

SUPREME COURT OF NOVA SCOTIA

Probate Court of Nova Scotia

Citation: *Boutilier Estate v. Boutilier*, 2017 NSSC 93

Date: 20170405

Docket: Hfx. No. 457295

Probate Court File No.: H-62554

Registry: Halifax

Between:

David Austin Boutilier, in his capacity as personal representative of
the Estate of Allister Franklyn Boutilier

Applicant

v.

Timothy Boutilier, Neil Boutilier, Christopher Boutilier,
Michael Boutilier and Janet Whittaker

Respondents

Judge: The Honourable Justice M. Heather Robertson

Heard: January 30 and 31, 2017, in Halifax, Nova Scotia

Decision: April 5, 2017

Counsel: Allen C. Fownes, for the applicant
Lisanne M. Jacklin, for the respondents

Para. 15 reads: “The proponent of a will has **no** legal and evidentiary burden . . .” **should read:** “The proponent of a will has **a** legal and evidentiary burden . . .”

Para. 16 reads: “If this is proven, then the proponent has a **rebuttal** presumption that the testator had capacity at the relevant time.” **should read:** If this is proven, then the proponent has a **rebuttable** presumption that the testator had capacity at the relevant time.”

Para. 64 – first sentence reads: “There is therefore no medical evidence before me respecting Allister Franklyn Boutilier’s state of medication on July 25, **2010.**” **should read:** “. . . state of medication on July 25, **2015.**”