

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Smith v. Beals Estate*, 2014 NSSC 156

**Date:** 20140424

**Docket:** Halifax No. 255996

**Registry:** Halifax

**Between:**

Carl David Smith

Plaintiff

v.

Estate of Ronald Lester Beals  
Georgina Peggy Beals  
Karen Grant Beals (Provo)  
Robert Corey Grant

Defendants

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**Judge:** The Honourable Justice Allan P. Boudreau

**Heard:** April 23, 2014 in Halifax, Nova Scotia

**Oral Decision:** April 24, 2014

**Subject:** Misrepresentation – Validity of Land Deed – Burden of Proof

**Summary:** This case is now almost 9 years in coming to trial. It involves a claim by Carl Smith, (“Mr. Smith”), that a Quit Claim Deed (the “Deed”) granted to Lester Ronald Beals, (“Lester Beals”), in April of 1991 should be declared invalid, ineffective and void. The principal allegation by Mr. Smith is that the Deed

was obtained under false pretenses by Lester Beals. Lester Beals died in 1997.

**Issues:** (1) Was the Deed in Question obtained by fraudulent misrepresentation?

**Result:** Deed found to be valid as the burden of proving otherwise had not been met.

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