

IN THE PROBATE COURT OF NOVA SCOTIA

Citation: Thibault Estate (Re), 2009 NSSC 4

Date: 20090106

Docket: SD303849

Registry: Digby

IN THE MATTER OF:

The Estate of Thomas Edward Thibault, Deceased

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Judge: The Honourable Justice Patrick J. Duncan

Heard: December 3, 2008 in Digby, Nova Scotia

Written Decision: January 9, 2009

Subject: Application of section 19A **Wills Act**

Summary: Testator executed his will in 1999 naming his wife as his executrix and sole beneficiary of the estate. The testator and his wife were divorced in 2003 and he was killed in 2008. In August 2008, section 19A of the **Wills Act** came into force. The section changed the capacity of the divorced spouse to serve as a personal representative, or to be the beneficiary of their former spouse's estate.

Issue: Does section 19A of the **Wills Act** operate retroactively or retrospectively?

Result: Section 19A of the **Wills Act** is to be read prospectively.

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