

IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
HELD AT PORT VILA

Prob case No. 33 of 2000

(Probate Jurisdiction)

IN THE MATTER OF: THE ESTATE OF THE LATE
WILSON HANSAL late of
Luganville, Santo, Republic of
Vanuatu (deceased intestate)

AND IN THE MATTER OF: AN APPLICATION BY
MERELYNE ARNHAMBAT,
widow of the late Wilson Hansal
(deceased) care of Port Vila, Efate,
Republic of Vanuatu

(APPLICANT)

REASONS FOR DECISION CONCERNING ISSUE OF
LETTERS OF ADMINISTRATION

On 25 October 2000 Merelyne Arnhambat filed an application for Letters of Administration in respect of the late Wilson Hansal. In her affidavit in support she stated she was the defacto wife of the deceased and together they have four children. She set out the property she understood made up the estate.

On 16 November the court ordered that the parents of the deceased be served with the papers in this case.

On 7th February 2001 Luke Willie, father of the deceased filed an affidavit saying that Merelyne and Wilson had long ceased to be man and wife, only two of the four children were Wilson's and asking that he be issued with Letters of Administration.

On 26th February Merelyne Arnhambat filed a further affidavit accepting there had been separations and failure to

pay money by Wilson, but stating Wilson was the father of all four children. She accepted she had received a total of Vt 291,355 from the VNPF and said this money had been spent on the children.

On 26th February Luke Willie filed a further affidavit saying he had received same Vt. 529,000 from Wilson's fishing Company and he had used it for a custom ceremony and various payments. He reiterated that only two children were Wilson's, that money was paid to him by Wilson and Merelyne had a court order to stop Wilson visiting her.

I have considered all the papers before me and heard argument on behalf of Merelyne Arnhambat and from Luke Willie.

I must give a decision according to law although I am concerned to ensure what is a small fund will not disappear in court and legal costs.

It is agreed Wilson had two or four children by Merelyne. There is no will. Merelyne requests Letters of Administration to administer the estate for the children not herself.

The estate must be applied for the benefit of the children. They have lived with Merelyne all the time. She is their mother and they live with her now.

I find that all four children are those of Wilson. The affidavits of Merelyne are clear, she is in a position to know and there is no substantive evidence to refute this.

Accordingly I grant Letters of Administration to Merelyne Arnhambat to administer the estate of Wilson Hansal for the benefit of Magalie, Willie Jerolson, Fetcher and Wilkenson. Merelyne is to open a specific bank account and put all the monies collected in that account. She is to keep a book and record the date and the sums she withdraws and what the money is spent on.

I do not order Luke Willie to repay Vt. 529,000 he has already received. This is for custom ceremonies and payments both made and in the future in respect of Wilson. All other monies and property of Wilson go into the estate for administration by Merelyne.

I make no order for costs save those legal and court costs necessarily incurred by the Administratrix in applying for Letters.

I revoke paragraphs 1 and 2 of my Order of 7th February 2001

DATED at Port Vila this 27th day of February 2001

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R.J.COVENTRY
Judge

