

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: XP162/2018**

**[2018] SCSC 1069**

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**IN THE MATTER OF GELAGE HOAREAU**

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Counsel: Mr. Joel Camille for the Applicants

Delivered: 26<sup>th</sup> November 2018

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**ORDER**

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**B. Adeline, Master**

[1] This is an application for the appointment of Gelage Hoareau, the Applicant, as executor to the succession of the late Eugenia Marinette Etienne who died intestate on the 11<sup>th</sup> March 2015. The application is made by virtue of Article 1026 of the Civil Code of Seychelles Act, CAP 33, and is supported by an affidavit duly sworn by the Applicant to which there are attached other relevant documents in compliance with the requirements of Practice direction No 1 of 1989.

[2] On account of the affidavit evidence and the relevant documentary evidence tendered before this Court, I am satisfied, that as per her Certificate of Death pertaining to Register No 121 of 2015.C, Eugenia Hoareau (hereinafter called “the deceased”) died on the 11<sup>th</sup> March 2015, proof of which is Certificate of death tendered as exhibit P1.

[3] I am also satisfied that the deceased was married to one Antoine Desire Etienne who has since predeceased the deceased. The Certificate of Marriage pertaining to Register No 151 A of 1968.C and the Certificate of Death pertaining to Register No 22 of 1993.C in respect of the deceased late husband, Antoine Desire Etienne, tendered as exhibit P3 collectively.

[4] I am also satisfied, that the deceased is survived by her heirs who are her children and siblings, namely;

- i Gelage Noeldar Hoareau, (the Applicant) born on the 25<sup>th</sup> of December 1961, exhibit P2.
- ii Claurida Merilinte Telemaque nee Radegonde born on the 2<sup>nd</sup> September 1963.
- iii Marie-Chantale Greham Nichole nee Etienne born on the 30<sup>th</sup> July 1967.
- iv Charles Patrick Etienne born on the 27<sup>th</sup> May 1970.
- v Elvis Christopher Etienne born on the 7<sup>th</sup> June 1974, and Elna Marie-Noel Way-Hive nee Etienne born on the 20<sup>th</sup> December 1975. Their Certificate of birth were tendered in evidence as exhibit P4 collectively.

[5] I am further satisfied, that all the other five heirs mentioned in paragraph [4] above, have in writing expressly conveyed their consent to the appointment of the Applicant as executor to the estate of the deceased. The Applicant tendered in evidence their written consent as exhibit P6 collectively.

[6] I am satisfied, that as per the Certificate of Official Search issued under the Land Registration Act and tendered as exhibit P5, at the time of her death, the deceased owned immoveable properties in Seychelles as a co-owner in in-division in titles V8801, V8347 and V8348.

[7] I am further satisfied, that the Applicant is desirous, ready, willing and able to be appointed as executor to the succession of the deceased, and that he is not subject to any legal incapacity to be so appointed and to carry out the duties of an executor as laid down by law, more particularly, under the Civil Code of Seychelles Act.

[8] I therefore grant the application, and hereby appoint the Applicant, Gelage Hoareau of La Retraite, Mahé, Seychelles as executor to the estate of the deceased, Eugenia Marinette Etienne.

Signed, dated and delivered at Ile du Port on 26<sup>th</sup> November 2018.

B. Adeline  
**Master of the Supreme Court**