

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: XP 159/2019

[2019] SCSC 698

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In the matter of  
EX PARTE  
APPLICATION FOR APPOINTMENT OF EXECUTOR

PAMLA MICHELLE KNIGHT OF 8301 RYAN RIDGE LOOP, MONTGOMERY  
ALABAMA 36117, UNITED STATES OF AMERICA

Petitioner

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Heard: 14<sup>th</sup> day of August 2019.  
Counsel: Mr. J. Camille for the Petitioner  
Delivered: 16<sup>th</sup> August 2019

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ORDER

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**Andre J**

**Introduction**

[1] This is an application of the 12<sup>th</sup> August 2019 for the appointment of Executor filed under Article 1026 of the Civil Code of Seychelles [Cap 33] by Pamla Michelle Knight (“Petitioner”).

**Affidavit Evidence as further substantiated in Court under oath**

[2] The Petitioner on the above-stated hearing date, testified that she is the daughter of Cecile Easton nee Louange (“the deceased”) *Exhibit P1* and deceased only surviving heir. That the deceased changed her name to Marie Eugenia Cecile Lawson on the 17<sup>th</sup> December 2017 hence the deceased name as it appears on the Petitioner’s birth certificate namely

“Cecile Lawson nee Louange” and “Easton Marie Eugenia Cecile” on the death certificate *Exhibit P2* is one and the same person.

[3] That at the time of her death, the deceased left behind immovable property situated in Mahe Seychelles, namely land Title V 2076 *Exhibit P3*.

**Legal Analysis: Article 1026 of the Civil Code (“the Code”)**

[4] Article 1026 of the Code relevant to the current application, provides as follows:

*“If the succession consists of immovable property, or of both immovable and movable property, and if the testator has not appointed a testamentary executor or if an executor so appointed has died or if the deceased has left no will, the Court shall appoint such an executor, at the instance of any person or persons having a lawful interest. A legal person may be appointed as an executor. But a person who is subject to come legal incapacity may not be so appointed.”*

**Conclusion**

[5] Being satisfied as to the evidence afore-illustrated and finding that the Petitioner is a fit and proper person and not subject to any legal incapacity to act as Executor to the estate of the deceased, I hereby appoint the Petitioner as Executrix to the estate of the deceased.

[5] The petition is granted accordingly.

Signed, dated and delivered at Ile du Port on the 16<sup>th</sup> day of August 2019.

S. Andre  
Judge of the Supreme Court