

IN THE MATTER OF THE ESTATE
OF JOHN DOE,

DOCKET NO.:

VERIFIED COMPLAINT

FIRST COUNT

Because defendant is a resident of [insert address], and decedent=s [list heirs ex. son, daughter, etc.] resided in [insert], it was agreed defendant should be the administrator of the estate. The decedent=s [insert heirs] filed renunciations with the [insert] County Surrogate.

Plaintiff and [insert heirs] have over the past several months requested defendant provide certain information regarding decedent=s estate. Their questions concerned income from several rental properties, a mortgage note and the decedent=s business in [insert place]. No information was forthcoming.

On [insert date], defendant telephoned plaintiff and told her that he had a contract to sell decedent=s real estate located at [insert address] and the closing is scheduled for [insert date].

Decedent told her the property was to be sold for [insert] dollars. He further told her this was the only money in the estate; and she and her [insert] should come to [insert state] to collect same.

Having lost confidence in defendant, plaintiff and her [insert] went to the [insert] County Surrogate=s Office to obtain copies of the documents related to the estate.

From the surrogate=s office, plaintiff obtained forms, AData Entry Review,@ and AApplication Administration@ which show the estate having total assets valued at \$[insert]. Attached hereto as Exhibits 1 and 2 are copies of the forms, AData Entry Review@ and AApplication Administration.@

Defendant obtained a surety bond for the estate for \$[insert]. Attached hereto as Exhibit 3 is a copy of the surety bond filed with the surrogate.

Upon review of said documents, plaintiff was surprised by the low value listed for decedent=s assets.

Decedent, at the time of his death, owned property at [insert address]. A copy of a [insert year] preliminary tax bill, filed with the surrogate, shows the property has a tax assessed value of \$[insert]. Attached hereto as Exhibit 4 is a copy of the [insert year] tax bill.

The county equalization rate--the average ration of assessed to true value--listed in the [insert year and state] Lawyers Diary and Manual at p. [insert] for [insert place] is [insert amount]. A copy of page [insert] from the Lawyers Diary showing the equalization rate is attached as Exhibit 5.

Using the [insert year] assessed value for the property as provided by the city and the county equalization rate, the property has a fair market value of \$[insert].

Further, at the time of his death, decedent held a promissory note, dated [insert date], in the amount of \$[insert], due from [insert name]. The note was secured by a mortgage on real property located at [insert address]. Attached hereto as Exhibit 6 is a copy of the mortgage.

On [insert date], decedent sold the [insert address] property to [insert name] for \$[insert]. Attached hereto a Exhibit 7 is a copy of the recorded deed for this transaction.

On [insert date], plaintiff went to the [insert address] location, which is a store. She spoke with a man named [insert], who represented himself as the husband of the owner, [insert]. He acknowledged that they were [insert] months delinquent in their mortgage payments. He further told them the defendant questioned them last [insert month] regarding their intentions with respect to the mortgage payments. He stated he has not heard from the defendant since.

At the time of his death decedent owned a taxi-cab business operated under the name [insert]. As part of the business, he owned [insert], issued by the [insert place].

Plaintiff went to the [insert place] and spoke to a clerk about the [insert]. She obtained a copy of a letter from the city clerk to defendant regarding the [insert]. The letter bears a handwritten notation that the council approved transferring decedent=s [insert] to defendant,

on [insert date]. Attached hereto as Exhibit 8 is a copy of the letter from the [insert place], dated [insert date].

A clerk from the [insert place] informed plaintiff=s attorney that the [insert place] only has authority to issue [insert]; that all licenses have been issued; and, in order to obtain a license an individual would have to purchase the license privately.

Plaintiff=s counsel, John Lawyer, telephoned the [insert place] clerk=s office and was told the business is currently listed as owned by defendant, John Smith, trading as [insert name of company]. He was further told title was transferred to him on [insert date]; and the prior owner was listed as John Doe.

On [insert], defendant represented to plaintiff he will sell the property located at [insert address [for \$[insert]. This price is [insert]% or \$[insert], less than the property=s fair market value as determined from the [insert year] assessed value and the county equalization rate.

Defendant has refused to provide information to plaintiff or [insert] regarding their late father=s estate.

Defendant understated the value of decedent=s estate in his application for administration as listed on Exhibit 2. The value listed therein for real estate is \$[insert], which corresponds to the [insert address]. He used the [insert year] tax assessed value for this property. Therefore, he did not provide any value for the \$[insert] promissory note secured by a mortgage on the [insert address] property. Further, it appears he gave no value for the [insert] business and [insert] owned by the decedent.

Defendant, on [insert date], caused the [insert], owned by decedent, issued by the [insert place], to be transferred to his name. Further, defendant is presently listed with the city

as the owner of [insert name of company], which was owned by decedent, at his death.

Because of defendant=s self-dealing, fraudulent acts, the estate and its beneficiaries have been and will continue to be defrauded by him.

WHEREFORE, the plaintiff demands judgment:

(a) vacating the issuance of Letters of Administration previously issued to defendant by the [insert] County Surrogate;

(b) Ordering defendant provide a written account of the assets, income and expenses of the estate from the date of decedent=s death to the present;

(c) Ordering the transfer to the estate of the two taxi-cab licenses, issued by the [insert place], owned by decedent at his death, back to the estate from defendant;

(d) Ordering defendant account for monies earned from his misappropriation of the two taxi-cab licenses;

(e) Ordering the appointment of plaintiff administratrix of the estate;

(f) Ordering such further relief as the court deems just and proper; and

(g) Awarding plaintiff counsel fees and costs.

SECOND COUNT

Plaintiff repeats the allegations of the First Count.

Defendant breached his fiduciary duties to the estate.

Defendant committed fraud against the estate.

As a result of defendant=s wrongful conduct, the estate has been harmed.

WHEREFORE, the plaintiff demands judgment against defendant for damages, punitive damages, counsel fees and costs, and such other relief as the court deems just and proper.

Dated:

JOHN LAWYER

CERTIFICATION PURSUANT TO RULE 4:5-1

Pursuant to R. 4:5-1, I hereby certify that to the best of my knowledge and belief the matter in controversy is not the subject of any other action pending in any other court and is not the subject of a pending arbitration proceeding. I further certify that, to the best of my knowledge and belief, no other party should be joined in this action.

Dated:

JOHN LAWYER

VERIFICATION

STATE OF [insert]:

COUNTY OF [insert]: ss:

Jane Doe, of full age, being duly sworn, according to law, upon his oath deposes and says:

1. I am the Plaintiff named in the foregoing Complaint.
2. I hereby certify that the allegations contained in the foregoing Complaint are true to the best of my knowledge and belief. I am aware that if any statements made by me are willfully false, I am subject to punishment.

JANE DOE

Sworn and Subscribed to
before me this day of

, .

[NOTARY PUBLIC]