



Province of Alberta

## JUDICATURE ACT

# **SURROGATE RULES**

### **Alberta Regulation 130/1995**

With amendments up to and including Alberta Regulation 76/2015

### Office Consolidation

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(Consolidated up to 76/2015)

**ALBERTA REGULATION 130/95**

**Judicature Act**

**SURROGATE RULES**

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**Definitions****1** In these Rules,

- (a) repealed AR 44/2015 s2;
- (b) “beneficiaries” includes persons who receive gifts of any kind under a will and heirs on intestacy;
- (c) “claimants” includes creditors;
- (d) “contentious matter” means
  - (i) proceedings respecting caveats,
  - (ii) formal proof of a will,
  - (iii) proceedings in which the right to obtain or retain a grant is in dispute, or
  - (iv) any other matter in dispute that arises in the administration of an estate to which these Rules apply;
- (e) “file” means file with the clerk at the judicial centre at which an application must be made;
- (f) “financial statement” means a formal financial report or statement required to be prepared by a personal representative under Part 3;
- (g) “form” means a form in Schedule 3;
- (h) “formal proof of a will” means proof of a will in solemn form;
- (i) “minor”, except in rule 54.1, includes an unborn child;
- (j) “person” includes an organization or society;
- (k) “person interested in an estate” means a person referred to in rule 57;
- (l) “personal representative” means an executor of a will or an administrator or trustee of an estate to which these Rules apply, and includes a person named as an executor or trustee in a will before a grant is issued;
- (l.1) “recorded mail” means recorded mail as defined in the *Alberta Rules of Court* (AR 124/2010);
- (m) “residuary beneficiary” means a person receiving a part or all of the residue of the estate;



- (n) “sign” with reference to a document means the execution of the document whether by signing or by some other means;
- (o) “will” includes any testamentary disposition.

AR 130/95 s1;53/2001;165/2010;10/2012;44/2015

### Rules of Court

**2(1)** The *Alberta Rules of Court* (AR 124/2010) apply to an application to the court if the matter is not otherwise dealt with under these Rules or the context indicates otherwise.

**(2)** The court may vary any rule in any case where the court decides it is appropriate to do so.

**(3)** Subrule (2) does not apply if the rule imposes a duty on the court.

**(4)** If provision for a procedure or matter is not made in these Rules or is not included in and cannot be analogized to the *Alberta Rules of Court* (AR 124/2010), the court may make any order concerning it that is necessary or appropriate in the circumstances.

AR 130/95 s2;165/2010

**3** Repealed AR 53/2001 s3.

### Application for directions

**4(1)** A personal representative or a person interested in an estate may apply in Form C 1 to the court for directions at any time.

**(2)** On an application for directions, the court may consider

- (a) practice, procedural or other issues or questions and ways to resolve them, and
- (b) any other matter that may aid in the resolution or facilitate the resolution of a claim, application or proceeding or otherwise fairly or justly resolve the matter for which direction is sought.

AR 130/95 s4;10/2012

### Notice to attend or produce

**5(1)** The court may issue

- (a) a notice to compel attendance or to compel the production of any relevant documents, or
- (b) a notice of future applications.

- (2) The court may
- (a) issue a notice to classes of persons interested in the estate generally rather than to individuals by name, and
  - (b) state the method of service to be used for the notice.

**Venue**

**6(1)** An application for a grant must be filed at the judicial centre that is closest by road to the location where the deceased resided on the date of death unless the court permits otherwise.

(2) If the deceased resided outside Alberta immediately before dying, an application for a grant may be filed at the judicial centre that is closest by road to a location in Alberta where the deceased had property on the date of death.

AR 130/95 s6;165/2010

**7** Repealed AR 165/2010 s5.

**Additional information**

**8** On any application to which these Rules apply, the court may require the applicant to give any additional information that the court decides is necessary.

**Forms**

**9** The forms in Schedule 3 are the forms required to be filed under these Rules.

## **Part 1 Non-contentious Matters**

**Personal representative's notice  
when acting without a grant**

**9.1(1)** A personal representative's notice under section 10(1)(a) of the *Estate Administration Act* to a beneficiary may be in Form NGA 1 and must include at least the following:

- (a) the deceased's name, place of residence and date of death;
- (b) the personal representative's name and contact information;
- (c) the date of the deceased's will;

- (d) a description of the gift left by the will to the beneficiary or, in the case of a partial intestacy, a reference to the applicable provision of the *Wills and Succession Act* or the *Intestate Succession Act*, RSA 2000 cI-10;
- (e) a statement that all gifts are subject to prior payment of all debts and other claims against the estate;
- (f) if the beneficiary is a residuary beneficiary, a copy of the will.

**(2)** A personal representative's notice under section 10(1)(b) of the *Estate Administration Act* to a family member or to an attorney, a trustee, the Public Trustee or a guardian on behalf of a family member may be in Form NGA 2 and must include at least the following:

- (a) the deceased's name, place of residence and date of death;
- (b) the personal representative's name and contact information;
- (c) the date of the deceased's will;
- (d) a statement that the family member may be entitled to make a claim for maintenance and support under the *Wills and Succession Act* or the *Dependants Relief Act*, RSA 2000 cD-10.5, because the will does not give the family member all the property in the deceased's estate, and that the court may change the distribution of the estate to provide the family member with maintenance and support if the court is satisfied that the circumstances warrant it;
- (e) a copy of the will.

**(3)** A personal representative's notice under section 10(1)(c) of the *Estate Administration Act* to a spouse may be in Form NGA 3 and must include at least the following:

- (a) the deceased's name, place of residence and date of death;
- (b) the personal representative's name and contact information;
- (c) the date of the deceased's will;
- (d) a statement that the spouse may be entitled to make a claim under the *Matrimonial Property Act* because the will does not give the spouse all the property in the deceased's estate;

(e) a copy of the will.

**(4)** A personal representative's notice under section 10(1)(d) of the *Estate Administration Act* to the Public Trustee or another person may be in Form NGA 4 and must include at least the following:

- (a) the name of the person who is interested in the estate;
- (b) an identification of whether the notice is provided to the recipient as
  - (i) an attorney under an enduring power of attorney for the person who is interested in the estate,
  - (ii) a trustee of a represented adult who is interested in the estate,
  - (iii) the Public Trustee because the person who is interested in the estate was a minor on the date of the deceased's death or is a missing person as defined in the *Public Trustee Act*, or
  - (iv) a guardian of a minor who is interested in the estate;
- (c) the information that subrule (1)(a) to (e) requires for a notice to a beneficiary, which may be included in the document that contains the information required by clauses (a) and (b) or set out in a separate document;
- (d) a copy of the will.

**(5)** A notice referred to in this rule must be given in a manner that is likely to bring it to the attention of the intended recipient.

AR 44/2015 s3

## **Division 1 Application for Grant**

### **Grants**

**10(1)** The following grants may be applied for under this Part:

- (a) grants that are unlimited and unrestricted, including
  - (i) a grant of probate;
  - (ii) a grant of administration with will annexed (cum testamento annexo);
  - (iii) a grant of administration;
  - (iv) a supplemental grant (cessate);

- (v) a grant of double probate;
- (b) grants that are limited to part of the deceased's property, including
  - (i) a grant of administration of unadministered property (de bonis non administratis);
  - (ii) a grant of re-sealed probate with respect to property in Alberta;
  - (iii) a grant of re-sealed administration with respect to property in Alberta;
  - (iv) a grant of administration limited to specific property;
  - (v) a grant of administration of property not included in another grant (caeterorum bonorum);
  - (vi) an ancillary grant;
- (c) grants that are for a limited time, including
  - (i) a grant of administration until a will is found;
  - (ii) a grant of administration during the minority, absence or mental incompetence of the personal representative (durante minoritate, absentia, dementia);
- (d) grants that are for a limited purpose only, including
  - (i) a grant of administration when the validity of a will is in question (pendente lite);
  - (ii) a grant of administration for the purpose of litigation (ad litem);
  - (iii) a grant of administration for the preservation of property (ad colligendum bona defuncti);
  - (iv) a grant of administration limited to a specified matter.

**(2)** The court may issue any grant that is not referred to in subsection (1) that the court considers proper in the circumstances.

**(3)** Unless the court, on application, orders otherwise, a grant of administration must not be given to more than 3 persons at the same time.

**(4)** A grant may be in any of forms NC 36 to NC 42, as appropriate, or in any other form that is appropriate to the nature of the grant.

AR 130/95 s10;132/2000;44/2015

**11** Repealed AR 44/2015 s5.

#### **Limited grant**

**12(1)** If the grant applied for is limited in any manner, the limitation must appear clearly on the application.

**(2)** If the grant given is limited in any manner, the limitation must appear clearly on the grant.

#### **Forms required**

**13(1)** An applicant for a grant of probate or a grant of administration with will annexed

(a) must file the following forms:

- (i) Form NC 1;
- (ii) Form NC 2;
- (iii) Form NC 3      Schedule 1;
- (iv) Form NC 4      Schedule 2;
- (v) Form NC 8;
- (vi) Form NC 5      Schedule 3;
- (vii) Form NC 6      Schedule 4;
- (viii) Form NC 7      Schedule 5;
- (ix) Form NC 19;
- (x) Form NC 27;

(b) if the circumstances require, must file the following forms:

- (i) Form NC 20;
- (ii) Form NC 17;
- (iii) Form NC 22;

- (iv) Form NC 23;
- (v) Form NC 24;
- (vi) Form NC 12;
- (vii) Form NC 14;
- (viii) Form NC 24.1;
- (ix) Form NC 25;
- (x) Form NC 20.1.

**(2)** An applicant for a grant of administration or a limited grant of administration

(a) must file the following forms:

- (i) Form NC 1;
- (ii) Form NC 2;
- (iii) Form NC 3      Schedule 1;
- (iv) Form NC 5      Schedule 3;
- (v) Form NC 6      Schedule 4;
- (vi) Form NC 7      Schedule 5;
- (vii) repealed AR 132/2000 s3;
- (viii) Form NC 27;

(b) if the circumstances require, must file the following forms:

- (i) Form NC 17;
- (ii) Form NC 22;
- (iii) Form NC 23;
- (iv) Form NC 24;
- (v) Form NC 15;
- (vi) Form NC 16;
- (vii) Form NC 24.1;
- (viii) Form NC 25;

(ix) Form NC 21.

**(3)** An applicant for a grant who is an attorney entitled by law to make the application must file the following forms and any relevant forms referred to in subrule (1) or (2):

(a) Form NC 28;

(b) Form NC 29.

**(4)** An applicant for a grant of double probate must file the following forms and any relevant forms referred to in subrule (1):

(a) Form NC 30;

(b) Form NC 31.

**(5)** An applicant for an order to re-seal a foreign grant of probate or administration or an ancillary grant must file the following forms and any relevant forms referred to in subrule (1) or (2):

(a) Form NC 32 application;

(b) Form NC 33 affidavit;

(c) a copy, duplicate or exemplification of the foreign grant that complies with section 18(3)(a) of the *Estate Administration Act*;

(d) a certificate from the foreign court or some other proof satisfactory to the court that the foreign grant is unrevoked and fully effective;

(e) proof that the signing formalities of any will comply with the law of Alberta if the deceased owned an interest in land in Alberta.

**(6)** An applicant must file any forms or documents not referred to in subrules (1) to (5) that the court or the circumstances of the estate require.

**(7)** If a trustee is appointed to hold property on trust, in a will or by a person authorized in a will to make the appointment, an acknowledgment of trustee(s) in Form NC 6.1 signed by the trustee(s) of each trust must be filed.

**(8)** The personal representative must not make a distribution to a trustee of any property that is subject to a trust under a will until after an acknowledgment of trustee(s) in Form NC 6.1 signed by the trustee(s) has been filed.

AR 130/95 s13;132/2000;251/2001;101/2010;10/2012;44/2015



## Will

### Void gift

**14** Subject to the reinstatement of a gift by the court under section 40 of the *Wills and Succession Act*, an application made with respect to a will must indicate that a gift is void if the will provides for a gift to a beneficiary who

- (a) is a witness to the will,
- (b) is an individual who signed the will on behalf of the testator under section 19(1) of the *Wills and Succession Act*,
- (c) is an interpreter who provided translation services in respect of the making of the will, or
- (d) is, within the meaning of section 21(3) of the *Wills and Succession Act*, the spouse or adult interdependent partner of an individual described in clause (a), (b) or (c).

AR 130/95 s14;201/2003;107/2004;10/2012

### Wills and codicils

**15** Subject to section 45 of the *Alberta Evidence Act*, the original will and any original codicils must be attached to an application for a grant of probate or a grant of administration with will annexed.

AR 130/95 s15;44/2015

### Identification by witness

**16(1)** If possible, the applicant, the person before whom the applicant's affidavit is sworn and the justice must each mark the will, and any codicil, in such a way that the will is identified for the purposes of the application and of any affidavit respecting the application.

**(2)** Any marking on a will must be made below the signatures on either the front or back of the last page of the will and must not obliterate or damage the original will.

**(3)** A witness to a will must prove that the signing formalities were observed by providing an affidavit in Form NC 8 and the original will must be an exhibit to the affidavit.

**(4)** If a will is a holograph will, a person other than the applicant, unless otherwise ordered by the court, must prove the deceased's handwriting by providing an affidavit in Form NC 9.

**(5)** An affidavit sworn by a witness to a will at the time that a will is signed is acceptable as proof that the formalities were observed,

unless there is an apparent change in the will that the witness has not satisfactorily explained in the affidavit.

(6) An affidavit referred to in subrule (5) may be in a form other than Form NC 8 if it is sworn before these Rules come into force.

(7) The court may require any further identification of a will the court considers necessary if the will is written on more than one piece of paper and not all pieces are identified by the signature or initials of the deceased and the witnesses.

(8) The following may be used to mark a will for identification under this rule:

(a) respecting Schedule 2 of the application:

This is the will referred to in Schedule 2 and is exhibit A to the affidavit of \_\_\_\_\_, a witness to this will.

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(A Commissioner for Oaths)

\_\_\_\_\_  
(Justice of the Court of Queen's  
Bench of Alberta)

(b) respecting an affidavit of a witness to the will:

This is exhibit A referred to in the affidavit of (deponent's name).

Sworn before me on \_\_\_\_\_

\_\_\_\_\_  
(A Commissioner for Oaths)

AR 130/95 s16;135/96;53/2001

### Proving signing of will

**17** If the deceased at the time a will was made

- (a) was blind,
- (b) was illiterate,
- (c) did not fully understand English,
- (d) indicated an intention to give effect to the will with a mark, or

- (e) indicated an intention to give effect to the will by having another person sign at the deceased's direction,

the applicant must satisfy the court that the deceased and the witnesses were present when the will was signed, that the will was fully explained to the deceased and that the deceased appeared to the witnesses to fully understand the will.

#### **Will not in English**

**18** If a will is written in a language other than English, the applicant must give an affidavit in Form NC 10 verifying the will's translation into English.

#### **Witnesses dead**

**19** If both witnesses to a will are dead or neither witness can give an affidavit for any reason, the applicant may establish proof that the formalities required for a will to be valid were observed by an affidavit

- (a) in Form NC 9 attesting to the authenticity of the signature of the deceased, or
- (b) from any person
  - (i) who did not sign as a witness,
  - (ii) who was present during the signing of the will, and
  - (iii) who can attest to the circumstances.

AR 130/95 s19;44/2015

#### **Dated will**

**20(1)** If there is no indication on a will of the date on which the will was signed or reference to the date is imperfect, one of the attesting witnesses must give evidence of the date on which the will was signed.

**(2)** If subrule (1) cannot be complied with, the court may require the applicant

- (a) to give evidence of the signing of the will between 2 stated dates, and
- (b) to give evidence that a search for a later will has been made and none was found.

**Minor testator**

**21** If the deceased was under 18 years of age at the time the will was made, the applicant must prove that the deceased at that time

- (a) had a spouse or adult interdependent partner,
- (b) was a member of
  - (i) a regular force as defined in the *National Defence Act* (Canada), or
  - (ii) another component of the Canadian Forces and was, at the time of making the will, placed on active service under the *National Defence Act* (Canada),
- (c) was authorized to make, alter or revoke a will by an order of the court under section 36 of the *Wills and Succession Act*, or
- (d) in respect of a will made before the coming into force of the *Wills and Succession Act*, was a person described in section 9(1)(c) or (3) of the *Wills Act*.

AR 130/95 s21;10/2012

**Other documents**

**22(1)** If a will refers to a document or the applicant knows of a document that may form part of a will, the applicant must give the document to the court with the application.

**(2)** If a document referred to in subrule (1) is not given with an application, the applicant must explain to the satisfaction of the court why it is not.

**Formal proof of will**

**23** The court may require formal proof of a will under Part 2 or any other proof satisfactory to the court, if

- (a) no witness is available to swear the necessary affidavit,
- (b) the appearance of the will indicates an attempt to cancel it by burning, tearing or any other act of destruction,
- (c) words in the will that might be important have been erased or obliterated, or
- (d) in the opinion of the court, circumstances require formal proof of the will.

**Lost will**

**24** If an original will is lost or destroyed but a copy or other evidence of it exists, the court may admit the copy or other evidence to probate if

- (a) the will is proved formally under Division 3 of Part 2, or
- (b) in the opinion of the court, the will can be adequately identified under this Part.

**Alterations, etc.**

**25** If the court directs that any alterations, interlineations, erasures or obliterations should be omitted from a will, the clerk must omit them from the copy of the will attached to the grant.

**Notice Required****Notice of application**

**26(1)** An applicant must serve notice of any application for a grant

- (a) in Form NC 19, Form NC 20 or Form NC 21 to the persons listed in Form NC 6 as filed,
- (a.1) in Form NC 20.1 to the appropriate persons, if any, and
- (b) in Form NC 22, Form NC 23, Form NC 24 or Form NC 24.1 to the appropriate persons, if any.

**(2)** A copy of the completed application must be served with a notice required under subrule (1) on any person who is a residuary beneficiary or an heir on intestacy.

**(3)** Service under this rule may be made

- (a) by recorded mail, or
- (b) by serving a lawyer who is authorized to accept service on behalf of a person.

**(4)** If a person is required to be served under this rule, proof of the service must be filed in Form NC 27.

**(5)** If the applicant does not file proof of service on a person as required by subrule (4), the court may issue a grant only if it is satisfied with the reason given by the applicant for not filing the proof of service as required.

(6) Service under this section is valid despite a later amendment to the application that is made at the direction of the court.

AR 130/95 s26;135/96;132/2000;165/2010;10/2012

#### **Unknown beneficiary**

**27** If an applicant knows of a particular beneficiary but does not know the identity or address of the beneficiary, the applicant must file an affidavit in Form NC 25 to that effect with the application.

### **Bonds**

#### **Bonds**

**28(1)** Subject to subrule (2), a personal representative who is not a resident of Alberta must provide a bond or other security approved by the court.

(2) A personal representative is not required to provide a bond or other security if

- (a) the personal representative is resident in Alberta, or
- (b) there are 2 or more personal representatives and one of them is resident in Alberta.

(3) If a non-resident personal representative must provide a bond, the bond must be from an insurer licensed under the *Insurance Act* to undertake fidelity insurance as defined in section 1(1)(h) of the *Classes of Insurance Regulation* (AR 144/2011).

(4) A bond or other security must be for an amount equal to

- (a) the gross value of the deceased's property in Alberta,  
less
- (b) if the court so orders, any amount distributable to the personal representative as a beneficiary.

AR 130/95 s28;7/2005;44/2015

#### **Dispensation from bond**

**29(1)** A non-resident personal representative may apply

- (a) to dispense with a requirement under rule 28(1) to provide a bond or other security,
- (b) for approval of security other than a bond, or
- (c) to reduce the amount of a bond or other security

by filing an affidavit in Form NC 17.

**(2)** An applicant under this rule may file a beneficiary's consent to dispensing with a bond or other security in Form NC 18 in support of the application.

AR 130/95 s29;44/2015

#### **Application re bond or other security**

**30(1)** Any person interested in an estate may apply to the court for an order that a bond or other security be required from a resident personal representative despite rule 28(2) if the personal representative is not named as executor in the will.

**(2)** Any person interested in an estate may apply to the court for an order requiring a non-resident personal representative to provide a bond or other security despite rule 28(2), whether or not an application is made under rule 29.

AR 130/95 s30;44/2015

#### **Powers of court**

**31(1)** The court, on an application under rule 29 or 30, may, before or after issuing a grant but only after considering the interests of the beneficiaries and claimants of the estate,

- (a) require a bond or other security;
- (b) reduce the amount of a bond or other security;
- (c) dispense with the requirements for a bond or other security;
- (d) impose conditions on the applicant or any other person interested in the estate;
- (e) require more information;
- (f) do any other thing that the circumstances require.

**(2)** The court must not require a lawyer representing an applicant to undertake to retain control of the property in the estate as a condition of dispensing with a bond or other security.

AR 130/95 s31;44/2015

### **Personal Representatives**

#### **Renunciation**

**32(1)** If a personal representative named in a will does not wish to or cannot apply for a grant of probate, the personal representative

must renounce in Form NC 12 or by a method approved by the court.

(2) Before a grant of administration may be issued to an applicant, all those who rank higher or equal to the applicant under section 13(1)(b) of the *Estate Administration Act* must renounce their rights to apply for a grant in form NC 14 or NC 15 or by a method approved by the court.

(3) The court, at any time, may dispense with a renunciation required by subrule (1) or (2).

(4) Renunciation under this rule does not by itself prevent a personal representative named in a will from applying for a grant of administration with will annexed.

AR 130/95 s32;44/2015

#### **Nominations**

**33(1)** A person entitled to a grant of administration or a grant of administration with will annexed may nominate, in Form NC 16, a person to be the personal representative for the purpose of applying for the grant.

(2) A person expressly authorized in a will to appoint a personal representative may nominate, in Form NC 16, a person to be the personal representative for the purpose of applying for a grant of administration or probate.

AR 130/95 s33;132/2000;306/2009;44/2015

#### **Grant of double probate**

**34(1)** If all the personal representatives named in a will do not apply for a grant of probate at the same time, the personal representatives who do not apply

(a) must reserve their right to apply later by filing Form NC 13 at the time the initial grant of probate is applied for, and

(b) may apply by filing Forms NC 30 and NC 31 for a grant of double probate at any time after filing Form NC 13.

(2) A personal representative to whom subrule (1) applies who does not comply with subrule (1)(a) may not apply for a grant of double probate.

(3) An alternate personal representative named in a will may apply for a grant of double probate if it is necessary for the alternate personal representative to complete the administration of the estate.



(4) The original grant of probate must be surrendered with an application under this rule.

AR 130/95 s34;107/2004

#### **Grant of re-sealed probate or re-sealed administration**

**35(1)** An applicant may apply in accordance with rule 13(5) and (6) for an order resealing a foreign grant, as defined in section 18(1)(a) of the *Estate Administration Act*.

(2) An application under subrule (1) must show only the property and debts of the deceased in Alberta.

(3) Repealed AR 44/2015 s15.

AR 130/95 s35;251/2001;44/2015

#### **Ancillary grant**

**36** An applicant may apply in accordance with rule 13(5) and (6) for an ancillary grant under section 19(1) of the *Estate Administration Act*.

AR 130/95 s36;251/2001;44/2015

#### **Unadministered property**

**37(1)** If a deceased was the personal representative of an intestate person, another person may apply for a grant of administration of the unadministered property of the intestate person.

(2) If a deceased was the personal representative of a testate person and the deceased did not appoint a personal representative for the deceased's estate, another person may apply for a grant of administration with will annexed of the unadministered property of the testate person.

(3) If the personal representative of a testate person resigns and there is no alternate personal representative named in the will, another person may apply for a grant of administration with will annexed of the unadministered property of the testate person.

(4) An applicant under subrule (1), (2) or (3)

- (a) subject to subrule (5), must file the same documents as those filed in the original application for a grant, and
- (b) must file an affidavit attesting to the details of the original grant and to the death or resignation of the personal representative.

(5) An application under subrule (1), (2) or (3) must show only the description and value of the unadministered property on the date of the application.

(6) The original grant must be surrendered with an application under subrule (1), (2) or (3).

AR 130/95 s37;107/2004

### Claimants

#### Notice to claimants

**38(1)** If a personal representative publishes a notice to claimants, the personal representative

- (a) must do so in accordance with this rule,
- (b) may use Form NC 34, and
- (c) may file proof of publication in form NC 34.1.

(2) A notice to claimants must be published in a newspaper

- (a) that is published or circulated in the area where the deceased usually lived, or
- (b) if the deceased did not usually live in Alberta, that is published or circulated in the area where a significant amount of the deceased's property is situated.

(3) A notice to claimants must be published,

- (a) in the case of an estate with a gross value of \$100 000 or less, at least once, or
- (b) in the case of an estate with a gross value of more than \$100 000, at least twice with 5 days or more between the publications.

AR 130/95 s38;135/96;165/2010;44/2015

#### Notice by claimant

**39(1)** A claimant must notify a personal representative of the claim not more than 1 month after the date on which the last notice is published under rule 38.

(2) A claimant who does not comply with subsection (1) may make a claim against an estate only with the prior consent of the court.

AR 130/95 s39;165/2010

**Verification of claims**

**40** If a personal representative has notice of a claim against the estate, the personal representative may require the claimant to verify the claim using a statutory declaration in Form NC 35.

AR 130/95 s40;251/2001;10/2012;44/2015

**Valuation of security**

**41(1)** If security is held by a claimant wholly or partly to secure a claim against the estate and

- (a) the claimant does not give a value to the security, or
- (b) a dispute arises between the claimant and the personal representative regarding the value of the security,

the personal representative may, by filing an application in Form C1 and an affidavit in Form C2, apply to the court for an order under this rule.

**(2)** A personal representative must give at least 5 days' notice of an application under subrule (1) to the claimant.

**(3)** On an application by the personal representative, the court may

- (a) require the claimant to file a statutory declaration specifying the value of the security with the personal representative within the time limited by the order, and
- (b) declare that the rights of the claimant against the estate in respect of the claim or the part of it that is secured are barred if the claimant does not comply with the order under clause (a).

**(4)** If a claim is secured, the personal representative may

- (a) consent to the claimant's ranking with other claimants for the amount of the claim after the value of the security specified in the declaration is deducted, or
- (b) require an assignment of the security to the estate at the value specified in the declaration of the claimant.

**(5)** If an assignment is required under subrule (4), the difference between the value at which the security is assigned to the estate and the amount of the gross claim of the claimant is the amount for which the claimant ranks with other claimants.

**(6)** If the personal representative requires an assignment of a security under subrule (4), the claimant must assign the security to the estate after the claimant has received

- (a) payment of the value of the security as specified in the declaration, and
- (b) interest to the date of payment if the indebtedness bears interest.

(7) Nothing in this Part prejudices any of the rights or remedies of a secured claimant before the personal representative has given notice that an assignment of the security is required and payment is tendered in respect of that security.

(8) If the claim of a claimant is based on a negotiable instrument that is not mature or exigible and on which the deceased is indirectly or secondarily liable, the claim is secured for the purposes of this Part, and the claimant must give the value of the liability of the person primarily liable on the instrument as the claimant's security for repayment of the claim.

(9) If, after the instrument referred to in subrule (8) matures, the liability is not paid by the person primarily liable, the claimant may amend and revalue the claim.

AR 130/95 s41;165/2010;44/2015

#### **Contested claims**

**42** Part 2, Division 5 applies if a personal representative does not agree to all or part of a claim by a claimant against an estate.

#### **Claims not yet payable**

**43(1)** Rules 40, 41 and 42 apply to a claim that is not payable at the time a grant is issued in respect of the estate and for which, for that reason, an action for the recovery of the claim cannot be brought.

(2) If a claim to which subrule (1) applies is established, the claimant may take proceedings to enforce payment of it only with the consent of the court.

### **Duties of the Clerk**

#### **Fees**

**44** The clerk may charge fees in accordance with Schedule 2 for the performance of duties and services by the clerk under these Rules.

#### **Waiver of fees**

**44.1** The clerk may waive the fee payable by an individual under Schedule 2, in whole or in part, in accordance with guidelines, if

any, established or adopted by the Minister of Justice and Solicitor General for persons unable to pay fees.

AR 76/2015 s2

### **Applications**

**45(1)** The clerk must

- (a) number and date every application for a grant when it is filed,
- (b) record the information in the appropriate court records,
- (c) present all applications to the court for its order and direction, and
- (d) send any rejection notice in Form NC 26 to the applicant.

**(2)** When application is made for a grant, the clerk shall promptly search the court records to determine whether

- (a) any other application has been filed or a grant has issued in respect of the same estate or minor,
- (b) a caveat has been filed in respect of the same estate or minor and has not expired or been withdrawn or discharged, or
- (c) a will of the same deceased was, during the life of the deceased, deposited with a clerk of the surrogate court before June 19, 1995 or a clerk of the district court before July 12, 1967.

**(3)** Unless the court, on application, orders otherwise, no grant shall be issued until the clerk has completed a search under subrule (2) and confirmed that

- (a) no other application referred to in subrule (2)(a) has been filed,
- (b) no grant referred to in subrule (2)(a) has issued,
- (c) no caveat referred to in subrule (2)(b) has been filed, and
- (d) no will referred to in subrule (2)(c) has been deposited.

AR 130/95 s45;44/2015

### **Grants**

**46** The clerk must

- (a) sign all grants and copies of any will forming part of or attached to a grant;
- (b) issue all grants, using the court seal on request;
- (c) record all grants and copies of wills in the appropriate court records.

AR 130/95 s46; 165/2010

#### **Retention of documents**

**47** The clerk must retain a sealed duplicate of all grants issued.

#### **Copies of documents**

**48** Unless the court requires otherwise, the clerk, on payment of the required fee, must give copies of all documents filed in the court to any person who asks for them.

#### **Clerk's certificate**

**49** The clerk may issue a certificate in Form NC 49 that a grant or other document is in force.

### **Division 2 Administration of the Estates of Minors**

#### **Applications**

**50(1)** A person may apply for a grant of trusteeship of the estate of a minor.

**(2)** An applicant for a grant under this Division must file the following forms:

- (a) Form NC 43;
- (b) Form NC 44.

**(3)** If the minor who is the subject of an application is 14 years of age or over, the applicant must file an election in Form NC 45.

#### **Publication**

**51** The court may require a notice of intention to apply for trusteeship of the estate of a minor in Form NC 46 to be published at the time and in the manner ordered by the court.

**Bonds**

**52(1)** An applicant under this Division must provide a bond or other security that is satisfactory to the court unless the court dispenses with this requirement under subrule (4).

**(2)** The bond or other security must be in an amount equal to the estimated value of the property to which the order relates unless the court orders otherwise.

**(3)** Where the court requires a bond under subrule (1), the bond must be from an insurer licensed under the *Insurance Act* to undertake fidelity insurance as defined in section 1(1)(h) of the *Classes of Insurance Regulation* (AR 144/2011).

**(4)** The court may dispense with the requirement for a bond or other security where the court is of the opinion that it is in the minor's best interests to do so.

AR 130/95 s52;7/2005;44/2015

**Dispensing with bond**

**53** An applicant may apply to dispense with the requirement for a bond or other security by filing an affidavit in Form NC 47.

AR 130/95 s53;7/2005

**Application of rules**

**54(1)** This Division and rules 38 to 43, 55 to 70, 95 and 96 apply to an application for a grant of trusteeship of the estate of a minor and to the administration of the estate of a minor.

**(2)** Part 3, except rule 97(2), applies to the trustee of the estate of a minor.

### **Division 3 Making, Altering or Revoking of a Will by a Minor**

**Application under Wills and Succession Act**

**54.1(1)** In this section, "minor" means an individual referred to in section 36(1) of the *Wills and Succession Act*.

**(2)** An application for the purposes of section 36 of the *Wills and Succession Act* must be made by filing Form C 14, and an accompanying affidavit in Form C 2, with the court.

**(3)** The form and affidavit referred to in subrule (2) must be served at least 5 days before the hearing of the application, unless the court permits a shorter period for service, on the Public Trustee, the parents of the minor, the guardians of the minor and the trustee of

the estate of the minor, if any, and anyone else as directed by the court.

(4) The court may dispense with service of the documents referred to in subrule (2) on any person.

AR 10/2012 s10

## **Part 2 Contentious Matters**

### **Division 1 General**

#### **Application**

**55(1)** An application to the court may be made under this Part respecting any contentious matter.

(2) If applying a rule in this Division would lead to a conflict respecting the application of a rule in any other Division in this Part, the rule in the other Division applies and the rule in this Division does not.

#### **Parties**

**56(1)** If a personal representative is not joined as an applicant in an application under this Part, that personal representative must be shown as a respondent in documents filed with the court.

(2) The respondents in an application under this Part must be grouped in accordance with the classes set out in rule 57 in any documents filed with the court.

#### **Persons interested in the estate**

**57** Subject to rule 78, the classes of persons who may be interested in a particular estate are the following:

- (a) personal representatives;
- (b) residuary beneficiaries;
- (c) life tenants;
- (d) specific beneficiaries who have not received their entitlement under the will;
- (e) heirs on intestacy;
- (f) trustees of represented adults under the *Adult Guardianship and Trusteeship Act*;



- (g) attorneys appointed under the *Powers of Attorney Act*;
- (h) minors;
- (i) missing persons;
- (j) repealed AR 110/2001 s2;
- (k) unpaid claimants;
- (l) bonding companies;
- (m) a group of persons with identical interests ordered to be a class by the court;
- (n) family members as defined in section 72(b) of the *Wills and Succession Act*;
- (o) any person who has filed a Form C 1 for a matter relating to the estate.

AR 130/95 s57;110/2001;10/2010;10/2012

#### **Commencement of action**

**58** A person may commence an application under this Part by filing

- (a) an application in Form C1, and
- (b) an affidavit in Form C2.

AR 130/95 s58;10/2012

#### **Reply and demand for notice**

**58.1(1)** For the purposes of Divisions 1.1 and 3, where an application has been filed under rule 58 or 70.1, any person required under rule 57 to be served with the application may file a reply in Form C 2.1, accompanied with an affidavit in Form C 2, if evidence is submitted, or a demand for notice in Form C 2.2.

**(2)** A demand for notice may be filed and served at any time before the resolution of the matter.

**(3)** A reply and accompanying affidavit, if any, must be filed and served 5 days or more before the returnable date stated in the application or as directed by the court.

AR 10/2012 s13

#### **Documents to be served**

**59(1)** An applicant must serve copies of the documents required to be filed under these Rules or the *Alberta Rules of Court*

(AR 124/2010) on the persons listed in rule 57 who are interested in the estate, if any.

**(2)** If a missing person as defined in the *Public Trustee Act* is a person interested in an estate, the applicant must serve the Public Trustee with notice of the application.

AR 130/95 s59;110/2001;165/2010;10/2012

### Service

**60(1)** Service may be made on a person

- (a) personally or by recorded mail in the case of a commencement document,
- (b) by ordinary mail delivery or electronic transmission in the case of documents other than commencement documents,
- (c) if documents filed in the matter give an address for service, at that address, or
- (d) by serving a lawyer who is authorized to accept service on behalf of a person.

**(2)** Proof in Form NC 27 that a person has been served must be filed with the court.

AR 130/95 s60;110/2001;165/2010

### Notice

**61** Notice of an application must be given

- (a) to the personal representative, one month or more before the hearing;
- (b) to the Public Trustee, 10 days or more before the hearing;
- (c) to other persons interested in the estate, if they are residents of Alberta, 10 days or more before the hearing;
- (d) to other persons interested in the estate, if they are not residents of Alberta, one month or more before the hearing.

AR 130/95 s61;165/2010

### Representation

**62(1)** At any time during the proceedings, the court may

- (a) decide that certain parties form a class with identical interests whether or not they are also in a class referred to in rule 57,

- (b) require that all the parties in a class be represented by the same lawyer,
- (c) determine which parties may cross-examine witnesses and make representations to the court,
- (d) require 2 or more persons to be represented by different lawyers if they are represented by the same lawyer, or
- (e) appoint a lawyer to represent an unrepresented person.

**(2)** One or more of the persons in a class may appoint a particular lawyer to represent them if they do not accept the lawyer appointed by the others in the class to represent the class.

**(3)** The costs of a lawyer appointed under subrule (2) may be paid from the estate only if the court specifically orders that the costs are to be paid from the estate.

#### **Proceedings in chambers**

**63** All proceedings to which this Part applies must be before a justice in chambers unless the court or these Rules require otherwise.

AR 130/95 s63;53/2001

#### **Procedure at hearing**

**64(1)** The court, on hearing an application, may

- (a) receive evidence by affidavit or orally;
- (b) dispose of the issues arising out of the application as it considers appropriate;
- (b.1) direct a person to file a reply, accompanied with an affidavit, if evidence is to be submitted, or a demand for notice;
- (c) direct a trial of issues arising out of the application;
- (d) grant any relief to which the applicant is entitled because of a breach of trust, wilful default or other misconduct of a respondent;
- (e) direct that notice of the court's judgment or order be given to a particular person;
- (f) dispense with service of notice on any person if, in the opinion of the court, service is impractical;

- (g) subject to subrule (2), dispense with service of an order and order that a person is bound by the court's order as if the person had received notice of it;
- (h) order costs to be paid from the estate or by any person who is a party to the application;
- (i) make any order that the court considers necessary in the circumstances.

**(2)** If service on a person is dispensed with under subrule (1) and an order is obtained by fraud or non-disclosure of material facts, that person is not bound by the order.

AR 130/95 s64;165/2010;10/2012

### **Standing**

**65** A person served with notice of an order may

- (a) apply to vary, discharge or add to the order within 20 days after being served, and
- (b) attend any proceedings in respect of the order.

AR 130/95 s65;165/2010

### **Trial of an issue**

**66** If the court orders the trial of an issue, the court must order the procedure to be followed and the terms and conditions under which the trial is to take place.

### **Time limit**

**67(1)** An applicant must not apply for an order requiring a personal representative to accept or refuse probate until at least 2 months after the date of the death of the testator.

**(2)** Despite subrule (1), an applicant may apply for an order requiring a personal representative to accept or refuse probate during the period referred to in subrule (1) if, in the opinion of the court, the circumstances warrant the granting of the order.

AR 130/95 s67;165/2010

### **Production of testamentary documents**

**68** If an applicant applies for an order requiring the production of a testamentary document or a document that is alleged to be a testamentary document, the court may require a person by affidavit or by an appearance before the court,

- (a) to explain why the document should not be produced and deposited with the clerk,
- (b) to explain why the document cannot be produced,
- (c) to give a statement that no testamentary document is or has been in the person's possession or control, or
- (d) to give any information the person has that is relevant to discovering the document's present location.

AR 130/95 s68;10/2012

#### **Security for costs**

**69** The court may order security for costs to be posted by any party at any stage of the proceedings under this Division.

#### **Time for completion**

**70** The court may set a time or times within which matters or proceedings respecting an estate under this Part must be completed.

### **Division 1.1 Applications under Various Acts**

#### **Applications under various Acts**

**70.1(1)** An application for the purposes of section 37, 38, 39(1), 40(1), any provision of Part 5 or section 109 of the *Wills and Succession Act* must be commenced by filing Form C 1 accompanied with an affidavit in Form C 2.

**(2)** An application for the purposes of section 80.1 of the *Family Law Act* may be commenced by filing Form C 1 accompanied with an affidavit in Form C 2.

**(3)** Rule 75(3) and (4) apply to applications referred to in subrule (1).

**(4)** For the purpose of establishing whether an application referred to in subrule (1) was made within 6 months after the grant, the relevant date is the date of filing of the Form C 1 under that subrule.

AR 10/2012 s17

#### **Powers of the court**

**70.2** For greater certainty, on an application under this Division the powers of the court include those set out in rules 62, 64, 66, 68, 69, 70, 77(4) and 90.

AR 10/2012 s17

**Parties, etc.**

**70.3** Rules 56, 83, 85, 88 and 91 apply to applications under this Division.

AR 10/2012 s17

**Service**

**70.4** Subject to section 91 of the *Wills and Succession Act*, service of an application under this Division must be made on the persons listed in rule 57 who are interested in the estate and the application, if any, or as otherwise directed by the court.

AR 10/2012 s17

**Notice**

**70.5** Notice of an application under this Division must be given to the persons required to be served under rule 70.4 in accordance with rule 61.

AR 10/2012 s17

**Rules that apply to service of documents**

**70.6** Rules 59 and 60 apply to the service of documents under this Division.

AR 10/2012 s17

**Proceedings in chambers**

**70.7** Rule 63 applies to an application under this Division.

AR 10/2012 s17

**Witness fees**

**70.8** Any person who appears as a witness at a hearing under this Division

- (a) is entitled to an allowance in accordance with Schedule B, Division 3 of the *Alberta Rules of Court* (AR 124/2010), and
- (b) may be given a preparation allowance and any additional allowances in amounts specified by the court.

AR 10/2012 s17

**Disclosure of financial information in family maintenance and support applications**

**70.9(1)** Subject to subrule (3), a family member who receives a request under section 95(2) of the *Wills and Succession Act* from the personal representative of the deceased's estate must provide

the personal representative with the following financial information:

- (a) an affidavit respecting the family member's income, assets and liabilities, including
  - (i) assets held jointly,
  - (ii) any property or benefit that the family member expects or claims by reason of the deceased's death to receive under the *Matrimonial Property Act*, the *Dower Act*, Part 5, Division 2 of the *Wills and Succession Act* or otherwise, and
  - (iii) any interest in an estate, whether vested or contingent;
- (b) a copy of every personal income tax return filed by the family member for each of the 3 most recent taxation years or, if a tax return has not been filed for the previous year, a copy of the family member's T4, T4A and all other relevant tax slips and statements disclosing any and all sources of income for the previous year;
- (c) a copy of every notice of assessment or reassessment issued to the family member for each of the 3 most recent taxation years, or a copy of the Canada Revenue Agency printout of the last 3 years' income tax returns;
- (d) if the family member is an employee, a copy of each of the family member's 3 most recent statements of earnings indicating total earnings paid in the year to date, including overtime or, where such a statement is not provided by the employer, a letter from the employer setting out that information and the rate of annual salary or remuneration;
- (e) if the family member receives income from employment insurance, social assistance, a pension, workers' compensation, disability payments, dividends or any other source, the most recent statement of income indicating the total amount of income from the applicable source during the current year or, if such a statement is not provided, a letter from the appropriate authority stating the required information;
- (f) if the family member is a student, a statement indicating the total amount of student funding received during the current academic year, including loans, grants, bursaries, scholarships and living allowances;

- (g) if the family member is self-employed in an unincorporated business,
  - (i) particulars of every payment issued to the family member during the 6 most recent weeks from any business or corporation in which the family member has an interest or to which the family member has rendered a service,
  - (ii) the financial statements of the family member's businesses or professional practices for the 3 most recent taxation years, and
  - (iii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to the family member or to individuals or corporations with whom the family member does not deal at arm's length for the 3 most recent taxation years;
- (h) if the family member is a partner in a partnership, confirmation of the family member's income and draw from, and capital in, the partnership for its 3 most recent taxation years;
- (i) if the family member has an interest of 1% or more in a privately held corporation,
  - (i) the financial statements of the corporation and any subsidiaries of it for its 3 most recent taxation years,
  - (ii) a statement showing a breakdown of all salaries, wages, management fees and other payments or benefits paid to the family member, or to individuals or corporations with whom the corporation, and every related corporation, does not deal at arm's length for the 3 most recent taxation years, and
  - (iii) a record showing the family member's shareholder's loan transactions for the past 12 months;
- (j) if the family member is a beneficiary under a trust, a copy of the trust settlement agreement and copies of the trust's 3 most recent financial statements;
- (k) copies of all bank account statements solely or jointly in the family member's name for the past 6 months;
- (l) copies of credit card statements for all credit cards solely or jointly in the family member's name for the past 3 months;



- (m) copies of the most recent statements for all RRSPs, TFSAs, RRIFs, insurance policies, pensions, term deposit certificates, guaranteed investment certificates, stock accounts, stock options, including deferred compensation units, and other investments or holdings in the family member's name or in which the family member has an interest;
- (n) copies of any matrimonial property agreement, minutes of settlement, judgments or orders the family member had with the deceased relating to the division of property, spousal support or child support obligations;
- (o) the family member's monthly budget of expenses.

**(2)** Subject to subrule (3), a personal representative of a deceased's estate who receives a request under section 95(2) of the *Wills and Succession Act* from a family member must provide the family member with the following financial information if it is or may reasonably be expected to be in the possession of the personal representative:

- (a) an inventory of property and debts in Form NC 7;
- (b) a description and appraisal or valuation of any property owned by the deceased or in which the deceased had an interest at the time of death;
- (c) a list of all bank accounts or other property held jointly by the deceased at the time of death;
- (d) a list, including a statement of value, of all RRSPs, TFSAs, RRIFs, insurance policies, pensions, term deposit certificates, guaranteed investment certificates, stock accounts, stock options, including deferred compensation units, and other investments or holdings in the deceased's name at the time of death, and the names of any designated beneficiaries in relation to them;
- (e) if the deceased at the time of death was the beneficiary of a trust or held a power of appointment over property, a description of the property, its value and the disposition of the property;
- (f) copies of any matrimonial property agreement and any minutes of settlement, judgments or orders the deceased had relating to the division of property or spousal support or child support obligations;
- (g) a copy of all terminal tax returns for the deceased's estate;

(h) a description of any other property in which the deceased had an interest at the time of death.

(3) No document is required to be disclosed under subrule (1) or (2) unless the document is relevant and material to the determination of maintenance and support in the application.

(4) A person who has been requested to provide financial information under section 95 of the *Wills and Succession Act* must do so within

(a) one month if the person resides in Canada, or

(b) 2 months if the person resides in a country other than Canada.

(5) An application under section 95(4) or (5) of the *Wills and Succession Act* may be made by filing and serving Forms C 1 and C 2 in accordance with rules 60 and 61 on the person who was requested to provide the financial information.

AR 10/2012 s17

## **Division 2 Proceedings on Caveats**

### **Caveat against issue of grant**

**71(1)** A person may file a caveat under section 46 of the *Estate Administration Act* in Form C3 against the issue or resealing of a grant.

(2) The clerk must send a copy of any caveat filed with respect to an estate to the applicant for a grant in respect of that estate.

(3) If a caveat expires or is withdrawn or discharged, an application for a grant becomes a non-contentious matter and must be continued under Part 1.

AR 130/95 s71;44/2015

### **Warning to caveator**

**72** An applicant for a grant may file and serve on a caveator a warning in Form C4.

### **Objection to grant**

**73(1)** A caveator may file a notice of objection in Form C9 to a grant being issued under Part 1 and serve it on the applicant within 10 days after the caveator is served with the warning.

(2) Despite subsection (1), a caveator may apply to the court for an order extending the time within which the caveator must file and serve a notice of objection.

(3) If a caveator files and serves a notice of objection within the time allowed, the application must be continued under Division 3.

(4) If a caveator does not file and serve a notice of objection within the time allowed, the clerk must discharge the caveat and the application for a grant must be continued under Part 1.

AR 130/95 s73;165/2010;44/2015

#### **Frivolous or vexatious caveat**

**74(1)** Despite rule 73, if a caveator files and serves a notice of objection to an informal grant, the applicant may apply for an order that the caveat is frivolous or vexatious and that the caveat be discharged.

(2) If the court determines that a caveat is frivolous or vexatious, the court may order that the caveat be discharged and award costs against the caveator.

(3) If the court determines that a caveat is not frivolous or vexatious, the application for a grant must be continued under Division 3.

(4) If the court determines that a caveat is not frivolous or vexatious but that it should be discharged in the circumstances of the estate, the court may order that the caveat be discharged.

AR 130/95 s74;44/2015

### **Division 3 Formal Proof of a Will**

#### **Applications**

**75(1)** A personal representative or a person interested in the estate may apply to the court

- (a) to obtain formal proof of a will, whether or not an application for a grant has been made under Part 1;
- (b) to set aside a grant issued under Part 1 and require formal proof of the will;
- (c) to prevent the issue of a grant under Part 1 and require formal proof of a will;
- (d) to obtain an order that the deceased died intestate;

- (e) to request the appointment of a personal representative;
- (f) to request the appointment of a personal representative other than the one appointed by a grant issued under Part 1;
- (g) to restrain a personal representative from exercising any powers during an application under this subrule;
- (h) to appoint a special personal representative to conduct an application under this subrule.

**(2)** The court may order a person to apply for an order under subrule (1).

**(3)** An application under subrule (1) operates to stay proceedings under an application under Part 1.

**(4)** If an application under subrule (1) is filed, a personal representative appointed by a grant issued under Part 1 must not distribute any of the property of the estate unless

- (a) the court approves the distribution, or
- (b) all persons interested in the estate consent to the distribution.

**(5)** Subject to subrule (4), if an application is filed to appoint a personal representative under this Part and to restrain a personal representative appointed by a grant issued under Part 1 from acting, the personal representative appointed by the grant issued under Part 1 must not exercise any of the powers of a personal representative during the application for formal proof of the will without the consent of the court.

#### **Original will lost or destroyed**

**76** If an original will is lost or destroyed, a person interested in the estate must apply for an order under rule 75 unless

- (a) the applicant shows to the satisfaction of the court that section 40 of the *Alberta Evidence Act* applies, or
- (b) the court orders otherwise.

AR 130/95 s76;251/2001

#### **Required documents**

**77(1)** A person may commence an application under this Division by filing the following and serving them on the persons interested in the estate:

- (a) if the application is made by a personal representative,
    - (i) Form C5;
    - (ii) Form C6;
    - (iii) Form C8;
  - (b) if the application is made by a person interested in the estate, a notice of objection in Form C9;
  - (c) if the application is ordered by the court, direction by the court that the will be formally proved.
- (2) If a court file has already been opened for the estate, the clerk must record all of the documents under subrule (1) in the existing file.
- (3) If there is no court file, the documents under subrule (1)(a) and (b) are commencement documents and the clerk must open a court file.
- (4) If an application under this Division is not contested or opposed, the court may make an order under this Division based on the documents filed without requiring more.

AR 130/95 s77;165/2010

#### **Persons interested in the estate**

**78** Despite rule 57, the classes of persons interested in an estate who may apply for an order under rule 75 are the following:

- (a) surviving spouse or surviving adult interdependent partner;
- (b) adult children;
- (c) Public Trustee or any other person representing minors;
- (d) trustees of represented adults under the *Adult Guardianship and Trusteeship Act*;
- (e) attorneys appointed under the *Powers of Attorney Act*;
- (f) Public Trustee when representing missing persons;
- (g) heirs on intestacy;
- (h) personal representatives and beneficiaries in any will in respect of which an application is made under these Rules;

- (i) personal representatives appointed under a prior grant issued in respect of the will;
- (j) the alleged deceased if the fact of death is an issue.

AR 130/95 s78;110/2001;201/2003;10/2010

#### **Action commenced by a person interested in the estate**

**79(1)** If a person interested in an estate files an application under this Division, a personal representative named in the will may

- (a) file the documents referred to in rule 77(1)(a);
- (b) renounce all right to be the personal representative of the estate if the personal representative has not intermeddled in the estate;
- (c) apply to be discharged;
- (d) apply for an order that the application is frivolous or vexatious.

**(2)** An application under this Division or under Part 1 is not by itself intermeddling in the estate.

#### **Special applications**

**80(1)** If a personal representative renounces all rights or does not respond to a notice of objection in Form C9, a person interested in the estate may apply to the court for directions on how to proceed.

**(2)** The court may appoint a personal representative to administer the estate and conduct proceedings under this Division until a grant is issued.

#### **Order requiring formal probate**

**81(1)** The court may require formal proof of a will with respect to which an application is made under Part 1 whether before or after a grant is issued.

**(2)** An order referred to in subrule (1) must give the reasons for requiring formal proof of the will.

**(3)** If an order is made under subrule (1), the personal representative or applicant, as the case may be, must file the documents required under rule 77(1)(a).

**Parties**

**82** If a personal representative renounces or fails to respond to a notice of objection in Form C9, the person filing the notice of objection is the applicant in any application to the court for further directions.

**Trial**

**83(1)** The hearing in an application for formal proof of a will under this Division must be in the form of a trial before the court and must not be held in chambers,

- (a) if several witnesses are necessary in the opinion of the court, or
- (b) if the court orders a trial.

**(2)** If the hearing is a trial, the applicant must apply to the court in chambers for directions on the procedure to be followed at the trial.

**(3)** The court on application under subrule (2) may

- (a) set the procedure to be followed at the trial, including
  - (i) giving directions on pre-trial disclosure of documents and questioning,
  - (ii) ordering the production of documents,
  - (iii) stating the parties and their roles,
  - (iv) ordering the representation of parties, or
  - (v) dispensing with pre-trial procedures and sending the matter straight to trial,

or

- (b) despite subrule (1), order a hearing in chambers on affidavit or oral evidence or both respecting certain issues.

AR 130/95 s85;107/2004;165/2010

**Hearing in chambers**

**84(1)** Despite rule 83, the hearing of an application for formal proof of a will under this Division must be in chambers if the only issue is proof of the death of the testator or proving the signing of the will or both.

**(2)** In subrule (1), “proving the signing of the will” means

- (a) proving the fact of the testator's signature and handwriting,
- (b) proving the fact of the witnesses' signatures, presence and qualifications, or
- (c) proving that the signing of the will complied with the *Wills and Succession Act*.

AR 130/95 s83;107/2004;10/2012

#### **Evidence**

**85(1)** Evidence at a hearing in chambers referred to in rule 84 may be given by affidavit or orally or both.

**(2)** Any person who took instructions for the preparation of the will is compellable as a witness and subject to pre-trial disclosure and production of documents and oral questioning respecting

- (a) the circumstances of that person's involvement in the preparation of the will and of any lawyer's retainer,
- (b) the instructions given by the testator,
- (c) the preparation of the will or the circumstances of its signing, or
- (d) any steps taken to ascertain or record by any means the testator's capacity or the witness's or lawyer's opinion concerning that capacity.

AR 130/95 s84;132/2000;107/2004;165/2010

#### **Order of decisions**

**86** The court must do the following on an application for formal proof of a will:

- (a) if several wills of the deceased are in issue, consider each will in turn in the order in which they were made, beginning with the most recent;
- (b) as soon as the court admits to probate one or more wills that dispose of all of the property of the deceased, consider no further wills;
- (c) if the wills admitted to probate do not dispose of all of the property of the deceased, consider whether an intestacy exists;
- (d) if a will is opposed and an application for a declaration of intestacy is made, decide whether the will should be admitted to probate.



**Order of proceedings**

**87** In an application for formal proof of a will under this Division,

- (a) the proponent of the will must be heard first and must present evidence concerning the proof of death, proof of the signing of the will and the capacity of the deceased, and
- (b) the contestant must be heard next.

**Other proceedings**

**88** An application for formal proof of a will may be combined with another application to the court concerning the same estate.

**Witness fees**

**89** Any person who appears as a witness at a hearing under this Division

- (a) is entitled to an allowance in accordance with Schedule B, Division 3 of the *Alberta Rules of Court* (AR 124/2010), and
- (b) may be given a preparation allowance and any additional allowances in amounts specified by the court.

AR 130/95 s89;165/2010

**Powers of the court**

**90** On an application under this Division the court may

- (a) determine the fact of death;
- (b) determine whether the deceased died testate or intestate;
- (c) determine which will of the deceased, if any, to admit to probate;
- (d) determine the heirs of a deceased on intestacy;
- (e) terminate any grant issued under Part 1 appointing a personal representative;
- (f) terminate the appointment of a personal representative who was appointed to make an application for formal proof of a will;
- (g) issue any grant referred to in rule 10;

- (h) direct the payment of costs, including penalizing any person who required formal proof of the will if it became clear during the proceedings that
  - (i) the application was frivolous or vexatious,
  - (ii) the person caused undue delay, or
  - (iii) the person had no substantial basis for requiring the scrutiny of the court;
- (i) determine any other matter that the court considers relevant or that is incidental to the application.

#### **Order final**

**91(1)** Subject to subrule (2), in the absence of fraud and even if a will is discovered after the court makes a decision under rule 86, a grant issued under rule 90 based on that decision is binding on all persons.

**(2)** A person referred to in rule 78 who was not served with notice of proceedings under this Division may apply for an order under this Division in respect of a testamentary instrument that has not been considered by the court in a prior application under this Division.

#### **Appeal**

**92** Despite rule 91, an appeal lies to the Court of Appeal from the whole or any part of an order under this Division.

#### **Return and revocation of informal grant**

**93(1)** If an application is made under rule 75 for formal proof of a will, a personal representative who has been appointed by a grant issued under Part 1 must return the grant to the court unless the court orders otherwise.

**(2)** If a personal representative does not return a grant, the court may issue an order requiring delivery of the grant to the clerk.

**(3)** If the court revokes a grant after proceedings for formal proof of a will are concluded, the clerk must endorse the following on the grant:

Revoked by Order of M \_\_\_\_ Justice \_\_\_\_\_  
on \_\_\_\_\_

\_\_\_\_\_  
(Clerk of the Court) (seal)

AR 130/95 s93;53/2001

## **Division 4 Proof of Death**

### **Proof of death**

**94(1)** The court may permit a person to swear to the death of another person if there is no direct evidence of the death but there is evidence from which the death can be presumed.

**(2)** An application for permission to swear to the death of a person may be made

(a) in Forms C1 and C2, and

(b) without notice or on the notice the court orders.

**(3)** The court may declare that the death of a person is proven or presumed if the court is satisfied with the evidence and the form of the evidence presented to the court.

**(4)** A declaration of presumption of death made by the court must contain particulars of the following information to the extent that those particulars have been established to the satisfaction of the court:

(a) the full name of the person presumed dead, including the person's maiden or married name, where applicable;

(b) the sex of the person presumed dead;

(c) the place where the death is presumed to have occurred;

(d) the date on which the death is presumed to have occurred.

AR 130/95 s94;209/2007

## **Division 5 Claims on an Estate**

### **Contested claim**

**95** If a personal representative does not agree with all or part of the claim of a claimant against the estate, the personal representative must serve the claimant with a notice of contestation in Form C11.

### **Application to court**

**96(1)** A claimant whose claim is contested may apply to the court for an order allowing the claim and setting the amount by filing a notice of claim with affidavit in Form C12 and serving it on the personal representative.

- (2) A claimant must make an application under subrule (1) within 2 months of receiving the notice of contestation under rule 95.
- (3) The court may waive the time limit in subrule (2) if
- (a) the claimant applies to the court for an extension of time within the 2 months, and
  - (b) the application is heard within 5 months after receiving the notice of contestation under rule 95.

AR 130/95 s96;165/2010

### **Part 3 Accounting**

#### **Division 1 General**

##### **Requirement for an accounting**

- 97(1)** A personal representative must give an accounting of the administration of the estate at regular intervals
- (a) by preparing financial statements showing the property and money received and the property distributed and the money paid out respecting the administration of the estate, and
  - (b) by giving the financial statements to the beneficiaries.
- (2) Unless the court orders a longer or shorter period, a personal representative must give an accounting of the administration of the estate every 2 years after the date of death or the date of the end of the latest period for which an accounting is given.
- (3) The court may require, or a person interested in the estate may apply to the court for an order requiring, the personal representative to give an accounting of the administration of the estate at any time.
- (4) A beneficiary of only a specific gift under a will
- (a) is entitled to an accounting that is in respect of only that gift, and
  - (b) who has received that gift may not apply for an order under subrule (3).

**Contents of financial statements**

**98(1)** The financial statements respecting an estate must include the following:

- (a) an inventory of property and debts at the beginning and end of the accounting period;
- (b) a statement of all property and money received during the accounting period showing whether it is capital or income;
- (c) a statement of all property distributed and money paid out during the accounting period showing whether it is capital or income;
- (d) a statement of all changes to property made and all debts of the estate paid or incurred by the personal representative during the accounting period;
- (e) a statement of all expenses incurred or paid during the accounting period;
- (f) in the case of a final passing of accounts, a statement of anticipated receipts and disbursements;
- (g) a reconciliation, where necessary, showing the items required to balance the opening net value of the estate with the closing net value of the estate;
- (h) a distribution schedule, including interim distributions and the proposed final distribution, if appropriate;
- (i) a proposed compensation schedule for the personal representative showing the basis on which it is calculated and its allocation to income or capital.

**(2)** The financial statements may be separate or combined as long as they can be followed clearly.

**(3)** The financial statements may be in any format, and each entry may be numbered consecutively.

**(4)** If the will or other trust instrument specifies separate capital and income interests, the financial statements must distinguish entries respecting capital from entries respecting income.

**(5)** The court, at any time, may require further financial statements or more particulars with respect to the financial statements presented.

AR 130/95 s98;132/2000

**Acceptable documentation**

**99** The following documentation is sufficient to confirm ownership by the estate of the property referred to:

- (a) in the case of publicly traded securities and commercial paper,
  - (i) a certificate, or
  - (ii) a letter from a dealer registered under the *Securities Act*, a bank or a trust corporation, whether registered under the *Loan and Trust Corporations Act* or not, carrying on business in any jurisdiction in Canada stating that the dealer, bank or trust corporation is holding securities for the estate, either by having them in its possession, through a securities depository or by some other means that is in accordance with current practice in the industry;
- (b) in the case of private company shares,
  - (i) a certificate, or
  - (ii) a letter from a duly authorized officer of the company or from the company's lawyer confirming the holding;
- (c) in the case of bank balances, cash, term deposits, treasury bills, annuities, pensions, retirement plans, royalty trusts, and similar property,
  - (i) a certificate or statement of account, or
  - (ii) a letter from a financial institution stating that the financial institution is holding property for the estate, either by having it in its possession, through a securities depository, or by some other means that is in accordance with current practice in the industry;
- (d) in the case of household goods and personal effects,
  - (i) a letter or bill of lading from any depository where the goods or effects are stored, or
  - (ii) an inventory, the accuracy of which is attested to by the personal representative, indicating possession of the goods or effects on behalf of the estate;
- (e) in the case of real property, a current certified copy of the certificate of title.

## **Division 2 Releases**

### **Releases**

**100(1)** A personal representative may, on the presentation of accounts to the residuary beneficiaries, obtain releases in Form ACC 12 from the residuary beneficiaries.

**(2)** The releases obtained under subrule (1) need not be filed.

### **Effect of release**

**101** A personal representative may rely on a release for confirmation that, in the opinion of the residuary beneficiary giving the release,

- (a) the accounting in respect of the estate presented to the beneficiary is satisfactory;
- (b) the personal representative may be compensated as set out in the statement of compensation included in the financial statements;
- (c) the personal representative may distribute the estate in accordance with the statement of distribution included in the financial statements.

### **Bond**

**102** Releases obtained under rule 100 do not constitute the cancellation of a bond.

## **Division 3 Dispensing with Formal Passing of Accounts**

### **Dispensing with passing accounts**

**103(1)** A personal representative may apply for an order dispensing with the formal passing of the accounts and passing the accounts informally by filing the following and serving copies on the persons interested in the estate who have not given releases:

- (a) Form ACC 10;
- (b) Form ACC 11;
- (c) the financial statements;
- (d) repealed AR 306/2009 s4.

(2) A personal representative need not serve a beneficiary from whom the personal representative has received a signed release under rule 100.

AR 130/95 s103;306/2009

#### **Proceeding without notice**

**104** If no notice of objection is filed by a person interested in the estate or if all residuary beneficiaries have signed releases, an application under rule 103 may proceed without notice to any other person.

#### **Court order**

**105** Even if all the residuary beneficiaries have signed releases, the court

- (a) must be satisfied with all the required documentation respecting the estate whether or not all the residuary beneficiaries have signed releases;
- (b) may make the order applied for;
- (c) may do anything it may do under rule 113.

#### **Objection**

**106(1)** If any person interested in the estate objects to an application under this Division, that person must file and serve a notice of objection in Form ACC 3 in accordance with rule 114.

(2) If a notice of objection is filed, the court must hold a hearing under Division 4 on the matter.

### **Division 4 Passing Accounts**

#### **Required forms**

**107(1)** A personal representative may apply for an order formally passing accounts by filing the following and serving copies on the persons interested in the estate who have not given releases

- (a) Form ACC 1;
- (b) Form ACC 2;
- (c) the financial statements;
- (d) repealed AR 306/2009 s5;



(e) any notice of objection in Form ACC 3.

**(2)** The personal representative must serve the notice of hearing attached to Form ACC 1 one month or more before the hearing.

AR 130/95 s107;306/2009;165/2010

#### **Application by person interested in estate**

**108(1)** A person interested in an estate may apply for an order requiring the formal passing of accounts by filing the following and serving copies on the personal representative:

(a) Form ACC 6;

(b) Form ACC 7.

**(2)** An applicant must serve the notice of hearing attached to Form ACC 6 one month or more before the hearing.

**(3)** In an application by a person interested in an estate that accounts be formally passed, the person interested in the estate is the applicant and the personal representative is one class of respondent.

AR 130/95 s108;165/2010

#### **Reply**

**109(1)** A personal representative who is served with notice under rule 108 must file and serve a reply in Form ACC 8 10 days or more before any scheduled hearing on the applicant and all persons interested in the estate who have not given releases.

**(2)** In a reply, the personal representative may

(a) give an accounting to the applicant and other parties if one has not been given before that time,

(b) object to the application that accounts be formally passed, or

(c) consent to the application that accounts be formally passed.

AR 130/95 s109;165/2010

#### **Withdrawal**

**110** If a personal representative gives an accounting pursuant to rule 109(2)(a) that satisfies the applicant, the applicant must withdraw the application by giving a letter to that effect to the clerk and serving a copy of the letter on any of those who were served with notice of the application.

**Objection**

**111** If the personal representative objects pursuant to rule 109(2)(b) to an application for an order requiring the formal passing of accounts, the personal representative must file an affidavit in Form ACC 9 and serve it 10 days or more before the scheduled hearing on the applicant and the persons interested in the estate who have not given releases.

AR 130/95 s111;165/2010

**Consent to an accounting**

**112(1)** If a personal representative consents under rule 109(2)(c) to an application, the personal representative

- (a) must adjourn any scheduled hearing and set a new date for a hearing in accordance with subrule (2), and
- (b) must serve the documents in rule 107(1) and the notice of hearing within 2 months after serving a reply under rule 109 on the persons interested in the estate who have not given releases.

**(2)** The new date set under subrule (1) must occur on the earlier of

- (a) a day that is within one month after the day on which the documents are served under subrule (1), and
- (b) a day that is within 4 months after the personal representative is served under rule 108(1).

AR 130/95 s112;165/2010

**Powers of court**

**113(1)** The court may

- (a) set a date for a hearing and direct that notice of the hearing be served on the persons specified by the court within the periods specified despite the time limits for service in rules 107, 108 and 112;
- (b) direct a formal passing of one or more or all entries;
- (c) reject the application;
- (d) dispense with a formal passing and pass the accounts on an informal basis;
- (e) make any other determination that the court considers appropriate.

**(2)** At a hearing to pass interim or final accounts, the court may

- (a) pass the accounts;
- (b) vary or amend the financial statements;
- (c) set the compensation for the personal representative and give any directions in that respect;
- (d) decide any matters in dispute summarily;
- (e) order the trial of any matter in dispute, set the procedure the parties must follow and set time limits if it is appropriate;
- (f) appoint a person to assist the court in determining any matters on which the court requires further clarification or explanation;
- (g) direct the payment of debts or charges;
- (h) confirm the beneficiaries and their several interests and direct distribution of the estate to them;
- (i) direct the substitution for or the reduction or cancellation of any bond;
- (j) direct payment to the Public Trustee or any other trustee of any money to which a minor or missing person is entitled;
- (k) allow and direct payment of costs;
- (l) generally dispose of all matters incidental to the administration of the estate to a date to be stated in the order.

**(3)** If the court makes an order referred to in subrule (2)(f), the order must not include an examination of maintenance payments ordered by the Provincial Court or the Court of Queen's Bench other than to determine whether or not the payments have been made.

**(4)** On a final passing of accounts, the court, in addition to the powers referred to in subrule (2), may

- (a) discharge a personal representative who is an administrator;
- (b) determine whether a personal representative who is an executor has fully and satisfactorily accounted to a date to be stated in the order;

- (c) make any other order that the court considers appropriate.  
AR 130/95 s113;110/2001

#### **Notice of objection**

**114(1)** In any proceedings under Division 3 or this Division, if a person interested in the estate objects to financial statements or part of them, the person must file a notice of objection in Form ACC 3 with the court and serve a copy of it on the personal representative and all persons interested in the estate 20 days or more before the scheduled hearing.

**(2)** In a notice of objection, the objecting person

- (a) must give particulars of the objection in Form ACC 3,
- (b) if there is an objection to an entry in the financial statements, must indicate the entry objected to by its number, and
- (c) if there is an objection to the manner in which the personal representative has administered the estate, must state the objection.

**(3)** A person who does not file and serve a notice of objection may only make representations at the scheduled hearing with the permission of the court.

**(4)** If a person does not appear at the scheduled hearing and has not filed and served a notice of objection as required, that person is deemed to have consented to the administration of the estate as recorded in the financial statements.

AR 130/95 s114;165/2010

#### **Examination of accounts by an accountant**

**115(1)** The court, at any time and whether at a hearing or not, may order one or more entries in the financial statements of a personal representative to be examined by an accountant.

**(2)** An accountant referred to in subrule (1) must be a chartered accountant, a certified general accountant or a certified management accountant.

**(3)** The court must determine the nature, scope and extent of the accountant's examination.

**(4)** The terms of the accountant's appointment may be in Form ACC 4.

(5) An accountant's fees, disbursements and other charges are payable out of the residue of the estate unless otherwise ordered by the court.

#### **Access to records**

**116** A personal representative and any other person having knowledge or possession of documents relating to the administration of an estate must make all records and other pertinent documents available to an accountant appointed under rule 115 and must co-operate fully with the accountant.

#### **Report**

**117(1)** At the end of the examination, an accountant appointed under rule 115 must file a report in Form ACC 5.1 or Form ACC 5.2 and serve a copy of the report by ordinary mail on the personal representative and on the persons interested in the estate.

(2) The court may require the accountant to appear at any hearing and give any further explanations the court needs in order to pass the accounts.

AR 130/95 s117;44/2015

**Part 4** Repealed AR 10/2010 s4.

### **Part 5 Transitional, Repeal and Commencement**

**137 to 140** Repealed AR 132/2000 s10.

#### **Schedule 1**

### **Legal and Personal Representative Compensation**

#### **Definitions**

- 1** For the purpose of this Schedule,
- (a) "core legal services" are the legal services listed in Table 1 of Part 2 normally rendered by a lawyer for the personal representatives in connection with the administration of an estate;
  - (b) "non-core legal services" are legal services listed in Part 2 Table 2 rendered by a lawyer for the personal

representatives that are in addition to the core legal services required in the administration of an estate;

- (c) “personal representatives’ duties” are the tasks listed in the Table in Part 1 normally required to be performed by a personal representative in the administration of an estate;
- (d) “time of distribution” means
  - (i) when the estate property is distributable to the beneficiaries immediately on the death of the deceased, the time when distribution to the beneficiaries is complete,
  - (ii) the time when the transfer of a minor’s property to the minor’s trustees is complete, or
  - (iii) when the estate property is not all distributable to the beneficiaries immediately on the death of the deceased because trusts delay the final distribution, the time when distribution of immediately distributable property to the beneficiaries is complete, and transfer of the trust property to the trustees is complete.

## **Part 1 Personal Representatives’ Compensation**

### **Determination**

- 1(1)** Personal representatives may receive fair and reasonable compensation for their responsibility in administering an estate by performing the personal representatives’ duties.
- (2)** Compensation paid to a personal representative is for all the services performed by the personal representative to complete the administration of the estate including distribution of the estate and the conclusion of any trusts.
- (3)** A personal representative may receive compensation for the care and management of property in an estate only if
  - (a) there is no outright distribution of that estate property at the date of death, and
  - (b) the trust is not varied by agreement among the affected beneficiaries or by the court.

**Factors to be considered**

**2** The following factors are relevant when determining the compensation charged by or allowed to personal representatives:

- (a) the gross value of the estate;
- (b) the amount of revenue receipts and disbursements;
- (c) the complexity of the work involved and whether any difficult or unusual questions were raised;
- (d) the amount of skill, labour, responsibility, technological support and specialized knowledge required;
- (e) the time expended;
- (f) the number and complexity of tasks delegated to others;
- (g) the number of personal representatives appointed in the will, if any.

**Additional compensation**

**3** Additional compensation may be allowed when personal representatives

- (a) are called upon to perform additional roles in order to administer the estate, such as exercising the powers of a manager or director of a company or business,
- (b) encounter unusual difficulties or situations, or
- (c) must instruct on litigation.

**Compensation fixed in will**

**4** If the compensation payable to the personal representative is fixed in a will, no greater amount can be charged or allowed unless the fixed amount is varied by agreement among the affected beneficiaries or by order of the court.

**Compensation to be shared**

**5** The compensation once determined must be shared among the personal representatives in proportions agreed to among the personal representatives or as ordered by the court.

**Pre-taking compensation**

**6(1)** Personal representatives may be paid compensation before completing the administration of the estate if

- (a) the will provides for it,
- (b) all the affected beneficiaries agree to it, or
- (c) the court orders it.

**(2)** If all or any part of the amount of compensation paid to a personal representative under subrule (1) is later reduced by the court, the personal representative must repay the disallowed amount immediately to the estate with interest at a rate and for a period set by the court.

#### **Lawyer performs personal representatives' work**

**7** If a lawyer or other agent performs some or all of the duties of the personal representative, the amount payable to the personal representative must be reduced commensurately.

#### **Schedule on accounting**

**8** If a personal representative is required to give the beneficiary of an estate an accounting in which compensation to the personal representative is shown, the personal representative must give the beneficiary a copy of this Part.

#### **Expenses**

**9** Personal representatives are entitled to reimbursement for expenses properly incurred by them in the administration of the estate, including the following:

- (a) expenses reasonably incurred by the personal representatives in carrying out their duties;
- (b) fees or commissions to agents, including lawyers, accountants, real estate agents, securities brokers, investment advisors, appraisers, auctioneers and other professionals, engaged to perform estate administration services or to buy or sell estate property.

### **Table**

#### **Personal Representatives' Duties**

- 1** Making arrangements for the disposition of the body and for funeral, memorial or other similar services.
- 2** Determining the names and addresses of those beneficially entitled to the estate property and notifying them of their interests.



- 3** Arranging with a bank, trust company or other financial institution for a list of the contents of a safety deposit box.
- 4** Determining the full nature and value of property and debts of the deceased as at the date of death and compiling a list, including the value of all land and buildings and a summary of outstanding mortgages, leases and other encumbrances.
- 5** Examining existing insurance policies, advising insurance companies of the death and placing additional insurance, if necessary.
- 6** Protecting or securing the safety of any estate property.
- 7** Providing for the protection and supervision of vacant land and buildings.
- 8** Arranging for the proper management of the estate property, including continuing business operations, taking control of property and selling property.
- 9** Retaining a lawyer to advise on the administration of the estate, to apply for a grant from the court or to bring any matter before the court.
- 10** Applying for any pensions, annuities, death benefits, life insurance or other benefits payable to the estate.
- 11** Advising any joint tenancy beneficiaries of the death of the deceased.
- 12** Advising any designated beneficiaries of their interests under life insurance or other property passing outside the will.
- 13** Arranging for the payment of debts and expenses owed by the deceased and the estate.
- 14** Determining whether to advertise for claimants, checking all claims and making payments as funds become available.
- 15** Taking the steps necessary to finalize the amount payable if the legitimacy or amount of a debt is in issue.
- 16** Determining the income tax or other tax liability of the deceased and of the estate, filing the necessary returns, paying any tax owing and obtaining income tax or other tax clearance certificates before distributing the estate property.
- 17** Instructing a lawyer in any litigation.
- 18** Complying with the requirement for filing an acknowledgment of trustee(s) before distributing any property to a trustee.

**19** Preparing the personal representative's financial statements, a proposed compensation schedule and a proposed final distribution schedule.

**20** Distributing the estate property in accordance with the will or intestate succession provisions.

## **Part 2 Lawyers' Compensation**

### **Categories of service**

**1** A lawyer may charge fees for the following categories of legal services in the administration of estates:

- (a) core legal services;
- (b) non-core legal services.

### **Personal representatives' duties**

**2** A lawyer may charge fees for legal services that involve carrying out personal representatives' duties.

### **Agreement**

**3(1)** The lawyer and the personal representatives must agree to the categories of service that the lawyer will perform and to an arrangement or amount for each category of fees, disbursements and other charges.

**(2)** The fees agreed to must cover, up to the time of distribution of the estate,

- (a) all the core legal services or non-core legal services,
- (b) any personal representatives' duties required to be performed by the lawyer, and
- (c) any other services required to be performed by the lawyer.

### **Lawyer as personal representative**

**4** When a lawyer is also appointed as the personal representative under a grant, the lawyer may charge additional fees for any core and non-core legal services performed by the lawyer as a lawyer.

### **Factors to be considered**

**5** The following factors are relevant when determining the fees charged by or allowed to a lawyer:

- (a) the complexity of the work involved and whether any difficult or novel questions were raised;
- (b) the amount of skill, labour, responsibility and specialized knowledge required;
- (c) the lawyer's experience in estate administration;
- (d) the number and importance of documents prepared or perused;
- (e) whether the lawyer performed services away from the lawyer's usual place of business or in unusual circumstances;
- (f) the value of the estate;
- (g) the amount of work performed in connection with jointly held or designated assets;
- (h) the results obtained;
- (i) the time expended;
- (j) whether or not the lawyer and the personal representative concluded an agreement and whether the agreement is reasonable in all the circumstances.

#### **Disbursements**

**6** Reasonable costs incurred by a lawyer as disbursements and other charges in performing services in any category are allowed in addition to any fees charged.

#### **Statement of fees and disbursements to be in writing**

**7(1)** A lawyer must present a written statement of fees, disbursements and other charges to the personal representative, showing the details of the services performed, together with a copy of this Part.

**(2)** If the personal representative is required to give the beneficiaries of an estate an accounting in which legal fees are shown, the personal representative must give them a copy of this Part.

#### **Taxing accounts**

**8(1)** The lawyer or the personal representative may have the lawyer's account reviewed by the review officer under the *Alberta Rules of Court* (AR 124/2010).

(2) The review officer or the court may review fees, disbursements and other charges and may increase or decrease any of them.

### Table 1

#### Core Legal Services

- 1 Receiving instructions from the personal representatives.
- 2 Giving the personal representatives information and advice on all matters in connection with the administration of the estate, including the following:
  - (a) the basis for the lawyer's fees for the different categories of legal services;
  - (b) the basis for the personal representatives' compensation and preparation of the proposed compensation schedule;
  - (c) providing a copy of this Schedule to the personal representatives.
- 3 Reviewing the will or the provisions of Part 3 of the *Wills and Succession Act* with the personal representative.
- 4 Receiving information from personal representatives about the following:
  - (a) the deceased;
  - (b) the beneficiaries;
  - (c) the estate property;
  - (d) the deceased's debts;
  - (e) minors.
- 5 Obtaining details of all the property and debts of the deceased for the purposes of an application to the court, including the following:
  - (a) the full nature and value of the property of the deceased as at the date of death including the value of all land and buildings and a summary of outstanding mortgages, leases and any other encumbrances;
  - (b) any pensions, annuities, death benefits and any other benefits;
  - (c) any debts owed by the deceased as at the date of death;

- (d) preparing all required documents for grant applications;
  - (e) preparing notices to all beneficiaries;
  - (f) arranging for surviving spouse or surviving adult interdependent partner to receive notices under Part 5, Division 2 of the *Wills and Succession Act* and *Matrimonial Property Act*, if necessary;
  - (g) arranging for family members to receive notices under Part 5, Division 2 of the *Wills and Succession Act*, if necessary;
  - (h) attending on signing of application for grant, filing with the court, payment of fees and dealing with the clerk;
  - (i) advising the Public Trustee, if necessary;
  - (j) receiving the grant.
- 6** Preparing documents to advertise for claimants, arranging for advertising and obtaining affidavit of publication.
- 7** Preparing declarations of transmission and powers of attorney for stocks and bonds transferrable under the Alberta grant.
- 8** Preparing transmission and transfer documents for land transferrable under the Alberta grant.
- 9** Preparing all other documents required to transmit and transfer property transferrable under the Alberta grant.
- 10** Advising the personal representatives on any trusts required by the will.
- 11** Advising the personal representatives to prepare and file tax returns.
- 12** Confirming receipt of clearance certificates from Revenue Canada.
- 13** Submitting personal representatives' financial statements for approval to the beneficiaries on an informal basis.
- 14** Preparing releases and acknowledgments of trustee(s) and obtaining and filing them if so instructed by the personal representatives.
- 15** Generally advising the personal representatives on all matters referred to in this Table.

**Table 2****Non-core Legal Services**

- 1** Acting as conveyancing lawyer on any sale of land.
- 2** Acting as lawyer on the sale of other property or businesses.
- 3** Preparing personal representatives' financial statements for submission to residuary beneficiaries.
- 4** Preparing all documents and acting for the personal representatives in any court proceedings involving the estate, including but not limited to the following:
  - (a) formal proof of a will;
  - (b) formal passing of accounts;
  - (c) all other contentious matters.
- 5** Negotiating with any taxing authorities in Alberta or elsewhere with respect to the assessment and payment of any taxes or duties levied against the deceased, the estate or the beneficiaries and preparing all documents in connection with the negotiations.
- 6** Arranging to obtain a resealed or ancillary grant in another jurisdiction.
- 7** Preparing all documents and obtaining a resealed or ancillary grant in Alberta.
- 8** Preparing all documents and obtaining a grant of double probate.
- 9** Preparing all documents and obtaining a grant of trusteeship of minors' estates.
- 10** Dealing with any claims by claimants.
- 11** Setting up any trusts required by the will and arranging for the reimbursement of the trustees for services rendered to the trusts.
- 12** Identifying property not forming part of the estate but passing by survivorship or passing directly to a named beneficiary outside the will, including
  - (a) preparing documentation to transfer land and other property held in joint tenancy to the surviving tenants;
  - (b) preparing documentation to pass property to designated beneficiaries outside the will.

**13** Arranging for any other legal services not included in Table 1.

**14** Generally advising the personal representative on all matters referred to in this Table.

AR 130/95 Sched.1;201/2003;101/2010;165/2010;10/2012

## Schedule 2

### Court Fees

**1(1)** For issuing grants of probate or letters of administration or resealing grants, excluding trusteeship but including one certified copy of the document, where the net value of property in Alberta is

(a) \$10 000 or under	\$ 35
(b) over \$10 000 but not more than \$25 000	135
(c) over \$25 000 but not more than \$125 000	275
(d) over \$125 000 but not more than \$250 000	400
(e) over \$250 000	525

**(2), (3)** Repealed AR 71/2015 s2.

**2** Except items referred to in section 1, for documents that require the opening of a court file respecting an estate \$ 250

**3** For each application for trusteeship \$ 250

**4** For issuing each grant of double probate, supplemental grant or grant of administration of unadministered property \$ 250

**5** For each caveat filed \$ 250

**5.1** For an application in the course of an action or proceeding respecting an estate or trusteeship \$50

**6** For each certified copy of a document other than the initial certified copy \$ 10

**7** For each search \$ 10

**8** For a photostatic copy or faxed copy, per page \$ 1

AR 130/95 Sched.2;132/2000;71/2015

**Schedule 3**

**NC 1**

COURT FILE NUMBER \_\_\_\_\_  
COURT **Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE \_\_\_\_\_  
ESTATE NAME \_\_\_\_\_  
PROCEDURE **Application by the personal  
representative(s) for a grant  
of \_\_\_\_\_**

BOND \_\_\_\_\_  
NOTICES REQUIRED \_\_\_\_\_  
COPY OF THE APPLICATION \_\_\_\_\_  
FILED WITH THE PUBLIC \_\_\_\_\_  
TRUSTEE'S OFFICE \_\_\_\_\_  
PERSONAL REPRESENTATIVE(S) \_\_\_\_\_  
NAME(S) \_\_\_\_\_  
COMPLETE ADDRESS FOR \_\_\_\_\_  
SERVICE ON THE PERSONAL \_\_\_\_\_  
REPRESENTATIVE(S) \_\_\_\_\_

\_\_\_\_\_  
*Personal Representative* \_\_\_\_\_ *Date* \_\_\_\_\_  
Name: \_\_\_\_\_  
Complete address: \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Personal Representative(s)*  
Responsible lawyer: \_\_\_\_\_  
Firm name: \_\_\_\_\_  
Complete address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
File no.: \_\_\_\_\_

ORDER: ISSUE THE GRANT AS APPLIED FOR

\_\_\_\_\_  
JUSTICE OF THE COURT OF QUEEN'S \_\_\_\_\_  
BENCH OF ALBERTA DATE



**NC 2**

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
DOCUMENT	<b>Affidavit by the personal representative(s) on application for a grant of _____</b>
DEPONENT(S) NAME(S)	_____

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE INFORMATION IN THIS AFFIDAVIT AND IN THE ATTACHED SCHEDULES IS WITHIN THE DEPONENTS' KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Applicant(s)**

1. The applicant(s) are entitled to apply for a grant because the applicant(s) are \_\_\_\_\_

**Schedules Attached**

2. The following schedules are part of this affidavit. They are correct to the deponents' information and belief.
  - 2.1 NC 3 Schedule 1 Deceased
  - 2.2 NC 4 Schedule 2 Will
  - 2.3 NC 5 Schedule 3 Personal representative(s)
  - 2.4 NC 6 Schedule 4 Beneficiaries
  - 2.5 NC 7 Schedule 5 Inventory

**Documents Attached**

3. The following documents are part of this affidavit.
  - 3.1 Original will of the deceased
  - 3.2 NC 8 Affidavit of witness to a will

I have personally prepared or carefully read the schedules and documents that are part of this affidavit and to the best of my knowledge the information in them is accurate and complete.

**Notices**

4. The applicant(s) have served the following notices as required and in the manner prescribed by the *Surrogate Rules*.
- 4.1 NC 19 Notice(s) to beneficiaries (residuary)
- 4.2 NC 20 Notice(s) to beneficiaries (non residuary)
- 4.21 NC 20.1 Notice of void gift
- 4.3 NC 21 Notice(s) to beneficiaries (intestacy)
- 4.4 NC 22 Notice to spouse of deceased *Matrimonial Property Act*
- 4.5 NC 23 Notice to spouse/adult interdependent partner of deceased  
Family Maintenance and Support
- 4.6 NC 24 Notice to a dependent child or minor grandchild or great-grandchild of the deceased  
Family Maintenance and Support
- 4.7 NC 24.1 Notice to Public Trustee
- (Include the following if applicable. Delete if not applicable.)
5. The applicant(s) will not make a distribution to a trustee of any property that is subject to a trust under the will until after an acknowledgment of trustee(s) in Form NC 6.1 signed by the trustee(s) has been filed.
6. The applicant(s) will faithfully administer the estate of the deceased according to law and will give a true accounting of their administration to the persons entitled to it when lawfully required.
7. The following special or unusual circumstances exist in relation to this estate: \_\_\_\_\_.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A  
COMMISSIONER FOR OATHS AT \_\_\_\_\_,  
ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**NC 3**

ESTATE NAME \_\_\_\_\_  
DOCUMENT \_\_\_\_\_

**Schedule 1: Deceased**

\_\_\_\_\_  
Name

And any other name(s) by  
which known \_\_\_\_\_

Last residence address in full \_\_\_\_\_

Date of birth \_\_\_\_\_

Place of birth \_\_\_\_\_

Date of death \_\_\_\_\_

Place of death \_\_\_\_\_

Habitual province/state of  
residence \_\_\_\_\_

The deceased died

Testate: \_\_\_\_\_

Intestate: \_\_\_\_\_

After a thorough search of all  
likely places, no testamentary  
paper of the deceased has  
been found.

**IMMEDIATE FAMILY**

Indicate whether there are any persons in each of the following categories  
of relationship to the deceased, and provide the indicated details.

**SPOUSE**

Yes  No

If yes, provide the following information about the spouse:

Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

**ADULT INTERDEPENDENT PARTNER**

Yes  No

If yes, provide the following information about the adult interdependent  
partner:

Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

the adult interdependent partner lived with the deceased in  
a relationship of interdependence

for a continuous period of not less than 3 years  
commencing \_\_\_\_\_ and  
ending \_\_\_\_\_.

of some permanence of which there is a child

born \_\_\_\_\_  
date

adopted \_\_\_\_\_  
date

the adult interdependent partner entered into an adult interdependent partner agreement with the deceased which agreement is dated \_\_\_\_\_.

The adult interdependent partner

is

is not

related to the deceased by blood or adoption.

#### FORMER SPOUSE(S)

Yes  No

If yes, provide the following information about each former spouse:

Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Date of death (if applicable): \_\_\_\_\_

Date of divorce (if applicable): \_\_\_\_\_

#### CHILDREN

Yes  No

If yes, provide the following information about each child:

Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Date of death (if applicable): \_\_\_\_\_

Died leaving children: \_\_\_\_\_

At the time of the deceased's death, this child was:

under 18 years of age;

an adult who is unable to earn a livelihood by reason of mental or physical disability;

between the ages of 18 and 22 and unable to withdraw from his or her parents' charge because he or she is a full-time student. *(Complete only if date of death is after February 1, 2012.)*

If there is a surviving spouse or adult interdependent partner, check one:

- All of the deceased's children are also children of the deceased's surviving spouse or adult interdependent partner.
- OR
- Some or all of the deceased's children are not children of the deceased's surviving spouse or adult interdependent partner (*provide names*).

#### GRANDCHILDREN OR GREAT-GRANDCHILDREN

*(Complete the following section relating to grandchildren or great-grandchildren only if date of death is after February 1, 2012.)*

Grandchildren or great-grandchildren of the deceased

- (a) who were under 18 years of age at the time of the deceased's death,
- (b) in respect of whom the deceased, during life, demonstrated a settled intention to treat as his or her own child,
- (c) whose primary home, since birth or for at least 2 years immediately before the grandparent's death, was with the grandparent, and
- (d) whose primary financial support, since birth or for at least 2 years immediately before the grandparent's death, was provided by the grandparent.

Yes  No

If yes, provide the following information about each grandchild or great-grandchild:

Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

**NC 4**

ESTATE NAME \_\_\_\_\_

DOCUMENT

**Schedule 2: Will**

Date of will: \_\_\_\_\_

Deceased's age at date of will: \_\_\_

Name of first witness: \_\_\_\_\_

Name of second witness: \_\_\_\_\_

*(Complete this section if the will was made before February 1, 2012:)*

The deceased married or entered into an adult interdependent partner agreement after the date the will was made and before February 1, 2012.

Yes

No

*(Delete if resealing:)* To the best of the personal representative's(s) information and belief, this is the deceased's original last will.

*(Delete if resealing:)* The personal representative(s) has (have) examined the will and observes that \_\_\_\_\_.

**NC 5**

ESTATE NAME  
DOCUMENT

\_\_\_\_\_  
**Schedule 3: Personal representative(s)**

Name(s)  
Complete address(es)  
Status  
Relationship to deceased  
Age  
Any persons with a prior or equal right to apply

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
over 18

Provide names(s), address(es) and relationship to deceased of all persons with a prior or equal right to apply for a grant. Write "n/a" if not applicable.

Renunciations attached

\_\_\_\_\_  
Provide name(s) of renunciators; renunciations are needed from all persons with a prior or equal right to apply for a grant who are not applicant(s). Write "n/a" if not applicable

**NC 6**

ESTATE NAME  
DOCUMENT

\_\_\_\_\_  
**Schedule 4: Beneficiaries**

*(For each beneficiary, provide the following information.)*

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Complete address: \_\_\_\_\_

Age: \_\_\_\_\_

Nature of gift: \_\_\_\_\_

Paragraph number of will: \_\_\_\_\_

Section number (intestacy): \_\_\_\_\_

(indicate whether under the  
*Wills and Succession Act* or  
*Intestate Succession Act*)

Except as otherwise provided, all beneficiaries are mentally capable.

#### VOID GIFTS

No void gifts.

*(Complete this section if the will of the deceased was made prior to February 1, 2012:)*

The gift to \_\_\_\_\_ (beneficiary) \_\_\_\_\_ is void because he or she: *(check one)*

is a witness to the will.

at the time the will was made was the spouse or adult interdependent partner of a witness to the will.

*(Complete this section if the will of the deceased was made after February 1, 2012:)*

The gift to \_\_\_\_\_ (beneficiary) \_\_\_\_\_ is void because he or she: *(check one)*

is a witness to the will.

at the time the will was made was the spouse or adult interdependent partner of a witness to the will.

signed the will on behalf of the deceased.

at the time the will was made was the spouse or adult interdependent partner of the person who signed the will on behalf of the deceased.

was an interpreter who provided translation services in respect of the making of the will.

at the time the will was made was the spouse or adult interdependent partner of the interpreter who provided translation services in respect of the making of the will.

#### REVOKED GIFTS

No revoked gifts.

The gift to \_\_\_\_\_ is revoked because the deceased and \_\_\_\_\_ were divorced on a date that occurred

(a) after the will was made, and

(b) on or after February 1, 2012.

- The gift to \_\_\_\_\_ is revoked because the deceased and \_\_\_\_\_ ceased to be adult interdependent partners on a date that occurred
- (a) after the will was made, and
  - (b) on or after February 1, 2012.

**NC 6.1**

ESTATE NAME \_\_\_\_\_  
DOCUMENT **Acknowledgment of Trustee(s)**

Name(s) \_\_\_\_\_  
Complete address(es) \_\_\_\_\_  
Status (Choose one of the following:)

Named in the will  
Named by personal representative \_\_\_\_\_,  
who is authorized by the will to appoint trustee(s)  
Named by \_\_\_\_\_, who is authorized in the will to appoint trustee(s)

Relationship to deceased \_\_\_\_\_  
Age over 18  
Any persons with a prior or equal right to trusteeship \_\_\_\_\_

Provide name(s), address(es) and relationship to deceased of all persons with a prior or equal right to trusteeship according to the will. Write "n/a" if not applicable.

Renunciations attached \_\_\_\_\_  
Provide name(s) of renunciators; renunciations are needed from all trustees named in the will who have renounced their right to trusteeship.

1. The deceased, \_\_\_\_\_, signed a will dated \_\_\_\_\_ in which I am appointed trustee of the following trusts:

Name of Beneficiary	Age	Address	Para. No. Will

— OR —

1. The deceased, \_\_\_\_\_, signed a will dated \_\_\_\_\_ in which the deceased authorized \_\_\_\_\_ to appoint a trustee. I have been appointed by \_\_\_\_\_ to be the trustee of the following trusts:



Name of Beneficiary	Age	Address	Para. No. Will

2. I acknowledge that as trustee:
- (a) I must use the funds in the trust only in accordance with the terms of the trust.
  - (b) I cannot borrow or take a benefit from the trust property unless the will expressly allows me to do so.
  - (c) I must keep adequate records of my administration of the trust property.
  - (d) I must keep the trust property separate from any other property.
3. I will faithfully administer the trust according to law and will give a true accounting of my administration of the trust to the persons entitled to it when lawfully required.

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Witness*

*This document requires an affidavit of execution. Use Form NC 11.*

**NC 7**

ESTATE NAME  
DOCUMENT

\_\_\_\_\_  
**Schedule 5: Inventory of  
property and debts**

\_\_\_\_\_  
VALUE OF ESTATE IN ALBERTA

Land and buildings (net of encumbrances)	\$ _____
Other property (gross)	\$ _____
Gross value of estate	\$ _____
Debts (excluding encumbrances of land)	\$ _____
Net value of estate	\$ _____

\_\_\_\_\_

## PROPERTY

## LAND AND BUILDINGS IN ALBERTA

Location of Property: \_\_\_\_\_ (provide municipal address or, if none, closest village, town or city).

Legal description of Property: \_\_\_\_\_

Description: \_\_\_\_\_

Gross value: \$ \_\_\_\_\_

Encumbrances: \_\_\_\_\_

Net value: \_\_\_\_\_ \$ \_\_\_\_\_

## OTHER PROPERTY

Description: \_\_\_\_\_

Gross value: \_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL VALUE OF PROPERTY** \$ \_\_\_\_\_

## DEBTS

Description: \_\_\_\_\_

Value: \_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL VALUE OF DEBTS** \$ \_\_\_\_\_

**NET VALUE OF ESTATE** \$ \_\_\_\_\_

**NC 8**

TESTATOR NAME \_\_\_\_\_

DOCUMENT \_\_\_\_\_

DEPONENT'S NAME \_\_\_\_\_

EXHIBIT ATTACHED \_\_\_\_\_

**Affidavit of witness to a will**

**A: Original will dated** \_\_\_\_\_

THE DEPONENT SWEARS UNDER OATH OR AFFIRMS THAT THE INFORMATION IN THIS AFFIDAVIT IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

1. I am one of the witnesses to the last will of the testator, \_\_\_\_\_.
2. The will is dated \_\_\_\_\_ and is marked as Exhibit A to this affidavit.

3. When the testator signed the will, I believe the testator understood that the document being signed was the testator's will. *[Strike out if deponent did not know or was not told it was the testator's will.]*
4. When the testator signed the will, I believe the testator was competent to sign the will. *[Strike out if deponent did not know or was not told it was the testator's will.]*
5. The testator, the other witness to the will and I were all present together when the testator and the witnesses signed the will.
6. Before the testator signed the will, the testator made the following changes to it:

6.1 \_\_\_\_\_.

SWORN OR AFFIRMED BEFORE A COMMISSIONER FOR OATHS  
AT \_\_\_\_\_  
ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**NC 9**

ESTATE NAME  
DOCUMENT

\_\_\_\_\_  
**Affidavit of handwriting of  
deceased**

DEPONENT'S NAME  
EXHIBIT ATTACHED

\_\_\_\_\_  
**A: Will dated** \_\_\_\_\_

THE DEPONENT SWEARS UNDER OATH OR AFFIRMS THAT THE INFORMATION IN THIS AFFIDAVIT IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

1. I knew the deceased, \_\_\_\_\_, well and for \_\_\_\_\_ years before the deceased died. I frequently saw the deceased write and sign documents and I am very familiar with the deceased's handwriting and signature.
2. I have carefully examined the document dated \_\_\_\_\_ which purports to be the deceased's last will and which is marked as Exhibit A to this affidavit.
3. I believe the whole of the will including the signature is in the deceased's handwriting.

or

- 3. I believe that the signature appearing on page \_\_\_\_\_ of the Will is that of the deceased.

SWORN OR AFFIRMED BEFORE A COMMISSIONER FOR OATHS  
 AT \_\_\_\_\_,  
 ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**NC 10**

ESTATE NAME  
DOCUMENT

\_\_\_\_\_  
**Affidavit verifying translation  
of non-English will**

DEPONENT'S NAME  
EXHIBITS ATTACHED

\_\_\_\_\_  
**A: Non-English will dated \_\_\_\_  
B: Translation**

THE DEPONENT SWEARS UNDER OATH OR AFFIRMS THAT THE INFORMATION IN THIS AFFIDAVIT IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

- 1. I can read, write, and speak English and \_\_\_\_\_ fluently and I am competent to translate documents from either language to the other.
- 2. I have carefully examined the document dated \_\_\_\_\_ which purports to be the deceased's last will and which is marked Exhibit A to this affidavit. It is written in the \_\_\_\_\_ language.
- 3. Exhibit B to this affidavit is my translation of the will into English and it is accurate.

SWORN OR AFFIRMED BEFORE A COMMISSIONER FOR OATHS  
 AT \_\_\_\_\_,  
 ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**NC 11**

ESTATE NAME  
DOCUMENT

\_\_\_\_\_  
**AFFIDAVIT OF WITNESS  
TO SIGNATURE ON \_\_\_\_\_**

DEPONENT'S NAME

THE DEPONENT SWEARS UNDER OATH OR AFFIRMS THAT THE INFORMATION IN THIS AFFIDAVIT IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

- 1. I am the witness to the signature(s) of \_\_\_\_\_ in this \_\_\_\_\_.
  - 2. I was present and saw \_\_\_\_\_ sign (and seal) this document at \_\_\_\_\_, Alberta.
  - 3. I know \_\_\_\_\_ to be the person named in this \_\_\_\_\_.
- or
- 3. On the basis of identification, I believe \_\_\_\_\_ to be the person named in this \_\_\_\_\_.
  - 4. I believe that \_\_\_\_\_ is at least 18 years of age.

SWORN OR AFFIRMED BEFORE A COMMISSIONER FOR OATHS  
AT \_\_\_\_\_,  
ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**NC 12**

ESTATE NAME  
DOCUMENT  
NAME

\_\_\_\_\_  
**Renunciation of probate**

COMPLETE ADDRESS \_\_\_\_\_

1. The deceased, \_\_\_\_\_, signed a will in which I am appointed personal representative.
2. I renounce all my right and title to a grant of probate of the deceased's will.
3. I have not intermeddled in the deceased's estate.

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Witness*

*This document requires an affidavit of execution. Use Form NC 11.*

**NC 13**

ESTATE NAME \_\_\_\_\_  
DOCUMENT \_\_\_\_\_

**Reservation of right to apply  
for grant of probate**

NAME \_\_\_\_\_  
COMPLETE ADDRESS \_\_\_\_\_

1. The deceased, \_\_\_\_\_, signed a will in which I am appointed one of the personal representatives.
2. I wish the administration of the deceased's estate to proceed expeditiously but I am unable at this time to administer the deceased's estate because \_\_\_\_\_.
3. I expect to be able to undertake the duties of personal representative in the future and therefore I reserve my right to apply for a grant of double probate.
4. I consent to the issuance of a grant of probate to \_\_\_\_\_ subject to my reservation.

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Witness*

*This document requires an affidavit of execution. Use Form NC 11.*

**NC 14**

ESTATE NAME \_\_\_\_\_  
DOCUMENT **Renunciation of administration  
with will annexed**  
NAME \_\_\_\_\_  
COMPLETE ADDRESS \_\_\_\_\_

1. The deceased, \_\_\_\_\_, signed a will in which \_\_\_\_\_ is appointed personal representative.
2. \_\_\_\_\_ has renounced all right and title to the grant of probate of the deceased's will.
3. I am entitled to apply for a grant of administration with will annexed under the *Surrogate Rules* because I am the deceased's \_\_\_\_\_.
4. I renounce all my right and title to administration with will annexed of the deceased's property.

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Witness*

*This document requires an affidavit of execution. Use Form NC 11.*

**NC 15**

ESTATE NAME \_\_\_\_\_  
DOCUMENT **Renunciation of administration**  
NAME \_\_\_\_\_  
COMPLETE ADDRESS \_\_\_\_\_

1. The deceased, \_\_\_\_\_, died intestate.
2. I am entitled to apply for a grant of administration under the *Surrogate Rules* because I am the deceased's \_\_\_\_\_.
3. I renounce all my right and title to a grant of administration of the deceased's property.

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Witness*

*This document requires an affidavit of execution. Use Form NC 11.*

## NC 16

ESTATE NAME \_\_\_\_\_  
DOCUMENT \_\_\_\_\_

**Nomination and consent to  
appointment of personal  
representative**

NAME \_\_\_\_\_  
COMPLETE ADDRESS \_\_\_\_\_

1. The deceased, \_\_\_\_\_, signed a will in which \_\_\_\_\_ is appointed personal representative.
2. \_\_\_\_\_ has renounced all right and title to a grant of probate of the deceased's will.
3. I am entitled to apply for a grant of administration with will annexed because \_\_\_\_\_ (state relationship to deceased or circumstances creating entitlement to apply for a grant under section 13 of the *Estate Administration Act*) \_\_\_\_\_.
4. I nominate \_\_\_\_\_ to apply for a grant of administration with will annexed and I consent to that appointment.

or

1. The deceased, \_\_\_\_\_, signed a will but did not appoint a personal representative.
2. I am entitled to apply for a grant of administration with will annexed because \_\_\_\_\_ (state relationship to deceased or circumstances creating entitlement to apply for a grant under section 13 of the *Estate Administration Act*) \_\_\_\_\_.
3. I nominate \_\_\_\_\_ to apply for a grant of administration with will annexed and I consent to that appointment.

or

1. The deceased, \_\_\_\_\_, signed a will that expressly authorizes me to appoint a personal representative.
2. I nominate \_\_\_\_\_ to apply for a grant of probate or administration with will annexed and I consent to that appointment.

or

1. The deceased, \_\_\_\_\_, died intestate.
2. I am entitled to apply for a grant of administration because \_\_\_\_\_ (state relationship to deceased or circumstances creating entitlement to apply for a grant under section 13 of the *Estate Administration Act*) \_\_\_\_\_.



or

3. I nominate \_\_\_\_\_ to apply for a grant of administration and I consent to that appointment.

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Witness*

*This document requires an affidavit of execution. Use Form NC 11.*

**NC 17**

ESTATE NAME  
DOCUMENT

\_\_\_\_\_  
**Affidavit to dispense with a  
bond, approve other security  
or reduce amount of security**

DEPONENT(S) NAME(S)  
\_\_\_\_\_

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE INFORMATION IN THIS AFFIDAVIT IS WITHIN THE DEPONENTS' KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Applicant(s)**

1. The applicant(s) are entitled to apply for a grant because the applicant(s) are \_\_\_\_\_.
2. The applicant(s) are fully familiar with the deceased's affairs because they are related to the deceased as \_\_\_\_\_.

**Debts**

3. The applicant(s) have made a complete investigation of the deceased's affairs. To the best of our knowledge, Schedule 5 shows all the debts for which the deceased may be liable in the Province of Alberta and in any other jurisdiction.
4. The property of the estate is sufficient to pay all the debts shown in Schedule 5 and all the debts have been or will be paid before the distribution of the estate.

**Special matters**

5. \_\_\_\_\_

6. And therefore the applicant(s) request that this Court issue a grant of (state type of grant applied for)\_\_\_\_\_.

- without bond or other security.
- with a bond in the reduced amount of \_\_\_\_\_.
- with the following security in the amount of \_\_\_\_\_ instead of a bond: (describe other security proposed)\_\_\_\_\_.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A  
COMMISSIONER FOR OATHS AT \_\_\_\_\_,  
ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**NC 18**

ESTATE NAME \_\_\_\_\_  
DOCUMENT \_\_\_\_\_  
NAME \_\_\_\_\_  
COMPLETE ADDRESS \_\_\_\_\_

\_\_\_\_\_  
**Consent to waive bond  
or other security**\_\_\_\_\_

1. The deceased, \_\_\_\_\_, died testate.
  2. \_\_\_\_\_, who resides outside Alberta, is appointed personal representative in the deceased's will and is applying for a grant of probate.
- or
1. The deceased, \_\_\_\_\_, died intestate.
  2. \_\_\_\_\_, who resides outside Alberta, is applying for a grant of administration.
  3. I have an interest in the administration of the deceased's estate because I am \_\_\_\_\_.
  4. I understand that a bond or other security is required because the applicant(s) reside outside Alberta. Nevertheless, I consent to an order of the court dispensing with any bond or other security so required.

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
*Signature*\_\_\_\_\_  
*Witness**This document requires an affidavit of execution. Use Form NC 11.***NC 19**ESTATE NAME  
DOCUMENT\_\_\_\_\_  
**Notice to beneficiaries  
(residuary)**

To: Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

You are named as a residuary beneficiary in the last will of \_\_\_\_\_.

The will gives you \_\_\_\_\_.

The personal representative(s) named in the will have applied for a grant of probate or the person(s) entitled have applied for a grant of administration with will annexed.

Enclosed with this notice is a copy of the application for a grant of probate or grant of administration with will annexed. This includes a copy of the will and a list of the deceased's property and debts.

Once the court issues the grant, the personal representative(s) will collect in the property, pay the debts, and complete the administration of the estate and anything else required of the personal representative(s). Then they will be in a position to account to you before distributing any estate left after payment of all debts and expenses.

By issuing the grant, the court is not approving the figures submitted in the application for a grant of probate. It is the responsibility of the beneficiary(ies) to supervise the actions of the personal representative(s).

Alberta's *Estate Administration Act* and other laws place duties on the personal representative, which include communicating regularly with beneficiaries and maintaining proper financial records. If you believe the personal representative is not complying with their duties, try to resolve the matter through discussion with the personal representative. If you are unable to resolve the matter you or your lawyer may apply to the court, which may provide a remedy if it is satisfied that the personal representative is not complying with their duties.

You can contact \_\_\_\_\_ at \_\_\_\_\_, phone \_\_\_\_\_, for any further information you may need.

\_\_\_\_\_  
*Personal Representative* \_\_\_\_\_ *Date*  
 Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

**NC 20**

ESTATE NAME \_\_\_\_\_  
 DOCUMENT \_\_\_\_\_

**Notice to beneficiaries  
 (non residuary)**

To: Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

You are named as a beneficiary in the last will of \_\_\_\_\_.

The will gives you \_\_\_\_\_.

The personal representative(s) named in the will have applied for a grant of probate or the person(s) entitled have applied for a grant of administration with will annexed.

Once the court issues the grant, the personal representative(s) will collect in the property, pay the debts, and complete the administration of the estate and anything else required of the personal representative(s). Then they will be in a position to distribute your gift to you as long as it is not needed to pay for debts and expenses of the estate.

Alberta's *Estate Administration Act* and other laws place duties on the personal representative, which include communicating regularly with beneficiaries and maintaining proper financial records. If you believe the personal representative is not complying with their duties, try to resolve the matter through discussion with the personal representative. If you are unable to resolve the matter you or your lawyer may apply to the Court, which may provide a remedy if it is satisfied that the personal representative is not complying with their duties.

You can contact \_\_\_\_\_ at \_\_\_\_\_, phone \_\_\_\_\_, for any further information you may need.

\_\_\_\_\_  
*Personal Representative* \_\_\_\_\_ *Date*  
 Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

**NC 20.1**

ESTATE NAME \_\_\_\_\_  
DOCUMENT \_\_\_\_\_

**Notice of void gift**

To: \_\_\_\_\_ (name) \_\_\_\_\_

Complete address: \_\_\_\_\_

You are named as a beneficiary in the last will of \_\_\_\_\_. The personal representative(s) named in the will have applied for a grant of probate or administration with will annexed, as applicable.

*Choose one:*

Void residuary gift

Enclosed with this notice is a copy of the application for grant of probate or administration with will annexed, as applicable. This includes a copy of the will and a list of the estate property and debts. The will states that you are to receive part of the residue of the estate.

Void specific gift

The will states that you are to receive (specify gift).

The gift made to you is void because: (check one)

you are a witness to the will.

at the time the will was made you were the spouse or adult interdependent partner of a witness to the will.

the will was made after February 1, 2012 and you signed the will on behalf of the deceased.

the will was made after February 1, 2012 and at the time the will was made you were the spouse or adult interdependent partner of the person who signed the will on behalf of the deceased.

the will was made after February 1, 2012 and you were an interpreter who provided translation services in respect of the making of the will.

the will was made after February 1, 2012 and at the time the will was made you were the spouse or adult interdependent partner of the interpreter who provided translation services in respect of the making of the will.

When the court issues the grant, the personal representative(s) will collect the estate property, pay the debts, complete the administration of the estate and anything else required of the personal representative(s). Then they will be in a position to distribute the estate.

You may make an application to the court to validate the gift made to you.

There are some time requirements that must be met. You must begin any application within 6 months after the date the court issues the grant of probate or administration with will annexed, as applicable.

If you want to take this further, you must consult your own lawyer immediately.

**Personal representative** Date: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

**Lawyer for personal representative** Date: \_\_\_\_\_  
 Responsible lawyer: \_\_\_\_\_  
 Firm name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_ Phone no.: \_\_\_\_\_  
 Fax no.: \_\_\_\_\_ File no.: \_\_\_\_\_

**NC 21**

ESTATE NAME  
 DOCUMENT

**Notice to Beneficiaries  
 (intestacy)**

To: Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

\_\_\_\_\_ died without leaving a will. In this circumstance, the provisions of Part 3 of the *Wills and Succession Act* of Alberta determine which relatives of the deceased inherit the estate.

You are one of these relatives, or beneficiary (intestacy), and you will receive \_\_\_\_\_.

\_\_\_\_\_ has applied for a grant of administration.

Enclosed with this notice is a copy of the application for a grant of administration. This includes a list of the property and debts.

Once the court issues the grant, the personal representative(s) will collect in the property, pay the debts, and complete the administration of the estate and anything else required of the personal representative(s). Then they will be in a position to account to you before distributing any estate left after payment of all debts and expenses.

By issuing the grant, the court is not approving the figures submitted in the application for a grant of administration. It is the responsibility of the beneficiary(ies) to supervise the actions of the personal representative(s).

Alberta's *Estate Administration Act* and other laws place duties on the personal representative, which include communicating regularly with beneficiaries and maintaining proper financial records. If you believe the personal representative is not complying with their duties, try to resolve the matter through discussion with the personal representative. If you are unable to resolve the matter you or your lawyer may apply to the Court, which may provide a remedy if it is satisfied that the personal representative is not complying with their duties.

You can contact \_\_\_\_\_ at \_\_\_\_\_, phone \_\_\_\_\_, for any further information you may need.

\_\_\_\_\_  
Personal Representative

\_\_\_\_\_  
Date

Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

## NC 22

ESTATE NAME  
DOCUMENT

\_\_\_\_\_  
**Notice to spouse of deceased**  
*Matrimonial Property Act*

To: Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Enclosed with this notice is a copy of the application for a grant of \_\_\_\_\_. The *Matrimonial Property Act* gives rights to a spouse or former spouse in certain circumstances and the law requires that the notice be given to you because you are the spouse or a former spouse and have not been given all of the property in the estate.

You may have a claim under the *Matrimonial Property Act* on the property in the estate. This must be dealt with before the estate can be finally distributed.

There are some time requirements that must be met. You must begin any application within 6 months after the date the court issues the grant of probate or administration. There are other time limits in the Act which may mean that in your case you have less than six months in which to act, after that, the personal representative may distribute the property.

If you want to take this further, you must consult your own lawyer immediately.

\_\_\_\_\_  
Personal Representative

\_\_\_\_\_  
Date

Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

I ACKNOWLEDGE RECEIPT OF THIS NOTICE AND OF A COPY OF  
THE APPLICATION FOR A GRANT OF \_\_\_\_\_ IN THE ESTATE OF

\_\_\_\_\_  
Spouse

\_\_\_\_\_  
Date

**NC 23**

ESTATE NAME  
DOCUMENT

\_\_\_\_\_  
**Notice to spouse/adult  
interdependent partner of  
deceased**  
Family Maintenance  
and Support

To: Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Enclosed with this notice is a copy of the application for a grant of \_\_\_\_\_.  
The law requires that this notice must be given to you because you are the  
spouse/adult interdependent partner of \_\_\_\_\_ but you have not been  
given all the property in the estate.

Part 5, Division 2 of the *Wills and Succession Act* allows the spouse/adult  
interdependent partner to apply to the court to receive maintenance and  
support from the estate. The court can change the distribution of the estate  
and give you more or all of the estate if the court decides the circumstances  
warrant it.

There are some time requirements which must be met before the court can  
hear any application. You should begin your application within 6 months  
after the date the court issues the grant of probate or administration. After  
that, the personal representative may distribute the estate property and you  
can only apply if the court lets you. You can then only ask for some or all  
of the property in the estate that is still undistributed at that time.

If you want to take this further, you must consult your own lawyer  
immediately.

\_\_\_\_\_  
*Personal Representative*

\_\_\_\_\_  
*Date*



Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

I ACKNOWLEDGE RECEIPT OF THIS NOTICE AND OF A COPY OF  
 THE APPLICATION FOR A GRANT OF \_\_\_\_\_ IN THE ESTATE  
 OF \_\_\_\_\_.

\_\_\_\_\_  
 Spouse/Adult Interdependent Partner

\_\_\_\_\_  
 Date

**NC 24**

ESTATE NAME  
 DOCUMENT

\_\_\_\_\_  
**Notice to dependent child or  
 minor grandchild or  
 great-grandchild of the deceased**  
 Family Maintenance and Support

To: Name of Child/Trustee/Attorney/Parent/Guardian (as  
 applicable under section 11(1) of the *Estate Administration  
 Act*): \_\_\_\_\_  
 Complete address: \_\_\_\_\_

On behalf of the dependent (child, grandchild or great-grandchild):  
 \_\_\_\_\_

Enclosed with this notice is a copy of the application for a grant of \_\_\_\_\_.  
 The law requires that this notice must be given to you because you may be  
 entitled to make a claim for maintenance and support from the estate of the  
 deceased, \_\_\_\_\_, but you have not been given all  
 the property in the estate.

Part 5, Division 2 of the *Wills and Succession Act* allows the following  
 persons to apply to the court to receive more or all of the estate:

- a child of the deceased who is under the age of 18 years at the time of  
 the deceased's death;
- a child of the deceased who is at least 18 years of age at the time of  
 the deceased's death and unable to earn a livelihood by reason of mental or  
 physical disability;
- a child of the deceased who, at the time of the deceased's death, is at  
 least 18 but under 22 years of age and unable to withdraw from his or her  
 parents' charge because he or she is attending school full-time;
- a grandchild or great-grandchild of the deceased
  - (a) who was under 18 years of age at the time of the deceased's death,
  - (b) in respect of whom the deceased, during life, demonstrated a  
 settled intention to treat as his or her own child,

(c) whose primary home, since birth or for at least 2 years immediately before the grandparent's death, was with the grandparent, and

(d) whose primary financial support, since birth or for at least 2 years immediately before the grandparent's death, was provided by the grandparent.

The court can change the distribution of the estate and give you more or all of the estate if the court decides you are a qualified applicant and the circumstances warrant it.

There are some time requirements that must be met before the court can hear any application. You should begin your application within 6 months after the date the court issues the grant of probate or administration. After that, the personal representative may distribute the estate property and you can only apply if the court lets you. You can then only ask for some or all of the property in the estate that is still undistributed at that time.

If you want to take this further, you must consult your own lawyer immediately.

\_\_\_\_\_  
*Personal Representative* \_\_\_\_\_  
*Date*  
 Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

I ACKNOWLEDGE RECEIPT OF THIS NOTICE AND OF A COPY OF THE APPLICATION FOR A GRANT OF \_\_\_\_\_ IN THE ESTATE OF \_\_\_\_\_.

\_\_\_\_\_  
*Trustee* \_\_\_\_\_  
*Date*

#### NC 24.1

ESTATE NAME \_\_\_\_\_ (deceased's name)  
 DOCUMENT **Notice to the Public Trustee**

This gives you notice that the personal representative shown in the attached copy of an Application for a grant of \_\_\_\_\_ has applied for this grant.

Notice is given to you

- 1 under section 11 of the *Estate Administration Act* (family members) because
- the Public Trustee is trustee for the estate of the following person, who is a represented adult described in section 11(1)(f) of the *Estate Administration Act*:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

- the deceased is survived by a child who was a minor on the date of the deceased's death:

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

- the deceased is survived by a grandchild or great-grandchild described in section 11(1)(g)(ii) of the *Estate Administration Act*:

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

- 2 under section 12 of the *Estate Administration Act* (persons interested in the estate) because

- the following represented adult, for whose estate the Public Trustee is trustee, is interested in the deceased's estate:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

- the following person is interested in the deceased's estate and was a minor on the date of the deceased's death:

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

- the following person is interested in the deceased's estate and has been declared to be a missing person by an order of the Court under the *Public Trustee Act*:

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
Personal Representative

\_\_\_\_\_  
Date

Name: Office of the Public Trustee

To the Court of Queen's Bench of Alberta and the personal representative

The Public Trustee

- does not intend to be represented on this application
- intends to be represented on this application

The Public Trustee confirms the following:

- Any property to which a minor child is entitled from the estate must be delivered to the Public Trustee.
- Clause \_\_\_\_\_ of the will appoints \_\_\_\_\_ as trustee of money or property to which the minor(s) \_\_\_\_\_ is (are) entitled under the will. The will does not appoint the Public Trustee to monitor on behalf of the minor(s). Accordingly, the Public Trustee will not monitor the trustee on behalf of the minor(s) unless the Court directs the Public Trustee to monitor pursuant to section 22 of the *Public Trustee Act*.
- Clause \_\_\_\_\_ of the will appoints \_\_\_\_\_ as trustee of money or property to which the minor(s) \_\_\_\_\_ is (are) entitled under the will and clause \_\_\_\_\_ appoints the Public Trustee to monitor on behalf of the minor(s). Accordingly, the Public Trustee will monitor the trustee on behalf of the minor(s).
- The Public Trustee reserves the right to apply under the provisions of Part 5, Division 2 of the *Wills and Succession Act* on behalf of \_\_\_\_\_.

\_\_\_\_\_  
Public Trustee of Alberta

\_\_\_\_\_  
Date

The Court of Queen's Bench requires submissions to be made as to whether the Public Trustee should monitor the trust for the benefit of minor beneficiaries. Either the applicant or the Public Trustee, on notice to the other, must arrange for the Court to hear the submissions.

\_\_\_\_\_  
Justice of the Court of Queen's Bench

\_\_\_\_\_  
Date

**NC 24.2** Repealed AR 209/2007 s3.

**NC 25**

COURT FILE NUMBER \_\_\_\_\_

ESTATE NAME \_\_\_\_\_

DOCUMENT \_\_\_\_\_

DEPONENT(S) NAME(S) \_\_\_\_\_

\_\_\_\_\_  
**Affidavit regarding missing or  
unknown beneficiaries**

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE INFORMATION IN THIS AFFIDAVIT IS WITHIN THE DEPONENTS' KNOWLEDGE AND IS TRUE. WHERE THE

INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Applicant(s)**

1. The applicant(s) are entitled to apply for a grant because the applicant(s) are \_\_\_\_\_.
2. The applicant(s) have applied for a grant of \_\_\_\_\_.
3. The applicant(s) cannot fully complete Schedule 4 nor provide a complete set of notices to beneficiaries.

**Unknown beneficiaries**

4. These beneficiaries are unknown to the applicant(s):

4.1 \_\_\_\_\_

**Missing beneficiaries**

5. These beneficiaries cannot yet be located:

5.1 \_\_\_\_\_

**Enquiries**

6. The applicant(s) have made these enquiries to ascertain and find the beneficiaries:

6.1 \_\_\_\_\_

**Undertakings**

7. The applicant(s) undertake:
  - 7.1 to advise the court as soon as they have ascertained or found the beneficiaries, and
  - 7.2 to provide the clerk with the notices to beneficiaries at that time.
8. The applicant(s) believe that it is in the best interest of the estate to begin its administration immediately.
9. Repealed AR 110/2006 s3.

**Prayer**

10. That this Court grant the application for a grant of \_\_\_\_\_ without Schedule 4 being fully completed and without sending all the notices to beneficiaries.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A  
COMMISSIONER FOR OATHS AT \_\_\_\_\_  
ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**NC 26**

COURT FILE NUMBER \_\_\_\_\_  
COURT \_\_\_\_\_

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE \_\_\_\_\_  
ESTATE NAME \_\_\_\_\_  
PROCEDURE \_\_\_\_\_

\_\_\_\_\_  
**Application for a grant of \_\_\_\_\_**

REPORT OF CLERK TO JUSTICE

1. I have examined the Application and supporting material on this file and report that, to the best of my knowledge, it appears to comply with the Rules and Practices except for the following, which I respectfully draw to your attention:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Surrogate Clerk

\_\_\_\_\_  
Date

JUSTICE'S DIRECTION

2. **Justice's Comments:** (If Fiat not signed)

Return for corrections as noted above

OR

The application for a grant is returned because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The applicant(s) can re-apply on an informal basis once they have satisfied the Court about these matters.

Justice of the Court of Queen's Bench  
of Alberta

Date

**NC 27**

COURT FILE NUMBER  
ESTATE NAME  
DOCUMENT  
DEPONENT'S NAME

**Affidavit of service**

THE DEPONENT SWEARS UNDER OATH OR AFFIRMS THAT THE INFORMATION IN THIS AFFIDAVIT IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

- 1. On \_\_\_\_\_, I served true copies of the originals of the following documents:

*Attached as Exhibit*

*Document*

A

on the following:

*Person(s) name(s) and address(es) where served and manner of service*

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A COMMISSIONER FOR OATHS AT \_\_\_\_\_, ALBERTA ON \_\_\_\_\_

*Deponent*

*Commissioner's Name:*

*Appointment Expiry Date:*

*Name:* \_\_\_\_\_  
*Complete address:* \_\_\_\_\_  
*Occupation:* \_\_\_\_\_

**NC 28**

COURT FILE NUMBER \_\_\_\_\_  
 COURT **Court of Queen’s Bench of  
 Alberta (Surrogate Matter)**

JUDICIAL CENTRE \_\_\_\_\_  
 ESTATE NAME \_\_\_\_\_  
 PROCEDURE **Application by the attorney for  
 the personal representative(s) for  
 a grant of \_\_\_\_\_**

BOND \_\_\_\_\_  
 NOTICES REQUIRED \_\_\_\_\_  
 COPY OF THE \_\_\_\_\_  
 APPLICATION FILED WITH  
 THE PUBLIC TRUSTEE’S  
 OFFICE \_\_\_\_\_  
 NAME OF ATTORNEY FOR  
 THE PERSONAL  
 REPRESENTATIVE(S) \_\_\_\_\_  
 COMPLETE ADDRESS FOR  
 SERVICE ON THE  
 ATTORNEY FOR THE  
 PERSONAL  
 REPRESENTATIVE(S) \_\_\_\_\_

\_\_\_\_\_  
*Attorney* \_\_\_\_\_  
*Date*  
 Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Attorney*  
 Responsible lawyer: \_\_\_\_\_  
 Firm name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 File no.: \_\_\_\_\_

ORDER: ISSUE THE GRANT AS APPLIED FOR

\_\_\_\_\_  
 JUSTICE OF THE COURT OF QUEEN’S  
 BENCH OF ALBERTA \_\_\_\_\_  
 DATE



**NC 29**

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
DOCUMENT	<b>Affidavit by the attorney for the personal representative(s) on application for a grant of _</b>
DEPONENT'S NAME	_____

THE DEPONENT SWEARS UNDER OATH OR AFFIRMS THAT THE INFORMATION IN THIS AFFIDAVIT AND IN THE ATTACHED SCHEDULES IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Applicant**

1. The applicant is the attorney for \_\_\_\_\_, who are entitled to apply for a grant because they are \_\_\_\_\_.
2. The personal representative(s) appointed the applicant as their attorney for the purpose of this application on \_\_\_\_\_.

**Schedules Attached**

3. The following schedules are part of this affidavit. They are correct to the deponents' information and belief.
 

3.1	NC 3	Schedule 1	Deceased
3.2	NC 4	Schedule 2	Will
3.3	NC 5	Schedule 3	Personal representative(s)
3.4	NC 6	Schedule 4	Beneficiaries
3.5	NC 7	Schedule 5	Inventory

**Documents Attached**

4. The following documents are part of this affidavit.
 

4.1	Power of attorney from _____
4.2	Original will of the deceased
4.3	NC 8 Affidavit of witness to a will

I have personally prepared or carefully read the schedules and documents that are part of this affidavit and to the best of my knowledge the information in them is accurate and complete.

**Notices**

5. The applicant(s) have served the following notices as required and in the manner prescribed by the *Surrogate Rules*.
- 5.1 NC 19 Notice(s) to beneficiaries (residuary)
- 5.2 NC 20 Notice(s) to beneficiaries (non residuary)
- 5.3 NC 21 Notice(s) to beneficiaries (intestacy)
- 5.4 NC 22 Notice to spouse of deceased *Matrimonial Property Act*
- 5.5 NC 23 Notice to spouse/adult interdependent partner of deceased Family Maintenance and Support
- 5.6 NC 24 Notice to a dependent child or minor grandchild or great-grandchild of the deceased Family Maintenance and Support

(Include the following if applicable. Delete if not applicable.)

6. The attorney for the personal representative(s) will not make a distribution to a trustee of any property that is subject to a trust under the will until after an acknowledgment of trustee(s) in Form NC 6.1 signed by the trustee(s) has been filed.
7. The attorney for the personal representative(s) will faithfully administer the estate of the deceased according to law and will give a true accounting of the attorney's administration to the persons entitled to it when lawfully required.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A  
COMMISSIONER FOR OATHS AT \_\_\_\_\_,  
ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

## NC 30

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
PROCEDURE	<b>Application by a personal representative for a grant of double probate</b>
DATE OF FIRST GRANT	_____
BOND	_____
NOTICES REQUIRED	_____
COPY OF THE	_____
APPLICATION FILED WITH	_____
THE PUBLIC TRUSTEE'S	_____
OFFICE	_____
NAME(S) OF PERSONAL	_____
REPRESENTATIVE(S) IN	_____
THIS APPLICATION	_____
NAME(S) OF PERSONAL	_____
REPRESENTATIVE(S) IN	_____
THE PREVIOUS	_____
APPLICATION	_____
COMPLETE ADDRESS FOR	_____
SERVICE ON THE	_____
PERSONAL	_____
REPRESENTATIVE(S)	_____

_____	_____
<i>Personal Representative</i>	<i>Date</i>
Name: _____	
Complete address: _____	

\_\_\_\_\_

*Lawyers for Personal Representative*

Responsible lawyer: \_\_\_\_\_

Firm name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

File no.: \_\_\_\_\_

ORDER: ISSUE THE GRANT AS APPLIED FOR

_____	_____
JUSTICE OF THE COURT OF QUEEN'S BENCH OF ALBERTA	DATE

**NC 31**

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
DOCUMENT	<b>Affidavit by a personal representative on application for a grant of double probate</b>
DEPONENT(S) NAME(S)	_____

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE INFORMATION IN THIS AFFIDAVIT AND IN THE ATTACHED SCHEDULES IS WITHIN THE DEPONENTS' KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Applicant(s)**

1. The applicant is one of the personal representative(s) named in the deceased's last will.
2. The other personal representative(s) named in the will previously applied for and were granted a grant of probate issued by this court on \_\_\_\_\_. Power was reserved at that time to allow the other personal representative(s) named in the will to make a subsequent application.

**Schedules**

3. The following schedules were part of the affidavit of \_\_\_\_\_, which was previously filed in that application for probate. They are correct to the deponents' information and belief.
  - 3.1 NC 3 Schedule 1 Deceased
  - 3.2 NC 4 Schedule 2 Will
  - 3.3 NC 5 Schedule 3 Personal representative(s)
  - 3.4 NC 6 Schedule 4 Beneficiaries
  - 3.5 NC 7 Schedule 5 Inventory

**Documents**

4. The following documents were part of the affidavit of \_\_\_\_\_, which was previously filed in that application for probate.
  - 4.1 Original will of the deceased

## 4.2 NC 8 Affidavit of witness to a will

I have personally prepared or carefully read the schedules and documents that are part of this affidavit and to the best of my knowledge the information in them is accurate and complete.

**Notices**

5. The following notices were served as required and in the manner prescribed by the *Surrogate Rules* by \_\_\_\_\_ when the previous application was filed.

- 5.1 NC 19 Notice(s) to beneficiaries (residuary)
- 5.2 NC 20 Notice(s) to beneficiaries (non residuary)
- 5.3 NC 21 Notice(s) to beneficiaries (intestacy)
- 5.4 NC 22 Notice to spouse of deceased *Matrimonial Property Act*
- 5.5 NC 23 Notice to spouse/adult interdependent partner of deceased Family Maintenance and Support
- 5.6 NC 24 Notice to a dependent child or minor grandchild or great-grandchild of the deceased Family Maintenance and Support

(Include the following if applicable. Delete if not applicable.)

6. The personal representative(s) will not make a distribution to a trustee of any property that is subject to a trust under the will until after an acknowledgment of trustee(s) in Form NC 6.1 signed by the trustee(s) has been filed.
7. The personal representative(s) will faithfully administer the estate of the deceased according to law and will give a true accounting of their administration to the persons entitled to it when lawfully required.
8. This application for double probate is now made because \_\_\_\_\_.
9. The grant issued to \_\_\_\_\_ is now surrendered to this court.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A  
COMMISSIONER FOR OATHS AT \_\_\_\_\_,  
ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**NC 32**

COURT FILE NUMBER \_\_\_\_\_  
 COURT **Court of Queen’s Bench of Alberta (Surrogate Matter)**  
 JUDICIAL CENTRE \_\_\_\_\_  
 ESTATE NAME \_\_\_\_\_  
 PROCEDURE **Application by the personal representative(s) for a grant of**  
 ORIGINAL JURISDICTION \_\_\_\_\_  
 BOND \_\_\_\_\_  
 NOTICES REQUIRED \_\_\_\_\_  
 COPY OF THE \_\_\_\_\_  
 APPLICATION FILED WITH \_\_\_\_\_  
 THE PUBLIC TRUSTEE’S \_\_\_\_\_  
 OFFICE \_\_\_\_\_  
 PERSONAL \_\_\_\_\_  
 REPRESENTATIVE(S) \_\_\_\_\_  
 NAME(S) \_\_\_\_\_  
 COMPLETE ADDRESS FOR \_\_\_\_\_  
 SERVICE ON THE \_\_\_\_\_  
 PERSONAL \_\_\_\_\_  
 REPRESENTATIVE(S) \_\_\_\_\_

\_\_\_\_\_  
*Personal Representative* \_\_\_\_\_ *Date*  
 Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Personal Representative*  
 Responsible lawyer: \_\_\_\_\_  
 Firm name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 File no.: \_\_\_\_\_

ORDER: ISSUE THE GRANT AS APPLIED FOR

\_\_\_\_\_  
 JUSTICE OF THE COURT OF QUEEN’S \_\_\_\_\_ DATE  
 BENCH OF ALBERTA

**NC 33**

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
DOCUMENT	<b>Affidavit by the personal representative(s) on application for a grant of _____</b>
DEPONENT(S) NAME(S)	_____

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE INFORMATION IN THIS AFFIDAVIT AND IN THE ATTACHED SCHEDULES IS WITHIN THE DEPONENTS' KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Applicant(s)**

1. The applicant(s) are entitled to apply for a grant because the applicant(s) are \_\_\_\_\_.

**Schedules Attached**

2. The following schedules are part of this affidavit. They are correct to the deponents' information and belief.
  - 2.1 NC 3 Schedule 1 Deceased
  - 2.2 NC 4 Schedule 2 Will
  - 2.3 NC 5 Schedule 3 Personal representative(s)
  - 2.4 NC 6 Schedule 4 Beneficiaries
  - 2.5 NC 7 Schedule 5 Inventory

**Documents Attached**

3. The following documents are part of this affidavit.
  - 3.1 Certified copy of probate / administration issued by the (insert name and jurisdiction of court) \_\_\_\_\_
  - 3.2 Certificate of the (insert name and jurisdiction of court) \_\_\_\_\_ that the grant is unrevoked and fully effective.
  - 3.3 NC 17 Affidavit to dispense with bond

I have personally prepared or carefully read the schedules and documents that are part of this affidavit and to the best of my knowledge the information in them is accurate and complete.

**Notices**

4. The applicant(s) have served the following notices as required and in the manner prescribed by the *Surrogate Rules*.
  - 4.1 NC 19 Notice(s) to beneficiaries (residuary)
  - 4.2 NC 20 Notice(s) to beneficiaries (non residuary)
  - 4.3 NC 21 Notice(s) to beneficiaries (intestacy)
  - 4.4 NC 22 Notice to spouse of deceased *Matrimonial Property Act*
  - 4.5 NC 23 Notice to spouse/adult interdependent partner of deceased Family Maintenance and Support
  - 4.6 NC 24 Notice to a dependent child or minor grandchild or great-grandchild of the deceased Family Maintenance and Support

**Original grant**

5. The (insert name and jurisdiction of court) issued a grant of \_\_\_\_ to the personal representative(s) on \_\_\_\_\_ which grant is unrevoked and of full force and effect.

(Include the following if applicable. Delete if the trustee(s) are not under the jurisdiction of the court.)

6. The personal representative(s) will not make a distribution to a trustee of any property that is subject to a trust under the will until after an acknowledgment of trustee(s) in Form NC 6.1 signed by the trustee(s) has been filed.
7. The applicant(s) ask this court to \_\_\_\_\_ with respect to the deceased's property in Alberta.
8. The personal representative(s) will faithfully administer the estate of the deceased according to law and will give a true accounting of their administration to the persons entitled to it when lawfully required.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A  
COMMISSIONER FOR OATHS / NOTARY PUBLIC AT \_\_\_\_\_,

ON \_\_\_\_\_



\_\_\_\_\_  
Deponent

\_\_\_\_\_  
Commissioner's Name:

\_\_\_\_\_  
Notary Public Name:

\_\_\_\_\_  
Appointment Expiry Date:  
\_\_\_\_\_

**NC 34****Notice to Creditors and Claimants**

**Estate of \_\_\_\_\_ who died on \_\_\_\_\_**

If you have a claim against this estate, you must file your claim by \_\_\_\_\_ with \_\_\_\_\_ at \_\_\_\_\_ and provide details of your claim.

If you do not file by the date above, the estate property can lawfully be distributed without regard to any claim you may have.

**NC 34.1**

COURT FILE NUMBER

COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE

ESTATE NAME

DOCUMENT

\_\_\_\_\_  
**Statutory Declaration of  
Publication**

EXHIBIT ATTACHED

**Advertisement**

THE DECLARANT SOLEMNLY DECLARES THAT THE INFORMATION IN THIS STATUTORY DECLARATION IS WITHIN THE DECLARANT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

1. The declarant's name and complete address is \_\_\_\_\_.
2. The declarant states that, on examination of the (*newspaper name*), a newspaper published in \_\_\_\_\_, Alberta, true copies of the attached advertisement, marked as Exhibit A, appeared in the following issues of the newspaper:
  - 2.1 (date of issue)
  - 2.2 (date of issue)

DECLARED BEFORE A COMMISSIONER FOR OATHS AT \_\_\_\_\_,  
ALBERTA, ON \_\_\_\_\_.

\_\_\_\_\_  
*Declarant*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**NC 35**

ESTATE NAME \_\_\_\_\_

DATE OF DEATH \_\_\_\_\_

DOCUMENT \_\_\_\_\_

**Statutory declaration by  
creditors and claimants**

THE DECLARANT SOLEMNLY DECLARES THAT THE INFORMATION IN THIS STATUTORY DECLARATION IS WITHIN THE DECLARANT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Declarant**

1. The declarant's name and complete address is \_\_\_\_\_.
2. The declarant makes this claim as a \_\_\_\_\_.

**Amount of Claim**

3. The amount claimed against the estate is \$\_\_\_\_\_.

**Details of Claim**

4. This claim is based on \_\_\_\_\_.

**Security for Debt (Creditors only)**

5. The declarant holds the following security for this debt \_\_\_\_\_.
6. The security is owned by \_\_\_\_\_.
7. The declarant values the security at \$\_\_\_\_\_.
8. The deceased is \_\_\_\_\_ liable for this claim.

DECLARED BEFORE A COMMISSIONER FOR OATHS AT \_\_\_\_\_,  
ALBERTA, ON \_\_\_\_\_.

\_\_\_\_\_  
*Declarant*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**NC 36**

COURT FILE NUMBER  
 COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
 Alberta (Surrogate Matter)**

JUDICIAL CENTRE  
 ESTATE NAME  
 GRANT

\_\_\_\_\_  
**Probate**

BY THE ORDER OF THE HONOURABLE JUSTICE \_\_\_\_\_  
 DATED \_\_\_\_\_.

THIS COURT HAS GRANTED PROBATE OF THE ATTACHED WILL  
 (AND CODICIL(S)) AND ADMINISTRATION OF ALL THE  
 DECEASED'S PROPERTY TO THE PERSONAL  
 REPRESENTATIVE(S).

Name of deceased \_\_\_\_\_

Of \_\_\_\_\_

Date of death \_\_\_\_\_

Name(s) of personal representative(s) \_\_\_\_\_

Of \_\_\_\_\_

\_\_\_\_\_  
 CLERK OF THE COURT

*This Form is for use by the court and clerk's office only.*

**NC 37**

COURT FILE NUMBER  
 COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
 Alberta (Surrogate Matter)**

JUDICIAL CENTRE  
 ESTATE NAME  
 GRANT

\_\_\_\_\_  
**Administration with will  
 annexed** \_\_\_\_\_

BY THE ORDER OF THE HONOURABLE JUSTICE \_\_\_\_\_  
 DATED \_\_\_\_\_

THIS COURT HAS PROVED AND REGISTERED THE ATTACHED  
WILL (AND CODICIL(S)) OF THE DECEASED AND AUTHORISED  
ADMINISTRATION OF \_\_\_\_\_

THE DECEASED'S PROPERTY TO THE PERSONAL  
REPRESENTATIVE(S).

Name of deceased \_\_\_\_\_  
Of \_\_\_\_\_  
Date of death \_\_\_\_\_  
Name(s) of personal representative(s) \_\_\_\_\_  
Of \_\_\_\_\_

\_\_\_\_\_  
CLERK OF THE COURT

*This Form is for use by the court and clerk's office only.*

**NC 38**

COURT FILE NUMBER \_\_\_\_\_  
COURT **Court of Queen's Bench of  
Alberta (Surrogate Matter)**  
JUDICIAL CENTRE \_\_\_\_\_  
ESTATE NAME \_\_\_\_\_  
GRANT **Administration** \_\_\_\_\_

BY THE ORDER OF THE HONOURABLE JUSTICE \_\_\_\_\_  
DATED \_\_\_\_\_

THIS COURT HAS AUTHORISED ADMINISTRATION OF \_\_\_\_\_

THE DECEASED'S PROPERTY TO THE PERSONAL  
REPRESENTATIVE(S).

Name of deceased \_\_\_\_\_  
Of \_\_\_\_\_  
Date of death \_\_\_\_\_  
Name(s) of personal representative(s) \_\_\_\_\_  
Of \_\_\_\_\_

\_\_\_\_\_  
CLERK OF THE COURT

*This Form is for use by the court and clerk's office only.*

**NC 39**

COURT FILE NUMBER \_\_\_\_\_  
COURT **Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE \_\_\_\_\_  
 ESTATE NAME \_\_\_\_\_  
 GRANT **Double probate**

BY THE ORDER OF THE HONOURABLE JUSTICE \_\_\_\_\_  
 DATED \_\_\_\_\_

THIS COURT GRANTED PROBATE OF THE ATTACHED WILL  
 (AND CODICIL(S)) AND ADMINISTRATION OF ALL THE  
 DECEASED'S PROPERTY TO ONE OF THE PERSONAL  
 REPRESENTATIVE(S) ON \_\_\_\_\_.

THIS GRANT IS NOW REVOKED.

THIS COURT NOW HAS GRANTED PROBATE OF THE ATTACHED  
 WILL (AND CODICIL(S)) AND ADMINISTRATION OF ALL THE  
 DECEASED'S PROPERTY TO THE PERSONAL  
 REPRESENTATIVE(S).

Name of deceased \_\_\_\_\_  
 Of \_\_\_\_\_  
 Date of death \_\_\_\_\_  
 Name(s) of personal representative(s) \_\_\_\_\_  
 Of \_\_\_\_\_

\_\_\_\_\_  
 CLERK OF THE COURT

*This Form is for use by the court and clerk's office only.*

**NC 40**

COURT FILE NUMBER \_\_\_\_\_  
 COURT **Court of Queen's Bench of  
 Alberta (Surrogate Matter)**  
 JUDICIAL CENTRE \_\_\_\_\_  
 ESTATE NAME \_\_\_\_\_  
 GRANT **Ancillary grant of probate**

BY THE ORDER OF THE HONOURABLE JUSTICE \_\_\_\_\_  
 DATED \_\_\_\_\_

THIS COURT HAS GRANTED PROBATE OF THE ATTACHED WILL  
 (AND CODICIL(S)) AND ADMINISTRATION OF ALL THE  
 DECEASED'S PROPERTY IN ALBERTA TO THE PERSONAL  
 REPRESENTATIVE(S).

Name of deceased \_\_\_\_\_  
 Of \_\_\_\_\_  
 Date of death \_\_\_\_\_  
 Name(s) of personal representative(s) \_\_\_\_\_  
 Of \_\_\_\_\_

\_\_\_\_\_  
CLERK OF THE COURT

*This Form is for use by the court and clerk's office only.*

**NC 41**

COURT FILE NUMBER \_\_\_\_\_  
COURT \_\_\_\_\_

**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE \_\_\_\_\_

ESTATE NAME \_\_\_\_\_

GRANT \_\_\_\_\_

**Ancillary grant of administration  
with will annexed** \_\_\_\_\_

BY THE ORDER OF THE HONOURABLE JUSTICE \_\_\_\_\_

DATED \_\_\_\_\_

THIS COURT HAS PROVED AND REGISTERED THE ATTACHED  
WILL (AND CODICIL(S)) OF THE DECEASED AND AUTHORISED  
ADMINISTRATION OF \_\_\_\_\_

THE DECEASED'S PROPERTY TO THE PERSONAL  
REPRESENTATIVE(S).

Name of deceased \_\_\_\_\_

Of \_\_\_\_\_

Date of death \_\_\_\_\_

Name(s) of personal representative(s) \_\_\_\_\_

Of \_\_\_\_\_

\_\_\_\_\_  
CLERK OF THE COURT

*This Form is for use by the court and clerk's office only.*

**NC 42**

COURT FILE NUMBER \_\_\_\_\_  
COURT \_\_\_\_\_

**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE \_\_\_\_\_

ESTATE NAME \_\_\_\_\_

GRANT \_\_\_\_\_

**Ancillary grant of  
administration** \_\_\_\_\_

BY THE ORDER OF THE HONOURABLE JUSTICE \_\_\_\_\_

DATED \_\_\_\_\_

THIS COURT HAS AUTHORISED ADMINISTRATION OF \_\_\_\_\_

THE DECEASED'S PROPERTY TO THE PERSONAL REPRESENTATIVE(S).

Name of deceased \_\_\_\_\_  
 Of \_\_\_\_\_  
 Date of death \_\_\_\_\_  
 Name(s) of personal representative(s) \_\_\_\_\_  
 Of \_\_\_\_\_

\_\_\_\_\_  
 CLERK OF THE COURT

*This Form is for use by the court and clerk's office only.*

**NC 43**

COURT FILE NUMBER \_\_\_\_\_  
 COURT **Court of Queen's Bench of Alberta (Surrogate Matter)**

JUDICIAL CENTRE \_\_\_\_\_  
 PROCEDURE **Application for a grant of trusteeship of the estate of a minor child**

NAME OF MINOR CHILD \_\_\_\_\_

NAMES OF PARENTS OF \_\_\_\_\_

MINOR CHILD \_\_\_\_\_

BOND \_\_\_\_\_

COPY OF APPLICATION \_\_\_\_\_

FILED WITH THE PUBLIC \_\_\_\_\_

TRUSTEE'S OFFICE Yes

TRUSTEE(S) NAME(S) \_\_\_\_\_

COMPLETE ADDRESS FOR \_\_\_\_\_

SERVICE ON THE \_\_\_\_\_

TRUSTEE(S) \_\_\_\_\_

\_\_\_\_\_  
*Trustee* \_\_\_\_\_ *Date* \_\_\_\_\_

Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Trustee(s)*

Responsible lawyer: \_\_\_\_\_

Firm name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

File no.: \_\_\_\_\_

ORDER: ISSUE THE GRANT AS APPLIED FOR

\_\_\_\_\_  
 JUSTICE OF THE COURT OF  
 QUEEN'S BENCH OF ALBERTA

\_\_\_\_\_  
 Date

**NC 44**

\_\_\_\_\_  
 COURT FILE NUMBER  
 COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
 Alberta (Surrogate Matter)**

\_\_\_\_\_  
 JUDICIAL CENTRE  
 NAME OF MINOR CHILD  
 DOCUMENT

\_\_\_\_\_  
**Affidavit on application for a  
 grant of trusteeship of the  
 estate of a minor child**

\_\_\_\_\_  
 DEPONENT(S) NAME(S)  
 COPY OF BOND ATTACHED

\_\_\_\_\_  
 THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM  
 THAT THE INFORMATION IN THIS AFFIDAVIT AND IN THE  
 ATTACHED SCHEDULES IS WITHIN THE DEPONENTS'  
 KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS  
 BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS  
 STATED.

**Applicant(s)**

1. The applicant(s) are over 18 years of age and are the \_\_\_\_\_ of  
 the minor.

**Minor**

2. Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_  
 Birth date: \_\_\_\_\_  
 Age: \_\_\_\_\_

**Parents of minor**

3. Mother of minor

Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

Information if mother deceased:

Date of death: \_\_\_\_\_  
 Residence at date of death: \_\_\_\_\_  
 Testate/Intestate: \_\_\_\_\_



Name of any trustee(s) appointed by mother: \_\_\_\_\_

4. Father of minor

Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Information if father deceased:

Date of death: \_\_\_\_\_

Residence at date of death: \_\_\_\_\_

Testate/Intestate: \_\_\_\_\_

Name of any trustee(s) appointed by father: \_\_\_\_\_

**Schedules**

5. The following schedules concerning the estate of \_\_\_\_\_ are part of this affidavit. They are correct to the deponents' information and belief.

5.1 NC 6 Schedule 4 Beneficiaries

5.2 NC 7 Schedule 5 Inventory

**Documents**

6. The following documents are part of this affidavit.

6.1 NC 45 Election by minor of a trustee

6.2 NC 46 Notice of intention to apply for a grant of trusteeship

I have personally prepared or carefully read the schedules and documents that are part of this affidavit and to the best of my knowledge the information in them is accurate and complete.

**Notices required**

7. Notice that an application that a trustee be appointed has been given to \_\_\_\_\_. Notice will also be given in \_\_\_\_\_ newspaper if required by the court.

**Bond**

8. The trustee(s) have obtained the required bond, a copy of which is marked as Exhibit A to this affidavit.

or

8. The trustee(s) apply to dispense with the requirement for a bond because \_\_\_\_\_.

- 9. I acknowledge that as trustee:
  - (a) I must use the funds in the trust only in accordance with the order of the court.
  - (b) I cannot borrow or take a benefit from the trust property unless the court order expressly allows me to do so.
  - (c) I must keep adequate records of my administration of the trust property.
  - (d) I must keep the trust property separate from any other property.
- 10. I will faithfully administer the trust according to law and will give a true accounting of my administration of the trust to the persons entitled to it when lawfully required.
- 11. The trustee(s) will surrender the grant that this court issues back to the court whenever the court requires.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A  
 COMMISSIONER FOR OATHS AT \_\_\_\_\_,  
 ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**NC 45**

COURT FILE NUMBER \_\_\_\_\_  
 MINOR'S NAME \_\_\_\_\_  
 COMPLETE ADDRESS \_\_\_\_\_  
 DOCUMENT \_\_\_\_\_

**Election of a trustee by a  
 minor**

- 1. I am a minor child of:
  - Mother: \_\_\_\_\_
  - Date of death: \_\_\_\_\_
  - and
  - Father: \_\_\_\_\_
  - Date of death: \_\_\_\_\_
- 2. I was born on \_\_\_\_\_ and am \_\_\_\_\_ years of age.

3. I elect as my trustee(s):

Name of trustee(s): \_\_\_\_\_  
Relationship to minor: \_\_\_\_\_

4. My election is made to allow my trustee(s) to:

4.1 Obtain a grant of administration of the property of \_\_\_\_\_

4.2 Obtain a grant of administration of the property of \_\_\_\_\_  
until I am 18 years of age.

4.3 Renounce my right to a grant of administration of the  
property of \_\_\_\_\_.

4.4 Administer my property until I am 18 years of age.

4.5 \_\_\_\_\_

SIGNED BY THE MINOR AND WITNESSED BY \_\_\_\_\_

ON \_\_\_\_\_

\_\_\_\_\_  
*Minor*

\_\_\_\_\_  
*Witness*

*This document requires an affidavit of execution. Use Form NC 11.*

**NC 46**

**Notice**

concerning the minor child \_\_\_\_\_

An application will be heard by a justice of the Court of Queen’s Bench of  
Alberta, Judicial Centre of \_\_\_\_\_:

on \_\_\_\_\_

place \_\_\_\_\_

time \_\_\_\_\_

for a grant of trusteeship of the estate of the minor child by \_\_\_\_\_

Further information may be obtained from \_\_\_\_\_

**NC 47**

NAME OF MINOR CHILD \_\_\_\_\_

DOCUMENT **Affidavit to dispense with a bond  
or other security**

DEPONENT(S) NAME(S) \_\_\_\_\_

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE INFORMATION IN THIS AFFIDAVIT IS WITHIN THE DEPONENTS' KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Applicant(s)**

1. The applicant(s) are applying for a grant of trusteeship of the minor child because the applicant(s) are \_\_\_\_\_.

**Reason for request**

2. The applicant(s) request the court to dispense with the requirement of a bond or other security because \_\_\_\_\_.
3. And therefore the applicant(s) request that this court grant the application for a grant of trusteeship without bond or other security.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A COMMISSIONER FOR OATHS AT \_\_\_\_\_ ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**NC 48**

COURT FILE NUMBER  
COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE  
NAME OF MINOR CHILD  
GRANT

\_\_\_\_\_  
**Trusteeship of the estate of the  
minor child**

BY THE ORDER OF THE HONOURABLE JUSTICE \_\_\_\_\_  
DATED \_\_\_\_\_

THIS COURT HAS APPOINTED TRUSTEE(S) OF THE ESTATE OF THE MINOR CHILD.

THE TRUSTEE(S) HAVE THE POWER AND AUTHORITY TO DO ALL THINGS WHICH TRUSTEES OF THE ESTATES OF MINORS MAY AND OUGHT TO DO ACCORDING TO THE LAWS OF THE PROVINCE OF ALBERTA.

THE TRUSTEE(S) HAVE SWORN OR AFFIRMED TO PERFORM THE TRUST OF TRUSTEESHIP AND TO ADMINISTER THE ESTATE OF THE MINOR ACCORDING TO THE LAWS OF THE PROVINCE OF ALBERTA.

Name of minor child \_\_\_\_\_  
 Of \_\_\_\_\_  
 Name(s) of trustee(s) \_\_\_\_\_  
 Of \_\_\_\_\_

\_\_\_\_\_  
 CLERK OF THE COURT

*This Form is for use by the court and clerk's office only.*

**NC 49**

COURT FILE NUMBER \_\_\_\_\_  
 COURT **Court of Queen's Bench of  
 Alberta (Surrogate Matter)**  
 JUDICIAL CENTRE \_\_\_\_\_  
 ESTATE NAME \_\_\_\_\_

### **Certificate of Valid Grant**

I certify that the grant described in this certificate is valid and unrevoked.

Grant \_\_\_\_\_  
 Date of grant \_\_\_\_\_  
 Name of deceased \_\_\_\_\_  
 Of \_\_\_\_\_  
 Date of death \_\_\_\_\_  
 Name(s) of personal representative(s) \_\_\_\_\_  
 Of \_\_\_\_\_

\_\_\_\_\_  
 Clerk of the Court

\_\_\_\_\_  
 Date

*This Form is for use by the court and clerk's office only.*

## C 1

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
DOCUMENT	<b>Application for (state matter)</b>
PARTIES	
APPLICANT(S)	_____
RESPONDENT(S)	_____
<i>(names of the following who have an interest in this matter)</i>	
PERSONAL REPRESENTATIVE(S)	_____
BENEFICIARIES (RESIDUARY)	_____
LIFE TENANTS	_____
BENEFICIARIES (NON RESIDUARY)	_____
BENEFICIARIES (INTESTACY)	_____
TRUSTEES FOR REPRESENTED ADULTS	_____
ATTORNEYS FOR INCOMPETENT ADULTS	_____
MINORS	_____
MISSING PERSONS	_____
UNPAID CLAIMANTS	_____
BONDING COMPANIES	_____
OTHER PERSONS WHO HAVE FILED A FORM C 1 IN RESPECT OF THE ESTATE	_____
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	_____

THIS APPLICATION WILL BE HEARD BY A JUSTICE OF THE COURT OF QUEEN'S BENCH OF ALBERTA, JUDICIAL CENTRE OF _____	
ON	_____
PLACE	_____
TIME	_____
NOTICE TO THE RESPONDENT(S)	_____

This is to notify you that if you do not attend either in person or by your lawyer before the court at the time and place shown above, the court may give the applicant(s) what they want in your absence. You will be bound by any order the court makes.

Alternatively, another order might be given or other proceedings taken that the applicant(s) are entitled to without any further notice of them to you.

Therefore, if you want to take part in this application, you or your lawyer must attend in court on the date and time described.

In addition to attending in court, you may file and serve a reply to this application in Form C 2.1 at least 5 days before the date shown above or as directed by the court.

Whether or not you file and serve a reply to this application, you may file and serve a demand for notice in Form C 2.2, which gives you the right to receive notice of future applications in respect of this matter.

**Applicant(s)**

1. The applicant(s) is (are) \_\_\_\_\_.

**Issues to be determined or nature of claims**

2. \_\_\_\_\_.

**Grounds for request and relief sought**

3. \_\_\_\_\_.

**Documents filed with this application**

4. 4.1 C 2 Affidavit of the applicant(s)

4.2

**Applicable Surrogate Rules**

5. 5.1 (tick applicable box(es)):

- Surrogate Rule 4(1)
- Surrogate Rule 41
- Surrogate Rule 58(a)
- Surrogate Rule 70.1(1)

Surrogate Rule 70.1(2)

Surrogate Rule 70.9(5)

Surrogate Rule 94(2)

5.2 Any other Surrogate Rule(s) the applicant specifically relies on (specify): \_\_\_\_\_.

**Applicable statutes**

6. Any statutory authority the applicant specifically relies on (specify statute(s) and section number(s)): \_\_\_\_\_.

\_\_\_\_\_  
*Applicant* \_\_\_\_\_ *Date*  
*Name:* \_\_\_\_\_  
*Complete address:* \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Applicant(s)*  
*Responsible lawyer:* \_\_\_\_\_  
*Firm name:* \_\_\_\_\_  
*Complete address:* \_\_\_\_\_  
*Phone:* \_\_\_\_\_  
*Fax:* \_\_\_\_\_  
*File no.:* \_\_\_\_\_

**C 2**

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
DOCUMENT	<b>Affidavit in support of (or opposing) application for (state matter)</b>
DEPONENT'S NAME(S)	_____
EXHIBITS ATTACHED	_____
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	_____



THE DEPONENT SWEARS UNDER OATH OR AFFIRMS THAT THE FOLLOWING INFORMATION IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

1. I am the (*applicant or respondent*) in this application.
2. I am interested in the estate because \_\_\_\_\_.
3. The facts on which this application is (*based or opposed*) are
  - 3.1 \_\_\_\_\_.
  - 3.2 \_\_\_\_\_.

SWORN OR AFFIRMED BY THE DEPONENT BEFORE A COMMISSIONER FOR OATHS AT \_\_\_\_\_, ALBERTA ON \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

### C 2.1

COURT FILE NUMBER  
COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE  
ESTATE NAME  
DOCUMENT

\_\_\_\_\_  
**Reply to Application for  
(state matter)**

RESPONDENT  
ADDRESS FOR  
SERVICE AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT

\_\_\_\_\_

### **Respondent**

1. The Respondent is interested in the estate and this application because the Respondent is \_\_\_\_\_.

**Response to the Application**

2. The Respondent agrees with the following orders asked for by the Applicant: \_\_\_\_\_.
3. The Respondent disagrees with the following orders asked for by the Applicant: \_\_\_\_\_.

**Relief sought and grounds for request**

4. \_\_\_\_\_

**Documents filed with this Reply**

5. 5.1 C 2 Affidavit of the Respondent
- 5.2

**Lawyer for Respondent**

Responsible lawyer: \_\_\_\_\_

Firm name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

File no.: \_\_\_\_\_

**C 2.2**COURT FILE NUMBER  
COURT\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**JUDICIAL CENTRE  
ESTATE NAME  
DOCUMENT\_\_\_\_\_  
**Demand for Notice in Respect  
of Application for**\_\_\_\_\_RESPONDENT  
ADDRESS FOR  
SERVICE AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT

1. The Respondent is interested in this estate and the application referred to above because the Respondent is \_\_\_\_\_.
2. The Respondent demands notice of any application or proceeding in relation to the application referred to above.

**Lawyer for Respondent**

Responsible lawyer: \_\_\_\_\_

Firm name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

File no.: \_\_\_\_\_

**C 3**

COURT FILE NUMBER \_\_\_\_\_

COURT \_\_\_\_\_

**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE \_\_\_\_\_

ESTATE NAME \_\_\_\_\_

**Caveat**NOTHING CAN BE DONE IN THIS ESTATE WITHOUT NOTICE TO  
THE CAVEATOR(S) OR TO THE LAWYER FOR THE CAVEATOR(S)**Caveator(s)**

1. The caveator(s) name(s) and address(es) and occupation(s)  
are \_\_\_\_\_  
—.
2. The caveator(s) are interested in this estate and are entitled to file a  
caveat because they are \_\_\_\_\_.

**Grounds for filing this caveat**

3. The grounds on which the caveator(s) have filed this caveat  
are \_\_\_\_\_.

**Complete address for service**

4. The address for service on the caveator(s) is \_\_\_\_\_.

CAVEAT SIGNED BY

\_\_\_\_\_  
Caveator\_\_\_\_\_  
Date

Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

\_\_\_\_\_  
Lawyers for the Caveator(s)

Responsible lawyer: \_\_\_\_\_

Firm name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

File no.: \_\_\_\_\_

The caveator(s) swear under oath or affirm that:

1. The statements in this caveat are within their knowledge and are true;
2. This caveat is not filed for the purpose of delaying or embarrassing any person interested in the deceased's estate.

SWORN OR AFFIRMED BY EACH CAVEATOR BEFORE A  
COMMISSIONER FOR OATHS AT \_\_\_\_\_,  
ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
Caveator

\_\_\_\_\_  
Commissioner's Name:

\_\_\_\_\_  
Appointment Expiry Date:

*The information in the box is completed by the clerk at the time the document is filed and before it is served.*

THIS CAVEAT EXPIRES ON \_\_\_\_\_

Clerk of the Court \_\_\_\_\_

**C 3.1**

COURT FILE NUMBER \_\_\_\_\_

COURT \_\_\_\_\_

**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE \_\_\_\_\_

ESTATE NAME \_\_\_\_\_

### **Withdrawal of Caveat**

#### **Caveator(s)**

1. The caveator(s) name(s) and address(es) and occupation(s) are \_\_\_\_\_.
2. The caveator(s) acknowledge that they have no further interest under the caveat dated \_\_\_\_\_.
3. The caveator(s) withdraw the caveat.

CAVEAT SIGNED BY

\_\_\_\_\_ *Caveator* \_\_\_\_\_ *Witness*  
 \_\_\_\_\_ (attach affidavit of execution)  
*Lawyers for Caveator(s)*  
*Responsible lawyer:* \_\_\_\_\_  
*Firm name:* \_\_\_\_\_  
*Complete address:* \_\_\_\_\_  
*Phone:* \_\_\_\_\_  
*Fax:* \_\_\_\_\_  
*File no.:* \_\_\_\_\_

ENTERED AT \_\_\_\_\_, ALBERTA, ON \_\_\_\_\_.

\_\_\_\_\_  
CLERK OF THE COURT

**C 3.2**

COURT FILE NUMBER \_\_\_\_\_  
 COURT \_\_\_\_\_ **Court of Queen’s Bench of  
 Alberta (Surrogate Matter)**  
 JUDICIAL CENTRE \_\_\_\_\_  
 ESTATE NAME \_\_\_\_\_

**Discharge of Caveat**

**Caveator(s)**

1. The caveator(s) name(s) and address(es) and occupation(s) are \_\_\_\_\_.
2. The caveat is discharged.
3. The reason(s) for the discharge is: \_\_\_\_\_.

\_\_\_\_\_  
JUSTICE OF THE COURT OF QUEEN’S BENCH OF ALBERTA

ENTERED AT \_\_\_\_\_, ALBERTA, ON \_\_\_\_\_.

\_\_\_\_\_  
CLERK OF THE COURT

**C 4**

COURT FILE NUMBER \_\_\_\_\_  
 COURT **Court of Queen's Bench of  
 Alberta (Surrogate Matter)**  
 JUDICIAL CENTRE \_\_\_\_\_  
 ESTATE NAME \_\_\_\_\_

**Warning to Caveator(s)**

To: \_\_\_\_\_

YOU FILED A CAVEAT WHICH REQUIRES THAT NOTICE MUST  
 BE GIVEN TO YOU OF ANY APPLICATION WHICH MIGHT BE  
 MADE IN THIS ESTATE.

THE FOLLOWING APPLICATION HAS BEEN MADE:

Nature of application Grant of \_\_\_\_\_

Date of will \_\_\_\_\_

Applicant(s) name(s) and address(es) \_\_\_\_\_

Lawyers for applicant(s):

Name \_\_\_\_\_

Complete address \_\_\_\_\_

Responsible lawyer \_\_\_\_\_

File No. \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

Complete address for service on \_\_\_\_\_  
 applicants**BE WARNED:**

If you want to contest this application, you must file a notice of objection  
 to an informal grant on the enclosed Form called "Notice of objection to  
 informal grant".

You must state:

1. That you object to this application; and
2. The nature of your objection.

THERE IS A DEADLINE FOR FILING YOUR NOTICE OF  
 OBJECTION.

If you do not file your notice of objection by the deadline, the court will:

3. Deal with the application for an informal grant without any further notice to you; and
4. Assume that you consent to the application.

Your notice of objection must be filed within 10 days of the date of service with the Clerk of the Court

\_\_\_\_\_  
Lawyer(s) for the Personal  
Representative(s) or Personal  
Representative

\_\_\_\_\_  
Date

**C 5**

COURT FILE NUMBER  
COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE  
ESTATE NAME  
PROCEDURE  
DOCUMENT

\_\_\_\_\_  
**Formal proof of will  
Application by personal  
representative(s)**

1. The personal representative(s) \_\_\_\_\_ named in a will of the deceased dated \_\_\_\_\_ request that:
  - 1.1 This court formally admits this will to probate as the valid last will of the deceased.
  - 1.2 This court issues a grant of probate of this will to the personal representatives named in the will.
2. The personal representative(s) make this request because the validity of the will is in issue.
3. The validity of the will has been attacked on the ground that\_\_\_\_\_.
4. Complete address for service on the personal representative(s) of any documents in this application is\_.

**Notices required**

5. The following notices are required:
  - 5.1 To all the beneficiaries of the estate in this will.
  - 5.2 To all the beneficiaries of the estate in previous wills.
  - 5.3 To the spouse/adult interdependent partner of the deceased.

- 5.4 To the adult children of the deceased.
- 5.5 To the Public Trustee for the Province of Alberta.
- 5.6 To the beneficiaries (intestacy).
- 5.7 To the personal representative(s) named in previous wills.
- 5.8 To a former spouse of the deceased under section 6 of the *Matrimonial Property Act*.
- 5.9 To the spouse of the deceased under section 11 of the *Matrimonial Property Act*.
- 5.10 To the spouse/adult interdependent partner of the deceased under section 88 of the *Wills and Succession Act*.
- 5.11 To a dependent child or dependent minor grandchild or great-grandchild of the deceased under section 88 of the *Wills and Succession Act*.
6. Notices are sent to: \_\_\_\_\_
7. Surrogate Rule(s) under which this application is being made:
- 7.1 Rule 77(1)(a).
- 7.2 Any other Surrogate Rule(s) the applicant specifically relies on (specify): \_\_\_\_\_.

**Applicable statutes**

8. Any statutory authority the applicant specifically relies on (specify statute(s) and section number(s)): \_\_\_\_\_.

\_\_\_\_\_  
*Personal Representative* \_\_\_\_\_  
*Date*  
 Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Personal Representative(s)*  
 Responsible lawyer: \_\_\_\_\_  
 Firm name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 File no.: \_\_\_\_\_



## C 6

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
PROCEDURE	<b>Formal proof of will</b>
DOCUMENT	<b>Affidavit by personal representative(s)</b>
DEPONENT(S) NAME(S)	_____

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE INFORMATION IN THIS AFFIDAVIT AND IN THE ATTACHED SCHEDULES IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Applicant(s)**

1. The applicant(s) as shown in the Application are the personal representatives named in a will of the deceased dated \_\_\_\_\_.

**Formal proof of will proceedings**

2. It is alleged that the will dated \_\_\_\_\_ is invalid because \_\_\_\_\_.

**Schedules Attached**

3. The following schedules are part of this affidavit or have been previously filed with the court. They are correct to the deponents' information and belief.

- |     |         |              |                            |
|-----|---------|--------------|----------------------------|
| 3.1 | NC 3    | Schedule 1   | Deceased                   |
| 3.2 | NC 4    | Schedule 2   | Will                       |
| 3.3 | C 7     | Schedule 2.1 | Previous wills             |
| 3.4 | NC 5    | Schedule 3   | Personal representative(s) |
| 3.5 | NC 6    | Schedule 4   | Beneficiaries              |
| 3.6 | NC 7    | Schedule 5   | Inventory                  |
| 3.7 | NC 20.1 | Schedule 6   | Notice of void gift        |

**Documents Attached**

4. The following documents are part of this affidavit or have been previously filed with the court.

4.1 Original will(s) of the deceased dated \_\_\_\_\_

4.2 NC 8 Affidavit(s) of witness to will(s)

I have personally prepared or carefully read the schedules and documents that are part of this affidavit and to the best of my knowledge the information in them is accurate and complete.

**Notices**

5. The applicant(s) have served the following notices as required and in the manner prescribed by the *Surrogate Rules*.

5.1 NC 19 Notice(s) to beneficiaries (residuary)

5.2 NC 20 Notice(s) to beneficiaries (non residuary)

5.3 NC 21 Notice(s) to beneficiaries (intestacy)

5.4 NC 22 Notice to spouse of deceased *Matrimonial Property Act*

5.5 NC 23 Notice to spouse/adult interdependent partner of deceased Family Maintenance and Support

5.6 NC 24 Notice to a dependent child (or minor grandchild or great-grandchild) of deceased Family Maintenance and Support

6. The deponent(s) believe that while the deceased was alive, the deceased kept the will dated \_\_\_\_\_ in \_\_\_\_\_ where it was found at the date of death.

7. After the deceased's death, the applicant(s) obtained the will from \_\_\_\_\_ and kept it in their or their lawyer's possession until filed with the court.

8. If this will is formally admitted to probate, the applicant(s) will faithfully administer the estate of the deceased according to law and will give a true accounting of their administration to the persons entitled to it when lawfully required.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A  
COMMISSIONER FOR OATHS AT \_\_\_\_\_,  
ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
Deponent

\_\_\_\_\_  
Commissioner's Name:

\_\_\_\_\_  
Appointment Expiry Date:

**C 7**

ESTATE NAME

DOCUMENT

\_\_\_\_\_  
**Schedule 2.1: Previous wills**

The personal representatives have knowledge about the following wills of the deceased:

*(For each will, provide the following information:)*

Will dated: \_\_\_\_\_

Deceased's age at date of will: \_\_\_\_\_

Location of will at date of death: \_\_\_\_\_

Name of first witness: \_\_\_\_\_

Name of second witness: \_\_\_\_\_

*(Complete if the will was made before February 1, 2012:)*

The deceased married or entered into an adult interdependent partner agreement after the date the will was made and before February 1, 2012.

Yes

No

The original will is attached to this Schedule.

**C 8**

COURT FILE NUMBER

COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE

ESTATE NAME

PROCEDURE

DOCUMENT

\_\_\_\_\_  
**Formal proof of will  
Notice to persons interested in  
the estate**

To:

Name \_\_\_\_\_

Complete address \_\_\_\_\_

THIS APPLICATION WILL BE HEARD BY A JUSTICE OF THE COURT OF QUEEN'S BENCH OF ALBERTA, JUDICIAL CENTRE OF \_\_\_\_\_

ON \_\_\_\_\_

PLACE \_\_\_\_\_

TIME \_\_\_\_\_

NOTICE TO THE RESPONDENT(S) \_\_\_\_\_

This is to notify you that if you do not attend either in person or by your lawyer before the court at the time and place shown above, the court may give the applicant(s) what they want in your absence. You will be bound by any order the court makes.

Alternatively, another order might be given or other proceedings taken, which the applicant(s) are entitled to without any further notice of them to you.

Therefore, if you want to take part in this application, you or your lawyer must attend in court on the date and time described.

1. The personal representatives named in the deceased's will, dated \_\_\_\_\_, have applied for formal proof of that will. This is necessary because the validity of the will has been attacked on the grounds that \_\_\_\_\_.
2. If the court finds this will to be valid, then the court will admit the will to probate and the will's provisions will govern the disposition of the estate property that is dealt with in the will.
3. If the court finds this will to be invalid, then the court will consider
  - 3.1 whether any previous wills of the deceased are valid and govern the disposition of the estate property, or
  - 3.2 whether the deceased died intestate, that is, without a will. In that case, the provisions of Part 3 of the *Wills and Succession Act* will determine who will receive the estate property.
4. You are a person interested in the estate as defined in the *Surrogate Rules* because you are \_\_\_\_\_.
5. Enclosed with this notice is a copy of the application for formal proof of the will of the deceased. This includes copies of the will(s) and a schedule of the inventory of the estate property.
6. The court process to be followed is in accordance with Surrogate Rules 83 and 84.

7. You can contact \_\_\_\_\_ at \_\_\_\_\_, phone \_\_\_\_\_,  
for any further information you may need.

\_\_\_\_\_  
*Personal Representative* \_\_\_\_\_ *Date*  
Name: \_\_\_\_\_  
Complete address: \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Personal Representative(s)*  
Responsible lawyer: \_\_\_\_\_  
Firm name: \_\_\_\_\_  
Complete address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
File no.: \_\_\_\_\_

C 9

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
PROCEDURE	<b>Formal proof of will</b>
DOCUMENT	<b>Notice of objection to informal grant</b>

\_\_\_\_\_  
*(Fill in your name and the other information)*

Name \_\_\_\_\_  
Complete address \_\_\_\_\_  
Relationship to deceased \_\_\_\_\_  
Interest in estate \_\_\_\_\_

- I object to any application by \_\_\_\_\_  
that \_\_\_\_\_.
- I request an interim order that \_\_\_\_\_.
- In the proceedings, I will seek a final order that \_\_\_\_\_.
- My reason for this request is \_\_\_\_\_.
- My complete address for service of any documents in this matter  
is \_\_\_\_\_.
- This notice of objection is sent to \_\_\_\_\_.

\_\_\_\_\_  
*Objector* \_\_\_\_\_ *Date*  
 Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Objector(s)*  
 Responsible lawyer: \_\_\_\_\_  
 Firm name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 File no.: \_\_\_\_\_

*This notice of objection requires an affidavit to establish the facts relied on by the objector. Use Form C 2.*

**C 9.1**

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
PROCEDURE	<b>Application for Trusteeship of a Minor Child</b>
DOCUMENT	<b>Notice of objection to application for Trusteeship of a Minor Child</b>

*(Fill in your name and the other information)*

Name \_\_\_\_\_  
 Complete address \_\_\_\_\_  
 Relationship to minor child \_\_\_\_\_

1. I object to any application by \_\_\_\_\_ that \_\_\_\_\_.
2. I request an interim order that \_\_\_\_\_.
3. In the proceedings, I will seek a final order that \_\_\_\_\_.
4. My reason for this request is \_\_\_\_\_.
5. My complete address for service of any documents in this matter is \_\_\_\_\_.
6. This notice of objection is sent to \_\_\_\_\_.

\_\_\_\_\_  
 Objector \_\_\_\_\_ Date \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

\_\_\_\_\_  
 Lawyers for Objector(s)  
 Responsible lawyer: \_\_\_\_\_  
 Firm name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 File no.: \_\_\_\_\_

*This notice of objection requires an affidavit to establish the facts relied on by the objector. Use Form C2.*

C 10

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
PROCEDURE	<b>Formal proof of will</b>
DOCUMENT	<b>Direction</b>

1. The application by the personal representative(s) to admit a will of the deceased dated \_\_\_\_\_ to probate on an informal basis is denied because \_\_\_\_\_.
2. The personal representative(s) named in this will must take proceedings formally to prove the deceased's will in accordance with the *Surrogate Rules*.

\_\_\_\_\_  
 JUSTICE OF THE COURT OF QUEEN'S \_\_\_\_\_ DATE  
 BENCH OF ALBERTA

*This Form is for the use of the court only.*

C 11

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____

PROCEDURE  
DOCUMENT**Deciding contested claims  
Notice of contestation**

To:

Name and address of claimant: \_\_\_\_\_  
\_\_\_\_\_

1. You have made a claim against the estate of \_\_\_\_\_ for:
  - 1.1 \_\_\_\_\_
  - 1.2 \$\_\_\_\_\_
2. The personal representative(s) of the estate contest your claim against the estate \_\_\_\_\_ and will not pay it unless ordered to by the court.
3. You may apply to the court for a decision on your claim by filing a notice of claim in Form C 12 of the *Surrogate Rules*.
4. You must do this within 2 months after you receive this notice. If you fail to act, your claim may be barred forever.
5. Sections 25 and 26 of the *Estate Administration Act* apply to this proceeding.
6. A copy of the relevant *Surrogate Rules* is enclosed.

\_\_\_\_\_  
*Personal Representative*\_\_\_\_\_  
*Date*

Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Personal Representative(s)*

Responsible lawyer: \_\_\_\_\_

Firm name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

File no.: \_\_\_\_\_

**C 12**COURT FILE NUMBER  
COURT\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**JUDICIAL CENTRE  
ESTATE NAME



PROCEDURE

**Deciding contested claims**

DOCUMENT

**Notice of claim and affidavit**PARTIES

APPLICANT(S)

RESPONDENT(S)

\_\_\_\_\_  
\_\_\_\_\_, the personal  
representative(s) of the estate

THIS APPLICATION WILL BE HEARD BY A JUSTICE OF THE  
COURT OF QUEEN'S BENCH OF ALBERTA, JUDICIAL CENTRE  
OF \_\_\_\_\_

ON \_\_\_\_\_

PLACE \_\_\_\_\_

TIME \_\_\_\_\_

NOTICE TO THE RESPONDENT(S) \_\_\_\_\_

This is to notify you that if you do not attend either in person or by your  
lawyer before the court at the time and place shown above, the court  
may give the applicant(s) what they want in your absence. You will be  
bound by any order the court makes.

Alternatively, another order might be given or other proceedings taken  
which the applicant(s) are entitled to without any further notice of them  
to you.

Therefore, if you want to take part in this application, you or your  
lawyer must attend in court on the date and time described.

**Claimant(s)**

1. The name(s) and address(es) of the claimant(s) are \_\_\_\_\_

**Amount of claim(s)**

2. \$ \_\_\_\_\_.

**Nature of claim(s)**

3. \_\_\_\_\_.

**Grounds upon which claim(s) are based**

4. \_\_\_\_\_

**Relief sought**

5. \_\_\_\_\_.

**Documents filed with this application**

- 6. 6.1 Affidavit of the claimant(s).
- 6.2 \_\_\_\_\_.

**Applicable Surrogate Rules**

- 7. 7.1 Surrogate Rule 96(1).
- 7.2 Any other Surrogate Rule(s) the applicant specifically relies on (specify): \_\_\_\_\_.

**Applicable Statutes**

- 8. Any statutory authority the applicant specifically relies on (specify statute(s) and section number(s)): \_\_\_\_\_.

\_\_\_\_\_  
*Claimant* \_\_\_\_\_  
*Name:* \_\_\_\_\_ *Date*  
*Complete address:* \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Claimant(s)*  
*Responsible lawyer:* \_\_\_\_\_  
*Firm name:* \_\_\_\_\_  
*Complete address:* \_\_\_\_\_  
*Phone:* \_\_\_\_\_  
*Fax:* \_\_\_\_\_  
*File no.:* \_\_\_\_\_

**AFFIDAVIT**

DEPONENT(S) NAME(S) \_\_\_\_\_  
 EXHIBITS ATTACHED \_\_\_\_\_

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE FOLLOWING INFORMATION IS WITHIN THE DEPONENTS' KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Applicant(s)**

- 1. The applicant(s) are claimant(s) of the estate.

**Respondents**

- 2. The respondents are the personal representative(s) of the estate.

**Facts on which the application is based**

- 3. The facts on which this application is based are

3.1 \_\_\_\_\_.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A  
COMMISSIONER FOR OATHS AT \_\_\_\_\_,  
ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**C 13**

COURT FILE NUMBER  
COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE  
ESTATE NAME  
DOCUMENT

\_\_\_\_\_  
**Order in respect of** \_\_\_\_\_

**PARTIES**

APPLICANT(S) \_\_\_\_\_

RESPONDENT(S) \_\_\_\_\_

PERSONAL REPRESENTATIVE(S) \_\_\_\_\_

BENEFICIARIES (RESIDUARY) \_\_\_\_\_

LIFE TENANTS \_\_\_\_\_

BENEFICIARIES (NON RESIDUARY) \_\_\_\_\_

BENEFICIARIES (INTESTACY) \_\_\_\_\_

TRUSTEES FOR REPRESENTED \_\_\_\_\_

ADULTS \_\_\_\_\_

ATTORNEYS FOR INCOMPETENT \_\_\_\_\_

ADULTS \_\_\_\_\_

MINORS \_\_\_\_\_

MISSING PERSONS \_\_\_\_\_

BONDING COMPANIES \_\_\_\_\_

PERSON(S) WHO HAVE FILED \_\_\_\_\_

A FORM C 1 IN RESPECT OF \_\_\_\_\_

THIS ESTATE \_\_\_\_\_

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT: \_\_\_\_\_

DATE ON WHICH ORDER  
WAS MADE: \_\_\_\_\_  
LOCATION OF HEARING: \_\_\_\_\_

NAME OF JUDGE WHO MADE  
THIS ORDER: The Honourable Justice \_\_\_\_\_

THE COURT HAS:

Reviewed the affidavit and other documents filed in this application;  
Heard representations from the parties or counsel for the parties;  
Considered the application;

AND THE COURT ORDERS:

1. \_\_\_\_\_

\_\_\_\_\_  
JUSTICE OF THE COURT OF QUEEN'S  
BENCH OF ALBERTA

**C 14**

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
DOCUMENT	<b>Application to authorize minor to make or revoke a will</b>

**PARTIES**

APPLICANT \_\_\_\_\_  
(THE MINOR AS REPRESENTED  
BY A LITIGATION REPRESENTATIVE  
IN ACCORDANCE WITH THE  
ALBERTA RULES OF COURT) \_\_\_\_\_  
RESPONDENT(S): \_\_\_\_\_  
PARENT(S) OF THE MINOR \_\_\_\_\_  
GUARDIAN(S) OF THE MINOR \_\_\_\_\_  
(IF DIFFERENT FROM PARENTS) \_\_\_\_\_  
TRUSTEES FOR THE MINOR,  
IF ANY \_\_\_\_\_  
THE PUBLIC TRUSTEE \_\_\_\_\_  
ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT: \_\_\_\_\_

THIS APPLICATION WILL BE HEARD BY A JUSTICE OF THE COURT OF QUEEN'S BENCH OF ALBERTA, JUDICIAL CENTRE OF \_\_\_\_\_

ON \_\_\_\_\_

PLACE \_\_\_\_\_

TIME \_\_\_\_\_

NOTICE TO THE RESPONDENT(S) \_\_\_\_\_

This is to notify you that if you do not attend either in person or by your lawyer before the court at the time and place shown above, the court may give the applicant what the applicant wants in your absence. You will be bound by any order the court makes.

Alternatively, another order might be given or other proceedings taken that the applicant(s) are entitled to without any further notice of them to you.

Therefore, if you want to take part in this application, you or your lawyer must attend in court on the date and time described.

**Parties to the Application and service**

1. The applicant(s) is (are) \_\_\_\_\_.
2. The respondent(s) is (are) \_\_\_\_\_.
3. The applicant will serve the following parties: \_\_\_\_\_  
\_\_\_\_\_.
4. The applicant will ask the court to dispense with service on the following parties for the reasons set out in the Affidavit filed with this Application: \_\_\_\_\_.

**Issues to be determined:**

5. \_\_\_\_\_.

**Grounds on which request is based:**

6. \_\_\_\_\_.

**Reasons for seeking relief:**

7. \_\_\_\_\_.

**Relief sought:**

8. \_\_\_\_\_.

**Documents filed with this Application:**

- 9.1 Affidavit of the applicant(s)  
9.2

**Applicable Surrogate Rules**

10. 10.1 Surrogate Rule 54.1.  
10.2 Any other Surrogate Rule(s) the applicant specifically relies on (specify): \_\_\_\_\_.

**Applicable Statutes**

11. 11.1 *Wills and Succession Act*, SA 2010 cW-12.2 s36.  
11.2 Any other statutory authority the applicant specifically relies on (specify statute(s) and section number(s)): \_\_\_\_\_.

\_\_\_\_\_  
*Applicant*

\_\_\_\_\_  
*Date*

**Lawyer for Applicant**

*Responsible lawyer:* \_\_\_\_\_

*Firm name:* \_\_\_\_\_

*Complete address:* \_\_\_\_\_

*Phone:* \_\_\_\_\_

*Fax:* \_\_\_\_\_

*File no.:* \_\_\_\_\_

**ACC 1**

COURT FILE NUMBER  
COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE  
ESTATE NAME  
PROCEDURE

\_\_\_\_\_  
**Application by the personal  
representative(s) to pass  
accounts formally  
Application**

DOCUMENT

**PARTIES**

APPLICANT(S)

RESPONDENT(S)

BENEFICIARIES (RESIDUARY)

LIFE TENANTS

BENEFICIARIES (NON RESIDUARY)

BENEFICIARIES (INTESTACY)	_____
TRUSTEES FOR REPRESENTED	
ADULTS	_____
ATTORNEY(S) FOR INCOMPETENT	
ADULTS	_____
MINORS	_____
MISSING PERSONS	_____
UNPAID CLAIMANTS	_____
BONDING COMPANIES	_____
COMPLETE ADDRESS FOR	
SERVICE ON THE	
APPLICANT(S) OF ANY	
DOCUMENTS IN THIS	
ACTION	_____

1. The applicant(s) request an order:
  - 1.1 Deeming service of all documents on all parties sufficient.
  - 1.2 Determining that the personal representative(s) have fully and satisfactorily accounted to a date to be stated in the order.
  - 1.3 Passing the accounts.
  - 1.4 Setting the compensation for the personal representative(s) for the accounting period.
  - 1.5 Directing distribution of the estate.
  - 1.6 Cancelling the bond.
  - 1.7 Discharging the personal representative(s).
  - 1.8 Allowing and directing payment of costs (including disbursements and G.S.T.) of this application to be paid from the estate.
  - 1.9 Providing for any other matters that might be required.
2. Filed with this application are:
  - 2.1 ACC 2 Affidavit of the personal representative(s)
  - 2.2 Financial statements
3. Costs proposal:
  - 3.1 Costs of the personal representative(s) to be paid by \_\_\_\_\_.
4. Surrogate Rule(s) under which this application is being made:

- 4.1 Rule 107(1)(a).
- 4.2 Any other Surrogate Rule(s) the applicant specifically relies on (specify): \_\_\_\_\_.

**Applicable Statutes**

5. 5.1 *Estate Administration Act*, section 32.
- 5.2 Any other statutory authority the applicant specifically relies on (specify statute(s) and section number(s)): \_\_\_\_\_.

\_\_\_\_\_  
*Applicant* \_\_\_\_\_  
*Name:* \_\_\_\_\_  
*Complete address:* \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Applicant(s)*  
*Responsible lawyer:* \_\_\_\_\_  
*Firm name:* \_\_\_\_\_  
*Complete address:* \_\_\_\_\_  
*Phone:* \_\_\_\_\_  
*Fax:* \_\_\_\_\_  
*File no.:* \_\_\_\_\_

<p>NOTICE OF HEARING:</p> <p>ON _____</p> <p>PLACE _____</p> <p>TIME _____</p>	<p>THIS APPLICATION WILL BE HEARD  BY A JUSTICE OF THE COURT OF  QUEEN'S BENCH OF ALBERTA,  JUDICIAL CENTRE OF _____:</p>
--------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------

Please read the enclosed documents carefully so that you can understand what the application is about.

If you consent to or do not oppose the application, you may:

1. Tick the last box on the notice of objection. Sign and return the notice of objection to the trustee(s); or
2. Do nothing further; or
3. Attend at the hearing and indicate your position to the court.



If you oppose any part of the application, you must:

1. Complete and file the enclosed notice of objection with the court described above five days or more before the hearing, that is by \_\_\_\_\_; and
2. Serve a filed copy of the notice of objection on the applicant(s). Their address for service is on this application; and
3. Come to the hearing and tell the justice what part of the accounting you object to and why.

If you oppose any part of this application but you do not file and serve your notice of objection:

1. You will not be allowed to take part in the proceedings unless the justice specifically agrees to let you; and
2. The hearing will still take place even if you are not allowed to take part in the proceedings; and you will be bound by the justice's order.

In any event, the justice will make an order and a copy of the order will be sent to you later.

**ACC 2**

COURT FILE NUMBER

COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
 Alberta (Surrogate Matter)**

JUDICIAL CENTRE

ESTATE NAME

PROCEDURE

\_\_\_\_\_  
**Application by the personal  
 representative(s) to pass  
 accounts formally  
 Affidavit**

DOCUMENT

DEPONENT(S) NAME(S)

DOCUMENTS ATTACHED

\_\_\_\_\_  
**Financial statements**

THE DEPONENT(S) SWEAR UNDER OATH OR AFFIRM THAT THE FOLLOWING INFORMATION IS WITHIN THE DEPONENTS' KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Applicant(s)**

1. The applicant(s) are the personal representative(s) of the estate.

**Respondents**

2. The respondents are all the persons interested in the estate as defined in the *Surrogate Rules*.

**Releases**

3. The following persons are residuary beneficiaries of the estate and have signed releases indicating their approval of the financial statements, the schedule of compensation for the personal representative(s) and the schedule of distribution:

Release #1: \_\_\_\_\_ (Name) \_\_\_\_\_

Release #2: \_\_\_\_\_ (Name) \_\_\_\_\_

4. The other respondent residuary beneficiaries, who have all received releases but have not signed them nor communicated with the applicant(s) about the financial statements, the schedule of compensation for the personal representative(s) and the schedule of distribution, are \_\_\_\_\_.

4.1 The applicant(s) do not know what position these respondents take.

or

4.2 The position of respondent \_\_\_\_\_ is attached or is as follows:

\_\_\_\_\_.

**Service of documents**

5. Copies of the financial statements, the schedule of compensation for the personal representative(s) and the schedule of distribution have been given or mailed to all the respondents either at their last known addresses or in care of their lawyers of record.

6. The respondents will be served in the manner prescribed in the *Surrogate Rules* with:

6.1 ACC 1 Application, including notice of hearing

6.2 ACC 2 Affidavit of the personal representative(s)

6.3 ACC 3 Notice of objection

**Financial statements**

7. The financial statements:

7.1 Are an accurate statement of the administration of the estate.

7.2 Show all the property and debts of the deceased that the personal representative(s) have been able to ascertain.

7.3 Show all the property received and debts and claims paid by the personal representative(s).

7.4 Are for the period \_\_\_\_\_ to \_\_\_\_\_.

7.5 Are \_\_\_\_\_ accounting.

**Claimants**

8. Claimants and amounts not yet paid are:

8.1 \_\_\_\_\_.

**Advertising for creditors and claimants**

9. \_\_\_\_\_.

**Distribution**

10. No distribution of the deceased's property has been made except as is reflected in the financial statements.

11. Once the court approves the financial statements, the personal representative(s) undertake to distribute the estate property as set out in the schedule of distribution.

**Special matters**

12. \_\_\_\_\_.

**Compensation**

13. Compensation for the personal representative(s) is based on:

14. \_\_\_\_\_.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A COMMISSIONER FOR OATHS AT \_\_\_\_\_, ALBERTA ON \_\_\_\_\_.

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**ACC 3**

COURT FILE NUMBER  
COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE  
ESTATE NAME

\_\_\_\_\_  
\_\_\_\_\_

PROCEDURE  
DOCUMENT

Application by \_\_\_\_\_  
Notice of Objection or Consent

\_\_\_\_\_  
*(Fill in your name and address)*

Name of \_\_\_\_\_  
respondent  
beneficiary

Complete \_\_\_\_\_  
address \_\_\_\_\_

I OBJECT TO THE FOLLOWING PART(S) OF THIS APPLICATION:

*(Tick the boxes against items where you object; otherwise leave the boxes blank. Describe the item you object to and give your reasons.)*

Financial statements

Item number(s) \_\_\_\_\_ Description \_\_\_\_\_

Reason(s) for objection \_\_\_\_\_  
\_\_\_\_\_

Distribution schedule

Description \_\_\_\_\_  
\_\_\_\_\_

Reason(s) for objection \_\_\_\_\_  
\_\_\_\_\_

Compensation schedule

Description \_\_\_\_\_  
\_\_\_\_\_

Reason(s) for objection \_\_\_\_\_  
\_\_\_\_\_

Manner of administration

Description \_\_\_\_\_  
\_\_\_\_\_

Reason(s) for objection \_\_\_\_\_  
\_\_\_\_\_

OTHERWISE I CONSENT TO THIS APPLICATION.

No objection

I have no objections to the financial statements for the period \_\_\_\_  
to \_\_\_\_\_.

\_\_\_\_\_  
*Respondent*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Lawyers for Respondent(s)*

*Responsible lawyer:* \_\_\_\_\_

*Firm name:* \_\_\_\_\_

*Complete address:* \_\_\_\_\_

*Phone:* \_\_\_\_\_

*Fax:* \_\_\_\_\_

*File no.:* \_\_\_\_\_

#### ACC 4

COURT FILE NUMBER \_\_\_\_\_

COURT \_\_\_\_\_

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE \_\_\_\_\_

ESTATE NAME \_\_\_\_\_

PROCEDURE \_\_\_\_\_

\_\_\_\_\_  
**Application by the personal  
representative(s) to pass  
accounts formally**

DOCUMENT \_\_\_\_\_

\_\_\_\_\_  
**Terms of accountant's  
engagement**

#### DIRECTION

1. The accounting firm \_\_\_\_\_ is engaged to provide the following services with regard to the financial statements for the estate of \_\_\_\_\_ for the period \_\_\_\_\_ to \_\_\_\_\_:
  - a.  to perform a compilation engagement of the financial statements.
  - b.  to perform a review engagement of the financial statements.
  - c.  to perform a review engagement of the financial statements with a disclosure of the review engagement procedures applied in arriving at the overall negative assurance opinion, with regard to specific items ... in the financial statements.
  - d.  to carry out specified auditing procedures with regard to items \_\_\_\_\_ in the financial statements or financial information.

e.  to perform an audit of the financial statements.

2. All accounting documentation must be made available to the accounting firm.
3. The accounting firm's fee and necessary disbursements are payable by \_\_\_\_\_.
4. The accounting firm will report its results to the Court of Queen's Bench and the persons interested in the estate by \_\_\_\_\_.
- 4.1. When the accounting firm has completed its review as directed, it will report the results, including all exceptions, irregularities, and other pertinent comments, to the Court of Queen's Bench and the persons interested in the estate by \_\_\_\_\_.
5. In particular, the accounting firm is directed to review items numbered \_\_\_\_\_ from the estate financial statements and to:
  - 5.1 \_\_\_\_\_

The accounting firm of \_\_\_\_\_ accepts the terms of this engagement.

\_\_\_\_\_  
Accounting firm

\_\_\_\_\_  
Date

Accountant: \_\_\_\_\_

Firm name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

File no.: \_\_\_\_\_

ORDER: ISSUE THIS DIRECTION

\_\_\_\_\_  
JUSTICE OF THE COURT OF QUEEN'S  
BENCH OF ALBERTA

\_\_\_\_\_  
DATE

**ACC 5.1**

COURT FILE NUMBER  
COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE  
ESTATE NAME  
PROCEDURE

\_\_\_\_\_  
**Application by the personal  
representative(s) to pass  
accounts formally  
Accountant's engagement  
report**

DOCUMENT

To the Court of Queen's Bench of Alberta:

1. This report is prepared solely for submission to the Court of Queen's Bench of Alberta, the personal representative(s), and the persons interested in the estate as identified by the court.
2. I have reviewed the financial statements for the estate of \_\_\_\_\_ for the period \_\_\_\_\_ to \_\_\_\_\_, as ordered by the Court of Queen's Bench on \_\_\_\_\_.
3. These financial statements were prepared by the personal representative(s) and provided to the court and to me.
4. My responsibility was to express an opinion on the plausibility of the financial statements based on my review. This review was made in accordance with generally accepted standards for review engagements and accordingly consisted primarily of enquiry, analytical procedures and discussion related to information supplied to me by the personal representative(s).
5. A review does not constitute an audit and consequently I do not express an audit opinion on these financial statements.
6. Based on my review, nothing has come to my attention that causes me to believe that these financial statements are not, in all material respects, in accordance with generally accepted accounting principles.
7. \_\_\_\_\_

\_\_\_\_\_  
Accounting firm

\_\_\_\_\_  
Date

Accountant: \_\_\_\_\_

Firm name: \_\_\_\_\_

Complete address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

File no.: \_\_\_\_\_

**ACC 5.2**

COURT FILE NUMBER

COURT

JUDICIAL CENTRE

ESTATE NAME

PROCEDURE

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

\_\_\_\_\_  
**Application by the personal  
representative(s) to pass  
accounts formally**

DOCUMENT

**Accountant's engagement  
report**

To the Court of Queen's Bench of Alberta:

1. This report is prepared solely for submission to the Court of Queen's Bench of Alberta, the personal representative(s), and the persons interested in the estate as identified by the court.
2. I have received the financial statements for the estate of \_\_\_\_\_ for the period \_\_\_\_\_ to \_\_\_\_\_, as ordered by the Court of Queen's Bench on \_\_\_\_\_.
3. These financial statements were prepared by the personal representative(s) and provided to the court and to me.
4. The court directed me to conduct specified auditing procedures on items numbered \_\_\_\_\_ in the financial statements. My responsibility was to report on the results of applying these procedures, including any errors I found.
5. I adopted the following procedures for the review:  
\_\_\_\_\_.
6. I report as follows:  
\_\_\_\_\_.
7. These procedures do not constitute an audit and consequently I do not express an audit opinion on these financial statements.

\_\_\_\_\_  
*Accounting firm*\_\_\_\_\_  
*Date**Accountant:* \_\_\_\_\_*Firm name:* \_\_\_\_\_*Complete address:* \_\_\_\_\_*Phone:* \_\_\_\_\_*Fax:* \_\_\_\_\_*File no.:* \_\_\_\_\_**ACC 6**COURT FILE NUMBER  
COURT\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**JUDICIAL CENTRE  
ESTATE NAME



PROCEDURE	<b>Application by a person interested in the estate that accounts be passed formally Application</b>
DOCUMENT	
<u>PARTIES</u>	
APPLICANT(S)	_____
RESPONDENT(S)	_____
PERSONAL REPRESENTATIVE(S)	_____
BENEFICIARIES (RESIDUARY)	_____
LIFE TENANTS	_____
BENEFICIARIES (NON RESIDUARY)	_____
BENEFICIARIES (INTESTACY)	_____
TRUSTEES FOR REPRESENTED ADULTS	_____
ATTORNEYS APPOINTED UNDER THE POWERS OF ATTORNEY ACT FOR INCOMPETENT ADULTS	_____
MINORS	_____
MISSING PERSONS	_____
UNPAID CLAIMANTS	_____
BONDING COMPANIES	_____
COMPLETE ADDRESS FOR SERVICE ON THE APPLICANT(S) OF ANY DOCUMENTS IN THIS ACTION	_____

1. The applicant(s) request an order:
  - 1.1 Requiring the personal representative(s) to pass accounts formally for the period \_\_\_\_\_ to \_\_\_\_\_ in accordance with the *Surrogate Rules*.
  - 1.2 Deeming service of documents on all parties sufficient.
2. Filed with this application is:
  - 2.1 ACC 7 Affidavit of the applicant(s)
3. Costs proposal:
  - 3.1 Costs of the applicant(s) to be paid by \_\_\_\_\_.

**Applicable Surrogate Rules**

4. 4.1 Surrogate Rule 108(1).

- 4.2 Any other Surrogate Rule(s) the applicant specifically relies on (specify): \_\_\_\_\_.

**Applicable Statutes**

5. 5.1 *Estate Administration Act*, section 32.
- 5.2 Any other statutory authority the applicant specifically relies on (specify statute(s) and section number(s)): \_\_\_\_\_.

\_\_\_\_\_  
*Applicant* \_\_\_\_\_  
*Name:* \_\_\_\_\_  
*Complete address:* \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Applicant(s)*  
*Responsible lawyer:* \_\_\_\_\_  
*Firm name:* \_\_\_\_\_  
*Complete address:* \_\_\_\_\_  
*Phone:* \_\_\_\_\_  
*Fax:* \_\_\_\_\_  
*File no.:* \_\_\_\_\_

<p>NOTICE OF HEARING:</p> <p>ON _____</p> <p>PLACE _____</p> <p>TIME _____</p>	<p>THIS APPLICATION WILL BE HEARD          BY A JUSTICE OF THE COURT OF          QUEEN'S BENCH OF ALBERTA,          JUDICIAL CENTRE OF _____:</p>
--------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------

Please read the enclosed documents carefully so that you can understand what the application is about.

You will soon be receiving a reply from the personal representative(s) of the estate. The reply will tell you what position the personal representative(s) are taking about this application.

1. The personal representative(s) may consent to the application and apply for a formal passing of accounts.

In this case:

- 1.1 The court hearing shown above will be adjourned.

- 1.2 You will receive copies of the financial statements from the personal representative(s). If you need more information, you should ask the personal representative(s) for it.
  - 1.3 You will also receive a notice of objection. This will tell you your choices of what you can do depending on whether you accept or reject the financial statements.
  - 1.4 If the financial statements are satisfactory, tick the last box on the notice of objection. Sign and return the notice of objection to the trustee(s) with a copy to the applicant(s).
  - 1.5 If the financial statements are not satisfactory, tick the appropriate boxes on the notice of objection. Sign and return the notice of objection to the trustee(s) with a copy to the applicant(s).
  - 1.6 If all parties are satisfied with the financial statements, there will not be a court hearing.
2. The personal representative(s) may object to the application and refuse to apply for a formal passing of accounts.  
  
In this case:
    - 2.1 The court hearing shown above will take place.
    - 2.2 You will receive an affidavit from the personal representative(s) before the hearing that will tell you why they object to the application and refuse to apply for a formal passing of accounts.
3. Your position at the court hearing shown above.
    - 3.1 If you also object to the application that accounts be passed formally, you or your lawyer should come to the hearing and tell the justice your position and reasons.
    - 3.2 If you support the application that accounts be passed formally, or you have no position, you or your lawyer should come to the hearing and tell the justice your position and reasons. Or you can tell the applicant(s) directly and they will tell the justice what your position is.
    - 3.3 At the end of the hearing, the justice will make an order and you will receive a copy of it later. You will be bound by the justice's order.
  4. If you receive no reply from the personal representative(s), the court hearing shown above will take place.

**ACC 7**

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
PROCEDURE	<b>Application by a person interested in the estate that accounts be passed formally Affidavit</b>
DOCUMENT	_____
DEPONENT(S) NAMES(S)	_____

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE FOLLOWING INFORMATION IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Applicant(s)**

1. The applicant(s) are all persons interested in the estate as defined in the *Surrogate Rules*.

**Respondents**

2. The respondents are all the persons interested in the estate as defined in the *Surrogate Rules*.

**Service of documents**

3. The respondents will be served in the manner prescribed in the *Surrogate Rules* with:
  - 3.1 ACC 6 Application including notice of hearing
  - 3.2 ACC 7 Affidavit of the applicant(s)

**Grounds for application**

4. The applicant(s) request that accounts for the period \_\_\_\_\_ to \_\_\_\_\_ be passed formally because \_\_\_\_\_.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A  
COMMISSIONER FOR OATHS AT \_\_\_\_\_,  
ALBERTA ON \_\_\_\_\_

---

*Deponent*

---

*Commissioner's Name:*

---

*Appointment Expiry Date:*

---

**ACC 8**

COURT FILE NUMBER  
COURT

---

**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE  
ESTATE NAME  
PROCEDURE

---

**Application by a person  
interested in the estate that  
accounts be passed formally  
Reply by the personal  
representative(s)**

DOCUMENT

PARTIES

APPLICANT(S)

---

RESPONDENT(S)

---

PERSONAL REPRESENTATIVES

---

BENEFICIARIES (RESIDUARY)

---

LIFE TENANTS

---

BENEFICIARIES (NON  
RESIDUARY)

---

BENEFICIARIES (INTESTACY)

---

TRUSTEES FOR REPRESENTED  
ADULTS

---

ATTORNEYS APPOINTED  
UNDER THE POWERS OF  
ATTORNEY ACT FOR  
INCOMPETENT ADULTS

---

MINORS

---

MISSING PERSONS

---

UNPAID CLAIMANTS

---

BONDING COMPANIES

---

COMPLETE ADDRESS FOR  
SERVICE ON THE  
PERSONAL REPRESENTATIVE(S)  
OF ANY DOCUMENTS IN  
THIS ACTION

---

1. This reply is in answer to the application by a person interested in the estate that accounts be passed formally.
2. The personal representative(s) consent to the application and will apply for a formal passing of accounts for the period \_\_\_\_ to

\_\_\_\_\_ in accordance with the *Surrogate Rules* if there are any objections to the financial statements.

or

2. The personal representative(s) object to the application and they will not apply for a formal passing of accounts.
3. Filed with this reply is:
  - 3.1 ACC 9 Affidavit of the personal representative(s)
4. Costs proposal:
  - 4.1 The costs of the personal representative(s) to be paid by \_\_\_\_\_.

\_\_\_\_\_  
*Personal Representative* \_\_\_\_\_  
*Name:* \_\_\_\_\_ *Date*  
*Complete address:* \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Personal Representative(s)*  
*Responsible lawyer:* \_\_\_\_\_  
*Firm name:* \_\_\_\_\_  
*Complete address:* \_\_\_\_\_  
*Phone:* \_\_\_\_\_  
*Fax:* \_\_\_\_\_  
*File no.:* \_\_\_\_\_

**ACC 9**

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
PROCEDURE	<b>Application by a person interested in the estate that accounts be passed formally</b>
DOCUMENT	<b>Affidavit of the personal representative(s) objecting to passing accounts formally</b>
DEPONENT(S) NAME(S)	_____
EXHIBITS ATTACHED	_____

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE FOLLOWING INFORMATION IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE

INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Deponent(s)**

1. The deponent(s) are the personal representative(s) of the estate.

**Reasons for objecting to making a formal accounting**

2. The personal representative(s) object to the application that accounts be passed formally because \_\_\_\_\_.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A COMMISSIONER FOR OATHS AT \_\_\_\_\_, ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*

**ACC 10**

COURT FILE NUMBER  
COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE  
ESTATE NAME  
PROCEDURE

\_\_\_\_\_  
**Application by the personal  
representative(s) to dispense  
with a formal passing of  
accounts and to pass accounts  
informally  
Application**

DOCUMENT

PARTIES

APPLICANT(S)

RESPONDENT(S)

BENEFICIARIES (RESIDUARY)

LIFE TENANTS

BENEFICIARIES (NON  
RESIDUARY)

BENEFICIARIES (INTESTACY)

TRUSTEES FOR REPRESENTED

ADULTS

ATTORNEYS FOR  
INCOMPETENT ADULTS

MINORS

MISSING PERSONS

UNPAID CLAIMANTS

BONDING COMPANIES \_\_\_\_\_  
 COMPLETE ADDRESS FOR \_\_\_\_\_  
 SERVICE ON THE \_\_\_\_\_  
 APPLICANT(S) OF ANY \_\_\_\_\_  
 DOCUMENTS IN THIS \_\_\_\_\_  
 ACTION \_\_\_\_\_

---

1. The applicant(s) request an order:
  - 1.1 Deeming service of all documents on all parties sufficient.
  - 1.2 Dispensing with a formal passing of accounts for the period \_\_\_\_\_ to \_\_\_\_\_.
  - 1.3 Determining that the personal representative(s) have fully and satisfactorily accounted to a date to be stated in the order.
  - 1.4 Setting the compensation for the personal representative(s) for the accounting period.
  - 1.5 Directing distribution of the estate.
  - 1.6 Discharging the personal representative(s).
  - 1.7 Allowing and directing payment of costs (including disbursements and G.S.T.) of this application to be paid from the residue of the estate.
  - 1.8 Cancelling the bond.
  - 1.9 Providing for any other matters which might be required.
2. Filed with this application are:
  - 2.1 ACC 11 Affidavit of the personal representative(s)
  - 2.2 Financial statements
  - 2.3 ACC 12 Signed releases
3. Cost proposal:
  - 3.1 Personal representative(s) costs to be paid from the residue of the estate on a solicitor/client basis.
  - 3.2 Respondent(s) costs to be paid as ordered by the court.

**Applicable Surrogate Rules**

4. 4.1 Surrogate Rule 103(1).



- 4.2 Any other Surrogate Rule(s) the applicant specifically relies on (specify): \_\_\_\_\_.

**Applicable Statutes**

5. 5.1 *Estate Administration Act*, section 32.
- 5.2 Any other statutory authority the applicant specifically relies on (specify statute(s) and section number(s)): \_\_\_\_\_.

\_\_\_\_\_  
*Personal Representative* \_\_\_\_\_  
*Date*  
 Name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_

\_\_\_\_\_  
*Lawyers for Personal Representative(s)*  
 Responsible lawyer: \_\_\_\_\_  
 Firm name: \_\_\_\_\_  
 Complete address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 File no.: \_\_\_\_\_

<p>NOTICE OF HEARING: THIS APPLICATION WILL BE HEARD          BY A JUSTICE OF THE COURT OF          QUEEN'S BENCH OF ALBERTA,          JUDICIAL CENTRE OF _____:</p> <p>ON _____</p> <p>PLACE _____</p> <p>TIME _____</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Please read the enclosed application and affidavit carefully so that you can understand what the application is about.

If you consent to or do not oppose the application, you may:

1. Tick the last box on the notice of objection. Sign and return the notice of objection to the trustee(s); or
2. Do nothing further; or
3. Attend at the hearing and indicate your position to the court.

If you oppose any part of the application, you must:

1. Complete and file the enclosed notice of objection with the court described above five days or more before the hearing, that is by \_\_\_\_\_; and
2. Serve a filed copy of the notice of objection on the applicant. The applicant's address for service appears on the application form; and
3. Come to the hearing and tell the justice what part of the accounting you object to and why.

If you oppose any part of the application but you do not file and serve the notice of objection:

1. You will not be allowed to take part in the proceedings unless the justice specifically agrees to let you; and
2. The hearing will take place anyway even if you are not allowed to take part in the proceedings; and you will be bound by the justice's order.

In any event, the justice will make an order and a copy of the order will be sent to you later.

**ACC 11**

COURT FILE NUMBER	_____
COURT	<b>Court of Queen's Bench of Alberta (Surrogate Matter)</b>
JUDICIAL CENTRE	_____
ESTATE NAME	_____
PROCEDURE	<b>Application by the personal representative(s) to dispense with a formal passing of accounts and to pass accounts informally</b>
DOCUMENT	<b>Affidavit</b>
DEPONENT(S) NAME(S)	_____
DOCUMENTS ATTACHED	<b>Financial statements</b>

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE FOLLOWING INFORMATION IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

**Applicants**

1. The applicant(s) are the personal representative(s) of the estate.

**Respondents**

2. The respondents are all the persons interested in the estate as defined in the *Surrogate Rules* who have not signed releases.

**Releases**

3. The following persons who are residuary beneficiaries of the estate have signed releases indicating their approval of the financial statements, the schedule of compensation for the personal representative(s) and the schedule of distribution:

Release #1: \_\_\_\_\_ (Name) \_\_\_\_\_

Release #2: \_\_\_\_\_ (Name) \_\_\_\_\_

4. The other respondent residuary beneficiaries, who have all received releases but have not signed them nor communicated with the applicant(s) about the financial statements, the schedule of compensation for the personal representative(s) and the schedule of distribution, are \_\_\_\_\_.

- 4.1 The applicant(s) do not know what position these respondents take.

or

- 4.2 The position of respondent \_\_\_\_\_ is attached or is as follows:

\_\_\_\_\_.

**Service of documents**

5. Copies of the financial statements, the schedule of compensation for the personal representative(s) and the schedule of distribution have been mailed to all the persons interested in the estate either at their last known addresses or in care of their lawyers of record.
6. The respondents will be served in the manner prescribed in the *Surrogate Rules* with:
- 6.1 ACC 10 Application, including notice of hearing
- 6.2 ACC 11 Affidavit of the personal representative(s)
- 6.3 ACC 3 Notice of objection

**Financial statements**

7. The financial statements:
- 7.1 Are an accurate statement of the administration of the estate.
  - 7.2 Show all the property and debts of the deceased that the personal representative(s) have been able to ascertain.
  - 7.3 Show all the property received and debts and claims paid by the personal representative(s).
  - 7.4 Are for the period \_\_\_\_\_ to \_\_\_\_\_.
  - 7.5 Are \_\_\_\_\_ accounting.

**Claimants**

8. Claimants and amounts not yet paid are:
- 8.1 \_\_\_\_\_.

**Advertising for creditors and claimants**

9. \_\_\_\_\_.

**Distribution**

10. No distribution of the deceased's property has been made except as is reflected in the financial statements.
11. Once the court approves the financial statements, the personal representative(s) undertake to distribute the estate property as set out in the schedule of distribution.

**Compensation**

12. Compensation for the personal representative(s) is based on :
13. \_\_\_\_\_.

**Reasons for application**

14. The applicant(s) are applying for this order because \_\_\_\_\_.

**Special matters**

15. \_\_\_\_\_.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A  
COMMISSIONER FOR OATHS AT \_\_\_\_\_,  
ALBERTA ON \_\_\_\_\_

\_\_\_\_\_  
*Deponent*

\_\_\_\_\_  
*Commissioner's Name:*

\_\_\_\_\_  
*Appointment Expiry Date:*  
 \_\_\_\_\_

**ACC 12**

COURT FILE NUMBER \_\_\_\_\_  
 COURT \_\_\_\_\_

\_\_\_\_\_  
**Court of Queen's Bench of  
 Alberta (Surrogate Matter)**

JUDICIAL CENTRE \_\_\_\_\_

ESTATE NAME \_\_\_\_\_

DOCUMENT \_\_\_\_\_

**Release #** \_\_\_\_\_

PERIOD COVERED \_\_\_\_\_

**to** \_\_\_\_\_

This release has been signed by \_\_\_\_\_

of \_\_\_\_\_

who is a person beneficially interested in the residue of the estate.

1. I have received from the personal representative(s) of the estate financial statements covering the period \_\_\_\_\_ to \_\_\_\_\_.
2. I approve the financial statements including the schedule of distribution and the schedule of compensation for the personal representative(s).
3. I understand that I will receive my share of the estate property as shown on the schedule of distribution, once the personal representative(s) have received releases from all the necessary beneficiaries.
4. If all the necessary beneficiaries do not sign a release, I understand that the personal representative(s) will apply for a court order approving the financial statements or dispensing with the need to pass accounts formally. The personal representative(s) will then distribute the estate property according to the order.
5. Until the financial statements have been approved by all concerned or by the court, my release will be held in trust.
6. In signing this release, I release and discharge the personal representative(s), their heirs, successors, personal representatives and assigns from any further claims by me against the estate and its property and against the personal representative(s) for their management and distribution of the estate to the date of this release.

7. This is \_\_\_\_\_ release.

\_\_\_\_\_  
*Signature of Beneficiary*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Witness to signature of* \_\_\_\_\_

*This document requires an affidavit of execution. Use Form NC 11.*

**ACC 13**

COURT FILE NUMBER  
COURT

\_\_\_\_\_  
**Court of Queen's Bench of  
Alberta (Surrogate Matter)**

JUDICIAL CENTRE  
ESTATE NAME  
DOCUMENT

\_\_\_\_\_  
**Order in respect of  
(matter)** \_\_\_\_\_

PARTIES

APPLICANT(S) \_\_\_\_\_

RESPONDENT(S) \_\_\_\_\_

PERSONAL REPRESENTATIVE(S) \_\_\_\_\_

BENEFICIARIES (RESIDUARY) \_\_\_\_\_

LIFE TENANTS \_\_\_\_\_

BENEFICIARIES (NON RESIDUARY) \_\_\_\_\_

BENEFICIARIES (INTESTACY) \_\_\_\_\_

TRUSTEES FOR REPRESENTED \_\_\_\_\_

ADULTS \_\_\_\_\_

ATTORNEYS FOR INCOMPETENT \_\_\_\_\_

ADULTS \_\_\_\_\_

MINORS \_\_\_\_\_

MISSING PERSONS \_\_\_\_\_

UNPAID CLAIMANTS \_\_\_\_\_

BONDING COMPANIES \_\_\_\_\_

PERSON(S) WHO HAVE FILED \_\_\_\_\_

A FORM C 1 IN RESPECT OF \_\_\_\_\_

THIS ESTATE: \_\_\_\_\_

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT: \_\_\_\_\_

DATE ON WHICH ORDER  
WAS MADE: \_\_\_\_\_

LOCATION OF HEARING: \_\_\_\_\_

NAME OF JUDGE WHO MADE

THIS ORDER: The Honourable Justice \_\_\_\_\_

THE COURT HAS:

Reviewed the affidavit and other documents filed in this application;

Heard representations from the parties or counsel for the parties;

Considered the application;

AND THE COURT ORDERS:

1. \_\_\_\_\_

\_\_\_\_\_  
 JUSTICE OF THE COURT OF QUEEN'S  
 BENCH OF ALBERTA

## NGA 1

### Personal Representative's Notice to Beneficiary

(section 10(1)(a) of the *Estate Administration Act*)

Notice regarding the estate of       (name of deceased)      , deceased, who  
 resided in or near       (closest city or town)       and died on       (date)        
 at or near       (closest city or town)      .

*Instruction to Personal Representative: If the beneficiary was a minor on the date of the deceased's death, or is a missing person, represented adult, or adult represented by an attorney under an enduring power of attorney, include this notice with the Notice to Attorney, Trustee, Guardian, or Public Trustee (Form NGA 4).*

#### Who is receiving this notice?

1. This notice is given to:

Name: \_\_\_\_\_

Complete address: \_\_\_\_\_

#### Who is giving this notice?

2. This notice is given to you by       (name of personal representative)      ,  
 who is named as a personal representative of the deceased's estate in  
 a document dated       (date)      , which the personal  
 representative believes to be the deceased's last will.

If you believe this document is not the deceased's last will you or  
 your lawyer may take steps to require the personal representative to  
 prove in court that it is the deceased's last will.

#### Why are you receiving this notice?

3. The personal representative believes you are a beneficiary of the  
 deceased's estate for one or more of the following reasons (tick all  
 applicable boxes):

- The will gives you the following specific gift: *(describe gift)*\_\_\_\_\_.
- You are a residuary beneficiary under the will (copy attached). It gives you some or all of the property remaining in the deceased's estate after payment of debts and other claims against the estate, and after distribution of any specific gifts.
- You are a beneficiary on a partial intestacy. The will does not dispose of all the deceased's property and you may be entitled to some or all of the deceased's undistributed property under section \_\_\_ of the *Wills and Succession Act* or section \_\_\_ of the *Intestate Succession Act*, RSA 2000 cI-10.

**When will the personal representative distribute the deceased's property to beneficiaries?**

4. All gifts to beneficiaries are subject to prior payment of the deceased's debts and other claims against the estate. The personal representative must collect the deceased's property, pay the debts, and complete the administration of the estate. The personal representative can then account to you and distribute any property remaining in the estate after payment of debts, claims and the expenses of administering the estate.

**What are the personal representative's duties and how are they enforced?**

5. Alberta's *Estate Administration Act* and other laws place duties on the personal representative, which include communicating regularly with beneficiaries and maintaining proper financial records. If you believe the personal representative is not complying with their duties, try to resolve the matter through discussion with the personal representative. If you are unable to resolve the matter you or your lawyer may apply to the Court, which may provide a remedy if it is satisfied that the personal representative is not complying with their duties.

**How can you contact the personal representative?**

6. You may contact the personal representative for further information:
- Telephone no. \_\_\_\_\_  e-mail \_\_\_\_\_
- Mailing address \_\_\_\_\_
- Other \_\_\_\_\_

**NGA 2**

**Personal Representative's Notice to Family Member**

(section 10(1)(b) of the *Estate Administration Act*)

Notice regarding the estate of \_\_\_ *(name of deceased)* \_\_\_, deceased, who resided in or near \_\_\_ *(closest city or town)* \_\_\_ and died on \_\_\_ *(date)* \_\_\_ at or near \_\_\_ *(closest city or town)* \_\_\_.



**Who is receiving this notice?**

1. This notice is given to or on behalf of the following family member of the deceased:

Name: \_\_\_\_\_ (name of family member)

Complete address: \_\_\_\_\_

*Instruction to Personal Representative: Provide the following additional information if this notice is given to the family member's attorney, trustee or guardian or to the Public Trustee:*

This notice is given to the following on behalf of that family member:

- the Public Trustee;
- the family member's attorney, trustee or guardian:  
 Name: \_\_\_\_\_ (name of attorney, trustee or guardian)  
 Complete address: \_\_\_\_\_

**Who is giving this notice?**

2. This notice is given to you by \_\_\_\_\_ (name of personal representative), who is named as a personal representative of the deceased's estate in a document dated \_\_\_\_\_ (date), which the personal representative believes to be the deceased's last will.

If you believe this document is not the deceased's last will, you or your lawyer may take steps to require the personal representative to prove in court that it is the deceased's last will.

**Why are you receiving this notice?**

3. The law requires that this notice be given to you because the will does not give you (or the family member on whose behalf you were given this notice) all the property in the deceased's estate. You (or the family member) may be entitled to make a claim for maintenance and support from the deceased's estate because you are (or the family member is)

- a spouse or the adult interdependent partner of the deceased,
- a child of the deceased who is under the age of 18 years at the time of the deceased's death,
- a child of the deceased who is at least 18 years of age at the time of the deceased's death and unable to earn a livelihood by reason of mental or physical disability,
- a child of the deceased who, at the time of the deceased's death, is at least 18 but under 22 years of age and unable to withdraw from his or her parents' charge because he or she is a full-time student as determined in accordance with the *Family Law Act* and its regulations, or
- a grandchild or great-grandchild of the deceased
- (a) who is under 18 years of age at the time of the deceased's death,

- (b) in respect of whom the deceased, during life, demonstrated a settled intention to treat as his or her own child,
- (c) whose primary home, since birth or for at least 2 years immediately before the grandparent's death, was with the grandparent, and
- (d) whose primary financial support, since birth or for at least 2 years immediately before the grandparent's death, was provided by the grandparent.

Part 5, Division 2 of the *Wills and Succession Act*\* allows a qualified family member to apply to the Court to receive maintenance and support from the estate. The Court can change the distribution of the estate and give the family member more or all of the estate if the Court decides the circumstances warrant it. If you want to take this further, you should get legal advice immediately.

*\*Note: If the deceased died before February 1, 2012, family members have similar rights to apply for relief under the Dependents Relief Act.*

**How can you contact the personal representative?**

4. You may contact the personal representative for further information:

- Telephone no. \_\_\_\_\_  e-mail \_\_\_\_\_
- Mailing address \_\_\_\_\_
- Other \_\_\_\_\_

**NGA 3**

**Personal Representative's Notice to Spouse**

(section 10(1)(c) of the *Estate Administration Act*)

Notice regarding the estate of \_\_\_\_\_ (name of deceased), deceased, who resided in or near \_\_\_\_\_ (closest city or town) and died on \_\_\_\_\_ (date) at or near \_\_\_\_\_ (closest city or town).

**Who is receiving this notice?**

1. This notice is given to:

Name: \_\_\_\_\_ (name of deceased's spouse)

Complete address: \_\_\_\_\_

**Who is giving this notice?**

2. This notice is given to you by \_\_\_\_\_ (name of personal representative), who is named as a personal representative of the deceased's estate in a document dated \_\_\_\_\_ (date) (copy attached), which the personal representative believes to be the deceased's last will.

If you believe this document is not the deceased's last will you or your lawyer may take steps to require the personal representative to prove in court that it is the deceased's last will.

**Why are you receiving this notice?**

3. The law requires that this notice be given to you because you are the spouse of the deceased and the will does not give you all the property in the estate. You may have a claim under the *Matrimonial Property Act* on the property in the estate. If you want to take this further, you should get legal advice immediately.

**How can you contact the personal representative?**

4. You may contact the personal representative for further information:

- Telephone no. \_\_\_\_\_  e-mail \_\_\_\_\_  
 Mailing address \_\_\_\_\_  
 Other \_\_\_\_\_

**NGA 4****Personal Representative's Notice to Attorney,  
Trustee, Public Trustee or Guardian**

(section 10(1)(d) of the *Estate Administration Act*)

Notice regarding the estate of \_\_\_\_\_ (name of deceased), deceased, who resided in or near \_\_\_\_\_ (closest city or town) and died on \_\_\_\_\_ (date) at or near \_\_\_\_\_ (closest city or town).

*Instruction to Personal Representative: Provide a copy of the Personal Representative's Notice to Beneficiaries (Form NGA 1), with this notice.*

**Who is receiving this notice?**

1. This notice is given on behalf of the following person who is interested in the estate:

Name: \_\_\_\_\_ (name of person interested in the estate)

This notice is given to the following on behalf of that person:

- the Public Trustee, or  
 the person's attorney, trustee or guardian:  
Name: \_\_\_\_\_ (name of attorney, trustee or guardian)  
Complete address: \_\_\_\_\_

**Why are you receiving this notice?**

2. The law requires that this notice be given to you because you are (tick all applicable boxes)

- the attorney under an enduring power of attorney for the person interested in the estate,  
 the trustee for the person interested in the estate,  
 the guardian of the person interested in the estate, or  
 the Public Trustee and because the person interested in the estate (tick the applicable box)

- was a minor on the date of the deceased's death,
- is a missing person as defined in the *Public Trustee Act*, or
- is a represented adult for whom the Public Trustee is trustee.

**What other notice are you receiving?**

3. Included with this notice is a Personal Representative's Notice to Beneficiaries, which provides further information about the nature of the interest of the person on whose behalf you have been given this notice, information about the personal representative who has given you this notice and information about the estate.

*Instruction to Personal Representative: Include the following only if this notice is being given to the Public Trustee because the person interested in the estate is a minor:*

**Who is the minor's guardian?**

4. The name and contact information for the minor's guardian are:

Guardian's Name \_\_\_\_\_  
 Telephone no. \_\_\_\_\_  e-mail \_\_\_\_\_  
 Mailing address \_\_\_\_\_  
 Other \_\_\_\_\_

**DA 1 to DA 18** Repealed AR 10/2010 s5.

AR130/95 Sched.3;135/96;132/2000;53/2001;110/2001;206/2001;  
 251/2001;201/2003;107/2004;221/2004;7/2005;110/2006;196/2006;  
 306/2006;209/2007;306/2009;10/2010;101/2010;165/2010;121/2011;  
 10/2012;44/2015









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