

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



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(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



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).)

ELDER & DEPENDENT ADULT CIVIL PROTECTION ACT

- "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!

November 2012

ELDER JUSTICE

National Strategy Needed to Effectively Combat Elder Financial Exploitation



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.

PAPER WEAPONS

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



20 BOND STREET LONDON
ENGLAND
EC3, 2QR

9TH JANUARY, 2007

REF NO: AGB/6805/1479701/07
BATCH NO: 47214/6123/4
FAX: 01144 870 912 1695

GEORGE LOVE
100 NORTHWOOD DR
CHAPEL HILL NC 27516
USA

ATTENTION GEORGE,

This is to inform you of the release of the AUSTRALIA INTERNATIONAL LOTTERY held on 29TH DECEMBER, 2006. Your name was attached to ticket number 065-1276077-09 with serial number 51390-0 that drew the lucky numbers of 11-06-143-31-56-49, which consequently won the lottery in the 3rd category. You have therefore been approved for a lump sum pay of US\$ 3,800,000.00.

THREE Million Eight hundred thousand dollars in cash credited to file with **REF: AGB/6805/1479701/07 and batch N°. 47214/6123/4.**

This is from a total cash prize of US\$34,200,000.00. Shared among the Nine international winners in this category. **CONGRATULATIONS!!!**

Your fund is now deposited with our Security Company and insured in your name. Due to mix up of some numbers and names, we ask that you keep this award from public notice until your claims has been processed and the money remitted to your account as this is part of our security protocol to avoid double claiming of unwarranted taking advantage of this program by participants as it has happened in the past.

All participants were selected through a computer ballot 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 sent to you. We hope your lucky name will draw a bigger cash prize in the subsequent programs.

To begin your lottery claims, please contact your agent **JOHN PAUL**, on telephone no: **011447956943209** foreign operational manager UK bonds and creditors. They will then advise you on how your prize will be sent to you. Remember, All prize money must be claimed not later than 26TH FEBRUARY, 2007 any claim not made before this date will be returned to AUSTRALIAN INTERNATIONAL LOTTERY. Also, be aware that this is a tax-free 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 placed 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 belongs to **UK PACIFIC BONDS AND CREDITORS**. Because they are the company that bought your ticket and played the lottery on your name, **NOTE** this 10% will be remitted after you have received your winnings prize 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 Reference and batch numbers in every correspondence with your claim agent or us. Furthermore, should there be any change of address, please do inform us as soon as possible.

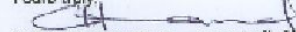
To contact your Agent just pick up your telephone and dial **011447956943209** when your call is answered just say your name and ask for your Agent **JOHN PAUL**, (**australia3lotto@yahoo.co.uk**)

The head office in Australia has sent an original copy of your lucky winning ticket and your deposit certificate to your Agent, who will send them to you. And your prize will be sent to you soon!!!!

CONGRATULATION!!!!!! 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,


CATHRINE HAWARD, (E-mail: **australia3lotto@yahoo.co.uk**)
HEAD OF INTERNATIONAL PROMOTIONS

3940V2 061596LV 271 052



INVESTORS IN PEOPLE

Authorized Subscriptions Agents is a Government-licensed Lottery Service Agency, which has been marketing National Lotteries to overseas subscribers for over 10 years. Acting as agents on behalf of Lottery players around the world, they ensure it proceeds.

Agents are not to be held responsible for any losses.

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(000) 000-0000

RSVP with:
The front desk/name

**Weekday, Month Day
6:00 - 7:00 p.m.**

**Community
Logo Here**



U.S. SENIOR VETS

RSVP 00000000

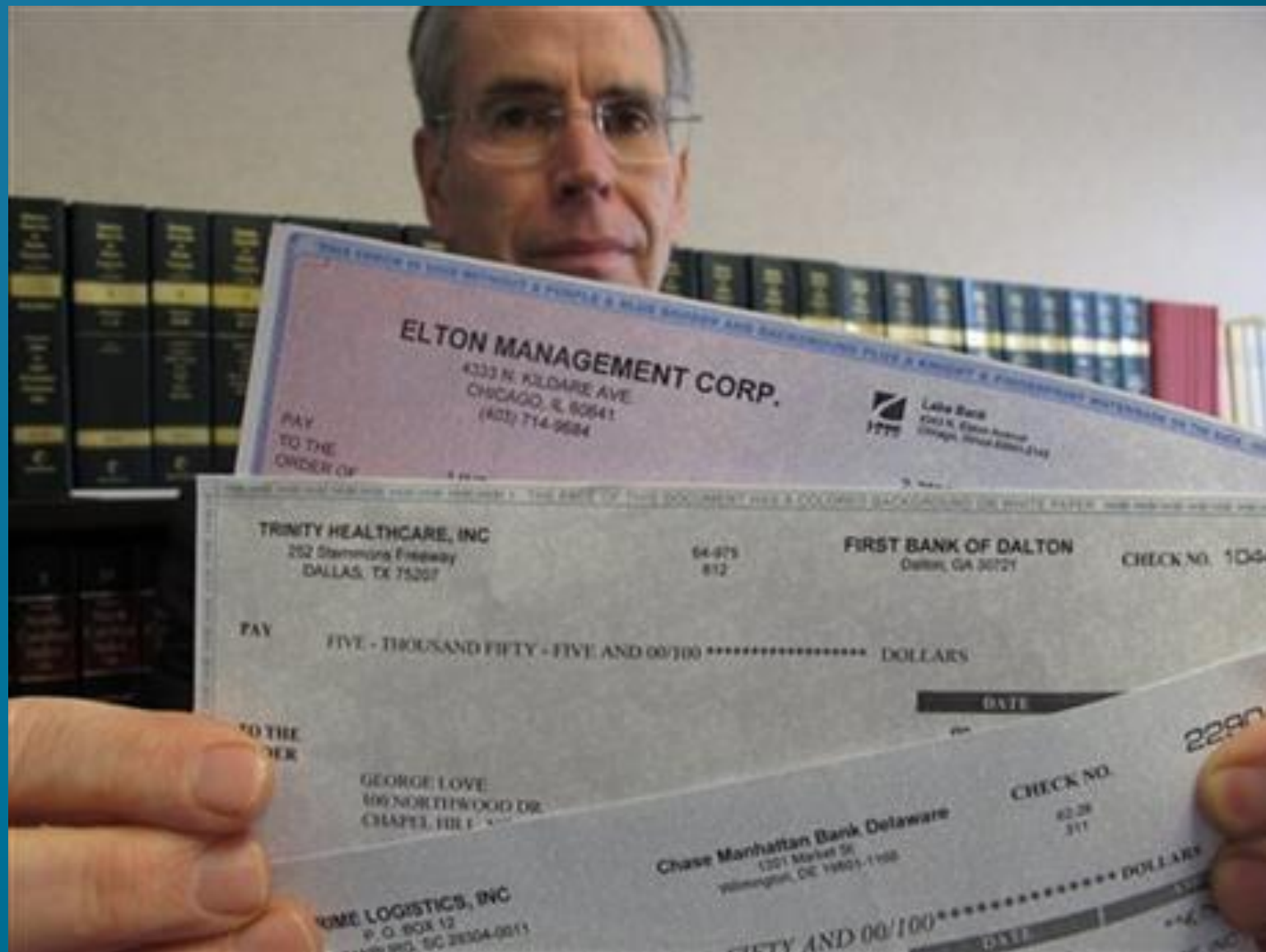
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information about this benefit please contact:
Richard P. Schulze at: 775-853-5700*

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64-975
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DATE

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CHECK NO.

82.28
311

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P.O. BOX 12
WILMINGTON, NC 28304-0011

***** DOLLARS
DATE

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



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WITHIN THE LAST 4 YEARS

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SETTLEMENT STATES



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WAS AFFECTED BY THE SETTLEMENT**

SETTLEMENT INFORMATION HOTLINE: **1-800-876-0433**



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Benefits for Veterans & Surviving Spouses

The Non – Service Connected Disability Pension

Presented by
Joe Advocate

Your Local
Volunteer Veteran Advocate



11 CAROL KANE, an individual; and PHILIP
12 KANE, an individual, by and through his
Attorney-in-Fact, Carol Kane,

13 Plaintiffs,

14 v.

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

20 Defendants.
21

Case No.

COMPLAINT FOR:

1. Financial Elder Abuse [Wel. & Inst. Code §15600 *et seq.*]
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.*]
7. Unlawful, Unfair and Deceptive Business Practices [Bus. & Profs. Code §17200 *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

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**

CA SENIOR BILL OF RIGHTS FOR INSURANCE PRODUCTS

“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**

CA SENIOR BILL OF RIGHTS FOR INSURANCE PRODUCTS

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



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))

Civil Court Action

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF SAN FRANCISCO

10
11 ROSEMARIE G. SMITH, an individual,

12 Plaintiff,

13 v.

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

17 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:

1. Financial Elder Abuse
[Wel. & Inst. Code §15600 *et seq.*]
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.*]
6. Unlawful, Unfair and Deceptive
Business Practices [Bus. &
Profs. Code §17200 *et seq.*]
7. Breach of the Statutory Duty of
Good Faith and Fair Dealing
[Ins. Code §785 *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.)

Probate Court Action

7		
8		
9		SUPERIOR COURT OF CALIFORNIA
10		SAN DIEGO COUNTY, PROBATE DIVISION
11	In re:	) Case No.: 1
12		) ROA # 1
13)
14	FAMILY TRUST DATED JANUARY	) PETITION FOR ORDER INVALIDATING
15	5, 2017	) TRUST; FOR ORDER INVALIDATING
16		) POWER OF ATTORNEY; FOR ORDER
17		) INVALIDATING ADVANCED HEALTH
18		) CARE DIRECTIVE; FOR ORDER
19		) INVALIDATING GRANT DEED; FOR A
20		) FINDING OF FINANCIAL ELDER ABUSE
21		) AND PUNITIVE DAMAGES
)
		) [Prob. Code, § 259, § 850 <i>et seq.</i> , § 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 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.

REMEDIES

- 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 unwaivable. (*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

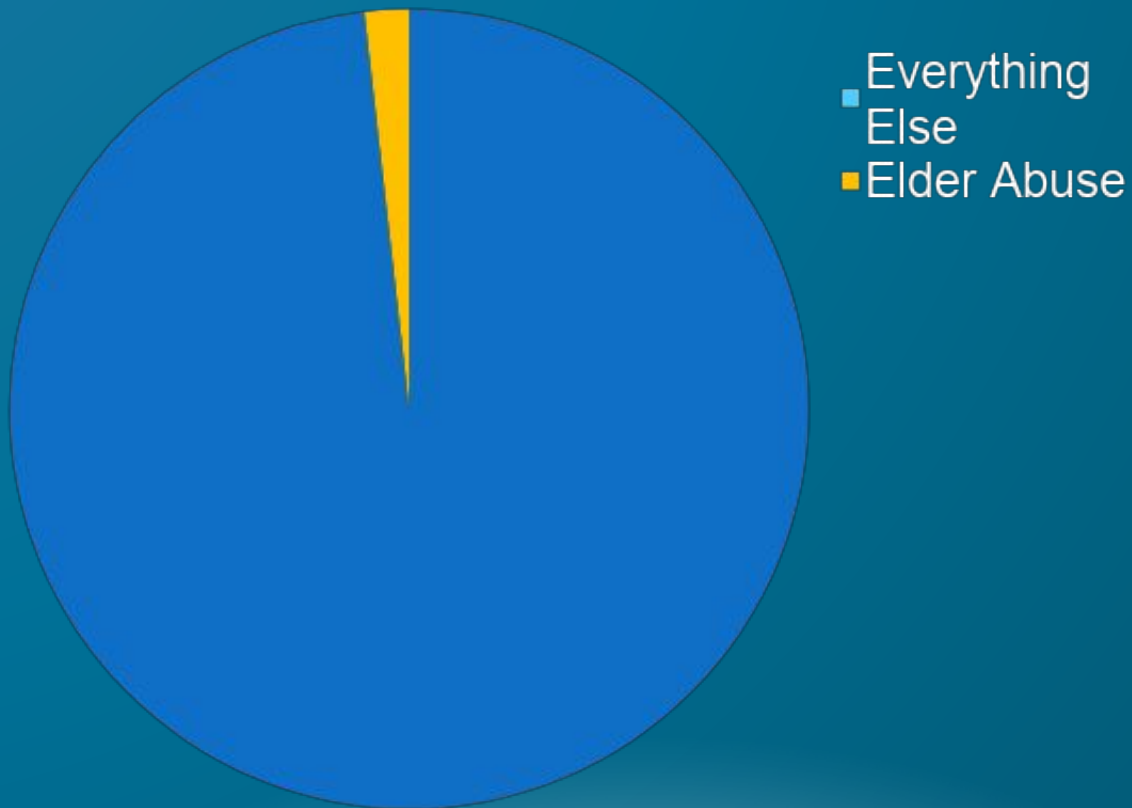
PROPER PLANNING CAN HELP

- 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 as part of your estate plan.

TOO FEW PRACTICE FINANCIAL 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



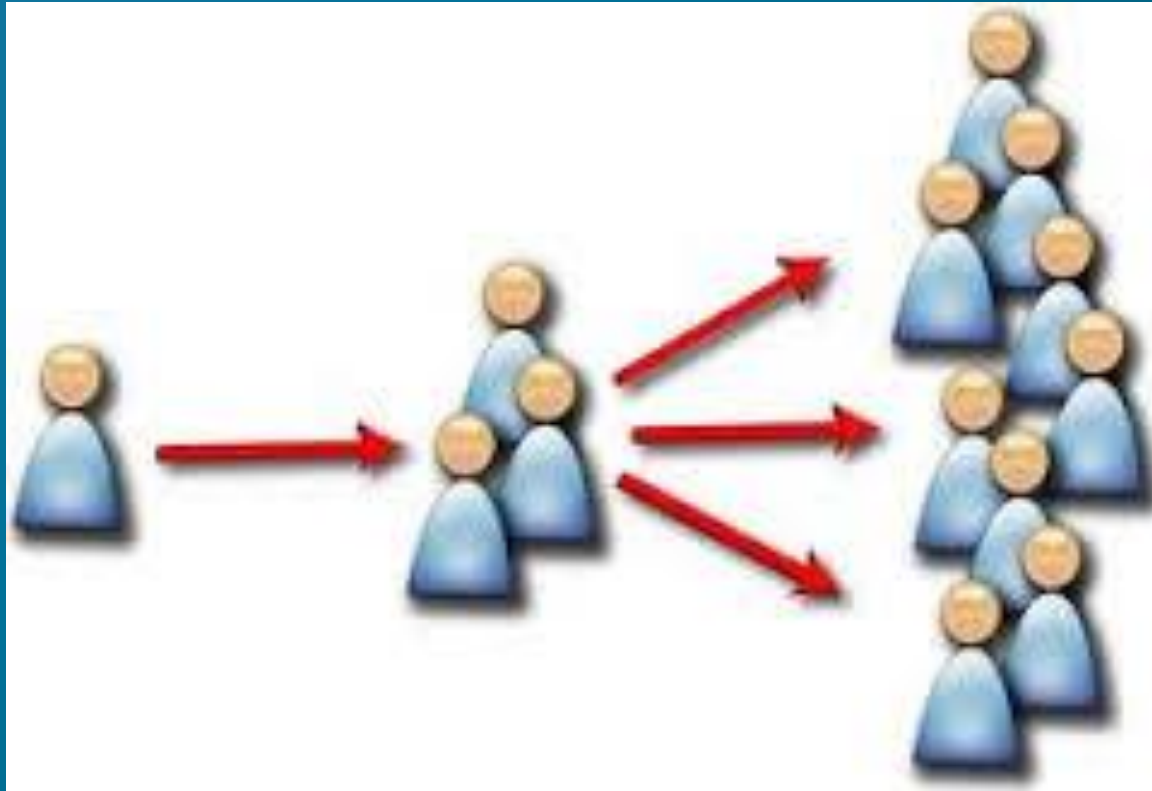
DEFENSE WILL DENY, DEFLECT & COUNTER-ATTACK



A SIMPLE, SMART SOLUTION



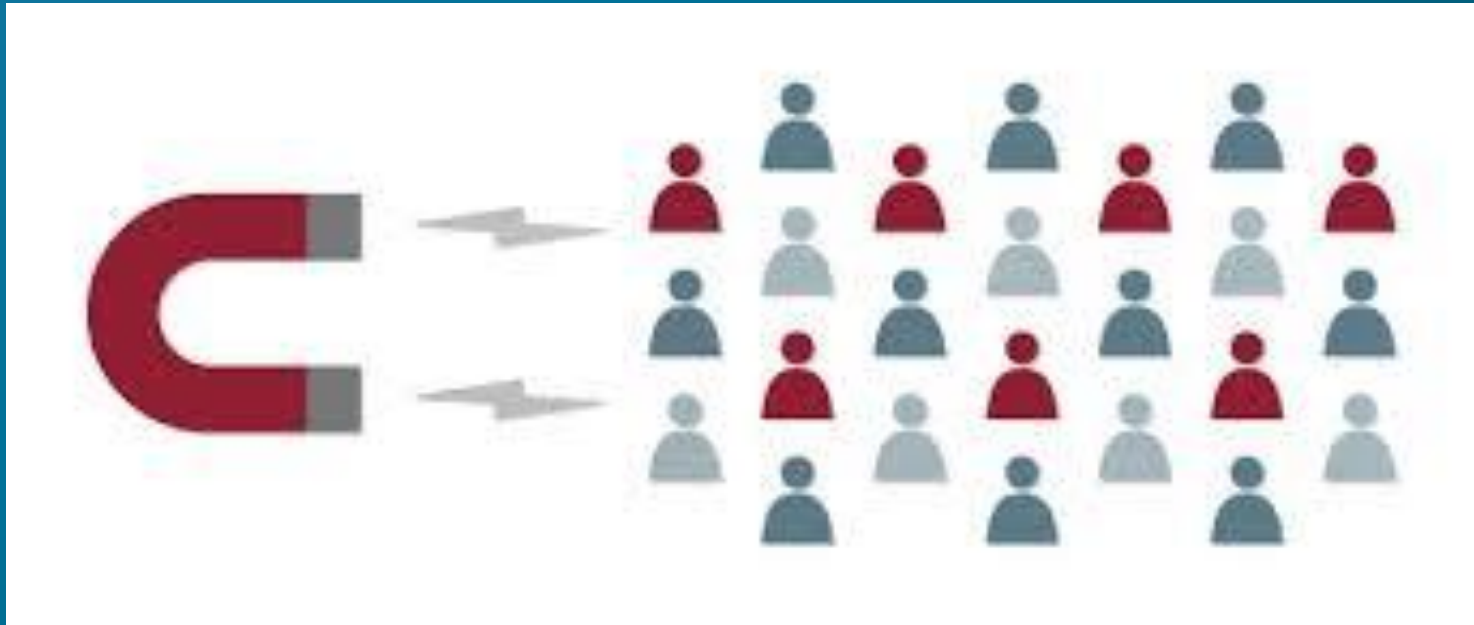
TIMELY, EFFECTIVE LEGAL HELP



REFERRAL & LEGAL SERVICES (MANY OTHERS EXIST)



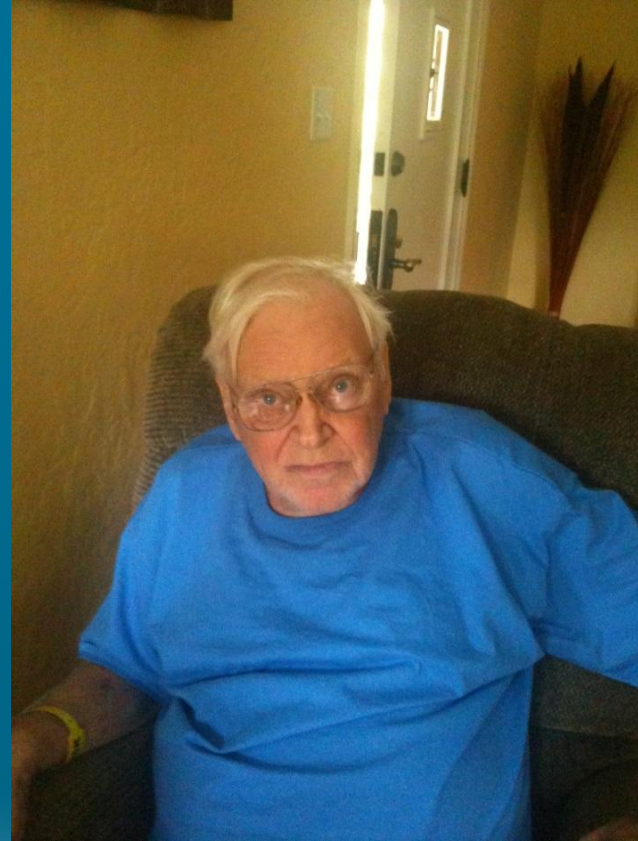
HARD PART DONE FOR YOU: **VETTED, EXPERIENCED,** **SPECIALIZED LAWYERS**



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



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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 AUTHORIZE YOUR AGENT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOU. YOU CAN DESIGNATE AN AGENT TO MAKE HEALTH CARE DECISIONS FOR YOU ON A SEPARATE "ADVANCE"

1. DESIGNATION OF AGENT.

I, MARIE DOROTHY GILL
17245 CALIFA ST
VALLEY VILLAGE CA. 91607

(Insert your name and address)

do hereby appoint

Sandra Smith office

(Other kinds of proof of identity 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 me on the basis 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: _____

Date: _____

Signature: _____

Print Name: _____

Date: _____

Residence Address: _____

17245 CALIFA
VALLEY VILLAGE CA. 91607

Residence Address: _____

CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC
STATE OF CALIFORNIA

ss.

TOLD THEY MUST SELL THEIR CARS TO PAY FOR CARE

IDENTIFICATION NUMBER		YEAR MODEL	MAKE	LICENSE PLATE/CF #	MOTORCYCLE ENGINE #
WVWVH63BX3E145908		2003	VOLK	4ZTD028	
<p>I/We <u>Peter Gille</u> sell, transfer, and deliver the above vehicle</p> <p>(PRINT SELLER'S NAME(S))</p> <p>to <u>Preena Khetarpal</u> on <u>03/30/2010</u> for the amount of <u>\$ 3500.00</u></p> <p>(PRINT BUYER'S NAME(S)) MO DAY YR (SELLING PRICE)</p> <p>If this was a gift, indicate relationship: <u>Friend</u> (e.g., parents, spouse, friend, etc.) \$ <u> </u></p> <p>(GIFT VALUE)</p>					
SELLER					
I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.					
PRINT NAME		SIGNATURE		DATE	DL, ID OR DEALER #
<u>Peter Gille</u>		<u>X</u> <u>[Signature]</u>		<u>3/30/10</u>	<u>P0083190</u>
PRINT NAME		SIGNATURE		DATE	DL, ID OR DEALER #
		<u>X</u>			
MAILING ADDRESS		CITY	STATE	ZIP	DAYTIME PHONE #
<u>P.O. Box</u>					

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!



VERDICT

16 The Court has considered all evidence, has resolved all credibility
17 determinations, and makes the following findings on the causes of action and other
18 issues presented at trial:

19 **Financial elder abuse:** Plaintiffs have established financial elder abuse by
20 Defendant Office in violation Welf. & Inst. Code §15610.30(a): Plaintiffs were over 65 at
21 the time of Defendant's conduct; Defendant obtained Plaintiffs' property for a wrongful
22 use, with the intent to defraud, and by undue influence; Plaintiffs suffered damages; and
23 Defendant's conduct was a substantial factor in causing damages to Plaintiffs. See
24 CACI 3100.

MESSAGE OF...



TOGETHER WE CAN MAKE A DIFFERENCE



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