IN THE SUPREME COURT OF NEW ZEALAND

SC 4/2005
[2005] NZSC 12

BETWEEN	LYNDA JEAN WHYMAN Appellant
AND	PUBLIC TRUST Respondent

Court: Keith and Blanchard JJ

Counsel: J Toebes for Appellant
M L Greenhough for Respondent

Judgment: 23 March 2005

JUDGMENT OF THE COURT

A. Leave to appeal is granted.

B. The approved grounds of appeal are:

1. Whether, when a surviving de facto partner has chosen option B under s 61 of the Property (Relationships) Act 1976, s 95 of that Act precludes an application under s 25(1)(a) by a personal representative of the deceased partner for a division of the relationship property with leave granted under s 88(2) of the Act?

2. If such an application is not precluded , whether the grant of administration to the Public Trustee should nevertheless be set aside and a grant made to the appellant?

Solicitors:
Buddle Findlay, Wellington for Appellant
Public Trust Office, Lower Hutt, for Respondent