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The Fortress Part Three of Five: Profiting from Protection (/web/20200103231847/https://www.dailykos. The-Fortress-Part-Three-of-Five- Profiting-from-Protection)



GretchRHammond (/web/20200103231847/https://www.dailykos.com/user/GretchRHammond)
Community (This content is not subject to review by Daily Kos staff prior to publication.)

2019/08/23 · 14:30

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#DanaNessel

A Michigan court tasked with protecting its most vulnerable citizens has become home to a rolling controversy, charging abuse, exploitation, robbery and neglect.

By Gretchen Rachel Hammond

Editor: Christie Chisholm

Research: Gretchen Rachel Hammond, Slone Terranella, Ellen Chamberlain and Hope Winkles

Forensic investigator: Tim Mulholland, CFE, MSAF

It was December 18, 2018 and, in the lockdown Alzheimer's unit of Lahser Hills Care Center in Southfield, Michigan, 64-year-old Virgil sat at a rectangular, plastic lunch table with a small and untouched plate of food in front of him.

The unit is on the second floor of the facility and only accessible from the main entrance via a code-restricted elevator the doors of which open into a common area that looks like a hybrid of a hospital ward and prison day room.

Legally deaf, Virgil (whose last name is omitted for privacy reasons) stared directly ahead. He made no eye contact, but his expression was one of despair. His only answer to questions from this investigation was given through a single tear that ran down his cheek, which he made no attempt to wipe away.

For 40 years, Virgil had lived in his childhood home in Pontiac under the care of his mother Beth. After she passed away and left the home to Virgil, the neighbors, with whom both mother and son were close, stepped in and helped wherever they could. Virgil was not a wealthy man. He had no savings to speak of, and his only income came via a Social Security check.

However, he did have property.

In late 2016, former Oakland County Public Administrator Jennifer Carney was given control over that property alongside Virgil's income, identity, possessions, and future after he was placed under her guardianship by Oakland County Probate Court Chief



Lahser Hills Care Center in Southfield, Michigan.
Image from Lahser Hills website

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article

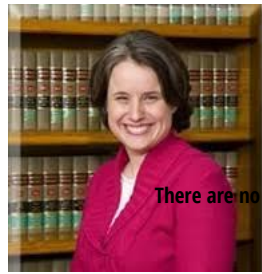


Judge Kathleen Ryan.

The petition for guardianship of Virgil was filed in the court by Michigan Adult Protective Services (APS). The reasons for the request began "[Virgil] is deaf."

Virgil was adamant that he did not want to leave his childhood home, something he was able to express to his Guardian ad Litem (GAL), a probate attorney assigned by the court to investigate the allegations, inform Virgil about his rights, note his objections and make recommendations as to whether guardianship is warranted. Virgil's feelings were echoed by his neighbors in letters to Ryan.

On August 11, 2017, Carney met with Virgil at his home. In his subsequent report, the GAL noted that, Ms. Carney indicated a willingness to allow for a temporary move, while determining if MORC [Macomb Oakland Regional Center] services are available to allow [Virgil] to remain in his home."



Former Oakland County Public
Administrator Jennifer Carney

This investigation reviewed annual accounts Carney filed in Virgil's case. There is no indication, in her account line items, that MORC was contacted after the meeting.

Five days later, Carney obtained an order from Ryan authorizing her to remove Virgil from his home and use the Oakland County Sheriff's Department to do so.

He was sent to the now-unlicensed facility Grovecrest Senior Living in Pontiac, Michigan. Virgil had only been there for a day when Carney's office received a call from the facility alerting them that he had attempted to run away and return to his home. One month later, Virgil was in lockdown at Lahser Hills, which between 2016 and

2018 received \$23,829,480 in Medicaid payments.

This investigation conducted a review of 2,278 separate Oakland County Probate Court case files belonging to Carney, Munger and former Oakland County Public Administrators Thomas Brennan Fraser and John Yun. The cases were presided over by Ryan alongside her colleagues Jennifer Callaghan, Daniel A. O'Brien and Linda S. Hallmark.

Accounts filed by four court-appointed guardians, including Carney, painted a picture that was stark and troubling.

Since each of the guardians are in private practice as attorneys, as well as receiving \$83-per-month for wards receiving Medicaid benefits, guardians bill the ward for each of the actions taken on his/her behalf. Those figures are based on their hourly rate as attorneys, from \$10 to review a voicemail to \$490 to attend a hearing. Each line item contains a brief description which tells the ward's story from the guardian's point of view.

Losing a Home (Twice)

Carney's accounting shows that Virgil's forced relocation was far from temporary.

On September 25, 2017, Carney's office told Lahser Hills that "the plan is for Virgil to be there long-term."

In November, Carney billed Virgil for numerous back-and-forth calls between her office and a property preservation services company called Wolverine Securing, which was disposing of "[Forty] yards of debris" from inside Virgil's home.

Unexplained was whether this included any of personal belongings. However, on November 27, Carney's accounts note that Virgil's sister called to inform the Public Administrator that that she had taken "some photos etc. out of the house."



Virgil's home at 116 West Brooklyn in Pontiac. Image from Redfin.

According to those same accounts, the sale of Virgil's "Property-auto/personal" netted a total of \$842. It is unknown whether Carney took possession of a car or if Virgil even owned one.

She paid Wolverine Securing \$1,969. The Better Business Bureau (BBB) lists the company's headquarters as the same Clawson Tank Drive, Clarkston address as the law firm of former Oakland County Public Administrator Jon Munger.

Carney was employed by Munger before forming her own practice in 2017.

Virgil's home was listed on February 20, 2018, for \$44,900 and was taken off the market one day later. A line-item in Carney's accounting shows that the realtor called her office one week before the home was listed with information about a potential buyer.

On February 23, 2018, Carney filed a petition with Ryan to sell Virgil's home for \$41,400.

The only evidence of the home's value, attached to the petition, was an Oakland County tax assessment, which was not dated. In the document, Carney noted a total of \$6,172.35 comprised of unpaid taxes and a mortgage on the property.

There are no unread comments at this time.

Approved, SCAO
STATE OF MICHIGAN
PROBATE COURT
COUNTY OF OAKLAND

PETITION REGARDING
REAL ESTATE/DWELLING

FILE NO. [REDACTED] JIS CODE: RSR

NOTE: Do not use this form in decedent's estates.

Estate of Virgil [REDACTED]

1. I am the Guardian of this estate.
Specify conservator or guardian

2. I intend to ☒ sell ☐ dispose of ☐ mortgage ☐ pledge ☐ cause a lien to be placed on the protected individual's principal dwelling, real estate, or interest in real property described as follows: provide legal description or VIN number of titled property):
T3N, R10E, Sec 8 Marquette Sub Lots 554 and 555

for the purpose of Liquidation of Estate

to Merced Lim for \$41,400.00 on the following
Name (type or print)

terms and conditions: See attached Offer to Purchase

Attached is a copy of the most recent assessor's statement or tax statement showing the state equalized value of the property or documentation showing the current value of the titled property, which is \$21,700

The current unpaid mortgage and unpaid taxes on this property are \$6,172.35

3. It is in the protected individual's best interests to sell the real property for the following reasons: Individual is in a nursing home and is unable to live in the home any longer.

4. The value of remaining personal property is \$0.00 (approx) and the real property is \$0.00

The amount of unpaid debts and taxes is \$6,172.35. The fiduciary is currently bonded for a total amount of \$100,000.00

5. The protected individual's monthly income is \$1,304.00 and monthly expenses are \$1,149.00

6. The interested parties, their addresses, and their representatives are identical to those appearing on the initial petition except as follows: (For each person whose address changed, list the name and new address; attach a separate sheet if necessary.)

(PLEASE SEE OTHER SIDE)

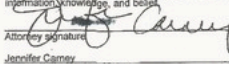
USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

Date: FEB 23 2018
Authorized: [Signature]

7. I request that the court approve this sale of ☐ disposal of ☐ mortgage on ☐ placement of lien on the property described above and determine whether a bond needs to be filed.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Attorney signature 	Date 2/23/2018
Jennifer Carney Attorney name (type or print)	P73856 Bar no.
PO Box 404 Address	PO Box 404 Address
Birmingham, MI 48012 City, state, zip	Birmingham, MI 48012 City, state, zip
248.221.2285 Telephone no.	248.221.2285 Telephone no.

There are no unread comments at this time.

116 W BROOKLYN AVE PONTIAC MI 48340-1122
3 beds / 1 full baths / 0 half baths / 860 sq ft

14-06-376-008

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Owner Information

Owner(s) : BETH [REDACTED]
Postal Address : 116 W BROOKLYN AVE PONTIAC MI 48340-1122

Location Information

Site Address : 116 W BROOKLYN AVE PONTIAC MI 48340-1122
PIN : 14-06-376-008 Neighborhood Code : RAD
Municipality : City of Pontiac
School District : 210 PONTIAC CITY SCHOOLS
Class Code : 401 RES IMP (includes prior SI-Suburban Imp.)

Property Description

T3N, R10E, SEC 8 MARIMONT SUB LOTS 654 & 655

Most Recent Sale Since 1994

Date : 06/13/2006
Amount : \$1
Liber : 37820007
Grantee : VANDECAR, BETH E
Grantor : VANDECAR, VIRGIL C

Tax Information

Taxable Value : \$17,630	State Equalized Value : \$21,700
Current Assessed Value : \$21,700	Capped Value : \$17,630
Effective Date For Taxes : 12/01/2017	Principal Residence : N/A
Summer Principal Residence Exemption Percent : 100%	Exemption Type : 100%
Winter Principal Residence Exemption Percent : 100%	Exemption Percent : 100%
2016 Taxes	2017 Taxes
Summer : \$621.77	Summer : \$626.39
Winter : \$87.79	Winter : \$88.79
Village : 1	Village : 1

Lot Information

Description : LEVEL	Area : 0.359 ACRES
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2/27/2018

There are no unread comments at this time.

Carney petition to sell Virgil's home SEV attachment

Ryan approved the sale, which was finalized on March 26, 2018.

However, according to records filed with the Oakland County Register of Deeds, on May 22, 2018 the home was purchased again for \$38,984. at a sheriff's sale by Canadian investment company Earnest Inc.- a company that buys up (<https://web.archive.org/web/20200103231847/http://www.canadiannoteguy.com/about-us.html>) defaulted mortgages and sells them to investors.

The record of the sale stated that the mortgage had lapsed.

Inexplicably, Virgil and Beth were listed as the mortgage owners, rather than the buyer who had purchased it from Carney only two months earlier.

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2018 JUN -4 AM 9:00

LIBER 51867 PAGE 97
\$21.00 DEED - COUNTY
\$4.00 REMONUMENTATION
\$5.00 AUTOMATION
\$42.90 TRANSFER TAX COUNTY
06/04/2018 09:01:53 AM RECEIPT# 61300
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Registrar of Deeds



SHERIFF'S DEED ON MORTGAGE SALE

This Indenture, Made the May 22, 2018, between Terrence Fortuna, a Deputy Sheriff in and for the Oakland County, Michigan, party of the first part, and Earnest, Inc., party of the second part (hereinafter called the "Grantee"), with its Office being located at 48 Noyan Street, St Bruno, QC J3V1H3.

WITNESSETH, The Whereas, Beth [REDACTED] an unmarried woman and Virgil [REDACTED] an unmarried man as joint tenants with rights of survivorship, made a certain Mortgage to New Century Mortgage Corporation, (hereinafter called the "Mortgagee"), which was duly recorded in the office of the Register of Deeds in and for said Oakland County in Liber 37820 Page 73, Oakland County Records, Michigan, and assigned to Earnest, Inc. recorded on April 10, 2018 in Liber 51706, Page 411, Oakland County Records.

WHEREAS, said Mortgage contained a power of sale, which has become operative by reason of a default in the conditions of said Mortgage, and

WHEREAS, no suit or proceedings at law or in equity have been instituted to recover the debt secured by such Mortgage or any part thereof, and

WHEREAS, by virtue of said power of sale, and pursuant to the statute in the State of Michigan in such case made and provided, a notice was duly published and a copy thereof was duly posted in a conspicuous place upon said premises described in said mortgage that the said premises, or some part of them, would be sold on the 22nd day of May, 2018, at the place of holding the Circuit Court for Oakland County, where the premises are situated, and

WHEREAS, pursuant to said notice, I did at 10:00 o'clock, in the forenoon, on the day aforesaid, expose for sale at public venue the said lands and tenements hereinafter described and on such sale did [REDACTED] the sum of \$38,984.00 (Thirty-Eight thousand, Nine hundred Eighty-Four, and 00/100), that being the highest bid therefor and the grantee being the highest bidder, and

WHEREAS, said lands and tenements are situated in the City of Pontiac, County of Oakland, and State of Michigan, described as follows:

LOT(S) 554 AND 555, MARIMONT SUBDIVISION, AS RECORDED IN LIBER 44, PAGE 24 OF PLATS, OAKLAND COUNTY RECORDS.

Tax Parcel ID No. 64-14-08-376-008

Property commonly known as: 116 W. Brooklyn Avenue, Pontiac, MI 48340

This instrument is exempt from Michigan State transfer tax under MCL 207.526(v).

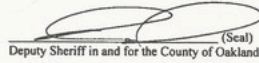
Now, this Indenture Witnesseth, That I, the Deputy Sheriff aforesaid, by virtue and pursuant to the statute in such case made and provided, and in consideration of the said sum of money so paid as aforesaid, have granted, conveyed, bargained and sold, and by this Deed do grant, convey, bargain and sell unto the grantee, its successors and assigns, Forever, All the estate, right, title and interest which the said Mortgagors had in the said lands and tenements and every part thereof, on the 22nd of May, that being

OK - MH

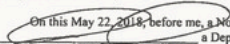
Sheriff sale of Virgil's home 6/4/2018 page one

the date of said mortgage, or at any time thereafter, To Have and to Hold the said lands and tenements and every part thereof to the said grantee, its successors and assigns forever, to their sole and only use, benefit and behoove forever, as fully and absolutely as I, the Deputy Sheriff aforesaid, under the authority aforesaid, might, could or ought to sell the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the date and year first above written.


(Seal)
Deputy Sheriff in and for the County of Oakland
Terrence Fortuna

State of Michigan)
County of Oakland) ss.

On this May 22, 2018, before me, a Notary Public, in and for said County of Oakland, came  a Deputy Sheriff of said County, known to me to be the individual described in and who executed the above conveyance, and who acknowledged that he/she executed the same as his/her free act and deed.


Notary Public, Oakland County, Michigan
My commission expires: _____
Acting in Oakland County, Michigan

Roger A. St. Jean
Notary Public - State of Michigan
County of Lapeer
My Commission Expires
September 12, 2018
Acting in the County of Oakland

There are no unread comments at this time.

Sheriff sale of Virgil's home 6/4/2018 page two

On November 8, 2018, Earnest Inc. signed a \$10 Quit Claim Deed (a document transferring interest in property from one individual/company to another) for the property to a Florida company, Evergreen Mortgage Notes.

Today, Virgil's former home is listed for sale

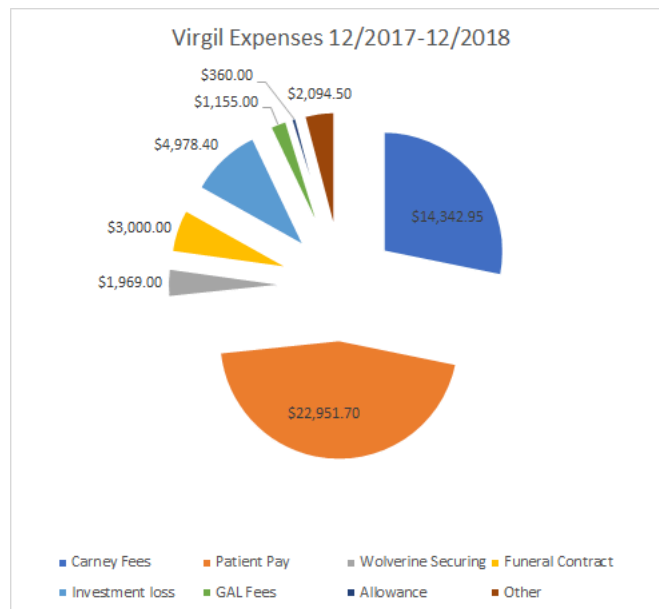
(https://web.archive.org/web/20200103231847/https://www.zillow.com/homedetails/16-W-Brooklyn-Ave-Pontiac-MI-48340/24399831_zpid/) at \$89,500 (reduced from the original list price of \$104,900).

Accounting Questions

In 2018, Carney applied for and received Medicaid on behalf of Virgil, with a \$1,123-per-month patient pay amount, paid to a facility outside of the bills covered by Virgil's Medicaid or insurance benefits. She indicated that Virgil also received Medicare.

A February 16, 2018, line item shows that Carney's office contacted an attorney and limited-license psychologist, who is on the Oakland County Probate Court's list of individuals conducting Independent Medical Examinations (IMEs) for the developmentally disabled. She advised him that "the house is up for sale. Once we have those funds, we will be able to pay the bill."

According to her account, filed one year later, Virgil's annual income was \$16,821.04. However, his expenses totaled \$50,851.55.



Graph showing Virgil's expenses from December 2017 to December 2018
There are no unread comments at this time.

The question remains as to why Virgil's home was resold at a sheriff's sale two months later while still under his name and, if the mortgage had lapsed, why Carney made no attempt to bring it up to date.

But, in losing his home after being declared legally incapacitated by the Oakland County Probate Court, Virgil is far from alone.

Pattern and Practice

In 97 percent of those cases examined by this investigation, within a month of being declared an incapacitated ward, an individual—or in some cases, siblings or a husband and wife —were removed from their home by Yun, Carney, Munger and Fraser (sometimes forcibly) and into a long-term nursing, assisted living, licensed or unlicensed small group facility.

The guardian then engaged in a walk-through of the vacated house or apartment, looking for financial and estate planning documents, cash and jewelry. The locks on the property were changed, leaving it accessible only to the guardian, their contractors or real estate agents.

The home was then stripped of furniture and personal belongings. Depending on the number of items determined to have monetary value, an estate sale was held, with the proceeds included in a ward's income for the year. According to families and wards who spoke with this investigation, treasured possessions such as photo albums and family heirlooms have either been thrown in the trash or disappear completely.

Mimi Brun is the daughter of Virginia Wahab who, from 2016-to-2018 was under Munger's guardianship. She asserted that years of letters and photographs were dumped at the side of her mother's home in open containers or trash bags by Munger and his contractors. By the time she was able to retrieve them, it had rained, and a lot of these memories had been destroyed.

Christine Abood, an activist with the Michigan organization SOS-Probate, recalls accompanying a family member who had been evicted by Fraser from her parent's home. She claims the home was ransacked by a half-dozen of Fraser's contractors. Photographs show piles of furniture on the lawn outside, which Abood says was eventually taken to a city dump.

Accounts also show Munger and Carney using a Clarkston, Michigan, storage facility called Cubesmart to hold a ward's property.

Preferred Providers



Home of Fraser ward cleared of belongings.
Image courtesy of Christine Abood

According to a 2018 Financial Summary published by the Board of Commissioners and then-County Executive L. Brooks Patterson, Oakland County's property values are the highest of Michigan's 83 counties with a total market value of \$143.7 billion, up \$6 billion from 2017.

In a real estate transaction, typically two realtors are involved: the listing agent, who represents the seller, and the selling agent, who represents the buyer.

Both see a commission from the sale.

However, in Petitions to Sell Real Estate filed by all four Oakland County guardians, commissions paid to the listing and selling agents were not reflected, leaving a gap in the record.

Alongside Oakland County documents obtained through the Oakland County Register of Deeds, those petitions showed that Yun, Carney, Munger and Fraser each have a real estate agent or associate broker whom they used, the majority of the time, whenever they wanted to sell a ward's home.

Munger and Carney regularly used Diana and Michael Proctor.



Michael Proctor
Image from social media

Diana is a realtor who incorporated her company in 2002. Her son Michael is a mortgage consultant and is also employed by a real estate business owned by his brother Stephen.

According to multiple accounts by both Carney and Munger, Michael has been hired to transport wards, purchase items for them, sell cars, dispose of personal property, clean out homes and host estate sales.

Fraser primarily uses Keller Williams realtor Keith Reynolds, who has both appraised and listed homes in Fraser's cases. Reynolds is the owner of two Limited Liability Companies (LLCs), including an appraisal company. His wife Julianne was an employee at Fraser's law office.

Fraser also uses a realtor named The Fox Group, which was incorporated by Todd Fox while in private practice as a family law attorney. In 2016, Fox was elected as 51st District Court Judge in Waterford,

Michigan. A realtor with Keller Williams, his wife Chasi took over ownership of The Fox Group after Todd was elected.

Todd's license remains active and he has incorporated a number of LLCs, including one as recently as May 2019.

Yun uses Bloomfield Hills, Michigan, realtor Tom Hutt. Like each of the other realtors, Hutt has a number of LLCs in his name, the majority of which were created using the address of a home purchased by his LLC Craftsman Home and Land. He has also transferred real estate to and from John and Sharon Hutt, the latter of whom has numerous LLCs that, again, were created using the address of recently purchased homes that include some from Yun cases.



Todd A. Fox
Image from court website

Undervalued Continued Care

Unless there is a conflict of interest, a guardian's use of a preferred provider is not unusual or unethical. However, it is the speed in which Yun, Fraser, Munger and Carney homes have been sold, the selling price and the buyer that have raised questions.

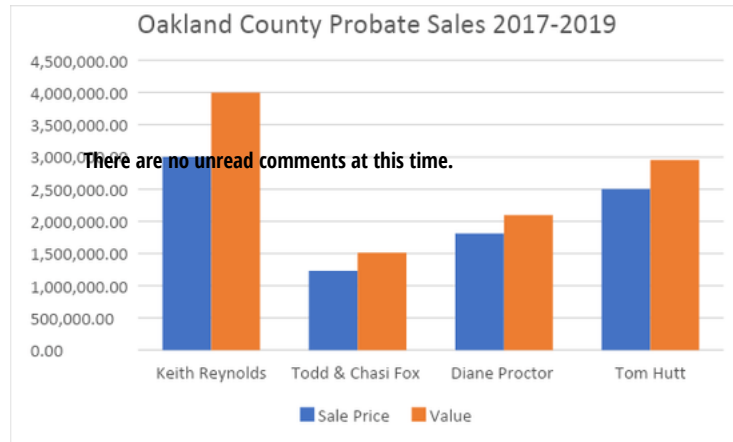
A Michigan realtor and broker with more than 20 years of experience in the business, “Rebecca” asked to use an alias.

Similar to attorneys who fear reprisals from the Michigan Attorney Grievance Commission for talking to the press about the Oakland County Probate Court, Rebecca was concerned about potential complaints filed by her peers with the Michigan Board of Realtors, that can lead to fines or revocation of her license.

“If I’m an agent and I do my job the right way by protecting the seller, it will probably take me about eight weeks to close,” Rebecca adds. “If I play this game, with no appraiser, no inspection and no underwriting, I can do it in as little as five days. I just hand the buyer the key.”

This investigation examined 59 probate homes listed by each of the guardians’ preferred realtors in cases dating back two years.

On multiple occasions, homes were sold less than a week after being listed.



Graph showing probate sale of 59 homes. Sale price vs. market value

In total, the 59 homes, each attached to probate cases involving Munger, Carney, Fraser and Yun, were sold for \$2,014,389.00 below actual market value.

According to Michigan Court Rules, a guardian and/or conservator is required to file a Petition to Sell Real Estate with the presiding judge in the case before the sale of a probate home. The petition must include a copy of “the most recent assessor or tax statement showing the State Equalized Value [SEV] of the property,” which is typically gauged once per year by a municipality through averaging sales of similar local properties.

While the listing price of a ward’s home is typically set by doubling the number reflected in an SEV, Rebecca does not believe it’s an accurate reflection of a home’s value.

“In the Detroit metropolitan area, the actual market value, or what it really should sell for, is actually two and a half or even three times more than the SEV,” Rebecca says. “By using the SEV and underselling the home, you are likely to get a cash offer so you can close in a week or two and everyone will get paid quicker.”

The Petition to Sell Real Estate must also state the reason as to why the sale of a home is in the ward’s best interests. In most of the cases reviewed, the guardians answered that the sale was essential in order to cover expenses for the “continued care of the ward,” raising the question as to why Yun, Munger, Carney or Fraser did not make every effort to seek top dollar.

An Oakland County probate attorney, who was given the alias “Paul,” noted that “continued care of the ward” is simply standard language.

“But it doesn’t mean that it’s true,” Paul adds. “In my view, it isn’t. The judge is supposed to oversee that, but they don’t care. I have objected to petitions for sales that were hugely under market.”

"A case that stands out in my mind was one where a house was supposed to be listed for \$265,000," he recalls. "But the guardian waited until they had an offer to purchase before they listed it. The offer was \$250,000 and the judge approved it."

During the sales of the 59 probate homes there were instances where the listing and selling agents were one and the same.

Rebecca calls it "double dipping."

"They are working for the buyer and the seller, so they get a commission from both," she explains. "It's usually not in the seller's best interest unless the home is under-priced. Looking at the speed at which some of these homes in your investigation were sold, the listing agent most likely had a buyer lined up before they ever listed the home."

Rebecca notes that, in such cases, listing the home at all is simply a matter of going through the motions to make a sale look legitimate.

Hidden Buyers

The majority of probate home buyers were investors, each of whom owned as many as 30 separate LLCs incorporated shortly after the sale of a home, using a portion of the property address as the company name.

There are no unread comments at this time.

As an entity legally separate from its owner, the primary advantages of an LLC include keeping its owner safe from lawsuits or responsibility for any debts incurred, and only a one-time tax payment on any revenue generated.

In cases where an LLC is formed using a filing organization such as CSC-Lawyers Incorporating Service in Michigan, the owner can remain completely anonymous. The same is true when a law firm or attorney is used as the LLC's Registered Agent (the individual who receives and manages the company's paperwork).

In a 2018 exploration

(<https://web.archive.org/web/20200103231847/https://www.nytimes.com/2018/04/30/upshot/anonymous-owner-llc-why-it-has-become-so-easy-to-hide-in-the-housing-market.html>) of LLCs and the housing market, *The New York Times* noted, "In expensive cities like New York and Miami, LLCs have helped foreign investors launder money through luxury condo purchases. In poorer cities like Memphis and Milwaukee, they have enabled investors to walk away from vacant properties and tax bills."

"In Michigan, it's super easy to start an LLC," Rebecca notes. "If you are trying to find the buyer of a home, you can end up following a long paper trail, and there will be huge holes in it."

The Fraser/Keith Reynolds Investors

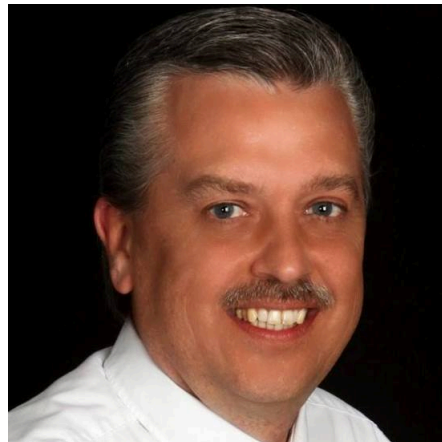
In homes sold by Fraser's preferred agent Reynolds there were instances in which the investors were peers and colleagues of both men.

Two of the Fraser properties listed by Reynolds were bought by Southfield, Michigan, estate planning and probate attorney Stuart J. Snider, less than a week after they were put on the market.

Snider immediately formed LLCs using the property addresses as the company names and an address on 12 Mile Road in Southfield as the company headquarters for both.

In both cases, the selling agent was realtor Jeffery Mifsud, whose multiple LLCs include one in which Snider acted as the registered agent.

Two other Fraser properties, that Reynolds listed, were bought by his Keller Williams colleague Jason



Keith Reynolds
Image from social media

Childs, who also acted as the selling agent and immediately formed LLCs using the street addresses as the names.

Another Childs company was incorporated in 2010 by then-Southfield attorney Robert A. Gross, who also created an LLC for the director of Jewish Senior Life, an assisted living facility used by Carney, Munger, Fraser and Yun to house their wards.

In 2018, Gross was sentenced (https://web.archive.org/web/20200103231847/https://www.macombdaily.com/news/nation-world-news/huntington-woods-attorney-sentenced-to-years-for-fraud/article_8534c8d8-61aa-5b29-b693-bcf727950002.html) to three years for duping both investors and clients out of millions.

A review of Oakland County records showing transactions facilitated by Gross include the transfer of property to the Delaware-based Spartan Equities High Yield Fund I, LLC, which applied to conduct business in Michigan in July 2013. Curiously, Oakland County deeds records show Quit Claim Deeds between property owners and Spartan Equities High Yield Fund I prior to the company's incorporation in Michigan.

Spartan Equities incorporation paperwork was submitted by attorney John Jacobs, who at the time was a shareholder at the Southfield, Michigan, firm Maddin, Hauser, Wartell, Roth & Heller, P.C.

There are no unread comments at this time.

Jacobs, who is not presently listed among Maddin Hauser's attorneys, occasionally provided legal services (<https://web.archive.org/web/20200103231847/https://www.leagle.com/decision/inbco-20130708435>) to Utica, Michigan, realtor Ralph Roberts. In 2017, Roberts was part of a local television news investigation (<https://web.archive.org/web/20200103231847/https://www.wxyz.com/news/local-news/investigations/investigators-seize-computers-phones-from-real-estate-broker-ralph-roberts>) for allegedly colluding with three then-Oakland and Macomb County public administrators in the opening of probate cases in deceased estates without notifying next-of-kin.

Spartan Equities is also tied to companies providing services to the elderly, including Senior Home Solutions and Senior Financial Solutions, both of which were dissolved in 2014.

The Fraser/Fox Group Investors

Todd and Chasi Fox sold property, in Fraser cases, to investors in the real estate and senior care industries.

After only five days on the market, a home in Ferndale was bought by Bloomfield Hills real estate attorney Ray Toma and his LLC Toma Development. Toma's Long Lake office was also used by Todd Fox as the headquarters for his law firm Todd. A. Fox and Associates.

Toma made a campaign donation to Fox during his 2016 run for Circuit Court Judge.

A Fraser property in White Lake was bought at a December 2018 sheriff's sale for \$73,000 by John Graham Inc. A former co-owner of Keller Williams Great

Lakes, according to his biography, Graham's national company acquires "Over 50 homes a month and manages international negotiations and relationships with foreign investors."

Graham sold the White Lake home three months after purchasing it for \$135,000. Graham's Director of Finance is a former executive director for Windemere Park Senior Community in Warren, Michigan.



Chasi Fox
Image from social media

The Munger, Carney/Proctor Investors

In Munger and Carney cases, Diana Proctor's company Oakland County Real Estate sold probate homes to investors who with ties to Michigan's probate courts. Others were connected to Munger and Carney themselves through a network of unlicensed group homes in which both placed their wards.

In August 2018, a Southfield property belonging to a Munger ward was bought for \$60,000 by the selling agent Nick Najjar, who has since put it back on the market for \$79,900.

Now a realtor with New Michigan Realty, Najjar served as an adviser to former Governor Jennifer Granholm and was a member of the Sterling Heights, Michigan, Zoning Board and Planning Commissions and a 2012 Democratic candidate for Michigan's House of Representatives.

One of his LLCs was formed in 2004 by Shelby Township attorney Robert VanHoutte, who has served as a Guardian ad Litem at the Macomb County Probate Court. A VanHoutte case that concerned the guardianship of Robert Mitchell and Barbara Deldridge was the focus of a local media investigation (https://web.archive.org/web/20200103231847/https://www.macombdaily.com/news/courts/caring-hearts-pulls-out-of-case-overseen-by-state-investigated/article_12604c4e-87b7-11e9-bd12-9121413d6d8b.html) into the guardianship company assigned to the couple by then-presiding judge Kathryn George.

A Sylvan Lake property, that belonged to a Carney ward, was listed by Proctor in April 2017 but then bought at a sheriff's sale by Metrostars Properties for \$140,155.

Owned by West Bloomfield, Michigan couple Mark and Luda Brand, the Resident Agent for Metrostars is a Commerce Township investor Vladislav, (AKA Vladimir) Safir, who is attached to multiple LLCs.

The home was later resold by Metrostar and Safir for \$225,000 to Temecula, California, nurse and business owner Lara Mac. However, public records show Mac's taxpayer address as one of two Birmingham, Michigan, P.O. boxes used by Carney.

The reason for the discrepancy is unknown.

Safir is also the owner of properties used as as both licensed and unlicensed small group homes by a company called Arina's Senior Care.

Carney, Munger and Yun wards have each placed wards with the company.

Luda Brand's company Omni Private Duty provides "care services to children, adults, and seniors in the comfort of their own homes, hospitals, skilled nursing facilities, and assisted living facilities."

The Yun/Hutt Investors

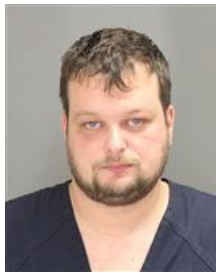
Safir also shows up in homes that belonged to Yun wards listed by his preferred realtor Hutt.

He is one of numerous investors with ties to real estate deals in Florida, another epicenter for allegations of guardianship (<https://web.archive.org/web/20200103231847/https://www.orlandosentinel.com/news/florida/guardians/os-ne-florida-guardianship-holes-in-system-20190808-cl66nfy2nzh73bjhy25unzjm3u-story.html>) corruption.

In 2017, an Oak Park, Michigan home belonging to a Yun ward, was sold at a sheriff's sale to one of Safir's companies for \$114,000.

In December of that year, Safir sued Yun in Michigan's 45th District Court in order to gain access to the home. In 2018, Safir resold the home for \$193,000.

Safir's associates include a Bloomfield, Michigan, man Eugene Alekseychenko, who has arrest records from both Dade and Broward Counties in Florida. In January 2018, Alekseychenko was arrested in Dade County and charged with Organized Fraud and First-Degree Grand Theft.



Eugene Alekseychenko
Image courtesy of Dade
County

Another of Safir's associates, Gennadiy Vilenchuk, has taken a key role in two of the investor's companies. Vilenchuk's daughter Violetta is a foreclosure/short sale specialist at Michigan First Realty and has acted as the authorized signer on real estate deals between Safir's LLCs and investors John Graham and Mark Brand.

In December 2018, one of Violetta's First Michigan Realty colleagues, Deborah Megdall, was both the selling agent and the buyer of a Yun ward property in Commerce Township, which sold for \$536,000.

The paperwork for one of Megdall's LLCs was submitted by attorney J. Marc. Feeney, who is presently General Counsel and Director of Claims Management at the insurance management company Chelsea Rhone, whose primary clients include nursing care and assisted living facilities.

Feeney was also a co-partner in a Florida company with Paul and Al Hamlin, the President and Vice President of Hamlin & Burton Liability Management. As with Chelsea Rhone, the Orlando-based company serves clients that include long-term care facilities. **There are no unread comments at this time.**

In 2012, Feeney supported attorney James A. Fink in his unsuccessful bid for Judge of Michigan's 22nd Circuit Court. Fink is presently a member of the Michigan Attorney Discipline Board.

The Speed of Poverty

While investors who buy a probate home stand to make huge profits, it is entirely the opposite picture for an Oakland County ward.

Substantial losses of any assets which belonged to a ward prior to being placed under a guardianship are common. Typically, wards are penniless in anywhere from one-to-three years and entirely reliant upon social services

After that, they end the year either at an annual loss or a gain of only a few hundred dollars.

In May 2017, a then-84-year-old man named Alan was placed under Fraser's guardianship and conservatorship after a petition filed by a social worker from Cambridge North Health Care Services in Clawson, Michigan, stated that "based on physician's evaluation, Alan is unable to handle medical and financial affairs independently."

No medical evaluation was included with the petition, and on June 7, 2017, Fraser was given conservatorship of Alan's estate.

According to Fraser's accounts. Alan had \$271,048.06 in total assets when he took control of them, as well as an annual income of \$11,194.26, which included Social Security, proceeds from the sale of Alan's jewelry, a small bank refund and cash Fraser claimed to have found.

A little over six months later, Fraser listed total expenses of \$241,004.47, leaving Alan with a little over \$41,000 left in the bank. During that period, Alan's Cambridge North Healthcare bill was \$91,940.00.

On September 6, 2017, the facility called Fraser's office to ask about the sale of Alan's home.

On November 29, 2017, Fraser filed copies of two Revocable Living Trusts created between Alan and his deceased wife in 2004 and 2007. Both were unsigned.



Former Oakland County Public
Administrator Thomas Brennan
Fraser
Image from social media

In an accompanying affidavit, Fraser requested an ex-parte order (one created without the knowledge of opposing parties) from presiding Judge O'Brien to make him Temporary Successor Trustee in order for him to sell Alan's Troy, Michigan, home that was titled in the Living Trust's name.

Fraser claimed he "could not locate" any signed documents, that he had been unable to contact Alan's daughter and had received "no response" from Alan's estate planning attorney. Yet, Fraser's accounts show May and June 2017 calls to his office from both parties before he filed his affidavit.

STATE OF MICHIGAN
PROBATE COURT
OAKLAND COUNTY
CIRCUIT COURT - FAMILY DIVISION

EX-PARTE PETITION AND ORDER

FILE NO.
2017-376812-CA

In the matter of Alan [REDACTED], Protected Individual

1. I am interested in this matter and make this petition as Conservator
State interest/relationship

2. The interested persons, addresses, and their representatives are identical to those appearing on the initial application/petition, except as follows:

3. I state: (state law) This Court approved the sale of the Protected Individual's home located at 886 Brooklawn, Troy MI 48064 on Wednesday, November 22, 2017 for \$227,500.00. (#7) This home is titled in the Alan [REDACTED] and [REDACTED] Revocable Living Trust, dated December 3, 2004. A copy of the Quit Claim Deed placing the house in the Trust is attached. (#5) An unsigned copy of the First Amendment of the Trust dated in 2007 is attached. (#2) The Assets shall be immediately distributed to Jacqueline [REDACTED] the named beneficiary shall not be surviving, then the interest of the deceased named beneficiary shall have lapsed. An unsigned copy of the Original Trust is attached. (#3) A signed copy of the First Amendment to the Trust or the Original Trust can't be located. Mase [REDACTED] died on January 28, 2014 and her Death Certificate is attached. (#4) Jacqueline [REDACTED] (the 1st Alternate Successor Trustee and the named 100% beneficiary in the First Amendment of the Trust dated in 2007) died on May 5, 2017 and her Death Certificate is attached. (#6) Leslie [REDACTED] is not responding to phone calls or letters and she did not appear at the hearing on November 22, 2017. Leslie [REDACTED] is the 2nd Alternate Successor Trustee in the First Amendment of the Trust dated in 2007.

4. I REQUEST that: This Court sign the Nun Pro Tunc Order Regarding real estate / Dwelling and authorize Conservator Thomas Brennan Fraser to complete the sale of the home located at 886 Brooklawn, Troy MI 48064 as the Temporary Successor Trustee of the First Amendment of the Alan [REDACTED] and [REDACTED] Revocable Living Trust, dated December 3, 2004.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

November 29, 2017
Date

Thomas Brennan Fraser
Attorney signature
Thomas Brennan Fraser PLLC
Thomas Brennan Fraser
Name (type or print)
P51993
Bar no.

Thomas Brennan Fraser
Petitioner signature
Thomas Brennan Fraser
Petitioner name (type or print)

55 E Long Lake #247
Address

55 E Long Lake #247
Address

Troy, MI 48065 (248) 619-0001
City, state, zip Telephone no.

Troy, MI 48065 (248) 619-0001
City, state, zip Telephone no.

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FILED
Filing
DEC 01 2017
Deputy Register of Probate

PC 586 (9/11) PETITION AND ORDER
4102/ET/ET

MCR 5.113

Fraser ex-parte order to become Alan's successor trustee

Although worth \$301,000, Alan's home was sold for \$227,500 to Novi, Michigan, realtor Michael Perna, whose employee Carey Rose was also the home's selling agent.

Alan died at Cambridge North on December 26, 2017, yet Fraser continued billing the estate for almost two more months. Remarkably, he traded back and forth communications with the Department of Health and Human Services (DHS) regarding Alan's Medicaid application. On January 8, 2018, Fraser's office emailed DHS to let them know that "there is nothing left in the trust."

Seven months later, Perna resold the home for \$315,000.

Unexplained Expenses

"There's nothing left" is a common complaint from many of the family members who have or had relatives under guardianship. Those who spoke with this investigation were never able to understand how so much money was spent by Carney, Yun, Munger and Fraser in such a short period of time or why such expenses were necessary..

In 100 percent of cases reviewed, annual accounts filed by each guardian and approved by all four Oakland County judges were submitted without receipts for each of the expenses listed.

In March 2019, after filing to terminate him as a guardian, Yun ward Nancy Haddock and her family objected to his third annual account for the period of March 1, 2018, to February 28, 2019, which listed \$19,551 in Social Security and pension income but \$84,372.11 in expenses, a loss of \$64,821.00.

According to the complaint, Yun's line items included:

- \$961.50 in personal items and clothing
- \$1,250.58 in Utilities and a cell phone
- \$32,097.92 in bills to Suncrest Adult Foster Care

However, Haddock's daughter Catherine asserted that her mother received no clothing or personal items and that she hadn't owned a cell phone in more than two years. Nancy's home was sold by the public administrator in December 2017. Why Yun was still paying utilities, long after the home was sold, is unknown.

Nancy had only been at Suncrest for 177 days at the time the account was filed. Yun's account claims that her care at the facility cost \$186.61-per-day, despite Nancy having health insurance.

There are no unread comments at this time.

Nancy's complaint sought "full accountability and explanations from John Yun in the form of the requested receipts, invoices and proof of disbursements."

At a June 5, 2019, hearing in front of presiding Judge Hallmark, Yun requested and was granted 45 days to produce his receipts.

Catherine was shocked.

"If he is doing his job as a conservator for my mom, he should have been able to present them right away," she says. "You'd think he would have kept them in a file accounting for every last cent, so why does he need such a long time to find them? If it had been me acting as a conservator, there is no way the judge would have given me 45 days."

Jayne Collins, the daughter of Fraser ward Nancy Collins, has been similarly mystified by the accounts filed by the public administrator, each of which have been approved by O'Brien. She hasn't filed objections because she can't find any legal counsel, and she says she's terrified of reprisals from Fraser and presiding Judge O'Brien.

An account Fraser filed on June 19, 2018, listed Nancy's income at \$34,973.62 but expenses for the year totaling \$114,434.75, a loss of \$79,461.13. Nancy had just \$6,332 left in the bank.

"I have absolutely no idea why the bills are so high," Jayne says. "Everything Mom and Dad worked for has just been blown away."

One of Fraser's line items included car payments totaling \$1,084.45.

"I was like *what?*" Jayne recalls. "My mother has not driven or owned a car since 2008."

She has plenty of other questions to which she says she will never know the answers.

"Everything Fraser does is very vague," she says. "Any bills pertaining to my mom go to him, so I can't verify anything. There's no explanation for it. Fraser does not furnish receipts, so you are just supposed to go with whatever he writes down. It makes no financial sense, and it is totally irresponsible."

The Forensic Accountant Review.

Since 1995, audits and reviews of guardianship and conservatorship cases filed in in Wayne, Washtenaw, Calhoun, Jackson, Huron and Macomb County Probate Courts have been conducted but never made public.

This investigation asked Chicago-based forensic accountant and certified fraud examiner Tim Mulholland, CFE, MSAF, and owner of TJM limited, to independently review a cross-section of cases belonging to Yun, Carney, Fraser and Munger.

Mulholland did not have subpoena power and the access to a guardian's corporate and personal records (such as income tax returns) that would be available to a formal audit performed by, for example, the Internal Revenue Service.

For the first time in Michigan history, the full results of an analysis of cases filed at the Oakland County Probate Court can be seen by the public.

To download the full report click here.

([https://web.archive.org/web/20200103231847/https://storage.googleapis.com/wzukusers/user-](https://web.archive.org/web/20200103231847/https://storage.googleapis.com/wzukusers/user-15021878/documents/180ba752ebc242a6804f5e363b8c1c07/Oakland%20County%20Probate%20Court%20ReportII%20(2).pdf)

[15021878/documents/180ba752ebc242a6804f5e363b8c1c07/Oakland%20County%20Probate%20Court%20ReportII%20\(2\).pdf](https://web.archive.org/web/20200103231847/https://storage.googleapis.com/wzukusers/user-15021878/documents/180ba752ebc242a6804f5e363b8c1c07/Oakland%20County%20Probate%20Court%20ReportII%20(2).pdf))

"The large volume of cases brought before the Oakland County Probate Court, along with stretched resources, may be giving rise to the proliferation of improprieties," Mulholland writes in his report. "Proper due process is sometimes lacking, and appointments of guardians and conservators are hastily appointed and on the basis of scant factual information."

In the Carney case of Marie and Pauline (detailed in Part One of this series), Mulholland determines that the public administrator's "legal fees appear to be commingled with fees that should fall under those of Guardian fees. It is recognized in Michigan law that a fiduciary performing administrative duties cannot receive the rate of compensation as an attorney for professional services."

~~There are no unread comments at this time.~~

Mulholland also noted "numerous line items on the Carney billing invoice show charges for questions related to entry into home [and] calls related to installing a hand-rail at [Marie's] home."

In Virgil's case, Mulholland recommends "the amount of fees paid the Jennifer Carney Law firm should be further investigated as it represents a large percentage of both net worth and total expenses of the Incapacitated Individual."

"The sale of property lacks the chronological documentation for such complexity and unusual nature of the transactions that took place," he adds, "and if proper Fiduciary duty was prudently adhered to."

Regarding the Haddock, sold by Yun allegedly without her knowledge, Mulholland asserts the need for further investigation into the transaction.

"The sale of the property must be investigated as the disposition of 35 percent of the value listed is significant and the purchaser of the home was a potential flipper," he writes. "It is not clear as to the urgency to sell in such a fashion that would warrant such a discount and if proper Fiduciary Duty was prudently adhered to."

As for the sale of two homes belonging to Fraser ward Thomas Howard, Mulholland notes that "The Ward clearly had ample cash on hand and there was no urgency to sell."

He adds that the sale of Howard's Cheboygan, Michigan, cottage (detailed later in this article) is of "greatest concern given that it sold \$37,300 below that listed on the accounting, and the \$155,000 asking price when the Ward put the home for sale in 2015. Under EPIC, trustees are fiduciaries by statutory definition. It stands to reason that a trustee's most important duty, under-lying all other duties, is his or her fiduciary duty."

"It is the opinion of this examiner that there are appearances of improprieties on the part of the Public Administrator, Guardian, and Conservator in the observed cases," Mulholland summarizes. "There were also indications of lack of proper supervision and due process on the part of the Oakland County Probate Court in the processing of Petitions and Orders. The disposal of assets are particularly of concern, especially as it relates to the sale of homes and property of the wards."

"Fees charged were disproportionately in favor of Munger, Yun, Fraser and Carney," he adds. "Legal fees may have been commingled with fees suited for Guardian and Fiduciary duties, and invoices and detailed billing was found lacking."

Mulholland recommends that a formal audit is warranted due to “enough circumstantial evidence and lack of proper procedures, documentation and due process.”

“The impact of the actions by both the probate court, Munger, Yun, Carney and Fraser have caused or contributed to the suffering by vulnerable wards and their families,” he concludes.

Probate Affluence

It is quite the opposite story for the guardians and judges who preside over those wards and their cases.

According to Oakland County 2019 salary schedule, a probate judge makes \$148,469 per year. Yet, records found in the Oakland County Register of Deeds show that judges have paid off their own home mortgages remarkably quickly, sometimes only to remortgage them in a similarly short space of time.

In 2008, Hallmark and her husband took out a \$154,000 mortgage on their home in Bloomfield Hills, Michigan, which today is worth almost a half-million dollars.

Less than three years later, the mortgage was paid off.

Similarly, in 2010, Callahan and her husband paid off a \$292,000 mortgage they had signed three years earlier. In 2016, the couple took out a \$100,000 revolving line of credit.

O'Brien has taken out and paid off numerous mortgages on his West Bloomfield home, most notably in 1993, 2000, 2002 and 2003. His most recent mortgage was in 2012 for \$108,931.81. The home itself is worth an estimated \$189,000.

On August 5, 2016, Ryan's brother James signed a one-dollar Quit Claim Deed to her for a Wixom home presently worth \$225,000. On the same day, Ryan took out a \$162,800 mortgage on the property and, three weeks later, a \$26,000 revolving line of credit.

Munger, Yun and Fraser have similar histories.

In 2013, Fraser took out a \$332,100 mortgage on a property in Troy, Michigan. Three years later, he took out a second mortgage on the property of \$388,000. The home is worth approximately \$524,000.

Munger's White Lake condominium is worth an estimated \$352,000 and has been mortgaged multiple times, most recently on June 29, 2016, for \$216,982. In 2017, the former public administrator was slapped with a \$70,135 federal tax lien.

Yun, who also uses the first name “Johnca” in title deeds, has paid off a series of mortgages since 1997. Most recently, he discharged a \$212,000 mortgage he received in 2015.

Both Munger and Fraser have bought and sold numerous vehicles and boats over the past decade.

Fraser presently boasts a 2019 truck, one of more than a dozen vehicles he has owned since 2010. Records indicate a history of boats licensed by the public administrator, including a 23-foot Crest Marine and a 2017 Bombardier Jet.

Munger, too, is a boat enthusiast, with a 22-foot 2012 Misty Harbor craft, as well as a number of different trucks, trailers and motorcycles owned since 2006.



Judge Daniel A. O'Brien

Precluding the Temporary

While the guardians are well paid, they also have a duty under Michigan statute to “restore the ward to the best possible state of mental and physical well-being so that the ward can return to self-management at the earliest possible time.”

However, out of all of the cases reviewed by this investigation, without the intervention of family, only two percent of wards were successful in the termination of their guardianship before they died.

In Annual Reports detailing the condition of their wards, Carney, Yun, Munger and Fraser continually stated that their guardianships should continue because “the adult is unable to make decisions for her/himself.”

However, their wards have been expeditiously stripped of their home, car, personal belongings, identification, credit and almost every penny of their life savings.

Particularly in the case of younger adult wards, this raises the question as to how, with no ability to even look for work, travel to interviews or restore their credit to a point where it is possible to find housing, anyone can possibly “return to self-management.”

When she was placed under Munger’s guardianship in January 2017, then-63-year-old Patricia had \$106,852 in checking, savings and retirement accounts. The guardianship followed a November 2016 petition to the Michigan Adult Protective Services (APS) claiming that Patricia had a “history of strokes and COPD and displays poor decision making as well as confusion.”

Her first GAL noted that Patricia’s medical conditions were under control and that her income was sufficient to pay her rent. Although the GAL recommended a contested hearing, APS retained an attorney and Munger was made her guardian and conservator.

In just under nine months, Munger had spent \$65,250.13 (\$7,250 per month) of Patricia’s money. Of that, \$45,760 had been given to Cambridge East Healthcare, and Munger paid himself \$5,829 in legal fees.

From January to July 2017, Munger’s office billed Patricia numerous times for correspondence and telephone calls regarding a Medicaid application he filed for Patricia. Line items also show that Munger reviewed benefits Patricia was receiving from United Healthcare.

By August 2017, Munger had moved Patricia to the Carter Group Home in Holly, Michigan. A second GAL visited her there.

“When I met Patricia, she was dressed in boxer shorts and a large, dirty T-Shirt,” the GAL noted in her report. “She was able to answer most questions about her health history and how she arrived at the group home. She informed me that she was brought to this home without any ID, money or clothes. The director of the home confirmed that she had no documents or money, not even her Medicare card.”

In August last year, LARA suspended the license (<https://web.archive.org/web/20200103231847/https://www.michigan.gov/lara/0,4601,7-154-11472-475509--,00.html>) of Carter Country Homes in Holly, Michigan, after the Oakland County Narcotic Enforcement Team discovered a supply of illegal drugs (<https://web.archive.org/web/20200103231847/https://www.clickondetroit.com/news/oakland-county-adult-foster-care-home-suspended-after-drug-trafficking-bust>), including cocaine, drug trafficking materials and firearms in a bedroom of the home used by its administrator.

Patricia was moved to a room in an Oak Park Arina’s Senior Care unlicensed group home for which Munger paid \$16,500 in rent (\$1,375 per month). Patricia received \$750 for the year as an allowance (\$62.50 per month).

Munger’s over billing was often blatant.

7/3/2017	Mail Payments to Michael Proctor and Beaumont Health	\$31.50
7/3/2017	Mail Payments to Public Storage and AARP	\$31.50

11/13/2017	Review and Sign Accounting	\$24.50
11/13/2017	Review and Sign Accounting	\$24.50
4/25/2018	Telephone Call to Metro PCS	\$15.00
4/25/2018	Telephone Call to Metro PCS	\$37.50

Other billing line items show that Munger cleaned out Patricia's rented home and storage unit and dispensed with or sold Patricia's property, all the way down to her snowshoes. In October 2017, Munger received calls both from Patricia and Arina's Senior Care requesting winter clothing.

As of February 2019, Patricia was still under guardianship. Any notions of recouping the money she has lost or saving for the future would seem obsolete.

A Rochester Hills woman named Suzanne was placed under Yun's guardianship following a December 2016 APS petition stating that she suffered from MS, anxiety, depression and bipolar disorder. ~~There are no unread comments at this time.~~

Her losses from April 2017 to April 2018, as shown in the summary pages accompanying the account Yun submitted to the court, were staggering.

SCHEDULE A: Income and gain in this accounting period		SCHEDULE B: Expenses, losses, and other disbursements, including distributions to devisees and beneficiaries	
Social Security	20,453.70	Personal Funds	3,882.47
Chrysler Pension	6,757.75	Safe Deposit Box	60.00
Trinity Pension	7,171.21	Inn at Cass Lake Assisted Living	37,834.64
Cashiers Checks and Cash found in home	135.00	Homestead Home Health Care	4,088.00
New York Life Annuity Payments	5,292.64	State Farm Home and Car Insurance	802.86
Refunds: Credit Card/Homeowners Insurance/Consumers	1,013.91	State Farm Insurance for Property Up North	180.15
Interest on Bank of America IRA #2773	0.84	Utilities: Gas, Electric, Garbage and Telephone	3,165.61
New York Annuity #7587 Increase Value	2,078.10	Property Taxes	4,084.17
JP Morgan Chase Increase Value #60961	1,965.17	Medical: Doctor and RX	6,590.43
		Lawn care/Home Cleanup/Repairs	3,588.90
		Credit Card Payments	10,961.12
		SEE ATTACHMENT	100,144.33
Investment gain		Investment loss	
Disposition gain, if any, from Schedule C		Disposition loss, if any, from Schedule C	58,781.66
Total Income and Gain	\$ 44,868.33	Total Expense, Loss, and Disbursements	\$ 234,975.34

(SEE SECOND PAGE)

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

PC 564 (0/11) ACCOUNT OF FIDUCIARY, LONG FORM MCL 330.1631, MCL 700.3703(4), MCL 700.5418, MCR 5.308(A), MCR 5.310(C), MCR 5.313, MCR 5.429

3AL Fees (J. Coval)	200.00
Replacement Vehicle Title	20.00
Storage Unit	2,273.37
Transportation	162.00
State of Michigan Income Taxes 2012 & 2013	10,419.94
JS Treasury Income Taxes 2017 and 2018 Estimated	35,713.00
JS Treasury Income Taxes 2011, 2012 & 2013	28,080.75
Attorney Fees approved by Court for 1st and Final Account under Guardianship File (Paid in Full)	8,480.44
Attorney Fees	14,794.83

Suzanne's Rochester Hills, Michigan, home was gone. It was sold to an investor for \$205,000 who, less than two months later, resold it for \$337,000.

Spend Down or a Village?

Dohn Hoyle is the Director of Public Policy of The ARC Michigan, an organization dedicated to ensuring that people living with developmental disabilities can participate fully in the community.

"Guardianship is a horrific system that's set up to be against the people it's supposed to be protecting," he says. "It does more to alienate people from society and makes it impossible for them to build relationships."



Dohn Hoyle. Photo courtesy of The ARC, Michigan

"No guardianship should be for life," Hoyle adds. "Once you are enmeshed in the system, there's no sense of independence. People will say that it doesn't matter for someone who is impaired, but I'm telling you, every inch of it matters. There's no time or money spent on restoring people to independence. There's no obligation on the part of the guardian to report that they have done any of that. It does not make any sense."

Guardianship advocates claim that such extraordinary spending on the part of the guardians is simply part of commonly accepted practice used in order to assist someone with too much income to qualify for Medicaid.

Called a "Spend Down," it essentially makes a person eligible for Medicaid benefits, which will cover expenses in a long-term care or nursing facility, by rapidly spending excess cash or liquid assets over and above Michigan's \$2,000 limit.

But for people who have worked all their lives to save for a retirement income, is spending it as fast as possible in order for them to live in a nursing home their first choice?

Jackie O'Connor is the Executive Director of the Area Agency on Aging of Western Michigan (AAAWM), (<https://web.archive.org/web/20200103231847/https://www.aaawm.org/>)an organization dedicated to assisting older adults and adults with disabilities with an array of services that promote their dignity and independence in their communities.

She has been a part of the organization for 35 years and says most of the people she's worked with want to stay in their own home.

"We try to keep people healthy and active," O'Connor asserts. "As they age and their ability and mobility decreases, there are services that can be added to keep them in their home. In our most urban county, Kent County, there is a senior village that brings in \$11 million every year for older adult services."

O'Connor's organization administers that money through services designed to help people remain in their homes (also called aging-in-place). O'Connor says that the AAAMM assists caregiver family members or friends, helps a vulnerable individual with mobility, provides meals and transportation to medical appointments.

"If a person becomes frail enough that they are nursing home and Medicaid eligible, there is a waiver program in Michigan, which helps us provide more intensive services in the home and Medicaid pays for it," she notes. "It costs 40 percent of what Medicaid would pay for a skilled facility."

O'Connor adds that more people could opt for the program if they knew about it.

"In Michigan, it means getting the word out, educating the public and legislators," she says. "People want to stay in their home. It's saving the State of Michigan money when we can provide those services to the home."

"Guardianship has never been a useful tool," Hoyle adds. "Let's do what we do for other people and give them advice and assistance. It takes a village, but all a guardianship does is drive that village away."

Rejecting the Good Neighbors

Thomas Howard was a tall, well-built man from Bloomfield Hills, Michigan, where he lived with his wife Geraldine when the couple weren't spending holidays at a cottage on the shores of Black Lake in Cheboygan.

His gregarious nature had not only earned him a hugely successful career as a salesman for Chrysler but a village of friends and neighbors, alongside a church community that genuinely loved and cared for the couple.

In 2014, Howard lost Geraldine to heart failure but, although he lived alone, the members of his village looked out for him. One of them was retired neurologist Dr. Bashar Abou-Rass, who had known Howard since 1991 when he moved into the house next door.

"We developed a really close relationship," Abou-Rass says. "He was like an older brother to me."

Abou-Rass moved to a different neighborhood in 2009 but kept up his visits to Howard.

"After his wife died, he was doing fine by himself," Abou-Rass recalls. "He would drive alone to get groceries and I would visit at least once or twice per week."

In September 2016, Abou-Rass received a voicemail from a St. Joseph's Mercy Hospital social worker stating that the 88-year-old Howard had been hospitalized after falling at a Costco parking lot.

"My wife and I rushed over there," Abou-Rass remembers. "He had broken his elbow and had some bruises, but he was happy to see us. Two days later, I was told by the social worker that a psychiatrist had determined he could not live by himself. She asked me if I would mind being his guardian."

Abou-Rass agreed and filed for guardianship. His petition was heard in front of Oakland Probate Judge Ryan on October 12, 2016. By then, Howard had been transferred to a West Bloomfield rehabilitation facility called Notting Hill.

According to a transcript from the hearing, Howard's GAL, Bloomfield Hills estate planning and probate attorney Daniel Kosmowski, told Ryan that Howard owned his own home as well as a cabin in Cheboygan, Michigan, and a car. Ryan set the matter for a contested hearing and appointed Abou-Rass as Howard's temporary guardian. As for who was going to become Howard's conservator, Ryan stated, "I think a public administrator would probably be better."

She instructed Abou-Rass to file an Emergency Conservatorship Petition. Unsure of what his responsibilities in the role would be and wary about the potential trouble of taking control of his neighbor's finances, Abou-Rass began to ask the judge questions.

"Just file it," Ryan insisted. "We'll set it for a hearing and then we'll figure out who's gonna be conservator."

Yet, on the same day, Ryan issued an order appointing Fraser to the position.

Abou-Rass received an October 17 letter from Fraser's office addressed to "Interested Party" stating as much. The letter included a fee schedule that started at \$90 per hour for one of Fraser's paralegals and \$245 per hour for Fraser himself.

"I didn't know who he was," Abou-Rass recalls. "The judge just told us that he was next on the list. But an attorney friend of mine said that the guy was 'frightening.'"

Trusting that Ryan knew what she was doing, Abou-Rass met Fraser at Howard's home on October 20 and handed over the keys.

"We went inside the house and we found a lot of junk mail," he says. "Fraser went upstairs and started opening drawers and closets. He took Thomas's will and bank statements and locked the doors behind him."

According to Fraser's own accounting, on the same day, he called AAA Locksmiths to have the locks changed. On October 26, Fraser emailed Kosmowski "copies of Howard's General Durable Power of Attorney, Power of Attorney for Health Care and Designation of Patient Advocacy Form."

Those documents were never mentioned at either of Howard's initial hearings.



Oakland County Probate Court Chief Judge Kathleen Ryan.
Image courtesy of social media

Meanwhile, Abou-Rass says he had concerns about the conditions at Notting Hill.

"I was getting phone calls at least once every night from Notting Hill saying Thomas had fallen out of bed," Abou-Rass says. "He ended up going to the hospital twice because he fell. His watch was stolen there."



L to R: Thomas Howard, Dr. Bashar Abou-Rass.
Image Courtesy of Dr. Bashar Abou-Rass

"It was a mess. I was really angry," he adds. "Tom kept telling us, 'I want to go home. Take me home. I don't want to stay here. There's nothing wrong with me.' So I told Notting Hill that he wasn't going to stay there."

It was one of the key points at the December 2, 2016, contested hearing that would decide Howard's future by the appointment of a new (also called "successor") and more permanent guardian and conservator.

The Theatrical Hearing

Abou-Rass asserts that Howard's case was the only one scheduled that day. Since the Oakland County Probate Court does not keep a publicly available archive of cases heard on any given day and court documents are not subject to FOIA, it was impossible to verify Abou-Rass's statement.

Redford, Michigan, attorney Melinda Cameron was acting as Howard's court-appointed counsel. She has also served as GAL in numerous Oakland County Probate Court cases.

"It was like a theatrical play," Abou-Rass says. "Because they found out that Tom had a lot of money."

Indeed, the transcript of the morning is bizarre. Meant to start at 8:30am, the hearing was delayed by more than 90 minutes because, as Ryan announced to the small group of Abou-Rass, Fraser and Cameron, she had to "take a phone call on something I had to address for administrative purposes."

When Fraser apologized for being late himself, Ryan made his excuse for him.

"I know Judge O'Brien came and stole you and that delayed everyone else," she said. "So, you know, sorry. It happens. Happy Friday."

In stating his name for the record, Fraser briefly seemed to indicate that his appointment was a foregone conclusion when he stated that he was "appearing as successor...." before immediately correcting himself. "I'm sorry, as special conservator in this matter."

In delivering her report, Cameron noted that Howard still objected to the appointment of a guardian and conservator. However, even though she was his court-appointed attorney, she did not call any witnesses on Howard's behalf. Instead, she stated that, since Howard was hospitalized, "we'll waive his appearance for the purposes of this hearing today."

Under Michigan Statute, Howard's rights at the hearing included "to be present at the hearing on the petition to appoint a guardian and to have all practical steps taken to ensure this, including, if necessary, moving the hearing site."

Rather than exploring any alternate avenues in keeping with her client's objections, Cameron stated that an Independent Medical Examination (IME) had been performed on Howard and that she "stipulated to the contents of that report."

The report's findings were not given anywhere near the same level of detailed discussion as Howard's assets, including the estimated value of Howard's home and the Cheboygan cottage, the latter of which Fraser said he had already discussed with a local realtor.

"There is a full price offer on the cottage to sell it," he told Ryan, adding that he believed Howard's total net worth as "somewhere in the neighborhood of 1.2 million, most of it liquid except for the cottage and the home. So, he has significant assets."

They are all protected.”

When Ryan asked who should be appointed Howard’s full guardian and conservator, Cameron responded, “I’m asking the court, at this time, to appoint Thomas Brennan Fraser as the conservator—full conservator.”

Surprisingly, Cameron also recommended that Yun serve as a co-guardian with Abou-Rass.

“Why would you recommend that John Yun be guardian if you’re recommending that Tom Fraser be conservator?” Ryan asked.

“Because it’s my understanding that John Yun has specialized knowledge of placement,” Cameron answered, “and...and...because of his background in the medical area, that he would be a person who would be able to find an appropriate placement for him.”

“You don’t find Notting Hill to be appropriate right now?” Ryan asked.

“I think it’s perfect,” Cameron replied. “In fact, I’m asking that placement not be changed.”

Fraser then seized on the subject of Notting Hill.

“Mr. Bashar told me that Mr. Howard [he] said that [he] was not coming back.” he began.

“Right.” Cameron agreed.

“Our office was contacted by Mr. Bashar,” Fraser continued, “and indicated [he] wants to move Mr. Howard into his home...”

“No,” Ryan said firmly.

“This is my concern,” Fraser continued. “I voiced it with Ms. Cameron and there is a connection, a good connection between Mr. Bashar and Mr. Howard. No two ways about that. But the idea of moving a person with dementia into your home is significantly...”

Ryan immediately admonished Abou-Rass.

“It’s not your family,” she insisted. “I’m going to tell you, right now, you are not Mr. Howard’s family, you are his neighbor. Mr. Fraser is a professional. This gentleman has significant assets that need to be addressed, significant health concerns, and I would feel much more comfortable having a public administrator handle this situation than you, because I just don’t want arguments, I don’t want issues. Even if you’re doing everything right, you’re still gonna be accused otherwise and then we have an unnecessary trial.”

She discharged Abou-Rass and appointed Fraser as successor and full guardian and conservator. Howard’s future had been decided in 18 minutes.

1 court on that.

2 THE COURT: Okay, please do.

3 MS. CAMERON: Your Honor, I'm asking the

4 court at this time to appoint Thomas Brennan Fraser as the

5 conservator -- full conservator. Regarding the petition for

6 guardianship though, I'm asking the court to appoint John

7 Yun as a co-guardian with no independent authority.

8 THE COURT: With whom?

9 MS. CAMERON: With Mr. Bashar Abou-Rass. And

10 I say -- and I'm recommending that with some hesitation.

11 THE COURT: Why would you recommend that John

12 Yun be guardian if you're recommending that Tom Fraser be

13 conservator?

14 MS. CAMERON: Because it's my understanding

15 that John Yun has specialized -- specialized knowledge of

16 of his background in the

17 medical area, that he would be a person who would be able to

18 find an appropriate placement for him.

19 THE COURT: You don't find Notting Hill to be

20 appropriate right now?

21 MS. CAMERON: I think it's perfect. In fact,

22 I'm asking right now that that placement not be changed

23 without prior court --

24 THE COURT: John Yun doesn't have anymore

25 experience in placement than Mr. Fraser does.

-12-

Portion of Transcript from Thomas Howard hearing 12/2/2016

Looking back, Abou-Rass believes that the outcome of the hearing was predetermined, outside of the courtroom, during the 90-minute delay.

"Before the hearing, I had called Fraser's office one time and told them that another neighbor had suggested I move Tom back home and hire [in-home] care, and I asked them what they thought of the idea," he recalls. "I didn't act on it. But I know that people do better in an environment that they are familiar with. But the judge never questioned me. She accepted it right away, as if Fraser was telling the truth."

During the hearing, when Abou-Rass tried to point that out to Ryan, she replied, "All right. It's neither here nor there. Let's just call it a misunderstanding."

Abou-Rass believes what happened next was not.

Before the hearing commenced, he had opened the door to the courtroom to allow Cameron to enter before him.

"She didn't look at me, she didn't say a word to me," he remembers. "After it was all over, I was waiting for the order to release me as guardian. I said to Cameron, 'Ma'am, the next time someone opens the door to you, at least say thank you.'"

He says Cameron's response was heard by both Ryan and Fraser.

"Cameron said to me, 'Oh yeah, yeah, yeah, you're confusing me with women from your country.'"

A stunned Abou-Rass filed a complaint with the Michigan Attorney Grievance Commission (MAGC). He asserts that neither Ryan nor Fraser would testify on his behalf.

"Cameron said that it was all lies," he recalls. "The case was closed."

The MAGC took no disciplinary action against Cameron.

“How Could Anyone Be Treated Like This?”

In January 2017, Fraser moved Howard to Sunrise Senior Living in Bloomfield Hills, which operates 12 facilities in Michigan.

Since they are called Assisted Living Facilities, there is no licensing or complaint information about them on file. Howard was placed in a lockdown unit on the third floor of the Bloomfield Hills site.

“I noticed that no one from Fraser’s office was visiting him,” Abou-Rass says.

Yet, as early as February 2017, Sunrise was calling Fraser’s office to alert him to incidents such as skin tears and multiple falls that resulted in head and body injuries, in some cases requiring hospitalization.

The first time a visit to Howard by Fraser’s office is mentioned in his accounting is in an August 2, 2017, line item that charged Howard \$10 for a “review of ward visit report from care manager.” In his Annual Report on the condition of his ward, Fraser stated that he visited Howard “Every 60 to 90 days or more as needed.”

The report noted October 17, 2017, as the last time Fraser visited Howard that year. However, no note of any such trip that day is made in the public administrator’s Annual Accounting.

Another of Howard’s neighbors, who had been close to both Howard and Geraldine since 1969, was Judy Kruse. Like Abou-Rass, after she had moved away, Kruse kept in regular touch with Howard.

When in September 2017 she paid a visit to him at Sunrise, Kruse felt compelled to write a letter to Ryan describing what she saw.

“I entered [his room] and I didn’t even recognize Tom,” she wrote. “He had substantial facial hair growth and didn’t look like he had been shaved in some time. It looked to me like he was drugged but I can’t say that for sure.”

“Tom was at least 6 [feet] tall and he was sleeping in a very narrow single bed,” she added. “There was no headboard, [two] pillows under his head and no pillow-cases. He was covered with what looked like an old drape. I was hysterical when I left Sunrise. How could anyone be treated like this?”

“I then called Mr. Fraser’s office and asked to speak to him,” Kruse continued to write. “The person who answered the office phone informed me she was in charge of Tom’s case. She said a ‘Case Manager’ goes out quarterly to visit. She said she would send someone out to check things out.”

Fraser billed Howard \$20 for Kruse’s September 19, 2017, call during which she claimed she was assured that a larger bed and new bedding would be ordered.

“I asked why it took a phone call from me to get something done,” Kruse added, “and she got upset with me and stated, ‘I don’t have to tell you anything.’”

According to both Kruse and Abou-Rass, although a new mattress was provided, the undersized bed frame remained the same.

On October 30, 2017, Fraser’s office received a call from Sunrise stating that Howard had been found “unresponsive and was transported to a hospital.”



Thomas Howard
Image courtesy of Dr. Bashar Abou-Rass

"Hospital is unknown," the accounting line item concluded.

Fifty dollars' worth of phone calls billed to Howard by Fraser determined he was at St. Joseph's Mercy in Pontiac.

Liquidating a Life

The majority of line items in Fraser's accounting for the first year show that he spent significantly less time on the health of his client than he did time with rounding up and liquidating Howard's assets.

There were multiple October and November 2016 back-and-forth conversations between his office, Berkshire Hathaway Realtor Jack Douglas in Cheboygan and one of Fraser's preferred realtors, The Fox Group. On November 29, 2016, Fraser drafted a petition to sell the Cheboygan cottage for \$109,500.

It was filed on December 8, six days after Fraser's appointment as Howard's permanent guardian and conservator.

Far from maintaining awareness that his duties as guardian and conservator were supposed to be a temporary solution to allow Howard to return to self-management, Fraser's stated reason for the sale was more of a foregone conclusion that his ward's situation was long-term.

There are no unread comments at this time.

"Thomas Howard has been residing in a nursing home since September 2016," Fraser wrote in the Petition to Sell Real Estate. "There is no anticipation that Mr. Howard will be able to enjoy his home away from home in the near future."

The sale price was far under the SEV x two amount of \$146,800.

At a January 2017 hearing on Fraser's petition, Abou-Rass attempted to contest the sale as being far under the value of a home Howard had once told his friends that he had no intention of "giving away."

Abou-Rass even offered Ryan multiple documents showing that the home was worth far more than the amount for which Fraser was selling it. But the judge shot him down for the same reasons she used to dismiss him as a guardian.

"She told me I was not a relative," Abou-Rass says. "That I was just an interested party."

Approved: SCAO		JIS CODE: RSR
STATE OF MICHIGAN PROBATE COURT OAKLAND COUNTY CIRCUIT COURT - FAMILY DIVISION	PETITION REGARDING REAL ESTATE/DWELLING	FILE NO. 2016-372,887-CA

NOTE: Do not use this form in decedent's estates.

Estate of Thomas Howard, Protected Individual

1. I am the Conservator of this estate.
Specify conservator or guardian

2. I intend to ☒ sell ☐ dispose of ☐ mortgage ☐ pledge ☐ cause a lien to be placed on the protected individual's principal dwelling, real property, or interest in real property described as follows (provide legal description or VIN number of titled property)
Tax ID# 151-014-300-013-01

for the purpose of Liquidation of Estate

to Patrick D. Osantowski and Colleen M. Osantowski for \$ 109,500.00 on the following
Name (type or print)

terms and conditions: See attached Offer to Purchase. Attached is a copy of the most recent assessor's statement or tax statement showing the state equalized value of the property or documentation showing the current value of the titled property which is \$ 73,400.00 (SEV).

3. It is in the protected individual's or estate's best interests to sell the real property for the following reasons:
Thomas Howard has been residing in a nursing home since September 2016 and there is no anticipation that Mr. Howard will be able to enjoy this once home away from home in the near future.

4. The value of remaining personal property is \$ 25,000.00 (approx) and real property is \$ 201,480.00 (SEV of home in Bloomfield Hills).

The amount of unpaid debt and taxes is \$ _____. The fiduciary is currently bonded for a total amount of \$ _____.

There are no unread comments at this time.

[X] 5. This is a conservatorship and the protected individual's monthly income is \$ 4,500.00 (Approx.) and monthly expenses are \$ unknown.

6. The interested parties, their addresses and their representatives are identical to those appearing on the initial petition except as follows: _____

(PLEASE SEE OTHER SIDE)

[] Bond is set at \$ _____ Do not write below this line - For court use only
FILED _____, 20

Date: _____

Authorized Signature: _____

PC 646 (6/12) PETITION FOR APPROVAL OF SALE OF REAL ESTATE

MCL 700.5423, MCR 5.207

7. I request that the court approve this ☒ sale ☐ disposal of ☐ mortgage on ☐ pledge of ☐ placement of lien on the property described above and determine whether a bond needs to be filed.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

 Attorney signature		December 5, 2016 Date	
Thomas Brennan Fraser Attorney name (type or print)		PS1993 Bar no.	
55 E. Long Lake #247 Address		55 E. Long Lake #247 Address	
Troy, MI 48085 City, state, zip	248.619.0001 Telephone no.	Troy, MI 48085 City, state, zip	248.619.0001 Telephone no.

There are no unread comments at this time.

Do not write below this line - For court use only

PC 646 (3/00) PETITION FOR APPROVAL OF SALE OF REAL ESTATE MCR 5.207, MCR 5.407

Fraser's Petition to Sell Howard's Cheboygan home page two

Ryan approved the sale for which Douglas acted as both the listing and selling agent. In 2019, the buyers of Howard's cottage, Patrick and Colleen Osantowski, would go on to sign a Quit Claim Deed for the property to their family trust.

The deed was drafted by real estate and elder law attorney Darrell R. Zolton, whose office presently employs a former Munger attorney, Susan Williamson.

As for Howard's Bloomfield Hills home, first on Fraser's agenda was to contract West Bloomfield estate liquidation company Everything Goes to empty out the property.

Everything Goes was incorporated in 1990 and Southfield attorney Mary G. Falcone submitted the paperwork.

Line items from Fraser's accounting show that he was in touch with Everything Goes CEO Andrew Adelson (called 'Andy' in the accounting) throughout January 2017. An estate sale of Howard's property was set for February 2 of that year.

Fraser claimed that it brought in a total of \$20,677, but there is no mention of how much he paid Everything Goes.

On February 27, 2017, Fraser's office notified Adelson that the check with proceeds from the sale had bounced. Adelson told Fraser to redeposit it. All told, it took \$72.50 in phone calls, charged to Howard's estate, to resolve the matter.

Neighbors believe that Howard was left with nothing.

"What a travesty when Tom could have had some items that he was familiar with," Kruse wrote in her letter to Ryan.

There is a line item in Fraser's accounting dated January 23, 2017, which states, "Travel to and attendance at client's residence to pick up clothing and personal items/belongings of clients and drop them off at Sunrise."

However, whether that was actually done or just how much of Howard's personal items were returned to him is unknown.

In disposing of Howard's Bloomfield Hills home, Fraser worked with Fox Group Associate Broker Debra Skonieczny, with whom he had been in touch as early as November 30, 2016. She listed the property just over a month later on January 7, 2017.

Within four days of it being listed, Fraser was drafting a petition to sell the home. His stated reason for the sale was a variation on a theme.

"Thomas Howard has been residing in a nursing home since September 2016, and there is no anticipation that Mr. Howard will be able to return home," he wrote.

At the time, the estimated actual market value of the home was \$417,738. The selling price Fraser proposed was \$400,000.

The buyer, Rosanne Fienman, is the wife of Bennett Fienman, who is the owner of a chain of Detroit-area grocery stores. In 2007, Bennett incorporated Fienman Family Real Estate, LLC.

The Articles of Organization were filed by Birmingham, Michigan, estate planning and tax attorney Fred Foley, who is a former partner of Joseph Ehrlich, an attorney who regularly represents Fraser during contentious Oakland County Probate Court cases.

There are no unread comments at this time.

Curiously enough, on October 20, 2016, eight days after Fraser was first appointed special conservator over Howard's estate, the Fienmans took out a \$417,000 mortgage on their home on Norcliff Drive in Bloomfield from a Florida-based financial services company Everbank.

An October 28, 2016, line item in Fraser's accounting for Howard notes that his office drafted an "authorization letter to Todd Fox with Fox Realty."

On January 25, 2017, Ryan approved the sale of Howard's home to Rosanne Fienman for \$400,000.

The following November, Rosanne executed a Memorandum of Land Contract (a document between buyer and seller that keeps the details of the transaction private) for the home between herself and Jamie R. Bassey (formerly known as Fienman). The document was drafted by Foley.

Bassey and her husband Kenneth are related to Bloomfield, Michigan, tax attorney Ronald D. Bassey, whose former partner filed the paperwork for Luda Brand's healthcare company Omni Private Duty.

Multiple Entries

Between December 2, 2016, and December 2, 2017, Howard's expenses under Fraser's conservatorship totaled \$227,652.95. Of that, Howard's GAL Kosmowski was paid \$600.

Curiously, Kosmowski's firm Brian Care Law was paid an additional \$4,300.

\$100,446.38 was designated for "Patient Pay." How it was divided between Notting Hill and Sunrise is unknown. Howard lost another \$77,690.58 that Fraser listed as a "Change in Value" regarding both the Cheboygan and Bloomfield Hills homes.

Fraser, himself, took \$14,602.03 in legal fees.

However, some account line items raise questions, particularly those detailing personal visits the public administrator made to a landscaping company called Blue Line Irrigation.

12/12/2016	Travel and attendance at residence with Everything Goes	\$735.00
12/12/2016	Travel and attendance at residence to meet with Blue Line Irrigation	\$245.00
12/12/2016	Travel and attendance at residence to meet with Blue Line Irrigation	\$245.00

On January 17, 2017, Fraser billed him \$245 for "Travel to and attendance at jewelers and gun store to sell items."

According to both accounts and inventories Fraser filed with the court, the sale of Howard's gun made \$300, while his jewelry netted \$2,610.

However, in Fraser's annual accounting, filed December 15, 2017, only money received from Howard's gun and personal property is listed as part of Howard's income. Whether the jewelry was included in those line items is not specified.

Although Howard had a car at the time he was placed under Fraser's guardianship and conservatorship, its value is not mentioned anywhere in Fraser's filed inventories. The disposition of the car is unknown.

Deterioration

Shortly after Howard arrived at Sunrise, Abou-Rass noticed that he was losing weight.



"He was so depressed in that place, he wasn't eating," Abou-Rass recalls. "I wrote and emailed Fraser telling him that this place was not good for Tom. But he never answered back."

By December 2017, the number of incidents at Sunrise, as reported in Fraser's accounting, were alarming.

12/18/2017	Telephone call from facility re: ward had a fall and is OK	\$10.00
12/27/2017	Telephone call from Sunrise of Bloomfield Hills on 12/25/2017 re: client had a fall early in the morning, no bumps or bruises were seen at the time of the fall.	\$10.00
12/27/2017	Telephone call to Sunrise RE: client fall; he is doing fine. He was sent out to the hospital but is back.	\$10.00
	There are no unread comments at this time.	
1/5/2018	Telephone call from Sunrise RE: client hit his head and EMS is there now—message was left with answering service.	\$10.00
1/5/2018	Telephone call with Sunrise of Bloomfield Hills; discuss client's care and falls that keep happening; notify her that client will more than likely not be returning to facility, we will be finding new placement for client. Dr had concerns regarding client's personal appearance.	\$10.00

The January 5 incident led to Howard's admission to Beaumont Hospital, where he remained until February 9, 2018.

A Fraser accounting line item from the day read, "Client will be discharged to Cedarbrook [Senior Living] today at [1pm]. Beaumont will follow client. They have a contract with Cedarbrook. Client is not actively dying, and his vitals are stable."

The next day, Howard was dead.

Fraser charged Howard \$245 for an hour of his time due to "Multiple conversations with Cedarbrook and Lynch and Sons Funeral Home."

According to Fraser's final accounting, for the little-over-two-month period from December 2, 2017, through February 10, 2018, Howard's expenses totaled \$49,007.12. Of that, Fraser took \$6,696.00 in legal and fiduciary fees.

He paid Lynch and Sons \$13,329.55 for Howard's funeral.

"The last time I saw Howard at Beaumont, he would not open his eyes to talk to me," Abou-Rass says. "He was usually so happy to see me."

On April 4, 2018, Ryan signed an order making Fraser the Personal Representative of Howard's estate.

"Fraser was supposed to be looking after my friend," Abou-Rass says. "That's what he was getting paid for. But Tom was severely neglected, and Mr. Fraser was nowhere to be found."

"I'm sure that the neglect and lack of supervision contributed to Tom's death," he adds. "But Fraser never checked on his well-being. Fraser's only concern was to take his money. It never made sense. None of it did."

This investigation reached out to Judges Hallmark, Callaghan, Ryan and O'Brien. No comment was received.

In a brief statement, Oakland County Court Administrator Edward Hutton said "I am unable to comment on matters pending before this court."

Requests for comment to Carney, Fraser, Munger and Yun's offices were not returned.

Calls to Hutt, Reynolds, Proctor and Fox were not returned.

****This investigation presented its findings to Michigan Attorney General Dana Nessel's staff on March 12, 2019. At that time, no comment was received. There have been no replies to further requests for comment.***

There was no response to requests for comment made to Sunrise Senior Living and Notting Hill.

Click here

(<https://web.archive.org/web/20200103231847/https://www.dailykos.com/stories/2019/8/23/1880844/-The-Fortress-Part-Four-of-Five-The-Consequences-of-Protecting-Justice>) for part four of five: The Consequences of Protecting Justice

Click here

(<https://web.archive.org/web/20200103231847/https://www.dailykos.com/stories/2019/8/23/1880806/-The-Fortress-Part-Two-of-Five-Protected-in-Hell>) for part two

Click here

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(<https://web.archive.org/web/20200103231847/https://www.dailykos.com/stories/2019/8/23/1880784/-The-Fortress-Part-One-of-Five-Unacknowledged-and-Unprotected>) for part one

*Gretchen Rachel Hammond is an award-winning freelance investigative journalist based out of Chicago. Her work has won or been nominated for four successive Chicago Press Club awards, been recognized by the National Association of Lesbian and Gay Journalists (NLGJA), and covered topics such as [criminal justice](#).
([\[alleged discrimination\]\(#\)
\(\[©gretchenrachelhammond2019\]\(https://web.archive.org/web/20200103231847/https://urldefense.proofpoint.com/v2/url?u=http-3A__www.windycitymediagroup.com_lgbt_Can-2Dthe-2DChild-2DWelfare-2DSystem-2DHandle-2DTrans-2DChildren-2DPart-2DOne-2Dof-2Da-2DSeries_58703.html&d=DwMFaQ&c=yHIS04HhBraes5BQ9ueu5zKhE7rtNXt_d012z2PA6ws&r=BqfLgND-taBMpxT2IWcnCjI2Z0Df48MrOdIJoOaka3o&m=tVZGFz6Yy0bfRDUPEhgvs10hLYgZR9ejwYh529TdjC&s=1JCP20GoLBxMSJgRILQ3tGXnes8tn8sNGM6DhGiloU&e=\) on the part of the Illinois Department of Children and Family Services leading to the unnecessary separation of children from their parents.</i></p></div><div data-bbox=\)](https://web.archive.org/web/20200103231847/https://urldefense.proofpoint.com/v2/url?u=http-3A__www.windycitymediagroup.com_lgbt_One-2Dnight-2Din-2Dthe-2Darea-2Dof-2DAustin_49141.html&d=DwMFaQ&c=yHIS04HhBraes5BQ9ueu5zKhE7rtNXt_d012z2PA6ws&r=BqfLgND-taBMpxT2IWcnCjI2Z0Df48MrOdIJoOaka3o&m=tVZGFz6Yy0bfRDUPEhgvs10hLYgZR9ejwYh529TdjC&s=U1ZGw4uw7FFtaRo9LUWGPdPojaeyElx82sW6L8OM86Y&e=) abuse at ICE detention facilities
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