



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

5 MARCH 2026

MEDIA RELEASE

NIGEL DAVID RIMMER AND ANOTHER v CAROLYN MARY WILTON (AS ADMINISTRATOR OF THE ESTATE OF DAVID RIMMER)

(SC 97/2025)

Hearing of the Supreme Court in the Christchurch High Court Tuesday 17 March 2026

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court.

Background

In March 2016, Mr Rimmer died intestate (without a will). He was survived by the respondent (his de facto partner, Ms Wilton) and the appellants (his two now-adult children). Before Mr Rimmer's death, he and Ms Wilton entered into a contracting-out agreement under section 21 of the Property (Relationships) Act 1976 (PRA) (the Agreement), which specified how their property was to be divided in the event of their separation or if one of them died.

Under section 61 of the PRA, when one spouse or de facto partner dies, the surviving partner may choose one of two options. Option A is to apply for a division of relationship property pursuant to the PRA. Option B is to choose not to make such an application and to instead receive any beneficial interest the surviving partner is entitled to under the will or on the intestacy of the deceased partner.

In April 2016, Ms Wilton chose Option B. In May 2016, she was appointed administrator of Mr Rimmer's estate. She then made numerous distributions from the estate, none of which were to the appellants. These distributions reflected Ms Wilton's position that the relationship property was to be divided in accordance with the Agreement.

In August 2022, the appellants brought a claim against Ms Wilton in the High Court alleging she had breached her fiduciary duty to them. They claimed Ms Wilton could not rely on her entitlements under both the Agreement and section 77 of the Administration Act 1969. The High Court dismissed the appellants' claim on 1 June 2023. On 30 July 2025, the Court of Appeal dismissed their appeal against the High Court decision.

This appeal

On 31 October 2025, the Supreme Court granted leave to appeal. The approved question is whether the Court of Appeal was correct to dismiss the appeal.

While leave was granted in general terms, counsel were asked to focus their submissions on the interplay between the Agreement and Ms Wilton's entitlements under the intestacy provisions of the Administration Act. The Court asked for submissions to address whether, if the surviving partner chooses Option B, they may receive their entitlements under a will or on an intestacy while also relying on a section 21 agreement.

On 28 January 2026, the Court granted leave to the New Zealand Law Society | Te Kāhui Ture o Aotearoa to intervene in the appeal and to provide both written and oral submissions.

Viewing of hearing

This hearing of the appeal will be live-streamed. Details about access to the live-stream and the conditions of access will be posted on the [Courts of New Zealand website](#) shortly before the hearing. No recording is permitted.

The panel

The Hon Justice Miller	The Hon Justice Williams	The Rt Hon Chief Justice Winkelmann	The Hon Justice Kós	The Hon Justice Cooke
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Judges as seen from the public gallery

Counsel

- Nigel David Rimmer and Nicola Rimmer (Appellants): *V T M Brunton KC, N L Walker, J B C Trezise and L S B Acland*
- Carolyn Mary Wilton (as administrator of the estate of David Rimmer) (Respondent): *S P H Elliot and J M McGuigan*
- New Zealand Law Society | Te Kāhui Ture o Aotearoa (Intervener): *A S Butler KC and B A Jones*

Sitting hours

Court will begin at 10:00am and conclude at 4:00pm with adjournments taken from 11:30am to 11:45am and from 1:00pm to 2:15pm. There is no afternoon adjournment.

Enquiries

Any enquiries about the hearing should be directed via email to supremecourt@justice.govt.nz.

Contact person:

Sue Leaupepe, Supreme Court Registrar (04) 914 3613

High Court decision: [2023] NZHC 1372 (29 May 2023)

Court of Appeal decision: [2025 NZCA 374](#) (30 July 2025)

Supreme Court leave decision: [\[2025\] NZSC 150](#) (31 October 2025)