

To avoid intestacy

One tries to anticipate all possibilities when drafting a will, but sometimes that's just not possible. Roberta Jollimore's 1992 will named her son, Gregory, as her executor and sole heir. It also provided that if the son "has predeceased me I give all of my estate, both real and personal . . . to the Public Archives of Nova Scotia."

Roberta live with her son, and suffered from Parkinson's disease. In 2008, after the son failed to report to work for a week, the police were called. Gregory's body was found near the door, a plastic bag over his head, with a note: "Please bury my beloved mother next to me. No plots purchased yet. Use funds in my account. G.J." Roberta's body was found in the basement, surrounded by stuffed animals with her head on a bible. She had been strangled with a man's leather belt.

The Supreme Court of Nova Scotia ruled that Gregory had murdered his mother. The law generally prevents a murderer from inheriting from his or her victim, and with Gregory's death he couldn't inherit anyway. But who does?

Gregory did not predecease his mother. Arguably, that left the final clause of the will invalid. Because Gregory could not inherit, that would mean that Roberta's property would pass to more remote relatives, perhaps siblings or cousins. A lawsuit ensued between the Public Archives of Nova Scotia and those relatives.

The Court attempted to divine Roberta's intentions, given that she could not have anticipated her murder. The will was not ambiguous, said the Court. "If Gregory Jollimore did not receive her estate, it was to go to the Public Archives. No other parties were mentioned." Holding to the literal language of the will, ruled the Court, "would completely ignore Roberta Jollimore's wishes."

The estate was awarded to the Public Archives of Nova Scotia.