

IN THE ESTATE OF WILLIAM CHARLES DUNN

Cite as: Dunn Estate, 2003 NSPB 2

DECISION

William Charles Dunn died March 16, 2002. His Will dated February 5, 1992 nominated his daughter, Deborah Violamae Dunn, as Personal Representative. The Will was admitted to Probate and a grant was issued to Deborah V. Dunn on April 11, 2002.

Notice re Grant was served personally or forwarded by registered mail to each interested Party on April 19, 2002 by Deborah Dunn.

The estate was advertised in the Royal Gazette for a period of six months commencing on April 24, 2002.

The Inventory was filed with the Court on May 28, 2002 listing the following assets:

Real Property	\$90,200.00
Personal Property	
Bank Account	2,585.00
Annuities, pensions, etc.	2,672.36
Household goods, personal effect, etc.	500.00

for a total value of \$95,957.36.

The Personal Representative, Deborah Dunn made application to pass the accounts of the estate by a Hearing set down for Wednesday, November 19, 2003 at 10:00 am.

Of those persons who have an interest in this estate, one individual filed a Notice of Objection.

William Peter Dunn, a son of the deceased has objected to the accounts of the Personal Representative. Mr. Dunn has objected to the following:

1. Cash in House - \$2500.00;
2. Real Property (house) \$111,433.35;
3. Household items - \$677.00;
4. U-haul Rental & fuel for U-haul;
5. Ellis O. Wile & Sons Ltd.;
6. Wade Bolivar Locksmith;
7. Town Flowers.

I will answer to each objection as numbered:

1. Cash in Bank - Ms. Dunn provided a bank statement which showed that William Charles Dunn's bank account was held jointly prior to his death, therefore I am unable to deal with this asset as Probate only deals with assets held in the name of the deceased person, only.
2. Real Property -

Clause 3(d) of the Will states:

“To use her discretion in the realization of the remainder of my estate with power to my Executrix (Trustee) to sell, call in and convert into money any part of my estate not consisting of money at such time or times, in such manner and upon such terms and either for cash or credit or for part cash and part credit as my Executrix (Trustee) may in her uncontrolled discretion decide upon, or to postpone such conversion of my estate or any part or parts thereof for such length of time as she may think best and I hereby declare that my Executrix (trustee) may retain any portion of my estate in the form in which it may be at my death (notwithstanding that it may not be in the form of an investment in which trustees are authorized to invest trust funds and whether or not there is a liability attached to any such portion of my estate) for such length of time as my said Executrix (trustee) may in her discretion deem advisable, and my Executrix (trustee) shall not be held responsible for any loss that may happen to my estate by reason of so doing.”

This clause allows the Personal Representative and Trustee to carry out her duties as Personal Representative of the estate. It gives her the authority to make decisions during the administration of the estate without obtaining concurrence from all the family members respecting the disposition of the estate.

From evidence given, I am satisfied that the Personal Representative sold the real property

for a price that is in the best interest of the estate. The assessed value of the house was shown on the Inventory as \$90,200.00. The Personal Representative listed the house at \$179,000.00 in May of 2002. Mr. Peter Dunn testified that he felt this amount was too high. There were no showings of the house and the price was then dropped in July 2002 to \$169,000.00. There was only 1 showing until October 2002 when the price was reduced again and an offer of \$120,000.00 was accepted by the Personal Representative. She felt at this time since winter was coming, the house was heated by wood and since she lived some distance from the property and was not able to check it regularly and the house was starting to deteriorate she accepted this bid. From the evidence given at the hearing, I am satisfied that the Personal Representative sold the property for a price that is in the best interest of the estate.

3. Household Items - There were a few bequests of personal effects and household goods in the Will and everyone has received these items. There were a number of items sold and \$677.00 was received for these items. Evidence was given that there were other household goods and personal effects that had been divided among the residual beneficiaries but no paper evidence was provided for the value of these items. Therefore the value of the personal effects and household goods will remain at \$677.00.

4. U-haul & Fuel expense - Evidence was given by Deborah Dunn that she had been threatened by Peter Dunn and feared for her life. She therefore felt she had to remove the remaining items in the house as it was unsafe to be there. I will allow this expense.

5. Ellis Wile Plumbing - Mr. Dunn testified that he realized that to hire a plumber is not cheap but felt the amount was a little high but agreed to the expense.

6. Wade Boliver Locksmith - Again Ms. Dunn feared for her life and that things had been going missing from the house when she was not there and felt that it was in the best interest of the estate to have the locks changed. I will allow this expense.

7. Town Flowers - Since the flowers were from the family of the deceased and all except Mr Dunn agreed to the expenses, and Mr. Dunn did not contribute towards the flowers I will allow this expense.

There were other objections but these were dealt with at the closing.

The Personal Representative is not a professional Personal Representative and in my opinion has attempted to deal with the administration of the estate to the best of her ability and is awarded

5% commission on the total value of the estate.

Dated this 4<sup>th</sup> day of December, A.D., 2003.

Registrar of Probate  
For Lunenburg County