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6 Pro Se

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF SAN DIEGO
9 CENTRAL DIVISION

10 In the Matter of the

11 FOSTER FAMILY TRUST
12 Dated November 2, 1996;
13 SHIRLEY FOSTER TRUST
14 Dated October 28, 2002, and
15 SHIRLEY FOSTER TRUST
16 Dated August 8, 2008

17) CASE No.
18) Petition to have that the Court Determine; 1) The
19) SHIRLEY FOSTER TRUST Dated 10/28/2002 to
20) be an Invalid Trust Instrument; 2) The SHIRLEY
21) FOSTER TRUST Dated 08/08/2008 to be an
22) Invalid Trust Instrument; 3) Three Quit Claim
23) Deeds are Invalid due to the Fact that they
24) Transfer Property to the Invalid SHIRLEY
25) FOSTER TRUST Dated 10/28/2002; 4) There
26) Exists Only One Valid Trust Instrument, the
27) Original FOSTER FAMILY TRUST Dated
28) 11/02/1996, Irrevocable AND Unamendable; 5)
) To Take Any Other Action the Court Deems
) Necessary or Appropriate Under These
) Circumstances.

23 **I. Background**

24 Petitioner / beneficiary, William Perry Foster (DOB 06/27/1962), is the son and only child of Shirley
25 Foster, Survivor / Trustor, FOSTER FAMILY TRUST dated 11/02/1996. (Attached as EXHIBIT A)
26 Petitioner, William Perry Foster is named as sole beneficiary of the FOSTER FAMILY TRUST Article
27 7.1 (excluding property located in Emanuel County, Georgia). When Jack E. Foster (DOB 03/23/1923)

1 was alive, he did all things financial. Shirley has never demonstrated any aptitude for contract
2 administration what so ever.

3 Immediately following Grantor/ Trustor Jack Foster's death, Steve Wojdowski as CPA was involved in
4 my mother 's financial affairs. (Certificate of Death attached as EXHIBIT H)

5 **II. Venue: San Diego County**

6 Powers of Attorney for Heath Care Decisions, and Power of Attorney-In-Fact, and the Grantor, all reside
7 in San Diego County. All real properties involved, are located in San Diego County. Venue and
8 jurisdiction are the same in this Trust probate case.

9 **III. History**

10 **11/02/1996** The FOSTER FAMILY TRUST was created.

11 **01/21/2002** Shirley Foster was widowed upon the death of Jack Elmer Foster (DOB 08/23/1923)

12 **07/21/2002** Survivor Grantor deadline to divide trust into Two Separate Trust.

13 **07/22/2002** Foster Family Trust Dated 11/02/1996 becomes irrevocable six months after 01/21/2002.

14 No amendment or restatement created with six month time-limit. Any power to alter, amend, modify, or
15 revoke the original trust in whole or in part, was held by the Trustors during their joint lifetimes.

16 **10/01/2002** Death Certificate for Jack Elmer Foster Signed 01/10/2002, 253 days after 01/21/2002.

17 **10/28/2002** SHIRLEY FOSTER TRUST (survivor's portion) created 280 days after 01/21/2002.

18 **10/28/2002** Affidavit of Death for all five Properties are dated 10/28/2002

19 **10/28/2002** Deeds (two) transfer real property to EXEMPTION TRUST dated 11/02/1996.

20 **10/28/2002** Deeds (three) transfer real property to SURVIVOR'S TRUST dated 11/02/1996.

21 **10/28/2002** Deeds (three) wrongfully transfer real property from SURVIVOR'S TRUST dated
22 11/02/1996 to SHIRLEY FOSTER TRUST dated 10/28/2002.

23 **07/2008?** Shirley diver's license revoked after Alzheimer's Diagnosis reported to DMV.

24 **08/08/2008** Invalid SHIRLEY FOSTER TRUST Restatement of 10/28/2002 created.

25 **08/08/2008** Steve and Patricia Wojdowski become Powers of Attorney for Healthcare Decisions.

26 **08/08/2008** Patrica Wojdowski named first for Conservator.

27 **08/08/2008** Steve Wojdowski is POA Healthcare, POA-In-Fact, Co-trustee, and first named for
28 Successor Trustee, CPA, and named second for Conservator,

01/20/2009 Shirley Foster had a very long time primary care physician. His name is Dr. Brain P. First.

1 4323 Genesee Ave Suite 104 San Diego, Ca 92117 Phone: 858-569-5850 Dr. Brian P. First made
2 statements in a “To Whom It May Concern” letter.

3 <Start of Letter> *To Whom it May Concern: I am the primary care physician of record for Mrs. Foster and*
4 *she has been under my care for many years. She has a number of significant medical diagnoses*
5 *including dementia, which renders her incapable of managing her personal of financial affairs. Should*
6 *you need more information, I can be reached at 858-569-5850*<End Of Letter>

7 This document withheld from Petitioner (first of kin) for over 5 years 5 Months.

8 **01/25/2009** Steve Wojdowski in an e-mail Petitioner makes statement; “*Just wanted to let you know that*
9 *I am slowly getting control of your mother's financial affairs! I now am a signer on her bank account.*”
10 SLOWLY' getting control, looks like immediate and total control, 5 days after Grantor's Dementia
11 Diagnosis. Steve Wojdowski has been taking control of Shirley Foster's financial affairs since my
12 father’s death in 2002 writing (filling out) Checks and having Shirley Foster sign them.

13 **09/23/2013** Steve Wojdowski is recruiting Aaron Anvaripour as co-trustee for Shirley’s affairs, not the
14 successor trustee named in the 08/08/200o2 trust instrument. Steve makes e-mail statement that Shirley
15 could not manage her own affairs. Steve makes statement, “*I believe at the time she realized she could*
16 *not manage her own affairs.*” In reference to 08/08/2008, Steve Wojdowski admits to having personal
17 knowledge that Shirley Foster signed the trust instrument and POA documents in a state of incapacity.

18 **04/2014** Wojdowski’s move Shirley To Saber Springs Convalescent – Memory Unit. No notification
19 provided to Petitioner, first of kin.

20 **04/2014** Patricia disclosed, to Marilyn Perez, a pending “physiological evaluation” for Shirley scheduled
21 for April 25, 2014. Steve and Patrica Wojdowski were in the process to stage a “Physiological
22 Evaluation” in order to conceal and ignore the existence of the January 20, 2009 ,Dr. First Dementia
23 Diagnosis. Marilyn Perez's, April 23, 2014, wrongful removal (Intra-State abduction) of Shirley Foster
24 from Saber Springs Convalescent (Memory Unit) facility thwarted their efforts to conceal and ignore the
25 existence of the January 20, Dr. First Dementia Diagnosis.

26 **04/23/2014** Abduction of Shirley by sister Marilyn Perez.

27 **04/27/2014** Perez transfers \$69,744.96 to Perez/Foster US Bank Acc# 155517558468.

28 **06/5/2014** Attorney Marrienne Dean sends letter to Shirley, ‘Your money is gone, you are on your own.’

08/18/2014 SHIRLEY FOSTER TRUST Perez / Anvaripour create invalid restatement / amendment

08/21/2014 Deeds transferring three properties to Perez / Anvaripour recorded, San Diego County.

1 **02/26/2015** \$102,668.54 transferred by Perez, Charles Schwab Acc# 7024-7402

2 **02/08/2017** Petitioner obtained three Quit Claim deeds that transfer real property to Marilyn Perez
3 (sister of Shirley Foster) and Aaron Anvaripour (grandson of Marilyn Perez).

4 **02/18/2017** Steve Wojdowski was informed that William Perry Foster was in possession of ten year old
5 documents, including a **2004 Federal Tax Return authorize by Steve Wojdowski**, and produced deeds
6 showing the three properties that had been re-titled to Marilyn Perez and Arron Anvaripour as co-
7 trustees. Marilyn Perez and Arron Anvaripour have been acting as **agents in fact** of Steve and Patricia
8 Wojdowski, financial and healthcare POA's. Steve Wojdowski failed to act/react in any manner.

9 **05/23/2017** Beneficiary forced to take action. Hearing in Los Angeles County Probate. The petition by
10 William Perry Foster forced the 06/14/2017 production of **criminal restatement** of Shirley Foster Trust
11 dated 08/18/2014 Case #17STPB02196 Petitioner: William Perry Foster Respondents: Marilyn Perez
12 and Arron Anvaripour.

13 **05/24/2017** Petitioner has in-person conference with San Diego District Attorney's office.

14 **01/18/2018** SDC DA files criminal charges against Marilyn Perez and Aaron Anvaripour
15 Case Number: CD275203 DA No. AEH 130

16 **08/07/2018** Steve Wojdowski produces SHIRLEY FOSTER TRUST Dated 08/08/2008 to petitioner.

17 **11/14/2018** San Diego County Probate Court. Steve Wojdowski POA-In-Fact files Petitions 37-2018-
18 00057537 as Interested Person EXEMPTION TRUST (11/02/1996) and 37-2018-00057543 as
19 Resigning Trustee, **in an attempt to enforce fraudulent trust instrument**, SHIRLEY FOSTER TRUST
20 (08/08/2008).

21 **11/30/2018** Marilyn Perez pleads no contest to all 12 Felony charges including theft and false
22 imprisonment with enhancements. Marilyn Perez was convicted of **nine counts** of PC368, and **three**
23 **counts** of PC 115. With enhancements PC 186.11 (d) and (e) on **all twelve counts**. The 08/18/2014
24 SHIRLEY FOSTER TRUST restatement and three deeds determined to be void ab initio.

25 **IV. Six Month Time Constraint for Division Into Two Separate Trusts**

26 **11/02/1996 Foster Family Trust - ARTICLE SIX**

27 **6.1 Division of Trust into Two Trusts at Married Trustor's Death**

28 The first Trustor to die shall be called the deceased Spouse (*Jack Elmer Foster*), and the living spouse
shall be called the surviving spouse (*Shirley Foster*). On the deceased spouse's death (*January 21,*
2002), the Trustee (*Shirley Foster*) **shall divide the trust estate**, including any additions made to the

1 trust by reason of the deceased spouse's death, such as from the decedent's will or life insurance policies
2 on the decedent's life, **into separate trusts**, designated the **survivor's trust** and the **exemption trust**.

3 **6.2 Deferral of Division or Distribution of Trust Assets**

4 ~~Whenever~~ (January 21, 2002) the Trustee (Survivor Shirley Foster) is directed to make a ~~distribution of~~
5 ~~trust assets or~~ a division of trust assets **into separate trusts** ~~or shares~~ on a Trustor's death, the Trustee
6 (Shirley Foster) may, in the Trustor's discretion, defer the ~~distribution or~~ division until **six months**
7 (January 21, 2002 plus 180 days is July 21, 2002) after the Trustor's death. When the trustee defers
8 ~~distribution or~~ division of the trust assets, the deferred division ~~or distribution~~ shall be made as if it had
9 taken place at the time prescribed in the instrument in the absence of this paragraph, and all rights giving
10 to the beneficiaries of those assets under other provisions of this trust instrument shall be considered to
11 have accrued and vested as of that prescribed time.

12 **V. 10/28/2002 SHIRLEY FOSTER TRUST Invalid**

13 Sight unseen, the 10/28/2002 SHIRLEY FOSTER TRUST instrument does NOT comply with FOSTER
14 FAMILY TRUST - ARTICLE 6.1-6.2. Therefore, the 10/28/2002 SHIRLEY FOSTER TRUST
15 instrument is void ab initio.

16 **VI. Original Trust Instrument Irrevocable – Reason One**

17 **Division Into Two Separate Trusts Never Occurred**

18 This ARTICLE 6.2 Division of the Foster Family Trust (11/2/1996) stipulation was not optional.
19 Division of the Foster Family Trust (11/02/1996) never occurred. Deeds (Survivor's portion) for 12351
20 Fairway Pointe Row; 1840 S. Ditmar; 3795 Mt. Everest, reflect the date of October 28, 2002. Deeds
21 (Exemption Portion) for 872 Thomas; 2873 Luna, reflect date of October 28, 2002. All five deeds
22 reflect a date 280 days after 01/21/2002.

23 Additionally, the death Certificate for Jack Elmer Foster is dated 10/01/2002, 253 days after 01/21/2002.
24 The surviving Grantor/Trustee (Shirley Foster) failed to act within the REQUIRED time-limit. The
25 original FOSTER FAMILY TRUST is the one and only valid trust instrument. Shirley Foster's
26 opportunity to create a restatement of her Survivor's portion of the original Foster Family Trust ended
27 July 21, 2002. Any valid original restatement Survivor's Trust had to be created between 01/20/2002
28 and 07/22/2002.

1 Additionally, the irrevocable exemption portion requires Trustee to provide a copy of the trust, identify
2 who the Trustee(s) are and provide an annual accounting. This has never happened.

3 **Failure to Created Exemption Trust Instrument Avoids Scrutiny of Others**

4 In order to unlawfully avoid disclosure of the irrevocable portion and, therefore unlawfully avoid
5 providing the required annual accounting, no restatement for the EXEMPTION TRUST portion was
6 ever created. Shirley was incapable to comprehend her obligations for trust administration, she simply
7 believed what she was told to her by her hired “professional help”. Being mislead, by Steve
8 Wojdowski, as well as attorneys Karen E. Black and Steven E. Bates, no separate trust instrument for the
9 irrevocable EXEMPTION TRUST Dated 01/21/2002 was ever created. In Steve ‘s own words, June 18,
10 2014, in an e-mail to Petitioner: “*The exemption trust is not a separate document, it was created under*
11 *the provisions of the trust that was in existence at your father’s death.*” With NO disclosure of a
12 “irrevocable” exemption trust to the required beneficiary, while in violation of the law, provides the
13 unique opportunity to have to deal only with the incapable Shirley Foster, and her invalid SHIRLEY
14 FOSTER TRUST instruments.

14 **VII. Original Trust Instrument Irrevocable – Reason Two**

15 **Power to Alter Original 11/021996 Trust Only During Trustor’s Joint lifetime**

16 **11/02/1996 Foster Family Trust**

17 **ARTICLE 2.1 Trust Estate**

18 “...any power to alter, amend, modify, or revoke this trust, in whole or in part, is held by the trustors
19 during their joint lifetimes.”

20 **ARTICLE 10.2 Revocation by Both Spouses During Trustors’ Joint Lifetimes**

21 “During the Trustors’ joint lifetimes, this trust may be revoked in whole or in part...”

22 **ARTICLE 10.2 Amendment**

23 “The Trustors may at any time during their joint lifetimes amend any terms of this trust by written
24 instrument signed by both Trustors and delivered to the Trustee.”

25 **VIII. Original Trust Instrument Irrevocable – Reason Three**

26 **Incompetence in Trust Administration Demonstrated by Grantor Shirley Foster**

1 With no separation or division of the original FOSTER FAMILY TRUST Dated 11/02/1996, in
2 compliance with ARTICLE 6.1 and ARTICLE 6.2, there exists only one Valid trust instrument. The
3 FOSTER FAMILY TRUST Dated 11/02/1996.

4 Shirley Foster simply lacked the ability to comprehend the terms of the original trust instrument. By
5 failing to act, according to the Foster Family Trust dated 11/02/1996, ARTICLE 6.1 and ARTICLE 6.2,
6 Shirley Foster demonstrated she lacked the capacity to follow the Trust's instructions. Shirley Foster's
7 failure to act essentially waived her right for any restatement, AND simultaneously demonstrated her
8 incapability for trust administration, AND also simultaneously caused the one and only existing trust
9 instrument to become irrevocable and unamendable. Shirley Foster's failing to act, caused the original
10 FOSTER FAMILY TRUST to become irrevocable and unamendable, without physical separation or
11 division, on 07/22/2002. Being irrevocable the entire estate the law dictates accounting and trust
12 administration required for an irrevocable trust.

13 **IX. 08/08/2008 SHIRLEY FOSTER TRUST Invalid– Reason One**

14 **Restatement Modifies Invalid Instrument**

15 The 08/08/2008 trust instrument (Attached as EXHIBIT B) claims to be a restatement of the invalid
16 10/28/2002 SHIRLEY FOSTER TRUST. And by doing so, declares itself *void ab initio* within the very
17 first sentence.

18 **X. 08/08/2008 SHIRLEY FOSTER TRUST Invalid– Reason Two**

19 **Misspelled Names Document Incompetence By Shirley**

20 Misspelled name “Jackel” should have been corrected to “Jeckel”, Page 5.

21 Misspelled name “Eric D. Greaser” should have been corrected to “Eric V. Greaser”, Page 16.

22 The failure to correct misspelled names is evidence of the incompetency of Shirley Foster on the day she
23 signed the trust instrument and POA documents. If Shirley was competent the incorrect names would
24 have been corrected before she signed the document. POA In-Fact Steven Wojdowski, Attorney Steven
25 E. Bates and Trustor Shirley Foster, all signed the October 28, 2002 trust instrument, Page 17.

1 **XI. 08/08/2008 SHIRLEY FOSTER TRUST Invalid– Reason Three**

2 **Inherent Conflicts of Interest - HUSBAND and WIFE POA'S**

3
4 Steve Wojdowski is the CPA, Co-Trustee, Successor Trustee, POA-In-Fact, and First named
5 Conservator, POA Healthcare, Second named Conservator Healthcare.

6 Patricia Wojdowski LCSW is the POA Healthcare and First named Conservator Healthcare.

7 Steve and Patricia Wojdowski, who were at the time licensed professionals, created a situation involving
8 unethical conflicts of interest that violate their professional code of conduct.

9
10 **Conspiracy by POA's / Trustee to Conceal Dementia Diagnosis Thwarted by Abduction of Trustor**
11 **Motive the for April 25, 2014 Psychological Evaluation**

12 Steve and Patricia Wojdowski were in the process to stage a “Physiological Evaluation” in order to
13 **conceal and ignore** the existence of the January 20, 2009, Dr. First Dementia Diagnosis. Marilyn
14 Perez's, April 23, 2014, wrongful removal (Intra-State abduction) of Shirley Foster from Saber Springs
15 Convalescent facility thwarted the Wojdowski's efforts to **conceal and ignore** the existence of the
16 January 20, Dr. First Dementia Diagnosis.

17 And if Steve and Patricia Wojdowski would be able to produce an April 2014 psychological evaluation,
18 the Jan 20, 2009 Dr. First dementia diagnosis **was to be ignored and it's existence concealed forever.**

19 **XII. 08/08/2008 SHIRLEY FOSTER TRUST Invalid– Reason Four**

20 **Unintelligible Language – Poorly Written Document**

21 **Inomprehensible Clause**

22 Page 6 states: “Therefore, this Trust should be retained to the extent possible, and should be invaded
23 only after the outright distribution from the FOSTER FAMILY TRUST has been exhausted, except if
24 PERRY has used the outright distribution from the FOSTER FAMILY TRUST to purchase a home, he
25 shall not be required to liquidate his residence or sell his automobile.”

26 Petitioner challenges anyone to explain what this sentence actually means. Is this a sentence only my
27 mother could comprehend?

28 **Phrase defined yet unused**

1 Page 6 In the very next sentence the term “exhausting other assets” is defined as referring specifically to
2 “Liquid or investment type assets”. The phrase “exhausting other assets” appears nowhere else in the
3 08/08/2008 trust instrument. Why define a term and then not use it?
4

5 **XIII. 08/08/2008 SHIRLEY FOSTER TRUST Invalid– Reason Five**

6 **Co-trustee Admits to Personal Knowledge of Shirley Foster’s Incapability at Time of Creation**

7 On 09/23/2013 Steve Wojdowski admits in e-mail to Aaron to having personal knowledge of Shirley's
8 incompetency on the day she signed the 08/08/2008 documents. Having Shirley sign documents in an
9 incapable state, is not only unethical, it is **financial elder abuse, a crime.**

10 Steve Wojdowski [mailto:swojcpa@redwire.net]

11 Sent: Monday, September 23, 2013 10:29 AM

12 To: 'aaron anvaripour'

13 Subject: RE: Shirley Foster

14 Hi Aaron, I was out of town and returned last night. I was not kidding when we spoke, when I asked if
15 you were going to take over as co-trustee for Shirley affairs. I would very much like to move on.

16 However, I believe I cannot just take myself off everything without someone being substituted in my
17 place.

18 Shirley is not competent to manage her own affairs. It was Shirley, who made me her co-trustee. I just
19 did not add myself to her trust. **I believe at the time she realized she could not manage her own**
20 **affairs.** Since she was being taken advantage of by unscrupulous people and essentially throwing money
21 down a sewer. Shirley has been diagnosed with early stage Alzheimer’s, which is the reason she does
22 not have a driver license and the reason I took her car keys away. She was driving without a license. In
23 the meantime, **I will seek legal advice to make sure my obligations are correctly handled** and
24 probably talk to San Diego County Adult Protective Services, who has a long file on her.

25 By the way, Luna has not been rented out. We have had a number of lookers but no takers. It is my
26 inclination with the receipt of your email to stop trying to rent it out since I am being replaced. Also,
27 there was a major plumbing problem on Thomas that I took care of. Water from the shower was draining
28 from the shower and pooling under the house. What are the plans to take of the properties? She
originally had a property manager before I stepped in but did away with them since didn’t like paying
them their fee. Steve

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XIV. Quit Claim Deeds Transfer Property to Invalid Trust Instrument

Karen Black is the Attorney Of Record for deeds on all five properties and Death Affidavits. Petitioner request that the Court supervise the removal of the three following invalid Deeds recorded with the San Diego County recorder's Office:

1) **INVALID DEED** - Doc # 2002-1026824 Deed transferring 12351 Fairway Pointe Row from FOSTER FAMILY TRUST - FBO-SURVIVOR'S TRUST dated 11/02/1996 to SHIRLEY FOSTER TRUST-SURVIVOR'S TRUST dated **October 28, 2002**. Recorded 11/15/2002.

(Attached as EXHIBIT C)

2) **INVALID DEED** - Doc # 2002-1026604 Deed transferring 1840.S. Ditmar from FOSTER FAMILY TRUST - FBO-SURVIVOR'S TRUST dated 11/02/1996 to SHIRLEY FOSTER TRUST-SURVIVOR'S TRUST dated **October 28, 2002**. Recorded 11/15/2002. (Attached as EXHIBIT D)

3) **INVALID DEED** - Doc # 2002-1026430 Deed transferring 3795 Mt. Everest from FOSTER FAMILY TRUST - FBO-SURVIVOR'S TRUST dated 11/02/1996 to SHIRLEY FOSTER TRUST-SURVIVOR'S TRUST dated **October 28, 2002**. Recorded 11/15/2002. (Attached as EXHIBIT E)

XV. 2004 Tax Statement Anomalies – No SHIRLEY FOSTER TRUST Dated 10/28/2002

Exemption Trust **Steve Wojdowski's Client 32** (2004). Survivor's Portion **Steve Wojdowski's Client 431** (2004). Why two client Number's for one customer? Titled, SHIRLEY FOSTER and FOSTER FAMILY EXEMPTION TRUST INCOME TAX RETURN 2004, this booklet contains a 43 page Federal and State Tax documents authorized by CPA Steve Wojdowski. Interestingly, this 2004 Tax Return has no accounting for any SHIRLEY FOSTER TRUST.

Cover letters, signed Steve Wojdowski, show the date of June 18, 2004 for the 1040 in the name of Shirley Foster, and the dtae of June 17, 2004 for the 1041 FOSTER FAMILY TRUST (11/02/1996).

Page 9 Supplemental Income and Loss (Schedule E) lists Income from rental real estate. (A) 1940 S. Ditmar, (B) 3795 Mt. Everest, and (C) Trust Rentals. (Attached as EXHIBIT F Page 1, Part I A, B ,C)

Page 10 (Schedule E) page 2 Part III Line 33A, names "FOSTER FAMILY EXEMPTION TRUST" TAX ID# 47-6245510. No SHIRLEY FOSTER TRUST or FOSTER FAMILY SURVIVOR'S TRUST entered on Line 33B. The next line 33B was left blank. **Only one trust listed.** (Attached as EXHIBIT F Page 2 Line 33A - 33B)

1 Page 25 is a 1041 U.S. Income Tax Return for Estates and Trusts. This document names FOSTER
2 FAMILY FOSTER EXEMPTION TRUST DATED NOVEMBER 11, 1996. Entity D Date entity
3 created shows a date of **01/21/2002**. (Attached as EXHIBIT G)
4

5 **XVI. False Statement and Misleading Language in 37-2018-00057537 Petition**

6 Case No. 37-2018-00057537 PETITION FOR APPOINTMENT OF SUCCESSOR TRUSTEE OF
7 EXEMPTION TRUST.

8 Page 1 line 23 “.., the trust calls for the creation of two subtrusts designated as the Survivor’s Trust and
9 the Exemption Trust. (exhibit A., Section 6.1) The term “subtrusts” is not appear the original
10 11/02/1996. ARTICLE 6.1 Dictates: “...Trustee Shall divide the trust estate,..., into two separated
11 trusts,...”
12

13 Page 1 Line 24 “Jack Died on around 2002. Deliberately vague time element, in conjunction with no
14 mention of the ARTICLE 6.2 Six month time constraint.
15

16 Page 1 Line 25-26 “After Jack’s death and consistent with the terms of the Trust, Petitioner is informed
17 and believes that Shirley created The irrevocable Exemption Trust and funded it with two real properties
18 and one or more brokerage accounts.” After Jack's death, but not complaint with ARTICLE 6.2, Steve
19 Wojdowski has personal knowledge of an irrevocable Exemption Trust that was funded it with two real
20 properties and one or more brokerage accounts. Steve Wojdowski also has personal knowledge that no
21 trust instrument was created.

22 “Petitioner is informed and believes that Shirley created The irrevocable Exemption Trust...” Case No.
23 37-2018-00057537 PETITION FOR APPOINTMENT OF SUCCESSOR TRUSTEE OF EXEMPTION
24 TRUST; Page 1 Line 25-26 **This is a false statement**
25

26 In the following e-mail Steve Wojdowski admits to personal knowledge that no trust instrument was
27 created. On Wed, 6/18/14, Steve Wojdowski <swojcpa@sandiego.twcbc.com > wrote:

28 Subject: Exemption Trust

To: "perry foster" <williamperry666@yahoo.com>

1 Date: Wednesday, June 18, 2014, 5:04 PM

2 ***“The exemption trust is not a separate document, it was created under the provisions***
3 *of the trust that was in existence at your father’s death. I cannot give you that*
4 *document since it is privileged information and can only provide to you at the request of your mother. I*
5 *have probably told you more than I am supposed to. The exemption trust is an irrevocable trust, which*
6 *means it cannot be changed. You are aware that it contains two proprietaries from your search of county*
7 *records. The exemption trust was also funded with \$134,000 of stock. However, in 2004 that stock was*
8 *sold and mutual funds were bought but the problem was that the original shares was only*
9 *now worth about \$99,000, which equates to a \$35,000 loss. The current value of the*
10 *account according to the last statement I have is \$63,400. I have no records on the inappropriate*
11 *withdraws, since they happened prior to my involvement. So I can only say it is somewhere around*
12 *\$35,000 which is the difference between the \$63,400 and the \$99,000. Steve”*

13 **XVII. False Statement and Misleading Language in 37-2018-00057543 Petition**

14 San Diego County Superior Court Case No. 37-2018-00057543 involves Steve Wojdowski, acting as a
15 resigning trustee, attempting to enforce the SHIRLEY FOSTER TRUST dated 10/28/2002.

16 Page 1 lines 20-22 refers to the ARTICLE 6.1 (Division into Two Trusts), Interestingly, there is **NO**
17 **mention of The Six Month Deferment Allowance**, ARTICLE 6.2 Deferral of Division or Distribution
18 of Trust Assets.

19 Then on Page 1 line 20 the Statement, “Jack died on or around 2002.” This wording is designed to
20 defect attention away from the fact that ARTICLE 6.2 six month time-limit was **NOT** complied with.

21 Page 1 line 23 explains Shirley “..retained the right to amend, revoke, or terminate the survivors Trust.”
22 The statement is misleading at best, there was no “right”. The fact is, Shirley failed to comply with-in
23 the six month time constraint AND “Any power reserved to Trustors to alter, amend, or revoke this trust,
24 in whole or in part, is held by the Trustors during their joint lifetimes.” (Attached as EXHIBIT A -
25 FOSTER FAMILY TRUST 11/02/1996 ARTICLE 2.1 Trust Estate - Page 5)

26
27 Page 1 line 22-4 “on October 28, exercised her right to revoke, and terminate the Survivor's Trust by
28 creating the Shirley Foster Trust (“Shirley’s Trust”).”

1 **This is a false statement - October 28, 2002 is too late.** The truth is, on October 28, 2002, Shirley did
2 nothing. In reality, on October 28, 2002, Shirley was mislead (deceived) into believing that she created
3 a valid trust instrument created. How is it possible to revoke and terminate a “Survivor’s Trust” when
4 there was no separate Survivor’s Trust in existence yet? This is the same October 28, 2002 SHIRLEY
5 FOSTER TRUST Steve Wojdowski failed to account for in 2004 Federal and State Tax Return as CPA
6 for Shirley. (Attached as EXHIBIT F Page 2 lines 33A and 33B)

7 **XVIII. Conclusion**

8 Since my father’s death January 21, 2002 of Steve Wojdowski involvement in my mother’s financial
9 affairs, has resulted in my mother’s trust estate being severely damaged.

10 **Shirley Foster was Mislead Into believing She Created Valid Trust**

11 Sight unseen, the 10/28/2002 SHIRLEY FOSTER TRUST instrument does NOT comply with FOSTER
12 FAMILY TRUST - ARTICLE 6.2. This document was in the possession of the San Diego County
13 District Attorney on November 30, 2018, released to Gina Stein attorney for Steve Wojdowski that same
14 day.

15 Upon the abduction of Shirley by her sister Marilyn Perez, April 23, 2014 and the theft of Shirley’s
16 money, husband and wife POA’s,

17 **Steve and Patricia Wojdowski simultaneously abandoned Shirley.**

18 Patricia Wojdowski declared to the Sabre Springs Memory Unit Director, where the abduction took
19 place, that Patrica was hiring attorney Merrienne Elizabeth Dean - #174956 to petition for a
20 conservatorship. Merrienne Dean sent a letter to Shirley. In a letter sent to Shirley explained to the
21 effect that ‘now that all your money is gone, you can pay your bills on your own’.

22 *On June 5, 2014 Dean wrote the following letter to Shirley:*

23 *Dear Ms. Shirley*

24 *My firm was retained y Patricia Wojdowski, your agent under Powers of Attorney for Health Care, to*
25 *assist her with determining what, if any, obligations she has now that you have apparently moved*
26 *yourself to Los Angeles. As you know, Ms. Wojdowski was contacted by Ms. Mayra Plascencia, an*
27 *employee of the Los Angeles. Office of Adult Protective Service, and instructed to forward your*
28 *identification documents to your nephew, Mr. Anvaripour. Ms. Wojdowski complied with this request*

1 after we were informed that Ms. Plascenia arranged form your cognitive abilities to be independently
2 assessed and that you have full capacity to make you own decisions.

3
4 Ms. Wojdowski is now informed that someone, presumably you, has now withdrawn all of your funds
5 from your two savings accounts at Citiank. Asn you also know, those funds had previously been used y
6 Mr. Wojdowski, your CPA, designated agent under a power of attorney for financial matters and Co-
7 Trustee of your trust, to pay your personal expenses. Please be advised cause you have taken
8 possession of your funds, Mr. Wojdowski no longer has the ability to make those payments on your
9 behalf. Accordingly, you are now solely responsible for paying your personal bills and expenses.

10 Finally, please provide my office with copies of any documents you have signed which terminate my
11 client's obligations or the obligations of Mr/ Wojdowski to take action on your behalf, as well as the
12 identity and contact information for your new agents. Neither Ms. Wojdowski nor Mr. Wojdowski have
13 any intention of standing in your way now that you have apparently determined that you would prefer
14 to have your family provide you with assistance. I look forward to hearing from you at your earliest
15 convenience. Quote from STATEMENT OF PROBABLE CAUSE page 17-18 DA No. AEH 130 Case
16 No. CD275203

17 The Wojdowski's eager to wash their hands of the situation, capitulate and wrongfully allowed, Aaron
18 Anvaripour (Grandson of Perez) and Marilyn Perez to take over Shirley's physical and financial affairs.

19
20 "At the time (01/18/2018) the People moved for protective orders, several of the properties were being
21 rented out and income was being deposited into one of the above-listed accounts controlled by Marilyn
22 Perez." No. CD275203 DA No. AEH130 People vs. AARON ANVARIPOUR AND MARILYN
23 PEREZ Notice of Motion and Motion to Appoint A Receiver Pursuant to Penal Code Sections 186.11
24 (e) and (f). Filed in San Diego County Superior Court, April 03, 2018.

25
26 A San Diego County District Attorney investigation resulted with a twelve count felony conviction of
27 POA-Agent-In-Fact Marilyn Perez. With law enforcement involvement, Steve Wojdowski has found
28 himself and others in a very compromised position.

1 Steve Wojdowski, has used trust funds to file a petition as a resigning Trustee, in an attempt to enforce
2 what he knows to be a fraudulent trust instrument, in San Diego County Probate Court, Case No. 37-
3 2018-00057543.

4
5 Steve Wojdowski has failed to act until November 12, 2018, waiting only until the felony sentencing of
6 agent Marilyn Perez for trust embezzlement was imminent (November 30, 2018).

7
8 Because no separation into two separate trusts of the original FOSTER FAMILY TRUST, dated
9 11/02/1996, never occurred, Petitioner as contingent beneficiary gained rights as a fully vested
10 beneficiary of BOTH irrevocable trusts, 01/21/2002 EXEMPTION TRUST and 07/22/2002
11 SURVIVOR TRUST.

12 **XIX. Petitioner's Prayer for Relief**

13
14 Enforcing the original FOSTER FAMILY TRUST Dated 11/02/1996, Petitioner prays that the Court will
15 determine; 1) The SHIRLEY FOSTER TRUST dated 10/28/2002 to be invalid trust instrument; 2) The
16 SHIRLEY FOSTER TRUST dated 08/08/2008 to be an invalid trust instrument; 3) Three Quit Claim
17 Deeds are invalid due to the fact that they transfer property to the invalid SHIRLEY FOSTER TRUST
18 dated 10/28/2002; 4) There exists only one valid trust instrument, the original FOSTER FAMILY
19 TRUST Dated 11/02/1996, irrevocable AND unamendable; 5) To Take Any Other Action the Court
20 deems Necessary or Appropriate Under These Circumstances. (i.e. supervise the removal of the three
21 invalid Deeds recorded with the San Diego County recorder's Office, change property tax owner to
22 correct name,...ect.)

23
24
25 _____ Dated this ____th day of May, 2019

26 William Perry Foster

27
28 *