

Walser, Adam, Family fight over money lands Florida woman under state court control, Tampa Bay 28 (Apr. 17, 2024) <https://www.tampabay28.com/news/local-news/i-team-investigates/the-price-of-protection/family-fight-over-money-lands-florida-woman-under-state-court-control>

Family fight over money lands Florida woman under state court control

Guardian uses multi-million dollar estate to sue ward's child

ST. PETERSBURG, Fla. — Our ongoing series [“The Price of Protection”](#) has exposed problems with Florida’s court-appointed guardianship system for more than a decade.

Professional guardianship is supposed to protect vulnerable seniors from isolation, neglect, exploitation and abuse.

A judge can appoint a stranger to make life and financial decisions for those people who have been declared incapacitated.

Here in Florida, a person is alleged to be incapacitated after an evaluation by a panel of three healthcare professionals, including one physician.

“Things are getting worse and worse”

88-year-old Marie Lang was declared incapacitated in 2018 and appointed a professional guardian.

At that time, she lost most of her rights.

Marie has called the I-Team multiple times, complaining about being under guardianship.

“Adam, this is Marie Lang in St. Petersburg,” she said in one voicemail message. “I need some help fast, please. I don’t know what to do, and things are getting worse and worse. I just don’t know what to do anymore!”

The call was made to an unlisted cell phone.

We met Marie outside her senior care facility in early April.

“I’m not going to live much longer, and I don’t want to live like this,” Marie said. “I think I should be free to do what I want, go where I want with who I want.”

Lang retained her right to vote and to make decisions about her social environment and other social aspects of her life when she was declared incapacitated.

She lost other rights, including the rights to consent to medical treatment, to determine residence, to marry, to apply for government benefits, to travel, to have a driver’s license, to seek and retain employment, to contract, to sue and defend lawsuits, to seek and retain employment, to manage property and income and to make any gift or disposition of property.

“It’s terrible that I can’t go out with my son. I have to ask permission. That’s not right. He’s my family. He’s the only one I have here,” Lang said.

Family trust at center of dispute

Kurt Lang cared for his mother after her husband died in 2006.

He’s one of five children but the only one in Florida.

His sister Kim Silver, who lives in Michigan, said Kurt has been devoted to his mom.

She said he played a major role in helping her with her day-to-day life before she was appointed a professional guardian.

“Basically, to help her pay bills, to take her to appointments, to go walk the dog,” Silver said.

“I would have to hire three or four people to do that, and he did everything,” Marie said.

Kurt began managing Marie's trust in 2012 after she had a stroke.

Marie designated him as her pre-need guardian and power of attorney in 2016.

The next year Kurt petitioned for guardianship, alleging in the petition that his out-of-state brothers attempted to “unduly influence her” by repeatedly asking Marie for money.

“They just wanted everything right away. And I said I'm sorry, but it doesn't work that way,” Marie said.

Kurt's brothers filed a counter-petition, accusing Kurt of tricking his mother into deeding her condo to Kurt.

In that petition, the brothers requested a professional guardian, which a judge approved.

“They didn't want him around me because they thought he was influencing me, but he doesn't. He's just doing what his father told him to do,” Marie said.

The 2006 Marie Lang Living Trust said, “Our real estate in Florida shall pass to our son Kurt W. Lang outright.”

“I was on the deed for my mom's condo, alright. And they were jealous of that,” Kurt said.

Marie's money funds lawsuit against her son

Marie's guardian sued Kurt months later over the deed transfer and allegations that Kurt diverted \$1.5 million from her accounts.

“It's all false. It was a jealousy that Kurt was there. That Kurt was taking care of my mother,” Silver said.

Kurt said the money was used to pay his mother's bills, and his attorney responded that Marie had knowledge of and consented to those transactions.

Marie's guardian filed the lawsuit on behalf of Marie, and her money was used to fund the suit against her son.

“I even had to pay her lawyers to do it,” Marie said.

Kurt said mounting legal bills forced him to settle.

“In order for them to stop the lawsuit, I had to sign off on the deed for the condo, and she sold it,” Kurt said.

The condo sold for \$565,000 and Kurt received \$150,000 in the settlement.

IRA transferred to new beneficiaries after incompetency evaluation

Kurt later learned his mother's individual retirement account, worth about \$1 million, was mysteriously moved to another state, and the beneficiary had been changed.

“I'm very curious to know why I was taken off as a beneficiary on an account,” Kurt said.

He said the account was moved to another bank, and the beneficiaries were changed after doctors had evaluated Marie and determined her to be incapacitated but before a judge appointed a professional guardian.

Marie denies signing anything to change her IRA in early 2018.

“It's up in Connecticut. I said what's it doing up there? That's where my son lives,” Marie said.

She said that son was not originally a beneficiary upon her death.

“None of them were. Only Kurt,” she said.

Kurt sued his brothers in 2022, claiming in the complaint, “They conspired to deceive, coerce, exert undue influence or otherwise fraudulently convince Marie Lang to remove Kurt as sole beneficiary and substitute the Defendants.”

A judge dismissed the lawsuit, saying the claims can't be brought until Marie's death.

Florida Second District Court of Appeals heard appeal of lower court's ruling that dispute over IRA beneficiary designation could not be resolved until Lang's death

Marie said she never testified about signing the document to transfer the account.

Kurt's attorney appealed, asking for Marie to be deposed in the case.

“Don't we all want to know what went on Feb. 18, 2018? When all of the sudden the beneficiaries were changed from my client singularly to the three defendants?” attorney Robert Heyman said in a hearing.

After months of consideration, the judges denied the appeal.

Marie and daughter complain about guardian's spending

Marie and Silver filed complaints with state and local agencies, including the Florida Office of Public and Professional Guardians and the Pinellas County Inspector General.

Among their complaints is that Marie's money is wasted on hiring private nurses who they say aren't needed at her full-care senior living facility.

“They told me they had to write down anybody that came, who they were, how long they stayed and what we talked about,” Marie said.

Judge warns family

Pinellas County Probate Judge Pamela Campbell, who is currently assigned to Marie's case, appointed a court monitor.

A recent investigation by the court monitor found no wrongdoing by the guardian.

In an order, Judge Campbell wrote, “The Court has repeatedly warned the family not to discuss their drama and negative suspicions with their mother.”

Order from Judge Pamela Campbell warning family not to discuss disagreements with Marie Lang

She warned in the order, “These visits and telephone calls may need to truly be monitored, or restricted.”

Marie said she's told her guardian how she feels about the situation.

She said her guardian told her, “That's just the way it is.”

We're not naming Marie's guardian because multiple investigations have not uncovered evidence of wrongdoing.