

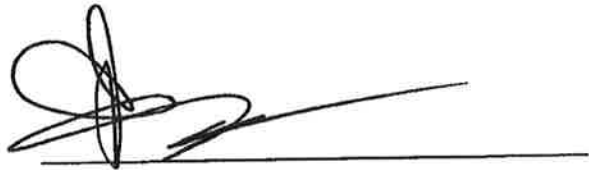
2016GA000477 SB  
IN THE CCIRCUIT OF THE FIFTEENTH JUDICIAL  
COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

Emergency motion for hearing  
Daughter, Paula Barrett Samms, Pro Se files this motion and states as follows:

1. Requesting Guardianship expires. Mavis E Samms, passed away May 11, 2017.
2. Requesting an order to unfreeze Mavis E. Samms's bank account.
3. Requesting Paul Sams, payment arrangement up to Mavis E. Samms passing.
4. Mrs. Savitt has made a mess of my mom's finances.
5. Mavis Samms causing mortgage about to be in foreclosure.
6. Mrs. Savitt caused homeowner insurance to cancel.
7. Before Passing, I took care of all my mom 24 hours a day.
8. I made all medical decision, doctor appointments, paid bills prior to Mrs. Savitt taking over.
9. Mrs. Savitt was not doing her fiduciary duties as a guardian for Mavis Samms.
10. Also, Paul Sam (husband) refuses to continue paying any bills to include payment arrangement made with Mavis E. Samms for car he's driving. He owes for March, April and May \$2,100.00.
11. I am seeking emergency hearing so I can plan a final resting place for my mom, Mavis E. Samms.

Where, Daughter, Pro Se respectfully requests that the Honorable Court Review and Motions that Elizabeth Savitt be removed as guardian and Order to unfreeze Mavis E. Samms bank account. Also, have Paul Sams (husband) pay past due on car, so we can proceed with funeral arrangements.

Date 5/15/17



Paula Barrett Samms  
P.O. Box 211363  
Royal Palm Beach, FL 33421  
561+633-8124

FILED

2017 MAY 15 PM 3:14

CLERK OF COURT  
PALM BEACH COUNTY  
SOUTH CITY BRANCH FILED

Paul. Samm@gmail.com

Paula Barrett Samms  
PO BOX 211363  
Royal Palm Beach, FL 33421

Honorable Howard Coates  
**South County Courthouse**  
200 W Atlantic Ave  
Delray Beach, FL 33444

RE: Guardianship of Mavis E. Samms, Case No 50-2016-GA-000477-XXXX-SB

Dear Honorable Judge Coates:

Enclosed please find the Defendant Pro Se Motion for Emergency Hearing to remove Elizabeth Savitt as guardian. Also, to unfreeze bank account and have Paul Sams pay past due payments.

Mavis E. Samms, passed away on May 11, 2017.

Sincerely,

Paula Barrett Samms

Cc:

Erick Volz, Esq  
Sahar Rodriguez Esq  
Vincent Walker  
Elizabeth Savitt  
Noel Samms

**LAST WILL AND TESTAMENT  
OF  
MAVIS E. SAMMS**

I, Mavis E. Samms, a resident of Loxahatchee, Florida declare this to be my Last Will and revoke all former Wills and Codicils.

**ARTICLE I  
Identification of Family**

In making this Will I have in mind my husband, Noel W. Samms, Sr, and my children, Paula A. Barrett Samms, born 1965, and Noel W. Samms, Jr, born 1972, but does not include any children hereafter born to or adopted by my husband and me. Any reference to a "child of mine" or "my children" shall include the persons, other than my husband, named or referred to in this Article.

**ARTICLE II  
Disposition of Remains**

I direct that my remains be donated to the Catholic Church. I authorize my Executor to carry out these directions and wishes, particularly those for the disposition of my remains.

**ARTICLE III  
Appointment of Fiduciaries**

**A. Appointment of Personal Representative.** I appoint my daughter, Paula A. Barrett Samms, as Executor of my estate.

**B. Bond; Court Supervision.** My Executor shall have the right to serve without bond and to administer and settle my estate without the intervention or supervision of any court, except to the extent required by law. Nothing herein shall prevent my Executor from seeking the assistance of the court in any situation where my Executor deems it appropriate.

**ARTICLE IV  
Specific Gifts**

**A. Gifts of Specified Items of Property.** I give all my interest in certain items of tangible personal property to the beneficiaries designated in this section as

follows:

1. **Specific Gift One.** I give all property/land and property in Jamaica to my daughter, Paula A. Barrett Samms if she survives me. If Paula A. Barrett Samms does not survive me no property shall pass under this Article.

2. **Specific Gift Two.** I give home 16114 E. Secretariat Dr, loxahatchee, Fl to my daughter, Paula Barrett Samms if she survives me. If Paula Barrett Samms does not survive me no property shall pass under this Article.

3. **Gift of Pet.** If my husband does not survive me, I give my pet(s) to my daughter, Paula A. Barrett Samms. Paula A. Barrett Samms, caretaker of my pet, must provide a caring home for my pet. She must continue any and all medications my pet is receiving, and must provide for any medications or treatments my pet may need in the future. She must also continue regularly scheduled veterinarian visits for preventative healthcare maintenance. If my pet(s) does not survive me, no property shall pass under this article.

4. **Gifts by Separate Writing.** I give all my interest in certain items of tangible personal property to the persons designated in a separate writing, which is signed by me, that describes those items of property and directs their disposition. To the extent any such disposition is inconsistent with a disposition made by my Will, or in the event my separate writing is ineffective for any reason, I direct that the provisions of my Will control. Further, if my separate writing directs the disposition of any asset in which I hold only a community property interest, then I direct that my husband be given a legal life estate, without power of sale, with respect to such asset.

B. **Insurance.** I give to each recipient of an item of tangible personal property my interest in any insurance covering the item. My purpose in making this gift is to give each recipient the benefit of insurance coverage for which I have already paid. It is not my intention to give any recipient the proceeds of an insurance claim that exists but is unpaid at my death.

## **ARTICLE V**

### **Disposition of Residue**

A. **Provision for Descendants.** I give 75% of the rest and residue of my estate, wherever located (hereafter referred to in this Article as "residue"), to my daughter, Paula A. Barrett Samms if she survives me. I give 25% of the residue to my son, Noel W. Samms, Jr if he survives me.

1. **Provision for Others.** If I am not survived by any of my descendants, I give the entire residue to my heirs.

**ARTICLE VI**  
**Alternative Methods of Distribution**

**A. Purpose of Article.** Recognizing that under certain circumstances the terms of this Will may direct that property be distributed outright to a person who is under age twenty-one (21) or under a legal disability; I make the following provisions to facilitate the distribution of property to such persons.

**B. Alternative Methods.** Whenever the terms of this Will direct my personal representative (referred to in this Article as the "fiduciary") to distribute property outright to a person who is then under age twenty-one (21) or under a legal disability, the fiduciary may retain pursuant to Paragraph C. of this Article or distribute all or any portion of that property in any one or more of the following ways:

1. Delivery directly to the beneficiary;
2. Delivery to the parent or stepparent of the beneficiary;
3. Delivery to the guardian of the beneficiary's person or property;
4. Delivery to any Custodian for the beneficiary under the Uniform Gifts to Minors Act;
5. Delivery to any then existing trust created for the beneficiary;
6. Deposit in a financial institution in an account established in the name of the beneficiary alone pursuant to the laws of the State of Florida;
7. Storage of any tangible personal property in safekeeping with the costs of storage to be borne by the beneficiary; or
8. Sale of any tangible personal property and delivery of the proceeds in any manner permitted by this Article.

Provided the fiduciary acts in good faith, upon delivery of any property in accordance with the provisions of this Article, the fiduciary shall be discharged from all responsibilities in connection with the property.

**C. Discretionary Trust.** Any property not distributed as provided in Paragraph B. of this Article shall be retained by the fiduciary in trust for the beneficiary on the following terms and conditions: During any period in which the beneficiary is under a legal disability or under twenty-one (21) years of age, the fiduciary shall pay to or apply for the benefit of the beneficiary so much of the income and principal of the trust as

the fiduciary, in its sole and absolute discretion, determines is advisable for the beneficiary's health, support, education and general welfare. At such time as the beneficiary is neither under a legal disability nor under age twenty-one (21), the fiduciary shall distribute any remaining trust assets to the beneficiary. If the beneficiary dies before all of the trust assets have been distributed, the fiduciary shall distribute any remaining trust assets to the beneficiary's estate.

## **ARTICLE VII** **Administrative Provisions**

**A. Powers and Duties of Personal Representative.** My personal representative shall have all of the powers and duties granted to or imposed upon personal representatives serving with non-intervention powers pursuant to the laws of the State of Florida.

**B. Debts and Expenses.** All expenses of administration chargeable to principal, the expenses of the disposition of my remains, and all my legitimate debts, if and when paid, shall be paid from the principal of my residuary estate. No debt need be paid prior to its maturity in due course and except as otherwise provided in this Will no interest in any property passing under this Will need be exonerated.

**C. Taxes.** All estate, inheritance or other similar death taxes, together with any interest or penalties thereon, arising by reason of my death with respect to any property includable in my taxable estate, and any adjusted taxable gifts, whether passing under or outside of this Will, shall be paid from the principal of my residuary estate without reimbursement from the recipients or beneficiaries of such property, provided, however, that in the event any proceeds of insurance upon my life or any property over which I held a power of appointment are included in my estate for purposes of determining the federal estate tax liability of my estate, then the residue of my estate shall be entitled to receive from the recipients of any such proceeds or property the portion of such federal estate tax liability attributable to such proceeds or property determined in accordance with IRC §§ 2206 and 2207.

## **ARTICLE VIII** **Miscellaneous**

**A. Number and Gender.** Unless the context indicates a contrary intent, the plural and singular forms of words shall each include the other, and every noun and pronoun shall have a meaning that includes the masculine, feminine and neuter genders.

**B. Survival.** To "survive" me, as that term is used in this Will, a person must continue to live for thirty (30) days after my death.

**C. Descendants.** The "descendants" of an individual include only the following:

1. All such individual's biological descendants, except any person not born in lawful wedlock and his descendants, unless the biological parent who would otherwise cause him or her to be a descendant has acknowledged paternity or maternity in legitimation proceedings, or in an unambiguous signed writing identifying such person by name, or by raising such person in the same household; and
2. Persons adopted by such individual or one of his or her descendants, and their descendants.

If the parent, who would cause a person to be a descendant as defined above, is replaced in an adoption proceeding, such person shall remain a descendant unless such parent voluntarily consents to the relinquishment of his or her status as parent in connection with such adoption proceedings.

**D. Heirs.** The term "heirs" shall mean those persons entitled to inherit under the then-applicable laws of the State of Florida governing the descent of an intestate's separate estate. They shall inherit in their statutory proportions. If the provisions of this Will call for a distribution of property to my heirs or the heirs of any other person and the event giving rise to the requirement for such distribution takes place at a time later than my death or the death of such person, the determination of the identity of such heirs shall be made as if I (or such other person) had died on the date of the event giving rise to such requirement for distribution.

**E. Exclusion of Pretermitted Heirs.** Other than as set forth in this Will, I make no provision for any child of mine or descendant of a deceased child of mine. I specifically make no provision for any person (whether now living or hereafter born), other than a child named or referred to in Article I or a descendant of mine as defined in this Will, who may be entitled to claim an interest in my estate under the laws of the State of Florida.

**F. Legal Disability.** A person is under a legal disability if my personal representative determines, in good faith, that the person is incapable of managing her property or of caring for herself, or both, or is in need of protection or assistance by reason of physical injury or illness, mental illness, developmental disability, senility, alcoholism, excessive use of drugs, or other physical or mental incapacity.

**G. Title to Real Property.** Upon my death, title to any real property passing under this Will shall vest in my personal representative in his fiduciary capacity and shall remain so vested until my personal representative distributes or sells that property, at which time title shall vest in the distributee or purchaser.

**H. Disclaimer.** Except as may be otherwise specifically provided in this Will, in the event that any beneficiary disclaims an interest arising out of this Will or any trust created herein it is my intention that the interest disclaimed shall be distributed in the same manner and at the same time as if the disclaiming beneficiary had died immediately preceding the event pursuant to the laws of the State of Florida.

**I. Governing Law.** The provisions of this Will shall be interpreted in accordance with and in light of the laws of the State of Florida.

**J. Corporate Successors.** Whenever a corporation or other business entity is referred to herein, the reference shall include any successor organization.

**K. References to Statutes.** In this Will, the abbreviation "IRC" shall refer to the Internal Revenue Code of 1986 as amended.

I have initialed and dated for identification purposes all pages of this, my Last Will, and have executed the entire instrument by signing this page on the 9 day of June, 2016, at Lauderdale, Florida.

\_\_\_\_\_  
Mavis E. Samms

**Attestation and Statement of Witnesses**

Each of us declares under penalty of perjury under the laws of Florida that Mavis E. Samms, the Testator, signed this instrument as her Last Will in our presence, all of us being present at the same time, and we now, at the Testator's request, in the Testator's presence, and in the presence of each other, sign below as the witnesses, declaring that the Testator appears to be of sound mind and under no duress, fraud, or undue influence.

Charles Vincent Walker [Witness Signature] [Signature] [Witness Signature]

CLIFTON WALKER VINCENT WALKER  
[Print Name] [Print Name]

Residing at 8161 SW 7ST Residing at 1511 NW 43rd Ave Apt  
N LAUDERDALE FL 33068 Lauderdale Hill FL 33313 103





**Section for Notary Public:**

Subscribed, sworn and acknowledged before me by the said Mavis E. Samms, Testator,  
and by the said Clifton Walker and

Vincent Walker, witnesses, this 9 day of June, 2016



FRANK RUBBA III  
MY COMMISSION # EE 223725  
EXPIRES: August 17, 2016  
Bonded Thru Budget Notary Services

*[Handwritten Signature]*

[Signature of Notary]

Frank Rubba III

[Print or stamp name of Notary]