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IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

(PROBATE)

PROBATE CASE NO. 2895 OF 2022

IN THE MATTER of  
Application for Letters of  
Administration in the Estate of  
the late BARRY ALICK  
ATAVI

AND IN THE MATTER of  
Section 2.3 and 2.5 of the  
Probate and Administration  
Rules 2003 and Section 6 and  
7 of the Queen's Regulation  
No.7 of 1972

MARIE NOELLE ALICK

Applicant

BEFORE: AURELIE TAMSEUL

(Deputy Master)

DATED: 15<sup>th</sup> day of February, 2023

ENTERED: 15<sup>th</sup> day of February, 2023

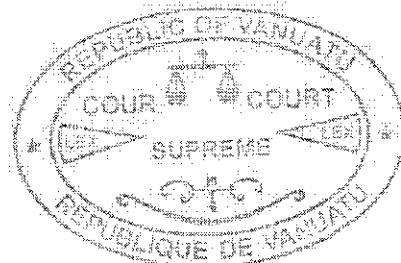
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## MINUTE & DECISION

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a. Introduction

1. This this matter coming up for review without hearing today and the Court noting that the Applicant has persistently failed to address the following issues, to wit:
  - (i) What is the purpose of Applying for letters of Administration?
  - (ii) What happens to a real estate property registered in the names of two individual as transferees holding an interest as "Joint proprietors"?



2. The Court having warned the parties in its previous Order that further non-compliance may result in adverse Orders being made.
3. The Applicant has consistently failed to take further steps to progress the matter.

**b. What is the purpose of an Application for Letters of Administration?**

4. To address the above question, one needs to ask the following questions, to wit:

1. **When does the Court receive an Application for Letters of Administration?**

An Application for letters of Administration is usually filed after the death of a person.

2. **Who applies and why?**

Anyone who has an interest in the intestate estate. They Apply for the sole purpose of administering the deceased intestate estate in accordance with the law.

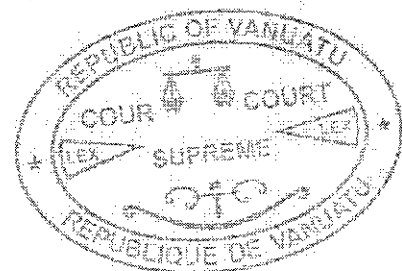
*"Distribution of estate of intestate."*<sup>1</sup>

*Notwithstanding anything to the contrary contained in any laws in force in New Hebrides at the date of commencement of this Regulation, the property of an intestate dying on or after the date of commencement of this Regulation shall be distributed in accordance with the provisions of this Regulation, and no person shall have any right, title, share, estate or interest in such property except as provided in this Regulation."*

**c. Properties forming part of the estate**


5. Paragraph 8 of the sworn statement of administration filed on the 17<sup>th</sup> October, 2022 referred to "**Attachment B**" listing **Land Lease Title 11/OC33/056** as the property of the estate.
6. The said land lease is registered in the name of **Alick Berry Attavi (Deceased) and Willie James Tomataso** as transferees.
7. The Court notes from Annexure "B" in the sworn statement of administration filed on the 17<sup>th</sup> October, 2022, **paragraph 6 (d)** that "**The transferees hold the interest as \* Joint proprietors \***".

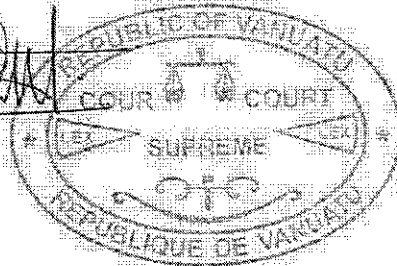
<sup>1</sup> Section 5, Queens Regulation No.7 of 1972



d. Decision

1. Counsel and the Applicant are requested to read and familiarise themselves with **Section 75 of the Land Leases Act [Cap 163]** to understand the effect of **Joint Proprietorship** on the **Land Lease Title 11/OC33/056**.
2. I find that there are no properties forming part of the estate of the deceased, therefore the filing of the Application for Letters of Administration has been futile.
3. The Application for Letters of Administration is hereby dismissed.

BY THE COURT  
  
DEPUTY MASTER



**NOTE.**

**DUE TO VANUATU GOVERNMENT INTERNET ISSUES  
SINCE MONDAY 7<sup>TH</sup> NOVEMBER 2022 – TO DATE ,  
ORIGINAL COPY OF COURT'S ORDER HAD BEEN PLACED  
IN THE COUNSEL'S DIP (MRS. JANE TARI - PSO ) AT THE  
COURT'S REGISTRY ON THE 15<sup>TH</sup> FEBRUARY 2023 AT 3:00  
PM .**

**THANK YOU**

  
**SECRETARY – MASTER'S OFFICE .**