

IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

P. No: 871/80

IN THE ESTATE - of - ELLEN JARLOV late of  
the City of Wellington in  
New Zealand, Widow,  
Deceased

I, KEVIN JOSEPH BELL of Wellington, Solicitor MAKE OATH AND SAY as follows:-

1. THAT I am a solicitor in practice at Wellington in partnership under the firm name of CRAIG, BELL & BOND
2. THAT I commenced practice on my own account in the month of February 1972 having been a partner up to that time in MESSRS. BELL, O'REGAN AND DUNPHY
3. THAT I did not know the said ELLEN JARLOV but in engrossing a Will for DAVID WILLIAM RASH (one of the executors appointed in a copy of the Will of ELLEN JARLOV) in 1977 I was advised by the said DAVID WILLIAM RASH who was leaving a bequest to ELLEN JARLOV that ELLEN JARLOV had been acted for by my father when she made her Will and that the Will was held at the offices of MESSRS. BELL, O'REGAN AND DUNPHY. It was suggested that in retrieving the Will of DAVID WILLIAM RASH from the Deeds of that firm I might also pick-up the Will of ELLEN JARLOV. As I had no specific authority from ELLEN JARLOV this was not done. I was further advised that if Mrs Jarlov wished anything of a legal nature to be done I would be consulted
4. FOLLOWING the death of the said ELLEN JARLOV I was instructed by the executors to act in the estate. I was presented with the copy of an original Will and called at the firm of MESSRS. BELL, DUNPHY AND CO. the successor of the firm of Messrs. Bell, O'Regan and Dunphy to up-lift the Will but could not find it there. Since 1972 the Deeds repository

of that firm has been re-organised and whether due to that fact or to some other coincidence a number of documents including Certificates of Title have not been able to be located and Declarations of Loss have had to be done. Although the Wills repository has not altered nor been re-organised I fear that the Will may for some reason have been held by my father with papers he did not place in the general filing system. Following his retirement in 1972 many of these papers after checking were disposed of. I have searched among my own records and in any other place and with any other person to whom the Will might have been passed without locating the Will and I am satisfied that the Will remained with the firm of Messrs. Bell, Dunphy and Co. and has there been accidentally lost and possibly accidentally destroyed

5. THAT the said ELLEN JARLOV spent the last two and a half years of her life in hospital the copy of Will bearing date the 20th of February 1969 now produced was retained by Mrs Jarlov among her papers in an envelope provided to her by the firm of Messrs. Bell, O'Regan and Dunphy with the words "my Will" written upon it

SWORN at Wellington this )  
16<sup>th</sup> day of July )  
1980, before me:- )

*Henry Bell*

*[Signature]*

A Solicitor of the High Court of New Zealand

IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

P. No: 871/80

IN THE ESTATE - of - ELLEN JARLOV late of  
the City of Wellington in  
New Zealand, Widow,  
Deceased

I, CLIFFORD OSWALD BELL of Wellington, Solicitor MAKE OATH AND  
SAY as follows:-

1. THAT I believe the partly type-written and partly  
written document now produced bearing date the 20th day  
of February 1969 to be a true copy of the last Will and  
testament of ELLEN JARLOV of the City of Wellington in New  
Zealand, Widow, now deceased

2. THAT I was requested to act for the said ELLEN JARLOV  
in the preparation of a Will for her in 1969. She had  
been referred to me by another client who had just made a  
Will in which he had made a bequest for her benefit. I  
accordingly drew and engrossed a Will as instructed

3. IT was my custom during an attendance when a Will was  
signed by a client first to read the Will through and explain  
it to the client then to have the Will executed and then  
to complete one of the carbon copies by adding in my own  
hand-writing the date upon which the Will was signed and  
the signatures and initials of the testator and witnesses  
as they appeared in the original Will. The copy Will now  
produced has been made by me in those same circumstances  
and at the time immediately after the execution of the  
said Will in the presence of the said ELLEN JARLOV. The  
writing that appears on the said true copy of the Will  
is in my proper hand-writing

4. UP to the time of my retirement from practice in 1972  
I had had no further instructions from the said ELLEN JARLOV  
with regard to her Will, its revocation or change and

STATE - of - ELLEN JARLOV  
late of the City of  
Wellington in New  
Zealand, Widow,  
Deceased

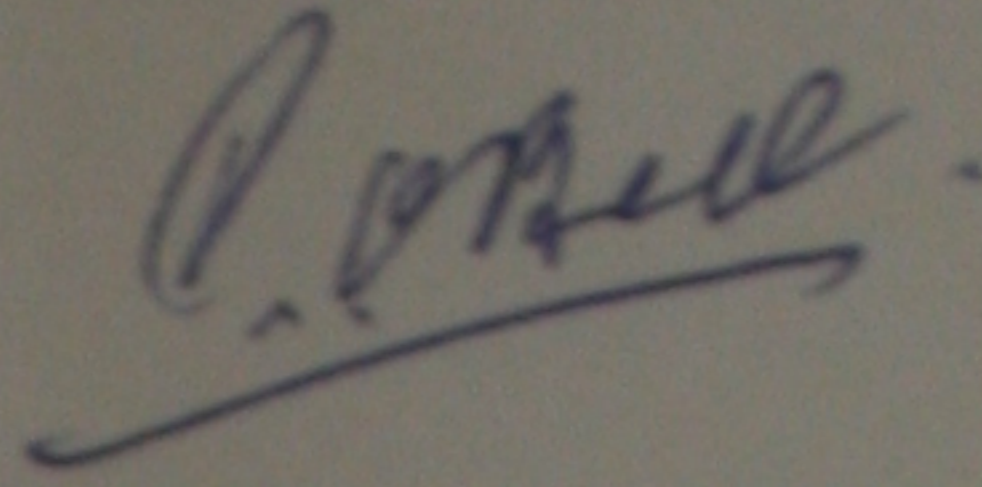
NO: 871/80

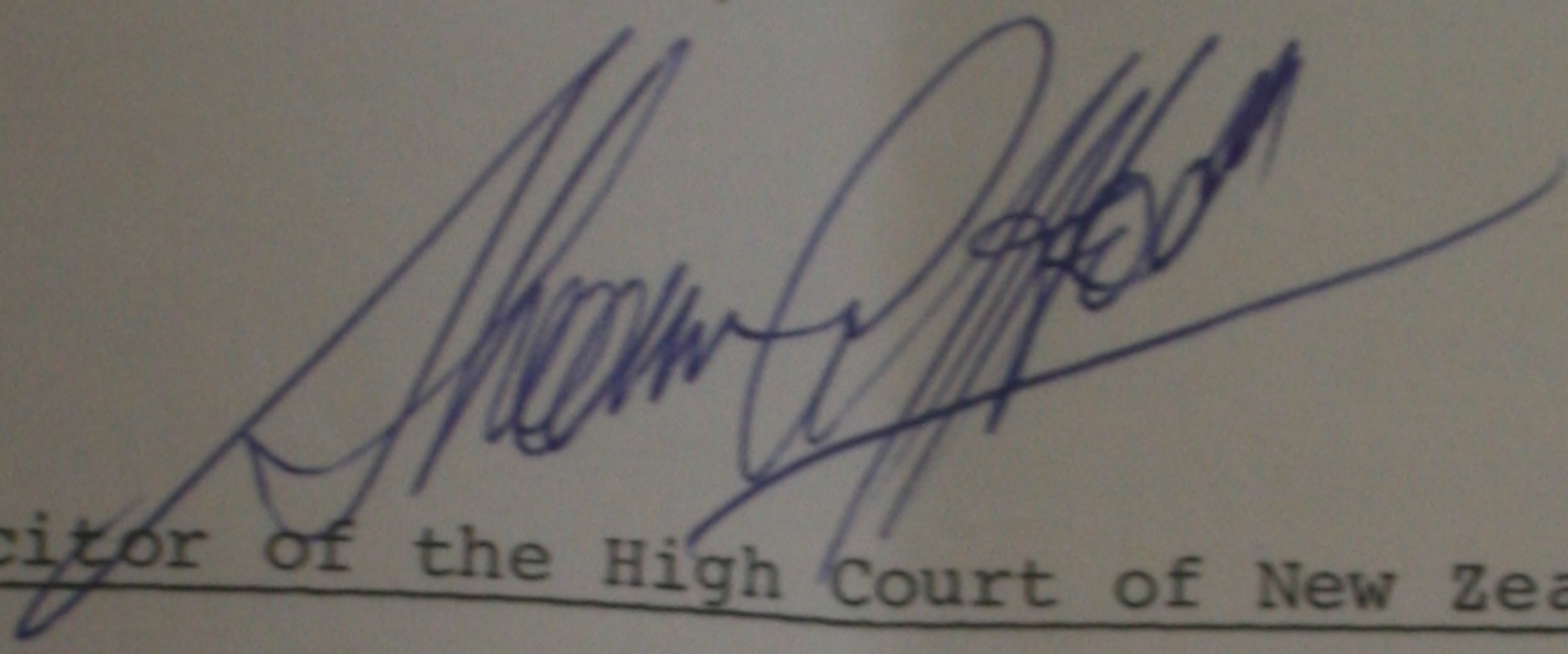
HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

*[Handwritten signature]*

subsequent to my retirement the firm in which I was a partner have received no approach by the said ELLEN JARLOV seeking for me

SWORN at Wellington )  
this <sup>16~~E~~</sup> day of )  
<sup>July</sup> 1980, )  
before me:- )





A Solicitor of the High Court of New Zealand

IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

P. No: 871/80

IN THE ESTATE - of - ELLEN JARLOV late of  
the City of Wellington in  
New Zealand, Widow,  
Deceased

WE, HAZEL PARIS formerly of Coromandel Street, Wellington,  
Married Woman but now of Brooklyn, Wellington, Widow AND  
DAVID WILLIAM RASH of Wellington, Painter SEVERALLY MAKE OATH  
AND SAY as follows:-

1. THAT we knew ELLEN JARLOV of the City of Wellington  
in New Zealand, Widow, now deceased, when alive, and that the  
said ELLEN JARLOV was resident at Wellington and that the  
Registry Office of this Court nearest by the most practicable  
route to the place where the said ELLEN JARLOV resided is  
at Wellington
2. THAT the said ELLEN JARLOV died at Wellington on or  
about the 10th day of May 1980 as we are able to depose  
from having been present at her funeral
3. THAT we believe the partly type-written and partly  
written document now produced, bearing date the 20th day of  
February 1969 to be a true copy of the last Will and testament  
of the said deceased and that we are the executrix and executor  
therein named
4. THAT we have caused a search to be made for the original  
executed copy of the Will of the said ELLEN JARLOV to be  
made and have made enquiry of the solicitor who acted for  
the said deceased during her life time and of the Bankers  
with whom she banked and of all persons likely to know where  
the said Will may be and the said Will has not been located
5. WE have been informed and verily believe that the  
Will was executed at the offices of MESSRS. BELL, O'REGAN  
AND DUNPHY and it was confirmed to each of us separately

by the said ELLEN JARLOV that she had signed the Will there and that it remained there. She kept the copy at home in an envelope provided by the firm of Messrs. Bell, O'Regan and Dunphy upon which she wrote in her own handwriting "my Will" and in which she kept the copy Will now produced and the receipt for the payment of the cost of preparation and execution of the Will also dated the 20th of February 1969

6. WE verily believe that the true copy of the said Will sets out the full extent of the testamentary disposition of the said ELLEN JARLOV

7. THAT we will faithfully execute the said true copy of the Will be paying the debts and legacies of the said deceased so far as the property will extend and the law binds and will whenever ordered so to do after the grant of probate to us file in this Court and verify by Affidavit a true full and perfect inventory of all the estate effects and credits of the said deceased which shall have come into our hands possession or knowledge and also a full distinct and proper account of our execution of the said true copy of the Will which shall set forth the dates and particulars of all receipts and disbursements and show which of the same are in our opinion on account of capital and on account of income respectively

SEVERALLY SWORN at Wellington )

by the said HAZEL PARIS AND )

DAVID WILLIAM RASH this )

day of July 1980, )

before me:- )

*D. Park*

*H. Paris*

*[Handwritten signature]*

A Solicitor of the High Court of New Zealand

IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

P. No: 871/80

IN THE ESTATE - of - ELLEN JARLOV late of  
the City of Wellington in  
New Zealand, Widow,  
Deceased

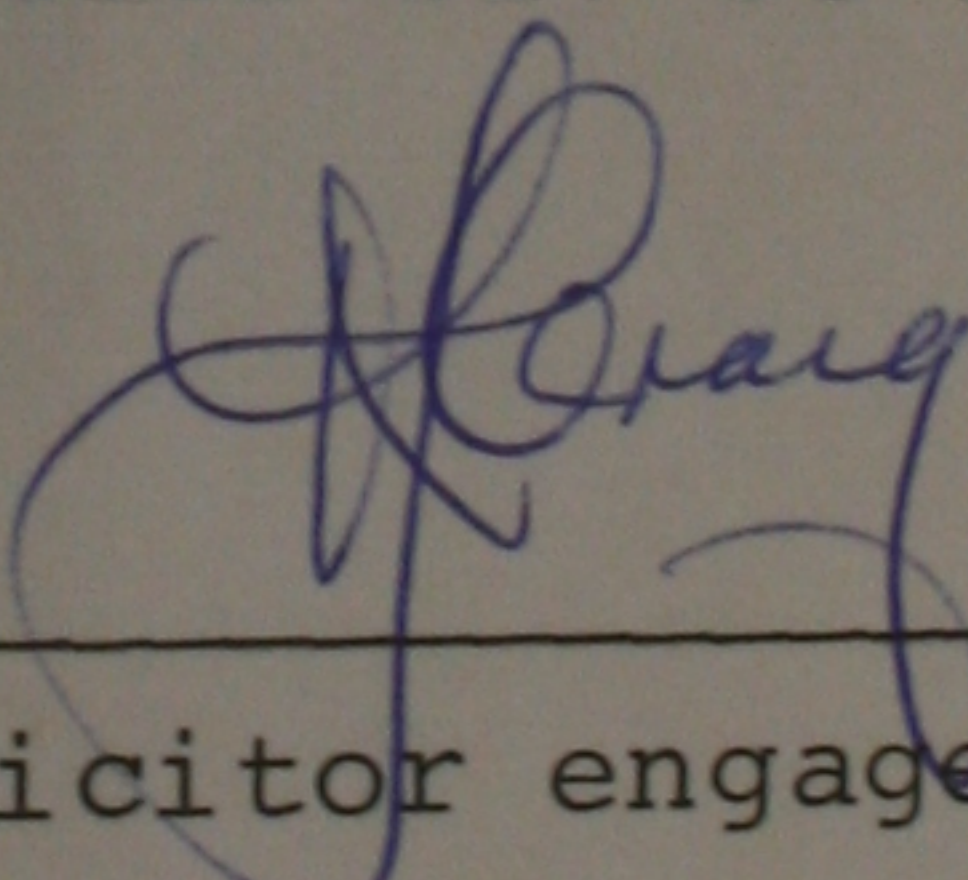
TAKE NOTICE that Mr ROBERT JOHN CRAIG, Solicitor for the  
applicants, will move the Judge in Chambers for an order  
that Probate of the true copy of the Will of the abovenamed  
deceased be granted to HAZEL PARIS formerly of Coromandel  
Street, Wellington, Married Woman but now of Brooklyn,  
Wellington, Widow AND DAVID WILLIAM RASH of Wellington,  
Painter the executrix and executor therein named, UPON THE  
GROUNDS appearing in the affidavits filed herein.

DATED at Wellington this 16<sup>th</sup> day of July 1980.

TO the Registrar of the High Court at Wellington.

CERTIFIED pursuant to the rules of Court to be correct.

This application is made in reliance on Section 5 of the  
Administration Act, 1969 and Rules 517 et seq of the Code  
of Civil Procedure.

  
Solicitor engaged in the proceedings

P. No: 871/80  
HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

P.No. 871 / 80

IN THE ESTATE OF ELLEN JARLOV late of the City of Wellington in New Zealand, Widow, Deceased.

BE IT KNOWN TO ALL MEN that on this 31st day of July a copy of 19 80/ the last will of ELLEN JARLOV late of the City of Wellington in New Zealand, Widow,

deceased who died on or about the 10th day of May 1980, a copy of which is hereunto annexed, has been exhibited read and proved in Chambers before Mr Registrar L'Estrange at Wellington acting under Rule 426H of the Code of Civil Procedure

AND administration of the estate effects and credits of the deceased has been and is hereby granted to HAZEL PARIS formerly of Coromandel Street, Wellington, Married Woman, but now of Brooklyn, Wellington, Widow, and DAVID WILLIAM RASH of Wellington, Painter,

and executor copy the executrix/named in the said/will being first sworn faithfully to execute the said will by paying the debts and legacies of the deceased so far as the property extends and the law binds A N D whenever ordered so to do to file in this Court and verify by Affidavit a true full and perfect inventory of all the estate effects and credits of the deceased which shall have come into their hands possession or knowledge and also a full distinct and proper account of their execution of the will.

THIS grant is limited until the original will is found and brought into Court.

GIVEN under the Seal of the High Court of New Zealand at Wellington this 31st day of July 1980



CERTIFIED TRUE COPY  
Deputy Registrar

(D. J. Mangos)  
DEPUTY REGISTRAR

THIS IS the partly typewritten and partly written document now produced and shown to KEVIN JOSEPH BELL of Wellington, Solicitor referred to in his Affidavit sworn at Wellington this 16th day of July 1980, before me:-

A Solicitor of the High Court of New Zealand

THIS IS THE LAST WILL AND TESTAMENT of me ELLEN JARLOV of the City of Wellington in New Zealand, Widow.

1. I HEREBY REVOKE all prior wills made by me and declare this to be my last Will and Testament.

2. I APPOINT my sister HAZEL PARIS of Coromandel Street, Wellington, Married Woman, and my friend DAVID WILLIAM RASH of Wellington, Painter, the Executrix and the Executor and the Trustees of this my last Will and Testament (who and the survivor of whom are hereinafter termed "my Trustees").

3. I AUTHORISE AND DIRECT my Trustees to arrange for the burial of my mortal remains and if possible to have my funeral from a Catholic Church.

4. I GIVE AND BEQUEATH to my daughter SYLVIA HAYDEN of Picton, Married Woman, my Ava Wristlet watch and I DIRECT my Trustees to hand the same to my daughter as soon as may be after my death.

5. I AUTHORISE AND DIRECT my Trustees to return the following articles to my said friend DAVID WILLIAM RASH being articles which he has loaned me when I obtained the City Council flat in which I am residing at the present time, namely:

Sleepyhead mattress, one pair of blankets, two pair double sheets, four pillow slips, coffee table, two kitchen mats, electric pan, saucepans, electric toaster, electric heater, electric iron.

6. I GIVE AND BEQUEATH all the remainder of my personal effects jewellery and furniture and articles of personal adornment to be divided as nearly as possible equally between my three (3) sisters, namely the said HAZEL PARIS, GLADYS SPENCE of Belmont, Married Woman, and DORIS COOK of Naenae, Married Woman, or such of them as shall survive me. The division to be as nearly as possible in equal shares and value in the entire discretion of my Trustees.

7. I GIVE AND BEQUEATH all the rest residue and remainder of my real and personal property of whatsoever kind and

THIS is the partly typewritten and partly written document now produced and shown to HAZEL PARIS formerly of Coromandel Street, Wellington, Married Woman but now of Brooklyn, Wellington, Painter, and referred to in their affidavit to lead grant of probate to themselves as executrix and executor severally sworn at Wellington this 15th day of July, 1980, before me:-

A Solicitor of the High Court of New Zealand

wheresoever situate of which I shall die possessed unto my Trustees UPON TRUST to sell call in and convert into money all such parts thereof as shall not consist of money with fullest powers in the entire discretion of my Trustees of postponing any such sale calling in and conversion and of interim management AND to stand possessed of the proceeds of any such sale calling in and conversion and of all other monies of which my estate may consist UPON TRUST Firstly to pay thereout my just debts funeral and testamentary expenses and Secondly to pay and divide the balance then remaining in the hands of my Trustees into two (2) equal parts and to pay one such equal part to my said sister HAZEL PARIS and to pay the other such equal part to my said friend DAVID WILLIAM RASH for their respective sole use and benefit absolutely.

8. IN THE EVENT of my said sister HAZEL PARIS predeceasing me then I DIRECT that the said one equal part of the balance of my estate shall be divided equally between my remaining sisters or such one of them as shall survive me AND IN THE EVENT of my said friend DAVID WILLIAM RASH predeceasing me then I DIRECT that the one equal half share of the balance of my estate shall be divided equally between my said sisters or such of them as shall survive me.

IN WITNESS WHEREOF I ELLEN JARLOV the Testatrix have hereunto signed my name to this my last Will and Testament this 20<sup>th</sup> day of February One Thousand Nine Hundred and Sixty-nine (1969).

SIGNED by the Testatrix the said ELLEN JARLOV as and for her last Will and Testament in the sight and presence of us both being present at the same time who at her request in her sight and presence and in the sight and presence of each other have hereunto signed our names as attesting witnesses:-

E. Jarlov

C.O. Bell  
Solicitor  
Wellington.

J. de Joux  
Law Clerk  
Wellington

THIS IS the partly typewritten and partly written document now produced and shown to CLIFFORD OSWALD BELL of Wellington, Solicitor referred to in his Affidavit sworn at Wellington this 10th day of July 1980, before me:-

A Solicitor of the High Court of New Zealand