

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Probate Division

2014/PRO/npr/00031

**IN THE MATTER of REGINALD FRANCIS MAJOR, deceased of Harbour
Island of the Island of Eleuthera, one of the Islands of the Commonwealth
of The Bahamas.**

BETWEEN

SCHIKEA MAJOR

AND

TRAVIA MAJOR

**(Executrix of the captioned estate named in the Deceased's Last Will & Testament
dated the 21st day of July AD 1998)**

Plaintiffs

AND

MARY THOMPSON

**(Caveator in the captioned Estate by Caveat filed at the Probate Registry on the
the 20th day of February AD 2014)**

Defendant

Before Hon. Mr Justice Ian R. Winder

Appearances: Paul Jones for the Plaintiffs

Miles Parker for the Defendant

12 and 28 June 2018; Submissions 30 March 2021 and 7 July 2021

JUDGMENT

WINDER, J

This is the Plaintiffs' action seeking declarations as to the validity of the Last Will and Testament of the late Reginald Francis Major (the deceased) dated 21 July 1998 and for a grant of probate with respect to his estate, notwithstanding the existence of a Will dated 28 May 2010.

[1.] The Plaintiffs are the daughters of the deceased and the Executors named in the Last Will and Testament dated 21 July 1998 (the 1998 Will). The Defendant (Thompson) is the Executor named in a Last Will and Testament dated 28 May 2010. The deceased died on 17 January 2014.

[2.] Shortly after the death of the deceased an application was made by the Plaintiffs to the Supreme Court for the Grant of Probate in the deceased estate. Thompson entered a caveat on 20 February 2014, leading to the commencement of this action. The claim of the Plaintiffs was set out in a Specially Indorsed Writ of Summons dated 9 September 2004. The Statement of Claim, endorsed on the Writ of Summons, is relatively short and may be set out in full:

1. The Plaintiffs were at all material times Bahamian Citizens and the only children of the deceased Reginald Major (deceased).
2. The Defendant was at all material times a Bahamian Citizen and a retired Insurance Executive.
3. The Plaintiffs are the Executrices named in the Last Will and Testament of Reginald Major deceased that was executed on the 21st day of July, A.D., 1998.
4. The Deceased, resided at Harbour Island, Eleuthera, one of the Islands of the Commonwealth of the Bahamas, and died on the 17th day of January, A.D. 2014 at the Princess Margaret Hospital, New Providence, The Bahamas.
5. On the 13th day of February A.D. 2014, the Plaintiffs applied for a Grant of Probate in the Supreme Court of the Commonwealth of the Bahamas with respect to the Estate and Will of 21st July, A.D., 1998, but before the Grant was issued, the Defendant named herein entered a Caveat on the 20th day of February, A.D. 2014.
6. That the Defendant herein before the funeral proceeded to and with the backing of the Police Inspector on the island, seized all of the real and personal property of the deceased herein, and expelled the Plaintiffs from

- the island of Harbour Island, threatening them with arrest should they return to their father's home or rental;
7. The Plaintiffs filed and served a "Warning" on the Caveator on the 24th day of July, A.D., 2014 with respect to their father's estate.
 8. The Plaintiffs claims that the Will held by the Caveator defendant herein is not the Last Will and Testament of the deceased in that the deceased did not have the mental capacity to executed the said Will of 28th May A.D., 2010 because of being under strong medication, which affected his ability and capacity;
 9. The Plaintiffs further claims that the said Will of 28th May A.D., 2010 was not executed with the full knowledge and Consent of the deceased, which was occasioned by 'Undue Influence' by the defendant and or her agents while the deceased was in hospital and enfeebled through illness and medication at the time.'
 10. That the defendant at the time by herself and or through her agents induced the deceased into making the said will knowing that the deceased was experiencing cognitive impairments which disallowed him from concentrating or remembering at the time or thereafter that he had made the second Will herein on 28-05-2010;
 11. That the said Will of the deceased was executed under 'Suspicious Circumstances' that should arise the suspicion of the court's inherent powers;

AND THE PLAINTIFF CLAIMS:

1. A declaration and pronouncement of the Court for the force and validity of the said Will dated the 21st day of July A.D. 1998, in solemn form of law to the Plaintiffs herein;
2. A grant of Probate in the estate of the deceased to the Plaintiffs herein;
3. A Declaration that the Will of 28th May, 2010 was made under Suspicious Circumstances;
4. An Accounting by the defendant of all property and dealing with the deceased estate, inclusive of all monies received into the estate; and an accounting of all personal properties sold or disposed of by the defendant;
5. In the alternative, a reimbursement of the funeral expenses of the deceased to the Plaintiffs herein;
6. An injunction to restrain the defendant whether by herself, her agents or otherwise from disposing off any of the deceased property until the final Order of the court;
7. Interest pursuant to the Civil Procedure (Awards of Interest Act);
8. Costs;
9. Such further or any other relief as the Court may deem just in the circumstances.

[3.] Thompson denied the claim in her Defence, which stated at paragraphs 8-12 as follows:

8. The Defendant denies paragraph 8 of the Statement of Claim and avers that the deceased had all of his mental faculties in place when he executed his Last Will and Testament dated 28th May 2010.
9. The Defendant denies paragraph 9 of the Statement of Claim and avers that the deceased was alert and fully knowledgeable of his actions when he executed the said Will of 28th May 2010 and was not influenced by any medication or duress at the time.
10. The Defendant denies paragraph 10 of the Statement of Claim, specifically that she did nothing to induce, encourage or suggest that the deceased execute the said Will of May 28th, 2010. And she further denies that the deceased was experiencing any cognitive or mental impairment, and further avers that at the time that he executed the said Will of 28th May 2010 he was fully coherent and not suffering from any memory loss or difficulties in concentrating, and she puts the Plaintiffs to the strictest proof in relation to the same matter.
11. The Defendant denies paragraph 11 of the Statement of Claim and put the Plaintiffs to the strictest proof to prove that the said Will of May 28th, 2010 was not executed under any Suspicious Circumstances!
12. The Defendant denies each and every allegation of the Statement of Claim except that which is expressly set out and traversed seriatim.

The Evidence

[4.] At the trial the Plaintiffs each gave evidence and called Dr Margo Braynen, Leslie Thompson and Emmett Farrington as witnesses in their case. Thompson gave evidence and called Dr Neil Parker, Eugene Poitier and Sandra Mortimer-Horton as witnesses in her case. Examination in chief were provided in witness statements which were subject to cross-examination.

[5.] Schikea Major (Schikea) gave evidence that she is the eldest of 2 children of the deceased. She along with her sister Travia and their children would visit the deceased who lived on Harbour Island. In 1998 the deceased travelled to Nassau to make his Will, He told them where to locate a copy, either at his safety deposit box or at his lawyers office, Cedric Parker.

[6.] Schikea stated that in May 2010, the deceased had a stroke whilst bringing his boat back from Florida and had to be airlifted to Nassau. She went to the hospital but was told she was not registered to see him. Four days later she was contacted by the deceased from the Emergency room at PMH. Her evidence was that on visiting him at the Princess Margaret Hospital (PMH) he stated that he was stuck in Thompson's house for a weekend and was unable to contact anyone or go to the hospital for help. The deceased was hospitalized from 23 May 2010 to 16 June 2010 where she visited him every morning and evening.

[7.] According to Schikea, she did not believe that the deceased made a Will on 28 May 2010 because he was weak and on strong medication and very sick and painful. She recalled that he was not himself on 28 May 2010 because he wasn't saying anything, was weak and couldn't eat going on 4 days, because they were running test due to the vomiting, numbness and weakness he experienced while bringing his boat from Florida. She says that Thompson is wrong when she says that the deceased came to Nassau for her daughter's wedding when in fact he came to Nassau because he was ill.

[8.] Schikea said that the deceased told her that everything he owns belongs to his kids and grandkids and he wanted them to continue the family business and his legacy. She does not believe that her father would disinherit his own children and mother for Mrs. Thompson, a married woman.

[9.] Under cross examination Schikea stated that she lives in New Providence and is a self-employed hair braider. She said that after 2010 the relationship with her father was sketchy because Thompson was in the middle of the relationship. She confirmed that Thompson stayed with him in Harbour Island and he would stay with her in Nassau even though he occasionally stayed with his sister. She confirmed that her father was able to read (contrary to suggestions made by her counsel) and sign his name.

[10.] Schikea accepted that the deceased was not airlifted to Nassau as she indicated in her witness statement. She confirmed that Thompson was the only woman friend of

the deceased who was featured in his funeral booklet and that Thompson and the deceased took frequent trips together, including cruises. She confirmed that the deceased was fine after he recovered from the illness in 2010.

[11.] Travia Major (Travia) gave evidence that she is the younger of the deceased's only 2 children. The deceased is also survived by his mother May Higgs, their grandmother who was 91 years old at the time of his death. The deceased lived on Harbour Island where he operated a taxi, golf carts and a boating businesses. She stated that the deceased sent moneys to them monthly and they assisted in running the family businesses on Harbour Island. She said that the deceased instructed his workers in their presence that if anything happened to him, to turn over everything to them.

[12.] Travia stated that the deceased introduced Thompson to them as a friend and nothing more, although Thompson was telling others she was his girlfriend. She said that she was advised that the deceased made a Will on 28 May 2010 while he was in hospital but she didn't believe this as he was sick and on heavy medication which affected his judgement. He did not know what he was doing. On 28 May 2010 the deceased appeared weak and was not saying anything. She was told by a nurse who said that he was not supposed to eat for 4 days because they were running some tests due to the stroke and food poisoning.

[13.] According to Travia, following the death of the deceased Leslie Thompson called and said that the deceased gave him the keys for the boat and said that if he did not get back to the Island to give the keys to his daughters and no one else. The deceased never *held anything back* from them and many times said he was not pleased with the choices they made and expected better of them. He was always straight forward and kept his word. If he had made changes to his Will he would have said so. If he had decided to leave us out from anything he would have said that.

[14.] The deceased did not stay by Thompson's house every time he came to Nassau because their grandmother did not like the fact that he was staying with a married woman in another man's house.

[15.] Under cross examination, Travia denied that she and her sister were accused of stealing from the deceased. She said that her father paid for his medical treatment. He was on the public ward of the PMH. She was in contact with her father by phone whilst he was hospitalized in 2010 and she visited him regularly. There was no problems between them up to the time of his death, he gave her away in 2012.

[16.] Dr Antonio gave evidence that she is a licenced medical practitioner and qualified to read and interpret medical records of another physician. She was not the attending physician for the deceased. She says that according to the records the deceased was given morphine and Tramacet whilst he was in the hospital between 23 May 2010 and 18 June 2010. She said that in her opinion no person should be signing any official legal documents whilst taking either of these medication. He was given Tramacet during his stay at PMH but morphine only on 24 and 25 May 2010 but not on 28 May 2010. She says that the effect of morphine may linger for up to 48 hours.

[17.] Thompson gave evidence that she had known the deceased for 14 years having met him in 1999 when she attended a funeral in Harbour Island. Two weeks later she visited him in Harbour Island and the relationship blossomed. They travelled together extensively, visiting Boston regularly to see his friends, vacations in London, Caribbean cruises and a Mediterranean cruise. She conducted all of the business of the deceased in Nassau including his medication. She says that when she met the deceased he had a high blood pressure problem which was being treated by medication.

[18.] According to Thompson the only time the deceased's daughters checked in with him was when they wanted financial assistance. Before Schikera gave birth to her last daughter she visited Harbour Island with Travia her sister and they removed the deceased funds without his permission. She says that she had never heard him so upset, saying that he could never forgive them for what they had done.

[19.] Thompson said that in 2010 the deceased travelled to Florida to purchase a speed boat which he piloted to Harbour Island. Shortly thereafter, in May 2010, he travelled to

Nassau to attend her daughter's wedding, but he was unable to attend because he was feeling sick. She says that the next day she took him to the Walk In Clinic where he was referred to Princes Margaret Hospital and admitted. X-rays detected a mass over the deceased's lungs due to his years of smoking. Surgery was performed on 14 June 2010, and he remained in hospital for 4 days to recuperate.

[20.] According to Thompson, prior to the surgery the deceased instructed her to locate a lawyer to execute a Will. She said that his exact words were "*Mary you are the only one who has helped me in this life, and I want to leave everything I have to you in case something goes wrong.*" She said that she contacted attorney J. Michael Saunders and instructed him to draft a Will on behalf of the deceased and in accordance with his wishes. She says that she took the Will to him in hospital where he read it, and after which executed the Will that was witnessed. Thompson says that the deceased was his normal usual self. After he executed the Will, he kissed her and said that he will see me later. He had the surgery 2 days after he executed the Will.

[21.] Thompson says that she did not in any way influence him or encouraged him to leave his estate to her. She says that was when she asked him about his children his response was "*what about them?*" She says that up to the time of his surgery the deceased was as *clear as a bell* and when he awoke was a bit drowsy but the next day was himself. The deceased was discharged on 16 June 2010 and stayed at her house for a month after which he returned to Harbour Island. She says that she accompanied him and stayed there with him for one month until he was strong enough to care for himself. She says that whilst there she assisted him in his business doing paperwork, dropping off and collecting golf carts.

[22.] The deceased was fine after surgery from 2010 up to August 2013 when the doctor on Harbour Island referred him to Nassau because his pressure was very high and blood count was abnormal. She took the deceased to Dr. Michael Ingraham for a second opinion who confirmed the diagnosis, prescribed a blood thinner and told him to reduce his red meat intake. He returned to Harbour Island and she accompanied him to ensure he stuck to his new diet. In October 2013 he became weak and the doctor on Harbour Island

referred him again to PMH to see a Kidney specialist Dr. Elsa Grant, who recommended dialysis treatment the following day. He attended dialysis 3 times per week at PMH and during this time he lived at her house. In January 2014 the deceased was admitted to PMH for lack of appetite and high fever where he remained until he died.

[23.] Eugene Poitier gave evidence that he had known the deceased for 13 years, through his affiliation with his older sister Thompson. They were friends. Poitier says that Thompson told him in May 2010 that the deceased was in the hospital to have a surgery. Thompson told him that the deceased had instructed her to seek a lawyer to draft a Will for his execution and she inquired whether he (Poitier) would act as a witness to the execution of the Will. Having agreed, Poitier said that Thompson collected him from his office and they went to PMH to the room where the deceased was. He said that the deceased read it and signed it without hesitation. He said that he signed as a witness and an auxiliary Nurse Mortimer was the other attesting witness.

[24.] According to Poitier, when the deceased executed the Will he observed him closely and he was jovial, extremely lucid, his normal self with full mental capacity. Poitier says that he had no question about his soundness of mind, he was in possession of his faculties, appeared coherent and clear headed. He did not see anyone influence, coerce, assist, or direct him. When they were completed, the deceased kissed Thompson and she returned him to his office.

[25.] Under cross examination Poitier stated that he was a Permanent Secretary in the Ministry of National Security. He confirmed that he and the deceased were friends and that he didn't recall the exact date the Will was executed only the circumstances of the execution. He couldn't recall exactly whether the deceased was on the ward or in a private room as it was quite some time ago. He couldn't recall whether he or Mortimer-Horton signed the Will first. He said he was almost certain that he saw the deceased signed the Will but it was 8 years ago.

[26.] Sandra Mortimer-Horton gave evidence that she is an Auxiliary Nurse stationed at PMH. On 28 May 2010 she was on duty and the deceased asked if she would witness

the execution of his last will and testament. At the time he appeared of sound mind and his thoughts were clear and definitive. The medication prescribed would not have resulted in any cognitive impairment that prevented his concentration or memory. She personally assisted in taking care of the deceased for the entire 6 weeks and never found him to be of unsound mind or not in total control of his faculties. She remembered seeing the daughters of the deceased visit him about two or three times and remembered Thompson visiting him every day at times more than one visit a day.

[27.] Mortimer-Horton said that she never knew the deceased or Thompson before he was admitted to hospital in 2010.

[28.] Under cross-examination Mortimer-Horton stated that she couldn't recall if a date was on the Will. She signed after the deceased but couldn't recall if Poitier was in the room. She couldn't recall if anyone explained the Will and didn't recall seeing him sign it. She was adamant that he was in his right frame of mind. She accepted that she was unaware of the side effect of the drug Tramacet. She confirmed that she didn't know, the deceased, Thompson or Poitier prior to the deceased coming onto the ward.

[29.] In re-examination the Horton-Mortimer cleared up what may have been ambiguous in her cross-examination by confirming that she signed the Will after the deceased, whom she saw sign the will.

[30.] The issues raised are the following:

- (1) Whether the deceased had the capacity, namely, whether he possessed the sound and disposing mind necessary to execute the 2010 Will.
- (2) Whether the Will was attended to or prepared under suspicious circumstances.

Analysis and Disposition

Formalities

[31.] The Plaintiffs assert in their submissions that the formalities required by the Wills Act have not been complied with. The first point to note is that this complaint is not

contained in the pleaded case which was focused upon mental incapacity and the will being executed under suspicious circumstances. The absence of formalities is therefore an issue which has been fashioned by the Plaintiffs as the case has developed. Section 5(2) of the Wills Act provides:

5. (1) Subject to section 6, no will is valid unless it is in writing and signed at the foot or end thereof by the testator or by some other person in his presence and by his direction in accordance with subsection (2).

(2) The signature of the testator or other person mentioned in subsection (1) is effective if —

(a) so far as its position is concerned it satisfies subsection (3);

(b) the signature is made or acknowledged by the testator in the presence of two or more witnesses present at the same time; and

(c) each witness either —

(i) attests and signs the will; or

(ii) acknowledges his signature,

in the presence of the testator (but not necessarily in the presence of any other witness),

but no form of attestation is necessary nor is publication of the will necessary.

...

[32.] The crux of the Plaintiffs' complaint as to formalities is contained in paragraph 13 of their submissions, where they say,

“...it is factually clear from the evidence that neither of the attesting witnesses can affirmatively say that they saw the deceased sign or acknowledge the Will of 28 May 2010 with any level of certainty creates much doubt.”

I am satisfied that, on balance, the formalities required by Section 5(2) of the Wills Act were complied with in that the witnesses both signed the will and witnessed the deceased signing it. I find both Poitier and Mortimer-Horton to be truthful and that any perceived inconsistency by them as to the execution of the Will and where the other witness was, at the time of execution was understandable as a result of the passage of time. It is a testament to their honesty that they indicated that their recollection was failing, some 8 years later concerning a matter. Although important to the deceased, this was not a matter as important to them or for which they could have been expected to give detailed evidence of a later date. Whilst their independent recollection may be suggest

inconsistency, the formal attestation which they both signed on the Will itself satisfies that Section 5(2).

Testamentary Capacity

[33.] Section 4 of the Wills Act provides:

4. To be valid, a will shall be made by a person who —
 - (a) is aged eighteen years or over; and
 - (b) is of sound disposing mind.

The Plaintiffs say in their submissions:

... the testator, Reginald Francis Major was very ill and enfeebled as a result of his boat trip from Florida, the fact that he was kept by Mrs Thompson for several days before taking him to the Walk in Clinic, who referred him right away to PMH. Coupled with the above, he was not eating, vomiting, diarrhea and was at the time being treated with medications that adversely affected his medical facilities sufficient to disallow him from meeting the legal requirements sufficient to make a Will. In this regard it is submitted that the testator did not possess a sound disposing mind and memory at the time, as required by law that would have made him a free and capable individual capable of making a valid Will in law.

Respectfully, the facts, as I find them, do not support the averments of the Plaintiffs. I have no hesitation in indicating that I prefer and accept the evidence of Thompson and her witnesses, the only persons present at the execution of the Will, as being truthful.

[34.] The evidence of the Plaintiffs were inconsistent even with those of their witnesses and much of the statements in their witnesses, statements were walked back in cross-examination. They both acknowledge that the deceased did not have a stroke nor was he airlifted to hospital in Nassau as initially stated in their witness statements. Despite seeking to depict Thompson as just their father's friend, one of many, they both acknowledge that she was his girlfriend. It was accepted that no other "girlfriend" was listed in his funeral booklet or obituary. In the booklet, a photograph of the deceased and Thompson is given a place of primacy and Thompson alone is identified as the deceased's "special friend". Schikea confirms that the booklet was prepared by herself and her aunt, with the assistance of Thompson. The Plaintiffs could not say that the

deceased lived with any other girlfriend whilst in Nassau, nor could they identify any other woman residing with him in Harbour Island.

[35.] The Plaintiffs acknowledged that Thompson travelled extensively with the deceased. They both also acknowledged that the deceased lived with Thompson in the weeks following his release from hospital in 2010 (after which she returned with him to Harbour Island) and again in 2013, when he resided with Thompson for the several months up to the date of his death. They acknowledged Thompson taking him to his dialysis treatment three times a week, but for the few occasions, when Travia took him.

[36.] Dr. K. Neil Parker, a licensed medical practitioner and consultant at the PMH gave evidence that the deceased's medical records for period of his admission on the 23 May 2010 disclosed nothing to indicate that the deceased had any adverse reaction to the medications administered to him at the relevant time, that being the pain medication Tramacet. He stated, and I accept, that it was quite possible for someone to maintain his cognitive abilities while taking Tramacet. His evidence also pointed out that the nurses handover reports indicated that Reginald was noted to be "conscious and alert" three times per day for the relevant period including the 28 May 2010. Under cross-examination Dr. Parker stated that the nurses would have been obligated to report if the deceased was not conscious and alert. Dr. Margo Braynen, confirmed under cross-examination that there was nothing in the nurses' medical notes indicating that the deceased was suffering from any mental distress or confusion at the time of his execution of the 2010 Will or at any other time.

[37.] Both Plaintiff's testified that they had no knowledge of their father suffering from any mental disability between 2010 and 2014. Travia also testified that while the deceased was hospitalized she communicated with him daily and that he was coherent and understood what was happening around him.

[38.] Both Emmit Ferguson and Leslie Thompson were called by the Plaintiffs to diminish the extent of the relationship between Thompson and the deceased. They

sought to speak to the infrequency at which Thompson was seen by them in Harbour Island. Neither of them however were present at the execution of the 2010 Will or could speak to the deceased's state of mind at the due execution of the 2010 Will. Ferguson nonetheless acknowledged that the deceased resided with Thompson when he was in Nassau and that Thompson stayed with the deceased whilst she was on Harbour Island. Ferguson said that he was unaware of the deceased being airlifted to Nassau and that the only way of the Island was by boat. They were both generally unimpressive witnesses.

[39.] In all the circumstances therefore I am satisfied that the deceased, at the time he executed the 2010 Will, had a sound and disposing mind. I accept the description of the only witnesses who were present, as to his mental state, where they described him as being as *clear as a bell, jovial, extremely lucid, his normal self with full mental capacity and of sound mind*. According to Thompson, the deceased wanted a Will drawn up to leave all of his property to her. The 2010 Will was a simple will containing a single devise disposing of all the deceased's assets to Thompson. It was even simpler than the 1998 Will which, although giving all of the deceased's assets to the Plaintiffs, contained additional clauses. I am therefore also satisfied that the deceased understood what he was signing.

Was the 2010 Will attended to by suspicious circumstances?

[40.] The Plaintiffs, at paragraph 22 of their submissions, say that the circumstances under which the Will of the deceased was prepared should excite the suspicion of the court. The principal basis for the suspicion of the Plaintiffs, as to the execution of the 2010 Will seems to be their allegation of mental unsoundness and the fact that his children, have been disinherited.

[41.] I have already found that there is no merit in the allegation of mental unsoundness. I also did not find any merit in the naked insinuations of undue influence in their description of Thompson as controlling.

[42.] The Plaintiffs also speak to the 2010 Will not making any provision for the mother of the deceased as a basis to suggest that it is a strange occurrence. This complaint however is diminished by the fact that the 1998 Will likewise did not make any provision for the mother of the deceased. Instead of giving the entirety of his estate to the Plaintiffs, as he did in the 1998 Will, he gave it to Thompson, a person with whom he had been in a relationship with for in excess of 14 years. Someone he lived with whilst he was in Nassau and who lived with him when she was in Harbour Island. Someone who he travelled with, vacationed with and cruised frequently. Someone featured in the deceased's obituary as a special friend and clearly someone he cared for and who had intimate details as to his medical situation. Ultimately however, this was the absolute right of the deceased, as a testator is free to dispose of his property as he sees fit and no heir, outside of a minor dependent, has any call on his property. It is not open to this Court to question the deceased's motives in freely disposing of his estate.

[43.] What is also telling was the fact that the 2010 Will was concluded almost 4 years prior to the death of the deceased. Had he been coerced or felt influenced to make the 2010 Will, as is alleged by the Plaintiffs, it was open to him to make a new will in the period between the making of the 2010 Will and his death, if he so wished. He clearly chose not to do so and the inference therefore was that the Will which was propounded on 28 May 2010 represented the free will of the deceased.

Conclusion

[44.] In all the circumstances therefore the reliefs sought by the Plaintiffs in the Statement of Claim are refused. The action is dismissed with costs to Thompson to be taxed in default of agreement.

Dated the 13th day of August 2021



Ian R Winder

Justice