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**CONFORMED COPY
ORIGINAL FILED**
Superior Court of California
County of Los Angeles

NOV 30 2015

**Sherri R. Carter, Executive Officer/Clerk
By: Leticia Gomez, Deputy**

Attorneys for Michelle Frenkel, Petitioner

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

In Re the Conservatorship of

CASE NO. BP168417

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

Ellen Frenkel

**DECLARATION OF MARC B. HANKIN IN
RESPONSE TO PROBATE NOTES AND PVP's
REPORT DATED NOVEMBER 29, 2015**

**DATE: November 30, 2015
TIME: 10:30 AM
DEPT: 9**

Conservatee.

I, Marc B. Hankin, declare:

I am an attorney for the Petitioner herein, Michelle Frenkel. I have attached hereto a copy of the Calendar Notes (Exhibit 1), so that the reviewing Probate Attorney may more easily track my response to each issue. I have attached as Exhibit 2, a copy of the PVP's Report of November 29, 2015 ("the PVP Report"), which the PVP's email indicates he will file today, November 30, 2015.

Petitioner requests that the Court continue, instead of denying, any of Petitioner's requests which the Court does not see fit to grant today. Petitioner has not had a reasonable opportunity to respond to the PVP's Report (apparently received last night at 9:33 PM, but not

1 seen until 9:48 PM).

2
3 Petitioner concurs with the PVP Report's recommendation "c" (page 7 of the PVP
4 Report):

5 "c. A temporary conservatorship is necessary at this time because the proposed
6 conservatee has no ability to attend to her health care needs and is uninsured, and
7 there is no less restrictive alternative.
8

9 Petitioner concurs in part, and OBJECTS in part to the PVP Report's recommendation
10 "d" (page 7 of the PVP Report):

11 "d. In light of the proposed conservatee's uninsured medical status, I recommend
12 that Monique Cain be appointed as her temporary conservator (person only) to
13 [(i)] oversee the proposed conservatee's health care, attempt to obtain medical
14 insurance for the proposed conservatee (or, alternatively, determine if she can be
15 enrolled with Kaiser Permanente), and [(ii)] oversee the proposed conservatee's
16 application for permanent resident status here in the U.S."
17

18 Petitioner agrees with the PVP Report's recommendation that the Temporary
19 Conservator [(i)] "oversee the proposed conservatee's health care, attempt to obtain medical
20 insurance for the proposed conservatee (or, alternatively, determine if she can be enrolled with
21 Kaiser Permanente).
22

23 Petitioner OBJECTS to the PVP Report's recommendation that the Temporary
24 Conservator [(ii)] "oversee the proposed conservatee's application for permanent resident status
25 here in the U.S." The recommendation to prosecute a permanent residency application conveys
26 the ERRONEOUS legal conclusion that this Court may legally treat as binding) on the parties
27 and the Court here in California) the VCAT decision of June 25, 2015 (which found the
28 Temporary Conservatee competent to change her residence to California, despite a May 2014

1 Mini-Mental State Examination rating of 17/30 — severe dementia).

2
3 **Petitioner requests that the Court defer/continue to a future hearing the Court's**
4 **decision on whether to support Miriam's application for permanent residency (for Ellen),**
5 **so that Petitioner may brief the due process-VCAT issue for this Court,** and show that it
6 would be an error as a matter of law for the Court to do that.

7
8 **Petitioner also hereby makes the new request** that the Court instruct Miriam to NOT
9 file any document without attaching a proof of service, showing that she has already served her
10 document on me either by email or by overnight mail. Petitioner makes this new request
11 because:

- 12 1. Petitioner maintains that, in the VCAT proceedings, Miriam employed the same
13 practice she has employed herein, of not promptly serving documents she filed with
14 the tribunal, and contending she was having difficulty serving documents — i.e.,
15 documents which Miriam somehow provided (generally by email) to VCAT without
16 any difficulty.
- 17 2. Miriam did NOT promptly serve me with the documents she filed herein.
- 18 3. Based on Miriam's emails to me, it is unclear whether I did eventually get complete
19 copies of what she filed.
- 20 4. I had a lot of difficulty getting Miriam to send me what she claimed were sort of
21 copies of what she filed.
- 22 5. I did not get any of Miriam's documents until approximately 4:30 pm on Friday
23 November 27, 2015 — and her emails made it unclear to me that what I got is what
24 she filed, or all of what she filed.

25
26
27 **Calendar Item - JTD No. 11**

- 28 1. The calendar notes state: "JTD Authority to execute contingent atty fee agreement. See

1 note N.”

2 a. The Probate Note is mistaken. Petitioner did not request that authority, does not want
3 it, and sees no reason why it should be granted.

4
5
6 **Calendar Item - JTD No. 12**

7 2. The calendar notes state:

8 12. JTD petitioners request for an order pursuant to PC2616 et seq.
9 directing the clerk of the court to issue a citation directing Miriam
10 Fehring [Miriam] to appear in this court on November 30, 2015 and
11 to give any legal reason why Miriam should not be ordered to appear
12 on a subsequent date

13 ___[a] to answer questions under oath pertaining to Miriam’s and
14 other persons’ disposition of the Ellen Frenkels assets since January
15 1, 2011;

16 ___[b] to answer interrogatories which Petitioner shall propose,
17 pursuant to PC 2617, in a supplement to this petition, and

18 ___[c] to produce at that hearing any and all writings or records in
19 Miriams possession or control reflecting or mentioning Ellens assets
20 or any portion thereof thereof, including but not limited to Ellen’s
21 own records, and/or any estate plan documents including but not
22 limited to any durable powers of attorney, advance health care
23 directives, living trusts, testamentary trusts, wills and/or codicils,
24 deeds, checks, and emails and video recordings (e.g., video
25 recordings of Miriam training Ellen to say to mental health experts
26 in Australia and to Australian health care providers that she (Ellen)
27 wanted to move to the USA to live with Miriam), any and all of
28 Ellen’s medical records.

1 a. **Petitioner requests a continuance on JTD 12, so that Petitioner may brief the due**
2 **process-VCAT issue for this Court.**

3 b. The PVP report is MISTAKEN in asserting that “JTDs no. 12 – 19 and 22 – 24 should
4 be denied as either [(i)] an impermissible interference with the temporary conservator’s
5 discretion and authority, [(ii)] an unnecessary and ill-advised attempt to relitigate the
6 proceedings held before and the decision made by VCAT, or both.”

7 c. JTD 12 cannot possibly be “an impermissible interference with the temporary
8 conservator’s discretion and authority”. The PVP’s JTD 12, is a request solely for Probate
9 Discovery. A request for Probate Discovery seeks information only, and does NOT request
10 relief that could interfere (impermissibly or otherwise) with the temporary conservator’s
11 discretion and authority.

12 d. The PVP is MISTAKEN as a matter of law in asserting that JTD 12 is “[(ii)] an
13 unnecessary and ill-advised attempt to relitigate the proceedings held before and the decision
14 made by VCAT”

15 (1) The PVP’s Report conveys the ERRONEOUS legal conclusion that this Court
16 may legally treat as binding) on the parties and the Court here in California) the VCAT decision
17 of June 25, 2015 (which found the Temporary Conservatee competent to change her residence
18 to California, despite a May 2014 Mini-Mental State Examination rating of 17/30 — severe
19 dementia).

20 (2) The decisions made by VCAT are NOT entitled to be treated by this Court as
21 binding authority, inter alia because:

22 (a) They were rendered by a foreign court with respect to which there is no
23 treaty or compact that would justify this Court treating VCAT’s decisions as binding authority;
24 and

25 (b) VCAT’s proceeding was conducted in a manner inconsistent with what
26 California courts consider basic due process rights, and it would be error for this Court to
27 respect those decisions. Petitioner has not had the time to brief this issue, and **requests that the**
28 **Court continue JTD 12 so that Petitioner will have the time to brief this issue for the**

1 **Court.**

2 e. As a matter of law, JTD 12 is NOT “an unnecessary and ill-advised attempt to
3 relitigate the proceedings held before and the decision made by VCAT” inter alia because:

4 (1) Miriam’s financial liability for defalcations was NOT adjudicated by VCAT.
5 VCAT’s decisions did NOT adjudicate Miriam’s liability to the Proposed Conservatee for the
6 defalcations reported by the Victorian State Trustee, nor for other defalcations that the State
7 Trustee’s inadequate investigation did not reveal. Since VCAT rendered NO financial liability
8 decisions, the PVP is mistaken in asserting that Petitioner is re-litigating financial liability
9 decisions. Even if this Court were to respect VCATs decisions, that would NOT justify denying
10 Petitioner the “probate discovery” to which Petitioner has a right under Probate Code §§ 2616
11 and 2617 under the circumstances.

12 (2) It is NECESSARY for Ellen’s welfare that Petitioner relitigate the June 25,
13 2015 VCAT decision which found the Temporary Conservatee competent to change her
14 residence to California, despite a May 2014 Mini-Mental State Examination rating of 17/30 —
15 severe dementia. Petitioner makes three (3) critical contentions: (i) VCAT denied due process
16 to Ellen and to Miriam’s opponents, when VCAT issued its decision of June 25, 2015,
17 (ii) Miriam procured the VCAT decision by committing a fraud on VCAT, and (iii) Ellen’s
18 move to California is producing an ongoing harm to Ellen.

19 (a) Petitioner’s three (3) contentions are at the heart of Petitioner’s assertion
20 that it would be legal error for this Court to respect the VCAT June 25, 2015 ruling.

21 (b) Probate Discovery is favored as a matter of public policy in cases where
22 elder abuse is alleged, so that the Court may be properly informed about this issue. *In re the*
23 *Conservatorship of Kayle* (2005) 134 Cal.App.4th 1, 7.

24
25
26 **Calendar Item - JTD No. 13**

27 3. The calendar notes state: “JTD petitioners request for an order pursuant to PC 2616
28 authorizing Petitioner to videocam the oral examination of Miriam and all attorneys and/or any

1 other persons attending the oral examination to reduce the likelihood of any disputes about
2 disruptive behavior at the examination by any party or the party's attorney;"

3 a. See discussion above re JTD 12. Probate Discovery is favored as a matter of public
4 policy in cases where elder abuse is alleged, so that the Court may be properly informed about
5 this issue. *In re the Conservatorship of Kayle* (2005) 134 Cal.App.4th 1, 7.

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8 **Calendar Item - JTD No. 14**

9 4. The calendar notes state: "14. JTD petitioners request for an order appointing an
10 independent forensic medical expert (IME) to examine Ellen and Ellen's medical records, and
11 to acquire such collateral source information (e.g., oral statements or written statements from
12 health care providers, health care examiners, fiduciaries, caregivers, friends, relatives, etc.) as
13 the IME may deem appropriate, consistent with generally accepted medical protocols for the
14 assessment of a geriatric patient who has dementia, and to render a report to the court"

15 a. A report by an independent forensic medical expert (IME), appointed pursuant to
16 Evidence Code § 730 will ensure that the Court is properly informed about what care is in the
17 Conservatee's best interests.

18 b. The Court should get gero-psychiatric input instead of taking the PVP's position as the
19 gospel.

20 c. A report from an IME, appointed pursuant to Evidence Code § 730, may help the
21 Court in determining whether to respect the June 25, 2015 VCAT finding (that Ellen was
22 competent to decide to move to California, and made that "decision" of her own free will).
23 Petitioner maintains that a qualified IME will inform the Court that the VCAT June 25 2015
24 finding flouts and is inconsistent with modern neurobehavioral science, under the circumstances
25 under which VCAT made the June 25 2015 ruling.

26
27
28 **Calendar Item - JTD No. 15**

1 5. The calendar notes state: “15. JTD petitioners request for an order (i) directing Miriam
2 to allow Ellen to meet with Ellen’s son, David Frenkel and granddaughter Michelle Frenkel,
3 outside of Miriam’s home and outside of the presence of Miriam and/or Miriam’s son or
4 husband, for reasonable visitation as soon as possible ... [with] Monique Cain ... as a monitor
5 of the visit, to ensure that David and Michelle do not harm Ellen”

6 a. There is no factual or legal justification for the PVP’s formulaic objection claiming
7 that Petitioner’s request “is an impermissible interference with the temporary conservator’s
8 discretion and authority, an unnecessary and ill-advised attempt to relitigate the proceedings
9 held before and the decision made by VCAT, or both.”

10 b. **To the contrary**, Petitioner maintains and will produce documents showing that:

11 (1) **VCAT relied upon Miriam’s promises to NOT interfere with visitation** by
12 Ellen’s son, David Frenkel and granddaughter Michelle Frenkel, and others; and

13 (2) Miriam’s insistence on being present during all visits imposes pressure on Ellen
14 which inhibits Ellen’s ability to interact freely with the rest of Ellen’s family and friends. The
15 PVP Report notes (on page 3):

16 “At the end of the interview, Miriam returned and asked her mother where she
17 wanted to live. The proposed conservatee replied, “Wherever you [Miriam] are.”
18 I took that with a large grain of salt as **it appeared to be a programmed**
19 **response.**”

20 (Bolding added for emphasis.)
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1 **Calendar Item - JTD No. 16**

2 6. The calendar notes state:

3 “16. JTD petitioners request for an order authorizing Petitioner and/or whoever is
4 appointed temporary conservator, to request that Ellen’s Australian attorney produce all
5 of Ellen’s financial documents to the PVP attorney, to the temporary conservator, and to
6 the Court’s confidential conservatorship file, for in camera review with counsel, subject
7 to an order pursuant to PC 2586, to not reveal anything to anyone, except as the Court
8 may direct. This would include durable powers of attorney, advance health care
9 directives, living documents, testamentary instruments (i.e., Wills and codicils),
10 regardless whether superseded or revoked or not, and would include any notes, drafts,
11 correspondence, and would include any document acquired directly or indirectly from
12 Ellen. The term document would have the same meaning as the term writing as
13 employed in EC250.”

14 a. There is no factual or legal justification for the PVP’s formulaic objection claiming
15 that Petitioner’s request “is an impermissible interference with the temporary conservator’s
16 discretion and authority, an unnecessary and ill-advised attempt to relitigate the proceedings
17 held before and the decision made by VCAT, or both.”

18 b. Petitioner claims that Miriam tried to get the Conservatee, Ellen, to change her
19 (Ellen’s) will in Australia. There is good reason to investigate the possibility that Miriam
20 succeeded here in the USA.

21 c. The Court should be properly informed about Ellen’s premorbid wishes (i.e., her
22 wishes before the onset of palpable symptoms of dementia + Miriam’s use of undue influence to
23 embezzle over \$125,000 (AUS) from her mother, Ellen.

1 **Calendar Item - JTD No. 17**

2 7. The calendar notes state: “17. JTD petitioners request for an order, inter alia, pursuant to
3 PC 2580 et seq. authorizing the Temporary Conservator to execute a new Will having the
4 same terms as the terms of Ellen’s Will as last amended before the lack of capacity and
5 any exercise of undue influence by Miriam or anyone else.”

6 a. There is no factual or legal justification for the PVP’s formulaic objection claiming
7 that Petitioner’s request “is an impermissible interference with the temporary conservator’s
8 discretion and authority, an unnecessary and ill-advised attempt to relitigate the proceedings
9 held before and the decision made by VCAT, or both.”

10 b. Petitioner claims that Miriam tried to get the Conservatee, Ellen, to change her
11 (Ellen’s) will in Australia. There is good reason to investigate the possibility that Miriam
12 succeeded here in the USA.

13
14
15 **Calendar Item - JTD No. 18**

16 8. The calendar notes state: “18. JTD petitioners request for an order at a hearing after
17 November 30, 2015, inter alia pursuant to PC 1873, ordering that Ellen lacks the capacity to
18 sign a testamentary instrument, and/or to exercise any power of appointment”

19 a. There is no factual or legal justification for the PVP’s formulaic objection claiming
20 that Petitioner’s request “is an impermissible interference with the temporary conservator’s
21 discretion and authority, an unnecessary and ill-advised attempt to relitigate the proceedings
22 held before and the decision made by VCAT, or both.”

23 b. Petitioner claims that Miriam tried to get the Conservatee, Ellen, to change her
24 (Ellen’s) will in Australia. There is good reason to investigate the possibility that Miriam
25 succeeded here in the USA.

1 **Calendar Item - JTD No. 19**

2 9. The calendar notes state: “19. JTD petitioners request for a Temporary Restraining
3 Order TRO prohibiting Miriam Frenkel and/or any person acting in concert with Miriam, from
4 alienating or hypothecating any item of real or personal property (tangible or otherwise) in
5 which Ellen has any interest, and any property which is the fruit (in whole or in part) of
6 property in which Ellen had an interest within the six (6) years preceding the filing of this
7 petition”

8 a. There is no factual or legal justification for the PVP’s formulaic objection claiming
9 that Petitioner’s request “is an impermissible interference with the temporary conservator’s
10 discretion and authority, an unnecessary and ill-advised attempt to relitigate the proceedings
11 held before and the decision made by VCAT, or both.”

12 b.
13
14

15 **Calendar Item - JTD No. 22**

16 10. The calendar notes state: “22. JTD petitioners request for an order determining that Ellen
17 lacked the capacity, and at all times relevant lacked the capacity to move to the United States.”

18 a. Petitioner requests that the Court continue this request to a future hearing so that
19 Petitioner may brief the issue, and produce supporting evidence.
20
21

22 **Calendar Item - JTD No. 23**

23 11. The calendar notes state: “23. JTD petitioners request for an order directing the
24 temporary conservator to make reasonable efforts to keep Ellens family involved in Ellens life
25 to the extent that the Conservator can facilitate the family’s involvement, without violating any
26 fiduciary duties”

27 a. There is no factual or legal justification for the PVP’s formulaic objection claiming
28 that Petitioner’s request “is an impermissible interference with the temporary conservator’s

1 discretion and authority, an unnecessary and ill-advised attempt to relitigate the proceedings
2 held before and the decision made by VCAT, or both.”

3 b. **To the contrary**, Petitioner maintains and will produce documents showing that:

4 (1) **VCAT relied upon Miriam’s promises to NOT interfere with visitation** by
5 Ellen’s son, David Frenkel and granddaughter Michelle Frenkel, and others; and

6 (2) Miriam’s insistence on being present during all visits imposes pressure on Ellen
7 which inhibits Ellen’s ability to interact freely with the rest of Ellen’s family and friends. The
8 PVP Report notes (on page 3):

9 “At the end of the interview, Miriam returned and asked her mother where she
10 wanted to live. The proposed conservatee replied, “Wherever you [Miriam] are.”
11 I took that with a large grain of salt as **it appeared to be a programmed**
12 **response.**”

13 (Bolding added for emphasis.)
14
15
16

17 **Calendar Item - JTD No. 24**

18 12. The calendar notes state: “24. JTD petitioners request for an order directing the
19 temporary and probate conservator to honor the Conservatees wishes unless and to the extent
20 that doing so, in the Conservators opinion, would violate the Conservators fiduciary duties, or
21 be impractical and unduly burdensome for the conservator”

22 a. There is no factual or legal justification for the PVP’s formulaic objection claiming
23 that Petitioner’s request “is an impermissible interference with the temporary conservator’s
24 discretion and authority, an unnecessary and ill-advised attempt to relitigate the proceedings
25 held before and the decision made by VCAT, or both.”

26 b. The Probate Code provides to the contrary:

27 “2113. A conservator shall accommodate the desires of the
28 conservatee, except to the extent that doing so would violate the

conservator's fiduciary duties to the conservatee or impose an unreasonable expense on the conservatorship estate."

Calendar Item - JTD No. 25

13. The calendar notes state: "25. JTD petitioners request for an order instructing the PVP attorney that the PVP attorneys duty to provide effective assistance of counsel in the probate court includes a duty similar to a criminal defense attorneys duty under Penal Code 1367 et seq. (to act in Ellens best interests, and not as a zealous advocate or blind advocate)"

a. The PVP Report asserts that "JTD no. 25 should be denied as an impermissible interference with the PVP attorney's discretion and authority."


b. Petitioner disagrees, but withdraws the request in light of the PVP's forthright report of his observations.

SERVICE: This morning, I sent a copy of this by email to the persons listed in **Exhibit 3**.

VERIFICATION: The facts set forth in this declaration are true of my own personal knowledge (except where otherwise indicated) and if called upon to testify, I could and would testify to the truth of these matters.

I declare under the penalties of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed today, November 30, 2015, at Beverly Hills, California.

Signed: _____



Marc B. Hankin, Esq.

Department LA 9 **Court Convened at:** 10:30 AM 11/30/2015

Honorable Clifford L. Klein
S. McKinney , **Deputy County Clerk** L. Flores , **Deputy Sheriff**
Gloria J. Hall, CSR 4165 , **Reporter**

BP168417 4008 FRENKEL, ELLEN - CONSERVATORSHIP
CONSERVATORSHIP-PERS

APPT. TEMP CONSERVATOR OF P & E

Petitioner(s): FRENKEL, MICHELLE

Attorney(s): HANKIN, MARC B., ESQ.

Continuance Number: **Continuance From:**

Last Date Changed: Wednesday, November 25, 2015 12:53:55 PM

Last Note Changed By: MBUTCHER

To clear probate notes "filed documents" must be submitted to Rm 429, within time frames set forth in Rule 4.4 (b) of LASC Rules. You may contact the Probate Attorney or Probate Examiner whose E-Mail address appears at the end of these notes, subject to compliance with all conditions governing the use of Interactive E-Mail. E-mail Rules are available on the Court's web site at www.LACourt.org.

PRIOR ORDERS: Larry Dushkes apptd PVP atty 11/25/15

SUMMARY Temp petn filed: 11/20/15

Petrn is granddaughter [a resident of Australia] seeking apptmt of herself or in the alternative PPF: Monique Cain [license Ok]

PERSON & ESTATE Widow

OTHER CASES: Australia: VCAT ref #: G71783/03 Admin of estae of Ellen Frenkel; Admin: State Trustee, Ltd [STL]

-Amended consent to act by Monique Cain, PPF filed 11/24/15

-Decl of Michelle Frenkel re Miriam Fehring??s 11/23/15 refusal to allow visit with proposed consee filed 11/24/15

-Decl of Michelle Frenkel correcting errors in temp petn filed 11/24/15

- Decl of Michelle Frenkel re fling fees for 1st amended petn [2 pages] filed 11/24/15

FACTS: Petnr state that she and proposed consee: Mrs. Frenke are residents of Australia [AU]. However, proposed consee is currently situated in the home of her daughter: Miriam Fehring [Miriam] in Topanga, CA and is seeking the appointment of herself or in the alternative PPF: Monique Cain, who was approached by petnr's atty: Marc Hankin, who is asking the Court to make 17 different orders for temporary appointment.

Petrn alleges that Mrs Frenkel was diagnosed with Dementia/Alzheimers type [MMSE 17/30] on 5/26/14 by Dr Glenn Sutcliff of Melbourne, AU. That the Australian State Trustee, Ltd [STL] was been

Exhibit 1, pg. 1

appointed to administrate her estate

Petrn alleges that son: David Frenkel made allegations which prompted a thorough investigation by both the Victoria AU Police Dept and her administrator: State Trustee-petrn has provided a copy of their report dated 2/20/15 which indicates that STL is still in control of Mrs Frenkel's estate there and that POA apptg daughter: Miriam has been revoked due to her bankruptcy in America.

Mrs Frenkel is/had been under guardianship in AU since 2011 [?] and that her daughter Miriam traveled to AU in 2011 to care for Mrs Frenkel but instead she took over her assets, used her POA to obtain credit cards in Mrs Frenkel's name, running up thousands of dollars in debt and moved her to the U.S. in July 2015, where she began isolating Mrs Frenkel from friends and family.

This rpt also indicates that Miriam admitted to using Mrs Frenkel's assets for her own benefit as well as others; that Miriam has still not responded to their request for an explanation of expenditures.

Petrn alleges that **Miriam** has stated that she wants to return to Australia.

MATTERS TO CLEAR:

- A. No ntc/copy to proposed conservatee (5 days personal service)
- B. No ntc/copy of hrg to 5 relatives filed.
- C. STL indicates that proposed consee is recipient of War Widow's Pension. Ntc required? If not why not? File supp
- D. Any POA? If so, not identified in attach 11. Ntc? Declination to act? File supp
- E. No ntc copy to Australian admin: State Trustee Ltd. File supp
- F. Is the Court to consider dispensing with ntc to persons listed in A thru E? If yes, is there a good cause exception to giving 5 days notice? See PC 2250(e) and CRC Title 7 rule 7.1062. Note: a separate application (separate from the petition); a memorandum; a declaration and order is required by CRC Title 7 Rule 1.1062(e)
- G. Has the proposed conservatee expressed a preference concerning the apptmt of a temp consr, including apptmt of petnr? If not, why isn't feasible to ascertain proposed consee's preferences? PC 2250(d)(2). Supp required
- H. Is an order re lacks medical capacity requested? If yes, specific facts necessitating such order(s) must be stated - And, if yes, will temp consr have auth to give consent for medical treatment as provided in PC 2354 (emergency treatment)? Or PC 2355 (general authority)? If PC 2355 authority granted, the Crt will not authorize the temp consr to make health care decisions as provided in PC 4617(c) without specific prior court order
- I. No Cap decl filed re: able/unable to attend hrg; lacks medical capacity [PC 1890(c)]; has dementia & needs or would benefit from dementia medications [PC 2356.5 (c) (3)]
- J. Petnr alleges that value of estate is unknown. What efforts to determine? File supp
- K. Does \$10,000 bond request include a reasonable amount for the cost of recovery to collect on the bond, including attys fees and costs? CRC Title 7 Rule 7.207(c) includes the formula to be used when calculating the additional bond amount. See PC2320 (c)(4). Supp required
- L. Petnr does not include copy of Australian Order & ltrs appointing guardian [or its equivalent]. File supp
- M. Is petnr requesting that proposed consee be returned to Australia? File supp
- N. Should petnr request authority to execute contingent fee agreement for outside litigation? If so, copy of proposed atty fee agreement required
- O. No PVP atty report filed

MATTERS TO CLEAR RE PPF PETNR:

- O. Petn must include the proposed consr's proposed hourly fee schedule or another statement of his or her

proposed compensation from the estate of the proposed consee for services performed as a consr. [PC 1821(c)(1)]

RELIEF:

1. JTD temp consee lacks a capacity to give informed consent to medical treatment?
2. JTD (if consee lacks capacity to consent to medical treatment) PC 2354 powers to be granted (emergency) or PC 2355 powers (general)? If PC 2355 powers granted, temp consr does not have to make health care decisions set forth in PC 4617(c) without specific prior court order
3. JTD court to accept PVP atty report in lieu of court investigator's report
4. JTD is there good cause to waive notice? ☐ proposed conservatee; ☐ spouse/registered domestic partner; ☐ relatives
5. JTD if the proposed conservatee was not present at the hearing because
☐ The proposed conservatee reported to the PVP attorney that she is not willing to attend the hearing
☐ The proposed conservatee does not wish to contest the establishment of the temporary conservatorship
☐ The proposed conservatee does not object to the proposed temp conservator or does not prefer that another person act as temp conservator
6. JTD the proposed conservatee was not present at the hearing and the court finds that holding the hearing in the absence of the proposed conservatee is necessary to protect the conservatee from substantial harm
7. JTD if notice in note B were not given, should crt order copy of the order appointing Temporary Conservator served on rels and file proof of service with the court?
8. JTD apptmt
9. JTD Conservatee has dementia and lacks capacity to give informed medical consent for dementia medications and the conservator is granted authority to authorize the administration of medications appropriate for the care and treatment of dementia. No Capacity Decl filed. No PVP rpt filed. See notes I and O
10. JTD \$10,000 bond request. Appears insufficient. Unable to determine until notes J and K are cleared.
11. JTD Authority to execute contingent atty fee agreement. See note N.
12. JTD petitioners request for an order pursuant to PC2616 et seq. directing the clerk of the court to issue a citation directing Miriam Fehring [Miriam] to appear in this court on November 30, 2015 and to give any legal reason why Miriam should not be ordered to appear on a subsequent date
☐ [a] to answer questions under oath pertaining to Miriam's and other persons' disposition of the Ellen Frenkels assets since January 1, 2011;
☐ [b] to answer interrogatories which Petitioner shall propose, pursuant to PC 2617, in a supplement to this petition, and
☐ [c] to produce at that hearing any and all writings or records in Miriam's possession or control reflecting or mentioning Ellen's assets or any portion thereof thereof, including but not limited to Ellen's own records, and/or any estate plan documents including but not limited to any durable powers of attorney, advance health care directives, living trusts, testamentary trusts, wills and/or codicils, deeds, checks, and emails and video recordings (e.g., video recordings of Miriam training Ellen to say to mental health experts in Australia and to Australian health care providers that she (Ellen) wanted to move to the USA to live with Miriam), any and all of Ellen's medical records.
13. JTD petitioners request for an order pursuant to PC 2616 authorizing Petitioner to videocam the oral examination of Miriam and all attorneys and/or any other persons attending the oral examination to reduce the likelihood of any disputes about disruptive behavior at the examination by any party or the party's attorney;
14. JTD petitioners request for an order appointing an independent forensic medical expert (IME) to examine Ellen and Ellen's medical records, and to acquire such collateral source information (e.g., oral statements or written statements from health care providers, health care examiners, fiduciaries, caregivers, friends, relatives, etc.) as the IME may deem appropriate, consistent with generally accepted

medical protocols for the assessment of a geriatric patient who has dementia, and to render a report to the court

15. JTD petitioners request for an order (i) directing Miriam to allow Ellen to meet with Ellens son, David Frenkel and granddaughter Michelle Frenkel, outside of Miriams home and outside of the presence of Miriam and/or Miriams son or husband, for a three (3) hour visit as soon, as possible so that Michelle may return home to Australia , and (ii) to appoint Monique Cain (or another professional conservator) as a monitor of the visit, to ensure that David and Michelle do not harm Ellen

16. JTD petitioners request for an order authorizing Petitioner and/or whoever is appointed temporary conservator, to request that Ellens Australian attorney produce all of Ellens financial documents to the PVP attorney, to the temporary conservator, and to the Court's confidential conservatorship file, for in camera review with counsel, subject to an order pursuant to PC 2586, to not reveal anything to anyone, except as the Court may direct. This would include durable powers of attorney, advance health care directives, living documents, testamentary instruments (i.e., Wills and codicils), regardless whether superseded or revoked or not, and would include any notes, drafts, correspondence, and would include any document acquired directly or indirectly from Ellen. The term document would have the same meaning as the term writing as employed in EC250.

17. JTD petitioners request for an order, inter alia, pursuant to PC 2580 et seq. authorizing the Temporary Conservator to execute a new Will having the same terms as the terms of Ellens Will as last amended before the lack of capacity and any exercise of undue influence by Miriam or anyone else.

18. JTD petitioners request for an order at a hearing after November 30, 2015, inter alia pursuant to PC 1873, ordering that Ellen lacks the capacity to sign a testamentary instrument, and/or to exercise any power of appointment

19. JTD petitioners request for a Temporary Restraining Order TRO prohibiting Miriam Frenkel and/or any person acting in concert with Miriam, from alienating or hypothecating any item of real or personal property (tangible or otherwise) in which Ellen has any interest, and any property which is the fruit (in whole or in part) of property in which Ellen had an interest within the six (6) years preceding the filing of this petition;

20. JTD petitioners request for an order suspending all (durable or non-durable) powers of attorney appointing Miriam, which Miriam may have procured after Australia's Victorian VCAT tribunal issued an order in July 2014 REVOKING the enduring (durable) power of attorney Ellen gave Miriam

21. JTD petitioners request for an order suspending any health care power of attorney (a.k.a. Advance Health Care Directive) which Miriam may have procured appointing Miriam

22. JTD petitioners request for an order determining that Ellen lacked the capacity, and at all times relevant lacked the capacity to move to the United States.

23. JTD petitioners request for an order directing the temporary conservator to make reasonable efforts to keep Ellens family involved in Ellens life to the extent that the Conservator can facilitate the family's involvement, without violating any fiduciary duties

24. JTD petitioners request for an order directing the temporary and probate conservator to honor the Conservatees wishes unless and to the extent that doing so, in the Conservators opinion, would violate the Conservators fiduciary duties, or be impractical and unduly burdensome for the conservator

25. JTD petitioners request for an order instructing the PVP attorney that the PVP attorneys duty to provide effective assistance of counsel in the probate court includes a duty similar to a criminal defense attorneys duty under Penal Code 41367 et seq. (to act in Ellens best interests, and not as a zealous advocate or blind advocate)

Permanent is set for: 1/11/16

COMMENTS: If continued, should court order petnr/atty to give notice together with a copy of the petition to persons identified in notes A thru E who did not receive notice. If PVP counsel did not file a written report, Crt to order the written report filed within 2 court days from today's hearing?

MButcher@lacourt.org
eMB 11/2/15

RECOMMENDED DISPOSITION:

RELATED ITEMS:

Order to be Prepared By Clerk: Attorney:

Larry S. Dushkes (SBN 105629)
DUSHKES LAW CORPORATION
2625 Townsgate Road, Suite 330
Westlake Village, CA 91361
Telephone: 805.267.1202
Facsimile: 805.267.1101

Attorneys for Proposed Conservatee,
Ellen Frenkel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

In re the)	Case No. BP 168417
CONSERVATORSHIP OF THE PERSON)	Report of PVP Attorney
AND ESATE OF ELLEN FRENKEL,)	
Proposed Conservatee)	Date: November 30, 2015
)	Time: 10:30 a.m.
)	Dept: 9

1. Appointment. I was appointed on November 25, 2015 to serve as the PVP attorney for the proposed conservatee, Ellen Frenkel (the "proposed conservatee").

2. Disclosures. I am an active member of the State Bar of California. No disciplinary action against me is now pending and none has ever been filed against me. I have professional liability insurance coverage. I have never represented any party to this proceeding.

3. Background

a. The Other Players

- Michelle Frenkel – The proposed conservatee's adult granddaughter, who is the petitioner herein and one of the two alternate proposed conservators. Michelle is a resident of Australia and lives about a 2-1/2-hour drive away from where the proposed conservatee lived when she was in Australia.

- David Frenkel – The proposed conservatee’s adult son (and Michelle’s father), who lives in Boston, Massachusetts, and whose interests are 100% aligned with Michelle.
- Miriam Fehring – The proposed conservatee’s adult daughter, who lives in Topanga, Los Angeles County. For about three years, until a just a few months ago, Miriam lived with the proposed conservatee in Australia and was her self-appointed caretaker.
- Monique Cain – A professional fiduciary, and the other alternative proposed conservator.

b. The Proposed Conservatee

The proposed conservatee is an 89-year-old female who is currently residing with Miriam. Until very recently, the proposed conservatee was a resident of Australia, living in or around Melbourne since 1939. A few months ago, Miriam brought the proposed conservatee to California to live with her, her husband and their 23-year-old son in Topanga. The proposed conservatee has limited mobility and is dependent on others for all activities of daily living. She is also suffering from moderate to severe Alzheimer’s Disease.

4. Interview of Proposed Conservatee and Miriam

a. Miriam. I met with Miriam and the proposed conservatee at their residence in Topanga on Friday, November 27th. I first met alone with Miriam, who, not unexpectedly, told me a story that was diametrically opposed to that told by Michelle. To make a long story short and to the point, each side (Michelle/David vs. Miriam) is accusing the other of lying, and each side claims to be able to offer the best care for the proposed conservatee.

b. The Proposed Conservatee. I next met with the proposed conservatee semi-alone. I attempted to meet with her alone, but she became agitated in speaking to a stranger without anyone familiar around, so I invited Miriam’s husband back into the room, which calmed the proposed conservatee down considerably. Miriam

1 was not present until the end of the interview. A cup of coffee and a peanut butter
2 sandwich on raisin bread greatly improved the proposed conservatee's memory and
3 ability to converse with me, and I was able to learn the following from my conversation
4 with and observation of the proposed conservatee:

- 5 • She is a poor historian, both long-term and short-term, although she was able to
6 accurately recount her exact date of birth and the country where she was born and
7 raised (Germany). She could not tell me in which country she was presently.
- 8 • She knew the names of her two children (Miriam and David), but only with
9 prompting. Ditto for her granddaughter, Michelle.
- 10 • When I asked the proposed conservatee if she wanted to move back to her home
11 in Australia, but without Miriam, she became visibly agitated and was shaking.
- 12 • When I asked her if she wanted to live with Miriam, she replied yes and calmed
13 down considerably.
- 14 • At the end of the interview, Miriam returned and asked her mother where she
15 wanted to live. The proposed conservatee replied, "Wherever you [Miriam] are." I
16 took that with a large grain of salt as it appeared to be a programmed response.
- 17 • The proposed conservatee appears adequately cared for, fed properly and
18 appropriately groomed and dressed, and her room appears suitable, if a bit
19 cluttered and untidy.

20 **5. Voluminous Documentation and Correspondence.** In the 96 hours
21 since my appointment, I had a lengthy phone conversation with Marc Hankin (Michelle's
22 attorney of record) and a long talk with Miriam. I have also been bombarded with not less
23 than more than 60 e-mails from the parties and their various supporters, together with
24 nearly 1,000 pages of documentation. And counting.

25 **6. Prior Conservatorship Proceedings in Australia**

26 **a. VCAT Proceedings and Decision.** This is not the first go-around
27 for the parties. Back on May 5, 2014, David initiated proceedings vis-à-vis the proposed
28 conservatee with the Victorian Civil and Administrative Rights Tribunal (VCAT) in

1 Melbourne, Australia. Based on my review of the documents, this appears to be in many
2 ways similar to the current proceedings, albeit an administrative, non-judicial, proceeding.
3 On June 25, 2015, VCAT issued a lengthy, thorough and detailed written decision that
4 affirmed its prior order appointing the State Trustees (akin to our Public Guardian) as, in
5 effect, guardian of the estate of the proposed conservatee. No guardian (aka
6 conservator) of the person of the proposed conservatee was appointed, leaving Miriam in
7 de facto control of that aspect of the proposed conservatee's life. Here are some selected
8 tidbits from VCAT's written decision that are relevant to the current proceeding:

- 9 • It was evident to [the VCAT investigator] that, while Mrs. Frenkel was currently
10 comfortable and well cared for in her home with her daughter [Miriam] there, there
11 was a high degree of conflict and hostility associated with financial decisions and
12 future accommodation decisions. She noted that this conflict was causing some
13 limitation in the contact Mrs. Frenkel had with other family members and friends.
14 (Para. 6.)
- 15 • This [Mrs. Frenkel's capacity to make reasonable judgements about her personal
16 circumstances] was the most contentious issue. It is also an issue to which there is
17 no easy answer. In conducting this hearing I have become well aware that
18 Mrs. Frenkel's family hold very different ideas about what is in her best interests,
19 and different views as to the key decision before her, that of whether or not she
20 travels to the USA to live for the time being with her daughter. Much of the medical
21 and psychological evidence went to this question. Indeed much of it was sought
22 specifically as to this question. (Para. 39.)
- 23 • By order dated 6 November 2014, I appointed State Trustees Limited (STL) as
24 administrators. STL submitted a report to the hearing . . . [that] set out steps taken
25 since appointment to make arrangements for appropriate payments for household
26 and other expenses. Mr. Jason Molik, Senior Consultant for STL, said at the
27 hearing . . . that there would be some difficulties in acting as administrator for
28 someone who was not living in Australia, but that these were not insurmountable

1 in this age of electronic banking. Mrs. Frenkel's main asset is in Victoria, she has a
2 regular and ample income from the combination of her Centrelink benefit and her
3 overseas pension, and money could be made available to her according to an
4 agreed budget. Any additional expenditure would be approved by STL on the
5 basis of invoices forwarded to STL before payment was made. Mr. Molik
6 confirmed . . . that the arrangement would work, and that an agreement could be
7 made with [Miriam] about an appropriate regular amount for board, or fortnightly
8 expenses. (Para. 86.)

9 **b. Denial of Rehearing.** VCAT denied David's petition for rehearing by
10 written decision issued on August 15, 2015.

11 **c. Aftermath.** Just prior to August 15th, fearing that VCAT would issue
12 a restraining order preventing her from moving the proposed conservatee to California,
13 Miriam did just that and moved back home to Topanga, taking her mother with her.

14 Miriam and the proposed conservatee continue to receive a monthly stipend from the
15 State Trustees of about \$2,100 - \$2,200 (U.S.) per month, depending on the exchange
16 rate with the Australian dollar.

17 **7. Proposed Conservatee's Attendance at Hearing.** It is unclear if the
18 proposed conservatee desires to attend the hearing. I asked Miriam to bring her mother
19 to the hearing, if at all possible. Nonetheless, if the proposed conservatee is not present,
20 then her appearance should be waived.

21 **8. Overview and Basis for Recommendation**

22 **a.** The proposed conservatee's finances and assets are under the
23 control of the State Trustee in Australia,¹ and will remain so for two more years. (The
24 order appointing the State Trustee will expire on November 5, 2017.) Having the State
25 Trustee control the proposed conservatee's finances is a good thing, as it is fairly clear
26 that Miriam took some \$125,000 (AUS) from her mother during the three years they were

27 ¹ Attached hereto as **Exhibit A** is a copy of the State Trustee's annual report for the
28 fiscal year ended November 5, 2015.

1 living together in Melbourne, which including a significant period of time after the
2 proposed conservatee's initial dementia/Alzheimer's diagnosis.

3 **b.** Miriam receives a monthly stipend and can, and does, submit
4 invoices for extraordinary expenditures to the State Trustee for approval and payment. In
5 fact, the State Trustee has declined to pay some of the invoices that Miriam submitted,
6 much to her chagrin.

7 **c.** When VCAT's order appointing the State Trustee as, in effect,
8 conservator of the proposed conservatee's estate expires in November 2017, Michelle
9 and David are free to re-file a conservatorship petition with this Court, if they wish to
10 continue to restrict Miriam's access to the proposed conservatee's funds.

11 **d.** The proposed conservatee can communicate a little bit verbally, but
12 understands little of what is said to her. She also has significant impairment to her
13 memory, both long-term and short-term.

14 **e.** The proposed conservatee is unable to function without assistance,
15 has lost most of her mobility and needs assistance with all activities of daily living. She
16 has absolutely no ability to make any medical or financial decisions for herself.

17 **f.** The proposed conservatee has no understanding of the proposed
18 conservatorship and is incapable of either approving or opposing it.

19 **g.** The proposed conservatee has no Advance Health Care Directive in
20 place,² no medical insurance and no one with the authority to make medical decisions for
21 her. According to Miriam, all this will change when the proposed conservatee's
22 immigration application is approved "in a few months." At that time, according to Miriam,
23 she will be able to enroll the proposed conservatee with Kaiser Permanente. In the
24 meantime, the proposed conservatee has had several emergency room visits and at least
25 one several-day hospital stay.

26 ///

27 _____
28 ² The proposed conservatee executed an Advance Directive on August 31, 2001, but it is
in the nature of a POLST, and does not name a health care agent.

1 **h.** Whatever else may happen, there is no reason to appoint Michelle
2 as the proposed conservatee's conservator. She has a husband and young child in
3 Australia and has returned there. It would be nigh impossible for Michelle to take care of
4 her grandmother from the other side of the International Date Line.

5 **i.** The proposed conservatee is not a citizen of the United States and
6 thus the issue of her ability to complete an affidavit of voter registration with assistance is
7 moot.

8 **7. Conclusion and Recommendations**

9 **a.** Although she is capable of attending the hearing, and I have
10 requested Miriam to bring her mother to the hearing, the proposed conservatee's
11 appearance at the hearing should be waived.

12 **b.** The proposed conservatee is unable to approve or oppose the
13 petition.

14 **c.** A temporary conservatorship is necessary at this time because the
15 proposed conservatee has no ability to attend to her health care needs and is uninsured,
16 and there is no less restrictive alternative.

17 **d.** In light of the proposed conservatee's uninsured medical status, I
18 recommend that Monique Cain be appointed as her temporary conservator (person only)
19 to oversee the proposed conservatee's health care, attempt to obtain medical insurance
20 for the proposed conservatee (or, alternatively, determine if she can be enrolled with
21 Kaiser Permanente), and oversee the proposed conservatee's application for permanent
22 resident status here in the U.S.³

23 **e.** The petition to appoint a temporary conservator of the proposed
24 conservatee's estate should be dismissed without prejudice.

25 **f.** JTDs no. 10 and 11 should be denied as moot if only a
26 conservatorship of the person is ordered.

27 _____
28 ³ I have worked with Ms. Cain in the past and find her suitable and qualified.

1 **g.** JTDs no. 12 – 19 and 22 – 24 should be denied as either an
2 impermissible interference with the temporary conservator’s discretion and authority, an
3 unnecessary and ill-advised attempt to relitigate the proceedings held before and the
4 decision made by VCAT, or both.

5 **h.** JTD no. 25 should be denied as an impermissible interference with
6 the PVP attorney’s discretion and authority.

7 **8. Request for PVP Fees and Discharge**

8 I am neither requesting PVP fees nor a discharge at this time.

9
10 Dated: November 29, 2015

DUSHKES LAW CORPORATION

11
12
13 By: /s/ Larry S. Dushkes
Larry S. Dushkes, Esq.

14 Attorneys for Proposed Conservatee,
15 Ellen Frenkel
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Executed this 29th day of November, 2015, at Westlake Village, California.

LARRY S. DUSHKES

EXHIBIT A

Mrs Ellen Frenkel
179 Comanche
TOPANGA CALIFORNIA 90290 UNITED STATES

OUR REFERENCE
4709047-521-STRAUD

YOUR REFERENCE
CONTACT
David Straughair

TELEPHONE
9667 6444

DATE
6 November 2015

Dear Mrs Frenkel

We are pleased to enclose a financial statement that discloses the income and expenditure on this account between 06/11/2014 and 05/11/2015.

The first page of the enclosed statement details assets and shows the closing balance of the common fund account(s). The remaining pages detail the receipts and expenses during this period.

Statement Overview (from 06/11/2014 to 05/11/2015)

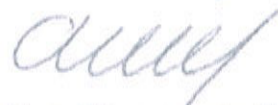
Plus total income	\$130,156.03
Minus total expenditure	\$79,890.51
Closing balance of the common fund	\$50,265.52

Interest is calculated daily on the total balance of common fund accounts and is credited monthly.

Need assistance?

If you have any questions or would like more information, please call (03) 9667 6444 between 8:30 am and 5:00 pm, Monday to Friday. Alternatively, you can email us at pfaexternal@statetrustees.com.au

Yours sincerely



Nes Aliu on behalf of
David Straughair

Personal Financial Consultant

To obtain a copy of State Trustees' Privacy Policy Statement please contact us on (03) 9667 6444 or view the Statement on our website at www.statetrustees.com.au

Ellen Frenkel (Plenary) - 4709047
Asset and Liability Statement as at 5 November 2015

DETAILS	VALUATION DATE	UNITS	LIABILITIES	ASSETS	BALANCE
INTEREST BEARING HOLDING					
Bank Account Holding					
WBC 033-034 **5528				26.85	
	22-DEC-14				
WBC 033-034 **0379				1,000.00	
	07-AUG-15				
WBC 733-126 **9242				512.50	
	22-DEC-14				
WBC 733-305 **8707				50.00	1,589.35
	03-FEB-15				
PERSONALTY					
Furniture and Effects Holding					
F/E @ 47 Deakin St BENTLEIGH EAST VIC 3165				5,719.00	5,719.00
	20-JUL-15				
Motor Vehicle Holding					
2006 Mazda 2 Hatchback reg. UMK219				3,000.00	3,000.00
	22-JUL-15				
REALTY					
House and Land Holding					
47 Deakin St BENTLEIGH EAST VIC 3165				705,000.00	705,000.00
	10-DEC-14				
STATE TRUSTEES - COMMON FUNDS					
Cash Common Fund Total					
Common Fund				50,265.52	50,265.52
	05-NOV-15				
Totals			\$0.00	\$765,573.87	\$765,573.87

Ellen Frenkel (Plenary) - 4709047
Statement of Account for the period 06 November 2014 to 05 November 2015

DETAILS	DEBITS	CREDITS	BALANCE
RECEIPTS			
Interest On Common Fund No 2		372.78	372.78
Income From Real Estate		5,214.00	5,214.00
Annuity / Allocated Pension		24,134.61	24,134.61
Pension - Department Veteran's Affairs		19,655.53	19,655.53
Totals		\$49,376.92	\$49,376.92
CAPITAL RECEIPTS			
Refund of Overpaid Account		894.17	894.17
Bank Accounts (Cheque & Savings etc.)			
WBC 733-305 **8707			
09/02/15		3,191.61	
WBC 033-034 **0379			
24/02/15		10,000.00	
28/04/15		10,000.00	
14/08/15		56,693.33	79,884.94
Totals		\$130,156.03	\$130,156.03
EXPENSES			
Insurance - Motor Vehicle	912.57		912.57
Repairs And Maintenance - Motor Vehicle	983.95		983.95
Running Costs - Motor Vehicle	206.65		206.65
Accountancy Fees	1,500.00		1,500.00
Bank Fees	48.00		48.00
VCAT Annual Administration Fee	122.40		122.40
State Trustees Income Commission	2,372.92		2,372.92
State Trustees Capital Commission	4,038.96		4,038.96
State Trustees Management Fee	151.01		151.01
Legal Fees - External	6,249.61		6,249.61
Attendant Care Fees	207.20		207.20

Ellen Frenkel (Plenary) - 4709047
Statement of Account for the period 06 November 2014 to 05 November 2015

DETAILS	DEBITS	CREDITS	BALANCE
EXPENSES			
Chemist (Medical)	2,264.97		2,264.97
Mobility Aides & Equipment	857.78		857.78
Podiatry	79.95		79.95
Hospital Fees	3,566.43		3,566.43
Medical Fees - Deductable	350.37		350.37
Medical Fees - Non Deductable	787.00		787.00
Board & Lodging Fees	2,308.00		2,308.00
Holiday/Travel Expenses	15,609.53		15,609.53
Living Expenses	22,500.00		22,500.00
Home Help/Meals On Wheels Expenses	1,590.50		1,590.50
Home Help	54.90		54.90
Meals on Wheels	229.10		229.10
Meals	600.60		600.60
Insurance - Contents	429.79		429.79
Reimbursement Of Expenses	153.86		153.86
Infringement Notices	28.14		28.14
Agents Commission On Income	344.13		344.13
Council Rates	1,125.95		1,125.95
Letting Fees	440.00		440.00
Building & Contents Insurance	407.59		407.59
Property Repairs/Maintenance	3,322.35		3,322.35
Solicitors Fees & Expenses	1,162.00		1,162.00
Rubbish Removal	1,220.10		1,220.10
Cleaning Expenses	165.00		165.00
Gardening	400.00		400.00
Sundries Taken By Agent	15.60		15.60
Title Search Fees	72.10		72.10

Exhibit 2, pg. 14

Ellen Frenkel (Plenary) - 4709047
Statement of Account for the period 06 November 2014 to 05 November 2015

DETAILS	DEBITS	CREDITS	BALANCE
EXPENSES			
Valuation Fees	823.75		823.75
Water And Sewerage Rates	596.00		596.00
Electricity Expenses	452.28		452.28
Gas Expenses	111.55		111.55
Telephone Expenses	315.61		315.61
Delivery Charges	56.05		56.05
GST Expense on STL Fees	656.26		656.26
Totals	\$79,890.51	\$130,156.03	\$50,265.52

Exhibit 3 – Persons Entitled To Notice (Service List)

Proposed Conservatee:

Ellen Frenkel, 47 Deakin Street, East Bentleigh Vic 3165 Australia
Currently located at in Miriam's home: 179 Comanche, Topanga, CA 90290

Children:

David Immanuel Frenkel, 155 Grapevine Road Wenham MA 01984
Email: dfrenkel@changecatalyst.com
Miriam Erica Claire Frenkel-Fehring; **Aka** Miriam Claire; **Aka** Miriam Stuart;
Aka Miriam Stewart; **Aka** Miriam Frenkel; 179 Comanche, Topanga, CA 90290
Email: miriamclaireff@gmail.com

Grandchildren:

Michelle Lisa Frenkel, 75 Waranga Drive Kialla Vic 3631 Australia
Email: michelle_frenkel@yahoo.com
Benjamin Adam Frenkel, 550 Moreland Way #4316, Santa Clara, CA 95054
Email: benjamin.frenkel@gmail.com
Ruth Ann Frenkel, 8 Vernon Street Apt 4, Waltham MA 02453
Email: r.a.frenkel@gmail.com
Lucas Henry Julius Fehring, 179 Comanche, Topanga, CA 90290
Email: percussionmaster66@yahoo.com

Enduring (Durable) Power of Attorney Agents:

David Frenkel (see above)
Peter Felder, 10 Fairview Avenue, Wheeler's Hill, Victoria 3150, Australia
Email: peter@felder.com.au

Victorian State Trustee, Ltd.

David Straughair
Personal Financial Consultant
State Trustees Limited
1 McNab Avenue
Footscray VIC 3011
Email: david.straughair@statetrustees.com.au

PVP Attorney:

Larry S. Dushkes, Esq.
Dushkes Law Corporation
2625 Townsgate Road, Suite 330
Westlake Village, California 91361
Telephone: 805 267 1202
Facsimile: 805 267 1101
E-Mail: larry.dushkes@dushkeslaw.com

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Exhibit 3