

In re the Estate of Oliver Sherry: Kieran Crowley v Daire Murphy [2021] IEHC 645 – High Court – Sanfey J – 12th of October 2021

Application to remove executor for failure to administer the estate – administration completed after the commencement of the proceedings – whether executor should be liable for costs of the proceedings – Dunne v Heffernan and Muckian v Hoey considered – alleged that the executor delayed and that he failed to protect assets of the estate – test is whether the proceedings were justified and whether they led to the administration being completed – Held that proceedings were not appropriate where completion of the administration was imminent in any case – proceedings in effect withdrawn and Defendant entitled to his costs

In re the Estate of Thomas Delahunty: Application of Kinsella [2021] IEHC 657 – High Court – Butler J – 14th of October 2021

Application to admit Will to proof in terms of a copy – whether sufficient evidence of due execution of original Will and whether inference that the deceased intended to revoke the original Will – presumption of regularity – evidence required to support the presumption – Held that there was sufficient circumstantial evidence to allow the presumption to be raised notwithstanding the absence of any direct evidence of execution or attestation – no evidence of any positive act by the deceased to revoke the Will – application allowed

C.D. v B.B. [2021] IEHC 684 – High Court – Stack J – 22nd of October 2021

Application under section 194 of Civil Partnership and Certain Rights and Obligations of Co-Habitants Act 2010 – Applicant living in an intimate and committed relationship with the deceased for thirty years – preliminary issue as to whether period of co-habitation prior to the commencement of the Act should be reckoned for the purposes of being a qualified co-habitant – statutory interpretation – whether legislation has retrospective effect – Held that period of co-habitation prior to the commencement of the Act can be counted for the purpose of being a qualified co-habitant

G.S. v M.B. [2022] IEHC 65 – High Court – Stack J – 21st of January 2022

Application under section 117 of the Succession Act 1965 – Applicant 65 years of age and only child of the deceased – Applicant born in mother and baby home and reared by another family – sporadic and limited relationship with the deceased during her lifetime - no provision made for Applicant in Will of deceased or during her lifetime – whether Applicant demonstrated a need for provision – whether deceased failed in her moral duty to make provision for him – absence of any competing moral claims on the deceased – mature adult child not precluded from seeking relief under the section – examination of assets available to the Applicant – Held that the deceased failed in her moral duty to make provision for the Applicant and ordered that he should have the sum of €225,000 from the estate of the deceased by way of proper provision.