

**IN THE HIGH COURT OF THE COOK ISLANDS  
HELD AT RAROTONGA  
(CIVIL DIVISION)**

**PROBATE NO. 460/2023**

IN THE MATTER of **TARIA IAONE  
ATUATIKA@ RUATAPU  
ATUATIKA** of Rarotonga,  
Cook Islands, Deceased

AND

IN THE MATTER of an application by  
**TIRIAMATE RUATAPU**, of  
Rarotonga, Cook Islands

Applicant

Appearances: Mr S Smith for the Applicant

Date: 23 March 2023

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**JUDGMENT OF TOOGOOD, J**

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[1] Taria Ioane Atuatika @ Ruatapu Atuatika, Cook Islands, died in New South Wales, Australia on 27 February 2016. He was survived by seven children, one of whom – Tiriamate Ruatapu – applies for a grant of Letters of Administration for his late father’s estate. He also seeks an order directing that sureties by the Administrator be dispensed with on the grounds that the late Mr Atuika died intestate. Mr Atuatika’s estate is said to comprise funds of around \$20,000NZD held in a BSP Financial Group Limited bank account and 685 shares in Turoa Bakery Limited, a Cook Islands company.

[2] Mr Ruatapu has produced copies of letters confirming that five of his six siblings consent to his being granted Letters of Administration. The sixth and youngest sibling, Johnny Atuatika, is said to be living in New Zealand. Mr Ruatapu says he is somewhat estranged from his youngest brother and has not heard from him “in years”. Mr Ruatapu says he “will endeavour to contact [his brother] and make provision for him in line with applicable legislation.”

[3] Mr Ruatapu has checked with all of the family members and has had access to his late father's papers and depositories in Rarotonga and Australia but has been unable to find any will or other testamentary writing made by his father. Inquiries of members of the Cook Islands legal profession by email, about the existence of a will made by his late father, have not produced any evidence that a will exists.

[4] I am satisfied that applicant will faithfully administer the estate of his late father and comply with all responsibilities and requirements of the role of Administrator.

[5] Accordingly, I order that:

- a) Letters of Administration in the estate, effects and credits of Taria Ioane Atuatika @ Ruatapu Atuatika, Cook Islands, now deceased, be granted to Tiriamate Ruatapu; and
- b) Sureties by the Administrator shall be dispensed with.

  
C H Toogood, J