



[2026] JMSC Civ 36

**IN THE SUPREME COURT OF JUDICATURE OF JAMAICA
FAMILY DIVISION
CLAIM NO. SU2023ES02862**

**IN THE ESTATE of CHRISTOPHER
ANTHONY MEIKLE also known as
CHRISTOPHER MEIKLE, deceased.**

AND

**IN THE MATTER of an application for financial
provision.**

AND

**IN THE MATTER of the Inheritance (Provision
for Family and Dependents) Act.**

BETWEEN	CHRISHAUN MEIKLE	1ST CLAIMANT
AND	STEPHANIE GAY PHILLIPS (Mother and next friend of CHRISTIA MEIKLE)	2ND CLAIMANT
	STEPHANIE GAY PHILLIPS	3RD CLAIMANT
	JERMAINE CAMPBELL (Executor of the Estate of CHRISTOPHER ANTHONY MEIKLE also known as CHRISTOPHER MEIKLE, deceased)	1ST DEFENDANT
	CHRISTOPHER ANTHONY MEIKLE (Executor of the Estate of CHRISTOPHER ANTHONY MEIKLE also known as CHRISTOPHER MEIKLE, deceased)	2ND DEFENDANT

IN CHAMBERS

Ms. Tameka Menzie of counsel for the Claimants

Mr. Garth Lyttle instructed by Garth Lyttle & Co for the Defendants

HEARD: 27th day of November, 2025 and the 13th day of February, 2026

Sections 4, 5, 6 and 7 of The Inheritance (Provision for Family and Dependents) Act
– **The factors which the Court must consider in exercising its jurisdiction.**

A. MARTIN – SWABY J AG.

[1] Christopher Anthony Meikle died on the 8th day of June 2022 after a lengthy period of illness. By a declaration made in this Court on the 10th day of January 2024, the 3rd Claimant is the spouse of Mr. Meikle. She has brought a claim under the **Inheritance (Provision for Family Dependents) Act** against the executors of his estate both in her personal capacity as spouse and as next friend of their two children Chrishawn Meikle and Christia Meikle. At the time of the trial of this matter, the Claimant indicated that Chrishawn Meikle had attained the age of majority and as such she no longer appeared as next friend on her/ his behalf.

[2] The orders sought within the Fixed Date Claim Form are summarized as follows;

- i. Declaration that the Claimants are beneficiaries of the estate of Christopher Meikle and are entitled to receive periodic payments from the net estate;*
- ii. The 1st Claimant Stephanie Gay Phillips (mother and next friend of Chrishawn Meikle) to receive periodic monthly payments of \$54,500.00 beginning from month of filing to 18th birthday of Chrishawn Meikle or the administration of the estate whichever is sooner.*
- iii. The 2nd Claimant Stephanie Gay Phillips (mother and next friend of Christia Meikle) to receive periodic monthly payments of \$54,500.00 from the month of filing the claim to Christia's 18th birthday or the administration of the estate whichever is sooner;*
- iv. The 3rd Claimant Stephanie Gaye Phillips is to receive periodic monthly payments of \$100,000.00 from the date of filing this claim to the completion of the administration of the estate whichever is sooner;*

- v. *That the executors are to instruct the Financial Institution for the estate to create a standing order for periodic monthly payments directly to the 3rd Claimant for the benefit of the Claimant.*

The Evidence -

- [3]** The testator executed a will on the 21st day of January, 2020. At the time of trial, this will had been admitted to Probate and the estate was already being administered. Under the last will and testament, the following bequests are made;
- i. Christopher Meikle (Defendant), Chrishaun Meikle, Christia Meikle and Jermaine Campbell (Defendant) receive all the testator's estate and interest in property at Drax Hall Country Club in share and share alike. The effect of this is that Chrishaun and Christia each receive a 25% interest in this property;
 - ii. The 3rd Claimant Stephanie Gay Phillips receives all the testator's interest in premises at 304 Hope Flat, Kingston 7, Saint Andrew absolutely. The evidence disclosed that this property was previously owned by the testator and the 3rd Claimant as tenants in common in equal shares prior to his death. Therefore, she became entitled to his 50% share. The evidence disclosed that at the time of trial, the testator's interest in the property had already been transferred.
 - iii. The 3rd Claimant and Christia and Chrishawn Meikle received the entire residue of the testator's estate in share and share alike. In summary, the 3rd Claimant, Chrishawn and Christia receive sizeable shares of the testator's real property as well as the entire residue.

- [4] Notwithstanding this fact, the Claimant's contention is that at the material time of filing this claim and at the time of the trial of this matter, she has experienced severe financial hardships. Her credit card bill is extremely high, and she owes monies for school fees for the children and other expenses. Her evidence is that as of August 2025, her credit card bill is \$584,000.00.
- [5] The evidence is that the testator operated a business "Meikle's Office Services" where he fixed computers and printers at his home. The Claimant accepts that he was a sole trader. She also accepts that he was the face and the backbone of the business. It is further agreed that with his passing, all operations of the business have ended.
- [6] Although the business is no longer in operation, she argues that the testator had an NCB account number 724681. Exhibited to her Affidavit is a statement from NCB dated the 1st day of June 2019 wherein it states that the balance in that account was \$43,135,337.04 at that time. Unfortunately, this cannot assist the court as it shows the situation three years prior to the death of Mr. Meikle.
- [7] Additionally, her evidence is that Mr. Meikle held stocks at NCB Capital Markets Account number 619675 valued at \$708,800 JMD. A statement is exhibited to her Affidavit filed July 08, 2024, as SGP 9. The statement period is April 30, 2022.
- [8] In her Supplemental Affidavit filed in Response on the 20th day of September 2024, she states that she has discovered an Investment Accounts Consolidated Statement from Scotia Investments Jamaica Limited which appears in the joint names of Mr. Meikle and his late mother. Attached to her exhibit is a statement dated the 30th day of June, 2023 which reflects that there is a balance of \$18,072,167.79 in that account.
- [9] Additionally, she argues that Lot 302 Hope Flat is a property which was registered in the name of the testator and his mother who is now deceased as joint tenants. She argues that this property would be included in the residue as well as a Nissan motor vehicle which was registered in the name of the testator.

[10] In cross examination, she accepted that Mr. Meikle was in the United States for approximately 2 ½ years receiving treatment for his illness. She also admitted that he had credit card debts and loans prior to his death.

[11] The Defence's case rests on the evidence of Jermaine Campbell, the 1st Defendant. The salient feature of his case is as follows;

- i. Regarding NCB account 30170233 which is in the name of Meikle Office Services, at the date of death, this account had a balance of \$2,017,601.35. The current balance is \$414,735.24.
- ii. The NCB account #304876743 had a balance of USD\$927.30 at the date of death. The current balance is now USD\$325.38. This account is also in the name of Meikle Office Services.
- iii. The NCB Capital Markets account 724681-1 which the Claimant asserts had a balance of approximately 43 million in the year 2019, is in the joint names of Mr. Meikle and the 1st Defendant Jermaine Campbell. Therefore, on the death of Mr. Meikle, it would not form part of the estate of Mr. Meikle.
- iv. The NCB Capital Markets account 715265 is in the joint names of Christopher Meikle, Jermaine Campbell and Sharon Arnold. Therefore, this account would not form a part of the estate of Mr. Meikle.
- v. The Nissan motor car was gifted to him by Mr. Meikle prior to his death. A duly executed Deed of gift was exhibited to his Affidavit filed on the 07th day of June 2024, as exhibit JC9.

[12] In summary, the Claimants have received the entire residue of the estate. Chrishawn and Christia Meikle receive an interest in real estate in Drax Hall, and the 3rd Claimant has received her interest in the property at 304 Hope Flats. Additionally, several accounts which were identified as belonging to the estate, does not form part of the estate.

Issues –

- i. Whether reasonable provision has been made under the will of Christopher Meikle for the maintenance of the claimants?
- ii. Whether the Court should exercise its discretion to make an order for either periodic payments or a lump sum payment to be made out of the net estate for the benefit of the Claimants?

Law and Analysis -

[13] The **Inheritance (Provision for Family and Dependents) Act** creates a mechanism through which persons who fall within a particular category may approach the Court seeking relief where the disposition made by a testator under his will, or the disposition of an intestate by virtue of the laws of intestacy or a combination of both, does not make reasonable provision for the applicant.

[14] It is firstly important to establish whether the Claimants are competent to make this application. By virtue of section 4(2)(b) and 4(2)(e) of the statute, the category of persons who may bring an application includes a child of the deceased and a spouse of the deceased. The respective provisions are as follows;

“4.-(1) An application for an order under section 6 may be made by any of the persons referred to in subsection (2) on the ground that the disposition of the deceased's estate effected by his will or the law relating to intestacy, or the combination of his will and that law, is not such as to make reasonable financial provision for the maintenance of the applicant.

(2) The persons to whom subsection (1) applies are-

(a) the wife or husband of the deceased;

(b) a child; ...”

[15] The Claimants being competent, it is important to determine whether the order being sought for periodic payments is allowed under the statutory regime. This is settled by Section 6 (1) (a) of the statute as it empowers the court to make orders for periodic payments and lump sum payments to be made from the net estate among other orders. Section 6(1) (a) reads as follows;

“6. -(1) Subject to the provisions of this Act, where an application is made for an order under this section, the court may, if it is satisfied that the disposition of the deceased’s estate effected by his will or the law relating to intestacy, or the combination of his will and that law, is not such, at the time of the hearing of the application, as to make reasonable financial provision for the maintenance of the applicant, make any one or more of the following orders

- (a) an order for the making to the applicant out of the net estate of the deceased of such periodical payments and for such term as may be specified in the order;

(b) an order for the payment to the applicant out of that estate of a lump sum of such amount as may so specified; ...”

[16] The only remaining hurdle is whether the application has been made within the stipulated period allowed by the statute. By virtue of section 5 of the statute, an application must be made within six months from the date on which representation with respect to the estate of the deceased is first taken out. Section 5 reads as follows;

“An application for an order under section 6 shall not, except with the permission of the court, be made after the end of the period of six months from the date on which representation with respect to the estate of the deceased is first taken out.”

[17] My understanding is that the application should be brought within 6 months of the grant of administration or probate. I bear in mind that no issue has been taken with respect to whether this Claim was brought within the required timelines. Nevertheless, I find that it has been brought within the stipulated timeline.

Whether reasonable provision has been made under the will for the maintenance of the applicants?

- [18] Section 4 of the Act states that an application for an order under section 6 may be made by any of the persons referred to in subsection (2) on the ground that the disposition of the deceased's estate effected by his will or the law re intestacy ; or a combination of his will and that law, is not such as to make reasonable provision for the maintenance of the applicant.
- [19] The import of section 4 is that the critical issue to be considered is whether the disposition, in this case, effected by the testator's will is inadequate in terms of making a reasonable provision towards the maintenance of the claimants.
- [20] At the time of trial, the evidence discloses that the 3rd claimant had received a substantial gift under the will in the form of the transfer of the testator's interest in the property at Hope Flat. Additionally, both children Chrishawn and Christia stand to benefit from the transfer of an interest in the Drax Hall property. There is no evidence that the latter gift has failed.
- [21] Further, the Claimant has identified a Scotia Investments account which she asserts would form part of the residue of the estate which contains in excess of 18 million dollars. The Defendant has not challenged this aspect of the evidence as contained in the 3rd Claimant's Affidavit.
- [22] In these circumstances, I must consider whether reasonable provision has not been made under the will for the maintenance of the Claimants.
- [23] Counsel for the Claimants invited the court to consider two authorities **Re Coventry, deceased Coventry v Coventry** [1979] 1 Ch. 461 and **Marjorie Morrison et al v Laurice Morrison** [2021] JMSC Civ 95 in support of their claim. I have considered both cases and have found them to be quite useful in the disposition of this claim.
- [24] In **re Coventry**, the issue surrounded whether the deceased's estate falling to intestacy resulted in an unreasonable provision for the maintenance of his adult son. In that case, the plaintiff was the only child of the deceased and his wife (the

defendant). The deceased and his wife were estranged for several years prior to his death. The Plaintiff lived with his father and cared for him, providing food and contributing towards his expenses. The deceased died intestate on the 10th day of June, 1976. The Defendant, his estranged wife, took out letters of administration. The estate consisted primarily of the deceased's home. Under the laws of intestacy, the Defendant was entitled to the entire interest in the subject property. Being aggrieved by this fact, the Plaintiff sought reliefs under section 2 of the Inheritance (Provision for Family and Dependents) Act 1975. His claim was that as a child of the deceased, the disposition of the estate was not such as to make reasonable provision for him. The learned Master awarded him £2,000. The matter was adjourned for hearing before a Judge who dismissed the summons. The Plaintiff appealed from the decision. The appeal was dismissed.

- [25]** The appellate Court, in dismissing the appeal, reasoned that the judge at first instance Oliver J, correctly identified that the approach to be taken in matters of this nature is to firstly determine the reasonableness of the provision (if any) which has been made by the deceased for the applicant's maintenance and secondly to determine the extent to which the court should exercise its powers under the Act, only if it satisfied that reasonable provision for the applicant's maintenance has not been made.
- [26]** The Appellate Court formed the view that the applicant must satisfy the two-pronged test. The first is considered to be a question of fact whether the disposition failed to make reasonable financial provision. This is a value judgment, a qualitative decision. The second is one of discretion.
- [27]** In applying the tests to the case at bar, I am of the view that reasonable provision has been made for the Claimants under the testator's will.
- [28]** By the testator's will, the Claimants all receive significant interests in real estate. Christia and Chrishawn both receive an interest in the Drax Hall property, and the 3rd Claimant receives an interest in the property at Hope Flat;

[29] Additionally, the claimants all share in the residue of the estate. Therefore, the rest, remainder of the estate is also to be shared amongst the Claimants;

[30] It is further noted that the 3rd Claimant has identified sums in an investment account which she asserts also forms part of the residue. This account contains values in excess of \$18,000,000.00. Therefore, on her own case, there is reasonable provision made for her and their children's maintenance.

[31] In such circumstances, the Claimants have failed the first test. Consequently, I will not go on to consider the second test.

[32] Although, I will not consider the second test, I wish to discuss the case of **Marjorie Morrison et al** briefly. In the latter, the Court exercised its discretion in making an order under the statute in favour of the testator's adult son. However, I am of the view that the facts are distinguishable. In that case, the court found that reasonable provision had not been made under the will for an adult son of the deceased who suffered from a mental illness. The testator did in fact bequeath two gifts to his adult son. However, both gifts had failed. The Court ruled that it was the intention of the testator that his adult son should receive gifts under the will. That the failure of those gifts, resulted in an unreasonable disposition and that the adult son was in need of maintenance from the estate of the deceased due to his mental illness. That is not the situation with respect to the case at bar.

[33] Consequently, I make the following orders;

1. The orders sought in the Fixed Date Claim Form filed on the 23rd day of October, 2023 are refused.
2. No order as to costs.
3. Claimant's Attorney-at-Law is to prepare, file and serve this order.

A. Martin- Swaby J (ag.)