

NOVA SCOTIA COURT OF APPEAL

Cite as: *Faye Estate v. Perry*, 2003 NSCA 97

Docket: CA 189011

Registry: Halifax

JOHANNE L. TOURNIER

- and - DENISE PERRY, LACEY JADE
FAYE AND LORI DAWN ACKER

(Appellant)

(Respondents)

JUDGE: Oland, J.A.

APPEAL HEARD: September 17, 2003

JUDGMENT DELIVERED: September 25, 2003

SUBJECT: Taxation; proctor's fees

SUMMARY: The appellant, a lawyer, acted as proctor of an estate. When the estate closed, her account was taxed by the Registrar of Probate. It was reduced very considerably. The judge of probate dealt with the proctor's account *de novo*. While he increased the amount allowed, it remained substantially less than what had been originally claimed. The proctor appealed, seeking a greater amount and payment from estate monies remaining in her trust account.

ISSUES: Whether the judge of probate erred in law or in making findings and/or inferences of fact.

RESULT: Appeal dismissed. The judge of probate identified and applied the law appropriate in a review of the account of a proctor. In his decision, he thoroughly reviewed the evidence and the submissions made to him and no error in his finding or inferences of fact had been identified.

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