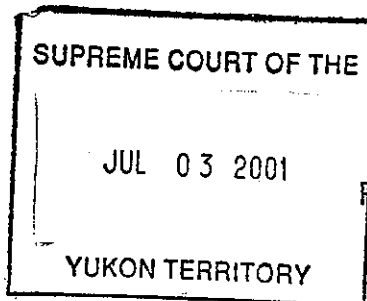


IN THE SUPREME COURT OF THE YUKON TERRITORY

IN THE MATTER OF THE ESTATE OF
ANTON PETER HEINRICH VELDER, LATE
OF WHITEHORSE, YUKON TERRITORY, DECEASED

DAVID RUSH

TIM PRESTON, Q.C.



For the Applicant,
Paula Conlon, the Present Executrix

For the Respondents,
Leona Gonder, Diane Velder and
Duane Brandvold, the Former Executors

**MEMORANDUM OF RULING
DELIVERED FROM THE BENCH**

[1] CHRUMKA J. (Oral): The order of Madam Justice Moreau was granted on the 22nd of September, 1999, about seven months ago. The information that has been provided to me is that a date for the passing of the accounts before the registrar is in the process of being set, and that it will be set sometime in June of this year.

[2] In the interim, the present executrix of the estate is applying that the documents which are relevant to the passing of the accounts be forwarded and

shipped to Kelowna, there to be examined and then to be returned before the accounts are passed.

[3] Madam Justice Moreau, besides making the order which was presented to her on consent, must have reasons to comply with the request of the parties. In spite of the fact that the parties do consent to it, the Court must have some reason for making the order.

[4] The order, in the second full paragraph on page 3, states very specifically:

...The documents shall remain in the City of Whitehorse and the right of access to each of Leona Gonder, Duane Brandvold and Diane Velder shall terminate upon the passing of the accounts of the Estate with the exception of the right of access to the documents of Carcare (Yukon) Ltd. by Diane Velder;

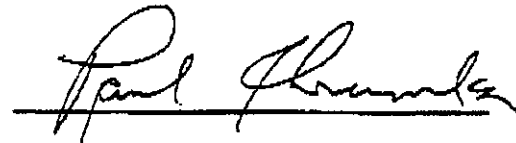
[5] Certainly, as executrix at this time Ms. Conlon has an interest in those documents. She certainly has an interest in the passing of accounts, as well, but the parties who must pass the accounts are the three executors who were executors at the time the order was made, and in order to pass it they must have the documents before them. To ensure, in this case because of the problems that have existed between the parties, that there is no allegation of tampering with the documents, they will remain in the possession of the party who has them here and they will be presented at the passing of accounts. Thereafter, they can be

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forwarded to who wishes to express an interest in it; by that, I mean Paula
Conlon.

[6] If Paula Conlon wishes an examination of the documents at this time, it will
have to be done here in Whitehorse. I dismiss the application.



CHRUMKA J.