

SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE KINGDOM OF HEAVEN FOUND A SEAN

Plaintiff

- and -

JOHNSON *et al.*

Defendant

P R O C E E D I N G S A T M O T I O N

BEFORE THE HONOURABLE JUSTICE M. SMITH
on MONDAY, OCTOBER 23, 2023 at OTTAWA, Ontario

APPEARANCES:

Sean Von Dehn

Self - In Person

J. Vickery

Agent for N. Milton

C. Crisman-Cox

Counsel for the Defendant

SUPERIOR COURT OF JUSTICE

T A B L E O F C O N T E N T S

(i)

[sic] - Indicates preceding
word has been reproduced
verbatim and is not a
transcription error.

(ph) - Indicates preceding word
has been spelled phonetically.

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MONDAY, OCTOBER 23, 2023

5 CLERK REGISTRAR: Oyez, oyez, oyez, anyone having
business before the King's Justice of the
Superior Court of Justice attend now and you
shall be heard. Long live the King. Please be
seated. You are not permitted to make any
recording of the proceedings or take photos, or
screen captures of the proceedings. It is an
10 offence under Section 136 of the *Courts of
Justice Act* and it may constitute contempt of
court for anyone to copy, record, screenshot,
photograph, publish, or broadcast a court hearing
or any portion of it, or otherwise disseminate
such a record including on social media and/or
15 other internet sites without express permission
of the Court.

MR. VICKERY: A quick roll call, Your Honour,
whenever you're ready.

20 THE COURT: Yes, go ahead.

MR. VICKERY: My name is Joshua Vickery, I'm an
associate lawyer with Kelly Santini and I'm here
today as the agent for Neil Milton.

THE COURT: Thank you.

25 MR. VICKERY: Also, Christopher Crisman-Cox, he's
here for the other moving party, Michael Von
Dehn.

MR. CRISMAN-COX: Good morning, Your Honour.

THE COURT: Good morning, thank you.

30 MR. VICKERY: The self-represented plaintiff,
Sean Von Dehn.

SEAN VON DEHN: Objection, Your Honour, this is one of....

CLERK REGISTRAR: Stand up, please. Thank you.

SEAN VON DEHN: This is one of the main issues that I'm going to be addressing today. I'm going to wait until both of the other moving parties have had an opportunity to present their

materials, but I have repeatedly and explicitly asked all of the opposing counsel to respect the fact that I am not self-represented. This is the *Kingdom of Heaven Found A Sean v. Johnson et al.*

I am not the Kingdom of Heaven Found A Sean. I don't know how anybody could make that mistake.

My name is Sean, I go by King Sean, House Von Dehn. I am the trustee and executor of the Kingdom of Heaven Foundation A Sean. This is a trust claim today. And the charge really is breach of trust, and Tanja basically abdicating her duties allegedly as the state trustee.

THE COURT: Okay thank you.

SEAN VON DEHN: Thank you.

THE COURT: Alright, so I see that....

SEAN VON DEHN: Oh, sorry. One more thing, Your Honour. Because of what the justice said before, there has been an incredible amount of contempt on behalf of the other party and for the purposes both of a trust obligation - this is my father's estate that I'm here to represent today, and this matter is very, very important to me. I promised the Court in other correspondences before this matter today that I would not record the proceedings today because opposing counsel was

5 taking exception to the fact that I had done that
previously. I have been publishing the audio of
these recordings to my blog and I've asserted
that I have the right to do that under Canada's
Constitution which allows for uninhibited
recordings and public access to proceedings. I am
a rogue journalist, I am a freelance journalist,
and my duty and obligation is to protect the
inherent rights of Canada's people. So, I believe
10 it's very important that the public have an
opportunity to see what happens in this courtroom
today, especially under the circumstances which I
believe you will understand as the day develops.

THE COURT: Okay thank you.

15 SEAN VON DEHN: Thank you.

THE COURT: I am just going to reiterate that it
is strictly prohibited to do any - to take any
recordings, audio recordings, and I am going to
remind you that it is in accordance with Section
20 136 of the *Courts of Justice Act* and Section
136(4) of the *Justice Act* indicates that every
person who contravenes this section is guilty of
an offence and on conviction is liable to a fine
of not more than \$25,000 or to an imprisonment
25 for a term of not more than six months, or to
both. So, you are prohibited to make that
recording and that is going to be maintained for
the duration of this hearing.

SEAN VON DEHN: Okay well, I am....

30 THE COURT: No, so sir.

SEAN VON DEHN: Sir.

THE COURT: Sir - no, sorry. I have made my ruling. This is not going to get - this is not up for debate, okay?

SEAN VON DEHN: Okay.

THE COURT: You will have your turn to speak when the time comes. This has been scheduled for two motions for summary judgement. Justice Somji has indicated that there is a strict timeline to be followed by each party. Each defendant will have 30 minutes. The plaintiff will have 45 minutes and then the defendants will have the reply, if required, of 15 minutes each. And so, I will be monitoring. I have read all of the materials and so, we are ready to proceed.

MR. VICKERY: Thank you, Your Honour. And just last for the roll call, Tanja Johnson is here as well as an observer, just so you're aware. Your Honour, this is a pair of summary judgement motions being brought by the remaining defendants to this action. Both defendants will be submitting that there is no genuine issue requiring a trial in this proceeding. First, I'll be providing a list of key dates that I think are relevant to this motion if needed, Your Honour said you reviewed the materials so I can skip that if needed. Second, we'll be looking at the plaintiff's statement of claim and the plaintiff's standing to bring an action. And third and final, we'll be looking at the broad categories of allegations outlined in the plaintiff's claim and why those allegations show no genuine issue requiring a trial.

5 So, first, a timeline. On October 29th, 2019 the deceased, Joachim Von Dehn passed away. As far as the parties then knew, he died intestate and he was survived by three children, all adults; Sean, Tanja, and Michael. The estate is worth approximately \$350,000 - very modest as far as litigated estates go. On March 24th, 2022, Tanja filed an application for a certificate of appointment in Bracebridge. Michael consented. 10 Sean objected. The application is included as Exhibit No. 9 to Tanja's supporting affidavit, and that's CaseLines master page number 3-3-1. On May 6th, 2022, Justice Casullo ordered Sean's notice of objection to be removed so that Tanja's application could proceed. His Honour's 15 endorsement can be found at Exhibit T of Tanja's supporting affidavit, CaseLines master page number B-1-360.

20 MR. CRISMAN-COX: Sorry, can you repeat the previous exhibit?

MR. VICKERY: Exhibit T, and the one...

MR. CRISMAN-COX: And the one before that?

MR. VICKERY: The previous exhibit was Exhibit N.

MR. CRISMAN-COX: Thank you.

25 MR. VICKERY: On August 4th, 2022, Sean had issued a statement of claim against his siblings and against Hala Tabl, the solicitor who prepared Tanja's application for a certificate of appointment. Sean's statement of claim can be 30 found on CaseLines as item number 47 in the defendant's documents starting at master page number B-1-198. On October 27th, 2022 the Court

5 issued a certificate of appointment to Tanja, and
that's at Exhibit U to Tanja's supporting
affidavit, CaseLines page number B-1-365.
Procedurally, on January 25th and June 12th of
this year the parties appeared at case
conferences before Associate Justice Kaufman as
His Honour then was. His Honour found that this
claim was amenable to summary judgement and that
10 the plaintiff did not oppose scheduling these
motions. The case conference endorsements, if
needed, are on CaseLines as items 89 and 90 of
the defendant's documents starting at CaseLines
page number B-1-427. These motions were scheduled
to proceed in September 2023 before Justice
15 Somji, they were adjourned to today's date
because of concerns about a virtual hearing being
recorded and so, here we are today. And it was
noted at that time that the defendants would seek
costs thrown away for having to prepare and
20 attend at the September motion date. Any
questions with respect to the timeline?

THE COURT: No, thank you.

25 MR. VICKERY: Thank Your Honour. Secondly, I'd
like to turn to the statement of claim itself and
I'd ask Your Honour to turn to that document.
It's the first document listed under defendant
one on this CaseLines bundle and it should be
entitled "Issued Statement of Claim, 22-08-04".
This is a handwritten document, style of clause
30 with the claimant as the Kingdom of Heaven Found
A Sean, an expressed trust organization with
what, I assume, is Sean's thumbprint. I believe

Found A Sean is a play on the word "foundation".
If Your Honour could turn to the prayer for
relief starting at page 202 on CaseLines.

THE COURT: Yes.

MR. VICKERY: In his claim, Sean seeks payment of
\$895,863.60. That's an amount that's nearly
triple the value of this estate. He then goes on
to claim the deceased's home, a monthly ounce of
gold while that home was being rented out,
commercial liens over his siblings' properties,
and a 2023 Porsche to compensate him for the sale
of the deceased's vehicles. Plenty of demands but
nowhere in this 62-paragraph claim has the
plaintiff pleaded a cause of action. There are
not legal claims articulated against the
defendants and that's the first issue with the
claim itself. The second issue is that named
plaintiff has no standing to bring a claim. As
mentioned, the named plaintiff is listed as a
trust foundation. To have legal capacity to bring
a claim a party must be one of three things; 1) a
natural person; 2) a corporation; or 3) a body
given capacity by a legislation. And the
authority for this rule can be found in *Jackson*
v. Toronto Police Association [2008] CanLii
68152. And more recently in *Ora Trustee Ltd. v.*
Wade [2022] ONSC 1427. Justice Hooper in this
Courts decision of February 2nd, 2023 has already
found that the plaintiff here meets none of the
requirements to have legal capacity. Her Honour
decided this in the context of dismissing the
plaintiff's claim against solicitor Hala Tabl.

5 The citation for that decision is 2023 ONSC 605.
The defendants submit that this alone ought to be
sufficient to dispose of the plaintiff's claim in
its entirety, however, moving to the allegations
in the claim itself - and this is the third and
final topic of my submissions. Sean's
allegations, I think, can be split into three
broad categories. One, procedural allegations
regarding Tanja's certificate of appointment.
10 Two, inheritance allegations, effectively arguing
that he is the sole beneficiary of the estate by
virtue, I think, of being the eldest sibling. And
three, allegations relating to estate property.

15 First, procedural allegations. These, in our
submission, are either factually incorrect,
cannot form the basis for a legal claim against
the defendants, or both. Tanja's affidavit sets
out in great detail the steps that she took in
order to finally obtain a certificate of
20 appointment. None of that evidence has been
contradicted by Sean, who has declined to submit
any affidavit evidence and respond - in response
to these motions. And Tanja was not cross-
25 examined on her affidavit. If Sean disagreed with
the Court's orders in relation to the application
for a certificate of appointment then he ought to
have appealed or sought to vary the orders and he
did neither. The facts alleged by Sean with
30 respect to the probate procedure give him no
cause of action against the defendants and no
cause of action, is in any event, pleaded in the

claim. There is, therefore, no genuine issue requiring a trial in this regard. Second, inheritance allegations. And these allegations are, in our submission, the most plainly frivolous. Sean claims to be the estates sole beneficiary by virtue of being the eldest child in the "order of succession". Sean argues that Tanja is especially disentitled because she married and gave up the family name and is therefore not really part of the family anymore. Your Honour, this is neither 14th century England nor is this Game of Thrones, there's no primogeniture. Beneficiaries in an intestacy are well established by the *Succession Law Reform Act*, Section 47 of that act makes Sean, Tanja, and Michael equal share residual beneficiaries as the surviving issue of their late father. There is, however, this issue of mysterious handwritten document appointing a friend, Tiffany Singh (ph) as executor, cropped up earlier this year when Hala Tabl was contacted by solicitor Greg McDonald in February 2023 saying he had the original of this document. The handwritten document is dated February 12th, 2012. It's included as Exhibit X to Tanja's supporting affidavit. And I'd ask Your Honour to turn to that document now. It's at CaseLines master page number B-1-377. And that's Exhibit X to Tanja's affidavit.

THE COURT: Sorry, just a moment.

MR. VICKERY: Of course.

THE COURT: What is the CaseLines number again?

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5 MR. VICKERY: Three-seven-seven. If you go straight to Exhibit X, it starts with the e-mail from Mr. McDonald, so you just need to scroll to, I think, the next or the following page after that.

THE COURT: Yes, thank you.

10 MR. VICKERY: Thank Your Honour. This document appears to have been made in contemplation of an upcoming surgery. It divides the estate into three portions, leaving one portion to each of the following individuals: 1) the executor, Tiffany Singh; 2) the deceased's brother Detlaff (ph); and 3) the deceased's son Michael, the co-defendant. As can be seen, Sean has nothing to gain from this handwritten document. He would be excluded from the estate entirely if it were administered. I note this for the purposes of today only because it introduces a second alternative scenario for the distribution of the estate. So, there are two scenarios. One, either the estate will be distributed in accordance with the intestacy rules under the *S. L. R. A.* Or two, the estate will be distributed in accordance with the handwritten document in which case, Sean gets nothing. In neither of those two alternatives is Sean the sole beneficiary of his father's estate and therefore there is no genuine issue requiring a trial in this regard.

30 Third and final, the property allegations. Sean makes a series of allegations about estate assets including his right to the deceased's home, his

right to the deceased's vehicles or a 2023 Porsche in lieu of, and an allegation that the defendants failed to realize on the full value of the deceased's home. Again, no actual cause of action has been pleaded but these are the allegations of fact that can be inferred from the claim. Tanja's affidavit addresses the sale of the deceased's home, being the estate's only major asset under power of sale, and Michael's affidavit addresses the fact that because of the surge in real estate prices, the power of sale actually netted for the estate far more money than would have been realized had the property been sold in early 2020. Now, this is a summary judgement motion. All parties including the plaintiff are obliged to put their best foot forward and despite this obligation, Sean has submitted no evidence to substantiate any claim to the deceased's home or the deceased's vehicles. It's possible that he believes these rights flow from his stated position as eldest sibling. In any event, he has no ascertainable damages with respect to the estate property and without any claim for those damages there is no genuine issue requiring a trial in this regard.

And so, circling back to the relief sought here today. One, the claim should be struck in its entirety as the plaintiff lacks capacity as a party. Two, summary judgement should be granted in Tanja's favour for all issues raised in Sean's claim. Sean has submitted no responding affidavit

5 evidence despite his obligation to put his best
foot forward here today. Tanja has, in our
submission, demonstrated that there is no genuine
issue requiring a trial. Third and final, and
this is in the alternative, if the Court is not
satisfied to strike the claim in its entirety or
to grant total summary judgement in Tanja's
favour then Tanja also seeks the striking of
10 paragraphs 54 through 62 inclusive of the
statement of claim which are either inflammatory
comments about this - Tanja disgracing the
family, or unattributed quotes from equity that
have no place in a statement of claim. Your
Honour, subject to any reply and subject to any
15 questions from the bench, those are my
submissions on behalf of Tanja.

THE COURT: Thank you.

MR. VICKERY: Thank Your Honour.

THE COURT: You ready?

20 MR. CRISMAN-COX: Yes, Your Honour. I - would you
- I believe in Justice Somji's endorsement there
was 45 minutes in response to the first motion.

THE COURT: Oh, I - sorry, maybe I read it
mistakenly. I thought it was....

25 MR. CRISMAN-COX: But I can proceed now, if you
wish.

THE COURT: Hold on, I thought it was 45 minutes
for both. Let me just reread it.

30 SEAN VON DEHN: I thought it was 45 minutes each,
and I am happy to let each go first.

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THE COURT: Plaintiff's responding party to this will have 45 minutes for submissions. It does not say for each - for each defendant.

MR. CRISMAN-COX: Okay, I'm happy to proceed however you wish, Your Honour.

THE COURT: Yes, go ahead.

MR. CRISMAN-COX: Okay. Morning, Your Honour. As you've heard, this is a summary judgement motion. I act for the other remaining defendant, Michael Von Dehn. This is an estate matter. It's in regard to the estate of Joaquim Von Dehn who died October 29th, 2019. He was not survived by any spouse, he was survived by his three children who I'll refer to throughout by their first names for convenience, Sean, Michael, and Tanja. Now, first and foremost, the plaintiff here as has already been determined, lacks legal capacity to bring this claim. The plaintiff's stated name is Kingdom of - the Kingdom of Heaven Found A Sean, in parentheses, an express trust organization. And it's - we need to ask who or what is the plaintiff? It purports to be a trust of some kind, however, even assuming that that's the case, a trust does not have an independent legal identity and does not have legal capacity to commence a claim. It's different from a corporation in that regard; it's obviously not a natural person, it's not a corporation, it's not a body that's been endowed with the ability to commence a claim by any legislation. It's a trust, and a trust is really just a description of the relationship between a trustee and a

beneficiary, but it's not actually a separate legal entity. Now I mentioned that that - this issue has already been decided in this very case, and that was in the decision of Justice Hooper at a previous motion in this matter brought November 2022. At paragraphs 13 to 15 of that decision there is a discussion of what the requirements are to have the legal capacity to commence a claim and it was determined that the plaintiff simply quite plainly did not - was not able to commence this claim as it is not a separate legal entity. And so, on that - the same result should apply here, Your Honour. On that basis alone, all the claims against Michael Von Dehn should be dismissed. But we do wish to go further on this motion, we are asking that all the claims against Michael be dismissed with prejudice for Sean Von Dehn to commence such claims in his own name. It's clear, in my submission, from the evidentiary record that the claims are effectively being brought by Sean Von Dehn. It's also clear that these claims cannot succeed and that there is no genuine issue requiring trial. And so, we do ask that this motion does - on the decision, that it does indicate that the decision is with prejudice to Sean Von Dehn to recommence such claims.

Now what are the claims? You've been taken to the statement of claim already Your Honour, and you've indicated that you've read it, so I won't take you to it in CaseLines. But at paragraph one

of the statement of claim there's a list of various relief, about \$900,000 in cash plus interest, a claim for the property itself at 1070 Hewitt Street in Gravenhurst, that was the deceased's home. Another claim for an ounce of gold for every month that a foreign tenant unlawfully remains at the home. And other claims for a lien of some kind on my client's assets, and with respect to his business, pending the disposition of this matter. Now, it appears from reading the remainder of the statement of claim - although it's not pleaded clearly, that primarily these claims and the financial aspect of the damages, and the claim for the property and gold and so on, really relates to the sale of the deceased's home through the power of sale process. And so, at paragraph 15 in particular in the statement of claim, it states that Mike failed to honour any of Joachim's obligations and allowed the mortgage to go into default. So, that's probably where it's most clearly articulated as to what's actually being claimed against Michael. Also at paragraph 42 in the statement of claim, it states Tanja Johnson and Mike defaulted on Joachim's mortgage so that Sean would be forced to sell the home under power of sale. So, again, that seems to be the crux of the matter is the home being sold through power of sale. Now, I'm going to discuss it in more detail but at the outset, the short answer to that is that Michael was not the estate trustee. He never applied to be the estate trustee, he never sought

a certificate of appointment, and he did not undertake to act at all with regard to the mortgage and the power of sale process. Quite the opposite, Sean undertook to interact with the lender to try to avoid the discharge. So, not being the estate trustee and not undertaking himself to intermeddle with the power of sale process, he simply had no duty to the beneficiaries to administer the estate or to do anything in particular with respect to the power of sale process. Michael was simply a beneficiary of the estate and on that basis these property mismanagement claims cannot succeed. Now, the second category of claim is this idea that Sean is somehow entitled to the entirety of the estate by virtue of being the first-born child. And that's set out at paragraph 57 in the statement of claim where it says Sean Stephen Von Dehn does hold the supreme right claim of right upon Joachim Heinrich Von Dehn's estate as the next of kin in the order of succession. Short answer to that, as you've already heard, primogeniture has no place in the current law of Ontario. This is just simply incorrect as a matter of law. The next category of claim, which is set out at paragraph 16 to 20, is with regard to Michael disposing of the deceased's ashes improperly in some way. I'll get into that in more detail later in my submissions. And the fourth and final category of claims that we can parse out is the idea that Michael did not provide a certain letter to Sean that he found in the deceased's

5 home. And that's at paragraphs 36 to 38 of the
statement of claim. The short answer to that is
that he actually did provide the letter and
several months before the statement of claim was
issued, although ultimately, not much turns on
it. There's nothing in particular of note in the
letter except that there was some type of falling
out between Sean and his father. But regardless,
10 Michael has provided that letter to him. Now, in
order to address in more detail the property
management claims I will just take you through a
general chronology of the estate. Some of the
things....

15 THE COURT: I have read the material.

MR. CRISMAN-COX: Okay, I will be....

THE COURT: Yes, I do not think the chronology is
required.

MR. CRISMAN-COX: I'll - fair enough, Your
Honour.

20 THE COURT: Thank you.

MR. CRISMAN-COX: I'll touch on it - I'll just
bring out a few points...

THE COURT: Sure.

25 MR. CRISMAN-COX: ...Then. I will - I'll just
mention early on in the estate that my client was
approached by a lawyer, Greg McConnell (ph), who
said that he was consulted by this woman Tiffany
Singh who apparently had some will of the
deceased. My client was never shown the original
30 of that will and - but he was being told by a
lawyer that this was the executor so he did reach
out to Sean and Tanja, got their agreement to

cooperate with her and then he did provide her with the ashes. And it's - it's clear from the text message exchanges which are at Exhibit D and E of my client's affidavit, that he did talk to Sean about cooperating with Ms. Singh and Sean said he was okay with that. That's the exchange at Exhibit D. And then a bit later confirmed that he had provided things to Ms. Singh, and again, Sean indicated he was agreeable to that. And he had told her just - sorry, he had told Sean just a bit before that, as he says in his affidavit, that that would include the ashes being given to her. So, thereafter Ms. Singh disappeared essentially. She became very hard to get in touch with and eventually stopped responding at all. I will just go on to say that because of that situation, because it seemed that there was no valid will out there given Ms. Singh's disappearance and her never providing the will itself, it seemed that it was an intestacy and so the three siblings had to do something to get this moving along. So, Tanja then submitted an app - sorry, application for a certificate of appointment in spring 2020. Sean was initially onboard with that and then completely turned against Tanja. And I won't take you through all the various messages that are in the evidentiary record, but suffice it to say there's a lot of nasty things being said about Tanja. Michael just withdrew his consent eventually to the application just because of the stress of the situation. Thereafter, the estate was left

without anyone applying to be the administrator. At that point, the house needed to be dealt with. It was - the mortgage was in default, the power of sale process was going to be initiated. Sean was the one that began corresponding with the lender and he was given the opportunity to pay off the mortgage. He provided a handwritten statement with his thumbprint as a way to purportedly discharge the mortgage. Of course, that wasn't accepted. Ultimately, the power of sale went through, the home was sold. There's now a little bit more than \$300,000 in proceeds that came from that which is now in the estate. And Tanja applied then to be estate trustee a second time and that time her application was granted. Without Sean's consent and the judge that made the endorsement allowing for that to proceed indicated he had considered the notice of objection from Sean and was content it should be vacated. So, having gone through that, the simple fact remains that Michael at no point during any of that was the estate trustee. It was Tanja that was applying both times to be the estate trustee. It was Sean that was trying to deal with the mortgage and the power of sale. Michael was generally staying out of it so he does not have a duty to the other beneficiaries with respect to this home and with respect to the power of sale. There's really nothing he could have done. He would have had to apply to be estate trustee and then and only then would he have actually been able to deal with the situation and get the house

5 sold but he didn't do any of that. Early on in the estate, as I mentioned, he undertook a very limited number of actions. He gave the ashes to Ms. Singh, also as indicated in the record, he handled a fairly urgent situation with the deceased's boat which no one took any issue with. So, at most, he could be characterized as what's called a trustee de son tort with respect to those very limited number of actions. Meaning if he did something improper with regard to that boat or the ashes then there could be liability for those specific actions but just doing those things does not make him more broadly the estate trustee. And not being the estate trustee, he had not duties with respect to the estate administration, and in particular with regard to this house sale. Now, I'll mention in any event - and my friend has brought this up as well, there aren't really any damages here regardless. If the house had been sold promptly after the deceased passed, apparently it would have sold for around \$175,000 based on an opinion of value that Tanja got but due to a well known surge in Ontario home values in the next few years, when it actually did end up getting sold through power of sale it ended up with around \$300,000 left over for the beneficiaries. So, whatever delay there was in this getting sold, it fortuitously was actually to the benefit of all the beneficiaries. And I'll mention as well with regard to the property management claims, there is a claim for a brand-new Porsche automobile which there seems to be no

5 basis for this whatsoever. It appears to be, perhaps, some type of replacement for an automobile the deceased had before but Michael has no knowledge at all of what happened with the deceased's automobiles. So, there's just - there's just no claim there and Sean has not provided any responding affidavit material to rebut that.

10 THE COURT: Just to let you know there is about 15 minutes left.

MR. CRISMAN-COX: Okay.

THE COURT: Thank you.

15 MR. CRISMAN-COX: So, that I think, that concludes the first categories of claims being the property management type of claims. The other ones are much more straight forward, I think - I would submit, Your Honour. The second one is with regard to the ashes. First - first off, there is a limitation period issue here, the ashes were given by Michael to Ms. Singh, December 7th, 2019. Sean immediately knew about that so there's no discoverability issue and he commenced this claim more than two years after that, this claim being issued August 24th, 2022. But even setting
20 aside the limitation period, Michael simply did nothing wrong. He was being told by a lawyer that Ms. Singh was the executor, he communicated with Sean and Tanja, Sean was okay with him cooperating with Ms. Singh, he gave her the
25 ashes. There's just nothing wrong that Michael did there. And with regard to Sean's statement that he was excluded from having an end of life

30

ceremony or participating in the end of life ceremony, the answer is that there simply was no end of life ceremony. So, there's nothing he was excluded from. Ms. Singh disappeared with the ashes, so to the extent there's any issue here with this situation, I would say it lies with Ms. Singh's behaviour but certainly not with Michael.

Third category of claims which I've already, I think dealt with, is the - Sean's claim that he's entitled to the estate by being the first-born son. Again, that's just simply incorrect at law, I don't think there's anything more that needs to be said on that point.

And then the fourth category of claims is this letter and so, with respect to the letter, at Exhibit S in Michael's affidavit there is an e-mail exchange, this is - by the way, it's at B-3-126 in CaseLines. And this is in regard to this letter and this is from April 5th, 2022 and Sean is confirming that he received the letter. Additionally, the exhibit before this, Exhibit R has the letter itself reproduced as an attachment to a March 26th e-mail from 2022. So, it's clear from Exhibits R and Exhibits S and from Michael's testimony in his affidavit that he had provided this letter to Sean already before this claim was commenced. And in any event, you can read the letter there at Exhibit R, Your Honour. It's generally referring to their being a falling out between Sean and his father. So, there's nothing

5 much that really turns on the letter but
regardless it has been provided. So, subject to
any questions you may have and any reply
submissions, those are my submissions on the
merits. I'm not sure if you wish to have costs
spoken to at this point.

THE COURT: Not right now, thank you.

MR. CRISMAN-COX: Okay thank you very much, Your
Honour.

10 THE COURT: Alright.

SEAN VON DEHN: Okay. Well, okay and you're 100
percent sure that those are the submissions you
want to rest with today, both of you?

THE COURT: Go ahead sir, please.

15 SEAN VON DEHN: Okay.

THE COURT: Thank you.

SEAN VON DEHN: You did receive my motion factum,
Christopher? My reply factum.

MR. CRISMAN-COX: Which one are you referring to?

20 SEAN VON DEHN: The reply factum to this motion.

MR. CRISMAN-COX: If you sent it to me, I believe
I would have received it.

SEAN VON DEHN: This one, does this look familiar
to you?

25 MR. CRISMAN-COX: Yeah, I'm - I probably received
it.

30 SEAN VON DEHN: Okay and I'm just going to read
my reply factum because I haven't received a
reply to this and one of the main issues that I
have today with regard to - I mean, they're
making a lot of accusations about me. I find all
of these statements that they're making to be

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5 extremely defamatory because they make these
accusations and yet they don't actually provide
any evidence to support their allegation. And one
of the most upsetting for me is I really am - I
mean, they want to characterize me as being an
enemy of Canada's justice system somehow. And I
am an advocate for rights, I'm an advocate for
Canada's justice system, and they have accused me
and they Kingdom of Heaven Found A Sean's claim
10 to be a colossal attack on the Casullo
endorsement. Correct?

THE COURT: Sir, you can address me and not
counsel.

SEAN VON DEHN: Oh, I'm sorry, okay.

15 THE COURT: Thank you.

SEAN VON DEHN: So, Christopher, can you tell
me....

THE COURT: Sir, you are addressing....

SEAN VON DEHN: Oh, I'm sorry.

20 THE COURT: You are only addressing the Court.
This is your opportunity to make your
submissions. You are not to address counsel.

SEAN VON DEHN: I'm not allowed to address
counsel...

25 THE COURT: Not allowed to address counsel.

SEAN VON DEHN: ...And ask them any questions
today.

THE COURT: And you are now only addressing -
providing your submissions to me, period.

30 SEAN VON DEHN: Okay.

THE COURT: Thank you.

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SEAN VON DEHN: Well, at no time was I ever served with the Casullo endorsement. And it seems to me that if there was any due process in any estate application then at some point the Court registry would be updated with that appointment and the \$3 million in insurance claims that are waiting to proceed against my father's estate would have likely proceeded by now or I would think that my sister would at least be addressing those claims. And I have written to my sister and asked her to answer some questions for me. And in the case conference hearing Justice Kaufman was very, very clear with both of these litigants because they will not respond to a single correspondence that I have ever sent them aside from these affidavits that they file with the Court which don't respond to any of my legal arguments from the Rule 21 motion. I had to respond to all three pleadings, I did so in my reply factum at the Rule 21 motion, neither Christopher Crisman-Cox nor Neil Milton for Tanja Johnson answered any of my legal or lawful arguments. They just presumed, continued on as if they were never made. As far as I'm concerned, they didn't respond to them, they are tacitly standing as fact on this court of record until they refute them. And now they come with these two affidavit statements in a new motion to dismiss - to dismiss, again, ignoring all of - I rebut all the arguments that they've made to this Court today in my first motion and they haven't responded to any of those rebuttals yet. That's

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one of the reasons I'm upset, the other is that I know for a fact that there's still \$3 million in claims waiting to proceed against the estate. When I go into the directory to look up this estate in the system, it states that Joachim Von Dehn is unrepresented and there's two claims waiting to proceed against him and Tiffany Singh jointly for \$3 million. Apparently because of a car accident that Tiffany Singh had, and I don't know what kind of damage she has done, because Michael, I kept asking him to send the claim to me - this was in the very beginning. And told him that no, that - that will - that holograph will cannot possibly be binding. If it is, then tell her to make an application to the Court and support - and present that document to the Court so that she can address the \$3 million in claims, Michael. She needs to do one of those two things, she can't claim to be the executor and trustee, and not speak to these claims. I need to know what's going on with them. He refused to give me the information about - the information regarding the insurance claims, he said that he was taking care of things. Michael is the only one that I trusted, Tanja and I have had a longstanding whatever. I don't know why she hates me, but she does. She hates me, she hates my father, she didn't tell me about the first - about the birth of her daughter, she asked my mom and my brother to lie to me about the birth of her daughter so I wouldn't know about it. My mom is the one who ended up breaking down one day in tears because

5 she felt so guilty for having to lie to me about,
you know, being sick instead when she was really
at home taking care of my sister's daughter
because she got called into work at the last
minute and my mom had to babysit. So, she got
tired of having to lie to me, telling me she was
sick, and so she finally broke the secret. And I
said why, and she said I don't know Sean, I don't
know. And I don't know to this day. I don't know
10 what it is I've ever done to my sister, but she
clearly has something against me and I told
Michael I trust you, I do not trust Tanja, just
make sure that nothing goes into default. That's
the only thing we have to worry about at the
beginning, we can work out who's getting what
later. This allegation that I have ever claimed
to be the sole inheritance of the estate is
absolutely fraudulent and perjurice [sic]. They
are saying this routinely to defame my character,
20 I have never once stated that. I have very
clearly stated that I have the prior right to act
as the executor and the trustee as the first-born
son, that is true. I had said we all have an
equal interest in the eshate [sic] - in the
25 estate, but I have the prior right to act as the
executor and trustee.

30 Now, as far as estate - sorry, as far as consent
to Tanja's application is concerned, Michael
never has given any informed consent. And if you
take a look at their own - this is why I didn't
present any materials this day, because

everything that they're presenting to the Court is actually evidence that proves my claim. Both of those consent forms, you will notice, are consented one week prior to the dating of the application. Michael has never given informed consent. And this is why I said that I would consent to Tanja's application, this is after having a very difficult time with Michael and final - like he threatened to like never let me see his children again if I didn't support Tanja's application, it was going to cause all kinds of family problems. And I said okay like, but if she tries to screw me over Michael, you are going to be liable in her stead because I trust you, I don't trust her. I would have supported Michael's application, I didn't want to support Tanja's. He said look, she won't be able to Sean, she's got to account for everything, blah, blah, blah. And I said okay, I said but I don't want to pay the legal fees because I would do this. I have enough knowledge in law I can file the paperwork, I would even help Tanja file the paperwork, no, no, no, no Sean, we don't want you doing that. And I - anyway, I have been asking Tanja when she plans to address these insurance claims, she will not even return my e-mail. So, I had sent her a couple of e-mails after the case conference with Kaufman after he had finally told her on a court of record that yes, you will respond to Sean and answer any questions that you would otherwise have to answer as the estate trustee and stop using this

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proceeding as some kind of excuse to withhold evidence from me. Now, the last e-mail dated September 17th, 2023, 8:30 in the morning. Good morning Tanja, Justice Kaufman said Tanja will respond to any questions she has a duty to answer as the trustee, so please do. On the 23rd of October you're scheduled to be in court, I would like for you to bring with you proof of service of the Casullo endorsement on Sean. The receipt of the transfer of funds from the National Bank. All paperwork that you sign off on to receive the remainder funds from National Bank, the certificate that was issued to you. I would like to know who lives at 83 Winston Crescent because neither my brother or sister, to the best of my knowledge, live at 83 Winston Crescent but that happens to be the address that they used to put the estate funds in. I find that very suspicious because I don't know anybody who lives there. And then what happened to the two vehicles valued at \$9000, nobody seems to have any knowledge of what happened to those two vehicles and I find that very strange as well. I'm most curious about who lives at 83 Winston Crescent, maybe you could just tell me why you didn't use your home address for the estate funds, it seems very suspicious to me. You're alleged to be the trustee, you have a duty and obligation to act in my best interest, I would like all of this information by the end of the day. If you don't produce it by the end of the day you better have all the information with you in court or I'll be asking for a warrant to

5 be issued for your arrest for fraud regarding a
testamentary instrument. And this has nothing to
do with the claim against you. These are your
duties as a trustee to the beneficiary, anytime a
beneficiary is asking you, you must by law
provide the disclosure I'm asking you for. If you
don't, it's contempt, it's breach of trust, and
you will be charged accordingly. Blessings. And
10 then again, later at 5:15 p.m. - so that first
one was 8:30 that morning. I said I was rather
hoping I might have heard back from you before
the end of the day as I was asking but I forgot a
rather important question, how do you plan on
dealing with the insurance claims waiting to
15 proceed against the estate? I'm just wondering
because I sent a letter of appearance to the
creditors just before the courts closed on Friday
afternoon to let them know that I was a little
concerned about this, that you hadn't reached out
20 to them, and to let them know where to find you.
You don't have to worry about it, I also let them
know that I'm happy to speak to the Court on my
father's behalf, I just didn't mean for you to
believe that I'm stepping on your toes or
25 anything. If you wish to deal with the matter
instead just let me know, love and blessings,
Sean.

30 And then - yeah, obviously I would like to see
those documents today and I'm going to go on to
something else because these two have said in
their submissions that there was no meaningful

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response to their affidavit materials for this motion. And, again, they did reference that I said something in the Kaufman making all kinds of allegations about them in the - in the case conference hearing. And Kaufman said yes, I will have an opportunity to present those concerns today and they will have an obligation to speak to them and to prove their points. I would like to see proof of service of the Casullo endorsement on Sean because they have, in my opinion, committed ferj [sic] - perjury at least twice today because they said that Sean is the sole beneficiary and is claiming the entirety of the estate to himself. I would like to note it if they can show where I had stated that even once, I would like to see it. I wrote Tanja and Michael in Christmas of 2021 sending them a copy of the full trust declaration, the trust instrument, showing them that they were beneficiaries of that trust and promising that the bank had sold the house unlawfully, that they had a duty and an obligation to have an estate trustee during litigation appointed before they sold the house, that anything that they've done prior to that they've done outside of the Rules of Civil Procedure, outside of the rule of law, it's completely unlawful, and I'm going to place them on notice and hold them accountable. I did that in January. Tanja and Michael both told me to the best of their knowledge that they imagined that the rest of the estate assets had either just disappeared or evaporated because of the costs

associated with selling the house, or that they were never going to hear from the bank again, that they were just going to keep those assets. Allegedly, it was only because of my e-mail to Tanja and Michael in January that said no, they're not allowed to do that, I'm going to put them on notice. I did, I cc'd Tanja and Michael, and when they finally responded and said that there was \$306,000 of money left over all of a sudden Tanja wants to take over as the estate trustee again and says no, no, no, I'm the best person to handle this. Blah, blah, blah, blah, blah. And I call Michael and I say like this is ridiculous, he says that if nobody's appointed he's going to deposit the funds into the court. I said we need to make sure that Noah does this because he's not legally - he doesn't anything legal or lawful and he won't be able to deposit the funds into the court if he can't show that he had an E. T. D. L. appointed. So, I don't think he's going to deposit them, I think he's going to solicit Tanja and ask her to make an application again. I said this to Michael explicitly on the phone and he promises me, okay I promise you I won't support Tanja's application if she asks again. Two weeks later I get a phone call and it's Tanja and she says I'm going to making an application for a certificate of appointment of estate trustee again, and of course, I protest. Telling her that - what I said about Michael. I recorded that conversation, it's online, and she even in the phone call says I don't need to

actually get the certificate, I just need to make the application and Noah's agreed to give me the funds. And I thought to myself what, what are you talking about? How can he promise to give you the funds just because you make an application? He doesn't have the right to do that. Just the same as Christopher standing here and saying that Michael hasn't done me any harm whatsoever by handing over my father's ashes to Tiffany Singh when she had no due right to take them. She'd never been duly appointed a certificate. She has a claim but she needs to present it to a court and win the certificate. I told Michael it would never stand because I'm going to challenge her will and I'm going to point out to the Court that she owes \$3 million. And so, I said in response, go ahead, let her make the application, I can't wait to see her crash and burn. That's actually in his statement. There was never me supporting an application for Tiffany or suggesting it was okay to give her information. He's absolutely misrepresenting the truth and he knows it. And Michael, if we just look at the very first Woodley endorsement that they've included in their information, it's incredible because Tanja is asking Justice Woodley to have Sean denied his right to participate in the proceedings, to be denied his right to make his own application for a certificate of appointment of estate trustee, and to pay Tanja's costs to be excluded from the proceedings. Now, Justice Woodley didn't speak to the majority of those requests, she said that she

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would allow the application to proceed on the condition that the application be served upon Sean and filed with the Court. That last word is the most significant because what they continued to do was serve me with documents trying to give me the illusion they had been filed with the Court when they were never, ever filed with the Court. Even in their materials when they say that the application was withdrawn, I tried to object to this application, I had my application returned to me saying that there was no matter before the Court regarding this. And that was from the Ottawa courthouse. And so, again I followed up. In her own materials it notes - I think she says that she made the request on or about June 12th to withdraw the application. Well, there's no on or about. I've withdrawn applications before, I know that you get a receipt for it, I know that you have to serve on the opposing counsel to show that they've been given notice that you've withdrawn the application. None of that happened because it had never been processed and they had no intention of ever processing it which was the exact same thing that they did on March 24th, 2022. They served me with an application, no back sheet, no registrar's signature, no court stamp on it. It was just a filled out application by a lawyer send to me with the previous Woodley endorsement that they say they had withdrawn. And I try to say a withdrawn endorsement is not binding, you withdrew it because of the fraud and perjury

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Tanja commit [sic] in the first application. That's why Michael withdrew it, because I told him that if you're supporting this application Michael, your consent to that application legally implies that you agree with everything she's saying. And you know that she's just entered a police information against me onto the record which is in fact a withdrawn police information that is posted on my blog to teach people how to rightfully defend yourself against an unlawful arrest. I talk specifically about how bad the entire information looks and how it's all nonsense. And it's true, it was all withdrawn at the request of Crown but she takes the worst parts of that information and presents it to the justice in an affidavit like it's some kind of fact to defame my character. And I tell her Tanja, if I bring this to a judge and let her see what you've done, you are in serious trouble. And she says okay Sean, I'll withdraw the application, and Michael withdrew his consent. And now she puts it back on the record knowing it to be fraudulent, she uses that fraudulently obtained endorsement and gets it endorsed again by Casullo. Now here's the point Your Honour, every single act was done in violation of Rule 1.09, the Rules of Civil Procedure. You will note that there is no service of any documents upon Sean Von Dehn after April 24th, 2022. I had no knowledge of the Casullo endorsement, no knowledge that there was even going to be another hearing. I reported the fraud to the Law Society

of Ontario. Carmine Pignataro allegedly investigated this matter and determined that there was nothing at all fraudulent about serving me with an endorsement dated two years prior to the date of the application it's allegedly endorsing. I mean, I don't know how stupid these people think I am, but unless a judge has some kind of, you know, ability to see into the future, obviously that endorsement is not binding. And I am very confident that Justice Woodley would be just as angry to find out that they were trying to suggest that it was. And Casullo supported this application, and my honest belief Your Honour, is that the only reason Casullo supported the application is because Casullo knew what they were up to as well. That's the other false allegation, is despite the fact that they've accused me of making a colossal attack on a Casullo endorsement, even though I had no idea about it until I read it in their pleadings, I've never attacked the Casullo endorsement. How can I? I have no idea what Casullo was presented with. There's no application record for that hearing. There was certainly never any notice of that hearing being served upon me. I didn't get an opportunity to attend. And Hala Tabl claims she never violated any rules of the Court, didn't breach her trust with me at all, but called the Bracebridge courthouse the moment she learned that I wanted to object to the application to notify them of the objection. I had the Barrie courthouse

respond to that very same notice in an e-mail and say I'm sorry, I've just done a province wise search for estates and there is no application for this matter. If I leave your notice of objection on the record it may delay any future application by as much as three years. Would you like to leave the notice on the record or would you like to withdraw it so that other applications can be made? And I said will I get notice when the application is processed and he said of course, and I said okay, well then don't worry about it. I've never received any notice of anything. Not since March 24th - or sorry, April 24th, 2022. And if any of this is true, why is it not showing up in the system? Why is there no record of this from any courthouse? The only person that has any information about this is these litigants here. And if I want to know anything else I can't call a court and find out because they don't have any record of it except by what they're telling me and the agents at the court that they're colluding with in Bracebridge. Which is Michelle Murphy (ph) and I don't know what's going on with Kerry Johnson (ph), I don't even know who she is, she claimed to be a supervisor of the court. I complained to her about Michelle Murphy basically lying to me about the status of the application. When I learned about the Casullo endorsement in the pleadings, I contacted the Bracebridge courthouse and I said hey, what's going on? I thought that you said that this application hadn't been processed for

covid delays. And she said I'm sorry, I can't tell you anything about this application, it's private until a certificate issues. What, since when? Since when? And who would ever be able to give someone the power and authority to make my own father's estate private from me so that I can't even participate to let the judge that's going to make decisions about it be informed? How can any judge make an informed decision if they don't have all the information? And so, she - my sister put fraud in her application for the Woodley endorsement. They then used the Woodley endorsement to support the second application. And they took the Woodley endorsement to Casullo asking Casullo to support the Woodley endorsement. So, that's two judges now that they've unlawfully influenced. And then they present all of this information to Casullo in the hearing, and because it's a Rule 21 motion and no evidence is allowed to be considered, they only have to take it on the merits of each of our pleadings I tell the judge that the entire thing is fraud. And presumably because it's a lawyer, and a very prestigious lawyer in a law firm, she doesn't know what to do, so she's just going to go with the one who's going to be presumed to be more honourable. And I can respect that, but now that, you know, the evidence is coming out I said to both of them as soon as that hearing was over I said you better have proof of the Casullo endorsement upon me because you've made some very serious allegations. Just now for Neil Milton

they said oh, well Sean had plenty of opportunity to appeal or protest in the application certificate and he didn't take that opportunity and so, all of this claim is frivolous and vexatious. How can I object to an appli [sic] - to a certificate I don't even receive notice of. There was no opportunity for me to ever object to Casullo because I didn't know it happened. And my belief is that Tanja thinks that if she gets awarded the right to proceed with an application without my consent, it means that it also gives her a bar none right to withhold all disclosure about everything from me. I have no accounting of what the personal property on like what was taken from the house before it was sold, where's all the personal property in the home? There's no mention of any of this in the materials. What happened to the two cars? They show you that there was two cars in a holograph will and 80 - and an '85 Porsche 9-28, those would be classics now. My father was a certified German mechanic and very, very good at it. His cars ran excellent. Those would have been amazing cars. Where are they now? I would love to know but nobody has any answers for me, nobody wants to tell me anything. And this isn't a breach of trust? Even if Tanja has - if there's no fraud taking place here and there's nothing suspicious at all about the court, you know, not updating the registry with Tanja's appointment and this is all perfectly normal well then, how is it not a breach of trust for Tanja not to be at least

5 communicating to me with what's going on with the
estate? It's very clear that they are trying to
do me as much economic harm as possible. If -
they either want to rely on the holograph will
suggesting that I get nothing, Tanja now gets
Detlaff's (ph) share, Michael gets Michael's
share, and Tiffany gets the one-third share. Did
you hear either one of them mention addressing
10 the \$3 million in claims? They want to dish these
out to the three beneficiaries that they prefer,
ignore me, and \$3 million in claims waiting to
proceed. How are the insurance companies going to
feel about this? Now, I gave them notice of
appearance on Friday, actually of last week, and
15 I know it's late notice but I did invite them to
come today because I think that they would be
very, very interested to hear this.

20 And the whole point to this letter Your Honour,
is that it's true. It does outline a disagreement
between my father and I, but it is also an
apology letter for the very best week I ever had
with my father in my entire life. I went to visit
him - to the best of my knowledge, I'm the last
25 one who ever spent time with my father before he
died. I spent an entire week with him living with
him on his property, trying to help him fix up
his house. He told me about the holograph will
from Tiffany and he said Sean, that was only for
30 that surgery and I believe that she's keeping it.
He said she's been bugging me to make a new will
and to get it signed by a lawyer. He says I don't

know Sean, I just don't trust her. If I marry her, everything is going to go to Tiffany, but if she doesn't marry me Sean, I'm not going to sign the will. And if I don't sign any will, I'm leaving everything to you. That's what I wanted this house for. I - we were talking about - we have a lot of similar interests, I'm very much into plants, and animals, and homesteading and that kind of thing, so was my father. And that's exactly what he bought the property for, there was a fresh water well on the land, there was a chicken coup on the land, there was a lot of stuff that maybe Tanja and Michael wouldn't appreciate but I sure would have. And I was offering to take care of all of the bills if Michael didn't. All I told Michael and Tanja was to make sure it doesn't go into default, because if it doesn't go into default then I will take care of the insurance claims and we don't have to worry about anything, we can decide what we're going to do with the property later. To suggest that allowing it to go into default didn't cause any harm to the overall value of the property while they're simultaneously saying the reason that it ballooned so much is because of inflation rates, well obviously, wouldn't it be much better in our hands not sold to make good with the creditors? And as far as the payment goes to the mortgage, I have that payment right here - a copy of it anyway, with the registration number and I can show that to you, Your Honour, if you like. But I would stand on this court of record today

and say that it very much is binding, and if it's not, I know the rules of exchange well enough to know that the holder in due course, if they don't want to accept a payment or an acceptance of honour on a mortgage debt, you cannot threaten me as if I'm the trustee and executor of my father's estate and say I'm going to sell your property for your other beneficiaries if you don't immediately respond within 30 days with \$54,258. 91. I was threatened with all of the harm to the property, the economic harm to the property, for the negligence of my brother and sister. They didn't want to like take care of things in the beginning but once it goes into default and they don't want to pay the \$54,000, then they want me to take care of it. Knowing I don't have \$54,000. So, I accept the threat under protest and duress, but I accept it for honour, I return it to him, and he says I'm not accepting this. And I advised him sir, you need to take that payment to your client, it is legally and lawfully binding. If you don't believe that it is then you need to come and see me in a court before a judge and I will show you that it is. And if you don't want to do that, then you lose your right of recourse because you are protesting an acceptance for honour. And a protest of an acceptance for honour, the holder in due course loses their right of course. I believe it's 131 or something of the *Bills of Exchange Act*. He tried to tell me that the *Bills of Exchange Act* doesn't apply to the *Mortgage Act*, that's got to be the most

ridiculous thing I've ever heard in the entire universe. A *Mortgage Act* isn't subject to the *Bills of Exchange Act*, a mortgage is a bill of exchange. So, I want to read - how much time do I have left, Your Honour?

THE COURT: Sixteen minutes.

SEAN VON DEHN: Sixteen?

THE COURT: Yes.

SEAN VON DEHN: That's actually not bad, thank you. Even better than I thought. Okay, so I would like to - this is actually part of my reply factum so I'm not - I'm not - the original reply factum, sorry, for the Rule 21 motion. I did advise that I would like these people to address some of the arguments that were made in that before we start talking about any of our new information which is substantially different in many places. But anyway, attention Selma (ph) - Tanja Selma Johnson, you agreed by way of our phone conversation to accept full commercial liability for all harm done to the estate by Noah S. Potechin (ph) and Lorraine Burton (ph) in accordance with the notices of civil and criminal liability served upon them and filed with the court. You and Michael were also witnesses to this notice and all other public notices legally and lawfully served upon the intervenor of my trust instrument and you are also trespassing upon my trust obligations and agreed to accept full liability for doing so. You are current liable as follows: \$506,100 were due and payable to the court on February 26th, 2022 and Noah was

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advised that if payment was not received before the end of February 28th an additional 10 percent would be added compounding monthly beginning March 1st. Now, just to give you an idea of where the \$506,000 comes from initially, Noah Potechin sold the house for \$425,000, he had no legal or lawful right to do so, that was all done privately without anyone having been appointed the certificate of appointment of estate trustee. And he failed to deposit the money into the court, I told him that if he didn't I was going to be charging him \$100,000 for fraud because I believe he's guilty of fraud. And if he's not then he would have no problem depositing the funds into the court and then somebody can make an appointment to get them out. That was the whole issue. He said that one way or the other, somebody's either going to need to make a certificate of appointment of estate trustee, they'd receive the funds from me, or to get them out of the court. And I said yeah, and I believe you violated every single rule of civil procedure and I don't believe there was a single thing that was lawful about your sale so you deposit them into the court and we will pick them up from there. And because I told Tanja and Michael that if we sign off on those, you're now colluding with him if you don't make sure that he had the right authority and that all due process was had. How can my father, if he doesn't have a representative, how can he be served - how can he be noted in default? First of all, he's dead. So,

5 someone has to be there to receive a notice of
default before the notice - before the mortgage
can go into default. Then he has a certain amount
of time to reverse the default, to put it in good
standing to cure and remedy the mortgage before
it goes into default. These are all - somebody
must have received a good number of notices
before it went into power of sale. And I asked
10 Michael and Tanja who was doing that and they
both plead ignorance but all of a sudden Tanja
and Noah are like best friends and he wants to
give her all the remainder funds. And really
what's happening is he's - my belief, Your
Honour, is that Noah Potechin hired Milton's
15 Estate Law to solicit my sister to help Noah
Potechin sell the bank, deceive me, defraud me,
and make me believe that it was a legitimate
certificate when no legitimate certificate has
been issued to this day. Now, I happen to know
20 this for a fact because this is a very important
matter to me so I have conducted a crown
investigation into this matter and I have been
communicating with the Court to show them all of
the questions that I've been asking from both the
25 Bracebridge and the Ottawa courthouse together.
And neither one of them are able to produce any
kind of court of record for this application. And
to this day, like I said, the estate is showing
up for Joachim Heinrich Von Dehn as being
30 unrepresented. So, my understanding is that if
Tanja's been awarded a certificate of appointment
of estate trustee and it is legitimate - and she

received that in November 7th of last year, then there is no reason why he should still be showing as unrepresented on the system. Now, I'm going to guess I have probably, I'm going to guess nine minutes left now.

THE COURT: Twelve.

SEAN VON DEHN: Twelve, wow, I'm doing really good. Okay, I'm going to try and get through as much as I can. This is my motion factum of the responding party in trustee. And I'm just going to show, this is - this is the trust document, the cestui que vie. And I have the original here, I also have the one that was received by the Minister of Justice and Attorney General on January 19th of 2017. Overview, Sean has not prepared any additional materials other than the motion record served upon Sean for this motion in the exhibits of evidence they contain. The entire premise of the moving parties arguments are built upon a foundation of fraud established in the Rule 21 motion hearing suggesting that Tanja was duly appointed a certificate of appointment of estate trustee without a will when there has been no due process in an estate application whatsoever and no documents served upon Sean before August 4th, 2022 related to any application since March 24th, 2022. The motion materials are nothing more than evidence of Hala Tabl's, hereby Hala, determined to avert - determination to avert a direct court order. There was an errors and application form that they also include in their information, the

errors and application form clearly states that Sean's consent is required for the application and to dispense with a bond. And further to that, to dispense with the requirement for a bond only requires a majority of the beneficiaries consent. This application was made with Tanja and Michael consenting, and the Court still determined that they required a majority of the estate shareholders in order to proceed with the application. Which means, that if Sean, Tanja and Michael all have equal shares upon the estate, then Tanja and Michael would have had 66 percent of the shares and that would have been sufficient. But it wasn't. And it wasn't because they're trying to gaslight me and tell me that Tanja marrying into another family does not change her status on the registry when it absolutely does in an intestate estate. She is now the daughter of the Johnson family. And I never, ever said that with intent to shut Tanja out of her share of estate proceeding or entitlement, I agreed long before any of that that we will give her a share. I just said that she doesn't have any right to make an application for the estate trustee. It's only the issue of who's acting as the estate trustee that was ever in dispute, it was never the amount of shares. They're just trying to make it seem that way so that they can make me look frivolous and vexatious. Sean's consent to have Tanja's application by violating the Rules of Civil Procedure and communicating with court staff

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without Sean's prior knowledge and consent in violation of Rule 1.09, the rule of law, and with intent to interfere with justice and prevent Sean's testimony and evidence from being heard by the Court. Not a single legal or lawful argument Sean presented to the moving parties pleadings in his reply factum for the Rule 21 motion were ever addressed by any party. As far as the Kingdom of Heaven Found A Sean being a legal and lawful entity is concerned, one of the arguments that I make in my original reply factum is that a trust is a legal and lawful obligation - legal and lawful entity because it has the inherent right of a natural person because only a natural person can express a trust. And so, it immediately inherits the status of a natural person and it can be represented and is generally represented by a trustee or executor. And of course, all of this is very well and very clearly articulated and legislated by the *Trustee Act of Ontario*. And the *Trustee Act of Ontario*, to the best of my knowledge, applies to all trustees whenever create - all trusts whenever created and all trustees whenever appointed. In addition to that, the powers, rights, and immunities of the trust instrument are in addition to those afforded by the *Trustee Act of Ontario*, which has effect subject to the terms and conditions thereof. I believe that is number 68 - no, sorry, 67. And so, I've already addressed these. And they haven't come back and said to me why would the *Trustee Act of Ontario* apply to all trusts

5 whenever created and all trustees whenever
appointed except King Sean, House Von Dehn and
his express trust in God which he's chosen to
name the Kingdom of Heaven Found A Sean. That
would be completely contrary to the principles of
justice in law if I'm entitled to equal
protection of the law. If all the laws apply to
me that apply to everybody else then the Trustee
Act applies. And that notice that I read to you
10 from Tanja Johnson of civil and criminal
liability has an attachment of not only the trust
declaration but trust instrument and showing that
it's on record with Canada's Minister of Justice
and Attorney General.

15 One other thing I would like this Court to note
is that the endorsement give by Justice Sally
Gomery notes and styles her endorsement
correctly. She identifies that the trust is the
Kingdom of Heaven Found A Sean and that King
20 Sean, House Von Dehn, Hand of Stephen, Kingdom of
God is the trustee and executor for that entity
representing the Kingdom of Heaven Found A Sean.
Somji has instructed opposing counsel to address
the trustee and executor today as King Sean of
25 House Von Dehn and yet they still come in here
and refer to me as self-represented. That is
contempt. I have repeatedly told them in the very
first filing - and in fact, the only reason that
I put an express trust organization in brackets
30 underneath was to clearly distinguish that it was
not a commercial entity and that this is trust

claim. It was filed on the information for court use form as such and that's - like the whole point of that was so that they wouldn't get confused and try to address me as a self presented litigant. And I very clearly articulate the difference between King Sean, House Von Dehn and the beneficiary, Sean Von Dehn, the artificial person, who is a beneficiary of the public trust. King Sean is acting as the trustee and executor for the artificial person created in his name and he has a private family trust on record called Kingdom of Heaven Found A Sean. The arguments made in the motion parties' materials are nothing but a repeat of the arguments made in the Rule 21 motion, all of which were categorically rebutted and remain unopposed on this court of record today. Before Sean responds to anymore arguments Sean wishes to have all of these previous rebuttals addressed. Any party that continues to suggest that a certificate of appointment of estate trustee was duly appointed to Tanja Johnson is conspiring to perpetrate fraud on this Court and should be criminally charged. To this day, Joacim Heinrik Von Dehn is still listed on the registry as unrepresented. Any attempt to suggest otherwise is an attempt to gaslight this Court. Sean is happy to address every single point and argument moving party has to present at the hearing because he's addressed all these points previously. Sean has also created a public motion record on his blog that is a chronological accounting of all documents

related to this claim and presented to the Court by all parties. I would like to thoroughly review that motion record at the hearing but I don't think we're going to have time. Sean wishes to compel a response to his legal arguments and get some explanations as to why Joachim Heinrich Von Dehn's estate is still showing in the system as unrepresented and why Tanja has the funds located in a bank account that is not her home address. And I think, you know, if there's nothing suspicious going on there as far as not taking advantage of a beneficiary - or a trustee position and not using that position to torment me and abuse me, why not just respond to me and give me the reasonable explanation? She knows it's driving me insane but she doesn't want to respond. They're just going to ignore it like I've never asked the question. It's infuriating. I've asked them for specific details and questions or evidence to back it up. I just asked them can you tell me at least when I was served with the Casullo endorsement, gaslight. They don't even respond. And this was the very first question I sent them when they were - presented their materials to me. And I said look, if you don't explain to me why you are not, you know, speaking up about the fraud that was perpetrated in the Rule 21 motion and if you continue to suggest that this claim is a colossal attack on the Casullo endorsement and/or that you don't know what a trust is, or that the *Trustee Act of Ontario* applies to all trusts whenever created

and all trustees whenever appointed, I am going to ask the judge to have you charged criminally for criminal trespass upon a trust because it does not seem reasonable to me that a juris doctorate in law is going to sit here and try and tell me that there is no legislation to afford for trust law in Canada. It is absolutely unreasonable. Tanja and Michael are guilty of libel and for bearing false witness and remaining silent in the Rule 21 motion hearing when they know very well that Sean had no knowledge of the Casullo endorsement and that he was ambushed with the information in their pleadings. Remaining silent on that point is wilful, malicious intent to harm Sean and his reputation. Tanja allegedly receives the funds on November 18th, 2023 [sic] but produces a monthly statement rather than the receipt of the transfer of funds into the account which is the one document I've been asking Tanja for since the beginning. I want to know that the bank has proof of all documents served upon my father, which I know he can't have because my father was dead, so I want to know who was answering to those in order for the estate to go into default in the first place. Because as he states - as Christopher states, nobody was duly appointed and so, if they didn't have any obligation and they can't be libel, well then who was? Because she hadn't been appointed yet, so I don't know who these notices were getting served on. Tanja has....

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THE COURT: So, you have two minutes left if you want to just wrap up.

SEAN VON DEHN: Thank you, okay. Well, I'm going to get to what I'm going to be asking for - well, let's do one paragraph of the law and analysis. Moving party and respondents to the claim refuse to provide discovery of facts that substantiate the baseless, harmful allegations made against Sean and the trust in the Rule 21 motion. Sean clearly and explicitly advised the moving parties on countless occasions that if they do not produce proof of service of the Casullo endorsement on Sean in their motion materials for this motion Sean will be asking for criminal prosecution for defamation of character with criminal intent to influence justice. They are now trying to rely on the endorsement obtained in fraud, the Casullo - or sorry, the Hooper endorsement which was obtained in fraud to set precedents for today to further perpetrate fraud on this Court. So, that would be four counts all together for the parties.

And then finally, I want to just let you know what I'm going to be asking for today. Order requested, Sean will rely on Rule 37.13(2)(a), Rule 1.09, and Rule 2.0 and will be asking for default judgement against the defendants in accordance with the terms and conditions outlined in the reply factum - and that's the reply factum for the Rule 21 motion. A judge who hears a motion made; a) in proper case, order that the

5 motion be converted into a motion for judgement
against the moving party. Sean will also be
asking for costs equal to three times the value
of the moving party asking - is asking of from
Sean. Sean is one man working three times as hard
to defend the honour of his father and protect
himself from these baseless harmful alle [sic] -
harmful allegations every party knows to be
absolutely false. And, you know, with respect to
10 not acting in good faith, I take extreme
exception to that statement because if anybody's
not acting in good faith, it's people who are not
providing any evidence to substantiate their
allegations against me which they actually made
15 on a court of record to Justice Hooper and they
succeeded. They succeeded in defaming my
character and convincing Justice Hooper that due
process was had in this application and that this
is simply a colossal attack on that endorsement
20 when I had absolutely no knowledge of it in the
first place. And....

THE COURT: Thank you, sir.

25 SEAN VON DEHN: This is - there's also one last
point. They both state in their affidavits that
they have no idea what the Kingdom of Heaven
Found A Sean is and/or who King Sean of House Von
Dehn is. I'm - that letter that was returned to
me on March 3rd - 31st is actually addressed to
King Sean, House Von Dehn, it's handwritten by
30 Michael. And they have now put in their affidavit
that they have no idea who King Sean is or what
the Kingdom of Heaven Found A Sean is, that is an

absolute lie. They both received a copy of the trust instrument for Christmas of 2021 along with a handrest cestui que vie for each of my nieces, nephews and thank you.

THE COURT: Thank you very much. I do not need to hear from the defendants in reply. In terms of - just heard the plaintiff is seeking costs three times the amount of costs of the defendants, are there any cost outline?

MR. CRISMAN-COX: Yes, Your Honour, I think both parties have cost outlines on CaseLines.

THE COURT: Okay. Alright, so - I mean, you have an opportunity of filing cost submissions if you wish as well. I....

SEAN VON DEHN: I believe for Christopher so far - oh, sorry. I believe for Christopher it was \$30,000 and - yeah, but....

THE COURT: No, all I meant - all I saying is that I am not sure. I have not looked at it, I am not going to look at...

SEAN VON DEHN: Oh, okay.

THE COURT: ...Until my decision is made.

SEAN VON DEHN: Okay.

THE COURT: But certainly, am I just taking your submissions to say that whatever each party is seeking, you are asking three times that amount?

SEAN VON DEHN: Exactly.

THE COURT: Is that - okay.

SEAN VON DEHN: Exactly, and partially because they're not offering all of the information that I've been asking for. Just as I stated in my reply factum, this has been very, very

5 frustrating for me. I just want to know what the
hell's going on with my dad's estate and they're
not telling me anything. And I believe they're
trying to use this motion and the entire civil -
they're basically using the Rules of Civil
Procedure to pervert justice and make it as an
excuse to not tell me anything and try to make me
believe that that's because it's the process.
And, you know....

10 THE COURT: No, thank you very much. I just
wanted to confirm that.

SEAN VON DEHN: Thank you.

15 THE COURT: So, I will just take this under
deliberation and provide you with my written
reasons in due course. So, thank you all for your
submissions today, very much appreciated.

SEAN VON DEHN: Are you coming back today or are
we done for the day?

20 THE COURT: No, we are done for today and you
will receive a written copy of my decision.

SEAN VON DEHN: Thank you very much.

THE COURT: Okay, thank you all.

25 CLERK REGISTRAR: All rise please. Court is
adjourned.

30 COURT IS ADJOURNED

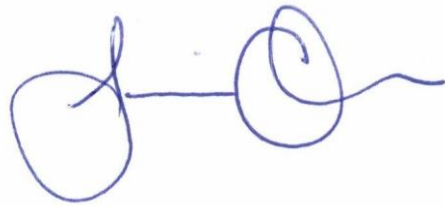
FORM 3

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02/02/2025

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