

CUCINELLI GEIGER NOTARIZED AFFIDAVIT OF ADMISSION OF GROSS MALFEASANCE AND "BREACH OF FIDUCIARY DUTY OF CARE" AND "MATERIAL BREACH OF THE 2020 LYNN KAY GUARDIANSHIP SIGNED AGREEMENT CONTRACT" -(2020-2025)

AS LAWYERS BEING "OFFICERS OF THE COURT" WITH OUR HAVING A DUTY TO BE FORTHRIGHT.

As officers of the court, attorneys licensed in the Commonwealth of Virginia bear a solemn and continuous duty to uphold the integrity of the judicial process by acting with honesty, candor, and forthrightness in all matters before the court. Pursuant to the Virginia Rules of Professional Conduct, a lawyer is not merely an advocate for their client but also a public citizen with a special responsibility for the quality of justice.

This includes a duty to avoid misrepresentation, to disclose material facts when necessary to avoid assisting a client in a criminal or fraudulent act, and to refrain from conduct involving dishonesty, fraud, deceit, or misrepresentation. The lawyer's obligation to the court and the legal system transcends personal or client interests, ensuring that justice is pursued with transparency and ethical fidelity at all times.

UNDER OATH NOTARIZATION OF CARY CUCINELLI AND VALERIE GEIGER- (CONSERVATORS) BEING AT RISK OF PENALTY OF PERJURY:

We, Cary Cucinelli and Valerie Geiger, hereby declare under oath to all of the following:

1. WE, WRONGFULLY, FAILED TO DO ANY DETAILED QUARTERLY FINANCIAL REPORTS FOR FINANCIALLY PROPERLY AND TRANSPARENTLY ACCOUNTING FOR EVERY SINGLE PENNY SPENT AND RECEIVED.
2. WE, WRONGFULLY FAILED TO PAY LYNN KAY HER ANNUAL GUARDIANSHIP SALARY IN 2020, 2021, 2022-(1/2 YEAR PAID SALARY DEDUCTING TAXES), AND WRONGFULLY PAID NOTHING TO LYNN KAY IN 2023 AND 2024 AND 2025 CAUSING LYNN UNDUE DETRIMENTAL FINANCIAL HARM TO LYNN'S FUTURE SOCIAL SECURITY RATE AND LYNN'S SAVINGS AND INVESTMENT FUNDS AND LYNN'S TAXES
3. **LYNN RECEIVED AN ESTATE GIFT OF \$180,000 IN LATE 2022 FOR HER AGREED UPON \$90,000 ANNUAL GUARDIANSHIP SALARY FOR YEARS 2020 AND 2021*
4. WE, WRONGFULLY SUED LYNN KAY FURTHER BURDENING LYNN IN 2020-2021 FOR AN ALREADY ONGOING 4134 NEIGHBOR LAWSUIT WHICH WAS THE ESTATE'S RESPONSIBILITY AND NOT LYNN'S AS THIS WAS OCCURRING SINCE 2018 PRIOR TO CONSERVATORSHIP AND LYNN WAS AT NO FAULT, WHATSOEVER, FOR ANYTHING AND SHOULD NOT, IN ANY WAY, HAVE BEEN BURDENED BY OUR WRONGFUL MERITLESS LAWSUIT AGAINST LYNN KAY.
5. WE, FAILED TO DO REAL ESTATE APPRAISALS.
6. WE, WRONGFULLY AND UNNECESSARILY SOLD 6 LONG HELD RENTAL PROPERTIES LOSING MULTI-MILLIONS IN ESTATE VALUE FROM UNNECESSARY TAX LOSSES, LOSS OF 5+ YEARS OF FUTURE RENTAL INCOME-(\$1,000,000/3 YEARS) AND FOREVER LOST REAL ESTATE VALUE EQUALLING MULTI-MULTI MILLIONS IN THE GROSS FINANCIAL MISMANAGEMENT OF THE ENTIRELY UNNECESSARY LIQUIDATION AND GROSS FINANCIAL MISMANAGEMENT CAUSING THE DETRIMENTAL DEPLETION OF ESTATE FUNDS. **LYNN KAY HAD STATED IN 2020 THAT SHE WANTED THOSE ARLINGTON PROPERTIES AS HER INHERITANCE AS SHE HAD MORE THAN 20 YEARS INVESTMENT OF HER TIME AND MONEY IN THOSE PROPERTIES SINCE HER CHILDHOOD-THE 1960'S.**
7. WE, FAILED TO EVER REPLACE THE 4136 BROKEN POWER GENERATOR
8. WE, FAILED TO PAY FOR 4136 WINDOW AND DOOR BLINDS AND FAILED TO DO ANY YEARLY ONGOING 4136 MAINTENANCE WORK AND FAILED TO PAY STANLEY STEEMER FOR STEAMCLEANING THE FLOORTILES.
9. WE, FAILED TO EVER FOR 5 YEARS DO ANY FINISHING WORK AT THE 4136 ESTATE HOME AND FAILED TO EVER PROVIDE FUNDS FOR CLEANING AND FOR THE UPKEEPING OF THE 4136 ESTATE HOME, BOTH INSIDE AND OUTSIDE ENTIRELY FAILING TO PROVIDE PROPER MAINTENANCE OF THE ESTATE HOME FOR THE ENTIRETY OF 2020-2025..

10. WE, FAILED TO EVER NOTIFY LYNN KAY OF THE JULY 2022 EMERGENCY PETITION FILINGS AND THE EMERGENCY PETITION COURT HEARING WITH OUR WRONGFULLY ONLY NOTIFYING LYNN KAY 2 DAYS LATER ON THE LATE AFTERNOON OF 7/7/22.
11. WE, ALSO FAILED TO NEVER PROVIDE LYNN KAY WITH ANY OF THE 7/5/22 EMERGENCY PETITION FILINGS.
12. WE, FAILED TO EVER CALL LYNN KAY TO DO ANY PROPER "DUE DILIGENCE" FOR VERIFICATION OF ALLEGATIONS IN JULY 2022 PRIOR TO FILING AN UNWARRANTED EMERGENCY PETITION WHICH WE ENTIRELY FAILED TO EVER NOTIFY LYNN OF THIS OCCURRING, ENTIRELY DENYING LYNN HER RIGHT FOR DUE PROCESS TO DEFEND HERSELF WITH THE ESTABLISHED AND DOCUMENTED TRUTH.
13. WE, FAILED TO PAY ATTENTION TO LYNN KAY'S 7/7/22 & 7/8/22 EMAILED INFORMATION DOCUMENTING LIZ SHIFFLETT'S CARE MANAGER NEGLIGENCE SINCE MAY 2022. CARE MANAGER NEGLIGENCE HAVING DIRECTLY CAUSED ELAINE'S NEED FOR "EMERGENT HOSPITALIZATION FOR 15 DAYS-(6/30/22-7/14/22)"
14. WE, BY NEGLIGENT NEGLIGENCE CAUSED ELAINE TO SUFFER BY NOT ASSURING THAT SHE RECEIVED PROPER MEDICAL CARE PRIOR TO AND IN THE 6/30/22-7/14/22 VIRGINIA HOSPITAL CENTER-(VHC) IN OUR ENTIRELY ABANDONING HER WHILE UNKNOWINGLY SUFFERING UROSEPSIS AEROCOCCUS KIDNEY INFECTION WITH ELAINE'S ORGANS ALREADY BECOMING DAMAGED AND SHUTTING DOWN ON DAY 1 AND ALL BEING IGNORED BY ALL FIDUCIARIES, EXCEPT FOR LYNN.
15. WE, FAILED TO AS "MANDATED REPORTERS" TO EVER PROPERLY INFORM AUTHORITIES AND THE COURT REGARDING THIS DOCUMENTED CARE MANAGER AND FIDUCIARIES NEGLIGENCE AND DEPRIVATION OF CARE AND MEDICATION ABUSE OF ELAINE MAE KAPUSTA IN 2022-2025
16. WE, NOW ACKNOWLEDGE THAT BASED ON THE PROVIDED "VHC MEDICAL RECORDS", FACTUAL DOCUMENTATION PROVIDED BY LYNN KAY ON HER 1ST WEBPAGE ON HER WEBSITE www.wearefightingforourlives.org, LYNN SHOWED "AMAZING MEDICAL ASTUTENESS AND GOOD JUDGMENT" IN HER KNOWING HER MOM BETTER THAN EVEN THE NURSE CARE MANAGER AND THE DOCTORS FOR LYNN KAY "MEDICALLY PROPERLY" STATING AND DOING EVERYTHING "MEDICALLY PROPER FOR HER MOM" EVEN PRIOR TO 6/30/22 AS "ALL TEXTS TO LIZ SHIFFLETT AS NURSE/ CARE MANAGER AND AS ALL MEDICAL RECORDS INDICATE THAT *THE VIRGINIA HOSPITAL CENTER-(VHC) ENTIRELY FOLLOWED ALL OF "LYNN'S 6/29/22 & 6/30/22 MEDICALLY ASTUTE INSTRUCTIONS" FOR "PROVIDING ALL OF THE PROPER REQUESTED CARE FOR HER MOM".**
17. WE, ADMIT THAT *WE WERE WRONG TO STATE THAT LYNN SHOWED "IRRATIONAL BEHAVIOR AND LACK OF JUDGMENT, ETC." HAVING NOW ALL BEEN PROVEN FALSE BY "MATERIAL FACTS AS ALL ALLEGATIONS ARE FOUND TO ALL BE "FALSE AND MISLEADING STATED ALLEGATIONS OF OPINION ONLY" WITH "ABSOLUTELY NO MERIT TO ANY OF THE 7/5/22 CONCEALED EMERGENCY PETITION ALLEGATIONS EVEN BEING TRUE".
18. WE, ALLOWED ELAINE TO SUFFER FROM NEGLIGENCE AND ABUSE BY CARE MANAGER AND VIRGINIA HOSPITAL CAUSING ELAINE TO BE UNABLE TO WALK UPON HOSPITAL DISCHARGE ON 7/14/22 WITH ELAINE NEEDING TO RELEARN HOW TO WALK CAUSING WEEKS OF SUFFERING PHYSICAL INCAPACITATION DUE TO NEGLIGENCE CAUSED UNDER OUR CARE.
19. WE, WRONGFULLY SUPPORTED AND APPROVED THE UNJUST REMOVAL BY "PRIVATE ARMED GUARDS WITH GUNS" FORCING THE UNJUST AND WRONGFUL REMOVAL ABDUCTION AND KIDNAPPING OF ELAINE MAE KAPUSTA FROM HER OWN HOME OF 45 YEARS ON 6/6/23 WITH HER BEING PROPERLY CARED FOR BY LYNN 24/7/365 FOR 17 YEARS SINCE 2006. ELAINE AND LYNN WERE BOTH TRAUMATICALLY AFFECTED AS WE WRONGFULLY REMOVED ELAINE WITH THERE BEING NO LEGAL JUST CAUSE WHILE ELAINE WAS BEING DENIED BOTH DENTAL AND MEDICAL CARE FOR 8+ MONTHS SINCE 9/20/22. WHILE CAUSING HORRENDOUS LIFE-ALTERING HARM TO ELAINE SUFFERING FROM "DELIBERATE DEPRIVATION OF CARE BY ALL FIDUCIARIES NEGLIGENCE IN FAILING TO PROTECT ELAINE FROM NEGLIGENCE AND ABUSE AND EXPLOITATION" SINCE 2022.
20. WE, THEREAFTER FAILED TO PAY THE 2023-2025 4136 HOME UTILITIES AS WE WRONGFULLY BURDENED LYNN WITH THIS.
21. WE, DENIED AND FAILED TO PROVIDE AND FAILED TO REPORT THAT ELAINE HAD BEEN DEPRIVED OF 883 DAYS OF DENTAL X-RAYS-(3/2/22-8/1/24) AND 681 DAYS OF QUARTERLY DENTAL CLEANINGS-(9/20/22-8/1/24) WHILE ELAINE WAS DOCUMENTEDLY SUFFERING "SEVERE GUM DISEASE AND TEETH PAIN" SINCE 3/2/22 AND NEEDING DOCTOR-ORDERED ROOT CANALS WHICH WERE WRONGFULLY DENIED IN PART OR IN WHOLE TO ELAINE SINCE 2021.
22. WE, CONCEALED TO THE AUTHORITIES AND TO THE COURT THAT ELAINE ALMOST DIED ON 8/2/24 AS SHE NEEDED TO BE REVIVED BY 911 PARAMEDICS AS SHE WAS ONCE AGAIN FOR 3 YEARS WRONGFULLY BEING GIVEN FDA-UNAPPROVED ANTIPSYCHOTICS CAUSING ENLARGED HEART-(QT PROLONGATION) AND LYNN HAD PREVIOUSLY INFORMED TO STOP GIVING HER MOM ANTIPSYCHOTICS CONTINUALLY WARNING OF DEATH AND ALL FIDUCIARIES IGNORED LYNN'S WISDOM SINCE 2022 IN ALL FIDUCIARIES AND PHILIP KAPUSTA CONDEMNING LYNN AND SUPPORTING THE THREATENING OF LYNN KAY, INSTEAD OF RESPECTFULLY AND PROPERLY LISTENING TO LYNN.

23. WE, WRONGFULLY NEVER DID ANY DUE DILIGENCE TO EVER SEEK TO VERIFY ANY OF THE CARE MANAGER'S ALLEGATIONS AGAINST LYNN KAY IN JULY 2022 AS "WE ASSUMED AND DID NOT EVER SEEK TO VERIFY" THAT THERE WAS ANY "MATERIAL CORROBORATING FACTS TO BACKUP ANY OF THE ALLEGATIONS. NOW DETERMINING ALL ALLEGATIONS WERE OPINIONS AND NOT FACTUAL.

24. WE, NOW BEING ATTESTED TO HAVING NOW BY FACTUAL DOCUMENTATION PROVIDED BY LYNN KAY ON HER 1ST WEBPAGE ON HER WEBSITE www.wearefightingforourlives.org HAVE NOW DETERMINED THAT ALL ALLEGATIONS AGAINST LYNN KAY BEING FALSE AND MISLEADING ALLEGATIONS WITH "THERE BEING NO MATERIAL FACTS" TO SUPPORT ANY OF THE JULY 2022 EMERGENCY PETITION FALSE AND MISLEADING STATEMENTS OF "MERE CONJECTURAL OPINION" STATED AND REPORTED IN THE "CRIMINALLY FALSIFIED 6/8/22 & 6/30/22 LIZ SHIFFLETT REPORTS" WHICH WE ENTIRELY FAILED TO EVER VERIFY AND ENTIRELY CONCEALED THIS FROM LYNN ALONG WITH THE 7/5/22 EMERGENCY PETITION COURT FILING.

25. WE, NOW, HEREBY PROPERLY RETRACT ALL ALLEGATIONS AGAINST LYNN KAY AND SEEK BASED ON THIS THAT ALL 2022-2025 COURT JUDGMENTS AGAINST LYNN KAY ALL BE OVERTURNED AND VACATED AND EXPUNGED FROM THE COURT RECORDS AS ALL BEING FALSE ALLEGATIONS WITH "THERE BEING "NO MATERIAL FACTS", AT ALL TO SUPPORT ANY OF THE FALSE AND MISLEADING ALLEGATIONS AS WE ADMIT NOW THAT LYNN DID NOTHING WRONG.

26. WE, WRONGFULLY THREATENED BOTH ELAINE'S AND LYNN'S LIFE SINCE 2022 BY OUR WRONFFUL ACTIONS OF FAILING TO ASSURE ELAINE THE PROVISION TO PROVIDE ELAINE WITH PROPER AND TIMELY DENTAL AND MEDICAL CARE AND FAILED TO ASSURE THE FOLLOWING OF 7 DOCTOR'S ORDERS OF DR. HU-(MCLEAN DENTAL-2021) AND DR. LESSIN-(5/10/22 & 12/13/22) AND DR. CUSUMANO-(9/20/22 AND 5/8/23 AND 1/4/24) AND DR. DOKI-(5/22/23).

27. WE, THREATENED LYNN'S LIFE ON 7/8/22 BY UNDUE WRONGFUL WRITTEN AND PHYSICAL THREATS REALIZED CAUSING UNDUE PSYCHOLOGICAL HARM TO LYNN UNJUSTLY FOR 3 CONTINUAL YEARS DUE DIRECTLY TO OUR WRONGFUL ACTIONS IN JULY 2022.

28. WE, WRONGFULLY CAUSED THE 24/7 FORCED HOME INVASION IN THE MIDDLE OF THE COVID PANDEMIC ENDANGERING BOTH ELAINE'S AND LYNN'S LIVES AND ENTIRELY VIOLATING THEIR RIGHTS TO NOT FEEL THREATENED AND BEING IN DANGER IN THEIR OWN HOME-(7/14/22-6/6/23).

29. WE, AS TEMPORARY CO-GUARDIANS AND LATER AS CONSERVATORS WRONGFULLY ALLOWED ELAINE TO RECEIVE FDA-UNAPPROVED ANTIPSYCHOTICS OF ZYPREXA AND SEROQUEL THAT ARE EBLACK-BOXED WARNING NOT FOR ELDERLY AND NOT FOR CARDIAC PATIENTS AS STATED AT RISK OF DEATH OF HEART ATTACK AND STROKE AS LYNN HAD WARNED SINCE JULY 2022 THAT THEY WERE DESTROYING HER MOM AND WE WRONGLY AND UNCARINGLY JUST SIMPLY IGNORED IT ALL

30. WE, WRONGFULLY TERMINATED MYCHART ACCESS AGAINST COURT ORDER ON 7/8/22 FOR 4 MONTHS. THE TERMINATION OF MYCHART ACCESS TO MEDICAL RECORDS PREVENTED THE DISPROVING EVIDENCE FROM BEING SEEN AND WE ADMIT THIS WRONGLY CAUSED HARM TO BOTH ELAINE AND LYNN.

31. WE, CONCEALED AS MANDATED REPORTERS ON 1/17/23 THAT GEORGE W. DODGE AND JEANNE BLUE AND ELDER TREE AND DR. ALAN DAPPEN AND ALL FIDUCIARIES HAD ALL DENIED ELAINE DENTAL AND MEDICAL CARE WHILE ELAINE WAS SUFFERING AND BEGGING FOR CARE. FOR 3 MONTHS-(10/10/22-1/17/23 TO PRESENT DAY BY "DEPRIVATION OF LIFESAVING RESTORATIVE DENTAL AND MEDICAL CARE" AS LYNN HAS "MEDICALLY PROPERLY BEEN BEGGING FOR 3 YEARS FOR HER MOM-ELAINE MAE KAPUSTA AND WE HAVE IGNORED IT ALL CAUSING GRAVE INJURIES AND DISEASE TO ELAINE BY ALL FIDUCIARIES AND PHILIP KAPUSTA ALSO IGNORING IT ALL IN FAILING TO EVER CARE.

32. WE, ALSO AGAIN FAILED TO REPORT THE NEGLIGENCE AND NEGLECT ON BOTH 1/4/24-EMERGENCY PETITION HEARING AND 10/23/24-CALENDAR CONTROL 9+ MONTHS AGO WHEN IT WAS WRONGLY CONCEALED FROM THE COURT THAT ELAINE WAS IN DESPERATE NEED OF CARE AND WE REMAINED SILENT AND AS ALL FIDUCIARIES ALSO DID, FULLY CONCEALED FROM LYNN THE ALMOST DEMISE OF ELAINE-(LYNN'S MOM) ON 8/2/24.

33. WE, HAVE FAILED TO PROTECT ELAINE AND LYNN AND THE ESTATE FROM HARM AND HAVE CAUSED THEM BOTH "LIFE-ALTERING IRREPARABLE HARM" UNDER OUR NEGLIGENT CONSERVATORSHIP FOR 5 CONTUNUAL YEARS SINCE 2020 BREACHING OUR FIDUCIARY DUTY OF CARE.

34. WE, NOW CLEARLY RECOGNIZE THAT OUR GROSS MALFEASANT ACTIONS SINCE 2020 HAVE CAUSED TREMENDOUS LIFE-ALTERING IRREPARABLE HARM TO BOTH ELAINE AND LYNN AND ALSO TO THE ESTATE.

35. WE, RECOMMEND THE REINSTATEMENT OF LYNN KAY AS FULL GUARDIANSHIP AND ALSO TO HER PRIOR POSITION OF FULLY AND SOLELY HOLDING LEGAL P.O.A. AND ADVANCE MEDICAL DIRECTIVE-(2013-2020) AS WE ACKNOWLEDGE, WITH NO JUST CAUSE, THAT WE NEGLIGENTLY ENTIRELY HAVE MATERIALLY BREACHED THE CONSERVATORSHIP/GUARDIANSHIP COURT ORDERED AGREEMENT SINCE 2020 IN DEFYING ALL COURT-ORDERED TERMS, GIVING LYNN THE RIGHTFUL PRIOR POSITION OF FULL CUSTODY OF HER MOM AND THE ESTATE WITH NO FIDUCIARIES INVOLVEMENT AT ALL.

36. WE, HAVE ENTIRELY, IN ALL WAYS, BEEN RESPONSIBLE AS CONSERVATORS FOR THE BREACH OF OUR FIDUCIARY DUTY OF CARE TO ELAINE MAE KAPUSTA SINCE 2020-2025 AND AS SIGNER AS FIDUCIARY

HAVE ALSO WRONGLY “MATERIALLY BREACHED THE 2020 LYNN KAY GUARDIANSHIP SIGNED AGREEMENT CONTRACT” –(2020-2025), WITH THERE BEING NO JUST CAUSE.

WE, CARY CUCINELLI AND VALERIE GEIGER, NOW HEREBY RESIGN AS CONSERVATORS IMMEDIATELY FOR OUR NOW PROPERLY FULLY RECOGNIZING ALL OF “THE HORRIFIC HARM CAUSED TO THE ELAINE MAE KAPUSTA ESTATE AND PERSONALLY TO BOTH ELAINE MAE KAPUSTA AND TO LYNN KAY UNDER OUR NEGLIGENCE AND GROSS MALFEASANCE ACTIONS TAKEN SINCE JULY 2020.”

I, affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

CARY CUCINELLI

VALERIE GEIGER

Notary Signature

DATE: _____

Notary: Subscribed and sworn to before me On this _____ day of June 2025