

# Wealthy homeowner fights stepson for slice of dead mother's estate



By Lane Nichols 11 Nov, 2020 05:00 AM 5 mins to read

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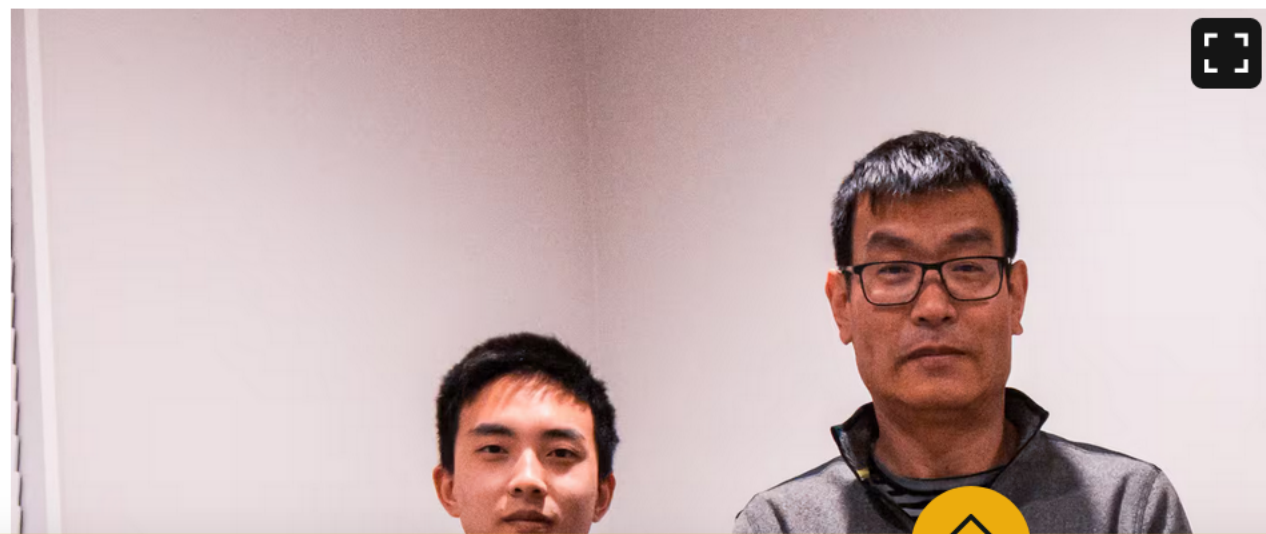
Student Longee Guo, 24, lost his mum two years ago to breast cancer. Now Guo's stepfather Shoujun Zhang is challenging his mother's will. Photo / Michael Craig

A wealthy Auckland homeowner is challenging his dead partner's will for a cut of her \$1.1 million estate and wants the woman's grieving child to pay hundreds of thousands towards his mortgage.

But lawyers say software engineer Soujun (Don) Zhang, 52, is already financially flush and has no moral right to receive money that was intended to benefit his former partner's only son.

Zhang earns more than \$100,000 a year and owns two Auckland homes worth nearly \$2.5m combined, the High Court at Auckland heard this week.

His de facto partner of six years, Hui (Helen) Chai, died of breast cancer in 2018. Her final wish was for her only child Longee Guo to be taken care of. She made him the primary beneficiary of her estate.



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Longee Guo (rear left) on his 21st birthday with stepfather Shoujun Zhang (rear right), mother Hui (Helen) Chai (front right) and grandmother Cunlan Lu (face blurred). Photo / Supplied

However a claim filed by Zhang under the Family Protection Act says Chai, a North Shore cafe owner who emigrated from China, owed him a "moral duty" to provide proper maintenance and support.

And despite receiving ownership of the couple's shared \$1.5m Greenhithe home after Chai's death plus nearly \$44,000 from their joint bank account, Zhang now wants further financial compensation and for her son to pay half the \$871,453 mortgage debt owing on the property on behalf of her estate.

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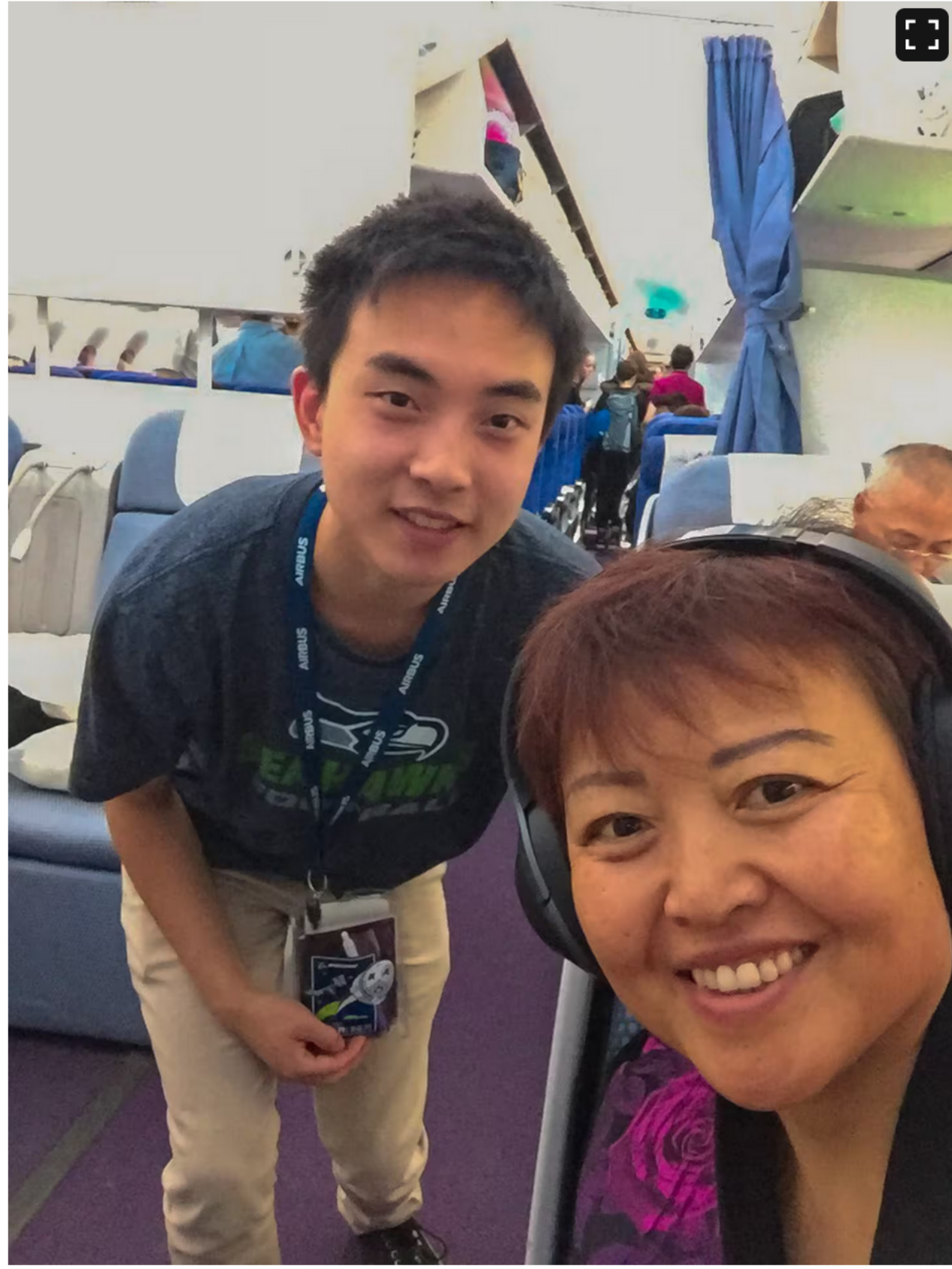
Zhang argues he poured all his income into the family and had been "saddled" with a debt that would normally be shared.

His lawyer Hugh Fulton told the court the couple had a joint mortgage liability which was not extinguished by death.

"It would have startling repercussions contrary to the statutes if that were the case."

Guo is a fourth year engineering student with a \$40,000 student loan. He has spent an estimated \$100,000 defending the case.

His lawyer Sally Morris said Zhang in comparison had considerable financial means thanks to his six-figure salary and rental income from his mortgage-free investment home in Mt Eden.



Auckland student Longee Guo, 24, pictured with his mother Hui (Helen) Chai two years ago before her death from breast cancer. Photo / Supplied

He was adequately provided for after Chai's death, receiving cash and equity worth more than \$300,000, and there was no obligation to make further provision for Zhang in the will, Morris said.

"The evidence is clear that Ms Chai intended that Mr Zhang would receive her interest in the Greenhithe property and take responsibility for the mortgage. She wanted Longee to receive everything else."

It was unfair to compel Guo or the estate to make mortgage repayments on a property owned by Zhang which they received no benefit from, Morris said.

Guo lives with and cares for his grandmother Cunlan Lu in a Glenfield home that his mother bought with her former husband in 2005.



Longee Guo, 24, outside the High Court at Auckland where he is defending a claim against his late mother's estate by her former partner Shoujun Zhang. Photo / Michael Craig

The property was nearly mortgage-free when Zhang moved in shortly after they met in 2012, Morris told the court.

While battling cancer, Chai told her son "he would receive the Glenfield property when she died so that he and Ms Lu would have security and a place to live".

But a security is registered over the home against Zhang's Greenhithe house and Guo says he could be forced to sell the property if Zhang's financial claim succeeds.

Guo, 24, has asked the court to order Zhang to discharge the security and rule that his mother's estate is not liable for any of Zhang's mortgage repayments.

The will provided for an immediate \$80,000 gift to Guo with the remainder of the estate held in trust till he turned 25.

Fulton told the court the case was about ensuring equitable sharing of the couple's joint debt.

Zhang had paid hundreds of thousands of dollars into their savings and investment account to finance the joint home.

He had also paid Chai's significant business debts and loaned her money.

"That is why he now makes this claim to be reimbursed for what he contributed towards her liabilities."

Fulton said Guo was "well provided for" by the \$80,000 inheritance payment, continued occupancy of the Glenfield house and access to more than \$200,000 in life insurance money.

Speaking to the Herald, Zhang said he had been "totally ignored" in Chai's will, which she had prepared without his knowledge.

He had contributed significantly to the family and only wanted what was fair.

Zhang said he was not seeking a lot of money and did not care what people thought of his actions.

"I want this settled up. I simply want to see the facts under the law."

Guo told the Herald: "I would have never thought someone in a family would do such a thing especially for someone in a second marriage and earning a high income with a mortgage-free house."

Justice Palmer reserved his decision.

### Expert: Wills can be challenged

Matrimonial law expert Jeremy Sutton said wills helped family members know your intentions and wishes after you died.

But it was important to balance those intentions with what was possible. For instance excluding one child could see a will challenged in court.

There was always a risk that a will could be challenged, particularly if a relative was excluded, he said.

"With the best legal and other advice those risks can be reduced."

