



Friday, 25 September 2020

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)

Avery v Manno (VSC) - summary judgment - wills and estates - judicial advice - plaintiff sought judicial advice concerning administration of deceased's estate - defendant sought proceeding's dismissal or stay, or summary judgment - summons dismissed

MTG - v - MWG as executor of the will of MTH (WASC) - wills and estates - succession - family provision - plaintiff husband of deceased sought provision from deceased's estate - further provision granted



Summaries With Link (Five Minute Read)

Avery v Manno [2020] VSC 605

Supreme Court of Victoria

Derham AsJ

Summary judgment - wills and estates - judicial advice - plaintiff, pursuant to r54.02 *Supreme Court (General Civil Procedure) Rules 2015* (Rules), sought judicial advice concerning administration of deceased's estate - defendant sought proceeding's dismissal or stay of pursuant to r 23.01(1) Rules or summary judgment under s62 *Civil Procedure Act 2010* (Vic) and O 22 Rules - prospects of success - whether abuse of process - held: summons dismissed.

[Avery](#)

[From Benchmark Wednesday, 23 September 2020]

MTG - v - MWG as executor of the will of MTH [2020] WASC 326

Supreme Court of Western Australia

Master Sanderson

Wills and estates - succession - family provision - plaintiff husband of deceased sought provision from deceased's estate - will did not make provision for plaintiff - defendants conceded will did not adequately provide for plaintiff - 'competing claims' - *Family Provision Act 1972* (WA) - *Property Law Act 1969* (WA) - held: further provision granted.

[MTG](#)

[From Benchmark Thursday, 24 September 2020]



Benchmark

From: Ode to the Moon

By Thomas Hood

I

MOTHER of light! how fairly dost thou go
Over those hoary crests, divinely led!—
Art thou that huntress of the silver bow
Fabled of old? Or rather dost thou tread
Those cloudy summits thence to gaze below, 5
Like the wild Chamois from her Alpine snow,
Where hunter never climb'd,—secure from dread?
How many antique fancies have I read
Of that mild presence! and how many wrought!
 Wondrous and bright, 10
 Upon the silver light,
Chasing fair figures with the artist, Thought!

II

What art thou like? Sometimes I see thee ride
A far-bound galley on its perilous way,
Whilst breezy waves toss up their silvery spray;—
15
 Sometimes behold thee glide,
 Cluster'd by all thy family of stars,
 Like a lone widow, through the welkin wide,
 Whose pallid cheek the midnight sorrow mars;—
 Sometimes I watch thee on from steep to steep, 20
 Timidly lighted by thy vestal torch,
 Till in some Latmian cave I see thee creep,
 To catch the young Endymion asleep,—
 Leaving thy splendour at the jagged porch!

https://en.wikipedia.org/wiki/Thomas_Hood

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