

CANADA / JUDGMENT

Dewberry Estate (Re)

2025 BCSC 2608

COURT

Supreme Court of British Columbia

DECIDED

5 December 2025

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2025 BCSC 2608 Dewberry Estate (Re)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Dewberry Estate (Re),

2025 BCSC 2608

Date: 20251205

Docket: P14858

Registry: Campbell River

In the Matter of the Estate of William Scott Dewberry, Deceased

Before: The Honourable Justice Elwood

Oral Reasons for Judgment

(In Chambers)

Administrator of the Estate and a Beneficiary, Angela Lynn Dewberry, appearing in person:

A.L. Dewberry

Counsel for the Beneficiary, Tracey Ann Friman:

H. Friesen

Place and Date of Hearing:

Nanaimo, B.C.

December 5, 2025

Place and Date of Judgment:

Nanaimo, B.C.

December 5, 2025

[1]

INTRODUCTION

- [1] Angela Lynn Dewberry, the administrator of the estate of William Scott Dewberry, applies for an order to have the funds currently held in court to the credit of these proceedings released to her as administrator for the final administration and distribution of the estate.
- [2] Tracey Ann Friman, a beneficiary of the estate, applies for an order that Ms. Dewberry be removed from her duties as administrator of the estate, an order that Ms. Friman be appointed as the administrator in her place, and an order that Ms. Dewberry provide accounting documents relating to the estate.
- [3] Ms. Dewberry has also applied for an order holding Ms. Friman in contempt of court, an order finding that Ms. Friman's counsel are guilty of professional misconduct and conduct unbecoming, and an order that Ms. Friman's counsel and her law firm be barred from acting further in this matter.
- [4] For her part, Ms. Friman has also applied an order declaring that Ms. Dewberry is a vexatious litigant and various orders finding Ms. Dewberry in contempt of court.
- [5] I adjourned these latter applications because there was not enough time in the three days set for all of the applications, and because Ms. Dewberry asserted that she required additional materials and additional disclosure from Ms. Friman to respond to the allegations against her.
- [6] I will offer my non-binding opinion that there has been sufficient disclosure by the parties to bring these matters to a conclusion, and that the various allegations and counter allegations of contempt, vexatious litigation and professional misconduct are in my view of questionable merit.
- [7] This is a high conflict case in which the proceedings taken by both of the protagonists are, in my view, out of proportion with the value of the estate or the complexity of the issues. Most if not all of what is characterized by the parties as litigation misconduct by the opposition is in my view the unfortunate result of a complete breakdown of trust for which neither party is entirely blameless. Continued litigation of these matters is not in the interests of the estate. If the parties are going to continue litigating their allegations of misconduct, they will need to separate their personal disputes as best they can from the resolution of the estate.

BACKGROUND

- [8] The following facts are uncontroversial.

- [9] William Dewberry passed away on August 10, 2016. He died without a will. Ms. Dewberry was appointed as the administrator of the estate more than nine years ago.
- [10] The estate has three beneficiaries: Ms. Dewberry, Ms. Friman and their sister Eliane Eaton.
- [11] The only significant of the estate was a property in Port McNeill.
- [12] Ms. Dewberry lived on the property from November 2017 to October 2024. She maintained and repaired the property, and paid the mortgage, insurance and property taxes while she lived in it.
- [13] Ms. Dewberry's accounts as administrator to the end of 2023 were passed on February 21, 2024, and approved on February 26, 2024. The approved accounts included consideration of occupational rent for Ms. Dewberry's use of the property.
- [14] The Port McNeil property was sold on December 12, 2024. The remaining funds after the mortgage, various payments and interim distributions have been paid into court. There is currently \$96,504.18 in court to the credit of this proceeding.
- [15] Estate matters are largely concluded. The outstanding matters are limited to interest payable to CRA for the estate taxes, two minor and dated unsecured debts to CIBC, the administrator's remuneration and expenses to finalize estate matters, and a final distribution of the estate residue to the beneficiaries.
- [16] Ms. Dewberry has been largely unrepresented throughout these proceedings, with the notable exception of the passing of accounts, where she was represented by the law firm of Swift Dato. Ms. Friman has been represented by the law firm of Tees Kiddle and Spencer ("TKS").
- [17] There have been many applications, many affidavits and many orders made in these proceedings.
- [18] A brief summary of the litigation is necessary to understand the positions of the parties on the applications now before the court. In providing this summary I will not attempt to describe all the proceedings, only those that I consider relevant.
- [19] On September 15, 2020, Ms. Friman obtained an order requiring Ms. Dewberry to pass her accounts before a registrar. Ms. Dewberry says the application was improperly brought without notice and was unnecessary. Regardless, an order was made.
- [20] On September 22, 2021, Associate Judge Dick granted the parties leave to set down a one-day hearing on the passing of accounts and gave directions for the exchange of materials.

- [21] The passing accounts did not proceed as anticipated. Amongst other issues, a dispute arose over an appraisal of the Port McNeill property. Ms. Dewberry applied for number of orders against Ms. Friman, including contempt of court and a fine. On March 6, 2023, Justice Baird adjourned the applications and ordered that the appointment for passing the accounts be reset after obtaining an updated appraisal.
- [22] On July 31, 2023, Justice Thompson dismissed an application by Ms. Dewberry for an order approving a sale of the Port McNeill property "to a beneficiary", which the Court described as self-dealing.
- [23] On October 13, 2023, Thompson J. dismissed an application by Ms. Dewberry for an order that the property be sold to her at the appraised value and an amount be paid into trust for the beneficiaries.
- [24] On February 21, 2024, Associate Judge Dick approved Ms. Dewberry's remuneration and expenses as administrator to the end of 2023. The Court awarded Ms. Friman costs of \$5,000 to offset some of her legal expenses and awarded Ms. Dewberry special costs to identify her for the cost of representation at the hearing by Swift Dattoo.
- [25] July 31, 2024, Justice Tucker dismissed an application by Ms. Dewberry for directions regarding the sale of the Port McNeil property that would have allowed Ms. Dewberry to purchase the property after listing it for a specified time. Justice Tucker found that Ms. Dewberry had not met the standard required of an administrator in her attempt to sell the property. The Court held that Ms. Dewberry had made unreasonable responses to prospective buyers concerning inspections and found that the evidence strongly suggested that Ms. Dewberry's efforts were, in fact, directed at producing an outcome that would enable her to present her own offer to purchase as advantageous to the estate.
- [26] On September 11, 2024, Tucker J. issued supplementary reasons for judgment in which she found that it was inappropriate for Ms. Dewberry to have conduct of sale the property, noting that her self interest in obtaining the property in her personal capacity had been a persistent hurdle in wrapping up the estate. Justice Tucker ordered that Ms. Friman have exclusive conduct of sale but also ordered that Ms. Friman give fair consideration to any offer by Ms. Dewberry while the property was listed. Justice Tucker ordered that the net sale proceeds be paid into court. In addition, Tucker J. ordered Ms. Dewberry to vacate the property within 30 days. Justice Tucker awarded costs of the application against Ms. Dewberry personally in the amount of \$2,000 but declined order that the costs be paid from the proceeds of sale.
- [27] Ms. Dewberry was reluctant to vacate the property because of mortgage and insurance requirements. Also, Ms. Dewberry believed that Ms. Friman was required by the of the terms of Tucker J.'s order to give fair consideration to an offer that Ms. Dewberry had made while the property had been previously listed.

- [28] On October 7, 2024, Justice Verhoeven dismissed an application by Ms. Dewberry for a number of orders in connection with the sale the property. Justice Verhoeven ordered Ms. Dewberry to pay costs in her personal capacity in the amount of \$1,500 within 30 days.
- [29] Ms. Dewberry eventually vacated the property as ordered, but a dispute arose over a travel trailer. On October 30, 2024, Ms. Friman obtained a writ of possession which Ms. Dewberry says was unnecessary.
- [30] Ms. Friman listed the property for sale on November 9, 2024. She considered offers on November 20. Ms. Dewberry takes issue with this delay and argues that Ms. Friman concealed offers and improperly refused to consider an offer by Ms. Dewberry to purchase the property.
- [31] Ms. Friman ultimately accepted an offer for \$371,000 which was higher than the appraised value. As stated, the sale closed on December 12, 2024. That same day Associate Judge Dick made an order formally approving the sale and giving directions for sale proceeds. I will return to the circumstances surrounding this order later in this decision.
- [32] Ms. Friman's counsel prepared an order to pay for the funds that TKS received into trust from the sale of the property. The order to pay set out the mortgage payout, conveyancing expenses to be paid, interim distributions to beneficiaries, Ms. Dewberry's approved remuneration and reimbursement for administrator's expenses, and holdbacks for final estate taxes, remaining estate expenses and the CIBC debt, to be held in trust by the TKS. The order to pay provided for the balance to be paid into court.
- [33] Ms. Dewberry is also involved in a family law dispute that has resulted in a debt to her former spouse, Mr. Jones. At some point, Ms. Friman or TKS provided Mr. Jones or his counsel with information concerning the funds that TKS would receive into trust from the sale of the Port McNeill property and pay out to the beneficiaries and the administrator of the estate.
- [34] On December 16, 2024, Justice Weatherall ordered on an application by Mr. Jones in the family law case that TKS be restrained from releasing to Angela Lynn Jones, which was Ms. Dewberry's married name, any portion of the funds in its possession payable to Ms. Jones pending a determination of a balance of the application to be heard on February 5, 2025.
- [35] On January 14, 2025, TKS provided Mr. Jones' counsel with a breakdown of the funds it held in trust from the proceeds of sale of the Port McNeil property, a copy of the order to pay and a statement of accounts.
- [36] On February 5, 2025, Justice Baker ordered in the family law case that TKS pay all funds due and owing to Ms. Jones to counsel in trust for Mr. Jones.

[37] Thereafter, TKS paid approximately \$77,000 to Mr. Jones pursuant to the order of Baker J. This included the interim distribution to Ms. Dewberry as beneficiary, as well as her approved accounts and expenses as administrator. It also included approximately \$7,000 that the parties had agreed would be paid by the estate to Swift Datoos with respect to the passing of accounts.

[38] On February 6, in an email to Ms. Friman's counsel, Mr. Jones' counsel noted that a hearing had been set in this matter for the final passing of accounts on March 18, and that approximately \$84,000 had been paid into court. Mr. Jones' counsel asked if Ms. Friman's counsel expected that there would be additional funds released to the beneficiaries or Ms. Dewberry. Ms. Friman's counsel responded on February 10 that:

I think it is too early to say whether any additional funds will be released to the beneficiaries or Ms. Dewberry. We will have a better sense once Ms. Dewberry provides us with the relevant documents for the holdback. There will likely be other funds payable to you unless we are directed to pay those funds into court.

[39] The final passing of accounts has been delayed. This is due to ongoing disagreements over disclosure, administration of the holdback funds, final payment of estate debts, and final remuneration for the administrator or administrators.

[40] On December 20, 2024, Ms. Dewberry took out an appointment unilaterally setting an appointment to pass the final estate accounts at a hearing on January 27, 2025. Ms. Friman's counsel was not available on that date, but the hearing proceeded with an associate from TKS attending. Associate Judge Dick made the following orders:

- (1) Ms. Dewberry and Ms. Friman will exchange a list of all documents relevant to the sale of (the property) prior to the final passing of accounts and within 30 days of today's date.
- (2) Ms. Dewberry will file an affidavit in support of the final passing of accounts by February 28, 2025.
- (3) The beneficiaries will file an affidavit setting out any and all objections to the accounts by March 7, 2025.
- (4) By March 14, 2025, Ms. Dewberry may file a further affidavit in reply.
- (5) Each party must advise by no later than March 14, 2025 if they intend to have the affiant of any affidavit attend at the final passing of account to be cross-examined on their evidence.

[41] As stated, one of the issues has been estate taxes.

[42] The TKS order to pay included a holdback for an estimate of the final taxes owing by the estate. Ms. Dewberry asked TKS to release the holdback funds to deal with the taxes. TKS declined to do so without receipts. Ms. Dewberry paid out-of-pocket for a tax return to be prepared. In April 2025, she filed the tax return but could not pay the taxes owing because those funds were held by TKS. She subsequently provided a receipt and a letter from the

accountants but with information about the accounting firm redacted. This resulted in a stalemate.

- [43] On June 5, 2025, Justice Power directed Ms. Dewberry to provide an unredacted copy of the tax invoice and letter of the accountants.
- [44] On June 11, 2025, TKS paid the taxes by direct payment to CRA. There will be interest payable because the taxes were paid late. There may also be a balance owing.
- [45] Another issue has been the CIBC debts. Ms. Dewberry says she has produced all of the documents she has relating to the CIBC debts. Those documents are not in the materials before me. It is not clear to me how much is owing to CIBC or whether the debt is enforceable.
- [46] In addition, Ms. Friman has indicated that she will seek remuneration for her conduct of the sale of the Port McNeill property. Ms. Dewberry says she requires further disclosure around the handling of offers, including disclosure from the real estate agent, before she can respond to this claim. It is not clear to me what further information Ms. Dewberry requires for this purpose.
- [47] Part of the current difficulty is that Ms. Dewberry has not delivered an affidavit in support of the final passing of accounts as required by the January 27 order. Ms. Dewberry says she is not able to provide the affidavit because:
- a) she requires copies of trust checks from TKS, although as I understand it those cheques were produced last February;
 - b) she has not had have sufficient disclosure concerning the sale of the property to finalize the estate taxes, although it is not clear to me what further information she requires;
 - c) she has already provided documentation in support of the administrators expenses up to the end of 2024 and has not had time to compile expenses for 2025, which would include these applications;
 - d) she does not trust Ms. Friman with any information about the estate because she is concerned that Ms. Friman will share that information with Mr. Jones or other creditors of Ms. Dewberry.
- [48] Nonetheless, the remaining steps to finally conclude this probate matter appear to be very straightforward. They include:
- a) the parties must comply with the terms in the January 27 order for an exchange of materials and the final passing of accounts;
 - b) any balance owing and interest payable to the CRA must be paid, and the estate must obtain a clearance certificate;
 - c) the CIBC debt must be paid or else objected to and possibly litigated in Small Claims Court;

- d) the beneficiaries must agree on Ms. Dewberry's final accounts or else those accounts must be passed by the registrar; and
- e) the beneficiaries must agree on whatever accounts may be submitted by Ms. Friman or else those accounts must also be passed by the registrar.

ANALYSIS

[49] I will deal first with the application by Ms. Friman to remove Ms. Dewberry as administrator.

[50] Removal of an administrator is reserved for serious misconduct such as dishonesty, incapacity or endangerment of trust property as provided for in s. 158 of the Wills, Estates and Succession Act, S.B.C. 2009, c. 13.

[51] In *The Matter of the Estate of Jean Maureen Dahle, Deceased*, 2021 BCSC 718 at para. 20, the Court summarized four categories of conduct by a personal representative that can warrant her removal:

[20]

1. endangerment of the trust property;
2. want of honesty;
3. want of proper capacity to execute the duties; and
4. want of reasonable fidelity.

[52] "The main guide in exercising the Court's discretion to remove trustees is the welfare of the beneficiaries": *Nieweler Estate (Re)*, 2019 BCSC 401 at para. 31

[53] Unreasonable delay can be a basis to remove an administrator, but the delay must be significant and prejudicial. In *Dirnberger Estate*, 2016 BCSC 439, for example, a personal representative's failure to administer a straightforward estate for four years after the date of probate was one of the reasons that the executor was removed.

[54] Ms. Friman alleges the following grounds to remove Ms. Dewberry:

- a) delay, multiple court applications, continual demands for discovery and failure to comply with court orders, most recently the order of January 27;
- b) failure to meet the standard required of the administrator as found by Tucker J. in relation to Ms. Dewberry's attempts to acquire the Port McNeill property for herself; and
- c) actions Ms. Dewberry took at the time the Port McNeill property was sold that Ms. Friman argues put the estate property at risk.

[55] I will deal with these asserted grounds in reverse order.

- [56] Concerning the sale transaction, Ms. Dewberry initially communicated her approval of the sale but realized that she had sent a draft in error. She then sent her approval on November 28 with conditions, one of which was that the parties consent to the net sale proceeds being paid to the estate. Through counsel, Ms. Friman responded that she could not accept this condition because it would be, in her view, a breach of the order by Tucker J. that required the proceeds be paid into court.
- [57] Ms. Friman instructed her counsel to prepare an emergency application for a vesting order so that the estate could convey title as required by the purchase and sale agreement on December 12. Ultimately, however, Ms. Dewberry signed a Form A transfer document as the administrator of the estate. The transfer was registered in the Land Title Office at approximately 10:20 a.m. on December 12, just moments before the case was called to be heard in associate judges' chambers.
- [58] Ms. Friman's counsel advised the Court that the sale had just closed. Associate Judge Dick granted the order approving the sale, although she observed that an order was no longer necessary.
- [59] I appreciate the concern that Ms. Dewberry's conditional approval created for the other beneficiaries. The sale was at a price that was beneficial to the estate and Ms. Dewberry's refusal to approve the transaction unconditionally potentially put the transaction at risk.
- [60] However, I accept Ms. Dewberry's evidence that she asked for the sale proceeds to be paid to her as administrator, not to hold up the sale, but rather so that she could administer the estate as efficiently as possible. Justice Tucker held that Ms. Dewberry would remain as the administrator. Ms. Dewberry did not ask Ms. Friman to breach the order by Tucker J. Rather, she sought Ms. Friman's consent in effect to vary the order so as to avoid the further court applications that would be required if the proceeds were paid into court.
- [61] There is no reason why the beneficiaries could not consent to an order varying the terms of Tucker J.'s order. As observed by the Associate Judge Dick, there had already been a passing of accounts approving Ms. Dewberry's remuneration and expenses. There is no evidence that Ms. Dewberry could not be trusted to administer the sale proceeds. The funds could have been paid into a separate estate account where they would have been safe from Ms. Dewberry's creditors.
- [62] That said, Ms. Friman was entitled to rely on the terms of Tucker J.'s order and insist that the net sale proceeds be paid into court. Ultimately, Ms. Dewberry signed the Form A transfer in time for the sale to close. However, her timing was problematic because it prompted an emergency application by Ms. Friman. The application was a reasonable precautionary step in the circumstances, even if it was ultimately not necessary.
- [63] While understandably frustrating for Ms. Friman and Ms. Eaton, I do not regard Ms. Dewberry's actions around the sale of the property as the kind of misconduct that would justify her removal as administrator. It was not dishonest, and while it did put the estate at

potential risk of breaching the purchase and sale agreement, it ultimately did not endanger the estate property. Ms. Dewberry's late approval of the sale may have been grounds to ask Associate Judge Dick to award costs of the application; but it does not justify removing Ms. Dewberry as administrator.

- [64] The self-dealing by Ms. Dewberry that Tucker J. criticized in her reasons for judgment in July and September of 2024 was remedied by the order that gave Ms. Friman conduct of the sale. A further order removing Ms. Dewberry as an administrator now, more than a year later, after the sale has closed, would be punitive. Ms. Dewberry may have allowed her own interest in the property to come in conflict with her duties as administrator, but that conduct does not cast doubt on her ability to honestly and faithfully perform the remaining tasks finalize the administration of the estate.
- [65] As to the allegations of delay, I can appreciate the concerns with Ms. Dewberry's slow pace of administration, at least prior to the decision by Tucker J. However, I don't think Ms. Dewberry alone can be faulted for the delay since that decision.
- [66] It took Ms. Friman almost two months to relist the property for sale. Once the sale closed Ms. Friman's insistence on administering the holdback funds contributed to the delay in finalizing matters, particularly with respect to the estate tax return and remittance. At least some of that delay could have been avoided if Ms. Friman had agreed to pay the holdback funds into an estate account where they could be administered by Ms. Dewberry.
- [67] I appreciate that Ms. Friman had lost trust in Ms. Dewberry. There is a long history to this matter. I also appreciate that Ms. Friman found it necessary to retain counsel to represent her in the litigation with Ms. Dewberry. In the circumstances, it was not unreasonable for Ms. Friman to require that the holdback funds remain in the lawyers' trust account and paid out with receipts. The only realistic alternative from Ms. Friman's perspective would have been to pay the holdback funds in the court, which would not have expedited matters.
- [68] More troubling in my view was Ms. Friman's decision to share information about the sale proceeds and intended distributions with Ms. Dewberry's former spouse Mr. Jones. Ms. Friman was under no obligation to disclose this information to Mr. Jones. Ms. Friman knew or ought to have known that Mr. Jones would garnish or enjoin the funds payable to Ms. Dewberry including reimbursement for her expenses as administrator. She also knew or ought to have known that her actions would be devastating for Ms. Dewberry, both financially and emotionally.
- [69] If Ms. Friman's counsel knew when he appeared in chambers on December 12 that Mr. Jones intended to seize Ms. Dewberry's share of the proceeds, he did not disclose this information to the Court. Indeed, he told Associate Judge Dick that Ms. Dewberry could pick up her cheque the next day.

- [70] Ms. Dewberry's uncontradicted evidence is that TKS refused to release the funds to which she was entitled before the order was issued on December 16 that enjoined them from releasing the funds. The fact that Ms. Dewberry did not sign the order to pay until December 20 does not justify the refusal to distribute any funds to her prior to December 16.
- [71] Moreover, the funds that that would have been used to pay the Swift Dattoo account should not have been paid to Mr. Jones pursuant to Baker J.'s order. This payment to Mr. Jones resulted in a delay in settling the Swift Dattoo account. Although Ms. Friman eventually instructed TKS to release holdback funds to pay the account, interest was incurred unnecessarily.
- [72] I express no view on whether Ms. Friman breached a duty to the estate or Ms. Dewberry when she disclosed the payment information to Mr. Jones and refused to pay out any funds to Ms. Dewberry. The evidence and submissions on this application were not sufficient for me to make findings of fact to fully decide those issues fairly. It would not be just for me to find fault against Ms. Friman or her counsel on this application.
- [73] However, what is clear to me is that that a good share of the delay since the sale of the property can be traced to these decisions by Ms. Friman.
- [74] A more compelling argument in favour of removing Ms. Dewberry as administrator is her failure to comply with the order by Associate Judge Dick on January 27, 2025, and deliver an affidavit in support of a final passing of accounts.
- [75] I do not fully accept Ms. Dewberry's explanations for her delay. Even assuming that she required further disclosure, which is not clear to me, Ms. Dewberry should have completed that affidavit to the best of her ability before the deadline as extended to March 5, or at the very least prior to these applications. It is her duty as the administrator for Ms. Dewberry to investigate the liabilities of the estate and provide a final accounting so that this matter can finally be concluded.
- [76] In my view, Ms. Dewberry has allowed the personal disputes with Ms. Friman around the offers to purchase the Port McNeil property and disclosure of payment information to Mr. Jones to interfere with her duty to complete the necessary steps to bring the administration of the estate to a close.
- [77] However, appointing Ms. Friman in the place of Ms. Dewberry is unlikely to result in any meaningful benefit the beneficiaries at this late stage of the administration. Ms. Friman would still require information and cooperation from Ms. Dewberry to complete the necessary steps. Further litigation between Ms. Friman and Ms. Dewberry would seem inevitable.

- [78] Moreover, based her past actions, I am concerned that Ms. Friman would not treat Ms. Dewberry fairly. I expect that Ms. Friman would share further information about the estate and any distributions with Mr. Jones. I expect that any funds she deposited in the trust account of her lawyers that are payable to Ms. Dewberry will be claimed by Mr. Jones pursuant to the order of Baker J.
- [79] Ideally, in these circumstances, the court would appoint a neutral professional administrator. However, the value of the estate, and in particular the modest sum remaining to be administered, cannot justify the cost of a professional administrator.
- [80] The remaining steps are not complicated. The estate funds are secure in court. Associate Judge Dick has provided parties with a roadmap to complete this matter. The interests of the beneficiaries are best served by continuity of administration and compliance with the steps laid out by the Court.
- [81] For these reasons, I would dismiss the applications by both parties, with the exception of the application by Ms. Friman concerning payment of costs previously awarded to her.
- [82] In my view, Ms. Friman is entitled to an order that the costs awarded to her by Tucker J. and Verhoeven J. be paid out of Ms. Dewberry's share of the estate. Ms. Friman is not a mere creditor as Ms. Dewberry submits, she is a party who has reasonably sought the assistance of counsel and the courts in a difficult situation.
- [83] Justice Tucker declined to order that the costs she awarded be paid directly from the proceeds of sale. However, that does not mean the costs should not be paid as part of the final settling of accounts between the parties. Ms. Dewberry did not pay the costs awarded by Verhoeven J. within 30 days as ordered. It would be unjust if Ms. Friman was unable to collect the very modest costs that have been awarded to offset her legal expenses.
- [84] I would not make any order of costs for these applications. Success was divided and the estate should not pay for what has been in substance a personal dispute between Ms. Dewberry and Ms. Friman.
- [85] In a moment, I set out the terms of an order with a revised schedule based on the January 27th order to bring this matter to a final passing of accounts before the registrar. Ms. Dewberry asked that I order that the final passing of accounts be heard by someone other than Associate Judge Dick. Even assuming I have jurisdiction to recuse Associate Judge Dick, I would not make that order. I see no evidence that Associate Judge Dick has been anything but patient, fair and impartial. In my view, the parties will benefit from the Associate Judge Dick's understanding of the history of this matter. Ms. Dewberry is of course entitled to ask Associate Judge Dick to recuse herself, but that decision should be made by the Associate Judge.

Conclusion

[86] In conclusion, I will make the following order:

- a) By December 10, 2025, Ms. Friman must provide Ms. Dewberry with a trust reconciliation of the estate funds administered by TKS;
- b) By December 12, 2025, Ms. Dewberry and Ms. Friman must exchange letters sending out any documents they say still must be produced by the opposing party to permit a final passing of accounts;
- c) By December 19, 2025, Ms. Dewberry and Ms. Friman must exchange letters responding to the document request letters, attaching the requested documents or an explanation why those documents are not being produced;
- d) By January 28, 2026, Ms. Dewberry must deliver an affidavit in support of the final passing the accounts; if anything is missing that should be dealt with, Ms. Dewberry must set out her efforts to obtain that information;
- e) By January 28, 2026, Ms. Friman must deliver an affidavit in support of any remuneration or expenses she claims in relation to the administration of the estate;
- f) By February 14, 2026, the beneficiaries must deliver any affidavits setting out any and all objections to the accounts of Ms. Dewberry and, if applicable, Ms. Friman;
- g) By February 28, 2026, Ms. Dewberry and Ms. Friman, if applicable, may deliver a reply affidavit;
- h) No party will disclose any document produced or affidavit delivered pursuant to this order for any purpose not directly related to these proceedings or the administration of the estate;
- i) Each party must advise, by no later than March 14, 2026, if they intend to cross-examine on any affidavits delivered by any other party at the hearing of the final passing of accounts;
- j) By December 19, 2025, the parties will agree on a date, and, subject to court availability, set a hearing for the final passing of accounts no later than April 30, 2026, or such other date as they are able to obtain as soon as possible after April 30;
- k) The parties will request to appear before Justice Elwood by MS Teams at 9:00 a.m. on any mutually available date to report to the court on compliance with the terms of this order;
- l) If Ms. Dewberry fails to comply with her obligations under this order, Ms. Friman may renew her application to remove and replace Ms. Dewberry as administrator and ask that the renewed application be heard by Elwood J.;
- m) Ms. Dewberry's application for an order that the funds held in court to the credit of these proceedings be released to the estate is dismissed;

- n) Ms. Friman's application for an order removing Ms. Dewberry as administrator and replace her with Ms. Friman is dismissed;
- o) The costs awarded to Ms. Friman and payable by Ms. Dewberry in her personal capacity in the amount of \$3,500 will be paid from Ms. Dewberry's share of the funds held in court;
- p) All other relief sought in the notices of application filed on April 22, May 21 and May 5, 2025, is adjourned generally;
- q) Justice Elwood is not seized of the applications that have been adjourned; and
- r) There will be no order of costs of these applications or of the applications that adjourned these applications to the November 17, 2025, assize.

"Elwood J."

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Prepared on 26 October 2026 · Esheria