

Action No. ES03-164971  
E-File Name: EVK23MEECHA  
Appeal No.: \_\_\_\_\_

IN THE COURT OF KING'S BENCH OF ALBERTA  
JUDICIAL CENTRE OF EDMONTON

IN THE MATTER OF THE ESTATE OF  
ALAN GEORGE MEECH

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P R O C E E D I N G S

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Edmonton, Alberta  
January 23, 2023

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1 Proceedings taken in the Court of King's Bench of Alberta, Courthouse, Edmonton, Alberta

2  
3 January 23, 2023 Morning Session

4  
5 The Honourable Court of King's Bench of Alberta  
6 Justice Davidson

7  
8 V. Jones For D. Wilkins  
9 (No Appearance) For the Bank of Montreal  
10 K. Pryor Court Clerk

11  
12  
13 **Discussion**

14  
15 THE COURT: We will return to the list. The Estate of Alan  
16 George Meech.

17  
18 MS. JONES: Good morning. Victoria Jones from de Villars  
19 Jones.

20  
21 THE COURT: Ms. Jones.

22  
23 MS. JONES: I represent the personal representative, David  
24 Wilkins, and this is -- I don't know if you've read everything.

25  
26 THE COURT: I have read enough.

27  
28 MS. JONES: Okay.

29  
30 THE COURT: What I am curious to know is whether the -- this  
31 has been on notice to the Bank of Montreal, and whether they have a position as to whether  
32 they wish to attend.

33  
34 MS. JONES: Yes. They were served both in their Edmonton  
35 main office, and their Toronto headquarters. They signed the registered mail serving them  
36 on January 12th. I have had no contact from anyone from the Bank of Montreal, and it does  
37 not appear there is anyone in the courtroom for that.

38  
39 THE COURT: This is a case where there has been a digital issue  
40 of probate.

41

1 MS. JONES: Yes.

2  
3 THE COURT: And you have attempted to secure the bank's  
4 cooperation with release of information on the basis of the digital signature on the probate  
5 --  
6

7 MS. JONES: Yes.

8  
9 THE COURT: -- documentation, and the Bank of Montreal who  
10 says they are not going to play.

11  
12 MS. JONES: Correct.

13  
14 THE COURT: And they say you have to go get an order.

15  
16 MS. JONES: I have to get an actual grant of probate, is what  
17 they said.

18

19 **Decision**

20

21 THE COURT: Well, you will not get an actual grant of probate.  
22 What you will get is an order that the Bank of Montreal is to provide you the information  
23 sought, and that they are to honour the digital signature, the digitally issued approval of  
24 probate.

25

26 And would you like to speak to costs?

27

28 **Submissions by Ms. Jones (Costs)**

29

30 MS. JONES: I would certainly, Sir. Would it be on the  
31 solicitor-client basis, or on Schedule 'C'?

32

33 THE COURT: I will accept your submissions.

34

35 MS. JONES: Okay. Well, I -- the surrogate digital service  
36 issues digital grants of probate. They are pinned to orders of the court saying the person  
37 named as personal representative has the right to administer the estate. The Bank of  
38 Montreal has refused to accept that the digital grant of probate is in fact an order of the  
39 court.

40

41 THE COURT: Right. And if I have it correctly, the bank could

1 have their counsel do a search to confirm that a digital issue of probate has been entered.

2

3 MS. JONES: Absolutely. In fact the Government of Alberta  
4 has a special email address that banks can email to confirm is this real.

5

6 THE COURT: Yes.

7

8 MS. JONES: And the Government of Alberta has provided  
9 anyone that receives a digital grant of probate their explanatory notice about the changes  
10 in look from the older paper grant --

11

12 THE COURT: Yes.

13

14 MS. JONES: -- to the digital one.

15

16 THE COURT: And so had the bank done any due diligence at  
17 all, they could have determined that a digital issue of probate is all that they should be  
18 entitled to expect, and that there is nothing further you can do, other than to physically  
19 notarize a very digital copy that you received.

20

21 MS. JONES: Which I did, and they still refused.

22

23 THE COURT: All right.

24

25 **Ruling (Costs)**

26

27 THE COURT: So, I am going to grant you your application for  
28 costs on the solicitor-client basis, on the solicitor and his own client basis.

29

30 MS. JONES: Thank you kindly. Do you want me to give you  
31 a number?

32

33 THE COURT: Do you have any -- do -- can you give me an  
34 assessment of the magnitude of those costs?

35

36 MS. JONES: With disbursements it would be approximately  
37 \$2,200.

38

39 THE COURT: All right. So, you will have an order to that  
40 effect.

41

1 MS. JONES: Thank you kindly. I will submit such an order  
2 through the normal SharePoint process.

3

4 THE COURT: And you ought to communicate when you are  
5 communicating with the bank that the Judge confirmed that this is all the -- that this is the  
6 manner in which these matters of probate are to be dealt with in the future, and that the  
7 bank should have known that, and could have discovered that by a very simple search, or  
8 a consultation with counsel.

9

10 MS. JONES: Yes. I will be getting this transcript and sending  
11 it not only to the Bank of Montreal, but also to Scotia Bank and CIBC, who are as well  
12 refusing to accept them.

13

14 THE COURT: Okay. Thank you.

15

16 MS. JONES: Thank you kindly. Those are all my matters.

17

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20 PROCEEDINGS CONCLUDED

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**Certificate of Record**

I, Kyla Pryor, certify that this recording is the record made of the evidence in proceedings in Court of King's Bench, held in courtroom 316, at Edmonton, Alberta, on the 23rd day of January, 2023, and that I, Kyla Pryor, was the court official in charge of the sound recording machine during the proceedings.

1 **Certificate of Transcript**

2  
3 I, Sharon Pettem, certify that

4  
5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the best  
6 of my skill and ability and the foregoing pages are a complete and accurate transcript of  
7 the contents of the record, and

8  
9 (b) the Certificate of Record for these proceedings was included orally on the record and  
10 is transcribed in this transcript.

11  
12  
13 Sharon F. Pettem, Transcriber

14 Order No. TDS-1025401

15 Dated: February 8, 2023  
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