

Won a trial for two estate creditors accused of colluding with an estate representative to defraud the primary beneficiary. The presiding judge entered judgment for our clients, concluding that the plaintiff had failed to prove virtually every necessary element of her claims.

2019

In a unique case involving fraud claims and a 30-piece vintage car collection, WTO won a trial in El Paso County for two estate creditors. The case originated in 2008 when the creditors, then investors in a building company, discovered that the company's general partner had been comingling personal and business assets for years. The creditors subsequently sued the general partner.

Concealing the Assets

The partner passed away as litigation was pending, leaving his wife as estate representative. She claimed there was no point in continuing the lawsuit, as her husband left no assets behind. This purportedly included his multimillion-dollar vintage BMW car collection, which she said no longer existed.

These claims were, however, completely false. The collection of approximately 30 BMWs was discovered in the company's warehouse, and the decedent's wife was suspended as the

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personal representative. The creditors thereafter mediated a settlement among themselves, the estate, and the wife (in her individual capacity as a beneficiary of the estate) to sell the cars and distribute the profits among all interested parties.

A Scathing Order

Then the decedent's wife reversed course. With the profits distributed from the sale of the vintage cars, she filed her own claims that her replacement as estate representative had colluded with the creditors and breached his fiduciary duties in order to trick her into agreeing that the car collection could be sold.

In late 2015, after hearing her claims, the court entered a scathing order agreeing that the new representative had breached his fiduciary duties. At this point—seven years after the dispute began—two of the estate creditors hired WTO. The case went to trial in 2019—under the same judge who granted the prior scathing order in favor of the decedent's wife.

In her petition against the creditors and new representative, the decedent's wife represented that the cars were titled to an LLC she partially owned with her late husband. If true, this meant she was entitled to half of the proceeds from the sale of the BMWs, and that the proceeds could not be used to assuage the creditors.

"I Wouldn't Trust Her"

However, WTO investigated the LLC and revealed that it was a sham the decedent had set up to defraud his creditors. In fact, WTO traced the ownership of the vehicles back to one person—the decedent.

After closing arguments, the judge entered judgment in WTO's clients' favor and granted an award of attorney's fees due to the frivolous nature of the petition. She went so far as to say of the claimant: "I wouldn't trust her to say what the weather was."

