

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Brooks Estate v Brooks Estate*, 2015 NSSC 167

**Date:** 20150703

**Docket:** Halifax No. 411047

**Registry:** Halifax

**Between:**

Frederick Brooks, Co-Executor and Co-Trustee of the Estate  
of Marcel Brooks and Co-Trustee of Life Insurance Trust

*Applicant*

v.

Brandon Ewing and Brenda Brooks, Co-Executors and Co-Trustees  
of the Estate of Marcel Brooks and Co-Trustees of Life Insurance Trust;

*First Respondents*

v.

Kahlyn McIntyre, child beneficiary, by her Litigation Guardian, Devonna  
McIntyre, and Justin Huntington, beneficiary;

*Second Respondents*

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**Judge:** The Honourable Justice C. Richard Coughlan

**Heard:** February 9, 2015 in Halifax, Nova Scotia

**Written Decision:** July 3, 2015

**Subject:** Practice-Costs-Solicitor/Client Costs

**Summary:** A solicitor taxed his bill for legal services provided to a trust. The trustee requested the account be paid out of the trust and the trust be reimbursed by a former trustee who breached his trust.

**Issues:** What was the proper amount of legal fees to be allowed?  
Should the account be paid from the trust fund?  
Should the former trustee reimburse the trust the amount of the account?

**Result:** The account was taxed in the amount of \$28,375.00 including HST. The trust is to pay the taxed account. The former trustee will indemnify the trust on a solicitor/client basis.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***