

TUSSLE OVER TWO PROPERTIES

Mum, brother lose suits

Their testimonies were inconsistent, says judge who rules in favour of widow of businessman

By SELINA LIM

IN 2005, Singapore-born businessman Charles Loo Chay Loo lay dying in a United States hospital following a suicide attempt after he allegedly killed his adopted son.

At the same time, his older brother, Mr Loo Chay Sit, filed court papers from Singapore against him - addressed to his hospital bed in the US - staking a claim over his Margate Road home.

When Charles Loo died at the age of 51, Mr Loo Chay Sit served the writ on his brother's widow - Madam Wendy Chen Tsui Yu - even before she was appointed to administer the estate.

The writ was served by way of a newspaper advertisement, even though he had her address.

In Madam Chen's absence, Mr Loo Chay Sit obtained judgment in his favour, transferred the property to himself, then promptly sold it off for \$4.8 million.

On Tuesday, his actions were criticised by a High Court judge in a 52-page written judgment, which threw out his claim that the house belonged to him.

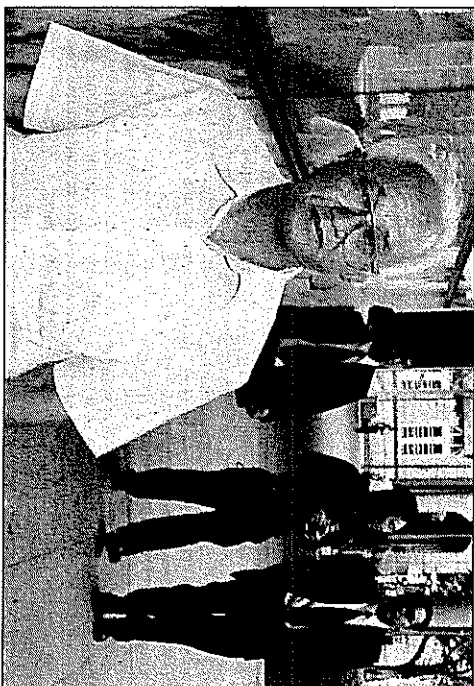
Justice Judith Prakash said his conduct in the suit "left much to be desired" and the whole proceedings "smacked of opportunism".

The judge was not convinced by his claim that he was the house's rightful owner because he had paid for it. He was inconsistent and often evasive on the stand and made assertions he could not back up. "All in all, he did not impress me as honest," she said.

Justice Prakash also dismissed a second suit brought by the brothers' mother - Madam Tan Chan Tee - against Charles Loo's widow, claiming ownership of another house in Seraya Lane.

The judge found that Madam Tan, 81, seemed to be making "thoroughly unsubstantiated claims" and her testimony was inconsistent.

The tussle over the two properties began in separate suits in 2005 and 2006, at-



Mr Loo Chay Sit (left) had transferred his brother Charles' Margate Road home to himself in the absence of the latter's widow, Madam Wendy Chen Tsui Yu (above), and promptly sold it off for \$4.8 million. ST FILE PHOTOS

Two houses at stake

■ **Late 1993:** Mr Charles Loo Chay Loo and his family leave Singapore for the United States.

■ **September 2004:** He attempts suicide after allegedly stabbing his 17-year-old adopted son to death.

■ **February 2005:** While in prison awaiting trial for murder, he attempts suicide again and lapses into a coma.

■ **April 2005:** His older brother Chay Sit starts court action against him, staking a claim on Charles' house in Margate Road in the Mountbatten area.

■ **May 2005:** Charles dies in hospital.

■ **March 2006:** In the absence of a representative of Charles' estate, Chay Sit wins a court declaration that the house was held in trust for him. He

transfers the property to his name and sells it within six months for \$4.8 million.

■ **July 2006:** The brothers' mother, Madam Tan Chan Tee, starts court action, staking her claim on a Seraya Lane house in the name of Charles' widow, Madam Chen Tsui Yu.

■ **January 2007:** Madam Tan wins a default judgment.

■ **July 2007:** Madam Chen successfully applies for the judgments to be set aside.

■ **May 2008:** Hearing starts in the High Court to determine the rightful owners of the two houses.

■ **February 2009:** Justice Judith Prakash rules in favour of Charles' estate and Madam Chen.

ter Charles Loo attempted suicide while awaiting trial for killing his teenage son.

One house in Margate Road off Mountbatten Road, was in his name. It has since been demolished. The registered owner of the other property, in Seraya Lane off Haig Road, was Madam Chen, his widow.

But Mr Loo Chay Sit, 58, and his moth-

er claimed they had paid for the properties and were therefore the true owners.

The Margate Road house was bought in 1979 for \$195,000 under Charles Loo's name. Mr Loo Chay Sit said this was done to prevent his former wife from laying claim to it while he was undergoing a divorce. However, he could not explain

why he did not transfer it back to his name once the divorce went through.

Lawyer Chiah Kok Khun, who acted for Charles Loo's widow and his estate, said Charles Loo had always acted as the owner of the house, paying property tax and other expenses and mortgaging it for loans.

As for the Seraya Lane property, it was bought in 1975 by Madam Tan and her sister-in-law. In 1987, she bought over her sister-in-law's share. The house was later transferred to Madam Chen.

Madam Tan said this was because Charles Loo had convinced her that she would have to pay heavier taxes if she hung on to it as she already owned another house.

However, Madam Chen testified that she had bought the property from the two women.

Justice Prakash also noted that she was the one who eventually paid off the mortgage over the property.

When The Straits Times contacted Taiwan-born Madam Chen in the US, she said in Mandarin: "They look advantage of me, a mere housewife, when I was not around and going through a difficult time."

Madam Chen, 56, said she felt hurt that her relatives made personal attacks against her in court. "Justice has been done after all these years."

sellina@sph.com.sg