JERSEY / JUDGMENT

Rushton v [2000] JRC 3 (13 January 2000)

[2000] JRC 3

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE DEPUTY BAILIFF: This Estate has lain without probate being taken out for some eighteen months. Even the funeral expenses have not been paid whilst this matter has dragged on. Advocate Backhurst has done a service to the Estate by bringing this matter to the attention of the Court, but we are still faced with difficulties. We have had a long typed dissertation from Advocate Backhurst which describes something of the complexities which he faced whilst he was Curator. Complexities not helped by the personal animosities that have clearly arisen. Mr. Robert Arthur Rushton made a Will of Personalty - for we are only concerned with that - and of Real Estate outwith the Island of Jersey in a perfectly valid and perfectly acceptable form. Two Executors named in the Will have renounced and today we must appoint an Executor Dative. There are four potential Executors: Advocate Richard Renouf, Mrs. Anne Rushton, the widow, Mr. Ben Estorffe, and/or Mr. Colin Stallard. The main objection from Advocate Le Sueur and Advocate Roscouet to Advocate Renouf's taking the post has of course nothing to do with his professional standing. Everyone agrees that his reputation precedes him. The objection is to the fact that he must perforce charge for his services at an appropriate rate - said before us for this matter to be in the region of £210 per hour. Substantial fees have already been incurred in relation to the complex matters already disclosed to us by Mr. Backhurst both before and after the death of Mr. Rushton. Miss Roscouet argues that the administration is not so complicated as to warrant a professional Executor and that point was endorsed by Mr. Le Sueur. Mr. Stallard, one of the potential Executors, lives in England whilst Mr. Estorffe lives in Australia. We would hesitate - despite the argument that Mr. Estorffe could come to Jersey for as long as necessary - to appoint an Executor who could not be controlled by this Court, particularly in the light of the conflicts that have already surfaced. This has nothing to do with the integrity of the potential applicants. Mrs. Rushton is 76 and infirm. We would doubt that however willing she is, she would be able to deal with the day to day Estate properly. We appreciate that, despite the continuing conflict between Mr. Stallard and Advocate Backhurst during the curatorship, Mr. Stallard has the experience to be able to act impartially but he is not in this jurisdiction. We have given the matter considerable thought, but we have come to the conclusion that Advocate Renouf should be appointed as an independent Executor, who can be regarded as totally impartial. However, we are very conscious of the counter arguments set up by the opposing side. We will say that when and if the Executor Dative has incurred fees of £5,000, he is to report back to this Court with a detailed account and, if necessary, for further guidance. If the Executor finds delays occurring he should

set deadlines and if these are not met, we would invite him again to seek directions in order to save time and costs. No Authorities. Page Last Updated: 24 Apr 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE https://www.bailii.org/je/cases/UR/2000/

CASE PAGE https://chat.esheria.ai/case-law/jersey/rushton-v-2000-jrc-3-13-january-2000

Prepared on 27 October 2026 · Esheria