

IN THE CIRCUIT COURT OF THE FIFTHTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
PROBATE DIVISION

IN RE: GUARDIANSHIP OF

File No. 502023GA000245XXXXMB

PATRICIA A. SAHM,
Ward.

_____ /

CHARLES J. REVARD, as Guardian
of Patricia A. Sahm,
Petitioner,

v.

PATRICIA ANNE SAHM, JR.
Respondent.

_____ /

**AFFIDAVIT OF JOANNA E. SAHM IN SUPPORT OF PETITION FOR INJUNCTION
FOR PROTECTION AGAINST EXPLOITATION OF VULNERABLE ADULT**

BEFORE ME, the undersigned authority, personally appeared, JOANNA E. SAHM, who being first duly sworn, deposes and says:

1. I make this Affidavit with the understanding that it is to be used in the above-styled action. All statements contained herein are within my personal knowledge. I am *sui juris*, over the age of 18, and fully competent to testify to the facts recited herein.

2. Patricia A. Sahm, my mother (“**Patricia**” or “**Mom**”), was married to Walter E. Sahm, my father (“**Walt**” or “**Dad**”) until his death on January 5, 2021.

3. Within their estate planning documents, after first designating one another, each of my parents designated me to act as their attorney-in-fact, health care surrogate and successor Trustee.

4. Following my Dad’s death, pursuant to the various capacities in which my parents had designated me to act, I had to gradually take over my mother’s household finances as well as her medication administration as there was a gradual decline in my Mom’s memory and cognition.

5. As a result, I routinely spoke to my Mom several times a day by phone and would frequently visit with her, in addition to taking her to her medical appointments and to handle her errands.

6. In September 2022, my Mom determined that she wished to relocate, from The Villages, Florida, where she and my Dad had retired in, or about April 2008, to Boca Raton, Florida, where she and my Dad had raised their family, me and my sister, Patricia A. Sahm, Jr. (“Patty”).

7. In anticipation of the move, and in light of her decline, my Mom’s long term care insurance provider, Transamerica, had approved her for round-the-clock, in home care. A true and correct copy of correspondence from Transamerica dated November 22, 2022, approving said plan of care, is attached hereto and marked as **Exhibit A**.

8. In December 2022, Patty, who resides in my Mom’s house in North Carolina, determined she would, for the first time, be visiting my Mom for the winter¹. Accordingly, the initiation of the in home care was put on hold.

9. On January 24, 2023, after having lunch with my Mom at her home, Patty initiated an argument with me over the dogs in the house as I was leaving, which culminated with Patty pulling a gun on my partner and I, threatening to kill us both, before being arrested and charged with assault with a deadly weapon. Case No. 502023CF000747AXXXMB is currently pending before the Felony Division of this Court.

10. Pending the resolution of that proceeding, the Court entered its Agreed Final Judgement for Protection Against Repeat Violence and Agreed Final Judgement for Protection Against Repeat Violence against Patty for my partner and me. Case Nos. 502023DR000716XXXXNB and 502023DR000717XXXXNB.

11. Prior to my Dad’s death, he and my Mom had been involved in a contentious, protracted foreclosure proceeding that had become the bane of his existence. Walter E. Sahm and Patricia A. Sahm v. Bernstein Family Realty, LLC, Case No. 502018CA002317XXXXMB (“Bernstein Foreclosure”). One of the things he asked that I do for my Mom was to see the Bernstein Foreclosure through to the end as he felt that they had taken too much advantage of he and my Mom.

12. On April 13, 2023, at a hearing to discharge the second bankruptcy proceeding initiated² following the final judgment within the Bernstein Foreclosure to delay the judicial sale, the Defendants filed an emergency Motion which included allegations that I was taking advantage of my Mom and presented the Court with a form Florida Power of Attorney Revocation signed by

¹ Historically, Patty would only stop by my to see my parents in The Villages on her way to/from Boca Raton, Florida, where she would visit friends for several weeks or months each year.

² In Re Bernstein Family Realty, LLC, Case No. 22-13009-EPK and In Re Eliot Ivan Bernstein, Case No. 23-12630-PDR.

my Mom on March 28, 2023. A true and correct copy of such Revocation is attached hereto and marked as **Exhibit B**.

13. As my Mom had not been previously acquainted with the Defendants nor personally participated within the Bernstein Foreclosure, this was shocking to me.

14. In speaking to my Mom afterwards, she had no recollection of having signed any such document nor did she indicate that she no longer wanted me to act on her behalf.

15. From that date forward, has been a complete nightmare, with my sister, Patty at the helm.

16. On April 14, 2023, I had plans to meet my Mom outside of her home (due to the Injunctions, I cannot go to my Mom's home and was required to make arrangements through a third party, Julia Jones, to do so. See Exhibit B.

a. After I met my Mom, I noted we were being followed by a car containing Michele Wepner, the wife of one of my cousins. As the only person other than my Mom and I who knew of our plans was my sister, Patty; I presumed that Patty had sent Michele to follow us.

b. After I spoke to Officer Gary Desir, of the Boca Raton Police Department, who happened to be in the parking lot, Michele Wepner drove off; returning shortly thereafter, joined by a second car containing Eliot Bernstein and Candace Bernstein, the judgment debtors within the Bernstein Foreclosure.

c. Michele Wepner and the Bernsteins' also spoke to Officer Desir and my Mom and I then left, without anyone following us, to find someplace to have lunch.

17. On April 15, 2023, I contacted Tammy Rivera, a Victim Advocate with the Office of the State Attorney, advising her that the intermediary within the Injunction refused to coordinate a time for me to see my mother and to request assistance. No action was taken.

18. On April 17, 2023, when I called my Mom to remind her of her medications, my calls could not go through; by chance, I was able to speak to my Mom as she had called me to go out to lunch later that day.

a. At lunch, we tested the phones and I still could not call. As my Mom has an older flip phone that neither of us could figure out, we went to the AT&T store, who advised that my number had been blocked on my Mom's phone before removing the block.

b. There was an issue with the A/C at my Mom's house³ and I scheduled a service call for same. As my sister was in the home, I had to call the Boca

³ I am Trustee of Patricia A. Sahm Revocable Trust, which owns the house.

Police Department to meet me at the house so that I speak to the serviceperson and pay them for the call. The responding officers noted that they cannot keep coming to my Mom's house because of the injunction as it diverts their time from serious emergencies.

- c. Concerned for my Mom, in light of the Revocation and feeling I had no alternative, I initiated these guardianship proceedings.

19. On April 19, 2023, I was contacted by Robert Sweetapple, Esq., who had been representing my parents in the Bernstein Foreclosure. Mr. Sweetapple advised that he had just received a strange written statement from my Mom, that he was concerned as to her competency and had an obligation to advise the Court of the same.

20. On April 20, 2023, I emailed Chloe Leedom, Assistant State Attorney for the State in Patty's felony proceeding, to express my concerns about my Mom's safety, particularly given that Patty was actively isolating me from my Mom. A true and correct copy of my email is attached hereto and marked as **Exhibit C**. I received a message advising me to file a notice of violation of the restraining order, which I did.

21. On April 24, 2023, I contacted both the Victim Advocate and Assistant State Attorney to advise:

- a. that my Mom had called me that day, distressed, asking her to come take her away from her house as she was confused and unsure of what people were telling her.
- b. My efforts to coordinate a visit to my Mom through Julia Jones was rebuffed;
- c. That I had tried 21 times to call my Mom back and could not get through.
- d. I shared that I was deeply worried about my Mom and that Patty appeared to be exploiting her with regard to the Bernstein Foreclosure.

A true and correct copy of said email is attached hereto as **Exhibit D**. No action was taken.

22. On April 24, 2023, I spoke to my Mom by telephone

- a. She was asking questions about her Will, stating that she did not remember if she had one.
- b. She was also angry with me for having taken the guns from her house;
- c. She was missing a check for \$569 and asked if I had seen it. I reminded her that I had not been able to see her in over two weeks because of the restraining order. In reviewing my Mom's account, the check was never deposited and I believe it was likely cashed by Patty, as they have the same name.

23. On April 27, 2023, after being unable to contact my Mom for several days, I had to resort to asking Laura Burkhalter, the Court Appointed Attorney for my Mom, to enlist her assistance in finding out if my Mom recalled/would be attending upcoming medical appointments.

24. On May 5, 2023, the Examining Committee conducted their examinations of my mom; their reports unanimously found that my Mom required a limited guardianship.

25. On, or about, May 14, 2023, I spoke to my Mom who had received a number of papers from the Court and didn't understand what it was or why my name was on it. She was concerned that I was trying to "put her away in an institution."

26. At the hearing before the Court on May 23, 2023, my Mom appeared by Zoom and was seated next to my sister; the Court had to repeatedly stop the proceedings to instruct Patty not to pass notes to or whisper answers to our Mom.

- a. That incapacity hearing was further attended by the judgment debtors within the Bernstein Foreclosure, Bernstein Family Realty, LLC, and Kevin C. Hall, who claims to be a mediator within the Bernstein Foreclosure.
- b. At the hearing, my Mom was asked about what medications she takes and she couldn't say, but implied that Patty was helping her.

27. On May 24, 2023:

- a. I was contacted by Robert Sweetapple, Esq., who advised that there was now a purported settlement of the Bernstein Foreclosure, for less than half of what is owed,
- b. I asked my Mom about the settlement; she had no idea what I was talking about and asked why I did not help her.

28. On May 25, 2023, I received a series of disturbing texts from Kevin Hall:

- a. "the details of what Amber, Inger, Eliot and Candice pulled on your mom the night before the hearing was very disturbing."
- b. "if you use my name on this, Patty will pounce."
- c. Confessing to having initiated contact with Patty; and
- d. Noting that on more than a few occasions, Patty wasn't letting my Mom speak for herself.

A true and correct copy of the text messages are attached hereto and marked as **Exhibit E**.

29. On May 26, 2023, I discovered that the online access for my Mom's Chase Freedom credit card, to which she had added me so that I might monitor her account and pay the bill, had been changed; the credit card company confirmed that same were now in Patty's name.

30. On May 27, 2023, I spoke to my Mom by phone and she asked to make plans with me as I had not seen her, at this point, in over six weeks.

- a. We planned to take a walk on May 30, 2023 and my mom wrote the date/place where we would meet down so as not to forget.
- b. During our call, she commented that moving to Boca had been a mistake, that it had been a strange few month.
- c. She randomly apologized for hurting me and thanked me for my help after Dad died.

31. On May 28, 2023, all calls to my Mom went to voicemail and it appeared her phone was turned off.

32. On May 29, 2023

- a. at 7:05 p.m., I received an unsolicited text from my cousin, Michael Wepner, advising that my Mom wouldn't be able to see me as planned, stating she wasn't feeling well and her phone wasn't working. A true and correct copy of such text is attached hereto as **Exhibit F**.
- b. I took a chance and tried my Mom's cell at 8:45 p.m. and she answered. When we spoke, she had no knowledge of being sick or having asked my cousin to cancel are plans and rescheduled our walk.

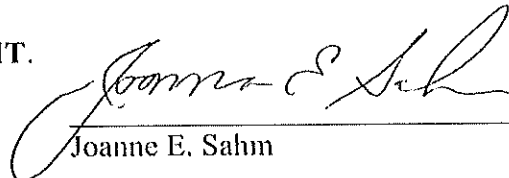
33. On May 30, 2023, I received a voicemail from my Mom, cancelling our plans, stating she is sick, that her attorney said she cannot see me and accused me of stealing from her. This was devastating as I've never done anything but try to help my Mom and honor the plans she and my father made.

34. On June 30, 2023, I discovered that my Mom's Chase Freedom credit card, that she has had since 1997 and which my Mom used for groceries, gas and daily expenses, had been closed.

35. I would not be able to see my Mom again until July 14, 2023, when Charlie came to visit her following his appointment as her limited guardian.

36. In providing information to facilitate the preparation of the Petition for Injunction for Protection Against Exploitation of Vulnerable Adult, I determined that my Mom's medications were not filled during the months of April, May and June 2023.

FURTHER AFFIANT SAYETH NAUGHT.



Joanne E. Sahn

SWORN TO AND SUBSCRIBED before me, by means of physical presence or online notarization this 24 day of July ____, 2023 by Joanna E. Sahm who is () personally known to me or () has produced _____ as identification.

Eileen T. O'Malley
(Signature of notary public)

(Typed name of notary public)
State of Florida
My Commission Expires: _____
Commission Number: _____



NOT A CERTIFIED COPY