

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

**Citation: *Arron Estate (Re)*, 2012 NSSC 292**

**Date:** 20120801

**Docket:** Hfx. No. 393634

**Probate No.** 59089

**Registry:** Halifax

**Between:**

Franklyn D. Medjuck, Q.C.

Applicant

v.

Louise Wolfson and Malerie Arron Shusterman, as Executrices and Beneficiaries of the Estate of Donald Arron, Louis Wolfson, Pamela Covens, and Elissa Arron Purl

Respondents

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**Judge:** The Honourable Justice Peter P. Rosinski

**Heard:** July 18, 2012, in Halifax, Nova Scotia

**Subject:** Interpretation of Will. Application pursuant to s. 64 Probate Court Practice and Forms Regulations. When to rely upon “surrounding circumstances” to assist in interpretation of Will.

**Summary:** Testator provided in his Will that his grandson should have right of first refusal to purchase any of his real property. Co-Executrices in disagreement regarding the setting of the closing date for such purchases. Proctor of the Estate applies to court for resolution of this issue.

**Issue:** Without specific language in the Will, how should the Will be interpreted respecting when the closing date should be for sale of the properties to the grandson?

**Result:** The Will is unambiguous in relation to all material matters concerning the sale. Even if one went on to examine the “surrounding circumstances,” one would conclude that the testator intended the closing date to be within a reasonably short period of time after the appraisals were submitted, which are the basis for the purchase price. Fixed the dates for the appraisals to be submitted, and a closing date.

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