

Royal



Gazette

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Contents

Act	Reg. No.	Page
Probate Act		
Probate Court Practice, Procedure and Forms Regulations	119/2001	762

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N.S. Reg. 119/2001

Made: September 17, 2001

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Probate Court Practice, Procedure and Forms Regulations

Order in Council 2001-450 made September 17, 2001

Regulations made by the Governor in Council

pursuant to Section 106

of the *Probate Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated September 4, 2001, and pursuant to Section 106 of Chapter 31 of the Acts of 2000, the *Probate Act*, and Section 8 of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to make regulations respecting probate court practice, procedures and forms in the form set forth in Schedule "A" attached to and forming part of the report and recommendation effective on, from and after October 1, 2001.

Schedule "A"

Regulations Respecting Probate Court Practice, Procedure and Forms made by the Governor in Council pursuant to Section 106 of Chapter 31 of the Acts of 2000, the *Probate Act*

Part I - General

Citation

1 These regulations may be cited as the *Probate Court Practice, Procedure and Forms Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means Chapter 31 of the Acts of 2000, the *Probate Act*;
- (b) "applicant" means a person who makes an application pursuant to these regulations;
- (c) "application" means an application for a hearing or other proceeding pursuant to these regulations;
- (d) "asset" means, for greater certainty, property, both in the Act and these regulations;
- (e) "Civil Procedure Rules" means the Civil Procedure Rules made pursuant to the *Judicature Act*;
- (f) "court" means the court of probate for a probate district and, for the purposes of Sections 85, 86 and 87 of the Act includes a probate court under either of the former Acts;
- (g) "extra-provincial grant" means a grant issued pursuant to Section 37 of the Act;

- (h) “former Acts” means Chapter 238 of the Revised Statutes, 1967, the *Probate Act* and Chapter 359 of the Revised Statutes, 1989, the *Probate Act*;
- (i) “grant” means a grant of probate or administration of the estate of a deceased person made pursuant to this Act, whether granted for general, special or limited purposes and includes administration with the will annexed and an extra-provincial grant and, for the purpose of Sections 85, 86 and 87 of the Act, includes a grant of probate or administration of the estate of a deceased person made pursuant to either of the former Acts, whether granted for general, special or limited purposes and includes administration with the will annexed and a re-sealing of probate or administration and ancillary probate or ancillary administration;
- (j) “hearing” means the hearing of an application pursuant to these regulations;
- (k) “judge” means a judge of a court of probate;
- (l) “order” includes a decree;
- (m) “person under a disability” means an infant or a mentally incompetent person;
- (n) “personal representative” means an executor or an administrator;
- (o) “prescribed” means prescribed by these regulations;
- (p) “probate district” or “district” means a probate district established by the Act;
- (q) “property” means real or personal property and includes, for greater certainty, a chose in action;
- (r) “registered domestic partner” means a person who has registered a domestic-partner declaration under the *Vital Statistics Act*;
- (s) “registrar” means a registrar of probate and, for the purposes of Sections 85, 86 and 87 of the Act, includes a registrar of probate under either of the former Acts;
- (t) “Supreme Court” means the Supreme Court of Nova Scotia;
- (u) “trust company” means a trust company that is authorized by law to act as a personal representative;
- (v) “will” includes a testament, a codicil and every other testamentary instrument of which a grant may be issued.

Nova Scotia Civil Procedure Rules

- 3 (1)** Where any practice or procedure respecting probate is not provided for by these regulations or the Act, the Civil Procedure Rules apply.
- (2)** Where any practice or procedure respecting probate is not provided for by these regulations or the Civil Procedure Rules, a court may make any order or decision concerning it that it considers necessary or appropriate in the circumstances.

- (3) An order or decision of a court may be forwarded to the prothonotary of the Supreme Court who shall, on receipt of it, enter it as a record of the Supreme Court, and thereupon it becomes an order of the Supreme Court enforceable pursuant to the Civil Procedure Rules.

Oath of registrar

- 4 (1) Pursuant to Section 11 of the Act, the following oath is prescribed to be taken and subscribed before a judge of the Supreme Court by each registrar before entering upon the duties of the office of registrar:

I, _____, of _____ in the County of _____,
do swear that I will faithfully, diligently, honestly and impartially execute the duties of the office of registrar of the Probate Court of Nova Scotia in accordance with the *Probate Act* and all other applicable laws of the Province.

Sworn to at _____
in the County of _____
Province of Nova Scotia, on _____,
20____.

- (2) Each registrar shall file a copy of the oath executed pursuant to subsection (1) with the Human Resources Division of the Department of Justice.

Duties of registrar

- 5 (1) Each registrar or a person designated by the Minister of Justice shall have the care and custody of all wills, documents, books, letters, transcripts, exhibits, papers and records of any kind belonging to the court.
- (2) A registrar shall not release any original will on file at the court.
- (3) A registrar shall, upon request, provide a certified copy of any original will on file at the court for which a grant has been issued by the court.
- (4) Each registrar shall perform the following duties:
- (a) keep an index of all documents filed at the office of the registrar that lists the
- (i) name of the deceased,
 - (ii) place of residence of the deceased,
 - (iii) date of death of the deceased,
 - (iv) date of the grant,
 - (v) name of the personal representative, and
 - (vi) value of the estate,
- and provides for convenient reference to any of the documents when required;
- (b) number and date all applications for grants and other documents when filed;

- (c) open a separate file for each estate;
 - (d) record all information and documentation
 - (i) filed with the court, and
 - (ii) issued by the courtin the appropriate court records;
 - (e) if an estate includes real property in the Province, forward to the appropriate Registrar of Deeds, in the case of a grant of
 - (i) probate or administration with the will annexed, a certified copy of the will and the grant, or
 - (ii) administration, a certified copy of the application for administration and the grant;
 - (f) record and maintain a summary of every activity and procedure with respect to each estate;
 - (g) sign and issue all grants in duplicate under the seal of the court;
 - (h) attach the original of any will to the duplicate of the grant retained by the registrar;
 - (i) attach a copy of the original of any will, certified as a true copy by the registrar, to the duplicate of the grant delivered to the personal representative;
 - (j) endorse the date on which the grant is issued on the back of an application for a grant and sign the back of the application.
- (5) A requirement in these regulations to record and maintain information and documents shall be deemed to include a reference to the corresponding computer storage and retrieval systems provided for that purpose.
- (6) A registrar may issue a certificate of status of a grant in Form 1 confirming that a grant is in force and effect.
- (7) Upon revocation of a grant, the registrar shall make an entry of the revocation across the face of the grant on file in the following form:

Revoked by Court Order dated

Registrar

Duties of deputy registrar

- 6 (1) A deputy registrar may perform any of the duties of a registrar and all acts done by a deputy registrar shall be as valid and effectual as if done by a registrar.

- (2) If a vacancy occurs in the office of a registrar, the deputy registrar shall discharge the duties of the registrar and shall have all the rights and powers of the registrar until a registrar is appointed under the Act, and all acts done by a deputy registrar during the vacancy shall be as valid and effectual as if done by a registrar.

Office hours

- 7 The days and hours during which the office of each registrar shall be open for the transaction of business shall be as prescribed by the Minister of Justice under the *Court Officials Act*.

Seal

- 8 (1) The seal already provided for a court shall continue to be used by the court to certify and authenticate documents respecting its proceedings.
- (2) Despite subsection (1), the Governor in Council may determine and declare the seal to be used in the court by which its proceedings shall be certified and authenticated.

Documents

- 9 (1) All documents filed in a court shall be written on sheets of paper 21.59 cm in width and 27.94 cm in length.
- (2) Despite subsection (1), a registrar may accept a document written on paper of a size other than the size set out in subsection (1).
- (3) Except for wills, applications for grants, and inventories, all documents may be delivered to and filed with a court by telephone transmission in the same manner that documents may be delivered to and filed by telephone transmission with the Supreme Court, and the original signed document shall be delivered to the court.
- (4) The forms contained in these regulations or any forms to the like effect that are acceptable to the registrar, shall be used for the purposes of the Act and these regulations.

Residence of deceased

- 10 (1) For the purpose of Section 29 of the Act and subject to subsection (2), the probate district in which the deceased resided at the time of death is deemed to be the probate district in which the deceased resided during the last 2 or more years of life.
- (2) If the deceased did not reside in one probate district for 24 consecutive months prior to death, the registrar shall decide which probate district the deceased was resident in at death based on, but not limited to,
- (a) the length of time the deceased resided in a probate district other than the one in which the deceased died; and
- (b) the location of the deceased's property.

Proof of execution of will

- 11 (1) Subject to subsection (3), for an application for a grant of probate or administration with the will annexed, the due execution of the will shall be proved by an affidavit in Form 2 by one of the subscribing witnesses to the will.

- (2) An affidavit in proof of execution of a will may be taken at or after the time the will is executed and either before or after the death of the testator.
- (3) For greater certainty, an affidavit in proof of execution of a will is valid if it
 - (a) was signed prior to the coming into force of the Act; and
 - (b) meets the requirements of the Act.
- (4) If no affidavit in proof of execution of a will can be obtained from a subscribing witness, the due execution of the will may be proved by
 - (a) an affidavit attesting to the authenticity of the signature of the deceased and the signature of either of the subscribing witnesses; or
 - (b) an affidavit from any person present at the execution of the will who can attest to the circumstances of the execution of the will.
- (5) If an applicant for a grant is unable to comply with subsection (4), the applicant may file an affidavit attesting to the efforts made to locate the subscribing witnesses or other persons present at the execution of the will, and the registrar may accept the affidavit in place of proof of execution of the will.
- (6) If a will is that of a person who at the time of the execution of the will was a member on active service of the Canadian Forces, or a mariner or seafarer at sea or in the course of a voyage, and it appears that the witnesses are dead or incompetent or that the whereabouts of the witnesses are unknown, the registrar may accept such evidence as the registrar considers satisfactory as to the validity and proper execution of the will.
- (7) If an applicant for a grant is having difficulty locating witnesses to a will executed by a member of the Canadian Forces referred to in subsection (6), the applicant may obtain a statement from the National Archives of Canada confirming that the deceased served in the Canadian Forces and was on active service with the Canadian Forces when the will was executed and the statement shall be sufficient proof of the execution of the will.
- (8) If, at the time a deceased person's will was executed, the deceased
 - (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 direction of the deceased,

the applicant for a grant respecting the will shall satisfy the registrar 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.

- (9) If a registrar, deputy registrar, notary public or barrister of the Supreme Court is not available to take an affidavit in proof of execution of a will, the person seeking to prove the execution of the will shall obtain written approval from the registrar for another person to take the affidavit.
- (10) If it appears to the registrar that the execution of a will does not comply with the requirements of the *Wills Act*, the registrar shall refuse to approve the application for a grant respecting the will.

English translation

- 12 (1) If a will is written in a language other than English, the applicant for a grant respecting the will shall provide an affidavit in Form 3 verifying the translation of the will into English.
- (2) A registrar may require any document written in a language other than English and referred to in a will to be translated into English, and where the registrar so requires, the applicant for a grant respecting the will shall provide an affidavit in Form 3 verifying the translation of the document into English.
- (3) The original of the English translation of a will referred to in subsection (1) or a document referred to in subsection (2) together with the original will or document and an affidavit in Form 3 must be attached to the application for a grant respecting the will.
- (4) A certified copy of the English translation of a will referred to in subsection (1) or a document referred to in subsection (2) together with a certified copy of the original will or document shall be attached to the duplicate grant respecting the will delivered to the personal representative.

Date of will

- 13 (1) If a will is amended by a codicil or other testamentary instrument, the date of the last codicil or other testamentary instrument is deemed to be the effective date of the will.
- (2) If a will is not dated or is dated imperfectly, the registrar may require one of the subscribing witnesses to provide such evidence as is satisfactory to the registrar to establish the date of execution of the will.
- (3) If the evidence referred to in subsection (2) cannot be obtained, the registrar may require the applicant for a grant respecting the will to provide such evidence as is satisfactory to the registrar to establish that
- (a) the will was executed between two definite dates; or
 - (b) a search was made and that no will of a presumably later date was found.

Document referred to in a will

- 14 (1) If a will refers to a document, raising a question as to whether the document ought to form part of the will, the registrar shall require production of the document and ascertain if it should form part of the will.

- (2) Where a document referred to in subsection (1) is not produced, the registrar shall require that its non-production be accounted for by the applicant in a manner satisfactory to the registrar.

Directions

15 A personal representative or a person interested in an estate may apply to a court, or to the Supreme Court where Sections 45 through 55 of the Act apply, for directions for bringing any matter before the court or the Supreme Court.

Representation

16 (1) Subject to subsection (2), a person interested in an estate may act on their own behalf or be represented by a solicitor.

- (2) Where a person interested in an estate is under a disability, that person shall be represented by a solicitor, court appointed guardian under the *Incompetent Persons Act* or the *Guardianship Act*, attorney appointed under the *Powers of Attorney Act*, the Public Trustee, where the Public Trustee consents, or a *guardian ad litem* appointed by the court in Form 4.

Interpreter

17 A court, in its discretion and where it considers it necessary in any proceeding, may

- (a) appoint an interpreter to interpret in open court or translate or decipher any document; and
- (b) make a reasonable allowance for the interpreter's service to be paid in the first instance by the party who requires the service and ultimately to be borne by the estate, or the party against whom costs, if any, are awarded.

Court dates

18 (1) Where an application is to be heard by a registrar, the registrar shall

- (a) set the date and time of the hearing;
- (b) notify the applicant of the date and time of the hearing; and
- (c) direct that notice of the hearing be served on the persons who are required by the Act and these regulations to be served.

(2) Where an application is to be heard by a judge, a registrar shall

- (a) have the date and time of the hearing set; and
- (b) notify the applicant of the date and time of the hearing; and
- (c) direct that notice of the hearing be served on the persons who are required by the Act and these regulations to be served.

Orders

19 Each order of a court granted by a judge or registrar shall be marked accordingly.

Adjournment

20 A registrar or judge may adjourn the hearing of any matter.

Failure to appear

21 Where a person has been given notice of an application or other proceeding and does not attend the hearing arising from the application or other proceeding, the hearing may proceed despite the failure of the person to attend.

Service

22 (1) Unless service is otherwise specified in these regulations, service of all notices and other documents required to be served under these regulations shall be by personal service, registered mail, service on a lawyer authorized to accept service on behalf of a person or such other means as directed by a registrar or a court.

(2) Substituted service shall be in accordance with the Civil Procedure Rules.

(3) Where any provision in these regulations specifies that service is to be effected by ordinary mail, the notice or other document to be served shall be sent to the most recent address given to the court.

(4) Where a person entitled to share in the distribution of an estate is a person under a disability, all notices and other documents required to be served under these regulations shall be served on a parent, guardian, court appointed guardian, or attorney under the *Powers of Attorney Act*, for that person.

(5) Proof of service shall be

- (a)** by affidavit in Form 5 or by a method acceptable to the court, and where service is by registered mail the Canada Post registration receipt shall be attached; and
- (b)** filed with the court.

Subpoenas

23 (1) A court may issue a subpoena in Form 6 to require the attendance of a witness or the production of any document material to the matter pending before the court.

(2) A subpoena issued by a court

- (a)** may include the names of any number of witnesses; and
- (b)** shall be served by personal service on each witness named on the subpoena.

(3) No person is bound to appear or give evidence pursuant to a subpoena unless the person is paid or tendered witness fees in the amount of \$5.00 plus \$0.20/km one way from the place of residence of the person to the place of the hearing not less than 4 days before the date set for the hearing.

Vacated office - unfinished business

24 If a registrar or judge dies or otherwise vacates office,

- (a)** every proceeding and matter pending and all unfinished business before that registrar or judge may be taken up, carried on and disposed of by another registrar or judge or the successor of the registrar or judge who vacates office, and no new application or other proceeding is necessary in that case;

- (b) evidence taken before that registrar or judge in any matter that has been heard and not determined or partly heard by that registrar or judge, may be used in a subsequent hearing, and the taking of the evidence again is not necessary;
- (c) all orders that were pronounced but not drawn up or sealed by that registrar or judge may be drawn up and sealed by another registrar or judge or the successor of the registrar or judge who vacates office.

Transfer of application

25 Where an application pursuant to the Act is made to a registrar and the registrar intends to transfer it to a judge in accordance with Section 99 of the Act, the registrar shall not hear any evidence or make any determination but shall refer the matter to the judge and notify the applicant of the transfer.

Part II - Non-contentious Matters**Application of Part II**

26 (1) This Part applies to all non-contentious business.

- (2) For the purposes of this Part, non-contentious business means the obtaining of a grant where there is no contention as to the right to the grant and includes
 - (a) the obtaining of a grant in contentious cases where the contest has been concluded; and
 - (b) all non-contentious matters relating to testacy and intestacy that are not proceedings under Part IV.

Types of grants

27 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,
 - (iii) a grant of administration with the will annexed;
- (b) grants that are for a limited time, including a grant of administration during the minority, absence or mental incompetence of the personal representative;
- (c) grants that are limited to part of the deceased's property, including
 - (i) a grant of unadministered property,
 - (ii) an extra-provincial grant;
- (d) grants that are for a particular purpose only, including
 - (i) a grant where the validity of a will is in question,

- (ii) a grant for the purpose of litigation,
- (iii) a grant for the preservation of property,
- (iv) a grant limited to a specific matter.

Limited grant

- 28 (1)** An applicant for a grant that is to be limited in any manner shall ensure that the limitation is clearly indicated on the application.
- (2)** If a grant is limited in any manner, the registrar shall ensure that the limitation is clearly indicated on the grant.

Reservation of right to apply for a grant

- 29** A person entitled to apply for a grant who does not do so at the time the initial application for the grant is made, may reserve the right to apply at a future time by filing Form 7, 7A or 7B with the court at the time the initial application for the grant is made.

Subsequent grant

- 30 (1)** An applicant for a subsequent grant shall surrender the original grant with the application for the subsequent grant prior to a subsequent grant being issued by a registrar.
- (2)** If the original grant is lost, an applicant for a subsequent grant shall submit a copy of the original grant, certified by the registrar, with the application for the subsequent grant.

Grant of unadministered property

- 31 (1)** Upon the death of an administrator, a person entitled to a grant under Section 32 of the Act may apply for a grant of administration of the unadministered property of the intestate person.
- (2)** Upon the death of an executor, an application may be made to a court for a grant to complete the administration of the unadministered property of a testate person by the following persons in the following priorities:
- (a) first - an alternate executor named in the testate person's will who is willing and able to act;
or
 - (b) second - an executor of the deceased executor who is appointed by the court; or
 - (c) third - a person who is entitled to a grant under Section 32 of the Act.
- (3)** If the personal representative of a testate person is discharged and there is no alternate executor named in the will, a person who is entitled to a grant under Section 32 of the Act may apply for a grant of administration with the will annexed of the unadministered property of the testate person.
- (4)** An applicant shall file the same form of application under subsection (1), (2) or (3) as filed in the original application for a grant but shall modify it to include
- (a) details of the original grant; and

- (b) details of the death or discharge of the first personal representative.
- (5) An inventory setting out the unadministered property of the deceased as of the date of the application for the grant respecting the unadministered property shall be filed by the personal representative within 3 months from the date of a grant of unadministered property whether or not an inventory was filed under the original grant.
- (6) If the first grant was advertised in the *Royal Gazette*, a second advertisement is not required.
- (7) An application under subsection (1), (2) or (3) shall be accompanied by security and probate taxes, if required under the Act.

Extra-provincial grant

- 32 (1)** In this Section, “extra-provincial grant” means a grant issued by the court in respect of a grant or an order to the like effect made by an authority outside the Province.
- (2) If a grant or order made by an authority outside the Province does not appoint a personal representative, a registrar may appoint a personal representative in accordance with Section 32 of the Act.
 - (3) If evidence as to the law of any country or territory outside the Province is required by the court respecting an application for an extra-provincial grant, the registrar may accept
 - (a) an affidavit of any person who, having regard to the particulars of the person’s knowledge or experience given in the affidavit, the registrar regards as suitably qualified to give expert evidence of the law in question; or
 - (b) evidence of the court or authority outside the Province that issued the grant.
 - (4) Unless the court dispenses with the giving of security pursuant to Section 40 of the Act, the registrar shall not issue an extra-provincial grant until security has been given to the court in a sum sufficient to cover the assets of the deceased in the Province in the amount that the court would require if the application were for an original grant.
 - (5) The inventory filed pursuant to Section 57 of the Act for an extra-provincial grant shall include only the assets of the deceased in the Province.

Applications

- 33 (1)** An application for a grant of probate shall be in Form 8 or 8A.
- (2) An application for a grant of administration shall be in Form 9 or 9A.
 - (3) An application for a grant of administration with the will annexed shall be in Form 10 or 10A.
 - (4) An application for an extra-provincial grant shall be in Form 11, 11A or 11B.

- (5) Despite subsections (1), (2), (3) and (4), where a prescribed form is not appropriate for an application for a specific grant, the applicant for the grant may file an application in a form acceptable to the registrar.
- (6) If there is more than one applicant for a grant, joint or separate applications may be used.
- (7) All applications shall be accompanied by a covering letter indicating the number of certified copies of the grant and certificates of status required.

Renunciations

- 34 (1)** An executor who wishes to renounce the right to apply for a grant in accordance with Section 19 of the Act, shall do so by completing Form 12 or by another method satisfactory to the registrar.
- (2) An executor whose right to act is alternate to another, shall state in an application for a grant that the executor having a prior right has renounced, or died, as the case may be, and the renunciation in Form 12 or proof of death satisfactory to a registrar shall be attached to the application for the grant.
 - (3) A person who is entitled in priority or equally to be named a personal representative under Section 32 of the Act who is unable or unwilling to apply for a grant, shall renounce the right to apply for the grant by
 - (a) completing Form 13, for a grant of administration; or
 - (b) completing Form 14, for a grant of administration with the will annexed,or by another method satisfactory to a registrar.
 - (4) If a person with a prior or equal right to a grant under Section 32 of the Act has not renounced the right to apply for a grant in accordance with this Section or where there is a contest over the right to administer an estate, an applicant for a grant shall make an application under Section 64 and may include an application in the form prescribed in Section 33 with that application.
 - (5) A registrar shall not issue a grant unless
 - (a) any renunciation required pursuant to this Section has been filed with the registrar by the applicant for the grant; or
 - (b) an order has been made dispensing with the need for any renunciation that has not been filed.

Nominations

- 35 (1)** A nomination of a person as administrator of all or part of the property of a deceased person pursuant to subsection 32(4) of the Act shall be in Form 15 or 16 or by another method satisfactory to the registrar and shall require the consent of the Public Trustee
- (2) A registrar shall not issue a grant to a nominee administrator pursuant to subsection 32(4) of the Act unless

- (a) a renunciation, nomination and consent in Form 15 or 16 signed by each person who is entitled to nominate an administrator under subsection 32(4) of the Act and the Public Trustee has been filed; or
- (b) an order has been made dispensing with the need for any renunciation and nomination that has not been filed and the consent of the Public Trustee has been filed.

Application for probate

36 An application for a grant of probate shall be accompanied by

- (a) the original will;
- (b) proof of death satisfactory to the registrar;
- (c) an affidavit of execution of the will in Form 2 or such other evidence of due execution as is required pursuant to Section 11 or both;
- (d) a renunciation in Form 12 from each living person who is named in the will as an executor and who has not joined in the application, if applicable;
- (e) the security required under the Act, if applicable; and
- (f) payment of the probate tax required under the Act,

and such additional or other material as the registrar directs.

Application for administration

37 An application for a grant of administration shall be accompanied by

- (a) proof of death satisfactory to the registrar;
- (b) a renunciation in Form 13 from each person who is entitled in priority or equally to be named as an administrator under Section 32 of the Act and has not joined in the application, if applicable;
- (c) the nomination of the applicant to their appointment in Form 15 signed by each person who is entitled to nominate an administrator under subsection 32(4) of the Act and the Public Trustee, if applicable;
- (d) the security required under the Act; and
- (e) payment of probate tax required under the Act,

and such additional or other material as the registrar directs.

Application for administration with the will annexed

38 An application for a grant of administration with the will annexed shall be accompanied by

- (a) the original will;

- (b) proof of death satisfactory to the registrar;
- (c) an affidavit of execution of the will in Form 2 or such other evidence of due execution as is required pursuant to Section 11, or both;
- (d) a renunciation in Form 12 from each person who is named in the will as executor and who has not joined in the application, if applicable;
- (e) a renunciation in Form 14 from each person who is entitled in priority or equally to a grant under Section 32 of the Act and who has not joined in the application, if applicable;
- (f) the nomination of the applicant to their appointment in Form 16 signed by each person who is entitled to nominate an administrator under subsection 32(4) of the Act and the Public Trustee, if applicable;
- (g) the security required under the Act, if applicable; and
- (h) payment of the probate tax required under the Act,

and such additional or other material as the registrar directs.

Application for extra-provincial grant

39 An application for an extra-provincial grant shall be accompanied by

- (a) 2 certified copies of the original grant or order to the like effect under the seal of the court that granted it and a certificate under the seal of that court stating that the original grant or order is still in effect;
- (b) 2 certified copies of the will, if applicable;
- (c) proof of death satisfactory to the registrar;
- (d) an affidavit of translation in Form 3, if applicable;
- (e) the security required under the Act, if applicable; and
- (f) payment of the probate tax required under the Act,

and such additional or other material as the registrar directs.

Incomplete application

40 If an application for a grant or material required to accompany the grant are incomplete, the registrar may issue a notice of rejection in Form 17 by ordinary mail to the applicant.

Value of estate

41 (1) For the purposes of the taxes collected under the Act and the security and inventory required under the Act, the “value of the estate” means the value of the assets of a deceased person calculated on

- (a) the gross value of the personal property of the deceased; and
- (b) the fair market value of the real property of the deceased less the amount of any mortgages and encumbrances registered against the real property at the Registry of Deeds for the probate district in which the real property is located,

that passes by a will or wills, or that transfers or will be transferred to a trust under a will or wills, whether or not the trust described in the will is described as being separate from the estate, or that passes upon intestacy.

- (2) For the purposes of subsection (1), a mobile home is deemed to be real property and any mortgages and encumbrances registered against the mobile home at the Personal Property Registry or the Registry of Deeds for the district in which the mobile home is located shall be deducted from the fair market value of the mobile home.
- (3) An estate shall be valued as of the date of the death of the deceased.
- (4) Where a court has reason to believe that the value of the estate exceeds the sum stated in the inventory, the court may inquire into the matter.

Security

42 (1) The security required under the Act shall be

- (a) a bond or policy of guarantee of a guarantee company as defined in the *Sureties Act*, in Form 18;
- (b) a personal bond and affidavit of justification in Form 19; or
- (c) letters of credit from a financial institution acceptable to the registrar,

or other security satisfactory to the registrar.

- (2) The security referred to in subsection (1) shall
 - (a) be made to the registrar; and
 - (b) be in an amount equal to 1.5 times the value of the estate.
- (3) A personal bond referred to in clause (1)(b) shall require
 - (a) one surety if the value of the estate is \$100 000 or less, unless the registrar otherwise directs;
 - (b) at least 2 sureties if the value of the estate exceeds \$100 000, unless the registrar otherwise directs.
- (4) The registrar may allow more than 1 bond or other security to be given so as to limit the liability of a surety, but the total value of all securities given shall be equal to the amount of the security required pursuant to clause 2(b).
- (5) A personal surety shall be resident in the Province and shall
 - (a) personally, if the personal surety is the only surety; or
 - (b) together with the other surety or sureties, if there is more than one surety, have property of a value equal to or greater than the amount of the security required under clause (2)(b) over and above the total amount of all mortgages and encumbrances registered against the property at the Personal Property Registry or the Registry of Deeds for the district in which the property is located.

- (6) No personal representative of a deceased person or spouse of a personal representative of a deceased, shall be a surety for the estate of the deceased.
- (7) The registrar may, after considering the interests of the persons who have a financial interest in an estate, reduce the amount of security required pursuant to clause 2(b).
- (8) On application by a person interested in an estate and on being satisfied that a condition of a bond or other security for the estate has been breached, the registrar may make an order to assign the bond or other security to a person named in the order.
- (9) The person to whom a bond or other security is assigned under subsection (8) and their heirs and personal representatives are entitled to the same rights under the bond or other security as if the bond or other security had been originally given to that person.
- (10) On application by a person interested in an estate and on being satisfied that the security for the estate has become inadequate or insufficient, the registrar may order the estate's personal representative to provide alternate or additional security.
- (11) If a non-resident executor wishes for a court to dispense with the giving of security pursuant to subsection 40(3) of the Act, the non-resident executor shall file with the court
 - (a) an affidavit containing the names of all persons who are or may be beneficially interested in the estate of the deceased and stating that all these persons are competent adults; and
 - (b) the consent to the dispensation of each person referred to in clause (a).

Forms of grants

- 43 (1)** A grant of probate shall be in Form 20.
- (2) A grant of administration shall be in Form 21.
 - (3) A grant of administration with the will annexed shall be Form 22.
 - (4) An extra-provincial grant shall be in Form 23, 23A or 23B.

Notice of grant

- 44 (1)** A personal representative of an estate shall, within 20 days after a grant has been issued, serve notice of the grant to each person who is or may be entitled to share in the distribution of the estate, in the appropriate form as follows:
- (a) Form 24 - Notice to Beneficiaries (Residuary);
 - (b) Form 25 - Notice to Beneficiaries (Non-Residuary);
 - (c) Form 26 - Notice to Heirs (Intestacy);
 - (d) Form 27 - Notice to Persons Who May Have Statutory Rights.

- (2) Proof of service of a notice pursuant to subsection (1) shall be in Form 28 and shall be filed by a personal representative of the estate within 60 days after the grant for the estate has been issued.
- (3) Despite subsection (2), the time for filing proof of service may be extended, at the discretion of the registrar.

Inventory

- 45 (1)** The inventory of the property of the deceased which is required by Section 57 of the Act to be filed within 3 months after a grant has been issued, shall be filed by the personal representative in Form 29.
- (2) A supplemental inventory required to be filed by Section 58 of the Act shall be in Form 29 with any necessary modifications.
- 46 (1)** A notice pursuant to subsection 57(2) of the Act requiring a personal representative to file an inventory shall be in Form 30.
- (2) A notice referred to in subsection (1) shall be sent by ordinary mail to the personal representative or to the lawyer representing the personal representative.
 - (3) If a personal representative fails to comply with the notice referred to in subsection (1), the court may make an order pursuant to subsection 57(3) of the Act for the personal representative to file the inventory.
 - (4) If a personal representative fails to file an inventory after an order is made pursuant to subsection 57(3) of the Act, a person may make application to the court to remove the personal representative pursuant to clause 61(1)(a) of the Act.

Advertisement

- 47** A personal representative of an estate who is advertising the estate information in accordance with subsection 63(1) of the Act shall do so in Form 31 upon issuance of the grant for the estate.

Claimants

- 48 (1)** A creditor or claimant shall
- (a) file with the court their claim against an estate in Form 32; and
 - (b) serve the personal representative of the estate with a copy of their claim, as filed,
- within the advertising period prescribed by subsection 63(1) of the Act.
- (2) A creditor or claimant who has not complied with subsection (1) may make a claim against an estate only with the prior consent of the court.
 - (3) If a personal representative of an estate does not agree with all or part of the claim of a creditor or claimant against the estate, the personal representative shall
 - (a) file with the court a notice of contested claim in Form 33; and
 - (b) serve the creditor or claimant with a copy of the notice of contested claim

within 30 days of being served with the claim.

- (4) A creditor or claimant whose claim against an estate is contested may have the claim dealt with
- (a) on the passing of the accounts of the personal representative and the settlement and distribution of the estate under Part III; or
 - (b) by commencing an application for an order under Part IV by filing with the court and serving on the respondent
 - (i) a notice of application in Form 45, and
 - (ii) affidavit in Form 46.

Bad debts

- 49 After an estate has been advertised for the required time period in accordance with subsection 63(1) of the Act, the personal representative of the estate may file an affidavit with the court, containing
- (a) a schedule of bad or doubtful debts including the particulars of dates, names and amounts; and
 - (b) the particulars of the efforts to collect the debts and confirmation that the debts are unlikely to be collectable.
- 50 Upon the application of a personal representative of an estate or a person interested in an estate, the court may make an order
- (a) for the equitable division of the bad debts referred to in Section 49 among the creditors and those persons entitled to benefit from the estate; or
 - (b) appointing one or more persons to make the division referred to in clause (a), subject to confirmation by the court; or
 - (c) for the sale of any or all of the bad debts referred to in Section 49.

Insolvent estates

- 51 (1) After an estate has been advertised for the required time period in accordance with subsection 63(1) of the Act, the personal representative of the estate may file an affidavit in Form 34 for an order declaring the estate to be insolvent.
- (2) An affidavit referred to in subsection (1) shall contain
- (a) a list of the debts of the deceased, including those that are paid and unpaid;
 - (b) copies of all invoices from the creditors of the deceased;
 - (c) an estimate of the costs associated with settlement and distribution of the estate; and
 - (d) the facts upon which the application is based.

- (3) An order declaring an estate insolvent pursuant to subsection 83(1) of the Act shall be in Form 35 and shall set a date for the settlement of the estate.
- (4) A personal representative of the estate shall serve a copy of an order made pursuant to subsection 83(1) of the Act upon each person who has an interest in the estate.
- (5) For the purposes of clause 83(3)(d) of the Act and subject to Section 68 of the Act, “medical expenses” includes private nursing and home care expenses of the deceased.

Part III - Accounting, Settlement and Distribution

Persons interested in an estate

52 (1) Subject to subsection (2), a person interested in an estate is, for the purposes of this Part, any

- (a) residuary beneficiary;
- (b) unpaid non-residuary beneficiary;
- (c) person entitled to share in the distribution of the estate on an intestacy;
- (d) life tenant;
- (e) trustee, guardian, court-appointed guardian or attorney appointed under the *Powers of Attorney Act* for a person under a disability;
- (f) trustee, guardian, court-appointed guardian or attorney appointed under the *Powers of Attorney Act* for a missing person or unascertained person;
- (g) the Public Trustee, where the *Public Trustee Act* applies;
- (h) unpaid claimant or creditor who has filed a claim in accordance with Section 48;
- (i) unreleased security.

(2) A person who has signed a release in Form 36 is not, for the purposes of this Part, a person interested in an estate.

Requirement to give accounting

53 (1) A personal representative of an estate shall give the court an accounting of the administration of the estate by applying in accordance with Section 55 for an order passing the accounts of the estate

- (a) within 18 months of the date of the grant unless the court orders an extended period;
- (b) when the personal representative desires to be discharged pursuant to subsection 61(2) of the Act; or
- (c) at any time when ordered to do so by the court.

- (2) Before a personal representative of an estate is removed by a court order pursuant to Section 61 of the Act, the personal representative shall account for the administration of the estate up to the time of their removal, in accordance with Section 55.
- (3) If a personal representative fails to comply with subsection (1) or (2), the court may order a personal representative to pay the costs of, and incidental to, an independent accounting of the administration of the estate.

Accounting not required

54 Despite Section 53, if a personal representative of an estate determines that an accounting of the administration of the estate is not required, in accordance with subsection 69(3) of the Act, the personal representative shall file an affidavit in Form 37 with the court together with all required consents in Form 38 in lieu of an application to the court for an order to pass the accounts of the estate.

Application for accounting by personal representative

55 (1) A personal representative of an estate who is applying for an order pursuant to subsection 53(1) shall file with the court

- (a) an application in Form 39 for a passing of accounts by a hearing or Form 40 for a passing of accounts without a hearing;
- (b) the accounts;
- (c) all signed releases in Form 36; and
- (d) the proposed order for passing the accounts in Form 41.

(2) Upon receiving an application under subsection (1), the registrar shall set the date and time for passing the accounts of the estate, which shall be not less than 45 days from the date of receipt of the application.

(3) Upon filing an application pursuant to subsection (1), a personal representative shall serve

- (a) a copy of the application filed pursuant to subsection (1);
- (b) a copy of the accounts; and
- (c) a blank notice of objection in Form 42,

on each person interested in the estate not less than 30 days before the date set to pass the accounts.

(4) A personal representative shall file an affidavit respecting the application filed pursuant to subsection (1) in Form 43 with the court not less than 10 days before the date set for passing the accounts.

(5) Where no completed notice of objection is filed with the court pursuant to Section 58, an application under this Section may proceed, without further notice.

Application for accounting by person interested in an estate

56 (1) After the expiration of 18 months from the date of the grant or such longer period as the court may have allowed for an accounting to be provided pursuant to subsection 69(1) of the Act, a person interested in an estate may apply to the court for an order requiring the personal representative to apply to have the court pass the accounts of the estate.

- (2) A person making an application pursuant to subsection (1) shall file an application pursuant to Section 64.
- (3) A beneficiary of a specific gift under a will is entitled to an accounting in respect of that gift only but once the gift has been received by the beneficiary, the beneficiary is no longer entitled to that accounting.

Accounts

57 (1) A personal representative of an estate shall keep accurate records of all property and debts of the estate and all activity in the estate.

- (2) The accounts of an estate shall include
 - (a) a statement of all property of the deceased at the beginning of the accounting period;
 - (b) a statement of all adjustments to the value of the property of the deceased during the accounting period;
 - (c) a statement of all income received during the accounting period;
 - (d) a statement of all disbursements made during the accounting period for the payment of any debts or expenses incurred;
 - (e) a statement of all distributions made during the accounting period;
 - (f) a statement of all property remaining undistributed and the proposed distribution of that property;
 - (g) a statement of the commission sought for the personal representative, if any;
 - (h) a solicitor's proposed bill of costs, if any; and
 - (i) a statement summarizing the statements listed in clauses (a) through (h).
- (3) A statement referred to in clause 2(b) or (c) shall contain
 - (a) the date of receipt of all adjustments and income;
 - (b) the source of all adjustments and income; and
 - (c) the amount or value of all adjustments and income.
- (4) A statement referred to in clause 2(d) or (e) shall contain
 - (a) the date of each disbursement or distribution;
 - (b) the name of the recipient of each disbursement or distribution;
 - (c) the nature and purpose of each disbursement or distribution; and
 - (d) the amount or value disbursed or distributed in each case.
- (5) If a will deals separately with capital and income, the accounts shall distinguish entries respecting capital from entries respecting income.
- (6) A court may require further particulars of any account presented to the court.

Notice of objection

- 58 (1)** If a person interested in an estate objects to the accounts of the administration of the estate or any part of the accounts, the person shall, not less than 10 days before the date set for passing the accounts, file a notice of objection in Form 42 with the court and serve a copy of the notice of objection on the personal representative of the estate.
- (2)** If a notice of objection is filed pursuant to subsection (1), the application to pass the accounts shall proceed by a hearing.
- (3)** If a person has not filed and served a notice of objection in accordance with subsection (1), the person
- (a)** is deemed to have consented to the administration of the estate as contained in the accounts; and
 - (b)** may only make representations at any scheduled hearing with the permission of the court.

Court powers on passing accounts

- 59 (1)** On passing the accounts of an estate, a court may, in addition to the powers set out in Sections 71 and 72 of the Act,
- (a)** reject documents not filed or served in accordance with Section 55;
 - (b)** direct a personal representative of the estate to vary or amend the accounts of the estate;
 - (c)** set the commission for a personal representative of the estate in accordance with Section 76 of the Act and give any direction in that respect;
 - (d)** approve the compensation of an accountant or other skilled person appointed pursuant to Section 74 of the Act;
 - (e)** require the production of bank or other financial statements or any documents relating to the administration of the estate; and
 - (f)** require the production of vouchers, receipts and releases for all debts paid and expenditures and distributions made during the accounting period for the estate;
 - (g)** make a final order declaring the estate to be insolvent;
 - (h)** adjudicate a disputed matter in accordance with Sections 66 or 71 of the Act, and set the procedure the parties shall follow and time limits, if appropriate.
- (2)** Despite clause (1)(f), the registrar, in the registrar's discretion, may allow any item of expenditure or distribution without the production of a voucher, receipt or release, upon the filing of an affidavit in support of the expenditure or distribution.

- (3) An order made by a court pursuant to Section 72 of the Act and this Section shall be in Form 41.

Investigation of accounts by accountant or other skilled person

- 60 (1)** An accountant or other skilled person who is appointed pursuant to Section 74 of the Act to investigate the accounts of an estate shall be a chartered accountant, a certified general accountant, a certified management accountant, or an accountant acceptable to a court.
- (2) A court shall determine the nature, scope and extent of the duties of an accountant referred to in subsection (1) and the time within which their investigation is to be completed.
- (3) Any person having knowledge of or possession of documents relating to the administration of an estate shall make the records or other pertinent documents available to an accountant referred to in subsection (1) and shall cooperate fully with the accountant.
- (4) An accountant referred to in subsection (1) shall at the conclusion of their investigation file a report respecting their investigation with the court and send a copy of the report by ordinary mail to a personal representative of an estate.
- (5) The court may require an accountant referred to in subsection (1) to appear at a hearing and give any further explanations the court may require to pass the accounts of an estate.

Taxation of solicitor's bill of costs

- 61 (1)** The taxation of a solicitor's bill of costs in relation to an estate of a deceased person pursuant to Section 91 of the Act may be conducted prior to or upon an application for passing the accounts of an estate.
- (2) If the taxation of a solicitor's bill of costs is dealt with separately from passing the accounts of an estate, the registrar shall be provided, not less than 10 days before the taxation, with a notice of taxation in Form 44 and a copy of each bill of costs to be taxed, together with
- (a) proof that the personal representative and the persons listed in clauses 52(1)(a) through (h) were served with a copy of each bill of costs and the notice of taxation at least 30 days before the taxation; or
- (b) written consents to the solicitor's bill of costs from the personal representative and the persons listed in clauses 52(1)(a) through (h).
- (3) On taxation of a solicitor's bill of costs the registrar may
- (a) receive evidence by affidavit or orally;
- (b) direct the production of books, papers and documents; or
- (c) make any order that the registrar considers appropriate.
- (4) A decision of a registrar in a taxation of a solicitor's bill of costs may be appealed to a judge.

Personal representative's commission

- 62 (1)** A commission paid to a personal representative of an estate pursuant to Section 76 of the Act is for all services performed by the personal representative to complete the administration of the estate including distribution of the estate.
- (2)** A compensation agreement reached by a testator and a proposed personal representative is not binding on a court or the beneficiaries of the testator unless it is incorporated in the testator's will.
- (3)** In deciding the amount of the commission to allow to a personal representative pursuant to Section 76 of the Act, a court may consider the following:
- (a) the size of the estate;
 - (b) the care and responsibility involved in administering the estate;
 - (c) the time the personal representative was occupied in performing their duties;
 - (d) the skill and abilities shown by the personal representative;
 - (e) the success resulting from the personal representative's administration of the estate.

Part IV - Contentious Matters**Persons interested in an estate**

- 63 (1)** Subject to Section 71, a person interested in an estate is, for the purposes of this Part,
- (a) a personal representative of an estate; or
 - (b) any of the persons referred to in subsection 52(1).
- (2)** A court may order a group of persons with identical interests to be a class of persons interested in an estate.

Application respecting contentious matter

- 64 (1)** An application may be made to a court under this Part respecting any contentious matter.
- (2)** For the purposes of this Part, a "respondent" includes but is not limited to any person interested in an estate.
- (3)** A person interested in an estate may commence an application under this Part by filing with a court and serving on the respondents
- (a) a notice of application in Form 45; and
 - (b) an affidavit in Form 46 containing a list of persons interested in the estate and swearing to the facts on which the application is based.
- (4)** If a personal representative is not joined as an applicant in an application under this Part, the personal representative shall be shown as a respondent in documents filed with the court.

Service under this Part

- 65 (1)** A copy of an application filed with a court pursuant to subsection 64(3) shall be served on a respondent not less than 30 days before the hearing.

- (2) Despite subsection (1) a court may set a date for a hearing and permit an application to be served less than 30 days before the hearing if, in the opinion of the court, the circumstances warrant it.
- (3) If a person interested in the estate is a missing person, an applicant shall serve the Public Trustee with a copy of an application filed pursuant to subsection 64(3).
- (4) If the identity or address of a person interested in the estate is unascertainable, an applicant shall serve the Public Trustee with a copy of an application filed pursuant to subsection 64(3).

Notice of objection

- 66 (1)** A person who is served with an application pursuant to Section 65 or 71 and who wishes to object to the application shall
- (a) file a notice of objection in Form 47 with the court giving reasons for their objection; and
 - (b) serve a copy of the notice of objection filed pursuant to clause (a) on the applicant, not less than 10 days before the hearing.
- (2) If a person does not file and serve a notice of objection in accordance with subsection (1), the person
- (a) is not entitled to notice of any further proceedings; and
 - (b) may only make representations at the scheduled hearing with the permission of the court.
- (3) Despite subsection (1), a court may permit the notice of objection to be filed and served less than 10 days before the hearing if, in the opinion of the court, the circumstances warrant it.

Procedure and powers at hearing

- 67** Without limiting the powers of the court, the registrar, on hearing an application under this Part, may
- (a) receive evidence by affidavit or orally;
 - (b) dispose of issues arising out of the application;
 - (c) direct a hearing of issues arising out of the application and the procedure to be followed at the hearing;
 - (d) set the time or times within which matters or proceedings respecting the estate shall be completed;
 - (e) grant any relief to which the applicant is entitled because of a breach of trust, wilful default or other misconduct of the respondent;
 - (f) direct that notice of the court's decision or order be given to a particular person;
 - (g) dispense with service of notice on any person if, in the opinion of the court, service is impractical;

- (h) order that any money in the hands of a personal representative be paid into any chartered bank to the credit of the estate and not withdrawn without a court order;
- (i) order that security for costs be given by any party;
- (j) order that costs be paid from the estate or by a person who is a party to the application;
- (k) make any order the registrar considers appropriate in the circumstances.

Production of a will

68 (1) If an applicant applies for an order requiring a person to produce a will for a grant or to renounce executorship of a will, a court may order the person to appear before the court to

- (a) deposit the will with the court;
- (b) accept probate of the will;
- (c) renounce executorship of the will;
- (d) explain why administration with the will annexed should not be granted to the applicant or another person who has a prior or equal right to administer the estate and who is willing to act as an administrator;
- (e) explain why the will should not or cannot be deposited with the court;
- (f) give any information that the person has that is relevant to discovering the location of the will if it is not in the possession or control of the person.

(2) Despite subsection (1), a court may permit a person to prepare and submit affidavit evidence rather than attending before the court if, in the opinion of the court, the circumstances warrant it.

(3) An applicant shall not apply for an order requiring a personal representative of an estate to accept or refuse executorship of a will until at least 20 days after the date of the death of the testator.

(4) Despite subsection (3), an applicant may apply for an order requiring a personal representative of an estate to accept or refuse executorship of a will prior to the time referred to in subsection (3) if, in the opinion of the court, the circumstances warrant it.

(5) Upon being satisfied that a will may be in the custody of a person, a court may make an *ex parte* order in Form 48 for the production of the will.

Proof of lost or destroyed wills

69 (1) If an original will is lost or destroyed, the validity and content of the will shall be proved in accordance with Section 31 of the Act upon an application for proof in solemn form, unless the court otherwise orders.

- (2) An application under subsection (1) may proceed by affidavit evidence without appearance where all persons who have an interest in the estate consent in writing to the proof.

Revocation of grant

70 (1) Each person who is or claims to be entitled to administer an estate under an unrevoked grant shall be made a party to an application for revocation of the grant.

- (2) A court may direct that any person interested in an estate be made a party to the proceeding for revocation of a grant.

(3) Upon application for revocation of a grant,

- (a) if the applicant has possession or control of the grant, the applicant shall deliver the grant to the registrar within 7 days after the application has been filed with the court; or
- (b) if a party to the application other than the applicant has possession or control of the grant, the party shall deliver the grant to the registrar within 7 days after the party has been served with the application,

and the person to whom the grant was issued shall not act under it without leave of the court.

- (4) If a person fails to comply with clause (3)(a) or (b), the registrar may issue an order in Form 49 requiring the person to deliver the grant to the registrar.

(5) A person against whom an order has been issued under subsection (4), shall not act under the grant without leave of the court.

(6) If an application for revocation of a grant is not contested or opposed, a court may make an order based on the documents filed without requiring anything more.

Proof in solemn form

71 (1) Subject to subsection (2), an application for proof of a will in solemn form pursuant to Section 31 of the Act shall be commenced by filing with the court a notice of application in Form 45 and an affidavit in Form 46 setting out the reasons for questioning the validity of the will and describing the names, ages and places of residence of the beneficiaries and persons entitled to share in the distribution of the estate by reason of the *Intestate Succession Act*.

(2) In accordance with subsection 31(2) of the Act, if an application for proof in solemn form of a will is made after 6 months from the date of the grant, the applicant shall explain the reasons for commencing the application at that time and shall acknowledge that the application is limited to the portion of the property of the estate remaining undistributed as at the date of commencement of the application.

(3) All persons known to have an interest in upholding or disputing the validity of the will shall be served with a copy of the application referred to in subsection (1) in accordance with Section 65 and shall have the right to be joined as parties.

- (4) Upon filing the documents referred to in subsection (1), the applicant shall advertise the notice of application for proof in solemn form in 3 consecutive issues of the *Royal Gazette*.
- (5) If an application for proof of a will in solemn form has been filed pursuant to Section 31 of the Act, a personal representative who has been issued a grant for the estate shall 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 in writing to the distribution and all the consents are filed with the court.
- (6) Subject to subsection (5), if an application for proof of a will in solemn form is filed pursuant to Section 31 of the Act, a personal representative who has been issued a grant shall not exercise any of the powers of a personal representative during the application for proof of the will in solemn form without the consent of the court.
- (7) If a court file has been opened for an estate, the registrar shall record all documents referred to in subsection (1) in that file.
- (8) If there is no court file for an estate, all of documents referred to in subsection (1) are deemed to be originating documents and the registrar shall open a court file.
- (9) If an application for proof of a will in solemn form is not contested, the court may make an order based on the documents filed without requiring anything more.
- (10) If an application for proof of a will in solemn form is made by a person other than a personal representative named in the will, the personal representative may
 - (a) contest the application; or
 - (b) apply for an order that the application is frivolous or vexatious.
- (11) If a personal representative of an estate applies pursuant to clause (10)(b) for an order that the application for proof of a will in solemn form is frivolous or vexatious, the personal representative shall file an affidavit explaining their reasons for seeking the order.
- (12) If an application for proof of a will in solemn form is contested, the person contesting the application shall file a notice of objection in accordance with Section 66.

Registrar as clerk of court

- 72 (1)** A registrar may act as clerk of the court where a judge is hearing a matter under the Act.
- (2) If a registrar acts as clerk pursuant to subsection (1), the registrar shall assist the judge at any sitting of the court and be subject to the order of the judge, and all papers in the registrar's possession shall be available for the use of the judge.
 - (3) When acting as a clerk, a registrar shall inform the judge of any proceeding or other business awaiting the judge's action, and if the judge does not reside in the probate district the registrar

shall, whenever the judge holds a sitting of the court, prepare a docket of the business to be disposed of at the sitting and may attend at the sitting with the papers relating to the business.

- (4) A registrar acting as clerk pursuant to subsection (1) shall be responsible for recording the evidence and documents filed with the court.

Appraisal

73 (1) A person interested in an estate may make an application to a court in accordance with Section 64 for an order appointing one or more appraisers to estimate the value of any or all of the assets of the estate.

- (2) Where an application is made pursuant to subsection (1), the affidavit shall contain

- (a) the reasons for requiring an appraisal;
- (b) information as to the nature of any dispute over evaluations;
- (c) the name of the appraiser or appraisers proposed for appointment by the applicant; and
- (d) the method for determining the value of any or all of the assets to be appraised where more than one appraiser is to be appointed.

- (3) The costs of an appraisal under this Section shall be paid from the estate unless the court otherwise directs.

Mediation

74 (1) During the proceeding of any contentious matter under this Part, the parties may agree to adjourn the proceeding and refer any or all matters in dispute to mediation.

- (2) If a matter is referred to mediation pursuant to subsection (1), unless otherwise agreed by the parties, the procedure for conducting the mediation shall be as set out in Schedule A.
- (3) If a party withdraws from mediation or where mediation is concluded without agreement being reached, the matter in dispute may be recommenced in the court by the parties, or one of them, at a time to be set by the court.
- (4) Mediators to whom matters are referred pursuant to subsection (1) shall conduct themselves in a manner that is consistent with the Arbitration and Mediation Institute of Canada's approved Code of Conduct including, but not limited to, not acting as a representative or counsel of a party to the mediation.

Appeal from decision or order of registrar

75 (1) An appeal pursuant to Section 93 of the Act from a decision or order of a registrar shall be commenced by any party aggrieved by the order or decision by

- (a) filing 4 copies of a notice of appeal with the registrar;
 - (b) serving 1 copy of the notice of appeal on the respondent, if any; and
 - (c) serving 1 copy of the notice of appeal on the personal representative, if the personal representative is not the appellant or the respondent,
- not later than 30 days after the date of the registrar's decision or order.
- (2) A notice of appeal from a decision or order of a registrar shall be in Form 50 and shall be accompanied by a copy of the order or decision under appeal.
 - (3) Proof of service pursuant to subsection (1) shall be filed with the court not later than 7 days after the last day for service of the notice of appeal.
 - (4) Upon receipt of a notice of appeal, the registrar shall schedule a date and time for the hearing of the appeal and enter the date and time for the hearing on the notice of appeal.
 - (5) The judge may direct what material may be filed for the hearing of an appeal and may request clarification of the case from the registrar.

Schedule A

Probate Mediation Procedure (S. 74)

Parties to the mediation

- 1 (1) The goal of mediation is to reach an agreed-upon settlement and, therefore, all persons with the appropriate authority to agree to the settlement terms and conditions should be present at or available to participate in the mediation.
- (2) Other persons may participate in the mediation upon agreement by the parties.

Appointment of mediator

- 2 A mediator may be chosen from the Civil Roster of Mediators or the parties may choose their own mediator.

Disclosure

- 3 (1) Each party shall disclose whatever information and documents that the parties agree are necessary for them to reach an agreement.
- (2) All information and documents shall be exchanged between the parties and delivered to the mediator at least 7 days before the first mediation session.

Procedure before mediation session

- 4 (1) Each party shall prepare a brief summary statement, not to exceed 3 pages, of the issues in dispute and the party's positions with respect to those issues.

- (2) A copy of the summary statement shall be delivered to every other designated party and the mediator not less than 3 days before the first mediation session.
- (3) The mediator may meet with each party separately prior to a mediation session to clarify the issues and procedures.

Process

- 5 (1) The mediator may meet with any party privately during a mediation session if the mediator considers that it will assist the process.
- (2) Each party shall participate in good faith in the mediation process including avoiding any unnecessary delays and submitting all relevant information.

Representation

- 6 A party may be represented at a mediation session by counsel or another representative and, where so represented, may request the opportunity to meet privately with counsel or that representative at any time during the mediation.

Adjournment

- 7 The mediator may adjourn or cancel a mediation session at any time.

Withdrawal

- 8 A party may withdraw from the mediation process at any time.

Resort to other proceedings

- 9 Unless it is necessary for a party to initiate or continue arbitral or judicial proceedings to preserve the party's rights, no party shall, during the mediation process, initiate or continue any arbitral or judicial proceeding in respect of any matter in the dispute that is the subject-matter of the mediation.

Record

- 10 No transcript shall be kept of a mediation session.

Outcome of Mediation

- 11 (1) When the parties reach an agreement, the mediator shall set out the agreement in writing in a report that shall be reviewed by the parties.
- (2) Where a party is unrepresented, the mediator may suggest that the party seek independent legal advice before a settlement agreement is signed.

Confidentiality

- 12 No communications that occur during a mediation process are admissible in any legal proceeding and a mediator is neither competent nor compellable in any legal proceeding to disclose any admission or communication made to the mediator in his or her capacity as a mediator.

“Without prejudice” proceeding

- 13 In all respects, mediation is deemed to be a “without prejudice” proceeding carried on in the course of settlement negotiations.

Costs

- 14 The costs of a mediation process shall be borne by the parties to it, as agreed to between or among them.

Form 1 Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Certificate of Status of a Grant
(S. 5(6))**

This certifies that the grant of _____ type of grant _____ for this estate was issued by this
 Court at _____ probate district _____ to _____ name of personal representative _____, on
 _____ month and day _____, 20____, and is still in force and effect on the date of this certificate.

Date

Registrar of Probate

Form 2 Probate District: Probate Court File No:

**Affidavit of Execution of Will or Codicil
(S. 11(1))**

I, _____ name of witness _____, of _____ street and postal address, place, province/state, country _____,

make oath/affirm and say:

1. On _____ month and day _____, year _____, I was present and saw the _____ will/codicil attached to this affidavit executed by _____ name of testat(or)(rix) _____.

2. _____ Name of testat(or)(rix) _____ executed the document in the presence of me and _____ name of other witness, street and postal address, place, province/state, country _____. We were both present at the same time, and signed the document in the testat(or)(rix)'s presence as attesting witnesses.

Sworn/affirmed before me at _____)
 in the County of _____)
 Province of _____)
 on _____, 20____.)
 _____)
 _____)
 A Barrister of the Supreme Court)
 of Nova Scotia, Notary Public, Registrar of)
 Probate, Deputy Registrar of Probate)

 Signature of witness

Note: if the testat(or)(rix) was blind or signed by making his or her mark, add the following paragraph:

3. Before its execution, the document was read over to the _____ testat(or)(rix) _____, who was blind/signed by making his/her mark _____. The _____ testat(or)(rix) _____ indicated that _____ he/she understood the contents.

Warning: A beneficiary or the spouse of a beneficiary should not be a witness to a will.

Form 4 Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Order Appointing a *Guardian ad Litem*
(S. 16(2))

An application has been commenced for _____ [state the proceeding], and it appears that _____ beneficiary/heir is an infant, and is interested in the matter, and has no legal guardian.

It is ordered that _____ name of _____ residence in the County of _____ county, is appointed to act as *guardian ad litem*, to represent the interests of _____ infant's name, in the matter.

Date

Registrar of Probate

I accept the above appointment of *guardian ad litem*.

Signature of *guardian ad litem*

Name:
Complete address:
Telephone:
Fax:
E-mail:

Note: may be used for more than 1 infant

Form 5 Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF , Deceased

**Affidavit of Service
(S. 22(5))**

I, _____ name _____, of _____ street and postal address, place _____,
 in the Province of _____ province _____,

make oath and say:

I served copies of the originals of the following documents, which are on file with the court (if not on file, attached as exhibits), as follows:

Document: _____ Exhibit “ ”:

on the following persons:

[list name(s) and address(es) of person(s), date(s) served, where served and method of service]

Sworn before me at _____)
 in the County of _____, Province of _____)
 on _____, 20 .)
)

_____)

A Barrister of the Supreme Court of Nova Scotia,)Signature of deponent
 Commissioner of Oaths in and for the Province of)
 Nova Scotia, Notary Public in and for the Province)
 of Nova Scotia.)

Form 6 Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

[title of proceeding]

**Subpoena
(S. 23)**

TO: _____
names and addresses of witnesses

You are required to attend the hearing of the above proceeding in the Probate Court, to be held at _____
court address in _____ place, Nova Scotia, on _____ month and day, 20____,
at _____ time a.m./p.m. and so on from day to day until the end of the hearing, to give evidence on
behalf of the _____ applicant/respondents.

You are also required to bring with you and to produce at the above hearing the following documents or things:
[here describe the documents or things]

Your failure to obey this subpoena without adequate excuse may be deemed a contempt of court and you could be arrested and imprisoned.

Issued at _____ place, Nova Scotia, _____ month and day, 20____.

Registrar of Probate

Form 7 Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Reservation of Right to Apply for Grant of Probate
(S. 29)**

1. The deceased, _____, name of deceased, executed a will or codicil in which I am appointed a personal representative.
2. I reside in the Province of Nova Scotia and I am entitled to apply for a grant of probate of the deceased's estate under the *Probate Act*.
3. I have not intermeddled in the deceased's estate.
4. I desire the administration of the deceased's estate to proceed expeditiously but I am unable at this time to administer the estate of the deceased because I am/will be absent from the Province.
5. I expect to be able to undertake the duties of personal representative in the future and I reserve my right to apply for a grant of probate.
6. I consent to the issuance of a grant of probate to _____, name, subject to my reservation.

Signed at _____, place, _____, province, **on** _____, month and day, 20____.

Signature of witness
[name of witness - please print]

Signature of person reserving right to apply
[name of person - please print]

Form 7A Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Reservation of Right to Apply for Grant of Administration
(S. 29)**

1. The deceased, _____, name of deceased _____, died intestate.
2. I reside in the Province of Nova Scotia and I am entitled to apply for a grant of administration of the deceased's estate under the *Probate Act*.
3. I have not intermeddled in the deceased's estate.
4. I desire the administration of the deceased's estate to proceed expeditiously but I am unable at this time to administer the estate of the deceased because I am/will be absent from the Province.
5. I expect to be able to undertake the duties of personal representative in the future and I reserve my right to apply for a grant of administration.
6. I consent to the issuance of a grant of administration to _____, name _____, subject to my reservation.

Signed at _____ place _____, province _____, on _____ month and day _____, 20____.

Signature of witness
[name of witness - please print]

Signature of person reserving right to apply
[name of person - please print]

Form 7B Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Reservation of Right to Apply for Grant of Administration
with the Will Annexed
(S. 29)**

1. The deceased, _____, executed a will or codicil in which the named executor(s) is/are _____ unable to take out probate because _____ [give explanation] _____.
2. I reside in the Province of Nova Scotia and I am entitled to apply for a grant of administration with the will annexed under the *Probate Act*.
3. I have not intermeddled in the deceased's estate.
4. I desire the administration of the deceased's estate to proceed expeditiously but I am unable at this time to administer the estate of the deceased because I _____ am/will be absent from the Province.
5. I expect to be able to undertake the duties of personal representative in the future and I reserve my right to apply for a grant of administration with the will annexed.
6. I consent to the issuance of a grant of administration with the will annexed to _____ name _____, subject to my reservation.

Signed at _____ place _____, province _____, on _____ month and day _____, 20 _____.

Signature of witness

[name of witness - please print]

Signature of person reserving right to apply

[name of person - please print]

Form 8 Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for a Grant of Probate
(S. 33(1))**

I, _____ name in full _____, of _____ street and postal address _____, _____ place _____, in the County of _____ county _____, Province of _____ province _____, _____ postal code _____ applicant,

make oath and say:

1. _____ name of deceased _____ late of _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia, _____ occupation _____, died on or about _____ month and day _____, 20____, at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of _____ province _____, and at the time of death the residence of the deceased was

(a) at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia.

OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

2. To the best of my information and belief

(a) the deceased _____ was/was not _____ of the age of majority at the time the will was made and _____ was/was not _____ married and _____ was/was not _____ a registered domestic partner at that time;

(b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]

(c) the deceased _____ did/did not _____ marry and _____ was/was not _____ a registered domestic partner after the deceased's will was made;

- (d) neither name of witness nor name of witness, the witnesses to the attached will and codicil(s) is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [if so, give details]
- (e) the deceased was predeceased by [list the names, addresses and ages at death and dates of death respectively of predeceasing spouse(s) and children, and beneficiaries named in will];
- (f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [if there are, give details]
- (g) the attached will and codicil(s) is/are the true and original last will and codicil(s) of the deceased;
- (h) no other application has been made for a grant of probate or administration of this estate; and
- (i) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is:
- | | |
|--------------------------------------|----|
| (i) real property less encumbrances | \$ |
| (ii) personal property (gross value) | \$ |
| Total: | \$ |

which includes all insurance, RRSP's, RRIF's, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia or real property held in joint tenancy, or insurance, RRSP's, RRIF's, pensions, superannuation or annuities payable to a named beneficiary. Include a mobile home in real property, less any encumbrance upon it.]

3. The real property of the deceased is situate at place in Nova Scotia.
4. I am the executor of the deceased named in the attached will or codicil(s).
[If any executor named in the attached will or codicil(s) is not applying or is reserving the right to apply, provide explanation.]
5. I will faithfully administer the property of the deceased by
- (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds me;
- (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;

- (c) disclosing to the court the existence of any asset and any encumbrance on real property, the value of which has not been disclosed in the inventory, within 30 days of when I learn of it;
- (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the Court, upon a determination being made as to the value of that asset;
- (e) rendering a true account of my executorship whenever required by law to do so; and
- (f) distributing all the property of the deceased according to law.

6. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.

7. I request that the court issue a grant of probate to the applicant.

Sworn before me at _____)
 in the County of _____, Province)
 of Nova Scotia, on _____, 20____.)
)
)
 _____)
 A Barrister of the Supreme Court of Nova Scotia,)
 Commissioner of Oaths in and for the Province of)
 Nova Scotia, Notary Public in and for the Province)
 of Nova Scotia)

 Signature of applicant

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

Form 8A
 Probate District:
 Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for a Grant of Probate (Corporate Applicant)
 (S. 33(1))**

I, _____ trust officer _____ on behalf of _____ trust company _____ of _____ street and postal address _____, _____ place _____, in the County of _____ county _____, Province of _____ province _____, postal code _____, applicant,

make oath and say:

1. I am authorized to make this application for a grant of probate on behalf of _____ trust company and that _____ trust company is the executor named in the attached will or codicil(s). [If any executor(s) named in the attached will or codicil(s) is/are not applying, provide explanation.]

2. _____ trust company is authorized to administer estates in the Province of Nova Scotia.

3. _____ name of deceased _____ late of _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia, _____ occupation _____, died on or about _____ month and day _____, 20____, at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of _____ province _____, and at the time of death the residence of the deceased was (a) at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia.

OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

4. To the best of my information and belief

(a) the deceased _____ was/was not _____ of the age of majority at the time the will was made and _____ was/was not _____ married and _____ was/was not _____ a registered domestic partner at that time;

(b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]

- (c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;
- (d) neither name of witness nor name of witness, the witnesses to the attached will and codicil(s) is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [if so, give details]
- (e) the deceased was predeceased by [list the names, addresses and ages at death and dates of death respectively of predeceasing spouse(s) and children, and beneficiaries named in will];
- (f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [if there are, give details]
- (g) the attached will and codicil(s) is/are the true and original last will and codicil(s) of the deceased;
- (h) no other application has been made for a grant of probate or administration of this estate; and
- (i) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is:

(i) real property less encumbrances	\$
(ii) personal property (gross value)	\$
Total:	\$

which includes all insurance, RRSP's, RRIF's, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia or real property held in joint tenancy, or insurance, RRSP's, RRIF's, pensions, superannuation or annuities payable to a named beneficiary. Include a mobile home in real property, less any encumbrance upon it.]

- 5. The real property of the deceased is situate at place in Nova Scotia
- 6. trust company, will faithfully administer the property of the deceased by
 - (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds it;
 - (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;

- (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when it learns of it;
- (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any asset that passes to _____ trust company _____ as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
- (e) rendering a true account of its executorship whenever required by law to do so; and
- (f) distributing all the property of the deceased according to law.

7. _____ trust company _____ will surrender to this court the grant to be issued to it whenever so required by the court or the registrar.

8. I request that the court issue a grant of probate to the applicant.

Sworn before me at _____)
 in the County of _____, Province _____)
 of Nova Scotia, on _____, 20 ____) [trust company]
 _____)
 _____) per: _____
 A Barrister of the Supreme Court of Nova Scotia,) Signature of trust officer
 Commissioner of Oaths in and for the Province of)
 Nova Scotia, Notary Public in and for the Province)
 of Nova Scotia)

Form 9 Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased

Application for a Grant of Administration
(S. 33(2))

I, _____, name in full _____, of _____, street and postal address _____,
 _____, place _____, in the County of _____, county _____,
 Province of _____, province _____, postal code _____, applicant,

make oath and say:

1. _____, name of deceased _____, late of _____, place _____, in the County/Municipality of _____, county/municipality _____, Province of Nova Scotia, occupation _____, died on or about _____, month and day _____, 2, at _____, place _____, in the County/Municipality of _____, county/municipality _____, Province of _____, province _____, and at the time of death the residence of the deceased was

(a) at _____, place _____, in the County/Municipality of _____, county/municipality _____, Province of Nova Scotia.

OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

2. I have caused a diligent and careful search to be made for a will, any codicil thereto or testamentary paper of the deceased but have been unable to discover any.

3. (a) I am _____, relationship of applicant _____ to the deceased and am therefore entitled to make this application.

[Attach Form 12 renunciation from each person having a prior or equal right to apply.]

OR

- (b) I am the nominee applicant under subsection 32(4) of the *Probate Act* and am entitled to make this application.

[Attach Form 14 renunciation/nomination/consent from persons having prior or equal right to apply.]

[Choose (a) or (b) and delete the other.]

4. To the best of my information and belief
- (a) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner [circle one], and left the following person(s) who are entitled by law to share in the estate: [List the names, addresses, age, relationship to deceased of each heir.]
- (b) the deceased was predeceased by the following person (s) who would have been entitled by law to share in the estate: [List the names, addresses and dates of death respectively of of each predeceasing heir.]
- (c) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]
- (d) no other application has been made for a grant of probate or administration of this estate; and
- (e) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is
- | | |
|--------------------------------------|----|
| (i) real property less encumbrances | \$ |
| (ii) personal property (gross value) | \$ |
| Total: | \$ |
- which includes all insurance, RRSP's, RRIF's, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia or real property held in joint tenancy, or insurance, RRSP's, RRIF's, pensions, superannuation and annuities payable to a named beneficiary. Include a mobile home in real property, less any encumbrance upon it.]
5. The real property of the deceased is situate at _____ place in Nova Scotia _____ .
6. I will faithfully administer the property of the deceased by
- (a) paying the just debts of the deceased and all taxes payable in respect of the estate of the deceased;
- (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
- (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when I learn of it;
- (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to ~~or~~ any asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;

- (e) rendering a true account of my administration whenever required by law to do so; and
- (f) distributing all the property of the deceased according to law.

- 7. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.
- 8. I request that the court issue a grant of administration to the applicant.

Sworn before me at _____)
 in the County of _____, Province)
 of Nova Scotia, on _____, 20____.)
)
)
 _____)
 A Barrister of the Supreme Court of Nova Scotia,)
 Commissioner of Oaths in and for the Province of)
 Nova Scotia, Notary Public in and for the Province)
 of Nova Scotia)

 Signature of applicant

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

Form 9A Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for a Grant of Administration (Corporate Applicant)
(S. 33(2))**

I _____ trust officer _____ on behalf of _____ trust company _____, of
 _____ street and postal address _____, _____ place _____, in the County of _____ county _____,
 Province of _____ province _____, postal code _____, applicant,

make oath and say:

1. I am authorized to make this application for a grant of administration on behalf of _____ trust company
 under subsection 32(4) of the *Probate Act* and have attached the applicable renunciations
 and/or consent(s). [Attach Form 12 renunciation or Form 14 renunciation/nomination/consent from persons having a prior or equal right to apply.]

2. _____ trust company _____ is authorized to administer estates in Nova Scotia.

3. _____ name of deceased _____, late of _____ place _____, in the County/Municipality of _____
 county/municipality _____, Province of Nova Scotia, _____ occupation _____, died on or about _____ month and day _____, 20____
 _____, at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of
 _____ province _____, and at the time of death the residence of the deceased was
 (a) at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova
 Scotia.

OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

4. A diligent and careful search has been made for a will, any codicil thereto or testamentary paper of
 the deceased but none have been discovered.

5. To the best of my information and belief

- (a) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner [circle one] , and left the following person(s) who are entitled by law to share in the estate: [List the names, addresses, age, relationship to deceased of each heir.]
- (b) the deceased was predeceased by the following person(s) who would have been entitled by law to share in the estate: [List the names, addresses and dates of death respectively of [one] each predeceasing heir.]
- (c) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]
- (d) no other application has been made for a grant of probate or administration of this estate; and
- (e) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is
 - (i) real property less encumbrances \$
 - (ii) personal property (gross value) \$
 - Total: \$

which includes all insurance, RRSP's, RRIF's, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia or real property held in joint tenancy, or insurance, RRSP's, RRIF's, pensions, superannuation and annuities payable to a named beneficiary. Include a mobile home in real property, less any encumbrance upon it.]

6. The real property of the deceased is situate at _____ place in Nova Scotia .

7. _____ trust company will faithfully administer the property of the deceased by

- (a) paying the just debts of the deceased and all taxes payable in respect of the estate of the deceased;
- (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
- (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when it learns of it;

- (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to [or] any asset that passes to trust company as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
- (e) rendering a true account of its administration whenever required by law to do so; and
- (f) distributing all the property of the deceased according to law.

8. trust company will surrender to this court the grant to be issued to it whenever so required by the court or the registrar.

9. I request that the court issue a grant of administration to the applicant.

Sworn before me at _____)
 in the County of _____, Province _____)
 of Nova Scotia, on _____, 20 . _____) [trust company]
 _____)
 A Barrister of the Supreme Court of Nova Scotia, _____) per: _____
 Commissioner of Oaths in and for the Province of _____) Signature of trust officer
 Nova Scotia, Notary Public in and for the Province _____)
 of Nova Scotia _____)

Form 10
 Probate District:
 Probate Court File

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for a Grant of Administration with the Will Annexed
 (S. 33(3))**

I, _____, of _____, street and postal address _____,
 _____, in the County of _____, county _____,
 Province of _____, province _____, postal code _____, applicant,

make oath and say:

1. The executor named in the attached will or codicil(s) is unable to take out probate because [give explanation]

2. I am _____ relationship of applicant to the deceased and am therefore entitled to make this application.

[Attach Form 13 renunciation or Form 15 renunciation/nomination/consent from persons having a prior or equal right to apply.]

3. _____ name of deceased late of _____ place, in the County/Municipality of _____, county/municipality, Province of Nova Scotia, _____ occupation, died on or about _____ month and day, 20____, at _____ place, in the County/Municipality of _____ county/municipality, Province of _____ province, and at the time of death the residence of the deceased was
 (a) at _____ place, in the County/Municipality of _____ county/municipality, Province of Nova Scotia.

OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

4. To the best of my information and belief:

- (a) the deceased was/was not of the age of majority at the time the will was made and was/was not married and was/was not a registered domestic partner at that time;
- (b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]
- (c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;
- (d) neither name of witness nor name of witness, the witnesses to the attached will and codicil(s) is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [if so, give details]
- (e) the deceased was predeceased by [list the names, addresses and ages at death and dates of death respectively of predeceasing spouse(s) and children, and beneficiaries named in will];
- (f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]
- (g) the attached will and codicil(s) is/are the true and original last will and codicil(s) of the deceased;
- (h) no other application has been made for a grant of probate or administration of this estate; and
- (i) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is:
 - (i) real property less encumbrances \$
 - (ii) personal property (gross value) \$
 - Total: \$

which includes all insurance, RRSP's, RRIF's, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia or real property held in joint tenancy, or insurance, RRSP's, RRIF's, pensions, superannuation or annuities payable to a named beneficiary. Include a mobile home in real property, less any encumbrance upon it.]

5. The real property of the deceased is situate at _____ place in Nova Scotia _____ .

- 6. I will faithfully administer the property of the deceased by
 - (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds me;
 - (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property, the value of which has not been disclosed in the inventory, within 30 days of when I learn of it;
 - (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
 - (e) rendering a true account of my administration whenever required by law to do so; and
 - (f) distributing all the property of the deceased according to law.

- 7. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.

- 8. I request that the court issue a grant of administration with the will annexed to the applicant.

<p>Sworn before me at _____) in the County of _____, Province _____) of Nova Scotia, on _____, 20____.) _____) _____) A Barrister of the Supreme Court of Nova Scotia,) Commissioner of Oaths in and for the Province of) Nova Scotia, Notary Public in and for the Province) of Nova Scotia)</p>	<p>_____ Signature of applicant</p>
---	--

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

Form 10A
 Probate District:
 Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for a Grant of Administration with the Will Annexed
 (Corporate Applicant)
 (S. 33(3))**

I, _____ trust officer on behalf of _____ trust company of _____ street and postal address _____,
 _____ place, in the County of _____ county _____,
 Province of _____ province _____, postal code _____, applicant,

make oath and say:

1. I am authorized to make this application for a grant of administration with the will annexed on behalf of _____ trust company under subsection 32(4) of the *Probate Act* and have attached the applicable renunciations and/or consent(s).

[Attach Form 13 renunciation or Form 15 renunciation/nomination/consent from persons having a prior or equal right to apply.]

2. _____ trust company is authorized to administer estates in Nova Scotia.

3. The executor(s) named in the attached will or codicil(s) _____ is/are unable to take out probate because:

[give explanation] _____

4. _____ name of deceased late of _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia, _____ occupation _____, died on or about _____ month and day _____, 20____, at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of _____ province _____, and at the time of death the residence of the deceased was (a) at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia.

OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

5. To the best of my information and belief

- (a) the deceased was/was not of the age of majority at the time the will was made and was/was not married and was/was not a registered domestic partner at that time;
- (b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]
- (c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;
- (d) neither name of witness nor name of witness, the witnesses to the attached will and codicil(s) is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [if so, give details]
- (e) the deceased was predeceased by [list the names, addresses and ages at death and dates of death respectively of predeceasing spouse(s), children, and beneficiaries named in will];
- (f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [if there are, give details]
- (g) the attached will and codicil(s) is/are the true and original last will and codicil(s) of the deceased;
- (h) no other application has been made for a grant of probate or administration of this estate; and
- (i) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is
 - (i) real property less encumbrances \$
 - (ii) personal property (gross value) \$
 - Total: \$

which includes all insurance, RRSP's, RRIF's, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia or real property held in joint tenancy, or insurance, RRSP's, RRIF's, pensions, superannuation or annuities payable to a named beneficiary. Include a mobile home in real property, less any encumbrance upon it.]

6. The real property of the deceased is situate at place in Nova Scotia .

7. trust company will faithfully administer the property of the deceased by
- (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds it;
 - (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property, the value of which has not been disclosed in the inventory, within 30 days of when it learns of it;
 - (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any asset that passes to trust company as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
 - (e) rendering a true account of its administration whenever required by law to do so; and
 - (f) distributing all the property of the deceased according to law.

8. trust company will surrender to this court the grant to be issued to it whenever so required by the court or the registrar.

9. I request that the court issue a grant of administration with the will annexed to the applicant.

Sworn before me at _____)
 in the County of _____, Province of _____)
 of Nova Scotia, on _____, 20____.)
 _____)

A Barrister of the Supreme Court of Nova Scotia, _____)
 Commissioner of Oaths in and for the Province of _____)
 Nova Scotia, Notary Public in and for the Province _____)
 of Nova Scotia _____)

)
) [trust company]
) per:
 _____)
 Signature of trust officer)

Form 11 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for Extra-Provincial Grant of Probate
(S. 33(4))**

I, _____ name in full _____, of _____ street and postal address, place, province/state, country _____, applicant,

make oath and say:

1. name of deceased _____, late of _____ place, province/state, country _____, occupation _____, died on or about _____ month and day _____, 20____, at _____ place, province/state, country _____ and at the time of death the residence of the deceased was outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.
2. The deceased died testate leaving a will and codicil(s) in which the applicant was named as executor.
3. A grant of probate _____ [or as the case may be] _____, was granted in the estate of the deceased on _____ month and day _____, 20____, by the _____ name of court _____, being the court having jurisdiction in testamentary matters in _____ province/country _____, where the deceased was resident at the date of death, and the applicant is the executor named in it.
[If otherwise give details.]
4. The grant is still in full force and effect and the applicant has not been discharged by the court.
5. To the best of my information and belief
 - (a) the deceased _____ was/was not _____ of the age of majority at the time the will was made and _____ was/was not _____ married and _____ was/was not _____ a registered domestic partner at that time;

- (b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]
- (c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;
- (d) neither name of witness nor name of witness, the witnesses to the attached will and any codicil(s) is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [if so, give details]
- (e) the deceased was predeceased by [list the names, addresses and ages at death and dates of death respectively of predeceasing spouse(s), children, and beneficiaries named in will];
- (f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [if there are, give details]
- (g) the attached will and codicil(s) is/are copies of the original last will and codicil(s) certified by the court that issued the grant of probate [or as the case may be];
- (h) no other application has been made for a grant for this estate in Nova Scotia;
- (i) the fair market value of all the assets of the deceased in Nova Scotia that the deceased died possessed of or entitled to, that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy and for which an extra-provincial grant is applied for is
 - (i) real property less encumbrances \$
 - (ii) personal property (gross value) \$
 - Total: \$

which includes all insurance, RRSP's, RRIF's, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia or real property held in joint tenancy, or insurance, or RRSP's, RRIF's, pensions, superannuation and annuities payable to a named beneficiary. Include a mobile home in real property, less any encumbrance upon it.]

- 6. The real property of the deceased is situate at _____ place in Nova Scotia .
- 7. I will faithfully administer the property of the deceased by
 - (a) paying the just debts of the deceased and all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds me;

- (b) filing with the court a full and true inventory of all assets of the deceased in the Province in Form 29 within 3 months after the date of the grant;
- (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when I learn of it;
- (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to such or any other asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
- (e) rendering a true account of my executorship whenever required by law to do so; and
- (f) distributing all the property of the deceased according to law.

8. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.

9. I request that the court issue an extra provincial grant of probate to the applicant.

<p>Sworn before me at</p> <p style="padding-left: 40px;">[county, province/state, country]</p> <p>on _____, 20 .</p> <p>_____</p> <p>[Title]</p>	<p>,</p> <p>,</p> <p>,</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>_____</p> <p>Signature of applicant</p>
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[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

Form 11A Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for Extra-Provincial Grant of Administration
(S. 33(4))**

I, _____, name in full _____, of _____, street and postal address, place, province/state, country _____, applicant,

make oath and say:

1. name of deceased _____, late of _____, place, province/state, country _____, occupation _____, died on or about _____ month and day, 20____, at _____, place, province/state, country _____ and at the time of death the residence of the deceased was outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.
2. The deceased died intestate.
3. A grant of administration [or as the case may be] _____, was granted in the estate of the deceased on _____ month and day, 20____, by the _____, name of court _____, being the court having jurisdiction in testamentary matters in _____ province/country _____, where the deceased was resident at the date of death, and the applicant is the administrator named in it.
[If otherwise give details.]
4. The grant is still in full force and effect and the applicant has not been discharged by the court.
5. I have caused a diligent and careful search to be made for a will, any codicil thereto or testamentary paper of the deceased but have been unable to discover any.

6. To the best of my information and belief
- (a) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]
 - (b) the deceased left the following person(s) who are entitled by law to share in the estate: [list the name, address, age and relationship to deceased of each heir] ;
 - (c) the deceased was predeceased by the following person(s) who would have been entitled by law to share in the estate: [list the name, address and date of death of each predeceased heir] ;
 - (d) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [if there are, give details]
 - (e) no other application has been made for a grant for this estate in Nova Scotia;
 - (f) the fair market value of all the assets of the deceased in Nova Scotia that the deceased died possessed of or entitled to, that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy and for which an extra-provincial grant is applied for is

(i) real property less encumbrances	\$
(ii) personal property (gross value)	\$
Total:	\$

which includes all insurance, RRSP's, RRIF's, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia or real property held in joint tenancy, or insurance, or RRSP's, RRIF's, pensions, superannuation and annuities payable to a named beneficiary. Include a mobile home in real property, less any encumbrance upon it.]

7. The real property of the deceased is situate at _____ place in Nova Scotia _____ .

8. I will faithfully administer the estate of the deceased by
- (a) paying the just debts of the deceased and all taxes payable in respect of the estate of the deceased;
 - (b) filing with the court a full and true inventory of all assets of the deceased in the Province in Form 29 within 3 months after the date of the grant;

- (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when I learn of it;
- (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to such or any other asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
- (e) rendering a true account of my administration whenever required by law to do so; and
- (f) distributing all the property of the deceased according to law.

9. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.

10. I request that the court issue an extra-provincial grant of administration to the applicant.

<p>Sworn before me at _____ , _____) [county, province/state, country] , _____) on _____ , 20 . _____) _____) [Title] _____)</p>	<p>_____) Signature of applicant _____)</p>
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[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

Form 11B Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for Extra-Provincial Grant of Administration
with the Will Annexed
(S. 33(4))**

I, _____ name in full _____, of _____ street and postal address, place, province/state, country _____, applicant,

make oath and say:

1. name of deceased _____, late of _____ place, province/state, country _____, occupation _____, died on or about _____ month and day _____, 20____, at _____ place, province/state, country _____ and at the time of death the residence of the deceased was outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.
2. The deceased died leaving a will and codicil(s) in which no executor was named or in which the named executor has renounced or has since died.
3. A grant of administration with the will annexed [or as the case may be] _____, was granted in the estate of the deceased on _____ month and day _____, 20____, by the _____ name of court _____, being the court having jurisdiction in testamentary matters in _____ province/country _____, where the deceased was resident at the date of death, and the applicant is the administrator named in it. [If otherwise give details.]
4. The grant is still in full force and effect and the applicant has not been discharged by the court.
5. To the best of my information and belief
 - (a) the deceased _____ was/was not _____ of the age of majority at the time the will was made and _____ was/was not _____ married and _____ was/was not _____ a registered domestic partner at that time;
 - (b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]

- (c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;
- (d) neither name of witness nor name of witness, the witnesses to the attached will and any codicil(s), is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [if so, give details]
- (e) the deceased was predeceased by [list the names, addresses and ages at death and dates of death respectively of predeceased spouse(s), children, and beneficiaries named in will];
- (f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [if there are, give details]
- (g) the attached will and codicil(s) is/are copies of the original last will and codicil(s) certified by the court that issued the grant of administration with the will annexed [or as the case may be];
- (h) no other application has been made for a grant for this estate in Nova Scotia;
- (i) the fair market value of all the assets of the deceased in Nova Scotia that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy and for which an extra-provincial grant is applied for is

(i) real property less encumbrances	\$
(ii) personal property (gross value)	\$
Total:	\$

which includes all insurance, RRSP's, RRIF's, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia or real property held in joint tenancy, or insurance, or RRSP's, RRIF's, pensions, superannuation and annuities payable to a named beneficiary. Include a mobile home in real property, less any encumbrance upon it.]

6. The real property of the deceased is situate at _____ place in Nova Scotia _____.

7. I will faithfully administer the property of the deceased by

- (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds me;

- (b) filing with the court a full and true inventory of all assets of the deceased in the Province in Form 29 within 3 months after the date of the grant;
- (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when I learn of it;
- (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to such or any other asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
- (e) rendering a true account of my administration whenever required by law to do so; and
- (f) distributing all the property of the deceased according to law.

8. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.

9. I request that the court issue an extra-provincial grant of administration with the will annexed to the applicant.

<p>Sworn before me at</p> <p style="margin-left: 100px;">[county, province/state, country]</p> <p>on _____, 20 .</p> <p>_____</p> <p>[Title]</p>	<p>,</p> <p>,</p> <p>,</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>
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[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

Form 12 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Renunciation (Probate)
(S. 34(1))**

1. The deceased, _____ name of deceased _____, made a will or codicil in which I am named an executor of the deceased.
2. I am entitled to apply for a grant of probate of the deceased's estate.
3. I have not intermeddled in the deceased's estate.
4. I renounce my right to a grant of probate of the deceased's estate without prejudice to any right to inherit from the estate.

Signed at _____ place _____, _____ province _____, on _____ month and day _____, 20____.

Signature of witness
[name and address of witness - please print]

Signature of person renouncing
[name and address of person - please print]

Form 13 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Renunciation (Administration)
(S. 34(3))**

1. The deceased, _____, name of deceased _____, died intestate.
2. I am entitled to apply for a grant of administration under the *Probate Act* because I am the deceased's _____ relationship to deceased _____.
3. I have not intermeddled in the deceased's estate.
4. I renounce my right to a grant of administration of the deceased's estate without prejudice to any right to inherit from the estate.

Signed at _____ place _____, _____ province _____, on _____ month and day _____, 20____.

Signature of witness
[name and address of witness - please print]

Signature of person renouncing
[name and address of person - please print]

Form 14 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Renunciation (Administration with the Will Annexed)
(S. 34(3))

1. The deceased, name of deceased, made a will or codicil in which name of executor is named as an executor of the deceased.

2. name of executor has
 - (a) renounced their right to the grant of probate of the deceased's will,
 - (b) died,
 - (c) [other, give details].[Delete inapplicable options.]

3. I am entitled to apply for a grant of administration with the will annexed under the *Probate Act* because I am the deceased's relationship to deceased.

4. I have not intermeddled in the deceased's estate.

5. I renounce my right to a grant of administration with the will annexed of the deceased's estate without prejudice to any right to inherit from the estate.

Signed at place, province, on month and day, 20 .

 Signature of witness
 [name and address of witness - please print]

 Signature of person renouncing
 [name and address of person- please print]

Form 15 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Renunciation, Nomination and Consent to Appointment
of Personal Representative (Administration)
(S. 35(1))**

1. The deceased, _____ name of deceased _____, died intestate.
2. I am entitled to apply for a grant of administration under the *Probate Act* because I am the deceased's _____ relationship to deceased _____.
3. I have not intermeddled in the deceased's estate.
4. I renounce my right to a grant of administration of the deceased's estate without prejudice to any right to inherit from the estate.
5. I nominate _____ name of nominee _____ as administrator of the estate of the deceased.

Signed at _____ place _____, _____ province _____, on _____ month and day _____, 20 _____.

Signature of witness
[name and address of witness - please print]

Signature of person renouncing/nominating
[name and address of person - please print]

I consent to the nomination of _____ name of nominee _____ as administrator of the estate of the deceased.

Public Trustee

Form 16 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Renunciation, Nomination and Consent to Appointment of
Personal Representative (Administration with the Will Annexed)
(S. 35(1))**

1. The deceased, name of deceased, made a will or codicil in which name of executor(s), the executor(s), is/are unable to take out probate because: [give explanation]
2. I am entitled to apply for a grant of administration with the will annexed under the *Probate Act* because I am the deceased's relationship to deceased.
3. I have not intermeddled in the deceased's estate.
4. I renounce my right to a grant of administration with the will annexed of the deceased's estate without prejudice to any right to inherit from the estate.
5. I nominate name of nominee as administrator of the estate of the deceased.

Signed at place, province, on month and day, 20 .

Signature of witness
[name and address of witness - please print]

Signature of person renouncing/nominating
[name and address of person - please print]

I consent to the nomination of name of nominee as administrator of the estate of the deceased.

Public Trustee

Form 17 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Notice of Rejection
(S. 40)**

Date: _____ **Registrar/Deputy Registrar** _____

Your application is returned for the following corrections:

- Not our probate district, correct probate district is _____.
- 15-30 day survivorship clause specified in will - grant will be issued after such period.
- Indicate by covering letter the number of certified copies of the grant and certificates of status required.

Application for grant (Form _____)

- Complete address with postal code and phone number of applicant required.
- Application incomplete - the following is missing _____.
- Status/right of applicant to apply incorrect/incomplete; must clear off other executors, alternate executors or other persons having prior or equal right to apply (e.g. predeceased, renounced, sole, residuary beneficiaries, etc.).
- Documents enclosed are wrong/incomplete (e.g. codicils; renunciations; originals not enclosed).
- Signature of applicant missing.
- Date/place of death of deceased or residence of deceased missing.
- Name of deceased must correspond with that shown in will/codicil/extra-provincial grant - use "aka" or "referred to in the will/codicil as".
- Complete addresses required for all interested parties who benefit under an intestacy.
- Provide names of all predeceased children and indicate if they left any surviving children. (Note: identify surviving children and give complete addresses.)
- Indicate any minor children on an intestacy.
- Indicate any missing persons.
- Indicate any incompetent persons.
- Name all predeceased siblings, identify their surviving children, give complete names and addresses and indicate if any are minors, where an intestacy applies.
- Provide any memorandum or other document referred to in paragraph no. ___ of will/codicil.

- Name of applicant does not correspond with that shown in will/codicil/extra-provincial grant - use "aka" or "referred to in the will/codicil/ extra-provincial grant as".
- Other:

Affidavit of witness (Form)

- Affidavit of witness/missing/not sworn.
- Change wording to "codicil".
- Explain any interlineations, alterations, obliterations in will/codicil - indicate whether these were made before due execution of will/codicil.
- Date of will/codicil incorrect.
- Name of attending witness # _____ missing.
- Notarial seal missing.
- Signature missing.
- Signature of barrister/notary public/registrar/deputy registrar missing.
- Affidavit not sworn before a barrister, notary public, registrar, deputy registrar.

Renunciations/nominations (Form)

- Renunciations from _____ missing.
- Form incorrect, should use Form _____.
- Nomination from _____ missing.
- Consent from Public Trustee missing.
- Renunciation from Public Trustee missing.

Security requirement (Form)

- Need security/consent to dispense with security.
- Need affidavit of justification.
- Affidavit of justification is incomplete; require _____.
- Bond is incorrect; signature of _____ missing.
- Amount of bond incorrect.
- Other:

Notice of grant (Form)

- Residue not wholly disposed of in will: *Intestate Succession Act*, please notify heirs on intestacy.
- Notice was not sent to the following: _____.
- Notice to _____ is missing.
- Other:

Affidavit of service of notice (Form)

- Affidavit of service missing.
- Beneficiaries (names) not served.
- For each beneficiary served, name and address of service, date and method service and name of document served, must be clearly stated in the affidavit.
- Attach notices to beneficiaries and mark same as exhibits to the affidavit.
- Need affidavit regarding missing or unascertained beneficiaries.

Inventory (Form)

- Mark "Nil" or an amount in each section.
- Calculation error: (Explanation: _____.)
- Include Nova Scotia land only.
- Give value of assets as at date of death.
- Require detailed description of property under each heading (e.g. shares, GIC, term deposit, CSB, bank account numbers and location, civic address of land).
- Document incomplete; signature of _____ missing.
- Affidavit not taken.
- Other:

Notice of objection (Form)

- Incomplete.
- Other:

Note: an affidavit must be re-sworn if changes have been made to it.

Form 18 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Security - Bond or Policy of Guarantee of Guarantee Company
(S. 42(1)(a))**

The principal in this security is _____ name of personal representative .

The surety in this security is _____ name of guarantee company , a corporation authorized to act as a surety in the Province of Nova Scotia.

The obligee in this security is the registrar of the probate court for the probate district of _____ name of district , Province of Nova Scotia, acting for the benefit of creditors and persons entitled to share in the estate of the deceased.

The principal and the surety are jointly and severally bound to the registrar of the probate court for the probate district of _____ name of district , Province of Nova Scotia, in the amount of \$ _____ , to be paid to the registrar for which payment we bind ourselves and each of us, our heirs, executors, administrators and assigns.

The duties of the principal are

- (a) to make and file with the court a full and true inventory of the property of the deceased that has, or may, come into the knowledge and/or possession of the principal;
- (b) to administer all such property according to law;
- (c) to pay the debts of the deceased;
- (d) when lawfully required, to render a proper and full account of the administration of the estate; and
- (e) to distribute to the persons entitled, all property remaining after payment of the debts of the deceased and the costs of administration of the estate.

The primary obligation under this security belongs to the principal. The principal is liable under this security for any amount found by the court to be owing to any creditors of the estate and persons entitled to share in the estate to whom proper payment has not been made.

The surety, provided it has been given reasonable notice of any proceeding in which an order or decision may be made against the principal for failure to perform the obligations of this security shall, on order of the court, and on default of the principal to pay any final amount made against the principal in the proceeding, pay to the registrar the amount of any deficiency in the payment by the principal, but the surety shall not be liable to pay more than the amount of the security.

Signed at _____ place _____, Nova Scotia, on _____ month and day _____, 20 ____ .

Signature of witness

Signature of principal

Signed and sealed at _____ place _____, Nova Scotia, on _____ month and day _____, 20 ____ .

[guaranty company]

[Signature of witness]

per: _____
[Signature of authorized representative]

[Note: the text and signature areas of this form may be adapted as required where there is more than one principal.]

Form 19 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Security - Personal Bond and Affidavit of Justification
(S. 42(1)(b))**

The principal in this security is _____ name of personal representative .

The surety in this security is _____ name of surety .

The obligee in this security is the registrar of the Probate Court for the Probate District of _____ name of district, Province of Nova Scotia acting for the benefit of creditors and persons entitled to share in the estate of the deceased.

The principal and the surety are jointly and severally bound to the registrar of the Probate Court for the Probate District of _____ name of district, Province of Nova Scotia, in the amount of \$ _____, to be paid to the registrar, for which payment we bind ourselves and each of us, our heirs, executors, administrators and assigns.

The duties of the principal are

- (a) to make and file with the court and full and true inventory of the property of the deceased that has, or may come into the knowledge and/or possession of the principal;
- (b) to administer all such property according to law;
- (c) to pay the debts of the deceased;
- (d) when lawfully required, to render a proper and full account of the administration of the estate; and
- (e) to distribute to the persons entitled, all property remaining after payment of the debts of the deceased and the costs of administration of the estate.

The primary obligation under this security belongs to the principal. The principal is liable under this security for any amount found by the court to be owing to any creditors of the estate and persons entitled to share in the estate to whom proper payment has not been made.

The surety, provided they have been given reasonable notice of any proceeding in which an order or decision may be made against the principal for failure to perform the obligations of this security shall, on order of the court and on default of the principal to pay any final amount made against the principal in the proceeding, pay to the registrar the amount of any deficiency in the payment by the principal, but the surety shall not be liable to pay more than the amount of the security.

Signed at _____ place _____, Nova Scotia, on _____ month and day _____, 20____.

Signature of witness

Signature of principal

Signed and sealed at _____ place _____, Nova Scotia, on _____ month and day _____, 20____.

[Signature of witness]

[Signature of surety]

Affidavit of Justification

I _____ name of surety _____, of _____ full address _____, occupation _____,

make oath and say:

1. I am the proposed surety on behalf of the principal in this security of the property of _____ name of deceased, deceased, named in this security, for the faithful administration of the property of the deceased.
2. My residence and occupation are correctly stated above and I have property of a value equal to the amount of \$ _____ over and above all encumbrances and over and above what will pay my just debts and every sum for which I am now bail, or for which I am liable as surety or endorser or otherwise.

3. I am of the age of majority.

Sworn before me at _____, in the _____)
 County of _____, Province of _____)
 Nova Scotia, on _____, 20____.)
 _____)
 Barrister of the Supreme Court of Nova Scotia,)
 Commissioner of Oaths in and for the Province)
 of Nova Scotia, Notary Public in and for the)
 Province of Nova Scotia.)

_____)
 Signature of surety

Notes: This form of security may be adapted for use by an administrator with will annexed or a non-resident executor or administrator.

The text and signature areas of this form may be adapted as required where there is more than one principal or surety.

Form 20 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Grant of Probate
(S. 42(1))**

This court grants probate of the attached will (and codicil(s)) and administration of the estate of _____ name of
 deceased _____, late of _____ place of residence in the Probate District of _____ name of district, who died on
 the _____ month and day, _____ year, to
 _____ name and address of personal representative, who has sworn to faithfully administer the estate by paying the
 just debts of the deceased and the legacies contained in the will (and codicil(s)) and paying the lawful
 expenses and distributing the residue (if any) according to law.

[Indicate any limitation.]

The personal representative shall file a full and true inventory of the assets of the deceased within 3 months after the date of this grant, and shall render a just and true account of the executorship when required by law to do so.

Issued on _____ month and day, 20____.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 21 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased

Grant of Administration
(S. 33(2))

This court grants administration of the estate of _____, name of deceased, late of _____, place of residence, in the Probate District of _____, name of probate district, who died on _____, month and day, 20____, to _____, name and address of personal representative who has sworn to faithfully administer the estate by paying the just debts of the deceased and paying the lawful expenses and distributing the residue (if any) according to law.

[Indicate any limitation.]

The personal representative shall file a full and true inventory of the assets of the deceased, within 3 months after the date of this grant, and shall render a just and true account of their administration when required by law to do so.

Issued on _____, month and day, 20____.

 Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 22 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Grant of Administration with the Will Annexed
(S. 43(3))**

This Court grants administration of the attached will (and codicil(s)) of the estate of

name of deceased _____, late of _____ place of residence _____, in the Probate District of

name of probate district _____, who died on _____ month and day _____, 20____, to

name and address of personal representative _____, who has sworn to faithfully administer the estate by paying the just debts of the deceased and the legacies contained in the will (and codicil(s)) and paying the lawful expenses and distributing the residue (if any) according to law.

[Indicate any limitation.]

The personal representative shall file a full and true inventory of the assets of the deceased within 3 months after the date of this grant, and shall render a just and true account of their administration when required by law to do so.

Issued on _____ month and day _____, 20____.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 23 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Extra-Provincial Grant of Probate
(S. 43(4))**

This Court grants probate of the will (and codicil(s)), a certified copy of which is attached and marked as Exhibit "A", and administration of the estate located within the Province of Nova Scotia, of _____ name of deceased _____, late of _____ place of residence _____, in the _____ province or country _____ who died on _____ month and day _____, 20____, to _____ name and address of personal representative _____, the personal representative of the deceased's estate.

The exhibit attached and marked as Exhibit "B" is a certified copy of the grant of _____ type of grant _____ issued by the _____ name of foreign court _____, being the court having jurisdiction in testamentary matters in _____ province or country _____, where the deceased was resident at the date of death, on _____ month and day _____, 20____, to _____ name of personal representative _____, the personal representative of the estate, and that grant is now in full force and effect.

The personal representative has sworn to faithfully administer the estate in the Province by paying the just debts of the deceased and the legacies contained in the will (and codicil(s)) and paying the lawful expenses and distributing the residue (if any) according to law.

The personal representative shall within 3 months after the date of this grant file a full and true inventory of the assets of the deceased located in the Province, and shall render a just and true account of their executorship when required by law to do so.

Issued on _____ month and day _____, 20____.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 23A Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF , Deceased

**Extra-Provincial Grant of Administration
(S. 43(4))**

This court grants administration of the estate located within the Province of Nova Scotia, of _____ name
of deceased _____, late of _____ place of residence _____, in the _____ province or country _____, who died on _____ month and
day _____, 20____, to _____ name and address of personal representative _____, the personal representative of the deceased's estate.

The exhibit attached and marked Exhibit "A" is a certified copy of the grant _____ type of grant _____ issued by
the _____ name of foreign court _____, being the court having jurisdiction in testamentary matters in _____ province
or country _____, where the deceased was resident at the date of death, on _____ month and day _____, 20____, to _____ name of
personal representative _____, the personal representative of the estate, and that grant is now in full force and effect

The personal representative has sworn to faithfully administer the estate within the Province by paying
the just debts of the deceased and paying the lawful expenses and distributing the residue (if any)
according to law.

The personal representative shall within 3 months after the date of this grant file a full and true inventory
of the assets of the deceased that are in the Province, and shall render a just and true account of their
administration when required by law to do so.

Issued on _____ month and day _____, 20____.

Registrar of Probate

**[The text of this form may be adapted as required where there is more than one personal
representative.]**

Form 23B Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Extra-Provincial Grant of Administration with the Will Annexed
(S. 43(4))

This court grants administration of the will (and codicil(s)), a certified copy of which is attached and marked as Exhibit "A", and administration of the estate located within the Province of Nova Scotia, of _____, name of deceased, late of _____, place of residence, in the _____, province or country, who died on _____, month and day, 20____, to _____, name and address of personal representative, the personal representative of the deceased's estate.

The exhibit attached and marked as Exhibit "B" is a certified copy of the grant _____, type of grant, issued by _____, name of foreign court, being the court having jurisdiction in testamentary matters in _____, province or country, where the deceased was resident at the date of death, on _____, month and day, 20____, to _____, name of personal representative, the personal representative of the estate, and that grant is now in full force and effect.

The personal representative has sworn to faithfully administer the estate in the Province by paying the just debts of the deceased and the legacies contained in the will (and codicil(s)) and paying the lawful expenses and distributing the residue (if any) according to law.

The personal representative shall within 3 months after the date of this grant file a full and true inventory of the assets of the deceased that are in the Province, and shall render a just and true account of their administration when required by law to do so.

Issued on _____, month and day, 20____.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 24 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Notice to Beneficiaries (Residuary)
(S. 44(1)(a))**

TO: Name: _____

Complete address: _____

You are named as a residuary beneficiary in the last will* of _____ name of the deceased .

Probate of the will was granted on _____ date of grant .

The personal representative of the estate will collect the estate property, pay the debts, and complete the administration of the estate and do anything else required of them. Then the personal representative will be in a position to account to you before distributing any portion of the estate left after payment of all debts and expenses of the estate.

You can contact _____ name of personal representative at _____ address , _____ phone number for any further information you may need.

Signature of personal representative
or lawyer for personal representative

Date

Name:
Complete address:
Telephone:
Fax:
E-mail:

* Enclosed with this notice is a copy of the will.

[The text and signature area of this form may be adapted as required where there is more than one personal representative.]

Form 25 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased

Notice to Beneficiaries (Non-Residuary)
(S. 44(1)(b))

TO: Name: _____
 Complete address: _____

You are named as a beneficiary in the last will* of _____ name of deceased .

The will* gives you _____ description .

Probate of the will was granted on _____ date of grant .

The personal representative of the estate will collect the estate property, pay the debts, and complete the administration of the estate and do anything else required of them. Then the personal representative will be in a position to distribute your gift as long as it is not needed to pay for debts and expenses of the estate.

You can contact _____ name of personal representative at _____ address , _____ phone number ,
 for any further information you may need.

 Signature of personal representative or
 lawyer for personal representative

 Date

Name:
 Complete address:
 Telephone:
 Fax:
 E-mail:

* Enclosed with this notice is a copy of the relevant portion of the will.

[The text and signature area of this form may be adapted as required where there is more than one personal representative.]

Form 26 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Notice to Heirs (Intestacy)
(S. 44(1)(c))**

TO: Name: _____

Complete address: _____

_____ name of deceased died without leaving a will. In this circumstance, the provisions of the *Intestate Succession Act* determine which relatives of the deceased inherit the estate. You **may be** one of these relatives, and you **may be** entitled to inherit under this estate.

Administration of the estate was granted on _____ date of grant .

The personal representative of the estate will collect the estate property, pay the debts, and complete the administration of the estate and do anything else required of them. Then, if it is determined that you are entitled to inherit under the estate, the personal representative will be in a position to account to you as an heir before distributing any portion of the estate left after payment of all debts and expenses.

You can contact _____ name of personal representative at _____ address , _____ phone number , for any further information you may need.

Signature of personal representative or
lawyer for personal representative

Date

Name:
Complete address:
Telephone:
Fax:
E-mail:

[The text and signature area of this form may be adapted as required where there is more than one personal representative.]

Form 27 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Notice to Persons Who May Have Statutory Rights
(S. 44(1)(d))**

TO: Name: _____
 Complete address: _____

You **may be** entitled to share in the distribution of the estate of _____ name of deceased under the *Matrimonial Property Act, Testators' Family Maintenance Act* and/or *Vital Statistics Act*. The question of whether you are entitled, and for how much, must be settled before the estate can be finally distributed.

A grant of _____ type of grant was issued on _____ date of grant, 20____.
 Enclosed with this notice is a copy of the grant.

If you want to take this further, you should consult a lawyer immediately. **You must make your application within 6 months from the date the court issued the grant.** Please sign and return this form to the undersigned to show that you have received this notice.

 Signature of personal representative or
 lawyer for personal representative

 Date

Name:
 Complete address:
 Telephone:
 Fax:
 E-mail:

I acknowledge receipt of this notice and of a copy of the grant in this estate.

 Signature of addressee
 [Name of addressee and complete address - please print]

 Date

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 28 Probate District: Probate Court File No:
--

**IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased**

**Affidavit of Service - Notice of Grant
(S. 44(2))**

I, _____ name of personal representative _____, of _____ street and postal address, place, province/state, country _____,

make oath and say:

1. I am the personal representative for the estate of _____ name of deceased _____.
2. I have served on each of the following, who are the persons who have or may have an interest in this estate, a notice of grant, copies of which are attached as Exhibit "A" to this my affidavit.

<u>Notice Form #</u>	<u>Name</u>	<u>Address</u>	<u>Date served</u>
----------------------	-------------	----------------	--------------------

[Attach a separate sheet of paper if necessary]

3. I have been unable to serve the following persons:

<u>Notice Form #</u>	<u>Name</u>	<u>Address</u>	<u>Reason not served</u>
----------------------	-------------	----------------	--------------------------

[Attach a separate sheet of paper if necessary]

4. To the best of my knowledge, the persons named in paragraph(s) 2 and/or 3 are the persons who have or may have an interest in this estate.

- 5. I undertake to advise the court as soon as I have ascertained or found the persons listed in paragraph 3 or any additional persons who have or may have an interest in this estate and to provide the court with copies of the notices served on those interested persons.

Sworn before me at _____,)
 in the County of _____,)
 Province of Nova Scotia,)
 on _____, 20____.)
 _____)
 A Barrister of the Supreme Court of Nova Scotia,)
 Commissioner of Oaths in and for the Province)
 of Nova Scotia, Notary Public in and for the)
 Province of Nova Scotia)

 Signature of personal
 representative

[The text and signature area of this form may be adapted as required where there is more than one personal representative.]

	Value at Death
Bonds and debentures Number: Coupons due or accrued interest: Subtotal value bonds and debentures:	\$
Stocks and shares Company: Certificate No: Number of shares: Subtotal value stocks and shares:	\$
Annuities, pensions, superannuation, R.R.S.P.'s, R.R.I.F.'s payable to the estate Description: Subtotal value annuities, pensions, superannuation, R.R.S.P.'s, R.R.I.F.'s :	\$
Household goods, personal effects, vehicles, boats Description: Subtotal value household goods, personal effects, vehicles, boats:	\$
Business interests Description: Subtotal value business interests:	\$
Miscellaneous property not before mentioned Description: Subtotal value miscellaneous property:	\$
Total personal property value	\$
Total value of estate	\$

Affidavit

I, name of personal representative, the personal representative of this estate **make oath and say:**

1. The inventory of this estate is to the best of my knowledge, information and belief, a true statement of all the assets of the deceased at the date of death, and shows the fair market value of those assets.
2. I shall file a further inventory with the court within 30 days after any additional real or personal property comes into my possession or knowledge or where any valuation in this inventory appears to me to have been made in error.

- 3. The value of the deceased’s estate for the purpose of subsection 87(1) of the *Probate Act* and Section 41 of the *Probate Court Practice, Procedure and Forms Regulations*
 - (a) is unchanged from the date of the grant.
 - (b) has changed to \$_____ and a payment of probate tax in the amount of \$_____ shall be made to reflect this change.
 - (c) has changed to \$_____ and a refund of probate tax in the amount of \$_____ is hereby applied for to reflect this change.

[Note: choose the applicable option in paragraph 3 and delete the others.]

Sworn before me at _____,)
 in the County of _____,)
 Province of Nova Scotia,)
 on _____, 20____.)
 _____)
 A Barrister of the Supreme Court of Nova Scotia,)
 Commissioner of Oaths in and for the Province)
 of Nova Scotia, Notary Public in and for the)
 Province of Nova Scotia)

 Signature of personal
 representative

[The text and signature area of this form may be adapted as required where there is more than one personal representative.]

Form 30 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased

Notice re Filing Inventory
(S. 46(1))

TO: the personal representative _____
name

address

This is to notify you that you have not filed an inventory of the assets of the deceased within the time set out in subsection 57(1) of the *Probate Act*.

The court requires that you file the inventory within 30 days after receipt of this notice.

Failure to comply with this notice may result in the court ordering you to file the inventory.

If you fail to file an inventory after an order is made by the court, a person may make an application under clause 61(1)(a) of the *Probate Act* to have you removed as the personal representative of this estate.

 Date

 Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 31 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA**IN THE ESTATE OF _____, Deceased****Request for Advertisement
(S. 47)**

To: The Royal Gazette Part I
[Address]

Please advertise the estate information noted below in the *Royal Gazette Part I* for a period of 6 months. A cheque in the amount of \$ _____ is enclosed. [Note: fees for advertising are set out in the *Royal Gazette Part I Fees Regulations* under the *Communications and Information Act*.]

1. Name of deceased:
2. Place of residence of deceased at date of death:
3. Name of personal representative [note whether executor or administrator]:
Address:
4. Name of lawyer representing estate:
Address:
5. Date of grant of probate/administration:

NOTE: All persons having legal demands against this estate must file a notice of claim in Form 32 within 6 months from the date of the first advertisement.

All persons indebted to the estate must make immediate payment to the personal representative noted.

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 32 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Notice of Claim
(S. 48(1))**

To: Probate Court
[address]

The applicant makes the following claim(s) against the estate:

1. Amount of claim(s): \$ _____ .
2. Nature of claim(s): _____ .
3. Grounds upon which claim(s) is/are based:
4. Relief sought:

A copy of this notice of claim was served on the personal representative of this estate on _____ month and day
, 20_____ .

Signature of applicant/claimant or
lawyer for applicant/claimant

Date

Name:
Complete address:
Telephone:
Fax:
E-mail:

[The text and signature area of this form may be adapted as required where there is more than one applicant/claimant.]

Form 33 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased

**Notice of Contested Claim
(S. 48(3))**

To: [name of claimant]
[address]

1. You have made a claim against this estate.

2. The personal representative of the estate contests all or part of your claim against the estate and will not pay it unless ordered to do so by the court. [give details if only part of claim is contested]

3. You may have the claim dealt with
 - (a) on the passing of the accounts of the personal representative under Part III of the *Probate Court Practice, Procedure and Forms Regulations*; or
 - (b) by filing a notice of application and affidavit under Part IV of the *Probate Court Practice, Procedure and Forms Regulations*, in Forms 45 and 46.

Personal representative or
lawyer for personal representative

Date

Name:
Complete address:
Telephone:
Fax:
E-mail:

[The text and signature areas of this form may be adapted as required where there is more than one claimant or personal representative.]

Form 34 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Affidavit - Insolvent Estate
(S. 51(1))**

I, _____ name of personal representative _____, of _____ place _____, in the County of _____ county _____, Province of _____ province _____, applicant,

make oath and say:

1. I am the personal representative of this estate and request an Order declaring the estate insolvent and setting a date for the settlement and distribution of the estate.
2. A grant of _____ type of grant _____ was issued to the personal representative on _____ date of grant _____.
3. The estate has been advertised in the Royal Gazette pursuant to subsection 63(1) of the Act and Section 47 of the *Probate Court Practice, Procedure and Forms Regulations* and a true copy of the first insertion of the advertisement, published on page _____ page # _____ of volume _____ volume # _____, issue _____ issue # _____ on _____ month and day _____, 20_____, is attached as Exhibit "A".
4. Attached as Exhibit "B" is a list of debts of the deceased, which sets out debts that have been paid by the personal representative, and those which remain unpaid.
5. Attached as Exhibit "C" are true copies of all invoices received from the creditors listed in Exhibit "B".
6. The estimated costs associated with the settlement and distribution of this estate are \$ _____, made up of _____ [give particulars].

7. To the best of my information and belief, the total amount of the debts listed in Exhibit "B" exceeds the value of the property of this estate.

Sworn before me at ,)
in the County of ,)
Province of ,)
on , 20 .)

A Barrister of the Supreme Court of Nova Scotia,
Commissioner of Oaths in and for the Province of
of Nova Scotia, Notary Public in and for the
Province of Nova Scotia)

Signature of personal representative

[The text and signature areas of this form may be adapted as required where there is more than one personal representative.]

Form 35 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

Order - Insolvent Estate
(S. 51(3))

UPON READING the affidavit dated _____ month and day _____, 20____, for a declaration that the estate of _____ name of deceased _____, is insolvent;

AND IT APPEARING that the assets of this estate are insufficient to pay all claims of all creditors of the estate;

IT IS ORDERED pursuant to Section 83 of the *Probate Act*, that this estate is insolvent;

IT IS ORDERED that the date for settlement and distribution of this insolvent estate be _____ month and day _____, 20____, at _____ time _____ a.m/p.m. at the Court of Probate at _____ address _____, Probate District of _____ name of district _____, Province of Nova Scotia, and that the settlement and distribution be made in accordance with the provisions of the *Probate Act*;

IT IS ORDERED that the personal representative of this estate serve this Order on each person who has an interest in this estate, in accordance with subsection 51(4) of the *Probate Court Practice, Procedure and Forms Regulations*.

Date

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 36 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Release
(S. 52(2))**

1. I am _____, of _____, in the County of _____, Province of _____.
2. I have received a satisfactory accounting of and full payment and satisfaction of all sums of money and benefits accrued to me from the personal representative of this estate.
3. I release _____, the personal representative of this estate and their heirs, successors, personal representatives, and assigns from all claims and demands by me against the property of the estate, and against the personal representative for their administration and management and distribution of the estate.

Signature of beneficiary

Date

Signature of witness
[name of witness - please print]

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 37 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Personal Representative's Affidavit -
Accounting Not Required
(S. 54)**

I, _____ name of personal representative _____, personal representative of this estate

make oath and say:

1. Each of the following persons is an unpaid beneficiary under the will of _____ name of deceased _____, is 19 years of age or older, is mentally competent and has signed a consent in Form 38 indicating their agreement that an accounting to the court of the administration of this estate is not required, which consents are attached and marked as follows:

Name:	Exhibit #:
Name:	Exhibit #:
Name:	Exhibit #:

2. There are no persons other than those named in the paragraph above who are entitled to share in the distribution of this estate.

3. The notice of grant has been served, the inventory has been filed, all claims known to me have been paid or otherwise dealt with and all debts and expenses are paid, in accordance with the *Probate Court Practice, Procedure and Forms Regulations*.

Form 38 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased

Consent - Accounting not Required
(S. 54)

1. I am _____, of _____, in the Province of _____.

2. I am a mentally competent adult beneficiary of this estate and I have not been paid.

OR

2. I am a surety in this estate.

[Choose one and delete the other.]

3. I agree that an accounting to the court of the administration of this estate is not required pursuant to the *Probate Act* and *Probate Court Practice, Procedure and Forms Regulations*.

 Signature of [beneficiary/surety]

 Date

 Signature of witness
 [name of witness - please print]

Name:
 Complete address:
 Telephone:
 Fax:
 E-mail:

[The text of this form may be adapted as required where there is more than one applicant.]

Notice: This application for the court to pass accounts will be heard by the Registrar of Probate for the Probate District of name of
probate district and address of court

Please read the application and attached documents carefully so that you understand what the application is about.

If you consent or do not oppose the application, you **may**:

- (a) check the last box on the notice of objection (Form 42) and return it to the personal representative; or
- (b) do nothing further.

If you intend to contest any part of the application, you **must**

- (a) complete and file the notice of objection with the court not more than 10 days from the day you received this application;
- (b) serve a copy of the completed notice of objection on the personal representative of the estate or on the lawyer for the personal representative at the address given on the application form; and
- (c) come to the hearing on the date set out in the box above and tell the registrar what you object to and why.

If you oppose any part of the application but you do **not** file and serve the notice of objection

- (a) you will be taken to have consented to the administration of the estate by the personal representative as recorded in the accounts and other documents filed with the application;
- (b) you may only make representations at the hearing with the permission of the court; and
- (c) the passing of the accounts by the court will take place even if you are not allowed to make representations to the court or do not appear, and you will be bound by the order of the court.

In any event, the court will make an order and a copy of the order will be available to you at the Court of Probate.

Form 40 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application to Pass Accounts Without a Hearing
(S. 55(1)(a))**

I, name of applicant, am the personal representative of this estate.

The applicant requests an order: [check the appropriate box(es) below]

- deeming service of all documents on all parties sufficient
- passing the accounts of the estate for the period _____ to _____
- setting the commission for the personal representative on settlement of the estate
- taxing a solicitor's bill of costs
- directing distribution of the estate
- directing the release of any security or cancellation of any bond
- directing payment to the trustee, guardian, court appointed guardian, attorney appointed under the *Powers of Attorney Act* or the Public Trustee if appointed, for a person under a disability, missing person or unascertained person
- discharging the personal representative
- providing for any other matter that may be required

The applicant has filed with this application

- accounts
- signed releases
- statement of commission sought
- solicitor's bill of costs, to be taxed

The applicant will file an affidavit of the personal representative in Form 43 not less than 10 days before the time set for passing the accounts.

Signature of personal representative
or lawyer for personal representative

Date

Name:
 Complete address:
 Telephone:
 Fax:
 E-mail:

[The text of this form may be adapted as required where there is more than one personal representative.]

Notice: This application for the court to pass accounts will be reviewed by the Registrar of Probate for the Probate District of name of probate district and address of court

Please read the application and attached documents carefully so that you understand what the application is about.

If you consent or do not oppose the application, you **may**:

- (a) check the last box on the notice of objection (Form 42) and return it to the personal representative; or
- (b) do nothing further.

If you intend to contest any part of the application, you **must**

- (a) complete and file the notice of objection with the court not more than 10 days from the day you received this application;
- (b) serve a copy of the completed notice of objection on the personal representative of the estate or on the lawyer for the personal representative at the address given on the application form; and
- (c) come to the hearing on the date set out in the box above and tell the registrar what you object to and why.

If you oppose any part of the application but you do **not** file and serve the notice of objection

- (a) you will be taken to have consented to the administration of the estate by the personal representative as recorded in the accounts and other documents filed with the application;
- (b) you may only make representations at the hearing with the permission of the court; and
- (c) the passing of the accounts by the court will take place even if you are not allowed to make representations to the court or do not appear, and you will be bound by the order of the court.

In any event, the court will make an order and a copy of the order will be available to you at the Court of Probate.

Form 41 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased

**Order on Passing Accounts
(S. 55(1)(d))**

UPON READING the application of _____ name of personal representative/person interested in estate _____, and the affidavit and the accounts filed;

AND UPON FINDING

The assets and liabilities of the deceased at the time of death are correctly described in the accounts.

The receipts and disbursements including the amount distributed to each beneficiary, are correctly described in the accounts.

The debts of the deceased that have been allowed are correctly described in the accounts and have been paid in full.

The solicitor’s bill of costs has been taxed and allowed.

[Here report on any matter of special interest or importance as to the accounts of the personal representative, or any other matter that may be of assistance to the Registrar.]

IT IS ORDERED that the accounts are passed as a full and final accounting and the personal representative is hereby discharged.

IT IS ORDERED that the _____ name of surety(ies) _____ is/are hereby released as _____ a surety/sureties .
[delete if inapplicable]

IT IS ORDERED that the sum of \$ _____ is allowed as commission to the personal representative.

IT IS ORDERED that the personal representative dispose of and distribute the sum of \$ _____ to the person or persons entitled.

Issued on _____ month and day _____, 20 _____ .

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 42 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased

Notice of Objection to Accounts
(S. 55(3)(c))

TO: Probate Court
 Personal representative

I, _____ name _____,

- object to the accounts of the personal representative on the following grounds:
[Set out each objection in separate numbered paragraphs. Attach a separate sheet if necessary.]
- object to the amount of commission claimed by the personal representative on the following grounds: [Set out each objection in separate numbered paragraphs. Attach a separate sheet if necessary.]
- object to the solicitor's bill of costs on the following grounds:
[Set out each objection in separate numbered paragraphs. Attach a separate sheet if necessary.]
- have another objection: [Set each objection out in a separate numbered paragraph. Attach a separate sheet if necessary.]
- have no objection to the accounts of the personal representative of this estate.

 Signature of person giving notice or
 lawyer for person giving notice

 Date

Name:
 Complete address:
 Telephone:
 Fax:
 E-mail:

[The text of this form may be adapted as required where there is more than one personal representative or person giving notice.]

Form 43 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Affidavit of Personal Representative - Passing Accounts
(S. 55(4))**

I _____, name of personal representative, of _____, address _____, the personal representative of the estate

make oath and say:

1. The accounts on file with the court are a true and accurate statement of the administration of this estate. [If otherwise, explain.]
2. I have served a copy of the Application (Form 39 or 40), the accounts, and the Notice of Objection (Form 42), on each person interested in the estate under Part III of the *Probate Court Practice, Procedure and Forms Regulations*.
3. Each of the following persons interested in the estate has signed a release, all of which are attached as follows:

Name:
Name:
4. A release has been served on but has not been received from each of the following persons interested in the estate:

Name:
5. No Notice of Objection has been received by the personal representative.
OR
Notice(s) of Objection has/have been received from:

Name:
[Choose one option and delete the other.]
6. Notice of the grant was sent to each person interested in the estate in accordance with Section 43 of the *Probate Act* and subsection 44(1) of the *Probate Court Practice, Procedure and Forms Regulations* and Form 28 is on file with the court.

Form 44 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Notice of Taxation - Bill of Costs
(S. 61(2))**

To: _____
personal representative/persons interested in estate

This is to notify you that the bill of costs of _____ name of solicitor in connection with this estate has been set down for taxation before the registrar on the _____ month and day, 20____, at _____ time at _____ location of taxation

You are entitled to receive this notice at least 30 days prior to the date of the taxation.

If you want to take part in this taxation, you or your lawyer must come to court on the date and time set out in this notice.

If you do not attend either in person or as represented by your lawyer, the taxation will proceed in your absence.

Enclosed is a copy of each of the bills of costs to be taxed.

Signature of solicitor

Date

Name:
Complete address:
Telephone:
Fax:
E-mail:

Form 45 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**[title of proceeding]
Notice of Application
(S. 64(3)(a))**

The applicant _____ name and show their interest in the estate has applied to the _____ registrar or judge
of the Probate Court of Nova Scotia, at the Probate District of _____ name of district ,
street address _____, Nova Scotia for _____ name the type of application/order sought to be heard on _____ day , _____ month
and day _____, year _____, at _____ time a.m/p.m.

The affidavit of _____ name of applicant in Form 46, a copy of which is attached to this Notice of Application,
is filed in support of this application. Other materials may be filed and will be delivered to you or your
lawyer before the hearing.

NOTICE:
If you contest any part of the application you must complete and file a notice of objection in Form 47 with the court, and then serve the notice of objection on the personal representative and each person interested in the estate.

If you do not file and serve a notice of objection you will not be entitled to any notice of further proceedings and you may only make representations at the hearing with the permission of the registrar or judge.

If you do not come to the hearing in person or as represented by your lawyer the court may give the applicant what they want in your absence. You will be bound by any order the court makes.

Signature of applicant/lawyer for applicant

Date

Name:
Complete address:
Telephone:
Fax:
E-mail:

Note: If there are persons interested in the estate who are missing or unascertainable, the Applicant must serve the Public Trustee with this notice.

Form 47 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased

[title of proceeding]
Notice of Objection to Application
(S. 66(1))

I, _____ name _____, object to the application of _____ name of applicant _____ for
 [state type of application/order sought] on the following grounds:

[Set out each objection in a separate numbered paragraph. Attach a separate sheet if necessary. Attach documents by exhibit.]

 Signature of person giving notice or
 lawyer for person giving notice

 Date

Name:
 Complete address:
 Telephone:
 Fax:
 E-mail:

Form 48
Probate District:
Probate Court File

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**[title of proceeding]
Order to Produce a Will
(S. 68(5))**

To: Name: _____

Complete address: _____

It is alleged by _____, name of person, of _____, address, in the Province of Nova Scotia, that a will signed by _____, name of deceased, late of _____, place of residence, County of _____, county in the Province of Nova Scotia, who died on or about _____, month and day, 20____, is in your possession.

YOU ARE ORDERED to deliver to the registrar of this court, in the Probate District of _____, name of probate district, Province of Nova Scotia, and there leave any will signed by _____, name of deceased that is now in your possession, power or control, within _____, number days after service of this order upon you.

In the event of no such document being now in your possession, power and control, you are ordered within the same time, to file with the court an affidavit to that effect, setting out what knowledge, if any, you may have respecting any will signed by _____, name of deceased.

Date

Registrar of Probate
[address of Probate Court]

Form 49 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

[title of proceeding]
Order to Bring in Grant Where Revocation is Sought
(S. 70(4))

To: Name: _____

Complete address: _____

An application has been commenced for the revocation of a grant of _____ type of grant ,
 which was issued on _____ month and day , 20____ , to _____ name of personal representative ,
 _____ address of personal representative , as personal representative of this estate.

YOU ARE ORDERED to deliver to the registrar of this court, in the Probate District of _____ name of district
 _____, Province of Nova Scotia, the grant referred to above, within _____ number of days _____ days after the service of
 this order upon you.

Date

 Registrar of Probate
 [address of Probate Court]

Form 50 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**[title of proceeding]
Notice of Appeal from Registrar to Judge
(S. 75(2))**

TO: Registrar of Probate
other respondents

TAKE NOTICE that the Appellant appeals from the order/decision of

_____ name of registrar, Registrar of Probate, Probate District of _____ name of district,
dated _____ month and day, 20____, on the grounds of: [set out the grounds of appeal]

AND the Appellant requests that the order/decision appealed from be _____ reversed, varied, rescinded as follows: [set out details]

Signature of appellant
or lawyer for appellant

Date

Name:
Complete address:
Telephone:
Fax:
E-mail: