

**A COMMISSION OF INQUIRY
INTO HISTORIC LAND LOSS
IN BERMUDA**

**CHAIRMAN
JUSTICE NORMA WADE-MILLER**

**COUNSEL
MR. DIRK HARRISON**

**COMMISSIONERS
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MR. QUINTON STOVELL
MS. MAXINE BINNS
MR. JONATHAN STARLING
MS. LYNDA MILLIGAN-WHYTE
MS. FREDERICA FORTH**

TRANSCRIPT OF PROCEEDINGS

**LOCATION: UNKNOWN
MONDAY, FEBRUARY 1, 2021
MORNING SESSION (b)**
(Continuation of Morning Session (a))

COUNSEL DIRK HARRISON 0:02: Know in your statement you make reference to a document that's you or documents you wish to rely on. One such is tied to Supreme Court document probate jurisdiction you shared with the Commission of Inquiry two (2) documents titled Supreme Court Document Probate Jurisdiction, Sir.

JUSTICE NORMA WADE-MILLER 0:04: Madam Chair, if I may, I have a question for you, Counsel. You moved so quickly onto the next item. On the previous document the legal aid document. It actually speaks to I just want to get some verification or clarification. The name on that document says Leroy Frederick Robinson. Is that correct? Or should it be Frederick Leroy Robinson?

MR. JUSTIN ROBINSON 0:40: Oh, yes. Frederick Leroy Robinson is his name.

MR. QUINTON STOVELL 0:50: Thank you.

COUNSEL DIRK HARRISON 0:51: Thank you Mr. Stovell. I think just take you back earlier, the witness had indicated that his father's name had, I think, on one occasion it initially it was handwritten, and he had caused it to be changed legally. He had given evidence earlier of that. So it was Hendrickson, it was Robinson.

JUSTICE NORMA WADE-MILLER 1:17: It was the surname it was the inversion of Fred L. as opposed to L. Fred. So in this case, it's Leroy Frederick. But the senior was actually Frederick L.

COUNSEL DIRK HARRISON 1:34: Thank you. In respect of the Supreme Court document Probate Jurisdiction, I'm going to documents which you had shared with the Commission of Inquiry, I'm going to show you a document. Is that all the documents that you had shared with the Commission of Inquiry, sir?

MR. JUSTIN ROBINSON 2:18: Yes.

COUNSEL DIRK HARRISON 2:35: Madam Chair, the document which is titled In The Supreme Court of Bermuda Probate Jurisdiction in the Estate of Frederick Leonard Hendrickson, in the Estate of Frederick Leonard Hendrickson, aka Fred Hendrickson.

Yes, it is for your guidance is projected on the screen Madam Chair aka Fred Hendrickson and also in brackets the word (deceased) and below that the word 'Caveat'.
That document is tendered and admitted as Exhibit JR9.

JUSTICE NORMA WADE-MILLER 4:01: And it has a notation?

COUNSEL DIRK HARRISON 4:05: It has in the top right hand corner, the word Exhibit S.

JUSTICE NORMA WADE-MILLER 4:31: Thank you entering Exhibit JR9

COUNSEL DIRK HARRISON 4:33: JR9

JUSTICE NORMA WADE-MILLER 4:39: So, the document headed The Supreme Court of Bermuda Probate Jurisdiction in the Estate of Frederick Leonard Hendrickson, aka Fred Hendrickson (Deceased) with the notation exhibit, S is hereby entered as JR9..

COUNSEL DIRK HARRISON 5:11: Could you read the document? Starting from the word Caveat Yes, please.

MR. JUSTIN ROBINSON 5:20: Caveat, let no grant be sealed in the estate of Frederick Leonard Hendrickson, aka Fred Hendrickson, whose address was 38 Clarendon Road, Hamilton Parish FL04 and then Elder Home Care Senior's Residence, 3 Northridge Crescent, Devonshire Parish DV05, both in the Isles of Bermuda, who died on the 7th day of November, 2012 in Bermuda, without notice to Justin W. Robinson. Wakefield Quinn Limited, Barristers and Attorneys, Victoria Place, 31 Victoria Street, Hamilton HM 10, Dated: this 9th day of October, 2013.

COUNSEL DIRK HARRISON 6:19: Now, and this is signed by the attorneys, Wakefield Quinn limited. You have shared this document with us why sir?

MR. JUSTIN ROBINSON 6:32: When my grandfather passed away, it was advised that I submit Caveats to bring notice so that if his property or estate is being probated, It would have to be referred back to myself.

COUNSEL DIRK HARRISON 6:55: Thank you. And in the document, which is Exhibit JR9, reference there to Justin W. Robinson, care of Wakefield Quinn Limited, that Justin W. Robinson that is you sir?

MR. JUSTIN ROBINSON 7:16: Yes sir. I want to show you another document sir

COUNSEL DIRK HARRISON 7:34: Did you supply that document to the Commission of Inquiry in support of your claim, on behalf of your grandfather, document titled In the Supreme Court of Bermuda?

COUNSEL DIRK HARRISON 7:34: Probate Jurisdiction in the Estate of Leroy Frederick Robinson, aka Fred Robinson, Deceased Caveat. This is a document that you supplied to the Commission of Inquiry?

MR. JUSTIN ROBINSON 8:51: Yes sir.

COUNSEL DIRK HARRISON 8:53: Madam Chair I would ask that this document is tendered and admitted as JR10. At the top right hand corner of the document, the word Exhibit 'T' appears.

JUSTICE NORMA WADE-MILLER 9:32: Document in the Supreme Court of Bermuda Probate Jurisdiction. Leroy Frederick Robinson, aka Fred Robinson Deceased Caveat, in the right upper right hand corner notation Exhibit T is hereby entered as Exhibit JR10.

COUNSEL DIRK HARRISON 9:53: Thank you Madam. Could you read that document sir?

MR. JUSTIN ROBINSON 9:59: Caveat let no grant be sealed in the estate of Leroy Frederick Robinson, aka Fred Robinson Deceased Caveat, whose address was 13 Crown Hill Devonshire Parish DV01 in the Isles of Bermuda, who died on the 22nd day August, 2012 in Bermuda, without notice to Justin W. Robinson. Wakefield Quinn Limited, Barristers and Attorneys, Victoria Place, 31 Victoria Street, Hamilton HM 10, Dated: this 9th day of October, 2003.

COUNSEL DIRK HARRISON 10:43: Thank you. Now, Mr. Robinson this is signed by the Attorneys Wakefield Quinn Limited. You have shared this document with us the commission of inquiry. You supplied an extract from the Royal Gazette, dated February, I'm sorry, dated November 16 2012. With the funeral notice for Frederick Leonard Hendrickson, senior. Did you?

MR. JUSTIN ROBINSON 11:43: Yes.

COUNSEL DIRK HARRISON 11:45: I am going to show you a document sir. Is that the document you supplied to the Commission of Inquiry, which is an extract from the Royal Gazette with the funeral notice?

MR. JUSTIN ROBINSON 12:05: Yes.

COUNSEL DIRK HARRISON 12:13: Madam Chair, that document to be tendered and admitted as Exhibit. JR11.

JUSTICE NORMA WADE-MILLER 12:40: Extract from the Royal Gazette with the funeral notice for Frederick Hendrickson Jr. is hereby entered as exhibit JR11. I think that is Frederick Hendrickson, Sr.

COUNSEL DIRK HARRISON 13:10: Senior.

JUSTICE NORMA WADE-MILLER 13:11: Thank you. I think then yes It has been entered as JR11.

COUNSEL DIRK HARRISON 14:07: Thank you. Mr. Robinson cause this to be placed in Royal Gazette or some other family member?

MR. JUSTIN ROBINSON 14:14: Not a family member. I would say the step children.

COUNSEL DIRK HARRISON 14:21: Could you just read it for me please just one moment? Sorry. Could you go ahead and read for me please sir.

MR. JUSTIN ROBINSON 14:38: A service celebrating the life of Mr. Frederick Leonard Hendrickson, Sr., beloved husband of the late Etoy Hendrickson and loving father to Leroy Robinson, Carol Ann Furbert and Alberta Burt Greene-Jack. In his 90th year of 38 Clarendon Road, Smith's Parish FL04. To be held at Holy Trinity Anglican Church. Trinity Church Road, Baileys Bay, Hamilton Parish on Saturday, November 17, 2012 at 3pm. Interment will follow at Holy Trinity Cemetery. In lieu of flowers donations may be sent to St. Luke AME Church Building Fund, 13 Lighthouse Hill St. David's, St. George's Parish DD02 in his memory. Visitation, relatives and friends may pay their respects on Saturday only at Holy

Trinity Hall, November 17 from 2pm to 2:50pm. Also surviving are grandchildren are Albert Harris Jr., Jabari Furbert, Heather (Dwayne) Robinson, Terry Lyn Robinson, Samone Belboda, Calvert Harvey and Justin Robinson. Sister-in-law Edith Hendrickson, Rosylyn Minors, Shirley Richardson; Brother-in-law Warren Bubbles Richardson. Special nephew Fabian Minors; Special friends Barbara Creed of Seattle and Winfred and Sharon Felton of Virginia Beach, Royston Martin, Manders Ingham, Graham Talbot. Great grandchildren nieces nephews and friends of Bermuda and abroad. Special thanks to Elder Home Care Residence the doctors and nurses of King Edward VII Memorial Hospital.

COUNSEL DIRK HARRISON

16:51: Thank you very much. Now you also supply to the Commission of Inquiry in support of your claim some other documents I'm just going to take you through them one at a time.

But before taking you through those documents I'd like to draw your attention Mr. Robinson to a document consisting of four pages, typed pages which you signed dated February 1, 2021 in which you made some notes by way of clarification and expansion of what is contained in your statement. I like to draw your attention to that document.

Is that a document that you signed February 1, 2021 and on which you wish to place reliance some notes and clarification in respect of your claim?

MR. JUSTIN ROBINSON

19:24: Yes.

COUNSEL DIRK HARRISON

19:26: I'd ask Madam Chair that document which consists of four pages, that it could be tendered and admitted as JR12.

JUSTICE NORMA WADE-MILLER

19:55: Document consisting of four pages dated February 1. Start again, the document consisting of four (4) pages dated February 1,

2021, in which the claimant made notes, is tendered and hereby entered as Exhibit JR12.

COUNSEL DIRK HARRISON

20:19: Ask that the witness be permitted to read the document.

These notes that you made Mr. Robinson, I see references to certain laws and other things. You did some research and made some notes. Okay, well please go ahead and read it.

MR. JUSTIN ROBINSON

21:11: Frederick Leonard Hendrickson, Sr, date of birth, December 27, 1922. Date of death November 7, 2012. Late wife Etoy Blakeney married 1954 stepdaughters Carol Ann Furbert and Albertha Harris Greene-Jack, Son Leroy Frederick McDonald Robinson, date of birth July 16th 1943. Date of death on August 22 2012. Mother, Margaret Laureen Robinson deceased. Fred Sr. is known as 'House'. Fred Jr has been known as Fred Jr. since his birth and also as 'Little House'. Fred Jr. many legal documents from lawyers, Wills and the Bank of Bermuda that refers to him as Fred Jr. Fred Sr. various Powers of Attorney dated August 6, 2003, appointing Carolyn Ann Furbert and Albertha Rosetta Harris, revoking previous one done on March 30, 1999, appointing Shirley Richardson, Fred's Sr's sister-in-law. Power of Attorney done by Wakefield Quinn and on October 15 2003 to Betty Hendrickson Burch, Fred Sr's niece revoking previous one done on August 6, 2003, appointing Carol Ann Louise Furbert and Alberta Harris Greene-Jack, Step-daughters. Power of Attorney down in Virginia Beach, Virginia by Barbara Gibbons Creed on May 23, 2004. Giving back to our Albertha R. Greene and Carol Ann Furbert, registered in Bermuda, November 15, 2004.

MR. JUSTIN ROBINSON

23:23: Sonia Grant lawyer refers to four (4) properties that he owned in Virginia. Proof of Father 235, Section 181 of the Children's Act 1998. The person has been found or recognized in his lifetime by a Court in Bermuda to be the father of the child. Powers of Attorney and Wills, similar rules of legal capacity apply to donors of

Power of Attorney as applied to testamentary capacity, wills testamentary capacity or undue influence.

MR. JUSTIN ROBINSON

24:04: Attachments Virginia Beach Power of Attorney, dated May 27, 2004; Power of Attorney dated October 15, 2003; Power of Attorney dated August 6, 2003. Wakefield Quinn letter to Elder Home Care Residence May 25, 2012; Wakefield Quinn Letter to Registry General May 25, 2012; Wakefield Quinn letter to Legal Aid Office dated May 25, 2012; Death Notice for Fred Hendrickson, Sr. in the Royal Gazette; Obituary for Fred Hendrickson Sr. in the Royal Gazette. Funeral Program for Fred Hendrickson Sr.; Funeral Program for Fred Hendrickson Jr.; Supreme Court document in the name of Frederick Leroy Hendrickson Jr. Proof of Father 235 Section 181, one of the Children's Act 1988.

MR. JUSTIN ROBINSON

25:15: Fred Sr.'s two stepdaughters Carol Ann Furbert and Albertha Green have kept this Hendrickson family including his son, Fred Jr. away from him much as possible over the years, Fred Sr.'s grandson Justin Robinson went with two (2) Henderson cousins to see his grandfather at 38 Clarendon Road in Flatt's. He was turned away by Carol Ann Furbert, who said his grandfather was in the bedroom sleeping. As we were leaving the yard, she came outside and said he did want to see us and it was obvious that he hadn't been sleeping. She stayed in the room to listen to the conversation. Once Fred, Jr. regained his ability to function in the world after his stroke, him and Justin visited Fred Sr., when he was living in an apartment in one of his houses nearby, his main house and Flatt's. In conversation Fred Jr. asked his father for 500,000 to help support him and his wife. Fred Sr. said he will be able to help once he got his settlement from the Arnold Todd Case. Fred Sr. and is nephew Perry Henderson Jr. visited Fred Jr. and our North Shore apartments to see how Fred was doing and talk about the Henderson apartments on Dundonald Street. Prior to Fred

Jr.'s massive stroke in February 1987. Him and Fred Sr. we're doing construction business together. They had an ongoing relationship. Fred Jr. took 10 years to recover from this massive stroke. For several years he was unable to communicate due to his speech impediments and unable to use his right arm or walk properly.

MR. JUSTIN ROBINSON

27:07: April 23 2012, Fred Jr, Betty Henderson Burch and Marianne Lindsey. Fred Sr.'s niece met with Deborah Korea to express their concerns about the treatment of Frank Sr. who had been left at the Elder Home Care facility in Devonshire. As per a Hendrickson relative that works at the Mid Atlantic wellness facility, Fred Sr. was taken there from his home by the police in handcuffs, and his stepdaughter tried to have him committed. The facility said that Fred senior was of sound mind so she then took him to the Elder Home Care facility in Devonshire and left him there. When she came to see him he became violent and enraged so that she never returned to see him. He was distraught that he had no access to a telephone or any means enemies to contact anyone. In anger he will push his furniture against the door in this room so that staff were unable to get in. When one of the Hendrickson nieces was working at the Home, he told her that he had been dooped by his stepdaughter when she left there and he wanted to see his son. I wanted to go home. Miss Trott the Supervise at the Elder Care Home Facility told any friends or relatives that came by that they could not see Fred Sr., as per his two daughters. Fred Jr. went twice to the home and was turned away by Ms. Trott. Fred and his wife went to see Fred Sr. on May 7, and Ms. Trott to act surprise that he had a son and many other Hendrickson family members. Fred Jr., and his father Fred Sr., had a good visit, of course his dad expressed to him that he wanted him to take him back to his own home. Fred Jr.'s wife Vera called Carol Ann Furbert on several occasions, but she never answered the phone. Fred Sr.'s grandson Justin went with his

father Fred Jr. to the Home the next week, but he was told my Ms. Trott that he could not see him. After a phone call to Ms. Trott he was told that he could see him but Justin was too distressed by what Ms. Trott had said to him.

MR. JUSTIN ROBINSON

29:19: Early May 2012, Fred Jr. and his wife Vera submitted an application to Legal Aid so that Fred Jr. could pursue his concern that his father had been left at the Elder Care Home Facility in Devonshire as he felt he was more than capable living in his own home with a caregiver. Even though Fred's earning income was financial assistance, Legal Aid turned down the application based on his wife's income. May 25, 2012 Fred Jr. and his wife Vera, Betty Burch and Marian Lindsey met with Dennis Dwyer & Deborah Correia of Wakefield Quinn. Three (3) letters were done by Dennis Dwyer per attached copies.

1. Letter to the Elder Home Care Residence expressing his son and other family members' concerns that he had been left there and advising them that the Power of Attorney that Carol Ann Furbert was using is not valid.

2. The Registry General requesting the Power of Attorney for stepdaughter Carol Ann Furbert that was done in America and refers to his business and four (4) homes in Virginia.

3. Legal Aid to question why Fred J's application had been turned down.

4. September 20, Wakefield Quinn and Deborah Correia for their client Marianne Lindsay, Fred Sr.'s niece. A letter was sent to the **Victims Unit** at the Police Department referring to Elder Abuse. However, when we called recently the Victim's Unit said they had not received the report. Shortly after Fred Sr.'s death his wife called Carol Ann Furbert to say that Fred Sr., had told his son that he would help him with cash and property as she had just been retired by the company she worked for. Carol Ann was flustered and said she was having difficulty paying her own mortgage, and she would have to speak to her sister in Canada. A week later Vera called again, and left a message on the

answering machine. There was no response from Carol Ann, but the next day Albertha Green call from Canada and said Vera was to stop contacting contacting them. Fred Jr. passed away at home on August 22, after a visit to his father, at Elder Care Home Residence along with his wife and his two nieces Betty-Ann Hendrickson and Marianne Lindsay. During that visit, Fred Sr., was adamant that Fred Jr. needed to bring a truck and collect his furniture and take him to his home.

- COUNSEL DIRK HARRISON** 31:52: Thank you. Now you are had also provided to the Commission of Inquiry an extract of the Obituary for Frederick Leonard Hendrickson, Sr?
- MR. JUSTIN ROBINSON** 32:03: Yes
- COUNSEL DIRK HARRISON** 32:09: I'm going to show you a document and you could indicate that this is a document you supplied to the Commission of Inquiry. Is that the document you supplied to Commission of Inquiry of an extract from the obituary for Frederick Leonard Hendrickson Sr.?
- MR. JUSTIN ROBINSON** 32:30: Yes.
- COUNSEL DIRK HARRISON** 32:33: Thank you. I am going to ask Madam Chair, that this document be tendered and admitted as Exhibit JR13.
- JUSTICE NORMA WADE-MILLER** 33:04: How do we categorize it Counsel? Extract from the Obituary?
- COUNSEL DIRK HARRISON** 33:06: That is correct Frederick Leonard Hendrickson Sr. (Old House) as he was referred to and known as.
- JUSTICE NORMA WADE-MILLER** 33:29: So we are entering it as JR13?
- COUNSEL DIRK HARRISON** 33:49: Yes Madam Chair. Let's ask you to read the first five paragraphs for me please.
- JUSTICE NORMA WADE-MILLER** 33:56: For the record Counsel. So entered as JR13.

COUNSEL DIRK HARRISON

34:00: Thank you very much.

MR. JUSTIN ROBINSON

34:05: Roger Leonard "Old House" Hendrickson, Sr., the son of the late James and Jemima Hendrickson was born on December 27 1922, and went to rest on November 7, 2012. Fred was predeceased by his beloved wife, Etoy Hendrickson. Brothers, Ernest, Cecil, Ivan, Charles and Arnold and sisters Olive, Mabel Celeste and June. Fred spent his early childhood at Government Gate in Pembroke and he attended Central School and Central Tech in Toronto, Canada. In 1954, Fred married Etoy Blakney the love of his life. It was a union that lasted 40 years, friend lived a very fulfilling life with he and his wife Etoy having travelled extensively in the USA, the Caribbean, Europe and Asia. Above all else, he made many trips to Toronto, Canada to visit his daughter Burt and grandson, Albert Jr. Frederick Leonard Hendrickson was a war veteran who never left our shores. He served the cause of freedom Kennedy by leading his local troops in patrol in the eastern region of Bermuda, in particular, Hamilton Parish. No doubt being the no nonsense person that he was our Island home is all the better for his service. Unlike many other war veterans who have gone before him, Fred lived long enough to witness recognition being given to his Sterling contribution to the preservation of freedom. Fred's contribution and the contribution of all Bermudians whether serving overseas or locally is now permanently memorialize with the fitting of War Memorial on the eastern side of the Cabinet Building grounds on Front Street, the Memorial bears his name.

MR. JUSTIN ROBINSON

36:17: Following the Second World War, Frederick Leonard Hendrickson was caught up in the Gordon Movement, which was sweeping the country. The Gordon Knight that he was he was part and partial of the team that caused Dr. Edgar Fitzgerald Gordon to be swept into the House of Parliament, representing the Parish of St. George's in 1946. A family album clearly depicts Fred's efforts with a photograph of a

family member's car, license plate number P 7914. And the slogan "We one Gordon vote Plum Plum. Nonetheless, 'Old House' was a family man and accident provider for his family. Together with his wife Etoy, they clearly recognized that in order to prepare their daughters for the future, Carol Ann and Bert had to receive a good education. This was accomplished moreover. The dynamic duo of husband and wife, Fred and Etoy underscored with their daughters that they will be successful, but there will be the need for a lot of hard work. As a husband and father Fred was always full of surprises, with one of his biggest surprises for his family in the purchase of a cabin cruiser. He loved being on the water and calm seas are rough seas and he spent many summer days with family and friends aboard his cabin cruiser. "We look forward to our annual trip to Nonesuch Island on the second day of Cup Match," says Carol Ann and Bert. But what also stands out in their minds is their father navigated his way into Burchall's Cover in the daytime and nighttime. Fred had a very special relationship with his grandsons Albert Harris and Jabari Furbert, and his nephew Fabian Minors. He taught them to swim in the pool he built and he spent many hours talking to them about his life experiences and encouraging them to be upstanding men and citizens.

MR. JUSTIN ROBINSON

38:17: Throughout his life and particularly while resident in Bermuda, Frederick Leonard Hendrickson blazed the trail as one of Bermuda's most outstanding Master Builders, created many, many homes for Bermudians. Fred was exceptional for not just homes that he built, but for the financial assistance that he was able to secure for many more Bermudians. He took his clients to the bank for them to.

COUNSEL DIRK HARRISON

38:43: This is an extract, Madam Chair, but that's where it ends. I had indicated it was an extract and I'm just indicating that it seems as if this ended abruptly.....

JUSTICE NORMA WADE-MILLER 39:01: Extract from the Obituary as Exhibit JR13.

COUNSEL DIRK HARRISON 39:03: Thank you Madam Chair.

JUSTICE NORMA WADE-MILLER 39:13: Thank you Counsel.

COUNSEL DIRK HARRISON 39:18: Madam Chair, we have a little way to go we have been sitting for a little longer two hours that I ask if an adjournment could be taken now.

JUSTICE NORMA WADE-MILLER 39:29: Okay Counsel and when would we resume?
Counsel

COUNSEL DIRK HARRISON 39:46: We could resume at 1:20 pm

JUSTICE NORMA WADE-MILLER 39:47: Let's say 1:30 pm.

END OF TRANSCRIPTION FEBRUARY 1 (MORNING SESSION b) AT 40:06