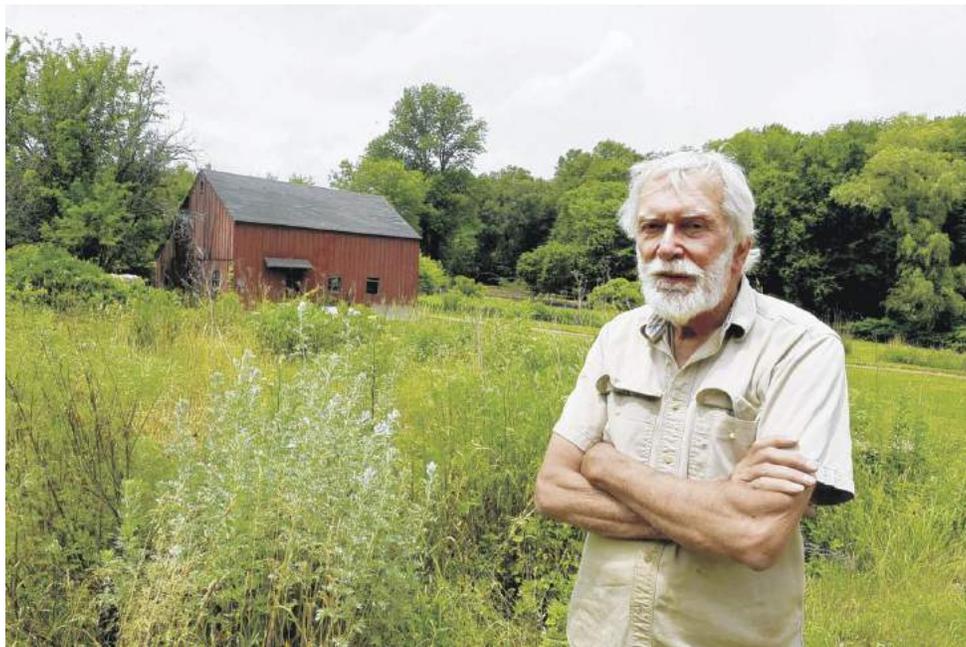


## The Battle over Caprilands: Widower appeals to stay on property

By Tim Leininger Journal Inquirer 3 July 2018



Edward W. Cook, 80, who is appealing a probate court order to vacate the once acclaimed Caprilands Herb Farm in Coventry, which his late wife, renowned herb expert Adelmia Grenier Simmons created, stands among herbs at the farm. (Jim Michaud / Journal Inquirer)



The 18th-century farmhouse at Caprilands Herb Farm has fallen into disrepair. (Jim Michaud / Journal Inquirer)

COVENTRY — Edward W. Cook, whose late wife created the once acclaimed Caprilands Herb Farm, is appealing a Tolland–Mansfield Probate Court judge’s decision that terminated his tenancy on the farm and ordered him to be “removed from the premises.”

The 80-year-old Cook, a professor of science at Tunxis Community College in Farmington, filed his appeal on June 14 in Vernon Superior Court.

Cook had been given life tenancy at the 18th-century farmhouse on the property on Silver Street in the will of his late wife, Adelma Grenier Simmons, known as “The First Lady of Herbs,” who created, owned, and operated Caprilands for decades after it started out as a family goat farm in 1929.

A leading expert in herbs who wrote a number of books on the subject and inspired an interest in herb gardening nationwide, Simmons died in 1997 at the age of 93. She and Cook, her third husband, had been married for about four years at the time of her death.

In his decree removing Cook from the farm, dated May 8, Judge John J. McGrath Jr. said, “As the sole person in charge of managing, maintaining, and developing a way to sustain the farm, Mr. Cook has been an abysmal failure.

“The evidence is clear that Mr. Cook will most likely continue to obstruct an attempt to improve the property so that it could be used as intended or to sell it if it is determined that it can no longer be used for the purposes intended by the decedent,” McGrath said.

Town Manager John Elsesser called the property blighted, with the farmhouse in disrepair. “There’s a blue tarp that has been on the roof for five years,” he said.

According to Simmons’ will, which she signed the day before she died, she devised and bequeathed Cook “as life tenant” of the property and gave him “the use and enjoyment of all my interest in my personal residence located at Capriland Farms ... with its furnishings.”

The will states that Cook was to provide for and pay all costs associated with the property, including maintenance, assessments, taxes, and insurance.

Cook claims in his appeal that the term “life tenancy” means “life ownership,” meaning he is not just a “tenant,” and cited a state Supreme Court decision from 1987 to support his claim.

He also claims he owns a third of the more than 62-acre farm, situated at 534 Silver St., due to the state’s Rights of Surviving Spouse statute, contesting a ruling made by McGrath that the “residence” defined in Simmons’ will is about 2 acres of property where the farmhouse sits.

In his decision, McGrath wrote that Cook has a limited right to the use of a portion of the property “for a limited period of time, provided that he maintain the property and utilize it for the charitable purpose as described in the will.”

The will dictates that a trust to be named “The Caprilands Foundation” was to be established with five trustees, including Cook as chairman, to oversee the remainder of the farm for the purpose of education, preservation, and research.

“The trustees are specifically instructed that it shall be their duty, first, to care for the property ... for the education and benefit of the public in its present condition and the buildings and grounds improved from time to time,” Simmons said in her will.

Cook said that he established a nonprofit in 2007 to oversee the farm called Caprilands Institute Inc. and that the institute will raise funding for restoration for the farm from public, corporate, and government grants.

Cook also said that on Jan. 1 of this year, the farm has been leased to the institute and that the lease is for the length of his tenancy at the farm.

Though Cook has created the institute, McGrath said in his decree that “there is no evidence that any sustained charitable activity has taken place on the property in contrast to what Mr. Cook contends.”

The judge went on to say that Cook does not have the financial or the legal resources to fulfill Simmons’ vision and “has not demonstrated the ability or determination to properly care for any of the property entrusted to him.”

McGrath said that Cook has been negligent in fulfilling Simmons’ requests in her will and has refused to obey requests by the court, including a court order to allow the current court-appointed administrator of the estate, lawyer George Purtill of Purtill & Pfeffer P.C. in Glastonbury, and town officials to inspect the farmhouse.

Purtill said Thursday that since the judge found Cook in contempt of court, Cook has been penalized \$1,000 a day for not allowing the inspection.

Elsesser said the order for the inspection of the residence was issued in December and that the \$1,000-a-day penalty is still accruing.

Elsesser also said Cook has not paid property taxes for years and that he owes about \$17,000. He said that if Cook doesn’t pay the taxes by next spring, the town could put the property up for a tax sale.

Cook said he has challenged the taxes and that the tax being required of him is a tax on income for rental property, which the farm doesn’t even have.

Elsesser said the town doesn’t have a role in the appeal aside from having Director of Planning and Development Eric Trott attend the court hearings.

Cook is representing himself in his appeal, saying that having a lawyer represent him would be very expensive.

According to the state Judicial Department's website, a hearing on Cook's appeal has not yet been scheduled.

Purtill is suing Cook in a separate case filed in April in Hartford Superior Court, where he is seeking to have Cook pay the back taxes owed on the farm and for abusing the property. The next court date in Hartford is July 9.

"He is financially and physically driving the estate into the ground," Purtill said.

"If Mr. Cook voluntarily left the property, we could move post haste into having professionals inspect and help guide us into the next stages," he said. "Resurrect the property, putting it in the hands of a farmer to ... move it along to something that Adelma Simmons wanted."

Cook said that if he were removed from Caprilands, it would "eviscerate the intent of the will in favor of other parties who should not have any standing in the will" and prevent achievement of Simmons' wishes.

"I think the state and the country would have lost something precious," Cook said.