

## Confidential Facts – Jobber Fuel Company

A man named Ralph Armstrong offered to buy the site “as is.” Ultimately, he acquired title to the property under the name Jobber Fuel Company,<sup>1</sup> which was placed on the deed, but it turns out that no such company was ever incorporated. Therefore, there remains some question as to the nature of Ralph’s ownership of the site, although it appears he may have owned the site individually. Ralph Armstrong’s company sold gasoline under the brand name “Tiarra.” Ralph was not himself a mechanic, but over the course of time he entered into leases with several mechanics to operate the gas and service station, including the right to service automobiles in the building. The lease terms obligated the lessees to pay a fixed rent to Ralph for use of the building for which they could retain all of the proceeds of working on cars for themselves. The lease terms also required the tenants to pump gas under Ralph’s Tiarra label, for which Ralph paid them a small royalty but pocketed most of the profits.

Ralph Armstrong, who is now an 89 year old man with dementia and no known heirs who is living in a nursing home in Boca Raton, Florida. Reportedly, Mr. Armstrong has over \$2.5 million in an inter vivos trust that he established for himself to pay for his long term care. However, there is a reversionary clause in the trust providing that the balance of any money in the trust at his death will revert to his estate and is not for the benefit of the nursing home if he dies before the trust assets are fully depleted. His nursing home expenses are approximately \$200,000 per year. Although Ralph’s doctors obviously cannot say exactly how much time he has left, other geriatric physicians that Ronald Strong have consulted have told him that a person in Ralph’s condition, with Alzheimer’s disease, probably has no more than 3 to 7 years to live.

Ralph Armstrong’s guardian wants to preserve Ralph’s assets for his health care but he is willing to contribute no more than 1 million dollars to get rid of the claim..

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<sup>1</sup> A jobber is a company that sells gasoline acquired from a number of different purveyors or suppliers. It does not sell under a single brand name, like Exxon or Shell. As a result, most jobbers sell gasoline under their own brand name, although the quality and performance of the gasoline can vary from shipment to shipment depending on who manufactured the fuel, how old the gasoline is, whether it has been adulterated with any other substances, what additives does it contain, etc. Also, and for the same reasons, it is sometimes difficult to determine the exact origin of the gasoline sold by a jobber, including to detect the specific refinery or refineries in which the gasoline was manufactured. Every refinery adds different secondary ingredients to its gasoline, and those additives are claimed to be trade secrets. However, some experts purport to know the chemical additives of at least the major refiners and claim to be able to tell which gasoline was refined by which companies based on the chemical profile of the product.