



**Affidavit #2
of Ernest Palamarek
Sworn October 4, 2010**

**Action No. 08-0327
Action No. 07-3415
Victoria Registry**

IN THE SUPREME COURT OF BRITISH COLUMBIA

**IN THE MATTER OF THE *PATIENTS PROPERTY ACT*
R.S.B.C. 1996, c. 3249 AND AMENDMENTS THERTO**

- AND -

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT

AFFIDAVIT

I Ernest Norman Palamarek, retired federal government employee, of 3357 Betula Place, Victoria, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. I am the second son of Kathleen Palamarek ("Mom") and brother to the Petitioners, Ralph and Robert Palamarek in action number 07-3415.
2. I have re-read my affidavit #1 sworn in this legal proceeding on the 29th day of April 2008 and filed on November 7, 2008, and confirm the accuracy of the facts, including specifically those in paragraphs 7 through 11 and paragraph 15 of such affidavit, stated therein which Lois in her affidavit of #8 sworn September 17, 2010 in paragraph 24 contradicts.
3. The continuation of this protracted dispute over who should act as committee of Mom has caused me enormous stress and has affected my already precarious health. It has caused considerable turmoil in the family.
4. I remain of the view that my brothers Ralph and Robert are the appropriate persons to be appointed as committee of the person and estate of my mother. They have demonstrated for the past 2 years a dedication and devotion to my mother that cannot be questioned. They have dealt with mom's health and personal issues and have taken an active interest in ensuring her welfare.

5. I would like to believe that Mom suffers only from short-term memory problems, but this is not the case. She needs constant care and attention and she gets that at Broadmead Lodge.

6. Having Mom reside at the Lodge not only ensures that Mom's medical and personal need are attended to, it also means that each of the family is able to visit Mom and enjoy her company and to take her out for visits including to the nearby cemetery where dad's (her husband of over 50 years) final resting place is.

7. If Lois is appointed committee I will not be able to visit Mom. I will not subject myself to conditions and rules on my visits with Mom that Lois would impose.

8. Even if my visits to my mother remained unrestricted as they are at Broadmead Lodge, due to the incidents referred to in my Affidavit #1, I would not feel safe in Lois and Gil's home. The making of an order appointing Lois as committee would result in Mom being taken out of the Lodge and she would reside in Lois' home. Such an arrangement would effectively end my relationship with Mom. I do not want that to happen.

9. It was Mom's wish to go to Broadmead in the first place. She has expressed to me numerous times that she is content and wishes to stay there. By any objective standard, she has fared well at Broadmead and the rate of her inevitable decline has been slowed. The continuation of her situation is not only desirable it is in her best interests.

10. I make this affidavit in support of the application of my brothers Ralph and Robert Palamarek to be committee of the estate and person of Mom and in opposition to the application of my sister Lois Sampson.

Sworn before me at the City of)
Victoria, in the Province of)
British Columbia this 4 day of)
October, 2010)
)
)


Ernest Norman Palamarek

A commissioner for taking affidavits
within British Columbia

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