

Ruling file
12-4-21

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT OF THE BAHAMAS
PROBATE DIVISION
2019/PRO/cpr/FP/00005**

IN THE MATTER of the Wills Act, Chapter 115

**AND IN THE MATTER of the Last Will and Testament Edward Palonek also known as
Edward Palonek Rothwell**

BETWEEN

**THOMAS JUSDANIS
Plaintiff**

AND

**CHRISTINE AMANDA PALONEK
SAMANTHA EVE PALONNEK
Defendants**


BEFORE: The Honourable Justice Petra M. Hanna-Adderley
APPEARANCES: Mrs. Kenra Parris-Whittaker for the Plaintiff
HEARING DATES: April 8, 2021

DECISION

1. This is an application by the Plaintiff commenced by way of a Specially Endorsed Writ of Summons filed herein on April 29, 2019 seeking the following relief:-
 - (1) A declaration that the Will dated March 2, 2017 is invalid and of no effect as the deceased; (i) did not execute the second Will dated March 2, 2017, (ii) alternatively, and in any event the deceased was not of sound mind or understanding at the time the second Will dated March 2, 2017 was purportedly executed by the deceased, (iii) alternatively, the deceased was unduly influenced to execute the second Will dated March 2, 2017 by the Defendants, (iv) such consequential and supplemental orders as to the Court may seem just.

2. Having read the Affidavit of Sheila Taylor filed herein on February 5, 2021, having heard the viva voce evidence of the Plaintiff herein, having read the report of Brenda Petty, certified questioned document examiner dated January 24, 2019 and having heard her viva voce evidence, having considered the law and authorities cited, I make the following finding on a balance of probabilities that the March 2, 2017 Will was not executed by the deceased Edward Palonek also known as Edward Palonek Rothwell and that the March 2, 2017 Will is invalid pursuant to the provisions of the Wills Act, 2002 of the Statute Laws of the Commonwealth of The Bahamas.
3. Consequently, the Plaintiff's application for a Declaration that the March 2, 2017 Will is invalid and of no effect is hereby granted.
4. The Court shall furnish the parties with its written reasons in short order.

Dated this 12 day of April A. D. 2021


Petra M. Hanna-Adderley
Justice