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Estates & Wills & Trusts

Siblings battle over Meccano sets



By [Charles Ticker](#)

A recent [story](#) from Whanganui, New Zealand illustrates how emotionally charged estate disputes can occasionally become. The dispute involves the estate of a Whanganui man, Bert van der Lubbe, who passed away in Feb. 2015. His estate was mainly comprised of a share in a Whanganui property and several Meccano sets. He passed away at age 66 and was allegedly diagnosed as schizophrenic. After he passed away, two wills were found, one signed in 2002 and one signed in 2013. This

resulted in a dispute between several of the siblings.

The 2013 will was brought forward by his brother Jacobus van der Lubbe several weeks after actions had been taken in accordance with the 2002 will. The 2013 will excluded Bert's sisters Catherine Kenny and Mary Hooker. Catherine and Mary had been beneficiaries under the 2002 will. Except for Jacobus, all of the parties agree that the Whanganui property needs renovations before it is sold. The dispute appears to have gotten quite hostile as a result of Bert's Meccano sets. Catherine allegedly has the sets and she refused to deliver them to Jacobus after the 2013 will was revealed.

Justice Karen Clark of the High Court found that there had been no transparency as to how Jacobus dealt with estate funds. Justice Clark stated that there were irreconcilable differences within the family and that Jacobus could no longer act as estate trustee and executor. Rather than appointing one of the other siblings as executor and trustee, Justice Clark appointed the Public Trust.

Disagreements over family heirlooms can increase legal costs

Although family heirlooms and items left behind by a deceased testator can have sentimental value, it is important for the parties involved to try to be reasonable and to avoid unnecessary legal costs. Even after the parties initiate a court proceeding, they should work to narrow the issues before the court. This will likely save significant costs and move the matter forward. It is not clear if Catherine has agreed to release the Meccano sets to the Public Trust appointed by Justice Clark. The disagreement over the fate of the Meccano sets indicates that there may still be tremendous hostility among the siblings.

Hopefully, the parties in the above dispute can reach a resolution without incurring further litigation costs and further embarrassment.

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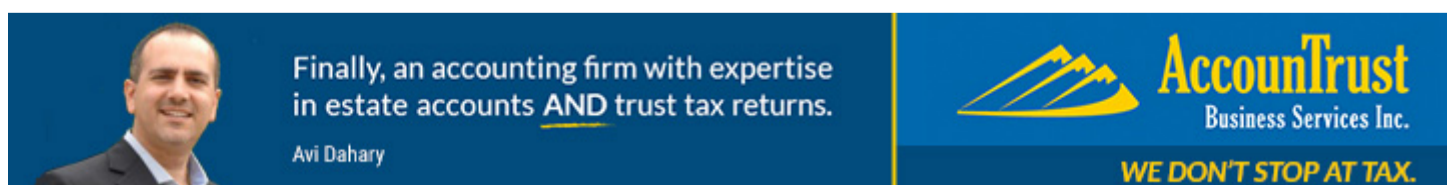
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