

**Date:** 2011 August 15  
**Docket:** Hfx No. 339024  
**Probate Court File No.** 58572  
**Registry:** Halifax

**IN THE COURT OF PROBATE FOR NOVA SCOTIA**

**Citation:** Komonen v. Fong, 2011 NSSC 315

**IN THE ESTATE OF DANNIE WING FONG, Deceased**

**Between:**

**SUSAN KOMONEN**

**Applicant**

**- and -**

**ANGELA FONG, LISA FONG, WENDY JONES OLSON, KIM JONES MURRAY, ARLENE FONG SKINNER, SARAH JANE FONG, DIANA FONG GOODWIN, SUSAN KOMONEN, KAREN ALIJEFFRY, JENNIFER JULIA FONG, DOW FONG, GEORGE FONG, JEAN FONG, KAY FONG ALI, ANN FONG JONES, WAYNE FONG, WILLIAM FONG, MON FONG, HELEN FONG AND DALHOUSIE UNIVERSITY**

**Respondents**

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**Judge:** The Honourable Associate Chief Justice Deborah K. Smith

**Heard:** June 1, 2011 in Halifax, Nova Scotia

**Subject:** *Wills Act*

**Summary:** Dannie Wing Fong, a retired aeronautical engineer, died on May 28<sup>th</sup>, 2010 at the age of 85 years. On November 12<sup>th</sup>, 1997, Mr. Fong executed a Will. After his death a printed will form was found in his home. Portions of this document had been filled out in pencil. Portions of the document were left blank. The document was signed in pencil but was not witnessed. Two different dates had been printed on the document (June 24<sup>th</sup>, 2009 and July, 2009). A motion was brought pursuant to s. 8A of the *Wills Act* to determine the validity of the writing as a testamentary instrument.

**Issue:** Whether the document in question is a testamentary instrument pursuant to s. 8A of the *Wills Act*?

**Result:** The burden is on the Applicant to satisfy the Court, on a balance of probabilities, that the document in question embodies the testamentary intentions of the deceased. This burden was not met in the circumstances of this case. Accordingly, the motion was dismissed.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
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