



Executors of woman's will liable to pay son \$87k

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The court, in judgment grounds earlier this month, said both women failed in their duties as joint executrices and trustees of the estate of the plaintiff's mother.

District Judge Shobha Nair said their responsibilities in general were onerous and should not have been accepted if the women were not able to perform them.

Both the guardian and the co-executrix took up their roles in September 2003 after being coaxed by the mother, who was dying of cancer.

"She succeeded at persuading me to take up the thankless job of executing her will and become the boy's guardian," said the first defendant, a cousin of the mother.

The second defendant was a social worker at a welfare centre where the mother first went for aid in 2000. Three years later, she was drawn in to be a co-executrix of the will and trustee of the estate. She said: "Helping her fulfil her last wish was something that I have never regretted."

She, however, took a back-seat role as co-executrix and trustee, saying she fully trusted the guardian with the care of the boy and did not wish to interfere in their family affairs.

But in 2018, the son, then aged 28, contacted her on the phone.

His mother's estate, worth about \$148,000, included a Yishun Housing Board flat priced at about \$120,000 and a few bank accounts.

The orphan, who grew up in the guardian's house from the age of 14, sued the two women in 2018, claiming they did not fulfil their fiduciary duties and asked for a true account of her assets. Represented by lawyer George Pereira, he sought the return of monies he claimed were misappropriated by his guardian.

Since the women were to act jointly in administering the estate and holding assets on trust for him until he reached age 21, he claimed the women were liable for his losses.

The guardian described him in a note as a "tail-less dog", and added: "Nobody wanted you when your mother died but I took you in. You are ungrateful!"

The court noted that the sources of income from the dead woman's estate included rent from her Yishun flat that totalled about \$98,000 over the years. The flat was handed to the son after he turned 21.

After going through the asset-related documents and deducting maintenance and education expenses during his growing-up years, the judge held in February that both women were jointly and individually liable to pay \$87,498 to the son.

"I did not impose any interest on the sum, given that the facts of this case called for orders that reflected the unfortunate circumstance both defendants found themselves in today, for having accepted responsibilities without fully appreciating the nature of the same.

"The punitive impact any interest would have been borne in mind," said District Judge Nair.

The judge also accepted that the social worker's motive in agreeing to help the plaintiff's mother was "unquestionably benevolent".

She added: "Those who seek to assist terminally ill parents who have little choice but to leave the lives and fates of their children in the hands of others, do no justice to those parents if after the show of benevolence, they do nothing."

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