

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

**CIV 2022-485-607323
[2022] NZHC 2050**

IN THE ESTATE OF HEATHER MARJORY JONES

BETWEEN LORNA ANNE JONES
Applicant

AND ROBERT STEVEN JONES
Respondent

Hearing: 18 August 2022

Appearances: S A Keall for the applicant (by VMR)

Judgment: 18 August 2022

ORAL JUDGMENT OF CAMPBELL J

[1] Heather Marjory Jones died on 22 August 2021. In her will, dated 29 August 2013, she appointed her daughter Lorna Anne Jones and her son Robert Steven Jones as co-executors of the will.

[2] Ms Lorna Jones took steps to apply for a grant of probate. Mr Jones failed to do so. Mr Jones also failed to respond to requests to sign a deed renouncing his rights as executor to apply for a grant of probate.

[3] On 21 April 2022, Ms Lorna Jones applied for an order under s 19(1) of the Administration Act 1969 calling upon Mr Jones to show cause why probate should not be granted to Ms Lorna Jones alone. Ms Lorna Jones made an affidavit in support in which, among other things, she swore she would faithfully execute the will.

[4] The Registrar granted the order. The order was served on Mr Jones on 8 August 2022. The order called upon Mr Jones to show cause at a sitting of this Court this morning. I was informed by Mr Keall, counsel for Ms Lorna Jones, by memorandum yesterday that he also took steps upon hearing that there would be a VMR connection to this hearing to inform Mr Jones of that VMR connection. Mr Jones has not appeared by VMR connection or physically in the courtroom this morning.

[5] In these circumstances, I am satisfied that, under s 19(2) of the Administration Act, probate of Mrs Heather Jones' will should be granted to Ms Lorna Jones alone. I so order. I also order that Mr Jones is to pay to Ms Lorna Jones, in her capacity as executor, the costs of this proceeding on a 2A basis.

Campbell J