

NOVA SCOTIA COURT OF APPEAL

Citation: Miller v. Legge, 2008 NSCA 8

Date: 20080124

Docket: CA 282504

Registry: Halifax

Between:

Carl Miller and Walter O. Newton

Appellants

v.

Lawrence Legge, Robert Legge, Sharon Legge and David Legge

Respondents

Judge: MacDonald, C.J.N.S., Roscoe and Saunders, J.J.A.

Appeal Heard: January 22, 2008

Subject: Wills and Estates, Trustees Fees, Estate accounts, Costs

Summary: The Trustees of an Estate appealed alleging that the Supreme Court judge erred in determining the magnitude of the trust as a basis to quantify their fees, in finding that they exercised poor judgment which led to a decline in the value of the estate, in ordering the repayment of agency fees collected by them from the beneficiaries with respect to non-estate assets, in the calculation of the widow's income, in disallowing claims of two creditors of the estate and in disallowing the payment of solicitor client costs for one of the Trustees.

Issues: Was there reversible error?

Result: The order respecting agency fees was set aside. In all other respects the appeal was dismissed.

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 3 pages.