthill
Derby, Kansas 67037
kosterbuhr1@cox.net

DATED this 30th day of August, 2013 at Delray Beach, Florida.

By: _____
Sheri L. Hazeltine, Esq.
Florida Bar No. 0674567
sheri@hazeltinelaw.com
800 Palm Trail Plaza, Suite 3
Delray Beach, Florida 33483
(561) 243-4655 (Office)
(561) 243-6933 (Fax)

WELLS FARGO Wells Fargo Business Online®

Account Activity

HELEN O'GRADY Accounts

CHECKING-XXXXXX2734

Activity Summary

Current Posted Balance	$555.49
Pending Withdrawals/ Debits	$0.00
Pending Deposits/ Credits	$0.00
Available Balance	$555.49

The Available Balance shown above reflects the most up-to-date information available on your account. The balances shown below next to the last transaction of each day do not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when the transaction posted. If you had insufficient available funds when the transaction posted to your account, fees may have been assessed.

Transactions

Show: for Last 6 Months

Date	Description	Deposits / Credits	Withdrawals / Debits	Ending Daily Balance
Pending Transactions	Note: Amounts may change			
No pending transactions meet your criteria above.				
Posted Transactions				
08/14/13	CHECK # 1053 Fee deposit E. Smith (HELD IN TRUST)		$13,000.00	$555.49
05/31/13	CHECK # 1078 CVR distribution re payment Rec'd 12/12/12 Dep.		$398.80	$13,555.49
04/17/13	ATT Payment 041613 823828002EPAYF Helen OGrady		$151.34	$13,952.29
04/11/13	CHECK # 1076 City of Boca Raton		$73.44	$14,103.63
04/10/13	CHECK # 1077 Florida Space Center		$151.58	$14,177.07
04/04/13	CASHED CHECK # 1050 Elizabeth Smith Fees		$2,821.50	$14,328.65
03/19/13	ATT Payment 031813 920492001EPAYC Helen OGrady		$151.34	$17,150.15
Totals		$0.00	$16,746.00	

Equal Housing Lender
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WELLS FARGO Wells Fargo Business Online®

Account Activity

ESTATE OF HELEN M. O'GRADY Accounts

CHECKING XXXXXX2739

Activity Summary

Current Posted Balance	$1,366.29
Pending Withdrawals/ Debits	$0.00
Pending Deposits/ Credits	$0.00
Available Balance	$1,366.29

The Available Balance shown above reflects the most up-to-date information available on your account. The balances shown below next to the last transaction of each day do not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when the transaction posted. If you had insufficient available funds when the transaction posted to your account, fees may have been assessed.

Transactions

Show: for Last 6 Months

Date	Description	Deposits / Credits	Withdrawals / Debits	Ending Daily Balance
Pending Transactions	Note: Amounts may change			
No pending transactions meet your criteria above.				
Posted Transactions				
08/14/13	CHECK # 115 Fee deposit		$7,000.00	$1,366.29
08/13/13	CHECK # 113 & Hazeltine Fees		$1,745.38	$8,366.29
08/12/13	CASHED CHECK # 114 E. Savitt Fees		$1,725.00	$10,111.65
07/23/13	CHECK # 107 Storage Fla Space Center		$75.79	$11,836.65
07/23/13	CHECK # 108 storage		$75.79	
07/23/13	CHECK # 112 storage		$75.79	
07/23/13	CHECK # 110 Guardian Financial		$1,275.00	
07/12/13	KRAFT FOODS COMM DIV 0.5000 130628 KRF14003580111 SAVITT,ELIZABETH	$5.00		$13,339.02
07/12/13	KRAFT FOODS COMM DIV 0.5000 130628 KRF14003582710 SAVITT,ELIZABETH	$1,660.50		
07/10/13	ALTRIA GROUP INC DC01DD1307 130710 C0038642821MOA ELIZABETH SAVITT CURAT	$6,336.00		$11,673.52
06/25/13	CHECK # 106 Mary Sue Donohue		$4,552.50	$5,337.52
06/18/13	FPL DIRECT DEBIT ELEC PYMT 06/13 7455017579 PPDA HELEN O'GRADY		$58.50	$9,890.02
06/03/13	CHECK # 103 City of Boca Raton		$73.73	$9,948.52
06/03/13	CHECK # 104 Storage		$75.79	
05/14/13	FPL DIRECT DEBIT ELEC PYMT 05/13 7455017579 PPDA HELEN O'GRADY		$219.24	$10,098.04
05/13/13	CHECK # 95 Daily Business Review		$194.00	$10,317.28
04/22/13	DEPOSIT MADE IN A BRANCH/STORE #653890611 ALTRIA DIV	$8,000.10		$10,511.28
04/16/13	DEPOSIT MADE IN A BRANCH/STORE #653877392 PNC	$2,511.18		$2,511.18
Totals		$18,512.78	$17,146.49	

Equal Housing Lender
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**** CASE NUMBER: 2014GA000472 DIVISION: IB ****
Filing # 18052986 Electronically Filed 09/10/2014 10:42:31 AM

9-10-14

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION
File No. _____
Division _____

IN RE: GUARDIANSHIP OF

ROBERT PAUL WEIN
_____/

*** FILED: PALM BEACH COUNTY, FL SHARON R BOCK, CLERK ***

PETITION FOR APPOINTMENT OF EMERGENCY TEMPORARY GUARDIAN

Petitioner, Daniel Wein, alleges:

1. Petitioner's residence is 9717 N New River Canal Road, Unit 410, Plantation, FL., 33324 and Petitioner's post office address is same and Petitioner's telephone number is (954) 472-1804 and (954) 261-8867.

2. A Petition for Determination of Incapacity has been filed in this court with respect to ROBERT PAUL WEIN, an alleged incapacitated person, but a guardian has not been appointed.

3. Petitioner is an adult interested in the welfare of the alleged incapacitated person.

4. There appears to be imminent danger that the physical or mental health or safety of the alleged incapacitated person will be seriously impaired or that the property of that person is in danger of being wasted, misappropriated or lost unless immediate action is taken because:

a. ROBERT PAUL WEIN lacks the physical and mental capacity to perform tasks necessary to care for himself and for his property. He is in immediate need of professional nursing care, and should be removed from his current living situation, where he is being

intimidated and financially exploited.

b. Upon information and belief, ROBERT PAUL WEIN is being abused by his caretaker/landlord, Delores Bryant. ROBERT PAUL WEIN is being financially exploited by Ms. Bryant and ROBERT PAUL WEIN'S ex-wife, Vita Wein, whom he divorced in approximately 1963, and, as a result of fraud, duress and/or undue influence, re-married on August 6, 2014.

c. Daniel Wein has been caring for his older brother, ROBERT PAUL WEIN, since approximately September, 2013, when ROBERT PAUL WEIN was hospitalized with failing health. Daniel Wein stayed at ROBERT PAUL WEIN'S home for approximately a month, during which time he learned of ROBERT PAUL WEIN'S inability to manage his financial affairs. For example, ROBERT PAUL WEIN had incurred exorbitant overdraft fees for writing checks with insufficient funds and is unable to obtain a traditional credit card due to his recent poor credit history; ROBERT PAUL WEIN failed to file his 2012 state and federal income tax returns; ROBERT PAUL WEIN allowed his automobile insurance to lapse for non-payment or premiums, but continued to drive, and thereafter caused an uninsured automobile accident in which he caused damages of approximately $10,000 to a building and a parked car; and ROBERT PAUL WEIN failed to properly handle an estate for which he was the executor by failing to respond to the estate attorneys and by writing personal checks from the estate account.

d. ROBERT PAUL WEIN gave Daniel Wein authority to act on his behalf through a power of attorney, and by establishing a revocable trust in which he appointed Daniel Wein as trustee. On August 27, 2014, after when Daniel Wein resisted ROBERT PAUL WEIN'S efforts to give away large sums of money to his care-taker, Delores Bryant and to his ex-wife, Vita Wein, Daniel Wein received notification from a lawyer that the power of attorney

was no longer valid, and that Daniel Wein had been removed as trustee of ROBERT PAUL WEIN'S revocable trust.

e. At approximately the same time, Daniel Wein discovered that ROBERT PAUL WEIN and Vita Wein had been secretly married on August 6, 2014. Daniel Wein was never told of the marriage by Vita Wein or Delores Bryant, both of whom were aware that it had taken place.

f. In early September, 2014, Daniel Wein received a distressed telephone call from a financial broker for ROBERT WEIN'S revocable trust, who advised that ROBERT PAUL WEIN had called the broker to tell him that Delores Bryant was replacing Daniel Wein as trustee of ROBERT PAUL WEIN'S revocable trust, and that Vita Wein had also called the broker asking to remove funds from ROBERT PAUL WEIN'S revocable trust.

g. On September 2, 2014, ROBERT PAUL WEIN'S niece called ROBERT PAUL WEIN to find out why he had revoked the power of attorney in favor of Daniel Wein, and why he had made certain changes to his revocable trust as described in the letter from his lawyer. ROBERT PAUL WEIN denied having made such changes, and advised that he would instruct his lawyer to correct his documents. A short time later, ROBERT PAUL WEIN'S lawyer called ROBERT PAUL WEIN'S niece and told her to stop "harassing" her uncle, ROBERT PAUL WEIN.

5. ROBERT PAUL WEIN is an alleged incapacitated person whose date of birth is July 24, 1926 and who is 88 years of age. The residence of the alleged incapacitated person is 602 Normandy M, Delray Beach, FL 33484 and the post office address of the alleged incapacitated person is same.

6. The nature of the alleged incapacitated person's alleged incapacity is dementia

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and physical weakness due to recent chemotherapy for lymphoma, shingles, urinary infections and other illnesses associated with advanced age and failing health.

7. The names and addresses of the next of kin of the alleged incapacitated person are:

Vita Wein — Wife
602 Normandy M.
Delray Beach, FL 33484

Larry Wein — Son
1077 River Road
Apt 212 N.
Edgewater, NJ 07020

8. The proposed emergency temporary guardian Daniel Wein, whose residence is 9717 N New River Canal Road, Unit 410, Plantation, FL, 33324 and whose post office address is the same; and who is sui juris and otherwise qualified under the laws of Florida to act as guardian of the alleged incapacitated person, is not a professional guardian. The relationship of the proposed emergency temporary guardian to the alleged incapacitated person is brother and the previous association is as set forth above. The proposed emergency temporary guardian should be appointed because he has cared for his brother and his brother's financial affairs for the past year, and is best capable of protecting ROBERT PAUL WEIN from his current situation.

9. The nature and value of the property subject to guardianship is approximately $2,000,000.00 in various forms of liquid assets.

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Petitioner requests that summary proceedings be held upon this petition, that the Court appoint an attorney to represent the alleged incapacitated person in these proceedings, and that an emergency temporary guardian of the person and property be appointed for the alleged incapacitated person.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on September 10, 2014.

Manuel Kushner
Florida Bar No. 330957
KAYE SCHOLER LLP
777 South Flagler Drive
West Tower, Suite 900
West Palm Beach, FL 33401
Email: Manuel.kushner@kayescholer.com
Email: florida_service@kayescholer.com
Tel: (561) 802-3230
Fax: (561) 802-3217

Daniel Weir, Petitioner

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF **PROBATE DIVISION "IB"**

ROBERT PAUL WEIN **CASE NO. 502014GA000472XXXXMB**

_____/

OATH OF EMERGENCY TEMPORARY GUARDIAN, DESIGNATION OF RESIDENT AGENT AND ACCEPTANCE

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, Elizabeth Savitt (Affiant), state under oath that:

1. I will faithfully perform the duties of emergency temporary guardian of Robert Paul Wein (the Ward) according to law.

2. My place of residence is 501 North Country Club Drive, Atlantis, Florida 33462 and my post office address is the same.

3. I hereby designate Ellen S. Morris, Esq., who is a member of The Florida Bar, a resident of Broward County, Florida, whose office address is 7284 W. Palmetto Park Road, Suite 101, Boca Raton, Florida 33433 and whose post office address is the same as my agent for the service of process or notice in any action against me, either in my representative capacity, or personally, if the personal action accrued in the performance of my duties as such guardian.

_____
Elizabeth Savitt, Affiant

Sworn to and subscribed before me on September 15, 2014, by Affiant, who is personally known to me ✓ or who produced _____ as identification.

ELLEN S. MORRIS
MY COMMISSION # EE 145386
EXPIRES: November 9, 2015
Bonded Thru Notary Public Underwriters

_____
Notary Public State of Florida

9-17-14

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF ROBERT PAUL WEIN /

PROBATE DIVISION "IB"

CASE NO. 502014GA000472XXXXMB

LETTERS OF EMERGENCY TEMPORARY GUARDIANSHIP

TO ALL WHOM IT MAY CONCERN:

WHEREAS, ELIZABETH SAVITT has been appointed emergency temporary guardian of the person and property of ROBERT PAUL WEIN (the Ward), and has taken the prescribed oath and performed all other acts prerequisite to issuance of letters of emergency temporary guardianship of the Ward,

NOW THEREFORE, I, the undersigned circuit judge, declare Elizabeth Savitt duly qualified under the laws of the State of Florida to act as emergency temporary guardian of the person and property of Robert Paul Wein, with full power to exercise the following powers and duties: ALL, as a plenary guardianship of the person and property.

The Ward executed an advance directive under Chapter 765, Florida Statutes. Until further order of the Court, the advance directive is hereby superceded and the guardian is authorized to make any and all healthcare decisions for the Ward.

The guardian is authorized to take control over any and all assets of the Ward, including any and all assets titled in the name of the Ward's Trust. Any prior existing Durable Power of Attorney is suspended until further order of this Court.

The authority of the emergency temporary guardian expires ninety (90) days after the date hereof, unless earlier terminated by the appointment of a guardian or extended by order of this court.

DONE AND ORDERED IN WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA on 9/17, 2014.

Diana Lewis

HONORABLE DIANA LEWIS
Circuit Judge

FILED ON
2014 SEP 17 AM 8:40
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT PROBATE 5

CFN 20140349378, OR BK 27049 PG 528 RECORDED

Filing # 18945285 Electronically Filed 10/02/2014 03:49:23 PM

10-2-14

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF **PROBATE DIVISION "IB"**

ROBERT PAUL WEIN **CASE NO. 502014GA000472XXXXMB**

PETITION FOR ORDER AUTHORIZING SALE OF REAL PROPERTY

Petitioner, Elizabeth Savitt, by and through her undersigned counsel, alleges:

1. Petitioner is the duly appointed and acting emergency temporary guardian of the person and property of Robert Paul Wein (the Ward).

2. The Ward owns a co-op located at 230 West 105th Street, Apt. 5AA, New York, New York 10025 (the "Property").

3. Prior to the filing for determination of the Ward's incapacity and appointment of emergency temporary guardian, the Ward himself executed a contract for sale of the Property to Hadley Cronk for the purchase price of $265,000.00. A copy of the Contract is attached hereto as Exhibit "A."

4. The Property was originally listed for sale at $295,000.00 and then reduced to $280,000.00. The Property was built in 1917 and is considered a Pre-War Co-Operative. The apartment is a total of 331 square feet and was originally attached to Apartment 5A as maid's quarters and then partitioned into a separate apartment. The Property is in poor condition and needs a new kitchen and bathroom and updates to its electrical system to bring it up to today's standards. Two (2) viable offers close to the asking price were previously received but later rescinded after the potential buyers evaluated the cost of the renovations needed. After this time, the price was lowered.

5. Due to the Property's poor condition and need of significant repairs, Petitioner believes the sale price of $265,000.00 is the highest price that the Ward will receive for the Property and does not want the Ward to lose the sale, which would have gone forward were it not for the pending incapacity and guardianship proceedings.

6. Other similar apartments in the area sold between $306,000 and $335,000 but were in much better condition than the Ward's Property. A list of the comparable sales is attached hereto as Exhibit "B."

7. At this time, the buyer has secured a mortgage commitment and is waiting to be approved by the co-op board. However, the co-op board cannot determine approval of the buyer until the emergency temporary guardian executes an affidavit and other necessary documents on behalf of the Ward.

8. Petitioner believes it is expedient, necessary and in the best interest of the Ward to sell the Property at the price and upon the terms contained in the contract for sale because said sales price represents a fair and reasonable price for the Property and same is an arms length transaction at fair market value and is what the Ward himself has agreed upon.

WHEREFORE, Petitioner requests that an order be entered by this Court approving the contract for sale and authorizing the emergency temporary guardian of the property to sell the above-described real property at a private sale, to execute all instruments and documents necessary to effectuate the sale and to deposit the proceeds from the sale in an account titled in the name of the guardianship.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

I HEREBY CERTIFY that a copy of the foregoing was served via the e-Portal on this 2nd day of October, 2014 to Mitchell I. Kitroser, Esq., The Law Office of Mitchell I. Kitroser, P.A., 8895 N. Military Trail, Suite C-201, Palm Beach Gardens, FL 33410; Manuel Kushner, Esq., KAYE SCHOLER LLP, 777 South Flagler Drive, West Tower, Suite 900, West Palm Beach, FL 33401; and John J. Pankauski, Esq., Pankauski Law Firm, P.L.L.C., 120 S. Olive Avenue, Guaranty 701, West Palm Beach, FL 33401.

Ellen S. Morris, Esq.
Attorney for the Petitioner
Florida Bar Number: 850306
ELDER LAW ASSOCIATES PA
7284 W. Palmetto Park Road, Suite 101
Boca Raton, FL 33433
Telephone: (561) 750-3850
Fax: (561) 750-4069
E-Mail: emorris@elderlawassociates.com

Clerk & Comptroller
Palm Beach County

(561)355-2771•FAX (561)355-7009
Please visit our website at http://www.pbcountyclerk.com

12-5-14

TO:
Ellen S. Morris, Esq.
7284 W. Palmetto Park Road
Suite 101
Boca Raton, FL 33433

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
FAMILY COURT

DATE: December 5, 2014

THE GUARDIANSHIP OF: ROBERT PAUL WEIN
CASE NUMBER: 502014GA000472XXXXMB

Dear Ellen S. Morris, Esq.,

We are currently reviewing the Initial Guardianship Report of the Guardian of Property which was filed i
referenced case on 11/10/14. In order to complete the processing of the reports, we will need for you to sub
following:

XXXX Please submit the following for the Verified Inventory as indicated below:

1) Need verification of current value of the New York property with all owners' names listed.
2) Need better verification of $200,000 investment with Paraveda Premium Finance, LLC or cou
omit.
3) Need better verification for all 5 promissory notes.

PLEASE RESPOND WITHIN 20 WORKING DAYS FROM THE DATE OF THIS LETTER.

Sincerely,

BY: Chip VanVoorhees
Deputy Clerk, Chip Van Voorhees

Copies furnished to:
Elizabeth Savitt, 301 North Country Club Drive, Atlantis, FL 33462

Filing # 24197834 E-Filed 02/25/2015 03:11:52 PM

2-22-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

ROBERT PAUL WEIN

_____/

PROBATE DIVISION "IB"

CASE NO. 502014GA000472XXXXMB

VERIFIED PETITION FOR ORDER AUTHORIZING GUARDIAN TO AMEND WARD'S TRUST

Petitioner, ELIZABETH SAVITT, as Limited Guardian of the Person and Property of Robert Paul Wein (the Ward), hereby petitions for an order authorizing the guardian to act pursuant to F.S. 744.441(19) to amend the Ward's revocable trust, as follows:

1. Petitioner is the duly appointed and acting Limited Guardian of the Person and Property of the Ward, having been appointed by Order and Letters dated October 15, 2014.

2. On November 25, 2013, prior to the initiation of the incapacity and guardianship proceedings, the Ward executed a revocable trust entitled the ROBERT WEIN LIVING TRUST dated November 25, 2013 (the "Trust").

3. On August 25, 2014, prior to the initiation of the incapacity and guardianship proceedings, the Ward executed an amendment and restatement to his Trust (the "Restatement").

4. On February 9, 2015, the Ward met with his guardian and the undersigned counsel and expressed his desire to make changes to the testamentary provisions of his trust.

5. Under F.S. 744.441(19), a guardian, upon court approval, may amend a ward's revocable trust for estate planning purposes.

6. The guardian requests authority pursuant to F.S. 744.441(19) to amend the Ward's testamentary provisions in his revocable trust for estate planning in accordance with the Ward's expressed wishes.

7. Petitioner asserts that an amendment to the Ward's revocable trust is in accordance with the Ward's expressed wishes and that it is in the best interest of the Ward for the guardian to execute an amendment to the Ward's revocable trust.

WHEREFORE, Petition requests that the Court enter an order authorizing the guardian to execute the amendment to the ROBERT WEIN LIVING TRUST dated November 25, 2013, as Amended and Restated.

*** FILED: PALM BEACH COUNTY, FL SHARON R BOCK, CLERK. 2/25/2015 3:11:52 PM ***

DATED this 22 day of February, 2015.

Elizabeth Savitt, Petitioner

Ellen S. Morris, Esq.
Attorney for the Petitioner
Florida Bar Number: 850306
ELDER LAW ASSOCIATES PA
7284 W. Palmetto Park Road, Suite 101
Boca Raton, FL 33433
Telephone: (561) 750-3850
Fax: (561) 750-4069
E-Mail: emorris@elderlawassociates.com
Secondary E-Mail: lrubin@elderlawassociates.com
Secondary E-Mail: clawrence@elderlawassociates.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served via the e-Portal on this 25th day of February, 2015 to Manuel Kushner, Esq., KAYE SCHOLER LLP, 777 South Flagler Drive, West Tower, Suite 900, West Palm Beach, FL 33401 and by Formal Notice to Mrs. Vita Wein, 3799 NW 88th Avenue, Apt. C9, Sunrise, Florida 33351.

Ellen S. Morris, Esq.
Florida Bar No. 850306

3-13-15

Filing # 24861948 E-Filed 03/13/2015 02:08:09 PM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE : GUARDIANSHIP OF

ROBERT PAUL WEIN

PROBATE DIVISION "IB"

CASE NO. 502014GA000472XXXXMB

_____/

DANIEL WEIN"S RESPONSE TO VERIFIED PETITION FOR ORDER AUTHORIZING GUARDIAN TO AMEND TRUST

COMES NOW, DANIEL WEIN, brother of the Ward, ROBERT PAUL WEIN (hereinafter "Robert") and hereby files his RESPONSE TO VERIFIED PETITION FOR ORDER AUTHORIZING GUARDIAN TO AMEND TRUST and responds as follows:

1. Paragraphs 1 through 3 are admitted and agreed with.
2. Daniel Wein is without Knowledge as to Paragraph 4.
3. Paragraphs 5 and 6 are admitted
4. Daniel Wein admits in part and requests clarification as to Paragraph 7 and replies with the following recommendations:

a) "The Amended and Restated Trust" dated August 25, 2014 should be revoked in its entirety, as Robert did not have the testamentary capacity to execute such. On October 15, 2014, This court issued an Order determining, after a panel of 3 examined the Ward, that Robert suffers from incapacities of Dementia and age related decline, and among other things, lacks the capacity to contract. The Examining Committee further found that Robert was likely to have been under manipulation and duress and was unable to consent to changes made to the "Revocable Living Robert Wein Trust" dated November25, 2013.

*** FILED: PALM BEACH COUNTY, FL SHARON R BOCK, CLERK. 3/13/2015 2:08:09 PM ***

b) The "Revocable Living Robert Wein Trust" dated November 25, 2013 is the appropriate trust that should remain in full force and effect. This trust was executed by Robert Paul Wein while he possessed testamentary capacity to do so.

c) In November 2013, Robert consulted with Attorney Brian A. Raphan concerning the specifics of his trust. He met and consulted with several other attorneys from the firm who visited him in his apartment. Two attorneys spent a few hours with him in private, discussing all aspects of the trust with special attention to the "Specific Distributions" clause before Robert executed such on November 25, 2013. Robert was completely aware and cognizant of the substance of the trust details and was not under any undue influence or coercion, as the attorney will testify. Further, Daniel Wein requested that Roberts Physician Dr. B. Grossman examine Robert and he determined that Robert was mentally competent and suffered no incapacities at the date of signing.

d) If the "Amended and Restated Trust" dated August 25, 2014 remains in force, or is amended to reinstate Daniel Wein as an heir or for any other changes to beneficiaries or beneficial interests, the amendment invites challenges both while Robert is alive as well as after his death. Pursuant to the Florida Statutes under Title XLII a challenge to the "Amended and Restated Trust" will most likely be successful as Robert lacks testamentary capacity. October 15, 2014, after reports from the Court appointed Examining Committee the court determined that Robert "suffers from the incapacities of dementia and age related decline and among many others, lacks capacity to contract. Dr. Stanley Bloom, M.D. in his report dated September 18, 2014 stated, Robert " Mentally appears to have significant dementia which can progress

over time" . Dr. Pamela Feldman, Ph.D., in her report dated October9, 2014, referred to Roberts Physical and/or Mental prognosis as "poor. Will likely decline with age". In order to defend a challenge that Robert has testamentary capacity, another Court ordered examination of the wards (Roberts) current mental condition would be necessary.

e) Daniel Wein asserts that 2 amendments to the "Robert Wein Living Trust" are proper and necessary under the Florida Statutes. The "Robert Wein Living Trust" should be amended to change the Trustee to Elizabeth Savitt and the State of Jurisdiction from New York to Florida.

Respectfully Submitted this 13th day of March 2015.

/s/ Daniel Wein
Daniel Wein, Pro Se
9717 N. New River Canal Road, #410
Plantation, FL 33324
954-472-1804
Email Dwein5680@aol.com
Secondary Email Stacywein@aol.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served via the e-portal on this

13th day of March to Manuel Kushner Esq. Manuel.Kushner@kayescholer.com, Ellen Morris, Esq emorris@elderlawassociates.com, Elizabeth Savitt, savittguardians@gmail.com and by US mail to Vita Wein 3799 NW 88th Avenue, Apt C9, Sunrise , Florida 33351

/s/Daniel Wein

Daniel Wein, Pro Se

9-20-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF ROBERT PAUL WEIN
_____/

PROBATE DIVISION "IB"

CASE NO. 502014GA000472XXXXMB

PETITION FOR ORDER ACCEPTING VERIFICATION OF PROMISSORY NOTES

Petitioner, ELIZABETH SAVITT, as Limited Guardian of the Person and Property of Robert Paul Wein (the Ward), by and through her undersigned counsel, alleges:

1. Petitioner is the duly appointed and acting Limited Guardian of the Person and Property of the Ward, having been appointed by Order and Letters dated October 15, 2014.

2. On February 11, 2015, the guardian filed an Amended Verified Inventory of Guardian.

3. In the Claims section of the Amended Inventory, the guardian listed five (5) promissory notes owed to the Ward, by five (5) potential claimants, as follows:

1. Copa Cabana	Promissory Note	$300,000.00
2. Eugene Kaplan	Promissory Note	$200,000.00
3. Roosevelt Matos	Promissory Note	$100,000.00
4. Jonathan Siegel	Promissory Note	$75,000.00 - $100,000.00
5. Emilio Flores	Promissory Note	$10,000.00

4. The Promissory Notes were included on the Amended Inventory for informational purposes only as potential claims of the Ward and were not included as assets for the Ward.

5. As proof, the guardian attached copies of the Promissory Notes to the Amended Inventory, copies of which are attached hereto as Exhibit "A."

6. As expressed on the Amended Inventory, the guardian is not in possession of any further or better verification regarding the Promissory Notes.

7. In a letter dated April 6, 2015, the Deputy Clerk, Lisa Brady, requested that the guardian petition for court approval to accept the verification of the Promissory Notes as submitted on the Amended Inventory in order for her to approve the Amended Inventory.

WHEREFORE, Petitioner requests the Court enter an Order accepting the verification of the Promissory Notes included on the Amended Inventory.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

I HEREBY CERTIFY that a copy of the foregoing was served via the e-Portal on this 20th day of April, 2015 to Mr. Daniel Wein, 9717 N. New River Canal Road, #410, Plantation, Florida 33324 (Dwein5680@aol.com and Stacywein@aol.com) and Bruce S. Rosenwater, Esq., Bruce S. Rosenwater & Associates, P.A., 1601 Forum Place, Suite 610, West Palm Beach, FL 33401 (info@rosenwater.com and bsr@rosenwater.com).



Ellen S. Morris, Esq.
Attorney for the Petitioner
Florida Bar Number: 850306
ELDER LAW ASSOCIATES PA
7284 W. Palmetto Park Road, Suite 101
Boca Raton, FL 33433
Telephone: (561) 750-3850
Fax: (561) 750-4069
E-Mail: emorris@elderlawassociates.com
Secondary E-Mail: lrubin@elderlawassociates.com
Secondary E-Mail: clawrence@elderlawassociates.com

$..... .....19.....

.....after date, for value received, ...promise

to pay to the order of.....

.....Dollars

at .....

with interest at.....per cent.

This note is one of a series of.....notes of even date herewith, aggregating $.....

It is understood and agreed that in the event of the non-payment of any one of said series and such default continue for a period of.....days, then at the option of the holder of any of the said notes, all or any part of the remaining unpaid notes shall forthwith become due and payable. The failure to assert this right shall not be deemed a waiver thereof.

No.....Due.....

.....

No. 1000N Serial Note—Julius Blumberg, Inc., 80 Exchange Place, New York

---

$..... DATE 7/14/19.....19.....

On Demand .....after date, for value received, We .....promise

to pay to the order of Robert Weil

Fifty Thousand .....Dollars

at 268 W 47th Street NYC 10036

with interest at 12 % per cent. Per Annum

This note is one of a series of.....notes of even date herewith, aggregating $.....

It is understood and agreed that in the event of the non-payment of any one of said series and such default continue for a period of.....days, then at the option of the holder of any of the said notes, all or any part of the remaining unpaid notes shall forthwith become due and payable. The failure to assert this right shall not be deemed a waiver thereof.

268 West 47th Street Inc

No.....Due.....

.....

No. 1000N Serial Note—Julius Blumberg, Inc., 80 Exchange Place, New York

---

$..... .....19.....

.....after date, for value received, ...promise

to pay to the order of.....

.....Dollars

at .....

with interest at.....per cent.

This note is one of a series of.....notes of even date herewith, aggregating $.....

It is understood and agreed that in the event of the non-payment of any one of said series and such default continue for a period of.....days, then at the option of the holder of any of the said notes, all or any part of the remaining unpaid notes shall forthwith become due and payable. The failure to assert this right shall not be deemed a waiver thereof.

No..... Due.....

.....

No. 1000N Serial Note—Julius Blumberg, Inc., 80 Exchange Place, New York

EXHIBIT "A"

FOR VALUE RECEIVED THE UNDERSIGNED AND EACH OF THEM HEREBY FOREVER WAIVES PRESENTMENT, DEMAND, PROTEST, NOTICE OF PROTEST AND NOTICE OF DISHONOR OF THE WITHIN NOTE AND THE UNDERSIGNED AND EACH OF THEM GUARANTEES THE PAYMENT OF SAID NOTE AT MATURITY AND CONSENTS WITHOUT NOTICE TO ANY AND ALL EXTENSIONS OF TIME OR TERMS OF PAYMENT MADE BY HOLDER OF SAID NOTE.

FOR VALUE RECEIVED THE UNDERSIGNED AND EACH OF THEM HEREBY FOREVER WAIVES PRESENTMENT, DEMAND, PROTEST, NOTICE OF PROTEST AND NOTICE OF DISHONOR OF THE WITHIN NOTE AND THE UNDERSIGNED AND EACH OF THEM GUARANTEES THE PAYMENT OF SAID NOTE AT MATURITY AND CONSENTS WITHOUT NOTICE TO ANY AND ALL EXTENSIONS OF TIME OR TERMS OF PAYMENT MADE BY HOLDER OF SAID NOTE.

FOR VALUE RECEIVED THE UNDERSIGNED AND EACH OF THEM HEREBY FOREVER WAIVES PRESENTMENT, DEMAND, PROTEST, NOTICE OF PROTEST AND NOTICE OF DISHONOR OF THE WITHIN NOTE AND THE UNDERSIGNED AND EACH OF THEM GUARANTEES THE PAYMENT OF SAID NOTE AT MATURITY AND CONSENTS WITHOUT NOTICE TO ANY AND ALL EXTENSIONS OF TIME OR TERMS OF PAYMENT MADE BY HOLDER OF SAID NOTE.

$ 1200 00/100 8/06/07 19

ON DEMAND after date, for value received, I promise

to pay to the order of ROBERT WEIN

Twelve hundred Dollars

at 230 W 105th Street APT 1AA

with interest at 0 per cent. see Back

This note is one of a series of _____ notes of even date herewith, aggregating $_____

It is understood and agreed that in the event of the non-payment of any one of said series and such default continue for a period of _____ days, then at the option of the holder of any of the said notes, all or any part of the remaining unpaid notes shall forthwith become due and payable. The failure to assert this right shall not be deemed a waiver thereof.

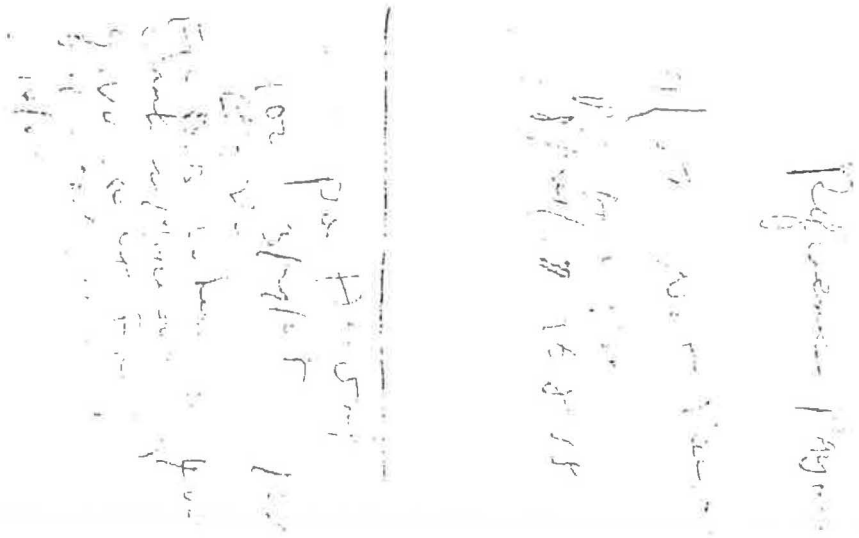
No. _____ Due _____

Jonathan Siegel

No. 1000 Series Note—John Blumberg, Inc., 80 Exchange Place, New York

Sec. 22 2012

RECEIVED FROM Robert Wein



One hundred Thousand DOLLARS 100,000 00/100

BARRY [illegible]

Jonathan Siegel

Filing #28577578 E-Filed 06/17/2015 09:22:50 AM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000472 | Probate Division IB

IN RE: THE GUARDIANSHIP OF

ROBERT PAUL WEIN,

The Ward.

_____/

VITA WEIN'S MOTION FOR ATTORNEY'S FEES AND COSTS

Comes now, Vita Wein, by and through the undersigned counsel and pursuant to Florida Statute § 57.105 and Florida Statute § 744.108(1), hereby moves this Honorable Court for an award of attorney's fees and costs to be assessed against the Petitioner, Elizabeth Savitt ("Petitioner"), and states as follows:

1. By order of this Court in Case Number 502014MH001747, the Ward, Robert Paul Wein ("Ward") was determined to be incapacitated, and the Petitioner was appointed limited guardian.

2. On February 22, 2015, the Petitioner filed in this action a Verified Petition for Order Authorizing Guardian to Amend Ward's Trust (the "Trust Petition").

3. In the Trust Petition, the Petitioner alleges that on August 25, 2014, the Ward executed an amendment and restatement to his revocable trust, and on February 9, 2015, the Ward met with the Petitioner and her attorney to make changes to the testamentary provisions of the Ward's trust.

4. On February 23, 2015, the Petitioner filed a Verified Petition for Order Authorizing Guardian to Bring Annulment on Behalf of the Ward (the "Annulment Petition").

5. In the Annulment Petition, the Petitioner alleges that the Ward previously married Vita Wein but divorced in 1960. The Petitioner goes on to allege that the Ward remarried Vita Wein on August 6, 2014, when, according to the Petitioner, the Ward "had diminished capacity, was unable to consent to marriage, was suffering from a serious mental problem and was under duress to marry."

6. According to the petitions filed by the Petitioner, in the month of August 2014, the Ward's capacity and supposed mental problem came and went to the extent that, on the one hand, the Ward was unable to contract to marriage while, on the other hand, the Ward was of sound enough mind to make

*** FILED: PALM BEACH COUNTY, FL SHARON R BOCK, CLERK. 6/17/2015 9:22:50 AM ***

important revisions to his trust and meet with an attorney for the purpose of carrying out those revisions. These are evident inconsistencies and inaccuracies that the Petitioner either knew, or should have known, existed at the time the Trust Petition and Annulment Petition were filed. Furthermore, by attempting to amend the Ward's trust and dissolve the Ward's valid marriage to his wife and best friend, Vita Wein, the Petitioner is failing to act in the best interests of the Ward.

7. In addition, the Petitioner has falsely pleaded that the Ward was divorced from Vita Wein in 1960 and then lacked the requisite capacity to re-marry Vita Wein on August 6, 2014. In actuality, since their marriage in 1958, the Ward and Vita Wein have never divorced. The matrimonial ceremony on August 6, 2014, represented a renewal of the marital vows between the Ward and Vita Wein.

8. Due to the knowingly inconsistent and factually inaccurate nature of the Petitioner's claims, Vita Wein is entitled to reasonable attorney's fees for defending said claims for the benefit of the Ward.

9. Florida Statute § 57.105(1) authorizes an award of reasonable attorney's fees to be paid to the prevailing party on any claim made during a civil proceeding or action in which the court finds that the losing party or the losing party's attorney knew or should have known that a claim or defense when presented to the court was not supported by the material facts necessary to establish the claim or would not be supported by the application of then-existing law to those material facts.

10. Pursuant to Florida Statute § 57.105, Vita Wein is entitled to an award of reasonable attorney's fees if, within 21 days of being served herewith, the Petitioner refuses to withdraw or appropriately correct the Trust Petition and Annulment Petition. Furthermore, Vita Wein is entitled to reasonable attorney's fees pursuant to Florida Statute § 744.108(1) for defending for the benefit of the Ward the Petitioner's claims in this action. See Thorpe v. Myers, 67 So. 3d 338 (Fla. 2d DCA 2011).

11. Pursuant to Florida Statute § 57.105(4), this motion is brought in good faith and will not be filed with the Court until 21 days after this motion is served on the Petitioner.

WHEREFORE, Vita Wein respectfully requests that this Honorable Court enter an order granting reasonable attorney's fees to Vita Wein, to be assessed against the Petitioner, and for any further relief that the Court deems just and proper under the circumstances.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of May, 2015, a true and correct copy of the foregoing has been sent electronically to: Daniel Wein, 9717 N. New River Canal Road #410, Plantation, Florida 33324 at dwein5680@aol.com and stacywein@aol.com; Ellen S. Morris, Esq., Elder Law Associates, P.A., Attorney for the Petitioner 7284 W. Palmetto Park Road, Suite 101, Boca Raton, Florida 33433 at emorris@elderlawassociates.com, lrubin@elderlawassociates.com, and clawrence@elderlawassociates.com.

BRUCE S. ROSENWATER & ASSOCIATES, P.A.
Counsel for Vita Wein
1601 Forum Place | Suite 610
West Palm Beach, Florida 33401
T: 561.688.0991 | F: 561.688.0581
info@rosenwater.com | bsr@rosenwater.com

Bruce S. Rosenwater
Fla. Bar No. 715107
Steven C. Williams
Fla. Bar No. 99681

5-19-15

Filing # 29394372 E-Filed 07/08/2015 01:16:39 PM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000472 | Probate Division IB

IN RE: THE GUARDIANSHIP OF

ROBERT PAUL WEIN,

The Ward.
_____/

NOTICE OF FILING TRANSCRIPT OF THE DEPOSITION OF ELIZABETH SAVITT

Comes now, Vita Wein, by and through the undersigned counsel, hereby files the attached transcript consisting of Volume I from the deposition of Elizabeth Savitt taken on Tuesday, May 19, 2015, for use in all proceedings herein.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 7, 2015, a copy of the foregoing was e-filed with the Court and sent to Ellen S. Morris, Esq., Elder Law Associates, P.A., 7284 W. Palmetto Park Road, Suite 101, Boca Raton, FL 33433 by e-service at emorris@elderlawassociates.com, lrubin@elderlawassociates.com, and clawrence@elderlawassociates.com; Daniel Wein, 9717 N. New River Canal Road #410, Plantation, FL 33324 by e-service at dwein5680@aol.com and stacywein@aol.com; and Jordan L. Klingsberg, Esq., 2101 N.W. Corporate Blvd., Suite 107, Boca Raton, FL 33431 by e-service at atjklingsberg@floridatax.com.

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Bruce S. Rosenwater
Fla. Bar No. 715107

*** FILED: PALM BEACH COUNTY, FL SHARON R BOCK, CLERK. 7/8/2015 1:16:39 PM ***

5-19-15

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA
CASE NO: 50 2014 GA 000472/Probate Division IB

IN RE: THE GUARDIANSHIP OF
ROBERT PAUL WEIN,

The Ward.
_____/

CERTIFIED
COPY

Deposition of Elizabeth Savitt

(Part I)

May 19, 2015
1601 Forum Place, Suite 610
West Palm Beach, Florida 33401
11:20 a.m. - 2:00 p.m.

Reported by:
Donna L. Harshaw, Court Reporter,
Notary Public, State of Florida

APPEARANCES:

On behalf of the Petitioner:
Elder Law Associates, PA
7284 W. Palmetto Park Road, Suite 101
Boca Raton, Florida 33433
BY: ELLEN S. MORRIS, ESQUIRE

On behalf of Vita Wein:
Bruce S. Rosenwater & Associates, PA
1601 Forum Place, Suite 610
West Palm Beach, Florida 33401
BY: BRUCE S. ROSENWATER, ESQUIRE

Also present: Jody Rich

I N D E X

WITNESS: Elizabeth Savitt
Direct Examination by Mr. Rosenwater Page 5

CERTIFIED QUESTION: Page 14, Line 8

E X H I B I T S

(All exhibits retained by counsel)

Exhibit Number 1 is marked Page 7
Exhibit Number 2 is marked Page 10
Exhibit Number 3 is marked Page 11
Exhibit Number 4 is marked Page 47
Exhibit Number 5 is marked Page 69
Exhibit Numbers 6, 7, 8 & 9 marked Page 89
Exhibit Number 10 is marked Page 92
Exhibit Number 11 is marked Page 93
Exhibit Number 12 is marked Page 96
Exhibit Number 13 is marked Page 97
Exhibit Number 14 is marked Page 102
Exhibit Number 15 is marked Page 105
Exhibit Number 16 is marked Page 106
Exhibit Number 17 is marked Page 108
Exhibit Number 18 is marked Page 115
Exhibit Number 19 is marked Page 122

PROCEEDINGS

- - -

Deposition of Elizabeth Savitt, a witness, taken by Counsel for Vita Wein for the purpose of discovery and for use as evidence in the above-entitled cause, pursuant to notice heretofore filed, before DONNA HARSHAW, Notary Public in and for the State of Florida at large, at 1601 Forum Place, Suite 610, West Palm Beach, Florida, on May 19, 2015, commencing at 11:20 a.m.

- - -

Thereupon,

ELIZABETH SAVITT,

a witness named in the notice heretofore filed, being by the undersigned Notary Public first duly sworn, was examined and testified as follows:

THE WITNESS: I do.

MR. ROSENWATER: Jody Rich is here at the deposition. We're going to put on the record that she's not going to be testifying at the hearing in this matter that's set for July 22nd; is that the date?

MS. MORRIS: I take your word for it. I have to look it up on my calendar.

DIRECT EXAMINATION (ELIZABETH SAVITT)

BY MR. ROSENWATER:

Q. Please state your name.

A. Elizabeth Savitt.

Q. Ms. Savitt, can you give us your professional address?

A. 501 North Country Club Drive, Atlantis, Florida, 33462.

Q. For the record, please state your profession.

A. Professional guardian.

Q. Are you self-employed?

A. Yes.

Q. How long have you been a professional guardian?

A. Approximately six years.

Q. Did you have to take training to become a professional guardian?

A. Yes.

Q. What type of training did you have to take?

A. You have to take a course.

MS. MORRIS: Speak a little louder.

THE WITNESS: You have to take a course to be certified.

11:22:46-11:23:20 Page 6

BY MR. ROSENWATER:
Q. What is that course?
A. It's a guardianship course.
Q. How long is the course?
A. 40 hours.
Q. In how many cases have you been a professional guardian, approximately?
A. I can't tell you.
Q. More than 100?
A. No.
Q. Less than 50?
A. Yes.
Q. Less than 25?
A. Yes.
Q. Less than 15?
A. No.
Q. I don't want to put words in your mouth, but somewhere between 15 and 20?
A. Yes.
Q. Have you had your deposition taken before in any type of case?
A. Yes.
Q. You're familiar with the process, right?
A. Yes.
Q. I don't have to go over it. I'm sure you

11:23:28-11:24:27 Page 7

met with your attorney and she explained the process to you, correct?
A. Correct.
Q. Did you see the notice of taking deposition duces tecum that was prepared in this case?
A. Yes, I did.
MR. ROSENWATER: Do you need a copy, Ellen?
MS. MORRIS: No, I have it right here.
MR. ROSENWATER: Please mark this as Exhibit 1.
(Thereupon, Exhibit Number 1 is marked for identification.)
BY MR. ROSENWATER:
Q. Ms. Savitt, if you can look at page three. The beginning of the page says Schedule A. Towards the bottom of the page it says requested documents. Did you bring any documents in connection with the request to produce or the duces tecum for this deposition?
A. I did.
Q. What are those documents?
MS. MORRIS: You want to enter them as Exhibits?

11:24:45-11:26:20 Page 8

MR. ROSENWATER: Yes.
MS. MORRIS: Composites or each one?
MR. ROSENWATER: Composite.
MS. MORRIS: So why don't you just go through and tell him as you're handing each document so you get it on the record.
THE WITNESS: Okay. This is the 1960 separation agreement filed in New York City.
MS. MORRIS: That's for you.
THE WITNESS: That's his copy?
MS. MORRIS: That's his copy.
THE WITNESS: Affidavit of Eugene Kaplan.
MS. MORRIS: Dated?
THE WITNESS: Dated September 15, 2014. If I can get a copy of that, that would be great.
MS. MORRIS: I have extra copies. This can all be for him.
THE WITNESS: Affidavit of -- I'll show you this so you can spell it because I can't.
THE REPORTER: S-U-R-U-J-D-A-Y-E, second word, J-A-I-K-A-R-A-N.
MS. MORRIS: Dated?
THE WITNESS: Dated September 11, 2014. Application to marry and license to marry on

11:26:43-11:27:30 Page 9

the same page, recorded August 12, 2014. This is the same thing. The examining committee report by --
MS. MORRIS: You can give all three. Is that all right, Bruce? All three together, the three examining committee --
MR. ROSENWATER: We're going to put them all together anyway, so just identify them on the record.
BY MR. ROSENWATER:
Q. You have three examining reports?
A. Yes, examining committee reports. Do we need this?
MS. MORRIS: It's not really a document that he asked us for. You don't need that.
THE WITNESS: And this?
MR. ROSENWATER: What is that? Do I have that?
MS. MORRIS: Which?
MR. ROSENWATER: This document right here where it says --
MS. MORRIS: No, that she's giving you.
MR. ROSENWATER: Okay.
THE WITNESS: Vow renewal service from Lee County Clerk, the Palm Beach County Clerk and

11:27:52-11:28:55 Page 10

Comptroller, marriage license, and State of Florida Marriage License Guide.
BY MR. ROSENWATER:
Q. Is that everything?
MS. MORRIS: She has her billing records, which I think would be part of what you asked for. But there are -- you know, rules for production of documents at a deposition are the same as notice of production, so it was actually before the 30 days. But she's getting them to you, but she just doesn't have them for today. So we'll get them to you in the next couple of days.
MR. ROSENWATER: Madam Court Reporter, let's mark this as Composite Exhibit Number 2.
MS. MORRIS: Oh, and she brought the checkbook registry for you to copy if you want to copy the registry.
(Thereupon, Composite Exhibit Number 2 is marked for identification.)
BY MR. ROSENWATER:
Q. I've been handed checks and a checkbook registry for the guardianship account for Robert Wein, Elizabeth Savitt, guardian, at Bank of America, and the account ends in 3992.

11:29:09-11:31:49 Page 11

Is this the guardianship account that was opened on behalf of Robert Wein when you were appointed guardian in this case?
A. Yes.
Q. And the check register and the checks in here are the checks that you've written as guardian on behalf Robert Wein since you became guardian?
A. Yes.
MR. ROSENWATER: We're going to mark this as Exhibit 3, and let's go off the record for a second.
(Thereupon, Exhibit Number 3 is marked for identification, and an off-the-record discussion was had.)
BY MR. ROSENWATER:
Q. So you've provided as a composite exhibit to the deposition -- excuse me, the documents you've brought in connection with the duces tecum, I want to go through each paragraph.
Number two, all documents upon which you relied in preparation for your deposition in this action being taken on May 19, 2015, those were the Composite Exhibit 2; are those the documents that you brought?
A. Yes.

11:32:01-11:32:47 Page 12

Q. And then on Exhibit -- item three, your complete file regarding the guardianship of Robert Wein, you didn't bring that file, correct?
A. Correct.
Q. And why not?
MS. MORRIS: He's just asking if you didn't bring it, why.
So I'm going to make an objection. There's a motion for protective order filed to the whole file. She did bring certain things from her file. For instance, the checkbook, as part of her file.
MR. ROSENWATER: Was there a privilege log filed in connection with this motion for protective order?
MS. MORRIS: No, there was not because the 30 days is not up yet to file a privilege log.
BY MR. ROSENWATER:
Q. What documents do you believe to be privileged in your file?
A. Communication with my attorney.
Q. That's fine. Okay.
MS. MORRIS: That's really what there is.
BY MR. ROSENWATER:
Q. Is that the only thing other than what

11:33:01-11:34:05 Page 13

you've provided today in your file, communications between you and Ellen Morris?
A. And also estate planning documents.
Q. Estate planning documents for Robert Wein?
A. Yes.
Bank account statements.
Q. The estate planning documents that are in the file, are those the documents that were prepared by -- strike that.
There were documents that I've seen in reviewing the file that were prepared in November of 2003 in New York on behalf of Robert Wein. Do you have those documents in your file?
A. November of 2003?
Q. Excuse me, 2013.
A. 2013. Do I have the estate planning documents from 2013?
Q. Correct, in your file.
A. Yes.
Q. I have also seen documents that were prepared in August of 2014 by the Shaves, S-H-A-V-E-S, Law Firm. Are those documents in your file?
A. Yes.
Q. I've also seen a will that was prepared, I

11:34:20-11:35:01 Page 14

believe, in March of 2014. Is that in your document -- is that in your file?
A. No.
Q. Do you have any documents in your file regarding any wills or estate planning documents on behalf of Robert Wein prior to November of 2013?
A. Yes.
Q. And what documents do you have in your file?
MS. MORRIS: Objection, privileged.
MR. ROSENWATER: It's not privileged. I'm not asking -- what's the privilege?
MS. MORRIS: What are you asking for, just the title of the document?
MR. ROSENWATER: The title and the dates they were prepared. I'm not asking to produce the document.
MS. MORRIS: I actually think it is still privileged because estate planning documents, whether you have them or not, are a privileged document and not discoverable in a guardianship, so I'm going to instruct her not to answer. If you want to prepare whatever you want to prepare, but I'm going to instruct her not to answer about what other estate planning

11:35:05-11:35:49 Page 15

documents there are.
MR. ROSENWATER: We're going to certify that question.
BY MR. ROSENWATER:
Q. Where did you get these estate planning documents from? Who provided these documents to you?
A. Which ones?
Q. In your file. The documents in your file. You have a number of estate planning documents in your file. I don't know exactly what you have.
A. I'm fairly sure they came from Ellen Morris's office.
Q. Did Ellen Morris request these documents from certain individuals on your behalf?
A. I have no idea.
Q. Have you requested from any individuals any estate planning documents on behalf of Robert Wein?
A. No. I just said I got them Ellen's office.
Q. So you never asked Robert Wein for any estate planning documents?
A. No, not directly.
Q. Has he provided any document to you

11:36:06-11:37:02 Page 16

directly, Robert Wein?
A. No.
Q. How about have you asked Dan Wein for any estate planning documents?
A. I'm not sure.
Q. Do you have any correspondence or e-mails with Dan Wein that would indicate that you asked for these documents?
A. I'm not sure. I would have to look.
Q. Do you keep in your file all of the correspondence regarding this matter: e-mails, letters, telephone records?
A. E-mails.
Q. Do you have in your file any e-mails between yourself and Dan Wein?
A. Not printed, no.
Q. But so you keep them on your computer?
A. Yes, they're in my e-mail account.
Q. Why didn't you produce those today?
A. Well, because I didn't have time to go through and print all of those, and I didn't know what you were asking for --
Q. How many e-mails --
A. -- dates you were asking for.
Q. How many e-mails do you have with Dan

11:37:10-11:37:56 Page 17

Wein, approximately?
A. I have no idea.
Q. When did you start communicating with Dan Wein regarding this matter?
A. Regarding which matter?
Q. Well, we're here on behalf of the guardianship of Robert Wein.
A. We're here on behalf of --
Q. The guardianship of Robert Wein, that's the matter in which you're testifying in.
MS. MORRIS: I think she's trying to clarify if you're saying since the beginning that she was involved in the guardianship, you're asking her how many communications you have with Dan Wein?
MR. ROSENWATER: Let me clarify that question then.
BY MR. ROSENWATER:
Q. Did you have communications with Dan Wein prior to being appointed the guardian in this case?
A. No.
Q. So the first communications that you had with Dan Wein were after you were appointed guardian in the guardianship of Robert Paul Wein, case number 50 2014 GA 000472?

11:38:21-11:39:10 Page 18

A. Yes.
Q. And when were you appointed guardian?
A. October 15 -- no. Wait a minute.
MS. MORRIS: Right here.
THE WITNESS: October 15.
BY MR. ROSENWATER:
Q. 2014?
A. Yes.
Q. So any communications you've had with Dan Wein were after October 15th, 2014?
A. I believe so, yes.
Q. What type of communications do you have with Dan Wein? When I say what type of communications, what issues, what matters are you discussing with Dan Wein regarding the guardianship of Robert Wein?
A. Well, are you asking about -- I'm not clear. Are you asking about this issue, annulment, what we filed here, what we're here for today, the annulment and trust issue?
Q. No. I'm asking any issues that you may have had -- any discussions with any issue you may have had with Dan Wein regarding Robert Wein; that's the first question.
A. Okay. And the whole guardianship?

11:39:20-11:40:05 Page 19

Q. Correct.
A. So how many?
Q. No. I'm saying what type of communications have you had with them regarding what issues? We know we're talking about the trust; we're talking about annulment. Are there any other issues that you've had discussions, or e-mails, or correspondence with Dan Wein regarding the guardianship of Robert Wein?
A. Yes.
Q. For example, his welfare and care?
A. Yes. His welfare and care, yes.
Q. Can you tell me, other than his welfare and care, the trust and the annulment, are there any other issues that you've had discussions with Dan Wein?
A. Yes.
Q. What other issues have you had discussions with --
A. Financial.
Q. When you say financial, what are the financial issues that you're talking about?
A. All of his financial issues.
Q. Well, I don't know what all of his financial issues are. I know by looking at this

11:40:21-11:41:19 Page 20

there's promissory notes that are outstanding, he has certain accounts with certain banks and brokerage firms. What financial issues are you talking about when you say you had discussions with Dan Wein? You need to be a little more specific.
A. Those financial issues.
Q. Anything other than what I've discussed?
A. No.
Q. How often do you discuss this guardianship with Dan Wein? Do you speak with him on a weekly basis, daily basis?
A. Weekly.
Q. Are these via e-mail?
A. Telephone.
Q. And you have telephone records?
A. No.
Q. What number does he call when he calls you? Does he call your personal number or do you have a professional number?
A. Cell phone.
Q. What is your cell phone number?
A. 561-573-1292.
Q. Do you have e-mails between you and Dan Wein as well?
A. Uh-huh.

11:41:27-11:42:14 Page 21

Q. Is that on a weekly basis?
A. I can't tell you.
Q. Have you met with Dan Wein in person regarding this matter?
A. Yes.
Q. How many times have you met with Dan Wein?
A. By himself?
Q. Yes.
A. Once, maybe twice.
Q. Where do those meetings take place?
A. The first one was in his home.
Q. Dan Wein's home?
A. Uh-huh.
MS. MORRIS: Betsy, you have to answer yes or no.
THE WITNESS: Yes, Dan Wein's home.
BY MR. ROSENWATER:
Q. And the other meeting?
A. The other meeting was at The Colony.
Q. All of these correspondence and meetings with Dan Wein would be in your billing records, correct?
A. Correct.
Q. So you bill for each telephone call, each e-mail, and each meeting that you had with Dan

11:42:26-11:43:27 Page 22

Wein?
A. Approximately. No, I wouldn't say I bill for every telephone call because I don't bill for every telephone call.
Q. Do you indicate in your records that you had a telephone conversation with Dan Wein and maybe put no charge if you don't bill for it or --
A. Possibly.
Q. And you said you met with Dan Wein on two occasions personally. Have you met with Dan Wein with other individuals present?
A. Yes.
Q. How many times have you met with Dan Wein with other individuals present? And for each meeting, please identify who was present at the meeting. So if you can start with going back to the best of your memory from October 15, 2014 forward, the meetings that you had with Dan Wein and any other individuals, and who was present, and approximately the date, if you can tell me.
A. Well, I met Dan Wein at the courthouse during the hearing.
Q. Was that in October of 2014?
A. Uh-huh.
MS. MORRIS: Yes or no?

11:43:30-11:44:13 Page 23

THE WITNESS: Yes.
BY MR. ROSENWATER:
Q. And is that the first time you met Dan Wein?
A. I believe so.
Q. Who was present at that meeting?
A. All of the attorneys on the case. All of the interested parties.
Q. Did you speak with Dan Wein at that time?
A. Yes, I was introduced to him.
Q. That's the extent of your discussions with him?
A. Probably.
Q. The next time?
A. I'm just not exactly sure without looking at my records. I know for sure I met him at his home.
Q. Who was present at his home when you met him?
A. His wife.
Q. Do you know her name?
A. I do not.
Q. Was anyone else present?
A. No.
Q. Any other meetings with any other

11:44:32-11:45:33 Page 24

individuals with Dan Wein and yourself?
A. Yes. I met with Dan and Robert and Vita.
Q. When was that?
A. That would have been at The Colony.
Q. Do you know when that was, approximately?
A. No.
Q. Was it prior to January of 2015?
A. I can't remember the date he moved into The Colony. I can find out.
Q. When you met with Dan and Robert and Vita at The Colony, what was discussed at that meeting?
A. The food, the conditions of The Colony, Robert's care, Vita's clothes, necessities.
Q. Was that recently that you had a meeting with him at the Colony to discuss Robert's food and care?
A. Well, you were talking about the first meeting?
Q. Right. And that's what you discussed at the first meeting, regarding his food and care?
A. Yes.
Q. Then when was the next meeting that you had with Dan Wein and anyone else?
A. I had multiple meetings at The Colony with Robert, Dan, Vita, also The Colony staff, The

11:45:48-11:46:44 Page 25

Colony nurses.
Q. And all of these meetings would be reflected in your billing records?
A. Yes.
Q. And your billing records would reflect, for example, that October 15, 2014 you met with Robert, Vita, Dan --
A. October 15th was the trial.
Q. I'm just using as an example.
A. Right.
Q. That you met with those three individuals at The Colony, we discussed A, B, C, and D, and I was there for travel for two and a half hours, is that how your billing records are set up?
MS. MORRIS: Objection, compound.
MR. ROSENWATER: I can break it down one by one.
MS. MORRIS: Well, only because I think it's confusing for her to answer it, and I'm not sure that her billing records do include all of that. So if you want to break it down?
BY MR. ROSENWATER:
Q. Why don't we do this: As a hypothetical, you met with Dan and Vita and Bob at The Colony on such and such date, what would your billing records

11:47:02-11:47:39 Page 26

reflect for that meeting?
A. That I met with Dan, Vita, Robert at The Colony. It might reflect an issue that was going on at the time.
Q. It may reflect an issue or may not?
A. Correct.
Q. So you don't put that I met with those three individuals and we discussed Robert's food, health?
A. Let me be repetative, because every time I go there I'm obviously discussing his food, health --
Q. But for your records --
A. -- his needs.
Q. -- each time you would identify who you met with?
A. Yes.
Q. And would it reflect something that you discussed?
A. Yes.
Q. And would you put down the date of the meeting?
A. Yes.
Q. And would you put down how long you were at the meeting?

11:47:53-11:49:05 Page 27

A. Approximately.
Q. Is there anything else that your billing records would reflect for that meeting?
A. Probably not.
Q. So you've met -- you've had multiple meetings with Robert and Dan and Vita at The Colony. Have you had any other meetings with Dan outside The Colony other than the October 15, 2014 meeting at the courthouse?
A. I met Dan at the -- outside of the office of Ellen Morris.
Q. When was this?
A. I don't have the date.
Q. Was it recent?
A. April.
Q. That was last month, wasn't it?
A. Yes.
Q. Did you contact Dan to meet you at Ellen Morris's office in April?
A. Yes.
Q. Was there a meeting with the three of you? What I mean the three, Ellen Morris, yourself, and Dan Wein, were you meeting together at Ms. Morris's office?
A. Yes.

11:49:18-11:50:24 Page 28

Q. What was discussed at this meeting?
A. I would --
MS. MORRIS: It's not privileged because Dan was present, so you can tell them.
THE WITNESS: Okay. The marriage.
BY MR. ROSENWATER:
Q. The marriage of Robert Wein and Vita Wein?
A. Yes.
Q. What else?
A. The trust petition, that's it.
Q. Did you ask Dan Wein to meet with you at Ellen Morris's office?
A. Yes.
Q. What was discussed regarding the marriage of Vita and Robert Wein at this meeting at Ellen Morris's office in April?
A. Basically the marriage, when it took place, any information that he had.
Q. When did Dan Wein say the marriage took place?
A. I don't remember exactly, but I have it here.
Q. Oh, you're asking about the new marriage or the original marriage? Isn't this the -- can I look at this? You were pointing to the marriage

11:50:38-11:51:50 Page 29

certificate of the marriage that took place in August of 2014. Is that the marriage you were discussing with Dan?
A. Yes.
Q. So what did you discuss with Dan regarding the August of 2014 marriage between Robert and Vita Wein?
A. Robert's intention to marry, Robert's intentions.
Q. What did Dan Wein say about Robert's intention to marry in August of 2014?
A. I don't remember exactly.
Q. Did he have any discussions with Robert regarding him marrying Vita in 2014? Did Dan indicate to you that he had any discussions with Robert regarding his intent to marry Vita prior to the marriage in August of 2014?
A. I'm not sure.
Q. Do you recall anything that he said regarding this marriage of August of 2014?
A. That he wasn't made aware of it, that he wasn't contacted, that he wasn't made aware of it until after it took place.
Q. Did he tell you if he was having any -- was he on speaking terms with Robert Wein in August

11:52:04-11:53:08 Page 30

of 2014; did he indicate to you that?
A. I don't recall.
Q. Any other discussions regarding the August of 2014 marriage?
A. No.
Q. Did you have any discussions with Dan regarding Robert and Vita's marriage that took place, I believe, in 1958?
A. I'm sure it was mentioned.
Q. Were there any discussions regarding that?
A. I don't remember.
Q. Did Dan Wein ever provide to you any documentation regarding, I'll call it, the initial marriage between Dan and Vita that took place? And I believe it was 1958. If I'm wrong, I'm wrong. But somewhere in the late '50s. Did he provide you any documentation regarding that marriage?
A. No, I don't believe so.
Q. Did he tell you anything about that marriage?
A. Yes.
Q. What did he tell you about that marriage?
A. That they married and had a son.
Q. The son's name was Larry?
A. Larry.

11:53:18-11:54:14 Page 31

Q. What is Larry's date of birth; do you know?
A. I do not have that with me.
Q. What else did he say about that marriage, the initial marriage?
A. I don't recall anything else.
Q. And as part of the documents that you brought today that were marked as Composite Exhibit 2, you brought to the deposition we'll call it a -- you called it a separation agreement. It says agreement that was entered the 27th of September, 1960 between Vita Wein and Robert Wein. Where did you get this document?
A. That I got from Dan. I actually got it from -- I got it from Dan.
Q. When did Dan Wein provide that document to you?
A. I'm not sure.
Q. Has he ever provided to you any type of final judgment of dissolution of marriage in connection with this marital settlement agreement?
A. No.
Q. Do you have a copy of the final judgment of dissolution of marriage?
A. No.

11:54:27-11:55:40 Page 32

Q. Have you ever seen a copy of the final judgement of dissolution of marriage?
A. No.
Q. Do you have any records that indicate that the parties were divorced in 1960?
A. No.
Q. Have you researched any of the counties in New York or New Jersey whether there was a final judgment of dissolution of marriage that was entered into in 1960 between -- dissolving the marriage of Vita Wein and Robert Wein?
A. No.
Q. Did Dan Wein provided you with any other documentation regarding the initial marriage of Dan and Vita Wein other than this marital settlement agreement?
A. No.
Q. Did Dan Wein tell you where he obtained this marital settlement agreement from?
A. No.
Q. Did you ask him where he got it from?
A. I don't think so.
Q. At this meeting at Ellen Morris's office in April, was there anything else discussed regarding the initial marriage?

11:56:01-11:57:00 Page 33

A. Not that I recall.
Q. And the only three people present at this meeting were you, Ellen, and Dan Wein?
A. And Stacy.
Q. So Stacy was present at this meeting?
A. Stacy.
Q. Why was Stacy Wein at this meeting?
A. I think she drove him.
Q. She was physically in the office with you and Dan and Ellen; she was present at the meeting?
A. For a short time, yes.
Q. Not the whole meeting?
A. No.
Q. Have you had any other meetings with Stacy Wein other than this meeting?
A. No.
Q. Have you had any telephone conversations with Stacy Wein?
A. A couple.
Q. Who initiated those calls?
A. I don't remember.
Q. What was the subject matter of those conversations?
A. Updates about Robert's son Larry.
Q. At this meeting that took place in April,

11:57:12-11:58:10 Page 34

now, you said that Stacy was there. Was anyone else at the meeting?
A. No.
Q. Robert was not present at this meeting?
A. Yes, he was there.
Q. You didn't say Robert.
A. Oh, I'm sorry.
Q. So there was Vita?
A. No.
Q. Excuse me. There was Robert, Dan, Stacy, Ellen, and yourself at the meeting?
A. Correct.
Q. No one else, right?
A. Correct.
Q. Did you ask Robert at this meeting about his marriage to Vita in August of 2014, the marriage of 2014?
A. Say that again.
Q. The question was poorly worded, so I'll restate it.
At the meeting that you had at your office in April, did you inquire of Robert why he married Vita in August of 2014?
A. Well, not with all of those people present, no.

11:58:33-11:59:21 Page 35

Q. Did Robert say anything at this meeting that you had in April of 2014?
A. Did he say anything? Yes.
Q. What did he say at this meeting?
A. Well, there were two meetings. One was with him alone, and he spoke at that meeting.
Q. So in April of 2014, prior to meeting with everyone, you met with Robert?
A. Yes.
Q. And was Ellen present at that meeting?
A. Yes.
Q. So prior to the five of you meeting, you had a meeting with Robert and yourself and Ellen?
A. Yes.
Q. What was discussed at that meeting?
MS. MORRIS: Objection, attorney/client privilege.
BY MR. ROSENWATER:
Q. How long did you meet with Robert and Ellen prior to that meeting?
A. I don't recall. I'd have to check my notes.
Q. Was Robert coherent?
A. Yes.
Q. Did Robert at that meeting state his

11:59:35-12:00:16 Page 36

intentions regarding that August of 2014 marriage?
MS. MORRIS: Objection, attorney/client privilege.
MR. ROSENWATER: I'm not asking what he said.
MS. MORRIS: The question does ask basically what he said, whether or not he stated his intention. If you want to say did he say anything, you know, yes or no, but stating an intention today --
MR. ROSENWATER: I'm only asking for a yes or no answer.
BY MR. ROSENWATER:
Q. Did Robert discuss with you his intentions regarding the August of 2014 marriage? And I'm not asking you what he said that calls for a yes or no answer.
A. So am I supposed to answer yes or no?
MS. MORRIS: Yes.
MR. ROSENWATER: Yes or no.
THE WITNESS: Did he speak about his --
BY MR. ROSENWATER:
Q. Intentions regarding the August of 2014 marriage?
A. Yes.

12:00:35-12:01:43 Page 37

Q. Did you have discussions prior to your meeting with everyone with Robert regarding his trust documents?
MS. MORRIS: Yes, no answer. You can answer.
THE WITNESS: Yes.
BY MR. ROSENWATER:
Q. And this meeting again was April of 2014, correct?
A. Yes.
Q. Prior to April of 2014 --
MS. MORRIS: You mean April of 2015?
MR. ROSENWATER: '15, excuse me. I wrote down April, 2014. I'm looking at it.
BY MR. ROSENWATER:
Q. Prior to the meeting of April of 2015, did you have any meetings with Bob -- we'll call him Bob -- Bob, Dan, Ellen, Stacy at Ellen's offices?
A. In February.
MS. MORRIS: Listen to the question.
Can you repeat the question one more time?
BY MR. ROSENWATER:
Q. Prior to the meeting of April of 2015 that you had at Ellen's office with Bob, Dan, Stacy, Ellen, and yourself, did you have any other

12:01:59-12:02:32 Page 38

meetings with Bob or any other individuals at Ellen Morris's offices?
A. I had a meeting with Bob at Ellen Morris's office in February.
Q. So in February of 2015 you met with Bob at Ellen Morris's office?
A. Yes.
Q. And at that meeting was anyone else present?
A. Ellen and myself.
Q. Was Dan Wein there?
A. No.
Q. How did Bob get to those offices in February of 2015?
A. He was driven.
Q. By who?
A. By Dan.
Q. But he wasn't part of the meeting?
A. No.
Q. He didn't participate in the meeting whatsoever?
A. No.
Q. After you met with Bob on that day, did you meet with Dan Wein?
A. I spoke to him, yes.

12:02:41-12:03:41 Page 39

Q. When you spoke to him, was that in the presence of Ellen?
A. No.
Q. So you spoke with Dan Wein in February of 2015. What did you speak to him about?
A. Bob.
Q. When you say Bob, were you talking about the marriage and the trust documents?
A. No. We were speaking about his care.
Q. At The Colony?
A. No, at Ellen's when he was leaving.
Q. I'm talking about the care at The Colony.
A. No, just his medical conditions in general.
Q. Other than the February and April meetings at Ellen Morris's office, did you have any other meetings with Bob and Ellen?
A. No.
Q. Did you have any meetings with Bob outside -- other than at The Colony, outside Ellen Morris's office and The Colony, have you had meetings with Bob Wein?
A. No.
Q. Have you had any meetings with --
A. Well, I take that back. I met with Bob

12:03:53-12:05:00 Page 40

early on at his apartment.
Q. At his apartment in Delray?
A. Yes.
Q. And who was present at that meeting?
A. Vita -- well, I had a couple of meetings there.
Q. These were after October of 2015?
A. Uh-huh.
Q. So you had a couple of meetings at Bob's apartment in Delray with Bob and Vita?
A. Bob and Vita and the caretaker.
Q. That was Delores Bryan?
A. Delores.
Q. What was discussed at these meetings?
A. Everything. His guardianship, the beginning of the guardianship.
Q. Did you discuss his marriage to Vita at those meetings?
A. I was present when Mitch Kitroser was there.
Q. Was this on one of the two visits you were there or was that an additional visit?
A. I don't -- I'd have to look and see how many times I visited there. I was there more than twice.

12:05:07-12:05:55 Page 41

Q. So you were present when Mitch Kitroser was there meeting with Bob?
A. Uh-huh.
MS. MORRIS: Yes or no?
THE WITNESS: Yes.
BY MR. ROSENWATER:
Q. And you were present when Mitch was questioning Bob?
A. Yes, discussing.
Q. Was Mitch discussing with Bob his marriage to Vita in August of 2014?
A. I don't recall.
Q. Was Mitch discussing with Bob the trust documents that he executed, I believe, in August of 2014?
A. He may have.
Q. What do you recall of the conversation that Mitch had with Bob?
A. You know, that it was general.
Q. When you say general, was he asking how he's doing?
A. Yes.
Q. How's his care?
A. He's doing -- explaining to him that he was now under guardianship, et cetera. Actually,

12:06:10-12:07:10 Page 42

this was -- well, I have to look at the file.
Q. You don't have the file with you?
A. I mean, I have to look at my billing to see when that meeting was.
Q. We're talking about the meeting at the Delray condo?
A. Right. I don't know exactly when it was, so...
Q. Other than the couple of meetings in Delray, the meetings you had at Ellen Morris's office, the meeting that you had at The Colony that you referenced earlier, have you had any other meetings with Bob Wein? Has Bob been to your office --
A. No.
Q. -- in Atlantis?
A. No.
Q. So the only times that you've met with Bob have been at Ellen Morris's office on two occasions, two occasions at his apartment or condo in Delray?
A. No, there was more than two occasions.
Q. How many?
A. I don't know. I have to check my notes.
Q. Was it more than five?

12:07:13-12:07:56 Page 43

A. I don't know.
Q. At any of those meetings in Delray at his residence, was the trust or the marriage discussed at any of those meetings?
A. I don't remember.
Q. Your notes would reflect that, your billing records?
A. Possibly.
Q. You also met with Bob, I believe, at Dan's residence in Plantation, correct?
A. No.
Q. No?
A. No.
Q. So the only times that you met with him outside of The Colony were the two times at Ellen Morris's office and how many other times your notes would reflect at his residence in Delray?
A. Correct.
Q. There's been no other places? Not at a doctor's office?
A. No.
Q. How many times have you been to The Colony?
A. I would have to look.
Q. Do you know approximately? Did you review

12:08:06-12:09:06 Page 44

your records, your notes, before today's deposition?
A. I just don't remember how many times I've been to The Colony.
Q. Do you have a schedule that you go once a week, or twice a week, twice a month? I mean, do you have a routine that you go down there?
A. No. There is not a schedule, no.
Q. What is the reason that you would go down to The Colony? Say, for example, say you don't have a schedule, so what would -- why would you go to The Colony? For example, if you wanted to go to The Colony this month, what would be the basis to go down there; just to check on his welfare?
A. Yes.
Q. Do you do that on a monthly basis, or a weekly basis, or just however you feel?
A. Correct.
Q. Well, weekly, monthly, however you feel?
A. Well, whenever there's a reason.
Q. Whenever there's a reason. Is that because someone contacts you?
A. Could be someone from The Colony, yes.
Q. So there's individuals at The Colony that contact you because you're the professional

12:09:17-12:10:01 Page 45

guardian for Robert Wein, and they call you up and say can you come down and visit Bob because I think there's a problem?
A. That could be a reason.
Q. Well, has that happened?
A. There's been issues.
Q. What issues have there been? It's going to take a lot longer because you don't want to divulge any information, so I could be --
A. You know, to be honest with you, The Colony, you know, has called a couple of times that he's run out of money, let's say, in his account.
Q. Aren't you monitoring his account? Do you have control over his finances?
A. No. No. No. This is his little cash account at The Colony.
Q. Well, do you replenish the cash account?
A. Yes.
Q. And what is this, like a petty cash account?
A. Yes.
Q. And it's used for what, little things that they buy at The Colony?
A. Yes.

12:10:11-12:10:58 Page 46

Q. So The Colony contacts you and tells you that Bob needs more money in his petty cash account?
A. Yes.
Q. What else do they call you about?
MS. MORRIS: Let me object. Don't you have a sheet from The Colony, the petty cash that you were supposed to give Mr. Rosenwater?
THE WITNESS: Yes.
MS. MORRIS: That should be part of the composite.
THE WITNESS: I'm going to need a copy of that.
BY MR. ROSENWATER:
Q. So this is a resident account log, and it's for Robert and Vita Wein. Is this something that's prepared by The Colony?
A. Yes.
Q. And does The Colony provide you with a copy of this on a weekly basis, monthly basis, or do you have to request this? And I know this is compound, but little matters like this --
A. I requested it.
Q. So you requested to see what type of monies and services he was being provided?

12:11:36-12:12:09 Page 47

A. Yes.
MR. ROSENWATER: We're going to make this Exhibit 4.
(Thereupon, Exhibit Number 4 is marked for identification.)
BY MR. ROSENWATER:
Q. What else has The Colony contacted you about?
A. Any emergencies that have taken place.
Q. What emergencies have taken place?
A. He went to the hospital.
Q. When?
A. I don't have the date.
Q. Anything else that they've contacted you about?
A. Billing.
Q. When you say billing, what bills needs to be paid?
A. Billing issues.
Q. What type of billing issues have there been?
A. Questions about bills that they have.
Q. Have you had discussions with them regarding the food that they serve him?
A. Yes.

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Q. His diet?
A. Yes.
Q. Did anyone bring those issues to your attention?
A. Yes.
Q. Who was that?
A. I spoke with the assisant director.
Q. When was this?
A. I've spoken to her a few times.
Q. Did Bob ever discuss with you that he didn't like the food or he was having issues with the food?
A. He spoke to me about the food.
Q. Have you had any discussions with Vita regarding Bob?
A. Yes.
Q. Do you meet with -- every time you go down to The Colony to visit Bob, do you meet with Vita?
A. Not every time, no.
Q. Do you think Bob loves Vita?
A. I can't say.
Q. Have you seen them together?
A. Yes.
Q. Do they appear to interact well together?
A. No.

12:13:20-12:14:12 Page 49

Q. No?
A. No.
Q. What is your impression of the relationship of Bob and Vita?
A. What is my impression?
Q. Yes. Because you said they don't interact well together, so I'm just asking what do you base your opinion on?
A. I don't see them ever communicating about anything.
Q. This is based upon what, your meetings with Bob?
A. Yes.
Q. And Vita is present at those meetings?
A. Sometimes.
Q. When you say they don't communicate about anything, are you questioning Bob at these meetings? Is there anything for her to communicate about? I'm just trying to find out what is your basis that they don't communicate. What would she communicate about during your presence, while you're there with Bob and Vita?
A. What is Vita communicating about?
Q. No. What would she communicate with Bob while you were there? Because you're saying you

12:14:20-12:15:01 Page 50

don't see them communicate. I mean, when you go there how long do you meet with Bob and Vita or Bob?
A. It varies.
Q. When you say varies, give me the shortest visit. What is the shortest visit you've been there for?
A. Oh, at least -- directly in front of Bob or at the facility?
Q. Directly in front of Bob.
A. The shortest was maybe 20 minutes, half an hour.
Q. What is the longest?
A. An hour.
Q. During those meetings is Vita present the whole time?
A. No.
Q. During those meetings on an average how long is she present during the period of time that you're with Bob?
A. It varies.
MS. MORRIS: Let me take a minute and talk to my client. I think it'll help you.
MR. ROSENWATER: All right.
(Thereupon, a brief recess was had.)

12:17:54-12:18:58 Page 51

MS. MORRIS: Ask your last question again.
MR. ROSENWATER: Can you repeat my last question?
(Thereupon, the last question and answer were read back.)
MS. MORRIS: I thought that was -- maybe it was two questions before. You asked her a question about how she formed the opinion that they don't appear to interact well together, I think, right? So she can answer that without -- so it's not pulling teeth and be a little bit more descriptive in her answer.
THE WITNESS: All right. Okay. Bob is usually laying in bed, or in the hallway, or in the dining room when I'm there and Vita is not in the same room with him. When I ask Vita questions, she'll speak to me and answer. She gives me very little information. She does not offer information about Bob, doesn't offer or want to speak to me about his health issues at all, has never brought up anything other than his preference on the dessert menu. She elaborated at our last meeting on what he had for breakfast and that he eats a good breakfast, but I've never seen them communicate

12:19:05-12:20:01 Page 52

one word to each other in all of the times that I have been there directly to each other about anything.
BY MR. ROSENWATER:
Q. Have you asked any of the staff, or nurses, or aides at The Colony regarding Bob and Vita's relationship, how they interact together?
A. I have.
Q. Who did you discuss that with?
A. Lonnie at the front desk.
Q. What did Lonnie tell you?
A. He says they come and go separately.
Q. What do you mean come and go separately? Do they eat in the dining room together?
A. They are sometimes at the same table, but they don't go at the same time.
Q. Do they reside in the same room?
A. Yes.
Q. Do they stay in the same bed, sleep in the same bed?
A. They have one large bed, yes.
Q. This is an assisted living facility?
A. Yes.
Q. So it's not like -- is it more of a -- I haven't been there, so I don't know. It's more

12:20:10-12:20:59 Page 53

than one room, right? There's a living room or --
A. There's two rooms.
Q. It's more like a small apartment versus a hospital room?
A. Yes.
Q. And there's a lot of privacy, correct? The nurses don't come unless they're summoned? It's not like in a nursing home where they might come by every hour to check on --
A. It's not like a nursing home, but it's more than -- but it's not completely private.
Q. How many times have you spoken with Vita?
A. With who?
Q. With Vita.
A. Oh, I don't know.
Q. Do you think Vita is intimidated by you?
A. I have no idea.
Q. Well, she knows that you filed a petition to annul the marriage, correct?
A. Correct.
Q. And a petition to amend the trust?
A. Correct.
MS. MORRIS: Objection, outside the witness's knowledge as to what Vita knows.
BY MR. ROSENWATER:

12:21:23-12:22:05 Page 54

Q. She was served with a copy of these documents, right, by Ellen Morris, correct?
A. Recently, I believe.
Q. Did you have any discussions with Vita that you intended to annul the marriage between her and Dan -- I mean between her and Bob? Excuse me.
A. No.
Q. Did you have any discussions with her regarding Bob's trust documents?
A. No.
Q. You know Jody Rich, correct?
A. Yes.
Q. You know that Jody has the power of attorney on behalf of Vita Wein, correct?
A. I believe I'm aware of that.
Q. Have you been provided with a copy of the power of attorney?
A. No.
Q. But you've had discussions with Jody Rich regarding Bob and Vita, correct?
A. Yes.
Q. Did you have any discussions with Jody regarding annulling the marriage of Bob and Vita?
A. I don't think so.
Q. That's never been discussed at any time

12:22:19-12:23:47 Page 55

between you and Jody?
A. I don't think so, no.
Q. Have you had discussions with Jody regarding Vita's health insurance?
A. Yes.
Q. When did those discussions take place?
A. I'm not sure.
Q. Do you know what was discussed regarding Vita's health insurance?
A. I'm trying to recall. I think I asked her if Vita had health insurance, and I know we discussed that she was on Medicaid at some point and Medicare.
Q. Bob and Vita are legally married, correct?
A. Correct.
Q. And Bob has an obligation to support his wife; is that true?
A. I'm not entirely sure.
Q. And as long as Bob and Vita are legally married, you have to pay for expenses in connection with Vita relating to the marriage, correct?
A. Possibly.
Q. Well, are you doing that right now? Are you paying for expenses relating to Vita?
A. Yes.

12:24:06-12:25:13 Page 56

Q. What expenses are you paying for?
A. Her room and board at The Colony, which I have Colony bills. These are some of Vita's expenses.
Q. On a monthly basis how much is that, approximately?
A. $3,100 for the room because she was upgraded to a higher level of care. It started out being $2,900, and she was upgraded to a higher level of care. So now it's $3,100 -- actually, that will be reflected in this billing. You have a copy of it there. Yes, $3,100.
Q. And they charge an additional amount for Bob?
A. Yes. Bob is $3,400.
Q. So you pay The Colony $6,500 a month for room and board for Vita and Bob?
A. Yes.
Q. What else do you pay on behalf of Vita Wein?
A. Other bills that come in.
Q. Are there bills that you refuse to pay?
A. We've paid all of the bills from The Colony that they have sent us.
Q. Has Bob ever spoken to you complaining

12:25:34-12:26:21 Page 57

about you paying Vita's bills?
A. Sometimes.
Q. How is that conversation initiated? Does Bob say -- does Bob know your name?
A. Yes.
Q. What does he call you?
A. He calls me Elizabeth.
Q. Does he know your last name?
A. I don't know.
Q. Does he ever pick up the phone and contact you?
A. Yes.
Q. How often does he call you?
A. Not very often.
Q. When was the last time he called you?
A. A couple of weeks ago.
Q. He called you, and what did he say?
A. He wanted to know if I had his driver license for safekeeping -- I mean his wallet with his driver license -- not his driver license, his ID, I'm sorry.
Q. Do you?
A. I did.
Q. What did he want his wallet and ID for; did he tell you?

12:26:34-12:27:16 Page 58

A. He wanted to know if I had it because he didn't have it.
Q. Has Bob ever called you and said I don't want you to pay for Vita?
A. On the phone?
Q. Yes.
A. No.
Q. Has he told you that in person?
A. Yes.
Q. Did he bring that up or did you bring it up to him?
A. I asked him.
Q. You said, Bob, would you like me to continue to pay for Vita's expenses?
A. Yes.
Q. And he said no?
A. He had a couple of different answers.
Q. What did he say? I need to know all of his answers.
A. In the beginning of the guardianship he said that he did want to continue to pay her expenses.
Q. Did or did not?
A. He did want to continue paying her expenses, and later he said he didn't want to

12:27:37-12:28:30 Page 59

continue paying her expense.
Q. When you say later, is that recently like in the last month?
A. It was after the problems with Larry.
Q. Let's go into that. Larry is his son and Vita's son, correct?
A. Yes.
Q. How did you become aware of Larry?
A. I think the first description was from Dan at the original meeting at Dan's house.
Q. At that meeting I believe you spoke -- I think you said, and if I'm wrong, tell me, but I thought you said that at that meeting Dan and his wife was present?
A. Dan and his wife. His wife was in the home.
Q. What is his wife's name?
A. I don't recall. I think it's Judy.
Q. When was this meeting?
A. Very early on.
Q. Did Dan say there's an issue with Larry, or how did Larry come up?
A. He was describing Larry.
Q. Anything else?
A. He actually played me a couple of phone

12:28:45-12:29:27 Page 60

messages from Larry so I would get the gist of his personality issues.
Q. So what are his personality issues, Larry?
A. He's possibly schitzophrenic, possibly bipolar.
Q. During these phone conversations was Larry threatening anyone? What was he saying?
A. He was completely lucid in one phone conversation, and another phone conversation he was yelling and screaming.
Q. At Dan?
A. He was making up stories, yes. I don't know if it was at Dan or not, but he was yelling and screaming.
Q. Have you been informed by The Colony whether Larry has called The Colony?
A. Yes.
Q. How often does Larry call The Colony?
A. At some point quite often.
Q. And they wanted to get an injunction; is that correct?
A. They did make a police report.
Q. And Larry's calling threatening and making threats and --
A. Yes.

12:29:36-12:30:22 Page 61

Q. Is he threatening to blow up The Colony?
A. I haven't heard that one.
Q. Does he have your phone number?
A. No.
Q. Do you know if he's ever contacted Jody Rich?
A. Larry?
Q. Larry, yes.
A. I'm not aware.
Q. Do you know if Larry has contacted Vita and Bob directly and threatened them?
A. I know they've received phone calls from him.
Q. Did you ask Bob about the phone calls?
A. Yes.
Q. What did Bob tell you about the phone calls?
A. He tells me how difficult Larry is.
Q. Did he ever say that Bob threatened to kill him or Vita?
A. Bob threatened?
Q. Excuse me.
A. Larry threatened to kill --
Q. All these names are getting --
A. Yes. He never mentioned that.

12:30:39-12:31:42 Page 62

Q. So somehow, somewhere you became aware of Larry?
A. Yes.
Q. And you somehow, somewhere you were aware that Larry was being evicted from his residence?
A. Yes.
Q. How did you become aware of that?
A. I'm going to guess that Dan told me.
Q. What did Dan tell you about Larry being evicted?
A. That he was being evicted.
Q. And you talked to Bob about that?
A. I talked to Bob and Vita about that.
Q. What did Vita tell you?
A. She wouldn't speak -- well, many -- every time I saw her I talked about that. She refused to speak about it one time. Another time she said I can't talk, I'm not allowed to talk to you about it. Another time she said I'm not evicting him, I'm not evicting him and I'm allowing him to stay there, so...
Q. Why does Larry concern you regarding your role as a guardian for Robert Wein, because Robert Wein --
A. Through direct conversations with Bob.

12:32:22-12:33:05 Page 63

Q. So what did Robert tell you regarding Larry's eviction?
A. He asked me to talk to Vita about it.
Q. He must have said more than that. Talk to Vita about what? Did he express what he wanted or his concerns?
A. Yes. He wanted Larry to not be evicted.
Q. Who owned the residence that Larry was residing in?
A. At that time I thought it was Vita.
Q. And Bob had no interest in that residence, correct?
A. I'm not sure.
Q. And Robert is what, approximately? Excuse me, Larry is approximately 50, 55 years old?
A. Yes.
Q. He's an adult, correct?
A. Yes.
Q. Was Robert paying for any of Larry's expenses?
A. When?
Q. During any time during prior to the guardianship.
A. I'm not aware of what he paid and didn't pay specifically.

12:33:27-12:34:13 Page 64

Q. Are you aware that Larry received from Dan Wein $250,000 from Robert's monies at some point?
A. I was told that Bob had already given Larry some money in the 200 range.
Q. 200,000?
A. $200,000 range, right?
Q. So he had plenty of money to take care of himself, correct?
MS. MORRIS: Objection, leading.
BY MR. ROSENWATER:
Q. You can answer the question.
A. I don't know Larry's circumstance. I know that he doesn't work.
Q. Have you had discussions with Larry regarding the eviction? Did you call Larry?
A. No.
Q. You had discussions with Jody Rich regarding Larry's eviction, correct?
A. Yes.
Q. What were your discussions with Jody regarding the eviction?
A. I'm not sure exactly. I think it was a text.
Q. Were you billing Bob for your time on this issue for your guardianship billing?

12:34:23-12:35:11 Page 65

A. I don't think so.
Q. Did you ever spend any of Bob's monies for this eviction?
A. Yes.
Q. What did you spend?
A. It's in the checkbook, but 1,000.
Q. For what?
A. I think it was 1,000 for the attorney.
Q. So you hired an attorney on -- Bob asked you to hire an attorney on behalf of Larry's behalf?
A. Yes.
Q. What did Bob tell you?
A. He said he wanted to help Larry.
Q. What was the purpose of hiring the attorney?
A. He wanted to help Larry in the eviction.
Q. Did you find the attorney?
A. I did not.
Q. Who found the attorney?
A. Stacy Wein.
Q. Did you have discussions with Stacy Wein about retaining an attorney in New Jersey for Larry Wein?
A. Yes.

12:35:23-12:36:24 Page 66

Q. So you contacted Stacy and told her to find an attorney in New Jersey for Larry?
A. Yes.
Q. What other conversations have you had with Stacy Wein regarding Larry Wein?
A. I received some texts from Stacy on updates during this process.
Q. Updates on the eviction proceeding?
A. Yes.
Q. Do you know where Larry Wein is residing now?
A. I do not.
Q. Does Bob know?
A. I believe he does, yes. I mean, when you say do I know, I've been told, but I can't tell you. I don't know the address.
Q. You've been told where he resides?
A. Yes.
Q. And you can't tell me why?
A. I can't tell you what?
Q. You can't tell me why where he resides?
A. Dan -- the last time I was at The Colony Dan told both Bob and I that Larry had found another apartment.
Q. And not to tell anyone in connection with

12:36:34-12:37:33 Page 67

Vita Wein?
A. And what?
Q. And not to tell anyone in connection with -- I thought you told me you know where he resides, but you can't tell me?
A. No. No. No. I just don't know -- -
Q. Oh, you don't know where, okay.
A. He found another apartment. I can't tell you where it is. I don't know where it is. I don't know where he found another apartment. It could be New York or New Jersey; I don't know. I don't speak directly to Larry.
Q. Do you know who found him an apartment; was it Dan and Stacy?
A. That I don't know.
Q. Other than the issue of Larry Wein, how many other conversations have you had with Stacy Wein?
A. I don't recall.
Q. Why are you communicating with Stacy Wein?
A. I don't recall other conversations.
Q. Oh, you don't recall. I don't understand how you answer. I don't know you, so I --
A. I don't recall other conversations with Stacy. I'm just trying to think of any other

12:37:45-12:38:28 Page 68

issues I may have talked to Stacy about, and I can't think of any at this point.
Q. Did you ever see Stacy at any court proceedings involving Bob Wein?
A. Yes, at the guardianship.
Q. What, one time or --
A. Yes.
Q. What was your impression of Stacy at that hearing? Did you form any impression?
A. No.
Q. Did you see her get into any type of altercation at that hearing?
A. No.
Q. You didn't see the bailiffs remove her from the hallway?
A. No.
Q. Does Stacy Wein visit Bob Wein?
A. I don't know.
Q. Have you ever asked Bob if Stacy ever comes by?
A. No.
Q. Are you aware that she was recently arrested?
A. No.
Q. So, other than seeing Stacy Wein at the

12:40:04-12:42:08 Page 69

courthouse and at Ellen Morris's office, you've never met with her?
A. At the courthouse and Ellen Morris's office, that's it.
You know what, I think I recall Jody sending me a text that Stacy was arrested.
Q. Was that recently?
A. Yeah, I think it was.
Q. Have you seen the motion for protective order that Ellen Morris filed regarding the duces tecum that we served you for this deposition?
A. Yes.
(Thereupon, Exhibit Number 5 is marked for identification.)
BY MR. ROSENWATER:
Q. I'm showing you or I handed you the verified petition for order authorizing guardian to amend ward's trust. Are you familiar with that document?
A. Yes.
Q. This document was prepared on February -- or dated February 22nd, 2015, and you signed it. Is that your signature on the last page?
A. Yes.
Q. And everything in this, all of the

12:42:22-12:43:39 Page 70

allegations set forth in this petition, are true and correct to the best of your knowledge?
A. Yes.
Q. And where did you obtain the information regarding the allegations made in this petition?
A. Can you be more specific?
Q. On paragraph two, on November 25, 2013, prior to the initiation of the incapacity and guardianship proceeding, the ward executed revocable trust titled the Robert Wein Living Trust dated November 25, 2013. Who provided you with a copy of this document?
A. I got it from Ellen Morris's office.
Q. Let me go back then. So how did you get involved in this guardianship?
A. Ellen Morris telephoned me.
Q. So what did Ellen Morris tell you when she telephoned you?
MS. MORRIS: Objection, privileged.
BY MR. ROSENWATER:
Q. You were never notified by the Court, or the Court never asked you to see if you wanted to be a professional guardian in the case; you were notified by Ellen Morris?
A. Yes.

12:43:54-12:44:51 Page 71

Q. Do you know who Ellen Morris was having discussions with regarding this guardianship?
A. Not exactly, no.
Q. So when you became involved in the guardianship of Robert Paul Wein, Ellen Morris had certain trust documents regarding Robert Wein?
A. I don't know when she got them.
Q. But you didn't obtain any of these documents? Any of these -- for example, the Robert Wein Living Trust dated November 25, 2013, you never obtained a copy of that document?
A. I have a copy. I have a copy.
Q. But who provided you with a copy of that document?
A. Ellen Morris.
Q. Do you know where Ellen Morris got a copy of this document from?
A. No.
Q. Have you reviewed the Robert Wein Living Trust?
A. Yes.
Q. Did you have discussions with Robert Wein regarding the living trust dated November 25, 2013?
A. Yes.
Q. On the next paragraph, on August 25, 2014,

12:45:11-12:46:14 Page 72

prior to initiation of the incapacity and guardianship proceeding, the ward executed an amendment and restatement to his trust. Do you have a copy of that?
A. Yes.
Q. Where did you obtain that document from?
A. Ellen Morris's office.
Q. Do you know what changes were made on the August 25, 2014 amendment and restatement of his trust?
A. Yes.
MS. MORRIS: I just want to make clear that you can answer yes or no, but you can't testify to what the changes are.
BY MR. ROSENWATER:
Q. On February 9, 2015 Bob Wein met with you and Ellen Morris and expressed his desire to make changes to the provisions of his trust; is that correct?
A. Yes.
Q. Was anyone else present at that meeting?
A. No.
Q. How did that meeting come about?
A. I scheduled it.
Q. Well, I mean, someone had to contact you

12:46:32-12:47:05 Page 73

to let you know that someone wanted changes to the testamentary provisions of his trust, correct? You just didn't come up with that, did you?
A. Right, Bob.
Q. So Bob contacted you in February? Bob called you up on the phone?
A. No. I told you Bob doesn't call me on the phone.
Q. I thought you said Bob called you once in a while; he has your number? I thought that's what you said earlier?
A. He does once in a while.
Q. Okay. So he does call you on the phone?
A. Once in a while.
Q. So you did tell me he calls you on the phone?
A. Yes.
Q. So I'm asking if Bob called you on the phone?
A. Not about this issue.
Q. But somehow was this addressed at a meeting that you had with Bob at The Colony?
A. Yes.
Q. So you met with Bob in February of 2015, and Bob said to you I want to change the provisions

12:47:15-12:48:23 Page 74

of my trust?
A. I'll have to give you the date that I met with him.
Q. Approximately?
A. Somewhere between January and February.
Q. And out of the blue he just said I want to change the provisions to my August 25th, 2014 trust?
A. In our discussions, yes.
Q. How did that come about?
A. I don't remember exactly how it came about in our discussions.
Q. You're talking with Bob and then he says, Elizabeth, I'm not happy with my estate documents that I prepared in August of 2014?
A. No, he was more specific than that.
Q. What did he say?
A. He just spoke about the changes that he wanted to make.
MR. ROSENWATER: You're not going to talk about the changes; you're going to say that's attorney/client privilege, correct?
MS. MORRIS: Right. Correct.
BY MR. ROSENWATER:
Q. Have you ever had any discussions with Dan

12:48:40-12:49:26 Page 75

Wein regarding these estate planning documents?
A. Yes.
Q. Do these changes relate to Dan Wein?
MS. MORRIS: Objection, privileged.
BY MR. ROSENWATER:
Q. Do you know if Dan Wein exerted any undue influence or duress over Bob Wein regarding his estate documents?
A. No.
Q. You don't know?
A. I do not know.
Q. Have you had discussions with Dan Wein regarding Bob Wein's desire to make changes to his testamentary provisions of this trust?
A. Have I had discussions with Dan?
Q. Yes.
A. The brother?
Q. Yes.
A. About Bob's changing the trust?
Q. Yes.
A. Yes.
Q. What did you tell Dan?
A. What did I tell Dan?
Q. Yes.
A. That Bob wanted to change his trust.

12:49:38-12:50:29 Page 76

Q. Did Dan ask you what he wanted to change the trust to -- what did Bob want to change the trust to?
A. Actually, we didn't speak about that.
Q. What did you speak about?
A. That he wanted to change the trust and I needed to make a meeting.
Q. And you didn't ask what changes were to be made?
A. No.
Q. There was no discussion whatsoever regarding that?
A. Not for the February 9th meeting.
Q. Have you had any discussions at any time between January of 2015 until today with Dan Wein regarding Bob's desire to make changes to the testamentary provisions of this trust?
A. Yes.
Q. When did you meet with him in regard to those changes or discussions with him?
A. I don't know exactly.
Q. How many times did you have discussions or meetings with Dan Wein?
A. I don't know exactly.
Q. Was it more than five?

12:50:42-12:52:04 Page 77

A. Well, there are e-mails, telephone calls.
Q. So you have copies of all of those e-mails, and you're going to provide those e-mails to me?
MS. MORRIS: Again, there's a motion for protective order on your number 12, I think it is, as being overly broad, et cetera. So if you want to narrow that down without going for a motion on it, then we'll be happy to try to comply.
MR. ROSENWATER: I think any e-mails regarding the estate planning documents, the trust, and annulment of the marriage.
MS. MORRIS: Okay. So any e-mails, re the P docks, trust, or annulment of marriage from October, 2014 through the present?
MR. ROSENWATER: Right, and it's more than e-mails. It's correspondence, phone records, notes.
MS. MORRIS: Okay.
THE WITNESS: Not health issues?
MS. MORRIS: No.
MR. ROSENWATER: No.
BY MR. ROSENWATER:
Q. So, going back to the question I asked you

12:52:22-12:53:14 Page 78

prior to that, I asked if you had any discussions with Dan Wein regarding these changes to the trust, and I believe you said yes, correct?
A. Yes.
Q. Did you discuss with Dan the specific changes to the trust?
A. These, the changes we made?
Q. Well, I don't think you made any changes. You filed a petition -- you filed petition for an award authorizing the guardian to amend the ward's trust?
A. Right.
MS. MORRIS: Let me make this easy for you because I think you just -- maybe it's not clear. Dan raises questions about the two trusts that are referenced here, the 2013 trust and the 2014 trust. So if you want to narrow your questions to each trust, whether or not she's had discussions regarding any of those trusts, I think it will help her answer you better.
BY MR. ROSENWATER:
Q. Did you have discussions with Dan regarding the Robert Wein Living Trust that was prepared on November 25th of 2013?

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A. Yes.
Q. What discussions did you have with Dan Wein regarding that living trust?
A. That it's a much better trust.
Q. Why does Dan think it's a much better trust?
A. Because of the way it's written.
Q. Because it provides more for him in that trust?
A. Because --
MS. MORRIS: Object to the content unless you discussed it with Dan about it provides more. But object to the form of the question. It's also leading, so...
BY MR. ROSENWATER:
Q. You said you had discussions with Dan Wein regarding the Robert Wein Living Trust dated November 25th, 2013, and he said to you it's a much better trust, correct?
A. Correct.
Q. Why did he say to you it's a much better trust?
A. Because of the trustee that's listed and the successor trustee, and there's reference to guardianship in it.

12:54:29-12:55:24 Page 80

Q. Who's the trustee in that trust; did be mention it to you?
A. Yes. He is.
Q. And he's not the trustee in the August of 2014 documents?
A. No.
Q. Who is the successor trustee?
A. It has language in there. I'm not exactly sure what it says.
Q. And there's a guardianship provision in the 2013 living trust; is that what his position is?
A. Yes.
Q. Did he say why that matters, that there's a guardianship provision in the 2013 trust?
A. Just that that has -- this one has it and this one doesn't.
Q. But there has been a guardian appointed by the Court for Robert Wein, correct?
A. Correct.
Q. Is there any need or any basis for a guardianship provision?
MS. MORRIS: Objection, she's not a lawyer. Outside the scope of her knowledge.
BY MR. ROSENWATER:

12:55:35-12:56:46 Page 81

Q. Based upon your experience and knowledge?
A. I cannot tell.
Q. Other than the guardianship provision, the trustee, and successor trustee, did he indicate to you, and I'm saying he, Dan Wein, any other provisions in the November 25th, 2013 trust that are better than the August of 2014 trust?
A. That they also left out his bequest to his wife.
Q. To his wife, being Dan Wein's?
A. Dan's wife.
Q. And that is Dorothy Wein?
A. I'm not sure.
Q. Why does Dan Wein think there should be a bequest to his wife?
A. I have no idea.
Q. He never told you?
A. No.
Q. Are these the changes that you're seeking to make in this petition?
MS. MORRIS: Objection, privileged.
BY MR. ROSENWATER:
Q. Again, when did Bob Wein first express to you his desire to amend his 2014 estate documents?
A. I'm not sure.

12:56:55-12:57:38 Page 82

Q. You're not sure?
A. I'm not sure exactly when he expressed that.
Q. Approximately when? It had to be before February 9 --
A. It was before February 9th, right.
Q. And had to be after October 15, 2014?
A. Right.
Q. Can you give me any indication?
A. I'm not sure.
Q. In October of 2014 there was incapacity proceedings, correct, that took place?
A. Yes.
Q. Dan was found to be incapacitated and the guardianship was established on his behalf, correct?
A. Yes.
Q. And in connection with the guardianship, you were appointed the guardian, correct?
A. Yes.
Q. And there were letters of guardianship that were issued, correct?
A. Yes.
Q. And he had certain rights that were taken away from him because he was determined to be

12:57:45-12:58:56 Page 83

incapacitated?
A. Yes.
Q. I think you're looking at that, right?
A. Yes.
Q. Can I see a copy of that?
So there was an order appointing limited guardian of person and property that was entered by Judge Lewis on October 15, 2014, and basically certain rights were taken away from the ward and delegated to you because he was unable to exercise those rights, correct?
A. Correct.
Q. Weren't some of those rights the ability to contract --
A. Yes.
Q. -- and ability to manage the property or make any gift or disposition of property?
A. Yes.
Q. So on or before October 15, 2014 it was determined that Bob Wein was incompetent and had the ability to contract or manage his property and make any gift or disposition of property; is that correct?
A. Yes.
Q. You're saying that somewhere between

12:59:13-13:00:13 Page 84

October 15th and February 9th he was competent to make these decisions regarding the changes to his estate documents?
MS. MORRIS: Objection, outside the scope of this witness's knowledge. She's not a doctor.
BY MR. ROSENWATER:
Q. Did you speak with a doctor regarding his ability to make these changes?
A. No.
Q. Did you have him examined by anyone after he told you that he wanted to change his estate documents?
A. No.
Q. Did you ever ask Bob after that meeting that you had with him --
After that meeting you had with Bob Wein in which he expressed his desire to amend his trust, have you had any other meetings with him regarding his desire to amend the trust?
A. After the meetings -- which meetings; in Ellen Morris's office?
Q. I think you had a meeting with him prior to that. My understanding is that you met with him at The Colony and he expressed to you his desire to

13:00:33-13:01:26 Page 85

amend his trust documents?
A. Yes.
Q. And then based upon that you scheduled a meeting with Ellen Morris and Bob, and I believe on that date, the same date, Stacy Wein and Dan Wein were present, correct?
A. No.
Q. No?
A. No.
Q. So on that date Dan Wein took Bob Wein to Ellen Morris's office, and the three of you, being yourself, Ellen Morris, and Bob, met to discuss the changes to his trust?
A. Yes.
Q. And that was some time prior to February 9th, 2015, correct?
A. Yes.
Q. And after that meeting that you had, have you had any other discussions with Bob Wein regarding his desire to amend his trust?
A. I don't believe so.
Q. When you meet with Bob some days he's lucid, correct?
A. He's pretty lucid.
Q. Other days he's out of it?

13:01:35-13:02:18 Page 86

A. No.
Q. Well, have you seen his condition worsen since you've became the guardian?
A. He's a little slower.
Q. When you mean a little slower, physically or mentally?
A. Physically.
Q. Have you noticed any changes in his mental condition?
A. He's a little slower.
Q. When you speak with him does he understand what you're saying?
A. Do I understand what he's saying?
Q. No, does he understand what you're saying?
A. Yes, I think so.
Q. But do you ever say, Bob, do you understand what I just said to you?
A. Of course.
Q. And he says yes?
A. Yes.
Q. Do you follow-up and say, well, what did I say to you, to determine whether he understood?
A. Yes. Yes.
Q. Who drives Bob to the meetings with you?
A. Which one?

13:02:30-13:04:47 Page 87

Q. Any meetings. Bob doesn't drive, correct?
A. Correct.
Q. So someone needs to transport him to any meetings that are outside of The Colony that you may have with him?
A. Right.
Q. Who takes him to these meetings?
A. Dan.
Q. Every meeting?
A. The two meetings I had outside The Colony at Ellen Morris's office he was driven by Dan.
Q. And he has doctor appointments outside of The Colony?
A. He does.
Q. Who takes him to the doctor?
A. Dan.
Q. Do you pay Dan for transporting him?
A. No.
Q. Have you given Dan any money whatsoever regarding this guardianship?
A. No.
MR. ROSENWATER: I'm going to take a two-minute break to get a glass of water.
(Thereupon, a brief recess was had.)
MR. ROSENWATER: This is your copy or is this an extra copy?
MS. MORRIS: I'm sure you can have it.
THE WITNESS: No, I just got these.
MS. MORRIS: You don't have the orders and letters?
MR. ROSENWATER: I do. Let me see if I have it.
MS. MORRIS: These are conformed. Do you want to borrow mine?
MR. ROSENWATER: Let's do this: I'll make a copy, and because I don't want to waste more time, we'll mark it as an exhibit and I'll give the Court Reporter a copy of that, okay?
MS. MORRIS: Sure.
MR. ROSENWATER: Let's mark the order appointing limited guardian of the person and property dated October 15th, 2014, we'll mark that as Exhibit Number 6.
MS. MORRIS: What about the letters, 7?
MR. ROSENWATER: The letters, 7. And I have a copy of this one. Let's just mark the order determining limited capacity as Number 8, and then Number 9 let's do the verified petition for order authorizing guardian and then the ward's trust.

13:05:36-13:06:24 Page 88

13:08:47-13:10:05 Page 89

(Thereupon, Exhibit Numbers 6, 7, 8 and 9 are marked for identification.)
BY MR. ROSENWATER:
Q. Did Dan Wein discuss with you how the November 25th, 2013 living trust was prepared?
A. He mentioned -- he mentioned that there were two visits by attorneys and that he had a doctor's examination.
Q. Did he mention to you Robert's medical condition at that point?
A. He mentioned that he was seen by a doctor at that point.
Q. Do you know what his medical problems were at that point?
A. Not exactly.
Q. Have you seen any type of estate planning documents that were prior to the November 25, 2013 documents?
A. Yes.
Q. What year were those documents prepared?
A. What year were they prepared? I think 2011.
Q. And do you recall what changes were from the 2011 to the 2013 documents?
A. No.

13:10:46-13:13:22 Page 90

Q. You guys are saying it's privileged, but I have a partial copy of the Robert Wein Living Trust dated November 25, 2013. Have you seen this document before? And when I say partial, I only have the first 11 pages. Have you seen this document before?
A. Yes.
Q. Just review it to make sure it's the same document that you've seen.
A. It's been a long time since I've read this document.
MS. MORRIS: Looks like a partial copy to me.
MR. ROSENWATER: You can hold onto that. Do you need a copy while I question her about it?
MS. MORRIS: Sure. Thanks.
BY MR. ROSENWATER.
Q. On page six there's at the very bottom Section 6.01, and it continues on to page eight. There's specific distributions, and you may not know this, but do you know by looking at these specific distributions if there's any changes from these distributions from the November 25, 2013 living trust to the amended and restated living

13:13:40-13:14:28 Page 91

trust that was prepared in August of 2014 that you wish to amend?
MS. MORRIS: Objection, privileged and private.
MR. ROSENWATER: It's not privileged and private. If I provide you with the 2014 trust, it's not privileged.
MS. MORRIS: This is a 2013 trust.
MR. ROSENWATER: Right. I'm asking if she knows if there was any changes to the specific bequests in the November of 2013 living trust that differs from the August 25, 2014.
MS. MORRIS: Right. I understand you're asking that question. I don't know how you have a copy of that trust. It's a private estate planning document, so how did you get a copy of it?
MR. ROSENWATER: It's been around. I don't know how I got it.
MS. MORRIS: I still say it's private, and we'll have to take that up with the Judge how his estate planning documents ended up as public knowledge for anyone out there. So I'm going to have Betsy not comment on it until that issue is resolved. I don't know how you

13:14:36-13:16:39 Page 92

got this one either.
MR. ROSENWATER: Let's mark this as Exhibit Number 10.
MS. MORRIS: You're calling it a partial copy?
MR. ROSENWATER: For the record, Wein Living Trust dated November 25, 2013.
(Thereupon, Exhibit Number 10 is marked for identification.)
BY MR. ROSENWATER:
Q. Did Bob Wein ever have any discussions with you regarding a safe that he had in New York, a safe deposit box?
A. Bob Wein?
Q. Yes.
A. No.
Q. Did he ever have any discussions with you regarding monies that Dan Wein took from him when he went up to New York in November of 2013?
A. No.
Q. Have you ever seen a power of attorney that was prepared on November 1st, 2013?
MS. MORRIS: I have pages one, two, page seven, and page eight. So you're missing --
MR. ROSENWATER: It's a partial.

13:17:00-13:18:18 Page 93

MS. MORRIS: It's a partial.
BY MR. ROSENWATER:
Q. Have you ever seen that document?
A. It might be in the file.
Q. Did Dan Wein ever provide you a copy of that document?
A. He may have. This might be in the file because I remember Harold.
Q. Who did Robert Wein grant a power of attorney to in that document?
A. To Daniel Wein and Harold as successor. What was the date of this?
Q. November. I believe it's the last page, November 1st, I believe, 2013.
A. November 1st, 2013.
MR. ROSENWATER: We'll mark this as an exhibit, 11.
(Thereupon, Exhibit Number 11 is marked for identification.)
BY MR. ROSENWATER:
Q. Did Robert Wein ever discuss with you that Dan Wein used that power of attorney to take money from his accounts and write Dan Wein and his family checks?
A. Did Bob discuss that with me?

13:18:44-13:20:02 Page 94

Q. Yes.
A. No.
Q. Have you seen from Bob Wein's records checks that Dan Wein wrote to him and his family?
A. I think they were in the court documents somewhere, or reference to them were in the court documents.
Q. Have you seen the bank account that Dan Wein set up on behalf of the Robert Wein Living Trust on the Citi Bank account in New York?
A. No.
Q. Have you seen these checks that Dan Wein wrote to Stacy Wein, Dorothy Wein, and Dan Wein?
A. Yes.
Q. Have you had discussions with Dan Wein regarding these checks? Let me see. I think something else is attached to this.
A. Yes.
Q. Yes what?
A. Yes, I made reference to this.
Q. Are you trying to collect these monies on behalf of the ward? Are you trying to get these monies back from Stacy, Dan, and Dorothy?
A. Eventually.
Q. What do you mean eventually?

13:20:11-13:21:06 Page 95

A. Well, it's a process.
Q. Well, I mean, they owe the money. Have you made a demand letter to have them repay these monies?
A. No, not yet.
Q. Why not? You've been the guardian for eight months.
A. Because there's other money that's owed that I'm working on, much bigger money.
Q. Why don't you do them all at once?
A. I haven't started on this yet.
Q. Do you plan on going after them for these monies?
A. Possibly.
Q. Why possibly?
A. I'm waiting to see how everything else turns out.
Q. Well, they're loans. They owe Robert Wein -- they owe the living trust this money back, don't they?
A. There's a lot of money that's owed Robert from a lot of different people.
Q. Have you filed any lawsuits or sent out demand letters for those other promissory notes from these other people?

13:21:22-13:22:38 Page 96

A. I've been in contact and I have been -- started to receive monies, yes.
MR. ROSENWATER: Let's mark this as 12.
(Thereupon, Exhibit Number 12 is marked for identification.)
BY MR. ROSENWATER:
Q. Do you socialize with Dan Wein or Stacy Wein?
A. No.
Q. Did you know either Dan or Stacy prior to this guardianship?
A. No.
Q. Is there some reason other than the amount that is owed that you're not seeking these monies from them?
A. No. I haven't started seeking any monies owed by family members as of yet.
Q. Have you ever seen this September 5th, 2014 letter?
A. Yes, I have seen this.
Q. What is your understanding of this letter?
A. My understanding is the TIG investment is not terrific and Dan Wein wanted to transfer these funds -- when he was managing the money he wanted to transfer these funds into Morgan Stanley. TIG

13:23:38-13:24:37 Page 97

has an umbrella under Morgan Stanley, but it's separate and it wasn't a very good investment.
MR. ROSENWATER: Let's mark this as Exhibit 13.
(Thereupon, Exhibit Number 13 is marked for identification.)
BY MR. ROSENWATER:
Q. I'm going to show you a last will and testament of Robert Wein that was prepared in March of 2014. Have you ever seen this document before?
A. No.
MS. MORRIS: You only have five out of the six pages.
MR. ROSENWATER: We don't have page six, correct.
BY MR. ROSENWATER:
Q. Have you ever seen this before? You weren't aware of this will?
A. No.
Q. You never contacted Dan Wein regarding this will?
A. No.
Q. Do you see the handwritten notations throughout this will?
A. Yes.

13:24:48-13:25:49 Page 98

Q. Does that appear to be Robert Wein's handwriting?
A. I can't tell you.
Q. Have you ever seen any notes that Robert Wein has written in the past?
A. Yes.
Q. Does this seem to be similar to his handwriting?
A. I can't verify that Robert -- the other notes, so I can't verify if this is -- I can't verify that.
Q. Do you see that on the top of this there's 8/20/2014 in handwriting?
A. 8/20/2014, yes.
Q. And this was shortly before his estate documents were amended, correct?
A. This is before the --
Q. August 25, 2014 estate documents were amended, correct?
A. Yes. Yes.
Q. And do you see the changes that are made on this -- we're going to presume that it's Dan Wein's -- Bob Wein's handwriting. Do you see the changes that Bob would like to have?
A. Yes.

13:26:10-13:27:11 Page 99

Q. And do you see him crossing out most of the provisions regarding Dan Wein?
MS. MORRIS: I'm going to object to your characterization of most of the provisions. So do you want to rephrase that?
MR. ROSENWATER: No, most provisions pertaining to Dan Wein I'm saying.
MS. MORRIS: So, for instance, there's a provision, Article 4, which directs everything to the Robert Wein Revocable Living Trust, November 25th, 2013. That trust references Dan Wein as successor trustee, so that didn't make any change to Dan Wein. On page three I don't see anything regarding a change to Dan Wein. Paragraph B regarding Dan Wein remains in.
MR. ROSENWATER: If we look at the -- well, they took out paragraph F, Dorothy Wein, in which you stated in your documents that he wanted Dan Wein's wife to have that. And the second page -- excuse me, on the second to last page that we have, page four, he crosses out Dan Wein on three separate occasions -- on four occasions, five occasions.
MS. MORRIS: I can't read the top of the page. Is that anything to do with Dan Wein?

13:27:25-13:28:14 Page 100

MR. ROSENWATER: That --
THE WITNESS: 5,600 where he's written in.
MS. MORRIS: I can't read that.
THE WITNESS: This is written in, 5,600, and then this is a little blurry.
MR. ROSENWATER: I don't know what that is. Under the first paragraph in the notes it has somewhere, New York, New York, 1,025 together with any policy of insurance, he's crossing out Dan Wein.
MS. MORRIS: I can't read that.
MR. ROSENWATER: And paragraph K he's crossing out Dan Wein.
MS. MORRIS: That I can see.
MR. ROSENWATER: And he's crossing out Stacy Wein in two provisions as well.
MS. MORRIS: That I can see. The document speaks for itself.
BY MR. ROSENWATER:
Q. And then the sixth paragraph on page four he's crossing out Dan Wein on two occasions, correct?
A. Well, it says if the trust has been revoked, and he's referring to the previous trust because the next trust hasn't been written yet.

13:28:32-13:29:12 Page 101

Q. But he's dating this 8/20, and he amends the November, I believe, 25th -- it's not November 25th, is it?
MS. MORRIS: Yes, 2013. So you're talking about --
MR. ROSENWATER: The other one is August 25th.
MS. MORRIS: Right. So that's correct, yes.
BY MR. ROSENWATER:
Q. So he amends the November 25, 2013 trust on August 25th, 2014; is that correct?
A. Say that one more time.
MS. MORRIS: He's saying he amends this on this.
MR. ROSENWATER: Right.
BY MR. ROSENWATER:
Q. Bob Wein amended the November 25, 2013 trust five days later --
A. Right.
Q. -- than this agreement that he hand wrote on 8/20/2014?
A. Right.
Q. And the August 25th, 2014 amended trust incorporates the provisions that he wanted made in

13:29:22-13:30:54 Page 102

this agreement; is that correct?
MS. MORRIS: Objection to what the August 25th, 2014 incorporates.
MR. ROSENWATER: Let's mark this as our next exhibit, Exhibit 14.
(Thereupon, Exhibit Number 14 is marked for identification.)
MS. MORRIS: Again, that's a partial copy of the will dated March 20th.
THE WITNESS: This is August.
MS. MORRIS: But the will is dated March 20th. This is a date that -- counsel is arguing he wrote this date at the same time that whoever wrote these notes that wrote this date at the same time.
THE WITNESS: Okay. So what's the date of this?
MS. MORRIS: March 20, 2014, on page five.
BY MR. ROSENWATER:
Q. You're looking at the document. Are you done looking at it?
A. Yes.
Q. This is the amended and restated Robert Wein Living Trust, and it also has revocation of the durable power of attorney of Robert Wein, and a

13:31:17-13:32:44 Page 103

letter regarding the original durable power of attorney, and a designation of healthcare surrogate --
A. Who is the healthcare surrogate on this one?
Q. -- and a living will. They're all together. They're all attached as one. That's why I'm identifying them all for the record.
A. Who is the healthcare surrogate on this one?
MS. MORRIS: Here, almost toward the back. Look at the title so you see what it looks like.
THE WITNESS: Okay.
BY MR. ROSENWATER:
Q. Have you seen these documents before?
A. Yes.
Q. Does this appear to be a true and correct copy of the documents that are attached because they're all together?
A. Yes.
Q. Go to the very first page. On the second whereas, it says whereas, on March 20, 2014 I amended said trust agreement by an amendment by grantor Robert Wein Living Trust. Do you have or

13:33:06-13:34:02 Page 104

have you ever seen that amendment that was prepared on March 20, 2014 to the, I guess, the August -- excuse me, to the November 25th, 2013 Robert Wein Living Trust?
A. Well, no. I've seen just this.
Q. And it appears that corresponds with the date of that will that we just entered into as Exhibit 14 that was done on March 20, 2014?
A. Correct.
Q. No one has any knowledge of what attorney prepared these documents or who took Bob to this attorney?
MS. MORRIS: Objection as to whether anyone has any knowledge.
BY MR. ROSENWATER:
Q. Do you have any -- you don't have any knowledge?
A. No.
Q. And you weren't aware of any amendment to the November 25th, 2013 trust agreement other than the August 25th, 2014 trust agreement; is that correct?
A. Correct.
Q. And Dan Wein never talked to you or spoke to you, or Bob Wein never spoke to you regarding

13:35:22-13:36:03 Page 105

any amendment or any estate planning documents that were prepared on March 20, 2014, correct?
A. Correct.
MR. ROSENWATER: This is Exhibit 15.
(Thereupon, Exhibit Number 15 is marked for identification.)
BY MR. ROSENWATER:
Q. Have you ever seen this handwritten note?
A. It a little tough to read. I have not seen this.
Q. Does it look like Bob Wein's handwriting?
A. It could be. But why would he write Bob to amend will?
Q. Because he's referring to himself in the third person. It says Bob to amend will, and he wants to change the residuary estate 100 percent to Larry. Is that what it says? Is that what it looks like it says to you?
A. What does it say here?
MS. MORRIS: I have no idea.
BY MR. ROSENWATER:
Q. What are you looking at?
A. The bottom line.
MS. MORRIS: That says 100 percent to Larry.

13:36:19-13:37:10 Page 106

THE WITNESS: I see 100 percent to Larry. I see estate, my residuary estate.
MS. MORRIS: Maybe you can read it better on my copy. I don't know what it says above that.
THE WITNESS: Interest and penalty.
MS. MORRIS: No, this.
BY MR. ROSENWATER:
Q. Well, what do you think the bottom says?
A. Rest of will.
Q. Number K of will. Don't you think it's number K?
MR. ROSENWATER: Let's mark this as Exhibit Number 16.
(Thereupon, Exhibit Number 16 is marked for identification.)
THE WITNESS: But the date is March 27th.
MS. MORRIS: Of what?
THE WITNESS: It says March 27, '14.
MS. RICH: Bruce, the original would probably be better as an exhibit.
MS. MORRIS: That says March or May? I can't read that.
THE WITNESS: Sorry, it's five.
BY MR. ROSENWATER:

13:39:38-13:40:19 Page 107

Q. Have you ever seen a letter that Dan Wein wrote to the New York Department of Taxation and Finance on March 4, 2014?
A. I think I've seen this somewhere. I can't remember where it came, though.
Q. Do you have that in your file?
A. Could be.
Q. How come you didn't provide it?
MS. MORRIS: Because it's not the 30 days yet for her to provide you anything. We did the best we could with a short amount of time. We're happy to provide it to you if we have it.
MR. ROSENWATER: Within the 30 days. Well, I don't know what else she has that hasn't been provided.
MS. MORRIS: You've asked for things that you clearly have, like the trust documents, so that's an objection in and of itself. It's overburdensome if you have them already.
MR. ROSENWATER: Because we want to know what she has. Are you going to provide everything that was requested and not objected to within 30 days?
MS. MORRIS: Yes, everything that was objected and requested to if it exists will be

13:41:19-13:42:14 Page 108

provided.
This is Exhibit 17?
(Thereupon, Exhibit Number 17 is marked for identification.)
BY MR. ROSENWATER:
Q. I'm handing you the verified petition for order authorizing guardian to bring annulment on behalf of the ward. Are you familiar with this document?
A. Yes.
Q. What is the purpose of this document?
A. It's a petition for authorization from the court for annulment.
Q. Have you met with a family attorney? Have you met with a family attorney to retain regarding an annulment?
A. No.
Q. Because you're asking to retain an attorney, correct --
A. If we need one.
Q. -- in paragraph ten?
A. Yes.
Q. It says your request -- you want the Court to enter an order authorizing guardian to retain and enter into a retainer agreement with a family

13:42:23-13:43:08 Page 109

law attorney on behalf of the ward?
A. Yes.
Q. So you have not met with a family law attorney?
A. No.
Q. You'd had no discussions with a family law attorney regarding this annulment?
A. No.
Q. Do you have any idea what the retainer is going to be?
A. No.
Q. Why are you filing a petition to annul the marriage?
A. Because those are the wishes of my ward.
Q. When did he express those wishes to you?
A. On more than one occasion.
Q. Did you take notes on those occasions?
A. No. I spoke to him in person.
Q. Yes, but when he said that did you note your file that Robert --
A. I have to look.
Q. Was anyone present at those discussions?
A. No.
Q. Did you videotape those discussions?
A. Well, one time was in the presence of

13:43:20-13:44:12 Page 110

Ellen Morris.
Q. And that was on February 9th -- in the February meeting that you met with --
A. Yeah, the earlier meeting.
Q. Who was present at that time?
A. Ellen.
Q. What about Stacy and Dan?
A. No.
Q. And Bob has expressed to you that -- did Bob discuss with you regarding the marriage that took place on August 6th, 2014?
A. Did he discuss the marriage?
Q. Yes.
A. Yes.
Q. What did he say?
A. He said that he didn't want to be married.
Q. What was the reason why he didn't want to be married?
A. Because he didn't see any reason to be married.
Q. That was the basis for annulling the marriage? Okay, you're saying in paragraph five that at the time that on August 6, 2014 the ward had diminished capacity and was unable to consent to the marriage; is that correct?

13:44:27-13:45:26 Page 111

A. Yes.
Q. So you're saying that on August 6, 2014 he didn't have the capacity to enter into this marriage and he was unable to consent to the marriage, but in February of 2015 he had the capacity to tell you that he didn't want to be married?
A. Well, you're asking for conclusions that I can't make.
Q. Well, did you have him examined by any type of doctor in February?
A. No.
Q. And you're stating that he was suffering from a serious mental problem on August 6, 2014. What mental problem was that?
A. Well, he has dementia.
Q. And he has dementia now in February of 2015, so what's the difference between August and February? You're saying that he's competent --
A. That's a legal difference that I can't explain to you because I'm not a legal person.
Q. And you don't have a copy of any final judgment of dissolution of marriage that's been entered in any state anywhere?
A. Huh-uh.

13:45:38-13:46:36 Page 112

Q. So you're trying to dissolve a marriage that officially has never been dissolved, to annul a marriage that was going on for 50-some years now, you don't have a final judgment, correct?
A. Correct.
Q. And you're saying that he was under duress to marry. What duress was he to marry, the ward?
A. Well, he's easily coerced, which the documents attest to.
Q. Did Bob tell you that Vita Wein coerced him to marry him?
A. Bob has mentioned that before, that he doesn't know why he got married.
Q. He says he doesn't know why, but you're saying in this petition that he was coerced?
A. Oh, yes, that he was coerced.
Q. How was he coerced; that's what I'm trying to ask you?
A. He was coerced by his group of people that coerced him.
Q. Who's the group of people that coerced him? This is a deposition. I'm trying to find out for discovery purposes.
A. Yes, so I guess that would have been -- during that time that would have been Vita, Delores

13:46:54-13:47:47 Page 113

and, I assume, Jody.
Q. Do you know if Jody had any knowledge that the parties were getting married?
A. From what I understand, she did.
Q. Who told you that?
A. Dan and Bob.
Q. Well, Dan knew nothing about the marriage, did he?
A. He knew that it took place.
Q. After the fact, correct?
A. What?
Q. He knew after they got married in August of 2014, he first became aware that Dan and Vita -- that Bob and Vita got married, correct?
A. Oh, you're confusing me. You're switching Dan with Bob.
Q. You're saying that Dan -- I believe you said that Dan was aware that Jody knew that Bob and Vita were getting married?
A. No, I didn't know -- I didn't have that discussion with Dan.
Q. What discussion did you have with Dan?
A. About what? I wasn't talking about Dan at all. I thought you were talking about Bob being coerced into getting married.

13:48:01-13:49:00 Page 114

Q. So you're saying that Bob was telling you that Jody and Vita and Delores coerced him to marry Vita?
A. No, he didn't say that specifically. Those were the people involved with him at the time.
Q. There is a cantor that officiated the ceremony. I believe his name was Efraim Sapier, S-A-P --
A. Sapier.
Q. Have you have ever spoke with him?
A. No.
Q. Do you know who was present at the ceremony?
A. No.
Q. And you never had any discussions with Bob suggesting that he annul this marriage?
A. What?
Q. You never suggested to Bob that he annul this marriage? Your testimony is that Bob told you that he wanted this marriage annuled?
A. Yes.
Q. And that was some time prior to February of 2009?
A. Yes.

13:49:12-13:49:45 Page 115

MS. MORRIS: 2015.
MR. ROSENWATER: 2015. February 9 was a meeting?
MS. MORRIS: Yes.
BY MR. ROSENWATER:
Q. Prior to February 9, 2015 you must have had some type of meeting with Bob and he expressed his desire to annul this marriage, correct?
A. Yes.
Q. Approximately when did this meeting take place?
A. I don't know.
Q. It would be somewhere shortly before this period? You wouldn't wait months to do this, correct?
A. Well, a certain amount of time.
Q. Would it be sometime in January of 2015 you met with Bob?
A. Most likely January, because this was -- the meeting was February 6th. It took a while to set up. We had discussions about it. I certainly had discussions about it.
MR. ROSENWATER: Madam Court Reporter.
(Thereupon, Exhibit Number 18 is marked for identification.)

13:50:39-13:51:21 Page 116

BY MR. ROSENWATER:
Q. Bob Wein has over a couple of million dollars, correct?
A. Yes.
Q. And he has sufficient means to provide for him and his wife for the remainder of their lives, correct?
A. Yes.
Q. So why do you object to him providing for his wife's needs?
A. I don't object.
Q. You're saying that he objects?
A. He objects, yes.
Q. And you believe that he's competent to make that decision, yes?
A. That's a legal answer that I can't give you.
Q. Well, you're bringing these petitions to amend the trust --
A. Correct.
Q. -- and petition to annul based upon what you're telling me is the ward's desires, correct?
A. Correct.
Q. And during the period of time that Bob Wein has expressed his desire to annul the marriage

13:51:34-13:52:23 Page 117

and to amend his trust documents, no one else was present during these conversations other than you and Bob, correct?
A. Correct.
Q. There's no witnesses, right?
A. Correct. Well, other than at the meeting with Ellen Morris.
Q. In February of 2015?
A. Correct.
Q. You didn't have him examined by any other medical professional?
A. No.
Q. You didn't speak with anyone -- you didn't speak to Vita about this, correct?
A. Correct.
Q. When you spoke with Bob you didn't have this recorded, or videotaped, or anything?
A. No.
Q. And maybe or maybe not you may have the dates reflected in your notes, correct?
A. Correct.
Q. And it may have been one time or it may have been two times, but no more than that that he spoke to you regarding this, correct?
A. Correct.

13:53:05-13:54:04 Page 118

Q. Do you know John Pankowski?
A. Yes.
Q. How do you know Mr. Pankowski?
A. He represented Vita at the hearing.
Q. Has he ever been involved in any guardianship cases that you've been appointed guardian in?
A. He's done some work for me, yes.
Q. You've retained him?
A. Yes.
Q. Did he contact you regarding this guardianship proceeding prior to you being appointed guardian?
A. He left me a voice mail.
Q. What did he say to you?
A. He just said I'm on the Wein case.
Q. Did he say we'd like to have you as a professional guardian on the case?
A. No, I don't think. I think my name was already in the hat.
Q. How much have you been paid to date in this case?
A. I'm not sure. I think 8,000.
Q. And there's been monies that have been paid to Manny Kushner?

13:54:17-13:55:46 Page 119

A. Yes.
Q. And monies have been paid to Ms. Morris?
A. Yes.
Q. Any other professional services that have been rendered in connection with this matter, have they been paid?
A. I can look. Are you asking about just attorney fees?
Q. Attorney fees, guardian fees, or any other professional fees other than examining committee.
MS. MORRIS: Court-appointed attorney does an order.
THE WITNESS: I think that covers it, Kitroser and Elder Law.
BY MR. ROSENWATER:
Q. So you don't think he had any discussions with anyone regarding annuling the marriage prior to your discussions with Bob, correct?
A. Did I discuss it with anyone prior to discussing it with Bob?
Q. Yes, annuling his marriage.
A. With anyone?
Q. Yes.
A. I believe I discussed it with Mitch Kitroser

13:56:14-13:57:17 Page 120

Q. What did you say to Mr. Kitroser regarding annulment of the marriage?
A. He brought up annulling the marriage.
Q. And the basis for that?
A. I think I asked him his opinion on annulling the marriage.
Q. You asked him his opinion?
A. Uh-huh.
Q. I mean before you had any discussions with Bob whether he wanted the marriage annulled?
A. Yeah, it was very early on.
Q. Why would that be brought up?
A. Because Mitchell brought up the entire case. He was the court-appointed attorney.
Q. I'm trying to figure out why did Mitch believe that a marriage should be annulled?
MS. MORRIS: Objection, outside the scope of this witness's knowledge.
MR. ROSENWATER: She said she had discussions.
MS. MORRIS: If you know why he expressed it and you know, by all means answer.
THE WITNESS: I think he was referring to his -- he was referring to his report to the Court. I think it's in there.

13:57:31-13:59:23 Page 121

BY MR. ROSENWATER:
Q. You've had e-mails with Jody Rich regarding this matter, haven't you?
A. Regarding?
Q. Vita Wein and Bob.
A. Vita and Bob, yes.
Q. And you've e-mailed with her, what, almost from the time that you've been appointed guardian, correct?
A. Yes.
Q. Do you recall this e-mail exchange that you had with her in November of 2014?
A. It's a couple of e-mails, yes.
Q. Right. So November of 2014 --
A. This one on the bottom is much later.
Q. But at the top, towards the top, you state the best approach is to have the marriage annulled and have her go back to Medicaid where all expenses are paid. So this is substantially earlier than your discussions with Bob's desire to have the marriage annulled. It's your decision or what you think should happen?
A. It wasn't my decision. It was a financial -- it was based on finances.
Q. But he as plenty of finances you testified

13:59:35-14:00:38 Page 122

earlier --
A. Vita's finances.
Q. But they're married, husband and wife. Bob has an obligation to support his wife, correct?
MS. MORRIS: Objection, that calls for a legal conclusion.
BY MR. ROSENWATER:
Q. And you testified earlier that Bob has significant assets to support both Bob and Vita for the rest of their lives, correct?
A. Possibly.
Q. Well, now you said possibly --
A. He has significant assets, yes. Whether he wants to support Vita the rest of his life is a different question.
MR. ROSENWATER: 19.
(Thereupon, Exhibit Number 19 is marked for identification.)
MS. MORRIS: It's 2:00, Bruce.
MR. ROSENWATER: I'm not done. I probably have another half an hour. Do you have to leave?
MS. MORRIS: Yes. The hearing is at 3 --
MR. ROSENWATER: It's going to take you without traffic --

14:00:38-14:00:45 Page 123

MS. MORRIS: It's going to take about 45, 55 minutes.
MR. ROSENWATER: Yes, without traffic.
MS. MORRIS: I'm concerned about being late for the hearing.
MR. ROSENWATER: Well, I have about 30 minutes left.
MS. MORRIS: So we're definitely not going to be able to finish.
MR. ROSENWATER: Okay. We'll talk about continuing it at another date.
MS. MORRIS: That's fine.
(Thereupon, at 2:00 p.m. the deposition was adjourned.)

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CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF PALM BEACH

In my capacity as a Notary Public of the State of Florida, I certify that on May 19, 2015, at 11:20 a.m., Elizabeth Savitt personally appeared before me and took an oath (or affirmation) for the purpose of giving testimony in the matter:

IN RE: THE GUARDIANSHIP OF
ROBERT PAUL WEIN,
The Ward.
_____/

Identification:
Personally Known _____
Or Produced Identification ____X____
Type of Identification Produced: Driver License

SWORN TO and SUBSCRIBED before me
t
t
o

NOTARY PUBLIC-STATE OF FLORIDA
Donna L. Harshaw
Commission # EE107299
Expires: JULY 25, 2015
BONDED THRU ATLANTIC BONDING CO, INC.

D
S Donna Harshaw

Page 125

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I, DONNA L. HARSHAW, Shorthand Reporter and Notary Public, State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the deposition of Elizabeth Savitt; and that the foregoing transcript, pages from 1 through 123, inclusive, are a true and correct record of my stenographic notes.

I further certify that the said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and adjourned as hereinabove set out.

I further certify that I am not attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel or party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

DATED June, 2015.

Donna Harshaw

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Mudrick Court Reporting, Inc.
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IN THE FIFTEENTH JUDICIAL CIRCUIT COURT

IN AND FOR PALM BEACH COUNTY, FLORIDA

CIVIL DIVISION

CASE NO: 502014GA000472

PROBATE DIVISION IB

IN RE: THE GUARDIANSHIP OF

ROBERT PAUL WEIN,

The Ward. /

CERTIFIED
COPY

Deposition of JORDAN L. KLINGSBERG, ESQ.

Tuesday, June 9, 2015

1825 NW Corporate Boulevard, Suite 110

Boca Raton, Florida 33431

3:58 a.m. - 4:20 p.m.

Reported by:
Suzanne L. Anderson, Shorthand Reporter
Notary Public, State of Florida

APPEARANCES:

On behalf of the Petitioner:
Elder Law Associates, P.A.
7284 W. Palmetto Park Road, Suite 101
Boca Raton, Florida 33433
BY: ELLEN S. MORRIS, ESQUIRE

On behalf of Vita Wein:
Bruce S. Rosenwater & Associates, P.A.
1601 Forum Place, Suite610
West Palm Beach, Florida 33401
BY: BRUCE S. ROSENWATER, ESQUIRE

Also present: Jody Rich, Daniel Wein, Elizabeth Savitt

- - -

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PROCEEDINGS

- - -

Deposition of JORDAN L. KLINGSBERG, ESQ., a witness, taken by Counsel for Vita Wein for the purpose of discovery and for use as evidence in the above-entitled cause, pursuant to notice heretofore filed, before Suzanne L. Anderson, Shorthand Reporter, and Notary Public in and for the State of Florida at large, at 1825 NW Corporate Boulevard, Suite 110, West Palm Beach, Florida, on Tuesday, June 9, 2015, commencing at 3:58 a.m.

- - -

DIRECT (JORDAN L. KLINGSBERG, ESQ.)

BY MR. ROSENWATER:

Q. Please state your name.
A. Jordan Klingsberg.
Q. You're an attorney?
A. I am.
Q. For who?
A. Gutter, Chaves, Josepher, Rubin, Foreman Fleisher & Miller.
Q. How long have you worked for them?
A. 11 years.
Q. And when were you admitted to the Florida Bar?

A. Florida Bar was in 2002, I believe.
Q. Are you admitted to any other bars?
A. Yes. New York, Connecticut and Washington, DC.
Q. And the years for those?
A. Let's see, New York 1995, Connecticut 1995, and Washington, DC, 1996.
Q. Do you specialize in any areas of law?
A. Estate planning.
Q. 100 percent?
A. 100 percent.
Q. Do you know Robert Wein?
A. Yes.
Q. When did you first meet Robert Wein?
MS. MORRIS: Privileged.
MR. ROSENWATER: I don't think it's privileged when he first met him.
MS. MORRIS: It actually is privileged.
THE WITNESS: Okay.
MR. ROSENWATER: I don't think so. Are you instructing him not to answer?
MS. MORRIS: Uh-huh.
MR. ROSENWATER: That's not a privilege. When he met someone, that's not privileged.
MS. MORRIS: If he met him in the course

16:00:23-16:01:18 Page 6

of representing him, it's privileged.
MR. ROSENWATER: No, it isn't.
MS. MORRIS: I'm instructing him not to answer.
MR. ROSENWATER: He's not your client.
MS. MORRIS: Well, you can do whatever you want, Jordan. If you don't think it's privileged, answer. If you're not sure, do what you want.
THE WITNESS: Can I still answer with your objection?
MS. MORRIS: You can if you don't agree.
THE WITNESS: I don't agree. On August 20th, 2014.
BY MR. ROSENWATER:
Q. And did Mr. Wein come to your office on that date?
A. Yes, he did.
Q. And was anyone with him on that day?
A. Yes.
Q. And who did he come with?
A. He came with his helper, Dolores, and his wife, Vita Wein.
Q. Did you speak with either Dolores or Vita Wein on that day?

16:01:28-16:02:38 Page 7

A. Yes, I did.
Q. Where did you -- strike that.
When you spoke with Dolores and Vita, was Robert present at that time?
A. Yes, he was.
Q. What were the discussions at that point?
A. The discussions were in regards to changes to Robert's estate planning documents.
Q. And when Robert was with Dolores and Vita, did he express to you the changes that he wanted to be made to his documents?
A. Yes.
Q. What did he say?
A. He said that he would like his brother, Daniel, removed from all of his documents in all capacities.
Q. Did he say why he wanted Daniel removed?
A. Yes. He said that Daniel was stealing from him.
Q. And when you met with him, did he bring his previous estate documents?
A. Yes, he did.
Q. Robert is, do you know how old Robert is?
A. I believe he's 83 or 84.
Q. Is it your standard course of practice

16:02:49-16:03:45 Page 8

when someone, I'm going to call them elderly, an elderly individual comes to your office, do you have a certain protocol?
A. No.
Q. Do you do anything if you have any concerns whether the individual may be under duress or undue influence?
A. If I do, I'll call in another partner to ask him questions just to make sure that the client has capacity, that there's no one to influence.
Q. When you were meeting with Robert and Dolores and Vita, was Dolores or Vita exercising any undue influence onto Robert?
A. No, they were not. And I also asked them to leave and spoke to Robert alone.
Q. In your opinion was he under any undue influence --
A. No.
Q. -- when you met with him?
Did he seem to be under any type of mental incapacity at that point?
A. No.
Q. Did you meet with Robert and any other attorneys in your office on that day?
A. Yes.

16:03:50-16:04:52 Page 9

Q. Who was that attorney?
A. Sean Lebowitz (ph).
Q. Sean?
A. Yes.
Q. And is his practice estates and estate planning as well?
A. Probate and trust litigation.
Q. Do you do any litigation?
A. No.
Q. What was the purpose of having Sean meet with you and Mr. Wein?
A. To confirm that there was no undue influence and that he did have capacity to change his estate planning documents.
Q. Is that your standard practice?
A. When you say "standard practice," we don't do it with all clients, but there's no test or anything. It's just a feeling that I had that day and wanted to make sure that someone else was confirming my opinion.
Q. How long did you meet with Robert that date if you recall?
A. About an hour.
Q. And after you met with Robert on August 20, 2014, did you prepare estate documents

16:05:02-16:05:52 Page 10

for him?
A. I did.
Q. After you prepared the estate documents, did you meet with Robert again?
A. I did.
Q. Do you recall when that was?
A. That was August 25th, 2014.
Q. And did Robert come to your office to execute the estate documents that day?
A. Yes.
Q. Was he present -- did he come with anyone else on that day?
A. He did.
Q. And who did he come with?
A. I believe he came with Dolores, but I can't be sure. But during the meeting, it was only with Robert.
Q. And during the period of time that he executed the estate documents, who was present?
A. At the execution? It was Robert, myself and then there'd be two witnesses. I'm not sure who the two witnesses were.
Q. After Robert signed the estate documents on August 25th, 2014, did you ever meet with him or speak with him after that date?

16:06:00-16:06:59 Page 11

A. Yes.
Q. When was that?
A. I had eight subsequent phone calls with him, but I cannot tell you the exact dates of those phone calls.
Q. Was that Robert calling you?
A. It was both Robert calling me and me calling Robert back sometimes. But, yes, Robert was calling me.
Q. Was it regarding the estate documents that were prepared?
A. It was regarding the accounts and having Daniel removed as trustee.
(Interruption in the Proceedings.)
(Daniel Wein and Elizabeth Savitt entered.)
MR. DANIEL WEIN: Sorry to keep you waiting.
MS. MORRIS: Good afternoon.
MR. ROSENWATER: Are you going to have him testify at the hearing on the 22nd?
MS. MORRIS: He's a pro se party to the action.
MR. ROSENWATER: He's not a pro se party.
MS. MORRIS: I thought he filed something

16:07:09-16:07:48 Page 12

pro se.
MR. DANIEL WEIN: I am a pro se party.
MS. MORRIS: He was represented by Manny, and then I think he then filed a pro se notice of appearance. He may be called as a witness, but he's also a party. I don't know if I'm going to call him or not.
MR. ROSENWATER: He filed a motion to intervene. The court has never granted his motion to intervene. There's been no hearing on it.
MS. MORRIS: I'm not taking a position. You can take whatever position you want.
MR. ROSENWATER: My position is you're not a party to these proceedings and that I'm objecting to you being here and we're not going to proceed with you here.
MR. DANIEL WEIN: I object to that.
MS. MORRIS: I think you noticed him, by the way, on your notice.
MR. DANIEL WEIN: You noticed me.
MR. ROSENWATER: It was just because what happens is the e-filing picks everyone up. I don't think he was on the notice. She's not a party.

16:07:59-16:10:19 Page 13

MS. STACY WEIN: I'm not coming in.
MS. MORRIS: I think you noticed him. But I have no feeling one way or the other.
MR. DANIEL WEIN: I did file something with the court as pro se.
MR. ROSENWATER: You can bring it up with the court. But this is my deposition. To me you're not a party here, so I'm asking you to leave.
MS. STACY WEIN: You don't have to, daddy, you can stay.
MR. ROSENWATER: You're not an attorney, and don't speak up.
MR. DANIEL WEIN: I'll repeat. I don't have to go. I can stay.
MR. ROSENWATER: We'll have to take this up before the court. Let me speak to my client for a second.
(A brief recess was taken.)
MR. ROSENWATER: Back on the record. I'm not going to inconvenience this witness because he has a schedule, but I'm going to bring this up before the court. We'll address it before the court some other time. We have a professional here. He has time constraints and

16:10:31-16:11:30 Page 14

he has a schedule. So we're going to continue with this deposition and not inconvenience him again having to bring him back.
BY MR. ROSENWATER:
Q. Jordan, did Robert Wein provide you with a copy of the Robert Wein Living Trust dated November 25, 2013?
A. Yes.
Q. Is this a true and correct copy of the Robert Wein Living Trust?
A. I couldn't tell you.
Q. Can you check if that's his signature on it?
A. I wouldn't be able to tell you if it's his signature.
Q. You were provided with the 2013 living trust?
A. Yes.
Q. And Robert Wein wanted you to amend that trust; is that correct?
A. Correct.
MR. ROSENWATER: Let's mark this as Exhibit 1.
(Vita Wein's Exhibit 1, Robert Wein Living Trust.)

16:11:46-16:12:16 Page 15

BY MR. ROSENWATER:
Q. On that date did Robert Wein present to you a last will and testament that was prepared in March of 2014 that was marked up like this?
MS. MORRIS: Again I'm going to assert privilege, which I believe you've gone too far in the questions that you've already answered. I believe you've already violated your attorney/client privilege by stating what he asked you to do. And again, I'm going to assert the privilege. The only one who has the privilege is Betsy. She's the only one that can waive it, and it's not been waived.
MR. ROSENWATER: They're not privileged because he provided them to someone else.
MS. MORRIS: No. He provided it to his attorney, so they are privileged.
MR. ROSENWATER: And then they went to a third party after that.
MS. MORRIS: Not as far as I know.
BY MR. ROSENWATER:
Q. Jordan, did you release --
A. I'm going to have to abide by the objection. If it's privileged, I can't talk about it.

16:12:34-16:13:11 Page 16

Q. You didn't prepare this document, did you?
A. I did not.
Q. You didn't prepare this document. Robert Wein didn't ask you to prepare this will, correct?
MS. MORRIS: Objection to what Robert asked him or didn't ask him to do.
BY MR. ROSENWATER:
Q. You didn't represent Robert Wein in March of 2014, did you?
A. In March of 2014, no, I did not.
Q. And when he went to your office in August of 2014, did he provide certain previous estate documents to you?
MS. MORRIS: You already testified to it, Jordan.
THE WITNESS: Yeah.
MR. ROSENWATER: He didn't prepare the documents. There's no attorney/client privilege.
MS. MORRIS: Yes. But there is attorney/client privilege, Bruce. Because if he says to his attorney, here, this is what I'm doing and this is what I'm giving you, that's an attorney/client conversation. It's privileged. It's confidential communication.

16:13:32-16:14:50 Page 17

But he already testified to it before, so asked and answered anyway.
THE WITNESS: He did give me previously executed estate planning documents.
BY MR. ROSENWATER:
Q. The last will and testament that was marked up, do you recall seeing that when he met with you?
A. Yes.
MR. ROSENWATER: Mark this as two.
(Vita Wein's Exhibit 2, Last Will and Testament of Robert Wein.)
BY MR. ROSENWATER:
Q. These documents, were they handed to you by Robert Wein or were they handed to you by Dolores or Vita; do you recall?
A. I don't recall.
Q. On August 20 -- I believe it's August 25th. On August 25th, did you prepare a living will for Robert Wein?
A. I think this is privileged.
MS. MORRIS: Yes. I believe it's all privileged. How they got the documents, I don't know. It's in my interrogatories to them. How they got privileged communication, I

16:14:55-16:16:24 Page 18

don't know. But I do believe it is all privileged.
THE WITNESS: I can't talk about that.
BY MR. ROSENWATER:
Q. I'm not asking you to talk about it. I'm asking if you prepared it?
A. I can't discuss it.
Q. Does Wendy Valenzula (ph) work at your office?
A. Yes.
Q. Jan K-A-T-Y-N-S-K-I?
A. Katynski, yes.
Q. Were they working at your office on August 25th, 2014?
A. Yes.
Q. Do they still work at your office?
A. Yes.
Q. You were retained by Mr. Wein to prepare estate documents, correct?
MS. MORRIS: Again objection.
MR. ROSENWATER: We'll bring this up before the court because the privilege has been waived. They've been provided by third parties.
BY MR. ROSENWATER:

16:17:18-16:19:41 Page 19

Q. Have you ever seen a letter dated September 5th, 2014, that was written to Morgan Stanley Funds Services USA?
A. No.
MR. ROSENWATER: Let me speak with my client for a second.
(A brief recess was taken.)
MR. ROSENWATER: We're going to continue the deposition and bring the issues up with this Mr. Daniel Wein being here and also about the estate documents that were previously provided to other people.
MS. MORRIS: That's fine. I just want to ask a couple questions.
CROSS (JORDAN KLINGSBERG)
BY MS. MORRIS:
Q. Jordan, did you provide these estate planning documents to any third parties?
A. No, I did not.
Q. Who were the people that you provided these private estate planning documents to?
A. Just to Mr. Wein, Robert Wein.
MS. MORRIS: I don't have anything further.
MR. ROSENWATER: It's not finished. But

16:19:50-16:20:27 Page 20

if it's transcribed, you have the right to read or waive.
THE WITNESS: I'll waive.
MR. DANIEL WEIN: I'd like to ask questions.
MR. ROSENWATER: You're not a party to the case.
MR. DANIEL WEIN: I'd like to ask them anyway.
MR. ROSENWATER: You can ask. But we're not on the record. It's not his deposition. You didn't cross-notice anything.
MR. DANIEL WEIN: We filed --
MR. ROSENWATER: You didn't cross-notice the notice of taking deposition. You're not a party to the case. There hasn't been an order allowing you to intervene. You don't have a right to ask any questions. It's my court reporter. It's my deposition. I object.
MR. DANIEL WEIN: There was a filing this morning to intervene.
MS. MORRIS: Bruce, the only thing I'll tell you is that he is the initial petitioner.
MR. ROSENWATER: He didn't cross-notice.
MS. MORRIS: It's not professional even

16:20:36 Page 21

without a cross-notice not to allow someone to ask questions, either an attorney or a party to ask questions.
MR. ROSENWATER: He can come back. We're going to continue the deposition. As far as I'm concerned, the deposition stopped when I gave you the courtesy of answering your questions -- or asking your questions. So we'll conclude it for today.
THE REPORTER: Are we off the record?
MR. ROSENWATER: Yes.
THE REPORTER: I have to be clear with her as well.
MS. MORRIS: I'm done.
(Thereupon, the Proceedings were concluded at 4:20 p.m.)

CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF PALM BEACH

In my capacity as a Notary Public of the State of Florida, I certify that on Tuesday, June 9, 2015 at 3:58 a.m., JORDAN L. KLINGSBERG, ESQ., personally appeared before me and took an oath (or affirmation) for the purpose of giving testimony in the matter: The Guardianship of Robert Paul Wein.

SWORN TO and SUBSCRIBED before me this 25th day of June 2015, in the City of West Palm Beach, County of

SUZANNE L. ANDERSON
Commission # EE 117726
Expires September 18, 2015
Bonded Thru Troy Fain Insurance 800-385-7019

Suzanne L. Anderson, Notary Public
State of Florida at Large.

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, Suzanne L. Anderson, Shorthand Reporter do hereby certify that I was authorized to and did stenographically report the deposition of JORDAN L. KLINGSBERG, ESQ.; that a review of the transcript WAS NOT requested; and that the foregoing transcript pages are a true and correct record of my stenographic notes.

I further certify that the said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not an attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel or party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

DATED this 25th day of June 2015

Suzanne L. Anderson, Court Reporter
Mudrick Court Reporting, Inc.
1615 Forum Place, Suite 500
West Palm Beach, Florida 33401
561-615-8181

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Filing # 28241370 E-Filed 06/09/2015 09:49:47 AM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF ROBERT PAUL WEIN
_____/

PROBATE DIVISION "IB"

CASE NO. 502014GA000472XXXXMB

VERIFIED PETITION FOR ORDER APPOINTING GUARDIAN AS LIFETIME TRUSTEE OF WARD'S TRUST

Petitioner, ELIZABETH SAVITT, as Limited Guardian of the Person and Property of Robert Paul Wein (the Ward), alleges:

1. Petitioner is the duly appointed and acting Limited Guardian of the Person and Property of the Ward, having been appointed by Order and Letters dated October 15, 2014.

2. On November 25, 2013, prior to the initiation of the incapacity and guardianship proceedings, the Ward executed a revocable trust entitled the ROBERT WEIN LIVING TRUST dated November 25, 2013 (the "Trust").

3. By the Court's Order dated October 15, 2014, the Court authorized the guardian to manage all of the property of the Ward, including the assets held in the Ward's Trust.

4. Pursuant to the Court's Order, Petitioner listed all of the Ward's Trust accounts on the initial Inventory.

5. The Ward currently has assets titled in the name of the Trust at Morgan Stanley, TIG Arbitrage Associates, L.P. and Joseph Gunnar & Co., LLC.

6. Currently, there is no acting Trustee of the Ward's Trust, and the guardian's authority under the Court's Order is not being recognized by the financial institutions as she is not named specifically as Trustee.

7. Petitioner asserts that it is in the Ward's best interest for her to be appointed as Trustee of the Ward's Trust during the Ward's lifetime.

WHEREFORE, Petition requests that the Court enter an order appointing the guardian as Lifetime Trustee of the ROBERT WEIN LIVING TRUST dated November 25, 2013, as Amended and Restated.

*** FILED: PALM BEACH COUNTY, FL SHARON R BOCK, CLERK. 6/9/2015 9:49:47 AM ***

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

DATED this 8 day of June, 2015.

Elizabeth Savitt, Petitioner

Ellen S. Morris, Esq.
Attorney for the Petitioner
Florida Bar Number: 850306
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served via the e-Portal on this 9th day of June, 2015 to Mr. Daniel Wein, 9717 N. New River Canal Road, #410, Plantation, Florida 33324 (Dwein5680@aol.com and Stacywein@aol.com) and Bruce S. Rosenwater, Esq., Bruce S. Rosenwater & Associates, P.A., 1601 Forum Place, Suite 610, West Palm Beach, FL 33401 (info@rosenwater.com and bsr@rosenwater.com).

Ellen S. Morris, Esq.
Florida Bar Number: 850306

IN THE FIFTEENTH JUDICIAL CIRCUIT COURT

IN AND FOR PALM BEACH COUNTY, FLORIDA

CIVIL DIVISION

CASE NO: 502014GA000472

PROBATE DIVISION IB

IN RE: THE GUARDIANSHIP OF

ROBERT PAUL WEIN,

The Ward. /

CERTIFIED COPY

Deposition of ELIZABETH SAVITT

(Vol. II)

Wednesday, June 10, 2015

1601 Forum Place, Suite 610

West Palm Beach, Florida 33401

8:46 a.m. - 11:04 a.m.

Reported by:
Suzanne L. Anderson, Shorthand Reporter
Notary Public, State of Florida

APPEARANCES:

On behalf of the Petitioner:
Elder Law Associates, P.A.
7284 W. Palmetto Park Road, Suite 101
Boca Raton, Florida 33433
BY: ELLEN S. MORRIS, ESQUIRE

On behalf of Vita Wein:
Bruce S. Rosenwater & Associates, P.A.
1601 Forum Place, Suite 610
West Palm Beach, Florida 33401
BY: BRUCE S. ROSENWATER, ESQUIRE

Also present: Jody Rich

- - -

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(ALL EXHIBITS RETAINED BY MR. ROSENWATER.)

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PROCEEDINGS

- - -

(Volume II)

- - -

Deposition of ELIZABETH SAVITT, a witness, taken by Counsel for Vita Wein for the purpose of discovery and for use as evidence in the above-entitled cause, pursuant to notice heretofore filed, before Suzanne L. Anderson, Shorthand Reporter, and Notary Public in and for the State of Florida at large, at 1601 Forum Place, Suite 610, West Palm Beach, Florida, on Wednesday, June 10, 2015, commencing at 8:46 a.m.

- - -

MS. MORRIS: Those are the documents that you asked for that are separate from the request to produce you sent, which is not due until I think the 14th. These are the documents that you asked Betsy for during her deposition certain questions. I made a note that I would produce them for you. A lot was communication with Dan Wein or other -- I think it was mostly Dan Wein. You asked for emails and other communications, so you have all of that there.

- - -

THEREUPON,
ELIZABETH SAVITT,
being by the undersigned Notary Public first duly sworn, was examined and testified as follows:

THE WITNESS: I do.

CONT. DIRECT (ELIZABETH SAVITT)

BY MR. ROSENWATER:

Q. Let me go through this real quick. Your attorney said you provided or she provided some documents that we requested at the last deposition. Those documents that were provided or handed to me was a 1040 U.S. Income Tax Return for Robert Wein just the first page. Do you know where the rest of the tax return is?

A. Can I see it?

MS. MORRIS: Just yes or no.

THE WITNESS: I'll find it. Yes. Maybe.

BY MR. ROSENWATER:

Q. So you're going to produce it?

MS. MORRIS: No, not necessarily. It may be privileged. You asked her if she knows where it is. She said yes.

MR. ROSENWATER: Well, I don't know if it's privileged. She provided the first page,

09:11:46-09:13:01 Page 131

so it's not privileged.
MS. MORRIS: That's what we're providing.
MR. ROSENWATER: Are you objecting that it's privilege? What's the privilege?
MS. MORRIS: I don't know yet. You can send a follow-up request to produce if you want the full tax return.
MR. ROSENWATER: We're not going to send a follow-up request. We requested documents pursuant to our duces tecum, and you haven't provided all of the documents. We'll take it up with the court.
MS. MORRIS: I've objected to the whole file that you -- and I produced the documents that I felt were not objectionable, Bruce.
MR. ROSENWATER: You provide the first page, but no other page of the tax return?
MS. MORRIS: That's right.
MR. ROSENWATER: We'll bring that up with the court.
BY MR. ROSENWATER:
Q. You produced some documents regarding a B of A core checking account 3992. It doesn't say whose account it was for. Whose account is this for?

09:13:33-09:15:14 Page 132

A. It's the guardianship account.
Q. When was that account opened?
A. I'm not sure.
Q. Are those complete records for that account?
A. Oh, here we go. September 29th.
Q. Are those the complete records for this account?
A. Yes.
Q. And whose handwriting is this on these accounts?
A. My assistant.
Q. Who is your assistant?
A. Kiriam.
Q. Who?
A. Kiriam.
Q. Is that the first name or last name?
A. Kiriam Ruiz.
Q. On 4/13/2015 there's check number 200 to Morgan Stanley. It says condo for $200,000. Can you explain that entry?
A. Can I see it? I think condo is a mistake. I'm not sure exactly, but I think this is the Paraveda funds that came back.
Q. It's what, for the court reporter?

09:15:31-09:16:19 Page 133

A. It's not condo. It's Paraveda.
Q. What is Paraveda?
A. Paraveda is an investment that Robert had that came due.
Q. So the --
A. It was sent to Morgan Stanley.
Q. Was that an investment or was that a promissory note?
A. Investment.
(Reporter clarification.)
THE WITNESS: P-A-R-A-V-E-D-A.
BY MR. ROSENWATER:
Q. Are there any other monies that are due from Paraveda?
A. No.
Q. Are there any promissory notes entered into with Paraveda?
A. No.
Q. Is there a number of outstanding promissory notes for monies that Robert Wein lent individuals and companies to?
MS. MORRIS: Objection. Relevance. Go ahead.
BY MR. ROSENWATER:
Q. Are there promissory notes?

09:16:25-09:17:04 Page 134

THE WITNESS: Am I supposed to answer?
MS. MORRIS: Yes. You can answer.
THE WITNESS: There are promissory notes, yes.
BY MR. ROSENWATER:
Q. Who are the promissory notes from?
MS. MORRIS: I want a standing irrelevant objection to this line of questioning.
THE WITNESS: I don't have them.
BY MR. ROSENWATER:
Q. Have you made any effort to collect on these promissory notes?
A. Yes.
Q. What efforts have you done?
A. Tried to collect them.
Q. How did you try to collect them?
A. They're all different.
Q. Tell me.
A. Well, they're in the inventory.
Q. They're in the inventory that these are monies that are owed to the guardianship, to the ward. But how did you collect them? In the inventory it said --
A. I'm in the process of collecting them.
Q. In the process? What are you doing? Have

09:17:16-09:18:02 Page 135

you sent out demand letters?
A. I've been calling and speaking to the people that owe the money.
Q. And your records reflect that?
A. Possibly.
Q. You've been the guardian for almost eight months now. These monies have been due and outstanding since that time. You filed no court action or sent any demand letters to these individuals or companies?
MS. MORRIS: Objection. Irrelevant and argumentative.
You can answer.
THE WITNESS: I've done many things to collect these monies.
BY MR. ROSENWATER:
Q. What are the many things that you've done?
A. Mostly telephone calls.
Q. And your records would reflect that?
A. Possibly.
Q. Have you collected any of these monies?
A. Not yet -- that's wrong. I take that back. I have collected some of them.
Q. What have you collected?
A. The interest from the Copa Cabana loan.

09:18:23-09:19:51 Page 136

Q. Is that note due?
A. It's not a -- it doesn't have a due date. I'm collecting interest.
MS. MORRIS: There's an irrelevant objection to all of those questions.
BY MR. ROSENWATER:
Q. On February 18, 2015, check number 182, you paid yourself $5,000 for guardianship fees. Did you get court approval for those fees?
A. No.
Q. On March 11th, 2015, check number 190 to Elder Law Associates for $4,146.85, did you get court approval for that check?
A. No.
Q. Have you petitioned the court for guardianship fees?
A. No.
Q. Do you intend to?
A. Yes.
Q. When do you intend to do so?
MS. MORRIS: Objection. Irrelevant.
BY MR. ROSENWATER:
Q. You can answer the question.
A. I don't know.
Q. On November 17, 2014, you wrote a check

09:20:14-09:21:23 Page 137

for $3,577.50 to Elder Law Associates. Did you get court approval for that?
A. No.
Q. On October 29th, 2014, you wrote a check to yourself for guardian fees for $3,000. Did you get court approval for that?
A. No.
MS. MORRIS: Standing irrelevant objection to all of these questions, please.
BY MR. ROSENWATER:
Q. On October 22nd, 2014, you wrote a check to Ellen Morris for $1,137.50. Did you get court approval?
A. No.
Q. On December 15, 2014, you wrote a check to Mitchell Kitroser for $13,972.52.
(Reporter clarification.)
MR. ROSENWATER: $13,972.52.
BY MR. ROSENWATER:
Q. Is that correct, you wrote a check to Mitchell Kitroser?
A. I did.
Q. Was that pursuant to a court order?
A. I believe so.
Q. Have you paid yourself more than the

09:21:57-09:22:42 Page 138

$5,000 and the $3,000 that I just asked you about?
A. No.
Q. Do you have billing records?
A. Yes.
Q. Did you bring those?
A. No.
Q. Weren't they asked for at the last deposition and requested as part of the notice of taking deposition duces tecum?
A. Yes.
Q. Why didn't you bring them?
A. I don't have them finished yet.
Q. Why didn't you bring what you had completed?
A. It doesn't let me do that.
Q. You can't print it out?
A. I can't print out the incomplete invoice.
Q. So from October 2014 to June 10th, 2015, you have not completed one invoice in this case?
A. I haven't invoiced for this guardianship yet, no.
Q. But you've paid yourself $8,000?
A. Yes.
Q. What was that based upon?
A. What was due and owing at the time I paid

09:22:50-09:23:42 Page 139

it.
Q. Off of your billing records?
A. Yes.
Q. And you can't print a partial billing record?
A. Not on my program.
Q. What program do you have?
A. Rocket Matter.
Q. Are you going to provide those records?
A. Yes.
Q. When are you going to provide those?
MS. MORRIS: Subject to any privilege redaction.
BY MR. ROSENWATER:
Q. When are you going to provide those records?
A. By the date that they're due.
Q. You have a gmail account?
A. Yes.
Q. And you communicate with Dan Wein via email at Dan Wein's email address: DWein5680@aol.com?
A. Yes.
Q. And you provided us with copies of emails that you've had with Dan Wein regarding Robert

09:23:51-09:25:07 Page 140

Wein?
A. Yes.
Q. The emails that you provided are all of the emails that you've had with Dan Wein since the beginning of this matter?
A. Yes.
Q. Now, on some of these emails you've redacted information from these emails. Why did you redact the information?
A. Because it wasn't specific to what we're here for today.
Q. What are you discussing with Dan Wein other than Robert Wein? What other matters are you discussing with him?
A. His healthcare, finances.
Q. Robert Wein's healthcare and finances?
A. Yes.
Q. That's not relevant to the guardianship?
A. It doesn't have anything to do with the annulment or the trust issues.
Q. Dan Wein sent you an email on November 20, 2014. The first half of the email is redacted. But it says thereafter: Insofar as Vita, I understand she is on Medicare. If so, she can see any doctor that accepts Medicare and pays the

09:25:23-09:26:33 Page 141

co-payment. The best approach is to have the marriage annulled and then have her go on Medicaid when all expenses are paid.
Did Dan Wein send you this email?
A. Yes.
Q. Whose idea was it to have the marriage annulled, yours or Dan Wein's?
A. I don't know.
Q. You don't know?
A. No.
Q. Did you have any emails with him or discussions with him prior to this email of November 20, 2014, regarding the annulment of the marriage?
A. I'm not sure.
Q. Why were these discussions made with Dan Wein regarding Robert Wein's marriage to Vita Wein?
A. I'm not sure.
Q. Why does Dan Wein have any standing to have this marriage annulled?
A. I don't know if he does.
Q. Why are you discussing this as the ward? Isn't that information that shouldn't be discussed with the brother, his marriage?
A. I can't prevent him from emailing me.

09:26:50-09:27:13 Page 142

Q. He emails you on November 20, 2014, at 10:00 p.m. saying: The best approach is to have the marriage annulled and then have her go on Medicaid when all expenses are paid. Is that correct?
A. That's part of that email.
Q. What is the rest of the email?
MS. MORRIS: Objection. The document speaks for itself.
MR. ROSENWATER: She said she's --
BY MR. ROSENWATER:
Q. What's the rest of the email?
MS. MORRIS: Well, obviously it's part of the email. There's already --
MR. ROSENWATER: She said that's --
MS. MORRIS: -- testimony that there's redactions as to the healthcare or other issues that are not relevant to what we're here for. I don't understand the question.
MR. ROSENWATER: Can you repeat the question.
(The preceding question was read back by the Reporter.)
MR. ROSENWATER: Go back to her answer.
(A portion of the record was read back by

09:27:54-09:28:50 Page 143

the Reporter.)
BY MR. ROSENWATER:
Q. What is the rest of the email?
A. It's right there.
Q. Here. Tell me what is the rest of the email.
MS. MORRIS: Objection to anything that's redacted. Obviously she's not testifying to that.
BY MR. ROSENWATER:
Q. I'm talking about the annulment.
A. In the rest of the email he's talking about Vita's social worker at Jewish Home Life in the Bronx, and that social worker told him that Vita was on Medicaid. He wants to know when did she go off Medicaid and back on Medicare, which she says she's presently on.
Q. What relevance does that have to do with ward?
A. I don't know.
Q. On November 20th Dan Wein emails you about having the marriage annulled. Then on November 21st, one day after that, you email Jody Rich and suggest that Vita -- the best approach is to have the marriage annulled and then have her go back on

09:29:10-09:29:58 Page 144

Medicaid when all expenses are paid, housing, doctors, hospital, et cetera. Is that correct?
A. If that's what you're reading.
Q. Well, look at it.
A. Yes.
Q. So Dan Wein on the 20th tells you that the marriage should be annulled. You email Jody Rich the next day saying, the best approach is to have the marriage annulled. Whose idea was it to have the marriage annulled, yours or Dan Wein's?
A. I don't know.
Q. You don't know?
A. No.
Q. At your last deposition you said that Robert Wein wanted his marriage annulled, and he told you in January of 2015. Do you recall that?
A. Yes.
Q. And you said that was the first time that came up, correct?
A. The first time it came up with Robert.
Q. So prior to January of 2015, Robert never said anything about his marriage being annulled?
A. I can't remember.
Q. Did you have any discussions with Robert prior to January of 2015 regarding these emails and

09:30:13-09:30:55 Page 145

discussions that you had with Dan Wein for the best approach for the marriage to be annulled so Vita can go on Medicaid?
A. No. That was concerning Jody's request for health insurance for Vita.
Q. So you've never had discussions with Robert Wein prior to January of 2015 --
A. No. I didn't say that.
Q. -- regarding the annulment of the marriage?
A. I didn't say that.
Q. When did you first have discussions with --
A. I don't remember exactly.
Q. Would your -- do you take notes? Do you have notes on the guardianship?
A. Some notes.
Q. Did you provide those notes?
A. They would be in the emails or --
MS. MORRIS: Unless they were objected to.
BY MR. ROSENWATER:
Q. You have other notes as well, correct?
A. No.
Q. You don't -- you visit Robert Wein on such and such date. You don't take notes on what took

09:31:09-09:32:09 Page 146

place on that visit? You don't have a journal?
A. No.
Q. How do you document what took place with the ward if anything needed to be done? For example, you met the ward today.
A. It would be in my billing.
Q. Your billing records would reflect conversations or the extent of what was done?
A. Possibly.
Q. If they're not in the billing records, where would they be?
A. Then I probably don't have them.
CERTIFIED QUESTION
BY MR. ROSENWATER:
Q. Did you speak with Mitchell Kitroser regarding the annulment of Robert Wein's marriage?
A. Yes.
MS. MORRIS: Objection.
MR. ROSENWATER: What is your objection?
MS. MORRIS: Mitchell Kitroser was the attorney for Robert Wein. The attorney/client privilege extends to fiduciaries. Betsy is Robert Wein's fiduciary. Any conversation that she had with Mitchell Kitroser is privileged attorney/client communication.

09:32:21-09:33:15 Page 147

MR. ROSENWATER: If there's a discussion. I've asked if she had any discussions. That's not privileged.
MS. MORRIS: It actually is.
MR. ROSENWATER: It is not.
MS. MORRIS: It is. And I'm directing you not to answer.
MR. ROSENWATER: That's not privileged. Again mark that. We'll certify that and bring that up before the court.
BY MR. ROSENWATER:
Q. So you're not going to testify that you had any discussions with Mitchell Kitroser?
A. No.
Q. Did you review his report that he filed with the court?
A. I did.
Q. Did his report indicate anything about Robert Wein's marriage?
A. I can't remember the report exactly. I'd have to read it again.
Q. When is the last time you read his report?
A. At the very beginning of the guardianship.
Q. I'm handing you the report of the court appointed counsel, which was Mitchell Kitroser.

09:33:29-09:34:16 Page 148

Have you seen that report before?
A. Yes.
Q. The report was signed on October 14, 2014, by Mitchell Kitroser, correct?
A. Signed, yes.
Q. And you read that report?
A. Yes.
Q. Did you have any objections to the report?
A. Not at the time.
Q. Do you have objections to the report now?
A. I don't know. I'll have to reread it.
Q. You said, not at the time. I mean, either you have objections or not. Have you filed any objections to the report?
A. No.
Q. What are your objections to the report, if any?
A. I would have to reread it and let you know if I have an objection.
Q. Wouldn't you know now?
A. No. I don't know. I haven't reread it since beginning of the guardianship.
Q. So you haven't looked at it since the beginning of the guardianship. But you're saying you may have objections to it. But you haven't

09:34:36-09:35:13 Page 149

filed any objections with the court?
MS. MORRIS: Objection. Argumentative.
MR. ROSENWATER: She can't answer the question. It's amazing.
BY MR. ROSENWATER:
Q. Let me direct your attention to page five of the report. Do you have page five?
A. You want me to read the whole report?
MS. MORRIS: No. He wants you to go to page five.
THE WITNESS: Okay.
BY MR. ROSENWATER:
Q. Do you see the stipulation as to the rights to be removed?
A. The rights that will be delegated to the guardian. Is that what you're looking at?
Q. No. On page five, the stipulation as to --
A. Stipulation, okay, uh-huh.
Q. And Mr. Kitroser says that Mr. Wein recalls that he remarried his former wife Vita and wishes to remain married. Have you read that before?
A. Yes.
Q. (Reading.) And for the purposes of this

09:35:32-09:36:28 Page 150

hearing in this matter, Mr. Wein states that he no longer has the need to marry in the future and has no need to retain this right. Correct?
A. Yes.
Q. When Mr. Kitroser filed this report, did you file any objections to that?
A. No.
Q. Do you object to his statement that Mr. Wein wishes to be remain married to his wife?
A. Do I what?
Q. Do you have an objection to his statement that Mr. Wein wishes to remain married?
A. I don't have an objection to what he's saying.
Q. And he was the court-appointed attorney for the ward, correct?
A. Yes.
Q. And your petition to annul is based upon statements that Robert Wein made to you?
MS. MORRIS: It's a petition for authority to annul. Let's just be clear what we're on. This is not the annulment petition. It's a petition for authority to annul.
MR. ROSENWATER: I understand that. But I'm trying to find out why there's even a basis

09:36:36-09:39:26 Page 151

for authority to annul.
BY MR. ROSENWATER:
Q. What is your basis for filing this petition?
A. Conversations with Mr. Wein.
Q. And Mr. Wein has said to you, I don't want to be married to Vita Wein?
A. Correct.
Q. When were those conversations?
A. I don't have the exact date.
MR. ROSENWATER: Let's enter this as Exhibit --
(Off-the-record discussion.)
(Vita Wein's Exhibit 20, Report of Court-Appointed Counsel.)
MR. ROSENWATER: Let's mark as Composite Exhibit 21 the additional documents that were produced today.
(Vita Wein's Exhibit 21, Documents Produced at Deposition.)
BY MR. ROSENWATER:
Q. Has Robert Wein ever had any recent discussions with you stating that he wanted to remain married?
A. He called me on the telephone.

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Q. When?
A. The day after our deposition.
Q. And what did he say?
A. He said -- I don't know exactly.
Q. Why did he call you?
A. I'm not sure.
Q. What did you say to him?
A. I just listened to him.
Q. You didn't say anything to him?
A. I asked him who was there.
Q. Who did he say?
A. He said Jody and Vita.
Q. And what else? That's it? That was your whole conversation?
A. No. It wasn't the whole conversation.
Q. What else did you speak with Robert on that day. And that would be May 20th, correct, because your deposition was taken on May 19th?
A. Yes.
Q. So it was approximately a little less than three weeks ago?
A. Yes.
Q. So Robert Wein called you on May 20th. And he said he -- he asked you. Strike that. Robert Wein called you on May 20th,

09:40:53-09:41:34 Page 153

correct?
A. Yes.
Q. And on May 20th did he have discussions with you regarding his marriage to Vita?
A. It wasn't a discussion, no.
Q. Did he say anything to you about his marriage being annulled?
A. No.
Q. Did he say that he wanted to be married to Vita?
A. Possibly.
Q. Well, what did he say to you?
A. I don't have it written in front of me.
Q. So you had a telephone conversation on May 20th with Robert Wein. You didn't visit him on that day. Would it be reflected in your billing records?
A. Yes.
Q. So your billing records would indicate what you talked to Robert Wein on May 20th about, correct?
A. Or my notes.
Q. So you have notes as well. Where do you take notes?
A. On my Rocket program.

09:41:43-09:42:17 Page 154

Q. Is that connected with your billing program?
A. Yes.
Q. So when you print your invoice, your notes would come up as well?
A. No. I have to print my notes.
Q. So your notes are separate? You don't have to finalize your billing to print your notes, correct?
A. Correct.
Q. Did you bring your notes on the guardianship file with you today?
A. No.
Q. Why not?
A. Because I haven't printed them yet.
Q. Weren't you asked for that at your last deposition?
A. Yes. But I haven't finished it yet.
Q. Did you say you were going to produce them at the deposition with the emails and the billing records?
A. No. I said I would produce them when they were due.
Q. I don't think so.
A. Well, I produced all of the emails.

09:42:28-09:43:10 Page 155

Q. You knew your deposition was renoticed for June 10th, and the purpose of renoticing the deposition was to go over the documents that were requested, right?
A. Correct.
MS. MORRIS: Objection. Argumentative.
BY MR. ROSENWATER:
Q. I guess we're going to have to continue your deposition again because you haven't provided the records. Is that okay with you?
A. No.
Q. Are you going to provide the records?
A. Yes.
MS. MORRIS: They're due on the 14th. You served your notice prior and asked for documents before your request for production due date. We gave you professional courtesy and produced whatever we could produce before that time. We filed an objection to your duces tecum in your depo, which was overbroad, and we'll produce whatever we're not objecting to according to your request for production.
MR. ROSENWATER: You had a notice of taking deposition pursuant to the guardian's deposition. You were supposed to provide those

09:43:20-09:43:57 Page 156

documents unless you had an objection. You didn't object to the billing records. You said you were going to provide the billing records.
MS. MORRIS: We objected in total to your notice as overbroad.
MR. ROSENWATER: We'll file a motion.
MS. MORRIS: Go right ahead. File whatever you want.
MR. ROSENWATER: You guys don't provide anything.
BY MR. ROSENWATER:
Q. So on May 20th you had a discussion with Robert Wein. You don't recall what was discussed in this conversation?
A. I do.
Q. What was discussed?
A. He called and he spoke. We didn't discuss anything.
Q. Well, when someone calls, isn't that a discussion? You responded to him, correct?
A. No.
Q. He just said, hello, Betsy, this is Robert Wein?
A. (Nodding head.)
Q. And you just sat there shaking your head

09:44:07-09:45:04 Page 157

and didn't respond?
A. Yes. He gave a speech.
Q. You said nothing?
A. Not until he was done.
Q. What did you say when he was done?
A. I said, who's there with you.
Q. Other than that, what did you say?
A. That's it.
Q. Did you discuss Larry Wein with him?
A. I don't think so.
Q. Would your notes reflect that?
A. They would.
Q. You said he gave a speech. What was the speech that he gave to you?
A. Something about, I don't want to change anything.
Q. Meaning his estate documents?
A. I don't know what he meant.
Q. And then after this discussion on May 20th, did you have any other discussions with Robert Wein regarding the annulment of his marriage or his estate documents?
A. He called again with Vita from Vita's phone. And I have to look to see exactly what he said.

09:45:15-09:45:56 Page 158

Q. You don't know what he said?
A. Well, he said something about, I want to pay for Vita.
Q. And what did you say to him?
A. I don't remember.
Q. And when was that conversation?
A. Sometime after the first conversation.
Q. So it was sometime after May 20th?
A. Yes. A couple days later.
Q. So less than two weeks ago?
A. Yes.
Q. And you don't recall the conversation?
A. I don't recall exactly the conversation.
Q. Well, can you paraphrase the conversation?
A. I just did.
Q. What do you recall of the conversation?
A. I just paraphrased it.
Q. Just that I want to pay for Vita?
A. I want to pay for Vita. I want to leave everything as it.
Q. Were there any other conversations with Robert after that conversation?
A. No.
Q. No other telephone conversations?
A. No.

09:46:05-09:46:39 Page 159

Q. Did you meet with him?
A. Yes.
Q. When did you meet with him?
A. I'll provide you with that date.
Q. You don't have that?
A. Not on me, no.
Q. Approximately?
A. Approximately sometime between then and now.
Q. When is then?
A. The last deposition.
Q. Well, it had to be after May 20th, correct?
A. Yes. It was after May 20th, correct.
Q. And then a few days after that you had a conversation with him, you said, a telephone conversation?
A. Right.
Q. It was after that conversation, correct?
A. I'm not sure.
Q. You don't review your notes and records before you come to these depositions?
A. It could have been before that. I was busy copying the emails.
Q. How many guardianships do you have right

09:46:49-09:47:35 Page 160

now?
A. I don't know exactly.
Q. What about approximately?
A. I have all different things. I have trusts. I have full plenary guardianships. I have guardian advocates. They're all different. When you say "guardianships," guardianships, I don't have very many.
Q. How many, less than five?
A. Six.
Q. These are six ongoing guardianships?
A. Yes.
Q. You're court appointed for each of them?
A. Yes.
Q. What other matters are you working on?
MS. MORRIS: Objection. Irrelevant. Don't answer.
MR. ROSENWATER: It's not.
MS. MORRIS: I'm instructing her not to answer, Bruce. Move on.
MR. ROSENWATER: It's relevant because she's not recalling anything. I want to know how busy she is. She can't provide these records.
MS. MORRIS: That's not what you asked.

09:47:41-09:48:20 Page 161

You asked what do they involve.
MR. ROSENWATER: I said, what other records are you working on, what other cases do you have.
MS. MORRIS: She said six.
MR. ROSENWATER: Six guardianships. She said she was busy and had other matters and she hasn't --
MS. MORRIS: What types of other cases?
MR. ROSENWATER: Yeah. What types of other cases.
MS. MORRIS: Okay. You can answer that.
THE WITNESS: I have guardian advocates.
BY MR. ROSENWATER:
Q. What is a guardian advocate?
A. Oh, boy. A guardian advocate is different from a regular guardianship. It deals with people who are incapacitated from birth.
Q. How many cases do you have?
A. I don't know exactly.
Q. Approximately.
A. Three.
Q. What other matters are you handling?
A. Special needs trusts.
Q. How many special needs trusts are you

09:48:33-09:49:35 Page 162

involved in?
A. Five.
Q. Any other matters you're presently working on?
A. Estates.
Q. Estate what?
A. Personal representative.
Q. How many estates?
A. Two.
Q. Court appointed?
A. Yes.
Q. Any other matters?
A. No.
Q. On November 28th, 2014, you have an email with Dan Wein regarding the eviction of Larry Wein. Is that it?
A. Yes.
Q. Yes? Correct?
A. Yes.
Q. Why did you get involved in Larry Wein's eviction?
A. Bob asked me to.
Q. Those are in your notes?
A. No.
Q. Larry Wein is an adult, right?

09:50:01-09:51:34 Page 163

A. Yes.
Q. Again, in this email on Friday, November 28th, Dan Wein says: Bob's marriage to Vita has to be annulled. I prepared a brief delineating the reasons to annul the marriage and reversed, revised and restated trust of August 25th, 2014. I will email the brief to you within a day or so.
Did you provide that brief?
A. I believe so, yes.
Q. So Dan Wein emails you on Wednesday, December 31st, 2014: Have you made progress on the reversal of the trust and annulment of the marriage. Was my brief of any help to you?
Is he telling you what to do regarding this guardianship?
A. He's sending emails.
Q. You're aware that Dan Wein took out a large amount of money from Robert Wein's accounts prior to this guardianship? Are you aware of that?
A. No.
Q. Bob Wein never told you that?
A. No.
Q. No one ever told you that?
A. No.

09:51:41-09:52:47 Page 164

Q. Did Jody Rich tell you that?
A. No.
Q. Jody Rich never said that?
A. No.
Q. Didn't she give you a note telling you about that?
A. What are we referring to?
Q. That Dan Wein took a large amount of money from Bob Wein?
A. A large amount of money? How much money are we talking about?
Q. $100,000.
A. No. I didn't hear that.
Q. Did you know that Dan Wein tried to take $200,000 after his power of attorney was revoked from Robert Wein's account?
A. No.
Q. Do you feel it's appropriate to talk to Dan Wein regarding these issues?
A. What issues?
Q. His annulment and financial issues?
A. If I need to.
Q. Why do you need to speak to him regarding these issues?
A. Which issues?

09:52:58-09:53:40 Page 165

Q. The annulment and amending the estate documents?
A. He has a lot of documentation.
Q. What documentation does he have?
A. Whatever he's given us.
Q. What has he given you? I'm asking you.
A. Anything we have that came from Dan, documentation, or Jody. I started the guardianship with nothing, so...
Q. So you started the guardianship with nothing and Dan Wein and Jody Rich provided you with documentation?
A. Correct.
Q. When you went to court the first time regarding this matter, did you meet with Jody Rich?
A. I met her, yes.
Q. Did she provide a package to you?
A. Sometime later she sent a package.
Q. What was in the package?
A. I don't recall exactly. I have it in my file.
Q. Was it the estate documents for Robert Wein?
A. Some of them, yes.
Q. So at your last deposition you said that

09:53:54-09:54:57 Page 166

Ellen Wein provided -- Ellen Morris provided those documents to you. Who provided the estate documents for Robert Wein to you, Jody Rich or Ellen Morris?
A. Well, there are lots of estate documents, so I don't know which ones you're asking about.
Q. At some time Jody Rich provided these documents to you, estate documents?
A. Correct. Correct.
Q. And you're aware that she had these estate documents?
A. I have to look in the file to see which ones she had. I'm sure she had -- I know she had the second trust.
Q. Did you ever ask her how she got these estate documents?
A. I don't think so, no.
Q. Your attorney is alleging that these documents are privileged?
A. Correct.
Q. You sent an email to Dan Wein on January 30, 2015. It says: I hear you, and I'm making an appointment with Bob to take him to see my attorney. I will let you know when. I had a very nice call with Bob. He said nice things about you.

09:55:10-09:56:11 Page 167

Do you recall this email?
A. Yes.
Q. What did Bob say?
A. In his conversation with me?
Q. Yeah, on January 30th, 2015.
A. He said that he loved his brother and he wanted to redact anything negative he's ever -- he has said to anyone about his brother.
Q. So you can remember this conversation on January 30th, 2015, which was almost six months ago, but you can't recall your conversation last week with Bob Wein?
MS. MORRIS: Objection. Argumentative. Stating facts not in evidence. That's not what she testified to.
BY MR. ROSENWATER:
Q. You say: I'm making an appointment with Bob to take him to see my attorney. What were you taking Bob to see the attorney for?
A. He wanted to annul the marriage and change his trust documents.
Q. This was after he was already determined to be incapacitated and show that he had dementia, correct?
A. Correct.

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Q. He didn't have the ability to contract?
A. Correct.
Q. And you're trying to set aside the 2014 amendment because he didn't have the capacity to enter into those documents; is that correct?
MS. MORRIS: Objection. That is misstating facts in evidence. That's not what the petition says.
BY MR. ROSENWATER:
Q. There's an email from Dan Wein to you on Monday, February 9, 2015. It says: Attached are some documents I meant to give you this afternoon. They are files, an email from Mitch Kitroser, which of course was not paying Vita's attorney and two separate affidavits which support the annulment of Bob's marriage to Vita.
Do you recall that email?
A. Yes.
Q. Did you attach those documents?
A. Yes.
Q. Can you show me where they are?
MS. MORRIS: Let me look. It will probably be easier.
THE WITNESS: I wrote back and sent them yesterday. These additional documents were

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those testimonies from the two people --
MS. MORRIS: They're right here. Hang on.
THE WITNESS: -- his two friends and then --
MS. MORRIS: Hang on.
THE WITNESS: (Inaudible.)
THE REPORTER: I can't hear what you're saying.
MS. MORRIS: I don't know that this needs to be on the record.
MR. ROSENWATER: It does.
MS. MORRIS: You want this on the record?
MR. ROSENWATER: Yeah.
MS. MORRIS: Okay. I'm finding the affidavits that are the additional documents for her and handing them to Bruce.
MR. ROSENWATER: Or throwing them.
BY MR. ROSENWATER:
Q. Who had these affidavits prepared?
A. I don't know.
Q. Did you instruct Dan Wein to get these affidavits prepared?
A. No.
Q. So Dan Wein on his own got these affidavits from these individuals?

09:59:00-10:01:48 Page 170

A. I don't know who got them.
Q. Dan Wein provided these documents to you, correct?
A. On this day he did, yes, February 9th.
Q. And there's also an email from Mitch Kitroser on February 9th. Do you have that email from Mitch Kitroser?
MS. MORRIS: This is an email from Mitch Kitroser that's dated October 13th, 2014. Here's another email that's part of an email string where there's an email contained from Mitch Kitroser in it dated somewhere also in October. Those are the only emails that you have.
BY MR. ROSENWATER:
Q. So the two emails that were handed to me by your attorney from Mitch Kitroser, are those the emails that were attached to this email of February 9th that Dan Wein provided to you?
A. I don't know exactly. I can look it up again.
Q. Did you speak with Larry Wein regarding his affidavit that he filed?
A. No.
Q. In paragraph three Larry Wein states: My

10:02:06-10:02:44 Page 171

father has been manipulated, coerced and exploited by his caretaker, Delores Bryant, my mother Vita and other third parties such as Jody Rich.
You never spoke to him about this?
A. No.
Q. You didn't think it was important to speak to him about this?
MS. MORRIS: Objection. Argumentative. Asked and answered.
BY MR. ROSENWATER:
Q. Did you think it was important to speak with these individuals regarding the allegations made by Robert Wein's son?
A. I've never spoken to Larry Wein.
Q. You've never spoken to him?
A. No.
Q. Does Larry Wein have any type of mental issues?
A. Yes.
Q. Do you know what they are?
A. Not exactly.
Q. How did you find out about his mental issues?
A. From his family members.
Q. What did they tell you about Larry Wein?

10:02:58-10:03:55 Page 172

A. That he has mental issues.
Q. Are you relying on his affidavit in this case?
A. That's a legal question. I can't answer.
Q. Do you know who had -- strike that.
This affidavit of Eugene Kaplan, did you speak with Mr. Kaplan?
A. No.
Q. This affidavit of, the first name is S-U-R-U-J-E-A-Y-E, last name J-A-I-K-A-R-A-N, have you spoken with this individual?
A. No.
Q. Do you know who this individual is?
A. A friend of Robert's.
Q. Do you know who Eugene Kaplan is?
A. Another friend of Robert's.
Q. Dan Wein provided those affidavits to you, correct?
A. Yes.
Q. He provided the marital settlement agreement to you that was entered into evidence as the last exhibit?
A. Yes.
Q. And has he provided you with any other documents regarding Robert and Vita's marriage?

10:04:09-10:05:07 Page 173

A. No. I don't believe so.
Q. Did he provide you with the marriage license?
A. I don't think he did, no.
Q. Where did you obtain that document from?
A. From the courthouse, the clerk of court.
Q. The marriage license, did you speak to the individual who performed the ceremony?
A. No.
Q. And I believe you've also attached to your amended petition to appoint an attorney to annul the marriage a marriage license application?
A. Yes.
Q. Who provided that application to you?
A. The clerk of court.
Q. When did you obtain that license?
A. I don't have the date.
Q. Did you go to the court directly and get it?
A. Yes.
Q. Did you discuss that application with Robert?
A. No.
Q. On the inventory that you prepared on behalf of the ward, you indicated there's numerous

10:05:22-10:05:55 Page 174

individuals that have outstanding obligations to the ward, correct?
MS. MORRIS: Objection. Irrelevant.
You can answer, Betsy.
THE WITNESS: Yes. There are people that have monies owed.
BY MR. ROSENWATER:
Q. I believe Eugene Kaplan was one of the individuals that owes Robert money, correct?
A. Yes.
Q. Have you made any efforts to contact Mr. Kaplan to collect these monies?
MS. MORRIS: Objection. Irrelevant.
THE WITNESS: Yes.
BY MR. ROSENWATER:
Q. What did you do?
A. Telephone calls.
Q. Did you send any demand letters?
A. No.
Q. Has Mr. Kaplan made any payments?
A. No.
Q. Do you know how much money he owes Robert Wein?
A. No.
Q. You provided an email. I guess it was

10:07:56-10:10:15 Page 175

from Ellen Morris to Mitchell Kitroser regarding the Wein guardianship dated October 14, 2014. In that email Ellen Morris states to Mitch Kitroser: She maintains that Robert continues to say he wants to live with and take care of Vita.
Is the "she" you?
A. Can I see it? Yes, that is me.
Q. So Robert was telling you in October of 2014 that he wanted to remain married to Vita, correct?
A. I think that he wants to continue taking care of her.
Q. And he told you that last week or a few weeks ago according to you, correct?
A. Yes.
Q. On February 11th, 2015, you get an email from Dan Wein and it says: Betsy, attached are the cogent, ethical and fiduciary arguments to annul the marriage.
Can you provide those to me? I don't see where those are.
MS. MORRIS: They're there.
BY MR. ROSENWATER:
Q. So at your last deposition you said that you met with Bob and yourself and Ellen Morris on

10:10:34-10:11:34 Page 176

February 9th, 2015, and Bob wanted his marriage annulled, correct?
A. Yes.
Q. But this letter or email that Dan Wein sent to you states: He was coerced by Vita and Jody into a marriage he would never have partaken in if he were not in a demented state. Bob's statement on February 9, 2015, to Ellen Morris, Esquire, that he wanted to stay married to Vita was in variance to the statements made by Bob to me on numerous occasions that he did not want to stay married.
Is that a true and correct statement?
A. From Dan?
Q. Yes.
A. It appears to be.
Q. So you were discussing with Dan Wein statements that Bob made to you and Ellen Morris, correct?
A. Let me see the email again. What was your question again?
Q. I asked if you were discussing statements with Dan Wein that were made between you and Ellen Morris and Robert Wein?
A. If I was discussing with Dan Wein

10:11:56-10:12:47 Page 177

statements that --
Q. Took place in the presence of yourself and Ellen Morris.
MS. MORRIS: Betsy, just put that down and answer his question.
THE WITNESS: I'm not sure exactly.
BY MR. ROSENWATER:
Q. How would Dan Wein know that Bob made a statement on February 9, 2015, to Ellen Morris that he wanted to stay married to Vita?
A. I may have paraphrased our meeting.
Q. So you discussed attorney/client privilege documentations to a person that's not a party to this?
A. No. I paraphrased it.
Q. You said that Bob made statements that he wanted to stay married to Vita.
MS. MORRIS: Objection. That's what Dan said.
BY MR. ROSENWATER:
Q. You're saying that Dan is incorrect when he's saying this to you?
A. Yes. He writes a lot of incorrect things there.
Q. How do you know what's true and what's not

10:12:58-10:13:55 Page 178

correct when he tells you stuff?
MS. MORRIS: Objection. Relevance as to what Dan says that's true or not.
BY MR. ROSENWATER:
Q. Well, you're using Dan's information to help you with your petition.
MS. MORRIS: Objection. That's actually contrary to the testimony that was given.
MR. ROSENWATER: Not contrary. You can question her. You have the right to cross-examine her. You don't have the right -- file a legal objection. But speaking objections aren't proper. You can't comment on the question. If you have an objection to it, state your objection. You're coaching your witness.
BY MR. ROSENWATER:
Q. On February 9th, 2015, did Bob make a statement to Ellen Morris that he wanted to stay married to Vita?
A. I'm not sure exactly.
Q. Was Dan present at the meeting with you and Ellen Morris and Bob?
A. No.
Q. Was anyone else there besides you, Bob and

10:14:12-10:15:59 Page 179

Ellen Morris?
A. No.
Q. Where would Dan Wein get this information that Bob made a statement on February 9th, 2015, to Ellen Morris that he wanted to stay married to Vita?
A. I don't know.
Q. So according to Dan Wein on February 9, 2015, Bob wanted to stay married to Vita; is that correct?
A. That's what Dan said.
Q. In October of 2014 Bob states and emails and discusses that he wants -- strike that.
On October 14th your records indicate that Robert Wein indicated to you that he wanted to stay married to Vita, correct?
A. What's that, in an email?
Q. Yes.
A. Which one?
Q. An email from Ellen Morris to Manny Kushner that we went over. It says: She maintains that Robert continues to say he wants to live with and take care of Vita?
A. Wants to live with and continue paying her bills.

10:16:05-10:16:49 Page 180

MS. MORRIS: You said that was an email to Manny Kushner. Isn't that an email to Mitch Kitroser that you read prior?
MR. ROSENWATER: No. It's an email from you to -- strike that. It was to Mitchell Kushner (sic) and Manny Kushner.
MS. MORRIS: Cc'd Manny, I think.
MR. ROSENWATER: No. It was to --
MS. MORRIS: That's fine. I just wanted to make sure I'm thinking about the same email that you're talking about.
BY MR. ROSENWATER:
Q. And then on February 9th it appears that Bob Wein told you that he wants to remain married to Vita, correct?
A. No.
Q. So this is incorrect?
A. That's what Dan said.
Q. Dan wasn't present at the meeting, correct?
A. Dan writes a whole long email. I can't verify what Dan said was true or not.
Q. Well, where would he get this information of what Bob's statements were on February 9th regarding his marriage?

10:16:54-10:18:01 Page 181

A. I don't know.
MS. MORRIS: Objection. Asked and answered.
BY MR. ROSENWATER:
Q. Dan was present at Ellen Morris's office on that date, correct?
A. He drove Bob.
Q. Did you speak with Dan after this meeting?
A. I'm sure I spoke with him after the meeting at some point.
Q. In May again, May of 2015, Bob called you at least on two occasions recently you told us stating that he wants to be married to Vita and take care of her, correct?
A. He stated that he wanted to keep things the same, and he wanted to continue paying for Vita.
Q. And as the guardian for the ward, don't you have the best interest of the ward?
A. Yes.
Q. And if the ward wants something, isn't that what you're supposed to provide?
A. Possibly.
Q. So are you going to provide -- are you going to honor Bob's wishes to take care of Vita?

10:18:15-10:19:04 Page 182

A. If it's in his best interest.
Q. Are you going to dismiss your petition to appoint an attorney to annul the marriage?
A. No.
Q. But Bob told you -- you're saying it's not in Bob's best interest to remain married to Vita?
A. That's a legal question.
Q. Well, you're the guardian.
A. But it's a legal question.
Q. A legal question is it's in the best interest that someone is going to be married to someone?
A. It's a legal question that we're asking the judge to decide.
Q. But Bob has told you. Your ward has indicated to you on numerous occasions that he wants to remain married to Vita and take care of her.
A. He wants to continue paying for her. He doesn't care if he continues paying for her or not. It doesn't make any difference to him.
THE REPORTER: He doesn't care if he continues paying for her or not?
THE WITNESS: Yeah.
BY MR. ROSENWATER:

10:19:12-10:20:13 Page 183

Q. You also want to amend his estate documents based upon statements he's made to you, correct?
A. Yes.
Q. Have you ever asked him if he was happy being married to Vita?
A. Yes.
Q. What did he say?
A. He doesn't care.
Q. Have you ever asked him, do you want to remain married to Vita?
A. Yes.
Q. And what has he said?
A. No.
Q. And when did he say that?
A. When I talked to him in -- I don't know the date. I have to look it up.
Q. You've asked him if he wanted to remain married, and he says no. And he calls you and says, I want to remain married to Vita. So he keeps changing his mind, correct?
A. You could see it that way.
Q. So basically he could change his mind depending on who asks the question and the date or time, correct?

10:20:19-10:21:50 Page 184

A. Possibly.
Q. At this point he's suffering from dementia, correct?
A. Yes.
Q. And he doesn't have the ability to make decisions regarding his marriage or his trust documents, correct?
A. That's a legal question.
Q. I think at your last deposition didn't you testify that Bob has sufficient assets to support him and his wife for the remainder of his life?
A. Yes.
Q. So what's the problem with him supporting his wife for the rest of his life?
A. I don't know.
Q. Has Dan Wein provided you with a final judgment of dissolution of marriage for Bob Wein's and Vita Wein's marriage that took place?
A. No.
Q. Have you researched that?
A. Yes.
Q. Have you found the final judgment of dissolution of marriage?
A. No.
Q. When you say you researched it, what have

10:22:01-10:22:42 Page 185

you done?
A. Wrote -- made telephone calls and wrote letters.
Q. To who?
A. New York.
Q. Did you get back any letters from the state of New York?
A. I got back one.
Q. Was that produced?
MS. MORRIS: No. It's not in the production. We'll produce it.
BY MR. ROSENWATER:
Q. That letter indicated --
A. I think I sent it yesterday.
MS. MORRIS: I haven't seen it yet.
BY MR. ROSENWATER:
Q. The letter indicated that they have no records that Robert and Vita Wein were ever divorced?
A. Yes.
Q. Yes. They have no records?
A. Yes. They have no records.
Q. Did you ask Dan Wein when Robert and Vita Wein were allegedly divorced?
A. Yes.

10:22:50-10:24:02 Page 186

Q. What did he say?
A. I can't remember.
Q. How does he know? Did you ask him if he had any records or any knowledge of that?
A. Ask Robert?
Q. Ask Dan Wein.
A. Oh, Dan. Dan doesn't know either the exact date.
Q. And he has no records, correct?
A. No.
Q. Who is Stacy Wein?
A. Dan's daughter.
Q. Why are you --
A. Larry's sister.
Q. Why are you communicating with Stacy Wein?
A. I don't speak to Larry, so I've had some communication with her concerning Larry.
Q. And it says she sent you an email on Thursday, April 9th, 2015: Unfortunately Larry was taken to the hospital again yesterday from the shelter. They say if he's disruptive one more time, he will be kicked out of the homeless shelter and really be homeless.
What did you do in response to this email?
A. I'm not sure.

10:24:24-10:25:52 Page 187

Q. And it says: If Vita through Jody did not evict Larry, he would still be paying the mortgage as he has always had and she would be collecting the approximately $3,000 a month.
Did you ever ask Vita whether Larry was paying the mortgage?
A. Yes.
Q. What did Vita tell you?
A. She said she wouldn't discuss it.
Q. Did you ask Jody if Larry was ever paying the mortgage?
A. I can't remember.
Q. Weren't you aware that Larry wasn't paying the mortgage and the house was going in foreclosure?
A. No. I don't know all of the details about that house.
Q. You went ahead and took a thousand dollars from the guardianship account and hired -- had Stacy Wein hire an attorney, correct?
A. Yes.
Q. Stacy Wein sent you an email on Friday, April 10th, 2015. And you received emails from Jody Rich, correct?
A. Yes.

10:26:56-10:28:23 Page 188

Q. Do you recall receiving these emails from Jody Rich to you in November of 2014?
A. I'll have to look this up.
Q. You don't remember it?
A. No. I don't remember the first page. I saw this part, the second page. I remember the second page.
Q. This is -- you're Betsy, correct?
A. Yes.
Q. This is an email from Jody Rich to you, correct?
A. Yes.
Q. It states: Larry is living in Vita's condo in New Jersey and stopped paying the mortgage payments for several months now. As of today the mortgage is in collections.
This was sent in October -- excuse me, November of 2014.
MS. MORRIS: I'm going to object to lack of foundation.
BY MR. ROSENWATER:
Q. You're saying you don't recall this email?
A. I recall the second page. I don't recall the first page.
Q. On the second page, that's the one: In addition, I do not think it's appropriate for Dan Wein to be discussing Bob's finances or any related business?
A. Correct.
Q. It says: My understanding is that Dan continues to upset Bob, speaking about his son Larry in such drama.
Have you had discussions with Bob regarding that at that point in November?
A. There's been discussions about Larry all along.
Q. What about Dan upsetting Bob?
A. No. He never -- no.
Q. Does Vita upset Bob?
A. Sometimes.
Q. And Bob has told you that?
A. Yeah.
Q. Bob never told you that Dan upsets him?
A. He did not say that Dan upsets him, no.
Q. Never?
A. No. He's never said that.
MR. ROSENWATER: Let's have this marked as Exhibit 22, the emails from Jody Rich to Betsy Savitt.
MS. MORRIS: Over objection.

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10:29:53-10:30:35 Page 190

(Vita Wein's Exhibit 22, Emails from Jody Rich to Betsy Savitt.)
BY MR. ROSENWATER:
Q. So Stacy Wein sends you an email on April 10th, 2015: Betsy, I saw this article you mentioned to my father regarding Ellen Morris.
What article did you mention to her father regarding Ellen Morris?
A. I mentioned the article?
Q. Yes. That's what she says.
A. I didn't mention the article to her.
Q. No?
A. No.
Q. Do you know what article she's talking about?
A. I think she's referring to an article about Ellen Morris that was in the paper.
Q. In the Palm Beach Post?
A. Yes.
Q. Are you familiar with that article?
A. Somewhat.
Q. Did you read the article?
A. I don't think so.
Q. Why didn't you?
A. I didn't read it.

10:30:42-10:31:43 Page 191

Q. It was regarding professional guardians, wasn't it?
A. Yes.
Q. And how they're taking advantage of the ward?
A. Yes.
Q. Wasn't this a case in which Ellen Morris tried to have a marriage annulled as well?
A. Yes.
Q. Stacy Wein said: I believe you need to have new counsel represent you and my uncle annulling the marriage.
Did you have discussions with her regarding this?
A. No.
Q. And Dan Wein is emailing you on April 13, 2015. And he's stating that: It's now close to six weeks after Ellen filed the petition February 23rd. There was ample time to speak to Bob before now. I'm disturbed, especially after our conversation.
What were you supposed to speak to Bob about?
A. I'm not sure.
Q. Do you know what he was disturbed about?

10:31:49-10:33:01 Page 192

A. Who, Dan?
Q. Yes.
A. No.
Q. He said: I'm disturbed, especially after our conversation.
What conversation did you have with Dan Wein it appears sometime in April 2015?
A. I don't think he's referring to me.
Q. He's sending it to you. The email is to you. He says, Betsy. And then he's saying, I'm disturbed especially after our conversation.
So you don't think he's speaking to you?
A. I'm not sure he's referring to our conversation.
Q. And again he says: I'm more convinced now that Ellen is not interested to pursue this because of the very bad publicity naming her in an annulment controversy in a recent Palm Beach Post article. Is this a delaying tactic on her part?
Did you have any discussions with him regarding this article?
A. No.
Q. And Bob Wein -- excuse me, Dan Wein states in this email: Since that court order of October finding him incapacitated, his dementia has

10:33:13-10:34:01 Page 193

deepened as his physical condition.
Do you agree with that?
A. Somewhat.
Q. What do you mean "somewhat"?
A. It's gone up and down.
Q. Do you think his dementia has deepened?
A. It goes up and down.
Q. Does he have a private nurse?
A. He has nurses at the Colony.
Q. Any other additional private nurses?
A. Not a private nurse.
Q. Isn't there another nurse that comes three hours a day that's not affiliated with the Colony?
A. It's an aide.
Q. That's not a nurse?
A. No.
Q. What does the aide do?
A. Takes care of his needs, gets him to eat.
Q. Who suggested that this aide be provided for Bob?
A. Jody.
Q. Don't you think it's in the best interest and welfare of Bob that the aide is there?
A. Do I think it's in the best interest that the aide is there?

10:34:07-10:35:11 Page 194

Q. For Bob, yes.
A. For Bob, yes.
Q. But you never made that decision on your own?
A. Yes, I did.
Q. And Dan Wein never suggested that an aide be there for Bob, did he?
A. No. He didn't not suggest.
Q. Shouldn't the aide be there more than three hours a day?
A. Right now she's sufficient.
Q. And what do you base that on, that she's sufficient? You don't think Robert needs an aide more than three hours a day?
A. We're still analyzing that process.
Q. It seems like Dan Wein is controlling these petitions; is that correct?
A. Just the opposite.
Q. It seems like he's telling you what to do.
A. Just the opposite.
Q. What's the opposite? Who's controlling this, you?
A. He's not.
Q. But you're listening to him, aren't you?
A. He sends emails.

10:35:21-10:36:28 Page 195

Q. Do you respond to his emails?
A. Sometimes.
Q. You walked into the deposition yesterday with him and Stacy Wein. Did you have discussions with him prior to Jordan's deposition?
A. I picked up some paperwork.
Q. What did you pick up?
A. What did I pick up? I picked up the Florida Bar Journal paperwork.
Q. That was from Dan Wein?
A. Yeah. It's about the Carpenter Factors.
Q. Dan Wein provided that to you or Stacy?
A. Dan.
Q. But you're communicating with Stacy as well, correct?
A. Not really.
Q. As of April 11th you were having emails with her, correct?
A. She emails me, yes.
Q. You email her as well, correct?
A. Occasionally.
Q. You say: Stacy, I will need to speak to Bob again, as I want to make clear what his intentions are. What does he want to do with Vita? This is April 11th, 2015, correct?

10:36:57-10:37:42 Page 196

A. Let me see. Yes.
Q. So did you have discussions with Bob after April 11th, 2015?
A. Yes.
Q. With what he wants to do with Vita?
A. Yes.
Q. When were those discussions?
A. I don't have the exact date.
Q. How many discussions did you have with him?
A. I don't know.
Q. It would be on your billing records in your Rocket notes?
A. Probably.
Q. You're going to be providing those, correct?
A. Yes.
Q. And then it says, Stacy -- you say to Stacy: Also you may not know we have already filed to amend the trust, as Bob asked to add your father back into the trust for $150,000 and it was stated that he did have testamentary capacity. Is that what Bob wants?
A. I can't really comment on that.
Q. Well, you did already.

10:37:58-10:39:08 Page 197

A. I know but you're reading it there, so...
Q. Is that what Bob wants, those are the changes to his will to add back or to his trust to add back -- to add Dan Wein back into the trust for $150,000?
A. Yes.
Q. How does that benefit Bob, Robert Wein? How does that benefit the ward?
A. Those are his wishes.
Q. But you're not aware, I think you said earlier, that Dan Wein has already taken money in excess of that from Robert Wein?
A. I don't have any records of that.
Q. Are you aware that Robert Wein told his attorney in the presence of two other individuals that he wanted to take Dan Wein out of the trust because he stole money from him?
A. No.
Q. No one has ever told you that?
A. No.
Q. Dan Wein sent an email on April 14, 2015, and it says: You mentioned to me that Ellen filed a petition to scare Vita and Jody to drop Larry's eviction proceedings. Is that true?

10:39:57-10:41:10 Page 198

A. Can I see that one? Who is it to?
Q. Dan Wein.
A. Yes. That's what he says.
THE REPORTER: You just said Dan Wein sent an email, and then she just said who is it to, and you said Dan Wein.
MR. ROSENWATER: I meant Betsy Savitt.
BY MR. ROSENWATER:
Q. It says: You mentioned to me that Ellen filed these petitions. So you're saying you never said that to Dan Wein?
A. It's out of context.
Q. You sent Dan Wein and copied Ellen Morris on an email of April 14, 2015: I'm writing to both of you so we can all be on the same page. Notwithstanding the views of the three of us on this annulment and revocation of the trust matters, remember that our views are not evidence and can't be used at trial.
Who is the three of us, Dan Wein, Ellen Morris and Elizabeth Savitt?
A. Correct.
Q. So you guys are working together on these matters?

10:41:20-10:43:19 Page 199

A. No.
Q. Of course both of you can be fact witnesses.
Who is "both of you," Stacy Wein, Stacy Wein and Dan Wein?
A. (Nodding head.)
Q. You shook your head. Is that yes or no?
A. Pardon me?
Q. I agree we must proceed with diligence to make a determination that the case can be won and it's the best interest of Bob.
Have you made that determination?
A. Well, it's a legal question.
Q. And on these emails they have quoted text hidden. Do you know what that means?
A. No.
Q. You're not deleting things from the emails?
A. No. That would be like my name and whatever on the bottom of the email or Dan's, the disclaimer or something like that.
Q. On April 24, 2015, Stacy Wein sent you a detailed email regarding the trust document that was prepared by the Chaves firm and also trust assets. Do you recall this email?

10:43:43-10:45:20 Page 200

A. I was copied on an email to Ellen.
Q. You're right, excuse me. Why is Stacy Wein communicating directly with Ellen Morris regarding this matter?
A. I have no idea.
Q. Have you instructed her not to, Stacy not to contact Ellen Morris?
A. I have.
Q. You have?
A. Yes.
Q. There's a document or a piece of paper that says, funds to Vita Wein. It has 4/2015 under that. Who prepared that?
A. This would be from Dan.
Q. What was the purpose of this?
A. I don't know. Informative.
Q. So he's saying that from Bob's account there was a $12,500 that was written to Vita?
A. Yes.
Q. And he was concerned that these monies were given to Bob by Vita -- given to Vita from Bob?
A. I think they're all different entries there.
Q. There's also a check for 5,355 from Larry Wein to Jody Wein (sic) POA for Vita Wein. Did you investigate any of these?
A. I'm aware of the first one.
Q. When was the check for $12,500 given to Vita?
A. September. I want to say September, August or September.
Q. Do you know what the check was for? Do you know what the check was for?
A. (Shaking head.)
Q. You have to answer yes or no.
A. No, I don't. You were looking at her, so I thought you were asking her.
Q. Did you ever ask Bob about this check?
A. Yes.
Q. And what did he say?
A. He said Vita asked me for it.
Q. He didn't say anything more?
A. No.
Q. Do you know whether it was to pay for Delores Bryant?
A. No. It was not to pay for Delores Bryant.
Q. How do you know that?
A. As far as I know.
Q. You don't know for sure, correct?

10:45:41-10:46:40 Page 201

10:46:53-10:47:54 Page 202

A. Well to pay for Delores Bryant for who?
Q. She was taking care of Bob, wasn't she?
A. Yes. And I paid her for taking care of Bob.
Q. This is prior to you being appointed the guardian?
A. Correct.
Q. And Delores was helping Vita as well, correct, taking care of Vita as well?
A. When I met them, yes.
Q. And there's numerous checks that Dan Wein wrote to himself and Dorothy Wein, his former wife, and Stacy Wein, his daughter, from Robert's account when he was power of attorney?
A. Yes.
Q. Have you made any efforts to get those monies back?
A. Not yet.
Q. This is the same individual that allegedly wants -- that you're having numerous conversations with regarding getting the $150,000 back to him in the trust documents, correct?
A. No.
Q. No?
A. No.

10:48:05-10:49:30 Page 203

Q. Isn't that -- I think you testified earlier isn't that why Bob wants to amend the trust?
MS. MORRIS: Objection. Outside the scope of this witness's knowledge.
BY MR. ROSENWATER:
Q. Does Dan Wein have a healthcare surrogate for Robert Wein?
MS. MORRIS: Objection. Irrelevant.
You can answer, Betsy.
THE WITNESS: No.
BY MR. ROSENWATER:
Q. Did you see the motion of Daniel Wein to intervene that he filed yesterday?
A. No.
Q. Do you want to see it?
MS. MORRIS: I didn't see it either.
THE WITNESS: Okay.
BY MR. ROSENWATER:
Q. So Dan Wein says: With the concurrence of the guardian he's been seeing for the medical care for the ward such as selecting his physicians, making doctor's appointments, driving him to doctors' appointments, discussing treatment with his physicians...

10:49:36-10:50:21 Page 204

Is that correct?
A. He helps with that.
Q. He helps with all of those?
A. Yes.
Q. But Dan Wein doesn't have any healthcare surrogate, correct?
A. Not anymore, no.
Q. He doesn't have the right to discuss these privileged matters with his doctors, does he?
A. Yes. He's a family member. He has the right to do that.
Q. Only if he had a healthcare surrogate?
A. No. Because I'm -- he's helping me do that.
Q. Did you give a letter to the doctor saying they can speak to Dan Wein regarding his medical treatment?
A. No. I told him.
Q. You called the doctors up and said they can speak to Dan Wein?
A. Yes.
Q. Isn't that your job as the guardian, to make decisions regarding his medical care?
A. Yes.
Q. Isn't the medical condition of the ward

10:50:40-10:53:11 Page 205

privileged?
A. Privileged to an outsider, yes.
Q. And also privileged to any family members. He's not a -- he doesn't have any type of healthcare surrogate, does he?
MS. MORRIS: Objection. Asked and answered.
BY MR. ROSENWATER:
Q. Is there any legal document that Robert Wein provided to Dan Wein authorizing him to discuss his medical treatment or make medical decisions on his behalf?
A. No. It's in the guardianship.
Q. Which was appointed to you?
A. Correct.
Q. And you're the one that's supposed to be making these decisions and not delegate them, correct?
MS. MORRIS: Objection.
BY MR. ROSENWATER:
Q. You can answer the question.
A. I can't answer that.
Q. You can't?
A. No.
While you're looking for that, may I go to

10:57:04-10:58:25 Page 206

the rest room?
MR. ROSENWATER: Yes.
(A brief recess was taken.)
BY MR. ROSENWATER:
Q. At the last deposition we entered -- there was an Exhibit Number 8. It was an order determining limited incapacity for Robert Wein.
A. Yes.
Q. Basically it stated that the ward lacks capacity to consent to medical and mental health treatment, correct?
A. Correct.
Q. And there was also an order entered appointing you as the guardian, correct?
A. Uh-huh, yes.
Q. And that order is appointing you as the guardian. You're the one that's now supposed to make the medical decisions on behalf of Robert?
A. Correct.
Q. You delegated that duty to Dan Wein?
A. No.
Q. Maybe this will -- we showed you some emails from Jody Rich to you dated November 30th, 2014, stating regarding Larry and Larry's eviction. Here's a cleaner copy. Do you recall seeing this

10:58:42-11:00:05 Page 207

email from Jody or receiving this email?
A. This is my email to Jody?
Q. Correct.
A. This is the first I've heard -- this one?
Q. Yes?
A. The first I've heard anything about Vita's condo?
Q. Yes.
A. Yes.
Q. You did send an email to Jody on November 30th?
A. Yes.
MR. ROSENWATER: Let's mark that.
(Vita Wein's Exhibit 23, Email From Betsy Savitt to Jody Rich.)
THE WITNESS: What is the date of that email?
BY MR. ROSENWATER:
Q. Your email to Jody, correct, November 30th, 2014?
A. When is the rest of the email from Jody to me?
Q. The same date, correct?
MS. RICH: Yes. That's why I didn't print it for you. It wasn't clear.

11:00:26-11:02:10 Page 208

BY MR. ROSENWATER:
Q. Have you ever filed any complaints with the Adult Protective Services regarding any individuals involved with Robert Wein?
MS. MORRIS: Objection. Confidential. I'm instructing you not to answer.
BY MR. ROSENWATER:
Q. Did you go to college?
A. Yes.
Q. What college did you go to?
A. University of Miami.
Q. Did you graduate?
A. Yes.
Q. What was your degree?
A. Bachelor of education.
Q. Do you have any master's or any education after your bachelor's of education?
A. I went for an MBA, but I didn't finish it.
Q. Do you have any -- have you taken -- strike that.
Do you have any degrees in finance?
A. No.
Q. Have you managed large trusts in the past?
A. Trusts?
Q. Yes.

11:02:25-11:03:12 Page 209

A. Yes.
Q. What was the largest amount of money that you've handled?
MS. MORRIS: Objection. Irrelevant.
BY MR. ROSENWATER:
Q. You're seeking -- you filed a petition for an order appointing guardian as a lifetime trustee of the ward's trust, correct?
A. Correct.
Q. As the trustee of the ward's trust, it's your intent to control the finances, the assets in the trust?
MS. MORRIS: Objection. Irrelevant.
THE WITNESS: It's merely a clarification of the guardianship orders.
BY MR. ROSENWATER:
Q. You say, currently it has assets titled in the name of the trust as Morgan Stanley, TIG Arbitrage Associates and Joseph Gunner, LLC. Do you intend to take the moneys out of these accounts?
MS. MORRIS: Objection. Irrelevant.
You can answer.
THE WITNESS: No.
BY MR. ROSENWATER:

11:03:22-11:04:20 Page 210

Q. Wouldn't it be better to have a professional trustee such as someone from these entities as a trustee versus you?
A. No.
Q. No? Why not? Isn't it a conflict of your interest as the guardian to be the trustee?
A. As I said, that's merely a clarification of what the judge already ordered in the guardianship papers.
MR. ROSENWATER: You have to leave?
MS. MORRIS: Yeah, I do. I've got to get to the doctor. You said you only had a half hour after the last deposition.
MR. ROSENWATER: Well, there was a couple of things that were filed since then. And I didn't realize what was in the documents.
MS. MORRIS: I understand the document thing. What was filed since then is not really relevant to what we're here for in the action. I understand that the documents were produced and you needed more time, but I've got to go.
THE REPORTER: Are we adjourning, continuing?
MR. ROSENWATER: Adjourning.
MS. MORRIS: We're ending as far as I'm

concerned.

MR. ROSENWATER: As far as me, we're adjourning. We'll make a determination. There are certain documents that weren't provided, so...

(Thereupon, the Proceedings were adjourned at 11:04 a.m.)

CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF PALM BEACH

In my capacity as a Notary Public of the State of Florida, I certify that on Wednesday, June 10, 2015 at 8:46 a.m., ELIZABETH SAVITT, personally appeared before me and took an oath (or affirmation) for the purpose of giving testimony in the matter: Guardianship of Robert Paul Wein.

SWORN TO and SUBSCRIBED before me this 25th day of June, 2015, in the City of West Palm Beach, County of

SUZANNE L. ANDERSON
Commission # EE 117726
Expires September 18, 2015
Bonded Thru Troy Fain Insurance 800-385-7019

Suzanne L. Anderson, Notary Public
State of Florida at Large.

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, Suzanne L. Anderson, Shorthand Reporter do hereby certify that I was authorized to and did stenographically report the deposition of ELIZABETH SAVITT; that a review of the transcript WAS NOT requested; and that the foregoing transcript pages are a true and correct record of my stenographic notes.

I further certify that the said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not an attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel or party connected with the action, nor am I financially interested in the action.

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7-7-15

Filing # 29428494 E-Filed 07/09/2015 08:44:48 AM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

ROBERT PAUL WEIN
_____/

PROBATE DIVISION "IB"

CASE NO. 502014GA000472XXXXMB

PETITION FOR ORDER AUTHORIZING AND RATIFYING PAYMENT OF COMPENSATION AND EXPENSES OF GUARDIAN
(September 16, 2014 through July 3, 2015)

Petitioner, Elizabeth Savitt, alleges:

1. Petitioner is the duly appointed and acting limited guardian of the person and property of Robert Paul Wein (the Ward).

2. The total amounts of all prior fees paid or costs awarded to petitioner in this proceeding are:

   Fees: $0.00
   Costs: $0.00

3. Petitioner has rendered services and incurred expenses as guardian of the person and property of the Ward from **September 16, 2014** through **July 3, 2015**, as more fully described and set forth in the itemized schedule of services and expenses attached hereto as Exhibit "A," for which petitioner has been partially paid.

4. Petitioner's records indicate that during the period of time above mentioned, Petitioner has performed services as guardian of the person and property of the Ward in the total amount of **196.95** (**.60** hours at No Charge) as reflected in the attached time sheets. Further, Petitioner incurred expenses in the amount of **$237.60**.

5. Petitioner is a professional guardian, and based upon the criteria established by § 744.108(2), Florida Statutes, Petitioner believes that a reasonable hourly rate of compensation for the services performed is $85.00 per hour. Therefore, a reasonable compensation for the services performed and expenses incurred by Petitioner during that period of time is $17,085.35. Petitioner has already received a retainer from the assets of the Ward in the amount of $8,000.00.

*** FILED: PALM BEACH COUNTY, FL SHARON R BOCK, CLERK. 7/9/2015 8:44:48 AM ***

WHEREFORE, Petitioner requests that an order be entered awarding petitioner reasonable compensation for the services rendered and expenses incurred for the benefit of the Ward in the total amount of $17,085.35, ratifying the retainer paid from the assets of the Ward in the amount of $8,000.00 and authorizing and directing that compensation and expenses be paid to the guardian from the assets of the Ward in the total amount of $9,085.35.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on July 7, 2015.

Elizabeth Savitt, Petitioner

Ellen S. Morris, Esq.
Attorney for the Petitioner
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served via the e-Portal on this 9th day of July, 2015 to Mr. Daniel Wein, 9717 N. New River Canal Road, #410, Plantation, Florida 33324 (Dwein5680@aol.com and Stacywein@aol.com) and Bruce S. Rosenwater, Esq., Bruce S. Rosenwater & Associates, P.A., 1601 Forum Place, Suite 610, West Palm Beach, FL 33401 (info@rosenwater.com and bsr@rosenwater.com).

Ellen S. Morris, Esq.
Florida Bar No. 850306

Savitt Guardians

Elizabeth "Betsy" Savitt
501 N Country Club Dr.
Atlantis, FL 33462
Phone: 561-573-1292 | Fax: 561-439-6765

Account Statement

Prepared for Robert Wein

Re: Guardianship

Previous Invoice Amount	$0.00
Last Payment Received	$0.00
Previous Balance	$(8,000.00)
Current Charges	$17,085.35
Total Due	$9,085.35

Matter: Guardianship

Robert Wein

EXHIBIT "A"

Savitt Guardians

Elizabeth "Betsy" Savitt
501 N Country Club Dr.
Atlantis, FL 33462
Phone: 561-573-1292 | Fax: 561-439-6765

Robert Wein

Invoice Date: July 03, 2015
Invoice Number: 10083
Invoice Amount: $17,085.35

Guardian's Fees

9/16/2014	T.C. E. Morris re: new case.	E.S.	.20	$19.00
9/17/2014	T.C. Mitchell Kitroser re: brief background of case.	E.S.	.25	$23.75
9/18/2014	Review documents from court appointed council. Set up file.	E.S.	1.20	$102.00
9/19/2014	T.C. with Mitchell Kitroser, attorney for ward with extensive case history. File notes.	E.S.	1.00	$85.00
9/19/2014	Scan and sign guardianship documents to E. Morris	E.S.	.10	$8.50
9/21/2014	Preparation of memorandum to file.	E.S.	1.00	$85.00
9/21/2014	T.C. to set up appointment to see Robert at home. Speak with wife Vita and aide Dorothy.	E.S.	.20	$17.00
9/21/2014	T.C. Daniel Wein, scheduling appointment for pick up of documents. Background information.	E.S.	.40	$34.00
9/22/2014	Initial visit with Robert, Vita and Delores at the home. Collected documentation for the yearly plan. Robert has two checkbooks he is writing checks on and said he has a new accountant.	E.S.	1.50	$127.50
9/23/2014	Initial visit with Daniel Wein. Went over the 2 files of documents, background, names and contact numbers of people on loans etc.	E.S.	4.00	$340.00
9/23/2014	T.C. to accountant to file taxes. E-mail letters. Set up case history, review.	E.S.	1.50	$127.50
9/24/2014	Review documents. Forward additional documents to E. Morris.	E.S.	1.50	$127.50
9/24/2014	T.C. Delores re: finances.	E.S.	.30	$25.50
9/24/2014	Contacting accounts for guardianship.	E.S.	1.50	$142.50
9/25/2014	T.C. E. Morris re: update on case and meeting with ward.	E.S.	.30	$25.50
9/25/2014	Continue transfer of information to accounts, introduction to account managers.	E.S.	1.00	$85.00

9/26/2014	Travel to Bank of America re: setting up guardianship account, they do not include debit card without rep-payee documentation. T.C. Delores re: cashing last 2 checks and funds sent to Emilio.	E.S.	.60	$51.00
9/26/2014	T.C. Emilio, Delores, Daniel, (6) re: checks sent to Emilio for 10,000. 5,000 and 5,000. Recovery of $10,000. Robert noted as void.	E.S.	1.00	$85.00
9/26/2014	E-mails to attorney on condo, forward contract to E. Morris.	E.S.	.40	$34.00
9/27/2014	E-mail's Daniel re: Copa Cabana interest payments, Emilio checks.	E.S.	.10	$8.50
9/27/2014	Meet with Robert at condo, spoke to Delores outside during private meeting.	E.S.	1.20	$102.00
9/28/2014	Continued file work.	E.S.	1.50	$142.50
9/29/2014	T.C. Relator of condo, Sarah Wasserman. She has many documents need to be completed. Buyer has applied for mortgage. Request a time frame for completion and court approval.	E.S.	.45	$42.75
9/29/2014	Travel to Bank of America for meeting on account opening.	E.S.	.80	$68.00
9/29/2014	Receive and review comps from relator, all over 300,000. E-mail to E. Morris.	E.S.	.15	$12.75
9/30/2014	T.C. Att. Kitroser re: checks to Vita and petition for fees for her. Update on conditions.	E.S.	.40	$34.00
9/30/2014	T.C. E. Morris re: case update, sale of condo, pleadings, accountings.	E.S.	.50	$42.50
10/3/2014	T.C. Copa Cabana, they have my fax, they took message and said neither of the book keepers are available.	E.S.	.30	$25.50
10/4/2014	T.C. Delores, explaining that she works 8 days a week because the days are 24 hours. I did not start and end the payment on the right days. Wants me to come there on Monday.	E.S.	.30	$25.50
10/6/2014	Met with Bob, Delores and Vita. Delores wanted to be paid an extra 2 days in addition to the 800 per week. Refused to discuss the rental check that was returned. Refused to discuss any other bills. Gave me a bag of receipts and wanted to be paid immediately. Got very angry and started yelling. Left and told her I would mail the check.	E.S.	1.50	$127.50
10/7/2014	T.C. Jody, Delores called her and complained about Bob and Vita, told her she was quitting. Gave me additional background and suggested they move to assisted living. Discussed having an additional aide.	E.S.	.50	$42.50
10/7/2014	E-mail from Dan concerning placement in assisted living. Research on placement.	E.S.	.40	$34.00
10/7/2014	T.C. Daniel Wein re: placement of Bob, with or without Vita. Discussed finances, costs, Vita's status.	E.S.	.80	$68.00
10/7/2014	Making arrangements with Doctors and assisted living facility for placement, evaluation, moving.	E.S.	2.50	$212.50

	T.C. Delores and Robert for input.			
10/7/2014	T.C. Copa, Eloise the accountant, stated that the owners are out of town one more week. They will contact us upon return.	E.S.	.30	$25.50
10/7/2014	Receive 2013 taxes from Accountant in New York, review, sign and send back. Pay the invoice.	E.S.	.50	$42.50
10/7/2014	T.C. Aide for early tomorrow and Delores to coordinate her schedule. Delores said she will no longer take care of Vita and Bob and wants an aide there for 12 hours.	E.S.	.50	$42.50
10/8/2014	Organized and tallied up expenses from Delores, paid FPL.	E.S.	.40	$34.00
10/8/2014	T.C. Daniel, Lynn Bayard from Colony Club Re: getting the move organized. Reviewed lists of items to move.	E.S.	1.10	$93.50
10/8/2014	T.C. Aide to coordinate tasks and pick up times. T.C. for Driver to assisted living and to coordinate move.	E.S.	.50	$42.50
10/8/2014	T.C. for 1823 paperwork from Dr.'s office and prescriptions.	E.S.	.15	$12.75
10/8/2014	T.C. Delores and Aide for directions, list of things to do and coordinating the visit from Colony Club staff for evaluation.	E.S.	.50	$42.50
10/8/2014	T.C. Jody with update.	E.S.	.20	$17.00
10/8/2014	E-mail, T.C. from Broker in New York re: signing. Print forms, calculate New York taxes, get documentation notarized. Scan to broker.	E.S.	.80	$76.00
10/8/2014	T.C. Aide for packing and labeling clothes for move. Confirm meeting for Vita and Robert with Lynn at Colony Club. Give payment to Aide. Delores not speaking.	E.S.	1.40	$133.00
10/9/2014	T.C. Lonnie, director of Colony Club re: Dr. has not responded to the 1823 form they sent. It will not be possible to move them in until Monday now. He will contact another Dr. for Monday.	E.S.	.30	$25.50
10/9/2014	T.C. the Dr. office has stated he needs to see Robert again and can schedule him for next week. Told them that date was unacceptable as he took over practice from a Dr. who has seen him many times.	E.S.	.30	$25.50
10/9/2014	T.C. Lonnie, Vita and Robert are both there, getting paperwork together, they took a tour and are having lunch and enjoying themselves.	E.S.	.10	$8.50
10/11/2014	T.C. Daniel, re: moving, items belonging to Robert, payments made to Delores.	E.S.	.20	$17.00
10/11/2014	Meet with Delores, Robert Wein and M. Kitroser at the Wein apartment. Reconciled with Delores re: monies owed and apartment rented. Discussed moving and financials with R. Wein. Discuss with Robert and Vita the payment of her attorney fees. Robert does not want to pay.	E.S.	2.60	$247.00
10/11/2014	T.C. to organize pick up and move for Monday. T.C.	E.S.	.40	$34.00

	The Colony to confirm time.			
10/13/2014	Meet at the Wein apartment and make sure they are loaded up for the move. Get phone and all paperwork from Delores. Meet them at the Colony, go through the admission process.	E.S.	5.00	$425.00
10/13/2014	Meet with driver re: items to be purchased. Give him credit card for purchase of small refrigerator and new flat screen, and additional things for Robert in his room..	E.S.	.50	$42.50
10/14/2014	T.C. Daniel re: finances, and Jodi with update on the move and suggestions for help.	E.S.	.40	$34.00
10/14/2014	E-mail to E. Morris re; update on Vita and the hearing for Wednesday. Schedule driver.	E.S.	.30	$25.50
10/14/2014	T.C. Copa, T.C. Daniel re: call from Anthony Gulliano at Copa. He will fax over the demand note. Send Relator copy of signed documents on condo sale.	E.S.	.50	$42.50
10/14/2014	T.C. Stacy and Dan Wein, re: e-mails from attorney's.	E.S.	.40	$34.00
10/15/2014	T.C. Colony to coordinate pick up and vehicles to use. T.C. Driver to coordinate help with arrival.	E.S.	.20	$17.00
10/15/2014	Meet the driver and Weins for transporting into the court house. Attend hearing on incapacity. Conference with family and attorneys. Obtain signed letters and orders. Help transfer the Weins to the care of Daniel Wein for transport back to the Colony. Robert asks for cash in his account at the Colony.	E.S.	3.00	$255.00
10/15/2014	Travel to Bank of America to report funds held at Chase from Emillio Flores checks. They contacted fraud department then settled on accounting. Need to have Chase generate communication for release to Bank Of America since Bob signed the checks. Obtained copies of all checks in question.	E.S.	1.50	$127.50
10/15/2014	Prepare files to take to court for incapacity hearing.	E.S.	.20	$17.00
10/15/2014	E-mail to E. Morris re: costs and expenses of Vita.	E.S.	.10	$8.50
10/16/2014	E-mail from E. Morris re: forms and accountings. E-mail to Dan re: Colony issues.	E.S.	.20	$17.00
10/17/2014	E-mails to E-Morris re; accounts, trust, filings. T.C. Delores re: payment of last days work.	E.S.	.30	$28.50
10/17/2014	Paid exam committee. T.C. Colony director re: moving to larger room.	E.S.	.40	$38.00
10/19/2014	T.C. Delores, she is out of money and did not take any from Bob. Wants to make negative comments about Daniel. Said he should not be at the Colony talking to Bob.	E.S.	.20	$17.00
10/20/2014	T.C. Delores, final check to her. Paid Harold Forspan, Tax.	E.S.	.20	$17.00
10/20/2014	T.C. To Chase re: Emilio Flores money.	E.S.	.20	$17.00
10/20/2014	Work on verified inventory, sending new letters out to companies.	E.S.	1.50	$127.50

10/20/2014	T.C. Dan Wein for verification of accounts.	E.S.	.20	$17.00
10/21/2014	T.C. Jode re: going over her list of items the Wein's need in new place.	E.S.	.40	$34.00
10/21/2014	Meet with Daniel, Robert and Vita in new room of assisted living. Called nurse in for Robert's catheter problem Discussed with Lonnie the director the inadequacies of the room and his HMO. Discuss health care.	E.S.	3.80	$323.00
10/21/2014	E-mail from Attorney on condo. Re-do seller affidavit, notarize and send back.	E.S.	.40	$34.00
10/22/2014	T.C. Vita re: arguing going on with Dan about money issues with Robert.	E.S.	.10	$8.50
10/22/2014	T.C. Comcast. Set up Comcast order on line for assisted living. Booked for Friday. Set up auto pay.	E.S.	.50	$42.50
10/22/2014	T.C. FPL for land line, can not set up by phone or on line. Insist on going to store location.	E.S.	.30	$25.50
10/23/2014	Review Bank of America accounts. Review e-mail from Jodi and bills from Jodi.	E.S.	.40	$34.00
10/24/2014	Accounting work, billing, T.C. Lonnie at Colony club. Setting up Comcast.	E.S.	2.40	$204.00
10/25/2014	Travel to AT&T with letters and Roberts ID, to set up landline. T.C. Colony to schedule.	E.S.	.80	$68.00
10/27/2014	T.C. AT&T, Colony re; phone set up. Pay new Colony bill.	E.S.	.20	$17.00
10/28/2014	T.C. Dan Wein with questions on income and to contact Copa again. T.C. Copa, John Alvarez, for accounts receivable.	E.S.	.50	$42.50
10/28/2014	Meet with Driver for receipts, payment and list of additional supplies. T.C. Vita.	E.S.	.30	$25.50
10/28/2014	T.C. Angel Corniel at Chase re: Emilio Lopez account.	E.S.	.10	$8.50
10/28/2014	Complete Verified Inventory, copy and scan to E. Morris.	E.S.	2.50	$212.50
10/29/2014	Meeting at social security to apply for rep payee. Filing all documents.	E.S.	1.50	$127.50
10/30/2014	T.C. Joseph Gunner, requesting original signature on Letter stating guardianship.	E.S.	.20	$17.00
10/30/2014	T.C. Dan re: Larry and Vita's home equity loan. Bob possibly co-signed. Travel to Wells Fargo to confirm Bob is not co-signed on any loan.	E.S.	.90	$85.50
10/31/2014	T.C. Dan re: insurance changes, problem with urologist appointment. Getting new primary Dr. Contact info for Larry re: loan at Wells Fargo.	E.S.	.30	$25.50
11/1/2014	T.C. Vita, Dan took Bob to West Side Hospital to check his catheter.	E.S.	.10	No Charge
11/1/2014	T.C. Dan, Robert had pulled his catheter out. Taken to Emergency room instead of the urgent care center.	E.S.	.10	$8.50
11/2/2014	Work on Inventory questions from Lisa at E. Morris office.	E.S.	.40	$34.00
11/3/2014	T.C. Jodi re: concerns about Vita, Larry and Robert	E.S.	.30	$25.50

	since her visit yesterday.			
11/5/2014	Revise final inventory and plan.	E.S.	.30	$28.50
11/6/2014	T.C. Dan, confirmation of Care Plus HMO, specialist are 5.00 co-pay, and no hospital co-pay. Scan documents to Care Plus.	E.S.	.30	$25.50
11/6/2014	T.C. Copa, wants me to call back Monday. Left message to send check for $8,000. on interest owed.	E.S.	.20	$17.00
11/6/2014	T.C. Angel Corniel at Chase. He needs to contact the department that closed E. Flores account.	E.S.	.20	$17.00
11/6/2014	Took auto deposit form to Wells Fargo for signature guarantee.	E.S.	.40	$34.00
11/7/2014	Receive and pay Attorney Fees. Deposit checks to Bank of America.	E.S.	.20	$17.00
11/7/2014	T.C. Fla. Blue Cross HMO re: Bob's coverage.	E.S.	.20	$17.00
11/8/2014	File mail, receive checks from Copa Cabana, e-mail from Chase bank re: Emilio Flores account. Research credit card.	E.S.	.40	$38.00
11/13/2014	Travel to Bank of America, claim filled re: Angel Cornelius at Chase. Contact made between banks. May take up to 90 days.	E.S.	1.00	$85.00
11/15/2014	T.C. ATT to cancel internet they added on to billing. Got entire bill credited and cancelled.	E.S.	.40	$38.00
11/15/2014	T.C. Vita, Bob needs electric shaver and other items. Coordinate pick up on Sunday for dinner with Jodi.	E.S.	.20	$17.00
11/15/2014	AT&T call back to set up new account wireless and cancel old account. Sending new phone and modem.	E.S.	.90	$85.50
11/15/2014	Print and review new statement from TG Arbitrage.	E.S.	.20	$17.00
11/16/2014	T.C. Vita re: list of things she needs. Clothes are not coming back from laundry. T.C. Dennis to purchase the electric razor, groceries and boxers.	E.S.	.40	$34.00
11/16/2014	Update on new phone number to everyone.	E.S.	.10	$8.50
11/17/2014	Recieve and review box of mail from Delores. Fill out forward address cards for both. File statements.	E.S.	1.00	$85.00
11/17/2014	T.C. Vita re: new phone service.	E.S.	.10	$8.50
11/17/2014	E-mail's to Sara about closing of the condo in New York.	E.S.	.20	$17.00
11/17/2014	T.C. to Riverside Memorial chapel, re: payment of Pre-Need Plan.	E.S.	.30	$25.50
11/17/2014	E-mail to Ellen re: payoff petition.	E.S.	.10	$8.50
11/17/2014	T.C. Morgan Stanley Matt Hughes re: funding. Discuss account. Fax letter of instruction.	E.S.	.50	$42.50
11/18/2014	Meeting at B.O.A. to deliver e-mail from Chase and set up recovery case.	E.S.	.50	$42.50
11/18/2014	T.C. Vita re: her cell phone problem.	E.S.	.10	$8.50
11/18/2014	T.C. Midboro for billing and change of address. E-mail request. T.C. Morgan Stanley	E.S.	.40	$34.00
11/20/2014	T.C. to Dennis for transportation to dinner and shopping.	E.S.	.10	$8.50
11/21/2014	T.C. Dan re: questions about new HMO, E-mails from Jodi re: Vita's insurance. Vita wants dentist and ophthalmologist. Questions about new HMO starts	E.S.	.50	$42.50

	in Jan. Bob needs oncologist for checking lymphoma. Bob's dentures need to be refitted. New insurance card coming.			
11/21/2014	E-mails to Jodi re: Vita's insurance.	E.S.	.20	$17.00
11/21/2014	E-mail to Jodi re: Bob's HMO name for Vita. T.C. Bob's Urologist.	E.S.	.40	$34.00
11/23/2014	Meet with Dennis to reconcile receipts.	E.S.	.20	$17.00
11/26/2014	T.C. ATT to find out what happened to the delivery.	E.S.	.30	$25.50
11/26/2014	T.C. Jodi re; operation and phone problems. T.C. Vita, she has new phone. T.C. Dan re: pending operation. Paid bills. Check online B.O.A.	E.S.	.80	$68.00
11/26/2014	Signed forms for ATT, delivery set up for 3 days.	E.S.	.20	$17.00
11/27/2014	Deposit checks from Paraveda and refund from deposit on apartment with Delores.	E.S.	.20	$17.00
12/2/2014	E-mails with Dan and Jodi re: Vita's condo that Bob helped pay for that Larry has been living in or 15 years, and possible eviction.	E.S.	.40	$34.00
12/2/2014	Communication with Bank of America and Chase re: the funds from Emilio Flores.	E.S.	.30	$25.50
12/4/2014	T.C. Dr. office re: surgery on the 10th, co-pay, authorization. Contact information.	E.S.	.20	$17.00
12/4/2014	T.C. Vita, phone came in but she is not able to plug in. T.C. ATT for help and request a new number.	E.S.	.50	$42.50
12/8/2014	T.C. Jodi, Vita, need primary, dermatologist and oncologist appointments. T.C. Dan re: Bob's upcoming appointments. T.C. Oncologist.	E.S.	.30	$25.50
12/10/2014	T.C. Dan, re: condo for Vita. There is an equity loan. Larry paid 3,500. Dan provided letter to Vita to pay off loan to close for 146,500.	E.S.	.20	$17.00
12/16/2014	E-mail from Robert Schoefeld re: finalizing sale of condo. T.C. Accountant.	E.S.	.50	$42.50
12/16/2014	T.C. Ellen Morris and Harold Forspan, accountant re: tax forms for closing.	E.S.	.40	$34.00
12/17/2014	T.C. Bank of America Fraud Dept re: case with Emilio Flores.	E.S.	.40	$34.00
12/18/2014	Forward communication from funeral home, pay bills.	E.S.	.20	$17.00
12/19/2014	Additional Social Security check came in, deposit. Reconcile accounts. Pay attorney bills. T.C. Dan re; funding.	E.S.	.40	$34.00
12/19/2014	Send attorney the note from CPA with exemption.	E.S.	.10	$8.50
12/22/2014	T.C. Dan, update on funeral home expenses paid for Bob's friend.	E.S.	.20	$17.00
12/22/2014	Travel to Colony, meet with Vita and Bob. Post surgery going well. Discussed Larry's getting eviction notice. Vita evasive. Bob states it is not right for his son to be evicted. Vita later states someone paid the heloc payment and he is not being evicted.	E.S.	1.50	$127.50
12/22/2014	T.C. Bank of America, download forms to return to fraud dept. T.C. Copa for collections.	E.S.	.50	$42.50

12/23/2014	T.C. Copa, Eloise, re: payment coming every month before the first.	E.S.	.20	$17.00
12/23/2014	T.C. John Hancock re: getting funds from annuities. T.C. Dan for contacts.	E.S.	.25	$21.25
12/23/2014	T.C. Morgan Stanley re: John Hancock annuities.	E.S.	.30	$25.50
12/23/2014	Travel to B.O.A for signatures on forms for fraud and condo sale.	E.S.	.60	$51.00
12/26/2014	T.C. ATT re: billing, overcharge by $40.00.	E.S.	.20	$17.00
12/28/2014	Bill pay and filing mail.	E.S.	.40	$34.00
12/28/2014	Review documents from Dan. E-mail E. Morris re: going forward on Trust issues.	E.S.	.50	$42.50
12/29/2014	T.C. B. Of America, they are using my S.S. number on account, request information on fraud. Mail and fax fraud claim.	E.S.	.40	$34.00
12/29/2014	T.C. Matt Hughes from Morgan Stanley, he is having difficulty with Larry Wein. Reviewed stock and advice to sell a poor mutual fund. Sent Hohn Hancock annuity statements to have them umbrellaed under Morgan Stanley.	E.S.	.40	$34.00
12/29/2014	Faxed request to John Hancock for disbursement. T.C. John Hancock for instructions.	E.S.	.20	$17.00
12/30/2014	T.C. CPA and attorney for closing. E-mail CPA closing documents.	E.S.	.30	$25.50
12/31/2014	Deposit check from Copa. Billing and filing mail. T.C. John Hancock re: annuity. T.C. Morgan Stanley re: transferring annuity.	E.S.	.90	$76.50
1/1/2015	E-mail to E. Morris with back up documents about trust.	E.S.	.20	$17.00
1/2/2015	E-mail to Sara re_ smoke alarm document.	E.S.	.15	$12.75
1/4/2015	Set up driver for Wednesday dinner with family. Check on cheaper method of travel. T.C. the colony, they only suggested a company with wheelchair lifts.	E.S.	.20	$17.00
1/6/2015	E-mail to Relator the maintenance fee bill to settle at closing.	E.S.	.20	$17.00
1/9/2015	T.C. Jodi Rich, reporting that Vita fell out of bed. The twin mattresses are too soft and they are both sliding off bed to the floor. Suggest we purchase a new King set. She will purchase at Costco along with new bedding.	E.S.	.40	$34.00
1/9/2015	Billing and filing mail. T.C. Jodi re: Vita needs more cash in account at colony for dry cleaning and hair/nails. Sent check to Colony.	E.S.	.60	$57.00
1/11/2015	T.C. Dan Wein re: appointments for Robert, petty cash. E-mail realtor re: locating keys, funds from sale of condo and closing documents.	E.S.	.60	$51.00
1/13/2015	T.C. E. Morris office re: Paraveda documentation, package from condo closing, amending the inventory. Forward documents.	E.S.	.40	$34.00
1/13/2015	Review of guardianship law concerning revocation of a revocable or irrevocable trust.	E.S.	.40	$34.00

1/15/2015	T.C. Mike Bondello , Joseph Gunner re: account.	E.S.	.30	$25.50
1/17/2015	T.C. Jodi, Vita is in hospital. T.C. Colony for extra care of Robert. T.C. Robert to pass on update of Vita.	E.S.	.50	$42.50
1/18/2015	T.C. Nurse at the Colony, Bob is coping well, no pain, asked about Vita and misses her. Catheter is doing well, clean, no problem.	E.S.	.20	$17.00
1/21/2015	T.C. Detective from DCF case filed by Jodi Wein. Detective reviewed history, asked for an official statement.	E.S.	.40	$34.00
1/21/2015	T.C. Dan re: questions about DCF complaint, who filed it? Vita's update, Bob's phone and health issues.	E.S.	.30	$25.50
1/21/2015	Billing and filling.	E.S.	.50	$42.50
1/27/2015	E-mail from Dan re: appointments. Billing and filling mail. Deposit checks Paraveda and Copa.	E.S.	.50	$42.50
1/28/2015	T.C. Robert Wein, made a statement re: wants to stand corrected about Dan, wants to revoke anything negative he ever said. He wants to include him in his estate for all the care he has given to him over the years.	E.S.	.15	$12.75
2/3/2015	T.C. Colony staff for requests for Robert. Letter from J. Rich re: new billing on Vita. Pay bills, filing.	E.S.	.50	$42.50
2/4/2015	T. C. Dan Wein re: Larry being evicted from condo. T.C. Robert re: worried about Larry. Review documents.	E.S.	.30	$25.50
2/5/2015	T.C. Dan, Bob especially mad about the deceased designation for Dan. Larry very upset, needs attorney. Vita non cooperative. Colony T.C. re: Vita needs additional care. She will be bumped up to a new higher rate.	E.S.	.30	$25.50
2/6/2015	Conference with E. Morris re: issues with Vita, Larry, trust.	E.S.	.30	$25.50
2/6/2015	Billing for furniture, newspaper. Filing tax forms. T.C. Colony re: items for Bob needing to be purchased.	E.S.	.70	$59.50
2/8/2015	T.C. Dan re: meeting with Ellen. Confirm he will transport Robert. Petty cash issue at Colony.	E.S.	.20	$17.00
2/9/2015	T.C. Jonathan Seigel re: payoff of $75,000 for loan to business. Ham radio communication. E-mail contact information and he will come back with a plan at end of Feb.	E.S.	.20	$17.00
2/9/2015	Reserch closing documents on condo. E-mail to R. Schonefield for final closing documents. Scan and forward documents on condo to E. Morris office for inventory.	E.S.	.40	$34.00
2/9/2015	Meeting with E. Morris, Robert Wein. Preparation, meeting and getting statements from Gunner from Dan Wein, sending to wrong address.	E.S.	2.50	$212.50
2/10/2015	T.C. Riverside for payoff final amount.	E.S.	.20	$17.00
2/10/2015	E-Mail communication with E. Morris re: eviction.	E.S.	.50	$42.50

	Complete notes from meeting.			
2/10/2015	Letter to E. Morris re: marriage, meeting with attorney for Jodi Rich.	E.S.	.25	$21.25
2/11/2015	T.C. E. Morris re: meeting with Jodi Rich over eviction. Research on annulment of marriage. Discussions over case history and billing. E-mail to Dan Wein for more documentation.	E.S.	1.20	$102.00
2/12/2015	Follow up e-mails to E. Morris re: annulment and meetings with Rosenwater.	E.S.	.20	$17.00
2/12/2015	Text from Jodi Rich re: new owners and food quality going down. Suggest they need a fancier facility.	E.S.	.10	No Charge
2/19/2015	Review petitions from E. Morris office. E-mail communications re: petitions and payments to attorneys.	E.S.	.50	$42.50
2/23/2015	Billing and filling for accounts. T.C. Morgan Stanley re: setting up checking/deposits.	E.S.	.50	$42.50
2/23/2015	Review petitions, sign/scan. Text from Jodi re: ordering food to be delivered.	E.S.	.25	$21.25
2/23/2015	T.C. Colony re: vinegar supply, sent Lonnie check to re-supply cash account. Bill pay, file, billing.	E.S.	.40	$34.00
2/24/2015	E-mail from Stacy re: condo hearing against Larry on 2/26. T.C. Craig Hoogstra Att. Mail out check to cover cost of representation per Bob's request.	E.S.	.50	$42.50
2/25/2015	Paraveda and Copa checks in. Record and deposit. Colony billing. Tax information filed.	E.S.	.30	$25.50
2/26/2015	Review billing from Jordan Klingsburg. T.C. to office to settle account.	E.S.	.40	$34.00
2/28/2015	T.C. J. Klingsburg office. Review history of case, position of law firm, creation of trust documents.	E.S.	.50	$42.50
3/3/2015	Notes to file re: Dr. Melo - Oncologist biopsy, Lymphoma. Dr. S. Frankel - Dermatologist re: MOs surgery.	E.S.	.25	$21.25
3/3/2015	E-mail to BZG insurance to cancel Bob's homeowners. Scan and forward documentation.	E.S.	.30	$25.50
3/4/2015	E-mail Dan re: medical issues.	E.S.	.20	$17.00
3/6/2015	Visit with Robert at Colony, meet with staff.	E.S.	1.40	$119.00
3/7/2015	Accounting, billing.	E.S.	.50	$42.50
3/17/2015	T.C. The Colony, Bob's catheter is twisted. He will go to emergency room. T.C. Dan, it is fixed and he is back. Update on procedures.	E.S.	.30	$25.50
3/19/2015	T.C. Mat Hughs re: taxes. Review account, designate place for funds from sale of condo.	E.S.	.50	$42.50
3/19/2015	Review files, gather tax documents, review, print, scan to accountant. T.C.'s for missing documents to banks, firms.	E.S.	3.00	$255.00
3/20/2015	T.C. Harold Forspan accountant. Gave list of additional documents needed. Research file.	E.S.	.50	$42.50
3/20/2015	E-mail to E. Morris re: taxes and annulment.	E.S.	.20	$17.00
3/20/2015	Copy and account for check writing from Bank of America account in Aug/Sept. and Guardianship	E.S.	1.50	$127.50

	account for H. Forspan accountant. Scan and e-mail to him.			
3/23/2015	Review e-mail response from petitions.	E.S.	.40	$34.00
3/24/2015	Billing and filling.	E.S.	.40	$34.00
3/25/2015	Research and e-mail more information to accountant.	E.S.	.20	$17.00
3/27/2015	T.C. Dan, report that Robert had his MOs surgery and they went down to the bone. Discussion with Dr. if he can sustain some radiation. Further discussion re: eviction of his son Larry by his wife Vita. Larry at homeless shelter. Vita will not discuss it with Robert.	E.S.	.40	$34.00
3/27/2015	E-mail Jodi Rich, cash funds at the Colony are low. T.C. Colony re; spending habits.	E.S.	.30	$25.50
3/27/2015	T.C. Dan re: Conversation with Vita, Robert. Help for Larry. T.C. Colony re: funds in account, accounting. Lonnie Steckler re: Larry calling and threatening to fly down to talk to Vita. Reported him to police in Sunrise.	E.S.	.50	$42.50
3/27/2015	T.C. Lisa at a Elder Law. E-mail re: issues with Larry from the Colony.	E.S.	.25	$21.25
3/29/2015	Review mail, bills, statements. E-mail to E. Morris re: Vita's billing.	E.S.	.40	$34.00
3/30/2015	E-mail from Jodi, Dan, Stacy re: Passover dinner. Monthly billing and accounting.	E.S.	.90	$76.50
3/30/2015	Deposit checks to Bank of America, set up meeting with manager for past checks and chase problem.	E.S.	.40	$34.00
3/31/2015	Meet with banker at Bank of America to get copy of check Robert wrote for funeral expense for refund. Re-opened new investigation for monies held at Chase from Emilio Flores.	E.S.	.50	$42.50
4/2/2015	E-mail to E. Morris re: message from Jodi Wein re: Vita.	E.S.	.20	$17.00
4/3/2015	Notes to file from stockbroker. E-mail to Morgan Stanley. Review file. Speak with Robert re: helping Larry.	E.S.	1.40	$133.00
4/4/2015	Received 180.00 transportation bill for Vita from Jodi Rich.	E.S.	.10	No Charge
4/6/2015	Review e-mails from family members. Prepare for conf. with E. Morris.	E.S.	.80	$68.00
4/6/2015	Telephone conf. with Ellen Morris. E-mail from E. Morris re: Vita Wein.	E.S.	.70	$59.50
4/6/2015	E-mail from Stacy Wein re: update on Larry. Reiterate to her Bob's request to help Larry.	E.S.	.10	$8.50
4/6/2015	Review package from Joseph Gunner/Michael Mondiello. E-mail return request for corrected paperwork.	E.S.	.30	$25.50
4/6/2015	Review E-mail from E. Morris, review financial accounts.	E.S.	.20	$17.00
4/6/2015	Mail proceeds from condo to Morgan Stanley.	E.S.	.10	$8.50
4/7/2015	T.C. Mike from Gunnar, moving to Cantella Co. Fax	E.S.	.25	$21.25

	guardianship paperwork. Issue concerning titling account in trust. No trustee available.			
4/8/2015	Accounting, T.C. Gunnar, T.C. Dan re: statements.	E.S.	1.50	$127.50
4/8/2015	E-mail to E. Morris re: petitions. Sent budget, income and expenses.	E.S.	.40	$34.00
4/8/2015	E-mail E. Morris re: petition for trustee.	E.S.	.15	$12.75
4/8/2015	Receive additional bills from Robert Wein, T.C. Consumer Cellular, fax guardianship papers, get account closed and fees waived.	E.S.	.30	$25.50
4/9/2015	Review and respond to E-mail from E. Morris re; petitions.	E.S.	.50	$42.50
4/9/2015	T.C. Dan re: requests from Robert re: paying for transportation from Jodi Rich.	E.S.	.10	$8.50
4/9/2015	T.C. Harold Forespan re: tax. Send requested documents. E-mail from Lonnie re: letter to describe level of care for write off.	E.S.	.20	$17.00
4/9/2015	Receive and print Gunner statement. T.C. Mondiello. Send closing statements to Harold.	E.S.	.20	$17.00
4/10/2015	T.C. Dan re: MOs surgery, updates.	E.S.	.25	$21.25
4/10/2015	Send check from BOA to David Shor, attorney for estate. Request reimbursement paid to Alvarez for funeral of Sebring.	E.S.	.25	$21.25
4/10/2015	T.C. TIG re accounts. E-mail accounts to broker for advice.	E.S.	.20	$17.00
4/10/2015	T.C. Morgan Stanley re: transfer of accounts.	E.S.	.10	$8.50
4/13/2015	T.C.'s from accountant re: taxes. Review and respond.	E.S.	.30	$25.50
4/13/2015	Review e-mails from Dan, Ellen, re: petitions.	E.S.	.30	$25.50
4/13/2015	Receive and review statements, review file.	E.S.	.30	$25.50
4/14/2015	Respond e-mails to Dan, Ellen re: petitions.	E.S.	.20	$17.00
4/14/2015	E-mail correspondence to Morgan Stanley re: transfer of account. Sent documentation.	E.S.	.20	$17.00
4/19/2015	E-mail Dan re: my upcoming visit to Bob.	E.S.	.20	No Charge
4/20/2015	T.C. and receive Transfer forms from Morgan Stanley. Scan back application.	E.S.	.30	$25.50
4/20/2015	E-mails from Jodi Rich and Dan Wein re: health care.	E.S.	.20	$17.00
4/21/2015	T.C. Dan re: Larry's condition. Payment made but still no access to storage. Robert's weight loss issues.	E.S.	.25	$21.25
4/21/2015	T.C. to Jodi Rich re: Larry. T.C. Dan re: nurses suggestions for eating and getting aide for dinner.	E.S.	.30	$25.50
4/21/2015	Visit with Bob at the Colony.	E.S.	1.20	$102.00
4/22/2015	T.C. Matt Hughes re: account consolidation, portfolio, documents to transfer accounts, stocks, bonds, price of Reits unknown.	E.S.	.80	$68.00
4/22/2015	Attend meeting with E. Morris re: petitions.	E.S.	1.00	$85.00
4/22/2015	Review file on TIG and Gunnar. Consolidate statements.	E.S.	.50	$42.50
4/23/2015	T.C. Morgan Stanley, T.C. J. Gunnar re: assets. Travel to bank for Medallion signature. Scan statements to Morgan Stanley. Review files.	E.S.	1.30	$110.50

4/23/2015	T.C. Paraveda re: investment. Sending next interest check and meeting next week for review of account.	E.S.	.30	$25.50
5/4/2015	Research request for purchase of bonds.	E.S.	.15	$12.75
5/4/2015	E-mail to David Shor for the $9,282.50 reimbursement.	E.S.	.15	$12.75
5/7/2015	Visit with Robert Wein, meet with aide, Dan, Vita. Bob has gained 3 LBS since she started sitting with him for dinners. Communication with Jodi Rich re: billing.	E.S.	2.00	$170.00
5/8/2015	Communication with Morgan Stanley re: title of account. Sent new trust agreement. Review of E-mail from E. Morris re: annulment of marriage.	E.S.	.80	$68.00
5/8/2015	E-mail to Jodi Rich re; payment. Billing and filling.	E.S.	.40	$34.00
5/9/2015	T.C. Paraveda, re: investment of 2 years ending. Sending interest check. Cashing out original investment. Will only send check.	E.S.	.20	$17.00
5/9/2015	Notes to file from Morgan Stanley investments.	E.S.	.10	$8.50
5/11/2015	Fax to Henrietta at Riverside re: collection of Ed Silberring dept. E-mail to Attorney David Shor. T.C. to Riverside.	E.S.	.30	$25.50
5/11/2015	Review of communication from B. Rosenwater and E. Morris re: annulment.	E.S.	.20	$17.00
5/11/2015	T.C. Riverside, they found checks and sent to Attorney.	E.S.	.10	$8.50
5/12/2015	T.C. Lonnie at Colony. Suggest getting dentures and putting Bob in his own room with additional aide, because his bed is further away from the bathroom. He states Vita is complaining about everything.	E.S.	.40	$34.00
5/13/2015	T.C. Dan re: marriage/divorce/separation documentation. Taxes, investments, respond to E-Morris e-mails for information for hearing.	E.S.	.50	$42.50
5/13/2015	Update accounting.	E.S.	1.00	$85.00
5/13/2015	T.C. E. Morris re: Original marriage/divorce certificate, more issues concerning deposition.	E.S.	.20	$17.00
5/13/2015	T.C.'s to New York state agencies to track down documents and get instructions. Obtain updated guardianship orders to submit to New York.	E.S.	.70	$59.50
5/14/2015	Review e-mails from E-Morris re: marriage.	E.S.	.40	$34.00
5/15/2015	Paying for aide, reconcile billing.	E.S.	.20	$17.00
5/18/2015	T.C. Ellen Morris re: deposition. Research files for requests.	E.S.	.50	$42.50
5/18/2015	T.C. Matt Hughes @ Morgan Stanley. Update on accounts, trusts. Questions about Larry and how to best handle requests about accounts by telephone. Discuss Paraveda funds.	E.S.	.50	$42.50
5/18/2015	Review E-mails from E. Morris. T.C. Clerk for records. Prepare for deposition.	E.S.	.50	$42.50
5/19/2015	Prepare documents for deposition. Review billing.	E.S.	1.40	$119.00
5/19/2015	Attend deposition, meeting with E. Morris. File documents, research communications.	E.S.	6.00	$510.00
5/19/2015	Research clerk of court in Kings County. Prepare	E.S.	3.00	$255.00

	letters to court. Obtain notary. Get updated orders. Travel to Delray courthouse for certified copies of documents.			
5/19/2015	Travel to West Palm Beach courthouse for copies of documents.	E.S.	.70	$59.50
5/19/2015	Travel to bank for money orders.	E.S.	.30	$25.50
5/19/2015	T.C. Aide.	E.S.	.20	$17.00
5/19/2015	Aides description of progress in gaining weight.	E.S.	.10	$8.50
5/20/2015	T.C. from Robert Wein. Notes to file.	E.S.	.15	$12.75
5/20/2015	Notes re: Roberts telephone conversation.	E.S.	.20	$17.00
5/21/2015	E-mail to Ellen Morris. Scan documents.	E.S.	.30	$25.50
5/22/2015	T.C. Robert and Vita Wein.	E.S.	.10	$8.50
5/22/2015	Review petition from E. Morris office, sign and scan.	E.S.	.20	$17.00
5/25/2015	T.C. Robert Wein from the room phone.	E.S.	.10	$8.50
5/25/2015	Visit with Robert Wein. T.C. to aide.	E.S.	2.50	$212.50
5/25/2015	E-mail to E. Morris.	E.S.	.20	$17.00
5/25/2015	Conversations with Bob and Vita	E.S.	.20	$17.00
5/26/2015	Create task list. T.C. Dan re: update on Larry.	E.S.	.30	$25.50
6/1/2015	Billing and filling.	E.S.	.40	$34.00
6/3/2015	Review file and print e-mails for deposition.	E.S.	1.50	$127.50
6/3/2015	T.C. E. Morris office.	E.S.	.20	$17.00
6/3/2015	Scan checks to E. Morris office.	E.S.	.15	$12.75
6/4/2015	Print and redact e-mails for deposition.	E.S.	4.00	$340.00
6/8/2015	Prepare file for meeting with E. Morris.	E.S.	1.00	$85.00
6/8/2015	Travel to court house for Marriage License Application certified.	E.S.	1.50	$127.50
6/8/2015	Meeting with Ellen Morris	E.S.	1.50	$142.50
6/9/2015	Review and printing additional documents.	E.S.	1.50	$127.50
6/9/2015	Prepare for and attend deposition. Meeting with Dan Wein re: additional documents and recordings of conversations with Robert Wein.	E.S.	2.20	$187.00
6/9/2015	Pay bills at Colony, Vita's additional billing for laundry and personal. File statements. Billing.	E.S.	1.50	$127.50
6/9/2015	Review notes for deposition.	E.S.	1.50	$127.50
6/10/2015	Prepare for Deposition. Attend deposition.	E.S.	3.00	$255.00
6/10/2015	Print additional e-mails for Attorney Rosenwater, scan to E. Morris office.	E.S.	.50	$42.50
6/10/2015	Prepare billing, review notes, scan to E. Morris.	E.S.	1.50	$127.50
6/10/2015	T.C. Dr. Gotlinger, Urologist. Fax and send request for records.	E.S.	.30	$25.50
6/10/2015	T.C. TIG investments. Scan and fax guardianship orders again. Request forms for transfer of funds.	E.S.	.40	$34.00
6/10/2015	Scan documents to E. Morris office. Send additional request for records to Queens county clerk. Get bank check.	E.S.	.90	$76.50
6/10/2015	T.C. Vita to remind Robert of Urologist appointment. Robert was sleeping.	E.S.	.10	No Charge
6/11/2015	Searching for Delores Bryant.	E.S.	.30	$25.50
6/12/2015	Meet Robert at Dr. appointment. Drive Robert back to Colony. Meet with staff re: Food, Cash account,	E.S.	2.40	$204.00

	clothing, telephoning from Larry Wein. Request help.			
6/12/2015	Review admissions and interrogatories to Vita Wein and file.	E.S.	.40	$34.00
6/16/2015	Research for Divorce records online, by phone, and mail.	E.S.	1.00	$85.00
6/18/2015	E-mails to Ellen Morris re: trust and petitions.	E.S.	.20	$17.00
6/18/2015	Paying bills and filling.	E.S.	.20	$17.00
6/18/2015	T.C. Dan, Dr. Polkoff appointment moved from the 26 to the 25. Asked him to attend in my place re: conflict.	E.S.	.10	$8.50
6/19/2015	Review and re-file documents from meeting with Ellen Morris.	E.S.	.40	$34.00
6/19/2015	Review billing records redacted by E. Morris.	E.S.	.30	$25.50
6/23/2015	Pay bills, reimbursement to Jodi Rich. Filling.	E.S.	.50	$42.50
6/24/2015	T.C. Robert from the Colony re: his investments.	E.S.	.20	$17.00
6/25/2015	T.C. Dan re: appointment with primary Dr. Polakoff. Supplying additional food and additional aide. Notes to file.	E.S.	.40	$34.00
6/25/2015	T.C. Matt Hughes re: investment of Paraveda funds and T.C. from Larry Wein. Notes to file.	E.S.	.30	$25.50
6/25/2015	T.C. with Matt Hughes.	E.S.	.10	$8.50
6/25/2015	Bob's Primary Dr. appointment.	E.S.	.10	$8.50
6/26/2015	T.C. Caring associates. Discuss Robert's progress and add 2 hours to Doris' schedule. T.C. Dan, dropped off the additional protein items.	E.S.	.25	$21.25
7/2/2015	Pay bills, review billing and filing statements.	E.S.	.30	$25.50
7/3/2015	E-mail to E. Morris. Copy billing and forward to office.	E.S.	.30	$25.50
7/3/2015	T.C. Dan re: medical and trust references.	E.S.	.20	$17.00
SUBTOTAL:			196.95	$16,847.75

Costs

10/15/2014	Clerk of court fees for certified documents.	$31.00
10/29/2014	Copy 52 @ .20	$10.40
11/15/2014	ATT charge	$9.95
12/31/2014	Copies 28 X .20	$5.60
1/6/2015	Fed Ex charges for condo documents.	$72.00
1/12/2015	Postage	$4.90
1/27/2015	Postage	$9.80
3/30/2015	Postage	$9.20
5/19/2015	Copies 45 @ .20	$9.00
5/21/2015	Copies, money orders for document request in New York. Clerk fees.	$27.75
6/9/2015	Copies 240 x .20	$48.00
SUBTOTAL:		$237.60

TOTAL: $17,085.35
PREVIOUS BALANCE (CREDIT): $8,000.00
CURRENT BALANCE DUE AND OWING: $9,085.35

Filing # 29405751 E-Filed 07/08/2015 03:08:31 PM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000472 | Probate Division IB

IN RE: THE GUARDIANSHIP OF

ROBERT PAUL WEIN,

The Ward.
_____/

MOTION FOR SANCTIONS AND REMOVAL OF GUARDIAN

Comes now, Vita Wein, by and through the undersigned counsel and as an interested person in these proceedings under Fla. Prob. R. 5.060, hereby moves this Court pursuant to Fla. Prob. R. 5.660 and Sections 744.474 and 744.108, Florida Statutes, to sanction the Petitioner, Elizabeth Savitt (Petitioner), together with her attorney in this action, and to remove the Petitioner as guardian for the Ward, and states as grounds:

1. Fla. Prob. R. 5.660 authorizes an interested person in a guardianship proceeding to petition the Court for removal of a guardian.

2. Section 744.474, Florida Statutes (2014), sets forth the reasons for removal of a guardian. It is essential to the proper conduct and management of a guardianship that the guardian be independent and impartial. The fiduciary relationship that exists between the guardian and the ward may not be used for the private gain of the guardian, other than the payment of fees and expenses reimbursable to the guardian as provided by law. Section 744.474 permits the removal of a guardian for failing to discharge duties, abusing guardianship powers, and developing of a conflict of interest between the ward and the guardian, among other reasons.

3. Certainly the Petitioner, as guardian of the Ward, has a fiduciary duty to the Ward to not take any action that results in private gain of the Petitioner or any of her agents, including her attorney. See Reed v. Long, 111 So. 3d 237 (Fla. 4th DCA 2013).

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4. On June 10, 2015, the Petitioner testified in her deposition that she has paid herself $8,000.00 in guardianship fees and her attorney $8,861.65 in attorney's fees, from the Ward's guardianship account, all without prior court approval. At the time of her testimony, the Petitioner was unable to produce any billing records to substantiate the disbursements made from the guardianship account which contains substantial assets belonging to the Ward.

5. Section 744.108(1), Florida Statutes (2014), entitles guardians and attorneys to a reasonable fee for services rendered and reimbursement for costs incurred on behalf of the ward; however, the entitlement to fees and costs is not without limitation. Pursuant to Section 744.108(2), the Court is required to consider a number of factors before awarding fees and costs to a guardian or attorney for the ward. In addition, the guardian or attorney is required to provide an itemized description of the services performed for the fees sought to be recovered. Section 744.108(5), Florida Statutes (2014).

6. Here, the Petitioner and her attorney took disbursements from the Ward's guardianship account without first petitioning the Court to make a determination of the reasonableness of the disbursements in light of the factors to be considered pursuant to Section 744.108(2). Furthermore, the Petitioner has failed to itemize the services performed for the fees already disbursed. When the Petitioner was first deposed in this action and later noticed for a subsequent deposition, a formal request was made for the production of the Petitioner's itemized billing statements. Still, the itemized statements were not produced and have yet to be produced to the Court or Vita Wein. So far, the Petitioner and her attorney have collected fees from the guardianship account without petitioning the Court for the same and prior to itemizing the services for which the fees were disbursed. This conduct breaches the fiduciary duty owed to the Ward and is in direct violation of Florida Statutes.

7. It is also believed that Petitioner has created a conflict of interest with the Ward requiring removal. The Petitioner has had several written and verbal communications with Daniel Wein, the brother of the Ward, and other members of Daniel Wein's family, for the purpose of amending the Ward's trust to include a provision paying $150,000.00 from the trust's assets to Daniel Wein. It

2555-109

appears from deposition testimony of the Petitioner that Daniel Wein is surreptitiously directing the Petitioner's conduct in this action for his own financial gain.

8. Acting according to Daniel Wein's demands, the Petitioner has failed to exercise any independent judgment in this action and as a result has navigated these proceedings without considering the best interest of the Ward or his assets.

9. The deposition of Jordan L. Klingsberg, Esq., who was a former attorney of the Ward for purposes of estate planning, revealed that the Ward wished to foreclose Daniel Wein from the Ward's trust because Daniel Wein was stealing from the Ward's assets. Nevertheless, the Petitioner is seeking to amend the Ward's trust for the sole benefit of Daniel Wein.

10. Vita Wein fails to comprehend how such an amendment would be beneficial to the Ward when it is so undeniably against the Ward's previously expressed desires to exclude Daniel Wein from the Ward's trust.

11. Finally, the Petitioner is attempting to annul the longstanding marriage between the Ward and Vita Wein, despite the Ward's requests to the contrary. During her deposition on June 10, 2015, the Petitioner testified that the Ward wanted to keep things the same and continue supporting his wife, Vita Wein. Nevertheless, the Petitioner continues to pursue a petition filed for the purpose of ultimately annulling the Ward's marriage. During the entirety of this action, the Petitioner has systematically disregarded the desires and best interests of the Ward.

12. The course of action undertaken by the Petitioner and her attorney is unconscionable, at best, and sanctionable in all regards.

13. For the foregoing reasons, the Petitioner and her attorney should be sanctioned and the Petitioner should be removed as guardian for the Ward. In addition, the Petitioner and her attorney should be ordered to pay the reasonable attorney's fees and costs of Vita Wein, who pursues the relief sought herein for the benefit of the Ward and his assets.

WHEREFORE, Vita Wein respectfully requests this Court to enter an order removing the Petitioner as guardian of the Ward, sanctioning the Petitioner and her attorney for receiving disbursements from the guardianship account without Court approval, awarding attorney's fees and costs to Vita Wein, and entering such further relief as the Court deems just under the circumstances.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 7, 2015, a copy of the foregoing was e-filed with the Court and sent to Ellen S. Morris, Esq., Elder Law Associates, P.A., 7284 W. Palmetto Park Road, Suite 101, Boca Raton, FL 33433 by e-service at emorris@elderlawassociates.com, lrubin@elderlawassociates.com, and clawrence@elderlawassociates.com; Daniel Wein, 9717 N. New River Canal Road #410, Plantation, FL 33324 by e-service at dwein5680@aol.com and stacywein@aol.com; and Jordan L. Klingsberg, Esq., 2101 N.W. Corporate Blvd., Suite 107, Boca Raton, FL 33431 by e-service at atjklingsberg@floridatax.com.

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Bruce S. Rosenwater
Fla. Bar No. 715107

7-8-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000472 | Probate Division IB

IN RE: THE GUARDIANSHIP OF

ROBERT PAUL WEIN,

The Ward.
_____/

VITA WEIN'S PETITION FOR SURCHARGE

Comes now, Vita Wein, by and through the undersigned counsel and as an interested person to the Guardianship of Robert Paul Wein (Ward), and pursuant to Section 744.446, Florida Statutes (2014), hereby files this Petition for Surcharge against the Petitioner, Elizabeth Savitt (Guardian), and states:

1. By order of this Court on October 15, 2014, the Guardian was appointed as limited guardian of the person and property of the Ward. Along with this appointment came important responsibilities and duties to be discharged by the Guardian, expressly codified and governed by the Florida Statutes.

2. Section 744.446(1), Florida Statutes (2014) requires the Guardian to be independent and impartial, to not use the fiduciary relationship with the Ward for private gain, and to avoid conflicts of interest in the discharge of the Guardian's duties.

3. If the Guardian engages in any activity prohibited by Section 744.446, said activity is voidable during the term of the guardianship and the Guardian is subject to removal and personal liability through a proceeding for surcharge.[1] Section 744.446(3), Florida Statutes (2014).

[1] A "surcharge" is an adversarial proceeding in guardianship court which allows property to be recovered from a guardian who had breached the fiduciary duty owed to the ward. Reed v. Long, 111 So. 3d 237, 238 (Fla. 4th DCA 2013). The purpose of a surcharge award is to make the ward's estate whole when the guardian's actions cause loss or damage. Id. (internal citations omitted).

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4. This Court has an obligation to ensure that the Ward is adequately protected from breach of the Guardian's fiduciary duties. Section 744.446(4), Florida Statutes (2014).

5. The purpose of this Petition for Surcharge is to obtain funds that were unlawfully diverted from the Ward's guardianship account and to prevent further misconduct by the Guardian which would cause undue loss to the Ward's assets currently being held in trust. This Petition for Surcharge is guided by the existence of a fiduciary duty of the Guardian, and the breach of that duty which has proximately caused damages to the Ward. Reed, 111 So. 3d at 239.

6. The unlawful diversion of the Ward's funds, and potential further loss of the Ward's assets held in trust, proximately results from the Guardian's failure to exercise her independence and impartiality during the discharge of her duties as guardian of the Ward, the Guardian's private gain from the Ward's assets, and the Guardian's creation of a conflict with the best interests of the Ward.

7. Several of the Guardian's actions in this case have been pursued at the instruction of Daniel Wein, the brother of the Ward who is believed to have previously misappropriated the Ward's assets. Produced at the Guardian's deposition on June 10, 2015, were several e-mails to the Guardian that exposed Daniel Wein's demands to (1) annul the Ward's longstanding marriage to Vita Wein, and (2) add a provision to the Ward's trust for the payment of $150,000.00 to Daniel Wein from the Ward's assets. These demands directly contravene the intentions of the Ward to remain married to Vita Wein and to preclude Daniel Wein from receiving any assets from the Ward's trust due to Daniel Wein's prior misappropriations.

8. Nevertheless, the Guardian has filed petitions in this guardianship seeking to annul the marriage of the Ward and Vita Wein, and to have the Ward's trust amended for the benefit of Daniel Wein. In doing so, the Guardian's dependence on, and partiality to, Daniel Wein is

apparent and has created a conflict of interest in her fiduciary relationship with the Ward. Disregarding her duties to the Ward, the Guardian is proceeding at the behest of Daniel Wein and other family members of the Ward who continue to be guided by greed in their pursuit of the Ward's assets.

9. Even worse, perhaps, is the fact that the Guardian has used her fiduciary relationship with the Ward for her own financial gain, as well as that of her attorney. During her deposition, the Guardian testified that she diverted over $16,000.00 from the Ward's guardianship account for the payment of undocumented guardianship fees and attorney's fees. At the time of her testimony, the Guardian was unable to produce any billing records to substantiate the disbursements made from the Ward's guardianship account. In the absence of corroborating records, the Guardian and her attorney have been excessively compensated from the Ward's assets. As a fiduciary to the Ward, the Guardian is subject to surcharge for the improper and excessive payment of fees from the Ward's assets. See Kozinski v. Stabenow, 152 So. 3d 650, 653 (Fla. 4th DCA 2014) (a surcharge proceeding can be pursued when a fiduciary pays excessive fees to himself, herself, or agents of the fiduciary).

10. Based on the foregoing, it is clear that the Guardian has breached her duties as fiduciary to the Ward, and that such breach has proximately caused the Ward to suffer damages. The Ward will continue to suffer these damages so long as the Guardian remains appointed in this action. Therefore, the Guardian shall be held personally liable for all economic damages caused to the Ward, and shall be removed as Guardian in this action.

11. Vita Wein has retained the law firm of Bruce S. Rosenwater & Associates, P.A., in connection with this action and has agreed to pay a reasonable fee for the firm's services.

WHEREFORE, Vita Wein respectfully requests this Court to enter an order: imposing a surcharge against the Guardian, Elizabeth Savitt; removing the Guardian, Elizabeth Savitt, from this action; awarding attorney's fees and costs to Vita Wein; and granting all further relief that the Court finds just under the circumstances.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 8, 2015, a copy of the foregoing was e-filed with the Court and sent to Ellen S. Morris, Esq., Elder Law Associates, P.A., 7284 W. Palmetto Park Road, Suite 101, Boca Raton, FL 33433 by e-service at emorris@elderlawassociates.com, lrubin@elderlawassociates.com, and clawrence@elderlawassociates.com; Daniel Wein, 9717 N. New River Canal Road #410, Plantation, FL 33324 by e-service at dwein5680@aol.com and stacywein@aol.com; and Jordan L. Klingsberg, Esq., 2101 N.W. Corporate Blvd., Suite 107, Boca Raton, FL 33431 by e-service at atjklingsberg@floridatax.com.

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Bruce S. Rosenwater
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7-17-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000472 | Probate Division IB

IN RE: THE GUARDIANSHIP OF

ROBERT PAUL WEIN,

The Ward.
_____/

AMENDED RESPONSE AND OBJECTION TO PETITIONER'S AMENDED SECOND REQUEST FOR ADMISSIONS TO VITA WEIN

Vita Wein, by and through her undersigned counsel and pursuant to Florida Probate Rule 5.080, hereby files amended responses and objections to the Amended Second Request for Admissions to Vita Wein that was filed by the Petitioner, Elizabeth Savitt (Petitioner), as follows:

1. On June 12, 2015, Petitioner served an Amended Second Request for Admissions to Vita Wein, requesting certain admissions as to Medicaid applications said to have been filed by Vita Wein in the State of New York and/or State of New Jersey.

2. Vita Wein objects to Petitioner's discovery efforts insofar as they unconstitutionally seek private financial and medical information of Vita Wein where there exists no relevant or compelling reason for disclosure. See Borck v. Borck, 906 So. 2d 1209 (Fla. 4th DCA 2005); Barker v. Barker, 909 So. 2d 333 (Fla. 2d DCA 2005). Without waiving said objections, Vita Wein states that the documents underlying the information requested are not in Vita Wein's possession, custody, or control.

3. Furthermore, Vita Wein contends that by engaging in objectionable discovery practices, Petitioner is unnecessarily depleting the assets of the Ward, Robert Paul Wein. Florida Probate Rule 5.080(b) gives this Court substantial discretion to limit the scope, place, and manner of discovery in order to conserve the Ward's assets.

WHEREFORE, Vita Wein respectfully requests that this Honorable Court enter an order sustaining the objections herein, and awarding any and all further relief that the Court deems just and

proper under the circumstances, including but not limited to an award of attorney's fees and costs related to defending Petitioner's objectionable discovery practices.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of July, 2015, a true and correct copy of the foregoing has been sent to: Michael J. Schlesinger, Esq., Schlesinger & Associates, P.A., 800 Brickell Avenue, Suite 1400, Miami, Florida 33131 by e-service at mjs@mjsjd.com, hcorrea@mjsjd.com, and eservice@mjsjd.com; Ellen S. Morris, Esq., Elder Law Associates, P.A., 7284 W. Palmetto Park Road, Suite 101, Boca Raton, FL 33433 by e-service at emorris@elderlawassociates.com, lrubin@elderlawassociates.com, and clawrence@elderlawassociates.com.

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Bruce S. Rosenwater
Fla. Bar No. 715107
Steven C. Williams
Fla. Bar No. 99681

7-22-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

ROBERT PAUL WEIN
_____/

PROBATE DIVISION "IB"

CASE NO. 502014GA000472XXXXMB

ANSWER TO VITA WEIN'S PETITION FOR SURCHARGE

COMES NOW ELIZABETH SAVITT, as Limited Guardian of the Person and Property of ROBERT PAUL WEIN (hereafter "Ward"), by and through her undersigned counsel, and hereby answers Vita Wein's *Petition for Surcharge* filed in the above-referenced Guardianship, as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Denied.

6. Denied.

7. Denied.

8. Denied.

9. Denied. Further, the guardian has filed a Petition seeking approval of all guardian's fees and compensation from September 16, 2014 through July 3, 2015, totaling $17,085.35, and ratification of the retainer she received in the amount of $8,000.00. Pursuant to F.S. 744.444(16), a guardian may pay attorney's fees and costs to an attorney from the assets of the guardianship without court approval subject to obtaining court approval of the annual accounting. Any and all attorney's fees and costs paid to date by the guardian from the assets of the Ward shall and will be reflected on the next annual accounting.

10. Denied.

11. Without knowledge, and therefore, denied.

I HEREBY CERTIFY that a copy of the foregoing was served via the e-Portal on this 22nd day of July, 2015 to Bruce S. Rosenwater, Esq., Bruce S. Rosenwater & Associates, P.A., 1601 Forum Place, Suite 610, West Palm Beach, FL 33401 (info@rosenwater.com and bsr@rosenwater.com) and Michael J. Schlesinger, Esq., Schlesinger & Associates, P.A., 800 Brickell Plaza, Suite 1400, Miami, Florida 33131 (mjs@mjsjd.com, hcorrea@mjsjd.com and eservice@mjsjd.com).



Ellen S. Morris, Esq.
Attorney for the Guardian
Florida Bar No. 850306
ELDER LAW ASSOCIATES PA
7284 W. Palmetto Park Road, Suite 101
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Secondary E-mail: clawrence@elderlawassociates.com

7-24-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY PROBATE/GUARDIANSHIP DIVISION

CASE NO.: 2014GA000472XXXXMB

IN RE: Guardianship of

ROBERT PAUL WEIN.

_____/

FILED
15 JUL 24 PM 4:37
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
FAMILY COURT

ORDER OF RECUSAL
AND CLERK'S REASSIGNMENT

The above captioned case is presently pending in Division IB of the Probate/Guardianship Division presided over by Judge Janis Brustares Keyser. The undersigned judge hereby recuses herself from the case and this case is referred to the Clerk of the Circuit Court for reassignment. All parties shall be notified by the Clerk of the reassignment.

DONE AND ORDERED this 24 day of July, 2015 at West Palm Beach, Palm Beach County, Florida.

Janis Brustares Keyser
JANIS BRUSTARES KEYSER
CIRCUIT COURT JUDGE

CLERK'S NOTICE OF REASSIGNMENT

The Clerk of the Circuit Court, having received the Order of Recusal signed by Judge Janis Brustares Keyser, hereby gives notice to all parties that this case is reassigned to Division _____ presided over by Judge _____.

SHARON R. BOCK
CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

Copies furnished:

Bruce S. Rosenwater & Associates, P.A.
1601 Forum Place, Suite 610
West Palm Beach, FL 33401

Michael J. Schlesinger, Esquire
800 Brickell Avenue, Suite 1400
Miami, FL 33131

Ellen S. Morris, Esquire
7284 W. Palmetto Park Rd., Suite 101
Boca Raton, FL 33433

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000472 | Probate Division II

IN RE: THE GUARDIANSHIP OF

ROBERT PAUL WEIN,

The Ward.

_____/

VITA WEIN'S OBJECTION TO THE GUARDIAN'S EX PARTE COMMUNICATION AND NOTICE OF FILING WITH THE COURT

Comes now, Vita Wein, by and through the undersigned counsel and hereby objects to the July 28, 2015, ex parte communication and notice of filing by the Guardian, Elizabeth Savitt (Guardian), and her counsel, and states the following:

1. On July 28, 2015, the Guardian delivered to the Court an ex parte correspondence along with a notice of filing the Ward's income tax returns for 2011 through 2013. The tax returns provided to the Court are incomplete documents predicated on hearsay, and should not be considered by the Court.

2. The tax returns are specious and inflammatory and do not accurately reflect the Ward's position regarding his marital status. The Guardian highlighted sections on the tax returns that ostensibly indicate that the Ward filed under single status. The Court should entertain neither the Guardian's correspondence nor the provided tax returns, as the tax returns were completed and filed by the Ward's brother, Daniel Wein, in 2011 and 2012, and by the Guardian in 2013. Therefore, the tax returns do not prove or disprove the Ward's status as a married man and fail to support the Guardian's suggestion that the Ward does not hold himself out to be married to Vita Wein.

3. Vita Wein objects to the ex parte communication, and any consideration thereof, insofar as it violates the Florida Supreme Court's Code of Judicial Conduct. See Code of Judicial Conduct, Canon 3 (excluding all ex parte communications with all judges in all judicial proceedings except when expressly authorized by law).

*** FILED: PALM BEACH COUNTY, FL SHARON R BOCK, CLERK. 7/30/2015 5:08:45 PM ***

4. Vita Wein continues to incur attorney's fees and costs as a result of the unauthorized conduct of the Guardian in this action. As such, Vita Wein requests that she be compensated by the Guardian for the reasonable attorney's fees and costs that have been unnecessarily incurred.

WHEREFORE, Vita Wein respectfully requests that this Court enter an Order sustaining the objections made herein, awarding attorney's fees and costs to Vita Wein, and granting such further relief as the Court deems just and proper under the circumstances.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2015, a true and correct copy of the foregoing has been sent to: Michael J. Schlesinger, Esq., Schlesinger & Associates, P.A., 800 Brickell Avenue, Suite 1400, Miami, Florida 33131 by e-service at mjs@mjsjd.com, hcorrea@mjsjd.com, and eservice@mjsjd.com; Ellen S. Morris, Esq., Elder Law Associates, P.A., 7284 W. Palmetto Park Road, Suite 101, Boca Raton, FL 33433 by e-service at emorris@elderlawassociates.com, lrubin@elderlawassociates.com, and clawrence@elderlawassociates.com.

BRUCE S. ROSENWATER & ASSOCIATES, P.A.
Counsel for Vita Wein
1601 Forum Place | Suite 610
West Palm Beach, Florida 33401
T: 561.688.0991 | F: 561.688.0581
info@rosenwater.com | bsr@rosenwater.com

Bruce S. Rosenwater
Fla. Bar No. 715107
Steven C. Williams
Fla. Bar No. 99681

Filing # 30165672 E-Filed 07/28/2015 11:17:38 AM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

ROBERT PAUL WEIN

_____/

PROBATE DIVISION "IB"

CASE NO. 502014GA000472XXXXMB

NOTICE OF FILING

COMES NOW ELIZABETH SAVITT, as Limited Guardian of the Person and Property of ROBERT PAUL WEIN (the Ward), by and through her undersigned counsel, and hereby provides notice of the filing of the attached first pages of the Ward's 2011, 2012 and 2013 Federal Income Tax Returns.

I HEREBY CERTIFY that a copy of the foregoing was served via the e-Portal on this 28th day of July, 2015 to Bruce S. Rosenwater, Esq., Bruce S. Rosenwater & Associates, P.A., 1601 Forum Place, Suite 610, West Palm Beach, FL 33401 (info@rosenwater.com and bsr@rosenwater.com) and Michael J. Schlesinger, Esq., Schlesinger & Associates, P.A., 800 Brickell Plaza, Suite 1400, Miami, Florida 33131 (mjs@mjsjd.com, hcorrea@mjsjd.com and eservice@mjsjd.com).

Ellen S. Morris, Esq.
Attorney for the Guardian
Florida Bar Number: 850306
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Secondary E-Mail: clawrence@elderlawassociates.com

*** FILED: PALM BEACH COUNTY, FL SHARON R BOCK, CLERK. 7/28/2015 11:17:38 AM ***

Department of the Treasury — Internal Revenue Service (99)

Form 1040 U.S. Individual Income Tax Return 2011

OMB No. 1545-0074 | IRS Use Only — Do not write or staple in this space.

For the year Jan 1 - Dec 31, 2011, or other tax year beginning , 2011, ending , 20

See separate instructions.

Your first name	MI	Last name	Your social security number
ROBERT		WEIN	- [redacted]
If a joint return, spouse's first name	MI	Last name	Spouse's social security number

Home address (number and street) If you have a P.O. box, see instructions. Apartment no.

230 WEST 105TH STREET

▲ Make sure the SSN(s) above and on line 6c are correct.

City, town or post office. If you have a foreign address, also complete spaces below (see instructions). State ZIP code

NEW YORK NY 10025

Foreign country name Foreign province/county Foreign postal code

Presidential Election Campaign

Check here if you, or your spouse if filing jointly, want $3 to go to this fund? Checking a box below will not change your tax or refund. ☐ You ☐ Spouse

Filing Status Check only one box.

1 [X] Single
2 [ ] Married filing jointly (even if only one had income)
3 [ ] Married filing separately. Enter spouse's SSN above & full name here. ►
4 [ ] Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here ►
5 [ ] Qualifying widow(er) with dependent child

Exemptions

6a [X] Yourself. If someone can claim you as a dependent, **do not** check box 6a
b [ ] Spouse

Boxes checked on 6a and 6b . 1
No. of children on 6c who:
• lived with you . . .
• did not live with you due to divorce or separation (see instrs) . .
Dependents on 6c not entered above .
Add numbers on lines above . . . ► 1

c Dependents:

(1) First name Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) ✓ if child under age 17 qualifying for child tax cr (see instrs)
			☐
			☐
			☐
			☐

If more than four dependents, see instructions and check here . . ► ☐

d Total number of exemptions claimed 1

Income

Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld.

If you did not get a W-2, see instructions.

7	Wages, salaries, tips, etc. Attach Form(s) W-2	7	3,120.
8a	**Taxable** interest. Attach Schedule B if required	8a	41,940.
b	**Tax-exempt** interest. **Do not** include on line 8a (8b: 4,387.)		
9a	Ordinary dividends. Attach Schedule B if required	9a	13,686.
b	Qualified dividends (9b: 5,114.)		
10	Taxable refunds, credits, or offsets of state and local income taxes	10	
11	Alimony received	11	
12	Business income or (loss). Attach Schedule C or C-EZ	12	5,587.
13	Capital gain or (loss). Att Sch D if reqd. If not reqd, ck here ► ☐	13	-3,000.
14	Other gains or (losses). Attach Form 4797	14	-41.
15a	IRA distributions (15a:) b Taxable amount	15b	
16a	Pensions and annuities (16a:) b Taxable amount	16b	22,683.
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	17	390.
18	Farm income or (loss). Attach Schedule F	18	
19	Unemployment compensation	19	
20a	Social security benefits (20a: 15,522.) b Taxable amount	20b	13,194.
21	Other income SUBSTITUTE PAYMENTS FROM FORM 1099-MISC	21	1,710.
22	Combine the amounts in the far right column for lines 7 through 21. This is your **total income** ►	22	99,269.

Enclose, but do not attach, any payment. Also, please use Form 1040-V.

Adjusted Gross Income

23	Educator expenses	23	
24	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ	24	
25	Health savings account deduction. Attach Form 8889	25	
26	Moving expenses. Attach Form 3903	26	
27	Deductible part of self-employment tax. Attach Schedule SE	27	395.
28	Self-employed SEP, SIMPLE, and qualified plans	28	
29	Self-employed health insurance deduction	29	
30	Penalty on early withdrawal of savings	30	
31a	Alimony paid b Recipient's SSN ►	31a	
32	IRA deduction	32	
33	Student loan interest deduction	33	
34	Tuition and fees. Attach Form 8917	34	
35	Domestic production activities deduction. Attach Form 8903	35	
36	Add lines 23 through 35	36	395.
37	Subtract line 36 from line 22. This is your **adjusted gross income** ►	37	98,874.

Department of the Treasury — Internal Revenue Service (99)

Form 1040 U.S. Individual Income Tax Return 2012

OMB No. 1545-0074 | IRS Use Only — Do not write or staple in this space.

For the year Jan 1 - Dec 31, 2012, or other tax year beginning , 2012, ending , 20

See separate instructions.

Your first name and initial	Last name	Your social security number
ROBERT	WEIN	[redacted]
If a joint return, spouse's first name and initial	Last name	Spouse's social security number

Home address (number and street). If you have a P.O. box, see instructions. Apartment no.

C/O D WEIN 9717 N. NEW RIVER CANAL RD.

▲ Make sure the SSN(s) above and on line 6c are correct.

City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions).

PLANTATION FL 33324

Foreign country name | Foreign province/state/county | Foreign postal code

Presidential Election Campaign

Check here if you, or your spouse if filing jointly, want $3 to go to this fund? Checking a box below will not change your tax or refund. ☐ You ☐ Spouse

Filing Status Check only one box.

1 [X] Single
2 [ ] Married filing jointly (even if only one had income)
3 [ ] Married filing separately. Enter spouse's SSN above & full name here. ►
4 [ ] Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here ►
5 [ ] Qualifying widow(er) with dependent child

Exemptions

6a [X] **Yourself.** If someone can claim you as a dependent, **do not** check box 6a
b [ ] **Spouse**

Boxes checked on 6a and 6b: 1
No. of children on 6c who:
- lived with you:
- did not live with you due to divorce or separation (see instrs):

Dependents on 6c not entered above:
Add numbers on lines above ►: 1

c **Dependents:**

(1) First name / Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) ✓ if child under age 17 qualifying for child tax cr (see instrs)

If more than four dependents, see instructions and check here . . ► ☐

d Total number of exemptions claimed 1

Income

Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld.

If you did not get a W-2, see instructions.

7	Wages, salaries, tips, etc. Attach Form(s) W-2		7	3,120.
8a	**Taxable** interest. Attach Schedule B if required		8a	42,148.
b	**Tax-exempt** interest. **Do not** include on line 8a	8b 3,983.		
9a	Ordinary dividends. Attach Schedule B if required		9a	19,141.
b	Qualified dividends	9b 10,443.		
10	Taxable refunds, credits, or offsets of state and local income taxes		10	
11	Alimony received		11	
12	Business income or (loss). Attach Schedule C or C-EZ		12	5,031.
13	Capital gain or (loss). Att Sch D if reqd. If not reqd, ck here ► ☐		13	11,609.
14	Other gains or (losses). Attach Form 4797		14	
15a	IRA distributions 15a	b Taxable amount	15b	
16a	Pensions and annuities 16a 79,889.	b Taxable amount	16b	55,889.
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E		17	0.
18	Farm income or (loss). Attach Schedule F		18	
19	Unemployment compensation		19	
20a	Social security benefits 20a 16,078.	b Taxable amount	20b	13,666.
21	Other income See Line 21 Other Income		21	2,506.
22	Combine the amounts in the far right column for lines 7 through 21. This is your **total income** ►		22	153,110.

Enclose, but do not attach, any payment. Also, please use Form 1040-V.

Adjusted Gross Income

23	Educator expenses	23		
24	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ	24		
25	Health savings account deduction. Attach Form 8889	25		
26	Moving expenses. Attach Form 3903	26		
27	Deductible part of self-employment tax. Attach Schedule SE	27	355.	
28	Self-employed SEP, SIMPLE, and qualified plans	28		
29	Self-employed health insurance deduction	29	2,757.	
30	Penalty on early withdrawal of savings	30		
31a	Alimony paid b Recipient's SSN ►	31a		
32	IRA deduction	32		
33	Student loan interest deduction	33		
34	Tuition and fees. Attach Form 8917	34		
35	Domestic production activities deduction. Attach Form 8903	35		
36	Add lines 23 through 35		36	3,112.
37	Subtract line 36 from line 22. This is your **adjusted gross income** ►		37	149,998.

Form **1040** Department of the Treasury—Internal Revenue Service (99) **U.S. Individual Income Tax Return** **2013** OMB No. 1545-0074 IRS Use Only—Do not write or staple in this space.

For the year Jan. 1–Dec. 31, 2013, or other tax year beginning , 2013, ending , 20 See separate instructions.

Your first name and initial	Last name	Your social security number
ROBERT	WEIN	- [redacted]
If a joint return, spouse's first name and initial	Last name	Spouse's social security number

Home address (number and street). If you have a P.O. box, see instructions. Apt. no.
C/O ELIZABETH SAVITT 501 N. COUNTRY CLUB DR.

▲ Make sure the SSN(s) above and on line 6c are correct.

City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions).
ATLANTIS FL 33462

Foreign country name | Foreign province/state/county | Foreign postal code

Presidential Election Campaign
Check here if you, or your spouse if filing jointly, want $3 to go to this fund. Checking a box below will not change your tax or refund. ☐ You ☐ Spouse

Filing Status
Check only one box.
1 ☒ Single
2 ☐ Married filing jointly (even if only one had income)
3 ☐ Married filing separately. Enter spouse's SSN above and full name here. ▶
4 ☐ Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶
5 ☐ Qualifying widow(er) with dependent child

Exemptions
6a ☒ **Yourself.** If someone can claim you as a dependent, **do not** check box 6a
b ☐ **Spouse**
c **Dependents:**

(1) First name Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) ✓ if child under age 17 qualifying for child tax credit (see instructions)
			☐
			☐
			☐
			☐

If more than four dependents, see instructions and check here ▶ ☐

Boxes checked on 6a and 6b 1
No. of children on 6c who:
• **lived with you**
• **did not live with you due to divorce or separation (see instructions)**
Dependents on 6c not entered above
Add numbers on lines above ▶ 1

d Total number of exemptions claimed

Income
Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld.
If you did not get a W-2, see instructions.

7	Wages, salaries, tips, etc. Attach Form(s) W-2			7	3,120.
8a	**Taxable** interest. Attach Schedule B if required			8a	43,639.
b	**Tax-exempt** interest. **Do not** include on line 8a	8b	3,475.		
9a	Ordinary dividends. Attach Schedule B if required			9a	12,370.
b	Qualified dividends	9b	5,565.		
10	Taxable refunds, credits, or offsets of state and local income taxes			10	
11	Alimony received			11	
12	Business income or (loss). Attach Schedule C or C-EZ			12	
13	Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ ☐			13	-3,000.
14	Other gains or (losses). Attach Form 4797			14	
15a	IRA distributions	15a	b Taxable amount	15b	25,553.
16a	Pensions and annuities	16a	b Taxable amount	16b	
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E			17	-7,418.
18	Farm income or (loss). Attach Schedule F			18	
19	Unemployment compensation			19	
20a	Social security benefits	20a	16,342. b Taxable amount	20b	13,891.
21	Other income. List type and amount See Line 21 Statement			21	316.
22	Combine the amounts in the far right column for lines 7 through 21. This is your **total income** ▶			22	88,471.

Adjusted Gross Income

23	Educator expenses	23		
24	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ	24		
25	Health savings account deduction. Attach Form 8889	25		
26	Moving expenses. Attach Form 3903	26		
27	Deductible part of self-employment tax. Attach Schedule SE	27		
28	Self-employed SEP, SIMPLE, and qualified plans	28		
29	Self-employed health insurance deduction	29		
30	Penalty on early withdrawal of savings	30		
31a	Alimony paid b Recipient's SSN ▶	31a		
32	IRA deduction	32		
33	Student loan interest deduction	33		
34	Tuition and fees. Attach Form 8917	34		
35	Domestic production activities deduction. Attach Form 8903	35		
36	Add lines 23 through 35		36	
37	Subtract line 36 from line 22. This is your **adjusted gross income** ▶		37	88,471.

8-10-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000472 | Probate Division II

IN RE: THE GUARDIANSHIP OF

ROBERT PAUL WEIN,

The Ward.
_____/

AFFIDAVIT OF JEROME L. RICH

STATE OF:
COUNTY OF:

I, Jerome L. Rich, being sworn, certify that the following statements are true and based upon my own personal knowledge:

1. I am the nephew-in-law of the Ward, Robert Paul Wein and his wife, Vita Wein.

2. On or about August 25, 2014, Robert Wein executed certain estate planning documents, to wit: Last Will of Robert Wein; Amended and Restated Robert Wein Living Trust; Revocation of Durable Power of Attorney of Robert Wein; Escrow Letter for Durable Power of Attorney for Robert Wein; Designation of Healthcare Surrogate for Robert Wein; and Living Will for Robert Wein.

3. Approximately one week after Robert Wein executed the estate planning documents, and the day after I returned from a trip to Aspen, Colorado, I visited with, and delivered deli food to, Robert Wein and his wife, Vita Wein. At that time, Robert Wein handed me each of the above estate planning documents, and at the request of Robert Wein, I read and discussed the estate planning documents with Robert Wein and his wife, Vita Wein.

4. At that time, Robert Wein advised me that his attorney at the time, Jordan L. Klingsberg, Esq., had a copy of the estate planning documents and Robert Wein further instructed me to keep

the documents in my personal safe. Robert Wein also gave me his previous estate planning documents and other personal papers.

5. Consistent with the confidence he has always had in me, Robert Wein trusted me with the safekeeping of his estate planning documents.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: 8-10-15

Jerome L. Rich

STATE OF:
COUNTY OF:

Sworn to or affirmed and signed before me on August 10, 2015, by Jerome L. Rich, who is [✓] personally known to me or [ ] produced the following as identification _____.

Notary Public or Deputy Clerk

BRUCE S. ROSENWATER
MY COMMISSION # EE 196567
EXPIRES: May 7, 2016
Bonded Thru Notary Public Underwriters

Filing # 30689776 E-Filed 08/10/2015 04:46:32 PM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No. 502014GA000472 | Probate Division II

IN RE: THE GUARDIANSHIP OF

ROBERT PAUL WEIN,

The Ward.
_____/

NOTICE OF FILING AFFIDAVIT OF JEROME L. RICH

The undersigned law firm, as counsel for Vita Wein, hereby gives notice to all parties that it has filed with the Court on August 10, 2015, the attached Affidavit of Jerome L. Rich.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 10, 2015, a true and correct copy of this document was sent to: Michael J. Schlesinger, Esq., Schlesinger & Associates, P.A., 800 Brickell Avenue, Suite 1400, Miami, Florida 33131 by e-service at mjs@mjsjd.com, hcorrea@mjsjd.com, and eservice@mjsjd.com; Ellen S. Morris, Esq., Elder Law Associates, P.A., 7284 W. Palmetto Park Road, Suite 101, Boca Raton, FL 33433 by e-service at emorris@elderlawassociates.com, lrubin@elderlawassociates.com, and clawrence@elderlawassociates.com.

BRUCE S. ROSENWATER & ASSOCIATES, P.A.
Counsel for Vita Wein
1601 Forum Place | Suite 610
West Palm Beach, Florida 33401
T: 561.688.0991 | F: 561.688.0581
info@rosenwater.com | bsr@rosenwater.com

Bruce S. Rosenwater
Fla. Bar No. 715107

*** FILED: PALM BEACH COUNTY, FL SHARON R BOCK, CLERK. 8/10/2015 4:46:32 PM ***

Filing # 30845884 E-Filed 08/13/2015 03:42:44 PM

8-13-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF ROBERT PAUL WEIN
_____/

PROBATE DIVISION

CASE NO. 502014GA000472XXXXNB

OBJECTIONS TO NOTICE OF PRODUCTION FROM NON-PARTY

COMES NOW ELIZABETH SAVITT, as Limited Guardian of the Person and Property of ROBERT PAUL WEIN (hereafter "Ward"), by and through her undersigned counsel, and hereby objects to the *Notice of from Non-Party (the "Notice")* filed by Vita Wein, as follows:

1. On August 6, 2015, Vita Wein filed and served the Notice in the above-reference case including a proposed Subpoena Duces Tecum in which she is seeking to obtain copies of the Ward's account information held at Wells Fargo Bank, N.A. going back for the last two (2) years.

2. The pending Petitions at issue in this case are for authority to pursue an annulment on behalf of the Ward and to amend the Ward's Trust and do not involve any financial transactions of the Ward.

3. Further, the Notice requests document going back two (2) years. The guardian was not appointed until October 15, 2014, and therefore, the request of any financial records beyond that point is outside the scope of the guardianship and the issues pending before the Court.

4. Lastly, the documents are the Ward's confidential financial documents and Article I, Section 23, of the Florida Constitution protects discovery of financial information of persons if there is no relevant or compelling reason to compel disclosure. See Borck v. Borck, 906 So. 2d 1209 (Fla. 4th DCA 2005).

5. Respondent asserts that there is no relevant or compelling reason to compel disclosure of the Ward's confidential financial records and that it would be reversible error for this Court to order production of the requested financial documents without an evidentiary inquiry as to the relevant or compelling reason.

WHEREFORE, Respondent hereby objects to the issuance of the Subpoena Duces Tecum directed to Wells Fargo Bank, N.A., and should Petitioner bring a motion before the Court for permission to serve such subpoenas, requests that a hearing be held on said motion and that the Court consider these objections and any further argument and award the guardianship such other relief as this Court deems just and proper.

*** FILED: PALM BEACH COUNTY, FL SHARON R BOCK, CLERK. 8/13/2015 3:42:44 PM ***

I HEREBY CERTIFY that a copy of the foregoing was served via the e-Portal on this 13th day of August, 2015 to Bruce S. Rosenwater, Esq., Bruce S. Rosenwater & Associates, P.A., 1601 Forum Place, Suite 610, West Palm Beach, FL 33401 (info@rosenwater.com and bsr@rosenwater.com) and Michael J. Schlesinger, Esq., Schlesinger & Associates, P.A., 800 Brickell Plaza, Suite 1400, Miami, Florida 33131 (mjs@mjsjd.com, hcorrea@mjsjd.com and eservice@mjsjd.com).



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8-27-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

ROBERT PAUL WEIN
_____/

PROBATE DIVISION "II"

CASE NO. 502014GA000472XXXXNB

ORDER AUTHORIZING AND RATIFYING PAYMENT OF COMPENSATION AND EXPENSES OF GUARDIAN
(September 16, 2014 through July 3, 2015)

On the petition of Elizabeth Savitt, as limited guardian of the person and property of Robert Paul Wein (the Ward), for an order authorizing payment of compensation for services rendered and expenses incurred, the Court having examined the file in this proceeding and having considered the evidence presented regarding the criteria established by Section 744.108(2), Florida Statutes, and finding that the material allegations of the petition are true and $85.00 per hour is a reasonable rate of compensation for the services of the guardian, and being otherwise fully advised, it is

ORDERED AND ADJUDGED as follows:

1. The retainer paid by the guardian of the property from the assets of the Ward in the amount of $8,000.00 is hereby ratified and approved.

2. Petitioner is hereby awarded a reasonable fee under Section 744.108(2), Florida Statutes, for services rendered by the Petitioner during the period of **September 16, 2014**, through **July 3, 2015**, as follows:

Hourly Rate:	$85.00
Hours Worked:	196.95 (.60 at No Charge)
Total Fees:	$16,847.75
Total Costs:	$237.60
Total Fees and Costs:	**$17,085.35**

3. The guardian of the property of the Ward is authorized and directed to pay that compensation and those expenses from the assets of the Ward, less the $8,000.00 retainer, in the total amount of **$9,085.35** to Elizabeth Savitt. Such payment shall be made within ten (10) days from the date of this Order, if not sooner, and shall be made through any accounts held in the name of the Ward or guardianship.

DONE AND ORDERED this 27 day of August, 2015 in Palm Beach Gardens, Palm Beach County, Florida.

HONORABLE KRISTA MARX
Circuit Judge

Copies furnished to: See attached list

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9-2-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF ROBERT PAUL WEIN
_____/

PROBATE DIVISION "II"

CASE NO. 502014GA000472XXXXNB

JOINT MOTION FOR ENTRY OF RULING ON GUARDIAN'S AMENDED PETITION FOR ORDER AUTHORIZING GUARDIAN TO BRING ANNULMENT ON BEHALF OF THE WARD

COME NOW the Movants, ELIZABETH SAVITT, as Limited Guardian of the Person and Property of ROBERT PAUL WEIN (the Ward), and DANIEL WEIN, the brother of the Ward and an interested person, by and through their undersigned counsel, and hereby move for entry of a ruling on the Guardian's *Amended Petition for Order Authorizing Guardian to Bring Annulment on Behalf of the Ward* (the "Amended Petition"), as follows:

1. A two and a half hour (2 ½) hearing was held in the above-referenced case on the Amended Petition on July 22, 2015, and was presided over by Judge Janis Brustares Keyser. A copy of the transcript from the hearing is attached hereto as Exhibit "A" and speaks for itself.

2. All evidence and argument were presented and heard to a final conclusion but Judge Keyser did not issue a ruling from the bench.

3. Shortly after the hearing and prior to rendering a ruling, Judge Keyser recused herself.

4. The hearing on July 22nd was on the Guardian's authority to bring an action to annul the August 6, 2014 Florida marriage between the Ward and Vita Wein.

5. The ward and Vita Wein were already married on August 2, 1958 in New York. The validity of the NY marriage in 1958 is undisputed by all parties.

6. As the New York marriage is an established fact, the Florida marriage must be annulled as a matter of law. See, for example, the following authority:

   a. Jones v. Jones, 160 So.2d 836, a 1935 Florida Supreme Court case which determined that a marriage is not valid if one of the parties has a legal spouse and any such marriage is held to be absolutely void and not merely voidable.

   b. Burger v. Burger, 166 So.2d 433, a 1964 FL Supreme Court case which held that although it may not be necessary to obtain a judicial determination that no

marriage exits, such a determination is in the best interest of society and the purpose is the adjudication of the nullity of the marriage.

c. Wright v. Wright, 778 So. 2d 352, (2nd DCA 2001),in which the Court affirmed that the trial court's jurisdiction over annulment proceedings stems not from a statutory provision but from its equitable chancery jurisdiction and that circuit courts have jurisdiction to declare the nullity of a void marriage or to decree that a voidable marriage is annulled.

7. As the law is clear and the fact of the prior marriage of the parties in New York is not in dispute, and as it would be a waste of the Ward's funds and judicial resources to have any further hearings on this matter, Movant requests that the guardian be authorized to seek an annulment and that this court sitting in its chancery role declare the FL marriage void and sign an Order annulling said marriage.

WHEREFORE, Movants respectfully request the Court issue a ruling on the Amended Petition for Order Authorizing Guardian to Bring Annulment on Behalf of the Ward and an Order declaring the FL marriage void and annulled.

DATED this 2nd day of ~~August,~~ September 2015.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served via the e-Portal on this 2nd day of September, 2015 to Bruce S. Rosenwater, Esq., Bruce S. Rosenwater & Associates, P.A., 1601 Forum Place, Suite 610, West Palm Beach, FL 33401 (info@rosenwater.com and bsr@rosenwater.com) and Michael J. Schlesinger, Esq., Schlesinger & Associates, P.A., 800 Brickell Plaza, Suite 1400, Miami, Florida 33131 (mjs@mjsjd.com, hcorrea@mjsjd.com and eservice@mjsjd.com).

ELLEN S. MORRIS, ESQ.
Florida Bar No. 850306

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT

IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 502014GA000472XXXXMB

IN RE: GUARDIANSHIP OF

ROBERT PAUL WEIN,

_____/

- - -

HEARING BEFORE THE HONORABLE JANIS KEYSER

Wednesday, July 22, 2015

PALM BEACH COUNTY COURTHOUSE, COURTROOM 4B

West Palm Beach, Florida

2:09 p.m. - 4:26 p.m.

APPEARANCES:

On behalf of Robert Paul Wein:
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BY: ELLEN S. MORRIS, ESQ.
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On behalf of Vita Wein:

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BY: BRUCE S. ROSENWATER, ESQ.
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(561) 688-0991

ALSO PRESENT:

MICHAEL SCHLESINGER, ESQ.
VITA WEIN

- - -

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- - -

THE COURT: Good afternoon.

MS. MORRIS: Good afternoon, Your Honor.

MR. ROSENWATER: Good afternoon.

THE COURT: I got the proposed orders. Since they are not in agreement, I thought I would hold off until I discussed everything with you.

It's my understanding it's denying the motion to continue as to the annulment issue and granting it as to the motion to amend the trust.

I thought you were going to submit the documents, income tax returns and the other applications redacted for an in camera inspection to me.

MR. ROSENWATER: Your Honor, that is correct. I said I would do my best to do so, but we didn't have a hearing on that. That wasn't a part of the motion to continue.

THE COURT: So you didn't want that part of the order?

MR. ROSENWATER: Correct.

MS. MORRIS: Your Honor, it was set for -- that was set on the notice of hearing for last week. I wasn't in attendance. That was brought

up as far as the discovery response and our objections.

So doing his best to do so, Your Honor, as far as I was told by my associate, of course, I wasn't there, was Your Honor already stated in the order those documents were to be produced because we all know it's possession, custody or control.

The only one who has control of those documents would be the applicant or the tax payer herself.

THE COURT: Do you have those documents?

MR. ROSENWATER: No, Your Honor. I filed an amended response to our petition, and it basically states they are not in my client's possession.

She doesn't have any tax returns in her possession. She doesn't have any Medicaid applications in her possession. Then the tax returns, as I stated at the last hearing, they were prepared by Robert Wein. She has never had copies, and she doesn't have possession of any of them.

She never filled out, to her knowledge, a Medicaid application. When she was in a nursing home in New York, there may have been a Medicaid

application prepared. She was never provided with a copy of that, and she never filled it out. We have none of those documents.

MS. MORRIS: Again, I'll make that same argument, Your Honor. Possession is not the test. It's possession, custody and control. Clearly, she is the only one that has control over receiving those documents.

THE COURT: She can sign an authorization for them to obtain the IRS -- I mean, the income tax returns.

MR. ROSENWATER: We could do that and have an in camera inspection of that. Again, I don't think it's relevant to the issue before the Court, but if you want to order that, that's fine with me.

THE COURT: Well, there is an issue that if I decide that the annulment is something that can be considered, that discovery can take place in the family law case?

MS. MORRIS: Clearly, Your Honor.

THE COURT: Why don't we address the annulment issue before we.

MR. SCHLESINGER: Your Honor, we didn't do appearances. I'm new to this party. I'm Michael

Schlesinger. I'm here for Daniel Wein.

MR. ROSENWATER: Your Honor, I don't have a problem with Mr. Schlesinger being here at this time. His client filed a motion to intervene, which has not been addressed, so at this time, Daniel Wein is not a party to the proceeding.

MR. SCHLESINGER: He is an heir and interested party, and he is a former trustee of the trust they are seeking to revoke and to amend.

I'm sure he has grounds to speak at all of these issues that are being decided, including the annulment.

THE COURT: He has.

MR. ROSENWATER: Your Honor, he could be a witness in these proceedings. My position is Mr. Schlesinger's client is not a party to these proceedings at this point. My position is that he can't participate in the hearing as an attorney.

Mr. Daniel Wein could be a witness in the proceedings. That's fine. But as to him questioning him as a witness, there has been an order on the motion to intervene.

MR. SCHLESINGER: Your Honor, they are moving to revoke and amend a trust that, the prior trust. We are the trustee. My client is the

trustee.

My client has been taking care of his brother for many years and has knowledge of facts, and we have appeared on his behalf.

He has been served with every petition, hearing coordinated. He has participated with the guardian. I don't know of any rule that disallows an interested party such as my client, from participating in issues that will be decided.

For example, the annulment of the marriage. That has something to do with the guardianship which he is involved with because he is a trustee.

THE COURT: He could be a witness, but should you really be participating? Do you intend to present testimony or evidence?

MR. SCHLESINGER: I can tell you that in the two days I've been retained, I found a plethora of items that Ms. Vita Wein has put herself as a single woman, including deeds in New Jersey that we're trying to get.

We have also hired a private investigator to locate the divorce decree in New York City, one of the counties. My job today is really to introduce myself. I didn't plan to call witnesses. I had planned to interject when

necessary.
For example, we will be objecting, and I told the guardian, to the amendment of the trust, even though we --
THE COURT: That issue is not going to be decided today.
MR. SCHLESINGER: Yes, but I have already given notice that that will be a formal notice I'll be filing.
Again, as far as the guardianship proceeding, we are listed as an interested party. We were given notice, and we have a right to participate, especially when it comes to competency issues and dealing with Mrs. Vita Wein.
Which again, I don't have -- I didn't plan to call witnesses. I'm just here to interact and tell you what I've learned as the trustee that was removed by the second trust.
I don't know if that handles his objection, but I was not planning to call witnesses or address witnesses. I'm just standing up to tell you I'm here.
MR. ROSENWATER: That's fine.
THE COURT: Let's go forward then.
MS. MORRIS: Yes, Your Honor. May I remain

seated?
THE COURT: You can remain seated. You have everything spread out in front of you.
MS. MORRIS: I appreciate that. Thank you, Your Honor. This is our amended verified petition authorizing the guardian to bring an annulment on behalf of the ward.
Really, the title belies the crux of the relief that we're here seeking, which is in the petition as well, which is to retain a family law attorney to determine whether or not an annulment action should be brought forth.
We're looking at the standard here as to what is in the ward's best interest. There are three reasons why the guardian, who serves at the pleasure of the Court, didn't intervene on her own accord and was brought in and asked to serve in this matter.
There are three reasons why this professional guardian and myself believe that it's in the best interest of the ward. There is case law to support that.
Our cause here today is not to argue the substantive merits of the annulment. That's not what we're here for today. We're strictly here

seeking authority under the statute, as we are required to do so, to ask Your Honor to proceed with hiring a family law attorney and make the determination if there is enough cause to bring an annulment.
The three reasons why it's in Mr. Wein's best interest are: Number one, that if Ms. Wein, Mrs. Wein is a spouse and remains a spouse, she remains an interested party. As such, even if her fees -- which she has already filed a petition seeking fees of over $21,000 -- even if her fees are not ordered to be paid by this Court as a service or a benefit to the ward, she is causing the guardian and her attorney to respond to various extremely litigious pleadings and filings.
If the marriage is annulled, should there be a reason to do so, she will no longer be an interested person, and we will no longer cause this ward's assets to be continually depleted by the guardian seeking attorney's fees in responding to her. That's number one.
Number two, the guardian has a duty strictly, specifically -- excuse me -- under 744 to protect and preserve the assets of the ward. In doing so, she should not pay expenses of

another individual who should not be entitled to them.
Under the case law, it is clear that if Mrs. Wein continues to be his wife, then she is entitled to support as a dependent. And I have all the case law for Your Honor that she is entitled to support as a dependent.
If she is not his wife because there is a proper basis to annul the marriage, she is not entitled to support. The value, the positive value or the negative value of Mr. Wein's estate, whether he is a rich man with a billion dollars or a poor man of $100,000, is not relevant.
She has a duty to protect and preserve his estate for himself and for his heirs according to his estate plan. To pay expenses which have been sought in the way of legal fees and other support payments, right now, the guardianship is paying all of Vita Wein's living, health, et cetera, expenses, and she's not contributing one dime, not even in her social security toward that support. That's the second reason.
First is not an interested party, save money in not responding. The second is she would not be entitled to support. The third is that the

guardian has a duty to the ward.

There is a relatively new case that has come up. I'm sure Your Honor is familiar with it. It's been around for a while. It's the Saadeh case that the Fourth DCA came out with in just June, last month of this year. It talks about privity of contract.

In that case, in the Saadeh case, a guardian's attorney and the ward -- and the Saadeh case mentions other cases therein which talk about and reaffirm Florida's longstanding, unusual negligence theory in that third-party beneficiaries of a will do have privity of contract and the right to sue the guardian or the guardian's attorney.

So not only does the guardian and do I owe a duty to Mr. Wein to preserve and protect his assets for his benefit, we owe a duty to the residuary of his estate and other beneficiaries of his estate whose interest will be affected on his death based on the amount of money spent here.

Our standard of proof is preponderance of the evidence. I have a memo and case law for Your Honor regarding what is the standard of proof for proving that it's in his best interest. We know

from the relatively new Koshenina case in 2014, which talks about the standard of proof against the, contrary to the best interest. The best interest standard is the preponderance of the evidence, 51 percent.

We are prepared -- if Your Honor wants to hear, I'm prepared to put Ms. Savitt on the stand to testify to exactly what I just proffered to the Court, the three reasons why she is bringing this annulment.

And all we're seeking is Your Honor's permission to meet with and hire a family law attorney, get all the facts and the discovery.

Just as Your Honor pointed out, we have tax returns. We have deeds. We have a marriage application that I'm prepared to provide to Your Honor.

I think it's getting into the substantive merits of the annulment, but I have all of that for Your Honor, a marriage application that was applied for here.

We do not have a divorce decree. That's the one thing we don't have. The other side, Mr. Rosenwater client's position is they did not get remarried. They were never divorced, and they

simply reaffirmed their vows.

There is no such thing as a reaffirmation, legally, of vows here in Florida. They applied for a marriage license. They filled out the marriage license saying that this was the second marriage, that their prior marriages ended in divorce and they were married.

So either it's bigamy, or they were divorced and they were married a few weeks before the determination of incapacity.

THE COURT: Does the case law indicate that in a guardianship proceeding, that it has to be an evidentiary hearing?

MS. MORRIS: It does not.

THE COURT: Do you have case law on that?

MS. MORRIS: The case law, no, not on the evidentiary hearing. The case law on the best interest that I have is seeking Court authority. It does not state whether it has to be an evidentiary hearing or not.

In an adversary proceeding in a guardianship, of course the Rules of Civil Procedure do apply. I think it's within the Court's discretion, but that's just my surmising because there is nothing strictly on point

indicating there has to be an evidentiary.

THE COURT: Mr. Rosenwater?

MR. ROSENWATER: Your Honor, this case has been a difficult case where you have a guardianship, and you have sometimes a younger woman that comes in when you have an elderly individual and marries to take advantage of that individual and get money.

Or it doesn't even have to be a younger individual. They just get married right before they're declared incompetent or didn't have the capacity to handle their affairs.

But this is a case where we have parties that have been married since 1958. They have been continuously married. There has been no divorce. There has been no final judgment. It doesn't matter how they filled out their tax returns, how they filled out deeds. There is no evidence that they ever have been divorced. The guardian has --

THE COURT: Basically, what they are seeking is the right to bring an action for annulment, and they are going to have to prove that claim, and they can get that discovery to determine whether there is, in fact, a divorce decree.

MR. ROSENWATER: That's correct, Your Honor. But the problem we have is that they're seeking to annul a 1958 marriage. This is not a 2014 marriage.

Unless they came before the Court today with a final judgment of dissolution of marriage -- and they have records from the State of New York. They requested from the State of New York if there is any divorce decrees filed between 1960 and 1963. It came back there are no divorce decrees filed in the State of Florida.

That's why we want an evidentiary hearing today for Vita Wein to testify about their marriage and what took place and what happened, and so the Court will understand that this was not a new marriage in 2014.

This argument of bigamy, how can it be bigamy when you're remarrying the same person that you were married to already? These are elderly people. They didn't know the procedure and what the laws are in Florida. What they wanted to do is reestablish their vows in their later years.

THE COURT: If I conduct an evidentiary proceeding and have Ms. Wein testify, aren't you essentially asking me to rule on the merits of a

potential claim for annulment?

MR. ROSENWATER: I think there is no claim for potential claim for annulment. That's why we need an evidentiary hearing. They have the burden of proof.

If the parties were divorced -- they provided a 1960 marital settlement agreement. If they came back and found that, they should be able to find a final judgment of dissolution of marriage at that time.

What I'm trying to do is save money because basically, they are wasting the ward's monies on what we consider to be a frivolous action.

The ward has testified, or the guardian has testified that the ward has told her that he wanted to be remarried. There is numerous individuals that the ward has told that he wants to provide for and be married to his wife.

The court-appointed attorney initially in the case, Mr. Kitroser, the ward told that he understood he was married and wanted to be married to Vita Wein.

What I'm trying to do is stop the bleeding and stop the monies to be expended. What they're concerned about is getting an elective share,

one-third share of the wards's estate. There has also been testimony that the ward has plenty of money to provide for both him and his spouse for the rest of his life.

What we're trying to do -- we have a lot of attorneys's fees incurred in connection with this matter. We're going to have more attorney's fees in connection with this matter on an issue that should not even be before the Court because they were not married in 2014. They were married in 1958.

If they provided a final judgment for dissolution of marriage and said, okay, we want to annul the marriage that was in August of 2014, I would not have any objection, and I would not have filed any pleadings objecting to that and let the Court determine at that point whether there was a basis to annul the marriage. We're talking about a 57-year marriage in the eyes of the law.

MR. SCHLESINGER: Judge, I'm not arguing, but I do have a case that I found that could assist the Court. It's Vaughan, Guardianship of Vaughan. It dealt with a divorce which was brought against it by -- may I approach?

THE COURT: Yes.

MR. SCHLESINGER: It's an incapacitated ward against a non-incapacitated spouse. In this case, they said it had to be evidentiary when it came to the divorce.

I think what counsel for the guardian is doing is asking for a specialist to be retained, and I think there are two parts. There is Part 1, which we have no objection to. I don't think counsel has an objection to Ms. Wein, for someone to be actually be retained that does this area rather than the guardianship.

The second part, which is the evidentiary portion, I think, Your Honor, if you look at this, someone who comes into Court and says there is no divorce, the burden doesn't shift to the guardian. The burden shifts to the person making that claim.

That could be researched by this Court very easily. The guardian represents the ward and the ward's best interest. She is not the person that has to investigate whether a second marriage that was done on or about the time of the incapacity should be annuled or not. She brings it to the Court's attention. She represents the ward.

Counsel for Ms. Wein has the duty to inform this Court what the basis is that there was no

divorce and why his client did the marriage in 2013 if there is no divorce and why she held herself out as being single on tax filings with states and the federal government.

It's not the guardian that has to prove this. All she has to do is protect the ward. I would just submit that I think Your Honor is right when it comes to the merits. You have to have an evidentiary hearing.

As far as what they're asking for in Part 1, we have no objection as an interested party, of a specialist coming in to represent the ward.

MS. MORRIS: I just disagree with one of the things that Mr. Schlesinger said. Number one, we attached, so Your Honor is aware, the marriage license application to the petition.

Mr. Rosenwater keeps saying they were not remarried, but I attached the application to marry to the petition and the marriage license application. They are both there.

They applied to be married in 2014. They were married by a cantor, by a Jewish official, which is signed on the bottom of the application to marry with his date and signature of their

marriage.

The only thing that I disagree with Mr. Schlesinger about is we are seeking the authority to hire the family law attorney. Then if the family attorney law attorney, which I am not one nor do I hold myself out to be one, determines that the annulment is proper, we don't expect to have to come back to the Court. The family law attorney would have to come back to the Court and say it's in the best interest.

The order we're seeking is to hire a family law attorney. If the family law attorney says that the annulment is proper, bring it and not have to come back. That's where I disagree with Mr. Schlesinger.

The family law attorney, as well as the guardian, are subject to good faith filings standard, 57.105 and everything else. If the family law attorney determines, based on all the discovery and the evidence, that they were married and that there is a basis to annul it, we want the attorney to be able to meet with his or her client, the guardian, and proceed accordingly.

THE COURT: Mr. Schlesinger, the case you just handed me, the Vaughan v. Guardianship, cites

to several cases. There's a Second DCA case that states, "The rule is well-established in the United States by the overwhelming weight of authority that the guardian of a mentally incompetent person cannot bring and maintain an action for divorce."

MR. SCHLESINGER: It changed in 1969. On the second page, the legislature came along and added an incurable insanity.

THE COURT: Where is it?

MR. SCHLESINGER: The next page.

THE COURT: I see.

MR. SCHLESINGER: They were bringing it up because it was a challengeable thing. It might be that you have to move for a divorce if one party thought it was divorced since 1963 and held itself out, so it might not only be an annulment. It might have to be a divorce.

MS. MORRIS: Judge, the rules of divorce for an incapacitated person are clear. Actually, you can bring a divorce action. You cannot get the final judgment of dissolution.

I don't want you to think that I'm pretending to be a family law attorney because I'm not. But you cannot get the final judgment of

dissolution for three years, but you can get equitable remedies and the divorce action can proceed. But the final judgment of dissolution cannot be obtained until three years later. That is in 744 as well as the family law statutes.

MR. ROSENWATER: Your Honor, if I may respond?

THE COURT: Sure.

MR. ROSENWATER: Ms. Morris is alleging the parties were divorced because there was an application for marriage that says they were divorced in 1963.

That's exactly the basis why you need an evidentiary hearing to find out who filled out that petition and what is involved with the petition and also talk about these other issues about the tax returns and the deeds and everything else.

They really -- as I said, it's a 1958 marriage. Mr. Schlesinger says we have the burden of proof. We did contact the State of New York. We got the same information. There is no divorce decree in the State of New York between 1960 and 1965, so we did everything that we could.

They're alleging they were divorced in

1963. We contacted the State of New York and did a record search. We asked the clerk to do a search, and they determined there was no dissolution of marriage filed within that time.

It goes back to the guardian to show there was a final judgment of dissolution of marriage. And really, the 2014 marriage renewal of vows has nothing to do with this if the parties were still married in 1958.

THE COURT: Well, the renewal of vows, you don't have to get a license or a -- they were married if they renewed their vows.

MS. MORRIS: It's a certificate of marriage.

MR. ROSENWATER: People don't know that. These people are elderly early individuals. They're in their eighties. They wanted to renew their vows and show they were going to take care of each other for the rest of their lives.

MS. MORRIS: I also have here the rules from the clerk, Your Honor, which I can pass up to you. Basically, for the marriage license requirements, it says if either person was married before, the manner -- they have to take the manner in which the last marriage ended and the exact

date the marriage ended or needed copies of death certificates, final decree of divorce, annulment. Blood tests are not required.

The clerk is not looking for the decree of divorce. The instructions for the marriage license are in black and white on the first page. The marriage license does list the exact date. It doesn't just say sometime in 1963, and it's signed by Vita Wein.

MR. ROSENWATER: Your Honor, the marriage license is not a record showing that the parties were divorced.

THE COURT: Where is it in this application where they say the date of the divorce? What number is it?

MS. MORRIS: It's on the marriage license application on the bottom right. You'll see it says, last marriage ended on June 7, 1963 on the bottom right. Then the same quadrant where it's talking about Robert Paul Wein right above that, Your Honor, it says, "last marriage ended," and it says, "June 7, 1963."

THE COURT: I'm looking at the application of marriage.

Are you looking at something different?

MS. MORRIS: May I approach, Your Honor?

THE COURT: Yes.

MS. MORRIS: This one, the marriage license.

THE COURT: This was not attached to the petition.

MS. MORRIS: It's attached to the amended petition, Your Honor. I'm afraid you don't have the amended one.

MR. SCHLESINGER: I have an extra copy.

MS. MORRIS: I have one. Thank you. If you see the two quadrants I'm showing you, here and here -- did you find it?

THE COURT: The question of who will be bringing the action is merely procedural. Based on this analysis, we find that it is within the province of the guardianship court, based upon a proper evidentiary showing to the ward's best interest, to authorize a guardian to initiate a dissolution action on behalf of the ward against a competent spouse."

Here it says, "We must agree with the appellant that it was error for the guardianship court to enter an order of authorization without a noticed evidentiary hearing affording Norma

Vaughan the opportunity to present evidence in support of her contention that dissolution would not be in the ward's best interest."

That's what Mr. Rosenwater would like to do, correct?

MR. ROSENWATER: Correct.

MS. MORRIS: That was set for today, so I'm prepared to put on my witness for that.

Your Honor, are you reading from the Vaughan case?

THE COURT: Yes. You can call your first witness.

MS. MORRIS: I call Elizabeth Savitt, Your Honor.

May I remain seated while questioning?

THE COURT: Yes.

Thereupon,

ELIZABETH SAVITT,

having been first duly sworn or affirmed, was examined and testified as follows:

THE WITNESS: I do.

THE BAILIFF: Have a seat up here and watch your step.

DIRECT EXAMINATION ELIZABETH SAVITT

BY MS. MORRIS:

Q. Ms. Savitt, please state your full name.

A. Elizabeth Savitt.

Q. And what is your occupation?

A. Professional guardian.

Q. And are you a professional guardian for Robert Wein?

A. Yes.

Q. How you did you come to be Robert Wein's professional guardian?

A. I was court appointed.

Q. By this Judge or a prior judge?

A. The prior judge.

Q. How long have you been serving as Robert Wein's professional guardian?

A. Since the incapacity hearing.

Q. I'd like to show you --

MS. MORRIS: Your Honor, do you have stamps? I'm not sure how you work your evidence.

THE CLERK: I do.

MS. MORRIS: You mark it as you go?

THE CLERK: Yes.

MS. MORRIS: This is the amended verified petition we're here on. Do you need a copy?

BY MS. MORRIS:

Q. I'd like to show you what I'll call Petitioner's 1 for identification. It's the amended verified petition for order authorizing guardian to bring the annulment and ask if you recognize it.

A. Yes.

Q. Turn the page to the second page. Is that your signature that you see there?

A. Yes.

Q. Okay. So you brought this petition, did you not?

A. Yes.

MS. MORRIS: I'd like to move this into evidence.

THE COURT: Any objection?

MR. ROSENWATER: Is it the whole document you're moving into evidence?

MS. MORRIS: Yes.

MR. ROSENWATER: I object to the exhibit as hearsay. I don't have an objection to the petition.

MS. MORRIS: Sure. I'll voir dire the witness on that if that's okay with Your Honor.

THE COURT: That's fine.

MR. SCHLESINGER: Your Honor, it is an

exception to hearsay. It's a public record.

MR. ROSENWATER: It's not a certified copy We all know it's a public record, and we haven't had the opportunity to examine or cross-examine the person who prepared it.

If it was a certified copy, I wouldn't have an objection, but this isn't a certified copy.

THE COURT: Go ahead and voir dire the witness.

MS. MORRIS: Thank you, Your Honor.

VOIR DIRE EXAMINATION

BY MS. MORRIS:

Q. Ms. Savitt, I'd like to direct your attention to the first exhibit, which is the marriage license application.

Do you recognize that?

A. Yes.

Q. Did you obtain that?

A. I did.

Q. From where?

A. From the clerk's office.

Q. In which courthouse?

A. Delray Beach.

Q. Is that a true and accurate copy of the license -- or excuse me -- the application that you

obtained from the courthouse?

A. Yes, it is.

MS. MORRIS: Your Honor, I would like to move that into evidence as Exhibit 1.

MR. ROSENWATER: I would like to voir dire the witness regarding the application.

THE COURT: Go ahead.

VOIR DIRE EXAMINATION

BY MR. ROSENWATER:

Q. Ms. Savitt, when you obtained the marriage license application from the clerk of court, did you get it from the clerk that filled out the application?

A. I got it at the clerk's office.

Q. So you don't know who filled out this application, do you?

A. No, I only see who signed it.

Q. You don't even know if they signed it, do you?

A. I think the clerk has to verify that by driver's license.

Q. And you didn't speak with the clerk, correct?

A. Correct.

MR. ROSENWATER: I have no further questions.

MS. MORRIS: Your Honor, I move that into evidence, please.

MR. ROSENWATER: I object, Your Honor.

THE COURT: Admitted into evidence over the objection of opposing counsel.

(Petitioner's Composite Exhibit 1, marriage license application, was received in evidence.)

BY MS. MORRIS:

Q. I'm going to direct your attention to the second exhibit that is attached to the verified amended petition, which is the application of marriage.

Do you recognize that?

A. Yes.

Q. Did you obtain that document?

A. Yes.

Q. Does it have a stamp at the top of that document for the recording purposes?

A. Yes. The State of Florida?

Q. The stamp right here.

A. Yes.

Q. And where did you obtain that document from?

A. The clerk of court in West Palm Beach.

Q. In this courthouse?

A. Yes.

Q. Is that a true and accurate copy of the actual recorded document?

A. Yes.

MS. MORRIS: I move that into evidence, Your Honor.

MR. ROSENWATER: Same.

THE COURT: Same objection, Mr. Rosenwater?

MR. ROSENWATER: Yes.

THE COURT: That is going to be Petitioner's 2, I guess?

MS. MORRIS: Petitioner's Composite 1, Your Honor.

THE COURT: Petitioner's Composite 1 will be admitted into evidence over the objection.

MS. MORRIS: Thank you, Your Honor.

BY MS. MORRIS:

Q. Ms. Savitt, did you desire to meet with a family law attorney to determine whether an annulment shall be brought?

A. Yes.

Q. Why?

A. For the three reasons that were already brought to the Court.

Q. Let's take them one at a time.

Why would it be in Mr. Wein's best interest

not to have to continue supporting Vita, i.e., what are you paying for Vita's support that you wouldn't have to pay?

A. Her nursing; her assisted living facility; rent; her fees there, including her laundry, her hair care and her transportation when she wants to go to dinner, including $300 every two weeks to a month in spending money that's used at the facility.

Q. And do you have an approximate amount what that is each month?

A. The actual rent, I think, is 3150. It probably totals up to closer to 4,000.

Q. Okay. And now you mentioned transportation for Vita Wein to go to dinner.

Was there a time when you were requested to pay for transportation, specifically expensive transportation for Vita Wein to go to dinner?

A. Yes.

Q. What type of transportation were you requested to pay for?

A. She wanted to go by limo to attend a family dinner with her niece.

Q. Now, as far as Vita Wein being on Medicaid, did you have any conversation with Ms. Wein regarding whether she was on Medicaid in New York or New Jersey?

A. Yes, I did ask her if she was on Medicaid.

Q. What did she tell you?

A. She refused to answer me.

Q. And did you have any conversation or do any investigation on your own regarding whether Vita Wein was on Medicaid?

A. I was provided with -- I had conversations with Dan Wein.

MR. ROSENWATER: Objection. Hearsay.

THE COURT: She didn't really state what the substance of the conversation was, so overruled. Go ahead.

MS. MORRIS: Thank you, Your Honor. I won't have a question to elicit hearsay testimony.

BY MS. MORRIS:

Q. After your conversation with Dan Wein, did you form an opinion as to whether Ms. Wein was on Medicaid?

MR. ROSENWATER: Hearsay based upon what Dan Wein told her.

THE COURT: Sustained.

BY MS. MORRIS:

Q. Did you do any other independent investigation regarding Vita Wein's Medicaid status that led you to form an opinion?

A. No, not directly.
Q. Do you have a basic knowledge as a professional guardian, of what the asset requirements are for an individual to be on Medicaid?
MR. ROSENWATER: Objection. Relevancy.
THE COURT: Overruled.
THE WITNESS: Yes. They have to have less than $2,000.
BY MS. MORRIS:
Q. And if Vita Wein was married to Robert Wein, would his assets be considered in addition for determining her Medicaid eligibility, do you know?
MR. ROSENWATER: Objection. She is not an expert on this.
THE COURT: Sustained.
MS. MORRIS: Your Honor, can I establish she has her own personal knowledge about it? I'm not calling for expert testimony.
THE COURT: Now that I think about it, I'm not sure this really has any relevance to this issue so...
MS. MORRIS: I'll move on, Your Honor. Thank you.
BY MS. MORRIS:
Q. Ms. Savitt, in addition to having to pay

for those expenses for Ms. Wein, you said there were two other reasons why you think it's in Mr. Wein's, Robert Wein's best interest.
What is the second reason?
A. The continuing litigation. It would get rid of the continuing litigation and stop depleting his assets.
Q. How much of your time on this guardianship would you say has been spent responding to litigation or filings by Mrs. Wein through her attorney?
A. An enormous amount of time.
Q. Could you approximate the amount of hours?
A. No, I can't tell you.
Q. If Mrs. Wein were not to have been involved in this proceeding, would you be spending very much time working on Mr. Wein's case?
A. No. It runs fairly smoothly except for this.
Q. Why does it run smoothly? What is the status of Mr. Wein?
A. He's in an assisted living facility. His needs are being taken care of. His brother is taking him to, is helping out with getting him to his doctor's appointments. His assets are protected and invested.
Q. Now, were you involved in the proceeding

when the order determining Mr. Wein to be incapacitated was entered?
A. No.
MS. MORRIS: Your Honor, I ask that you take judicial notice in the file of the order determining Mr. Wein to be incapacitated.
The order is part of the court file and prior to Ms. Savitt's appointment. We'll move that into evidence as well.
THE COURT: Any objection?
MR. ROSENWATER: You can take judicial notice. I don't know what they're trying to enter in for today's purposes. She needs to tell the Court what's in there and what's the basis.
I don't understand for the purposes of this hearing to determine whether there should be an attorney appointed for an annulment with the ward has any bearing on this case.
MS. MORRIS: Your Honor, it has bearing on the role of Ms. Savitt as his guardian as to what the determination of incapacity was for Mr. Wein.
It will have bearing further in other proceedings as we go forward.
THE COURT: I'll take judicial notice of the order determining Mr. Wein's incapacity.

MS. MORRIS: Thank you, Your Honor.
BY MS. MORRIS:
Q. Just to recap, you stated the first reason is her support. You stated the second reason is a lot of your time.
By the way, do you know how much of my time, your attorney's time has been spent responding to Ms. Wein's filings?
A. I don't know the exact hours, but almost all of the time that you will bill for is for this.
Q. Then there is third reason that you mentioned and I proffered to the Court.
What is the third reason?
A. Really, I have a duty to preserve his assets for himself and for his heirs.
Q. Do you find that in the statute? How do you know you have that duty?
A. It's in the statute.
Q. What do you perceive your duty to be vis-a-vis this annulment to Mr. Wein in this regard?
A. I have a duty to bring this to preserve his assets.
Q. And by that, you mean during his lifetime?
A. Yes.
Q. Okay. And do you believe you have a duty

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to bring it to preserve his assets as far as his heirs as well?
A. Yes.
Q. Are you aware of any cases or case law that could make you liable and/or your attorney liable for failure to protect Mr. Wein's heirs as well?
A. Yes, I'm aware of that case law.
Q. Is there anything that Mr. Wein has said to you recently in the last six months regarding his desire to annul the marriage to Mrs. Wein?
A. Yes. He did tell me that he didn't see any reason why he was married.
Q. Did you ask him if he understood the contractual ramifications of being married again to Vita Wein?
MR. ROSENWATER: Objection. He is incompetent. He is incapacitated.
THE COURT: Yes. He has been filed as incapacitated.
MS. MORRIS: Yes, Your Honor. There is a myriad of case law that says that even when a person is determined to be incapacitated, they have a right to their own dignity. They have a right to privity of contract with the guardian and with the guardian's attorney.

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They have a right to be treated as best as they can and consulted the best that they can, and Ms. Savitt did consult with her ward regarding this. I think the testimony is relevant.
THE COURT: All right. I'll allow it. Go ahead.
THE WITNESS: Can you restate the question?
BY MS. MORRIS:
Q. Yes. Do you think, based on your conversation with Mr. Wein, that he understood the contractual -- I said ramifications, but to put it more simply, the contractual obligations that he would be under after remarrying Ms. Wein?
MR. ROSENWATER: Objection. Predicate. She never said she had a conversation regarding that.
MS. MORRIS: She did answer yes, Your Honor.
THE WITNESS: I did.
THE COURT: Overruled.
THE WITNESS: I don't think he did understand.
BY MS. MORRIS:
Q. Why? What did he tell you that led to you believe that?

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A. Because he didn't understand how much it would deplete the assets to his heirs.
Q. Has he told you that?
A. He didn't understand -- he stated that he did not understand it.
MS. MORRIS: I have nothing further, Your Honor.
THE COURT: Mr. Rosenwater?
CROSS-EXAMINATION ELIZABETH SAVITT
BY MR. ROSENWATER:
Q. Ms. Savitt, when were you appointed as guardian in this proceeding?
A. Just after the incapacity hearing.
Q. When was that?
A. The date is on the paperwork that has been brought to the court.
Q. You don't recall?
A. I don't have the exact date in front of me.
Q. Was it in October of 2014?
A. I don't have the exact date in front of me.
MS. MORRIS: Your Honor, I request that you take judicial notice of the order of appointment status so we have the exact date. I can provide the order for Your Honor.
THE COURT: All right.

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MR. ROSENWATER: What date was it? I'm trying to get it.
MS. MORRIS: October 15, 2014. I might have the docket entry if Your Honor desires.
MR. ROSENWATER: We don't need that.
THE COURT: That's fine.
BY MR. ROSENWATER:
Q. So you were appointed October 15, 2014; is that correct?
A. Yes.
Q. When did you make this determination that the marriage should be annulled?
A. It began when I read through the case history, the final report of the court-appointed attorney, and when I read through case history of the petitions.
Q. And the case history of the petitions?
A. Yes, the petitions for incapacity.
Q. When was this petition initially filed?
A. What petition was that?
Q. The one recorded with the Court today.
A. The one what?
Q. The one before the Court today, the petition to appoint an attorney for an annulment.
A. I don't have the exact date.

Q. Do you know Dan Wein?
A. Yes, I do.
Q. Who is Dan Wein?
A. Dan Wein is the younger brother of Robert Wein.
Q. And have you had discussions with Mr. Wein about annulling his brother's marriage?
A. Yes.
Q. When did those begin?
A. I can't say exactly.
Q. Who initiated the discussions?
A. I can't say exactly.
Q. Do you have e-mails with -- do you have e-mails between Mr. Wein and yourself?
A. Yes, yes.
Q. Okay.
MR. ROSENWATER: May I approach the witness?
THE COURT: Yes.
BY MR. ROSENWATER:
Q. I'm showing you an e-mail that is dated November 20, 2014. It's to you from Dan Wein.
A. Yes.
Q. Do you recall that e-mail?
A. Yes.

Q. And you produced that e-mail at your deposition; is that correct?
A. Yes.
Q. In that e-mail, did Dan Wein state to you the best approach is to have the marriage annulled and then to have her go on Medicaid where all expenses are paid?
A. Yes.
Q. Is he the one telling you what to do?
A. No.
MR. ROSENWATER: Your Honor, we have Vita Wein's Exhibit No. 1.
THE COURT: Any objection?
MS. MORRIS: No.
THE COURT: Admitted into evidence without objection.
(Respondent's Exhibit 1, November 20, 2014 e-mail, was received in evidence.)
BY MR. ROSENWATER:
Q. Do you know who Jodi Rich is?
A. Yes.
Q. Who is she?
A. The niece of Robert Wein.
Q. And also Vita Wein?
A. Yes.

Q. Does she have a power of attorney for Vita Wein?
A. I'm not aware of that.
Q. Has she ever provided that to you?
A. No.
Q. Have you been communicating with her regarding this guardianship?
A. I have.
Q. And you have e-mailed her?
A. I have.
Q. Did you e-mail her on November 21, 2014?
A. Yes.
Q. What did you tell her?
A. Do you want me to read the e-mail?
Q. The second paragraph.
A. "I understand that she is on Medicare. If so, she can see any doctors that accept Medicare and pay the co-payment."
Q. That's not the second paragraph. "The best approach is to have the marriage annulled."
A. "The best approach is to have the marriage annuled and then have her go back on Medicaid where all expenses are paid."
Q. And you sent that to her the day after you received the e-mail from Dan Wein; is that correct?

A. Yes.
MR. ROSENWATER: Your Honor, I would like that as Exhibit No. 2.
THE COURT: Any objection?
MS. MORRIS: No, Your Honor.
THE COURT: Exhibit No. 2 and no objection.
(Respondent's Exhibit 2, November 21, 2014 e-mail, was received in evidence.)
BY MR. ROSENWATER:
Q. In November of 2014, did you have any discussions with the ward, Robert Wein, about having the marriage annulled?
A. I spoke to him about the marriage.
Q. In November of 2014?
A. Yes.
Q. And you have notes that reflect that?
A. No.
Q. When you meet with the ward, don't you take notes of your meeting?
A. Sometimes.
Q. So you have no record or documentation that you had any discussions with Robert Wein in November of 2014 about annulling the marriage; is that correct?
A. I usually speak to him about his marriage.
Q. But I'm asking you about annulling the

marriage.
A. I usually speak to him about his marriage.
MR. ROSENWATER: Your Honor, she's being nonresponsive. I'm asking specifically about annulling the marriage.
THE COURT: If you could, do you ever speak to him about annulling the marriage?
THE WITNESS: I have spoken to him about annulling the marriage.
BY MR. ROSENWATER:
Q. In November of 2014?
A. I spoke to him about it. I can't say exactly the date but early on.
Q. Did you ever speak to Vita Wein about the marriage?
A. I did.
Q. And were you aware that the parties were married in 1958?
A. I actually thought it was 1960, but I have not been able to find a marriage certificate from the New York courts either. After -- before 1963, everything has been sealed or lost. I'm not sure.
Q. It's not sealed or lost. You contacted the courts in New York to request the final judgment of dissolution of marriage; did you not?

A. Yes.
Q. And you got a letter back from them, correct?
A. I got a letter back from one of the cities.
Q. And what did the letter say?
A. The letter said they did not have any record.
Q. Any record of what?
A. They did not -- one of the letters I have said they did not have a record of the divorce in one of the cities that I applied.
Q. What county did you look in?
A. Kings County, Queens County, Brooklyn, New York City, and then I have a state searching going on.
Q. Any of these counties find a divorce?
A. I have not heard from some of them.
Q. Is this a copy of the letter that you got from the county clerk, New York County?
A. Yes.
Q. What did that letter say?
A. It says that New York County did not find a divorce record for between 1961 and 1963.
Q. It didn't say that the records were destroyed, did it?
A. No.

MR. ROSENWATER: I'd like to move this as --
THE COURT: Exhibit 3.
MS. MORRIS: No objection.
THE COURT: Exhibit 3 is in evidence without objection.
(Respondent's Exhibit 3, New York County Clerk letter, was received in evidence.)
BY MR. ROSENWATER:
Q. Have you received any medical records regarding the ward's incapacity before the marriage of August 2014?
A. Are you asking me have I read --
Q. Have you received any medical records or any documentation from any medical providers that the ward was incapacitated prior to his marriage that took place, I believe, on August 25, 2014?
A. I don't believe so.
Q. Okay. Did you ask Dan Wein what his medical or legal grounds were for Bob's incapacity prior to the marriage date of August 25?
A. No.
Q. Is this an e-mail from you to Dan Wein on February 11, 2014?
A. Yes.

Q. What does it say?
A. It says, "What are your medical, legal grounds for Bob's incapacity before the marriage date of August 25?"
Q. Did he respond to you?
A. I, I don't remember.
Q. Well, down below there is an e-mail trail. There is an e-mail from Dan Wein to you on February 11, 2015 at 12:16 p.m.
A. Yes.
Q. So he did respond, correct?
A. It says that he's going to put together a response.
Q. And why are you having him do this?
A. I don't have those records.
Q. And did he provide any records to you?
A. I, I don't remember exactly what he provided. It's in the files.
Q. Well, you're asking for medical, legal grounds for Bob's incapacity.
Did he provide that to you?
A. I can't tell you exactly what he provided. It's in the files.
MR. ROSENWATER: Your Honor, I would like to have this entered as Exhibit No. 4.

MS. MORRIS: No objection.
THE COURT: Vita Wein's Exhibit 4 in evidence without objection.
(Respondent's Exhibit 4, February 11, 2015 e-mail chain, was received in evidence.)
BY MR. ROSENWATER:
Q. Did you have a meeting with the ward and yourself and Ellen Morris on February 9, 2015 regarding annulling the marriage?
A. I believe that's the date, yes.
Q. And after you had that meeting, you're corresponding with Dan Wein about grounds to annul the marriage?
A. I can't remember exactly.
Q. Do you remember what grounds he provided to you to annul the marriage?
A. Not exactly.
Q. Do you communicate with Stacey Wein?
A. On occasion.
Q. Do you e-mail with her?
A. Occasionally.
Q. Did you receive an e-mail from her dated April 10, 2015?
A. Yes.
Q. Okay. And does she have concerns about

Ellen Morris bringing the annulment proceedings or the petition?
A. I can't say to that.
Q. In that e-mail she says, "Betsy, I saw an article you mentioned to my father regarding Ellen Morris."
What was that article about?
A. I can't say.
Q. You don't recall?
A. I can't say that I mentioned that to her father.
Q. Do you know what article she is referring to?
A. I'm aware of an article but...
Q. What article are you aware of?
MS. MORRIS: Objection, Your Honor. It's hearsay.
THE COURT: Overruled.
THE WITNESS: I'm aware there was an article in the paper concerning Ellen Morris.
BY MR. ROSENWATER:
Q. In the Palm Beach Post?
A. Yes.
Q. What was the article about?
A. It was about -- I don't know exactly.

Q. Wasn't it about another guardianship when she was pursuing an annulment?
MS. MORRIS: Objection, Your Honor. It's irrelevant and hearsay, Your Honor.
THE COURT: It's irrelevant. Sustained.
MR. ROSENWATER: I'd like to enter this as Exhibit 5.
MS. MORRIS: No objection to the e-mail.
THE COURT: Vita Wein's Exhibit 5 is introduced in evidence without objection.
(Respondent's Exhibit 5, April 10, 2015 e-mail, was received in evidence.)
BY MR. ROSENWATER:
Q. Did you receive an e-mail from Dan Wein on April 13, 2015?
A. Yes.
Q. What did that e-mail involve?
A. It says -- it's talking about the annulment.
Q. Did you explain to him, or did you have any discussions with him at the meeting on February 9, 2015 that you had with Ellen Morris, that Bob expressed his desire to remain married to Vita and to provide for her?
A. I don't think so, no.
Q. Has Bob had, Robert Wein had any

discussions with you stating that he wishes to remain married to Vita Wein?
A. He has had discussions with me, yes.
Q. Stating that he wishes to remain married to Vita Wein, correct?
A. He did say that, yes.
Q. And he said he wanted to take care of her as well?
A. Yes.
Q. And he said he wanted to take care of his wife, correct?
A. He did say that over the phone, yes.
MR. ROSENWATER: I believe we're on No. 6.
THE COURT: Any objection to Vita Wein's Exhibit No. 6?
MS. MORRIS: No Your Honor.
THE COURT: Vita Wein's Exhibit No. 6 is entered into evidence without objection.
(Respondent's Exhibit 6, April 13, 2015 e-mail, was received in evidence.)
BY MR. ROSENWATER:
Q. Did you receive an e-mail from Dan Wein on April 14, 2015?
A. Yes. This is from Dan to me.
Q. And in the body of the e-mail, there is a

paragraph that is numbered 3. Do you see that?
A. Three, yes.
Q. Dan Wein states to you, "You mentioned to me that Ellen filed a petition to scare Vita and Jodi into dropping various eviction proceedings. If this were the case, we would think that Ellen has intention to proceed with litigation."
Do you recall that?
A. From reading it right here. I suspect it may be in violation of the Florida Bar Code, yes.
Q. What petition is he talking about? Is that petition to annul and the petition to amend the trust?
A. You know, I can't state what his intentions in this e-mail are.
Q. But it said, you mentioned to me that Ellen filed the petitions to scare Vita.
I'm asking you: What petitions is he referring to?
A. I can't say that this is true what he is saying.
Q. I'm not asking if it's true or not. As of April 14, 2014, what petitions did you file on behalf of the guardian in these proceeding?
MS. MORRIS: Your Honor, objection. First of all, asked and answered. It assumes facts that

are not in evidence.
Counsel is asking Ms. Savitt to interpret the intention or mind of the writer of the e-mail. Just because he states in his e-mail, you said this to me, Ms. Savitt has not -- in fact, she disputed that she ever said it. The questions are improper.
THE COURT: Sustained.
BY MR. ROSENWATER:
Q. Did you retain an attorney, an eviction attorney on behalf of Robert Wein's son in New Jersey?
MS. MORRIS: Objection, Your Honor. Irrelevant and outside the scope of direct and outside the scope of the petition.
MR. ROSENWATER: I'll withdraw the question. I'd like to enter this e-mail as Exhibit 7.
THE COURT: Which number are we up to?
THE CLERK: We're at 7.
THE COURT: Seven. Okay. Exhibit 7 will be admitted into evidence without objection.
MS. MORRIS: No objection.
(Respondent's Exhibit 7, April 14, 2014 e-mail, was received in evidence.)

BY MR. ROSENWATER:
Q. I believe earlier you testified to one of the reasons or one of the bases for proceeding with the petition to have an attorney appointed to annul the marriage was based upon the report of the court-appointed counsel.
Is that correct, or did I misunderstand you?
A. Yes.
Q. That is correct?
A. Yes.
Q. And you read that report, correct?
A. Yes.
Q. And in that report -- that was prepared by Mitchell Kitroser; is that correct?
A. Yes.
Q. And he was a court-appointed attorney for the Ward Robert Wein?
A. Yes.
Q. In that report, he states that Mr. Wein recalls that he remarried his former wife Vita and wishes to remain married; is that correct?
MS. MORRIS: Objection, Your Honor, I don't believe Ms. Savitt has been provided a copy of the report that was written almost a year ago or eight

months ago.
I would say that the document speaks for itself. It's in the court file.
THE COURT: It's something I plan to read before I rule in this matter so...
BY MR. ROSENWATER:
Q. Can you look on page 5 of the report? You see where it says, "Stipulation as to the rights to be removed"?
A. Yes.
Q. Okay. Can you read the first six sentences to yourself?
MS. MORRIS: Objection, Your Honor. This is irrelevant. It's in the court file. I asked the Court to take judicial notice.
THE COURT: Sustained. I'm going to read it before I make a decision.
MR. ROSENWATER: I would like the Court to take judicial notice of the report of the court-appointed counsel.
THE COURT: All right. You want to hand me a copy of it?
MR. ROSENWATER: Sure.
THE COURT: I'll take judicial notice of this report.

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BY MR. ROSENWATER:
Q. You do recall having your deposition taken in this matter, don't you?
A. Yes.
Q. During your deposition, did I ask you if the ward has sufficient assets to support himself and his wife?
A. I believe you did.
Q. And do you recall what your answer was?
A. Yes.
Q. Yes, he does?
A. Well, it's all relative I guess.
Q. And who filed this petition? It wasn't Vita Wein, correct?
A. Which petition?
Q. The one before the Court today.
A. No, it was the guardianship.
MR. ROSENWATER: I don't have any further questions.
THE COURT: Redirect?
MS. MORRIS: Yes, Your Honor, just a little please.
REDIRECT EXAMINATION ELIZABETH SAVITT
BY MS. MORRIS:
Q. Ms. Savitt, did you ever solicit any

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e-mails from Dan Wein?
A. No.
Q. Did you ever solicit any e-mails from Stacey Wein?
A. No.
Q. Do you have a block on your computer that doesn't allow you to receive e-mails from Dan Wein?
A. No.
Q. Do you have a block on your computer that doesn't allow you to receive e-mails from Stacey Wein?
A. No.
Q. When they e-mail you, is everything that they say within the e-mail correct?
A. No.
Q. In fact, one of the examples that I pointed out to the Judge was one of Dan's e-mails said that you stated something to him. It's in the exhibit, that you stated after meeting with Ellen Morris, something about the annulment.
Did you ever make that statement to Dan Wein --
A. No.
Q. -- that you recall?
A. No.
Q. And so the e-mail, which was Respondent's

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Exhibit 1 --
MS. MORRIS: And I'll approach, Your Honor, if that's okay.
THE COURT: Yes.
BY MS. MORRIS:
Q. Mr. Rosenwater asked you to read this e-mail, the best approach, et cetera.
Did you ever ask for Dan Wein to send that e-mail to you and give his opinion?
A. No.
Q. Is Dan Wein a lawyer?
A. No.
Q. Did you base your decision of bringing this petition in February on an e-mail that was written to you four months prior by Dan Wein?
A. No.
Q. Did you and I have, without saying the content of our discussions, have discussions regarding the legality and the proper procedure and whether or not to bring this petition?
A. Yes.
Q. Now, when you testified pursuant to Mr. Rosenwater's question that Robert Wein at one point on the phone told you that he didn't want to get an annulment or annul his marriage to Vita, and he wanted to

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keep supporting Vita; right?
A. Yes.
Q. Did those statements occur on the same phone call?
A. Yes.
Q. What day did they occur? Is there a date that stands out in your mind and why you know when this telephone call occurred?
A. Yes.
Q. What date was it?
A. It was the same day as the initial deposition.
Q. Of who?
A. Of my deposition by Mr. Rosenwater.
Q. So the same day that you gave your deposition. A couple hours later, was it?
A. Yes.
Q. You received a call from Robert Wein, correct?
A. Yes.
Q. Does Robert Wein typically call you?
A. Never. Well, not never. Seldom.
Q. When he called you, did you hear anybody in the background?
A. Yes.

Q. Who did you hear?
A. I heard voices, and I asked him who was with him.
Q. And what did he tell you?
MR. ROSENWATER: Objection. Hearsay.
THE COURT: Sustained.
MS. MORRIS: She is talking about what the ward testified to, Your Honor. It would be an admission in his own best interest. She stands in the shoes of the ward.
THE COURT: All right. Overruled.
MS. MORRIS: Thank you.
BY MS. MORRIS:
Q. What did Mr. Wein, Robert Wein, your ward, tell you?
A. He told me that Jodi Wein and Vita Wein were there.
Q. And you said Jodi Wein. Did you mean Jodi Rich?
A. Yes.
Q. Was Jodi Rich present at your deposition?
A. Yes.
Q. And he told you that Jodi Rich and Vita Wein were there when he called you?
A. Yes.

Q. What did he say? He said I don't want to get annulled from Vita?
A. Yes.
Q. And what did you answer?
A. I asked him who was there with him.
Q. And what did he then do?
A. He said -- he told me the two names.
Q. Did he say anything else to anyone else that was in the room?
A. Then he turned around to them -- well, actually, after he said that, I told him that I was going to see him on Friday, couple days later, and he turned around and was talking to them and telling them the answer was --
MR. ROSENWATER: Objection. Move to strike. She doesn't know what he did.
MS. MORRIS: Your Honor, this is exactly what she heard her ward say. It's not hearsay, and she is repeating what she --
THE COURT: She can testify as to what she heard.
MR. ROSENWATER: She is testifying he turned around.
BY MS. MORRIS:
Q. What did the ward say?

A. The ward did not speak directly into the phone. It sounded like he spoke away from the phone, and he said, she will be here on Friday. I asked him who he was speaking to and he told me.
Q. Who did he say he was speaking to?
A. He said Jodi Rich and Vita Wein.
Q. Did you form an impression of whether Bob Wein, your ward, was acting on his own accord by making that phone call to you?
A. Yes.
Q. And what was your impression?
A. I thought it was entirely, 100 percent coerced.
Q. By whom?
A. By Jodi Rich and Vita Wein.
Q. You heard all the questions that Mr. Rosenwater asked you, and you're here in a fiduciary capacity. You serve at the pleasure of the court.
Did any of the questions that he asked you change your opinion or change your mind about seeking the annulment on behalf of Bob?
A. No.
MS. MORRIS: Nothing further, Your Honor.
MR. ROSENWATER: Can I cross-examine her?
THE COURT: You did cross-examination.

MR. ROSENWATER: Just on one point.
THE COURT: Okay.
RECROSS-EXAMINATION ELIZABETH SAVITT
BY MR. ROSENWATER:
Q. Ms. Savitt, you testified earlier that you recall that your deposition was taken by me in this case, correct?
A. Yes.
Q. And you recall when I asked you on page 153 of your deposition, page 3 --
MR. ROSENWATER: I don't have an extra copy for the Court. I apologize, but it's been filed with the Court.
BY MR. ROSENWATER:
Q. I said, "On May 20th, did he have discussions with you regarding this marriage to Vita?"
Do you recall when I asked that question?
A. No, and I don't understand the context. May 20th?
Q. I asked you: "On May 20th, did he have discussions with you regarding his marriage to Vita?" That was lines 3 and 4 on page --
A. But I don't know what you're referring to. You're asking me. I don't know what you're referring to.
Which discussions and when?

Q. The question that I asked you on June 10, 2015 on page 153, line 3 and 4:

"Question: And on May 20th, did he have discussions with you regarding his marriage to Vita?"

A. Okay. So on May 20th, did I have discussions with him, or you're asking me on May 20th?

Q. That was the question I asked you at the deposition.

Do you recall that question?

MS. MORRIS: Your Honor, in the beginning, I think it was setting the stage for a question. Now I think it's improper impeachment. I ask Your Honor to ask Mr. Rosenwater to ask a proper question. If he needs to impeach her, he can.

THE COURT: It is improper impeachment. I'll sustain the objection.

MR. ROSENWATER: Your Honor, can I read for the record what her testimony was?

THE COURT: Sure.

BY MR. ROSENWATER:

Q. On page 153, line 3 and 4:

"Question: On May 20th, did he have discussions with you regarding his marriage to Vita?"

The answer:

"Answer: It wasn't a discussion, no."

My question on lines 6 and 7:

"Question: Did he say anything about his marriage being annulled?"

Your answer was no. On lines 9 and 10:

"Question: Did he say he wanted to be married to Vita?

Answer: Possibly.

Question: Well, what did he have to say to you?

Answer: I don't have it written in front of me.

Question: So you had a telephone conversation on May 20th with Robert Wein. If it was on that day, would it be reflected in your billing records?

Answer: Yes.

Question: So your billing records would indicate what you talked" --

MS. MORRIS: I have to object at this point, Your Honor.

THE COURT: I plan on reading her deposition before I rule.

You have it filed, correct?

MR. ROSENWATER: Yes.

MS. MORRIS: If I could just ask one more question to clarify.

THE COURT: Yes.

REDIRECT EXAMINATION ELIZABETH SAVITT

BY MS. MORRIS:

Q. The question seems to be directed to May 20th.

The phone call that you and I just talked about did not occur on May 20th, did it?

A. It occurred the same day as the first deposition. I don't have that date in front of me.

MS. MORRIS: Thank you. Nothing further, Your Honor.

THE COURT: You may step down, Ms. Savitt.

(ELIZABETH SAVITT excused at 3:23 p.m.)

THE COURT: Do you have any other witnesses?

MS. MORRIS: I do. Just one. Daniel Wein, Your Honor.

THE COURT: Okay. We'll take a five-minute recess and reconvene at 3:30.

MS. MORRIS: Thank you.

(A brief recess was taken from 3:23 p.m. to 3:30 p.m.)

THE COURT: You may call your next witness, Ms. Morris.

MS. MORRIS: Thank you, Your Honor. I call Daniel Wein.

You don't mind if I remain seated, Your Honor?

THE COURT: I don't mind.

Thereupon,

DANIEL WEIN,

having been first duly sworn or affirmed, was examined and testified as follows:

THE WITNESS: I do.

THE BAILIFF: Sit here and watch your step, please.

DIRECT EXAMINATION DANIEL WEIN

BY MS. MORRIS:

Q. Mr. Wein, state your full name, please.

A. Daniel Wein.

Q. What is your relationship with Robert Wein?

A. He's my brother.

Q. What is the age difference between the two of you?

A. Four years.

Q. And where do you live currently?

A. In Plantation.

Q. How long have you lived in Florida?
A. About 35 years.
Q. Where were born?
A. New York City.
Q. Where was your brother born?
A. New York City.
Q. How long did you live in New York City?
A. I lived -- I was brought up in New York City, and I lived there after I got out of the service for about seven years.
Q. Where did Robert live?
A. Robert lived in New York. He lived in Rockaway for a while, which is in Queens. Then he lived in Manhattan.
Q. Do you have a close relationship with your brother?
A. Very close.
Q. For how long?
A. Since we were children.
Q. Have you ever had a falling out with your brother?
A. Never.
Q. Were you aware or close with your brother in 1960?
A. Yes, I was.

Q. Were you aware of a marriage to Vita Wein?
A. Yes. In fact, I was at the marriage. I believe they were married in 1958.
Q. That was my next question, whether you were present.
Were you present?
A. Yes, I was.
Q. Did they have any children in the marriage?
A. Yes. They had one child, Larry.
Q. Was Mrs. Wein pregnant at the time they got married as far as you know?
A. Not that I know of.
Q. Were you aware of a divorce between Robert and Vita?
A. I was told that they were divorced.
MR. ROSENWATER: Objection. Hearsay.
THE WITNESS: I was told many times by Robert --
THE COURT: Excuse me.
MR. ROSENWATER: Hearsay.
BY MS. MORRIS:
Q. Who were you told by?
A. By my brother.
Q. What did he tell you?
A. For one thing, Robert was very, very kind

to Vita in that he helped her out with finances.
Q. Let me stop you. What did he tell you about the divorce, please?
A. Well, he told me -- he told me that if he, if he was still married --
MS. MORRIS: I'm sorry, Your Honor. I thought it was off.
THE COURT: That's fine.
BY MS. MORRIS:
Q. Go ahead.
A. He told me if Vita had not divorced him, he would be dead. The reason he told me that is because --
MR. ROSENWATER: Objection.
THE WITNESS: I asked him --
THE COURT: Wait. When he makes an objection, you need to stop and let me rule on it.
MR. ROSENWATER: He doesn't know the reason why someone told him something. He can't speculate.
THE COURT: Unless you are relaying exactly what your brother told you, you can't speculate on why he told you.
THE WITNESS: Well, I can tell you exactly what he told me.
THE COURT: Yes.

THE WITNESS: I asked him why he was so kind financially to Vita.
BY MS. MORRIS:
Q. When was this?
A. This was -- he said this many times, but I would say that he told me that within the past five years. And he said, I'm -- I help Vita out because if she had not divorced me, I would be dead. That's probably a quote.
Q. Okay. If she had not divorced me. So reaffirming they were divorced?
A. Exactly.
Q. Was Vita invited to any family dinners from 1963 on?
A. No.
Q. Did you have family dinners with Robert?
A. Yes.
Q. Did Robert have other female companions between 1963 and 2014?
MR. ROSENWATER: Objection, Your Honor. Hearsay.
THE WITNESS: Yes.
MR. ROSENWATER: Objection. Relevancy.
THE COURT: When he makes an objection, don't answer.

THE WITNESS: I couldn't hear him.
MR. ROSENWATER: It's not relevant.
THE COURT: Overruled.
BY MS. MORRIS:
Q. You can answer. Did he have female companions?
A. Yes, he did.
Q. How many?
A. I would say --
MR. ROSENWATER: Objection. Irrelevant.
THE COURT: Overruled.
BY MS. MORRIS:
Q. Go ahead.
THE COURT: You can answer.
THE WITNESS: Three at least.
BY MS. MORRIS:
Q. Were any of those relationships longstanding?
A. Yes.
Q. For how many years would you say?
A. I would say the last one he had was probably, probably existed for eight, nine years.
Q. Do you know if he married any of those three that you know about?
A. No. He never married them, but I believe

he was engaged to --
MR. ROSENWATER: Objection.
THE COURT: Overruled.
BY MS. MORRIS:
Q. Go ahead.
MR. ROSENWATER: He said, "I believe." He doesn't know.
THE COURT: Okay.
THE WITNESS: That's just an expression. He was engaged to at least one of those ladies.
BY MS. MORRIS:
Q. And how do you know he was engaged? Do you have any knowledge of him buying a ring or proposing?
A. He told me he was engaged.
Q. Did your children ever meet Vita Wein prior to these proceedings?
A. No, not that I know of. I don't think so.
Q. Now, I'm going to show you what I'd like to have marked as Petitioner's Exhibit 2 for identification and ask if you recognize that.
MR. ROSENWATER: Can I see a copy of it?
THE WITNESS: Yes.
MS. MORRIS: I'm going to provide you a copy in just a minute.
Your Honor, I'm showing a copy to counsel.

I do not have a copy of it, Your Honor. I'm going to ask if your clerk would make us a copy. I didn't anticipate having to use this today. I'm sorry I didn't come prepared, but if we could make copies, I would greatly appreciate it.
THE COURT: All right.
BY MS. MORRIS:
Q. You said you recognize that. What is it?
A. It's a letter from my brother to me telling me what to do in case he died. He indicated --
Q. Well, please don't read what is in the letter. I'm going to have it admitted into evidence, and the Judge can read that letter.
That letter, when did it come from Robert to you?
A. That -- the first one came to me probably about, I would say --
MR. ROSENWATER: Objection.
THE WITNESS: -- eight, nine years ago.
MR. ROSENWATER: He is asking about when that letter, the first one --
MS. MORRIS: I'm going to clarify that, Your Honor.
THE COURT: Okay.

BY MS. MORRIS:
Q. When did this letter arrive to you, please, the one in your hand?
A. The one in my hand, probably about five years ago I would say.
Q. Okay. And how did it --
A. Approximately.
Q. How did you receive that letter? Was it by mail or e-mail?
A. No. He actually gave it to me. My brother used to visit every January or February.
MR. ROSENWATER: Objection. Nonresponsive.
THE COURT: Sustained.
MS. MORRIS: Your Honor, sorry.
BY MS. MORRIS:
Q. Mr. Wein, just tell me: How did you receive that letter?
A. He personally gave it to me.
Q. He personally handed it to you. Okay.
That letter lists a number of people who should be invited to his funeral.
I think you said about five, six years ago; right?
A. Yes.
Q. Does it list Vita Wein as a person who

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should be invited to his funeral?
A. No.
Q. And it lists a lot of instructions about what should happen after he dies, right?
A. Correct.
Q. And does it make any mention of Vita Wein?
A. No.
Q. And does it make mention of all the rest of his loving family and friends that he had at the time?
A. Yes. As a matter of fact, in one particular case, he --
MR. ROSENWATER: Objection.
THE WITNESS: -- said, not Vita.
MR. ROSENWATER: Nonresponsive. He said it made mention, not what it said.
THE COURT: Overruled.
MR. SCHLESINGER: He keeps interrupting the witness before he finishes.
THE COURT: He is trying to object before he answers.
MR. SCHLESINGER: Well, as long as the record is clear that there was a full answer to that.
MR. ROSENWATER: Your Honor, I think we have been lenient but now --

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MR. SCHLESINGER: But I represent the witness, so that's why I'm raising an objection.
THE COURT: I instruct you, don't interrupt.
MR. SCHLESINGER: Yes, Your Honor.
MS. MORRIS: Thank you, Your Honor.
BY MS. MORRIS:
Q. Mr. Wein, does the letter written by Bob make any specific mention of Vita Wein in your hand?
A. I think in one particular case, it does mention Vita, and it indicates that she should not be --
MR. ROSENWATER: Objection. He said makes mention, not what it said.
MS. MORRIS: I'll ask the witness to use more precise language, Your Honor.
THE COURT: Thank you.
BY MS. MORRIS:
Q. Using more precise language, what does the letter state regarding Vita Wein?
A. I have to look at it.
THE COURT: Go ahead.
THE WITNESS: Perhaps my attorney could just point out what page that was on so I could read it quickly.
THE COURT: Take a moment to read it.

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MR. SCHLESINGER: See, I was good. I didn't say anything.
THE WITNESS: I can't seem to find it immediately, but I remember it said, not Vita.
MR. ROSENWATER: Objection. Move to strike.
THE COURT: I'm going to be reading the letter.
It's going to be in evidence?
MS. MORRIS: I'm going to move that into evidence, Your Honor.
THE WITNESS: There is another one here. I can't just find that one particular item. I got it. I have it. I have it.
It says -- I'll read it. "At the present time, I'm the sole signatory. In the future, I will try to add Larry, (not Vita) as an additional signatory and advise him how to handle the," and it goes on like that.
MS. MORRIS: I'd like to move that into evidence, Your Honor.
THE COURT: Any objection, Mr. Rosenwater?
MR. ROSENWATER: No, Your Honor.
THE COURT: Petitioner's No. 2 in evidence without objection.

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(Petitioner's Exhibit 2, letter, was received in evidence.)
MS. MORRIS: Your Honor, she said you would kindly make copes of this for us. Not you personally, but have them made.
BY MS. MORRIS:
Q. Did you discuss with your brother the filing of his tax returns?
A. Which tax returns?
Q. In general, his own tax returns.
MR. ROSENWATER: Your Honor, I'm going to object because they are going to say it's party statements. I have not had an opportunity to cross-examine Robert Wein because he is incapacitated at this point and in guardianship.
As far as I'm concerned, this is all hearsay because I have not had the opportunity to cross-examine anyone.
THE COURT: Overruled.
BY MS. MORRIS:
Q. Did you ever discuss with your brother regarding the filing of his tax returns?
A. Not all -- recently of his recent tax returns, yes.
Q. Do you know how he filed, married or

single?
A. Single.
Q. Do you know if your brother prepared tax returns for Vita Wein?
A. I understand that he did.
Q. Do you know that from your own personal knowledge? Did he tell you so?
A. No.
MS. MORRIS: I have nothing further, Your Honor.
THE COURT: Cross-examination?
MR. ROSENWATER: I don't have any questions.
THE COURT: You may step down. Watch your step.
(DANIEL WEIN excused at 3:42 p.m.)
THE COURT: Any other witnesses?
MS. MORRIS: No, Your Honor.
THE COURT: Mr. Rosenwater?
MR. ROSENWATER: Your Honor, I would like to call Vita Wein. Maybe I'll move the microphone closer.
Thereupon,
VITA WEIN,
having been first duly sworn or affirmed, was examined

and testified as follows:
THE WITNESS: Yes.
THE COURT: Thank you.
DIRECT EXAMINATION VITA WEIN
BY MS. MORRIS:
Q. Can you please state your name.
A. My name is Vita. My name is Vita, V-I-T-A Wein, W-E-I-N.
Q. And what is your relationship to Robert Wein?
A. I'm married to him.
Q. And when did you marry Robert Wein?
A. I married him in 1958.
MR. ROSENWATER: Your Honor, if you give me one second, please.
BY MS. MORRIS:
Q. Vita, is this a true and correct copy of the marriage license to Robert Wein?
A. Yes.
MR. ROSENWATER: Your Honor, I would like to enter this as Exhibit No. 8. Is it 8?
THE COURT: I think we're up to 8.
THE CLERK: Yes, Your Honor, No. 8.
THE COURT: Any objection?
MS. MORRIS: No objection, Your Honor, but

I'd like to state for the record this was requested in our request for production and it was not produced.
THE COURT: Is there an objection to it?
MS. MORRIS: No.
THE COURT: Now you have it. So Exhibit 8 will be admitted into evidence.
(Respondent's Exhibit 8, marriage license, was received in evidence.)
BY MS. MORRIS:
Q. Did you and Robert have a wedding?
A. Yes, we did.
Q. And where was the ceremony?
A. At the Broadway Central Hotel, which no longer exists.
Q. Was his brother invited to the wedding?
A. I don't remember.
Q. Let me -- is this a picture of your wedding?
A. Yes, one of the many pictures.
Q. And you still keep your wedding album and pictures of your wedding?
A. I don't put them away.
Q. But you ---
A. I know these pictures.

Q. But you still kept them?
A. Yes. We had a very orthodox wedding, Jewish wedding.
MR. ROSENWATER: I'd like to enter this.
THE COURT: Show her.
MS. MORRIS: I have no objection.
THE COURT: This is Vita Wein Exhibit 9?
MR. ROSENWATER: Yes.
(Respondent's Exhibit 9, wedding picture, was received in evidence.)
BY MR. ROSENWATER:
Q. Did you and Robert have a child?
A. Yes, we did.
Q. What is his name and date of birth?
A. Larry Warren Wein, W-E-I-N. The date of birth is April 19, 1960.
Q. Did you have any other children with --
A. No.
Q. -- Robert? No? What was your relationship with Dan Wein and his family?
A. I had no relationship with them.
Q. Why didn't you have a relationship with them?
A. He wasn't close to his brother, and his brother -- he wasn't accepted in his brother's home.

Q. And were you accepted in his brother's home?
A. No.
Q. In 1960, did you have marital difficulties with Robert?
A. I don't remember exactly.
Q. Did there come a time when you hired an attorney?
A. Yes. A friend of mine, yes.
Q. When was that? Do you recall?
A. It was after my son was born.
Q. And did that attorney prepare a marital settlement agreement?
A. Yes.
Q. Did Robert have an attorney?
A. He used my attorney.
Q. So he didn't have his own attorney?
A. No.
Q. Did you ever file for a petition for dissolution of marriage in New York?
A. No.
Q. Did Robert ever file for divorce in New York?
A. I always thought he didn't do it.
Q. You were never served with a final

judgment?
A. No, I was never served with any papers.
Q. So you were not aware of any divorce proceeding?
A. No.
MS. MORRIS: Your Honor, I'm going to object to the leading nature of these questions.
THE COURT: Sustained.
BY MR. ROSENWATER:
Q. Did Robert ever tell you that he filed for divorce?
A. I don't remember. He didn't tell me anything.
Q. But you never filed for divorce?
A. No.
Q. And after 1960, did you have a relationship with Robert?
A. Yes.
Q. And can you tell the Court what your relationship with Robert was?
A. Well, he saw his son very often. He was very close to Larry. We used to go out to dinner together on Sundays, and he spent a lot of time with his son.
Q. What about with you?

A. Well, I was always there.
Q. What was your occupation?
A. I was a bookkeeper.
Q. Did Robert find jobs for you?
A. Oh, he gave me -- he was thrilled that I was going to be able to help him with his work.
Q. Did he provide health insurance for you?
A. Yes.
Q. Did he --
MS. MORRIS: Objection to the leading nature of these questions, Your Honor.
THE COURT: Sustained.
MS. MORRIS: Leading the witness.
BY MR. ROSENWATER:
Q. Can you tell the Court what Robert provided you over the years?
A. He provided me money when I needed money. He used to go on gambling junkets and decided he would give me the proceeds for his son so I'd know what he'd like.
Q. Well, in 1960 when you met with an attorney to file the separation agreement, do you recall what the events were that --
THE COURT: Mr. Rosenwater, could you speak up? You're facing away from me and I can't hear

you.
MR. ROSENWATER: Oh, I'm sorry.
BY MR. ROSENWATER:
Q. In 1960 when you filed or when you had your attorney prepare the marital settlement agreement, do you recall the events that led to the filing of that marital settlement agreement?
A. Well, I don't remember exactly, but it was an agreement where he provided for his son.
Q. I understand that. But do you recall why you went to an attorney at that time? Were you upset with Robert?
A. Yes. I didn't like the fact he was not around for certain things and to be taken care of.
Q. Any other things?
A. He liked women.
Q. And did that upset you?
A. Of course.
Q. But not enough to divorce him, correct?
A. Right.
Q. And over the years, can you tell the Court -- could you start with what your relationship with Robert was like?
A. I worked. I did work for Robert Wein, and I did accounting work for him.

Q. Did he provide for you?
A. Yes.
Q. How did he provide for you?
A. Well, he would find me jobs, and he got me clients that were his clients to do accounting work in their office.
Q. What type -- what was Bob's occupation?
A. He was a certified public accountant.
Q. And did he do your tax returns?
A. Yes.
Q. And did you sign those tax returns?
A. I don't remember really. When I had to sign them, I signed them. I signed them, and then he would file them for me. He always took care of mailing them.
Q. Do you recall how he listed you on the tax returns?
A. He listed me as separated married.
Q. So he always listed you as being married?
A. That's correct.
Q. And you considered him to be your husband?
A. Yes.
Q. And did he provide health insurance for you?
A. Yes, he did.

Q. Do you recall what type of policy of health insurance?
A. He gave me -- he covered my health insurance with AARP where he was a member, and I was signed up as a spousal certificate, and that's when he covered me. He paid for all the expenses.
Q. Were you always close with Robert?
A. Yes, I was. He confided a lot of things, a lot of personal things to me.
Q. What type of personal things did he confide in you?
A. Well, he, he told me that his brother was sick. When his brother had cancer, he informed me of that. He was very upset and didn't know what he was going to do.
And he told me that he told him to speak to some people that he knew, some people that they both knew, what they did to treat it, both of them.
Q. Did he say anything else to you about his brother or his family?
A. I really didn't have a conversation with him about his family.
Q. Did you go to family events with Bob?
A. I went to a lot of events with Bob.
Q. Did you go to Florida with him to go to bat

mitzvahs?
A. I went to a bat mitzvah.
Q. When was that?
A. I don't remember.
Q. Whose bat mitzvah was that?
A. Jacquelyn Rich.
Q. Do you know how old she is now?
A. She is a young woman.
Q. Young woman. Is she in her twenties?
A. Something like that.
Q. Was that about ten, twelve years ago?
A. Yes, it was a long time ago.
Q. And you went to -- did you go to other family events with Robert?
A. No.
Q. Did you ever visit Dan Wein in Florida?
A. No.
Q. Why not?
A. Because I was never invited into his home.
Q. Did you have some health issues in the last few years?
A. Yes. I had a urinary tract infection.
Q. Any other medical problems?
A. I had a cut on my toe.
MS. MORRIS: Objection, Your Honor.

Relevance.
THE COURT: I didn't hear. Could you repeat the question?
MS. MORRIS: It's medical history.
BY MR. ROSENWATER:
Q. Were you put in a nursing home at some point?
A. Yes, I was.
Q. What nursing home was that?
A. It was a Jewish nursing home I believe.
Q. And where was that?
A. The one he got me into was, I think was -- they had it in the Bronx, the Bronx. I don't know too much about it.
Q. Who put you there?
A. Bob.
Q. Did he pay for your stay there?
A. Yes.
Q. And when you were there, do you recall filling out any Medicaid applications?
A. I never filled out any application.
Q. Do you know if Bob filled out the Medicaid application?
A. I have no idea.
Q. This is a statement from the JHHA Nursing

facility.
Have you seen that before? Is that the facility that you were at?
A. I believe that was it. Bronx.
Q. Who were the bills made payable to in the statement?
A. The statements were to Bob.
Q. What is the date of that statement?
A. The date of this is 8/31/2013.
Q. Thank you.
MR. ROSENWATER: I'd like to enter this as Exhibit No. 10.
MS. MORRIS: I object to that, Your Honor. It's a hearsay document. I've never seen it before. I have no idea that it was kept in the regular course of business. I don't know if that bill was objected to by Robert Wein. I have to object to that.
Just because it's a purported bill, we don't know that it's the truth.
THE COURT: I'll sustain the objection.
MR. ROSENWATER: I'd like the Court to mark it for identification purposes.
THE CLERK: Number 10, I.D. only?
THE COURT: Yes.

(Respondent's Exhibit 10, 8/31/13 statement, was marked for identification.)
BY MR. ROSENWATER:
Q. How has Robert's health been in the last few years?
A. In the last few years, it hasn't been too terrific.
Q. Did he have health problems in 2013?
A. I believe he did. He got real sick.
Q. Was he hospitalized?
A. I believe he was.
Q. Did his brother come to visit him during that period of time?
A. I remember that his brother didn't come to see him at all. I don't understand why he didn't come to see him. He was -- he wasn't there. I don't know.
Q. And did Robert ever say anything about his brother and monies?
A. Not to me. He said other things to me about monies.
Q. Who did?
A. Bob.
Q. What did Bob tell you about money?
A. He had some cash in his safety -- and we had a little more, and he was putting cash in that safe.

Q. And did anyone take that cash to you know?
A. I don't know if I --
MS. MORRIS: Objection, Your Honor. Irrelevant.
THE COURT: What was the question again?
MR. ROSENWATER: I asked if anyone took that cash.
THE WITNESS: I believe his brother went to the --
MS. MORRIS: Objection, Your Honor. Outside the scope of this witness's knowledge.
THE COURT: Sustained.
BY MR. ROSENWATER:
Q. When did you move to Florida?
A. I believe I came to Florida in July of last year.
Q. Did anyone ask you to?
A. Bob spoke to me and asked me if I would come to Florida.
Q. Why did he want to come to Florida?
A. Because there was no member of his family that he was close to.
Q. And did he want you -- why did he want you to come to Florida besides that? Any other reasons?
A. I don't remember all the details.

Q. Was Bob living in Florida at that time when he asked you in July of 2014?
A. I think what happened is he was being taken care of by someone named Dolores, and Dolores was taking care of him. Danny came to New York finally to see him in the hospital, and he made an agreement with Dolores that she would come to Florida so Bob could make it in Florida.
Q. Dolores was the caregiver?
A. Exactly. She came here and found an apartment, and that's where he set up. He was living in Florida with her.
Q. And he called you to move to Florida?
A. He suggested I come to Florida. He'd like to see me, and he also told me that he wanted to protect me. Come here to Florida to be with him and he can protect me.
Q. And what did he mean by protecting you?
A. He wanted to protect me because he said --
MS. MORRIS: Objection, Your Honor. This is outside the scope of this witness' knowledge, what Robert Wein meant.
THE COURT: Sustained, unless she can testify as to what he said to her.

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BY MR. ROSENWATER:
Q. What did he say to you?
A. He told me a few things. He told me that he would protect me from his brother and from our son Larry, and Bob felt that I would be closer to him and I could spend time. He wanted me to live with him.
Q. Did you want to spend your last years together?
A. Yes.
Q. Tell me about your son Larry. Does he have problems?
A. He has problems.
MS. MORRIS: Objection. Irrelevant.
THE COURT: Sustained.
BY MR. ROSENWATER:
Q. When you came to Florida in July, did Robert pay for you to come?
A. Yes. He told me that he would pay for my trip to come to Florida, and he came up to -- I was in Spring Valley. He paid my trip, and then he came with Dolores and brought me back to Florida by train.
Q. Sometime in July, it appears you and Bob went to the clerk's office in Delray.
Do you recall that?
A. Right.

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Q. Whose idea was it to go to the clerk's office?
A. It was Bob's idea. He told me it would protect me that way and I would live with him.
Q. What did you go to the clerk's office for? To renew your vows?
MS. MORRIS: Objection. Leading.
BY MR. ROSENWATER:
Q. Why did you go to the clerk's office?
A. To renew our vows for the simple reason I wasn't living with him.
Q. Did anyone coerce you?
A. No.
Q. Did anyone have discussions regarding this?
A. No.
Q. Did anyone know about this?
A. No, not until he went and took care of it.
Q. Who took you to the clerk's office?
A. I don't remember who drove us there.
Q. And then when you pulled out the application, did you fill out the application?
A. No.
Q. Did you tell anyone that you were divorced in 1963?
A. No.

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Q. Were you divorced in 1963?
A. Obviously, I never got papers saying I was divorced.
Q. You were not aware of any divorce proceedings?
A. No.
Q. Did Bob tell anyone, when you filled out the application, that you were divorced in 1963?
A. No.
Q. And you didn't fill out that marriage certificate?
A. No.
Q. And then you got married, renewed your vows in August of 2014?
A. Right.
Q. And it was before a rabbi?
A. A cantor.
Q. Who was present --
A. And he also was a rabbi.
Q. Who was present at the ceremony?
A. Bob and I. Oh, and he had a witness.
Q. Do you know who the witness was?
A. I don't remember.
Q. Was it Jodi or Jerry Rich?
A. No. She didn't even know I was in Florida

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at the time.
Q. They didn't know you were getting married?
A. No.
Q. Did anyone know that you and Bob were getting married?
A. No.
Q. When you got -- when you went to the clerk's office for the marriage application, did the clerk do any type of questioning to determine --
A. The clerk was the one that asked us certain things, the information they needed pertaining to the form to be filled out. And she was a woman. She asked us, and we were the ones that filled out my date of birth and all of that.
Q. Where do you live right now?
A. I am living in the Colony Club.
Q. Where does your husband live?
A. He lives there with me.
Q. Do you have a room together?
A. Yes.
Q. Do you sleep in the same bed?
A. Yes.
Q. Do you do things together?
A. Yes.
Q. What do you do?

A. Well, we go to meals together. I don't know. When there is an activity, we go.
Q. Have you had any discussions with the guardian regarding the annulment of your marriage?
A. No.
Q. Do you speak with the guardian?
A. She didn't know. She has only been there two times since we're there.
Q. And either time did she speak to you?
A. No.
Q. Have you -- has Bob had any discussions with you regarding annulling your marriage?
A. No.
Q. Has Bob told you that he wants to remain married to you?
A. That's what he told me.
Q. What else has he told you?
A. He told me that it's a form of protecting me. He told me many times that he's interested in protecting me.
Q. And why does he want to protect you?
A. I don't know. He feels that certain people have shortcomings that they deal with.
Q. How is Bob's health?
A. He's doing pretty well now. Right now he

finally -- Jodi wanted to help him get somebody to help him, you know, to see that he eats. And he had no desire at some point to even eat. Jodi wanted to get somebody to help him.
Q. So there was a maid that came?
A. Yes. And she came in and she spends -- now she -- it was just at the beginning she was there three hours a day, and she helped him until dinnertime. Now she is there five hours a day.
Q. And when you were -- have you gone to the hospital since you've been at the nursing home?
MS. MORRIS: Objection. Irrelevant.
MR. ROSENWATER: Can I ask one more question?
THE COURT: State the question again.
MR. ROSENWATER: I asked her if she's been to the hospital since she's been at the nursing facility.
THE COURT: You have a low voice. You're speaking away from me.
BY MR. ROSENWATER:
Q. Have you been hospitalized since you've been at the Colony?
A. Yes. I had pneumonia.
Q. Is there an outstanding ambulance bill?

A. For $200.
Q. Did you present that to the guardian?
A. Yes, I mailed it to her.
Q. Has she paid it?
A. No.
Q. Has she paid any of your bills?
A. No. She pays my bills and things I have done at the Colony Club. I go to the beauty parlor. I have manicures. That's it.
Q. And since you've been back in Florida, has Robert given you money?
A. He didn't give me money.
Q. And you have not taken any money from him?
A. No.
MR. ROSENWATER: I don't have any further questions.
THE COURT: Cross-examination?
MS. MORRIS: Yes, Your Honor.
CROSS-EXAMINATION VITA WEIN
BY MS. MORRIS:
Q. Mrs. Wein, you said that you saw a lawyer for a marital settlement agreement, a separation agreement, right?
A. It was a separation agreement.
Q. Separation agreement. I would like to show

you what is going to be marked as Petitioner's 3, thank you, for identification.
(Petitioner's Exhibit 3, separation agreement, was marked for identification.)
BY MS. MORRIS:
Q. Do you recognize this?
A. It was a long time ago and I don't really -- I know certain dates are true. That's what is there.
Q. Isn't that the marital separation agreement that you signed?
A. It's an agreement.
MR. ROSENWATER: What she wants to know is if that's your signature.
BY MS. MORRIS:
Q. It's dated September 17, 1960 on the first page, right?
A. My son was born in 1960.
Q. Can you turn to page 11? Is that your signature?
A. Yes, that's my signature.
Q. And you saw your initials on all the other pages, right?
A. Right.
MS. MORRIS: I'd like to move this into evidence, Your Honor.

THE COURT: Is this 11?
MS. MORRIS: Petitioner's 3.
THE COURT: Any objection?
MR. ROSENWATER: No, Your Honor.
THE COURT: Petitioner's Exhibit 3 admitted into evidence without objection.
(Petitioner's Exhibit 3, separation agreement, was received in evidence.)
BY MS. MORRIS:
Q. After this marital separation agreement was signed in 1960, you lived with Robert Wein --
A. Right.
Q. -- from 1960 until 2014 when you came to Florida; is that correct?
A. That's correct.
Q. So that's about 54 years of my calculation, that you lived separately; correct?
A. Correct.
Q. During those years, Robert had some serious love interests and girlfriends along the way; right?
MR. ROSENWATER: Objection to the form of the question. I object to the form of the question.
THE COURT: Sustained.

BY MS. MORRIS:
Q. During those years, Robert had relationships with other women; correct?
A. That's right.
Q. Some for very long periods of time, right?
A. Well, because he would become their accountant, and he did paperwork, accountant paperwork for them.
Q. And you say that you don't remember whether or not you were ever served with a final dissolution for divorce?
A. I don't remember receiving anything on a divorce.
Q. You don't remember receiving anything. And have you ever been determined to be incapacitated mentally?
A. No.
Q. Do you recall your status at the nursing home and whether you received Medicaid?
A. I don't know. If I received it, it wasn't my petition for it.
Q. So how did your bills get paid?
A. Well, I don't know. You have to ask Bob Wein. He was the one that paid them.
Q. Do you have any proof that Bob Wein paid those bills?

A. He was the one that got the bills from the nursing home.
Q. Do you have any proof what you spent at the nursing home?
A. I have no idea. It didn't come to me.
Q. Robert was a certified public accountant, a CPA; correct?
A. That's correct.
Q. And he prepared tax returns for a living, right?
A. That's correct.
Q. And you signed the tax returns, right?
A. The ones that he, involved me.
Q. All of your tax returns you signed, correct?
A. I signed them.
Q. Do you have them here?
A. I don't have any tax returns because he kept them all, the copies.
Q. So in the 64 years that you lived separately -- or 54 years, excuse me, that you lived separately, you didn't keep a copy of your own tax returns?
A. No.

Q. Now, you were married in Florida on August 6, 2014; correct?
A. Yes.
Q. And are you aware that two months later on October 15, 2014, Robert was determined by this Court and after three doctors' reports to lack capacity?
A. I don't know. I didn't read the reports and didn't go to the hospital to see him. He didn't want me to come.
Q. So you don't know anything about that?
A. I don't know anything about it.
Q. During this whole proceeding that Mr. Rosenwater has been involved on your behalf, has he been dealing with you, or has he been dealing with Jodi Rich?
MR. ROSENWATER: Objection. Irrelevant. Attorney-client privilege.
THE COURT: Sustained.
BY MS. MORRIS:
Q. Have you appointed Jodi Rich as your attorney in fact?
A. Right. She is my guardian.
Q. She is your guardian? Was there an incapacity proceeding that determined you needed a guardian?

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A. No. I just don't know what the future will hold.
Q. And did you attend any of the depositions of Mrs. Savitt?
MR. ROSENWATER: Objection. Irrelevant.
THE COURT: Sustained.
MS. MORRIS: Your Honor --
THE COURT: I don't know what you're trying to show by whether she attended the deposition of Ms. Savitt.
MS. MORRIS: I'll explain, if I can, with another question.
What I'm trying to show is Vita Wein has no knowledge and has no memory and has not participated in any of these proceedings.
She has appointed her attorney in fact, Jodi Rich. In fact, until today, Jodi Rich signed the interrogatories that were directed to Vita Wein. I think it's fair questioning, and it goes to her credibility.
THE COURT: I'm going to sustain the objection. I don't think it's relevant.
BY MS. MORRIS:
Q. You said that Bob was very upset when Dan had prostate cancer, I think you said.

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A. Prostate cancer.
Q. And Bob was very upset about that, right?
A. Yes. He was very upset because Dan thought he was going to die right away. He was very upset.
Q. He was close with his brother?
A. Well, he was interested in him. He did a lot of things to help his brother.
Q. And they had an ongoing relationship?
A. As far as I know. I know that -- I don't know. I wasn't a witness to their relationship so I don't know.
Q. Dan helped Bob and Bob helped Dan?
A. No. Bob helped Dan. Dan did not help Bob. Bob is a lot smarter than Dan.
Q. Now, you said that there was a clerk that asked you questions for the marriage application and the license when you filled that out; right?
A. Uh-huh.
Q. And the clerk asked you questions as to when your birth date was.
A. Right.
Q. And you answered?
A. Right.
Q. And the clerk asked you questions of your address, right?

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A. Right.
Q. And you answered, right?
A. Right.
Q. The clerk didn't fill in what she thought your birth dates were, did she?
A. I'll tell you my birth date. I was born April 17, 1933.
Q. But you have gave that information to the clerk, right?
A. She had no way of knowing it.
Q. Exactly. She had no way of knowing the dates that she put on the applications other than what was provided to her by you guys?
A. That is correct.
Q. And that would be by you and Bob, correct?
A. That's correct.
Q. You said that Ms. Savitt doesn't talk to you.
Isn't it true that you told Ms. Savitt that she must discuss anything regarding you with Jodi Rich?
A. I told her, yes. I don't want to speak to her. She avoided my questions when I asked, when I was interested in knowing, and I didn't want to speak to her. I told her, tell it to Jodi, and she'll tell me.
Q. You told her that you would not discuss

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anything with her?
A. Right.
Q. And she had to discuss everything with Jodi, right?
A. That's right. I didn't like her attitude.
Q. And you said that she doesn't pay -- Mr. Rosenwater said, does the guardian pay any of your other bills, and you said no, except for the beauty parlor and the manicure.
A. That's correct.
Q. Doesn't she pay your living expenses at the Colony?
A. Well, she pays the living expenses, sure.
Q. And that includes your food, right?
A. When I eat at the Colony Club.
Q. It comes with food, doesn't it?
A. They give it to you.
Q. Right. Does it includes anything else that you do at the Colony Club, beauty parlor --
A. I don't do anything. The only thing I use is the beauty parlor and manicurist.
Q. What about your health insurance?
A. My health insurance is paid for by me.
Q. By you. Okay. What money do you use for that? What money?

A. Medicare.
Q. Do you have a supplement?
A. I got the supplement. I took out a policy.
Q. Who pays for that?
A. I do.
Q. With what money? What income?
A. They take it out of my social security.
Q. And do you contribute your social security towards your expenses at the Colony?
A. No.
Q. You don't, right? You get to keep all the rest of your social security other than what is taken out by Medicare and the supplement, right?
MR. ROSENWATER: Objection. Relevancy.
THE COURT: Sustained.
BY MS. MORRIS:
Q. Now, when you went to the clerk's office and you filled out the paperwork, you went to get married; right?
A. Right.
MS. MORRIS: I have nothing further, Your Honor.
THE COURT: Any redirect?
MR. ROSENWATER: Just a couple questions.

REDIRECT EXAMINATION VITA WEIN
BY MR. ROSENWATER:
Q. Ms. Morris just asked you a question. She said when you went to the clerk's office, you went to get married.
A. Yes.
Q. Would you have discussions with Bob prior to that about what you guys were going to do?
A. I had a discussion with Bob, and he said in order for him to be able to protect me, I have to get married.
Q. But as far as you knew and both of you knew, you were never divorced; correct?
MS. MORRIS: Objection. Leading.
THE WITNESS: Sustained.
BY MR. ROSENWATER:
Q. Were you and Robert Wein ever divorced?
A. No. I never got a copy of a divorce.
Q. And you know of no divorce in July of 1963?
MS. MORRIS: Objection. Asked and answered.
THE COURT: Sustained.
BY MR. ROSENWATER:
Q. You stated earlier that you had health insurance through AARP.

A. AARP, yeah.
Q. Who is on the policy with you?
A. I was.
Q. Who else?
MS. MORRIS: Objection. Beyond the scope of cross, Your Honor.
THE COURT: Overruled.
BY MR. ROSENWATER:
Q. What type of policy was it? Do you recall?
A. It was a policy of I didn't pay if I went to a medical service, and I pay if I needed something medical.
Q. Do you know if it was a group or family plan?
A. No. It was an individual supplement.
Q. And was that insurance ever cancelled at any time?
A. Yes, by searching one day --
Q. The searching of what?
A. When Bob got sick.
Q. In 2013?
A. Something like that, yeah. He called me up, and he told me that I have to pay my own.
Q. Who is "he"?
A. Danny.

MR. ROSENWATER: I don't have any further questions.
THE COURT: All right. Any other witnesses, Mr. Rosenwater?
MR. ROSENWATER: I don't any other witnesses, Your Honor.
(VITA WEIN excused at 4:19 p.m.)
THE COURT: Do you want to present argument then?
MS. MORRIS: Briefly, Your Honor. Again, we're at preponderance of the evidence, 51 percent as to whether in the best interest. You heard from Mrs. Savitt and you've heard from Mr. Wein.
You will review the documents that are in evidence, including -- and we could not provide the tax returns to you so that you could see that they were filed single unmarried from Mrs. Wein because they were not provided in time for Your Honor to review it.
We could proffer that Bob was a CPA. His tax returns are part of the court file, the portion that states filed single unmarried which were produced as part of our answer to request for production by Mr. Rosenwater, and Mr. Rosenwater filed a motion to compel the whole tax return. We

provided the tax return, the first page that said as a CPA, he filed single.

THE COURT: That's part of the record you said?

MS. MORRIS: Yes. It's part of the motion to compel. It's attached as an exhibit to Mr. Rosenwater's motion to compel. And I could do a notice of filing and make sure, Your Honor, that you have it as a separate docket entry so that you can review that.

We don't have Mrs. Wein's tax returns to show that they were also provided, but we do have an answer to a request for an admission where there is an admission that Robert Wein prepared the tax returns.

So by extension, his tax returns were filed unmarried single and he prepared it, and it's likely we're going to see her tax returns were also filed --

MR. ROSENWATER: That's not part of the record, and she is speculating. I object to anything regarding how the tax returns were filed.

THE COURT: It's just argument, counsel. You can argue in opposition to that.

MS. MORRIS: The three reasons for why it

would be in his best interest, obviously, we have already gone over them, and Ms. Savitt testified to them. In addition, you have the letter that Robert Wein sent way before he was incapacitated to Dan Wein.

You have Daniel Wein's testimony that they were very close brothers all along. Mrs. Wein was never at any family functions over the past 54 years since their separation agreement, and that the letter specifically listed every other individual that was in his life, including his ex-girlfriends, but does not list Vita Wein. Your Honor will have an opportunity to review that. It is in evidence.

We believe that we have met our burden of the preponderance of the evidence to seek the services, to retain the services of a family law attorney and have the family law attorney then determine if an annulment action is proper and if further discovery will be engaged in in that proceeding.

THE COURT: Mr. Rosenwater?

MR. ROSENWATER: Thank you, Your Honor. It's undisputed that the parties were married on August 2, 1958. In addition, there is evidence

and exhibits that have been entered into evidence showing there is no records of any divorce of the parties from the State of New York.

In fact, no parties ever found that. Vita Wein has testified that the parties have never been divorced. Dan Wein and Vita Wein both testified that Robert Wein has provided for Vita Wein financially throughout these years.

Vita Wein has testified that it was Robert Wein's intentions to continue to protect her, and that's why they renewed their vows or remarried in 2014 to do so, to protect her from the family and her brother, his brother.

There is evidence that the bills were all in Robert Wein's name. There is evidence that Robert Wein filed the tax returns for Vita Wein. Robert Wein filed the Medicaid applications.

Robert Wein was a CPA. He could do anything that he wanted to do to manipulate the system. If he applied for Medicaid on behalf of his wife, that's what he was doing. It was without the knowledge or the consent of Vita Wein.

It doesn't matter how the tax returns are filled out, if there is a Medicaid application. That has no bearing on the facts. There is no

bearing that the application to marry says that the parties were divorced in July of 1963 because there is no evidence or any documentation regarding that.

To the contrary, as I said, it was his intention to provide for his wife. In addition, we have numerous e-mails that show that the guardian is doing nothing other than what Dan Wein is telling her what to do in connection with this matter.

Furthermore, if you look at their petition, they are alleging that this marriage is voidable because one of the reasons is that he was under duress to marry the ward, the ward was under duress at the time that the ward and Vita Wein were married in Delray Beach, Florida.

There has been no evidence or any testimony that Mr. Wein was under duress. What we have is a 58-year marriage, and we have testimony that Robert Wein has enough assets to provide for himself and his wife for the remainder of their lives.

What these two people in their eighties want to do is spend the rest of their lives together. What is happening is by the guardian

and her attorney, they are just causing unnecessary attorney's fees and costs that are taking money away from the ward and subjecting the ward and his wife to a great expense.

There is no basis whatsoever that they brought before the Court to annul this marriage of 57 years.

THE COURT: Anything else?

MS. MORRIS: Your Honor, no, Your Honor.

THE COURT: I want to review all the exhibits in more detail and some of the court file as well before I decide this issue.

MR. ROSENWATER: Do you need envelopes?

THE COURT: I have a lot of envelopes from the last hearing you all had submitted. I want to give you a copy of the order.

I just crossed out paragraphs 3 and 4 relating to the tax returns and the Medicaid applications and just indicated that I granted the continuance as to --

MS. MORRIS: These are the two vastly different orders, Your Honor.

THE COURT: Is there any other matter we need to address?

MR. ROSENWATER: Well, we had a bunch of

discovery issues, but it was set for two hours. I didn't think we were going be here. I have an appointment at five.

THE COURT: Reset these for hearing?

MR. ROSENWATER: Yes.

THE COURT: Okay.

MR. ROSENWATER: We thought it was going to be maybe an hour that we were going to have this hearing because we had two hours set aside for this and to amend the trust. I apologize that we ran over.

THE COURT: I think we'll need more than two hours on the motion to amend the trust when that gets heard. All right.

Thank you. Court will be in recess.

MS. MORRIS: Thank you, Your Honor.

MR. ROSENWATER: Thank you. Your Honor.

(The Hearing was concluded at 4:26 p.m.)

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CERTIFICATE OF REPORTER

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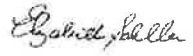
I, Elizabeth Schiller, Court Reporter, State of Florida at Large, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript, page 1 through 128, is a true and complete record of my stenographic notes.

Dated this 18th day of August, 2015 in PALM BEACH COUNTY, Florida.



Elizabeth Schiller,
Court Reporter

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Filing # 33708724 E-Filed 10/27/2015 10:27:13 AM

10-27-15

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF **PROBATE DIVISION "II"**

ROBERT PAUL WEIN **CASE NO. 502014GA000472XXXXNB**

_____/

NOTICE OF UMC HEARING

YOU ARE HEREBY NOTIFIED that the undersigned will call up for a UMC hearing in front of the Honorable Krista Marx in Courtroom 4 at the North County Courthouse, the address of which is 3188 PGA Boulevard, Palm Beach Gardens, Florida 33410, on **THURSDAY, DECEMBER 17, 2015**, at **8:45 A.M.**, or as soon thereafter as same may be heard, on the following matters:

JOINT MOTION FOR ENTRY OF RULING ON GUARDIAN'S AMENDED PETITION FOR ORDER AUTHORIZING GUARDIAN TO BRING ANNULMENT ON BEHALF OF THE WARD

Ten (10) minutes have been reserved for this hearing.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

I HEREBY CERTIFY that a copy of the foregoing was served via the e-Portal on this 27th day of October, 2015 to Bruce S. Rosenwater, Esq., Bruce S. Rosenwater & Associates, P.A., 1601 Forum Place, Suite 610, West Palm Beach, FL 33401 (info@rosenwater.com and bsr@rosenwater.com) and Michael J. Schlesinger, Esq., Schlesinger & Associates, P.A., 800 Brickell Plaza, Suite 1400, Miami, Florida 33131 (mjs@mjsjd.com, hcorrea@mjsjd.com and eservice@mjsjd.com).

Ellen S. Morris, Esq.
Attorney for the Guardian
Florida Bar Number: 850306
ELDER LAW ASSOCIATES PA
7284 W. Palmetto Park Road, Suite 101
Boca Raton, FL 33433
Telephone: (561) 750-3850
Fax: (561) 750-4069
E-Mail: emorris@elderlawassociates.com
Secondary E-Mail: lrubin@elderlawassociates.com
Secondary E-Mail: clawrence@elderlawassociates.com

ED: PALM BEACH COUNTY, FL SHARON R BOCK, CLERK. 10/27/2015 10:27:13 AM ***

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, in the Administrative Office of the Court, Palm Beach County Courthouse, 205 N. Dixie Highway, Room 5.2500, West Palm Beach, Florida 33401; telephone number (561) 355-4380 within two (2) working days of your receipt of this Notice of Hearing; if you are hearing or voice impaired, call 1-800-955-8770."

cc: Ms. Amy Tracy, Judicial Assistant to the Honorable Krista Marx

Ms. Joan Cannata-Fox
City Clerk
City of Atlantis
260 Orange Tree Drive
Atlantis, Florida 33462

FILE NUM 200704988735 OR BOOK/PAGE 22218/0858 DATE: 10/29/2007 15:28:08 Pgs 0858 - 859; (2pgs)
Sharon R. Bock, CLERK & COMPTROLLER

This is not a certified copy

CODE ENFORCEMENT ORDER

CITY OF ATLANTIS, FLORIDA

ORDER FINDING VIOLATION AND ASSESSING FINE

CITY OF ATLANTIS,

Petitioner,

v. Case No. CE 07-108

MARTIN COLIN,

Respondent,

Re: Violation of Section 14-61 - 14-69, of the Code of Ordinances of the City of Atlantis.

Address: 501 N COUNTRY CLUB DRIVE
Atlantis, Florida
Legal Description: CITY OF ATLANTIS NO 3 LOT 1 BLK 11

The Special Magistrate appointed by the City Council to hear code enforcement cases for the City of Atlantis in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement Hearing held on the 20th day of September, 2007, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent, MARTIN COLIN, attended the hearing by phone and there was a finding of proper notice.

2. The City Code Inspector testified to the violation. The City also produced copies of previous fines in the amount of twenty-five-dollars ($25.00) and a copy of the citation for the current violation.

CONCLUSIONS OF LAW

Respondent was, but is no longer, in violation of Section 14-61 - 14-69, of the Code of Ordinances of the City of Atlantis.

ORDER

It is the Order of the Code Enforcement Special Magistrate that Respondent, MARTIN COLIN, shall continue to comply with Section 14-61 - 14-69, of the Code of Ordinances of the City of Atlantis.

A fine of one-hundred-twenty-five-dollars ($125.00) is hereby assessed for the violation to be paid on or before the 22nd day of October, 2007.

Respondent shall be assessed fifty-seven-dollars and thirty-four-cents ($57.34) for administrative costs to be paid on or before the 22nd day of October, 2007.

A certified copy of this Order may be recorded in the Public Records of Palm Beach County, Florida, and, once recorded, shall constitute a lien against the property of the original amount upon which the violation existed and upon any other real or personal property owned by the Respondent, pursuant to Chapter 162, Florida Statutes for the original amount.

Upon complying, it is the responsibility of the Respondent to notify the Atlantis Code Enforcement Clerk at (561) 968-1744 to request a reinspection of the property.

DONE AND ORDERED this 20th day of September, 2007.

CITY OF ATLANTIS
CODE ENFORCEMENT

BY: _____
Special Magistrate

This is a certified copy

CLERK'S CERTIFICATE

STATE OF FLORIDA)
COUNTY OF PALM BEACH) SS:
CITY OF ATLANTIS

I, JoAnn Cannata-Fox, City Clerk of the City of Atlantis, Florida do hereby certify that this is a true and correct copy of Order Finding Violation and Assessing Fine

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Atlantis, Florida, this 24th day of October, 2007.

J A Cannata Fox
City Clerk

CITY OF ATLANTIS FLORIDA 1959

Ms. Joan Cannata-Fox
City Clerk
City of Atlantis
260 Orange Tree Drive
Atlantis, Florida 33462

CODE ENFORCEMENT ORDER

CITY OF ATLANTIS

ORDER ASSESSING FINE

FILE NUM 2007032451? OR BOOK/PAGE 21905/1742 DATE: 07/05/2007 15:21:13 Pgs 1742 - 1743; (2pgs)
Sharon R. Bock, CLERK & COMPTROLLER

This is not a certified copy

CITY OF ATLANTIS,

Petitioner,

v.

Case No. CE 07-005

MARTIN COLIN,

Respondent,

_____/

Re: Violation of Section 4-61(a)(1), of the Code of Ordinances of the City of Atlantis.

Address: 501 N COUNTRY CLUB DRIVE
Atlantis, Florida
Legal Description: CITY OF ATLANTIS NO 3 LOT 1 BLK 11

This Special Magistrate appointed by the City of Atlantis to hear code enforcement cases for the City of Atlantis, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement Hearing held on the 21st day of June, 2007, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent, MARTIN COLIN, was not present at the hearing, however, there was a finding of proper notice.

2. The City of Atlantis Code Officer offered photographs into evidence and testified to the ongoing violation.

CONCLUSIONS OF LAW

Respondent, MARTIN COLIN, remains in violation of Section 4-61(a)(1), of the Code of Ordinances of the City of Atlantis.

ORDER

It is the Order of the Code Enforcement Special Magistrate that Respondent, MARTIN

CFN 20120448683
OR BK 25582 PG 0680
RECORDED 11/08/2012 10:45:52
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 0680; (1pg)

RECORD & RETURN TO:
Jude M. Cochran, City Clerk
City of Atlantis
260 Orange Tree Drive
Atlantis, Florida 33462

This is not a certified copy

RELEASE OF LIEN
CITY OF ATLANTIS

THE STATE OF FLORIDA
COUNTY OF PALM BEACH

The City of Atlantis, hereby releases the property owned by **Martin H. Colin**, hereinafter described from a certain Code Enforcement lien recorded by the City of Atlantis for **Case No. 07-005**, in the Public Records of Palm, Beach County, Florida, on July 5, 2007 at Official Records Book 21905, Pages 1742-1743 and the City of Atlantis hereby declares said lien fully satisfied.

STREET ADDRESS: 501 North Country Club Drive
Atlantis, Florida 33462

LEGAL DESCRIPTION: CITY OF ATLANTIS NO 3 LOT 1 BLK 11

PCN: 02-42-44-36-12-011-0010

WITNESS my hand and seal the 8th day of November, 2012.

Abigail Forrester Jorandby, City Attorney

THE STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing Release of Lien was acknowledged before me this 8th day of November, 2012, by Abigail Forrester Jorandby who is personally known to me or who has produced a Florida driver's license as identification and who did/did not take an oath, and who stated that she executed same on behalf of the City of Atlantis for the purposes therein expressed.

(Seal)

Tracy L. Froebel
NOTARY PUBLIC, State of Florida

Y:\docs\Atlantis\Code Enforcement\[illegible]2\Martin Colin ROL 07-005.doc

TRACY L. FROEBEL
MY COMMISSION # EE 135102
EXPIRES: October 2, 2015
Bonded Thru Notary Public Underwriters

*** FILED: PALM BEACH COUNTY, FL SHARON BOCLERK. ***

Electronically Filed 04/16/2013 12:30:41 PM ET

IN THE COUNTY COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

FLANDERS R ASSOCIATION, INC.
Plaintiff

CASE NO: 2010-CC-003653

vs.

MARTIN H COLIN
AND MICHAEL E COLIN
Defendant(s)

This is not a certified copy

RELEASE OF LIS PENDENS

NOTICE IS HEREBY GIVEN that the Notice of Lis Pendens which was recorded at Official Records Book 23750, Page 1044, of the Public Records of Palm Beach County, Florida, is hereby released.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing instrument was sent via e-mail to Martin H Colin, elle2627@aol.com, this 16 day of April, 2013.

Bruce M. Rodgers, Esq.
Florida Bar #0908215
Primary: blg1@blawgroup.com
Secondary: Service@blawgroup.com
Michael H. Casanover, Esq.
Florida Bar No. 0076861
Primary: MCasanover@blawgroup.com
Secondary: Service@blawgroup.com
BUSINESS LAW GROUP P.A.
301 W. Platt Street, #375
Tampa, Florida 33606
Telephone: (813) 379-3804
Facsimile: (813) 221-7909
Attorney for FLANDERS R ASSOCIATION, INC.

CFN 20130182154, OR BK 25967 PG 646,RECORDED 04/22/2013 18:34:14

Prepared By and Return To:
WILL CALL BOX 45
Hilley & Wyant-Cortez, P.A.
860 US Highway One Suite108
North Palm Beach, FL 33408

CFN 20090234266
OR BK 23333 PG 0142
RECORDED 07/14/2009 13:50:40
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 0142; (1pg)

CLAIM OF LIEN

This is not a copy

BEFORE ME, the undersigned authority, personally appeared Ryan J. Wynne, Esquire, who after being duly sworn, says that he is the attorney and authorized agent for the Lienor, FLANDERS R ASSOCIATION, INC., a Florida corporation, not for profit:

FLANDERS R ASSOCIATION, INC.
c/o PRIME MANAGEMENT GROUP
6300 Park of Commerce Blvd.
Boca Raton, FL 33487

and in pursuance of the Declaration of Protective Covenants, Conditions and Restrictions for FLANDERS R ASSOCIATION, INC., the Lienor has provided maintenance services and/or is owed monies of which there remains unpaid the following to wit:

Balance February 2009 Maintenance (due 2-01-09)	$ 143.89
March 2009 Maintenance (due 3-01-09)	$ 289.00
April 2009 Maintenance (due 4-01-09)	$ 289.00
May 2009 Maintenance (due 5-01-09)	$ 289.00
June 2009 Maintenance (due 6-01-09)	$ 28900
July 2009 Maintenance (due 7-01-09)	$ 289.00
TOTAL DUE	**$1,588.89***

***AS OF THE DATE OF THE FILING OF THIS LIEN. Any payment received by an association subsequent to the filing of this lien shall be applied first to any interest accrued, then to any administrative late fee, then to any costs and reasonable attorney's fees incurred in collection, and then to the delinquent assessment. Any payment received by an association in an amount less than the total amount then due and owing to the association shall not be construed as a waiver of any rights the association may have to collect the total amount then due and owing to the association and shall not affect the enforce ability of this lien for any amounts remaining due, or coming due in the future, in any way.**

In addition to the amount listed above, this claim of lien shall secure all unpaid assessments that are due and that may accrue subsequent to the recording of this claim of lien and before entry of a certificate of title, as well as interest, late charges, reasonable costs and attorney's fees incurred by the association incident to the collection process.

Lienor claims a lien on the following described real property situated in Palm Beach County, Florida:

Unit 840 of Flanders "R" a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 2837, Page 1297, of the Public Records of Palm Beach County, Florida as amended.

Owned By:
Martin H. Colin
Michael E. Colin
840 Flanders R
Delray Beach, FL 33484

FLANDERS R ASSOCIATION, INC.

Ryan J. Wynne, Esquire

Mailing Address:
P. O. Box 9530
Lake Worth, Fl 33466

Alternate Mailing Address:
501 N. Country Club Drive
Atlantis, FL 33462

STATE OF FLORIDA)
COUNTY OF PALM BEACH) ss:

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared, Ryan J. Wynne, authorized agent for the Association in this matter, who is personally known to me and who executed the foregoing instrument, after being duly sworn, acknowledged before me that they executed this document freely and voluntarily for the purposes herein stated.

WITNESS my hand and official seal in the County and State last aforesaid this 9th day of July, 2009.

Notary Printed Name: Lynda K. Davis
NOTARY PUBLIC, State of FLORIDA at Large SEAL

LYNDA K. DAVIS
MY COMMISSION EXPIRES
June 12, 2012
#DD 787410
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

IN THE COUNTY COURT OF THE 15TH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

CIVIL DIVISION

CASE NO: 50 2010 CC003653 XXXX NB

RH

FILED

MAR 10 2010

CIRCUIT & COUNTY COURTS (CIVIL DIV.)

FLANDERS R ASSOCIATION, INC., a Florida Corporation not-for-profit,

Plaintiffs,

vs.

MARTIN H. COLIN; MICHAEL E. COLIN, UNKNOWN SPOUSE OF MARTIN E. COLIN, if any; UNKNOWN SPOUSE OF MICHAEL H. COLIN, if any; UNKNOWN TENANT(S) IN POSSESSION, if any,

Defendants.

_____/

LIS PENDENS

TO: MARTIN H. COLIN; MICHAEL E. COLIN, UNKNOWN SPOUSE OF MARTIN E. COLIN, if any; UNKNOWN SPOUSE OF MICHAEL H. COLIN, if any; UNKNOWN TENANT(S) IN POSSESSION, if any,

NOTICE IS GIVEN that a suit was filed IN THE COUNTY COURT OF THE 15TH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA, on the date and time set forth above by the clerk (which date and time are incorporated herein by this reference) against the above named Defendants, involving the following described real property lying and being in Palm Beach County, Florida, to wit:

Unit 840 of Flanders "R" a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 2837, Page 1297, of the Public Records of Palm Beach County, Florida as amended.

More commonly known as: 840 Flanders R, Delray Beach, Florida 33484.

THE RELIEF sought in this suit is the enforcement of a lien filed against the above real property, damages, attorneys' fees, and for the relief as set forth in the Complaint.

DATED this 10th day of March, 2010.

HILLEY & WYANT-CORTEZ, P.A.
Attorneys for Plaintiff
860 US Highway One, Suite 108
North Palm Beach, FL 33408
(561) 627-0009

BY: _____
V. Claire Wyant-Cortez
Florida Bar No:0083879

This is not a Certified Copy

CFN 20080020065
OR BK 22388 PG 0058
RECORDED 01/17/2008 10:07:20
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 0058; (1pg)

This is a true certified copy

This instrument Prepared by:
MARIA VICTORIA ARIAS, ESQUIRE
SIEGFRIED, RIVERA, LERNER,
DE LA TORRE & SOBEL, P.A.
201 Alhambra Circle, Suite 603
Coral Gables, Florida 33134

Matter No.6072492

MR MARTIN H COLIN

RELEASE OF LIEN

STATE OF FLORIDA,)ss
COUNTY OF PALM BEACH)

For and in consideration of the sum of ten dollars ($10.00) Dollars to me in hand this day paid, the receipt of which is hereby acknowledged, I hereby release the property hereinafter described from a certain lien filed by: 610 CLEMATIS CONDOMINIUM ASSOCIATION, INC. in the office of the Clerk of the Circuit Court of PALM BEACH County, Fl., on the 15th day of May , A.D. 2007 for the sum of $ 2,109.96 due for ASSESSMENTS on said property; and I hereby declare said lien fully satisfied. Said property is described as follows:

Condominium Unit No 811 Building No. N/A
of 610 CLEMATIS, as recorded in Official Records Book 19653, at Page 383, of the Public Records of Palm Beach County, Florida.
A/K/A 610 CLEMATIS STREET #811 WEST PALM BEACH FLORIDA 33401

THIS RELEASES LIEN FILED IN OFFICIAL RECORDS BOOK 21733 AT PAGE437.

WITNESS my hand and seal on January 9, 2008.

Signed, sealed and delivered

in the presence of:

Angela M. Ledea

Javier Jacomino

610 CLEMATIS CONDOMINIUM ASSOCIATION, INC.
2950 N 28TH TERRACE
HOLLYWOOD,FLORIDA 33020

MARIA VICTORIA ARIAS, attorney and agent

STATE OF FLORIDA,)ss
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me on January 9, 2008 , by MARIA VICTORIA ARIAS, Esq. as Attorney and Agent on behalf of the Corporation. MARIA VICTORIA ARIAS, Esq. is personally known to me and did not take an oath.

Notary Public State of Florida
Zoraya A Cabrera
My Commission DD575514
Expires 07/18/2010

(SEAL)

Zoraya Cabrera
NOTARY PUBLIC, STATE OF FLORIDA
AT LARGE

My commission expires:

CFN 20070236128
OR BK 21733 PG 0437
RECORDED 05/15/2007 09:27:13
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0437 - 438; (2pgs)

This is not a certified copy

CLAIM OF LIEN

Matter No.6072492

610 CLEMATIS CONDOMINIUM ASSOCIATION, INC., a Florida corporation not for profit, pursuant to the Declaration of Condominium for 610 CLEMATIS, as recorded in Official Records Book 19653, at Page 383, of the Public Records of Palm Beach County, Florida and any amendments filed thereafter; does hereby claim a lien for unpaid assessments against the following described real property in PALM BEACH County, Florida:

Condominium Unit No 811 Building No. N/A
of 610 CLEMATIS, as recorded in Official Records Book 19653, at Page 383, of the Public Records of Palm Beach County, Florida.
A/K/A 610 CLEMATIS STREET #811 WEST PALM BEACH FLORIDA 33401

RECORD OWNER(S): MARTIN H. COLIN

Said lien is claimed due to the failure of the owner to pay the following assessments:

DATE WHEN DUE	AMOUNT DUE
SPECIAL ASSESSMENT BALANCE FOR DECEMBER 2006	287.12
MAINTENANCE FEES FOR JANUARY - APRIL 2007 ($455.71 per Month for 4 Months)	1,822.84

PLEASE NOTE: PAYMENTS APPLIED TO OLDEST BALANCE

TOTAL AMOUNT DUE: 2,109.96

and all further sums that shall become due and unpaid subsequent to the filing of this lien. In addition to the unpaid assessments, the lien shall also secure the payment of interest due on the unpaid assessments computed at the rate of fifteen 00/100 percent (15.00%) per annum for: 610 CLEMATIS CONDOMINIUM ASSOCIATION, INC. from the due date of the assessment until paid

CFN 20070575390
OR BK 22343 PG 0873
RECORDED 12/26/2007 15:40:50
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 0873; (1pg)

RECORD & RETURN TO:
Joan Ann Cannata Fox, City Clerk
City of Atlantis
260 Orange Tree Drive
Atlantis, Florida 33462

This is not a certified copy

RELEASE OF LIEN
CITY OF ATLANTIS

THE STATE OF FLORIDA
COUNTY OF PALM BEACH

The City of Atlantis, hereby releases the property owned by **Martin Colin**, hereinafter described, from a certain Code Enforcement lien recorded by the City of Atlantis for **Case No. CE 07-108**, in the Public Records of Palm Beach County, Florida, on the 29th day of October, 2007 at Official Records Book 22218, Pages 0858 - 0859, and the City of Atlantis hereby declares said lien fully satisfied.

LEGAL DESCRIPTION:
CITY OF ATLANTIS PLAT NO 3 LOT 1 BLK 11

STREET ADDRESS:
501 N Country Club Drive, Atlantis, Florida

WITNESS my hand and seal the 26th day of December, 2007.

Keith W. Davis, City Attorney

THE STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing Release of Lien was acknowledged before me this 26th day of December, 2007, by Keith W. Davis, Esq. who is personally known to me or who has produced a Florida driver's license as identification and who did/did not take an oath, and who stated that he executed same on behalf of the City of Atlantis for the purposes therein expressed.

(Seal)

TRACY L. FROEBEL
MY COMMISSION # DD 699310
EXPIRES: May 10, 2011
Bonded Thru Notary Public Underwriters

Tracy L. Froebel
NOTARY PUBLIC, State of Florida

Y:\docs\Atlantis\Code Enforcement\Release of Lien\2007\Colin ROL CE 07-108.wpd

CFN 20080020092
OR BK 22388 PG 0212
RECORDED 01/17/2008 10:29:41
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 0212; (1pg)

Above This Line Reserved For Official Use Only

This is not a certified copy

WARNING!

THIS LEGAL DOCUMENT REFLECTS THAT A LIEN HAS BEEN PLACED ON THE REAL PROPERTY LISTED HEREIN. UNLESS THE OWNER OF SUCH PROPERTY TAKES ACTION TO SHORTEN THE TIME PERIOD, THIS LIEN MAY REMAIN VALID FOR ONE YEAR FROM THE DATE OF RECORDING, AND SHALL EXPIRE AND BECOME NULL AND VOID THEREAFTER UNLESS LEGAL PROCEEDINGS HAVE BEEN COMMENCED TO FORECLOSE OR TO DISCHARGE THIS LIEN.

CLAIM OF LIEN

(Florida Statutes Section 713.08)

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before me, the undersigned notary public, personally appeared **Eduardo Rodriguez/Outdoor Services**, who was duly sworn and says that she or he is (the lienor herein) (the agent of the lienor herein, whose address is 6282 Carthage Cir.N, Lake Worth, FL 33463; and that in accordance with a contract with **Mr. Martin Colin**, lienor furnished labor, services, or materials consisting of lawn maintenance and trimming trees, on the following described real property in PALM BEACH County, Florida: (insert legal description)

Lot 1, Block 11, PLAT NO. 3, City of Atlantis, Florida, according to the Plat thereof recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 27, Page 190. A/K/A 501 North Country Club Dr., Atlantis, FL 33462

owned by Martin H. Colin. Work performed on 12/30/2006 thru 4/30/2007 for a total of $2,875.00, of which there remains unpaid $2,875.00, and that the lienor served her or his notice to owner on June 20, 2007, by certified mail .

Signature of Lienor/Agent

Eduardo Rodriguez/Outdoor Services
6282 Carthage Cir.N., Lake Worth, FL 33463

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledge before me this 8 of January, 2008, by **Eduardo Rodriguez**, who is personally known to me or has produced DL Florida as identification.

NOTARY PUBLIC-STATE OF FLORIDA
Lorynn M. Delgado
Commission #DD444999
Expires: JUNE 26, 2009
Bonded Thru Atlantic Bonding Co., Inc.

NOTARY PUBLIC

8208

Form 668 (Y)(c)
(Rev. February 2004)

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050

Serial Number
491938008

For Optional Use by Recording Office

CFN 20080415924
OR BK 22956 PG 0644
RECORDED 11/18/2008 08:28:22
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 0644; (1pg)

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer MARTIN H & ELLEN S DECD COLIN

Residence 501 N COUNTRY CLUB DR
ATLANTIS, FL 33462

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2001	[redacted]	11/18/2002	12/18/2012	35516.11

Place of Filing
County Courthouse
Palm Beach County
West Palm Beach, FL 33402

Total $ 35516.11

This notice was prepared and signed at BALTIMORE, MD, on this,

the 05th day of November, 2008.

Signature K. A. Mitchell
for MR. JOHN SKY

Title
REVENUE OFFICER
(561) 616-2068

23-02-4519

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form **668(Y)(c)** (Rev. 2-2004)
CAT. NO 60025X

Unofficial Document

8208

Form 668 (Y)(c)
(Rev. February 2004)

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050

Serial Number
491938108

For Optional Use by Recording Office

CFN 20080415925
OR BK 22956 PG 0645
RECORDED 11/18/2008 08:28:22
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 0645; (1pg)

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer MARTIN H COLIN

Residence 501 N COUNTRY CLUB DR
ATLANTIS, FL 33462-1005

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2005	[redacted]	11/20/2006	12/20/2016	
1040	12/31/2005	[redacted]	02/04/2008	03/06/2018	31829.60
				Total	$ 31829.60

Place of Filing
County Courthouse
Palm Beach County
West Palm Beach, FL 33402

This notice was prepared and signed at BALTIMORE, MD, on this,

the 05th day of November, 2008.

Signature K. A. Mitchell
for MR. JOHN SKY

Title
REVENUE OFFICER
(561) 616-2068

23-02-4519

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form **668(Y)(c)** (Rev. 2-2004)
CAT. NO 60025X

Form 668 (Z)
(Rev. 10-2000)

3625 Department of the Treasury - Internal Revenue Service

Certificate of Release of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050

Serial Number
491938008

For Use by Recording Office

CFN 20120153022
OR BK 25145 PG 1012
RECORDED 04/18/2012 14:15:16
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 1012; (1pg)

I certify that the following-named taxpayer, under the requirements of section 6325 (a) of the Internal Revenue Code has satisfied the taxes listed below and all statutory additions. Therefore, the lien provided by Code section 6321 for these taxes and additions has been released. The proper officer in the office where the notice of internal revenue tax lien was filed on November 18 2008, is authorized to note the books to show the release of this lien for these taxes and additions.

Name of Taxpayer
MARTIN H & ELLEN S DECD COLIN

Residence 501 N COUNTRY CLUB DR
ATLANTIS, FL 33462

COURT RECORDING INFORMATION:

Liber	Page	UCC No.	Serial No.
22956	0644	n/a	20080415924

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2001	[redacted]	11/18/2002	12/18/2012	35516.11

Place of Filing
County Courthouse
Palm Beach County
West Palm Beach, FL 33402

Total $ 35516.11

This notice was prepared and signed at BALTIMORE, MD, on this,

the 04th day of April, 2012.

Signature

Title
Operations Manager,
Centralized Case Processing-Lien Unit

(NOTE: Certificate of officer authorized by law to take acknowledgments is not essential to the validity of Certificate of Release of Federal Tax lien Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - RECORDING OFFICE

Form **668 (Z)** (Rev. 10-2000)
CAT. NO 600261

Document is NOT an official record. Certified copy

Form 668 (Z)
(Rev. 10-2000)

10194 Department of the Treasury - Internal Revenue Service

Certificate of Release of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050

Serial Number
491938108

For Use by Recording Office

CFN 20140248839
OR BK 26897 PG 0735
RECORDED 07/07/2014 14:24:03
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 0735; (1pg)

I certify that the following-named taxpayer, under the requirements of section 6325 (a) of the Internal Revenue Code has satisfied the taxes listed below and all statutory additions. Therefore, the lien provided by Code section 6321 for these taxes and additions has been released. The proper officer in the office where the notice of internal revenue tax lien was filed on November 18 2008, is authorized to note the books to show the release of this lien for these taxes and additions.

Name of Taxpayer
MARTIN H COLIN

Residence 501 N COUNTRY CLUB DR
ATLANTIS, FL 33462-1005

COURT RECORDING INFORMATION:

Liber	Page	UCC No.	Serial No.
22956	0645	n/a	20080415925

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2005	[redacted]	11/20/2006	12/20/2016	
1040	12/31/2005	[redacted]	02/04/2008	03/06/2018	31829.60

Place of Filing
County Courthouse
Palm Beach County
West Palm Beach, FL 33402

Total $ 31829.60

This notice was prepared and signed at BALTIMORE, MD, on this,

the 25th day of June, 2014.

Signature

Title
Operations Manager,
Centralized Case Processing-Lien Unit

(NOTE: Certificate of officer authorized by law to take acknowledgments is not essential to the validity of Certificate of Release of Federal Tax lien Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - RECORDING OFFICE

Form **668 (Z)** (Rev. 10-2000)
CAT. NO 600261

Document is NOT OFFICIAL! This Document is the property of the Palm Beach County Clerk & Comptroller's Office. Unofficial Document

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS 2014

FOR OFFICE USE ONLY:

FLORIDA COMMISSION ON ETHICS

JUN 22 2015

RECEIVED

**********AUTO**MIXED AADC 323 T5 P1 146

Hon Martin Colin
Circuit Judge
Judicial Circuit (15Th)
Elected Constitutional Officer
200 W Atlantic Ave
Delray Beach FL 33444-3664

ID Code

ID No. 95006

Conf. Code

Colin , Martin

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2014. [Note: Net worth is calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

PROCESSED

My net worth as December 31, 2014 was $ 492,026.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds $1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effects (described above) is $ 120,000

ASSETS INDIVIDUALLY VALUED AT OVER $1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
HOME - 501 NO. COUNTRY CLUB DR. ATLANTIS, FL. 33462	650,000
CONDO - 610 CLEMATIS ST UNIT 811 WEST PALM BEACH, FL. 33401	192,000
CONDO - ½ INTEREST R40 FLAMINGO R. DELRAY BEACH, FL. 33496	25,000
SABADELL UNITED BANK WEST PALM BEACH, FL. 33409	9100
FNS. - A.R.O.P. - VESTED	18,436

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF $1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
OCWEN (HSBC BANK) P.O. BOX 24696 WEST PALM BEACH, FL. 33401 - HOME MORT.	282,445
OCWEN (CITIBANK NATIONAL BANK) P.O. BOX 24696 WEST PALM BEACH, FL. 33401 - CONDO MORT.	139,877
HELEN ROSBURG 9004 CITATEAN DU SOLEIL LN. BOCA, FL. 33536 - SECOND HOME MORT.	30,295
S. SINAM 615 ATLANTIS WAY ATLANTIS FL. 33462 - NONE	60,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
FLAMINGO R. CONDO ASSOC. 6300 BANK OF COMMERCE BLVD	1898
BOCA RATON, FL 33487 ½ INTEREST WITH SON, MICHAEL	
SABADELL UNITED BANK WEST PALM BEACH, FL. 33409 - CREDIT LINE	7995

(Continued on reverse side)

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2014 federal income tax return, *including all W2's, schedules, and attachments*, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds $1,000, including secondary sources of income, by completing the remainder of Part D, below.

☐ I elect to file a copy of my 2014 federal income tax return and all W2's, schedules, and attachments.
[If you check this box and attach a copy of your 2014 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING $1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
JUDICIAL SALARY	TALLAHASSEE, FL	136,000
RENTAL INCOME	WEST PALM BEACH, FL.	15,000

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 6]

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

PART F - TRAINING

For officers required to complete annual ethics training pursuant to section 112.3142, F.S.

☐ **I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.**

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 16 day of June, 2015 by Martin H. Colin.

(Signature of Notary Public--State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Notary Public State of Florida
Sherrie R Norton
My Commission FF 108130
Expires 04/16/2018

Personally Known ✓ OR Produced Identification _____

Type of Identification Produced _____

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 6 in accordance with Art. II, Sec. 8, Florida Constitution, Section 112.3144, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

Signature _____ Date _____

Preparation of this form by a CPA or attorney does not relieve the filer of the responsibility to sign the form under oath.

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

9500b

FLORIDA COMMISSION ON ETHICS

JUN 22 2015

RECEIVED

JUDICIAL QUALIFICATIONS COMMISSION FORM 6A

Canon 6B(2), Code of Judicial Conduct

GIFT DISCLOSURE

All judicial officers must file with the Commission on Ethics on or before July 1 of each calendar year on the form set forth below a list of all gifts received during the previous calendar year of a value in excess of $100.00, as provided in Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

NAME: MARTIN H. COLIN TELEPHONE: 561-330-1750

ADDRESS: 200 WEST ATLANTIC AVE DELRAY BEACH, FL. 33444

POSITION HELD: CIRCUIT COURT JUDGE

Please identify all gifts you received during the preceding calendar year of a value in excess of $100.00, as required by Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct:

PROCESSED

Source	Value
-0-	

I certify that the foregoing list is complete, true and correct.

JUDGE MARTIN H. COLIN

OATH

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 16 day of June, 2015, by Martin H. Colin (name of person making statement).

(NOTARY SEAL)

Notary Public State of Florida
Sherrie R Norton
My Commission FF 108130
Expires 04/16/2018

(Signature of Notary Public-State of Florida)

Sherrie R. Norton
(Name of Notary Public-Typed, Printed or Stamped)

Personally Known ✓ OR Produced Identification _____
Type of Identification Produced _____

(*ORIGINAL* OF THIS FORM FILED WITH COMMISSION ON ETHICS; *COPY* FILED WITH JUDICIAL QUALIFICATIONS COMMISSION)

04/11

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTEREST 2013

FOR OFFICE USE ONLY:

FLORIDA COMMISSION ON ETHICS

JUN 27 2014

RECEIVED

PROCESSED

Hon Martin Colin
Circuit Judge
Judicial Circuit (15Th)
Elected Constitutional Officer
200 W Atlantic Ave
Delray Beach FL 33444-3664

ID Code
ID No. 95006
Conf. Code
Colin, Martin

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2013, or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of JUNE 1, 2014 was $ 472,400.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds $1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is $ 120,000.00

ASSETS INDIVIDUALLY VALUED AT OVER $1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
HOME - 501 NO. COUNTRY CLUB DR. ATLANTIS, FL. 33462	650,000
CONDO - 610 CLEMATIS ST. UNIT 811 WEST PALM BEACH, FL. 33401	190,000
CONDO - 1/2 INTEREST 840 FLAMINGO R. DELRAY BEACH. FL. 33446	25,000
SAVINGS UNITED BANK. WEST PALM BEACH, FL. 33409	8,600

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF $1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
OCWEN (HSBC BANK) P.O. BOX 24646 WEST PALM BEACH, FL. 33401 - HOME MORT.	285,000
OCWEN (LASALLE NATIONAL BANK) P.O. BOX 24646 WEST PALM BEACH FL. CONDO MORT	146,000
HELEN ROSBURG 9004 CHATEAU DU SOLEIL LN. OFFERSA, FL. 33536 2ND MORT HOME	28,000
S. SIMPSON 615 ATLANTIS WAY ATLANTIS FL. 33462 - NONE	60,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
FLAMINGO R. CONDO ASSOC. 6300 BANK OF COMMERCE BLVD	2200
BOCA RATON, FL. 33487 1/2 INTEREST WITH SON,	
MICHAEL	

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2013 federal income tax return, *including all W2's, schedules, and attachments*, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds $1,000, including secondary sources of income, by completing the remainder of Part D, below.

☐ I elect to file a copy of my 2013 federal income tax return and all W2's, schedules, and attachments.
[If you check this box and attach a copy of your 2013 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING $1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
JUDICIAL SALARY	TALLAHASSEE, FL.	136,000
RENTAL INCOME	WEST PALM BEACH FL. 33409	15,000

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 6]

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

Notary Public State of Florida
Sherrie R Norton
My Commission FF 108130
Expires 04/16/2018

Martin H. Colin
SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 24 day of June, 2014 by Martin H. Colin.

(Signature of Notary Public--State of Florida)

Sherrie Norton
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ✓ *OR* Produced Identification _____

Type of Identification Produced _____

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 6 in accordance with Art. II, Sec. 8, Florida Constitution, Section 112.3144, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

Signature _____ Date _____

Preparation of this form by a CPA or attorney does not relieve the filer of the responsibility to sign the form under oath.

PROCESSED

FLORIDA COMMISSION ON ETHICS
JUN 27 20..
RECEIVED

JUDICIAL QUALIFICATIONS COMMISSION FORM 6A

Canon 6B(2), Code of Judicial Conduct

GIFT DISCLOSURE

All judicial officers must file with the Commission on Ethics on or before July 1 of each calendar year on the form set forth below a list of all gifts received during the previous calendar year of a value in excess of $100.00, as provided in Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

NAME: MARTIN H. COLIN **TELEPHONE:** 561-330-1750

ADDRESS: 200 WEST ATLANTIC AVE. DELRAY BEACH FL. 33444

POSITION HELD: CIRCUIT COURT JUDGE

Please identify all gifts you received during the preceding calendar year of a value in excess of $100.00, as required by Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

Source	Value
- 0 -	

I certify that the foregoing list is complete, true and correct.

Martin H. Colin
JUDGE

OATH

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 24 **day of** June, **20**14,
by Martin H. Colin **(name of person making statement).**

(NOTARY SEAL)

Notary Public State of Florida
Sherrie R Norton
My Commission FF 108130
Expires 04/16/2018

(Signature of Notary Public-State of Florida)

Sherrie Norton
(Name of Notary Public-Typed, Printed or Stamped)

Personally Known ✓ **OR Produced Identification** _____
Type of Identification Produced _____

(*ORIGINAL* OF THIS FORM FILED WITH COMMISSION ON ETHICS; *COPY* FILED WITH JUDICIAL QUALIFICATIONS COMMISSION)

04/11

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS 2011

COMMISSION ON ETHICS
DATE RECEIVED
JUN 2 9 2012

FOR OFFICE USE ONLY:

ID Code

ID No 95006

Conf Code

P. Req. Code

Colin , Martin

**********AUTO**MIXED AADC 323 T4 P1 123
HON MARTIN COLIN
CIRCUIT JUDGE
JUDICIAL CIRCUIT (15TH)
ELECTED CONSTITUTIONAL OFFICER
200 W ATLANTIC AVENUE
DELRAY BEACH, FL 33444-3664

PROCESSED

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2011, or a more current date. [Note Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3]

My net worth as of JUNE 1, 2012 was $ 353,473.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds $1,000. This category includes any of the following, if not held for investment purposes. jewelry; collections of stamps, guns, and numismatic items, art objects, household equipment and furnishings; clothing; other household items; and vehicles for personal use

The aggregate value of my household goods and personal effects (described above) is $ 120,000

ASSETS INDIVIDUALLY VALUED AT OVER $1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
HOME - 501 NO. COUNTRY CLUB DR. ATLANTIS, FL. 33462	650,000
CONDO - 610 CLEMATIS ST. UNIT 811 WEST PALM BEACH, FL. 33401	160,000
CONDO - 1/2 INTEREST - 840 FLANDERS R DELRAY BEACH, FL. 33496	35,000
SABADELL NATIONAL BANK	8,800

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF $1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
OLWEN (HSBC BANK) P.O. BOX 24646 WEST PALM BEACH, FL. 33416 - HOME MORTGAGE	390,000
LASALLE NATIONAL BANK 135 SO. LASALLE ST. # 1875 CHICAGO, ILL 60603 CONDO MORT	150,000
HELEN ROSBURG 4004 CHATEAU du SOLEIL LN. ODESSA, FL. 33536 - NONE	20,000
S. SIRPAL 615 ATLANTIS BUAY ATLANTIS, FL. 33462 - NONE	60,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
FLANDERS R ASSOC. 6300 BANK OF COMMERCE BLVD BOCA RATON FL.	
33487 1/2 INTEREST WITH SON, MICHAEL	327-

(Continued on reverse side)

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2012 federal income tax return, *including all W2's, schedules, and attachments*, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds $1,000, including secondary sources of income, by completing the remainder of Part D, below.

☐ I elect to file a copy of my 2012 federal income tax return and all W2's, schedules, and attachments.
[If you check this box and attach a copy of your 2012 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING $1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
JUDICIAL SALARY	TALLAHASSEE, FL	138,000
RENTAL INCOME	WEST PALM BEACH, FL. COND	15000

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 6]

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate and complete.

SHERRIE NORTON
Commission # DD 947047
Expires April 16, 2014
Bonded Thru Troy Fain Insurance 800-385-7019

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 25 day of June, 2013 by Martin H. Colin.

(Signature of Notary Public--State of Florida)

Sherrie Norton
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ✓ *OR* Produced Identification _____

Type of Identification Produced _____

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.
OTHER FORMS you may need to file are described on page 6.

COMMISSION ON ETHICS
DATE RECEIVED

JUN 2 8 2013

JUDICIAL QUALIFICATIONS COMMISSION FORM 6A

Canon 6B(2), Code of Judicial Conduct

GIFT DISCLOSURE

All judicial officers must file with the Commission on Ethics on or before July 1 of each calendar year on the form set forth below a list of all gifts received during the previous calendar year of a value in excess of $100.00, as provided in Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

NAME: MARTIN H. COLIN **TELEPHONE:** 561-330-1750

ADDRESS: 200 WEST ATLANTIC AVE. DELRAY BEACH, FL. 33444

POSITION HELD: CIRCUIT COURT JUDGE

Please identify all gifts you received during the preceding calendar year of a value in excess of $100.00, as required by Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

Source	Value
- 0 -	

I certify that the foregoing list is complete, true and correct.

M. Colin

JUDGE

OATH

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 25 **day of** June, **20** 13
by Martin H. Colin **(name of person making statement).**

(NOTARY SEAL)

SHERRIE NORTON
Commission # DD 947047
Expires April 16, 2014
Bonded Thru Troy Fain Insurance 800-385-7019

(Signature of Notary Public-State of Florida)

Sherrie Norton

(Name of Notary Public-Typed, Printed or Stamped)

Personally Known ✓ **OR Produced Identification** _____
Type of Identification Produced _____

(*ORIGINAL* OF THIS FORM FILED WITH COMMISSION ON ETHICS; *COPY* FILED WITH JUDICIAL QUALIFICATIONS COMMISSION)

04/11

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTEREST 2012

FOR OFFICE USE ONLY:

COMMISSION ON ETHICS
DATE RECEIVED
JUN 28 2013

PROCESSED

ID Code

**********AUTO**MIXED AADC 323 T6 P1 25
Hon Martin Colin
Circuit Judge
Judicial Circuit (15Th)
Elected Constitutional Officer
200 W Atlantic Ave
Delray Beach, FL 33444-3664

ID No 95006

Conf. Code

P. Req. Code *****

Colin , Martin

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2012, or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of JUNE 1, 2013 was $ 455,300.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds $1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is $ 120,000

ASSETS INDIVIDUALLY VALUED AT OVER $1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
HOME - 501 NO. COUNTRY CLUB DR. ATLANTIS, FL. 33462	650,000
CONDO - 610 CLEMATIS ST. UNIT 811 WEST PALM BEACH, FL. 33401	180,000
CONDO - 1/2 INTEREST - 840 FLANDERS A DELRAY BEACH FL. 33483	25,000
SABADELL UNITED BANK WEST PALM BEACH, FL. 33409 - CHECKING ACCOUNT	8,700

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF $1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
OCWEN (HSBC BANK) P.O. BOX 24646 WEST PALM BEACH FL. 33401 - HOME MORT.	290,000
OCWEN (LASALLE NAT'L BANK) PO BOX 24646 WEST PALM BEACH FL. 33401 - CONDO MORT.	148,000
HELEN ROSBURG 9009 CHATEAU DU SOLEIL LN. BOCA FL. 33496 - 2ND MORT. HOME	28,000
S. SIMPAL 615 ATLANTIS WAY ATLANTIS, FL. 33462 - NONE	60,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
FLANDERS A. ASSOC. 6300 BANK OF COMMERCE BLVD. BOCA RATON FL 33487 1/2 INTEREST WINTSON, MICHAEL	2400

(Continued on reverse side)

9500 COMMISSION ON ETHICS
DATE RECEIVED
FEB 17 2011

FORM 6X AMENDMENT TO FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS

LAST NAME - FIRST NAME - MIDDLE NAME (same as on original Form 6)
COLIN, MARTIN CIRCUIT JUDGE

MAILING ADDRESS
200 WEST ATLANTIC AVE

CITY ZIP COUNTY
DELRAY BEACH 33444 PALM BEACH

◆ THIS FORM 6X AMENDS THE FORM 6 (Full and Public Disclosure of Financial Interests) I FILED FOR THE YEAR: 2008

◆ DURING THAT YEAR, I HELD, OR WAS A CANDIDATE FOR, THE POSITION OF: CIRCUIT JUDGE

◆ WITH THIS GOVERNMENTAL AGENCY: STATE OF FLORIDA

PROCESSED

PART A -- NET WORTH

If your reported net worth will change because of this amendment, please enter the corrected value of your net worth as of the date chosen for the original Form 6 you are seeking to amend, together with that date

My net worth as of 1/1, 2009 was $ 435,000

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:
If you are amending the value originally reported for household goods and personal effects, please enter the amended value below

The aggregate value of my household goods and personal effects as of the above date was $ 62,000

ASSETS INDIVIDUALLY VALUED AT OVER $1,000:

DESCRIPTION OF ASSET	VALUE OF ASSET
HOME - 501 NO. COUNTRY CLUB DR. ATLANTIS FL. 33462	650,000
CONDO - 610 CLEMATIS ST #811 WEST PALM BEACH FL 33401	240,000
CONDO - 1/2 INTEREST - 840 FLANDERS R DELRAY BEACH FL. 33496	55,000
ART - LITHOGRAPH - SCULPTURE, PAINTINGS	50,000
CASH VALUE LIFE INS. - CONN. MUTUAL	20,000
MELLON UNITED BANK - WEST PALM BEACH, FL 33401	8,000

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF $1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
OCWEN (AKA HSBC BANK) P.O. BOX 24646 WEST PALM BEACH FL 33416 HOME MORTGAGE	350,000
LASALLE NATIONAL - 135 SOUTH LASALLE ST. SUITE 1825 CHICAGO, ILL 60603 - CONDO MORT	220,000
HELEN ROSBURG - NOTE PAYABLE - 5004 CHATEAU DU SOLEIL LN. ODESSA FL. 33556	20,000
S. SIRPAL - NOTE PAYABLE - 615 ATLANTIS WAY ATLANTIS FL 33462	60,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D -- INCOME

If you are filing an amended copy of your federal income tax return, including all attachments, please check here: ☐

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING $1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
JUDICIAL SALARY	TALLAHASSEE, FL.	145,000
RENTAL INCOME	WEST PALM BEACH, FL CONDO	15,000

(Continued on reverse side)

SECONDARY SOURCES OF INCOME [Major customers, clients, etc , of businesses owned by reporting person--see instructions]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E — INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

PART F — EXPLANATION OF CHANGES

1. ADDED ADDRESSES OF CREDITORS
2. SEPARATED ART FROM JEWELRY + HOUSEHOLD GOODS + PERSONAL EFFECTS
3. CORRECTED AMOUNT OF MORTGAGE NOTE FROM 16,000 TO 20,000
4. ELIMINATED DELRAY CONDO MORTGAGE - NOT ON IT

IF ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate and complete

Martin H. Colin

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 14th day of February, 20 11 by Martin H. Colin

JERI L. FICKES
MY COMMISSION # DD906813
EXPIRES: July 14, 2013
1-800-3-NOTARY FI Notary Discount Assoc. Co.

(Signature of Notary Public--State of Florida)

Jeri L. Fickes

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ✓ OR Produced Identification _____

Type of Identification Produced _____

INSTRUCTIONS FOR COMPLETING and FILING FORM 6 X:

INTRODUCTORY INFORMATION (At Top of Form)

NAME, DISCLOSURE PERIOD, NAME OF POSITION, and NAME OF AGENCY: Use the same information as on the original Form 6 you are seeking to amend

MAILING ADDRESS: Use your current mailing address

PARTS A through E:

Use these sections of the form to report the new information you believe should have been reported on your original Form 6, continuing on a separate sheet if necessary Additional instructions are found on pages 3-5, attached

PART F:

Use this section of the form to explain the changes in your original Form 6

OATH:

All information on this form should be submitted under oath

WHERE TO FILE:

If you are amending a Form 6 you filed as a candidate, file the Form 6X at the office where you filed your qualifying papers All other persons should file Form 6X with the Commission on Ethics, P O Drawer 15709, Tallahassee, FL 32317-5709

QUESTIONS:

About this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709, telephone (850) 488-7864

95006

FORM 6X AMENDMENT TO FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS

COMMISSION ON ETHICS
DATE RECEIVED
FEB 17 2011

LAST NAME - FIRST NAME - MIDDLE NAME (same as on original Form 6)
COLIN MARTIN CIRCUIT JUDGE

MAILING ADDRESS
200 WEST ATLANTIC AVE

CITY ZIP COUNTY
DELRAY BEACH 33444 PALM BEACH

◆ THIS FORM 6X AMENDS THE FORM 6 (Full and Public Disclosure of Financial Interests) I FILED FOR THE YEAR: 2009

◆ DURING THAT YEAR, I HELD, OR WAS A CANDIDATE FOR, THE POSITION OF: CIRCUIT JUDGE

◆ WITH THIS GOVERNMENTAL AGENCY: STATE OF FLORIDA

PROCESSED

PART A -- NET WORTH

If your reported net worth will change because of this amendment, please enter the corrected value of your net worth as of the date chosen for the original Form 6 you are seeking to amend, together with that date

My net worth as of 1/1, 2010 was $ 295,000

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

If you are amending the value originally reported for household goods and personal effects, please enter the amended value below

The aggregate value of my household goods and personal effects as of the above date was $ 62,000

ASSETS INDIVIDUALLY VALUED AT OVER $1,000:

DESCRIPTION OF ASSET	VALUE OF ASSET
HOME - 501 NO COUNTRY CLUB DR ATLANTIS FL 33462	650,000
CONDO - 610 CLEARATIS ST #811 WEST PALM BEACH FL. 33401	180,000
CONDO - 1/2 INTEREST - 840 FLANDERS N DELRAY BEACH FL. 33444	35,000
ART - LITHOGRAPHS, SCULPTURES, PAINTINGS	50,000
MELLON UNITED BANK - WEST PALM BEACH FL. 33401	8,000

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF $1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
OCWEN (AKA HSBC BANK) PO BOX 24646 WEST PALM BEACH FL. 33486 - HOME MONT.	390,000
LASALLE BANK 135 SO. LASALLE ST SUITE 1225 CHICAGO ILL 60603 - CONDO MONT.	220,000
HELEN ROSBURG - NOTE PAYABLE 9004 CHATEAU DU SOLEIL LN. ODESSA FL. 33556	20,000
S. SIMPAL - NOTE PAYABLE - 615 ATLANTIS WAY - ATLANTIS FL 33462	60,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D -- INCOME

If you are filing an amended copy of your federal income tax return, including all attachments, please check here: ☐

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING $1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
JUDICIAL SALARY	TALLAHASSEE, FL.	144,000
RENTAL INCOME -	WEST PALM BEACH CONDO	15,000

(Continued on reverse side)

SECONDARY SOURCES OF INCOME [Major customers, clients, etc , of businesses owned by reporting person--see instructions]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E — INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

PART F — EXPLANATION OF CHANGES

1. ADDED ADDRESSES OF CREDITORS
2. SEPARATED ART FROM JEWELRY, HOUSEHOLD GOODS + PERSONAL EFFECTS
3. CORRECTED AMOUNTS OF MORTGAGE + OTHER LOANS

IF ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate and complete

Martin H. Colin

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

JERI L. FICKES
MY COMMISSION # DD906613
EXPIRES: July 14, 2013
1-800-3-NOTARY FI Notary Discount Assoc Co

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to (or affirmed) and subscribed before me this 14th day of February, 20 11 by MARTIN H. COLIN

Jeri L. Fickes
(Signature of Notary Public--State of Florida)

Jeri L. Fickes
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ✓ *OR* Produced Identification _____

Type of Identification Produced _____

INSTRUCTIONS FOR COMPLETING and FILING FORM 6 X:

INTRODUCTORY INFORMATION (At Top of Form)

NAME, DISCLOSURE PERIOD, NAME OF POSITION, and NAME OF AGENCY: Use the same information as on the original Form 6 you are seeking to amend

MAILING ADDRESS: Use your current mailing address

PARTS A through E:

Use these sections of the form to report the new information you believe should have been reported on your original Form 6, continuing on a separate sheet if necessary Additional instructions are found on pages 3-5, attached

PART F:

Use this section of the form to explain the changes in your original Form 6

OATH:

All information on this form should be submitted under oath

WHERE TO FILE:

If you are amending a Form 6 you filed as a candidate, file the Form 6X at the office where you filed your qualifying papers All other persons should file Form 6X with the Commission on Ethics, P O Drawer 15709, Tallahassee, FL 32317-5709

QUESTIONS:

About this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709, telephone (850) 488-7864

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS

COMMISSION ON ETHICS 2005
DATE RECEIVED
JUL 05 2006

Please print or type your name, mailing address, agency name, and position below :

LAST NAME — FIRST NAME — MIDDLE NAME
Colin Martin Howard

MAILING ADDRESS
P.O. Box 9530

CITY: Lake Worth | ZIP: 33466 | COUNTY: Palm Beach

NAME OF AGENCY
State Courts

NAME OF OFFICE OR POSITION HELD OR SOUGHT :
Circuit Court Judge

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

FOR OFFICE USE ONLY:

ID Code

ID No. 95006

Conf. Code

P Req. Code

PROCESSED PDF 2005

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2005, or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of December 31, 20 05 was $ 697,000.00.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds $1,000. This category includes any of the following, if not held for investment purposes jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items, and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is $ 50,000.00

ASSETS INDIVIDUALLY VALUED AT OVER $1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
Jewelry - Diamonds & Gold Rings & Bracelets	20,000.00
Art Paintings	30,000.00
Real Estate: Home	600,000.00
Real Estate: Condo	100,000.00
Self Employment Pension	110,000.00

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF $1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Wells Fargo Mortgage	198,000.00
American Express	9,000.00

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

(Continued on reverse side)

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2005 federal income tax return, including all attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds $1,000, including secondary sources of income, by completing the remainder of Part D, below.

☐ I elect to file a copy of my 2005 federal income tax return [If you check this box and attach a copy of your 2005 tax return, you need not complete the remainder of Part D]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING $1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
State of Florida	Tallahassee, Florida	136,458.87

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
None			

PART E -- INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	None	None	None
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 29 day of June, 20 06 by Sherrie Norton

(Signature of Notary Public--State of Florida)

Sherrie Norton
MY COMMISSION # DD540757 EXPIRES
April 14, 2010
BONDED THRU TROY FAIN INSURANCE, INC.

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ✓ *OR* Produced Identification _____

Type of Identification Produced _____

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.
OTHER FORMS you may need to file are described on page 6.

PROCESSED
COMMISSION ON ETHICS
DATE RECEIVED
JUL 05 2006

JUDICIAL QUALIFICATIONS COMMISSION FORM 6A
Canon 6B(2), Code of Judicial Conduct

GIFT DISCLOSURE

All judicial officers must file with the Commission on Ethics on or before July 1 of each calendar year on the form set forth below a list of all gifts received during the previous calendar year of a value in excess of $100.00, as provided in Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

NAME: Martin Howard Colin TELEPHONE: 561-355-1801

ADDRESS: P.O. Box 9530 Lake Worth, Florida 33466

POSITION HELD: ~~Circuit Court Judge~~

Please identify all gifts you received during the preceding calendar year of a value in excess of $100.00, as required by Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

Source	Value
None	None

OATH

STATE OF FLORIDA
COUNTY OF PalmBeach

I, MARTIN H. COLIN, the public official filing this disclosure statement, being first duly sworn, do depose on oath and say that the facts set forth in the above statement are true, correct and complete.

(Signature of Reporting Official)

The foregoing instrument was acknowledged before me this 29 day of June, 2006 who is personally known to me or who has produced _____ (type of identification) and who did take an oath.

(Signature of Notary Public)

Sherrie Norton
MY COMMISSION # DD540757 EXPIRES
April 16, 2010
BONDED THRU TROY FAIN INSURANCE, INC.

(Name of Notary Public - Typed, Printed or Stamped)

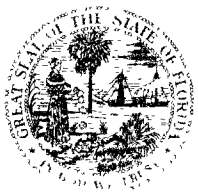
[*ORIGINAL* OF THIS FORM FILED WITH COMMISSION ON ETHICS; *COPY* FILED WITH JUDICIAL QUALIFICATIONS COMMISSION]

5/06

Florida Commission on Ethics
Post Office Drawer 15709
Tallahassee, Florida 32317-5709

1. Original Form 6 Full and Public Disclosure of Financial Interest 2004

2. Original Judicial Qualifications Commission Form 6A Gift Disclosure.



COMMISSION ON ETHICS
DATE RECEIVED
JUL 05 2006

THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
OF FLORIDA

CHAMBERS OF
MARTIN H. COLIN
CIRCUIT COURT JUDGE

PALM BEACH COUNTY COURTHOUSE
205 NORTH DIXIE HIGHWAY
WEST PALM BEACH, FLORIDA 33401
561/355-1801

June 29, 2006

Florida Commission on Ethics
Post Office Drawer 15709
Tallahassee, Florida 32317-5709

Re: 2005 Financial Disclosure 2005

To Whom It May Concern:

Enclosed is my original Form 6 - Full and Public Disclosure of Financial Interest 2005 and original Judicial Qualifications Commission Form 6A Gift Disclosure.

Very truly yours,

Martin H. Colin

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS 2006

COMMISSION ON ETHICS
DATE RECEIVED
JUL 02 2007

FOR OFFICE USE ONLY:

ID Code

ID No. 95006

Conf. Code

P. Req. Code

Colin, Martin

AUTO**MIXED AADC 323T6 P154
Hon Martin Colin
Circuit Judge
Judicial Circuit (15Th),
205 N Dixie Hwy # 6.1207
West Palm Beach, FL 33401-4522

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2006, or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of JUNE 1, 2007 was $ 736,000.00

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds $1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is $ 100,000.00

ASSETS INDIVIDUALLY VALUED AT OVER $1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
HOME -501 NO. COUNTRY CLUB DR. ATLANTIS, FL.	700,000.00
CONDO - 610 CLEMATIS ST. UNIT 811 WEST PALM BEACH, FL.	365,000.00
CONDO - FLANDERS R 840, DELRAY BEACH, FL.	105,000.00
LIFE INSURANCE CASH VALUE	30,000.00
BANK ACCOUNTS - MELLON UNITED NATIONAL BANK	22,000.00

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF $1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
FIDELITY MORTGAGE CO.	350,000.00
AUELO MORTGAGE CO.	201,000.00
SINAL + ASSOC. 615 ATLANTIS WAY ATLANTIS FL.	35,000.00

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

(Continued on reverse side)

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2006 federal income tax return, including all attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds $1,000, including secondary sources of income, by completing the remainder of Part D, below

☐ I elect to file a copy of my 2006 federal income tax return [If you check this box and attach a copy of your 2006 tax return, you need not complete the remainder of Part D]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING $1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
CIRCUIT COURT JUDGE	TALLAHASSEE, FL.	142,049.12
RENTAL INCOME	610 CLEMATIS ST UNIT 811 W.P.B., FL.	15,000.00

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 30 day of June, 2007 by _____

(Signature of Notary Public--State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

DANNY GARCIA
Notary Public - State of Florida
My Commission Expires Feb 14, 2009
Commission # DD 396321

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.
OTHER FORMS you may need to file are described on page 6.

COMMISSION ON ETHICS
DATE RECEIVED

JUL 0 2 2007

JUDICIAL QUALIFICATIONS COMMISSION FORM 6A
Canon 6B(2), Code of Judicial Conduct

GIFT DISCLOSURE

All judicial officers must file with the Commission on Ethics on or before July 1 of each calendar year on the form set forth below a list of all gifts received during the previous calendar year of a value in excess of $100.00, as provided in Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

NAME: MARTIN H. COLIN TELEPHONE: 561-355-1801

ADDRESS: 205 N. DIXIE HWY SUITE 6-C WEST PALM BEACH, FL. 33401

POSITION HELD: CIRCUIT COURT JUDGE

Please identify all gifts you received during the preceding calendar year of a value in excess of $100.00, as required by Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

Source	Value
-0-	-0-

OATH

STATE OF FLORIDA
COUNTY OF PalmBeach

I, _____, the public official filing this disclosure statement, being first duly sworn, do depose on oath and say that the facts set forth in the above statement are true, correct and complete.

Martin H. Colin
(Signature of Reporting Official)

The foregoing instrument was acknowledged before me this 30 day of June, 2007 who is personally known to me or who has produced _____ (type of identification) and who did take an oath.

(Signature of Notary Public)

DANNY GARCIA
Notary Public - State of Florida
My Commission Expires Feb 14, 2009
Commission # DD 396321
Bonded By National Notary Assn.

(Name of Notary Public - Typed, Printed or Stamped)

[ORIGINAL OF THIS FORM FILED WITH COMMISSION ON ETHICS; *COPY* FILED WITH JUDICIAL QUALIFICATIONS COMMISSION]

5/07

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS 2007

COMMISSION ON ETHIC.
DATE RECEIVED
JUL 0 1 2008

FOR OFFICE USE ONLY:

Hon Martin Colin
Circuit Judge
Judicial Circuit (15Th)
205 N Dixie Hwy # 6.1207
West Palm Beach , FL 33401-4522

ID Code
95006
ID No 95006
Conf. Code
P Req Code

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

Colin, Hon Martin

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2007, or a more current date [Note Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of DECEMBER 31, 2007 was $ 466,500.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds $1,000 This category includes any of the following, if not held for investment purposes jewelry, collections of stamps, guns, and numismatic items; art objects, household equipment and furnishings, clothing, other household items; and vehicles for personal use

The aggregate value of my household goods and personal effects (described above) is $ 50,000

ASSETS INDIVIDUALLY VALUED AT OVER $1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
JEWELRY - DIAMOND + GOLD RINGS, EARRINGS + BRACELETS	20,000.00
ART PAINTINGS	30,000.00
PIANO - CHICKERING GRAND	7500.00
REAL ESTATE - HOME	650,000.00
REAL ESTATE - CONDOMINIUMS	400,000.00

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF $1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
CITI MORTGAGE	72,000.00
OCWEN MORTGAGE	350,000.00
AVELO MORTGAGE	201,000.00
HELEN ROSBURG	18,000.00

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

(Continued on reverse side)

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2007 federal income tax return, including all attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds $1,000, including secondary sources of income, by completing the remainder of Part D, below

☐ I elect to file a copy of my 2007 federal income tax return [If you check this box and attach a copy of your 2007 tax return, you need not complete the remainder of Part D]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING $1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
STATE OF FLORIDA	TALLAHASSEE, FLORIDA	144,000.
RENTAL INCOME - REAL ESTATE	WEST PALM BEACH, FLORIDA	13,200

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 30 day of June, 2008 by Sherrie Norton

(Signature of Notary Public--State of Florida)

Sherrie Norton
MY COMMISSION # DD540757 EXPIRES
April 16, 2010
BONDED THRU TROY FAIN INSURANCE, INC.

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ✓ *OR* Produced Identification _____

Type of Identification Produced _____

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
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OTHER FORMS you may need to file are described on page 6.

COMMISSION ON ETHI
DATE RECEIVED

JU 0 1 2008

JUDICIAL QUALIFICATIONS COMMISSION FORM 6A
Canon 6B(2), Code of Judicial Conduct

GIFT DISCLOSURE

All judicial officers must file with the Commission on Ethics on or before July 1 of each calendar year on the form set forth below a list of all gifts received during the previous calendar year of a value in excess of $100.00, as provided in Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

NAME: MARTIN H. COLIN TELEPHONE: 561-274-1415

ADDRESS: 200 WEST ATLANTIC AVE. DELRAY BEACH, FL. 33444

POSITION HELD: CIRCUIT COURT JUDGE

Please identify all gifts you received during the preceding calendar year of a value in excess of $100.00, as required by Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

Source	Value
TENNIS TICKETS FROM U.S.T.A.	
FOR U.S. OPEN (DAVID MARKIN,	$300.00
PAST PRESIDENT)	

OATH

STATE OF FLORIDA
COUNTY OF Palm Beach

I, MARTIN H. COLIN, the public official filing this disclosure statement, being first duly sworn, do depose on oath and say that the facts set forth in the above statement are true, correct and complete.

(Signature of Reporting Official)

The foregoing instrument was acknowledged before me this 30 day of June, 2008 who is personally known to me or who has produced _____ (type of identification) and who did take an oath.

(Signature of Notary Public)

Sherrie Norton
(Name of Notary Public - Typed, Printed or Stamped)

Sherrie Norton
MY COMMISSION # DD540757 EXPIRES
April 14, 2010
BONDED THRU TROY FAIN INSURANCE, INC.

[*ORIGINAL* OF THIS FORM FILED WITH COMMISSION ON ETHICS; *COPY* FILED WITH JUDICIAL QUALIFICATIONS COMMISSION]

5/07

COMMISSION ON ETHICS
DATE RECEIVED
JUL 01 2008

THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
OF FLORIDA

CHAMBERS OF
MARTIN H. COLIN
CIRCUIT COURT JUDGE

SOUTH COUNTY COURTHOUSE
200 WEST ATLANTIC AVENUE
DELRAY BEACH, FLORIDA 33444
561/274-1415

June 30, 2008

Florida Commission on Ethics
Post Office Drawer 15709
Tallahassee, Florida 32317-5709

Re: 2007 Financial Disclosure

To Whom It May Concern:

Enclosed is my original Form 6 - Full and Public Disclosure of Financial Interest 2007 and original Judicial Qualifications Commission Form 6A Gift Disclosure.

Very truly yours,

Martin H. Colin

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS 2008

COMMISSION ON ETHICS
DATE RECEIVED
JUL 01 2009

FOR OFFICE USE ONLY:

********AUTO**MIXED AADC 323 T6 P1 119
Hon Martin Colin
Circuit Judge
Judicial Circuit (15Th)
Elected Constitutional Officer
200 W Atlantic Ave
Delray Beach, FL 33444-3664

PROCESSED

ID Code

ID No 95006

Conf Code

P Req Code

Colin , Martin

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

PART A – NET WORTH

Please enter the value of your net worth as of December 31, 2008, or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of JAN 1, 2009 was $ 404,000.

PART B – ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds $1,000. This category includes any of the following, if not held for investment purposes jewelry; collections of stamps, guns, and numismatic items, art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use

The aggregate value of my household goods and personal effects (described above) is $ _____

ASSETS INDIVIDUALLY VALUED AT OVER $1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
HOME - 501 NO. COUNTRY CLUB DR. ATLANTIS, FL. 33462	650,000
CONDO - 610 CLEMATIS ST. WEST PALM BEACH, FL 33401	270,000
CONDO - 1/2 INTEREST 840 FLAMINGO R DELRAY BEACH, FL 33496	55,000
ART JEWELRY FURNITURE, FIXTURES AND APPLIANCES	100,000 ~~20,000~~
CASH VALUE LIFE - CONN. MUTUAL	20,000

PART C – LIABILITIES

LIABILITIES IN EXCESS OF $1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
OCWEN - HOME MORTGAGE	350,000
UNIBANK NATIONAL - WPB CONDO	220,000
CITIMORTGAGE, 1/2 DELRAY CONDO	35,000
HELEN NOSBURG - HOME MORTGAGE	16,000
S. SINGH - NOTE PAYABLE	60,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2008 federal income tax return, including all attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds $1,000, including secondary sources of income, by completing the remainder of Part D, below.

☐ I elect to file a copy of my 2008 federal income tax return. [If you check this box and attach a copy of your 2008 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING $1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
JUDICIAL SALARY	TALLAHASSEE FL	145,000
RENTAL INCOME	WEST PALM BEACH FL	15,000

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 29 day of June, 2009 by Sherrie Norton.

(Signature of Notary Public--State of Florida)

Sherrie Norton
MY COMMISSION # DD540757 EXPIRES
April 16, 2010
BONDED THRU TROY FAIN INSURANCE, INC.

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ✓ *OR* Produced Identification _____

Type of Identification Produced _____

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.
OTHER FORMS you may need to file are described on page 6.

COMMISSION ON ETHICS
DATE RECEIVED

JUL 1 2009

JUDICIAL QUALIFICATIONS COMMISSION FORM 6A
Canon 6B(2), Code of Judicial Conduct

GIFT DISCLOSURE

All judicial officers must file with the Commission on Ethics on or before July 1 of each calendar year on the form set forth below a list of all gifts received during the previous calendar year of a value in excess of $100.00, as provided in Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

NAME: MARTIN H. COLIN TELEPHONE: 561-330-1750

ADDRESS: 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444

POSITION HELD: CIRCUIT COURT JUDGE

Please identify all gifts you received during the preceding calendar year of a value in excess of $100.00, as required by Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

Source	Value
UNITED STATES TENNIS ASSOCIATION	300.00
	PROFESSED

I certify that the foregoing list is complete, true and correct.

M. H. M.
JUDGE

OATH

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 29 day of June, 2009, by Sherrie Norton (name of person making statement).

(NOTARY SEAL)

Sherrie Norton
(Signature of Notary Public-State of Florida)

Sherrie Norton
MY COMMISSION # DD540757 EXPIRES
April 16, 2010
BONDED THRU TROY FAIN INSURANCE, INC.

(Name of Notary Public - Typed, Printed or Stamped)

Personally Known ✓ OR Produced Identification _____
Type of Identification Produced _____

[ORIGINAL OF THIS FORM FILED WITH COMMISSION ON ETHICS; *COPY* FILED WITH JUDICIAL QUALIFICATIONS COMMISSION]

6/09

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS 2009

COMMISSION ON ETHICS
DATE RECEIVED
JUL 01 2010

FOR OFFICE USE ONLY:

Hon Martin Colin
Circuit Judge
Judicial Circuit (15Th)
Elected Constitutional Officer
200 W ATLANTIC AVE
DELRAY BEACH, FL 33444-3664

PROCESSED

ID Code

ID No 95006

Conf. Code

P. Req. Code

Colin , Martin

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2009, or a more current date. [Note Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3]

My net worth as of JAN. 1, 20 10 was $ 347,000.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds $1,000 This category includes any of the following, if not held for investment purposes. jewelry, collections of stamps, guns, and numismatic items, art objects; household equipment and furnishings; clothing; other household items, and vehicles for personal use

The aggregate value of my household goods and personal effects (described above) is $ 120,000.

ASSETS INDIVIDUALLY VALUED AT OVER $1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
HOME - 501 NO COUNTRY CLUB DR. ATLANTIS FL. 33462	650,000
CONDO - 610 CLEMATIS ST. WEST PALM BEACH, FL. 33401	180,000
CONDO - 1/2 INTEREST 810 FLAMINGO R. DELRAY BEACH, FL 33444	35,000
MELLON-UNITED NATIONAL BANK	8,000

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF $1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
OCWEN - HOME MORTGAGE	350,000
ABBEY NATIONAL - CONDO MORTGAGE	220,000
HELEN NOSBUM - NOTE PAYABLE	16,000
S. SINAL - NOTE PAYABLE	60,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

(Continued on reverse side)

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2009 federal income tax return, including all attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds $1,000, including secondary sources of income, by completing the remainder of Part D, below.

☐ I elect to file a copy of my 2009 federal income tax return [If you check this box and attach a copy of your 2009 tax return, you need not complete the remainder of Part D]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING $1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
JUDICIAL SALARY	TALLAHASSEE, FL.	174,000
RENTAL INCOME	WEST PALM BEACH FL.	15,000

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 28 day of June, 2010 by Martin H. Colin.

(Signature of Notary Public--State of Florida)

SHERRIE NORTON
Commission # DD 947047
Expires April 16, 2014
Bonded Thru Troy Fain Insurance 800-385-7019

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ✓ OR Produced Identification _____

Type of Identification Produced _____

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.
OTHER FORMS you may need to file are described on page 6.

COMMISSION ON ETHICS
DATE RECEIVED
JUL 01 2010

JUDICIAL QUALIFICATIONS COMMISSION FORM 6A
Canon 6B(2), Code of Judicial Conduct

GIFT DISCLOSURE

All judicial officers must file with the Commission on Ethics on or before July 1 of each calendar year on the form set forth below a list of all gifts received during the previous calendar year of a value in excess of $100.00, as provided in Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

NAME: MARTIN H. COLIN TELEPHONE: 561-330-1210

ADDRESS: 200 WEST ATLANTIC AVE DELRAY BEACH, FL. 33444

POSITION HELD: CIRCUIT JUDGE

Please identify all gifts you received during the preceding calendar year of a value in excess of $100.00, as required by Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

Source	Value
U.S.T.A. (UNITED STATES TENNIS ASSN) TICKETS	$300.00

PROCESSED

I certify that the foregoing list is complete, true and correct.

JUDGE MARTIN H. COLIN

OATH

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 28 day of June, 2010, by Martin H. Colin (name of person making statement).

(NOTARY SEAL)

SHERRIE NORTON
Commission # DD 947047
Expires April 16, 2014
Bonded Thru Troy Fain Insurance 800-385-7019

(Signature of Notary Public-State of Florida)

Sherrie Norton
(Name of Notary Public - Typed, Printed or Stamped)

Personally Known ✓ OR Produced Identification _____
Type of Identification Produced _____

[ORIGINAL OF THIS FORM FILED WITH COMMISSION ON ETHICS; *COPY* FILED WITH JUDICIAL QUALIFICATIONS COMMISSION]

6/09

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS 2010

Please print or type your name, mailing address, agency name, and position below :

COMMISSION ON ETHICS
DATE RECEIVED
JUL 0 1 2011

FOR OFFICE USE ONLY:

LAST NAME — FIRST NAME — MIDDLE NAME:
COLIN, MARTIN HOWARD

MAILING ADDRESS
200 WEST ATLANTIC AVE

PROCESSED

ID

CITY: DELRAY BEACH ZIP: 33444 COUNTY: PALM BEACH

NAME OF AGENCY
ELECTED CONSTITUTIONAL OFFICER

NAME OF OFFICE OR POSITION HELD OR SOUGHT :
CIRCUIT COURT JUDGE (15TH)

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

ID Code
ID No. 95006
Conf. Code
P. Req. Code

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2010, or a more current date [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3]

My net worth as of JANUARY 1, 20 11 was $ 302,917

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds $1,000. This category includes any of the following, if not held for investment purposes: jewelry, collections of stamps, guns, and numismatic items, art objects, household equipment and furnishings; clothing; other household items; and vehicles for personal use

The aggregate value of my household goods and personal effects (described above) is $ 120,000.00

ASSETS INDIVIDUALLY VALUED AT OVER $1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
HOME - 501 NO. COUNTRY CLUB DR. ATLANTIS, FL. 33462	650,000
CONDO - 610 CLEMATIS ST. UNIT 811 WEST PALM BEACH, FL. 33401	180,000
CONDO - 1/2 INTEREST - 840 FLANDERS R DELRAY BEACH, FL. 33496	35,000
MELLON / SABADELL UNITED NATIONAL BANK	9,000

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF $1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
OCWEN (ITS B.C BANK) POBOX 24696 WEST PALM BEACH, FL. 33416 - HOME MORTGAGE	390,000
LASALE NATIONAL BANK - 135 SO. LASALLE ST. #1875 CHICAGO, ILL 60603 - CONDO MORTGAGE	220,000
HELEN NOSBULL - 9004 CHATEAU DU SOLEIL LN. ODESSA FL. 33556 - NONE	20,000
S. SIDDAL - 615 ATLANTIS WAY ATLANTIS, FL. 33462 - NONE	60,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
FLANDERS R ASSOC. 6300 BANK OF COMMERCE BLVD BOCA RATON FL. 33487	1,083
1/2 INTEREST WITH SON, MICHAEL	

(Continued on reverse side)

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2010 federal income tax return, including all attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds $1,000, including secondary sources of income, by completing the remainder of Part D, below.

☐ I elect to file a copy of my 2010 federal income tax return. [If you check this box and attach a copy of your 2010 tax return, you need not complete the remainder of Part D]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING $1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
JUDICIAL SALARY	TALLAHASSEE, FL.	144,000
RENTAL INCOME		13800

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do swear (or affirm) that the information I disclosed on this form and any attachments hereto is true, accurate, and complete.

Geralde M Michel
My Commission DD 965468
Expires 04/28/2014

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 29 day of June, 2011 by Geralde Michel

(Signature of Notary Public--State of Florida)

Geralde Michel
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ✓ *OR* Produced Identification _____

Type of Identification Produced _____

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
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COMMISSION ON ETHICS
DATE RECEIVED
JUL 0 1 2011

JUDICIAL QUALIFICATIONS COMMISSION FORM 6A

Canon 6B(2), Code of Judicial Conduct

GIFT DISCLOSURE

All judicial officers must file with the Commission on Ethics on or before July 1 of each calendar year on the form set forth below a list of all gifts received during the previous calendar year of a value in excess of $100.00, as provided in Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

NAME: MARTIN H. COLIN **TELEPHONE:** 561-330-1710

ADDRESS: 200 WEST ATLANTIC AVE. DELRAY BEACH, FL. 33444

POSITION HELD: CIRCUIT COURT JUDGE

Please identify all gifts you received during the preceding calendar year of a value in excess of $100.00, as required by Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

Source	Value
U.S.T.A (UNITED STATES TENNIS ASSN)	300.00
TICKETS	

PROCESSED

I certify that the foregoing list is complete, true and correct.

JUDGE MARTIN H. COLIN

OATH

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 29 **day of** June **, 20** 11 **,**
by Geralde Michel **(name of person making statement).**

(NOTARY SEAL)
Notary Public-State of Florida
Geralde M Michel
My Commission DD985488
Expires 04/25/2014

(Signature of Notary Public-State of Florida)

Geralde Michel

(Name of Notary Public-Typed, Printed or Stamped)

Personally Known ✓ **OR Produced Identification** _____
Type of Identification Produced _____

(*ORIGINAL* OF THIS FORM FILED WITH COMMISSION ON ETHICS; *COPY* FILED WITH JUDICIAL QUALIFICATIONS COMMISSION)

04/11

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2011 federal income tax return, including all W2's, schedules, and attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds $1,000, including secondary sources of income, by completing the remainder of Part D, below

☐ I elect to file a copy of my 2011 federal income tax return and all W2's, schedules, and attachments.
[If you check this box and attach a copy of your 2011 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING $1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
JUDICIAL SALARY	TALLAHASSEE, FL.	141,000
RENTAL INCOME	WEST PALM BEACH COND	13,800

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5].

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 5]

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete

Martin H. Colin

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 27 day of June, 20 12 by Martin H. Colin.

(Signature of Notary Public--State of Florida)

SHERRIE NORTON
Commission # DD 947047
Expires April 16, 2014
Bonded Thru Troy Fain Insurance 800-385-7019

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ✓ . *OR* Produced Identification _____

Type of Identification Produced _____

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COMMISSION ON ETHICS
DATE RECEIVED

JUN 2 9 2012

JUDICIAL QUALIFICATIONS COMMISSION FORM 6A

Canon 6B(2), Code of Judicial Conduct

GIFT DISCLOSURE

All judicial officers must file with the Commission on Ethics on or before July 1 of each calendar year on the form set forth below a list of all gifts received during the previous calendar year of a value in excess of $100.00, as provided in Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

NAME: MARTIN H. COLIN **TELEPHONE:** 561-330-1750

ADDRESS: 200 WEST ATLANTIC AVE. DELRAY BEACH, FL. 33444

POSITION HELD: CIRCUIT COURT JUDGE

Please identify all gifts you received during the preceding calendar year of a value in excess of $100.00, as required by Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

Source	Value
- 0 -	- 0 -

PROCESSED

I certify that the foregoing list is complete, true and correct.

Martin H. Colin

JUDGE

OATH

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 27 **day of** June, 2012
by Martin H. Colin **(name of person making statement).**

(NOTARY SEAL)

(Signature of Notary Public-State of Florida)

SHERRIE NORTON
Commission # DD 947047
Expires April 16, 2014
Bonded Thru Troy Fain Insurance 800-385-7019

(Name of Notary Public-Typed, Printed or Stamped)

Personally Known ✓ **OR Produced Identification** _____
Type of Identification Produced _____

(*ORIGINAL* OF THIS FORM FILED WITH COMMISSION ON ETHICS; *COPY* FILED WITH JUDICIAL QUALIFICATIONS COMMISSION)

04/11