



Chris Scaife <scaife.chris@gmail.com>

Fw: Mrs Scaife's will

9 messages

marc scaife <marcscaife@xtra.co.nz>
To: scaife.chris@gmail.com

11 September 2012 at 14:30

Hello Chris,

I asked Simon a few days ago about what progress he is making with the 1998 Will, and he has replied saying that the Will was sent up to Wellington about 3 weeks ago to get a determination from the Court as to whether it is acceptable as a legal Will.

In response to your repeated claims that it is necessary to determine and quantify an estate prior to, or as part of, the process of obtaining Probate, and despite this question having already been answered in the negative repeatedly by Simon, I have obtained a 2nd legal opinion on this subject, attached above, from the same solicitors who were engaged to give a second opinion of the 1998 Will following changes to the Wills Act earlier this year. It is self explanatory. Further, given that Simon is not the executor of Pauline's estate, and was engaged to obtain Probate and nothing else, I do not see why he should have attempted to quantify the estate or probing into its assets, liabilities etc along the lines you have claimed he should have. On the contrary. Nor have I seen any evidence to suggest that at the time Simon was asked to obtain Probate for the 1998 Will (that would be about 2 years ago now), his firm was incorrect in its opinion that the 1998 Will was unlikely to be accepted as a legal Will. If you have such evidence you could email it to me.

I see no reason therefore, why Simon's engagement to obtain Probate should not be continued. It is most regrettable that the matter has been delayed so long, but if you are looking for reasons for the delay, it seems to me they lie entirely with you for unreasonably refusing to sign the affidavit for Probate and for repeatedly raising all kinds of issues that are completely irrelevant to the question of obtaining Probate. If you want to obtain probate, let Simon get on with his assigned job, and be prepared to sign the affidavit for the 1998 Will when it is drafted.

From: Bruce Taylor**Sent:** Tuesday, September 11, 2012 8:58 AM**To:** marc scaife**Subject:** RE: Mrs Scaife's will

Dear Marc

The Grant of Probate comes first. That grant is the legal document used by the executors to write to financial institutions requesting details of the deceased's assets. The High Court is not interested in the size of an estate in terms of an application for a grant of probate.

As a matter of general practice, solicitors acting for executors can 'speed up' the administration of the estate by writing to banks ahead of the grant of probate upon the basis that, when required by the bank, the grant will be produced to

the bank for noting at a later stage.

Regards

Bruce Taylor

From: marc scaife [mailto:marcscaife@xtra.co.nz]
Sent: Monday, 10 September 2012 7:23 PM
To: Bruce Taylor
Subject: Re: Mrs Scaife's will

Hello Bruce,

I have received your invoice and shall be sending you a cheque in due course.

Would you be able to answer a simple question for me regarding the process of obtaining Probate and the sequence of events? Is it normal practice to quantify the assets of an estate referred to in a Will, as part of the process of obtaining Probate? Or is it normal practice to first obtain probate for the Will, and then, as a separate matter for the appointed executors of the Will, determine the extent of the estate and quantifying the value of any assets and or liabilities? In short, is the latter a necessary pre-cursor of the former, or vice versa?

Yours, Marc Scaife

From: [chris byrch](#)
Sent: Monday, July 30, 2012 6:40 PM
To: [Marc Scaife](#)
Subject: FW: Mrs Scaife's will

From:
To: chrisbyrch@hotmail.com
Subject: Mrs Scaife's will
Date: Mon, 30 Jul 2012 04:53:37 +0000

Marc

Please see attached opinion .

Bruce Taylor

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Chris Scaife <scaife.chris@gmail.com>

11 September 2012 at 16:07

To: marc scaife <marcscaife@xtra.co.nz>

Cc: chrisbyrch@hotmail.com, BCT@ctlaw.co.nz

Dear Marc,

Contrary to your misconception about writing to banks, the question is NOT about amounts. It is about the legal status of assets that you Robin and Marge took on your own authority: Do they, or do they not belong to mums estate? This question could have been answered ages ago if YOU hadn't been playing silly games and trying to cover up the fact that you 3 had already taken advantage of mums deteriorating mental faculties to grab all of her capital assets and unilaterally do what ever you wanted with it.

IMO it is also about whether people can actually be appointed as executors when there is strong suggestion of foul play. It may be legal but I think what you have been up to is highly immoral. In any case I didn't claim it was "necessary" for probate I said I wanted it clarified and I had hired a lawyer to do this for me. Simon had no business involving my lawyer with application for probate nor did he have a right to exclude me from communications like he did. I had made legitimate objections to the draft affidavit that he produced and I was ignored. Thus I will now not accept that he continues to act for us. You have no right to dictate otherwise, nor to bully me into signing things that I don't agree with.

I see you are once again wasting more time and money on yet more lawyers and misrepresenting the issues and feeding them false information. If you don't tell lawyers the truth then they can't be expected to give you correct advice. I had asked Simon for the 1998 document ages ago when he was refusing to use it and when he was ignoring what my lawyer said about it. Thus it is not me that is causing any delays and I will have no problems producing the evidence to that effect when it comes to it. Perhaps it will become clearer when the NZ law society has finished investigating what is going on here, but certainly I would not have known what you 3 dear siblings had been up to without their help already.

Chris Scaife <scaife.chris@gmail.com>

16 September 2012 at 01:08

To: marc scaife <marcscaife@xtra.co.nz>

So... what is your excuse for refusing to officially acknowledge that the money you took from mum is part of her estate to be divided? What is your excuse for having refused for so many years to produce financial records of exactly what you transferred to yourself and

when?

How can someone who tries to conceal the truth like that expect to be appointed as an executor of the estate you've already helped yourself to?

Why did Simon send mums 1998 document to Wellington when we already had several legal professionals say it was valid?

Why hasn't it come back yet and why haven't I been informed of the conclusion?

Why should we hire him to write an affidavit for that considering all the problems he created with the last one?

When are you going to stop wasting everyone's time and money?

Chris Scaife <scaife.chris@gmail.com>
To: marc scaife <marcscaife@xtra.co.nz>

18 September 2012 at 10:40

Hellooooo... hey I'm asking you a question!

How can you actually think your unilateral distributions of mums capital assets was appropriate and that you can now manipulate things to make me responsible for the costs of determining the legal status of what you three have been up to?

You really have no kind of decency in you at all have you?

marc scaife <marcscaife@xtra.co.nz>
To: Chris Scaife <scaife.chris@gmail.com>

18 September 2012 at 21:38

hello chris,

I shall try to contact simon again to see if he has heard back from wellington. I don't know why it was deemed necessary to get an answer from the court first before actually applying for probate- i guess to avoid wasting time and money in applying for something that could be futile. I will ask him .

Regarding your question of "officially acknowledging" ... I have emailed and written to you numerous times how the funds transferred to me were to be regarded, and explained in detail the amount that was a tegoed and the amount was part of a four-way equal split distributed to each of us, and I also sent you a detailed comparison of the respective funds you and I had each received. I am not going to keep repeating these figures ad nauseam. As far as the funds that Marguerite and Robin received, I have been happy to accept the figures that Marguerite prepared in her spreadsheet, which shows that we have all four received a similar amount of money, bearing in mind that the different dates and significant fluctuations in exchange rates make it impossible to arrive at precise comparisons.

If you want closer scrutiny of the figures marguerite and Robin supplied, I believe they would be happy to provide details, but, as I have said before, it would need to be in a non-threatening environment, not one where there are constant threats of legal action and constant and unfounded accusations.

-----Original Message----- From: Chris Scaife
Sent: Sunday, September 16, 2012 1:08 AM
To: marc scaife
Subject: Re: Fw: Mrs Scaife's will
[Quoted text hidden]

Chris Scaife <scaife.chris@gmail.com>
To: marc scaife <marcscaife@xtra.co.nz>

19 September 2012 at 18:09

It is not acceptable for you three to grab substantial capital assets of mums and then each unilaterally decide "how things are to be regarded" The calculations I have seen are farcical and all three of you have for over a decade now failed to produce accurate records of what you transferred to your own name and when you did so.

1. Provide full disclosure of what you transferred to yourself and the exact date this occurred. Not some fictitious figures that you have "corrected" as you saw fit.
2. Provide documentary evidence for the actual transfer: What was it worth before you took it not after you had helped yourselves to what ever you felt like for a couple of years.
3. Either establish the legal status of whether this is actually part of mums estate to be distributed, or at least sign a declaration that you acknowledge it as such.

Robin and Marge need to do like wise. For any of you who don't, I will seek to get a court order that holds you liable for all the costs of obtaining this information through more official channels. Capeesh?

Chris Scaife <scaife.chris@gmail.com>
To: phil.mcdonald@cplaw.co.nz

19 December 2013 at 22:10

This is so you don't later claim you didn't know.

I wish to draw your attention to the following forwarded e-mail that confirms that Marc had been consulting other lawyers. Simon refused to communicate with me when, I consulted a lawyer, but carried on dealing directly with Marc, just like you have. Also I repudiate Marc's accusation, as I was acting on legal advice that I had been given. If you, or Marc had wished to question such advice, then it was your responsibility to do so, not my default in failing to send it to you spontaneously.

Regards,
Chris
[Quoted text hidden]

Phil McDonald <Phil.McDonald@cplaw.co.nz>
To: Chris Scaife <scaife.chris@gmail.com>

20 December 2013 at 11:07

Good morning Chris

I am sorry you have ongoing concerns but it seems appointing an Independent Trustee to administer the Estate may be the most sensible option now given both the ongoing divisiveness and the likelihood of proceedings being issued.

I have endeavoured to keep both yourself and Marc informed as to progress in Estate matters. Again, I am sorry you do not see it that way.

Kind regards
Phil
[Quoted text hidden]

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Chris Scaife <scaife.chris@gmail.com>
To: Phil McDonald <Phil.McDonald@cplaw.co.nz>

20 December 2013 at 18:03

You asked me for a suggestion.
I promptly replied.
You did not even acknowledge receiving my reply.

Did you circulate it to anyone else?

What was their response?

Did you receive any other suggestions?

What did they suggest?

[Quoted text hidden]