



To: Wellington High Court

2 Molesworth Street,

Wellington 6011, PO Box 1-91, Wellington 6140, DX SX10083

From: C. Scaife

139 MacKenzie Ave, WOOLSTON, Christchurch 8023

In the Estate: Pauline Henriette Marie Scaife, maiden name: van der Maesen de Sombreff, of Queenstown, Retired, Deceased, Widow of Dr. John Flett Scaife.

Associated File: CIV 2013-485-6986

Date: 25 March 2014

Application for common sense ruling regarding appointment of executor for the estate of Mrs. Pauline Henriette Marie Scaife, maiden name: van der Maesen de Sombreff.

Dear registrar of the high court,

As a beneficiary of my late mother's estate concerned, and as specified in her intended last Will (copy attached as the original is being held by another party), I would have been willing to sort out the details, with my brother Marc and myself as executors.

Alas, I have received very few communications of what is going on, and no valid reason why they won't apply for probate, or why my siblings object to my being one of the executors. In attached e-mail (35-MartinSubmitBoth) a competent legal professional who actually researched applicable case law for me, confirms the advice he gave: That probate could be applied for, and to ask the court for a decision.

It appears that to avoid being held accountable for dissipated assets, and debts to the estate, my siblings have instigated protracted legal chicanery, as well as a smear campaign with intent to discredit me, ever since my mother passed away on 21st of August 2010.

Subsequently I have been unable to find a legal professional willing to represent my interests. However law should remain accessible to all parties. Consequently I make application to the high-court for a ruling based on common sense, with respect to appointing executors for mum's estate: I request that an independent executor be appointed, and that the court gives direction of how the disputed assets should be dealt with.

Attached is my explanation of why this is appropriate with corroborating evidence.

Please let me know what court fees to pay with this application, and any further information you might require.

Yours sincerely,
Mr Christopher John Scaife.

Subsequent asset sequestration.

In 2001, major capital assets were transferred from Pauline's name to certain children, on their own authority. This allegedly, to administrate them on her behalf due to her deteriorating Alzheimer condition (66-robinEmail.png). A barrister I consulted (33-barrister.pdf) said these would not qualify as a gifting program but constitute debts to the estate. However, without authority to do so I cannot obtain official financial records: It would require that executors are appointed who are willing to make appropriate inquiries, not people who have violated the property protection act and want to sweep that under the carpet.

I do enclose some typical copies of correspondence that my sibling circulated in their decades of bickering about who had grabbed what. There is plenty more evidence if anyone cares to actually look at it. (20-MarcFax2002) (23-MMSestimates.jpg) (24-Gegi.jpg) These figures are by their own admission, but they are apparently now not even willing to acknowledge them as part of mum's estate (22-marc_LOA2014.pdf). Consequently there is irreconcilable difference of opinion between the beneficiaries of the Will, on this issue.

Despite mum's questionable mental state Marc had obtained a new and comprehensive power of attorney which would allow him to conduct unspecified "gifting programs" (62-marcPOA). It should be noted that Marc had set up a family trust that he refers to as the "le Mura asset". As far as I can tell it funded his private mansion on lake Wakatipu and might be considered a scam trust with intent to defraud the other beneficiaries of mum's estate.

Mum also had valuable antiques such as solid gold cutlery, hand cut crystal, silverware and ornaments, and even for the sale of her house and furniture in Nelson, I have seen no accounts.

Conclusion

I conclude there is strong suggestion, of guilty demeanor from my siblings. Hence I request they now be disqualified from appointment as trustworthy executors

I propose we have an independent professional accountant act as executor and that whoever is appointed will receive direction from the court regarding legal status of disputed assets:

1. Advances that Pauline had granted to Robin
2. All the major capital transfers taken after her mental faculties declined on pretext of administrating them on her behalf
3. Gifting program, and Marc's "family" trust
4. Shares that Marie (a.k.a Teddi, Ted or T.) bought herself with mum's money, and other dissipated chattels.

I also request to be notified of any appointment, or decisions made with regard to the estate concerned.

Intentions of the Deceased

Mum's intended last Will (15-mumWill1998.jpg) specifies to divide her assets equally between her children, taking debts to the estate into account. She appoints those children living in New Zealand to act as "trustees" of her estate. That would be myself, and my brother Marc, but not my brother Robin, or sister Marie.

Defects in legal technicalities may be consider as follows:

1. The absence of attestation clause is covered by the doctrine "Omnia praesumptur rite esse acta" i.e. without reason to suspect irregularities occurred, one may assume all things were done correctly.
2. Mum would not have known the difference between appointing executors rather than trustees, and it makes no sense to appoint trustees if they do not have authority to act as executors for the estate of the deceased.

The mention of debts to the estate, in this Will would have been to take into account large advances she made to Marc, Robin and Marie, (nick name T). Identified in her records (12-MumRecordEarlier). At the bottom of this particular one she states her paperwork was in a cupboard in her study. That would have been at her home in Nelson at the time.

Trusting her children not to abuse it, Pauline elected to give us each power of attorney over her assets, saying we could use some, if and when we needed. In such an event, she would adjust her records accordingly. Here (18-Mum1999-3) is a note where she was calculating credits to allocate to her three sons after it transpired her daughter Marie helped herself to a further \$353000 in April of 1999. On this note we also see mention of houseplants, and a garden pool she bought for Robin as well as \$40 she borrowed from him. She evidently intended to incorporate these into her records. **In particular this indicates that her intention was to be very even-handed and show no favoritism.**

Thus contrary to what Marc told the estate lawyer (44-Simon11-10-1), Pauline considered them as debts to her estate, rather than large unequal gifts. Said lawyer's attempt to further abuse our father's legacy (42-juggleDadFigures2-1), mentioned on a much earlier Will, as a pretext for inequitable intervivos gifting is deceitful, because mum had by then distributed dad's estate with exception of some still owing to me. This too was indicated on her note (12-MumRecordEarlier), stating to only count 40000 GBP of her Barclay account as hers, if and when I did use any of the money in that bank account.

Contrary to my brother Robin's unilateral decision there is also no indication, that mum intended hundreds of thousands of dollars to be gifted specifically to Robin's children (while ignoring her other grandchildren).

List of attachments

12-MumRecordEarlier: 1997 sample of the deceased's records of advances made to some of her children.

15-MumWill1998: The deceased's intended Last Will and Testament.

18-Mum1999-3: Sample of calculations and notes by the deceased regarding debts to her estate.

20-MarcFax2002: Marc's disclosure of capital assets transferred from our mum without her knowledge and after she developed Alzheimer disease.

22-marc_LOA2014: Continued legal chicanery and excuses from my siblings to avoid being held accountable for dissipated assets and debts to the estate.

23-MMSestimates: Sample of decades of bickering by my siblings about who took what.

24-Gegi: More fiddling with figures of who took what, from my siblings.

33-barrister: Legal advice I obtained concerning the legal status of assets taken and the importance of having trustworthy executor make appropriate inquiries.

35-MartinSubmitBoth: Confirmation of legal advice I obtained from a lawyer who researched applicable case law, but was ignored and dismissed by the so called "estate lawyer".

42-juggleDadFigures2-1: Sample unilateral communication and manipulation by the so called "estate lawyer" in conflict with my interests and contrary to intentions of the deceased.

44-Simon11-10-1: Misdirection from my siblings pretending the capital assets they helped themselves to as well as the debts to the estate recirded by the deceased would have been inequitable gifts.

62-marcPOA: Power of Attorney obtained by Marc after we had decided mum was not mentally competent to look after her assets giving him free hand to operate unspecified "gifting programs".

66-robinEmail: Acknowledgement from sibling that they took mums capital assets on pretext of administrating them on her behalf.