

Case 8-23-70989-ast

January 2, 2005

Honorable Alan S. Trust
United States Bankruptcy Court
Eastern District of New York
Alfonse D'Amato Federal Courthouse
290 Federal Plaza, Courtroom 960
Central Islip, New York 11722

Re: Amsterdam House Continuing Retirement Community, Inc.

Dear Judge Trust:

I am an interested party, as I hold power of attorney for of my mother, Terie Gelberg, a wheelchair-bound 99-year-old Amsterdam House resident, with severely diminished mental capacity. I am frankly shocked that the court is even contemplating a resolution to this bankruptcy that would evict her and other similarly situated residents and/or providing no medical, social or physical care if allowed to remain.

Moving her in her current condition would not only be heartless, it would be EXTREMELY dangerous and traumatic for her. She has lived at Amsterdam house for nearly 20 years and has no memory of any other homes. She has her somewhat lucid moments, but is generally unaware of the events that might lead to her eviction.

I must assume that Governor Hochul is unaware of the actions of the state Department of Health (DOH) regarding this matter. Specifically she can't possibly be aware of DOH's rejection of an offer from a well-qualified buyer, that would not only have ensured my mother's continued care (until her passing) as well as guaranteeing the return of her original investment in her apartment at the Amsterdam (within a year of her passing). Such offer was rejected on the thinnest of technicalities and could have been easily amended to comply with DOH requirements.

The offer before this court would be laughable if it wasn't such an egregious violation of the residents' rights. As proposed, the buyer has no obligation to either provide care for current residents, and no responsibility for honoring the obligation to refund 85 percent of the original purchase price within a year of her passing.

Further, as a practical matter, it is likely to be difficult if not impossible for displaced tenants to find alternative sources of housing and skilled nursing care in any reasonable period of time. The proposed plan in essence would evict these vulnerable seniors and leave them homeless.

Not only would such evictions put the governor in the harshest of lights, it might well lead to an impeachment. After all, she is directly responsible for the actions of the DOH. Well beyond horrible optics, this would represent a severe abuse of power and dereliction of duty on the governors part.

Speaking of my mother's financial investment in the Amsterdam House, such investment represented a substantial portion of my deceased father's estate and he died with the understanding that he had used his life savings to provide my mother with all she would need to live out her life with safety, care and security. The current proposal, which would obliterate such investment is, at best, unconscionable, and, at worst, highly actionable.

I appreciate the court's attention to the concerns of all current residents, including those of my mother. I can't imagine the court approving the current proposed sale, but wanted to provide just one more voice speaking to those potentially impacted by such sale.