

PF - 4

Intrinsic fraud

Definition

: fraud (as by the use of false or forged documents, false claims, or perjured testimony) that deceives the trier of fact and results in a judgment in favor of the party perpetrating the fraud

Because of the contractual arrangement re: Akerman, Senterfitt attorney, Cole's representation of Howell, which, from day one, was a violation of Florida's vendor "gift" laws, all of the public records generated as a result of probate case #48-2003-CP-1273-O, the estate of Wm. H. Olney, Jr.,-- in short, the entire case file in the Probate Division of the Orange County Courthouse, as of April 25, 2002, all the way up to estate attorney Hoyt's closing of the estate in June 2004, constituted the criminal use of a public record to facilitate the commission of a felony, and thus a fraud on the Ninth Judicial Circuit Court, the estate of Wm. H. Olney, Jr. (and by extension, his elderly mother, Mary Olney), Judge Kirkwood, the personal representative, Lucey Olney, the State of Florida, and the public interest. See **Florida Statute 817.569 Criminal Use Of A Public Record Or Public Records Information**

Extrinsic fraud

Definition

: fraud (as that involved in making a false offer of compromise) that induces one not to present a case in court or deprives one of the opportunity to be heard

also

: fraud that is not involved in the actual issues presented to a court and that prevents a full and fair hearing

Because Akerman, Senterfitt and attorney Stacey Cole gave Howell unlawful compensation and thus, unlawful representation, in violation of Florida's vendor "gift" laws, the estate of Wm. H. Olney Jr., (and by extension, his elderly mother, Mary Olney), were deprived of their "fair day in court", and were forced into a costly 14 month litigation and a fraudulent settlement and were denied the opportunity by Cole and Howell's motions to have Judge Kirkwood examine the issue of what exactly constituted, (according to Cole's response to the Florida Bar on August 21, 2006):

"...her claim (Stephanie Howell) for statutory spousal benefits from her deceased husband's estate."

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