

Judgment 35/2011

**Williams Guardianship - Application to be
appointed Special Guardian and
Application to sell Realty
-Royal Court
22nd November 2011**

Application to appoint a guardian and to sell realty – granted.

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 22nd day of November, 2011 before John Russell Finch, Esquire, Judge of the Royal Court; present:- Barbara Jean Bartie, Stephen Murray Jones, Esquire, and Claire Helen Le Pelley, Jurats.

On the application of ADVOCATE JASON BRIAN GREEN of Glategny Court, Glategny Esplanade in the parish of Saint Peter Port, Advocate of MICHAEL GREGORY WILLIAMS of Boughton Manor, Boughton Lane, Loose, Maidstone, Kent (hereinafter called the “Patient”) for permission to sell a property comprising a house numbered “37”, garage and garden, situate at Avenue Morley, Fort George in the parish of Saint Peter Port and owned by the Patient and Susan Pauline Williams jointly in equal undivided one half shares (“the Property”);

THE COURT having heard Advocate P.M.A. Palmer for the Applicant and Advocate M. Ferbrache for Mr. and Mrs. Longmire who were also present in Court, who contended that he had locus standi in the application before the Court and that his clients wished to purchase the said property, and Advocate P. Nettleship for the said Susan Pauline Williams who confirmed that his client did not wish to sell the property to the said Mr. and Mrs Longmire, GRANTED the application in the attached terms having handed down Judgment in the terms attached hereto.

S M SIMMONDS
Her Majesty’s Deputy Greffier

OFFICIAL TRANSCRIPT

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Finalised per JRF 22.11.11

TUESDAY 22ND NOVEMBER 2011

IN THE ROYAL COURT OF GUERNSEY

(COURT 3)

Before

John Russell Finch, Esquire
Judge of the Royal Court

Application for Advocate Jason Green to be appointed Special Guardian and
Application to sell Realty of Michael Gregory Williams

Decision

JUDGE FINCH: In this application the Jurats have had it confirmed to them that the Guardian must act “en bon père de famille” which, in Guernsey Law, I understand is acting with prudence in managing and conserving the assets of the en capable. A special guardian, therefore, has the same duty in the exercise of his or her function, i.e. acting with prudence. In other words the obligation to act en bon père de famille in modern times means acting as a prudent administrator for the benefit of the incapable, see *In Re X (2008) Royal Court*.

Here the Jurats accept they have the evidence of a professional valuer. The approval of the Family Council and in practical terms last but not least, the view of Advocate Nettleship’s client, the joint owner.

If the Jurats saw a proposed sale at an artificial undervalue or some sort of impropriety they would not sanction the transaction. In the circumstances today what is put forward is well within the range of options available to a prudent and conscientious Guardian.

I stress that Advocate M.G. Ferbrache in my judgment has no locus standi in the circumstances as they exist in this particular case.

Accordingly, it is the view of the Court that the application succeeds and permission is therefore granted.

Thank you very much, that concludes that matter then.

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