



Estate and Trust Disputes

Understanding Claims. Procuring Documents. Case Closed.

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Background

- Typical Trust & Estate Disputes
- Typical Claims Against Caretakers
- Behavioural Red Flags
- Get the Documents



Warnings






TODAY'S GOAL

► Fraud Defined

"An investment in knowledge pays the best interest."
~Benjamin Franklin





Fraud Defined

Black's Law Dictionary:

- "A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment."

Association of Certified Fraud Examiners:

- "Any intentional or deliberate act to deprive another of property or money by guile, deception or other unfair means."

► Meet the Fraudsters

"Characterize people by their actions and you will never be fooled by their words."
 ~Unknown



Meet the Fraudsters

Guy Fawkes



The Trusted City Clerk




Meet the Fraudsters

Mom & Fun-Loving Co-Worker



Up & Coming Executive Director





Long-Time Controller and Trusted Friend




Key Red Flags Vulnerable Adults

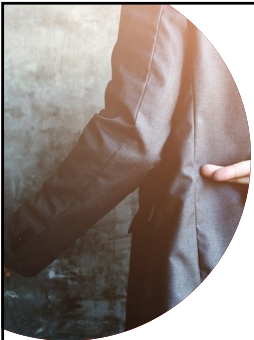
<p>BEHAVIORS OF CARETAKER</p> <ul style="list-style-type: none"> • Vulnerable Person is never outside of the "earshot" of the "caretaker" • Refuses to relinquish control or train others • Changes in lifestyle • Refuses to provide basic financial information • Offended when questioned 	<p>BEHAVIORS OF VULNERABLE PERSON</p> <ul style="list-style-type: none"> • Sequestered from friends and family • Personal Hygiene Declines • Stop their Normal Activities • Financial Spending Habits Changes • Attitude of entitlement
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▶ Common Claims

*"Feelings are not facts."
~Dr. Laura Schlesinger*



Common Financial Claims

- **Fraud:**
 - Money is Missing
 - Money is Misspent
- **Lack of Accountings**
- **Inequitable Benefits**
- **Hidden Assets**



Client Management

In Business, it's okay to deal with people on a human level, in fact – it's VITAL.

- Express Empathy
- Return Power
- Can-Do Attitude






▶ Finding the Truth

"Rather fail with honor than succeed by fraud."
~Sophocles




Know Your Time Frame

- When fraud occurs you will see a change in financial habits
- Must establish baseline
- 3 to 5 Years prior to caretaker's tenure is a good guideline

Successful Discovery Requests

- **Tax Returns** are the Key to Information
 - Potential Assets
 - Location of Banking & Investment Accounts
 - Sources of Income
- **Bank Statements** Unlock the Clues
 - Cancelled Check Images
 - Deposit Images
- **Investment Accounts** Where the Big Money should be
 - Cancelled Check Images
 - Transfer Requests/Communications



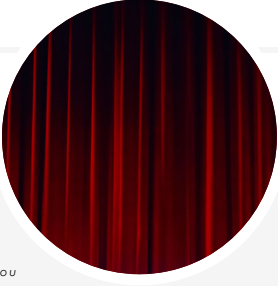


External Evidence


- County Assessor
- Secretary of State
- Background Searches
- Google & Google News
- Social Media
 - Facebook
 - Instagram
 - Twitter




▶ Advisor's Role


"Whether you think you can, or you think you can't - you're right."
 ~Henry Ford




Advisor Role

- Evidential Basis for Claims and Conclusions
- Present evidence clearly
- Identify conclusions as a result of that evidence
- Verdict is judge/ jury responsibility





Best Practices


- Ask for documents to build a trend (3 to 5 years)
- Ask for sufficient detail to prove or refute claims
- Obtain documents early
- Consult with experts early
- Don't be afraid to ask questions!



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Protect Your Organization from the Financial and Emotional Impacts of INSIDER FRAUD

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Thank
You

"The only way to do great work is to love what you do." ~ Steve Jobs

Acuity Forensics
SERVING THE INDUSTRY

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