

District Court, Jefferson County, Colorado 100 Jefferson County Pkwy Golden, Colorado 80401	
In the Matter of the Estate of: EDWARD HENRY LENCA, a/k/a EDWARD H. LENCA, a/k/a ED LENCA, a/k/a Mr. Lenca Deceased.	COURT USE ONLY Case Number: 2023PR30170 Division: 11 Courtroom
Personal Representative: Mary Hallgren Common Law Wife of the deceased Mailing address: 752 Knox Ct. Denver, CO 80204 Phone: 720-301-0377 Email: mhallgren2005@yahoo.com	
RESPONSE TO Virginia a. Frazer-Abel #34892, Request for NEW PROBATE HEARING WITHOUT APPEARANCE, and TO EXPUNGE VIRGINIA'S OBJECTION	

I object to the requested action set forth in the convoluted and lengthy motion or petition titled Objection to Hearing Without Appearance with attachments of Detective Monn's investigation filed on April 17, 2023 (date). by Virginia A. Frazer-Abel.

This is a Request for a court order hearing on Simple Probate, separating Virginia A. Frazer's prejudice entrance claims and any other disputes to be settled at a later date OR EXPUNGED.

The grounds for my objection are as follows:

BACKGROUND

1. Virginia A Frazer-Abel Relationship with Edward H. Lenca came to an end when administrative court filed documents Date/Time: Tue Mar 07 18:30:08 MST 2023 Terminating Conservatorship and thus APS case was closed. Although Virginia must have been aware of Ed Lenca's first and second will stating his final wishes requests for burial at family plot in Michigan, these wishes were completely disregarded by staff and her as his representative. Plaintiff was assigned his representative upon death in 2018 will that was entered into records February 2023. Reverse Mortgage on Edward H. Lenca was attained without the consent or knowledge of Plaintiff. *(See attached: Termination of Conservatorship Exhibit A & Ed's Lenca's 2018 will already submitted specifically asking to be buried in Michigan.)*

2. Ed Lenca gave Mary Hallgren his first will dated March 2, 2012 stating Mary Hallgren is his **common law wife**. Common law wife status has been verified through wills, VA records, family, and

friends as certified statements in previous attachments. Witnesses to wills have been verified. (*See: Will dated March 2, 2012, in previous filings and VA records showing Mary as common law wife, VA record showing Diane Head calling Mary veteran Ed Lenca's common law wife. Exhibit A*)

3. Edward Lenca' created a second will June 29, 2018, for the purpose of renewing their husband and wife relationship as life partners and to make address of 350 Harlan St. Lakewood, CO, their forever home which Virginia A. Frazer-Abel is trying to interfere with. Also, to restrict younger brother Mike's interference as stated in Article 5, making Mary his Personal Representative upon death signed in the presence of Andrew Vera and Paul M. Shada willing to Testify to such. Although this information was given to APS employees, they were never contacted. (*see: Last will of Edward H Lenca in previous court records*).

4. Mary Hallgren requests the bifurcation of case combined case number 20203PR30170 to be **bifurcated into 2 separate actions.**

1. simple probate. *Mary Hallgren's wills are only viable wills.* (Attached: Keith Hurtubise's signature of receipt of Cease and Desist letter)

2. Virginia A. Frazer-Abel filings claiming objections is **biased** against Mary Hallgren due to:

a. Billable hours against Estate: Virginia A. Frazer's interest in continuing to create billable hours against the estate in an attempt to use up estate before Mary can finish probate.

b. Conflict of interest with mortgage co: She has a conflict of interest due to mistakes made on securing a reverse mortgage in the name of Edward Lenca alone with Longbridge Mortgage CO, by not informing them of Ed Lenca's was common law marriage to Mary Hallgren and not informing her they were taking out a reverse mortgage to pay themselves for his care.

c. Conflicting testimony about gun incident: Conflicting testimony to Mary's former council Tom Ripp where Virginia stated she had ordered a locksmith to open safes while under APS care and statement to Detective Monn attached later in this filing, that she went into the backyard of Ed Lenca's house to retrieve ammo which was sold, and they found guns that were sold. \$15,000 cash was taken from the Ed and many thousand dollars' worth of guns, which she stated to Tom Ripp, were still with gun dealers when previously she omitted this information when asked by Detective Monn as per her own filing records. (*See Virginia's attachment at end of*

her filing displaying extensive investigation by Detective Monn of Mary Hallgren which exonerates Mary)

d. Refusing to show value of estate: Virginia also collected Mr. Lenca's SSI monthly proceeds for his care, which was formally a joint account with Mary Hallgren at First Bank of Lakewood of which Mary Hallgren had valid financial POA. Virginia A. Frazer-Abel refused to open records showing total value of estate after previously agreeing with Mary's counsel Tom Ripp that her records were open to him and then reneged through court action. No total value of the estate can be determined without these financial records. *(Financial and medical POA is in previous records. Attached: VA saying POA is valid. Exhibit D)*

e. Co-Conspirator with Jeanette Goodwin: Virginia was party to assignment by APS as Guardian Jeanette Goodwin to Ed Lenca who took advantage of the situation by purchasing gift cards with his money and the necessity of court interference. Jeanette Goodwin also did not take adequate care of Ed Lenca as per text messages from health care nurse These issues were reported to Virginia with little action as she identifies herself as his personal representative under APS care. *(See attached: health care nurse having to call for food and Diane Head telling her to go to food bank for food for Ed, and Mary's pictures of Ed passed out drunk and house filthy.*

f. Previous legal relationship with Mary: Mary Hallgren requested email contact only due to her fear of Ed Lenca's domestic abuse and other entities while trying to recover from health issues. Mary Hallgren fought against Virginia A. Frazer-Abel handling her own APS requesting a "fair level hearing" for more than 2 years, until Virginia perhaps purposely, or due to bad communication between departments, sent last letter to wrong address, not giving Mary time to respond, causing her to lose her right to a fair lever hearing against APS claims of caretaker neglect and exploitation. *(Attached : email copy that shows Mary required only email contact at least 3 times. Exhibit D).*

g. Lie to Detective Monn regarding APS care: Virginia A. Frazer-Abel lied by omission when asked by detective Monn investigating removal of Ed Lenca's guns when he made a false report that they were stolen in his attempt to recoup from insurance his investment as APS gave him no money after taking them, causing a Lakewood criminal case being brought against Mary. *(A recording of Ed describing this event is available and will be put online for review soon)* as well as shown in detective Monn's lengthy investigation of Mary Hallgren and displaying private information about everyone she knew while exposing her

personal financial records without cause as they never proved her wills nor POAs were invalid. *(See: Monn's report attached to Virginia's OBJECTION TO A HEARING WITHOUT APPEARANCE and partially here in this report with Mary's corrections and comments. Exhibit E)*

h. Interference in Probate: Interference in Probate pretending to save estate for family when family expressly stated in text to Mary of not being interested in Ed Lenca's estate. The family also did not participate with Keith when he hired a lawyer. *(See attached: text from brother Steve & email of former counsel Tom Ripp. Exhibit F)*

i. Unnecessary inclusion of closed cases: Virginia A. Frazer-Abel included Detective Monn's report to prejudice the outcome and to defame, libel, and slander Mary Hallgren by false reporting and false prosecution for the purpose of harassment. Court might consider Ethics of those involved against Mary. *(See: Virginia's previous convoluted filing that defamed Mary in her OBJECTION TO A HEARING WITHOUT APPEARANCE.)*

5. Under Hogsett v. Neale, a common law marriage is established when the parties mutually consent or agree to enter the legal and social institution of marriage, followed by conduct manifesting that mutual agreement. 478 P.3d 713, 723-24 (Colo. 2021). In assessing whether a common law marriage has been established, courts should give weight to evidence reflecting a couple's express agreement to marry and, the parties' agreement to enter a marital relationship may be inferred from their conduct. at 724. While the parties asserting a common law marriage need not prove that they had detailed knowledge of intent to obtain all the legal consequences that attach to marriage, a court should consider evidence of shared financial responsibility and the parties' sincerely held beliefs regarding the institution of marriage. at 724-25.

In 2008 to 2020 Emails to friends and family show Ed Lenca and Mary Hallgren were committed to each other in conduct manifesting mutual agreement as proof that continued until Mary Hallgren acquired a restraining order on September 15, 2020 against Edward Lenca due to his increased alcohol consumption making him an abusive alcoholic and then without help quitting drinking causing psychotic episode and domestic abuse at which time she turned him over to VA care September 16, 2020. *(See online: (<https://emotionology.org/how-could-this-all-go-wrong> Texts from Ed's brother Steve and Keith (Jeet) conversations from 2008 <https://emotionology.org/the-difference-between-taking-care-and-caretaking/> and Mary's life with Ed with pictures and emails since 2008 <https://emotionology.org/life-with-ed-2008/> <https://emotionology.org/i-am-telling-this-story-my-name-is-mary-hallgren/>*

<https://emotionology.org/life-with-ed-2008/> for emails and previous restraining order from Sept 15, 2020 attached in other filings).

8. **The neuropsychological/capacity assessment** dated October 26, 2020, which Ms. Hallgren submitted as Exhibit E to her Objection to Administration of Will, was after Ed Lenca's psychotic episode of September 15, 2020 which caused him to be hospitalized with the VA from September 16 - 28, 2020 and is the same assessment that was provided to the Virginia A. Frazer-Abel as Ed Lenca's court appointed counsel from his guardianship/conservatorship case (2020PR30901).

Notably, the assessment in **error** states: "[decedent] has never married and he has no children." Note: after September 15, 2020 psychotic episode, Ed Lenca's memory was severely affected, he could not make new memories and was in fear of APS, agreeing with whatever they wanted to hear, as Mary had told him she was in trouble because of his drinking with APS due to being his wife. There was no one but Mary who would advocate for him. Also, Mary Hallgren, was being threatened and harassed by APS as his wife (*note attached: in one VA record, even Diane Head referred to Mary as Ed Lenca's wife as shown in Exhibit A*).

9. Although Mary cared for Ed as in any normal husband and wife situation, she WAS NEVER ED LENCA'S OFFICIAL CARETAKER. She had moved to the back house named the "barn" to get away from his cigarettes and latent alcoholic abuse and to distance herself after September 16, 2020, turning over checking up on him to friend and local Real Estate Broker, Keith Hurbtubise and then August 1, 2020 she hired live in caretaker Anna Lopez with Kieth checking in occasionally. APS ignored any input from Mary Hallgren, did an incomplete investigation, and were determined to make her responsible for Ed Lenca's decline since Dec 2019 increased alcoholism, which shows to be not true in online stories of their life journey together as committed life partners and that Ed Lenca had many opportunities to be responsible for his health. He was taken by Mary Hallgren to rehab February, 2019 when his occasional drinking appeared to become a bigger problem. Ed Lenca walked out of rehab after 4 hours, had no ill effects at that time, quit drinking on his own for several weeks until his drunken fall November 30, 2019. Mary was not staying there, after which she asked Keith to take over and she moved to the barn and away from property because of new domestic abuse by Ed Lenca. APS ignored that Mary, who had gotten a court restraining order against Ed, that she was being abused by a younger man. She was 12 years older than Ed. They knew she was frightened of him and already was trying to stay elsewhere to be safe from

him. They also knew she was not well but continued to harass Mary with legal documents from lawyer, Virginia A. Frazer-Abel as Ed Lenca's conservator and court papers.

- 10.** September 23, 2020 Mary Hallgren, seeing in VA records that APS was looking to take over property (*see attached: VA record where Diane Head stating that property will go to waste. And pushing for guardianship and wanting to put Ed in nursing home. Exhibit G*), Mary Hallgren assuming that money would be needed for Ed Lenca's long-term care and still caring about his welfare despite his drunken abuse, and considering that Ed Lenca would probably live at least 5 more years as Ed Lenca was 12 years younger than Mary Hallgren, and wishing to end the harassment by APS individuals, she attempted to end her involvement in the following ways: September 23, 2020, she quick claim deeded the property to ED, and Realizing APS was attempting to take over his care, resended her financial and medical POA on Ed Lenca, and took her name off joint account at First Bank where his SSI was sent, allowing what she believed to be proper financial care for Ed lenca. **(see attachments: first emails back and forth with Diane Head and VA representative, as also shown in previous APS records: under Exhibit G). (Care was not proper as per picture attachment in Exhibit C, Health Care Worker texts (who was fired for reporting) and texts to Keith asking for food and APS not paying household bills after they blocked access to bank account. Extra attachments in Exhibits I)**
- 11.** Mary Hallgren contends that Common law wife does not automatically make Mary Hallgren Ed Lenca's caretaker see (<https://emotionology.org/the-difference-between-taking-care-and-caretaking/>). Mary Hallgren's financial and medical POA on Ed Lenca was valid (*see VA telling Mary her POA was Valid in VA records*) Financial POA prepared by her tax person, Andrew Vera, was witnessed by Mary and Ed's friend, Paul Shada, which allowed her to spend money on both of their behalf, clean up yard, trim trees (*See attached: tree trimming contract and contractor letter and letters by coworker and clients, exhibit F*), build additions to property, remove junk from property, sell rotted out Corvette and broken motorcycle, request from VA home health care for ED Lenca, and sell lose guns that were not locked up. (*see signed CLINET CARE AGREEMENT for health care as common law wife*), (*VA required her to remove all loose guns on property before they would OK home health care or meals on wheels in 2019*). This gave her the right to have her name on joint bank account and make changes in Property. She had asked Realtor friend, Keith Hurtubise to check on Ed Lenca as she was working overtime and not well. (*see attached: texts with "Jeet" nickname of Keith Hurtubise, as Mary had health issues (was being treated for heart problems and rotator cuff injury, and became afraid of Ed Lenca after*

December, 2019 when Ed Lenca began excessive alcohol consumption and domestic abuse against Mary Hallgren. So, Mary Hallgren was not present to caretake Ed Lenca when APS (Adult Protective Services) made a welfare check on Ed Lenca on 5/7/2020 finding him inebriated. It was during COVID and Mary Hallgren was isolating herself from Ed Lenca from the beginning of COVID pandemic for Ed Lenca's safety, either at her office, out of town, and/or in dirty barn behind house. ***Mary can provide her own medical records if asked.*** Ed Lenca wouldn't let anyone take care of him as per emails, home health care texts and texts with Keith and Mary's texts with brother Steve. ***(See: home health care texts stating that Ed Lenca would angrily try to throw them out if anyone who tried to take care of him. Exhibit G).***

12. Virginia A. Frazer-Abel APS Personal Representative, in her capacity as Public Administrator for the First Judicial District, appointed as decedent's Special Conservator on September 1, 2020, blocking access to the joint checking account and became his permanent Conservator on January 12, 2021, in Jefferson County District Court case number 2020PR30901. From this time as appointed Special Conservator, to the time that Mr. Lenca passed away. Mary Hallgren does concede that the Conservator may have believed that decedent was legally single and had no information indicating otherwise due to disruption of communications, lack of office personnel, and much confusion between departments during COVID.

13. Although Mary Hallgren sent messages to Virginia (conservator) regarding Ed not having enough food as per health care worker's texts, and health care workers texts regarding being told by Diane Head with APS to pick up food from the food bank, there was little communication. Virginia didn't want to hear from Mary and Mary was suffering from health issues and unwarranted legal abuse. It was only after closure of all cases against Mary Hallgren and Ed Lenca's sudden passing that Mary Hallgren felt safe to respond or make claims to what was rightfully hers.

14. In answer to Virginia, Mary Hallgren and Ed Lenca filed taxes separately previously to their co-habiting up to year 2020 as Ed Lenca and Mary Hallgren disagreed about how he wanted to report income. Mary had previously supported him for 5 years when he was not able to find appropriate work and paid house payments as well as paying off property mortgage with EverHome Mortgage Company in 2012. Also, filing separately costs less and Ed Lenca was not involved in any of her business endeavors that provided her income when she was working. There were some years she did not work while recovering from several illness but received a small SSI. She paid for his welding classes and tried to help him start

up a welding business in about 2010 & 2011 but that was not successful. Ed Lenca's profession was a cement finisher and after 2009 was not able to do physically difficult work due to arthritis in his hands. Mary also helped him through his recovery from prostate surgery in 2012 – 2014.

15. Virginia states, in her filing of lengthy convoluted copy of Detective Monn's report and investigation of Mary, "Finally, the decedent (Ed Lenca) filed a complaint with the Lakewood Police Department on March 10, 2021 and was interviewed by an officer regarding the decedent's complaint that a person named Mary had taken firearms from his safe in his shop. Ed Lenca was told by the guardian group removing guns from safes that there was a person named "Mary" in the group as a way of confusing him. Let it be noted here that: Virginia A. Frazer-Abel admitted to Mary's counsel at the time, Tom Ripp, that she called a locksmith to open Ed Lenca's safes to remove all guns. She omitted that information when Detective Monn inquired about this which is written in Monn's report attached to Virginia's filing against Mary Hallgren in this probate case. At this time, after guns were removed, Mary Hallgren received a call from next-door neighbor Jim reporting that someone showed up and garage doors and safes were hanging open. Mary's response was to drive by on her way to Home Depot where she conversed with husband outside and recorded a conversation with him. Mary's statement, "*He told me that the guardian showed up with a group of people and they told him one of the people was named Mary, not me, as Ed had found the combination to the safes, and he said they took all his guns and not giving him any money for them.*" In the recording Ed is telling Mary Hallgren that he was thinking that if he made a police report on guns being removed, that his insurance would cover the cost of guns they took. He also said that after they left, he found \$15,000 he had hidden in the safes. Mary Hallgren reported this to detective Monn. We believe she then reported this money to APS personnel who evidently recovered that it from Mr. Lenca.. A month later in talking with Ed, he couldn't remember how much money he found and said they took \$40,000 he had hidden in there from his father's probate settlement showing Ed's lack of reliable memory after the September VA hospitalization. I am also not sure if he had been given medication after APS intervention that may have affected his memory even more.

16. Detective Monn had started coming to see Mary Hallgren in a friendly way asking questions regarding Ed's guns. However, after Mary Hallgren's text report with pictures sent to her for welfare check of APS caretaker neglect (*Ed passed out drunk and place unkept in Exhibit C*) she reported to Virginia and began a criminal case against Mary Hallgren. It shows that Mary was helpful in her investigating any possible people that might have taken guns other than guardian. We often had texted back and forth. However, after reporting to Lakewood police a welfare check and conditions of Ed under APS care, her

attitude changed. On July 12, 2021 I had a weird feeling that something was wrong with Ed and drove over to see him at house. There was no answer at the door, so I stepped inside, seeing the house was filthy and Ed passed out drunk, and not able to wake him, so I took pictures and called Lakewood police. After that call Detective Monn appeared to turn on me asking me to be finger printed. I refused and retained a lawyer. When Monn questioned Virginia about my report of drunkenness under APS care, Virginia's response was that *"Mary probably just stopped by when Ed was sleeping."* They were trying to pin the gun thing on me. The DA refused to charge me. Note: Later in the report, on page 13, full paragraph 13, texts from brother Steve show that he knows Mary was always there for Ed. Mary state in Monn's report, *"Ed's family was my family until Keith made up that new will adding 3 of Ed's family to his fake will so, they would no longer talk to me and making them complicit with Keith."* And, in the final paragraph on page 20 of Exhibit 3 of Detective Monn's report she states, *"Mary Hallgren, in response to a question from the officer about the time she cared for the decedent stated: "I never was his caretaker." **This is true as I cared about him, am still devastated that he is gone, but was never in the official position of being his caretaker. When his alcoholism got out of hand, Keith took over checking on him.** "I removed myself from the situation as per recommendation of VA psychologist when I took him into VA for evaluation after December 2019 shown in VA Progress Notes for the purpose of health check and evaluation. She told me "it is his choice to drink, not to interfere, and to not check on him."* However, due to my concern for him, I asked Keith to check on him. Although we were common law husband and wife, besides that we had been best of friends which at the time seemed more important to us as we had recommitted to each other in a new will to be together forever in our forever home until his angry alcoholism suddenly took over and he became for the first time abusive. We were also afraid that his younger brother, Mike Lenca, would interfere with our agreed upon arrangement if anything happened to him, and that is why we put pg.3 on that last will made in 2018 to be sure none of the family would ever put me off the property. Brother Mike Lenca had previously stolen guns from Ed.

17. Ms. Hallgren argues that decedent lacked requisite testamentary capacity to execute a new Will on February 12, 2021. Ms. Hallgren accurately states that decedent was the subject of a Conservatorship and Guardianship action at the time of execution of Keith Hurtubise fake will. Ms. Hallgren also references portions of the October 26, 2020, Neuropsychological/Capacity Assessment by David G. Mirich, Ph.D., Licensed Psychologist to argue that decedent did not have testamentary capacity. *Once Ed had that psychotic episode and received treatment with the VA he could not fend for himself or stand up to APS as*

trying to explain everything that had happened was too confusing and due to recent loss of memory. Detective Monn states about case being closed

18. Due to the above evidence, Mary Hallgren charges Virginia A. Frazer-Abel with “**Seeking to Dispossess through Fraud**” by interfering in legitimate probate and legal actions. According to “Seeking to Dispossess through Fraud” determination reviewed by Bridget Molitor. J.D /Last reviewed June 01, 2022, Virginia A. Frazer-Abel is guilty of fraud by the use of intentional deception to gain something of value, Ed Lenca’s Estate, through the use of false statements, misrepresentation, dishonest conduct intending to mislead or deceive.

19. Mary Hallgren is claiming that both Virginia A. Frazer-Able and Jenette Goodwin made statements to misrepresent Mary in 3 situations by: 1. There saying that “there was a member of the party named Mary in group taking guns”, was to confuse Ed knowing his mental capacity was limited implicating wife, Mary, (*although recording shows Ed knew better*) 2. By Virginia excusing to Detective Monn Mary’s call with pictures to Lakewood police for a welfare check of drunkenness and dirty house under APS care, by saying “Mary had just probably caught him sleeping”, and Virginia’s guilt by omission of her calling locksmith when detective Monn questioned Virginia regarding who took the guns when Virginia had called for a locksmith to open one of the safes as per conversation with Tom Ripp.

20. Mary Hallgren is claiming that Gayle Young, Esq. his court assigned appointed counsel for Ed Lenca, is also complicit of “**Seeking to Dispossess through Fraud**” by participating in creating a false will for Keith Hurtubise and a second assessment attached to Virginia’s filing that was not court ordered. Virginia A. Frazer-Abel stated to former counsel of Mary Hallgren that she was not aware of another assessment but attached it to the bottom of her filing. Mary claims that, If by the time of this fake will was being produced, Ed Lenca was no longer incapacitated, he would have been able to discharge himself from APS caretaking and being a ward of the court or they should have given him back charge of his life and belongings they took.

21. Guardian Jeanette Goodwin, Gayle Young, and G. Mirich are also complicit to **Seeking to Dispossess through Fraud** by participating in creating this new will for Keith Hurtubise when they also attempted a collaboration in reversing the original court’s decision and assessment by John Pappas

appointed as the court visitor in the matter January 12, 2021. Report dated August 13, 2020 is a mental status was obtained on Edward Lenca deeming him incompetent. The fake Will was drafted by Ed Lenca's then court appointed counsel, Gayle Young, Esq., and notarized by Ed Lenca's then guardian Jeanette Goodwin in secret.

22. Mary Hallgren challenges statements in mental status report who writes, *“Dr Christima Mulkey...stated that she... saw him (Ed Lenca) previous to September 16,2020 and reported him not able to make sound decisions”* as there are no VA records of this as proof. Ed was very demanding and knew what he wanted. Ed Lenca consumed beer on a regular basis which was a contention in their relationship and some irregular events of binge drinking which they addressed as a couple but his drinking had never become abusive until December 2019 requiring changes in their relationship. Mary Hallgren had obtained all of Ed Lenca’s VA records under her MPOA and also furnished these records to new counsel Gayle Young in a CD copy of records, Mary and Ed thinking at the time that **Gayle was a court appointed to help Ed AGAINST APS.**

In early December 2019 after recovery of Ed Lenca’s November 30, 2019 fall, a request for assessment was made by wife, Mary, with wife taking husband to VA appointment for a VA evaluation where psychologist found him capable and mentally sound, able to take care of himself, and fully recovered after hospitalization from fall as per recorded in VA records. Mary Hallgren challenges APS statement in menial status exam that before September 16, 2020 *“inability to understand”* is incorrect. APS had the need to show cause to condemn Mary Hallgren who was the only person able to advocate for Ed Lenca giving them free rein over his care and finances.

23. Copies of both Mary Hallgren’s wills, POAs, online records of yearly emails, and living together as husband and wife and life partners are proof that since 2008 they were committed and shared finances and helped each other. All information was given to APS investigator Diane Head during the initial investigation and Mary Hallgren recognizes that this information may not have been passed on to assigned conservator Virginia A. Frazer-Able. Although Conservator was *not involved in the preparation of the fake will, she stated to former counsel Tom Ripp, “Had the Conservator known of the existence of*

*the Will sooner, she would have petitioned the Court in 2020PR30901 pursuant to C.R.S. S 15-14-411 for Court approval of the Will” showing **conservator has bias against Mary Hallgren***

JURY DEMAND

25 Ms. Hallgren asked for a jury trial on the issue of Virginia A. Frazer-Abel’s Objection to the probating of the February 12, 2021 Will as Mary needed more time to collect evidence for these filings and due to a miscommunication with counsel Tom Ripp he withdrew all his filings. Mary Hallgren is now representing herself and re-filing.

24. Mary Hallgren stopped proceeding with Counsel Tom Ripp as she also realized he had a conflict of interest and should have recused himself as she discovered his office partner has dealings with Virginia A. Frazer-Able and Tom Ripp continued communicating with her on a friendly basis discussing case.

27. Mary Hallgren comes now to ask the court to bifurcate or expunge Virginia as per the above evidence that connected Case Number 2023PR30170 by Virginia’s last-minute filing and should be separated into 2 cases or dismissed as per the following:

1. One case involving Virginia A Frazer, Jeanette Goodwin, G. Mirich, and Gayle Young. Bifurcate, if duly demanded, a party is entitled to trial by jury in a formal testacy proceeding and any proceeding in which any controverted question of fact arises at to which any party has a constitutional right to trial by jury. C.R.S. S 15-10-306(1). If there is no right to trial by jury under subsection (1) of this section or the right is waived, the court in its discretion may call a jury to decide any issue of fact, in which case the verdict is advisory only. C.R.S. S 15-10-306(2). Mary Hallgren is asking for only the conflict with Virginia A. Frazer-Able and any other parties to be trial by jury as that does not conflict with her asking for probate which she is entitled to.

2. Case of simple probate in which she has the last viable will to Estate of Edward Henry Lenca as Keith Hurtubise backed down with lawyer, has been served cease and desist order with signature received and current Complaint case against Keith Hurtubise for damages.

28. In Colorado, there is no constitutional right to a trial by jury in a probate proceeding. In re Estate of Etchart, 500, P.2d 363, 364 (Colo. 1972) citing Beardshear v. Beardshear, 432 P.2d 235 (Colo.1967). Mary Hallgren is asking for simple Probate to expedite return of her deed to property as Property will be sold at auction quicker than jury trial could happen.

29. Finally, the Personal Representative of Ed Lenca per Mary Hallgren's wills has paid the required jury demand fee though and by Tom Ripp to carry forward a case against Virginia, A. Frazer-Abel.

30. The following is in answer to Lakewood police Dept attachment at bottom of filing by Virginia A. Frazer-Abel Mary Hallgren states answers as follows:

I was never arrested by Lakewood police. The DA refused to charge me. My money was returned from Lawyer. Case is closed. *(see attached: picture of text from lawyer Jasen Exjobot J)*. I was cooperative with Detective Monn and gave her info on all parties that might have taken guns from the safes. I never had the combination to the safes. Detective Monn's extensive report including IRS information, and bank records, and everyone I knew, also questioned Virginia, with the result of her lying about my finding Ed Lenca passed out drunk under APS care.

Here are other summary statements in report by Detective Monn: *"Edward then stated, "that Mary did not have the ability to go into safes."* Detective Monn's report established that on 9/15/2020 officers were called because of Ed's psychotic episode and Mary received a restraining order from the court. *Mary was concerned about guns and the safety of others trying to report to authorities about dangers of Ed having guns and asked about red flag law but was told he had a right to the guns, and no action was taken on scene by agents. Case number was LK20-33643. Incident status: Prosecution declined, Reporting officer: #2067, Investigator: #2006 Monn, Kaylee.*

After reviewing Statements made of Detective Monn in her written report I also include are as follows with some comments and corrections: *"Edward advised he has difficulty of conceptualizing time and has been previously accused of having memory loss."* *"I then looked into Ed's recent history in LPD databases. LPD Agents have contacted Ed several times in the recent past to include on 1/25/21 where Ed reported his pickup truck as having been stolen reference CR# LK21-3449."* ***(This response by Mary: In early 2020 when I asked Keith to start checking on Ed, I had previously replaced title to Ford Truck as Ed couldn't find it and they put it accidentally put it in my name, so I signed nd handed***

the title over to Keith and asked him to remove the truck since Ed had been found driving without a license. This was after I was no longer living there.)

*“On 9/15/20 Agents responded to Ed's residence regarding an intoxicated person where Mary's son, Hans Hallgren DOB 11/26/79 called LPD as Mary was hiding at the barn on the property **and Ed was drunk.** When Agents responded, Mary reported Ed as having been sober from alcohol for 2 weeks and he was "thinking more clearly".” (When Ed quit drinking, he was thinking more until this episode due to his stopping abusive alcohol without help) Following more statements of Monn and corrections in italics.*

“On 7/27/20 there was a welfare check f This case was investigated by Detective Gilstrap who spoke with Ed's long-time friend Keith Hurtubise DOB 7/18/56 who reported Ed was a gun collector with a couple safes full of guns as the guns were his, "retirement fund." Keith reported he didn't think Ed had gotten into the safe in, "a couple of years.... Keith also reported Mary was Ed's "unofficial care-taker" and she had hung a sign in Ed's room to "remind him" that his long-time friends "Mike and Marlene" were taking his money and not Mary. Marlene however, had ultimately called APS as she was concerned about Ed's care.” Keith warned me about who these people were as he knew them as drug addict companions of Ed's from the 90s when for a short time Ed had a meth business. Keith can testify under oath that he knew these people and who they were and why they were trying to get rid of me.

“Keith also stated a Quit Claim Deed was put on the house around November or December of 2019 which listed the house in Mary's name” (November 2, before Ed's fall he was having fear that his prostrate cancer was coming back and wanted Mary to get money for a possible long-term care for Ed. We thought we might get a reverse mtg to take money out of the property for this purpose and I sent sever inquiries regarding this to business providing long term care and asked his brother Steve how to do this, but I was too busy with work and health issues and missed the deadline before Ed fell. At the time, I was not interested in having a house in my name long term as I have huge student aid bills that would take any property I owned. That is why we thought a reverse mtg would be in order to keep us on the property as our forever home. After doing well not drinking during November 2019, Ed got drunk and fell. Mary called 911 finding him on floor)

“After that, another female, "Anna," moved in with Ed and possibly helped with cooking and cleaning. Ed also began to receive home healthcare from the VA 3 times a week. (Due to my not being around and APS threatening me, Aug 1, 2020 I hired full time caretaker for Ed that I paid for since APS was not paying bills although they had locked up checkbook. See caretaker agreement. Also, after fall, I asked VA for home health care for Ed which he was receiving before APS got involved.)

There are many convoluted statements taken out of context in this report as well as time line errors.

“Mary reported the dealer came to the residence, made an evaluation and wrote Ed a check. Detective Gilstrap documented a deposit of \$8,525 into Ed's 1st Bank account from Old Steele Historical Firearms in Littleton.” (This was due to VA requirements of home health care that all guns that were not locked up were required to be removed. This was before APS involvement and before psychotic episode)

“Mary also confirmed having sold Ed's Corvette for approximately \$1,500 worth” (Not true, I told her that the corvette was traded for plumbing under the house with Ed's permission and have signed notarized statement to that affect from plumber that no money changed hands.

“On 5/7/20 Agents responded to Ed's residence regarding elder abuse reported by a social worker who said Ed was, "failing and falling." Upon contact with Agents that day Ed was described as appearing able-bodied, lucid and in good health. No further investigation was completed, reference CR# LK20-17450” (This due to Mike and Marlene’s original complaint trying to get rid of Mary.)

“She then said a neighbor had told her some of the guns were automatic machine guns. Mary then said she was afraid of guns as her father was killed by a gun. Mary also said she needed to get the guns out of the house so Ed could receive home health care from the VA as they would not come out to care for Ed if there were guns in his home.” (True, this neighbor John wanted all of Ed’s guns that were not locked up, he bought a few with a receipt and later made complaint against me because I refused to deal with him anymore and the rest that were not locked up went to gun dealer with money deposited in our joint account.) Time line in Monn’s report is not accurate as listed in Virginia’s filings and infers inaccurate information.

“When asked if Mary knew of anyone that was interested in Ed's gun collection, she said Ed would show his gun collection to all kinds of people in the neighborhood and said, "everyone knew he had them." Mary then said Ed's neighbor, "Jim" kept a watch on Ed's residence since Mary moved out and she said he may know who took the guns. Mary provided a phone number for Jim and I identified him through LPD databases.....” (Earlier in Ed’s life, he would have neighbors over and display his guns. However, I don’t remember him showing them to anyone any time I was home after 2018 or after fall in December 2019 when he couldn’t find the combination as I had accidentally/conveniently shut the safes unaware he would leave them partially open on 0. We had the value of some guns estimated by a friend of a friend of Ed’s that I didn’t personally know in 2019. Taxes were coming due as I reported to brother Steve that Ed did not have money to pay property taxes and I had previously paid half.)

“I then asked if Mary had any other individuals who she thought may have interest in Ed's guns. Mary sad Ed's friends Mike and Marlene wanted Ed's property and wanted to keep Mary away from Ed. Mary suspected they were involved in drugs and thought Ed owed a debt to them. Additionally, Mary said Ed's younger brother "Mike" who lives in Texas is a gun enthusiast and wanted Ed's guns in the past and has even stolen from Ed in the past. Mary had no further information to provide at this time but was very forthcoming with information and advised me to call her if I had any further questions.

Shortly after hanging up with Mary, she sent me text messages and also emailed me several times. Mary provided information for Ed's Conservator, Virginia Frazer-Abel as well as Ed's Guardians, Jeanette Goodwin and Gayle Young. Mary also sent me a link to the Instant Checkmate website where she had a background check ran on Michael Baugh. I was not able to successfully view the information but added a copy of the email to this case. While I was on the phone with Mary, Stephen had called and left me a voicemail message. Upon returning his phone call, I informed him of the case and asked if he was aware of Ed's condition. Stephen said Ed had fallen on 11/30/19 and suffered a bed head injury but recovered Stephen described Ed as, "doing better than ever" now since he has stopped drinking alcohol.” (Once APS took over Steve did not want anything to do with APS and did not keep up with case and was fed up with Ed)

“After speaking with Stephen, I contacted Virginia to determine if she knew where Ed's firearms were or who may have taken them. Virginia advised she was appointed as the Conservator for Ed in January of 2021 and since then, she had never seen any of Ed's firearms and was told they were locked in his safe and were not able to be accessed. I then asked Virginia about the ammunition, and she said she had gone into the back barn and located ammunition and subsequently seized the ammunition and sold it to G and G Guns located at 8225 W Colfax Ave #A. Virginia often deals with "Warren" at G and G Guns and that was why she chose that business to sell the ammunition. Virginia then emailed me a receipt for the sale which totaled \$2,388.” (Virginia is admitting here that she knew of the guns in the safes. (In one conversation with Tom Ripp, Virginia stated that they found guns under the floorboards. This was not

possible as there were no places of possible floorboards at Ed's house and I know that because I had done the remodeling on house back in 2009. The gun had to have come from her paying a locksmith to open the safes, as she told Tom Ripp.)

("....Jim noted on a Friday afternoon recently he noticed Ed's metal shop garage door was open and there was possibly a gray car at his house. Jim said he was able to see clearly to the back of Ed's property but he didn't see Ed or anyone else. (This is when Jim notified me about what was going on at Ed's house and I drove by and recorded Ed. My care is white and Jim would have known if it was me.)

"I then reviewed LPD databases and prior call history and located a phone number for Marlene Baugh DOB 2/4/60. Marlene was very polite and concerned for Ed's welfare while I spoke with her. Marlene described Ed as being her best friend for 40 years. I asked Marlene if she knew of Ed's gun collection and she said she did. Marlene added she knew Mary had sold several of Ed's firearms so that Meals on Wheels could come into the home. Marlene did not know how many of Ed's guns were sold or the location where they were sold. **(Marlene with husband Mike visited Ed only one time in 2010 and when I asked Ed about them after I caught them at Ed's door on camera and went to investigate, I sat with Marlene having a cordial conversation assuming they were family friends and was honest about my fears for ed because of his alcoholism and fall. After they left I questioned Ed and he seemed afraid of them and said what they told me was a lie. Ed's brother Steve did not know who they were but Keith informed me and I informed brother Steve of their visit not knowing they were trying to get rid of me by calling for a welfare check. She then lied to Monn which showed her animosity against me by saying I had possibly even drugged him. This response by Mary)**

"I asked her if she knew of Ed to have loose guns in the residence and she said he had approximately 6 guns in the house. Marlene then advised Ed was also very good with his money and when Ed's father died, Ed had put the inheritance money into his savings account to pay his annual taxes on his property. Marlene said she knew of Ed to live off his social security every month." **(I always paid the bills either with my checking account or through our joint checking account after 2008 and had arranged to have them paid automatically after 2018 when I was out of town on trips. Marlene did not inspect the house when they visited Ed. Mike only stayed in the living room with Ed while they talked as Marlene and I sat on the porch swing watching them as Mike paced back and forth in front of Ed. Ed told Mike about the new gun from his father's estate. Marlene really played it up to detective Monn how much she cared, but if they really cared their number would have been in Ed's phone listings and her email would have been on the last computer I bought ED. That phone we found in his recliner chair and I recorded data. Later, after APS involvement, I had to renew Ed's phone at my expense as APS left it without service, then he lost it on the road somewhere and I asked them to purchase a new phone.)**

"I also received a missed call and voicemail message from Virginia advising on 9/15/20 Mary had filed a Red Flag case on Ed reference 2020CV170 however on 9/16/20 she filed a motion to vacate the case." **(Yes, I vacated the case after I turned Ed over to VA care as I felt he would be taken care of and not drinking after that and I would not be around.)**

There are many inaccuracies in the report that I can address if needed. APS never proved that my last will or POAs were not valid, and they refused to address this legally and only would slander me behind my back when asked but never take me to court about this. My documents were valid. Detective Monn actually in the end corroborates everything I have previously told to APS in her writing.

In accordance with C.R.P.P. 24, I will immediately serve a copy of this objection to Virginia

I am asking the court to give me a probate date within 14 days after filing this objection to set this matter for an appearance hearing.

CERTIFICATE OF SERVICE

I, MARY HALLGREN, Plaintiff in the above-captioned matter, do hereby certify that a true and correct copy of the foregoing Complaint was served upon parties listed below, by electronic mail or by placing in the U.S. Mail, postage prepaid, at Denver Colorado, on this 20th day of June 2023, at the following address:

s/ Mary Hallgren
Mary Hallgren Plaintiff,
Pro Se

Dated on this 20th day of June 2023.

CERTIFICATE OF SERVICE

I certify that on June 15, 2023(date), a copy of this RESPONSE AND OBJECTION TO Virginia a. Frazer-Abel and Request to Bifurcate case. was served as follows electronically filed on each of the following :

Name and Address	Relationship to Decedent, Ward, or Protected Person		Manner of Service*
Thomas R. Ripp, 13079 BOATRIGHT, RIPP & LUSK, LLC 4315 Wadsworth Boulevard. Wheat Ridge, Colorado 80033 Telephone: 303-423-7131 Facsimile: 303-423-7139 e-mail: tomripp@brsattorneys.com	Former Counsel for Mary Hallgren		E-Service
Virginia A. Frazer-Abel # 34892 Frazer-Abel Law, LLC. Phone: 720-638-1465 4704 Harlan st., suite 250 Fax: 720-279-0415 Denver, Colorado 80212 Email: Virginia@vfalegal.com	Conservator of Edward H. Lenca during APS involvement		E-Service

01Division11 < 01division11@judicial.state.co.us >			E-Service

*Insert one of the following: hand delivery, first-class mail, certified mail, e-service , or fax.

Respectfully submitted,

Mary Hallgren

Pursuant to Rule 121, the original is on file in the records of Mary Hallgren

By: Mary Hallgren/ Wife and Representative of Edward H. Lenca electronic signiture