

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Walcott v. Walcott*, 2017 NSSC 327

**Date:** 20170926

**Docket:** File No. 460559

**Registry:** Sydney

**Between:**

Rita Walcott and Gerald Walcott

*Appellants*

v.

Georgina Walcott and Joseph Walcott

*Respondents*

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Patrick J. Murray

**Heard:** May 31, 2017, in Sydney, Nova Scotia

**Written Decision:** September 26, 2017

**Subject:** Appeal, Probate matter

**Summary:** Appeal from a decision from the Registrar of Probate appointing an Administrator. The Appellant relied on three (3) grounds of Appeal, all which alleged errors of law. The Respondents sought to have the appeal dismissed.

**Result:** Court found Ground #1 of the Appeal to have merit and unnecessary to decide Ground #2 and #3. Court allowed the appeal and remitted the matter back before another Registrar.

Grant of Administration was revoked.

**Cases cited:** *Re Wilson Estate* (1914), 19 DLR 698, 1914 CarswellNS 99 (NS Co Ct); *Re Creighton Estate* (1987), 80 NSR (2d) 233, 1987 CarswellNS 90 (Prob Ct); *Dunsmuir v New Brunswick*, 2008 SCC 9; *Re Faye Estate*, 2002 NSSC 242; *Cooper v. Moncel Estate*, 2012 NSSC 195; *Kourtessis v Minister of National Revenue*, [1993] 2 SCR 53, 1993 CarswellBC 1213; *Municipal Contracting v. Nova Scotia (Attorney General)*, 2003 NSCA 10.

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