

**SUPREME COURT OF NOVA SCOTIA**

**IN THE MATTER OF:**        *The Public Trustee Act*

- and -

**IN THE MATTER OF:**        *The Survival of Actions Act*

- and -

**IN THE MATTER OF:**        An Action

**BETWEEN:**

**PLAINTIFF (S)**

- and -

**DEFENDANTS (S)**

**ORDER**

**BEFORE THE HONOURABLE**

**JUSTICE**

**IN**

**CHAMBERS:**

**UPON READING** the documents filed with the application dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, including the affidavit of \_\_\_\_\_ solicitor for the Plaintiff, sworn herein on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, and the Consent of the Public Trustee;

**AND UPON HEARING** \_\_\_\_\_ of counsel for the Applicant,

**AND IT APPEARING THAT** there is no executor or administrator or none within the Province of the Estate of \_\_\_\_\_, deceased, against which a cause of action survives at the suit of the Plaintiff;

**AND UPON MOTION**

**IT IS ORDERED THAT:**

1. The Public Trustee, a corporation sole, be and hereby is appointed to represent the estate of the said deceased for all purposes of the above entitled action.
2. Costs awarded against the estate of the said deceased in this action shall not in any event be recoverable directly from the Public Trustee and no liability shall attach to the Public Trustee in respect of this appointment under this Order.

3. The heading or style of this proceeding is amended and all pleadings, notices, orders, or other documents subsequently drawn to be filed or delivered herein shall be headed or styled as:

**BETWEEN:**

**PLAINTIFF (S)**

**- and -**

**The estate of \_\_\_\_\_, deceased,  
represented by the Public Trustee**

**DEFENDANT (S)**

4. the costs of and incidental to this application shall be costs in the cause.

**DATED** at \_\_\_\_\_, Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

\_\_\_\_\_  
PROTHONOTARY