

PRINCE GEORGE'S COUNTY**REAL ESTATE TRANSACTIONS**

Real Property

Property owner had diminished capacity at time of transfer: suit**VERDICT** **\$25,002****CASE** Orlando Ciccione, Personal Representative of the Estate of Waltraut I. Ciccione v. Kenneth J. Dias, Jr. and Marie Dias, No. CAL17-17024**COURT** Prince George's County, Circuit Court, MD**JUDGE** Judy L. Woodall**DATE** 11/5/2018**PLAINTIFF****ATTORNEY(S)** Timothy P. Leahy, Byrd & Byrd, LLC, Bowie, MD**DEFENSE****ATTORNEY(S)** William Ray Ford, Ray Ford Law, Clinton, MD**FACTS & ALLEGATIONS** In 2016, plaintiff's decedent Waltraut Ciccione, 97, deeded her home in Clinton to

Kenneth J. Dias, Jr. and his wife Marie Dias. Kenneth J. Dias was a friend of Waltraut Ciccone. The Dianas rented out the home after acquiring the property. Ciccone's estate maintained that Ciccone had diminished mental capacity at the time of the transfer.

Orlando Ciccone, Personal Representative of the Estate of Waltraut I. Ciccone, sued Kenneth J. Dias, Jr. and Marie Dias.

The estate alleged that the deed was null and void because Ciccone had diminished mental capacity at the time she deeded the three-bedroom residential property over to the Dianas. The estate argued that the Dianas took advantage of Ciccone's old age and declining mental capacity. The estate sought to quiet the property title from the Dianas' possession.

The Dianas contended that the agreement with Ciccone was consistent with someone with adequate mental capacity. They argued that Ciccone knew what she was doing when she deeded her property over to them. They argued that the transaction was done by her free will, with no manipulation, and that it was proper.

INJURIES/DAMAGES The estate of Waltraut I. Ciccone sought compensatory damages for the value of the rent the Dianas collected for one year. The estate estimated the value of the rent at approximately \$30,000. The estate also sought the return of the property to the estate.

RESULT Following a bench trial, the judge found for the estate against the Dianas and deemed the deed to be void. The judge also quieted the property title and returned the property to the estate. Additionally, the judge awarded \$25,002 for the value of the rent collected for the one-year period after the property was transferred.

TRIAL DETAILS Trial Length: 1 day

EDITOR'S NOTE This report is based on information that was provided by plaintiff's and defense counsel.

-Gary Raynaldo