

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**CIV-2013-485-10433
[2014] NZHC 667**

UNDER the Wills Act 2007 and Parts 18, 19 and 27
of the High Court Rules

IN THE MATTER OF the Estate of Robert Stanley Chambers

BETWEEN SIMON CHARLES BLACKWELL and
DEBORAH ANNE TOHILL
CHAMBERS
Applicants

AND CAITLIN ROSE TOHILL HOLLINGS
First Respondent

ZELDA EVE TOHILL HOLLINGS
Second Respondent

DAVID ROBERT CHAMBERS
Third Respondent

CHRISTOPHER JAMES CHAMBERS
Fourth Respondent

In Chambers:

Judgment: 3 April 2014

JUDGMENT OF THE HON JUSTICE KÓS

[1] At the time of the greatly lamented death of Chambers J on 21 May 2013, he had drafted, but not executed, a new will. It lay instead within the interstices of his associate's computer. It required only entry of the date of a referenced agreement, execution and attestation. As it happens, the referenced agreement had been signed by the last party thereto just a few hours earlier.

[2] An application is now before the Court, brought by those appointed executors and trustees under the draft will. It is for an order that the draft will be declared the valid will of Chambers J, pursuant to s 14 of the Wills Act 2007.

[3] The application has been served on all relevant family members, in accordance with directions given previously by MacKenzie J. The application is unopposed.

[4] For the purposes of s 14, I am satisfied on the evidence filed that:

- (a) The draft will “appears to be a will”, in that it is a will apart from the omitted elements described in [1] above.
- (b) It does not comply with s 11 (execution and attestation).
- (c) It came into existence in New Zealand.
- (d) It expresses Chambers J’s testamentary intentions.

[5] There will therefore be an order declaring that the draft will (exhibit C to the affidavit of Tracylee Caroline Bryant, sworn 2 September 2013) is the valid will of Chambers J.

Stephen Kós J

Solicitors:
Blackwells, Auckland for Applicants