

**Robert J. Settipane, MD**  
**7 White Avenue**  
**Riverside, RI 02915**  
**401-742-9293**

**TESTIMONY OF ROBERT J. SETTIPANE, MD**

**In Favor of Raised S. B. No. 1162, AN ACT CONCERNING THE ADOPTION OF  
UNIFORM ACTS RELATING TO THE DISPOSITION OF PROPERTY AND  
THE EFFECTIVENESS OF A VALIDLY EXECUTED POWER OF ATTORNEY**

*Before the Judiciary Committee*

*April 15, 2013*

Senator Coleman, Representative Fox and members of the Judiciary Committee, thank you for the opportunity to submit this testimony in support of Raised S.B. No. 1162, *An Act Concerning the Adoption of Uniform Acts Relating to the Disposition of Property and the Effectiveness of a Validly Executed Power of Attorney.*

The proposed legislation is, in a very big way, about family and the preservation of family equity and family relationships.

People naturally develop strong connections with their home, their home state, their home town and their family home. The home is often a family's biggest financial investment. The home is near and dear, a place of refuge, a sacred place. These strong feelings about the family home can sometimes transform into irrational dispute when the home is passed to the next generation.

I am here to tell you the story of my family and our family home.

My grandparents came from farming families in Southern Italy. They settled in Middletown, CT about 1925. Joseph and Mary Settipane worked their entire lives in factories; she, as a seamstress in a dress factory and he, as a loom fixer for the Russell Manufacturing Company in Middletown. My father was the 3<sup>rd</sup> born of 6 children. He went from Middletown High School to Brown University and then on to medical school. He enlisted with the Navy so that his parents would not have to pay his medical school tuition. This allowed his parents to purchase a beach house in Old Saybrook in 1957.

After serving 5 years in the Navy, my father settled in Providence, RI. In the late 1960's, my father purchased a beach house adjacent to his parents in Old Saybrook. Saybrook was the meeting place for numerous family gatherings. Saybrook seemed like endless weekends of sun, sand, salt water, cook outs and roasted marshmallows. My grandmother lived until age 95. Five years later, my father died. Subsequently, the deed to the Saybrook beach property was transferred to my father's four sons, two physicians and two lawyers.

My father had spent a fair amount of money on estate planning. He hired an expensive estate planning attorney. The Saybrook property had been placed in a trust. The trust gave the Trustee (my physician brother) the power to sell the property but the Trust did not

mandate that the Saybrook property be sold. My two lawyer brothers demanded that the property be transferred to us four brothers as tenants in common. They threatened legal action if this did not occur.

In early 2008, the Saybrook property deed was transferred to the four Settipane brothers as tenants in common. For a few years the property was rented out. Disputes arose regarding the management of the rentals which caused the rental to be discontinued. The four brother owners were unable to agree on anything. Some wanted to sell. Some wanted to continue to own. No one wanted to continue to pay the utilities, grass cutting or maintenance. For the last two years, the property has sat dormant, unused and not maintained.

I am a physician who has practiced medicine in private practice for 23 years. I have never been sued; that is until 2010 when my lawyer brother filed suit against me over the Saybrook beach property. My other lawyer brother has recently sent me 265 interrogatories. I was forced to hire a lawyer and so far I have spent about \$18,000 in legal fees.

Fortunately, my physician brother has not sued me! In 2010, he engaged an attorney for the purpose of facilitating a sale of the property. He spent \$5,000 in legal fees and did not achieve a sale.

There has been a substantial expense of money and property usage. But more importantly, there has been a substantial waste and destruction of family relationships. This is not what my parents would want. My hard working grandparents could not imagine the fiasco that was their paradise. Saybrook was their realization of the American dream. It has become a nightmare for their grandchildren.

People, heirs, need to be protected from the pitfalls of a tenants in common deed. We all hope, wish and pray for peace, especially in our families. However, the path to peace sometimes requires others to make the road.

The tenants in common form of deed inheritance is a disaster for many, many people. There is no guarantee of peace once the parents are gone. Those owners who can afford a lawyer have a tremendous advantage over owners who cannot afford a lawyer.

The proposed legislation is a road to peace. It provides a simple solution to a vexing problem. It puts guard rails on the road to family harmony. We all want a better life for our children and an important part of that better life is peace and harmony. Please build this road to peace and family harmony.

Most of the families that would benefit from this legislation are not yet aware of their need for it. They are not here today. It is actually more often the poor and minority families who lose property and real estate equity as a result of court ordered partition sale. I also speak for them when I ask you to please advance this important legislation.

Thank you for your consideration of this matter.