214. Name withheld

Following the call for submissions, I offer my experience for the Second Stage Enquiry.

My oldest sister wanted to become the Enduring Power of Attorney of my mother's will and as it turned out it was about the only thing she wanted to do for my mother. Her husband was the Executor of her will and it is now clear to me years afterwards that they had a plan in place fairly early on to rort her will. I can remember when my mother made out her will and chose them as the Enduring Power of Attorney and the Executor, I warned her she shouldn't have done that and she looked shocked. I didn't think at that stage that they were as corrupt as they turned out to be.

My other two sisters (there are four daughters) colluded with the Executor and the Enduring Power of Attorney to steal a chunk of my intended inheritance and distributed it amongst themselves and my mother's six grandchildren. My mother stipulated equal share amongst my siblings and $200 each for the grandchildren who incidentally didn't visit her and my sisters weren't much better either although one did take her to the movies from time to time. The grandchildren would have been aware of the plan too. In the time since settlement, they have been lavishing themselves on holidays and the Executor and Enduring Power of Attorney have made two trips to the UK with two interstate trips within Australia while others have had interstate trips and a grandson has had a trip to the UK all financed I believe from my intended share. These are the trips I know about.  Prior to the settlements they hardly ever travelled and some had never been on a plane before. My mother was a frugal person and wanted to leave as much as possible to us and hardly went on a holiday so it has been difficult to swallow. One guilt-ridden niece who I hadn't seen for 16 years appeared out the woodwork and said she missed me. This was at the time of settlement. She asked me to meet her so I did and the first thing she said was she would pay for a trip for me to go to New York (that was her way of covering up the theft so that I wouldn't suspect anything). About that time she went on a holiday to Queensland. She kept in touch and later moved addresses and didn't inform me of her new address. Of course I didn't get the trip to New York. I wanted my inheritance anyway.

At the time of my sister and brother-in-law assumed the roles of Executor and Enduring Power of Attorney,  they owned a farm in Bolgart, WA and I am told a city property in Perth as well. The other siblings are well off by comparison and if I had received my intended share I could have bought my mother's Perth unit but instead I live in public housing as a result. I lived with my mother for many years on a disability pension due to chronic ill health and when my mother developed problems of her own in the latter years they refused to help me. My mother was aware they didn't care and spoke about it. It was convenient for them to use me which also involved abuse of a verbal nature as they aimed to get what they wanted i.e my inheritance and leave the care and company of my mother up to me by refusing to assist me.

Despite numerous requests to my sisters for information regarding the theft of my inheritance (I did receive some money from the will to throw me of the scent) all requests have been refused and I was on the receiving end of an aggressive response when I telephoned one sister to ask her about it. My other sister, the Enduring Power of Attorney, a controlling personality, threatened me with a restraining order if I make any more requests despite my being a non-violent person. I wrote her a letter requesting the information and she said I could talk to her on any other subject except that so keen is she to disguise the truth.

At the funeral it was clear the only thing they were all thinking about was the money and they wanted it quick. My brother-in-law, the Executor actually handed me the will at the funeral and on the following Tuesday (my mother's funeral was on a Friday) he sent someone around to value the property; their callous behaviour had sunk to new depths.

Naturally I was very pleased to find out about the Elder Abuse Enquiry and I hope major changes can be made as I have written to several politicians at a state and federal level.

I have had to put years into following this up and it is very taxing when I have chronic health problems and I cannot afford legal fees. I have been told a Court Order would be necessary for my sister to release the rest of the cheque statements she withheld and as the laws stand currently she is the only person who can apply for them.The banks my mother used apparently hold the records in the archives for 20 years and it is within the time frame. I did receive from an earlier request my  mother's bank statements for the cheques but my sister left off the final three months which is when the theft occurred. I am also concerned that she wrote out the cheques to my sisters and nieces and nephews upon learning of the death of my mother which is highly illegal as the Enduring Power of Attorney's role ends upon death of the person who wrote the will.  I was pressured in to signing an acceptance.

CONCLUSION: It was so easy for the above to occur as the laws stand and even though one of my siblings works in the Law Courts and two nieces are the daughters of a lawyer, it did not stop them from committing fraud. It would be inconceivable to most people drafting wills that their wishes may not be adhered to and the will could be re-written as in my mother's case. I feel my sister wrote out the cheques upon learning of my mother's death and thereby presented a lesser amount to the tax office and for Probate. I would like to see laws introduced so that all wills are carried out as per the deceased's wishes and the Enduring Power of Attorney does not have total control. They get away with it because no-one is checking on them. It is very much a situation when one hopes they are honest. Even if my mother had nominated another of my siblings as a co-Enduring Power of Attorney to check on the money, they still would have worked in together to defraud me. I would like all people who have experienced the theft of an inheritance have the situation reversed no long how long ago it occurred. I have seen in the media where people have been taken to court and they get a few months gaol only and keep the money. I also feel all recipients should have to reveal their bank accounts and explain the transactions if the banks do not hold the deceased statement's anymore. It would identify when the money was transferred and possibly where it was transferred from as well.