

Commentary on the case of Hal Wolff vs Chris and Cynthia Wolfe for removal for Breach of Trust

There are three commentaries provided in this document:

1-23-2024

- 1) **Gangland turf war:** this brief commentary describes how I felt that the people I confronted in this case (my brother and his wife, their lawyer, and even the Probate Judge) seemed to behave as if they were an unscrupulous gang protecting their turf.
- 2) **The car cash analogy:** I like analogies and I created one in which I describe a minor car crash and the aftermath as the Trust dispute and what occurred when I tried to raise the issues of concern and eventually filed a lawsuit, and when transpired after I took that step. I like this analogy as it highlights the absurdities of the situation the unfolded with my Trust lawsuit and the behaviors that occurred that were considered normal and condoned. Had these same behaviors occurred in a different situation in the manner I describe, would be considered insane and criminal, yet are accepted in the realm of Trusts and Trust law.
- 3) **The dirty money game:** This is an essay that describes in a very personal manner the manner that members of my family have used money they are entrusted to protect in manners that I feel are questionably self-serving, and not serving the needs they were intended for. It also describes how the use of money was weaponized as a strategy to achieve an outcome favorable to the people that controlled a greater amount of money that they could spend even without spending their own. That is a dirty part of the entire judicial system, but is even more pronounced in the world of Trust management when there often are large pots of money at stake people and lawyers sitting by eyeing the pot and figuring ways to get their paws on some portion of it. This is a nefarious and problematic part of our legal justice system that will never be easily solved, but a problem that jumped out into my face as this court case unfolded.

Commentary 1 – Gangland turf war : the organization I was confronted with came to feel very much to me like a criminal organization. As the case progressed, I definitely felt like I was being menaced by an organized gang of ne'er-do-wells, who were somehow operating within the bounds of accepted Trust law practice, with the Judge a complacent bystander at best, or at worst as a willing participant. I felt like my brother and his lawyer, and even the judge engaged in what seemed a lot like extortion. It felt like a band of hoodlums out to protect their Trusteeship-turf and also get a dose of vengeance against me, and they were allowed to do exactly that. They even found a way to turn me into a criminal with the contempt of court charge that was eventually issued. The Trustees got to keep their title of Trustee (and the power and prestige) that goes with it, my brother's wife and their lawyer both made a lot of money, and as a swanky bonus, the Judge found a means to turn me into the criminal (when I was charged with Contempt of Court and told to resign something I'd already signed, or else go to jail. And it only cost my sister one hundred thousand dollars from her Trust. Amazing.

Commentary 2 – car crash analogy: The best analogy I can come up with for this debacle is this: I'm in my sister's car driving to see my doctor when a car comes up behind us and bumps into us. It's not a big deal but we both get out and it turns out to be my brother and his wife and a mean friend of theirs that I don't like. I tell them they should be more careful and they claim they didn't do anything wrong. My sister pipes up and says she's worried because they haven't told her what they have done to take care of her car but my brother's wife starts shrieking at her and tells that everything is fine and tells my sister how disrespectful she is for even asking. I get ticked off at all of this and I decide to call the police.

A woman cop shows up and asks to see insurance and registration. It turns out my sister's car was never registered as my brother was supposed to do. I thought the police would do something, at least talk to us, take statements, maybe issue a ticket, but they don't seem to care, and won't talk to anyone except my brother's thug friend. And in fact, we end up standing around for so long, my brother's thug friend calls someone and manages to get the car registered, which seems to please the cop, only then we're told that my sister will pay to pay a lot of money for him to do that. I object and tell my brother that I think that should be the one to take care of my sister's car from now on, and my brother is so enraged, he pulls out a tire iron and hands it to his thug friend who starts beating on my sister's car doing a lot of damage that will obviously cost a lot of money to fix. And he tells both of us repeatedly that if I don't forget about the whole thing his thug friend will keep beating on her car, and he does. And then his angry wife grabs one and starts beating on it as well. And my brother doesn't do a thing about it, just glowers at me and my sister and blames me and my sister for all of the damage that is being done to her car. (And worse yet, my brother's thug friend owns a body shop and will get paid to fix all of the damage he did to my sister's car.)

This goes on and on, until I finally some guy the cop knows happens to stop by and he suggests that my I agree to take over for doing errands for my sister and if I do that my brother's thug friend and his wife promise they will stop beating in her car. (And he says that anyone that won't take his advice is an idiot.) I'm really ticked off, but watching my sister's car get all busted up is more than I can take, so I finally agree. And what do I get out of the deal – I get to run errands that my brother had agreed to do but generally didn't, which isn't too hard to understand since he lives a long ways out of town anyhow.

If all that wasn't bad enough, to top it off, my brother's thug friend then says that I also have to sign a paper that says that I have to forgive my brother's poor driving, lack of registration AND also forgive him for all of the damage that was done to my sister's car with the crow bars and any other damage that ever occurred since "the beginning of time". No effin' way I will agree to that, and even more absurd I'd have to state I was signing on my own free will, the lady cop says that if I don't sign, I'll probably have to pay for the damage to my sister's car out of my own pocket. I'm furious and won't sign, but to top it all off, I'm told that if I refuse to sign, I would be sent off to prison by the lady cop who I had flagged down to assist me. Since I'm late for my doctor's appointment, I finally sign but I spout off good and make it darn clear how ticked off I am. Well the tough lady cop is so irate that I had the audacity to spout off right in front of her that she says that's not good enough – I have to sign again only keep my pie hole shut this time. I'm flabbergasted, but I'm on the verge of missing an important medical procedure (that my life depends on) so I finally agree to sign again, and head off to my doctor's appointment instead of jail.

That scenario may sound totally absurd, but that effectively what occurred under the nose of Judge Allen, except she's the cop, the cop's friend is my sister's lawyer, my brother's thug friend is his lawyer and my sister's car is her Trust. If it was a car, everyone involved likely would be arrested, but since it's a Trust, it's all legal. The analogy illustrates how disgusting, immoral and irrational the manner that this case was handled and its outcome. No civil society can be humanely served with fabric sewn with this sort of systemic, outlandish nonsense. It must be stood up to by people brave (or stupid) enough to think they can make a difference, exposed for the harmful behavior that it is, and expelled from society permanently.

Commentary 3 – the dirty money game: my Trustee brother and his co-Trustee wife have been anxious to wield their power as Trustees and oftentimes to the detriment of those around them. A primary means that they exercise their control is via the financial control which they can use to reward or much more often to punish family members that challenge them. There was a history of this behavior that started with the manner that they handled a Trust of my parents that was done in a manner that I strenuously objected to when it was conducted in 2017. I was clear about my grievances and refused to sign a statement that they and their lawyer (Joeseoph Weiler) virtually demanded I sign. Signatures on such a release was voluntary and optional, and I refused based on specific and highly objectionable behaviors that I listed for my brother. Based on that, he issued an edict that he would withhold final disbursement of Trust funds until such time that I signed. This he did, but he didn't just withhold money from me – he did it for ALL family members. It was not a lot of money, but was ~\$100 grand. This went on for a number of years while he refused to close out the Trust. Per my inquiry on Michigan law, there is a statute of limitations of 2 years after which a beneficiary of Trust funds may no longer sue for damages. The duration that my brother withheld funds went for much longer than this period of time, ~3.5 years after our mother died. Other examples occurred with travel expense reimbursements in which my brother attempted to manipulate me to generate an outcome he desired. He had a long history of behaving in this manner.

My brother also played this game with the financial accountings of BOTH Trusts he managed. When the bulk of the primary family Trust was distributed, his wife performed a rudimentary effort at providing an accounting by sending everyone a large envelope of handwritten statements, and (literally) copies of handwritten checkbook ledgers, among other things. I spent a considerable amount of time and effort and transcribed all of the information into a highly functional Excel spread sheet, and presented this information to all family members. Seemingly, not to be outdone, my brother then paid for a professional accounting service to duplicate the efforts of his wife and myself. An explanation of why that was done was never provided, but it certainly seemed to be a matter of pride and one-upmanship to make sure that my efforts didn't usurp his own. The expense for that effort is not clear to me (I honestly don't recall if it was ever disclosed) but the cost was absorbed evenly by all 5 family members.

A very similar episode unfolded with the manner in which the challenge to his Trusteeship for my sister's Special Needs Trust (SNT) was handled. After brother and his wife failed to produce any accountings whatsoever for 5 years, and I challenged them on that lapse in Court. Again, the co-Trustee provided a mass of hand written statements identifying Trust income and expenditures for 4 of the 5 years they were responsible for. And again, I took a lot of my own (unpaid) time and transcribed and itemized everything and submitted it in an even more detailed Excel spreadsheet which I made available. Again, this was not felt to be acceptable, and again, my brother went on to hire a professional accounting firm to duplicate the efforts that had been provided largely for free. This time however, the efforts were spearheaded by his lawyer Joseph Weiler. How much money was spent for the duplicative accountings has not been made clear to me, but it is likely a substantial amount of money, likely \$10,000 or more. (The amount is baked into costs for Weiler Law, and if it has ever been itemized as such, I am not aware of this information.)

My point of this expose' is that my brother has made a history of what appears to be one-upmanship with the accounting efforts he has produced, but doing so while (largely) spending other people's money. In the case of my sister's Trust, when he was in breach of Trust without having provided the appropriate documents, so far as I'm concerned, he should have been required to pay for accounting efforts out of his own pocket to satisfy his desire to out-do the elementary efforts of his wife that I painstakingly transcribed and transformed into documents of professional quality. But he didn't do that – he spent Trust money, and did so lavishly. This could have and should have been considered and overseen by Judge Allen. So far as I'm concerned, ALL funding for the legal defense of the Trustees, and the bulk of the accounting

costs funded vis their lawyer, should have been funded out of their own pockets. That would have been fine, but they chose to fund their duplicative (and in that case lavish...?) accounting work AND their own legal defense work out of Trust funds from my sister's special needs Trust. This is highly inappropriate, and I stridently contend that this action should be systemically banned – ie illegal. If a Trustee is in breach of Trust for any reason, they should be held to strict scrutiny to spend their own money for a legal defense spurred by self-interest. This may require a bit of effort on the part of a Judge overseeing such a situation. No such effort was provided by Judge Allen, and that was very disappointing.

Moreover, not only where the Trustees free to spend money from my sister's SNT, they very shrewdly did this in a manner designed to end the lawsuit that challenged their Trusteeship, and their credibility as the overseer's of this family asset that my Trustee brother seems to so strongly feel he holds an exclusive entitlement based on his birthright as the oldest sibling, regardless of his problematic geographic proximity (he lives 2000 miles away) and consequently the limited relationship he has with his sister who is the beneficiary of the Trust. During a family meeting conducted by Joseph Weiler, an estimate of total legal expenses was provided. \$50 – 75 thousand dollars was offered. (This was for a FULL lawsuit.) My brother's wife grabbed that sum and multiplied it by 4, and exclaimed to us all that the lawsuit would likely cost the Trust \$200 thousand dollars. Honestly, it seems that she was intent to make her rash prediction come true, as she spent hundreds of hours of her own time, and generated an expense of larger quantity at \$15 per hour than my lawyer did for his time at \$250 per hour. (Some portion of that time was certainly spent on accountings for the Trust, which would be a largely legitimate expense, although I would even challenge that notion since had she appropriately conducted annual accountings as legally required, the amount of effort required to produce the accountings would have certainly been significantly less than trying to dig things up, up to 5 years after the fact.)

The point of this essay is that in spite of what should have been clear warning signs, the Judge not only allowed the suit to drag on for longer than I feel it should have, she seemingly condoned the expenditure of large amounts of Trust money directed to serve the pride and vanity of the Trustees as they defended their honor and ability to control the Trust and also covered up for their failings to produce the financial accountings they were legally bound to provide which they had failed to do so. And then that failing of the Trustees and of the Judge to help control their ability to squander Trust funds was wielded very effectively as a weapon of psychological abuse both to my special needs sister, and to some degree also to myself as a means of psychological arm twisting as my brother deftly and repeated declared how much of Anne's Trust money was being squandered by his wife and his lawyer. (He virtually bragged about his own detached nature as he at one point declared, "I just sign the checks.")

The lack of judicial control over this unethical and troubling conduct (which I feel should be illegal) was a critical component of the Trustees' defense and became the lynchpin of my willingness to drop the lawsuit with an outcome that effectively rewarded the Trustees, and allowed them to continue to wield their brand of capricious control over the funds designed to support my sister. If that outcome was to come to be, it should have occurred only by a ruling from the Judge, and should not have been made with a 10 to 1 spending differential that was weaponized by the Judge when it was made it clear that if the case went to court, she would likely require the loser to reimburse the winner's legal fees. Such a declaration in light of the circumstances was revolting, and (in my opinion) was way out of line. I was flabbergasted by the manner that Judge Allen displayed a detached level of disregard for my sister's mental well-being. It should be (in my opinion) be grounds for a case of judicial malpractice for the monetary and punitive damages that were suffered by both my sister (via her Trust) and myself (being threatened with jail). *(Judge Allen allowed this situation to grow into a financial monster while my case languished in her Court, eventually even endorsing this as a legitimate defense tactic. I found that appalling.)*