



Foulger family regains control of estate, assets from caregiver

By: Heather Cobun Daily Record Legal Affairs Writer August 29, 2016



Florence Tung became Sidney W. Foulger's caregiver about a decade ago. In 2005, the two began an herbal remedy company which has since failed. Foulger's family settled litigation with Tung last week, giving them control over his multimillion-dollar estate and charitable foundation, among other assets. (Photo taken from a promotional video for their supplement company)

The family of Foulger-Pratt Cos. founder Sidney W. Foulger regained control over his multimillion-dollar estate and the charitable foundation he started with his wife after settling lawsuits with his longtime caregiver.

A month-long trial was set to begin in Montgomery County Circuit Court after Labor Day but a settlement agreement was signed last week which disregards Foulger's later wills, trusts and codicils, which the family claimed were made after the undue influence of Florence K. Tung, according to attorney Jeffrey E. Nusinov.

"It's been a long road," said Nusinov, of Nusinov Smith LLP in Baltimore, who represents Foulger's daughter, Sue F. Alfandre, and her husband, Joseph L. Alfandre Sr. "The Alfandres are very pleased to have this chapter behind the family and that the family will be able to fulfill Sid Foulger's legacy through his foundation."

The settlement came after Roy Niedermayer, a principal at The Law Firm of Paley Rothman in Bethesda, stepped down from various posts, including trustee and personal representative, according to Nusinov, who was joined on the case by colleague Paul D. Raschke. The family alleged Niedermayer had conflicts of interest, which he denied.

Niedermayer said Monday he has not been actively involved with the litigation for months and was released from his posts by the court.

Sid Foulger died in August 2014 at age 93. He founded the precursor to Foulger-Pratt in 1963, and the company now is one of the Washington region's largest general contracting and property management firms.

Tung became Foulger's caregiver in the mid-2000s and became much more involved in his-day-to-day life after his wife, Mary, died in 2010, according to court documents.

Foulger and Tung met through church in the late 1990s, and he hired her to oversee construction of his new home, according to the lawsuit the sons filed this month. He made her his personal assistant "when it was clear Mrs. Tung was not a competent property manager," according to the lawsuit. The family alleged Tung isolated Foulger from them and controlled his phone and email.

Foulger had made several amendments to his will and trust in 2013 after moving to California with Tung. His children claimed the changes, which transferred money and property worth millions to Tung and her sister, were invalid.

Tung and her sister, Jean Hong, countered in court filings that the children signed an agreement in 2013 to refrain from asserting Tung unduly influenced Foulger. They also argued the children abandoned the foundation.

Under the settlement agreement, Tung and Hong returned the deed to a California home, more than \$300,000 in

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cash and stocks. They are keeping certain gifts they received from Foulger during his life, including two Mercedes-Benzenes.

Foulger's will and trust agreement from April 2000 will be submitted for probate and all others will be disregarded. The estate and trust will be administered by Joseph Alfandre and Sid Foulger's two sons, Clayton and Bryant, as co-personal representatives.

Jason W. Henderson, Tung's lawyer and a solo practitioner, could not be reached for comment Monday.

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