

IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION THREE

DENNIS SOLOMON,) Court of Appeal No. B281416
)
Petitioner and Appellant, Pro Per)
)
v.) (Super Ct. No. 153887
)
HOOVER LOUIE.)
)
Objector and Respondent)
_____)

Appeal From a Judgment
Of the Superior Court, County of Los Angeles
Hon. Daniel Murphy, Maria Stratton, Judges

APPELLANT'S OPENING BRIEF

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STATEMENT OF THE CASE

The present case seeks to invalidate a crude, unformatted, forged and fabricated 'deathbed adumdum' to the recently-revised, formal Dorothy Horwitz Family Trust which was purportedly drafted, transcribed and procured by the fiduciary, caretaker and personal representative Rose Aparicio which bequeaths her and the successor-trustee, accountant Hoover B. Louie, 'anything (they) want' and exclusive access to the home of my Aunt Dorothy Horwitz. Their unlawful purposes included the theft of US-Israel defense secrets, rare and historic Judaica, art, jewelry, and the papers of famous Cantor Pierre Pinchik, estimated to have a value in excess of \$10 million dollars; and the diversion of the cash assets to themselves through the prosecution of this opposition and 'management' of the Horwitz estate.

The purported 2013 'adumdum'¹ eviscerates the formal 2012 Dorothy Horwitz Family Trust, drafted by and executed with my Aunt Dorothy's local estate attorney, Kevin Chui, one year earlier, and who was at all times available to draft and execute amendments.

The Trial Court erred in granting standing to the sole Respondent-Objector Hoover B. Louie, who was the sole successor-trustee and owed me, as a principal beneficiary, the utmost loyalty and impartiality; was 'unfaithful to the Law' regarding the presumption of fraud and undue influence; wrongfully admitted the 'adumdum' on its own motion; displayed bias and prejudice by refusing to permit discovery upon the filing on a new Petition and information of intentional concealment of requested documents; and numerous other irregularities and acts.

My Petition to Invalidate was unlawfully opposed by the sole successor-trustee Hoover B. Louie, in violation of CPC §16002, §16003 and other statutes which bar a sole trustee from representing 'only some of the beneficiaries'. Both judges, Maria Stratton and Daniel Murphy, involved in the case have close beneficial ties to the Respondents and refused on motion to recuse themselves. Their decisions were not 'faithful to the Law' or the 'black letter' law established by the Supreme Court in Bowles v. Superior Court, 44 C2d 574 (1955) and uncontroverted since.

Material "deathbed" amendments to wills and trusts properly receive extra scrutiny. In the present case, no evidence of authenticity was presented at trial. Neither the trustee Louie, the notary Tucker nor any person with personal knowledge of the 'adumdum' appeared.

In order to materially amend a will or trust, the grantor must be of sound mind and free of undue influence. The medical records show that my Aunt Dorothy was under extreme and dangerous doses of opioids and benzodiazepine during the last weeks of her life, doses which all authorities warn destroy one's free will and competency. Additionally, there is

¹ EXHIBIT: "Adumdum" (3 pages) with Affidavit but not acknowledgement and unsigned Jurat Faxed by Respondent's attorneys Ling and Morrow on March 24, 2014.

overwhelming, clear and convincing and uncontroverted evidence that Dorothy was unable to write or sign legibly on the purported 11/18/13 date of signing.

Numerous other irregularities, errors of fact and law, obstructions are presented herein.

My Uncle Walter and Aunt Dorothy, in admiration for their work on both of Holocaust victims and the State of Israel, were protected by the “Agency” – the contemporary coalition of the WWII Jewish Agency and the US, EU, Russian and Israeli intelligence agencies. It is my belief and understanding that they have used the most sophisticated investigative and surveillance tools to uncover the depth and remedy the corruption which has brought us to this point.

STATEMENT OF APPEALABILITY

This appeal is taken from the judgment of the Los Angeles County Superior Court and is authorized by the Code of Civil Procedure § 904.1, subdivision (a)(1) and subdivision (a)(2).

STATEMENT OF FACTS

My Aunt Dorothy (b. 1930) and Uncle Walter Horwitz (b. 1925, d. 2007, WWII U.S. Navy veteran) were a quiet, successful, happily-married, childless couple, who after WWII, had volunteered to aid Holocaust victims, and in the founding of the State of Israel. For nearly fifty years, my Mother (b.1924) was the sole beneficiary of the Walter and Dorothy Family Trust. In 2012, in consultation with my Mother and myself, my Aunt Dorothy, formally and with her local estate attorney, revised their Trust as the “Dorothy Horwitz Family Trust”, explicitly naming myself and my brother as principal beneficiaries; bequeathing Nicolas Sanchez, the grandson of one of her local friends and personal representative Rose Aparicio, \$25,000; and ‘Chai’ amounts to certain Jewish and U.S. Navy charities listed in a Schedule “B”. The Dorothy Horwitz Family Trust instructed to successor-trustee Hoover B. Louie, the certified public accountant at my Aunt’s life-long employer, to immediately pay the requisite estate taxes and fees, and distribute the entire estate to the beneficiaries.

Unbeknownst to my Aunt Dorothy, her accountant Hoover B. Louie, his daughter Leigh Ellen Louie and brother-in-law Long Beach attorney Joe Ling had been involved in an unlawful scheme to obtain protected information regarding U.S.–Israeli joint defense secrets involving myself and my Uncle Walter. Part of this scheme involved Long Beach businessperson Michael Brausen, a business partner of Ling’s and related LASC Judge Daniel Murphy – reported in LASC Civil Case No. BC389984.

In a scheme similar to the landmark elder abuse case of attorney James Gunderson, the successor-trustee Hoover B. Louie, attorney Joe Ling, personal representative Rose Aparicio and others conspired to abuse the memories of my Aunt and late Uncle Dorothy (b. 1930, d.2013) and Walter Horwitz (b.1925, d.2007) and defraud their explicit beneficiaries including Jewish and United States Navy charities, by presenting a crude, forged and fabricated deathbed

'adumdum' which purported to radically alters 2012 Dorothy Horwitz Family Trust. The bulk of the purloined funds were directed to 'new beneficiaries' who had costly failure in schemes to obtain US-Israeli defense secrets and technology.

It is impossible that my fastidious Aunt Dorothy would have composed and executed an amendment to her formal Family Trust without counsel and proper wording, removed all Jewish and U.S. Navy charities, and donated Horwitz Judaica, art, collectibles, photo albums and family heirlooms outside the Family.

In June of 2014, through counsel, I filed a Petition to Invalidate the Addendum, LASC BP153389. The successor-trustee Louie was the sole respondent-objector to the Petition, in violation of his duty of loyalty under CPC §16002 and impartiality §16003. Counsel advised that it would cost at least \$150,000 to succeed, which I was unable to afford. I continued the case pro per.

In February, 2016, on denying Respondent's Motion for Summary Judgment the Court found that: ***"The evidence presented by Respondent is insufficient to prove that the purported Trust addendum is valid", was not procured by undue influence, and was executed at a time when Decedent had testamentary capacity.*"** Page 1, Lines 10-12

Respondent-trustee Louie did not appear and his counsel produced no evidence of any sort at the subsequent trial in June of 2016. Nor did any other person with personal knowledge of the 'adumdum' appear at trial. Respondent counsel Morrow, Ling and Mirkovich testified that they had no personal knowledge of the 'adumdum' and were not involved in the case until at least one month after the death of Dorothy Horwitz. I did not present any instrument of any sort as an amendment to the Dorothy Horwitz Family Trust.

The Court, on its motion, requested the 'original' (Court's Exhibit A, 5 pages) of an instrument which Respondent attorney Ling testified he had mailed to the beneficiaries, four months after the death of Dorothy Horwitz. It was admitted solely as an instrument which attorney Ling had copied. It was never authenticated as having been signed by Dorothy Horwitz, witnessed by Orit Shapiro, or notary stamped by Doris Tucker.

Subsequently I presented a sixth page², received from the Respondent, the Acknowledgment Page of the California Affidavit which bore the notary stamp of Doris Tucker. It was blank.

Shortly after the trial, I was able to verify a copy of sworn Declaration of Orit Shapiro which Ms. Shapiro had provided Respondent's counsel Margaret Morrow BEFORE THE TRIAL, stating that Ms. Shapiro DID NOT WITNESS the signing of the 'adumdum' document as purported by Respondent's counsel and argued in Court at Trial. Respondent-trustee Louie also concealed said document from the beneficiaries.

² EXHIBIT: Blank Acknowledgement attached to Affidavit – Concealed by Respondent counsel Ling, Morrow and Mirkovich, but inadvertently emailed by Respondent's counsel Secretary

This readily-verifiable Declaration of Orit Shapiro formed the basis of my Motion for New Trial along with the failure of the Court to be ‘faithful to the Law’ regarding §16002, §16003, §21380, and other statutes; and numerous material errors of fact.

The trial judge, Maria Stratton, was not available, and the Motion for a New Trial continued by the court twice until it could be heard by Judge Daniel Murphy. Motions for Recusal and Reconsideration were made on the basis of the business relationship between Judge Murphy and Respondent- counsel Ling, Morrow and Mirkovich but were denied. The Motion for a New Trial was denied and this appeal taken.

The Petition to Invalidate the ‘Adum dum’ on the grounds that that the sole Respondent- Objector is the sole successor-trustee of the Dorothy Horwitz Family Trust and is barred by §16003 and his duty of impartiality from representing Rose Aparicio and the other purported ‘new beneficiaries’ in an action inter-beneficiary dispute; that the purported ‘adum dum’ is subject to the presumption of fraud and undue influence under §21380 having been transcribed by fiduciary and ‘new beneficiary’; that the purported ‘adum dum’ was never authenticated; that the absence of any Jewish or U.S. Navy charities is clear and convincing evidence of undue influence; and the inability to read the typewritten word ‘addendum’; properly spell it on the small sheet in clear and convincing evidence of ‘lack of capacity’; that the sworn declaration of Orit Shapiro is clear and convincing evidence that the ‘adum dum’ is fraudulent; that the suborning of the perjury of notary Tucker related to Orit Shapiro’s further clear and convincing evidence of fraud; as is the first appearance of notary Tucker’s signature nearly two years after the death of my Aunt Dorothy.

For these and additional reasons described herein, the Petition to Invalidate the Addendum should be granted, or a new trial should be granted.

The following facts were established and uncontroverted at trial and summary judgment: The 2012 Dorothy Horwitz Family Trust (“Family Trust”) was drafted by California estate attorney Kevin Chui and formally signed and executed by Dorothy Horwitz on March 6, 2012. The Family Trust explicitly names only three beneficiaries: Dennis J Solomon and Murray Solomon as nephews and Nicolas Sanchez as friend. (Trial Exhibit 101, at section 5.3)³

1. Rose Aparicio was a nearby friend of Dorothy’s who assisted her during her last two months when Dorothy was in Garden Crest Nursing Home. Nicolas Sanchez is Rose Aparicio’s grandson.
2. Nicolas Sanchez had never been alone with Dorothy. He did not have a relationship with her independent of his grandmother, Rose Aparicio.
3. Rose Aparicio testified in deposition that Dorothy intended to leave Nicolas Sanchez \$25,000 in cash.
4. During the last week of October 2013, Dorothy was unable to legibly write personal checks,

³ EXHIBIT: Dorothy Horwitz Family Trust, Section 5.3

and Rose Aparicio assumed the responsibility. Rose Aparicio wrote herself a check for \$200 on October 28, 2013.

5. There are no writings by Dorothy after October 31, 2013.
6. Rose and Lisa Aparicio, her daughter, transcribed the 'adum dum' documents while alone in the Horwitz home using Dorothy's computer and printer, at some time after Dorothy had entered Garden Crest Nursing Home. (Respondent's Deposition of Rose Aparicio, June 5, 2015, pgs.14-15)
7. Rose Aparicio was a fiduciary of Dorothy's, who had keys to her home; agreed to the responsibility as personal representative at Garden Crest Nursing Home; received her belongings after her death; and signed a POLST⁴ (Trial Exhibit 12) on 10/14/13 which was co-signed by Dr. Peter Khang on 11/12/13. This was six days prior to the purported signing of the 'adum dum'.
8. Rose Aparicio was a 'new beneficiary' of the 'adum dum' which purports to grant her "anything she wants". (Court's Exhibit 'A' and Summary Judgement).
9. Rose Aparicio gave successor-trustee Louie the original of the 'adum dum' about 'a month after she died'. (Respondent's Deposition of Rose Aparicio, June 5, 2015, pg. 41.)⁵
10. Notary Doris Tucker did not personally sign the 'adum dum', jurat or acknowledgement on November 18, 2013 in Dorothy's presence. (Respondent's Deposition of Doris Tucker, pgs. 21-22)
11. Orit Shapiro is not listed on the 'adum dum' Jurat as a subscribing witness. (Court's Exhibit A)
12. In response to an attempt by Respondent-trustee counsel Margaret Morrow to have Orit Shapiro declare under oath that she was a subscribing witness to the signing of the 'adum dum', Orit Shapiro sent attorney Morrow a sworn declaration that she DID NOT witness the signing, nor had she ever read, the 'adum dum'. (Declaration of Orit Shapiro, 6/3/16)⁶.
13. Neither Respondent-trustee Louie, nor his counsel, provided the Orit Shapiro Declaration to myself or the other beneficiaries.

ARGUMENT

1. Standards For Pro Se Trials

Like many beneficiaries, I am of senior age without personal resources beyond my very modest sustenance. In the process of bringing the original petition. It was impossible to provide \$150,000 to continue with counsel. The California Judicial Council, recognizing that lack of funds should not prejudice the outcome, and result in a miscarriage of justice, stated

⁴ EXHIBIT: POLST Signed by Rose Aparicio and Dr. Khang (Trial Exhibit 12)

⁵ EXHIBIT: Respondent's Deposition of Rose Aparicio, June 5, 2015, pg. 41

⁶ EXHIBIT: Declaration of Orit Shapiro, 6/3/16

in its 2007 publication, Handling Cases Involving Self-Represented Litigants, stated:

“The trial judge has a “duty to see that a miscarriage of justice does not occur through inadvertence.” Lombardi v. Citizens Nat. Trust & Sav. Bank (1951) 137 Cal App.2d 206, 209, [289 P.2d 8231].

“The judge cannot rely on the pro per litigants to know each of the procedural steps, to raise objections, to ask all the relevant questions of witnesses, and to otherwise protect their due process rights. Ross v. Figueroa (2006) 139 Cal.App.4th 856; 43 Cal. Rptr. 3d 289”.

I. To decide cases fairly, judges need facts, and in self-represented litigant cases, to get facts, judges often have to ask questions, modify procedure, and apply their common sense in the courtroom to create an environment in which all the relevant facts are brought out.

II. In short, judges have found as a practical matter that a formalized, noncommunicative role in dealing with cases involving self-represented litigants can lead to serious decision-making problems. Without the additional facts that active judicial involvement brings to light, judges are at risk of making wrong decisions.”

The effect of lack of funds is most apparent when expert witnesses are desirable to establish the authenticity of handwriting and medical conditions.

Lay opinion may be received on physical condition of health, sickness, or injury. Waite v. Goodfrey (1980) 106 Cal.App.3d 760, 764, 163 Cal. Rptr. 881, 883 and identification of handwriting. Cal Evid Code §1416; Fed Rules Evid 901(b)(2). Opinion testimony is not objectionable merely because it embraces the ultimate issue to be decided. Cal Evid Code § 805; Fed. Rules Evid. 704(a). Cal Evid. Code §1416 states:

“A witness who is not otherwise qualified to testify as an expert may state his opinion whether a writing is in the handwriting of a supposed writer if the court finds that he has personal knowledge of the handwriting of the supposed writer. Such personal knowledge may be acquired from:

(a) Having seen the supposed writer write; (b) Having seen a writing purporting to be in the handwriting of the supposed writer and upon which the supposed writer has acted or been charged ; (c) Having received letters in the due course of mail purporting to be from the supposed writer in response to letters duly addressed and mailed by him to the supposed writer; or(d) Any other means of obtaining personal knowledge of the handwriting of the supposed writer.”

I have known my Aunt Dorothy for over fifty years, read her letters and cards, observed her writing and stayed with her at her home. I carefully examined her true handwriting in many documents produced by the Respondent. The trial court erred and violated Cal Evid Code §1416, by not admitting and considering my lay opinion regarding the handwriting on the 'adumdam'.

2. Respondent-Trustee Louie Lacked Standing Under CPC §16003

In Babbitt V. Superior Court Of Los Angeles County, B263917, Court of Appeals of California, Second District, Division Seven. Filed April 25, 2016, the Court found:

"Contentions based on a lack of standing involve jurisdictional challenges and may be raised at any time in the proceeding." (Common Cause v. Board of Supervisors (1989) 49 Cal.3d 432, 438; see Sanowicz v. Bacal (2015) 234 Cal.App.4th 1027, 1043 [lack of standing "is a nonwaivable jurisdictional defect"]; Drake v. Pinkham (2013) 217 Cal.App.4th 400, 407 (Drake) ["the issue of standing is so fundamental that it need not even be raised below—let alone decided—as a prerequisite to our consideration""].)

Neither the Dorothy Horwitz Family Trust nor Respondent successor-trustee Louie have any interest, benefit or responsibility which conveys standing to object to the Petition to Invalidate the Addendum - a creation of Rose Aparicio presented to trustee Louie one month after the death of my Aunt Dorothy. By doing so Respondent Louie violates his duty of loyalty to the named beneficiaries of the Dorothy Horwitz Family Trust under CPC §16002, and makes a mockery of his legal duty to be an 'impartial' trustee to the beneficiaries, required under California Probate Law §16003.

As unanimously recognized in Bowles v. Superior Court (1955) 44 C2d 574,

"(N)o valid objection could be made to the removal of the trustee who had conflicting duties. The same facts and legal principles will determine the qualifications of a trustee regardless of the individual desires or preferences of the beneficiaries. No beneficiary has the right to have a particular person selected to serve as trustee, and no trustee can properly act for only some of the beneficiaries--he must represent all of them or he cannot properly represent any of them. Every beneficiary is entitled to trustees who are capable and impartial and who will faithfully execute the trust in accordance with its terms, and these interests are common to all the beneficiaries."

This is the 'black-letter' law of the State of California, repeatedly affirmed by every jurisdiction -- Estate of Ferrall, supra, 33 Cal.2d at p. 204 ["Since a trustee must deal impartially with beneficiaries [citation], he should not be allowed to participate in the adjudication of their individual claims."]; Roach v. Coffey, supra, 73 Cal. at p. 282 ["We think that it is the settled law of this state that an administrator cannot represent either side of a contest between heirs, devisees, or legatees contesting for the distribution of an estate. He cannot litigate the claims of one set against the other."]

This Court has erred permitting Respondent Louie standing to be the sole objector on my Petition to Invalidate the Addendum.

3. The “Adumdum” Was Never Authenticated

a. The Initial Burden Of Proof Of The Due Execution Of A Will/Trust Instrument

It is well-established law in California that the proponents have initial burden of proof of the due execution of a Will/Trust instrument. This is codified in Cal. Prob. Code §8252(a) and discussed at length in Estate of Ben-Ali, 216 Cal.App.4th 1026 (2013). Neither the Respondent trustee Hoover Louie nor any of the alleged witnesses appeared at trial to authenticate any instrument of amendment to the Dorothy Horwitz Family Trust. Respondent counsel testified that they had no personal knowledge of the documents prior to the her death. None had ever met Dorothy Horwitz.

LASC RULE 3.205(b) states: Authentication. Unauthenticated documents will not be received in evidence unless their authenticity has been pleaded in the complaint and admitted by entry of default.” The “Adumdum” was never admitted or plead as authentic, or admitted by default, nor was any evidence or testimony of authentication by an individual with personal knowledge of the drafting, transcribing or execution introduced at trial. The Court erred in finding the Dorothy Horwitz Family Trust was amended in accordance with its terms or California law and precedent.

Lay opinion may be received on physical condition of health, sickness, or injury. Waite v. Goodfrey (1980) 106 Cal.App.3d 760, 764, 163 Cal. Rptr. 881, 883 and identification of handwriting. Cal Evid. Code § 1416; Fed. Rules Evid. 901(b)(2). Opinion testimony is not objectionable merely because it embraces the ultimate issue to be decided. Cal Evid. Code § 805; Fed. Rules Evid. 704(a). Cal Evid. Rule 1416 states:

“A witness who is not otherwise qualified to testify as an expert may state his opinion whether a writing is in the handwriting of a supposed writer if the court finds that he has personal knowledge of the handwriting of the supposed writer. Such personal knowledge may be acquired from: (a) Having seen the supposed writer write; (b) Having seen a writing purporting to be in the handwriting of the supposed writer and upon which the supposed writer has acted or been charged ; (c) Having received letters in the due course of mail purporting to be from the supposed writer in response to letters duly addressed and mailed by him to the supposed writer; or(d) Any other means of obtaining personal knowledge of the handwriting of the supposed writer.”

I have known my Aunt Dorothy for over fifty years, read her letters and cards, observed her writing and printing, and stayed with her at her home. I carefully examined her true

handwriting in many documents produced by the Respondent. In evidence and produced by Respondent Louie were numerous exemplars of Dorothy's writings. In all of her notes, she referred to the Dorothy Horwitz Family Trust in its full name or as "Family Trust"⁷

Respondent produced no evidence or individual with personal knowledge or observation of my Aunt Dorothy writing to controvert my opinion that the signatures and handprinting were forgeries.

The trial court erred and violated Cal. Evid. Rule 1416, by not admitting and considering my lay opinion regarding the handwriting on the 'adumdum'.

b. Evidence of Signature Forgery

It is well-established and common knowledge among jurists familiar with document forensics that if one has control over the writing materials – paper, pen and printer, and knowledge of the forensic tools employed by document examiners, it is nearly impossible to distinguish between an original and a well-crafted forgery. This is the certainly the case here where the perpetrators of the forgery, attorney Ling and accountant Louie, had extensive experience with document forensics and over four months of unfettered access to the Horwitz home, papers, computer and printer before the presentation of the purported 'adumdum' four months later.

The deterioration of Dorothy's motor functions – her 'shaking hand' (Deposition of the notary Doris Tucker⁸), or the unsuccessful scrawl in her checkbook register on October 31, 2013, which required the intervention of her fiduciary Rose Aparicio to assume the responsibility of writing and recording Dorothy's checks are not reflected in three signatures allegedly executed on November 18, 2013 - the 'adumdum' page, jurat, and affidavit. (Dorothy's Checkbook, See Trial Exhibit 10, Motion Exhibit 1.)⁹

c. Mathematical Probability of Authenticity

If one applies basic mathematics of probability, the likelihood that my Aunt Dorothy drafted the 'adumdum' in June of 2013, is less than 0.1% - a virtual impossibility.

Respondent-trustee Louie produced all of my Aunt Dorothy's computer-generated papers, (EXHIBIT) for which one may observed the following:

1. Only the signed 'adumdum' page uses a "Cambria" style font. All of my Aunt Dorothy's other papers are in "Century Gothic". Using the Respondent's exhibits of her financial documents and letters as the sample size, the probability that my Aunt Dorothy drafted the 'adumdum' is 1 out of 10, or 10%.

⁷ EXHIBIT: Respondent Produced Examples of Dorothy Only Using the Full Trust Name or "Family Trust"

⁸ EXHIBIT: Deposition of Doris Tucker, June 3, 2015, p. 25, Line 2

⁹ EXHIBIT: Dorothy's Checkbook "Garden Crest page 10/31/13" Unable to Write Legibly

2. Only the 'adumdum' page does not have a typewritten heading. Using the same sample size, the probability that my Aunt Dorothy drafted the 'adumdum' is $1/10 * 1/10$ or 1%.
3. Only the 'adumdum' page is not neatly formatted with paragraphs and punctuation. Using the same sample size, the probability that my Aunt Dorothy drafted the 'adumdum' is $1/10 * 1/10 * 1/10$ or 0.1% - a virtual impossibility.

It is an uncontroverted fact that Rose and Lisa Aparicio transcribed the three (3) typewritten pages of the 'adumdum' from a single file – "Addendum to.doc" – on my Aunt Dorothy's computer.^{10,11} According the Respondent Louie, it was created on June 24, 2013 and last modified on July 11, 2013. However the 'last accessed' date is January 01, 1990 indicating that the computer date has been manipulated.

During the same period, on June 20, 2013, my Aunt Dorothy composed a neatly-formatted, summary of her stock certificates (EXHIBIT H-0174) with the heading 'Dorothy Horwitz Family Trust'. The heading "Dorothy Horwitz Family Trust" or "Family Trust" was found on all of my Aunt Dorothy's handwritten notes, typewritten letters and computer entries. Statistically, it is highly unlikely that my Aunt Dorothy would have composed a document using the term "Living Trust". From the documents produced, the mathematical probability is approximate 1 out of 20, or 5%.

Whoever drafted the 'adumdum' had knowledge of Rose Aparicio's real estate broker, Steven Tran; a concern that trustee Hoover Louie needed to be assured payment (my Aunt Dorothy had over one million dollars (\$1,000,000) in popular brokerage and banks accounts), and an interest in the Salvation Army, Goodwill and St. Jude's over my Aunt Dorothy's favorite Jewish charities. St. Jude's also appears in the new bequeath to Rose Aparicio for her grandson, Nicolas Sanchez.

With the statistical probability that my Aunt Dorothy drafted the 'adumdum' close to zero, ($0.1 * 0.1 * 0.1 * 0.1 * 0.05 = 0.0005$), a prudent fact-finder might look to other sources of authentication.

My Aunt Dorothy was a fastidious office manager for most of her professional life, and maintained a neat, orderly, balanced checkbook in her handwriting through September of 2013. One might expect that she would have at least consulted with her lawyer regarding the proper language for an amendment? Or perhaps read a self-help text? With no debt or mortgage, a comfortable pension and social security, and over \$1,000,000 in popular brokerage accounts, money was not the issue. The fact is that nowhere in the signed documents do we find the proper wording for an amendment or the proper name of the Family Trust. It is highly unlikely that my Aunt Dorothy would have composed these documents in June and July when,

¹⁰ EXHIBIT: Deposition of Rose Aparicio, June 5, 2015, p. 41

¹¹ EXHIBIT: Computer Screen Addendum To.doc properties

from her checkbook we may understand that she was in sound mind. And the story gets even stranger.

According to the Respondent's narrative, my Aunt Dorothy asked Rose Aparicio to transcribe the 'adumdum' sometime during November of 2013, ostensibly when my Aunt realized that she would not be returning home. But the heading of three (3) typewritten pages of the 'adumdum' has the handprinted date "10/31/13" and in the same ink and pressure, "Dorothy Horwitz" underneath. However, if we examine my Aunt Dorothy's checkbook, we find that on 10/31/13 she tried unsuccessfully to write checks to Garden Crest Nursing.

d. Doris Tucker & my Aunt Dorothy's Checkbook

My Aunt Dorothy's checkbook⁹ was entered into evidence. It is clearly and convincingly shows to any layperson or expert that my Aunt was unable to write legibly on 10/31/13 and thus would have unable to neatly handprint the headings of "10/31/13" and "Dorothy Horwitz" on the 'adumdum' pages.

The trial court found that these facts and that others, primarily Rose Aparicio, acting as POA and a fiduciary made all of the subsequent entries

Respondent Louie proffered no independent documents showing that my Aunt Dorothy had the capacity to write the present date or sign after 10/31/13.

Given these facts and the refusal of Doris Tucker to appear at trial, the purported signatures of Dorothy Horwitz must be presumed to be forgeries.

The trial court erred by authenticating the 'adumdum' on the basis of the notary stamps, jurat and signatures.

e. Authentication and Admission

As Alexander Hamilton and others have noted, "the proclivity of lawyers to fraud" requires safeguards to insure fair and just outcome. With regards to Trusts, it is widely accepted that in order to be valid on its face, an amendment must properly name the trust, the action to be taken and signed in trust and will must meet basic standards - name of trust, action, and signature.

There are no grounds for either the successor-trustee Louie nor the trial court to consider the 'adumdum' authenticate without the sworn testimony of the purported witnesses to the signing – Doris Tucker and Orit Shapiro.

Orit Shapiro has declared under oath that she DID NOT witness the signing.

Doris Tucker NEVER SIGNED any paper, acknowledgement or jurat on November 18, 2013 that my Aunt Dorothy signed any document.

The relevant law is clear:

Cal Evid Code §1400. Authentication of a writing means (a) the introduction of evidence sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is or (b) the establishment of such facts by any other means provided by law.

Cal Evid Code §1401. (a) Authentication of a writing is required before it may be received in evidence. (b) Authentication of a writing is required before secondary evidence of its content may be received in evidence.

LASC Rule 3.205(b) states: Authentication. Unauthenticated documents will not be received in evidence unless their authenticity has been pleaded in the complaint and admitted by entry of default." The "Adumdum" was never admitted or plead as authentic, or admitted by default, nor was any evidence or testimony of authentication by an individual with personal knowledge of the drafting, transcribing or execution introduced at trial. The Court erred in finding the Dorothy Horwitz Family Trust was amended in accordance with its terms or California law and precedent.

f. Signatures

Respondents produced no testimony or witness with personal knowledge of the signatures of Dorothy Horwitz, notary Doris Tucker or any other relevant signor. Neither the Respondent trustee Hoover Louie nor any of the alleged witnesses appeared at trial to authenticate any instrument of amendment to the Dorothy Horwitz Family Trust: All reside within 25 miles of the Mosk Courthouse and were available to appearance. Respondent Louie proffered no independent documents showing that my Aunt Dorothy had the capacity to write the present date or sign after 10/31/13.

Notary Tucker deposed under oath that "she (Dorothy) apologized because her hands were a little bit shaky."¹² It is impossible that my Aunt Dorothy, heavily drugged, shaky and unable to write legibly, signed the Jurat in a smooth, straight signature with a flowing capital "D" unlike any my Aunt had ever signed. (See Dorothy Horwitz signatures on Trust and Will).

Given these facts and the refusal of Doris Tucker to appear at trial, the purported signatures of Dorothy Horwitz must be presumed to be forgeries.

4. Respondent-Trustee Hoover Louie Did Not Appear At Trial

Neither the respondent-trustee Louie nor any other witness with personal knowledge of the 'adumdum' appeared at trial. On February 26, 2016, trial judge Maria Stratton ruled on Respondent's Motion for Summary Judgment, this Court wrote: "*The evidence presented by Respondent is insufficient to prove that the purported Trust addendum is valid, was not procured by undue influence, and was executed at a time when Decedent had testamentary capacity.*" Page 1, Lines 10-12. The Respondent produced no new evidence at trial. The trial

¹² EXHIBIT: Deposition of Doris Tucker, June 7, 2013, pgs. 24-25

court erred by validating an obviously forged and altered 'adumdum' without any proponent's testimony.

5. Presumption Of Fraud - Burden Of Proof Under §21380

In summary judgement, the trial court found that personal representative Rose Aparicio was a new beneficiary under the 'adumdum' and a fiduciary having 'power of attorney' as evidenced by the POLST (Exhibit), a key to the Horwitz home, a trusted friend. The Court also referred to the Respondent uncontroverted fact evidenced found in deposition in which Rose Aparicio stated that: "She and her daughter Lisa printed (transcribed) the three 'adumdum' pages while alone in the Horwitz home using my Aunt Dorothy's computer and printer." (Respondent's Undisputed Fact No. 25 (Dep Page 8-9, ll. 25 – 7).

These uncontroverted facts establish that the 'adumdum' instruments are subject to CPC §21380(a)(2), and have the "Presumption of Fraud and Undue Influence."

- a) Aparicio was POA (Power of Attorney in effect as of 10/19/13 and affirmed by Dr. Khang 11/12/13, six days before the purported execution of the 'adumdum'.
- b) California Probate Code 21380(a)(2) explicitly presumes the 'adumdum' is the product of fraud or undue influence.
- c) The presumption must be overcome by 'clear and convincing evidence': No witness with personal knowledge appeared.

Respondent Louie produced no testimony or evidence of any sort to overcome the presumption of fraud and undue influence.

6. Post Death Subscription

The trial court relies on the only signature of notary Doris Tucker on the 'Jurat' exhibit for its authentication of the 'adumdum'. This is a material error. It is an uncontroverted fact and evidenced by notary Tucker's deposition that 'she did not sign the Jurat on November 18, 2013.' California Notary Law requires the a Jurat be completed during the session and in the presence of the 'document signor' to who the oath was administered. Not only is notary Tucker's post-death signing unlawful, the Jurat is materially misleading.

The California Supreme Court is explicit in its prohibition of post-death subscriptions. "A will that meets statutory requirements is effective upon the testator's death. (*Cook v. Cook* (1941) [17 Cal.2d 639, 646](#) [[111 P.2d 322](#)] (*Cook*); *Estate of Lopes* (1984) [152 Cal.App.3d 302, 305](#) [[199 Cal.Rptr. 425](#)] (*Lopes*.) Probate Code section 6110 requires a will be signed by two witnesses. The question here is whether the signature of a witness affixed *after* the testator's death satisfies the statute. We conclude that such post death subscription is not permitted, and reverse the contrary Court of Appeal judgment." *Estate of Saueressig*, 38 Cal.4th 1045 (Cal. 2006).

7. The Jurat refers to an Unknown Document

The Jurat refers to an Addendum to Distribution of Assets having a document date of “11-18-13” and having five (5) pages. The ‘adumdum’ presented to the trial court as its ‘Exhibit A’ has a document date of “10/31/13” and consists of three pages.

I presented this observation at trial.

Not only is there is no evidence that the ‘adumdum’ documents Respondent counsel presented to court are that same documents allegedly handled by notary Tucker, but the evidence clearly suggests that Respondent Louie and Aparicio forged the ‘adumdum’ documents from signatures earlier obtained.

Absent the trial appearance of Respondent Louie, or notary Tucker, the ‘adumdum’ documents cannot be authenticated.

In view of the fact, that notary Tucker did not sign the Jurat on November 18, 2013 as indicated and California Notary Law requires the a Jurat be completed during the session and in the presence of the ‘document signor’ to who the oath was administered, the Jurat is materially misleading and must be disregarded.

While the trial court may consider the ‘original adumdum’ (Court Exhibit “A”) as the original fraudulent document Respondent counsel Ling and Morrow used to defraud the beneficiaries, the trial court materially erred in considering said exhibit, notary stamp and signed Jurat on the issue of an amendment to the Dorothy Horwitz Family Trust – for which it was never admitted over objection, authenticated in the pleading or in any other manner found genuine.

FIRST PETITION FOR AN FULL ACCOUNTING

8. California Probate Code §16002 – Duty of Loyalty

It is uncontroverted that the Dorothy Horwitz Family Trust explicitly names Dennis J Solomon as a principal beneficiary and Respondent Louie as the sole successor-trustee subject to California Law including CPC §16002 which reads: “(a) The trustee has a duty to administer the trust solely in the interest of the beneficiaries.”

California Law and precedent places emphasis on the words ‘solely in the interest’.

Respondent Louie knew that Rose Aparicio had transcribed the ‘adumdum’ and was a fiduciary. Thus, he and his counsel knew that the ‘adumdum’ carried presumption of fraud and undue influence under CPC §21380(a)(2). .

In Moeller v Superior Court (1998), the Supreme Court, 16 Cal.4th @ 1134 stated: “A trustee must always act solely in the beneficiaries’ interest. (§ 16002, subd. (a); Estate of Feraud (1979) 92 Cal.App.3d 717, 723 [154 Cal.Rptr. 889].) If the trustee violates any duty owed to the beneficiaries, the trustee is liable for breach of trust. (§ 16400.)”

From the first act as the sole objector to the Petition to Invalidate, and nearly every act, Respondent Louie has breached his duty under §16002 to myself and all the Dorothy Horwitz Family Trust beneficiaries.

The signed 'adumdum' page does not mention the Dorothy Horwitz Family Trust, was presented to Respondent Louie one month after my Aunt Dorothy's death⁵, and makes no mention of Respondent Louie as trustee of the Dorothy Horwitz Family Trust.

The 'adumdum' is not a 'holographic will' and absent 'clear and convincing' testimony by one who has personal knowledge of the 'adumdum', it carries the presumption of fraud and must be disregarded.

Respondent Louie's actions as objector constitute a material breach of the duty of loyalty under §16002. The trial court erred by not ordering a full accounting of the Horwitz Estate and the appointment of an unbiased trustee.

- a) California Probate Code 21380(a)(2) explicitly presumes the 'adumdum' is the product of fraud or undue influence.
- b) The presumption must be overcome by 'clear and convincing evidence': No witness with personal knowledge appeared. In Moeller v Superior Court (1998), the Supreme Court, 16 Cal.4th @ 1134 stated: "A trustee must always act solely in the beneficiaries' interest. (§ 16002, subd. (a); Estate of Feraud (1979) 92 Cal.App.3d 717, 723 [154 Cal.Rptr. 889].) If the trustee violates any duty owed to the beneficiaries, the trustee is liable for breach of trust. (§ 16400)"
- c)

9. Breach of Duty of Self-Serving For Trustee's Benefits - §16004(a)

In Moeller v Superior Court (1998), the Supreme Court, 16 Cal.4th @ 1134 stated: "A trustee must always act solely in the beneficiaries' interest. (§ 16002, subd. (a); Estate of Feraud (1979) 92 Cal.App.3d 717, 723 [154 Cal.Rptr. 889].) If the trustee violates any duty owed to the beneficiaries, the trustee is liable for breach of trust. (§ 16400.)"

From Respondent Louie's first acceptance of the 'adumdum' from Rose Aparicio one month after the death of my Aunt Dorothy, and refusal to allow myself and the other Dorothy Horwitz Family Trust beneficiaries access to the Horwitz home and all items and documents of the Estate, to his objection to the Petition, the actual beneficiary has been himself, his brother-in-law attorney Joe Ling and his law partners Morrow and Mirkovich. By prolonging their management of the Estate and the generation of substantial legal expenses, it may well be that they have the most to gain.

These acts are in violation of CPC §16004(a) which states: "*(a) The trustee has a duty not to ... take part in any transaction in which the trustee has an interest adverse to the beneficiary.*"

The trial court erred by allowing Respondent standing and not ordering an accounting.

10. Obstructed Proof of Undue Influence

The uncontroverted fact that no Jewish or U.S. Navy charities are contained on any Schedule B list of charities is clear and convincing evidence of either undue influence or actual forgery and fraud. I believe the latter.

Respondent counsel Ling, Morrow and Mirkovich are Long Beach Port shipping attorneys and have close personal relations with both professional forgers and handwriting forensic experts. As the FBI archives attest, it is trivial for a any well-trained artist, with a few weeks of practice, to match the handwriting of most persons. Respondent Louie and his co-conspirators were in the perfect position to do so.

In David v. Hermann, 129 Cal.App.4th 672 (2005)[28 Cal.Rptr.3d 622], the Court discussed at length the standards and law related to burden of proof in "undue influence".

"The proof of undue influence by circumstantial evidence usually requires a showing of a number of factors which, in combination, justify the inference, but which taken individually and alone are not sufficient." (12 Witkin, Summary of Cal. Law (9th ed. 1990) Wills and Probate, ? 189, p. 218.)

"...a presumption of undue influence may arise, shifting to the proponent of the disposition the burden of proving by a preponderance of the evidence that the donative instrument was not procured by undue influence." (Conservatorship of Davidson (2003) 113 Cal.App.4th 1035, 1059.)... A presumption of undue influence "arises upon the challenger's showing that (1) the person alleged to have exerted undue influence had a confidential relationship with the testator; (2) the person actively participated in procuring the instrument's preparation or execution; and (3) the person would benefit unduly by the testamentary instrument." (Rice v. Clark, supra, 28 Cal.4th 89, 97; Estate of Fritschi(1963) 60 Cal.2d 367, 376.)

This Court admitted into evidence a POLST⁴ form, Exhibit 12 (P. 6. Line 8) which clearly shows that Rose Aparicio had power of attorney and was the 'Legally-Recognized Decisonmaker" on and after 11/12/13. (The 'adumdum' was purportedly executed on 11/18/13.). This confidential relationship was also supported by the testimony of Nicolas Sanchez, Rose Aparicio's grandson, who testified that Rose Aparicio was handling the 'adumdum'. In Summary Judgment, this Court received Respondent's evidence Rose Aparicio printed the 'adumdum' on Dorothy's printer and presented it to the successor-trustee thirty days after Dorothy's death. Under both well-established standards and CPC §21380, there is a presumption of fraud and undue influence shifting the burden of proof to the proponents of the 'adumdum', which may be overcome only by 'clear and convincing evidence.' No evidence of any sort was presented by the proponents at trial.

- a. Under California Welfare and Institutions Code Section 15610.70(a), undue influence is defined as "excessive persuasion that causes another person to act or refrain from

acting by overcoming that person's free will and results in inequity." Along with that, the following factors are taken into consideration:

- b.** "1) The vulnerability of the victim. Evidence of vulnerability may include, but is not limited to, incapacity, illness, disability, injury, age, education, impaired cognitive function, emotional distress, isolation, or dependency, and whether the influencer knew or should have known of the alleged victim's vulnerability.
- c.** The influencer's apparent authority. Evidence of apparent authority may include, but is not limited to, status as a fiduciary, family member, care provider, health care professional, legal professional, spiritual adviser, expert, or other qualification.
- d.** The actions or tactics used by the influencer. Evidence of actions or tactics used may include, but is not limited to, all of the following:
 - i.** Controlling necessities of life, medication, the victim's interactions with others, access to information, or sleep.
 - ii.** Use of affection, intimidation, or coercion.
 - iii.** Initiation of changes in personal or property rights, use of haste or secrecy in effecting those changes, effecting changes at inappropriate times and places, and claims of expertise in effecting changes.
 - iv.** The equity of the result. Evidence of the equity of the result may include, but is not limited to, the economic consequences to the victim, any divergence from the victim's prior intent or course of conduct or dealing, the relationship of the value conveyed to the value of any services or consideration received, or the appropriateness of the change in light of the length and nature of the relationship.
- e.** It is recited in Rice v. Clark (2002) 28 Cal.4th 89, 96 that: "Although a person challenging the testamentary instrument ordinarily bears the burden of proving undue influence ([Prob. Code,] § 8252), the [California Supreme Court] and the Courts of Appeal have held that a presumption of undue influence, shifting the burden of proof, arises upon the challenger's showing that (1) the person alleged to have exerted undue influence had a confidential relationship with the testator; (2) the person actively participated in procuring the instrument's preparation or execution; and (3) the person would benefit unduly by the testamentary instrument." (Id. at pp. 96-97.)
- f.** No Evidence Of Prior Donations To New Charities

The only charities evidenced in the bank documents are a small amounts to American Heart Assc., American Lung Assc. and the L.A. Mission which was close to my Aunt Dorothy's place of employment. The bank records produced by Respondent in discovery include NO evidence that Dorothy ever donated to the American Lebanese Syrian Associated Charities (St. Jude's) or USC Children's Hospital. Catholic ALSAC with historic ties to the Croatian Ustasa is the most un-natural of beneficiaries for my Jewish Aunt Dorothy. USC Children's Hospital which

is associated with the unsuccessful Brausen v Holonyne, LASC BC389984 litigation, is equally unnatural.

(It may be noted the Respondent counsel Morrow intentionally misled the Court in its written memorandum asserting evidence of prior donations to St. Judes where none existed).

This Court erred in light of the uncontroverted testimony at trial and other evidence of Jewishness and ties to the U.S. Navy, by concluding that the elimination of all U.S. Veterans, Navy and Jewish charities, and the substitution of Catholic ALSAC/St. Jude's as the sole donative recipient for the Judaica and Horwitz heirloom jewelry, and a majority funds was unnatural and evidence of undue influence on an elderly Jewish woman with a long-standing Jewish identity and heritage.

11. Standard in Capacity

The 'adumdum' in its entirety, essentially constitutes a revocation of the Dorothy Horwitz Family Trust resulting in the changes to 98% of explicit bequests, including those of her Family with whom no issue has been raised.. It is well-established that major revisions of a trust are governed by Cal Prob Code §811 which sets out the findings necessary to support a conclusion of lack of capacity to 'execute a trust', as follows:

"(a) A determination that a person is of unsound mind or lacks the capacity to make a decision or do a certain act, including, but not limited to, the incapacity to contract, to make a conveyance, to marry, to make medical decisions, to execute wills, or to execute trusts, shall be supported by evidence of a deficit in at least one of the following mental functions, subject to subdivision (b), and evidence of a correlation between the deficit or deficits and the decision or acts in question:

"(1) Alertness and attention, including, but not limited to, the following: [¶] (A) Level of arousal or consciousness. [¶] (B) Orientation to time, place, person, and situation. [¶] (C) Ability to attend and concentrate.

"(2) Information processing, including, but not limited to, the following: [¶] (A) Short- and long-term memory, including immediate recall. [¶] (B) Ability to understand or communicate with others, either verbally or otherwise. [¶] (C) Recognition of familiar objects and familiar persons. [¶] (D) Ability to understand and appreciate quantities. [¶] (E) Ability to reason using abstract concepts. [¶] (F) Ability to plan, organize, and carry out actions in one's own rational self-interest. [¶] (G) Ability to reason logically."

Accepting arguendo Respondent's narrative, it is obvious from the face of the 'adumdum' that my Aunt Dorothy lack the ability to remember the name of her Family Trust, the date of her signing, her connection to being 'Jewish', or even the ability to read a page and correctly spell the word immediately in front of her.

Additionally, the uncontroverted medical records show my Aunt Dorothy was receiving extremely high dosages and dangerous combinations of opioids including hydromorphone and the anti-psychotic medication benzodiazepine.

Under their narrative, her incapacity is further evidenced by the failure to contact her local estate attorney to drafted and execute the amendment to her Family Trust.

These infirmities constitute not only a lack of contractual capacity, but also a lack of testamentary capacity.

The trial court erred in its finding of testamentary standard and my Aunt Dorothy's capacity, one week before she died.

TRIAL COURT ERRORS & IRREGULARITIES

12. Condoning Fraud, Forgery And Suborning Perjury Related To The 'Adumdum'

The Court on Page 2, Lines 11-15 of its Minute Order of August 3, 2016 states:

"On November 18, 2013, the Trust was amended by way of an Affidavit and Addendum to the Trust (Court's Exhibit A) consisting of five pages. The first two pages are form documents with a notary stamp and a signature of "Doris Tucker Notary Public" on the signature line for a notary public."

The Petition avers that the notary signature is fraudulent and was not affixed on November 18, 2013. No evidence or witnesses with personal knowledge were admitted at trial. No other examples of the signatures of Doris Tucker were presented.

Further, there is no evidence that the signature found in the jurat form document is that of Doris Tucker. Notary Tucker is a local California notary who was available to testify at trial. Respondent attorney Ling testified at trial that he sent the beneficiaries and a form jurat without any notary signature.

Both Respondent attorneys Ling and Morrow testified that the jurat was NOT signed by the notary on November 18, 2013 as presented. They further testified that they had no personal knowledge of its signing.

The Jurat, the only page purportedly signed by both my Aunt Dorothy Horwitz and notary Tucker, was not signed by notary Tucker during the lifetime of my Aunt. On its face, it is materially misleading.

Placing a notary stamp on documents which do not contain a notary statement and signature is also unlawful as described below in CA CIVIL CODE §1189(a)(1). The trial court erred in admitting for the purposes of authentication of an amendment to the Dorothy Horwitz Family Trust.

The initial burden of proof of due execution and authentication lies with the proponents of the amendment (addendum). Notary Tucker is a local notary who was available to authenticate her signature. Respondent did not call her to testify. There was no evidence of any sort

admitted to refute the averment that the Addendum documents are fraudulent, nor does the purported notary stamp, provide any evidence that notary Tucker witnessed the signing of said documents.

It is an improper notary act in California to present in any Court or official proceeding a notary document which has been altered after the date of the notary act (purportedly November 18, 2013), specifically to falsely date the completion of a notary act. Further, it is a criminal act to influence a notary to commit an improper act under Cal Gov Code §8225.

Cal Civil Code §1189(a)(1) - *“The certificate of acknowledgment must be filled completely out at the time the notary public’s signature and seal are affixed.”*

Cal Sec of State: NOTARY NEWS & RULES 2013, Page 2 - *“Improper Notary Acts -A notary public may not stamp a document with the official seal then sign, or sign and date the document without completing or attaching a notarial certificate. A notary public may not stamp with the official seal any pages other than the page with a completed notarial certificate.”*

In the Deposition of Doris Tucker, Pages 21-22, lodged and referred to in this Court during Summary Judgment, Ms. Tucker, questioned by attorney Morrow deposed:

*“24 Q. Okay. Sometime after November 18th, were you
25 called by Orit Shapiro in regards to a missing signature
1 on this document here which is marked HORW0042?*

2 A. This is optional.

** * * * **

*12 Q. Okay. But at some time did you later go back and
13 sign the document upon Orit's request?*

14 A. I did.

15 MS. MORROW: Okay. I'll mark the five-page

16 addendum as Exhibit 2.”

This Court is aware by separate uncontroverted affidavit signed by Orit Shapiro, Garden Crest administrator, and Respondent counsel Morrow that Ms. Shapiro attests that she did not call Ms. Tucker at a later date. Since attorney Ling sent the beneficiaries an unsigned copy of the original four months after Dorothy’s death, the purported signing of the jurat would have to have occurred afterwards, long after Garden Crest’s involvement.

A Cal Jurat requires the notary administer an oath to the affiant in person, and complete the notary act by personally signing and stamping the notary certificate at the same time. Failure constitutes an Improper Notarial Act as explicitly defined in official Notary Rules and Definitions, January, 2013, page 2:

“Proper notarization of a signature includes the completion of a notarial certificate, such as an acknowledgment or jurat, by the notary public. A notary public may not stamp a document with the official seal then sign, or sign and date the document without completing or attaching a notarial certificate. A notary public may not stamp with the official seal any pages other than the page with a completed notarial certificate.

According to the Respondent’s undisputed facts presented at Summary Judgment, the ‘adum dum’ documents were presented to trustee Louie by Rose Aparicio approximately one month after the death of Dorothy Horwitz.

It is a criminal act to influence a notary to commit an improper act under Cal Gov Code §8225. If these criminal acts which are designed to defraud the beneficiaries of the Dorothy Horwitz Family were committed by successor-trustee Louie or his agents, it would be a material breach of duty. An attorney who attempts to or does mislead the court is guilty of direct contempt:

“The presentation to a court of a statement of fact known to be false presumes an intent to secure a determination based upon it . . .; Vickers v. State Bar (1948) 32 C2d 247, 253, 196 P2d 10, 13–14—“The conduct denounced . . . is not the act of an attorney by which he successfully misleads the court, but the presentation of a statement of fact, known by him to be false, which tends to do so”

Cal Bus Code §6068 states that an attorney must only counsel or maintain just actions or defenses, “except the defense of a person charged with a public offense.” CBP §6068(c)(d) embodies the duty of candor by stating that “employ . . . those means only as are consistent with truth, and never to seek to mislead the judge . . . by an artifice or false statement of fact or law.”

This Court appears to condone the suborning of perjury of notary Doris Tucker, violations under Cal Penal §127, offering and preparing fraudulent evidence under Cal Penal §132 & §134, solicitation of a crime under Cal Penal §653f(a), and direct contempt of this Court regarding material and determinative facts. This Court and the beneficiaries have been deceived by this fraudulent Jurat.

13. Evidence Is That Two Addendum Documents Separate From Signed Pages

On its face, the purported original ‘adum dum’ pages bear the date “10/31/13” prominently on the top of each page. The jurat makes NO REFERENCE to this document date but rather to a document having a document date of ‘11/18/13’ which is not found in the heading on any of the purported original ‘adum dum’ pages. Further, there was no testimony or evidence presented at trial which relates the three ‘adum dum’ pages together, each having a different heading appearing as a codicil, living trust and family trust respectively. The Affidavit only makes reference to a “Living Trust’. Evidence presented at trial showed that Dorothy never

used the term 'Living Trust' in any of the letters, summaries or other documents produced by the trustee, always using the term "Family Trust". (Trial Pet. Exhibit 5)

The Jurat makes no reference to any Family Trust or document having a date of "10/31/13". It explicitly refers to a document having a date of "11/18/13" consisting of five pages.

The signed 'adumdum' page references no trust at all and appears more as a codicil to a will, naming an 'executor' but not a trustee.

The trial court erred by admitting the 'adumdum' as evidence of an amendment to the Dorothy Horwitz Family Trust.

14. Trial Court – Summary of Material Errors of Fact

- i. No Instrument of Amendment of DHFT was Entered at Trial
- ii. No Party with personal knowledge of Adumdum appeared at trial
- iii. The 'Adumdum' instrument was introduced to show interstate mail and wire fraud by attorneys Ling and Morrow
- iv. Ling, Morrow, Mirkovich are co-located Law Partners – Trustees Duty
- v. Attorney Joe Ling, brother-in-law of successor-trustee and Respondent Hoover Louie, is a de facto partner and co-located with trial counsel Margaret Morrow and Joseph Mirkovich at One World Trade Cetner, Long Beach, CA. (Trial M Order, P. 4, Lines 4-7)
- vi. The POLST (P. Exhibit 12) NOT signed by Dorothy Horwitz. It is signed by POA Rose Aparicio and attending physician Dr. Khang on 11/12/13, prior to the purported date of execution of the 'adumdum' on 11/18/13. (Trial M Order, P. 6, Lines 9-11.)
- vii. Petitioner Solomon never called Respondent Louie prior to Dorothy's death. He called Dorothy's next door neighbor, Edward Lui, (no relation to Respondent) who gave him Rose Aparicio's phone number. (Trial M Order, P. 5, Lines 12-13)
- viii. Petitioner Solomon testified that he had no documents at trial related to his 2012 trip to the LDI Show in Las Vegas and California. However, Petitioner testified to meeting UNLV Prof. Brackley Frayer and discussing a retrospective of the art of Walter Horwitz and a scholarship in their name on that trip, officials and editors of Live Design, as well as other records to support his travel in 2012. (Trial M Order, P.5, Line 24)
- ix. Petitioner contracted Lyme disease in the summer of 2014. (Trial M Order, P. 5, Line 11)

15. Beneficiary Was Entitled to Complete Discovery to Prove Undue Influence

The trial court erred by denying mandatory discovery upon the filing of a second petition and payment of the fees, Petition for an Accounting and Breach of Duty. The trial court erred by denying a motion to compel supplemental answers to interrogatories and production related to items in the possession and control of Rose Aparicio acting a personal representative and agent of the Respondent-trustee Louie including but not limited to:

- i. Production of all pictures, photo albums, memorabilia of the Estate
- ii. Production or pictures of the Jewelry, Judaica and other contents of the Safe Deposit boxes.
- iii. All the personal and financial papers of my Uncle Walter and Aunt Dorothy
- iv. The names of all persons to whom Estate items were sent
- v. An inventory of all Estate items sent to other persons
- vi. An inventory of all Estate items removed from the Horwitz home
- vii. My Aunt Dorothy's address book

These items are material to showing undue influence and self-dealing.

16. Violations of the United States Constitution and Rights

I (Petitioner-Appellant) am a citizens of the United States and the State of Massachusetts. California Law was recently changed to remove the right for a jury trial. Under the commonly excepted 'probate exception' to Federal jurisdiction, I am thusly deprived of my Seventh Amendment Rights to a jury trial in matters of dispute in excess of \$20. As a result of the actions of the State of California, I have substantially damaged.

The arguments in support of a jury were discussed by the Founders and memorialized in Federal Paper No. 83, in which Alexander Hamilton notes "the proclivity of justices to prostitution" for which a watchful jury is safeguard.

It is my belief that financial inequities in the California court process such as the charges for each procedure, constrict and impede my right to a freely petition the government for a redress of grievances, receive fair and equitable treatment, due process and other rights under the Law.

The trial court erred by denying my motion for a jury trial and in doing so violated not only my rights under the .

- . in probatel request a jury trial

17. Other Irregularities In The Proceedings

- a) Denied 1st Motion to Continue Trial Date
- b) Denied Motion to Recuse, Preemptory Challenge of Prejudice
- c) Denied early discovery – prepare a case
- d) Denied access to the Horwitz home
- e) Denied access to trustee Louie photographs of items purported to be found in the safe deposit boxes.
- f) Failed to supplement interrogatories and requests for production

- g) Concealed and mislead regarding evidence and individuals
 - i) The identity of Dorothy Horwitz living 'best friends' to whom Rose Aparicio sent valuable items from the Horwitz Estate.
 - ii) Conrad Blinker – Critical to issue of the date the 'adumdum' was placed on the Horwitz computer.
 - iii) Contents of Safe Deposit Box -- Critical to the issue of 'undue influence' – showing it was unnatural to excluded all Jewish charities.
 - iv) Joint Bank Accounts of Walter and Dorothy Horwitz - Critical to the issue of 'undue influence' – showing it was unnatural to excluded all Jewish charities, and gifts to Murray and Dennis Solomon.
 - v) Specific correspondence and thank you notes from Hadassah and JNF
 - vi) Notes related to Dorothy's Mother
 - vii) Removed and concealed the Identity of Items and Recipients of Valuable Objects of the Horwitz Estate including valuable Judaica, Horwitz heirlooms, papers of Cantor Pinchik
 - viii) Removed and concealed the Identity Personal Address and Telephone Books – critical to issues of undue influence.
 - ix) Photo Albums and other Personal Papers – critical to issues of undue influence.

18. Anti-Semitism

This case was motivated from a long-standing, anti-Jewish bias of the Respondent Louie, his attorneys and co-conspirators. Respondent Louie's initial refusal to admit Dorothy was Jewish revealed the depth of his anti-Semitism.

The trial court also holds a bias against conservative, pro-Israel Jews. The trial court's refusal to acknowledge of historic context of the JNF "Blue Box", and their affiliation with anti-Israel political factions reveal their bias.

In its decision, the trial court stated: "He (Dennis Solomon) ascribed their disappearance to anti-Semitic beliefs held by Ling, Louie, and Morrow, for which he could lay no factual foundation. His testimony was heartfelt, fanciful, and not credible. Moreover, by outlandishly ascribing anti-Semitic beliefs to trustee's counsel, he did his credibility no favors. The court finds petitioner not credible."

This statement by the trial court reveals either an intimate knowledge of the personal activities of Respondent Louie, his brother-in-law attorney Joe Ling and law partners Morrow and Mirkovich, or an attempt to obfuscate the facts by a personal attack on my credibility – which I supported by numerous, prominent publications readily verifiable.

These acts show a bias and prejudice which warranted the trial court's recusal.

19. Prejudice of the Court

Whenever a judge harbors a strong bias or adverse interest, it is their duty under both the Canons and to the integrity of the institution they represent to recuse themselves. Bias or mental infirmity is most evident when a judge selectively ignores material well-settled, 'black letter' law. This is the case here.

This Court erroneously and prejudicially: denied discovery motions ESSENTIAL to proving undue influence and the breach of trustee's duty to secure the Estate including requests for photo albums, personal papers, cards, address and phone books, pictures and listing contents of safe deposit boxes, pictures of art works and Judaica, and the identity of persons who receive items of the Estate after the death of Dorothy Horwitz from Rose Aparicio; Denied discovery motions related to the 'new' computer witness – Conrad Blinker – prejudicial to proving an alternation of evidence; and, persuaded Petitioner that a post-trial opposition memorandum was not necessary. This Court had personal and prejudicial knowledge of opposing counsel's role in the unlawful racketeering activities of the Chinese import-export businesses in Long Beach, facts presented in a preemptory challenge denied on June 9, 2016.

The trial court, Maria Stratton and Daniel Murphy, erred by not recusing themselves on motion.

EXTRAORDINARY CIRCUMSTANCES

In recent weeks, it is my belief and understanding that the "Agency" – the consortium of international intelligence agencies of which my Uncle Walter Horwitz had been a member, advised the trusted, appropriate governmental offices of our Nation, that my Aunt Dorothy was murdered by an overdose of opioids to prevent my planned visit a few weeks after her death, and that the "Agency" had monitored the communications between the co-conspirators, including members of the court, since.

This Appellate Court does not have to consider that the true history of this case – the criminal conspiracy to murder my Aunt Dorothy Horwitz to gain access to US-Israel defense secrets and steal rare Judaica and other assets – began with Horwitz/Solomon family in the 1800s in the U.S. Calvary in California and with the cousin, Henry Horwitz's founding of the Menorah Society at Harvard University in 1905. Since then, members of the Horwitz/Solomon family, including myself have been entrusted by U.S. Presidents of both parties with the most dangerous and secret of our Nation's defense and intelligence technologies. With our strong support of Israel comes the intense, internecine competition and subterfuge only public seen in its mildest form when the anti-Israel factions of defense contractors such as Teledyne or Raytheon are fined hundreds of millions of dollars and barred from defense contracting for a nominal period of time.

This case has become more complicated in some ways, in so far as it incorporates a long-standing personal dispute with White House attorney Michael A. McManus, Jr. and his related complex industrial espionage/arms/drug/money laundering activities.

In 1993, certain prestigious scientific journals reported that a U.S. Air Force Intelligence Directorate 'remote surveillance and targeting' project I was directing substantially outperformed competitive projects by Teledyne, Raytheon, Texas Instruments and others. These competitors turned to McManus to obtain access, and he eventually directed the daughter of my Aunt Dorothy's successor-trustee to monitor my Aunt & Uncle's activities with the U.S. Navy/Air Force in California, where I frequently stayed. There being an Israeli and Brussels counterpart, he also entrapped another member of the extended family, French/Belge Regine Choukroun, in a scheme to search their personal papers and address books. Here, they provoked her son on flight from Paris to Miami, and after a shouting incident between the pilot and Regine, the then 66 year old, legendary French singer with strong ties to the WWII French Resistance, the pilot 'decided' to declare an emergency and at great inconvenience to all the passengers, land in Boston. The details are discussed elsewhere in the record, and are of consequence only to help the Court understand the complexity and extent of McManus/Ling cartel, and the fact that they have been under detailed surveillance by the pro-Israel intelligence community for over 30 years.

In a direct threat against my extended, personal family in Paris and Brussels, McManus and Ling, in consultation with Lisa Aparicio, Buffi Mordecai and others, identified and targeted the California band, "Eagles of Death Metal", the Bataclan, Long Beach State University foreign students, for attack by the Molenbeek drug-trafficking terrorist cell I had monitored in the 1990s. They followed by activating Tashfeen Malik, one of Aafia Siddiqui's network of sleeper cells (whom I also monitored at MIT and Brandeis in the 1990s), in San Bernardino. Their attempt at intimidation was not successful.

Instead the 'Agency', Israel and other international intelligence organizations have shared their findings with their trusted avenues in the United States. It is my understanding and belief that they also advised the trusted U.S. authorities, that 'intelligence community rules apply' and that the Ling cartel will be eliminated. It is my understanding and belief that since the Murphy decision denying a new trial, those who perpetrated, and knowingly aided and abetted these crimes, including court personal have been subject to the biowarfare technologies used by McManus on his domestic enemies. Thus, it is likely that Ling and company already exhibit the Ft. Detrick antigens of the agents McManus used. In addition, the many collaborators Ling, Louie, Morrow and Mirkovich are also taking their personal revenge. It is my belief and opinion that it is highly likely that none of perpetrators or those who wrongly possess Horwitz assets will survive the next five years.

I cannot fully convey the great danger these criminal and their collaborators have brought upon this Court. In my previous encounter with McManus, the Vermont Supreme Court imploded ten years after the crime; and despite the fact that I had receipts from the purchase of gasoline from Yonkers NYC World Trade Center bombers, the FBI refused to investigate the four formal warnings I provided which might have thwarted 9/11.

As I have previously advised, my role is constrained and limited by circumstances and tradition to exercising my Constitutional right to petition the government for a redress of grievances. Nonetheless, this case has been 'cause célèbre' the 'Agency' who have been decimating the 'criminal drug trafficking/money laundering/banking/real estate' network of the perpetrators for the last few years. Many of the perpetrators' former collaborators are blaming them for the destruction and it is my belief that they have already deployed the first phases of the McManus biowarfare 'Ft. Detrick' multi-phase agents to eliminate the corrupt perpetrators, attorneys, judges and staff. Additionally, they are joined the international agencies and families of the Bataclan victims who are determined to dismantle the Ling/Lavin cartel by all means necessary.

The extent to which this continues to produce great tragedies rests with this Court's exercise of its powers of administration and law.

CONCLUSION

The California Supreme Court clearly states in Swetmann, 28 Cal. 4th 103 that: *"As already noted, the genesis of Assembly Bill No. 21, by which section 21350 and the rest of part 3.5 were added to the Probate Code, lay in the reportedly egregious self-dealing of a probate attorney representing numerous elderly clients. Existing law was perceived to be insufficiently clear and certain in addressing such conduct. The "overriding intent" of the new law, according to a committee report, was "to clearly and unambiguously prohibit the most patently offensive actions of [the attorney] while not unreasonably encumbering the practice of probate law." (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 21 (1993-1994 Reg. Sess.) as amended June 17, 1993, p. 5.)*

It is well-established law in California that the proponents have initial burden of proof of the due execution of a Will/Trust instrument. This is codified in Cal. Prob. Code §8252(a) and discussed at length in Estate of Ben-Ali, 216 Cal.App.4th 1026 (2013). Further, discussed below, Rose Aparicio, the "anything she wants" new beneficiary, is a disqualified person, subject to a presumption affecting the burden of proof that a gift to a disqualified person was procured by fraud, menace, duress, or undue influence." (Graham v. Lenzi (1995) 37 Cal.App.4th 248, 257.)

Neither the Respondent trustee Hoover Louie nor any of the alleged witnesses appeared at trial to authenticate any instrument of amendment to the Dorothy Horwitz Family Trust, controvert averments and evidence of undue influence by Rose Aparicio and lack of capacity of Dorothy Horwitz on November 18, 2013.

CERTIFICATE OF COMPLIANCE

This Appellant's Opening Brief is according the latest guidelines for construction and formatting of electronic briefs found on the official California Court website. It contains less than 14,000 words.

LIST OF ATTACHED EXHIBITS PRESENTED AT TRIAL

- 1) EXHIBIT: “Adumdum” (3 pages) with Affidavit but not acknowledgement and unsigned Jurat Faxed by Respondent’s attorneys Ling and Morrow on March 18, 2014.
- 2) EXHIBIT: Blank Acknowledgement attached to Affidavit – Concealed by Respondent counsel Ling, Morrow and Mirkovich, but emailed by Respondent’s counsel Secretary
- 3) EXHIBIT: Dorothy Horwitz Family Trust, Section 5.3
- 4) EXHIBIT: POLST Signed by Rose Aparicio and Dr. Khang (Trial Exhibit 12)
- 5) EXHIBIT: Respondent’s Deposition of Rose Aparicio, June 5, 2015, pg. 41
- 6) EXHIBIT: Declaration of Orit Shapiro, 6/3/16
- 7) EXHIBIT: Respondent Examples of Dorothy Using the Full Trust Name or “Family Trust”
- 8) EXHIBIT: Deposition of Doris Tucker, June 3, 2015, p. 25, Line 2
- 9) EXHIBIT: Dorothy’s Checkbook “Garden Crest page 10/31/13” Unable to Write Legibly
- 10) EXHIBIT: Deposition of Rose Aparicio, June 5, 2015, p. 41
- 11) EXHIBIT: Computer Screen Addendum To.doc properties

EXHIBIT APPENDIX ONE (filed separately) contains the exhibits lodged with the trial court on its request including the full Respondent’s deposition of notary Doris Tucker and Rose Aparicio

I respectfully ask this honorable Court to find that Respondent Louie lacks standing to object to the Petition To Invalidate, that the “adumdum’ fails to meet the standards of authentication, that my Aunt Dorothy intended to bequeath Nicolas Sanchez \$25,000 directly, order a full accounting from Respondent-trustee Louie, and immediately distribute the assets of the Horwitz Estate in accordance with the explicit written instructions of the 2012 Dorothy Horwitz Family Trust.

Respectfully submitted on February 1, 2018 by:

Dennis J Solomon, Appellant-Petitioner pro per

HORWITZ ADDENDUM 1 OF 5

When recorded, mail to:

EXHIBIT 1-1

Name: _____

Address: _____

City/State/Zip Code: _____

Space above this line for Recorder's use

THE AFFIDAVIT OF

DOROTHY HORWITZ

STATE OF CALIFORNIA)
COUNTY OF Los Angeles) ss. 555-40-9854

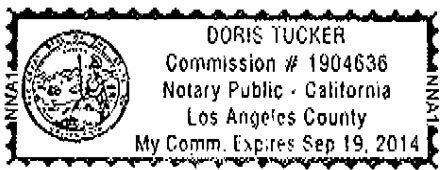
I (We), DOROTHY HORWITZ

the undersigned affiant(s), being first duly sworn on oath, deposes and says: That Addendum
TO living TRUST. DISTRIBUTION OF ASSETS
See ATTACHED PAGES (3)

Further affiant(s) sayeth not.

Dorothy Horwitz
Signature of Affiant

Signature of Co-Affiant



HORWITZ ADDENDUM 2 OF 5

EXHIBIT 1-2

CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California

County of Los Angeles } ss.

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

Dorothy Horwitz

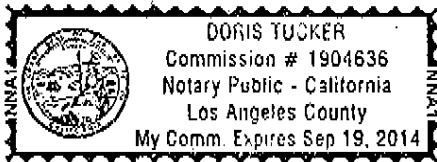
Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me on this

18 day of NOVEMBER, 2013 by

(1) DOROTHY HORWITZ
Name of Signer



- Personally known to me
- Proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (.)
(and

(2) _____
Name of Signer

- Personally known to me
- Proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

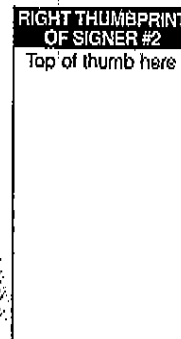
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Addendum to DISTRIBUTION SHEET

Document Date: 11-18-13 Number of Pages: 5

Signer(s) Other Than Named Above: _____



HORWITZ ADDENDUM 3 OF 5

DOROTHY HORWITZ
#1 ADDENDUM

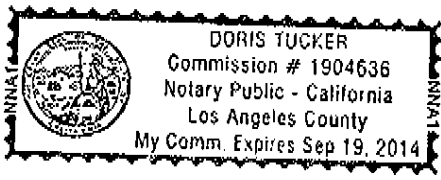
EXHIBIT 1-3

Upon my death the only ones to enter my condo and absolutely no one else are; The Aparicio's and Hoover Louie. Rose can take what she wants except for the wood and tile sculptures, which are to be shipped prepaid to Murray Solomon. All household goods to be given to the Salvation Army or Goodwill. Condo is to be sold as is, by Rose Aparicio's Realtor; Steven Tran, the proceeds are to be used to pay my executor Hoover Louie. The balance is to be distributed amongst charities. All monies used by me before my death, are to be deducted from charities. I have three safe deposit boxes, one is at Bank of America at Valley and Ivar in the city of Rosemead, and listed under Walter & Dorothy Horwitz. The 2nd is at Wells Fargo on Las Tunas drive in Temple City and is listed under Dorothy Horwitz. The 3rd is at Chase Bank on Las Tunas Drive in Temple City CA, and is listed under Dorothy Horwitz. The safe deposit keys are at my home in the bedroom nightstand under a poster of Boston. Sell all jewelry and add to charities.

jewelry to be sold and proceeds to go to St Jude Childrens charity

SIGNED Dorothy Horwitz DATE 11-18-13

WITNESS [Signature] DATE 11-18-13



HORWITZ ADDENDUM 4 OF 5

EXHIBIT 1-4

Addendum to : Dorothy Horwitz
Living Trust
~~ADDENDUM~~
#12

Distribution of Assets

Rose Aparicio S.S.# 555-40-9854 \$ 25,000.00
D.O.B 5-20-34
Tel: 626-614-8298
5135 Muscatel Ave.
San Gabriel, Ca 91776
In Trust for

Nicolas Sanchez S.S.# 625-80-6361
DOB 11-2-92
Tel: 626-230-1389
5139 Muscatel Ave.
San Gabriel, Ca 91776

Monies are to be given to Nicolas Sanchez on 11-2-2020.
If Rose Aparicio dies prior to 11-2-2020, monies are to be
Paid to Nicolas Sanchez when Rose Aparicio's death certificate is
Produced. If both Rose Aparicio and Nicolas Sanchez have
expired on 11-2-2020, monies are to be given to St. Jude.

Dennis J. Solomon S.S # 018-38-9-8345 \$ 5.00
D.O.B. 5-8-50
Tel: 508-878-8094
58 Miriah Dr.
Yarmouth Port, Ma 02675
Mail address:
P.O. Box 289
Yarmouth Port, Ma 02675

Murray Solomon S.S.# 016-38-4344 \$ 5,000.00
DOB 3-18-52
Tel: 413-634-5616
57 Fairgrounds Rd.
Cummington, Ma 01026-9701

Andrea Ebert S.S # 571-64-9027 \$ 10,000.00
DOB 4-5-48
Tel: 209-267-9180
65 Lela Ct.
Sutter Creek, Ca 95685

Edward Liu
8525 E. Village Ln
Rosemead, Ca.
Tel 626-573-9046
Tel Cel 626-548-1715
All Patio Plants plus floor to ceiling ladder in garage,

HORWITZ ADDENDUM 5 OF 5

EXHIBIT 1-5

Addendum To: *DOROTHY HORWITZ*
Dorothy Horwitz
Family Trust
#1 ADDENDUM

St. Jude	\$ 300,000.00
Los Angeles Children's Hospital	\$ 300,000.00
American Lung Assoc.	\$ 100,000.00
American Heart Assoc.	\$ 100,000.00
Alzheimer's Foundation	\$ 50,000.00
Kidney Foundation	\$ 50,000.00
Braille Institute (Vermont Ave. Hollywood)	\$ 5,000.00
Muscular Dystrophy	\$ 10,000.00
Multiple Scherosis (Montel Williams)	\$ 10,000.00
Los Angeles Mission	\$ 15,000.00
American Diabetes Assoc.	\$ 5,000.00

Cars: 1999 Buick Century
1999 Chev. Blazer
To be donated to Cars for Causes
Proceeds to be given to Union Mission
In Los Angeles.

ACKNOWLEDGMENT
(States Other Than California)

State of _____)
County of _____) ss.

On this _____ day of _____, _____, before me, the undersigned Notary Public, personally appeared _____

known to me to be the individual(s) who executed the foregoing instrument and acknowledged the same to be his(her)(their) free act and deed.

My Commission Expires: _____ Notary Public

If acknowledged in the State of Florida, complete section(s) below:

(Affiant) Personally Known (or) Produced Identification

If applicable, Type of Identification Produced: _____

(Co-Affiant) Personally Known (or) Produced Identification

If applicable, Type of Identification Produced: _____

ACKNOWLEDGMENT
(State Of California)

State of California)
County of _____) ss.

On this _____ day of _____, _____, before me, _____, the undersigned Notary Public, personally appeared,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to the attached instrument and acknowledged to me that he(she)(they) executed the same in his(her)(their) authorized capacity(ies), and that by his(her)(their) signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

single administrative trust. The ability of the trustee to delay division or distribution shall not affect the vesting of interests, which shall be as of the date of death.

5.3. Disposition of Remaining Trust Estate. On the settlor's death, the remaining trust estate shall be disposed of as follows:

(a) The trustee shall distribute the remaining trust property (including all income then accrued but uncollected and all income then remaining in the hands of the trustee) to Dennis J. Solomon, Murray Solomon, the settlor's nephews, Nicolas Adrian Sanchez, the settlor's friend, and charitable organizations as shown in Schedule B.

(b) If the remaining trust estate is not completely disposed of by the preceding provision, the undisposed-of portion shall be distributed outright to the settlor's heirs.

ARTICLE SIX

TRUSTEE

6.1. Settlor's Power to Designate Successor Trustees. At any time, the settlor may designate any suitable person or entity to act as a successor trustee or cotrustee if the trustee or any cotrustee dies, becomes incapacitated, or is otherwise unable or unwilling to continue to act as trustee or cotrustee. Any designation under this section shall be made by a signed writing delivered to the person or entity designated as successor trustee or cotrustee. If more than one designation is made under this section, only the most recent designation shall be valid.

6.2. Successor Trustees. If the office of trustee becomes vacant, by reason of death, incapacity, or any other reason, and no successor trustee or cotrustees have been designated under any other provision of this trust instrument, then Hoover J. Louie, the settlor's accountant, shall be successor trustee. If Hoover J. Louie is unwilling or unable to serve as successor trustee, a

EXHIBIT 4.

HIPAA PERMITS DISCLOSURE OF POLST TO OTHER HEALTH CARE PROVIDERS AS NECESSARY



EMSA #111 B (Effective 4/1/2011)

Physician Orders for Life-Sustaining Treatment (POLST)

First follow these orders, then contact physician. This is a Physician Order Sheet based on the person's current medical condition and wishes. Any section not completed implies full treatment for that section. A copy of the signed POLST form is legal and valid. POLST complements an Advance Directive and is not intended to replace that document. Everyone shall be treated with dignity and respect.

Patient Last Name: <i>Hornbly</i>	Date Form Prepared: <i>10/14/13</i>
Patient First Name: <i>DeWthy</i>	Patient Date of Birth: <i>1/25/30</i>
Patient Middle Name:	Medical Record #: (optional)

A **GARDIOPULMONARY RESUSCITATION (CPR):** *If person has no pulse and is not breathing. When NOT in cardiopulmonary arrest, follow orders in Sections B and C.*

Check One

Attempt Resuscitation/CPR (Selecting CPR in Section A requires selecting Full Treatment in Section B)

Do Not Attempt Resuscitation/DNR (Allow Natural Death)

B **MEDICAL INTERVENTIONS:** *If person has pulse and/or is breathing.*

Check One

Comfort Measures Only Relieve pain and suffering through the use of medication by any route, positioning, wound care and other measures. Use oxygen, suction and manual treatment of airway obstruction as needed for comfort. *Transfer to hospital only if comfort needs cannot be met in current location.*

Limited Additional Interventions In addition to care described in Comfort Measures Only, use medical treatment, antibiotics, and IV fluids as indicated. Do not intubate. May use non-invasive positive airway pressure. Generally avoid intensive care.

Transfer to hospital only if comfort needs cannot be met in current location.

Full Treatment In addition to care described in Comfort Measures Only and Limited Additional Interventions, use intubation, advanced airway interventions, mechanical ventilation, and defibrillation/ cardioversion as indicated. *Transfer to hospital if indicated. Includes intensive care.*

Additional Orders: _____

C **ARTIFICIALLY ADMINISTERED NUTRITION:** *Offer food by mouth if feasible and desired.*

Check One

No artificial means of nutrition, including feeding tubes. Additional Orders: _____

Trial period of artificial nutrition, including feeding tubes. _____

Long-term artificial nutrition, including feeding tubes. _____

D **INFORMATION AND SIGNATURES:**

Discussed with: Patient (Patient Has Capacity) Legally Recognized Decisionmaker

Advance Directive dated _____ available and reviewed → Health Care Agent if named in Advance Directive: Name: _____ Phone: _____

Advance Directive not available

No Advance Directive

Signature of Physician
My signature below indicates to the best of my knowledge that these orders are consistent with the person's medical condition and preferences.

Print Physician Name: *Peter Khong* Physician Phone Number: *323-283-2047* Physician License Number: *A76631*

Physician Signature: (required) _____ Date: *11/14/13*

Signature of Patient or Legally Recognized Decisionmaker
By signing this form, the legally recognized decisionmaker acknowledges that this request regarding resuscitative measures is consistent with the known desires of, and with the best interest of, the individual who is the subject of the form.

Print Name: *ROSE APARICIO* Relationship: (write self if patient) *POA*

Signature: (required) *Rose Aparicio* Date: *10/14/13*

Address: *5135 N. Muscatel* Daytime Phone Number: *626-614-8298* Evening Phone Number: _____

SEND FORM WITH PERSON WHENEVER TRANSFERRED OR DISCHARGED

San Gabriel 91776

12:24 1 Dorothy?

2 A No. It was in person.

3 Q You were visiting at the time, and she asked
4 you to get the document.

12:24 5 A Yes.

6 Q So what did you do next? Did you go to her
7 house?

8 A Yes, I did. And it was in the computer, and I
9 didn't know how to pull it out of the computer. I
10 didn't even know how to find it in the computer. I had
11 to ask my daughter to come and help me print it out. So
12 that's how we did it.

13 Q Did you have a key to her home?

14 A Yes, I did.

12:24 15 Q And did she give it to you for purposes of
16 getting this document?

17 A Well, she gave it to me because she had stuff
18 in the house that -- in the condo that she wanted to
19 have at the hospital and at Garden Crest. So I kept
12:24 20 going back and forth and back and forth.

21 Q So while Dorothy was in Kaiser and
22 Garden Crest, she requested you get various things from
23 her condo.

24 A Yes.

12:24 25 Q So you would go to her condo, retrieve them and

12:24 1 then bring them to her.

2 A Right.

3 Q So in regard to the addendum, did she tell you
4 specifically it was in the computer?

12:25 5 A Yes.

6 Q Okay. So did you go first to look at it alone
7 or did you go with your daughter Lisa from the
8 beginning?

9 A No, I went first alone. And I couldn't handle
10 the machine, so I called my daughter to help me.

11 Q Okay. And then when you went back the second
12 time, did you go with your daughter?

13 A Yes.

14 Q Okay. And did you see your daughter turn on
12:25 15 the computer?

16 A Yes.

17 Q And did you see her access a document?

18 A Yes.

19 Q And did you observe your daughter making any
12:25 20 changes to that document?

21 A No.

22 Q So your daughter printed up the document as it
23 had already been prepared.

24 A Yes.

12:25 25 Q And is it your understanding that Dorothy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): (562) 436-9911 Margaret E. Morrow RUSSELL, MIRKOVICH & MORROW One World Trade Center Suite 1660 Long Beach, CA 90831 ATTORNEY FOR (Name): Hoover J. Louie	TELEPHONE AND FAX NOS.: (562) 436-1897	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012-3014 BRANCH NAME: Central Probate Division		
ESTATE OF (Name): In Re THE DOROTHY HORWITZ FAMILY TRUST, DATED MARCH 6, 2012, AS AMENDED DECEDENT		
(0-5) PROOF OF SUBSCRIBING WITNESS		CASE NUMBER: BP153887

(0.5) NO
 (0.5) NO
 (0.5) NO
 (0.5) NO

- I am one of the attesting witnesses to the instrument of which Attachment 1 is a photographic copy. I have examined Attachment 1 and my signature is on it.
 - The name of the decedent was signed in the presence of the attesting witnesses present at the same time by (0.5)
 - the decedent personally. (0.5)
 - another person in the decedent's presence and by the decedent's direction.
 - The decedent acknowledged in the presence of the attesting witnesses present at the same time that the decedent's name was signed by (0.5)
 - the decedent personally.
 - another person in the decedent's presence and by the decedent's direction.
 - The decedent acknowledged in the presence of the attesting witnesses present at the same time that the instrument signed was decedent's (0.5)
 - will.
 - codicil. Addendum to Trust (0.5)
did not understand (0.5)
- When I signed the instrument, I understood that it was decedent's will codicil. Addendum to Trust
or was not, (0.5)
- I have no knowledge of any facts indicating that the instrument, or any part of it, was procured by duress, menace, fraud, or undue influence.

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

Date: 6/13/16

Orit Shapiro
 (TYPE OR PRINT NAME)
 Garden Crest Convalescent Hospital Inc,
 909 N. Lucile Ave., Los Angeles CA 90026
 (ADDRESS)


 (SIGNATURE OF WITNESS)

ATTORNEY'S CERTIFICATION
 (Check local court rules for requirements for certifying copies of wills and codicils)

I am an active member of The State Bar of California. I declare under penalty of perjury under the laws of the State of California that Attachment 1 is a photographic copy of every page of the will codicil presented for probate.
 Addendum to Trust

Date: 4/14/2016

Margaret E. Morrow
 (TYPE OR PRINT NAME)


 (SIGNATURE OF ATTORNEY)

Dorothy Horwitz Family Trust
Stocks held in Family Trust 6-20-13

Name	# Shares	Price per share 6-20-13	Total
Rockwell Automation	800	83.93	67,144.00
Honeywell International	508	77.67	39,456.36
Edison International	200	45.82	9,164.00
Rockwell Collins	800	62.36	49,888.00
Viacon (Direct Registration)	217	65.55	14,224.35
IBM	160	194.25	31,080.00
Verizon Communication	211	49.50	10,444.50
			221,401.21

Dorothy Horwitz
8429 E. Village Lane
Rosemead, Ca 91770-4359

Investor I.D. # 125253951451

BNY Mellon Shareowner Services
Securities Services
P.O. Box 358010
Pittsburgh, Pa 15252-8010

August 9, 2012

Gentlemen:

Enclosed please find the following documents:

Account Key 07167-9000038861
Cusip Number 43851610 Honeywell International Inc. Completed Transfer of
Ownership Form with
A Medallion stamp.
Stock Certificate
508 shares

Account Key Horwitz—Doro-0000
Cusip Number 77390310-9 Rockwell Automation Completed Transfer of
Ownership Form with
A Medallion Stamp.
Stock Certificate
800 shares

Please issue new certificates for the above two (2) companies in the name of:
DOROTHY HORWITZ FAMILY TRUST

Please send new certificates to: Dorothy Horwitz
8429 E. Village Lane
Rosemead, Ca. 91770-4359

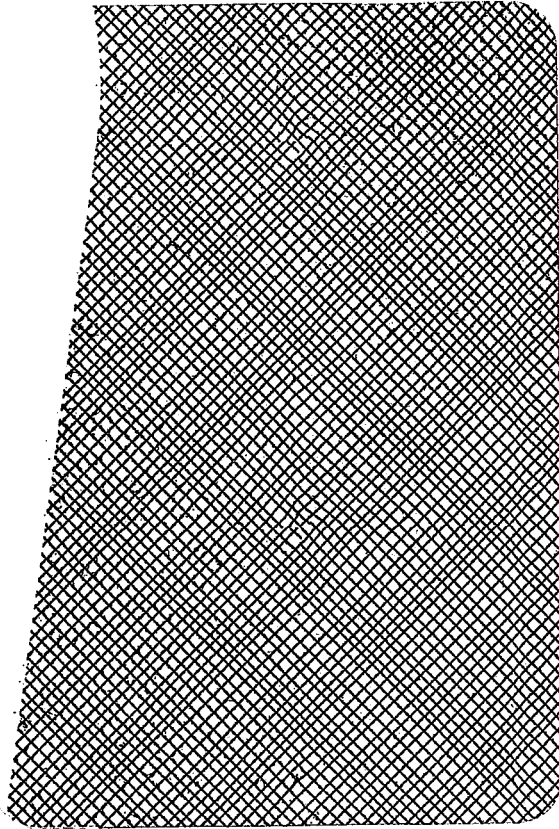
Thank you.

Dorothy Horwitz

PO Box 43004 Providence RI 02940-3004

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE
PAID
COMPUTERSHARE

*changed to
Family Trust*



*Ellison International 200 shares
Lockwell Collins 800 shares
Viscon (Direct Registration) 217 shares*

*Wells Fargo
161 N. Concord Exchange
St Paul, Minn 55075-1139
1-800 347-8629*

001CD20065

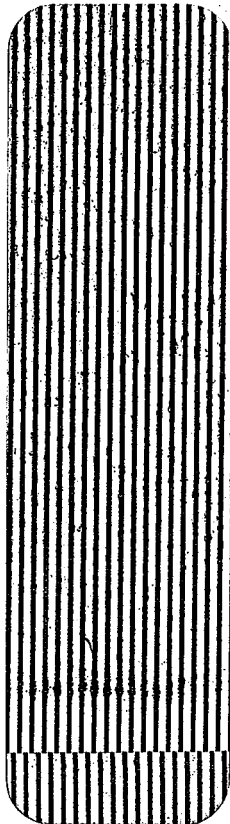
Shareowner Services
PO Box 64948
St Paul MN 55164-0948
E-8 (02/12)

PRESORTED
FIRST CLASS

US POSTAGE
\$0.35
SEP 04 2012
ZIP 55126
000132
21 3002078



*Family Trust
Rockwell Automation 800 shares
Horaywell International 500 shares*



CA0T5EB 91770

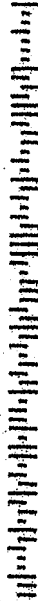


EXHIBIT 7-4

Dorothy Horwitz
8429 E. Village Lane
Rosemead, Ca 91770-4329

Tel 626 571 0653

April 3, 2012

Wells Fargo Bank, NA.
161 N. Concord Exchange
St. Paul MN 55075-1139

Gentlemen:

Enclosed please find the following documents:

Acct# 3401478572	Edison International Certificate	Completed stock power form with a Medallion Stamp 200 shares
Acct #3401478572	Rockwell Collins Certificate	Completed stock power form with a Medallion Stamp 800 shares
Acct#3402553065	Viacom Inc. Book Entry	Completed stock power form with a Medallion Stamp 217 shares

Please issue new certificates for the above three companies in the name of
DOROTHY HORWITZ FAMILY TRUST

Please mail new certificates to: Dorothy Horwitz
8429 E. Village Lane
Rosemead, Ca 91770-4359

Thank you.

Dorothy Horwitz
encl

1 Q. Okay.

2 A. I am the type of notary who carries forms with
3 me, because you never know what form you are going to need
4 to do the notarization.

5 Q. You are a very professional, amazing notary.

6 At any time while you were present with Dorothy
7 and Orit on November 18th, do you recall that -- do you
8 recall a person named Rose being present also in the
9 room?

10 A. No.

11 Q. Okay.

12 A. Rose was not there.

13 Q. Okay. What would be the total time, if you
14 recall, that you spent at Garden Crest on that day?

15 A. Probably a couple hours.

16 Q. The room in which you were sitting when the
17 document was -- the addendum was signed, was that a
18 well-lit room?

19 A. Yes, it was.

20 Q. Okay. And then after notarizing the addendum,
21 did you have -- did you and Dorothy complete a journal
22 entry in your notary journal?

23 A. Yes, we did, which is what this portion is.

24 Q. And you're pointing to Exhibit 2?

25 A. Yes, I am. And her fingerprint. And the

1 reason -- you know, her hands -- she apologized because
2 her hands were a little shaky. Okay? But her print, that
3 is her print.

4 Q. Okay.

5 A. So --

6 Q. And she signed your book?

7 A. Yes, she did.

8 Q. Okay. Did you see any signs, when you were
9 questioning Dorothy, that she had dementia?

10 A. No. I'm not a doctor. I would not be able to
11 attest to that.

12 Q. But you yourself, just common knowledge, there's
13 nothing that indicated that she had dementia such that she
14 didn't know what she was doing?

15 A. No. There was no question in my mind or, you
16 know, in my presence or Orit's that she did not know what
17 she was doing, because we discussed this addendum of hers
18 at length.

19 MS. MORROW: I have no further questions at this
20 time.

21 Do you have questions, Mr. Solomon?

22 MR. SOLOMON: Yes. First I'd like to object to
23 the deposition. I did not receive copies of the signed
24 addendum, and nor did I receive copies of the journal
25 entries.

AD-Automatic Deposit
 AP-Automatic Payment
 ATM-Teller Machine
 DC-Debit Card
 T-Tax Deductible
 TT-Telephone Transfer

NUMBER OR CODE	DATE	TRANSACTION DESCRIPTION	PAYMENT AMOUNT	✓	FEE	DEPOSIT AMOUNT	\$/BALANCE
2661	10/12	The Home Co	\$ 875				975
2662	10/12	Lechup. K. de Leon	35.51				35.51
2663	10/12	ATM	47.89				47.89
2664	10/12	Horizon Vireo	17.11				17.11
2665	10/14	Bank Home	153.64				153.64
2666	10/15	Jas Junco Smog	VOID				
2664	10/14	Bank Home	98.00				98.00
2667	10/15	GARDEN CREST	3500.00				
2670	10/31	GARDEN CREST	3366.00				3366.00
2671	10/15	Garden Crest	3700.00			2026.00	2026.00
2671	10/11	GARDEN CREST	3720.00				
2672	10/28	ROSE APARICIO	200.00				
	11/03	SS				2026.00	

PROTECT YOUR ACCOUNT - KEEP CHECKS IN A SAFE PLACE. IF THEY ARE LOST OR STOLEN, NOTIFY YOUR FINANCIAL INSTITUTION IMMEDIATELY.

- 12:24 1 then bring them to her.
- 2 A Right.
- 3 Q So in regard to the addendum, did she tell you
- 4 specifically it was in the computer?
- 12:25 5 A Yes.
- 6 Q Okay. So did you go first to look at it alone
- 7 or did you go with your daughter Lisa from the
- 8 beginning?
- 9 A No, I went first alone. And I couldn't handle
- 12:25 10 the machine, so I called my daughter to help me.
- 11 Q Okay. And then when you went back the second
- 12 time, did you go with your daughter?
- 13 A Yes.
- 14 Q Okay. And did you see your daughter turn on
- 12:25 15 the computer?
- 16 A Yes.
- 17 Q And did you see her access a document?
- 18 A Yes.
- 19 Q And did you observe your daughter making any
- 12:25 20 changes to that document?
- 21 A No.
- 22 Q So your daughter printed up the document as it
- 23 had already been prepared.
- 24 A Yes.
- 12:25 25 Q And is it your understanding that Dorothy

13:02 1 alive?

2 MS. MORROW: She testified that she brought it to

3 her.

4 MR. SOLOMON: Excuse me.

13:02 5 Q Were you present when it was signed by Dorothy?

6 A No.

7 Q After it was signed by Dorothy, did you see the

8 addendum?

9 A I don't recall. Well, yes. Yes, I did see it.

13:03 10 Q And this was before she died.

11 A Yes.

12 Q And when she died, did you receive them in your

13 hands?

14 A Yes.

13:03 15 Q And what did you do with the addendum at that

16 point?

17 A Gave it to Hoover Louie.

18 Q And when did you do that?

19 A Well, I didn't -- I didn't go back to Dorothy's

13:03 20 condo until about a month after she died. I couldn't

21 face going in there. And I guess it must have been

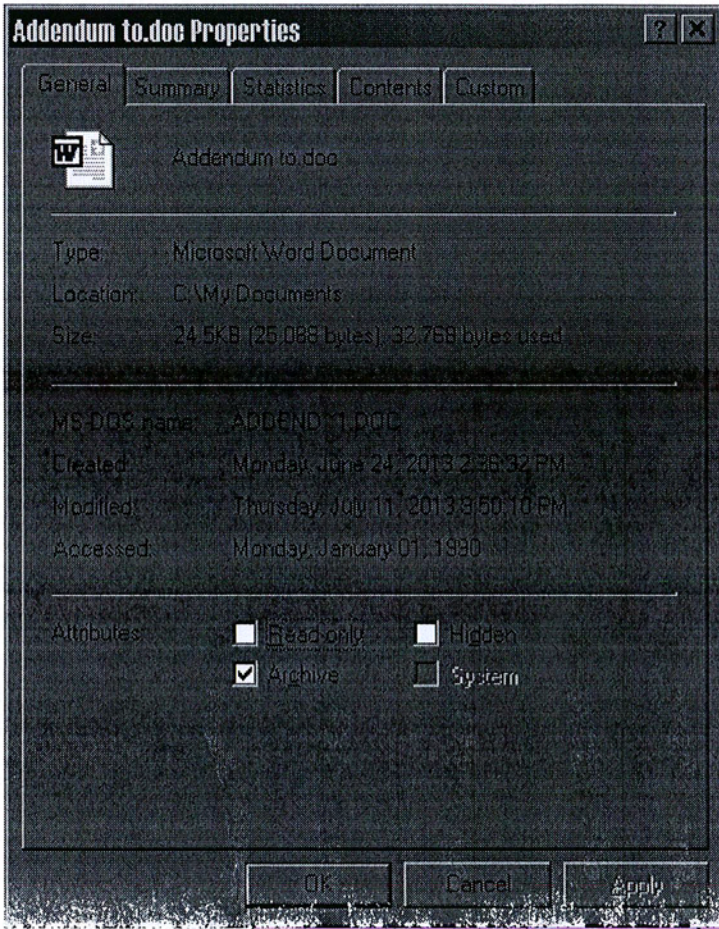
22 about that time. I'm not -- I'm not too sure on the

23 dates of that. Everything is kind of fuzzy then.

24 Q And during that month that she died, who was

13:04 25 taking care of the condo?

EXHIBIT 11.



addendum to.doc