

IN THE COURT OF PROBATE FOR NOVA SCOTIA
Citation: Coleman Estate (Re), 2008 NSSC 396

Date: 20081231
Probate District: Kings
Probate File: 11,990

Between:

Gary Coleman

Applicant

- and -

Estate of Jessie May Coleman

Respondent

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Judge: The Honourable Justice Gregory M. Warner

Heard: March 25, March 26, April 14 and May 9, 2008

Subject: Wills and Estates - Proof in Solemn Form

Issue: Whether the testator had testamentary capacity.

Summary: A 99 year old testator executed a will on July 20, 2005, leaving her entire estate to her 82 year old daughter and her daughter's son, both of whom resided with her. The testator died March 22, 2007. Another grandson contested the will's validity based on lack of testamentary capacity and undue influence by the grandson who resided with her. The applicant's father had paid about \$250,000.00 for home care and other expenses to permit the testator to remain living in her own home. The applicant's father had died about two weeks before the contested will was prepared. The facts and opinions

from, among other witnesses, physicians and psychiatrists were conflicting.

Result: The testator lacked testamentary capacity.

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