What happens here only happens here... *But should it?*

The story thus far—a recap of Part I

In our June 2020 issue, this publication described how a man named Thomas Moore has petitioned Clark County Probate Court to be named "independent administrator" of hundreds of dead people's estates over the past five years. More often than not, his petitions are granted under unusual provisions of Nevada probate law. Moore then arranges property sales at suspiciously modest prices, many to the same individuals or dummy corporations. Those buyers resell the homes, presumably reaping profits. Moore often bypasses heirs, or persuades an heir to sign over authority to him, but his methods occasionally go awry, bringing problems to light. Late last year, the county's elected public administrator, Robert Telles, began challenging Moore's activities. Moore and his attorneys deny any wrongdoing.

A Vegas Voice Investigative Report

by Judy Polumbaum

PART TWO

FURTHER TRAVELS IN A LOONEY LEGAL LANDSCAPE

1. Another piece of the puzzle

Donna Jeannine Ray was a psychologist and teacher of autistic children. She led the choir at two Las Vegas churches. As a senior citizen, she took out a reverse mortgage on her Las Vegas home, planning to set up programs to help people deal with difficulties. A stroke in 2007 put an end to her career.

This long independent woman now became dependent on her son Mark Logan and his wife. Her condition steadily declined. In 2011, when the carpet and upholstery business that had employed Logan for 22 years laid him off, he and his wife put their belongings in storage and moved into his mother's house. For the next eight years, Logan was Ray's fulltime unpaid caregiver.

By the time Logan realized his mother did not have a will, she was in no shape to sign anything.

Donna Ray passed away in June 2019 at age 83. A couple of months later, a perplexing letter addressed to Logan arrived at the house: Someone named Thomas Moore, it informed him, was going to file to become administrator of his mother's estate. It directed Logan to sign and return the attached waiver. He did not.

Logan, 57, is the youngest of Ray's five children; the four other siblings live in Northern California. Was some stranger really going to bypass five direct heirs to mom's legacy and possessions?

Logan's wife called the law firm that had sent the letter. "They basically lied to her," Logan recalled. "They basically just told us this is what they are going to do and we didn't have any choice in the matter. They said we'll do everything, this will be easier. They were extremely vague about it."

Sure enough, Thomas Moore, through attorney Taylor L. Randolph, went to probate court in November in a bid to take control of anything Donna Ray had left behind, claiming that no heirs in the matter could be reached. His petition referred to Mark Logan as the "informant" on Ray's death certificate, with the same address as his mother, and maintained that Logan had an "unknown" relationship to the deceased.

Turney Berry

In short, when Moore arrives to probate an estate – the legal process by which a person's assets pass to heirs and/or creditors after death – heirs easily vanish.

2. The myth of the missing kin

Moore often asserts that potential heirs cannot be contacted or fail to "return communications." Experts in estate law, however, say this seldom happens – especially nowadays, when almost anyone or anything can be tracked down through Internet searches and inexpensive online services. New technology also has given rise to heir-hunting firms that, for a fee, match relatives with estates in which they may have an interest.

David English

"An estate with no heirs is rare," according to David English, professor of law at the University of Missouri and one of the country's foremost experts on probate. "Heir-hunting firms can find third cousins," he said.

"It's really hard not to have any heirs," agreed Turney Berry, a Kentucky attorney and former member of the governing board of the American College of Trust and Estate Counsel (ACTEC), a nationwide professional organization focusing on education and legislation.

In his 33 years of practice, Berry said, he's never faced a situation when no heirs can be found. The closest thing was a case in the pre-Internet era, when an estranged brother with mental illness deliberately evaded contact; money due him was placed in escrow, until he got better and surfaced a few years later to accept the benefits.

Kennedy Lee, an experienced Las Vegas trust and probate attorney, agrees that those who exercise due diligence can nearly always locate heirs. His firm hires heir-finders if necessary to ensure all beneficiaries get their due, he said. "We have tracked multiple individuals across the country to give them their money," Lee said. "Some did not even know their relative had died." In one case, they got money to a homeless woman in Los Angeles who'd been unaware of her mother's death.

David English of Missouri, who practiced law in Chicago before joining the academy, expressed surprise that probate courts would not flag assertions about lack of heirs, especially for estates involving real property. "These are homeowners; these are not totally dispossessed people," he said. "Homeowners with no heirs at all is [especially] odd."

Indeed, when it comes to Moore's activities in Clark County under Nevada's Independent Administration of Estates Act, a great deal seems odd.

3. A rare interruption

That act has enabled Thomas Moore, through his attorneys, to assume control of dead people's estates, sell their homes through an unsupervised process, and presumably benefit in ways neither Moore nor his attorneys will explain.

As described in part one of this report, Clark County Public Administrator Robert Telles, an elected official charged with overseeing estates of deceased individuals when no other "qualified person" is able or willing to do so, has been challenging Moore's activities since late last year.

While Donna Ray's son Mark Logan was puzzling over how a stranger had hijacked his deceased mom's house, Telles successfully intervened to take over in the Ray case.

Meanwhile, Logan assembled what he needed to document his status: his baptismal certificate, proof of residence at his ailing mother's side for eight years, and a sworn statement, along with genuine sign-offs from all four of his siblings. On the recommendation of real estate investors familiar with the probate process, Logan nominated a retired businessman, Mark Heinen, to oversee his mother's estate on his behalf.

Finally, in mid-April, the court appointed the lawful heir's nominee as administrator of the estate of Donna Ray. Telles' office gladly relinquished the case to the family.

Mark Logan and his wife remained in his mother's house, "trying to do what we can with what my mom left – basically some furniture and a bunch of bills," Logan said. Donna Ray was a "clothes hound" and a reader, he said, so they've been giving away lots of books and clothing.

The house was destined to be sold to satisfy the reverse mortgage and other debts, with any remaining equity going to the family. Not much is likely to be left. But at least the heir was back in the picture. That's seldom the case once Moore takes over.

Stay tuned for PART THREE:
THE BATTLE BORN STATE
AS OUTLIER