



vonDehnVision <gnosticwisdom37@gmail.com>

Notice of Breach of Fiduciary Obligations

1 message

vonDehnVision <gnosticwisdom37@gmail.com>

Fri, May 20, 2022 at 2:40 PM

To: Tanja Johnson <tvondehn@icloud.com>, Hala Tabl <htabl@miltonsip.com>, Carmine Pignataro <cpignata@lso.ca>, Mike von Dehn <mvondehn@trilliumwest.com>

Tanja Selma Johnson,

Noah S. Potechin had advised that if no application had been filed for a Certificate of Appointment of Estate Trustee before February 26th, 2022, that the remainder funds from the unlawful sale of the property that resulted from Your negligence for allowing the Estate to go into default (back in February 28th, 2020), would be deposited with the Court. This did not happen.

You called Me to tell Me that Noah had agreed to pay the remainder funds to You providing You agree to make an Application for Certificate of Appointment of Estate Trustee. You indicated that he was **threatening to cause further economic and psychological harm to My Self and Michael if You failed to make this application**. I advised You that it is **unlawful for Noah to continue to withhold the funds under threat of further economic harm and duress** when the Entitled Beneficiaries have already agreed to the distribution of the funds, and that he *should have* deposited those funds with the Court if he did not Wish to hand them over to Me directly after previously acknowledging that I am the Trustee and Executor of a private, Express Trust in God Created to protect the [House] von Dehn family assets.

I also filed a complaint with the Law Society because I know You are incompetent in Law and it is My belief that a lawyer should be making You clearly aware of the duties and responsibilities of an Estate Trustee to the entitled Beneficiaries. These fiduciary obligations include:

It is important for trust beneficiaries to keep in mind that **a trustee is a fiduciary**, which means that **it is the trustee's job to always consider and act in the trust beneficiaries' best interests**. Trustees are **required to remain impartial** (i.e., **they cannot favor one trust beneficiary over another**), and they have **a duty of loyalty as well**. **If a trustee prioritizes their personal interests over those of the trust beneficiaries**, they will have committed **a breach of their fiduciary duties**, giving **trust beneficiaries cause** to potentially **remove** and **surcharge** them.
- <https://keystone-law.com/rights-of-a-trust-beneficiary-to-sue-a-trustee/>

In Our phone call, You suggested that by filing an application, it would expedite the process. I said I was quite happy to let You file an application, but to be advised that I would be objecting to Your application because You have demonstrated contempt for the Beneficiaries and appear to be Acting in Your own best interest. Apparently, this sentiment is echoed and supported by the Law Society of Ontario, who have indicated to Me that Your lawyer has no obligation to advise You of Your fiduciary obligations to

the Beneficiaries, and that it is the lawyer's duty to Act *exclusively* in Your best interest, which is in direct conflict with the Duties and Obligations of an Estate Trustee. This is why I believe Your lawyer Will be liable for the irrevocable economic harm You have caused to the Estate and its intended Beneficiaries, and why I believe the Law Society is incorrect in their assessment.

Trust beneficiary *rights* include:

- The right to be kept reasonably informed about the trust and its administration
- The right to an accounting
- The right to challenge an accounting
- The right to be treated impartially by the trustee
- The right to receive timely distributions from the trust
- The right to petition the court to have the trustee suspended and surcharged

You have not made an Application to the Court yet, though I was served Notice of an Application on March 24th. This IS fraud with intent to deceive, and I need to know if You plan to make an application. You have also failed to provide ANY disclosure to Me regarding the Estate - I have not been 'reasonably' informed, nor has Your Brother, Michael (as You failed to mention to Michael in Your first application that You would be as King to have Me excluded from the proceedings and pay the Court costs and legal fees to be excluded). Hardly seems like You are acting in the 'best interest' of the Beneficiaries, does it?

I've also indicated to You that Your failure to Honour Your Fiduciary obligations and keep Me reasonably informed is causing Me serious undue mental and emotional duress, yet You continue to remain despondent and withhold all disclosure regarding the Estate. It is also apparent that You are in possession of roughly \$40k in additional assets above and beyond the remainder funds available from the unlawful sale of the property, and have failed to disclose how You came to be in possession of those additional assets.

The longer You continue to presume to be Acting as 'interim' Trustee without a Certificate of Appointment of Estate Trustee having been awarded to You, the greater the harm done to Me and the more You Will be liable to Me for.

I am hereby demanding full disclosure of all Estate assets, liabilities, and any other information You may be in possession of relating to My father's Estate, as I am entitled to full disclosure and to be kept reasonably informed of what is going on with My father's Estate. Once again, I have no problem with You making an Application with the Court so that I can object and advise the Court of Your negligence and why You should be removed and surcharged for Your contempt and gross negligence.

This is a final Notice that Will be provided to the Court if You do not respond in a reasonable time to let Me know how You plan to proceed, and when I can expect to be reasonably informed as to how You managed to cause over \$140k worth of damages to

the Estate without having a Certificate of Appointment awarded to You by the Court. An 'interim' Endorsement only means that the Application is allowed to proceed, it is NOT a Certificate of Appointment of Estate Trustee, and You are required to file a Bond with the Court to ensure performance to Your Fiduciary obligations, and I am suggesting that the Bond be a **minimum Value of \$1,000,000.00** to account for the harm You have already caused the Estate for its intended Beneficiaries.

Please be advised that at no time have I waived any of My rights as the primary Beneficiary of this Estate.

You Will find a copy of Our phone call where You indicate to Me that Noah is threatening further economic and emotional harm to the beneficiaries if You do not make an application, rather than deposit the remainder funds with the Court as he is legally and lawfully obliged to do.

Also, as King EITHER My Self or Michael to consent to an Application without FIRST providing full disclosure, is NOT legal or lawful consent. You are required to provide a copy of the Application WITH the consent form, You do NOT ask for consent without letting the individual know what You are as King of them to consent to. Again, this is another point Your lawyer should be advising You on and why she is NOT protecting Your interests, You have caused serious economic harm to the Estate and its Beneficiaries and Your lawyer is NOT advising You as to Your Fiduciary obligations.

Failing to let Me know that You were compelled to make the first application to the Court because You being sued by Noah under power of sale is also FRAUD - willful intent to deceive. ESPECIALLY after I said to both You and Michael that a Certificate should not be necessary unless there is a claim against the Estate. You BOTH assured Me there was no claim against the Estate - I only learned that the Estate was already in default at the time of Your first application as a result of Carmine's investigation. It seems You are Willfully withholding information from the Courts and the Beneficiaries because You do not Wish for the Court to know how negligent You have already been.

Do You plan to make an application to the court or not? I do need to know.

If I am compelled to reach out to the Court again, I Will be including this Notice of Breach of Trust served upon You in accordance with the Rules of Civil Procedure.

I look forward to hearing from You.

King Sean, House von Dehn,
Hand of Stephen,
The Kingdom of Heaven Found a Sean
(An Express Trust Organization)

 Tanja.m4a

