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1 -Marc B. Hankin, Esq., SBN 09645
Law Offices of Marc B. Hankin, Inc.
P.O. Box 3668
2 [NOT for Mail Exc.Pers.Deliveries: 509 S. Bev. Dr.]
Beverly Hills, CA 90212 Tel. 310-552-3005
3 Fax: 310-382-2416 marc@marchankin.com
-Nisan Steinberg, Esq., SBN 198227
Law Offices of Nisan Steinberg
4 PO Box 35388, Los Angeles, CA 90035
Tel. (310) 866-7817 Fax: (310) 943-3172
5 nisan@nisansteinberg.com

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Superior Court of California
County of Los Angeles

DEC 07 2015

**Sherri R. Carter, Executive Officer/Clerk
By: William Adamo, Deputy**

6 Attorneys for Michelle Frenkel, Petitioner

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

10
11 In Re the Conservatorship of

CASE NO. BP168417

Assigned to the Honorable Judge Clifford L. Klein for all purposes.

12
13
14 Ellen Frenkel

DECLARATION OF CHARLEY VALLINS

DATE: January 11, 2016
TIME: 10:30 am
DEPT: 9

By Fax

15
16
17 Proposed Conservatee.

18
19 I, Charley Vallins, declare:

20 I have been a friend of the Frenkel family for fifty years. I met Ellen through employment in
21 1965 and our relationship over the years has ranged between close friend, pseudo daughter,
22 pseudo sister and confidant. As I attended family functions I learned that I was one of many
23 'adopted' by Ellen and Ervin. I have attended all of the Frenkel family's life cycle events,
24 much as Ellen (and Ervin) attended all of mine and my family's. When I married Ellen stood
25 with me under the Chuppa, much as a mother would. For many years I was closer to her and
26 felt more love from her than I did from my own biological mother. Without Ellen's love,
27 support and influence over the years, my life would have been very different. She is 'Oma' to
28 my children and grandchildren, and with her not being here at present there seems to be a huge

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10
11 In Re the Conservatorship of

CASE NO. BP168417

Assigned to the Honorable Judge Clifford L. Klein for all purposes.

12
13
14 Ellen Frenkel

DECLARATION OF CHARLEY VALLINS

DATE: November 30, 2015
 TIME: 10:30 am
 DEPT: 9

By Fax

15
16
17 Proposed Conservatee.

18
19 I, Charley Vallins, declare:

20 I have been a friend of the Frenkel family for fifty years. I met Ellen through employment in
 21 1965 and our relationship over the years has ranged between close friend, pseudo daughter,
 22 pseudo sister and confidant. As I attended family functions I learned that I was one of many
 23 ‘adopted’ by Ellen and Ervin. I have attended all of the Frenkel family’s life cycle events,
 24 much as Ellen (and Ervin) attended all of mine and my family’s. When I married Ellen stood
 25 with me under the Chuppa, much as a mother would. For many years I was closer to her and
 26 felt more love from her than I did from my own biological mother. Without Ellen’s love,
 27 support and influence over the years, my life would have been very different. She is ‘Oma’ to
 28 my children and grandchildren, and with her not being here at present there seems to be a huge

1 hole in my life. I can't imagine the pain that her granddaughter, Michelle Frenkel ("Michi") is
2 experiencing.

3
4 I have always known Ellen to be of superior intellect, integrity, generosity and behaviour. She
5 has never wanted to be a problem for anyone and was always proudly, and sometimes
6 stubbornly, independent. Ellen's generosity is legendary and I endeavour to emulate her.

7
8 I first noticed Ellen's diminishing cognitive capacity approximately 2011, and later became
9 aware that she was attending a psychiatrist for depression. In approximately 2012/13 Ellen told
10 me she was sometimes lonely, something I never expected to hear her say, and I understand she
11 sought Peter Felder's assistance to secure a placement at Emmy Monash Aged Care
12 facility. She had always said to me she wanted to stay in Deakin Street and then go to Emmy
13 Monash when the time was right. She had also discussed with me at various times over the last
14 ten years that *Warrawee*, where Ervin had resided for many years, was an option she might
15 consider.

16
17 In the early years of our friendship I, and boyfriend Chris would visit several times per week,
18 and also go out with David and his girlfriend. After David and Miriam moved overseas, I
19 became closer to Ellen and Ervin and the status of the relationship changed. As I grew older, it
20 became usual practice for us to attend weekly/fortnightly cinema experiences with a meal or
21 coffee and cake before or after.

22
23 In 2012, I took six months leave for health reasons and to support my mother who had been
24 placed in aged care. Miriam had returned to California and had not arrived back to care for her
25 mother as she had anticipated, so I found my day consisted of mornings with my mother and
26 afternoons with Ellen. I used this time to check she had taken her medication and was
27 attending all scheduled appointments. Although her mobility was compromised we often went
28

1 for coffee and cake and I tried to vary the area so she could see more of Melbourne and how it
2 was developing.

3
4 Once Miriam returned, my visits became less frequent. I found that almost everything I did
5 for/with Ellen was wrong according to Miriam and I was also concerned with inconsistencies in
6 her care of Ellen. Miriam would say one thing this week and something very different the
7 following week, for example, that Ellen was diabetic, was lactose intolerant, could not eat
8 certain foods due to a diverticular condition, which was however contrary to information
9 available on the relevant website. I found I could not maintain my close friendship with Ellen
10 because Miriam just took over the conversations and seemed to disagree with everything I
11 said. I felt my closeness with Ellen slipping away. Miriam did often however invite me along
12 to some theatrical activities and afternoon teas she took Ellen to.

13
14 On the face of it, Miriam appears to provide loving care to her mother, however I have
15 experienced/witnessed many actions/ inconsistencies that appear to be more in line with what
16 Miriam wants/needs, rather than what is the correct thing to do for Ellen's health and
17 wellbeing. For example, Ellen feels the cold and Miriam feels the heat. For example, when I
18 visited on 26 February 2015 at 11am, Ellen was still in bed and the air-conditioning was on in
19 her bedroom, and it was freezing. Ellen was so distressed by the cold she just wanted to remain
20 in bed to stay warm. I have observed so much contrary and incongruous behaviour by Miriam,
21 I have to wonder if she is keeping the house so cold that Ellen stays in bed for much of the
22 day. Miriam has informed me the Alzheimer's is responsible for her mother's fluctuating body
23 temperature. When Ellen is up she is often swathed in multiple mohair blankets to get warm,
24 because Miriam puts the air conditioning on when the temperature reaches approximately 14
25 degrees, and has told me she is comfortable when the temperature is in single digits Celsius. I
26 have often commented to Miriam that Ellen's cotton skivvies are not enough and she needs to
27 wear wool to be warm, however Miriam becomes snappy and says Ellen "... is OK", clearly
28

1 transmitting the impression that she is not to be argued with.

2
3 Over the past few months I have not wanted to spend time with Ellen when Miriam is around
4 because she is not pleasant/courteous company. Superficially Miriam appears to be a good
5 hostess however I am left with the feeling of having been patronised and ‘put-down’.

6
7 Another example, at home Miriam tells visitors to only give Ellen goat’s milk because she is
8 lactose intolerant, however when they are eating out, Miriam always orders a large iced coffee
9 with ice-cream for her mother to consume before the meal. While at home Miriam instructs
10 that Ellen’s (decaffeinated - much to Ellen’s displeasure) coffee be sweetened with Stevia,
11 however I have often observed Miriam to place several very rich and sweet cookies/cakes (e.g.
12 chocolate Florentines) on Ellen’s tray despite the fact that Miriam claims to be ‘watching’ her
13 mother’s sugar intake. When eating out, Miriam always orders a dessert for her mother, such
14 as lemon tart, or lemon meringue pie and cream (her favourite). Miriam is not consistent and
15 seems to be always changing the regime, leaving visitors having to ask her how to make, for
16 example, coffee for Ellen.

17
18 I have been troubled by Miriam’s behaviours in relation to the many instances where Miriam
19 has manipulated the payment of meals/events so that she pays the bill with Ellen’s credit card
20 and then takes the cash from guest diners. In the beginning Miriam often paid for everyone by
21 Ellen’s card, and many of ‘us’ worried that she was being too generous with Ellen’s money. Of
22 course ‘we’ could all see the money that was being spent on the decor and building, household
23 shopping, and entertainment and questioned where it was all coming from.

24
25 Some years ago Ellen said to me, that in relation to money, Miriam was the most extravagant
26 and irresponsible person she knew. This must have taken some courage for her to articulate
27 because in the past she would never say anything disparaging about either of her children -they
28

1 were both golden, precious and almost perfect. Years ago, Ervin expressed his anger to me,
2 saying that Miriam was milking her mother dry and he felt powerless to change it.

3
4 I have observed enough examples of Miriam's contradictory behaviour, to surmise that her
5 actions are aimed at maintaining sole control of her mother, to the exclusion of all others. I
6 believe that entry to the house has been restricted, and grand-daughter Michelle, who has been
7 the light of Ellen's eye for the past forty odd years, is not welcome. I believe that others are
8 also not welcome inside the house, and that a diminishing number of persons are allowed
9 unsupervised contact with Ellen. I no longer know the code for the front door because Miriam
10 has changed it, preventing many friends having 'unauthorised' contact.

11
12 Even in recent months, Ellen was more talkative when Miriam was not around, and would often
13 make a spontaneous remark, about her current situation, or about her life in general. I noticed
14 that when Miriam was present Ellen seemed almost to be 'absent' and would struggle to make
15 conversation.

16
17 I am also disturbed at the dramatic changes to the interior/decor of the house. Due to the
18 removal of carpet and polishing of floor boards, the removal of bookcases, family photos and
19 other memorabilia, the main room of the house presents more like a warehouse than a well-
20 loved and lived-in family home. There is little that Ellen would recognize from her past fifty
21 plus years of family life in the house. I would have imagined that maintaining a familiar home
22 space would be more comforting to a person with Alzheimer's disease/ memory problems.

23
24 I am primarily concerned that if Miriam does take Ellen to California she will have total
25 control, and in addition to the financial issues, Ellen will be so isolated from any other
26 influence and stimuli. In Melbourne she has an extensive group of family members and friends
27 who maintain contact with each other to ensure her needs are met. Ellen is a very much loved
28

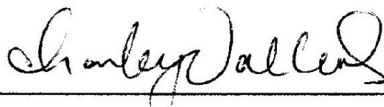
1 person by all who know her and her generosity has touched so many lives over the years. Were
2 she to return to Melbourne 'we' would ensure she had appropriate care, regular visitors and
3 activities to fill her days.

4 Ellen has always wanted to remain in her own home, and always maintained that she did not
5 want to live in the USA, even during the period when Miriam, David and Michi were living
6 there. She often refers to Ervin and how much she still misses him. His 'presence' is in the
7 house and I believe this is a comfort to Ellen. Her physical contact with the graves of her
8 beloved husband, sister and mother is also important to her and I believe help her with context
9 in her life.

10
11 Ellen always had an eye on her financial security and took great pains to save for and arrange
12 an allocated pension that would provide for her into old age. She was never a person to accrue
13 debt and always worried about Miriam's business sense in relation to finances. Ellen would be
14 horrified with the current state of her financial affairs, and of course with the antagonism
15 between her children and grandchildren.

16
17 It is my hope that Ellen can return to her home in Bentleigh until such time it is necessary for
18 her to move to assisted care at Emmy Monash or Warrawee.

19
20 The matters stated in the foregoing document are true of my own knowledge except as to those
21 matters, which are stated on information and belief, and with respect to those matters I believe
22 them to be true. I declare under the penalties of perjury under the laws of the State of
23 California, that the foregoing is true and correct, and that this declaration was executed today,
24 November 26, 2015, at MELBOURNE, Australia.

25
26
27 Signed: 

28 Charley Vallins

PROOF OF SERVICE CCP § 1013(a)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of **Los Angeles**, State of California

I am over the age of 18 and not a party to the within action; my business address is: **Post Office Box 3668, Beverly Hills, California 90212**

On **November 26, 2015**, I served the following document(s) (hereinafter "Documents Served") described as:

- 1) **[Signed] Declaration of Charley Vallins**
- 2)

By: <input checked="" type="checkbox"/> Email shortly after 7:42 AM	<input type="checkbox"/> Facsimile shortly after 7:42 AM	<input type="checkbox"/> Federal Express or equivalent	<input checked="" type="checkbox"/> U.S. Mail	<input type="checkbox"/> Certified, Registered or Return Receipt Requested
<input type="checkbox"/> Personal delivery	<input type="checkbox"/> Personal delivery	<input type="checkbox"/>	<input type="checkbox"/> Fax and Email per stipulation	

By: by placing the original a true copy thereof enclosed in sealed envelopes.

The Documents Served were addressed as stated on the **attached Service List**. as follows:

Miriam Fehring: miriamclaireff@gmail.com	Larry Dushkes, Esq. larry.dushkes@dushkeslaw.com

I deposited such envelope with postage thereon fully prepaid in the mail at **Beverly Hills, California**.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at **Beverly Hills, California** in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

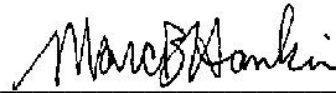
**** (BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the addressee.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this was executed on **November 26, 2015** at **Beverly Hills, California**.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Marc B. Hankin

Type or Print



Signature

*(BY MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)
**(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

LAW OFFICES OF MARC B. HANKIN, INC.
POB 3668, Bev. Hills, CA 90212 || By/Apt/Only/No/Mail 509 S. Beverly Dr., Beverly Hills
TELEPHONE (310) 552-3005 FAX (310) 382-2146