

**COMPLAINT**  
**TO**  
**THE CHIEF OF POLICE,**  
**EDMONTON POLICE SERVICE**  
**Edmonton, Alberta**

**RE:Mr. Ihor Broda,**  
**Barrister and Solicitor**  
**EDMONTON, ALBERTA**

**PREPARED BY**

*Elder Advocates of Alberta*

March 21, 2002

## **PREFACE**

We represent *Elder Advocates of Alberta*. We advocate for the frail, dependent elderly and therefore have an interest in this matter.

This matter arises out of concerns regarding the performance of a senior, professional lawyer.

This complaint deals with the unethical and dishonest behavior of Mr. Broda and how it related to the now deceased Martha Matich.

**Mr. Broda acted as AGENT for his clients and therefore was in full knowledge of the matter. He must take full responsibility for his actions and cannot hide behind the skirts of his clients.**

This complaint is part of a previously submitted complaint.

This complaint clearly demonstrates that Mr. Broda:

- a. Acted in breach of relevant legislation.
- b. Acted in a criminal manner.

This is an account of elder abuse, which demonstrates, that even though an elderly person has attempted to protect and provide for herself in old age, this careful planning can be easily decimated.

# Elder Advocates of Alberta

March 21, 2002

**TO MR. BOB WASYLYSHEN  
THE CHIEF OF POLICE,  
EDMONTON POLICE SERVICE  
Edmonton, Alberta**

DELIVERED BY COURIER SERVICE

**COMPLAINT:RE - Mr Ihor Broda, Barrister and Solicitor  
# 103 - 15333 Castle Downs Road, Edmonton, AB. T5X 3Y7**

## CHRONLOGY

December 9, 1994, Martha Match gave *Enduring Power of Attorney* to Carolina Merlin / Sergio Merlin.

This *Enduring Power of Attorney* was to come into effect if Martha Match would be declared incapacitated by the written declaration of two medical practitioners (according to the *Powers of Attorney Act of Alberta*).

Please note **TAB (1)**

March 20, 1996, Martha Match revoked the granting of the *Enduring Power of Attorney* granted to Carolina Merlin / Sergio Merlin on December 9, 1994.

April 1 1996, a letter was sent by Mr. Stephen Snyder of *Snyder & Company* to the *Provincial Land Titles Office*, notifying them that the *Enduring Power of Attorney* of December 9, 1994 had been revoked on March 20, 1996.

Please note **TAB (2)**

April 3, 1996, a letter was sent to Carolina Merlin by Mr. Stephen Snyder of *Snyder & Company* notifying her that the *Enduring Power of Attorney* of December 9, 1994 had been revoked.

Please note **TAB (3)**

Nevertheless, on April 22, 1996, Mr. Ihor Broda filed a caveat, in the name of Carolina Merlin, at the *Provincial land Title's Office* against the elder's home, Martha Match. He filed this caveat despite the fact that the *Enduring Power of Attorney* had been revoked on March 20, 1996.

Please note **TAB (4)**

. . . / 2





March 21, 2002

**TO MR. BOB WASYLYSHEN  
THE CHIEF OF POLICE,**

**Page 2**

April 22, 1996 Mr. Broda swore a false affidavit, claiming *mental incapacity* of the registered owner, citing two invalid documents to support the affidavit.

Please note **TABS (4) & (5)**

The two documents relied upon were:

1. An unsigned *NARG Driving Program Report* dated January 16, 1996.

Please note **TAB (6)**

2. Letter of Dr. Chris Lord dated February 26, 1996

Please note **TAB (7)**

Both documents were in breach of the 1) *Powers of Attorney Act of Alberta*  
2) *Dependent Adults Act of 1996*

and failed to meet the criteria of the:

Document of the *Enduring Power of Attorney* of 1994 prepared by Martha Matich and her attorney Dorothy Brosseau in favour of Carolina Merlin / Sergio Merlin which required the reports of "*two medical practitioners*".

Please note **TAB (1)**

Neither are in the "*prescribed form*" -

Please note **TAB (8)**

as required by the *Dependent Adults Act of 1996*.

Please note **TAB (9)**

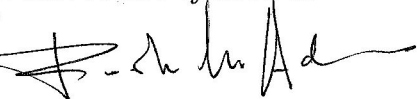
The two documents do not declare Martha Matich incompetent.

**WE ALLEGE THAT MR. BRODA ENGAGED IN DECEPTION AND  
FRAUD. MR. BRODA DELIBERATELY MISLEAD JUSTICE ACCORDING  
TO THE CRIMINAL CODE.**

We ask that your Office investigate this matter.

Most respectfully submitted,

*Elder Advocates of Alberta*

per: 

Ruth Maria Adria

Attachments TABS (1) to (9).

# **THE ABUSE OF MARTHA MATICH**

## **TAB # 1**

Taken from: Prepared by the Elder Advocates of Alberta Society

**ENDURING POWER OF ATTORNEY**

THIS POWER OF ATTORNEY is given by me, **MARTHA MATICH**, of the City of Edmonton, in the Province of Alberta, on the 9th day of December, A.D. 1994.

1. I REVOKE any previous Powers of Attorney granted by me.

2. I APPOINT **CAROLINA MERLIN**, of the City of Edmonton, in the Province of Alberta, and in the event of death or refusal or inability of **CAROLINA MERLIN** to act or continue to act, I APPOINT **SERGIO MERLIN**, of the City of Edmonton, in the Province of Alberta, to be my Attorney in accordance with *The Powers of Attorney Act of Alberta* (herein referred to as my "Attorney").

3. THIS POWER OF ATTORNEY shall not have any effect unless and until I am infirm or mentally incapable of making reasonable judgments in respect of matters relating to all or any part of my estate.

4. THE WRITTEN DECLARATION of two medical practitioners authorized to carry on practice in the Province of Alberta, or should I become incapacitated while permanently or temporarily outside the jurisdiction of Alberta, then two medical practitioners authorized to carry on practice in that jurisdiction, shall be conclusive proof that the above-described contingency has occurred, whereupon this Power of Attorney shall become effective.

5. MY ATTORNEY has authority to do anything on my behalf that I may lawfully do by an attorney.

6. THIS POWER OF ATTORNEY is not subject to any conditions or restrictions other than as follows:

))) . )))

- (a) My Attorney is authorized to receipt (for my benefit) all income which is due and owing to me and to pay all of the bills and expenses necessary for the maintenance of myself and my property BUT my Attorney is NOT authorized to encumber or sell any of my property unless there is insufficient income to provide for my support.

7. THE REMUNERATION OF MY ATTORNEY shall be determined in accordance with the criteria governing the compensation for Trustees under *The Trustee Act of Alberta*.

8. THIS POWER OF ATTORNEY incorporates the explanatory notes in the attached Schedule.

DATED at the City of Edmonton, in the Province of Alberta, on the date first above written.

SIGNED, SEALED AND DELIVERED  
in the presence of:

Witness as to the signature of  
MARTHA MATICH

Martha Matich  
MARTHA MATICH

AFFIDAVIT OF EXECUTION

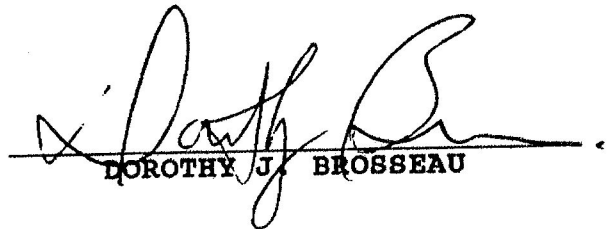
CANADA )  
PROVINCE OF ALBERTA )  
TO WIT: ) I, DOROTHY J. BROSSEAU, of the City  
of Edmonton, in the Province of  
Alberta, MAKE OATH AND SAY:

1. THAT I was personally present and did see **MARTHA MATICH**, named in the attached Enduring Power of Attorney, who is personally known to me to be the person named therein, duly sign the instrument.

2. THAT the same was executed at the City of Edmonton, in the Province of Alberta, and that I am the subscribing witness thereto.

3. THAT I know the said **MARTHA MATICH**, and she is in my belief of the full age of eighteen (18) years.

SWORN BEFORE ME at the City )  
of Edmonton, in the Province )  
of Alberta, this 9<sup>th</sup> day )  
of December, A.D. 1994. )

  
DOROTHY J. BROSSEAU

Debby Vanderheyden.  
A COMMISSIONER FOR OATHS in and  
for the Province of Alberta

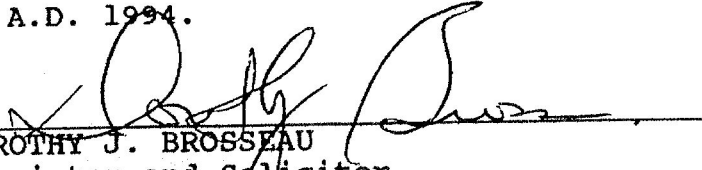
DEBBY VANDERHEYDEN  
MY COMMISSION EXPIRES:  
AUGUST 23, 1995

CERTIFICATE OF LEGAL ADVICE

I, DOROTHY J. BROUSSEAU, Barrister and Solicitor, practising in the City of Edmonton, in the Province of Alberta, DO HEREBY CERTIFY THAT:

1. On the 9th day of December, A.D. 1994, MARTHA MATICH attended before me, concerning the attached Enduring Power of Attorney.
2. The Donor appeared to me to understand the nature and effect of the Enduring Power of Attorney.
3. I am satisfied that the Donor was of the full age of 18 years on the date the Donor signed the Enduring Power of Attorney.
4. The Donor signed the Enduring Power of Attorney in my presence.
5. The Donor acknowledged to me that the Donor gave the Enduring Power of Attorney voluntarily.
6. I am satisfied by examination of the Donor that the Donor understood the explanatory notes attached to the Enduring Power of Attorney.
7. I am not the Attorney named in the Enduring Power of Attorney nor the Attorney's spouse.

DATED at the City of Edmonton, in the Province of Alberta, this 9th day of December, A.D. 1994.

  
DOROTHY J. BROUSSEAU  
Barrister and Solicitor  
Brousseau & Associates  
1900 Century Place  
Edmonton, Alberta T5J 3A3

SCHEDULE  
**NOTES ON THE ENDURING POWER OF ATTORNEY**

READ THESE NOTES BEFORE SIGNING THIS DOCUMENT

1. The effect of this document is to authorize the person you have named as your Attorney to act on your behalf with respect to your property and financial affairs.
2. Unless you state otherwise in the document, your Attorney will have very wide powers to deal with your property on your behalf. The Attorney will also be able to use your property to benefit your spouse and dependent children. You should consider very carefully whether or not you wish to impose any restrictions on the powers of your Attorney.
3. This document is an "Enduring" Power of Attorney, which means that it will not come to an end if you become mentally incapable of managing your own affairs and will not be able to resign without first obtaining permission from the Court. The Power of Attorney comes to an end if you or your Attorney dies.
4. This document takes effect as soon as it is signed and witnessed. If you do not want your Attorney to be able to act on your behalf until after you become mentally incapable of managing your own affairs, you should say so in this document.
5. You may cancel this Power of Attorney at any time, as long as you are mentally capable of understanding what you are doing.
6. You should ensure that your Attorney knows about this document and agrees to being appointed as Attorney.

A C K N O W L E D G M E N T

I, **MARTHA MATICH**, being the Donor named in the attached Enduring Power of Attorney, hereby acknowledge:

1. I have read and understood the nature and effect of the attached Enduring Power of Attorney and these notes.
2. I am of the full age of 18 years.
3. I am voluntarily giving the attached Enduring Power of Attorney.

DATED at the City of Edmonton, in the Province of Alberta,  
this 9th day of December, A.D. 1994.

*Martha Matich*  
**MARTHA MATICH**

# **THE ABUSE OF MARTHA MATICH**

## **TAB # 2**

Taken from: Prepared by the Elder Advocates of Alberta Society



April 1, 1996

Land Titles Office  
Box 2380  
Edmonton, Alberta  
T5J 2T3

Dear Sirs:

Re: Martha Matich  
Lot 40, Block 5, Plan 402KS

The undersigned firm is counsel to Martha Matich. In that capacity we have been instructed to correspond with you with respect to an Enduring Power of Attorney dated as of the 9th day of December, 1994 and granted by Martha Matich to Carolina Merlin and secondarily, to Sergio Merlin.

Please be advised that the aforesaid Enduring Power of Attorney, together with any other Powers of Attorney, whether enduring or otherwise, have been revoked by virtue of a new Power of Attorney granted by Mrs. Matich to Ms. Joanie Malhomme, which Power of Attorney is dated the 20th day of March, 1996.

If you have any questions in connection with the foregoing please feel free to contact the writer.

Yours truly

SNYDER & COMPANY

Per: Stephen C. Snyder

# **THE ABUSE OF MARTHA MATICH**

## **TAB # 3**

Taken from: Prepared by the Elder Advocates of Alberta Society

T.  
Dorothy  
Bloss

# Styck & Company

BARRISTERS AND SOLICITORS  
NOTARIES PUBLIC AND TRADEMARK AGENTS

Bryan W. Westerman  
Stephen C. Snyder  
Stewart G. Baker  
Michael D. Roberts  
June A. Fagnan  
Glenda M. Hurl  
Peter W. Mier

Counsel:  
Howard L. Starkman, Q.C.

Russell A. Flint  
Alan Schenker to England and Wales  
David K. Welch  
Bruce F. Cummins  
Gerald A. Cadzow  
M. Euth DeAngelo  
Chad C. Bowler

Harry A. Bridges, Q.C.  
Edwin A. Bridges  
Kary B. Hargreaves  
Carole D. Huel  
Richard A. Renz  
Colin P. Neufeldt  
Azzica M. Jint

EDMONTON OFFICE  
30th Floor, Metropolitan Place  
10203 Jasper Avenue  
Edmonton, AB, Canada T5J 4P4  
TEL: (403) 426-1133  
FAX: (403) 424-1558

VANCOUVER OFFICE  
25th Floor  
1177 West Hastings Street  
Vancouver, BC, Canada V6E 2K2  
TEL: (604) 684-3734  
FAX: (604) 687-0563

Please Reply in Edmonton Office.

Your Ref:

Our Ref: 78556/SCS

April 3, 1996

Mrs. Carolina Merlin  
14703 - 117A Street  
Edmonton, Alberta

Dear Madam:

Re: Martha Matich

This is Exhibit "D" referred to in the  
Affidavit of

Carolina Merlin

Sworn before me this 27 day  
of May A. D. 1996

Anne Thompson

ANNE THOMPSON, A Commissioner for Oaths in and for

the Province of ALBERTA  
ANNE THOMPSON  
MY COMMISSION EXPIRES  
NOV. 20, 1997

The undersigned are counsel to Mrs. Martha Matich.

We have been instructed to advise you as follows:

1. That certain Enduring Power of Attorney dated as of the 9th day of December, 1994 whereby Martha Matich granted a Power of Attorney to Carolina Merlin, and alternatively Sergio Merlin, has been revoked and is of no further force and effect whatsoever.
2. That certain Last Will and Testament dated the 11th day of October, 1995 wherein you were appointed as Executrix and Trustee and Sergio Merlin was named as alternate Executor and Trustee has been revoked and is no longer of any force or effect.
3. We have been instructed to request that you discontinue communicating, in any manner whatsoever, with Martha Matich. Specifically, Martha Matich has requested that you discontinue phoning her, writing her, coming to her house, or making any contact of any nature whatsoever with her. Please honour her request without the necessity of further action.

If you have any questions with regard to the foregoing please feel

Snyder  
Comp

- 2 -

free to contact the writer.

Yours truly

SNYDER & COMPANY

Per: *Stephen C. Snyder*

Stephen C. Snyder  
SCS/cij

DELIVERED

# **THE ABUSE OF MARTHA MATICH**

## **TAB # 4**

Taken from: Prepared by the Elder Advocates of Alberta Society

E NOTICE that I, CAROLINA MERLIN, of the City of Edmonton, in the Province of  
erta, claim an interest as Attorney, pursuant to an Enduring Power of  
orney given by Martha Matich to Carolina Merlin on the 9th day of December, 1994,  
ch became effective on February 26, 1996 due to the mental incapacity of the  
istered owner of the the land described as follows:

Plan 402 K.S.  
Block 5  
Lot 40

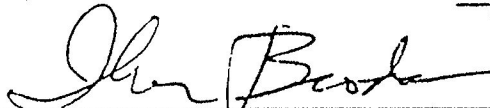
Excepting thereout all mines and minerals

adding in the register in the name of Martha Matich and I forbid the registration  
ny person as transferee or owner of, or of any instrument affecting that estate  
nterest, unless the Certificate of Title is expressed to be subject to my claim.

esignate the following address as the place at which notices and proceedings  
ting hereto may be served:

c/o 103, 15333 Castle Downs Road  
Edmonton, Alberta  
TSX 3Y7

ITNESS WHEREOF we have hereunto subscribed our names this 22 day of April,  
1996.

  
\_\_\_\_\_  
IHOR BRODA Agent for the Caveator

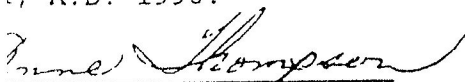
NADA  
INCE OF AFFIDAVIT IN SUPPORT OF CAVEAT  
ERTA

HOR BRODA, of the City of Edmonton, in the Province of Alberta, MAKE OATH AND

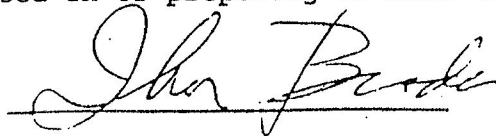
I am the agent for the above named Caveator.

I believe the Caveator has a good and valid claim on the land (mortgage or  
nbrace), and I say that this Caveat is not being filed for the purpose of  
ving or embarrassing any person interested in or proposing to deal with it.

N BEFORE ME at the City  
dmonton, in the Province  
lberta, this 22 day of  
l, A.D. 1996.

  
\_\_\_\_\_  
ommissioner for Oaths in  
for the Province of Alberta

ANNE THOMPSON  
MY COMMISSION EXPIRES  
NOV. 20, 1997

  
\_\_\_\_\_  
IHOR BRODA Agent for the Caveator

# **THE ABUSE OF MARTHA MATICH**

## **TAB # 5**

Taken from: Prepared by the Elder Advocates of Alberta Society

NORTH ALBERTA LAND REGISTRATION DISTRICT  
REMOTE LAND TITLE SEARCH

SEARCH DATE: 11/02/1999

S  
LINC SHORT LEGAL TITLE NUMBER  
0020 752 557 402KS;5;40 762 108 561

LEGAL DESCRIPTION  
PLAN 402KS  
BLOCK 5  
LOT 40  
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE  
ATS REFERENCE: 4;24;52;34;NE

MUNICIPALITY: CITY OF EDMONTON

D.C.T. ISSUED: YES

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
762 108 561	22/06/1976		\$16,000	

OWNERS

MARTHA MATICH  
OF 9627-77 ST.  
EDMONTON  
ALBERTA T6C 2M8  
(DATA UPDATED BY: CHANGE OF ADDRESS 962068921)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
962 097	25/04/1996	CAVEAT RE : SEE CAVEAT CAVEATOR - CAROLINA MERLIN C/O 103,15333 CASTLE DOWNS ROAD EDMONTON ALBERTA T5X3Y7 AGENT IHOR BRODA

( CONTINUED )



## ENCUMBRANCES, LIENS &amp; INTERESTS

PAGE 2  
# 762 108 561

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
262 110 720	07/05/1996	NOTICE OF REVOCATION OF UNREGISTERED POWER OF ATTORNEY GRANTED BY MARTHA MATICH TO CAROLINA MERLIN ON DEC 9/94
902 241 718	06/09/1996	ORDER IN FAVOUR OF THE PUBLIC TRUSTEE FOR THE PROVINCE OF ALBERTA. 400 SOUTH, J.E. BROWNLEE BUILDING 10365-97 STREET EDMONTON ALBERTA T5J3Z8 AGAINST MARTHA MATICH DEPENDENT ADULTS ACT

TOTAL INSTRUMENTS: 003  
YOUR FILE #: COUNTER

\*END OF SEARCH \*

SR# - J181236 /AR1031

# **THE ABUSE OF MARTHA MATICH**

## **TAB # 6**

Taken from: Prepared by the Elder Advocates of Alberta Society

January 16, 1996

NARG Driving Program  
Summary of Clinical and Research Findings

Patient's Name: Mrs. Martha Matich  
Date of Birth: April 6, 1914  
Chronological Age: 81 years, 8 months  
Patient Number: 95 - 6291777  
Unit: Driving Study Outpatient  
Referred by: C. Lord, M.D.

Clinical Neuropsychological Assessment

REFERRAL ISSUES

Mrs. Matich was referred for neuropsychological testing to aid in the determination of the nature and extent of cognitive difficulties. Areas of concern included the possible need for guardianship and trusteeship and ongoing management of this patient's care.

SUMMARY AND CONCLUSIONS

Mrs. Matich enjoys good physical health and required no medication at the time of assessment. There were reports of depression, anxiety, progressive memory difficulties and some functional decline.

Unfortunately, there is ample evidence of moderately severe cognitive deficits, including verbal and visual memory impairment, verbal reasoning and deficits on tasks sensitive to executive function and frontal lobe involvement, consistent with a dementiform disorder, possibly of the Alzheimer's or fronto-temporal type.

It does not appear likely that this lady can make informed and reasoned decisions in her own best interest, so that formal guardianship/trusteeship may offer substantial benefit. Motor vehicle operation should be strongly discouraged and revocation of her operator's permit is justifiable on the basis of our test results.

## Clinical Functional Assessment by Occupational Therapy

Visual Assessment: No problems noted.

Physical Assessment: No problems noted.

### Cognitive Assessment:

Mental Status: 61/100 on 3MS (23/30 Folstein)

Difficulty with recall, temporal orientation, word generation and identifying similarities.

Right/Left Orientation: score: 17/20 Score is below norms of 18.9 +/- 2.2 with a normal performance pattern.

Prospective memory score: 2/10 Score is in the impaired range.

### Perceptual Assessment:

Motor-free Visual Perception Test: Total score: 24/36 (norm = 29.9 +/- 4.6 )

Visual Perceptual Processing Time: 6.32 sec. (norm = 5.8 +/- 1.3 sec.)

Patient scored below mean with greatest difficulty with figure ground discrimination and visual closure task.

Map Reading Test: 6/35 Patient had great difficulty when directed away from facing "north" cue.

### Driving Skills Assessment:

Situational Judgement:

3/10 correct

Mean response time = 8.7 sec.

Non-critical errors = 3/10

Critical errors = 4/10

Critical errors were not including all the specific steps required to make a safe pass; only slowing down for an emergency vehicle; stopping when in a lane control situation; and incorrectly identifying lane when making a left turn from a dual lane turn.

Sign Recognition: 7/24 signs correctly identified.

### Driver Performance Test Video:

Total Score: 66/200 - indicates poor functional driving skills.

Subscale Measures:

Search ability: poor skills

Identify: poor skills

Predicting ability: below average skills

Deciding ability: average skills

Execute ability: poor skills

### Occupational Therapy Assessment Summary:

Mrs. Matich had no physical or visual impairments. Impairments were noted in the following areas:

cognitive: recall, temporal orientation, word generation, identifying similarities, right/left orientation, and prospective memory.

perceptual: figure/ground discrimination, visual closure and map reading.

driving related tasks: verbal judgement scenarios, sign recognition, and poor functional skills on the driving performance video.

Given the number and severity of impairments, further driving by Mrs. Matich would pose a risk for herself and others on the road.

### Summary of Research Tests

Please note that the following tests were administered for research purposes. Accordingly, we have not provided a clinical interpretation.

Geriatric Depression Scale: 9/30 - within normal range (0-10)

#### Vision:

Snellen: (with corrective lens) Right eye: 20/25 Left eye: 20/25 Both: 20/25

Visual Field: No difficulties noted.

#### Attention:

Hidden Figures (Spatial Perception): Identification of defined objects in pictures:  
score = 2/3 correct

Rabbitt's Visual Search Task: Average search time (sec): 130.4 sec. (slowed)

#### Motor Speed:

Reaction Time (msec.): simple: 935.6 msec. (s.d. from norm = - 2.3)

choice: 935.1 msec. (s.d. from norm = - 1.3)

#### Comprehension:

Auditory Comprehension Test for Sentences: 11/21

(s.d. from norm = - 7.8. This score is considered to indicate possible auditory severe comprehension difficulties.)

Short-term/Working memory:

Visual working memory task scores: 0-lag condition: 10/10 (age norm = 10/10)  
1-lag condition: 1/10 (age norm = 8/10)  
2-lag condition: 0/10 (age norm = 5/10)

Spatial working memory task scores: 0-lag condition: 10/10 (age mean = 9.9)  
1-lag condition: 2/10 (age mean = 8.1)  
2-lag condition: 0/10 (age mean = 5.0)

Prospective memory: 0/18 remembered.

Results of Research Road Test by Senior Alberta Motor Association Examiner:

Closed course:

- showed fair angle parking skills
- does not observe adequately to sides or to rear when backing
- made several wide left turns
- drove on wrong side of road following a turn
- did not observe at all at any uncontrolled intersection
- unable to stop on command or when emergency stop scenario presented

In - traffic course: Mrs. Matich made several serious errors during in traffic drive leading to a shortened drive and road test failure. Fail grades were recorded for driving too slowly in complex traffic (obstructed traffic), poor observation at intersections and slow to recognise turning bays. Mrs. Matich also failed to shoulder check or observe when making lane changes. She was rated as having difficulty with driving defensively, planning a remembering instructions. Mrs. Matich did not appear nervous or impulsive.

Driver Rating: poor driver

On this drive, Mrs. Matich made sufficient errors to fail a road test.

Accident Risk Rating: 4/10 (The *higher* the score, the less risk of accident.)

# **THE ABUSE OF MARTHA MATICH**

## **TAB # 7**

Taken from: Prepared by the Elder Advocates of Alberta Society

DR. H.H. STERNBERG DR. C. J. LORD  
DR. N. W. FLOOK DR. M. E. HURLBURT

FAMILY PHYSICIANS ASSOCIATES

NO. 606, 2115-112 STREET  
EDMONTON, ALBERTA  
T6G 2C8  
TELEPHONE 433-4211

February 26, 1996

Brosseau & Associates  
Barristers and Solicitors  
1955, 10155 - 102 Street  
Edmonton, Alberta  
T5J 4G8

RE: MARTHA MATICH

Dear Ms Brosseau,

Mrs Matich is an 81 year old lady who lives alone in her own home. She readily agrees that her memory is poor and is in favor of Carol Merlin having an Enduring Power of Attorney for her.

Over the past year her minimal status has been 20/30 with deficiencies in recall and orientation. A recent neuropsychological assessment verified that she has problems with memory, judgement and orientation.

I have informed her that she should no longer drive her car. Her reaction is understandably one of dismay and bitterness. She fails to comprehend why she could be a danger on the road and others her age are not.

Physically she is as healthy as any 81 year old lady that I have ever met. Her home is clean and tidy. Her driveway in winter is kept spotless. She appears adequately nourished and her weight has not changed over the past 2 years.

She is adamant that she will not have home care or other help in her home. Nor will she consider moving to a facility. In view of the fact that she is presently not in danger at home I can understand this. Increased supervision, though, can be expected to be required within a year. Removing her licence to drive will also complicate her life.

Mrs Matich fully expects Carol with her two children to move in with her. This certainly would be a solution from Mrs Matich's point of view.

Mrs Matich is limited in her judgement. This affects her ability to drive, and will impair her financial dealings but has not totally rendered her incapable of caring for herself at this time.

As her underlying condition appears to be a dementia one can anticipate a deterioration in her mental abilities. I can recommend that she seek both trusteeship and guardianship. Mrs Matich is in agreement with this.



None of the other physicians in my group have examined Mrs Matich. However Dr Ivan Kiss, a psychologist from the Northern Alberta Regional Geriatric Program at the General Hospital recently performed a complete neuropsychological examination on Mrs Matich and might be approached for an opinion. I include a copy of his summary.

Yours,

A handwritten signature, likely of C.J. Lord, consisting of several slanted, overlapping strokes.

C.J. Lord M.D.

# **THE ABUSE OF MARTHA MATICH**

## **TAB # 8**

Taken from: Prepared by the Elder Advocates of Alberta Society

SCHEDULE

FORM 1

REPORT OF A PHYSICIAN OR A PSYCHOLOGIST

Patient's Name: \_\_\_\_\_ Birthdate: \_\_\_\_\_

Address: \_\_\_\_\_

A\* is repeatedly or continuously unable

- (i) to care for himself/herself\*, and
- (ii) to make reasonable judgements in respect of matters relating to himself/herself\*;

B\* is

- (i) unable to make reasonable judgements in respect of matters relating to all or any part of his/her\* estate, and
- (ii) in need of a trustee

I have formed my opinion based on the following information, observations or symptoms:

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_

Diagnosis: \_\_\_\_\_

Prognosis: \_\_\_\_\_

Based on this, I am of the opinion that it would be in his/her\* best interests for a       (guardian) (trustee)\*       to be appointed for him/her\*.

\_\_\_\_\_  
(physician's or psychologist's name)                      (physician/psychologist) \*

\_\_\_\_\_  
(signature)                      (address)                      (date)

\* Delete whichever or what is not applicable (including, if appropriate, the whole of paragraph A or B.)

# **THE ABUSE OF MARTHA MATICH**

## **TAB # 9**

Taken from: Prepared by the Elder Advocates of Alberta Society



GOVERNMENT OF THE PROVINCE OF ALBERTA

## DEPENDENT ADULTS ACT

Revised Statutes of Alberta 1980, Chapter D-32  
with amendments in force as of September 1, 1985  
not including unproclaimed amendments

Consolidated August 7, 1985

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### OFFICE CONSOLIDATION

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- (iii) father or mother;
  - (iv) brother or sister;
  - (v) grandfather or grandmother;
  - (vi) grandson or granddaughter;
  - (vii) uncle or aunt;
  - (viii) nephew or niece;
- (k.1) "place of care" means a place designated in the regulations as a place of care;
- (l) "Public Guardian" means the person appointed as the Public Guardian pursuant to section 12;
- (m) "Public Trustee" means the person appointed as the Public Trustee under the *Public Trustee Act*;
- (n) "physician" means a person registered as a medical practitioner under the *Medical Profession Act* and, with respect to a physician who practises medicine outside Alberta, means a person who is licensed or otherwise authorized to practise medicine in the jurisdiction where he practises;
- (o) "psychologist" means a person registered under Part 2 of the *Psychologists Act* and, with respect to a psychologist who practises psychology outside Alberta, means a person who is licensed or otherwise authorized to practise psychology in the jurisdiction where he practises;
- (o.1) "Surrogate Rules" means the Surrogate Rules under the *Surrogate Court Act*;
- (p) "trustee" means the person named as trustee in a trusteeship order or a person who becomes a trustee by virtue of the operation of this Act;
- (q) "trusteeship order" means an order of the Court appointing a person as trustee of the estate of a person pursuant to section 25 or as an alternate trustee of the estate of a person pursuant to section 37.

RSA 1980 cD-32 s1; RSA 1980 c6(Supp) s2; 1985 c21 s2

## PART 1

### GUARDIANSHIP

#### Division 1

#### Application for Guardianship Order

Application for  
guardianship  
order

- 2(1) Subject to this section and section 3, any interested person may apply to the Court for an order appointing a guardian in respect of an adult person.
- (2) No application shall be made to the Court under subsection (1) unless it is accompanied by a report of a physician or a psychologist in the prescribed form.
- (3) The interested person making an application under subsection (1) shall, at the same time the application is made, file with the Court