

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

THE KINGDOM OF HEAVEN FOUND A SEAN
(An Express Trust Organization)

Plaintiff

- and -

TANJA JOHNSON, HABA TABL, and MICHAEL von DEHN

Defendants

**STATEMENT OF DEFENCE
OF THE DEFENDANT MICHAEL VON DEHN**

1. The defendant Michael von Dehn admits the allegations contained in paragraphs 2, 18, 34-36, and 40 of the statement of claim.
2. The defendant Michael von Dehn denies the allegations contained in paragraphs 1, 3-6, 10, 13-16, 19-21, 22-23, 29, 31-33, 37-38, 42-43, 54-55, and 57 of the statement of claim.
3. The defendant Michael von Dehn has no knowledge in respect of the allegations contained in paragraphs 7-9, 11-12, 17, 24-28, 30, 39, 41, 44-53, 56, and 58-62 of the statement of claim.

Plaintiff is Not a Legal Entity

4. In the Statement of Claim in this proceeding, the Plaintiff is named as “The Kingdom of Heaven Found a Sean” (the “**Plaintiff**”). This is not a legal entity, and the Statement of Claim should accordingly be struck.

Frivolous, Vexatious, and/or Abuse of Process

5. The Plaintiff’s claims are frivolous, vexatious, and/or an abuse of process.

6. The Plaintiff's claims are based on a delusional and incoherent conception as to the nature of Ontario's legal system.

7. It is not clear from the Statement of Claim what specific claims are being advanced against each defendant and how that is connected to the relief being sought.

Background

8. Joachim von Dehn (the "**Deceased**") died on October 29, 2019.

9. The Deceased died intestate.

10. The Deceased was survived by his three children, Sean von Dehn ("**Sean**"), Tanja John ("**Tanja**"), and Michael von Dehn ("**Mike**").

11. The Deceased was not survived by a spouse.

12. No Certificate of Appointment of Estate Trustee Without a Will ("**Certificate of Appointment**") has yet been issued with respect to the Deceased's estate (the "**Estate**").

Beneficiaries of Estate

13. As per the rules of intestate succession set out in the *Succession Law Reform Act*, R.S.O. 1990, c. S.26, the beneficiaries of the Estate are the Deceased's three children Sean, Tanja, and Mike, equally.

14. The Deceased did not believe otherwise, and the Deceased made no promises to Sean that Sean was to receive the entirety of the Deceased's Estate.

15. Contrary to what is pleaded in the Statement of Claim, Sean does not "hold the Supreme Claim of Right" as the first-born son to receive the entirety of the Deceased's Estate.

Mortgage on 1070 Hewitt

16. The primary asset of the Deceased's estate was the Deceased's home at 1070 Hewitt Street in Gravenhurst, Ontario (the "**Home**").

17. The Deceased took out a mortgage on the Home through National Bank of Canada (“**National Bank**”), and continued to have a balance owing on the mortgage at the time of his death.

18. At some time following the Deceased’s passing, the Home was sold by National Bank through the power of sale process.

19. The remaining funds are being held by National Bank pending the appointment of an estate trustee.

20. The Plaintiff claims against Mike in some way with respect to the Home being sold through power of sale.

21. Mike at no time was the estate trustee for the Estate.

22. Mike is only a beneficiary of the Estate, as is Sean.

23. As such, Mike had no responsibility, and owed no duty to the Plaintiff or to the beneficiaries of the Estate, with respect to the mortgage on the Home.

24. Mike never undertook to arrange any payments with respect to the mortgage on the Home, nor did he ever take on any duties or responsibility with respect to the mortgage on the Home.

Sale of Automobiles

25. The Plaintiff also claims for a 2023 Porsche 911 G.T.S. to replace two automobiles of the Deceased that were allegedly sold.

26. Again, Mike at no time was the estate trustee for the Estate. He did not sell any of the Deceased’s automobiles.

27. Regardless, it would be the responsibility of an estate trustee of the Estate to liquidate the automobiles as part of the administration of the Estate.

28. Additionally, the value of any of the Deceased's automobiles that were sold is drastically less than the value of a 2023 Porsche 911 G.T.S.

Letter to Deceased

29. Following the Deceased's passing Mike informed Sean that he had located what appeared to be a letter written from Sean to the Deceased.

30. Contrary to what the Plaintiff pleads in the Statement of Claim, Mike provided this to Sean upon Sean's request.

31. The letter indicates that the Deceased forbid Sean to be on his property. This was the result of a significant fight between the Deceased and Sean.

Deceased's Ashes

32. The Plaintiff alleges that Mike disposed of the remains of the Deceased without holding a service of some kind for Sean to pay respects to the Deceased.

33. The events giving rise to any such claim occurred more than two years before the issuance of the Plaintiff's Statement of Claim. Any such claim is accordingly statute-barred by the *Limitations Act, 2002*, S.O. 2002, c. 24, Sched. B.

34. Following the Deceased's passing, the police made efforts to locate someone to inform. They were able to track down Mike after speaking with the Deceased's neighbours and doing some online searching.

35. With no objection from the Deceased's other children Sean or Tanja, Mike arranged to have the Deceased cremated.

36. Mike kept Sean informed as to the disposition of the Deceased's remains, and acted with approval from Sean.

37. Sean did not raise any concerns with respect to the Deceased's remains until issuing his Statement of Claim on August 4, 2022.

Certificate of Appointment

38. In 2020, Tanja brought an application for a Certificate of Appointment to be named as the estate trustee for the Estate.

39. Mike initially consented to this application, but following pressure from Sean he withdrew his consent and Tanja then withdrew her application.

40. In 2022, Tanja again commenced an application to be named as the estate trustee for the Estate and Mike has consented to this.

41. Contrary to what has been pleaded in the Statement of Claim, Mike's only purpose in consenting to Tanja's application is to have an estate trustee appointed so that the Estate can finally be administered and distributed.

Dismissal With Costs

42. The Plaintiff's Statement of Claim should be dismissed as against Mike, with costs on a full indemnity basis, payable from Sean's share of the Estate.

August 24, 2022

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THE KINGDOM OF HEAVEN FOUND A
SEAN (An Express Trust Organization)
Plaintiff

and

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Defendants

Court File No.: CV-22-00089835-0000

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Proceeding commenced at OTTAWA

STATEMENT OF DEFENCE
OF THE DEFENDANT MICHAEL VON DEHN

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