

**McCauley v NZ Guardian Trust Co 7/10/02, O'Regan J, HC Hamilton CP18/01**

Unsuccessful application for specific performance of alleged oral agreement - agreement allegedly to sell land to plaintiff and lease it back - agreement re distribution of estate - plaintiff alleged she was urged to accept block of land that was not viable farming unit in itself - whether oral agreement made on terms alleged.

Held, unlikely that conscientious trustees would have agreed to partition of home farm on such disadvantageous terms as those in alleged agreement - would have had effect of requiring estate to convert its undivided half share in home farm to an absolute interest in half area of home farm followed by sale to plaintiff - estate would have been paying rental while obtaining no benefit - unlikely in the circumstances that an agreement of the complexity and detail alleged would have been agreed on - agreement not established.