

(Probate Division)

**IN THE ESTATE OF:            ANDREANO TAKATAVETI**

Deceased

**BY:                                ROSEMARY NATUKA**

Applicant

**AND:                              PIERRE CHANEL TAKATAVETI**

First Respondent

**AND:                              JEROME NALIUPIS**

Second Respondent

Mr Justice Oliver A. Saksak  
Mrs Mandeng M. John - Clerk

Applicant in person  
First Respondent in person  
Second Respondent in person

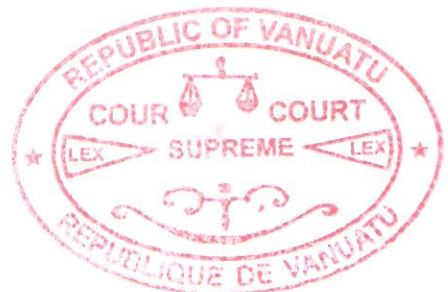
Date of Hearing:     18<sup>th</sup> August 2011

Date of Decision:   22<sup>nd</sup> August 2011

## **DECISION**

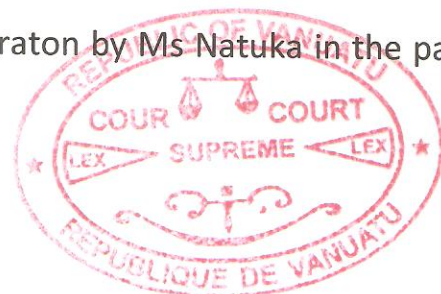
1. The Applicant is Rosemary Natuka who was for 4 years living in a defacto relationship with the deceased. Rexela Takataveti, born on 14<sup>th</sup> May 2009 is the child of that relationship.

The application is for letters of administration in respect of the deceased's moneys held in –



- (i) Account No. 1418132 at ANZ Bank;
- (ii) Account No. 1376802 at ANZ Bank; and
- (iii) Vanuatu National Provident Fund (VNPF) No. 1075818

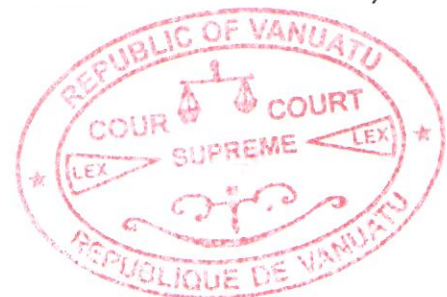
2. The First Respondent is Pierre Chanel Takataveti, the father of the deceased. And the Second Respondent, is Jerome Naliupis.
3. At the hearing on 18<sup>th</sup> August the Court heard oral submissions from the applicant and the two respondents.
4. The Court is satisfied that the moneys held in Account No. 1418132 are held jointly in the names of the deceased and the applicant Ms Natuka. Further the moneys held in Account No. 1376802 are held in the name of the applicant Ms Natuka but they are monies transferred from the personal accounts in the deceased which are Accounts No. 1315181 and 1459452. These are the two account which the ANZ Bank was reluctant to provide any details regarding them. Further the Court is satisfied that from the Nominee Form the deceased's nominee to his VNPF is Rexela Takataveti, a daughter born on 14 May 2009. She is the sole nominee with 100 percent share. The deceased named the guardian as Rosemary Natuka, the applicant herein. In light of this evidence the Court is satisfied that Ms Natuka must be given letters of administration in relation to the two Bank Accounts plus the VNPF. And I so order.
5. The First Respondent opposed the grant of administration to Ms Natuka simply because there was lack of any cooperaton by Ms Natuka in the past



and as such there was fear that there would be unfair distribution by her. It is my view that underlying this fear was the fact that the deceased was not properly and legally married to the applicant, but this was not formally raised by any of the respondents. In any event I think that as the father, Mr Takataveti is entitled to respond in the way he did. It is therefore the view of the Court that Mr Takataveti should be given administration over the deceased's monies in Accounts No. 1315181 and 1459452. And I so rule.

6. The second respondent told the Court over the Bar Table about some meeting in 2007 with the deceased whereby the deceased undertook to carry out some transactions in relation to the sale of Dolphin Island at VT100 million to a foreign person. There was lack of documentary evidence in support of such a story, so much so that the Court could not be satisfied that the second respondent was the proper person to be given administration over the estates of the deceased. At best, it appears that he is merely registering his position as a creditor of the deceased's estate. As such his best option would be to sue the estate of the deceased in a separate civil action, but that is a matter entirely for him. As regards this application the response of the Second Respondent must be dismissed. And I so rule.

7. In conclusion, in relation to the estates of the deceased in Accounts No. 1418132, 1376802 and VNPF No. 1075818, the Court hereby grants letters of administration solely to Ms Rosemary Natuka. And in relation to the estate of the deceased in Accounts No. 1315181 and 1459452, the



Court hereby grants letters of administration solely to Mr Pierre Chanel Takataveti.

8. There will be no order as to costs.

DATED at Luganville this 22<sup>nd</sup> day of August, 2011

BY THE COURT

  
OLIVER A. SAKSAK

Judge.

