

PROBATE LAW

Siblings battle over estate of Miami car magnate

by John Pacenti
jpacenti@alm.com

A probate battle among siblings is brewing over the multi-million-dollar estate of the late Miami car magnate Gerald Bean.

Two sons in Miami-Dade Circuit Court pleadings accuse their sister, Lorraine Bean, of masterminding a takeover of the estate after their 80-year-old mother died in June. They say Lorraine Bean, through misrepresentations to a circuit judge, presented a new will listing her as the sole heir and got the court file sealed.

The fight centers on whether the mother of five, in amending her will, actually intended to disinherit four of her children or suffered from dementia and was under the undue control of her daughter.

The attorney for the brothers, Thomas and Terrance Bean, estimated the estate of the heirs to the Kendall Toyota and Kendall Lexis fortune could be worth \$250 million to \$400 million. But that amount could be substantially less due to outstanding credit arrangements common to automobile dealerships.

Lorraine Bean is represented by Thomas J. Meeks and Marsha

Madorsky, partners at Carlton Fields Jordan Burt in Miami. They say their client offered to share all court documents with her siblings but wanted to keep the probate matter private.

"It's apparent to us someone is spreading false information and playing fast and loose with the facts because they know we can't comment on privileged information, and I think that is deplorable," Meeks said.

Terrance and Thomas Bean last week successfully petitioned Miami-Dade Circuit Judge Bernard Shapiro to unseal the probate case.

"All the siblings want to know what's going on," said attorney Bruce A. Katzen, who represents the brothers. "What is so outrageous is that Lorraine opens up this estate, and in this estate she is attempting to probate a will that disinherits all the kids except her, and she does this secretly."



J. ALBERT DIAZ

Attorney Bruce A. Katzen, who represents two brothers, said their sister tried to secretly probate a will that disinherits all the siblings except her.

Katzen, a partner at Kluger, Kaplan, Silverman, Katzen & Levine in Miami, said the sister reached out to her brothers at the 11th hour in late July before a court hearing to unseal the court file.

“After a month of work on the eve of the hearing, they offered to give me the will—but no pleadings—if I would agree to keep the will confidential,” he said. “At that point we decided to just go to court to get full relief.”

Adding to the drama is that the other two siblings, Tim Bean and Bridget Bean, have yet to weigh in and have not made formal appearances in the probate case.

In an Aug. 13 motion to vacate Shapiro’s order to seal the case, the brothers said their sister violated state law and the “rudimentary principles of due process” to appoint herself as executor of the estate.

“Terrance and Thomas have not been served with any petition seeking to appoint the personal representatives or any other paper in these proceedings prior to the undersigned’s appearance,” Katzen wrote in the motion.

DEALERSHIPS

Gerald Bean owned four dealerships, including the large-selling Toyota Kendall and Lexus Kendall. When he died in 2011, his assets were conveyed to a trust controlled by his wife, Patricia, and his chief operating officer, Robert Harter.

Patricia Bean ended up suing Harter, who stepped aside, Katzen said.

In his will, Gerald Bean gave specific instructions that upon his wife’s death the estate would be divvied up among four of his children, Katzen said.

His son, Tim, was disinherited because he divorced his wife, Lisa, who was beloved by the el-

der Bean, the lawyer said. The father’s will said Tim Bean’s 20 percent share should go to the ex-wife.

The will also gave Patricia Bean the power to change the percentages in the trusts, Katzen said.

Patricia Bean died June 15 after falling at home.

Katzen said Patricia Bean was showing signs of senility and old age, and was often difficult with her children, grandchildren and others—but not to the point she would disinherit them.

“I have been advised that Patricia had signs of dementia, was medicated for other ailments and mixed her medication with alcohol,” he said. Patricia Bean’s will “does not reflect her true intent, and we are definitely challenging it.”

Katzen on Friday filed a petition to revoke probate of Patricia Bean’s will based on undue influence and diminished capacity.

Meeks said such contentions about Patricia Bean are absurd.

“It is shameful that someone would try to besmirch their own mother because they are unhappy with the terms of her will,” he said. “She was sharp as a tack until the day she fell down, and I hope I’m as sharp at 70 as she was at 80.”

The Rev. Jude O’Doherty at the Church of the Epiphany in Miami said he knew Patricia Bean as a parishioner and agrees with Meeks.

“That you can put in your pipe and smoke it. She had no dementia. She was as clear as a whistle,” O’Doherty said.

SEALING RECORD

After Patricia Bean died, Katzen said the siblings approached Lorraine Bean about opening up a trust. “She said, ‘I’m in mourning. We will deal with it later,’ ” he said.

Instead, Katzen said Lorraine Bean independently opened a probate file and immediately sought to seal it, telling the judge all her siblings agreed to keep it a private matter.

“The judge was deceived, and that is why the order was entered sealing the file,” Katzen said. “They took advantage of him.”

The motion to seal was filed by Lorraine Bean’s original attorney Gerald Pierre at Vasallo Sloane in Pinecrest. Katzen has filed a motion seeking sanctions. Pierre did not return a call for comment by deadline.

After the mother’s death, a friend of the brothers was watching probate court filings and saw that Lorraine Bean opened up a case file and sought to seal it.

Katzen said Lorraine Bean’s sealing of the entire court file and docket was done in an attempt to secretly probate the estate without the knowledge of her siblings or creditors.

“The whole process of probating the will is to give the creditors and family members a chance to say if there is an objection,” Katzen said. “It not only violated the freedom of the press, it also violates all parties’ rights to due process.”

John Pacenti can be reached at (305) 347-6638.



Meeks