

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,
PENNSYLVANIA
ORPHANS' COURT DIVISION
NO: 2021-X2110

IN RE: JANE T. HERRING
AN ALLEDGED INCAPACITATED PERSON

MOTION TO DENY PETITION FOR ALLOWANCE TO DAVID JASKOWIAK

Petitioner, Arthur Herring, III, pro se (hereinafter referred to as
"Arthur") files this Motion To Deny.

1. That this Orphans' Court has jurisdiction and venue over the matter of Jane Herring and the Petition Hearing pursuant to 20 Pa.C.S.A. Section 5512.2 and Orphans Court Rule 14.9.
2. The Petitioner is Arthur Herring, III, age 69, presently retired, who resides at 26 Chancery Court, Souderton, Montgomery County, Pennsylvania 18964, and he is the son of Jane Herring ("Jane") as well as a resident of the real property at 26 Chancery Court for approximately three (3) years, where he resided with his mother, Jane Herring.
3. Jane Herring was adjudicated by the Orphans Court of Montgomery County to be incapacitated on August 11, 2021.
4. Jane Herring is currently a 98 year old widow, with two adult children: her very much loved son to her, Arthur (age 69), and a daughter, jsh (age 72).

5. The court is aware Arthur has been on welfare for over a year only because of all the money Arthur has spent on lawyer fees to get his 98 year old Mother (Jane) back home to 26 Chancery court as the courts hand picked psychologist “expert” George Ledakis, said where she could stay and with her son Arthur in Ledakis first “evaluation” of Jane in 2021.

6. There were never any examples named in jsh’s petition or in court hearing that Jane needed to be kidnapped (taken away, by force, against their will, for monetary benefit) using deception by Dwayne Logie and jsh. There was never any court order by judge Weilheimer for the kidnapping.

7. In fact, to date, neither Weilheimer, jaskowiak, jsh, or logie have admitted or said if they had ordered the kidnapping of Jane and why it was done. Invoices by Logie show the kidnapping was part of their “Plan”.

8. Jane’s court assigned lawyer by Weilheimer, jaskowiak, refused to bring in any of the people Jane dealt with every year including her doctor of 21 years, CPA, investment people at Raymond James who have handled her/late husband money for 21 years, bank records, monthly check statements, etc. Those people would have proven Jane did not need any guardians.

9. The fact is, over a year before jsh filed her fake guardianship petition, because of jsh’s bizarre and extremely untruthful lies about Jane for several years, Jane’s investment company, Raymond James, put a ceiling of \$1,000 of how much Jane could spend or write a check for unless both jsh and Arthur both approved. Therefor, there was never any financial problem where Jane needed a guardian of person and/or estate. In court, Arthur, as pro se, vigorously defended Jane from all of the fake accusations by jsh. Because of jaskowiak’s deliberate act of not defending and protecting Jane and violating the Rules for lawyers in Pennsylvania and not bringing proof that there were no reasons for Jane to have guardians, Weilheimer labeled Jane incapacitated without any justification.

10. The fact is because Jaskowiak never brought in anybody or anything to prove Jane did not need any guardians, Jaskowiak, WANTED Jane to be deemed “incapacitated” so Jane and her assets would become another victim of the Racket, as many others have been victims for decades by the Norristown Orphans Court. Such corruption has been documented for at least 20 years on Facebook at Shenanigans of the Montgomery County Court.

11. After being labeled “incapacitated” by the court, various corrupt guardians, corrupt lawyers, corrupt judges and corrupt psychologists, the Racket could begin their crime of stealing by using unjustified lawyer, guardian and care manager billing hours, to illegally enrich themselves and deprive the victim of their assets.

12. Besides stealing the victims money, the Racket would sell the victim’s house, to a friend extremely cheap and then resell it at the full price and keep the profit for themselves. They would deny the victim and the family the profit.

13. Following an almost nationwide playbook, those in the Racket and individuals would begin a process of owning “slaves” for life until the victims die or are broke (which ever comes first) as their private bank accounts become empty.

14. In Pennsylvania, PA title 20, Section 5521, states exactly how guardianships are supposed to work and how guardians are supposed to act with the person.

15. Section 5521 is very clear. The guardian is to assert the rights and best interests of the person, their wishes and preferences must be respected to the greatest extent possible, the guardian is to construct a plan for the benefit of the person, encourage the person to participate to the greatest extent in the decisions that affect that person, to act in his own behalf whenever he is able to and to

develop or regain to the maximum extent possible the person's capacity to manage his own personal affairs.

16. At NO time, has that law ever been followed by the court, guardians, their lawyers and Jaskowiak. Their ONLY desire has been greed for themselves, Jane and her life be damned.

17. For almost two years, Jane has been locked in a very low rated nursing home, in solitary confinement, in a sensory deprived environment, no phone, no access to reading materials, not allowed to see ministers, friends or send or receive mail.

18. Jane has never been judged or claimed to have any mental or behavior problems that would indicate she is a danger to herself or others, in private or in public. Jane's was only found "guilty" of having a little forgetfulness, hardly a reason for Jane to be locked in a tiny room, in solitary confinement and in a sensory deprived environment and deprived of exercise, friends and her loving and devote son.

19. For two years, Arthur has tried in every way to get his Mother back home, where Ledakis said she should be and with Arthur so she will be able to live her life as normal and happy as it was before she was kidnapped by jsh and Logie.

20. Jane has no exercise, no mental stimulation, no happiness, is extremely lonlie and is treated and housed like a mouse in a cage. Jane is a human being, not a animal who just happens to have a lot on money.

21. Jane has made it very clear recently, both in a letter and by mouth, and would say it again today if asked that she wants to go home and Arthur to live in the house, whether she lives there or not.

22. In May 2022, Jaskowiak said in a Zoom call with the lawyers and weilheimer that he saw Jane in her room, she said she like the place, food and people. So, Jaskowiak is saying Jane knew what she wanted. About April 2022, Jane wrote a letter to Weilheimer and said she wanted to go home, come to court to tell the judge that, wanted Arthur to live in the house with her as he had been and also wanted a phone in her room until then. Weilheimer and Ledakis claimed Jane probably did not know what she was writing. But, they never asked Jane if that was what she wanted. How can Jaskowiak, Ledakis and Weilheimer claim Jane made her statement and knew what she was saying to Jaskowiak, but within the same time span that Jane wrote her letter, Ledakis, Jaskowiak and Weiheimer claim Jane did not write the letter of her own wants and wishes?

23. At Jane's invitation, Arthur was living at her home for over a year with a private bedroom and bath.

24. Even though Jane was still driving a car and was living totally independent, she appreciated all of the things Arthur did for her and for her house, car and other matters.

25. Jane always enjoyed all of the fun times she and Arthur shared, including going to restaurants, shopping, walks in the park, Valley Green, going to the cemetary to see her husband, Mother and grandparents.

26. Arthur has always volunteered to pay for the yearly housing costs of the house from the gift money Jane gave each year to her children which would cover the cost of the operation of the house. Court had accepted those costs as \$16,500 a year. Jane is paying \$90,000 for her tiny room for the past two years and is a total waste of Jane's savings that she may need later for private nursing care or physical therapy at another location. Jane still does not need any extra daily care.

27. Because Jane's house is one of the largest in the private gated community, it always increases in value every year.

28. Jaskowiak, "guardians" and their lawyers have not done anything to make Jane's life equal to or better than it was before they got involved. The fact is they have made it far worse, cut years off of her life and health by keeping her in isolation, deprived of every mental and physical activity, caused her enormous pain by being deprived at her late age of her loving son, her beautiful home, her loved possessions and her happiness at being alive and painfree.

29. Instead of a few basic problems being solved, such as where Arthur lives and what happens to the house and possessions if Jane cannot live there, Jaskowiak, guardians and lawyers continue to MAKE problems deliberately for Jane and Arthur only to create as many fake and unneeded billing hours as possible only to enrich themselves by draining Jane's assets, instead of for the benefit of Jane and Arthur as stated in the law: PA Title 20 Section 5521 .

30 The Racket has adopted a policy of blaming Arthur for the loss of money for lawyer billing hours to Jane by his actions, but it has been Jaskowiak, the guardians and their lawyers who ignore the health and welfare of Jane and waste her money on Jane's current grossly overpriced tiny "pig pen" at \$90,000 a year when Jane could be living in luxury at home for the court's accepted price of \$16,500 a year. Again, they ignore the law: Title 20, section 5521.

31. For some unknown reason, Judge Weilheimer stated in court a year ago that if Jane comes home, Arthur cannot live there. Arthur has agreed to move out and get another place to live if Jane comes home. At this time, Jane still is able to take care of herself. But, Weilheimer has seemed to forget now she ever said that Jane could come home if Arthur moves out, thus giving Jane her former life back,

allowing Jane to stay in her house at a massive savings to her, allowing Jane to enjoy her house, her loved possessions again and get all the exercise and mental stimulation she would get by simply doing everyday things, such as housecleaning, gardening, walking for the mail, going shopping, etc. .

32. All subpoenas to bring Jane to court to state for herself what she wants have been refused by judge Weilheimer, which clearly violates PA state law Title 20, Section 5521.

33. About early 2023, the guardian of the estate Fenstermacher, signed off to have Arthur evicted, Janes loved possessions of 98 years trashed and Arthur evicted. When asked when was the last time Fenstermacher saw or talked to Jane, he replied "About 2.5 years ago". How can Fenstermacher ignore state law and at the very least, talk to his client and ask her what she wants and recorded?

34. Guardians have obligations and requirements they must follow and obey, especially PA Title 20, section 5521. Fenstermacher, all guardians to Jane past and present, their lawyers and care manager klock have broken that law.

35. Unless Jane goes home, as she wants and has the right to demand, or is moved to a unfurnished, large apartment like place in a nursing home where she could have some of her furniture and other loved possessions, all of Jane's loved possessions of 98 years will be trashed.

36. There is no room in Jane's very tiny room to put anything now. There are no tables in her room. She has to store things in plastic bags on the floor since she has been where she is.

37. So far, NO one has said what was Jane's crime that she had to be kidnapped from her very large 3 bedroom, 3 bath house, in a private gated community and forced to live in her present tiny cage, no phone, not allowed outside for 2 years, in solitary confinement, in a sensory deprived environment, no visitors allowed (including ministers) no phone calls to or from friends (including Arthur), basically no TV channels to watch and forced to be with people who have behavior and mental problems.

38. The ONLY people who have benefitted from Jane's fake guardianship is the judge, guardians, their lawyers, jaskowiak, and the psychologist Ledakis who the court keeps picking (3 times now) to "evaluate" Jane, but they ignore his advice if they do not think it is to their benefit, such as Ledakis saying Jane could live at home with Arthur as Ledakis said in his first report before the petition hearing.

39. After Arthur exposed Ledakis's "evaluation" as a fake during the petition hearing and in Ledakis's other "evaluations" of Jane as being fake, Ledakis has attacked Arthur, blamed Arthur for many problems of Jane, refused to ask Arthur his side of any of his claims and made Jane sound as if she is past hope.

40. The definition of a guard is to protect lives and property and the guardians to Mother are supposed to do that. Arthur has protected Mother and has seen to her wants and needs for her life, health, happiness and to protect her assets for free. The guardians, their lawyers and jaskowiak have refused to do their duties as guardians and as their obligations as lawyers..

41. Since August 25 2021 to July 1 2023 , out of a possible 16 hours per day Mother and I could have been together (8 hours for sleeping), out of a possible 11,248 hours, Weilheimer has only allowed us 215 hours.

42. There was never any trial or hearing, for any charges ever filed against Arthur that would justify those inhumane visit restrictions. Those visit restrictions were only because of revenge and retaliation against Arthur for exposing the fake “evaluations” by Ledakis that have been used to declare countless other people “incapacitated” so their assets could be stolen by the Racket for their own use.

43. Under U.S. law, a person is innocent until proven guilty in a court of law and a person has the right to face their accuser. Arthur never had that right to defend himself from any charges of any type in court where he could have demanded subpoenas, discovery and Jane who would have denied Arthur ever “agitated” her, especially from any claims from the never named “staff” that Arthur got Jane “agitated”. The guardians, their lawyers and Jaskowiak never thought of any other reasons why Jane was “agitated” as everyone is in their daily lives. The main reason why Jane is “agitated” is she does not want to live there as a mouse in a tiny cage as she has been forced to live for 2 years in solitary confinement, in a sensory deprived environment and shut off from the outside world for no reason, instead of living as she was back in her huge home, living her life as she was before she was kidnapped by jsh as part of the “Plan” to get Janes assets for the Racket and deny Arthur being with Jane and living in her beautiful house as Jane had wanted him to be with her for many years since Jane’s husband died. Arthur was living at Jane’s house for over a year before Jane was kidnapped by jsh.

44. In addition, various guardians claiming Arthur made Janes legs swollen because of the fresh food Arthur was bringing Jane only 3 times a week for their lunches. But, the guardians ignored Jane getting unknown types of prepared food 20 meals per week at the nursing home. Jane never had any food allergies and was never on any diet restrictions.

45. Arthur has always wanted to settle various issues and has offered many solutions that make sense for Jane and for himself to end the waste of Jane’s money by lawyers and guardians whose only purpose has been to fatten their own

bank accounts. But, all of those solutions were denied by them. NONE of them ever offered any solutions that Jane would want and that Jane has the right to demand so Arthur could live as a human being, as the law says Jane has the powers to do under PA Title 20 section 5521. See exhibit.

46. Arthur has constantly been looking for places to live. A one bedroom apartment is about \$1,200 a month, plus utilities. That would be almost \$1,400 a month. Anything cheaper is in very dangerous area. Apartments are not widely available. I am not getting any response from fenstermacher as per the gift money that is given by my Mother every year of \$14,000. The new law says the non taxable gift is now \$16,000 a year. My mother would want me to have that and more and has always said if I ever needed money, all I had to do was ask her. She would not want me to live in any dangerous area. Any application I submitted have been denied because of my business bankruptcy from 3 years ago.

47. to settle the matter of eviction and the needless act of selling Jan'e house and trashing her loved possessions against her will, Jane needs to come to court to state for herself, undrugged for at least 48 hours and watched by a independent monitor so no drugs can be given to Jane. Arthur strongly believes Jane is being unneeded medication that affects her ability to think clearly.

48. Arthur is asking the court to delay any eviction process until various matters are settled by Jane's decisions, as Jane has the legal right to make for herself and especially her son.