

**NOVA SCOTIA COURT OF APPEAL**  
**Citation:** *Smith v. Beals Estate*, 2015 NSCA 93

**Date:** 20151015  
**Docket:** CA 427335  
**Registry:** Halifax

**Between:**

Carl David Smith

Appellant

v.

Estate of Ronald Lester Beals, Georgina Peggy Beals,  
Karen Grant Beals and Robert Corey Grant

Respondents

---

**Judge:** The Honourable Justice Peter M.S. Bryson

**Appeal Heard:** September 28, 2015, in Halifax, Nova Scotia

**Subject:** Real property. Election. Deeds.

**Summary:** Appellants and Respondents owned parcels of land obtained from a common predecessor in title. Appellant claimed that Respondents' title was defective because the predecessor in title obtained his deed by fraud and misrepresentation. Trial judge found that the predecessor's deed was valid.

**Issues:** Validity of predecessor's deed.

**Result:** Appeal dismissed. Appellant's title to his land was based on the same deed which he claimed was invalid. The principle of equitable election prevented the Appellant from both affirming the deed for his own title and denying it with respect to the Respondents' title. The trial judge made no palpable and overriding error regarding the validity of the deed.

*This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 5 pages.*