

**Phil McDonald**

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**From:** John Earles [John.Earles@justice.govt.nz]  
**Sent:** Tuesday, 14 August 2012 09:27  
**To:** Phil McDonald  
**Subject:** Re: re Estate P Scaife

Hello Phil

It would be possible to obtain probate of the 1998 will but there are a number of matters in respect of which evidence would be required.

The fact that evidence as to due execution may not be able to be obtained raises the question as to what extent the doctrine *omnia praesumuntur rite esse acta* (all things are presumed to have been done correctly) might be applied or has the use of that doctrine been surpassed by the provision in the Wills Act 2007 that allows for a will, not executed in accordance with the Act to be declared valid. I am having some research done in this respect and will come back to you in due course.

Cheer

John Earles  
Registrar/Specialist Technical Adviser  
High Court  
Wellingtons  
>>> "Phil McDonald" <Phil.McDonald@cplaw.co.nz> 13/08/12 17:16 >>>

Dear Mr Earles

Please find attached a letter requesting your (further) assistance. I would appreciate your guidance if at all possible.

Thank you for your time.

Kind regards  
Phil McDonald

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