

Dispute over dead man's house resolved

Wife will keep the \$4.8m proceeds from property which his brother sold

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THE wife of a Singaporean who died in a United States jail will get to keep the \$4.8 million from a house sold by his elder brother but which she said was owned by her husband.

The Margate Road property at the centre of the ownership spat was registered in the younger Mr Charles Loo Chay Loo's name when it was bought in 1979 but the elder Mr Loo Chay Sit and their parents had lived there since 1999.

Mr Loo Chay Sit, 58, sold the house located off Mountbatten Road in 2006 and kept the money.

The Court of Appeal in a judgment published yesterday threw out his ownership claim as he could not prove he had paid for the house with his own money.

Mr Loo had argued through lawyers from Rodyk & Davidson that his late brother had held the property in trust for him but he had paid for it.

His sister-in-law's lawyers from Vee Swee Teow disputed this and argued that the property belonged to the dead man's estate since he held the title deed.

The court affirmed the \$4.8 million proceeds from the sale of the house should go to Madam Chen Tsui Yu, 56.

Mr Charles Loo committed suicide in May 2005, at the age of 51, eight months after he killed his adopted son Benson near their home in California.

He had lived in the Margate Road house since marrying the Taiwan-born Madam Chen in 1980, up until the couple

left for the US in 1993 with Benson, then aged six.

They opted to settle in the US to provide for the special needs of Benson, who had learning difficulties, according to Madam Chen.

Charged with Benson's murder and an earlier suicide attempt in September 2004, Mr Charles Loo made a second attempt in February 2005 while in prison, fell into a coma and died that May.

According to Madam Chen, her husband had suffered from depression and wanted to kill himself and Benson as he worried the son would be a burden to her.

With Mr Charles Loo dead, the court turned to payment receipts, traced back to the time the Margate Road house was bought, to help decide who the rightful owner was.

In the end, the judgment turned on the title deed as neither his widow nor his brother was able to show they had paid for the property.

Madam Chen could not produce enough evidence to show all the funds paid out to buy the house. For instance,



While Madam Chen could not prove that her husband had paid for the house, the court ruled in her favour based on the title deed.



Mr Loo Chay Sit claimed that he had paid for the property and his late brother had held it in trust for him. ST FILE PHOTOS

she could not account for about \$90,000 of the purchase money of \$195,000.

She was unable to prove on balance that her late husband had paid for the property. But "not proved" does not mean "disproved", wrote justice Andrew Phang in the court's grounds of decision.

The court recognised that some of the documents had been lost over time and she was unable to produce them.

"The finding that Madam Chen had not proved that Loo Chay Loo had paid

for the property simply means that there was insufficient evidence to draw a conclusion one way or the other as to whether he had paid," said the judge.

But the title to the house was registered in his name and the case turned in his estate's favour on this.

The court held Mr Loo Chay Sit had failed to establish the exception that there was a trust, to the rule that accords the property title to the registered owner.

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