Publisher's Note

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ESTATE LITIGATION

Brian A. Schnurr Release No. 6, October 2025

Estate Litigation, 2nd Edition, is a comprehensive, practical work covering all facets of estate litigation including mental incompetency disputes, challenges to wills, Family Law Act claims, passing of executors' accounts, presumption of death and dependant support claims. The publication includes extensive precedents along with relevant statutory material.

What's New in this Update:

This release features updates to Chapter 16—Family Law Act Applications, Chapter 17—Proving a Lost Will in Court and Chapter 18—Evidence in Estate Litigation. Notably, two new sections have been added to Chapter 17.

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Highlights Include:

Chapter 17—§ 17:9 Interplay with Substantial Compliance (*new section*)—In a recent case, Dunham v. Gamble et al., 2025 ONSC 3449, 2025 CarswellOnt 9875, at paras 43-46, Justice Kalajdzic briefly commented on the potential interplay between s. 21.1 (substantial compliance) and pre-amendment jurisprudence regarding lost wills.

Chapter 18—§ 18:4 Solicitor and Client Privilege—The law regarding the Wills Exception was recently reviewed by Justice Myers in *Allison v. McBride*, 2025 ONSC 2828, 2025 CarswellOnt 7132. Justice Myers also considered the applicability of the Wills Exception to Substantial Compliance (21.1 of the *Succession Law Reform Act*). Concerning the Wills Exception.

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages