



L. Sampson #2  
Sworn July 24, 2008

NO. 07 3415  
~~and NO. 08 0327~~  
VICTORIA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *PATIENTS PROPERTY ACT*  
R.S.B.C. 1996, CHAPTER 349 AS AMENDED

-AND-

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT

**AFFIDAVIT**

I, LOIS SAMPSON, of 168 Valdez Avenue, in the Town of Qualicum Beach, British Columbia, MAKE OATH AND SAY THAT:

1. I am the Petitioner in action No. 08 0327 and the daughter of Kathleen Palamarek. I am a respondent in action No. 07 3415. I have personal knowledge of the facts deposed to herein except where stated to be on information and belief and where so stated I verily believe such facts to be true.
2. I swear this affidavit in support of my application for the appointment of a 'friend of the court' to act as an independent voice for my mother in these proceedings and to assess my mother's views as to who should be appointed as committee of the estate and of the person and to report back to the court on these issues.
3. Since I swore my first affidavit in January, 2008, my mother has increasingly been voicing concerns about where she lives and complaining about matters at the Lodge at Broadmead (the "Lodge"). She has also made comments to me about a number of things that I feel are relevant to these proceedings.

4. For example, on June 19, 2008 my mother said in relation to the Lodge, "*I should have never gone to that place. I feel like I'm somewhere in the Dark Ages. I have to get out of there fast because it will get worse*" or words to that effect. On June 20, 2008, my mother said of the Lodge "*I should have never gone in there*" and "*I want out of here*" or words to that effect. On June 30, 2008, my mother told me she does not want to live in the Lodge. She said words to the effect that "*I have to get out of there to get my sanity back*" and "*I want out of there. That's not where I belong.*" On July 3, 2007 my mother said to me "*I just don't have a life anymore, living here. I don't know why I'm here. I don't feel safe here. What can I do?*" There have been other occasions especially in recent months where my mother has said she does not want to live in the Lodge.
5. In recent months my mother has also been making frequent comments, and increasingly asking me questions, about her house in Sidney. Her comments about the house, in my view, reflect the mixed emotions she has. On the one hand, she has made comments to me that she should sell the home and has asked me if she should sell the home. For example, on April 25, 2008, she said to me "*What if I said I wanted the house sold, and the money distributed among the four children?*" or words to that effect. On June 19, 2008, my mother said "*I've often wondered if I should sell the house*" or words to that effect. On June 30, 2008 my mother said "*I should really sell the house*" or words to that effect.
6. On the other hand, my mother has also been making comments to the effect that she would like to live in her home again. She recognizes that she cannot live there unassisted. For example, on June 19, 2008 my mother said, in a lamenting sort of way, "*I've got a house but I know I can't live there by myself. I'd need help.*" or words to that effect. On July 1, 2008 my mother told me "*It's my house. I can demand to move in upstairs, because they're (Ralph and Donna) living downstairs. I can move in, in the upstairs, because there are two bedrooms there and then you and Gil can move in with me*" or words to that effect. On July 3, 2008 she told me "*I'm cast around like an orphan. I want to go back to my house*" or words to that effect.

7. Our mother has also been expressing increasing concern about her assets and their whereabouts. On 23 November 2007, my mother told me *"I would like to see my bank book. I should never have given it to Ralph."* On April 25, 2008 she said to me *"I don't even have my bank book. I don't even know how much money there is. I should have known. It took me a long time to save that money."* or words to that effect. On June 19, 2008 she made a comment to the effect that *"Ralph's got my house, he's got my money, he's got my cheque book – I don't think there'll be much left of my belongings now"* or words to that effect. She recently said to me that she wanted her bank book and said *"Isn't Ralph supposed to provide me with information as to where the money is going?"* or words to that effect. Our mother has also expressed a number of concerns to me in the last few months about how her house is being maintained.
8. In their affidavits sworn in June of 2008, my brothers give evidence of a number of things our mother allegedly said to them. The statements they attribute to our mother are directly at odds with things that our mother has said to me and facts known to me. The following are some examples, not meant to be an exhaustive response:
- (a) in his Affidavit, Ernest Palamarek states in paragraph 24 that *"Mom has often stated, especially lately, that Lois is acting just as badly and abusively as Dad had acted"*. In his Affidavit #2, Robert Palamarek states in paragraph 7 that *"Mom has stated to me that "Lois is just like Dad" (who was a very controlling, physically abusive person who was quick to anger)"*. These statements by my brothers are directly at odds with all the conversations I have had with my mother. She has on many occasions been critical of my brothers and their treatment of her. and have been very thankful to me for my support. For example, on July 1, 2008, my mother said *"I'm sorry now that I gave the boys control over the money"* and *"first I had a tough time with Dad, and now I have a tough time with the boys – and I blame Donna too"* or words to that effect. These comments were made in the context of my mother expressing bitterness that she was not living in her home and frustration that she is having no say over what is happening to her assets. On June 19, 2008 my mother said to me *"Ralph is so controlling. I'm not getting any results from him; you're my only hope"* or words to that effect. My mother has

often expressed her love and confidence in me. A recent example is that on June 3, 2008 she said to me *"I'm so glad I had a daughter. All the men in my life have caused problems. You're my only hope."* or words to that effect.

(b) in his Affidavit #2, Robert states that *"Mom over the years has told me that she did not want Lois to be either her attorney or executor as Lois "was just like Dad". As recently as December, 2007, Mom told me that she did not want Lois to be her executor or attorney"*. First, I was formerly named the executor under our parents' previous two sets of will(s) prior to their last will(s). Second, this is directly at odds with what our mother has been saying lately. For example, on June 30, 2008, our mother said to me *"I want you to be in charge of making decisions Lois because I can't depend on Ernie because of his health, and he's not reliable. And Ralph, I don't trust him because of Donna. As far as I'm concerned about Donna, I don't trust her"* or words to that effect. My mother has made other comments expressing her concerns about the effectiveness of her sons to make decisions about her welfare in recent months.

(c) in his Affidavit #2 Ralph states *"Mom has on many occasions during the last year told me that Lois has gotten very angry with her, shouting at her and shaking her when she is alone with Lois at Lois' apartment. Mom has also told me that Lois has told her many times that if she does not do what Lois tells her to do, then Lois will never see her again"*. This is nonsense; I would never be physical with my mother and I do not shout at her. I never have harmed my mother, physically or otherwise – ever – in my life. Nor have I ever told my mother that I would never see her again if she did anything I didn't like. Ralph's evidence is directly at odds with things my mother has been saying recently. My mother has stated to me on at least half a dozen occasions over the last several months that Ralph has said to her that if I am in charge of our mother's care, my brothers will cease visiting our mother. On June 19, 2008, my mother said to me *"Ralph told me that if you're in charge he wouldn't come to see me"* or words to that effect. She said effectively the same thing to me in relation to all my brothers on May 23, 2008 . I have never stated to my mother that if she does not do what I tell her to do I will


never see her again. This is untrue. I think our mother is capable of making many decisions herself and I will respect those decisions and will continue to visit her and care for her. In recent weeks, my mother has begun telling me that my brothers have told her that she should not go out with me. On July 3, 2008, my mother said "The boys say I should not go out with you because I won't be there when they come to visit me" or words to that effect. This is also not true because a schedule for visiting our mother was agreed upon between my lawyer and Ralph and Robert's lawyer in December 2007. On June 30, 2008, our mother said to me "*the boys don't want us to be close, or let us talk about normal things or what I feel*" or words to that effect.

9. Our mother is entirely capable of expressing her own views and feelings. I want her to have that opportunity in this case in relation to her views on who will care for her and her estate and where she will live. I also believe our mother is not being provided with accurate, consistent or complete information about the circumstances regarding the court case, its implications and pertinent issues. Appointing a knowledgeable and unbiased third party such as a friend of the court would help ensure our mother would be more likely to make better informed decisions about her future. Our mother has said to me a number of times increasingly over the last six months "*What can I do?* [about the court case]" and "*Can I see a lawyer?*" and "*How can I change who's in charge?*". I believe our mother relishes the opportunity to speak to someone other than her children about what is going on. On April 21, 2008 after reading some court documents our mother commented to me about statements made about her "This is so silly. What don't they just ask me what I think?"
10. It is my view that if our mother wants to try living in her own home or in another less institutional setting, we should see if this wish can be accommodated. This will mean family members and/or outside help will have to assist her, but that is what should happen if she wants it. I want the 'friend of the court' to discuss this with our mother and report to the court.
11. Our mother is partially deaf. It is possible to have a complete conversation with her if

one knows how. If one is not accustomed to speaking to people with hearing impairments or to speaking with our mother, much can be missed in communication with her or misinterpreted (by both parties). Accordingly, it would be important that if a friend of the court is appointed he or she have access to a deaf interpreter when meeting with our mother.

- 12. Further, if a friend of the court is appointed, I think it would be sensible to direct that person to have at least several meetings with our mother before reporting back to the court. The reasons are that our mother takes time to become sufficiently comfortable with people especially when discussing a sensitive, personal subject, and second she can tire easily on some days and communication with her should not be rushed.
- 13. Further, as is indicated in the previous affidavits of my brothers and I, our mother was the victim of abuse at the hands of our father. She can be deferential to authority figures, and avoids conflict and this is quite possibly the result of being an abused woman. It will be important in my view for the friend of the court, if appointed, to have access to someone with expertise in dealing with women with a history of abuse to facilitate full and open communication with our mother.

SWORN BEFORE ME at Victoria, )  
British Columbia on this 24 day )  
of July, 2008. )

  
A Commissioner for taking )  
Affidavits for British Columbia )  
**LISA STEVENSON** )  
A Commissioner for Taking )  
Affidavits for British Columbia )

  
**LOIS SAMPSON**

Commissioner's Name and/or Seal:

**LISA STEVENSON**  
NOTARY PUBLIC  
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