

EXPLANATION OF THE NEW SUPREME COURT CIVIL RULES (PROBATE)

The Supreme Court Civil Rules dealing with probate and administration (“Probate Rules”) are being amended to reflect changes brought about by the enactment of the [Wills, Estates and Succession Act](#) and to generally modernize the application process. The Probate Rules are now found in [Part 25 of the Supreme Court Civil Rules](#). Part 25 replaces [Rules 21-4](#) and [21-5](#). Most existing forms and procedures have been changed or updated.

Summary of Significant Changes

- Twenty-one days must elapse between providing notice of an intention to apply for a grant and the filing of the application. This gives interested parties a chance to file a notice of dispute.
- The new rules accommodate the new procedures contemplated by the [Wills, Estates and Succession Act](#), such as curative orders to admit wills to probate despite formal defects and rectification of wills.
- The application forms have been substantially reworked.
 - The forms use questions and check boxes to draw the readers’ attention to the information that must be provided.
 - Applicants have the option of using a [short form](#) or [long form](#) affidavit, depending on the complexity of their application.
 - A [long form affidavit](#) is designed to minimize the need for registrars to request additional information if an application is complicated. Currently, registrars must always request additional information for complex applications.
- If there are multiple applicants, only one applicant must complete a detailed affidavit. The other applicants can simply complete an [Affidavit in Support of Application for Estate Grant](#), which affirms their belief that the information provided in the detailed affidavit is complete and correct and which states that they agree to accept joint legal responsibility with the other personal representative(s).
- New court issued documents, the [Authorization to Obtain Estate Information](#) and [Authorization to Obtain Resealing Information](#), address the difficulty applicants have in obtaining information about the deceased’s assets from financial institutions.
- The information provided on a [grant of probate or administration](#) has been substantially reduced.
 - This will streamline the grant process.
 - The purpose of the grant is to reassure third parties that the grant-holder is entitled to receive the deceased’s assets. Statements about whether alterations, erasures and obliterations do or do not form part of the will, or whether the grant is limited in some manner are more appropriate for a separate order.
- New rules provide for the correction of slips and clerical errors in grants by the issuance of a prescribed [Correction Record](#).

Updated: April 30, 2013

Explanation of the new Probate Rules

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Rule 25-1, Definitions

- This rule establishes the definitions for the Probate Rules and applies the definitions and interpretation sections from the [Wills, Estates and Succession Act](#).
- This rule also sets out:
 - when delivery occurs,
 - when an executor has renounced executorship,
 - when a will is proved in solemn form, and
 - who are to be considered the parties of record.

Rule 25-2, Notice Must Be Provided

- An applicant is required to wait 21 days after giving notice before submitting an application for probate.
 - Providing 21 days ensures that interested parties have a meaningful opportunity to oppose the application by filing a [Notice of Dispute](#).
- The general rule, [25-1 \(3\)](#), is that notice by mail is deemed to have been given one week from the day of mailing.
 - [Rule 25-2 \(5\)](#) creates an exception for providing notice of an intention to apply for a grant of probate or administration. When giving notice of an intention to apply for a grant, the document is deemed to be delivered on the day that it was mailed
 - This preserves the effect of [section 112 of the Estate Administration Act](#), which simply requires that an applicant certify that they have ‘mailed’ or otherwise delivered notice to each person.
- Applicants will also be allowed to provide notice to interested parties electronically.

- Electronic notice is permitted for other types of court proceedings, but is new for probate.
- The general rule is that notice given electronically is deemed to have been given on the same day if transmitted before 4 p.m., and the next day otherwise (excluding weekends or holidays).
 - Again, there is an exception for giving notice of an intention to apply for a grant of probate or administration. When giving notice of an intention to apply for a grant, the document is deemed to be delivered on the date it is transmitted. So notice given at 11:59pm is equivalent to notice given at 3:59pm for all other documents.
- However, as the parties entitled to notice will not have filed documents providing the applicant with an electronic address for service, they must acknowledge receipt of notice.
- If the applicant does not receive a written acknowledgement, they must provide notice by personal service or by mail.
- Applicants who give notice electronically can apply 21 days after the date they send the notice (if they have written confirmation from all the persons entitled to notice that it was received).
 - The applicant does not need to wait 21 days from the date the person confirmed receipt of the notice. So, if they send notice to a person by e-mail and do not receive confirmation of receipt for two weeks the applicant can still submit the application for filing 21 days from the date they originally sent the e-mail, even though the person may only have seven days from receiving the notice to raise an objection before the application is filed.
 - However, waiting for confirmation that electronic notice was received is risky, because if the applicant waits for written confirmation and it is not received, then they will have to provide notice by personal service or mail and then wait 21 days from that point before filing their application.
- Other rules relating to notice, such as those regarding notice to minors and mentally incompetent persons are substantially similar to the current practice under the existing rules.
 - If an applicant is aware that the deceased was a Nisga'a citizen or member of a Treaty First Nation, notice must be given to the Nisga'a or Treaty First Nation.
 - This ensures that the Nisga'a or Treaty First Nation has the opportunity to assert its right to any cultural or otherwise communally held Nisga'a or Treaty First Nation property that was in the deceased's possession.
 - If a person has a committee appointed under the [Patients Property Act](#) (or a similar appointment has been made in another jurisdiction), then notice must be provided to the committee instead of the person.
 - If the person is otherwise considered to be mentally incompetent, then notice must be given to the person AND the Public Guardian and Trustee.
 - Note: The Rule places some onus on the applicant to Act reasonably if there is evidence that would cause a reasonable person to conclude that the person entitled to notice '**may be**' mentally incompetent. If in doubt, provide notice to the Public Guardian and Trustee.

Rule 25-3, Application for Estate Grant

- This rule has 14 sub-rules that explain the application procedure:
 - Sub-rules (1) to (13) set out [how to apply](#);
 - Sub-rule (14) relates to the [requirement to search for a will](#);
 - Sub-rules (15) to (19) cover issues relating to the [execution of the will](#) (signing requirements);
 - Sub-rules (20) to (24) cover issues relating to the [appearance of the will](#).
- In the '[How to Apply](#)' part of Rule 25-3, the sub-rules set out what documents must be filed, the requirements for filing a will, the procedure for multiple applicants, and when an applicant can use a [short form affidavit](#) or when a [long form affidavit](#) is required.
- A significant change is that an applicant can file an [affidavit of assets and liabilities](#) for the estate after they have filed the rest of their application documents.
 - An applicant will file the [affidavit of assets and liabilities](#) separately if they cannot learn all of the deceased's financial information prior to filing their application.
 - If an applicant does not file the affidavit of assets and liabilities, the registry will issue an [Authorization to Obtain Estate Information](#). This document can then be presented to third parties to reassure them that the applicant is entitled to the deceased's information.
 - Note: The [Affidavit of Assets and Liabilities](#) contains a Statement of Assets, Liabilities **and Distribution**. The Probate Rules no longer require an applicant to set out the proposed distribution of the estate; however, the name "Statement of Assets, Liabilities **and Distribution**" is used in the [Probate Fee Act](#). As the Probate Fee Act is not being amended at this time, the word 'distribution' must remain as part of the title of the statement.
- Foreign applicants are permitted to file an [Affidavit of Assets and Liabilities for Non-Domiciled Estate Grant](#) or an [Affidavit of Assets and Liabilities for Resealing](#). With either of these affidavits the accompanying Statement of Assets, Liabilities and Distribution does not require the applicant to disclose information about assets outside of British Columbia that are being (or will be) administered under a foreign grant.
- The rest of the Rule, relating to the requirement to search for a will, issues surrounding to the execution of the will, and issues surrounding the appearance of the will are substantially similar to the current practice under the existing rules. For example:
 - The applicant must swear that they have diligently searched for other wills of the deceased to ensure that the will they are presenting for probate is the last will.
 - If it is uncertain whether the will-maker properly complied with the requirements for signing a will then an affidavit from a witness is necessary.
 - If there are additions (Interlineations or alterations) or erasures (obliterations) or other changes to the will, then the registrar may require additional information to confirm whether these changes were made before or after the will was signed (and if made after that the changes were made in accordance with the rules for making a will).

Rule 25-4, Procedure After Filing Application Materials for Estate Grant

- [Rule 25-4](#) provides direction to court registry staff and sets out the procedure for an applicant who disagrees with a registrar's decision or request for additional information.
- The approval process has been slightly modified by the new rules:
 - the rules now set out basis on which a registrar may refuse to approve an application;
 - registrars have the authority to issue grants directly;
 - the rules allow registrars to contact applicants by any convenient means (phone, fax, email), rather than requiring written notice, which results in delays;
 - The rule set out the procedure for an applicant to address a registrar's refusal to issue a grant; and
 - Applicants have been given the ability to apply to have a matter heard by a judge if they disagree with a registrar's refusal to issue a grant.
- The rules specify that if not all co-executor(s) apply for a grant, then any co-executor who did not join in the application, and who did not renounce their rights under the will, may apply to be added as an executor at a later time.

Rule 25-5, Corrections, Amendments and Revocation of Estate Documents

- [Rule 25-5](#) is new; it explains how a person can apply to correct, amend or revoke a grant of probate or administration (or other estate documents) issued by the court:
 - Sub-rules (1) to (4) deal with corrections to a grant and other estate documents;
 - Sub-rules (5) to (7) deal with applications to revoke a grant or other estate documents.
- The rules are proportional. To correct a typo or clerical error, a person simply brings the error to the attention of the registrar; to amend or revoke a grant, a person must apply to the court.
- If it is only necessary to correct a slip or clerical error in a grant, a prescribed [Correction Record](#) will be issued. A court order is needed to revoke a grant or other estate document.

Rule 25-6, Applications for Resealing

- [Rule 25-6](#) sets out the application process for resealing, which is the formal recognition by the British Columbia court of a grant of probate or administration obtained in a foreign jurisdiction.
- The sub-rules in [Rule 25-6](#) are substantially similar to the current [sub-rules 21-5 \(61\) to \(67\)](#)
- While the process for resealing a foreign grant is substantially the same as the [application process for a 'regular' grant of probate](#) there are the following differences:
 - rather than providing the original will with their application, the applicant provides the foreign grant with a court certified copy of the will; and
 - there may be issues related to where the deceased was domiciled (primarily lived) that have to be addressed.

Rule 25-7, Procedure after Filing Application Materials for Resealing

- This rule sets out a procedure that is very similar to [Rule 25-4, Procedure after Filing Application Materials for Estate Grant](#). The most significant differences relate to the obligations of the court, which are carried forward from [sub-rules 21-5 \(68\) and \(69\)](#) of the current rules.
 - There is an obligation to inform a foreign court that the grant has been resealed
 - This allows the foreign jurisdiction to provide notice to the British Columbia Court if the foreign grant is revoked, as the British Columbia court will likely wish to revoke the resealed grant as well.
 - If a grant of probate or administration is issued in British Columbia and a foreign court informs the British Columbia Court that it has resealed the grant, then, if the grant is revoked in British Columbia, there is an obligation on the British Columbia Court to inform the foreign court of the revocation.
 - This allows the foreign jurisdiction to revoke the resealing of the grant in that jurisdiction.

Rule 25-8, Effect of Authorization to Obtain Estate Information or Authorization to Obtain Resealing Information

- The [Authorization to Obtain Estate Information](#) is a new court-issued document.
- It is designed to address the difficulty applicants currently have getting the deceased's financial information in order to complete the affidavit of assets and liabilities for the application package.
- If a third party fails to provide information in a reasonable time (30 days) the applicant can apply for a court order to obtain the information. [Rule 25-8 \(3\)](#) specifies that the court may order that the third party is responsible for costs and impose a fine or other penalty.

Rule 25-9, Application to Court for Grant or Resealing

- This rule expands upon the current [sub-rule 21-5\(8\)](#), which allows an applicant to apply to court if a grant application has been refused by the registrar.
 - Sometimes there are disagreements about whether the applicant has provided sufficient material to explain an issue raised by the registrar. If an applicant feels a registrar is unreasonably refusing to issue a grant, they are able to appeal to the court.
 - Rule 25-9 specifies what application material is required, clarifies that the application is not an appeal (so new evidence may be considered and the court is not bound by any findings made by the registrar) and clarifies what happens if the court decides that the applicant should receive a grant.

Rule 25-10, Notice of Dispute

- [Rule 25-10](#) corresponds to current [Supreme Court Civil Rules \(39\) to \(48\)](#), which allow people to use 'caveats' to block the issuance of a will:
 - 'Caveat' is Latin for 'warning'; the term 'Notice of Dispute' is used in place of caveat.
- [Rule 25-10](#) addresses many of the concerns lawyers had with the caveat process – which is that it was unclear and open ended, allowing obstructive relatives to abuse the process by repeatedly filing caveats without having to justify the need for them.

- Under [Rule 25-10](#), a notice of dispute is effective for one year. However, a person can only file one notice of dispute. While a person can apply to renew a notice of dispute an unlimited number of times, they must satisfy the court that it is appropriate to renew.
 - Currently, although a caveat expires after six months, a person can file an unlimited number of caveats and they do not need to provide a reason for doing so.
- A person can now also apply to remove a notice of dispute. This gives an applicant some control, by allowing them to satisfy a judge that the notice of dispute is not required because the disputant does not have valid concerns.

Rule 25-11, Citations

- Citations allow a person to demand that an executor named in a will apply for probate.
- [Rule 25-11](#) expands upon a process currently set out in [sub-rules 21-5 \(49\) and \(50\)](#).
- Under [Rule 21-5 \(50\)](#) an executor simply needs to provide a response to the citation (any response); it can be difficult for a judge to allow another person to apply for probate if the executor responds with anything other than a clear declaration that they have no intention of applying for probate.
 - For example, the response may indicate in the response that they intend to apply for probate but have been unable to do so (due to medical condition, temporarily out of country). There is no consequence if the executor never applies.
- [Sub-rule 25-11 \(5\)](#) makes it clear that if a person does not obtain a grant of probate within six months after being served with a citation, they are deemed to have renounced their right to apply for probate, and others are allowed to apply in their place.

Rule 25-12, Subpoena for Testamentary Document or Grant

- The subpoena process allows a person to request the court issue an order requiring a person to bring in a document.
- Currently, [Rule 21-5\(56\)](#) simply states that the court may subpoena documents or assets. [Rule 25-12](#) expands upon the subpoena process, explaining how to obtain a subpoena and specifying that a warrant may be issued if a person fails to comply with a subpoena.

Rule 25-13, Remuneration and Passing of Accounts

- [Rule 25-13](#) will allow an application for remuneration to be heard separately from an application for the passing of the personal representative's accounts in relation to the estate.
 - Often the two matters will need to be heard together. However, occasionally there will be times where the parties will agree upon remuneration or the accounts and in these circumstances the court only needs to pass the accounts or approve remuneration.
- Another change is that [sub-rule 25-13 \(1\)](#) specifies that *either* the personal representative *or another person interested in the estate* can apply by notice of application for an order for the passing of accounts or to fix the personal representative's remuneration.
 - Currently, if a person other than the personal representative wishes to require a personal representative to pass their accounts, they must proceed by petition, which is much more cumbersome, as it requires a new proceeding be commenced.
- [Sub-rule 25-13 \(2\)](#) allows for an application to be made in accordance with the general Supreme [Court Rule 8-3 – Consent applications](#), if all interested parties consent. This is a faster process that is currently not permitted under [Rule 21-5\(70\)](#).

Rule 25-14, Applications

- If a court file has been opened by an application for probate or administration, [Rule 25-14](#) allows later applications that are related to that application for probate or administration to be filed in the same court file.
 - Currently, applications to settle disputes relating to an application for probate and administration must be filed separately.
 - Having a single court file related to all matters involving an estate will make it easier for the court and the public to find all relevant information related to an estate.
- Many applications are dealt with together in [sub-rule 25-14 \(1\)](#). The Rules for how to apply for a spousal home and will deficiency orders are set out under sub-rule [25-14 \(2\)](#), and the Rules for how to apply for proof in solemn form is set out in [sub-rule 25-14 \(4\)](#).

Rule 25-15, Miscellaneous

- [Rule 25-15](#) deals with four issues that do not fall within any of the above rules.
 - The ability of guardians to apply for probate on behalf of minors who are appointed as executors in a will.
 - How to change an address for service.
 - What an applicant must do if a person entitled to notice has no known address for service.
 - Exceptions to the general costs rule where a person requires that a will be proved in solemn form.

SCHEDULE

1 Rule 2-1 of the Supreme Court Civil Rules, B.C. Reg. 168/2009, is amended

(a) by repealing subrule (2) (d) and substituting the following:

- (d) the relief, advice or direction sought relates to a question arising in the execution of a trust, or the performance of an act by a person in the person's capacity as trustee, or the determination of the persons entitled as creditors or otherwise to the trust property; ,

(b) by adding the following subrule:

Estate proceedings

- (2.1) Without limiting any other provision of this Rule, a proceeding to which Part 25 applies may be started by

- (a) the filing of a submission for estate grant under Rule 25-3 (2),
- (b) the filing of a submission for resealing under Rule 25-6 (2),
- (c) the filing of a requisition under Rule 25-12 (2) or 25-14 (1) or (2), or
- (d) the filing of a petition under Rule 25-14 (4).

(c) in subrule (3) by striking out “subrules (1) and (2),” and substituting “subrules (1) to (2.1),”, and

(d) by repealing subrule (3) (i) and (j) and substituting the following:

- (i) Part 25 applies to a proceeding in relation to the administration of an estate; .

2 Rule 4-3 (1) is amended

(a) by adding the following paragraph:

- (f.1) a subpoena under Rule 25-12; , and

(b) in paragraph (g) by striking out “21-5;” and substituting “25-11;”.

3 Rule 14-1 (6) is amended by striking out “for any non-contentious business under Rule 21-5,” and substituting “in relation to any proceeding under Part 25 in which a notice of civil claim has been filed,”.

4 Rules 21-4 and 21-5 are repealed.

5 Rule 21-6 is amended

(a) by repealing the title and substituting “RULE 21-6 – WILLS, ESTATES AND SUCCESSION ACT** WILLS VARIATION PROCEEDINGS”.**

(b) in subrules (1) and (3) by striking out “section 2 of the Wills Variation Act” and substituting “section 60 of the Wills, Estates and Succession Act”.

(c) in subrule (2) (a) (i) by striking out “testator” and substituting “will-maker”.

(d) *in subrule (2) (a) (ii) by striking out “testator’s” and substituting “will-maker’s”, and*

(e) *in subrule (4) by striking out “A proceeding under the Wills Variation Act” and substituting “A proceeding referred to in this rule”.*

6 *Rule 22-3 (1) is amended by adding “or A.1” after “Appendix A”.*

7 *Rule 23-6 (3) is repealed.*

8 *The following Part is added:*

PART 25 – ESTATES

RULE 25-1 – DEFINITIONS

Definitions

(1) In this Part:

“**affidavit of assets and liabilities for estate grant**” means an affidavit referred to in Rule 25-3 (2) (g);

“**affidavit of assets and liabilities for resealing**” means an affidavit referred to in Rule 25-6 (2) (g);

“**alternate executor**” means a person who, under the terms of a will, is to become an executor if the person named in the will as executor is unable or unwilling to act or continue to act in that capacity;

“**authorization to obtain estate information**” means an authorization to obtain estate information issued under Rule 25-4 (1) (a);

“**authorization to obtain resealing information**” means an authorization to obtain resealing information issued under Rule 25-7 (1) (a);

“**citor**” means a person who serves a citation under Rule 25-11 (1);

“**deliver**”, in relation to a person, means provide to the person by

(a) personal delivery,

(b) ordinary mail to the person’s residential or postal address, or

(c) e-mail, fax or other electronic means to the address provided by the person for that purpose;

“**disputant**” means a person who files a notice of dispute under Rule 25-10 (1);

“**estate grant**” means

(a) a grant of probate, whether the grant is made for general, special or limited purposes,

(b) a grant of administration, whether the grant is made for general, special or limited purposes, or

(c) an ancillary grant of probate or administration;

“**executor**” means

- (a) a person named in a will as an executor, or
- (b) if 2 or more persons are named in a will as an executor, each of those co-executors,

unless that person has renounced executorship;

“renounce executorship” has the meaning set out in subrule (4) of this rule;

“solemn form” has the meaning set out in subrule (5) of this rule;

“submission for estate grant” means a submission for estate grant in Form P2;

“submission for resealing” means a submission for resealing in Form P21;

“testamentary document” means a document that does one or both of the following:

- (a) makes or purports to make a testamentary disposition other than
 - (i) a designation under Part 5 of the *Wills, Estates and Succession Act*, or
 - (ii) a designation of a beneficiary under Part 3 or 4 of the *Insurance Act*;
- (b) appoints or purports to appoint an executor of the estate of the maker of the document,

and, without limiting this, includes a will;

“wills notice” means a notice filed under section 73 of the *Wills, Estates and Succession Act* with the chief executive officer under the *Vital Statistics Act*.

Interpretation

- (2) The definitions and interpretation sections of the *Wills, Estates and Succession Act* apply to this Part unless the context otherwise requires.

When delivery occurs under this Part

- (3) Delivery of a document under this Part occurs as follows:
 - (a) subject to Rule 25-2 (5) (a), if the document is sent for delivery to a person by ordinary mail, the document is deemed to be delivered one week later on the same day of the week as the day of mailing or, if that deemed day of delivery is a Saturday or holiday, on the next day that is not a Saturday or holiday;
 - (b) subject to Rule 25-2 (5) (b), (6) and (7), if the document is transmitted for delivery to a person by e-mail, fax or other electronic means to the e-mail, fax or other electronic address provided by the person for that purpose,
 - (i) if the document is transmitted before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be delivered on the day of transmission, or
 - (ii) if the document is transmitted on a Saturday or holiday, or after 4 p.m. on any other day, the document is deemed to be delivered on the next day that is not a Saturday or holiday.

Renunciation of executorship

- (4) An executor renounces executorship
 - (a) in a circumstance set out in paragraph (a) or (b) of Rule 25-11 (5), or

- (b) when a notice of renunciation in Form P17 from the executor is filed
 - (i) with documents filed under Rule 25-3 (2) in relation to the will in which the executor was named as an executor, or
 - (ii) in the proceeding in which those documents were filed.

Solemn form

- (5) A will is proved in solemn form when, after a trial or hearing, the court pronounces for the force and validity of the will in solemn form of law.

Parties and parties of record

- (6) Unless a contrary intention appears in this Part or in an order under Rule 25-14 (8) (b), a reference to a party or party of record in a rule of these Supreme Court Civil Rules is, for the purposes of applying that rule to a proceeding under this Part, deemed to be a reference to a person who has filed a document in the proceeding.

RULE 25-2 – NOTICE MUST BE PROVIDED

Notice of intended application for estate grant or resealing

- (1) Subject to this rule, unless the court otherwise orders, a person intending to apply for an estate grant or for the resealing of a foreign grant in relation to the estate of a deceased must, at least 21 days before submitting for filing the materials required for that application under this Part, deliver the following to the persons referred to in subrule (2):
 - (a) a notice that complies with subrule (3);
 - (b) whichever of the following, if any, that applies to the intended application:
 - (i) if the intended applicant intends to apply for a grant of probate or a grant of administration with will annexed, a copy of the will in relation to which the application is to be made;
 - (ii) if the intended applicant intends to apply for the resealing of a foreign grant or for an ancillary grant of probate or administration with will annexed, a copy of the foreign grant and, if a copy of the will in relation to which the foreign grant was issued is not attached to the foreign grant, a copy of the will;
 - (iii) if the intended applicant intends to apply for an ancillary grant of administration without will annexed, a copy of the foreign grant.

Persons to whom documents must be delivered

- (2) The documents referred to in subrule (1) must be delivered to the following persons:
 - (a) if the deceased left a will, each of the following who is not a person by whom or on whose behalf the documents referred to in subrule (1) are to be delivered (a person by whom or on whose behalf the documents referred to in subrule (1) are to be delivered is, in this subrule, called an “intended applicant”):
 - (i) each person
 - (A) who is named in the will as executor or alternate executor,

- (B) whose right to make an application for an estate grant in relation to the deceased is prior to or equal to the intended applicant's right to make that application, and
- (C) who is alive at the time of the deceased's death;
- (ii) each beneficiary under the will who is not referred to in subparagraph (i) of this paragraph;
- (iii) each person who, under Division 1 of Part 3 of the *Wills, Estates and Succession Act*, would have been an intestate successor if the deceased did not leave a will and who is not referred to in subparagraph (i) or (ii) of this paragraph;
- (b) if the deceased did not leave a will,
 - (i) each person who, under Division 1 of Part 3 of the *Wills, Estates and Succession Act*, is an intestate successor of the deceased, and
 - (ii) each creditor of the deceased whose claim exceeds \$10,000 and who is not referred to in subparagraph (i) of this paragraph;
- (c) if the deceased was a Nisga'a citizen, the Nisga'a Lisims government;
- (d) if the deceased was a member of a treaty first nation, the treaty first nation;
- (e) any other person who, by court order under subrule (14) (a), is to receive notice;
- (f) any person not referred to in paragraph (a), (b), (c), (d) or (e) of this subrule who has served a citation on the intended applicant in relation to the deceased.

Form of notice of application

- (3) A notice under subrule (1) must be in Form P1, must be signed by the intended applicant or the intended applicant's lawyer and must contain the following:
 - (a) the name, last residential address and date of death of the deceased;
 - (b) subject to subrule (4), the name and mailing address of the intended applicant and an address for service for the intended applicant, which address for service must be an accessible address that complies with Rule 4-1 (1);
 - (c) if the intended applicant is an individual, the city and country in which the intended applicant ordinarily lives;
 - (d) the estate grant or resealing for which the intended applicant intends to apply;
 - (e) the registry of the court where the submission for estate grant or submission for resealing will be filed;
 - (f) the following statements in relation to each person to whom the notice is delivered:
 - (i) that the person has a right to oppose,
 - (A) in the case of a notice provided in relation to an application for an estate grant, the issuance to the intended applicant of either or both of an authorization to obtain estate information and an estate grant, or

- (B) in the case of a notice provided in relation to an application for a resealing of a foreign grant, either or both of the issuance of an authorization to obtain resealing information and the resealing of the foreign grant;
 - (ii) that the person may or may not be entitled to claim against the estate for relief, including a claim under
 - (A) the *Family Law Act*, or
 - (B) Division 6 of Part 4 of the *Wills, Estates and Succession Act*;
 - (iii) that, if the person chooses to take a step referred to in subparagraph (i) or (ii), the person must do so within the time limited by any relevant rule of court or other enactment;
 - (iv) that the person may consult with that person's own lawyer concerning the person's interest in, or rights against, the estate;
 - (v) in the case of an application for a grant of administration, that the person may apply for an order requiring the intended applicant to provide security unless the intended applicant is the Public Guardian and Trustee;
- (g) the following statements:
- (i) that an estate grant may issue or a foreign grant may be resealed, as the case may be, without further notice, on any date that is at least 21 days after the date on which the notice is delivered, or on any earlier date ordered by the court;
 - (ii) if an authorization to obtain estate information issues to the intended applicant, the intended applicant may apply for an estate grant without further notice, and if an authorization to obtain resealing information issues to the intended applicant, the intended applicant may apply for the resealing of the foreign grant without further notice;
 - (iii) that if an estate grant issues to the intended applicant as a result of the application, the intended applicant must provide, if there is a will, to the beneficiaries or, if there is no will, to intestate successors of the deceased, an accounting as to how the estate was administered and how the estate assets were distributed, and
 - (iv) that if a foreign grant is resealed as a result of the application, the intended applicant must provide, if there is a will, to the beneficiaries or, if there is no will, to intestate successors of the deceased, an accounting as to how the estate comprising the assets to which the resealed grant applies was administered and how those assets were distributed.

Multiple intended applicants

- (4) If an application referred to in subrule (1) is to be brought by 2 or more intended applicants, those intended applicants

- (a) must adopt a single address for service that is applicable to them all, which address for service must be an accessible address that complies with Rule 4-1 (1), and
- (b) may adopt additional addresses for service under Rule 4-1 (2) provided that each additional address for service is applicable to all of the applicants.

When delivery occurs under this rule

- (5) Delivery of a document under this rule occurs as follows:
 - (a) if the document is sent for delivery to a person by ordinary mail to the person's mailing address, the document is deemed to be delivered on the date it is mailed;
 - (b) subject to subrules (6) and (7) of this rule, if the document is transmitted for delivery to a person by e-mail, fax or other electronic means to the e-mail, fax or other electronic address provided by the person for that purpose, the document is deemed to be delivered on the date it is transmitted.

No delivery by e-mail, fax or other electronic means without acknowledgement

- (6) Sending a document referred to in subrule (1) to a person by e-mail, fax or other electronic means does not constitute delivery of the document to that person unless that person provides a written acknowledgement of receipt.

If delivery is effected by e-mail, fax or other electronic means

- (7) If documents referred to in subrule (1) are delivered by e-mail, fax or other electronic means, the intended applicant must swear, in an affidavit in Form P9, that
 - (a) the intended recipient of the documents has, in writing, acknowledged receipt of those documents, and
 - (b) the intended applicant will retain a copy of that acknowledgement until the personal representative of the deceased is discharged and, until then, will produce that acknowledgement promptly after being requested to do so by the registrar.

If person to whom notice is to be delivered is a minor

- (8) If a person to whom documents are to be delivered under subrule (1) is a minor, the intended applicant must deliver those documents
 - (a) as follows:
 - (i) if the applicant knows that the minor resides with all of the minor's parents, to those parents;
 - (ii) if subparagraph (i) does not apply but the applicant knows that a parent or guardian has responsibility for financial decisions relating to the minor, to that parent or guardian;
 - (iii) if neither subparagraph (i) nor subparagraph (ii) applies but the applicant knows of one or more addresses at which the minor resides, to the minor at each of those addresses, and
 - (b) subject to subrule (9), to the Public Guardian and Trustee.

If testamentary trust exists

- (9) An intended applicant need not deliver documents under subrule (8) (b) to the Public Guardian and Trustee if
 - (a) the intended applicant is an executor or alternate executor of the deceased's estate,
 - (b) the minor is not a spouse or child of the deceased, and
 - (c) the deceased's will
 - (i) creates a trust for the interest of the minor in the estate, and
 - (ii) appoints a trustee for that trust.

If person to whom notice is to be delivered is a mentally incompetent person

- (10) Subrule (11) applies if
 - (a) there has been appointed for a person to whom documents are to be delivered under subrule (1)
 - (i) a committee appointed under the *Patients Property Act*, or
 - (ii) the equivalent of a committee appointed by a court outside British Columbia, or
 - (b) a person to whom documents are to be delivered under subrule (1) is or may be mentally incompetent and paragraph (a) of this subrule does not apply to the person.

How notice may be delivered to a mentally incompetent person

- (11) If subrule (10) applies to a person to whom documents are to be delivered under subrule (1), the intended applicant must deliver the documents to the person as follows:
 - (a) if subrule (10) (a) (i) applies, by delivering the documents to
 - (i) the committee referred to in that paragraph, and
 - (ii) the Public Guardian and Trustee;
 - (b) if subrule (10) (a) (ii) applies, by delivering the documents to
 - (i) the equivalent person referred to in that subparagraph, and
 - (ii) the Public Guardian and Trustee;
 - (c) if subrule (10) (b) applies, by delivering the documents to the Public Guardian and Trustee in addition to delivering those documents to the person.

If person to whom notice is to be delivered is dead

- (12) If a person to whom documents are to be delivered under subrule (1) is dead, the intended applicant must
 - (a) deliver those documents to the personal representative of the person, if known, or
 - (b) if the intended applicant does not know of a personal representative of the person, apply to the court under Rule 8-4 for directions and, unless the court

dispenses with notice, deliver those documents in accordance with the order obtained on that application.

Notice to Public Guardian and Trustee

- (13) At the time that a notice is delivered to the Public Guardian and Trustee under subrule (8) or (11), the intended applicant must also deliver to the Public Guardian and Trustee a notice, in writing, setting out
- (a) the name of every other person to whom notice is required to be delivered under subrule (8) or (11), and
 - (b) the most recent of each of the following that is known to the intended applicant about each of those persons:
 - (i) the person's residential address, inside or outside British Columbia;
 - (ii) the person's postal address, inside or outside British Columbia;
 - (iii) the person's e-mail address;
 - (iv) the person's fax number.

Court may alter or dispense with notice

- (14) On application, the court may do one or both of the following to avoid any prejudice that would otherwise result to the intended applicant, to another person or to the estate:
- (a) vary the classes of persons to whom documents referred to in subrule (1) are to be delivered;
 - (b) dispense with the requirement under subrule (1), (8) or (11) to deliver documents to one or more persons other than the Public Guardian and Trustee.

Public Guardian and Trustee not required to deliver notice under subrule (1)

- (15) If the intended applicant is the Public Guardian and Trustee, he or she is not required to deliver documents under subrule (1) to any person referred to in subrule (2) except that the Public Guardian and Trustee must deliver the documents to the following:
- (a) if the deceased left a will, each spouse or child of the deceased;
 - (b) if the deceased was a Nisga'a citizen, the Nisga'a Lisims government or if the deceased was a member of a treaty first nation, the treaty first nation.

If application made for solemn form grant

- (16) A person may file the materials required for an application under this Part without first providing notice under this rule to a person referred to in subrule (2) if
- (a) the application is for a grant of probate or a grant of administration with will annexed in relation to a will that has been proved in solemn form, and
 - (b) the person referred to in subrule (2) was served with the petition or notice of application under which proof of the will in solemn form was sought.

RULE 25-3 – APPLICATION FOR ESTATE GRANT

How to Apply

Definition

- (1) In this rule, “will” means,
 - (a) in relation to an application for a grant of probate or a grant of administration with will annexed, the testamentary document in relation to which the application was brought, or
 - (b) in relation to an application for an ancillary grant of probate or an ancillary grant of administration with will annexed, the testamentary document in relation to which the foreign grant was issued.

Documents to be filed in an application

- (2) A person wishing to apply for an estate grant must, after delivering in accordance with Rule 25-2 the documents that, under in Rule 25-2 (1), are required to be delivered have been delivered, file the following documents:
 - (a) a submission for estate grant in Form P2;
 - (b) an affidavit from the applicant, or, if there are 2 or more applicants, from at least one of the applicants, as follows:
 - (i) if the application is for a grant of probate or a grant of administration with will annexed,
 - (A) in Form P3 if subrule (6) of this rule applies, or
 - (B) in Form P4 if subrule (6) of this rule does not apply;
 - (ii) if the application is for a grant of administration without will annexed, in Form P5;
 - (iii) if the application is for an ancillary grant of probate or an ancillary grant of administration with will annexed, in Form P6;
 - (iv) if the application is for an ancillary grant of administration without will annexed, in Form P7;
 - (c) if there are 2 or more applicants, an affidavit in Form P8 from each of the applicants who has not sworn an affidavit referred to in paragraph (b);
 - (d) 2 copies of a certificate from the chief executive officer under the *Vital Statistics Act* indicating the results of a search for a wills notice filed by or on behalf of the deceased;
 - (e) any affidavit or material required by any of subrules (15) to (24) of this rule;
 - (f) one or more affidavits, in Form P9, that, collectively, confirm that the documents referred to in Rule 25-2 were delivered to all of the persons to whom, under that rule, the documents were required to be delivered;
 - (g) in accordance with subrule (8) of this rule, from the applicant, or, if there is more than one applicant, from at least one of the applicants, an affidavit of assets and liabilities, which affidavit must be
 - (i) subject to subparagraph (ii) of this paragraph, an affidavit of assets and liabilities for domiciled estate grant in Form P10, or

- (ii) if subrule (9) applies, an affidavit of assets and liabilities for domiciled estate grant in Form P10 or an affidavit of assets and liabilities for non-domiciled estate grant in Form P11;
- (h) in accordance with subrule (11), for each of the documents that are filed with the submission for estate grant and that are not written in the English language, an affidavit of translator in Form P12;
- (i) if one or more of the executors has renounced executorship, whichever of the following that applies:
 - (i) if the executor has provided to the applicant a notice of renunciation in Form P17, that notice of renunciation;
 - (ii) if the executor is deemed under Rule 25-11 to have renounced executorship, an affidavit of deemed renunciation in Form P34 prepared by the citor under Rule 25-11 (7) and any supporting affidavits of service;
- (j) any document required under subrule (3).

Filing of wills

- (3) Subject to subrule (5), the person wishing to apply for an estate grant must file with the documents referred to in subrule (2) (a) to (j) the following:
 - (a) if the application will be for a grant of probate or a grant of administration with will annexed,
 - (i) the originally signed version of the will, if that original exists or, if that original does not exist, a copy of the will, and
 - (ii) if an order has been made that affects the validity or content of the will and that order has not yet been filed in the proceeding within which the estate grant is being sought, a copy of that order;
 - (b) if a grant of probate or equivalent, or a grant of administration with will annexed or equivalent, was issued in a jurisdiction that has not been prescribed for the purposes of section 138 of the *Wills, Estates and Succession Act* and the application under this Part will be for an ancillary grant of probate or an ancillary grant of administration with will annexed, the following:
 - (i) a copy of the foreign grant that has been certified by the issuing court;
 - (ii) if the will is not attached to the foreign grant, a copy of the will that has been certified by the issuing court;
 - (c) if a grant of administration without will annexed, or equivalent, was issued in a jurisdiction that has not been prescribed for the purposes of section 138 of the *Wills, Estates and Succession Act* and the application will be for an ancillary grant of administration without will annexed, a copy of the foreign grant certified by the court out of which the grant of administration without will annexed, or equivalent, was issued.

Multiple applicants

- (4) If an application for an estate grant is brought by 2 or more applicants, those applicants

- (a) must adopt a single address for service that is applicable to them all, which address for service must be an accessible address that complies with Rule 4-1 (1), and
- (b) may adopt additional addresses for service under Rule 4-1 (2) provided that each additional address for service is applicable to all of the applicants.

Documents to be separate

- (5) None of the documents referred to in a paragraph of subrule (2) or (3) may be attached to any document referred to in any other paragraph of subrule (2) or (3), and, without limiting this, an originally signed version of the will, when submitted for filing in accordance with subrule (3) (a), must not be attached to any other document.

Form of affidavit for application for grant of probate or grant of administration with will annexed

- (6) The affidavit required of an applicant under subrule (2) (b) in relation to an application for a grant of probate or a grant of administration with will annexed may be in Form P3 if
 - (a) the applicant swearing the affidavit is named in the will as an executor or alternate executor or is a person referred to in section 131 of the *Wills, Estates and Succession Act*,
 - (b) the applicant swearing the affidavit is satisfied that
 - (i) a diligent search for a testamentary document of the deceased has been made in each place that could reasonably be considered to be a place where a testamentary document may be found, including, without limitation, in all places where the deceased usually kept his or her documents, and
 - (ii) no testamentary document that is dated later than the date of the will has been found,
 - (c) the applicant swearing the affidavit believes that the will is the last will of the deceased that deals with property in British Columbia,
 - (d) the will complies with the requirements of Division 1 of Part 4 of the *Wills, Estates and Succession Act*, and the originally signed version of the will is being filed with the submission for estate grant,
 - (e) a certificate has been obtained from the chief executive officer under the *Vital Statistics Act* indicating the results of a search for a wills notice filed by or on behalf of the deceased, and the certificate indicates that no wills notice has been filed by or on behalf of the deceased
 - (i) in relation to a testamentary document that is dated later than the date of the will, or
 - (ii) at all,
 - (f) the will is not a military will executed in accordance with the requirements of section 38 of the *Wills, Estates and Succession Act*,
 - (g) the applicant swearing the affidavit is not aware of there being any issues respecting execution of the will,

- (h) the applicant swearing the affidavit is not aware of there being any interlineations, erasures or obliterations in, or other alterations to, the will,
- (i) the applicant swearing the affidavit is not aware of there being any issues arising from the appearance of the will,
- (j) any documents referred in the will are attached to the will, and
- (k) the applicant swearing the affidavit is not aware of there being any grant of probate or administration, or equivalent, having been issued, in relation to the deceased, in British Columbia or in any other jurisdiction.

Filing of affidavit of assets and liabilities for estate grant

- (7) The affidavit required under subrule (2) (g) may be filed concurrently with or subsequent to the filing of the other documents referred to in subrules (2) and (3).

Affidavit of assets and liabilities for non-domiciled estate grant

- (8) The applicant for an estate grant may file an affidavit of assets and liabilities for non-domiciled estate grant in Form P11 if
 - (a) the deceased was not domiciled or ordinarily resident in British Columbia at the time of death,
 - (b) all property of the deceased situated outside British Columbia, if any, has been, is being or will be
 - (i) administered by a foreign personal representative, or
 - (ii) otherwise administered under the law of a foreign jurisdiction.

Supplemental affidavit of assets and liabilities for estate grant

- (9) Whether or not an estate grant has been issued in response to an application for an estate grant, if the applicant determines, after filing the affidavit of assets and liabilities for estate grant required in relation to the application, that
 - (a) there are assets or liabilities of the estate that are not referred to in that affidavit or in an affidavit filed under this subrule, or
 - (b) that information contained in the affidavit of assets and liabilities for estate grant or in a supplemental affidavit of assets and liabilities for estate grant under this subrule is incorrect or incomplete,the applicant must, promptly after making that determination,
 - (c) file a supplemental affidavit of assets and liabilities for estate grant in Form P14 or, if the applicant has filed in the proceeding an affidavit of assets and liabilities for non-domiciled estate grant in Form P11, a supplemental affidavit of assets and liabilities for non-domiciled estate grant in Form P15, and
 - (d) pay all fees payable in relation to that filing, including all applicable probate fees.

Filing of affidavit of translator

- (10) An affidavit of translator in Form P12 must be filed concurrently with any document referred to in subrule (2) or (3) that is the subject of a translation.

Delivery to Public Guardian and Trustee

- (11) Subject to subrule (12) of this rule, if, under Rule 25-2, the applicant was required to deliver to the Public Guardian and Trustee the documents referred to in Rule 25-2 (1), the applicant must, promptly after filing a document referred to in subrule (2) or (9) of this rule, deliver a copy of that filed document to the Public Guardian and Trustee.

Exceptions to delivery to Public Guardian and Trustee

- (12) An applicant referred to in subrule (11) need not, under that subrule, deliver to the Public Guardian and Trustee the following:
- (a) a copy of any document filed under subrule (3) if a copy of that document was delivered to the Public Guardian and Trustee under Rule 25-2;
 - (b) the exhibits to the affidavits of delivery filed under subrule (2) (f) of this rule;
 - (c) any affidavit of delivery filed under subrule (2) (f) that relates solely to delivery of the notice of proposed application to the Public Guardian and Trustee.

Sealing of court file

- (13) If the Public Guardian and Trustee is the applicant in an application brought under this rule, the Public Guardian and Trustee may, by filing a direction in Form P13, direct that the court file respecting the application and any related material specified by the Public Guardian and Trustee be sealed, and, in that event, the registrar must seal the court file and related material in the manner, to the extent and for the period set out in section 125 of the *Wills, Estates and Succession Act*.

APPLICATIONS – SEARCH FOR WILL**Search for will**

- (14) The applicant in an application brought under this rule must swear or affirm in the affidavit required under subrule (2) (b) that the applicant is satisfied that a diligent search for a testamentary document of the deceased has been made in each place that could reasonably be considered to be a place where a testamentary document may be found, including, without limitation, in all places where the deceased usually kept his or her documents, and,
- (a) if the application is for a grant of probate, a grant of administration with will annexed, an ancillary grant of probate or an ancillary grant of administration with will annexed, one of the following:
 - (i) no testamentary document of the deceased that is dated later than the date of the will has been found;
 - (ii) one or more testamentary documents of the deceased dated later than the date of the will have been found, and the reasons why the

- applicant believes that those testamentary documents are invalid or otherwise not relevant to the application, or
- (b) if the application is for a grant of administration without will annexed, one of the following:
 - (i) no testamentary document of the deceased has been found;
 - (ii) one or more testamentary documents of the deceased have been found, and the reasons why the applicant believes that those testamentary documents are invalid or otherwise not relevant to the application.

APPLICATIONS RESPECTING WILLS – EXECUTION OF WILL

Proof of proper execution of will by affidavit of subscribing witness

- (15) If an application is brought under this rule for a grant of probate or a grant of administration with will annexed and
 - (a) the will contains no attestation clause, or
 - (b) the will contains an attestation clause but that clause is not sufficient to show that the requirements of Division 1 of Part 4 of the *Wills, Estates and Succession Act* relating to the execution of wills, or the corresponding requirements of any law to which reference may be made under section 80 of the *Wills, Estates and Succession Act*, were met when the will was signed, the applicant must do one of the following unless the will has been proved in solemn form:
 - (c) file with the submission for estate grant an affidavit from at least one of the subscribing witnesses that the requirements of Division 1 of Part 4 of the *Wills, Estates and Succession Act* relating to the execution of wills, or the corresponding requirements of any law to which reference may be made under section 80 of the *Wills, Estates and Succession Act*, were met when the will was signed;
 - (d) if an affidavit from a subscribing witness as required by paragraph (c) cannot be obtained, comply with subrule (16).

Evidence of proper execution of will where subscribing witness unavailable

- (16) If an affidavit from a subscribing witness as required by subrule (15) (c) cannot be obtained,
 - (a) the applicant must, subject to paragraphs (b) and (c) of this subrule,
 - (i) swear or affirm in the affidavit referred to in subrule (2) (b) (i) (B) that the affidavit from a subscribing witness required by subrule (15) cannot be obtained, and
 - (ii) file an affidavit by any other person present when the will was signed that the requirements of Division 1 of Part 4 of the *Wills, Estates and Succession Act* relating to the execution of wills, or the corresponding requirements of any law to which reference may be made under section 80 of the *Wills, Estates and Succession Act*, were met,

- (b) if it is not possible to obtain an affidavit referred to in paragraph (a) (ii) of this subrule, the applicant must, subject to paragraph (c),
 - (i) swear or affirm in the affidavit referred to in subrule (2) (b) (i) (B) that neither an affidavit from a subscribing witness required by subrule (15) nor an affidavit required by paragraph (a) (ii) of this subrule can be obtained, and
 - (ii) file one or more affidavits, by one or more persons deposing from personal knowledge, which affidavits, collectively, provide that
 - (A) except in the case of a will signed by a person other than the will-maker in the manner referred to in subrule (18) (e), the signature of the will-maker on the will is in the handwriting of the deceased, and
 - (B) the signatures of the subscribing witnesses on the will are in the handwriting of those witnesses, or
- (c) if it is not possible to obtain an affidavit referred to in paragraph (a) (ii) of this subrule or an affidavit referred to in paragraph (b) (ii), the applicant must
 - (i) swear or affirm in the affidavit referred to in subrule (2) (b) (i) (B) that neither an affidavit from a subscribing witness required by subrule (15) nor the affidavits referred to in paragraphs (a) (ii) and (b) (ii) of this subrule can be obtained, and
 - (ii) file an affidavit, by a person deposing from personal knowledge, respecting circumstances that raise a presumption in favour of the proper execution of the will.

Proof of proper execution of privileged will by member of military force

- (17) If an application is brought under this rule for a grant of probate or a grant of administration with will annexed and the applicant alleges that the will is made in a form permitted by section 38 of the *Wills, Estates and Succession Act* for a will by
 - (a) a member of the Canadian Forces while on active service under the *National Defence Act* (Canada), or
 - (b) a member of a naval, land or air force of any member of the British Commonwealth of Nations or any ally of Canada while on active service,
 the applicant must, unless the will has been proved in solemn form, provide evidence in the affidavit referred to in subrule (2) (b) (i) (B) that
 - (c) the will-maker was authorized to make a will in that form at the time the will was made, and
 - (d) the will was executed in accordance with the requirements of section 38 of the *Wills, Estates and Succession Act*.

Proof of will-maker's knowledge of will

- (18) If an application is brought under this rule for a grant of probate, a grant of administration with will annexed, an ancillary grant of probate or an ancillary grant of

administration with will annexed and, at the time of the making of the will, the will-maker

- (a) was blind,
- (b) was illiterate,
- (c) did not fully understand the language in which the will was written,
- (d) signed the will by means of a mark instead of handwritten words, or
- (e) directed another person to sign the will on behalf of the will-maker in the will-maker's presence,

the applicant must, unless the will has been proved in solemn form,

- (f) indicate in the affidavit referred to in subrule (2) (b) (i) (B) which of paragraphs (a) to (e) of this subrule apply, and
- (g) if the attestation clause of the will does not indicate that the circumstances referred to in the paragraphs identified under paragraph (f) of this subrule applied to the will-maker at the time of the signing of the will, file one or more affidavits, by any person deposing from personal knowledge, respecting circumstances that raise a presumption that
 - (i) the requirements of Division 1 of Part 4 of the *Wills, Estates and Succession Act*, or the corresponding requirements of any law to which reference may be made under section 80 of the *Wills, Estates and Succession Act*, were met, and
 - (ii) the will-maker had knowledge of the contents of the will.

International Wills Convention

- (19) If an application is brought under this rule for a grant of probate, a grant of administration with will annexed, an ancillary grant of probate or an ancillary grant of administration with will annexed in respect of a will that is in the form required by the Convention Providing a Uniform Law on the Form of an International Will enacted as Schedule 2 of the *Wills, Estates and Succession Act*, the applicant is not required to provide evidence of the authenticity of the signature of the authorized person, as that term is defined in the convention.

APPLICATIONS RESPECTING WILLS – APPEARANCE OF WILL

Interlineations or other alterations

- (20) If an interlineation or other alteration that is not an erasure or obliteration appears in a will, the applicant must
 - (a) file an affidavit, which affidavit may but need not be in Form P16, by any person with personal knowledge of the facts, stating that the interlineation or other alteration was present when the will was signed by the will-maker, or
 - (b) file evidence that
 - (i) the interlineation or other alteration was made in accordance with the requirements of Divisions 1 and 4 of Part 4 of the *Wills, Estates and Succession Act* or the corresponding requirements of any law to

which reference may be made under section 80 of the *Wills, Estates and Succession Act*,

- (ii) the interlineation or other alteration was authenticated by the re-execution of the will or by the subsequent execution of a codicil,
- (iii) the interlineation or other alteration is of no practical importance, or
- (iv) the will was proved in solemn form, and the order proving the will in solemn form determined that the interlineation or other alteration does form part of the will.

Words erased or obliterated

- (21) If words in a will have been erased or obliterated, the applicant must, unless the words are entirely effaced and cannot be ascertained on inspection,
- (a) file an affidavit, which affidavit may but need not be in Form P16, by any person with personal knowledge of the facts, stating that the erasure or obliteration existed in the will when the will was signed by the will-maker, or
 - (b) file evidence that
 - (i) the erasure or obliteration was made in accordance with the requirements of Divisions 1 and 4 of Part 4 of the *Wills, Estates and Succession Act* or the corresponding requirements of any law to which reference may be made under section 80 of the *Wills, Estates and Succession Act*,
 - (ii) the erasure or obliteration was authenticated by the re-execution of the will or by the subsequent execution of a codicil, or
 - (iii) the will was proved in solemn form and the order proving the will in solemn form determined that the words erased or obliterated do not form part of the will.

Registrar must consider appearance of will

- (22) Without limiting subrules (20) and (21), if an application is brought under this rule for a grant of probate, a grant of administration with will annexed, an ancillary grant of probate or an ancillary grant of administration with will annexed and the appearance of the will leads the registrar to believe that
- (a) words in the will were erased or obliterated,
 - (b) an attempt was made to revoke the will,
 - (c) a page or document was previously attached to the will but is missing,
 - (d) the will is incomplete,
 - (e) the will has been altered and the alteration is not one made by the will-maker in compliance with Divisions 1 and 4 of Part 4 of the *Wills, Estates and Succession Act* or the corresponding requirements of any law to which reference may be made under section 80 of the *Wills, Estates and Succession Act*, or
 - (f) the will does not comply with the requirements of section 37 (1) (b) of the *Wills, Estates and Succession Act* or the corresponding requirements of any

law to which reference may be made under section 80 of the *Wills, Estates and Succession Act*,

the registrar may, unless the will has been proved in solemn form, require the applicant to file one or more of the following:

- (g) any page or document that was previously attached to, or is apparently missing from, the will;
- (h) an affidavit that explains
 - (i) the circumstances that led to the deficiency that the registrar perceives in the will, and
 - (ii) the will-maker's knowledge and intentions relative to those circumstances.

Document referred to in will

- (23) Without limiting subrule (22), if an application is brought under this rule in respect of a will for a grant of probate, a grant of administration with will annexed, an ancillary grant of probate or an ancillary grant of administration with will annexed, and if a reference in the will to a document raises a question as to whether the document ought to form part of the will, the registrar must require the applicant to file
 - (a) the document, or
 - (b) if the applicant is unable or unwilling to file the required document, an affidavit explaining why the document is not being filed.

Reference to judge or master

- (24) If, in relation to an application for an estate grant, there is a question under subrule (20), (21), (22) or (23) about what is or is not included in the will, the registrar must refer the application, along with any materials filed with the registrar under the applicable subrule, to a judge or master for an order resolving that question.

RULE 25-4 – PROCEDURE AFTER FILING APPLICATION MATERIALS FOR ESTATE GRANT

Approval by registrar of application

- (1) Subject to subrule (2), the registrar must do the following on an application for an estate grant:
 - (a) if the application materials filed under Rule 25-3 do not include the affidavit of assets and liabilities for estate grant required in relation to that application, issue to the applicant an authorization to obtain estate information in Form P18, to recognize the applicant as the person to whom an estate grant will be issued once the affidavit of assets and liabilities for estate grant has been filed and all fees payable in relation to the application, including all probate fees, have been paid;
 - (b) subject to section 124 of the *Wills, Estates and Succession Act*, after the affidavit of assets and liabilities for estate grant required in relation to that application is filed with or after the filing of the other application materials filed under Rule 25-3, issue an estate grant in Form P19.

When registrar must refuse to approve application

- (2) The registrar must not issue an authorization to obtain estate information under subrule (1) (a) of this rule or an estate grant under subrule (1) (b) unless the registrar is satisfied that
- (a) notice of the application has been delivered in accordance with Rule 25-2,
 - (b) the application materials comply with Rule 25-3,
 - (c) without limiting paragraph (b), if the application is for a grant of probate or a grant of administration with will annexed and is supported by an affidavit in Form P3, it was appropriate for that form of affidavit to be filed in support of the application,
 - (d) if the application is for an ancillary grant of probate or administration,
 - (i) the information in the foreign grant respecting the name of the deceased and the other names by which the deceased was known exactly matches the information in the submission for estate grant respecting those names, and
 - (ii) each of the persons to whom the foreign grant was issued is an applicant in the submission for estate grant, and the names of the applicants in the submission for estate grant exactly match the names of the persons to whom the foreign grant was issued,
 - (e) if the document to be issued is an authorization to obtain estate information, the only document that remains to be filed is the affidavit of assets and liabilities for estate grant and the applicant requires the authorization to obtain estate information to facilitate the applicant's ability to determine the assets in the estate and the liabilities applicable to them,
 - (f) if the document to be issued is an estate grant, all fees payable in relation to the application, including all probate fees, have been paid,
 - (g) there is no notice of dispute in effect in relation to the estate, and
 - (h) there is no reason to require a hearing in relation to the application.

Application must be in relation to will

- (3) If the registrar is not satisfied that the making, revocation, alteration or revival of a testamentary document complies with the *Wills, Estates and Succession Act* or with the corresponding requirements of any law to which reference may be made under section 80 of the *Wills, Estates and Succession Act*, the registrar must not issue an authorization to obtain estate information under subrule (1) (a) of this rule or an estate grant under subrule (1) (b) until
- (a) the registrar is satisfied that the making, revocation, alteration or revival of the testamentary document complies with those requirements,
 - (b) the court orders, under section 58 of the *Wills, Estates and Succession Act*, that the testamentary document is effective as a will, or
 - (c) the court orders that the testamentary document is proved as a will in solemn form.

Registrar must provide notice of refusal

- (4) If, under subrule (3), the registrar refuses to issue an estate grant or an authorization to obtain estate information, the registrar must provide to the applicant notice, in writing, of
- (a) any defect in the application materials, including, without limitation, in
 - (i) the form of the application materials,
 - (ii) the information contained or not contained in the application materials, or
 - (iii) any exhibit or other document attached or not attached to, or filed or not filed with, the application materials,
 - (b) any other question or matter relating to the application that prevents the registrar from approving it, and
 - (c) any further information or material that the registrar requires in order to be satisfied in relation to a matter of which he or she must be satisfied before issuing an estate grant or an authorization to obtain estate information.

How notice is to be provided

- (5) The registrar may provide to the applicant the notice required under subrule (4) by any convenient means, including, without limitation, by sending the notice to the applicant at the mailing address, fax number or e-mail address, if any, provided as an address for service by the applicant in the submission for estate grant.

Procedure after refusal by registrar to approve application

- (6) If, on an application for an estate grant, the registrar refuses to issue an estate grant or an authorization to obtain estate information, the applicant may do one or both of the following:
- (a) file further information and material
 - (i) to correct a defect of which the applicant was informed under subrule (4) (a) or (b), or
 - (ii) required by the registrar under subrule (4) (c);
 - (b) proceed under Rule 25-9 to request a hearing by the court.

Subrules (1) to (6) applicable after filing of revised or additional material

- (7) Subrules (1) to (6) of this rule apply to a reconsideration by the registrar of an application after revised or additional material is filed under subrule (6) (a).

Application by one or more of several co-executors

- (8) A grant of probate issued on an application for an estate grant brought by one or more, but not all, co-executors must reserve the right of a co-executor who does not join in the application to apply at a later time unless that co-executor has renounced executorship.

**RULE 25-5 – CORRECTIONS, AMENDMENTS AND REVOCATIONS
OF ESTATE DOCUMENTS**

CORRECTIONS

Applications to correct

- (1) If the person to whom an estate grant is issued, or on whose behalf a foreign grant is resealed, determines that there is a clerical mistake, or an error arising from an accidental slip or omission, in the estate grant or resealed foreign grant, the person may apply to the registrar to correct the estate grant or resealed foreign grant.

Registrar may correct

- (2) If, on an application under subrule (1) respecting an estate grant or a resealed foreign grant, the registrar is satisfied that a clerical mistake or an error has occurred in the estate grant or resealed foreign grant, the registrar may correct the clerical mistake or error by issuing to the applicant a correction record in Form P20.

Amendment Applications

Application for amendment

- (3) On application, the court may order that an authorization to obtain estate information, an authorization to obtain resealing information, an estate grant or the resealing of a foreign grant be amended and,
 - (a) if the person applying for the amendment is the person to whom the estate grant, authorization to obtain estate information or authorization to obtain resealing information was issued or on whose application the foreign grant was resealed, that person must provide to the registry the original estate grant, authorization to obtain estate information, authorization to obtain resealing information or resealed foreign grant, along with all certified and notarial copies of it, concurrently with the filing of the application record provided under Rule 8-1 (15), or
 - (b) if the person applying for the amendment is not the person to whom the estate grant, authorization to obtain estate information or authorization to obtain resealing information was issued or on whose application the foreign grant was resealed,
 - (i) that person must, without limiting Rule 8-1, ensure that the person who has possession or control of the estate grant, authorization to obtain estate information, authorization to obtain resealing information or resealed foreign grant is served with the notice of application and supporting materials, and
 - (ii) the person who has possession or control of the estate grant, authorization to obtain estate information, authorization to obtain resealing information or resealed foreign grant must file the estate grant, authorization to obtain estate information, authorization to obtain resealing information or resealed foreign grant no later than 4 p.m. on the day that is one full day before the date set for the hearing.

Issue of new grant

- (4) If a document is amended under subrule (3), the amended document replaces the original document and, unless the court otherwise orders, that original document and the certified and notarial copies provided to the registry under subrule (3) are not to be returned to any person.

REVOCAION APPLICATIONS**Filing of grant in revocation application**

- (5) On application, the court may order that an estate grant, an authorization to obtain estate information, an authorization to obtain resealing information or the resealing of a foreign grant be revoked and,
- (a) if the person applying for revocation is the person to whom the estate grant, authorization to obtain estate information or authorization to obtain resealing information was issued or on whose application the foreign grant was resealed, that person
 - (i) must provide to the registry the original estate grant, authorization to obtain estate information, authorization to obtain resealing information or resealed foreign grant, along with all certified and notarial copies of it, concurrently with the filing of the notice of application, and
 - (ii) after complying with subparagraph (i), must not act under the estate grant, authorization to obtain estate information, authorization to obtain resealing information or resealed foreign grant without leave of the registrar until the application is decided, or
 - (b) if the person applying for revocation is not the person to whom the estate grant, authorization to obtain estate information or authorization to obtain resealing information was issued or on whose application the foreign grant was resealed,
 - (i) the person who has possession or control of the estate grant, authorization to obtain estate information, authorization to obtain resealing information or resealed foreign grant must file the estate grant, authorization to obtain estate information, authorization to obtain resealing information or resealed foreign grant within 7 days after being served with the notice of application for the revocation, and
 - (ii) after being served with the notice of application, the person to whom the estate grant, authorization to obtain estate information, authorization to obtain resealing information or resealed foreign grant was issued must not act under the estate grant, authorization to obtain estate information, authorization to obtain resealing information or resealed foreign grant without leave of the registrar until the application is decided.

When leave may be granted

- (6) The registrar may grant leave to a person under subrule (5) (a) (ii) or (b) (ii) if

- (a) a request for leave is made by filing
 - (i) a requisition in Form 17, and
 - (ii) affidavit or other evidence in support of the request, and
- (b) the registrar is satisfied that the harm that will occur if the leave is granted is less than the harm that will occur if leave is not granted.

No revocation by default

- (7) A default in the filing of an application response or, if the court orders service and filing of pleadings in an application under Rule 25-14 (1) (c), in the filing of a response to civil claim, does not, of itself, justify an order revoking the estate grant, authorization to obtain estate information or authorization to obtain resealing information or revoking the resealing of the foreign grant.

RULE 25-6 – APPLICATIONS FOR RESEALING

Definition

- (1) In this rule, “**foreign will**”, in relation to an application under subrule (2), means the will in relation to which the foreign grant referred to in that subrule was issued.

Application for resealing

- (2) If a grant of probate or equivalent, or a grant of administration or equivalent, was issued in a jurisdiction prescribed for the purposes of section 138 of the *Wills, Estates and Succession Act*, the foreign personal representative to whom the foreign grant was issued may, after the documents referred to in Rule 25-2 (1) have been delivered in accordance with Rule 25-2, apply for a resealing of the foreign grant by filing the following:
 - (a) a submission for resealing in Form P21;
 - (b) a copy of the foreign grant that has been certified by the issuing court, and, if the foreign will is not attached to the foreign grant, a copy of the foreign will that has been certified by the issuing court;
 - (c) an affidavit from the applicant or, if there are 2 or more applicants, from at least one of the applicants, as follows:
 - (i) if the application is for resealing a grant of probate or a grant of administration with will annexed, in Form P22;
 - (ii) if the application is for resealing a grant of administration without will annexed, in Form P23;
 - (d) if there are 2 or more foreign personal representatives to whom the foreign grant was issued, an affidavit in Form P24 from each of the foreign personal representatives who has not sworn an affidavit referred to in paragraph (c);
 - (e) 2 copies of a certificate from the chief executive officer under the *Vital Statistics Act* indicating the results of a search for a wills notice filed by or on behalf of the deceased;
 - (f) one or more affidavits, in Form P9, that, collectively, confirm that the documents referred to in Rule 25-2 were delivered to all of the persons to whom, under that rule, the documents were required to be delivered;

- (g) in accordance with subrule (6) of this rule, an affidavit of assets and liabilities for resealing in Form P25 from the applicant, or, if there is more than one applicant, from at least one of the applicants;
- (h) in accordance with subrule (8), for each of the documents that are filed with the submission for estate grant and that are not written in the English language, an affidavit of translator in Form P12.

Multiple applicants

- (3) If there are 2 or more foreign personal representatives to whom the foreign grant was issued, all of those foreign personal representatives must be applicants in the application for resealing and those applicants
 - (a) must adopt a single address for service that is applicable to them all, which address for service must be an accessible address that complies with Rule 4-1 (1), and
 - (b) may adopt additional addresses for service under Rule 4-1 (2) provided that each additional address for service is applicable to all of the applicants.

Domicile of deceased on resealing

- (4) If the submission for resealing referred to in subrule (2) (a) specifies a different ordinary residence for the deceased at the time of his or her death than does the foreign grant, the registrar may require further evidence as to the domicile of the deceased.

Documents to be separate

- (5) None of the documents referred to in a paragraph of subrule (2) may be attached to any document referred to in any other paragraph of subrule (2).

Filing of affidavit of assets and liabilities for resealing

- (6) An affidavit required under subrule (2) (g) may be filed concurrently with or subsequent to the filing of the other documents referred to in subrule (2).

Supplemental affidavit of assets and liabilities for resealing

- (7) Whether or not a foreign grant has been resealed in response to an application under subrule (2), if the applicant determines, after filing the affidavit of assets and liabilities for resealing required in relation to the application, that
 - (a) there are assets or liabilities of the estate that are neither referred to in that affidavit nor referred to in an affidavit filed under this subrule, or
 - (b) information contained in the affidavit of assets and liabilities for resealing, or in a supplemental affidavit of assets and liabilities for resealing under this subrule, is incorrect or incomplete,

the applicant must file a supplemental affidavit of assets and liabilities for resealing in Form P26 promptly after making that determination and must pay all fees payable in relation to that filing, including all applicable probate fees.

Filing of affidavit of translator

- (8) An affidavit of translator in Form P12 must be filed concurrently with any document referred to in subrule (2) that is the subject of a translation.

Delivery to Public Guardian and Trustee

- (9) Subject to subrule (10) of this rule, if, under Rule 25-2, the applicant was required to deliver to the Public Guardian and Trustee the documents referred to in Rule 25-2 (1), the applicant must, promptly after filing a document referred to in subrule (2) of this rule, deliver a copy of that filed document to the Public Guardian and Trustee.

Exceptions to delivery to Public Guardian and Trustee

- (10) An applicant referred to in subrule (9) need not, under that subrule, deliver to the Public Guardian and Trustee the following:
- (a) a copy of any document filed under subrule (2) (b) if a copy of that document was delivered to the Public Guardian and Trustee under Rule 25-2;
 - (b) the exhibit to the affidavits of delivery filed under subrule (2) (f) of this rule;
 - (c) any affidavit of delivery filed under subrule (2) (f) that relates solely to delivery of the notice of proposed application to the Public Guardian and Trustee.

Search for will

- (11) The applicant in an application brought under this rule must swear or affirm in the affidavit required under subrule (2) (c) that the applicant is satisfied that a diligent search for a testamentary document of the deceased has been made in each place that could reasonably be considered to be a place where a testamentary document may be found, including, without limitation, in all places where the deceased usually kept his or her documents, and,
- (a) if the foreign grant is a grant of probate or a grant of administration with will annexed, one of the following:
 - (i) no testamentary document of the deceased that is dated later than the date of the foreign will has been found;
 - (ii) one or more testamentary documents of the deceased dated later than the date of the foreign will have been found and the reasons why the applicant believes that those testamentary documents are invalid or otherwise not relevant to the application, or
 - (b) if the foreign grant is a grant of administration without will annexed, one of the following:
 - (i) no testamentary document of the deceased has been found;
 - (ii) one or more testamentary documents of the deceased have been found, and the reasons why the applicant believes that those testamentary documents are invalid or otherwise not relevant to the application.

RULE 25-7 – PROCEDURE AFTER FILING APPLICATION MATERIALS FOR RESEALING

Approval by registrar of application

- (1) Subject to subsection (3), the registrar must, on an application to reseal a foreign grant, do the following:
 - (a) if the application materials filed under Rule 25-6 do not include the affidavit of assets and liabilities for resealing required in relation to that application, issue to the applicant an authorization to obtain resealing information in Form P27 to recognize the applicant as the person to whom a resealed grant will be issued once
 - (i) the affidavit of assets and liabilities for resealing has been filed, and
 - (ii) all fees payable in relation to that filing, including all applicable probate fees, have been paid;
 - (b) subject to section 124 of the *Wills, Estates and Succession Act*, if the affidavit of assets and liabilities for resealing required in relation to the application is filed with or after the filing of the other application materials filed under Rule 25-6, reseal the foreign grant once all fees payable in relation to the application, including all applicable probate fees, have been paid.

Certification of resealing

- (2) To reseal a foreign grant, the registrar must attach a Form P28 to the certified copy of the foreign grant that was filed under Rule 25-6 (2) (b).

When registrar must refuse to approve application

- (3) The registrar must not issue an authorization to obtain resealing information under subrule (1) (a) of this rule or reseal a foreign grant under subrule (1) (b) unless the registrar is satisfied that
 - (a) notice of the application had been delivered in accordance with Rule 25-2,
 - (b) the application materials comply with Rule 25-6,
 - (c) the information in the foreign grant respecting the name of the deceased and the other names by which the deceased was known exactly matches the information in the submission for resealing respecting those names,
 - (d) each of the persons to whom the foreign grant was issued is an applicant in the submission for resealing, and the names of the applicants in the submission for resealing exactly match the names of the persons to whom the foreign grant was issued,
 - (e) if the document to be issued is an authorization to obtain resealing information, the only document that remains to be filed is the affidavit of assets and liabilities for resealing and the applicant requires the authorization to obtain resealing information to facilitate the applicant's ability to determine the assets in the estate and the liabilities applicable to them,

- (f) if the registrar intends to reseal the foreign grant, all fees payable in relation to the application have been paid,
- (g) there is no notice of dispute in effect in relation to the estate, and
- (h) there is no reason to require a hearing in relation to the application.

Registrar must provide notice of refusal

- (4) If, under subrule (3), the registrar refuses to approve an application for the resealing of a foreign grant, the registrar must provide to the applicant notice, in writing, of
 - (a) any defect in the application materials, including, without limitation, in
 - (i) the form of the application materials,
 - (ii) the information contained or not contained in the application materials, or
 - (iii) any exhibit or other document attached or not attached to, or filed or not filed with, the application materials,
 - (b) any other question or matter relating to the application that prevents the registrar from approving it, and
 - (c) any further information or material that the registrar requires in order to be satisfied in relation to a matter of which he or she must be satisfied before resealing the foreign grant.

How notice is to be provided

- (5) The registrar may provide to the applicant the notice required under subrule (4) by any convenient means, including, without limitation, by sending it to the applicant at the mailing address, fax number or e-mail address, if any, provided as an address for service by the applicant in the submission for resealing.

Procedure after refusal by registrar to approve application

- (6) If, on an application for the resealing of a foreign grant, the registrar refuses to issue an authorization to obtain resealing information or to reseal a foreign grant, the applicant may do one or both of the following:
 - (a) file further information and material
 - (i) to correct a defect of which the applicant was informed under subrule (4) (a) or (b), or
 - (ii) required by the registrar under subrule (4) (c);
 - (b) proceed under Rule 25-9 to request a hearing by the court.

Subrules (1) to (6) applicable after filing of revised or additional material

- (7) Subrules (1) to (6) of this rule apply to a reconsideration by the registrar of an application after revised or additional material is filed under subrule (6) (a).

Notice to issuing court of resealing

- (8) After the resealing of a foreign grant, the registrar must provide notice of the resealing to the court that issued the foreign grant.

Notice of revocation or amendment of resealed grant

- (9) If the registrar knows that a British Columbia grant has been resealed in another jurisdiction, the registrar must notify the resealing court of any revocation or amendment of the British Columbia grant.

RULE 25-8 –EFFECT OF AUTHORIZATION TO OBTAIN ESTATE INFORMATION OR AUTHORIZATION TO OBTAIN RESEALING INFORMATION

Authorizations may be delivered

- (1) An applicant to whom an authorization to obtain estate information or an authorization to obtain resealing information has been issued may deliver a copy of that authorization to obtain estate information or authorization to obtain resealing information to the following:
- (a) any person whom the applicant believes has possession or control of one or more assets of the estate of the deceased;
 - (b) any person whom the applicant believes has possession or control of one or more documents relating to assets of the estate of the deceased.

Order to provide information

- (2) A person to whom a copy of an authorization to obtain estate information or an authorization to obtain resealing information is delivered under subrule (1) must, within 30 days after the date of delivery,
- (a) deliver to the applicant information as to the nature and value of those assets of the deceased's estate that are in the person's possession or control, or
 - (b) if the person
 - (i) has possession or control of a safety deposit box, a safe, a storage locker or any other thing or place where the deceased kept or may have kept records or assets, and
 - (ii) does not have a document that itemizes the contents of that thing or place,allow the holder of the authorization to obtain estate information or authorization to obtain resealing information to have access to that thing or place for the purposes of listing its contents.

Powers of court if information or access not provided

- (3) If a person to whom a copy of an authorization to obtain estate information or an authorization to obtain resealing information is delivered under subrule (1) does not comply with subrule (2), the applicant may, on notice to the person, apply to the court for an order that the required information or access be provided, and the court may, on the application,
- (a) make an order that the information or access be provided in the manner and at the time or within the period ordered by the court, and

- (b) make such other orders as the court considers will further the objects of these Supreme Court Civil Rules, including, without limitation, an order that the person pay the costs of the application.

RULE 25-9 – APPLICATION TO COURT FOR GRANT OR RESEALING

Applicant may apply to court

- (1) If the registrar refuses to issue an estate grant, an authorization to obtain estate information or an authorization to obtain resealing information or refuses to reseal a foreign grant, the applicant may apply to the court for the authorization, grant or resealing.

Application materials

- (2) An applicant wishing to apply to the court under subrule (1) must file
 - (a) a requisition in Form 31,
 - (b) a draft of the proposed order in Form 35,
 - (c) affidavit or other evidence in support of the application, and
 - (d) any material provided by the registrar in relation to the application.

Powers of the court

- (3) An application under subrule (1) in relation to a will is not in the nature of an appeal from the registrar and, on that application, the court may
 - (a) approve the application,
 - (b) direct that an application be made for the will to be proved in solemn form, or
 - (c) direct that the application be heard by the court and give directions respecting that hearing.

Registrar to issue authorization or grant following disposition of application

- (4) If an application under subrule (1) is approved by the court under subrule (3) (a) or at a hearing referred to in subrule (3) (c), the registrar must issue the estate grant, authorization to obtain estate information or authorization to obtain resealing information or reseal the foreign grant, as the case may be, in accordance with the order.

RULE 25-10 – NOTICES OF DISPUTE

Notice of dispute

- (1) To oppose the issuance of an estate grant, an authorization to obtain estate information or an authorization to obtain resealing information or to oppose the resealing of a foreign grant, a person to whom documents have been or are to be delivered under Rule 25-2 (2) must file a notice of dispute that accords with subrule (3) of this rule before the earlier of
 - (a) the issuance of an authorization to obtain estate information or an authorization to obtain resealing information, and

- (b) the issuance of an estate grant or the resealing of a foreign grant.

Only one notice of dispute to be filed

- (2) A person must not file more than one notice of dispute in relation to any one estate.

Contents of notice of dispute

- (3) A notice of dispute referred to in subrule (1) must be in Form P29, must provide an address for service of the disputant, which address for service must be an accessible address that complies with Rule 4-1 (1), and must disclose
 - (a) that the disputant is a person to whom documents have been or are to be delivered under Rule 25-2 (2), and
 - (b) the grounds on which the notice of dispute is filed.

Amendment of notice of dispute

- (4) A notice of dispute may be amended once without leave of the court, and after that only with leave of the court.

Amendment of notice of dispute

- (5) Rule 6-1 (2) and (3) apply to an amendment of a notice of dispute without leave of the court and, for that purpose, a reference in that rule to a pleading is deemed to be a reference to the notice of dispute.

Renewal of notice of dispute

- (6) The court may renew a notice of dispute, for any period the court considers appropriate, as follows:
 - (a) if the application for renewal is brought before the notice of dispute ceases to be in effect, if the court is satisfied that it is appropriate to make an order for renewal;
 - (b) if the application for renewal is brought after the notice of dispute ceases to be in effect, if the court is satisfied that
 - (i) there were good reasons that the application for renewal could not be brought before the notice of dispute ceases to be in effect,
 - (ii) substantial prejudice would be suffered by the person seeking renewal of the notice of dispute if the order for renewal is not made, and
 - (iii) no other person interested in the estate would suffer substantial prejudice if the order for renewal is made.

Application for renewal of notice of dispute

- (7) Subject to Rule 8-5 (6), an application to renew a notice of dispute filed in relation to an estate must be made on notice to
 - (a) each person who has submitted for filing a submission for estate grant, or a submission for resealing, in relation to the estate,
 - (b) each person who has filed a notice of dispute in relation to the estate, and
 - (c) any other interested person to whom the court directs notice be given.

No grant while notice of dispute in effect

- (8) While a notice of dispute is in effect in relation to the estate of a deceased, the registrar must not, with respect to that estate,
 - (a) issue an estate grant, an authorization to obtain estate information or an authorization to obtain resealing information, or
 - (b) reseal a foreign grant.

Withdrawal of notice of dispute

- (9) A disputant may withdraw a notice of dispute by filing a withdrawal of notice of dispute in Form P30.

Application to remove notice of dispute

- (10) A person who is interested in an estate in relation to which a notice of dispute has been filed, including, without limitation, an applicant for an estate grant or for the resealing of a foreign grant, may apply on notice to the disputant for an order removing the notice of dispute.

Grounds on which notice of dispute may be removed

- (11) On an application under subrule (10), the court may, by order in Form P31, remove a notice of dispute if the court determines that the filing is not in the best interests of the estate.

When notice of dispute ceases to be in effect

- (12) A notice of dispute in relation to an estate ceases to be in effect as follows:
 - (a) subject to paragraph (b), on the date that is one year after the date on which the notice of dispute was filed;
 - (b) if the notice of dispute has been renewed under subsection (6), at the end of the renewal period;
 - (c) if the notice of dispute is withdrawn by the disputant under subrule (9);
 - (d) if the will in relation to which the notice of dispute relates is proved in solemn form;
 - (e) if the court orders, under subrule (11) or otherwise, that the notice of dispute is removed.

RULE 25-11 – CITATIONS

Citation to apply for probate

- (1) If a testamentary document is or may be in existence, a person interested in the estate may serve by personal service on each person named as an executor in the testamentary document a citation in Form P31 in respect of the testamentary document to require the served person to apply for a grant of probate in relation to that testamentary document.

Alternate executors

- (2) A citation under subrule (1) in relation to a grant of probate

- (a) must be served by personal service on each alternate executor if an event, including, without limitation, an event referred to in subrule (5), occurs that entitles the alternate executor to assume the office of executor, and
- (b) must not be served on an alternate executor until an event referred to in paragraph (a) occurs that entitles that alternate executor to assume the office of executor.

Citation to be supported

- (3) A citation under subrule (1) in relation to a testamentary document must include
 - (a) an address for service of the citor, which address for service must be an accessible address that complies with Rule 4-1 (1), and
 - (b) a statement of the citor providing
 - (i) the grounds for the citor's knowledge of or belief as to the existence of the testamentary document, and
 - (ii) information available to the citor that will allow the testamentary document to be identified.

Answer to citation

- (4) A person who is cited by being served with a citation under subrule (1) must, within 14 days after being served with the citation,
 - (a) if the cited person has been issued a grant of probate in respect of the testamentary document in relation to which the citation was issued, serve on the citor, by ordinary service, a copy of the estate grant, or
 - (b) if the cited person has not yet been issued a grant of probate in respect of the testamentary document in relation to which the citation was issued, serve the citor as follows:
 - (i) if the cited person has filed a submission for estate grant under Rule 25-3 (2) in respect of the testamentary document, serve on the citor, by ordinary service, a copy of the filed submission for estate grant along with copies of the other documents filed under Rule 25-3 (2);
 - (ii) if subparagraph (i) does not apply but the cited person has delivered documents under Rule 25-2 (1) in relation to an application for a grant of probate that the cited person intends to pursue in respect of the testamentary document, serve on the citor, by ordinary service, a copy of those documents;
 - (iii) if the cited person has not taken any step under this Part in relation to the estate, serve on the citor, by ordinary service, an answer in Form P33 providing an address for service that is an accessible address that complies with Rule 4-1 (1) and stating that the cited person
 - (A) will apply for a grant of probate in respect of the testamentary document, or
 - (B) refuses to apply for a grant of probate in respect of the testamentary document.

Deemed renunciation of executorship

- (5) A person who is cited under subrule (1) to apply for a grant of probate in relation to a testamentary document is deemed to have renounced executorship in relation to that testamentary document if
- (a) he or she is a person referred to in subrule (4) (b) (i), (ii) or (iii) (A) and does not
 - (i) serve on the citor the document that, under that provision, he or she is required to serve, or
 - (ii) obtain a grant of probate within 6 months after the date on which the citation was served or within any longer period that the court on the application of the cited person may allow, or
 - (b) he or she is a person who serves on the citor an answer referred to in subrule (4) (b) (iii) (B).

Effect of failure to answer citation or give reason for refusing probate

- (6) If each person who is cited under subrule (1) to apply for a grant of probate in relation to a testamentary document is deemed under subrule (5) to have renounced executorship in relation to the testamentary document, the citor or another person interested in the estate may, without limiting any other right the citor or other person may have, apply for one or more of the following:
- (a) a grant of probate or a grant of administration with will annexed in relation to the testamentary document or another testamentary document;
 - (b) an order under section 58 of the *Wills, Estates and Succession Act* curing any deficiencies in the testamentary document;
 - (c) an order that the testamentary document is a will proved in solemn form;
 - (d) if the testamentary document is in the possession of a cited person, the issuance of a subpoena under Rule 25-12 to require the cited person to file the testamentary document.

Affidavit of deemed renunciation for grant of probate

- (7) The citor may swear an affidavit of deemed renunciation in Form P34 if the person who has been served with a citation in respect of a testamentary document is deemed under subrule (5) to have renounced executorship in relation to the testamentary document.

RULE 25-12 – SUBPOENA FOR TESTAMENTARY DOCUMENT OR GRANT

How to obtain a subpoena for testamentary document or grant

- (1) A person may apply for a subpoena to be issued to require a person to deliver to the registry one or more of a testamentary document, an authorization to obtain estate information, an authorization to obtain resealing information, an estate grant, a foreign grant, a resealed foreign grant and a certified or notarial copy of such a document.

Filings required

- (2) An application may be brought under subrule (1) by filing
 - (a) a requisition for subpoena in Form P35 that provides for the applicant an address for service that is an accessible address that complies with Rule 4-1 (1), and
 - (b) an affidavit in support of the request.

Subpoena may be issued

- (3) On being satisfied that
 - (a) the document in relation to which the subpoena is sought is required for the purpose of any application or other matter under this Part, and
 - (b) the person to whom the subpoena is addressed failed to comply with a request of the applicant to provide the document to the applicant,the registrar may issue the subpoena, in Form P37, sought by the application.

Service of subpoena

- (4) A subpoena issued under this rule must be personally served and, if an affidavit is filed for the purpose of proving the service, the affidavit must state when, where, how and by whom service was effected.

Certification of non-compliance

- (5) The registrar may endorse a copy of the requisition for subpoena in Form P35 with a notation that the person to whom the subpoena was directed has not, within a specified period done either of the following:
 - (a) delivered to the registry the document referred to in the subpoena;
 - (b) provided to the registrar an affidavit indicating that the document referred to in the subpoena is not in the person's possession or control and setting out what knowledge the person has respecting that document.

Failure of subpoenaed person to file document

- (6) On receipt of
 - (a) proof that a subpoena was served on a person (the "served person"),
 - (b) proof that the delivery of the documents required by the subpoena is required for the purpose of any application or other matter under this Part, and
 - (c) a copy of the requisition for subpoena in Form P35 that has been endorsed by the registrar in accordance with subrule (5),

the court, by its warrant in Form P36 directed to a peace officer, may cause the served person to be apprehended and promptly brought before the court and to be detained in custody or released on terms the court may order, and the court may order the served person to pay the costs arising from his or her failure to file the document.

Release of apprehended person

- (7) The court may, by release order in Form 117, order the release of a person apprehended under subrule (6) on receiving an undertaking in Form 116 from that person.

Order setting aside subpoena

- (8) A person who has been served with a subpoena under this rule may apply to the court for an order setting aside the subpoena on the grounds that compliance with it is unnecessary or that it would work a hardship on the person, and the court may make any order it considers will further the object of these Supreme Court Civil Rules.

RULE 25-13– REMUNERATION AND PASSING OF ACCOUNTS

Remuneration and passing of accounts

- (1) A personal representative or a person interested in an estate administered by a personal representative may apply, in accordance with subrule (2), for an order for one or both of the following:
 - (a) an order for the passing of the personal representative’s accounts in relation to the estate;
 - (b) an order to fix and approve the personal representative’s remuneration.

Application process

- (2) An application under subrule (1)
 - (a) may be brought
 - (i) in accordance with Rule 25-14 (1) (o), (p) or (q),
 - (ii) in conjunction with an application referred to in Rule 25-14 (1) (d), (e) or (f), or
 - (iii) in accordance with Rule 8-3 if each interested person other than the applicant has consented to the accounts to be passed or the remuneration to be fixed and approved, as the case may be, and
 - (b) must, if brought by the personal representative, be supported by an affidavit in support of application to pass accounts in Form P38.

Directions and referrals

- (3) In an application under subrule (1), the court may do one or more of the following:
 - (a) hear and decide any matter relating to the accounts or the remuneration of the personal representative;
 - (b) direct the registrar to conduct an inquiry, assessment or accounting in relation to any matter relating to the accounts or the remuneration of the personal representative;
 - (c) make any other order or give any direction that the court considers appropriate in the circumstances.

Effect of referral to registrar

- (4) Subject to subrule (5), after a direction is made under subrule (3) (b), Rule 18-1 applies as if the application and the direction had been made under Rule 18-1.

Certification of results

- (5) Unless the court otherwise orders, if the court directs the registrar to conduct an inquiry, assessment or accounting under subrule (3) (b),
 - (a) the registrar must, by certificate in Form P39, certify the result of the inquiry, assessment or accounting, and
 - (b) if filed under Rule 18-1 (9), the certificate is binding, subject to appeal, on the persons interested in the estate who
 - (i) had notice of the inquiry, assessment or accounting,
 - (ii) consented to the accounts or the remuneration, or
 - (iii) are the subject of an order made under Rule 18-1 (20) (b).

Affidavit required for passing of accounts and remuneration

- (6) In addition to any other materials that may be required for an application under subrule (1) of this rule, the applicant must file the following:
 - (a) if the applicant is the personal representative, he or she must file a statement of account affidavit in Form P40
 - (i) describing the assets and liabilities of the estate as at the later of
 - (A) the date of the deceased's death, and
 - (B) the last day of the period covered by the most recent of the accounts passed under this Part or approved and consented to in writing by all beneficiaries,
 - (ii) describing, in chronological order, capital transactions that occurred after the applicable date referred to in subparagraph (i),
 - (iii) describing, in chronological order, income transactions that occurred after the applicable date referred to in subparagraph (i),
 - (iv) describing the assets and liabilities of the estate as at the last day of the period covered by the accounts to be passed,
 - (v) describing all distributions made and any distributions anticipated to be made out of the estate,
 - (vi) including a calculation of the remuneration, if any, claimed by the applicant for
 - (A) the applicant, and
 - (B) any current and previous personal representative or trustee for whom a claim for remuneration has not yet been made, and
 - (vii) including any other details or information the court may require or the applicant may consider relevant;
 - (b) if the applicant is a person other than the personal representative, he or she must file an affidavit explaining why an accounting is required.

RULE 25-14 – APPLICATIONS

APPLICATIONS RELATING TO GRANTS

How to apply for most applications

- (1) A person may apply by notice of application in accordance with Part 8, or, if nothing has been filed in relation to the estate and Rule 17-1 applies, may, despite Rule 2-1 (1) and (2) (a) and (b), apply by requisition in Form P41, for an order
 - (a) under Rule 25-2 (14),
 - (b) granting administration with or without will annexed in circumstances in which the right to be appointed as the administrator is contested,
 - (c) revoking an authorization to obtain estate information, an authorization to obtain estate information or an authorization to obtain resealing information or the resealing of a foreign grant,
 - (d) removing or substituting a personal representative or, if different, the holder of an authorization to obtain estate information or the holder of an authorization to obtain resealing information,
 - (e) discharging a personal representative or, if different, the holder of an authorization to obtain estate information or the holder of an authorization to obtain resealing information,
 - (f) passing over an executor,
 - (g) appointing an administrator of an estate under section 132 of the *Wills, Estates and Succession Act*,
 - (h) removing or renewing a notice of dispute,
 - (i) that a foreign grant of probate or administration not be resealed,
 - (j) requiring security for the administration of an estate,
 - (k) varying or substituting security for the administration of an estate,
 - (l) directing that security be assigned to a person named in the order,
 - (m) respecting production, delivery or filing of
 - (i) a testamentary document,
 - (ii) a certified or notarial copy of an authorization to obtain estate information,
 - (iii) an estate grant,
 - (iv) an authorization to obtain resealing information, or
 - (v) a resealed foreign grant,
 - (n) that a document, or a writing or marking on a testamentary document or other document, be fully effective as though it had been made as
 - (i) a will or part of a will of a deceased,
 - (ii) a revocation, alteration or revival of a will of a deceased, or
 - (iii) the testamentary intention of a deceased,
 - (o) for the passing of accounts,
 - (p) fixing and approving the remuneration of a personal representative, or

- (q) subject to subrule (2), respecting any other matter concerning an authorization to obtain estate information or an authorization to obtain resealing information or a grant of probate or administration with or without will annexed, an ancillary grant, a resealing or the office of personal representative, other than a question or matter covered by Rule 2-1 (2) (c) or (d).

How to apply for spousal home and will deficiencies orders

- (2) To apply to the court for any of the following orders:
 - (a) an order under section 30 of the *Wills, Estates and Succession Act* determining the value of a deceased's interest in a spousal home within the meaning of that Act;
 - (b) an order under section 33 of the *Wills, Estates and Succession Act* relating to a spousal home within the meaning of that Act;
 - (c) an order under section 58 of the *Wills, Estates and Succession Act* respecting deficiencies in a document that does or may disclose a testamentary intention or testamentary disposition of a deceased;
 - (d) an order under section 59 of the *Wills, Estates and Succession Act* rectifying a will,
a person
 - (e) may, if there is an existing proceeding within which, under these Supreme Court Civil Rules, it is appropriate to seek that order, apply for that order in accordance with Part 8 by notice of application in Form P42 in that proceeding, or
 - (f) must, if there is no existing proceeding within which it is appropriate to seek that order, by requisition in Form P43.

Address for service

- (3) An applicant who makes an application under subrule (1) or (2) by filing a requisition in Form P41 must include an address for service that is an accessible address that complies with Rule 4-1 (1).

Proceeding for proof of a will in solemn form

- (4) To apply to the court for an order proving a will in solemn form, a person
 - (a) may, if there is an existing proceeding within which, under these Supreme Court Civil Rules, it is appropriate to seek that order, apply for that order by notice of application in that proceeding, or
 - (b) must, if there is no existing proceeding within which it is appropriate to seek that order, start a proceeding by petition under Rule 16-1 and seek the order within that proceeding.

Personal representative to be served

- (5) Subject to subrule (6) of this rule, a person applying to the court under any of paragraphs (b) to (q) of subrule (1) must, unless Rule 17-1 applies or the court otherwise orders, serve the notice of application and the other application materials referred to in Rule 8-1 (7) on

- (a) each personal representative of the deceased unless that personal representative is the applicant, and
- (b) any other person who may be affected by the order sought.

When personal service is required

- (6) A notice of application in an application referred to in paragraph (c), (d), (e) or (f) of subrule (1) of this rule must be personally served on a personal representative or, in the case of a reference in subrule (1) (f) to a person with a right to administration in priority to the applicant, that person.

Disputant to receive notice of proceeding relating to a grant

- (7) While a notice of dispute is in effect in relation to the estate of a deceased, a person who, in relation to that estate, brings any application under this rule must, without limiting any other service obligations applicable to the person, serve on the disputant, by ordinary service, a copy of all documents the applicant is required to file in connection with the application.

Court may give directions as to procedure

- (8) Without limiting any other power of the court under this or any other Part of these Supreme Court Civil Rules, the court may, on its own motion or on application, give directions concerning the procedure to be followed in any matter under this Part and, without limiting this, may give directions respecting any of the following:
 - (a) the issues to be decided;
 - (b) who the parties will be, including directions for the addition or substitution of a party;
 - (c) how evidence may or must be presented;
 - (d) summary disposition of any or all issues in the matter;
 - (e) the trial of any or all of the issues in the matter;
 - (f) pleadings;
 - (g) examinations for discovery and discovery of documents;
 - (h) service or delivery of a notice, process, order or document on any person;
 - (i) dispensing with service or delivery;
 - (j) representation of any person or interest.

RULE 25-15 – MISCELLANEOUS

Grant of administration to guardians

- (1) If the individual who would be entitled to be a personal representative of an estate is a minor, the court may, with the consent of the Public Guardian and Trustee, make a grant of administration, for the minor's use and benefit, to the guardian who has, in relation to the minor, the parental responsibilities referred to in section 41 (k) of the *Family Law Act*.

Changing address for service

- (2) Rule 4-1 (3) applies to this Part and, for that purpose,

- (a) a reference in Rule 4-1 (3) to a party of record who has provided an address for service is deemed to refer in this Part to a person who has provided, by service, delivery or otherwise, a document under this Part in which the person has included an address for service, and
- (b) a reference in Rule 4-1 (3) to other parties of record is deemed to be a reference to any other person to whom the person referred to in paragraph (a) provided the document referred to in that paragraph.

If no address for service given

- (3) Rule 4-2 (7) applies to this Part and, for that purpose, a reference in Rule 4-2 (7) to a party of record is deemed to refer in this Part to a person who has delivered, served or otherwise provided a document under this Part in which the person ought to have included an address for service.

Costs if only solemn form required

- (4) A respondent to a petition or application brought under Part 25 is not liable for costs if
 - (a) the respondent merely requires that the will be proved in solemn form, and
 - (b) the respondent only intends to cross-examine the witnesses produced in support of the will,

unless the court determines that there was no reasonable ground for requiring proof in solemn form.

RULE 25-16 – TRANSITION

Definition

- (1) In this rule, “**former rule**” means
 - (a) Rule 61 or Rule 62 of the Rules of Court, B.C. Reg. 221/90, that was repealed on the coming into force of the Supreme Court Civil Rules, B.C. Reg. 168/2009, or
 - (b) Rule 21-4 or Rule 21-5 that was repealed on the coming into force of this rule.

Application for grant or resealing under former rule

- (2) If, before the coming into force of this rule, an application was brought under a former rule for a grant of probate or administration, ancillary grant of probate or administration or resealing of a foreign grant,
 - (a) the application is deemed to be an application for an estate grant or a resealing, as the case may be, under this Part,
 - (b) if that application met all of the notice, delivery and service requirements of the former rule, it is deemed to meet all of the notice, delivery and service requirements of this Part, and
 - (c) the court or the registrar may issue an estate grant or reseal a foreign grant, as the case may be, in response to the application if that estate grant could have been issued, or that foreign grant could have been resealed, under the former rule.

Caveat filed under former rule

- (3) If a caveat filed under a former rule in relation to an estate is in effect on the coming into force of this rule, the caveat
 - (a) is deemed to be a notice of dispute filed under this Part, and
 - (b) expires
 - (i) when it is withdrawn,
 - (ii) if it is not withdrawn but has been renewed by order of the court, when the renewal period ceases, or
 - (iii) if it is not withdrawn and has not been renewed by order of the court, on the date that is 6 months after the date on which it was filed.

Citation to accept or refuse probate served under former rule

- (4) If a citation to accept or refuse probate or to propound an alleged will was served under a former rule, the citation is deemed to be a citation under Rule 25-11, and, for that purpose, the citation is deemed to have been served on the coming into force of this rule.

Probate actions under former rule

- (5) A probate action brought under a former rule, or a petition proceeding brought under a former rule for proof of a will in solemn form, that was ongoing when this rule came into effect is deemed to continue as a proceeding under this Part and, for that purpose, all steps that could have been taken in the probate action or petition proceeding under the former rule, including, without limitation, steps in respect of pleadings, examinations for discovery, discovery of documents and the trial of any or all issues, may be taken in the proceeding under this Part subject to any contrary directions under subrule (6).

Court may decide

- (6) The court may give directions if there is any dispute in relation to the procedure to be applied to, or followed in, a proceeding referred to in this Part.

9 *The title to Form 17 is amended by striking out “21-5 (4),” and substituting “25-5 (6).”*

10 *The titles to Forms 31 and 35 are amended by striking out “AND 17-1 (2))” and substituting “, 17-1 (2) AND 25-9 (2))”.*

11 *The title to Form 66 is amended by striking out “(RULES 16-1 (2) AND 21-5 (14))” and substituting “(RULE 16-1 (2))”.*

12 *The title to Form 70 is amended by striking out “, 18-3 (8) AND 21-5 (47)” and substituting “AND 18-3 (8)”.*

13 *Forms 90 to 107 are repealed.*

14 *Form 116 is amended by striking out “(RULE 22-8 (9))” and substituting “(RULES 22-8 (9) AND 25-12 (7))”.*

15 *Form 117 is amended by striking out “(RULE 22-8 (10))” and substituting “(RULES 22-8 (10) AND 25-12 (7))”.*

16 *The following Appendix is added after Form 124:*

APPENDIX A.1 – PROBATE FORMS

FORM P1 (RULE 25-2 (3))

NOTICE OF PROPOSED APPLICATION IN RELATION TO ESTATE

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

TAKE NOTICE THAT:

The applicant(s)[*name of applicant(s)*]..... propose(s) to apply, in the[*location*]..... court registry, for.....[**In accordance with the italicized note below, set out here whichever one of the following 7 choices is correct: a grant of probate/a grant of administration with will annexed/a grant of administration without will annexed/an ancillary grant of probate/an ancillary grant of administration with will annexed/an ancillary grant of administration without will annexed/the resealing of a foreign grant*]..... in relation to the estate of the deceased described below who died on[*date of death-dd/mmm/yyyy*]..... .

Full legal name of deceased:
[*first name*] [*middle name(s)*] [*last name/family name*]

Last residential address of the deceased: [*Include street number or post office box, city/town, province, country and postal code.*]

[*Check whichever one of the immediately following 2 boxes is correct and provide any required information.*]

- This application relates to the will of the deceased dated[*dd/mmm/yyyy*]..... a copy of which will is provided with this notice.
- This application does not relate to a will.

* [Select

“grant of probate” if there is a will and the applicant is named as executor or alternate executor in the will

“grant of administration with will annexed” if there is a will and the applicant is not named as executor or alternate executor in the will

“grant of administration without will annexed” if there is no will

“ancillary grant of probate” if a grant of probate or equivalent grant was obtained in relation to the deceased in a jurisdiction other than a jurisdiction prescribed for the purposes of section 138 of the Wills, Estates and Succession Act

“ancillary grant of administration with will annexed” if a grant of administration with will annexed or equivalent grant was obtained in relation to the deceased in a jurisdiction other than a jurisdiction prescribed for the purposes of section 138 of the Wills, Estates and Succession Act

“ancillary grant of administration without will annexed” if a grant of administration without will annexed or equivalent grant was obtained in relation to the deceased in a jurisdiction other than a jurisdiction prescribed for the purposes of section 138 of the Wills, Estates and Succession Act

“the resealing of a foreign grant” if a grant of probate or equivalent, or a grant of administration or equivalent, was obtained in relation to the estate of the deceased in a jurisdiction prescribed for the purposes of section 138 of the Wills, Estates and Succession Act.]

AND TAKE NOTICE THAT:

- (1) Before obtaining the foregoing grant or resealing, the applicant may be granted an authorization to obtain estate information or an authorization to obtain resealing information, as the case may be, in relation to that grant or resealing for the purposes of obtaining financial information in relation to the grant or resealing.
- (2) You have a right to oppose, by filing a notice of dispute in accordance with Rule 25-10 (1),
 - (a) if the intended application is for an estate grant, the granting of either or both of an authorization to obtain estate information and the estate grant, or
 - (b) if the intended application is for a resealing, the granting of either or both of an authorization to obtain resealing information and the resealing.
- (3) You may or may not be entitled to claim against the estate for relief, including a claim under
 - (a) the *Family Law Act*, or
 - (b) Division 6 of Part 4 of the *Wills, Estates and Succession Act*.
- (4) If you choose to take a step referred to in paragraph (2) or (3), you must do so within the time limited by any relevant rule of court or other enactment.
- (5) You may consult with your own lawyer concerning your interest in, or rights against, the estate.
- (6) After the applicant has filed a submission for estate grant in Form P2 for a grant of administration, you may apply for an order requiring the applicant to provide security unless the applicant is the Public Guardian and Trustee. Filing a notice of dispute will prevent a grant from being issued before you are able to apply for the order requiring security.
- (7) An authorization to obtain estate information, an authorization to obtain resealing information or a grant may issue to the applicant, or a foreign grant may be resealed, on any date that is at least 21 days after the date on which this notice is delivered to you or on any earlier date ordered by the court.
- (8) If an authorization to obtain estate information issues to the applicant, the applicant may apply for a grant without further notice. If an authorization to obtain resealing information issues to

the applicant, the applicant may apply for the resealing of the foreign grant without further notice to you.

- (9) If a grant issues to the applicant, the applicant must provide, if there is a will, to the beneficiaries or, if there is no will, to intestate successors of the deceased an accounting as to how the estate was administered and how the estate assets were distributed, and that if a foreign grant is resealed as a result of the application, the intended applicant must provide, if there is a will, to the beneficiaries or, if there is no will, to intestate successors of the deceased, an accounting as to how the estate comprising the assets to which the resealed grant applies was administered and how those assets were distributed.

[If this notice of proposed application is required to be delivered to the Public Guardian and Trustee under Rule 25-2, ensure all additional information required under Rule 25-2 (13) is provided to the Public Guardian and Trustee.]

[A copy of the deceased's will, if any, identified above, must be delivered with this notice if the application is for a grant of probate or a grant of administration with will annexed. A copy of the foreign grant, and, if a copy of the will is not attached to the foreign grant, a copy of the will, must be delivered with this notice if the application is for a resealing of a foreign grant or for an ancillary grant of probate or an ancillary grant of administration with will annexed. Note that a reference to "will" includes all documents that are included within the definition of "will" in the Wills, Estates and Succession Act.]

INFORMATION ABOUT EACH APPLICANT

[Complete the following for each applicant. Add additional sheets as required.]

Name:
[first name] [middle name(s)] [last name/family name]

Mailing address: [Include street number or post office box, city/town, province, country and postal code.]
.....
.....

[Check whichever one of the immediately following 2 boxes is correct.]

- [] This applicant is not an individual
[] This applicant is an individual and ordinarily lives

[If you checked the second of the immediately preceding 2 boxes, check whichever one of the immediately following 2 boxes is correct and provide any required information.]

- [] at the mailing address noted above
[] in the following city and country:

ADDRESS FOR SERVICE OF APPLICANT(S)

[Check whichever one of the immediately following 2 boxes is correct and provide any required information. If there are 2 or more applicants, they must share the same address(es) for service.]

- [] The applicant's(s') address for service is the mailing address noted above.
[] The applicant's(s') address for service is

[You must set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Street address for service:

Fax number address for service (if any):

E-mail address for service (if any):

Telephone number:

Date:[dd/mmm/yyyy].....

Signature of [] applicant [] lawyer for applicant(s)
.....[type or print name].....

FORM P2 (RULE 25-3 (2))

No.

..... Registry

In the Supreme Court of British Columbia

In the Matter of the Estate of[legal name of deceased]....., deceased

SUBMISSION FOR ESTATE GRANT

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

This submission for estate grant is submitted by:[name(s) of applicant(s)].....

I am/We are applying for the following in relation to the estate of the deceased described in Part 1 of this submission for estate grant (the “deceased”):

[Check whichever one of the immediately following 5 boxes is correct and complete and attach the required schedule.]

- Grant of probate *[Complete and attach the Schedule for Grant of Probate or Grant of Administration with Will Annexed.]*
- Grant of administration with will annexed *[Complete and attach the Schedule for Grant of Probate or Grant of Administration with Will Annexed.]*
- Grant of administration without will annexed *[Complete and attach Schedule for Grant of Administration without Will Annexed.]*
- Ancillary grant of probate or ancillary grant of administration with will annexed *[Complete and attach Schedule for Ancillary Grant of Probate or Ancillary Grant of Administration with Will Annexed.]*
- Ancillary grant of administration without will annexed *[Complete and attach Schedule for Ancillary Grant of Administration without Will Annexed.]*

[Check whichever one of the immediately following 2 boxes is correct.]

- I am/We are submitting with this submission for estate grant an affidavit of assets and liabilities in Form P10 or P11 and therefore do not require an authorization to obtain estate information.

I am/We are seeking an authorization to obtain estate information so that I/we can secure the information necessary to prepare and submit an affidavit of assets and liabilities for estate grant.

This submission for estate grant has 4 Parts:

- Part 1: Information about the Deceased
- Part 2: Information about the Applicant(s)
- Part 3: Documents Filed with the Submission for Estate Grant
- Part 4: Schedule

Date:[dd/mmm/yyyy].....
Signature of applicant lawyer for applicant(s)
.....[type or print name].....

PART 1 – INFORMATION ABOUT THE DECEASED

Full legal name of deceased:

.....
[first name] [middle name(s)] [last name/family name]

Other names in which the deceased held or may have held an interest in property:

- 1
- 2
- 3 etc.

Last residential address of the deceased:

Street number and street name:
[OR]
Post office box:
City/Town:
Province:
Country:
Postal Code:

Deceased's date of death:[dd/mmm/yyyy].....

[Check whichever one of the immediately following 3 boxes is correct and provide any required information.]

- The deceased was neither a Nisga'a citizen nor a member of a treaty first nation.
- The deceased was a Nisga'a citizen.
- The deceased was a member of the[name]..... treaty first nation.

PART 2 – INFORMATION ABOUT THE APPLICANT(S)

Applicant’s(s’) address for service:

[You must set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service. If there is more than one applicant, all applicants must share the same address(es) for service.]

Street address for service:

Fax number address for service (if any):

E-mail address for service (if any):

Telephone number:

PART 3 – DOCUMENTS FILED WITH THIS SUBMISSION FOR ESTATE GRANT

1 *[Check whichever one of the immediately following 2 boxes is correct and file the specified affidavit(s).]*

There is one applicant to this submission for estate grant and

(a) the applicant has sworn an affidavit in Form*[Set out whichever one of the following 5 choices is correct - P3/P4/P5/P6/P7]....*, and

(b) that affidavit is filed with this submission for estate grant.

There are 2 or more applicants to this submission for estate grant and

(a) at least one of the applicants has sworn an affidavit in Form ...*[Set out whichever one of the following 5 choices is correct - P3/P4/P5/P6/P7]....*,

(b) that/those affidavit(s) is/are filed with this submission for estate grant, and

(c) the remaining applicant(s) has/have sworn (an) affidavit(s) in Form P8 and that/those affidavit(s) is/are filed with this submission for estate grant.

2 Filed with this submission for estate grant is/are the following Affidavit(s) of Delivery in Form P9 that confirms/collectively confirm that the documents referred to in Rule 25-2 were delivered to all of the persons to whom, under that rule, the documents were required to be delivered:

Affidavit of*[name]*..... sworn*[dd/mmm/yyyy]*.....

Affidavit of*[name]*..... sworn*[dd/mmm/yyyy]*.....

Affidavit of*[name]*..... sworn*[dd/mmm/yyyy]*.....

3 Filed with this submission for common grant are 2 copies of the certificate of the chief executive officer under the *Vital Statistics Act* indicating the results of a search for a wills notice filed by or on behalf of the deceased.

4 *[Check whichever one of the immediately following 5 boxes is correct, provide any required information and file any specified documents.]*

This application is for a grant of probate, or a grant of administration with will annexed, in relation to the will of the deceased dated*[dd/mmm/yyyy]*....., and filed with this submission for estate grant is the originally signed version of the will.

This application is for a grant of probate, or a grant of administration with will annexed, in relation to the will of the deceased dated*[dd/mmm/yyyy]*....., and filed with this submission for estate grant is a copy of the will. The applicant(s)

cannot file the originally signed version of the will because[set out reasons why a copy is available but the original is not]..... .

- This application is for a grant of administration without will annexed.
- This application is for an ancillary grant of probate, or an ancillary grant of administration with will annexed, in relation to the grant issued by the[name of issuing court]..... of[province or country of issuing court].... on[dd/mmm/yyyy].... (the “foreign grant”), which grant was issued in relation to the will of the deceased dated[dd/mmm/yyyy]....., and filed with this submission for estate grant is a copy of the following, each of which is certified by the court out of which probate or administration with will annexed has been granted:

- (a) the foreign grant;
- (b) if a copy of the will to which the foreign grant relates is not attached to the foreign grant, a copy of the will.

- This application is for an ancillary grant of administration without will annexed in relation to the grant issued by the[name of issuing court]..... of[province or country of issuing court].... on[dd/mmm/yyyy]..... (the “foreign grant”), and filed with this submission for estate grant is a copy of the foreign grant certified by the court out of which administration without will annexed has been granted.

[Check the box for whichever one of the immediately following section 5's is correct and provide any required information.]

- 5 This application is for a grant of probate or a grant of administration with will annexed and there are no orders affecting the validity or content of the will referred to in section 4.
- 5 This application is for a grant of probate or a grant of administration with will annexed and the following order(s) affect(s) the validity or content of the will referred to in section 4:

[If you checked the immediately preceding box, describe any applicable orders, indicate if they have been filed in this proceeding and file any described orders that have not yet been filed in this proceeding.]

1 Order dated[dd/mmm/yyyy].....

- This order has been filed in this proceeding
- This order has not yet been filed in this proceeding and I am/we are therefore filing a copy of the order with this submission for estate grant

2 Order dated[dd/mmm/yyyy].....

- This order has been filed in this proceeding
- This order has not yet been filed in this proceeding and I am/we are therefore filing a copy of the order with this submission for estate grant

3 etc.

- 5 This application is for an ancillary grant of probate or an ancillary grant of administration with will annexed and there are no orders affecting the validity or content of the will referred to in section 4.

- 5 This application is for an ancillary grant of probate or an ancillary grant of administration with will annexed and the following order(s) affect(s) the validity or content of the will referred to in section 4:

[If you checked the immediately preceding box, describe any applicable orders, indicate if they have been filed in this proceeding and file any described orders that have not yet been filed in this proceeding.]

1 Order dated[dd/mmm/yyyy].....

This order has been filed in this proceeding

This order has not yet been filed in this proceeding and I am/we are therefore filing a copy of the order with this submission for estate grant

2 Order dated[dd/mmm/yyyy].....

This order has been filed in this proceeding

This order has not yet been filed in this proceeding and I am/we are therefore filing a copy of the order with this submission for estate grant

3 etc.

- 5 This application is for a grant of administration without will annexed or an ancillary grant of administration without will annexed.

- 6 *[Check whichever one of the immediately following 3 boxes is correct and provide any required information.]*

This application is for a grant of probate, a grant of administration with will annexed, an ancillary grant of probate or an ancillary grant of administration with will annexed and the will referred to in section 4 does not refer to any documents or refers only to documents attached to the will.

This application is for a grant of probate, a grant of administration with will annexed, an ancillary grant of probate or an ancillary grant of administration with will annexed and filed with this submission for estate grant is/are the following document(s), which document(s) is/are all of the documents referred to in, but not attached to, the will referred to in section 4:

1

2

3 etc.

This application is for a grant of administration without will annexed or an ancillary grant of administration without will annexed.

- 7 *[Check whichever one of the immediately following 2 boxes is correct and describe and file any specified documents.]*

No documents other than those described elsewhere in this submission for estate grant are filed with this submission for estate grant.

In addition to the documents described elsewhere in this submission for estate grant, the following documents are filed with this submission for estate grant:

1

2

3 etc.

8 [Check whichever one of the immediately following 2 boxes is correct, provide any required information and file any specified documents.]

All documents filed with this submission for estate grant are written in the English language.

Filed with this submission for estate grant is an affidavit of translator in Form P12 of[name]....., who translated the[identify document]..... filed with this submission for estate grant.

PART 4 – SCHEDULE

1 [Check whichever one of the immediately following 4 boxes is correct and attach the specified Schedule.]

Attached to this submission for estate grant is a Schedule for Grant of Probate or Grant of Administration with Will Annexed.

Attached to this submission for estate grant is a Schedule for Grant of Administration without Will Annexed.

Attached to this submission for estate grant is a Schedule for Ancillary Grant of Probate or Ancillary Grant of Administration with Will Annexed.

Attached to this submission for estate grant is a Schedule for Ancillary Grant of Administration without Will Annexed.

[This Schedule is to be completed and attached to the submission for estate grant only if the application is for a grant of probate or a grant of administration with will annexed.]

SCHEDULE FOR GRANT OF PROBATE OR GRANT OF ADMINISTRATION WITH WILL ANNEXED

1 [Indicate if there is any person, other than the applicant, who meets all of the following criteria.]

Criteria

- (a) he or she is named in the will as executor or alternate executor;
- (b) he or she is a co-executor with the applicant(s) (i.e. has a right to make an application for an estate grant that is equal to the applicant's(s') right to make that application);
- (c) he or she has not renounced executorship;
- (d) he or she is alive at the date of this submission for estate grant;
- (e) he or she has not become incapable of managing his or her affairs.

There is no person who meets all of the foregoing criteria.

The following person(s) meet(s) all of the foregoing criteria:

1

2

3 etc.

- 2 Listed in each of the following paragraphs is every person who falls within the class of persons identified by that paragraph:

[Provide under each of the following paragraphs the full name of each person to whom the paragraph applies, whether or not that person is named elsewhere in this submission for estate grant.] [List each named person on a separate line.]

- (a) spouse, if any, of the deceased:

- (b) child(ren), if any, of the deceased:

- (c) each person, if any, who is a beneficiary under the will and is not named in paragraph (a) or (b):

- (d) each person, if any, who would have been an intestate successor if the deceased had not left a will and who is not named in paragraph (a), (b) or (c):

- (e) each citor, if any, not named in paragraph (a), (b), (c) or (d) *[see Rule 25-11]*:

[This Schedule is to be completed and attached to the submission for estate grant only if the application is for a grant of administration without will annexed.]

SCHEDULE FOR GRANT OF ADMINISTRATION WITHOUT WILL ANNEXED

- 1 Listed in each of the following paragraphs is every person who falls within the class of persons identified by that paragraph:

[Provide under each of the following paragraphs the full name of each person to whom the paragraph applies, whether or not that person is named elsewhere in this submission for estate grant.] [List each named person on a separate line.]

- (a) spouse, if any, of the deceased *[see section 2 of the Wills, Estates and Succession Act]*:

- (b) child(ren), if any, of the deceased:

- (c) each person, if any, not named in paragraph (a) or (b), who is entitled to receive all or part of the estate of a person who dies without a will: *[see section 23 of the Wills, Estates and Succession Act]*

(d) each creditor of the deceased, if any, not named in paragraph (a), (b) or (c) whose claim exceeds \$10 000:

(e) each citor, if any, not named in paragraph (a), (b), (c) or (d) [*see Rule 25-11*]:

[This Schedule is to be completed and attached to the submission for estate grant only if the application is for an ancillary grant of probate or an ancillary grant of administration with will annexed.]

SCHEDULE FOR ANCILLARY GRANT OF PROBATE OR ANCILLARY GRANT OF ADMINISTRATION WITH WILL ANNEXED

1 Each person to whom the foreign grant was issued is an applicant under the submission for estate grant or is represented by an attorney who is an applicant under the submission for estate grant.

2 Listed in each of the following paragraphs is every person who falls within the class of persons identified by that paragraph:

[Provide under each of the following paragraphs the full name of each person to whom the paragraph applies, whether or not that person is named elsewhere in this submission for estate grant.] [List each named person on a separate line.]

(a) spouse, if any, of the deceased [*see section 2 of the Wills, Estates and Succession Act*]:

(b) child(ren), if any, of the deceased:

(c) each person, if any, who is a beneficiary under the will and is not named in paragraph (a) or (b):

(d) each person, if any, who would have been an intestate successor if the deceased had not left a will and who is not named in paragraph (a), (b) or (c):

(e) each citor, if any, not named in paragraph (a), (b), (c) or (d) [*see Rule 25-11*]:

[*This Schedule is to be completed and attached to the submission for estate grant only if the application is for an ancillary grant of administration without will annexed.*]

SCHEDULE FOR ANCILLARY GRANT OF ADMINISTRATION WITHOUT WILL ANNEXED

- 1 Each person to whom the foreign grant was issued is an applicant under the submission for estate grant or is represented by an attorney who is an applicant under the submission for estate grant.
- 2 Listed in each of the following paragraphs is every person who falls within the class of persons identified by that paragraph:

[*Provide under each of the following paragraphs the full name of each person to whom the paragraph applies, whether or not that person is named elsewhere in this submission for estate grant.*] [*List each named person on a separate line.*]

(a) spouse, if any, of the deceased [*see section 2 of the Wills, Estates and Succession Act*]:

(b) child(ren), if any, of the deceased:

(c) each person, if any, not named in paragraph (a) or (b), who is entitled to receive all or part of the estate of a person who dies without a will: [*see section 23 of the Wills, Estates and Succession Act*]

(d) each creditor of the deceased, if any, not named in paragraph (a), (b) or (c) whose claim exceeds \$10 000:

(e) each citor, if any, not named in paragraph (a), (b), (c) or (d) [see Rule 25-11]:

FORM P3 (RULE 25-3 (2))

This is the[1st/2nd/3rd/etc.]..... affidavit of[name]..... in this case and was made on[dd/mm/yyyy].....

[Style of Proceeding]

AFFIDAVIT OF APPLICANT FOR GRANT OF PROBATE OR GRANT OF ADMINISTRATION WITH WILL ANNEXED

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation]....., SWEAR (OR AFFIRM) THAT:

1 I am the applicant/one of the applicants referred to in the submission for estate grant in relation to the estate of[legal name of deceased]..... (the “deceased”) and in relation to the document that is identified in section 4 of Part 3 of the submission for estate grant as the will (the “will”).

2 [Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

[] The applicant on whose behalf this affidavit is sworn is not an individual and I am authorized by the applicant to swear this affidavit on the applicant’s behalf.

[] I am an individual and ordinarily live at the following location:

City/town:

Province/state:

Country:

3 All of paragraphs (a) to (k) of Rule 25-3 (6) are true and I am therefore authorized under Rule 25-3 (6) to swear this affidavit.

[Check the box for whichever one of the immediately following section 4’s is correct and provide any required information.]

4 [] I am named as an executor or alternate executor as[name as it appears in the will]..... in the will and my appointment has not been revoked under section 56 (2) of the Wills, Estates and Succession Act or by a codicil to the will.

[If you checked the immediately preceding box, check whichever one of the following boxes is correct and complete any required information.]

No other persons are named in the will as executor.

Other persons are named in the will as executor and, of those, the following person(s) is/are not named as an applicant on the submission for estate grant for the reason shown after his/her/their name(s):

[Complete the following for each named person.]

.....[name]..... is not named as an applicant on the submission for estate grant because he/she has renounced executorship is deceased other[briefly set out reason].....

4 I am not named as an executor or alternate executor in the will, and am a person referred to in paragraph of section 131 of the *Wills, Estates and Succession Act*.

5 [Check whichever one of the immediately following 2 boxes is correct.]

I am not obliged under Rule 25-3 (11) to deliver a filed copy of this submission for estate grant to the Public Guardian and Trustee.

I am obliged under Rule 25-3 (11) to deliver a filed copy of this submission for estate grant to the Public Guardian and Trustee.

6 I am satisfied that a diligent search for a testamentary document of the deceased has been made in each place that could reasonably be considered to be a place where a testamentary document may be found, including, without limitation, in all places where the deceased usually kept his or her documents and that no testamentary document that is dated later than the date of the will has been found.

7 I believe that the will is the last will of the deceased that deals with property in British Columbia.

8 I am not aware of any grant of probate or administration, or equivalent, having been issued, in relation to the deceased, in British Columbia or in any other jurisdiction.

9 I believe that the will complies with the requirements of Division 1 of Part 4 of the *Wills, Estates and Succession Act* and I am not aware of any issues that would call into question the validity or contents of the will.

10 I have read the submission for estate grant and the other documents referred to in that document and I believe that the information contained in that submission for estate grant and those documents is correct and complete.

11 I will administer according to law all of the deceased's estate, I will prepare an accounting as to how the estate was administered and I acknowledge that, in doing this, I will be subject to the legal responsibility of a personal representative.

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on[dd/mmm/yyyy].....)
)
)
A commissioner for taking)
affidavits for British Columbia)
...[print name or affix stamp of commissioner]...

FORM P4 (RULE 25-3 (2))

This is the[1st/2nd/3rd/etc.]..... affidavit
of[name]..... in this case
and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

**AFFIDAVIT OF APPLICANT FOR GRANT OF PROBATE OR GRANT OF
ADMINISTRATION WITH WILL ANNEXED**

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation]....., SWEAR (OR
AFFIRM) THAT:

- 1 I am the applicant/one of the applicants referred to in the submission for estate grant in relation to the estate of[legal name of deceased]..... (the “deceased”) and in relation to the document that is identified in section 4 of Part 3 of the submission for estate grant as the will (the “will”), and am applying for:

[Check whichever one of the immediately following 2 boxes is correct.]

- a grant of probate.
- a grant of administration with will annexed.

- 2 [Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

- The applicant on whose behalf this affidavit is sworn is not an individual and I am authorized by the applicant to swear this affidavit on the applicant’s behalf.
- I am an individual and ordinarily live at the following location:

City/town:

Province/state:

Country:

[Check the box for whichever one of the immediately following section 3’s is correct and provide any required information.]

- 3 I am named as an executor or alternate executor as[name as it appears in the will]..... in the will and my appointment has not been revoked under section 56 (2) of the Wills, Estates and Succession Act or by a codicil to the will.

[If you checked the immediately preceding box, check whichever one of the following boxes is correct and complete any required information.]

- No other persons are named in the will as executor
- Other persons are named in the will as executor and, of those, the following person(s) is/are not named as an applicant on the submission for estate grant for the reason shown after his/her/their name(s):

[Complete the following for each named person.]

.....[name].....is not named as an applicant on the submission for estate grant because he/she [] has renounced executorship [] is deceased [] other[briefly set out reason].....

3 [] I am not named as an executor or alternate executor in the will, and am a person referred to in paragraph of section 131 of the *Wills, Estates and Succession Act*.

3 [] I am an attorney of a foreign personal representative and am making application under section 139 of the *Wills, Estates and Succession Act*.

4 [Check whichever one of the immediately following 2 boxes is correct.]

[] I am not obliged under Rule 25-3 (11) to deliver a filed copy of this submission for estate grant to the Public Guardian and Trustee

[] I am obliged under Rule 25-3 (11) to deliver a filed copy of this submission for estate grant to the Public Guardian and Trustee

5 I am satisfied that a diligent search for a testamentary document of the deceased has been made in each place that could reasonably be considered to be a place where a testamentary document may be found, including, without limitation, in all places where the deceased usually kept his or her documents and

[Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

[] no testamentary document of the deceased dated later than the will has been found

[] one or more testamentary documents dated later than the will has been found. I believe that the later testamentary document(s) is/are invalid or otherwise not relevant to this application for the following reasons:[briefly state the reasons].....

6 [Check whichever one of the immediately following 2 boxes is correct.]

[] I am not aware of there being any issues respecting execution of the will. [Go to section 7.]

[] I believe that the following issue(s) respecting execution apply(ies) to the will and I am not aware of there being any other issues respecting execution of the will:

[If you checked the second of the immediately preceding 2 boxes, complete each of the following paragraphs (a) to (d) as required.]

(a) Attestation Clause [the portion of the will that identifies the persons who signed the will as witnesses to the will-maker's signature]

[Check whichever one of the immediately following 2 boxes is correct.]

[] None of this paragraph (a) applies to the will.

[] The will does not contain an attestation clause or contains an attestation clause that is not sufficient to show that the requirements of Division 1 of Part 4 of the *Wills, Estates and Succession Act* were met when the will was signed.

[If the immediately preceding box is checked, check whichever one of the immediately following 4 boxes is correct and provide any required information.]

[] pursuant to Rule 25-3 (15), submitted for filing with the submission for estate grant is an affidavit of[name]..... sworn[dd/mm/yyyy]..... who was a subscribing witness

- an affidavit from a subscribing witness cannot be obtained, and pursuant to Rule 25-3 (16) (a), submitted for filing with the submission for estate grant, is an affidavit of[*name*]..... sworn[*dd/mmm/yyyy*]..... who was a person present when the will was signed.
- neither an affidavit from a subscribing witness nor an affidavit sworn by a person present when the will was signed can be obtained, and pursuant to Rule 25-3 (16) (b), submitted for filing with the submission for estate grant is/are the following affidavit(s) confirming the signatures of the will-maker and subscribing witnesses:
 - 1 the affidavit of[*name*].....sworn[*dd/mmm/yyyy*].....
 - 2 the affidavit of[*name*].....sworn[*dd/mmm/yyyy*].....
- none of an affidavit from a subscribing witness, an affidavit sworn by a person present when the will was signed and an affidavit confirming the signatures of the will-maker and subscribing witnesses can be obtained, and pursuant to Rule 25-3 (16) (c), submitted for filing with the submission for estate grant, is an affidavit of[*name*]..... sworn[*dd/mmm/yyyy*]..... which affidavit sets out circumstances intended to raise a presumption in favour of the proper execution of the will.
- the will is valid as to the formal requirements for making the will and is admissible to probate under section 80 of the *Wills, Estates and Succession Act*, and submitted for filing with the submission for estate grant is/are the following affidavit(s) confirming that validity:
 - 1 the affidavit of[*name*].....sworn[*dd/mmm/yyyy*].....
 - 2 the affidavit of[*name*].....sworn[*dd/mmm/yyyy*].....

(b) Military Will

[*Check whichever one of the immediately following 2 boxes is correct.*]

- This paragraph (b) does not apply to the will.
- I believe that the will was made by a person referred to in Rule 25-3 (17) and is in a form permitted by section 38 of the *Wills, Estates and Succession Act*, and attached as Exhibit to this affidavit is[*describe nature of evidence attached*]..... as evidence that the will-maker was authorized to make a will in that form at the time the will was made and that the will was executed in accordance with the requirements of section 38 of the *Wills, Estates and Succession Act*.

(c) Special circumstances

[*Check whichever one of the immediately following 2 boxes is correct.*]

- None of this paragraph (c) applies to the will.
- I believe that at the time of the making of the will, the will-maker

[If you checked the immediately preceding box, check whichever one or more of the immediately following 5 boxes is correct.]

- was blind
- was illiterate
- did not fully understand the language in which the will was written
- signed by a means of a mark instead of handwritten words
- directed another person to sign the will on behalf of the will-maker in the will-maker's presence

and

[If you checked one or more of the immediately preceding 5 boxes, check whichever one of the immediately following 3 boxes is correct and provide any required information.]

- the attestation clause in the will indicates that the circumstance(s) referred to above applied to the will-maker at the time of the signing of the will.
- the following affidavit(s) is/are submitted for filing with the submission for estate grant as evidence that the requirements of the *Wills, Estates and Succession Act* relating to the execution of the will were met and that the will-maker knew and approved of the content of the will:
 - 1 the affidavit of[name].....sworn
.....[dd/mmm/yyyy].....
 - 2 the affidavit of[name].....sworn
.....[dd/mmm/yyyy].....
- the will is valid as to the formal requirements for making the will and is admissible to probate under section 80 of the *Wills, Estates and Succession Act*, and submitted for filing with the submission for estate grant is/are the following affidavit(s) confirming that validity:
 - 1 the affidavit of[name].....sworn
.....[dd/mmm/yyyy].....
 - 2 the affidavit of[name].....sworn
.....[dd/mmm/yyyy].....

(d) Other Issues

[Check whichever one of the immediately following 2 boxes is correct.]

- There are no other issues relating to proper execution of the will.
- The following is/are the other issue(s) relating to proper execution of the will:
.....[set out the issue]..... and attached as Exhibit to this affidavit is[describe]..... .

7 [Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

- I am not aware of there being any interlineations, erasures or obliterations in, or other alterations to, the will. [Go to section 8.]
- There are interlineations, erasures or obliterations in, or other alterations to, the will.

[If you checked the second of the immediately preceding 2 boxes, check all of the immediately following 6 boxes that are correct and complete the required paragraphs.]

- There are one or more interlineations in the will. [Complete paragraph (a).]
- There are no interlineations in the will.
- There are one or more erasures or obliterations in the will. [Complete paragraph (b).]
- There are no erasures or obliterations in the will.
- There are one or more other alterations in the will. [Complete paragraph (c).]
- There are no other alterations in the will.

(a) Interlineations

- There are one or more interlineations in the will, and the following applies to each of those interlineations:

[If you checked the immediately preceding box, check whichever one of the immediately following 4 boxes is correct and provide any required information.]

- I believe that the interlineation was made in accordance with the requirements of Division 1 of Part 4 of the *Wills, Estates and Succession Act* relating to the execution of a will.
- I believe that the interlineation was authenticated by the re-execution of the will or by the subsequent execution of a codicil.
- I cannot check either of the 2 immediately preceding boxes but believe that the interlineation should form part of the will as it was present when the will was signed, and, pursuant to Rule 25-3 (20) (d), submitted for filing with the submission for estate grant is/are the following affidavit(s):
 - 1 the affidavit of[name].....sworn
.....[dd/mmm/yyyy].....
 - 2 the affidavit of[name].....sworn
.....[dd/mmm/yyyy].....
- I have no information to suggest that the interlineation reflects the will-maker's intentions.

- There are one or more interlineations in the will, and none of the foregoing boxes applies to all of those interlineations.

(b) Words Erased or Obliterated

- Words in the will were erased or obliterated and

[If you checked the immediately preceding box, check whichever one of the immediately following 2 boxes is correct and provide any required information.]

- in each erasure or obliteration in the will, the words erased or obliterated are entirely effaced and cannot be ascertained on inspection.
- the will contains at least one erasure or obliteration in which the words erased or obliterated are not entirely effaced and can be read, and the following applies to each of the erasures or obliterations that are not entirely effaced and can be read:

[If you checked the second of the immediately preceding 2 boxes, check whichever one of the immediately following 4 boxes is correct and provide any required information.]

I believe that the erasure or obliteration was made in accordance with the requirements of Division 1 of Part 4 of the *Wills, Estates and Succession Act* relating to the execution of a will.

I believe that the erasure or obliteration was authenticated by the re-execution of the will or by the subsequent execution of a codicil.

I believe that the words erased or obliterated should not form part of the will and, pursuant to Rule 25-3 (21) (d), submitted for filing with the submission for estate grant is/are the following affidavit(s):

1 the affidavit of[name].....sworn
.....[dd/mmm/yyyy].....

2 the affidavit of[name].....sworn
.....[dd/mmm/yyyy].....

I have no information to suggest that the erasures or obliterations reflect the will-maker's intentions.

There are one or more erasures or obliterations in the will in which the words erased or obliterated are not entirely effaced and can be read, and none of the foregoing boxes applies to all of those erasures or obliterations.

(c) Other issues

I believe that the following issue(s) arise from the appearance of the will:

[If you checked the immediately preceding box, check whichever one or more of the immediately following 5 boxes is correct.]

It appears that an attempt was made to revoke the will.

It appears that a page or document was previously attached to the will but is missing.

It appears that the will is incomplete.

It appears that the will has been altered by an alteration that was not made by the will-maker in compliance with the *Wills, Estates and Succession Act*.

It appears that[specify].....

and submitted for filing in support of the submission for estate grant is/are the following affidavit(s):

1 the affidavit of[name]..... sworn ...[dd/mmm/yyyy]..... .

2 the affidavit of[name]..... sworn ...[dd/mmm/yyyy]..... .

8 [Check whichever one of the immediately following 2 boxes is correct.]

The will does not refer to any documents or refers only to documents attached to the will.

The will refers to one or more documents not attached to the will and

[If you checked the second of the immediately preceding 2 boxes, complete the following for each document that is referred to in, but not attached to, the will.]

a copy of[identify document].....,

[Check whichever one of the immediately following 2 boxes is correct.]

is attached as Exhibit ... to this affidavit

cannot be obtained by the applicant

9 [Check whichever one of the immediately following 2 boxes is correct.]

I am not aware of any grant of probate or administration, or equivalent, having been issued, in relation to the deceased, in British Columbia or in any other jurisdiction.

The following grant(s) of probate or administration, or equivalent, has/have been issued, in relation to the deceased, in British Columbia or in another jurisdiction:

.....

..... I believe that that/those grant(s) is/are not relevant to this application for the following reasons:[briefly state the reasons].....

10 I have read the submission for estate grant and the other documents referred to in that document and I believe that the information contained in that submission for estate grant and those documents is correct and complete.

11 I will administer according to law all of the deceased's estate, I will prepare an accounting as to how the estate was administered and I acknowledge that, in doing this, I will be subject to the legal responsibility of a personal representative.

SWORN (OR AFFIRMED) BEFORE)

ME at, British Columbia)

on[dd/mmm/yyyy].....)

)

.....)

A commissioner for taking)

affidavits for British Columbia)

....[print name or affix stamp of commissioner]....

FORM P5 (RULE 25-3 (2))

This is the[1st/2nd/3rd/etc.].... affidavit of[name]..... in this case and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

AFFIDAVIT OF APPLICANT FOR GRANT OF ADMINISTRATION WITHOUT WILL ANNEXED

I,[name]....., of[address].....,[occupation]....., SWEAR (OR AFFIRM) THAT:

1 I am the applicant/one of the applicants referred to in the submission for estate grant in relation to the estate of[legal name of deceased]..... (the "deceased") and am applying for a grant of administration without will annexed.

2 [Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

The applicant on whose behalf this affidavit is sworn is not an individual and I am authorized by the applicant to swear this affidavit on the applicant's behalf.

I am an individual and ordinarily live at the following location:

City/town:

Province/state:

Country:

3 I am a person referred to in paragraph of section 130 of the *Wills, Estates and Succession Act*.

4 [Check whichever one of the immediately following 2 boxes is correct.]

I am not obliged under Rule 25-3 (11) to deliver a filed copy of this submission for estate grant to the Public Guardian and Trustee.

I am obliged under Rule 25-3 (11) to deliver a filed copy of this submission for estate grant to the Public Guardian and Trustee.

5 I am satisfied that a diligent search for a testamentary document of the deceased has been made in each place that could reasonably be considered to be a place where a testamentary document may be found, including, without limitation, in all places where the deceased usually kept his or her documents and

[Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

no testamentary document of the deceased has been found

one or more testamentary documents have been found. I believe that the testamentary document(s) is/are invalid or otherwise not relevant to this application for the following reasons:[briefly state the reasons].....

6 I believe that there is no will of the deceased.

7 [Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

I am not aware of any grant of probate or administration, or equivalent, having been issued in relation to the deceased in British Columbia or in any other jurisdiction.

The following grant(s) of probate or administration, or equivalent, has/have been issued in relation to the deceased in British Columbia or in another jurisdiction: I believe that that grant is/those grants are not relevant to this application for the following reasons:[briefly state the reasons].....

8 I have read the submission for estate grant and the other documents referred to in that document and I believe that the information contained in that submission for estate grant and those documents is correct and complete.

9 I will administer according to law all of the deceased's estate, I will prepare an accounting as to how the estate was administered and I acknowledge that, in doing this, I will be subject to the legal responsibility of a personal representative.

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on[dd/mmm/yyyy].....)
)
)
 A commissioner for taking)
 affidavits for British Columbia)
 ...[print name or affix stamp of commissioner]....

FORM P6 (RULE 25-3 (2))

This is the[1st/2nd/3rd/etc.].... affidavit
 of[name]..... in this case
 and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

AFFIDAVIT OF APPLICANT FOR ANCILLARY GRANT OF PROBATE OR ANCILLARY GRANT OF ADMINISTRATION WITH WILL ANNEXED

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
 SWEAR (OR AFFIRM) THAT:

1 I am the applicant/one of the applicants referred to in the submission for estate grant in relation to the estate of[legal name of deceased]..... (the "deceased") and in relation to the document that is identified in section 4 of Part 3 of the submission for estate grant as the will (the "will"), and am applying for an ancillary grant of probate or an ancillary grant of administration with will annexed.

2 [Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

The applicant on whose behalf this affidavit is sworn is not an individual and I am authorized by the applicant to swear this affidavit on the applicant's behalf.

I am an individual and ordinarily live at the following location:

City/town:

Province/state:

Country:

3 All of the persons to whom the foreign grant was issued are applicants in the submission for estate grant.

- 4 [Check whichever one of the immediately following 2 boxes is correct.]
- I am not obliged under Rule 25-3 (11) to deliver a filed copy of this submission for estate grant to the Public Guardian and Trustee.
 - I am obliged under Rule 25-3 (11) to deliver a filed copy of this submission for estate grant to the Public Guardian and Trustee.
- 5 I am satisfied that a diligent search for a testamentary document of the deceased has been made in each place that could reasonably be considered to be a place where a testamentary document may be found, including, without limitation, in all places where the deceased usually kept his or her documents and
- [Check whichever one of the immediately following 2 boxes is correct and provide any required information.]
- no testamentary document of the deceased other than the will has been found.
 - one or more testamentary documents other than the will has been found. I believe that the other testamentary document(s) is/are invalid or otherwise not relevant to this application for the following reasons:[briefly state the reasons]..... .
- 6 I have read the submission for estate grant and the other documents referred to in that document and I believe that the information contained in that submission for estate grant and those documents is correct and complete.
- 7 I will administer according to law the deceased's estate to which the submission for estate grant relates and I acknowledge that, in doing this, I will be subject to the legal responsibility of a personal representative.

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on[dd/mmm/yyyy]..... .)
)
 A commissioner for taking)
 affidavits for British Columbia)
[print name or affix stamp of commissioner]....

FORM P7 (RULE 25-3 (2))

This is the[1st/2nd/3rd/etc.]..... affidavit
of[name]..... in this case
and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

**AFFIDAVIT OF APPLICANT FOR ANCILLARY GRANT OF ADMINISTRATION WITHOUT
WILL ANNEXED**

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
SWEAR (OR AFFIRM) THAT:

1 I am the applicant/one of the applicants referred to in the submission for estate grant in relation to the estate of[legal name of deceased]..... (the “deceased”), and am applying for an ancillary grant of administration without will annexed in relation to the grant of administration without will annexed (the “foreign grant”) issued by the[name and province or country of issuing court]..... on[dd/mmm/yyyy]..... in relation to the estate of the “deceased.

2 [Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

[] The applicant on whose behalf this affidavit is sworn is not an individual and I am authorized by the applicant to swear this affidavit on the applicant’s behalf.

[] I am an individual and ordinarily live at the following location:

City/town:

Province/state:

Country:

3 All of the persons to whom the foreign grant was issued are applicants in the submission for estate grant.

4 [Check whichever one of the immediately following 2 boxes is correct.]

[] I am not obliged under Rule 25-3 (11) to deliver a filed copy of this submission for estate grant to the Public Guardian and Trustee.

[] I am obliged under Rule 25-3 (11) to deliver a filed copy of this submission for estate grant to the Public Guardian and Trustee.

5 I am satisfied that a diligent search for a testamentary document of the deceased has been made in each place that could reasonably be considered to be a place where a testamentary document may be found, including, without limitation, in all places where the deceased usually kept his or her documents and

[Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

[] no testamentary document of the deceased has been found.

[] one or more testamentary documents has been found. I believe that the testamentary document(s) is/are invalid or otherwise not relevant to this application for the following reasons:[briefly state the reasons]..... .

6 I have read the submission for estate grant and the other documents referred to in that document and I believe that the information contained in that submission for estate grant and those documents is correct and complete.

7 I will administer according to law the deceased’s estate to which the submission for estate grant relates and I acknowledge that, in doing this, I will be subject to the legal responsibility of a personal representative.

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on[dd/mmm/yyyy].....)
.....)
A commissioner for taking)
affidavits for British Columbia)
...[print name or affix stamp of commissioner]....

FORM P8 (RULE 25-3 (2))

This is the[1st/2nd/3rd/etc.].... affidavit
of[name]..... in this case
and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

AFFIDAVIT IN SUPPORT OF APPLICATION FOR ESTATE GRANT

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
SWEAR (OR AFFIRM) THAT:

- 1 I am one of the applicants referred to in the submission for estate grant in relation to the estate of[legal name of deceased]..... (the “deceased”).
- 2 I have read the affidavit in Form ...[select whichever one of the following 5 choices is correct - P3/P4/P5/P6/P7].... sworn[dd/mmm/yyyy].... by[name of person who swore that affidavit]..... and there is nothing in that affidavit that I know to be inaccurate.
- 3 I have read the submission for estate grant and the other documents referred to in that document and I believe that the information contained in that submission for estate grant and those documents is correct and complete.
- 4 I will administer according to law the deceased’s estate to which the submission for estate grant relates and I acknowledge that, in doing this, I will be subject to the legal responsibility of a personal representative.

SWORN (OR AFFIRMED) BEFORE)

ME at, British Columbia)
on[dd/mmm/yyyy].....)
.....)
A commissioner for taking)
affidavits for British Columbia)
....[print name or affix stamp of commissioner]....

FORM P9 (RULE 25-3 (2))

This is the[1st/2nd/3rd/etc.].... affidavit
of[name]..... in this case
and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

AFFIDAVIT OF DELIVERY

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
SWEAR (OR AFFIRM) THAT:

- 1 Attached to this affidavit and marked as Exhibit A is a copy of a notice of proposed application in Form P1 (the “notice”).
- 2 I delivered a copy of the notice, along with[identify the document(s), if any, that the applicant is required to deliver under Rule 25-2 (1) (b)]..... to the following persons as follows:

[Check whichever one or more of the immediately following 3 boxes is correct and provide the required information.]

- by mailing it/them to the following persons by ordinary mail:
.....[name of person who received delivery by ordinary mail].....
.....[name of person who received delivery by ordinary mail].....
- by handing it/them to and leaving it/them with the following persons as follows:
.....[name of person who received personal delivery].....
.....[name of person who received personal delivery].....
- by sending it/them to the following persons by e-mail, fax or other electronic means to that person:
.....[name of person who received delivery by e-mail, fax or other electronic means].....
.....[name of person who received delivery by e-mail, fax or other electronic means].....

[If the third of the immediately preceding 3 boxes was checked, check both of the following boxes. If you cannot check the following 2 boxes in relation to any person to whom the notice was sent by e-mail because he or she has not provided the required acknowledgement, you

must re-deliver the notice and Rule 25-2 (1) (b) documents by mail or personal delivery and swear to that delivery under the first or second of the boxes in this section 2.]

Each of the persons who received delivery by e-mail, fax or other electronic means has, in writing, acknowledged receipt of the document(s) referred to in this section.

I will retain a copy of those acknowledgements until the personal representative of the deceased is discharged and will produce those acknowledgements promptly after being requested to do so by the registrar.

3 [Complete the following section and accompanying table if any of the persons referred to in section 2 received delivery of the notice on behalf of another person.]

The person referred to in Column 1 received delivery of the document(s) referred to in section 2 on behalf of the person referred to in Column 2, and the person in Column 1 received that delivery in the capacity shown in Column 3.

	Column 1	Column 2	Column 3
Item	Name of person to whom the document(s) referred to in section 2 was/were delivered	Name of person entitled to delivery under Rule 25-3 (2)	The person named in Column 1 is a person referred to in Rule 25-3 (6), (8) or (10) who received delivery on behalf of the person referred to in Column 2 in the following capacity: [indicate in what capacity this person received delivery- e.g. parent, guardian, committee, etc.]
1[name].....[name].....[capacity in which the person received delivery].....
2[name].....[name].....[capacity in which the person received delivery].....

[Include the following section if applicable.]

4 In accordance with Rule 25-2, I delivered a copy of the document(s) referred to in section 2 to the Public Guardian and Trustee as follows:

by mailing it/them to the Public Guardian and Trustee by ordinary mail.

by handing it/them to and leaving it/them with the Public Guardian and Trustee.

by sending it/them to the Public Guardian and Trustee by e-mail, fax or other electronic means to that person.

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on[dd/mmm/yyyy].....)
)
 A commissioner for taking)
 affidavits for British Columbia)
[print name or affix stamp of commissioner]....

FORM P10 (RULE 25-3 (2))

This is the[1st/2nd/3rd/etc.]..... affidavit
of[name]..... in this case
and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

AFFIDAVIT OF ASSETS AND LIABILITIES FOR DOMICILED ESTATE GRANT

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
SWEAR (OR AFFIRM) THAT:

- 1 I am an applicant for[Set out whichever one of the following 6 choices is correct - a grant of probate /a grant of administration with will annexed /a grant of administration without will annexed /an ancillary grant of probate/an ancillary grant of administration with will annexed/an ancillary grant of administration without will annexed]..... in relation to the estate of[legal name of deceased]..... (the “deceased”).
- 2 I have made a diligent search and inquiry to find the property and liabilities of the deceased.
- 3 Attached to this affidavit as Exhibit A is a Statement of Assets, Liabilities and Distribution that discloses
 - (a) all of the property of the deceased, irrespective of its location, nature or value, that passes to the applicant in the applicant’s capacity as the deceased’s personal representative in accordance with section 138 of the *Wills, Estates and Succession Act*,
 - (b) the value of that property, and
 - (c) the liabilities that charge or encumber that property.
- 4 If I determine that there is any property or liability that has not been disclosed in Exhibit A, I will promptly after learning of the same file an affidavit of assets and liabilities in Form P14 to disclose that information.
- 5 In addition to the probate fees payable in relation to any property disclosed in Exhibit A, I promise to pay the Minister of Finance the probate fees payable with respect to the value of any property that passes to me as the deceased’s personal representative, and that is not disclosed in Exhibit A, on a determination being made as to the value of that asset.

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on[dd/mmm/yyyy].....)
)
 A commissioner for taking)
 affidavits for British Columbia)
[print name or affix stamp of commissioner]....

This is Exhibit A referred to in the affidavit of
, sworn (or affirmed)
 before me on[dd/mmm/yyyy].....

.....
 A commissioner for taking affidavits for
 British Columbia

Statement of Assets, Liabilities and Distribution

Part I Real Property (including mortgages and vendors' and purchasers' interests in agreements for sale)	Within or Without British Columbia	Value at Death
TOTAL		
Part II Personal Property (all assets except real property)	Within or Without British Columbia	Value at Death
TOTAL		
GROSS VALUE OF ESTATE		
Part III Liabilities	Paid or Unpaid	Amount
TOTAL		

FORM P11 (RULE 25-3 (2))

This is the[1st/2nd/3rd/etc.].... affidavit
 of[name]..... in this case
 and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

AFFIDAVIT OF ASSETS AND LIABILITIES FOR NON-DOMICILED ESTATE GRANT

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
 SWEAR (OR AFFIRM) THAT:

- 1 I am an applicant for[Set out whichever one of the following 6 choices is correct - a grant of probate /a grant of administration with will annexed /a grant of administration without will annexed /an ancillary grant of probate/an ancillary grant of administration with will

annexed/an ancillary grant of administration without will annexed]..... in relation to the estate of[*legal name of deceased*]..... (the “deceased”).

- 2 The deceased was not ordinarily resident in British Columbia at the time of death.
- 3 All property of the deceased situated outside British Columbia, if any, has been, is being or will be administered by a foreign personal representative or otherwise under the law of a foreign jurisdiction.
- 4 I have made a diligent search and inquiry to find the property and liabilities of the deceased within British Columbia.
- 5 Attached to this affidavit as Exhibit A is a Statement of Assets, Liabilities and Distribution that discloses
 - (a) all of the property of the deceased within British Columbia, irrespective of its nature or value, that passes to the applicant in the applicant’s capacity as the deceased’s personal representative in accordance with section 138 of the *Wills, Estates and Succession Act*,
 - (b) the value of that property, and
 - (c) the liabilities that charge or encumber that property.
- 6 If I determine that there is any property or liability within British Columbia that has not been disclosed in Exhibit A or that information contained in this affidavit is incorrect or incomplete, I will promptly after learning of the same file a supplemental affidavit of assets and liabilities in Form P15 to disclose the correct and complete information.
- 7 In addition to the probate fees payable in relation to any property disclosed in Exhibit A, I promise to pay the Minister of Finance the probate fees payable with respect to the value of any property that passes to me as the deceased’s personal representative, and that is not disclosed in Exhibit A, on a determination being made as to the value of that asset.

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on[*dd/mmm/yyyy*].....)
)
 A commissioner for taking)
 affidavits for British Columbia)
 ...[*print name or affix stamp of commissioner*]....

This is Exhibit A referred to in the affidavit of
, sworn (or affirmed)
 before me on[dd/mmm/yyyy].....

.....
 A commissioner for taking affidavits for
 British Columbia

Statement of Assets, Liabilities and Distribution

Part I Real Property (including mortgages and vendors' and purchasers' interests in agreements for sale) within British Columbia		Value at Death
TOTAL		
<hr/>		
Part II Personal Property (all assets except real property) within British Columbia		Value at Death
TOTAL		
<hr/>		
GROSS VALUE OF ESTATE		
<hr/>		
Part III Liabilities	Paid or Unpaid	Amount
TOTAL		

FORM P12 (RULE 25-3 (2))

This is the[1st/2nd/3rd/etc.].... affidavit
 of[name]..... in this case
 and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

AFFIDAVIT OF TRANSLATOR

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
 SWEAR (OR AFFIRM) THAT:

- I have a knowledge of the English and languages and I am competent to translate from one to the other.

2 Attached to this affidavit as Exhibit A is a[*identify document*] which document is written in the language and attached to this affidavit as Exhibit B is my translation of Exhibit A which, to the best of my ability, accurately translates Exhibit A into the English language. [*Repeat this section for each document for which a translation has been prepared by this deponent, providing new Exhibit letters as required.*]

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on[*dd/mmm/yyyy*].....)
)
 A commissioner for taking)
 affidavits for British Columbia)
 ...[*print name or affix stamp of commissioner*]...

FORM P13 (RULE 25-3 (13))

[*Style of Proceeding*]

DIRECTION OF PUBLIC GUARDIAN AND TRUSTEE

[*Rule 22-3 of the Supreme Court Civil Rules applies to all forms.*]

Pursuant to Rule 25-3 (13) of the Supreme Court Civil Rules, the Public Guardian and Trustee hereby directs that the court file in this proceeding [*add, if required: including the following related material*][*identify*]..... be sealed in the manner and for the period referred to in Rule 25-3 (14).

Date:[*dd/mmm/yyyy*].....

 Signature of [] Public Guardian and Trustee []
 authorized signatory for the Public Guardian and
 Trustee
[*type or print name*].....

FORM P14 (RULE 25-3 (9))

This is the[*1st/2nd/3rd/etc.*]..... affidavit
 of[*name*]..... in this case
 and was made on[*dd/mmm/yyyy*].....

[*Style of Proceeding*]

**SUPPLEMENTAL AFFIDAVIT OF ASSETS AND LIABILITIES FOR
 DOMICILED ESTATE GRANT**

[*Rule 22-3 of the Supreme Court Civil Rules applies to all forms.*]

I,[*name*]....., of[*address*].....,[*occupation*].....,
 SWEAR (OR AFFIRM) THAT:

- 1 I am an applicant for[Set out whichever one of the following 6 choices is correct: a grant of probate /a grant of administration with will annexed /a grant of administration without will annexed /an ancillary grant of probate/an ancillary grant of administration with will annexed/an ancillary grant of administration without will annexed]..... in relation to the estate of[legal name of deceased].....(the “deceased”).
- 2 An affidavit of assets and liabilities for estate grant has been filed in this proceeding.
- 3 Attached to this affidavit as Exhibit A is a Supplemental Statement of Assets, Liabilities and Distribution that discloses
 - (a) all of the property of the deceased that was not disclosed in any earlier affidavit of assets and liabilities filed in this proceeding,
 - (b) the value of that property, and
 - (c) the liabilities that charge or encumber that property.
- 4 If I determine that there is any property or liability that has not been disclosed in Exhibit A or in any previous affidavit of assets and liabilities in Form P10 or P14 filed in this proceeding or that information contained in this affidavit or in any of those previous affidavits is incorrect or incomplete, I will promptly after learning of the same file a supplemental affidavit of assets and liabilities in Form P14 to disclose the correct and complete information.
- 5 In addition to the probate fees payable in relation to any property disclosed in Exhibit A, I promise to pay the Minister of Finance the probate fees payable with respect to the value of any property that passes to me as the deceased’s personal representative, and that is not disclosed in Exhibit A, on a determination being made as to the value of that asset.

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on[dd/mmm/yyyy].....)
)
 A commissioner for taking)
 affidavits for British Columbia)
 ...[print name or affix stamp of commissioner]...

This is Exhibit A referred to in the affidavit of
, sworn (or affirmed)
 before me on[dd/mmm/yyyy].....

.....
 A commissioner for taking affidavits for
 British Columbia

Supplemental Statement of Assets, Liabilities and Distribution

Part I Real Property not disclosed or inaccurately disclosed in any earlier affidavit of assets and liabilities (including mortgages and vendors' and purchasers' interests in agreements for sale)	Within or Without British Columbia	Value at Death
TOTAL		
Part II Personal Property not disclosed or inaccurately disclosed in any earlier affidavit of assets and liabilities (all assets except real property)	Within or Without British Columbia	Value at Death
TOTAL		
GROSS VALUE OF ESTATE		
Part III Liabilities not disclosed or inaccurately disclosed in any earlier affidavit of assets and liabilities	Paid or Unpaid	Amount
TOTAL		

FORM P15 (RULE 25-3 (9))

This is the[1st/2nd/3rd/etc.]..... affidavit
 of[name]..... in this case
 and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

SUPPLEMENTAL AFFIDAVIT OF ASSETS AND LIABILITIES FOR NON-DOMICILED ESTATE GRANT

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
 SWEAR (OR AFFIRM) THAT:

- 1 I am an applicant for[*Select whichever one of the following 5 choices is correct - a grant of probate /a grant of administration with will annexed /a grant of administration without will annexed /an ancillary grant of probate/an ancillary grant of administration*]..... in relation to the estate of[*legal name of deceased*]..... (the “deceased”).
- 2 The deceased was not ordinarily resident in British Columbia at the time of death.
- 3 An affidavit of assets and liabilities for estate grant has been filed in this proceeding.
- 4 Attached to this affidavit as Exhibit A is a Supplemental Statement of Assets, Liabilities and Distribution that discloses the property of the deceased in British Columbia that was not disclosed or was inaccurately disclosed in any earlier affidavit of assets and liabilities filed in this proceeding and the value of that property and the liabilities that charge or encumber that property.
- 5 If I determine that there is any property or liability that has not been disclosed in Exhibit A or in any earlier affidavit of assets and liabilities filed in this proceeding or that information contained in this affidavit or in any of those previous affidavits is incorrect or incomplete, I will promptly after learning of the same file a supplemental affidavit of assets and liabilities in Form P14 to disclose the correct and complete information.
- 6 In addition to the probate fees payable in relation to any property disclosed in Exhibit A, I promise to pay the Minister of Finance the probate fees payable with respect to the value of any property that passes to me as the deceased’s personal representative, and that is not disclosed in Exhibit A, on a determination being made as to the value of that asset.

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on[*dd/mm/yyy*].....)
)
 A commissioner for taking)
 affidavits for British Columbia)
[*print name or affix stamp of commissioner*]....

This is Exhibit A referred to in the affidavit of
, sworn (or affirmed)
 before me on[dd/mmm/yyyy].....

.....
 A commissioner for taking affidavits for
 British Columbia

Supplemental Statement of Assets, Liabilities and Distribution

Part I Real Property not disclosed or inaccurately disclosed in any earlier affidavit of assets and liabilities (including mortgages and vendors' and purchasers' interests in agreements for sale) in British Columbia		Value at Death
TOTAL		
Part II Personal Property not disclosed or inaccurately disclosed in any earlier affidavit of assets and liabilities (all assets except real property) in British Columbia		Value at Death
TOTAL		
GROSS VALUE OF ESTATE		
Part III Liabilities not disclosed or inaccurately disclosed in any earlier affidavit of assets and liabilities	Paid or Unpaid	Amount
TOTAL		

FORM P16 (RULE 25-3 (20))

This is the[1st/2nd/3rd/etc.]..... affidavit
 of[name]..... in this case
 and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

AFFIDAVIT OF INTERLINEATION, ERASURE, OBLITERATION OR OTHER ALTERATION

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
 SWEAR (OR AFFIRM) THAT:

- 1 The will of[*legal name of deceased*]....., deceased, (the “will-maker”) dated[*dd/mmm/yyyy*]..... contains an interlineation, erasure, obliteration or other alteration at[*describe the location of the interlineation, erasure, obliteration or other alteration in the text of the will by reference to page number and line number or by other exact reference*]..... .
- 2 I was present when the will was signed by the will-maker and the will contained the interlineation, erasure, obliteration or other alteration when the will was signed by the will-maker.

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on[*dd/mmm/yyyy*].....)
)
 A commissioner for taking)
 affidavits for British Columbia)
 ...[*print name or affix stamp of commissioner*]....

[*Note that a reference to “will” in this affidavit includes all documents that are included within the definition of “will” in the Wills, Estates and Succession Act.*]

FORM P17 (RULE 25-3 (2))

In the Matter of the Estate of[*legal name of deceased*]....., deceased

NOTICE OF RENUNCIATION

[*Rule 22-3 of the Supreme Court Civil Rules applies to all forms.*]

WHEREAS the deceased, formerly of[*city, province*]....., died on[*dd/mmm/yyyy*]....., having made and duly executed a last will dated[*dd/mmm/yyyy*]....., (the “will”) and appointed[*name*]..... executor [*add, if applicable: and trustee*] of it:

I,[*name*]....., hereby renounce executorship in relation to the will and declare that I have not intermeddled in the estate of the deceased and will not intermeddle in it with the intent to defraud creditors.

Date:[*dd/mmm/yyyy*].....)
 Signature of renouncing executor
[*type or print name*].....

This notice of renunciation was signed by the renouncing executor in the presence of

WITNESS [*The witness to this acknowledgement must be at least 19 years of age.*]

Name:
 Address:.....)
)
 Signature of witness
 Occupation:[*type or print name*].....

FORM P18 (RULE 25-4 (1))

[Style of Proceeding]

AUTHORIZATION TO OBTAIN ESTATE INFORMATION

TAKE NOTICE THAT[name(s)].....(the applicant(s))

- 1 has/have applied for[select whichever one of the following 6 choices is correct - a grant of probate /a grant of administration with will annexed /a grant of administration without will annexed /an ancillary grant of probate/an ancillary grant of administration with will annexed /an ancillary grant of administration without will annexed]..... in respect of the estate of[legal name of deceased]....., also known as[indicate any other names by which the deceased was known]..... (the “deceased”), whose last residential address was
- 2 is/are recognized as the person(s) to whom the grant will be issued once the court is satisfied that all remaining filings and fee payments have been made, and
- 3 is/are authorized to obtain information about the assets and liabilities of the deceased.

AND TAKE NOTICE THAT, unless you provide to the applicant(s), within 30 days after the date on which this authorization to obtain estate information is delivered to you, information respecting the nature and value of any assets of the estate of the deceased that are in your possession or control, the applicant(s) may make application under Rule 25-8 (2), set out below, for an order requiring delivery of that information and seeking costs from you for that application.

THIS AUTHORIZATION TO OBTAIN ESTATE INFORMATION DOES NOT AUTHORIZE THE APPLICANT(S) TO TAKE DELIVERY OF ANY OF THE ASSETS OF THE DECEASED.

.....

Registrar

Rule 25-8 (2) of the Supreme Court Civil Rules states:

Order to provide information

- (2) If a person to whom an authorization to obtain estate information or an authorization to obtain resealing information is delivered under subrule (1) does not, within 30 days after the date of delivery, deliver to the applicant information as to the nature and value of those assets of the deceased’s estate that are in the person’s possession or control, the applicant may, on notice to the person, apply to the court for an order that the information be provided and the court may, on that application,
 - (a) make an order that the information be provided at the time or within the period ordered by the court, and
 - (b) make such other order as the court considers will further the objects of these Supreme Court Civil Rules, including, without limitation, an order that the person pay the costs of the application.

FORM P19 (RULE 25-4 (1))

No.

..... Registry

In the Supreme Court of British Columbia

In the Matter of the Estate of[*legal name of deceased*]....., deceased

In Probate

WHEREAS[*legal name of deceased*]....., also known as[*indicate any other names by which the deceased was known*]..... (the “deceased”) whose last known address wasdied on[*date of death*]..... [add, if this grant applies to a grant of probate or a grant of administration with will annexed: and left a will dated[*dd/mmm/yyyy*]....., a copy of which is attached.]

Administration of the estate of the deceased is granted to[*name(s)*].....

[*If this grant is a grant of probate, add the following if required.*]

reserving the right of[*name(s)*]..... to apply for and obtain a grant of probate at a later date if that executor/those executors should so desire.

[*Add whichever of the following is/are correct.*]

The will in relation to which this grant is issued is to be read in conjunction with an order dated[*dd/mmm/yyyy*]....., a copy of which is attached.

This grant is limited pursuant to an order dated[*dd/mmm/yyyy*]..... a copy of which is attached.

This grant is ancillary to a foreign grant dated[*dd/mmm/yyyy*]....., a copy of which is attached, and is limited to property in British Columbia.

Sealed by the Supreme Court of British Columbia on[*dd/mmm/yyyy*].....

By the Court.

.....

Registrar

FORM P20 (RULE 25- 5 (2))

[*Style of Proceeding*]

CORRECTION RECORD

[*Rule 22-3 of the Supreme Court Civil Rules applies to all forms.*]

The[*Set out whichever one of the following 7 choices is correct - grant of probate/grant of administration with will annexed/grant of administration without will annexed/ancillary grant of probate/ancillary grant*]

of administration with will annexed/ancillary grant of administration without will annexed/resealing of a foreign grant]..... dated[dd/mmm/yyyy]..... is corrected by[indicate the correction]..... .

Date:[dd/mmm/yyyy].....
.....
Registrar

FORM P21 (RULE 25-6 (2))

No.

..... Registry

In the Supreme Court of British Columbia

In the Matter of the Estate of[legal name of deceased]..... , deceased

SUBMISSION FOR RESEALING

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

This application submitted by:[name of applicant(s)].....

I am/We are applying for the resealing under Part 6 of the *Wills, Estates and Succession Act* of the grant issued by the[name and province or country of issuing court]..... on[dd/mmm/yyyy]..... (the “foreign grant”) in relation to the deceased described in Part 1 of this submission for resealing.

[Check whichever one of the immediately following 2 boxes is correct.]

- I am/We are submitting with this submission for resealing an affidavit of assets and liabilities in Form P25 for resealing and therefore do not require an authorization to obtain resealing information.
- I am/We are seeking an authorization to obtain resealing information so that I can secure the information necessary to prepare and submit an affidavit of assets and liabilities for resealing.

This submission for resealing has 4 Parts:

- Part 1: Information about the Deceased
- Part 2: Information about the Applicant(s)
- Part 3: Documents Filed with this Submission for Resealing
- Part 4: Schedule

Date:[dd/mmm/yyyy].....
.....
Signature of applicant lawyer for applicant(s)
.....[type or print name].....

- (a) at least one of the applicants has sworn an affidavit in Form[Set out whichever one of the following 2 choices is correct: P22/P23].....,
- (b) that/those affidavit(s) is/are filed with this submission for resealing, and
- (c) the remaining applicant(s) has/have sworn (an) affidavit(s) in Form P24 and that/those affidavit(s) is/are filed with this submission for resealing.

2 Filed with this submission for resealing is/are the following Affidavit(s) of Delivery in Form P9 that confirms/collectively confirm that the documents referred to in Rule 25-2 were delivered to all of the persons to whom, under that rule, the documents were required to be delivered:

Affidavit of ...[name]... sworn ...[dd/mmm/yyyy]...

Affidavit of ...[name]... sworn ...[dd/mmm/yyyy]...

Affidavit of ...[name]... sworn ...[dd/mmm/yyyy]...

3 Filed with this submission for resealing are 2 copies of the certificate of the chief executive officer under the *Vital Statistics Act* indicating the results of a search for a wills notice filed by or on behalf of the deceased.

4 [Check whichever one of the immediately following 2 boxes is correct, provide any required information and file any specified documents.]

The foreign grant was issued in relation to the will of the deceased dated[dd/mmm/yyyy]..... and filed with this submission for resealing is a copy of the following, each of which is certified by the court out of which probate or administration with will annexed has been granted:

- (a) the foreign grant;
- (b) if a copy of the will to which the foreign grant relates is not attached to the foreign grant, a copy of the will.

The foreign grant is a grant of administration without will annexed and filed with this submission for resealing is a copy of the foreign grant certified by the court out of which administration without will annexed has been granted.

[Check the box for whichever one of the immediately following section 5's is correct and provide any required information.]

5 The foreign grant is a grant of probate or a grant of administration with will annexed and there are no orders affecting the validity or content of the will referred to in section 4.

5 The foreign grant is a grant of probate or a grant of administration with will annexed and the following orders affect the validity or content of the will referred to in section 4:

[If you checked the second of the immediately preceding 2 boxes, describe any applicable orders, indicate if they have been filed in this proceeding and file any described orders that have not yet been filed in this proceeding.]

1 Order dated[dd/mmm/yyyy].....

This order has been filed in this proceeding.

This order has not yet been filed in this proceeding and I am/we are therefore filing a copy of the order with this submission for resealing.

2 Order dated[dd/mmm/yyyy].....

- This order has been filed in this proceeding.
- This order has not yet been filed in this proceeding and I am/we are therefore filing a copy of the order with this submission for resealing.

3 etc.

- 5 The foreign grant is a grant of administration without will annexed.
- 6 *[Check whichever one of the immediately following 3 boxes is correct and provide any required information.]*

- The will referred to in section 4 does not refer to any documents or refers only to documents attached to the will.
- Filed with this submission for resealing is/are the following document(s), which document(s) is/are all of the documents referred to in, but not attached to, the will referred to in section 4:

1

2

3 etc.

- The foreign grant was a grant of administration without will annexed.

- 7 *[Check whichever one of the immediately following 2 boxes is correct and describe and file any specified documents.]*

- No documents other than those described elsewhere in this submission for resealing are filed with this submission for resealing.
- In addition to the documents described elsewhere in this submission for resealing, the following documents are filed with this submission for resealing:

1

2

3 etc.

- 8 *[Check whichever one of the immediately following 2 boxes is correct, provide any required information and file any specified documents.]*

- All documents filed with this submission for resealing are written in the English language.
- Filed with this submission for resealing is an affidavit of translator in Form P12 of[name]....., who translated the[identify document]..... filed with this submission for resealing.

PART 4 – SCHEDULE

- 1 *[Check whichever one of the immediately following 2 boxes is correct and attach the specified Schedule.]*

- Attached to this submission for resealing is a Schedule for Resealing of Grant of Probate or Grant of Administration with Will Annexed.
- Attached to this submission for resealing is a Schedule for Resealing of Grant of Administration without Will Annexed.

[This Schedule is to be completed and attached to the submission for resealing only if the application is for the resealing of a grant of probate or for the resealing of a grant of administration with will annexed.]

**SCHEDULE FOR RESEALING OF GRANT OF PROBATE OR GRANT OF
ADMINISTRATION WITH WILL ANNEXED**

1 Each person to whom the foreign grant was issued is an applicant under the submission for resealing or is represented by an attorney who is an applicant under the submission for resealing.

2 Listed in each of the following paragraphs is every person who falls within the class of persons identified by that paragraph:

[Provide under each of the following paragraph the full name of each person to whom the paragraph applies, whether or not that person is named elsewhere in this submission for resealing.] [List each named person on a separate line.]

(a) spouse, if any, of the deceased [*see section 2 of Wills, Estates and Succession Act*]:

(b) child(ren), if any, of the deceased:

(c) each person, if any, who is a beneficiary under the will and is not named in paragraph (a) or (b):

(d) each person, if any, who would have been an intestate successor if the deceased had not left a will and who is not named in paragraph (a), (b) or (c):

(e) each citor, if any, not named in paragraph (a), (b), (c) or (d) [*see Rule 25-11*]:

FORM P22 (RULE 25-6 (2))

This is the[1st/2nd/3rd/etc.]..... affidavit
of[name]..... in this case
and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

**AFFIDAVIT OF APPLICANT FOR RESEALING OF GRANT OF PROBATE OR GRANT OF
ADMINISTRATION WITH WILL ANNEXED**

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
SWEAR (OR AFFIRM) THAT:

1 I am the applicant/one of the applicants referred to in the submission for resealing in relation to the estate of[legal name of deceased]..... (the “deceased”) and in relation to the document that is identified in section 4 of Part 3 of the submission for resealing as the will (the “will”), and am applying for the resealing of a grant of probate/grant of administration with will annexed issued by the ...[name and province or country of issuing court]... on ...[dd/mmm/yyyy]... in relation to the estate of the deceased.

2 *[Check whichever one of the immediately following 2 boxes is correct and provide any required information.]*

The applicant on whose behalf this affidavit is sworn is not an individual and I am authorized by the applicant to swear this affidavit on the applicant’s behalf.

I am an individual and ordinarily live at the following location:

City/town:

Province/state:

Country:

3 All of the persons to whom the foreign grant was issued are applicants in the submission for resealing.

4 *[Check whichever one of the immediately following 2 boxes is correct.]*

I am not obliged under Rule 25-6 (9) to deliver a filed copy of this submission for resealing to the Public Guardian and Trustee.

I am obliged under Rule 25-6 (9) to deliver a filed copy of this submission for resealing to the Public Guardian and Trustee.

5 I am satisfied that a diligent search for a testamentary document of the deceased has been made in each place that could reasonably be considered to be a place where a testamentary document may be found, including, without limitation, in all places where the deceased usually kept his or her documents and

[Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

no testamentary document of the deceased other than the will has been found.

one or more testamentary documents other than the will has been found. I believe that the other testamentary document(s) is/are invalid or otherwise not relevant to this application for the following reasons:[*briefly state the reasons*]..... .

6 I have read the submission for resealing and the other documents referred to in that document and I believe that the information contained in that submission for resealing and those documents is correct and complete.

7 I will administer according to law the deceased's estate to which the submission for resealing relates and I acknowledge that, in doing this, I will be subject to the legal responsibility of a personal representative.

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on[*dd/mmm/yyyy*].....)
.....)
A commissioner for taking)
affidavits for British Columbia)
....[*print name or affix stamp of commissioner*]....

FORM P23 (RULE 25-6 (2))

This is the[*1st/2nd/3rd/etc.*].... affidavit
of[*name*]..... in this case
and was made on[*dd/mmm/yyyy*].....

[*Style of Proceeding*]

**AFFIDAVIT OF APPLICANT FOR RESEALING OF GRANT OF ADMINISTRATION
WITHOUT WILL ANNEXED**

[*Rule 22-3 of the Supreme Court Civil Rules applies to all forms.*]

I,[*name*]....., of[*address*].....,[*occupation*].....,
SWEAR (OR AFFIRM) THAT:

1 I am the applicant/one of the applicants referred to in the submission for resealing in relation to the estate of[*legal name of deceased*]..... (the "deceased") and am applying for the resealing of a grant of administration without will annexed (the "foreign grant") issued by the[*name and province or country of issuing court*]..... on ...[*dd/mmm/yyyy*]... in relation to the estate of the deceased.

2 [*Check whichever one of the immediately following 2 boxes is correct and provide any required information.*]

The applicant on whose behalf this affidavit is sworn is not an individual and I am authorized by the applicant to swear this affidavit on the applicant's behalf.

I am an individual and ordinarily live at the following location:

City/town:

Province/state:

Country:

3 All of the persons to whom the foreign grant was issued are applicants in the submission for resealing.

4 [Check whichever one of the immediately following 2 boxes is correct.]

[] I am not obliged under Rule 25-6 (9) to deliver a filed copy of this submission for resealing to the Public Guardian and Trustee.

[] I am obliged under Rule 25-6 (9) to deliver a filed copy of this submission for resealing to the Public Guardian and Trustee.

5 I am satisfied that a diligent search for a testamentary document of the deceased has been made in each place that could reasonably be considered to be a place where a testamentary document may be found, including, without limitation, in all places where the deceased usually kept his or her documents and

[Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

[] no testamentary document of the deceased has been found.

[] one or more testamentary documents has been found. I believe that the testamentary document(s) is/are invalid or otherwise not relevant to this application for the following reasons:[briefly state the reasons]..... .

6 I have read the submission for resealing and the other documents referred to in that document and I believe that the information contained in that submission for resealing and those documents is correct and complete.

7 I will administer according to law the deceased's estate to which the submission for resealing relates and I acknowledge that, in doing this, I will be subject to the legal responsibility of a personal representative.

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on[dd/mmm/yyyy]..... .)
.....)
A commissioner for taking)
affidavits for British Columbia)
....[print name or affix stamp of commissioner]....

FORM P24 (RULE 25-6 (2))

This is the[1st/2nd/3rd/etc.]..... affidavit
of[name]..... in this case
and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

AFFIDAVIT IN SUPPORT OF APPLICATION FOR RESEALING

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
SWEAR (OR AFFIRM) THAT:

- 1 I am one of the applicants applying for the resealing of a grant of probate/grant of administration issued by the[name of issuing court]..... on ...[dd/mmm/yyyy]... in relation to the estate of[legal name of deceased].....(the “deceased”).
- 2 I have read the affidavit in Form P22/P23 sworn on[dd/mmm/yyyy]..... by[name of person who swore that affidavit]..... and there is nothing in that affidavit that I know to be inaccurate.
- 3 I have read the submission for resealing and the other documents referred to in that document and I believe that the information contained in that submission for resealing and those documents is correct and complete.
- 4 I will administer according to law the deceased’s estate to which the submission for resealing relates and I acknowledge that, in doing this, I will be subject to the legal responsibility of a personal representative.

SWORN (OR AFFIRMED) BEFORE)

ME at , British Columbia)
on[dd/mmm/yyyy].....)
.....)
A commissioner for taking)
affidavits for British Columbia)
....[print name or affix stamp of commissioner]....

FORM P25 (RULE 25-6 (2))

This is the[1st/2nd/3rd/etc.]..... affidavit
of[name]..... in this case
and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

AFFIDAVIT OF ASSETS AND LIABILITIES FOR RESEALING

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
SWEAR (OR AFFIRM) THAT:

- 1 I am an applicant for the resealing of a grant issued by the[name of issuing court].....
on ...[dd/mmm/yyyy]... in relation to the estate of[legal name of deceased]..... (the
“deceased”).
- 2 The deceased was not ordinarily resident in British Columbia at the time of death.
- 3 Any property of the deceased situated outside British Columbia has been, is being or will be
administered by a foreign personal representative or otherwise under the law of a foreign
jurisdiction.
- 4 I have made a diligent search and inquiry to find the property and liabilities of the deceased
within British Columbia.
- 5 Attached to this affidavit as Exhibit A is a Statement of Assets, Liabilities and Distribution
that discloses
 - (a) all of the property of the deceased within British Columbia, irrespective of its nature
or value, that passes to the applicant in the applicant’s capacity as the deceased’s
personal representative in accordance with section 138 of the *Wills, Estates and
Succession Act*,
 - (b) the value of that property, and
 - (c) the liabilities that charge or encumber that property.
- 6 If I determine that there is any property or liability within British Columbia that has not been
disclosed in Exhibit A or that information contained in this affidavit or in any supplemental
affidavit of assets and liabilities for resealing is incorrect or incomplete, I will promptly after
learning of the same file a supplemental affidavit of assets and liabilities in Form P25 to
disclose the correct and complete information.
- 7 In addition to the probate fees payable in relation to any property disclosed in Exhibit A, I
promise to pay the Minister of Finance the probate fees payable with respect to the value of
any property that passes to me as the deceased’s personal representative, and that is not
disclosed in Exhibit A, on a determination being made as to the value of that asset.

SWORN (OR AFFIRMED) BEFORE)
 ME at , British Columbia)
 on[dd/mmm/yyyy].....)
)
 A commissioner for taking)
 affidavits for British Columbia)

...[print name or affix stamp of commissioner]...

Statement of Assets, Liabilities and Distribution

Part I Real Property (including mortgages and vendors' and purchasers' interests in agreements for sale) within British Columbia		Value at Death
TOTAL		
<hr/>		
Part II Personal Property (all assets except real property) within British Columbia		Value at Death
TOTAL		
<hr/>		
GROSS VALUE OF ESTATE		
<hr/>		
Part III Liabilities	Paid or unpaid	Value at Death
TOTAL		

FORM P26 (RULE 25-6 (7))

This is the[1st/2nd/3rd/etc.]..... affidavit
of[name]..... in this case
and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

SUPPLEMENTAL AFFIDAVIT OF ASSETS AND LIABILITIES FOR RESEALING

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
SWEAR (OR AFFIRM) THAT:

- 1 I am an applicant for the resealing of a grant issued by the[name of issuing court].....
on ...[dd/mmm/yyyy]... in relation to the estate of[legal name of deceased]..... ,
also known as[indicate any other names by which the deceased was known]..... (the "deceased").
- 2 An affidavit of assets and liabilities for resealing has been filed in this proceeding.
- 3 Attached to this affidavit as Exhibit A is a Supplemental Statement of Assets, Liabilities and
Distribution that discloses
 - (a) all of the property of the deceased within British Columbia that was not disclosed or
was inaccurately disclosed in any earlier affidavit of assets and liabilities filed in this
proceeding,
 - (b) the value of that property, and

(c) the liabilities that charge or encumber that property.

4 If I determine that there is any property or liability within British Columbia that has not been disclosed in Exhibit A or in any earlier affidavit of assets and liabilities filed in this proceeding or that information contained in this affidavit or in any of those previous affidavits is incorrect or incomplete, I will promptly after learning of the same file a supplemental affidavit of assets and liabilities in Form P25 to disclose the correct and complete information.

5 In addition to the probate fees payable in relation to any property disclosed in Exhibit A, I promise to pay the Minister of Finance the probate fees payable with respect to the value of any property that passes to me as the deceased's personal representative, and that is not disclosed in Exhibit A, on a determination being made as to the value of that asset.

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on [dd/mmm/yyyy].....)
)
 A commissioner for taking)
 affidavits for British Columbia)
[print name or affix stamp of commissioner]....

Supplemental Statement of Assets, Liabilities and Distribution

Part I Real Property (including mortgages and vendors' and purchasers' interests in agreements for sale) within British Columbia not disclosed or inaccurately disclosed in any earlier affidavit	Value at Death	
TOTAL		
Part II Personal Property (all assets except real property) within British Columbia not disclosed or inaccurately disclosed in any earlier affidavit	Value at Death	
TOTAL		
GROSS VALUE OF ESTATE		
Part III Liabilities not disclosed or inaccurately disclosed in any earlier affidavit	Paid or Unpaid	Amount
TOTAL		

FORM P27 (RULE 25-7 (1))

No.
 Registry

In the Supreme Court of British Columbia

In the Matter of the Estate of[*legal name of deceased*]....., deceased

AUTHORIZATION TO OBTAIN RESEALING INFORMATION

TAKE NOTICE THAT[*name(s)*].....

- 1 has/have applied for the resealing of a grant issued by the[*name of issuing court*].... on ...[*dd/mmm/yyyy*]... in relation to the estate of[*legal name of deceased*]..... , also known as[*indicate any other names by which the deceased was known*]..... (the “deceased”), whose last residential address was
- 2 is/are recognized as the person(s) for whom the grant will be resealed once the court is satisfied that all remaining filings and fee payments have been made, and
- 3 is/are authorized to obtain information about the assets and liabilities of the deceased.

AND TAKE NOTICE THAT, unless you provide to the applicant(s), within 30 days after the date on which this authorization to obtain estate information is delivered to you, information respecting the nature and value of any assets of the estate of the deceased that are in your possession or control, the applicant(s) may make application under Rule 25-8 (2), set out below, for an order requiring delivery of that information and seeking costs from you for that application.

THIS AUTHORIZATION TO OBTAIN RESEALING INFORMATION DOES NOT AUTHORIZE THE APPLICANT(S) TO TAKE DELIVERY OF ANY OF THE ASSETS OF THE DECEASED.

.....
Registrar

Rule 25-8 (2) of the Supreme Court Civil Rules states:

Order to provide information

- (2) If a person to whom an authorization to obtain estate information or an authorization to obtain resealing information is delivered under subrule (1) does not, within 30 days after the date of delivery, deliver to the applicant information as to the nature and value of those assets of the deceased’s estate that are in the person’s possession or control, the applicant may, on notice to the person, apply to the court for an order that the information be provided and the court may, on that application,
 - (a) make an order that the information be provided at the time or within the period ordered by the court, and
 - (b) make such other order as the court considers will further the objects of these Supreme Court Civil Rules, including, without limitation, an order that the person pay the costs of the application.

FORM P28 (RULE 25-7 (2))

No.

..... Registry

In the Supreme Court of British Columbia

In the Matter of the Estate of[*legal name of deceased*]....., deceased

IN PROBATE

The[*describe grant*]..... attached to this certificate has been resealed by the Supreme Court of British Columbia on[*dd/mmm/yyyy*]..... .

(Place seal below)

By the Court.

.....

Registrar

FORM P29 (RULE 25-10 (3))

In the Matter of the Estate of[*legal name of deceased*]....., deceased

NOTICE OF DISPUTE

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

TAKE NOTICE THAT I,[*name of person filing notice of dispute*]..... (the “disputant”), oppose the taking of any action in relation to the estate of the deceased identified below who died on[*dd/mmm/yyyy*]..... .

Full legal name of deceased:

[*first name*] [*middle name(s)*] [*last name/family name*]

Other names in which the deceased held or may have held an interest in property:

1

2

3 *etc.*

[Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

A court file has been opened in relation to the deceased’s estate under court file[*court file number*].. at the[*registry location*]..... courthouse.

The disputant does not know if a court file has been opened in relation to the deceased’s estate.

The disputant is a person referred to in Rule 25-2 (2)[*indicate paragraph of Rule 25-2 (2) that applies to the disputant*]..... .

The disputant is filing this notice of dispute because[*state the grounds for the notice of dispute*]..... .

Address for service of the disputant:

[You must set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Street address for service:

Fax number address for service (if any):

E-mail address for service (if any):

Telephone number:

Date:[dd/mmm/yyyy].....

.....

Signature of [] disputant [] lawyer for
disputant(s)

.....[type or print name].....

FORM P30 (RULE 25-10 (9))

[Style of Proceeding]

[OR use the following title if the person filing this withdrawal of notice of dispute has no knowledge of any proceeding having been brought in relation to the estate of the deceased]

In the Matter of the Estate of[legal name of deceased]....., deceased

WITHDRAWAL OF NOTICE OF DISPUTE

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name of person filing withdrawal of notice of dispute]..... withdraw the notice of dispute filed by me with this court registry on[dd/mmm/yyyy]..... in relation to the estate of[legal name of deceased]....., deceased, who died on[dd/mmm/yyyy]..... .

Date:[dd/mmm/yyyy].....

.....

Signature of [] person filing withdrawal of
notice [] lawyer for person filing withdrawal of
notice

.....[type or print name].....

FORM P31 (RULE 25-10 (11))

[Style of Proceeding]

ORDER FOR REMOVAL OF NOTICE OF DISPUTE

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

} THE HONOURABLE JUSTICE }
 } or A JUDGE OF THE COURT }
 BEFORE } or }[dd/mm/yyyy].....
 } MASTER }
 } or A MASTER OF THE COURT }

[Select whichever one of the 3 following provisions is correct, complete the selected provision and remove the provisions that have not been selected so that they do not appear in the form when the form is filed.]

ON THE APPLICATION of[person(s)]..... coming on for hearing at on[dd/mm/yyyy]..... and on hearing [name of person/lawyer] and[name of person/lawyer].....;

ON THE APPLICATION of[person(s)]..... without notice coming on for hearing at on[dd/mm/yyyy]..... and on hearing[name of person/lawyer].....;

ON THE APPLICATION of[person(s)]..... without a hearing and on reading the materials filed by[name of person/lawyer]..... and[name of person/lawyer].....;

THIS COURT ORDERS that the notice of dispute filed in relation to the estate of[legal name of deceased]....., deceased, by[name of disputant]..... is removed.

By the Court.

.....

Registrar

FORM P32 (RULE 25-11 (1))

In the Matter of the Estate of[legal name of deceased]....., deceased

CITATION

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

To:[name and address].....

This citation is issued by[name of citor]..... (the "citor") regarding the estate of:[legal name of deceased]....., (the "deceased"), who died on[dd/mmm/yyyy].....

This citation is issued in relation to the following document that is/is alleged to be a will of the deceased:[describe document and its location, if known]..... .

I believe the document exists because:[set out basis for citor's belief]..... .

You are required to obtain a grant of probate in relation to the above-noted will and comply with Rule 25-11 (4) in the manner set out below.

The citor's address for service is

[You must set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Street address for service:

Fax number address for service (if any):

E-mail address for service (if any):

Telephone number:

Date:[dd/mmm/yyyy].....

Signature of [] citor [] lawyer for citor

.....[type or print name].....

[Note that a reference to "will" in this citation includes all documents that are included within the definition of "will" in the Wills, Estates and Succession Act.]

TAKE NOTICE THAT you must comply with Rule 25-11 (4) of the Supreme Court Civil Rules.

To comply with Rule 25-11 (4), you must do the following within 14 days after being served with this citation:

- (a) if you have been issued a grant of probate, serve on the citor, by ordinary service, a copy of the grant;
- (b) if paragraph (a) does not apply but you have filed a submission for estate grant, serve a copy of the filed application materials on the citor;
- (c) if paragraphs (a) and (b) do not apply but you have delivered a notice under Rule 25-2 (1), serve a copy of the notice documents on the citor;
- (d) if none of paragraphs (a), (b) and (c) apply, serve on the citor an answer in Form P32.

AND TAKE NOTICE THAT, if you do not comply with Rule 25-11 (4), one or more of the following may occur:

- (a) you may be deemed to have renounced executorship under Rule 25-11 (5);

- (b) the citor or another person may apply for an estate grant in relation to the estate;
- (c) an order under Rule 25-11 (6) may be obtained.

FORM P33 (RULE 25-11 (4))

In the Matter of the Estate of[*legal name of deceased*]....., deceased

ANSWER TO CITATION

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

In answer to the citation to apply for probate, which citation was issued by[*name*]... and dated[*dd/mmm/yyyy*].....

[Check whichever one of the immediately following 2 boxes is correct.]

- I will apply for a grant of probate and will obtain that grant within 6 months after the date on which the citation was served or within any longer period that the court may allow.
- I refuse to apply for a grant of probate in respect of the document referred to in the citation and understand that, by this refusal, I am deemed to have renounced executorship.

The address for service of the executor is

[You must set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Street address for service:

Fax number address for service (if any):

E-mail address for service (if any):

Telephone number:

Date:[*dd/mmm/yyyy*].....

.....
 Signature of cited person lawyer for cited person
[*type or print name*].....

FORM P34 (RULE 25-11 (7))

This is the[1st/2nd/3rd/etc.]..... affidavit
of[name]..... in this case
and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

AFFIDAVIT OF DEEMED RENUNCIATION

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation]....., SWEAR (OR
AFFIRM) THAT:

- 1 Attached to this affidavit and marked as Exhibit A is a copy of the citation I prepared (the "citation") in relation to the estate of[legal name of deceased]....., deceased.
- 2 On[dd/mmm/yyyy]....., at[time of day]....., I served[name of person served]..... with the citation by handing it to and leaving it with that person at[city and country]..... .

[OR]

- 2 In support of this affidavit is filed the affidavit of service dated[dd/mmm/yyyy]..... of[name of person swearing affidavit of service]..... in which that person swears that the citation was served on[name of person served]..... .
- 3 I have not received service of any of the documents referred to in Rule 25-11 (4) and at least 14 days have elapsed since the citation was served on[name of person served]..... .

[OR]

- 3[name of person served]..... served on me, under Rule 25-11 (4) (b) (iii) (B), the answer to citation that is attached to this affidavit and marked as Exhibit B.

[OR]

- 3[name of person served]..... served on me the document referred to in Rule 25-11 (4)[Select whichever one of the following is correct: (b) (i)/(b) (ii)/(b) (iii) (A)]..... and has not, alone or with others, obtained a grant of probate.

SWORN (OR AFFIRMED) BEFORE)

ME at , British Columbia)
on[dd/mmm/yyyy].....)
.....)
A commissioner for taking)
affidavits for British Columbia)
...[print name or affix stamp of commissioner]....

FORM P35 (RULE 25-12 (1))

No.

..... Registry

In the Supreme Court of British Columbia

In the Matter of the Estate of[*legal name of deceased*]....., deceased

REQUISITION FOR SUBPOENA

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

Filed by:[*person(s)*].....

Required: A subpoena requiring[*name*]..... to deliver to the registrar the following document(s):

- 1 This requisition is filed under Rule 25-12 (1).
- 2 Attached to this requisition is a draft of the subpoena required.
- 3 The evidence in support of the application is
[If the evidence is an affidavit, describe that affidavit by reference to the name of the person who swore that affidavit and the date on which it was sworn, and file that affidavit with this requisition.]

[Complete the following if the filing of this requisition starts a proceeding.]

This requisition is filed by[*name*]....., whose address for service is as follows:

[You must set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Street address for service:

Fax number address for service (if any):

E-mail address for service (if any):

Telephone number:

Date:[*dd/mmm/yyyy*].....

.....
Signature of [] filing person(s) [] lawyer for
filing person(s)

.....[*type or print name*].....

FORM P36 (RULE 25-12 (6))

No.
..... Registry

In the Supreme Court of British Columbia

In the Matter of the Estate of[*legal name of deceased*]....., deceased

WARRANT AFTER SUBPOENA

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

To any Peace Officer

WHEREAS[*name and address of person*]..... was subpoenaed to deliver to the registry the following document(s) within 14 days after service of the subpoena and failed to comply with the subpoena:

THIS COURT ORDERS you to apprehend and bring him or her promptly before the court at and, after that, to deal with him or her as directed.

Date:[*dd/mmm/yyyy*].....
.....
A Judge of the Supreme Court of British Columbia
.....[*type or print name*].....

FORM P37 (RULE 25-12 (3))

[Style of Proceeding]

SUBPOENA

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

To:[*name and address*].....

You are ordered to deliver to the probate registry at the courthouse at[*location*]..... the following:[*state documents to be delivered*]....., within 14 days after service of this subpoena on you.

If any of the specified documents are not in your possession or control, you are, within the same time, to deliver to the above-noted probate registry whichever of the specified documents that are in your possession or control and to file in the above-noted probate registry an affidavit indicating which of the

specified documents are not in your possession or control and setting out what knowledge you have respecting those documents.

Date:[dd/mmm/yyyy].....
Registrar

WARNING: Failure to deliver the specified documents as required by this subpoena can result in your arrest and committal to prison WITHOUT DELIVERY TO YOU OF ANY FURTHER NOTICE OR DOCUMENT.

FORM P38 (RULE 25-13 (2))

This is the[1st/2nd/3rd/etc.]..... affidavit
of[name]..... in this case
and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

**AFFIDAVIT IN SUPPORT OF
APPLICATION TO PASS ACCOUNTS**

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation].....,
SWEAR (OR AFFIRM) THAT:

- 1 A[specify the type of estate grant to which this affidavit applies]..... of the estate of[name]....., deceased, was made to me by this court on[dd/mmm/yyyy]..... .
- 2 I have administered the estate to the best of my ability.
- 3 I have filed with the registrar a full and correct accounting of the estate, showing all property, money and effects and the proceeds from them that have come into my hands as personal representative, and also a full and correct statement of all disbursements, with a full and correct statement of the assets not yet disposed of.
- 4 I have not been awarded any compensation for my services as personal representative by this or any other court except
- 5 The persons interested in the administration of the estate as beneficiaries of the deceased are as follows:, and all of them are of the full age of 19 years except
- 6 I know of no creditors of the estate who still have unsettled claims against it that I consider to be valid except
- 7 The only portion of the estate that remains unadministered is as follows:, and the reason it has not been administered is

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on[dd/mmm/yyyy].....)
)

.....)
A commissioner for taking affidavits)
for British Columbia)
....[print name or affix stamp of commissioner]....

FORM P39 (RULE 25- 13 (5))

[Style of Proceeding]

CERTIFICATE

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I CERTIFY that the results of the inquiry, assessment or accounting ordered under Rule 25-13 (3) (b) are as follows:

- 1 The accounts of[name].... being the executor/administrator of the estate of[name of deceased]....., covering the period[dd/mmm/yyyy].... to[dd/mmm/yyyy]....., which accounts are attached to the affidavit of[name].... sworn[dd/mmm/yyyy].... are approved
 as presented
 subject to[describe condition(s)].....
- 2[name].... receive the sum of \$..... as remuneration.
- 3 The costs of the passing of the accounts of[name].... be payable from the estate as[special costs/specified basis].....
- 4 This certificate is binding on the beneficiaries without further order of the court.

Date:[dd/mmm/yyyy].....
Registrar

[This certificate may be set out in a separate document or may be endorsed on the bill of costs.]

FORM P40 (RULE 25-13 (6))

This is the[1st/2nd/3rd/etc.]..... affidavit
of[name]..... in this case
and was made on[dd/mmm/yyyy].....

[Style of Proceeding]

STATEMENT OF ACCOUNT AFFIDAVIT

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

I,[name]....., of[address].....,[occupation]....., SWEAR
(OR AFFIRM) THAT:

- 1 Attached and marked as Exhibit A is a Statement of Account for the Estate of
- 2 The information set out in this statement of account is true and complete to the best of my knowledge.

SWORN (OR AFFIRMED) BEFORE)
 ME at , British Columbia)
 on[dd/mmm/yyyy]..... .)
)
)
 A commissioner for taking affidavits)
 for British Columbia)
[print name or affix stamp of commissioner]....

This is Exhibit A referred to in the affidavit of
, sworn (or affirmed)
 before me on[dd/mmm/yyyy].....

.....
 A commissioner for taking affidavits for
 British Columbia

STATEMENT OF ACCOUNT FOR THE ESTATE OF, DECEASED

For the period from[insert commencement date – dd/mmm/yyyy]..... to[effective date of this statement of account – dd/mmm/yyyy]..... .

- 1 In this Statement of Account, the “commencement date” means
 - (a) the deceased’s date of death, or
 - (b) if one or more statements of account have been filed in respect of the estate under Rule 25-13 (6) of the Supreme Court Civil Rules, the effective date of the most recent of those statements of account.

- 2 This Statement of Account consists of the following:
 - (a) Statement of Assets and Liabilities of the Estate of as at[commencement date – dd/mmm/yyyy].....;
 - (b) Statement of Capital Transactions of the Estate of
 - (c) Statement of Income Transactions of the Estate of
 - (d) Statement of Assets and Liabilities of the Estate of as at[effective date – dd/mmm/yyyy].....;
 - (e) [include only if remuneration is sought at this time] Statement of Proposed Remuneration in relation to the Estate of
 - (f) Statement of Distribution of the Estate of
 - (g) Statement of Proposed Distribution of Residue of the Estate of

STATEMENT OF ASSETS AND LIABILITIES OF THE ESTATE OF

AS AT.....[commencement date – dd/mmm/yyyy].....

Item	Assets <i>[Describe estate assets, or include that information in an attached Schedule and bring forward totals here.]</i>	Asset Values <i>[Set out fair market value as at the commencement date of this statement of account.]</i>
A1		
A2		
		Total asset values \$.....

Item	Liabilities <i>[Describe liabilities of estate, or include that information in an attached Schedule and bring forward totals here.]</i>	Liabilities <i>[Set out amount of liability as at the commencement date.]</i>
B1		
B2		
		Total amount of liabilities \$.....

STATEMENT OF CAPITAL TRANSACTIONS OF THE ESTATE OF

*For the period from[commencement date – dd/mmm/yyyy].....
to[effective date of this statement of account – dd/mmm/yyyy].....*

Item <i>[list in chronological order]</i>	Date <i>[date of transaction – dd/mmm/yyyy]</i>	Transaction <i>[Describe transactions, or include that information in an attached Schedule and bring forward totals here.]</i>	Debit	Credit
C1				
C2				
			Total of debits \$.....	Total of credits \$.....

STATEMENT OF INCOME TRANSACTIONS OF THE ESTATE OF

*For the period from[commencement date – dd/mmm/yyyy].....
to[effective date of this statement of account – dd/mmm/yyyy].....*

Item <i>[list in chronological order]</i>	Date <i>[date of transaction – dd/mmm/yyyy]</i>	Transaction <i>[Describe transactions, or include that information in an attached Schedule and bring forward totals here.]</i>	Debit	Credit
D1				
D2				
			Total of debits \$.....	Total of credits \$.....

STATEMENT OF ASSETS AND LIABILITIES OF THE ESTATE OF

AS AT.....[effective date of this statement of account – dd/mmm/yyyy].....

Item	Assets <i>[Describe each estate asset, or include that information in an attached Schedule and bring forward totals here.]</i>	Asset Values <i>[Set out fair market value as at the effective date of this statement of account.]</i>
E1		
E2		
		Total asset values \$.....

Item	Liabilities <i>[Describe each liability of estate, or include that information in an attached Schedule and bring forward totals here.]</i>	Liabilities <i>[Set out amount of liability as at the effective date of this statement of account.]</i>
F1		
F2		
		Total amount of liabilities \$.....

STATEMENT OF PROPOSED REMUNERATION IN RELATION TO THE ESTATE OF

[Complete if remuneration is sought at this time.]

Capital Fee	
(A)	Proceeds of disposition of capital assets realized since the commencement date \$
(B)	Market value of capital assets, realized or transferred since the commencement date, in respect of which no proceeds of disposition have been obtained \$
(C)	Current value of unrealized capital assets included, on the commencement date, in the estate \$
(D)	Gross aggregate value of capital assets of estate – [(A) + (B) + (C)] \$
(E)	Capital Fee – (D) x% [insert claimed percentage, up to a maximum of 5%] \$

Income Fee	
(F)	Gross income earned by the estate for the period from ...[commencement date – dd/mmm/yyyy].... to[effective date of this statement of account – dd/mmm/yyyy]..... except interest income already capitalized and included in (D) \$
(G)	Income Fee – (F) x% [insert claimed percentage, up to a maximum of 5%] \$

Care Management Fee	
<i>[Prepare one set of the following calculations for each reporting period following the commencement date, where a reporting period is each calendar year, or portion, from date of death to the date of final distribution.]</i>	
(H)	Market value of estate assets as at the beginning of the reporting period \$
(I)	Market value of estate assets at the end of the reporting period \$
(J)	Average market value of estate assets for the reporting period [(H) + (I)] / 2 \$

(K) Care and Management Fee for reporting period [(J) x 0.4%]	\$
---	----

Total of Fees Claimed	
(L) Total remuneration sought – [(E) + (G) + (the total of every (K) determined for a reporting period following the commencement date)]	\$

STATEMENT OF DISTRIBUTION OF THE ESTATE OF
Specific Bequests and Legacies

Item	Distribution (Yes/No)	Date of distribution	Beneficiary

RESIDUE OF ESTATE

(R1) Market value of estate assets at effective date of this statement of account	\$
(R2) Applicant’s estimated reserve for final income tax, accounting and legal costs and remuneration	\$
(R3) Distributable estate (R1) - (R2)	\$

STATEMENT OF PROPOSED DISTRIBUTION OF RESIDUE OF THE ESTATE OF

Beneficiary [Identify beneficiaries who receive assets or cash from residue.]	Assets [Identify assets distributed to the named beneficiary and the market value of those assets.]	Cash [Indicate amount of cash distributed to the named beneficiary.]
[Name]		\$
[Name]		\$
[Name]		\$
[Name]		\$

FORM P41 (RULE 25-14 (1))

No.

..... Registry

In the Supreme Court of British Columbia

In the Matter of the Estate of[*legal name of deceased*]....., deceased

REQUISITION

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

Filed by:[*person(s)*].....

Required:

- 1 The rule or other enactment relied on is[*set out rule or enactment relied on*]..... .
- 2 Attached to this requisition is a draft of the order required.
- 3 The evidence in support of the application is

[Complete the following if the filing of this requisition starts a proceeding.]

This requisition is filed by[*name*]....., whose address for service is as follows:

[You must set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Street address for service:

Fax number address for service (if any):

E-mail address for service (if any):

Telephone number:

Date:[*dd/mmm/yyyy*].....

.....
Signature of [] filing person(s) [] lawyer for
filing person(s)

.....[*type or print name*].....

FORM P42 (RULE 25-14 (2))

[Style of Proceeding]

NOTICE OF APPLICATION (SPOUSAL HOME OR DEFICIENCIES IN WILL)

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

Name(s) of applicant(s):

To:[name(s)]..... (the “application respondents”)

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or master at the courthouse at[address of registry in which the proceeding is being conducted]..... on[dd/mmm/yyyy]..... at[time of day]..... for the order(s) set out in Part 1 below.

PART 1: ORDER(S) SOUGHT

[Check whichever one or more of the immediately following 4 boxes is correct and, using numbered paragraphs, set out the order(s) that will be sought at the application and indicate against which person(s) the order(s) is(are) sought.]

[] The applicant(s) seek(s) the following order(s) under section 30 of the Wills, Estates and Succession Act:

1

2

[] The applicant(s) seek(s) the following order(s) under section 33 of the Wills, Estates and Succession Act:

1

2

[] The applicant(s) seek(s) the following order(s) under section 58 of the Wills, Estates and Succession Act:

1

2

[] The applicant(s) seek(s) the following order(s) under section 59 of the Wills, Estates and Succession Act:

1

2

PART 2: FACTUAL BASIS

[Using numbered paragraphs, set out a brief summary of the facts supporting the application.]

1

2

[If any person sues or is sued in a representative capacity, identify the person and describe the representative capacity.]

PART 3: LEGAL BASIS

[Using numbered paragraphs, specify any rule or other enactment relied on and provide a brief summary of any other legal arguments on which the applicant(s) intend(s) to rely in support of the orders sought. If appropriate, include citation of applicable cases.]

1

2

PART 4: MATERIAL TO BE RELIED ON

[Using numbered paragraphs, list the affidavits served with the notice of application and any other affidavits and other documents already in the court file on which the applicant(s) will rely. Each affidavit included on the list must be identified as follows: “Affidavit #.....[sequential number, if any, recorded in the top right hand corner of the affidavit]..... of[name]....., made[dd/mm/yyyy].....”.]

1

2

[Check whichever one of the immediately following 2 boxes is correct.]

- I am not obliged under section 29 (1) (c) of the *Wills, Estates and Succession Act* to deliver a filed copy of this notice of application to the Public Guardian and Trustee.
- I am obliged under section 29 (1) (c) of the *Wills, Estates and Succession Act* to deliver a filed copy of this notice of application to the Public Guardian and Trustee.

The applicant(s) estimate(s) that the application will take[time estimate]..... .

[Check whichever one of the immediately following 2 boxes is correct.]

- This matter is within the jurisdiction of a master.
- This matter is not within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other person to whom notice of this application must be provided one copy of the following:
 - (i) a copy of the filed application response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7 (9).

Date:[dd/mmm/yyyy].....

.....

Signature of applicant lawyer for applicant(s)

.....[type or print name].....

To be completed by the court only:

Order made

in the terms requested in paragraphs of Part 1 of this notice of application

with the following variations and additional terms:

.....
.....

Date:.....[dd/mmm/yyyy].....

.....
Signature of Judge Master

FORM P43 (RULE 25-14 (1))

No.

..... Registry

In the Supreme Court of British Columbia

In the Matter of the Estate of[legal name of deceased]....., deceased

REQUISITION

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

Filed by:[person(s)]..... (the “applicant(s)”)

Required:

The applicant seeks the following order(s):

1 *[Check whichever one or more of the immediately following 4 boxes is correct and, using numbered paragraphs, set out the order(s) being sought and indicate against which person(s) the order(s) is(are) sought.]*

The applicant(s) seek(s) the following order(s) under section 30 of the *Wills, Estates and Succession Act*:

1

2

The applicant(s) seek(s) the following order(s) under section 33 of the *Wills, Estates and Succession Act*:

1

2

The applicant(s) seek(s) the following order(s) under section 58 of the *Wills, Estates and Succession Act*:

1

2

The applicant(s) seek(s) the following order(s) under section 59 of the *Wills, Estates and Succession Act*:

1

2

2 Attached to this requisition is a draft of the order required.

3 The evidence in support of the application is

[Complete the following if the filing of this requisition starts a proceeding.]

This requisition is filed by[name]....., whose address for service is as follows:

[You must set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Street address for service:

Fax number address for service (if any):

E-mail address for service (if any):

Telephone number:

Date:[dd/mmm/yyyy].....

.....
Signature of filing person lawyer for filing person(s)

.....[type or print name].....

17 Item 12 of the tables to Schedules 1 and 4 of Appendix C is amended by striking out “caveat, a citation,” and substituting “notice of dispute.”