

**SUPREME COURT OF NOVA SCOTIA**  
Citation: Baird Estate (Re), 2014 NSSC 266

Date: 20140711  
Docket: Pictou Probate No. 20947  
Registry: Pictou

**IN THE ESTATE OF HELEN BAIRD**

Application by Grace Whitford for Proof in Solemn Form

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**Judge:** The Honourable Justice Cindy A. Bourgeois

**Heard:** June 2, 3 and 5, 2014 at Pictou, Nova Scotia

**Written**

**Decision:** July 11, 2014

**Subject:** Proof in Solemn form, testamentary capacity

**Summary:** The applicant alleged suspicious circumstances existed surrounding the making of the deceased's Will, and as such, the propounders of the Will should be required to prove the testatrix had testamentary capacity and fully understood and approved of the contents of the Will.

**Issues:**

- (1) Were there "suspicious circumstances"?
- (2) If so, did the respondents establish on a balance of probabilities that the testatrix had testamentary capacity, and had full knowledge and approval of the contents.

**Result:** The Court found the existence of suspicious circumstances. The respondents met the onus, and established capacity and knowledge. The Will was submitted to probate.

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**THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THE COVER SHEET.**

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