

SUPREME COURT OF NOVA SCOTIA

Citation: *Baird Estate (Re)*, 2014 NSSC 444

Date: 20141216

Docket: Pictou No. 418536

Probate Court File No. P-20947

Registry: Pictou

IN THE ESTATE OF HELEN BAIRD

Application by Grace Whitford for Proof in Solemn Form

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Judge: The Honourable Justice N. Scaravelli

Final Written

Submissions: August 29, 2014, Jill Graham-Scanlan
September 3, 2014, Keith MacKay

Written Decision: December 16th, 2014

Subject: Costs on an estate dispute.

Summary: Applicant (appointed Executrix under prior Will) applied for Proof in Solemn Form of second Will on grounds of lack of testamentary capacity. The trial judge found the second Will valid and reserved decision on costs. Respondents sought costs against applicant personally on the basis that there was little significance between the two Wills and the respondent refused a reasonable settlement offer.

Result: Solicitor and client costs awarded to the respondent to be taxed and payable to the estate. No costs payable by the applicant as she was able to establish suspicious circumstances at trial and

her conduct fell short of that required for an order of costs payable by her. No costs awarded to applicant.