

“Guardianship 101”

(If you’ve never heard about “guardianship” before, you won’t believe this, but, in actuality, this is happening to thousands of people across the United States every day. It could even happen to you with the flick of a judge’s pen. Want to lose all of your civil rights and have a complete stranger decide where you live, who you see, and how your money is spent? That’s what happens when a guardianship is commenced upon you. A march in Washington, D.C. took place this past June and legislators are being demanded to *stop* illegal guardianships through legislative reform. Senator Amy Klobuchar has taken a keen interest in this issue, along with Representative Keith Perry, Gainesville, FL)

Guardianship is supposed to be a legal system for caring for elderly and disabled people who cannot take care of themselves. Bills are paid and health care decisions are made on behalf of the incompetent person, and the professional guardian decides where the incompetent persons will live -- and even who might be allowed to visit them.

To begin a guardianship, a concerned person, usually a family member, petitions the court to become the legal guardian.

But what if, instead of a family member, the petitioner is a stranger? And what if this stranger is a business entrepreneur with more than 300 guardianships?

On December 1, 2011 at 11 a.m., Attorney (Reverend) Anthony M. Nardella, Jr., Orlando, will be petitioning Judge Victor Hulslander, Alachua County Courthouse, to be paid more than \$106,000.00 for “legal services” he has rendered to Louise A. Falvo, to “benefit” her—as the petition clearly states.

The only problem is that Attorney (Reverend) Anthony M. Nardella, Jr., has *already* been paid approximately \$300,000.00 for the “legal services” he rendered to Louise A. Falvo -- *who is deceased*.

Louise A. Falvo died on July 21, 2008 but her guardianship remains curiously open – nearly 3 ½ years after her death.

Is this even legal? The outspoken, politically active victims of guardianship reform – family members, concerned activists, and heirs – think it is not.

Guardianship has become a “hotly contested topic.” There are several thousands of cases throughout the United States – just like the case of Louise A. Falvo – where elderly persons are crying out for their freedom, have been removed from their homes against their will, and now attorneys are spending their hard earned money – lifetime savings – like it is water. Guardianship protesters say it is nothing more than the legal looting scheme sanctioned by the probate courts.

These highly contested probate cases usually begin with a stranger –the professional guardian and her attorneys -- petitioning the courts claiming that an incompetent person is being neglected and exploited by their family members.

Family members – outraged by the false accusations that have been waged against them by a total stranger in the public court records– then hire an attorney to (a) help clear their name, and (b) try to get the professional guardian removed so they can take care of the elderly or disabled person themselves as their guardian.

This is where the legal expenses begin to rack up.

By law, the attorney for the professional, corporate guardian and her attorney are allowed to bill themselves out of the elderly person’s assets. Together, they bill for such things as engaging in lengthy conversations with one another and deciding whether or not they should sell the elderly person’s car. They get permission from the judge to invade the elderly person’s home, frequently removing sentimental items such as

clothing and photo albums, to a dumpster. The slandered family members are not permitted to interfere with this disruptive excavation.

As the family members continue to fight the guardianship, *the guardian and her attorney fight back. This is where all of the horrendous legal fees are racked up.*

And that's what happened to Louise A. Falvo. Three months into the guardianship, she died of a morphine sulphate overdose at Parklands Nursing Home in Gainesville, Florida, a tragic conclusion to this legal travesty – while she was patiently waiting for her daughter to bring her back home and get out of the predatory guardianship. It never happened. Instead, the courts have allowed Louise A. Falvo's guardianship to remain open and the attorney for the guardian – Reverend Anthony M. Nardella, Jr., continues to pay himself handsomely. At the present time, he pays himself for monitoring a “will contest” that was made possible by himself and the corporate guardian by getting the Seminole County judge to destroy the “payable on death” bank designations of nearly a million dollars that was supposed to go to daughter Angela upon her mother's death, thereby avoiding any probate matters.

Meanwhile, several witnesses have verified that there was no reason for the guardianship to be commenced in the first place. Louise A. Falvo was not mentally incompetent, according to medical doctors – experts who have examined her medical records – a prerequisite for a guardianship. And it has been proven that no family members were abusing or exploiting Louise A. Falvo. Costly interviews – paid for out of the assets of Louise A. Falvo -- have been conducted with Alachua County Fire and Rescue employees, attorneys in Ohio, family friends, and even DCF case workers. Yet nothing was found to substantiate any rumors that were alleged in the court records.

It seems the real catalyst for this legal travesty was the niece of Louise A. Falvo, Shirley Mascarella of Youngstown, Ohio, who made several

false reports to elder abuse – all closed out –without cause. The niece, Shirley Mascarella, then removed Louise A. Falvo from her Florida home, brought her up to Youngstown, Ohio and stuck her in a nursing against her will got her to change her will and then took her shopping for caskets. Mrs. Falvo then began calling her daughter to come and rescue her.

A south Florida attorney, Evelyn Cloninger, then advised Angela Woodhull, the only daughter of Louise A. Falvo, to go up to Ohio, get her mother, and bring her back to Seminole County so that the niece could not harass or exploit her aunt any further. ***Cloninger then forged Angela Woodhull's signature*** (There is proof of this – two sworn affidavits by two court certified document examiners) on a guardianship application when Woodhull hesitated and didn't fill out all of the necessary paperwork to commence a guardianship upon her mother. Instead, the guardianship went full force and legal bills began to accumulate – ***all to be paid to the attorney out of the assets of Louise A. Falvo.***

On December 1, 2011, some questions should be asked of Attorney Reverend Anthony Nardella:

--***How much more*** do you plan to take out of the Estate of Louise A. Falvo? ***How much have you already been paid?*** (about \$300,000.00) Do you think these attorney's fees are a little excessive, since Louise A. Falvo was alive for only less than three months after this involuntary guardianship was commenced upon her?

--Mr. Nardella, your petition here states that you are “benefitting the ‘ward,’” but Louise A. Falvo is dead. How are you benefitting her if she has been deceased since July 21, 2008?

--What are some of the things you are billing Louise A. Falvo for?

--Several people recently went to Washington, D.C. and spoke on Capitol Hill about these types of predatory guardianships. Do you think there needs to be any guardianship reform?

What about the *forgery* that commenced the guardianship upon Louise A. Falvo? Has any judge ever taken the time to actually look at the forgery and make a decision? (No. Every time Angela asked the Seminole County judge to look at it, he closed out the hearing – but allows the guardianship to remain open.)

How is it that the Seminole County court allowed a guardianship to be commenced upon Louise A. Falvo *in the wrong venue*? According to the statutes, a guardianship is supposed to be commenced in the county where the alleged incapacitated person resides. Without proper venue, the guardianship is considered to be legally “void.” Please explain, Mr. Nardella.

Stay tuned. We’ll let you know if the Alachua County judge, Victor Hulslander, allows Mr. Nardella to be granted the \$106,000.00 on December 1st and what happens thereafter. Will any monies be left in the Estate of Louise A. Falvo to go to the natural heirs? Or will Mr. Nardella end up with it all?

As Mr. Nardella already stated when he was awarded approximately \$300,000.00 already in the past by Judge John D. Galluzzo, Seminole County, “*I earned this money.*”

How would you like this to happen to you?????????

For more information on fraudulent guardianships, please visit the Following websites:

www.stopguardianabuse.org Official site of NASGA (National Association to Stop Guardianship Abuse -- has a three part slogan to

describe fraudulent guardianships and what happens to the elderly person – “Isolate, medicate, take the estate.”) See also: <http://nasga-stopguardianabuse.blogspot.com/>

<http://elder-abuse-cyberray.blogspot.com/2008/04/elder-abuse-hits-homethe-clara.html> (Ray Fernandez’s story. Ray spent more than \$600,000.00 in legal fees trying to get his mother out of a predatory guardianship. When he succeeded, he removed his mother to the Dominican Republic so that the attorneys could not take any more money. Read the full story here.)

www.elderabusehelp.org (You’ll find several articles here that I wrote about professional guardian, Rebecca “Fierle” (my mother’s “guardian”) and her cohorts. This is Ray Fernandez’s website and you’ll find several victims’ stories on this blogspot.)

www.markedfordestruction.com (John Caravella, who works for the Alachua County Sheriff’s Department, tells Adele’s story who innocently went to see a stock broker after her deceased brother left her about \$250,000.00 The broker advised her to return to his office in a week where she was greeted by a professional guardian and her attorney. Within a few weeks, Adele had been removed from her home and a guardianship had been commenced upon her. Most of her assets ended up in the possession of the attorney and the professional guardian)

www.guardianshipgonebad.com (This is the website owned by Latifa Ring, a Texas-based strong guardianship advocate who organized the June 2011 guardianship march and summit on Capitol Hill.)

www.guardianshipmafia.com (Advocate Lori Bennett, Williston, Florida, a professional paralegal, has been fighting for several years to get her son out of a professional guardianship; millions of dollars have been taken in attorneys’ and guardians’ fees.)