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## Recommendation from Community Law Canterbury

9 messages

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**Chris Scaife** <scaife.chris@gmail.com>

15 September 2013 at 12:00

To: melanie.jones@whitefox.co.nz

Dear Melanie,

I was given your name by Community Law Canterbury who recommended your legal expertise for dealing with the case concerning my late mother's estate.

As mum's will was missing an attestation clause it has taken the estate lawyers some time to produce an affidavit, but at long last my brother and I are applying to be appointed as trustees/executors.

In the first instance I need a lawyer to witness my signature and some of the attachments of said affidavit.

However there will be the following issue to address after that is done: When my mother developed Alzheimer disease, my 3 siblings signed over her capital assets to their own names on pretext of administering it on mum's behalf. However after she died they started claiming these assets had been "intervivos gifts", because mum had not asked them for any IOU.

In my opinion that is incorrect and not what mum wanted at all.

Mum's Will (which was written before any of this) just says the estate should be shared equally between her children and taking debts to her estate into account.

Thus I seek to get a court decision whether the dissipated assets are to be taken into account in distributing mums remaining estate.

I am not sure of the legal avenues, but I believe it may involve "protection of personal property" or failing that "compensation according to testamentary law". This too will be where I need your services as I really think a court decision is the only way to resolve our family disputes.

Please let me know if this is something you can help with and equally, I would appreciate if you can let me know should you not be interested in doing so.

Thanks in advance,  
Mr. Christopher Scaife

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**Melanie Jones** <maj@whitefox.co.nz>  
To: Chris Scaife <scaife.chris@gmail.com>

16 September 2013 at 08:36

Good Morning Chris

Thank you for your email and yes will can be of help.

I am back in the office tomorrow and will give you a ring.

Regards Melanie

Sent from my iPhone

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**Chris Scaife** <scaife.chris@gmail.com>  
To: Melanie Jones <maj@whitefox.co.nz>

17 September 2013 at 10:41

Thank you Melanie, for your immediate reply. I am expecting to receive the affidavit and attachments today by courier. Once they arrive, maybe we can make an appointment to discuss it. My mobile phone is 021 1249310

Regards,  
Chris

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**Melanie Jones** <maj@whitefox.co.nz>  
To: Chris Scaife <scaife.chris@gmail.com>

17 September 2013 at 14:38

Thanks for that Chris

I think it would be best once you have all your documentation to hand to give my PA, Catherine, a ring on 353 0650 and organise an appointment.

We need to sit down and have a good chat to see whether I think you have a legal argument to run. From what you have told me so far I think you do but need to get a little more information.

Regards Melanie

Melanie Jones

Solicitor

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F: 03 353 0652

W:

[www.whitefox.co.nz](http://www.whitefox.co.nz)

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22 Moorhouse Avenue Christchurch

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**Chris Scaife** <[scaife.chris@gmail.com](mailto:scaife.chris@gmail.com)>  
To: Melanie Jones <[maj@whitefox.co.nz](mailto:maj@whitefox.co.nz)>

24 September 2013 at 12:30

Dear Melanie

Your legal experience in these issues will be an asset to me and thus I would like to hire you to help me sort out mum's will.

I must apologize for taking so long to reply. Susan Lyall's colleague (of Mortlock McCormack) alerted me to potential problems with proceeding as planned I had a lot to think about: I realize there is a strong possibility of it not working in my favor and of further chicanery from my siblings.

- For my own self esteem this case is important to me, because my son (and others) were lead to believe I was fabricating a pretext to get money off my brothers and sister. Quite the opposite is true. I am only asking them to be honest and reasonable and make clear I will not once again be cheated, fobbed off with feeble pretext and then falsely accused. I also want their motive for ongoing public defamation to come to an end.

- This has dragged on far too long. Submitting the affidavit with Marc and I as administrators is what John Earles (technical adviser to the high court in Wellington) recommended. I can only hope that Marc was vaguely sincere when he agreed to swear on the affidavit and I gather no funds can be transferred without both our signatures.

- Alas the standards committee did not uphold my complaint about conflict of interest and the Legal complaints review office has made no progress over the last 6 months, however Phil McDonald confirms that he is now the estate lawyer and to his knowledge Simon (the one Marc had originally appointed) is no longer involved. I doubt his firm, or the New Zealand Law Society will put their reputation on the line a second time for the sake of my siblings embezzlement. It is already very easy to show that their determination is

unsound and contains deliberate attempts to misdirect. None-the-less I attach it for your consideration and will be happy to discuss any of the points they make and show you why they are false. Do let me know asap if it deters you from handling my case. Otherwise I look forward to receiving your terms of engagement

Note: coincidentally I received a notice of intended forced sale of a section of land I have been stuck with and as that is an entirely separate issue I am going to offer it in first instance to Susan if she wants it and so hopefully avoid getting the issues confused.

Regards,  
Christopher John Scaife  
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 **Otago-Determination.pdf**  
533K

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**Chris Scaife** <scaife.chris@gmail.com> 24 September 2013 at 12:31  
To: Angelica Perduta <rsperduta@gmail.com>

I got another one here Angelica... image001 mysteriously attached?  
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**Melanie Jones** <maj@whitefox.co.nz> 25 September 2013 at 15:47  
To: Chris Scaife <scaife.chris@gmail.com>

Good Afternoon Chris

Sorry for the late reply to your email of yesterday. Given the attachments I felt that it was prudent to check with the litigation partner the merits or otherwise of your case.

We feel that for the following reasons unable to act for you.

1. At present we are under resourced in the litigation area and given the complexity of issues that your mother's estate has and the history of the file so far we would be unable to allocate the time needed.
2. Due to the earthquake we have other court applications that we are already committed to and feel we do not have the time to deal with this matter.

3. We feel that you may be better to deal with a bigger firm than us such as Anthony Harper, Chapman Tripp or Duncan Cotterill. These bigger firms have litigation teams that specialise in estate work of this nature.

Kind Regards

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[Quoted text hidden]

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**Chris Scaife** <scaife.chris@gmail.com> 25 September 2013 at 21:36  
To: Melanie Jones <maj@whitefox.co.nz>  
Cc: jan.pilkington@justice.govt.nz, Philippa.Geere-Watson@justice.govt.nz

Dear Melanie,

That is very disappointing because I was hoping your non-adversarial approach would be the most constructive way forward. None the less thanks for letting me know now, rather than later.

The lawyers I spoke to originally said mums will was presentable, and that my siblings did not have a right to help themselves to mums money. I'm sure mum would have agreed.

No doubt it was misleading report from the Law Society that made you change your mind and it is a shame the LCRO hasn't managed to review the issues I raised yet.

Thus I shall copy this conversation to them as a reminder.

Regards,  
C. Scaife

On 25 September 2013 15:47, Melanie Jones <maj@whitefox.co.nz> wrote:

Good Afternoon Chris

Sorry for the late reply to your email of yesterday. Given the attachments I felt that it was prudent to check with the litigation partner the merits or otherwise of your case.

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Kind Regards

Melanie

**From:** Chris Scaife [mailto:[scaife.chris@gmail.com](mailto:scaife.chris@gmail.com)]

**Sent:** Tuesday, 24 September 2013 12:31 p.m.

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**Philippa Geere-Watson** <[Philippa.Geere-Watson@justice.govt.nz](mailto:Philippa.Geere-Watson@justice.govt.nz)>  
To: Chris Scaife <[scaife.chris@gmail.com](mailto:scaife.chris@gmail.com)>

26 September 2013 at  
08:55

Hello Mr Scaife

I note the last line of your email of 25/9/2013 but am not in a position to provide any further update.

Regards

Kind regards,

Philippa Geere-Watson  
For Legal Complaints Review Officer

Ministry of Justice | Tāhū o te Ture  
DDI +64 09 3565662 | Ext 43662 |  
L8 AA Building | 99 Albert Street | Private Bag 92535 | Auckland  
[philippa.geere-watson@justice.govt.nz](mailto:philippa.geere-watson@justice.govt.nz)

>>> Chris Scaife <[scaife.chris@gmail.com](mailto:scaife.chris@gmail.com)> 25/09/2013 9:36 p.m. >>>

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