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Weekly Wills, Estates and Superannuation Law

A Weekly Bulletin listing Decisions of Superior Courts of Australia covering Wills Estates and Superannuation Law

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Executive Summary (1 minute read)

In the estate of Rocco Amuso (SASC) - wills and estates - applicant sought revocation of grant of letters of administration or permission to occupy deceased's property - applications refused

In the Estate of Flack (NTSC) - wills and estates - probate - Registrar referred matter under s17(2)(c) *Administration and Probate Act 1969* (NT) - Court satisfied that 'Attachment' to deceased's will was an alteration to Will within s16(1)(d) Administration and Probate Act - probate issued

Summaries With Link (Five Minute Read)

In the estate of Rocco Amuso [2021] SASC 41
Supreme Court of South Australia
Stanley J
Wills and estates - probate - two applications - applicant sought revocation of 'grant of letters of administration' to first respondent concerning deceased's estate - grant had been made on basis 'deceased died intestate' - applicant sought to propound 'will document' or alternatively sought permission to occupy premises of deceased's property 'as if he was the owner and not a tenant' - whether to grant admission of will document to probate - onus - suspicious circumstances - s12(2) Wills Act 1936 (SA) - held: applications dismissed.
In the estate of Rocco
[From Benchmark Monday, 3 May 2021]

In the Estate of Flack [2021] NTSC 37
Supreme Court of the Northern Territory
Brownhill J
Wills and estates - probate - Registrar referred matter under s17(2)(c) *Administration and Probate Act 1969* (NT) (Administration and Probate Act) - proceedings concerned question whether 'Attachment' to will was an 'alteration' - whether Attachment embodied deceased's testamentary intention - whether deceased, at time Attachment was 'being brought into existence' and upon deceased's execution of will, revealed intention that Attachment should operate as part of deceased's will - whether disposition clause of will was altered by disposition which Attachment described - held: Court satisfied Attachment was an alteration to Will within s16(1)(d) Administration and Probate Act - probate issued.
In the Estate of Flack
[From Benchmark Wednesday, 5 May 2021]

Song in the Key of Autumn

By: Scudder Middleton

WE are walking with the month
To a quiet place.
See, only here and there the gentians stand!
Tonight the homing loon
Will fly across the moon,
Over the tired land.

We were the idlers and the sowers,
The watchers in the sun,
The harvesters who laid away the grain.
Now there's a sign in every vacant tree,
Now there's a hint in every stubble field,
Something we must not forget
When the blossoms fly again.

Give me your hand!
There were too many promises in June.
Human-tinted buds of spring
Told only half the truth.
The withering leaf beneath our feet,
That wrinkled apple overhead,
Say more than vital boughs have said
When we went walking
In this growing place.
There is something in this hour
More honest than a flower
Or laughter from a sunny face.

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