

“The Greek Tragedy” - A Case Study for Compelling an Accounting Estate Litigation – Enduring Power of Attorney & Estate Accounting

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Estate Accounting

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ENDURING POWER OF ATTORNEY & ESTATE ACCOUNTING**

I. INTRODUCTION

This “Greek Tragedy” scenario is written with the goal of helping you understand how accounting issues usually arise in power of attorney matters and estate matters (these latter two often come as a ‘package deal’).

The goal will be to give you an overview of some of the useful tools to compel an accounting for the property, expenditures, and debts of the Donor or Deceased about whom your client is calling you. The scenario also tries to demonstrate ways to maximize value for your client.

That Friday afternoon “short” call-back before the weekend starts.

Imagine! You get a call from a prospective client, named *Paola Salonika*. She levels her scatter gun of facts at you - you take that instinctive extra breath because it will be *that* sort of call and you likely need the extra oxygen. Or extra time to think. Or both. You glance at your phone timer (yes, you always do this just to be sure you get the amount of time correct, when you tell your girl/boy-friend or spouse your excuse for dragging your carcass late to dinner).

Bang! Paola suddenly pulls the trigger. And this shrapnel pings through the line, like so many wasps vibrating their way into your office:

- Her mum, *Thessa Nikké Salonika*, has recently passed. She was 83 years old.
- She was not informed until she read the obituary in the Thessaloniki Times. Her mum hailed from that region just after the Great Fire in 1917 and before the outbreak of the Olive Wars in the 1930s (her grand’pa *Tzipouro Salonika* had fled early, to Canada, but the family always maintained ties to the old country).
- Her siblings kept her out of the funeral planning. She cannot believe they would do this. What a betrayal! She was angry at first, but now is just sad and suspicious of her siblings.
- She has no idea where her mum’s money (her ‘inheritance’ that was ‘promised’ to her back in 1996) is, how much there is, or how to find out.

- She has always been close to mum, because mum wanted her to care for her when grand'pa *Tzipouro* died (she doesn't really know much about grand'ma *Viktoria Tzipouro*; just that she remembers her baking Baklava when she was 5, maybe).
- Did *Thessa* make a Will? “Oh, yes. I think so. I think my oldest brother took the lawyer to the hospice when mum was all doped up and about to die. That’s his way of controlling things. He’s always had this entitlement.” When? “Oh, I was told by my sister, who always supports my brother and shares things selectively with me, that it was a 3 days before Mum died.”
- Who else in the family? Paola is the youngest, at 44. Her other siblings are:
 - *Pietre Vinnē Salonika*, her oldest brother (he is 53, has a ‘nest of children’ (in Paola’s words), and she doesn't like his wife, Petra).
 - *Ophelia Hekatē Salonika*, her conniving sister (she is 51, never married, and only loves *money* more than herself).
 - *Alexander Īremía Salonika*, her “avoidant” brother (he is 46, divorced with children, and never seems to have money, drinks a ‘bit’ and apologetically asked mum for money all the time).
- Oh yes, **What is the Estate is worth?** Is it worth your \$3,500 retainer? Paola believes so! It’s a good case, isn't it? Value: about \$850,000, after listing out what she can remember was there at one time:
 - Thessa’s house (Calgary average: \$450,000).
 - Some GICs mum invested from old grand'pa *Tzipouro*’s proceeds of the lands in Thessaloniki (\$50,000).
 - A \$50,000 account with CIBC that Ophelia tells you Pietre accessed “jointly” with mum for her medical bills, and groceries and utilities, and that now Pietre is “spending away.”
 - RRSPs Thessa got from her dead second husband (*Čzengis Goluk*) (about \$200,000).
 - About \$100,000 in family treasure. Mum Thessa’s collection of Hellenic amphorae from the old country (Paola: “They’re priceless, and I was specifically promised the black and yellow one from the ancient site of the Battle of Thermopylae, after mum’s