

Friends, relatives fight to care for wealthy S'pore widow with dementia



A elderly widow is caught in the middle of an unusual legal tussle between two groups of people vying to become court-appointed "deputies". PHOTO: ISTOCKPHOTO



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SINGAPORE - It feels good to be sought after, especially having folks outdo themselves trying to be your best pals and to take care of you. This is exactly what a 71-year-old wealthy Singapore woman is going through now, but sadly, it is for all the wrong reasons.

The widow, who has no children and suffers from dementia, is caught in the middle of an unusual legal tussle between two groups of people vying to become court-appointed “deputies” so that they can take care of her and her considerable assets.

In one corner are two of her female friends of around the same age who apparently gained control over the widow's assets here and in Hong Kong soon after she was diagnosed with dementia.

Their High Court application is being strongly opposed by four distant relatives, including an "adoptive father" who is actually the husband of the widow's paternal aunt.

The elderly man, who also does not have children, and his wife apparently took care of the widow when she was a child. He is joined in this "custody battle" by two of the widow's cousins and one of the cousins' son.

All the parties say they are willing to take care of the widow, who spent many years in Hong Kong with her late husband. She has lived here in her own home with her "adoptive father" since 2017.

No personal details or background information of any of the parties have been disclosed in the trial. The widow's total assets were not revealed because her two friends declined to share such information with the relatives.

When the case first came before the Family Court last year, the judge remarked that "neither side was a particularly ideal choice" to manage the widow's affairs. So two deputies – one from each camp – were appointed to do the job but this failed to satisfy either camp, prompting both sides to appeal to the High Court.

Justice Debbie Ong noted from the start that it was neither appropriate nor practical to have one representative from each camp caring for the widow, especially when both sides cannot get along.

Managing a dementia patient's money

The widow was diagnosed with dementia in August 2016 and her condition has deteriorated, with her affliction classified as moderate to severe by 2019. The parties do not dispute that she now lacks mental capacity.

Justice Ong said “it was of concern” that the widow made a will barely a year after her condition was known – in June 2017 – and named her two friends as executors and trustees.

The widow's will stated that half of her estate would be entrusted to these two friends, who could distribute the assets to themselves or other beneficiaries of their choice. One of the friends was nominated as the sole beneficiary of a few of the widow's insurance policies.

The change of beneficiaries of the policies took place in February 2019 when the widow was already in an advanced stage of dementia. The value of these policies was not disclosed in court.



The widow made a will barely a year after being diagnosed with dementia and named her two friends as executors and trustees. PHOTO: ISTOCKPHOTO

The widow's relatives wanted the two friends to account for the will and other transactions because they claimed that a HK\$8.5 million (S\$1.5 million) mortgage was taken out on the widow's properties in Hong Kong in December 2017. In addition, about \$250,000 was withdrawn with a cheque from the widow's Singapore bank account in February 2019.

The relatives also pointed out that the friends were not that close to the widow before 2016 and they met only on special occasions socially. Yet after one of them learnt about the widow's dementia, the friend "became a constant presence" in the widow's life.

The relatives said the widow's finances were controlled by her friends. They added that "questionable transactions" were made in the widow's name, suggesting that she could have been under "undue influence".

From the friends' perspective, they claimed that the relatives had ignored the widow's welfare for years and were "coming out of the woodwork to create fuss" only now because they were interested in her assets.

Justice Ong accepted the relatives' points as "a fairly reflective snapshot of the context and concerns in this case". But as the issue before the court centred on the choice of deputies, the judge did not make any findings of "wrong-doing" or whether the widow had the mental capacity to execute the will and other transactions.

But given that these transactions occurred after the initial diagnosis of dementia in 2016, and that the results benefited the friends, the judge said there was sufficient cause for concern, such that a court should be cautious about placing the friends as deputies for the widow.

"Having considered the relevant context and evidence, I was of the view that the (friends) were not the more suitable deputies in the circumstances of this case," Justice Ong said.

As for the relatives, they were accused of disregarding court orders and preventing the friends from seeing the widow, even though the visits were permitted.

Justice Ong noted: "I do not condone breaches of court orders, but I was able to believe that once they were appointed deputies, they would feel more secure that (the widow's) interests were protected and would be supportive of her access to her friends should she wish to spend time with them."

She then appointed the widow's two cousins and nephew as deputies for the widow.

The friends have since filed an appeal against Justice Ong's decision.

What you should do

While making wills early in life is a common practice, many people do not realise that it is just as important to have trusted people on standby as your “donees” or legal representatives so they can act for you if you become unwell due to dementia or other debilitating illnesses.

Mr Lee Ee Yang and Mr Wilbur Lua, who are the lawyers for the widow’s cousins and nephew, declined to discuss their case but they note that any case involving dementia patients should signal the importance of appointing “donees” by executing a lasting power of attorney (LPA) document that has to be registered with the Office of the Public Guardian.

“You should execute your LPA at an early stage while you are still mentally healthy,” Mr Lee adds.

Just as important is your choice of donees, who should preferably be people you trust and who can work with your beneficiaries.

“To minimise the risk of future disputes, you may wish to discuss your decision of donees with your loved ones before you execute your LPA,” he adds.

“If you have a difficult time deciding who should be your donees, it would be prudent to consult an independent lawyer who can provide you with objective advice.”
