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19 APR -3 AM 8:03

BY MAW
DEPUTY

1 Henry S. Ruizmeeden
2 PO Box 27623
3 Tempe, AZ 85285
4 480-290-4819
5 hruizmee@gmail.com

SUPERIOR COURT OF ARIZONA

PINAL COUNTY

6 In the Matter of the Estate of:

Case No.: PB201300213

7
8 Francisca Margarita Lopez-Ruiz

COMPLAINT FOR FRAUD AND EVASION

9
10 Honorable Justice Washburn

11 COMPLAINT FOR FRAUD AND EVASION

- 12 1. Joe M. Ruiz, Julia S. Ruiz and Marta Pospisil Committed Fraud and Evasion by Purposefully
13 Circumventing Provisions of A.R.S Title 14 Trust, Estate and Protective Proceedings

14 In the matter of PB201300213, in Filings by Joe M. Ruiz, Julia S. Ruiz and Marta Pospisil, hereafter
15 referred to as Respondents, Respondents repeatedly and continuously asserted Henry S Ruizmeeden
16 sought to obtain sole control of the Estate of Francisca M Lopez-Ruiz, hereafter referred to as the
17 Estate. During testimony of the Evidentiary Hearing on 4/7/2017, Julia S. Ruiz admitted Respondents
18 acted collectively to effectively grant Joe M. Ruiz effective sole and complete control over the Estate,
19 which directly contravenes A.R.S. Title 14 Trust, Estate and Protective Proceedings, hereafter
20 referred to as A.R.S. Title 14. Respondents actions have purposively and unlawfully contravened
21 Arizona State Law, causing unnecessary expenses to the Estate of Francisca M Lopez-Ruiz and
22 protracted litigation.

- 23
24 2. Petitioners Complaint occurs within the Statute of Limitations

25 Petitioner's Complaint, filed on 4/4/2019, occurs within two years of discovery of fraud. Per A.R.S.
26 14.1106, Effect of Fraud and Evasion, "Any proceeding must be commenced within two years after
27 the discovery of the fraud." In the Evidentiary Hearing on 4/7/17, Julia S. Ruiz's sworn statement and
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COMPLAINT FOR FRAUD AND EVASION - 1

CONFORMED COPY FURNISHED

AEM

1 admonition of Respondents Fraud and Evasion is the admonition and discovery of said Fraud and
2 Evasion.

3 3. Julia S. Ruiz admitted Respondents acted purposively and unlawfully outside ARS Title 14

4 In the Evidentiary Hearing on 4/7/19, Julia S. Ruiz stated "And then I don't know what his [Henry S
5 Ruizmeeden] gripe was, something about Joe Martin [Joe M. Ruiz] didn't have the right to be charge,
6 he was the eldest of the three brothers and normally in Hispanic culture, that's the person who takes
7 charge and we [Julia S. Ruiz, Marta Pospisil & Joe M. Ruiz] just automatically did that as a cultural
8 thing, and so he stated challenging Joe Martin right to do this and that, and Joe Martin opted to leave"
9 (Exhibit 1, page 111, lines 21 - 25 & 112 lines 1 - 3). By admitting in sworn testimony that
10 Respondents purposively and collectively acted together under the vague and unlawful precepts of
11 "cultural norms" to grant Joe M. Ruiz sole and unlawful control of the Estate, Respondents have, by
12 means of sworn statements and in sworn testimony, admitted to unlawfully circumventing the
13 provisions of A.R.S. Title 14 Trust, Estate and Protective Proceedings.
14

15 4. Joe M. Ruiz unlawfully sought sole control of the Estate contrary to A.R.S. Title 14

16 On June 21, 2013, eight days after the decedent's passing Joe M. Ruiz's submitted an Affidavit
17 Release of Decedent's Personal Property to JP Morgan Chase for sole control of decedent's chase
18 bank accounts. Joe M. Ruiz falsely and unlawfully affirmed that thirty days had elapsed since the
19 decedent's death and that Joe M Ruiz was "entitled to the property of FMC Lopez-Ruiz deceased, as
20 the successor of the decedent pursuant to provisions of Title 14 of the Arizona Revised Statues
21 (Exhibit 2). Joe M. Ruiz's Affidavit was patently false as thirty days had not elapsed since the
22 decedent's passing and Joe M. Ruiz was not the sole successor to the decedent. Joe M. Ruiz's
23 Affidavit is clear proof Joe M. Ruiz unlawfully and knowingly sought sole control of the Estate,
24 contrary to the provisions or A.R.S. Title 14.
25

26 5. Henry S Ruizmeeden Has Adamantly Requested All Parties Follow Provision of A.R.S. Title 14

1 In an email from Henry S. Ruizmeeden to Joe M. Ruiz on June 26, 2016, Petitioner states "No one at
2 this time has the authority to dispose or liquidate the estate of Francisca M Lopez Ruiz...the pinal
3 county probabte court will determine who is the personal representative of the estate of Francisca M.
4 Lopez Ruiz" (Exhibit 3), Petitioner made no attempt to dispose of, liquidate or convey any estate
5 assets until his appointment as Personal Representative of the Estate on 12/9/2014. Contrary to
6 Respondents assertions, Petitioner made every effort to conserve the Estate after the decedent's
7 passing by arranging for funding, at Petitioner's expense, for Carlos Lopez-Ruiz to reside at the
8 Estate property after the decedent's passing and care for the Estate's property and animals by
9 consulting an Attorney in Casa Grande Arizona to determine the appropriate course of action to
10 manage the Estate under Arizona State Law.

11
12 6. Respondents Have Conducted Fraud and Evasion by Filing False Statements and By Admonition in
13 Sworn Statements

14 Respondents have conduced Fraud and Evasion, A.R.S. 14. 1106 by falsely stating Henry S.
15 Ruizmeeden has sought sole control of the Estate of Francisca M. Lopez-Ruiz. Respondents can
16 provide no objective evidence reflecting Petitioner made, or implied, any such statement or intent.
17 Respondents have egregiously and outrageously inflated costs and expenses to the Estate and
18 financially benefited by such Fraud and Evasion by filing false statements and in sworn statements, as
19 reflected in Julia S. Ruiz admonition in a sworn statement (see #3 of this Complaint).

20
21 7. Petitioner Seeks Remedies of Court Costs, Attorney's Fees, Unnecessary Expenses and Punitive
22 Damages from Respondents for Fraud and Evasion

23 Petitioner seeks all court costs and attorney's fees related to the Estate paid by Julia S. Ruiz, Joe M.
24 Ruiz and Marta Pospisil. Petitioner seeks all Unnecessary Expenses, specified in Petitioners Motion
25 for Unnecessary Expenses Due to Fraudulent and Unreasonable Conduct, totaling \$57,075.21, filed
26 on 3/8/2017, recovered from Respondents. Petitioner seeks punitive damages from Respondents in
27 the amount of \$100,000.00 each to the Estate of Francisca M Lopez-Ruiz for outrageously and
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1 purposively seeking to circumvent the provisions of A.R.S. Title 14 by pursuing "cultural norm(s)" as
2 their guide instead of established Arizona State Law A.R.S. Title 14, thereby increasing cost of Estate
3 expenses and incurring unnecessary litigation.
4

5
6 Dated this 3rd day of April, 20 19

7
8 
Attorney Name P. N. S. O.

9 I have filed the Original of the attached document(s) on the 3rd day of April, 20 19 with
10 the Clerk of the Superior Court of Pinal County.

11 I have mailed/delivered copies of the attached document(s) on the 3rd day of April, 20 19
12 to:

13 Jerry B. DeRose 101 N Broad Street, Ste 2, Globe AZ 85502

14 Joe M. Ruiz 1081 Maple Lane Watkinsville GA 30677

15 Martha Popisil 8121 E Maguire Pl. Tucson AZ 85710

16 Julia S. Ruiz 4825 N Pala Road Stanfield AZ 85172

17 James J. Osborne, Jones, Skelton & Hochuli, P.L.C. 40 N. Central Ave Ste 2700 Phoenix AZ, 85004
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EXHIBIT
1.1

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 IN AND FOR THE COUNTY OF PINAL

3
4 IN THE MATTER OF THE ESTATE OF:)
5 FRANCISCA MARGARITA LOPEZ-RUIZ,)
6 DECEASED) PB201300213
7)
8 _____)

9 REPORTER'S TRANSCRIPT OF EVIDENTIARY HEARING

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Florence, Arizona
April 7, 2017

BEFORE: THE HONORABLE DANIAL A. WASHBURN,
Superior Court Judge, Presiding

COPY

TRACI J. REED, RPR
Certified Court Reporter, CSR 50466

EXHIBIT
1.2

1 Junior who's -- gosh, there was a handful of us -- and
2 Joe Martin, Joe Martin and Charley.

3 Q How long do you think it would have taken
4 you --

5 A And my sister Margo.

6 Q -- to clean up all the property?

7 A We were in the process of making teams and
8 each one of us taking an area and cleaning that area,
9 and then hopefully -- we were there, I believe it was
10 early in the morning, we even had somebody making
11 burritos for breakfast and water for us to continue
12 working throughout the day. And a few days, maybe a
13 week if we were all able to work, but some of them would
14 have to leave because they had to return.

15 Q Were you going to charge the estate?

16 A Absolutely not.

17 Q Did Henry, your nephew, Henry Ruiz interfere
18 with that?

19 A Yes. As we were cleaning, he didn't go out
20 with us initially and somehow he showed up. I don't
21 know where he came from. And then I don't know what his
22 gripe was, something about Joe Martin didn't have the
23 right to be in charge, he was the eldest of the three
24 boys and normally in the Hispanic culture, that's the
25 person that takes charge and we just automatically did

EXHIBIT 13

1 that as a cultural thing, and so he started challenging
2 Joe Martin right to do this and do that, and Joe Martin
3 opted to leave.

4 THE COURT: I will pause you there. I'm
5 not sure much of this is relevant for our asset
6 examination here.

7 Mr. DeRose, I'm going to expect that you
8 keep your witness on target, please.

9 BY MR. DEROSE:

10 Q While you're there, were other assets of the
11 estate that you were aware of?

12 A Yes. She had a two-horse bumper pull trailer
13 that was not listed. She had a 16-foot -- 16-foot or
14 18-foot flatbed bumper pull, also a trailer. That's not
15 listed. I heard Henry selling her horse panels. I
16 counted a total 32 that were on top of the flatbed and
17 the guy that took the flatbed. I heard him tell the
18 guy, the guy asked him how much do you want, and he
19 responded \$30 a piece.

20 Q The horse panels, are these actually like
21 corrals?

22 A Yes. Her panels, some of them were pieces of
23 panels, others were powder, I can't remember the brand
24 on those. Yes. You put them together and you make the
25 corrals. The majority of her corrals were demolished

JPMorgan Chase Bank, N.A.

AFFIDAVIT
RELEASE OF DECEDENT'S PERSONAL PROPERTY



EXHIBIT 2

STATE OF ARIZONA)
) SS
COUNTY OF PINAL)

JOE M RUIZ being first duly sworn deposes and says: That the undersigned personally agrees to indemnify and hold harmless JPMorgan Chase Bank, N.A. ("the Bank"), from all claims and demands, causes of action, liability for taxes, and damages of every kind and nature growing out of the action of the Bank, in paying and delivering to the undersigned any funds or property of the deceased now on deposit or held by the Bank.

That I am entitled to payment or delivery of the property of FMC LOPEZ RUIZ deceased, as the successor of the decedent pursuant to the provisions of Title 14 of the Arizona Revised Statutes.

Thirty (30) days have elapsed since the decedent's death; and either:

- a. an application or petition for the appointment of a personal representative is not pending and a personal representative has not been appointed in any jurisdiction and the value of all personal property in the decedent's estate, wherever located, less liens and encumbrances, does not exceed Fifty Thousand Dollars (\$50,000.00) as valued as of the date of death; or
- b. the personal representative has been discharged or more than one year has elapsed since a closing statement has been filed and the value of all personal property in the decedent's estate, wherever located, less liens and encumbrances, does not exceed Fifty Thousand Dollars (\$50,000.00) as valued as of the date of this affidavit.

DATED this 21 day of JUNE, 20 13

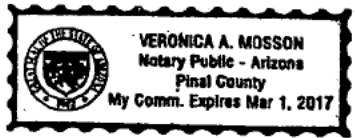
Signature _____

JOE M RUIZ
Printed Name

1081 MAPLE LANE
Street Address

WATKINSVILLE GA 30677
City State Zip

Telephone Number Social Security Number



SUBSCRIBED AND SWORN TO before me this 21 day of JUNE, 20 13

Veronica A. Mosson
Signature of Notary Public

VERONICA A. MOSSON
Printed Name of Notary Public

My Commission Expires: 3-1-17

My County of Residence Pinal

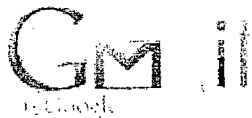


EXHIBIT 3

Untenable Situation

henry ruizmeeden <hruizmee@gmail.com>
 To: JOE RUIZ <joe_ruiz@bellsouth.net>

Wed, Jun 26, 2013 at 8:31 AM

Clearly your lawyer was not familiar with Pinal Probate Law as any attempt to recover funds from an estate must be accompanied by signed waivers from all interested parties. Applying to recover the estate funds with you listed as sole beneficiary is fraud.. You should contact an attorney in PINAL county to be properly appraised of the requirements of Pinal County Probate Law.

I AM NOT THE PARTY TO SUBMIT YOUR RECIEPTS FOR COMPENSATION. You can read english but apparently you are not processing my statement that no one at this time is formally responsible for ensuring you are compensated for the funeral expenses.

As to your claim I am engaging in harassment, I am actually providing you with more accurate probate information than you were/are operating on. You are perfectly entitled to file any claim in the court, however, the email evidence will show I have been clear and concise in my communications with you and alerted you to the risks you, Julie Ruiz and Martha Ruiz were engaged in- namely attempting to dispose of the estate of Francisca M Lopez Ruiz without due process and WITHOUT ALL INTERESTED PARTIES FULL KNOWLEDGE AND APPROVAL AND WAIVERS SIGNED.

Your attorney should have informed you to contact a Pinal County attorney who was familiar with the Pinal Probate Laws. That way you would have know you were acting inappropriately when attempting to act as the sole beneficiary of Francisca Estate funds from Chase Bank. You never asked my to sign a waiver to grant you rights to receive the interest of Francisca's Estate I am entitled to. That is fraud and you refused to comply with my request on 6/22/2013 we all be added to the Chase Application. Your limited and short phone calls to me prove you never significantly engaged me in your attempt to manage the estate of Francisca Lopez Ruiz,

(YOU ARE CLEARLY MISTAKEN ON A FUNDAMENTAL PROBATE LAW FACT. NO ONE AT THIS TIME HAS THE AUTHORITY TO DISPOSE OR LIQUIDATE THE ESTATE OF FRANCISCA M LOPEZ RUIZ NO ONE IS FORMALLY RESPONSIBLE FOR THE WELFARE OR MAINTENANCE OF FRANCISCA M LOPEZ RUIZ ESTATE. YOU STATED CLEARLY YOU ARE NOT ACCEPTING RESPONSIBILITY REGARDING THE ESTATE OF FRANCISCA. As far as your stated intention of managing the affairs of her estate in a human and civil manner, your actions have proven otherwise and you expressly stated to me you intended to IGNORE FRANCISCA M LOPEZ RUIZ wishes for her estate as she expressed them to me. THAT IN ITSELF PROVES YOU ARE AN IRRESPONSIBLY PARTY TO MANAGER HER AFFAIRS.)

CARLOS LOPEZ RUIZ is the legal resident of the property. He has agreed to care for the welfare of Francisca's horses, dogs and cats. You abandoned the animals on 6/22/2013.

(THE PINAL COUNTY PROBABTE COURT WILL DETERMINE WHO IS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF FRANCISCA M LOPEZ RUIZ. IF YOU HAVE ANY QUESTIONS REGARDING THE ESTATE OF FRANCISCA M LOPEZ RUIZ I WOULD SUGGEST YOU RETAIN AN ATTORNEY FAMILIAR WITH PINAL COUNTY PROBATE LAW OR CONTACT THE PINAL COUNTY PROBATE OFFICE.)

HENRY S RUIZMEEDEN.