

AFFIDAVIT

I, LYNETTE CROLL,

of mail to address PO BOX 114, GARFIELD, Street address (do not mail to this address) 2 Flett Street, Bunyip in the State of Victoria,

Farmer, do solemnly and sincerely declare that:-

1. I am the person making this declaration and I am joint executor of the will of Henry Theodore Croll deceased (Harry), my husband with my son Trevor Henry Croll.
2. My daughters are Lynette Faye Johnson (Faye), Cheryl Anne Prater (Cheryl) and Leonie Carolyn Dore (Leonie).
3. My three daughters have made application to the Guardianship List to be appointed Administrators and Guardians of my affairs. I state clearly here that I fear what would happen to me if they were appointed Guardian and Administrators of my business and me. I have been and am capable of looking after my own affairs and what these daughters seek from the Guardianship list is improper and without reasonable or probable cause. They are doing this from greed because I verily believe Faye believes that if she can get control of me she can get all my money and properties.
4. Witnesses I wish to call are:
 - a. Dr. Lindsay Vowels 5 Boongarry Avenue, Blackburn 3130, Phone 9877,2257.
 - b. Rhonda Emmerson my sister at 6 Kate Close, Strathdale Vic 3550, Phone 5443 2361
 - c. Rosa Micallef, Commonwealth Bank 10 High Street, Bunyip 3815, Phone 5629 5425
 - d. Neil Robertson, my accountant, 26 Main Street, Pakenham 3810, Phone 5941 3000.
 - e. Bill Moore, PO Box 58, Longwarry Vic 3816, Phone 5629 9036, Mobile 0417 299 036
 - f. Johanna Byma 42 Pearse Street, Keperra Qld 4054, Phone (07) 3855 1115
 - g. Jenny Ingleton, Psychologist, 290 Tynong North Rd, Tynong North 3813, Phone 59428477.
5. In all my married life Harry and I were business partners and we worked together building up our assets. The businesses and the assets have always been jointly owned and run by both of us. Why the girls think they are entitled to it beats me. This “inheritance” is mine, was mine and remains mine. Why they should think they should be entitled to it is beyond my comprehension.

6. I seek from this Tribunal that it orders the following
 - a) I am left in peace to live in my own house,
 - b) I can live without any harassment or stalking from any of my three daughters,
 - c) I can have Trevor live with me if he so wishes,
 - d) I am very happy living in my own house with Trevor,
 - e) I am left to continue to manage my own business affairs myself,
 - f) I can manage everything for myself including washing, dressing, cooking and most household chores,
 - g) Faye returns all my private and personal papers and those of my husband Harry, including my marriage certificate of 55 years duration, both our full birth certificates and all the German hand written letters to Harry's mother which came to Harry after his mother's death and my bank note and coin collection which I started collecting around 1970.
 - h) Faye, Cheryl and Leonie pay the costs incurred for preparation of this hearing

7. **Reasons why the Tribunal should grant the above:**
 - a) Harry's will specifically left everything to me,

 - b) I am capable of making my own decisions and I like Trevor living with me,

 - c) The Psychologist's report is clear on this subject and the evidence in it is insurmountable. **Now produced and shown to me is the report of Dr. Lindsay Vowels marked LC1.** No person should have their legal rights taken from them when they are capable of managing their own affairs. For the three girls to wish to do this is an attempt by them to perpetrate a gross injustice upon me. They know I do not wish to have them harass me any more and it is for this reason I have stopped talking to them. It is not Trevor who stops them from talking to me. It is my own choice.

 - d) The Enduring Power of Attorney has not been activated as I am capable of managing my own affairs and as such it has not been filed with the bank. **Now produced and shown to me is a true copy of this Enduring Power marked LC2. Now produced and shown to me is a true copy of a letter from the Commonwealth Bank in Bunyip marked LC3. Now produced and shown to me is a true copy of a letter from Neil Robertson my accountant marked LC4.** Together these show that the enduring Power of Attorney has not been activated as the bank say they do not have on their file any authority from anyone else to operate on my accounts. They show I am running my own affairs capably.

8. It should be clear that this Guardianship List application is made by a social worker who has been told things that are not true. The three daughters know I am happy living with Trevor. Cheryl, Leonie and Faye have visited 2 Flett Street and seen this for themselves. Trevor left a message on Leonie's answering machine inviting her to come and look for her self and Leonie has told Rhonda Emmerson, my sister, of this fact.
9. When an application is without merit, that is, those making it could not reasonably have believed that it could be successful and there is some evidence of malice then those making the application become responsible for the costs incurred by those defending that application. In this case there has been ongoing conflict that revolves about my property and my inheriting the estate from Harry. My personal property was stolen by a daughter and it is clear that this is a point of dispute.
10. **Costs incurred by us in defending this action:**
 - e) The Psychologist's report \$621.00,
 - f) Three trips into Melbourne to 65 King Street, 3 x Etag day passes at \$9.80 each \$29.40.
 - g) Bill Moore missed a day's pay at \$120.00 on the 25th February as we were unable to get the message that this hearing was cancelled to him in time.
 - h) Cost of fuel and wear and tear on the motor car travelling 190 kms each trip @\$.45/km is \$256.50.
 - i) I have a business to run and time spent doing this work delays the progress of my business, estimated costs in lost productivity \$15,000.00
 - j) Then there should be an amount for personal stress and distress that these daughters would use this Tribunal to continue their harassment of me \$25,000.00.

11. Recent History and Summary of events

- a) Henry Theodore Croll deceased (Harry) was my Husband for 55 years. Trevor, Faye, Cheryl, Leonie and Ian are the children of that marriage.
- b) Faye Johnson had been living rent and board free at 2 Flett Street, Bunyip for about 8 years up to about 10th July 2003 with Harry and me.
- c) On the 4th May Trevor arrived from Queensland having been asked here to help me by Harry. Harry paid him \$33,000.00 up front in management fees to act as a manager to help me run the farming businesses. This transaction was supervised by Neil Robertson our accountant as there were considerations as to tax implications. Trevor did not then know how sick Harry was, only that he was needed. Trevor had to close his computer shop in Queensland to come and help us.

- d) Harry was very ill and knew he was going to die. I had been complaining that Faye was not being nice to me. Faye stole Harry's favourite racehorse (Bunyip Belle) and gave it to her boy friend Bruce James. I did not like Bruce James and did not want him in the house. Faye was having him here every weekend for the weekend even though I begged her not to have him here. I begged and begged her to give me a weekend off from Bruce James as he caused me much distress having him here because his snoring disturbed Harry and me. I was being bullied and intimidated by Faye.
- e) On 15th June 2003 Harry died leaving every thing to me with his will appointing Trevor and me as joint Executors.
- f) On the 17th June 2003 John Giralac told Bill Moore, our tenant on one farm, that he had to find a new place to live as the Longwarry farm was on the market. He further stated that it had been offered to him by Faye. **Now produced and shown to me is a true copy of a letter of support written by Bill Moore marked LC5.**
- g) On or around the 20th June 2003 Faye came home with the statement "What am I, the dumb daughter, why did Harry change his will and take me out and put in Trevor as executor?" Faye said the solicitor John Kyne had told her she was no longer executor and Faye then must have realized she would not be able to sell everything and run off with the money.
- h) I had to ask Faye to leave the house as I felt Faye was punishing me to wear me down so she could get all my money. Faye has said in her "URGENT" letter that she knows how stress makes me sick. Faye stole over \$2,000,000.00 in property including personal papers and other keepsakes the loss of which caused me great distress. Faye did not share any of the money she stole from me with the other children, which would have been my inheritance to them when I died.
- i) I had been suffering ongoing persecution from my three daughters. Cheryl has conveyed threats from both Faye and Leonie including death threats against Trevor. Cheryl told me that Faye's plan was to become guardian and take all my money and property from me and put me in a HOME.
- j) Leonie has stalked me. Leonie has told friends and family that I am mentally incapable and that Trevor is taking all my money which is a lie. Cheryl and Faye are saying similar things as well. They believe they should have got lots of money from the estate and it is not fair that it all went to me.
- k) I believe my last stroke on 11/11/2003 was caused by inadequate medication and stress caused by my daughters and the Bunyip Postmaster losing important mail as stress causes heart arrhythmia and arrhythmia causes clots and clots cause strokes. I have been placed into

a state of siege fearing that Faye would come to the house and attack me. Cheryl told how Faye punched her up in the hospital when Harry was dying. Cheryl continued to convey threats to Trevor and me about Faye and advised of what Faye said she was doing and going to do to get rid of Trevor and take control.

- l) On the 11th January Faye and her drug addict son Alan Johnson went to visit me in Dandenong Hospital and caused me much grief with demands, threats, abuse and defamation against Trevor. Faye and Alan then went to 2 Flett Street where Alan, with Faye's encouragement, pushed and punched Trevor around and then threatened him with a 1.3 metre 5 cm diameter galvanized steel pipe aiming it directly at his head.
- m) The Bunyip Police were called and arrangements were made for Faye to collect her belongings still at the house with Sergeant Ray de Ruse acting as a guard for Trevor and me. I found it so distressing being there with Faye looking at me and saying things to me that I asked Trevor to take me down the street to a café where I waited till it was over and Trevor came and picked me up and brought me home.
- n) Next day Cheryl called and told me that Faye was coming back to get more stuff from my house and that she had gloated about the property she took that did not belong to her. I fell into a state of absolute fear and my blood pressure was very high at 180 / 110. I took four times the prescribed amount of Noten, which still was not enough to bring my blood pressure to a safe level.
- o) For my well being I went to my sister's place (Rhonda Emmerson) in Bendigo and did not tell anyone where I was going so I could feel safe in Bendigo. Leonie set about gaining support from friends and family by telling them that I was not being looked after properly by Trevor, some of the things said were clearly without foundation and clearly false and were designed to defame Trevor and make me seem to others to be demented.
- p) I have administered our farming businesses including a Hotel and have been doing so all my married life. I am still running businesses and finances even though I have been in Hospital. I work with Trevor and Trevor and I did the Probate on Harry's estate together.
- q) Cheryl told us that Faye had organized with John Kyne for the last will of Harry's to not be accepted, thus causing the earlier will to be probated. This will had me only as executor. Cheryl told that Faye's plan was then to have me declared incapable and to take over, sell everything and take off with it all. Fearing that Cheryl might be telling the truth Trevor and I saw no other option other than to do the Probate ourselves.
- r) I have had to endure the death of my husband of 55 years, recover from a stroke and endure 10 months of severe stress from an ongoing

harassment and when I sought to get away by going to my sister's and by not answering the telephone and talking to any daughters the three daughters ganged together and brought this hearing to force me to accept them and talk to them and sought to have me removed from my own home and put in the company I do not wish to be in and in a house I do not wish to live in.

12. What Faye has said in her letter of the 25th February 2004 inferring that I am being subjected to control by my son Trevor is rubbish. I like the food Trevor cooks and I also cook meals for us both. Trevor has not prescribed me complementary medicines but I do take vitamins as I have done since I was thirty-three after my son Ian was born. I do take the medicines prescribed by the doctors at the Dandenong Hospital and receive advice from my own doctor on a regular basis. I choose not to talk to my three daughters; it is not Trevor's choice for me.
13. I am not under any undue influence from Trevor, refer to Doctor Lindsay Vowels report where she states that I am mentally capable and of above average intelligence. I will not and do not suffer emotional abuse of any type from anyone. Trevor and my friends have been very supportive and helpful, helping me cope with the actions of my daughters.
14. There are no assets missing from the inventory of assets that were required to be included for Probate, as Faye has claimed. That which was owned jointly by Harry and myself automatically became mine. That Faye has gone to the trouble to obtain these documents from the court and go through them in fine detail demonstrates her improper interest in that which is mine.
15. Trevor is a qualified Engineer from the University of Queensland. Trevor has my full confidence and I trust him completely. What Faye says about the dam flooding an urban area is absolute nonsense. The nearest town is more than 6 kilometres away.
16. It is my money and if I wish to give Trevor money I will. Trevor has earned plenty of it by the work he has done. It is mine to give. Since the death of Harry none of the girls have done anything for me at all. Just after the death of Harry Faye took me shopping and I spent over \$500.00 on clothes which she promptly swapped for her own old worn out rubbish.
17. I have reported Faye to the Bunyip Police for the property of mine Faye stole. They were about to investigate this seriously when I had the stroke and was then in hospital. It is not Trevor who made these allegations but Trevor does support me in that he witnessed some theft by Faye.
18. Faye states in her "URGENT" letter of the 26th February 2004 that she has access to my medical evidence. This is improper and she should not

be able to access my medical records without my written approval. I have not given her any approval to do so and would not give her approval.

19. Faye states that Trevor changed Harry's will. This is clearly false, misleading and defamatory. Trevor and I proved Harry's will to the Supreme Court of Victoria and probate was granted on that proof. What Faye claims here are clearly false and a lie. What Faye claims about the Probate being wrong is incorrect, misleading, improper and is none of her business and she should mind her own business and stop interfering. The business is mine and Faye is objecting to me having it. I have run it all my life and I continue to do so.
20. The girls in their application for Administrator and Guardian have ticked the box that I have dementia, this is clearly false. They have no proof that I can not manage my own affairs and have come to this Tribunal with a pack of unsupported lies about how I am being mistreated by Trevor. I have proof that I can manage my own affairs, attached to this affidavit is the Report of Dr. Lindsay Vowels.
21. In my attempts to better understand what is happening I have found a list of maladaptive Schemas in Cognitive behaviour therapy. The one I verily believe best matches Faye is "ENTITLEMENT / GRANDIOSITY"

The belief that one is superior to other people; entitled to special rights and privileges; or not bound by the rules of reciprocity that guide normal social interaction. Often involves insistence that one should be able to do or have whatever one wants, regardless of what is realistic, what others consider reasonable, OR the costs to others; OR an exaggerated focus on superiority (e.g being among the most successful. Famous, wealthy)... In order to achieve power or control (not primarily for attention of approval). Sometimes includes excessive competitiveness towards, or domination of, others; asserting one's power, forcing one's point of view, or controlling the behaviours of others in line with one's own desires - -- without empathy or concern for others; needs or feelings.

22. I verily believe that Faye believes it is her right that she has what I now have, that she feels entitled to it. That she cannot have it causes her a sense of rage and injustice. This enables her to do things that are not right in her endeavours to right the wrong she perceives being done to her. For this reason I verily believe I must continue to fear her. I must be careful for my own welfare and for Trevor's welfare. I verily believe Faye could do both Trevor and myself considerable harm if this hearing refuses to give her that which she asks for – Administrator and Guardian of me and my affairs.

23. **I have sought from my friends and other members of my family letters of support.**

- a. **Now produced and shown to me is the letter from Johanna Byma, Trevor's wife in Brisbane marked LC6.**
- b. **Now produced and shown to me is the letter from Jenny Ingleton, psychologist and friend marked LC7.**

I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.

Declared at _____

in the State of Victoria, this _____ day of

_____ 20 ____

.....

Signature of person making this declaration
[to be signed in front of an authorised witness]

Before me,

.....

Signature of authorised witness

The authorised witness must print or stamp his or her name, address, and title under section 107A of the Evidence Act 1958 [Vic.] (eg. Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist)