

IN THE COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
Probate Division

2013/PRO/npr/FP/00008

IN THE MATTER of the Estate of CARLTON EUGENE LIGHTBOURNE SR.,
late of no. 312 Halibut Street in the City of Freeport, on the island of Grand
Bahama, one of the islands of the Commonwealth of The Bahamas, deceased

AND IN THE MATTER of Section 63 of the Probate and Administration of
Estates Act, 2011

B E T W E E N

CARLTON EUGENE LIGHTBOURNE JR.

Claimant

AND

EUGENIA TEKERA LIGHTBOURNE
PHILIP ANTHONY LIGHTBOURNE
SAMUEL ROOSEVELT LIGHTBOURNE
DEVIN DINO ALMONDO LIGHTBOURNE

Defendants

Before: The Honourable Mister Justice Andrew Forbes

Appearances: Tashana Wilson for the Claimant

Osmond Johnson for the First Defendant

Hearing date(s):

RULING

FORBES, J

[1.] This is the Court's decision with relation to an Application made on its own motion pursuant to Part 26.2 of the Supreme Court (Civil Procedure Rules), 2022 ("CPR"), the Claimant's application made 2 July, 2025 ("Claimant's Application") and the Defendant's Application made on the 31 July, 2025 ("Defendant's Application")

[2.] The Court accedes to its application for the following reasons:

- a. The reasoning given by the Claimant for its non-compliance with the 31 May 2022 order is not convincing to the Court;
- b. There has been a period of at least a year, January 2024, where the Claimant was gainfully employed, and the Defendant Eugenia Lightbourne was not in the home; yet, the order was not complied with until a year later; and
- c. The delay in complying was unreasonable, and no relief from sanctions was ever sought for the non-compliance.

[3.] The Court accedes to the Claimant's Application for the following reasons:

- a. It is apparent that the effort in probating this estate is slothful;
- b. The Claimant is approved for a mortgage loan and can therefore afford the purchase price of the home; and
- c. It is reasonable in all the circumstances.

[4.] The Court dismisses the Defendant's application for the following reasons:

- a. As the court has dealt with the assets of the estate, this application falls away.

[5.] On 8 December, 2025, at 1 pm, the Court held a hearing to inform the parties of its intention to make an application (the Court's Application) pursuant to Part 26.2 and the CPR. Specific attention was drawn to apparent non-compliance with the Court's orders, namely, the Orders made on 24 February, 2014; 13 April, 2022; and 30th May, 2022. The Court gave the Claimant 7 days to respond to the Application.

[6.] The Affidavit in Response of Carlton Lightbourne, filed on 15 December, 2005, gives the following information, in part:

- a. That he did not possess the requisite funds to comply with the orders of the Court, as he was recently unemployed in 2013;
- b. That he sought the assistance from the other beneficiaries but received no help;
- c. That the property value depreciated with the typical passage of time and through the acts of one of the beneficiaries;
- d. That in 2022, he contacted an appraiser, but the beneficiaries did not comply with the appraisal process;
- e. That it was not his intention to purchase the home;
- f. That he advertised the home for sale, but there was no sale;
- g. That in 2024, he opted to purchase the home as he was now gainfully employed;
- h. That the estate is insolvent; and
- i. He facilitated two viewings and was only offered \$80,000.

[7.] The Claimant's Application sought the following:

- a. The Claimant is allowed to purchase the house located at no. 312 Halibut Street in the City of Freeport on the Island of Grand for \$125,000.00;
- b. The Claimant be reimbursed \$49,152.39 from the proceeds of the sale; and
- c. That the estate pay the costs of this application.

[8.] The Affidavit of Carlton Lightbourne was filed on 2 July 2025.

[9.] The Defendant's Application sought the following relief:

- a. An order for the stay of the proceedings until the hearing of the application to vary the order made on 26 January 2024 pursuant to Part 9.8(1) and 26.1 (2) (q) of the CPR and the inherent jurisdiction of the Court;
- b. An order for the stay of execution of the order dated 14 November 2024 pursuant to Part 43.12 of the CPR;
- c. An order to vary the terms of the 26 January 2024 order; d) vary the order by having the Claimant fortify his undertaking in damages.

[10.] The Affidavit of Eugenia Lightbourne in support of the Defendant's Application filed on 14 October 2025.

Law

[11.] The Court notes that this matter stems from a Non-Contentious Probate Matter made Contentious by the filing of an Affidavit on 24 October 2013 seeking an Order for the sale of the property. Contentious Probate Matters are now governed by Part 63 of the Supreme Court (Civil Procedure) Rules, 2022. However, the scope and interpretation of this matter are set out below.

[12.] Part 63.1 defines a " probate action" as:

an action, other than a non-contentious action for — (a) the grant of probate of the will or of letters of administration of the estate of a deceased person; (b) the revocation of a grant; or (c) for a decree pronouncing for or against the validity of an alleged will;

[13.] Further Part 63.2 sets the Scope as:

(1) This Part sets out the procedure for obtaining —

(a) a grant of —

(i) probate of a will;

(ii) letters of administration of the estate of a deceased person;

(b) a revocation of a grant referred to under paragraph (a); (c) a decree pronouncing for or against the validity of an alleged will, not being an action which is non-contentious or common form probate business.

(2) In this Part, a “will” includes a codicil.

[14.] The Court made this application pursuant to sections 26.2 and 26.7 of the CPR, which set out the procedure for the Court to create applications on its own motion. Reproduced below is Part 26.2 (1) and (2)(1)

Except where a rule or other enactment provides otherwise, the Court may exercise its powers on an application or of its own initiative.

(2) If the Court proposes to make an order of its own initiative, it must give any party likely to be affected a reasonable opportunity to make representations.

[15.] The Court must give the parties 7 days to respond to the application pursuant to Part 26.2(4).

[16.] Further, 26.7 states:

(1) If the Court makes an order or gives directions, the Court must, whenever practicable, also specify the consequences of failure to comply.

(2) If a party has failed to comply with any of these rules, a direction or any order, any express sanction for non-compliance imposed by the authority, direction, or the order has effect unless the party in default applies for and obtains relief from the sanction, and rule 26.9 does not apply.

(3) If a rule, practice direction, or order — (a) requires a party to do something by a specified date; and (b) specifies the consequences of failure to comply, the time for doing the act in question may not be extended by agreement between the parties.

(4) If a party has failed to comply with any of these rules, a direction or any order, where no express sanction for non-compliance is imposed by the authority, direction, or the order, the party in default may make an application under rule 26.9.

(5) If a rule, practice direction or order — (a) requires a party to do something by a specified date; and (b) does not specify the consequences of failure to comply, the time for doing the act in question may be extended by agreement in writing between the parties provided that the extension does not affect the date of any hearing or the trial.

[17.] As the Court's Application concerns the breach of the orders, the Court states them, in brief, below:

- a. 19 March, 2014, ordered that the house be appraised and all parties pay the costs for the same, or the fees shall be payable out of the Estate.
- b. 13 April, 2022 ordered:
 - i. The appraisal is to be completed on or before 5:00 pm on 5 May 2022;

- ii. The Plaintiff shall file an Affidavit exhibiting the Appraisal and any Agreement for Sale if obtained before the next hearing;
- c. 31 May, 2022 ordered:
 - i. that the property being No. 312 Halibut Street, Freeport, be sold within 6 months or earlier;
 - ii. If the property is not sold within 6 months, a current appraisal shall be provided;
 - iii. Upon completion of the sale, all legitimate expenses of the estate shall be settled before any disbursements of funds to the beneficiaries;
 - iv. Funds due and owing to Mr. Samuel Roosevelt Lightbourne and Mr. Philip Anthony Lightbourne shall be held in an interest-bearing account for their benefit;
 - v. Any expenses incurred separate and apart from the 3 above must be fully supported by invoices and, if necessary, brought to the court for determination;
 - vi. Liberty to apply.

[18.] The Court, in an email, notified the parties of its intention to hear them regarding what appears to be a willful breach of the Court's prior orders. The Court's considerations are whether there is a breach, whether there was a set/reasonable time for compliance, and whether there is an acceptable reason for the noncompliance.

[19.] The bulk of the Claimant's Affidavit evidence with reference to breach of the Court's order was allegedly due to lack of funds and alleged interference by the hands of his sibling, Eugenia Lightbourne. However, there are several repairs effected in the amount of what was alleged to be \$49,152.39 spent from his personal funds over the 14 years since he obtained the grant of probate.

[20.] The Court, upon reviewing the file, notes that on 26 January 2024, the Claimant obtained an order that restrained the Defendant, Eugenia Lightbourne, from the property and from interfering with the sale of the property. Further, the order required Ms. Eugenia Lightbourne to vacate the property by 29 January 2025. Had Ms. Lightbourne been the cause of the non-compliance, the Court would have been furnished with the order shortly after February 2024. However, the Claimant did not obtain an appraisal until March 2025, a year after Ms. Lightbourne's removal and nearly 3 years after the order was perfected. The Court finds that the Claimant has not complied with the order dated 31 May 2022.

Claimant's Application

[21.] However, the Court notes that the Claimant wished to purchase the home for the forced-sale amount of \$125,000 and seeks that the repair amounts be deducted from the sale proceeds.

[22.] The Court accedes to the Claimant's application and orders the property to be sold to the Claimant to be facilitated/signed off by the Registrar of the Supreme Court.

[23.] It needs to be fleshed out if we are allowing all amounts.

Defendant's Application

[24.] The Court notes the Defendant's Application. However, the relief sought falls away with the granting of this Court's orders in the above Application.

Disposition

[25.] The Court so orders:

- a. The Claimant is to purchase the home for the amount of \$125,000 payable to the estate.
- b. The Registrar is to execute the relevant Conveyance/transfer documents on behalf of the estate to facilitate the sale.
- c. Further, the repairs of the home for \$15,802.30 of the purchase price are to be deducted from the purchase price. Representing the costs for the water heater repair, plumbing repair, windows, and roofing repairs.
- d. Funds due and owing to Mr. Samuel Roosevelt Lightbourne and Mr. Philip Anthony Lightbourne shall be held in an interest-bearing account to the Court Services for their benefit pending determination of their legal capacity;
- e. The Claimant is to complete this transaction within two (2) months, should the Claimant not complete the transaction and have not obtained permission from the Court for an extension, providing a valid reason. The Court will appoint an independent trustee to oversee the estate, and the order made on 26 January 2024 be struck.

[26.] Further, the Court sanctions the Claimant for breach of the Court's order dated 31 May 2022. As a result of the sanction, any proceeds of the sale of the property are withheld from the Claimant and are to be shared equally amongst the remaining beneficiaries.

[27.] Costs to the Defendant to be taxed if not agreed.

Dated this 2nd day of February, A.D.2026



The Honorable Justice Andrew Forbes