***Estate of Joseph Kelly Deceased* [2024] IEHC 87**

Application by Pepper Finance for an order pursuant to s. 27 (4) of the Succession Act, 1965, granting liberty to a nominated solicitor to apply to extract letters of administration in the estate of the Deceased limited to the purposes of receiving letters of demand and notices or appointment of receivers from the applicant and, if necessary, being served with any proceedings which may require to be brought. Court set out proofs needed in terms of the requirement to notify those with a prior entitlement to extract a grant, and in terms of what is required by way of proofs in this type of application.

Some reasonable steps to identify the family members entitled to take out a grant should be taken. At a minimum write to deceased's last known address. Rip.ie invaluable source in identifying those with prior entitlement to take out a grant pursuant to Order 79 RSC.

Court should not grant order under s. 27 (4) if proceedings doomed to fail, in this case it was said to be doomed owing to s. 9 Civil Liability Act 1961. Court applied test from Cawley v Dún Laoghaire Rathdown County Council [2021] IECA 266, are the proceedings "hopelessly statute-barred". Necessary proofs to show not doomed to fail include loan documentation, special and standard terms and conditions incorporated into loan agreement, any mortgage charge and formal demands.

Allowed application where shown Pepper has a claim it wishes to pursue, and it is not clear that it is statute barred.

***Re Estate of James Browne Deceased* [2024] IEHC 13**

Application to admit Irish Will executed in 2000 to probate notwithstanding Australian Will executed shortly before Testator's death in 2015 containing general revocation clause. Application not contested. Affidavits sworn abroad must be in compliance with Order 40 RSC. When considering effect of general revocation clause the court has power to look at all of the evidence of the testator's intention, including extrinsic evidence. Section 90 of the Succession Act 1965 has no application where the purpose for which the extrinsic evidence of the intention of the testator is for the purpose of determining whether wills should be admitted to probate. Inclusion of a revocation clause is itself weighty evidence of an intention to revoke. Clear evidence required to outweigh it. Evidence in this instance included his expressed intentions to his family over decades, strong ties to the land in question and expressed wishes in various testamentary documents over the years. Deemed highly improbable that the Testator would suddenly alter his views without some outward expression of this change of heart, either by way of statements to his family, or at the very least in the instructions for his will. Court satisfied it would be contrary to the Testator's intentions to find that the Irish will had been revoked.

***CB -v- PP & Anor, DB [APUM] -v- PP & Anor* [2024] IEHC 217**

Proceedings under section 117 and 121 of the Succession Act 1965. Application by Defendant Estate to have a beneficiary joined as a defendant to the proceedings. Order 15 rules 8 and 13 RSC must be read together when determining whether parties should be joined. Rule 8 allows a court to join parties but for guidance on when that should occur look to rule 13 to determine whether the joinder is needed *"in order to enable the Court effectually and completely to adjudicate upon and settle all questions involved in the cause or matter…".* In section 117 proceedings it is not sufficient for a joinder to proceedings that a proposed new defendant's proprietary or pecuniary rights are or may be affected. Something more is required for the Court to conclude that the joinder of a proposed additional defendant is necessary in order to enable the Court to effectually and completely adjudicate upon and

settle all questions. This will depend on the facts of each case. Default position is only an executor should be sued and thus joinder should only be permitted when essential. Caution to be had of costs increase from joining parties. Significant weight given to fact plaintiffs did not object to the intended joined party being permitted to attend the hearing. Consideration of when the *in camera* rule can be lifted. Section 119 does not act as an absolute embargo on the disclosure of evidence and the Court has a discretion to lift the *in camera* rule although should not be done lightly. Paramount consideration is the interests of justice. Ultimately deemed appropriate to permit the provision of the pleadings and the affidavits to the intended new defendant and to permit her attendance at the hearing on basis she signs to say she will not disclose to any third party. Application to join refused.