

IN THE SUPREME COURT OF NAURU


CIVIL ACTION NO.7/2005


Between:	FRANCIS AMRAM & ORS	PLAINTIFFS
And:	TERENCE AMRAM	1st DEFENDANT
And:	CURATOR OF INTESTATE ESTATES	2nd DEFENDANT

DECISION

1. The evidence does not disclose any wrongdoing on the part of the First Defendant. He was not the executor of the estate nor had he been granted letters of administration. He clearly know something about it as he and his sister assisted the executor, his mother Elizabeth Amram, who has since deceased.
2. On the evidence of the First Defendant there has not yet been a full administration of the estate of Itubwa Amram, and it will be necessary to appoint replacement executors who may then have to take over the letters of administration.
3. I propose to adjourn this case to Chambers where any Order may be drawn up to assist the beneficiaries obtain completion of administration of the estate. I would therefore ask that the plaintiff Francis Amram, the First Defendant Terence Amram and their legal representatives together with a member of the Lesley Amram (deceased) family come to my Chambers immediately upon adjournment of the Court.
4. The case is otherwise dismissed against both the First and Second Defendants. The counter claim of the First Defendant is also dismissed. I make no order as to costs. Such a use of my discretion in regard to costs is not criticism of the first defendant but rather the present unsatisfactory administrative system operative in Nauru where overseas assets form part of deceased Nauruan estates. Within the Succession, Probate and Administration Act 1976, the Curator of Intestate Estates has the power to seek the guidance of the Court at any point. It would seem to me that an early application to the Court in this matter would have been appropriate to iron out some of the oddities contained in the will, for example, the use of the Bank of Nauru. In the result, I am not surprised that some of the beneficiaries appeared to be at a loss to what administration was being carried out.

Court will adjourn, and Orders will be considered in Chambers in the presence of the parties.


BARRY CONNEL
CHIEF JUSTICE



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30.9.05

ORDER

1. The case is dismissed both against the First Defendant and the Second Defendant
2. The counter-claim of the First Defendant is dismissed.
3. Following a Chambers meeting between the parties a Court order will be made to appoint executors to replace Elizabeth Amram deceased with respect to the Estate of Itubwa Alfred Amram deceased.
4. No order as to costs.


BARRY CONNELL
CHIEF JUSTICE



THE SEAL OF THE SUPREME COURT
REPUBLIC OF NAURU

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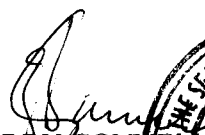
Between: FRANCIS AMRAM & ORS PLAINTIFFS
And: TERENCE AMRAM 1st DEFENDANT
And: CURATOR OF INTESTATE ESTATE \$ 2nd DEFENDANT

30.9.05

ORDER

Following consultation with members of the family and their legal representatives, the Court makes the following consent order -

To further carry out administration of the estate of Itubwa Alfred Amram deceased, exercising powers of the Court under the Succession, Probate and Administration Act 1976 (Nauru), the Court has granted letters of administration with the will annexed jointly to Carol Amram, Terence Amram and Frances Amram following the decease of the previous grantee, Elizabeth Amram.


BARRY CONNELL
CHIEF JUSTICE

