TODAY’S PRESENTER:
KIMBERLY SWIERENGA, ESQ./MBA

Kimberly@ElderFraudFighter.com (619) 841-1540
HELP VICTIMS OF

- Financial advisors
- Insurance agents
- Title companies
- Banks
- Financial services industry
- UCL & CLRA violations

- Improper annuity sales
- Improper life insurance sales
- Trust-mill schemes
- Veterans' benefits scams
- Unfair/fraudulent business practices
RECOGNITIONS

- Community Service Award by San Diego County Bar Ass’n (2019)
- Consumer Advocate of the Year by Consumer Attorneys of San Diego (2016)
- Street Fighter of the Year CAOC award finalist (2015)
- Consumer Champion by the Consumer Federation of California (2015)
- Super Lawyer Rising Star since 2015
- Top Attorney in San Diego since 2016
- Graduate of Gerry Spence's Trial Lawyers College (2011)
- Board of Directors for the San Diego plaintiff's bar since 2013
- Board of Directors for San Diego County Bar Ass’n
- Elder Law chair of the San Diego County Bar Association
- Court-appointed mediator for Superior Court and Probate Court in San Diego
- Licensed to practice law in California, Minnesota and Washington D.C.
FINANCIAL ABUSE OF ELDERS

The Crime of the 21st Century

Protect yourself and loved ones from financial abuse of the elderly.
BIG OPPORTUNITY TO HELP
ELDER FINANCIAL ABUSE:

Today’s Discussion:

1. Various **types of financial exploitation**.

2. Tips for **identifying investment fraud & scams**; avoiding becoming a victim, and

3. **Venue and Standing**; who can pursue damages in civil or probate court.
ELDER & DEPENDENT ADULT CIVIL PROTECTION ACT

Welfare and Institutions Code section 15600 et seq.

Affords heightened protections to vulnerable members of society!
WHO IS AN ELDER?

A person age 65 and older.
(Prob. Code § 2951; Wel. Inst. Code § 15610.27)

WHO IS A DEPENDENT ADULT?

A person between the ages of 18 and 64 years who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights.
(Wel. Inst. Code § 15610.23)
ELDER & DEPENDENT ADULT CIVIL PROTECTION ACT

• Return of property to elder lacking capacity
  (Welf. & Inst. Code, § 15657.6)

• Who is a “representative of the elder”?
  □ A conservator
  □ A trustee
  □ Some “other representative of the estate of an elder”
  □ An attorney-in-fact of an elder acting within the authority of the power of attorney.
  (Welf. & Inst. Code, § 15610.30(d).)
"Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence.

Welf. & Inst. Code, § 15610.30
FINANCIAL ABUSE

FINANCIAL ELDER ABUSE: The wrongful taking of property of an elder or dependent adult. In general, a taking of property is wrongful if it is clearly harmful to the elder or was obtained through fraud or undue influence.

DOMESTIC FINANCIAL ELDER ABUSE: The economic exploitation of elders by family members, caregivers, acquaintances, and neighbors that often involves the transfer of an elder’s property or an inappropriate bequest obtained through undue influence.

COMMERCIAL FINANCIAL ELDER ABUSE: The economic exploitation of elders by sellers of products and services, which often involves issues of capacity to contract, undue influence, and misrepresentation. Tools used to commit commercial financial elder abuse may include advertising, promotions, free-lunch seminars, sales presentations, or phone calls.

UNDUE INFLUENCE
VERSUS
NEGL. STD.
WHAT’S ELDER ABUSE?

• Physical
• Emotional
• Sexual
• Neglect
• Financial
Potential Abusers

- Caretaker
- Elder service provider
- Family
- Neighbor
- New “friend”
- Telemarketer
- Con artists
- Professionals (insurance agents, CPAs, attorneys, etc.)
- Financial advisors
- Anyone!
Legislative Attention
(National Level)
ELDER FRAUD IS . . .

THE EXPLOITATION OF AGE-RELATED VULNERABILITIES
KEEP IN MIND...

Everyone is vulnerable at some point.

Almost everyone suffers some level of cognitive decline or impairment eventually.
MISMATCH: ACTUAL VS. PERCEIVED FINANCIAL KNOWLEDGE

• In U.S., population 50+ years of age: Score low in measures of financial knowledge and have very low level of financial literacy.

• Elders give themselves highest ranking on self-assessed financial knowledge.

• Elders **self-confidence** in financial decision-making actually increases with age.

[Lusardi, Tufano 2009; Finke, Howe, Houston 2011]
ABUSERS EXPLOIT

- Worries About Continued Financial Independence
- Financial Liquidity/ Easy Access
- Desire to be “Decision Maker” Again
- “Obsessions”

- Loneliness/Isolation
- Depression
- Medicine Cycles
- Chronic Illness
- Physical Impairments
- Mild Cognitive Impairment
COMMONLY EXPLOITED COGNITIVE IMPAIRMENTS

- Memory loss
- Slower to process information
- Impaired judgment when excited
- Obsessions & compulsive behavior
EXAMPLES OF FINANCIAL EXPLOITATION

• Misuse of an elder’s checks, credit cards or bank accounts.
• Stealing cash, checks, household goods, other property of an elder.
• Forging an elder’s signature.
• Stealing the identity of an elder.
• Misusing or abusing an elder’s financial power of attorney.
• Taking property of an elder where one knows, or should know, will likely be harmful to the elder.
Credit
POA
Deeds
Wills
Trusts
Marriage License
Notarized Documents
Insurance Policies
ATTRIBUTES OF “ELDER FRAUD”

- **REPEAT**
  - Victimizations
- **“Super Victims”**
- **Typically More Than 75 Years Old**
- Seldom Prosecuted
- And . . .
“SUPER VICTIMS”

• $10,000+ in Losses to Same Scam
• Repeat Victimization
• New Scams Play Off of Previous Ones
• Looking for Signs that Offers Are Legitimate
International Lottery Prize Release Centre

GEORGE LOVE
100 NORTHWOOD DR
CHAPEL HILL NC 27516
USA

ATTENTION GEORGE,
This is to inform you of the release of the AUSTRALIAN INTERNATIONAL LOTTERY on 20th DECEMBER 2006.
Your ticket was attached to ticket number 0000-15237-27-59 with serial number 01-0570-0. It was the lucky winner of 11-01-14-03-31-64-18, which consequently won the lottery in the 1st category. You have therefore been approved for a lump sum pay of US$3,600,000.00.
THREE MILLION Eight hundred thousand dollars) in cash credited to file with REF: AGB/6805/147570/1/C7 and batch N: 147570/1/C7.

This is from a total cash prize of US$3,600,000.00. Shared among the four international Winners in this Category.

CONGRATULATIONS!!!

Your fund is now deposited with our security company and issued in your name. Due to mix up of some numbers and names, we ask that you keep this mail until 10th with your claim has been processed and the money remitted to your account as this is part of our security protocol to avoid double claiming of uninsured funds before taking advantage of this program by participants as it has happened in the past. All claims were selected through a computerized system drawn from 35,000,000 names from Asia, Australia, New Zealand, Europe, North and South America, Middle East and Africa as part of our international promotions program. Your name appeared in our European regional office in London, which is where your payment will be remitted to you. We hope your lucky name will draw a bigger cash prize in the subsequent program.

To help your claim process, please contact your agent JOHN PAUL, on telephone no. 0114735865208, foreign operational manager UK bonds and creditors. They will give you advice on how your prize will be sent to you. Remember: All prize money must be claimed not later than 30th FEBRUARY, 2007, any claim not made before this date will be nullified by AUSTRALIAN INTERNATIONAL LOTTERY. Also, be aware that this is a taxable lottery, you are not to pay any tax to the British government, and the authority of your state will calculate your tax after the receipt of your prize. Insurance will be paid on your prize before the release, as part of our security protocol, we will advise you on how the insurance works, and also be informed that 10% of your lottery winning belong to UK PACIFIC BONDS AND CREDITORS. Because they are the company that bought your ticket and claimed the lottery on your name. 40% of this 10% will be remitted after you have received your winnings price because the money will be insured in your name and the insurance fee has to be paid by you, before your winning will be released.

NOTE: In order to avoid unnecessary delays and complications, please remember to quote your name/number and transferee name(s) in your communication with your agent or us. Furthermore, should there be any change of address, please do inform us as soon as possible.

To contact your agent just pick up your telephone and dial 0114735865208 when your call is answered, just say your name and ask for your Agent JOHN PAUL (australia@lotto@yahoo.co.uk)

The head office in Australia has sent an original copy of your lucky winning ticket and your deposit continues to your agent who will send it to you. And your prize will be sent to you same day. CONGRATULATIONS!!! Once again from all members of our staff and thank you for being a part of our international promotions program.

We wish to see you continue with your good fortunes.

Yours truly,

CATHERINE HAWARD
Email: australia@lotto@yahoo.co.uk
HEAD OF INTERNATIONAL PROMOTIONS

0615366LW 271 532

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Please subscribe to our hearings, our primary company, which has been mandated to promote Entertainment to hearing impaired (Deaf) for over 40 years. Contact us through our website or contact numbers above for details on how to do this. This email is provided.
No such thing as a . . .

“FREE LUNCH”
INDICATORS OF FINANCIAL ABUSE

Some examples:

- Attended a ‘free seminar’
- Has no understanding of the product s/he have purchased.
- Has trusts which are not funded.
- Recently purchased a reverse mortgage.
- Paid a non-attorney to help ‘plan’ their retirement.
"FINANCIAL ADVISOR" SCAM WARNING SIGNS

- Agent claims to be an expert or senior estate planner.
- Free meal seminar offered.
- Offers creation/update of estate plan.
- Claims existing investments are deficient or inadequate.
- Offers an annuity to help elder supposedly qualify for gov’t benefits.
- Tries to reduce or “reposition” a veteran’s assets to help qualify for Veteran’s Benefits.
MEDICATE, ISOLATE, STEAL THE ESTATE

• Unwinds of prior careful estate planning.
• Takes property *out* of trust.
• Uses hurried DIY methods.
• Radical changes to beneficiaries.
• Suddenly executes new DPOA or Trust in different name.
• Isolates from friends and family.
• Opens bank account with new beau.
• Unearned trust in someone new.
ASK WHY
IF YOU HAVE FACED FORECLOSURE WITHIN THE LAST 4 YEARS
CALL: 1-800-876-0433

SETTLEMENT STATES
Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New
CALL NOW TO FIND OUT IF YOUR MORTGAGE WAS AFFECTED BY THE SETTLEMENT
SETTLEMENT INFORMATION HOTLINE: 1-800-876-0433
Honoring All Who Served

Benefits for Veterans & Surviving Spouses
The Non - Service Connected Disability Pension

Presented by
Joe Advocate

Your Local
Volunteer Veteran Advocate
CAROL KANE, an individual; and PHILIP KANE, an individual, by and through his Attorney-in-Fact, Carol Kane,

Plaintiffs,

v.

ELCO MUTUAL LIFE AND ANNUITY, an Illinois corporation, formerly known as Employees Life Company (Mutual); ROBERT A. SCRIVANO, individually and doing business as Assets & Aging; LAW OFFICES OF GARY R. LIEBERMAN, LLP, a California limited liability partnership; GARY R. LIEBERMAN, an individual; and DOES 1 through 50, inclusive,

Defendants.

Case No.

COMPLAINT FOR:

2. Negligence
3. Negligent Infliction of Emotional Distress
4. Breach of Fiduciary Duty
5. Aiding and Abetting Breach of Fiduciary Duty
6. Violation of Consumers Legal Remedies Act [Civ. Code §1750 et seq.]
AVOID BECOMING A VICTIM

• NEVER sign a blank or incomplete document.
• NEVER sign a document you do not understand.
• Request COPIES of EVERY PAGE of a document.
• ASK ASK ASK QUESTIONS!
• Don’t let any salesperson into your home while alone.
• Have a trusted friend/family present when being pitched a product from a “professional.”
• Don’t pay in CASH; get a RECEIPT.
• Don’t be afraid to CANCEL.
• Contact Dept. of Insurance to check agent’s license status and disciplinary record. (800) 927- HELP
FINANCIAL ABUSE

Twisting: misrepresenting a policy or making incomplete comparison of policies to induce a replacement.

Churning: An illegal practice where an insurance agent unnecessarily replaces existing policies for the purpose of earning additional (higher) first-year commissions.

Insurance Code sections 781/782
Annuity: a contract between an insurance company and a consumer.

Consumer makes one or more premium payments to the insurance company.

The insurance company makes income payments to the consumer for a determined amount of time or for life.

An annuity is a long-term investment!
CA SENIOR BILL OF RIGHTS FOR INSURANCE PRODUCTS

24 hour advance, written notice must be given before visiting a home.

Letter must include:
- Agent’s name and insurance license number
- Product agent wants to sell
- Notice of the right to have others present
- Notice of the right to end the visit at any time
- Any surrender charges
"30-Day Free Look" Provision

An elder has the right to:

• Cancel a policy within 30 days of receiving it for a full refund

• 10-day free look if <65 years old
Suitability Analysis Required for elders:

- 13 minimum factors to consider before sale
- Insurance Code sections 10509.910 et seq.

Required Disclosures:

- Full disclosure of all info relating to benefits and possible negative consequences re the replacement annuity/life insurance.
  - surrender penalties
  - commissions

Replacement Notice:

- Insurance Code section 10509.4(d)
TIMELY ACTION REQUIRED
Rule: The statute of limitations for financial elder abuse is four years *from the date of discovery*. (Welf. & Inst. Code, § 15657.7.)

Date of discovery is generally when the elder discovered or through *exercise of reasonable diligence* should have discovered the claim.

The elder’s general duty of inquiry concerning his or her financial affairs is lessened when the abuser is a fiduciary.
WHAT IS CIVIL LITIGATION AND WHAT IS THE PROCESS?
STANDING FOR CIVIL CLAIM

• Successors in interest
• Personal Representative of the Estate (executors, administrators)
• Beneficiaries
• Trustees
• Conservator
• Attorney-in-fact

(Wel. Ins. Code, § 1610.30, subd. (d))
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

ROSEMARIE G. SMITH, an individual,

Plaintiff,

v.

BANK OF AMERICA, NATIONAL ASSOCIATION, a Delaware corporation;
RICHARD RALSTON, an individual;
FREDA KONG, an individual, and DOES 1 through 50, inclusive,

Defendants.

Case No.

COMPLAINT FOR ASSISTING FINANCIAL ELDER ABUSE
[Wel. & Inst. Code §15600 et seq.]
FOR THE COUNTY OF SANTA CLARA

LUCILLE M. GIORVAS, an individual, and in her capacity as the Trustees of the Giorvas Family Trust dated March 26, 1990, including the Giorvas Family Disclaimer Trust,

Plaintiff,

v.

LORIN J. GROW, an individual; ALLIANZ LIFE INSURANCE COMPANY OF NORTH AMERICA, a Minnesota corporation; VOYA FINANCIAL, INC., a Delaware corporation; SECURITY LIFE OF DENVER INSURANCE COMPANY, a Colorado corporation; and DOES 1 through 50, inclusive,

Case No. 115CV285323

FIRST AMENDED COMPLAINT FOR:

2. Negligence
3. Breach of Fiduciary Duty
4. Fraud by Misrepresentation and Concealment
5. Violation of Consumers Legal Remedies Act [Civ. Code §1750 et seq.]
STANDING IN PROBATE

Generally similar to civil.

(Probate Code § 4540 [POA]) § 4765 [AHCD] )

BUT...

No standing to contest terms of a Trust while it’s revocable, unless you can show lack of capacity.

(Prob. Code, § 17200; see also Drake v. Pinkham (2013) 217 Cal. App. 4th 400.)
SUPERIOR COURT OF CALIFORNIA

SAN DIEGO COUNTY, PROBATE DIVISION

In re: FAMILY TRUST DATED JANUARY 5, 2017

PETITION FOR ORDER INVALIDATING TRUST; FOR ORDER INVALIDATING POWER OF ATTORNEY; FOR ORDER INVALIDATING ADVANCED HEALTH CARE DIRECTIVE; FOR ORDER INVALIDATING GRANT DEED; FOR A FINDING OF FINANCIAL ELDER ABUSE AND PUNITIVE DAMAGES

[Prob. Code, § 259, § 850 et seq, § 2580, § 15800, § 17200; § 4541, § 4765 and Welf. & Inst. Code, § 15610.70]

Date:
Time:
Dept:
Probate Court Action

• No Right to a Jury Trial.
• Court of equity.
• Different semantics.
• Different deadlines and timelines.
  • No “answer” due in 30 days.
  • Objections v. Responses.
WHAT HAPPENS AFTER A COMPLAINT?
REMEDIES

• California has enacted a broad set of consumer protection laws that can be used to protect seniors, including but not limited to:

1) Consumer Legal Remedies Act. (Civ. Code, §§1750-1784.)
2) Unfair Competition Law. (Bus. & Prof. Code, § 17206.1.)
3) Senior Insurance Act. (Ins. Code, § 785 et seq.)

• Consumer claims may be coupled with financial elder abuse claims when abuser of elder is a business or professional providing products or services.

• To increase the deterrent effect of these senior protection laws, the legislature also adopted Civil Code § 3345, which permits trebling certain penalties.
The court “shall award” to a prevailing plaintiff/petitioner “reasonable attorney’s fees and costs.” “Costs” include reasonable fees of a conservator relating to the financial abuse litigation. (Welf. & Inst. Code, § 15657.5.)

Attorney fees to a prevailing plaintiff are mandatory. But there is no reciprocal provision for prevailing defendants. (Wood v. Santa Monica Escrow Co. (2007) 151 Cal.App.4th 1186, 1188.)

The rights established in Section 15657.5 are unwaiveable. (Bickel v. Sunrise Assisted Living (2012) 206 Cal.App.4th 1, 12, as modified (June 18, 2012).)
EVEN MORE REMEDIES

- Double damages (Probate Code section 859)
- Uninherited abusers (Probate Code section 259)
- Enhanced remedies (i.e. CLRA $5K enhancement Civ. Code section 1750-1784)
- Writ of Attachment (Wel. & Inst. Code section 15657.01)
- Restraining Orders (Wel. & Inst. Code section 15657.03)
- Injunctive Relief (Wel. & Inst. Code section 15657.03/CC section 1750 et seq)
- Rescission (Civ. Code sections 1567/1568/1572; Probate Code section 811; Ins. Code section 2030)
- Trial Preference (trial within 120 days) (Civ. Code section 36)
POTENTIAL DEFENDANTS

Insurance Agents
Brokers
Insurance Companies
Escrow Companies
Banks
Attorneys
COMMON DEFENSES

“I was going to give it back!”

“He gave it to me”

“I’m Power of Attorney”

“It’s MY inheritance; I’ll use it as I wish”

Spend down for gov’t benefits
PROPER PLANNING CAN HELP

• Professional Fiduciaries:
  - As successor Trustees
  - As co-Trustees
  - As Trust Protectors
    • Trust Protectors are not defined – they can be whatever you want them to be!
• Communicate with trusted advisors.
• Nominating loved ones or friends based on trust and skill set, not obligation.
PROPER PLANNING CAN HELP

• Use narrowly-crafted powers of attorney, as opposed to broad all-encompassing powers.
• Use carefully-crafted Advance Health Care Directives, so that caretakers know your wishes in advance.
• Thoughtful planning relative how incapacity is determined.
• Memorialize your wishes and reasons at part of your estate plan.
TOO FEW PRACTICE FINANCIAL ELDER ABUSE

- Everything Else
- Elder Abuse
FINDING THE RIGHT LAWYER CAN BE HARD
LAWYERS IN CALIFORNIA
LAWYERS IN CALIFORNIA IN 2019

190,682
LITIGATION CAN BE TIME CONSUMING
LITIGATION IS EXPENSIVE
DEFENSE WILL DENY, DEFLECT & COUNTER-ATTACK
A SIMPLE, SMART SOLUTION

Easy

REFERRALS
TIMELY, EFFECTIVE LEGAL HELP
REFERRAL & LEGAL SERVICES (MANY OTHERS EXIST)
HARD PART DONE FOR YOU: VETTED, EXPERIENCED, SPECIALIZED LAWYERS
RESOURCES

- Nat’l Center on Elder Abuse
- Dept. of Justice Elder Justice Initiative
- Nat’l Consumer Voice for Quality Long Term Care
- Nat’l Consumer Law Center
- Administration on Aging
- Nat’l Senior Citizens Law Center
- Center for Elder Rights Advocacy
- Nat’l Legal Resource Center
- Center for Social Gerontology
- Cal. Advocates for Nursing Home Reform
- Legal Aid Providers
- Consumer Financial Protection Bureau
- FINRA Securities Helpline for Seniors
- Dept. of Insurance
- Dept. of Consumer Affairs
- Dept. of Business Oversight—Seniors Against Investment Fraud
- *Many others!
A SUCCESS STORY
RECUPERATING IN SEPARATE CARE FACILITIES
EL SHADDAI SENIOR
PLACEMENT AGENCY
SANDY OFFICE
BUSINESS MANAGER

WE PROVIDE THE BEST PLACEMENT
WE DO MOVE-IN PAPERWORK

Tel. 818-310-2881
Fax. 818-698-1669
misssandee@hotmail.com
FREE! FREE! FREE!
POWER OF ATTORNEY

STATUTORY SHORT FORM POWER OF ATTORNEY
(California Civil Code Section 2450)

WARNING. UNLESS YOU LIMIT THE POWER IN THIS DOCUMENT, THIS DOCUMENT GIVES YOUR AGENT THE POWER TO ACT FOR YOU IN ANY WAY YOU COULD ACT FOR YOURSELF. FOR EXAMPLE, YOUR AGENT CAN:
- BUY, SELL, AND MANAGE REAL AND PERSONAL PROPERTY FOR YOU. THIS MEANS THAT YOUR AGENT CAN SELL YOUR HOME, YOUR SECURITIES, AND YOUR OTHER PROPERTY.
- DEPOSIT AND WITHDRAW MONEY FROM YOUR CHECKING AND SAVINGS ACCOUNTS.
- BORROW MONEY USING YOUR PROPERTY AS SECURITY FOR THE LOAN.
- PUT THINGS IN AND TAKE THINGS OUT OF YOUR SAFETY DEPOSIT BOX.
- OPERATE YOUR BUSINESS FOR YOU.
- PREPARE AND FILE TAX RETURNS FOR YOU AND ACT FOR YOU IN TAX MATTERS.
- ESTABLISH TRUSTS FOR YOU AND TAKE OTHER ACTIONS FOR YOU IN CONNECTION WITH PROBATE AND ESTATE PLANNING MATTERS.
- PROVIDE FOR THE SUPPORT AND WELFARE OF YOUR SPOUSE, CHILDREN, AND DEPENDENTS.
- CONTINUE PAYMENTS TO THE CHURCH AND OTHER ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND MAKE GIFTS TO YOUR SPOUSE, DESCENDANTS, AND CHARITIES.

THIS DOCUMENT DOES NOT AUTHORIZ El VALOR. YOU TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOU.

You can designate an agent to make health care decisions for you.

1. DESIGNATION OF AGENT.

MARIE DOROTHY GILLES
17745 CALIFORNIA
VALLEY VILLAGE CA. 91607

do hereby appoint

SANDRA SOUTH OFFICE

(I insert your name and address)

(Other kinds of paper are not allowed.)

I declare under penalty of perjury under the laws of California that the person who signed or acknowledged this document is personally known to me (or proved to be of convincing evidence) to be the principal, that the principal signed or acknowledged this power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud, or undue influence.

Signature: ____________________________
Print Name: MARIE DOROTHY GILLES
Date: ____________
Residence Address: 17745 CALIFORNIA
VALLEY VILLAGE CA. 91607

Signature: ____________________________
Print Name: SANDRA SOUTH OFFICE
Date: ____________
Residence Address: ____________________

CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

STATE OF CALIFORNIA

__________________________
(Notary Public)
TOLD THEY MUST SELL THEIR CARS TO PAY FOR CARE
BANK ACCOUNTS DRAINED
TRICKED INTO DEEDING HOME
TRASH EVERYTHING FROM HOME IN DUMPSTER
HOME DEMOLISHED FOR RENOVATIONS
POLICE WELFARE CHECK
UNEXPECTED FOR SALE SIGN
ALL THEY HAD LEFT
FINDING A LAWYER WAS HARD
FAVORABLE OUTCOME. YEAH!
The Court has considered all evidence, has resolved all credibility determinations, and makes the following findings on the causes of action and other issues presented at trial:

**Financial elder abuse:** Plaintiffs have established financial elder abuse by Defendant Office in violation Welf. & Inst. Code §15610.30(a): Plaintiffs were over 65 at the time of Defendant’s conduct; Defendant obtained Plaintiffs' property for a wrongful use, with the intent to defraud, and by undue influence; Plaintiffs suffered damages; and Defendant’s conduct was a substantial factor in causing damages to Plaintiffs. See CACI 3100.
TOGETHER WE CAN MAKE A DIFFERENCE
Ms. Swierenga partners with nonprofits to educate attorneys and the general public about the peril of financial elder abuse and supports legislative efforts to strengthen statutory protections for consumers and elders.

Please reach out to her if you would like her help in your community!
ELDER FINANCIAL ABUSE & CONSUMER PROTECTION LAWYER

Kimberly Swierenga, Esq.
Kimberly @ElderFraudFighter.com
(619) 841-1540