

## Stocco, Janet

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**From:** Bread and Roses <breadandroses17@hotmail.com>  
**Sent:** Friday, October 29, 2021 6:52 PM  
**To:** Stocco, Janet; Bread and Roses  
**Subject:** October 29, 2021 Friday Testimony to the Commission to Create a Plan to Incorporate the Probate Courts into the Judicial Branch of Maine

**This message originates from outside the Maine Legislature.**

October 29, 2021 Friday

To: The Commission to Create a Plan to Incorporate the Probate Courts into the Judicial Branch

From: Camille Desoto (nee Carol Aft, name change through divorce)

### **Testimony Regarding Incorporating the Probate Courts into the Judicial Branch**

To Senator Carney and Representative Cardone and all other members of the committee, if I am unable to present my story in person at the committee hearing then I would like to submit it by email.

My name is Camille Desoto (nee Carol Aft). I respectfully request two actions from this committee:

1. That this commission to incorporate the Probate Courts into the Judicial Branch of the Maine Court System for the purpose of critically needed oversight.
2. Review and use my Portland District Court case as an example of why oversight is so important for the protection of individuals that have special needs trusts (that are within the jurisdiction of the Probate Court and/or District Court). POR-FM-09-711, 026 and Probate Court Docket#2021-0115. My probate case can be viewed online at [Maineprobate.net](http://Maineprobate.net) and the legal cases to attempt to dissolve it at the Portland District Court.
- 3.

In 2009, I suffered a nervous breakdown and was institutionalized in Riverview Psychiatric Center for six months. While there my now ex-husband abandoned me and hired an attorney to prevent me from returning to our home in Falmouth, Maine and serve me divorce papers while institutionalized. He was successful at taking control of all of our financial assets, full custody of our child and control over our estate in Falmouth and my inheritance. I was released to an apartment in South Portland, destitute.

I was appointed an attorney by Judge Eggert that set up a special needs trust as part of the divorce decree. I attempted to fire the attorney but Judge Eggert disallowed it.

I contested the creation of the special needs trust within 30 days of the divorce decree and once again was disallowed the dissolution of the trust.

I am a well educated woman with a B. S. Degree in Business Administration and an emphasis area in Accounting. I graduated in 1988 with honors from University of Missouri in St. Louis and had been accepted into a Masters of Tax program. At the time of the divorce hearing at Portland District Court, I had over 25 years of professional accounting experience.

I had fully recovered from my nervous breakdown while at Riverview and felt competent to manage my own finances. But unfortunately, I had been placed in such a disadvantaged state by being divorced into poverty so suddenly and unprepared. I had no idea that my husband would be abandoning me at Riverview and take all our money, our child and leave me destitute.

It took 10 months for the trust to be created in which my ex-husband would pay spousal support into. He was required to pay for my basic living expenses and no more. This left me with little money for food, supplies and necessities. I quickly learned how to live poor while he continued to live in our estate with our son on his executive salary of over \$150,000 per year. When the trust was set up I was to receive \$24,000 per year.

I guess I had never thought that my husband would leave me behind. We had lived together from the time I was 28 years old until he divorced me at 50 years of age, almost half my life.

Once the trust was actively receiving money and assets, it quickly became a tool for abuse by the trust administrators. I reported this to the court, but the Portland District Court took no action.

In 2012, I represented myself in court again to try to have the trust dissolved. Judge Goranites rejected dissolution of the trust. I had done everything I was supposed to show the court that I could manage my funds such as returning to college to refresh my tax knowledge to get a job, managing my household finances, volunteering, etc....I had created a new healthy life, but still the court cruelly denied me my financial freedom from the abuse of administrators.

In 2015, I asked the court for support in protection from an unconscionable stipulation that I was coerced into signing by my ex-husband and his attorney. Judge Darwin refused to support me and once again supporting my wealthy ex-husband.

In 2019, I once again tried to have the trust dissolved and Judge Cashman ruled that the jurisdiction of the trust was with the Cumberland County Probate Court and would not hear my case.

In 2020, I finally presented my case to Judge Aranson of the Cumberland County Probate, ten years of inception of this egregious trust and was finally given the grace of termination of the trust, but only with the last administrator, my brother Kenneth Aft, giving his consent. And my brother did graciously provide the written consent on August 9, 2021. Less than two weeks later he died, a young man of 62 years old of a very untimely death.

My feeling about having proper oversight, especially in probate cases, is that the administrators have free reign over the assets and can easily abuse, manipulate, terrorize, traumatize, and exploit those that they manage the trusts for. As I was.

I feel very humbled by all of this. The court system which I believe should have protected me created a monster in the form of a trust.

I was told that there would be many benefits that I would be eligible for with the trust, such as SSDI, section 8, etc. But I never received any benefits from it.

In retrospect, I see that surviving divorce and the loss of access to my son took all the life out of me; but on top of that was withstanding the abuse of this trust by the administrators.

During this time I was fortunate in finding God and the belief in myself.

So I am hoping that this commission will incorporate the probate courts into the judiciary system so that what happened to me will not happen to others.

Thank you for your time and attention to my story.

Sincerely, Camille Desoto, nee Carol Aft

Oct 29, 2021