

SUPREME COURT OF NOVA SCOTIA

Citation: Walker v. Hadley, 2009 NSSC 103

Date: 20090331

Docket: Hfx No. 308379

Registry: Halifax

Between:

Danna Mae Walker and Ralph Roberts

Applicants / Intended Plaintiffs

v.

Lucy Hadley, Lucy Hadley/Executrix of the Estate of
Maizie Belle Walker and 1115563 Nova Scotia Limited

Respondent / Intended Defendant

LIBRARY HEADING

Judge: The Honourable Justice Walker R.E. Goodfellow

Heard: March 27, 2009 in Halifax, Nova Scotia

Written Decision: March 31, 2009

Subject: Interlocutory Injunction

Summary: J. Albert Walker operated a number of funeral parlours and on his death left all his property to his wife Maizie Belle Walker who died in 1994. Efforts were made to dispose of various properties to address the financial indebtedness of J. Albert Walker Funeral Homes Limited and some measure of success was obtained; however, there was a measure of indebtedness outstanding and the parties got together in 2005 to move towards the operation of the very valuable property, the Cole Harbour Funeral Parlour and Crematorium. Unfortunately Lucy Hadley's husband on November 1st, 2006. Control of the operation of the Cole Harbour Funeral Parlour and Crematorium was prior to this and since in the hands of Danna Mae Walker and Ralph Roberts. Danna Mae Walker and Lucy Hadley are sisters, their parents being J. Albert Walker and Maizie Belle Walker. Lucy Hadley evicted Danna Mae Walker and Ralph Roberts from the Cole Harbour unit by notice on the 23rd of February, 2009, prompting Danna Mae Walker and Ralph Roberts to seek an interim injunction for their return.

Issues: Have Danna Mae Walker and Ralph Roberts met the prerequisites for an interim injunction?

Result: Interim injunction to be issued immediately providing transfer of the control and operation of the Cole Harbour Funeral Parlour and Crematorium back to Danna Mae Walker and Ralph Roberts. In addition, directions given with respect to indebtedness of parties to the Cole Harbour Funeral Parlour and Crematorium. Requirement of transparent and timely, full and detailed reporting by Danna Mae Walker and Ralph Roberts of their management of the funeral parlour to Lucy Hadley and the estate, et cetera. Much at stake and pulling together should provide opportunity for enhancement of the substantial value of the Cole Harbour unit real property and the Court will monitor the situation requiring a return by all parties to Court on May 27, 2009 unless they are able to work out a satisfactory resolution of the various issues outstanding. Costs – reserved.