

CASE

VOL.

**IN THE COURT OF PROBATE**

**IN THE ESTATE OF JAMES WILMER DAVISON, deceased**

**JUSTICE SUZANNE HOOD**

**HALIFAX, NS**

**Probate No. 10720**

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[Cite as: Davison Estate (Re), 2002 NSSC 253]

**HEARD:** In Truro, Nova Scotia on October 10, 2002

**DECISION:** October 10, 2002 (Orally)      **WRITTEN RELEASE:** November 21, 2002

**SUBJECT:** Probate; determination of ownership of and disposition of real property

**SUMMARY:** Administratrix *de bonis non* is daughter of deceased who died in 1987. She is his sole surviving heir. His second wife continued to reside on deceased's lands until her death in 1995 or 1996. She died intestate and no claim against her husband's estate was ever filed.

Stepson of deceased continues to reside on the lands. Both he and his mother kept income from sale of blueberry crop and wood from woodlot after death of deceased.

**ISSUE:** Can the lands be transferred to the surviving heir?

**RESULT:** Under the circumstances, appropriate for sole surviving heir to have lands transferred to her to constitute her inheritance, on conditions with respect to payment of estate expenses.

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