

Dispute over multimillion-dollar estate of Enfield bus company owner ends

By Will Healey

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Richard "Dick" Smyth, left, and Enfield Fire Department Chief Edward "Ed" Richards, pictured in 2010 on the occasion of Richards' 40th anniversary with the department. Smyth and Richards grew up on the same street and were lifelong friends.

Photo provided by Edward Richards

ENFIELD — A legal dispute over the estate of a beloved local school bus company owner who died in 2015 — initially valued at close to \$9 million and which has been tied up in Hartford Superior Court for more than a year-and-a-half — has reached a conclusion just shy of the two-year anniversary of the man's death.

Under a "memorandum of understanding" — agreed to in principle on Nov. 2 by representatives of the parties involved, and later made official by Greater Windsor Probate Court Judge Marianne Lassman Fisher — the F. Edwin Smyth Inc. and Smyth Bus Inc. school bus companies, which serve the Enfield, East Windsor, and Windsor Locks school systems, will stay in the family of Richard "Dick" Smyth, who died on Nov. 30, 2015, at the age of 56.

Smyth's will had been at the center of a dispute that pitted his 93-year-old mother, Rhoda G. Smyth of Enfield, against the estate's court-appointed administrator, Vernon lawyer Kevin McCann, and Smyth's ex-wife Jennifer Smyth, who lives in Florida.



According to the memorandum of understanding recently agreed to by the parties, McCann, in his capacity as administrator, will sell the two bus companies to Rhoda Smyth's designee — her son, Robert "Bob" Smyth — for the sum of \$2.5 million.

Also under the agreement, Robert Smyth's sons, Robert Smyth Jr. and Stephen Smyth, each rescind their rights to a \$200,000 inheritance left to them in their uncle's will in exchange for the property on which the bus company sits, located at 25 Depot Hill Road in Enfield, and an adjacent lot.

Upon completion of the sale, the memorandum of understanding stipulates that Rhoda Smyth will then withdraw the court action she had filed in April 2016 in Hartford Superior Court over her son's will "with prejudice," meaning she would be unable to bring such a lawsuit again.

'Undue influence' alleged

In her Hartford Superior Court appeal of a Greater Windsor Probate Court decision to admit a 2007 will of Richard Smyth's to probate, Rhoda Smyth — through her Hartford-based lawyer A. Paul Spinella — argued that the will does not reflect her son's "actual testamentary desires."

It also says it "indicates the undue influence" that Jennifer Smyth had over her then-husband, whom the  Advertisement at the time the will was filed. 

The will was filed in October 2007, which was less than three years before Richard Smyth filed for divorce prior to his death.

Rhoda Smyth's appeal of the probate court decision — filed in Hartford court in April 2016 — says Jennifer Smyth, and was "successful in isolating (Richard Smyth) from family, friends, and business colleagues"

The couple's divorce was finalized in December 2010 after 19 years of marriage. The appeal says that prior to the divorce, Jennifer Smyth withdrew \$3 million to \$4 million from the couple's joint bank account, and also took approximately \$500,000 from Richard Smyth's safe, "prior to leaving the marriage with the Decedent's closest friend, George Fetko."

Fetko formerly worked as director of public works in both Vernon and Ellington before resigning from the position in Ellington in 2011.

The chief medical examiner's office classified Richard Smyth's death as accidental, resulting from "complications of blunt force head injury" and listed chronic alcoholism and coronary artery atherosclerosis as "other significant conditions."

The appeal posits that Jennifer Smyth's "undue influence" was exhibited in certain bequests made by Richard Smyth in his will.

Nothing left to mom, brother

In the will, Richard Smyth left all of his tangible personal property to Jennifer Smyth, and also made provisions for several of her relatives, while making none for his mother and brother, with whom the appeal said he "enjoyed a close and loving relationship."

Among the will's provisions is a bequest of \$1 million, in equal shares, to Jennifer Smyth's parents — his "ex-in-laws" — the appeal said. According to probate court records, Jennifer Smyth's father, Robert "Bob" Stauble, died in June 2014, meaning that the total \$1 million sum will go to Jennifer Smyth's mother, Genevieve Stauble.

Richard and Jennifer Smyth did not have any children. The will also bequeaths payments of \$200,000 each to 11 of the couple's nieces and nephews.

The appeal says that though the will contained provisions for several of Jennifer Smyth's relatives with whom Richard Smyth was not close, it "notably" failed to include provisions for a niece of Richard Smyth's with whom Jennifer Smyth had a "contentious relationship."

The appeal also says that the will failed to make any mention of the businesses Richard Smyth and his family "started, developed, and operated for more than 40 years."

Richard Smyth started the Smyth Bus Company in 1975 with his father, the late F. Edwin Smyth, to serve Enfield Public Schools, as well as F.E. Smyth and Son Inc., which serves the East Windsor and Windsor Locks school systems.

Ex-wife takes control of farm

The appeal says the will also made no provision to dispose of Richard Smyth's 17-acre farm, located at 105 Phelps Road in East Windsor, on which he raised cattle and other animals, and for which he cared for "faithfully throughout his lifetime."

Under their divorce settlement agreement, which was finalized on Dec. 3, 2010, Richard and Jennifer Smyth agreed that the property would remain in joint names in survivorship for a period of five years from the date of the marriage's dissolution.

The agreement stated that the deed to the property would have reverted solely to Richard Smyth after Dec. 3, 2015, and he did continue to live there after the divorce.

However, the agreement also stipulated that if he died prior to that date, his interest in the property would revert to Jennifer Smyth, which is what happened, as Richard Smyth died just three days prior to that date.

According to online records for the East Windsor assessor's office, Jennifer Smyth sold the property to its current owners, Daniel and Audrey Trombley, on Sept. 8, 2016, for \$550,000.

For her part, Jennifer Smyth, who resides in Deerfield Beach, Florida, has denied the allegations made against her in the appeal, and has said through a separate filing made by her lawyer, Richard Weinstein of West Hartford, that she has no interest in the contesting of the will, and, under state statute, is no longer a beneficiary of the will as an ex-spouse.

Weinstein noted in a November 2016 filing that though Jennifer Smyth doesn't have an interest in the estate under the will, she is owed "substantial sums" from the estate as a result of the couple's 2010 divorce, and those payments are hung up by McCann's inability to liquidate the estate's assets.

\$3 million divorce payment

According to the divorce settlement, Jennifer Smyth, in addition to receiving other finances and assets, was to receive a lump sum payment of \$3 million to be paid out in annual installments of \$300,000 commencing in January 2011.

Since he was appointed as the estate's administrator a few months after Richard Smyth's death, McCann — who told the Journal Inquirer he had no prior connection to any of the parties involved in this case — said his job is to "carry out the dictates of the will."

According to McCann, that job includes paying any of the estate's outstanding debts and taxes, as well as running the day-to-day operations of both bus companies, which employ more than 150 local drivers and dispatchers.

Since taking over the running of the bus companies, McCann said he's tried to operate them according to the same standards of care that Richard Smyth instilled.

During his life, Smyth was known for being a caring, hands-on owner who was meticulous in providing top-notch service and maintaining an impeccable safety record.

Past and present superintendents from each of the school systems he served have all said that while working with McCann the past few years has been great, Smyth was truly irreplaceable.

To a person, each superintendent said Smyth was "fantastic" to work with, particularly during the early mornings of inclement weather-related events.

A generous businessman

Former Enfield Superintendent Jeffrey Schumann said Smyth would be out driving the roads at 2:30 or 3 a.m. to determine whether or not the conditions were safe to bus school children in the morning.

"He was an active part of letting me know if roads were safe," Schumann said. "You don't typically get the owner of a bus company personally driving around to see if the roads are safe at other bus companies."

Former East Windsor Superintendent Theresa Kane said Smyth would sleep in a recliner at the bus garage the night before a snowstorm, taking the road temperature throughout the night. Kane said hearing his "gravelly voice" on the other end of the phone was a great comfort during what she called one of the worst parts of a superintendent's job.

"He ran that company like no one will again," she said. "He ran it like a family. He took personal pride in the service he provided, in providing for the safety of students and his workers."

Enfield's current superintendent, Christopher Drezek, who knew Smyth during his years as deputy superintendent under Schumann, called the man he knew as "Smitty" one of the nicest men he'd ever met, and one of the most generous.

Drezek said that in tough budget years, Smyth would come over to the school system's administrative office and ask them what the school system could afford, saying, "I just want to make sure I can take care of my people."

Drezek remembered a particular act of Smyth's generosity. Some years ago, fuel costs unexpectedly went up mid-year, and the school system was going to have to borrow a few hundred thousand dollars from the town. Drezek said that when the fuel was delivered to the bus company, Smyth — knowing of the bind the school system was in — paid the bill for the month. When the bill didn't arrive, Drezek called him.

"He said 'It's all set, the only thing I ask is that you don't tell anybody,'" Drezek said.

Drezek and Windsor Locks Superintendent Susan Bell said they had extended their respective contracts with the company for the current school year, while Kane said that East Windsor was entering the third year of a three-year contract.

All three said that they were hopeful to continue the relationship with the company in spite of the uncertainty surrounding the estate litigation, provided the company continues to operate as it has in the past.

'A good man'

Enfield Fire Department Chief Edward Richards, who lived three houses down from the family farm on Enfield Street in Enfield that Richard Smyth grew up on, said Smyth was like his "little brother."

Richards recalled a friendship that spanned decades, from growing up helping Smyth and his father with farm work and snowplowing, to beach trips to East Lyme as adults, to having cigars and coffee after church on Sunday mornings in the barn when Smyth moved to his own farm in East Windsor.

"He was a good man. I miss him terribly," he said. "We had a lot of fun."

Richards remembered his friend for his goodness and the quiet way he went about his good deeds. He described Smyth's willingness to help others, whether it be paying his drivers out of his own pocket or providing free buses for the Enfield Memorial Day Parade, while "absolutely shunning any fanfare."

Richards said it hurt him "greatly" that the litigation was going on.

"I'm sure it's not what Dick would've wanted," he said.

Special beneficiaries

Another outcome of the agreement reached Nov. 2 is that two residual beneficiaries named in Smyth's will — the Enfield Congregational Church and the St. Joseph's Residence, a residential living facility for the elderly in Enfield operated by the Little Sisters of the Poor — should soon see the bequests coming to them.

Smyth stipulated in his will that after the monetary distributions were made to Jennifer Smyth's parents and his and Jennifer Smyth's nieces and nephews, the remaining balance of his estate was to be paid out to the two nonprofit organizations in equal shares for their "general use and purposes."

Joseph Hourihan, a lawyer representing the Enfield Congregational Church, has pushed for an expedited process for the beneficiaries' sake.

He has noted in previous court filings that state statutes pertaining to estate law impose 6 percent interest per year on bequests not paid within a year of the person's death, and that any further extension of the process could pose "severe potential economic impact" on the amount both residual beneficiaries stand to receive from the estate.

In a Sept. 18 request to the Greater Windsor Probate Court for a "streamlined hearing," Hourihan wrote that "interest at a rate of \$14,000 per month is accruing against the bequests and will come out of the residual," and that McCann's fees for running the two businesses are estimated at \$20,000 per month.

At the Nov. 2 meeting, Hourihan estimated the estate's value to be \$7.3 million in total cash, with bequests plus interest numbering close to \$3 million, leaving anywhere from \$4 million to \$4.4 million left to be split between the Enfield Congregational Church and St. Joseph Residence, subject to administrative costs.

Following the verbal approval of the agreement on Nov. 2 — which was only held up for final approval from a "guardian ad litem" appointed to represent the interests of five of Richard and Jennifer Smyth's nieces and nephews who are minors — Hourihan described the resolution as an "excellent one" for the parties involved.

"The charities are very happy with the generosity of the Smyth family, and we're glad to see the businesses staying in the family," Hourihan said.

Richard's brother, Robert Smyth, was pleased with the resolution after the meeting.

"Today, things went well," he said.

