

Mutual of Omaha  
Peggy Rodewald  
Mutual of Omaha Plaza  
Omaha, Nebraska 68175  
402-342-7600

Alan L. Hamilton  
Marjorie C. Miller  
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Re: Maurine P Hamilton  
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Peggy Rodewald  
Mutual of Omaha Plaza  
Omaha, Nebraska  
68175

2. Article Number  
(Transfer from service label)

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PS Form 3811, February 2004

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*Bill Saxton*

- Agent  
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JUN 29 '09

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## 4. Restricted Delivery? (Extra Fee)

- Yes

102595-02-M-1540

June 25, 2009

Ms Rodewald,

This is in response to your letters dated January 8, 2009 and May 13, 2009. My wife, Marjorie Miller, ended up in the hospital on January 15, 2009, for a week, and at home recovering for over a month. That put us very behind schedule in many things, and we have been playing catch-up ever since.

Thank you for the documents included with the January 8, 2009 letter. It was the first time I had seen these documents. It is interesting that you haven't brought up that my name is spelled incorrectly, on a document supposedly signed by my mother. I'm sure if they had been "legal documents", Danny Davila and Sylvia would have offered them up willingly to our attorney. They did not. Danny merely said "The police never prosecute these things, so you should just forget about it." And Sylvia said, "Gina stole the money from me, but don't tell the police, I'll pay you back, but I don't have any money to pay the IRS the \$36,000 past due taxes either, so can you pay that?"

As well, Danny Davila, while practicing law without a license apparently, never sent out a "Notice of Revocation of Power of Attorney", to me, as required by law. He did not want me to know, apparently even to protect himself from liability by notifying all beneficiaries of his "legal actions", prior to liquidating the entire life savings of a little old lady. Nor did Mutual of Omaha, ever bother to send me a Certified Letter notifying me of anything, until August 28, 2008, and never informed me of what was going on, even when I called and inquired in July 2005. Did it ever occur to anyone to ask why a little old lady who had invested so wisely and managed her taxes so prudently over the years, would suddenly need such a large influx of cash? Does Mutual of Omaha understand and observe the suspicious transaction reporting laws?

Similarly, it is also interesting to note which documents Mutual of Omaha has chosen to share with us. While going through some of the boxes of documents my lawyer has been able to get from Sylvia and Danny Davila, we have found documents which show Mutual of Omaha suspected fraud but did nothing.

On December 8, 2008, we requested all the records of written, voice and fax communication concerning the above policies. This includes any correspondence between Mutual of Omaha, Danny Davila, Sylvia Hamilton, Maurine Hamilton, and anything that you think that you sent to me as well. We have found letters in Sylvia's boxes, apparently stolen from the mailbox at 9902 Childress, my address, with an address change request to Sylvia's address shortly afterward. Sylvia was a post office employee most of her life as well, so who knows what she's been up to at this point. I am still in a state of shock that I thought the money was safely invested with Mutual of Omaha, in an "Ultra-Secure Account", but apparently it was easier and less risky than robbing a bank.

On August 26, 2008, after a lease signing meeting, Sylvia apparently broke down and confessed to the Estate attorney, Wayne Gronquist, that she had stolen all the Annuities from the Estate, but she promised to "pay me back". We were not informed by Wayne Gronquist until Sept 9, 2008. Amazingly enough, apparently on August 27, 2008, Sylvia was on the phone to you scamming the rest of the Insurance money as well. Sylvia has no problem communicating with Mutual of Omaha, but after 9 months of investigation and requests for information, and \$14,000 paid to the Probate/Estate attorney, Sylvia still has not disclosed the needed information to the Estate. On October 28, 2008, I was named Executor of the Estate by the Probate Court, and Estate Inventory papers, showing a now insolvent Estate, with pending legal claims, were filed in Probate Court on April 15, 2009. The police report for embezzlement and possible homicide was filed on May 22, 2009. The IRS is next, and I'm sure they will not accept Danny and Sylvia's stories that \$800,000+ just "disappeared, so just forget about it". While attempting to work with Danny Davila and Sylvia this year on the taxes, he prepared and tried to force us to sign - without showing them to us first, "final taxes for the Estate", which hid the fact that the money was gone, and we assume filed corresponding false tax returns for Sylvia, as he never took the money off the Estate taxes. His website lists "Forensic Accounting" and "Theft Prevention", but is not what he has been doing. We finally got a copy of his Hamilton Estate file on April 14, 2009, under threat of court order, and it contained the 2003 Tax return filed by Maurine Hamilton's previous accountant, which he denied having for 5 months, when it was requested. Danny Davila was hired by Sylvia in 2004, because anybody who knew Maurine would not have done it, including Brian Dudley, who Sylvia and Danny got out of the way with the absurd letter that Danny Davila wrote, and Mutual of Omaha accepted, as a valid reason as to why a prudent investor like Maurine Hamilton would want to liquidate all her investments, that paid \$40,000/year in interest to tap into should she need any extra money, on top of the \$35,000/year in Social Security/pensions she got, with a paid off house and very few expenses, except more investments, which is the way Maurine always was. Dependable, smart and frugal. She made sure her Life Insurance was not taxable after her death, and went to both of her kids equally, on May 29, 2003. She would not have incurred a \$36,000 tax hit in one year, 2004, to withdraw money she did not need. We now know that Mutual of Omaha suspected this, but you have not shared that paperwork with us, it appears in bad faith.

On December 8, 2008, we informed Mutual of Omaha that we had been informed that the Annuities listed above were missing, and Mutual of Omaha does nothing but send a threatening mail demanding the missing money back from the victim. No investigation and obviously withholding evidence of wrongdoing. Your letter on August 28, 2008 said, "If you have shared this money with Sylvia please let us know." In legal terms, I assume you mean has probate been concluded on the Estate. It has not. The answer to who has Sylvia's "share" was clearly contained in my letter on December 8, 2008, as well as your response on January 8, 2009: it appears Sylvia took everything and continued to scam Mutual of Omaha even after confessing to the Estate attorney.

Do not request any more money from me. Do not give any more money to Sylvia. And if the above listed Annuities are not restored as they were prior to Mutual of Omaha's aiding and abetting the embezzlement of the funds, we will be handing it over to an attorney and seeking treble/punitive damages. As well, due to Mutual of Omaha's negligence, it appears my mother was not allowed to enjoy her Golden Years though she had planned very well for them, and put most of her retirement money in Mutual of Omaha's care. She was found dead, 2 years after being ripped off by her daughter, in her daughter's care, almost penniless, as bank records are showing in the ongoing investigation.

We have filed a Police report with the Austin Police Department, and they are beginning an investigation. Please send the rest of the documentation for the Hamilton Estate from Mutual of Omaha so that the investigation which Mutual of Omaha has failed to do, may proceed.

It is amazing how easily Mutual of Omaha allowed 2 people to steal every cent from an old lady, my mother. She ended up dead 2 years later in Sylvia's care, after Sylvia had emptied all her annuities and bank accounts.

Thanks a lot. This unfortunately is my "AHA moment". So much for Mutual of Omaha's "Ultra-Secure Accounts". AHA, it's gone, is all Mutual of Omaha has to say. There's apparently an epidemic of poor Fiduciary Duty causing widespread looting and killing of old people, as the attached flyer discusses. By giving an old woman's caretaker all of her money, you gave the caretaker a motive for murder, especially after the caretaker apparently "spent it, lost it, was robbed", depending on the current story, all within 2 years, and was then faced with possible discovery when the mother requested to go into a nursing home. Mutual of Omaha was basically an accomplice in robbery and murder as far as I'm concerned. The police will be in touch and so will my lawyer, if Mutual of Omaha doesn't start doing the right thing. Oh, that's a different company's slogan, Pardon Me. AHA. Liberty Mutual?

So sorry our "slow" investigation of 5 years of fraud aided and abetted by Mutual of Omaha has not been fast enough for you. But at least we have been doing an investigation. Mutual of Omaha merely continues their negligence by sending me documents with my name spelled wrong, supposedly by my mother, who I saw at least twice a week, up until her death, in Sylvia's care. It wasn't until I saw what had happened financially that I realized what may have happened to my mother. My mother died in Sylvia's care, with very little money left in her accounts, after asking to be moved to a nursing home. Sylvia did not tell me of my mother's death for 3 weeks, with no autopsy and after the cremation, and I live less than a mile away. Indeed, she told me my mother was "sleeping" when I stopped by to visit during that 3-week period.

We will also be reporting the apparent systemic problem of poor Fiduciary Duty to the FBI, the Texas Attorney General's Office, Texas Department of Insurance, the Post Office Inspector General Office and as already mentioned, the IRS. We are going to find out what happened and the world is going to know how unsafe their money is with Mutual of Omaha. It's sick that Danny threatened Mutual of Omaha with violating their Fiduciary Duty while violating his own Fiduciary Duty. It's disgusting that Mutual of Omaha violated their Fiduciary Duties, when the discussion was about Fiduciary Duty. By the way, Brian Dudley was one of my mom's best friends, which is why Sylvia had to get him and me out of the picture to do her dirty work.

Indeed, each new document presents new questions: while looking over the August 28, 2008 documents you sent, the policies were apparently for \$250,000 and \$100,000, not \$100,000 and \$100,000. Mutual of Omaha apparently owes another \$150,000 on the \$250,000 policy. Please explain, and remit promptly.

  
Alan L. Hamilton

  
Marjorie C. Miller

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### Financial Abuse Targeting the Disabled and Elderly

Thursday June 4, 2009 from 7:00pm - 9:00pm

Cove Apartments Recreation Center/Conference Room

50 Barbaree Way Tiburon, 94920 [Get Directions](#)

Workshop and Discussions on Elder Financial Abuse.

We are living in financially hard times. Predators are out there just waiting to prey on the Disabled, and Elderly for financial windfalls. We are seeing more and more financial crimes and even murders in the Elder Financial Abuse kind of crimes.

Our neighbors, family members, and friends are being victimized. We need to collectively educate ourselves in what to look for and what kind of actions can be taken against the predators. At the "Signs of Elder Financial Abuse workshop, you will be given examples of true crime stories and how predators are able to get away with their crimes with virtually no investigations, no arrests and no prosecutions.

There will be time for your questions to be heard. I encourage your participation and I want to hear your concerns.

My name is Joe Reich and I am an Attorney. I am also available to discuss your matter in a more private and confidential setting. (415) 389-1976 [hrs2@gmail.com](mailto:hrs2@gmail.com)

Ticket Info: \$10.00 at door

Category: Education

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From Peter - saw  
I read me his  
flyer

Joe  
Reich

IT'S TOO easy to tell our people + steal their money.

Alvin Hahn / How  
1902 CHILDREN  
JUSTIN, TERNS 7775

Handwritten notes in the background: "Peggy's", "Omaha", "putting on..."

Alan Hamilton  
9902 CHILDRESS  
AUSTIN, TEXAS 78753

Mutual of Omaha  
Peggy Rodeward  
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Omaha, Nebraska 68175