

IN THE SENIOR COURTS OF BELIZE

IN THE HIGH COURT OF BELIZE

CLAIM No: 138 of 2024

BETWEEN:

BONNIE CHRISTINE JEZ

Claimant

And

WADE WESTON ZELLMER

Defendant

**Appearance:**

Ms. S. Duncan-Ferrera for the Claimant  
Defendant unrepresented

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2024: July 9  
October 24  
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**DECISION**

*Last will and testament – Fraud – Invalidity of will – Revocation of probate grant*

- [1] **Mansoor J:** The claimant filed a fixed date claim form seeking the following:
1. “A declaration pronouncing against the validity of Last Will and Testament of Joseph M Jez dated 24 January 2019;
  2. Revocation of Grant of Probate No.112/ 2022 issued to the defendant in the estate of Josph Michael Jez;

3. A declaration pronouncing for the validity of the Last Will and Testament of Joseph Michael Jez dated 23 January 2019;
4. An order directing the Registrar of Lands to terminate the processing of and/ or cancel the pending transfer of land instruments in process in respect of Parcels 327, 328, 329, 332, 333, 334 of block 36 Placencia North Registration Section;
5. Costs”

[2] The claimant states that she is the spouse of Joseph Michael Jez, who died on 20 July 2019 in Texas, USA. He left a last will and testament dated 23 January 2019 and appointed the claimant as the executor and the sole beneficiary. The last will was prepared by the law firm of Norman and Norman in Texas, USA. Catherine M Norman, an attorney at law and notary public, before whom the deceased signed the will, has provided an affidavit to be filed in this proceeding. Letters testamentary concerning the estate of the deceased were issued through the Probate County Court in Texas.

[3] A search conducted on behalf of the claimant at the High Court of Belize on 6 September 2022 revealed that grant of probate number 112/ 2022 (“probate grant”) was issued to the defendant. The claimant states that the defendant is unknown to her. The probate grant was allegedly issued on the strength of a last will and testament dated 24 January 2019. The claimant states that the last will is forged and that the deceased was not in Belize when it is said to have been signed. The claimant pleads that probate was issued based on the defendant’s fraudulent misrepresentations to court.

[4] The claimant states that after obtaining the probate grant, the defendant attempted to sell six parcels of land in Placencia which were owned by Joseph Michael Jez. Although transfer instruments were lodged, the claimant states, the registrar of lands has placed restrictions on all six parcels of land. The claimant states that her attorney at law wrote to the agent involved in the attempted sale of the lands to cease from proceeding with the transaction. The lands were among other assets owned by the deceased.

[5] The claimant’s lawyers, SLD Law Office, filed an affidavit which is said to be given by the defendant. In the affidavit Mr. Zellmer states that he does not know the deceased, Joseph Michael Jez or the claimant. He states he

will not defend the present action. The gist of the averments are that he was placed under extreme duress to participate in the alleged fraud. He states that he resides in Canada, that he is in poor health and fears for his safety. The affidavit of service states that the defendant was served on 20 March 2024 to his personal email, after he had reached out to the claimant's lawyers.

[6] When this matter came up on 9 July 2024, after hearing the claimant's counsel, the claimant was allowed to tender evidence by affidavits, which were filed on 30 July 2024. The claimant states in her affidavit that the will on which the defendant procured the probate grant was not signed in the presence of an attorney at law. She states that the true will was signed on 23 January 2019 while the forged document is dated 24 January 2019. The claimant states that while the true will made reference to the deceased's children and disclosed his assets in the USA, the impugned will did not refer to his children and listed only the deceased's assets in Belize. She also states that the impugned will has grossly understated the value of the deceased's assets.

[7] The court is satisfied that the defendant was served with the fixed date claim form and that he has chosen not to defend the claim. The court sees no reason to reject the affidavit tendered by the defendant to the claimant's law firm stating that he would not contest the claim and outlining the circumstances in which he was issued the probate grant to the estate of Michael Joseph Jez. The court considers this to be a fit case in which to revoke the grant of probate. The claimant succeeds in her action.

### **ORDER**

A. The reliefs sought in the claimant's fixed date claim form are allowed.

B. The defendant must pay the claimant's costs as assessed.

**M. Javed Mansoor**

Judge