

417 pages of hooley - many trees died needlessly.

FILED N  
AUG 11 2022 P.

1 Chris Johnson Hamer (SBN 105752)  
2 STOKES, HAMER, KIRK & EADS, LLP  
3 381 Bayside Road, Suite A  
4 Arcata, CA 95521  
5 E-mail: chris@shkklaw.com  
6 Tel: (707) 822-1771  
7 Fax: (707) 822-1901

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT

They attached no proof of anything (as is their standard practice) - simply printed up our website and attached it in order to make it appear the complaint had substance. After an entire year of never objecting before the court to the repeated references to their fraudulent documentation submitted under penalty of perjury. ..

5 Attorneys for Royce Mendonca,  
6 Conservator of the Person and  
7 Estate of Barbara Lynn Keller

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF HUMBOLDT

10 In re the Conservatorship of ) CASE NO. PR2100162  
11 the Estate of: )  
12 BARBARA LYNN KELLER ) PETITION FOR PRELIMINARY  
13 ) INJUNCTION AND PERMANENT  
14 ) INJUNCTION, RESTRAINING SHARON  
15 ) WOLFF AND STEVE WOLFF FROM  
16 ) LIBEL, SLANDER AND HARASSMENT  
 ) OF CONSERVATOR AND HIS ATTORNEY  
 )  
 ) DATE: SEPTEMBER 1, 2022  
 ) TIME: 2:15 P.M.  
 ) COURTROOM: 6

17 ROYCE MENDONCA, the Conservator the Person and Estate of  
18 BARBARA LYNN KELLER, hereby petitions the Court for an order:  
19 (1) Restraining SHARON WOLFF, daughter of BARBARA LYNN KELLER,  
20 the Conservatee ("BARBARA"), and stepdaughter of RONALD KELLER,  
21 BARBARA's husband ("RON"), also a Conservatee, and STEVE WOLFF  
22 ("STEVE"), SHARON WOLFF's husband, from publishing or otherwise  
23 disseminating false and derogatory statements, articles, letters  
24 or pictures in writing or orally, concerning ROYCE MENDONCA or  
25 concerning his attorney, CHRIS JOHNSON HAMER; and (2) ordering  
26 SHARON and STEVE to immediately remove all existing false and  
27 derogatory postings, audio files, articles, statements, letters  
28 and pictures, based upon the following facts:

COPY

- 1           1.     SHARON WOLFF ("SHARON") is the daughter of the  
2 Conservatee, Barbara Lynne Keller, and the stepdaughter of  
3 Barbara's husband, Ronald Keller, also a Conservatee.
- 4           2.     STEVE WOLFF ("STEVE") is SHARON's husband.
- 5           3.     ROYCE MENDONCA ("ROYCE") is the nephew of BARBARA and  
6 RON. ROYCE's mother, Diana Mendonca, is RON's sister and has  
7 been a close friend with BARBARA during the over 25 years that  
8 RON and BARBARA have been married.
- 9           4.     ROYCE and SHARON filed competing Petitions for  
10 Conservatorship of the Persons and Estates of BARBARA and RON.
- 11          5.     SHARON filed Competency Declarations concerning RON  
12 and BARBARA signed by a nurse practitioner, and countersigned by  
13 a licensed physician.
- 14          6.     ROYCE filed Competency Declarations signed only by a  
15 nurse practitioner because he was unable to get RON and BARBARA  
16 to a licensed physician within the time available. As a result,  
17 ROYCE's attorney, Chris Johnson Hamer, stated in documents filed  
18 in support of ROYCE's Petitions for Conservatorship, that  
19 ROYCE's Petitions relied on the competency declarations filed by  
20 SHARON.
- 21          7.     BARBARA and RON both signed documents nominating ROYCE  
22 to be the Conservator of their Persons and Estates.
- 23          8.     *Probate Code Section 1810* provides:
- 24                 **"If the proposed conservatee has sufficient**  
25                 **capacity at the time to form an intelligent**  
26                 **preference, the proposed conservatee may nominate a**  
27                 **conservator in the petition or in a writing signed**  
28                 **either before or after the petition is filed. The**  
                  **court shall appoint the nominee as conservator unless**  
                  **the court finds that the appointment of the nominee is**  
                  **not in the best interest of the proposed conservatee."**



1           9.    An evidentiary hearing occurred on the competing  
2 Petitions for Conservatorship by SHARON and ROYCE on or about  
3 September 30, 2021.

4           10.   RON and BARBARA both appeared and testified at the  
5 evidentiary hearing, that they did not want SHARON to be their  
6 conservator. Both testified that they wanted ROYCE to be their  
7 Conservator.

8           11.   SHARON called Alma Barba, a Social Worker with Adult  
9 Protective Services, as a witness. In response to questioning by  
10 Chris Johnson Hamer, Alma Barba testified that RON and BARBARA  
11 had been desperately trying to get to where ROYCE and Diana  
12 lived, which is in the Sacramento area. Alma told Diana and  
13 Royce to come and get RON and BARBARA, so they did.

14           12.   ROYCE testified at the evidentiary hearing that Alma  
15 Barba had called them to pick up RON and BARBARA He testified  
16 that, after RON and BARBARA had lived at Diana's house for  
17 several months, it was too much for Diana to handle. ROYCE did  
18 not have room in his house for them, with his wife and children.  
19 With RON and BARBARA's agreement, ROYCE put them into an  
20 assisted living facility with a memory care unit, which he paid  
21 for with his own money, since he was not yet appointed  
22 conservator.

23           13.   On December 13, 2021, the Court issued its ruling and  
24 order appointing ROYCE as Conservator of the persons and estates  
25 of both RON and BARBARA. In the Court's ruling and order, the  
26 Court noted that the court investigator had recommended that  
27 SHARON be appointed BARBARA's conservator. The Court stated that  
28 appointing SHARON as Conservator for BARBARA and appointing

1 ROYCE as Conservator for RON would require SHARON and ROYCE to  
2 work together, which was not possible. The Court noted that both  
3 RON and BARBARA had signed written nominations of ROYCE to be  
4 their Conservator. The Court noted that the Court was required  
5 to appoint ROYCE as their conservator because of the  
6 nominations, unless it found it was not in their best interests.  
7 The Court found there was insufficient evidence of undue  
8 influence, that BARBARA and RON unequivocally testified that  
9 they did not want SHARON as their conservator and that they  
10 preferred ROYCE as their conservator. The Court found both RON  
11 and BARBARA both had sufficient capacity to form an intelligent  
12 preference. Hence, the Court ordered that ROYCE be appointed  
13 conservator of the persons and estates of RON and BARBARA. (See  
14 Ruling and Order attached as Exhibit "A".)

15       14. Beginning on or about December 27, 2021 (perhaps  
16 before), and continuing to the present, SHARON and STEVE have  
17 continuously published defamatory and false material concerning  
18 ROYCE and his attorney, Chris Johnson Hamer, in the Rio Del  
19 Times online newspaper they own and run, on John Chiv's blog, to  
20 Assembly Member Jim Wood, to Senator Mike McGuire, in audio  
21 files on KHUM and Rio Del Times Cloudpage, in letters to  
22 candidates for district attorney, to North Coast Journal, the  
23 Times Standard, Redheaded Blackbelt, Lost Coast Outpost, to the  
24 district attorney, to each member of the Humboldt County Board  
25 of Supervisors, to state and federal senators and  
26 representatives, and apparently to many judges as well.

27       15. Since on or about December 27, 2021 and continuing to  
28 the present, both on the website for the Rio Del Times, which is

1 [www.riodeltimes.com](http://www.riodeltimes.com), SHARON WOLFF ("SHARON") and STEVE WOLFF  
2 ("STEVE"), who produce this online newspaper, have posted  
3 thousands of pages of documents, including a large number of  
4 documents filed in this Conservatorship proceeding, with SHARON  
5 or STEVE's added comments making false and derogatory statements  
6 about ROYCE and his attorney, Chris Johnson Hamer.

7       16. Attached as Exhibit "D" is a printout of a listing of  
8 entries on the Rio Del Times website from 12/27/21 (each of  
9 which have links to the documents and audio files they  
10 reference, if the Court goes online), with the entries  
11 concerning the within Conservatorship case and/or ROYCE and/or  
12 Chris Johnson Hamer highlighted in yellow. SHARON and STEVE add  
13 new entries after every hearing, as well as additional  
14 defamatory material between hearings. Online, there are links to  
15 the defamatory letters they have written, to the audio files, to  
16 John Chiv's blog, to all the court documents they have posted  
17 online with their own extra defamatory and false statements  
18 added in red.

19       17. SHARON and STEVE have also created an "audio series"  
20 with ten (10) audio "reports", so far, which were posted on  
21 KHUM's Soundcloud to reach its audience, and also can be heard  
22 on the Rio Del Times website by clicking any of the ten  
23 segments. The posting of these audio files on Rio Del Times  
24 states that STEVE and SHARON will continue to add new segments  
25 to these audio files. The page from the Rio Del Times website  
26 with links to the audio files is attached as Exhibit "B".

27       18. SHARON recently emailed links to STEVE and SHARON's  
28 "audio series" to each member of the Humboldt County Board of

1 Supervisors, to the district attorney, to KMUD, to Redheaded  
2 Blackbelt (an online newspaper), to the Times-Standard, to  
3 various people holding public office, to numerous freelance  
4 reporters and others, as shown in the email attached as Exhibit  
5 "C".

6 19. SHARON and STEVE continuously post documents they have  
7 prepared and filed in Court and other documents filed in court,  
8 with their own commentary added in red, making false and  
9 defamatory statements about ROYCE, Chris Hamer, and the judge  
10 who decided the conservatorship evidentiary hearing against  
11 them. These are all found on the Rio Del Times website.

12 20. Among the false and defamatory statements in their  
13 postings, letters and audio files, are the following, which is  
14 not an all-inclusive list. They make additional defamatory  
15 statements in the thousands of pages and hours of audio which  
16 they have published:

17 a) Chris Hamer and ROYCE kidnapped BARBARA and are  
18 kidnappers;

19 b) ROYCE is a stranger to BARBARA and became her  
20 conservator in order to steal her money;

21 c) Chris Hamer used fraudulent documents to get  
22 conservatorship over BARBARA for ROYCE and her mutual financial  
23 benefit;

24 d) Chris Hamer illegally used altered documents to get  
25 conservatorship over BARBARA for ROYCE for their mutual  
26 financial benefit;

27 e) Chris Hamer and ROYCE are guilty of elder financial  
28 fraud and elder financial abuse.

- 1 f) Chris Hamer is guilty of professional misconduct;  
2 g) Chris Hamer habitually lies;  
3 h) ROYCE illegally placed BARBARA in a care facility;  
4 i) Chris Hamer prays on the vulnerable elderly, the  
5 public should beware of her and of lawyers like her, who are  
6 "the lowest form of human being", and the district attorney  
7 should do something about people like her and ROYCE.  
8 j) Chris Hamer admitted in Court that "they" have blocked  
9 SHARON and her family from contact with Barbara.  
10 k) ROYCE and Chris Hamer took "heirlooms" from the  
11 Kellers' house.

12 21. All the foregoing statements are: "False and  
13 unprivileged publication which exposes ROYCE and Chris Hamer to  
14 hatred, contempt, ridicule, or obloquy, or which have a tendency  
15 to injure them in their occupations" within the meaning of *Civil*  
16 *Code Section 45*, which defines "Libel".

17 22. The true facts are set forth in paragraphs 1 through  
18 13, above, and in the whole Court file, and in the *full*  
19 transcript of the evidentiary hearing. No fraudulent or altered  
20 documents were submitted or formed the basis of appointing ROYCE  
21 conservator. There is no basis for claiming that Chris Hamer  
22 habitually lies or is guilty of professional misconduct. This is  
23 false and defamatory. ROYCE did not illegally place BARBARA in a  
24 care facility. Chris Hamer does not pray on the elderly, etc.  
25 This is false and defamatory. Chris Hamer did not admit in Court  
26 that SHARON and her family were blocked from contact with  
27 BARBARA. She stated that they are allowed contact in the lobby  
28 (which had easy chairs, a couch and a fireplace) or out on the

1 patio. They are just not allowed in BARBARA and RON's bedroom,  
2 by staff of the facility. This is because RON is extremely  
3 frightened of STEVE. It is a lie that ROYCE or Chris Hamer have  
4 taken anything from the Keller house. No one has been in the  
5 house other than SHARON and her family and the real estate  
6 broker, Andy Parker. He has never gotten property for anyone. He  
7 accompanied SHARON during her two visits to the Keller house to  
8 take anything she wanted. The Kellers never had any personal  
9 property of significant value, no "heirlooms".

10 23. SHARON and STEVE's continuous and far-reaching  
11 publication of defamatory written and oral statements about  
12 ROYCE and Chris Hamer are undertaken with malice and oppression,  
13 as they are obviously undertaken because SHARON and STEVE are  
14 angry that ROYCE not SHARON was appointed BARBARA and RON's  
15 conservator, and are intended to "get even" with ROYCE and Chris  
16 Hamer by attempting to ruin their personal and professional  
17 reputations, and to damage them in their respective professions  
18 and careers.

19 24. SHARON has participated, filing numerous papers and  
20 making lengthy argument, in every hearing before the Court, and  
21 she and STEVE have appeared at every hearing before the Court.

22 25. The Court has the power to issue its order restraining  
23 these participating interested parties before it, SHARON and  
24 STEVE, in order to protect the Conservator, ROYCE, and his  
25 attorney, Chris Johnson Hamer, from false, derogatory and  
26 unprivileged publications by SHARON and STEVE which expose ROYCE  
27 and Chris Johnson Hamer to hatred, contempt, ridicule, or  
28 obloquy, or which have a tendency to injure them in their

1 occupations, which are intended to interfere with the  
2 administration of the conservatorships and which are apparently  
3 intended to cause ROYCE and Chris Hamer to give up administering  
4 the conservatorships of BARBARA and RON, and to allow SHARON to  
5 take over as RON and BARBARA's conservator.

6 WHEREFORE, on the basis of the foregoing, ROYCE MENDONCA,  
7 Conservator of the Persons and Estates of Ronald and Barbara  
8 Keller, and his attorney, Chris Johnson Hamer, respectfully  
9 request that the Court issue its Order for SHARON and STEVE to  
10 Show Cause, if any they have, why the Court should not issue the  
11 following orders:

12 1. An order enjoining SHARON and STEVE from publishing in  
13 any manner, whether orally, by letter, by email, by text, by  
14 online posting, or by audio files or articles, any written or  
15 oral statements that are false and derogatory about ROYCE or  
16 Chris Johnson Hamer, (who STEVE and SHARON sometimes refer to as  
17 "Ms. Georgetown Law"), and specifically enjoining them from any  
18 publication of the following false facts:

19 a) ROYCE and/or Chris Johnson Hamer kidnapped BARBARA  
20 and/or RON;

21 b) ROYCE is a stranger to BARBARA and became her  
22 conservator in order to steal her money;

23 c) Chris Hamer used fraudulent documents to get  
24 conservatorship over BARBARA for ROYCE and her mutual financial  
25 benefit;

26 d) Chris Hamer used illegal altered documents to get  
27 conservatorship over BARBARA for ROYCE for their mutual  
28 financial benefit;

- 1 e) Chris Hamer and ROYCE are guilty of elder financial
- 2 fraud and elder financial abuse.
- 3 f) Chris Hamer is guilty of professional misconduct;
- 4 g) Chris Hamer habitually lies;
- 5 h) ROYCE illegally placed BARBARA in a care facility;
- 6 i) Chris Hamer and/or ROYCE pray on the vulnerable
- 7 elderly, that the public should beware of her and lawyers like
- 8 her or people like ROYCE, or that the district attorney, judges,
- 9 board of supervisors or any other branch of government should do
- 10 something about people like her and ROYCE.
- 11 j) Chris Hamer admitted in Court that "they" have blocked
- 12 SHARON and her family from contact with Barbara.
- 13 k) ROYCE and Chris Hamer took "heirlooms" from the
- 14 Kellers' house; or
- 15 l) Any false or defamatory statements about ROYCE or
- 16 Chris Johnson Hamer;
- 17 2. An order that SHARON and STEVE remove and retract any
- 18 publications they have previously made in any manner, whether
- 19 orally, by letter, by email, by text, by online posting, or by
- 20 audio files or articles, any written or oral statements that are
- 21 false and derogatory about ROYCE or Chris Johnson Hamer, (who
- 22 STEVE and SHARON sometimes refer to as "Ms. Georgetown Law"),
- 23 and specifically removing and retracting any publication of the
- 24 following false facts:
- 25 a) ROYCE and/or Chris Johnson Hamer kidnapped BARBARA
- 26 and/or RON;
- 27 b) ROYCE is a stranger to BARBARA and became her
- 28 conservator in order to steal her money;



1 c) Chris Hamer used fraudulent documents to get  
2 conservatorship over BARBARA for ROYCE and her mutual financial  
3 benefit;

4 d) Chris Hamer used illegal altered documents to get  
5 conservatorship over BARBARA for ROYCE for their mutual  
6 financial benefit;

7 e) Chris Hamer and ROYCE are guilty of elder financial  
8 fraud and elder financial abuse.

9 f) Chris Hamer is guilty of professional misconduct;

10 g) Chris Hamer habitually lies;

11 h) ROYCE illegally placed BARBARA in a care facility;

12 i) Chris Hamer and/or ROYCE pray on the vulnerable  
13 elderly, that the public should beware of her and lawyers like  
14 her or people like ROYCE, or that the district attorney, judges,  
15 board of supervisors or any other branch of government should do  
16 something about people like her and ROYCE.

17 j) Chris Hamer admitted in Court that "they" have blocked  
18 SHARON and her family from contact with Barbara.

19 k) ROYCE and Chris Hamer took "heirlooms" from the  
20 Kellers' house; or

21 l) Any false or defamatory statements about ROYCE or  
22 Chris Johnson Hamer; and


23 3. The "retraction" which would be required by the above  
24 Order, will require SHARON and STEVE to immediately publish, to  
25 the same media outlets and persons and in the same manner and  
26 with the same permanency, admissions that all the statements set  
27 forth above are untrue, and which contain apologies to ROYCE and  
28 Chris Hamer; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Why the Court should not order SHARON and STEVE to cease publishing any false or defamatory statements about ROYCE of Chris Johnson Hamer, whether oral or written.

DATE: August 11, 2022

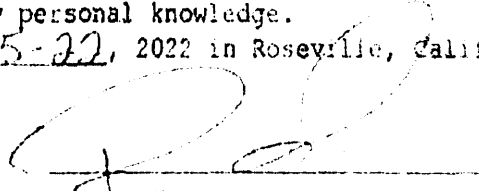
Respectfully submitted,  
STOKES, HAMER, KIRK & EADS, LLP

By:   
Chris Johnson Hamer  
Attorneys for Royce Mendonca,  
as Conservator of the Person and  
Estate of Barbara Lynn Keller

**VERIFICATION**

I, Royce Mendonca, Conservator of the Person and Estate of Barbara Lynn Keller, have read the **PETITION FOR PRELIMINARY INJUNCTION AND PERMANENT INJUNCTION, RESTRAINING SHARON WOLFF AND STEVE WOLFF FROM LIBEL, SLANDER AND HARASSMENT OF CONSERVATOR AND HIS ATTORNEY** and know the contents thereof, and the same is true of my personal knowledge.

Executed on 8-5-22, 2022 in Roseville, California.



ROYCE MENDONCA

PETITION FOR PRELIMINARY INJUNCTION AND PERMANENT INJUNCTION, RESTRAINING SHARON WOLFF AND STEVE WOLFF FROM LIBEL, SLANDER AND HARASSMENT OF CONSERVATOR AND HIS ATTORNEY

EXHIBIT "A"

#4  
Chris Keller

**FILED**

**DEC 13 2021**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

***SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT***

CASE NO. PR2100162

IN RE BARBARA LYNN KELLER

RULING AND ORDER  
APPOINTING CONSERVATOR

\_\_\_\_\_ /

Presently before the court are two competing petitions for appointment of conservator for Barbara Lynn Keller: a petition by Royce Mendonca (Ms. Keller's husband's nephew), and a petition by Sharon Wolff (Ms. Keller's daughter). Objections were also filed to both petitions. Similar competing petitions were filed in Ronald Keller's matter, Humboldt Superior Court case no. PR2100161. Ronald and Barbara Keller are married.

Both petitioners appear to agree that Ms. Keller needs a conservator of her person and of her estate. The probate investigator also recommended appointment of a conservator. From the evidence presented to the court, including but not limited to the testimony at the hearing and the investigator's reports, the court finds that Ms. Keller is unable to properly provide for her personal needs for physical health, food, clothing or shelter, and that Ms. Keller is substantially unable to manage her own financial resources or resist fraud or undue influence. The court finds that appointment of a conservator of Ms. Keller's person and estate is in Ms. Keller's best

1 interests.

2 Which petitioner should be appointed conservator is a more difficult question. After  
3 reviewing all the filings in this matter as well as in Mr. Keller's matter, and considering the  
4 testimony presented at the hearing, the court appoints Mr. Mendonca as the conservator of Ms.  
5 Keller's person and estate, for the following reasons.

6 The probate investigator recommended that Ms. Wolff be appointed conservator for Ms.  
7 Keller's person and estate, in her original report and in her subsequent report. The court is  
8 appointing Mr. Mendonca as Mr. Keller's conservator; appointing Ms. Wolff as conservator for  
9 Ms. Keller would require either that Mr. Mendonca and Ms. Wolff work together to support Ms.  
10 Keller and Mr. Keller as a married couple, or require Ms. Keller and Mr. Keller to live apart and  
11 go their separate ways.

12 Mr. Mendonca and Ms. Wolff are unable to work together. During the hearing, and as  
13 reflected in the papers submitted by the parties, it is apparent that each petitioner undermines the  
14 other, trades insults, and withholds key information from each other. Appointing Mr. Mendonca  
15 for Mr. Keller and Ms. Wolff for Ms. Keller would likely result in more contentious interactions,  
16 high stress for the conservatees, and extensive litigation over instructions, orders, accountings  
17 and the like.

18 Ms. Keller, as did Mr. Keller, signed a written document nominating Mr. Mendonca to be  
19 her conservator. A proposed conservatee may nominate a conservator, either in the petition for  
20 appointment or in a writing signed by the proposed conservatee at a time when she had sufficient  
21 capacity to form an intelligent preference. Prob. C. §1810. The court must appoint the  
22 nominee unless it finds that the appointment is not in the best interests of the proposed  
23 conservatee.

24 Though Ms. Keller may have been influenced by Mr. Keller and by Mr. Keller's sister  
25 when making the nomination of Mr. Mendonca, there was insufficient evidence that any such

1 influence was undue. Though Ms. Keller is clearly suffering from memory loss and some  
2 diminished capacity, it appears to the court that Ms. Keller had sufficient capacity to form an  
3 intelligent preference at the time she signed the nomination. At the hearing, Ms. Keller also  
4 clearly and unequivocally testified that she preferred the appointment of Mr. Mendonca over the  
5 appointment of Ms. Wolff. Ms. Keller also told the probate investigator that she preferred Mr.  
6 Mendonca be appointed conservator.

7       The court finds that Ms. Keller had sufficient capacity to form an intelligent preference  
8 for a conservator at the time she nominated Mr. Mendonca.

9       The court further finds that Mr. Mendonca's appointment is in Ms. Keller's best interest.  
10 According to Alma Barber, a social worker with Adult Protective Services, prior to the  
11 involvement of Mr. Keller's sister and Mr. Mendonca, when Mr. Keller and Ms. Keller were  
12 living close to Ms. Wolff and her family, they stopped accepting assistance from Ms. Wolff and  
13 began trying to sell their house and leave the area. When visited by Ms. Barber, the Kellers had  
14 no food in their house, and Ms. Keller had lost 10 pounds. Ms. Barber testified that Mr. Keller  
15 looked disheveled and was crying frequently. Ms. Barber concluded that both were  
16 decompensating rapidly.

17       In contrast, after Mr. Keller's sister and Mr. Mendonca became involved, both Mr. and  
18 Ms. Keller were placed in an assisted living facility where they both are receiving medical care,  
19 eating well, live in a safe environment, and are generally being well-cared for. At the hearing on  
20 the petitions, the court was able to observe the Kellers as they testified via Zoom, and they both  
21 appeared to be doing well in the assisted living facility.

22       In addition, and as recommended by the probate investigator, Mr. Mendonca is  
23 committed to Mr. and Ms. Keller living together, as long as their medical condition allows it and  
24 as long as there are no concerns regarding physical safety. In contrast, Ms. Wolff did not appear  
25 to be strongly in favor of the Kellers living together, at least not initially.

1           It is also clear from testimony as well as the investigator's reports that Ms. Keller (and  
2 Mr. Keller) are willing to listen to and cooperate with Mr. Mendonca, whereas neither proposed  
3 conservatee seemed willing or able to do so with Ms. Wolff. Ms. Keller not only expressed a  
4 strong preference for the appointment of Mr. Mendonca -- which she has consistently asserted  
5 since the first investigator's report -- but she also strongly expressed her opposition to Ms.  
6 Wolff being appointed.

7           The court gives no weight to Mr. Mendonca's assertions that Ms. Wolff is not qualified  
8 to serve as a conservator of the estate because of her prior bankruptcy or current financial  
9 situation. Those factors do not support a conclusion that Ms. Wolff would embezzle or misuse  
10 the conservatees' financial assets.

11           Similarly, the court does not give any weight to Ms. Wolff's assertions that Mr.  
12 Mendonca was falsifying documents or otherwise not qualified to serve as conservator.

13           Considering the vitriolic accusations made against each other, Ms. Wolff and Mr.  
14 Mendonca are not able to cooperate with each other in making decisions regarding care and  
15 support for Ms. Keller and her husband. Instead, it is likely that each conservator would make  
16 decisions inconsistent with the other's decision, which in turn would not be in the best interests  
17 of the married couple. A likely outcome of having two different conservators is that Mr. Keller  
18 and Ms. Keller may be split up. As the investigator noted, splitting Mr. Keller and Ms. Keller  
19 up may cause their respective conditions to deteriorate more rapidly.

20           The court further concludes that having a different conservator for Mr. Keller and for Ms.  
21 Keller would not be in the conservatees' best interests, but would likely be disastrous.

22           For the foregoing reasons, the court finds that the appointment of Royce Mendonca as  
23 conservator for Ms. Keller's person and estate is in the best interests of Ms. Keller. The court  
24 grants Mr. Mendonca's petition for appointment, and appoints Mr. Mendonca as conservator for  
25 Ms. Keller's person and estate. Except as expressly granted herein, all other requests for relief in



1 this case have been considered and are denied.

2 For the foregoing reasons,

3 **IT IS HEREBY ORDERED THAT:**

4 1. Sharon Wolff's petition for appointment as conservator is denied;

5 2. Royce Mendonca's petition for appointment as conservator of the person and estate of  
6 Ms. Keller is granted, and letters shall issue; and

7 3. The court will set dates for review and accounting, and will notify the parties of those  
8 dates.

9

10 Dated: December 10, 2021

**TIMOTHY A. CANNING**

---

Timothy A. Canning  
Judge of the Superior Court

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

PROOF OF SERVICE BY MAIL

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Courthouse, 825 5<sup>th</sup> St., Eureka, California, 95501; that I served a true copy of the attached RULING AND ORDER APPOINTING CONSERVATOR by placing said copies in the attorney's mail delivery box in the Court Operations Office at Eureka, California on the date indicated below, or by placing said copies in envelope(s) and then placing the envelope(s) for collection and mailing on the date indicated below following our ordinary business practices. I am readily familiar with this business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service at Eureka, California in a sealed envelope with postage prepaid. These copies were addressed to:

Sharon Wolff, 3 Painter St., Rio Dell, CA 95562

Alex Grotewohl, County Counsel, Court Operations Box #39

Chris Hamer, Court Operations Box #4

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on the 13<sup>th</sup> day of December 2021, at the City of Eureka, California.

Kim M. Bartleson, Clerk of the Court

By Andrey  
Deputy Clerk

EXHIBIT “B”

## The Conservatorship of Barbara

Humboldt County Superior Court Case # PR2100162

CONTENT WILL CONTINUE TO BE ADDED - SCROLL DOWN!!

The Conservatorship of Barbara (audio series)	
<u>Eleven</u>	Another family faces the probate court - update from most recent hearing
<u>Ten</u>	The latest court hearing update - fundamental rights for the elderly simply don't exist in Humboldt County
<u>Nine</u>	June is Elder Abuse Awareness month and Barbara has a broken wrist updates from the June probate hearing
<u>Eight</u>	Update from May 12th probate court hearing, long term care ombudsman and more...
<u>Seven</u>	Civil rights vs. wall of silence - candidates for D.A. and Superior Court Judge - which side do you stand on? Who will you protect?
<u>Six</u>	Conservatorships, civil rights and the election for D.A. and Superior Court Judge
<u>Five</u>	Sharon visits Mom and Ron at the care facility after an accidental phone call - will any of the District Attorney candidates address the issues raised?
<u>Four</u>	What state changes are coming and why you should care...
<u>Three</u>	Sharon talks about why we're publicizing this case and why you should care
<u>Two</u>	Sharon discusses her Mom's COVID-19, the lack of notification and what you need to know if you have a loved one in long term care
<u>One</u>	Sharon talks about her Mom, the Humboldt County Superior Court and how to protect your loved ones

[RioDelTimes is available on SoundCloud](#)

7.17.22 Segment Ten is posted above. Listen to the latest court update - it is remarkable! Fundamental rights for the elderly, like the simple right to visit your family with numerous court regulars were in that hearing and heard the exchange. There are obligations to report that come into play for the court staff and attorneys - there are some getting treated like this?

7.15.22 A hearing was held yesterday in Humboldt County Superior Court - come back for the segment which will be posted soon.

Attorney Hamer, Royce Mendonca and The Pines, A Merrill Gardens Community in Rocklin should read the Authority of Conservators and Agents Under Powers of Attorney choosing to repeatedly violate Mom's civil rights (Probate Code 2351) without any consequences (to date).

6.26.22 June is Elder Abuse Awareness month and Barbara has a broken wrist - updates from the June probate hearing Segment Nine

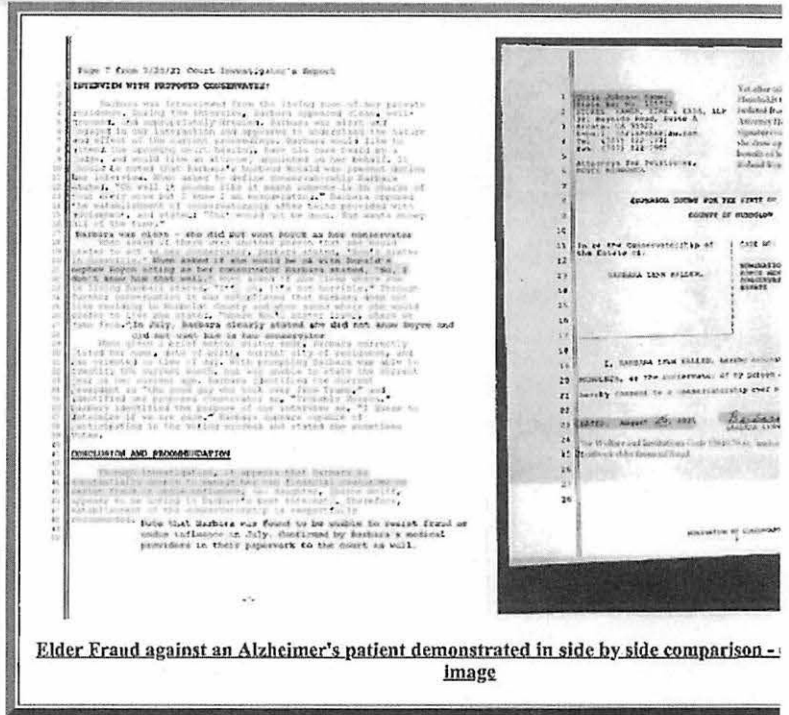
5.16.22 Please be sure to listen to Segment Eight for the latest update on the probate court hearing for Barbara...

4.23.22 The audio segments have been reposted to SoundCloud - you can access them all here... We will be talking about why KMUD News has 'temporarily' taken the site now.

Read the scathing [audit report on State Bar of California's attorney disciplining process](#) - this is why you and your loved ones are easy prey for unscrupulous attorney's, there [Notated transcripts from 9/29/21 'evidentiary hearing'](#) - read it for yourself - you're going to be hearing a LOT more about the issues raised here...

[Notated Evidence Binder that was willfully ignored by Judge Canning and returned unreviewed in the ironically named 'evidentiary hearing'](#) - transcripts coming - Why did we not be allowed to talk about any of the evidence provided so far...like the fraudulent documents created by Attorney Chris Johnson Hamer. We were not allowed to Canning couldn't care less about the civil rights of elderly residents - he never assigned them the legal counsel that was required by law - why?

3.22.22 [Candidates for District Attorney and Superior Court Judge asked to comment on civil rights](#) - responses will be posted



**Elder Fraud against an Alzheimer's patient demonstrated in side by side comparison - Image**

Unfortunately, the Humboldt County Probate Court doesn't care about elder fraud perpetrated by local attorney's which p

Scroll down to see the side by side legitimate GC-335 Capacity Declaration v. the fraudulent one submitted

2.1.22 I wanted to highlight the fact that [Attorney Chris Johnson Hamer proudly boasts of handling probates of decedent's estate and real property](#) - which would most like [PA office and the shopping mall mentality](#), that was on full display by numerous people (worst kept secret in the county) - any connection to an attorney who submits blata want to know!

[Notated 12.13.21 Barbara Keller Conservatorship Ruling and Order with Court Transcripts Attached](#) - this is how your Mom or Dad will be treated by the Humboldt Cour

1/28/22 I called Mom at The Pines, A Merrill Gardens Community today since it is her Great Grandson's 1st birthday - I was told that Mom has COVID-19 and she tested previously unknown nephew of Barbara's 5th husband since he is now the conservator - [and fully responsible for her medical care by the way](#). However, this stranger and know that she was ill - we still don't have details as the facility is only communicating with the previously unknown nephew of Barbara's 5th husband [as he has instructed](#) of good will by the stranger that the Humboldt County Superior Court handed custody and control of my Mom to. Also, she continues to have NO MEDICAL PROVIDER! doesn't care about any of this however.

[Notated Memorandum of Points and Authorities](#) - curious about how the Mendonca's became involved in the first place? Want to see the civil, probate and penal code viol

[Notated GC-310 Original petition narrative and supporting documentation](#) - why was a conservatorship necessary in the first place? Read the wills and the living trust that court ignored

[Notated GC-335 Capacity Declaration - Ronald W. Keller with Nurse Practioner Heather Allen Support Letter Attached](#) - Who altered the Judicial Council form before sub bus and they might want to consult their attorney's...

[Notated 12.10.21 GC-340 Order Appointing Probate Conservator - Barbara L. Keller](#) - the order form was filled out by Attorney Hamer and then submitted to the Judge f

[Elder Financial Fraud Statutes and the Keller's](#) - Also, how do I know the Public Defender was never appointed for the Keller's? Read on

[Notated GC-111 Petition for Appointment of Temporary Conservator - Royce Mendonca](#) (legal name is Roland Royce Mendonca, Jr.) If you're going to create bogus docu

1.7.22 [Cease and Desist Threat Letter from Attorney Hamer](#) - notated (p.s. what are you going to do about it? Steal my Mother???)

[Here are some Wolff family photos with Ron and Barbara that were submitted to the court and were entirely ignored](#) - the baby is Walter - their great grandson

[Notated Minutes from 7/29/21 First Conservatorship Petition Hearing \(hearing continued as court didn't know the Keller's were both present\)](#) - Read the Declaration filed Heights

12.19.21 [Letter to Judge Timothy Canning after receiving ruling](#)

12.13.21 [Barbara Keller Conservatorship Ruling and Order](#) - see the notated version posted above that includes court transcripts too!

10.26.21 Letter from Attorney Hamer to Judge Canning insisting the Judge is taking too long to hand over the Keller's estate to the previously unknown nephew of Barbara

**Amended Court Investigator's Report** - Barbara L. Keller This is an amended report done after Roland Royce Mendonca, Jr. applied to be conservator of Barbara - recom documents submitted in this case, the undersigned finds that Sharon Wolff is acting in Barbara's best interests, and was in fact nominated by Barbara and Ron to manage tl of the person and estate of Barbara Keller with her daughter Sharon Wolff acting as her conservator is respectfully recommended."

Notated GC-340 Order Appointing Probate Conservator (filed 12/10/21)

GC-335

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: <b>Sharon L. Wolff</b> FIRM NAME: STREET ADDRESS: <b>3 Painter St</b> CITY: <b>Rio Dell,</b> STATE: <b>CA</b> ZIP CODE: <b>95562</b> TELEPHONE NO: <b>707-599-9961</b> FAX NO: E-MAIL ADDRESS: <b>Sharon@RioDellTimes.com</b> ATTORNEY FOR (name): <b>in pro per</b>		FOR COURT USE ONLY  Legitimate GC-335 Capacity Declaration filed by Sharon Wolff on 8/17/21 with GC-111 Amended Petition
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Humboldt</b> STREET ADDRESS: <b>825 5th St</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Eureka, CA 95501</b> BRANCH NAME:		
CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): <b>Barbara Lynn Keller</b> <input type="checkbox"/> CONSERVATEE <input checked="" type="checkbox"/> PROPOSED CONSERVATEE		
CAPACITY DECLARATION—CONSERVATORSHIP		CASE NUMBER: <b>PR 2100162</b>
TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply): A. <input checked="" type="checkbox"/> is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): _____ (Complete item 5, then sign and file page 1 of this form.) B. <input checked="" type="checkbox"/> has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.) C. <input checked="" type="checkbox"/> has a major neurocognitive disorder (such as dementia) and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from medication for the treatment of major neurocognitive disorders (including dementia). (Complete items 6 and 8 of this form and complete form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and file form GC-335A.) (If more than one item is checked above, sign the last applicable page of this form or, if item C is checked, form GC-335A. File page 1 through the last applicable page of this form; if item C is checked, file form GC-335A as well.) <b>COMPLETE ITEMS 1-4 OF THIS FORM IN EVERY CASE.</b>		

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: <b>Chris Johnson H</b> FIRM NAME: <b>STOKES, HAMER</b> STREET ADDRESS: <b>381 Baysid</b> CITY: <b>Arcata</b> TELEPHONE NO: <b>707-822-177</b> E-MAIL ADDRESS: <b>chris@shkk1</b> ATTORNEY FOR (name): <b>ROYCE MEN</b>	
SUPERIOR COURT OF CALIFORNIA STREET ADDRESS: <b>825 Fifth</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Eureka,</b> BRANCH NAME:	
CONSERVATORSHIP OF THE <b>BARBARA LYNN KELLE</b> <input checked="" type="checkbox"/>	
CAPACITY DECL  TO PI The purpose of this form is to ena A. <input type="checkbox"/> is able to attend a court hearing is set for (date): B. <input type="checkbox"/> has the capacity to give i through 3 of this form.) C. <input checked="" type="checkbox"/> has a major neurocognit perimeter residential care treatment of major neuro GC-335A; sign and attac (If more than one item is checked File page 1 through the last applic <b>COMPLETE ITEMS 1-4 OF THIS</b>	

GENERAL INFORMATION

- (Name): Supervising Physician: Andrew Johnston, MD (PCP: Danielle Cole, FNP)
- (Office address and telephone number):  
3750 Rohnerville Road Fortuna, CA 95540 707-725-6101
- I am
  - a California-licensed  physician  psychologist acting within the scope of my license  
 with at least two years' experience in diagnosing and treating major neurocognitive disorders (including dementia).
  - an accredited practitioner of a religion that calls for reliance on prayer alone for healing. The (proposed) conservatee is an adherent of my religion and is under my care. (Practitioner may make ONLY the determination in item 5.)
- (Proposed) conservatee (name): Barbara Keller
  - I last saw the (proposed) conservatee on (date):
  - The (proposed) conservatee  is  is NOT a patient under my continuing treatment and care.

ABILITY TO ATTEND COURT HEARING

- A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a. or b.)
  - The proposed conservatee is able to attend the court hearing

- (Name): Heather Allen, NP II
- (Office address and telephone number):
- I am
  - a California-licensed  with at least two y
  - an accredited practition adherent of my religior
- (Proposed) conservatee (name)
  - I last saw the (proposed) cc
  - The (proposed) conservatee

ABILITY TO ATTEND COURT HEAR

- A court hearing on the petition for



- The proposed conservatee is able to attend the court hearing.
- b.  Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply)
- (1)  on the date set (see date in box in item A above).
  - (2)  for the foreseeable future.
  - (3)  until (date):
  - (4)  Supporting facts (State facts in the space below or check this box  and state the facts in Attachment 5.)

Notice the date - 7/22/21

Notice the signature of Barbara's medical provider Danielle Cole, FNP with countersignature of Dr. Andrew Johnston

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 7/22/2021

Andrew Johnston, MD (Danielle Cole, FNP)

(TYPE OR PRINT NAME)

*[Handwritten Signature]* / *[Handwritten Signature]*

(SIGNATURE OF DECLARANT)

Page 1 of 3

Form Adopted for Mandatory Use  
Judicial Council of California  
GC-335 (Rev. January 1, 2019)

CAPACITY DECLARATION—CONSERVATORSHIP

Probate Code, §§ 811, 813, 1801,  
1825, 1891, 1910, 2356.5  
www.court.ca.gov

- a.  The proposed conservatee is able to attend the court hearing.
- b.  Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply)
- (1)  on the date set (see date in box in item A above).
  - (2)  for the foreseeable future.
  - (3)  until (date):
  - (4)  Supporting facts (State facts in the space below or check this box  and state the facts in Attachment 5.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Date: 08/24/2021 Heather A

(TYPE OR PRINT NAME)

Form Adopted for Mandatory Use  
Judicial Council of California  
GC-335 (Rev. January 1, 2019)



Fraudulent Capacity Declaration and documentation used by local prominent attorney to invalidate the will and living trust of an Alzheimer's patient and take their estate (fraud stuff here)

Chris Johnson Hamer of Stokes, Hamer, Kirk & Eads, LLP

Roland Royce Mendonca Jr - aka Royce Mendonca

Read the letters to Assembly Member Jim Wood and Assembly Judiciary Committee re. elder financial fraud, conservatorships and more...

The Kidnapping of Barbara Lynn Bareuther

E-mail. Contact Sharon

EXHIBIT "C"



staceveads4da@gmail.com  
Adrian@ak4da.com  
michael\_acosta@protonmail.com  
steven@stevensteward.com  
Ben4Judge2022@gmail.com

As a candidate for Humboldt County District Attorney/Superior Court Judge, please respond:

Protection of the civil rights of the elderly and the vulnerable in our community must be one of the highest priorities of the District Attorney's office and the Superior Court. Equal access to justice for all should be a cornerstone in Humboldt County.

Unfortunately, this isn't always the case. For those without connected attorneys on retainer – there is no equal access to justice. This is particularly true but not exclusive to the Probate Court which handles some of the most consequential and life changing decisions in an individual's life – including the removal of basic civil rights and confinement to locked facilities.

Individuals have a right to request representation in a probate conservatorship but it is not required that the court appoint any council (unlike in a Lanterman-Petris-Short conservatorship). In at least two documented cases (PR2100161 & PR2100162), the requests for representation were entirely ignored by the Probate Court who never assigned the Public Defender's office. Also ignoring the recommendation of the court investigator to assign council. The court has never addressed why it failed to assign council and it is unknown if this is a common occurrence.

As a result, the individuals were then victims to elder financial fraud by a local prominent attorney, Chris Johnson Hamer. Attorney Hamer has been drawing up legal papers for known Alzheimer's and dementia patients to sign that hands over custody of themselves and their estates to Attorney Hamer's clients. IF the Public Defender (or any other council) had been assigned to represent the vulnerable elders – as they had a right to – then it is doubtful this level of blatant fraud would have been rubber stamped by the court. As an In Pro Per petitioner (not by choice) and the adult daughter of the victims – I was ignored entirely. If you're not an attorney, you are invisible in the courthouse.

Elder financial fraud is a crime on paper only in Humboldt County depending on who is perpetrating it.

As a candidate for District Attorney/Superior Court Judge, what can you do to help ensure local elders and vulnerable residents are not victimized by local attorneys or by the legal system that is supposed to provide oversight and scrutiny without fear or favor?

The state is actively working to expand conservatorships in a variety of initiatives and proposals which is going to further tax the overburdened probate system. They are creating new lower level paraprofessional positions to fill the workforce needs for this expansion without having the level of training or experience that is currently required. All of this will absolutely require the highest level of scrutiny and oversight by District Attorney's and the courts in order to protect the rights of the vulnerable.

The District Attorney's office/Superior Court Judges will be integral in the implementation of conservatorship expansion locally. How will you, if elected District Attorney/Judge, ensure the process is fair, rights are protected and appropriate scrutiny is provided?

The notated public case record for the probate case is posted at <https://www.riodelltimes.com/Court/BarbaraConservatorship/>

Ongoing segments related to conservatorship are posted at KMUD News on Soundcloud: <https://soundcloud.com/search?q=the%20conservatorship%20of%20barbara>

Thank you,

Sharon and Steve Wolff  
3 Painter St.  
Rio Dell, CA 95562  
(707) 599-9961  
[Sharon@riodelltimes.com](mailto:Sharon@riodelltimes.com)  
[www.riodelltimes.com](http://www.riodelltimes.com)

----- Forwarded message -----  
From: Sharon <sharon@riodelltimes.com>

Date: Mon, Jul 18, 2022 at 8:20 AM

Subject: RE: Humboldt County Elder Abuse Awareness Month and Conservatees with broken bones...

To: <rbohn@co.humboldt.ca.us>, <mbushnell@co.humboldt.ca.us>, <mike.wilson@co.humboldt.ca.us>, <vbass@co.humboldt.ca.us>, <smadrone@co.humboldt.ca.us>, <districtattorney@co.humboldt.ca.us>, <cbrouner@co.humboldt.ca.us>

Cc: <cao@co.humboldt.ca.us>, <quincey@co.humboldt.ca.us>, thad Greenson <tgreenson@times-standard.com>, KMUD News <news@kmud.org>, <redheadedblackbelt@gmail.com>, <rschneider@times-standard.com>, Baxley (Smith), Kyla <KBaxley@co.humboldt.ca.us>

EYI if you have any interest in elder rights in our county – the segment covers the most recent hearing and what happened plus more importantly – what didn't happen. It was a remarkable hearing – even by Humboldt County standards.

<http://www.riodelltimes.com/Court/BarbaraConservatorship/7.17.22SegmentTenTheConservatorshipOfBarbaraFinalCut.mp3> or  
<https://soundcloud.com/riodelltimes/segment-ten-humboldt-county-superior-court-fundamental-rights-for-seniors-dont-exist-here>

Regards,

Sharon & Steve Wolff

<http://www.riodelltimes.com/Court/BarbaraConservatorship/index.htm>

[www.riodelltimes.com](http://www.riodelltimes.com)

707-599-9961 cell

[sharon@riodelltimes.com](mailto:sharon@riodelltimes.com)

**From:** Sharon [mailto:sharon@riodelltimes.com]

**Sent:** Monday, June 27, 2022 8:35 AM

**To:** 'rbohn@co.humboldt.ca.us'; 'mbushnell@co.humboldt.ca.us'; 'mike.wilson@co.humboldt.ca.us'; 'vbass@co.humboldt.ca.us'; 'smadrone@co.humboldt.ca.us'; districtattorney@co.humboldt.ca.us; 'cbrouner@co.humboldt.ca.us'

**Cc:** cao@co.humboldt.ca.us; quincey@co.humboldt.ca.us; thad Greenson (tgreenson@times-standard.com); KMUD News; 'redheadedblackbelt@gmail.com'; 'rschneider@times-standard.com'; 'Baxley (Smith), Kyla'

**Subject:** Humboldt County Elder Abuse Awareness Month and Conservatees with broken bones...

Good morning,

We posted another audio segment in the series on Alzheimer's, elder abuse awareness month and the Humboldt County Superior Court. It is available at <http://www.riodelltimes.com/Court/BarbaraConservatorship/index.htm> and at <https://soundcloud.com/riodelltimes/the-conservatorship-of-barbara-elder-abuse-month-and-broken-bones>

I hope you will take the time to listen to the segment. The civil rights of vulnerable adults in Humboldt County are entirely ignored – they simply don't matter in the county courthouse.

We will continue to publicize the case as loudly as humanly possible until the county steps up and takes action here. There is no plausible deniability for anyone here. Your constituents need your help!

Regards,

Sharon & Steve Wolff

[www.riodelltimes.com](http://www.riodelltimes.com)

707-599-9961 cell

[sharon@riodelltimes.com](mailto:sharon@riodelltimes.com)

EXHIBIT “D”

New content and case materials added daily - keep watching!

RioDellTimes on SoundCloud

THE KIDNAPPING OF BARBARA LYNN BAREUTHER

**Fraudulent Capacity Declaration and documentation used by local prominent attorney - Chris Johnson Hamer of Stokes, Hamer, Kirk & Eads, LLP - to invalidate the will and living trust documented wishes of an Alzheimer's patient and take custody away from her family- side-by-side legitimate legal form versus legally deficient form submitted under penalty of perjury**

**Rio Dell Emergency Drought declaration and Water Shortage Contingency Plan here**

**7.24.22 Another family faces the probate court and an update from the most recent hearing - The Conservatorship of Barbara**

**7.23.22 Fortuna resident sentenced to 5-years for multiple felonies committed over several years**

**7.22.22 State Report - Humboldt County Internal Controls over Financial Reporting read it for yourself. The state was never going to assign blame but clearly identified long standing issues - much of which fall under the purview of the A-C office. The included response from Karen Paz Dominguez confirms the former A-C was changing processes without communicating the changes to departments and without updating her departments Policies and Procedures (P&P's) manual. The P&P's are critical for letting everyone know exactly what is needed and expected by staff and the public. A department head who complains their own P&P's were never updated during their 4-years in charge is clearly demonstrating they failed to do their job.**

**7.21.22 Rio Dell to appoint Greg Allen as new Chief of Police**

**7.20.22 1 new hospitalization, 430 new cases during past seven-day period**

**Critical incident team investigating pursuit, officer involved shooting in Eureka**

**7.19.22 Loketa resident arrested (again) for Fentanyl sales**

**7.17.22 Humboldt County Superior Court - fundamental rights for the elderly simply don't exist here - The Conservatorship of Barbara**

**Rio Dell City Council Meeting Tues. July 19th 6:30pm (hybrid) - Agenda Packet includes introduction and first reading of organics reduction and recycling ordinance, abatement public hearings and more...**

**Commercial structure fire at auto repair shop at 800 block of Fourth St. Eureka**

**7.15.22 Addressing & Preventing Financial Exploitation in Aging - BetterHealthWhileAging.net you need to learn how to protect your loved ones because the court system absolutely will not - especially in Humboldt County ...see The Conservatorship of Barbara**

**7.13.22 2 deaths, 4 new hospitalizations, 342 new cases during past seven-day period**

**Consumer Price Index report - just in case you hadn't noticed that prices are skyrocketing...**

**Supreme Court will hear Indian Child Welfare Act (ICWA) challenge this fall: what that means for Indian Country - Native News Online**

**7.7.22 Paz Dominguez out as Auditor-Controller - North Coast Journal**

**Humboldt County June Primary Election Final Cumulative Report**

**7.6.22 1 new hospitalizations, 291 new cases during past seven-day period**

**Watch some fluffy Rio Dell chicks here... my mom loves watching the chickens as much as I do - very entertaining!**

**Rio Dell resident arrested for methamphetamine sales by Humboldt County Drug Task Force**

**Rio Dell homicide team honored with proclamation**

**Fourth of July assault investigation in Eureka**

**6.30.22 Auditor-Controller separation agreement executed, transition effective July 1st**

**Commercial structure fire this morning 1900 block of 5th St. Eureka**

**6.29.22 Social Services Call Center closed Wednesdays; access to services still available**

**6.28.22 Karen Paz Dominguez to leave office early, possibly within a week - Lost Coast Journal Cheryl Dillingham to assume the position as Interim Auditor Controller immediately**

**6.27.22 Henderson center home invasion robbery investigation**

**Arcata Playhouse - Home cooking benefit for Migrations**

**6.26.22 June is Elder Abuse Awareness month and Barbara has a broken wrist - updates from the June probate hearing**

**6.24.22 Silver Tsunami Warning: safeguarding our seniors - Humboldt County Grand Jury Report**

***If you or someone you know needs assistance, call Adult Protective Services 707-476-2100***

**Free lockboxes provide safe storage for cannabis, medication and firearms**

**6.23.22 Local faces to be included in Rio Dell mural project - Redheaded Blackbelt**

**6.22.22 1 death, 4 new hospitalizations, 543 new cases, vaccines for 6 months and older**

**6.21.22 Rio Dell City Council Meeting Tonight 6:30pm (hybrid) - Agenda Packet Includes CalTrans presentation on Eel River Bridge retrofit and more...**

**6.15.22 1 death, 2 new hospitalizations, 319 new cases during past seven-day period**  
**Community's help needed to identify arson suspect**  
**Two arrested following Eureka traffic stop**

**6.14.22 Humboldt County Law Enforcement Inaugural Torch Run for Special Olympics Athletes - June 15th**

**6.13.22 National Elder Fraud Hotline Basics - help protect our loved ones**  
**Humboldt County Area 1 Agency on Aging**  
**2022 fire season preparedness training - Southern Humboldt**  
**Attempted murder arrest in McKinleyville**  
**One arrested following roommate altercation near Blue Lake**  
**The election results make it even more urgent that the public record violations be corrected by the soon-to-be former auditor-controller..**

**6.8.22 6 new hospitalizations, 312 new cases during past seven-day period**  
**Final election night report - Dillingham 69.89% Paz Dominguez 22.37% - Congratulations to our new Auditor-Controller!**  
**Marijuana enforcement team operation in Southern Humboldt**

**6.7.22 First election night report here - Dillingham 69% Paz Dominguez 23% - but these are only early returns so far..**  
**June Primary Election Day! If you haven't done it already, be sure to vote today (same day voter registration is available)**  
**Humboldt County Poll Locations List - in Rio Dell, go to Monument Middle School and drop off your ballot or vote in-person (be sure to vote before going to the City Council meeting...)**  
**Vote Watch - don't fall for the empty words of social media politicians and their sycophants - be an informed voter**

**Rio Dell City Council Meeting Tonight 6:30pm (hybrid) - Agenda Packet includes climate action plan, recommended budget presentation, extension of 1% local sales tax (Measure J), and more...**

**6.6.22 Campaign finance violation allegations with documentation (searchable) - public records provided by Todd Rowe. This is how local government transparency works - you provide a clear narrative of the allegations with the supporting documentation for the public. Supporters of KPD may want to take note...**

**6.4.22 Access to public records in Humboldt completely dependent on political affiliation (searchable) - county resident Todd Rowe has documented the illegal refusal to respond to PRA's by the Auditor-Controller unless they are political allies in which case she will provide them access to public records outside of the legal requirements for government transparency. Well done Todd!**

**Letter writer addresses Russia-Ukraine conflict - Redheaded Blackbelt fascinating first-person account of history that is entirely lost in the debate**

**6.2.22 Distrust, Disagreements, Dysfunction - Grand Jury Report into county financial management**

**6.1.22 8 new hospitalizations, 304 new cases during past seven-day period**

**5.31.22 Two hikers pulled from Shelter Cove waters, only one survives**

**5.30.22 Thank you to our veterans - Memorial Day 2022**

**"Menacing the Money" - highlights from the 5.24.22 BOS Meeting - Vote Watch - is the public paying attention? This level of gross incompetence by an elected official would normally disqualify a person from re-election...**

**Meet the Candidates! - KINS 106.3**

**Humboldt County Court: time to mask up again - North Coast Journal**

**Shot fired investigation - Eureka Police Department SWAT Operation Update**

**Multiple overdose events at Humboldt County Corrections Facility**

**5.25.22 One death, 5 new hospitalizations, 384 new cases during past seven-day period**  
**Rio Dell dog to compete in Westminster Kennel Club dog show - RHBB Go Mattie!!**

**Long-Term Care Ombudsman Office to host Elder Abuse Conference in Eureka - see you there!**

**Public comment open for 2022-2023 MHSA Annual Update**

**5.24.22 Public Health continues response to COVID-19 outbreak at long-term care facility**  
**Dr. Candy Stockton named county's new Health Officer**

**5.23.22 Highlights from the Auditor-Controller Candidate Forum (audio) - contracts and public records compliance**

**5.21.22 Auditor-Controller Candidate Forum (audio) - hosted by Humboldt Association of Realtors This is the whole debate without any edits**

**5.20.22 Auditor-Controller Candidate Forum tonight 5:30pm - Eureka Women's Club - show up and support Cheryl Dillingham!**

**Grove of Titans trail project completed, providing access to some of the world's largest and oldest redwood trees**

**5.18.22 6 new hospitalizations, 430 new cases during past seven-day period**

'Bad optics' hand over Auditor-Controller contract - North Coast Journal

'That's just part of aging': long Covid symptoms are often overlooked in seniors - KHN.org

Collapse of the Afghan National Defense and Security Forces: an assessment of the factors that led to its demise - Special Inspector General for Afghanistan Reconstruction (SIGAR)

5.17.22 Body found near Rio Dell - Redheaded Blackbelt

HCDTF busts Santa Clara St. Eureka residence

MET compliance investigation near Dinsmore

Women fight off mountain lion to save dog in Trinity County - Redheaded Blackbelt

5.16.22 Rio Dell City Council Meeting Tues. May 17th 6:30pm\* - Agenda Packet includes presentation by Humboldt County Homeless Task Force, FY 2022-23 recommended budget, adoption of police department military equipment use policy and more...\*study session at 5:00pm for city priority setting session

Updates from the May 12th court hearing for The Conservatorship of Barbara (audio) - finally, some progress to report!

Karen Paz Dominguez and the race for Auditor-Controller (audio) - Vote Watch - you're known by the company you keep...

5.13.22 What to know about Newsom's spending plan - CalMatters

Five things to know about nuclear power in California - CalMatters

5.11.22 Three arrests in Arcata by HCDTF

Humboldt Hill nuisance property busted by HCDTF results in multiple arrests

5.10.22 Meet the EPD Chief tomorrow...

5.9.22 Two arrested for cocaine trafficking at the Rio Dell Shell Station by HCDTF

Fentanyl trafficker recognized by HCDTF at the Rio Dell Shell Station

Arcata vehicle theft suspect arrested in Eureka

5.6.22 Humboldt Bay Fire promotion badge ceremony

5.5.22 1 death, 4 new hospitalizations, 245 new cases during past seven-day period

District Attorney candidate Stacey Esds meet & greet in Arcata, Sat. 2pm-4pm - so far, the DA's office has been silent on the issue of elder financial fraud committed by local attorney's, lack of counsel for vulnerable adults in the courthouse despite mandates, etc. Silence IS your answer to the community (so far) - Is that integrity? Adrian Kamada has so far been silent as well...

Rio Dell City Council decides to leave commercial cultivation taxes as is - farmers can apply for tax relief on case by case basis

Four arrests, including Rio Dell resident, for trafficking fentanyl into the county from the Bay Area

Explosive device located during search warrant served in Eureka

Deputies assist lost hiker near Lamphere Dunes

5.3.22 Auditor-Controller highlights from 4/26/22 Board of Supervisors meeting - Vote Watch Featuring Scott Adair, Karen Paz-Dominguez, Ellshia Hayes and Connie Stewart

Read the filed lawsuit against Karen Paz Dominguez and Humboldt County - let the excuses begin!

5.2.22 State sues Paz-Dominguez and Humboldt County for failure to comply with reporting requirements - Lost Coast Outpost time to make excuses again...

Three Humboldt County residents busted trafficking fentanyl home from the Tenderloin District

Two local repeat offenders busted trafficking fentanyl and methamphetamine, et al

EPD arrests man with 5 grams fentanyl crossing Broadway into traffic

Yurok Tribe to release condors to their native territory

Expanded coverage now available to Redwoods Rural Health Center patients 50+ with restricted emergency Medi-Cal

2022 Community Food Guide hits local newsstands

State Legislative Analyst Office issues dire warning about the future of the state budget - "For this analysis we examined 10,000 possible revenue and economic scenarios. In over 95 percent of scenarios, the state faces a budget problem by 2025-26 either due to constitutional spending requirements or a recession. In these scenarios, the state would need to make cuts to existing services to bring the budget back into balance."

5.1.22 RioDellTimes on why we are endorsing Cheryl Dillingham (audio) - VoteWatch also listen on SoundCloud

4.30.22 Rio Dell City Council Meeting Tues. May 3rd 6:30pm (hybrid) - Agenda Packet includes final vote to increase water/sewer rates (consent calendar), discussion of cannabis cultivation taxes, local roadway safety plan and more...

4.29.22 Armed robbery suspect barricades himself in Riverwalk Drive cabin, brought into custody after pepperball fusillage, Fortuna Police Department says - Lost Coast Outpost

4.28.22 Dillingham endorsed by county's two largest employee unions - Redheaded Blackbelt

FYI-county employees are also taxpayers who are tired of seeing their tax money wasted by an incompetent elected official who is clearly not up to the challenge of managing an office that is critical to the financial solvency of the county

**Correctional deputy injured in jail assault**

**Marijuana enforcement team operation in Redway and Myers Flat**

**One arrested following early morning pursuit in Arcata**

**4.27.22 166 new cases during past seven-day period**

**4.25.22 Civil rights vs. wall of silence - candidates for D.A. and Superior Court Judge - which side do you stand on? Who will you protect? - The Conservatorship of Barbara Segment Seven**

**Highlights from the April 19th City Council Meeting (audio) - KMUD Reports includes the upcoming water/sewer rate increase, fiscal audit report and cultivation taxes...**

**Jazz trio Monk Tribute at the Arcata Playhouse**

**4.23.22 The Conservatorship of Barbara audio segments reposted to SoundCloud - why was that necessary? read on...**

**As long-time advocates for local government transparency and fighting the cronies - the RioDellTimes.com endorses Cheryl Dillingham for Humboldt County Auditor-Controller - Vote Watch When the math matters - elect a competent professional!**

**4.22.22 'Utmost transparency' EPD texting investigation finds... - North Coast Journal**

**4.20.22 2 deaths, 2 new hospitalizations, 80 new cases during past seven-day period**

**HCDF arrests three after large bust of nuisance property on Glen St. in Eureka**

**Scott Underwood of Rio Dell sentenced to 4 years for felony domestic violence**

**Arcata Playhouse presents Music for The General**

**4.19.22 Rio Dell to raise water/sewer rates effective July 1st after 5-0 vote - 306 protest votes submitted - more details to come...**

**4.18.22 Rio Dell City Council Meeting Tues. April 19th 6:30pm (in-person and online) - Agenda Packet includes water rate increase public hearing, presentation of FY 2020-21 audited financial statements and more...**

**Read the scathing audit report on State Bar of California's attorney discipline process - this is why you and your loved ones are easy prey for unscrupulous attorney's, there have been no consequences**

**Skeletal remains recovered near Garberville**

**Wanted felon arrested in Willow Creek**

**4.17.22 Happy Easter!**

**Easter Kickoff!!! The official "The Conservatorship of Barbara" site. More to come...**

**4.12.22 Benefit Cliff: CalFresh recipients worry the end of the COVID-19 emergency declaration will mean the end of expanded benefits - North Coast Journal**

**4.11.22 Kneeland homicide suspect arrested in Santa Cruz**

**4.10.22 Conservatorships, civil rights and the election for D.A. and Superior Court Judge (Audio) - The Conservatorship of Barbara Segment Six**

**Read the notated transcripts from the 9.29.21 ironically named 'evidentiary hearing'...candidates for district attorney or judge should get familiar with the civil rights and cronyism issues raised here as they will be a campaign issue**

**4.8.22 Watch the campaign kick-off event for Cheryl Dillingham...more to come...VoteWatch**

**Read the 2018 personnel complaint investigation report (see pg. 56 for Executive Summary) that Karen Paz Dominguez demeans and mocks to prove she didn't create a hostile work environment**

**District Attorney candidates leave unscathed after matchup in Mattole - Redheaded Blackbelt**

**Kneeland suspicious death deemed a homicide, suspect sought**

**California sprints to install batteries but can't find parts - E&E News**

**4.7.22 Fortuna High School teacher arrested for alleged sexual battery of students - North Coast Journal**

**Video compilation from Cheryl Dillingham's kick-off event coming soon...**

**4.6.22 Watch Chief Financial Officer Tabatha Miller department report to BOS - financial transaction report recently posted by Auditor-Controller is "unreliable" and uses incorrect starting fund balances...and more... - Vote Watch**

**Cheryl Dillingham announces election bid for Auditor-Controller**

**COVID-19 Update for Humboldt County**

**4.5.22 Why nurses are raging and quitting after the RaDonda Vaught verdict - KHN**

**Watch the Rio Dell City Council meeting this evening - cultivation taxes to be slashed. As a side note, the water/sewer rate increases are on the agenda for next council meeting... UPDATE cultivation tax vote postponed until May 3rd meeting - commercial operations in Rio Dell Humboldt Business Park district seek similar tax reductions**

**Supervisors spend \$381,000 from General Fund to cover losses tied to missing Auditor-Controller reports - Lost Coast Outpost**

**4.4.22 Vote Watch is heating up for the June 7th election! Candidates for county offices information, links, resources and more...**

**Rio Dell City Council Meeting Tuesday April 5th 6:30pm (hybrid) - Agenda Packet includes adoption of reduced cannabis cultivation tax rate, creation of ad hoc committee to interview Rio Dell Chief of Police candidates, and more...**



Cheryl Dillingham to officially launch campaign for Auditor-Controller April 7th 12:30pm in Old Town Eureka

Kneeland suspicious death investigation

One arrested following Glendale traffic stop

4.1.22 Humboldt County Board of Supervisors Special Meeting Mon. Apr. 4th 9:00am (hybrid) - Agenda Packet includes censure of Auditor-Controller Karen Paz Dominguez, formal complaint re. Michelle Bushnell and more...

County planner accuses Supervisor Bushnell of misconduct in a cannabis meeting, prompting Board to revisit its code of conduct - Lost Coast Outpost

3.30.22 1 death, 1 new hospitalization, 24 new cases during past seven-day period

How Eureka's fight against subsidized apartments led to one of the nation's strongest anti-affordable housing laws, and what legislators are doing to try and repeal it (again) - Lost Coast Journal

3.28.22 Joint Information Center (JIC) to close end of day Friday - after two years of operations and more than 61,000 calls

Aggravated assault in Eureka

Three arrested for child endangerment

3.27.22 Former Fortuna Police Chief Dobberstein dead at 53 - North Coast Journal 24-hr crisis line 707-445-7715

3.24.22 Laurie Lewis & the Right Hands concert at the Family Fun Series presented by Arcata Playhouse

Arcata Playhouse offers free/reduced tickets to kids and families for upcoming 16th Annual Family Fun Series

3.23.22 1 death, 2 new hospitalizations, 62 new cases during past seven-day period

HCDTF arrests three in large fentanyl distribution bust

3.22.22 Candidates for District Attorney and Superior Court Judge asked to comment on civil rights - responses will be posted

McKinleyville home invasion armed robbery

3.21.22 Punished for another's crimes: Humboldt County demands new owners destroy any unpermitted building used for cannabis cultivation - Redheaded Blackbelt

3.20.22 The Conservatorship of Barbara - Segment Five - Sharon visits Mom and Ron in the care home after an accidental phone call - will any of the District Attorney candidates address the issues raised?

3.18.22 Humboldt County Drug Task Force 2021 Annual Report

3.17.22 Happy St. Patrick's Day!

Cannabis and conflict: what Supervisor Bushnell's recusal on the Measure S vote and what it might mean moving forward - North Coast Journal

3.16.22 1 death, 91 new cases between Friday and Tuesday

3.11.22 36 new cases since Wednesday

So. Humboldt DHHS office moving from Garberville to Redway

3.9.22 50 new cases since Monday

Passed out driver arrested for possession - including over 18 grams fentanyl

Warrant suspect arrested near Samoa Dunes

Wanted felon arrested after brief foot pursuit near Woodley Island

3.7.22 1 new hospitalization, 65 new cases since Friday

Market capitalism is not the answer to close the justice gap - CalMatters

3.6.22 The Conservatorship of Barbara - Segment Four - What state changes are coming and why you should care...

Highlights from the 3.1.22 Rio Dell City Council meeting (audio) - KMUD Reports cannabis tax relief sought, Rio Dell Harvest Fair and falling cannabis revenue

3.4.22 1 death, 77 new cases since Wednesday

Grant to provide Behavioral Health team to assist Sheriff with mental health calls

California, shockingly, has the lowest literacy rate of any state - Capitol Weekly

3.3.22 1 death, 25 new cases since Monday

3.2.22 Rio Dell receives Clean California grant awards of nearly \$2.5 million

Rio Dell schools drop masking mandate enforcement, defying state order - North Coast Journal

2.28.22 One new hospitalization, 104 new cases since Friday - State lifts indoor mask requirements for unvaccinated tomorrow

State threatens Auditor-Controller with \$5k fine for delinquent fiscal report - North Coast Journal It should be noted that we have solid documentation of the fraud that we are alleging with the Humboldt County Superior Court and Attorney Chris Johnson Hamer (see Conservatorship of Barbara) - let's see if the AC has any documentation of the fraud she continuously alleges while making excuses for why she can't do the basic functions of her position...

Attempted homicide suspect arrested near North Bank Road

2.26.22 Rio Dell City Council Meeting Tues. March 1st 6:30pm (hybrid) - Agenda Packet includes presentation on cannabis Harvest Fair proposal, mid-year financial report presentation and more...

2.25.22 34 new cases, JIC to report case counts three days a week starting Monday

Attorney General's office threatens legal action against Auditor-Controller over failure to submit financial transactions report - Lost Coast Outpost

2.24.22 1 death, 2 new hospitalizations, 24 new cases

2.23.22 1 death, 2 new hospitalizations, 52 new cases

Man arrested following assault in Eureka

2.22.22 1 new hospitalization, 262 new cases reported

Three arrested following attempted homicide investigation, pursuit

'We're seeing this now more than ever': fentanyl overdoses skyrocket in Humboldt - Lost Coast Outpost

Inside California's Cannabis Crisis - Rolling Stone

2.21.22 The Conservatorship of Barbara - Segment Three - Why are we publicizing this case and why should you care?

Highlights from the 2.15.22 City Council Meeting (audio) - KMUD Reports water and sewer rate hikes are coming as the public process begins

2.18.22 1 death, 3 new hospitalizations, 66 new cases

Elder fraud demonstrated in one image - unfortunately, the Humboldt County Probate Court simply doesn't care about elder fraud perpetrated by local attorney's which puts every one of us and our loved ones at risk

Two arrested for drug trafficking at Arcata home

2.17.22 2 new hospitalizations, 90 new cases

After brief tussle, Fortuna PD arrest Eureka man on suspicion of narcotics sales - Lost Coast Outpost

2.16.22 38 new cases, 73% of county population aged 5 and older fully vaccinated

Another HCDTF fentanyl trafficking bust with multiple arrests

Ulisses Rodriguez found guilty of two counts first-degree murder

Humboldt County Drug Task Force fentanyl arrest

Reduced rate adoptions at Humboldt County Animal Shelter - adopt your best friend today!

2.15.22 3 new hospitalizations, 144 new cases reported

Rio Dell City Council votes 5-0 to initiate rate hikes for water/sewer - story to follow

Two arrested during stolen vehicle investigation

2.14.22 3 new hospitalizations, 347 new cases since Thursday

2.13.22 Rio Dell City Council Meeting Tues. Feb. 15th 6:30pm (online) - Agenda Packet includes water/sewer rate study public hearing (rate increases), discussion of Rio Dell Community Forest, approval of dog park ordinance and more...

2.10.22 1 new hospitalization, 121 new cases reported

2.9.22 1 death, 1 new hospitalization, 122 new cases reported

'Somebody is gonna die': Medi-Cal patients struggle to fill prescriptions - KHJN

California's older adults are being stiffed big time - CalMatters "If you don't know what it's like to be invisible, trust me you will as an older person!"

2.8.22 1 death, 1 new hospitalization, 35 new cases reported

A California water board assures the public that oil wastewater is safe for irrigation, but experts say the evidence is scant - KQED

2.7.22 1 death, 2 new hospitalizations, 336 new cases reported

2.6.22 The Conservatorship of Barbara - Segment Two - KMUD Sharon talks about her Mom's COVID-19, the lack of notification and what you need to know if you have a loved one in long term care

2.4.22 1 death, 3 new hospitalizations, 142 new cases reported

2.3.22 1 new hospitalization, 96 new cases reported

'Extremely bad news': Caltrans sanctions county, freezes new project funding because of overdue report - Lost Coast Outpost

2.2.22 117 new cases reported

2.1.22 1 death, 1 new hospitalization, 119 new cases reported

Rio Dell COVID-19 vaccine and testing clinic Feb. 9th 10am-4pm at Fireman Hall - sign-up (recommended) or just walk-in!

Four years ago, an Outpost investigation found law breaking within the County's Public Administrator Bureau. To date, no one has been held publicly accountable - Lost Coast Outpost (why is this article from 2021 linked? read here to find out why)

1.31.22 1 death, 4 new hospitalizations, 581 new cases reported since Friday

Elderly man assaulted in Scotia by a group of young adults and juveniles, reports Sheriff's office - Redheaded Blackbelt

Cannabis business training program launchehd through partnership between Project Trellis, College of the Redwoods

Willow Creek traffic stop leads to arrest

HCSO deputies discover fentanyl, heroin during probation search

1.30.22 New case records and court transcript posted - this is how your Mom or Dad will be treated by the Humboldt County Superior Court if you don't have a well-connected local attorney on retainer... The civil rights of vulnerable elders simply doesn't matter in Humboldt.

*also, Barbara tested positive for COVID-19 on Jan. 24th but no one in her family was ever informed and we continue to be blocked from getting basic information on how she is doing*

Rio Dell City Council Meeting Tues Feb. 1st 6:30pm (online) - Agenda Packet includes approving city master salary table (10% raises), report and possible discontinuation of city/school agreement for Davis Street Park, rezoning future dog park site and more...

1.28.22 3 new hospitalizations, 196 cases reported

The Conservatorship of Barbara - Humboldt County Superior Court Treatment of Alzheimer's Patients - KMUD

1.27.22 2 new hospitalizations, 160 new cases reported

1.26.22 4 new hospitalizations, 241 new cases

The Conservatorship of Barbara - Segment One (audio) is available! Sharon talks about her Mom, the Humboldt County Superior Court and how to protect your loved ones

1.25.22 2 new hospitalizations, 412 new cases reported

1.24.22 2 new hospitalizations, 872 new cases reported since Friday

1.23.22 New case records posted - want to see the civil, probate and penal code violations that Sharon documented to the court? Curious about how the previously unknown nephew of Barbara's 5th husband became involved in the first place?

1.22.22 Early morning fire badly damages Rio Dell home - Redheaded Blackbelt

1.21.22 2 new hospitalizations, 194 new cases reported

Construction complete at The Center at McKinleyville

1.20.22 1 death, 1 new hospitalization, 241 new cases reported

1.19.22 735 new cases, 3 new hospitalizations

Why was a conservatorship needed for Barbara? Read the original petition narrative, supporting documentation and more...

1.18.22 840 new cases, 3 new hospitalizations since Friday

1.14.22 No new hospitalizations or deaths, 185 new cases reported

New court case public records posted - so who altered the Judicial Council form and submitted the fraudulent capacity declarations? Iris Health Medical Group is being thrown under the legal bus and they might want to consult their attorney's

Commission on Judicial Performance moves to discipline county judge for knowingly using falsified documentation - OC Register Wow! Does that sound familiar or what?!!?

1.13.22 2 deaths, 3 new hospitalizations, 114 new cases reported

Updated quarantine and isolation guidance issued

'Proactive' Behind the decision to ban spectators from local high school sports and the ensuing backlash - North Coast Journal

1.12.22 1 death, 1 new hospitalization, 113 new cases reported

More court case records posted in the Conservatorship of Barbara - these are public records and we will continue to post new media daily

Cash, guns and cannabis highlighted in civil case amended against top law enforcement officials in Mendocino County last week - Redheaded Blackbelt eventually, even those in Ivory towers must face the consequences from their actions

EFD update on officer involved shooting on 12/30/21

HCSO arrests Myers Flat resident for gas theft from public owned facilities in So.Hum

1.11.22 1 death, 2 new hospitalizations, 223 new cases reported

Humboldt County Public Health Officer, Dr. Ian Hoffman, announced his resignation at today's BOS meeting

Elder Financial Fraud Statutes and the Keller's - Also, how do I know the Public Defender was never appointed for the Keller's? Read on

1.10.22 1 new hospitalization, 478 new cases reported since Friday

Read 1.7.22 Cease and Desist Threat Letter from Attorney Hamer - notated (hint-truth is an absolute defense and the documentation stands for itself)

More case records posted at The Conservatorship of Barbara! You can't get away from the documentation - it is public record

1.9.22 Highlights from the 1/4/22 Rio Dell City Council meeting - KMUD Reports including a possible Cannabis Farmer's Market and the inflation of water/sewer rate increase process.

Bank CEO fired helping sleazeball attorney steal estates from the disabled - Fox News unfortunately, this type of story is not unique - that is why the courts are supposed to be a last line of defense against these types of low-lives

1.8.22 More case records posted to The Conservatorship of Barbara L. Keller - keep watching!

National Guard deployed in Eureka to combat surge in COVID testing as omicron variant arrives in Humboldt County - Redheaded Blackbelt

1.7.22 2 new hospitalizations, 72 new cases reported

Curious about how many people are looking at the media we are posting? Check out these stats!

**Amended Court Investigator's Report - Barbara L. Keller** *This is an amended report done after Roland Royce Mendonca, Jr. applied to be conservator of Barbara - recommendation* "After a careful consideration of the preceding interviews and review of the documents submitted in this case, the undersigned finds that Sharon Wolff is acting in Barbara's best interests, and was in fact nominated by Barbara and Ron to manage their estate while each had capacity. Therefore, establishment of the probate conservatorship of the person and estate of Barbara Keller with her daughter Sharon Wolff acting as her conservator is respectfully recommended."

10.26.21 Letter from Attorney Hamer to Judge Canning insisting the Judge is taking too long to hand over the Keller's estate to the previously unknown nephew of Barbara's 5th husband - the response document is also included...

Humboldt County Superior Court Judicial Assignments and Case Calendar

1.6.22 2 new hospitalizations, 107 new cases reported

Alderpoint homicide investigation

Parkinson's disease dementia information - posted as a public service for those in Citrus Heights who continue to deny the diagnosis of probable Parkinson's for their 'loved one' - please get them the medical attention they need

Rebuild our decimated public health workforce and infrastructure - CalMatters

The Price of Care: Investigating California conservatorships - ABC10 Sacramento ongoing investigation into this \$13b industry preying on vulnerable adults

1.5.22 1 death, 1 new hospitalization, 86 new cases reported

Side-by-side visual of legitimate Capacity Declaration versus the legally deficient one submitted by Attorney Chris Johnson Hamer under penalty of perjury

1.4.22 1 new hospitalization, 188 new cases reported

Reminder - Rio Dell City Council meeting tonight - starting the process of increasing the water and sewer rates...

1.3.22 1 death, 1 new hospitalization, 400 new cases reported since Thursday

Coalition for Elder & Disability Rights (CEDAR) - Advocating for rights of CA conservatees

Loleta burglary suspect arrested - two more sought

1.2.22 An alzheimer patient, Judge Timothy Canning, attorney Chris Hamer and a daughter raising some questions that deserve answers - Words Worth: John Chiv

12.31.21 Rio Dell City Council Meeting Tues. Jan. 4th 6:30pm (online) - Agenda Packet includes water/sewer rate study presentation (rate increases), approve use of city property for digital/non-digital billboards, social media policy discussion and more...

12.30.21 3 hospitalizations, 45 new cases reported

Judges do go to Federal Prison! Example: Former judge sentenced to prison time in federal child porn case

12.29.21 1 hospitalization, 48 new cases reported

Also "The Kidnapping of Barbara Lynn Bareuther" Here is a nice picture to start with off of Royce Mendonca's own LinkedIn page. Imagine this guy taking your mother. More to come!!!

E-Mail: [Steve@riodelltimes.com](mailto:Steve@riodelltimes.com)

12.28.21 23 new cases reported

Wait, wasn't 2021 supposed to be better than 2020? Dave Barry's Year in Review - Miami Herald

12.27.21 5 hospitalizations, 178 new cases reported since Wednesday

Read the letters to Assembly Member Jim Wood and Assembly Judiciary Committee re. elder financial fraud, conservatorships and more...

The Conservatorship of Barbara L. Keller - a new ongoing feature of our Court page

Mendocino robbery suspects arrested in Eureka with over 2 ounces fentanyl and more...

2021 Rio Dell Times Front Page Archive

2020 Rio Dell Times Front Page Archive

2019 Rio Dell Times Front Page Archive

2018 Rio Dell Times Front Page Archive

2017 Rio Dell Times Front Page Archive

Fourteen (14) handmade concrete pavers (30lbs a piece) were loaded in the back of a 1992 Suburban 2500 and hauled to Fallon Nevada as a present for Barbara along with a truck load of presents for our children as it was a Christmas family visit.

The kidnapers were not present of course- they're strangers. We do not know them!

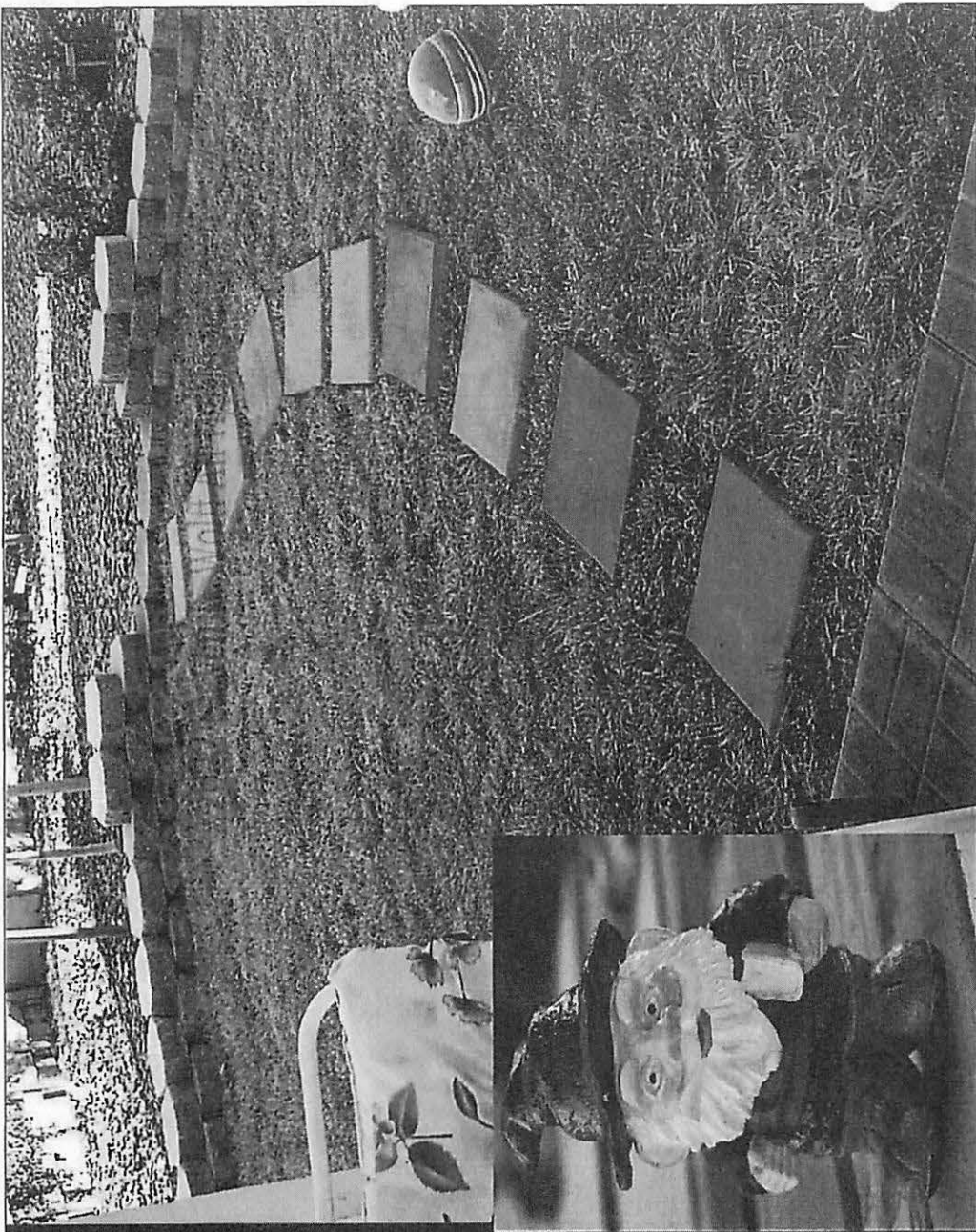
Ms. Georgetown Law clearly knew that when she did what she did. Everyone's mom and dad is at risk of elder financial fraud perpetrated by people low enough to secure the signature of Alzheimer's and Dementia patients in order to take their estates.

I have a tremendous amount of family media that I really didn't want to make public but I will.

Take that to the bank Ms. Georgetown Law.

The court may have rubber stamped the fraudulent paperwork but the court of public opinion might have a different view.

This can happen to anyone with attorney's like this preying on the vulnerable.





**Court Sanctioned Kidnapper Royce Mendonca**

full legal name is Roland Royce Mendonca, Jr.

[full linkedin profile](#) - would you buy a used car from this guy?

**[Back to The Kidnapping of Barbara Lynn Bareuther](#)**

**[The Conservatorship of Barbara L. Keller](#)**

7/25/22, 1:09 PM

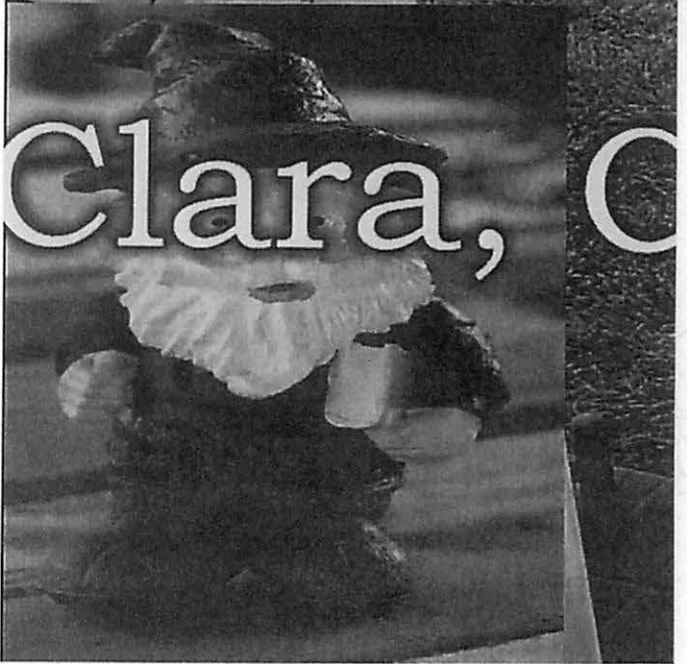
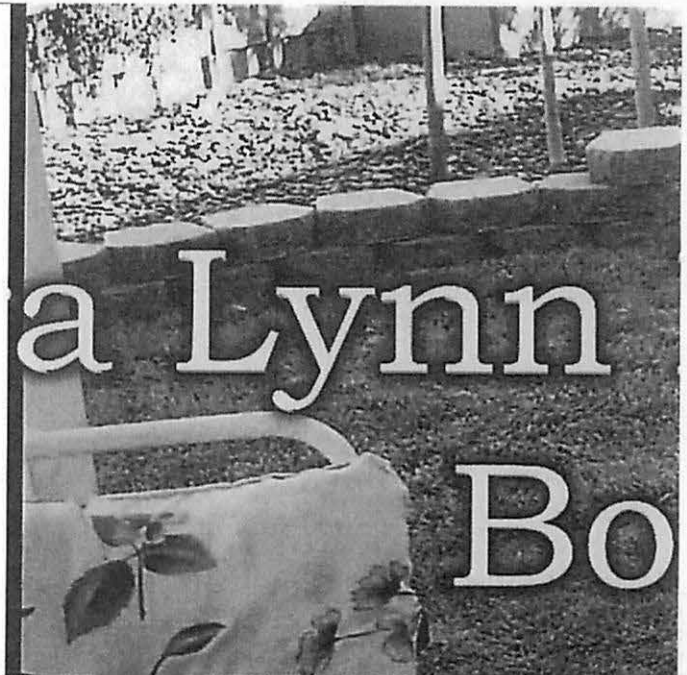
Court Sanctioned Kidnapper Royce Mendonca

Send tips etc to:

E-Mail: [Steve@RioDellTimes.com](mailto:Steve@RioDellTimes.com)



Monday, July 25, 2022



0:24 / 1:41

Go Ducks Go O R E G O N!!!

Freedom of Information Act/California Public Re

Public works department investigation report into 'felony level offen

Approved Rio Dell Commerical Medical Cannabis La

The Conservatorship of Barbara



**"I read the file!"**

---

\*\*\*

**Attorney Chris Johnson**

Stokes, Hamer, Kirk & Eads, LLP (Ar

**"I don't know who Steven**

\*\*\*

+++

**Heather Allen, N**

Iris Health Medical Group

+++

@@@

**John Roberts, Dire**

The Pines, A Merrill Gardens Community (Facili

@@@

XXX

**Royce Mendonc**

**(legal name is Roland Royce :**

&

**Diana Mendonc**

"I have a friend who is an attorney

XXX

The Conservatorship of Barbara L. K

**E-Mail Steven L. W**

**RioDellTimes Headquarters to**

Music for Barbara

3.9.22 Help is on it's way The Little Riv

2.5.22 Spiders and Snakes Jim Staf

1.28.22 Wabash Cannon Ball Johnny

1.24.22 Tribute to Glen Campbe

1.17.22 The Name Game - Shirely I

1.16.22 SOS - ABBA

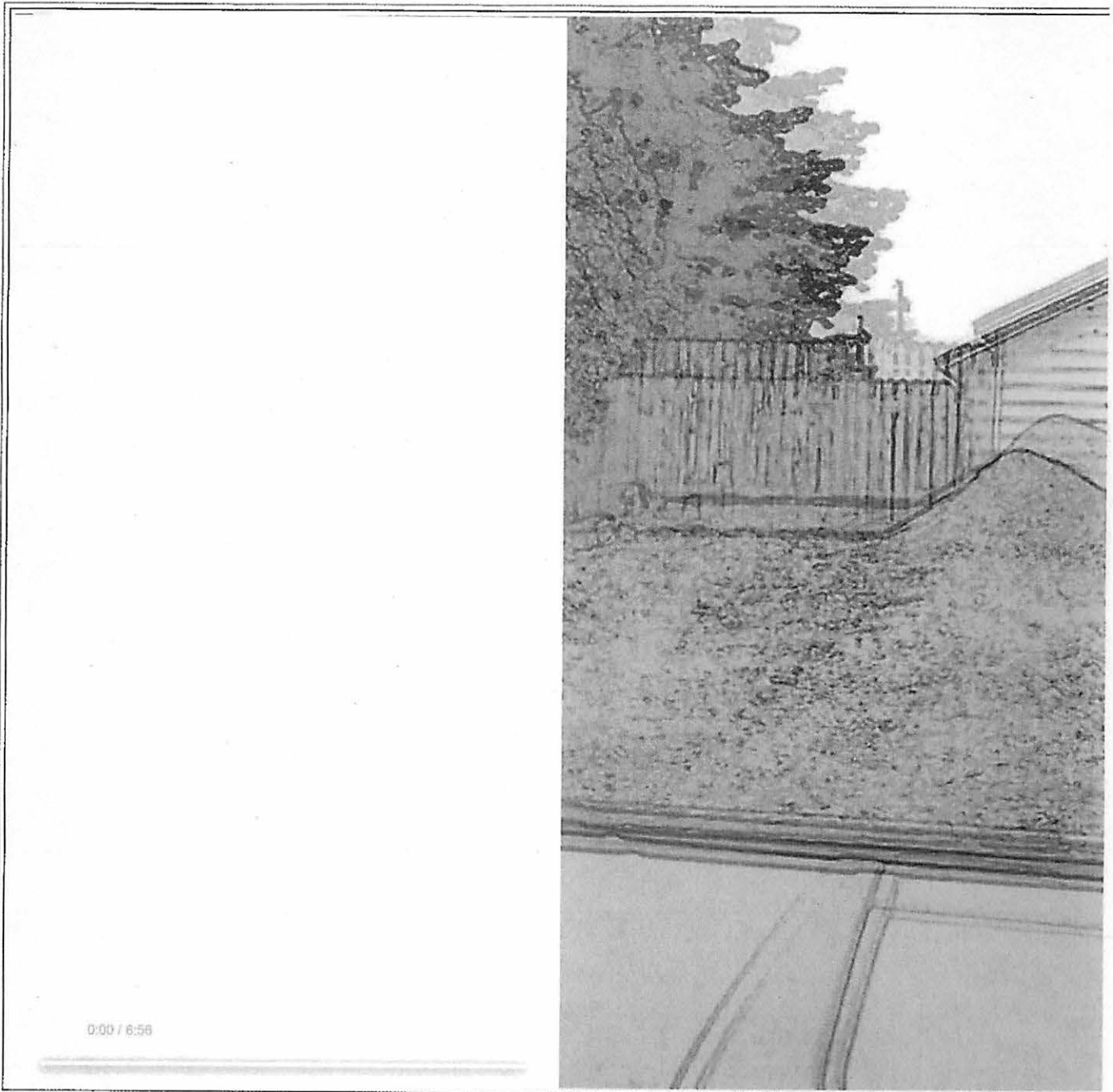
1.14.22 Amie - Pure Prairie Leag

Mama mia - ABBA

Gentle on my mind - Glen Cam

Country Roads - John Denver

City Council Rio Dell California	Community Events Try → Here	Court	Education	Pacific Lumber Bankruptcy
Rio Dell P. Market Place	Rio Dell Volunteer Fire Department	Scotia Annexation	Vote * Watch	RIODELLTIMES.COM



This is the drive from the Rio Dell Times 3 Painter Street to Kenmar rd. Fortuna California. The Kenmar house in Fortuna is Barbara Lynn videos like this for my Mother in Law whom I have known for nearly 40 years and have a very close loving relationship with. Ms. "Georgetov online as I get the time to process it all.

This was a private video that we created as a walk-through of Barbara's new home. This should be interesting to Ms. "Georgetown Law" and her home before.

e-mail: Steven L. Wolff @ [steve@riodelltimes.com](mailto:steve@riodelltimes.com)

Rio Dell Times

# Stokes, Hamer, Kirk & Eads, LLP

Serving Humboldt County Residents for over 70 years



## Stokes, Hamer, Kirk & Eads - Attorney Information



**Chris Johnson Hamer - Senior Partner**

### **Practice Areas:**

- Construction Litigation
- Real Property and Real Property Litigation
- Probate Litigation
- Water Rights and Water Litigation
- Business Litigation

### **Admitted:**

1982, California; 1983, U.S. District Court, Central District of California; 1986, U.S. District Court, Eastern District of California and U.S. Tax Court; 1994, U.S. District Court, Northern District of California; 2004, Yurok Tribal Court; 2008, Blue Lake Rancheria Tribal Court

### **Law School:**

Georgetown University, J.D.

### **Member:**

Humboldt County Bar Association; State Bar of California

Cases: *Westhaven Community Dev. v. County of Humboldt*, et al (1998) 61 Cal App 4th 365

### **Background**

Chris Johnson Hamer is a Humboldt County native. She received her undergraduate degree, with highest honors and dean's list, from University of California, Santa Barbara. She received her law degree in 1982 from Georgetown University Law Center in Washington, D.C., *cum laude* and dean's list, practicing initially in the Los Angeles area. She left her partnership with Case, Orr, Paterson & Cunningham, LLP in Ventura, California to come home in 1993, when her parents became ill. Chris Hamer is an experienced legal advocate and has been practicing in Humboldt, Del Norte, Trinity and Mendocino Counties since that time, with occasional cases in the L.A. area.

Ms. Hamer advises and handles litigation in trust, estate, business, real property and elder financial abuse matters. She also handles probates of decedent's estate and real property contracts.

She is also the mother of three grown children, and enjoys running, yoga, tennis as well a number of other outdoor activities. She is on the board of directors of North Coast Big Brothers Big Sisters and President of the Six Rivers Running Club's Relay for Life Team.

Notations throughout...

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

This is lengthy but worth the read - or at least skim for the highlights.

This is how your Mom or Dad will be treated by the Humboldt County Superior Court IF you don't have a well-connected attorney on retainer.

**FILED**

**DEC 18 2021**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT**

Note the Filed date - read down for why it is significant. You can't escape the date stamps.

***SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT***

**CASE NO. PR2100162**

**IN RE BARBARA LYNN KELLER**

**RULING AND ORDER  
APPOINTING CONSERVATOR**

Presently before the court are two competing petitions for appointment of conservator for Barbara Lynn Keller: a petition by Royce Mendonca (Ms. Keller's husband's nephew), and a Previously unknown nephew of Barbara's 5th husband - legal name is Roland Royce Mendonca, Jr. petition by Sharon Wolff (Ms. Keller's daughter). Objections were also filed to both petitions. Similar competing petitions were filed in Ronald Keller's matter, Humboldt Superior Court case no. PR2100161. Ronald and Barbara Keller are married.

Both petitioners appear to agree that Ms. Keller needs a conservator of her person and of her estate. The probate investigator also recommended appointment of a conservator. From the The investigator recommended approving Sharon's petition AND appointing counsel for Barbara as she had requested evidence presented to the court, including but not limited to the testimony at the hearing and the investigator's reports, the court finds that Ms. Keller is unable to properly provide for her personal needs for physical health, food, clothing or shelter, and that Ms. Keller is substantially unable to manage her own financial resources or resist fraud or undue influence. The court finds that appointment of a conservator of Ms. Keller's person and estate is in Ms. Keller's best

**Ruling on Conservatorship**

1 interests.

2 Which petitioner should be appointed conservator is a more difficult question. After  
3 reviewing all the filings in this matter as well as in Mr. Keller's matter, and considering the  
4 testimony presented at the hearing, the court appoints Mr. Mendonca as the conservator of Ms.  
5 Keller's person and estate, for the following reasons. including the recommendation to appoint  
6 Keller's person and estate, for the following reasons. including the recommendation to appoint  
7 Keller's person and estate, for the following reasons. including the recommendation to appoint  
8 Keller's person and estate, for the following reasons. including the recommendation to appoint  
9 Keller's person and estate, for the following reasons. including the recommendation to appoint  
10 Keller's person and estate, for the following reasons. including the recommendation to appoint  
11 Keller's person and estate, for the following reasons. including the recommendation to appoint  
12 Keller's person and estate, for the following reasons. including the recommendation to appoint  
13 Keller's person and estate, for the following reasons. including the recommendation to appoint  
14 Keller's person and estate, for the following reasons. including the recommendation to appoint  
15 Keller's person and estate, for the following reasons. including the recommendation to appoint  
16 Keller's person and estate, for the following reasons. including the recommendation to appoint  
17 Keller's person and estate, for the following reasons. including the recommendation to appoint  
18 Keller's person and estate, for the following reasons. including the recommendation to appoint  
19 Keller's person and estate, for the following reasons. including the recommendation to appoint  
20 Keller's person and estate, for the following reasons. including the recommendation to appoint  
21 Keller's person and estate, for the following reasons. including the recommendation to appoint  
22 Keller's person and estate, for the following reasons. including the recommendation to appoint  
23 Keller's person and estate, for the following reasons. including the recommendation to appoint  
24 Keller's person and estate, for the following reasons. including the recommendation to appoint  
25 Keller's person and estate, for the following reasons. including the recommendation to appoint

The probate investigator recommended that Ms. Wolff be appointed conservator for Ms.  
Keller's person and estate, in her original report and in her subsequent report. The court is  
appointing Mr. Mendonca as Mr. Keller's conservator; appointing Ms. Wolff as conservator for  
Ms. Keller would require either that Mr. Mendonca and Ms. Wolff work together to support Ms.  
Keller and Mr. Keller as a married couple, or require Ms. Keller and Mr. Keller to live apart and  
go their separate ways. Actually, this would have forced Royce to finally talk to Sharon and work  
together which Sharon had been asking for since first tracking him down.

Mr. Mendonca and Ms. Wolff are unable to work together. During the hearing, and as  
reflected in the papers submitted by the parties, it is apparent that each petitioner undermines the  
other, trades insults, and withholds key information from each other. Appointing Mr. Mendonca  
for Mr. Keller and Ms. Wolff for Ms. Keller would likely result in more contentious interactions,  
high stress for the conservatees, and extensive litigation over instructions, orders, accountings  
and the like. See the transcript excerpts added below from the July 29, 2021 initial hearing - Sharon has been asking for  
help from the Mendonca's since the beginning but they have steadfastly refused throughout.

Ms. Keller, as did Mr. Keller, signed a written document nominating Mr. Mendonca to be  
her conservator. A proposed conservatee may nominate a conservator, either in the petition for  
That nomination document is evidence of elder financial fraud - which the court ignored entirely  
appointment or in a writing signed by the proposed conservatee at a time when she had sufficient  
capacity to form an intelligent preference. Prob. C. §1810. The court must appoint the  
nominee unless it finds that the appointment is not in the best interests of the proposed  
conservatee. Recall that the GC-335 Capacity Declaration for Barbara (the legitimate one) was filed with the court on  
August 17, 2021 and it has been ignored by this court ever since.

Though Ms. Keller may have been influenced by Mr. Keller and by Mr. Keller's sister  
when making the nomination of Mr. Mendonca, there was insufficient evidence that any such  
I am still struggling to figure this one out - there may have been influence on the Alzheimer's patient  
but it wasn't necessarily undue? Except it was in direct opposition to all of Barbara's documented  
Ruling on Conservatorship intents and wishes to date - textbook elder financial fraud undue influence.

1 influence was undue. Though Ms. Keller is clearly suffering from memory loss and some  
2 diminished capacity, it appears to the court that Ms. Keller had sufficient capacity to form an  
3 intelligent preference at the time she signed the nomination. At the hearing, Ms. Keller also  
4 clearly and unequivocally testified that she preferred the appointment of Mr. Mendonca over the  
5 appointment of Ms. Wolff. Ms. Keller also told the probate investigator that she preferred Mr.  
6 Mendonca be appointed conservator. Capacity Declaration months prior and it has been on file with  
7 Barbara's medical providers signed a GC-335 & GC-335A  
8 the court ever since.

9 The court finds that Ms. Keller had sufficient capacity to form an intelligent preference  
10 for a conservator at the time she nominated Mr. Mendonca.

11 The court further finds that Mr. Mendonca's appointment is in Ms. Keller's best interest.  
12 According to Alma Barber, a social worker with Adult Protective Services, prior to the  
13 involvement of Mr. Keller's sister and Mr. Mendonca, when Mr. Keller and Ms. Keller were  
14 living close to Ms. Wolff and her family, they stopped accepting assistance from Ms. Wolff and  
15 began trying to sell their house and leave the area. When visited by Ms. Barber, the Kellers had  
16 no food in their house, and Ms. Keller had lost 10 pounds. Ms. Barber testified that Mr. Keller  
17 looked disheveled and was crying frequently. Ms. Barber concluded that both were  
18 Ron's sister only became involved because Sharon searched for her and sought out her help for  
19 decompensating rapidly. her brother - Diane refuses to speak to Sharon and believes the delusions that Sharon was  
20 breaking into the Keller home to watch them sleep, bragging about it and poisoning their food.

21 In contrast, after Mr. Keller's sister and Mr. Mendonca became involved, both Mr. and  
22 Ms. Keller were placed in an assisted living facility where they both are receiving medical care,  
23 They were placed by the previously unknown nephew of Barbara's 5th husband without any legal authority to do so  
24 eating well, live in a safe environment, and are generally being well-cared for. At the hearing on  
25 the petitions, the court was able to observe the Kellers as they testified via Zoom, and they both  
26 appeared to be doing well in the assisted living facility. Legal authority for placing vulnerable elders into a  
locked memory care unit is apparently not a concern in Humboldt County

27 In addition, and as recommended by the probate investigator, Mr. Mendonca is  
28 committed to Mr. and Ms. Keller living together, as long as their medical condition allows it and  
29 as long as there are no concerns regarding physical safety. In contrast, Ms. Wolff did not appear  
30 to be strongly in favor of the Kellers living together, at least not initially.

See the transcript excerpts added below from the July 29, 2021 initial hearing - Sharon found a safe placement nearby for both of the Keller's. But again, the court ignored everything presented to it by Sharon as an In Pro Per

Read the Amended Court Investigators Report posted online to see what was actually said and what was recommended

1 It is also clear from testimony as well as the investigator's reports that Ms. Keller (and  
2 Mr. Keller) are willing to listen to and cooperate with Mr. Mendonca, whereas neither proposed  
3 conservatee seemed willing or able to do so with Ms. Wolff. Ms. Keller not only expressed a  
4 strong preference for the appointment of Mr. Mendonca -- which she has consistently asserted  
5 since the first investigator's report -- but she also strongly expressed her opposition to Ms.  
6 Wolff being appointed. her conservator because she didn't know him. The court investigators report

7 is very clear and the Judge simply ignored it for whatever reason.  
8 The court gives no weight to Mr. Mendonca's assertions that Ms. Wolff is not qualified  
9 to serve as a conservator of the estate because of her prior bankruptcy or current financial  
10 situation. Those factors do not support a conclusion that Ms. Wolff would embezzle or misuse  
11 the conservatees' financial assets, the serious allegations of elder fraud and the submitted  
12 documentation. The court simply ignored the glaringly obvious.

13 Similarly, the court does not give any weight to Ms. Wolff's assertions that Mr.  
14 Mendonca was falsifying documents or otherwise not qualified to serve as conservator.  
15 In Humboldt County, glaringly obvious fraudulent documentation is given the same consideration as legal paperwork...

16 Considering the vitriolic accusations made against each other, Ms. Wolff and Mr.  
17 Mendonca are not able to cooperate with each other in making decisions regarding care and  
18 support for Ms. Keller and her husband. Instead, it is likely that each conservator would make  
19 decisions inconsistent with the other's decision, which in turn would not be in the best interests  
20 of the married couple. A likely outcome of having two different conservators is that Mr. Keller  
21 and Ms. Keller may be split up. As the investigator noted, splitting Mr. Keller and Ms. Keller  
22 up may cause their respective conditions to deteriorate more rapidly.

23 The court further concludes that having a different conservator for Mr. Keller and for Ms.  
24 Keller would not be in the conservatees' best interests, but would likely be disastrous.

25 For the foregoing reasons, the court finds that the appointment of Royce Mendonca as  
conservator for Ms. Keller's person and estate is in the best interests of Ms. Keller. The court  
grants Mr. Mendonca's petition for appointment, and appoints Mr. Mendonca as conservator for  
Ms. Keller's person and estate. Except as expressly granted herein, all other requests for relief in  
This is the exact opposite of what the court investigator has stated - twice now. Don't forget, Barbara  
told the court investigator that she did NOT want Royce as her conservator because she didn't know  
him. The Humboldt County Superior Court simply didn't care.  
**Ruling on Conservatorship**



1 this case have been considered and are denied.

2 For the foregoing reasons,

3 **IT IS HEREBY ORDERED THAT:**

4 1. Sharon Wolff's petition for appointment as conservator is denied;

5 2. Royce Mendonca's petition for appointment as conservator of the person and estate of  
6 Ms. Keller is granted, and letters shall issue; and

7 3. The court will set dates for review and accounting, and will notify the parties of those  
8 dates.

9

**TIMOTHY A. CANNING**

10 Dated: December 10, 2021

\_\_\_\_\_  
Timothy A. Canning  
Judge of the Superior Court

12 Notice the signature date of December 10, 2021 and the Filed stamp date above of December 13, 2021

13 Attorney Hamer was obviously advised of this order being signed - but not yet filed - when she  
14 submitted her GC-340 Order Appointing Probate Conservator that same day (already posted online),  
15 as evidenced by the Register of Actions. Petitioner Sharon Wolff received this order in the mail -  
postmarked December 14, 2021 and received on Thursday December 16, 2021.

16 Sharon then filed a DE-154 Request for Special Notice on December 20, 2021 after having served it  
17 on Attorney Hamer and the previously unknown nephew of Barbara's 5th husband. This **REQUIRES**  
18 them to send Sharon a copy of everything they file in this case within 15 days of filing - and notices of  
hearings no later than 15 days prior to any hearing.

19 Attorney Hamer has continued to disregard the law without fear of scrutiny or reprisal from the  
20 Humboldt County Superior Court and has not provided the required notices. Sharon has retrieved  
21 copies of the GC-350 Letters of Conservatorship filed by Attorney Hamer on January 13, 2022 from  
the court clerk during her inspection of the case file. Over fifteen (15) days have expired and no copy  
has been received by Sharon Wolff.

22 There is no reason to think these kinds of deceptive tactics and blatant refusal to follow the law by  
23 Attorney Hamer and the previously unknown nephew of Barbara's 5th husband won't continue  
24 unless and until the Humboldt County Superior Court decides to stand up for vulnerable elders for a  
change.

25 Read the 7.29.21 Initial Hearing Transcripts below...

PROOF OF SERVICE BY MAIL

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Courthouse, 825 5<sup>th</sup> St., Eureka, California, 95501; that I served a true copy of the attached RULING AND ORDER APPOINTING CONSERVATOR by placing said copies in the attorney's mail delivery box in the Court Operations Office at Eureka, California on the date indicated below, or by placing said copies in envelope(s) and then placing the envelope(s) for collection and mailing on the date indicated below following our ordinary business practices. I am readily familiar with this business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service at Eureka, California in a sealed envelope with postage prepaid. These copies were addressed to:

Sharon Wolff, 3 Painter St., Rio Dell, CA 95562

Alex Grotewohl, County Counsel, Court Operations Box #39

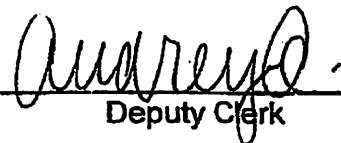
Chris Hamer, Court Operations Box #4

Yet Attorney Hamer knew about the signed order on 12/10/21 - before it was Filed with the court - as evidenced by her GC-340 Order Appointing Conservator which she filed later that same day

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on the 13<sup>th</sup> day of December 2021, at the City of Eureka, California.

Kim M. Bartleson, Clerk of the Court

By   
Deputy Clerk

7.29.21 Initial Hearing Transcript below...

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT  
DEPARTMENT 6

BEFORE THE HONORABLE JOHN T. FEENEY, JUDGE

IN RE THE MATTERS OF:

SHARON WOLFF,

Petitioner,

and

Case Nos. PR2100161  
PR2100162

RONALD KELLER and BARBARA KELLER,

Conservatees.

REPORTER'S TRANSCRIPT OF PROCEEDINGS (via Zoom)

a |

Petition

APPEARANCES:

For the Petitioner:

SHARON WOLFF  
IN PROPRIA PERSONA

Also Present: ALMA BARBA

Both Proposed Conservatees and Diana Mendonca were also present via Zoom  
but Diana did not inform the court they were there - she filed a  
declaration after the fact.

Reported By:

SHERYL A. BROWN, CSR No. 3908

## PROCEEDINGS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

THE COURT: We have two related cases to call next, and they are in sequence on the calendar, the matter of Ronald Keller, PR2100161, also the matter of Barbara Keller, PR2100162.

Do we have Ms. Sharon Wolff with us today?

MS. WOLFF: Yes, Your Honor, I'm here.

THE COURT: Thank you. Good afternoon.

MS. WOLFF: Good afternoon.

THE COURT: And let me get the files here. Now I have them. And we do have separate Petitions for appointment of a conservator.

And let's see. Ms. Wolff, I think we'll need probably just a brief continuance, as some of the documents are not in proper form or otherwise have not been provided to the Court. More specifically, the order, itself, is blank, and we'll need you to submit orders, one for each file that has the necessary information. Again, that's the order appointing probate conservator. And the letters of conservatorship, we'll need to have the letters of conservatorship signed.

And --

MS. WOLFF: Your Honor?

THE COURT: Yes. Go ahead, please.

MS. WOLFF: Your Honor, I understand -- if there's anything that is missing, I am more than happy to submit anything that the Court needs.

1 I would hope to have a chance to speak to the --  
2 to yourself and to the Court prior to any continuance,  
3 because there have been some very drastic changes in this  
4 case since I filed the Petition on June 21st.

5 THE COURT: Okay. Well, let's see.

6 MS. WOLFF: May I make --

7 THE COURT: Ms. Wolff --

8 MS. WOLFF: -- at some point make -- I would  
9 hope to be able to advise the Court of what the changes  
10 are.

11 with : 2 | to yourself and to the Court prior  
12 3 | because there have been some very COVID

13 MS. WOLFF: No. I have consulted on the  
14 paperwork with Arthur Nielsen locally. None of the  
15 attorneys' offices are willing to represent a case where  
16 an APS investigation is currently ongoing. I don't know  
17 if that's because of the big turmoil over the previous  
18 APS case and the two county counsel members possibly  
19 losing their law license, but it is an obstacle we face.  
20 So as long as APS had their investigation going,  
21 attorneys did not want to represent us.

22 But Arthur Nielsen was a fantastic advocate,  
23 helped me look over this paperwork before it was  
24 submitted. So, if anything is missing, again, I will fix  
25 anything that is in there, but that is why we are in pro  
26 per. And that is where we are.

27 THE COURT: Okay. Thank you.

28 And, Ms. Wolff, I -- in just preparing to call

1. the cases, I did sense there may be some sort of urgency.  
2. And --

3. MS. WOLFF: Yes.

4. THE COURT: -- I thought -- I cannot give legal  
5. advice, but perhaps consideration should be given to  
6. filing for -- for a temporary conservatorship, just to,  
7. perhaps, move things along a little bit quicker.

8. MS. WOLFF: Yes. Yes. And that's -- that's  
9. part (

10	now h:	1		the cases, I did sense there may b
11	Barba:	2		And --
12	recei:	3		MS. WOLFF: Yes.

13. Although Ron Keller was advised that this was  
14. being submitted by the doctor back when he and my mom met  
15. with Danielle Cole on the 19th of this month -- he was  
16. aware of that -- they -- he then contacted -- I believe  
17. he contacted his sister Diane and nephew Royce and had  
18. those assist them in fleeing the county. They are no  
19. longer in Humboldt County jurisdiction.

20		11		Barbara Keller, my mom, that we
21	know,	12		received a copy of that yesterda
22	famil:	13		Although Ron Keller was

23. believes every word that <sup>I said Ron</sup> ~~she~~ is telling her. And we are  
24. stuck. They are down in Citrus Heights, as far as I  
25. know, with Diane. And I don't know the situation that is  
26. going on down there, because, like I said, they have left  
27. the area. They're not communicating to us. And I am  
28. extremely worried about that, based on the information

1 from the court investigator's report, I think that's  
2 absolutely chilling. The situation inside their home is  
3 much worse than I had anticipated, even.

4 The suicidal threats that Ron continues to make,  
5 and then he made suicidal threats on behalf of my mom,  
6 which she never, ever, ever -- suicide wouldn't -- I  
7 mean, <sup>anyone who actually knows Barbara would get this reference.</sup> Mom would not  
8 commit suicide. He is making suicidal threats on her  
9 behalf. And his last line to this court investigator was  
10 that he would use pills and off them both.

11 2 | absolutely chilling. The situatio  
12 belie 3 | much worse than I had anticipated,  
13 court 4 | The suicidal threats that  
14 mom, I 5 | and then he made suicidal threats  
15 I am 6 | which she never, ever, ever -- sui

16 THE COURT: I see. Barbara and Ron. She still believes Ron's  
17 delusions over reality.  
18 And you did mention APS. Is there an ongoing  
19 investigation?

19 MS. WOLFF: Yes.

20 THE COURT: There is?

21 MS. WOLFF: There is. Alma Barba is in  
22 attendance here. I see her on Zoom. Although she will  
23 likely have to close her case, because they have fled the  
24 jurisdiction.

25 THE COURT: Hmm. Okay. Okay. Well, without  
26 the proper documentation, I'm not able to provide -- do  
27 any orders at this time. But I would suggest -- so  
28 you've already been in contact with APS, the Adult

I believe the judge could have assigned counsel for both proposed conservatees  
at this point but no orders were issued and counsel was never assigned despite  
their request for representation and their civil rights. Three different  
judges heard this case along the way - none of them assigned counsel.

1 Protective Services. You may -- again, I cannot give  
2 legal advice.

3 MS. WOLFF: Yes.

4 THE COURT: But you may want to consider  
5 contacting --

6 MS. WOLFF: Of course.

7 THE COURT: -- contacting the Sheriff's  
8 Department, given -- given your concerns.

9 And, again, I think you might want to consider  
10 possibly filing for a temporary conservatorship with both  
11 your mother and --

12 MS. WOLFF: Yeah. I --

13 THE COURT: -- and father-in-law.

14 MS. WOLFF: I am filing for conservatorship of  
15 Barbara Keller, the person, as soon as humanly possible.  
16 As soon as I get a copy of the original GC-335, so that I  
17 can file it with the Court papers, I intend to file an  
18 Amended Petition for the conservatorship of my mom's  
19 person, also for the estate.

20		11		your mother and --
21	and t:	12		MS. WOLFF: Yeah. I --
22	reall:	13		THE COURT: -- and father
23	to pr:	14		MS. WOLFF: I am filing f
24	made :	15		Barbara Keller. the person. as soo

25 We have located housing at Sequoia Springs in  
26 Fortuna, a very fine place --

27 THE COURT: Okay.

28 MS. WOLFF: -- for the both of them. They have



1 it available right now. And I -- in my opinion, that's  
2 the best of -- of that option.

3 But if we could work with Ron's family for the  
4 first -- we've been asking them for months to help us.  
5 If -- if they are finally willing to admit that there is  
6 an is:  
7 togetl

8 But in the meantime, I need to have the  
9 conservatorship of the estate. And I will be filing for  
10 the person, because what they are going to try to do is  
11 the same thing that they did in 2017 and destroy their  
12 finances as best as possible because they're not thinking  
13 clearly. And every last nickel of the inheritance that  
14 they have set aside is going to be needed for long-term  
15 care for both Ron and Mom, every penny of it.

16 So I do want to make clear there is a living  
17 trust in place. There's a full copy of it in the  
18 documentation. The living trust that Ron and Barbara  
19 filled out names my brother Tim Jenkins and myself off of  
20 the will that they had filled out back in 2003, named  
21 both my brother and I on this as executors because we've  
22 always been the trusted family members.

23 14 | they have set aside is going to b  
24 for m: 15 | care for both Ron and Mom. every  
25 conditions of that trust. Mom can -- has no legal  
26 capacity to sign any documents, to sign anything, for  
27 selling their house out at a fire sale price and getting  
28 rid of everything, like they did in 2017, or anything

1 else.

2 So I am doing that immediately. And then I will  
3 be following up with whatever paperwork this Court needs.  
4 I will do anything it takes to protect my mom.

5 THE COURT: Okay. Well, I'm sorry for all these  
6 occurrences. But as far as what we would need for the  
7 court files in these cases, we need a completed order.  
8 Also, the proposed letters of conservatorship would need  
9 to be completed, and also --

10 MS. WOLFF: The forms were submitted, and I --  
11 I'm sorry, Your Honor. I understand you're not able to  
12 give legal advice. The forms were submitted to the  
13 Court. You need to have the forms filled out, the boxes  
14 on there. I need to choose the orders that the -- that  
15 I'm asking the Court to do. Is that correct?

16 THE COURT: That's what --

17 MS. WOLFF: I just want to make sure I'm clear.

18 THE COURT: Exactly, Ms. Wolff, yes.

19 MS. WOLFF: Okay.

20 THE COURT: And also --

21 MS. WOLFF: Okay.

22 THE COURT: Also --

23 MS. WOLFF: I will do that, and I can have it to  
24 you by today.

25 THE COURT: Well, also, we did not see what's  
26 referred to as a citation. The citation advises the  
27 proposed conservatee, your mother and stepfather, of  
28 their rights and their ability to appear before the

Barbara and Ronald Keller were both present (on Zoom) with Diana Mendonca but only Diane was visible on camera and she never informed the court that they were there. Diana filed a declaration after the fact - found in the file by Sharon - confirming they were there.

1 Court. I -- I did not see the --

2 MS. WOLFF: Right.

3 THE COURT: -- citation, either. So we --

4 MS. WOLFF: That was what -- I -- I believe that  
5 was what was personally served on -- on the two of them.

6 THE COURT: Okay. Well --

7 MS. WOLFF: The citation with a copy of the  
8 Petition.

9 THE COURT: If that was, that's great. I just  
10 did not see a return to the court file of the -- of the  
11 citation. But it sounds like you may have already done  
12 that.

13 MS. WOLFF: I -- well, North Coast Legal  
14 Services did the service of the papers, so I will make  
15 sure that that has been submitted and completed. They  
16 had a heck of a time serving the papers, but they were  
17 able to serve them in person with -- with the citation or  
18 whatever else was attached to it that they needed.

19 THE COURT: If you know, did the service  
20 occur -- it really doesn't matter if it occurred in  
21 Humboldt County or out -- it doesn't --

22 MS. WOLFF: It did. It occurred in Humboldt.  
23 And Alma Barba was actually a witness to them being  
24 served. She assisted, because they refused to answer  
25 their door, for whatever reason. Alma Barba actually  
26 assisted the service of the papers, to make sure that  
27 they got them, to make absolutely sure they were advised  
28 of their rights and everything is being done legally,

1 above board, anything that we can do.

2 THE COURT: Okay.

3 Well, Ms. Wolff, normally I would say we should  
4 probably put this over for two or three weeks, but given  
5 the urgency of everything described for me, I think we  
6 should

7 we'll see what the status is. Okay? No orders were issued from this  
court until Dec. 10, 2021

8 MS. WOLFF: Okay. I will submit the order  
9 appointing conservator and the letters requested. I'll  
10 resubmit those completed. I'll double-check on the  
11 North Coast Legal Services to make sure that you have the  
12 notice that they were served correctly.

13 Is there anything else that you need?

14 THE COURT: And we did discuss the citation, as  
15 well, yes, but --

16 MS. WOLFF: The citation that goes with the  
17 Proof of Service.

18 THE COURT: Yes. Yes.

19 MS. WOLFF: Okay.

20 THE COURT: Okay. Well, let's --

21 MS. WOLFF: Is there -- is there anything else?

22 THE COURT: I think that should suffice.

23 So we'll place both these matters back on  
24 calendar a week from today, please, the clerk of the  
25 Court.

26 THE CLERK: August 5th at 2:15.

27 MS. WOLFF: August 5th, 2:15. I will be here.

28 THE COURT: Okay. Ms. Wolff, thank you. Take

1 care.

2 MS. WOLFF: Thank you very much, Your Honor.

3 THE COURT: You bet. Bye.

4 (The proceedings were concluded at 2:35 p.m.)

5

6

---o0o---

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



**FILED**  
N  
JUN 13 2022 P.

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT

1 Sharon L. Wolff  
2 3 Painter St.  
3 Rio Dell, CA 95562  
4 (707) 599-9961  
5 Original Petitioner, In Pro Per  
6  
7  
8

9 SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT

10 In re. the Conservatorship of the Person and ) Case No.: PR2100162  
11 Estate of: )  
12 ) RESPONSE TO CONFIDENTIAL  
13 BARBARA LYNN KELLER ) INVESTIGATOR'S FIRST ANNUAL  
14 ) REVIEW REPORT  
15 ) DATE: JUNE 16, 2022  
16 ) TIME: 2:15pm  
17 ) COURTROOM: 6

18 I, Sharon L. Wolff, daughter of Barbara Lynn Keller (BARBARA) submit the following  
19 response to the Confidential Investigator's First Annual Review Report ("QUEST REPORT") by  
20 Carla Aquiar of Quest Court Investigations. received via email on June 10, 2022.

21 **It should be noted that the Public Defender was appointed to represent BARBARA on May**  
22 **12, 2022 – five months AFTER a permanent order of conservatorship was signed by Judge**  
23 **Canning. Absolutely NO legal counsel to protect the civil rights of BARBARA had been**  
24 **assigned prior to that date despite clear mandates and the recommendations of the initial court**  
25 **investigator's report. The importance of this willful omission by the court – throughout the**  
26 **entirety of this contested conservatorship case – to assign counsel to BARBARA and Ronald**  
27

1 Wayne Keller ("RON"), companion case PR 2100161 – cannot be overstated in the outcome of  
2 this conservatorship.

3  
4 See MEMORANDUM OF POINTS AND AUTHORITIES, filed by myself on Sept. 22, 2021  
5 which outlines the allegation of **Elder Financial Fraud and Undue Influence**. If counsel had  
6 been appointed to represent BARBARA, as required by law, it is possible that the actions of  
7 Attorney Chris Johnson Hamer ("ATTORNEY HAMER") and Roland Royce Mendonca, Jr.  
8 ("ROYCE") in submitting a clearly legally deficient GC-335 and GC-335A Capacity  
9 Declaration and securing the signature of an Alzheimer's patient on a legal document after legal  
10 capacity had already been established by qualified medical professionals may not have been  
11 attempted.

12  
13 **California Probate Code 21380** creates a presumption of undue influence in specific  
14 circumstances surrounding vulnerable populations which apply in this matter yet has been, to  
15 date, simply ignored by the court.

16  
17 *(a) A provision of an instrument making a donative transfer to any of the following persons is*  
18 *presumed to be the product of fraud or undue influence:*

19 (1) The person who drafted the instrument.

20 (2) A person who transcribed the instrument or caused it to be transcribed and who was in a  
21 fiduciary relationship with the transferor when the instrument was transcribed.

22 (3) A care custodian of a transferor who is a dependent adult, but only if the instrument was  
23 executed during the period in which the care custodian provided services to the transferor, or  
24 within 90 days before or after that period.

25 (4) A care custodian who commenced a marriage, cohabitation, or domestic partnership with a  
26 transferor who is a dependent adult while providing services to that dependent adult, or within 90  
27 days after those services were last provided to the dependent adult, if the donative transfer  
28 occurred, or the instrument was executed, less than six months after the marriage, cohabitation,  
or domestic partnership commenced.



1 (5) A person who is related by blood or affinity, within the third degree, to any person described  
2 in paragraphs (1) to (3), inclusive.

3 (6) A cohabitant or employee of any person described in paragraphs (1) to (3), inclusive.

4 (7) A partner, shareholder, or employee of a law firm in which a person described in paragraph  
5 (1) or (2) has an ownership interest.

6 (b) The presumption created by this section is a presumption affecting the burden of proof. The  
7 presumption may be rebutted by proving, by clear and convincing evidence, that the donative  
8 transfer was not the product of fraud or undue influence.

9 (c) Notwithstanding subdivision (b), with respect to a donative transfer to the person who drafted  
10 the donative instrument, or to a person who is related to, or associated with, the drafter as  
11 described in paragraph (5), (6), or (7) of subdivision (a), the presumption created by this section  
12 is conclusive.

13 (d) If a beneficiary is unsuccessful in rebutting the presumption, the beneficiary shall bear all  
14 costs of the proceeding, including reasonable attorney's fees. [emphasis added]

15 I have underlined each point of Prob. 21380 which applies in this matter. See above referenced  
16 MEMORANDUM OF POINTS AND AUTHORITIES for further documentation and a timeline  
17 of events demonstrating the allegation of undue influence.

18  
19 There is no question that a conservatorship is required for mom (BARBARA) and RON. That is  
20 why I was forced to file the original petition in the first place on June 21, 2021.

21  
22 The question before the court is whether or not THIS conservator has been acting in the best  
23 interests of BARBARA and whether or not this specific conservator should continue in that role.

24  
25 I have documented the legally deficient and altered Judicial Council mandated forms, the undue  
26 influence and elder financial fraud allegations using the documentation submitted by  
27 ATTORNEY HAMER and ROYCE under penalty of perjury to this court.  
28

1 Judge Canning simply stated in his Dec. 13, 2021 order "the court does not give any weight to  
2 Ms. Wolff's assertions that Mr. Mendonca was falsifying documents or otherwise not qualified  
3 to serve as conservator." The court gives no weight to the very serious allegations of elder  
4 financial fraud committed by a proposed conservator and their prominent local attorney.

5  
6 However it should be emphasized that the court did NOT declare that the documents were valid  
7 or legally sufficient.

8  
9 The court simply ignored the matter entirely yet the well documented allegation (with timeline)  
10 remains before the court today in deciding whether or not ROYCE and ATTORNEY HAMER  
11 have been acting in the best interests of BARBARA since I tracked down ROYCE and RON's  
12 sister Diane Mendonca ("DIANE") originally.

13  
14 The Dec. 13, 2021 order by Judge Canning also stated BARBARA had "sufficient capacity" to  
15 form an intelligent preference for a conservator because the court simply refused to take judicial  
16 notice of the original GC-335 and GC-335A Capacity Declaration for BARBARA – signed by  
17 her medical provider and a neuropsychologist after completing a cognitive assessment – on July  
18 22, 2021 and filed with the court on August 17, 2021. The legally deficient, altered Judicial  
19 Council form GC-335 and GC-335A submitted by ROYCE and ATTORNEY HAMER was  
20 allowed to stand as the controlling document without question despite my pleadings to the court.

21  
22  
23 See OBJECTION TO PETITION FOR CONSERVATORSHIP AND TEMPORARY  
24 CONSERVATORSHIP OF BARBARA LYNN KELLER BY SHARON WOLFF. See page 2,  
25 line 18 where ROYCE and ATTORNEY HAMER confirm their knowledge of the original GC-  
26 335 and GC-335A Capacity Declaration filed by myself.

1 This is the ONLY reference I am aware of where ROYCE and ATTORNEY HAMER clearly  
2 acknowledge they knew of – and had a copy of – the legitimate and legal capacity declaration for  
3 BARBARA on August 25, 2021 when it was signed under penalty of perjury and subsequently  
4 filed with the court. On August 24, 2021 (one day prior). ROYCE and ATTORNEY HAMER  
5 created – or directed the creation of – the legally deficient and altered Judicial Council forms  
6 submitted to the court under penalty of perjury.

7  
8 Also on August 25, 2021, ROYCE and ATTORNEY HAMER created the NOMINATION BY  
9 CONSERVATEE OF ROYCE MENDONCA AS THE CONSERVATOR OF HER PERSON  
10 AND ESTATE. They secured BARBARA's signature on this document after taking her from  
11 Fortuna, CA on or about July 26, 2021 and holding her at the residence of DIANE for 30-days  
12 while denying access to BARBARA's family. See MEMORANDUM OF POINTS AND  
13 AUTHORITIES for the timeline. This document was also submitted to the court under penalty of  
14 perjury by ROYCE and ATTORNEY HAMER.

15  
16  
17 The QUEST REPORT clearly documented numerous issues with this specific conservator and  
18 they were unable to assess if ROYCE is acting in the best interests of BARBARA as they have  
19 not completed or submitted a single accounting, inventory, appraisal or any other documentation  
20 as required.

21  
22 As this court has no accounting or documentation provided by ROYCE and ATTORNEY  
23 HAMER since the conservatorship was granted on December 13, 2021 – the court must  
24 rely on the documentation already provided, under penalty of perjury, to determine if  
25 ROYCE has the best interests of BARBARA in mind.

26  
27 The QUEST REPORT is the only source of information as to how BARBARA was injured  
28 recently and "broke" her wrist. There are three varying accounts of the injury in the report and

1 absolutely no information on BARBARA's health has ever been provided to a single member of  
2 her family since being placed in The Pines. A Merrill Gardens Community on August 26, 2021  
3 by ROYCE without legal authority.

4  
5 California Dept. of Social Services rules for a Residential Care Facility (RCF). Regulation 87561  
6 requires a written report to the agency AND TO THE PERSON RESPONSIBLE FOR THE  
7 RESIDENT [emphasis added] within seven days of any serious injury occurring while the  
8 resident is under facility supervision. A resident falling in a shower hard enough to break their  
9 wrist would be required to be reported by the facility.

10  
11 I ask this court to order ROYCE to provide a copy of that mandated written report to this court,  
12 her assigned counsel and myself.

13  
14  
15 In the QUEST REPORT, ROYCE confirms that he affirmatively refuses to provide medical  
16 information to BARBARA's family and he refuses to communicate with any family member.

17  
18 In the QUEST REPORT, ROYCE states that "Barbara is now receiving care from Kaiser  
19 Permanent which has been a great medical provider for her. Royce is happy that he was able to  
20 enroll her at Kaiser."

21  
22 No medical provider outside of Humboldt County has requested the medical history  
23 records of BARBARA or RON, as per Open Door Community Health in Fortuna –  
24 confirmed on June 13, 2022. Kaiser Permanent is a well established medical provider who  
25 routinely requests medical records for new patients – this is standard practice for any new  
26 patient.

1 BARBARA and RON have had regular Medicare insurance coverage with a supplemental policy  
2 as Humboldt County doesn't offer any Medicare Advantage insurance plans. Kaiser Permanente  
3 is a Medicare Advantage insurance plan and they do NOT enroll new patients without the  
4 appropriate coverage. Once BARBARA and RON were moved out of Humboldt County and  
5 placed into The Pines, A Merrill Gardens Community their insurance coverage could have easily  
6 been changed as a "life change event" that didn't require an open enrollment period. This was  
7 never done to my knowledge. Coverage could have been changed during the open enrollment  
8 period Jan. 1 – March 31 each year. This was also never done to my knowledge.  
9

10 I ask this court to order ROYCE to provide documentation verifying he changed BARBARA's  
11 Medicare insurance coverage to Kaiser Advantage and subsequently enrolled BARBARA as a  
12 new patient with Kaiser Permanente. I ask this court to require the inclusion of the name of  
13 BARBARA's medical provider.  
14

15  
16 The QUEST REPORT includes interviews with ROYCE, DIANE and ATTORNEY HAMER  
17 that are worthy of close scrutiny by this court as they defy the documented record – again.  
18

19 ROYCE states (pg 4, line 19) that "he has not had any contact with Sharon or Barbara's family."  
20 He goes on to imply that this is due to my posting the public records in this case to the website  
21 [www.riodelltimes.com](http://www.riodelltimes.com) which I have owned and operated with my husband Steve since 2005.  
22

23 However, ROYCE has refused to speak with myself or any member of BARBARA's family  
24 since I was able to track him down (after great effort) and reach him by phone in an attempt to  
25 speak with DIANE and advise her that RON was having difficulties and needed the support of  
26 his family. After I made that initial contact, ROYCE refused to call me back or communicate in  
27 any fashion for no reason that I can fathom. If I was up to no good or trying to do something  
28

1 underhanded to Mom and Ron then I certainly wouldn't have worked hard to track down  
2 ROYCE and DIANE. It has never made sense.

3  
4 ROYCE further states he has "allowed Sharon and her family visitation and has never denied any  
5 of them visitation with Barbara." First, it isn't up to ROYCE to "allow" visitation for  
6 BARBARA's family as she has the full civil rights to family visits, calls, etc. unless there is  
7 some court order barring contact.

8  
9 There is NO right for ROYCE to deny unsupervised visitation and unmonitored phone calls  
10 between BARBARA and her family – as he has done since placing them in The Pines, A Merrill  
11 Gardens Community on August 26, 2021 without legal authority.

12  
13 I ask this court to order ROYCE to not interfere in visitation or violate BARBARA's rights as  
14 specified in Your Rights as a Conservatee.

15  
16  
17 See my MEMORANDUM OF POINTS AND AUTHORITIES cited previously for a timeline  
18 that demonstrates the immediate interference with visitation and calls that were experienced by  
19 BARBARA's family starting from the time of initial placement. ROYCE had no legal authority  
20 over BARBARA or RON until Dec. 13, 2021 but had signed them into the facility on August 26,  
21 2021.

22  
23 The Pines, A Merrill Gardens Community had no legal right to interfere with visitation or calls  
24 either but had been told a story by ROYCE about why the "emergency" placement was needed in  
25 order to "protect" the Keller's from shiftless family members (me) who were breaking into their  
26 home and terrorizing them. That was why they didn't have all of the needed assessment  
27 placement paperwork completed since ROYCE described it as an emergency to help protect  
28 vulnerable elders.

1  
2 John Roberts, General Manager of The Pines. A Merrill Gardens Community can be reached at  
3 (916) 365-2958 or by email at [johnr@merrillgardens.com](mailto:johnr@merrillgardens.com)  
4

5 I ask this court to subpoena Mr. Roberts to testify under oath as to what ROYCE told him prior  
6 to placing BARBARA and RON at the facility on Aug. 26, 2021 without legal authority.  
7

8 Mr. Roberts can testify under oath as to:

- 9
- 10 • what instructions he and/or staff at the facility have been given in regards to contact with  
11 family for BARBARA (by either ROYCE or DIANE).
  - 12 • the note that is attached to the underside of the front desk counter for the reception staff  
13 to see that warns them to not let any member of BARBARA's family back into the  
14 memory care unit – they are instructed to bring BARBARA out to the front lobby for any  
15 family visits or the manager's office for any calls.
  - 16 • the existence of any mandated written reports to CDSS regarding BARBARA and notices  
17 provided to ROYCE since placing them at The Pines without legal authority on August  
18 26, 2021.
    - 19 ○ I have been advised by the Long Term Ombudsman Office that at least one or  
20 more facility reports have been filed with Community Care Licensing regarding  
21 my mom.
- 22

23 I spoke with General Manager Roberts after my first visit to the facility and witnessing the chair  
24 that RON had pushed up against BARBARA's bedroom door (photo attached) – which was  
25 similar behavior to what he had displayed while living in Fortuna (see original petition). Mr.  
26 Roberts confirmed the facility had not been told about RON's dementia or his paranoid  
27 behaviors with blocking doors from whichever antagonist is out to get him due to his delusional  
28 thinking.

1  
2 I provided Mr. Roberts a copy of RON's neurocognitive assessment – completed by Dr. Andrew  
3 Levine – where further testing for probable Parkinson's related disorder was recommended. It  
4 should be noted that no medical provider outside of Humboldt County has requested RON's  
5 medical records either. The Pines has not been provided any medical history for BARBARA or  
6 RON.

7  
8 The QUEST REPORT, as well as past history, has verified that despite the fact that ROYCE is  
9 the conservator of BARBARA and holds 100% of the legal liability for this – it is DIANE who is  
10 "running the show" and providing the instructions to the facility to block visitation.  
11

12 The QUEST REPORT verifies that ROYCE never visits the facility, has no contact with any of  
13 the staff about the care of either BARBARA or RON and the staff thought that DIANE was the  
14 conservator as she is the one at the facility and directing staff.  
15

16  
17 DIANE told the court investigator that "during one visit, the staff at the facility made a  
18 mistake and allowed Sharon and Steve to enter the memory care unit. This visit did not end  
19 well; Ron was very upset and shaking while Barbara was crying. Ron is reportedly terrified of  
20 Sharon's husband." [emphasis added]  
21

22 DIANE has thereby verified that she/ROYCE has instructed the staff to block BARBARA's  
23 family from entering the memory care unit of the facility, let alone go into BARBARA's  
24 bedroom.  
25

26 DIANE has absolutely NO legal authority in this matter of any kind – especially where  
27 BARBARA is concerned. She is not a blood relative, a friend or any other relation to  
28 BARBARA and they have had a contentious sister-in-law relationship since the Keller's lived in



1 Roseville originally. BARBARA insisted RON was spending too much time with his sister (who  
2 she didn't like) and mom put a stop to it. It was a bone of contention in their marriage and they  
3 moved away from Roseville and up to Fortuna to be near myself and my family after that. Now it  
4 is DIANE who is making the decisions for BARBARA who is wholly unable to defend herself or  
5 even remember to ask for help due to her Alzheimer's. My mom does have long term memory  
6 and she remembers that she doesn't like DIANE – as she reminded myself and Shauna during a  
7 recent visit. Mom complained that "RON will do anything that his sister tells him!"  
8

9 DIANE's actions to date prove the feelings are mutual – no caring family member would be  
10 actively blocking BARBARA's children, grandchildren and great grandchildren from visiting as  
11 frequently as they can afford to make the trip. Family photos and gifts brought to BARBARA  
12 during visits by my brother, Tim Jenkins and myself appear to be gone – they are not in mom's  
13 room. It is DIANE who is at the facility and directing the show – as per their own statements in  
14 the QUEST REPORT. There has never been any attempt to justify the truly bizarre behavior of  
15 DIANE towards BARBARA's family since we were able to finally track her down to ask for  
16 help for her brother.  
17

18  
19 In regards to the statement DIANE made on how upset Ron was during a visit – it is disproven  
20 by the record verified by Long-Term Care Ombudsman Rae Williams after she spoke with Mr.  
21 Roberts.  
22

23 Long-Term Care Ombudsman Rae Williams (530) 588-0661  
24

25 I contacted the Long-Term Care (LTC) Ombudsman office and filed a complaint regarding  
26 blocked calls, visits, etc. It was assigned to Rae Williams ("WILLIAMS") who is the LTC  
27 Ombudsman for the region where The Pines. A Merrill Gardens Community is located.  
28

1 Information on the LTC Ombudsman program was provided to ROYCE at the time he placed  
2 BARBARA and RON at the facility without legal authority.

3  
4 WILLIAMS has visited the facility and met with BARBARA and RON at my request not long  
5 after they were first placed – before a conservatorship was in place. She has spoken to Mr.  
6 Roberts about family visitation and BARBARA’s civil rights. Since her initial contact with the  
7 facility, we have had a bit more “success” with visitation and calls.

8  
9 Family can now call but BARBARA is not allowed to have a phone in her bedroom so in order  
10 to visit, staff retrieves mom and brings her to the managers office to have a supervised phone  
11 visit. This annoys BARBARA to no end who keeps saying that she “isn’t at liberty to talk” and  
12 “I’ll tell you when we can talk.”

13  
14  
15 BARBARA’s family is allowed to visit the facility but we are only allowed supervised visits out  
16 in the main front lobby along with the vendors, staff and other residents. There is no legal  
17 justification for this or any logical reason why but that is what we have to do in order to see  
18 mom. We are not allowed to check on mom’s safety or care by being denied access to her room  
19 and the memory care unit.

20  
21 On our first visit, Mom wanted to show Shauna and I her bedroom so we walked back there and  
22 staff unlocked RON’s bedroom door – the staff said they knew to use that door since BARBARA  
23 is always over on that side of the adjoining rooms. Ron was waking up from a nap and got a  
24 couple of hugs that he welcomed. We saw the chair pushed in front of mom’s bedroom door and  
25 we saw that her side of the adjoining room was very bare – her closet was almost completely  
26 empty and there are no family pictures or family objects from their home anywhere.

1 I reported the chair blocking the door to Mr. Roberts and asked him to monitor the video cameras  
2 that are in each room to protect my mom`s safety. I asked if there was a safety plan in place for  
3 mom but he would not provide any information as ROYCE /DIANE have instructed them to not  
4 communicate with BARBARA`s family.

5  
6 It was after that visit that the instructions to staff to never allow any member of BARBARA`s  
7 family back into the memory care unit at all came into effect. Those instructions are taped to a  
8 note under the front reception counter for the staff to check.

9  
10 I subsequently reported that information to LTC Ombudsman WILLIAMS who attempted to  
11 investigate the ongoing interference with visitation, etc. WILLIAMS called and spoke to  
12 ROYCE initially -- she described her role and the complaint that she was looking into.  
13 WILLIAMS asked for consent to investigate further and ROYCE said he would have to think  
14 about it and call her back. ROYCE never called her back. WILLIAMS made three more attempts  
15 to speak with ROYCE with no success.

16  
17  
18 ROYCE, as conservator, has affirmatively blocked the LTC Ombudsman office from  
19 investigating a complaint. WILLIAMS informed me that her office can`t provide written  
20 outcome reports but that her records can be subpoenaed by this court if there is any question  
21 about a single point that has been made.

22  
23 I ask this court to subpoena the records of LTC Ombudsman office re. complaints filed.  
24 outcomes and contact narratives for every party involved.

25  
26 **Affirmatively blocking the LTC Ombudsman office from investigating by ROYCE should**  
27 **be taken into consideration by this court when deciding if ROYCE is operating in the best**  
28

1 interests of BARBARA or not. There is no reason to not subpoena the records if there is any  
2 doubt.

3  
4 Finally, ATTORNEY HAMER affirmatively chose to ignore this courts direct order to contact  
5 me in writing with instructions on how to get into mom`s house to retrieve family items.

6  
7 ATTORNEY HAMER has willfully ignored that simple and clear order from the bench entirely.  
8

9  
10 I was called by Andy Parker of Azalea Realty who is the listing agent for BARBARA and  
11 RON`s home in Fortuna. He told me that I could get into the house and retrieve things – he was  
12 told (unknown by whom) to take pictures of what we took but that was it. We were able to get  
13 into the house over the Memorial Day weekend and we retrieved family photo albums.  
14 mementos, etc.

15  
16 Andy Parker, Azalea Realty (707) 616-3456.

17  
18 At this point, there is no reason to believe that ATTORNEY HAMER will honor any other  
19 orders by this court unless forced to do so.

20  
21 ATTORNEY HAMER represents ROYCE and is the legal point of contact for the  
22 conservatorship – this should also be taken into considcration when deciding if they are working  
23 in the best interests of BARBARA or not.

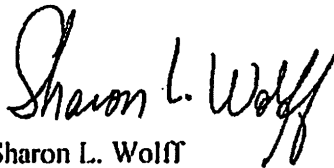
24  
25 I agree with the QUEST REPORT that a conservatorship for mom is absolutely required for her  
26 own protection due to advancing Alzheimers.  
27  
28

1 I object to the continuation of Roland Royce Mendonca, Jr. as the conservator of my mom  
2 Barbara L. Keller (estate and person) due to all of the reasons stated above as well as the  
3 clearly documented elder financial fraud and undue influence utilized by ROYCE and  
4 ATTORNEY HAMER in securing my mom's signature on the legal nomination document that  
5 they stood to both personally benefit from.  
6  
7

8 I declare under penalty of perjury that the foregoing is true and correct and that this Response  
9 was executed on June 13, 2022 at Rio Dell, California.  
10

11 Date: 6/13/22  
12

13 Respectfully submitted.  
14

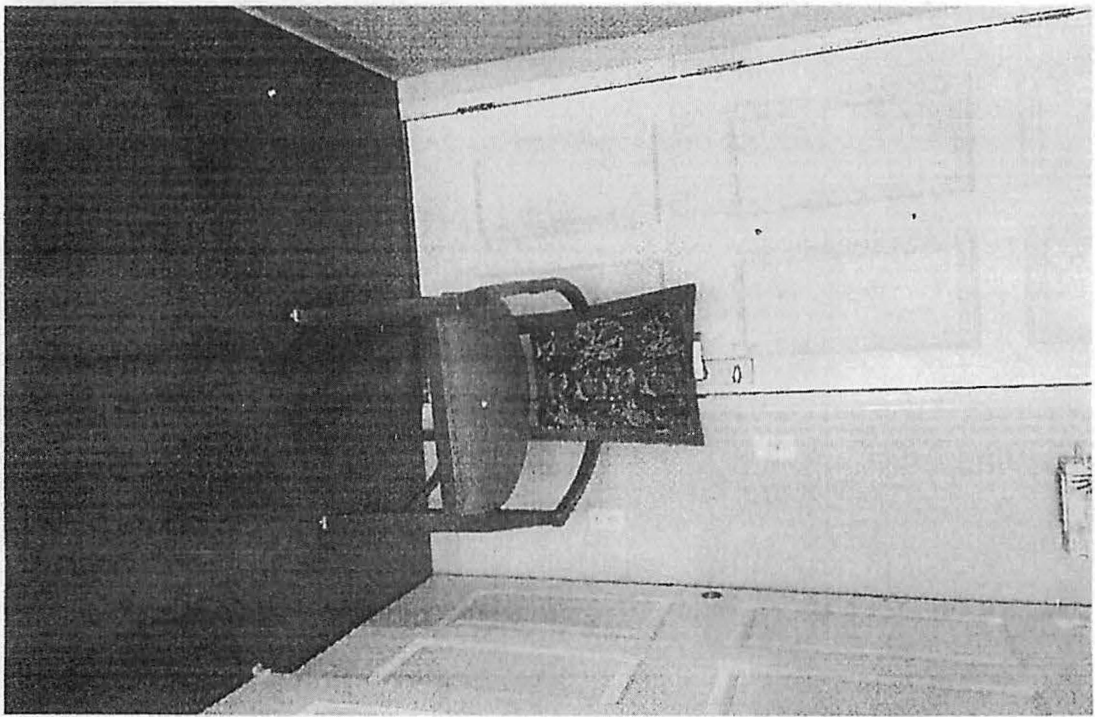
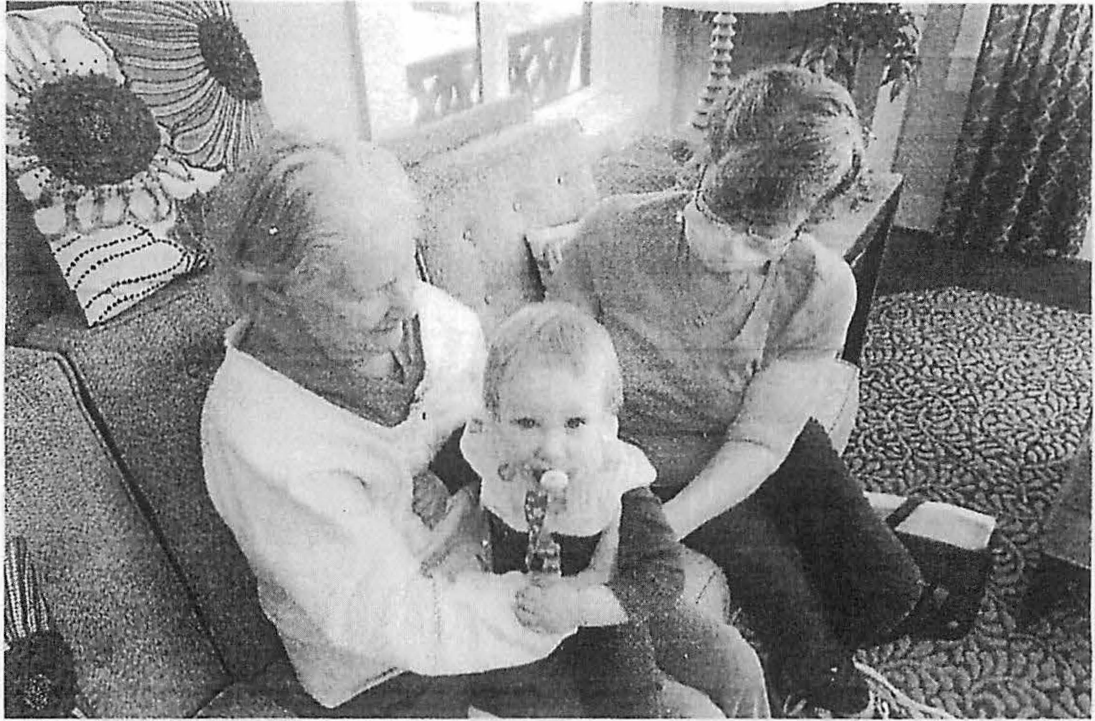
15   
16 Sharon L. Wolff

17 Original petitioner for conservatorship  
18

19 Photos from family visits included  
20

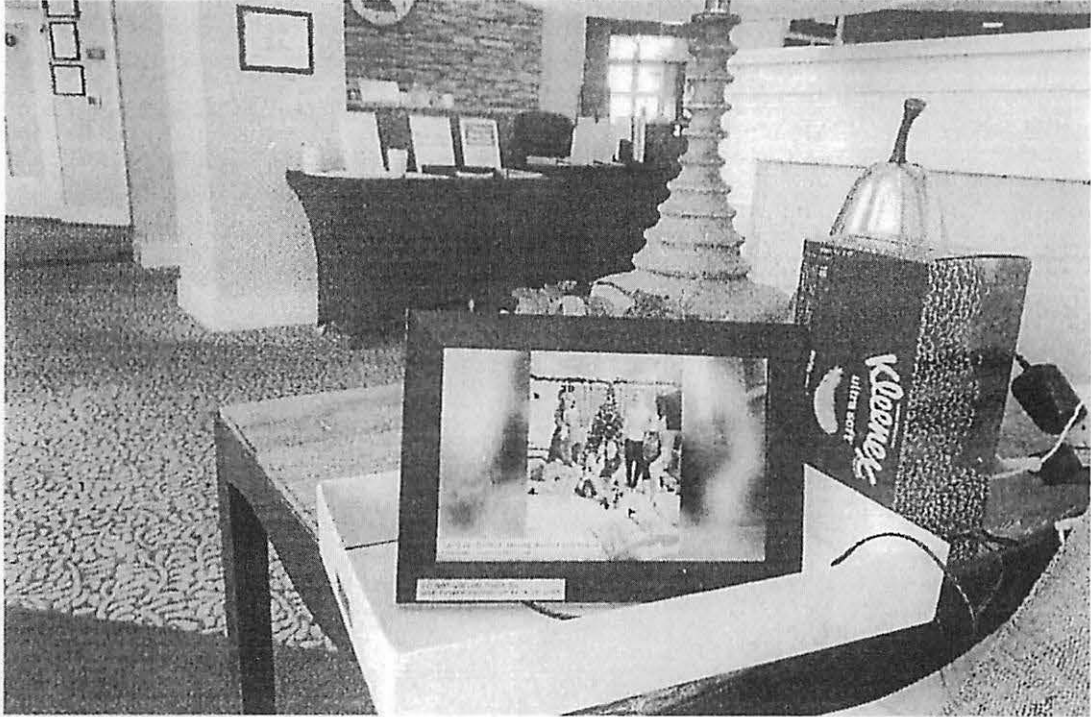
21 6/12/22 Text "conversation" between Tim Jenkins and Royce Mendonca – this is the first and  
22 only "communication" between the conservator and BARBARA's family after learning of her  
23 broken wrist via the court investigation report.  
24

25 Copy provided via email: Chris Johnson Hamer  
26 Public Defender  
27 Quest Court Investigations  
28 Tim Jenkins  
Nancy Zinos  
Rick Bareuther











This is a text "conversation" between Tim Jenkins and Royce Mendonca – the only time they have ever communicated. Royce was upset that Tim had texted Diane (the only contact number he had) about finding out that our Mom had broken her wrist and they never bothered to tell a single member of mom's family:

6/12/22

(Royce) Tim, this is Royce. You have my phone number now. If you have anything you need to say you can say it to me. If you want to meet we can do that too. Do not text or contact my mother ever. I'm the conservator. Are we clear?

(Tim) Why it has taken over a year for you to offer your phone number or give me a call I do not understand. A wise and fair conservator would want all the facts from all concerned family members prior to criminalizing and convicting people who have always cared for Mom and Ron. Still waiting for evidence indicating my sister was taking money from them, watching them sleep, breaking into their house, because it never happened outside of Ron's mind. I missed so many signs of his mental demise I cannot believe it. Too late now, relatives (and Attorney) have taken advantage of the situation. If we were conservators we would not be trying to screw you out of visits, information, family decisions. We would have been happy to share information regarding their finances and living conditions and other aspects of their health care needs. Sad and I wish you could put yourself in our shoes, don't think you'd be very happy. Separating the two of them was only one of many scenarios that I tried to discuss with your mom but she didn't want to hear anything I had to say. Honorable you trying to protect your mom. I have failed to protect my Mom. Now that I have your phone number may I have your email address?

(Royce) Tim, how have you not protected your mom? She is with Ron whom she loves very much, receiving quality care at the Pines and currently has excellent health care with Kaiser. Both your Mom and Ron told me they did not want your sister handling their financial affairs nor did they want to be separated. Sharon provided the court with one solution and one solution only. It wasn't until I applied for conservatorship that she pivoted from her original plan. If your sister had been conservator, Ron and your Mother would have been separated and Ron sent to the care of the state according to her court statement.

I could not allow that to happen because that was not what Ron and your Mother wanted. You've read all the statements that were submitted to the courts, so I'm not interested in rehashing the past.

Also, I have never informed The Pines that any of Barbara's family were not allowed to visit her, and I am fully aware that you and the rest of the family have had visits with your mother, unimpeded. Ron has told us he does not want to participate in those visits therefore they must take place in the lobby or dining area. So please don't imply that I have screwed you or any of Barbara's family from visiting your mother.

I'm well aware of the spectacle that was made when your sister and her husband visited your mother and frankly they should be embarrassed by their actions. This event has been documented and statements taken by several employees of the Pines concerning their harassing behavior. So yes, those visits will not be tolerated. Not to mention your sister attempting to defame my name by posting a photo of me on google labeled as a "Court Sanctioned Kidnapper".

This is the problem Tim and why we have not been able to have a civilized open line of

**communication.**

**Until you and the family can accept and respect the judicial process the court took in making a decision to award me conservatorship and remove the defamatory and slanderous label you have made against me personally online, how do you expect us to get to an amicable relationship?**

December 27, 2021

The Honorable Jim Wood  
P.O. Box 942849  
Sacramento, CA 94249-0002

Dear Assembly Member Wood:

I am reaching out to you not only as your constituent but because you are Chair of the Assembly Health Committee and integral in shaping upcoming legislation and oversight related to conservatorships and the Master Plan on Aging as well as your work authoring AB 890 related to Nurse Practitioners scope of practice.

For the sake of full disclosure, I am currently the Legislative Analyst for the Humboldt County Department of Health and Human Services. I have worked for DHHS over 20 years now with much of that in child welfare clerical and as the Social Services Director's Analyst. I do NOT represent my department in this matter – I am reaching out to you as the daughter of an Alzheimer's patient and my experiences are definitely not unique.

For a super-short background (that I would love to expand on if you have the time) – my mom, Barbara L. Keller has Alzheimer's that we have seen coming on for years now. Her short-term memory is gone at this point and her medical provider (Open Door Community Health in Fortuna) signed the court forms required to declare a person legally incapacitated (GC-335 and GC-335A) in July of this year. What the family didn't see coming was her fifth husband (Ronald W. Keller) also losing his mental capacity quietly in the background – the extent of his paranoid delusions only became apparent too late. The pandemic has absolutely contributed to the rapid decline of both Mom and Ron which is a common story that we're seeing everywhere unfortunately.

My mom and Ron both have long-standing wills and a living trust which designated myself and/or my brother (Tim Jenkins) as their caretakers if and when the need arises. The need had certainly arrived and I applied for a conservatorship in June 2021 with my brother's full support. We had a stack of documentation such as the will and the trust so the conservatorship application should have been relatively straight forward and expeditious. I am doing this In Pro Per for the conservatorship petition but I am fluent in bureaucracy and paperwork which makes me a little better prepared for the process than the average family that also can't afford a high-priced attorney – nor should they have to.

The court investigator involved in my petition issued her report supporting the conservatorship and recommending the Judge assign council to represent my mom and protect the civil rights of an Alzheimer's patient. The Judge never did that for some reason – no council has been

assigned for my mom which is standard practice. Ron's family (previously totally unknown people) came forward represented by a local prominent attorney who specializes in elder financial fraud cases – Chris Johnson Hamer of Stokes, Hamer, Kird, & Eads, LLP. Attorney Hamer produced a fraudulent capacity declaration (attached) along with a legal form she had my mom sign on August 25<sup>th</sup> (same attachment) that gave the conservatorship to this previously unknown nephew of her fifth husband – despite my mom having been declared legally incapacitated back in July. Judge Timothy A. Canning of the Humboldt County Superior Court – who had refused to assign counsel to represent my mom – gave the conservatorship to the unknown family members in direct opposition to the declared wishes of my mom from her will and her living trust. It is inexplicable and I am pursuing any avenues available to me to oppose this however I am In Pro Per and the court has so far refused to take any official notice of the will or the living trust or any of the other documentation that I have provided. In Pro Per is simply ignored (treated as bothersome) and there is no affordable legal assistance that is practically available to families. Legal aide groups are great and they do good work but they are overburdened, underfunded and frankly these types of conservatorships aren't a priority for anyone except to the families.

**However, this letter is NOT asking for your help with this individual case. What I am asking you for is to help all of the families like ours that are trying to do the right thing and help our loved ones but the courts and attorneys are operating to block equal access to the justice system for the unrepresented. There are statutes on the books that require affirmative assistance by the court for In Pro Per parties but they are routinely ignored without regard for any repercussions. After all, what is an unrepresented person going to do about it?**

**There is also the issue of no enforcement mechanism for the Elder Financial Fraud statutes that are on the books already. I have discovered that there is no agency or department that oversees this enforcement – it is left to the individuals and families to try and find assistance through the court system. If the court refuses to protect the vulnerable then who will do it? I have contacted the State Attorney General's office for Elder Fraud but was told they are only interested in Medi-Cal fraud or nursing home abuse – they had no other office to direct me to so I could file a report.**

**I would also draw your attention to the attachment which is the fraudulent Judicial Council form that was completed and signed by a Nurse Practitioner (NP) solely despite their not having signature authority without a countersignature by a physician or a psychologist. You have fought the American Medical Association for a while now to get AB 890 signed last year that created an avenue for NP's to apply to the state (starting in 2023) for an expanded scope of practice – so you are well familiar with the strict regulations governing NP's and their current scope of practice. The attorney altered the Judicial Council form to add a box for "Nurse**

Practitioner" as having independent signature authority and they submitted this to the court who accepted it without question - despite my having pointed all of this out in my filings.

The day long conservatorship hearing that you recently chaired included some limited testimony of the family experience but there simply wasn't enough time in the day to include all of the issues that families are facing if they can't afford an attorney. The system is not designed to help families navigate it - it is instead a wall that they must find a way to climb. Couple this with a court system that literally ignores In Pro Per petitioners and the state has created a system that effectively prevents families from caring for their loved ones unless they have the means to hire an attorney.

The development of the Master Plan for Aging (MPA) in California is an opportunity to make real changes that will dramatically help the lives of Californians - both the elderly and their families. I am watching the Justice in Aging committee closely and will be looking for opportunities to provide information on what the legal system looks like for the individual and their families. This needs to be a core component of the MPA - families are the best resource available for their loved ones and it is mutually beneficial for the state to make that possible. As you know, there are not enough care providers or beds available to provide care for the number of Californian's who need it now and those numbers are only getting worse. The state cannot succeed with the goals of the Master Plan for Aging without relying heavily on the families and loved ones of vulnerable adults.

I would like the opportunity to work with you and other members of the legislature to make meaningful changes for the benefit of everyone and not just those with the financial means to manipulate the system to their benefit. I look forward to speaking with you and/or your staff to provide any and all information that I can to assist you going forward. We all have parents and loved ones who will need care at some point.

Regards,



Sharon L. Wolff

3 Painter St.

Rio Dell, CA 95562

(707) 599-9961

[Sharon@riodelltimes.com](mailto:Sharon@riodelltimes.com)

Cc: Erin Dunn, Eureka District Office  
Senator Mike McGuire

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Chris Johnson Hamer (SBN 105752) FIRM NAME: STOKES, HAMER, KIRK & EADS, LLP STREET ADDRESS: 381 Bayside Road, Ste. A CITY: Arcata STATE: CA ZIP CODE: 95521 TELEPHONE NO.: 707-822-1771 FAX NO.: 707-822-1901 E-MAIL ADDRESS: chris@shkklaw.com ATTORNEY FOR (name): ROYCE MENDONCA, Petitioner	STATE BAR NUMBER: FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: 825 Fifth Street MAILING ADDRESS: CITY AND ZIP CODE: Eureka, CA 95501 BRANCH NAME:	
CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	
CAPACITY DECLARATION-CONSERVATORSHIP "BY FAX"	CASE NUMBER: PR2100162
TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply): A. <input type="checkbox"/> is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): . (Complete item 5, then sign and file page 1 of this form.) B. <input type="checkbox"/> has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.) C. <input checked="" type="checkbox"/> has a major neurocognitive disorder (such as dementia) and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from medication for the treatment of major neurocognitive disorders (including dementia). (Complete items 6 and 8 of this form and complete form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and file form GC-335A.) (If more than one item is checked above, sign the last applicable page of this form or, if item C is checked, form GC-335A. File page 1 through the last applicable page of this form; if item C is checked, file form GC-335A as well.) <b>COMPLETE ITEMS 1-4 OF THIS FORM IN EVERY CASE.</b>	

## GENERAL INFORMATION

- (Name): Heather Allen, NP Iris Health Medical Group
- (Office address and telephone number): 520 9th St Ste 240, Sacramento, CA 95814 (916) 231-4747
- I am
  - a California-licensed  physician  psychologist acting within the scope of my license  Nurse Practitioner  with at least two years' experience in diagnosing and treating major neurocognitive disorders (including dementia).
  - an accredited practitioner of a religion that calls for reliance on prayer alone for healing. The (proposed) conservatee is an adherent of my religion and is under my care. (Practitioner may make ONLY the determination in item 5.)
- (Proposed) conservatee (name): BARBARA LYNN KELLER
  - I last saw the (proposed) conservatee on (date): 08/16/2021
  - The (proposed) conservatee  is  is NOT a patient under my continuing treatment and care.

## ABILITY TO ATTEND COURT HEARING

- A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a or b.)
  - The proposed conservatee is able to attend the court hearing.
  - Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply)
    - on the date set (see date in box in item A above).
    - for the foreseeable future.
    - until (date):
    - Supporting facts (State facts in the space below or check this box  and state the facts in Attachment 5.)  
Alzheimers Disease, Neurocognitive disability

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/24/2021 Heather Allen NP

(TYPE OR PRINT NAME)

 SignNow e-signature ID: d1897bd5e2  
 08/24/2021 19:41:51 (SIGNATURE OF DECLARANT)

Page 1 of 3

CONSERVATORSHIP OF THE  PERSON  ESTATE OF (Name):  
BARBARA LYNN KELLER

CASE NUMBER:  
PR2100162

CONSERVATEE  PROPOSED CONSERVATEE

## 6. EVALUATION OF (PROPOSED) CONSERVATEE'S MENTAL FUNCTIONS

**Note to practitioner:** This form is *not* a rating scale. It is intended to assist you in recording your *impressions* of the (proposed) conservatee's mental abilities. Where appropriate, you may refer to scores on standardized rating instruments.

**(Instructions for items 6A–6C):** Check the appropriate designation as follows: a = no apparent impairment; b = moderate impairment; c = major impairment; d = so impaired as to be incapable of being assessed; e = I have no opinion.

### A. Alertness and attention

(1) Levels of arousal (lethargic, responds only to vigorous and persistent stimulation, stupor)

a  b  c  d  e

(2) Orientation (types of orientation impaired)

a  b  c  d  e  Person

a  b  c  d  e  Time (day, date, month, season, year)

a  b  c  d  e  Place (address, town, state)

a  b  c  d  e  Situation ("Why am I here?")

(3) Ability to attend and concentrate (give detailed answers from memory, mental ability required to thread a needle)

a  b  c  d  e

### B. Information processing. Ability to:

(1) Remember (ability to remember a question before answering; to recall names, relatives, past presidents, and events of the past 24 hours)

i. Short-term memory a  b  c  d  e

ii. Long-term memory a  b  c  d  e

iii. Immediate recall a  b  c  d  e

(2) Understand and communicate either verbally or otherwise (deficits reflected by inability to comprehend questions, follow instructions, use words correctly, or name objects; use of nonsense words)

a  b  c  d  e

(3) Recognize familiar objects and persons (deficits reflected by inability to recognize familiar faces, objects, etc.)

a  b  c  d  e

(4) Understand and appreciate quantities (deficits reflected by inability to perform simple calculations)

a  b  c  d  e

(5) Reason using abstract concepts (deficits reflected by inability to grasp abstract aspects of his or her situation or to interpret idiomatic expressions or proverbs)

a  b  c  d  e

(6) Plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest (deficits reflected by inability to break complex tasks down into simple steps and carry them out)

a  b  c  d  e

(7) Reason logically

a  b  c  d  e

### C. Thought disorders

(1) Severely disorganized thinking (rambling thoughts; nonsensical, incoherent, or nonlinear thinking)

a  b  c  d  e

(2) Hallucinations (auditory, visual, olfactory)

a  b  c  d  e

(3) Delusions (demonstrably false belief maintained without or against reason or evidence)

a  b  c  d  e

(4) Uncontrollable or intrusive thoughts (unwanted compulsive thoughts, compulsive behavior)

a  b  c  d  e

(Continued on next page)

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100162
---	---------------------------

6. (continued)

D. Ability to modulate mood and affect. The (proposed) conservatee  has  does NOT have a pervasive and persistent or recurrent emotional state that appears inappropriate in degree to his or her circumstances. (If so, complete remainder of Item 6D.)  I have no opinion.

(Instructions for Item 6D): Check the degree of impairment of each inappropriate mood state (if any) as follows: a = mildly inappropriate; b = moderately inappropriate; c = severely inappropriate.

Anger	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Euphoria	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Helplessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Anxiety	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Depression	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Apathy	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Fear	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Hopelessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Indifference	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Panic	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Despair	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>				

E. The (proposed) conservatee's periods of impairment from the deficits indicated in Items 6A-6D

- (1)  do NOT vary substantially in frequency, severity, or duration.
- (2)  do vary substantially in frequency, severity, or duration (explain; continue on Attachment 6E if necessary):

F.  (Optional) Other information regarding my evaluation of the (proposed) conservatee's mental function (e.g., diagnosis, symptomatology, and other impressions) is  stated below  stated in Attachment 6F.

**ABILITY TO CONSENT TO MEDICAL TREATMENT**

7. Based on the information above, it is my opinion that the (proposed) conservatee

- a.  has the capacity to give informed consent to any form of medical treatment. This opinion is limited to medical consent capacity.
- b.  lacks the capacity to give informed consent to any form of medical treatment because he or she is *either* (1) unable to respond knowingly and intelligently regarding medical treatment *or* (2) unable to participate in a treatment decision by means of a rational thought process, *or both*. The deficits in the mental functions described in Item 6 above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of medical decisions. This opinion is limited to medical consent capacity.

(Declarant must initial here if item 7b applies: \_\_\_\_\_)

  
 SignNow e-signature ID: 8c67ae57c...  
 08/24/2021 18:41:51 UTC

8. Number of pages attached: 0

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

08/24/2021

Heather Allen NP

(TYPE OR PRINT NAME)

  
 SignNow e-signature ID: 864be7834e...  
 08/24/2021 18:41:51 UTC  
 SIGNATURE OF DECLARANT



CONSERVATORSHIP OF THE BARBARA LYNN KELLER	<input checked="" type="checkbox"/> PERSON	<input checked="" type="checkbox"/> ESTATE OF (Name):	CASE NUMBER: PR2100162
	<input checked="" type="checkbox"/> CONSERVATEE	<input type="checkbox"/> PROPOSED CONSERVATEE	

**ATTACHMENT TO FORM GC-335, CAPACITY DECLARATION-CONSERVATORSHIP,  
ONLY FOR (PROPOSED) CONSERVATEE WITH A MAJOR NEUROCOGNITIVE DISORDER**

9. It is my opinion that the (proposed) conservatee  HAS  does NOT have a major neurocognitive disorder (such as dementia) as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders*.
- a.  Placement of (proposed) conservatee. (If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)-9a(5).)
- (1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because (state reasons; continue on Attachment 9a(1) if necessary):
- She is a flight risk and doesn't have the cognitive ability to comprehend the dangers she may encounter. She doesn't have the cognitive ability to verbalize personal information ensuring she could return to residence.
- (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9a(2) if necessary):
- Cognitive dysfunction with disturbance of executive function. Short term memory impairment, inability to perform ADL's safely.
- (3)  The (proposed) conservatee HAS capacity to give informed consent to this placement.
- (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to placement in a restricted and secure environment.
- (5) A locked or secured-perimeter facility  is  is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.
- b.  Administration of medications. (If the (proposed) conservatee requires administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia), please complete items 9b(1)-9b(5).)
- (1) For the reasons stated in item 9b(5), the (proposed) conservatee needs or would benefit from the following medications appropriate to the care and treatment of major neurocognitive disorders (including dementia) (list medications; continue on Attachment 9b(1) if necessary):
- Aricept 5mg po titrated to therapeutic dose. Pt may need additional medications if additional behavioral issues arise
- (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9b(2) if necessary):
- neurocognitive deficit and disturbance in executive function. Pt is unable to plan, initiate, and sequence complex behavior. No ability to think abstractly. Limited short term memory with limited call of recent events or information.
- (3)  The (proposed) conservatee HAS the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia).
- (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia). The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to the administration of medications for the care and treatment of major neurocognitive disorders (including dementia).
- (5) The (proposed) conservatee needs or would benefit from the administration of the medications listed in item 9b(1) because (discuss reasons; continue on Attachment 9b(5) if necessary):
- Aricept helps to slow dementia by improving the function of the brain cells by preventing the breakdown of acetylcholine. Medications to decrease disruptive or dangerous behaviors may be beneficial for patient safety

10. Number of pages attached: 0

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/24/2021 Heather Allen NP

1 Chris Johnson Hamer  
State Bar No. 105752  
2 STOKES, HAMER, KIRK & EADS, LLP  
381 Bayside Road, Suite A  
3 Arcata, CA 95521  
E-mail: chris@shkklaw.com  
4 Tel: (707) 822-1771  
Fax: (707) 822-1901  
5  
6 Attorneys for Petitioner,  
ROYCE MENDONCA

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
COUNTY OF HUMBOLDT

In re the Conservatorship of ) CASE NO: PR2100162  
the Estate of: )  
)  
BARBARA LYNN KELLER. ) NOMINATION BY CONSERVATEE OF  
) ROYCE MENDONCA AS THE  
) CONSERVATOR OF HER PERSON AND  
) ESTATE  
)  
)  
)  
)  
)  
)

I, BARBARA LYNN KELLER, hereby nominate my nephew, ROYCE  
MENDONCA, as the conservator of my person and estate, and I  
hereby consent to a conservatorship over my person and estate.

DATED: August 25, 2021 Barbara Lynn Keller  
BARBARA LYNN KELLER

Attachment 3c(1)

Attachment 8(c) to Petition for Temporary Conservatorship

BARBARA LYNN KELLER

Barbara Lynn Keller has nominated Royce Mendonca to be the conservator of her person and estate. Barbara does not want anyone other than Royce to be her conservator.

This one is very interesting.

This attachment was signed by Royce and Attorney Hamer on August 24, 2021

They had Barbara sign their "legal nomination" document on August 25, 2021

Is that lazy fraud or what! Seriously folks

Attorney Hamer obviously must have been supremely confident no one - certainly not the court - would scrutinize a single paper that she filed. Simply having the paper in the case file sufficed for the Humboldt County Superior Court. Whether that paper is legal or not is just not a concern in Humboldt when you're trying to take custody of vulnerable adults, invalidate their wills and all of their documented wishes and take their estate.

Please keep in mind that no counsel was appointed for either proposed conservatee despite their both having requested it in July of 2020, as documented in the court investigation report. They have had no one (other than myself) looking out for their civil rights as vulnerable adults in California.

How do I know that the Public Defender was never appointed for the Keller's despite their request and the recommendation of the court investigator? Because the PD's office told me when I called them in December. In fact, the PD's office said they had been returning all of the copies of the court papers that were served on them back to the court – since they weren't assigned to the case. Seriously! Shouldn't that be a clue to the court that the appointment was never done?

In any case...

The attorney involved in this case, Chris Johnson Hamer, drew up two legal nomination documents that gave custody and control of both Mom and Ron (person and estate) to the attorney's client. The attorney knew at the time they did this that both of the Keller's were incapacitated by Alzheimer's (Mom) and probable Parkinson's and related dementia (Ron) – a GC 335 Capacity Declaration for Barbara had already been filed with the court well before and a cognitive assessment was done in July for the both of them.

The legal nomination document also went directly against the Keller's wills, their living trust, their financial documents and all documented intents and behaviors they have ever had.

Barbara told the court investigator that she did not want Roland Royce Mendonca Jr as her conservator as she didn't know him when she was interviewed in July. Mendonca took Barbara and Ron out of the county and had them down in Citrus Heights for about a month before securing her signature on that form. The Elder Financial Fraud statutes on undue influence clearly apply here.

#### ELDER FINANCIAL FRAUD STATUTES:

Welfare and Institutions Code Sec. 15610.70 clearly defines "undue influence" and the elements needed to determine if a result was produced by undue influence:

The KELLER's were taken from their home in Fortuna California by Diane Mendonca (DIANE) on or about July 20th, 2021 and moved to DIANE's home in Citrus Heights (as per DECLARATION OF ROYCE MENDONCA). No contact with BARBARA's family was initiated or allowed by DIANE after that date. Nancy Zinos ("NANCY") called DIANE after the August 5th court hearing in order to check on her sister. NANCY was told BARBARA is "mad at you" by DIANE when she asked to speak to her sister. See WIC § 15610.43. The severity of BARBARA's Alzheimer's makes her wholly defenseless against delusions and false accusations about her family and unable to resist fraud or influence.

BARBARA had been isolated from her family and made entirely dependent on DIANE and ROYCE from July 20th to August 25th when they secured her signature on a NOMINATION legal document. See WIC § 15610.43; See WIC § 15610.53.

The NOMINATION document was presented to BARBARA to sign on August 25th, one day after ROYCE and Attorney HAMER signed the GC-310 Petition for Appointment of Probate Conservator. The very next day, BARBARA was admitted to the locked memory care unit of The Pines by ROYCE. Clearly this is an

initiation of a change in personal rights using haste and effecting the change at an inappropriate time – one week prior to the next Court hearing and prior to any order(s) being granted.

The KELLER's have clearly documented their wishes and Intents for many years now as indicated by their Will's naming SHARON and TIM as executors of their estate (signed April 17, 2003) and the Keller 2017 Trust naming SHARON and TIM as co-trustee's (signed May 15, 2017). The NOMINATION of ROYCE as conservator is a complete and total divergence from the long standing intent and course of conduct that the KELLER's have demonstrated prior to RONALD's mental health crisis on April 20, 2021.

ROYCE has provided absolutely no evidence of any prior relationship with the KELLER's other than biology. The nature of the relationship between ROYCE and the KELLER's in addition to the isolation of BARBARA and her vulnerability makes the NOMINATION wholly inappropriate on its face. See also Cal. Rules of Professional Conduct, rule 3-3; See CIV § 39; See Prob. § 811, 812; See WIC § 15610.43; See WIC § 15610.53.

Civil Code § 39 also clearly applies in this matter:

- (a) A conveyance or other contract of a person of unsound mind, but not entirely without understanding, made before the incapacity of the person has been judicially determined, is subject to rescission, as provided in Chapter 2 (commencing with Section 1688) of Title 5 of Part 2 of Division 3.
- (b) A rebuttable presumption affecting the burden of proof that a person is of unsound mind shall exist for purposes of this section if the person is substantially unable to manage his or her own financial resources or resist fraud or undue influence. Substantial inability may not be proved solely by isolated incidents of negligence or improvidence.

Unfortunately, the law doesn't matter in Humboldt County if you have a well-connected unscrupulous attorney on your payroll.

We are putting this information out not only to help bring attention to the absolutely unbelievable situation we have found ourselves in with Mom and Ron now that the court refuses to protect vulnerable adults from clear elder financial fraud. But primarily, we put this information out to try and warn others on what to watch out for so you can help protect your loved ones in a way that we couldn't.

Mom and Ron did everything that adults are told to do in order to protect themselves – they created wills, documented their wishes and intents, made sure the family members were aware, etc. When the time came that their wishes needed to be implemented – all of the family members involved in their lives knew exactly what they would want because they had clearly communicated that.

AND NONE OF IT MATTERED IN HUMBOLDT COUNTY...

FILED

S  
3

SEP 22 2021

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT

1 Sharon L. Wolff  
2 3 Painter St.  
3 Rio Dell, CA 95562  
4 (707) 599-9961  
5 Petitioner, In Pro Per  
6  
7

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF HUMBOLDT

10 In re. the Conservatorship of the Person and  
11 Estate of:

12  
13 BARBARA LYNN KELLER  
14

) Case No.: PR2100162

) **MEMORANDUM OF POINTS AND  
AUTHORITIES IN OBJECTION TO  
PETITION TO APPOINT ROYCE  
MENDONCA CONSERVATOR AND  
TEMPORARY CONSERVATOR; AND IN  
RESPONSE TO OBJECTION TO  
PETITION FOR CONSERVATORSHIP  
AND TEMPORARY  
CONSERVATORSHIP BY SHARON  
WOLFF**

15  
16 DATE: September 30, 2021  
17 TIME: 2:30pm  
18 COURTROOM: 6

19 The timeline below (starts on pg. 6) is taken directly from the filed paperwork in this case – it was used to  
20 illustrate exactly what had happened in this case since the last hearing. The flood of their paperwork  
made it easy to conceal what was going on so I put it all into a linear timeline for clarity.

21  
22 Attorney Hamer and the previously unknown nephew of Barbara’s 5th husband can’t escape the timeline  
that is documented with their own paperwork.

23  
24 The fraudulent paperwork and elder financial fraud that was clearly documented – and is posted online as  
a public record – received this response from Judge Timothy Canning months later: “the court does not  
25 give any weight to Ms. Wolff’s assertions that Mr. Mendonca was falsifying documents or otherwise not  
qualified to serve as conservator.” That was it.

26  
27 The Judge wouldn’t even address the fact that the documents were falsified in the first place – it just  
doesn’t matter in Humboldt County.

28 This can happen to anyone’s mom or dad in this county and it will be rubberstamped by the courthouse if  
the “right” attorney is involved. Memorandum of Points and Authorities

The court never read or considered any of this as far as I can tell. It isn't half bad for an In Pro Per if I do say so myself. Please feel free to use this as a teaching tool but keep in mind that absolutely NONE of it matters in the Humboldt County Superior Court - but good luck in other jurisdictions where the laws might apply.

**TABLE OF CONTENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

TABLE OF AUTHORITIES ..... 3

INTRODUCTION..... 4

BACKGROUND ..... 5

ARGUMENT ..... 6

    I.    STANDARD OF REVIEW ..... 11

    II.   ROYCE MENDONCA AND ATTORNEY CHRIS JOHNSON HAMER SECURED BARBARA KELLER'S  
SIGNATURE ON A NOMINATION DOCUMENT DESPITE COGNITIVE IMPAIRMENT ..... 11

    III.  A LEGALLY INSUFFICIENT, ALTERED AND DUPLICATIVE GC-335 AND GC-335A WERE FILED WITH  
THIS COURT BY ROYCE AND ATTORNEY HAMER ..... 14

    IV.  ROYCE PLACED BARBARA INTO A LOCKED MEMORY CARE UNIT AT THE PINES, A MERRILL  
GARDENS COMMUNITY DESPITE NOT HAVING LEGAL AUTHORITY TO SIGN AS REPRESENTATIVE OR TO  
ENCUMBER KELLER ESTATE ..... 14

    V.   LACK OF LEGAL AUTHORITY FOR THE PLACEMENT RESULTS IN NO LEGAL AUTHORITY TO  
CONSENT TO CARE FOR MEDICAL NEEDS ..... 16

    VI.  ROYCE KNEW OR REASONABLY SHOULD KNOW THAT PLACING BARBARA INTO A FACILITY  
WITHOUT LEGAL AUTHORITY TO CONSENT TO CARE ENDANGERS HER HEALTH AND SAFETY ..... 16

CONCLUSION ..... 17

DECLARATION OF SERVICE ..... 18

Want to know how the Mendonca's became involved in the situation in the first place?

It's on Page 5 - Uncontested Fact One

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

TABLE OF AUTHORITIES

**CALIFORNIA STATUTES**

Civil Code Section 39.....4, 13  
Civil Code Section 1575.....4  
Penal Code Section 368.....17  
Probate Code Section 2356.5.....4, 14  
Probate Code Section 811 .....4, 13  
Probate Code Section 812.....4, 13  
Probate Code Section 1821(b).....4  
Welfare and Institutions Code Section 15610.30.....4  
Welfare and Institutions Code Section 15610.43.....12, 13  
Welfare and Institutions Code Section 15610.53.....13, 14  
Welfare and Institutions Code Section 15610.70.....4, 12

RULES

California Rules of Professional Conduct, Rule 3-3.....4, 13, 14



1 INTRODUCTION

2 Petitioner Sharon L. Wolff ("SHARON") hereby opposes the Petition of Royce  
3 Mendonca ("ROYCE") to be appointed Conservator of the Estate and Person of Barbara Keller  
4 ("BARBARA"), filed with this court on August 26<sup>th</sup>, 2021.

5 SHARON requests the Court grant her petition for Conservatorship of the Estate and  
6 Person of BARBARA.

7 Further, SHARON respectfully requests the Court to set aside the Petition filed by  
8 ROYCE as well as the objections filed by ROYCE to SHARON's Petition for Conservatorship  
9 of the Estate and Person of BARBARA in their entirety.

10 This Court should set aside the Petition filed by ROYCE which is comprised of  
11 unlawful documentation, including:

12 The petition filed by ROYCE includes a legal document, NOMINATION BY  
13 CONSERVATEE OF ROYCE MENDONCA AS THE CONSERVATOR OF HER PERSON  
14 AND ESTATE, signed by BARBARA on August 25<sup>th</sup>, 2021, despite a known pre-existing GC-  
15 335 CAPACITY DECLARATION and GC-335A MAJOR NEUROCOGNITIVE DISORDER  
16 ATTACHMENT TO CAPCITY DECLARATION, filed with this court on August 17th, 2021.  
17 See CIV § 39; See Prob. § 811; See Prob. § 812; See W&I § 15610.30; See W&I § 15610.70;  
18 See CIV § 1575; See Cal. Rules of Professional Conduct, rule 3-3.

19 The petition filed by ROYCE includes a legally insufficient and unnecessary GC-335  
20 CAPACITY DECLARATION and GC-335A MAJOR NEUROCOGNITIVE DISORDER  
21 ATTACHMENT TO CAPCITY DECLARATION, signed by Heather Allen, NP of Iris Health  
22 on August 24<sup>th</sup>, 2021 without a corresponding signature of a California-licensed physician or  
23 psychologist, with at least two years experience in diagnosing and treating major  
24 neurocognitive disorders (including dementia), See Prob. § 2356.5; See Cal. Rules of  
25 Professional Conduct, rule 3-3.

26 Despite months of denial regarding the urgency of the situation with the rapidly  
27 declining mental state of BARBARA and her spouse Ronald Wayne Keller ("RONALD"  
28 collectively the "KELLERS") by ROYCE and Diane Mendonca ("DIANE"), there appears to  
no longer be any dispute that BARBARA and RONALD are severely cognitively impaired,  
unable to live independently and require an undetermined level of care in a qualified assisted  
living facility.

This is evidenced by ROYCE placing the KELLERS into the locked memory care unit  
of The Pines, A Merrill Gardens Community in Rocklin, CA on August 26<sup>th</sup>, 2021, despite not  
having any legal authority to sign as the patient representative for the placement or to  
encumber the KELLER estate. See W&I § 15610.30; See W&I § 15610.70; See CIV § 1575.

The Memorandum of Points and Authorities, filed by Attorney Chris Johnson Hamer  
("HAMER") on Sept. 1, 2021, stating this Court MUST [emphasis added] appoint ROYCE  
conservator because "Barbara Keller nominated him" is based on the unlawful NOMINATION  
document submitted to the Court. See Prob. § 811; See Prob. § 812; See W&I § 15610.30; See  
W&I § 15610.70; See CIV § 1575; See Cal. Rules of Professional Conduct, rule 3-3.

The Petition for Appointment of Probate Conservatorship, the Petition for Appointment  
of Temporary Conservator and the additional filings by ROYCE and Attorney HAMER were  
not served on BARBARA's siblings; Nancy Zinos ("NANCY") and Rick Bareuther ("RICK")  
as required. Service to granddaughter Shauna Wolff ("SHAUNA") was sent to her physical

1 address where there is no USPS service. This is despite the fact that the mailing addresses for  
2 BARBARA's relatives are included in earlier filings by SHARON. See Prob. 1821(b).

3 Additional objections to the appointment of ROYCE by members of BARBARA's  
4 family have been filed with this Court.

### 5 BACKGROUND

6 SHARON filed a Petition for Appointment of Probate Conservator of the Estate for  
7 BARBARA with a corresponding Petition for RONALD on June 21, 2021. An Amended  
8 Petition for Appointment of Temporary Conservator for the Person and Estate of BARBARA  
9 was filed by SHARON on August 17, 2021 – this amended filing included a GC-335 and GC-  
10 335A capacity declaration completed by BARBARA's medical provider.

11 Extensive documentation of the need for the conservatorship and the rapidly  
12 deteriorating mental health of the KELLERS has been provided in the Petitions.

13 In the hope for brevity with as-of-yet uncontested facts contained in the initial and  
14 amended Petitions by SHARON, the Court may take note: This is how the Mendonca's found out about the  
15 situation - Sharon called them for help!

16 Uncontested Fact One: SHARON began trying to locate DIANE in early April 2021 in  
17 order to let RONALD's sister know that the KELLER's were having tremendous difficulties  
18 and RONALD could benefit from his families support. It should be noted that DIANE and  
19 ROYCE were wholly unknown to SHARON or anyone else in BARBARA's family at this  
20 point despite the KELLER's 29 year marriage. The pages from BARBARA's address book had  
21 been removed so there were no contact names or numbers available to SHARON and  
22 RONALD had never mentioned his sister's last name or details that would help in locating her.

23 SHARON was able to track down RONALD's biological sons, Robert and Scott Diller,  
24 who provided some historical information on the family and some additional information that  
25 assisted SHARON in finding a phone number for ROYCE which eventually led to DIANE  
26 contacting BARBARA's son Timothy C. Jenkins ("TIM") on May 7<sup>th</sup>, 2021.

27 ROYCE, DIANE and Attorney HAMER have yet to acknowledge the fact that  
28 SHARON undertook active efforts to try and locate RONALD's family to offer him support as  
his mental health was rapidly deteriorating alongside BARBARA's severe Alzheimer's  
symptoms.

RONALD and BARBARA did not contact ROYCE and DIANE to ask for their  
assistance – it was SHARON who initiated that. There is yet to be any attempt to explain why  
SHARON would take efforts to locate RONALD's family and bring them into this situation if  
there was any malicious intent or attempt to deceive as alleged without evidence by ROYCE  
and Attorney HAMER.

Uncontested Fact Two: SHARON contacted Adult Protective Services ("APS") on  
April 26<sup>th</sup>, 2021. There is yet to be any attempt to explain why SHARON would contact a  
governmental investigative agency and request their assistance if there was any malicious  
intent or attempt to deceive as alleged without evidence by ROYCE and Attorney HAMER.

APS Social Worker Alma Barba ("ALMA") was assigned to investigate. ALMA  
received permission from RONALD and BARBARA to speak with DIANE about the ongoing  
investigation so information was shared with DIANE by ALMA from the very beginning.

1 ALMA received permission from BARBARA to speak with SHARON about the ongoing investigation so information on BARBARA was able to be shared.

2 ALMA was able to ensure that a cognitive assessment for both BARBARA and RONALD were completed by Dr. Andrew Levine, Ph.D. of North Coast Neuropsychology on 3 June 25<sup>th</sup>, 2021 in the KELLER home. His report was completed on July 8<sup>th</sup>, 2021 and a copy of both reports were provided to the KELLER's medical provider Open Door Community 4 Health in Fortuna who had referred the KELLER's to Dr. Levine.

5 **Uncontested Fact Three:** a GC-335 Capacity Declaration and GC-335A Major Neurocognitive Disorder Attachment to Capacity Declaration was completed by BARBARA's 6 medical provider Danielle Cole, FNP and countersigned by Dr. Andrew Johnston, MD on July 22, 2021. The cognitive assessment completed by Dr. Levine was attached as further 7 supporting documentation.

8 The original GC-335 and GC-335A for BARBARA were filed with this Court on August 17th, 2021 by SHARON.

9 A copy of RONALD's cognitive assessment by Dr. Levine has not been submitted to 10 this court by ROYCE or Attorney HAMER in support of their petition despite its known existence.

11 BARBARA's cognitive assessment report includes the following summary 12 "considering that her spouse is also severely impaired cognitively, the most suitable living situation appears to be an assisted living home" [emphasis added].

13 These facts remain uncontested - they were simply ignored by Attorney Hamer and Judge Canning

14 **ARGUMENT**

15 ROYCE and Attorney HAMER stipulated to the facts and evidence listed by SHARON 16 in her original Petition for Conservatorship of BARBARA in their GC-310 Petition for Appointment of Probate Conservator submitted by ROYCE, (5.c.1 & 2) "This is set forth in 17 Capacity Declarations filed herein by Sharon Wolff, as to her petition for conservatorship of Barbara Keller."

18 ROYCE has placed the KELLER's into the locked memory care unit of The Pines, A 19 Merrill Gardens Community in Rocklin, CA despite not having the legal authority to sign any agreement as the representative or to encumber the KELLER estate.

20 There is no disagreement over the need for assisted living for both BARBARA and 21 RONALD but no care and needs assessment has been done to date in order to determine the appropriate level of care each needs.

22 In order to illustrate the most recent developments in this conservatorship case, a 23 timeline is required. All documentation cited has been filed with this Court previously:

24

25 August 24, 2021	26 Heather Allen, NP ("ALLEN") signs GC-335 and GC-335A for BARBARA (without countersignature of licensed physician or psychologist). 27 • GC-335 Judicial Council form is <u>altered</u> to now include "Nurse Practitioner" as having independent signature authority 28 • ALLEN states that BARBARA lacks legal capacity to give consent and is unable to attend hearings, citing some unknown medical inability.
--------------------	--

Memorandum of Points and Authorities

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

	<p>ROYCE and Attorney HAMER sign GC-111 Petition for Appointment of Temporary Conservator and GC-310 Petition for Appointment of Probate Conservatorship for the person and estate of BARBARA.</p> <ul style="list-style-type: none"> <li>• Petition states “The proposed conservatee needs to be placed in a locked perimeter facility and provided care as soon as possible. She suffers from memory loss and Alzheimer’s Disease, is unable to care for herself or to handle her own financial affairs” [emphasis added]</li> </ul>
August 25, 2021	<p>ROYCE and Attorney HAMER provide a legal declaration NOMINATION BY CONSERVATOR OF HER PERSON AND ESTATE to BARBARA and secure her signature.</p>
August 26, 2021	<p>Attorney HAMER files a Petition for Appointment of Probate Conservatorship for BARBARA’s person and estate based on the unlawful NOMINATION document.</p> <ul style="list-style-type: none"> <li>• Petition affirmed BARBARA was a resident of Humboldt County on that date</li> <li>• Petition requests authority to move BARBARA to Sunrise of Carmichael or another facility providing comparable care</li> <li>• Petition states the evidence of the need for a conservatorship “is set forth in Capacity Declaration filed herein by Sharon Wolff, as to her petition for conservatorship of Barbara Keller” (5.c.1 &amp; 2)</li> <li>• <i>Thereby affirming their agreement to the facts presented in SHARON’s Petition</i></li> </ul>
	<p>ROYCE signed an agreement with The Pines, A Merrill Gardens Community for the placement of BARBARA despite not having legal authority to sign as her representative or to encumber the KELLER estate.</p> <ul style="list-style-type: none"> <li>• The agreement was attached to the SUPPLEMENTAL DECLARATION OF CHRIS HAMER</li> <li>• Attorney HAMER affirms the agreement is “a true and accurate copy of the original contact with The Pines, A Merrill Gardens Community, for the care of Barbara Lynn Keller”</li> <li>• ROYCE signed as the “Responsible Party” (pg. 16 of Agreement) but does not have Power of Attorney or Legal Guardianship as clearly required by the agreement.</li> <li>• ROYCE did <u>not</u> sign as the “Responsible Party” (pg. 16 of Agreement) for payment – indicating he is not taking personal responsibility for costs incurred to date.</li> </ul>
	<p>BARBARA was placed in the locked memory care unit of The Pines, A Merrill Gardens Community the very same day.</p> <ul style="list-style-type: none"> <li>• “Appraisals will be documented in writing and available to you and your Responsible Party, if applicable” (pg. 3 of Agreement)</li> <li>• No documented appraisal has been done</li> <li>• No care and needs assessment has been completed and there is no care plan for BARBARA</li> <li>• No LIC 602A Physician’s Report for Residential Care Facilities for the Elderly (RCFE) has been completed</li> <li>• No legal authority to consent to care exists currently – BARBARA is incapacitated with Alzheimer’s and this Court has not granted orders to either SHARON or ROYCE</li> </ul>
August 27, 2021	<p>Attorney HAMER signs SUPPLEMENTAL DECLARATION OF CHRIS</p>

Memorandum of Points and Authorities

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

	<p><b>HAMER IN SUPPORT OF ROYCE MENDONCA'S PETITION FOR APPOINTMENT OF CONSERVATOR</b></p> <ul style="list-style-type: none"> <li>• Discloses that BARBARA and RONALD were moved into The Pines, A Merrill Gardens Community on August 26<sup>th</sup> – the day before</li> <li>• No reason for why the placement change – one week prior to Court – was necessary</li> </ul>
	<p>SHARON receives packet of documents from Attorney HAMER, including <b>DECLARATION OF CHRIS JOHNSON HAMER IN SUPPORT OF OBJECTION TO PETITION FOR CONSERVATORSHIP OF BARBARA LYNN KELLER BY SHARON WOLFF</b></p> <ul style="list-style-type: none"> <li>• DECLARATION stated that BARBARA continued to reside with DIANE in her Citrus Heights home and they were all doing very well.</li> <li>• There was no indication that an imminent move into a locked memory care facility was needed prior to the Court issuing any orders.</li> </ul>
<p>August 30, 2021</p>	<p>Attorney HAMER files <b>SUPPLEMENTAL DECLARATION OF CHRIS HAMER IN SUPPORT OF ROYCE MENDONCA'S PETITION FOR APPOINTMENT OF CONSERVATOR.</b></p> <ul style="list-style-type: none"> <li>• HAMER attests to her “own personal knowledge” of the “facts” set forth herein</li> <li>• This document states BARBARA changed residence on August 26th to a locked memory care unit at The Pines, A Merrill Gardens Community in Rocklin, CA</li> <li>• No information is provided as to why BARBARA was suddenly moved into a locked memory care unit ONE WEEK before the scheduled Court hearing (Sept. 2, 2021)</li> </ul>
	<p>Granddaughter Shauna M. Wolff (“SHAUNA”) calls The Pines to speak with her grandma and was successful. BARBARA didn't know where she was or who put her there and she asked SHAUNA if there was going to be a “rescue mission” to get her.</p>
<p>September 1, 2021</p>	<p>SHARON speaks with ROBERTSON re. the KELLER's placement at the facility and the apparent lack of required documentation. SHARON follows up with an email to ROBERTSON:</p> <ul style="list-style-type: none"> <li>• Provided a copy of Keller 2017 Trust which includes medical release of information (ROI) for both BARBARA and RONALD</li> <li>• Provided a copy of GC-335 and GC-335A on file with the court for BARBARA</li> <li>• Requested a copy of the care level assessment</li> <li>• Requested a copy of LIC 602A Physician's Report for Residential Care Facilities for the Elderly (RCFS)</li> <li>• Requested a copy of the California Admission Orders or its equivalent</li> </ul>
	<p>Grandson Michael L. Wolff (“MICHAEL”) called The Pines to speak with his grandma BARBARA – they refused to transfer the call to her room</p> <p>MICHAEL's spouse Kathryn (“KATHRYN”) called The Pines to speak with BARBARA – they said they couldn't transfer the call</p>
<p>September 2, 2021</p>	<p>Granddaughter Laura Jenkins (“LAURA”) visits The Pines (approx. 1:30pm) and is told BARBARA has been taken out of the facility for a</p>

Memorandum of Points and Authorities

1	meeting.
2	<ul style="list-style-type: none"> <li>• LAURA had spoken with The Pines General Manager, John Robertson ("ROBERTSON) the day prior to confirm COVID-19 protocols for visits and she stated her intent to visit her grandma the next day.</li> </ul>
3	
4	BARBARA did <u>not</u> appear on camera at the Sept. 2, 2021 conservatorship hearing (2:15pm).
5	Court hearing continued to Evidentiary Hearing set for Sept. 30 <sup>th</sup> , 2021
6	NO orders were issued
7	SHARON emails ROBERTSON to confirm the Court issued NO ORDERS and continued the hearing.
8	<ul style="list-style-type: none"> <li>• Asked for ROBERTSON's assistance to ensure family visits/calls happened</li> </ul>
9	
10	September 3, 2021
11	TIM and spouse Jo ("JO") visit The Pines (approx. 2:30pm). They were told that the KELLERS didn't want to see them. Met Public Relations staff member Carin and ROBERTSON.
12	<ul style="list-style-type: none"> <li>• ROBERTSON stated "we're going to let them decide" whether to allow visit/call.</li> <li>• TIM explained the circumstances with RONALD's paranoia and its influence on BARBARA.</li> </ul>
13	
14	September 3, 2021
15	MICHAEL called The Pines to try again to speak with his grandma – "they said they couldn't transfer me. I left a phone number and received a call back from John at the The Pines [general manager]. He stated that both Barbara and Ron did not want to talk to me and would not be returning my call."
16	
17	September 4, 2021
18	TIM visits The Pines with a box of Kentucky Fried Chicken ("KFC"), BARBARA's favorite chicken. Staff told TIM that they refused a visit and the KFC.
19	September 6, 2021
20	TIM and JO visit The Pines and BARBARA was happy to see them for an approx. 2 hour visit (1:30pm-3:45pm). Staff told TIM that RON had been taken by DIANE for "tests" prior to TIM's arrival (Labor Day Holiday).
21	<ul style="list-style-type: none"> <li>• BARBARA gave TIM and JO a tour of her room – it was completely bare of any personal effects</li> <li>• BARBARA repeatedly asked TIM to "get her out of there"</li> <li>• BARBARA says she didn't know anything about the KFC TIM brought previously – she asked TIM to bring her KFC at the next visit</li> <li>• BARBARA was very worried about RONALD not being in the room</li> </ul>
22	
23	
24	
25	TIM texted DIANE (approx. 6:15pm) to inquire about RON and was told RON was in the emergency room had a blood clot in his lung and would be checked-in to the hospital. RON was not checked in to the hospital and returned to The Pines later that evening.
26	
27	September 7, 2021
28	LAURA visits The Pines at approx. 9:00am. Staff told her they refused to see her.

Memorandum of Points and Authorities

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

	<p>Approx. 2:55pm TIM visits The Pines with another box of KFC. Was told they refused a visit and the KFC.</p> <p>TIM speaks with ROBERTSON about visits being blocked by RONALD and the right for BARBARA's family to visit her without interference.</p> <ul style="list-style-type: none"><li>• TIM asks for a copy of the Resident's Handbook – ROBERTSON declined to provide.</li><li>• TIM asked about any written health care assessment for the KELLER's – ROBERTSON declined to provide</li></ul>
September 10, 2021	<p>Long-Term Care Ombudsman Rae Williams ("OMBUDSMAN WILLIAMS") visits the KELLERs at the request of SHARON. OMBUDSMAN WILLIAMS discussed the role of the Ombuds office and their rights. OMBUDSMAN WILLIAMS left her business card with the KELLERs and encouraged them to call if they had any questions or concerns.</p>
September 13, 2021	<p>TIM visits The Pines and asks a staff member to give BARBARA a note he wrote. BARBARA sends the note back refusing to see TIM because "We're slightly (I hope) under the weather right now. Ron picked up a flu bug a few days ago and is feeling pretty bad." And "Thanks for the good wishes and we will look forward to visiting you sometime in the future. Love, Mom"</p> <p>TIM spoke with ROBERTSON about Ron refusing – or influencing BARBARA – to refuse visits and calls from her family. When Ron is napping or out of the room, BARBARA readily agrees to visits/calls with her family.</p> <p>TIM provides a copy of the note with BARBARA's reply to ROBERTSON as she is not refusing to visit because of some fear or anger towards her family. Also, if they are indeed ill there is no medical history on file or ability to consent to care.</p>
September 15, 2021	<p>TIM visits The Pines and staff brought BARBARA out to the lobby for a visit. TIM gives BARBARA an electronic picture frame that he demonstrates which has been loaded with cherished family pictures. BARBARA seems excited about the photos as she had no mementos or personal effects in her room.</p> <p>Staff assures TIM they will help BARBARA put the photo frame in her room and plug it in so she can enjoy the photos.</p> <p>The photo frame was turned off shortly after it was placed in BARBARA's room – as per the application used to upload photos.</p>
September 19, 2021	<p>Grandson Michael Wolff ("MICHAEL") visits The Pines from Salinas. Staff tells him that his grandma doesn't want to see him. MICHAEL gives staff a card he brought for grandma to give to her.</p>

Memorandum of Points and Authorities

1 Additional information to note:

2 September 10, 2021	Fortuna shuts off water/sewer to KELLER home at 2730 Kenmar Rd. due to non-payment; \$559.14 due – of which, \$449.14 is past due. The KELLER's had not paid their utility bill since May.
4 September 13, 2021	PG&E confirms \$280.91 due – of which, \$233.05 is past due. The last payment made by the KELLERs was June 24 <sup>th</sup> 2021

6 I. STANDARD OF REVIEW

7 The standard of proof for the appointment of a conservator pursuant to this section shall  
8 be clear and convincing evidence . Prob § 1801(e)

9 II. ROYCE MENDONCA AND ATTORNEY CHRIS JOHNSON HAMER SECURED  
10 BARBARA KELLER'S SIGNATURE ON A NOMINATION DOCUMENT  
11 DESPITE COGNITIVE IMPAIRMENT

12 BARBARA suffers from Alzheimer's. A GC-335 Capacity Declaration and GC-335A  
13 Major Neurocognitive Disorders Attachment to Capacity Declaration was completed by  
14 BARBARA's medical provider Danielle Cole, FNP and countersigned by Dr. Andrew  
15 Johnston on July 22, 2021.

16 Adult Protective Services ("APS") Social Worker Alma Barba ("ALMA") arranged  
17 for a cognitive assessment to be done by Dr. Andrew Levine, Ph.D. of North Coast  
18 Neuropsychology for both BARBARA and her spouse Ronald Wayne Keller ("RONALD").  
19 The date of evaluation was June 25, 2021 and his report was submitted to APS on July 8,  
20 2021. The cognitive assessment report for BARBARA is attached to the GC-335 and GC-  
21 335A Capacity Declaration as supporting documentation of the cognitive impairment.

22 The Capacity Declaration for BARBARA was then filed with this court on August 17,  
23 2021 with an Amended Petition for Appointment of Temporary Conservator – Person and  
24 Estate by Sharon Wolff. The amended petition and the GC-335 and GC-335A were served by  
25 Northcoast Legal Services to DIANE on August 18<sup>th</sup>, 2021 as well as the other parties (proof  
26 of service filed). ROYCE was not a party to the case at that time.

27 Attorney HAMER has subsequently identified herself as representing both ROYCE  
28 and DIANE in this matter.

Memorandum of Points and Authorities



1 Welfare and Institutions Code Sec. 15610.70 clearly defines “undue influence” and the  
2 elements needed to determine if a result was produced by undue influence:

- 3 (1) The vulnerability of the victim – includes cognitive function, emotional distress,  
4 isolation or dependency, and whether the influencer knew or should have known of  
5 the alleged victim’s vulnerability.
- 6 (2) The influencer’s apparent authority – includes status as a family member and/or  
7 legal professional
- 8 (3) The actions or tactics used by the influencer. Evidence of actions or tactics used  
9 may include, but is not limited to, all of the following:
- 10 A. Controlling necessities of life, medication, the victim’s interactions with  
11 others, access to information or sleep
- 12 B. Use of affection, intimidation or coercion
- 13 C. Initiation of changes in personal or property rights, use of haste or secrecy  
14 in effecting those changes, effecting changes at inappropriate times and  
15 places, and claims of expertise in effecting changes.
- 16 (4) The equity of the result. Evidence of the equity of the result may include, but is not  
17 limited to, the economic consequences to the victim, any divergence from the  
18 victim’s prior intent or course of conduct or dealing, the relationship of the value  
19 conveyed to the value of any services or consideration received, or the  
20 appropriateness of the change in light of the length and nature of the relationship.

21 The KELLER’s were taken from their home in Fortuna California by DIANE on or  
22 about July 20<sup>th</sup>, 2021 and moved to DIANE’s home in Citrus Heights (as per  
23 DECLARATION OF ROYCE MENDONCA). No contact with BARBARA’s family was  
24 initiated or allowed by DIANE after that date. Nancy Zinos (“NANCY”) called DIANE after  
25 the August 5<sup>th</sup> court hearing in order to check on her sister. NANCY was told BARBARA is  
26 “mad at you” by DIANE when she asked to speak to her sister. *See* WIC § 15610.43. The  
27 severity of BARBARA’s Alzheimer’s makes her wholly defenseless against delusions and  
28 false accusations about her family and unable to resist fraud or influence.

1 BARBARA had been isolated from her family and made entirely dependent on DIANE  
2 and ROYCE from July 20<sup>th</sup> to August 25<sup>th</sup> when they secured her signature on a  
3 NOMINATION legal document. See WIC § 15610.43; See WIC § 15610.53.

4 The NOMINATION document was presented to BARBARA to sign on August 25<sup>th</sup>,  
5 one day after ROYCE and Attorney HAMER signed the GC-310 Petition for Appointment of  
6 Probate Conservator. The very next day, BARBARA was admitted to the locked memory care  
7 unit of The Pines by ROYCE. Clearly this is an initiation of a change in personal rights using  
8 haste and effecting the change at an inappropriate time – one week prior to the next Court  
9 hearing and prior to any order(s) being granted.

10 The KELLER's have clearly documented their wishes and intents for many years now  
11 as indicated by their Will's naming SHARON and TIM as executors of their estate (signed  
12 April 17, 2003) and the Keller 2017 Trust naming SHARON and TIM as co-trustee's (signed  
13 May 15, 2017). The NOMINATION of ROYCE as conservator is a complete and total  
14 divergence from the long standing intent and course of conduct that the KELLER's have  
15 demonstrated prior to RONALD's mental health crisis on April 20, 2021.

16 ROYCE has provided absolutely no evidence of any prior relationship with the  
17 KELLER's other than biology. The nature of the relationship between ROYCE and the  
18 KELLER's in addition to the isolation of BARBARA and her vulnerability makes the  
19 NOMINATION wholly inappropriate on its face. See Cal. Rules of Professional Conduct,  
20 rule 3-3; See CIV § 39; See Prob. § 811, 812; See WIC § 15610.43; See WIC § 15610.53.

21 Civil Code § 39 clearly applies in this matter:

22 (a) A conveyance or other contract of a person of unsound mind, but not entirely without  
23 understanding, made before the incapacity of the person has been judicially determined, is  
24 subject to rescission, as provided in Chapter 2 (commencing with Section 1688) of Title 5 of  
25 Part 2 of Division 3.

26 (b) A rebuttable presumption affecting the burden of proof that a person is of unsound mind  
27 shall exist for purposes of this section if the person is substantially unable to manage his or  
28

1 her own financial resources or resist fraud or undue influence. Substantial inability may not be  
2 proved solely by isolated incidents of negligence or improvidence.

3  
4 **III. A LEGALLY INSUFFICIENT, ALTERED AND DUPLICATIVE GC-335 AND GC-**  
5 **335A WERE FILED WITH THIS COURT BY ROYCE AND ATTORNEY HAMER**

6 Despite the known existence of a legal GC-335 and GC-335A for BARBARA,  
7 ROYCE and Attorney HAMER procured a legally insufficient and duplicative GC-335 and  
8 GC-335A signed by Nurse Practitioner ALLEN on August 24<sup>th</sup>, 2021. There is no  
9 countersignature of a California licensed physician or psychologist with at least two year's  
10 experience in diagnosing and treating major neurocognitive disorders (including dementia) as  
11 required, *See Prob. § 2356.5*.

12 An undated support letter from ALLEN, attached to SUPPLEMENTAL  
13 DECLARATION OF CHRIS HAMER clearly states ALLEN had only met BARBARA twice  
14 (8/16/21 and 8/20/21) in her capacity as a primary care provider.

15 Although Assembly Bill 890 (Wood) Nurse Practitioners: scope of practice was signed  
16 into law September 29, 2020, the bill does not take effect until 2023 and it is not a wholesale  
17 expansion of the scope of practice (including independent signature authority) for nurse  
18 practitioners. The bill would not apply in this case, even when it does take effect.

19 The Judicial Council form GC-335 Capacity Declaration-Conservatorship was altered  
20 to include "Nurse Practitioner" as an authorized signatory and the new category is then check-  
21 marked.

22 This altered Judicial Council form, with the legally insufficient signature authority,  
23 was then filed with this Court by ROYCE and Attorney HAMER on August 26, 2021. *See*  
24 *Cal. Rules of Professional Conduct, rule 3-3.*

25  
26 **IV. ROYCE PLACED BARBARA INTO A LOCKED MEMORY CARE UNIT AT THE**  
27 **PINES, A MERRILL GARDENS COMMUNITY DESPITE NOT HAVING LEGAL**  
28

1                    **AUTHORITY TO SIGN AS REPRESENTATIVE OR TO ENCUMBER KELLER**  
2                    **ESTATE**

3                    On August 26, 2021, Attorney HAMER filed a Petition for Appointment of Temporary  
4                    Conservator for BARBARA (person and estate) on behalf of ROYCE. The Petition requests  
5                    permission to move BARBARA into "Sunrise of Carmichael or another facility providing  
6                    comparable care." The Petition stated "she suffers from Alzheimer's Disease and requires  
7                    placement in a locked perimeter memory unit."

8                    There is no indication in the filed paperwork that there was a crisis or urgent need to  
9                    relocate BARBARA to a locked facility PRIOR to the Court making any ruling on the  
10                    Petition.

11                    On August 26, 2021, ROYCE signed an agreement with The Pines, A Merrill Gardens  
12                    Community for the immediate placement of BARBARA that same day. ROYCE signed the  
13                    agreement (page 16) as "Responsible Party" on August 26, 2021. The signature line states "a  
14                    copy of your Power of Attorney or Legal Guardianship form must be provided." ROYCE did  
15                    not sign as Payor – indicating that ROYCE is not taking responsibility for the cost.

16                    Despite not being provided a copy of the legal authority to sign as representative or  
17                    having a financially responsible party indicated, the agreement was signed by ROBERTSON  
18                    as General Manager of The Pines.

19                    There is no evaluation to determine the level of care needed for BARBARA and no  
20                    Level of Care Worksheet attached to the agreement. It is unknown how The Pines determined  
21                    the appropriate level of care for the placement – the agreement indicates Care Level 1 in their  
22                    Garden House facility (locked memory care).

23                    ROYCE agreed to a monthly fee of \$3,870 for BARBARA's living accommodations  
24                    and standard services.

25                    The agreement states \$763.82 prorated fees were due upon signing and the required  
26                    second month's fee (for agreements signed after the 20<sup>th</sup> of the month) was waived (Page 3 of  
27                    Ex. D). It is unknown if ROYCE has paid this fee.

1 V. LACK OF LEGAL AUTHORITY FOR THE PLACEMENT RESULTS IN NO  
2 LEGAL AUTHORITY TO CONSENT TO CARE FOR MEDICAL NEEDS

3 The Pines, A Merrill Gardens Community does not have legal authorization on file for  
4 consent to care for BARBARA as ROYCE did not have legal authority to sign the placement  
5 agreement. BARBARA's spouse RONALD also lacks capacity to consent to care on behalf of  
6 BARBARA as he is also placed in the same locked memory care facility.

7 There is no LIC 602A Physician's Report for Residential Care Facilities for the Elderly  
8 (RCFE) as required to be on file by California Community Care Licensing. Similarly, other  
9 forms such as the California Admission Orders (applicable to Assisted Living) also don't exist  
10 as BARBARA does not have a medical provider to complete them. No medical provider  
11 outside of Humboldt County has requested any medical records from BARBARA's medical  
12 provider Open Door Community Health in Fortuna, CA.

13  
14 VI. ROYCE KNEW OR REASONABLY SHOULD KNOW THAT PLACING  
15 BARBARA INTO A FACILITY WITHOUT LEGAL AUTHORITY TO CONSENT  
16 TO CARE ENDANGERS HER HEALTH AND SAFETY

17  
18 ROYCE knew he had not been granted authority by the Court to relocate BARBARA  
19 to a care facility, sign as BARBARA's representative, or encumber the KELLER estate at the  
20 time he placed her in the locked facility. ROYCE knew he did not have the legal authority to  
21 portray himself as BARBARA's representative. The lack of legal authority extends to the  
22 ability to consent to care on behalf of BARBARA.

23 California Penal Code Sec. 368 recognizes the special considerations and protections  
24 provided to elders and adults admitted as inpatients to a 24-hour health facility. "A person who  
25 knows or reasonably should know that a person is an elder or dependent adult and who, under  
26 circumstances or conditions likely to produce great bodily harm or death, willfully causes or  
27 permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or  
28 mental suffering, or having the care or custody of any elder or dependent adult, willfully causes

1 or permits the person or health of the elder or dependent adult to be injured, or willfully causes  
2 or permits the elder or dependent adult to be placed in a situation in which his or her person or  
3 health is endangered, is punishable by imprisonment in a county jail not exceeding one year, or  
4 by a fine not to exceed six thousand dollars (\$6,000), or by both that fine and imprisonment, or  
5 by imprisonment in the state prison for two, three, or four years [emphasis added]. See Pen.  
6 Sec. 368(b)(1)

7  
8 CONCLUSION

9 SHARON respectfully requests, for the reasons discussed above, that the Court grant  
10 SHARON's petition for conservatorship of BARBARA (person and estate).  
11

12 SHARON further requests the Court dismiss the petition for conservatorship of  
13 BARBARA (person and estate) filed by ROYCE for the reasons discussed above. SHARON  
14 asks the Court to take into consideration the actions of ROYCE in placing the KELLER's into  
15 a locked memory care unit without legal authorization to do so – in addition to the legally  
16 insufficient documentation and altered Judicial Council forms submitted by ROYCE and  
17 Attorney HAMER – when evaluating any objection or petition filed on his behalf.  
18

19 The KELLER's remain in legal limbo, without an authorized representative to protect  
20 their interests or consent to any needed care. If this Court declines to grant SHARON's  
21 petition, for whatever reason, SHARON asks the Court to appoint the Humboldt County Public  
22 Guardian's Office as conservator in order to ensure the KELLER's safety and needs are being  
23 met.  
24  
25  
26  
27  
28

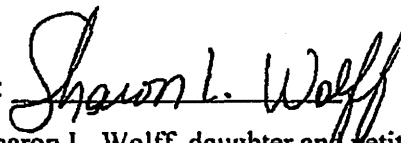
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF SERVICE

Proof of service to be filed separately.

Respectfully submitted,

Dated: 9/20/21

By:   
Sharon L. Wolff, daughter and petitioner

Notations throughout...

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

This is lengthy but worth the read - or at least skim for the highlights.

This is how your Mom or Dad will be treated by the Humboldt County Superior Court IF you don't have a well-connected attorney on retainer.

**FILED**

**DEC 13 2021**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT**

Note the Filed date - read down for why it is significant. You can't escape the date stamps.

***SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT***

CASE NO. PR2100162

IN RE BARBARA LYNN KELLER

RULING AND ORDER  
APPOINTING CONSERVATOR

Presently before the court are two competing petitions for appointment of conservator for Barbara Lynn Keller: a petition by Royce Mendonca (Ms. Keller's husband's nephew), and a petition by Sharon Wolff (Ms. Keller's daughter). <sup>Previously unknown nephew of Barbara's 5th husband - legal name is Roland Royce Mendonca, Jr.</sup> Objections were also filed to both petitions. Similar competing petitions were filed in Ronald Keller's matter, Humboldt Superior Court case no. PR2100161. Ronald and Barbara Keller are married.

Both petitioners appear to agree that Ms. Keller needs a conservator of her person and of her estate. The probate investigator also recommended appointment of a conservator. From the evidence presented to the court, including but not limited to the testimony at the hearing and the investigator's reports, the court finds that Ms. Keller is unable to properly provide for her personal needs for physical health, food, clothing or shelter, and that Ms. Keller is substantially unable to manage her own financial resources or resist fraud or undue influence. The court finds that appointment of a conservator of Ms. Keller's person and estate is in Ms. Keller's best

**Ruling on Conservatorship**



1 interests.

2 Which petitioner should be appointed conservator is a more difficult question. After  
3 reviewing all the filings in this matter as well as in Mr. Keller's matter, and considering the  
4 testimony presented at the hearing, the court appoints Mr. Mendonca as the conservator of Ms.  
5 Keller's person and estate, for the following reasons, including the recommendation to appoint  
6 Keller's person and estate, for the following reasons, including the recommendation to appoint  
7 Keller's person and estate, for the following reasons, including the recommendation to appoint  
8 Keller's person and estate, for the following reasons, including the recommendation to appoint  
9 Keller's person and estate, for the following reasons, including the recommendation to appoint  
10 Keller's person and estate, for the following reasons, including the recommendation to appoint  
11 Keller's person and estate, for the following reasons, including the recommendation to appoint  
12 Keller's person and estate, for the following reasons, including the recommendation to appoint  
13 Keller's person and estate, for the following reasons, including the recommendation to appoint  
14 Keller's person and estate, for the following reasons, including the recommendation to appoint  
15 Keller's person and estate, for the following reasons, including the recommendation to appoint  
16 Keller's person and estate, for the following reasons, including the recommendation to appoint  
17 Keller's person and estate, for the following reasons, including the recommendation to appoint  
18 Keller's person and estate, for the following reasons, including the recommendation to appoint  
19 Keller's person and estate, for the following reasons, including the recommendation to appoint  
20 Keller's person and estate, for the following reasons, including the recommendation to appoint  
21 Keller's person and estate, for the following reasons, including the recommendation to appoint  
22 Keller's person and estate, for the following reasons, including the recommendation to appoint  
23 Keller's person and estate, for the following reasons, including the recommendation to appoint  
24 Keller's person and estate, for the following reasons, including the recommendation to appoint  
25 Keller's person and estate, for the following reasons, including the recommendation to appoint

The probate investigator recommended that Ms. Wolff be appointed conservator for Ms.  
Keller's person and estate, in her original report and in her subsequent report. The court is  
appointing Mr. Mendonca as Mr. Keller's conservator; appointing Ms. Wolff as conservator for  
Ms. Keller would require either that Mr. Mendonca and Ms. Wolff work together to support Ms.  
Keller and Mr. Keller as a married couple, or require Ms. Keller and Mr. Keller to live apart and  
go their separate ways. Actually, this would have forced Royce to finally talk to Sharon and work  
together which Sharon had been asking for since first tracking him down.

Mr. Mendonca and Ms. Wolff are unable to work together. During the hearing, and as  
reflected in the papers submitted by the parties, it is apparent that each petitioner undermines the  
other, trades insults, and withholds key information from each other. Appointing Mr. Mendonca  
for Mr. Keller and Ms. Wolff for Ms. Keller would likely result in more contentious interactions,  
high stress for the conservatees, and extensive litigation over instructions, orders, accountings  
and the like. See the transcript excerpts added below from the July 29, 2021 initial hearing - Sharon has been asking for  
help from the Mendonca's since the beginning but they have steadfastly refused throughout.

Ms. Keller, as did Mr. Keller, signed a written document nominating Mr. Mendonca to be  
her conservator. A proposed conservatee may nominate a conservator, either in the petition for  
appointment or in a writing signed by the proposed conservatee at a time when she had sufficient  
capacity to form an intelligent preference. Prob. C. §1810. The court must appoint the  
nominee unless it finds that the appointment is not in the best interests of the proposed  
conservatee. Recall that the GC-335 Capacity Declaration for Barbara (the legitimate one) was filed with the court on  
August 17, 2021 and it has been ignored by this court ever since.

Though Ms. Keller may have been influenced by Mr. Keller and by Mr. Keller's sister  
when making the nomination of Mr. Mendonca, there was insufficient evidence that any such

I am still struggling to figure this one out - there may have been influence on the Alzheimer's patient  
but it wasn't necessarily undue? Except it was in direct opposition to all of Barbara's documented

**Ruling on Conservatorship** intents and wishes to date - textbook elder financial fraud undue influence.

1 influence was undue. Though Ms. Keller is clearly suffering from memory loss and some  
2 diminished capacity, it appears to the court that Ms. Keller had sufficient capacity to form an  
3 intelligent preference at the time she signed the nomination. At the hearing, Ms. Keller also  
4 clearly and unequivocally testified that she preferred the appointment of Mr. Mendonca over the  
5 appointment of Ms. Wolff. Ms. Keller also told the probate investigator that she preferred Mr.  
6 Mendonca be appointed conservator. Capacity Declaration months prior and it has been on file with  
7 Barbara's medical providers signed a GC-335 & GC-335A  
8 the court ever since.

9 The court finds that Ms. Keller had sufficient capacity to form an intelligent preference  
10 for a conservator at the time she nominated Mr. Mendonca.

11 The court further finds that Mr. Mendonca's appointment is in Ms. Keller's best interest.  
12 According to Alma Barber, a social worker with Adult Protective Services, prior to the  
13 involvement of Mr. Keller's sister and Mr. Mendonca, when Mr. Keller and Ms. Keller were  
14 living close to Ms. Wolff and her family, they stopped accepting assistance from Ms. Wolff and  
15 began trying to sell their house and leave the area. When visited by Ms. Barber, the Kellers had  
16 no food in their house, and Ms. Keller had lost 10 pounds. Ms. Barber testified that Mr. Keller  
17 looked disheveled and was crying frequently. Ms. Barber concluded that both were  
18 decompensating rapidly. Ron's sister only became involved because Sharon searched for her and sought out her help for  
19 her brother - Diane refuses to speak to Sharon and believes the delusions that Sharon was  
20 breaking into the Keller home to watch them sleep, bragging about it and poisoning their food.

21 In contrast, after Mr. Keller's sister and Mr. Mendonca became involved, both Mr. and  
22 Ms. Keller were placed in an assisted living facility where they both are receiving medical care,  
23 They were placed by the previously unknown nephew of Barbara's 5th husband without any legal authority to do so  
24 eating well, live in a safe environment, and are generally being well-cared for. At the hearing on  
25 the petitions, the court was able to observe the Kellers as they testified via Zoom, and they both  
26 appeared to be doing well in the assisted living facility. Legal authority for placing vulnerable elders into a  
27 locked memory care unit is apparently not a concern  
28 in Humboldt County

29 In addition, and as recommended by the probate investigator, Mr. Mendonca is  
30 committed to Mr. and Ms. Keller living together, as long as their medical condition allows it and  
31 as long as there are no concerns regarding physical safety. In contrast, Ms. Wolff did not appear  
32 to be strongly in favor of the Kellers living together, at least not initially.

33 See the transcript excerpts added below from the July 29, 2021 initial hearing - Sharon found a safe placement nearby  
34 for both of the Keller's. But again, the court ignored everything presented to it by Sharon as an In Pro Per

Read the Amended Court Investigators Report posted online to see what was actually said and what was recommended

1 It is also clear from testimony as well as the investigator's reports that Ms. Keller (and  
2 Mr. Keller) are willing to listen to and cooperate with Mr. Mendonca, whereas neither proposed  
3 conservatee seemed willing or able to do so with Ms. Wolff. Ms. Keller not only expressed a  
4 strong preference for the appointment of Mr. Mendonca -- which she has consistently asserted  
5 since the first investigator's report -- but she also strongly expressed her opposition to Ms.  
6 Wolff being appointed. her conservator because she didn't know him. The court investigators report

7 is very clear and the Judge simply ignored it for whatever reason.  
8 The court gives no weight to Mr. Mendonca's assertions that Ms. Wolff is not qualified  
9 to serve as a conservator of the estate because of her prior bankruptcy or current financial  
10 situation. Those factors do not support a conclusion that Ms. Wolff would embezzle or misuse  
11 the conservatees' financial assets. This is literally the only line in writing from this court regarding  
12 the serious allegations of elder fraud and the submitted documentation. The court simply ignored the glaringly obvious.

13 Similarly, the court does not give any weight to Ms. Wolff's assertions that Mr.  
14 Mendonca was falsifying documents or otherwise not qualified to serve as conservator.  
15 In Humboldt County, glaringly obvious fraudulent documentation is given the same consideration as legal paperwork...

16 Considering the vitriolic accusations made against each other, Ms. Wolff and Mr.  
17 Mendonca are not able to cooperate with each other in making decisions regarding care and  
18 support for Ms. Keller and her husband. Instead, it is likely that each conservator would make  
19 decisions inconsistent with the other's decision, which in turn would not be in the best interests  
20 of the married couple. A likely outcome of having two different conservators is that Mr. Keller  
21 and Ms. Keller may be split up. As the investigator noted, splitting Mr. Keller and Ms. Keller  
22 up may cause their respective conditions to deteriorate more rapidly.

23 The court further concludes that having a different conservator for Mr. Keller and for Ms.  
24 Keller would not be in the conservatees' best interests, but would likely be disastrous.

25 For the foregoing reasons, the court finds that the appointment of Royce Mendonca as  
conservator for Ms. Keller's person and estate is in the best interests of Ms. Keller. The court  
grants Mr. Mendonca's petition for appointment, and appoints Mr. Mendonca as conservator for  
Ms. Keller's person and estate. Except as expressly granted herein, all other requests for relief in  
This is the exact opposite of what the court investigator has stated - twice now. Don't forget, Barbara  
told the court investigator that she did NOT want Royce as her conservator because she didn't know  
him. The Humboldt County Superior Court simply didn't care.  
**Ruling on Conservatorship**

1 this case have been considered and are denied.

2 For the foregoing reasons,

3 **IT IS HEREBY ORDERED THAT:**

4 1. Sharon Wolff's petition for appointment as conservator is denied;

5 2. Royce Mendonca's petition for appointment as conservator of the person and estate of  
6 Ms. Keller is granted, and letters shall issue; and

7 3. The court will set dates for review and accounting, and will notify the parties of those  
8 dates.

9  
10 **TIMOTHY A. CANNING**

10 Dated: December 10, 2021

11 **Timothy A. Canning**  
12 **Judge of the Superior Court**

12 Notice the signature date of December 10, 2021 and the Filed stamp date above of December 13, 2021

13 Attorney Hamer was obviously advised of this order being signed - but not yet filed - when she  
14 submitted her GC-340 Order Appointing Probate Conservator that same day (already posted online),  
15 as evidenced by the Register of Actions. Petitioner Sharon Wolff received this order in the mail -  
16 postmarked December 14, 2021 and received on Thursday December 16, 2021.

16 Sharon then filed a DE-154 Request for Special Notice on December 20, 2021 after having served it  
17 on Attorney Hamer and the previously unknown nephew of Barbara's 5th husband. This **REQUIRES**  
18 them to send Sharon a copy of everything they file in this case within 15 days of filing - and notices of  
19 hearings no later than 15 days prior to any hearing.

19 Attorney Hamer has continued to disregard the law without fear of scrutiny or reprisal from the  
20 Humboldt County Superior Court and has not provided the required notices. Sharon has retrieved  
21 copies of the GC-350 Letters of Conservatorship filed by Attorney Hamer on January 13, 2022 from  
22 the court clerk during her inspection of the case file. Over fifteen (15) days have expired and no copy  
23 has been received by Sharon Wolff.

22 There is no reason to think these kinds of deceptive tactics and blatant refusal to follow the law by  
23 Attorney Hamer and the previously unknown nephew of Barbara's 5th husband won't continue  
24 unless and until the Humboldt County Superior Court decides to stand up for vulnerable elders for a  
25 change.

25 Read the 7.29.21 Initial Hearing Transcripts below...

**Ruling on Conservatorship**

PROOF OF SERVICE BY MAIL

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Courthouse, 825 5<sup>th</sup> St., Eureka, California, 95501; that I served a true copy of the attached RULING AND ORDER APPOINTING CONSERVATOR by placing said copies in the attorney's mail delivery box in the Court Operations Office at Eureka, California on the date indicated below, or by placing said copies in envelope(s) and then placing the envelope(s) for collection and mailing on the date indicated below following our ordinary business practices. I am readily familiar with this business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service at Eureka, California in a sealed envelope with postage prepaid. These copies were addressed to:

Sharon Wolff, 3 Painter St., Rio Dell, CA 95562

Alex Grotewohl, County Counsel, Court Operations Box #39


Chris Hamer, Court Operations Box #4

Yet Attorney Hamer knew about the signed order on 12/10/21 - before it was Filed with the court - as evidenced by her GC-340 Order Appointing Conservator which she filed later that same day

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on the 13<sup>th</sup> day of December 2021, at the City of Eureka, California.

Kim M. Bartleson, Clerk of the Court

By   
Deputy Clerk

7.29.21 Initial Hearing Transcript below...

1 they under today.

2 MS. HAMER: Under Mendonca and I see them at the  
3 upper right-hand corner. There is Ronald sitting next to  
4 Barbara who is sitting next to Diana.

5 THE COURT: Okay. Thank you.

6 MS. HAMER: People sometimes call her Diane, by the  
7 way.

8 THE COURT: All right. Thank you.

9 So, with that, would you be able to un-mute the  
10 microphone there?

11 MS. HAMER: Royce, can you un-mute their microphone?

12 THE COURT: How about if we start with Barbara  
13 Keller. Good afternoon, ma'am. You are here on a proposed  
14 conservatee.

15 Can you hear us all right?

16 MS. KELLER: Yes, I am.

17 THE COURT: Thank you. I am going to ask the  
18 courtroom clerk to administer an oath to you.

19

20 \* \* \*

21 **KELLER, Barbara,**  
22 after having been first duly  
23 sworn, testified as follows:

24

25 MS. KELLER: Yes, I do.

26 THE COURT: All right. Thank you, ma'am. It's very  
27 important that only one person speak at a time. Ms. Keller,  
28 if you would, just listen to the questions and answer them to

Lori A. Rock ~ CSR# 12040

1 the best of your ability. And I'll ask the other two folks,  
2 Mr. Keller and Diane, if you would please not talk while she's  
3 testifying. Thank you.

4 With that, Ms. Hamer, if you would like to start.

5 MS. HAMER: Yes. Thank you, your Honor.

6 **DIRECT EXAMINATION**

7 **BY MS. HAMER:**

8 Q. Good afternoon. Ms. Keller, may I call you Barbara?

9 A. Yes.

10 Q. Yes. Barbara, are you there with Royce Mendonca and  
11 Diana Mendonca?

12 A. Diana.

13 Q. And is -- do you know Royce? Can you see him in the  
14 picture?

15 A. Yes.

16 Q. And did you stay with Diana Mendonca for a while?

17 A. Yes.

18 Q. And did -- and now you are living somewhere else?

19 You are not living with Diana anymore.

20 A. Oh, right. That's right.

21 Q. Do you like the place where you are living?

22 A. Yes.

23 Q. And have you been happy there?

24 A. Yes.

25 Q. Is Diana visiting you?

26 A. Yes.

27 Q. Is Royce visiting you?

28 A. Once in a great while, maybe.

~~Lori A. Rock ~ CSR# 12040~~



- 1 Q. You see Royce and you see Diana and do you see Diana  
2 very often?
- 3 A. Pretty often. Several times a week.
- 4 Q. Are you in a place where you want to be?
- 5 A. For now.
- 6 Q. Do you want to be in Fortuna?
- 7 A. For now.
- 8 Q. No. You are not in Fortuna right now. You are in  
9 the Sacramento area.
- 10 Do you understand that?
- 11 A. Yeah.
- 12 Q. Is that where you want to be?
- 13 A. Well, either place. I like both.
- 14 Q. Did you -- did you want to live -- did you want to  
15 live with Sharon, your daughter?
- 16 A. No.
- 17 Q. Do you want Sharon to take care of you?
- 18 A. No.
- 19 Q. Do you want Sharon to be your conservator?
- 20 A. No.
- 21 Q. Do you want your nephew, Royce Mendonca, to be your  
22 conservator?
- 23 A. Yes.
- 24 Q. And did you try to -- did you try to leave Fortuna  
25 by yourself, you and your husband?
- 26 A. Yes. Yes, I did. We did.
- 27 Q. Do you know how many times you did?
- 28 A. I don't really know.

Lori A. Rock ~ CSR# 12040



1 Q. And you weren't able to do it on your own.

2 A. No.

3 Q. Were you trying to get to the Sacramento area?

4 A. Yes.

5 Q. Is that where you used to live?

6 A. Yes.

7 Q. And do you know -- you know Alma Barba.

8 Correct? Alma, she's a social worker. She's helped  
9 you.

10 A. Yes.

11 Q. Did -- did you tell her that you wanted to go to  
12 Sacramento?

13 MR. GROTEWOHL: I would object as --

14 MS. HAMER: I'll withdraw the question.

15 BY MS. HAMER:

16 Q. Is there anything that you would like to change  
17 about your situation?

18 MR. GROTEWOHL: Before she answers that question, I  
19 would also like to move to strike the answer to the prior  
20 question about -- about Ms. Barba.

21 THE COURT: Thank you. I don't believe there was an  
22 answer to that question; but if there was an answer, the Court  
23 will strike it.

24 MR. GROTEWOHL: Thank you.

25 MS. HAMER: I have no further questions of Barbara  
26 at this time.

27 THE COURT: Thank you, Ms. Hamer. Thank you,  
28 Ms. Keller.

~~Lori A. Rock ~ CSR# 12040~~

1 I'm going to ask Ms. Wolff if she has any questions  
2 for you.

3 MS. WOLFF: I don't have any questions; however, I  
4 would like to be able to say two things real quick because I  
5 don't actually get to talk to my mom.

6 MS. HAMER: Your Honor, she can talk to her  
7 mother --

8 THE COURT: Stop. Stop. Ms. Hamer, stop. Wait a  
9 minute.

10 MS. WOLFF: This is really innocent and I don't  
11 think anyone else would object. She can talk to me if she  
12 wants.

13 THE COURT: You may do so.

14 MS. WOLFF: You have a new great grand baby.  
15 Marylynn gave birth and had a baby girl named Elena in August  
16 and she's gorgeous. And Michael and Katherine are due with a  
17 baby on Thanksgiving. You are going to have three great grand  
18 babies born this year. They're the sweetest things in the  
19 world. I just wanted mom to know that. They didn't know  
20 that.

21 THE COURT: Thank you, Ms. Wolff.

22 With no questions for Ms. Keller, Ms. Hamer, do you  
23 have questions for Mr. Keller?

24 MS. HAMER: Yes, I do, your Honor.

25 THE COURT: All right. Thank you.

26 So, Mr. Keller, can you hear us all right?

27 MR. KELLER: Yes, sir.

28 THE COURT: Thank you. I'm going to ask the Clerk

—Lori A. Rock ~ CSR# 12040—

1 of the Court to administer an oath to you before you start  
2 testifying.

3

4

\* \* \*

5

**KELLER, Ronald,**

6

after having been first duly

7

sworn, testified as follows:

8

9

THE WITNESS: Yes, sir.

10

THE COURT: Thank you, Mr. Keller. At this point,  
11 if you would, there will be some questions asked of you by  
12 Ms. Hamer and Ms. Wolff. If you would just answer those  
13 questions to the best of your ability and don't look to other  
14 people as far as trying to get an answer. Just answer to the  
15 best of your knowledge.

16

Do you understand that?

17

MR. KELLER: Yes, sir.

18

THE COURT: All right. Thank you.

19

With that, Ms. Hamer, if you would like to ask some  
20 questions.

21

MS. HAMER: Yes. Thank you, your Honor.

22

**DIRECT EXAMINATION**

23

**BY MS. HAMER:**

24

Q. Good afternoon, Mr. Keller. May I call you Ronald  
25 or Ronnie? Which one?

26

A. Yes, ma'am.

27

Q. Either one? Ronald. I'll call you Ronald.

28

A. Ronald.

—Lori A. Rock ~ CSR# 12040—

1 Q. All right.

2 Ronald, are you in Sacramento now? You are in  
3 Sacramento?

4 A. Yes, I am.

5 Q. And how did you get to Sacramento?

6 A. Diane, my sister, and her granddaughter took us in a  
7 five-hour trip to get away from Sharon Wolff because --

8 Q. Why did you want to get away from Sharon Wolff?

9 A. Because we had put -- I had to have a locksmith put  
10 locks on our doors because they were breaking into our house  
11 and that's why we had to put furniture against the walls.

12 Q. Did Sharon Wolff have a key to your house?

13 A. She did. I asked her for the key and she gave it to  
14 me; but her husband can -- you can go down to a hardware store  
15 and if you want another key, you can have somebody duplicate  
16 it and then we were scared that they were gonna come into our  
17 house and harm us because she is very aggressive.

18 Q. Now, is -- did Shauna actually come into your house  
19 at one time out with your consent?

20 A. Yes, ma'am.

21 Q. That's Shauna Wolff, Sharon's daughter?

22 A. You are right.

23 Q. What was the situation?

24 A. We were -- we had to -- that was before the  
25 locksmith put new locks on the doors and we were scared that  
26 they were gonna harm us.

27 Q. Right. I understand that, but Shauna did come in  
28 your house out with your permission?

—Lori A. Rock ~ CSR# 12040—

1 A. Right. And she --

2 Q. While you were sleeping?

3 A. Yes. She bragged about we can get into your house  
4 any time and watch you sleep.

5 Q. Thank you.

6 Did Sharon Wolff ever try to have -- have you and  
7 Barbara add her on your bank accounts?

The original 7  
petitions that  
I filed 8  
described all 9  
of this but it  
was ignored 10  
despite the 11  
documentation.

8 A. Yes, she did. She tried to -- she wanted us to --  
9 Wells Fargo and she says I want to be on your bank account and  
10 we said no and she was really ticked off.

11 Q. Did she try to -- did she try several times to get  
12 you to put her on your bank account?

13 A. Yes.

14 Q. And did you ever agree to put her on your bank  
15 account?

16 A. No. We had to -- we had Wells Fargo Bank president  
17 or representative and we said, no, we don't want her on our  
18 account.

19 Q. And was there a time when Sharon Wolff showed up  
20 here at your house and demanded that you come with her to  
21 Wells Fargo?

22 A. Yes. And we didn't want to do that.

23 Q. Is that the time that Barbara called the police?

24 A. I think so, yes.

25 Q. All right.

26 So, you don't want Barbara to have anything to do  
27 with your money?

28 A. No way. Her husband has never worked a day in his

—Lori A. Rock ~ CSR# 12040—

1 life. So, we're really concerned they just want money from  
2 us.

3 Q. All right.

4 And you are not concerned about Royce? You have  
5 confidence in Royce?

6 A. Royce is just the best person you ever want to meet.

7 Q. Do you want Royce to be your conservator?

8 A. Yes, sir. Yes, ma'am.

9 Q. And do you want Sharon to be your conservator?

10 A. Oh, no. I would never. I would rather die than to  
11 have her.

12 Q. And do you -- do you like the place where you are  
13 staying now?

14 A. Yes, we do. We get three meals a day.

15 Q. What else do you like about it?

16 A. The people. The people are very nice and then we  
17 get more security there. Before we moved there, we didn't  
18 have any security.

19 Q. Is that an area that you want to live in where you  
20 are now, Sacramento?

21 A. Yes. Yes, we would like to live in Citrus Heights.

22 Q. Is that the area where you lived before?

23 A. No. I've lived there before when I was younger but  
24 now I would really like to live there.

25 Q. Generally, in the Sacramento area, you've lived  
26 there as an adult, haven't you?

27 A. Right. Yes. I grew up in Citrus Heights,  
28 Carmichael and right around the place that they have there,

—Lori A. Rock ~ CSR# 12040—

1 homes, you know.

2 Q. And didn't you -- didn't you work in that area, as  
3 well, in sort of the Sacramento area?

4 A. I worked for Santa Monica Unified School District  
5 for 30 years and that's where I retired from.

6 Q. Right.

7 And, so, how long have you and Barbara been  
8 together?

9 A. I think it's 25.

10 Q. You folks want to stay together?

11 MS. KELLER: Yes.

12 MR. KELLER: Yes, ma'am.

13 BY MS. HAMER:

14 Q. You are happy with this arrangement?

15 MS. KELLER: Yes.

16 MR. KELLER: Yes.

17 MS. HAMER: All right. Thank you. No further

18 questions.

19 THE COURT: Thank you, Ms. Hamer.

20 Ms. Wolff, do you have any questions for Mr. Keller?

21 MS. WOLFF: I don't. Thank you very much. I'm glad

22 to see you both.

23 THE COURT: Thank you.

24 Mr. Keller, thank you for your testimony.

25 Ms. Keller, thank you for your testimony, as well.

26 It's certainly appreciated. I know it's a very stressful  
27 situation, but I appreciate both of your testimony today.

28 MS. KELLER: Thank you.

Ron's  
delusional  
thinking was  
fully  
displayed to  
the court.

It was  
incredibly  
sad.

—Lori A. Rock ~ CSR# 12040—

1 THE COURT: So, with that, Ms. Hamer, do you have  
2 other witnesses that you wish to call who would not be  
3 duplicative of information that has already been submitted?

4 MS. HAMER: I can't say that they would -- well, I  
5 think that -- that Royce Mendonca would like to address the  
6 Court. He would like to have the opportunity to address the  
7 Court, maybe not specifically to do with my -- in answer to my  
8 questions, but I would note that Sharon -- Sharon Wolff at the  
9 earlier hearing was allowed to give her statement essentially  
10 interrupted at our last hearing. So, if he could be sworn as  
11 a witness and then I think he does want to address the Court.

12 THE COURT: All right. Thank you. So, we'll have  
13 Mr. Royce Mendonca called as a witness and, Mr. Mendonca, I'm  
14 gonna ask our courtroom clerk to administer the oath to you.

15 MR. MENDONCA: Okay.

16

17

\* \* \*

18

**MENDONCA, Royce,**

19

after having been first duly

20

sworn, testified as follows:

21

22

MR. MENDONCA: Yes.

23

24

THE COURT: Thank you. So, with that, Ms. Hamer, I  
don't know if you want to start off with a question or, Royce,

25

if you just want to give a statement, that's fine, as well.

26

You've been sworn in. If Ms. Wolff has any questions for you,

27

I will allow her to ask some questions.

28

MS. WOLFF: Certainly.

~~Lori A. Rock ~ CSR# 12040~~



1 MS. HAMER: Your Honor, I could start him with some  
2 questions.

3 **DIRECT EXAMINATION**

4 **BY MS. HAMER:**

5 Q. Royce, how long have you known the Kellers?

6 A. Well, I've known, obviously, Ronnie since I was  
7 born. I'm 50 years old. Then, of course, I've know Barbara  
8 as long as they've been married. About 25 years.

9 Q. Have you been together with both of them at family  
10 gatherings?

11 A. We have, yes. When they lived here locally in  
12 Roseville, they were over for Thanksgiving, Christmas. I  
13 think we submitted those photos to the Court. So, yes, they  
14 were a part of our lives while they were here.

15 Q. Does your mother, Diana, have a close relationship  
16 with Barbara?

17 A. Yes.

18 Q. And Ron to?

19 A. Yes. She's told me on numerous occasions she talks  
20 to them weekly and keeps up with the medications and so forth  
21 by phone and making sure that, you know, they're doing well as  
22 you would with relatives that live out of the area?

23 Q. And how did you -- you first become involved with  
24 this conservatorship case with the care of the Kellers?

25 What happened?

26 A. Well, I was made aware of -- of the issues they were  
27 having with Sharon, specifically. How that escalated is I  
28 think there's a number of factors that contributed to that and

Royce met  
Barbara once  
at a family  
Thanksgiving  
when they  
first moved to  
Roseville.  
That is the  
entire extent  
of their  
relationship.

Barbara  
clearly told  
the court  
investigator  
that she  
didn't know  
Royce in her  
July 2021  
interview.

Lori A. Rock ~ CSR# 12040

For future  
reference, a  
person with  
paranoid  
dementia is not  
the most  
accurate  
historian.  
  
You might want  
to ask a  
question or two  
- like does  
this make any  
sense?

1 then -- are you regarding the petition I filed?

2 Q. Wait. How did you learn of these issues that the  
3 Kellers were having with Sharon?

4 A. From my mom.

5 Q. And your mom found out from the Kellers?

6 A. Yes.

7 Q. Okay.

8 Did you get -- at some point did you get a telephone  
9 call from Alma Barba?

10 A. Yes, multiple.

11 Q. And --

12 MR. GROTEWOHL: Objection. Move to strike. We're  
13 not -- confidentiality.

14 THE COURT: Thank you. The Court will overrule the  
15 objection at this point. The question was just whether you  
16 received a phone call and, so, the Court will overrule the  
17 objection.

18 MR. GROTEWOHL: Thank you.

19 BY MS. HAMER:

20 Q. Did you ultimately get a telephone call from Alma  
21 Barba that caused you to believe that the Kellers needed to be  
22 picked up and brought to where you and your mother live?

23 A. Yes. I had a 17-minute conversation with her. It's  
24 still on my phone where there was a discussion that Alma had  
25 very high concern over their well being.

26 MR. GROTEWOHL: I have to object.

27 THE COURT: The Court will sustain the objection to  
28 the extent that Mr. Mendonca is relaying conversations or

Lori A. Rock ~ CSR# 12040

1 information that was provided to him by Ms. Barba.

2 MR. GROTEWOHL: I would move to strike.

3 THE COURT: The Court will grant that motion.

4 MS. HAMER: Your Honor, I guess I had misunderstood  
5 the Court's instruction earlier. I thought I was going to be  
6 allowed to have Royce testify as to his conversation, his last  
7 conversation with Alma Barba.

8 THE COURT: He can testify to what he told her, but  
9 we've already had an opportunity hear from Ms. Barba as far as  
10 what she told Mr. Mendonca and that was conducted in a  
11 confidential setting.

12 BY MS. HAMER:

13 Q. Did -- were you asked to pick the Kellers up?

14 A. Adamantly, yes.

15 MR. GROTEWOHL: Again, I'd move to strike. The  
16 Court just instructed the witness not to discuss what was told  
17 to him.

18 MS. HAMER: Well, if I can't have -- your Honor, may  
19 I be heard?

20 THE COURT: Yes, please.

21 MS. HAMER: One of the allegations being made over  
22 and over and over by Sharon Wolff in her papers is that  
23 somehow the Kellers were in some way kidnaped and taken off to  
24 Sacramento area, which is absolutely not the truth. And if we  
25 need to go into confidential session, we can; but I would  
26 make, as an offer of proof, that Alma Barba did ask Royce to  
27 come and get them.

28 MS. WOLFF: Ms. Alba testified as to what she told

—Lori A. Rock ~ CSR# 12040—

1 Mr. Mendonca.

2 THE COURT: Ms. Hamer, I think that even if I were  
3 to allow that question regarding -- or the answer regarding --  
4 regardless of confidentiality, there's still a problem with  
5 hearsay as far as what Mr. -- I'm sorry -- Mr. Mendonca, my  
6 apologies, sir, was told by this --

7 MS. HAMER: Your Honor --

8 THE COURT: So, the Court is going to sustain the  
9 objection.

10 MS. HAMER: Your Honor, if I could just be heard.  
11 It would be an exception to the hearsay rule because it goes  
12 as to his intent and motivation.

13 THE COURT: Thank you. So, I'm gonna sustain the  
14 objection. Also, I would note, Ms. Hamer, that I think the  
15 assertion that the Kellers were kidnapped or otherwise  
16 persuaded against their will to travel to Sacramento has been  
17 addressed in the papers.

18 MS. HAMER: All right. Thank you, your Honor.

19 BY MS. HAMER:

20 Q. So -- so, Royce, after you held this telephone call  
21 with Alma Barba, what happened next with respect to you, the  
22 Kellers and your mother, Diana?

23 A. I called and spoke to my mom and I said that Ronnie  
24 and Barbara wanted to come here, they had a desire to come  
25 here and that their health was not good, their well being was  
26 not good and that we needed to come get them. And, so, she  
27 arranged -- because it's about a five- or six-hour drive, she  
28 arranged to have her granddaughter help her drive up there and

—Lori A. Rock ~ CSR# 12040—

1 pick both Ronnie and Barbara up. When they arrived, they were  
2 crying and these were tears of joy, not sadness. And my  
3 mother can attest to that. She was there. So, that's how  
4 they ended up here in Citrus Heights with my mom who cared for  
5 them for -- for -- forgive me, your Honor. I get emotional  
6 because my mother is 82 and she's been through a lot that I  
7 won't share with the Court, but she took on the responsibility  
8 of caring for two people that she cares deeply about for over  
9 a month and it was all she could do. And the placement into  
10 the facility was necessary because the care that they need,  
11 obviously, is 24 hours, seven days a week. So, that's why we  
12 moved them to a facility. And I put in an immense amount of  
13 time -- and I don't want to get into too much details, your  
14 Honor, because I've submitted those in my declarations -- but  
15 at the end of the day, I'm involved in this because a  
16 statement was made by Sharon in a petition that she submitted  
17 initially to the Court that was then omitted in the second  
18 petition that stated -- and I know, your Honor, you may have  
19 already read this, but this is where this started. Sharon is  
20 quoted as saying, "I'm going to have to file conservatorship  
21 of mom, Barbara, and I will absolutely not file on Ron. To be  
22 brutally honest, the State can take him if his family  
23 refuses." Who does that to a couple that has been together  
24 for 25 years and they've worked hard and they deserve the  
25 right to choose where they want to live and to stay together  
26 and they have the assets to do that. And I don't think any  
27 family member, myself or any other family members, should  
28 dictate that. I apologize. I got off topic, your Honor.

~~Lori A. Rock ~ CSR# 12040~~

1 Q. Then, Royce, did you -- did you talk to Barbara and  
2 Ronnie and tell them that -- that it was really too much for  
3 your mother, that they needed to go some place that would take  
4 care of them, discuss it with them?

5 A. Yes. I did a lot of work. I called over 20  
6 facilities. I had to educate myself on protocols and placing  
7 somebody in assisted living or memory care. So, I did my due  
8 diligence and I wanted to find a facility that I felt was the  
9 best fit in a nice area that was close to us as well as Tim  
10 because I know Tim has visited Barbara. And at the end of the  
11 day, at the least amount of cost because they have assets and  
12 they need to be utilized to sustain the care that they need  
13 and, so, that took quite a bit of time and then the necessary  
14 documents that was needed by the facilities had to be taken  
15 care of, as well. So, it was a process. And, meanwhile, my  
16 mother took care of them, took them out to eat almost every  
17 night, took them to Starbucks, waited on them hand and foot  
18 and that shows the care and compassion that we have for them.  
19 Now, I'm not stating that other family members don't; but it  
20 was the Kellers wishes for us to be involved and take care of  
21 their needs and that's why I'm doing it. There's no other  
22 motivation on my part other than to make sure that their  
23 wishes are granted. They deserve that.

24 Q. And do you -- do you think that it would be a good  
25 arrangement for them if Sharon Wolff were to build an addition  
26 to her home and put only Barbara in it?

27 A. Obviously not. It's not what Barbara wants. It's  
28 not what Ronnie wants. They're perfectly happy together. I

The  
documentation  
needed by the  
facilities for  
placement  
(LIC602A) was  
never done. A  
care and needs  
assessment to  
determine  
appropriate  
levels of care  
prior to  
placement was  
not done.  
Royce placed  
them in the  
facility on  
the exact same  
day he signed  
the agreement  
(without legal  
authority).  
For anyone who  
has had to  
place a loved  
one in a care  
facility, they  
know it isn't  
a "same day  
service" kind  
of thing.

Lori A. Rock ~ CSR# 12040

1 think the Court has seen that. And I don't think any couple  
2 of 25 years should be separated. In my opinion, there's not a  
3 reason for it and they're happy where they're at. At the end  
4 of the day, that's what's most important. If they want me to  
5 handle their affairs, then that's what I'll do.

6 Q. Royce, do you have a background in handling  
7 financial affairs, handling finances?

8 A. Aside from my own personal finances, I mean, we've  
9 lived in our home 23 years. I have a 27-year career. I have  
10 a six-figure income. We have no debt. So, I believe that we  
11 handle our own financial affairs well and I also have been  
12 involved in a business that has millions of dollars of revenue  
13 that I was responsible for overseeing.

14 Q. What was that business?

15 A. It's in the automobile business. I was the finance  
16 director for a publicly traded company group one and I oversaw  
17 the millions of dollars of revenue they generated on a monthly  
18 basis.

19 Q. Sorry. Go ahead.

20 A. I'm also an investor and I study a lot of companies  
21 on the New York Stock Exchange. I'm familiar with balance  
22 sheets, cash statements, cash flow, et cetera.

23 Q. You also ran a business, didn't you, for a long  
24 time?

25 A. Yeah. We started a business and unfortunately the  
26 pandemic forced us to close the business like, you know, a lot  
27 of people that have small businesses.

28 Q. Right. Right.

~~Lori A. Rock ~ CSR# 12040~~

1 A. That was unfortunate.

2 MS. HAMER: I have no further questions.

3 THE COURT: Thank you, Ms. Hamer.

4 And, Ms. Wolff, if you have questions for  
5 Mr. Mendonca.

6 MS. WOLFF: Yes. Thank you very much.

7 **CROSS-EXAMINATION**

8 **BY MS. WOLFF:**

9 Q. Mr. Mendonca, you were interviewed by Samantha Wahl,  
10 the court investigator, in preparing her report that's been  
11 submitted to the Court.

12 A. Yes.

13 Q. You describe that you were seeking conservatorship  
14 of your uncle -- I'm reading from the report for Ron Keller --  
15 that you were seeking conservatorship of your uncle as he is  
16 no longer able to care for himself or manage his affairs  
17 independently.

18 Does that correctly reflect what you told the  
19 investigator?

20 A. That is incorrect.

21 Q. That is incorrect?

22 A. It is.

23 Q. Okay. Let's get corrected.

24 A. Okay.

25 Q. Correct your statement. That he is perfectly  
26 capable of taking care of his affairs?

27 A. No. I told Samantha that they wanted me to be their  
28 conservator, so I agreed to do so. I never stated it was

—Lori A. Rock ~ CSR# 12040—



1 because they're not capable of doing it themselves. I'm not a  
2 professional. That's not my opinion to make. So, no, I did  
3 not say that.

4 Q. The previous petitions and the stack of papers that  
5 had been filed have also referred to both the Kellers doing  
6 great with -- at Diane's -- and I want to put on the court  
7 record the family thanks Diane very much for taking care of  
8 Ron and Barbara. Seriously. That is the only thing that  
9 matters and we appreciate it because we know how difficult  
10 being a caregiver is. So, thank you. I want to make that  
11 clear.

12 A. Thank you for that.

13 Q. Absolutely.

14 The question, however, is in all of the paperwork  
15 that has been filed, on August 26th, a paper was filed that  
16 said everything was going great at Diane's, they're going out  
17 to dinner --

18 MS. HAMER: Objection. Objection, your Honor.

19 MS. WOLFF: Excuse me. I am --

20 MS. HAMER: Objection, your Honor, she's testifying.

21 THE COURT: Ms. Wolff, stop.

22 Ms. Hamer.

23 MS. HAMER: Objection. Could she just ask  
24 questions. She's testifying as to her interpretation of  
25 what's in the record, which I would dispute and is totally  
26 untrue, and I would like her to just ask questions, not  
27 testify as to what's in the file.

28 THE COURT: Thank you. So, the Court is going to

~~Lori A. Rock ~ CSR# 12040~~

1 sustain that objection.

2 Ms. Wolff, if you would just ask a question.

3 MS. WOLFF: Most certainly. And what is in the file  
4 is what is material.

5 BY MS. WOLFF:

6 Q. In the court investigator's report, again, for Ron  
7 is the one I'm looking at, it refers to a discussion you had  
8 with Samantha Wahl about the agreement that you signed at the  
9 Pines to place both Ron and Barbara. You stated -- according  
10 to this, "Royce stated he signed as decision-maker on Ron and  
11 Barbara's behalf as they required a decision-maker to be  
12 placed at the facility."

13 Is that your statement?

14 A. Yes. They needed somebody to sign on their behalf  
15 and that's what I did.

16 Q. The line that --

17 A. Because --

18 Q. I'm sorry.

19 A. That's okay. Because there was -- in all fairness,  
20 Sharon, there was no other alternative. The other alternative  
21 was what was in Fortuna where they ran away from home. So,  
22 yes, I had to make a decision because nobody else that they  
23 trusted could. I want to make that clear.

24 Q. Okay.

25 Is there a reason why that placement had to happen  
26 one week before the scheduled court hearing and you had not  
27 been given any orders or authority to do a placement?

28 A. I felt, again, as I've always looked out for their

Lori A. Rock ~ CSR# 12040

1 best interests and their safety and their care and ensuring  
 2 that they receive their medications, that that was where they  
 3 needed to be. Not in the care of my mother, although she did  
 4 a fantastic job and I appreciate you acknowledging that and  
 5 thanking us for that, but they needed to be in a facility, a  
 6 professional facility, that knows how to give them the proper  
 7 care.

I sure would 8  
 have loved to 9  
 get an answer 10  
 to the 11  
 question. 12

The court 13  
 wasn't 14  
 interested in 15  
 why were the 16  
 Keller's 17  
 placed into 18  
 the care 19  
 facility days 20  
 before the 21  
 scheduled 22  
 hearing when 23  
 no one had the 24  
 legal 25  
 authority to 26  
 place them. 27  
 28

Q. There's no dispute that they absolutely need  
 long-term care. There's no dispute whatsoever. The question  
 I had, though, is why was it one week before the scheduled  
 court hearing when you had filed for permission. You had  
 requested permission from the Court to place them, but you  
 placed them the exact same date.

MS. HAMER: Objection. Argumentative.

THE COURT: The Court will sustain the objection  
 and, Ms. Wolff, if you can ask your next question, please.

MS. WOLFF: Certainly.

BY MS. WOLFF:

Q. In the agreement that you signed at the Pines, you  
 signed as the responsible party and it says on the signature  
 line that you signed, "If applicable, a copy of your power of  
 attorney or legal guardianship form must be provided."

Did you have a copy of that?

A. I refer to my attorney on that one.

Q. Okay.

The line just below that, the payer, the person who  
 was financially responsible for this, is not signed. Are you  
 aware that it is not signed for financial responsibility?

Lori A. Rock ~ CSR# 12040

1  
 His attorney 2  
 didn't make  
 sure he had a 3  
 copy of his  
 own paperwork 4  
 in front of 5  
 him to refer  
 to. 6

7  
 Again, the  
 agreement 8  
 referred to is  
 HIS 9  
 documentation 10  
 submitted to  
 the court 11  
 under penalty  
 of perjury. 12

13  
 14  
 15  
 16  
 17  
 18  
 19  
 The document 20  
 does stand for  
 itself - the 21  
 court just  
 didn't care  
 about pesky 22  
 things like 23  
 legal 24  
 authority to 25  
 place  
 vulnerable 26  
 elders into 27  
 care  
 facilities. 28

A. Can you repeat the question?

Q. Sure. You bet.

It's page 16 of the agreement with the Pines, if you  
 have that available to you, where you signed --

MS. HAMER: He doesn't have anything in front of  
 him, your Honor.

THE COURT: Thank you, Ms. Hamer. We'll let the  
 record reflect there's nothing in front of Mr. Mendonca.

MS. WOLFF: Certainly. Okay.

BY MS. WOLFF:

Q. But you did sign as the responsible party. I'm sure  
 you recall signing this form. There is -- who is financially  
 responsible for their placement?

A. At this time, nobody is; but would you rather have  
 them in their home in Fortuna?

Q. No. I would rather have them --

THE COURT: Wait. Wait. Wait. Stop. Stop, both  
 of you, please. Mr. Mendonca, just answer the question and  
 stop and, Ms. Wolff, just ask your next question.

THE WITNESS: Sorry. I apologize, your Honor.

BY MS. WOLFF:

Q. Okay. So, nobody is financially responsible for  
 them currently is --

MS. HAMER: Objection. Asked and answered, your  
 Honor. This seems to be argumentative and the document speaks  
 for itself.

THE COURT: Thank you. The Court will sustain the  
 objection.

Lori A. Rock ~ CSR# 12040

1 Ms. Wolff, your next question, please.

2 MS. WOLFF: Absolutely. The document does speak for  
3 itself.

4 BY MS. WOLFF:

5 Q. If the placement was voluntary, how come mom and Ron  
6 did not sign their agreements? You signed on their behalf.

7 MS. HAMER: Objection. Argumentative. Calls for  
8 speculation.

9 THE COURT: The Court will overrule that objection  
10 and, Mr. Mendonca, if you can answer that question, please.

11 THE WITNESS: I did not have them sign anything  
12 because I was not instructed to by John, the general manager  
13 who handled the documentation and the signing of the  
14 paperwork. He did not inform me that they needed to sign  
15 anything.

16 BY MS. WOLFF:

17 Q. Did he ask about who was financially responsible?

18 A. Not that I recall.

19 Q. Well, that's pretty good.

20 A. Well, I did pay for the initial payment.

21 Q. Okay.

22 MS. HAMER: Your Honor --

23 BY MS. WOLFF:

24 Q. Was Ron and Barbara present?

25 THE COURT: Ms. Wolff, wait one moment.

26 Ms. Hamer, do you have an objection?

27 MS. HAMER: Yes. I object to these extraneous  
28 comments like "that's a good one", et cetera, made by Sharon

Lori A. Rock ~ CSR# 12040

1 Wolff.

2 THE COURT: Thank you. The Court will grant that  
3 motion to strike extraneous comment.

4 BY MS. WOLFF:

5 Q. Were Ron and Barbara with you at the time that you  
6 were at the Pine signing this agreement?

7 A. Yes.

8 Q. Okay.

9 And they were placed there that same day.

10 Is that correct?

11 A. Yes.

12 Q. Okay.

13 Who did a care and needs assessment to determine the  
14 appropriate level of care?

15 A. Merrill Gardens did, the director. I believe his  
16 name is Henry.

17 Q. Okay.

18 A care and needs assessment is done by a medical  
19 provider with history for the family.

20 MS. HAMER: Objection. Ms. Wolff is testifying  
21 again.

22 THE COURT: Thank you. I'll sustain that objection  
23 and, Ms. Wolff, just ask him a question.

24 BY MS. WOLFF:

25 Q. You stated that you had done research on how to  
26 place someone in an assisted living facility -- and I've done  
27 the research, too, because we're both in the same situation  
28 here.

Lori A. Rock ~ CSR# 12040

1 MS. HAMER: Objection, your Honor. She's testifying  
2 again.

3 THE COURT: Thank you. The Court will sustain the  
4 objection and strike that aside.

5 Ms. Wolff, again, just ask a question.

6 BY MS. WOLFF:

7 Q. Were you, in your research for placing someone in a  
8 care facility, advised that a care and needs assessment needs  
9 to be completed by a medical facility or a medical provider  
10 and things like the 602-A and the physician's commitment  
11 statement needed to be completed by their medical provider?

12 A. I was informed by numerous -- and this is how I  
13 educated myself -- that a 602 was required for placement as  
14 well as a TB test and that was the reason, to answer your  
15 prior question, why it was a week before the court date. It  
16 had nothing to do with that. It had to do with the time that  
17 it took to find a place, find the necessary documents that  
18 were needed to place them and then that was why the timeline  
19 took as long as it did. So, yes, a 602 was needed, a TB test  
20 was needed, proof of vaccination and so forth. So, we  
21 contacted Iris Medical Group, which was recommended by many of  
22 the assisted living memory care facilities, and they were the  
23 ones that provided that.

24 Q. Is this the same Iris Healthcare where nurse  
25 practitioner Heather Allen worked who signed the GC-335 and  
26 335a for you?

27 A. In regards to the documents, I'm not familiar to the  
28 specifics of the letters and numbers; but, yes, Heather Allen

—Lori A. Rock ~ CSR# 12040—

1 was the one that came out and visited them and did the  
2 assessment.

3 Q. Okay.

4 MS. WOLFF: Can a copy of any of this be provided  
5 because I have not seen any of that in any of the filings at  
6 all?

Attorney Hamer  
had filed, on  
behalf of her  
client, a  
"true and  
complete" copy  
of the  
placement  
agreement. It  
did NOT  
include the  
documentation  
required to go  
along with  
that  
agreement.

If it was done  
correctly,  
they could  
have filed it  
at any time  
order to put  
that complaint  
to rest.

MS. HAMER: Objection. This isn't a question, your  
Honor.

MS. WOLFF: It's a question, Ms. Hamer.

MS. HAMER: She's asking for documents.

THE COURT: Thank you. The Court will sustain the  
objection. It's not an appropriate time to request those  
documents. If you do wish to engage in discovery, you will  
have the ability to do so.

MS. WOLFF: I have requested those documents  
repeatedly and referred to them and they have not been  
provided to date. So, I would like that noted.

MS. HAMER: Your Honor, there have been no requests  
and that's not what the subject of this hearing is.

THE COURT: Thank you.

So, Ms. Wolff, just to be clear, I think we might be  
talking about two different types of requests. One is a  
formal request to Mr. Mendonca to provide documents and  
another would be a formal request using the court procedures  
for discovery.

MS. WOLFF: Right.

THE COURT: At this point, this is not the  
appropriate time to ask for either of those types of

—Lori A. Rock ~ CSR# 12040—



1 documents.

2 MS. WOLFF: I understand that. The reference that I  
3 have is since they have been placed there, I have commented in  
4 court and in filings and in e-mails to the general manager and  
5 to community care licensing that these documents don't exist,  
6 as far as I know, because nobody has provided any copy of  
7 them. So, that request has been made. They know that this is  
8 an issue, no care and needs assessment. So, providing it at  
9 the last second, again, is a stall and I will take a look at  
10 that.

11 THE COURT: Ms. Wolff, we're sort of heading into  
12 argument again. So, if you don't have any further questions  
13 for Mr. Mendonca, let's move on.

14 BY MS. WOLFF:

15 Q. Mr. Mendonca, were you the one that paid the utility  
16 bills on the 17th to get the services turned back on?

17 UNIDENTIFIED SPEAKER: No.

18 THE WITNESS: No.

19 BY MS. WOLFF:

20 Q. Do you know who was?

21 A. I do not.

22 Q. Okay.

23 Do you -- at any time is there any kind of writing  
24 or anything that you can provide or you can discuss since  
25 we're here and talking about this verbally that shows anything  
26 that would contradict the intent and the behaviors that both  
27 Ron and Barbara have documented up until the point of the  
28 mental health crisis as I documented? And the reason I'm

~~Lori A. Rock ~ CSR# 12040~~

1 asking -- let me set up the preference.

2 MS. HAMER: Your Honor, I would object to this  
3 question. It's broad, ambiguous and argumentative.

4 THE COURT: Thank you. The Court will sustain the  
5 objection. And, Ms. Wolff, again, if you have a question,  
6 just ask the question; but, otherwise, we'll need to move on.

7 MS. WOLFF: Okay.

8 BY MS. WOLFF:

9 Q. Royce, do you believe that I was breaking into their  
10 house or that my daughter Shauna was breaking into their house  
11 to watch them sleep and bragging about it?

12 MS. HAMER: Objection. Relevance.

13 MS. WOLFF: This is the information --

14 THE COURT: Wait.

15 MS. HAMER: I would move to strike the question.

16 THE COURT: Thank you. The Court will overrule the  
17 objection and, Mr. Mendonca, if you can answer the question,  
18 please.

19 THE WITNESS: Do I believe it?

20 BY MS. WOLFF:

21 Q. Yes. Do you believe it?

22 MS. HAMER: That they were breaking in, is that the  
23 question?

24 MS. WOLFF: Yes.

25 BY MS. WOLFF:

26 Q. What Ron stated when he testified as well as what's  
27 stated in the documentation that Shauna -- my daughter and I  
28 were breaking into the house, watching them sleep and

—Lori A. Rock ~ CSR# 12040—

So Royce  
 doesn't  
 believe I am  
 poisoning my  
 Mom's food  
 but he does  
 believe I am  
 breaking into  
 my Mom's home  
 to watch them  
 sleep and  
 then brag  
 about it.

This is the  
 level of  
 nuttiness  
 we're dealing  
 with here.

Seriously,  
 who does  
 that?

1 poisoning their food, do you believe that?

A. Poisoning their food, no; the latter, yes.

Q. What leads you to believe that?

A. Well, in your documents you stated you were trying  
 to get access to their password in your own e-mail to their  
 laptop. I mean, that's --

THE COURT: Okay. That's enough.

THE WITNESS: I'm sorry, your Honor.

THE COURT: Mr. Mendonca, I'm going to stop the  
 questioning at this point.

Ms. Wolff, do you have anything further that you  
 would like the Court to know about your petition.

MS. WOLFF: I would like the Court to accept the  
 opposition statements by all family members and we can go  
 through each one of them if Ms. Hamer would like to testify  
 and attest to their statements and their accuracy and I would  
 like the Court to take notice of all the documentation and,  
 primarily, at this point, we have the court investigation  
 report that was just submitted that clearly supports my  
 petition because based on the intent and the behavior  
 documented for years from both Barbara and Ron, what's going  
 on right now is completely out of character for them and I'm  
 afraid that it is due to an untreated mental health crisis.

MS. HAMER: May I be heard, your Honor?

THE COURT: Ms. Hamer, if you would like to respond  
 to that, yes, please.

MS. HAMER: Yes, your Honor.

Many, many years ago, the Kellers set up a living

~~Lori A. Rock ~ CSR# 12040~~

1 trust. They didn't put a single asset in that living trust  
 2 and that was a very long time ago. Their house is in their  
 3 personal names. Their bank accounts are in their personal  
 4 names. They have never trusted Sharon Wolff with any of their  
 5 assets. Sharon Wolff is one of their children. Of course,  
 6 when they die, their children are going to get their assets.  
 7 That might be what's in the will, but they could even change  
 8 their will. As a conservatee, you actually do have a right to  
 9 make a will or change a will. That is not a preference for  
 10 conservator. They have a very, very strong preference for  
 11 what conservator they want. They want Royce. They want to be  
 12 where they are. They're very happy. Everything is going very  
 13 well and Royce should be appointed their conservator as they  
 14 want him to be. They should be allowed to be together and he,  
 15 with his background in finances and with his mother helping  
 16 and them visiting the Kellers, they should be allowed to be  
 17 the conservators of Ronald and Barbara as Ronald and Barbara  
 18 want. They have expressed an intelligent preference. The  
 19 Court has heard it. They have expressed an intelligent  
 20 preference in their written nominations of Royce Mendonca as  
 21 their conservator and they have expressed a strong dislike of  
 22 having Sharon as their conservator. We would ask that Ronald  
 23 and Barbara have Royce Mendonca appointed as the conservator  
 24 of both their persons and their estate.

25 THE COURT: Thank you, Ms. Hamer.

26 Ms. Wolff, I'll give you the last word.

27 MS. WOLFF: Thank you.

28 The family has clearly documented the decline of

Those  
 nomination  
 documents are  
 the evidence  
 of elder  
 financial  
 fraud by the  
 way

—Lori A. Rock ~ CSR# 12040—

1 Ron's mental condition from the anonymous strangers that were  
2 breaking into their house and that they had to barricade the  
3 door for down to certain family members they named and then  
4 eventually to me. It's well documented. It's been provided  
5 all along how it got to I'm the bad guy. So, this petition  
6 that they have filed, Attorney Hamer keeps referring to the  
7 nomination document as if it was legally valid, despite having  
8 the GC-335 and 335A4 of Barbara Keller on file with this Court  
9 long before, documentation of the current status of both Ron  
10 and Barbara, and the fact that it goes completely against  
11 everything that they said when they were in Fortuna and in the  
12 years prior. It goes against everything. It was done a month  
13 after they were taken down to Citrus Heights and kept in  
14 isolation from mom's family. We've had no contact with them  
15 and suddenly there's a new nomination document. At no time  
16 has anybody from the Mendonca's tried to verify any foundation  
17 here. I'm not trying to break into anybody's house. I'm not  
18 poisoning anybody. I haven't gone evil. We are simply trying  
19 to provide the care that they both need. And where we are at  
20 is at the exact same place where we were months ago. There  
21 has to be a sufficient care and needs assessment for the both  
22 of them done by someone who has their medical history. Iris  
23 Healthcare does not. Nobody has requested their medical  
24 records from Open Door in Fortuna and I have a letter from  
25 them to verify that. We need to have this done. They're  
26 right --

27 THE COURT: Ms. Hamer.

28 MS. WOLFF: They're right now in a placement

—Lori A. Rock ~ CSR# 12040—

1 without --

2 (Reporter interrupted.)

3 THE COURT: Thank you. My apologies. Ms. Wolff,  
4 please proceed.

5 MS. WOLFF: Right now the Kellers are in a placement  
6 at the Pines without the legal authority signature, which  
7 means they don't have a legal consent to care. That's my real  
8 concern is if heaven forbid something were to happen, the  
9 facility does not have the legal authority because a person  
10 who checked them in and signed it did not have the legal  
11 authority to place them there at the time. That is why I  
12 called Community Care Licensing. That is why I've called the  
13 ombudsman's office to go take a look at this situation. We  
14 need this resolved. All anybody cares about is that they get  
15 the proper level of care that they both need. Ron has  
16 undiagnosed mental health problems. The cognitive  
17 investigation clearly said he needs follow-up care, possible  
18 Parkinson's. No follow-up care has been provided and this is  
19 really not good. They have been there for quite a while and  
20 there's no medical care following up on these very serious  
21 concerns. We now are in a situation where we're gonna have to  
22 get a care and needs assessment done, an adequate legal one.  
23 So, that has to be done in order to make the placement where  
24 they are at either legal or find an adequate placement, which  
25 is gonna be based on the care level needs assessment. Right  
26 now --

27 MS. HAMER: Your Honor, may I be heard?

28 THE COURT: Ms. Hamer, wait.

—Lori A. Rock ~ CSR# 12040—

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Ms. Wolff.

MS. WOLFF: I will finish. They are in a very difficult legal situation to straighten out now with this mess that they've created with this placement and if the Court still does not see fit to grant any orders to help straighten this out, then I would ask you to send it to the public guardian's office, please. They can't be left in this legal limbo. It's got to be straightened out. Their house is sitting empty in Fortuna locked tight. They need care.

Thank you.

THE COURT: Thank you, Ms. Wolff.

Ms. Hamer, very briefly, please.

MS. HAMER: Very briefly. Everything can be solved if Royce Mendonca is appointed the conservator of the person and estate of both Barbara and Ronald, then everything can be done that Sharon Wolff has mentioned. They're simply in this place because of an emergency situation. They needed the right place to be. They do have a care needs assessment. They can also obtain the medical records, the past medical records, from Fortuna. They can obtain everything necessary if he is just given letters of conservatorship as soon as possible.

Thank you, your Honor.

MS. WOLFF: *(Unintelligible.)*

THE COURT: Ms. Wolff, you have to wait. Ms. Wolff I'll give you a minute if you would like to respond.

MS. WOLFF: I would simply like to clarify her statement. It was an emergency placement or it was a

and here you have the motivation for placing the Keller's into a facility just days before the scheduled hearing to determine legal authority. It's called leverage and it is sick when that leverage is vulnerable adults. and in Humboldt County Superior Court -it work's exactly as the attorney knew it would.

1 voluntarily placement, but it can't be both.

2 THE COURT: Thank you, Ms. Wolff.

3 So, with that, I'm going to conclude the evidentiary  
4 portion of this hearing.

5 I do have some documents that were submitted by  
6 Ms. Wolff and I think all of these documents, though, were  
7 attached, as well, in the pleadings.

8 Is that correct?

9 MS. WOLFF: The exhibit binder?

10 THE COURT: Yes.

11 MS. WOLFF: Yes. It was filed at the same time,  
12 yes.

13 THE COURT: All right. Thank you. So, I'm going to  
14 return this binder to Ms. Wolff.

15 MS. WOLFF: Thank you. I used that to declare  
16 further intent and behaviors.

17 THE COURT: All right. Thank you.

18 So, with that, I appreciate everyone's participation  
19 today. It's a very difficult issue, a very difficult  
20 situation for everyone and I certainly understand that.

Hearing date  
was 9/29/21  
and no order  
was issued  
until  
12/10/21  
(filed  
12/13/21)

21 What I'm going to do at this point is I'm going to  
22 take the matter under submission. I want to review some of  
23 the documents one more time. My intention would be to get a  
24 decision out tomorrow or at least get the letters out or the  
25 order out, at least, appointing the guardian of the estate if  
26 it's appropriate to appoint guardians.

27 So, with that, once I get it out, it has to be  
28 processed. It might take a few days yet before the decision

—Lori A. Rock ~ CSR# 12040—



1 is provided to the parties.

2 MS. WOLFF: May I ask one question?

3 THE COURT: Yes.

4 MS. WOLFF: You have apparently a filing in front of  
5 you that I do not have that she mailed so that I would get it  
6 after this hearing. So, I'm at a disadvantage. I don't know  
7 what's in it and I can't counter what's in it and from the  
8 documentation I've seen in earlier filings, I do want to be  
9 able to look at it.

10 THE COURT: All right. Thank you. I do think  
11 that's probably appropriate. What we can do is set a further  
12 hearing. It will be limited only to the filings that were  
13 made today by Ms. Hamer on behalf of Mr. Mendonca.

14 MS. HAMER: Your Honor, if I might suggest a way to  
15 save the Court's time, we could e-mail those documents to  
16 Ms. Wolff today and, perhaps, the Court could give her a  
17 certain time to respond to them in writing.

18 THE COURT: Ms. Wolff.

19 MS. WOLFF: That could have been done long before.

20 THE COURT: I appreciate that.

21 MS. WOLFF: I would like to respond to them in  
22 writing. I would like to look at them again. From what I've  
23 seen in documentation, I think I've got a few things to look  
24 at.

25 MS. HAMER: I will be out of town Monday, Tuesday  
26 and Wednesday of next week. That's kind of a problem.

27 THE COURT: Thank you. Ms. Hamer, I'm going to ask  
28 you or your office to e-mail those filings that were made

~~Lori A. Rock ~ CSR# 12040~~

1 today, e-mail those to Ms. Wolff. Ms. Hamer, do you have  
2 Ms. Wolff's e-mail?

3 MS. HAMER: We do. We'll do that immediately, your  
4 Honor.

5 THE COURT: Thank you.

6 Ms. Wolff, if you wish to respond -- you don't have  
7 to respond -- if you wish to respond, I'll ask that you file  
8 your response by Friday, October 8th.

9 MS. WOLFF: No problem.

10 THE COURT: That will give you a few days to review  
11 the documents and prepare a response and I'll ask that you  
12 e-mail your response to Ms. Hamer's office, as well.

13 MS. WOLFF: Oh, yes, I have. She doesn't respond;  
14 but, yes, I have.

15 THE COURT: All right. Thank you.

16 So, what we'll do is take this matter under  
17 submission as of October 8th. I'll wait until I receive  
18 Ms. Wolff's responses and then hopefully have a decision out  
19 by mid October.

20 MS. HAMER: Thank you, your Honor.

21 THE COURT: Thank you, Ms. Hamer.

22 Ms. Wolff, anything further?

23 MS. WOLFF: I don't think so. Thank you very much.

24 THE COURT: Thank you.

25 THE CLERK: Are temporary orders remain in effect?

26 THE COURT: I don't believe there are temporary  
27 orders.

28 MS. WOLFF: There are no orders.

The decision  
wasn't issued  
until 12/10/21  
- after two ex  
parte  
communication  
letters from  
Attorney Hamer  
were sent to  
Judge Canning  
insisting he  
was taking too  
long to give  
control to her  
client. She  
complained that  
the judge's  
delay with a  
decision was a  
financial  
hardship for  
her client due  
to his  
unauthorized  
placement of  
the Keller's  
into the care  
facility for  
leverage.  
The ex parte  
communications  
appear to have  
been entirely  
successful for  
Attorney Hamer

Lori A. Rock ~ CSR# 12040

1 MS. HAMER: No, there are no temporary orders.

2 MS. WOLFF: That presents a question. They have a  
3 bill outstanding. They've been there over a month. There's a  
4 full month's bill that isn't getting paid.

5 MS. HAMER: Royce Mendonca --

6 THE COURT: One at a time. Ms. Hamer, please wait.  
7 Ms. Wolff.

8 MS. WOLFF: Did the family's opposition letters get  
9 accepted by this Court or would you like them to testify as to  
10 their accuracy so that the Court can receive them?

11 THE COURT: The Court is going to take judicial  
12 notice of everything that was filed and I'll give whatever  
13 weight I think is appropriate.

14 MS. WOLFF: Great. Actually, Royce testified that  
15 he was NOT financially  
16 THE COURT: Ms. Hamer. responsible for the placement.

17 MS. HAMER: Yes. Royce Mendonca testified that he  
18 actually advanced from his own funds the money for them to be  
19 admitted into Merrill Gardens. It is paid.

20 MR. MENDONCA: Your Honor, if I may speak?

21 MS. HAMER: Wait. Wait. Wait. No. We're not --  
22 you testified to that. It's in your declaration.

23 THE COURT: Thank you, Ms. Hamer, for that  
24 clarification. The issues of bills or what gets paid, that's  
25 beyond the scope of this hearing at this point. At some point  
26 it might become relevant.

27 So, with that, Madam Clerk, was there anything  
28 further?

(Court and Clerk confer briefly.)

Nope, Royce  
stated he  
was NOT  
financially  
responsible  
in his sworn  
testimony.

—Lori A. Rock ~ CSR# 12040—

1 THE COURT: Yes, thank you. There was a motion to  
2 strike filed. The Court is going to deny that motion.

3 MS. HAMER: Well, there were two motions to strike,  
4 your Honor. There was a motion to strike that folder of  
5 evidence and there's a motion to strike all these objections  
6 that were not verified or signed.

7 THE COURT: Thank you. So, the Court is denying the  
8 motion to strike the binder as the Court did not rely on that.  
9 It's now moot. As far as the motion to strike the  
10 declarations, the Court is going to deny that motion, as well,  
11 and the Court will take judicial notice of those declarations  
12 based on the representations from Ms. Wolff in court today and  
13 I'll give whatever weight to those declarations that the Court  
14 feels is appropriate.

15 MS. HAMER: Thank you, your Honor. I would note  
16 that I also did file evidentiary objections, as well.

17 THE COURT: Yes. Thank you. That will address the  
18 evidentiary objections, as well.

19 MS. HAMER: Thank you.

20 THE WITNESS: Thank you.

21 THE COURT: Thank you.

22 Ms. Wolff, I think that raps this up.

23 MS. WOLFF: I think that raps it up. Thank you,  
24 your Honor.

25 MR. MENDONCA: Thank you, your Honor.

26 THE COURT: Thank you, Ms. Hamer. Thank you all for  
27 participating. Again, as I said, I know it's a very difficult  
28 situation but I appreciate everybody's work on this matter.

—Lori A. Rock ~ CSR# 12040—

1 MS. WOLFF: Thank you, your Honor.

2 MS. HAMER: We appreciate your time. Thank you,  
3 your Honor.

4 THE COURT: With that, we will end this hearing and  
5 we will be adjourned.

6 *(Proceedings concluded.)*

7 o0o

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28


~~Lori A. Rock ~ CSR# 12040~~

1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF HUMBOLDT )  
4  
5

6 CERTIFICATE OF REPORTER  
7

8 I, LORI A. ROCK, a Certified Shorthand Reporter of  
9 the Superior Court of the State of California, do hereby  
10 certify that the foregoing pages, numbered 1 to 61, inclusive,  
11 are a true and correct transcription of my shorthand notes  
12 taken on the 30TH day of SEPTEMBER, 2021, in the matters  
13 entitled **IN THE MATTERS OF: RONALD KELLER and BARBARA KELLER,**  
14 **Conservatees, Nos. PR2100161/PR2100162,** in the civil files of  
15 the Superior Court of California, County of Humboldt.  
16  
17  
18  
19  
20

21 Dated this 21ST day of JANUARY, 2022.

22   
23 \_\_\_\_\_  
24 LORI A. ROCK  
25 Certified Shorthand Reporter #12040  
26  
27  
28

—Lori A. Rock ~ CSR# 12040—



0:00 / 3:59

**Rio Dell Times**

**Oregon**

1.14.22 **The Hidden Pursel** (New

**The Named:**

---

**Humboldt County Superior Court Jud**

May the cow



e-mail

Sharon@riodelltimes.com or Steve@riodelltimes.com

Rio Dell Times also known as <http://www.riodelltimes.com> Copyright October 7th, 2005.

All rights reserved.

The Rio Dell Times is not responsible for the content of external internet sites.





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF HUMBOLDT

CONFIDENTIAL REPORT

PROBATE CONSERVATORSHIP OF THE ) Case No.: PR2100162  
 PERSON  ESTATE OF: )  
) INITIAL CONSERVATORSHIP  
) INVESTIGATOR'S REPORT RE  
BARBARA KELLER ) AMENDED & COMPETING PETITIONS  
)  
PROPOSED CONSERVATEE ) Hearing Date: 9/30/2021  
Dept: 6  
Time: 2:15 P.M.

PERSONAL HISTORY

PROPOSED COSERVATEE CONTACT INFORMATION:

Barbara Keller  
C/O Merrill Gardens at The Pines  
500 West Ranch View Drive  
Rocklin, CA  
(916)365-9267

RESIDENCE: PRIVATE

DOB: 12/8/1943  
Age: 77  
Marital Status: Married

ATTORNEY FOR PROPOSED CONSERVATEE:

Public Defender.  
1001 4th Street  
Eureka, CA 95501  
(707)445-7634

Court investigator had recommended appointing the Public Defender for Barbara in the initial court report and rightfully assumed this had been done as it is pretty standard. No counsel has been appointed, why?

PROPOSED CONSERVATOR CONTACT INFORMATION:

Relationship: Daughter  
Sharon Wolff  
3 Painter Street  
Rio Dell, CA 95562  
(707)599-9961

ATTORNEY FOR PROPOSED CONSERVATOR: IN PRO PER

1 **PROPOSED CONSERVATOR CONTACT INFORMATION:**

2 Relationship: Nephew  
3 Royce Mendonca (previously unknown nephew of Barbara's 5th  
4 8320 Tail Race Drive husband - legal name is Roland Royce Mendonca  
5 Roseville, CA 95747 Jr.)  
6 (916) 532-5913  
7

8 **ATTORNEY FOR PROPOSED CONSERVATOR:**

9 STOKES, HAMER, KIRK & EADS  
10 Chris J. Hamer, Esq.  
11 381 Bayside Road, Suite A  
12 Arcata, CA 95521  
13 (707) 822-1771  
14

15 **ADVISEMENT:**

16  
17 The conservatee was interviewed on September 20, 2021 at Merrill  
18 Gardens at The Pines located at 500 West Ranch View Drive in  
19 Rocklin, CA, and was advised of the following:  
20

- 21 1. The contents of the citation;
- 22 2. The nature, purpose, and effect of the proceedings;
- 23 3. The right to oppose the proceedings;
- 24 4. The right to attend the hearing;
- 25 5. The right to a jury trial; and
- 26 6. The right to an attorney of own choosing or Court  
27 Appointed. The court has never appointed counsel for Barbara  
28 despite her request and civil rights  
29

30 **DETERMINATIONS AND OBSERVATIONS:**

31  
32 During and/or after the proposed Conservatee was advised of  
33 her rights, it was determined that the proposed Conservatee:

- 34 Made an intelligible response regarding the  Yes  No  
35 proceedings.
- 36 Indicated objection to Sharon Wolff.  Yes  No  
37  No response.
- 38 Requested a jury trial.  Yes  No  
39
- 40 Indicated objection to Royce Mendonca.  Yes  No  
41  No response.
- 42
- 43 Appeared capable with or without accommodations  Yes  No  
44 of voicing a desire to participate in the voting  
45 process.  
46  
47  
48  
49  
50

No counsel has ever been appointed to represent Barbara and protect her civil rights - why?

- 1 Wishes to be represented by counsel.  Yes  No  
2  No response.  
3  
4 Specific attorney to be retained:  Yes  No  
5  
6 Wishes to attend the hearing.  Yes  No  
7  No response.  
8  
9

10 **DEMENTIA POWERS:**

- 11 Dementia Powers  are  not requested.  
12  
13  
14 I specifically informed the conservatee that the  Yes  No  
15 conservator is requesting the power to place the  
16 conservatee in a secured facility for the  
17 treatment of dementia.  
18  
19 The conservatee objects to this dementia  Yes  No  
20 power.  
21  The conservatee made no intelligible  
22 response.  
23  
24 I specifically informed the conservatee that the  Yes  No  
25 conservator is requesting the power to  
26 administer psychotropic medications for the  
27 treatment of dementia.  
28  
29 The conservatee objects to this dementia  Yes  No  
30 power.  
31  The conservatee made no intelligible  
32 response.  
33  
34  
35

36 **OBSERVATIONS AND EVALUATION**

37  
38 Before the Court are competing petition's for the probate  
39 conservatorship of the person and estate of the Barbara Keller.  
40 Barbara is an 77-year-old female who resides in an assisted living  
41 facility located in Rocklin, CA. Confidential medical information is  
42 included in the attachment. The proposed conservator's in this  
43 matter are Barbara's daughter, Sharon Wolff; and Barbara's Nephew by  
44 marriage, Royce Mendonca.  
45

46 It is noted that this investigation and report follows a  
47 previous investigation and report submitted to this court regarding  
48 Sharon Wolff's initial petition. It is further noted that this  
49 report builds on the first.  
50

1 **CAPACITY DECLARATION STATEMENT**

2  
3 Andrew Johnston, M.D. examined Barbara and completed a Capacity  
4 Declaration for this report. Dr. Johnston, found that Barbara  
5 exhibits major impairment in her orientation to time and situation,  
6 as well as in her short-term and long-term memory, and in her  
7 immediate re-call. Major impairment was also found in Barbara's  
8 ability to reason logically. Moderate impairment was found in  
9 Barbara's ability to understand and communicate verbally, and in her  
10 ability to plan, organize and carry out actions. Dr. Johnston stated  
11 Barbara's mental function deficits are based in "probable  
12 Alzheimer's dementia with behavioral changes." Dr. Johnston  
13 determined that Barbara lacks the capacity to give informed consent  
14 to any form of medical treatment, but is able to attend the upcoming  
15 court hearing. Dr. Johnston signed the GC-335 Capacity Declaration on

16 7/22/21

17 **COLLATERAL CONTACTS**

18  
19 **Diana Mendonca, Sister-In-Law**

20  
21 Diana reported that she is aware of her son's competing  
22 petitions and supports his appointment as Ron and Barbara's  
23 conservators. Diana explained that during the last investigation  
24 she was contacted by APS social worker Alma Barber and notified  
25 that her brother and his wife were not doing well and were  
26 repeatedly leaving their home to find a bus stop; and  
27 subsequently needing to be brought home by strangers. Diana  
28 stated she does not drive out of town and solicited her  
29 granddaughter to go and pick the couple up and bring them to her  
30 home. Ron and Barbara resided with Diana in her home for one  
31 month following this move.

32  
33 Diana indicated that she has historically kept in contact  
34 with her brother and his wife over the phone and was not fully  
35 aware of the extent of their cognitive decline until they began  
36 residing with her. "They definitely have Alzheimer's. You could  
37 not leave either one of them alone. I never felt safe leaving  
38 Barbara alone, and then it got to the point where she did not  
39 want me to give her her meds anymore and I didn't want the  
40 responsibility of something happening to either one of them. I  
41 am not experienced in Alzheimer's and only knew that I could not  
42 leave them alone." The couple was ultimately placed in their  
43 current secured facility and occupy two adjoining rooms.  
44 Conservatorship is further indicated for Barbara as she is  
45 suffering from Alzheimer's and is no longer capable of caring  
46 for herself independently.

47  
48 Ron and Barbara were described as settling in well to their  
49 current facility, and are "Really happy there." Diana visits the  
50 couple multiple times a week and stated; "Now they are safe and

1 are getting meds and food and can be together." Diana reiterated  
2 her support for her son to act in the role of conservator and  
3 expressed strong disagreement with Sharon acting in the role.  
4 Diana was asked if Ron or Barbara have mentioned any suicidal  
5 ideation since their move, and Diana responded, "I have never  
6 met Sharon, and I don't wish to; and I have only ever heard from  
7 her mother, [but] her mother just said 'I would rather die than  
8 go living with Sharon;' but I know Ronnie is safe because he is  
9 with me."

10  
11 Diana also reiterated her concerns from the last report  
12 surrounding Sharon's refusal to take on the conservatorship of  
13 Ron's person as well as the conservatorship of her mother's  
14 person; as well as the fact that she is willing to separate the  
15 couple after "25 years" of marriage. The incident involving Ron  
16 and Barbara refusing to allow Sharon on to their Wells Fargo  
17 account was discussed. Diana stated, "For her (Sharon) to  
18 escalate the situation to where her mother had to call the  
19 police on her, that's a problem. If you have a problem you take  
20 a break. You don't force it to the point that your mother feels  
21 threatened and needs to call the police." Diana concluded by  
22 reading the statement made by Sharon within an e-mail and  
23 attached as an exhibit within the petitions, in which she states  
24 she is willing to act as a conservator of Ron's person and would  
25 not care if the state were to manage his care. Diana stated "I  
26 couldn't even imagine separating them. We will not separate  
27 them. No one in our family would."

#### 28 29 **Sharon Wolff, Proposed Conservator and Daughter**

30  
31 Sharon reported that conservatorship remains necessary for  
32 her mother for all of the reason previously reported in the  
33 original investigation. As explained in the original report,  
34 Sharon sought out Royce and Diana Mendonca seeking assistance  
35 with their uncle and brother, as Sharon had determined Ron and  
36 Barbara were no longer able to care for themselves. Sharon  
37 stated that after she contacting them, Diana spoke with Ron and  
38 stated she appears "to believe all of the crazy things Ron has  
39 said" about her, and has now asked her son Royce to become  
40 involved and to file these competing petitions. Sharon noted  
41 that Diana and Royce have not been involved with Barbara, Ron,  
42 or Sharon's family in the 29 years that the couple has been  
43 married, and stated Diana and Royce are strangers to her mother.  
44 Sharon expressed frustration that Royce and Diana refused to  
45 speak with her regarding her concerns for Ron, and are now  
46 preventing her from having contact with her mother.

47  
48 Sharon was adamantly against Royce being named the  
49 conservator of her mother. Sharon expressed concern over the  
50 unilateral decisions Royce has made on her mother's behalf and

1 stated these decisions have placed her mother in danger. Royce  
2 and his mother Diana purposely did not tell Sharon of their  
3 plans to move the couple from their home in Humboldt County and  
4 take them to Diana's home more than 6 hours away in Citrus  
5 Heights, CA. Sharon notes this move was conducted without regard  
6 to Barbara's health and upcoming medical appointments. It was  
7 further reported that Barbara's current medical providers in  
8 Rocklin, CA, do not have access to Barbara's medical records  
9 from Humboldt County and thus have no health history with which  
10 to treat Barbara. Sharon also reported that Royce has  
11 fraudulently signed as the decision maker for Barbara while  
12 placing her at her current facility, and has fraudulently  
13 altered, or allowed his attorney to alter, Barbara's Capacity  
14 Declaration. Sharon indicated she does not think Royce is a  
15 trust worthy person and stated, "I am concerned about Royce  
16 having anything to do with the estate because of the false  
17 paperwork [within the petitions.]"  
18

19 Report's that Sharon is financially motivated in her  
20 intentions to establish conservatorship on Barbara and Ron's  
21 behalf were discussed. Sharon stated these claims are false, and  
22 took offense to claims that because she and her husband had  
23 struggles raising their five children, all of whom are currently  
24 independent adults, that this would cause Sharon to want to  
25 steal from her mother. It was reiterated that when Barbara and  
26 Ron moved back to the Humboldt County area the last time, it was  
27 to be closer to Sharon so she could help the couple as they  
28 aged. Sharon stated that claims that Ron and Barbara are afraid  
29 of her or do not like her stem from Ron's cognitive decline and  
30 resulting paranoia, and are not based in fact. Further, reports  
31 that she repeatedly attempted to have Ron and Barbara place her  
32 on their bank accounts are true, and evidence that she has been  
33 attempting to assist the couple with their finances as detailed  
34 in the original petition. Reports that Ron and Barbara were  
35 resistant to these attempts are also true and evidence of the  
36 need for conservatorship.  
37

38 It remains Sharon's position that she had a close  
39 relationship with her mother and Ron until recently, until Ron's  
40 paranoia and "wild accusations" began to affect Sharon's  
41 relationship with her mother. Sharon reports that her mother has  
42 severe memory impairment and is now unduly influenced by Ron to  
43 think negative and false things about her. Sharon further  
44 asserts that the negative statements made by Barbara about her  
45 are "fed" to her by Ron. Additionally, Sharon reiterated her  
46 fears from the original investigation relating to Ron's  
47 persistent suicidal ideation and his verbalized plans to "off"  
48 himself and Barbara. Sharon continues to feel that her mother  
49 would be safer if removed from Ron and continues to intend to  
50 place her mother at Sequoia Springs Senior Living Community in

1 Fortuna, CA. Sharon concluded that Royce's lack of involvement  
2 with Ron and Barbara over the last 25 plus years, mixed with his  
3 refusal to speak with Sharon regarding this matter, has created  
4 a situation in which Royce does not have adequate knowledge of  
5 the current situation and; "has based his petition on the claims  
6 of a man even he says within his petition does not have  
7 capacity."  
8

9 **Royce Mendonca, Proposed Conservator and Nephew**

10  
11 Royce reported that he is seeking conservatorship of his  
12 aunt as she is no longer able to care for herself or manage her  
13 affairs independently, and as she requires protection from her  
14 daughter Sharon. Royce confirmed his mother's account that the  
15 family was urged to pick Ron and Barbara up by Adult Protective  
16 Services Social Worker, Alma Barber. "I want to make it clear  
17 that this (bringing the couple to the Sacramento area) was done  
18 on the recommendation of Alma Barber." Royce also repeated his  
19 mother's concerns surrounding Sharon's refusal to act as the  
20 conservator of Ron's person and her plan to separate the couple.  
21 Royce stated, "The bottom line is they do not want to be in  
22 Fortuna and their wishes should be respected... If [Sharon's]  
23 original plan was to keep them together we 1,000% would not be  
24 having this conversation... We are not on the Will or Trust or  
25 anything like that. I don't need their money. What I want is  
26 them to be together and to be in a nice place because they have  
27 earned that and neither should get less care because they  
28 (Barbara's family) want to preserve assets." It was Royce's  
29 position that Sharon's statements within her petitions, notably  
30 her plans to add an addition to her home for only her mother to  
31 reside in, and plans to utilize the estate for Barbara's care  
32 while seeking out VA benefits on Ron's behalf, indicates that  
33 she is more interested in persevering a potential inheritance  
34 from the estate than adequately providing for the couple's care.  
35 It was further noted that "for whatever reason" Ron and Barbara  
36 are no longer comfortable having Sharon being involved in their  
37 care and finances, but are willing to accept assistance from  
38 Royce and Diana.  
39

40 Royce was also asked if he has witnessed any suicidal  
41 statements or ideology from Ron or Barbara since their move; and  
42 stated he has not. Royce stated, "Basically they feared for  
43 their lives Samantha. They ran away from their homes, no cell  
44 phone, just left their house out of fear and were unaccounted  
45 for for four days; and by some miracle they made it home..." It  
46 was Royce's position that Ron and Barbara were in heightened  
47 states of agitation and fear due to Sharon's attempts to be  
48 added to their bank accounts, and made the suicidal statements  
49 as a result. Now that the couple has been settled into their  
50

1 current care facility, there has been no further mention of  
2 suicide.

3  
4 Royce was also asked about the amount of familial contact  
5 he and his mother have had with Ron and Barbara over the years.  
6 Royce confirmed that they primarily maintained contact via  
7 telephone. Allegations that Royce and his attorney may have  
8 acted fraudulently were also discussed. Royce stated he signed  
9 as decision maker on Ron and Barbara's behalves as they required  
10 a decision maker to be placed at the facility. At the time it  
11 was critical to get Ron and Barbara placed, and Royce signed on  
12 the couples behalf to ensure they received prompt care.  
13 Regarding the Capacity Declaration, Royce stated he and his  
14 attorney were informed by Iris Medical Group that Nurse  
15 Practitioner Allan has the legal authority to fill the Capacity  
16 Declaration out. Royce echoed his mother's sentiments that Ron  
17 and Barbara are doing well at the facility and are well cared  
18 for by their care providers. Royce also confirmed that his  
19 mother frequently visits the couple and stated they appear happy  
20 at Merrill Gardens. Royce was asked about his level of  
21 communication with Sharon, and stated that while they have had  
22 contact in the past, they do not currently maintain contact with  
23 each other. Royce concluded that he would be willing to  
24 communicate with and work alongside Sharon moving forward.

25  
26 **Alma Barber, Social Worker with Adult Protective Services**

27  
28 Alma was contacted for this report and provided context to  
29 her recommendation to the Mendonca's. Alma described a situation  
30 in which the Keller's were decompensating rapidly within their  
31 home as Ron's delusions were preventing the couple from  
32 receiving any care or assistance. "Ron's delusions were  
33 pronounced and the couple was becoming gravely disabled before  
34 my eyes. There was a lot of delusional thinking around Sharon  
35 and thinking she had the ability to control everything around  
36 them and the way he wanted the police to patrol the street... Both  
37 of the Keller's were declining fast in their home and were  
38 throwing all of their groceries out with no way to get any more  
39 and stopped accepting assistance from Sharon... There was no food  
40 in the home and Barbara had lost 10 lbs... It got to the point  
41 where Ron looked disheveled and was crying every time I saw him  
42 and they needed help immediately; and at that point I was  
43 reaching out to all relatives not just Diana and Royce...  
44 Unfortunately the only person Ron will accept help from is his  
45 sister, and Barbara is not able to make decisions and is reliant  
46 on [Ron] for decision making, so unfortunately [their picking up  
47 the couple] was the only solution that actually worked." Alma  
48 noted her primary concern as a social worker with Adult  
49 Protective Services is the health and safety of the Keller's.

50



1 Alma was asked if she had any concerns with Royce acting as  
2 the couple's conservator. Alma noted that a lot of Ron's beliefs  
3 and behaviors are rooted in untreated mental illness and the  
4 Mendonca's seem to be, "kind of nested in the belief that [Ron's  
5 delusions are] really happening." Further concern was raised  
6 regarding both Sharon and Royce and the two family's inability  
7 to work together. Alma was supportive of the couple remaining  
8 together in their current facility as long as they are both  
9 receiving adequate care and supervision; noting that  
10 significantly altering the living arrangements of dementia  
11 patients tends to cause further decompensation.

12  
13 **Tim Jenkins, Son**

14  
15 Tim reported that he is aware of the competing petitions  
16 and continues to support his sister Sharon to act in the role.  
17 Tim stated that since the last report he has been making visits  
18 and attempted visits to the facility and has been able to meet  
19 with Barbara on several occasions. Tim reported no concerns with  
20 the care the couple is receiving, but expressed frustration with  
21 the facilities ability to communicate with him as Royce has  
22 named himself decision maker for Ron and Barbara within in their  
23 admissions paperwork; and the facility has a limited ability to  
24 provide Tim information. Tim was asked if he has any  
25 communication with Royce and Diana. Tim stated, "Diana had  
26 called me and we have had several phone calls and texts, but she  
27 is like talking to a brick wall. She was very combative and did  
28 not want to give me her email." Further explaining, "I tried to  
29 send her some supporting docs for our concerns [regarding Ron]  
30 and she claimed not to have one (an e-mail account) but I found  
31 out later she does have one she just didn't want to give it to  
32 me." Further stating, "I left my card for Royce (in the couple's  
33 room at the facility and with facility staff) and he has not  
34 called me back."

35  
36 Concerns for Barbara, her wellbeing, and care needs were  
37 discussed at length. It was explained that until very recently,  
38 Ron was a beloved member of Tim and Sharon's family and is  
39 called Grandpa by all of their children. Tim confirmed that  
40 Ron's delusions and paranoid accusations came on slowly and  
41 initially involved neighbors and other peripheral people, but  
42 eventually expanded to include Sharon and other family members.  
43 Tim further confirmed reports that Barbara is fearful and  
44 suspicious of her family while Ron is around, but once separated  
45 from him enjoys her family and does not have negative things to  
46 say. Tim asserts that Ron had a history of alienating family  
47 members that Tim and Sharon only recently recognized due to  
48 these recent events. "There are many red flags with Ron that I  
49 missed." Tim notes the recent discovery that Ron walked out on  
50 his sons 30 years ago and disinherited them from his will, and a

1 past refusal to be driven to visit a family member who had been  
2 assaulted in the course of a home invasion, as evidence of Ron's  
3 lack of a sense of close familial ties. Since being placed at  
4 their current facility, Tim stated Ron has prevented him from  
5 seeing his mother. "I have made a lot of visits that have been  
6 denied because Ron is there. The first successful visit I had  
7 was while Ron was in the hospital... My daughters and  
8 grandchildren have been denied and we love Ron. That's what my  
9 kids can't understand. They have always called him Grandpa and  
10 recently he just turned on us and it's not that we don't like  
11 Ron, it's that we don't like what he is doing to mom and the  
12 family."

13  
14 Tim was asked his opinion of Sharon's plan to potentially  
15 separate the pair. Tim stated, "I know it sounds terrible but I  
16 think it is the only way to get them the help they need.. They  
17 need different kinds of care. Ron obviously has a good memory  
18 but he has mental health needs and clearly needs mental health  
19 care. His perception of reality is skewed to where he trusts  
20 strangers but not his grandkids. It is very odd." Tim reiterated  
21 his support for Sharon to act in the role of conservator and  
22 stated, "We were elected by mom and Ron a number of years ago  
23 and that can be proven in their will where they named us. There  
24 estate is very small and they do not have the funds [necessary]  
25 for their long term care needs. They will need [government]  
26 assistance at some point and with Sharon's [career] experience  
27 she will be able [to navigate that aspect of their care.]"

28  
29 Tim also addressed the accusations within the competing  
30 petition regarding Sharon's income while raising five children  
31 and noted, "All of that has made Sharon very frugal actually,  
32 and she is good at preserving money where she can. In fact when  
33 Diana and Royce hired this attorney we thought well we have to  
34 hire one too now, but then we thought about it and they don't  
35 have much money in the estate and we don't want to burn the  
36 money down, so it has been an immense amount of work done on  
37 Sharon's behalf [to be frugal.]" Tim concluded by reiterating  
38 the fact that while the couple had capacity they nominated Tim  
39 and Sharon to manage their financial affairs on their behalf, and  
40 stated Barbara's entire family supports Sharon being named as  
41 conservator of Ron and Barbara's estate.

42  
43 **John Robertson, Manager at Merrill Gardens at the Pines**

44  
45 John reported that Ron and Barbara have settled in "great"  
46 to the facility and are doing well. "They are eating three meals  
47 a day and getting the care they need." John was initially  
48 confident that the facility would be able to manage the couples  
49 differing care needs and to keep the couple together, but did  
50 not seem aware of Ron's reported mental health needs. John

1 stated he has experienced no issues with Ron related to  
2 paranoia, delusions, or suicidal ideation since the couple's  
3 admission.

4  
5 Conservatorship is appropriate for Barbara as she is unable  
6 to live independently and would "absolutely" benefit from having  
7 an advocate. Barbara was described as having similar care needs  
8 to her husband, as she is ambulatory and requires verbal cuing  
9 and reminders to complete activities of daily living and hygiene  
10 tasks; but John stated "Barbara's dementia is more pronounced  
11 than Ron's." Additionally, Barbara receives stand by assistance  
12 while showering. John described conservatorship as a "good idea"  
13 for the couple and expressed no concern with Barbara being  
14 conserved. John stated he has contact with both Sharon Wolff  
15 and Royce Mendonca, and reported no concerns with either party  
16 being named their conservator.

17  
18 **INTERVIEW WITH PROPOSED CONSERVATEE:**

19  
20 Barbara was interviewed from her room at Merrill Gardens.  
21 During the interview Barbara appeared clean, well-groomed, and  
22 appropriately dressed. Barbara presented with noticeable memory  
23 impairment and frequently looked to her husband for responses to  
24 questions asked. Barbara was alert and engaged in our  
25 interaction and appeared to understand the nature and effect of  
26 the current proceedings. When asked to define conservatorship  
27 Barbara stated, "It's someone who takes care of you." Barbara  
28 consented to the establishment of conservatorship with Royce as  
29 her conservator after being provided with advisement by stating  
30 "I agree, I depend on Ron's knowledge of him." Barbara opposed  
31 the establishment of conservatorship with her daughter Sharon  
32 Wolff as her conservator.

33  
34 When given a brief mental status exam, Barbara correctly  
35 stated her name, date of birth, and was oriented to time of day.  
36 Barbara was unable to state the current month and year, her  
37 medical diagnoses, the current president, or the names of her  
38 proposed conservators. When asked her address and city of  
39 residence Barbara stated, "I can't even think." When asked if  
40 she takes any medications Barbara stated, "I don't remember  
41 pills." When asked her current age Barbara stated, "You do the  
42 math." Barbara identified the purpose of our interview as, "To  
43 see if we are sane." Barbara appears capable of participating in  
44 the voting process.

1 **CONCLUSION AND RECOMMENDATION**

2  
3 Through investigation, it appears that Barbara Keller  
4 remains unable to provide for her own personal needs for  
5 physical health, food, clothing, and shelter, and is  
6 substantially unable to manage her own financial resources or  
7 resist fraud or undue influence.

8  
9 After a careful consideration of the preceding interviews  
10 and review of the documents submitted in this case, the  
11 undersigned finds that Sharon Wolff is acting in Barbara's best  
12 interests, and was in fact nominated by Barbara and Ron to  
13 manage their estate while each had capacity. Therefore,  
14 establishment of the probate conservatorship of the person and  
15 estate of Barbara Keller with her daughter Sharon Wolff acting  
16 as her conservator is respectfully recommended.

17  
18 Additionally, the undersigned recommends that every effort  
19 be made to keep Ron and Barbara together as long as safely and  
20 medically possible. The undersigned concludes that many of the  
21 issues presented in this case would be solved with proper  
22 communication between the Wolff / Jenkin's family and the  
23 Mendonca family. If productive communication in the couple's  
24 best interest is not established between the two parties  
25 promptly, the undersigned recommends a professional private  
26 fiduciary manage the couple's estate.

27  
28 **ASSESSMENT RECOMMENDATION:**

29  
30 It is unknown if the conservatee's estate is sufficient to warrant  
31 assessment for this investigation and report.

32  
33 Pursuant to Probate Code 1851.5, the assessment fee for this  
34 investigation is \$341.00. If the Court approves the assessment, the  
35 fee should be paid to: Court Operations, 421 I Street, Eureka, CA  
36 95501.

37  
38 Counsel has been appointed for the proposed  Yes  No  
39 Conservatee.

40  
41 The proposed Conservatee is able to attend the  Yes  No  
42 hearing.

43  
44 The proposed Conservatee should be disqualified  Yes  No  
45 from voting.

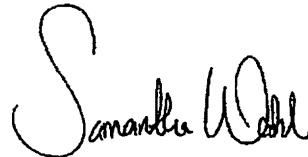
46 The judge ignored the earlier  
47 recommendation from this court  
48 investigator and never appointed counsel  
49 for the proposed conservatee  
50

1 I certify under penalty of perjury under the laws of the State  
2 of California that the foregoing is true and correct.

3  
4 Date: September 24, 2021

5 Respectfully submitted,

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50



Samantha Wahl  
Court Appointed Investigator  
Quest Court Investigations

Respectfully submitted,



Dale Price  
Court Appointed Investigator  
Quest Court Investigations

Cc Sharon Wolff  
Royce Mendonca  
Public Defender  
Chris J. Hamer, Esq.  
Diana Mendonca  
Tim Jenkins  
Barbara Keller  
Ronald 'Ron' Keller

Home

Stream

Library

Search for ar

Sign in

Create account

Upload

# RioDellTimes

Steve & Sharon Wolff

Rio Dell - Humboldt County, United States

All Popular tracks Tracks Albums Playlists Reposts

Station

Follow

Share

## Spotlight

Followers

1

Following

1

Tracks

16

Visit us at [www.riodelltimes.com](http://www.riodelltimes.com) for more...

RioDellTimes

1 following

View all

KMUD

96

Follow

Go mobile

Legal - Do Not Sell My Personal Information - Privacy - Cookie Policy - Cookie Manager - Imprint - Creator Resources - Blog - Charts - Language: English (US)

RioDellTimes

16 hours ago

The Conservatorship of Barbara - another family faces the probate court and an update



1

RioDellTimes

7 days ago

The Conservatorship of Barbara - Humboldt County Superior Court and the rights of elders

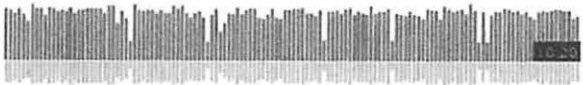


7

RioDellTimes

28 days ago

The Conservatorship of Barbara - Elder Abuse Month and Broken Bones



5

RioDellTimes

2 months ago

The Conservatorship of Barbara - Probate hearing and long term care ombudsman update

0:00

31:30

KMUD News LOCAL NEWS 03 28 22



CHRIS JOHNSON HAMER  
ERIC V. KIRK  
JASON J. EADS  
JOSHUA KAUFMAN  
JEFFREY W. MONSELL

STOKES, HAMER, KIRK & EADS, LLP  
ATTORNEYS AT LAW  
A LIMITED LIABILITY PARTNERSHIP

AREA CODE 707

381 BAYSIDE ROAD, STE. A  
ARCATA, CALIFORNIA  
95521

TELEPHONE  
822-1771

JOHN R. STOKES, III \*RETIRED

FAX 822-1901

THOMAS D. ROWE (1948-2011)  
JOHN R. STOKES (1917-2001)  
DOROTHY L. STEEVES (1928-1996)

January 7, 2022

**Via Certified Mail,  
Return Receipt Requested**

Sharon Wolff  
3 Painter Street  
Rio Dell, CA 95562

Steve Wolff  
3 Painter Street  
Rio Dell, CA 95562

Truth is the defense and the elder financial fraud committed by having an Alzheimer's patient and a Dementia patient sign papers handing control of their person and estate to Roland Royce Mendonca, Jr. is clear - the documentation from the court record is posted and it will remain.

I look forward to reviewing each and every detail of the fraudulent paperwork in any action that may be brought - and it will be posted in its entirety as well.

**NOTICE TO CEASE AND DESIST**

This constitutes notice to you that you have been committing and continue to commit libel as to Royce Mendonca and Chris Johnson Hamer, and that if your libelous statements do not stop and are not retracted by January 11, 2022, a lawsuit will be filed against you for injunctive and monetary relief, including punitive damages.

Civil Code § 45 states as follows: "Libel is a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye, which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation."

You have published, and continue to publish, statements which are false and unprivileged, which expose Royce Mendonca and Chris Johnson Hamer to hatred, contempt, ridicule, or obloquy, and can cause them to be shunned or avoided, and which also have a tendency to injure both of them in their occupations. These publications have appeared and are continuing to appear, in the Rio Dell Times, in your letter and enclosures sent to John Chiv and various legislative members.

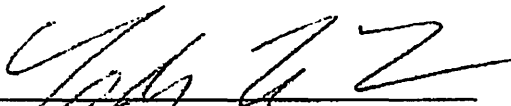
January 7, 2022  
Page 2

If these publications are not removed and do not cease by 5:00 p.m. on Tuesday, January 11, 2022, suit will be filed against you.

Very truly yours,

STOKES, HAMER, KIRK & EADS, LLP

By:

  
Chris Johnson Hamer

CJH/ja  
cc: Clients  
Encls.



December 27, 2021

The Honorable Mark Stone  
P.O. Box 942849  
Sacramento, CA 94249-0029

Dear Assembly Member Stone:

I am reaching out to you as Chair of the Assembly Judiciary Committee since you will be integral in shaping upcoming legislation and oversight related to conservatorships and the Master Plan on Aging. The Judiciary Committee should also be aware of issues related to In Pro Per petitioners who are routinely denied equal access to the justice system, despite statutory requirements for affirmative assistance from the courts.

For the sake of full disclosure, I am currently the Legislative Analyst for the Humboldt County Department of Health and Human Services. I have worked for DHHS over 20 years now with much of that in child welfare clerical and as the Social Services Director's Analyst. I do NOT represent my department in this matter – I am reaching out to you as the daughter of an Alzheimer's patient and my experiences are definitely not unique.

For a super-short background (that I would love to expand on if you have the time) – my mom, Barbara L. Keller has Alzheimer's that we have seen coming on for years now. Her short-term memory is gone at this point and her medical provider (Open Door Community Health in Fortuna) signed the court forms required to declare a person legally incapacitated (GC-335 and GC-335A) in July of this year. What the family didn't see coming was her fifth husband (Ronald W. Keller) also losing his mental capacity quietly in the background – the extent of his paranoid delusions only became apparent too late. The pandemic has absolutely contributed to the rapid decline of both Mom and Ron which is a common story that we're seeing everywhere unfortunately.

My mom and Ron both have long-standing wills and a living trust which designated myself and/or my brother (Tim Jenkins) as their caretakers if and when the need arises. The need had certainly arrived and I applied for a conservatorship in June 2021 with my brother's full support. We had a stack of documentation such as the will and the trust so the conservatorship application should have been relatively straight forward and expeditious. I am doing this In Pro Per for the conservatorship petition but I am fluent in bureaucracy and paperwork which makes me a little better prepared for the process than the average family that also can't afford a high-priced attorney – nor should they have to.

The court investigator involved in my petition issued her report supporting the conservatorship and recommending the Judge assign council to represent my mom and protect the civil rights of

an Alzheimer's patient. The Judge never did that for some reason – no council has been assigned for my mom which should be standard practice for the proposed conservatee. Ron's family (previously totally unknown people) came forward represented by a local prominent attorney who specializes in elder financial fraud cases – Chris Johnson Hamer of Stokes, Hamer, Kird, & Eads, LLP. Attorney Hamer produced a fraudulent capacity declaration (attached) along with a legal form she had my mom sign on August 25<sup>th</sup> (same attachment) that gave the conservatorship to this previously unknown nephew of her fifth husband – despite my mom having been declared legally incapacitated back in July. Judge Timothy A. Canning of the Humboldt County Superior Court – who had refused to assign council to represent my mom – gave the conservatorship to the unknown family members in direct opposition to the declared wishes of my mom from her will and her living trust. It is inexplicable and I am pursuing any avenues available to me to oppose this however I am In Pro Per and the court has so far refused to take any official notice of the will or the living trust or any of the other documentation that I have provided. In Pro Per is simply ignored (treated as bothersome) and there is no affordable legal assistance that is practically available to families. Legal aide groups are great and they do good work but they are overburdened, underfunded and frankly these types of conservatorships aren't a priority for anyone except to the families.

**However, this letter is NOT asking for your help with this individual case. What I am asking you for is to help all of the families like ours that are trying to do the right thing and help our loved ones but the courts and attorneys are operating to block equal access to the justice system for the unrepresented. There are statutes on the books that require affirmative assistance by the court for In Pro Per parties but they are routinely ignored without regard for any repercussions. After all, what is an unrepresented person going to do about it?**

**There is also the issue of no enforcement mechanism for the Elder Financial Fraud statutes that are on the books already. I have discovered that there is no agency or department that oversees this enforcement – it is left to the individuals and families to try and find assistance through the court system. If the court refuses to protect the vulnerable then who will do it? I have contacted the State Attorney General's office for Elder Fraud but was told they are only interested in Medi-Cal fraud or nursing home abuse – they had no other office to direct me to so I could file a report.**

**I would also draw your attention to the attachment which is the fraudulent Judicial Council form that was completed and signed by a Nurse Practitioner (NP) solely despite their not having signature authority without a countersignature by a physician or a psychologist. The recent passage of AB 890 (Wood) last year, which created an avenue for NP's to apply to the state (starting in 2023) for an expanded scope of practice, laid bare the strict regulations governing NP's and limitations over their current scope of practice. California has some of the strictest regulations over the authority of Nurse Practitioners in the country. The attorney**

altered the Judicial Council form to add a box for "Nurse Practitioner" as having independent signature authority and they submitted this to the court who accepted it without question - despite my having pointed all of this out in my filings.

The day long conservatorship hearing that you recently chaired included some limited testimony of the family experience but there simply wasn't enough time in the day to include all of the issues that families are facing if they can't afford an attorney. The system is not designed to help families navigate it - it is instead a wall that they must find a way to climb. Couple this with a court system that literally ignores In Pro Per petitioners and the state has created a system that effectively prevents families from caring for their loved ones unless they have the means to hire an attorney.

The development of the Master Plan for Aging (MPA) in California is an opportunity to make real changes that will dramatically help the lives of Californians - both the elderly and their families. I am watching the Justice in Aging committee closely and will be looking for opportunities to provide information on what the legal system looks like for the individual and their families. This needs to be a core component of the MPA - families are the best resource available for their loved ones and it is mutually beneficial for the state to make that possible. As you know, there are not enough care providers or beds available to provide care for the number of Californians who need it now and those numbers are only getting worse. The state cannot succeed with the goals of the Master Plan for Aging without relying heavily on the families and loved ones of vulnerable adults.

I would like the opportunity to work with you and other members of the legislature to make meaningful changes for the benefit of everyone and not just those with the financial means to manipulate the legal system to their benefit. I look forward to speaking with you and/or your staff to provide any and all information that I can to assist you going forward. We all have parents and loved ones who will need care at some point.

Regards,



Sharon L. Wolff

3 Painter St.

Rio Dell, CA 95562

(707) 599-9961

[Sharon@riodeltimes.com](mailto:Sharon@riodeltimes.com)

Cc: Assembly Judiciary Committee

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Chris Johnson Hamer (SBN 105752) FIRM NAME: STOKES, HAMER, KIRK & EADS, LLP STREET ADDRESS: 381 Bayside Road, Ste. A CITY: Arcata STATE: CA ZIP CODE: 95521 TELEPHONE NO.: 707-822-1771 FAX NO.: 707-822-1901 E-MAIL ADDRESS: chris@shkklaw.com ATTORNEY FOR (name): ROYCE MENDONCA, Petitioner	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: 825 Fifth Street MAILING ADDRESS: CITY AND ZIP CODE: Eureka, CA 95501 BRANCH NAME:	
CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	
<b>CAPACITY DECLARATION-CONSERVATORSHIP "BY FAX"</b>	CASE NUMBER: PR2100162
<b>TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER</b> The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply): A. <input type="checkbox"/> is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): . (Complete item 5, then sign and file page 1 of this form.) B. <input type="checkbox"/> has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.) C. <input checked="" type="checkbox"/> has a major neurocognitive disorder (such as dementia) and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from medication for the treatment of major neurocognitive disorders (including dementia). (Complete items 6 and 8 of this form and complete form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and file form GC-335A.) (If more than one item is checked above, sign the last applicable page of this form or, if item C is checked, form GC-335A. File page 1 through the last applicable page of this form; if item C is checked, file form GC-335A as well.) <b>COMPLETE ITEMS 1-4 OF THIS FORM IN EVERY CASE.</b>	

## GENERAL INFORMATION

- (Name): Heather Allen, NP Iris Health Medical Group
- (Office address and telephone number): 520 9th St Ste 240, Sacramento, CA 95814 (916) 231-4747
- I am
  - a California-licensed  physician  psychologist acting within the scope of my license  Nurse Practitioner  with at least two years' experience in diagnosing and treating major neurocognitive disorders (including dementia).
  - an accredited practitioner of a religion that calls for reliance on prayer alone for healing. The (proposed) conservatee is an adherent of my religion and is under my care. (Practitioner may make ONLY the determination in item 5.)
- (Proposed) conservatee (name): BARBARA LYNN KELLER
  - I last saw the (proposed) conservatee on (date): 08/16/2021
  - The (proposed) conservatee  is  is NOT a patient under my continuing treatment and care.

## ABILITY TO ATTEND COURT HEARING

- A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a or b.)
  - The proposed conservatee is able to attend the court hearing.
  - Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply)
    - on the date set (see date in box in item A above).
    - for the foreseeable future.
    - until (date):
    - Supporting facts (State facts in the space below or check this box  and state the facts in Attachment 5.)  
 Alzheimers Disease, Neurocognitive disability

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/24/2021 Heather Allen NP

(TYPE OR PRINT NAME)

 SignNow e-signature ID: d1997bd5e2  
 08/24/2021 19:41:51 (SIGNATURE OF DECLARANT)

Page 1 of 3

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100162
---	---------------------------

## 6. EVALUATION OF (PROPOSED) CONSERVATEE'S MENTAL FUNCTIONS

**Note to practitioner:** This form is *not* a rating scale. It is intended to assist you in recording your *impressions* of the (proposed) conservatee's mental abilities. Where appropriate, you may refer to scores on standardized rating instruments.

**(Instructions for Items 6A–6C):** Check the appropriate designation as follows: *a* = no apparent impairment; *b* = moderate impairment; *c* = major impairment; *d* = so impaired as to be incapable of being assessed; *e* = I have no opinion.

### A. Alertness and attention

- (1) Levels of arousal (fethargic, responds only to vigorous and persistent stimulation, stupor)

a  b  c  d  e

- (2) Orientation (types of orientation impaired)

a  b  c  d  e  Person

a  b  c  d  e  Time (day, date, month, season, year)

a  b  c  d  e  Place (address, town, state)

a  b  c  d  e  Situation ("Why am I here?")

- (3) Ability to attend and concentrate (give detailed answers from memory, mental ability required to thread a needle)

a  b  c  d  e

### B. Information processing. Ability to:

- (1) Remember (ability to remember a question before answering; to recall names, relatives, past presidents, and events of the past 24 hours)

i. Short-term memory a  b  c  d  e

ii. Long-term memory a  b  c  d  e

iii. Immediate recall a  b  c  d  e

- (2) Understand and communicate either verbally or otherwise (deficits reflected by inability to comprehend questions, follow instructions, use words correctly, or name objects; use of nonsense words)

a  b  c  d  e

- (3) Recognize familiar objects and persons (deficits reflected by inability to recognize familiar faces, objects, etc.)

a  b  c  d  e

- (4) Understand and appreciate quantities (deficits reflected by inability to perform simple calculations)

a  b  c  d  e

- (5) Reason using abstract concepts (deficits reflected by inability to grasp abstract aspects of his or her situation or to interpret idiomatic expressions or proverbs)

a  b  c  d  e

- (6) Plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest (deficits reflected by inability to break complex tasks down into simple steps and carry them out)

a  b  c  d  e

- (7) Reason logically

a  b  c  d  e

### C. Thought disorders

- (1) Severely disorganized thinking (rambling thoughts; nonsensical, incoherent, or nonlinear thinking)

a  b  c  d  e

- (2) Hallucinations (auditory, visual, olfactory)

a  b  c  d  e

- (3) Delusions (demonstrably false belief maintained without or against reason or evidence)

a  b  c  d  e

- (4) Uncontrollable or intrusive thoughts (unwanted compulsive thoughts, compulsive behavior)

a  b  c  d  e

(Continued on next page)

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100162
---	---------------------------

8. (continued)

D. Ability to modulate mood and affect. The (proposed) conservatee  has  does NOT have a pervasive and persistent or recurrent emotional state that appears inappropriate in degree to his or her circumstances. (If so, complete remainder of item 6D.)  I have no opinion.  
 (Instructions for item 6D): Check the degree of impairment of each inappropriate mood state (if any) as follows: a = mildly inappropriate; b = moderately inappropriate; c = severely inappropriate.

Anger	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Euphoria	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Helplessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Anxiety	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Depression	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Apathy	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Fear	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Hopelessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Indifference	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Panic	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Despair	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>				

E. The (proposed) conservatee's periods of impairment from the deficits indicated in items 6A-6D  
 (1)  do NOT vary substantially in frequency, severity, or duration.  
 (2)  do vary substantially in frequency, severity, or duration (explain; continue on Attachment 6E if necessary):

F.  (Optional) Other information regarding my evaluation of the (proposed) conservatee's mental function (e.g., diagnosis, symptomatology, and other impressions) is  stated below  stated in Attachment 6F.

ABILITY TO CONSENT TO MEDICAL TREATMENT

7. Based on the information above, it is my opinion that the (proposed) conservatee  
 a.  has the capacity to give informed consent to any form of medical treatment. This opinion is limited to medical consent capacity.  
 b.  lacks the capacity to give informed consent to any form of medical treatment because he or she is **either** (1) unable to respond knowingly and intelligently regarding medical treatment **or** (2) unable to participate in a treatment decision by means of a rational thought process, **or both**. The deficits in the mental functions described in item 6 above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of medical decisions. This opinion is limited to medical consent capacity.

(Declarant must initial here if item 7b applies: HA)

8. Number of pages attached: 0

SignNow e-signature ID: 8d67ee57c...  
08/24/2021 19:41:51 UTC

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

08/24/2021

Heather Allen NP

Udchip

(TYPE OR PRINT NAME)

SignNow e-signature ID: 8d67ee57c...  
08/24/2021 19:41:51 UTC  
SIGNATURE OF DECLARANT

CONSERVATORSHIP OF THE BARBARA LYNN KELLER	<input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name):	CASE NUMBER: PR2100162
<input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE		

**ATTACHMENT TO FORM GC-335, CAPACITY DECLARATION-CONSERVATORSHIP,  
ONLY FOR (PROPOSED) CONSERVATEE WITH A MAJOR NEUROCOGNITIVE DISORDER**

9. It is my opinion that the (proposed) conservatee  HAS  does NOT have a major neurocognitive disorder (such as dementia) as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders*.
- a.  Placement of (proposed) conservatee. (If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)-9a(5).)
- (1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because (state reasons; continue on Attachment 9a(1) if necessary):
- She is a flight risk and doesn't have the cognitive ability to comprehend the dangers she may encounter. She doesn't have the cognitive ability to verbalize personal information ensuring she could return to residence.
- (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9a(2) if necessary):
- Cognitive dysfunction with disturbance of executive function. Short term memory impairment, inability to perform ADL's safely.
- (3)  The (proposed) conservatee HAS capacity to give informed consent to this placement.
- (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to placement in a restricted and secure environment.
- (5) A locked or secured-perimeter facility  is  is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.
- b.  Administration of medications. (If the (proposed) conservatee requires administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia), please complete items 9b(1)-9b(5).)
- (1) For the reasons stated in item 9b(5), the (proposed) conservatee needs or would benefit from the following medications appropriate to the care and treatment of major neurocognitive disorders (including dementia) (list medications; continue on Attachment 9b(1) if necessary): Aricept 5mg po titrated to therapeutic dose. Pt may need additional medications if additional behavioral issues arise
- (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9b(2) if necessary):
- neurocognitive deficit and disturbance in executive function. Pt is unable to plan, initiate, and sequence complex behavior. No ability to think abstractly. Limited short term memory with limited call of recent events or information.
- (3)  The (proposed) conservatee HAS the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia).
- (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia). The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to the administration of medications for the care and treatment of major neurocognitive disorders (including dementia).
- (5) The (proposed) conservatee needs or would benefit from the administration of the medications listed in item 9b(1) because (discuss reasons; continue on Attachment 9b(5) if necessary):
- Aricept helps to slow dementia by improving the function of the brain cells by preventing the breakdown of acetylcholine. Medications to decrease adisruptive or dangerous behaviors may be beneficial for patient safety

10. Number of pages attached: 0

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/24/2021

Heather Allan NP

SignNow e-signature ID: 9b122beed5  
08/24/2021 19:49:57 (UTC) JHE OF DECLARANT

Page 1 of 1

1 Chris Johnson Hamer  
State Bar No. 105752  
2 STOKES, HAMER, KIRK & EADS, LLP  
381 Bayside Road, Suite A  
3 Arcata, CA 95521  
E-mail: chris@shkklaw.com  
4 Tel: (707) 822-1771  
Fax: (707) 822-1901  
5  
6 Attorneys for Petitioner,  
ROYCE MENDONCA

7  
8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
9 COUNTY OF HUMBOLDT

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

In re the Conservatorship of ) CASE NO: PR2100162  
the Estate of: )  
)  
BARBARA LYNN KELLER. ) NOMINATION BY CONSERVATEE OF  
) ROYCE MENDONCA AS THE  
) CONSERVATOR OF HER PERSON AND  
) ESTATE  
)  
)  
)  
)  
)  
)

I, BARBARA LYNN KELLER, hereby nominate my nephew, ROYCE  
MENDONCA, as the conservator of my person and estate, and I  
hereby consent to a conservatorship over my person and estate.

DATED: August 25, 2021 *Barbara Lynn Keller*  
BARBARA LYNN KELLER

Attachment 3c(1)

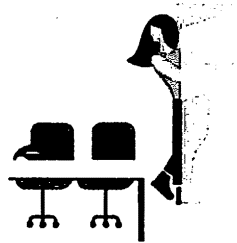




Join now

Sign in

Search first and last name



An exact match for **royce-mendonca-7877bb132** could not be found.

The LinkedIn profile you're looking for isn't public or doesn't exist. To search and filter 750 million LinkedIn members, log in or join LinkedIn today.

Join Now

 Sign in with Google

Already on LinkedIn? Sign in

7/25/22, 4:37 PM

[Privacy Policy](#)

[Copyright Policy](#)

[Guest Controls](#)

[Language](#) 

Profile Not Found | LinkedIn

[Cookie Policy](#)

[Brand Policy](#)

[Community Guidelines](#)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:  
 NAME: Chris Johnson Hamer (SBN 105752)  
 FIRM NAME: STOKES, HAMER, KIRK & EADS, LLP  
 STREET ADDRESS: 381 Bayside Road, Ste. A  
 CITY: Arcata STATE: CA ZIP CODE: 95521  
 TELEPHONE NO.: 707-822-1771 FAX NO.: 707-822-1901  
 E-MAIL ADDRESS: chris@shkklaw.com  
 ATTORNEY FOR (name): ROYCE MENDONCA, Petitioner  
 SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT  
 STREET ADDRESS: 825 Fifth Street  
 MAILING ADDRESS:  
 CITY AND ZIP CODE: Eureka, California 95501  
 BRANCH NAME:  
 CONSERVATORSHIP OF  
 (name): BARBARA LYNN KELLER  
 CONSERVATEE  
 ORDER APPOINTING  SUCCESSOR  
 PROBATE CONSERVATOR OF THE  PERSON  ESTATE  
 Limited Conservatorship

FOR COURT USE ONLY  
 Be sure to read all the way down!  
**FILED**  
**DEC 10 2021**  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF HUMBOLDT  
 This copy was provided by the clerk's office from the court file on 1/7/22 - no service provided to Barbara's family  
 CASE NUMBER:  
 PR2100162

**WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.**

- The petition for appointment of  successor conservator came on for hearing as follows (check boxes c, d, e, and f or g to indicate personal presence):
  - Judicial officer (name):
  - Hearing date: 09/02/2021 Time: 2:15 pm  Dept.: 6  Room:
  - Petitioner (name): ROYCE MENDONCA
  - Attorney for petitioner (name): CHRIS JOHNSON HAMER of STOKES, HAMER, KIRK & EADS, LLP
  - Attorney for  person cited  the conservatee on petition to appoint successor conservator:  
 (Name): (Telephone):  
 (Address):
  - Person cited was  present.  unable to attend.  able but unwilling to attend.  out of state.
  - The conservatee on petition to appoint successor conservator was  present.  not present.

**THE COURT FINDS**

- All notices required by law have been given.
- Granting the conservatorship is the least restrictive alternative needed for the protection of the conservatee.
- (Name): BARBARA LYNN KELLER
  - is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter.
  - is substantially unable to manage his or her financial resources or to resist fraud or undue influence.
  - has voluntarily requested appointment of a conservator and good cause has been shown for the appointment.
- The conservatee
  - is an adult.
  - will be an adult on the effective date of this order.
  - is a married minor.
  - is a minor whose marriage has been dissolved.
- There is no form of medical treatment for which the conservatee has the capacity to give an informed consent.  
 The conservatee is an adherent of a religion defined in Probate Code section 2355(b).
- Granting the  successor conservator powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and in the best interest of the conservatorship estate.
- The conservatee cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process.

This is a lie! The judge never appointed counsel for Barbara GC-340 despite the court investigators recommendation

CONSERVATORSHIP OF (name): BARBARA LYNN KELLER	CASE NUMBER: PR2100162
CONSERVATEE	despite the court investigators recommendation

9.  The conservatee has dementia as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders specified in item 28.
10.  Attorney (name): HUMBOLDT COUNTY PUBLIC DEFENDER has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$ \_\_\_\_\_ Isn't a judge supposed to check the accuracy of the orders before signing?
11.  The conservatee has the ability to pay  all  none  a portion of this sum (specify): \$ \_\_\_\_\_
11.  The conservatee need not attend the hearing.
12.  The appointed court investigator is (name): SAMANTHA WAHL, Quest Court Investigations Investigator recommended approving Sharon Wolff's petition - not Royce's!  
(Address and telephone): (916) 551-1799 Ex. 102 s.wahl@courtinvestigations.com
13.  (For limited conservatorship only) The limited conservatee is developmentally disabled as defined in Probate Code section 1420.
14.  The  successor conservator is a professional fiduciary as defined by Business and Professions Code section 6501(f).
15.  The  successor conservator holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.  
License no.: \_\_\_\_\_ Issuance or last renewal date: \_\_\_\_\_ Expiration date: \_\_\_\_\_
16. (Either a, b, or c must be checked):  
 a.  The  successor conservator is not the spouse of the conservatee.  
 b.  The  successor conservator is the spouse of the conservatee and is not a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.  
 c.  The  successor conservator is the spouse of the conservatee and is a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.  
 It is in the best interest of the conservatee to appoint the spouse as  successor conservator.
17. (Either a, b, or c must be checked):  
 a.  The  successor conservator is not the domestic partner or former domestic partner of the conservatee.  
 b.  The  successor conservator is the domestic partner of the conservatee and has neither terminated nor intends to terminate their domestic partnership.  
 c.  The  successor conservator is the domestic partner or former domestic partner of the conservatee and intends to terminate or has terminated their domestic partnership. It is in the best interest of the conservatee to appoint the domestic partner or former domestic partner as  successor conservator.

THE COURT ORDERS

18. a. (Name): ROYCE MENDONCA (Telephone): 916-532-5913  
 (Address): 8320 Tail Race Drive Roseville, CA 95747 Wouldn't this need to be under his legal name? Roland Royce Mendonca, Jr.

is appointed  successor  conservator  limited conservator of the PERSON of (name): BARBARA LYNN KELLER and Letters of Conservatorship shall issue upon qualification.

b. (Name): ROYCE MENDONCA (Telephone): 916-532-5913  
 (Address): 8320 Tail Race Drive Roseville, CA 95747

is appointed  successor  conservator  limited conservator of the ESTATE of (name): BARBARA LYNN KELLER and Letters of Conservatorship shall issue upon qualification.

19.  The conservatee need not attend the hearing.
20. a.  Bond is not required.  
 b.  Bond is fixed at: \$ 193,170.54 to be furnished by an authorized surety company or as otherwise provided by law.  
 c.  Deposits of: \$ \_\_\_\_\_ are ordered to be placed in a blocked account at (specify institution and location): \_\_\_\_\_

and receipts shall be filed. No withdrawals shall be made without a court order.  
 Additional orders in attachment 20c.

CONSERVATORSHIP OF (name): BARBARA LYNN KELLER	CASE NUMBER: PR2100162
CONSERVATEE	

20. (cont.)

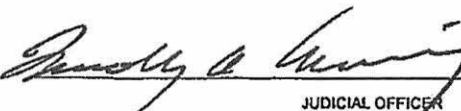
- d.  The  successor conservator is not authorized to take possession of money or any other property without a specific court order.
21.  For legal services rendered,  conservatee  conservatee's estate shall pay the sum of: \$  
to (name):  
 forthwith  as follows (specify terms, including any combination of payors):

Keep going...

 Continued in attachment 21.

22.  The conservatee is disqualified from voting.
23.  The conservatee lacks the capacity to give informed consent for medical treatment and the  successor conservator of the person is granted the powers specified in Probate Code section 2355.  
 The treatment shall be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).
24.  The  successor conservator of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in attachment 24  subject to the conditions provided.
25.  Orders relating to the capacity of the conservatee under Probate Code sections 1873 or 1901 as specified in attachment 25 are granted.
26.  Orders relating to the powers and duties of the  successor conservator of the person under Probate Code sections 2351-2358 as specified in attachment 26 are granted. (Do not include orders under Probate Code section 2356.5 relating to dementia.)
27.  Orders relating to the conditions imposed under Probate Code section 2402 on the  successor conservator of the estate as specified in attachment 27 are granted.
28.  a.  The  successor conservator of the person is granted authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).  
b.  The  successor conservator of the person is granted authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).
29.  Other orders as specified in attachment 29 are granted.
30.  The probate referee appointed is (name and address): Roland Royce Mendonca, Jr. placed Barbara into an assisted living facility on 8/26/21 despite not having any legal authority to place or to encumber the estate until this order date of 12/10/21.
31.  (For limited conservatorship only) Orders relating to the powers and duties of the  successor limited conservator of the person under Probate Code section 2351.5 as specified in attachment 31 are granted.
32.  (For limited conservatorship only) Orders relating to the powers and duties of the  successor limited conservator of the estate under Probate Code section 1830(b) as specified in attachment 32 are granted.
33.  (For limited conservatorship only) Orders limiting the civil and legal rights of the limited conservatee as specified in attachment 33 are granted.
34.  This order is effective on the  date signed  date minor attains majority (specify):
35. Number of boxes checked in items 18-34: 10
36. Number of pages attached: 1

Date: 12/10/2021



JUDICIAL OFFICER

 SIGNATURE FOLLOWS LAST ATTACHMENT

One more page below...

**ATTACHMENT 24 to Order Appointing Probate Conservator**

**Probate Code Section 2591:**

**(c) (2) The power to sell at public or private sale the personal residence of the conservatee described in Section 2591.5 without confirmation of the court of the sale, subject to the requirements of Sections 2352.5, 2540, 2541 and 2541.5.**

**(i) The power to let or lease the personal residence of the conservatee, including the power to extend, renew or modify the lease.**

The previously unknown nephew of Barbara's 5th husband has been given the authority to sell the Keller's home OR lease it out by the Humboldt County Superior Court.

Selling the Keller's home in Fortuna is absolutely required in order to provide for their extensive long-term care needs. No question about it.

How would the Keller's best financial interests be served by becoming landlords (during a pandemic mind you) at this stage of their care needs? It doesn't. So who's needs does that serve?

one more thing...

The previously unknown nephew of Barbara's 5th husband is required to complete an inventory of everything in her Fortuna home within 90 days of the order which was 12/10/21. This stranger has never set foot into any home the Keller's have ever lived in since they have been married - let alone their current home. He will be rifling through all of my mom's personal belongings looking for stuff of value - anything that doesn't have enough financial value can be tossed like yesterday's garbage without court approval.

My mom's home is filled with mementos and family heirlooms from generations of Bareuther's that are irreplaceable and they have no financial value - they are priceless to family. For example, the Hummel statue that Mom has had for all of my life. Maybe the little boy with the umbrella statue had some value in the past but the crack in the leg where it was repaired with superglue makes it worthless. That crack is what makes it priceless to me. My brother and I were up to our usual shenanigans while Mom was at work when we lived in Reno. I will just say that there is nothing that brings siblings together faster than having to cover their tracks from breaking a statue that Mom loved.

and again, none of this matters to the Humboldt County Superior Court who never even bothered to appoint counsel for Mom or Ron despite their having requested it back in July.

If they had counsel appointed, perhaps the court might have paid attention and read the documentation. Or perhaps their counsel, if they had one, might have also objected to having a diagnosed Alzheimer's patient sign a legal nomination form like the one Attorney Hamer created and secured Mom's signature on.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Chris Johnson Hamer (SBN 105752) FIRM NAME: STOKES, HAMER, KIRK & EADS, LLP STREET ADDRESS: 381 Bayside Road, Ste. A CITY: Arcata TELEPHONE NO.: 707-822-1771 E-MAIL ADDRESS: chris@shkklaw.com ATTORNEY FOR (name): ROYCE MENDONCA, Petitioner	STATE BAR NUMBER: STATE: CA ZIP CODE: 95521 FAX NO.: 707-822-1901	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: 825 Fifth Street MAILING ADDRESS: CITY AND ZIP CODE: Eureka, CA 95501 BRANCH NAME:		
CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE		
CAPACITY DECLARATION-CONSERVATORSHIP "BY FAX"		CASE NUMBER: PR2100162
TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply): A. <input type="checkbox"/> is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): . (Complete item 5, then sign and file page 1 of this form.) B. <input type="checkbox"/> has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.) C. <input checked="" type="checkbox"/> has a major neurocognitive disorder (such as dementia) and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from medication for the treatment of major neurocognitive disorders (including dementia). (Complete items 6 and 8 of this form and complete form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and file form GC-335A.) (If more than one item is checked above, sign the last applicable page of this form or, if item C is checked, form GC-335A. File page 1 through the last applicable page of this form; if item C is checked, file form GC-335A as well.) <b>COMPLETE ITEMS 1-4 OF THIS FORM IN EVERY CASE.</b>		

## GENERAL INFORMATION

- (Name): Heather Allen, NP Iris Health Medical Group
- (Office address and telephone number): 520 9th St Ste 240, Sacramento, CA 95814 (916) 231-4747
- I am
  - a California-licensed  physician  psychologist acting within the scope of my license  Nurse Practitioner  with at least two years' experience in diagnosing and treating major neurocognitive disorders (including dementia).
  - an accredited practitioner of a religion that calls for reliance on prayer alone for healing. The (proposed) conservatee is an adherent of my religion and is under my care. (Practitioner may make ONLY the determination in item 5.)
- (Proposed) conservatee (name): BARBARA LYNN KELLER
  - I last saw the (proposed) conservatee on (date): 08/16/2021
  - The (proposed) conservatee  is  is NOT a patient under my continuing treatment and care.

## ABILITY TO ATTEND COURT HEARING

- A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a or b.)
  - The proposed conservatee is able to attend the court hearing.
  - Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply)
    - on the date set (see date in box in item A above).
    - for the foreseeable future.
    - until (date):
    - Supporting facts (State facts in the space below or check this box  and state the facts in Attachment 5.)  
Alzheimers Disease, Neurocognitive disability

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/24/2021 Heather Allen NP

(TYPE OR PRINT NAME)

SignNow e-signature ID: d1997bd5e2  
08/24/2021 18:41:51 (SIGNATURE OF DECLARANT)

Page 1 of 3



CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100162
---	---------------------------

### 6. EVALUATION OF (PROPOSED) CONSERVATEE'S MENTAL FUNCTIONS

**Note to practitioner:** This form is *not* a rating scale. It is intended to assist you in recording your *impressions* of the (proposed) conservatee's mental abilities. Where appropriate, you may refer to scores on standardized rating instruments.

*(Instructions for Items 6A-6C): Check the appropriate designation as follows: a = no apparent impairment; b = moderate impairment; c = major impairment; d = so impaired as to be incapable of being assessed; e = I have no opinion.*

#### A. Alertness and attention

(1) Levels of arousal (lethargic, responds only to vigorous and persistent stimulation, stupor)

a  b  c  d  e

(2) Orientation (types of orientation impaired)

a  b  c  d  e  Person

a  b  c  d  e  Time (day, date, month, season, year)

a  b  c  d  e  Place (address, town, state)

a  b  c  d  e  Situation ("Why am I here?")

(3) Ability to attend and concentrate (give detailed answers from memory, mental ability required to thread a needle)

a  b  c  d  e

#### B. Information processing. Ability to:

(1) Remember (ability to remember a question before answering; to recall names, relatives, past presidents, and events of the past 24 hours)

i. Short-term memory a  b  c  d  e

ii. Long-term memory a  b  c  d  e

iii. Immediate recall a  b  c  d  e

(2) Understand and communicate either verbally or otherwise (deficits reflected by inability to comprehend questions, follow instructions, use words correctly, or name objects; use of nonsense words)

a  b  c  d  e

(3) Recognize familiar objects and persons (deficits reflected by inability to recognize familiar faces, objects, etc.)

a  b  c  d  e

(4) Understand and appreciate quantities (deficits reflected by inability to perform simple calculations)

a  b  c  d  e

(5) Reason using abstract concepts (deficits reflected by inability to grasp abstract aspects of his or her situation or to interpret idiomatic expressions or proverbs)

a  b  c  d  e

(6) Plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest (deficits reflected by inability to break complex tasks down into simple steps and carry them out)

a  b  c  d  e

(7) Reason logically

a  b  c  d  e

#### C. Thought disorders

(1) Severely disorganized thinking (rambling thoughts; nonsensical, incoherent, or nonlinear thinking)

a  b  c  d  e

(2) Hallucinations (auditory, visual, olfactory)

a  b  c  d  e

(3) Delusions (demonstrably false belief maintained without or against reason or evidence)

a  b  c  d  e

(4) Uncontrollable or intrusive thoughts (unwanted compulsive thoughts, compulsive behavior)

a  b  c  d  e

(Continued on next page)



CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100162
---	---------------------------

6. (continued)

D. Ability to modulate mood and affect. The (proposed) conservatee  has  does NOT have a pervasive and persistent or recurrent emotional state that appears inappropriate in degree to his or her circumstances. (If so, complete remainder of item 6D.)  I have no opinion.  
 (Instructions for item 6D): Check the degree of impairment of each inappropriate mood state (if any) as follows: a = mildly inappropriate; b = moderately inappropriate; c = severely inappropriate.

Anger	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Euphoria	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Helplessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Anxiety	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Depression	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Apathy	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Fear	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Hopelessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Indifference	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Panic	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Despair	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>				

E. The (proposed) conservatee's periods of impairment from the deficits indicated in items 6A-6D

- (1)  do NOT vary substantially in frequency, severity, or duration.
- (2)  do vary substantially in frequency, severity, or duration (explain; continue on Attachment 6E if necessary):

F.  (Optional) Other information regarding my evaluation of the (proposed) conservatee's mental function (e.g., diagnosis, symptomatology, and other impressions) is  stated below  stated in Attachment 6F.

ABILITY TO CONSENT TO MEDICAL TREATMENT

7. Based on the information above, it is my opinion that the (proposed) conservatee

- a.  has the capacity to give informed consent to any form of medical treatment. This opinion is limited to medical consent capacity.
- b.  lacks the capacity to give informed consent to any form of medical treatment because he or she is either (1) unable to respond knowingly and intelligently regarding medical treatment or (2) unable to participate in a treatment decision by means of a rational thought process, or both. The deficits in the mental functions described in item 6 above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of medical decisions. This opinion is limited to medical consent capacity.

(Declarant must initial here if item 7b applies: \_\_\_\_\_.)

*HA*

SignNow e-signature ID: 8c67ae57c...  
08/24/2021 18:41:51 UTC

8. Number of pages attached: 0

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

08/24/2021

Heather Allen NP

(TYPE OR PRINT NAME)

*Udchip*

SignNow e-signature ID: 604b87834c  
08/24/2021 18:41:51 UTC  
SIGNATURE OF DECLARANT

CONSERVATORSHIP OF THE BARBARA LYNN KELLER	<input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name):	CASE NUMBER: PR2100162
<input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE		

**ATTACHMENT TO FORM GC-335, CAPACITY DECLARATION-CONSERVATORSHIP,  
ONLY FOR (PROPOSED) CONSERVATEE WITH A MAJOR NEUROCOGNITIVE DISORDER**

9. It is my opinion that the (proposed) conservatee  HAS  does NOT have a major neurocognitive disorder (such as dementia) as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders*.
- a.  Placement of (proposed) conservatee. (If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)-9a(5).)
- (1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because (state reasons; continue on Attachment 9a(1) if necessary):
- She is a light risk and doesn't have the cognitive ability to comprehend the dangers she may encounter. She doesn't have the cognitive ability to verbalize personal information ensuring she could return to residence.
- (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9a(2) if necessary):
- Cognitive dysfunction with disturbance of executive function. Short term memory impairment, inability to perform ADL's safely.
- (3)  The (proposed) conservatee HAS capacity to give informed consent to this placement.
- (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to placement in a restricted and secure environment.
- (5) A locked or secured-perimeter facility  is  is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.
- b.  Administration of medications. (If the (proposed) conservatee requires administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia), please complete items 9b(1)-9b(5).)
- (1) For the reasons stated in item 9b(5), the (proposed) conservatee needs or would benefit from the following medications appropriate to the care and treatment of major neurocognitive disorders (including dementia) (list medications; continue on Attachment 9b(1) if necessary):
- Aricept 5mg po titrated to therapeutic dose. Pt may need additional medications if additional behavioral issues arise
- (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9b(2) if necessary):
- neurocognitive deficit and disturbance in executive function. Pt is unable to plan, initiate, and sequence complex behavior. No ability to think abstractly. Limited short term memory with limited call of recent events or information.
- (3)  The (proposed) conservatee HAS the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia).
- (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia). The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to the administration of medications for the care and treatment of major neurocognitive disorders (including dementia).
- (5) The (proposed) conservatee needs or would benefit from the administration of the medications listed in item 9b(1) because (discuss reasons; continue on Attachment 9b(5) if necessary):
- Aricept helps to slow dementia by improving the function of the brain cells by preventing the breakdown of acetylcholine. Medications to decrease disruptive or dangerous behaviors may be beneficial for patient safety

10. Number of pages attached: 0

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/24/2021 Heather Allon NP

*Heather Allon NP*

(TYPE OR PRINT NAME)

SignNow e-signature ID: 3b122f0c45  
(08/24/2021 18:48) SIGNATURE OF DECLARANT

Page 1 of 1

1 Chris Johnson Hamer  
State Bar No. 105752  
2 STOKES, HAMER, KIRK & EADS, LLP  
381 Bayside Road, Suite A  
3 Arcata, CA 95521  
E-mail: chris@shkklaw.com  
4 Tel: (707) 822-1771  
Fax: (707) 822-1901  
5  
6 Attorneys for Petitioner,  
ROYCE MENDONCA

7  
8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
9 COUNTY OF HUMBOLDT

10  
11 In re the Conservatorship of ) CASE NO: PR2100162  
the Estate of: )  
12 )  
13 BARBARA LYNN KELLER. ) NOMINATION BY CONSERVATEE OF  
14 ) ROYCE MENDONCA AS THE  
15 ) CONSERVATOR OF HER PERSON AND  
16 ) ESTATE  
17 )

18  
19 I, BARBARA LYNN KELLER, hereby nominate my nephew, ROYCE  
20 MENDONCA, as the conservator of my person and estate, and I  
21 hereby consent to a conservatorship over my person and estate.

22  
23 DATED: August 25, 2021 Barbara Lynn Keller  
BARBARA LYNN KELLER

24  
25  
26  
27 Attachment 3c(1)  
28

December 19, 2021

Honorable Timothy Canning  
Humboldt County Superior Court  
825 Fifth Street  
Eureka, CA 95501

Re: Conservatorship of Barbara Keller (PR2100162)

Dear Judge Canning:

I received your RULING AND ORDER APPOINTING CONSERVATOR, filed Dec. 13, 2021, where you gave the conservatorship of my mother, Barbara L. Keller, entirely to Royce Mendonca. The ruling did not include an acknowledgement of some pertinent facts, contained in the existing court record, that I would respectfully ask you to consider further:

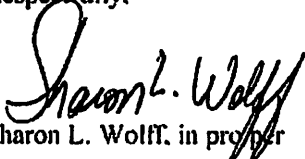
- Barbara and spouse Ronald Keller (PR2100161) documented their wishes years ago, when they both had the legal capacity to make an informed choice – this documentation was attached to the original petition filed June 21, 2021.
  - April 17, 2003 Last Will & Testament – Barbara L. Keller (attachment 5c(2)c)
  - April 17, 2003 Last Will & Testament – Ronald W. Keller (attachment 5c(2)b)
  - May 15, 2017 The Keller 2017 Trust – Ronald & Barbara Keller (attachment 5c(2)a)
- June 25, 2021 Dr. Andrew Levine, Ph.D. of North Coast Neuropsychology conducted a cognitive assessment of Barbara and Ronald Keller in their Fortuna home at the request of APS Social Worker Alma Barba (report completed July 8, 2021).
  - “Diagnosis – Major Neurocognitive Disorder – most likely cause is Alzheimer’s disease, considering progressive nature since at least 2014, severe encoding deficit and lack of insight”
  - Alma testified (9/30/21) to this court that she communicated all of this information to Ronald Keller’s family – sister Diane Mendonca and nephew Royce Mendonca – they were informed of Barbara and Ronald’s cognitive state from the beginning of the APS involvement
- July 22, 2021 GC-335 Capacity Declaration and GC-335A Major Neurocognitive Disorder Attachment to Capacity Declaration were signed by Barbara Keller’s medical provider – declaring the proposed conservatee does not have the capacity to give informed consent.
- July 23, 2021 Court appointed investigator Samantha Wahl recommended counsel should be appointed for the proposed conservatee(s) – to this date, no one has been appointed to safeguard the civil rights of the either proposed conservatee.

- August 17, 2021 Amended Petition for Appointment of Temporary Conservator which included the 7/22/21 signed GC-335 and GC-335A Judicial Council forms are filed in this matter (GC-111 Attachment 3a).
  - Ronald Keller and Barbara Keller were served, via certified mail, at Diane Mendonca's residence (7111 Wonner Way Citrus Heights, CA 95621) by North Coast Legal Services
  - Diane Mendonca and Royce Mendonca are not related to Barbara Keller and were not a declared interested party in this matter at the time
- August 25, 2021 Royce Mendonca secures Barbara Keller's signature on a NOMINATION BY CONSERVATOR OF HER PERSON AND ESTATE for BARBARA KELLER at Diane Mendonca's residence (7111 Wonner Way Citrus Heights, CA 95621)
  - The legal nomination document was drawn by Attorney Chris Johnson Hamer and submitted to this court under Penalty of Perjury, filed August 26, 2021

**The ruling and order issued only acknowledges the existence of that NOMINATION document, signed a month after Barbara Keller's medical providers declared her incapable of giving informed consent, and does not take notice of any of the cited documentation provided by myself. The documentation provided clearly establishes the long standing intents of wishes of Barbara and Ronald Keller prior to the Alzheimer's and dementia robbing them both of their mental faculties.**

I respectfully request you to reconsider the ruling and order, filed Dec. 13, 2021, based on a re-examination of the documentation provided in this matter and cited above. **These are all straight forward dates and facts that have been well-documented and provided to this court – there is no dispute over the documentation – it has simply been ignored completely.**

Respectfully,

  
Sharon L. Wolff, in proper

Cc: Chris Johnson Hamer by email to: [chris@shkklaw.com](mailto:chris@shkklaw.com)

**RECEIVED**

**DEC 20 2021 AR**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT**

Superior Court of California, County of Humboldt

---

Case Number	PR2100162	July 29, 2021
Case Title	Matter of: B. Keller	

---

<b>CAL:</b>	<b>Appoint Conservator</b>
-------------	----------------------------

Judge: John T. Feeney  
Clerk: Amy M.

Reporter: Sheryl Brown

*Petitioner Sharon Wolff present via videoconference*  
*Conservatee Ronald Keller not present (PR2100161)*  
*Conservatee Barbara Keller not present (PR2100162)*

The Keller's were noted as not being present (via Zoom) because they were kept off camera

See the Declaration by Diana Mendonca below confirming they were both present for the hearing

**RELATED CASES CALLED TOGETHER: PR2100161 & PR2100162**

The Court advises the Petitioner the citations have not been served and that some documentation has either not been provided or is not in proper form.

Petitioner advises the Court of the drastic circumstances and recent changes.

The Court informs the Petitioner that it cannot give legal advice and suggests filing of a temporary conservatorship or contacting the Sheriff's Department with her concerns.

The court did not know the Keller's were both there (off camera) - they had been served at Diana Mendonca's home in Citrus Heights

See below...

Petitioner states she will submit the necessary missing documentation.

Petition to Appoint Conservator is continued to August 5, 2021 at 2:15 p.m. in Courtroom

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</p> <p><b>Diana L. Mendonca</b>          [REDACTED]          Citrus Hts. CA 95621</p> <p>TELEPHONE NO.: <b>916 730-9642</b>      FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</p>	<p>FOR COURT USE ONLY</p> <p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;"><b>AUG 02 2021</b></p> <p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA          COUNTY OF HUMBOLDT</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Humboldt</b></p> <p>STREET ADDRESS: <b>825 5th Street</b></p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE: <b>Eureka, CA 95501</b></p> <p>BRANCH NAME:</p>	<p>CASE NUMBER:</p> <p style="text-align: center;"><b>PR2100162</b></p>
<p>PLAINTIFF/PETITIONER: <b>Sharon Wolff</b></p> <p>DEFENDANT/RESPONDENT: <b>Barbara Lynn Keller and Ronald Keller</b></p>	
<p style="text-align: center;"><b>DECLARATION</b></p>	

A Conservatorship hearing was held on July 29, 2021 at 2:15 p.m., Dept. 6. Barbara Lynn Keller, Ronald Keller and I (sister of Ronald Keller) appeared at the hearing via video conference call (Zoom). We were never called upon to speak.

We are aware that the next hearing is August 5, 2021, at 2:15 p.m. and we will be attending the hearing via Zoom.

The Keller's were not called to speak because their presence was not revealed to the court during the hearing - only Diana Mendonca appeared on camera.

This declaration was found in the court case file by Sharon Wolff - it had not been served despite Diana being advised by "my friend, an attorney..."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Diana Mendonca

(TYPE OR PRINT NAME)

*Diana Mendonca*  
 (SIGNATURE OF DECLARANT)

- Attorney for     Plaintiff     Petitioner     Defendant  
 Respondent     Other (Specify):



CHRIS JOHNSON HAMER  
ERIC V. KIRK  
JASON J. EADS  
JOSHUA KAUFMAN  
JEFFREY W. MONSELL

STOKES, HAMER, KIRK & EADS, LLP  
ATTORNEYS AT LAW  
A LIMITED LIABILITY PARTNERSHIP

AREA CODE 707

TELEPHONE  
822-1771

JOHN R. STOKES, DJ \*RETIRED

381 BAYSIDE ROAD, STE. A  
ARCATA, CALIFORNIA  
95521

FAX 822-1901

THOMAS D. ROWE (1949-2011)  
JOHN R. STOKES (1917-2001)  
DOROTHY L. STEEVES (1926-1998)

January 7, 2022

Via Certified Mail,  
Return Receipt Requested

Sharon Wolff  
3 Painter Street  
Rio Dell, CA 95562

Steve Wolff  
3 Painter Street  
Rio Dell, CA 95562

Truth is the defense and the elder financial fraud committed by having an Alzheimer's patient and a Dementia patient sign papers handing control of their person and estate to Roland Royce Mendonca, Jr. is clear - the documentation from the court record is posted and it will remain.

I look forward to reviewing each and every detail of the fraudulent paperwork in any action that may be brought - and it will be posted in its entirety as well.

**NOTICE TO CEASE AND DESIST**

This constitutes notice to you that you have been committing and continue to commit libel as to Royce Mendonca and Chris Johnson Hamer, and that if your libelous statements do not stop and are not retracted by January 11, 2022, a lawsuit will be filed against you for injunctive and monetary relief, including punitive damages.

Civil Code § 45 states as follows: "Libel is a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye, which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation."

You have published, and continue to publish, statements which are false and unprivileged, which expose Royce Mendonca and Chris Johnson Hamer to hatred, contempt, ridicule, or obloquy, and can cause them to be shunned or avoided, and which also have a tendency to injure both of them in their occupations. These publications have appeared and are continuing to appear, in the Rio Dell Times, in your letter and enclosures sent to John Chiv and various legislative members.

January 7, 2022


Page 2

If these publications are not removed and do not cease by 5:00 p.m. on Tuesday, January 11, 2022, suit will be filed against you.

Very truly yours,

STOKES, HAMER, KIRK & EADS, LLP

By:

  
Chris Johnson Hamer

CJH/ja  
cc: Clients  
Encls.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Chris Johnson Hamer (SBN 105752)</b>  <b>STOKES, HAMER, KIRK &amp; EADS, LLP</b>  <b>381 Bayside Road, Ste. A</b>  <b>Arcata, California 95521</b>          TELEPHONE NO: 707-822-1771 FAX NO. (Optional): 707-822-1901          E-MAIL ADDRESS (Optional): <b>chris@shkklaw.com</b>          ATTORNEY FOR (Name): <b>ROYCE MENDONCA, Petitioner</b></p>	<p style="text-align: right;"><b>FOR COURT USE ONLY</b></p> <p>You're going to love this one ! Read down</p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT</b>          STREET ADDRESS: <b>825 Fifth Street</b>          MAILING ADDRESS:          CITY AND ZIP CODE: <b>Eureka, CA 95501</b>          BRANCH NAME:</p>	<p>CASE NUMBER:  <b>PR2100162</b></p>
<p>TEMPORARY CONSERVATORSHIP OF          (Name): <b>BARBARA LYNN KELLER</b></p> <p style="text-align: right;"><b>CONSERVATEE</b></p>	<p>HEARING DATE: <b>09/02/2021</b></p>
<p><b>PETITION FOR APPOINTMENT OF TEMPORARY CONSERVATOR</b></p> <p><input checked="" type="checkbox"/> Person    <input checked="" type="checkbox"/> Estate    <input checked="" type="checkbox"/> Person and Estate</p>	<p>DEPT.: <b>2:15 p.m.</b>    TIME: <b>6</b></p>

1. Petitioner (name each):

requests that

- a. (Name): **ROYCE MENDONCA**    Legal name is **Roland Royce Mendonca, Jr.**  
 (Address and telephone number): **8320 Tail Race Drive, Roseville, CA 95747**  
**916-532-5913**  
 be appointed temporary conservator of the PERSON of the proposed conservatee and Letters issue upon qualification.
- b. (Name): **ROYCE MENDONCA**  
 (Address and telephone number): **8320 Tail Race Drive, Roseville, CA 95747**  
**916-532-5913**  
 be appointed temporary conservator of the ESTATE of the proposed conservatee and Letters issue upon qualification.
- c. (1)  bond not be required because petition is for a temporary conservatorship of the person only.  
 (2)  bond not be required for the reasons stated in attachment 1c.  
 (3)  \$ **193,170.54** bond be fixed. It will be furnished by an admitted surety insurer or as otherwise provided by law.  
 (Specify reasons in attachment 1c if the amount is different from maximum required by Probate Code section 2320 and Cal. Rules of Court, rule 7.207(c).)  
 (4)  \$                      in deposits in a blocked account be allowed. Receipts will be filed.  
 (Specify institution and location):
- d.  a request for an exception to notice of the hearing on this petition for good cause is filed with this petition.
- e.  the powers specified in Attachment 1e be granted in addition to the powers provided by law.
- f.  other orders be granted (specify in attachment 1f).

2. The proposed conservatee is (name): **BARBARA LYNN KELLER**  
 Current address: **7111 Wonner Way Citrus Heights, CA 95621**                      Current telephone no.: **916-730-9642**

3. The proposed conservatee requires a temporary conservator to  provide for temporary care, maintenance, and support  
 protect property from loss or injury    because (facts are  specified in attachment 3     as follows):

It is necessary to place the proposed conservatee in an appropriate facility in order to provide her with care. It is not possible to pay for the proposed conservatee's food, medicine, medical care, housing, etc., without Letters of Conservatorship.

Royce placed Barbara into an assisted care facility on 8/26/21 - the court had NOT granted him that authority - he is asking for authority here so he and his attorney are well aware that he did NOT have that authority on 8/26/21. GC-111

TEMPORARY CONSERVATORSHIP OF  
(Name): BARBARA LYNN KELLER

CASE NUMBER:  
PR2100162

CONSERVATEE

4. Temporary conservatorship is required

- a.  pending the hearing on the petition for appointment of a general conservator.  
b.  pending the appeal under Probate Code section 1301.  
c.  during the suspension of powers of the conservator.

5.  Character and estimated value of the property of the estate (complete if a temporary conservatorship of the estate or the person and estate is requested):

- |   |    |                   |
|---|----|-------------------|
| a. Personal property:   | \$ | 141,500.00        |
| b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits:    | \$ | 14,405.04         |
| c. Additional amount for cost of recovery on the bond, calculated as required under Cal. Rules of Court, rule 7.207(c): | \$ | <u>37,265.41</u>  |
| d. Total:   | \$ | <u>193,170.45</u> |

6.  Petitioner requests authority to change the proposed conservatee's residence during the temporary conservatorship

- a.  Petitioner proposes to change the residence of the proposed conservatee to (address):  
Sunrise of Carmichael, 5451 Fair Oaks Blvd., Carmichael, CA 95608,  
or another facility providing comparable care.

The proposed conservatee will suffer irreparable harm if his or her residence is not changed as requested and no means less restrictive of the proposed conservatee's liberty will suffice to prevent the harm because (reasons are  specified in attachment 6a  as follows):

She suffers from Alzheimer's Disease and requires placement in a locked perimeter memory unit. The facility in question is close to the proposed conservator's personal residence and the residence of the proposed conservatee's sister-in-law.

Royce and Attorney Hamer signed this form on 8/24/21 declaring that Barbara suffers from Alzheimer's - yet they had Barbara sign a legal nomination form drawn up by Royce's attorney on 8/25/21.

- b.  The proposed conservatee must be removed from the State of California to permit the performance of the following nonpsychiatric medical treatment essential to the proposed conservatee's physical survival. The proposed conservatee consents to this medical treatment. (Facts and place of treatment are  specified in attachment 6b  as follows):

7.  Petitioner is a professional fiduciary

- a. Petitioner holds license no. (specify): \_\_\_\_\_ from the Professional Fiduciaries Bureau of the Department of Consumer Affairs issued or last renewed on (specify later date of initial issuance or renewal): \_\_\_\_\_
- b. Petitioner was requested to file this petition by (name): \_\_\_\_\_
- c. The circumstances leading to petitioner's engagement to file this petition are described in attachment 7c.
- d. Petitioner had: (1)  No relationship to the proposed conservatee, his or her family, or his or her friends before engagement to file this petition.  
(2)  A relationship to the proposed conservatee, his or her family, or his or her friends before engagement to file this petition. That relationship is described in  attachment 7d.  the Petition for Appointment of Probate Conservator (form GC-310) filed with this petition or an attachment to that petition (specify attachment to general petition): \_\_\_\_\_

TEMPORARY CONSERVATORSHIP OF  
(Name): BARBARA LYNN KELLER

CASE NUMBER:  
PR2100162

CONSERVATEE

8. Petitioner's contact with persons named in *Petition for Appointment of Probate Conservator*

- a.  Petitioner is the proposed conservatee. (If this item is selected, go to item 9.)
- b.  Petitioner is not the proposed conservatee. All persons other than the proposed conservatee named in the *Petition for Appointment of Probate Conservator* filed with this petition:
- (1)  Have been found and contacted. All will be given notice of the hearing on this petition.
- (2)  Have not been found or have not been contacted. Efforts to find the persons who have not been found and the reasons why any person cannot be contacted are described in one or more declarations under penalty of perjury attached to this petition as attachment 8b. (Attachment 8b is not a request for a good cause exception to notice. See Prob. Code, § 2250(e) and rule 7.1062 of the Cal. Rules of Court.)
- c.  Petitioner is not the proposed conservatee. Facts showing the preferences of the proposed conservatee concerning the appointment of any temporary conservator, and the appointment of the temporary conservator proposed in this petition, or why it was not feasible to ascertain those preferences, are specified in one or more declarations attached to this petition as attachment 8c.

9. Petitioner is informed and believes that the proposed conservatee

- a.  will attend the hearing.
- b.  is able but unwilling to attend the hearing, does not wish to contest the establishment of a conservatorship, does not object to the proposed conservator, and does not prefer that another person act as conservator.
- c.  is unable to attend the hearing because of medical inability. An affidavit or certificate of a licensed medical practitioner or an accredited religious practitioner is affixed as attachment 9c.
- d.  is not the petitioner, is out of state, and will not attend the hearing.

10.  Filed with this petition is a proposed *Order Appointing Court Investigator* (form GC-330).

11. All attachments to this form are incorporated by this reference as though placed here in this form. There are 2 pages attached to this form.

STOKES, HAMER, KIRK & EADS, LLP

Date: August 24, 2021

\*(Signature of all petitioners also required (Prob. Code, § 1020).)\*

By

(SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 24, 2021

ROYCE MENDONCA

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Keep reading down - it just gets better

### Attachment 3 to Petition for Appointment of Temporary Conservator

The proposed conservatee needs to be placed in a locked perimeter facility and provided care as soon as possible. She suffers from memory loss and Alzheimer's Disease, is unable to care for herself or to handle her own financial affairs. It is necessary for the proposed conservator to begin managing her financial affairs, as well as paying for the facility in which she is to be housed and cared for, as soon as possible. and yet they had Barbara sign a "legal nomination" document the day AFTER they signed this.

In addition, the proposed conservatee's community property estate, owned with her husband, Ronald Keller, is at risk of loss. The proposed conservatee's daughter, Sharon Wolff, is petitioning for conservatorship of both Ronald's estate and the proposed conservatee's estate. Petitioner is informed and believes and thereon alleges that, because of the bad relationship between Sharon Wolff and Ronald Keller, Sharon Wolff will take and use the entire community property estate for the benefit of Barbara Keller and not for the benefit and care of Barbara's husband, Ronald.

Royce and his attorney have quite literally documented Ron's delusional thinking and submitted it to the court as if it was true - under penalty of perjury of course. Every professional who has had contact with Barbara and Ron has recognized the severity of Ron's delusions which are in no way based in reality. Ron's probable Parkinson's related dementia has become very pronounced and anyone who has had a loved one with this disease can tell you how scary it is to see your family member going through this.

The cognitive assessment done by Dr. Andrew Levine after meeting with Ron and Barbara in their home on 6/25/21 stated: "he (Ron) stated that his in-laws, Sharon and Shawna, were sneaking into the home at night to watch them sleep, and then bragging about it. He stated that he had the locks replaced. He stated that he and Barbara had barricaded the door with furniture prior to the locks being installed. He is worried that the in-laws will commit him and Barbara to a care facility."

"Mr. Keller demonstrated cognitive impairment across almost all domains evaluated. He appeared to be bradykinetic, which may be due to medications or perhaps an underlying neurological condition. His cognitive profile is suggestive of fronto-striatal dysfunction. Together, these results suggests a Parkinson's related disorder, or perhaps cerebrovascular pathology. Neurological consultation is recommended for further diagnostic clarification and to inform treatment options."

Ron enjoyed spending his 80th birthday at Sharon and Steve's home (Aug. 2020) as they hosted a "Pandemic Party" just to make sure that this special milestone in his life got the celebration it deserved despite everything else that had been taken from all of us from the pandemic. Ron had two full plates of Sharon's world-famous Swedish meatballs and she made sure to send them home with leftovers. Ron has enjoyed Sharon's cooking for years.

Royce and his attorney might know some of this stuff if they weren't complete and total STRANGERS!

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: Chris Johnson Hamer (SBN 105752) FIRM NAME: STOKES, HAMER, KIRK & EADS, LLP STREET ADDRESS: 381 Bayside Road, Ste. A CITY: Arcata STATE: CA ZIP CODE: 95521 TELEPHONE NO.: 707-822-1771 FAX NO.: 707-822-1901 E-MAIL ADDRESS: chris@shkklaw.com ATTORNEY FOR (name): ROYCE MENDONCA, Petitioner	<b>FOR COURT USE ONLY</b>  Be sure to read all the way down!  <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>FILED</b> </div> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>DEC 10 2021</b> </div> SUPERIOR COURT OF CALIFORNIA COUNTY OF HUMBOLDT  This copy was provided by the clerk's office from the court file on 1/7/22 - no service provided to Barbara's family
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: 825 Fifth Street MAILING ADDRESS: CITY AND ZIP CODE: Eureka, California 95501 BRANCH NAME:	CASE NUMBER: PR2100162
CONSERVATORSHIP OF (name): BARBARA LYNN KELLER <div style="text-align: right;">CONSERVATEE</div>	
ORDER APPOINTING <input type="checkbox"/> SUCCESSOR PROBATE CONSERVATOR OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE <input type="checkbox"/> Limited Conservatorship	
<b>WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.</b>	

1. The petition for appointment of  successor conservator came on for hearing as follows  
 (check boxes c, d, e, and f or g to indicate personal presence):
- a. Judicial officer (name):
- b. Hearing date: 09/02/2021 Time: 2:15 pm  Dept.: 6  Room:
- c.  Petitioner (name): ROYCE MENDONCA
- d.  Attorney for petitioner (name): CHRIS JOHNSON HAMER of STOKES, HAMER, KIRK & EADS, LLP
- e.  Attorney for  person cited  the conservatee on petition to appoint successor conservator:  
 (Name): (Telephone):  
 (Address):
- f.  Person cited was  present.  unable to attend.  able but unwilling to attend.  out of state.
- g.  The conservatee on petition to appoint successor conservator was  present.  not present.

**THE COURT FINDS**

2. All notices required by law have been given.
3. Granting the conservatorship is the least restrictive alternative needed for the protection of the conservatee.
4. (Name): BARBARA LYNN KELLER
- a.  is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter.
- b.  is substantially unable to manage his or her financial resources or to resist fraud or undue influence.
- c.  has voluntarily requested appointment of a conservator and good cause has been shown for the appointment.
5. The conservatee
- a.  is an adult.
- b.  will be an adult on the effective date of this order.
- c.  is a married minor.
- d.  is a minor whose marriage has been dissolved.
6.  There is no form of medical treatment for which the conservatee has the capacity to give an informed consent.  
 The conservatee is an adherent of a religion defined in Probate Code section 2355(b).
7.  Granting the  successor conservator powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and in the best interest of the conservatorship estate.
8.  The conservatee cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process.

Do NOT use this form for a temporary conservatorship.



This is a lie! The judge never appointed counsel for Barbara GC-340

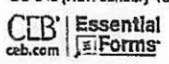
CONSERVATORSHIP OF (name): BARBARA LYNN KELLER	CASE NUMBER: despite the court PR2100162investigators recommendation
CONSERVATEE	

9.  The conservatee has dementia as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders specified in item 28.
10.  Attorney (name): HUMBOLDT COUNTY PUBLIC DEFENDER has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$ \_\_\_\_\_ Isn't a judge supposed to check the accuracy of the orders before signing?
- The conservatee has the ability to pay  all  none  a portion of this sum (specify): \$ \_\_\_\_\_
11.  The conservatee need not attend the hearing.
12.  The appointed court investigator is (name): SAMANTHA WAHL, Quest Court Investigations Investigator recommended approving Sharon Wolff's petition - not Royce's!  
(Address and telephone): (916) 551-1799 Ex. 102 s.wahl@courtinvestigations.com
13.  (For limited conservatorship only) The limited conservatee is developmentally disabled as defined in Probate Code section 1420.
14.  The  successor conservator is a professional fiduciary as defined by Business and Professions Code section 6501(f).
15.  The  successor conservator holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.  
License no.: \_\_\_\_\_ Issuance or last renewal date: \_\_\_\_\_ Expiration date: \_\_\_\_\_
16. (Either a, b, or c must be checked):  
 a.  The  successor conservator is not the spouse of the conservatee.  
 b.  The  successor conservator is the spouse of the conservatee and is not a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.  
 c.  The  successor conservator is the spouse of the conservatee and is a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage. It is in the best interest of the conservatee to appoint the spouse as  successor conservator.
17. (Either a, b, or c must be checked):  
 a.  The  successor conservator is not the domestic partner or former domestic partner of the conservatee.  
 b.  The  successor conservator is the domestic partner of the conservatee and has neither terminated nor intends to terminate their domestic partnership.  
 c.  The  successor conservator is the domestic partner or former domestic partner of the conservatee and intends to terminate or has terminated their domestic partnership. It is in the best interest of the conservatee to appoint the domestic partner or former domestic partner as  successor conservator.

THE COURT ORDERS

18. a. (Name): ROYCE MENDONCA (Telephone): 916-532-5913  
(Address): 8320 Tail Race Drive Roseville, CA 95747 Wouldn't this need to be under his legal name? Roland Royce Mendonca, Jr.
- is appointed  successor  conservator  limited conservator of the PERSON of (name): BARBARA LYNN KELLER and Letters of Conservatorship shall issue upon qualification.
- b. (Name): ROYCE MENDONCA (Telephone): 916-532-5913  
(Address): 8320 Tail Race Drive Roseville, CA 95747
- is appointed  successor  conservator  limited conservator of the ESTATE of (name): BARBARA LYNN KELLER and Letters of Conservatorship shall issue upon qualification.
19.  The conservatee need not attend the hearing.
20. a.  Bond is not required.  
 b.  Bond is fixed at: \$ 193,170.54 to be furnished by an authorized surety company or as otherwise provided by law.  
 c.  Deposits of: \$ \_\_\_\_\_ are ordered to be placed in a blocked account at (specify institution and location): \_\_\_\_\_

and receipts shall be filed. No withdrawals shall be made without a court order.  
 Additional orders in attachment 20c.





CONSERVATORSHIP OF (name): BARBARA LYNN KELLER	CASE NUMBER: PR2100162
CONSERVATEE	

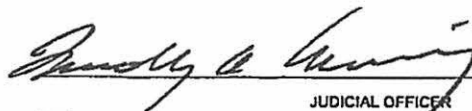
20. (cont.)  
 d.  The  successor conservator is not authorized to take possession of money or any other property without a specific court order.
21.  For legal services rendered,  conservatee  conservatee's estate shall pay the sum of: \$  
 to (name):  
 forthwith  as follows (specify terms, including any combination of payors):

Keep going...

Continued in attachment 21.

22.  The conservatee is disqualified from voting.
23.  The conservatee lacks the capacity to give informed consent for medical treatment and the  successor conservator of the person is granted the powers specified in Probate Code section 2355.  
 The treatment shall be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).
24.  The  successor conservator of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in attachment 24  subject to the conditions provided.
25.  Orders relating to the capacity of the conservatee under Probate Code sections 1873 or 1901 as specified in attachment 25 are granted.
26.  Orders relating to the powers and duties of the  successor conservator of the person under Probate Code sections 2351-2358 as specified in attachment 26 are granted. (Do not include orders under Probate Code section 2356.5 relating to dementia.)
27.  Orders relating to the conditions imposed under Probate Code section 2402 on the  successor conservator of the estate as specified in attachment 27 are granted.
28.  a.  The  successor conservator of the person is granted authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).  
 b.  The  successor conservator of the person is granted authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).
29.  Other orders as specified in attachment 29 are granted.
30.  The probate referee appointed is (name and address): Roland Royce Mendonca, Jr. placed Barbara into an assisted living facility on 8/26/21 despite not having any legal authority to place or to encumber the estate until this order date of 12/10/21.
31.  (For limited conservatorship only) Orders relating to the powers and duties of the  successor limited conservator of the person under Probate Code section 2351.5 as specified in attachment 31 are granted.
32.  (For limited conservatorship only) Orders relating to the powers and duties of the  successor limited conservator of the estate under Probate Code section 1830(b) as specified in attachment 32 are granted.
33.  (For limited conservatorship only) Orders limiting the civil and legal rights of the limited conservatee as specified in attachment 33 are granted.
34.  This order is effective on the  date signed  date minor attains majority (specify):
35. Number of boxes checked in items 18-34: 10
36. Number of pages attached: 1

Date: 12/10/2021



JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

One more page below...

**ATTACHMENT 24 to Order Appointing Probate Conservator**

**Probate Code Section 2591:**

**(c) (2) The power to sell at public or private sale the personal residence of the conservatee described in Section 2591.5 without confirmation of the court of the sale, subject to the requirements of Sections 2352.5, 2540, 2541 and 2541.5.**

**(l) The power to let or lease the personal residence of the conservatee, including the power to extend, renew or modify the lease.**

The previously unknown nephew of Barbara's 5th husband has been given the authority to sell the Keller's home OR lease it out by the Humboldt County Superior Court.

Selling the Keller's home in Fortuna is absolutely required in order to provide for their extensive long-term care needs. No question about it.

How would the Keller's best financial interests be served by becoming landlords (during a pandemic mind you) at this stage of their care needs? It doesn't. So who's needs does that serve?

one more thing...

The previously unknown nephew of Barbara's 5th husband is required to complete an inventory of everything in her Fortuna home within 90 days of the order which was 12/10/21. This stranger has never set foot into any home the Keller's have ever lived in since they have been married - let alone their current home. He will be rifling through all of my mom's personal belongings looking for stuff of value - anything that doesn't have enough financial value can be tossed like yesterday's garbage without court approval.

My mom's home is filled with mementos and family heirlooms from generations of Bareuther's that are irreplaceable and they have no financial value - they are priceless to family. For example, the Hummel statue that Mom has had for all of my life. Maybe the little boy with the umbrella statue had some value in the past but the crack in the leg where it was repaired with superglue makes it worthless. That crack is what makes it priceless to me. My brother and I were up to our usual shenanigans while Mom was at work when we lived in Reno. I will just say that there is nothing that brings siblings together faster than having to cover their tracks from breaking a statue that Mom loved.

and again, none of this matters to the Humboldt County Superior Court who never even bothered to appoint counsel for Mom or Ron despite their having requested it back in July.

If they had counsel appointed, perhaps the court might have paid attention and read the documentation. Or perhaps their counsel, if they had one, might have also objected to having a diagnosed Alzheimer's patient sign a legal nomination form like the one Attorney Hamer created and secured Mom's signature on.

This is the narrative portion of the original petition for conservatorship that I filed on 6/21/21. This spells out why a conservatorship was necessary in the first place and the supporting documentation is attached. The previously unknown nephew of Barbara's 5th husband and his attorney continue to deny - by ignoring entirely - every fact and document provided. I have no idea why - it makes no sense to anyone else.

### **GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

**Conservatorship of Keller, Barbara Lynn**

**Case Number:**

*The following facts support the petitioner's allegation that the proposed conservatee is substantially unable to manage his or her financial resources or to resist fraud or undue influence:*

Ronald and Barbara Keller's financial assets are held in a Revokable Living Trust, created in 2017 (attachment 5c(2)a). The Keller's chose to name Barbara's biological children, Timothy Craig Jenkins and Sharon Louise Wolff, as co-trustee's. The Keller 2017 Trust includes provisions for the incapacity of a trustee (The Keller 2017 Trust 2.E.(7); 6.C.).

Ronald and Barbara Keller chose to name Sharon L. Wolff and Timothy C. Jenkins as executors of their estate on April 17<sup>th</sup>, 2003 (attachments 5c(2)b and 5c(2)c).

Unfortunately, Ron's increasing mental instability and paranoia is coupled with Barbara's severe memory loss which has now resulted in their belief that the trusted family members that have been at their side for years now are out to get them. This paranoia is resulting in their attempts to dump their house in order to flee an unknown antagonist with no plan in place for their ongoing care – exactly as they did in 2017 during an initial episode of instability.

The following is a summary of recent key dates/events to demonstrate capacity but it is only a snapshot of events that have brought forward the need for this petition. Petitioner can provide additional information spanning years of increasing deterioration if needed by this court.

**2/9/21** Ron and Barbara forgot to pay their Suddenlink account for two months and services were shut off – they have bundled services so no phone, internet or TV. They didn't know why they had no services (attachment 5c(2)d – email was received after their services were restored). Sharon only discovered they had no services by chance (attachment 5c(2)e) and she helped the Keller's pay the outstanding bill over the phone in order to restore services.

**Prior to 3/16/21**

Barbara and Ron shop online at Amazon and Safeway (delivery) however they continue to make strange purchases that they deny making. Barbara makes lists of things needed and then places an order, forgetting that she just placed a different order, repeatedly. Barbara and Ron have explained the strange purchases they receive as the stores must be trying to get rid of stock so that is why they sent 6 cans of whipping cream and five packs of ground turkey...as

**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

**Conservatorship of Keller, Ronald & Barbara**

**Case Number:**

just one example. There is absolutely no recognition of the fact that neither one can remember what they just did a minute or two prior.

In the first half of March, 2021, Barbara and Ron saw a strange purchase on their Amazon account for some kind of Xbox game card that they may have ordered (thinking it was for their grandkids who are now adults) or it may have been an unauthorized purchase. Barbara called Amazon and spoke to someone who was able to reverse the charge and cancel the order. Barbara wrote herself numerous notes about this Amazon charge and each time she saw a note, she couldn't remember that it had been taken care of. For a number of days, Barbara and Ron called Sharon to first complain that someone made some purchase on their account which later evolved to someone is stealing from them which evolved to their grandson's wife (who they only met once years ago) must have been the one to steal from them. During a visit, Ron insisted to Sharon and Shauna (granddaughter) that they needed to file a police report against Keira (wife of grandson) for stealing from them. Sharon repeatedly tried to assure them that no one we know of is stealing from them, it might have just been an unauthorized purchase by some crook – who knows. Barbara kept writing herself notes about Amazon that kept bringing it back up to Ron and Barbara and fed into their evolving paranoia of someone stealing from them.

During this timeframe, Barbara and Ron began hiding their laptop computer so that the unknown crooks couldn't steal from them. They would unplug the laptop and hide it around the house and then forget where they hid it. Barbara also began hiding her purse around the house for the same reason – and forgetting where she hid it. Ron and Barbara explained to Sharon that they hid it so someone couldn't look in their windows and steal their stuff. Sharon asked who is looking in their windows and neither one had an answer.

**3/16/21 Barbara called Sharon and was confused about how to send an international wire transfer to Hong Kong. Barbara said a person from Wells Fargo had called them and said something about needing to send them \$17,400. Sharon told Barbara to stop talking to the "Wells Fargo" person and that she would come over immediately to figure out what was going on. Sharon emailed her supervisor that she had to take time off immediately (attachment 5c(2)f) and she went to the Keller's home. Barbara showed Sharon the notes that she had taken while both Ron and Barbara were on the phone with the person claiming to be from their bank (attachment 5c(2)g). *It should be noted that the only reason why Ron and Barbara Keller didn't send \$17,400 to***

**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

Conservatorship of Keller, Ronald & Barbara

Case Number:

*scammers was because they don't have the capacity to figure out how to send an international wire transfer. They only asked Sharon for assistance on how to send the money – that is the only reason that Sharon found out about this attempted scam in time.*

Sharon tried to assist Barbara and Ron to log into their Wells Fargo bank account in order to verify that no funds had been messed with. The laptop had been password protected for the log-in screen – *it is presumed that Barbara and Ron may have done this while on the call with the scammers but they don't remember.* None of the usual passwords that Barbara and Ron use routinely worked – they were locked out of their laptop completely.

Sharon then assisted Barbara and Ron to call Wells Fargo directly and inquire as to the phone call and the status of their bank account. It was difficult for Sharon to assist as Barbara and Ron had to give verbal permission repeatedly and remain on the phone but couldn't remember from one minute to the next why they were on the phone with the bank. Confirmed to Barbara and Ron that no one from Wells Fargo called them – it was a scam. Also confirmed that no funds were transferred and their bank account appeared to be untouched at that time.

Sharon spoke to both Barbara and Ron about the problem just experienced with trying to assist them without having access to their account. Ron and Barbara both agreed that adding Sharon to their account would be helpful going forward. Sharon made an appointment with Fortuna Wells Fargo Bank Manager Michael Alvarado (707-725-2799).

3/31/21 Sharon picked up Ron and Barbara for their appointment with Wells Fargo Bank Manager Michael Alvarado to add Sharon to the account. They both spoke with Alvarado and clearly were in agreement to add Sharon to their account. Unfortunately, it was discovered that both had let their driver's licenses expire so they had no legal identification (Wells Fargo could exempt an expired ID if it had expired during the pandemic but theirs had expired two years ago). Alvarado was very helpful and understanding of the situation but unable to complete the transaction due to no legal identification for Ron and Barbara.

4/1/21 Barbara had a previously scheduled doctor's appointment set for this date and Sharon had already taken time off work for that. It was agreed that Sharon would pick up Ron and Barbara and take them to the Eureka DMV at the Bayshore Mall in order to get Senior ID cards prior to the doctor's appt.

**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

Conservatorship of Keller, Ronald & Barbara

Case Number:

Sharon had confirmed with Barbara and Ron (via phone) the day before and the morning of the appointment as Sharon was coming to drive them to the appointments. Sharon arrived at the house and there was no answer at the door despite repeated loud knocking. Sharon tried calling them repeatedly while standing on the porch and there was no answer. Sharon used the house key given to her by Ron and Barbara to open the door and began loudly calling out for "Mom!" Ron and Barbara had been napping and didn't hear the door or phone. Sharon noted that they had pushed a large storage footstool in front of their bedroom door with the door cracked slightly open. Sharon asked them why the furniture was blocking the door and they said something about doing it because of the cat.

Sharon took Barbara and Ron to the DMV and assisted in getting their Senior ID card applications completed.

Sharon took Barbara to her doctor's appointment with Danielle Cole, FNP at Fortuna Open Door and Ron accompanied. Sharon had spoken privately with Cole just prior to her seeing Barbara and she showed the note Barbara and Ron had written about the bank transfer as well as having their Suddenlink phone and internet services shutoff when they forgot to pay the bill for two months.

Cole met with Barbara and Ron privately. Afterwards, she spoke with Barbara, Ron and Sharon to confirm that she noted cognitive decline with Barbara and she recommended further testing to determine if there was a cause that could be treated to improve quality of life. Cole also asked that Barbara return for a blood draw (the lab was closed at this time) which she needed to monitor thyroid, cholesterol, etc.

After returning to the Keller's home, Sharon looked at the kitchen table/desk area to see if there was any contact information that could be found for Ron's sister Diane who he reportedly had used to be close to. Sharon wanted to contact Ron's family to advise them of the situation and ask for their help and support. No one from Barbara's side of the family had ever met Diane or even knew her last name so she could be looked up. The pages from Barbara's longtime address book have been removed – only a few pages were left in the book. It is unknown who took the pages out or why. Sharon began searching online for Ron's family and discovered that the stories given over the years about Ron were lies – it is unknown why.

Early to Mid-April

**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

**Conservatorship of Keller, Ronald & Barbara**

**Case Number:**

Barbara and Ron have been locked out of their laptop computer since they password protected it and forgot the password around March 16<sup>th</sup>. They don't recall that the laptop is locked and each time they try to use it and can't log in, they call Sharon to inquire why. Eventually, Sharon agrees to take the laptop home with her to look into restoring the computer.

Barbara called Sharon and asked her to return their house key and laptop computer (approx. 3 days after Sharon had taken it home). Sharon asked why they wanted the key back since it was a good idea for safety to have an extra key with family. Barbara didn't say why she was asking for the key to be returned. Sharon said it wasn't a good idea for her to not have a key. Barbara whispered to Ron, "she's not going to give it back!" Ron grabbed the phone and demanded the key back immediately! No reason was given.

Sharon drove over to the Keller's and returned the laptop computer and house key that Ron had given her specifically – with a yellow smiley face holder.

**4/18/21** Sharon visited Barbara and Ron and noticed the side table near the front door had been slid to block the front door. It had to be moved in order to open the door and let Sharon inside. There was no explanation for why it was in front of the door at that time.

Sharon asked if the Senior ID's had come from the DMV yet when she was over on Sunday visiting. Both cards had arrived. Sharon confirmed with Ron and Barbara that she would make another appointment with the Fortuna Wells Fargo Bank Manager in order to complete the paperwork to add Sharon to the account. They both agreed.

**4/19/21** Another appointment with the Bank Manager was made for the next afternoon. Sharon called Barbara and Ron to confirm the day and time. It was decided that Sharon would also take Barbara to get her blood draw done at Open Door first as she had to take time off work anyway.

**4/20/21** Sharon called Barbara and Ron to confirm that she was going to be headed over to pick them up for the pre-arranged appointments. Barbara said they were eating lunch at the time and watching movies. Sharon said that was fine since she still had to get gas and do another errand on her way over. Barbara called back a couple of minutes later and declared that they didn't want to go today – they were watching movies and didn't want to do it. Sharon tried to explain that there was an appointment already set with the bank manager, the blood work that was needed and the fact that Sharon is working full-time and

**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

**Conservatorship of Keller, Ronald & Barbara**

**Case Number:**

having to take time off work to help get these things done. Barbara said "we're not going!" and hung up the phone.

After a little time to do errands, Sharon went to the Keller's house to find out what was up. Ron and Barbara both said they didn't want to go outside today and they weren't going anywhere. Sharon tried again to explain why it was important to finish the business with the bank as well as get Barbara's lab work done – Barbara's prescription couldn't be renewed until that lab work was done and she was out of her medication. They both started yelling at Sharon to "get out of our house", "we don't need your help", "we're fine"... Ron grabbed Sharon by the sweater and tried to physically push her out the front door. Ron then said he was going to get the police and he stormed out the front door and headed off somewhere. Barbara then grabbed Sharon's arm and tried to pull her towards the door. Ron came back into the house and Barbara said she was going to call the police on her daughter, which she did.

Fortuna Police Officer Stevens responded (attachment 5c(2)h). Barbara met him outside and declared that "there is a crazy lady in my house and she won't leave!" The officer was very professional and polite and it was readily apparent that he was dealing with diminished capacity on the part of Ron and Barbara Keller. An email summary of the incident was written by Sharon to Barbara's relative's apprising them of the events (attachment 5c(2)i). Sharon showed the officer the note re. Hong Kong bank transfer attempt as well as Barbara's prescription bottle that said "no refills" until her lab work was done. Barbara confirmed to the officer that the note was in her handwriting but she had no idea what it was. Ron and Barbara declared they could take care of themselves but had no idea how to get to the doctor's appointment or the bank. The officer was very patient and he explained how important it was to go to that bank appointment and let Sharon help them since there are a lot of scams going around and they obviously almost fell for a big one. The officer was able to eventually get them to agree to go to the appointments and he even offered to drive along behind to make sure they got to their doctor's office ok. With that, they agreed to let Sharon drive them to the doctor's office for the lab work.

After the lab draw was complete, Sharon took Ron and Barbara to get some food and have lunch over near Newburg Park while they waited for their afternoon appointment with the bank manager.

Sharon took Ron and Barbara to Safeway in Fortuna which is where the Wells Fargo branch is located. Ron and Sharon did some grocery shopping for things they needed and Barbara sat outside in the car since she didn't want to walk



**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

**Conservatorship of Keller, Ronald & Barbara**

**Case Number:**

around the store. At the appointment time, Barbara and Ron waited just a few minutes for the bank manager but during that time Barbara forgot why they were there again. Barbara declared she didn't know anything about why she was there and they weren't going to sign anything they hadn't talked about. Barbara then bolted for the door. Sharon asked Barbara and Ron if they at least wanted the bank to look up their account and make sure nothing out of the ordinary was there since they couldn't log in and check it themselves (still locked out of their laptop). The manager came out to greet them but they weren't interested in checking on their account while at the bank. The bank manager gave them both his card in case they had questions or concerns.

Sharon drove them both home at that point. The support system that has been in place for a number of years has now been blocked and there is no one else in the area who could assist.

**4/23/21** Sharon received a call from Coldwell Banker Realtor Tina Christensen-Kable who had been contacted by Ron and Barbara Keller to immediately sell their house (attachment 5c(2)j). Tina had met with Ron and Barbara in their home and was very concerned as their capacity issue was readily apparent. Tina asked Ron and Barbara what their plan was after selling the house and they didn't have a plan. They asked Tina if she could drive them to the airport so they could escape. They told Tina that they were going to Barbara's sons house and will figure it out from there. They were both very confused about the situation and they said something about "Shari is blocking us from selling" so Tina asked if she could talk to Shari about it and that is how she got Sharon's contact information.

Barbara continues to call Tina each Thursday as Barbara wrote a note about an appointment with a realtor on Thursday (attachment 5c(2)k) – there are no dates on the notes that Barbara writes so she believes it is current information each time she sees the note.

**4/28/21** Report filed with Adult Protection Services re. Ron & Barbara Keller.

## THE KELLER 2017 TRUST

THIS TRUST AGREEMENT is entered into by RONALD W. KELLER and BARBARA L. KELLER, as Trustors, and RONALD W. KELLER, BARBARA L. KELLER, TIMOTHY C. JENKINS and SHARON L. WOLFF as co-Trustees. For all purposes hereunder, the words "we," "us," "our," "their," and similar pronouns, shall refer to Trustors, RONALD W. KELLER and BARBARA L. KELLER, and shall be construed as the possessive when the context would so indicate.

### ARTICLE I

#### RECITALS AND CONVEYANCE

WHEREAS, we desire to establish a trust of which, during our lifetimes and the lifetime of the survivor of us, we are the exclusive recipients of the economic benefits;

WHEREAS, this trust shall be initially funded with the assets described in the attached Schedule "A" entitled "INITIAL TRUST FUNDING"; these assets and any assets later added to the trust shall be known as the "trust fund" and shall be held, administered and distributed as provided in this document and any subsequent amendments to this document;

NOW, THEREFORE, the Trustee acknowledges receipt of the trust fund and shall hold the same in trust under the following terms, conditions and provisions:

### ARTICLE II

#### DECLARATIONS

2.A. Name. This trust shall be known as THE KELLER 2017 TRUST.

2.B. Family. We, RONALD W. KELLER and BARBARA L. KELLER, sometimes hereinafter referred to as husband and/or wife, are married. We have no children of this marriage now living or deceased.

Ronald has two children now living; namely, SCOTT DILLER and ROBERT DILLER.

Barbara has two children now living; namely, TIMOTHY C. JENKINS and SHARON L. WOLFF.

We have intentionally, and not as a result of any mistake or inadvertence, omitted in this Trust Agreement to provide for any other children of either of us and/or the issue of such child, if

any, however defined by law, presently living. Any child or children of ours born after the date of this Trust Agreement shall be treated as though they were named in this Paragraph.

**2.C. Signature Authority**

- (1) While co-Trustees are acting, TIMOTHY C. JENKINS or SHARON L. WOLFF may conduct business with respect to property and/or assets held or owned by the Trust with only one of their signatures required. Any third party dealing with the Trust may rely upon this singular authority without any further evidence. Any Trust asset may be titled to reflect this authority, including the designation "and/or".
- (2) While co-Trustees are acting, RONALD W. KELLER and BARBARA L. KELLER may only conduct business with respect to property and/or assets held or owned by the Trust with the signature of TIMOTHY C. JENKINS or SHARON L. WOLFF in addition to both of their own signatures.
- (3) If RONALD W. KELLER or BARBARA L. KELLER ceases to act for any reason, the other co-Trustees shall continue to act. If both RONALD W. KELLER and BARBARA L. KELLER have ceased to act for any reason TIMOTHY C. JENKINS and SHARON L. WOLFF shall continue to act as co-Trustees. If either of the remaining co-Trustees ceases to act for any reason, the remaining Trustee shall continue to act alone.

**2.D. Trust Fund.**

(1) All property now or hereafter subject to the terms hereof shall be deemed to be our community and/or quasi-community property and the proceeds thereof shall continue to retain its character as community and/or quasi-community property during our joint lifetimes (also hereinafter called the "community estate"). It is our intention that the Trustee shall have no more extensive power over the community estate than either of us would have had under California law then in effect which govern the management of community property had this Trust Agreement not been created, and this Trust Agreement shall be interpreted to achieve this intention. This limitation shall terminate on the death of either of us.

(2) We, and/or any other person, may add to the principal of the trust by deed, will, or otherwise.

**2.E. Definitions.** For any interpretation of this Trust Agreement, the following definitions shall apply:

(1) *Beneficiary.* The term "beneficiary" or "beneficiaries" shall mean any person and/or entity then eligible to receive current income or whose right to receive assets from the trust is currently vested;

(2) *Cease to Act.* The phrase "cease to act" shall mean the resignation, death, incapacity or disappearance of a Trustee;

(3) *Code.* Any reference to the "Code" shall refer to the Internal Revenue Code of 1986, as amended, and to any regulations pertaining to the referenced sections;

(4) *Descendants.* The term "descendants" shall include a person's lineal descendants of all generations;

(5) *Disappearance.* The term "disappearance" shall mean the individual's whereabouts remain unknown for a period of sixty (60) days. If any beneficiary (including either of us) is not seen or heard of for a period of one year and no physical remains or body has been recovered, it shall be presumed that such beneficiary is not alive;

(6) *Education.* As used in this Trust Agreement, the term "education" or "educational purposes" shall include any course of study or instruction which may, in the Trustee's discretion, be useful in preparing a beneficiary for any vocation consistent with such beneficiary's abilities and interests. Distributions for education may include tuition, fees, books, supplies, living expenses, travel and spending money to the extent that they are reasonable and necessary, again in the Trustee's absolute discretion;

**(7) Incapacity:**

(a) In the case of a question or dispute, incapacitation of a Trustee (whether such Trustee shall be either of us or a successor) shall be evidenced by written certification of two (2) physicians that the individual is unable to effectively manage his or her own property or financial affairs, whether as a result of age, illness, use of prescription medications, drugs or other substances, or any other cause;

(b) If there is no question or dispute, incapacitation of a Trustee shall be established by the written declaration of only one doctor;

(c) An individual shall be deemed incapacitated if a court of competent jurisdiction has declared the individual to be incompetent or legally incapacitated. If an individual fails to grant the court making such determination valid authorization to disclose such individual's protected health information under any applicable federal and/or state statute, or if such individual subsequently revokes such authority, the individual shall be deemed incapacitated; and,

(d) An individual shall be deemed restored to capacity whenever the individual's personal or attending physician provides a written opinion that the individual is able to effectively manage his or her own property and financial affairs and such individual shall then resume the position of Trustee or co-Trustee held immediately prior to the incapacitation;

(8) *Issue.* The term "issue" shall refer to lineal descendants of all degrees and shall include adopted persons; provided however, that such term shall refer only to the issue of lawful marriages and to children born outside of a lawful marriage only if a parent/child

relationship (as determined under California law) existed between such child and his or her parent, living or deceased, who was a beneficiary hereunder. A child in gestation which is later born alive and survives for thirty (30) days shall be considered as issue in being throughout the period of gestation;

(9) *Legal Representative or Personal Representative.* As used in this Trust Agreement, the term "legal representative" or "personal representative" shall mean a person's guardian, conservator, executor, administrator, trustee, or any other person or entity personally representing a person or the person's estate;

(10) *Principal and Income.* The determination by the Trustee in all matters as to what shall constitute principal of the trust, gross income therefrom and distributable net income under the terms of the trust shall be governed by the provisions of the Principal and Income Act of the State of California, except as to any of such matters as may otherwise be provided for in this instrument. In the event and to the extent that any of such matters relating to what constitutes principal or income of the trust and in the allocation of receipts and disbursements between these accounts is not provided for either in this Trust Agreement or in such Principal and Income Act, the Trustee has full power and authority to determine such matters;

(11) *Pronouns and Gender.* In this Trust Agreement, the feminine, masculine or neuter gender, and the singular or plural number, shall be deemed to include the others whenever the context so indicates;

(12) *Qualified Beneficiary.* The term "Qualified Beneficiary" shall mean any person and/or entity then eligible to receive current income or whose right to receive assets from the trust is currently vested as well as those who could receive distributions after termination of the interests of current beneficiaries;

(13) *Request in Writing.* When either of us is acting as the Trustee or as a co-Trustee, the requirement of a writing to be signed by either of us as a Trustor and/or a beneficiary and delivered to either of us as the Trustee shall be waived;

(14) *Right of Representation.* Whenever a distribution is to be made by "right of representation" or "per stirpes," the assets are to be divided into as many shares as there are then-living children and deceased children who left living descendants. Each living child shall receive one share and each deceased child's share shall be divided among such deceased child's then-living descendants in the same manner;

(15) *Shall or May.* Unless otherwise specifically provided in this agreement or by the context in which used, we use the word "shall" in this Trust Agreement to command, direct or require, and the word "may" to allow or permit, but not require. In the context of the Trustee, when we use the word "may" we intend that the Trustee may act in the Trustee's sole and absolute discretion unless otherwise stated in this Trust Agreement;

(16) *Trustee.* Any reference to "Trustee" shall be deemed to refer to whichever individual, individuals (including either of us) or corporation shall then be acting as the Trustee; and,

(17) *Trustor*. The term "Trustor" has the same legal meaning as "Grantor," "Settlor," "Trustmaker," or any other term referring to the maker of a trust.

**2.F. Governing Law.** This Trust Agreement is intended to create a California trust and all of the terms and provisions hereof shall be interpreted according to the California Trust Code (Division 9 of the California Probate Code beginning with §15000), except as shall be specifically modified herein. Nevertheless, the Trustee may change the situs of administration of the trust from one jurisdiction to another, thereby allowing this trust to be regulated and governed by the laws of another jurisdiction. Such action may be taken for any purpose the Trustee deems appropriate including minimization of taxes.

**2.G. Restrictions.** The interest of any beneficiary (whether entitled to current income or possessing only a future interest) in either the income or principal of the trust or any part of it shall not be alienated or in any other manner assigned or transferred by such beneficiary; and such interest shall be exempt from execution, attachment and other legal process which may be instituted by or on behalf of any creditor or assignee of such beneficiary; nor shall any part of such interest be liable for the debts or obligations (including spousal and/or child support, except as required under California law) of any such beneficiary. This paragraph is intended to impose a "Spendthrift Trust" on all interests held for any beneficiary. The rights of beneficiaries to withdraw trust property are personal and may not be exercised by a legal representative, attorney-in-fact, or others. **IT IS OUR INTENT THAT THE PRECEDING SPENDTHRIFT CLAUSE AND THE PROTECTIONS IT PROVIDES BE CONSIDERED A MATERIAL PURPOSE OF THIS TRUST AND ANY SUBSEQUENT TRUST CREATED HEREUNDER.**

**2.H. Maximum Duration of Trusts.** Regardless of any other provision herein, the maximum duration for any trust created hereunder is the longest period that property may be held in trust under the applicable statutes of the state then governing the situs of administration of the trust. If, under those rules, such maximum duration of a trust must be determined (or alternatively determined) with reference to the death of the last survivor of a group of individuals alive upon the death of the survivor of us, or at such other time that the application of such rules limiting the duration of a trust is deemed to begin, those individuals shall consist of all beneficiaries (including future and/or contingent) of this trust (as hereinafter named) alive at the death of the survivor of us. Any trust created hereunder must end immediately prior to such maximum duration and, thereupon, the Trustee shall pay over the principal, free from such trust, to the person or persons then entitled to receive the net income.

**2.I. No-Contest Provision.** Pursuant to §21310, *et seq.*, of the California Probate Code, in the event any beneficiary under this trust shall, singly or in conjunction with any other person or persons, undertake any of the following actions then the right of that person to take any interest given him or her by this Trust Agreement shall be determined as it would have been determined had the person predeceased the survivor of us without being survived by issue:

- (1) Contests in any court the validity of this Trust Agreement and/or of the last Will of either of us ;
- (2) Seeks to obtain adjudication in any proceeding in any court that this Trust Agreement, or any of its provisions, and/or that the last Will, or any provisions therein, of

either of us is void, except to the extent permitted by §21380 of the California Probate Code;

(3) Seeks otherwise to set aside this Trust Agreement or any of its dispositive provisions;

(4) Seeks to obtain adjudication in any proceeding in any court challenging the transfer of any property to or from this trust on the grounds that such property was not ours at the time of the transfer or at the time of our death; and/or,

(5) Files a creditor's claim against the estate of either of us or prosecutes an action against either of our estates or this trust for any claim for damages or services alleged to have been incurred during the lifetime of either of us (this subparagraph shall not apply to a creditor's claim filed by a beneficiary solely for reimbursement of administrative costs, expenses, funds advanced in the preservation of the estate of either of us or for sums advanced for the payment of the last illness and/or funeral expenses of either of us).

The Trustee is hereby authorized to defend, at the expense of the trust, any contest or other attack of any nature on this Trust Agreement or any of its provisions. A "contest" shall include any action described above in an arbitration proceeding and shall not include any action described above solely in a mediation not preceded by a filing of a contest with a court, notwithstanding the foregoing; further, a "contest" shall not include a responsive pleading, such as an objection, response, or answer, filed by a beneficiary in defense of a characterization or transfer of property.

If California law governs the foregoing provisions of this Paragraph, then California Probate Code §21311 shall apply and the foregoing provisions of this Paragraph may only be enforced against the following types of contests:

- (1) a direct contest that is brought without probable cause;
- (2) a pleading to challenge a transfer of property on the grounds that it was not the transferor's property at the time of the transfer; and/or,
- (3) the filing of a creditor's claim or prosecution of an action based on it.

The terms "direct contest" and "pleading" have the same meanings as set forth in California Probate Code §21310. All trusts created in this agreement are "protected instruments" as provided in California Probate Code §21310(e).

**2.J. Presumptions.** Any beneficiary who shall not be living thirty (30) days after the death of either of us shall be deemed not to have survived such person; except that in our case, if the order of our deaths cannot be established by proof, each of us shall be deemed to have survived the other.

**2.K. Special Distributions.** If any income and/or principal of any trust hereunder ever vests outright under the provisions of this Trust Agreement in a person not yet twenty-one (21), a person who suffers from substance abuse, or a person who the Trustee determines is incapacitated or whose financial circumstances is such that failure to delay distributions will actually reduce the trust benefits to such person, then the Trustee, in the Trustee's discretion and without supervision of any court, shall hold or distribute the distribution for such person (hereinafter "the beneficiary") in accordance with the following provisions:

(1) *Under Age Twenty-One.* If a beneficiary is under the age of twenty-one and no other provision of this trust specifically addresses this possibility, the Trustee may either open a custodial account for the benefit of said beneficiary under the Uniform Transfer to Minors Act with a suitable person as the custodian or the Trustee may hold such beneficiary's distribution in a separate trust for such beneficiary, exercising as the Trustee of such trust all the administrative powers conferred in this Trust Agreement, on the following terms and conditions:

- (a) The Trustee may accumulate or distribute to or for such beneficiary such amount or amounts of income and/or principal of the trust as the Trustee determines from time to time during the term of the trust to be appropriate. The Trustee may make such distributions to or for the benefit of such beneficiary: (i) directly to the beneficiary; (ii) on behalf of the beneficiary for the beneficiary's exclusive benefit; (iii) to any account in a bank, credit union, mutual fund and/or brokerage firm either in the name of such beneficiary or in a custodial account for the benefit of said beneficiary under the Uniform Transfer to Minors Act with a suitable person as the custodian; (iv) in any form of an annuity; and, (v) to such beneficiary's guardian if one has been appointed by the Court. The receipt for distributions by any such person shall fully discharge the Trustee. In determining whether to make distributions, the Trustee may consider other resources of the beneficiary, trust resources and the future needs of the beneficiary during the term of the trust.
- (b) This separate trust shall terminate and vest absolutely when the beneficiary attains age twenty-one (21) and there is no other provision of this Trust Agreement specifically controlling such distribution, dies, or when the trust assets are exhausted by discretionary distributions. At such termination, the Trustee shall distribute the trust then on hand to the beneficiary or to the beneficiary's estate if the trust terminated at the beneficiary's death.

(2) *Substance Abuse Dependence.* If the Trustee reasonably believes that a beneficiary of any trust created under this Agreement is a person who routinely or frequently uses or consumes any illegal drugs or other illegal chemical substance so as to be physically or psychologically dependent upon that drug or substance; or, is a person who is clinically dependent upon the use or consumption of alcohol or any other legal drug or chemical substance that is not prescribed by a board certified medical doctor or



psychiatrist in a current program of treatment supervised by that doctor or psychiatrist; and, if the Trustee reasonably believes that, as a result of the use or consumption, the beneficiary is incapable of caring for himself or herself or is likely to dissipate the beneficiary's financial resources, the Trustee shall follow the procedures set forth below.

- (a) The Trustee will request the beneficiary to submit to one or more examinations (both physical and psychological) determined to be appropriate by a board certified medical doctor or psychiatrist selected by the Trustee. The Trustee will request the beneficiary to consent to full disclosure by the examining doctor or facility to the Trustee of the results of all the examinations. The Trustee will maintain strict confidentiality of those results and will not disclose those results to any person other than the beneficiary without the beneficiary's written permission. The Trustee may totally or partially suspend all distributions otherwise required or permitted to be made to that beneficiary until the beneficiary consents to the examination and disclosure to the Trustee.
- (b) If, in the examining doctor's or psychiatrist's opinion, the examination indicates current or recent use of a drug or substance as described above, the beneficiary will consult with the examining doctor or psychiatrist to determine an appropriate method of treatment for the beneficiary. Treatment may include counseling or treatment on an in-patient basis in a rehabilitation facility. If the beneficiary consents to the treatment, the Trustee will pay the costs of treatment directly to the provider of those services from the income or principal otherwise authorized or required to be distributed to the beneficiary.
- (c) If the examination indicates current or recent use of a drug or substance as described above, all mandatory distributions and all withdrawal rights from the trust with respect to the beneficiary during the beneficiary's lifetime (including distributions upon termination of the trust for reasons other than the death of the beneficiary) will be suspended until in the case of use or consumption of an illegal drug or illegal substance, examinations indicate no such use; and, in all cases of dependence, until the Trustee, in the Trustee's judgment, determines that the beneficiary is fully capable of caring for himself or herself and is no longer likely to dissipate his or her financial resources.
- (d) While mandatory distributions are suspended, the trust will be administered as a discretionary trust to provide for the beneficiary according to the provisions of the trust providing for discretionary distributions in the Trustee's discretion and those provisions of the trust relating to distributions for the beneficiary's health, education, maintenance and support.
- (e) When mandatory distributions to and withdrawals by the beneficiary are resumed, the remaining balance, if any, of the mandatory distributions that

were suspended may be distributed to the beneficiary at that time and the balance of any rights of withdrawal by the beneficiary shall be immediately exercisable by the beneficiary. If the beneficiary dies before mandatory distributions or rights of withdrawal are resumed, the remaining balance of such beneficiary's share shall be distributed in the manner hereinafter set forth for the distribution of such beneficiary's share in the event such beneficiary did not survive the survivor of us.

- (f) It is not our intent to make the Trustee (or any doctor or psychiatrist retained by the Trustee) responsible or liable to anyone for a beneficiary's actions or welfare. The Trustee has no duty to inquire whether a beneficiary uses drugs or other substances. The Trustee (and any doctor or psychiatrist retained by the Trustee) will be indemnified from the trust for any liability in exercising its judgment and authority under this Agreement, including any failure to request a beneficiary to submit to medical examination and including a decision to distribute suspended amounts to a beneficiary.

(3) *Special Needs Trust.* If the Trustee reasonably believes that a beneficiary of any trust created under this Agreement is a person who is incapacitated, or is a person whose financial circumstances are such that failure to delay distributions will actually reduce the trust benefits to such person, the Trustee shall hold the distribution for such beneficiary in further trust hereunder (hereinafter referred to as the "Discretionary Trust") on the following terms and conditions:

- (a) The primary purpose of this Discretionary Trust is to provide a supplemental and emergency fund to supplement any public benefits available to such beneficiary during his or her lifetime. It is our intent that the assets of this Discretionary Trust shall, to the fullest extent permitted by law, be free from assignment or collection for the satisfaction of the claims of any creditors or government agencies. If this Discretionary Trust were to be invaded by creditors or subject to any liens or encumbrances, or if the terms of this Discretionary Trust were to be applied so as to cause such beneficiary's eligibility for public benefits to be terminated, it is likely that the Discretionary Trust would be depleted before his or her death and the purpose of this Discretionary Trust could not then be fulfilled.
- (b) Until such beneficiary is, in the Trustee's judgment, no longer incapacitated, or such beneficiary's financial situation has changed significantly, the Trustee shall pay over to or for the benefit of such beneficiary as much of the net income and as much of the principal of this Discretionary Trust, up to the whole thereof, as the Trustee, in the Trustee's discretion, from time to time deems necessary or advisable for the satisfaction of such beneficiary's special needs. For this purpose, "special needs" refers to the requisites for maintaining such beneficiary's good health, comfort, safety, and welfare when, in the discretion of the

Trustee, those requisites are not being provided for by any county, state, federal, or other governmental agency, or by any person or persons with a legal obligation to support such beneficiary. "Special needs" shall include, but not be limited to, medical and dental care, special equipment, programs of training, education, rehabilitation, travel needs and recreation not provided for or reimbursed by public benefits. The Trustee shall consult with any guardian, conservator, custodian, or other person who cares for such beneficiary regarding his or her special needs. Expenditures made by the Trustee under this section may include reasonable compensation to any person who provides for the special needs of such beneficiary as provided in this section. Any expenditure permitted by this section may be made either with or without prior court order.

- (c) It is our intent that any payments or distributions from this Discretionary Trust to or for the benefit of such beneficiary shall supplement (but not replace) any public benefits or other private resources available to him or her. The Trustee may, in the exercise of the Trustee's discretion, seek as necessary all available public benefits for such beneficiary's benefit, and shall segregate any public benefits received by the Trustee for that purpose in a separate trust or account and administer the same for the benefit of such beneficiary. All public benefits received by the Trustee for that purpose, together with any other resources available to such beneficiary, shall be taken into account by the Trustee in making payments or distributions to or for the benefit of such beneficiary. The Trustee shall regularly consult with such beneficiary and any persons or entities providing care or assistance to such beneficiary for the purpose of determining such beneficiary's needs and resources. The Trustee shall not exercise the Trustee's discretion to make any payments or distributions to or for the benefit of such beneficiary if the Trustee determines, in the Trustee's discretion, that public benefits, private resources, or a combination of public benefits and private resources are reasonably available to such beneficiary to satisfy those needs.
- (d) No part of the income or principal of this Discretionary Trust shall be used to replace or supplant public benefits of any county or any state, federal, or other governmental agency that has a legal responsibility to serve persons with disabilities or conditions that are the same as or similar to those of such beneficiary. For purposes of determining such beneficiary's eligibility for any public benefits, no part of the principal or undistributed income of the Trust Estate as a whole or this Discretionary Trust shall be considered available to him or her, and he or she shall have no right to compel the Trustee to release principal or income to him or her or for his or her benefit or otherwise to have any access to any of the assets of this Discretionary Trust. In the event that the Trustee is requested to release principal or income of this Discretionary Trust to or on behalf of such beneficiary to pay for any equipment, medication, services, or any other

needs that any public benefits would be authorized to provide for were it not for the existence of this Discretionary Trust, or in the event that the Trustee is requested to petition any court or any administrative agency for authorization to release principal or income for any purpose of that kind, the Trustee is authorized to deny the request and take whatever administrative or judicial steps may be necessary to continue the eligibility of such beneficiary for all available public benefits, including obtaining instructions from a court of competent jurisdiction that the principal of this Discretionary Trust is not available to such beneficiary for purposes of determining his or her eligibility for any public benefits. Any expenses of the Trustees in this regard, including reasonable attorney's fees, shall be a proper charge to this Discretionary Trust.

- (e) If any payment or distribution from this Discretionary Trust to or for the benefit of such beneficiary would have the effect of disqualifying him or her for any public benefits, or if all income of this Discretionary Trust cannot be completely utilized for his or her special needs, the Trustee shall accumulate the trust income annually and add it to principal.
- (f) The discretion of the Trustee shall not be subject to review by such beneficiary, his or her creditors and/or any governmental agency. Notwithstanding any other provision of this instrument, if the existence of this Discretionary Trust or if any change in any law, regulation or rule relating to this Discretionary Trust or the administration of this Discretionary Trust for the benefit of such beneficiary should at any time have the effect of disqualifying him or her for any public benefits, or if such beneficiary, his or her creditors and/or any governmental agency shall ever bring any court action to force or require the Trustee to distribute to or for the benefit of such beneficiary a greater amount of income and/or principal than the Trustee, in the Trustee's discretion, has determined to be appropriate, the Trustee is authorized (but not required) to terminate this Discretionary Trust and distribute the trust principal and income as provided in subsection (g); we request that any person who takes any part of the assets of this Discretionary Trust as the result of this termination power, conserve and manage such property for the benefit of such beneficiary during his or her lifetime to insure that he or she receives sufficient funds for his or her living needs when public benefits are unavailable or insufficient to satisfy those needs. This request is precatory, however, and is not mandatory.
- (g) At such beneficiary's death, the Trustee shall distribute this Discretionary Trust, as then constituted, in the manner hereinafter set forth for the distribution of such beneficiary's share in the event such beneficiary did not survive the survivor of us.

(4) **Creditor's Claims and Divorce.** In the event a beneficiary of any trust created under this Trust Agreement has a judgment or other creditor's claim pending or outstanding or is in the process of a marital dissolution, the Trustee may, in the Trustee's discretion, suspend any mandatory distributions and withdrawal rights until such time as the marital dissolution is completed or the judgment or other creditor's claim has been addressed so as not to deplete the assets of the beneficiary's trust. While mandatory distributions and withdrawal rights are suspended, the trust for such beneficiary will be administered as a discretionary trust to provide for the beneficiary according to those provisions of the trust relating to distributions for the beneficiary's health, education, maintenance and support. When mandatory distributions to and withdrawals by the beneficiary are resumed, the remaining balance, if any, of the mandatory distributions that were suspended may be distributed to the beneficiary at that time and the balance of any rights of withdrawal by the beneficiary shall be immediately exercisable by the beneficiary. If the beneficiary dies before mandatory distributions or rights of withdrawal are resumed, the remaining balance of such beneficiary's share shall be distributed in the manner hereinafter set forth for the distribution of such beneficiary's share in the event such beneficiary did not survive the survivor of us.

(5) **Tax Savings Provisions.** Notwithstanding the provisions of the preceding subparagraphs or any other provision of this Agreement, the Trustee shall not suspend any mandatory distributions required for a trust to qualify, in whole or in part, for any Federal or state marital deduction or charitable deduction. Finally, nothing herein shall prevent a distribution mandated by the provisions hereof relating to the Maximum Duration of Trusts.

**2.L. Conflict Resolution and Severability.** In order to save the cost of court proceedings and promote the prompt and final resolution of any dispute with regard to the interpretation of this Trust Agreement or the administration or distribution of our trust, we direct that any such dispute shall be settled by arbitration administered by the American Arbitration Association under its Arbitration Rules for Wills and Trusts then in effect. Nevertheless, the following matters shall not be arbitrable: (1) questions regarding the competency of either of us; or (2) attempts to remove a fiduciary. In addition, arbitration may be waived by all *sui juris* parties in interest.

The arbitrator(s) shall be a practicing lawyer licensed to practice law in the State of California (or such other state whose laws then govern this Trust Agreement) and whose practice has been devoted primarily to wills and trusts for at least ten (10) years. The arbitrator(s) shall apply the substantive law (and the law of remedies, if applicable) of the State of California (or such other state whose laws then govern this Trust Agreement). The arbitrator's decision shall not be appealable to any court, but shall be final and binding on any and all persons who have or may have an interest in this Trust Agreement, including unborn or incapacitated persons, such as minors or any person for whom a conservator has been appointed or any other protective order has been made.

Further, if any provision of this Trust Agreement is invalid, that provision shall be disregarded, and the remainder of this Trust Agreement shall be construed as if the invalid provision had not been included.

**2.M. Uneconomical Administration.** No other provision of this trust to the contrary, if at any time a share or trust being administered for any income beneficiary or group of income beneficiaries other than the survivor of us has such fair market value as to make the continued administration of the share or trust uneconomical as determined by the Trustee in the Trustee's sole discretion, the Trustee may pay the entire balance of such share or trust to the person or persons then entitled to the income therefrom, in proportion to their interests therein.

### **ARTICLE III** **TRUSTEESHIP**

**3.A. Appointment of Trustee.** If there is no Trustee acting hereunder, then a majority of the adult beneficiaries shall appoint a successor Trustee or co-Trustees by an instrument in writing, which appointment must be effective upon the date the last Trustee fails to qualify or ceases to act; provided however, if the Trustee who is being replaced was not related or subordinate (within the meaning of §672(c) of the Code) to the beneficiaries holding this power to appoint, the power to appoint a new Trustee or co-Trustees shall be limited to the appointment of a Trustee (or of co-Trustees) who is also not related or subordinate (within the meaning of §672(c) of the Code) to the beneficiaries holding this power to appoint. For purposes of this Paragraph, "beneficiaries" shall exclude charitable organizations.

**3.B. Resignation.** Any Trustee may resign at any time by giving written notice to us, if living, or the survivor of us, and thereafter to the other Trustees, if any, and, if not, to all the beneficiaries. Any such notice shall become effective as agreed by us or the majority of the beneficiaries, but no later than thirty (30) days after such written notice. Notwithstanding the foregoing, the Trustee may, at the expense of any trust created hereunder, secure the appointment of a successor Trustee of such trust by a court of competent jurisdiction.

**3.C. "Foreign Trust" Savings Provision.** It is our intent that all trusts created by this Trust Agreement qualify as "United States Persons" under §7701(a)(30)(E) of the Code, and one or more United States Persons (as defined in §7701(a)(30)(A) through (C) of the Code) shall always have the authority to control all substantial decisions under this Trust Agreement. Any power, fiduciary or otherwise, to the extent such power is a power to make a "substantial decision" (as defined in Treasury Regulation §301.7701-7) which, by the terms of this Trust Agreement, would otherwise be held by a person who is not a "United States Person," shall be only exercised by the Trustee, co-Trustee or Special Trustee (as hereinafter defined) who is a United States Person. Furthermore, any person who does not reside in one of the fifty (50) states of the United States or the District of Columbia shall be deemed to not be a "United States Person" for the application of this provision.

**3.D. Liability.** No successor Trustee shall be under any obligation to examine the accounts of any prior Trustee, and a successor Trustee shall be exonerated from all liability arising from any prior Trustee's acts or negligence. It is our intention that any Trustee serving hereunder shall be accountable only from the date such Trustee actually receives the assets of the trust.

**3.E. No Bond Required.** No bond shall be required of any person or institution named in this Trust Agreement as the Trustee.

**3.F. Compensation.** A Trustee shall be entitled to receive, out of the income and principal of the trust, compensation for its services hereunder to be determined, if a corporate Trustee, by the application of the current rates then charged by the Trustee for trusts of a similar size and character, and, if the Trustee shall be an individual, such compensation shall be a reasonable fee based on the time and effort of the Trustee. The Trustee shall also be entitled to reimbursement for all travel and other necessary expenses incurred in the discharge of the Trustee's duties. The Trustee may impose any Trustee fees or other expenses of the trust against the principal or income of the trust without any duty to seek reimbursement from the interest not charged.

**3.G. Reports.** While either of us is living and if we are not acting as the Trustee or as a co-Trustee, the Trustee shall render an annual accounting to us unless we have waived such accounting and, to the greatest extent permitted by law, the requirement for any notice, accounting and/or report to any other beneficiary shall be waived. If both of us are or if the survivor is incapacitated, such accounting shall be given to our legal conservator or, if no such conservator has been appointed, to our representative payee for Social Security purposes. After the death of the survivor of us, the Trustee shall render an annual accounting to each beneficiary, except as such reporting shall be waived by such beneficiary; provided however, if the only beneficiary then-entitled to an accounting is also the sole Trustee, the Trustee shall render an annual accounting to each qualified beneficiary, except as such reporting shall be waived by such qualified beneficiary.

(1) If beneficiaries entitled to an accounting are minors, their accounting shall be delivered to their parents or guardian. If beneficiaries entitled to an accounting are incapacitated, their accounting shall be delivered to their legal representative;

(2) Unless the accounting is objected to in writing within one hundred and eighty (180) days after mailing to the persons to whom the accounting is to be rendered, the account shall be deemed final and conclusive in respect to all transactions disclosed in the accounting. The accounting shall be binding on all persons interested in the trust, including beneficiaries who are not known or who are not yet born; and,

(3) The records of the Trustee shall be open at all reasonable times to inspections. The Trustee shall not be required to make any reports or accountings to the courts; however, nothing herein stated shall be deemed to restrict the Trustee from seeking judicial approval of the Trustee's accounts.

**3.H. Payments to Beneficiaries.**

(1) The Trustee shall pay the net income of any trust hereunder to the beneficiary to whom such income is directed to be paid, at such times as shall be convenient to such beneficiary and agreed to by the Trustee;

(2) Any income and/or principal of any trust hereunder to which any beneficiary may be entitled may, without regard to any order or assignment purporting to transfer the same to any other person, be paid or distributed by the Trustee, in the Trustee's sole discretion, into the hands of such beneficiary, or to the guardian of the person of such beneficiary, or be mailed to such beneficiary's last known address, or deposited to the account of such beneficiary in a bank or trust company of good standing, or be applied for the benefit of such beneficiary and his or her dependents directly by the Trustee; and the receipt for any payment or distribution or evidence of the application of any income or principal made in conformity with the foregoing shall discharge the Trustee from any further liability therefore; and,

(3) Unless the Trustee shall have received actual written notice of the occurrence of an event affecting the beneficial interests of this Trust Agreement, the Trustee shall not be liable to any beneficiary of this Trust Agreement for distribution made as though the event had not occurred.

**3.I. Division of Trust Fund.** There shall be no requirement for the physical segregation or division of any trusts created hereunder except as segregation or division may be required by the termination of any of the trusts, but the Trustee shall keep separate accounts for the different undivided interests.

**3.J. Trustee Authority.**

(1) Subject to state law, a Trustee may appoint an "Attorney-in-Fact" and delegate to such agent the exercise of all or any of the powers conferred upon a Trustee and may at pleasure revoke such appointment. Any such appointment shall be made by a written, acknowledged instrument.

(2) No purchaser from or other person dealing with the Trustee shall be responsible for the application of any purchase money or thing of value paid or delivered to the Trustee, and the receipt by the Trustee shall be a full discharge; and no purchaser or other person dealing with the Trustee and no issuer, or transfer agent, or other agent of any issuer of any securities to which any dealings with the Trustee should relate, shall be under any obligation to ascertain or inquire into the power of the Trustee to purchase, sell, exchange, transfer, mortgage, pledge, lease, distribute or otherwise in any manner dispose of or deal with any security or any other property held by the Trustee or comprised in the trust.

(3) Prior to delivering the trust fund to a successor Trustee or to making any partial or complete distribution of principal hereunder (other than a distribution that is made in the exercise of the Trustee's discretion and does not terminate the trust), the Trustee may require an approval of the Trustee's accounts and a release and discharge from all beneficiaries having an interest in the distribution. If any beneficiary or beneficiaries shall refuse to provide a requested release and discharge, the Trustee may require court settlement of such accounts; all of the Trustee's fees and expenses (including attorneys'



fees) attributable to court approval of such accounts shall be paid by the trust involved to the extent that the accounts are approved.

(4) The certification of a Trustee and/or Attorney-in-Fact that such Trustee and/or agent is acting according to the terms of this Trust Agreement shall fully protect all persons dealing with such Trustee and/or agent.

(5) In the event any Trustee hereunder is precluded by any other provision of this Trust Agreement or by the laws of any state from acting as a Trustee in such state, the Trustee may appoint a "Special Trustee" qualified to act and may delegate to such Special Trustee the exercise of all or any of the powers conferred upon a Trustee hereunder. A Special Trustee shall in no way be responsible for the matters not delegated to it. Any appointment of a Special Trustee and the delegation of powers to such Special Trustee shall be made by a written, acknowledged instrument.

(6) At any time and from time to time, a Trustee may delegate to any co-Trustee any or all of the delegating Trustee's powers and authorities conferred upon such Trustee by law or by this Trust Agreement; provided however, that a power or authority which is specifically conferred upon a Trustee (to the exclusion of any other Trustee or any other person or entity) shall not be delegated. The delegating Trustee may at pleasure revoke such delegation. Any delegation or revocation shall be made by a written, acknowledged instrument which shall be delivered to the person or entity to whom the delegation is made. So long as any such delegation is in effect, any power or authority hereby delegated may be exercised by the person or entity to whom such delegation was made and any action may be taken by such person or entity to whom such delegation was made with the same force and effect as if the Trustee delegating such power or authority had itself joined in the exercise of such power or authority in the taking of such action.

(7) If co-Trustees are acting, whenever there shall be a dispute, deadlock or difference of opinion between them on a question of joint discretion, the determination of the majority shall be binding, but the dissenting Trustee or co-Trustees shall bear no liability or accountability for any act or transaction entered into as a result of the enforcement of the majority rule if such Trustee or co-Trustees shall have dissented in writing in advance of such act or transaction. If only two co-Trustees are acting, whenever there shall be a dispute, deadlock or difference of opinion between them on a question of joint discretion on which they cannot agree, such conflict shall be settled by arbitration in the manner hereinabove set forth in Paragraph 2.L.; provided however, prior to submitting any such conflict to arbitration, the co-Trustees must first attempt to resolve the conflict through formal mediation

**3.K. Release of Healthcare Information, including HIPAA Authority.** We intend for the Trustee to be treated as we would regarding the use and disclosure of our individually identifiable health information or other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 USC 1320d and 45 CFR 160-164, and the California Confidentiality of Medical Information Act ("CMIA"), California Civil Code §56. We authorize any physician, healthcare

professional, dentist, health plan, hospital, clinic, laboratory, pharmacy or other covered health provider, any insurance company or medical information bureau or other health care clearinghouse that has provided treatment or services or that has paid for or is seeking payment from either of us for such services to give, disclose, and release, either orally or in writing, to the Trustee or Trustees, without restriction, all of our individually identifiable health information and medical records regarding any past, present or future medical or mental health condition. For the purpose of complying with §56.11 of the California Civil Code, we have each executed a form entitled **AUTHORIZATION AND WAIVER FOR THE INSPECTION AND DISCLOSURE OF INFORMATION RELATING TO MY PHYSICAL OR MENTAL HEALTH** concurrently herewith.

The authority given to the Trustee shall supersede any prior agreement that we have made with either of our health care providers to restrict access to or disclosure of our individually identifiable health information. The authority given to the Trustee has no expiration date and shall expire only in the event that either of us revokes the authority in writing and delivers such revocation to our health care providers.

**3.L. Life Insurance.** Upon the death of either of us, the Trustee shall proceed immediately to collect the net proceeds of policies, if any, on our lives which are then payable to the Trustee and shall hold such proceeds for the purposes and upon the trusts provided in Article VI of this Trust Agreement. Payment to the Trustee by an insurance company of the proceeds of such policies and receipt of such proceeds by the Trustee shall be a full discharge of the liability of such insurance company with respect to such proceeds, and no insurance company need inquire into or take notice of this Trust Agreement or see to the application of such payments. The Trustee may prosecute and maintain any litigation necessary to enforce payment of such policies.

**3.M. Retirement Accounts.** To the extent any trust hereunder is the beneficiary of a Retirement Account (as hereinafter defined), the Trustee shall draw the benefits from the Retirement Account in amounts sufficient to meet the minimum distribution requirements of §401(a)(9) of the Code and the regulations thereunder (the "Required Minimum Distribution"). Notwithstanding any provision of the trust to the contrary, the Required Minimum Distribution shall be paid to or applied for the benefit of the person or persons then entitled to receive or have the benefit of the income from such trust, or if there is more than one income beneficiary, the Trustee shall make such distribution to such income beneficiaries in the proportion in which they are beneficiaries or if no proportion is designated in equal shares to such beneficiaries.

(1) "Retirement Account" means amounts held in or payable pursuant to a plan (of whatever type) qualified under Code §401, or an individual retirement arrangement under Code §408, or a Roth IRA under Code §408A, or a tax-sheltered annuity under Code §403 or any other benefit subject to the distribution rules of Code §401(a)(9), or the corresponding provisions of any subsequent federal tax law. It is our intention that this trust qualify as a "conduit trust" under Code §401(a)(9) so that the trust's beneficiaries shall be considered designated beneficiaries for purposes of the minimum distribution rules, and that distributions may therefore be taken over the trust beneficiary's life expectancy (or the life expectancy of the oldest trust beneficiary).

(2) The Retirement Accounts shall not be subject to the claims of any creditor of either of our estates, they shall not be used for the satisfaction of any distributions to a "non-designated beneficiary" (as that term is defined in Treas. Reg. §1.401(a)(9)-4, Q&A 1) and they shall not be applied to the payment of the debts, taxes of either of us or other claims or charges against either of our estates unless and until all other assets available for such purposes have been exhausted, and even then only to the minimum extent that would be required under applicable law in the absence of any specific provision on this subject in this Trust, and, under no circumstances, shall they be used for such purpose after September 30<sup>th</sup> of the year following the death of the owner of the Account.

3.N. **Powers of Invasion.** A discretionary power given to a Trustee of any trust created hereunder to invade or utilize the principal of such trust for "health, support, maintenance or education" (or a similar use of such terms) shall be considered to be in compliance with §§2041 and 2514 of the Code and any exercise of such power shall be limited by those sections. Notwithstanding §16081(c) of the California Probate Code, any other discretionary power given to a Trustee of any trust created hereunder to invade or utilize the principal of such trust for any other purpose shall be deemed to be a broader power if a clear reading of the terms of such power would so indicate. Further, notwithstanding §16081(c) of the California Probate Code, any discretionary power to make distributions of income or principal of any trust created hereunder which is given to a current beneficiary as sole Trustee is specifically intended to be given to such sole Trustee and the right of any other beneficiary to have another Trustee appointed for the purpose of making such discretionary distributions is hereby specifically waived.

3.O. **Release of Powers.** Each Trustee shall have the power to release or to restrict the scope of any power that such Trustee may hold in connection with any trust created under this Trust Agreement, whether said power is expressly granted in this Trust Agreement or implied by law. The Trustee shall exercise this release in a written instrument specifying the powers to be released or restricted and the nature of any such restriction. Any released power shall pass to and be exercised by the other then-acting Trustees.

#### ARTICLE IV

#### TRUSTEE'S POWERS

Subject to the provisions and limitations set forth expressly herein, the Trustee shall have, in general, the power to do and perform any and all necessary acts and things in relation to the trust in the same manner and to the same extent as an individual might or could do with respect to his or her own property. No enumeration of specific powers made herein shall be construed as a limitation upon the foregoing general powers, nor shall any of the powers conferred herein upon the Trustee be exhausted by the use thereof, but each shall be continuing. In addition to the above, the Trustee shall have all of the powers authorized by §§16200, *et seq.*, of the California Probate Code (as though such powers were set forth herein) and, in addition, the Trustee is specifically authorized and empowered to exercise those powers hereinafter set forth in Exhibit "A" (attached hereto and incorporated herein by reference as though fully set forth).

**ARTICLE V**  
**OUR RETAINED POWERS**

**5.A. Revocation.** During our joint lifetimes, this Trust Agreement may be revoked in whole or in part by an acknowledged instrument in writing signed by either of us which shall refer to this Trust Agreement and to this specific power and which shall be delivered to the then-acting Trustee and the other spouse. In the event of such revocation, the jointly owned property and/or the community estate (as hereinabove defined) held by the trust shall revert to both of us as if this Trust Agreement had not been created and any separate property held by the trust shall revert to the spouse who contributed such separate property and shall constitute spouse's separate property as if this Trust Agreement had not been created.

**5.B. Amendment.** We may, at any time during our joint lifetimes, amend any of the terms of this Trust Agreement by an acknowledged instrument in writing signed by both of us which shall refer to this Trust Agreement and to this specific power and which shall be delivered to the then-acting Trustee.

**5.C. Revocation and Amendment after the First Death.**

- (1) On the death of the first of us, the surviving spouse shall have the power to amend, revoke, or terminate the entire trust in whole or in part.
- (2) Revocation and amendment shall be made in the manner as herein above provided in Paragraphs 5.A. and 5.B.
- (3) After the death of the surviving spouse, the trust may not be amended or revoked.

**5.D. Powers Personal to Us.** Our powers to revoke or amend this Trust Agreement are personal to us and shall not be exercisable on our behalf by any conservator or other person, except the revocation or amendment may be authorized, after notice to the Trustee, by the Court that appointed a conservator and/or a guardian of either of us. Notwithstanding the previous sentence, in the event that either of us appoint an "Attorney-in-Fact," we reserve the right to confer upon such Attorney-in-Fact the power (1) to add property to the trust with the consent of the Trustee; (2) by written instrument delivered to the Trustee, to withdraw any property held hereunder (to the extent that we would individually have that power); and, (3) if specifically authorized in such appointment, by written instrument delivered to the Trustee, to modify or amend or revoke the trust (provided that the duties of the Trustee may not be increased or the Trustee's fees reduced without the consent of the Trustee). Any such appointment shall be made by a written, acknowledged instrument.

**5.E. Tangible Personal Property.** While either of us is living, we reserve the right to retain the control, use and possession of any or all of the tangible personal property included in the trust. We expressly limit the Trustee's responsibility with respect to the property so retained to the Trustee's function as the holder of legal title until we (or the survivor of us) surrender our right to the use and possession of any such property or until the death of both of us. In addition, we shall have the right, exercisable by written notice to the Trustee on terms specified by us, to

direct the sale, transfer, gift or other disposition of any such property, with or without consideration, and the Trustee shall take all actions necessary to comply with the terms of such notice. In the event we surrender any such property to the Trustee, or upon our deaths, the Trustee shall take possession, preserve and maintain such property. The Trustee shall be responsible and accountable only for that tangible personal property which is actually in the Trustee's possession or control or, if retained by us, is found by application of reasonable diligence at the death of the survivor of us or at such time that the Trustee asserts control.

**5.F. Residential Property.** We reserve the right to have complete and unlimited, possession, use and control of any real property which may ever constitute an asset of the trust estate and which is occupied by us for residential purposes, thereby retaining the requisite beneficial interest and possessory rights in and to such real property to comply with the "Homestead" laws of the State in which such property is located, so that such requisite beneficial interest and possessory rights constitute in all respects "equitable title to real estate". Notwithstanding anything to the contrary contained in this Trust Agreement, our interest in such real property shall be an interest in real property, and not personalty, and such real property shall be deemed to be our homestead; such use and control shall be without rent or other accountability to the Trustee. As part of such use and control, we, and not the Trustee, shall have the responsibility to manage such property, pay taxes, insurance, utilities and all other charges against the property, and may, at our option, charge such expenses to the trust, or may request reimbursement for any advances made for such purposes.

In the event any real property is encumbered or conveyed as security for repayment of a Home Equity Conversion Mortgage loan (or any form of "Reverse Mortgage" loan) to us, or the survivor of us, the Trustee shall ensure that the trust will abide by written instruments or agreements which either of us have executed in connection with any such loan; further, the Trustee will immediately notify the lender and any servicer of the loan, in writing, of any of the following events:

- (1) The death of the survivor of us;
- (2) Any change of occupancy by the survivor of us;
- (3) Any conveyance of the property; or,
- (4) Any transfer of any beneficial interest in the property.

## **ARTICLE VI**

### **DISPOSITION OF TRUST FUND**

**6.A. Trustee's Basic Duties.** During the term of this Trust Agreement, the Trustee shall hold, manage, invest and reinvest the trust fund, collect the income and profits from it, pay the necessary expenses of trust administration, and distribute the net income and principal as provided in this ARTICLE VI.

**6.B. Disposition During Our Joint Lifetimes.** During our joint lifetimes, we shall be equally entitled to the entire net income of the jointly owned property and/or the community estate (as hereinabove defined) held by the trust. At the written request of both of us, the Trustee shall pay to either spouse so much of the principal of the jointly owned property and/or the community

estate held by the trust as we shall request or shall make such gratuitous transfers of the principal of the jointly owned property and/or the community estate held by the trust as we both shall direct. During our joint lifetimes, the Trustee shall also pay to each party, or shall apply for such spouse's benefit, the entire net income of such spouse's separate property (if any) held by the trust. At the written request of the spouse who contributed any separate property to the trust, the Trustee shall pay to such spouse so much of the principal of such separate property as he or she shall request. In the absence of any specific direction, the Trustee is also authorized to pay over or apply the net income and/or the principal of the trust for the support and maintenance of any person or persons who is dependent upon our financial support; further, the Trustee may also make gifts in favor of our issue, and any spouse of such issue. In this context, a gift "in favor of" a person includes but is not limited to a gift to a trust, an account under the Uniform Transfers to Minors Act of any jurisdiction, and a Tuition Savings Account or Prepaid Tuition Plan as defined under §529 of the Code. Provided however, the aggregate amount of any gifts made in any one calendar year to any one individual shall not exceed the amount that may be made free of federal gift tax.

**6.C. Disposition During Incapacity.** If at any time during our joint lifetimes, the Trustee determines that either of us has become physically or mentally incapacitated, whether or not a court of any jurisdiction has declared that person in need of a conservator, the Trustee shall pay to the other of us, or apply for the benefit of either of us, first from the jointly owned property and/or the community estate (as hereinabove defined) held by the trust, and then equally from our separate estates, the amounts of net income and principal necessary in the Trustee's discretion for the proper health, support, and maintenance of both of us in accordance with our accustomed manner of living at the date of such incapacity, until the incapacitated spouse is again able to manage his or her own affairs, or until the earlier death of such incapacitated spouse. The non-incapacitated spouse may also withdraw from time to time accumulated trust income and principal of the jointly owned property and/or the community estate held by the trust. In addition to payments for our benefit, the Trustee is specifically authorized to initiate or continue any payments to a dependent person in the manner hereinabove set forth in Paragraph 6.B.; the initiation, continuation, amount and extent of such support shall be in the Trustee's sole and absolute discretion. The Trustee shall accumulate any of the net income not so paid over and/or applied and shall add the same to the principal of the jointly owned property and/or the community estate or the separate estate, as the case may be.

As a guide to the Trustee, it is our intent that we, and the survivor of us, shall remain in our primary residence as long as it is medically reasonable and, if we should need convalescent care, that we be able to return home as soon as it is medically reasonable; the expense of home care shall be of secondary importance. This paragraph is for the guidance of the Trustee only and should not be considered by any third party as a restriction or limitation on the Trustee's powers to manage the trust in the Trustee's absolute discretion.

**6.D. Administration of the Trust Fund at the Death of the First of Us.** The first of us to die shall be called the "Deceased Spouse" and the survivor of us shall be called the "Surviving Spouse". On the death of the Deceased Spouse, the entire trust fund shall continue in trust for the benefit of the Surviving Spouse, without exception, and with the full power of revocation. During the lifetime of the Surviving Spouse, the Trustee shall pay to him or her, or apply for his

or her benefit, the entire net income from the entire trust fund. At the written request of the Surviving Spouse, the Trustee shall pay to him or her as much of the principal of the entire trust fund as he or she shall request. During the lifetime of the Surviving Spouse, the Trustee, in the Trustee's sole discretion, may additionally pay to or apply for the Surviving Spouse's benefit such principal distributions as the Trustee deems necessary for the Surviving Spouse's health, support, comfort, enjoyment, welfare and maintenance. In addition to payments for the Surviving Spouse's benefit, the Trustee is specifically authorized to initiate or continue any payments to a dependent person in the manner hereinabove set forth in Paragraph 6.B.; the initiation, continuation, amount and extent of such support shall be in the Trustee's sole and absolute discretion. The Trustee shall exercise in a liberal manner the power to invade the principal of the trust fund for the Surviving Spouse, since it is our intent that the comfort, welfare and happiness of the Surviving Spouse is primary and the rights of the remaindermen in the trust shall be considered of secondary importance.

**6.E. Deferral of Division or Distribution.** Whenever the Trustee is directed to make a distribution of trust assets or a division of trust assets into separate trusts or shares on the death of the survivor of us, the Trustee may, in the Trustee's discretion, defer such distribution or division up to six (6) months after such death. When the Trustee defers distribution or division of the trust assets, the deferred division or distribution shall be made as if it had taken place at the time prescribed in this Trust Agreement in the absence of this Paragraph and all rights given to the beneficiaries of such trust assets under other provisions of this Trust Agreement shall be deemed to have accrued and vested as of such prescribed time; further, the beneficiaries of such trust assets shall be entitled to receive interest on the delayed distribution pursuant to California law (if there is no provision expressly applicable to trusts, then interest shall be paid pursuant to California law applicable to decedents' estates). Upon making distribution of trust assets or a division of trust assets into separate trusts at the death of the Deceased Spouse, the assets shall be valued at the date of distribution or the date of funding the trusts created by this instrument if such date is different than the date of death, and the Trustee shall distribute or divide so as to avoid application of terminable interest rules and regulations.

Further, from time to time during the period between the death of the Deceased Spouse and the funding of any trust which is to come into existence under the terms of this Trust Agreement as a result of the death of the Deceased Spouse, Trustee may, in Trustee's discretion, distribute cash and/or other trust properties, not only to such trust, but also to or for the direct benefit of any individual beneficiary or beneficiaries of such trust (i.e., one to whom distributions of the income of such trust might then be made); provided however, that:

- (1) All such direct distributions to any beneficiary of any such trust shall be in lieu of (and thus credited toward) allocations otherwise required to be made to that trust as provided above; and,
- (2) No distribution which might thus be made to any beneficiary of any such trust shall exceed the amount then remaining to be allocated to that trust, or the amount which might properly be distributed by the trust to that beneficiary under the terms of that particular trust (nor shall it involve any trust assets which are prohibited by any other term of this Trust Agreement from allocation to that trust).

**6.F. Authorized Actions at Our Deaths.** At and after the death of either of us, the Trustee is authorized and directed to pay over to our executor, administrator, or personal representative so much of the trust fund as such representative shall state in writing is necessary or desirable to provide the estate with funds with which to pay the funeral expenses, debts, cost of administration and/or the taxes on the taxable estate, including taxes which may be imposed upon the probate estate, upon the trust fund and/or upon any property or interest in property, legal or equitable, which is included in the taxable estate, and any such statement of our executor, administrator, or personal representative (regardless of the nature or extent of the assets held in such the estate) shall be binding and conclusive upon the Trustee and upon all persons and corporations having any interest in the trust fund.

(1) If such executor, administrator, or personal representative fails to furnish any such directions or if no such representative is appointed, the Trustee may, in its discretion, pay in whole or in part all debts which are due and enforceable against our estate, the expenses of the last illness, funeral, and administration and all taxes and other governmental charges imposed under the laws of the United States or of any state or country by reason of such death.

(2) Any estate taxes imposed on any trust assets shall be pro-rated among the beneficiaries and/or trusts who actually receive such property in the manner set forth under California law, pursuant to Probate Code §20100, *et seq.*, and any successor statutes and the Code. Further, the Trustee is specifically authorized to recover the payments of any estate taxes attributable to assets not part of the trust fund (or not added to the trust fund following the death of the survivor of us) from the person, persons or entity which received such assets. Provided however:

- (a) No taxes shall be apportioned to, charged against or paid from any retirement plan benefits in which the trust fund acquires an interest as a result of either of us.
- (b) No taxes shall be apportioned to, charged against or paid from any life insurance proceeds or other property passing to the trust fund on either of our deaths in accordance with a beneficiary designation, unless the property would have been liable for estate taxes had the property passed to an individual beneficiary rather than to the trust.
- (c) No taxes shall be apportioned to, charged against or paid from any tangible personal property or specific cash gifts made by us under our respective Wills or under this Trust Agreement.
- (d) No taxes shall be apportioned to, charged against or paid from any gift made to a charitable organization that qualifies for a charitable deduction under §2055 of the Code.



- (e) No taxes shall be apportioned to, charged against or paid from any property qualifying for the marital deduction under §2056 of the Code.
- (f) No taxes shall be apportioned to, charged against or paid from any other property excluded from the imposition of estate taxes by reason of any exemption, exclusion, or deduction applicable to the property, or because of (i) provisions of our respective Wills or this Trust Agreement that expressly exclude the property from taxation; (ii) the relationship between the deceased and the beneficiary of the property; or (iii) the character of the property. All such property shall pass free of estate taxes.
- (g) All estate taxes imposed on property includible in either of our gross taxable estates under §2041 of the Code (or an applicable statute for state purposes) by reason of a general power of appointment held by the deceased shall be charged to and paid from the property subject to the power. Further, we direct that the amount of the general power of appointment property equal to the taxes attributable to the value of the property shall be paid to the Trustee, to be held in this trust and used to pay such taxes. The amount of taxes attributable to the property shall equal (i) the amount of all taxes imposed on either of our taxable estates (including the value of the general power of appointment property), less (ii) the amount of all taxes that would have been imposed on the deceased's taxable estate excluding the value of the general power of appointment property. The rules promulgated under §2207 of the Code shall apply in determining the amount of the incremental tax to be paid from the general power of appointment property.
- (h) Any increment in estate taxes attributable to other property in which either of us had a life interest or a term interest that did not end prior to his or her death (including a life estate or life income interest) and which is included in either of our gross taxable estates shall be borne by the holder or recipient of that property.

**6.G. Distribution at the Death of the Surviving Spouse.** On the death of the Surviving Spouse, the Trustee shall hold, administer and distribute the entire trust fund, as then constituted, all of which is hereafter referred to as the "Trust Estate," as follows:

- (1) The Trustee shall divide the rest, remainder and residue of the Trust Estate into two (2) equal shares; one share shall be allocated for Barbara's son TIMOTHY C. JENKINS and one share shall be allocated for Barbara's daughter SHARON L. WOLFF. Each share shall thereafter be held, administered and distributed as follows:
  - (a) For each of the above-named beneficiaries then-living, the Trustee shall distribute the principal of that beneficiary's share, plus the accrued income of such share, to the beneficiary for whom such share shall be allocated.

(b) In the event of the death of either beneficiary for whom a share was allocated, the Trustee shall distribute such share (or the undistributed portion thereof) to the then-living issue, by right of representation, of the beneficiary so dying. If such deceased beneficiary shall not be survived by issue, the Trustee shall distribute the deceased beneficiary's share to the other share allocated under this subparagraph.

(2) For all purposes hereunder, we are specifically not making any provision for husband's sons ROBERT DILLER and SCOTT DILLER or for their issue (if any).

Executed on May 15, 2017, in Placer County, California.

Ronald W. Keller  
RONALD W. KELLER,  
Trustor

Barbara L. Keller  
BARBARA L. KELLER,  
Trustor

I hereby acknowledge receipt of the trust fund, accept the terms of THE KELLER 2017 TRUST, and covenant that I will execute the trust with all due fidelity.

Ronald W. Keller  
RONALD W. KELLER,  
Co-Trustee

Barbara L. Keller  
BARBARA L. KELLER,  
Co-Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

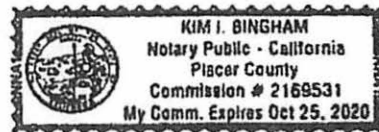
STATE OF CALIFORNIA  
COUNTY OF PLACER

On May 15, 2017, before me, KIM I. BINGHAM, a Notary Public, personally appeared RONALD W. KELLER and BARBARA L. KELLER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kim I. Bingham  
Notary Public Signature



Notary Public Seal

Hereby acknowledge receipt of the trust fund, accept the terms of THE MULLER 2017 TRUST, and covenant that I will serve the trust with all due fidelity.

**NOTARY PUBLIC**  
[Redacted Signature]  
[Redacted Name]  
[Redacted Address]

A notary public on either completing this certificate certifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

**STATE OF CALIFORNIA  
COUNTY OF PLACER**

On May 15, 2017, before me, Notary Public, personally appeared [Redacted Name], who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument (the instrument), or the entry upon behalf of which the person(s) acted, executed the instrument.

I hereby certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Redacted Signature]  
[Redacted Name]  
[Redacted Address]



Notary Public Seal

I hereby acknowledge receipt of the trust fund, accept the terms of THE KELLER 2017 TRUST, and covenant that I will execute the trust with all due fidelity.

  
\_\_\_\_\_  
SHEARON L. WADSWORTH,  
Co-Trustee

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA,  
COUNTY OF PLACER

On 5/17/17 before me, Notary Public, M. G. GARDNER, a Notary Public, appeared SHEARON L. WADSWORTH, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged the same to me, and that he executed the instrument in his individual capacity for the purposes and consideration therein expressed. He acknowledged the execution of the instrument to me for the purposes and consideration therein expressed, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California, that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
M. G. GARDNER

M. G. GARDNER



**EXHIBIT "A"**  
**OF**  
**THE KELLER 2017 TRUST**  
**STANDARD TRUSTEE POWERS**

- (1) **Agreements.** To carry out the terms of any valid agreements which Trustors, or either of them, may have entered into during Trustors' lifetimes regarding property owned by the trust;
- (2) **Asset Title.** To hold securities or other property in the Trustee's name as trustee, or in "street name," or in bearer form;
- (3) **Bank Accounts.** To open and maintain bank accounts in the name of the Trustee with any bank, trust company or savings and loan association authorized and doing business in any State of the United States of America. If more than one Trustee shall be acting, the Trustees may designate one or more of them to conduct banking activities and to make deposits, withdrawals and endorsements upon giving written notice of such designation to the bank, trust company, or savings and loan association in question; and such bank, trust company or savings and loan association shall be protected in relying upon such designation;
- (4) **Contracts.** To enter into contracts which are reasonably incident to the administration of the trust;
- (5) **Deal with Fiduciaries.** To buy from, sell to, and generally deal with the Trustee individually and as a fiduciary;
- (6) **Depreciation Reserve.** The Trustee shall not be required to establish any reserve for depreciation or to make any charge for depreciation against any portion of the income of the trust;
- (7) **Digital Assets.** To access, manage and control any and all forms of electronic communications and/or digital assets in which either of us has an interest. "Digital asset" means an electronic record in which an individual has a right or interest. "Digital asset" does not include an underlying asset or liability unless the asset or liability is itself an electronic record;
- (8) **Divisions and Distributions.** In any case in which the Trustee is required to divide any trust assets into shares for the purpose of distribution (or otherwise), such division may be in kind, including undivided interests in any real property, or partly in kind and partly in money, pro rata or non-pro rata. For such purposes, the Trustee may make such sales of trust assets as the Trustee may deem necessary on such terms and conditions as the Trustee shall deem fit, and to determine the relative value of the securities or other assets so allotted or distributed; the Trustee's determination of values and of the property for such distribution shall be conclusive. The decision of the Trustee in distributing assets in reliance on this paragraph shall be binding, and shall not be subject to challenge by any beneficiary;
- (9) **Indebtedness.** With respect to any indebtedness owed to the trust, secured or unsecured:
  - (a) To continue the same upon and after maturity, with or without renewal or extension, upon such terms as the Trustee deems advisable; and,

(b) To foreclose any security for such indebtedness, to purchase any property securing such indebtedness and to acquire any property by conveyance from the debtor in lieu of foreclosure;

(10) **Invest and Reinvest.** To invest, reinvest, change investments and keep the trust invested in any kind of property, real, personal, or mixed, including by way of illustration but not limitation, oil and gas royalties and interests; precious metals; common and preferred stocks of any corporation; bonds; notes; debentures; trust deeds; mutual funds or common trust funds, including such funds administered by a Trustee; interests in Limited Liability Companies; interests in partnerships, whether limited or general and as a limited or general partner; intending hereby to authorize the Trustee to act in such manner as the Trustee shall believe to be in the best interests of the trust and the beneficiaries thereof. The Trustee is specifically vested with the power and authority to open, operate and maintain securities brokerage accounts wherein any securities may be bought and/or sold on margin, and to hypothecate, borrow upon, purchase and/or sell existing securities in such account as the Trustee shall deem appropriate or useful and, further, while Trustors, or either of them, are acting as a Trustee, such account(s) may deal in commodities, options, futures contracts, hedges, puts, calls and/or straddles (whether or not covered by like securities held in the brokerage account). These powers shall be construed as expanding the "standards of care" rule of the California Trust Code (Division 9 of the California Probate Code beginning with §15000) or in the Uniform Prudent Investor Act (as it may otherwise apply);

(11) **Life Insurance.** To purchase insurance on the life of any person or persons, including the lives of either of us;

(12) **Loans.** To borrow for the trust from any person, corporation or other entity, including the Trustee, at such rates and upon such terms and conditions as the Trustee shall deem advisable, and to pledge and/or hypothecate as security any of the assets of the trust for the benefit of which such loan is made by mortgage, deed of trust or otherwise for the debts of the trust or the debts of either Trustor, or to guarantee the debt of either Trustor; to lend money upon such terms and such conditions as the Trustee deems to be in the best interests of the trust and the beneficiaries thereof, including the lending of money from one trust to any other trust created hereunder and to borrow on behalf of one trust from any other trust created hereunder, and further including the right to lend money to the probate estate (if any) of either Trustor but in such event such loans shall be adequately secured and shall bear the then prevailing rate of interest for loans to such persons or entities for the purposes contemplated;

(13) **Manage and Control.** To manage, control, sell at public or private sale, convey, exchange, partition, divide, subdivide, improve, repair; to grant options and to sell upon deferred payments; to pledge or encumber by mortgage or deed of trust or any other form of hypothecation; to otherwise dispose of the whole or any part of the trust on such terms and for such property or cash or credit, or any combination thereof, as the Trustee may deem best; to lease for terms within or extending beyond the duration of the trust for any purposes; to create restrictions, easements, to compromise, arbitrate, or otherwise adjust claims in favor of or against the trust; to institute, compromise and defend actions and proceedings with respect to the trust; and to secure such insurance, at the expense of the trust, as the Trustee may deem advisable;

(14) **Professional Assistance.** To employ and compensate agents, investment managers, attorneys, accountants, and other professionals deemed by the Trustee to be reasonably necessary for the administration of the trust, and the Trustee shall not be liable for any losses occasioned by

the good faith employment of such professionals, nor shall the Trustee be liable for any losses occasioned by any actions taken by the Trustee in good faith reliance upon any advice or recommendation thereof; to pay all costs, taxes, and charges in connection with the administration of the trust; and to be reimbursed for all reasonable expenses, including attorneys' fees, incurred in the management and protection of the trust and to pay such professionals a reasonable fee without court approval thereof. Any such payment by the Trustee of such fees shall be out of principal or income, as the Trustee may elect, or partially out of each. The discretion of the Trustee to pay these expenses from income or principal, or partially from each, is subject to the Trustee's fiduciary obligation to treat income beneficiaries and remaindermen equitably;

(15) **Purchase.** To purchase property at its fair market value as determined by the Trustee from the probate estate (if any) of either Trustor;

(16) **Qualification for Government Benefits.** The Trustee is authorized to take any actions that the Trustee determines to be appropriate or necessary in connection with the qualification for or receipt of government benefits for either of us, including benefits (whether income, medical, disability, or otherwise) from any agency (whether state, federal, or otherwise), such as Social Security, Medi-Cal, Medicare, or state supplemental programs. In particular, we authorize and direct the Trustee, upon receiving written notice from either of us, the conservator of either of us, or the person holding a Durable Power of Attorney for either of us, to partition all of the community property of the Trust for the purpose of transmuting such community property to be the separate property of either of us. Upon such partition, if one of us is incompetent, the Trustee have the authority to divide our residence and our other assets between us in whatever manner is required to maximize any such government benefits or to maximize the nonincapacitated spouse's "Community Spouse Resource Allowance" ("CSRA") and/or "Minimum Monthly Maintenance Needs Allowance" ("MMMNA") as those terms are defined in the Medicare Catastrophic Coverage Act, as amended, or similar state laws or regulations. We authorize and encourage the Trustee to engage in estate planning, financial planning, Medi-Cal planning, long term care planning and/or asset preservation planning, to such extent and in such manner, as the Trustee shall deem necessary or advisable. Pursuant to this authority and notwithstanding any other provision of this Trust Agreement, the Trustee may also transfer any portion of the Trust Estate without limitation to the beneficiaries hereunder, including the Trustee if the Trustee is one such beneficiary, or to another trust established for the benefit of the beneficiaries hereunder, including the Trustee if the Trustee is one such beneficiary, in the complete discretion of the Trustee, even if doing so may be considered self-dealing. Any transfers made pursuant to this authority shall, for all purposes, be deemed to have been "in my best interest" if: (a) made in accordance with the provisions of this subparagraph; and (b) made in the context of estate planning, financial planning, Medi-Cal planning, long term care planning and/or asset preservation planning pursuant to the recommendations of an attorney-at-law experienced in such matters;

(17) **Receive Assets.** To receive, take possession of, sue for, recover and preserve the assets of the trust, both real and personal, coming to its attention or knowledge, and the rents, issues and profits arising from such assets;

(18) **Retention of Trust Property.** To retain, without liability for loss or depreciation resulting from such retention, any assets received by the Trustee or any property that may from time to time be added to the trust or any trust created hereunder; or any property in which the funds of any trust may from time to time be invested, for such time as the Trustee shall deem best, even though such property may represent a large percentage of the total property of the trust or it would otherwise be considered a speculative or inappropriate investment. This authority



shall be construed as expanding the "standards of care" rule of the California Trust Code (Division 9 of the California Probate Code beginning with §15000) or in the Uniform Prudent Investor Act (as it may otherwise apply); however, this authority shall not supersede any right otherwise granted to the surviving spouse under this Trust Agreement to compel that certain trust assets be made productive;

(19) **Safe Deposit Boxes.** To hire a safe deposit box and/or space in a vault and to surrender or relinquish any such safe deposit box and/or space in a vault;

(20) **Securities.** With respect to any corporation or partnership, the stocks, bonds or interests in which may form a part of the trust estate, to act in the same manner and to exercise any and all powers which an individual could exercise as the legal owner of any such corporate stock or partnership interest, including the right to vote in person or in proxy, or to surrender, exchange or substitute stocks, bonds, or other securities as an incident to the merger, consolidation, recapitalization or dissolution of any of such corporation, or to exercise any option or privilege which may be conferred upon the holders of such stocks, bonds, or other securities, either for the exchange or conversion of the same into other securities or for the purchase of additional securities, and to make any and all payments which may be required in connection therewith;

(21) **Tax Consequences.** To prepare and file returns and arrange for payment with respect to all local, state, federal and foreign taxes incident to this Trust Agreement; to take any action and to make any election, in the Trustee's discretion, to minimize the tax liabilities of this Trust Agreement and its beneficiaries; and,

(22) **General Powers.** To do any and all other acts necessary, proper or desirable for the benefit of the trust and its beneficiaries, and to effectuate the powers conferred upon the Trustee hereunder.

**Last Will and Testamen.**

**of**

**Ronald W. Keller**

**I, Ronald W. Keller, revoke my former Wills and Codicils and declare this to be my Last Will and Testament.**

**Article I**

**Nomination of Executor and  
Executor Powers**

**I nominate my wife, Barbara L. Keller as the Executor, without bond or security. If such person does not serve for any reason, I nominate daughter, Sharon L. Wolff to be Executor. If such person does not serve for any reason, I nominate son, Timothy C. Jenkins, to be Executor.**

**My Executor, in addition to other powers and authority granted by law or necessary or appropriate for proper administration, shall have the right and power to lease, sell, mortgage, or otherwise encumber any real or personal property that may be included in my estate, without order of court and without notice to any person.**

**Article II**

**Disposition of Property**

**I direct that upon my death, the entirety of my estate be given to wife, Barbara L. Keller. In the event that said wife shall predecease me, then estate shall be distributed to children, Sharon L. Wolff, and Timothy C. Jenkins, in equal shares.**

**Article III**

**Living Will Provisions**

**I direct that upon the opinion of family and/or physicians, my death is imminent, there will be no extreme measures taken to prolong life. I also direct that upon death, my body be cremated and that no formal funeral or memorial service be held.**

IN WITNESS WHEREOF, I have subscribed my name below, this 17 day  
of APRIL, 2003.

Ronald W Keller

Ronald W. Keller

We, the undersigned, hereby certify that the above instrument, was signed in our sight and presence by Ronald W. Keller (the Testator), who declared this instrument to be his Last Will and Testament and we, at the Testator's request and in the Testator's sight and presence, and in the sight and presence of each other, do hereby subscribe our names and addresses as witnesses on the date shown above.

Witness Signature: Tammy L Empey

Witness Name: Tammy L Empey

Witness Address: 4180 Cascade Valley Ct Suite 180  
Las Vegas NV 89128

Witness Signature: Belinda Joiner

Witness Name: BELINDA JOINER

Witness Address: 7180 Cascade Valley Ct Suite 180  
Las Vegas NV 89128

Witness Signature: Christina M Asher

Witness Name: CHRISTINA M ASHER

Witness Address: 7180 Cascade Valley Ct Suite 180  
Las Vegas NV 89128

**Affidavit**

STATE OF Nevada  
COUNTY OF Clark

Before me, the undersigned, on this day personally appeared Ronald W. Keller, Tammy L. Emery, Belinda Joiner and Christina Asher known to me to be the Testator and the witnesses, respectively, whose names are signed to the foregoing instrument. All of these persons were first duly sworn by me. Ronald W. Keller, the Testator, declared to me and to the witnesses, in my presence, that the foregoing instrument is the Testator's Will and that the Testator willingly signed and executed such instrument (or expressly directed another person to sign the instrument for the Testator in the Testator's presence) in the presence of the witnesses, as the Testator's free and voluntary act for the purposes expressed in the instrument. Each of the witnesses declared in the presence and hearing of the Testator that the foregoing instrument was executed and acknowledged by the Testator as the Testator's Will in their presence and that they, in the Testator's presence, hearing and sight and at the Testator's Will in their presence and that they, in the Testator's presence, hearing and sight and at the Testator's request, and in the presence of each other, did subscribe their names to the instrument as attesting witnesses on the date of the instrument. The Testator, at the time of the execution of such instrument, was of full age, of sound mind, and the witnesses were of adult age and otherwise competent to be witnesses.

Ronald W. Keller  
Ronald W. Keller, Testator

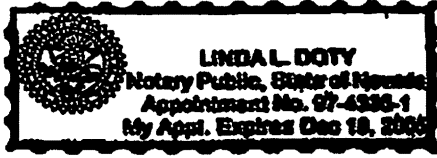
Tammy L. Emery  
Witness

Belinda Joiner  
Witness

Christina Asher  
Witness

Subscribed, sworn to and acknowledged before me by Ronald W. Keller, the Testator; and subscribed and sworn before me by Tammy L. Emery, Belinda Joiner, and Christina Asher, witnesses, this 17 day of April, 2003.

Linda L. Doty  
Notary Public, or other officer authorized to take and certify acknowledgements and administer oaths



**Last Will and Testament**  
**of**  
**Barbara L. Keller**

I, Barbara L. Keller, revoke my former Wills and Codicils and declare this to be my Last Will and Testament.

**Article I**  
**Nomination of Executor and**  
**Executor Powers**

I nominate my Husband, Ronald W. Keller as the Executor, without bond or security. If such person does not serve for any reason, ~~I nominate daughter, Sharon L. Wolff to be Executor.~~ If such person does not serve for any reason, I nominate son, Timothy C. Jenkins, to be Executor.

My Executor, in addition to other powers and authority granted by law or necessary or appropriate for proper administration, shall have the right and power to lease, sell, mortgage, or otherwise encumber any real or personal property that may be included in my estate, without order of court and without notice to any person.

**Article II**  
**Disposition of Property**

I direct that upon my death, the entirety of my estate be given to husband, Ronald W. Keller. In the event that said husband shall predecease me, then estate shall be distributed to children, Sharon L. Wolff, and Timothy C. Jenkins, in equal shares.

**Article III**  
**Living Will Provisions**

I direct that upon the opinion of family and/or physicians, my death is imminent, there will be no extreme measures taken to prolong life. I also direct that upon death, my body be cremated and that no formal funeral or memorial service be held.

IN WITNESS WHEREOF, I have subscribed my name below, this 17<sup>th</sup> day  
of April, 2003.

Barbara L. Keller  
Barbara L. Keller

We, the undersigned, hereby certify that the above instrument, was signed  
in our sight and presence by Barbara L. Keller (the Testator), who declared  
this instrument to be her Last Will and Testament and we, at the Testator's  
request and in the Testator's sight and presence, and in the sight and  
presence of each other, do hereby subscribe our names and addresses as  
witnesses on the date shown above.

Witness Signature: Tammy L. Empey

Witness Name: Tammy L. Empey

Witness Address: 7180 Cascade Valley Ct Suite 180  
Las Vegas NV 89128

Witness Signature: Belinda Joiner

Witness Name: Belinda Joiner

Witness Address: 7180 Cascade Valley Ct Suite 180  
Las Vegas NV 89128

Witness Signature: Cristina M. Asher

Witness Name: Cristina M. Asher

Witness Address: 7180 Cascade Valley Ct Suite 180  
Las Vegas NV 89128

**Affidavit**

STATE OF Nebraska  
COUNTY OF Clark

Before me, the undersigned, on this day personally appeared Barbara L. Keller,

Tammy Sawyer and

Christina Fisher known to me to be the Testator and the witnesses,

respectively, whose names are signed to the foregoing instrument. All of these persons were first duly sworn by me. Barbara L. Keller, the Testator, declared to me and to the witnesses, in my presence, that the foregoing instrument is the Testator's Will and that the Testator willingly signed and executed such instrument (or expressly directed another person to sign the instrument for the Testator in the Testator's presence) in the presence of the witnesses, as the Testator's free and voluntary act for the purposes expressed in the instrument. Each of the witnesses declared in the presence and hearing of the Testator that the foregoing instrument was executed and acknowledged by the Testator as the Testator's Will in their presence and that they, in the Testator's presence, hearing and sight and at the Testator's Will in their presence and that they, in the Testator's presence, hearing and sight and at the Testator's request, and in the presence of each other, did subscribe their names to the instrument as attesting witnesses on the date of the instrument. The Testator, at the time of the execution of such instrument, was of full age, of sound mind, and the witnesses were of adult age and otherwise competent to be witnesses.

Barbara L. Keller  
Barbara L. Keller, Testator

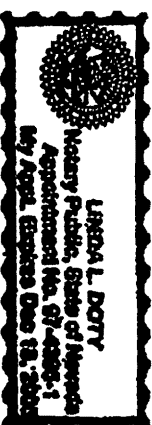
Tammy Sawyer  
Witness

Christina Fisher  
Witness

Heidi E. ...  
Witness

Subscribed, sworn to and acknowledged before me by Barbara L. Keller, the Testator; and subscribed and sworn before me by Tammy L. Sawyer,  
Christina Fisher and Heidi E. ... witnesses, this 17<sup>th</sup> day of April, 2003.

Lynda L. Doty  
Notary Public, State of Nebraska  
certify acknowledgments and administer oaths



**Sharon**

---

**From:** Barbara Keller <bnrkeller@gmail.com>  
**Sent:** Tuesday, February 09, 2021 3:56 PM  
**To:** Sharon  
**Subject:** Power

Are you suffering a TV outage? Everything else (lights, etc) work fine. We paid our bill, so why are they punishing us ??? Maybe Trump is throwing a tantrum because we don't like him. BFN Love, Mom

Sent from Mail for Windows 10



**Sharon**

---

**From:** Sharon <sharon@riodelltimes.com>  
**Sent:** Tuesday, February 09, 2021 7:19 PM  
**To:** calsmarinepc@gmail.com; calsmarinepc@gmail.com  
**Subject:** Update from today's adventure

Sol

How do you find a financial person that you can trust to take over some tasks for Mom and Ron if we are to go down that path? I asked Dad too in case he has any great ideas. I took them to get their shots today which was fine. I wasn't allowed inside the office with them but it was a nice day out so that was fine to sit outside on a bench for a little while. I got them home and then decided to see if I could get on her laptop while I was there and they had no internet. I checked connections, etc. and I asked if they had been having any trouble with their internet recently and mom said no. I rebooted their router, etc. I asked if they have had any problems with their TV which is bundled through Suddenlink with the internet and phone. Mom said no problems and then Ron said they have had some problem recently. I picked up their phone and it was out. They hadn't paid their Suddenlink bill and it was cut off. Mom swears she mailed a check but has no record in the check register. In any case, we paid the bill and got everything back ok. Mom is sure they just pocketed the money she sent them. Ugh! Not a good sign.

In any case, how in the world do you find someone trustworthy during a pandemic? I will ask my coworkers over at APS and Public Guardian if they have any great pointers.

Hope you're all doing ok. How is your health doing? Marylynn was tested and she is a carrier for hemochromatosis which means that both Steve and I are as well. I pretty much knew Steve was but now it's confirmed on our side. For me to have it, both of my parents would have to be carriers. Just something to be aware of but we are definitely going to be more careful about the diet. Old age and an expanding waistline has already taken away most of the good food anyway so what the heck.

I have Friday and Monday off work so yea! There are a bunch of state budget hearings that are painful to watch and fairly pointless but that is my job.

XXXXOO Shari

Attachment 5c(2)e

**RE: Bye!**

Starck, Nancy <NStarck@co.humboldt.ca.us>

Wed 3/17/2021 9:12 AM

To: Wolff, Sharon <SWolff@co.humboldt.ca.us>

OMG! Thank god they have you. That could have been disastrous. And thank goodness the bank was willing to look for you. They coulda been bastards about that.

Yes, indeed, it is HARD to try to protect/coach – I don't know what the words are – for trying to help parents navigate old age. I can't tell my mother what to do, I can only suggest, nudge and offer – which works maybe 50% of the time.

I found a palliative care provider in buffalo; it costs \$250/month out of pocket, plus insurance copays/deductibles and I finally got my mother to agree to let me pay for all of that (I send her \$400/month for it) but it is a friggin BARGAIN – They sent an MD – not a nurse, or PA, or MA, but an actual MD – out to the house; they did an EKG right there in his lazyboy! Best money I could possibly spend. Just the peace of mind – that she has one phone # to call, its posted next the phones and it doesn't have to be 911 where they would just take him to a hospital to get covid. I wish house-call options like that existed here! My brother is taking the brunt of all the caregiving for sure. He does all the literal heavy lifting. While our mom nit-picks all of his decisions. I sure can't tell my brother what to do – he's there, every day. I'm not. My sister has a ton of snotty opinions and none are helpful. Man, navigating a lifetime of sibling relationships while trying to make a parent comfortable in dying – jeesh. This stuff is hard!! Thank goodness your kids are "grown". Doing both at once is ever harder!

Nancy Starck  
Legislative & Policy Manager  
Humboldt County DHHS  
707-362-6875 (cell)

---

From: Wolff, Sharon <SWolff@co.humboldt.ca.us>

Sent: Wednesday, March 17, 2021 8:50 AM

To: Starck, Nancy <NStarck@co.humboldt.ca.us>

Subject: Re: Bye!

I finally was able to figure out what my mom was talking about on the phone when she called me about needing to wire transfer money for some reason. They got a call from "Wells Fargo" about some stolen or missing money (not clear on the details they were told) and they had to transfer money to cover the loss or some bs like that. Mom writes notes (guess where I got it from) so she had a bunch of notes about how they needed to send \$17,000 to Hong Kong (I am not kidding here) right away. Thankfully, they got so confused after a bunch of time on the phone with these people that they finally decided to call me. Heaven only knows if they would have sent the money if they still had a car to get to the bank with.

That wasn't all. I tried to get on to their laptop computer to bring up their bank account and make sure there was nothing funky when I found out that mom decided to password protect her laptop. Not the best idea for a person with severe memory problems. She has no idea what she would have set it for and none of the usual passwords worked. We called the bank to check on the account (all looked ok) so at least we can confirm they weren't cleaned out. I will have my computer guru see about getting around that password thing today.

Parenting little kids was easier than parenting parents! At least I had "all encompassing Mom powers" and now I am just the kid trying to tell the grown-up's what to do.

Attachment 5c(2)e

5/23/2021

Mail - Wolff, Sharon - Outlook

Sharon Wolff  
Legislative Analyst  
County of Humboldt Dept. of Health & Human Services  
707-845-8496 Cell.  
[swolff@co.humboldt.ca.us](mailto:swolff@co.humboldt.ca.us)

Please print only if necessary and consider double-sided.

For current information about COVID-19, visit [cdc.gov](http://cdc.gov) or [cdph.ca.gov](http://cdph.ca.gov). Local information is available at [humboldt.gov.org](http://humboldt.gov.org), or during business hours by emailing [covidinfo@co.humboldt.ca.us](mailto:covidinfo@co.humboldt.ca.us) or calling 707-441-5000.

Facebook: [@HumCoCOVID19](https://www.facebook.com/HumCoCOVID19).

Instagram: [@HumCoCOVID19](https://www.instagram.com/HumCoCOVID19).

Twitter: [@HumCoCOVID19](https://twitter.com/HumCoCOVID19), and

Humboldt Health Alert: [humboldt.gov.org/HumboldtHealthAlert](http://humboldt.gov.org/HumboldtHealthAlert)

---

From: Starck, Nancy <[NStarck@co.humboldt.ca.us](mailto:NStarck@co.humboldt.ca.us)>  
Sent: Tuesday, March 16, 2021 2:02 PM  
To: Wolff, Sharon <[SWolff@co.humboldt.ca.us](mailto:SWolff@co.humboldt.ca.us)>  
Subject: RE: Bye!

No problem.

I have a call with my dad's palliative care at 4, so I'll off for the day then.

Nancy Starck  
Legislative & Policy Manager  
Humboldt County DHHS  
707-362-6875 (cell)

---

From: Wolff, Sharon <[SWolff@co.humboldt.ca.us](mailto:SWolff@co.humboldt.ca.us)>  
Sent: Tuesday, March 16, 2021 1:49 PM  
To: Starck, Nancy <[NStarck@co.humboldt.ca.us](mailto:NStarck@co.humboldt.ca.us)>  
Subject: Bye!

I have to go to my Mom's house now. Will be back as soon as I can.

Sharon Wolff  
Legislative Analyst  
County of Humboldt Dept. of Health & Human Services  
707-845-8496 Cell.  
[swolff@co.humboldt.ca.us](mailto:swolff@co.humboldt.ca.us)

Please print only if necessary and consider double-sided.

For current information about COVID-19, visit [cdc.gov](http://cdc.gov) or [cdph.ca.gov](http://cdph.ca.gov). Local information is available at [humboldt.gov.org](http://humboldt.gov.org), or during business hours by emailing [covidinfo@co.humboldt.ca.us](mailto:covidinfo@co.humboldt.ca.us) or calling 707-441-5000.

Attachment 5c(2)e

5/23/2021

Mail - Wolff, Sharon - Outlook

Facebook: [@HumCoCOVID19](#),

Instagram: [@HumCoCOVID19](#),

Twitter: [@HumCoCOVID19](#), and

Humboldt Health Alert: [humboldt.gov.org/HumboldtHealthAlert](http://humboldt.gov.org/HumboldtHealthAlert)

Attachment Sc(2)e

We were doing  
a Business  
Transfer of  
\$17,400  
(1st installment  
paid by our  
son)

- Want to make  
a physical wire  
transfer from  
Household ac/  
\$17,400.00

- Internal Bus  
acct (\$ was  
pre transferred)

- \$17,400  
Hong Kong

- Int. Wire  
to Transfer  
= Singapore

- To whom  
are you sending  
funds & why  
to Singapore

The only reason I found out that  
Mom and Ron were trying to wire  
money to a scammer was because  
they didn't know how to actually  
do the bank transfer so they finally  
asked me how to do it.

Mom is a note taker thank  
goodness!

This is from 4/20/21 when Ron's mental health crisis became apparent - he had Mom call the police on me for coming to pick them up for a doctors appointment as we had arranged previously.

FORTUNA POLICE DEPARTMENT										Page 1										
CAD INCIDENT REPORT										04/21/2021										
2104200040																				
Location KELLER, RON & BARBARA, 2730 KENMAR RD					Cross Streets KELLI WAY/KENWOOD RD			City FORTUNA												
Incident Type 415FAM - FAMILY DISTURBANCE					Call Taker 0147			Dispatcher 0147												
Date 04/20/2021	Priority 2	Primary Unit 5B68	Beat	Fire Zone	Area	Map	Source 9-1-1 CALL													
Caller Name KELLER, BARBARA				Caller Address 2730 Kenmar Rd, Fortuna, CA				Caller Phone 707-682-6401												
Dispositions COUNSELED & ADVISED					Weapon		Alm Level		Case Number											
Vehicles					Associated Incidents															
Incident Times			Special Circumstances																	
Received	13:25:54		<table border="1"> <thead> <tr> <th>Persons</th> <th>Sex</th> <th>DOB</th> <th>Race</th> <th>DL</th> </tr> </thead> <tbody> <tr> <td>Wolf, Sharon</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>								Persons	Sex	DOB	Race	DL	Wolf, Sharon				
Persons	Sex	DOB									Race	DL								
Wolf, Sharon																				
Created	13:27:12																			
Dispatched	13:30:08																			
En Route																				
On Scene	13:34:28																			
Closed	13:57:00																			
Revd-Closed	31:06																			
Unit Times	Officers	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear											
5B68	0132	13:30:08		13:34:28	13:57:00	04:20	N/A	22:32	26:52											
5L21	0119	13:31:50		13:35:51	13:37:47	04:01	N/A	01:56	05:57											
Incident Comments [SHARON WOLFE] INSIDE HOUSE YELLING AND TRYING TO FORCE RP OUT. NEG WEAPONS.																				
TIME	#	EVENT							BY											
13:27:12	1	Incident initiated at Keller, Ron & Barbara, 2730 Kenmar Rd, Fortuna							0147											
13:27:58	2	5B68 ADVISED							0147											
13:30:08	3	5B68 DISP. Keller, Ron & Barbara, 2730 Kenmar Rd, Fortuna							0147											
13:31:50	4	5L21 DISP. Keller, Ron & Barbara, 2730 Kenmar Rd, Fortuna							0147											
13:33:16	5	5B68 WOLF, SHARON added to incident							0147											
13:33:41	6	Incident type changed from 415 to 415FAM							0147											
13:34:28	7	5B68 ONSCEN.							0147											
13:34:58	8	5B68 CODE 4.							0147											
13:35:51	9	5L21 ONSCEN.							0147											
13:37:47	10	5L21 CLEAR.							0147											
13:48:02	11	5B68 CODE 4.							0147											
13:57:00	12	5B68 CLEAR. ALL PARTIES COUNSELED							0147											
13:57:01	13	5B68 Closed - Disposition CA							0147											

CONTROLLED DOCUMENT - DO NOT DUPLICATE

CONTROL DOCUMENT  
DUPLICATION OR REISSUANCE  
CONTROL BY LAW

Released to Sharon Wolff  
By YB Date 4/21/2021  
FORTUNA POLICE DEPARTMENT

*4/22 left 2 on 2/1 after, from 2 on, follow up*

**Sharon**

---

**From:** Sharon <sharon@riodelltimes.com>  
**Sent:** Saturday, April 24, 2021 3:18 PM  
**To:** 'Nancy Zinos'  
**Subject:** RE: Mom and Ron are melting down  
**Attachments:** Screenshot\_20210413-170532\_Video Player.jpg; Screenshot\_20210413-170012\_Video Player.jpg

The paranoia is really hard to deal with since anyone who is trying to help them is obviously part of the conspiracy against them. I don't take it too personal since I know that it isn't Mom as I know her to be and it is really the mental problems. It probably helps that I work at DHHS and hear all kinds of horror stories from our mental health department and the APS folks so I know I am not alone. But it still bites. I have never been the bad guy before so this is new to me. They had moved up here in 2015 specifically to live nearby as they knew they would need more help in the future. It is a shame that Mom doesn't remember Shauna taking her to the zoo last Tuesday for a girls day (with Walter) and they had a really good time. I attached a couple of pictures that Shauna sent me. They went out to lunch and made a day of it just last week.

I am going to have to file for conservatorship of Mom and I absolutely will NOT file on Ron – to be brutally honest, the state can take him if his family refuses. His paranoia has been the biggest problem as it has gotten worse and he feeds it into Mom who can't remember that none of that blather made any sense. We are looking at the possibility of putting a secondary unit on our property in Rio Dell for Mom but there is no way that we will let Ron stay here so that is an issue. After not being able to push me out the door, I am concerned he will realize that he doesn't have the strength unless he uses any basic household weapon laying around. They have been stewing in that house together for days now so I have no idea what insane idea they have come up with now.

We are trying to reach Ron's sister Diane or his son's Robert and Scott but we don't have good information for them. They have never told me Diane's last name and I all I know is she has a son named Royce. We have found Robert on social media after some digging and have sent him a message along with his daughter who was also on social media so we will see if they contact us. I have never been told why Ron had no contact with his son's after his divorce so who the heck knows but I personally don't care.

Mom has been doing everything bad for her health she can for years now and Ron never cared enough to say anything about it. He constantly told us "happy wife, happy life" so that has contributed to her decline for a long time. She loads up on aspartame sweetener (still eats sugar though) which is awful for memory. She has refused to go out and do things for years and that lack of stimulus plays a big role in cognitive decline. Keep up whatever activity you enjoy, it doesn't matter what it is as long as you enjoy it and it gives you some mental and/or physical challenge. I have cut way back on my sugar intake since we are stuck at home anyway and am doing things to try and get healthier specifically to avoid the decline as much as I can.

In any case, I appreciate your support and will keep you posted.

XXXOOO Shari

---

**From:** Nancy Zinos [mailto:nanzee930@gmail.com]  
**Sent:** Saturday, April 24, 2021 2:55 PM  
**To:** Sharon Wolff  
**Subject:** Re: Mom and Ron are melting down  
**Importance:** High

Attachment 5c(2)h

Dear Shari, I hardly know what to say-this is really bad news. It does sound like you need to take control or who knows where they'll end up and in what shape, but it won't be easy. They seem to hate having any help, but they need it. You are the one it will be hard on and I hope you can ignore the awful things they might say or do. Rick and I went through similar hellish stuff with Mother and Dad when they were on their last legs- Mother even thought Rick was cheating her out of all her money when he was trying to set up the trusts!! Also Dad's last words to me were "you're one of them" as the nurse asked me to hold the restraining ties around his wrists and before that he was really mad at me for not rescuing him from emergency after I took him there with broken ribs after falling off the roof!! So I do know what this might be like for you and don't envy you at all! And since I'm older than Barbara am hoping that I'll stay in my right mind-sounds like that Ambien really did a number on her memory. Stay strong, Love, Nancy

On Apr 22, 2021, at 12:06 PM, Sharon <[sharon@riodelltimes.com](mailto:sharon@riodelltimes.com)> wrote:

Hi there,

I am sorry to have to pass along bad information but you guys should know the situation that is going on. Plus Mom is likely to call you for help.

I won't go into the lengthy background as I think you've heard at least some of it but they have been going downhill (both of them) quickly recently. I noticed it when I figured out they hadn't paid their Suddenlink bill and had their phone/internet/cable cut off but they didn't tell me. Fortunately, I just happened to try and log on to the wifi at their house on a visit and I was able to figure out what happened and get them caught up. There have been weird purchases on Amazon and then they think that someone is robbing them. To the point where Mom hides her purse all around the house in various locations that she can't remember because they think someone is looking through their windows or coming into their house without them knowing about it. They are putting furniture up against the front door and the bedroom door when they nap or sleep so they can tell if someone has snuck in the house. Ron demanded I return their house key when they decided we may be sneaking into the house and messing with their stuff. I gave him one of the multiple copies that we have and that made him happy. Recently, they got a call from some crook who told them that they needed to wire transfer \$17,000 to Hong Kong for some reason and Mom wrote down detailed instructions on what they needed to do to send the money. Fortunately, they are way too confused to figure out how to send a wire transfer so she called me for help. So that was fun. I talked to them about adding me to their bank account so I could access the records and help them with the bills and they were both agreeable to that. We made an appointment with their bank's manager but they couldn't do the paperwork because they had let their drivers licenses expire two years back so they had no legal ID. I took them both down to the DMV to get a Senior ID card and that was a real picnic but we got it done.

They received their new ID's recently and I told them I would reschedule the appointment with the bank manager to add me to their account and they were fine with that. I also reminded Mom that her doctor ordered a blood draw before she could get her prescription renewed so we would do both things and make a day of it. I made an appointment and called them to let them know the day and time, etc. No problem. I called them before heading their direction to pick Mom up for her blood draw and they said they were eating lunch and watching a movie. I said that was fine because I still had to get gas and do some things on my way. Before I left, she called back and said they didn't want to do it and they weren't going. I reminded Mom that we had a set appointment at the bank, her blood draw was needed since she is out of her prescription and I had taken the time off work to do this so we needed to do it. She said No and hung up on me. I headed over anyway after doing some chores to try and calm down. When I got to their house they said again that they weren't going to go and that was that. Reminding them about what we were doing, how long we have been trying to get this appointment done and why I can't just be at their whim because of my work schedule but they didn't hear a word of it. They insisted I leave their house immediately and stop bothering them! I was done with it at that point and yelled more than one curse word but there was no way I was going to leave at that point. Ron grabbed my sweater and tried to push me out the door. It didn't work since I am bigger than the both of them. Mom grabbed my arm and tried to pull me to the door insisting that I had to leave. That didn't work either. Mom grabbed the phone and called the Fortuna Police.



Department. She told them there was a crazy lady in her house and she wouldn't leave. Mom told me again to leave their house and I told her I was waiting for the police that she called. When Officer Stevens arrived, Mom met him out front and said again that there was a crazy lady in her house and she won't leave. Steve is really mad about that since that is how people get shot in police encounters. But fortunately Ofcr. Stevens was really calm and recognized the situation quickly. He talked to Mom and Ron first and it was immediately apparent that they were not doing well. The officer asked Mom what town we were in, what was the date and who is the president and she didn't know any of it other than the president is "that really nice guy." She asked the officer why he was asking her these questions and he said it was a basic tool they use to assess a person to time and place. Mom said "well maybe I just don't want to tell you!" and got pissy with the officer but he was used to that. I talked to the officer and explained what had happened and I showed him the note that I am attaching where Mom wrote down the details for her wire transfer. She kept saying that I was crazy and she didn't know what I was talking about. The officer showed her the note at least 4 separate times and it was new to her each time and still denied knowing what it was even though she said it was her handwriting (Ron's handwriting is there too). The officer promised them a police escort down to the lab to make sure they got there safely and that helped get them into my car (after explaining why they couldn't ride with the K-9 Officer). So we got the blood draw done, yea. It was too early for the bank appointment and I wasn't about to take them home to squirrel away again so I got them some burgers and fries and we went to a park to eat. I got them to the bank appointment (barely) but to make a long enough story short, Mom bolted at the last second and said she didn't know anything about what we were trying to do and she wasn't going to do anything at all. The bank manager is a really nice younger guy and he gave them his card if they needed anything but they clearly displayed that they don't have the mental capacity to manage their own finances. I was hoping we could go the easy route and they would just let me help them but Ron's paranoia has gotten really bad and he is feeding it into Mom who can't remember squat so it is really bad. Mom is on a tear to sell her house again but that is the extent of her thoughts. This is exactly what they did before with the Shamrock house that was so nice for them. I called the local title companies and realtors to give them a heads up.

Tim had a living trust put into place when they fled back to Roseville last time and we are going to need to enforce the capacity clause and take control at this point. We will need to talk more about all of this but I have a meeting in 5 minutes that I need to be in (virtually). Mom just called Tim to ask for help since I am a crazy monster so I figure she may call either of you guys to plead her case.

Take care,

XXXXXXXX Shari

<3.16.21 Barbara Keller Notes Re Bank Transfer.pdf>

Attachment 5c(2)h

**Sharon**

---

**From:** Sharon <sharon@riodelltimes.com>  
**Sent:** Tuesday, April 27, 2021 10:04 AM  
**To:** Joann Jenkins  
**Subject:** FW: Re. Keller's at 2730 Kenmar Rd.

Just a FYI - this was the last update from Tina.

---

**From:** tinacutten@gmail.com [mailto:tinacutten@gmail.com]  
**Sent:** Monday, April 26, 2021 2:41 PM  
**To:** 'Sharon'  
**Subject:** RE: Re. Keller's at 2730 Kenmar Rd.

Great I will help out. I think your Mom got mad at me today, said we are all only trying to help

**From:** Sharon <sharon@riodelltimes.com>  
**Sent:** Monday, April 26, 2021 2:33 PM  
**To:** tinacutten@gmail.com  
**Subject:** RE: Re. Keller's at 2730 Kenmar Rd.

Just a heads up that I spoke with a screener from APS who gathered a lot of the information and I gave them your contact information.

Takes care

---

**From:** Sharon [mailto:sharon@riodelltimes.com]  
**Sent:** Monday, April 26, 2021 1:45 PM  
**To:** 'tinacutten@gmail.com'  
**Subject:** RE: Re. Keller's at 2730 Kenmar Rd.

They would probably wire transfer their money to Hong Kong like they tried to do earlier since that somehow made sense to them.

I have already given my aunt and uncle (Mom's sibs) the heads up about what is going on so they are well aware in case they get a call. But for some reason they removed most of the pages from Mom's address book that she has had for decades now and Aunt Nancy's number is gone from her book but her brother Rick's number is there and they can call him as well. I only found that out when I was trying to find contact info for Ron's family. Ron is a mystery despite how long they have been married and we are having a heck of a time tracking down his sister Diane or nephew Royce. They have never told me their last name or anything else and I am not finding much online – even at Ancestry.com.

They will call you back because they won't remember what you told them. Maybe suggest Ron call his sister Diane or Royce. Or they can call APS themselves and ask for help. I am always here and will help in any way I can but apparently I am a crazy monster who is out to get them so I don't know if they will call me.

-Sharon

---

**From:** tinacutten@gmail.com [mailto:tinacutten@gmail.com]  
**Sent:** Monday, April 26, 2021 1:30 PM

Attachment 5c(2) i

**To:** 'Sharon'  
**Subject:** RE: Re. Keller's at 2730 Kenmar Rd.

I told them that the son was not taking them in and said have your sister call and if she says you can live with her than perhaps you can sell, I am afraid of what they would do with their money.

**From:** Sharon <[sharon@riodelltimes.com](mailto:sharon@riodelltimes.com)>  
**Sent:** Monday, April 26, 2021 1:09 PM  
**To:** [tinacutten@gmail.com](mailto:tinacutten@gmail.com)  
**Subject:** RE: Re. Keller's at 2730 Kenmar Rd.

Thank you for that update. I have calls in to their doctors as well but it is like pulling teeth and they are not likely to agree to go to the doctors but I will keep pursuing that avenue as well as APS and anything else I can think of.

Take care,

Sharon

---

**From:** [tinacutten@gmail.com](mailto:tinacutten@gmail.com) [<mailto:tinacutten@gmail.com>]  
**Sent:** Monday, April 26, 2021 12:59 PM  
**To:** 'Sharon'  
**Subject:** RE: Re. Keller's at 2730 Kenmar Rd.

Sharon, I did talk with them this morning, recommended they reach out to you that we couldn't sell the home because they have no where to go, took some explaining, indicated perhaps they should reach out to the senior center maybe someone there could mediate, also told them that they had a loan on the house and it would cost around \$3500 to \$5000 per home to go into a senior facility and they needed to really take a look at where they are going to live and what the cost would be and could they afford that. Explained to them about how they lost money on there last sale and couldn't afford to do that, think the idea of APS is great, their doctor should be diagnosing them and all of this wouldn't be happening.

Tina  
Tina Christensen-Kable  
ColdWell Banker Cutten Realty  
2120 Campton Road, Suite C  
Eureka, CA 95503  
(707) 845-2070  
(707) 445-8811 x122  
[tinacutten@gmail.com](mailto:tinacutten@gmail.com)  
DRE # 00476701

**From:** Sharon <[sharon@riodelltimes.com](mailto:sharon@riodelltimes.com)>  
**Sent:** Monday, April 26, 2021 12:52 PM  
**To:** [tinacutten@gmail.com](mailto:tinacutten@gmail.com)  
**Subject:** Re. Keller's at 2730 Kenmar Rd.

Hi Tina,

Thank you again for calling me the other day about my Mom and Step-father Barbara and Ron Keller who are trying to list their house at 2730 Kenmar because of their mental capacity issues. We really appreciate that you recognized the situation and reached out to me. I called Angela Petrusha's office as you had mentioned and I spoke with a paralegal

but they apparently don't handle anything like this so there wasn't any information that they could provide other than a national attorney referral number. I didn't have any other options so I did call APS this morning to make a report but they haven't called me back as of yet. I just wanted to thank you again and give you the update. Please let me know if there is more information.

Thanks again,

Sharon Wolff  
[sharon@riodelltimes.com](mailto:sharon@riodelltimes.com)  
707-599-9961

**Sharon**

---

**From:** tinacutten@gmail.com  
**Sent:** Tuesday, May 25, 2021 9:51 AM  
**To:** 'Sharon'  
**Subject:** 2730 Kenmar Road

Sharon, you have asked that I relay my feelings on the meeting I had with your Mother and Stepfather. Ron and Barbara Keller, I found to be very polite and interested in selling their home, I toured the home with them and found it to be very tidy and nice, we talked price and items that needed to be done. While I was touring the house I noticed they didn't have a car and asked them about that because I walk the neighborhood all the time and it would be a long walk to get groceries and prescriptions and they explained that you helped them and that they had given their car to their grandson. They wanted me to put the house on the market as soon as I could, which made me hesitate and I asked them where they were moving to and they indicated that they were going to move to Sacramento with their son and then they asked if I could take them to the airport that they wanted to go down there, which working with Seniors they usually take a little more time to do things. I said well when would you be wanting to go down and they indicated the next day, so I sat down and started to quiz them more, because something felt wrong to me. They talked about you and I thought well why isn't she taking them to airport and how are they going to get tickets etc. We continued talking and they told me about selling their other house and moving to Sacramento and how they didn't like it down there and wanted to move back and did purchasing the home that they are in, said they wanted to be closer to you. Something just felt off so I asked if I could get your number and talk with you and they gave me you number. I left then and felt like this was moving too fast that something was off, in questions about past, Ron could remember some and Barbara could fill in. The next day I got a call to come over and list the house and that we had an appointment which we didn't but I stopped by on my way home and sat with them and our conversations went the same way, saying the same things, I have dealt with dementia and alzheimer's with my mother in law and started seeing a little of the same pattern, so contacted you and we had a conversation and you told me about the last house sale, and about losing money, decided that I was not confident that I could sell the house with what might be some issues. I stopped by and had a conversation with them and indicated that I couldn't sell the house until they had somewhere to go, found out that the son said no to them coming down there and they were adamant about selling and moving, then they talked about moving in with Ron's sister and I just kept telling them that I just couldn't sell it without knowing they had somewhere to go and indicated that they would be receiving the money from the sale wouldn't they want to move into another home, etc and I was very uncomfortable. Barbara called me every Thursday for the next two weeks asking if I was coming over to talk about selling the home, and I indicated that I couldn't sell the home and she was looking at a note that she made had made about our first visit, I was going to see if I could get someone from the Senior center to come and evaluate but you have it in your hands now. Hope I have been of some help.

Tina

Tina Christensen-Kable  
ColdWell Banker Cutten Realty  
2120 Campton Road, Suite C  
Eureka, CA 95503  
(707) 845-2070  
(707) 445-8811 x122

DRE # 00476701

Attachment 5c(2)j

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:                  NAME: Chris Johnson Hamer (SBN 105752)                  FIRM NAME: STOKES, HAMER, KIRK &amp; EADS, LLP                  STREET ADDRESS: 381 Bayside Road, Ste. A                  CITY: Arcata STATE: CA ZIP CODE: 95521                  TELEPHONE NO.: 707-822-1771 FAX NO.: 707-822-1901                  E-MAIL ADDRESS: chris@shkklaw.com                  ATTORNEY FOR (name): ROYCE MENDONCA, Petitioner</p>	<p><b>FOR COURT USE ONLY</b></p> <p>This is another fraudulent Capacity Declaration signed by Nurse Heather Allen after only seeing the individual twice and having no medical history records to inform treatment.</p> <p>Who altered the Judicial Council form?</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT                  STREET ADDRESS: 825 Fifth Street                  MAILING ADDRESS:                  CITY AND ZIP CODE: Eureka, CA 95501                  BRANCH NAME:</p>	
<p>CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name):                  RONALD WAYNE KELLER  <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE</p>	
<p><b>CAPACITY DECLARATION-CONSERVATORSHIP "By FAX"</b></p>	<p>CASE NUMBER:                  PR2100161</p>
<p style="text-align: center;"><b>TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER</b></p> <p>The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply):</p> <p>A. <input type="checkbox"/> is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): . (Complete item 5, then sign and file page 1 of this form.)</p> <p>B. <input type="checkbox"/> has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.)</p> <p>C. <input checked="" type="checkbox"/> has a major neurocognitive disorder (such as dementia) and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from medication for the treatment of major neurocognitive disorders (including dementia). (Complete items 6 and 8 of this form and complete form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and file form GC-335A.)</p> <p>(If more than one item is checked above, sign the last applicable page of this form or, if item C is checked, form GC-335A. File page 1 through the last applicable page of this form; if item C is checked, file form GC-335A as well.)</p> <p><b>COMPLETE ITEMS 1-4 OF THIS FORM IN EVERY CASE.</b></p>	

**GENERAL INFORMATION**

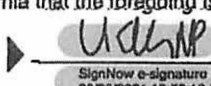
1. (Name): Heather Allen, NP Iris Health Medical Group
2. (Office address and telephone number): 520 9th Street, Suite 240, Sacramento, CA 95814 (916) 231-4747
3. I am Adding a box to a Judicial Council form is still fraudulent
  - a.  a California-licensed  physician  psychologist acting within the scope of my license  Nurse Practitioner  with at least two years' experience in diagnosing and treating major neurocognitive disorders (including dementia).
  - b.  an accredited practitioner of a religion that calls for reliance on prayer alone for healing. The (proposed) conservatee is an adherent of my religion and is under my care. (Practitioner may make ONLY the determination in item 5.)
4. (Proposed) conservatee (name): RONALD WAYNE KELLER Nurse Allen only saw Ronald twice (8/16 & 8/20) before
  - a. I last saw the (proposed) conservatee on (date): 08/20/2021 signing this form - scroll down to see her letter confirming
  - b. The (proposed) conservatee  is  is NOT a patient under my continuing treatment and care.

**ABILITY TO ATTEND COURT HEARING**

5. A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a or b.)
  - a.  The proposed conservatee is able to attend the court hearing.
  - b.  Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply)
    - (1)  on the date set (see date in box in item A above). Why? Ron has attended the hearings with no problem - what medical inability is the nurse who just met him referring to?
    - (2)  for the foreseeable future.
    - (3)  until (date):
    - (4) Supporting facts (State facts in the space below or check this box  and state the facts in Attachment 5.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/25/2021 Heather Allen NP

  
 SignNow e-signature ID: d18753263e...  
 08/25/2021 16:58:10 SIGNATURE OF DECLARANT

(TYPE OR PRINT NAME)

**CAPACITY DECLARATION-CONSERVATORSHIP**

Page 1 of 3

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): RONALD WAYNE KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100161
---	---------------------------

### 6. EVALUATION OF (PROPOSED) CONSERVATEE'S MENTAL FUNCTIONS

**Note to practitioner:** This form is *not* a rating scale. It is intended to assist you in recording your *impressions* of the (proposed) conservatee's mental abilities. Where appropriate, you may refer to scores on standardized rating instruments.

**(Instructions for items 6A-6C):** Check the appropriate designation as follows: *a* = no apparent impairment; *b* = moderate impairment; *c* = major impairment; *d* = so impaired as to be incapable of being assessed; *e* = I have no opinion.

#### A. Alertness and attention

(1) Levels of arousal (lethargic, responds only to vigorous and persistent stimulation, stupor)

a  b  c  d  e

(2) Orientation (types of orientation impaired)

a  b  c  d  e  Person

a  b  c  d  e  Time (day, date, month, season, year)

a  b  c  d  e  Place (address, town, state)

a  b  c  d  e  Situation ("Why am I here?")

(3) Ability to attend and concentrate (give detailed answers from memory, mental ability required to thread a needle).

a  b  c  d  e

#### B. Information processing. Ability to:

(1) Remember (ability to remember a question before answering; to recall names, relatives, past presidents, and events of the past 24 hours)

i. Short-term memory a  b  c  d  e

ii. Long-term memory a  b  c  d  e

iii. Immediate recall a  b  c  d  e

(2) Understand and communicate either verbally or otherwise (deficits reflected by inability to comprehend questions, follow instructions, use words correctly, or name objects; use of nonsense words)

a  b  c  d  e

(3) Recognize familiar objects and persons (deficits reflected by inability to recognize familiar faces, objects, etc.)

a  b  c  d  e

(4) Understand and appreciate quantities (deficits reflected by inability to perform simple calculations)

a  b  c  d  e

(5) Reason using abstract concepts (deficits reflected by inability to grasp abstract aspects of his or her situation or to interpret idiomatic expressions or proverbs)

a  b  c  d  e

(6) Plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest (deficits reflected by inability to break complex tasks down into simple steps and carry them out)

a  b  c  d  e

(7) Reason logically

a  b  c  d  e

#### C. Thought disorders

(1) Severely disorganized thinking (rambling thoughts; nonsensical, incoherent, or nonlinear thinking)

a  b  c  d  e

(2) Hallucinations (auditory, visual, olfactory)

a  b  c  d  e

(3) Delusions (demonstrably false belief maintained without or against reason or evidence)

a  b  c  d  e

(4) Uncontrollable or intrusive thoughts (unwanted compulsive thoughts, compulsive behavior)

a  b  c  d  e

(Continued on next page)

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): RONALD WAYNE KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100161
---	---------------------------

6. (continued)

D. Ability to modulate mood and affect. The (proposed) conservatee  has  does NOT have a pervasive and persistent or recurrent emotional state that appears inappropriate in degree to his or her circumstances. (If so, complete remainder of item 6D.)  I have no opinion.

(Instructions for item 6D): Check the degree of impairment of each inappropriate mood state (if any) as follows: a = mildly inappropriate; b = moderately inappropriate; c = severely inappropriate.

Anger	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Euphoria	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Helplessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Anxiety	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Depression	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Apathy	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Fear	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Hopelessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Indifference	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Panic	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Despair	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>				

E. The (proposed) conservatee's periods of impairment from the deficits indicated in items 6A-6D

- (1)  do NOT vary substantially in frequency, severity, or duration.
- (2)  do vary substantially in frequency, severity, or duration (explain; continue on Attachment 6E if necessary):

Keep scrolling down, there's more...

F.  (Optional) Other information regarding my evaluation of the (proposed) conservatee's mental function (e.g., diagnosis, symptomatology, and other impressions) is  stated below  stated in Attachment 6F.

ABILITY TO CONSENT TO MEDICAL TREATMENT

7. Based on the information above, it is my opinion that the (proposed) conservatee

- a.  has the capacity to give informed consent to any form of medical treatment. This opinion is limited to medical consent capacity.
- b.  lacks the capacity to give informed consent to any form of medical treatment because he or she is **either** (1) unable to respond knowingly and intelligently regarding medical treatment **or** (2) unable to participate in a treatment decision by means of a rational thought process, **or both**. The deficits in the mental functions described in item 6 above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of medical decisions. This opinion is limited to medical consent capacity.

(Declarant must initial here if item 7b applies: HA )

8. Number of pages attached: 0

SignNow e-signature ID: 24be72b7d6...  
08/25/2021 16:56:10 UTC

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

08/25/2021

Heather Allen NP

(TYPE OR PRINT NAME)

Uckharp  
SignNow e-signature ID: Affe1b6c0...  
08/25/2021 16:56:10 UTC  
(SIGNATURE OF DECLARANT)



CONSERVATORSHIP OF THE RONALD WAYNE KELLER	<input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name):	CASE NUMBER: PR2100161
<input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE		

**ATTACHMENT TO FORM GC-335, CAPACITY DECLARATION-CONSERVATORSHIP,  
ONLY FOR (PROPOSED) CONSERVATEE WITH A MAJOR NEUROCOGNITIVE DISORDER**

9. It is my opinion that the (proposed) conservatee  HAS  does NOT have a major neurocognitive disorder (such as dementia) as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders*.
- a.  Placement of (proposed) conservatee. (If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)-9a(5).)
- (1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because (state reasons; continue on Attachment 9a(1) if necessary):  
Severe neurocognitive impairment making him a danger to himself. Unable to communicate simple thought such as where he resides or remember what task he was performing
- (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9a(2) if necessary):  
Neurocognitive impairment and disruption of executive function
- (3)  The (proposed) conservatee HAS capacity to give informed consent to this placement.
- (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to placement in a restricted and secure environment.
- (5) A locked or secured-perimeter facility  is  is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.
- b.  Administration of medications. (If the (proposed) conservatee requires administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia), please complete items 9b(1)-9b(5).)
- (1) For the reasons stated in item 9b(5), the (proposed) conservatee needs or would benefit from the following medications appropriate to the care and treatment of major neurocognitive disorders (including dementia) (list medications; continue on Attachment 9b(1) if necessary): Aricept 5 mg titrated to therapeutic dose  
Namenda 5mg titrated to therapeutic dose
- (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9b(2) if necessary):  
Neurocognitive deficit and disruption of executive function. Inability to perform complex tasks, lack of abstract thinking. Limited short term memory with minimal ability to recall recent information. Inability to follow simple instructions. Inability to perform simple calculations.
- (3)  The (proposed) conservatee HAS the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia).
- (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia). The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to the administration of medications for the care and treatment of major neurocognitive disorders (including dementia).
- (5) The (proposed) conservatee needs or would benefit from the administration of the medications listed in item 9b(1) because (discuss reasons; continue on Attachment 9b(5) if necessary):  
Aricept and namenda slow the progression of dementia by improving the function of the nerves within the brain by decreasing the breakdown of acetylcholine. These medications may improve memory and the ability to perform daily tasks, therefore improving quality of life

10. Number of pages attached: 0

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/25/2021 Heather Allen NP

(TYPE OR PRINT NAME)

SignNow e-signature ID: b6c3d59d41  
08/25/2021 16:59:00 (NAME OF DECLARANT)

Page 1 of 1

Iris might want to know that Rolando Royce Mendonca, Jr. and Attorney Hamer have already thrown them under the bus - "Royce stated he and his attorney were informed by Iris Medical Group that Nurse Practitioner Allen has the legal authority to fill the capacity declaration out." - Amended Court Investigation Report. So Iris, WHO ALTERED THE JUDICIAL COUNCIL FORM?



---

Undated of course

Attn:  
Chris Hamer  
Stokes, Hamer, Kirk & Eads, LLP  
381 Bayside Road, Suite A  
Arcata, CA 95521

Ok, Mr. Hamer is just funny. You should know who you are signing fraudulent papers for, Nurse Allen

**Subject: Conservatorship for Barbara & Ronald Keller**

Heather Allen saw Barbara and Ronald TWICE (8/16 & 8/20) before being willing to sign the fraudulent capacity declarations on 8/24 & 8/25. She also has never had any medical history records for either of them before doing this. How many others are out there like this?

Dear Mr. Hamer:

I have had the privilege of seeing both Barbara Keller, DOB 12/08/1943, and her husband, Ronald Keller, DOB 08/28/1940, on 08/16/2021 and 08/20/2021 respectively in the capacity as a primary care provider. It is my medical opinion that the two should not be separated but should both be placed in a locked perimeter memory care facility that allows dementia medication to be administered as both have Alzheimer's.

Separating Barbara and Ronald will only further complicate and expedite the progression of their disease. Studies have shown that forced separation creates psychological trauma such as anger and aggression, greater sense of fear, and problems eating and sleeping. Separating them will only be heightened in their state ultimately shortening their life expectancy. While we understand the disease process, neither are progressed so far as to not knowing who the other is. They still seek out each other's company for reassurance and support. It is in the best interest of my patients that they stay together in a facility that can take care of them.

Thank you,

No signature?

Heather Allen, FNP-C  
Iris Health Medical Group

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT  
DEPARTMENT 6  
BEFORE THE HONORABLE JOHN T. FEENEY, JUDGE

IN RE THE MATTERS OF:

SHARON WOLFF,

Petitioner,

and

RONALD KELLER and BARBARA KELLER,

Conservatees.

Case Nos. PR2100161  
PR2100162

REPORTER'S TRANSCRIPT OF PROCEEDINGS (via Zoom)

a | Petition

APPEARANCES:

For the Petitioner:

SHARON WOLFF  
IN PROPRIA PERSONA

Also Present: ALMA BARBA

Both Proposed Conservatees and Diana Mendonca were also present via Zoom but Diana did not inform the court they were there - she filed a declaration after the fact.

Reported By: SHERYL A. BROWN, CSR No. 3908

## 1 PROCEEDINGS

2  
3 THE COURT: We have two related cases to call  
4 next, and they are in sequence on the calendar, the  
5 matter of Ronald Keller, PR2100161, also the matter of  
6 Barbara Keller, PR2100162.

7 Do we have Ms. Sharon Wolff with us today?

8 MS. WOLFF: Yes, Your Honor, I'm here.

9 THE COURT: Thank you. Good afternoon.

10 MS. WOLFF: Good afternoon.

11 THE COURT: And let me get the files here. Now  
12 I have them. And we do have separate Petitions for  
13 appointment of a conservator.

14 And let's see. Ms. Wolff, I think we'll need  
15 probably just a brief continuance, as some of the  
16 documents are not in proper form or otherwise have not  
17 been provided to the Court. More specifically, the  
18 order, itself, is blank, and we'll need you to submit  
19 orders, one for each file that has the necessary  
20 information. Again, that's the order appointing probate  
21 conservator. And the letters of conservatorship, we'll  
22 need to have the letters of conservatorship signed.

23 And --

24 MS. WOLFF: Your Honor?

25 THE COURT: Yes. Go ahead, please.

26 MS. WOLFF: Your Honor, I understand -- if  
27 there's anything that is missing, I am more than happy to  
28 submit anything that the Court needs.

1 I would hope to have a chance to speak to the --  
2 to yourself and to the Court prior to any continuance,  
3 because there have been some very drastic changes in this  
4 case since I filed the Petition on June 21st.

5 THE COURT: Okay. Well, let's see.

6 MS. WOLFF: May I make --

7 THE COURT: Ms. Wolff --

8 MS. WOLFF: -- at some point make -- I would  
9 hope to be able to advise the Court of what the changes  
10 are.

11 to yourself and to the Court prior .  
12 with : 3 because there have been some very COVID

13 MS. WOLFF: No. I have consulted on the  
14 paperwork with Arthur Nielsen locally. None of the  
15 attorneys' offices are willing to represent a case where  
16 an APS investigation is currently ongoing. I don't know  
17 if that's because of the big turmoil over the previous  
18 APS case and the two county counsel members possibly  
19 losing their law license, but it is an obstacle we face.  
20 So as long as APS had their investigation going,  
21 attorneys did not want to represent us.

22 But Arthur Nielsen was a fantastic advocate,  
23 helped me look over this paperwork before it was  
24 submitted. So, if anything is missing, again, I will fix  
25 anything that is in there, but that is why we are in pro  
26 per. And that is where we are.

27 THE COURT: Okay. Thank you.

28 And, Ms. Wolff, I -- in just preparing to call

1 the cases, I did sense there may be some sort of urgency.  
2 And --

3 MS. WOLFF: Yes.

4 THE COURT: -- I thought -- I cannot give legal  
5 advice, but perhaps consideration should be given to  
6 filing for -- for a temporary conservatorship, just to,  
7 perhaps, move things along a little bit quicker.

8 MS. WOLFF: Yes. Yes. And that's -- that's

9 part (

10	now h:	1	the cases, I did sense there may b
11	Barba:	2	And --
12	recei'	3	MS. WOLFF: Yes.

13 Although Ron Keller was advised that this was  
14 being submitted by the doctor back when he and my mom met  
15 with Danielle Cole on the 19th of this month -- he was  
16 aware of that -- they -- he then contacted -- I believe  
17 he contacted his sister Diane and nephew Royce and had  
18 those assist them in fleeing the county. They are no  
19 longer in Humboldt County jurisdiction.

20		11	Barbara Keller, my mom, that we
21	know,	12	received a copy of that yesterda
22	famil:	13	Although Ron Keller was

23 believes every word that <sup>I said</sup> ~~he~~ is telling her. And we are  
24 stuck. They are down in Citrus Heights, as far as I  
25 know, with Diane. And I don't know the situation that is  
26 going on down there, because, like I said, they have left  
27 the area. They're not communicating to us. And I am  
28 extremely worried about that, based on the information

1 from the court investigator's report, I think that's  
2 absolutely chilling. The situation inside their home is  
3 much worse than I had anticipated, even.

4 The suicidal threats that Ron continues to make,  
5 and then he made suicidal threats on behalf of my mom,  
6 which she never, ever, ever -- suicide wouldn't -- I  
7 mean, . Mom would not  
8 anyone who actually knows Barbara would get this reference.  
9 commit suicide. He is making suicidal threats on her  
10 behalf. And his last line to this court investigator was  
11 that he would use pills and off them both.

12 2 | absolutely chilling. The situatio  
13 belie' 3 | much worse than I had anticipated,  
14 court 4 | The suicidal threats that  
15 mom, I 5 | and then he made suicidal threats  
16 I am ' 6 | which she never, ever, ever -- sui

17 THE COURT: I see. Barbara and Ron. She still believes Ron's  
18 delusions over reality.

19 And you did mention APS. Is there an ongoing  
20 investigation?

21 MS. WOLFF: Yes.

22 THE COURT: There is?

23 MS. WOLFF: There is. Alma Barba is in  
24 attendance here. I see her on Zoom. Although she will  
25 likely have to close her case, because they have fled the  
26 jurisdiction.

27 THE COURT: Hmm. Okay. Okay. Well, without  
28 the proper documentation, I'm not able to provide -- do  
29 any orders at this time. But I would suggest -- so  
30 you've already been in contact with APS, the Adult

I believe the judge could have assigned counsel for both proposed conservatees  
at this point but no orders were issued and counsel was never assigned despite  
their request for representation and their civil rights. Three different  
judges heard this case along the way - none of them assigned counsel.

1 Protective Services. You may -- again, I cannot give  
2 legal advice.

3 MS. WOLFF: Yes.

4 THE COURT: But you may want to consider  
5 contacting --

6 MS. WOLFF: Of course.

7 THE COURT: -- contacting the Sheriff's  
8 Department, given -- given your concerns.

9 And, again, I think you might want to consider  
10 possibly filing for a temporary conservatorship with both  
11 your mother and --

12 MS. WOLFF: Yeah. I --

13 THE COURT: -- and father-in-law.

14 MS. WOLFF: I am filing for conservatorship of  
15 Barbara Keller, the person, as soon as humanly possible.  
16 As soon as I get a copy of the original GC-335, so that I  
17 can file it with the Court papers, I intend to file an  
18 Amended Petition for the conservatorship of my mom's  
19 person, also for the estate.

20 11 | your mother and --

21 and t: 12 | MS. WOLFF: Yeah. I --

22 reall: 13 | THE COURT: -- and father

23 to pr: 14 | MS. WOLFF: I am filing f

24 made : 15 | Barbara Keller. the person. as soo

25 We have located housing at Sequoia Springs in  
26 Fortuna, a very fine place --

27 THE COURT: Okay.

28 MS. WOLFF: -- for the both of them. They have



1 it available right now. And I -- in my opinion, that's  
2 the best of -- of that option.

3 But if we could work with Ron's family for the  
4 first -- we've been asking them for months to help us.  
5 If -- if they are finally willing to admit that there is  
6 an is:  
7 togetl

8 But in the meantime, I need to have the  
9 conservatorship of the estate. And I will be filing for  
10 the person, because what they are going to try to do is  
11 the same thing that they did in 2017 and destroy their  
12 finances as best as possible because they're not thinking  
13 clearly. And every last nickel of the inheritance that  
14 they have set aside is going to be needed for long-term  
15 care for both Ron and Mom, every penny of it.

16 So I do want to make clear there is a living  
17 trust in place. There's a full copy of it in the  
18 documentation. The living trust that Ron and Barbara  
19 filled out names my brother Tim Jenkins and myself off of  
20 the will that they had filled out back in 2003, named  
21 both my brother and I on this as executors because we've  
22 always been the trusted family members.

23 14 | they have set aside is going to b  
24 for m: 15 | care for both Ron and Mom. every  
25 conditions of that trust. Mom can -- has no legal  
26 capacity to sign any documents, to sign anything, for  
27 selling their house out at a fire sale price and getting  
28 rid of everything, like they did in 2017, or anything

1 else.

2 So I am doing that immediately. And then I will  
3 be following up with whatever paperwork this Court needs.  
4 I will do anything it takes to protect my mom.

5 THE COURT: Okay. Well, I'm sorry for all these  
6 occurrences. But as far as what we would need for the  
7 court files in these cases, we need a completed order.  
8 Also, the proposed letters of conservatorship would need  
9 to be completed, and also --

10 MS. WOLFF: The forms were submitted, and I --  
11 I'm sorry, Your Honor. I understand you're not able to  
12 give legal advice. The forms were submitted to the  
13 Court. You need to have the forms filled out, the boxes  
14 on there. I need to choose the orders that the -- that  
15 I'm asking the Court to do. Is that correct?

16 THE COURT: That's what --

17 MS. WOLFF: I just want to make sure I'm clear.

18 THE COURT: Exactly, Ms. Wolff, yes.

19 MS. WOLFF: Okay.

20 THE COURT: And also --

21 MS. WOLFF: Okay.

22 THE COURT: Also --

23 MS. WOLFF: I will do that, and I can have it to  
24 you by today.

25 THE COURT: Well, also, we did not see what's  
26 referred to as a citation. The citation advises the  
27 proposed conservatee, your mother and stepfather, of  
28 their rights and their ability to appear before the  
Barbara and Ronald Keller were both present (on Zoom) with Diana Mendonca but  
only Diane was visible on camera and she never informed the court that they  
were there. Diana filed a declaration after the fact - found in the file by  
Sharon - confirming they were there.

1 Court. I -- I did not see the --

2 MS. WOLFF: Right.

3 THE COURT: -- citation, either. So we --

4 MS. WOLFF: That was what -- I -- I believe that  
5 was what was personally served on -- on the two of them.

6 THE COURT: Okay. Well --

7 MS. WOLFF: The citation with a copy of the  
8 Petition.

9 THE COURT: If that was, that's great. I just  
10 did not see a return to the court file of the -- of the  
11 citation. But it sounds like you may have already done  
12 that.

13 MS. WOLFF: I -- well, North Coast Legal  
14 Services did the service of the papers, so I will make  
15 sure that that has been submitted and completed. They  
16 had a heck of a time serving the papers, but they were  
17 able to serve them in person with -- with the citation or  
18 whatever else was attached to it that they needed.

19 THE COURT: If you know, did the service  
20 occur -- it really doesn't matter if it occurred in  
21 Humboldt County or out -- it doesn't --

22 MS. WOLFF: It did. It occurred in Humboldt.  
23 And Alma Barba was actually a witness to them being  
24 served. She assisted, because they refused to answer  
25 their door, for whatever reason. Alma Barba actually  
26 assisted the service of the papers, to make sure that  
27 they got them, to make absolutely sure they were advised  
28 of their rights and everything is being done legally,

1 above board, anything that we can do.

2 THE COURT: Okay.

3 Well, Ms. Wolff, normally I would say we should  
4 probably put this over for two or three weeks, but given  
5 the uncertainty of everything described for me, I think we  
6 should

7 we'll see what the status is. Okay? No orders were issued from this court until Dec. 10, 2021

8 MS. WOLFF: Okay. I will submit the order  
9 appointing conservator and the letters requested. I'll  
10 resubmit those completed. I'll double-check on the  
11 North Coast Legal Services to make sure that you have the  
12 notice that they were served correctly.

13 Is there anything else that you need?

14 THE COURT: And we did discuss the citation, as  
15 well, yes, but --

16 MS. WOLFF: The citation that goes with the  
17 Proof of Service.

18 THE COURT: Yes. Yes.

19 MS. WOLFF: Okay.

20 THE COURT: Okay. Well, let's --

21 MS. WOLFF: Is there -- is there anything else?

22 THE COURT: I think that should suffice.

23 So we'll place both these matters back on  
24 calendar a week from today, please, the clerk of the  
25 Court.

26 THE CLERK: August 5th at 2:15.

27 MS. WOLFF: August 5th, 2:15. I will be here.

28 THE COURT: Okay. Ms. Wolff, thank you. Take

1 care.

2 MS. WOLFF: Thank you very much, Your Honor.

3 THE COURT: You bet. Bye.

4 (The proceedings were concluded at 2:35 p.m.)

5

6

---o0o---

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



This is the index to the exhibit binder I created for the 'evidentiary hearing'

It had been personally served on Attorney Hamer on 9/22/21 as required.

Sharon L. Wolff  
3 Painter St.  
Rio Dell, CA 95562  
(707) 599-9961  
Petitioner, In Pro Per

Judge Canning returned the binder to me unread and unreviewed in court - he declared it duplicative even though it was all new documentation.

Including the cognitive assessment for Ronald Keller by Dr. Levine - you would think the court would be interested in that but not in Humboldt County. It was willfully ignored.

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT**

In re. the Conservatorship of the Person and	}	Case No.: PR2100162 & PR2100161
Estate of:		EXHIBITS BINDER
BARBARA LYNN KELLER		DATE: September 30, 2021
RONALD WAYNE KELLER		TIME: 2:15pm
		COURTROOM: 6

**TABLE OF CONTENTS**

1. Evidence of prior intent and behavior of RONALD and BARBARA KELLER re. assistance provided by Sharon L. Wolff, petitioner:
  - a. 2015 VA Health Benefits Application – Ronald W. Keller
  - b. 3/24/21 IRS letter confirming receipt of response letter
  - c. 11/6/20 Response to IRS Letter re. 2018 tax return
  
2. Visitation documentation:
  - a. 9/1/21 & 9/2/21 Email from Sharon to John Robertson, General Manager The Pines
  - b. 9/1/21 & 9/3/21 Email from Michael Wolff re. trying to call his Grandma
  - c. 9/6/21 & 9/7/21 Calendar notes from Timothy C. Jenkins re. trying to visit his mother
  - d. 9.13.21 Copy of note written by Timothy C. Jenkins and the reply written by Barbara Keller
  - e. 9.20.21 Email & picture from Timothy C. Jenkins re. visit with mom
  
3. Cognitive Assessment for Ronald W. Keller by Dr. Andrew Levine
 

Why do you think Judge Canning and Attorney Hamer willfully ignored this documentation? It clearly documented the paranoid dementia that Ron has been experiencing and Dr. Levine reported probable Parkinson's Disease with further testing recommended. Ron's family has chosen to willfully ignore his medical condition and the physical/mental symptoms of his Parkinson's are progressing untreated. Why?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT  
HONORABLE TIMOTHY A. CANNING, JUDGE  
NO(S). PR2100161/PR2100162

o0o

IN THE MATTERS OF:

**BARBARA KELLER** and **RONALD KELLER,**  
Conservatees,

This was the ironically named 'evidentiary hearing'

I was told that I had to appear in person for this type  
of a hearing but attorney Hamer isn't required to  
follow the same rules and appeared by Zoom.

R E P O R T E R ' S  
T R A N S C R I P T  
O F  
P R O C E E D I N G S

\* \* \*

**THURSDAY, SEPTEMBER 30, 2021**

\* \* \*

LORI A. ROCK, CSR NO. 12040

Lori A. Rock - CSR# 12040



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A P P E A R A N C E S

For the Petitioner:

**Sharon Wolff**  
In Pro Per  
3 Painter Street  
Rio Dell, California 95562

For the Objectors:

Stokes, Hamer, Kirk & Eads LLP  
Attorneys at Law  
381 Bayside Road, Ste. A  
Arcata, California 95521  
By: **CHRIS HAMER, ESQ.**  
(Via Video Conference)

For Nonparty Adult Protective Services:

Jefferson Billingsley  
Humboldt County Counsel  
825 Fifth Street  
Eureka, California 95501  
By: **ALEX GROTEWOHL**  
Deputy County Counsel

Also Present:

Steve Wolff, Husband of Petitioner

Video Conference Appearance:

Ronald Keller, Conservatee	
Barbara Keller, Conservatee	
Royce Mendonca, Objector	
Diana Mendonca, Objector	
Alma Barba, Social Worker/Adult Protective Services	
Nancy Zinos, Sister	All of Mom's family
Marty Jenkins, Family Member	members were present to
Maryllynn Lewiston, Granddaughter	support Mom and verify
Michael Wolff, Grandson	their written objections
Rick Bareuther, Brother	that had been submitted
Ron Jenkins, Family Member	however attorney Hamer
Shauna Wolff, Granddaughter	objected to because they
Tim Jenkins, Son	said the family had "no
	personal knowledge" of
	the facts they swore to.

///

Lori A. Rock ~ CSR# 12040

1 Thursday, September 30, 2021 ~ 2:32 p.m.

2 o0o

3 THE COURT: Good afternoon, everyone. This is Judge  
4 Timothy Canning. I'm sitting in courtroom four this  
5 afternoon. We're here on two cases: In Re: Barbara Keller,  
6 K-E-L-L-E-R -- that's PR2100162 -- and In Re: Ronald Keller,  
7 K-E-L-L-E-R, PR2100161.

8 So, with that, I see we have Ms. Wolff is present.  
9 She is one of the petitioners. And we have Ms. Hamer present  
10 on behalf of the objector as well as the cross petition by  
11 Mr. -- I believe I saw him present. I don't see his name.

12 MS. HAMER: Mendonca is on the screen, your Honor.  
13 Royce Mendonca is appearing, Diana Mendonca is appearing and  
14 we also have both Barbara and Ronald Keller, who are appearing  
15 all by Zoom.

16 THE COURT: All right. Thank you. Are they all  
17 four of them under the name Mendonca?

18 MS. HAMER: I believe so. We were just over in  
19 courtroom six and I'm hoping that -- I thought that they had  
20 two computers that they were using. I'm not sure all of them  
21 are here. Royce seems to have his -- his microphone on mute.

22 MR. MENDONCA: I'm present.

23 MS. HAMER: All right. Who else is with you, Royce?

24 MR. MENDONCA: All of us: Diana and both Barbara  
25 and Ronald.

26 MS. HAMER: Could you show them with the computer?

27 MR. MENDONCA: Yeah, just one moment.

28 MS. HAMER: There they are. I see them. I see that

~~Lori A. Rock ~ CSR# 12040~~

1 Ronald and Barbara are right there. Diana is there.

2 THE COURT: Ms. Hamer, if you would please, just a  
3 reminder, please don't talk over each other. If you ask a  
4 question, be sure to let Mr. Mendonca answer the question  
5 before you start talking.

6 MS. HAMER: We have everyone present, your Honor.

7 THE COURT: Thank you.

8 So, Ms. Wolff, do you have everyone present who you  
9 were expecting to be present today?

10 MS. SHAUNA WOLFF: Hi. I am Shauna Wolff. I am  
11 presenting on behalf of Sharon Wolff, the conservator and  
12 petitioner.

13 THE COURT: And do you have -- is Sharon Wolff  
14 present?

15 MS. SHAUNA WOLFF: Sharon, I believe, is there in  
16 person. She is out waiting to be admitted.

17 THE COURT: All right. Thank you. So, we'll have  
18 the bailiff go out into the hallway and see who is out there.

19 MS. SHAUNA WOLFF: Perfect. Yes. I know she's been  
20 waiting there. I've been conversing with her waiting for this  
21 to start.

22 MR. GROTEWOHL: And, your Honor, this is Alex  
23 Grotewohl, Deputy County Counsel, appearing for nonparty Adult  
24 Protective Services.

25 THE COURT: Good afternoon.

26 So, we have Sharon Wolff present in the courtroom  
27 today.

28 MS. WOLFF: Yes.

—Lori A. Rock ~ CSR# 12040—

1 THE COURT: Good afternoon.

2 MS. WOLFF: Good afternoon.

3 THE COURT: Ms. Wolff, who do you have with you?

4 MS. WOLFF: This is my husband, Steve Wolff.

5 THE COURT: Good afternoon. Thank you.

6 I also notice we have Ms. Barba present. I believe  
7 she was the investigator on this matter.

8 MS. WOLFF: Yes, from Adult Protective Services.

9 MS. BARBA: Hi. My name is Alma Barba. I'm a  
10 social worker with Adult Protective Services.

11 THE COURT: Good afternoon, ma'am.

12 All right. Thank you. And, so, at this point we're  
13 here on a hearing on a petition and cross petition in each  
14 matter. I received a number of filings over the past two  
15 weeks, including the filings that were made today. I have had  
16 the opportunity to review all of those filings.

17 And, so, with that, first, let me hear from

18 Ms. Wolff. Are you prepared to go forward with the hearing  
19 today?

20 MS. WOLFF: Yes, I am. The filings received that  
day had purposely not been  
21 THE COURT: Thank you. served to me before this  
hearing

22 Ms. Hamer, are you prepared to go forward with the  
23 hearing today?

24 MS. HAMER: Yes, I am, your Honor.

25 THE COURT: All right. Thank you.

26 With that, Mr. Grotewohl, do you have anything that  
27 you would like to present to the Court on behalf of the  
28 County?

—Lori A. Rock ~ CSR# 12040—

1 MR. GROTEWOHL: I was muted. I don't. I am simply  
 2 here to -- on behalf of Ms. Barba who is subpoenaed to  
 3 testify. I just would like to remind the Court that any  
 4 information pertaining to Adult Protective Services would be  
 5 confidential and that all non -- nonessential parties,  
 6 including any witnesses who aren't currently testifying,  
 7 should be excluded if there is such information being  
 8 presented.

9 THE COURT: All right. Thank you, Mr. Grotewohl. I  
 10 appreciate that reminder.

11 So, with that, we'll proceed forward to the hearing  
 12 itself on these petitions. First, I believe we have a number  
 13 of witnesses who are participating by way of Zoom. Those  
 14 witnesses at this point will be excluded while other witnesses  
 15 are testifying. So, what I propose to do, I'll put the  
 16 witnesses into the court's waiting room and then we can  
 17 proceed forward from there.

18 So, the first person I see is Nancy Zinos. Is she a  
 19 witness? All of mom's family were then put into  
 the Zoom "waiting room" where they were  
 left until after the end of the  
 hearing. They never got the opportunity  
 to witness any part of this hearing.

20 MS. WOLFF: She is Barbara's sister and she is here  
 21 as a supporter and can also attest to her letter of support if  
 22 there's any question on the validity of that letter of  
 23 support.

24 THE COURT: All right. Thank you. So, I will place  
 25 her in our waiting room.

26 Then we have Marty Jenkins.

27 MS. WOLFF: Marty Jenkins is a family member. He is  
 28 not a witness.

—Lori A. Rock ~ CSR# 12040—

1 THE COURT: Thank you. So, we'll leave Mr. Jenkins  
2 in for now.

3 Marylynn Lewiston.

4 MS. WOLFF: That's granddaughter to Barbara and Ron.  
5 She is here and she can attest to her letter of opposition  
6 that she has submitted if there's any questions of validity.

7 THE COURT: Thank you. I will place Ms. Marylynn  
8 Lewiston into the waiting room, as well.

9 We have Mr. Mendonca. He's a party.

10 Michael Wolff.

11 MS. WOLFF: Grandson to the Kellers. Same thing.  
12 He can attest to his objection.

13 THE COURT: All right. Thank you. So, I will put  
14 Michael Wolff into the waiting room.

15 Rick Bareuther.

16 MS. WOLFF: He is the brother of Barbara and same  
17 thing. He can attest to his opposition letter.

18 THE COURT: Thank you. So, I will place him into  
19 our waiting room.

20 Ron Jenkins.

21 MS. WOLFF: Family member, not a witness.

22 THE COURT: All right. I will let Mr. Jenkins  
23 remain.

24 Someone by the name of Royce.

25 MS. WOLFF: That's Mr. Mendonca, I believe.

26 MS. HAMER: Yes.

27 THE COURT: All right. Thank you.

28 We have Shauna Wolff.

—Lori A. Rock ~ CSR# 12040—

1 MS. WOLFF: Granddaughter to Ron and Barbara. Also  
2 can attest to her opposition.

3 THE COURT: Thank you. I'll place her into our  
4 waiting room.

5 Then a Tim Jenkins.

6 MS. WOLFF: Brother, my brother, son of Barbara and  
7 stepson of Ron. Also to attest to his witness information.  
8 He has more than just the objection.

9 THE COURT: All right. Thank you.

10 And, so, I believe that takes cares of all the  
11 potential witnesses with the exception of Ms. Barba. We'll  
12 leave her in for the moment.

and with this 13 So, I do want to advise both Ms. Hamer as well as  
statement, 14 Ms. Wolff that I have reviewed everything that's been filed in  
Judge Canning 15 this matter and, so, for today's purposes, I'm not needing to  
shut down all 16 hear a restatement of what's already been submitted as I had  
discussion of 17 read both the points and authorities as well as the various  
the fraudulent 18 declarations and other statements that were submitted in this  
documents, the 19 matter. So, what I propose to do, we'll start with Ms. Wolff  
legally 20 and if you would like to present anything that hasn't been  
deficient and 21 presented so far, you certainly would be welcome to do so.  
altered 22 Once Ms. Wolff is done, Ms. Hamer, I will give you that same  
judicial 23 opportunity to present any evidence or other argument that you  
council forms 24 feel should be presented that hasn't already been presented.  
or any other 25 So, with that, Ms. Wolff, if you would like to  
point made by 26 begin.  
myself. The 27 MS. WOLFF: Yes. Thank you.  
entire reason 28 Your Honor, we're here today to try, once again, to  
we were having  
an  
'evidentiary  
hearing' in  
the first  
place or so I  
thought.

I started to read my prepared opening statement...

—Lori A. Rock ~ CSR# 12040—

1 establish a conservatorship for my mom, Barbara, and my  
2 step-dad Ron Keller.

3 Mom suffers from Alzheimer's, which runs in the  
4 family -- (*reporter interrupts*) -- and we have seen it  
5 developing over the years, although the rapid decline over the  
6 course of the pandemic and particularly the last few months  
7 has been stark. What we didn't anticipate was that Ron would  
8 also lose his mental capacity at the same time and be unable  
9 to provide assistance to mom.

10 The documentation provided by Dr. Levine from the  
11 cognitive assessment that Adult Protective Services social  
12 worker Alma Barba ensured was completed provides a very clear  
13 picture of the cognitive decline, paranoia and the delusions  
14 that Ron is suffering from. I have subpoenaed Ms. Barba so  
15 that she can provide any needed testimony about her work with  
16 the Kellers and the attempts to provide supportive services in  
17 the home and what it took to get that cognitive assessment  
18 done, among other things.

19 Ron's sister Diana and his nephew Royce Mendonca,  
20 with the assistance of their attorney, oppose my petition for  
21 a conservatorship based on their support of Ron's delusions,  
22 which have been presented to this Court as if they were true.  
23 They have never even attempted to try to lay any foundation  
24 for their opposition and the ridiculous allegations they  
25 repeatedly made against me and my family. The fact remains  
26 that on April 19th, 2021, I was the good kid helping her folks  
27 and they expressed appreciation for my assistance. The next  
28 day, Ron's paranoia had fully enveloped me into his delusions

—Lori A. Rock ~ CSR# 12040—



1 and I was now the identified antagonist.

2 I provided a stack of documentation in my initial  
3 petition for conservatorship that was filed at the end of  
4 June. I included all of that documentation in the hope that  
5 this Court would have all of the information needed to make a  
6 speedy determination that the Kellers clearly needed help. I  
7 included the documentation to clearly establish the Keller's  
8 longtime intent and behavior regarding my assistance as well  
9 as that of my brother, Tim Jenkins. We have both been chosen  
10 by mom and Ron to carry out their wishes and their wills and  
11 in their living trust.

12 In order to prove, yet again, that the family has  
13 been a typical close family that enjoys spending time together  
14 and doing usual family stuff up until the time of Ron's mental  
15 health crisis, I brought a few photos from the decades of  
16 pictures and videos that we have all taken.

17 This is my mom. This is Barbara Keller at her house  
18 in Fortuna when we introduced her to a new grand puppy.

19 THE COURT: Thank you. Ma'am, if you want to  
20 utilize those documents, were those provided to Ms. Hamer?

21 MS. WOLFF: They were not.

22 THE COURT: Okay. Then I'm not going to consider  
23 those.

24 MS. WOLFF: You do not need to consider them. May I  
25 show them or take them away?

26 THE COURT: Take them away, please.

27 MS. HAMER: Your Honor, might I comment? The Court  
28 had admonished us not to present information that was already

~~Lori A. Rock ~ CSR# 12040~~

1 in the Court's file.

2 MS. WOLFF: This is not in the Court's file.

3 THE COURT: That is correct; but if that wasn't  
4 provided to Ms. Hamer, then I'm not going to consider it.

5 MS. WOLFF: Okay.

6 MS. HAMER: I'm sorry. I wasn't going to the  
7 photographs. I was going to what -- what Ms. Sharon Wolff has  
8 said to the Court thus far. Everything that she said is  
9 something that she has already filed.

10 THE COURT: Wait a minute. Wait a minute. Just one  
11 at a time, please, Ms. Wolff.

12 Ms. Hamer, do you have anything else you wanted to  
13 add?

14 MS. HAMER: No. She's going over what she's already  
15 filed is just what I'm saying.

16 THE COURT: Thank you, Ms. Hamer.

17 Ms. Wolff, I'll let you go for a few more minutes  
18 but then all of this material has been reviewed by the Court.

19 MS. WOLFF: I am really happy to hear that because  
20 it is a stack of information. That's great. You've read  
21 through a lot of paper. I appreciate that very, very much.

22 The opposition to my petition came about after  
23 Attorney Hamer contacted me for the one and only time that she  
24 has acknowledged my existence. Hamer stated the Mendoncas  
25 wouldn't oppose my petition --

26 MS. HAMER: Objection. This calls for settlement  
27 communication and it is not admissible for any purposes under  
28 the Evidence Code.

Lori A. Rock - CSR# 12040

1 MS. WOLFF: Your petitions --

2 THE COURT: Ma'am -- ma'am --

3 MS. HAMER: I would ask the Court to admonish her  
4 not to testify as to settlement communication.

5 THE COURT: Thank you, Ms. Hamer.

6 Ma'am, you need to wait until it is your turn to  
7 talk. I am going to sustain that objection. Ms. Wolff, if  
8 you would proceed forward --

9 MS. WOLFF: That's fine.

10 THE COURT: Ma'am, you have to wait until I'm done.

11 MS. WOLFF: That's fine.

12 THE COURT: You can proceed forward with any  
13 information that you think I should know that wasn't included  
14 in your paperwork. Again, not allowed to talk about the  
evidence before the court which

15 MS. WOLFF: Okay. prompted this hearing in the first  
16 place.

17 The information you may have just recently received,  
18 the very recent one you said was filed today, I just want to  
19 make sure that gets into the record because now the claim is  
20 that the Kellers voluntarily placed themselves into a locked  
21 memory care unit which goes against everything in the court  
investigation report and in the earlier petitions.

22 I do need to correct some information that was  
23 included at the bottom of my points and authorities timeline.  
24 At the time it was written, the water and the sewer service to  
25 the Kellers' home in Fortuna had been shut off due to  
26 nonpayment. The PGE bill was also past due but due to the  
27 pandemic, they aren't shutting off residential services  
28 currently. On September 17th, someone in Citrus Heights paid

—Lori A. Rock ~ CSR# 12040—

1 the utilities in order to restore the services. I don't know  
2 whose credit card was used since the Kellers had been in a  
3 locked facility since August 26th. I have a copy of the  
4 invoice and the receipt for the payment for the City of  
5 Fortuna. I confirmed the PG & E bill was paid on the 17th due  
6 to the automated phone system for that amount.

7 I believe everything else is in the record and I  
8 really look forward to going over the detailed documentation  
9 that has been provided. I still thought the evidentiary hearing was  
10 to actually go over evidence...

11 THE COURT: Thank you, Ms. Wolff. Before I turn it  
12 over to Ms. Hamer, I just wanted to inquire, are you planning  
13 on calling Ms. Barba as a witness?

14 MS. WOLFF: Yes.

15 THE COURT: What do you expect her to testify to?

16 MS. WOLFF: What I would like her to testify to,  
17 because there appears to be a question throughout all of this  
18 stack of paper, on Ron's mental decline, the delusions and the  
19 paranoia and the cognitive assessment that was done. There's  
20 nothing in any of the records by the Mendoncas' that they  
21 actually acknowledge that Ron Keller is having a mental  
22 crisis. They admit to Alzheimer's, but there is the cognitive  
23 assessment which is very stark and it also recommends further  
24 treatment and follow-up for some severe concerns, which also  
25 has not happened.

26 THE COURT: Ms. Wolff, was that included with  
27 Ms. Barba's investigation report?

28 MS. WOLFF: Yes, it was. She is the one that  
ensured that it get done.

—Lori A. Rock ~ CSR# 12040—

1 THE COURT: Okay. Thank you.

2 Ms. Hamer, before you get started on yours, I just  
3 wanted to inquire as to you as to whether you had questions  
4 for Ms. Barba other than the information contained in her  
5 reports?

6 MS. HAMER: Yes, I did, to do with her  
7 communications with Royce Mendonca over the telephone. But I  
8 would object to Ms. Barba being called as an expert as to  
9 Ron's mental health.

10 THE COURT: Thank you.

11 So, with that, Ms. Barba, if you don't mind holding  
12 on for a bit longer and we'll proceed forward.

13 Ms. Hamer, if you would like to present your opening  
14 statement at this point.

15 MS. HAMER: Yes, your Honor.

16 The reason that Royce Mendonca has filed his  
17 petitions for conservatorship of Barbara and Ronald Keller is  
18 because he truly cares about them. He truly wants them to  
19 have what they want and what they wanted was to be close to  
20 him and to his mother, Diana Mendonca, who is Ronald Keller's  
21 sister. They are very close. They talk all the time. They  
22 know each other well.

23 The situation that started this was that the Kellers  
24 were trying as hard as they could to get, by themselves, to  
25 Royce and Diana Mendonca's houses in the Sacramento area.  
26 They took buses. They stranded themselves out in the middle  
27 of nowhere. They got a home -- a ride back with a stranger.  
28 They were in very bad shape and, at that point, at Ms. Barba,

—Lori A. Rock - CSR# 12040—

1 who had been their social worker, was very concerned about  
2 them. She knew that they wanted to get where Royce Mendonca  
3 and Diana Mendonca were, a place where the Kellers had lived  
4 for a number of years, a place that they liked. So, she  
5 called Royce Mendonca and asked him to please come and get  
6 them, that that's what they wanted, that they needed to be  
7 taken care of and they were in very bad condition.

8 MS. WOLFF: Your Honor --

9 THE COURT: One moment.

10 Are you objecting to something?

11 MS. WOLFF: Yes. Ms. Barba would be able to testify  
12 to what she told Mr. Mendonca herself. We can question her on  
13 that matter rather than her paraphrasing it.

14 THE COURT: Thank you. That objection is overruled.

15 Ms. Hamer, if you would like to proceed.

16 MS. HAMER: Thank you.

17 The Kellers, then, stayed with Royce Keller's (sic)  
18 mother, Diana Mendonca, for more than a month and they are  
19 very close. They were very happy. It was too much for Diana  
20 Mendonca, who's 82 years old.

21 It was discussed with them and they agreed to go to  
22 The Pines, A Merrill Gardens Community where their needs were  
23 assessed and they were placed in the memory care unit, not  
24 another unit, which is what the -- we had thought that they  
25 would be going into a normal unit; but after their needs were  
26 assessed and the capacity declarations, I believe, were  
27 examined, they were put into memory care. And Royce Mendonca  
28 advanced money for their original intake and he is -- he is

~~Lori A. Rock ~ CSR# 12040~~

1 ready to start handling their finances. They're very happy  
2 where they are. The people at Merrill Gardens have told the  
3 court investigator that the Kellers are both doing well.  
4 They're very happy. They're very close to Royce and Diana who  
5 visit them all of the time and it is a very, very good  
6 situation. The nomination documents are the evidence of elder  
7 financial fraud that I would like the court to look at

8 They have both -- they have both signed nominations  
9 of Royce Mendonca as their conservator. They both want Royce  
10 Mendonca to be their conservator. They both do not want  
11 Sharon Wolff to be their conservator. Under -- under Probate  
12 Code section --

13 MS. WOLFF: This is also in the papers.

14 THE COURT: Thank you. Ms. Wolff, I'll let  
15 Ms. Hamer go forward as long as we don't spend too much time  
16 on material already included in the moving papers.

17 Ms. Hamer, please continue.

18 MS. HAMER: Yes. I'm almost done, your Honor.

19 Under Probate Code section 1810, the only capacity  
20 which the Kellers need to have to appoint Royce Mendonca to  
21 nominate him as their conservator is the capacity to make an  
22 intelligent -- to have an intelligent preference. They had  
23 the capacity to make an intelligence preference. Their  
24 intelligent preference is they want Royce Mendonca. They do  
25 not want Sharon Wolff. And Probate Code section 1810 says the  
26 Court shall appoint the person that they nominate.

27 In -- I note that in the investigator reports, the  
28 investigator said that both of them have the ability to vote.

29 If they have the ability to vote, they certainly have the  
30 The court investigator recommended approving Sharon Wolff's petition -  
31 but that tidbit is conveniently overlooked by Hamer and the Court

Lori A. Rock ~ CSR# 12040

1 ability to form an intelligent preference. Also in the  
 2 investigator reports, they both were saying that they would  
 3 rather die than have Sharon be the one that looks over their  
 4 money and that is in the papers. They have made an  
 5 intelligent -- they have an intelligent preference.

I would also point out one other thing. The only  
 person who has ever said that Ronald Keller had paranoia was  
 Sharon Wolff. It is not in any of the capacity declarations.  
 She has just told everybody, including the Court, that he's  
 paranoid and suffers from delusions. That is not anywhere in  
 the capacity declarations or in any document in the court  
 file. She told Alma this and she told the Court this and it's

only Sharon Wolff's own personal diagnosis. There is no one  
 else but Sharon Wolff that says this. <sup>Hamer was in possession of</sup> Ron's cognitive assessment  
<sup>which I provided</sup>  
 So, we would ask that the Court leave things as they  
 are with the Kellers where they are. They're happy in the  
 status quo. Everything is going fine. Appoint Royce Mendonca  
 as their conservator and deny the petition of Sharon  
 Mendonca (sic) and let us proceed. This would be as temporary  
 as well as permanent conservator, both of them, their persons  
 and estates.

THE COURT: All right. Thank you, Ms. Hamer.

At this time I would like to hear from Alma Barba,  
 B-A-R-B-A. And at this point, Mr. Grotewohl, do you request  
 that everyone else be placed into the waiting room or -- these  
 are nontestifying folks who are still remaining.

MR. GROTEWOHL: I would request that everyone who is  
 not necessary for the Court to hear at this moment be excluded

—Lori A. Rock ~ CSR# 12040—



1 from the courtroom to protect the confidentiality of  
2 information.

3 THE COURT: All right. Thank you. I believe all of  
4 those folks have been excluded. Mr. Jenkins I will place into  
5 the waiting room, as well.

6 So, with that, we have left Mr. Grotewohl,  
7 Ms. Hamer, Ms. Barba, Mr. Mendonca, Mr. Royce as well as Court  
8 staff and then we have Ms. Wolff present in the courtroom.  
9 And, Mr. Wolff, I'm going to ask that you step out for a few  
10 moments while we hear the testimony from Ms. Barba.

11 MR. WOLFF: Certainly. Thank you, your Honor.

12 THE COURT: Thank you, sir. Mr. Bailiff will get  
13 you when we're ready to proceed.

14 *(Mr. Wolff exits the courtroom.)*

15 THE COURT: So, we're back on the record. We're  
16 going to designate this part of the record as being  
17 confidential. We'll call Ms. Alma Barba as a witness.

18 *(Further proceedings reported and ordered*  
19 *confidential and sealed by the Court.)*

20 THE COURT: With that, that ends the confidential  
21 portion of this proceeding.

22 Mr. Bailiff, if you would let Mr. Wolff know that he  
23 can return.

24 MS. HAMER: Well, your Honor, I would object to  
25 having other witnesses present while other witnesses are  
26 testifying.

27 THE COURT: My understanding is that Mr. Wolff will  
28 not be testifying.

—Lori A. Rock ~ CSR# 12040—

1 MS. WOLFF: Not unless Ms. Hamer calls him.

2 MS. HAMER: This is Michael Wolff? No, I'm not  
3 calling him.

4 MS. WOLFF: No. Steven Wolff, my husband, the  
5 disabled husband.

6 MS. HAMER: I'm not calling your husband.

7 THE COURT: Then we can have Mr. Wolff come back in,  
8 please.

9 MR. GROTEWOHL: Before we do, I would just -- I  
10 would ask that the Court instruct Ms. Wolff and all other  
11 parties not to repeat any confidential information or any part  
12 of Ms. Barba's testimony during the nonconfidential portion of  
13 the proceedings.

14 THE COURT: Thank you. The Court will overrule that  
15 -- or deny that request and we'll proceed forward.

16 So, Ms. Wolff, at this time do you have other  
17 witnesses who would you like to call but who -- not folks who  
18 have submitted declarations. I don't want to go through  
19 repeating things that we've already heard or that have already  
20 been provided to Ms. Hamer and so --

Shut down  
again -  
the court  
has no  
interest  
in  
fraudulent  
documents  
submitted  
under  
penalty of  
perjury

21 MS. WOLFF: No, your Honor. The family members have  
22 all provided their opposition documents. The court  
23 investigation reports are in. They support my petitions. All  
24 the documentation has been filed. Everything that proves the  
25 intent and behavior of the Kellers for years up until this has  
26 been supplied.

27 I would like to have a chance to go over some of the  
28 illegally deficient documentation that has been provided in

—Lori A. Rock ~ CSR# 12040—

1 this case, but I don't have any other witnesses other than, as  
2 I said, family members who can attest to the accuracy of their  
3 opposition in case there's any questions.

4 THE COURT: All right. Thank you. So, we won't  
5 need to hear from those folks.

6 Ms. Hamer, what is the -- what is your position on  
7 calling witnesses or what is your intention?

8 MS. HAMER: Well, my position on all of the people  
9 who Sharon Wolff had -- had names on objections -- I won't say  
10 names on because most of them didn't sign their objections.  
11 All of those statements are not on personal knowledge. None  
12 of them are verified. None of them can be considered and they  
13 certainly can't be considered -- they're not even signed and  
14 they are not verified and they are not on personal knowledge.  
15 So, I would object to those.

16 The only witnesses that I would want to call is I  
17 would want Royce to speak. Of course, he would be going over  
18 the same things that are in the declaration and in his  
19 declarations. If the Court does not wish to hear him, does  
20 not wish to have him repeat, I would understand. We also have  
21 the Kellers who are present and they're willing to tell the  
22 Court that they do want Royce to be their conservator. They  
23 don't want Sharon to be their conservator. We also have Diana  
24 here, Diana Mendonca, and it is her text that was attached to  
25 Tim Wolff's declaration. And she, of course, could explain  
26 what her text meant to the extent that the Court is actually  
27 interested in that text. Those are the people that could  
28 testify if the Court so wished.

—Lori A. Rock - CSR# 12040—

1 THE COURT: Thank you, Ms. Hamer. I don't want to  
2 convey the impression that I'm not interested in hearing the  
3 oral testimony, but I do believe that I've had adequate  
4 opportunity to review the files. The text message speaks for  
5 itself, I believe. So, I don't won't need to hear from those  
6 witnesses.

7 As far as Mr. Keller and Ms. Keller, if you would  
8 like to call them as witnesses, I certainly would be willing  
9 to entertain testimony from them.

10 MS. HAMER: One thing, your Honor. As to the text  
11 messages they do not speak for themselves because Diana  
12 Mendonca uses the speech recognition software to do her texts.  
13 So, what happens is Ronnie, R-O-N-N-I-E, is transcribed as  
14 Rodney and Royce is transcribed as rice. The text message  
15 that was attached to Tim Wolff's declaration or opposition  
16 says Rodney and I guess the implication is that they were  
17 supposed to be talking about Royce. But, no, they're talking  
18 about Ronnie, R-O-N-N-I-E. And, so, Diana Mendonca could --  
19 could just explain that and what she meant was Ronnie did not  
20 want to see them. Ronnie did not want to see Barbara's family  
21 or see Tim or the rest of Barbara's family. I think that that  
22 is what was meant by the text and it's not immediately obvious  
23 because this is a transcription, a bad transcription, by voice  
24 program.

25 MS. WOLFF: Your Honor --

26 THE COURT: Thank you. I do see that.

27 Ms. Wolff.

28 MS. WOLFF: There are earlier text messages included

Lori A. Rock ~ CSR# 12040

1 in an earlier filing from Diane that clearly state Ronnie  
2 every time she's referring to Ron.

3 MS. HAMER: Sometimes it works and sometimes it  
4 doesn't as we submitted text messages showing that Royce was  
5 transcribed as rice. That was attached to Royce's  
6 declaration.

7 MS. WOLFF: It is not attached to anything that I  
8 have seen.

9 MS. HAMER: It is.

10 THE COURT: Wait. Wait. Wait. Just one at a time.

11 Ms. Hamer, I'm going to accept your representation  
12 and I'll consider that to be an offer of proof, which I'll  
13 accept, as far as the problems with those text messages. I  
14 did review a couple of them just right now and I do see the  
15 issue that you are raising. I certainly will accept  
16 Ms. Hamer's explanation of that.  
17 MS. WOLFF: Your Honor, if you have something that  
18 was filed today that I do not have, I am at a severe  
19 disadvantage, then.  
20 THE COURT: And I don't know what you have or don't  
21 have.  
22 MS. WOLFF: I received a stack of un-filed papers  
23 the other day, a reply and evidentiary objections and  
24 memorandums. When I checked with the court clerk, this still  
25 hadn't been filed as of yesterday but perhaps it was filed  
26 today. This is a document where Ms. Hamer declares that the  
27 placement is now a voluntary placement and that there was a  
28 care and needs assessment done. She just refused to provide

Attorney  
Hamer had  
filed papers  
that very  
morning  
which she  
willfully  
chose to  
serve via  
snail mail  
rather than  
an email  
courtesy  
copy.

—Lori A. Rock ~ CSR# 12040—

1 it.

2 MS. HAMER: Excuse me, your Honor. She  
3 mischaracterizes what has been filed and I did not file any  
4 declarations myself. This is by Royce Mendonca attaching  
5 needs assessments and stating that he had discussed the  
6 situation with the Kellers and the Kellers did agree to the  
7 placement.

8 MS. WOLFF: That is not documentation I have.

9 THE COURT: All right. Thank you.

10 So, the Court does have the declaration filed by  
11 Mr. Mendonca filed earlier today, September 30th. It reflects  
12 that it was mailed. It doesn't reflect any immediate service  
13 or service --

The proof of  
service does  
speak for  
itself -  
Hamer put  
the documents  
into snail  
mail the  
morning of  
the hearing.  
No email  
courtesy copy  
was sent. The  
address for  
Mom's sister  
was again  
wrong despite  
having been  
informed of  
the P.O. Box  
address  
previously.

14 MS. WOLFF: Was it also mailed to Barbara's siblings  
15 because Ms. Hamer's repeatedly and willfully not served her  
16 siblings --

17 THE COURT: I'm not gonna get into that. The proof  
18 of service will speak for itself and it appears that everyone  
19 that is entitled to notice was served.

20 MS. HAMER: Your Honor, so, we could -- we could  
21 then ask questions of the Kellers at this point?

22 THE COURT: Yes. I think that would be the next  
23 step. So, I'll allow, obviously, Ms. Wolff, if you have  
24 questions for the Kellers, as well, and Ms. Hamer. The only  
25 thing I would ask is to be mindful of their situation as you  
26 ask questions.

27 MS. HAMER: All right. Thank you.

28 THE COURT: With that, I'm not sure which name are

—Lori A. Rock ~ CSR# 12040—

December 27, 2021

The Honorable Jim Wood  
P.O. Box 942849  
Sacramento, CA 94249-0002

Dear Assembly Member Wood:

I am reaching out to you not only as your constituent but because you are Chair of the Assembly Health Committee and integral in shaping upcoming legislation and oversight related to conservatorships and the Master Plan on Aging as well as your work authoring AB 890 related to Nurse Practitioners scope of practice.

For the sake of full disclosure, I am currently the Legislative Analyst for the Humboldt County Department of Health and Human Services. I have worked for DHHS over 20 years now with much of that in child welfare clerical and as the Social Services Director's Analyst. I do NOT represent my department in this matter – I am reaching out to you as the daughter of an Alzheimer's patient and my experiences are definitely not unique.

For a super-short background (that I would love to expand on if you have the time) – my mom, Barbara L. Keller has Alzheimer's that we have seen coming on for years now. Her short-term memory is gone at this point and her medical provider (Open Door Community Health in Fortuna) signed the court forms required to declare a person legally incapacitated (GC-335 and GC-335A) in July of this year. What the family didn't see coming was her fifth husband (Ronald W. Keller) also losing his mental capacity quietly in the background – the extent of his paranoid delusions only became apparent too late. The pandemic has absolutely contributed to the rapid decline of both Mom and Ron which is a common story that we're seeing everywhere unfortunately.

My mom and Ron both have long-standing wills and a living trust which designated myself and/or my brother (Tim Jenkins) as their caretakers if and when the need arises. The need had certainly arrived and I applied for a conservatorship in June 2021 with my brother's full support. We had a stack of documentation such as the will and the trust so the conservatorship application should have been relatively straight forward and expeditious. I am doing this In Pro Per for the conservatorship petition but I am fluent in bureaucracy and paperwork which makes me a little better prepared for the process than the average family that also can't afford a high-priced attorney – nor should they have to.

The court investigator involved in my petition issued her report supporting the conservatorship and recommending the Judge assign council to represent my mom and protect the civil rights of an Alzheimer's patient. The Judge never did that for some reason – no council has been

assigned for my mom which is standard practice. Ron's family (previously totally unknown people) came forward represented by a local prominent attorney who specializes in elder financial fraud cases – Chris Johnson Hamer of Stokes, Hamer, Kird, & Eads, LLP. Attorney Hamer produced a fraudulent capacity declaration (attached) along with a legal form she had my mom sign on August 25<sup>th</sup> (same attachment) that gave the conservatorship to this previously unknown nephew of her fifth husband – despite my mom having been declared legally incapacitated back in July. Judge Timothy A. Canning of the Humboldt County Superior Court – who had refused to assign council to represent my mom – gave the conservatorship to the unknown family members in direct opposition to the declared wishes of my mom from her will and her living trust. It is inexplicable and I am pursuing any avenues available to me to oppose this however I am In Pro Per and the court has so far refused to take any official notice of the will or the living trust or any of the other documentation that I have provided. In Pro Per is simply ignored (treated as bothersome) and there is no affordable legal assistance that is practically available to families. Legal aide groups are great and they do good work but they are overburdened, underfunded and frankly these types of conservatorships aren't a priority for anyone except to the families.

**However, this letter is NOT asking for your help with this individual case. What I am asking you for is to help all of the families like ours that are trying to do the right thing and help our loved ones but the courts and attorneys are operating to block equal access to the justice system for the unrepresented. There are statutes on the books that require affirmative assistance by the court for In Pro Per parties but they are routinely ignored without regard for any repercussions. After all, what is an unrepresented person going to do about it?**

**There is also the issue of no enforcement mechanism for the Elder Financial Fraud statutes that are on the books already. I have discovered that there is no agency or department that oversees this enforcement – It is left to the individuals and families to try and find assistance through the court system. If the court refuses to protect the vulnerable then who will do it? I have contacted the State Attorney General's office for Elder Fraud but was told they are only interested in Medi-Cal fraud or nursing home abuse – they had no other office to direct me to so I could file a report.**

**I would also draw your attention to the attachment which is the fraudulent Judicial Council form that was completed and signed by a Nurse Practitioner (NP) solely despite their not having signature authority without a countersignature by a physician or a psychologist. You have fought the American Medical Association for a while now to get AB 890 signed last year that created an avenue for NP's to apply to the state (starting in 2023) for an expanded scope of practice – so you are well familiar with the strict regulations governing NP's and their current scope of practice. The attorney altered the Judicial Council form to add a box for "Nurse**



Practitioner” as having independent signature authority and they submitted this to the court who accepted it without question - despite my having pointed all of this out in my filings.

The day long conservatorship hearing that you recently chaired included some limited testimony of the family experience but there simply wasn't enough time in the day to include all of the issues that families are facing if they can't afford an attorney. The system is not designed to help families navigate it - it is instead a wall that they must find a way to climb. Couple this with a court system that literally ignores In Pro Per petitioners and the state has created a system that effectively prevents families from caring for their loved ones unless they have the means to hire an attorney.

The development of the Master Plan for Aging (MPA) in California is an opportunity to make real changes that will dramatically help the lives of Californians - both the elderly and their families. I am watching the Justice in Aging committee closely and will be looking for opportunities to provide information on what the legal system looks like for the individual and their families. This needs to be a core component of the MPA - families are the best resource available for their loved ones and it is mutually beneficial for the state to make that possible. As you know, there are not enough care providers or beds available to provide care for the number of Californian's who need it now and those numbers are only getting worse. The state cannot succeed with the goals of the Master Plan for Aging without relying heavily on the families and loved ones of vulnerable adults.

I would like the opportunity to work with you and other members of the legislature to make meaningful changes for the benefit of everyone and not just those with the financial means to manipulate the system to their benefit. I look forward to speaking with you and/or your staff to provide any and all information that I can to assist you going forward. We all have parents and loved ones who will need care at some point.

Regards,



Sharon L. Wolff

3 Painter St.

Rio Dell, CA 95562

(707) 599-9961

[Sharon@riodelltimes.com](mailto:Sharon@riodelltimes.com)

Cc: Erin Dunn, Eureka District Office  
Senator Mike McGuire

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Chris Johnson Hamer (SBN 105752) FIRM NAME: STOKES, HAMER, KIRK & EADS, LLP STREET ADDRESS: 381 Bayside Road, Ste. A CITY: Arcata STATE: CA ZIP CODE: 95521 TELEPHONE NO.: 707-822-1771 FAX NO.: 707-822-1901 E-MAIL ADDRESS: chris@shkklaw.com ATTORNEY FOR (name): ROYCE MENDONCA, Petitioner	STATE BAR NUMBER: FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: 825 Fifth Street MAILING ADDRESS: CITY AND ZIP CODE: Eureka, CA 95501 BRANCH NAME:	
CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	
CAPACITY DECLARATION-CONSERVATORSHIP "BY FAX"	CASE NUMBER: PR2100162
TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply): A. <input type="checkbox"/> is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): . (Complete item 5, then sign and file page 1 of this form.) B. <input type="checkbox"/> has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.) C. <input checked="" type="checkbox"/> has a major neurocognitive disorder (such as dementia) and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from medication for the treatment of major neurocognitive disorders (including dementia). (Complete items 6 and 8 of this form and complete form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and file form GC-335A.) (If more than one item is checked above, sign the last applicable page of this form or, if item C is checked, form GC-335A. File page 1 through the last applicable page of this form; if item C is checked, file form GC-335A as well.) <b>COMPLETE ITEMS 1-4 OF THIS FORM IN EVERY CASE.</b>	

## GENERAL INFORMATION

- (Name): Heather Allen, NP Iris Health Medical Group
- (Office address and telephone number): 520 9th St Ste 240, Sacramento, CA 95814 (916) 231-4747
- I am
  - a California-licensed  physician  psychologist acting within the scope of my license  Nurse Practitioner  with at least two years' experience in diagnosing and treating major neurocognitive disorders (including dementia).
  - an accredited practitioner of a religion that calls for reliance on prayer alone for healing. The (proposed) conservatee is an adherent of my religion and is under my care. (Practitioner may make ONLY the determination in item 5.)
- (Proposed) conservatee (name): BARBARA LYNN KELLER
  - I last saw the (proposed) conservatee on (date): 08/16/2021
  - The (proposed) conservatee  is  is NOT a patient under my continuing treatment and care.

## ABILITY TO ATTEND COURT HEARING

- A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a or b.)
  - The proposed conservatee is able to attend the court hearing.
  - Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply)
    - on the date set (see date in box in item A above).
    - for the foreseeable future.
    - until (date):
    - Supporting facts (State facts in the space below or check this box  and state the facts in Attachment 5.)  
 Alzheimers Disease, Neurocognitive disability

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/24/2021 Heather Allen NP

(TYPE OR PRINT NAME)

 SignNow e-signature ID: d1997bd5e2  
 08/24/2021 18:41:51 (SIGNATURE OF DECLARANT)

Page 1 of 3

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100162
---	---------------------------

### B. EVALUATION OF (PROPOSED) CONSERVATEE'S MENTAL FUNCTIONS

**Note to practitioner:** This form is *not* a rating scale. It is intended to assist you in recording your *impressions* of the (proposed) conservatee's mental abilities. Where appropriate, you may refer to scores on standardized rating instruments.

*(Instructions for Items 6A-6C): Check the appropriate designation as follows: a = no apparent impairment; b = moderate impairment; c = major impairment; d = so impaired as to be incapable of being assessed; e = I have no opinion.*

#### A. Alertness and attention

(1) Levels of arousal (lethargic, responds only to vigorous and persistent stimulation, stupor)

a  b  c  d  e

(2) Orientation (types of orientation impaired)

a  b  c  d  e  Person

a  b  c  d  e  Time (day, date, month, season, year)

a  b  c  d  e  Place (address, town, state)

a  b  c  d  e  Situation ("Why am I here?")

(3) Ability to attend and concentrate (give detailed answers from memory, mental ability required to thread a needle)

a  b  c  d  e

#### B. Information processing. Ability to:

(1) Remember (ability to remember a question before answering; to recall names, relatives, past presidents, and events of the past 24 hours)

i. Short-term memory a  b  c  d  e

ii. Long-term memory a  b  c  d  e

iii. Immediate recall a  b  c  d  e

(2) Understand and communicate either verbally or otherwise (deficits reflected by inability to comprehend questions, follow instructions, use words correctly, or name objects; use of nonsense words)

a  b  c  d  e

(3) Recognize familiar objects and persons (deficits reflected by inability to recognize familiar faces, objects, etc.)

a  b  c  d  e

(4) Understand and appreciate quantities (deficits reflected by inability to perform simple calculations)

a  b  c  d  e

(5) Reason using abstract concepts (deficits reflected by inability to grasp abstract aspects of his or her situation or to interpret idiomatic expressions or proverbs)

a  b  c  d  e

(6) Plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest (deficits reflected by inability to break complex tasks down into simple steps and carry them out)

a  b  c  d  e

(7) Reason logically

a  b  c  d  e

#### C. Thought disorders

(1) Severely disorganized thinking (rambling thoughts; nonsensical, incoherent, or nonlinear thinking)

a  b  c  d  e

(2) Hallucinations (auditory, visual, olfactory)

a  b  c  d  e

(3) Delusions (demonstrably false belief maintained without or against reason or evidence)

a  b  c  d  e

(4) Uncontrollable or intrusive thoughts (unwanted compulsive thoughts, compulsive behavior)

a  b  c  d  e

(Continued on next page)

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100162
---	---------------------------

6. (continued)

D. Ability to modulate mood and affect. The (proposed) conservatee  has  does NOT have a pervasive and persistent or recurrent emotional state that appears inappropriate in degree to his or her circumstances. (If so, complete remainder of item 6D.)  I have no opinion.

(Instructions for Item 6D): Check the degree of impairment of each inappropriate mood state (if any) as follows: a = mildly inappropriate; b = moderately inappropriate; c = severely inappropriate.

Anger	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Euphoria	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Helplessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Anxiety	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Depression	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Apathy	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Fear	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Hopelessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Indifference	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Panic	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Despair	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>				

E. The (proposed) conservatee's periods of impairment from the deficits indicated in Items 6A-6D

- (1)  do NOT vary substantially in frequency, severity, or duration.
- (2)  do vary substantially in frequency, severity, or duration (explain; continue on Attachment 6E if necessary):

F.  (Optional) Other information regarding my evaluation of the (proposed) conservatee's mental function (e.g., diagnosis, symptomatology, and other impressions) is  stated below  stated in Attachment 6F.

**ABILITY TO CONSENT TO MEDICAL TREATMENT**

7. Based on the information above, it is my opinion that the (proposed) conservatee

- a.  has the capacity to give informed consent to any form of medical treatment. This opinion is limited to medical consent capacity.
- b.  lacks the capacity to give informed consent to any form of medical treatment because he or she is either (1) unable to respond knowingly and intelligently regarding medical treatment or (2) unable to participate in a treatment decision by means of a rational thought process, or both. The deficits in the mental functions described in Item 6 above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of medical decisions. This opinion is limited to medical consent capacity.

(Declarant must initial here if item 7b applies: \_\_\_\_\_)

*HA*  
 SignNow e-signature ID: 6c67ae67e...  
 08/24/2021 18:41:51 UTC

8. Number of pages attached: 0

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

08/24/2021 Heather Allen NP

(TYPE OR PRINT NAME)

*Heather Allen NP*  
 SignNow e-signature ID: 684b37634c...  
 08/24/2021 18:41:51 UTC  
 SIGNATURE OF DECLARANT

CONSERVATORSHIP OF THE BARBARA LYNN KELLER	<input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name):	CASE NUMBER: PR2100162
<input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE		

**ATTACHMENT TO FORM GC-335, CAPACITY DECLARATION-CONSERVATORSHIP,  
ONLY FOR (PROPOSED) CONSERVATEE WITH A MAJOR NEUROCOGNITIVE DISORDER**

9. It is my opinion that the (proposed) conservatee  HAS  does NOT have a major neurocognitive disorder (such as dementia) as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders*.
- a.  Placement of (proposed) conservatee. (If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)-9a(5).)
- (1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because (state reasons; continue on Attachment 9a(1) if necessary):  
She is a flight risk and doesn't have the cognitive ability to comprehend the dangers she may encounter. She doesn't have the cognitive ability to verbalize personal information ensuring she could return to residence.
- (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9a(2) if necessary):  
Cognitive dysfunction with disturbance of executive function. Short term memory impairment, inability to perform ADL's safely.
- (3)  The (proposed) conservatee HAS capacity to give informed consent to this placement.
- (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to placement in a restricted and secure environment.
- (5) A locked or secured-perimeter facility  is  is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.
- b.  Administration of medications. (If the (proposed) conservatee requires administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia), please complete items 9b(1)-9b(5).)
- (1) For the reasons stated in item 9b(5), the (proposed) conservatee needs or would benefit from the following medications appropriate to the care and treatment of major neurocognitive disorders (including dementia) (list medications; continue on Attachment 9b(1) if necessary): Aricept 5mg po titrated to therapeutic dose. PI may need additional medications if additional behavioral issues arise
- (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9b(2) if necessary):  
neurocognitive deficit and disturbance in executive function. PI is unable to plan, initiate, and sequence complex behavior. No ability to think abstractly. Limited short term memory with limited call of recent events or information.
- (3)  The (proposed) conservatee HAS the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia).
- (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia). The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to the administration of medications for the care and treatment of major neurocognitive disorders (including dementia).
- (5) The (proposed) conservatee needs or would benefit from the administration of the medications listed in item 9b(1) because (discuss reasons; continue on Attachment 9b(5) if necessary):  
Aricept helps to slow dementia by improving the function of the brain cells by preventing the breakdown of acetylcholine. Medications to decrease edisruptive or dangerous behaviors may be beneficial for patient safety

10. Number of pages attached: 0

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/24/2021 Heather Allan NP

  
 (TYPE OR PRINT NAME) SignNow e-signature ID: 3b122bc045  
 (TYPE OR PRINT NAME OF DECLARANT) 08/24/2021 19:58:53 Page 1 of 1

**MAJOR NEUROCOGNITIVE DISORDER ATTACHMENT**  
**TO CAPACITY DECLARATION—CONSERVATORSHIP**

Form Adopted for Mandatory Use  
 Judicial Council of California  
 GC-335A (Rev. January 1, 2018)  Probate Code, §§ 811, 2355.5  
 www.courts.ca.gov

1 Chris Johnson Hamer  
State Bar No. 105752  
2 STOKES, HAMER, KIRK & EADS, LLP  
381 Bayside Road, Suite A  
3 Arcata, CA 95521  
E-mail: chris@shkklaw.com  
4 Tel: (707) 822-1771  
Fax: (707) 822-1901

5 Attorneys for Petitioner,  
6 ROYCE MENDONCA

7

8

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

9

COUNTY OF HUMBOLDT

10

11 In re the Conservatorship of ) CASE NO: PR2100162  
the Estate of: )  
12 )  
13 BARBARA LYNN KELLER. ) NOMINATION BY CONSERVATEE OF  
ROYCE MENDONCA AS THE  
14 ) CONSERVATOR OF HER PERSON AND  
ESTATE  
15 )  
16 )  
17 )

18

19 I, BARBARA LYNN KELLER, hereby nominate my nephew, ROYCE  
20 MENDONCA, as the conservator of my person and estate, and I  
21 hereby consent to a conservatorship over my person and estate.

22

23 DATED: August 25, 2021 *Barbara Lynn Keller*  
BARBARA LYNN KELLER

24

25

26

27

28

Attachment 3c(1)

December 27, 2021

The Honorable Mark Stone  
P.O. Box 942849  
Sacramento, CA 94249-0029

Dear Assembly Member Stone:

I am reaching out to you as Chair of the Assembly Judiciary Committee since you will be integral in shaping upcoming legislation and oversight related to conservatorships and the Master Plan on Aging. The Judiciary Committee should also be aware of issues related to In Pro Per petitioners who are routinely denied equal access to the justice system, despite statutory requirements for affirmative assistance from the courts.

For the sake of full disclosure, I am currently the Legislative Analyst for the Humboldt County Department of Health and Human Services. I have worked for DHHS over 20 years now with much of that in child welfare clerical and as the Social Services Director's Analyst. I do NOT represent my department in this matter – I am reaching out to you as the daughter of an Alzheimer's patient and my experiences are definitely not unique.

For a super-short background (that I would love to expand on if you have the time) – my mom, Barbara L. Keller has Alzheimer's that we have seen coming on for years now. Her short-term memory is gone at this point and her medical provider (Open Door Community Health in Fortuna) signed the court forms required to declare a person legally incapacitated (GC-335 and GC-335A) in July of this year. What the family didn't see coming was her fifth husband (Ronald W. Keller) also losing his mental capacity quietly in the background – the extent of his paranoid delusions only became apparent too late. The pandemic has absolutely contributed to the rapid decline of both Mom and Ron which is a common story that we're seeing everywhere unfortunately.

My mom and Ron both have long-standing wills and a living trust which designated myself and/or my brother (Tim Jenkins) as their caretakers if and when the need arises. The need had certainly arrived and I applied for a conservatorship in June 2021 with my brother's full support. We had a stack of documentation such as the will and the trust so the conservatorship application should have been relatively straight forward and expeditious. I am doing this In Pro Per for the conservatorship petition but I am fluent in bureaucracy and paperwork which makes me a little better prepared for the process than the average family that also can't afford a high-priced attorney – nor should they have to.

The court investigator involved in my petition issued her report supporting the conservatorship and recommending the Judge assign council to represent my mom and protect the civil rights of

an Alzheimer's patient. The Judge never did that for some reason – no council has been assigned for my mom which should be standard practice for the proposed conservatee. Ron's family (previously totally unknown people) came forward represented by a local prominent attorney who specializes in elder financial fraud cases – Chris Johnson Hamer of Stokes, Hamer, Kird, & Eads, LLP. Attorney Hamer produced a fraudulent capacity declaration (attached) along with a legal form she had my mom sign on August 25<sup>th</sup> (same attachment) that gave the conservatorship to this previously unknown nephew of her fifth husband – despite my mom having been declared legally incapacitated back in July. Judge Timothy A. Canning of the Humboldt County Superior Court – who had refused to assign council to represent my mom – gave the conservatorship to the unknown family members in direct opposition to the declared wishes of my mom from her will and her living trust. It is inexplicable and I am pursuing any avenues available to me to oppose this however I am In Pro Per and the court has so far refused to take any official notice of the will or the living trust or any of the other documentation that I have provided. In Pro Per is simply ignored (treated as bothersome) and there is no affordable legal assistance that is practically available to families. Legal aide groups are great and they do good work but they are overburdened, underfunded and frankly these types of conservatorships aren't a priority for anyone except to the families.

**However, this letter is NOT asking for your help with this individual case.** What I am asking you for is to help all of the families like ours that are trying to do the right thing and help our loved ones but the courts and attorneys are operating to block equal access to the justice system for the unrepresented. There are statutes on the books that require affirmative assistance by the court for In Pro Per parties but they are routinely ignored without regard for any repercussions. After all, what is an unrepresented person going to do about it?

**There is also the issue of no enforcement mechanism for the Elder Financial Fraud statutes that are on the books already.** I have discovered that there is no agency or department that oversees this enforcement – it is left to the individuals and families to try and find assistance through the court system. If the court refuses to protect the vulnerable then who will do it? I have contacted the State Attorney General's office for Elder Fraud but was told they are only interested in Medi-Cal fraud or nursing home abuse – they had no other office to direct me to so I could file a report.

**I would also draw your attention to the attachment which is the fraudulent Judicial Council form that was completed and signed by a Nurse Practitioner (NP) solely despite their not having signature authority without a countersignature by a physician or a psychologist.** The recent passage of AB 890 (Wood) last year, which created an avenue for NP's to apply to the state (starting in 2023) for an expanded scope of practice, laid bare the strict regulations governing NP's and limitations over their current scope of practice. California has some of the strictest regulations over the authority of Nurse Practitioners in the country. The attorney



altered the Judicial Council form to add a box for "Nurse Practitioner" as having independent signature authority and they submitted this to the court who accepted it without question - despite my having pointed all of this out in my filings.

The day long conservatorship hearing that you recently chaired included some limited testimony of the family experience but there simply wasn't enough time in the day to include all of the issues that families are facing if they can't afford an attorney. The system is not designed to help families navigate it - it is instead a wall that they must find a way to climb. Couple this with a court system that literally ignores In Pro Per petitioners and the state has created a system that effectively prevents families from caring for their loved ones unless they have the means to hire an attorney.

The development of the Master Plan for Aging (MPA) in California is an opportunity to make real changes that will dramatically help the lives of Californians - both the elderly and their families. I am watching the Justice in Aging committee closely and will be looking for opportunities to provide information on what the legal system looks like for the individual and their families. This needs to be a core component of the MPA - families are the best resource available for their loved ones and it is mutually beneficial for the state to make that possible. As you know, there are not enough care providers or beds available to provide care for the number of Californian's who need it now and those numbers are only getting worse. The state cannot succeed with the goals of the Master Plan for Aging without relying heavily on the families and loved ones of vulnerable adults.

I would like the opportunity to work with you and other members of the legislature to make meaningful changes for the benefit of everyone and not just those with the financial means to manipulate the legal system to their benefit. I look forward to speaking with you and/or your staff to provide any and all information that I can to assist you going forward. We all have parents and loved ones who will need care at some point.

Regards,



Sharon L. Wolff

3 Painter St.

Rio Dell, CA 95562

(707) 599-9961

[Sharon@riodelltimes.com](mailto:Sharon@riodelltimes.com)

Cc: Assembly Judiciary Committee

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Chris Johnson Hamer (SBN 105752) FIRM NAME: STOKES, HAMER, KIRK & EADS, LLP STREET ADDRESS: 381 Bayside Road, Ste. A CITY: Arcata STATE: CA ZIP CODE: 95521 TELEPHONE NO.: 707-822-1771 FAX NO.: 707-822-1901 E-MAIL ADDRESS: chris@shkklaw.com ATTORNEY FOR (name): ROYCE MENDONCA, Petitioner	STATE BAR NUMBER: FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: 825 Fifth Street MAILING ADDRESS: CITY AND ZIP CODE: Eureka, CA 95501 BRANCH NAME:	
CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	
CAPACITY DECLARATION-CONSERVATORSHIP "By FAX"	CASE NUMBER: PR2100162
TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply): A. <input type="checkbox"/> is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): . (Complete item 5, then sign and file page 1 of this form.) B. <input type="checkbox"/> has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.) C. <input checked="" type="checkbox"/> has a major neurocognitive disorder (such as dementia) and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from medication for the treatment of major neurocognitive disorders (including dementia). (Complete items 6 and 8 of this form and complete form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and file form GC-335A.) (If more than one item is checked above, sign the last applicable page of this form or, if item C is checked, form GC-335A. File page 1 through the last applicable page of this form; if item C is checked, file form GC-335A as well.) <b>COMPLETE ITEMS 1-4 OF THIS FORM IN EVERY CASE.</b>	

## GENERAL INFORMATION

- (Name): Heather Allen, NP Iris Health Medical Group
- (Office address and telephone number): 520 9th St Ste 240, Sacramento, CA 95814 (916) 231-4747
- I am
  - a California-licensed  physician  psychologist acting within the scope of my license  Nurse Practitioner  with at least two years' experience in diagnosing and treating major neurocognitive disorders (including dementia).
  - an accredited practitioner of a religion that calls for reliance on prayer alone for healing. The (proposed) conservatee is an adherent of my religion and is under my care. (Practitioner may make ONLY the determination in item 5.)
- (Proposed) conservatee (name): BARBARA LYNN KELLER
  - I last saw the (proposed) conservatee on (date): 08/16/2021
  - The (proposed) conservatee  is  is NOT a patient under my continuing treatment and care.

## ABILITY TO ATTEND COURT HEARING

- A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a or b.)
  - The proposed conservatee is able to attend the court hearing.
  - Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply)
    - on the date set (see date in box in item A above).
    - for the foreseeable future.
    - until (date):
    - Supporting facts (State facts in the space below or check this box  and state the facts in Attachment 5.)  
Alzheimers Disease, Neurocognitive disability

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/24/2021 Heather Allen NP

(TYPE OR PRINT NAME)

 SignNow e-signature ID: d1997bd5e2...  
 08/24/2021 18:41:51 (SIGNATURE OF DECLARANT)

Page 1 of 3

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100162
---	---------------------------

## 6. EVALUATION OF (PROPOSED) CONSERVATEE'S MENTAL FUNCTIONS

**Note to practitioner:** This form is *not* a rating scale. It is intended to assist you in recording your *impressions* of the (proposed) conservatee's mental abilities. Where appropriate, you may refer to scores on standardized rating instruments.

**(Instructions for items 6A-6C):** Check the appropriate designation as follows: *a* = no apparent impairment; *b* = moderate impairment; *c* = major impairment; *d* = so impaired as to be incapable of being assessed; *e* = I have no opinion.

### A. Alertness and attention

- (1) Levels of arousal (lethargic, responds only to vigorous and persistent stimulation, stupor)  
 a  b  c  d  e
- (2) Orientation (types of orientation impaired)
- |                            |                                       |                                       |                                       |                            |                                       |
|----------------------------|---------------------------------------|---------------------------------------|---------------------------------------|----------------------------|---------------------------------------|
| a <input type="checkbox"/> | b <input checked="" type="checkbox"/> | c <input type="checkbox"/>            | d <input type="checkbox"/>            | e <input type="checkbox"/> | Person                                |
| a <input type="checkbox"/> | b <input type="checkbox"/>            | c <input checked="" type="checkbox"/> | d <input type="checkbox"/>            | e <input type="checkbox"/> | Time (day, date, month, season, year) |
| a <input type="checkbox"/> | b <input type="checkbox"/>            | c <input type="checkbox"/>            | d <input checked="" type="checkbox"/> | e <input type="checkbox"/> | Place (address, town, state)          |
| a <input type="checkbox"/> | b <input type="checkbox"/>            | c <input type="checkbox"/>            | d <input checked="" type="checkbox"/> | e <input type="checkbox"/> | Situation ("Why am I here?")          |
- (3) Ability to attend and concentrate (give detailed answers from memory, mental ability required to thread a needle)  
 a  b  c  d  e

### B. Information processing. Ability to:

- (1) Remember (ability to remember a question before answering; to recall names, relatives, past presidents, and events of the past 24 hours)
- |                       |                            |                                       |                                       |                            |                            |
|-----------------------|----------------------------|---------------------------------------|---------------------------------------|----------------------------|----------------------------|
| i. Short-term memory  | a <input type="checkbox"/> | b <input type="checkbox"/>            | c <input checked="" type="checkbox"/> | d <input type="checkbox"/> | e <input type="checkbox"/> |
| ii. Long-term memory  | a <input type="checkbox"/> | b <input type="checkbox"/>            | c <input checked="" type="checkbox"/> | d <input type="checkbox"/> | e <input type="checkbox"/> |
| iii. Immediate recall | a <input type="checkbox"/> | b <input checked="" type="checkbox"/> | c <input type="checkbox"/>            | d <input type="checkbox"/> | e <input type="checkbox"/> |
- (2) Understand and communicate either verbally or otherwise (deficits reflected by inability to comprehend questions, follow instructions, use words correctly, or name objects; use of nonsense words)  
 a  b  c  d  e
- (3) Recognize familiar objects and persons (deficits reflected by inability to recognize familiar faces, objects, etc.)  
 a  b  c  d  e
- (4) Understand and appreciate quantities (deficits reflected by inability to perform simple calculations)  
 a  b  c  d  e
- (5) Reason using abstract concepts (deficits reflected by inability to grasp abstract aspects of his or her situation or to interpret idiomatic expressions or proverbs)  
 a  b  c  d  e
- (6) Plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest (deficits reflected by inability to break complex tasks down into simple steps and carry them out)  
 a  b  c  d  e
- (7) Reason logically  
 a  b  c  d  e

### C. Thought disorders

- (1) Severely disorganized thinking (rambling thoughts; nonsensical, incoherent, or nonlinear thinking)  
 a  b  c  d  e
- (2) Hallucinations (auditory, visual, olfactory)  
 a  b  c  d  e
- (3) Delusions (demonstrably false belief maintained without or against reason or evidence)  
 a  b  c  d  e
- (4) Uncontrollable or intrusive thoughts (unwanted compulsive thoughts, compulsive behavior)  
 a  b  c  d  e

(Continued on next page)

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100162
---	---------------------------

6. (continued)

D. Ability to modulate mood and affect. The (proposed) conservatee  has  does NOT have a pervasive and persistent or recurrent emotional state that appears inappropriate in degree to his or her circumstances. (If so, complete remainder of item 6D.)  I have no opinion.

(Instructions for item 6D): Check the degree of impairment of each inappropriate mood state (if any) as follows: a = mildly inappropriate; b = moderately inappropriate; c = severely inappropriate.

Anger	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Euphoria	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Helplessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Anxiety	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Depression	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Apathy	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Fear	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Hopelessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Indifference	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Panic	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Despair	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>				

E. The (proposed) conservatee's periods of impairment from the deficits indicated in items 6A-6D

- (1)  do NOT vary substantially in frequency, severity, or duration.
- (2)  do vary substantially in frequency, severity, or duration (explain; continue on Attachment 6E if necessary):

F.  (Optional) Other information regarding my evaluation of the (proposed) conservatee's mental function (e.g., diagnosis, symptomatology, and other impressions) is  stated below  stated in Attachment 6F.


**ABILITY TO CONSENT TO MEDICAL TREATMENT**

7. Based on the information above, it is my opinion that the (proposed) conservatee

- a.  has the capacity to give informed consent to any form of medical treatment. This opinion is limited to medical consent capacity.
- b.  lacks the capacity to give informed consent to any form of medical treatment because he or she is **either** (1) unable to respond knowingly and intelligently regarding medical treatment **or** (2) unable to participate in a treatment decision by means of a rational thought process, **or both**. The deficits in the mental functions described in item 6 above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of medical decisions. This opinion is limited to medical consent capacity.

(Declarant must initial here if item 7b applies: \_\_\_\_\_)

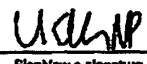
8. Number of pages attached: 0

  
 SignNow e-signature ID: 8c87ae67e...  
 08/24/2021 19:41:51 UTC

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

08/24/2021 Heather Allen NP

  
 SignNow e-signature ID: 664b37634c...  
 08/24/2021 19:41:51 UTC

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): BARBARA LYNN KELLER	CASE NUMBER: PR2100162
<input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	

**ATTACHMENT TO FORM GC-335, CAPACITY DECLARATION-CONSERVATORSHIP,  
ONLY FOR (PROPOSED) CONSERVATEE WITH A MAJOR NEUROCOGNITIVE DISORDER**

9. It is my opinion that the (proposed) conservatee  HAS  does NOT have a major neurocognitive disorder (such as dementia) as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders*.
- a.  Placement of (proposed) conservatee. (If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)-9a(5).)
- (1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because (state reasons; continue on Attachment 9a(1) if necessary):  
  
She is a flight risk and doesn't have the cognitive ability to comprehend the dangers she may encounter. She doesn't have the cognitive ability to verbalize personal information ensuring she could return to residence.
  - (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9a(2) if necessary):  
Cognitive dysfunction with disturbance of executive function. Short term memory impairment, inability to perform ADL's safely.
  - (3)  The (proposed) conservatee HAS capacity to give informed consent to this placement.
  - (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to placement in a restricted and secure environment.
  - (5) A locked or secured-perimeter facility  is  is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.
- b.  Administration of medications. (If the (proposed) conservatee requires administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia), please complete items 9b(1)-9b(5).)
- (1) For the reasons stated in item 9b(5), the (proposed) conservatee needs or would benefit from the following medications appropriate to the care and treatment of major neurocognitive disorders (including dementia) (list medications; continue on Attachment 9b(1) if necessary): Aricept 5mg po titrated to therapeutic dose. Pt may need additional medications if additional behavioral issues arise
  - (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9b(2) if necessary):  
neurocognitive deficit and disturbance in executive function. Pt is unable to plan, initiate, and sequence complex behavior. No ability to think abstractly. Limited short term memory with limited call of recent events or information.
  - (3)  The (proposed) conservatee HAS the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia).
  - (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia). The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to the administration of medications for the care and treatment of major neurocognitive disorders (including dementia).
  - (5) The (proposed) conservatee needs or would benefit from the administration of the medications listed in item 9b(1) because (discuss reasons; continue on Attachment 9b(5) if necessary):  
Aricept helps to slow dementia by improving the function of the brain cells by preventing the breakdown of acetylcholine. Medications to decrease disruptive or dangerous behaviors may be beneficial for patient safety

10. Number of pages attached: 0

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/24/2021 Heather Allen NP

\_\_\_\_\_  
(TYPE OR PRINT NAME) ▶ Heather Allen NP  
Signature e-signature ID: Sp1220015  
08/24/2021 10:58:21 AM (TYPE OF DECLARANT)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF HUMBOLDT

CONFIDENTIAL REPORT

PROBATE CONSERVATORSHIP OF THE ) Case No.: PR2100162  
 PERSON  ESTATE OF: )  
BARBARA KELLER ) INITIAL CONSERVATORSHIP  
PROPOSED CONSERVATEE ) INVESTIGATOR'S REPORT RE  
AMENDED & COMPETING PETITIONS  
Hearing Date: 9/30/2021  
Dept: 6  
Time: 2:15 P.M.

PERSONAL HISTORY

PROPOSED COSERVATEE CONTACT INFORMATION:

Barbara Keller  
C/O Merrill Gardens at The Pines  
500 West Ranch View Drive  
Rocklin, CA  
(916) 365-9267

RESIDENCE: PRIVATE

DOB: 12/8/1943  
Age: 77  
Marital Status: Married

ATTORNEY FOR PROPOSED CONSERVATEE: Court investigator had recommended appointing the Public Defender for Barbara in the initial court report and rightfully assumed this had been done; it is pretty standard. No counsel has been appointed, why?

PROPOSED CONSERVATOR CONTACT INFORMATION:

Relationship: Daughter  
Sharon Wolff  
3 Painter Street  
Rio Dell, CA 95562  
(707) 599-9961

ATTORNEY FOR PROPOSED CONSERVATOR: IN PRO PER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

**PROPOSED CONSERVATOR CONTACT INFORMATION:**

Relationship: Nephew  
Royce Mendonca (previously unknown nephew of Barbara's 5th  
8320 Tail Race Drive husband - legal name is Roland Royce Mendonca  
Roseville, CA 95747 Jr.)  
(916) 532-5913

**ATTORNEY FOR PROPOSED CONSERVATOR:**

STOKES, HAMER, KIRK & EADS  
Chris J. Hamer, Esq.  
381 Bayside Road, Suite A  
Arcata, CA 95521  
(707) 822-1771

**ADVISEMENT:**

The conservatee was interviewed on September 20, 2021 at Merrill  
Gardens at The Pines located at 500 West Ranch View Drive in  
Rocklin, CA, and was advised of the following:

1. The contents of the citation;
2. The nature, purpose, and effect of the proceedings;
3. The right to oppose the proceedings;
4. The right to attend the hearing;
5. The right to a jury trial; and
6. The right to an attorney of own choosing or Court  
Appointed. The court has never appointed counsel for Barbara  
despite her request and civil rights

**DETERMINATIONS AND OBSERVATIONS:**

During and/or after the proposed Conservatee was advised of  
her rights, it was determined that the proposed Conservatee:

- |   |   |  |
|---|---|--|
| Made an intelligible response regarding the proceedings.  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Indicated objection to Sharon Wolff.  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <input type="checkbox"/> No response.   |   |  |
| Requested a jury trial.   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Indicated objection to Royce Mendonca.  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No response.   |   |  |
| Appeared capable with or without accommodations of voicing a desire to participate in the voting process. | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |



No counsel has ever been appointed to represent Barbara and protect her civil rights - why?

- 1 Wishes to be represented by counsel.  Yes  No
- 2  No response.
- 3
- 4 Specific attorney to be retained:  Yes  No
- 5
- 6 Wishes to attend the hearing.  Yes  No
- 7  No response.
- 8

9  
10 **DEMENTIA POWERS:**

- 11 Dementia Powers  are  not requested.
- 12
- 13
- 14 I specifically informed the conservatee that the conservator is requesting the power to place the conservatee in a secured facility for the treatment of dementia.  Yes  No
- 15
- 16
- 17
- 18
- 19
- 20 The conservatee objects to this dementia power.  Yes  No
- 21
- 22  The conservatee made no intelligible response.
- 23
- 24
- 25 I specifically informed the conservatee that the conservator is requesting the power to administer psychotropic medications for the treatment of dementia.  Yes  No
- 26
- 27
- 28
- 29
- 30 The conservatee objects to this dementia power.  Yes  No
- 31
- 32  The conservatee made no intelligible response.
- 33
- 34

35  
36 **OBSERVATIONS AND EVALUATION**

37  
38 Before the Court are competing petition's for the probate conservatorship of the person and estate of the Barbara Keller. Barbara is an 77-year-old female who resides in an assisted living facility located in Rocklin, CA. Confidential medical information is included in the attachment. The proposed conservator's in this matter are Barbara's daughter, Sharon Wolff; and Barbara's Nephew by marriage, Royce Mendonca.

39  
40  
41  
42  
43  
44  
45  
46  
47 It is noted that this investigation and report follows a previous investigation and report submitted to this court regarding Sharon Wolff's initial petition. It is further noted that this report builds on the first.

1 **CAPACITY DECLARATION STATEMENT**

2  
3 Andrew Johnston, M.D. examined Barbara and completed a Capacity  
4 Declaration for this report. Dr. Johnston, found that Barbara  
5 exhibits major impairment in her orientation to time and situation,  
6 as well as in her short-term and long-term memory, and in her  
7 immediate re-call. Major impairment was also found in Barbara's  
8 ability to reason logically. Moderate impairment was found in  
9 Barbara's ability to understand and communicate verbally, and in her  
10 ability to plan, organize and carry out actions. Dr. Johnston stated  
11 Barbara's mental function deficits are based in "probable  
12 Alzheimer's dementia with behavioral changes." Dr. Johnston  
13 determined that Barbara lacks the capacity to give informed consent  
14 to any form of medical treatment, but is able to attend the upcoming  
15 court hearing. Dr. Johnston signed the GC-335 Capacity Declaration o

16  
17 **COLLATERAL CONTACTS** 7/22/21

18  
19 **Diana Mendonca, Sister-In-Law**

20  
21 Diana reported that she is aware of her son's competing  
22 petitions and supports his appointment as Ron and Barbara's  
23 conservators. Diana explained that during the last investigation  
24 she was contacted by APS social worker Alma Barber and notified  
25 that her brother and his wife were not doing well and were  
26 repeatedly leaving their home to find a bus stop; and  
27 subsequently needing to be brought home by strangers. Diana  
28 stated she does not drive out of town and solicited her  
29 granddaughter to go and pick the couple up and bring them to her  
30 home. Ron and Barbara resided with Diana in her home for one  
31 month following this move.

32  
33 Diana indicated that she has historically kept in contact  
34 with her brother and his wife over the phone and was not fully  
35 aware of the extent of their cognitive decline until they began  
36 residing with her. "They definitely have Alzheimer's. You could  
37 not leave either one of them alone. I never felt safe leaving  
38 Barbara alone, and then it got to the point where she did not  
39 want me to give her her meds anymore and I didn't want the  
40 responsibility of something happening to either one of them. I  
41 am not experienced in Alzheimer's and only knew that I could not  
42 leave them alone." The couple was ultimately placed in their  
43 current secured facility and occupy two adjoining rooms.  
44 Conservatorship is further indicated for Barbara as she is  
45 suffering from Alzheimer's and is no longer capable of caring  
46 for herself independently.

47  
48 Ron and Barbara were described as settling in well to their  
49 current facility, and are "Really happy there." Diana visits the  
50 couple multiple times a week and stated; "Now they are safe and

1 are getting meds and food and can be together." Diana reiterated  
2 her support for her son to act in the role of conservator and  
3 expressed strong disagreement with Sharon acting in the role.  
4 Diana was asked if Ron or Barbara have mentioned any suicidal  
5 ideation since their move, and Diana responded, "I have never  
6 met Sharon, and I don't wish to; and I have only ever heard from  
7 her mother, [but] her mother just said 'I would rather die than  
8 go living with Sharon;' but I know Ronnie is safe because he is  
9 with me."

10  
11 Diana also reiterated her concerns from the last report  
12 surrounding Sharon's refusal to take on the conservatorship of  
13 Ron's person as well as the conservatorship of her mother's  
14 person; as well as the fact that she is willing to separate the  
15 couple after "25 years" of marriage. The incident involving Ron  
16 and Barbara refusing to allow Sharon on to their Wells Fargo  
17 account was discussed. Diana stated, "For her (Sharon) to  
18 escalate the situation to where her mother had to call the  
19 police on her, that's a problem. If you have a problem you take  
20 a break. You don't force it to the point that your mother feels  
21 threatened and needs to call the police." Diana concluded by  
22 reading the statement made by Sharon within an e-mail and  
23 attached as an exhibit within the petitions, in which she states  
24 she is willing to act as a conservator of Ron's person and would  
25 not care if the state were to manage his care. Diana stated "I  
26 couldn't even imagine separating them. We will not separate  
27 them. No one in our family would."

28  
29 **Sharon Wolff, Proposed Conservator and Daughter**  
30

31 Sharon reported that conservatorship remains necessary for  
32 her mother for all of the reason previously reported in the  
33 original investigation. As explained in the original report,  
34 Sharon sought out Royce and Diana Mendonca seeking assistance  
35 with their uncle and brother, as Sharon had determined Ron and  
36 Barbara were no longer able to care for themselves. Sharon  
37 stated that after she contacting them, Diana spoke with Ron and  
38 stated she appears "to believe all of the crazy things Ron has  
39 said" about her, and has now asked her son Royce to become  
40 involved and to file these competing petitions. Sharon noted  
41 that Diana and Royce have not been involved with Barbara, Ron,  
42 or Sharon's family in the 29 years that the couple has been  
43 married, and stated Diana and Royce are strangers to her mother.  
44 Sharon expressed frustration that Royce and Diana refused to  
45 speak with her regarding her concerns for Ron, and are now  
46 preventing her from having contact with her mother.

47  
48 Sharon was adamantly against Royce being named the  
49 conservator of her mother. Sharon expressed concern over the  
50 unilateral decisions Royce has made on her mother's behalf and

1 stated these decisions have placed her mother in danger. Royce  
2 and his mother Diana purposely did not tell Sharon of their  
3 plans to move the couple from their home in Humboldt County and  
4 take them to Diana's home more than 6 hours away in Citrus  
5 Heights, CA. Sharon notes this move was conducted without regard  
6 to Barbara's health and upcoming medical appointments. It was  
7 further reported that Barbara's current medical providers in  
8 Rocklin, CA, do not have access to Barbara's medical records  
9 from Humboldt County and thus have no health history with which  
10 to treat Barbara. Sharon also reported that Royce has  
11 fraudulently signed as the decision maker for Barbara while  
12 placing her at her current facility, and has fraudulently  
13 altered, or allowed his attorney to alter, Barbara's Capacity  
14 Declaration. Sharon indicated she does not think Royce is a  
15 trust worthy person and stated, "I am concerned about Royce  
16 having anything to do with the estate because of the false  
17 paperwork [within the petitions.]"  
18

19 Report's that Sharon is financially motivated in her  
20 intentions to establish conservatorship on Barbara and Ron's  
21 behalf were discussed. Sharon stated these claims are false, and  
22 took offense to claims that because she and her husband had  
23 struggles raising their five children, all of whom are currently  
24 independent adults, that this would cause Sharon to want to  
25 steal from her mother. It was reiterated that when Barbara and  
26 Ron moved back to the Humboldt County area the last time, it was  
27 to be closer to Sharon so she could help the couple as they  
28 aged. Sharon stated that claims that Ron and Barbara are afraid  
29 of her or do not like her stem from Ron's cognitive decline and  
30 resulting paranoia, and are not based in fact. Further, reports  
31 that she repeatedly attempted to have Ron and Barbara place her  
32 on their bank accounts are true, and evidence that she has been  
33 attempting to assist the couple with their finances as detailed  
34 in the original petition. Reports that Ron and Barbara were  
35 resistant to these attempts are also true and evidence of the  
36 need for conservatorship.  
37

38 It remains Sharon's position that she had a close  
39 relationship with her mother and Ron until recently, until Ron's  
40 paranoia and "wild accusations" began to affect Sharon's  
41 relationship with her mother. Sharon reports that her mother has  
42 severe memory impairment and is now unduly influenced by Ron to  
43 think negative and false things about her. Sharon further  
44 asserts that the negative statements made by Barbara about her  
45 are "fed" to her by Ron. Additionally, Sharon reiterated her  
46 fears from the original investigation relating to Ron's  
47 persistent suicidal ideation and his verbalized plans to "off"  
48 himself and Barbara. Sharon continues to feel that her mother  
49 would be safer if removed from Ron and continues to intend to  
50 place her mother at Sequoia Springs Senior Living Community in

1 Fortuna, CA. Sharon concluded that Royce's lack of involvement  
2 with Ron and Barbara over the last 25 plus years, mixed with his  
3 refusal to speak with Sharon regarding this matter, has created  
4 a situation in which Royce does not have adequate knowledge of  
5 the current situation and; "has based his petition on the claims  
6 of a man even he says within his petition does not have  
7 capacity."

8

9 **Royce Mendonca, Proposed Conservator and Nephew**

10

11 Royce reported that he is seeking conservatorship of his  
12 aunt as she is no longer able to care for herself or manage her  
13 affairs independently, and as she requires protection from her  
14 daughter Sharon. Royce confirmed his mother's account that the  
15 family was urged to pick Ron and Barbara up by Adult Protective  
16 Services Social Worker, Alma Barber. "I want to make it clear  
17 that this (bringing the couple to the Sacramento area) was done  
18 on the recommendation of Alma Barber." Royce also repeated his  
19 mother's concerns surrounding Sharon's refusal to act as the  
20 conservator of Ron's person and her plan to separate the couple.  
21 Royce stated, "The bottom line is they do not want to be in  
22 Fortuna and their wishes should be respected... If [Sharon's]  
23 original plan was to keep them together we 1,000% would not be  
24 having this conversation... We are not on the Will or Trust or  
25 anything like that. I don't need their money. What I want is  
26 them to be together and to be in a nice place because they have  
27 earned that and neither should get less care because they  
28 (Barbara's family) want to preserve assets." It was Royce's  
29 position that Sharon's statements within her petitions, notably  
30 her plans to add an addition to her home for only her mother to  
31 reside in, and plans to utilize the estate for Barbara's care  
32 while seeking out VA benefits on Ron's behalf, indicates that  
33 she is more interested in persevering a potential inheritance  
34 from the estate than adequately providing for the couple's care.  
35 It was further noted that "for whatever reason" Ron and Barbara  
36 are no longer comfortable having Sharon being involved in their  
37 care and finances, but are willing to accept assistance from  
38 Royce and Diana.

39

40 Royce was also asked if he has witnessed any suicidal  
41 statements or ideology from Ron or Barbara since their move; and  
42 stated he has not. Royce stated, "Basically they feared for  
43 their lives Samantha. They ran away from their homes, no cell  
44 phone, just left their house out of fear and were unaccounted  
45 for for four days; and by some miracle they made it home..." It  
46 was Royce's position that Ron and Barbara were in heightened  
47 states of agitation and fear due to Sharon's attempts to be  
48 added to their bank accounts, and made the suicidal statements  
49 as a result. Now that the couple has been settled into their  
50

1 current care facility, there has been no further mention of  
2 suicide.

3  
4 Royce was also asked about the amount of familial contact  
5 he and his mother have had with Ron and Barbara over the years.  
6 Royce confirmed that they primarily maintained contact via  
7 telephone. Allegations that Royce and his attorney may have  
8 acted fraudulently were also discussed. Royce stated he signed  
9 as decision maker on Ron and Barbara's behalves as they required  
10 a decision maker to be placed at the facility. At the time it  
11 was critical to get Ron and Barbara placed, and Royce signed on  
12 the couples behalf to ensure they received prompt care.  
13 Regarding the Capacity Declaration, Royce stated he and his  
14 attorney were informed by Iris Medical Group that Nurse  
15 Practitioner Allan has the legal authority to fill the Capacity  
16 Declaration out. Royce echoed his mother's sentiments that Ron  
17 and Barbara are doing well at the facility and are well cared  
18 for by their care providers. Royce also confirmed that his  
19 mother frequently visits the couple and stated they appear happy  
20 at Merrill Gardens. Royce was asked about his level of  
21 communication with Sharon, and stated that while they have had  
22 contact in the past, they do not currently maintain contact with  
23 each other. Royce concluded that he would be willing to  
24 communicate with and work alongside Sharon moving forward.

25  
26 **Alma Barber, Social Worker with Adult Protective Services**

27  
28 Alma was contacted for this report and provided context to  
29 her recommendation to the Mendonca's. Alma described a situation  
30 in which the Keller's were decompensating rapidly within their  
31 home as Ron's delusions were preventing the couple from  
32 receiving any care or assistance. "Ron's delusions were  
33 pronounced and the couple was becoming gravely disabled before  
34 my eyes. There was a lot of delusional thinking around Sharon  
35 and thinking she had the ability to control everything around  
36 them and the way he wanted the police to patrol the street... Both  
37 of the Keller's were declining fast in their home and were  
38 throwing all of their groceries out with no way to get any more  
39 and stopped accepting assistance from Sharon... There was no food  
40 in the home and Barbara had lost 10 lbs... It got to the point  
41 where Ron looked disheveled and was crying every time I saw him  
42 and they needed help immediately; and at that point I was  
43 reaching out to all relatives not just Diana and Royce...  
44 Unfortunately the only person Ron will accept help from is his  
45 sister, and Barbara is not able to make decisions and is reliant  
46 on [Ron] for decision making, so unfortunately [their picking up  
47 the couple] was the only solution that actually worked." Alma  
48 noted her primary concern as a social worker with Adult  
49 Protective Services is the health and safety of the Keller's.

50

1 Alma was asked if she had any concerns with Royce acting as  
2 the couple's conservator. Alma noted that a lot of Ron's beliefs  
3 and behaviors are rooted in untreated mental illness and the  
4 Mendonca's seem to be, "kind of nested in the belief that [Ron's  
5 delusions are] really happening." Further concern was raised  
6 regarding both Sharon and Royce and the two family's inability  
7 to work together. Alma was supportive of the couple remaining  
8 together in their current facility as long as they are both  
9 receiving adequate care and supervision; noting that  
10 significantly altering the living arrangements of dementia  
11 patients tends to cause further decompensation.

12  
13 **Tim Jenkins, Son**

14  
15 Tim reported that he is aware of the competing petitions  
16 and continues to support his sister Sharon to act in the role.  
17 Tim stated that since the last report he has been making visits  
18 and attempted visits to the facility and has been able to meet  
19 with Barbara on several occasions. Tim reported no concerns with  
20 the care the couple is receiving, but expressed frustration with  
21 the facilities ability to communicate with him as Royce has  
22 named himself decision maker for Ron and Barbara within in their  
23 admissions paperwork; and the facility has a limited ability to  
24 provide Tim information. Tim was asked if he has any  
25 communication with Royce and Diana. Tim stated, "Diana had  
26 called me and we have had several phone calls and texts, but she  
27 is like talking to a brick wall. She was very combative and did  
28 not want to give me her email." Further explaining, "I tried to  
29 send her some supporting docs for our concerns [regarding Ron]  
30 and she claimed not to have one (an e-mail account) but I found  
31 out later she does have one she just didn't want to give it to  
32 me." Further stating, "I left my card for Royce (in the couple's  
33 room at the facility and with facility staff) and he has not  
34 called me back."

35  
36 Concerns for Barbara, her wellbeing, and care needs were  
37 discussed at length. It was explained that until very recently,  
38 Ron was a beloved member of Tim and Sharon's family and is  
39 called Grandpa by all of their children. Tim confirmed that  
40 Ron's delusions and paranoid accusations came on slowly and  
41 initially involved neighbors and other peripheral people, but  
42 eventually expanded to include Sharon and other family members.  
43 Tim further confirmed reports that Barbara is fearful and  
44 suspicious of her family while Ron is around, but once separated  
45 from him enjoys her family and does not have negative things to  
46 say. Tim asserts that Ron had a history of alienating family  
47 members that Tim and Sharon only recently recognized due to  
48 these recent events. "There are many red flags with Ron that I  
49 missed." Tim notes the recent discovery that Ron walked out on  
50 his sons 30 years ago and disinherited them from his will, and a

1 past refusal to be driven to visit a family member who had been  
2 assaulted in the course of a home invasion, as evidence of Ron's  
3 lack of a sense of close familial ties. Since being placed at  
4 their current facility, Tim stated Ron has prevented him from  
5 seeing his mother. "I have made a lot of visits that have been  
6 denied because Ron is there. The first successful visit I had  
7 was while Ron was in the hospital... My daughters and  
8 grandchildren have been denied and we love Ron. That's what my  
9 kids can't understand. They have always called him Grandpa and  
10 recently he just turned on us and it's not that we don't like  
11 Ron, it's that we don't like what he is doing to mom and the  
12 family."

13  
14 Tim was asked his opinion of Sharon's plan to potentially  
15 separate the pair. Tim stated, "I know it sounds terrible but I  
16 think it is the only way to get them the help they need... They  
17 need different kinds of care. Ron obviously has a good memory  
18 but he has mental health needs and clearly needs mental health  
19 care. His perception of reality is skewed to where he trusts  
20 strangers but not his grandkids. It is very odd." Tim reiterated  
21 his support for Sharon to act in the role of conservator and  
22 stated, "We were elected by mom and Ron a number of years ago  
23 and that can be proven in their will where they named us. There  
24 estate is very small and they do not have the funds [necessary]  
25 for their long term care needs. They will need [government]  
26 assistance at some point and with Sharon's [career] experience  
27 she will be able [to navigate that aspect of their care.]"

28  
29 Tim also addressed the accusations within the competing  
30 petition regarding Sharon's income while raising five children  
31 and noted, "All of that has made Sharon very frugal actually,  
32 and she is good at preserving money where she can. In fact when  
33 Diana and Royce hired this attorney we thought well we have to  
34 hire one too now, but then we thought about it and they don't  
35 have much money in the estate and we don't want to burn the  
36 money down, so it has been an immense amount of work done on  
37 Sharon's behalf [to be frugal.]" Tim concluded by reiterating  
38 the fact that while the couple had capacity they nominated Tim  
39 and Sharon to manage their financial affairs on their behalf, and  
40 stated Barbara's entire family supports Sharon being named as  
41 conservator of Ron and Barbara's estate.

42  
43 **John Robertson, Manager at Merrill Gardens at the Pines**

44  
45 John reported that Ron and Barbara have settled in "great"  
46 to the facility and are doing well. "They are eating three meals  
47 a day and getting the care they need." John was initially  
48 confident that the facility would be able to manage the couples  
49 differing care needs and to keep the couple together, but did  
50 not seem aware of Ron's reported mental health needs. John



1 stated he has experienced no issues with Ron related to  
2 paranoia, delusions, or suicidal ideation since the couple's  
3 admission.  
4

5 Conservatorship is appropriate for Barbara as she is unable  
6 to live independently and would "absolutely" benefit from having  
7 an advocate. Barbara was described as having similar care needs  
8 to her husband, as she is ambulatory and requires verbal cuing  
9 and reminders to complete activities of daily living and hygiene  
10 tasks; but John stated "Barbara's dementia is more pronounced  
11 than Ron's." Additionally, Barbara receives stand by assistance  
12 while showering. John described conservatorship as a "good idea"  
13 for the couple and expressed no concern with Barbara being  
14 conserved. John stated he has contact with both Sharon Wolff  
15 and Royce Mendonca, and reported no concerns with either party  
16 being named their conservator.  
17

18 **INTERVIEW WITH PROPOSED CONSERVATEE:**  
19

20 Barbara was interviewed from her room at Merrill Gardens.  
21 During the interview Barbara appeared clean, well-groomed, and  
22 appropriately dressed. Barbara presented with noticeable memory  
23 impairment and frequently looked to her husband for responses to  
24 questions asked. Barbara was alert and engaged in our  
25 interaction and appeared to understand the nature and effect of  
26 the current proceedings. When asked to define conservatorship  
27 Barbara stated, "It's someone who takes care of you." Barbara  
28 consented to the establishment of conservatorship with Royce as  
29 her conservator after being provided with advisement by stating  
30 "I agree, I depend on Ron's knowledge of him." Barbara opposed  
31 the establishment of conservatorship with her daughter Sharon  
32 Wolff as her conservator.  
33

34 When given a brief mental status exam, Barbara correctly  
35 stated her name, date of birth, and was oriented to time of day.  
36 Barbara was unable to state the current month and year, her  
37 medical diagnoses, the current president, or the names of her  
38 proposed conservators. When asked her address and city of  
39 residence Barbara stated, "I can't even think." When asked if  
40 she takes any medications Barbara stated, "I don't remember  
41 pills." When asked her current age Barbara stated, "You do the  
42 math." Barbara identified the purpose of our interview as, "To  
43 see if we are sane." Barbara appears capable of participating in  
44 the voting process.  
45  
46  
47  
48  
49  
50

1 **CONCLUSION AND RECOMMENDATION**

2  
3 Through investigation, it appears that Barbara Keller  
4 remains unable to provide for her own personal needs for  
5 physical health, food, clothing, and shelter, and is  
6 substantially unable to manage her own financial resources or  
7 resist fraud or undue influence.

8  
9 After a careful consideration of the preceding interviews  
10 and review of the documents submitted in this case, the  
11 undersigned finds that Sharon Wolff is acting in Barbara's best  
12 interests, and was in fact nominated by Barbara and Ron to  
13 manage their estate while each had capacity. Therefore,  
14 establishment of the probate conservatorship of the person and  
15 estate of Barbara Keller with her daughter Sharon Wolff acting  
16 as her conservator is respectfully recommended.

17  
18 Additionally, the undersigned recommends that every effort  
19 be made to keep Ron and Barbara together as long as safely and  
20 medically possible. The undersigned concludes that many of the  
21 issues presented in this case would be solved with proper  
22 communication between the Wolff / Jenkin's family and the  
23 Mendonca family. If productive communication in the couple's  
24 best interest is not established between the two parties  
25 promptly, the undersigned recommends a professional private  
26 fiduciary manage the couple's estate.

27  
28 **ASSESSMENT RECOMMENDATION:**

29  
30 It is unknown if the conservatee's estate is sufficient to warrant  
31 assessment for this investigation and report.

32  
33 Pursuant to Probate Code 1851.5, the assessment fee for this  
34 investigation is \$341.00. If the Court approves the assessment, the  
35 fee should be paid to: Court Operations, 421 I Street, Eureka, CA  
36 95501.

37  
38 Counsel has been appointed for the proposed  Yes  No  
39 Conservatee.

40  
41 The proposed Conservatee is able to attend the  Yes  No  
42 hearing.

43  
44 The proposed Conservatee should be disqualified  Yes  No  
45 from voting.

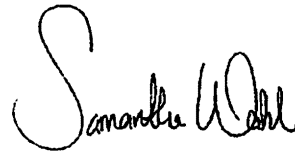
46 The judge ignored the earlier  
47 recommendation from this court  
48 investigator and never appointed counsel  
49 for the proposed conservatee  
50

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: September 24, 2021

Respectfully submitted,



Samantha Wahl  
Court Appointed Investigator  
Quest Court Investigations

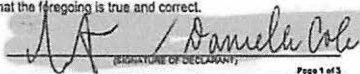
Respectfully submitted,



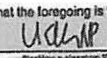
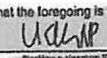
Dale Price  
Court Appointed Investigator  
Quest Court Investigations

Cc Sharon Wolff  
Royce Mendonca  
Public Defender  
Chris J. Hamer, Esq.  
Diana Mendonca  
Tim Jenkins  
Barbara Keller  
Ronald 'Ron' Keller

GC-335

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: <u>Sharon L. Wolff</u> FIRM NAME: STREET ADDRESS: <u>2 Painter St</u> CITY: <u>Rio Dell</u> STATE: <u>CA</u> ZIP CODE: <u>95562</u> TELEPHONE NO.: <u>707-579-9961</u> FAX NO.: EMAIL ADDRESS: <u>Sharon@RioDellTimes.com</u> ATTORNEY FOR (Name): <u>in pro per</u>	STATE BAR NUMBER: FOR COURT USE ONLY Legitimate GC-335 Capacity Declaration filed by Sharon Wolff on 8/17/21 with GC-111 Amended Petition	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <u>Humboldt</u> STREET ADDRESS: <u>825 5th St</u> MAILING ADDRESS: CITY AND ZIP CODE: <u>Eureka, CA 95501</u> BRANCH NAME:		
CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): <input type="checkbox"/> CONSERVATEE <u>Barbara Lynn Keller</u> <input checked="" type="checkbox"/> PROPOSED CONSERVATEE		
CAPACITY DECLARATION—CONSERVATORSHIP		CASE NUMBER: <u>PR 2100162</u>
TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply): A. <input checked="" type="checkbox"/> is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): _____ (Complete item 5, then sign and file page 1 of this form.) B. <input checked="" type="checkbox"/> has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.) C. <input checked="" type="checkbox"/> has a major neurocognitive disorder (such as dementia) and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from medication for the treatment of major neurocognitive disorders (including dementia). (Complete items 6 and 8 of this form and complete form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and file form GC-335A.) (If more than one item is checked above, sign the last applicable page of this form or, if item C is checked, form GC-335A. File page 1 through the last applicable page of this form; if item C is checked, file form GC-335A as well.) <b>COMPLETE ITEMS 1-4 OF THIS FORM IN EVERY CASE.</b>		
GENERAL INFORMATION		
1. (Name): Supervising Physician: Andrew Johnston, MD (PCP); Danielle Cole, FNP 2. (Office address and telephone number): 3760 Rohnerville Road Fortuna, CA 95540 707-725-6101 3. I am a. <input checked="" type="checkbox"/> a California-licensed <input checked="" type="checkbox"/> physician <input type="checkbox"/> psychologist acting within the scope of my license with at least two years' experience in diagnosing and treating major neurocognitive disorders (including dementia). b. <input type="checkbox"/> an accredited practitioner of a religion that calls for reliance on prayer alone for healing. The (proposed) conservatee is an adherent of my religion and is under my care. (Practitioner may make ONLY the determination in item 5.) 4. (Proposed) conservatee (name): Barbara Keller a. I last saw the (proposed) conservatee on (date): _____ b. The (proposed) conservatee <input checked="" type="checkbox"/> is <input type="checkbox"/> is NOT a patient under my continuing treatment and care.		
ABILITY TO ATTEND COURT HEARING 5. A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a or b.) a. <input checked="" type="checkbox"/> The proposed conservatee is able to attend the court hearing. b. <input type="checkbox"/> Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply) (1) <input type="checkbox"/> on the date set (see date in box in item A above). (2) <input type="checkbox"/> for the foreseeable future. (3) <input type="checkbox"/> until (date): _____ (4) Supporting facts (State facts in the space below or check this box <input type="checkbox"/> and state the facts in Attachment 5.)		
Notice the date - 7/22/21 Notice the signature of Barbara's medical provider Danielle Cole, FNP with countersignature of Dr. Andrew Johnston I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date: 7/22/2021 Andrew Johnston, MD (Danielle Cole, FNP)		
(TYPE OR PRINT NAME)		SIGNATURE OF DECLARANT: 
Form Adopted for Mandatory Use Judicial Council of California GC-335 (Rev. January 1, 2015)		Page 1 of 3 Probate Code, §§ 811, 812, 1001, 1025, 1951, 1910, 2256.5 www.courtinfo.ca.gov

GC-335

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: <u>Chris Johnson Hamer (SBN 105752)</u> FIRM NAME: <u>STONES, HAMER, KIRK &amp; EADS, LLP</u> STREET ADDRESS: <u>381 Bayside Road, Ste. A</u> CITY: <u>Arcata</u> STATE: <u>CA</u> ZIP CODE: <u>95521</u> TELEPHONE NO.: <u>707-822-1771</u> FAX NO.: <u>707-822-1901</u> EMAIL ADDRESS: <u>chris@shkklaw.com</u> ATTORNEY FOR (Name): <u>ROYCE MENDONCA, Petitioner</u>	STATE BAR NUMBER: FOR COURT USE ONLY Legitimate GC-335 Capacity Declaration filed by Sharon Wolff on 8/17/21 with GC-111 Amended Petition	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <u>HUMBOLDT</u> STREET ADDRESS: <u>825 Fifth Street</u> MAILING ADDRESS: CITY AND ZIP CODE: <u>Eureka, CA 95501</u> BRANCH NAME:		
CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): <u>BARBARA LYNN KELLER</u> <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE		
CAPACITY DECLARATION—CONSERVATORSHIP "By FAX"		CASE NUMBER: <u>PR2100162</u>
TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply): A. <input type="checkbox"/> is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): _____ (Complete item 5, then sign and file page 1 of this form.) B. <input type="checkbox"/> has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.) C. <input checked="" type="checkbox"/> has a major neurocognitive disorder (such as dementia) and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from medication for the treatment of major neurocognitive disorders (including dementia). (Complete items 6 and 8 of this form and complete form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and file form GC-335A.) (If more than one item is checked above, sign the last applicable page of this form or, if item C is checked, form GC-335A. File page 1 through the last applicable page of this form; if item C is checked, file form GC-335A as well.) <b>COMPLETE ITEMS 1-4 OF THIS FORM IN EVERY CASE.</b>		
GENERAL INFORMATION		
1. (Name): Heather Allen, NP Iris Health Medical Group 2. (Office address and telephone number): 520 9th St Ste 240, Sacramento, CA 95814 (916) 231-4747 3. I am a. <input checked="" type="checkbox"/> a California-licensed <input type="checkbox"/> physician <input type="checkbox"/> psychologist acting within the scope of my license <input checked="" type="checkbox"/> Nurse Practitioner with at least two years' experience in diagnosing and treating major neurocognitive disorders (including dementia). b. <input type="checkbox"/> an accredited practitioner of a religion that calls for reliance on prayer alone for healing. The (proposed) conservatee is an adherent of my religion and is under my care. (Practitioner may make ONLY the determination in item 5.) 4. (Proposed) conservatee (name): BARBARA LYNN KELLER a. I last saw the (proposed) conservatee on (date): 08/16/2021 b. The (proposed) conservatee <input checked="" type="checkbox"/> is <input type="checkbox"/> is NOT a patient under my continuing treatment and care.		
ABILITY TO ATTEND COURT HEARING 5. A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a or b.) a. <input type="checkbox"/> The proposed conservatee is able to attend the court hearing. b. <input checked="" type="checkbox"/> Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply) (1) <input type="checkbox"/> on the date set (see date in box in item A above). (2) <input checked="" type="checkbox"/> for the foreseeable future. (3) <input type="checkbox"/> until (date): _____ (4) Supporting facts (State facts in the space below or check this box <input type="checkbox"/> and state the facts in Attachment 5.) Alzheimers Disease, Neurocognitive disability		
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date: 08/24/2021 Heather Allen NP 		
(TYPE OR PRINT NAME)		SIGNATURE OF DECLARANT: 
Form Adopted for Mandatory Use Judicial Council of California GC-335 (Rev. January 1, 2015)		Page 1 of 3 Probate Code, §§ 811, 812, 1001, 1025, 1951, 1910, 2256.5 www.courtinfo.ca.gov

CHRIS JOHNSON HAMER  
ERIC V. KIRK  
JASON J. EADS  
JOSHUA KAUFMAN  
JEFFREY W. MONSELL

JOHN R. STOKES, III \*Retired

THOMAS D. ROWE (1948-2011)  
JOHN R. STOKES (1917-2001)  
DOROTHY L. STEEVES (1926-1998)

STOKES, HAMER, KIRK & EADS, LLP  
ATTORNEYS AT LAW  
A LIMITED LIABILITY PARTNERSHIP

381 BAYSIDE ROAD, STE. A  
ARCATA, CALIFORNIA  
95521

AREA CODE 707

TELEPHONE  
822-1771

FAX 822-1801

January 7, 2022

**Via Certified Mail,  
Return Receipt Requested**

Sharon Wolff  
3 Painter Street  
Rio Dell, CA 95562

Steve Wolff  
3 Painter Street  
Rio Dell, CA 95562

Truth is the defense and the elder financial fraud committed by having an Alzheimer's patient and a Dementia patient sign papers handing control of their person and estate to Roland Royce Mendonca, Jr. is clear - the documentation from the court record is posted and it will remain.

I look forward to reviewing each and every detail of the fraudulent paperwork in any action that may be brought - and it will be posted in its entirety as well.

**NOTICE TO CEASE AND DESIST**

This constitutes notice to you that you have been committing and continue to commit libel as to Royce Mendonca and Chris Johnson Hamer, and that if your libelous statements do not stop and are not retracted by January 11, 2022, a lawsuit will be filed against you for injunctive and monetary relief, including punitive damages.

Civil Code § 45 states as follows: "Libel is a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye, which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation."

You have published, and continue to publish, statements which are false and unprivileged, which expose Royce Mendonca and Chris Johnson Hamer to hatred, contempt, ridicule, or obloquy, and can cause them to be shunned or avoided, and which also have a tendency to injure both of them in their occupations. These publications have appeared and are continuing to appear, in the Rio Dell Times, in your letter and enclosures sent to John Chiv and various legislative members.

January 7, 2022

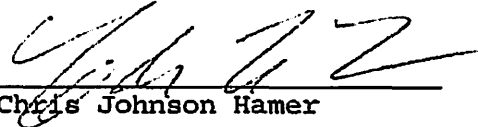
Page 2

If these publications are not removed and do not cease by 5:00 p.m. on Tuesday, January 11, 2022, suit will be filed against you.

Very truly yours,

STOKES, HAMER, KIRK & EADS, LLP

By:

  
Chris Johnson Hamer

CJH/ja  
cc: Clients  
Encls.

CHRIS JOHNSON HAMER  
ERIC V. KIRK  
JASON J. EADS  
JOSHUA KAUFMAN  
JEFFREY W. MONSELL

STOKES, HAMER, KIRK & EADS, LLP  
ATTORNEYS AT LAW  
A LIMITED LIABILITY PARTNERSHIP

AREA CODE 70

TELEPHONE  
822-177

JOHN R. STOKES, III \*RETIRED

381 BAYSIDE ROAD, STE. A  
ARCATA, CALIFORNIA  
95521

FAX 822-180

THOMAS D. ROWE (1949-2011)  
JOHN R. STOKES (1917-2001)  
DOROTHY L. STEEVES (1926-1988)

October 26, 2021

Honorable Timothy Canning  
Humboldt County Superior Court  
825 Fifth Street  
Eureka, California 95501

Re: Conserv. of Barbara Keller (PR2100162)

Dear Judge Canning:

Actually, Roland Royce Mendonca, Jr. testified under oath that he is not financially responsible for the unauthorized placement - that is why he did not sign the line on the agreement for who is responsible for the bill...

Continue reading for the response...

The evidentiary hearing on who would become the conservator of the persons and estates of Ronald Keller and Barbara Keller took place on September 30, 2021.

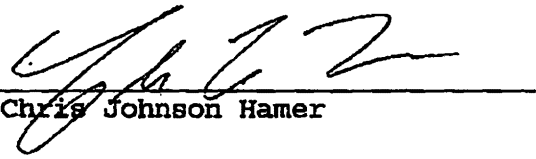
As he testified at the evidentiary hearing, petitioner Royce Mendonca has been paying for the Kellers' care at a memory care unit near Sacramento with his own money, which is a considerable hardship. If he is appointed conservator, he will have access to the Kellers' funds in order to use these funds rather than his own to pay for their care.

For this reason, if this matter could receive your attention at your earliest convenience, it would be greatly appreciated.

Very truly yours,

STOKES, HAMER, KIRK & EADS, LLP

By:

  
Chris Johnson Hamer

CJH/ja

cc: Sharon Wolff by email to:  
[sharon@riodeltimes.com](mailto:sharon@riodeltimes.com)

October 27, 2021

Honorable Timothy Canning  
Humboldt County Superior Court  
825 Fifth Street  
Eureka, CA 95501

Re: Conservatorship of Barbara Keller (PR2100162)

Dear Judge Canning:

Yesterday, I received a (unfiled) copy of a letter written to yourself and Notice of Unavailability submitted by Attorney Chris Johnson Hamer ("HAMER"), representing Royce and Diane Mendonca.

The letter urges you to give control of the Keller estate to Royce Mendonca ("ROYCE") due to the financial strain of his unauthorized placement of the Keller's into the locked memory care unit of The Pines, A Merrill Gardens Community. This is an obvious attempt to utilize the unauthorized placement, the altered Judicial Council GC-335 documents and the "Nomination" documents signed by an Alzheimer's patient in direct opposition to their documented intent and behaviors in order to pressure this court to ignore the court investigation report recommendations. ROYCE and Attorney HAMER affirmatively chose to place the Keller's into The Pines, A Merrill Gardens Community despite not having any authority to encumber the Keller estate. They cannot now use that unauthorized placement as leverage to pressure the court to ignore the record and recommendations, as they have requested.

The accompanying Notice of Unavailability is a brazen attempt to further pressure the court. HAMER cited *Tenderloin Housing Clinic v. Sparks (1992) 8 Cal.App.4th 299* as the controlling authority despite clear precedent established in cases such as *Carl v. Coast Community College District et al., Real Parties in Interest*. The 4<sup>th</sup> District Court of Appeals addressed the "common practice" of filing a "notice of unavailability" under the "guise of *Tenderloin Housing Clinic, Inc. v. Sparks (1992) 8 Cal.App.4th 299, 10 Cal.Rptr.2d 371.*" The court ruled "To the extent this practice attempts to put control of the court's calendar in the hands of counsel-as opposed to the judiciary-it is an impermissible infringement of the court's inherent powers" and "petitioner cannot on his own enjoin the superior court from issuing orders..." Further, "In short, a "notice of unavailability" is not a fileable document under the Rules of Court and will be returned to counsel" [Emphasis added]

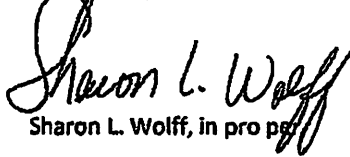


I respectfully request this court ignore the letter and Notice of Unavailability submitted by Attorney HAMER.

All parties urge a speedy resolution to the conservatorship applications for Barbara and Ronald Keller who remain placed at The Pines, A Merrill Gardens Community, without legal authority or the required documentation such as an actual care and needs assessment completed by their medical provider to ensure they are receiving the appropriate level of care.

The legal quagmire created by ROYCE and Attorney HAMER with the unauthorized placements has made a very difficult situation infinitely worse. Their actions in creating an unauthorized placement, having Alzheimer's patients sign legal documents and submitting altered Judicial Council forms should not be ignored by this Court.

Respectfully,

  
Sharon L. Wolff, in pro per

Cc: Chris Johnson Hamer by email to: [chris@shkklaw.com](mailto:chris@shkklaw.com)

**RECEIVED**

**OCT 27 2021 AR**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**FILED**

**DEC 18 2021**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT**

***SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT***

CASE NO. PR2100162

IN RE BARBARA LYNN KELLER

RULING AND ORDER  
APPOINTING CONSERVATOR

---

Presently before the court are two competing petitions for appointment of conservator for Barbara Lynn Keller: a petition by Royce Mendonca (Ms. Keller's husband's nephew), and a petition by Sharon Wolff (Ms. Keller's daughter). Objections were also filed to both petitions. Similar competing petitions were filed in Ronald Keller's matter, Humboldt Superior Court case no. PR2100161. Ronald and Barbara Keller are married.

Both petitioners appear to agree that Ms. Keller needs a conservator of her person and of her estate. The probate investigator also recommended appointment of a conservator. From the evidence presented to the court, including but not limited to the testimony at the hearing and the investigator's reports, the court finds that Ms. Keller is unable to properly provide for her personal needs for physical health, food, clothing or shelter, and that Ms. Keller is substantially unable to manage her own financial resources or resist fraud or undue influence. The court finds that appointment of a conservator of Ms. Keller's person and estate is in Ms. Keller's best

1 interests.

2 Which petitioner should be appointed conservator is a more difficult question. After  
3 reviewing all the filings in this matter as well as in Mr. Keller's matter, and considering the  
4 testimony presented at the hearing, the court appoints Mr. Mendonca as the conservator of Ms.  
5 Keller's person and estate, for the following reasons.

6 The probate investigator recommended that Ms. Wolff be appointed conservator for Ms.  
7 Keller's person and estate, in her original report and in her subsequent report. The court is  
8 appointing Mr. Mendonca as Mr. Keller's conservator; appointing Ms. Wolff as conservator for  
9 Ms. Keller would require either that Mr. Mendonca and Ms. Wolff work together to support Ms.  
10 Keller and Mr. Keller as a married couple, or require Ms. Keller and Mr. Keller to live apart and  
11 go their separate ways.

12 Mr. Mendonca and Ms. Wolff are unable to work together. During the hearing, and as  
13 reflected in the papers submitted by the parties, it is apparent that each petitioner undermines the  
14 other, trades insults, and withholds key information from each other. Appointing Mr. Mendonca  
15 for Mr. Keller and Ms. Wolff for Ms. Keller would likely result in more contentious interactions,  
16 high stress for the conservatees, and extensive litigation over instructions, orders, accountings  
17 and the like.

18 Ms. Keller, as did Mr. Keller, signed a written document nominating Mr. Mendonca to be  
19 her conservator. A proposed conservatee may nominate a conservator, either in the petition for  
20 appointment or in a writing signed by the proposed conservatee at a time when she had sufficient  
21 capacity to form an intelligent preference. Prob. C. §1810. The court must appoint the  
22 nominee unless it finds that the appointment is not in the best interests of the proposed  
23 conservatee.

24 Though Ms. Keller may have been influenced by Mr. Keller and by Mr. Keller's sister  
25 when making the nomination of Mr. Mendonca, there was insufficient evidence that any such

1 influence was undue. Though Ms. Keller is clearly suffering from memory loss and some  
2 diminished capacity, it appears to the court that Ms. Keller had sufficient capacity to form an  
3 intelligent preference at the time she signed the nomination. At the hearing, Ms. Keller also  
4 clearly and unequivocally testified that she preferred the appointment of Mr. Mendonca over the  
5 appointment of Ms. Wolff. Ms. Keller also told the probate investigator that she preferred Mr.  
6 Mendonca be appointed conservator.

7           The court finds that Ms. Keller had sufficient capacity to form an intelligent preference  
8 for a conservator at the time she nominated Mr. Mendonca.

9           The court further finds that Mr. Mendonca's appointment is in Ms. Keller's best interest.  
10 According to Alma Barber, a social worker with Adult Protective Services, prior to the  
11 involvement of Mr. Keller's sister and Mr. Mendonca, when Mr. Keller and Ms. Keller were  
12 living close to Ms. Wolff and her family, they stopped accepting assistance from Ms. Wolff and  
13 began trying to sell their house and leave the area. When visited by Ms. Barber, the Kellers had  
14 no food in their house, and Ms. Keller had lost 10 pounds. Ms. Barber testified that Mr. Keller  
15 looked disheveled and was crying frequently. Ms. Barber concluded that both were  
16 decompensating rapidly.

17           In contrast, after Mr. Keller's sister and Mr. Mendonca became involved, both Mr. and  
18 Ms. Keller were placed in an assisted living facility where they both are receiving medical care,  
19 eating well, live in a safe environment, and are generally being well-cared for. At the hearing on  
20 the petitions, the court was able to observe the Kellers as they testified via Zoom, and they both  
21 appeared to be doing well in the assisted living facility.

22           In addition, and as recommended by the probate investigator, Mr. Mendonca is  
23 committed to Mr. and Ms. Keller living together, as long as their medical condition allows it and  
24 as long as there are no concerns regarding physical safety. In contrast, Ms. Wolff did not appear  
25 to be strongly in favor of the Kellers living together, at least not initially.

1 It is also clear from testimony as well as the investigator's reports that Ms. Keller (and  
2 Mr. Keller) are willing to listen to and cooperate with Mr. Mendonca, whereas neither proposed  
3 conservatee seemed willing or able to do so with Ms. Wolff. Ms. Keller not only expressed a  
4 strong preference for the appointment of Mr. Mendonca -- which she has consistently asserted  
5 since the first investigator's report -- but she also strongly expressed her opposition to Ms.  
6 Wolff being appointed.

7 The court gives no weight to Mr. Mendonca's assertions that Ms. Wolff is not qualified  
8 to serve as a conservator of the estate because of her prior bankruptcy or current financial  
9 situation. Those factors do not support a conclusion that Ms. Wolff would embezzle or misuse  
10 the conservatees' financial assets.

11 Similarly, the court does not give any weight to Ms. Wolff's assertions that Mr.  
12 Mendonca was falsifying documents or otherwise not qualified to serve as conservator.

13 Considering the vitriolic accusations made against each other, Ms. Wolff and Mr.  
14 Mendonca are not able to cooperate with each other in making decisions regarding care and  
15 support for Ms. Keller and her husband. Instead, it is likely that each conservator would make  
16 decisions inconsistent with the other's decision, which in turn would not be in the best interests  
17 of the married couple. A likely outcome of having two different conservators is that Mr. Keller  
18 and Ms. Keller may be split up. As the investigator noted, splitting Mr. Keller and Ms. Keller  
19 up may cause their respective conditions to deteriorate more rapidly.

20 The court further concludes that having a different conservator for Mr. Keller and for Ms.  
21 Keller would not be in the conservatees' best interests, but would likely be disastrous.

22 For the foregoing reasons, the court finds that the appointment of Royce Mendonca as  
23 conservator for Ms. Keller's person and estate is in the best interests of Ms. Keller. The court  
24 grants Mr. Mendonca's petition for appointment, and appoints Mr. Mendonca as conservator for  
25 Ms. Keller's person and estate. Except as expressly granted herein, all other requests for relief in

1 this case have been considered and are denied.

2 For the foregoing reasons,

3 **IT IS HEREBY ORDERED THAT:**

4 1. Sharon Wolff's petition for appointment as conservator is denied;

5 2. Royce Mendonca's petition for appointment as conservator of the person and estate of

6 Ms. Keller is granted, and letters shall issue; and

7 3. The court will set dates for review and accounting, and will notify the parties of those  
8 dates.

9

**TIMOTHY A. CANNING**

10 Dated: December 10, 2021

---

Timothy A. Canning  
Judge of the Superior Court

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

PROOF OF SERVICE BY MAIL

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Courthouse, 825 5<sup>th</sup> St., Eureka, California, 95501; that I served a true copy of the attached RULING AND ORDER APPOINTING CONSERVATOR by placing said copies in the attorney's mail delivery box in the Court Operations Office at Eureka, California on the date indicated below, or by placing said copies in envelope(s) and then placing the envelope(s) for collection and mailing on the date indicated below following our ordinary business practices. I am readily familiar with this business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service at Eureka, California in a sealed envelope with postage prepaid. These copies were addressed to:

Sharon Wolff, 3 Painter St., Rio Dell, CA 95562

Alex Grotewohl, County Counsel, Court Operations Box #39

Chris Hamer, Court Operations Box #4

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on the 13<sup>th</sup> day of December 2021, at the City of Eureka, California.

Kim M. Bartleson, Clerk of the Court

By   
Deputy Clerk



December 19, 2021

Honorable Timothy Canning  
Humboldt County Superior Court  
825 Fifth Street  
Eureka, CA 95501

Re: Conservatorship of Barbara Keller (PR2100162)

Dear Judge Canning:

I received your **RULING AND ORDER APPOINTING CONSERVATOR**, filed Dec. 13, 2021, where you gave the conservatorship of my mother, Barbara L. Keller, entirely to Royce Mendonca. The ruling did not include an acknowledgement of some pertinent facts, contained in the existing court record, that I would respectfully ask you to consider further:

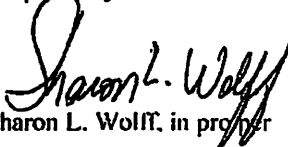
- **Barbara and spouse Ronald Keller (PR2100161) documented their wishes years ago, when they both had the legal capacity to make an informed choice – this documentation was attached to the original petition filed June 21, 2021.**
  - **April 17, 2003 Last Will & Testament – Barbara L. Keller (attachment 5c(2)c)**
  - **April 17, 2003 Last Will & Testament – Ronald W. Keller (attachment 5c(2)b)**
  - **May 15, 2017 The Keller 2017 Trust – Ronald & Barbara Keller (attachment 5c(2)a)**
- **June 25, 2021 Dr. Andrew Levine, Ph.D. of North Coast Neuropsychology conducted a cognitive assessment of Barbara and Ronald Keller in their Fortuna home at the request of APS Social Worker Alma Barba (report completed July 8, 2021).**
  - **“Diagnosis – Major Neurocognitive Disorder – most likely cause is Alzheimer’s disease, considering progressive nature since at least 2014, severe encoding deficit and lack of insight”**
  - **Alma testified (9/30/21) to this court that she communicated all of this information to Ronald Keller’s family – sister Diane Mendonca and nephew Royce Mendonca – they were informed of Barbara and Ronald’s cognitive state from the beginning of the APS involvement**
- **July 22, 2021 GC-335 Capacity Declaration and GC-335A Major Neurocognitive Disorder Attachment to Capacity Declaration were signed by Barbara Keller’s medical provider – declaring the proposed conservatee does not have the capacity to give informed consent.**
- **July 23, 2021 Court appointed investigator Samantha Wahl recommended counsel should be appointed for the proposed conservatee(s) – to this date, no one has been appointed to safeguard the civil rights of the either proposed conservatee.**

- August 17, 2021 Amended Petition for Appointment of Temporary Conservator which included the 7/22/21 signed GC-335 and GC-335A Judicial Council forms are filed in this matter (GC-111 Attachment 3a).
  - Ronald Keller and Barbara Keller were served, via certified mail, at Diane Mendonca's residence (7111 Wonner Way Citrus Heights, CA 95621) by North Coast Legal Services
  - Diane Mendonca and Royce Mendonca are not related to Barbara Keller and were not a declared interested party in this matter at the time
- August 25, 2021 Royce Mendonca secures Barbara Keller's signature on a NOMINATION BY CONSERVATOR OF HER PERSON AND ESTATE for BARBARA KELLER at Diane Mendonca's residence (7111 Wonner Way Citrus Heights, CA 95621)
  - The legal nomination document was drawn by Attorney Chris Johnson Hamer and submitted to this court under Penalty of Perjury, filed August 26, 2021

**The ruling and order issued only acknowledges the existence of that NOMINATION document, signed a month after Barbara Keller's medical providers declared her incapable of giving informed consent, and does not take notice of any of the cited documentation provided by myself. The documentation provided clearly establishes the long standing intents of wishes of Barbara and Ronald Keller prior to the Alzheimer's and dementia robbing them both of their mental faculties.**

**I respectfully request you to reconsider the ruling and order, filed Dec. 13, 2021, based on a re-examination of the documentation provided in this matter and cited above. These are all straight forward dates and facts that have been well-documented and provided to this court – there is no dispute over the documentation – it has simply been ignored completely.**

Respectfully,

  
Sharon L. Wolff, in pro per

Cc: Chris Johnson Hamer by email to: [chris@shklaw.com](mailto:chris@shklaw.com)

**RECEIVED**

**DEC 20 2021 AR**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT**

Superior Court of California, County of Humboldt

---

Case Number	PR2100162	July 29, 2021
Case Title	Matter of: B. Keller	

---

<b>CAL:</b>	<b>Appoint Conservator</b>
-------------	----------------------------

Judge: John T. Feeney  
Clerk: Amy M.

Reporter: Sheryl Brown

Petitioner Sharon Wolff present via videoconference  
Conservatee Ronald Keller not present (PR2100161)  
Conservatee Barbara Keller not present (PR2100162)

The Keller's were noted as not being present (via Zoom) because they were kept off camera

See the Declaration by Diana Mendonca below confirming they were both present for the hearing

**RELATED CASES CALLED TOGETHER: PR2100161 & PR2100162**

The Court advises the Petitioner the citations have not been served and that some documentation has either not been provided or is not in proper form.

Petitioner advises the Court of the drastic circumstances and recent changes.

The Court informs the Petitioner that it cannot give legal advice and suggests filing of a temporary conservatorship or contacting the Sheriff's Department with her concerns.

The court did not know the Keller's were both there (off camera) - they had been served at Diana Mendonca's home in Citrus Heights

See below...

Petitioner states she will submit the necessary missing documentation.

Petition to Appoint Conservator is continued to August 5, 2021 at 2:15 p.m. in Courtroom

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Diana L. Mendonca</b> [REDACTED] Citrus Hts. CA 95621 TELEPHONE NO.: 916 730-9642 FAX NO. (Optional): EMAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY  <b>FILED</b> AUG 02 2021 SUPERIOR COURT OF CALIFORNIA COUNTY OF HUMBOLDT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Humboldt STREET ADDRESS: 825 5th Street MAILING ADDRESS: CITY AND ZIP CODE: Eureka, CA 95501 BRANCH NAME:		
PLAINTIFF/PETITIONER: Sharon Wolff DEFENDANT/RESPONDENT: Barbara Lynn Keller and Ronald Keller		
<b>DECLARATION</b>		CASE NUMBER: <b>PR2100162</b>

A Conservatorship hearing was held on July 29, 2021 at 2:15 p.m., Dept. 6. Barbara Lynn Keller, Ronald Keller and I (sister of Ronald Keller) appeared at the hearing via video conference call (Zoom). We were never called upon to speak.

We are aware that the next hearing is August 5, 2021, at 2:15 p.m. and we will be attending the hearing via Zoom.

The Keller's were not called to speak because their presence was not revealed to the court during the hearing - only Diana Mendonca appeared on camera.

This declaration was found in the court case file by Sharon Wolff - it had not been served despite Diana being advised by "my friend, an attorney..."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Diana Mendonca

(TYPE OR PRINT NAME)

*Diana Mendonca*  
 (SIGNATURE OF DECLARANT)

- Attorney for     Plaintiff     Petitioner     Defendant  
 Respondent     Other (Specify):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Chris Johnson Hamer (SBN 105752)</b> <b>STOKES, HAMER, KIRK &amp; EADS, LLP</b> <b>381 Bayside Road, Ste. A</b> <b>Arcata, California 95521</b> TELEPHONE NO.: 707-822-1771 FAX NO. (Optional): 707-822-1901 E-MAIL ADDRESS (Optional): chris@shkklaw.com ATTORNEY FOR (Name): <b>ROYCE MENDONCA, Petitioner</b>	FOR COURT USE ONLY  You're going to love this one ! Read down
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: 825 Fifth Street MAILING ADDRESS: CITY AND ZIP CODE: Eureka, CA 95501 BRANCH NAME:	
TEMPORARY CONSERVATORSHIP OF (Name): <b>BARBARA LYNN KELLER</b>  CONSERVATEE	CASE NUMBER: <b>PR2100162</b>
PETITION FOR APPOINTMENT OF TEMPORARY CONSERVATOR <input checked="" type="checkbox"/> Person <input checked="" type="checkbox"/> Estate <input checked="" type="checkbox"/> Person and Estate	HEARING DATE: <b>09/02/2021</b> DEPT: <b>2:15 p.m.</b> TIME: <b>6</b>

## 1. Petitioner (name each):

requests that

- a. (Name): **ROYCE MENDONCA**    Legal name is **Roland Royce Mendonca, Jr.**  
 (Address and telephone number): **8320 Tail Race Drive, Roseville, CA 95747**  
**916-532-5913**  
 be appointed temporary conservator of the PERSON of the proposed conservatee and Letters issue upon qualification.
- b. (Name): **ROYCE MENDONCA**  
 (Address and telephone number): **8320 Tail Race Drive, Roseville, CA 95747**  
**916-532-5913**  
 be appointed temporary conservator of the ESTATE of the proposed conservatee and Letters issue upon qualification.
- c. (1)  bond not be required because petition is for a temporary conservatorship of the person only.  
 (2)  bond not be required for the reasons stated in attachment 1c.  
 (3)  \$ **193,170.54** bond be fixed. It will be furnished by an admitted surety insurer or as otherwise provided by law.  
 (Specify reasons in attachment 1c if the amount is different from maximum required by Probate Code section 2320 and Cal. Rules of Court, rule 7.207(c).)  
 (4)  \$ \_\_\_\_\_ in deposits in a blocked account be allowed. Receipts will be filed.  
 (Specify institution and location):
- d.  a request for an exception to notice of the hearing on this petition for good cause is filed with this petition.  
 e.  the powers specified in Attachment 1e be granted in addition to the powers provided by law.  
 f.  other orders be granted (specify in attachment 1f).

2. The proposed conservatee is (name): **BARBARA LYNN KELLER**
 Current address: **7111 Wonner Way Citrus Heights, CA 95621**

 Current telephone no.: **916-730-9642**

3. The proposed conservatee requires a temporary conservator to  provide for temporary care, maintenance, and support  protect property from loss or injury because (facts are  specified in attachment 3  as follows):

It is necessary to place the proposed conservatee in an appropriate facility in order to provide her with care. It is not possible to pay for the proposed conservatee's food, medicine, medical care, housing, etc., without Letters of Conservatorship.

Royce placed Barbara into an assisted care facility on 8/26/21 - the court had <sup>GC-11</sup> NOT granted him that authority - he is asking for authority here so he and his attorney are well aware that he did NOT have that authority on 8/26/21.

TEMPORARY CONSERVATORSHIP OF  
(Name): BARBARA LYNN KELLER

CASE NUMBER:  
PR2100162

CONSERVATEE

4. Temporary conservatorship is required

- a.  pending the hearing on the petition for appointment of a general conservator.  
b.  pending the appeal under Probate Code section 1301.  
c.  during the suspension of powers of the conservator.

5.  Character and estimated value of the property of the estate (complete if a temporary conservatorship of the estate or the person and estate is requested):

- |   |    |                   |
|---|----|-------------------|
| a. Personal property:   | \$ | 141,500.00        |
| b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits:    | \$ | 14,405.04         |
| c. Additional amount for cost of recovery on the bond, calculated as required under Cal. Rules of Court, rule 7.207(c): | \$ | <u>37,265.41</u>  |
| d. Total:   | \$ | <u>193,170.45</u> |

6.  Petitioner requests authority to change the proposed conservatee's residence during the temporary conservatorship

- a.  Petitioner proposes to change the residence of the proposed conservatee to (address):

Sunrise of Carmichael, 5451 Fair Oaks Blvd., Carmichael, CA 95608, or another facility providing comparable care.

The proposed conservatee will suffer irreparable harm if his or her residence is not changed as requested and no means less restrictive of the proposed conservatee's liberty will suffice to prevent the harm because (reasons are  specified in attachment 6a  as follows):

She suffers from Alzheimer's Disease and requires placement in a locked perimeter memory unit. The facility in question is close to the proposed conservator's personal residence and the residence of the proposed conservatee's sister-in-law.

Royce and Attorney Hamer signed this form on 8/24/21 declaring that Barbara suffers from Alzheimer's - yet they had Barbara sign a legal nomination form drawn up by Royce's attorney on 8/25/21.

- b.  The proposed conservatee must be removed from the State of California to permit the performance of the following nonpsychiatric medical treatment essential to the proposed conservatee's physical survival. The proposed conservatee consents to this medical treatment. (Facts and place of treatment are  specified in attachment 6b  as follows):

7.  Petitioner is a professional fiduciary

- a. Petitioner holds license no. (specify): \_\_\_\_\_ from the Professional Fiduciaries Bureau of the Department of Consumer Affairs issued or last renewed on (specify later date of initial issuance or renewal): \_\_\_\_\_
- b. Petitioner was requested to file this petition by (name): \_\_\_\_\_
- c. The circumstances leading to petitioner's engagement to file this petition are described in attachment 7c.
- d. Petitioner had: (1)  No relationship to the proposed conservatee, his or her family, or his or her friends before engagement to file this petition.  
(2)  A relationship to the proposed conservatee, his or her family, or his or her friends before engagement to file this petition. That relationship is described in  attachment 7d.  the Petition for Appointment of Probate Conservator (form GC-310) filed with this petition or an attachment to that petition (specify attachment to general petition): \_\_\_\_\_

TEMPORARY CONSERVATORSHIP OF  
(Name): BARBARA LYNN KELLER

CASE NUMBER  
PR2100162

CONSERVATEE

8. Petitioner's contact with persons named in *Petition for Appointment of Probate Conservator*

- a.  Petitioner is the proposed conservatee. (If this item is selected, go to item 9.)
- b.  Petitioner is not the proposed conservatee. All persons other than the proposed conservatee named in the *Petition for Appointment of Probate Conservator* filed with this petition:
  - (1)  Have been found and contacted. All will be given notice of the hearing on this petition.
  - (2)  Have not been found or have not been contacted. Efforts to find the persons who have not been found and the reasons why any person cannot be contacted are described in one or more declarations under penalty of perjury attached to this petition as attachment 8b. (Attachment 8b is not a request for a good cause exception to notice. See Prob. Code, § 2250(e) and rule 7.1062 of the Cal. Rules of Court.)
- c.  Petitioner is not the proposed conservatee. Facts showing the preferences of the proposed conservatee concerning the appointment of any temporary conservator, and the appointment of the temporary conservator proposed in this petition, or why it was not feasible to ascertain those preferences, are specified in one or more declarations attached to this petition as attachment 8c.

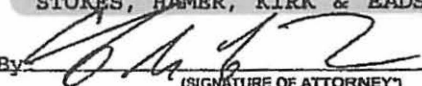
9. Petitioner is informed and believes that the proposed conservatee

- a.  will attend the hearing.
- b.  is able but unwilling to attend the hearing, does not wish to contest the establishment of a conservatorship, does not object to the proposed conservator, and does not prefer that another person act as conservator.
- c.  is unable to attend the hearing because of medical inability. An affidavit or certificate of a licensed medical practitioner or an accredited religious practitioner is affixed as attachment 9c.
- d.  is not the petitioner, is out of state, and will not attend the hearing.

10.  Filed with this petition is a proposed *Order Appointing Court Investigator* (form GC-330).

11. All attachments to this form are incorporated by this reference as though placed here in this form. There are 2 pages attached to this form. STOKES, HAMER, KIRK & EADS, LLP

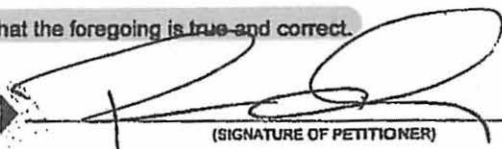
Date: August 24, 2021  
\*(Signature of all petitioners also required (Prob. Code, § 1020).)

By:   
(SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 24, 2021

ROYCE MENDONCA  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PETITIONER)

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF PETITIONER)

Keep reading down - it just gets better



### Attachment 3 to Petition for Appointment of Temporary Conservator

The proposed conservatee needs to be placed in a locked perimeter facility and provided care as soon as possible. She suffers from memory loss and Alzheimer's Disease, is unable to care for herself or to handle her own financial affairs. It is necessary for the proposed conservator to begin managing her financial affairs, as well as paying for the facility in which she is to be housed and cared for, as soon as possible. and yet they had Barbara sign a "legal nomination" document the day AFTER they signed this.

In addition, the proposed conservatee's community property estate, owned with her husband, Ronald Keller, is at risk of loss. The proposed conservatee's daughter, Sharon Wolff, is petitioning for conservatorship of both Ronald's estate and the proposed conservatee's estate. Petitioner is informed and believes and thereon alleges that, because of the bad relationship between Sharon Wolff and Ronald Keller, Sharon Wolff will take and use the entire community property estate for the benefit of Barbara Keller and not for the benefit and care of Barbara's husband, Ronald.

Royce and his attorney have quite literally documented Ron's delusional thinking and submitted it to the court as if it was true - under penalty of perjury of course. Every professional who has had contact with Barbara and Ron has recognized the severity of Ron's delusions which are in no way based in reality. Ron's probable Parkinson's related dementia has become very pronounced and anyone who has had a loved one with this disease can tell you how scary it is to see your family member going through this.

The cognitive assessment done by Dr. Andrew Levine after meeting with Ron and Barbara in their home on 6/25/21 stated: "he (Ron) stated that his in-laws, Sharon and Shawna, were sneaking into the home at night to watch them sleep, and then bragging about it. He stated that he had the locks replaced. He stated that he and Barbara had barricaded the door with furniture prior to the locks being installed. He is worried that the in-laws will commit him and Barbara to a care facility."

"Mr. Keller demonstrated cognitive impairment across almost all domains evaluated. He appeared to be bradykinetic, which may be due to medications or perhaps an underlying neurological condition. His cognitive profile is suggestive of fronto-striatal dysfunction. Together, these results suggests a Parkinson's related disorder, or perhaps cerebrovascular pathology. Neurological consultation is recommended for further diagnostic clarification and to inform treatment options."

Ron enjoyed spending his 80th birthday at Sharon and Steve's home (Aug. 2020) as they hosted a "Pandemic Party" just to make sure that this special milestone in his life got the celebration it deserved despite everything else that had been taken from all us from the pandemic. Ron had two full plates of Sharon's world-famous Swedish meatballs and she made sure to send them home with leftovers. Ron has enjoyed Sharon's cooking for years.

Royce and his attorney might know some of this stuff if they weren't complete and total STRANGERS!

Attachment 8(c) to Petition for Temporary Conservatorship

BARBARA LYNN KELLER

Barbara Lynn Keller has nominated Royce Mendonca to be the conservator of her person and estate.  
Barbara does not want anyone other than Royce to be her conservator.

This one is very interesting.

This attachment was signed by Royce and Attorney Hamer on August 24, 2021

They had Barbara sign their "legal nomination" document on August 25, 2021

Is that lazy fraud or what! Seriously folks

Attorney Hamer obviously must have been supremely confident no one - certainly not the court - would scrutinize a single paper that she filed. Simply having the paper in the case file sufficed for the Humboldt County Superior Court. Whether that paper is legal or not is just not a concern in Humboldt when you're trying to take custody of vulnerable adults, invalidate their wills and all of their documented wishes and take their estate.

Please keep in mind that **no counsel was appointed for either proposed conservatee despite their both having requested it in July of 2020**, as documented in the court investigation report. They have had no one (other than myself) looking out for their civil rights as vulnerable adults in California.

How do I know that the Public Defender was never appointed for the Keller's despite their request and the recommendation of the court investigator? Because the PD's office told me when I called them in December. In fact, the PD's office said they had been returning all of the copies of the court papers that were served on them back to the court – since they weren't assigned to the case. Seriously! Shouldn't that be a clue to the court that the appointment was never done?

In any case...

The attorney involved in this case, Chris Johnson Hamer, drew up two legal nomination documents that gave custody and control of both Mom and Ron (person and estate) to the attorney's client. The attorney knew at the time they did this that both of the Keller's were incapacitated by Alzheimer's (Mom) and probable Parkinson's and related dementia (Ron) – a GC 335 Capacity Declaration for Barbara had already been filed with the court well before and a cognitive assessment was done in July for the both of them.

The legal nomination document also went directly against the Keller's wills, their living trust, their financial documents and all documented intents and behaviors they have ever had.

Barbara told the court investigator that she did not want Roland Royce Mendonca Jr as her conservator as she didn't know him when she was interviewed in July. Mendonca took Barbara and Ron out of the county and had them down in Citrus Heights for about a month before securing her signature on that form. The Elder Financial Fraud statutes on undue influence clearly apply here.

**ELDER FINANCIAL FRAUD STATUTES:**

Welfare and Institutions Code Sec. 15610.70 clearly defines "undue influence" and the elements needed to determine if a result was produced by undue influence:

The KELLER's were taken from their home in Fortuna California by Diane Mendonca (DIANE) on or about July 20th, 2021 and moved to DIANE's home in Citrus Heights (as per DECLARATION OF ROYCE MENDONCA). No contact with BARBARA's family was initiated or allowed by DIANE after that date. Nancy Zinos ("NANCY") called DIANE after the August 5th court hearing in order to check on her sister. NANCY was told BARBARA is "mad at you" by DIANE when she asked to speak to her sister. See WIC § 15610.43. The severity of BARBARA's Alzheimer's makes her wholly defenseless against delusions and false accusations about her family and unable to resist fraud or influence.

BARBARA had been isolated from her family and made entirely dependent on DIANE and ROYCE from July 20th to August 25th when they secured her signature on a NOMINATION legal document. See WIC § 15610.43; See WIC § 15610.53.

The NOMINATION document was presented to BARBARA to sign on August 25th, one day after ROYCE and Attorney HAMER signed the GC-310 Petition for Appointment of Probate Conservator. The very next day, BARBARA was admitted to the locked memory care unit of The Pines by ROYCE. Clearly this is an

Initiation of a change in personal rights using haste and effecting the change at an inappropriate time – one week prior to the next Court hearing and prior to any order(s) being granted.

The KELLER's have clearly documented their wishes and intents for many years now as indicated by their Will's naming SHARON and TIM as executors of their estate (signed April 17, 2003) and the Keller 2017 Trust naming SHARON and TIM as co-trustee's (signed May 15, 2017). The NOMINATION of ROYCE as conservator is a complete and total divergence from the long standing intent and course of conduct that the KELLER's have demonstrated prior to RONALD's mental health crisis on April 20, 2021.

ROYCE has provided absolutely no evidence of any prior relationship with the KELLER's other than biology. The nature of the relationship between ROYCE and the KELLER's in addition to the isolation of BARBARA and her vulnerability makes the NOMINATION wholly inappropriate on its face. See also Cal. Rules of Professional Conduct, rule 3-3; See CIV § 39; See Prob. § 811, 812; See WIC § 15610.43; See WIC § 15610.53.

Civil Code § 39 also clearly applies in this matter:

- (a) A conveyance or other contract of a person of unsound mind, but not entirely without understanding, made before the incapacity of the person has been judicially determined, is subject to rescission, as provided in Chapter 2 (commencing with Section 1688) of Title 5 of Part 2 of Division 3.
- (b) A rebuttable presumption affecting the burden of proof that a person is of unsound mind shall exist for purposes of this section if the person is substantially unable to manage his or her own financial resources or resist fraud or undue influence. Substantial inability may not be proved solely by isolated incidents of negligence or improvidence.

Unfortunately, the law doesn't matter in Humboldt County if you have a well-connected unscrupulous attorney on your payroll.

We are putting this information out not only to help bring attention to the absolutely unbelievable situation we have found ourselves in with Mom and Ron now that the court refuses to protect vulnerable adults from clear elder financial fraud. But primarily, we put this information out to try and warn others on what to watch out for so you can help protect your loved ones in a way that we couldn't.

Mom and Ron did everything that adults are told to do in order to protect themselves – they created wills, documented their wishes and intents, made sure the family members were aware, etc. When the time came that their wishes needed to be implemented – all of the family members involved in their lives knew exactly what they would want because they had clearly communicated that.

AND NONE OF IT MATTERED IN HUMBOLDT COUNTY...

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: Chris Johnson Hamer (SBN 105752) FIRM NAME: STOKES, HAMER, KIRK & EADS, LLP STREET ADDRESS: 381 Bayside Road, Ste. A CITY: Arcata STATE: CA ZIP CODE: 95521 TELEPHONE NO.: 707-822-1771 FAX NO.: 707-822-1901 E-MAIL ADDRESS: chris@shkklaw.com ATTORNEY FOR (name): ROYCE MENDONCA, Petitioner	FOR COURT USE ONLY Be sure to read all the way down! <div style="text-align: center; border: 1px solid black; padding: 5px;"> <b>FILED</b>  <b>DEC 10 2021</b> </div> SUPERIOR COURT OF CALIFORNIA COUNTY OF HUMBOLDT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: 825 Fifth Street MAILING ADDRESS: CITY AND ZIP CODE: Eureka, California 95501 BRANCH NAME:	This copy was provided by the clerk's office from the court file on 1/7/22 - no service provided to Barbara's family
CONSERVATORSHIP OF (name): BARBARA LYNN KELLER <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER: PR2100162
ORDER APPOINTING <input type="checkbox"/> SUCCESSOR PROBATE CONSERVATOR OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE <input type="checkbox"/> Limited Conservatorship	
<b>WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.</b>	

1. The petition for appointment of  successor conservator came on for hearing as follows (check boxes c, d, e, and f or g to indicate personal presence):
- a. Judicial officer (name):
- b. Hearing date: 09/02/2021 Time: 2:15 pm  Dept: 6  Room:
- c.  Petitioner (name): ROYCE MENDONCA
- d.  Attorney for petitioner (name): CHRIS JOHNSON HAMER of STOKES, HAMER, KIRK & EADS, LLP
- e.  Attorney for  person cited  the conservatee on petition to appoint successor conservator:  
 (Name): (Telephone):  
 (Address):
- f.  Person cited was  present.  unable to attend.  able but unwilling to attend.  out of state.
- g.  The conservatee on petition to appoint successor conservator was  present.  not present.

**THE COURT FINDS**

2. All notices required by law have been given.
3. Granting the conservatorship is the least restrictive alternative needed for the protection of the conservatee.
4. (Name): BARBARA LYNN KELLER
- a.  is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter.
- b.  is substantially unable to manage his or her financial resources or to resist fraud or undue influence.
- c.  has voluntarily requested appointment of a conservator and good cause has been shown for the appointment.
5. The conservatee
- a.  is an adult.
- b.  will be an adult on the effective date of this order.
- c.  is a married minor.
- d.  is a minor whose marriage has been dissolved.
6.  There is no form of medical treatment for which the conservatee has the capacity to give an informed consent.  
 The conservatee is an adherent of a religion defined in Probate Code section 2355(b).
7.  Granting the  successor conservator powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and in the best interest of the conservatorship estate.
8.  The conservatee cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process.

Do NOT use this form for a temporary conservatorship.

This is a lie! The judge never appointed counsel for Barbara GC-340

CONSERVATORSHIP OF (name): BARBARA LYNN KELLER	CASE NUMBER: PR2100162	despite the court investigators recommendation
CONSERVATEE		

9.  The conservatee has dementia as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders specified in item 28.
10.  Attorney (name): HUMBOLDT COUNTY PUBLIC DEFENDER has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$ \_\_\_\_\_ Is a judge supposed to check accuracy of the orders before signing?  
The conservatee has the ability to pay  all  none  a portion of this sum (specify): \$ \_\_\_\_\_
11.  The conservatee need not attend the hearing.
12.  The appointed court investigator is (name): SAMANTHA WAHL, Quest Court Investigations Investigator recommended approving (Address and telephone): (916) 551-1799 Ex. 102 s.wahl@courtinvestigations.com Sharon Wolff's petition - not Royce's!
13.  (For limited conservatorship only) The limited conservatee is developmentally disabled as defined in Probate Code section 1420.
14.  The  successor conservator is a professional fiduciary as defined by Business and Professions Code section 6501(f).
15.  The  successor conservator holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.  
License no.: \_\_\_\_\_ Issuance or last renewal date: \_\_\_\_\_ Expiration date: \_\_\_\_\_
16. (Either a, b, or c must be checked):  
 a.  The  successor conservator is not the spouse of the conservatee.  
 b.  The  successor conservator is the spouse of the conservatee and is not a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.  
 c.  The  successor conservator is the spouse of the conservatee and is a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage. It is in the best interest of the conservatee to appoint the spouse as  successor conservator.
17. (Either a, b, or c must be checked):  
 a.  The  successor conservator is not the domestic partner or former domestic partner of the conservatee.  
 b.  The  successor conservator is the domestic partner of the conservatee and has neither terminated nor intends to terminate their domestic partnership.  
 c.  The  successor conservator is the domestic partner or former domestic partner of the conservatee and intends to terminate or has terminated their domestic partnership. It is in the best interest of the conservatee to appoint the domestic partner or former domestic partner as  successor conservator.

THE COURT ORDERS

18. a. (Name): ROYCE MENDONCA (Telephone): 916-532-5913  
 (Address): 8320 Tail Race Drive  
 Roseville, CA 95747 Wouldn't this need to be under his legal name? Roland Royce Mendonca, Jr.

is appointed  successor  conservator  limited conservator of the PERSON of (name):  
 BARBARA LYNN KELLER and Letters of Conservatorship shall issue upon qualification.

b. (Name): ROYCE MENDONCA (Telephone): 916-532-5913  
 (Address): 8320 Tail Race Drive  
 Roseville, CA 95747

is appointed  successor  conservator  limited conservator of the ESTATE of (name):  
 BARBARA LYNN KELLER and Letters of Conservatorship shall issue upon qualification.

19.  The conservatee need not attend the hearing.
20. a.  Bond is not required.  
 b.  Bond is fixed at: \$ 193,170.54 to be furnished by an authorized surety company or as otherwise provided by law.  
 c.  Deposits of: \$ \_\_\_\_\_ are ordered to be placed in a blocked account at (specify institution and location): \_\_\_\_\_

and receipts shall be filed. No withdrawals shall be made without a court order.  
 Additional orders in attachment 20c.

CONSERVATORSHIP OF  
(name): BARBARA LYNN KELLER

CONSERVATEE

CASE NUMBER:  
PR2100162

20. (cont.)

d.  The  successor conservator is not authorized to take possession of money or any other property without a specific court order.

21.  For legal services rendered,  conservatee  conservatee's estate shall pay the sum of: \$  
to (name):

forthwith  as follows (specify terms, including any combination of payors):

Keep going...

Continued in attachment 21.

22.  The conservatee is disqualified from voting.

23.  The conservatee lacks the capacity to give informed consent for medical treatment and the  successor conservator of the person is granted the powers specified in Probate Code section 2355.

The treatment shall be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).

24.  The  successor conservator of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in attachment 24  subject to the conditions provided.

25.  Orders relating to the capacity of the conservatee under Probate Code sections 1873 or 1901 as specified in attachment 25 are granted.

26.  Orders relating to the powers and duties of the  successor conservator of the person under Probate Code sections 2351-2358 as specified in attachment 26 are granted. (Do not include orders under Probate Code section 2356.5 relating to dementia.)

27.  Orders relating to the conditions imposed under Probate Code section 2402 on the  successor conservator of the estate as specified in attachment 27 are granted.

28.  a.  The  successor conservator of the person is granted authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).

b.  The  successor conservator of the person is granted authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).

29.  Other orders as specified in attachment 29 are granted.

30.  The probate referee appointed is (name and address):

Roland Royce Mendonca, Jr. placed Barbara into an assisted living facility on 8/26/21 despite not having any legal authority to place or to encumber the estate until this order date of 12/10/21.

31.  (For limited conservatorship only) Orders relating to the powers and duties of the  successor limited conservator of the person under Probate Code section 2351.5 as specified in attachment 31 are granted.

32.  (For limited conservatorship only) Orders relating to the powers and duties of the  successor limited conservator of the estate under Probate Code section 1830(b) as specified in attachment 32 are granted.

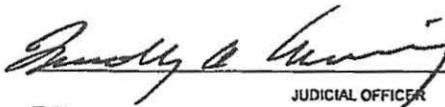
33.  (For limited conservatorship only) Orders limiting the civil and legal rights of the limited conservatee as specified in attachment 33 are granted.

34.  This order is effective on the  date signed  date minor attains majority (specify):

35. Number of boxes checked in items 18-34: 10

36. Number of pages attached: 1

Date: 12/10/2021

  
JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

One more page below...



ATTACHMENT 24 to Order Appointing Probate Conservator

**Probate Code Section 2591:**

(c) (2) The power to sell at public or private sale the personal residence of the conservatee described in Section 2591.5 without confirmation of the court of the sale, subject to the requirements of Sections 2352.5, 2540, 2541 and 2541.5.

(i) The power to let or lease the personal residence of the conservatee, including the power to extend, renew or modify the lease.

The previously unknown nephew of Barbara's 5th husband has been given the authority to sell the Keller's home OR lease it out by the Humboldt County Superior Court.

Selling the Keller's home in Fortuna is absolutely required in order to provide for their extensive long-term care needs. No question about it.

How would the Keller's best financial interests be served by becoming landlords (during a pandemic mind you) at this stage of their care needs? It doesn't. So who's needs does that serve?

one more thing...

The previously unknown nephew of Barbara's 5th husband is required to complete an inventory of everything in her Fortuna home within 90 days of the order which was 12/10/21. This stranger has never set foot into any home the Keller's have ever lived in since they have been married - let alone their current home. He will be rifling through all of my mom's personal belongings looking for stuff of value - anything that doesn't have enough financial value can be tossed like yesterday's garbage without court approval.

My mom's home is filled with mementos and family heirlooms from generations of Bareuther's that are irreplaceable and they have no financial value - they are priceless to family. For example, the Hummel statue that Mom has had for all of my life. Maybe the little boy with the umbrella statue had some value in the past but the crack in the leg where it was repaired with superglue makes it worthless. That crack is what makes it priceless to me. My brother and I were up to our usual shenanigans while Mom was at work when we lived in Reno. I will just say that there is nothing that brings siblings together faster than having to cover their tracks from breaking a statue that Mom loved.

and again, none of this matters to the Humboldt County Superior Court who never even bothered to appoint counsel for Mom or Ron despite their having requested it back in July.

If they had counsel appointed, perhaps the court might have paid attention and read the documentation. Or perhaps their counsel, if they had one, might have also objected to having a diagnosed Alzheimer's patient sign a legal nomination form like the one Attorney Hamer created and secured Mom's signature on.



ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Chris Johnson Hamer (SBN 105752) FIRM NAME: STOKES, HAMER, KIRK & EADS, LLP STREET ADDRESS: 381 Bayside Road, Ste. A CITY: Arcata STATE: CA ZIP CODE: 95521 TELEPHONE NO.: 707-822-1771 FAX NO.: 707-822-1901 E-MAIL ADDRESS: chris@shkklaw.com ATTORNEY FOR (name): ROYCE MENDONCA, Petitioner	STATE BAR NUMBER: FOR COURT USE ONLY This is another fraudulent Capacity Declaration signed by Nurse Heather Allen after only seeing the individual twice and having no medical history records to inform treatment. Who altered the Judicial Council form?
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: 825 Fifth Street MAILING ADDRESS: CITY AND ZIP CODE: Eureka, CA 95501 BRANCH NAME:	
CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): RONALD WAYNE KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	
CAPACITY DECLARATION-CONSERVATORSHIP "By FAX"	CASE NUMBER: PR2100161
TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply): A. <input type="checkbox"/> is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): . (Complete item 5, then sign and file page 1 of this form.) B. <input type="checkbox"/> has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.) C. <input checked="" type="checkbox"/> has a major neurocognitive disorder (such as dementia) and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from medication for the treatment of major neurocognitive disorders (including dementia). (Complete items 6 and 8 of this form and complete form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and file form GC-335A.) (If more than one item is checked above, sign the last applicable page of this form or, if item C is checked, form GC-335A. File page 1 through the last applicable page of this form; if item C is checked, file form GC-335A as well.) <b>COMPLETE ITEMS 1-4 OF THIS FORM IN EVERY CASE.</b>	

## GENERAL INFORMATION

- (Name): Heather Allen, NP Iris Health Medical Group
- (Office address and telephone number): 520 9th Street, Suite 240, Sacramento, CA 95814 (916) 231-4747
- I am Adding a box to a Judicial Council form is still fraudulent
  - a California-licensed  physician  psychologist acting within the scope of my license  Nurse Practitioner  with at least two years' experience in diagnosing and treating major neurocognitive disorders (including dementia).
  - an accredited practitioner of a religion that calls for reliance on prayer alone for healing. The (proposed) conservatee is an adherent of my religion and is under my care. (Practitioner may make ONLY the determination in item 5.)
- (Proposed) conservatee (name): RONALD WAYNE KELLER Nurse Allen only saw Ronald twice (8/16 & 8/20) before
  - I last saw the (proposed) conservatee on (date): 08/20/2021 signing this form - scroll down to see her letter confirming
  - The (proposed) conservatee  is  is NOT a patient under my continuing treatment and care.

## ABILITY TO ATTEND COURT HEARING

- A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a or b.)
  - The proposed conservatee is able to attend the court hearing.
  - Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply)
    - on the date set (see date in box in item A above). Why? Ron has attended the hearings with no problem - what
    - for the foreseeable future. medical inability is the nurse who just met him referring to?
    - until (date):
    - Supporting facts (State facts in the space below or check this box  and state the facts in Attachment 5.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/25/2021 Heather Allon NP

 SignNow e-signature ID: d187532a3a...  
 08/25/2021 16:58:10 UTC

Page 1 of 3

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): RONALD WAYNE KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100161
---	---------------------------

### 6. EVALUATION OF (PROPOSED) CONSERVATEE'S MENTAL FUNCTIONS

**Note to practitioner:** This form is *not* a rating scale. It is intended to assist you in recording your *impressions* of the (proposed) conservatee's mental abilities. Where appropriate, you may refer to scores on standardized rating instruments.

**(Instructions for items 6A–6C):** Check the appropriate designation as follows: a = no apparent impairment; b = moderate impairment; c = major impairment; d = so impaired as to be incapable of being assessed; e = I have no opinion.

#### A. Alertness and attention

(1) Levels of arousal (lethargic, responds only to vigorous and persistent stimulation, stupor)

a  b  c  d  e

(2) Orientation (types of orientation impaired)

a  b  c  d  e  Person

a  b  c  d  e  Time (day, date, month, season, year)

a  b  c  d  e  Place (address, town, state)

a  b  c  d  e  Situation ("Why am I here?")

(3) Ability to attend and concentrate (give detailed answers from memory, mental ability required to thread a needle).

a  b  c  d  e

#### B. Information processing. Ability to:

(1) Remember (ability to remember a question before answering; to recall names, relatives, past presidents, and events of the past 24 hours)

i. Short-term memory a  b  c  d  e

ii. Long-term memory a  b  c  d  e

iii. Immediate recall a  b  c  d  e

(2) Understand and communicate either verbally or otherwise (deficits reflected by inability to comprehend questions, follow instructions, use words correctly, or name objects; use of nonsense words)

a  b  c  d  e

(3) Recognize familiar objects and persons (deficits reflected by inability to recognize familiar faces, objects, etc.)

a  b  c  d  e

(4) Understand and appreciate quantities (deficits reflected by inability to perform simple calculations)

a  b  c  d  e

(5) Reason using abstract concepts (deficits reflected by inability to grasp abstract aspects of his or her situation or to interpret idiomatic expressions or proverbs)

a  b  c  d  e

(6) Plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest (deficits reflected by inability to break complex tasks down into simple steps and carry them out)

a  b  c  d  e

(7) Reason logically

a  b  c  d  e

#### C. Thought disorders

(1) Severely disorganized thinking (rambling thoughts; nonsensical, incoherent, or nonlinear thinking)

a  b  c  d  e

(2) Hallucinations (auditory, visual, olfactory)

a  b  c  d  e

(3) Delusions (demonstrably false belief maintained without or against reason or evidence)

a  b  c  d  e

(4) Uncontrollable or intrusive thoughts (unwanted compulsive thoughts, compulsive behavior)

a  b  c  d  e

(Continued on next page)

CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): RONALD WAYNE KELLER <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER: PR2100161
---	---------------------------

6. (continued)

D. Ability to modulate mood and affect. The (proposed) conservatee  has  does NOT have a pervasive and persistent or recurrent emotional state that appears inappropriate in degree to his or her circumstances. (If so, complete remainder of item 6D.)  I have no opinion.

(Instructions for item 6D): Check the degree of impairment of each inappropriate mood state (if any) as follows: a = mildly inappropriate; b = moderately inappropriate; c = severely inappropriate.

Anger	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Euphoria	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Helplessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Anxiety	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Depression	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Apathy	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Fear	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Hopelessness	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Indifference	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>
Panic	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>	Despair	a <input type="checkbox"/>	b <input type="checkbox"/>	c <input type="checkbox"/>				

E. The (proposed) conservatee's periods of impairment from the deficits indicated in items 6A-6D

- (1)  do NOT vary substantially in frequency, severity, or duration.
- (2)  do vary substantially in frequency, severity, or duration (explain; continue on Attachment 6E if necessary):

Keep scrolling down, there's more...

F.  (Optional) Other information regarding my evaluation of the (proposed) conservatee's mental function (e.g., diagnosis, symptomatology, and other impressions) is  stated below  stated in Attachment 6F.

**ABILITY TO CONSENT TO MEDICAL TREATMENT**

7. Based on the information above, it is my opinion that the (proposed) conservatee

- a.  has the capacity to give informed consent to any form of medical treatment. This opinion is limited to medical consent capacity.
- b.  lacks the capacity to give informed consent to any form of medical treatment because he or she is *either* (1) unable to respond knowingly and intelligently regarding medical treatment *or* (2) unable to participate in a treatment decision by means of a rational thought process, *or both*. The deficits in the mental functions described in item 6 above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of medical decisions. This opinion is limited to medical consent capacity.

(Declarant must initial here if item 7b applies: HA)

8. Number of pages attached: 0

SignNow e-signature ID: 24be72b7d6.  
08/25/2021 16:56:10 UTC

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

08/25/2021 Heather Allen NP

Heather Allen NP  
 SignNow e-signature ID: 4f01b6cc0  
 08/25/2021 16:56:10 UTC  
 SIGNATURE OF DECLARANT

(TYPE OR PRINT NAME)

CONSERVATORSHIP OF THE RONALD WAYNE KELLER	<input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name):	CASE NUMBER: PR2100161
<input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE		

**ATTACHMENT TO FORM GC-335, CAPACITY DECLARATION-CONSERVATORSHIP,  
ONLY FOR (PROPOSED) CONSERVATEE WITH A MAJOR NEUROCOGNITIVE DISORDER**

9. It is my opinion that the (proposed) conservatee  HAS  does NOT have a major neurocognitive disorder (such as dementia) as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders*.
- a.  Placement of (proposed) conservatee. (If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)-9a(5).)
- (1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because (state reasons; continue on Attachment 9a(1) if necessary):  
Severe neurocognitive impairment making him a danger to himself. Unable to communicate simple thought such as where he resides or remember what task he was performing
- (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9a(2) if necessary):  
Neurocognitive impairment and disruption of executive function
- (3)  The (proposed) conservatee HAS capacity to give informed consent to this placement.
- (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to placement in a restricted and secure environment.
- (5) A locked or secured-perimeter facility  is  is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.
- b.  Administration of medications. (If the (proposed) conservatee requires administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia), please complete items 9b(1)-9b(5).)
- (1) For the reasons stated in item 9b(5), the (proposed) conservatee needs or would benefit from the following medications appropriate to the care and treatment of major neurocognitive disorders (including dementia) (list medications; continue on Attachment 9b(1) if necessary): Aricept 5 mg titrated to therapeutic dose  
Namenda 5mg titrated to therapeutic dose
- (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9b(2) if necessary):  
Neurocognitive deficit and disruption of executive function. Inability to perform complex tasks, lack of abstract thinking. Limited short term memory with minimal ability to recall recent information. Inability to follow simple instructions. Inability to perform simple calculations.
- (3)  The (proposed) conservatee HAS the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia).
- (4)  The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia). The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to the administration of medications for the care and treatment of major neurocognitive disorders (including dementia).
- (5) The (proposed) conservatee needs or would benefit from the administration of the medications listed in item 9b(1) because (discuss reasons; continue on Attachment 9b(5) if necessary):  
Aricept and namenda slow the progression of dementia by improving the function of the nerves within the brain by decreasing the breakdown of acetylcholine. These medications may improve memory and the ability to perform daily tasks, therefore improving quality of life

10. Number of pages attached: 0

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/25/2021 Heather Allen NP

(TYPE OR PRINT NAME)

SignNow e-signature ID: bbd3d59d4f...  
08/25/2021 16:55:47 (NAME OF DECLARANT)

Page 1 of 1

Iris might want to know that Rola Royce Mendonca, Jr. and Attorney Hamer have already thrown them under the bus - "Royce stated he and his attorney were informed by Iris Medical Group that Nurse Practitioner Allen has the legal authority to fill the capacity declaration out." - Amended Court Investigation Report. So Iris, WHO ALTERED THE JUDICIAL COUNCIL FORM?



Undated of course

Attn:  
Chris Hamer  
Stokes, Hamer, Kirk & Eads, LLP  
381 Bayside Road, Suite A  
Arcata, CA 95521

Ok, Mr. Hamer is just funny. You should know who you are signing fraudulent papers for, Nurse Allen

**Subject: Conservatorship for Barbara & Ronald Keller**

Heather Allen saw Barbara and Ronald TWICE (8/16 & 8/20) before being willing to sign the fraudulent capacity declarations on 8/24 & 8/25. She also has never had any medical history records for either of them before doing this. How many others are out there like this?

Dear Mr. Hamer:

I have had to privilege of seeing both Barbara Keller, DOB 12/08/1943, and her husband, Ronald Keller, DOB 08/28/1940, on 08/16/2021 and 08/20/2021 respectively in the capacity as a primary care provider. It is my medical opinion that the two should not be separated but should both be placed in a locked perimeter memory care facility that allows dementia medication to be administered as both have Alzheimer's.

Separating Barbara and Ronald will only further complicate and expedite the progression of their disease. Studies have shown that forced separation creates psychological trauma such as anger and aggression, greater sense of fear, and problems eating and sleeping. Separating them will only be heightened in their state ultimately shortening their life expectancy. While we understand the disease process, neither are progressed so far as to not knowing who the other is. They still seek out each other's company for reassurance and support. It is in the best interest of my patients that they stay together in a facility that can take care of them.

Thank you,

No signature?

Heather Allen, FNP-C

Iris Health Medical Group

This is the narrative portion of the original petition for conservatorship that I filed on 6/21/21. This spells out why a conservatorship was necessary in the first place and the supporting documentation is attached. The previously unknown nephew of Barbara's 5th husband and his attorney continue to deny - by ignoring entirely - every fact and document provided. I have no idea why - it makes no sense to anyone else.

**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

Conservatorship of Keller, Barbara Lynn

Case Number:

*The following facts support the petitioner's allegation that the proposed conservatee is substantially unable to manage his or her financial resources or to resist fraud or undue influence:*

Ronald and Barbara Keller's financial assets are held in a Revokable Living Trust, created in 2017 (attachment 5c(2)a). The Keller's chose to name Barbara's biological children, Timothy Craig Jenkins and Sharon Louise Wolff, as co-trustees. The Keller 2017 Trust includes provisions for the incapacity of a trustee (The Keller 2017 Trust 2.E.(7); 6.C.).

Ronald and Barbara Keller chose to name Sharon L. Wolff and Timothy C. Jenkins as executors of their estate on April 17<sup>th</sup>, 2003 (attachments 5c(2)b and 5c(2)c).

Unfortunately, Ron's increasing mental instability and paranoia is coupled with Barbara's severe memory loss which has now resulted in their belief that the trusted family members that have been at their side for years now are out to get them. This paranoia is resulting in their attempts to dump their house in order to flee an unknown antagonist with no plan in place for their ongoing care - exactly as they did in 2017 during an initial episode of instability.

The following is a summary of recent key dates/events to demonstrate capacity but it is only a snapshot of events that have brought forward the need for this petition. Petitioner can provide additional information spanning years of increasing deterioration if needed by this court.

**2/9/21** Ron and Barbara forgot to pay their Suddenlink account for two months and services were shut off - they have bundled services so no phone, internet or TV. They didn't know why they had no services (attachment 5c(2)d - email was received after their services were restored). Sharon only discovered they had no services by chance (attachment 5c(2)e) and she helped the Keller's pay the outstanding bill over the phone in order to restore services.

**Prior to 3/16/21**

Barbara and Ron shop online at Amazon and Safeway (delivery) however they continue to make strange purchases that they deny making. Barbara makes lists of things needed and then places an order, forgetting that she just placed a different order, repeatedly. Barbara and Ron have explained the strange purchases they receive as the stores must be trying to get rid of stock so that is why they sent 6 cans of whipping cream and five packs of ground turkey...as



**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

Conservatorship of Keller, Ronald & Barbara

Case Number:

just one example. There is absolutely no recognition of the fact that neither one can remember what they just did a minute or two prior.

In the first half of March, 2021, Barbara and Ron saw a strange purchase on their Amazon account for some kind of Xbox game card that they may have ordered (thinking it was for their grandkids who are now adults) or it may have been an unauthorized purchase. Barbara called Amazon and spoke to someone who was able to reverse the charge and cancel the order. Barbara wrote herself numerous notes about this Amazon charge and each time she saw a note, she couldn't remember that it had been taken care of. For a number of days, Barbara and Ron called Sharon to first complain that someone made some purchase on their account which later evolved to someone is stealing from them which evolved to their grandson's wife (who they only met once years ago) must have been the one to steal from them. During a visit, Ron insisted to Sharon and Shauna (granddaughter) that they needed to file a police report against Keira (wife of grandson) for stealing from them. Sharon repeatedly tried to assure them that no one we know of is stealing from them, it might have just been an unauthorized purchase by some crook – who knows. Barbara kept writing herself notes about Amazon that kept bringing it back up to Ron and Barbara and fed into their evolving paranoia of someone stealing from them.

During this timeframe, Barbara and Ron began hiding their laptop computer so that the unknown crooks couldn't steal from them. They would unplug the laptop and hide it around the house and then forget where they hid it. Barbara also began hiding her purse around the house for the same reason – and forgetting where she hid it. Ron and Barbara explained to Sharon that they hid it so someone couldn't look in their windows and steal their stuff. Sharon asked who is looking in their windows and neither one had an answer.

**3/16/21** Barbara called Sharon and was confused about how to send an international wire transfer to Hong Kong. Barbara said a person from Wells Fargo had called them and said something about needing to send them \$17,400. Sharon told Barbara to stop talking to the "Wells Fargo" person and that she would come over immediately to figure out what was going on. Sharon emailed her supervisor that she had to take time off immediately (attachment 5c(2)f) and she went to the Keller's home. Barbara showed Sharon the notes that she had taken while both Ron and Barbara were on the phone with the person claiming to be from their bank (attachment 5c(2)g). *It should be noted that the only reason why Ron and Barbara Keller didn't send \$17,400 to*

**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

**Conservatorship of Keller, Ronald & Barbara**

**Case Number:**

*scammers was because they don't have the capacity to figure out how to send an international wire transfer. They only asked Sharon for assistance on how to send the money – that is the only reason that Sharon found out about this attempted scam in time.*

Sharon tried to assist Barbara and Ron to log into their Wells Fargo bank account in order to verify that no funds had been messed with. The laptop had been password protected for the log-in screen – *it is presumed that Barbara and Ron may have done this while on the call with the scammers but they don't remember.* None of the usual passwords that Barbara and Ron use routinely worked – they were locked out of their laptop completely.

Sharon then assisted Barbara and Ron to call Wells Fargo directly and inquire as to the phone call and the status of their bank account. It was difficult for Sharon to assist as Barbara and Ron had to give verbal permission repeatedly and remain on the phone but couldn't remember from one minute to the next why they were on the phone with the bank. Confirmed to Barbara and Ron that no one from Wells Fargo called them – it was a scam. Also confirmed that no funds were transferred and their bank account appeared to be untouched at that time.

Sharon spoke to both Barbara and Ron about the problem just experienced with trying to assist them without having access to their account. Ron and Barbara both agreed that adding Sharon to their account would be helpful going forward. Sharon made an appointment with Fortuna Wells Fargo Bank Manager Michael Alvarado (707-725-2799).

**3/31/21** Sharon picked up Ron and Barbara for their appointment with Wells Fargo Bank Manager Michael Alvarado to add Sharon to the account. They both spoke with Alvarado and clearly were in agreement to add Sharon to their account. Unfortunately, it was discovered that both had let their driver's licenses expire so they had no legal identification (Wells Fargo could exempt an expired ID if it had expired during the pandemic but theirs had expired two years ago). Alvarado was very helpful and understanding of the situation but unable to complete the transaction due to no legal identification for Ron and Barbara.

**4/1/21** Barbara had a previously scheduled doctor's appointment set for this date and Sharon had already taken time off work for that. It was agreed that Sharon would pick up Ron and Barbara and take them to the Eureka DMV at the Bayshore Mall in order to get Senior ID cards prior to the doctor's appt.



**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

**Conservatorship of Keller, Ronald & Barbara**

**Case Number:**

Sharon had confirmed with Barbara and Ron (via phone) the day before and the morning of the appointment as Sharon was coming to drive them to the appointments. Sharon arrived at the house and there was no answer at the door despite repeated loud knocking. Sharon tried calling them repeatedly while standing on the porch and there was no answer. Sharon used the house key given to her by Ron and Barbara to open the door and began loudly calling out for "Mom!" Ron and Barbara had been napping and didn't hear the door or phone. Sharon noted that they had pushed a large storage footstool in front of their bedroom door with the door cracked slightly open. Sharon asked them why the furniture was blocking the door and they said something about doing it because of the cat.

Sharon took Barbara and Ron to the DMV and assisted in getting their Senior ID card applications completed.

Sharon took Barbara to her doctor's appointment with Danielle Cole, FNP at Fortuna Open Door and Ron accompanied. Sharon had spoken privately with Cole just prior to her seeing Barbara and she showed the note Barbara and Ron had written about the bank transfer as well as having their Suddenlink phone and internet services shutoff when they forgot to pay the bill for two months.

Cole met with Barbara and Ron privately. Afterwards, she spoke with Barbara, Ron and Sharon to confirm that she noted cognitive decline with Barbara and she recommended further testing to determine if there was a cause that could be treated to improve quality of life. Cole also asked that Barbara return for a blood draw (the lab was closed at this time) which she needed to monitor thyroid, cholesterol, etc.

After returning to the Keller's home, Sharon looked at the kitchen table/desk area to see if there was any contact information that could be found for Ron's sister Diane who he reportedly had used to be close to. Sharon wanted to contact Ron's family to advise them of the situation and ask for their help and support. No one from Barbara's side of the family had ever met Diane or even knew her last name so she could be looked up. The pages from Barbara's longtime address book have been removed – only a few pages were left in the book. It is unknown who took the pages out or why. Sharon began searching online for Ron's family and discovered that the stories given over the years about Ron were lies – it is unknown why.

**Early to Mid-April**

**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

**Conservatorship of Keller, Ronald & Barbara**

**Case Number:**

Barbara and Ron have been locked out of their laptop computer since they password protected it and forgot the password around March 16<sup>th</sup>. They don't recall that the laptop is locked and each time they try to use it and can't log in, they call Sharon to inquire why. Eventually, Sharon agrees to take the laptop home with her to look into restoring the computer.

Barbara called Sharon and asked her to return their house key and laptop computer (approx. 3 days after Sharon had taken it home). Sharon asked why they wanted the key back since it was a good idea for safety to have an extra key with family. Barbara didn't say why she was asking for the key to be returned. Sharon said it wasn't a good idea for her to not have a key. Barbara whispered to Ron, "she's not going to give it back!" Ron grabbed the phone and demanded the key back immediately! No reason was given.

Sharon drove over to the Keller's and returned the laptop computer and house key that Ron had given her specifically – with a yellow smiley face holder.

**4/18/21** Sharon visited Barbara and Ron and noticed the side table near the front door had been slid to block the front door. It had to be moved in order to open the door and let Sharon inside. There was no explanation for why it was in front of the door at that time.

Sharon asked if the Senior ID's had come from the DMV yet when she was over on Sunday visiting. Both cards had arrived. Sharon confirmed with Ron and Barbara that she would make another appointment with the Fortuna Wells Fargo Bank Manager in order to complete the paperwork to add Sharon to the account. They both agreed.

**4/19/21** Another appointment with the Bank Manager was made for the next afternoon. Sharon called Barbara and Ron to confirm the day and time. It was decided that Sharon would also take Barbara to get her blood draw done at Open Door first as she had to take time off work anyway.

**4/20/21** Sharon called Barbara and Ron to confirm that she was going to be headed over to pick them up for the pre-arranged appointments. Barbara said they were eating lunch at the time and watching movies. Sharon said that was fine since she still had to get gas and do another errand on her way over. Barbara called back a couple of minutes later and declared that they didn't want to go today – they were watching movies and didn't want to do it. Sharon tried to explain that there was an appointment already set with the bank manager, the blood work that was needed and the fact that Sharon is working full-time and

**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

**Conservatorship of Keller, Ronald & Barbara**

**Case Number:**

having to take time off work to help get these things done. Barbara said "we're not going!" and hung up the phone.

After a little time to do errands, Sharon went to the Keller's house to find out what was up. Ron and Barbara both said they didn't want to go outside today and they weren't going anywhere. Sharon tried again to explain why it was important to finish the business with the bank as well as get Barbara's lab work done – Barbara's prescription couldn't be renewed until that lab work was done and she was out of her medication. They both started yelling at Sharon to "get out of our house", "we don't need your help", "we're fine"... Ron grabbed Sharon by the sweater and tried to physically push her out the front door. Ron then said he was going to get the police and he stormed out the front door and headed off somewhere. Barbara then grabbed Sharon's arm and tried to pull her towards the door. Ron came back into the house and Barbara said she was going to call the police on her daughter, which she did.

Fortuna Police Officer Stevens responded (attachment 5c(2)h). Barbara met him outside and declared that "there is a crazy lady in my house and she won't leave!" The officer was very professional and polite and it was readily apparent that he was dealing with diminished capacity on the part of Ron and Barbara Keller. An email summary of the incident was written by Sharon to Barbara's relative's apprising them of the events (attachment 5c(2)i). Sharon showed the officer the note re. Hong Kong bank transfer attempt as well as Barbara's prescription bottle that said "no refills" until her lab work was done. Barbara confirmed to the officer that the note was in her handwriting but she had no idea what it was. Ron and Barbara declared they could take care of themselves but had no idea how to get to the doctor's appointment or the bank. The officer was very patient and he explained how important it was to go to that bank appointment and let Sharon help them since there are a lot of scams going around and they obviously almost fell for a big one. The officer was able to eventually get them to agree to go to the appointments and he even offered to drive along behind to make sure they got to their doctor's office ok. With that, they agreed to let Sharon drive them to the doctor's office for the lab work.

After the lab draw was complete, Sharon took Ron and Barbara to get some food and have lunch over near Newburg Park while they waited for their afternoon appointment with the bank manager.

Sharon took Ron and Barbara to Safeway in Fortuna which is where the Wells Fargo branch is located. Ron and Sharon did some grocery shopping for things they needed and Barbara sat outside in the car since she didn't want to walk

**GC-310 Petition for Appointment of Probate Conservator - Attachment 5c(2)**

**Conservatorship of Keller, Ronald & Barbara**

**Case Number:**

around the store. At the appointment time, Barbara and Ron waited just a few minutes for the bank manager but during that time Barbara forgot why they were there again. Barbara declared she didn't know anything about why she was there and they weren't going to sign anything they hadn't talked about. Barbara then bolted for the door. Sharon asked Barbara and Ron if they at least wanted the bank to look up their account and make sure nothing out of the ordinary was there since they couldn't log in and check it themselves (still locked out of their laptop). The manager came out to greet them but they weren't interested in checking on their account while at the bank. The bank manager gave them both his card in case they had questions or concerns.

Sharon drove them both home at that point. The support system that has been in place for a number of years has now been blocked and there is no one else in the area who could assist.

**4/23/21** Sharon received a call from Coldwell Banker Realtor Tina Christensen-Kable who had been contacted by Ron and Barbara Keller to immediately sell their house (attachment 5c(2)). Tina had met with Ron and Barbara in their home and was very concerned as their capacity issue was readily apparent. Tina asked Ron and Barbara what their plan was after selling the house and they didn't have a plan. They asked Tina if she could drive them to the airport so they could escape. They told Tina that they were going to Barbara's sons house and will figure it out from there. They were both very confused about the situation and they said something about "Shari is blocking us from selling" so Tina asked if she could talk to Shari about it and that is how she got Sharon's contact information.

Barbara continues to call Tina each Thursday as Barbara wrote a note about an appointment with a realtor on Thursday (attachment 5c(2)k) – there are no dates on the notes that Barbara writes so she believes it is current information each time she sees the note.

**4/26/21** Report filed with Adult Protection Services re. Ron & Barbara Keller.

## **THE KELLER 2017 TRUST**

THIS TRUST AGREEMENT is entered into by RONALD W. KELLER and BARBARA L. KELLER, as Trustors, and RONALD W. KELLER, BARBARA L. KELLER, TIMOTHY C. JENKINS and SHARON L. WOLFF as co-Trustees. For all purposes hereunder, the words "we," "us," "our," "their," and similar pronouns, shall refer to Trustors, RONALD W. KELLER and BARBARA L. KELLER, and shall be construed as the possessive when the context would so indicate.

### **ARTICLE I**

#### **RECITALS AND CONVEYANCE**

WHEREAS, we desire to establish a trust of which, during our lifetimes and the lifetime of the survivor of us, we are the exclusive recipients of the economic benefits;

WHEREAS, this trust shall be initially funded with the assets described in the attached Schedule "A" entitled "INITIAL TRUST FUNDING"; these assets and any assets later added to the trust shall be known as the "trust fund" and shall be held, administered and distributed as provided in this document and any subsequent amendments to this document;

NOW, THEREFORE, the Trustee acknowledges receipt of the trust fund and shall hold the same in trust under the following terms, conditions and provisions:

### **ARTICLE II**

#### **DECLARATIONS**

2.A. **Name.** This trust shall be known as **THE KELLER 2017 TRUST**.

2.B. **Family.** We, RONALD W. KELLER and BARBARA L. KELLER, sometimes hereinafter referred to as husband and/or wife, are married. We have no children of this marriage now living or deceased.

Ronald has two children now living; namely, SCOTT DILLER and ROBERT DILLER.

Barbara has two children now living; namely, TIMOTHY C. JENKINS and SHARON L. WOLFF.

We have intentionally, and not as a result of any mistake or inadvertence, omitted in this Trust Agreement to provide for any other children of either of us and/or the issue of such child, if

any, however defined by law, presently living. Any child or children of ours born after the date of this Trust Agreement shall be treated as though they were named in this Paragraph.

**2.C. Signature Authority**

- (1) While co-Trustees are acting, TIMOTHY C. JENKINS or SHARON L. WOLFF may conduct business with respect to property and/or assets held or owned by the Trust with only one of their signatures required. Any third party dealing with the Trust may rely upon this singular authority without any further evidence. Any Trust asset may be titled to reflect this authority, including the designation "and/or".
- (2) While co-Trustees are acting, RONALD W. KELLER and BARBARA L. KELLER may only conduct business with respect to property and/or assets held or owned by the Trust with the signature of TIMOTHY C. JENKINS or SHARON L. WOLFF in addition to both of their own signatures.
- (3) If RONALD W. KELLER or BARBARA L. KELLER ceases to act for any reason, the other co-Trustees shall continue to act. If both RONALD W. KELLER and BARBARA L. KELLER have ceased to act for any reason TIMOTHY C. JENKINS and SHARON L. WOLFF shall continue to act as co-Trustees. If either of the remaining co-Trustees ceases to act for any reason, the remaining Trustee shall continue to act alone.

**2.D. Trust Fund.**

- (1) All property now or hereafter subject to the terms hereof shall be deemed to be our community and/or quasi-community property and the proceeds thereof shall continue to retain its character as community and/or quasi-community property during our joint lifetimes (also hereinafter called the "community estate"). It is our intention that the Trustee shall have no more extensive power over the community estate than either of us would have had under California law then in effect which govern the management of community property had this Trust Agreement not been created, and this Trust Agreement shall be interpreted to achieve this intention. This limitation shall terminate on the death of either of us.
- (2) We, and/or any other person, may add to the principal of the trust by deed, will, or otherwise.

**2.E. Definitions.** For any interpretation of this Trust Agreement, the following definitions shall apply:

- (1) *Beneficiary.* The term "beneficiary" or "beneficiaries" shall mean any person and/or entity then eligible to receive current income or whose right to receive assets from the trust is currently vested;
- (2) *Cease to Act.* The phrase "cease to act" shall mean the resignation, death, incapacity or disappearance of a Trustee;

(3) *Code.* Any reference to the "Code" shall refer to the Internal Revenue Code of 1986, as amended, and to any regulations pertaining to the referenced sections;

(4) *Descendants.* The term "descendants" shall include a person's lineal descendants of all generations;

(5) *Disappearance.* The term "disappearance" shall mean the individual's whereabouts remain unknown for a period of sixty (60) days. If any beneficiary (including either of us) is not seen or heard of for a period of one year and no physical remains or body has been recovered, it shall be presumed that such beneficiary is not alive;

(6) *Education.* As used in this Trust Agreement, the term "education" or "educational purposes" shall include any course of study or instruction which may, in the Trustee's discretion, be useful in preparing a beneficiary for any vocation consistent with such beneficiary's abilities and interests. Distributions for education may include tuition, fees, books, supplies, living expenses, travel and spending money to the extent that they are reasonable and necessary, again in the Trustee's absolute discretion;

**(7) Incapacity.**

(a) In the case of a question or dispute, incapacitation of a Trustee (whether such Trustee shall be either of us or a successor) shall be evidenced by written certification of two (2) physicians that the individual is unable to effectively manage his or her own property or financial affairs, whether as a result of age, illness, use of prescription medications, drugs or other substances, or any other cause;

(b) If there is no question or dispute, incapacitation of a Trustee shall be established by the written declaration of only one doctor;

(c) An individual shall be deemed incapacitated if a court of competent jurisdiction has declared the individual to be incompetent or legally incapacitated. If an individual fails to grant the court making such determination valid authorization to disclose such individual's protected health information under any applicable federal and/or state statute, or if such individual subsequently revokes such authority, the individual shall be deemed incapacitated; and,

(d) An individual shall be deemed restored to capacity whenever the individual's personal or attending physician provides a written opinion that the individual is able to effectively manage his or her own property and financial affairs and such individual shall then resume the position of Trustee or co-Trustee held immediately prior to the incapacitation;

(8) *Issue.* The term "issue" shall refer to lineal descendants of all degrees and shall include adopted persons; provided however, that such term shall refer only to the issue of lawful marriages and to children born outside of a lawful marriage only if a parent/child

relationship (as determined under California law) existed between such child and his or her parent, living or deceased, who was a beneficiary hereunder. A child in gestation which is later born alive and survives for thirty (30) days shall be considered as issue in being throughout the period of gestation;

(9) *Legal Representative or Personal Representative.* As used in this Trust Agreement, the term "legal representative" or "personal representative" shall mean a person's guardian, conservator, executor, administrator, trustee, or any other person or entity personally representing a person or the person's estate;

(10) *Principal and Income.* The determination by the Trustee in all matters as to what shall constitute principal of the trust, gross income therefrom and distributable net income under the terms of the trust shall be governed by the provisions of the Principal and Income Act of the State of California, except as to any of such matters as may otherwise be provided for in this instrument. In the event and to the extent that any of such matters relating to what constitutes principal or income of the trust and in the allocation of receipts and disbursements between these accounts is not provided for either in this Trust Agreement or in such Principal and Income Act, the Trustee has full power and authority to determine such matters;

(11) *Pronouns and Gender.* In this Trust Agreement, the feminine, masculine or neuter gender, and the singular or plural number, shall be deemed to include the others whenever the context so indicates;

(12) *Qualified Beneficiary.* The term "Qualified Beneficiary" shall mean any person and/or entity then eligible to receive current income or whose right to receive assets from the trust is currently vested as well as those who could receive distributions after termination of the interests of current beneficiaries;

(13) *Request in Writing.* When either of us is acting as the Trustee or as a co-Trustee, the requirement of a writing to be signed by either of us as a Trustor and/or a beneficiary and delivered to either of us as the Trustee shall be waived;

(14) *Right of Representation.* Whenever a distribution is to be made by "right of representation" or "per stirpes," the assets are to be divided into as many shares as there are then-living children and deceased children who left living descendants. Each living child shall receive one share and each deceased child's share shall be divided among such deceased child's then-living descendants in the same manner;

(15) *Shall or May.* Unless otherwise specifically provided in this agreement or by the context in which used, we use the word "shall" in this Trust Agreement to command, direct or require, and the word "may" to allow or permit, but not require. In the context of the Trustee, when we use the word "may" we intend that the Trustee may act in the Trustee's sole and absolute discretion unless otherwise stated in this Trust Agreement;

(16) *Trustee.* Any reference to "Trustee" shall be deemed to refer to whichever individual, individuals (including either of us) or corporation shall then be acting as the Trustee; and,



(17) *Trustor.* The term "Trustor" has the same legal meaning as "Grantor," "Settlor," "Trustmaker," or any other term referring to the maker of a trust.

**2.F. Governing Law.** This Trust Agreement is intended to create a California trust and all of the terms and provisions hereof shall be interpreted according to the California Trust Code (Division 9 of the California Probate Code beginning with §15000), except as shall be specifically modified herein. Nevertheless, the Trustee may change the situs of administration of the trust from one jurisdiction to another, thereby allowing this trust to be regulated and governed by the laws of another jurisdiction. Such action may be taken for any purpose the Trustee deems appropriate including minimization of taxes.

**2.G. Restrictions.** The interest of any beneficiary (whether entitled to current income or possessing only a future interest) in either the income or principal of the trust or any part of it shall not be alienated or in any other manner assigned or transferred by such beneficiary; and such interest shall be exempt from execution, attachment and other legal process which may be instituted by or on behalf of any creditor or assignee of such beneficiary; nor shall any part of such interest be liable for the debts or obligations (including spousal and/or child support, except as required under California law) of any such beneficiary. This paragraph is intended to impose a "Spendthrift Trust" on all interests held for any beneficiary. The rights of beneficiaries to withdraw trust property are personal and may not be exercised by a legal representative, attorney-in-fact, or others. **IT IS OUR INTENT THAT THE PRECEDING SPENDTHRIFT CLAUSE AND THE PROTECTIONS IT PROVIDES BE CONSIDERED A MATERIAL PURPOSE OF THIS TRUST AND ANY SUBSEQUENT TRUST CREATED HEREBUNDER.**

**2.H. Maximum Duration of Trusts.** Regardless of any other provision herein, the maximum duration for any trust created hereunder is the longest period that property may be held in trust under the applicable statutes of the state then governing the situs of administration of the trust. If, under those rules, such maximum duration of a trust must be determined (or alternatively determined) with reference to the death of the last survivor of a group of individuals alive upon the death of the survivor of us, or at such other time that the application of such rules limiting the duration of a trust is deemed to begin, those individuals shall consist of all beneficiaries (including future and/or contingent) of this trust (as hereinafter named) alive at the death of the survivor of us. Any trust created hereunder must end immediately prior to such maximum duration and, thereupon, the Trustee shall pay over the principal, free from such trust, to the person or persons then entitled to receive the net income.

**2.I. No-Contest Provision.** Pursuant to §21310, *et seq.*, of the California Probate Code, in the event any beneficiary under this trust shall, singly or in conjunction with any other person or persons, undertake any of the following actions then the right of that person to take any interest given him or her by this Trust Agreement shall be determined as it would have been determined had the person predeceased the survivor of us without being survived by issue:

- (1) Contests in any court the validity of this Trust Agreement and/or of the last Will of either of us ;
- (2) Seeks to obtain adjudication in any proceeding in any court that this Trust Agreement, or any of its provisions, and/or that the last Will, or any provisions therein, of

either of us is void, except to the extent permitted by §21380 of the California Probate Code;

(3) Seeks otherwise to set aside this Trust Agreement or any of its dispositive provisions;

(4) Seeks to obtain adjudication in any proceeding in any court challenging the transfer of any property to or from this trust on the grounds that such property was not ours at the time of the transfer or at the time of our death; and/or,

(5) Files a creditor's claim against the estate of either of us or prosecutes an action against either of our estates or this trust for any claim for damages or services alleged to have been incurred during the lifetime of either of us (this subparagraph shall not apply to a creditor's claim filed by a beneficiary solely for reimbursement of administrative costs, expenses, funds advanced in the preservation of the estate of either of us or for sums advanced for the payment of the last illness and/or funeral expenses of either of us).

The Trustee is hereby authorized to defend, at the expense of the trust, any contest or other attack of any nature on this Trust Agreement or any of its provisions. A "contest" shall include any action described above in an arbitration proceeding and shall not include any action described above solely in a mediation not preceded by a filing of a contest with a court, notwithstanding the foregoing; further, a "contest" shall not include a responsive pleading, such as an objection, response, or answer, filed by a beneficiary in defense of a characterization or transfer of property.

If California law governs the foregoing provisions of this Paragraph, then California Probate Code §21311 shall apply and the foregoing provisions of this Paragraph may only be enforced against the following types of contests:

- (1) a direct contest that is brought without probable cause;
- (2) a pleading to challenge a transfer of property on the grounds that it was not the transferor's property at the time of the transfer; and/or,
- (3) the filing of a creditor's claim or prosecution of an action based on it.

The terms "direct contest" and "pleading" have the same meanings as set forth in California Probate Code §21310. All trusts created in this agreement are "protected instruments" as provided in California Probate Code §21310(e).

2.J. **Presumptions.** Any beneficiary who shall not be living thirty (30) days after the death of either of us shall be deemed not to have survived such person; except that in our case, if the order of our deaths cannot be established by proof, each of us shall be deemed to have survived the other.

**2.K. Special Distributions.** If any income and/or principal of any trust hereunder ever vests outright under the provisions of this Trust Agreement in a person not yet twenty-one (21), a person who suffers from substance abuse, or a person who the Trustee determines is incapacitated or whose financial circumstances is such that failure to delay distributions will actually reduce the trust benefits to such person, then the Trustee, in the Trustee's discretion and without supervision of any court, shall hold or distribute the distribution for such person (hereinafter "the beneficiary") in accordance with the following provisions:

(1) *Under Age Twenty-One.* If a beneficiary is under the age of twenty-one and no other provision of this trust specifically addresses this possibility, the Trustee may either open a custodial account for the benefit of said beneficiary under the Uniform Transfer to Minors Act with a suitable person as the custodian or the Trustee may hold such beneficiary's distribution in a separate trust for such beneficiary, exercising as the Trustee of such trust all the administrative powers conferred in this Trust Agreement, on the following terms and conditions:

(a) The Trustee may accumulate or distribute to or for such beneficiary such amount or amounts of income and/or principal of the trust as the Trustee determines from time to time during the term of the trust to be appropriate. The Trustee may make such distributions to or for the benefit of such beneficiary: (i) directly to the beneficiary; (ii) on behalf of the beneficiary for the beneficiary's exclusive benefit; (iii) to any account in a bank, credit union, mutual fund and/or brokerage firm either in the name of such beneficiary or in a custodial account for the benefit of said beneficiary under the Uniform Transfer to Minors Act with a suitable person as the custodian; (iv) in any form of an annuity; and, (v) to such beneficiary's guardian if one has been appointed by the Court. The receipt for distributions by any such person shall fully discharge the Trustee. In determining whether to make distributions, the Trustee may consider other resources of the beneficiary, trust resources and the future needs of the beneficiary during the term of the trust.

(b) This separate trust shall terminate and vest absolutely when the beneficiary attains age twenty-one (21) and there is no other provision of this Trust Agreement specifically controlling such distribution, dies, or when the trust assets are exhausted by discretionary distributions. At such termination, the Trustee shall distribute the trust then on hand to the beneficiary or to the beneficiary's estate if the trust terminated at the beneficiary's death.

(2) *Substance Abuse Dependence.* If the Trustee reasonably believes that a beneficiary of any trust created under this Agreement is a person who routinely or frequently uses or consumes any illegal drugs or other illegal chemical substance so as to be physically or psychologically dependent upon that drug or substance; or, is a person who is clinically dependent upon the use or consumption of alcohol or any other legal drug or chemical substance that is not prescribed by a board certified medical doctor or

psychiatrist in a current program of treatment supervised by that doctor or psychiatrist; and, if the Trustee reasonably believes that, as a result of the use or consumption, the beneficiary is incapable of caring for himself or herself or is likely to dissipate the beneficiary's financial resources, the Trustee shall follow the procedures set forth below.

- (a) The Trustee will request the beneficiary to submit to one or more examinations (both physical and psychological) determined to be appropriate by a board certified medical doctor or psychiatrist selected by the Trustee. The Trustee will request the beneficiary to consent to full disclosure by the examining doctor or facility to the Trustee of the results of all the examinations. The Trustee will maintain strict confidentiality of those results and will not disclose those results to any person other than the beneficiary without the beneficiary's written permission. The Trustee may totally or partially suspend all distributions otherwise required or permitted to be made to that beneficiary until the beneficiary consents to the examination and disclosure to the Trustee.
- (b) If, in the examining doctor's or psychiatrist's opinion, the examination indicates current or recent use of a drug or substance as described above, the beneficiary will consult with the examining doctor or psychiatrist to determine an appropriate method of treatment for the beneficiary. Treatment may include counseling or treatment on an in-patient basis in a rehabilitation facility. If the beneficiary consents to the treatment, the Trustee will pay the costs of treatment directly to the provider of those services from the income or principal otherwise authorized or required to be distributed to the beneficiary.
- (c) If the examination indicates current or recent use of a drug or substance as described above, all mandatory distributions and all withdrawal rights from the trust with respect to the beneficiary during the beneficiary's lifetime (including distributions upon termination of the trust for reasons other than the death of the beneficiary) will be suspended until in the case of use or consumption of an illegal drug or illegal substance, examinations indicate no such use; and, in all cases of dependence, until the Trustee, in the Trustee's judgment, determines that the beneficiary is fully capable of caring for himself or herself and is no longer likely to dissipate his or her financial resources.
- (d) While mandatory distributions are suspended, the trust will be administered as a discretionary trust to provide for the beneficiary according to the provisions of the trust providing for discretionary distributions in the Trustee's discretion and those provisions of the trust relating to distributions for the beneficiary's health, education, maintenance and support.
- (e) When mandatory distributions to and withdrawals by the beneficiary are resumed, the remaining balance, if any, of the mandatory distributions that

were suspended may be distributed to the beneficiary at that time and the balance of any rights of withdrawal by the beneficiary shall be immediately exercisable by the beneficiary. If the beneficiary dies before mandatory distributions or rights of withdrawal are resumed, the remaining balance of such beneficiary's share shall be distributed in the manner hereinafter set forth for the distribution of such beneficiary's share in the event such beneficiary did not survive the survivor of us.

- (f) It is not our intent to make the Trustee (or any doctor or psychiatrist retained by the Trustee) responsible or liable to anyone for a beneficiary's actions or welfare. The Trustee has no duty to inquire whether a beneficiary uses drugs or other substances. The Trustee (and any doctor or psychiatrist retained by the Trustee) will be indemnified from the trust for any liability in exercising its judgment and authority under this Agreement, including any failure to request a beneficiary to submit to medical examination and including a decision to distribute suspended amounts to a beneficiary.

(3) **Special Needs Trust.** If the Trustee reasonably believes that a beneficiary of any trust created under this Agreement is a person who is incapacitated, or is a person whose financial circumstances are such that failure to delay distributions will actually reduce the trust benefits to such person, the Trustee shall hold the distribution for such beneficiary in further trust hereunder (hereinafter referred to as the "Discretionary Trust") on the following terms and conditions:

- (a) The primary purpose of this Discretionary Trust is to provide a supplemental and emergency fund to supplement any public benefits available to such beneficiary during his or her lifetime. It is our intent that the assets of this Discretionary Trust shall, to the fullest extent permitted by law, be free from assignment or collection for the satisfaction of the claims of any creditors or government agencies. If this Discretionary Trust were to be invaded by creditors or subject to any liens or encumbrances, or if the terms of this Discretionary Trust were to be applied so as to cause such beneficiary's eligibility for public benefits to be terminated, it is likely that the Discretionary Trust would be depleted before his or her death and the purpose of this Discretionary Trust could not then be fulfilled.
- (b) Until such beneficiary is, in the Trustee's judgment, no longer incapacitated, or such beneficiary's financial situation has changed significantly, the Trustee shall pay over to or for the benefit of such beneficiary as much of the net income and as much of the principal of this Discretionary Trust, up to the whole thereof, as the Trustee, in the Trustee's discretion, from time to time deems necessary or advisable for the satisfaction of such beneficiary's special needs. For this purpose, "special needs" refers to the requisites for maintaining such beneficiary's good health, comfort, safety, and welfare when, in the discretion of the

Trustee, those requisites are not being provided for by any county, state, federal, or other governmental agency, or by any person or persons with a legal obligation to support such beneficiary. "Special needs" shall include, but not be limited to, medical and dental care, special equipment, programs of training, education, rehabilitation, travel needs and recreation not provided for or reimbursed by public benefits. The Trustee shall consult with any guardian, conservator, custodian, or other person who cares for such beneficiary regarding his or her special needs. Expenditures made by the Trustee under this section may include reasonable compensation to any person who provides for the special needs of such beneficiary as provided in this section. Any expenditure permitted by this section may be made either with or without prior court order.

- (c) It is our intent that any payments or distributions from this Discretionary Trust to or for the benefit of such beneficiary shall supplement (but not replace) any public benefits or other private resources available to him or her. The Trustee may, in the exercise of the Trustee's discretion, seek as necessary all available public benefits for such beneficiary's benefit, and shall segregate any public benefits received by the Trustee for that purpose in a separate trust or account and administer the same for the benefit of such beneficiary. All public benefits received by the Trustee for that purpose, together with any other resources available to such beneficiary, shall be taken into account by the Trustee in making payments or distributions to or for the benefit of such beneficiary. The Trustee shall regularly consult with such beneficiary and any persons or entities providing care or assistance to such beneficiary for the purpose of determining such beneficiary's needs and resources. The Trustee shall not exercise the Trustee's discretion to make any payments or distributions to or for the benefit of such beneficiary if the Trustee determines, in the Trustee's discretion, that public benefits, private resources, or a combination of public benefits and private resources are reasonably available to such beneficiary to satisfy those needs.
- (d) No part of the income or principal of this Discretionary Trust shall be used to replace or supplant public benefits of any county or any state, federal, or other governmental agency that has a legal responsibility to serve persons with disabilities or conditions that are the same as or similar to those of such beneficiary. For purposes of determining such beneficiary's eligibility for any public benefits, no part of the principal or undistributed income of the Trust Estate as a whole or this Discretionary Trust shall be considered available to him or her, and he or she shall have no right to compel the Trustee to release principal or income to him or her or for his or her benefit or otherwise to have any access to any of the assets of this Discretionary Trust. In the event that the Trustee is requested to release principal or income of this Discretionary Trust to or on behalf of such beneficiary to pay for any equipment, medication, services, or any other

needs that any public benefits would be authorized to provide for were it not for the existence of this Discretionary Trust, or in the event that the Trustee is requested to petition any court or any administrative agency for authorization to release principal or income for any purpose of that kind, the Trustee is authorized to deny the request and take whatever administrative or judicial steps may be necessary to continue the eligibility of such beneficiary for all available public benefits, including obtaining instructions from a court of competent jurisdiction that the principal of this Discretionary Trust is not available to such beneficiary for purposes of determining his or her eligibility for any public benefits. Any expenses of the Trustees in this regard, including reasonable attorney's fees, shall be a proper charge to this Discretionary Trust.

- (e) If any payment or distribution from this Discretionary Trust to or for the benefit of such beneficiary would have the effect of disqualifying him or her for any public benefits, or if all income of this Discretionary Trust cannot be completely utilized for his or her special needs, the Trustee shall accumulate the trust income annually and add it to principal.
- (f) The discretion of the Trustee shall not be subject to review by such beneficiary, his or her creditors and/or any governmental agency. Notwithstanding any other provision of this instrument, if the existence of this Discretionary Trust or if any change in any law, regulation or rule relating to this Discretionary Trust or the administration of this Discretionary Trust for the benefit of such beneficiary should at any time have the effect of disqualifying him or her for any public benefits, or if such beneficiary, his or her creditors and/or any governmental agency shall ever bring any court action to force or require the Trustee to distribute to or for the benefit of such beneficiary a greater amount of income and/or principal than the Trustee, in the Trustee's discretion, has determined to be appropriate, the Trustee is authorized (but not required) to terminate this Discretionary Trust and distribute the trust principal and income as provided in subsection (g); we request that any person who takes any part of the assets of this Discretionary Trust as the result of this termination power, conserve and manage such property for the benefit of such beneficiary during his or her lifetime to insure that he or she receives sufficient funds for his or her living needs when public benefits are unavailable or insufficient to satisfy those needs. This request is precatory, however, and is not mandatory.
- (g) At such beneficiary's death, the Trustee shall distribute this Discretionary Trust, as then constituted, in the manner hereinafter set forth for the distribution of such beneficiary's share in the event such beneficiary did not survive the survivor of us.

(4) **Creditor's Claims and Divorce.** In the event a beneficiary of any trust created under this Trust Agreement has a judgment or other creditor's claim pending or outstanding or is in the process of a marital dissolution, the Trustee may, in the Trustee's discretion, suspend any mandatory distributions and withdrawal rights until such time as the marital dissolution is completed or the judgment or other creditor's claim has been addressed so as not to deplete the assets of the beneficiary's trust. While mandatory distributions and withdrawal rights are suspended, the trust for such beneficiary will be administered as a discretionary trust to provide for the beneficiary according to those provisions of the trust relating to distributions for the beneficiary's health, education, maintenance and support. When mandatory distributions to and withdrawals by the beneficiary are resumed, the remaining balance, if any, of the mandatory distributions that were suspended may be distributed to the beneficiary at that time and the balance of any rights of withdrawal by the beneficiary shall be immediately exercisable by the beneficiary. If the beneficiary dies before mandatory distributions or rights of withdrawal are resumed, the remaining balance of such beneficiary's share shall be distributed in the manner hereinafter set forth for the distribution of such beneficiary's share in the event such beneficiary did not survive the survivor of us.

(5) **Tax Savings Provisions.** Notwithstanding the provisions of the preceding subparagraphs or any other provision of this Agreement, the Trustee shall not suspend any mandatory distributions required for a trust to qualify, in whole or in part, for any Federal or state marital deduction or charitable deduction. Finally, nothing herein shall prevent a distribution mandated by the provisions hereof relating to the Maximum Duration of Trusts.

**2.L. Conflict Resolution and Severability.** In order to save the cost of court proceedings and promote the prompt and final resolution of any dispute with regard to the interpretation of this Trust Agreement or the administration or distribution of our trust, we direct that any such dispute shall be settled by arbitration administered by the American Arbitration Association under its Arbitration Rules for Wills and Trusts then in effect. Nevertheless, the following matters shall not be arbitrable: (1) questions regarding the competency of either of us; or (2) attempts to remove a fiduciary. In addition, arbitration may be waived by all *sui juris* parties in interest.

The arbitrator(s) shall be a practicing lawyer licensed to practice law in the State of California (or such other state whose laws then govern this Trust Agreement) and whose practice has been devoted primarily to wills and trusts for at least ten (10) years. The arbitrator(s) shall apply the substantive law (and the law of remedies, if applicable) of the State of California (or such other state whose laws then govern this Trust Agreement). The arbitrator's decision shall not be appealable to any court, but shall be final and binding on any and all persons who have or may have an interest in this Trust Agreement, including unborn or incapacitated persons, such as minors or any person for whom a conservator has been appointed or any other protective order has been made.

Further, if any provision of this Trust Agreement is invalid, that provision shall be disregarded, and the remainder of this Trust Agreement shall be construed as if the invalid provision had not been included.



2.M. **Uneconomical Administration.** No other provision of this trust to the contrary, if at any time a share or trust being administered for any income beneficiary or group of income beneficiaries other than the survivor of us has such fair market value as to make the continued administration of the share or trust uneconomical as determined by the Trustee in the Trustee's sole discretion, the Trustee may pay the entire balance of such share or trust to the person or persons then entitled to the income therefrom, in proportion to their interests therein.

### **ARTICLE III** **TRUSTEESHIP**

3.A. **Appointment of Trustee.** If there is no Trustee acting hereunder, then a majority of the adult beneficiaries shall appoint a successor Trustee or co-Trustees by an instrument in writing, which appointment must be effective upon the date the last Trustee fails to qualify or ceases to act; provided however, if the Trustee who is being replaced was not related or subordinate (within the meaning of §672(c) of the Code) to the beneficiaries holding this power to appoint, the power to appoint a new Trustee or co-Trustees shall be limited to the appointment of a Trustee (or of co-Trustees) who is also not related or subordinate (within the meaning of §672(c) of the Code) to the beneficiaries holding this power to appoint. For purposes of this Paragraph, "beneficiaries" shall exclude charitable organizations.

3.B. **Resignation.** Any Trustee may resign at any time by giving written notice to us, if living, or the survivor of us, and thereafter to the other Trustees, if any, and, if not, to all the beneficiaries. Any such notice shall become effective as agreed by us or the majority of the beneficiaries, but no later than thirty (30) days after such written notice. Notwithstanding the foregoing, the Trustee may, at the expense of any trust created hereunder, secure the appointment of a successor Trustee of such trust by a court of competent jurisdiction.

3.C. **"Foreign Trust" Savings Provision.** It is our intent that all trusts created by this Trust Agreement qualify as "United States Persons" under §7701(a)(30)(E) of the Code, and one or more United States Persons (as defined in §7701(a)(30)(A) through (C) of the Code) shall always have the authority to control all substantial decisions under this Trust Agreement. Any power, fiduciary or otherwise, to the extent such power is a power to make a "substantial decision" (as defined in Treasury Regulation §301.7701-7) which, by the terms of this Trust Agreement, would otherwise be held by a person who is not a "United States Person," shall be only exercised by the Trustee, co-Trustee or Special Trustee (as hereinafter defined) who is a United States Person. Furthermore, any person who does not reside in one of the fifty (50) states of the United States or the District of Columbia shall be deemed to not be a "United States Person" for the application of this provision.

3.D. **Liability.** No successor Trustee shall be under any obligation to examine the accounts of any prior Trustee, and a successor Trustee shall be exonerated from all liability arising from any prior Trustee's acts or negligence. It is our intention that any Trustee serving hereunder shall be accountable only from the date such Trustee actually receives the assets of the trust.

**3.E. No Bond Required.** No bond shall be required of any person or institution named in this Trust Agreement as the Trustee.

**3.F. Compensation.** A Trustee shall be entitled to receive, out of the income and principal of the trust, compensation for its services hereunder to be determined, if a corporate Trustee, by the application of the current rates then charged by the Trustee for trusts of a similar size and character, and, if the Trustee shall be an individual, such compensation shall be a reasonable fee based on the time and effort of the Trustee. The Trustee shall also be entitled to reimbursement for all travel and other necessary expenses incurred in the discharge of the Trustee's duties. The Trustee may impose any Trustee fees or other expenses of the trust against the principal or income of the trust without any duty to seek reimbursement from the interest not charged.

**3.G. Reports.** While either of us is living and if we are not acting as the Trustee or as a co-Trustee, the Trustee shall render an annual accounting to us unless we have waived such accounting and, to the greatest extent permitted by law, the requirement for any notice, accounting and/or report to any other beneficiary shall be waived. If both of us are or if the survivor is incapacitated, such accounting shall be given to our legal conservator or, if no such conservator has been appointed, to our representative payee for Social Security purposes. After the death of the survivor of us, the Trustee shall render an annual accounting to each beneficiary, except as such reporting shall be waived by such beneficiary; provided however, if the only beneficiary then-entitled to an accounting is also the sole Trustee, the Trustee shall render an annual accounting to each qualified beneficiary, except as such reporting shall be waived by such qualified beneficiary.

(1) If beneficiaries entitled to an accounting are minors, their accounting shall be delivered to their parents or guardian. If beneficiaries entitled to an accounting are incapacitated, their accounting shall be delivered to their legal representative;

(2) Unless the accounting is objected to in writing within one hundred and eighty (180) days after mailing to the persons to whom the accounting is to be rendered, the account shall be deemed final and conclusive in respect to all transactions disclosed in the accounting. The accounting shall be binding on all persons interested in the trust, including beneficiaries who are not known or who are not yet born; and,

(3) The records of the Trustee shall be open at all reasonable times to inspections. The Trustee shall not be required to make any reports or accountings to the courts; however, nothing herein stated shall be deemed to restrict the Trustee from seeking judicial approval of the Trustee's accounts.

**3.H. Payments to Beneficiaries.**

(1) The Trustee shall pay the net income of any trust hereunder to the beneficiary to whom such income is directed to be paid, at such times as shall be convenient to such beneficiary and agreed to by the Trustee;

(2) Any income and/or principal of any trust hereunder to which any beneficiary may be entitled may, without regard to any order or assignment purporting to transfer the same to any other person, be paid or distributed by the Trustee, in the Trustee's sole discretion, into the hands of such beneficiary, or to the guardian of the person of such beneficiary, or be mailed to such beneficiary's last known address, or deposited to the account of such beneficiary in a bank or trust company of good standing, or be applied for the benefit of such beneficiary and his or her dependents directly by the Trustee; and the receipt for any payment or distribution or evidence of the application of any income or principal made in conformity with the foregoing shall discharge the Trustee from any further liability therefore; and,

(3) Unless the Trustee shall have received actual written notice of the occurrence of an event affecting the beneficial interests of this Trust Agreement, the Trustee shall not be liable to any beneficiary of this Trust Agreement for distribution made as though the event had not occurred.

**3.I. Division of Trust Fund.** There shall be no requirement for the physical segregation or division of any trusts created hereunder except as segregation or division may be required by the termination of any of the trusts, but the Trustee shall keep separate accounts for the different undivided interests.

**3.J. Trustee Authority.**

(1) Subject to state law, a Trustee may appoint an "Attorney-in-Fact" and delegate to such agent the exercise of all or any of the powers conferred upon a Trustee and may at pleasure revoke such appointment. Any such appointment shall be made by a written, acknowledged instrument.

(2) No purchaser from or other person dealing with the Trustee shall be responsible for the application of any purchase money or thing of value paid or delivered to the Trustee, and the receipt by the Trustee shall be a full discharge; and no purchaser or other person dealing with the Trustee and no issuer, or transfer agent, or other agent of any issuer of any securities to which any dealings with the Trustee should relate, shall be under any obligation to ascertain or inquire into the power of the Trustee to purchase, sell, exchange, transfer, mortgage, pledge, lease, distribute or otherwise in any manner dispose of or deal with any security or any other property held by the Trustee or comprised in the trust.

(3) Prior to delivering the trust fund to a successor Trustee or to making any partial or complete distribution of principal hereunder (other than a distribution that is made in the exercise of the Trustee's discretion and does not terminate the trust), the Trustee may require an approval of the Trustee's accounts and a release and discharge from all beneficiaries having an interest in the distribution. If any beneficiary or beneficiaries shall refuse to provide a requested release and discharge, the Trustee may require court settlement of such accounts; all of the Trustee's fees and expenses (including attorneys'

fees) attributable to court approval of such accounts shall be paid by the trust involved to the extent that the accounts are approved.

(4) The certification of a Trustee and/or Attorney-in-Fact that such Trustee and/or agent is acting according to the terms of this Trust Agreement shall fully protect all persons dealing with such Trustee and/or agent.

(5) In the event any Trustee hereunder is precluded by any other provision of this Trust Agreement or by the laws of any state from acting as a Trustee in such state, the Trustee may appoint a "Special Trustee" qualified to act and may delegate to such Special Trustee the exercise of all or any of the powers conferred upon a Trustee hereunder. A Special Trustee shall in no way be responsible for the matters not delegated to it. Any appointment of a Special Trustee and the delegation of powers to such Special Trustee shall be made by a written, acknowledged instrument.

(6) At any time and from time to time, a Trustee may delegate to any co-Trustee any or all of the delegating Trustee's powers and authorities conferred upon such Trustee by law or by this Trust Agreement; provided however, that a power or authority which is specifically conferred upon a Trustee (to the exclusion of any other Trustee or any other person or entity) shall not be delegated. The delegating Trustee may at pleasure revoke such delegation. Any delegation or revocation shall be made by a written, acknowledged instrument which shall be delivered to the person or entity to whom the delegation is made. So long as any such delegation is in effect, any power or authority hereby delegated may be exercised by the person or entity to whom such delegation was made and any action may be taken by such person or entity to whom such delegation was made with the same force and effect as if the Trustee delegating such power or authority had itself joined in the exercise of such power or authority in the taking of such action.

(7) If co-Trustees are acting, whenever there shall be a dispute, deadlock or difference of opinion between them on a question of joint discretion, the determination of the majority shall be binding, but the dissenting Trustee or co-Trustees shall bear no liability or accountability for any act or transaction entered into as a result of the enforcement of the majority rule if such Trustee or co-Trustees shall have dissented in writing in advance of such act or transaction. If only two co-Trustees are acting, whenever there shall be a dispute, deadlock or difference of opinion between them on a question of joint discretion on which they cannot agree, such conflict shall be settled by arbitration in the manner hereinabove set forth in Paragraph 2.L.; provided however, prior to submitting any such conflict to arbitration, the co-Trustees must first attempt to resolve the conflict through formal mediation

**3.K. Release of Healthcare Information, including HIPAA Authority.** We intend for the Trustee to be treated as we would regarding the use and disclosure of our individually identifiable health information or other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 USC 1320d and 45 CFR 160-164, and the California Confidentiality of Medical Information Act ("CMLA"), California Civil Code §56. We authorize any physician, healthcare

professional, dentist, health plan, hospital, clinic, laboratory, pharmacy or other covered health provider, any insurance company or medical information bureau or other health care clearinghouse that has provided treatment or services or that has paid for or is seeking payment from either of us for such services to give, disclose, and release, either orally or in writing, to the Trustee or Trustees, without restriction, all of our individually identifiable health information and medical records regarding any past, present or future medical or mental health condition. For the purpose of complying with §56.11 of the California Civil Code, we have each executed a form entitled **AUTHORIZATION AND WAIVER FOR THE INSPECTION AND DISCLOSURE OF INFORMATION RELATING TO MY PHYSICAL OR MENTAL HEALTH** concurrently herewith.

The authority given to the Trustee shall supersede any prior agreement that we have made with either of our health care providers to restrict access to or disclosure of our individually identifiable health information. The authority given to the Trustee has no expiration date and shall expire only in the event that either of us revokes the authority in writing and delivers such revocation to our health care providers.

**3.L. Life Insurance.** Upon the death of either of us, the Trustee shall proceed immediately to collect the net proceeds of policies, if any, on our lives which are then payable to the Trustee and shall hold such proceeds for the purposes and upon the trusts provided in Article VI of this Trust Agreement. Payment to the Trustee by an insurance company of the proceeds of such policies and receipt of such proceeds by the Trustee shall be a full discharge of the liability of such insurance company with respect to such proceeds, and no insurance company need inquire into or take notice of this Trust Agreement or see to the application of such payments. The Trustee may prosecute and maintain any litigation necessary to enforce payment of such policies.

**3.M. Retirement Accounts.** To the extent any trust hereunder is the beneficiary of a Retirement Account (as hereinafter defined), the Trustee shall draw the benefits from the Retirement Account in amounts sufficient to meet the minimum distribution requirements of §401(a)(9) of the Code and the regulations thereunder (the "Required Minimum Distribution"). Notwithstanding any provision of the trust to the contrary, the Required Minimum Distribution shall be paid to or applied for the benefit of the person or persons then entitled to receive or have the benefit of the income from such trust, or if there is more than one income beneficiary, the Trustee shall make such distribution to such income beneficiaries in the proportion in which they are beneficiaries or if no proportion is designated in equal shares to such beneficiaries.

(1) "Retirement Account" means amounts held in or payable pursuant to a plan (of whatever type) qualified under Code §401, or an individual retirement arrangement under Code §408, or a Roth IRA under Code §408A, or a tax-sheltered annuity under Code §403 or any other benefit subject to the distribution rules of Code §401(a)(9), or the corresponding provisions of any subsequent federal tax law. It is our intention that this trust qualify as a "conduit trust" under Code §401(a)(9) so that the trust's beneficiaries shall be considered designated beneficiaries for purposes of the minimum distribution rules, and that distributions may therefore be taken over the trust beneficiary's life expectancy (or the life expectancy of the oldest trust beneficiary).

(2) The Retirement Accounts shall not be subject to the claims of any creditor of either of our estates, they shall not be used for the satisfaction of any distributions to a "non-designated beneficiary" (as that term is defined in Treas. Reg. §1.401(a)(9)-4, Q&A 1) and they shall not be applied to the payment of the debts, taxes of either of us or other claims or charges against either of our estates unless and until all other assets available for such purposes have been exhausted, and even then only to the minimum extent that would be required under applicable law in the absence of any specific provision on this subject in this Trust, and, under no circumstances, shall they be used for such purpose after September 30<sup>th</sup> of the year following the death of the owner of the Account.

3.N. **Powers of Invasion.** A discretionary power given to a Trustee of any trust created hereunder to invade or utilize the principal of such trust for "health, support, maintenance or education" (or a similar use of such terms) shall be considered to be in compliance with §§2041 and 2514 of the Code and any exercise of such power shall be limited by those sections. Notwithstanding §16081(c) of the California Probate Code, any other discretionary power given to a Trustee of any trust created hereunder to invade or utilize the principal of such trust for any other purpose shall be deemed to be a broader power if a clear reading of the terms of such power would so indicate. Further, notwithstanding §16081(e) of the California Probate Code, any discretionary power to make distributions of income or principal of any trust created hereunder which is given to a current beneficiary as sole Trustee is specifically intended to be given to such sole Trustee and the right of any other beneficiary to have another Trustee appointed for the purpose of making such discretionary distributions is hereby specifically waived.

3.O. **Release of Powers.** Each Trustee shall have the power to release or to restrict the scope of any power that such Trustee may hold in connection with any trust created under this Trust Agreement, whether said power is expressly granted in this Trust Agreement or implied by law. The Trustee shall exercise this release in a written instrument specifying the powers to be released or restricted and the nature of any such restriction. Any released power shall pass to and be exercised by the other then-acting Trustees.

#### ARTICLE IV

#### TRUSTEE'S POWERS

Subject to the provisions and limitations set forth expressly herein, the Trustee shall have, in general, the power to do and perform any and all necessary acts and things in relation to the trust in the same manner and to the same extent as an individual might or could do with respect to his or her own property. No enumeration of specific powers made herein shall be construed as a limitation upon the foregoing general powers, nor shall any of the powers conferred herein upon the Trustee be exhausted by the use thereof, but each shall be continuing. In addition to the above, the Trustee shall have all of the powers authorized by §§16200, *et seq.*, of the California Probate Code (as though such powers were set forth herein) and, in addition, the Trustee is specifically authorized and empowered to exercise those powers hereinafter set forth in Exhibit "A" (attached hereto and incorporated herein by reference as though fully set forth).

## ARTICLE V

### OUR RETAINED POWERS

**5.A. Revocation.** During our joint lifetimes, this Trust Agreement may be revoked in whole or in part by an acknowledged instrument in writing signed by either of us which shall refer to this Trust Agreement and to this specific power and which shall be delivered to the then-acting Trustee and the other spouse. In the event of such revocation, the jointly owned property and/or the community estate (as hereinabove defined) held by the trust shall revert to both of us as if this Trust Agreement had not been created and any separate property held by the trust shall revert to the spouse who contributed such separate property and shall constitute spouse's separate property as if this Trust Agreement had not been created.

**5.B. Amendment.** We may, at any time during our joint lifetimes, amend any of the terms of this Trust Agreement by an acknowledged instrument in writing signed by both of us which shall refer to this Trust Agreement and to this specific power and which shall be delivered to the then-acting Trustee.

**5.C. Revocation and Amendment after the First Death.**

- (1) On the death of the first of us, the surviving spouse shall have the power to amend, revoke, or terminate the entire trust in whole or in part.
- (2) Revocation and amendment shall be made in the manner as herein above provided in Paragraphs 5.A. and 5.B.
- (3) After the death of the surviving spouse, the trust may not be amended or revoked.

**5.D. Powers Personal to Us.** Our powers to revoke or amend this Trust Agreement are personal to us and shall not be exercisable on our behalf by any conservator or other person, except the revocation or amendment may be authorized, after notice to the Trustee, by the Court that appointed a conservator and/or a guardian of either of us. Notwithstanding the previous sentence, in the event that either of us appoint an "Attorney-in-Fact," we reserve the right to confer upon such Attorney-in-Fact the power (1) to add property to the trust with the consent of the Trustee; (2) by written instrument delivered to the Trustee, to withdraw any property held hereunder (to the extent that we would individually have that power); and, (3) if specifically authorized in such appointment, by written instrument delivered to the Trustee, to modify or amend or revoke the trust (provided that the duties of the Trustee may not be increased or the Trustee's fees reduced without the consent of the Trustee). Any such appointment shall be made by a written, acknowledged instrument.

**5.E. Tangible Personal Property.** While either of us is living, we reserve the right to retain the control, use and possession of any or all of the tangible personal property included in the trust. We expressly limit the Trustee's responsibility with respect to the property so retained to the Trustee's function as the holder of legal title until we (or the survivor of us) surrender our right to the use and possession of any such property or until the death of both of us. In addition, we shall have the right, exercisable by written notice to the Trustee on terms specified by us, to

direct the sale, transfer, gift or other disposition of any such property, with or without consideration, and the Trustee shall take all actions necessary to comply with the terms of such notice. In the event we surrender any such property to the Trustee, or upon our deaths, the Trustee shall take possession, preserve and maintain such property. The Trustee shall be responsible and accountable only for that tangible personal property which is actually in the Trustee's possession or control or, if retained by us, is found by application of reasonable diligence at the death of the survivor of us or at such time that the Trustee asserts control.

**5.F. Residential Property.** We reserve the right to have complete and unlimited, possession, use and control of any real property which may ever constitute an asset of the trust estate and which is occupied by us for residential purposes, thereby retaining the requisite beneficial interest and possessory rights in and to such real property to comply with the "Homestead" laws of the State in which such property is located, so that such requisite beneficial interest and possessory rights constitute in all respects "equitable title to real estate". Notwithstanding anything to the contrary contained in this Trust Agreement, our interest in such real property shall be an interest in real property, and not personalty, and such real property shall be deemed to be our homestead; such use and control shall be without rent or other accountability to the Trustee. As part of such use and control, we, and not the Trustee, shall have the responsibility to manage such property, pay taxes, insurance, utilities and all other charges against the property, and may, at our option, charge such expenses to the trust, or may request reimbursement for any advances made for such purposes.

In the event any real property is encumbered or conveyed as security for repayment of a Home Equity Conversion Mortgage loan (or any form of "Reverse Mortgage" loan) to us, or the survivor of us, the Trustee shall ensure that the trust will abide by written instruments or agreements which either of us have executed in connection with any such loan; further, the Trustee will immediately notify the lender and any servicer of the loan, in writing, of any of the following events:

- (1) The death of the survivor of us;
- (2) Any change of occupancy by the survivor of us;
- (3) Any conveyance of the property; or,
- (4) Any transfer of any beneficial interest in the property.

## **ARTICLE VI**

### **DISPOSITION OF TRUST FUND**

**6.A. Trustee's Basic Duties.** During the term of this Trust Agreement, the Trustee shall hold, manage, invest and reinvest the trust fund, collect the income and profits from it, pay the necessary expenses of trust administration, and distribute the net income and principal as provided in this ARTICLE VI.

**6.B. Disposition During Our Joint Lifetimes.** During our joint lifetimes, we shall be equally entitled to the entire net income of the jointly owned property and/or the community estate (as hereinabove defined) held by the trust. At the written request of both of us, the Trustee shall pay to either spouse so much of the principal of the jointly owned property and/or the community



estate held by the trust as we shall request or shall make such gratuitous transfers of the principal of the jointly owned property and/or the community estate held by the trust as we both shall direct. During our joint lifetimes, the Trustee shall also pay to each party, or shall apply for such spouse's benefit, the entire net income of such spouse's separate property (if any) held by the trust. At the written request of the spouse who contributed any separate property to the trust, the Trustee shall pay to such spouse so much of the principal of such separate property as he or she shall request. In the absence of any specific direction, the Trustee is also authorized to pay over or apply the net income and/or the principal of the trust for the support and maintenance of any person or persons who is dependent upon our financial support; further, the Trustee may also make gifts in favor of our issue, and any spouse of such issue. In this context, a gift "in favor of" a person includes but is not limited to a gift to a trust, an account under the Uniform Transfers to Minors Act of any jurisdiction, and a Tuition Savings Account or Prepaid Tuition Plan as defined under §529 of the Code. Provided however, the aggregate amount of any gifts made in any one calendar year to any one individual shall not exceed the amount that may be made free of federal gift tax.

**6.C. Disposition During Incapacity.** If at any time during our joint lifetimes, the Trustee determines that either of us has become physically or mentally incapacitated, whether or not a court of any jurisdiction has declared that person in need of a conservator, the Trustee shall pay to the other of us, or apply for the benefit of either of us, first from the jointly owned property and/or the community estate (as hereinabove defined) held by the trust, and then equally from our separate estates, the amounts of net income and principal necessary in the Trustee's discretion for the proper health, support, and maintenance of both of us in accordance with our accustomed manner of living at the date of such incapacity, until the incapacitated spouse is again able to manage his or her own affairs, or until the earlier death of such incapacitated spouse. The non-incapacitated spouse may also withdraw from time to time accumulated trust income and principal of the jointly owned property and/or the community estate held by the trust. In addition to payments for our benefit, the Trustee is specifically authorized to initiate or continue any payments to a dependent person in the manner hereinabove set forth in Paragraph 6.B.; the initiation, continuation, amount and extent of such support shall be in the Trustee's sole and absolute discretion. The Trustee shall accumulate any of the net income not so paid over and/or applied and shall add the same to the principal of the jointly owned property and/or the community estate or the separate estate, as the case may be.

As a guide to the Trustee, it is our intent that we, and the survivor of us, shall remain in our primary residence as long as it is medically reasonable and, if we should need convalescent care, that we be able to return home as soon as it is medically reasonable; the expense of home care shall be of secondary importance. This paragraph is for the guidance of the Trustee only and should not be considered by any third party as a restriction or limitation on the Trustee's powers to manage the trust in the Trustee's absolute discretion.

**6.D. Administration of the Trust Fund at the Death of the First of Us.** The first of us to die shall be called the "Deceased Spouse" and the survivor of us shall be called the "Surviving Spouse". On the death of the Deceased Spouse, the entire trust fund shall continue in trust for the benefit of the Surviving Spouse, without exception, and with the full power of revocation. During the lifetime of the Surviving Spouse, the Trustee shall pay to him or her, or apply for his

or her benefit, the entire net income from the entire trust fund. At the written request of the Surviving Spouse, the Trustee shall pay to him or her as much of the principal of the entire trust fund as he or she shall request. During the lifetime of the Surviving Spouse, the Trustee, in the Trustee's sole discretion, may additionally pay to or apply for the Surviving Spouse's benefit such principal distributions as the Trustee deems necessary for the Surviving Spouse's health, support, comfort, enjoyment, welfare and maintenance. In addition to payments for the Surviving Spouse's benefit, the Trustee is specifically authorized to initiate or continue any payments to a dependent person in the manner hereinabove set forth in Paragraph 6.B.; the initiation, continuation, amount and extent of such support shall be in the Trustee's sole and absolute discretion. The Trustee shall exercise in a liberal manner the power to invade the principal of the trust fund for the Surviving Spouse, since it is our intent that the comfort, welfare and happiness of the Surviving Spouse is primary and the rights of the remaindermen in the trust shall be considered of secondary importance.

**6.E. Deferral of Division or Distribution.** Whenever the Trustee is directed to make a distribution of trust assets or a division of trust assets into separate trusts or shares on the death of the survivor of us, the Trustee may, in the Trustee's discretion, defer such distribution or division up to six (6) months after such death. When the Trustee defers distribution or division of the trust assets, the deferred division or distribution shall be made as if it had taken place at the time prescribed in this Trust Agreement in the absence of this Paragraph and all rights given to the beneficiaries of such trust assets under other provisions of this Trust Agreement shall be deemed to have accrued and vested as of such prescribed time; further, the beneficiaries of such trust assets shall be entitled to receive interest on the delayed distribution pursuant to California law (if there is no provision expressly applicable to trusts, then interest shall be paid pursuant to California law applicable to decedents' estates). Upon making distribution of trust assets or a division of trust assets into separate trusts at the death of the Deceased Spouse, the assets shall be valued at the date of distribution or the date of funding the trusts created by this instrument if such date is different than the date of death, and the Trustee shall distribute or divide so as to avoid application of terminable interest rules and regulations.

Further, from time to time during the period between the death of the Deceased Spouse and the funding of any trust which is to come into existence under the terms of this Trust Agreement as a result of the death of the Deceased Spouse, Trustee may, in Trustee's discretion, distribute cash and/or other trust properties, not only to such trust, but also to or for the direct benefit of any individual beneficiary or beneficiaries of such trust (i.e., one to whom distributions of the income of such trust might then be made); provided however, that:

- (1) All such direct distributions to any beneficiary of any such trust shall be in lieu of (and thus credited toward) allocations otherwise required to be made to that trust as provided above; and,
- (2) No distribution which might thus be made to any beneficiary of any such trust shall exceed the amount then remaining to be allocated to that trust, or the amount which might properly be distributed by the trust to that beneficiary under the terms of that particular trust (nor shall it involve any trust assets which are prohibited by any other term of this Trust Agreement from allocation to that trust).

**6.F. Authorized Actions at Our Deaths.** At and after the death of either of us, the Trustee is authorized and directed to pay over to our executor, administrator, or personal representative so much of the trust fund as such representative shall state in writing is necessary or desirable to provide the estate with funds with which to pay the funeral expenses, debts, cost of administration and/or the taxes on the taxable estate, including taxes which may be imposed upon the probate estate, upon the trust fund and/or upon any property or interest in property, legal or equitable, which is included in the taxable estate, and any such statement of our executor, administrator, or personal representative (regardless of the nature or extent of the assets held in such the estate) shall be binding and conclusive upon the Trustee and upon all persons and corporations having any interest in the trust fund.

(1) If such executor, administrator, or personal representative fails to furnish any such directions or if no such representative is appointed, the Trustee may, in its discretion, pay in whole or in part all debts which are due and enforceable against our estate, the expenses of the last illness, funeral, and administration and all taxes and other governmental charges imposed under the laws of the United States or of any state or country by reason of such death.

(2) Any estate taxes imposed on any trust assets shall be pro-rated among the beneficiaries and/or trusts who actually receive such property in the manner set forth under California law, pursuant to Probate Code §20100, *et seq.*, and any successor statutes and the Code. Further, the Trustee is specifically authorized to recover the payments of any estate taxes attributable to assets not part of the trust fund (or not added to the trust fund following the death of the survivor of us) from the person, persons or entity which received such assets. Provided however:

- (a) No taxes shall be apportioned to, charged against or paid from any retirement plan benefits in which the trust fund acquires an interest as a result of either of us.
- (b) No taxes shall be apportioned to, charged against or paid from any life insurance proceeds or other property passing to the trust fund on either of our deaths in accordance with a beneficiary designation, unless the property would have been liable for estate taxes had the property passed to an individual beneficiary rather than to the trust.
- (c) No taxes shall be apportioned to, charged against or paid from any tangible personal property or specific cash gifts made by us under our respective Wills or under this Trust Agreement.
- (d) No taxes shall be apportioned to, charged against or paid from any gift made to a charitable organization that qualifies for a charitable deduction under §2055 of the Code.

- (e) No taxes shall be apportioned to, charged against or paid from any property qualifying for the marital deduction under §2056 of the Code.
- (f) No taxes shall be apportioned to, charged against or paid from any other property excluded from the imposition of estate taxes by reason of any exemption, exclusion, or deduction applicable to the property, or because of (i) provisions of our respective Wills or this Trust Agreement that expressly exclude the property from taxation; (ii) the relationship between the deceased and the beneficiary of the property; or (iii) the character of the property. All such property shall pass free of estate taxes.
- (g) All estate taxes imposed on property includible in either of our gross taxable estates under §2041 of the Code (or an applicable statute for state purposes) by reason of a general power of appointment held by the deceased shall be charged to and paid from the property subject to the power. Further, we direct that the amount of the general power of appointment property equal to the taxes attributable to the value of the property shall be paid to the Trustee, to be held in this trust and used to pay such taxes. The amount of taxes attributable to the property shall equal (i) the amount of all taxes imposed on either of our taxable estates (including the value of the general power of appointment property), less (ii) the amount of all taxes that would have been imposed on the deceased's taxable estate excluding the value of the general power of appointment property. The rules promulgated under §2207 of the Code shall apply in determining the amount of the incremental tax to be paid from the general power of appointment property.
- (h) Any increment in estate taxes attributable to other property in which either of us had a life interest or a term interest that did not end prior to his or her death (including a life estate or life income interest) and which is included in either of our gross taxable estates shall be borne by the holder or recipient of that property.

**6.G. Distribution at the Death of the Surviving Spouse.** On the death of the Surviving Spouse, the Trustee shall hold, administer and distribute the entire trust fund, as then constituted, all of which is hereafter referred to as the "Trust Estate," as follows:

- (1) The Trustee shall divide the rest, remainder and residue of the Trust Estate into two (2) equal shares; one share shall be allocated for Barbara's son TIMOTHY C. JENKINS and one share shall be allocated for Barbara's daughter SHARON L. WOLFF. Each share shall thereafter be held, administered and distributed as follows:
  - (a) For each of the above-named beneficiaries then-living, the Trustee shall distribute the principal of that beneficiary's share, plus the accrued income of such share, to the beneficiary for whom such share shall be allocated.

(b) In the event of the death of either beneficiary for whom a share was allocated, the Trustee shall distribute such share (or the undistributed portion thereof) to the then-living issue, by right of representation, of the beneficiary so dying. If such deceased beneficiary shall not be survived by issue, the Trustee shall distribute the deceased beneficiary's share to the other share allocated under this subparagraph.

(2) For all purposes hereunder, we are specifically not making any provision for husband's sons ROBERT DILLER and SCOTT DILLER or for their issue (if any).

Executed on May 15, 2017, in Placer County, California.

Ronald W Keller  
RONALD W. KELLER,  
Trustor

Barbara L. Keller  
BARBARA L. KELLER,  
Trustor

I hereby acknowledge receipt of the trust fund, accept the terms of THE KELLER 2017 TRUST, and covenant that I will execute the trust with all due fidelity.

Ronald W Keller  
RONALD W. KELLER,  
Co-Trustee

Barbara L. Keller  
BARBARA L. KELLER,  
Co-Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

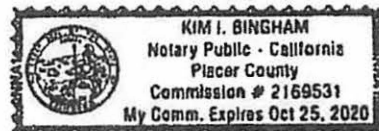
STATE OF CALIFORNIA  
COUNTY OF PLACER

On May 15, 2017, before me, KIM I. BINGHAM, a Notary Public, personally appeared RONALD W. KELLER and BARBARA L. KELLER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kim I. Bingham  
Notary Public Signature



Notary Public Seal

I hereby acknowledge receipt of the trust fund, accept the terms of THE MILLER 2017 TRUST, and covenant that I will execute the trust with all due fidelity.

  
TIMOTHY C. JENKINS  
Contractor

A Notary Public in and for the State of California, after comparing this certificate with the identity of the individual who signed the document to which this certificate is attached, and after the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA  
COUNTY OF PLACER

On May 13, 2017, before me, KIM J. BENTHAM, a Notary Public, personally appeared TIMOTHY C. JENKINS, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument (the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument).

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
Notary Signature



Notary Public/Commission

I hereby acknowledge receipt of the trust fund, accept the terms of THE KEPLER 2017 TRUST, and covenant that I will execute the trust with all due fidelity.

  
\_\_\_\_\_  
SHARON L. WOODRUFF  
Co-Trustee

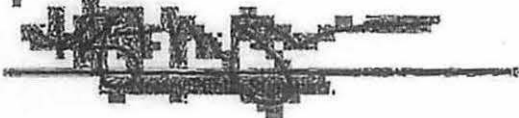
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA  
COUNTY OF EL DORADO

On 5/17/17 before me, Walter W. Gager, a Notary Public, Sharon L. Woodruff appeared SHARON L. WOODRUFF who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and she acknowledged the same to be her free and voluntary act and deed, and she executed the instrument in person or the same upon behalf of which the person signed, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California, that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Walter W. Gager  
Notary Public

Notary Public Seal

  
WALTER W. GAGER  
Commission # 8089305  
Notary Public - California  
Humboldt County  
Comm. Exp. 05/17/2019



**EXHIBIT "A"**  
**OF**  
**THE KELLER 2017 TRUST**  
**STANDARD TRUSTEE POWERS**

- (1) **Agreements.** To carry out the terms of any valid agreements which Trustors, or either of them, may have entered into during Trustors' lifetimes regarding property owned by the trust;
- (2) **Asset Title.** To hold securities or other property in the Trustee's name as trustee, or in "street name," or in bearer form;
- (3) **Bank Accounts.** To open and maintain bank accounts in the name of the Trustee with any bank, trust company or savings and loan association authorized and doing business in any State of the United States of America. If more than one Trustee shall be acting, the Trustees may designate one or more of them to conduct banking activities and to make deposits, withdrawals and endorsements upon giving written notice of such designation to the bank, trust company, or savings and loan association in question; and such bank, trust company or savings and loan association shall be protected in relying upon such designation;
- (4) **Contracts.** To enter into contracts which are reasonably incident to the administration of the trust;
- (5) **Deal with Fiduciaries.** To buy from, sell to, and generally deal with the Trustee individually and as a fiduciary;
- (6) **Depreciation Reserve.** The Trustee shall not be required to establish any reserve for depreciation or to make any charge for depreciation against any portion of the income of the trust;
- (7) **Digital Assets.** To access, manage and control any and all forms of electronic communications and/or digital assets in which either of us has an interest. "Digital asset" means an electronic record in which an individual has a right or interest. "Digital asset" does not include an underlying asset or liability unless the asset or liability is itself an electronic record;
- (8) **Divisions and Distributions.** In any case in which the Trustee is required to divide any trust assets into shares for the purpose of distribution (or otherwise), such division may be in kind, including undivided interests in any real property, or partly in kind and partly in money, pro rata or non-pro rata. For such purposes, the Trustee may make such sales of trust assets as the Trustee may deem necessary on such terms and conditions as the Trustee shall deem fit, and to determine the relative value of the securities or other assets so allotted or distributed; the Trustee's determination of values and of the property for such distribution shall be conclusive. The decision of the Trustee in distributing assets in reliance on this paragraph shall be binding, and shall not be subject to challenge by any beneficiary;
- (9) **Indebtedness.** With respect to any indebtedness owed to the trust, secured or unsecured:
  - (a) To continue the same upon and after maturity, with or without renewal or extension, upon such terms as the Trustee deems advisable; and,

(b) To foreclose any security for such indebtedness, to purchase any property securing such indebtedness and to acquire any property by conveyance from the debtor in lieu of foreclosure;

(10) **Invest and Reinvest.** To invest, reinvest, change investments and keep the trust invested in any kind of property, real, personal, or mixed, including by way of illustration but not limitation, oil and gas royalties and interests; precious metals; common and preferred stocks of any corporation; bonds; notes; debentures; trust deeds; mutual funds or common trust funds, including such funds administered by a Trustee; interests in Limited Liability Companies; interests in partnerships, whether limited or general and as a limited or general partner; intending hereby to authorize the Trustee to act in such manner as the Trustee shall believe to be in the best interests of the trust and the beneficiaries thereof. The Trustee is specifically vested with the power and authority to open, operate and maintain securities brokerage accounts wherein any securities may be bought and/or sold on margin, and to hypothecate, borrow upon, purchase and/or sell existing securities in such account as the Trustee shall deem appropriate or useful and, further, while Trustors, or either of them, are acting as a Trustee, such account(s) may deal in commodities, options, futures contracts, hedges, puts, calls and/or straddles (whether or not covered by like securities held in the brokerage account). These powers shall be construed as expanding the "standards of care" rule of the California Trust Code (Division 9 of the California Probate Code beginning with §15000) or in the Uniform Prudent Investor Act (as it may otherwise apply);

(11) **Life Insurance.** To purchase insurance on the life of any person or persons, including the lives of either of us;

(12) **Loans.** To borrow for the trust from any person, corporation or other entity, including the Trustee, at such rates and upon such terms and conditions as the Trustee shall deem advisable, and to pledge and/or hypothecate as security any of the assets of the trust for the benefit of which such loan is made by mortgage, deed of trust or otherwise for the debts of the trust or the debts of either Trustor, or to guarantee the debt of either Trustor; to lend money upon such terms and such conditions as the Trustee deems to be in the best interests of the trust and the beneficiaries thereof, including the lending of money from one trust to any other trust created hereunder and to borrow on behalf of one trust from any other trust created hereunder, and further including the right to lend money to the probate estate (if any) of either Trustor but in such event such loans shall be adequately secured and shall bear the then prevailing rate of interest for loans to such persons or entities for the purposes contemplated;

(13) **Manage and Control.** To manage, control, sell at public or private sale, convey, exchange, partition, divide, subdivide, improve, repair; to grant options and to sell upon deferred payments; to pledge or encumber by mortgage or deed of trust or any other form of hypothecation; to otherwise dispose of the whole or any part of the trust on such terms and for such property or cash or credit, or any combination thereof, as the Trustee may deem best; to lease for terms within or extending beyond the duration of the trust for any purposes; to create restrictions, easements, to compromise, arbitrate, or otherwise adjust claims in favor of or against the trust; to institute, compromise and defend actions and proceedings with respect to the trust; and to secure such insurance, at the expense of the trust, as the Trustee may deem advisable;

(14) **Professional Assistance.** To employ and compensate agents, investment managers, attorneys, accountants, and other professionals deemed by the Trustee to be reasonably necessary for the administration of the trust, and the Trustee shall not be liable for any losses occasioned by

the good faith employment of such professionals, nor shall the Trustee be liable for any losses occasioned by any actions taken by the Trustee in good faith reliance upon any advice or recommendation thereof; to pay all costs, taxes, and charges in connection with the administration of the trust; and to be reimbursed for all reasonable expenses, including attorneys' fees, incurred in the management and protection of the trust and to pay such professionals a reasonable fee without court approval thereof. Any such payment by the Trustee of such fees shall be out of principal or income, as the Trustee may elect, or partially out of each. The discretion of the Trustee to pay these expenses from income or principal, or partially from each, is subject to the Trustee's fiduciary obligation to treat income beneficiaries and remaindermen equitably;

**(15) Purchase.** To purchase property at its fair market value as determined by the Trustee from the probate estate (if any) of either Trustor;

**(16) Qualification for Government Benefits.** The Trustee is authorized to take any actions that the Trustee determines to be appropriate or necessary in connection with the qualification for or receipt of government benefits for either of us, including benefits (whether income, medical, disability, or otherwise) from any agency (whether state, federal, or otherwise), such as Social Security, Medi-Cal, Medicare, or state supplemental programs. In particular, we authorize and direct the Trustee, upon receiving written notice from either of us, the conservator of either of us, or the person holding a Durable Power of Attorney for either of us, to partition all of the community property of the Trust for the purpose of transmuting such community property to be the separate property of either of us. Upon such partition, if one of us is incompetent, the Trustee have the authority to divide our residence and our other assets between us in whatever manner is required to maximize any such government benefits or to maximize the nonincapacitated spouse's "Community Spouse Resource Allowance" ("CSRA") and/or "Minimum Monthly Maintenance Needs Allowance" ("MMMNA") as those terms are defined in the Medicare Catastrophic Coverage Act, as amended, or similar state laws or regulations. We authorize and encourage the Trustee to engage in estate planning, financial planning, Medi-Cal planning, long term care planning and/or asset preservation planning, to such extent and in such manner, as the Trustee shall deem necessary or advisable. Pursuant to this authority and notwithstanding any other provision of this Trust Agreement, the Trustee may also transfer any portion of the Trust Estate without limitation to the beneficiaries hereunder, including the Trustee if the Trustee is one such beneficiary, or to another trust established for the benefit of the beneficiaries hereunder, including the Trustee if the Trustee is one such beneficiary, in the complete discretion of the Trustee, even if doing so may be considered self-dealing. Any transfers made pursuant to this authority shall, for all purposes, be deemed to have been "in my best interest" if: (a) made in accordance with the provisions of this subparagraph; and (b) made in the context of estate planning, financial planning, Medi-Cal planning, long term care planning and/or asset preservation planning pursuant to the recommendations of an attorney-at-law experienced in such matters;

**(17) Receive Assets.** To receive, take possession of, sue for, recover and preserve the assets of the trust, both real and personal, coming to its attention or knowledge, and the rents, issues and profits arising from such assets;

**(18) Retention of Trust Property.** To retain, without liability for loss or depreciation resulting from such retention, any assets received by the Trustee or any property that may from time to time be added to the trust or any trust created hereunder; or any property in which the funds of any trust may from time to time be invested, for such time as the Trustee shall deem best, even though such property may represent a large percentage of the total property of the trust or it would otherwise be considered a speculative or inappropriate investment. This authority

shall be construed as expanding the "standards of care" rule of the California Trust Code (Division 9 of the California Probate Code beginning with §15000) or in the Uniform Prudent Investor Act (as it may otherwise apply); however, this authority shall not supersede any right otherwise granted to the surviving spouse under this Trust Agreement to compel that certain trust assets be made productive;

(19) **Safe Deposit Boxes.** To hire a safe deposit box and/or space in a vault and to surrender or relinquish any such safe deposit box and/or space in a vault;

(20) **Securities.** With respect to any corporation or partnership, the stocks, bonds or interests in which may form a part of the trust estate, to act in the same manner and to exercise any and all powers which an individual could exercise as the legal owner of any such corporate stock or partnership interest, including the right to vote in person or in proxy, or to surrender, exchange or substitute stocks, bonds, or other securities as an incident to the merger, consolidation, recapitalization or dissolution of any of such corporation, or to exercise any option or privilege which may be conferred upon the holders of such stocks, bonds, or other securities, either for the exchange or conversion of the same into other securities or for the purchase of additional securities, and to make any and all payments which may be required in connection therewith;

(21) **Tax Consequences.** To prepare and file returns and arrange for payment with respect to all local, state, federal and foreign taxes incident to this Trust Agreement; to take any action and to make any election, in the Trustee's discretion, to minimize the tax liabilities of this Trust Agreement and its beneficiaries; and,

(22) **General Powers.** To do any and all other acts necessary, proper or desirable for the benefit of the trust and its beneficiaries, and to effectuate the powers conferred upon the Trustee hereunder.

**Last Will and Testamen.**  
**of**  
**Ronald W. Keller**

I, Ronald W. Keller, revoke my former Wills and Codicils and declare this to be my Last Will and Testament.

**Article I**  
**Nomination of Executor and**  
**Executor Powers**

I nominate my wife, Barbara L. Keller as the Executor, without bond or security. If such person does not serve for any reason, ~~I nominate daughter, Sharon L. Wolff to be Executor.~~ If such person does not serve for any reason, I nominate son, Timothy C. Jenkins, to be Executor.

My Executor, in addition to other powers and authority granted by law or necessary or appropriate for proper administration, shall have the right and power to lease, sell, mortgage, or otherwise encumber any real or personal property that may be included in my estate, without order of court and without notice to any person.

**Article II**  
**Disposition of Property**

I direct that upon my death, the entirety of my estate be given to wife, Barbara L. Keller. In the event that said wife shall predecease me, then estate shall be distributed to children, Sharon L. Wolff, and Timothy C. Jenkins, in equal shares.

**Article III**  
**Living Will Provisions**

I direct that upon the opinion of family and/or physicians, my death is imminent, there will be no extreme measures taken to prolong life. I also direct that upon death, my body be cremated and that no formal funeral or memorial service be held.

IN WITNESS WHEREOF, I have subscribed my name below, this 17 day  
of April, 2003.

Ronald W Keller  
Ronald W. Keller

We, the undersigned, hereby certify that the above instrument, was signed in our sight and presence by Ronald W. Keller (the Testator), who declared this instrument to be his Last Will and Testament and we, at the Testator's request and in the Testator's sight and presence, and in the sight and presence of each other, do hereby subscribe our names and addresses as witnesses on the date shown above.

Witness Signature: Tammy L Empey

Witness Name: Tammy L Empey

Witness Address: 4180 Cascade Valley Ct Suite 180  
Las Vegas NV 89128

Witness Signature: BELINDA JOINER

Witness Name: BELINDA JOINER

Witness Address: 7180 Cascade Valley Ct Suite 180  
Las Vegas NV 89128

Witness Signature: CHRISTINA M ASHER

Witness Name: CHRISTINA M ASHER

Witness Address: 7180 Cascade Valley Ct Suite 180  
Las Vegas NV 89128

**Affidavit**

STATE OF Nevada  
COUNTY OF Clark

Before me, the undersigned, on this day personally appeared Ronald W. Keller, Tammy L. Emery, Belinda Joiner, and Christina Asher known to me to be the Testator and the witnesses, respectively, whose names are signed to the foregoing instrument. All of these persons were first duly sworn by me. Ronald W. Keller, the Testator, declared to me and to the witnesses, in my presence, that the foregoing instrument is the Testator's Will and that the Testator willingly signed and executed such instrument (or expressly directed another person to sign the instrument for the Testator in the Testator's presence) in the presence of the witnesses, as the Testator's free and voluntary act for the purposes expressed in the instrument. Each of the witnesses declared in the presence and hearing of the Testator that the foregoing instrument was executed and acknowledged by the Testator as the Testator's Will in their presence and that they, in the Testator's presence, hearing and sight and at the Testator's Will in their presence and that they, in the Testator's presence, hearing and sight and at the Testator's request, and in the presence of each other, did subscribe their names to the instrument as attesting witnesses on the date of the instrument. The Testator, at the time of the execution of such instrument, was of full age, of sound mind, and the witnesses were of adult age and otherwise competent to be witnesses.

Ronald W. Keller  
Ronald W. Keller, Testator

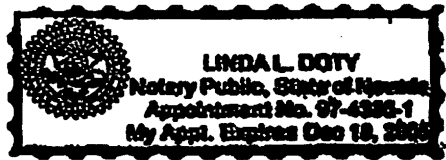
Tammy L. Emery  
Witness

Belinda Joiner  
Witness

Christina Asher  
Witness

Subscribed, sworn to and acknowledged before me by Ronald W. Keller, the Testator; and subscribed and sworn before me by Tammy L. Emery, Belinda Joiner, and Christina Asher, witnesses, this 17th day of April, 2003.

Ronda L. Doty  
Notary Public, or other officer authorized to take and certify acknowledgements and administer oaths



**Last Will and Testament**  
**of**  
**Barbara L. Keller**

I, Barbara L. Keller, revoke my former Wills and Codicils and declare this to be my Last Will and Testament.

**Article I**  
**Nomination of Executor and**  
**Executor Powers**

I nominate my Husband, Ronald W. Keller as the Executor, without bond or security. If such person does not serve for any reason, ~~I nominate daughter, Sharon L. Wolff to be Executor.~~ If such person does not serve for any reason, I nominate son, Timothy C. Jenkins, to be Executor.

My Executor, in addition to other powers and authority granted by law or necessary or appropriate for proper administration, shall have the right and power to lease, sell, mortgage, or otherwise encumber any real or personal property that may be included in my estate, without order of court and without notice to any person.

**Article II**  
**Disposition of Property**

I direct that upon my death, the entirety of my estate be given to husband, Ronald W. Keller. In the event that said husband shall predecease me, then estate shall be distributed to children, Sharon L. Wolff, and Timothy C. Jenkins, in equal shares.

**Article III**  
**Living Will Provisions**

I direct that upon the opinion of family and/or physicians, my death is imminent, there will be no extreme measures taken to prolong life. I also direct that upon death, my body be cremated and that no formal funeral or memorial service be held.



IN WITNESS WHEREOF, I have subscribed my name below, this 17<sup>th</sup> day  
of April, 2003.

Barbara L. Keller  
Barbara L. Keller

We, the undersigned, hereby certify that the above instrument, was signed in our sight and presence by Barbara L. Keller (the Testator), who declared this instrument to be her Last Will and Testament and we, at the Testator's request and in the Testator's sight and presence, and in the sight and presence of each other, do hereby subscribe our names and addresses as witnesses on the date shown above.

Witness Signature: Tommy L. Empey

Witness Name: Tommy L. Empey

Witness Address: 7180 Cascade Valley Ct Suite 180  
Las Vegas NV 89128

Witness Signature: Brenda Joiner

Witness Name: Brenda Joiner

Witness Address: 7180 Cascade Valley Ct Suite 180  
Las Vegas NV 89128

Witness Signature: Christina M. Asier

Witness Name: CHRISTINA M ASIER

Witness Address: 7180 Cascade Valley Ct Suite 180  
Las Vegas NV 89128

**Affidavit**

STATE OF Nevada  
COUNTY OF Clark

Before me, the undersigned, on this day personally appeared Barbara L. Keller, Tammy Empey, Belinda Joiner, and Christina Asher, known to me to be the Testator and the witnesses, respectively, whose names are signed to the foregoing instrument. All of these persons were first duly sworn by me. Barbara L. Keller, the Testator, declared to me and to the witnesses, in my presence, that the foregoing instrument is the Testator's Will and that the Testator willingly signed and executed such instrument (or expressly directed another person to sign the instrument for the Testator in the Testator's presence) in the presence of the witnesses, as the Testator's free and voluntary act for the purposes expressed in the instrument. Each of the witnesses declared in the presence and hearing of the Testator that the foregoing instrument was executed and acknowledged by the Testator as the Testator's Will in their presence and that they, in the Testator's presence, hearing and sight and at the Testator's Will in their presence and that they, in the Testator's presence, hearing and sight and at the Testator's request, and in the presence of each other, did subscribe their names to the instrument as attesting witnesses on the date of the instrument. The Testator, at the time of the execution of such instrument, was of full age, of sound mind, and the witnesses were of adult age and otherwise competent to be witnesses.

Barbara L. Keller  
Barbara L. Keller, Testator

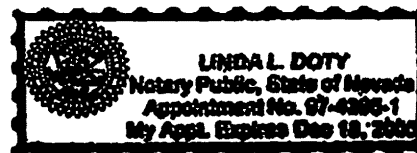
Tammy Empey  
Witness

Belinda Joiner  
Witness

Christina Asher  
Witness

Subscribed, sworn to and acknowledged before me by Barbara L. Keller, the Testator; and subscribed and sworn before me by Tammy L. Empey, Belinda Joiner and Christina Asher, witnesses, this 17<sup>th</sup> day of April, 2003.

Linda L. Doty  
Notary Public, or other officer authorized to take and certify acknowledgements and administer oaths



**Sharon**

---

**From:** Barbara Keller <bnrkeller@gmail.com>  
**Sent:** Tuesday, February 09, 2021 3:56 PM  
**To:** Sharon  
**Subject:** Power

Are you suffering a TV outage? Everything else (lights, etc) work fine. We paid our bill, so why are they punishing us ??? Maybe Trump is throwing a tantrum because we don't like him. BFN Love, Mom

Sent from Mail for Windows 10

**Sharon**

---

**From:** Sharon <sharon@riodeltimes.com>  
**Sent:** Tuesday, February 09, 2021 7:19 PM  
**To:** calsmarinepc@gmail.com; calsmarinepc@gmail.com  
**Subject:** Update from today's adventure

So!

How do you find a financial person that you can trust to take over some tasks for Mom and Ron if we are to go down that path? I asked Dad too in case he has any great ideas. I took them to get their shots today which was fine. I wasn't allowed inside the office with them but it was a nice day out so that was fine to sit outside on a bench for a little while. I got them home and then decided to see if I could get on her laptop while I was there and they had no internet. I checked connections, etc. and I asked if they had been having any trouble with their internet recently and mom said no. I rebooted their router, etc. I asked if they have had any problems with their TV which is bundled through Suddenlink with the internet and phone. Mom said no problems and then Ron said they have had some problem recently. I picked up their phone and it was out. They hadn't paid their Suddenlink bill and it was cut off. Mom swears she mailed a check but has no record in the check register. In any case, we paid the bill and got everything back ok. Mom is sure they just pocketed the money she sent them. Ugh! Not a good sign.

In any case, how in the world do you find someone trustworthy during a pandemic? I will ask my coworkers over at APS and Public Guardian if they have any great pointers.

Hope you're all doing ok. How is your health doing? Marylynn was tested and she is a carrier for hemochromatosis which means that both Steve and I are as well. I pretty much knew Steve was but now it's confirmed on our side. For me to have it, both of my parents would have to be carriers. Just something to be aware of but we are definitely going to be more careful about the diet. Old age and an expanding waistline has already taken away most of the good food anyway so what the heck.

I have Friday and Monday off work so yea! There are a bunch of state budget hearings that are painful to watch and fairly pointless but that is my job.

XXXXOO Shari

Attachment 5c(2)e

**RE: Bye!**

Starck, Nancy <NStarck@co.humboldt.ca.us>

Wed 3/17/2021 9:12 AM

To: Wolff, Sharon <SWolff@co.humboldt.ca.us>

OMG! Thank god they have you. That could have been disastrous. And thank goodness the bank was willing to look for you. They coulda been bastards about that.

Yes, indeed, it is HARD to try to protect/coach – I don't know what the words are – for trying to help parents navigate old age. I can't tell my mother what to do, I can only suggest, nudge and offer – which works maybe 50% of the time.

I found a palliative care provider in buffalo; it costs \$250/month out of pocket, plus insurance copays/deductibles and I finally got my mother to agree to let me pay for all of that (I send her \$400/month for it) but it is a friggin BARGAIN – They sent an MD – not a nurse, or PA, or MA, but an actual MD – out to the house; they did an EKG right there in his lazyboy! Best money I could possibly spend. Just the peace of mind – that she has one phone # to call, its posted next the phones and it doesn't have to be 911 where they would just take him to a hospital to get covid. I wish house-call options like that existed here! My brother is taking the brunt of all the caregiving for sure. He does all the literal heavy lifting. While our mom nit-picks all of his decisions. I sure can't tell my brother what to do – he's there, every day. I'm not. My sister has a ton of snotty opinions and none are helpful. Man, navigating a lifetime of sibling relationships while trying to make a parent comfortable in dying – jeesh. This stuff is hard!! Thank goodness your kids are "grown". Doing both at once is ever harder!

Nancy Starck  
Legislative & Policy Manager  
Humboldt County DHHS  
707-362-6875 (cell)

---

From: Wolff, Sharon <SWolff@co.humboldt.ca.us>

Sent: Wednesday, March 17, 2021 8:50 AM

To: Starck, Nancy <NStarck@co.humboldt.ca.us>

Subject: Re: Bye!

I finally was able to figure out what my mom was talking about on the phone when she called me about needing to wire transfer money for some reason. They got a call from "Wells Fargo" about some stolen or missing money (not clear on the details they were told) and they had to transfer money to cover the loss or some bs like that. Mom writes notes (guess where I got it from) so she had a bunch of notes about how they needed to send \$17,000 to Hong Kong (I am not kidding here) right away. Thankfully, they got so confused after a bunch of time on the phone with these people that they finally decided to call me. Heaven only knows if they would have sent the money if they still had a car to get to the bank with.

That wasn't all. I tried to get on to their laptop computer to bring up their bank account and make sure there was nothing funky when I found out that mom decided to password protect her laptop. Not the best idea for a person with severe memory problems. She has no idea what she would have set it for and none of the usual passwords worked. We called the bank to check on the account (all looked ok) so at least we can confirm they weren't cleaned out. I will have my computer guru see about getting around that password thing today.

Parenting little kids was easier than parenting parents! At least I had "all encompassing Mom powers" and now I am just the kid trying to tell the grown-up's what to do.

Attachment 5c(2)e

5/23/2021

Mail - Wolff, Sharon - Outlook

Sharon Wolff  
Legislative Analyst  
County of Humboldt Dept. of Health & Human Services  
707-845-8496 Cell.  
[swolff@co.humboldt.ca.us](mailto:swolff@co.humboldt.ca.us)

Please print only if necessary and consider double-sided.

For current information about COVID-19, visit [cdc.gov](https://www.cdc.gov) or [cdph.ca.gov](https://www.cdph.ca.gov). Local information is available at [humboldt.gov](https://humboldt.gov), or during business hours by emailing [covidinfo@co.humboldt.ca.us](mailto:covidinfo@co.humboldt.ca.us) or calling 707-441-5000.

Facebook: [@HumCoCOVID19](https://www.facebook.com/HumCoCOVID19).

Instagram: [@HumCoCOVID19](https://www.instagram.com/HumCoCOVID19).

Twitter: [@HumCoCOVID19](https://twitter.com/HumCoCOVID19) and

Humboldt Health Alert: [humboldt.gov/humboldtHealthAlert](https://humboldt.gov/humboldtHealthAlert)

---

**From:** Starck, Nancy <[NStarck@co.humboldt.ca.us](mailto:NStarck@co.humboldt.ca.us)>  
**Sent:** Tuesday, March 16, 2021 2:02 PM  
**To:** Wolff, Sharon <[SWolff@co.humboldt.ca.us](mailto:SWolff@co.humboldt.ca.us)>  
**Subject:** RE: Bye!

No problem.

I have a call with my dad's palliative care at 4, so I'll off for the day then.

Nancy Starck  
Legislative & Policy Manager  
Humboldt County DHHS  
707-362-6875 (cell)

---

**From:** Wolff, Sharon <[SWolff@co.humboldt.ca.us](mailto:SWolff@co.humboldt.ca.us)>  
**Sent:** Tuesday, March 16, 2021 1:49 PM  
**To:** Starck, Nancy <[NStarck@co.humboldt.ca.us](mailto:NStarck@co.humboldt.ca.us)>  
**Subject:** Bye!

I have to go to my Mom's house now. Will be back as soon as I can.

Sharon Wolff  
Legislative Analyst  
County of Humboldt Dept. of Health & Human Services  
707-845-8496 Cell.  
[swolff@co.humboldt.ca.us](mailto:swolff@co.humboldt.ca.us)

Please print only if necessary and consider double-sided.

For current information about COVID-19, visit [cdc.gov](https://www.cdc.gov) or [cdph.ca.gov](https://www.cdph.ca.gov). Local information is available at [humboldt.gov](https://humboldt.gov), or during business hours by emailing [covidinfo@co.humboldt.ca.us](mailto:covidinfo@co.humboldt.ca.us) or calling 707-441-5000.

Attachment 5c(2)e

6/23/2021

Mail - Wolf, Sharon - Outlook

Facebook: [@HumCoCOVID19](#).

Instagram: [@HumCoCOVID19](#).

Twitter: [@HumCoCOVID19](#), and

Humboldt Health Alert: [humboldt.gov/HumboldtHealthAlert](#)

Attachment 5c(2)e

We were doing  
a Business  
Transfer of  
\$17,400  
(1st installment  
paid by our  
son)

- Want to make  
a physical wire  
transfer from  
Household ac/  
\$17,400.00

- Internac Bus  
acct (\$ was  
ph transferred)

- \$17,400  
Hong Kong

Int. Wire  
to Transfer  
to Singapore  
To whom  
are you sending  
funds & why  
to Singapore

The only reason I found out that Mom and Ron were trying to wire money to a scammer was because they didn't know how to actually do the bank transfer so they finally asked me how to do it.

Mom is a note taker thank goodness!



This is from 4/20/21 when Ron's mental health crisis became apparent - he had Mom call the police on me for coming to pick them for a doctors appointment as we had arranged previously.

CONTROLLED DOCUMENT - DO NOT DUPLICATE

<b>FORTUNA POLICE DEPARTMENT</b>							Page 1		
<b>CAD INCIDENT REPORT</b>									
2104200040							04/21/2021		
Location KELLER, RON & BARBARA, 2730 KENMAR RD				Cross Streets KELLI WAY/KENWOOD RD		City FORTUNA			
Incident Type 415FAM - FAMILY DISTURBANCE				Call Taker 0147		Dispatcher 0147			
Date 04/20/2021	Priority 2	Primary Unit 5B68	Beat	Fire Zone	Area	Map	Source 9-1-1 CALL		
Caller Name KELLER, BARBARA			Caller Address 2730 Kenmar Rd, Fortuna, CA				Caller Phone 707-682-6401		
Dispositions COUNSELED & ADVISED				Weapon		Alm Level		Case Number	
Vehicles				Associated Incidents					
Incident Times		Special Circumstances							
Received	13:25:54								
Created	13:27:12								
Dispatched	13:30:08								
En Route									
On Scene	13:34:28								
Closed	13:57:00								
Revd-Closed	31:06								
Unit Times Officers		Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear
5B68	0132	13:30:08		13:34:28	13:57:00	04:20	N/A	22:32	26:52
5L21	0119	13:31:50		13:35:51	13:37:47	04:01	N/A	01:56	05:57
Incident Comments [SHARON WOLFE] INSIDE HOUSE YELLING AND TRYING TO FORCE RP OUT, NEG WEAPONS.									
TIME	#	EVENT							BY
13:27:12	1	Incident initiated at Keller, Ron & Barbara, 2730 Kenmar Rd, Fortuna							0147
13:27:58	2	5B68 ADVISED							0147
13:30:08	3	5B68 DISP, Keller, Ron & Barbara, 2730 Kenmar Rd, Fortuna							0147
13:31:50	4	5L21 DISP, Keller, Ron & Barbara, 2730 Kenmar Rd, Fortuna							0147
13:33:16	5	5B68 WOLF, SHARON added to incident							0147
13:33:41	6	Incident type changed from 415 to 415FAM							0147
13:34:28	7	5B68 ONSCEN.							0147
13:34:58	8	5B68 CODE 4.							0147
13:35:51	9	5L21 ONSCEN.							0147
13:37:47	10	5L21 CLEAR.							0147
13:48:02	11	5B68 CODE 4.							0147
13:57:00	12	5B68 CLEAR, ALL PARTIES COUNSELED							0147
13:57:01	13	5B68 Closed - Disposition CA							0147
<p>CONTROL DOCUMENT          DUPLICATION OR REISSUANCE          CONTROL BY LAW</p> <p>Released to <u>Sharon Wolff</u>          By <u>YB</u> Date <u>4/21/2021</u>          FORTUNA POLICE DEPARTMENT</p>									

4/23 left 2.00 w/ open door as follow up

**Sharon**

---

**From:** Sharon <sharon@riodeltimes.com>  
**Sent:** Saturday, April 24, 2021 3:18 PM  
**To:** 'Nancy Zinos'  
**Subject:** RE: Mom and Ron are melting down  
**Attachments:** Screenshot\_20210413-170532\_Video Player.jpg; Screenshot\_20210413-170012\_Video Player.jpg

The paranoia is really hard to deal with since anyone who is trying to help them is obviously part of the conspiracy against them. I don't take it too personal since I know that it isn't Mom as I know her to be and it is really the mental problems. It probably helps that I work at DHHS and hear all kinds of horror stories from our mental health department and the APS folks so I know I am not alone. But it still bites. I have never been the bad guy before so this is new to me. They had moved up here in 2015 specifically to live nearby as they knew they would need more help in the future. It is a shame that Mom doesn't remember Shauna taking her to the zoo last Tuesday for a girls day (with Walter) and they had a really good time. I attached a couple of pictures that Shauna sent me. They went out to lunch and made a day of it just last week.

I am going to have to file for conservatorship of Mom and I absolutely will NOT file on Ron – to be brutally honest, the state can take him if his family refuses. His paranoia has been the biggest problem as it has gotten worse and he feeds it into Mom who can't remember that none of that blather made any sense. We are looking at the possibility of putting a secondary unit on our property in Rio Dell for Mom but there is no way that we will let Ron stay here so that is an issue. After not being able to push me out the door, I am concerned he will realize that he doesn't have the strength unless he uses any basic household weapon laying around. They have been stewing in that house together for days now so I have no idea what insane idea they have come up with now.

We are trying to reach Ron's sister Diane or his son's Robert and Scott but we don't have good information for them. They have never told me Diane's last name and I all I know is she has a son named Royce. We have found Robert on social media after some digging and have sent him a message along with his daughter who was also on social media so we will see if they contact us. I have never been told why Ron had no contact with his son's after his divorce so who the heck knows but I personally don't care.

Mom has been doing everything bad for her health she can for years now and Ron never cared enough to say anything about it. He constantly told us "happy wife, happy life" so that has contributed to her decline for a long time. She loads up on aspartame sweetener (still eats sugar though) which is awful for memory. She has refused to go out and do things for years and that lack of stimulus plays a big role in cognitive decline. Keep up whatever activity you enjoy, it doesn't matter what it is as long as you enjoy it and it gives you some mental and/or physical challenge. I have cut way back on my sugar intake since we are stuck at home anyway and am doing things to try and get healthier specifically to avoid the decline as much as I can.

In any case, I appreciate your support and will keep you posted.

XXXXOO Shari

---

**From:** Nancy Zinos [mailto:nanzee930@gmail.com]  
**Sent:** Saturday, April 24, 2021 2:55 PM  
**To:** Sharon Wolff  
**Subject:** Re: Mom and Ron are melting down  
**Importance:** High

Attachment 5c(2)h

Dear Shari, I hardly know what to say-this is really bad news. It does sound like you need to take control or who knows where they'll end up and in what shape, but it won't be easy. They seem to hate having any help, but they need it. You are the one it will be hard on and I hope you can ignore the awful things they might say or do. Rick and I went through similar hellish stuff with Mother and Dad when they were on their last legs- Mother even thought Rick was cheating her out of all her money when he was trying to set up the trusts!! Also Dad's last words to me were "you're one of them" as the nurse asked me to hold the restraining ties around his wrists and before that he was really mad at me for not rescuing him from emergency after I took him there with broken ribs after falling off the roof!! So I do know what this might be like for you and don't envy you at all! And since I'm older than Barbara am hoping that I'll stay in my right mind-sounds like that Ambien really did a number on her memory. Stay strong, Love, Nancy

On Apr 22, 2021, at 12:06 PM, Sharon <[sharon@riodelltimes.com](mailto:sharon@riodelltimes.com)> wrote:

Hi there,

I am sorry to have to pass along bad information but you guys should know the situation that is going on. Plus Mom is likely to call you for help.

I won't go into the lengthy background as I think you've heard at least some of it but they have been going downhill (both of them) quickly recently. I noticed it when I figured out they hadn't paid their Suddenlink bill and had their phone/internet/cable cut off but they didn't tell me. Fortunately, I just happened to try and log on to the wifi at their house on a visit and I was able to figure out what happened and get them caught up. There have been weird purchases on Amazon and then they think that someone is robbing them. To the point where Mom hides her purse all around the house in various locations that she can't remember because they think someone is looking through their windows or coming into their house without them knowing about it. They are putting furniture up against the front door and the bedroom door when they nap or sleep so they can tell if someone has snuck in the house. Ron demanded I return their house key when they decided we may be sneaking into the house and messing with their stuff. I gave him one of the multiple copies that we have and that made him happy. Recently, they got a call from some crook who told them that they needed to wire transfer \$17,000 to Hong Kong for some reason and Mom wrote down detailed instructions on what they needed to do to send the money. Fortunately, they are way too confused to figure out how to send a wire transfer so she called me for help. So that was fun. I talked to them about adding me to their bank account so I could access the records and help them with the bills and they were both agreeable to that. We made an appointment with their bank's manager but they couldn't do the paperwork because they had let their drivers licenses expire two years back so they had no legal ID. I took them both down to the DMV to get a Senior ID card and that was a real picnic but we got it done.

They received their new ID's recently and I told them I would reschedule the appointment with the bank manager to add me to their account and they were fine with that. I also reminded Mom that her doctor ordered a blood draw before she could get her prescription renewed so we would do both things and make a day of it. I made an appointment and called them to let them know the day and time, etc. No problem. I called them before heading their direction to pick Mom up for her blood draw and they said they were eating lunch and watching a movie. I said that was fine because I still had to get gas and do some things on my way. Before I left, she called back and said they didn't want to do it and they weren't going. I reminded Mom that we had a set appointment at the bank, her blood draw was needed since she is out of her prescription and I had taken the time off work to do this so we needed to do it. She said No and hung up on me. I headed over anyway after doing some chores to try and calm down. When I got to their house they said again that they weren't going to go and that was that. Reminding them about what we were doing, how long we have been trying to get this appointment done and why I can't just be at their whim because of my work schedule but they didn't hear a word of it. They insisted I leave their house immediately and stop bothering them! I was done with it at that point and yelled more than one curse word but there was no way I was going to leave at that point. Ron grabbed my sweater and tried to push me out the door. It didn't work since I am bigger than the both of them. Mom grabbed my arm and tried to pull me to the door insisting that I had to leave. That didn't work either. Mom grabbed the phone and called the Fortuna Police

Department. She told them there was a crazy lady in her house and she wouldn't leave. Mom told me again to leave their house and I told her I was waiting for the police that she called. When Officer Stevens arrived, Mom met him out front and said again that there was a crazy lady in her house and she won't leave. Steve is really mad about that since that is how people get shot in police encounters. But fortunately Ofcr. Stevens was really calm and recognized the situation quickly. He talked to Mom and Ron first and it was immediately apparent that they were not doing well. The officer asked Mom what town we were in, what was the date and who is the president and she didn't know any of it other than the president is "that really nice guy." She asked the officer why he was asking her these questions and he said it was a basic tool they use to assess a person to time and place. Mom said "well maybe I just don't want to tell you!" and got pissy with the officer but he was used to that. I talked to the officer and explained what had happened and I showed him the note that I am attaching where Mom wrote down the details for her wire transfer. She kept saying that I was crazy and she didn't know what I was talking about. The officer showed her the note at least 4 separate times and it was new to her each time and still denied knowing what it was even though she said it was her handwriting (Ron's handwriting is there too). The officer promised them a police escort down to the lab to make sure they got there safely and that helped get them into my car (after explaining why they couldn't ride with the K-9 Officer). So we got the blood draw done, yea. It was too early for the bank appointment and I wasn't about to take them home to squirrel away again so I got them some burgers and fries and we went to a park to eat. I got them to the bank appointment (barely) but to make a long enough story short, Mom bolted at the last second and said she didn't know anything about what we were trying to do and she wasn't going to do anything at all. The bank manager is a really nice younger guy and he gave them his card if they needed anything but they clearly displayed that they don't have the mental capacity to manage their own finances. I was hoping we could go the easy route and they would just let me help them but Ron's paranoia has gotten really bad and he is feeding it into Mom who can't remember squat so it is really bad. Mom is on a tear to sell her house again but that is the extent of her thoughts. This is exactly what they did before with the Shamrock house that was so nice for them. I called the local title companies and realtors to give them a heads up.

Tim had a living trust put into place when they fled back to Roseville last time and we are going to need to enforce the capacity clause and take control at this point. We will need to talk more about all of this but I have a meeting in 5 minutes that I need to be in (virtually). Mom just called Tim to ask for help since I am a crazy monster so I figure she may call either of you guys to plead her case.

Take care,

XXXXXX Shari

<3.16.21 Barbara Keller Notes Re Bank Transfer.pdf>

Attachment 5c(2)h

**Sharon**

---

**From:** Sharon <sharon@riodelltimes.com>  
**Sent:** Tuesday, April 27, 2021 10:04 AM  
**To:** Joann Jenkins  
**Subject:** FW: Re. Keller's at 2730 Kenmar Rd.

Just a FYI - this was the last update from Tina.

---

**From:** tinacutten@gmail.com [mailto:tinacutten@gmail.com]  
**Sent:** Monday, April 26, 2021 2:41 PM  
**To:** 'Sharon'  
**Subject:** RE: Re. Keller's at 2730 Kenmar Rd.

Great I will help out. I think your Mom got mad at me today, said we are all only trying to help

**From:** Sharon <sharon@riodelltimes.com>  
**Sent:** Monday, April 26, 2021 2:33 PM  
**To:** tinacutten@gmail.com  
**Subject:** RE: Re. Keller's at 2730 Kenmar Rd.

Just a heads up that I spoke with a screener from APS who gathered a lot of the information and I gave them your contact information.

Takes care

---

**From:** Sharon [mailto:sharon@riodelltimes.com]  
**Sent:** Monday, April 26, 2021 1:45 PM  
**To:** 'tinacutten@gmail.com'  
**Subject:** RE: Re. Keller's at 2730 Kenmar Rd.

They would probably wire transfer their money to Hong Kong like they tried to do earlier since that somehow made sense to them.

I have already given my aunt and uncle (Mom's sibs) the heads up about what is going on so they are well aware in case they get a call. But for some reason they removed most of the pages from Mom's address book that she has had for decades now and Aunt Nancy's number is gone from her book but her brother Rick's number is there and they can call him as well. I only found that out when I was trying to find contact info for Ron's family. Ron is a mystery despite how long they have been married and we are having a heck of a time tracking down his sister Diane or nephew Royce. They have never told me their last name or anything else and I am not finding much online – even at Ancestry.com.

They will call you back because they won't remember what you told them. Maybe suggest Ron call his sister Diane or Royce. Or they can call APS themselves and ask for help. I am always here and will help in any way I can but apparently I am a crazy monster who is out to get them so I don't know if they will call me.

-Sharon

---

**From:** tinacutten@gmail.com [mailto:tinacutten@gmail.com]  
**Sent:** Monday, April 26, 2021 1:30 PM

Attachment 5c(2) i

**To:** 'Sharon'  
**Subject:** RE: Re. Keller's at 2730 Kenmar Rd.

I told them that the son was not taking them in and said have your sister call and if she says you can live with her than perhaps you can sell, I am afraid of what they would do with their money.

**From:** Sharon <[sharon@riodeltimes.com](mailto:sharon@riodeltimes.com)>  
**Sent:** Monday, April 26, 2021 1:09 PM  
**To:** [tinacutten@gmail.com](mailto:tinacutten@gmail.com)  
**Subject:** RE: Re. Keller's at 2730 Kenmar Rd.

Thank you for that update. I have calls in to their doctors as well but it is like pulling teeth and they are not likely to agree to go to the doctors but I will keep pursuing that avenue as well as APS and anything else I can think of.

Take care,

Sharon

---

**From:** [tinacutten@gmail.com](mailto:tinacutten@gmail.com) [<mailto:tinacutten@gmail.com>]  
**Sent:** Monday, April 26, 2021 12:59 PM  
**To:** 'Sharon'  
**Subject:** RE: Re. Keller's at 2730 Kenmar Rd.

Sharon, I did talk with them this morning, recommended they reach out to you that we couldn't sell the home because they have no where to go, took some explaining, indicated perhaps they should reach out to the senior center maybe someone there could mediate, also told them that they had a loan on the house and it would cost around \$3500 to \$5000 per home to go into a senior facility and they needed to really take a look at where they are going to live and what the cost would be and could they afford that. Explained to them about how they lost money on there last sale and couldn't afford to do that, think the idea of APS is great, their doctor should be diagnosing them and all of this wouldn't be happening.

Tina

Tina Christensen-Kable  
ColdWell Banker Cutten Realty  
2120 Campton Road, Suite C  
Eureka, CA 95503  
(707) 845-2070  
(707) 445-8811 x122  
[tinacutten@gmail.com](mailto:tinacutten@gmail.com)  
DRE # 00476701

**From:** Sharon <[sharon@riodeltimes.com](mailto:sharon@riodeltimes.com)>  
**Sent:** Monday, April 26, 2021 12:52 PM  
**To:** [tinacutten@gmail.com](mailto:tinacutten@gmail.com)  
**Subject:** Re. Keller's at 2730 Kenmar Rd.

Hi Tina,

Thank you again for calling me the other day about my Mom and Step-father Barbara and Ron Keller who are trying to list their house at 2730 Kenmar because of their mental capacity issues. We really appreciate that you recognized the situation and reached out to me. I called Angela Petrusha's office as you had mentioned and I spoke with a paralegal

but they apparently don't handle anything like this so there wasn't any information that they could provide other than a national attorney referral number. I didn't have any other options so I did call APS this morning to make a report but they haven't called me back as of yet. I just wanted to thank you again and give you the update. Please let me know if there is more information.

Thanks again,

Sharon Wolff  
[sharon@ricdelltimes.com](mailto:sharon@ricdelltimes.com)  
707-599-9961

## Sharon

---

**From:** tinacutten@gmail.com  
**Sent:** Tuesday, May 25, 2021 9:51 AM  
**To:** 'Sharon'  
**Subject:** 2730 Kenmar Road

Sharon, you have asked that I relay my feelings on the meeting I had with your Mother and Stepfather. Ron and Barbara Keller, I found to be very polite and interested in selling their home, I toured the home with them and found it to be very tidy and nice, we talked price and items that needed to be done. While I was touring the house I noticed they didn't have a car and asked them about that because I walk the neighborhood all the time and it would be a long walk to get groceries and prescriptions and they explained that you helped them and that they had given their car to their grandson. They wanted me to put the house on the market as soon as I could, which made me hesitate and I asked them where they were moving to and they indicated that they were going to move to Sacramento with their son and then they asked if I could take them to the airport that they wanted to go down there, which working with Seniors they usually take a little more time to do things. I said well when would you be wanting to go down and they indicated the next day, so I sat down and started to quiz them more, because something felt wrong to me. They talked about you and I thought well why isn't she taking them to airport and how are they going to get tickets etc. We continued talking and they told me about selling their other house and moving to Sacramento and how they didn't like it down there and wanted to move back and did purchasing the home that they are in, said they wanted to be closer to you. Something just felt off so I asked if I could get your number and talk with you and they gave me you number. I left then and felt like this was moving too fast that something was off, in questions about past, Ron could remember some and Barbara could fill in. The next day I got a call to come over and list the house and that we had an appointment which we didn't but I stopped by on my way home and sat with them and our conversations went the same way, saying the same things, I have dealt with dementia and alzheimer's with my mother in law and started seeing a little of the same pattern, so contacted you and we had a conversation and you told me about the last house sale, and about losing money, decided that I was not confident that I could sell the house with what might be some issues. I stopped by and had a conversation with them and indicated that I couldn't sell the house until they had somewhere to go, found out that the son said no to them coming down there and they were adamant about selling and moving, then they talked about moving in with Ron's sister and I just kept telling them that I just couldn't sell it without knowing they had somewhere to go and indicated that they would be receiving the money from the sale wouldn't they want to move into another home, etc and I was very uncomfortable. Barbara called me every Thursday for the next two weeks asking if I was coming over to talk about selling the home, and I indicated that I couldn't sell the home and she was looking at a note that she made had made about our first visit, I was going to see if I could get someone from the Senior center to come and evaluate but you have it in your hands now. Hope I have been of some help.

Tina

Tina Christensen-Kable  
ColdWell Banker Cutten Realty  
2120 Campton Road, Suite C  
Eureka, CA 95503  
(707) 845-2070  
(707) 445-8811 x122

DRE # 00476701

Attachment 5c(2)j



FILED

S  
3

SEP 22 2021

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT

1 Sharon L. Wolff  
2 3 Painter St.  
3 Rio Dell, CA 95562  
4 (707) 599-9961  
5 Petitioner, In Pro Per

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF HUMBOLDT

10 In re. the Conservatorship of the Person and  
11 Estate of:  
12  
13 BARBARA LYNN KELLER  
14

) Case No.: PR2100162  
) **MEMORANDUM OF POINTS AND**  
) **AUTHORITIES IN OBJECTION TO**  
) **PETITION TO APPOINT ROYCE**  
) **MENDONCA CONSERVATOR AND**  
) **TEMPORARY CONSERVATOR; AND IN**  
) **RESPONSE TO OBJECTION TO**  
) **PETITION FOR CONSERVATORSHIP**  
) **AND TEMPORARY**  
) **CONSERVATORSHIP BY SHARON**  
) **WOLFF**

15  
16 DATE: September 30, 2021  
17 TIME: 2:30pm  
18 COURTROOM: 6

19 The timeline below (starts on pg. 6) is taken directly from the filed paperwork in this case – it was used to  
20 illustrate exactly what had happened in this case since the last hearing. The flood of their paperwork  
21 made it easy to conceal what was going on so I put it all into a linear timeline for clarity.

22 Attorney Hamer and the previously unknown nephew of Barbara’s 5th husband can’t escape the timeline  
23 that is documented with their own paperwork.

24 The fraudulent paperwork and elder financial fraud that was clearly documented – and is posted online as  
25 a public record – received this response from Judge Timothy Canning months later: “the court does not  
26 give any weight to Ms. Wolff’s assertions that Mr. Mendonca was falsifying documents or otherwise not  
27 qualified to serve as conservator.” That was it.

28 The Judge wouldn’t even address the fact that the documents were falsified in the first place – it just  
doesn’t matter in Humboldt County.

This can happen to anyone’s mom or dad in this county and it will be rubberstamped by the courthouse if  
the “right” attorney is involved. Memorandum of Points and Authorities

The court never read or considered any of this as far as I can tell. It isn't half bad for an In Pro Per if I do say so myself. Please feel free to use this as a teaching tool but keep in mind that absolutely NONE of it matters in the Humboldt County Superior Court - but good luck in other jurisdictions where the laws might apply.

**TABLE OF CONTENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

TABLE OF AUTHORITIES ..... 3

INTRODUCTION ..... 4

BACKGROUND ..... 5

ARGUMENT ..... 6

    I.    STANDARD OF REVIEW ..... 11

    II.   ROYCE MENDONCA AND ATTORNEY CHRIS JOHNSON HAMER SECURED BARBARA KELLER'S  
SIGNATURE ON A NOMINATION DOCUMENT DESPITE COGNITIVE IMPAIRMENT ..... 11

    III.  A LEGALLY INSUFFICIENT, ALTERED AND DUPLICATIVE GC-335 AND GC-335A WERE FILED WITH  
THIS COURT BY ROYCE AND ATTORNEY HAMER ..... 14

    IV.   ROYCE PLACED BARBARA INTO A LOCKED MEMORY CARE UNIT AT THE PINES, A MERRILL  
GARDENS COMMUNITY DESPITE NOT HAVING LEGAL AUTHORITY TO SIGN AS REPRESENTATIVE OR TO  
ENCUMBER KELLER ESTATE ..... 14

    V.    LACK OF LEGAL AUTHORITY FOR THE PLACEMENT RESULTS IN NO LEGAL AUTHORITY TO  
CONSENT TO CARE FOR MEDICAL NEEDS ..... 16

    VI.   ROYCE KNEW OR REASONABLY SHOULD KNOW THAT PLACING BARBARA INTO A FACILITY  
WITHOUT LEGAL AUTHORITY TO CONSENT TO CARE ENDANGERS HER HEALTH AND SAFETY ..... 16

CONCLUSION ..... 17

DECLARATION OF SERVICE ..... 18

Want to know how the Mendonca's became involved in the situation in the first place?  
It's on Page 5 - Uncontested Fact One

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

TABLE OF AUTHORITIES

**CALIFORNIA STATUTES**

Civil Code Section 39.....4, 13  
Civil Code Section 1575.....4  
Penal Code Section 368.....17  
Probate Code Section 2356.5.....4, 14  
Probate Code Section 811 .....4, 13  
Probate Code Section 812.....4, 13  
Probate Code Section 1821(b).....4  
Welfare and Institutions Code Section 15610.30.....4  
Welfare and Institutions Code Section 15610.43.....12, 13  
Welfare and Institutions Code Section 15610.53.....13, 14  
Welfare and Institutions Code Section 15610.70.....4, 12

RULES

California Rules of Professional Conduct, Rule 3-3.....4, 13, 14

1 INTRODUCTION

2 Petitioner Sharon L. Wolff ("SHARON") hereby opposes the Petition of Royce  
3 Mendonca ("ROYCE") to be appointed Conservator of the Estate and Person of Barbara Keller  
4 ("BARBARA"), filed with this court on August 26<sup>th</sup>, 2021.

5 SHARON requests the Court grant her petition for Conservatorship of the Estate and  
6 Person of BARBARA.

7 Further, SHARON respectfully requests the Court to set aside the Petition filed by  
8 ROYCE as well as the objections filed by ROYCE to SHARON's Petition for Conservatorship  
9 of the Estate and Person of BARBARA in their entirety.

10 This Court should set aside the Petition filed by ROYCE which is comprised of  
11 unlawful documentation, including:

12 The petition filed by ROYCE includes a legal document, NOMINATION BY  
13 CONSERVATEE OF ROYCE MENDONCA AS THE CONSERVATOR OF HER PERSON  
14 AND ESTATE, signed by BARBARA on August 25<sup>th</sup>, 2021, despite a known pre-existing GC-  
15 335 CAPACITY DECLARATION and GC-335A MAJOR NEUROCOGNITIVE DISORDER  
16 ATTACHMENT TO CAPCITY DECLARATION, filed with this court on August 17th, 2021.  
17 See CIV § 39; See Prob. § 811; See Prob. § 812; See W&I § 15610.30; See W&I § 15610.70;  
18 See CIV § 1575; See Cal. Rules of Professional Conduct, rule 3-3.

19 The petition filed by ROYCE includes a legally insufficient and unnecessary GC-335  
20 CAPACITY DECLARATION and GC-335A MAJOR NEUROCOGNITIVE DISORDER  
21 ATTACHMENT TO CAPCITY DECLARATION, signed by Heather Allen, NP of Iris Health  
22 on August 24<sup>th</sup>, 2021 without a corresponding signature of a California-licensed physician or  
23 psychologist, with at least two years experience in diagnosing and treating major  
24 neurocognitive disorders (including dementia), See Prob. § 2356.5; See Cal. Rules of  
25 Professional Conduct, rule 3-3.

26 Despite months of denial regarding the urgency of the situation with the rapidly  
27 declining mental state of BARBARA and her spouse Ronald Wayne Keller ("RONALD"  
28 collectively the "KELLERS") by ROYCE and Diane Mendonca ("DIANE"), there appears to  
no longer be any dispute that BARBARA and RONALD are severely cognitively impaired,  
unable to live independently and require an undetermined level of care in a qualified assisted  
living facility.

This is evidenced by ROYCE placing the KELLERS into the locked memory care unit  
of The Pines, A Merrill Gardens Community in Rocklin, CA on August 26<sup>th</sup>, 2021, despite not  
having any legal authority to sign as the patient representative for the placement or to  
encumber the KELLER estate. See W&I § 15610.30; See W&I § 15610.70; See CIV § 1575.

The Memorandum of Points and Authorities, filed by Attorney Chris Johnson Hamer  
("HAMER") on Sept. 1, 2021, stating this Court MUST [emphasis added] appoint ROYCE  
conservator because "Barbara Keller nominated him" is based on the unlawful NOMINATION  
document submitted to the Court. See Prob. § 811; See Prob. § 812; See W&I § 15610.30; See  
W&I § 15610.70; See CIV § 1575; See Cal. Rules of Professional Conduct, rule 3-3.

The Petition for Appointment of Probate Conservatorship, the Petition for Appointment  
of Temporary Conservator and the additional filings by ROYCE and Attorney HAMER were  
not served on BARBARA's siblings; Nancy Zinos ("NANCY") and Rick Bareuther ("RICK")  
as required. Service to granddaughter Shauna Wolff ("SHAUNA") was sent to her physical

Memorandum of Points and Authorities

1 address where there is no USPS service. This is despite the fact that the mailing addresses for  
2 BARBARA's relatives are included in earlier filings by SHARON. See Prob. 1821(b).

3 Additional objections to the appointment of ROYCE by members of BARBARA's  
4 family have been filed with this Court.

5  
6 **BACKGROUND**

7 SHARON filed a Petition for Appointment of Probate Conservator of the Estate for  
8 BARBARA with a corresponding Petition for RONALD on June 21, 2021. An Amended  
9 Petition for Appointment of Temporary Conservator for the Person and Estate of BARBARA  
10 was filed by SHARON on August 17, 2021 – this amended filing included a GC-335 and GC-  
11 335A capacity declaration completed by BARBARA's medical provider.

12 Extensive documentation of the need for the conservatorship and the rapidly  
13 deteriorating mental health of the KELLERS has been provided in the Petitions.

14 In the hope for brevity with as-of-yet uncontested facts contained in the initial and  
15 amended Petitions by SHARON, the Court may take note: This is how the Mendonca's found out about the  
16 situation - Sharon called them for help!

17 **Uncontested Fact One:** SHARON began trying to locate DIANE in early April 2021 in  
18 order to let RONALD's sister know that the KELLER's were having tremendous difficulties  
19 and RONALD could benefit from his families support. It should be noted that DIANE and  
20 ROYCE were wholly unknown to SHARON or anyone else in BARBARA's family at this  
21 point despite the KELLER's 29 year marriage. The pages from BARBARA's address book had  
22 been removed so there were no contact names or numbers available to SHARON and  
23 RONALD had never mentioned his sister's last name or details that would help in locating her.

24 SHARON was able to track down RONALD's biological sons, Robert and Scott Diller,  
25 who provided some historical information on the family and some additional information that  
26 assisted SHARON in finding a phone number for ROYCE which eventually led to DIANE  
27 contacting BARBARA's son Timothy C. Jenkins ("TIM") on May 7<sup>th</sup>, 2021.

28 ROYCE, DIANE and Attorney HAMER have yet to acknowledge the fact that  
SHARON undertook active efforts to try and locate RONALD's family to offer him support as  
his mental health was rapidly deteriorating alongside BARBARA's severe Alzheimer's  
symptoms.

RONALD and BARBARA did not contact ROYCE and DIANE to ask for their  
assistance – it was SHARON who initiated that. There is yet to be any attempt to explain why  
SHARON would take efforts to locate RONALD's family and bring them into this situation if  
there was any malicious intent or attempt to deceive as alleged without evidence by ROYCE  
and Attorney HAMER.

**Uncontested Fact Two:** SHARON contacted Adult Protective Services ("APS") on  
April 26<sup>th</sup>, 2021. There is yet to be any attempt to explain why SHARON would contact a  
governmental investigative agency and request their assistance if there was any malicious  
intent or attempt to deceive as alleged without evidence by ROYCE and Attorney HAMER.

APS Social Worker Alma Barba ("ALMA") was assigned to investigate. ALMA  
received permission from RONALD and BARBARA to speak with DIANE about the ongoing  
investigation so information was shared with DIANE by ALMA from the very beginning.

1 ALMA received permission from BARBARA to speak with SHARON about the ongoing investigation so information on BARBARA was able to be shared.

2 ALMA was able to ensure that a cognitive assessment for both BARBARA and  
3 RONALD were completed by Dr. Andrew Levine, Ph.D. of North Coast Neuropsychology on  
4 June 25<sup>th</sup>, 2021 in the KELLER home. His report was completed on July 8<sup>th</sup>, 2021 and a copy  
of both reports were provided to the KELLER's medical provider Open Door Community  
Health in Fortuna who had referred the KELLER's to Dr. Levine.

5 Uncontested Fact Three: a GC-335 Capacity Declaration and GC-335A Major  
6 Neurocognitive Disorder Attachment to Capacity Declaration was completed by BARBARA's  
7 medical provider Danielle Cole, FNP and countersigned by Dr. Andrew Johnston, MD on July  
22, 2021. The cognitive assessment completed by Dr. Levine was attached as further  
supporting documentation.

8 The original GC-335 and GC-335A for BARBARA were filed with this Court on  
9 August 17th, 2021 by SHARON.

10 A copy of RONALD's cognitive assessment by Dr. Levine has not been submitted to  
11 this court by ROYCE or Attorney HAMER in support of their petition despite its known  
existence.

12 BARBARA's cognitive assessment report includes the following summary  
13 "considering that her spouse is also severely impaired cognitively, the most suitable living  
situation appears to be an assisted living home" [emphasis added].

14 These facts remain uncontested - they were simply ignored by Attorney Hamer and Judge Canning

#### 15 ARGUMENT

16 ROYCE and Attorney HAMER stipulated to the facts and evidence listed by SHARON  
17 in her original Petition for Conservatorship of BARBARA in their GC-310 Petition for  
Appointment of Probate Conservator submitted by ROYCE, (5.c.1 & 2) "This is set forth in  
Capacity Declarations filed herein by Sharon Wolff, as to her petition for conservatorship of  
Barbara Keller."

18 ROYCE has placed the KELLER's into the locked memory care unit of The Pines, A  
19 Merrill Gardens Community in Rocklin, CA despite not having the legal authority to sign any  
agreement as the representative or to encumber the KELLER estate.

20 There is no disagreement over the need for assisted living for both BARBARA and  
21 RONALD but no care and needs assessment has been done to date in order to determine the  
appropriate level of care each needs.

22 In order to illustrate the most recent developments in this conservatorship case, a  
23 timeline is required. All documentation cited has been filed with this Court previously:

24 August 24, 2021	25 Heather Allen, NP ("ALLEN") signs GC-335 and GC-335A for BARBARA (without countersignature of licensed physician or psychologist). <ul style="list-style-type: none"><li>26 • GC-335 Judicial Council form is altered to now include "Nurse Practitioner" as having independent signature authority</li><li>27 • ALLEN states that BARBARA lacks legal capacity to give consent and is unable to attend hearings, citing some unknown medical 28 inability.</li></ul>
--------------------	--

Memorandum of Points and Authorities

1		ROYCE and Attorney HAMER sign GC-111 Petition for Appointment of Temporary Conservator and GC-310 Petition for Appointment of Probate Conservatorship for the person and estate of BARBARA.
2		<ul style="list-style-type: none"> <li>• Petition states "The proposed conservatee needs to be placed in a locked perimeter facility and provided care as soon as possible. She suffers from memory loss and Alzheimer's Disease, is unable to care for herself or to handle her own financial affairs" [emphasis added]</li> </ul>
3		
4		
5		
6	August 25, 2021	ROYCE and Attorney HAMER provide a legal declaration NOMINATION BY CONSERVATOR OF HER PERSON AND ESTATE to BARBARA and secure her signature.
7		
8	August 26, 2021	Attorney HAMER files a Petition for Appointment of Probate Conservatorship for BARBARA's person and estate based on the unlawful NOMINATION document.
9		<ul style="list-style-type: none"> <li>• Petition affirmed BARBARA was a resident of Humboldt County on that date</li> <li>• Petition requests authority to move BARBARA to Sunrise of Carmichael or another facility providing comparable care</li> <li>• Petition states the evidence of the need for a conservatorship "is set forth in Capacity Declaration filed herein by Sharon Wolff, as to her petition for conservatorship of Barbara Keller" (5.c.1 &amp; 2)</li> <li>• <i>Thereby affirming their agreement to the facts presented in SHARON's Petition</i></li> </ul>
10		
11		
12		
13		
14		ROYCE signed an agreement with The Pines, A Merrill Gardens Community for the placement of BARBARA despite not having legal authority to sign as her representative or to encumber the KELLER estate.
15		<ul style="list-style-type: none"> <li>• The agreement was attached to the SUPPLEMENTAL DECLARATION OF CHRIS HAMER</li> <li>• Attorney HAMER affirms the agreement is "a true and accurate copy of the original contact with The Pines, A Merrill Gardens Community, for the care of Barbara Lynn Keller"</li> <li>• ROYCE signed as the "Responsible Party" (pg. 16 of Agreement) but does not have Power of Attorney or Legal Guardianship as clearly required by the agreement.</li> <li>• ROYCE did <u>not</u> sign as the "Responsible Party" (pg. 16 of Agreement) for payment – indicating he is not taking personal responsibility for costs incurred to date.</li> </ul>
16		
17		
18		
19		
20		
21		
22		BARBARA was placed in the locked memory care unit of The Pines, A Merrill Gardens Community the very same day.
23		<ul style="list-style-type: none"> <li>• "Appraisals will be documented in writing and available to you and your Responsible Party, if applicable" (pg. 3 of Agreement)</li> <li>• No documented appraisal has been done</li> <li>• No care and needs assessment has been completed and there is no care plan for BARBARA</li> <li>• No LIC 602A Physician's Report for Residential Care Facilities for the Elderly (RCFE) has been completed</li> <li>• No legal authority to consent to care exists currently – BARBARA is incapacitated with Alzheimer's and this Court has not granted orders to either SHARON or ROYCE</li> </ul>
24		
25		
26		
27		
28	August 27, 2021	Attorney HAMER signs SUPPLEMENTAL DECLARATION OF CHRIS

Memorandum of Points and Authorities

1		HAMER IN SUPPORT OF ROYCE MENDONCA'S PETITION FOR APPOINTMENT OF CONSERVATOR
2		<ul style="list-style-type: none"> <li>• Discloses that BARBARA and RONALD were moved into The Pines, A Merrill Gardens Community on August 26<sup>th</sup> – the day before</li> <li>• No reason for why the placement change – one week prior to Court – was necessary</li> </ul>
3		
4		
5		SHARON receives packet of documents from Attorney HAMER, including DECLARATION OF CHRIS JOHNSON HAMER IN SUPPORT OF OBJECTION TO PETITION FOR CONSERVATORSHIP OF BARBARA LYNN KELLER BY SHARON WOLFF
6		<ul style="list-style-type: none"> <li>• DECLARATION stated that BARBARA continued to reside with DIANE in her Citrus Heights home and they were all doing very well.</li> <li>• There was no indication that an imminent move into a locked memory care facility was needed prior to the Court issuing any orders.</li> </ul>
7		
8		
9		
10	August 30, 2021	Attorney HAMER files SUPPLEMENTAL DECLARATION OF CHRIS HAMER IN SUPPORT OF ROYCE MENDONCA'S PETITION FOR APPOINTMENT OF CONSERVATOR.
11		<ul style="list-style-type: none"> <li>• HAMER attests to her "own personal knowledge" of the "facts" set forth herein</li> <li>• This document states BARBARA changed residence on August 26th to a locked memory care unit at The Pines, A Merrill Gardens Community in Rocklin, CA</li> <li>• No information is provided as to why BARBARA was suddenly moved into a locked memory care unit ONE WEEK before the scheduled Court hearing (Sept. 2, 2021)</li> </ul>
12		
13		
14		
15		
16		Granddaughter Shauna M. Wolff ("SHAUNA") calls The Pines to speak with her grandma and was successful. BARBARA didn't know where she was or who put her there and she asked SHAUNA if there was going to be a "rescue mission" to get her.
17		
18		
19	September 1, 2021	SHARON speaks with ROBERTSON re. the KELLER's placement at the facility and the apparent lack of required documentation. SHARON follows up with an email to ROBERTSON:
20		<ul style="list-style-type: none"> <li>• Provided a copy of Keller 2017 Trust which includes medical release of information (ROI) for both BARBARA and RONALD</li> <li>• Provided a copy of GC-335 and GC-335A on file with the court for BARBARA</li> <li>• Requested a copy of the care level assessment</li> <li>• Requested a copy of LIC 602A Physician's Report for Residential Care Facilities for the Elderly (RCFS)</li> <li>• Requested a copy of the California Admission Orders or its equivalent</li> </ul>
21		
22		
23		
24		
25		Grandson Michael L. Wolff ("MICHAEL") called The Pines to speak with his grandma BARBARA – they refused to transfer the call to her room
26		MICHAEL's spouse Kathryn ("KATHRYN") called The Pines to speak with BARBARA – they said they couldn't transfer the call
27		
28	September 2, 2021	Granddaughter Laura Jenkins ("LAURA") visits The Pines (approx. 1:30pm) and is told BARBARA has been taken out of the facility for a

Memorandum of Points and Authorities



1		meeting.
2		<ul style="list-style-type: none"> <li>• LAURA had spoken with The Pines General Manager, John Robertson ("ROBERTSON) the day prior to confirm COVID-19 protocols for visits and she stated her intent to visit her grandma the next day.</li> </ul>
3		
4		BARBARA did <u>not</u> appear on camera at the Sept. 2, 2021 conservatorship hearing (2:15pm).
5		Court hearing continued to Evidentiary Hearing set for Sept. 30 <sup>th</sup> , 2021
6		NO orders were issued
7		SHARON emails ROBERTSON to confirm the Court issued NO ORDERS and continued the hearing.
8		<ul style="list-style-type: none"> <li>• Asked for ROBERTSON's assistance to ensure family visits/calls happened</li> </ul>
9		
10	September 3, 2021	TIM and spouse Jo ("JO") visit The Pines (approx. 2:30pm). They were told that the KELLERS didn't want to see them. Met Public Relations staff member Carin and ROBERTSON.
11		<ul style="list-style-type: none"> <li>• ROBERTSON stated "we're going to let them decide" whether to allow visit/call.</li> <li>• TIM explained the circumstances with RONALD's paranoia and its influence on BARBARA.</li> </ul>
12		
13		
14	September 3, 2021	MICHAEL called The Pines to try again to speak with his grandma – "they said they couldn't transfer me. I left a phone number and received a call back from John at the The Pines [general manager]. He stated that both Barbara and Ron did not want to talk to me and would not be returning my call."
15		
16		
17	September 4, 2021	TIM visits The Pines with a box of Kentucky Fried Chicken ("KFC"), BARBARA's favorite chicken. Staff told TIM that they refused a visit and the KFC.
18		
19	September 6, 2021	TIM and JO visit The Pines and BARBARA was happy to see them for an approx. 2 hour visit (1:30pm-3:45pm). Staff told TIM that RON had been taken by DIANE for "tests" prior to TIM's arrival (Labor Day Holiday).
20		<ul style="list-style-type: none"> <li>• BARBARA gave TIM and JO a tour of her room – it was completely bare of any personal effects</li> <li>• BARBARA repeatedly asked TIM to "get her out of there"</li> <li>• BARBARA says she didn't know anything about the KFC TIM brought previously – she asked TIM to bring her KFC at the next visit</li> <li>• BARBARA was very worried about RONALD not being in the room</li> </ul>
21		
22		
23		
24		
25		TIM texted DIANE (approx. 6:15pm) to inquire about RON and was told RON was in the emergency room had a blood clot in his lung and would be checked-in to the hospital. RON was not checked in to the hospital and returned to The Pines later that evening.
26		
27	September 7, 2021	LAURA visits The Pines at approx. 9:00am. Staff told her they refused to see her.
28		

Memorandum of Points and Authorities

1		Approx. 2:55pm TIM visits The Pines with another box of KFC. Was told they refused a visit and the KFC.
2		TIM speaks with ROBERTSON about visits being blocked by RONALD and the right for BARBARA's family to visit her without interference.
3		<ul style="list-style-type: none"> <li>• TIM asks for a copy of the Resident's Handbook – ROBERTSON declined to provide.</li> <li>• TIM asked about any written health care assessment for the KELLER's – ROBERTSON declined to provide</li> </ul>
4		
5		
6	September 10, 2021	Long-Term Care Ombudsman Rae Williams ("OMBUDSMAN WILLIAMS") visits the KELLERs at the request of SHARON. OMBUDSMAN WILLIAMS discussed the role of the Ombuds office and their rights. OMBUDSMAN WILLIAMS left her business card with the KELLERs and encouraged them to call if they had any questions or concerns.
7		
8		
9	September 13, 2021	TIM visits The Pines and asks a staff member to give BARBARA a note he wrote. BARBARA sends the note back refusing to see TIM because "We're slightly (I hope) under the weather right now. Ron picked up a flu bug a few days ago and is feeling pretty bad." And "Thanks for the good wishes and we will look forward to visiting you sometime in the future. Love, Mom"
10		
11		
12		
13		TIM spoke with ROBERTSON about Ron refusing – or influencing BARBARA – to refuse visits and calls from her family. When Ron is napping or out of the room, BARBARA readily agrees to visits/calls with her family.
14		
15		
16		TIM provides a copy of the note with BARBARA's reply to ROBERTSON as she is not refusing to visit because of some fear or anger towards her family. Also, if they are indeed ill there is no medical history on file or ability to consent to care.
17		
18	September 15, 2021	TIM visits The Pines and staff brought BARBARA out to the lobby for a visit. TIM gives BARBARA an electronic picture frame that he demonstrates which has been loaded with cherished family pictures. BARBARA seems excited about the photos as she had no mementos or personal effects in her room.
19		
20		
21		Staff assures TIM they will help BARBARA put the photo frame in her room and plug it in so she can enjoy the photos.
22		
23		The photo frame was turned off shortly after it was placed in BARBARA's room – as per the application used to upload photos.
24		
25	September 19, 2021	Grandson Michael Wolff ("MICHAEL") visits The Pines from Salinas. Staff tells him that his grandma doesn't want to see him. MICHAEL gives staff a card he brought for grandma to give to her.
26		
27		
28		

Memorandum of Points and Authorities

Additional information to note:	
September 10, 2021	Fortuna shuts off water/sewer to KELLER home at 2730 Kenmar Rd. due to non-payment; \$559.14 due – of which, \$449.14 is past due. The KELLER's had not paid their utility bill since May.
September 13, 2021	PG&E confirms \$280.91 due – of which, \$233.05 is past due. The last payment made by the KELLERs was June 24 <sup>th</sup> 2021

I. STANDARD OF REVIEW

The standard of proof for the appointment of a conservator pursuant to this section shall be clear and convincing evidence . Prob § 1801(e)

II. ROYCE MENDONCA AND ATTORNEY CHRIS JOHNSON HAMER SECURED BARBARA KELLER'S SIGNATURE ON A NOMINATION DOCUMENT DESPITE COGNITIVE IMPAIRMENT

BARBARA suffers from Alzheimer's. A GC-335 Capacity Declaration and GC-335A Major Neurocognitive Disorders Attachment to Capacity Declaration was completed by BARBARA's medical provider Danielle Cole, FNP and countersigned by Dr. Andrew Johnston on July 22, 2021.

Adult Protective Services ("APS") Social Worker Alma Barba ("ALMA") arranged for a cognitive assessment to be done by Dr. Andrew Levine, Ph.D. of North Coast Neuropsychology for both BARBARA and her spouse Ronald Wayne Keller ("RONALD"). The date of evaluation was June 25, 2021 and his report was submitted to APS on July 8, 2021. The cognitive assessment report for BARBARA is attached to the GC-335 and GC-335A Capacity Declaration as supporting documentation of the cognitive impairment.

The Capacity Declaration for BARBARA was then filed with this court on August 17, 2021 with an Amended Petition for Appointment of Temporary Conservator – Person and Estate by Sharon Wolff. The amended petition and the GC-335 and GC-335A were served by Northcoast Legal Services to DIANE on August 18<sup>th</sup>, 2021 as well as the other parties (proof of service filed). ROYCE was not a party to the case at that time.

Attorney HAMER has subsequently identified herself as representing both ROYCE and DIANE in this matter.

1 Welfare and Institutions Code Sec. 15610.70 clearly defines “undue influence” and the  
2 elements needed to determine if a result was produced by undue influence:

- 3 (1) The vulnerability of the victim – includes cognitive function, emotional distress,  
4 isolation or dependency, and whether the influencer knew or should have known of  
5 the alleged victim’s vulnerability.
- 6 (2) The influencer’s apparent authority – includes status as a family member and/or  
7 legal professional
- 8 (3) The actions or tactics used by the influencer. Evidence of actions or tactics used  
9 may include, but is not limited to, all of the following:
- 10 A. Controlling necessities of life, medication, the victim’s interactions with  
11 others, access to information or sleep
- 12 B. Use of affection, intimidation or coercion
- 13 C. Initiation of changes in personal or property rights, use of haste or secrecy  
14 in effecting those changes, effecting changes at inappropriate times and  
15 places, and claims of expertise in effecting changes.
- 16 (4) The equity of the result. Evidence of the equity of the result may include, but is not  
17 limited to, the economic consequences to the victim, any divergence from the  
18 victim’s prior intent or course of conduct or dealing, the relationship of the value  
19 conveyed to the value of any services or consideration received, or the  
20 appropriateness of the change in light of the length and nature of the relationship.

21 The KELLER’s were taken from their home in Fortuna California by DIANE on or  
22 about July 20<sup>th</sup>, 2021 and moved to DIANE’s home in Citrus Heights (as per  
23 DECLARATION OF ROYCE MENDONCA). No contact with BARBARA’s family was  
24 initiated or allowed by DIANE after that date. Nancy Zinos (“NANCY”) called DIANE after  
25 the August 5<sup>th</sup> court hearing in order to check on her sister. NANCY was told BARBARA is  
26 “mad at you” by DIANE when she asked to speak to her sister. *See* WIC § 15610.43. The  
27 severity of BARBARA’s Alzheimer’s makes her wholly defenseless against delusions and  
28 false accusations about her family and unable to resist fraud or influence.

Memorandum of Points and Authorities

1 BARBARA had been isolated from her family and made entirely dependent on DIANE  
2 and ROYCE from July 20<sup>th</sup> to August 25<sup>th</sup> when they secured her signature on a  
3 NOMINATION legal document. *See* WIC § 15610.43; *See* WIC § 15610.53.

4 The NOMINATION document was presented to BARBARA to sign on August 25<sup>th</sup>,  
5 one day after ROYCE and Attorney HAMER signed the GC-310 Petition for Appointment of  
6 Probate Conservator. The very next day, BARBARA was admitted to the locked memory care  
7 unit of The Pines by ROYCE. Clearly this is an initiation of a change in personal rights using  
8 haste and effecting the change at an inappropriate time – one week prior to the next Court  
9 hearing and prior to any order(s) being granted.

10 The KELLER's have clearly documented their wishes and intents for many years now  
11 as indicated by their Will's naming SHARON and TIM as executors of their estate (signed  
12 April 17, 2003) and the Keller 2017 Trust naming SHARON and TIM as co-trustee's (signed  
13 May 15, 2017). The NOMINATION of ROYCE as conservator is a complete and total  
14 divergence from the long standing intent and course of conduct that the KELLER's have  
15 demonstrated prior to RONALD's mental health crisis on April 20, 2021.

16 ROYCE has provided absolutely no evidence of any prior relationship with the  
17 KELLER's other than biology. The nature of the relationship between ROYCE and the  
18 KELLER's in addition to the isolation of BARBARA and her vulnerability makes the  
19 NOMINATION wholly inappropriate on its face. *See* Cal. Rules of Professional Conduct,  
20 rule 3-3; *See* CIV § 39; *See* Prob. § 811, 812; *See* WIC § 15610.43; *See* WIC § 15610.53.

21 Civil Code § 39 clearly applies in this matter:

22 (a) A conveyance or other contract of a person of unsound mind, but not entirely without  
23 understanding, made before the incapacity of the person has been judicially determined, is  
24 subject to rescission, as provided in Chapter 2 (commencing with Section 1688) of Title 5 of  
25 Part 2 of Division 3.

26 (b) A rebuttable presumption affecting the burden of proof that a person is of unsound mind  
27 shall exist for purposes of this section if the person is substantially unable to manage his or  
28

1 her own financial resources or resist fraud or undue influence. Substantial inability may not be  
2 proved solely by isolated incidents of negligence or improvidence.

3  
4 **III. A LEGALLY INSUFFICIENT, ALTERED AND DUPLICATIVE GC-335 AND GC-**  
5 **335A WERE FILED WITH THIS COURT BY ROYCE AND ATTORNEY HAMER**

6 Despite the known existence of a legal GC-335 and GC-335A for BARBARA,  
7 ROYCE and Attorney HAMER procured a legally insufficient and duplicative GC-335 and  
8 GC-335A signed by Nurse Practitioner ALLEN on August 24<sup>th</sup>, 2021. There is no  
9 countersignature of a California licensed physician or psychologist with at least two year's  
10 experience in diagnosing and treating major neurocognitive disorders (including dementia) as  
11 required, *See* Prob. § 2356.5.

12 An undated support letter from ALLEN, attached to SUPPLEMENTAL  
13 DECLARATION OF CHRIS HAMER clearly states ALLEN had only met BARBARA twice  
14 (8/16/21 and 8/20/21) in her capacity as a primary care provider.

15 Although Assembly Bill 890 (Wood) Nurse Practitioners: scope of practice was signed  
16 into law September 29, 2020, the bill does not take effect until 2023 and it is not a wholesale  
17 expansion of the scope of practice (including independent signature authority) for nurse  
18 practitioners. The bill would not apply in this case, even when it does take effect.

19 The Judicial Council form GC-335 Capacity Declaration-Conservatorship was altered  
20 to include "Nurse Practitioner" as an authorized signatory and the new category is then check-  
21 marked.

22 This altered Judicial Council form, with the legally insufficient signature authority,  
23 was then filed with this Court by ROYCE and Attorney HAMER on August 26, 2021. *See*  
24 Cal. Rules of Professional Conduct, rule 3-3.

25  
26 **IV. ROYCE PLACED BARBARA INTO A LOCKED MEMORY CARE UNIT AT THE**  
27 **PINES, A MERRILL GARDENS COMMUNITY DESPITE NOT HAVING LEGAL**

1            AUTHORITY TO SIGN AS REPRESENTATIVE OR TO ENCUMBER KELLER  
2            ESTATE

3            On August 26, 2021, Attorney HAMER filed a Petition for Appointment of Temporary  
4            Conservator for BARBARA (person and estate) on behalf of ROYCE. The Petition requests  
5            permission to move BARBARA into “Sunrise of Carmichael or another facility providing  
6            comparable care.” The Petition stated “she suffers from Alzheimer’s Disease and requires  
7            placement in a locked perimeter memory unit.”

8            There is no indication in the filed paperwork that there was a crisis or urgent need to  
9            relocate BARBARA to a locked facility PRIOR to the Court making any ruling on the  
10           Petition.

11           On August 26, 2021, ROYCE signed an agreement with The Pines, A Merrill Gardens  
12           Community for the immediate placement of BARBARA that same day. ROYCE signed the  
13           agreement (page 16) as “Responsible Party” on August 26, 2021. The signature line states “a  
14           copy of your Power of Attorney or Legal Guardianship form must be provided.” ROYCE did  
15           not sign as Payor – indicating that ROYCE is not taking responsibility for the cost.

16           Despite not being provided a copy of the legal authority to sign as representative or  
17           having a financially responsible party indicated, the agreement was signed by ROBERTSON  
18           as General Manager of The Pines.

19           There is no evaluation to determine the level of care needed for BARBARA and no  
20           Level of Care Worksheet attached to the agreement. It is unknown how The Pines determined  
21           the appropriate level of care for the placement – the agreement indicates Care Level 1 in their  
22           Garden House facility (locked memory care).

23           ROYCE agreed to a monthly fee of \$3,870 for BARBARA’s living accommodations  
24           and standard services.

25           The agreement states \$763.82 prorated fees were due upon signing and the required  
26           second month’s fee (for agreements signed after the 20<sup>th</sup> of the month) was waived (Page 3 of  
27           Ex. I). It is unknown if ROYCE has paid this fee.

28  
Memorandum of Points and Authorities

1 V. LACK OF LEGAL AUTHORITY FOR THE PLACEMENT RESULTS IN NO  
2 LEGAL AUTHORITY TO CONSENT TO CARE FOR MEDICAL NEEDS

3 The Pines, A Merrill Gardens Community does not have legal authorization on file for  
4 consent to care for BARBARA as ROYCE did not have legal authority to sign the placement  
5 agreement. BARBARA's spouse RONALD also lacks capacity to consent to care on behalf of  
6 BARBARA as he is also placed in the same locked memory care facility.

7 There is no LIC 602A Physician's Report for Residential Care Facilities for the Elderly  
8 (RCFE) as required to be on file by California Community Care Licensing. Similarly, other  
9 forms such as the California Admission Orders (applicable to Assisted Living) also don't exist  
10 as BARBARA does not have a medical provider to complete them. No medical provider  
11 outside of Humboldt County has requested any medical records from BARBARA's medical  
12 provider Open Door Community Health in Fortuna, CA.

13  
14 VI. ROYCE KNEW OR REASONABLY SHOULD KNOW THAT PLACING  
15 BARBARA INTO A FACILITY WITHOUT LEGAL AUTHORITY TO CONSENT  
16 TO CARE ENDANGERS HER HEALTH AND SAFETY

17  
18 ROYCE knew he had not been granted authority by the Court to relocate BARBARA  
19 to a care facility, sign as BARBARA's representative, or encumber the KELLER estate at the  
20 time he placed her in the locked facility. ROYCE knew he did not have the legal authority to  
21 portray himself as BARBARA's representative. The lack of legal authority extends to the  
22 ability to consent to care on behalf of BARBARA.

23 California Penal Code Sec. 368 recognizes the special considerations and protections  
24 provided to elders and adults admitted as inpatients to a 24-hour health facility. "A person who  
25 knows or reasonably should know that a person is an elder or dependent adult and who, under  
26 circumstances or conditions likely to produce great bodily harm or death, willfully causes or  
27 permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or  
28 mental suffering, or having the care or custody of any elder or dependent adult, willfully causes



1 or permits the person or health of the elder or dependent adult to be injured, or willfully causes  
2 or permits the elder or dependent adult to be placed in a situation in which his or her person or  
3 health is endangered, is punishable by imprisonment in a county jail not exceeding one year, or  
4 by a fine not to exceed six thousand dollars (\$6,000), or by both that fine and imprisonment, or  
5 by imprisonment in the state prison for two, three, or four years [emphasis added]. See Pen.  
6 Sec. 368(b)(1)

7  
8 CONCLUSION

9  
10 SHARON respectfully requests, for the reasons discussed above, that the Court grant  
11 SHARON's petition for conservatorship of BARBARA (person and estate).

12  
13 SHARON further requests the Court dismiss the petition for conservatorship of  
14 BARBARA (person and estate) filed by ROYCE for the reasons discussed above. SHARON  
15 asks the Court to take into consideration the actions of ROYCE in placing the KELLER's into  
16 a locked memory care unit without legal authorization to do so – in addition to the legally  
17 insufficient documentation and altered Judicial Council forms submitted by ROYCE and  
18 Attorney HAMER – when evaluating any objection or petition filed on his behalf.

19  
20 The KELLER's remain in legal limbo, without an authorized representative to protect  
21 their interests or consent to any needed care. If this Court declines to grant SHARON's  
22 petition, for whatever reason, SHARON asks the Court to appoint the Humboldt County Public  
23 Guardian's Office as conservator in order to ensure the KELLER's safety and needs are being  
24 met.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF SERVICE

Proof of service to be filed separately.

Respectfully submitted.

Dated: 9/20/21

By: *Sharon L. Wolff*  
Sharon L. Wolff, daughter and petitioner