
From: Michael Leidig [REDACTED]
Sent: Monday, October 13, 2014 6:18 PM
To: [REDACTED]
Subject: For stories section
Attachments: Villa_Spital.jpg

Croatian property dream becomes nightmare for Canadian

By Rebecca Musgrave

One of an ever-increasing number of victims of real-estate fraud, Robert Jelenić is now the unproud owner of a flat in the town of Novalja on Pag, an island in Croatia, complete with an unpaid mortgage belonging to the vendor. What began as a family project and the fulfilling of a lifelong family dream has left Canadian-Croatian Robert entirely disillusioned and disheartened.

For over a year now, 37-year-old Robert has been vainly fighting for justice after he fell prey to the daughter of a wanted fraudster. In 2006 Robert and his father, Eduard Jelenic, travelled to Croatia from their home in Canada, in the hope of buying a house on the island of Pag. The trip was a momentous one for 76-year-old, Croatian born Eduard, who had not returned to the country for 50 years and the pairs love for the area resurfaced as soon as they set foot on Croatian soil.

The father and son were yet to decide on a property when Eduard tragically developed cancer, passing away in 2009. Despite this enormous blow, Robert continued the search for a property, he himself having also fallen head over heels for the island. "I wanted to fulfil the dream even though he was gone and move forward with that", explained Robert.

In 2010 Robert finally found the home he had been looking for, owned by property company Nova Cissa in the town of Novalja in the north of the island. At the helm of the organisation was Marijana Dabo-Kustic, a seemingly sincere and reliable businesswoman who was responsible for three apartment blocks in the development. Before long however Robert discovered that this woman and much of her business in Croatia was not as legitimate as it seemed, but only after he had mistakenly entered into an agreement with her.

At the end of September 2010 Robert and his lawyer drew up the contracts with Marijana and with her signed consent, money began to change hands. The contract stated that the mortgage that remained on his chosen flat, in Villa Spital would be paid off by Marijana on his purchase. This figure then stood, she claimed, at 10,000 Euros. This was also confirmed by the local Croatian lawyer from the Austrian Raiffeisen bank, with whom the mortgage was taken out. Marijana's justification of this somewhat hazardous agreement was that his purchase of the flat for 90,000 Euros would give her the capital to in turn pay off the mortgage given by Austrian bank, Raiffeisen.

By early December however the apartment's ownership title was still not in Robert's name. "At this point I realised that something wasn't right and it took all the power that my lawyer had to make the changes. In hindsight I see just how lucky we were to get myself on the title at all as it seems many others have paid without even gaining ownership," Robert said. Only on 5 January was the property title confirmed as to be in Robert's name. Money which Robert had given to Marijana to pay off the properties taxes on his behalf, had

not been used for this purpose. It took a further eight months and a lot of persuasion on Robert's part to resolve the tax issues.

The difficulties were in part exaggerated by the fact that the Austrian bank, through their local lawyer representative, failed to give accurate information to Robert concerning the true amount remaining on the mortgage. When he enquired directly to the bank they passed him onto the local lawyer who confirmed the debt was 10,000 Euros— when in fact it was 10 times that. When he contacted the bank in Austria to complain they washed their hands of the matter and refused to discuss it. They also replaced the previous legal representative with a new person that refused to confirm whether the matters were connected. When contacted by the Croatian Times for a comment, the bank, who spent several weeks assuring us that they were looking into the case, also claimed that they could not hand over any information to third parties.

What was owed was only later realised by Robert in March 2011. Despite an email from the bank's Croatian legal representative, initially confirming the outstanding mortgage amount of 10,000 euros, a follow-up email later stated that this had been an error. This figure of 10,000 Euros was merely the interest on the money owed for his apartment which totalled almost 100,000 Euros. The bank refused to put anything in writing at that point and to make the matter more confusing they registered a very sizable lien in the amount of 467,100 Euros against Robert's flat.

Robert spent the following months dealing with both the bank, who claimed to have no knowledge whatsoever of the property changing hands, and Marijana who vehemently denied responsibility. "Every time I threatened her with law suits and legalities she would go and do one little thing for the apartment. She would do something that wouldn't cost a lot such as putting in cheap light fittings, just to bide time", Robert explained. Built into Robert's agreement with Marijana were contractual promises of a new kitchen, lighting and high-end appliances all of which were supposed to be fitted after the sale went through. What little of this did materialise was done to the cheapest standard leaving the flat in an unliveable condition today.

Despite being known throughout the small town of Novalja as a family woman who ran the local café, Robert gradually discovered a reputation for unreliable dealings. The advice from tradesmen in his particular apartment block and around the town sadly came too late however, warning Robert that any transactions carried out with Marijana should be handled with care and money certainly transferred only when everything was watertight. Leaving a mortgage on the flat was a mistake.

With no sign of the mortgage being paid off by Marijana and Robert still in possession of the apartment, he tried to work directly with the Raiffeisen Bank. The bank however would not comment on his purchase of the flat and it took almost a month, with all the paperwork in hand, for them to even acknowledge that the property had been sold without their knowledge. According to the bank it should never have changed hands on the ownership documentation without their consent.

Despite Marijana so clearly having not acted correctly in signing the contracts and not honouring her commitments, she continued to be in contact with Robert. "When I went there to see her she would just tell you what you wanted to hear. If you met her for the first time you'd forgive her for thinking she'd run into some hard times. I've had numerous meetings with her and she is in my opinion an unbelievable con artist. There is such sincerity in her voice when she talks about fixing the problem to make things right." Marijana even approached Robert at one point asking him to loan her 20,000 Euros as the bank was supposedly going to take the properties away. She assured him she would pay it back within six months.

Hindsight for Robert is an uncomfortable thing and the early signs of Marijana's allegedly fraudulent activities are, in retrospect, quite obvious to him now. "What I should have noticed, the real red light, was that whatever I asked for, she put it in the contract. If I had said put your dog on there she would have signed him up. The contract clearly in my opinion meant nothing to her". Robert however only ever had one intention and that was

to finish what his father had started. “Unfortunately because of this emotional tie I have, I got caught up in this mess”, he explained.

After carrying out some background checks on Marijana, it soon became clear to Robert that his particular case was not an isolated event or a first for her or her family. “Initially I thought that this might just be a situation that was specific to me but when I started investigating I saw that other people had had similar dealings with this woman”, he explained. Apartment six within the same building had a deposit put down on it, only for the purchaser to become aware of Marijana’s dealings and reverse it. Apartment one however is arguably even worse off than Robert, having paid Marijana in full but the owner still does have transfer of his name on the ownership title.

Further to this, Marijana’s family history has painted her in a bad light. The woman’s father, Zdravko Dabo, who was born in Croatia is currently on an Interpol list, wanted internationally for offences of fraud and has committed crimes in Canada, USA and Croatia. In 2007 his company Adria Komplet appears on a Canadian website, listing builders who are being investigated and convicted for illegal building. Robert believes that not only was property her tool of choice for committing fraud but that of her family as well. Despite the Interpol listing and being wanted for fraud in Croatia the father, who now goes under the name of Custer Kruisheer, still got away with being listed as managing director of Nova Cissa until August 2011. Kruisheer is still wanted for fraud and is thought to have escaped to Holland and now on the move to other parts of Europe.

In August 2011 Robert had his final meeting with Marijana. His initial attempts to make contact with the woman failed, she was not willing to discuss the matter further. Only when he went to the local Real Estate agent who originally introduced him to Marijana and told her some of what he knew would she take the time to meet after work got back.

“I told her just enough information about what I knew about her past, her family history and her current dealings, for her to know I wasn’t bluffing. It was the first time I ever saw her look nervous”, said Robert. The business woman, in apparent blind panic, even attempted to justify her actions in arguing that she had sold the apartment to Robert at a much cheaper price and that he should pay the mortgage as a consequence. The apartment had previously been on the market for 175,000 Euros and was reduced to 145,000 Euros, eventually it sold to Robert for 90,000 Euros. The outstanding mortgage amounting therefore to more than the total paid for the property in the first place.

Marijana called Robert after this final meeting and continued to assure him that everything would be fine and that she would talk to the bank. The claims turned out to be empty promises and once again Robert was left 4,000 miles away in Canada and Marijana failed to communicate with him.

Marijana, who had up until this point not had a lawyer but believed herself capable of dealing with the legalities having studied Criminology at university, employed a lawyer on the back of Robert’s threats for legal action. The lawyer was employed merely as a scare tactic, writing a letter claiming that to take legal action would be worthless and that he had no case. According to Marijana, Robert had no case as the property had not been sold by the bank and as such no damage had been done.

For Robert, the fight against Marijana started as a labour of love and a bid to finally get the property that he and his father had dreamed of together. It has ended however as a matter of principle and a fear on Robert’s part that she will continue to do the same to others as she has to him.

“It is not just a case about one expat that tried to go back to the country of his family to buy a property and was as far as I’m concerned defrauded by someone, it is bigger than that. There are others involved here and they are never going to see their money. For a country on the brink of joining the European Union I find it mind boggling that individuals are still committing what I see as such fraud and getting away with it ”, said Robert.

Robert Jelenić bought the property in Croatia, not as an avid investor but as he describes it “on the back of an emotional decision, a family decision”. For now Robert is in possession of his property, regardless of its outstanding mortgage, but having experienced nothing but disappointment on the island in the last year, it is the last place he now wants to take up residence. The island which he was previously so infatuated with has been forever spoilt and perhaps more frustratingly no one seems to act on his pleas for help.

In the meantime Marijana has disappeared, someone else seems to be running the café she used to own, and the legal mess is still no nearer completion.

When contacted by the Croatian Times the local court refused to confirm even that a criminal proceeding had been filed against Marijana but Robert’s lawyer Marko Grzunov confirmed that this was indeed the case.

Michael Leidig,
Central European News (CEN) Ltd,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

