

IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

(PROBATE)

PROBATE CASE NO. 2297 OF 2024

IN THE MATTER of Application for  
Letters of Administration in the  
Estate of the late **JEROME  
HANGHANGKON**

AND IN THE MATTER of Rules 2.3  
of the Probate and Administration  
Rules 2003 and Section 7 of the  
Queens Regulation NO.07 of 1972

**PASCAL HANGHANGKON**

Applicant

**DICK TARBOE WIN & JANET TARBOE WIN**

Interested party

BEFORE: Aurélie TAMSEUL

(Deputy Master)

DATED: 25<sup>th</sup> day of March, 2025

ENTERED: <sup>18<sup>th</sup> September</sup> day of March, 2025

COUNSEL: Barbara Taleo for the Applicant, Rollanson Willie for the Interested Party

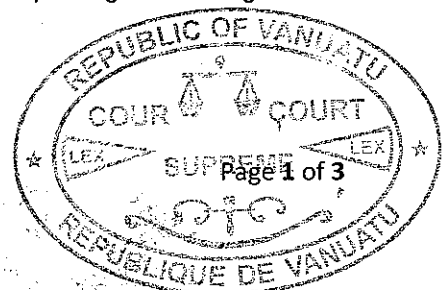
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DECISION

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a. Introduction

1. The Applicant filed on the 26<sup>th</sup> July, 2024 an Application for Administration in the estate of the deceased.
2. The interested party filed on the 2<sup>nd</sup> September, 2024 a caveat claiming an interest in the estate of the deceased vis-à-vis lease title no. 03/OJ83/025 and requesting that nothing be done in the estate without notice to them.



3. It is to be noted that the interested party do not object to a grant being made to the Applicant but simply that their interest be taken into consideration.
4. The Court deemed it necessary to require respective parties to file a written submission. However, only the Applicant filed a written submission.

**b. The law**

**Persons entitled to grant**

7. The court may grant administration of the estate of a person dying intestate to the **following persons (separately or conjointly)** being not less than twenty-one years of age – **(my emphasis)**

- (a) the husband or wife of the deceased; or
- (b) if there is no husband or wife to one or not more than four or the next of kin in order of priority of entitlement under this Regulation in the distribution of the estate of the deceased; or (my emphasis)
- (c) any other person, whether a creditor or not, if there is no person entitled to a grant under the preceding paragraphs of this section resident within the jurisdiction and fit to be so entrusted, or if the person entitled as aforesaid fails, when duly cited, to appear and apply for administration.

**Duties of Administrator**

**“Succession to property on intestacy.**

6. (1) Subject to the provisions of the last preceding Part hereof, the administrator on intestacy or, in the case of partial intestacy, the executor or administrator with the will annexed, **shall hold the property as to which a person dies intestate on or after the date of commencement of this Regulation on trust to pay the debts, funeral and testamentary expenses of the deceased and to distribute the residue as follows: -...”**<sup>1</sup>

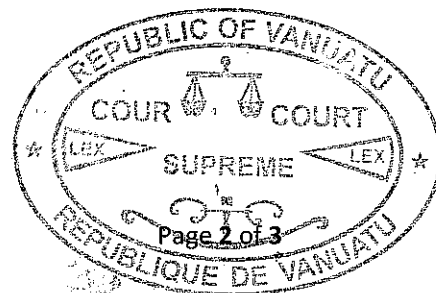
5. The Court of Appeal referred to the case of *In re Estate of Molivono*<sup>2</sup> further elaborated the above mentioned section of the legislation and I quote:

“... The second point to be made about this litigation is that the granting of probate or administration does nothing to determine ultimate ownership of the personal property of the person who has died. Not only in this case but in others as well we have seen suggestions that the grant of the right to administer an estate meant there was a determination of what property was owned by the estate and also governed its future ownership. Obtaining probate or administration is placing on an individual an extraordinarily solemn duty. It is the duty first to call in and collect all the properties of the deceased person apart from any interest in custom land. Then, they must pay all the debts of the estate. Their solemn obligation is to ensure that what is left is distributed either in accordance with the terms of the will or in accordance with the rules laid down in Queen’s Regulations 7. It provides for the executor or administrator no rights of ownership or personal benefit.

A person who is granted probate or administration is answerable to the Court for the proper exercise of the obligation which he or she has chosen to take up....”

<sup>1</sup> Succession, Probate and Administration Regulation 1972, URL: [www.paclii.org.vu](http://www.paclii.org.vu)

<sup>2</sup> *In re Estate of Molivono* [2007] VUCA 22; Civil Appeal Case 37 of 2007 ( 30 November 2007)



**Caveat.**

47. (1) Any person may lodge with the Registrar a caveat against any application for probate or administration, or for the sealing of any probate or letters of administration under the provisions of the Regulation, at any time previous to such probate or administration being granted or sealed.

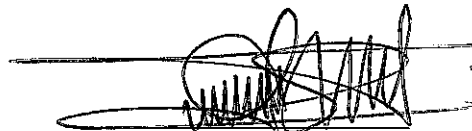
(2) Every such caveat shall set forth the name of the person lodging the same, and an address within the town in Vila at which notices may be served on him.<sup>3</sup>

**c. Discussion**

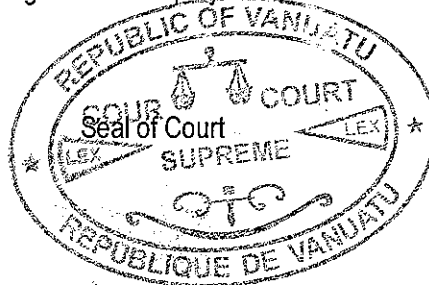
6. Ms. Taleo, in their written submission filed on the 10<sup>th</sup> December 2024, addressed her client's entitlement to lease title no. 03/OJ83/025.
7. Counsel is hereby reminded that it is premature to address entitlement prior to an Administrator being appointed whose duty is to subsequently consider all interests in the deceased estate. Therefore, all discussions prior to a grant being made must be limited only to the appointment of an Administrator.
8. The lodging of the Caveat concerns future events regarding the administration of the estate. The interested parties do not object to the Application but rather that they be notified of the Administrator's dealing of the estate.
9. It is this Court's position that a caveat lodged pursuant to the **Queen's Regulation**<sup>4</sup> will only be limited to anything done prior to a grant but not subsequently. The reason being, once an Administrator is appointed, all interested party are to liaise directly with the said Administrator to have their interests considered.

**d. Finding**

1. That Pascal Hanghangkon is granted Administration in the estate of **Jerome Hanghangkon** late of Ambrym Island, MALAMPA Province in the Republic of Vanuatu who died on 2 July 1997.
2. That the sworn value of the estate is estimated under VT 5,000,000.
3. That the caveat lodged is hereby removed and the file is now closed.



Signature of Deputy Master



<sup>3</sup> Queens Regulation No. 07 of 1972

<sup>4</sup> Queens Regulation No. 07 of 1972