



**The Law Society
of Manitoba**

INCORPORATED 1877 | INCORPORÉ EN 1877

WILLS AND ESTATES

Chapter 4

Probate and Administration of Estates
Forms and Precedents

November 2023

TABLE OF CONTENTS – FORMS AND PRECEDENTS

TABLE OF CONTENTS – FORMS AND PRECEDENTS	1
1. Request for Probate (Form 74A)	4
2. Inventory and Valuation of Property of the Deceased (Form 74B).....	8
3. Request for Probate of Will (Form 74A)	11
4. Inventory and Valuation of Property of the Deceased (Form 74B).....	15
5. Probate (Form 74F)	19
6. Request for Letters of Administration (Form 74L) and Inventory	21
7. Affidavit and Consent to Dispense with Bond and/or Surety	30
8. Nomination of Administrator (Form 74M)	32
9. Affidavit of Execution of Nomination (Form 74X)	33
10. Bond for Administrators (or with Will Annexed or Foreign Executors) (Form 74V)	34
11. Affidavit of Execution of Bond (Form 74W)	36
12. Affidavit of Justification by Sureties (Form 74Y)	37
13. Letters of Administration (Form 74Q)	38
14. Request for Letters of Administration with Will Annexed (Form 74C).....	39
15. Letters of Administration with Will Annexed (Form 74G).....	47
16. Letters of Administration of Estate Unadministered.....	48
17. Letters of Administration with Will Annexed of Estate Unadministered.....	49
18. Request for Resealing of Foreign Grant of Probate (Form 74R)	50
19. Request for Order Under Section 47 of The Court of King’s Bench Surrogate Practice Act (Form 74FF)	54
20. Order Under Section 47 of The Court of King’s Bench Surrogate Practice Act (Form 74GG).....	57
21. Affidavit of Execution of Will (or Codicil) (Form 74D).....	59
22. Affidavit Proving Signature (Witnesses Deceased or Cannot be Located).....	62
23. Affidavit Proving Holograph Will	63
24. Affidavit of Condition (Form 74E)	65

25. Renunciation of Probate or Letters of Administration with Will Annexed (Form 74N)	67
26. Affidavit of Execution of Renunciation (Form 74X)	68
27. Renunciation of Administration (Form 74O)	69
28. Caveat (Form 75A)	70
29. Withdrawal of Caveat	72
30. Affidavit as to Debts and Heirs	73
31. Notice to Creditors	75
32. Letter Re: Shares	76
33. Debenture/Bond Transmission Precedent	77
34. Power of Attorney (Debenture/Bond) Precedent	79
35. Share Transmission Form	80
36. Letter Re: Transmission of Shares	83
37. Letter to Bank Re: Value of Accounts	84
38. Letter to Bank Re: Estate Account/Liquidation	85
39. Letter Re: Life Insurance	86
40. Estate Information Checklist	87
41. Advertisements for Lost Wills	101
42. Advertisements for Heirs	102
43. Form 74EE – as of October 1, 2022	103
44. Letter to Beneficiary with Interest in Estate (Service of Form 74EE)	108
45. Sample Letter to Residuary Beneficiary Enclosing Accounts or Report and Release	109
46. Sample Statement of Receipts and Disbursements	111
47. Releases	113
a) Form of Release to Executor or Administrator	113
b) Sample Final Release for Residuary Beneficiaries, No Holdback	115
c) Sample Release for Residuary Beneficiaries, With Holdback	116
48. Notice of Application to Pass Accounts (Form 74Z)	117
49. Affidavit Verifying Application and Accounts (Form 74AA)	119
50. Appointment to Pass Accounts (Form 74BB)	130

51. Notice to Beneficiaries (Form 74CC)	132
52. Order on Passing Accounts (Form 74DD).....	133
53. Sample Reporting Letter to Surviving Spouse/Executor	135
54. Authorization for Release of Information.....	140
55. Motion for Release of Administration Bond.....	141
56. Affidavit in Support of Motion for Release of Administration Bond	142
57. Order for Release of Administration Bond	145
58. Summary of Documents to be Filed in Probate Division	146
59. Statement of Principles – Fees in Estate Matters (Revised).....	148

1. Request for Probate (Form 74A)

File No. _____

THE KING'S BENCH

_____ Centre

REQUEST FOR PROBATE

IN THE ESTATE OF _____ MARGARET JONES
(name of deceased)

(I/We), Catherine Black of Winnipeg, Manitoba,
(name(s) of executor(s)) (city/town) (province/territory)

hereby request that probate of the last will of the deceased be granted to (me/us) (or as the case may be), and in support of (my/our) request, (I/we) (severally) MAKE OATH AND SAY:

1. THAT Margaret Jones, died on September 30, 2022.
(name of deceased) (date of death)

At the time of death, the deceased was habitually resident in Winnipeg, Manitoba.
(city/town) (province/territory)

2. THAT the deceased made their last will on June 10, 2015. Marked as Exhibit "A"
(date of will)

to this Request is (the last will/a copy of the last will) of the deceased.

3. THAT at the time of their death, the deceased: (choose all statements that apply)

- had never married
was married to:
was divorced from:
was predeceased by their spouse:

(Note: complete paragraph 4 only if the deceased died on or after June 30, 2004.)

4. THAT at the time of their death, the deceased: *(read the explanatory notes following paragraph 4, then choose all statements that apply)*

had never cohabited with a common-law partner

was cohabiting with their common-law partner: _____
(name)

was separated from their common-law partner: _____,
(name)
but their relationship had not been terminated.

had a common-law relationship with: _____
(name)
that had been terminated.

was predeceased by their common-law partner: _____
(name)

If the deceased died on or after June 30, 2004, read the note below and then complete paragraph 4, choosing all statements that apply.

NOTE: For the purposes of this form,

“common-law partner” of a deceased person means

- (a) a person who, with the deceased, registered a common-law relationship under section 13.1 of *The Vital Statistics Act*, or
- (b) a person who, not being married to the deceased, cohabited with them in a conjugal relationship
 - (i) for a period of at least three years, or
 - (ii) for a period of at least one year and they are together the parents of a child.

“termination of a common-law relationship” means

- (a) where the common-law relationship was registered with Vital Statistics (under section 13.1 of *The Vital Statistics Act*), the dissolution of the relationship has been registered with Vital Statistics, or
- (b) where the common-law relationship was not registered with Vital Statistics, the parties to the common-law relationship have lived separate and apart for a period of at least three years.

5. THAT the deceased was of the full age of majority (18 years or 21 years – if the will is dated before 1971) at the time of the execution of the will, and did not marry since then.

6. THAT to the best of my knowledge and belief:

The within identified will is the only unrevoked will of the deceased;

OR

There is another unrevoked will of the deceased, the particulars of which and the source of my information regarding same are as follows: *(provide details including date and place of execution of additional will)*

7. THAT (I am/~~we are~~) the executor(s) named in the said will and (am/are each) of the full age of 18 years, and (my/~~our~~) residence(s) (is/~~are~~) above correctly stated.

OR

~~7. THAT (I am/~~we are~~) the alternate executor(s) named in the said will and (am/are each) of the full age of 18 years, and (my/~~our~~) residences are above correctly stated. The named executor(s) having (~~renounced or predeceased or as the case may be~~).~~

8. THAT (I/~~we~~) have not released (my/~~our~~) rights to be an executor.

9. THAT the deceased died possessed of, or entitled to, immovable property worth \$62,500.00 and moveable property worth \$280,267.00, true particulars of which are set out in the inventory and valuation attached to this Request as Exhibit "B".

2. Inventory and Valuation of Property of the Deceased (Form 74B)

File No. PR _____

**THE KING'S BENCH
Winnipeg Centre**

INVENTORY AND VALUATION OF THE PROPERTY OF THE DECEASED

Description of Immoveable Property (including any interest in a real property mortgage)	Value of Property in Manitoba	Value of Property outside Manitoba
<p>123 – 456 Pleasant Street, Winnipeg, MB (1/2 interest x \$125,000.00)¹</p> <p>This is Exhibit B to the Request for Probate sworn the ___ day of _____. 20 .</p> <p>_____</p> <p>A Notary Public in and for the Province of Manitoba.</p>	<p>\$62,500.00</p>	<p>\$0.00</p>
	<p>\$62,500.00</p>	<p>\$0.00</p>
	<p>TOTAL</p>	<p>\$62,500.00</p>

¹ Either the street address or the legal description can be used.

Description of Moveable Property (list on separate sheet if necessary)	Value of Property in Manitoba	Value of Property outside Manitoba
furnishings and household effects in primary residence and clothing and personal effects	\$13,000.00	\$0.00
furnishings and household effects in other properties	\$0.00	\$0.00
motor vehicles and recreation vehicles such as boats, etc. – list each separately		\$0.00
2001 Chrysler 300	\$5,500.00	\$0.00
bank accounts – list each institution separately and indicate the type of accounts(s) (i.e. savings) and the amount in each account		\$0.00
Royal Bank of Canada savings account	\$39,053.00	\$0.00
investments managed by investment companies (including stocks, shares, bonds and debentures) – list each investment company separately and indicate the total value of the investments with each company		\$0.00
Investors Dividend Fund	\$171,542.00	\$0.00
self-managed investment accounts – list by institution	\$0.00	\$0.00
stocks, shares, bonds and debentures held by the deceased – list each separately by company and category and indicate the value by category		\$0.00
Imperial Oil – 10 common shares	\$2,546.00	\$0.00
life insurance payable to the estate – list each separately by insurance company and the amount payable on each policy	\$0.00	\$0.00
annuities, pensions, RRSP's, RRIF's, TFSA's, etc. payable to the estate – list separately by company and give the value of each		\$0.00
Investors Mortgage Fund	\$48,626.00	
miscellaneous property not mentioned – list separately and give the value of each ²	\$0.00	

² CPP, OAS and pension payments to which the deceased is entitled in the month of death should be included in the inventory. Other amounts that should also be included are any cash amounts that might be found in the deceased's belongings and refunds paid to the estate (for example, nursing home trust accounts and driver's licence fees)

TOTAL VALUE OF ALL MOVEABLE PROPERTY	\$280,267.00	\$0.00
		\$280,267.00
	GRAND TOTAL OF ALL PROPERTY	\$342,767.00

NOTE:

Do not include (i) the address of any financial institution, insurance or other company; (ii) the account numbers of any bank accounts; (iii) the serial numbers of any bonds; or (iv) the serial number of any vehicle that can be sufficiently described without using a serial number.

If the value of an asset is unknown, show \$1.00 as the value and provide an updated inventory when the value is determined.

If the value of an asset is in a foreign currency, convert it to Canadian dollars as of the date of death.

NOTE TO ANY INTERESTED PERSONS, INCLUDING A CREDITOR:

Any interested persons, including a creditor, may request more information about the estate assets from the executor(s) or administrator(s) under *King's Bench Rule* 74.08. Any interested person, including a creditor, who believes that an asset of the deceased has not been disclosed may give notice to the executor(s) or administrator(s) under *King's Bench Rule* 74.09.

3. Request for Probate of Will (Form 74A)

File No. _____

THE KING'S BENCH

_____ Centre

REQUEST FOR PROBATE

IN THE ESTATE OF LAWRENCE JACOB McDONALD (also known as "Larry McDonald")
(name of deceased)

(I/We), James McDonald of Winnipeg, Manitoba, and
(name(s) of executor(s)) (city/town) (province/territory)

Michael McDonald (shown in the wills as "Mike McDonald") of Winnipeg, Manitoba,
(name(s) of executor(s)) (city/town) (province/territory)

hereby request that probate of the last will of the deceased be granted to (me/us) (or as the case may be), and in support of (my/our) request, (I/we) (severally) MAKE OATH AND SAY:

1. THAT Lawrence Jacob McDonald, died on September 30, 2022
(name of deceased) (date of death)

At the time of death, the deceased was habitually resident in Winnipeg, Manitoba.
(city/town) (province/territory)

2. THAT the deceased made their last will on November 1, 2008 and codicils to their last will dated June 1, 2010 and January 1, 2015. Marked as Exhibit "A" to this Request is (the last will/a copy of the last will) of the deceased. Marked as Exhibit "B" is the codicil dated June 1, 2010, and marked as Exhibit "C" is the codicil dated January 1, 2015 of the deceased.

3. THAT at the time of their death, the deceased: (choose all statements that apply)

had never married

was married to: Mary McDonald
(name)

was divorced from: _____
(name)

was predeceased by their spouse: _____
(name)

(Note: complete paragraph 4 only if the deceased died on or after June 30, 2004.)

4. THAT at the time of their death, the deceased: *(read the explanatory notes following paragraph 4, then choose all statements that apply)*

had never cohabited with a common-law partner

was cohabiting with their common-law partner: _____
(name)

was separated from their common-law partner: _____,
(name)
but their relationship had not been terminated.

had a common-law relationship with: _____
(name)
that had been terminated.

was predeceased by their common-law partner: _____
(name)

If the deceased died on or after June 30, 2004, read the note below and then complete paragraph 4, choosing all statements that apply.

NOTE: For the purposes of this form,

"common-law partner" of a deceased person means

- (a) a person who, with the deceased, registered a common-law relationship under section 13.1 of *The Vital Statistics Act*, or
- (b) a person who, not being married to the deceased, cohabited with them in a conjugal relationship
 - (i) for a period of at least three years, or
 - (ii) for a period of at least one year and they are together the parents of a child.

"termination of a common-law relationship" means

- (a) where the common-law relationship was registered with Vital Statistics (under section 13.1 of *The Vital Statistics Act*), the dissolution of the relationship has been registered with Vital Statistics, or
- (b) where the common-law relationship was not registered with Vital Statistics, the parties to the common-law relationship have lived separate and apart for a period of at least three years.

5. THAT the deceased was of the full age of majority (18 years or 21 years – if the will is dated before 1971) at the time of the execution of the will, and did not marry since then.

6. THAT to the best of my knowledge and belief:

The within identified will is the only unrevoked will of the deceased;

OR

There is another unrevoked will of the deceased, the particulars of which and the source of my information regarding same are as follows: *(provide details including date and place of execution of additional will)*

7. THAT (I am/we are) the executor(s) named in the said will and (am/are each) of the full age of 18 years, and (my/our) residence(s) (is/are) above correctly stated.

OR

7. THAT (I am/we are) the alternate executor(s) named in the said will and (am/are each) of the full age of 18 years, and (my/our) residences are above correctly stated. The named executor(s) having (renounced or predeceased or as the case may be).

8. THAT (I/we) have not released (my/our) rights to be an executor.

9. THAT the deceased died possessed of, or entitled to, immoveable property worth \$100,000.00 and moveable property worth \$1,452,346.00, true particulars of which are set out in the inventory and valuation attached to this Request as Exhibit "B".

10. THAT (I/~~we~~) do solemnly declare that (I/~~we~~) will faithfully administer the property of the deceased according to the law and render a full and true account of (my/~~our~~) executorship when lawfully required.

(SEVERALLY) SWORN (OR AFFIRMED)
BEFORE ME in Winnipeg, Manitoba,
this day of , 20 .

A Notary Public/Commissioner for
Oaths in and for the Province of
Manitoba

Signature of Deponent

My commission expires:_____

NOTE

If the deceased was a registered "Indian" under the *Indian Act* (Canada) and was resident on a reserve at their death, Rule 74 does not apply and you will need to file a Request for Administration with the Federal Government.

4. Inventory and Valuation of Property of the Deceased (Form 74B)

File No. PR

**THE KING'S BENCH
Winnipeg Centre**

INVENTORY AND VALUATION OF THE PROPERTY OF THE DECEASED

Description of Immoveable Property (including any interest in a real property mortgage)	Value of Property in Manitoba	Value of Property outside Manitoba
<p>Receivable from 12345 Manitoba Ltd. secured by a mortgage</p> <p>This is Exhibit B to the Request for Probate sworn the _____ day of _____, 20__ .</p> <p>_____ A Notary Public in and for the Province of Manitoba.</p>	<p>\$100,000.00</p>	<p>\$0.00</p>
	<p>\$100,000.00</p>	<p>\$0.00</p>
	<p>TOTAL</p>	<p>\$100,000.00</p>

Description of Moveable Property (list on separate sheet if necessary)	Value of Property in Manitoba	Value of Property outside Manitoba
furnishings and household effects in primary residence and clothing and personal effects	\$5,000.00	\$0.00
furnishings and household effects in other properties	\$0.00	\$0.00
motor vehicles and recreation vehicles such as boats, etc. – list each separately		\$0.00
1996 Pontiac Bonneville	\$3,500.00	\$0.00
bank accounts – list each institution separately and indicate the type of accounts(s) (i.e. savings) and the amount in each account		
CIBC chequing account	\$1,100.00	\$0.00
investments managed by investment companies (including stocks, shares, bonds and debentures) – list each investment company separately and indicate the total value of the investments with each company	\$0.00	\$0.00
self-managed investment accounts – list by institution	\$0.00	\$0.00
stocks, shares, bonds and debentures held by the deceased – list each separately by company and category and indicate the value by category		\$0.00
SEE ATTACHED SCHEDULE	\$1,441,345.00	
life insurance payable to the estate – list each separately by insurance company and the amount payable on each policy	\$0.00	\$0.00
annuities, pensions, RRSP's, RRIF's, TFSA's, etc payable to the estate – list separately by company and give the value of each	\$0.00	\$0.00
miscellaneous property not mentioned – list separately and give the value of each ³		\$0.00
Receivable from 67890 Manitoba Ltd.	\$1,401.00	
TOTAL VALUE OF ALL MOVEABLE PROPERTY	\$1,452,346.00	\$0.00
		\$1,452,346.00
	GRAND TOTAL OF ALL PROPERTY	\$1,552,346.00

³ CPP, OAS and pension payments to which the deceased is entitled in the month of death should be included in the inventory. Other amounts that should also be included are any cash amounts that might be found in the deceased's belongings and refunds paid to the estate (for example, nursing home trust accounts and driver's licence fees)

NOTE:

Do not include (i) the address of any financial institution, insurance or other company; (ii) the account numbers of any bank accounts; (iii) the serial numbers of any bonds; or (iv) the serial number of any vehicle that can be sufficiently described without using a serial number.

If the value of an asset is unknown, show \$1.00 as the value and provide an updated inventory when the value is determined.

If the value of an asset is in a foreign currency, convert it to Canadian dollars as of the date of death.

NOTE TO ANY INTERESTED PERSONS, INCLUDING A CREDITOR:

Any interested persons, including a creditor, may request more information about the estate assets from the executor(s) or administrator(s) under *King's Bench Rule 74.08*. Any interested person, including a creditor, who believes that an asset of the deceased has not been disclosed may give notice to the executor(s) or administrator(s) under *King's Bench Rule 74.09*.

**SCHEDULE TO INVENTORY AND VALUATION OF THE
PROPERTY OF THE DECEASED**

Description of Moveable Property	Value of Property in Manitoba
54321 Manitoba Ltd. 563,000 Class A Preference Shares and 250 Class A Common Shares	\$ 722,745.00
76543 Manitoba Ltd. 225,000 Class A Preference Shares and 55 ½ Class A Common Shares	715,045.00
98765 Manitoba Ltd. 50 Class A Common Shares	<u>3,555.00</u> \$1,441,345.00

5. Probate (Form 74F)

File No. PR

THE KING'S BENCH WINNIPEG CENTRE

GRANT OF PROBATE

By the order of the Honourable Justice _____, Justice of the Court of King's Bench, dated the _____, probate is hereby granted to KAY JOHNSON, of Brandon, Manitoba, and The Amazing Trust Company, of Winnipeg, Manitoba, the executors named in the last will and testament (a copy of which is attached), of RUTH PAUL (also known as "Ann Ruth Paul") of Souris, Manitoba, who died on or about September 30, 2022, and the administration of all the property of the deceased is hereby granted to the executors.

DATED at Winnipeg, Manitoba, this 15th day of December, 20__.

By the Court

Deputy Registrar

Note: The front page of the form of Probate must be on an independent page from the BACKER (Cover Page) since the will must be inserted.

THE KING'S BENCH
Winnipeg Centre

IN THE ESTATE OF:

deceased

GRANT OF PROBATE

(Name, address and telephone number of party filing)

6. Request for Letters of Administration (Form 74L) and Inventory

File No. _____

THE KING'S BENCH

_____ Centre

REQUEST FOR LETTERS OF ADMINISTRATION

IN THE ESTATE OF _____ JOE BLACK _____
(name of deceased)

(I/We), _____ Catherine Black _____ of _____ Winnipeg _____, _____ Manitoba _____
(city/town) (province/territory)

hereby request that letters of administration of the property of the deceased be granted to (me/us) (or as the case may be) and in support of (my/our) request, (I/we) (severally) make oath and say:

1. THAT _____ JOE BLACK _____ died on _____ September 30, 2022 _____.
(name of deceased) (date of death)

At the time of death, the deceased was habitually resident in

_____ Winnipeg _____, _____ Manitoba _____.
(city/town) (province/territory)

2. THAT at the time of death, the deceased: (choose all statements below that apply)

had never married

was married to: _____
(name)

was divorced from: _____
(name)

was predeceased by their spouse: _____ Jane Black _____
(name)

(Note: complete paragraph 3 only if the deceased died on or after June 30, 2004.)

3. THAT at the time of death, the deceased: *(read the explanatory notes following paragraph 3, then choose all statements below that apply)*

- had never cohabited with a common-law partner
- was cohabiting with their common-law partner: _____
(name)
- was separated from their common-law partner, _____,
(name)
but their relationship had not been terminated.
- had a common-law relationship with, _____
(name)
that had been terminated.
- was predeceased by their common-law partner: _____
(name)

If, at the time of death, the deceased had one or more common-law partners, specify the date(s) when (the/each) relationship began and, if applicable, the date(s) when the partners separated or the common-law relationship terminated.

If, at the time of death, the deceased had a spouse in addition to one or more common-law partners, also specify the date of the marriage, and, if applicable, the date when the spouses separated.

If the deceased died on or after June 30, 2004, read the note below and then complete paragraph 4, choosing all statements that apply.

NOTE: For the purposes of this form,

"common-law partner" of a deceased person means

- (a) a person who, with the deceased, registered a common-law relationship under section 13.1 of *The Vital Statistics Act*, or
- (b) a person who, not being married to the deceased, cohabited with them in a conjugal relationship
 - (i) for a period of at least three years, or
 - (ii) for a period of at least one year and they are together the parents of a child.

"termination of a common-law relationship" means

- (a) where the common-law relationship was registered with Vital Statistics (under section 13.1 of *The Vital Statistics Act*), the dissolution of the relationship has been registered with Vital Statistics, or
- (b) where the common-law relationship was not registered with Vital Statistics, the parties to the common-law relationship have lived separate and apart for a period of at least three years.

4. THAT the deceased was never divorced and no marriage of the deceased was ever dissolved or annulled, the deceased was not separated from a spouse or common-law partner and no common-law relationship of the deceased was ever terminated.

OR

[If this statement cannot be made, provide particulars of all applicable statements in the note below]

NOTE: IF THE STATEMENT IN PARAGRAPH 4 ABOVE CANNOT BE MADE, REVIEW THE FOLLOWING THREE STATEMENTS AND ADD PARTICULARS OF THOSE STATEMENTS THAT ARE APPLICABLE:

1. If there has been a dissolution or annulment of a marriage or any termination of a common-law relationship, provide particulars of the dissolution or annulment of marriage or the termination of the common-law relationship.
2. If there has been a remarriage or subsequent common-law relationship, state whether the deceased's former spouse and/or common-law partner was alive at the time of the deceased's death.
3. If at the time of death, the deceased was living separate and apart from a spouse and/or one or more common-law partners, state this fact and whether, in each case
 - during the period of separation, either the deceased or the spouse, or both, filed a petition for divorce and whether such petition is pending or has been dealt with by way of final order at the time the deceased died; or
 - if the common-law relationship of the deceased and their common-law partner was registered under section 13.1 of *The Vital Statistics Act*, the dissolution of the common-law relationship was registered under section 13.2 of that Act before the deceased died; or
 - if the common-law relationship of the deceased and their common-law partner was not registered under section 13.1 of *The Vital Statistics Act*, they had been living separate and apart for a period of at least three years at the time the deceased died; or
 - during the period of separation, either the deceased or the spouse or common-law partner, or both, made an application for an accounting or equalization of assets under *The Marital Property Act* or *The Family Property Act* and whether such application is pending or has been dealt with by way of final order at the time the deceased died; or
 - before the deceased died, the deceased and the spouse or common-law partner divided their property in a manner that was intended by them, or appears to have been intended by them, to separate and finalize their affairs in recognition of their marriage or common-law relationship breakdown.

5. The following persons are entitled to a share in the estate:

<i>Name</i>	<i>City/Province/Country of residence</i>	<i>Relationship to deceased person</i>	<i>Age (if under 18 years old)</i>
<i>Catherine Black</i>	<i>Winnipeg, Manitoba Canada</i>	<i>Daughter</i>	
<i>John Black</i>	<i>Flin Flon, Manitoba Canada</i>	<i>Son</i>	

(Attach a schedule if more space needed. If a person entitled to share in the estate is not a spouse, child, parent, brother or sister of the deceased person, show how the relationship is traced through the spouse, child, parent, brother and sister.)

6. THAT (I/we) believe that the deceased died without leaving a will.

7. THAT particulars of the Manitoba residents over the age of majority having equal or prior superior right to letters of administration of the estate are as follows:

John Black son
(name(s)) (relationship to deceased)

8. THAT the deceased died possessed of or entitled to immovable property worth \$0.00, and moveable property worth \$171,642.00, true particulars of which are set out in the inventory and valuation attached hereto as Exhibit "A".

9. THAT (I am/we are each) of the full age of 18 years and

123 Apple Street, Winnipeg, Manitoba, R4E 6Y7
(address)

(is my/are our) habitual residence(s) and (I/we) claim to be entitled to

administration of the estate as daughter of the deceased.
(relationship to deceased)

- 10. THAT (I/we) have made or caused to be made a careful search in all places where the deceased might have been expected to keep papers but (I/we) have been unable to discover any testamentary paper, and (I/we) verily believe that the deceased died without having left any will.

- 11. THAT (I/we) do solemnly swear that (I/we) will faithfully administer the property of the deceased according to law and render a full and true account of (my/our) administration when lawfully required.

(Severally) Sworn (or Affirmed) before
me in _____, Manitoba
this __ day of _____.

Deputy Registrar for King’s Bench, or a
Notary Public/Commissioner for Oaths in
and for the Province of Manitoba

Signature of Deponent

My Commission expires: _____

NOTE

If the deceased was a registered "Indian" under the *Indian Act* (Canada) and was resident on a reserve at their death, Rule 74 does not apply and you will need to file a Request for Administration with the Federal Government.

FORM 74B

**THE KING'S BENCH
Winnipeg Centre**

INVENTORY AND VALUATION OF THE PROPERTY OF THE DECEASED

Description of Immoveable Property (including any interest in a real property mortgage)	Value of Property in Manitoba	Value of Property outside Manitoba
<p>This is Exhibit B to the Request for Letters of Administration sworn the ____ day of _____. 20 .</p> <p>_____</p> <p>A Notary Public in and for the Province of Manitoba.</p>	\$0.00	\$0.00
	\$0.00	\$0.00
	TOTAL	\$0.00

Description of Moveable Property (list on separate sheet if necessary)	Value of Property in Manitoba	Value of Property outside Manitoba
furnishings and household effects in primary residence and clothing and personal effects	\$100.00	\$0.00
furnishings and household effects in other properties	\$0.00	\$0.00
motor vehicles and recreation vehicles such as boats, etc – list each separately	\$0.00	
bank accounts – list each institution separately and indicate the type of accounts(s) (i.e. savings) and the amount in each account		\$0.00
investments managed by investment companies (including stocks, shares, bonds and debentures) – list each investment company separately and indicate the total value of the investments with each company	\$0.00	\$0.00
TD Direct Account	\$171,542.00	
self-managed investment accounts – list by institution	\$0.00	\$0.00
stocks, shares, bonds and debentures held by the deceased – list each separately by company and category and indicate the value by category	\$0.00	\$0.00
life insurance payable to the estate – list each separately by insurance company and the amount payable on each policy	\$0.00	\$0.00
annuities, pensions, RRSP's, RRIF's, TFSA's, etc. payable to the estate – list separately by company and give the value of each	\$0.00	\$0.00
miscellaneous property not mentioned – list separately and give the value of each ⁴	\$0.00	\$0.00
TOTAL VALUE OF ALL MOVEABLE PROPERTY	\$171,642.00	\$0.00
	GRAND TOTAL OF ALL PROPERTY	\$171,642.00

⁴ CPP, OAS and pension payments to which the deceased is entitled in the month of death should be included in the inventory. Other amounts that should also be included are any cash amounts that might be found in the deceased's belongings and refunds paid to the estate (for example, nursing home trust accounts and driver's licence fees)

NOTE:

Do not include (i) the address of any financial institution, insurance or other company; (ii) the account numbers of any bank accounts; (iii) the serial numbers of any bonds; or (iv) the serial number of any vehicle that can be sufficiently described without using a serial number.

If the value of an asset is unknown, show \$1.00 as the value and provide an updated inventory when the value is determined.

If the value of an asset is in a foreign currency, convert it to Canadian dollars as of the date of death.

NOTE TO ANY INTERESTED PERSONS, INCLUDING A CREDITOR:

Any interested persons, including a creditor, may request more information about the estate assets from the executor(s) or administrator(s) under *King's Bench Rule 74.08*. Any interested person, including a creditor, who believes that an asset of the deceased has not been disclosed may give notice to the executor(s) or administrator(s) under *King's Bench Rule 74.09*.

7. Affidavit and Consent to Dispense with Bond and/or Surety

File No. _____

THE KING'S BENCH
_____ Centre

AFFIDAVIT IN SUPPORT OF A REQUEST TO DISPENSE WITH BOND AND/OR SURETY

IN THE ESTATE OF _____.

I (We), _____, of _____, Manitoba (severally) MAKE OATH AND SAY:

1. That (I/we) request that letters of administration be granted without (a bond/ requiring sureties to the bond).
2. That (I/we) advise that ALL of the beneficiaries of this estate are adults capable of giving their consent, that their consent is filed herewith and that the particulars of such beneficiaries are as follows:

<u>Name</u>	<u>Address</u>	<u>Kinship</u>
-------------	----------------	----------------

3. That all funeral expenses have been paid and (there are no outstanding debts of the said deceased/the following expenses or debts of the estate are outstanding (*describe below*)).
4. That (I/we) request the Court of King's Bench to accept (my/our) Request for Letters of Administration and to dispense with (surety to bond/bond and sureties).

(Severally) Sworn (or Affirmed) before me at the
_____ of _____
in the Province of Manitoba,
this ___ day of _____, ____.

Signature(s) of Applicant(s)

Commissioner for Oaths in and for the
Province of Manitoba
My Commission Expires: _____

(This is a precedent and may be modified as required)

THE KING'S BENCH
_____ Centre

**CONSENT TO ADMINISTRATION WAIVING
BOND AND/OR SURETY**

IN THE ESTATE OF _____.

I, _____, of _____, _____, am the
(name of beneficiary) *(city/town)* *(province/territory)*
_____ of the deceased, who died intestate on or about _____, leaving
(relationship to deceased) *(date of death)*
myself and my _____, _____, as the beneficiaries of the
(relationship to applicant) *(name of applicant)*
estate of the deceased.

I, _____ consent to Letters of Administration being issued to the applicant as
(name of beneficiary)
requested in the Request for Letters of Administration filed with the Court of King's Bench without
requiring any (surety to the bond/bond and sureties) given by them, with respect to the said
Letters of Administration.

DATED at _____, _____, this _____ day of _____, 20__.

Signed in the Presence of

Witness

(Name of Beneficiary)

(Name of Beneficiary)

NOTE: THIS IS A WITNESSED DOCUMENT, AND REQUIRES AN AFFIDAVIT OF EXECUTION.

(This is a precedent and may be modified as required)

8. Nomination of Administrator (Form 74M)

THE KING'S BENCH
WINNIPEG CENTRE

NOMINATION OF ADMINISTRATOR

IN THE ESTATE OF JOE BLACK, deceased.

Whereas the deceased, died on September 30, 2022, intestate and the undersigned is the deceased's:

- widow
- widower
- surviving common-law partner
- other: son

I am one of the next-of-kin.

I do nominate CATHERINE BLACK to make a request in The Court of King's Bench for letters of administration of the property of JOE BLACK, deceased.

IN WITNESS WHEREOF I have hereunto set my hand this _____.

SIGNED, in the presence of

Witness

JOHN BLACK

NOTE: The above may be varied so as to apply to a letters of administration with the will annexed. (The Nomination of Administrator must be accompanied by an Affidavit of Execution of Renunciation in Form 74X.)

Nomination forms are only signed by next-of-kin who are resident in Manitoba. Where there is no next-of-kin in Manitoba entitled to apply and someone is prepared to take on the position, then the next-of-kin outside of Manitoba sign nominations.

9. Affidavit of Execution of Nomination (Form 74X)

**THE KING'S BENCH
WINNIPEG CENTRE**

AFFIDAVIT OF EXECUTION OF NOMINATION

IN THE MATTER OF THE ESTATE OF JOE BLACK, deceased.

I, _____ of Winnipeg, Manitoba,

MAKE OATH AND SAY:

1. That I was personally present and did see the within (or annexed) nomination duly signed by JOHN BLACK, the party therein named.
2. That I know the party so signing and that he is of the full age of 18 years.
3. That the renunciation was signed by the party at Winnipeg, Manitoba.
4. That I am a subscribing witness to the signature.

(If the party is unable to write, complete the following:)

5. That before signing, the nomination was read over and explained to _____ who appeared to under the same and made their mark thereto in my presence.

SWORN before me at)
Winnipeg, in)
Manitoba, this ___ day of)
_____, 20___.) _____)
_____)

Notary Public in and for the
Province of Manitoba

If the affidavit is being signed in Manitoba, it can be affirmed or sworn before a Commissioner for Oaths. If it is being signed outside of Manitoba, then it must be affirmed or sworn before a Notary Public.

10. Bond for Administrators (or with Will Annexed or Foreign Executors) (Form 74V)

**THE KING'S BENCH
Winnipeg Centre**

**BOND FOR ADMINISTRATORS
(OR WITH WILL ANNEXED OR FOREIGN EXECUTORS)**

IN THE ESTATE OF JOHN JOSEPH SMITH, deceased.

I, Catherine Elizabeth Jones, (administrator), Lyndon David Grant (surety), and Marilyn Brown (surety), severally bind ourselves and our successors to the Chief Justice of the Court of King's Bench, in the sum of \$150,000.00.

The purpose of this bond is to ensure that Catherine Elizabeth Jones administrator of all the property (or as the case may be) of John Joseph Smith, late of Winnipeg, in Manitoba, who died on or about September 30, 2022, performs the duties as administrator as set out below. If the administrator performs these duties, this bond will be void. Otherwise, it will remain in full force.

The administrator's duties are:

1. If required, to make and file with the court, a true inventory of the property of the deceased that has, or may come into the possession or power of the administrator;
2. To administer all such property according to law;
3. To pay the debts of the deceased;
4. When lawfully required, to render a proper and full account of the administration; and
5. To distribute to the persons entitled, all property remaining after payments of the debts of the deceased and the costs of administration.

Date: October 7, 20_____

Witness: Isabel May Witness _____

_____ (seal)
Catherine Elizabeth Black

Date: October 7, 20_____

Witness: Isabel May Witness _____

_____ (seal)
Lyndon David Grant

Date: October 7, 20_____

Witness: Isabel May Witness _____

_____ (seal)
Marilyn Brown

This form of bond may be adapted for use by an administrator with will annexed or a foreign executor.

Note: The Bond must be accompanied by an Affidavit of Execution of Bond in Form 74W.

11. Affidavit of Execution of Bond (Form 74W)

THE KING'S BENCH
Winnipeg Centre

AFFIDAVIT OF EXECUTION OF BOND

IN THE MATTER OF THE ESTATE OF JOHN JOSEPH SMITH, deceased.

I, Isabel May Witness, of Winnipeg, Manitoba,

MAKE OATH AND SAY:

- 1. THAT I was personally present and did see the within (or annexed) bond duly signed and sealed by Catherine Elizabeth Black, and Lyndon David Grant and Marilyn Brown, the parties therein named.
- 2. That I know the parties so signing and that they are each of the full age of 18 years.
- 3. That the bond was signed and sealed by the parties in Winnipeg, Manitoba.
- 4. That I am a subscribing witness to the signatures.

SWORN before me at Winnipeg,)
Manitoba this day of , 20 .)

_____)
A Notary Public/Commissioner for)
Oaths in and for the Province of)
Manitoba.)

My commission expires:

Isabel May Witness

Note: Affidavits of execution of nomination, consent or other documents requiring proof will be in the same form, naming the instrument.

12. Affidavit of Justification by Sureties (Form 74Y)

THE KING'S BENCH
WINNIPEG CENTRE

AFFIDAVIT OF JUSTIFICATION BY SURETIES

IN THE ESTATE OF JOHN JOSEPH SMITH, deceased.

We, LYNDON DAVID GRANT of Brandon, Manitoba, and MARILYN BROWN, of Brandon, Manitoba, severally MAKE OATH AND SAY:

1. That we are the proposed sureties on behalf of the intended administrator of the property (or as the case may be) of John Joseph Smith, deceased, in the within bond named, for the faithful administration of that property (or as the case may be) of the deceased.

2. I, LYNDON DAVID GRANT, for myself make oath and say: That my residence is correctly stated above and I have assets and property that are equal to or in excess of \$100,000.00* over and above all encumbrances and over and above what will pay my just debts and every sum for which I am now responsible, or for which I am liable as surety or endorser or otherwise.

3. I, MARILYN BROWN, for myself make oath and say: That my residence is correctly stated above and I have assets and property that are equal to or in excess of \$50,000.00* over and above all encumbrances and over and above what will pay my just debts and every sum for which I am now responsible, or for which I am liable as surety or endorser or otherwise.

4. That we are each of the full age of 18 years.

SEVERALLY SWORN before me at)
Winnipeg, Manitoba this day of) _____
, 20 .) Lyndon David Grant
)
)

_____)
A Notary Public/Commissioner for) _____
Oaths in and for the Province of) Marilyn Brown
Manitoba.

My commission expires:

***See Rule 74.11(3) as to amount.**

13. Letters of Administration (Form 74Q)

**THE KING'S BENCH
WINNIPEG CENTRE**

LETTERS OF ADMINISTRATION

By the order of the Honourable Justice _____, Justice of the King's Bench,
_____ administration is hereby issued to
Catherine Elizabeth Jones, of Winnipeg, Manitoba, with respect to all the property (or as the case
may be, if letters of administration are limited) of John Joseph Smith of Winnipeg, Manitoba, who
died on September 30, 2022, intestate.

DATED at _____ in _____, this _____ day of _____, 20____.

By the Court

Deputy Registrar

14. Request for Letters of Administration with Will Annexed (Form 74C)

File No. _____

THE KING'S BENCH
_____ Centre

REQUEST FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED

IN THE ESTATE OF _____ JOE BLACK _____
(name of deceased)

(I/We), _____ Catherine Black _____ of _____ Winnipeg _____, _____ Manitoba _____,
(name(s) of executor(s)) *(city/town)* *(province/territory)*

hereby request that letters of administration with the will annexed of the property of the deceased be issued to (me/us), and in support of (my/our) request, (I/we) (severally) MAKE OATH AND SAY:

1. THAT _____ Joe Black _____, died on _____ September 30, 2022 _____,
(name of deceased) *(date of death)*
At the time of death, the deceased was habitually resident in _____ Winnipeg _____, _____ Manitoba _____.
(city/town) *(province/territory)*

2. THAT the deceased made their last will on _____ June 7, 2010 _____. Marked as Exhibit "A"
(date of will)
to this Request is (the last will/a copy of the last will) of the deceased.

3. THAT at the time of death, the deceased: *(choose all statements below that apply)*

- had never married
- was married to: _____
(name)
- was divorced from: _____
(name)
- was predeceased by their spouse: _____ Jane Black _____
(name)

(Note: complete paragraph 4 only if the deceased died on or after June 30, 2004.)

4. THAT at the time of death, the deceased: *(read the explanatory notes following paragraph 4, then choose all statements below that apply)*

had never cohabited with a common-law partner

was cohabiting with their common-law partner _____
(name)

was separated from their common-law partner, _____,
(name)
but their relationship had not been terminated.

had a common-law relationship with _____ that had
(name)
been terminated.

was predeceased by their common-law partner _____
(name)

If, at the time of death, the deceased had one or more common-law partners, specify the date(s) when (the/each) relationship began and, if applicable, the date(s) when the partners separated or the common-law relationship terminated.

If, at the time of death, the deceased had a spouse in addition to one or more common-law partners, also specify the date of the marriage, and, if applicable, the date when the spouses separated.

If the deceased died on or after June 30, 2004, read the note below and then complete paragraph 4, choosing all statements that apply.

NOTE: For the purposes of this form,

“common-law partner” of a deceased person means

- (a) a person who, with the deceased, registered a common-law relationship under section 13.1 of *The Vital Statistics Act*, or
- (b) a person who, not being married to the deceased, cohabited with them in a conjugal relationship
 - (i) for a period of at least three years, or
 - (ii) for a period of at least one year and they are together the parents of a child.

“termination of a common-law relationship” means

- (a) where the common-law relationship was registered with Vital Statistics (under section 13.1 of *The Vital Statistics Act*), the dissolution of the relationship has been registered with Vital Statistics, or
- (b) where the common-law relationship was not registered with Vital Statistics, the parties to the common-law relationship have lived separate and apart for a period of at least three years.

5. Choose all applicable statements:

- That no executor is named in that will (or codicil).
- That John Black, the executor named in the will, has renounced all right and title to the probate and execution of the will (and codicil).
- That the executor named in the will, _____, has predeceased _____.
(name of deceased)

6. That the deceased was of the full age of majority (18 years or 21 years – if the will is dated before 1971) at the time of the execution of the will, and did not marry since then.

7. THAT to the best of my knowledge and belief: *(choose statement below that applies)*

the within identified will is the only unrevoked will of the deceased.

there is another unrevoked will of the deceased; the particulars of which and the source of my information regarding same are as follows: *(applicant to provide details including date and place of execution of additional will)*

8. THAT the deceased died possessed of, or entitled to immovable property worth \$0.00 and moveable property worth \$171,642.00 true particulars of which are set out in the inventory and valuation attached hereto as Exhibit "B".

9. THAT particulars of the Manitoba residents over the age of majority having equal or prior superior right to letters of administration of the estate are as follows: NONE

<i>Name</i>	<i>Relationship to deceased</i>

10. THAT (I am/we are each) of the full age of 18 years and (my/our) habitual residence(s) (is/are) above correctly stated, (I/we) claim to be entitled to Letters of Administration of the estate as:

(relationship to deceased)

11. THAT (I/we) do solemnly declare that (I/we) will faithfully administer the property of the deceased according to the law and render a full and true account of (my/our) administration when lawfully required.

(SEVERALLY) SWORN (OR AFFIRMED)
BEFORE ME in _____, Manitoba
this ____ day of _____, ____.

A Notary Public/Commissioner for Oaths
in and for the Province of Manitoba

Signature of Deponent

My Commission expires:_____

NOTE

If the deceased was a registered "Indian" under the *Indian Act* (Canada) and was resident on a reserve at their death, Rule 74 does not apply and you will need to file a Request for Administration with the Federal Government.

FORM 74B

**THE KING'S BENCH
Winnipeg Centre**

INVENTORY AND VALUATION OF THE PROPERTY OF THE DECEASED

Description of Immoveable Property (including any interest in a real property mortgage)	Value of Property in Manitoba	Value of Property outside Manitoba
<p>This is Exhibit B to the Request for Letters of Administration with Will annexed sworn the ____ day of _____ 20 .</p> <p>_____</p> <p>A Notary Public in and for the Province of Manitoba.</p>	\$0.00	\$0.00
	\$0.00	\$0.00
	TOTAL	\$0.00

Description of Moveable Property (list on separate sheet if necessary)	Value of Property in Manitoba	Value of Property outside Manitoba
furnishings and household effects in primary residence and clothing and personal effects	\$100.00	\$0.00
furnishings and household effects in other properties	\$0.00	\$0.00
motor vehicles and recreation vehicles such as boats, etc. – list each separately	\$0.00	\$0.00
bank accounts – list each institution separately and indicate the type of accounts(s) (i.e. savings) and the amount in each account	\$0.00	\$0.00
investments managed by investment companies (including stocks, shares, bonds and debentures) – list each investment company separately and indicate the total value of the investments with each company		\$0.00
TD Direct Investment Portfolio	\$171,542.00	
self-managed investment accounts – list by institution	\$0.00	\$0.00
stocks, shares, bonds and debentures held by the deceased – list each separately by company and category and indicate the value by category	\$0.00	\$0.00
life insurance payable to the estate – list each separately by insurance company and the amount payable on each policy	\$0.00	\$0.00
annuities, pensions, RRSP's, RRIF's, TFSA's, etc payable to the estate – list separately by company and give the value of each	\$0.00	\$0.00
miscellaneous property not mentioned – list separately and give the value of each ⁵	\$0.00	\$0.00
TOTAL VALUE OF ALL MOVEABLE PROPERTY	\$171,642.00	\$0.00
	GRAND TOTAL OF ALL PROPERTY	\$171,642.00

NOTE:

Do not include (i) the address of any financial institution, insurance or other company; (ii) the account numbers of any bank accounts; (iii) the serial numbers of any bonds; or (iv) the serial number of any vehicle that can be sufficiently described without using a serial number.

If the value of an asset is unknown, show \$1.00 as the value and provide an updated inventory when the value is determined.

If the value of an asset is in a foreign currency, convert it to Canadian dollars as of the date of death.

NOTE TO ANY INTERESTED PERSONS, INCLUDING A CREDITOR:

Any interested persons, including a creditor, may request more information about the estate assets from the executor(s) or administrator(s) under *King's Bench Rule 74.08*. Any interested person, including a creditor, who believes that an asset of the deceased has not been disclosed may give notice to the executor(s) or administrator(s) under *King's Bench Rule 74.09*.

15. Letters of Administration with Will Annexed (Form 74G)

FORM 74G

THE KING'S BENCH WINNIPEG Centre

LETTERS OF ADMINISTRATION WITH WILL ANNEXED

By the order of the Honourable Justice _____, of the Court of King's Bench, dated _____, letters of administration with will annexed are hereby granted to Catherine Black, of Winnipeg, Manitoba, with respect to the last will and testament (or the last will and testament with codicil(s)) (a copy of which is attached) and all property of Joe Black, of Winnipeg, Manitoba, who died on or about September 30, 2022, the executor named in the will having renounced.

DATED at Winnipeg, in Manitoba, this _____ day of _____, 20____.

By the Court

Deputy Registrar

The front page of the form of Administration with Will Annexed must be on an independent page from the BACKER (cover page) since the will must be inserted.

16. Letters of Administration of Estate Unadministered

File No _____

THE KING'S BENCH
_____ Centre

LETTERS OF ADMINISTRATION OF ESTATE UNADMINISTERED

By order of the Honourable Justice _____, of the
(name of justice who granted initial letters of administration)

Court of King's Bench, dated _____, Letters of Administration of the
(date of letters of administration)

estate of _____ were initially issued to
(name of deceased)

_____, who after taking such administration upon themselves,
(name of administrator under initial letters of administration)

died leaving part of the estate unadministered. The said Letters of Administration remain on record in this court.

By the order of the Honourable Justice _____, of the
(name of justice granting subsequent letters of administration)

Court of King's Bench, dated _____, Letters of Administration of Estate
(date of subsequent letters of administration)

Unadministered are hereby issued to _____.
(name of administrator under letters of administration of estate unadministered)

DATED at _____ in _____, this _____ day
of _____, 20__.

By the Court

Deputy Registrar

(This is a precedent and may be modified as required)

17. Letters of Administration with Will Annexed of Estate Unadministered

File No _____

THE KING'S BENCH
_____ Centre

LETTERS OF ADMINISTRATION WITH WILL ANNEXED OF ESTATE UNADMINISTERED

By order of the Honourable Justice _____, of the Court of
(name of justice who granted initial letters of administration)

King's Bench, dated _____, Letters of Administration with Will
(date of initial letters of administration)

Annexed of the estate of _____ were initially issued to
(name of deceased)

_____, who after taking such administration upon themselves,
(name of administrator on initial letters of administration)

died leaving part of the estate unadministered. The said Letters of Administration with Will Annexed remain on record in this court.

By the order of the Honourable Justice _____, of the Court of
(name of justice granting subsequent letters of administration)

King's Bench, dated _____, Letters of Administration with Will Annexed of
(date of subsequent letters of administration)

Estate Unadministered are hereby issued to _____.
(name of administrator on letters of administration of estate unadministered)

DATED at _____ in _____, this _____ day
of _____, 20__.

By the Court

Deputy Registrar

(This is a precedent and may be modified as required)

18. Request for Resealing of Foreign Grant of Probate (Form 74R)

THE KING'S BENCH
WINNIPEG CENTRE

REQUEST FOR RESEALING OF FOREIGN GRANT OF PROBATE

IN THE ESTATE OF JANE SMITH, deceased.

I (We) WALTER WHITE, of Saskatoon, Saskatchewan, hereby request that the foreign grant of probate of the last will of the deceased be resealed by this court and in support of my request, I MAKE OATH AND SAY:

- 1. THAT JANE SMITH, died on June 8, 2020. Marked as Exhibit "A" to this Request is a certified copy of the foreign Grant of Probate issued by the Saskatchewan Court of Queen's Bench in respect of the estate of the deceased along with a certified copy of the will. The Grant of Probate remains in full force and effect as of this date.
- 2. THAT I Walter White am the executor named in the said will and my residence is above correctly stated.
- 3. THAT I Walter White have not released my rights to be executor.
- 4. THAT the deceased died possessed of, or entitled to, immoveable property in Manitoba worth **\$400,000.00** and moveable property in Manitoba worth **\$0.00**, true particulars of which are set out in the inventory and valuation attached hereto as Exhibit "B".
- 5. THAT I am the executor named in the Grant of Probate and I do solemnly swear that I will faithfully administer the property of the deceased according to the law and render a full and true account of my executorship when lawfully required.

SWORN before me in _____,)
Manitoba, this ___ day of _____,)
20____)
)
)

A Notary Public in and for the
Province of Manitoba.

Walter White

INVENTORY AND VALUATION ON REQUEST FOR RESEALING

Description of Immoveable Property in Manitoba (including any interest in a real property mortgage)	Value of Property
SW ¼ X-X-X WPM,- Certificate of Title No. 1234567/X	\$400,000.00
	TOTAL \$400,000.00

Description of Moveable Property in Manitoba (list on separate sheet if necessary)	Value of Property
furnishings and household effects in primary residence and clothing and personal effects	\$0.00
furnishings and household effects in other properties	\$0.00
motor vehicles and recreation vehicles such as boats, etc. – list each separately	\$0.00
bank accounts – list each institution separately and indicate the type of accounts(s) (i.e. savings) and the amount in each account	\$0.00
investments managed by investment companies (including stocks, shares, bonds and debentures) – list each investment company separately and indicate the total value of the investments with each company	\$0.00
self-managed investment accounts – list by institution	\$0.00
stocks, shares, bonds and debentures held by the deceased – list each separately by company and category and indicate the value by category	\$0.00
life insurance payable to the estate – list each separately by insurance company and the amount payable on each policy	
annuities, pensions, RRSPs, RRIFs, TFSAs etc payable to the estate – list separately by company and give the value of each	
miscellaneous property not mentioned – list separately and give the value of each	
	\$0.00
TOTAL VALUE OF ALL MOVEABLE PROPERTY	\$0.00
GRAND TOTAL OF ALL PROPERTY	\$400,000.00

NOTE:

Do not include (i) the address of any financial institution, insurance or other company; (ii) the account numbers of any bank accounts; (iii) the serial number of any bonds; or (iv) the serial number of any vehicle that can be sufficiently described without using a serial number.

If the value of an asset is unknown, show \$1.00 as the value and provide an updated inventory when the value is determined.

If the value of an asset is in a foreign currency, convert it to Canadian dollars as of the date of death.

NOTE TO ANY INTERESTED PERSONS, INCLUDING A CREDITOR:

Any interested person, including a creditor, may request more information about the estate assets from the executor(s) or administrator(s) under *King's Bench Rule 74.08*. Any interested person, including a creditor, who believes that an asset of the deceased has not been disclosed may give notice to the executor(s) or administrator(s) under *King's Bench Rule 74.09*.

19. Request for Order Under Section 47 of The Court of King's Bench Surrogate Practice Act (Form 74FF)

THE KING'S BENCH
_____ Centre

**REQUEST FOR ORDER UNDER SECTION 47 OF
THE COURT OF KING'S BENCH SURROGATE PRACTICE ACT**

IN THE ESTATE OF _____ JOHN SMITH _____
(name of deceased)

I, _____ Joan Smith _____ of _____ Winnipeg _____, _____ Manitoba _____,
(city/town) (province/territory)

make oath and say:

1. THAT I am of the full age of 18 years and that my place of residence is above correctly stated.

2. THAT _____ John Smith _____, died on _____ July 20, 2018 _____,
(name of deceased) (date of death)

At the time of death, the deceased was habitually resident in _____ Winnipeg, Manitoba. _____
(city/town) (province/territory)

~~3. THAT now produced to me, and marked as exhibit "A" to my affidavit, is the last will of the deceased, _____
(name of deceased)~~

OR

3. THAT I have made or caused to be made a careful search in all places where the deceased might have been expected to keep papers, but I have been unable to discover any will and I believe that the deceased died without having left any will.

4. THAT I am the _____ lawful widow _____ and the deceased
(state your relationship to the deceased or if you are the executor named in the will)
 died with the following persons entitled to a share in their estate:

<i>Name</i>	<i>City/Province/Country of residence</i>	<i>Relationship to deceased person</i>	<i>Age (if under 18)</i>
Joan Smith	Winnipeg, Manitoba Canada	spouse	

(Attach a schedule if more space is needed. If a person entitled to share in the estate is not a spouse, child, parent, brother or sister of the deceased person, show how the relationship is traced.)

5. THAT the total value of all property of the deceased does not exceed \$10,000.00, consisting of \$1,500.00 personal property, and \$6,000.00 real property (which includes any interest of the deceased in a real property mortgage). The real property is located in the Province of Manitoba and is more particularly described as follows *(insert full legal description)*:

Lot 7, Block 6, Plan 789, WLTO

in OTM Lots 21, 22, 23 and 29 Parish of St Vital

6. THAT the interest of the deceased in the above real property devolves (~~has been devised or sold~~) to Joan Smith of Winnipeg, Manitoba
(name) (city/town) (province/territory)
 and I hereby request that the Court order that the deceased's interest in the real property be vested in the said Joan Smith.

7. THAT I do solemnly swear that I will faithfully administer the property of the deceased, pay the just debts and funeral expenses of the deceased, distribute the residue (if any) according to law and render a full and true account of my administration when required.

8. I make this affidavit in support of a request for an order that the personal property of the deceased be paid or delivered to me and that the deceased's interest in any real property be dealt with as above requested or delivered to me to be disposed of by me as the Court directs.

(Severally) Sworn (or Affirmed)
before me in _____
in the Province of Manitoba
on _____.

A Notary Public/Commissioner for Oaths
in and for the Province of Manitoba.

Signature of Deponent

My Commission expires: _____.

NOTE

If the deceased was a registered "Indian" under the *Indian Act* (Canada) and was resident on a reserve at their death, Rule 74 does not apply and you will need to file a Request for Administration with the Federal Government.

20. Order Under Section 47 of The Court of King's Bench Surrogate Practice Act (Form 74GG)

THE KING'S BENCH

_____ Centre

ORDER UNDER SECTION 47 OF THE COURT OF KING'S BENCH SURROGATE PRACTICE ACT

IN THE ESTATE OF _____ JOHN SMITH _____
(name of deceased)

UPON READING THE AFFIDAVIT OF _____ Joan Smith _____, OF
(name)

_____ Winnipeg _____, _____ Manitoba _____, and it appearing that _____ John Smith _____
(city/town) (province/territory) (name of deceased)

of _____ Winnipeg _____, _____ Manitoba _____, died on or about _____ July 20, 2018 _____, leaving a
(city/town) (province/territory) (date)

total estate, both real and personal valued at not more than \$10,000.00;

1. I DO HEREBY ORDER THAT the proceeds of the deceased's interest in any real property and the deceased's personal property be paid or delivered to the said _____ Joan Smith _____ to
(name)
be disposed by
 - (a) paying the reasonable funeral expenses and the debts of the deceased; and
 - (b) paying over any balance in accordance with the terms of the will, if any, or if there is no will, to the next-of-kin, or if there is not next-of-kin or if none can be conveniently found, paying over the balance to the Minister of Finance for Manitoba to be credited to the Consolidated Fund.

AND UPON IT APPEARING THAT the deceased died possessed of an interest in the following described lands and premises, which includes any interest in a real property mortgage
(insert full legal description of interest):

Lot 7, Block 6, Plan 789, WLTO

in OTM Lots 21, 22, 23 and 29 Parish of St Vital

2. I DO HEREBY FURTHER ORDER THAT the interest of the deceased in the hereinbefore more particularly described lands and premises be and the same is hereby vested

in Joan Smith of Winnipeg, Manitoba,
(name) (city/town) (province/territory)

subject to all existing encumbrances in force as of the date of registration of this order.

Signed this _____

Date

Judge

Deputy Registrar

21. Affidavit of Execution of Will (or Codicil) (Form 74D)

THE KING'S BENCH

_____ Centre

AFFIDAVIT OF EXECUTION

IN THE MATTER OF THE WILL AND TESTAMENT OF _____ JAMES BROWN _____
(name of testator)

I, _____ Michael Blue _____, of _____ Winnipeg _____, _____ Manitoba _____,
(city/town) (province/territory)

make oath and say:

1. THAT I (know/knew) _____ James Brown _____.
(name of testator)

2. THAT on _____ March 1, 2022 _____, I was personally present and did see the document
(date)
marked as exhibit "A" to this affidavit, executed by _____ James Brown _____
(name of testator)
as their last will by signing their name or making their mark at the end of the document and
that at the time of the execution of the will the testator was of the full age of 18 years and, in
my opinion, the testator was of sound mind, memory, and understanding at the time of
execution of the will.

NOTE: If the will was signed by a third party for and on behalf of the testator at the testator's request, paragraph 2 should read:

THAT on _____, I was personally present and did see the document
(date)
marked as exhibit "A" to this affidavit signed by _____,
(name of signor)
as the last will of _____ by signing the name of the
(name of testator)

testator to the will at the request of, and in the presence of, the testator, who was physically unable to sign their name or make their mark at end of that document and that at the time of the execution of the will the testator was of the full age of 18 years and, in my opinion, the testator was of sound mind, memory and understanding at the time of execution of the will.

NOTE: If the will was signed or marked by the testator with the assistance of another person, paragraph 2 should read:

THAT on _____, I was personally present and did see the document
(date)
marked as exhibit "A" to this affidavit, executed by _____,
(name of testator)
as their last will by signing their name or making their mark at the end of the document with
the assistance of _____. The testator requested the
(name of person who provided assistance)
assistance of this person to sign or mark the will. At the time of the execution of the will, the testator
was of the full age of 18 years and, in my opinion, the testator was of sound mind, memory and
understanding at the time of execution of the will.

3. THAT the will was executed by the testator in my presence and the presence of

(name of other witness) of _____, _____,
(city/town) (province/territory)
who were both present at the same time; whereupon we, in the presence of the testator,
attest and subscribe the will as witnesses.

4. THAT neither I nor _____ is a beneficiary, nor the
(name of other witness)
spouse of a beneficiary, named in the will (or the contrary, as the case may be).

(Note: complete paragraph 5 only if the will or codicil was executed on or after June 30, 2004.)

5. THAT neither I nor _____ is a beneficiary, nor the
(name of other witness)
common-law partner of a beneficiary, named in the will (or the contrary, as the case may be).

NOTE: Subsection 12(1) of *The Wills Act* defines "common-law partner" as follows:

"common-law partner" of a person means

- (a) another person who, with the person, registers a common-law relationship under section 13.1 of *The Vital Statistics Act*, and who is cohabiting with the person, or
- (b) another person who, not being married to the person is cohabiting with him or her in a conjugal relationship of some permanence.

(If the testator was unable to read the will, add)

6. THAT prior to the execution of the will by the testator, it was read over to the testator by me or by his counsel _____ in my presence, and the testator JAMES BROWN at that time had a knowledge of its contents and appeared to understand it.
7. THAT no other copy of the will was executed by the testator.

Sworn (or Affirmed) before me
in _____, Manitoba
this ____ day of _____, ____.

A Notary Public/Commissioner for
Oaths in and for the Province of
Manitoba.

Signature of Deponent

My Commission expires_____.

(The necessary modifications should be made to this Form if it relates to the execution of a codicil.)

22. Affidavit Proving Signature (Witnesses Deceased or Cannot be Located)

THE KING'S BENCH
_____ Centre

File No. _____

AFFIDAVIT PROVING SIGNATURE (WITNESSES DECEASED OR CANNOT BE LOCATED)

IN THE ESTATE OF _____.

I, _____, of _____, _____ MAKE OATH AND SAY:
(name of deponent) (city/town) (province/territory)

1. That I was (a/the) _____ of the deceased, who died on or about _____
(state how deceased was known to deponent)
_____, and I am familiar with their handwriting and signature as I have known
(date of death)
the deceased for _____ years prior to their death, and during that time I have become familiar
(number of years)
with their handwriting and signature.
2. That I have carefully examined the signature on the Will dated _____, which is
(date of will)
marked as Exhibit "A" to this Affidavit and purporting to be signed by the deceased, and I
verily believe the signature subscribed to the Will is the signature of the deceased.
3. That on _____, the date on which the Will was made and signed, the deceased was of
(date of will)
the full age of eighteen years and appeared to be of sound mind, memory and understanding.
4. That I am not a beneficiary or spouse or common law partner of a beneficiary under the Will
of the deceased.
5. That upon investigation made by me, to the best of my knowledge and belief, the witnesses to
the Will of the deceased have (predeceased the testator, cannot be located, or as the case may
be).

Sworn (or Affirmed) before me at the
_____ of _____
in the Province of Manitoba,
this ___ day of _____, ____.

Signature of Deponent

Commissioner for Oaths in and for the
Province of Manitoba
My Commission Expires: _____

(This is a precedent and may be modified as required)

23. Affidavit Proving Holograph Will

File No. _____

THE KING'S BENCH
_____ Centre

AFFIDAVIT PROVING HOLOGRAPH WILL

IN THE ESTATE OF _____.

I, _____, of _____, _____ MAKE OATH AND SAY:
(name of deponent) (city/town) (province/territory)

1. That I was (a/the) _____, of the deceased, who died on or about
(state how deceased was known to deponent)
_____, and I am familiar with their handwriting and signature as I have known the
(date of death)
deceased for _____ years prior to their death and during that time I have become familiar
(number of years)
with their handwriting and signature.
2. That I have carefully examined the handwriting and signature of the Will dated _____,
(date of will)
which is marked as Exhibit "A" to this Affidavit and purporting to be handwritten and signed by
the deceased, and I verily believe that the handwriting and signature subscribed to the Will is the
handwriting and signature of the deceased.
3. That on _____, the date on which the Will was signed, the deceased was of the full
(date of will)
age of eighteen years and appeared to be of sound mind, memory and understanding.
4. That I am not a beneficiary or the spouse of a beneficiary under the Will of the deceased.

If the Will was executed on or after June 30, 2004, read the note below and include paragraph 5.

Subsection 12(1) of the Wills Act defines "common law partner" as follows:

"common law partner" of a person means

- (a) another person who, with the person, registers a common law relationship under section 13.1 of *The Vital Statistics Act*, and who is cohabiting with the person, or
- (b) another person who, not being married to the person, is cohabiting with him or her in a conjugal relationship of some permanence.

5. That I am not a beneficiary, nor the common law partner (as defined in subsection 12(1) of *The Wills Act*) of a beneficiary named in the Will.

Sworn (or Affirmed) before me at the
_____ of _____
in the Province of Manitoba,
this ___ day of _____, ____.

Signature of Deponent

Commissioner for Oaths in and for the
Province of Manitoba
My Commission Expires: _____

(This is a precedent and may be modified as required)

24. Affidavit of Condition (Form 74E)

**THE KING'S BENCH
WINNIPEG CENTRE**

AFFIDAVIT OF CONDITION

IN THE ESTATE OF JOHN DOE, deceased.

I, Jane Doe, of Winnipeg, Manitoba, MAKE OATH AND SAY:

1. THAT I am an executor named in the document attached hereto as Exhibit "A", which purports to be the last will of John Doe dated April 10, 1993 who died on or about March 2, 2019, and was at the time of death habitually resident in Manitoba.

2. The will was located by me after his death from the safety deposit box in the name of the deceased located at Royal Bank of Canada Main Branch, Winnipeg, Manitoba where John Doe kept some of his important papers.

3. The will is currently in all respects in the same state and condition as when I found it. At that time, I observed the following: (describe any unattested alterations, erasures, obliterations, or interlineations in the will or describe any damage to the will)

Paragraph 4 of the will has been struck out by drawing a line through it in its entirety thereby purportedly deleting a gift of \$20,000.00 to Billy Cutout.

4. I believe that the unattested alteration, erasure, obliteration or interlineation or the apparent damage to the will was made:

- before or at the time the will was executed by the deceased
- after the will was executed by the deceased
- before the will was revived by the deceased in accordance with clause 20(1)(a) of *The Wills Act*
- before the execution of any codicil that forms part of the will marked as Exhibit "A"

5. My belief, as stated above, is based on the following facts and information:

I am the spouse of the deceased. The deceased and I both signed wills at the same time which included the gift of \$20,000.00 to Billy Cutout. After the date of signing of our wills, I deposited the originals in our joint safety deposit box at Royal Bank, Main Branch, Winnipeg, Manitoba and at the time I did so, the gift to Billy Cutout had not been struck out.

6. I believe that the unattested alterations, erasures, obliterations or interlineations or the apparent damage to the will was made: *(provide any information explaining the reason for or circumstances of the alterations, erasures, obliterations or interlineations or the damage to the will and the facts and information on which that belief is based. Do not include this paragraph if the deponent has no information on this subject)*

I have personal knowledge of a falling out of the relationship of the deceased and Billy Cutout that occurred several years after the date of the will. The deceased mentioned to me on several occasions his desire to remove Billy Cutout from his will. Although I did not see him doing so I therefore believe that without my prior knowledge he removed the will from the safety deposit box, made the deletion and returned the original will to the safety deposit box. I believe this to have been done at or about the time that their relationship broke down.

SWORN before me in Winnipeg,)
Manitoba, this day of , 20 .)
)
_____)

A Notary Public/Commissioner for Oaths)
in and for the Province of Manitoba.
My commission expires:

Jane Doe

*** Use this type of affidavit for interlineations, alterations, erasures.**

25. Renunciation of Probate or Letters of Administration with Will Annexed (Form 74N)

THE KING'S BENCH
WINNIPEG CENTRE

RENUNCIATION OF PROBATE OR LETTERS OF ADMINISTRATION WITH WILL ANNEXED

IN THE ESTATE OF _____ JOHN DOE _____
(name of deceased)

Whereas _____ John Doe _____ died on or about _____ June 10, 2018 _____.
(name of deceased) *(date)*

And whereas the deceased made and duly executed their last will on March 1, 1995 and
(date)
(I am the executor under the will/I am the administrator of the estate).

Now I, _____ June Doe _____, do hereby expressly renounce all my right and title
(name)
to probate and execution of the will of the deceased/administration of the estate.

IN WITNESS WHEREOF I have signed my name, this _____ day of _____, 20____.

Signed in the presence of

Name of Witness

Signature of Executor/Administrator

Note: The renunciation must be accompanied by an Affidavit of Execution of Renunciation in Form 74X

26. Affidavit of Execution of Renunciation (Form 74X)

THE KING'S BENCH
WINNIPEG CENTRE

AFFIDAVIT OF EXECUTION OF RENUNCIATION

IN THE MATTER OF THE ESTATE OF JOHN DOE, deceased.

I, Marnie Johnston, of Winnipeg, Manitoba,

MAKE OATH AND SAY:

1. That I was personally present and did see the within (or annexed) renunciation duly signed by June Doe, the party therein named.
2. That I know the party so signing and they are of the full age of 18 years.
3. That the renunciation was signed by the party at Winnipeg, Manitoba.
4. That I am a subscribing witness to the signature.

SWORN before me in Winnipeg,)
Manitoba, this ___ day of____, 20_)

_____)
_____)
_____)
A Notary Public in and for the)
Province of Manitoba.)

Marnie Johnston

27. Renunciation of Administration (Form 740)

THE KING'S BENCH
WINNIPEG CENTRE

RENUNCIATION OF ADMINISTRATION

IN THE ESTATE OF _____ JOHN DOE _____,
(name of deceased)

Whereas _____ John Doe _____ died on or
(name of deceased)

about _____ October 15, 2019 _____, intestate,
(date)

And whereas I, _____ Patricia Doe _____, am a resident of _____ Winnipeg _____, _____ Manitoba _____,
(name) (city/town) (province/territory)

and I am the lawful (and only) next-of-kin of the deceased (to be varied according to the facts).

Now I, _____ Patricia Doe _____, do hereby expressly renounce all my right and title to letters
(name)
of administration of the property of the deceased.

IN WITNESS WHEREOF I have signed my name, this _____ January 15, 2021 _____.
(date)

Signed in the presence of

Name of Witness

Signature of Person Renouncing

Note: The Renunciation of Administration must be accompanied by an Affidavit of Execution of Renunciation in Form 74X.

28. Caveat (Form 75A)

**THE KING'S BENCH
WINNIPEG CENTRE**

IN THE ESTATE OF EDWARD SMITH, deceased.

Let nothing be done (or, Let nothing further be done) in the estate of EDWARD SMITH, late of Winnipeg, Manitoba, who died on November 1, 2022, without notice to MARGARET SMITH, of Winnipeg, Manitoba.

MARGARET SMITH is: (state relationship and interest in the estate), the daughter of EDWARD SMITH, and his nearest next-of-kin in the event of an intestacy.

This caveat is entered for the reason that (state reason, e.g. the deceased was at the time of making the will without testamentary capacity, or MARGARET SMITH, has reason to fear, and does fear, that EDWARD SMITH, was procured to make a will by undue influence or fraud).

My address for service is: 5432 Main Street, Winnipeg, Manitoba, R2C 2V2.

_____, 2 _____

MARGARET SMITH

AFFIDAVIT TO ACCOMPANY CAVEAT

**THE KING'S BENCH
Winnipeg Centre**

IN THE ESTATE OF EDWARD SMITH, deceased.

I, MARGARET SMITH, of Winnipeg, Manitoba, make oath and say:

- (1) That I am the daughter of EDWARD SMITH.
- (2) That the caveat that is filed, or is about to be filed, by me in this matter is not entered for the purpose of delay nor to embarrass any person interested in the estate.

SWORN before me at)
Winnipeg Manitoba, this)
_____ day of _____, 20__)

MARGARET SMITH

A Notary Public in and for the
Province of Manitoba

29. Withdrawal of Caveat

**THE KING'S BENCH
WINNIPEG CENTRE**

IN THE MATTER OF: The Estate of _____, late of Winnipeg, Manitoba, deceased

WITHDRAWAL OF CAVEAT

TAKE NOTICE that _____, who signed and filed a caveat dated _____, 20____, hereby withdraws all opposition to the administration of the estate of *DECEASED*, late of Winnipeg, Manitoba, who died on the ____ day of _____, 20____ and consents to the administration of the estate proceeding.

DATE: _____

NAME OF CAVEATOR

30. Affidavit as to Debts and Heirs

Note: No longer required by the Land Titles Office as at July, 1983 for property with Torrens Title. For old system property it would be prudent to file an affidavit consisting of paragraphs 1-2, 4-5.

CANADA) IN THE MATTER of the ESTATE OF JOHN DOE,
)
PROVINCE OF MANITOBA) - and -
)
TO WIT:) IN THE MATTER of the property
) legally described as Lot A, Block B,
) D.G.S. 1-3, St. Boniface, Plan 0000.

I, JANE DOE, of Winnipeg, Manitoba, widow of JOHN DOE, late of the same place, deceased, MAKE OATH AND SAY:

1. THAT I am the executor of the estate of JOHN DOE, deceased, under and by virtue of Grant of Probate issued out of the Manitoba Court of King’s Bench, Winnipeg Centre, on the 1st day of September, 20____.
2. THAT the said JOHN DOE died on or about the 10th day of June, 20____, at Winnipeg, Manitoba, and at the time of death was habitually resident in Winnipeg, Manitoba.
3. THAT the said JOHN DOE was married only once and to me and that the only child born of the marriage is MARY TEX, of Winnipeg, Manitoba.
4. THAT the said MARY TEX is of the full age of eighteen years, and the deceased did not adopt any children.
5. THAT all debts, claims and liabilities against the said JOHN DOE, deceased, and the estate, has been fully paid and discharged, and there are no covenants outstanding against the said deceased or the estate under any mortgage of real or personal property, agreement to buy real or personal property, bond, guarantee, note, lease, subscription for stocks or bonds, nor any fund in connection with any transfer of land to the deceased subject to mortgage or otherwise and there are no unpaid income taxes, judgments or municipal liens, or claims for funeral, sickness or burial expenses of the said deceased or the estate.

6. THAT an advertisement was published in the issue of the Winnipeg Free Press, a daily newspaper, published in Winnipeg, on the 10th day of July, 20____, and in the Manitoba Gazette issue dated the 12th day of July, 20____, being a Notice to Creditors setting forth that all claims against the Estate of the late JOHN DOE were to be sent to Messrs. Law and Law, Solicitors for the Executor, 100 Never Street, Winnipeg, Manitoba, on or before the 15th day of August, 20__, and that no claims were filed or sent to my solicitor and that the time for filing claims has expired.

7. THAT I have not been served with any notice of an application under *The Dependants Relief Act* of Manitoba.

8. THAT I make this affidavit for the purpose of enabling the District Registrar of the Winnipeg Land Titles Office to register a Transfer of Land concerning the aforementioned property to the persons entitled thereto by virtue of the last Will and Testament of JOHN DOE.

SWORN before me at Winnipeg,)
Manitoba, this 1st day)
of October, 20____.)

"JANE DOE"

"JOHN LAW"
A Notary Public in and for
the Province of Manitoba

31. Notice to Creditors

NOTICE TO CREDITORS

IN THE MATTER OF THE ESTATE OF _____. All claims against the above estate must be sent to the undersigned at _____ (fill in place where notices of claims are to be sent) on or before the _____ of _____ 20____.

Dated at _____ in Manitoba, this _____ day of _____ 20____.

(INSERT NAME OF LAW FIRM)
SOLICITORS FOR THE EXECUTOR
ATTENTION:

* * *

***Note the following regarding the Notice to Creditors:**

- a. it must be issued in the form set out in s. 41(5) of *The Trustee Act*, C.C.S.M., c. T160;
- b. it must be published in the local newspaper (one issue) and the Manitoba Gazette (one issue);
- c. allow at least 30 days after date of publication of notice for claims to be filed;
- d. it must reach the Statutory Publications office by Thursday noon, one week prior to publication of Gazette. (This Gazette is published every Wednesday.) If Wednesday falls on a holiday, publications will take place on the next day that is not a holiday. Must submit a fee payable to the Minister of Finance in either case. Check the Statutory Publications website with respect to the current fees;
- e. if you have additional questions regarding the requirements of the Manitoba Gazette, you may reach that office at (204) 945-3103. The address for the Manitoba Gazette is: 10th Floor -155 Carlton Street, Winnipeg, Manitoba, R3C 3H8;
- f. Manitoba Gazette tear sheets are available online at <https://gazette.gov.mb.ca/>.
Local newspaper tear sheets should be available online at:
<https://www.shoom.com/Login?returnto=tsSearch>
- g. in all correspondence indicate the name of the lawyer who is handling the estate.

32. Letter Re: Shares

January 7, 20____

Richardson Securities of Canada
One Lombard Place
Winnipeg, Manitoba
R3C 1A8

Dear Sirs:

**Re: Estate of John Smith
BCE – Common Shares**

Please be advised that we are the solicitors for the estate of John Smith, late of Winnipeg, Manitoba, who died on December 15, 2___. We are providing to you a copy of the death certificate, a copy of the will and a copy of an authorization for release of information signed by the executor, that permits you to communicate with our office.

We are in the process of preparing the inventory of assets of the deceased's estate. Accordingly, we require information as to the value of the BCE share certificate No. BT654321 for 100 common shares, as at John Smith's date of death. We would appreciate receiving this information from you as soon as possible. Please also advise us of the transfer agents for the said shares and the requirements for the transmission and transfer of same. Please provide any relevant tax information.

Thank you for your prompt attention to this matter.

Yours truly,

BLACK, BROWN & GREEN
Per:

JACK B. BLACK

JBB/aw
cc. Mrs. D. Client

Note the following:

- if transfer agent is known, write directly to it;
- be sure to indicate type of shares (i.e., common, preferred, Class "A", etc.); and
- when writing with respect to bonds, be sure to ask for the "market value" as at the date of death.

33. Debenture/Bond Transmission Precedent

(NOTE: All financial institutions will have their own form of Transmission. The following is a rough idea of the information typically required.)

DECLARATION OF TRANSMISSION

) IN THE MATTER OF THE ESTATE OF
) John David Doe
) (Full name of deceased)
) late of Winnipeg, Manitoba
) Deceased.

I, Jane Elizabeth Doe, of Winnipeg, Manitoba,
being the Executor of the said Deceased,

DO SOLEMNLY DECLARE THAT:

- (1) The said Deceased died at Winnipeg, Manitoba on the 10th day of June, 20____, testate and at the date of death was domiciled at Winnipeg, Manitoba.
 - (2) Probate of the Will of the Deceased was granted to the declarant Jane Elizabeth Doe on the 12th day of September, 20____, by the Manitoba Court of King's Bench, Probate Division in File No. _____.
 - (3) There are registered in the name of the said Deceased on the register of (full name of company/issuer) (insert proper description of bonds or debentures) of the (full name of Company) (insert principal value of debenture/bond) represented by debenture/bond-bearing the serial numbers (insert applicable serial numbers).
 - (4) All of the aforementioned debenture/bond-are executed under seal and were physically held at Winnipeg, Manitoba at the date of death. (insert full particulars as to actual *situs* of the securities at date of death.)
 - (5) By virtue of the foregoing the said debenture/bond have devolved upon and become vested in me, as Executor, to have the same recorded in my name, as Executor, in the register of (insert full name of company/issuer);
- (and)

immediately thereafter transferred to the beneficiary properly entitled by law to receive the said debenture/bond, namely:

Jane Elizabeth Doe, 123 Any Street, Winnipeg, Manitoba, R1A 2B2.

(6) The said John David Doe, named in the Grant of Probate referenced herein and John D. Doe, the named owner on the debenture/bond are one and the same person.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me)
at Winnipeg, Manitoba,)
this 20th day of _____,)
2____)
)

Jane Elizabeth Doe,
Executor of the Estate of John David Doe

~~A Commissioner for Oaths.~~
A Notary Public in and for
the Province of Manitoba

34. Power of Attorney (Debenture/Bond) Precedent

(NOTE: All financial institutions will have their own form of Power of Attorney. The following is a rough idea of the information typically required.)

IRREVOCABLE STOCK OR BOND POWER

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto:

NAME OF TRANSFEREE JANE ELIZABETH DOE
ADDRESS 123 ANY STREET, WINNIPEG, MANITOBA, R1A 2B2

the following securities:

QUANTITY OR AMOUNT _____ (insert amount of debenture/bond)

NAME OF COMPANY/ISSUER _____ (insert full name of company/issuer)

DESCRIPTION OF DEBENTURE/BOND _____ (insert description)

CERTIFICATE NUMBER(S) Q 123456

and hereby irrevocably constitutes and appoints _____ the true and lawful attorney of the undersigned to transfer the said stock/bonds on the books of the said Corporation with full power of substitution in the premises.

DATED: October 20, 20____ JANE ELIZABETH DOE, Executrix of the Estate of John David Doe [Please Print Name(s) of Transferor/s]

The signature/s of the Transferor/s is/are hereby guaranteed by: _____ Signature of Transferor Signature/s of Transferor/s "Jane Elizabeth Doe"

35. Share Transmission Form

(NOTE: All financial institutions will have their own form of Transmission. The following is a rough idea of the information typically required.)

DECLARATION OF TRANSMISSION

IN THE MATTER of the ESTATE of)
JOHN ARTHUR SMITH)
late of Winnipeg, Manitoba,)
deceased)

~~WE~~I, JUDITH SMITH of the City of Winnipeg, in the Province of Manitoba, being the sole Executor Administrator(s) of the said deceased,

DO ~~(SEVERALLY)~~ SOLEMNLY DECLARE THAT:

1. The said deceased died at Winnipeg, Manitoba on the 15th day of December, 20____, testate ~~(intestate)~~ and at the date of death was domiciled at the City of Winnipeg, in the Province of Manitoba.
2. Probate of the last Will and Testament ~~(or Administration with Will Annexed or Administration)~~ of the deceased was granted to the declarant(s), Judith Smith on the 5th day of January, 20____ by the Court of King’s Bench for the Province of Manitoba, at the City of Winnipeg, in the Province of Manitoba, as File No. PR_____.
3. There are registered in the name of the said deceased on the Register of BCE [full name of Company]
100 common shares represented by a ~~bond(s)/~~share certificate(s) bearing the serial number(s) BT654321. [description of investment]
4. The aforementioned ~~bond(s)/~~certificate(s) is executed under seal and was physically held at Winnipeg, Manitoba the date of death.
5. By virtue of the foregoing the said ~~bond(s)/~~certificate(s) has devolved upon and become vested in the Executor who desire(s) to have the same recorded in the name(s) of the Executor upon the Register of the said Company AND

(a) ~~immediately thereafter transferred to the beneficiary (ies) property entitled by law to receive the bond(s)/certificate(s), namely:~~

(b) REDEEMED IN FULL.

6. The said JOHN ARTHUR SMITH [full name of deceased] and JOHN ARTHUR SMITH named in the said ~~bond(s)/certificate(s)~~ was one and the same person.

~~AND WE~~ I make this solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act".

(~~SEVERALLY~~) DECLARED before me at)
the City of Winnipeg, in the Province of)
Manitoba, this ____ day of _____, 20__)
)

JUDITH SMITH

A Notary Public in and for the
Province of Manitoba

36. Letter Re: Transmission of Shares

ABC Securities Corporation
123 Any Street
Winnipeg, Manitoba
R1A 2B2

November 24, 20__

DELIVERED

Attention: Stock Transfer Department

Dear Sirs/Mesdames:

Re: Estate of Harry Smith

Please be advised that we are the solicitors for Stella Granger, Executor of the Estate of Harry Smith. The late Mr. Smith was the registered owner of 100 Manitoba Bank common shares.

In connection with these shares, enclosed please find the following:

1. notarial copy of the Grant of Probate of the Will of Harry Smith;
2. notarial copy of the Death Certificate;
3. declaration of Transmission, duly completed by the Executor, with her signature guaranteed; and
4. Manitoba Bank share certificate No. C12345 for 100 common shares in the name of Harry Smith, duly signed off by the Executor, with her signature guaranteed.

Please forward a new share certificate registered as follows:

Stella Granger
13 Digg Alley
Winnipeg, Manitoba
R3X 4S6

If you have any questions regarding the above, please do not hesitate to contact the writer. Thank you for your attention to this matter.

Yours truly,
BLACK, BROWN & GREEN
Per:

JACK B. BLACK

JBB/my
cc: Stella Granger

37. Letter to Bank Re: Value of Accounts

JANE BROWN LAW OFFICE
Jane Brown, Barrister and Solicitor
210 – 355 Main St.
Winnipeg, MB R3C 3K5
e-mail address: jbrown@brownlaw.ca

MY FILE NO:

October 31, 20____

Tiger Hills Credit Union Limited
Treherne, Manitoba
R0G 2V0

BY FAX: 723-2084

Dear Sirs/Mesdames:

RE: The estate of Bruce Smith
Date of Death: October 15, 20_____.

I act as solicitor for the estate of Bruce Smith, late of the Postal District of Treherne, in the Province of Manitoba, deceased. We are providing to you a copy of the funeral director's statement of death, a copy of the will and a copy of an authorization for release of information signed by the executor, Joe Smith.

Since I am in the process of determining the assets of the estate, I would ask that you search your records and advise if the deceased had any bank accounts, investment certificates, term deposits, registered investments or any other assets with your institution. In addition please provide date of death values of any assets. Please provide the information as soon as possible.

In addition, please advise if you are in possession of any documents being held in safekeeping for the deceased and whether or not the deceased had a safety deposit box at your institution.

Thank you for your cooperation in this matter.

Yours truly,

JANE BROWN

38. Letter to Bank Re: Estate Account/Liquidation

January 16, 20____

Canadian Imperial Bank of Commerce
Portage Avenue and Hargrave Street
Winnipeg, Manitoba
R3B 2C3

Attention: Mr. B. Manager

Dear Sir:

**Re: Estate of GEORGE JONES, Deceased
Account Nos. 51-4172 and 3487**

We are the solicitors for the Executor of the Estate of George Jones.
We enclose herewith a notarial copy of the Grant of Probate.

(OPTION):

Please open an estate account in the name of the Executor, Georgina Jones, and forward the any documentation required for signature and we will arrange for signing with the Executor.

The Executor wishes to liquidate the account. Please provide any documentation required to do so and we will arrange for signing with the Executor.

Yours truly,

LEXUS & ASSOCIATES

Per:

LEON LEXUS

LL/my

Encls.

cc: Mrs. Client

Opening and liquidating estate accounts is a responsibility of the personal representative. They can open and liquidate estate accounts without lawyer involvement.

39. Letter Re: Life Insurance

JANE BROWN LAW OFFICE
Jane Brown, Barrister and Solicitor
210 – 355 Main St.
Winnipeg, MB R3C 3K5
e-mail address: jbrown@brownlaw.ca

MY FILE NO:

BY FAX

Dear Sirs:

Re: The Estate of _____
Date of Death: _____, 20____ (at _____, Manitoba)
Policy No. _____

I am the solicitor for the referenced estate. Enclosed herewith are copies of the funeral director's statement of death, the will and an authorization for release of information signed by the executor, Joe Smith.

In connection with the above noted estate, I would appreciate receiving particulars of all insurance policies in the name of the deceased, together with the necessary forms and requirements in order to proceed with the death settlement.

If any policy is payable to the estate of the deceased, please provide me with those particulars promptly so as to enable me to make the necessary application to court for Probate.

Your assistance is required in this matter and I trust that I shall hear from you at your earliest possible convenience.

Yours truly,

JANE BROWN

40. Estate Information Checklist

a) Estate Information Checklist

Date: _____, 20_____

1. Full Name of Deceased: _____

Address: _____

Date of Death: _____ Place of Death: _____

Date of Birth: _____ Age: _____

2. Occupation: _____ SIN: _____

Employer: _____

Date of Retirement: _____

3. Marital Status:

Was the deceased single, separated, divorced, widowed, married or common-law:

Spouse or Partner's Full Legal Name: _____

SIN: _____

Address: _____

Telephone No.: _____

Separated? Yes/No If yes, date of separation: _____

Is there a signed separation agreement or court order? Yes/No

If yes, provide a copy of the separation agreement/court orders.

Divorced? Yes/No If yes, date of divorce: _____

If yes, provide a copy of court orders.

Common-law since June 30, 2004 and ended? Yes/No

If yes, date ended: _____

Is there a signed agreement with the common-law partner? _____

If yes, provide a copy of the agreement.

4. Canada Pension:

(a) Is the Deceased eligible for Canada Pension Plan Death Benefits? _____

If yes, who will apply? _____

(b) Are there Orphan or Survivor Benefits? _____

(c) If yes, who will apply? _____

5. Year of last Income Tax Return filed: _____

Name and address of accountant: _____

6. Did Deceased die Testate or Intestate? _____

If Testate:

(a) Provide original will and/or any codicils, if any.

(b) Is there an affidavit of execution to the will/codicils? Yes/No

(c) If not, name and address of lawyer who prepared will: _____

(d) Name and address for executor(s): _____

(e) Provide full legal names, addresses, and social insurance numbers for specific and residuary beneficiaries.

(f) If there are minor beneficiaries, provide the full legal name and addresses for the parents or guardian(s) of the minor beneficiary.

If Intestate:

- (a) Provide full legal names, addresses, birth dates and relationship for all persons having an equal or superior right to apply to be the administrator for the estate.
- (b) Provide full legal names, address, birth dates, and relationship of all next of kin (those who will receive a share under *The Intestate Succession Act*).

7. Bonding Issues:

- (a) Full legal names, addresses and amount to be guaranteed by each Bondsman:
-

8. Assets:

- (a) Inventory of Estate Assets (including joint assets which are not intended to pass by right of survivorship to the joint owner):

<u>Asset</u>	<u>Value at Death</u>	<u>Current Value</u>
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- (b) Inventory of Assets falling outside of estate (i.e., RRSPs payable to spouse as per specific beneficiary designation):

<u>Asset</u>	<u>Value at Death</u>	<u>Current Value</u>
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- (c) Are there any joint assets which are intended to pass by right of survivorship to the joint owner? If so, what are they? Do the residuary beneficiaries agree the assets are to pass by right of survivorship?

9. Debts:

<u>Debt</u>	<u>Amount</u>	<u>Owed to Whom</u>
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KB Rule 74.14(4) stipulates that a copy of King's Bench Form 74EE is to be served on the personal representatives and each beneficiary whose interest in the estate may be affected by the legal fees within 60 days of the lawyer being retained by the personal representatives. See the Rule 74.14 for manner of service including service on minor and mentally incompetent beneficiaries.

b) Estate Information Checklist

PART I: General Information

1.	Full name of deceased: Other commonly used names:	
2.	Last address: If rented, has written notice been given? Name and address of landlord:	
3.	Date and place of death: Death Certificate available?	YES / NO ORDERED?
4.	Date and place of birth: Age on date of death: Birth certificate available?	
5.	Deceased's occupation: If retired, when?	
6.	Marital status of deceased:	
	If married, was this an only marriage?	
	If not, give particulars of previous marriages - name of spouse, date of marriage and date of divorce or date of death if predeceased:	

	<p>Did the deceased have any on-going obligations under any separation agreements or court orders etc.? (spousal support, child support, obligation to maintain life insurance?)</p>	
	<p>Name, address and occupation of spouse to whom deceased was married on date of death</p> <p>Marriage Certificate available?</p>	<p>YES / NO ORDERED?</p>
	<p>If spouse predeceased, then what was the date of death?</p>	
	<p>Common-law partners</p> <p>Name, address and occupation of common-law partner with whom deceased was living on date of death</p> <p>If deceased, date of death?</p> <p>Date relationship commenced (list all common-law relationships since January 1, 2001, lasting 3 years or longer)</p> <p>If applicable, date relationship terminated (List all common-law relationship since January 1, 2001 lasting 3 years or longer)</p> <p>Common-law relationship registered with Office of Vital Statistics?</p>	
	<p>Is there any form of written agreement with the spouse or common-law partner</p>	

<p>7.</p>	<p>Was deceased receiving CPP/OAS benefits:</p> <p>Amount of CPP/OAS in month of death.</p> <p>S.I.N.?</p>	<p>YES / NO</p> <p>Where is card?</p>
	<p>If the deceased is married or in a common-law relationship, there may be CPP survivor benefits for the spouse or common-law partner and for minor children. Applying for the benefits is not the responsibility of the executor or administrator for the estate. It is the responsibility of the person entitled to receive the benefits.</p>	
<p>8.</p>	<p>Is there a Will? YES / NO</p> <p>Date Will was signed</p> <p>Was the Testator the full age of 18 years at the time of execution of the Will</p> <p>Did the Testator marry since the time of execution of the Will</p> <p>Is there a Codicil? YES / NO</p> <p>Date Codicil was signed</p> <p>Was the Testator the full age of 18 years at the time of execution of the Codicil</p> <p>Did the Testator marry since the time of execution of the Codicil</p>	<p>Affidavit of Execution? YES / NO</p> <p>YES / NO</p> <p>YES / NO</p> <p>Affidavit of Execution? YES / NO</p> <p>YES / NO</p> <p>YES / NO</p>

	<p>Location of Will/Codicil?</p> <p>If no Affidavit of Execution, names and addresses of witnesses:</p> <p>PLEASE PROVIDE THE ORIGINAL WILL AND CODICILS TO LAW FIRM</p>	
	<p>Who prepared the will?</p> <p>Has the lawyer who prepared the will been contacted to let them know of the testator's passing?</p> <p>Is the lawyer's will file needed for any reason?</p>	<p>YES / NO</p> <p>YES / NO</p>
	<p>Is there any other document that might be like a will? Examples include a holograph document (entirely in the deceased own handwriting) or typed document (signed or unsigned) that talks about what they wanted to have done with the estate.</p> <p>Is there a document on a computer or iPad or electronic notebook?</p>	<p>YES / NO</p>
9.	<p>Advertise for Creditors - do you want to advertise for creditors? This is a protection for the personal representative (executor if there is a will, administrator if there is no will).</p>	<p>YES / NO</p>
10.	<p>What year is the last income tax return filed for the deceased?</p> <p>Name and Address of person who prepared last return:</p>	

PART II: EXECUTORS/ADMINISTRATORS (If more than two, provide balance of information on separate piece of paper)

<p>11.</p>	<p>Full name of executor:</p> <p>Executor's address, including postal code:</p> <p>Occupation:</p> <p>Home Number:</p> <p>Fax No. :</p> <p>E-mail:</p>	<p>Work Phone No.:</p> <p>Cell:</p> <p>Other:</p>
	<p>Full name of executor:</p> <p>Executor's address, including postal code:</p> <p>Occupation:</p> <p>Home Number:</p> <p>Fax No. :</p>	<p>Work Phone No.:</p> <p>Cell:</p>

PART III: ASSETS AND LIABILITIES

<p>12.</p>	<p>Have you taken control of all computers and electronic devices (phones, iPads and similar devices).</p> <p>Have you reviewed them to see if there is information relevant to the estate on them?</p>	
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<p>13.</p>	<p>Real Estate? Include civic, and short legal or C/T No., and estimated value:</p> <p>If the deceased was the sole owner, has the insurer been notified of their passing?</p> <p>Mortgages?</p>	<p>YES / NO</p>
<p>14.</p>	<p>Bank Accounts?</p> <p>Include bank name, address account number and value of account(s) as of the date of death:</p> <p>Is there a Safety Deposit Box?</p> <p>What is in the Safety Deposit Box?</p>	<p>Yes _____ No _____ Key? _____</p>
<p>15.</p>	<p>Stocks and Bonds: (attach list if available or photocopy stocks if available)</p> <p>Investment Accounts and value of accounts as of death value:</p> <p>Name and Address of Broker:</p> <p>RRSPs, RRIFs, Annuities and value of accounts as of date of death?</p> <p>Is there a beneficiary designation?</p> <p>Accounts Receivable?</p>	<p>YES / NO</p>

16.	<p>Motor vehicles? (make, model and year)</p> <p>Has Autopac been notified?</p>	<p>YES / NO</p>
17.	<p>Life Insurance: Include company name, address, policy number and value.</p> <p>Where is original policy?</p> <p>Who is the beneficiary of the insurance policy?</p>	
18.	<p>If the person was still working on the date of death, are there any benefits arising from their employment, such as final pay cheques, holiday pay, or refund of pension contributions?</p>	
	<p>If the person was retired, is there any benefit payable to the estate or third party as a result of a guarantee period in a pension plan?</p> <p>Is the estate entitled to keep the pension payment made in the month of death? If yes, how much was it and when was it paid?</p>	
19.	<p>Is there a disability insurance payment that is payable to the estate? Include company name, address, policy number and value.</p> <p>Where is original policy?</p>	

20.	Is there an ownership interest or investment in a business?	
21.	<p>Personal effects: estimated value? (Fair market value as if sold to an uninterested third party - for most of us, think garage sale.)</p> <p>Is there jewelry, art or other collectibles that need to be appraised?</p>	
22.	<p>Did anyone owe money to the deceased which is now owed to the estate?</p> <p>If so, who owed the money and how much is owed, and is there evidence of the debt?</p>	
23.	Any other property not yet mentioned?	
24.	Debts? (include mortgages owed, loans, credit cards, etc.)	
25.	Estate Assets - will you be redeeming the assets and paying the debts or do you want the help of Law Firm in doing it?	<p>EXECUTOR</p> <p>Law Firm</p>

<p>26.</p>	<p>Was the testator competent and managing their own affairs on the date of death?</p> <p>If not, who was managing their financial affairs?</p> <p>Was it a power of attorney or committeeship order?</p> <p>If it was a power of attorney, was the annual accounting provided according to <i>The Power of Attorney Act</i>?</p> <p>If it was a committeeship, what was the end period for the last passing of accounts?</p>	
<p>27.</p>	<p>Reports to the residuary beneficiaries during the administration of the estate – Personal Representative or Law Firm?</p> <p>If Law Firm, how often?</p>	

PART IV: BENEFICIARIES (If more than 6, provide balance of information on separate piece of paper)

A specific beneficiary is getting a certain thing (i.e. amount of money or item). A residuary beneficiary is getting a share of the residue of the estate (gross assets minus debts).

<p>Full Name:</p> <p>Full address</p> <p>Postal code:</p> <p>Date of Birth/Age:</p> <p>S.I.N.</p> <p>Mentally competent?</p> <p>Specific or residuary beneficiary:</p>	<p>Full Name:</p> <p>Full address:</p> <p>Postal code:</p> <p>Date of Birth/Age:</p> <p>S.I.N.</p> <p>Mentally competent?</p> <p>Specific or residuary beneficiary:</p>
<p>Full Name:</p> <p>Full address:</p> <p>Postal Code:</p> <p>Date of Birth/Age:</p> <p>S.I.N.</p> <p>Mentally competent?</p> <p>Specific or residuary beneficiary:</p>	<p>Full Name:</p> <p>Full address:</p> <p>Postal Code:</p> <p>Date of Birth/Age:</p> <p>S.I.N.</p> <p>Mentally competent?</p> <p>Specific or residuary beneficiary:</p>
<p>Full Name:</p> <p>Full address:</p> <p>Postal Code:</p> <p>Date of Birth/Age:</p> <p>S.I.N.</p> <p>Mentally competent?</p> <p>Specific or residuary beneficiary:</p>	<p>Full Name:</p> <p>Full address:</p> <p>Postal Code:</p> <p>Date of Birth/Age:</p> <p>S.I.N.</p> <p>Mentally competent?</p> <p>Specific or residuary beneficiary:</p>

PART V: OTHER MATTERS

<p>Funeral – who paid for the funeral? (The statement of account can be taken to the bank and you can ask for a cheque to pay the funeral expenses.)</p> <p>If someone other than the estate paid, they can be reimbursed by the estate. Please obtain the receipts.</p> <p>Who will apply for the CPP death benefit? (This is a taxable benefit in the year it is received.) NOTE: the CPP death benefit application should be made within 60 days of the date of death or there is a risk it might not be paid.</p>	
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41. Advertisements for Lost Wills

LOST WILL

Anyone having knowledge of a Last Will and Testament of **JOHN SMITH**, late of the Town of Winkler, in Manitoba, please contact Harry Smith, Smith & Company, Box 875, Brandon, Manitoba, R7A 5Z9, Telephone 727-8491 or Fax 727-4350.

LOST WILL

Anyone having knowledge of the whereabouts of the Last Will and Testament of **STEVEN GRANGER**, who died May 14, 2003, please contact Victor Kram, Kram & Associates, 408 Main Street, Winnipeg, Manitoba, R2W 4X5, Telephone 586-8474; Fax 947-1816.

42. Advertisements for Heirs

- (i) Anyone having information as to the whereabouts of _____, possibly known as _____ and/or his mother, _____ previously of _____, Ontario and also of _____, British Columbia, please contact _____

- (ii) Anyone having information as to the relatives and next-of-kin of the late _____ who died in Winnipeg, Manitoba, Canada, on July __, 2__, please contact _____

- (iii) Anyone having information of the whereabouts of _____, born on April __, 19__, to _____ and _____ (née _____), please contact _____ regarding an estate matter at _____

- (iv) Anyone having any info. re: _____ who was a school teacher at _____, 19__ - 19__, please contact _____
_____ at _____ concerning settlement of an estate.

43. Form 74EE – as of October 1, 2022

File No.

INFORMATION FOR PERSONAL REPRESENTATIVES AND BENEFICIARIES

NOTE: Under King's Bench subrule 74.14(4), the lawyer retained by the personal representative of an estate must serve this form on the personal representative of the estate and those beneficiaries whose interests in the estate may be affected by the lawyer's fees or disbursements, no later than 60 days after the lawyer is retained by the personal representative.

PART A

PERSONAL REPRESENTATIVE OF AN ESTATE

1 Role of the Personal Representative

The property of a deceased person is placed in the hands of a trustee, known as a personal representative who may also be called an executor (executrix) or administrator (administratrix). The personal representative must collect the assets, pay the debts of the deceased and then distribute the assets of the estate to the beneficiaries in compliance with all applicable laws and the terms of any will of the deceased. A lawyer can be the personal representative of an estate. Further information about the role of the personal representative can be found in the *Revised Statement of Principles — Fees in Estate Matters* approved by The Law Society of Manitoba which is available on the Law Society's website at www.lawsociety.mb.ca or by calling the Law Society at 204-942-5571.

The actions of a personal representative may be subject to review by the court. Any person interested in the estate may, on reasonable grounds, require the personal representative to appear before the court to give an account of the handling of the estate.

2 Compensation for Personal Representative

A personal representative is entitled to fair and reasonable compensation for their care, pains and trouble. The compensation is not a fixed amount or percentage but will vary according to the work done and the trouble and time expended. If all beneficiaries are adults and are satisfied with the work of the personal representative, they may agree on the amount of the compensation and sign releases when the estate work is completed and they have received their share of the estate.

A beneficiary who is not satisfied with how the estate was handled, or the amount of the compensation being claimed, has the right to request that the actions of the personal representative be reviewed by the court and to have the court set the personal representative's compensation.

PART B

LAWYER FOR THE PERSONAL REPRESENTATIVE

1 Role of the Lawyer for the Personal Representative

A personal representative is permitted to retain a lawyer to provide legal advice to assist with the completion of the duties imposed on a personal representative by law. King's Bench rule 74.14 sets out the services that are generally provided by the lawyer retained by the personal representative for an estate of average complexity. The *King's Bench Rules* are posted on the Manitoba Laws website at web2.gov.mb.ca/laws/rules/kbr1e.php.

2 Fees and Disbursements of the Lawyer for the Personal Representative

The fees and disbursements for the personal representative are paid out of the estate and the amount is governed by the *King's Bench Rules*, particularly rule 74.14.

It should be understood that the lawyer retained by the personal representative acts only as the lawyer for the personal representative and not the beneficiaries. In the event of any dispute, a beneficiary is free to obtain independent legal advice from another lawyer.

The fees of the lawyer for the personal representative must be fair and reasonable and disclosed in a timely manner. In assessing if the fees are fair and reasonable, the court looks at the services provided by the lawyer to the personal representative and the results achieved.

Basic legal fees are calculated as a percentage of the total value of the estate assets that are under probate or administration and are intended to cover the work involved in estates of average complexity. These services are listed in King's Bench subrule 74.14(8). To determine the total value of the estate, the following assets are not included:

- (a) gifts made by the deceased during their lifetime;
- (b) insurance, annuities and pensions not payable to the estate;
- (c) property held in joint tenancy where the beneficial interest is intended to pass by right of survivorship;
- (d) the death benefit under the *Canada Pension Plan*.

The basic legal fees (allowable fees) for the lawyer for the personal representative for an estate of average complexity are calculated as follows:

- **3% on the first \$100,000, or the portion of that amount, of the total value of the estate, subject to a minimum fee of \$1,500;**
- **1.25% on the next \$400,000, or the portion of that amount, of the total value of the estate;**
- **1% on the next \$500,000, or the portion of that amount, of the total value of the estate;**
- **0.5% on the total value of the estate over \$1,000,000.**

However, if the personal representative is:

- (a) an individual who is a lawyer and, while acting as the personal representative, also acts as the lawyer for the personal representative; or
- (b) a trust company; or
- (c) the Public Guardian and Trustee;

the lawyer performing the legal services for that personal representative may only charge 40% of the fees calculated as above, or a minimum fee of \$1,500.

The lawyer for the personal representative is also entitled to charge for the following additional services, as specified in King's Bench subrule 74.14(9):

- (a) appearances in court, in an amount set by the court;
- (b) legal services with respect to a review by the court of the handling of estate assets by the personal representative under King's Bench rule 74.12, in an amount set by the court;
- (c) acting on the sale of an estate asset;
- (d) finding a purchaser of an estate asset;
- (e) assisting the personal representative with estate administration duties, including
 - (i) keeping and preparing the accounts of the personal representative,
 - (ii) listing and valuing the assets and debts, and
 - (iii) safekeeping, insuring and disposing of estate assets;

- (f) advising the personal representative with respect to an estate of above-average complexity;
- (g) advising and assisting the personal representative as to ongoing trust matters, including
 - (i) the personal representative's duties,
 - (ii) the personal representative's powers of sale, investment and encroachment, and
 - (iii) the allocation of assets as capital or revenue.

Adult Beneficiaries May Consent to the Lawyer's Interim Fees or Final Fees

The lawyer for the personal representative is permitted to be paid interim fees and disbursements for services completed to date or final fees and disbursements on completion of an estate, without court approval, if

- **all beneficiaries whose interests in the estate may be affected by the lawyer's fees or disbursements are adults and they consent, in writing, to the fees and disbursements requested by the lawyer;**
- **all beneficiaries are served with a copy of this form (Information for Personal Representatives and Beneficiaries) and are given an itemized statement setting out the lawyer's fees and disbursements, with the fees and disbursements for basic estate services under subrule 74.14(8) set out separately from those for additional services under subrule 74.14(9), if any; and**
- **the personal representative consents, in writing, to the requested fees and disbursements.**

Collecting interim fees that are within the basic allowable amount

The lawyer for the personal representative is permitted to be paid interim fees for basic estate services under subrule 74.14(8) if they are within the allowable amounts under rule 74.14(6) or (7), as well as disbursements, with the consent of the personal representative, if all beneficiaries whose interests in the estate may be affected by the lawyer's fees or disbursements have been served with a copy of Information for Personal Representatives and Beneficiaries (Form 74EE) and given an itemized statement setting out the lawyer's fees and disbursements, with the fees and disbursements for basic estate services under subrule 74.14(8) set out separately from those for additional services under subrule 74.14(9), if any.

If any beneficiary is a minor or mentally incompetent, the documents must be served in accordance with King's Bench subrule 74.14(11.1).

3 Court Review of the Lawyer's Fees and Disbursements

The court may review the fees and disbursements at the time the accounts of the personal representative are placed before the court to be passed (or approved) under King's Bench rule 74.12. Or, they may be reviewed when an application is made to court for an assessment of the lawyer's fees and disbursements under King's Bench subrule 74.14(13). The personal representative, the lawyer for the personal representative or a beneficiary whose interest in the estate may be affected by the lawyer's fees and disbursements can apply to court for this assessment.

44. Letter to Beneficiary with Interest in Estate (Service of Form 74EE)

December 1, 20____

Mrs. M. Blackberry
1017 Cherry Hill Drive
Winnipeg, Manitoba R2V 1L2

Dear Mrs. Blackberry:

Re: Estate of John Smith, Deceased, (the "Estate")

We have been retained by Alice Jones, the personal representative for the Estate. You are a beneficiary whose interest in the Estate may be affected by our fees and disbursements. We are required to serve you with a copy of the enclosed Form 74EE – Information for Personal Representatives and Beneficiaries. The form describes the roles of the personal representative and the lawyer acting for the personal representative, the compensation payable to the personal representative and the fees and disbursements payable to the lawyer acting for the personal representative.

We enclose the following documents:

1. Information for Personal Representatives and Beneficiaries (King's Bench Form 74EE).
2. Acknowledgement of receipt of Form 74EE.

Please sign the acknowledgement of receipt of Form 74EE and return it to our office in the stamped envelope provided. By signing this acknowledgement, you are not agreeing to anything, all you are doing is acknowledging that you have received a copy of this document.

Yours truly,

BROWN, BLACK & GREEN

Per:

Jane B. Black

JBB/aw

Encls.

A similar form of letter can also be used for the Personal Representative or the Personal Representative can be served in person during the early stages of the retainer.

This type of letter should be sent out as soon as possible after being retained by the personal representative.

45. Sample Letter to Residuary Beneficiary Enclosing Accounts or Report and Release

JANE BROWN LAW OFFICE
Jane Brown, Barrister and Solicitor
210 – 355 Main St.
Winnipeg, MB R3C 3K5
e-mail address: jbrown@brownlaw.ca

MY FILE NO:

November 7, 20_____

**

Dear _____:

Re: The Estate of _____

As you know, we represent the executor for the estate, John Smith. He advises that the assets of the estate have been collected and the estate debts and expenses have been paid. We are providing a Statement of Monies Received and Disbursed and Estate Reconciliation which indicates the source and amount of any monies received by the estate, the amounts paid for any debts and expenses and the proposed distribution of the estate among the beneficiaries.

If the enclosed calculations appear to be acceptable and in order, please execute the enclosed Release in the presence of a witness (other than the executor) and return same to us at your earliest convenience.

The final distribution cannot be made until we receive a signed release, properly executed, from each residuary beneficiary. If any residuary beneficiaries do not sign the final Release, it will be necessary to pass the Accounts in the Court of King's Bench. You are entitled to request such an accounting before the Court. Where a formal accounting is conducted additional legal fees and compensation payable to the executor may be requested and may be ordered payable from the estate which, if ordered, will reduce your share of the residue from the amount stated in the materials herein.

As you can see from the Statement of Monies Received, Disbursements and Distributions, there is a holdback of \$_____ in the event that there is any income tax payable, for payment of the accountant's fees and any final reporting expenses. The balance of the holdback, interest, and/or any taxation refund as well as the proceeds of the assets yet to be sold by the estate as indicated in the statement will be distributed among the residuary beneficiaries according to the share each is to receive from the estate.

We represent the executor and are unable to provide you with any legal advice. You are entitled to independent legal advice at your own costs. Should you have any questions with regard to this matter which do not involve providing legal advice to you, please contact my office.

Yours truly,

JANE BROWN

Encl.

46. Sample Statement of Receipts and Disbursements

**STATEMENT OF MONIES RECEIVED AND DISBURSED
AND ESTATE RECONCILIATION
as at September 22, 20****

Re: The ESTATE of DORIS ANDERSON

MONIES RECEIVED:

Received from the Office of The Public Trustee as net proceeds of Account	\$38,953.68
Received from La Caisse Populaire de Lourdes Ltee. as net proceeds of Account	\$ 3,525.35
Received as interest earned on monies held in Trust by Brown Law Office as at September 1, 20____	\$ 85.14

TOTAL MONIES RECEIVED: \$42,564.17

MONIES DISBURSED:

Paid to The Court of King's Bench as fee for filing of Application for Administration	\$ 515.00*
Paid to Loch Law Office as legal fees, disbursements and G.S.T. (as approved)	<u>\$ 2,224.84</u>

TOTAL MONIES DISBURSED: \$ 2,739.84

**HOLDBACK (as described in
accompanying letter): \$ 1,824.33**

**AMOUNT ON HAND FOR FIRST DISBURSAL TO
RESIDUARY BENEFICIARIES: \$38,000.00**

TOTAL: \$42,564.17

* Letters of Administration filed post November 5, 2020 are not subject to a fee.
(Court of Queen's Bench *Notice* dated November 6, 2020).

ESTATE RECONCILIATION

Re: the ESTATE of DORIS ANDERSON

AMOUNT ON HAND FOR FIRST DISBURSAL OF
RESIDUE TO RESIDUARY BENEFICIARIES: \$ 38,000.00

Distribution to Residuary Beneficiaries in accordance with the
terms of the last Will and Testament of DORIS ANDERSON:

Paid to Harry Anderson as one-half share
of first disbursement of residue \$ 19,000.00

Paid to Olga Cleaver as one-half share of
first disbursement of residue \$ 19,000.00

TOTAL DISTRIBUTIONS: \$ 38,000.00

/nmm

E. & O.E.

47. Releases

a) Form of Release to Executor or Administrator

**IN THE KING'S BENCH
BRANDON CENTRE**

IN THE ESTATE OF _____, late of the Town of Neepawa, in Manitoba, retired farmer, deceased.

R E L E A S E

KNOW ALL MEN BY THESE PRESENTS THAT I, _____, of the City of Saskatoon, in the Province of Saskatchewan, DO HEREBY ACKNOWLEDGE THAT:

1. When I receive of and from _____, executor of the estate of, _____, late of the Town of Neepawa, in Manitoba, retired farmer, deceased, the sum of \$25,000, that receipt will be in full satisfaction and payment of all money due to me as my distributive share of the residue of the estate.
2. I do by these presents remise, release, quit claim and forever discharge their heirs, executors and administrators of and from any claim related to the estate and its administration.
3. I request that the passing of accounts be dispensed with.
4. I do by these presents agree to indemnify, to the extent of my pro rata share of the residue of the estate, the executor for any amount of income tax, succession duties or any other sum for which he may be held personally liable, by virtue of his administration of the estate. I agree to this right of indemnification regardless of whether the executor has established the requisite certificate described under s. 159(2) of the Income Tax Act.
5. I hereby agree that an executor's fee of \$1,500.00 be paid to the executor for their administration of the estate.
6. I hereby acknowledge that I have received from Smith Jones LLP a copy of its statement of account setting forth the nature of the legal services rendered to the estate, amounting to \$3,000.00 and indicating that such legal services are in accordance with the Information for Personal Representatives and Beneficiaries - Form 74EE, and I

hereby agree that the said amount be paid to Smith Jones LLP out of the residue of the estate.

IN WITNESS WHEREOF I have signed at the City of Saskatoon, in the Province of Saskatchewan, this ____ day of November, 20____.

SIGNED,)
in the presence of:)
)
)

Witness

NOTE: It is recommended that the witness sign an Affidavit of Execution before a Notary Public or Commissioner for Oaths which is provided with the Release.

b) Sample Final Release for Residuary Beneficiaries, No Holdback

RELEASE AND ACKNOWLEDGMENT

MARGARET WELLINGTON, of City of Winnipeg, in Manitoba, died testate on or about December 7, 20____ and the Letters of Administration with Will Annexed were granted to Jimmy Mack of the City of Winnipeg, in Manitoba on March 11, 20__ by the Court of King's Bench, Winnipeg Centre, Probate Division, as File No. PR_____.

I, Richard Charles Wellington, am a residuary beneficiary of the estate of Margaret Wellington, and I have examined the accounts of the Administrator with Will Annexed in the reporting letter from Brown & Smith LLP dated March 15, 20____, and have found them to be acceptable.

I, Richard Charles Wellington, acknowledge receipt of interim distributions totaling \$110,097.74.

I, Richard Charles Wellington, consent to the payment of legal fees, taxes and disbursements for the administration of the estate as outlined in the letter from Brown and Smith dated March 15, 20_____.

I do not need a formal passing of accounts in court and waive any requirement to do so.

I, Richard Charles Wellington, as a residuary beneficiary of the estate, upon payment to me of the sum of \$_____, release and forever discharge Jimmy Mack from any and all claims whatsoever in relation to the estate of the Margaret Wellington.

I have signed this release on March _____, 20_____.

SIGNED

in the presence of:

Witness

)
)
)
)

Richard Charles Wellington

c) Sample Release for Residuary Beneficiaries, With Holdback

RELEASE AND ACKNOWLEDGMENT

Name of deceased, of City of Winnipeg, in Manitoba, died testate on or about _____ and the Probate/~~Letters~~ of Letters of Administration with Will Annexed/Administration were granted to *Personal Representative*, of the City of Winnipeg, in Manitoba on *date of order* by the Court of King's Bench, Winnipeg Centre, Probate Division, as File No. PR**.

I, *full legal name*, am a residuary beneficiary of the estate of *name of deceased* and I have examined the accounts of the Executor/Administrator with Will Annexed/Administrator in the reporting letter from Jones Law Office dated *date of letter* and have found them to be correct.

I acknowledge receipt of an interim distribution totaling \$X.

I consent to the payment of executor's compensation of \$*amount of compensation* to *name of PR*.

I consent to the payment of legal fees on all matters relating to the administration of the estate totaling \$*total fees on all invoices*. I acknowledge that the total fees, taxes, and disbursements are \$*total fees, taxes, disbursements on all invoices*. I have signed a separate consent to legal fees, taxes and disbursements.

I do not need a formal passing of accounts in court and waive any requirement to do so.

I, as a residuary beneficiary of the estate, upon payment to me of the sum of \$*amount of share plus proportion* of the holdback of \$*amount of holdback* for income taxes and estate expenses less any further income taxes and estate expenses payable by the estate of *name of deceased*, release and forever discharge *name of PR* from any and all claims whatsoever in relation to the estate of *name of deceased*.

I have signed this release at Winnipeg, Manitoba on _____, 20**.

SIGNED)
In the presence of:)
)
)

Witness name:
Witness address:

FULL LEGAL NAME

48. Notice of Application to Pass Accounts (Form 74Z)

FILE NO. _____

THE KING'S BENCH
_____ Centre

NOTICE OF APPLICATION TO PASS ACCOUNTS

IN THE ESTATE OF _____ JOHN SMITH _____
(name of deceased)

(I/We), _____ Ethel Jones _____ of _____ Winnipeg _____, _____ Manitoba _____,
(name(s) of applicant(s)) *(city/town)* *(province/territory)*

apply to pass accounts in this estate based on the following information:

1. THAT _____ John Smith _____ died on or about _____ November 1, 2019 _____.
(name of deceased) *(date)*
2. THAT, on _____ January 10, 2020 _____, (I was /we were) granted
(date probate or letters of administration was granted)
administration of the estate of the deceased.
3. THAT (I/we) have administered the estate and effects of the deceased to the best of their ability so far as the estate can be administered to _____ September 10, 2021 _____.
(date)
4. THAT (I/we) have filed true and correct accounts of the administration of the estate as required by law and verified by affidavit.
5. THAT (I/we) request that the accounts be audited and passed by this court.
6. (I/We) further request that (I/we) be allowed the sum of \$1,000.00 as a fair and reasonable allowance for the care, pains, trouble and time expended in administering, arranging and settling the affairs of the estate between _____ January 10, 2020 _____ and _____ September 10, 2021 _____.
(date) *(date)*
7. (I/We) have not been allowed compensation for services to the estate except NONE.

8. (I/We) further request that _____, (my/our) lawyer, be allowed the sum of \$_____ as fees, and \$_____ as disbursements.

OR

8. (I/We) further request that this court fix a reasonable amount for the fees and disbursements of (my/our) lawyer, _____ Michael Brown_____.

9. THAT the only persons interested in the estate are the following persons:

- a. Jean Smith, 15 Main Street, Winnipeg, Manitoba
- b. Robert Smith, 43 Center Street, Steinbach, Manitoba
- c. Renee Smith, 68 First Avenue, Brandon, Manitoba
(name(s) and address(es))

10. THAT, of the persons mentioned in paragraph 9, the following persons are minors or are mentally incompetent and the name and address of the person's guardian of the person, guardian of the estate, committee or substitute decision maker for property is stated opposite the person's name: _____ Renee Smith, minor, none appointed _____

(Note: Identify the capacity in which the person serves. If no guardian has been appointed for a minor or, if no committee or substitute decision maker for a mentally incompetent person has been appointed, state "none appointed".)

11. THAT (I/we) know of no creditors who have unsettled claims against the estate except legal fees of Michael Brown and executor fees of your applicant to be approved by this court.

12. THAT the only portion of the estate that remains unadministered is as set out in the accounts that are marked as Exhibit "E" to (my/our) affidavit. The reason for the non-administration is one of the beneficiaries is a minor and court approval is being sought for the legal fees, executor fees and passing of accounts.

Signature

Date

49. Affidavit Verifying Application and Accounts (Form 74AA)

FILE NO. _____

**THE KING'S BENCH
WINNIPEG CENTRE**

AFFIDAVIT VERIFYING APPLICATION AND ACCOUNTS

IN THE ESTATE OF JOHN SMITH, deceased.

I, ETHEL JONES, of Winnipeg, Manitoba, make oath and say:

1. THAT the statements contained in the Notice of Application to Pass Accounts, signed by me and dated the 30th day of December, 20____, are true in substance and in fact.
2. THAT this is the first application to pass accounts.
3. THAT the account attached and marked as Exhibit "A" sets out a true and correct inventory of the estate, as at the date of death of the deceased.

Part 1 of Exhibit "A" sets out a true and correct inventory and valuations of the original estate, including:

- (a) assets discovered after the application for probate or administration or after the end of the last period for which the accounts were passed, as the case may be;
- (b) the values placed upon the assets in the application;
- (c) how the assets were dealt with in the course of administration;
- (d) the value of unrealized assets and the amounts received for assets realized.

The total value of all realized and unrealized assets is \$23,895.67.

Part 2 of Exhibit "A" sets out a true and correct account of all assets that have been reinvested during the period covered by these accounts. For each asset, the account includes:

- (a) the date of each reinvestment;
- (b) the nature of each reinvestment;
- (c) the value of the asset at the time of each reinvestment; and
- (d) the net gain or loss in value of the asset at the end of the period covered by these accounts.

The total gain (loss) for all assets reinvested is \$0.00.

4. THAT the account attached and marked as Exhibit "B" sets out a true and correct account of all money received by the estate (other than money received from the realization of original assets or from investments made by me) and the account includes:

- (a) the individual amounts received by the estate;
- (b) the date when each amount was received;
- (c) the person from whom each amount was received; and
- (d) a description of each payment received.

The total of all money received is \$4,386.01.

5. THAT, except for what appears in the accounts attached and marked as Exhibits "A" and "B," I have not, nor has anyone else, so far as I know, received any part of the said deceased's estate or effects or the proceeds of the estate or effects.

6. THAT the account attached and marked as Exhibit "C" sets out a true and correct account of all disbursements made by me or any other person, for and on account of the estate (except distributions made to beneficiaries and disbursements for investments) and the account sets out:

- (a) the dates and amounts of the disbursements;
- (b) the names of the persons to whom the disbursements were paid; and
- (c) whether the account from which each disbursement was paid was income or capital.

The total of these disbursements is \$6,981.76.

7. THAT the account attached and marked as Exhibit "D" sets out a true and correct account of all payments and transfers of money or other assets of the estate made to named beneficiaries, and includes:

- (a) the dates and values of each payment or transfer; and
- (b) the account from which each distribution was made.

The total value of payments and transfers to beneficiaries is \$0.00.

8. THAT the account attached and marked as Exhibit "E" sets out:

- (a) a summary, in debit and credit form, of the total of unrealized original assets, proceeds of assets realized, monies received, disbursements paid and distributions made to beneficiaries and the net gain or loss on investments made by me; and
- (b) a true and correct account of the values of each and every available asset of the estate still undisposed of and in the hands of myself or any other person.

The total value of assets is \$21,259.62.

SWORN before me)
 at Winnipeg, Manitoba,)
 this 30th day of December, 20____.)
)
 _____)

 ETHEL JONES

A Notary Public in and for
 the Province of Manitoba.

INVENTORY AND VALUATIONS

Exhibit A to the Affidavit of Ethel Smith
 Sworn before me at
 Winnipeg, Manitoba, on 30th day of
 December, 20__.

 A Notary Public in and for
 the Province of Manitoba

PART 1 OF EXHIBIT A — INVENTORY AND VALUATIONS OF THE ESTATE AS OF ____ (date) ____:

Brief Description of Assets	Inventory Valuation/Value at the Beginning of a Period	How Dealt With	Actual Value of Assets Transferred or Sold	Current Value of Assets Reinvested or Unrealized
Bank of Montreal Accounts:				
• 222-3013-999	\$1,548.03	deposited to estate account	\$1,544.18	\$1,544.18
• 222-5066-999	9,478.88	deposited to estate account	9,643.29	9,643.29
livestock	10,394.40	sold	10,701.76	10,701.76
grain on hand	829.50	sold	2,006.44	2,006.44
TOTALS	\$22,250.81		\$23,895.67	\$23,895.67

MONIES RECEIVED

Exhibit "B" of the Affidavit of Ethel Jones
Sworn before me at
Winnipeg, Manitoba,
on the 30th day of December, 20__.

A Notary Public in and
for the Province of Manitoba

Date Received	From Whom Received	Description of Payment Received	Amount	
			Income	Capital
June 16, 2019	Government of Canada	Income Tax Refund		\$395.65
June 16, 2019	Government of Canada	Special Grains Program		\$1,069.55
July 18, 2019	MPI	Refund		\$194.40
July 21, 2019	Government of Canada	CPP Death Benefit		\$2,500.00
November 12, 2019	Co-op	Equity		\$95.25
December 19, 2020	Canadian Wheat Board	Special Grains Program		\$131.16
		Total		\$4,386.01

DISBURSEMENTS

Exhibit "C" of the Affidavit of Ethel Jones
 Sworn before me at
 Winnipeg, Manitoba, on the 30th day
 of December, 20__.

A Notary Public in and
 for the Province of Manitoba

Date	To Whom Paid	Description of Payment Made	Amount	
			Income	Capital
May 15, 2019	Manitoba Hydro	Hydro for farm		\$76.27
May 15, 2019	Fast Ambulance	Ambulance costs		\$166.73
May 26, 2019	John's Drug Mart	Prescription		\$19.50
June 2, 2019	Minister of Finance	Administration fees		\$220.50
June 16, 2019	Manitoba Hydro	Hydro for farm		\$93.59
June 30, 2019	MTS	Telephone bill		\$25.69
August 4, 2019	White's Funeral Home	Funeral expenses		\$822.82
October 7, 2019	Brown & Jones	Legal fees and disbursements		\$3,293.13
October 17, 2019	Rocks, Marble & Granite Works	Headstone and engraving		\$1,129.61
October 18, 2019	Receiver General for Canada	Estate income tax		\$133.91
		Total		\$6,981.76

PAYMENTS OR TRANSFERS TO BENEFICIARIES

Exhibit "D" of the Affidavit of Ethel Jones
Sworn before me at
Winnipeg, Manitoba, on the
30th day of December, 20__.

A Notary Public in and
for the Province of Manitoba

Date	To Whom Payment or Transfer Made	Nature of Payment or Transfer	Value
		Total	\$0.00

SUMMARY OF ASSETS ON HAND

Exhibit "E" of the Affidavit of Ethel Jones
 Sworn before me at
 Winnipeg, Manitoba, on the
 30th day of December, 20__.

A Notary Public in and
 for the Province of Manitoba

Brief Description of Asset	Value	
	Credit	Debit
	\$	\$
Assets Unrealized and Reinvested	0.00	
Assets Transferred or Sold	4,386.01	
Capital Receipts	23,895.67	
Income Receipts	0.00	
Capital Disbursements		6,981.76
Income Disbursements		0.00
Distribution to Beneficiaries		0.00
Assets on Hand	0.00	
TOTALS	\$28,281.68	\$6,981.76

Exhibit "F" of the Affidavit of Ethel Smith
Sworn before me at
Winnipeg, Manitoba, on the
30th day of December, 20__.

A Notary Public in and
for the Province of Manitoba

IN ACCOUNT WITH

FIRM & CO.
BARRISTERS and SOLICITORS

12th Floor, Law Building
27 Main Avenue
Winnipeg, Manitoba
CANADA R3P 9X8
Telephone: (204) 338-5555
Fax: (204) 339-1235
GST: R122381112
June 17, 2____

TO:
RE: _____ Estate

Bill #

STATEMENT OF ACCOUNT

TO PROFESSIONAL SERVICES RENDERED on your behalf in connection with the above-noted matter, including those matters necessary and incidental to our services but not specifically enumerated herein:

DATE	DESCRIPTION	TIME
29-JAN	Letter from client;	0.1
30-JAN	Telephone conversation with _____ re: passing of accounts;	0.1
03-FEB	Telephone call from client re: passing of accounts;	0.1
11-FEB	Telephone conference with _____;	0.1
19-FEB	Telephone conversation with _____ re: statements coming;	0.1
24-MAR	Letter from opposing counsel;	0.1
24-MAR	Letter to opposing counsel;	0.2
24-MAR	Telephone conversation with _____;	0.1
01-MAY	Received and review financial statements for passing of accounts and correspondence sent by _____; Prepare Appointment to Pass Accounts; Prepare Application to Pass Accounts; Prepare Notice to Beneficiaries;	1.0
15-MAY	Prepare draft Affidavit of _____ verifying accounts - financial matters only organize and attach all exhibits;	1.2
22-MAY	Letter from opposing counsel;	0.1
01-JUN	Telephone conversation with _____;	0.1
04-JUN	Meet with _____ to discuss position of _____ on objections raised by beneficiaries of estate;	0.7
04-JUN	Review _____ file of correspondence, documents in administration of this estate and make notes for passing;	1.5
09-JUN	Revise draft Affidavit of _____ to attach correspondence exchanged between Canada Trust and beneficiaries to assist court on passing;	0.5
15-JUN	Telephone conversation with _____;	0.1
15-JUN	Telephone conversation with court re dates available;	0.1
17-JUN	Meet with _____ to review and execute Affidavit and Application to Pass Accounts and discuss issues to be raised at Passing of Accounts;	0.7

June 17, 1998

Bill #

FILE

18-JUN	Letter to opposing counsel;	0.2
19-JUN	Anticipated telephone conversation with opposing counsel;	0.1
19-JUN	Anticipated letter from opposing counsel;	0.1
19-JUN	Anticipated preparation for court;	1.0
19-JUN	Anticipated appearance in court for contested hearing;	1.0
19-JUN	Anticipated preparation of court order;	0.4
19-JUN	Anticipated reporting letter to _____;	0.2
19-JUN	Anticipated final letter to _____;	0.2

TO OUR FEE:	\$1,515.00	
GST (5%)	75.75	
PST (7%)	106.05	
TOTAL		1,696.80

DISBURSEMENTS: (G.S.T. APPLICABLE)

Photocopies (404 @ .25)	101.00
Courier/Shipping Charges	8.00
Postage	0.90
File Opening Charge	35.00

DISBURSEMENTS: (G.S.T. EXEMPT)

Court of King's Bench to file Notice of Application	75.00
---	-------

TOTAL DISBURSEMENTS	\$219.90
---------------------	----------

TOTAL GST ON DISBURSEMENTS	<u>\$10.14</u>
----------------------------	----------------

OUR ACCOUNT HEREIN:	\$1,926.84
----------------------------	-------------------

FIRM & CO.

Per: G. Firm
E. & O.E.

LAWYER SUMMARY

	LAWYER	HOURS	FEE
GF	G. Firm	10.10	\$1,515.00

All accounts are due when rendered. To arrange payment by phone with "Visa" or "Mastercard", call our accounting department at (204) 555-5555. Please include file and/or invoice numbers with your remittance.

50. Appointment to Pass Accounts (Form 74BB)

FILE NO. _____

THE KING'S BENCH Winnipeg Centre

APPOINTMENT TO PASS ACCOUNTS

IN THE ESTATE OF JOHN SMITH, deceased.

Upon reading the application of Ethel Jones, Administrator of the estate of John Smith, deceased, and the applicant having filed the accounts of receipts and expenditures in respect of the estate verified by affidavit:

I APPOINT _____, at _____ in room _____ in the courthouse at 408 York Avenue, Winnipeg, Manitoba, as the time and place:

- (a) for the purpose of examining, auditing and passing those accounts and, if necessary, to inquire into and adjudicate upon any complaints or claims by any person interested in respect of the administration of the estate;
- (b) to fix the compensation, if any, to be allowed to the applicant for care, pains, trouble and time expended in and about the estate; and
- (c) to fix the fees and disbursements to be allowed to the lawyer for the applicant;

AND I ORDER that all persons who are or may be interested in the estate of the deceased attend at the time and place to make inquiry regarding the affairs of the estate or to object to the award of the amount requested by the applicant as compensation, if they so desire; and that, in the event of their non-attendance, the matter may proceed in their absence;

AND I ORDER that a copy of

- (a) this appointment;
- (b) notice of application to pass accounts (Form 74Z);
- (c) affidavit verifying application and accounts (Form 74AA);
- (d) notice to beneficiaries (Form 74CC);
- (e) any material the personal representative is relying on to support a request for compensation; and
- (f) all accounts of the lawyer for the personal representative for which approval is being sought;

be served before the appointed day in accordance with King's Bench Rules 74.12(5) to (8) on each of the persons mentioned in paragraphs 9 and 10 of the notice of application to pass accounts (Form 74Z) and on any surety. If a person mentioned in paragraph 9 or 10 of the notice of application to pass accounts is a minor, the documents must be served on the guardian of their estate. If no guardian of the estate has been appointed, the Public Guardian and Trustee must be served. If a person is mentally incompetent, the documents must be served on their committee or substitute decision maker for property, as the case may be, and if the person does not have a committee or substitute decision maker for property, the Public Guardian and Trustee must be served.

Signature of Master

Date

51. Notice to Beneficiaries (Form 74CC)

THE KING'S BENCH WINNIPEG CENTRE

IN THE ESTATE OF JOHN SMITH, deceased.

Master _____ has appointed _____, at 2:00 p.m., at the court house, at 408 York Avenue, Winnipeg, Manitoba as the time and place for:

- (a) examining the accounts of the above estate;
- (b) enquiring into complaints or claims of persons interested in the estate;
- (c) fixing the compensation to be paid to ETHEL JONES for services as personal representative, the amount requested being \$1,000.00; and
- (d) fixing the fees and disbursements to be paid to the lawyer retained by the personal representative.

IMPORTANT

YOU HAVE THE RIGHT to attend this hearing or to be represented by a lawyer retained by you. The court may order that your lawyer's fee be paid out of the assets of the estate, if it appears that the lawyer's services were reasonably necessary.

YOU ALSO HAVE THE RIGHT at this hearing:

- (1) to obtain explanations concerning matters not clear to you;
- (2) to object to any items in the accounts which may appear to you to be questionable;
- (3) to make known any complaints you may have regarding the administration of the estate;
- (4) to object to the amount of the compensation claimed by the personal representative and request that the court allow some lesser amount than \$1,000.00;
- (5) to object to the amount of fees and disbursements requested by a lawyer who acted for the personal representative, taking into account King's Bench 74.14.

TAKE NOTICE that if you do not attend, in person or by a lawyer the hearing will proceed in your absence.

52. Order on Passing Accounts (Form 74DD)

FILE NO.

**THE KING'S BENCH
WINNIPEG CENTRE**

ORDER ON PASSING ACCOUNTS

[name of judge or master]

[day and date order made]

IN THE ESTATE OF JOHN SMITH, deceased.

HAVING PROCEEDED on November 5, 20, to take, audit and pass the accounts of ETHEL JONES, Administrator of the estate for the period from January 10, 20 to September 10, 20 , and in the presence of ETHEL JONES and her lawyer Michael Brown, and after due notice to JEAN SMITH, ROBERT SMITH and RENEE SMITH, who failed to attend, THIS COURT:

FINDS AND DECLARES that the assets of the estate which came into the hands of the personal representative amounted to \$23,895.67;

AND FINDS AND DECLARES that the money received by the estate (other than from the realization of the assets or of investments made by the personal representative) amount to \$4,386.01, of which \$4,386.01 is properly applicable to income and \$0.00 to capital;

AND FINDS AND DECLARES that the personal representative properly paid out and disbursed in due course of administration of the estate (otherwise than as distributions to beneficiaries or for the purpose of investing monies of the estate) the sum of \$6,981.76, of which \$0.00 is properly applicable to income and \$6,981.76 to capital;

AND FINDS AND DECLARES that the personal representative properly distributed to the beneficiaries of the estate assets or money of the estate to a total value or amount of \$0.00, of which \$0.00 was distributed on account of interests in income and \$0.00 was distributed on account of interests in capital;

ALLOW to the personal representative \$1,000.00 as a fair and reasonable allowance for her care, pains, trouble and time expended in administering and settling the affairs of the estate from the January 10, 20 , to September 10, 20 , and the distribution of the estate now remaining on hand;

AND ALLOWS to the lawyer for the personal representative \$1,515.00 for fees and \$411.84 for disbursements and taxes for preparing and passing the accounts;

AND ALLOWS to the lawyer for the personal representative \$1,500.00 for fees and \$315.00 for disbursements and taxes for services rendered other than preparing and passing the accounts;

FINDS AND DECLARES that, after deducting the amount of the compensation for the personal representative and fees and disbursements for the lawyer for personal representative, the value of the assets of the estate remaining on hand is \$19,153.83, of which \$19,153.83 is in the form of cash.

Signature

Date

Name of judge or master

53. Sample Reporting Letter to Surviving Spouse/Executor

September 15, 20____

Mr. Charles Franklin
123 Any Street
Winnipeg, Manitoba
R1A 2B2

Dear Sir:

Re: Estate of Jane Mary Franklin

We are pleased to advise that the probate and administration of the referenced estate has essentially been completed and the following is our report.

1. Grant of Probate

In accordance with your instructions, we prepared, attended on execution, and filed in the Court of King's Bench, Winnipeg Centre, the request for probate of the will of Jane Mary Franklin. On June 1, 20____, the grant of probate issued out of that court as No. PR _____, naming Charles Kenneth Franklin as sole executor. We now enclose herewith the original grant of probate together with two notarial copies thereof and a photocopy of the request for probate.

2. Debts

In July 20____, we advertised for creditors of your wife's estate in the Winnipeg Free Press and the Manitoba Gazette. No creditors came forward as a result of the advertisements. It is our understanding that the debts of your wife's estate were the pecuniary legacies (see below), funeral expenses, the fees for the probate (see below), income taxes and accountants' fees, all of which were paid by you out of your wife's estate bank account at the Bank of Nova Scotia, Main Branch, Winnipeg, Manitoba, Account No. 12345.

3. Legacies

We confirm your advice that the following pecuniary legacies left by your wife in her will were paid by you out of your wife's estate bank account:

(a)	The Canadian Cancer Society:	\$ 500.00
(b)	The United Way:	\$1,000.00
(c)	The University of Manitoba, Faculty of Law:	\$ 500.00
(d)	Prairie Public Television:	\$ 100.00
(e)	James John Jones, your wife's nephew:	<u>\$1,000.00</u>
	TOTAL	\$3,100.00

Releases were not required from the pecuniary legatees since the full amount payable to them under the will was paid to each of them and there is a residue available for distribution to you as the sole residuary beneficiary. As a result, the cashing of the cheques by the pecuniary legatees was sufficient evidence of their receipt and there is no need for a formal release from them.

4. Administration of Assets

We would reiterate our earlier advice to you that the assets of your wife's estate as listed in the enclosed request for probate have been listed at their fair market values as at the date of her death, being May 15, 20____.

(a) Canada Savings Bonds

We prepared and provided to you the necessary documentation to transmit and transfer the Canada Savings Bonds in the aggregate of \$50,000.00 into your name as sole beneficiary. We presume you have done so.

(b) Canadian Atlantic Hotels Limited Bond

The Canadian Atlantic Hotels Limited 10-1/2% First Mortgage Sinking Fund Bond, Series A, in the principal sum of \$5,000.00 was called for redemption and was redeemed on July 1, 20____. We understand that the proceeds of redemption were deposited into your wife's estate bank account at the Bank of Nova Scotia.

(c) Inter-City Gas Corporation Debenture

The Inter-City Gas Corporation 10-3/8% Secured Debenture Series I, in the principal sum of \$4,000.00, matured on August 15, 20____. The proceeds in the sum of \$4,000.00 were deposited into your wife's estate bank account on August 31, 20 , after the necessary documentation in connection therewith was forwarded by our office to the Toronto-Dominion Bank as transfer agent for completion of the transmission and transfer into your name.

(d) Toronto-Dominion Bank Accounts

Your late wife maintained a savings account No. 02468 and a chequing account No. 01357 at the Toronto-Dominion Bank, Flora and Fauna Branch, Winnipeg, Manitoba. As at the date of death, the amount in the savings account were \$1,000.00 and the amount in the chequing account was \$1,500.00. We arranged for the necessary documentation to be forwarded to the Toronto-Dominion Bank and on July 15, 20____, the amounts in the chequing account and savings account were forwarded for deposit into your wife's estate account at the Bank of Nova Scotia.

(e) 1999 Volvo Automobile

We confirm your advice that you arranged for the transfer of the automobile into your name as beneficiary.

(f) Real Property

Your wife was the registered owner of a quarter section of land in Saskatchewan, being the following:

NE 1/4 20-19-18 E2

By letter dated August 15, 20____, we forwarded the necessary information to your Saskatchewan solicitors with respect to the resealing of the grant of probate in Saskatchewan. We also requested that the property be transmitted and transferred into your name as beneficiary, once the letters probate are resealed. We can meet with you with respect to the execution of the relevant documentation once same is received from Black and Brown, your Saskatchewan solicitors.

(g) The Royal Bank of Canada Common Shares

With respect to the 150 Royal Bank of Canada common shares, we prepared the necessary documentation to transmit and transfer the shares into your name, being the declaration of transmission, power of attorney and notarial copies of the death certificate and letters probate. On July 15, 20____, you attended our office to execute the declaration of transmission and thereafter you delivered the relevant documentation to your securities broker, Diane Smith of XYZ Securities Corporation. We understand that the documentation has been forwarded to the relevant transfer agent for completion of the transmission and transfer into your name.

5. Life Insurance Proceeds

Your wife left an insurance policy with the Great-West Life Assurance Company being policy No. 123456. The policy was in the sum of \$3,000.00. The life insurance proceeds were forwarded directly to you as beneficiary, in accordance with our letter to the Great-West Life Assurance Company of June 18, 20____. Since you were the designated beneficiary, the insurance proceeds did not form part of your wife's estate.

6. Registered Retirement Savings Plan

Your wife held a registered retirement savings plan (RRSP) with the Canada Trust Company. You were the designated beneficiary of the RRSP and it was rolled over into your name and did not form part of your wife's estate.

By letter dated August 1, 20____, the writer forwarded to Canada Trust Company the required information to enable the transmission of the RRSP proceeds into your name as designated beneficiary. We trust this has been completed.

7. Transfer of Title to 123 Any Street

We prepared, attended on execution and filed in the Winnipeg Land Titles Office a request to issue new title covering 123 Any Street into your name as surviving joint tenant. The documentation was filed with Teranet Manitoba on August 1, 20____ and the new title No. 1234567 was issued in the name of Charles Kenneth Franklin of 123 Any Street, Winnipeg, Manitoba, R1A 2B2 related to the following land: Lot 1, Block 2, Plan 1234, W.L.T.O. in Lot 1, Parish of St. Boniface.

As of August 1, 20____ there were no charges on the title. We provided you with the Status of Title by earlier correspondence.

8. Estate Tax Returns

Your wife's final personal income tax return representing the period from January 1, 20__ to date of death May 15, 2____, was prepared and filed by Debit, Credit, Chartered Accountants. The first estate tax return for the period ending May 15, 20__ was also prepared and filed by these accountants. We understand that all outstanding income taxes have been paid by you out of funds in your wife's estate bank account., We received copies of clearance certificates issued by CRA for the periods ending on the date of death and the end of the first estate year, May 15, 20____.

9. Estate Bank Account

With respect to your wife's estate bank account at the Bank of Nova Scotia, we would suggest that same remain open until the transmission and transfer of the Saskatchewan property into your name has been completed. Once our statement of account, the Saskatchewan probate fees and the statement of account of your Saskatchewan solicitors have been satisfied, we would expect that you would not need your wife's estate bank account any longer and it can then be closed. The funds therein should be paid over to you as beneficiary. As we have also suggested, if further funds are issued to your wife's estate once the bank account has been closed, the estate could endorse over the cheques in your favour as beneficiary.

10. Statement of Account

We would advise that we shall forward our statement of account for services rendered and disbursements incurred in connection with the administration of the estate under separate cover upon completion of the resealing of probate in Saskatchewan. We shall also report to you on monies received and disbursed on behalf of the estate at that time. We would again refer you to Form 74EEof the Court of King's Bench Rules which deals with the entitlement to fees of solicitors and personal representatives.

11. Enclosures

We now enclose herewith the following:

- (a) original Grant of Probate together with two notarial copies of same;
- (b) copy of the request for probate;
- (c) status of title; and
- (d) five notarial copies of the death certificate.

We confirm that we have previously provided you with copies of the declarations of transmission with respect to the securities.

We would also advise that we are forwarding a copy of our report to Mrs. Debit for her records.

Yours truly,

LAW & LAW

per: Janet Law

cc: Debit, Credit
Chartered Accountants

54. Authorization for Release of Information

AUTHORIZATION FOR RELEASE OF ALL INFORMATION

I, Barbara Smith, Executor for the Estate of George Smith, do hereby authorize you to release to the law firm of [name and address of law firm] Attn: [name of lawyer], any and all information requested.

A photocopy or PDF of this Release shall be sufficient authorization for you to release the said information.

DATED at Winnipeg, Manitoba this ____ day of _____, 20____.

BARBARA SMITH
Executor for the Estate of George Smith

55. Motion for Release of Administration Bond

File No. PR

**THE KING'S BENCH
WINNIPEG CENTRE**

IN THE ESTATE OF: **GEORGE SMITH**, late of Winnipeg,
Manitoba, deceased

NOTICE OF MOTION

BARBARA SMITH will make a Motion before the presiding Judge on September 11, 20__, at 10:00 a.m., or as soon after that time as the motion can be heard, at the Law Courts Building, 408 York Ave., Winnipeg, Manitoba.

THE MOTION IS FOR the following relief:

1. An order that the administration bond of Barbara Smith with Western Surety Company be cancelled and that Barbara Smith be released therefrom forthwith.
2. An order dispensing with the Passing of Accounts of the Estate of the said George Smith, deceased.

THE GROUNDS FOR THE MOTION are as follows:

1. Barbara Smith has fulfilled her duties as executor of the estate of George Smith, deceased, and the estate is now fully administered.
2. The King's Bench Rules;
3. The Court of King's Bench *Surrogate Practices Act*.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the Hearing of the Motion:

1. The Affidavit of Barbara Smith and the releases of Frances Dudley and Mark Smith annexed thereto.

August 1, 20_____

BROWN AND JONES
Barristers and Solicitors
500 – 122 Main St.
Winnipeg, MB R3K 1Z3
Phone: 956-0012

56. Affidavit in Support of Motion for Release of Administration Bond

File No. PR

THE KING'S BENCH
WINNIPEG CENTRE

IN THE ESTATE OF: **GEORGE SMITH**, late of Winnipeg,
Manitoba, deceased

AFFIDAVIT OF BARBARA SMITH
SWORN: JULY 18, 2____
HEARING DATE: SEPTEMBER 11, 2____ AT 10:00 A.M.

BROWN & JONES
Barristers and Solicitors
500 - 122 Main St.
Winnipeg, Manitoba R5K 1Z3

Mary Brown
956-0012
Fax - 944-2230
Client File No. MB - 5562

**THE KING'S BENCH
WINNIPEG CENTRE**

IN THE ESTATE OF: **GEORGE SMITH**, late of Winnipeg,
Manitoba, deceased

AFFIDAVIT OF BARBARA SMITH

I, **BARBARA SMITH**, of Minneapolis, Minnesota, as Executor of the estate of George Smith, late of Winnipeg, Manitoba, deceased,

MAKE OATH AND SAY THAT:

1. I am the named Executor of the Estate of George Smith, late of Winnipeg, Manitoba, deceased, and as such have personal knowledge of the facts hereinafter deposed to by me except where same are based on information and belief, in which case I verily believe same to be true. I make this Affidavit by way of an Application for an Order to dispense with the Passing of Accounts and for an Order to release me, Barbara Smith from the Bond for Administrators filed with the Request for Probate of the said Estate.

2. George Smith died on or about September 28, 2020. Attached to my Affidavit as Exhibit "A" is a copy of the Grant of Probate of the property of George Smith, deceased, which was granted by the Court of King's Bench, Winnipeg Centre, of the Province of Manitoba, on October 31, 20____.

3. The deceased was never married and the following are the heirs of his estate:
 - (a) Frances Dudley, 219 Jackson St., St. Paul, Minnesota, sister;
 - (b) Mark Smith, 520 Grove St., Selkirk, Manitoba, brother.

4. The Notice to Creditors was published in the Manitoba Gazette on October 18, 20____, and in the Winnipeg Free Press on October 11, 20____. I have fully paid each and every debt against the estate. All debts, claims and liabilities against George Smith, deceased, and his estate have been paid, discharged and disposed of. There are no covenants outstanding against the deceased or his estate under any mortgage of land or personal real property, or agreement by which to buy land or personal property, bond, etc. to the deceased or any other document or writing. There are no unpaid income taxes or municipal liens and rights of lien for payment by the municipality of the funeral, sickness or burial expenses of the said deceased.

5. I have realized the assets of the estate and I have paid all liabilities of the estate. All the beneficiaries of the estate have furnished me with Releases to the effect that they have received their share of the estate.
6. No further assets have become payable to the estate or payable to myself by virtue of the death of George Smith and to the best of my knowledge no further assets will be accruing in the future.
7. Attached as Exhibit "B" is the original release of Frances Dudley.
8. Attached as Exhibit "C" is the original release of Mark Smith.
9. The whole of the said estate after payment of all debts has now been distributed to the said next-of-kin and heirs-at-law and the estate can now be wound up.
10. I am making no claim for compensation for acting as Executor of this Estate.
11. I make this affidavit in good faith by way of an application to this Honourable Court for an Order to dispense with the passing of Accounts herein and for an Order releasing me from the Bond for Administrators herein.

SWORN before me at Minneapolis,
 Minnesota, this 18th day of July,)
 20____.)
)
 _____)

A Notary Public in and for the State of
 Minnesota.

 BARBARA SMITH

57. Order for Release of Administration Bond

File No. PR

**THE KING'S BENCH
WINNIPEG CENTRE**

THE HONOURABLE)
) Thursday, the 11th day of September, 20____
MR. JUSTICE WATERS)

IN THE ESTATE OF: **GEORGE SMITH**, late of Winnipeg,
Manitoba, deceased

ORDER

THIS MOTION made by BARBARA SMITH of Minneapolis, Minnesota, as executor of the estate of George Smith, late of Winnipeg, Manitoba, deceased, for cancellation of the Bond for Administrators of Barbara Smith was heard this day at the Law Courts Building, 408 York Ave., Winnipeg, Manitoba.

ON READING the Affidavit of Barbara Smith and the releases of Frances Dudley and Mark Smith annexed thereto, and it appearing that Barbara Smith has fulfilled her duties as executor of the estate of George Smith, deceased, and that the estate is fully administered.

1. THIS COURT ORDERS that the Bond for Administrators of Barbara Smith with the Western Surety Company dated the 16th day of October, 20____, and filed with this Court on the Application of Barbara Smith for Grant of Probate on the estate of George Smith, deceased, be cancelled.

2. THIS COURT ORDERS that the passing of accounts of the estate of Barbara Smith, deceased, be hereby dispensed with.

September _____, 20____

Judge

58. Summary of Documents to be Filed in Probate Division

1. Request for Probate:

- (a) 1 copy of Request for Probate, including inventory and valuation of the property of the deceased;
- (b) original Will and any codicils (except as permitted under the Rules);
- (c) original Affidavit of Execution;
- (d) 2 copies of Grant of Probate;
- (e) 1 copy of backer for Grant of Probate;
- (f) 2 copies of Will (and any codicils) without Affidavit of Execution;
- (g) Proof of Death;
- (h) any security required;
- (i) any Renunciations as required, with Affidavits of Execution; and
- (j) any additional materials required under the Rules or by the court.

2. Request for Letters of Administration:

- (a) 1 copy of Request for Letters of Administration, including inventory and valuation of the property of the deceased;
- (b) 2 copies of Letters of Administration;
- (c) 1 copy of backer for Letters of Administration;
- (d) Proof of Death;
- (e) any security required;
- (f) any Renunciations and Nominations as required, with Affidavits of Execution; and
- (g) any additional materials required under the Rules or by the court.

3. Request for Letters of Administration with Will Annexed:

- (a) 1 copy of Request for Letter of Administration with Will Annexed, including inventory and valuation of the property of the deceased;
- (b) original Will and any codicils (except as permitted under the Rules);
- (c) original Affidavit of Execution;
- (d) 2 copies of Letters of Administration with Will Annexed;
- (e) 1 copy of backer for Letters of Administration with Will Annexed;
- (f) 2 copies of Will (and any codicils) without Affidavit of Execution
- (g) Proof of Death;
- (h) any security required;
- (i) any Renunciations and Nominations as required, with Affidavits of Execution; and
- (j) any additional materials required under the Rules or by the court.

4. Order under s. 47:

- (a) 1 copy of request for order under s. 47, including original Will (and codicils), if applicable;
- (b) 2 copies of order under s. 47.

NOTE: No copies of the Will are required.

5. Request for Resealing:

- (a) 1 copy of Request for Resealing of Foreign Grant of Probate, including the inventory and valuation on request for re-sealing;
- (b) original Affidavit of Execution where there is immoveable property;
- (c) 2 certified copies of the Grant of Probate under seal of the court that granted it; or a notarial copy of the original Grant of Probate plus 1 certified copy under seal of the court that granted it;
- (d) 1 copy of backer for Resealed Foreign Grant of Probate;
- (e) any additional material required by the court.

59. Statement of Principles – Fees in Estate Matters (Revised)

Statement of Principles – Fees in Estate Matters

A. Legal Fees Generally

1. A lawyer must not charge a fee or disbursement that is not fully disclosed, fair and reasonable.
2. The fee that a personal representative's lawyer may charge is governed by *King's Bench Rule 74.14*. The lawyer must serve a copy of Form 74EE on the personal representative and each beneficiary whose interest in the estate may be affected by the lawyer's fees and disbursements within 60 days after the lawyer is retained by the personal representative.
3. The basic fees under *King's Bench Rule 74.14(6)* are calculated as a percentage of the value of the estate assets, and are intended to cover the work involved in estates of average complexity. A simple estate may not warrant a fee based solely on a percentage of the value of the estate.
4. In accordance with *Rule 74.14(5)*, the aggregate value of an estate is determined by taking into account those assets under probate and specifically does not include a number of items, including gifts made by the deceased during their lifetime; insurance, annuities and pensions not payable to the estate, property held in joint tenancy and the death benefit under the *Canada Pension Plan*.
5. Where there is a change in the aggregate value of the estate that is more than nominal, an amended application for probate should be filed. In the absence of an amended application for probate, the lawyer's fees should not be calculated on the basis of the increased value of the estate.
6. Where an estate does not proceed to formal probate the fee that is charged to the client will not fall within the King's Bench tariff. The lawyer may bill their hourly rate subject to agreement with the client and providing that the fees are fully disclosed, fair and reasonable.
7. A lawyer must not accept payment for services to the personal representative or to the estate except in accordance with *King's Bench Rule 74.14*.

Role of the Lawyer

8. In assessing whether a fee is fair and reasonable and in accordance with *King's Bench Rule 74.14(8)*, the Law Society generally would expect that in an estate of average complexity the following services would be provided to the personal representative:
- (a) receiving instructions from the personal representative;
 - (b) giving the personal representative information and advice on all matters in connection with the administration of the estate;
 - (c) reviewing the will or the provisions of *The Intestate Succession Act* with the personal representative;
 - (d) receiving information from the personal representative about the following:
 - i. the deceased;
 - ii. the estate property;
 - iii. the deceased's debts;
 - iv. the beneficiaries; or
 - v. minors;
 - (e) receiving details from the personal representative of the property and debts of the deceased for the purposes of preparing a request for probate or administration, including the following:
 - i. the full nature and value of the property of the deceased as at the date of death including the value of all land and buildings and a summary of outstanding mortgages, leases and any other encumbrances;
 - ii. any pensions, annuities, death benefits and any other benefits payable to the estate;
 - iii. any debts owed by the deceased as at the date of death;
 - (f) preparing necessary documents to obtain probate or administration of the estate, attending on signing documents, filing documents in the court and receiving probate or administration;
 - (g) preparing and serving all required notices including under *The Dependants' Relief Act* and *The Family Property Act*, C.C.S.M. c. F25 and advising the Public Guardian and Trustee, if necessary;

- (h) advising and assisting the personal representative in settling debts, including advertising for creditors if instructed to do so;
- (i) preparing declarations of transmission and powers of attorney and related documents for stocks and bonds transferable to the personal representative under the probate or administration and preparing documents to transfer the stocks and bonds to the person entitled to them under the will or intestate succession provisions;
- (j) preparing transmissions and related documents for land transferable to the personal representative under the probate or administration and preparing transfers of land and related documents to transfer land to the persons entitled to the land under the will or intestate succession provisions;
- (k) advising the personal representative on any trust required by the will;
- (l) advising the personal representative to prepare and file tax returns;
- (m) confirming receipts of clearance certificates from Canada Revenue Agency;
- (n) advising the personal representative to provide an accounting to the beneficiaries and a report to the beneficiaries on the administration of the estate;
- (o) requesting approval from the beneficiaries of the compensation for the personal representative and the fees and disbursements of the lawyer for the personal representative;
- (p) preparing and obtaining releases if so instructed by the personal representative;
- (q) advising and assisting the personal representative in distributing the estate property in accordance with the will or intestate succession provisions.

Role of the Personal Representative

9. The following services would typically be considered by the Law Society as falling within the realm of the personal representative's responsibilities and therefore are not typically the responsibility of the lawyer:
- (a) making arrangements for the funeral, memorial or other similar services;
 - (b) determining the names and addresses of those beneficially entitled to the estate property and notifying them of their interests;

- (c) arranging with a bank, trust company or other financial institution for a list of the contents of a safety deposit box;
- (d) determining the full nature and value of property and debts of the deceased as of the date of death and compiling a list, including the value of all land and buildings and a summary of outstanding mortgages, leases and other encumbrances;
- (e) examining existing insurance policies, advising insurance companies of the death and placing additional insurance if necessary;
- (f) arranging for the proper management of the estate property, including continuous business operations, taking control of property and selling property;
- (g) retaining a lawyer to advise on the administration of the estate where appropriate, to apply for probate from the court or bring any matter before the court;
- (h) applying for any pensions, annuities, death benefits, life insurance or other benefits payable to the estate;
- (i) advising any joint tenancy beneficiaries of the death of the deceased;
- (j) advising any designated beneficiaries of their interests under life insurance or other property passing outside the will;
- (k) arranging for the payment of debts and expenses owed by the deceased and the estate;
- (l) determining whether to advertise for claimants, checking all claims and making payments as funds become available;
- (m) taking the steps necessary to finalize the amount payable if the legitimacy or amount of a debt is in issue;
- (n) determining the income tax or other tax liability of the deceased and of the estate, including retaining the services of an accountant where appropriate, filing the necessary returns, paying any tax owing and obtaining income tax or other tax clearance certificates before distributing the estate property;
- (o) instructing a lawyer in any litigation;

- (p) administering or arranging any continuing testamentary trusts or trusts for minors;
- (q) preparing the personal representative's financial statements, a proposed compensation schedule and a proposed final distribution schedule;
- (r) distributing the estate property in accordance with the will or intestate succession provisions.

Additional Fees Under King's Bench Rule 74.14(9)

10. In addition to the fees provided for in *King's Bench Rule 74.14(6) or (7)*, a lawyer for the personal representative is also entitled to receive payment for the following services:
- (a) appearances in court, in an amount set by the court;
 - (b) services related to passing the accounts of the personal representative in court under *Rule 74.12* in an amount set by the court;
 - (c) acting on the sale of an estate asset;
 - (d) finding a purchaser of an estate asset;
 - (e) assisting the personal representative with administration duties, including:
 - i. keeping and preparing the accounts of the personal representative;
 - ii. listing and valuing assets and debts, and
 - iii. safekeeping, insuring and disposing of estate assets;
 - (f) advising the personal representative with respect to an estate of above-average complexity;
 - (g) advising and assisting the personal representative as to ongoing trust administration matters, including:
 - i. the personal representative's duties,
 - ii. the personal representative's powers of sale, investment and encroachment, and
 - iii. the allocation of assets as capital or revenue.
11. Where a lawyer has performed some or all of the responsibilities of the personal representative the lawyer is entitled to be compensated for those services. The lawyer should be aware, however, that it may not be appropriate to seek to be remunerated at legal rates for doing administrative tasks. It is important for the lawyer to discuss with the personal representative at the outset of the retainer the nature of the

services to be provided, and the basis upon which the lawyer will charge for services that are otherwise the responsibility of the personal representative. In such circumstances the personal representative may themselves have to compensate the lawyer, or alternatively accept a reduced executor's fee.

B. Statements of Account and Consent of Beneficiaries

Final Statement of Account on Completion of Estate

1. On completion of the estate, in accordance with *Rule 74.14(10)*, the lawyer is entitled to be paid the fees and disbursements that the lawyer requests if written consent is received from the personal representative and from all the beneficiaries whose interests may be affected by the fees and disbursements if those beneficiaries are adults, have been served with a copy of Form 74EE and have been given an itemized statement of account that delineates the services for an estate of average complexity from any additional services.

Interim Statement of Account

2. The lawyer is entitled to be paid interim fees and disbursements for legal services that have been completed if the personal representative consents in writing and if the fees are within the fees allowed under *Rule 71.14(6) or (7)*, and if all beneficiaries whose interest may be affected by the fees and disbursements are adults, have been served with Form 74EE and have been given an itemized statement of account that delineates the services for an estate of average complexity from any additional services.
3. It is not acceptable to obtain from residuary beneficiaries at the time of initial distribution a consent to additional fees, for example at an agreed upon hourly rate. Such fees must be clearly determined prior to obtaining a consent to the fee from the personal representative and from the residual beneficiaries.
4. Where the personal representative has prepared an accounting for the period of administration the lawyer should advise the personal representative to:
 - (a) obtain from the residuary beneficiaries a release for the payment to be made to them as residuary beneficiaries; and
 - (b) to obtain from the residuary beneficiaries a written consent to the personal representative's fee.

5. Where the lawyer has prepared an accounting for the period of administration the lawyer must:
 - (a) obtain from the residuary beneficiaries a release of the personal representative for the payment to be made to them as residuary beneficiaries; and
 - (b) the lawyer must obtain from the residuary beneficiaries a written consent to the personal representative's fee.

Court Review of Lawyer's Fees and Disbursements

6. Unless the lawyer's fees and disbursements have been consented to by the personal representative and the beneficiaries whose interest may be affected by the fees and disbursements, they are subject to review by the court on a passing of accounts under *Rule 74.14(12)* or on an assessment of fees and disbursements under *Rule 74.14(13)* and *Rule 58*.

C. Legal Fees Where Lawyer acts as Personal Representative

1. Where a lawyer acts as personal representative, their legal fees will be reduced by virtue of *Rule 74.14(7)*, which states:

If the personal representative is

- (a) *an individual who is a lawyer and, while acting as the personal representative, also acts as the lawyer for the personal representative;*
- (b) *a trust company; or*
- (c) *the Public Guardian and Trustee of Manitoba;*
the lawyer for the personal representative is allowed only 40% of the fees calculated under subrule (6), subject to a minimum fee of \$1,500.

D. Fees of Personal Representatives

Calculation of Fees

1. Where compensation is not set out in the will, a lawyer may take executor's compensation if all the residual beneficiaries are legally competent adults and they consent to the claim for compensation. Otherwise, an application to pass accounts for any executor's compensation should be made.
2. Where a lawyer acts as the personal representative, they are entitled to be paid a fair and reasonable allowance for their "care, pains, trouble and time" as provided for under Section

90(1) of *The Trustee Act*. The courts have set out the generally accepted principles with respect to executor's fees, and the following matters have been considered when fixing the remuneration of an executor:

- (a) the magnitude of the trust;
- (b) the care and responsibility springing therefrom;
- (c) the time occupied in performing the duties;
- (d) the skill and ability displayed; and
- (e) the success which has attained its administration.