

Bench Trial Clears Attorney of Mishandling Estate Eviction

By ROBERT STORAGE

A Westport attorney sued for allegedly mishandling the estate of a Darien woman and improperly evicting her two daughters from the family home was cleared of any wrongdoing by a Superior Court judge.

In her 18-page ruling Wednesday, Judge Donna Heller sided with attorney Thomas J. Drew in tossing two counts of breach of fiduciary duty. The judge wrote that there was nothing wrong with the way the eviction proceedings occurred. The bench trial was held over two days in August 2016 and two days in November 2016.

Connie Grant sued Drew, a solo practitioner, in Stamford Superior Court in 2014 claiming the attorney's actions left her "homeless and destitute." Grant also accused Drew of siding with her brother, Jordan Grant, in the process even though all four siblings were equal



beneficiaries in their mother's will. Their mother, Julia Grant, died in January 2011.

"There is simply no evidence to support Ms. Grant's claims that Attorney Drew breached his fiduciary duties while he was serving as executor of the estate of Julia Grant," Heller wrote. "Ms. Grant contends in the second count that Attorney Drew also breached his fiduciary duties by wasting

estate assets on legal fees, eviction costs, contractors' charges, and other unwarranted expenses, and by causing the Oakland Terrace property to be sold at a distress sale. Both of these claims are without merit."

Drew's attorney, Mark S. Gregory of Martin LLP in Stamford, said Thursday the eviction of Connie Grant and her sister, Victoria Grant, "was an action of last resort



after all effort to facilitate an alternative agreement failed.”

The eviction was necessary, Gregory contended, “because the estate did not have enough liquidity to satisfy debts. Money had to be raised and the principal asset had to be sold

to raise the money. The sisters had to be evicted because they were, and would continue, to interfere with the sale of the house at the highest achievable price.”

A housing court agreed with Drew on the eviction, and the sisters vacated the home in April 2012. The family had owned the house since 1959.

After Drew was removed as executor, a court-appointed administrator sold the house in early 2014 for \$603,000. The four siblings received \$105,000 each, which the lawsuit alleged was “far less than they could and should have received had the estate been managed with due fiduciary care.”

Connie Grant left her previous counsel, Harold F. McGuire

Jr., of D.F. McGuire & Associates in Stamford, and has since acted as her own attorney. Grant wasn’t available for comment.

Grant, who wanted at least \$125,000 for punitive damages and \$150,000 for emotional distress, has until July 5 to appeal.

Heller noted in her ruling that Drew attempted to reach an agreement with Grant before the eviction. The proposed agreement would have advanced Grant \$3,300 from the estate so she could “rent an apartment, provided that she withdrew all court proceedings and other actions in which she sought to remain in the Oakland Terrace apartment. On April 11, 2012, Ms. Grant refused to proceed with the agreement.”

In her decision, Heller noted that Drew said Grant became “very upset and angry and physically violent during their meeting” before rejecting the agreement. Grant testified in court that Drew “ripped the papers out from under her pen and stormed out of Starbucks,” where the meeting took place.

With regard to the he-said, she-said volleys, Heller wrote, “the court credits the testimony of Attorney Drew.”

Heller also wrote that “as Attorney Drew had the power and authority to sell the Oakland Terrace property, he was also authorized to take the steps necessary to effectuate the sale — including evicting Ms. Grant and her sister Victoria Grant from the property.”

Heller added Grant offered no proof that Drew favored her brother, Jordan. The lawsuit alleged that Jordan Grant wanted to sell the home and that Drew spent the estate’s money on the eviction proceedings and unnecessarily spent another \$31,000 on renovations. That work was done by Jordan Grant’s company.

The judge wrote that Jordan Grant’s construction and landscaping company “was willing to do the work that was necessary and wait for payment from the estate until a later date.”

Gregory said Drew “was pleased the judge found him to be a credible and honest witness who had done nothing wrong.”

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