



## Transcript of Proceedings

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Date 27/02/02

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Application No 79 of 2000

MARCUS JOHN MASON

Applicant

and

ANTHONY STEWART MASON,  
JEFFREY GORDON MASON and  
MARIA MASON

Respondent

CAIRNS

..DATE 25/02/200

JUDGMENT

HIS HONOUR: This is an application for family provision from the estate of May Mary Mason who died on the 19th of August 1999.

The applicant is her lawful son who was born on 7 December 1953 and is therefore 49 years of age. He is in poor health and lives in straitened financial circumstances. He was not named as a beneficiary under the will which, however, made provision for each of his siblings as well as for his first wife.

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There is a history of the plaintiff having suffered a head injury in a motorcycle accident in 1976 and following this, estrangement from his family and his former wife.

The relevant considerations appropriate to this application have been set out in two submissions made by the applicant's solicitors, the first dated the 21st of February 2002, and the second dated the 24th of February 2002. I shall not repeat the details set out in those submissions except to observe that the respondent joins in their respective terms.

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The parties have, subject to my sanction, reached agreement as to the level of family provision which ought to have been made for the applicant. I am satisfied that the proposal is a correct one and I will therefore sanction the settlement.

I make the following orders. I will make orders that I think are appropriate on the application, which does not necessarily

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follow what is set out there. I order that further and better provision be made by the payment of \$175,000 (including costs) to Marcus John Mason. I direct that the receipt of the applicant's solicitors for such sum be sufficient discharge to the executors. I order that the two submissions filed in support of this application and the mediation agreement and the mediator's certificate be placed in a sealed envelope, to be marked "Not to be opened except with the leave of the Court".

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