

Son Misleads Father Into Signing Over His Assets

\$2.63 million judgment

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The plaintiff, a 92-year-old father of three sons, resides in a nursing home due to physical impairments caused by a 2008 stroke.

In early 2008, while the plaintiff was rehabilitating from the stroke, two of his sons engaged the services of an elder law attorney regarding financial planning in connection with Medicaid eligibility.

At the initial meeting with the attorney, it was discovered through an intake form that many of the plaintiff's assets were no longer in his name but instead were in the name of the third son. The assets included his home and a number of brokerage accounts.

It was also discovered that the value of the plaintiff's estate was significantly less than what he believed it to be.

The case was complicated due to a number of factors—most significantly, that many of the alleged fraudulent transactions occurred decades ago.

The jury-waived case was tried over 11 days. The court found that the third son abused his relationship of trust and confidence with his father – including misrepresenting himself as having worked for the IRS – by misleading him into signing financial documents and actively striving to conceal what he had done from the other family members.

The case was complicated by the fact that the plaintiff could not testify at trial. In addition, since the precipitant events occurred in the early 1980s and 1990s, problems of proof abounded throughout the discovery process.

Type of action: Willis & trusts

Injuries alleged: Loss of financial assets and real estate

Name of case: Sacchetti v. Sacchetti

Court/case no.: Norfolk Superior Court, No. 08-01831

Tried before judge or jury: Judge

Name of judge: Patrick T. Brady

Amount of judgment: \$2.63 million

Date: November 17, 2009

Attorneys: India L. Minchoff and Stephen J. Kuzma, Boston (for the plaintiff)