

SCHEDULE A

Form 1

(Subrule 8(3))

BACKER

No. S.C. \_\_\_\_\_, 20 \_\_\_\_.

**IN THE SUPREME COURT OF THE  
NORTHWEST TERRITORIES**

**IN THE MATTER of the Estate of**

\_\_\_\_\_,  
**late of \_\_\_\_\_, in the  
Northwest Territories, deceased.**

**APPLICATION**  
*(or other title)*

This Application is filed by:

\_\_\_\_\_  
*(Personal representative, lawyer, agent, person interested in an estate, etc.)*

whose address for service is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(If a lawyer will accept service by email, an email address may be included)*

APPLICATION FOR DECLARATION OF SMALL ESTATE  
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in  
the Northwest Territories, deceased.

APPLICATION FOR DECLARATION OF SMALL ESTATE

DETAILS

1. The applicant, \_\_\_\_\_, applies to the Court for an order declaring that the estate of the deceased, \_\_\_\_\_, is a small estate where the net value of the estate reasonably appears to be less than \$35,000 and an order that the applicant
  - (a) is authorized to administer the estate of the deceased; and
  - (b) may use any of the property in the small estate to
    - (i) pay reasonable funeral expenses,
    - (ii) pay the debts of the deceased, and
    - (iii) pay any remaining balance to those entitled under the terms of the will, or if there is no will, to those entitled under the *Intestate Succession Act*.
  
2. The following documents are filed with this application:
  - (a) Form 3 - Memorandum and Affidavit in Support of Application for Declaration of Small Estate;
  - (b) Certified copy of Certificate of Death (*If no Certificate of Death available, attach as exhibits any relevant documents to prove death such as funeral director's statement*);
  - (c) \_\_\_\_\_.
  
3. The following provisions are relied upon:
  - (a) Rule 10;
  - (b) \_\_\_\_\_.
  
4. You may contact: \_\_\_\_\_  
 at: \_\_\_\_\_  
 phone: \_\_\_\_\_, for any further information you may need.

Please read the enclosed documents carefully so that you may understand what this application is about.

Applicant(s) or Lawyer(s) for the Applicant(s):

\_\_\_\_\_  
(Applicant's signature)  
(Print name below)

\_\_\_\_\_  
(Date)

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

ORDER

BEFORE THE HONOURABLE \_\_\_\_\_ ) \_\_\_\_\_ in the Northwest Territories,
) (Community)
)
) on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

UPON THE APPLICATION OF \_\_\_\_\_, coming on before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and upon hearing \_\_\_\_\_, counsel for the applicant and \_\_\_\_\_, counsel for \_\_\_\_\_.

THE COURT HAS:

- Reviewed the application, and other documents filed in this application;
Heard representations from the parties or counsel for the parties;
Considered the application;

AND THE COURT ORDERS:

- 1. The estate of the deceased is a small estate as defined in subrule 10(1) of the Estate Administration Rules.
2. The applicant
(a) is authorized to administer the estate of the deceased; and
(b) may use any of the property in the small estate to
(i) pay reasonable funeral expenses,
(ii) pay the debts of the deceased, and
(iii) pay any remaining balance to those entitled under the terms of the will, or if there is no will, to those entitled under the Intestate Succession Act; and
(c) do any other thing under these rules that would be required of a personal representative in respect of an estate.
3. This order is the order referred to in paragraph 130(2)(c) of the Land Titles Act.
4. A grant under this Part is not required, unless the Court orders otherwise. This order has the same effect as a grant.

ENTERED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ . \_\_\_\_\_ Clerk

MEMORANDUM AND AFFIDAVIT IN SUPPORT OF APPLICATION FOR  
DECLARATION OF SMALL ESTATE

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in  
the Northwest Territories, deceased.

MEMORANDUM AND AFFIDAVIT IN SUPPORT OF APPLICATION FOR  
DECLARATION OF SMALL ESTATE

This is an application without notice made under section 10 of the *Estate Administration Rules* for an order declaring  
that the personal property of \_\_\_\_\_, late of \_\_\_\_\_  
(Name of deceased) (Residence of time of death)  
\_\_\_\_\_, in the Northwest Territories, be paid or delivered to  
\_\_\_\_\_, of \_\_\_\_\_, in the  
Northwest Territories, to be disposed of as follows:

- (a) \_\_\_\_\_ to \_\_\_\_\_  
(Amount) (State name of recipient)  
as payment of reasonable funeral expenses;
- (b) \_\_\_\_\_ to \_\_\_\_\_  
(Amount) (State name of recipient)  
as payment of the debts of the deceased; and
- (c) \_\_\_\_\_ to \_\_\_\_\_  
(Amount) (State name of recipient)

All of which is respectfully submitted.

DATED at \_\_\_\_\_, Northwest Territories, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Applicant's signature)  
(Print name below)

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR DECLARATION OF SMALL ESTATE

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

- 1. \_\_\_\_\_ late of \_\_\_\_\_, in the Northwest Territories, died at \_\_\_\_\_, in the Northwest Territories on or about \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.
(Name of deceased) (Residence at time of death) (Place of death)
2. \_\_\_\_\_ was \_\_\_\_\_, and the following persons may be entitled to share in the estate: (names, ages and addresses of all such persons)
(Name of deceased) (State marital status)

Name: \_\_\_\_\_
Address: \_\_\_\_\_
Age: \_\_\_\_\_ Relationship: \_\_\_\_\_
Name: \_\_\_\_\_
Address: \_\_\_\_\_
Age: \_\_\_\_\_ Relationship: \_\_\_\_\_
Name: \_\_\_\_\_
Address: \_\_\_\_\_
Age: \_\_\_\_\_ Relationship: \_\_\_\_\_
Name: \_\_\_\_\_
Address: \_\_\_\_\_
Age: \_\_\_\_\_ Relationship: \_\_\_\_\_

3. The estate of the deceased consists of the following: *(Set out full particulars of all the property of the deceased showing the names and address of the persons in whose possession such property may be and including the value of all such property)*

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

Address: \_\_\_\_\_

Property: \_\_\_\_\_ Value: \_\_\_\_\_

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

Address: \_\_\_\_\_

Property: \_\_\_\_\_ Value: \_\_\_\_\_

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

Address: \_\_\_\_\_

Property: \_\_\_\_\_ Value: \_\_\_\_\_

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

Address: \_\_\_\_\_

Property: \_\_\_\_\_ Value: \_\_\_\_\_

4. Funeral expenses in the amount of \$ \_\_\_\_\_ have been paid by \_\_\_\_\_ *(or have not been paid and are owing to \_\_\_\_\_)*.

5. As far as I have been able to ascertain, the debts of the deceased are as follows: *(State the names, addresses and amount of claims of the creditors of the deceased)*

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

Address: \_\_\_\_\_

Amount of Claim: \_\_\_\_\_

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

Address: \_\_\_\_\_

Amount of Claim: \_\_\_\_\_

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

Address: \_\_\_\_\_

Amount of Claim: \_\_\_\_\_

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

Address: \_\_\_\_\_

Amount of Claim: \_\_\_\_\_

6. I will well and truly administer the property of the deceased by paying the funeral expenses and debts of the deceased, and by distributing or paying the residue of such property to the persons entitled to share in the estate, as the Court may order.
7. I will file with the Clerk all receipts of payment or other disposition of the property of the deceased made by me.
8. I will make this affidavit for the purpose of obtaining an order from the Court under rule 10 fo the *Estate Administration Rules*.

SWORN BEFORE ME at

	)	
(Community)	)	
	)	
in the Northwest Territories, on this _____ day of	)	(Signature of Applicant)
_____, 20 ____ .	)	

(Signature of Commissioner for Oaths)

A Commissioner for Oaths

(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_ .

*Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.*

*If this affidavit is sworn outside the Northwest Territories, it must sworn before a notary public or other person authorized under section 67 of the Evidence Act.*

ORDER

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

PARTIES

- Applicant(s) \_\_\_\_\_
- Respondent(s) \_\_\_\_\_
- Beneficiaries (residuary) \_\_\_\_\_
- Life tenants \_\_\_\_\_
- Beneficiaries (non residuary) \_\_\_\_\_
- Beneficiaries (intestacy) \_\_\_\_\_
- Trustees for represented adults \_\_\_\_\_
- Attorney(s) for incompetent adults \_\_\_\_\_
- Minors \_\_\_\_\_
- Missing persons \_\_\_\_\_
- Unpaid claimants \_\_\_\_\_
- Bonding companies \_\_\_\_\_

ORDER

BEFORE THE HONOURABLE ) \_\_\_\_\_ in the Northwest Territories,  
 ) (Community)  
 )  
 \_\_\_\_\_ ) on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

UPON THE APPLICATION OF \_\_\_\_\_, coming on before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and upon hearing \_\_\_\_\_, counsel for the applicant and \_\_\_\_\_, counsel for \_\_\_\_\_,



THIS COURT ORDERS THAT: (State terms of order made in concise paragraphs)

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(The following list is a guide only to possible items in the order; you must tailor the draft order to the circumstances of your case:

1. Sufficient service of all documents on all parties has been effected.
2. The personal representative(s) have fully and satisfactorily accounted to (the Court/the beneficiaries).
3. Personal representative(s) fair and reasonable compensation in the amount of \$ \_\_\_\_\_ plus disbursements and GST to be paid as follows:
  - (a) \$ \_\_\_\_\_ to be paid from capital;
  - (b) \$ \_\_\_\_\_ to be paid from revenue.
4. Distribution of the estate property according to the schedule of distribution.
5. Cancellation of the bond of \_\_\_\_\_.
6. Discharge of the personal representative(s).
7. The personal representative(s) must pass accounts formally for the period \_\_\_\_\_ to \_\_\_\_\_ in accordance with the Estate Administration Rules.
8. The personal representative(s) are not required to pass accounts formally for the period \_\_\_\_\_ to \_\_\_\_\_ at this time.
9. Dispensing with a formal passing of accounts for the period \_\_\_\_\_ to \_\_\_\_\_.
10. Costs of this application to the personal representative(s) in the amount of \$ \_\_\_\_\_ plus disbursements incidental to this application, plus GST, to be paid from the residue of the estate.
11. Costs of this application to the applicant(s) in the amount of \$ \_\_\_\_\_ plus disbursements incidental to this application, plus GST, to be paid from the residue of the estate.
12. Costs of this application to the other respondents in the amount of \$ \_\_\_\_\_ plus disbursements incidental to this application, plus GST, to be paid from the residue of the estate.
13. The personal representative is formally discharged).

ENTERED on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
20 \_\_\_\_ . Clerk

GRANT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

GRANT OF \_\_\_\_\_ (Select type of grant from rule 11)

WHEREAS \_\_\_\_\_, also known as \_\_\_\_\_ (Legal name of deceased)

\_\_\_\_\_, (Indicate any other names by which deceased was known)

(the "deceased") whose last known address was \_\_\_\_\_ died on or about \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ (Add the following only if this grant applies to grant of probate or grant of administration with will annexed: and left a will dated) \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ , a copy of which is attached.

Administration of the estate of the deceased is granted to \_\_\_\_\_ (If this grant is a grant of probate, (Names)

add the following if required: reserving the right of \_\_\_\_\_ to apply for and obtain a grant (Names)

of probate at a later date if that executor/those executors should so desire.)

(Add whichever of the following is/are correct:)

The will in relation to which this grant is issued is to be read in conjunction with an order dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ , a copy of which is attached.

- OR -

This grant is limited pursuant to an order dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ , a copy of which is attached.

- OR -

This grant is ancillary to a foreign grant dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ , a copy of which is attached, and is limited to property in the Northwest Territories.

Sealed by the Supreme Court of the Northwest Territories on \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ pursuant to the fiat of The Honourable Justice \_\_\_\_\_.

ENTERED on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ 20 \_\_\_\_ . Clerk

APPLICATION FOR GRANT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

APPLICATION FOR \* GRANT

- 1. This is an application for a grant of (Choose one of the following):
  - Probate
  - Administration
  - Administration with will annexed
  - Administration of unadministered property
  - Administration until will found
  - Administration for preservation of property
  - Administration when the validity of will is in question
  - Administration during the minority, absence or mental incapacity of personal representative(s)
  - Administration limited to \_\_\_\_\_
  - Supplemental probate or administration
  
- 2. The following applies in respect of a bond (Choose one of the following):
  - Not required
  - Obtained
  - Request to dispense
  
- 3. The following notices are required:
  - Form 14 - Notice to Beneficiaries (Residuary)
  - Form 16 - Notice to Beneficiaries (Non residuary)
  - Form 18 - Notice to Spouse of deceased for rights or claims under *Family Law Act*
  - Form 19 - Notice to Dependant for rights or claims under the *Dependant's Relief Act*
  - Form 27 - Notice to Beneficiaries (Intestacy)
  - Other \_\_\_\_\_
  
- 4. Has a copy of the Application been filed with the Public Trustee? (Choose one of the following):
  - Yes
  - No

Public Trustee must receive copy of Application if minors or missing persons are involved in the estate. See the Public Trustee Act.

Applicant

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(Applicant's signature)  
(Print name below)
(Date)

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

ORDER

BEFORE THE HONOURABLE \_\_\_\_\_ ) \_\_\_\_\_ in the Northwest Territories,
) (Community)
)
\_\_\_\_\_ ) on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

UPON THE APPLICATION OF \_\_\_\_\_, coming on before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and upon hearing \_\_\_\_\_, counsel for the applicant and \_\_\_\_\_, counsel for \_\_\_\_\_.

THE COURT HAS:

- Reviewed the application, and other documents filed in this application;
Heard representations from the parties or counsel for the parties;
Considered the application;

AND THE COURT ORDERS:

- 1. The grant as applied for is issued.

ENTERED on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ Clerk
20 \_\_\_\_.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR GRANT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR GRANT

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

Applicant(s)

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

\_\_\_\_\_
\_\_\_\_\_

Schedules Attached

- 2. The following forms are part of this affidavit (Choose all that apply):
[ ] Form 8 - Schedule 1- Deceased
[ ] Form 9 - Schedule 2 - Will (not to be ticked if application is for grant of administration)
[ ] Form 11 - Schedule 3 - Personal Representatives
[ ] Form 12 - Schedule 4 - Beneficiaries
[ ] Form 13 - Schedule 5 - Value of Estate in Northwest Territories

(Mark each document as an exhibit in accordance with rule 17 of these rules and rules 377 and 378 of the Supreme Court Rules.)

Documents Attached

- 3. The following documents are part of this affidavit:
[ ] Original will of the deceased
[ ] Form 10 - Affidavit of Witness to Will

(Mark each document as an exhibit in accordance with rule 17 of these rules and rule 377 and 378 of the Supreme Court Rules)

4. The schedules and documents that are part of this affidavit provide all the information required in this application by the Estate Administration Rules and have been prepared by me or by my lawyer on my behalf.

**Notices**

5. The applicant(s) will serve the following notices as required:

- Form 14 - Notice to Beneficiaries (Residuary)
- Form 16 - Notice to Beneficiaries (Non residuary)
- Form 18 - Notice to Spouse of deceased for rights or claims under the *Family Law Act*
- Form 19 - Notice to Dependant for rights or claims under the *Dependants Relief Act*
- Form 22 - Notice to Public Trustee of Application for Grant
- Form 24 - Notice of Void Gift
- Form 27 - Notice to Beneficiaries (Intestacy)

*(Include the following if applicable.)*

6. The applicant(s) will not make a distribution to a trustee of any property that is subject to a trust under the will until after a Form 30 - Acknowledgement of Trustees signed by the trustee(s) has been filed.

7. The applicant(s) will faithfully administer the estate of the deceased according to law and will give a true accounting of their administration to the persons entitled to it when lawfully required.

8. The following special or unusual circumstances exist in relation to this estate:

- (a) \_\_\_\_\_ ;
- (b) \_\_\_\_\_ .

SWORN BEFORE ME at

\_\_\_\_\_ )  
(Community) )  
in the Northwest Territories, on this \_\_\_\_\_ day of \_\_\_\_\_ ) \_\_\_\_\_  
\_\_\_\_\_, 20 \_\_\_\_ . ) (Signature of Applicant)  
\_\_\_\_\_ )

\_\_\_\_\_  
(Signature of Commissioner for Oaths)

A Commissioner for Oaths  
\_\_\_\_\_  
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_ .

*Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.  
If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.*

SCHEDULE 1 - DECEASED

THIS IS EXHIBIT " \_\_\_\_\_ " referred to in the affidavit of

Sworn before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(Signature of Commissioner for Oaths)

A Commissioner for Oaths

(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

SCHEDULE 1 - DECEASED

Before completing this form, ensure that the applicant has reviewed the family information to include a person who may be within the definition of a former spouse or other dependant.

1. Particulars of Deceased

Name of deceased: \_\_\_\_\_

Any other name(s) by which deceased known: \_\_\_\_\_

Last residential address: \_\_\_\_\_

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

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

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

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

The deceased died: [ ] Testate

[ ] Intestate (After a thorough search of all likely places, no testamentary paper of the deceased has been found)

Certificate of Death available? [ ] Yes [ ] No

If Yes, include a certified copy of Certificate of Death. If No, explain why no Certificate of Death issued and attach as exhibits any relevant documents to prove death such as the funeral director's statement.

## 2. Immediate Family

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

(a) Spouse

*("Spouse" has the meaning assigned to that term by section 1 of the Family Law Act)*

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

Full address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) Dependants

*("Dependant" has the meaning assigned to that term by section 1 of the Dependants Relief Act)*

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

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

\_\_\_\_\_

Type of dependant:  
*Select one box*

A child of the deceased who is under 19 years of age at the time of the death of the deceased

A child of the deceased who is 19 years of age or older at the time of the death of the deceased and unable, by reason of mental or physical disability, to earn a livelihood

A person who cohabited with the deceased for one year immediately before the time of the death of the deceased and was dependent on the deceased for maintenance and support

A person who, at the time of the death of the deceased, was cohabiting with the deceased and between whom one or more children were born

A person who, at the time of the death of the deceased, was acting as a parent of the children of the deceased in the same household and who was dependent on the deceased for maintenance and support



Full address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) Children of the deceased who are not dependants

("Child" has the meaning assigned to that term by section 1 of the Dependants Relief Act)

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

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

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

Child died leaving children?  Yes  No

Type of child:  A natural child or a stepchild  
*Select one box*  
 A child who appears to the satisfaction of the Supreme Court in effect to have been adopted although there has not been compliance with the *Adoption Act* or any predecessor Act  
 A child of the deceased *en ventre sa mère* at the date of the death of the deceased

Full address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SCHEDULE 2 - WILL

THIS IS EXHIBIT " \_\_\_\_\_ " referred to in the affidavit of

Sworn before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

(Signature of Commissioner for Oaths)

A Commissioner for Oaths in and for the Northwest Territories

(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

SCHEDULE 2 - WILL

Fill this form out only if there is a will.

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

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

Marriage of deceased is subsequent to date of will [ ] Yes [ ] No

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

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

Neither witness is a beneficiary or the spouse or a dependant of either witness is a beneficiary named in the will.

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

(Delete the following paragraph if resealing)

The personal representative(s) has (have) examined the will and observes that \_\_\_\_\_ .

[ ] there appear to be no erasures, changes, or other additions to the will.

[ ] there appear to be the following changes to the will: \_\_\_\_\_ .

AFFIDAVIT OF WITNESS TO WILL

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

AFFIDAVIT OF WITNESS TO WILL

CANADA )  
NORTHWEST TERRITORIES )  
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest  
Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:  
(Occupation)

1. I am one of the subscribing witnesses to the last will of the deceased/testator, \_\_\_\_\_.
2. The will is dated \_\_\_\_\_ and is marked as Exhibit A to this affidavit.
3. When the deceased/testator signed the will, I believe the deceased/testator understood that the document being signed was the deceased's will. *(Strike out if applicant did not know or was not told it was the deceased/testator's will)*
4. When the deceased/testator signed the will, I believe the deceased was competent to sign the will. *(Strike out if applicant did not know or was not told it was the deceased/testator's will)*
5. The deceased/testator, myself and the other witness to the will, \_\_\_\_\_, were all present together when the witnesses and the deceased/testator signed the will.
6. Before the deceased/testator signed the will, the deceased/testator made the following changes to it:
  - (a) \_\_\_\_\_ ;
  - (b) \_\_\_\_\_ .

SWORN BEFORE ME at

\_\_\_\_\_ )  
(Community) )

in the Northwest Territories, on this \_\_\_\_\_ day of )  
\_\_\_\_\_, 20 \_\_\_\_ . )

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_  
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_ .

*Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.*

*If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.*

SCHEDULE 3 - PERSONAL REPRESENTATIVES

THIS IS EXHIBIT " \_\_\_\_\_ " referred to in the affidavit of

Sworn before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(Signature of Commissioner for Oaths)

A Commissioner for Oaths

(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

SCHEDULE 3 - PERSONAL REPRESENTATIVES

1. Name and complete address of each personal representative

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Status

(Choose one of the following:)

Named in the will  
Person(s) with first priority to apply

3. Relationship to deceased

\_\_\_\_\_

4. Age

over 19 \_\_\_\_\_

5. Names of any persons with a prior or equal right to apply

\_\_\_\_\_  
\_\_\_\_\_

(In all grants of administration, provide name(s), address(es), relationship to deceased of all persons with a prior or equal right to apply according to the Rules. Show N/A for applications for probate).

6. Names of any renunciations attached

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*(Provide name(s) of renunciators; renunciations are needed from all persons with a prior or equal right to apply for a grant who are not the applicant(s)).*

SCHEDULE 4 - BENEFICIARIES

THIS IS EXHIBIT " \_\_\_\_\_ " referred to in the affidavit of

Sworn before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(Signature of Commissioner for Oaths)

A Commissioner for Oaths

(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

SCHEDULE 4 - BENEFICIARIES

1. Details about Each Beneficiary

Beneficiary # \_\_\_\_\_

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

Complete Address \_\_\_\_\_

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

Relationship to deceased: \_\_\_\_\_

Nature of gift or share of estate: \_\_\_\_\_

Check all that apply [ ] Beneficiary was a witness to the will.

[ ] Beneficiary was spouse or dependant of a witness to the will.

[ ] Beneficiary signed will on behalf of deceased.

If will, indicate governing paragraph of will \_\_\_\_\_

If no will (intestacy), indicate governing section number and name of legislation being relied upon \_\_\_\_\_

Is beneficiary mentally capable? [ ] Yes [ ] No

Explain if no: \_\_\_\_\_

(Include any power of attorney documents, representation agreements, letters of physicians or declarations)

SCHEDULE 5 - VALUE OF ESTATE IN NORTHWEST TERRITORIES

THIS IS EXHIBIT " \_\_\_\_\_ " referred to in the affidavit of

Sworn before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_  
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

SCHEDULE 5 - VALUE OF ESTATE IN NORTHWEST TERRITORIES

1. Summary of Value of Estate in Northwest Territories

Land and buildings (net of encumbrances)	\$ _____	C
Other property (gross)	\$ _____	E
Gross value of estate	\$ _____	A
Debts (excluding encumbrances on land)	\$ _____	H
<b>NET VALUE OF ESTATE</b>	<b>\$ _____</b>	<b>I</b>

2. Property

(a) Land and Buildings in the Northwest Territories

Location of Property:

\_\_\_\_\_  
*Provide municipal address or, if none, closest municipality*

Legal Description of Property:

\_\_\_\_\_

Description:

\_\_\_\_\_

Gross value:

\$ \_\_\_\_\_ A

Encumbrances:

\$ \_\_\_\_\_ B

Net Value (A-B)

\$ \_\_\_\_\_ C

(b) Other Property



Description		
Gross Value	\$	D
<b>TOTAL VALUE OF PROPERTY (C+D)</b>	<b>\$</b>	<b>E</b>

**3. Debts**  
*(Include funeral debts)*

Description		
Value	\$	G
<b>TOTAL VALUE OF DEBTS (Sum of all entries for G)</b>	<b>\$</b>	<b>H</b>

**4. Net Value of Estate**

<b>NET VALUE OF ESTATE (E-H)</b>	<b>\$</b>	<b>I</b>
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NOTICE TO BENEFICIARIES (RESIDUARY)

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

DETAILS

1. You are named as a residuary beneficiary in the last will of \_\_\_\_\_.
2. The will gives you \_\_\_\_\_.
3. The personal representative(s) named in the will have applied for a grant of probate or the person(s) entitled have applied for a grant of administration with will annexed.
4. Enclosed with this notice is a copy of the application for a grant of probate or grant of administration with will annexed. This includes a copy of the will and a list of the estate property and debts.
5. Once the court issues the grant, the personal representative(s) will collect in the property, pay the debts, and complete the administration of the estate and anything else required of the personal representative(s). Then they will be in a position to account to you before distributing any estate left after payment of all debts and expenses.
6. By issuing the grant, the Court is not approving the figures submitted in the application for a grant of probate. It is the responsibility of the beneficiary(ies) to supervise the actions of the personal representative(s).
7. If you believe the personal representative is not complying with his or her duties, try to resolve the matter through discussion with the personal representative. If you are unable to resolve the matter, you or your lawyer may apply to the Court, in accordance with the *Estate Administration Rules* and it may provide a remedy if it is satisfied that the personal representative is not complying with his or her duties. If you wish to contest or object to any aspect of this process, refer to the *Estate Administration Rules* for options.
8. You may contact: \_\_\_\_\_  
at: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_, for any further information you may need.

(The contact person may be either the personal representative(s) or the lawyer)

Personal Representative

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

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Note : Modify this notice as necessary if the application is for a grant of administration with will annexed

AFFIDAVIT OF SERVICE

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT OF SERVICE

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

- 1. On \_\_\_\_\_, I served true copies of the originals of the following documents:
(Complete date)
(a) \_\_\_\_\_, attached to this my affidavit as Exhibit A;
(b) \_\_\_\_\_, attached to this my affidavit as Exhibit B.
(Describe documents)

- 2. I served these documents on each of the following by: \_\_\_\_\_
(Describe manner of service and where served)
(a) \_\_\_\_\_;
(b) \_\_\_\_\_.

SWORN BEFORE ME at

\_\_\_\_\_ )
(Community) )
in the Northwest Territories, on this \_\_\_\_\_ day of )
\_\_\_\_\_, 20\_\_\_\_. )
(Signature of Applicant)

\_\_\_\_\_)
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_)
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_.

Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.

If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.

NOTICE TO BENEFICIARIES (NON-RESIDUARY)

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

NOTICE TO BENEFICIARIES (NON-RESIDUARY)

DETAILS

1. You are named as a non-residuary beneficiary in the last will of:

\_\_\_\_\_

2. The will gives you:

\_\_\_\_\_

3. The personal representative(s) named in the will have applied for a grant of probate.

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

5. If you believe the personal representative is not complying with his or her duties, try to resolve the matter through discussion with the personal representative. If you are unable to resolve the matter, you or your lawyer may apply to the Court, in accordance with the Estate Administration Rules and it may provide a remedy if it is satisfied that the personal representative is not complying with his or her duties. If you wish to contest or object to any aspect of this process, refer to the Estate Administration Rules for options.

6. You may contact: \_\_\_\_\_ at: \_\_\_\_\_

Phone: \_\_\_\_\_, for any further information you may need.

(The contact person may be either the personal representative(s) or the lawyer)

Personal Representative

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

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

AFFIDAVIT TO DISPENSE WITH BOND

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT TO DISPENSE WITH BOND

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

Applicant(s)

- 1. The applicant is entitled to apply for a grant because the applicant is (Choose one of the following:)
[ ] the personal representative(s) named in the deceased's last will \_\_\_\_\_ .
[ ] the person(s) with priority to apply for a grant of administration \_\_\_\_\_ .
2. The applicant(s) are fully familiar with the deceased's affairs because they are related to the deceased as:
\_\_\_\_\_ .
(State the relationship to deceased)

Debts

- 3. The applicant(s) have made a complete investigation of the deceased's affairs. To the best of our knowledge, Form 13 - Schedule 5 - Value of Estate in Northwest Territories shows all the debts for which the deceased may be liable in the Northwest Territories and in any other jurisdiction.
4. The property of the estate is sufficient to pay all the debts shown in Form 13 - Schedule 5 - Value of Estate in Northwest Territories and all the debts have been or will be paid before the distribution of the estate.

Special matters

- 5. \_\_\_\_\_
\_\_\_\_\_
(Refer to any matters needing special mention, explanation or direction or show "None")

6. And therefore the applicant(s) request that this Court grant the application for a grant of \_\_\_\_\_ without bond.

SWORN BEFORE ME at

\_\_\_\_\_ )  
(Community) )  
in the Northwest Territories, on this \_\_\_\_\_ day ) \_\_\_\_\_  
of \_\_\_\_\_, 20\_\_\_\_. ) (Signature of Applicant)

\_\_\_\_\_  
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_  
( Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_ .

*Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.*

*If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.*

NOTICE TO SPOUSE

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

NOTICE TO SPOUSE

DETAILS

- 1. Enclosed with this notice is a copy of the application for a grant of:  
\_\_\_\_\_
- 2. You may have a claim under the *Family Law Act* on the property in the estate. This must be dealt with before the estate can be finally distributed.
- 3. There are some time requirements that must be met. You must begin any application within six months after the date the Court issues the grant of probate or administration. There are other time limits in the Act which may mean that in your case you have less than six months in which to act, after that, the personal representative may distribute the property.
- 4. If you want to take this further, you should consult your own lawyer immediately.

Personal Representative

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

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(An acknowledgement is not necessary under the Rules. Delete the acknowledgement paragraph if not obtained)

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

Spouse: \_\_\_\_\_ Date: \_\_\_\_\_

NOTICE TO DEPENDANT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

NOTICE TO DEPENDANT

DETAILS

1. Enclosed with this notice is a copy of the application for a grant of \_\_\_\_\_.
2. The *Dependants Relief Act* allows a dependant to apply to the Court to receive maintenance and support from the estate. The Court can change the distribution of the estate and give you more or all of the estate if the Court decides the circumstances warrant it.
3. You are (*Check one only*)
  - the surviving spouse of the deceased;
  - a child of the deceased who is under 19 years of age at the time of the death of the deceased;
  - the child of the deceased who is 19 years of age or older at the time of the death of the deceased and unable by reason of mental or physical disability to earn a livelihood;
  - a person who cohabited with the deceased for one year immediately before the time of the death of the deceased and was dependent on the deceased for maintenance and support;
  - a person who at the time of the death of the deceased was cohabiting with the deceased and between whom one or more children were born;
  - a person who at the time of the death of the deceased was acting as a parent of the children of the deceased in the same household and who was dependent on the deceased for maintenance and support.
4. There are some time requirements which must be met before the court can hear any application. You should begin your application within six months after the date the Court issues the grant of probate or administration. After that, the personal representative may distribute the estate property and you may only apply if the Court lets you. You may then only ask for some or all of the property in the estate that is still undistributed at that time.
5. If you want to take this further, you should consult your own lawyer immediately.

Please read the enclosed documents carefully so that you may understand what this application is about.



**Personal Representative**

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

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*(An acknowledgement is not necessary under the Rules. Delete the acknowledgement paragraph if not obtained)*

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

Dependent: \_\_\_\_\_ Date: \_\_\_\_\_

RENUNCIATION OF PROBATE

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in  
the Northwest Territories, deceased.

RENUNCIATION OF PROBATE

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

**Personal Representative**

\_\_\_\_\_

(Signature)

\_\_\_\_\_

(Date)

**Personal Representative**

\_\_\_\_\_

(Name)

\_\_\_\_\_

(Date)

*Note : This document requires a Form 68 - Affidavit of Execution.*

RENUNCIATION OF ADMINISTRATION WITH WILL ANNEXED

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

RENUNCIATION OF ADMINISTRATION WITH WILL ANNEXED

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

Renouncer:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Note : This document requires a Form 68 - Affidavit of Execution.

NOTICE TO PUBLIC TRUSTEE OF APPLICATION FOR GRANT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

NOTICE TO PUBLIC TRUSTEE OF APPLICATION FOR GRANT

Use this form to give notice to the Public Trustee. The Public Trustee must be given notice of the application when required by sections 4 and 5 of the Public Trustee Act.

DETAILS

1. Notice is given to you of

[ ] a child who was a minor at the date of death of the deceased (and who is a beneficiary interested in the estate)

Name: \_\_\_\_\_
Date of Birth: \_\_\_\_\_
Address: \_\_\_\_\_

[ ] a person who has been declared to be a missing person by an Order of the Court (and who is a beneficiary interested in the estate)

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

[ ] a dependant for whose estate you are trustee

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

Personal Representative

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

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

AFFIDAVIT RESPECTING MISSING OR UNKNOWN BENEFICIARIES

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT RESPECTING MISSING OR UNKNOWN BENEFICIARIES

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

Applicant

- 1. The applicant is entitled to apply for a grant because the applicant is (Choose one of the following:)
[ ] the personal representative named in the deceased's last will
[ ] the person with priority to apply for a grant of administration
2. The applicant has applied for a grant of
3. The applicant cannot fully complete Form 12 - Schedule 4 - Beneficiaries and cannot provide a complete set of notices to beneficiaries.

Unknown beneficiaries

- 4. The following beneficiaries are unknown to the applicant(s):
(a)
(b)

(Show N/A if paragraph is not applicable)

Missing beneficiaries

- 5. These beneficiaries cannot yet be located:
(a)
(b)

(Show N/A if paragraph is not applicable)

**Enquiries**

*(Paragraph 6 may become several sub-paragraphs depending on the circumstances of the estate)*

- 6. The applicant has made the following enquiries to ascertain and find the beneficiaries:
  - (a) \_\_\_\_\_ ;
  - (b) \_\_\_\_\_ .

**Undertakings**

- 7. The applicant undertakes
  - (a) to advise the court as soon as he or she has ascertained or found the beneficiaries or that he or she has been unable to do either;
  - (b) to provide the Clerk with the notices to beneficiaries if found; and
  - (c) to advise the Public Trustee if not found.
- 8. The applicant believes that it is in the best interest of the estate to begin its administration immediately.

**Relief Being Sought**

- 9. That this Court grant the application for a grant of \_\_\_\_\_ without Form 12 - Schedule 4 - Beneficiaries being fully completed and without sending all the notices to beneficiaries.

SWORN BEFORE ME at

\_\_\_\_\_ )  
 (Community) )  
 \_\_\_\_\_ )  
 in the Northwest Territories, on this \_\_\_\_\_ day of \_\_\_\_\_ )  
 \_\_\_\_\_, 20\_\_\_\_. ) \_\_\_\_\_ (Signature of Applicant)

\_\_\_\_\_  
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_  
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_ .

*Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.*

*If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.*

NOTICE OF VOID GIFT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

NOTICE OF VOID GIFT

DETAILS

- 1. You are named as a beneficiary in the last will of \_\_\_\_\_. The personal representative named in the will has applied for a grant of probate or administration with will annexed, as applicable.

Choose one:

[ ] Void residuary gift

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

[ ] Void specific gift

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

\_\_\_\_\_

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

[ ] you are a witness to the will.

[ ] at the time the will was made you were the spouse of a witness to the will.

- 4. When the Court issues the grant, the personal representative will collect the estate property, pay the debts, complete the administration of the estate and anything else required of the personal representative. Then the personal representative will be in a position to distribute the estate.

- 5. You may make an application to the Court to validate the gift made to you.

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

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

**Personal Representative**

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

Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Lawyer for Personal Representative**

Responsible Lawyer: \_\_\_\_\_

Date: \_\_\_\_\_

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

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

\_\_\_\_\_

Fax Number: \_\_\_\_\_

\_\_\_\_\_

File Number: \_\_\_\_\_



RENUNCIATION OF ADMINISTRATION

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

RENUNCIATION OF ADMINISTRATION

- 1. The deceased died intestate.
- 2. I am entitled to apply for a grant of administration under the *Estate Administration Rules* because I am the deceased's \_\_\_\_\_ .  
(State relationship to the deceased)
- 3. I renounce all my right and title to a grant of administration of the deceased's property.

Renouncer:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Note : This document requires a Form 68 - Affidavit of Execution.

NOMINATION AND CONSENT TO APPOINTMENT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

NOMINATION AND CONSENT TO APPOINTMENT

Choose one of the following versions of items 1 and 2:

- 1. The deceased, \_\_\_\_\_, signed a will in which \_\_\_\_\_, is appointed personal representative.
- 2. \_\_\_\_\_ has renounced all right and title to a grant of probate of the deceased's will.

- OR -

- 1. The deceased, \_\_\_\_\_, died intestate.
- 2. I am entitled to apply for a grant of administration under the *Estate Administration Rules* because I am the deceased's \_\_\_\_\_ .  
(State relationship to deceased)
- 3. I have an interest in the administration of the deceased's estate because I am a \_\_\_\_\_ of the estate.

Choose one of the following versions of item 4:

- 4. I nominate \_\_\_\_\_ to apply for a grant of administration with will annexed of the deceased's property and consent to such an appointment.

- OR -

I nominate \_\_\_\_\_ to apply for a grant of administration of the deceased's property and consent to such an appointment.

Signature:

\_\_\_\_\_  
(Name)

Date: \_\_\_\_\_

Witness to signature of:

\_\_\_\_\_  
(Name)

Date: \_\_\_\_\_

NOTICE TO BENEFICIARIES (INTESTACY)

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

NOTICE TO BENEFICIARIES (INTESTACY)

TO: (Insert name and address of person to be served)

DETAILS

- 1. \_\_\_\_\_ died without leaving a will. In this circumstance, the Intestate Succession Act governs which relatives of the deceased inherit the estate.
2. You are one of these relatives, or beneficiary (intestacy), and you will receive \_\_\_\_\_.

Description of gift to beneficiary

- 3. \_\_\_\_\_ has applied for a grant of administration.
4. Enclosed with this notice is a copy of the application for a grant of administration. This includes a list of the estate property and debts.
5. Once the court issues the grant, the personal representative will collect in the property, pay the debts, and complete the administration of the estate and anything else required of the personal representative. Then he or she will be in a position to account to you before distributing any estate left after payment of all debts and expenses.
6. By issuing the grant, the Court is not approving the figures submitted in the application for a grant of administration. It is the responsibility of the beneficiary(ies) to supervise the actions of the personal representative.
7. You may contact: \_\_\_\_\_
at: \_\_\_\_\_
Phone: \_\_\_\_\_, for any further information you may need.

Personal Representative

Name: \_\_\_\_\_ Date: \_\_\_\_\_
Address: \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Please read the enclosed documents carefully so that you may understand what this application is about. The contact person may be either the personal representative or the lawyer. Modify this notice as appropriate if the deceased died partially testate and partially intestate.

APPLICATION BY ATTORNEY OR PERSONAL REPRESENTATIVE(S) FOR A GRANT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

APPLICATION BY ATTORNEY OR PERSONAL REPRESENTATIVE(S) FOR A GRANT

- 1. This is an application for a grant of: *(Choose one of the following)*
  - Administration
  - Administration with will annexed
  - Administration of unadministered property
  - Administration until will found
  - Administration for preservation of property
  - Administration for the purpose of litigation
  - Administration when the validity of will is in question
  - Administration during the minority, absence or mental incapacity of personal representative(s)
  - Administration limited to \_\_\_\_\_
  - Supplemental probate or administration
  
- 2. The following applies in respect of a bond: *(Choose one of the following)*
  - Not required
  - Obtained
  - Request to dispense
  
- 3. The following notices are required: *(Choose all that apply)*
  - Form 14 - Notice to beneficiaries (residuary)
  - Form 16 - Notice to beneficiaries (non residuary)
  - Form 18 - Notice to spouse of deceased for rights or claims under the *Family Law Act*
  - Form 19 - Notice to dependant for rights or claims under the *Dependants Relief Act*
  - Form 27 - Notice to beneficiaries (intestacy)
  
- 4. Has a copy of the Application been served on the Public Trustee? *(Choose one of the following)*
  - Yes
  - No

*Public Trustee must receive copy of Application if minors or missing persons are involved in the estate. See the Public Trustee Act.*

Applicant:

\_\_\_\_\_

*(Applicant's signature)*  
*(Print name below)*

Date: \_\_\_\_\_

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

ORDER

BEFORE THE HONOURABLE ) \_\_\_\_\_ in the Northwest Territories,
) (Community)
)
) on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

UPON THE APPLICATION OF \_\_\_\_\_, coming on before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and upon hearing \_\_\_\_\_, counsel for the applicant and \_\_\_\_\_, counsel for \_\_\_\_\_.

THE COURT HAS:

- Reviewed the application, and other documents filed in this application;
Heard representations from the parties or counsel for the parties;
Considered the application;

AND THE COURT ORDERS:

- 1. The grant as applied for is issued.

ENTERED on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ . \_\_\_\_\_ Clerk

AFFIDAVIT IN SUPPORT OF APPLICATION FOR GRANT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR GRANT

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

Applicant(s)

- 1. The applicant is the attorney for \_\_\_\_\_, who are entitled to apply for a grant because he or she is \_\_\_\_\_.
2. The personal representative appointed the applicant as agent for the purpose of this application on \_\_\_\_\_.

Schedules Attached

- 3. The following forms are part of this affidavit:
[ ] Form 8 - Schedule 1- Deceased
[ ] Form 9 - Schedule 2 - Will (do not tick if for grant of administration)
[ ] Form 11 - Schedule 3 - Personal representative(s)
[ ] Form 12 - Schedule 4 - Beneficiaries
[ ] Form 13 - Schedule 5 - Value of Estate in Northwest Territories
(Mark each document as an exhibit in accordance with rule 17 of these Rules and rules 377 and 378 of the Supreme Court Rules)

Documents Attached

- 4. The following documents are part of this affidavit: (check all that apply)
[ ] Power of attorney from \_\_\_\_\_
[ ] Original will of the deceased
[ ] Form 10 - Affidavit of Witness to Will
(Mark each document as an exhibit in accordance with rule 17 of these Rules and rules 377 and 378 of the Supreme Court Rules)
5. The schedules and documents that are part of this affidavit provide all the information required in this application by the Estate Administration Rules and have been prepared by me or by my lawyer on my behalf.

**Notices**

6. The following notices are required: *(Choose all that apply)*
- Form 14 - Notice to Beneficiaries (Residuary)
  - Form 16 - Notice to Beneficiaries (Non residuary)
  - Form 18 - Notice to Spouse of deceased for rights or claims under the *Family Law Act*
  - Form 19 - Notice to Dependant for rights or claims under the *Dependants Relief Act*
  - Form 22 - Notice to Public Trustee of Application for Grant
  - Form 27 - Notice to Beneficiaries (Intestacy)

*(Include the following, if applicable. Delete if not applicable.)*

7. The attorney for the personal representative(s) will not make a distribution to a trustee of any property that is subject to a trust under the will until after a Form 30 - Acknowledgment of Trustees signed by the trustee(s) has been filed.
8. The attorney for the personal representative(s) will faithfully administer the estate of the deceased according to law and will give a true accounting of the attorney's administration to the persons entitled to it when lawfully required.

SWORN BEFORE ME at

	)	
<i>(Community)</i>	)	
	)	
in the Northwest Territories, on this _____ day of	)	<i>(Signature of Applicant)</i>
_____ , 20 ____ .	)	

*(Signature of Commissioner for Oaths)*

A Commissioner for Oaths

*(Commissioner's stamp or printed name)*

My Commission expires \_\_\_\_\_ .

*Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.*

*If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.*

ACKNOWLEDGEMENT OF TRUSTEES

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

ACKNOWLEDGEMENT OF TRUSTEE(S)

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

Name of Beneficiary	Age	Address	Paragraph Number of Will

- OR -

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

Name of Beneficiary	Age	Address	Paragraph Number of Will

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



Trustee

\_\_\_\_\_

(Signature)

\_\_\_\_\_

(Date)

*Note : This document requires a Form 68 - Affidavit of Execution.*

APPLICATION FOR GRANT OF DOUBLE PROBATE

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

APPLICATION FOR GRANT OF DOUBLE PROBATE

- 1. This is an application for a grant of double probate.
- 2. The following applies in respect of a bond: *(Choose one of the following)*
  - Not required
  - Obtained
  - Request to dispense
- 3. The following notices are required: *(Choose all that apply)*
  - Form 14 - Notice to Beneficiaries (Residuary)
  - Form 16 - Notice to Beneficiaries (Non residuary)
  - Form 18 - Notice to Spouse of deceased for rights or claims under the *Family Law Act*
  - Form 19 - Notice to Dependant for rights or claims under the *Dependants Relief Act*
  - Form 27 - Notice to Beneficiaries (Intestacy)
- 4. Has a copy of the Application been filed with the Public Trustee? *(Choose one of the following)*
  - Yes
  - No

*(Public Trustee must receive copy of Application if minors or missing persons are involved in the estate. See the Public Trustee Act.)*

Applicant:

\_\_\_\_\_  
*(Applicant's signature)*  
*(Print name below)*

Date: \_\_\_\_\_

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

ORDER

BEFORE THE HONOURABLE \_\_\_\_\_ ) \_\_\_\_\_ in the Northwest Territories,
) (Community)
)
\_\_\_\_\_ ) on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

UPON THE APPLICATION OF \_\_\_\_\_, coming on before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and upon hearing \_\_\_\_\_, counsel for the applicant and \_\_\_\_\_, counsel for \_\_\_\_\_.

THE COURT HAS:

- Reviewed the application, and other documents filed in this application;
Heard representations from the parties or counsel for the parties;
Considered the application;

AND THE COURT ORDERS:

- 1. The grant as applied for is issued.

ENTERED on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ . \_\_\_\_\_ Clerk

AFFIDAVIT IN SUPPORT OF APPLICATION FOR GRANT OF DOUBLE PROBATE

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR GRANT OF DOUBLE PROBATE

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

Applicant(s)

- 1. The applicant is one of the personal representative(s) named in the deceased's last will.
2. The other personal representative(s) named in the will previously applied for and were granted a grant of probate issued by this Court on \_\_\_\_\_. Power was reserved at that time to allow the other personal representative(s) named in the will to make a subsequent application.

Schedules Attached

- 3. The following forms are part of this affidavit:
[ ] Form 8 - Schedule 1- Deceased
[ ] Form 9 - Schedule 2 - Will (do not tick if for grant of administration)
[ ] Form 11 - Schedule 3 - Personal Representative
[ ] Form 12 - Schedule 4 - Beneficiaries
[ ] Form 13 - Schedule 5 - Value of Estate in Northwest Territories
(Mark each document as an exhibit in accordance with rule 17 of these Rules and rules 377 and 378 of the Supreme Court Rules)

Documents Attached

- 4. The following documents were part of the affidavit of \_\_\_\_\_, which was previously filed in that application for probate: (Check all that apply)
[ ] Power of attorney from \_\_\_\_\_
[ ] Original will of the deceased
[ ] Form 10 - Affidavit of Witness to Will
(Mark each document as an exhibit in accordance with rule 17 of these Rules and rules 377 and 378 of the Supreme Court Rules)
5. The schedules and documents that are part of the affidavit of \_\_\_\_\_ provide all the information required in this application by the Estate Administration Rules and have been prepared by me or by my lawyer on my behalf.

**Notices**

6. The following notices were served as required and in the manner prescribed by the *Estate Administration Rules* by \_\_\_\_\_ when the previous application was filed. (Check all that apply)
- Form 14 - Notice to Beneficiaries (Residuary)
  - Form 16 - Notice to Beneficiaries (Non residuary)
  - Form 18 - Notice to Spouse of deceased for rights or claims under the *Family Law Act*
  - Form 19 - Notice to Dependant for rights or claims under the *Dependants Relief Act*
  - Form 22 - Notice to Public Trustee of Application for Grant
  - Form 27 - Notice to Beneficiaries (Intestacy)

(Include the following, if applicable. Delete if not applicable.)

7. The personal representative(s) will not make a distribution to a trustee of any property that is subject to a trust under the will until after a Form 30 - Acknowledgement of Trustees signed by the trustee(s) has been filed.
8. The personal representative(s) will faithfully administer the estate of the deceased according to law and will give a true accounting of the attorney's administration to the persons entitled to it when lawfully required.
9. This application for double probate is now made because: \_\_\_\_\_
10. The grant issued to \_\_\_\_\_ is now surrendered to this Court.

- OR -

The grant issued to \_\_\_\_\_ is not surrendered to this Court because:  
\_\_\_\_\_  
\_\_\_\_\_

**SWORN BEFORE ME at**

\_\_\_\_\_ )  
 (Community) )  
 \_\_\_\_\_ )  
 in the Northwest Territories, on this \_\_\_\_\_ day of \_\_\_\_\_ ) \_\_\_\_\_  
 \_\_\_\_\_, 20 \_\_\_\_ . ) (Signature of Applicant)

\_\_\_\_\_  
(Signature of Commissioner for Oaths)

**A Commissioner for Oaths**

\_\_\_\_\_  
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_ .

Note: This affidavit must be sworn, sworn or made before a person authorized under section 67 of the Evidence Act and must comply with the requirements of that Act.

APPLICATION FOR GRANT TO RESEAL PROBATE, RESEAL ADMINISTRATION OR FOR ANCILLARY GRANT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

APPLICATION FOR GRANT TO RESEAL PROBATE, RESEAL ADMINISTRATION OR FOR ANCILLARY GRANT

- 1. This is an application for a grant of: (Choose one of the following)
[ ] Resealed probate
[ ] Resealed administration
[ ] Ancillary grant
2. Original jurisdiction: \_\_\_\_\_
3. The following applies in respect of a bond: (Choose one of the following)
[ ] Not required
[ ] Obtained
[ ] Request to dispense
4. The following notices are required: (Choose all that apply)
[ ] Form 14 - Notice to Beneficiaries (Residuary)
[ ] Form 16 - Notice to Beneficiaries (Non-residuary)
[ ] Form 18 - Notice to Spouse of deceased for rights or claims under the Family Law Act
[ ] Form 19 - Notice to Dependant for rights or claims under the Dependants Relief Act
[ ] Form 27 - Notice to Beneficiaries (Intestacy)
5. Has a copy of the Application been filed with the Public Trustee? (Choose one of the following)
[ ] Yes
[ ] No

(Public Trustee must receive copy of Application if minors or missing persons are involved in the estate. See the Public Trustee Act)

Applicant:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print name)

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

ORDER

BEFORE THE HONOURABLE \_\_\_\_\_ ) \_\_\_\_\_ in the Northwest Territories,
) (Community)
)
\_\_\_\_\_ ) on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

UPON THE APPLICATION OF \_\_\_\_\_, coming on before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and upon hearing \_\_\_\_\_, counsel for the applicant and \_\_\_\_\_, counsel for \_\_\_\_\_.

THE COURT HAS:

- Reviewed the application, and other documents filed in this application;
Heard representations from the parties or counsel for the parties;
Considered the application;

AND THE COURT ORDERS:

- 1. The grant as applied for is issued.

ENTERED on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ . \_\_\_\_\_ Clerk

AFFIDAVIT IN SUPPORT OF APPLICATION FOR GRANT TO RESEAL PROBATE, RESEAL ADMINISTRATION OR FOR ANCILLARY GRANT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR GRANT TO RESEAL PROBATE, RESEAL ADMINISTRATION OR FOR ANCILLARY GRANT

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

Applicant(s)

- 1. The applicants are entitled to apply for a grant because the applicants are: (Choose one of the following)
[ ] the personal representative(s) named in the deceased's last will
[ ] the person(s) with priority to apply for a grant of administration
[ ] the Public Trustee
[ ] the executor has renounced his or her right to probate (other person with equal or prior right to apply must be cleared off)

Schedules Attached

- 2. The following forms are part of this affidavit: (Choose all that apply)
[ ] Form 8 - Schedule 1- Deceased
[ ] Form 9 - Schedule 2 - Will (do not tick if for grant of administration; add another Form 9 Schedule 2 - Will if a codicil)
[ ] Form 11 - Schedule 3 - Personal Representatives
[ ] Form 12 - Schedule 4 - Beneficiaries
[ ] Form 13 - Schedule 5 - Value of Estate in Northwest Territories
(Mark each document as an exhibit in accordance with rule 17 of these Rules and rule 377 and 378 of the Supreme Court Rules)

Documents Attached

- 3. The following documents are attached to this affidavit: (Check all that apply)
[ ] Certified copy of probate/administration issued by the \_\_\_\_\_ of \_\_\_\_\_
[ ] Certificate of the \_\_\_\_\_ of \_\_\_\_\_ that grant is unrevoked and fully effective
[ ] Form 17 - Affidavit to Dispense with Bond
[ ] Other \_\_\_\_\_
(Mark each document as an exhibit in accordance with rule 17 of these Rules and rule 377 and 378 of the Supreme Court Rules)

4. The schedules and documents that are part of this affidavit provide all the information required in this application by the Estate Administration Rules and have been prepared by me or by my lawyer on my behalf.

Notices





AFFIDAVIT OF HANDWRITING OF DECEASED

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT OF HANDWRITING OF DECEASED

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

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

Choose one of the following versions of paragraph 3 as appropriate if the will is not wholly in the deceased's handwriting.

- 3. I believe the whole of the will including the signature is in the deceased's handwriting.

- OR -

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

SWORN BEFORE ME at

\_\_\_\_\_ )
(Community) )
in the Northwest Territories, on this \_\_\_\_\_ day of \_\_\_\_\_ )
\_\_\_\_\_, 20 \_\_\_\_ . ) (Signature of Applicant)

(Signature of Commissioner for Oaths)

My Commission expires \_\_\_\_\_.

Note: If this affidavit is being used for codicil, attach the affidavit and explain if it is a first codicil, second codicil, etc.

If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.

If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.

RESEALING OF GRANT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

RESEALING OF GRANT

The \_\_\_\_\_ attached to this certificate has been resealed by the Supreme Court of the Northwest Territories on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
(Describe grant)

Sealed by the Supreme Court of the Northwest Territories on \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, pursuant to the fiat of M \_\_\_\_\_ Justice \_\_\_\_\_.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_. \_\_\_\_\_  
Clerk

AFFIDAVIT OF VERIFICATION FOR TRANSLATED WILL

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT OF VERIFICATION FOR TRANSLATED WILL

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT: (Occupation)

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

SWORN BEFORE ME at

\_\_\_\_\_ )
(Community) )
in the Northwest Territories, on this \_\_\_\_\_ day of \_\_\_\_\_ ) \_\_\_\_\_ (Signature of Applicant)
\_\_\_\_\_, 20 \_\_\_\_ . )

\_\_\_\_\_
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_ .

Note: If this affidavit is being used for codicil, make the appropriate alterations in the text of the affidavit and alter the exhibit to show whether it is a first codicil, second codicil, etc.

If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.

If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.

MEMORANDUM FROM PUBLIC TRUSTEE

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

MEMORANDUM FROM THE PUBLIC TRUSTEE

From: The Office of the Public Trustee

To: The Supreme Court of the Northwest Territories and the personal representative

1. The Public Trustee

- does not intend to be represented on this application.
- intends to be represented on this application.

2. The Public Trustee confirms the following:

- Any property to which a minor is entitled from the estate must be delivered to the Public Trustee.
- Clause \_\_\_\_\_ of the will appoints \_\_\_\_\_ as trustee of money or property to which the minor(s) \_\_\_\_\_ is (are) entitled under the will. The will does not appoint the Public Trustee to monitor on behalf of the minor(s). Accordingly, the Public Trustee will not monitor the trustee on behalf of the minor(s) unless the Court directs the Public Trustee to monitor under section 23 of the *Public Trustee Act*.
- Clause \_\_\_\_\_ of the will appoints \_\_\_\_\_ as trustee of money or property to which the minor(s) \_\_\_\_\_ is (are) entitled under the will and clause \_\_\_\_\_ appoints the Public Trustee to monitor on behalf of the minor(s). Accordingly, the Public Trustee will monitor the trustee on behalf of the minor(s).
- The Public Trustee reserves the right to apply, under section 3 of the *Public Trustee Act* or any other enactment, on behalf of \_\_\_\_\_.

\_\_\_\_\_ ENTERED on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .  
Public Trustee

CONSENT TO WAIVE BOND

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

CONSENT TO WAIVE BOND

Choose one of the following versions of paragraphs 1 and 2:

- 1. The deceased, \_\_\_\_\_, died testate.
- 2. \_\_\_\_\_, who resides outside the Northwest Territories, is appointed personal representative in the deceased's will and is applying for a grant of probate.

- OR -

- 1. The deceased, \_\_\_\_\_, died intestate.
- 2. \_\_\_\_\_, who resides outside the Northwest Territories, is applying for a grant of administration.
- 3. I have an interest in the administration of the deceased's estate because I am \_\_\_\_\_.
- 4. I understand that a bond is required because the applicant(s) reside outside the Northwest Territories. Nevertheless, I consent to an order of the court dispensing with any bond so required.

Applicant

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Note : This document requires a Form 68 - Affidavit of Execution.

RESERVATION OF RIGHT TO APPLY FOR GRANT OF PROBATE

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

RESERVATION OF RIGHT TO APPLY FOR GRANT OF PROBATE

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

*(Name(s) of other personal representative(s))*

Personal Representative

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Note : This document requires a Form 68 - Affidavit of Execution.

NOTICE TO CREDITORS AND CLAIMANTS

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

NOTICE TO CREDITORS AND CLAIMANTS

DETAILS

- 1. Estate of \_\_\_\_\_ who died on \_\_\_\_\_.
- 2. If you have a claim against this estate, you must file and provide details of your claim by:

\_\_\_\_\_ (Date to be completed by newspaper - must be 30 days from date of last publication of notice)

with \_\_\_\_\_ (Name of person with whom claim must be filed - may be personal representative(s) or lawyer)

at \_\_\_\_\_ (Complete address where claim must be filed)

\_\_\_\_\_

- 3. If you do not file by the date above, the estate property can lawfully be distributed without regard to any claim you may have.
- 4. You may contact: \_\_\_\_\_  
at: \_\_\_\_\_

Phone: \_\_\_\_\_, for any further information you may need.

Personal Representative

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

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Modify this notice as appropriate if the deceased died partially testate and partially intestate.



STATUTORY DECLARATION BY CREDITORS AND CLAIMANTS

STATUTORY DECLARATION BY CREDITORS AND CLAIMANTS

I, \_\_\_\_\_, of the \_\_\_\_\_, in the Northwest Territories, do solemnly declare the following:

- 1. I make this claim as a \_\_\_\_\_;
2. The amount claimed against the estate is \$ \_\_\_\_\_;
3. This claim is based on:
(a) \_\_\_\_\_;
(b) \_\_\_\_\_.

Include items 4 to 7 only if the declarant is a creditor.

- 4. The creditor holds the following security for this debt:
(a) \_\_\_\_\_;
(b) \_\_\_\_\_;
5. The security is owned by \_\_\_\_\_;
6. I value the security at \$ \_\_\_\_\_;
7. The deceased is \_\_\_\_\_ liable for this claim;

and I make this solemn declaration conscientiously it to be the true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at

\_\_\_\_\_ )
(Community) )
\_\_\_\_\_ )
in the Northwest Territories, on this \_\_\_\_\_ day of \_\_\_\_\_ ) (Signature of Applicant)
\_\_\_\_\_, 20 \_\_\_\_ .

\_\_\_\_\_
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_ .

Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.

If this affidavit is sworn outside the Northwest Territories, it must sworn before a notary public or other person authorized under section 67 of the Evidence Act.

GENERAL APPLICATION

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

GENERAL APPLICATION

TAKE NOTICE that an application will be made to the presiding judge in Chambers at \_\_\_\_\_ in \_\_\_\_\_, Northwest Territories, on \_\_\_\_ day, \_\_\_\_\_, (Address or name of building) (Community) 20 \_\_\_\_\_, at \_\_\_\_\_ a.m. (or p.m). or so soon after that time as counsel may be heard on behalf of \_\_\_\_\_ for an order that \_\_\_\_\_ (state the relief sought, the rule or enactment relied on and the grounds for the relief)

AND FURTHER TAKE NOTICE that in support of this application will be read \_\_\_\_\_ (set out all affidavits and materials to be used)

DATED at \_\_\_\_\_, Northwest Territories, on \_\_\_\_\_, 20 \_\_\_\_\_. (Community)

(Signature of solicitor or party)

TO: (Insert name and address of person to be served)

PARTIES

Names and relationships to estate.

- Applicant(s)
Respondent(s)
Beneficiaries (residuary)
Life tenants
Beneficiaries (non residuary)
Beneficiaries (intestacy)
Trustees for represented adults
Attorney(s) for incompetent adults
Minors
Missing persons
Unpaid claimants
Bonding companies

**Issues to be determined or nature of claims**

1. The issue or nature of claims to be determined is \_\_\_\_\_ .

(You may choose from the following or state the nature of your application:

- (a) for advice and direction;
- (b) to interpret a will;
- (c) to discharge a caveat;
- (d) to determine beneficial entitlement;
- (e) to approve sale of property;
- (f) to restrain dealings;
- (g) to proceed on bond;
- (h) to decide a contested claim;
- (i) for maintenance and support;
- (j) with regard to matrimonial property;
- (k) with regard to minors' property;
- (l) to discharge trustees;
- (m) to appoint trustees;
- (n) to fix trustees' compensation;
- (o) to vary a trust.)

**Grounds for request and relief sought**

2. \_\_\_\_\_ .

**Documents filed with this application**

3. The following documents are filed with this application:

- (a) Form 44 - Affidavit in Support of General Application;
- (b) \_\_\_\_\_ .

**Applicable provisions of the *Estate Administration Rules***

4. The following provisions are relied upon:

- (a) \_\_\_\_\_ .

**Applicable statutes**

5. The following provisions are relied upon:

- (a) \_\_\_\_\_ .

6. You may contact: \_\_\_\_\_

at: \_\_\_\_\_

Phone: \_\_\_\_\_ , for any further information you may need.

Please read the enclosed documents carefully so that you may understand what this application is about.

Applicant(s) or Lawyer(s) for the Applicant(s)

\_\_\_\_\_  
(Applicant's signature)  
(Print name below)

\_\_\_\_\_  
(Date)

AFFIDAVIT IN SUPPORT OF GENERAL APPLICATION

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT IN SUPPORT OF GENERAL APPLICATION

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

- 1. I am the \_\_\_\_\_ in this application.
(Applicant or respondent)
2. I am interested in the estate because: \_\_\_\_\_ .
3. The facts on which this application is \_\_\_\_\_ are as follows:
(Based or opposed)

(Complete the rest of the affidavit with the facts required to establish the remedy sought. This paragraph may become as long as necessary)

- (a) \_\_\_\_\_ ;
(b) \_\_\_\_\_ .

(If any documents are attached as exhibits, label each with a letter starting from "B" and indicate them in the text of your affidavit (e.g. "Exhibit B ..."))

SWORN BEFORE ME at

\_\_\_\_\_ )
(Community) )
in the Northwest Territories, on this \_\_\_\_\_ day of \_\_\_\_\_ )
\_\_\_\_\_, 20 \_\_\_\_ . ) (Signature of Applicant)

\_\_\_\_\_
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_ .

Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.

If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.

CERTIFICATE OF VALID GRANT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

CERTIFICATE OF VALID GRANT

1. The personal representative(s) are:

(a) \_\_\_\_\_ ;

(b) \_\_\_\_\_ .

2. The following type of grant was issued: \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

3. The date of death was \_\_\_\_\_ .

I certify that the grant described in this certificate is valid and unrevoked.

\_\_\_\_\_  
(Clerk) Date: \_\_\_\_\_

CAVEAT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

CAVEAT

To: Clerk

Let nothing be done in this estate without notice to the Caveators or to the lawyer for the Caveators.

Caveator(s)

1. The Caveator(s):

\_\_\_\_\_  
(Name(s))

\_\_\_\_\_  
(Address(es))

\_\_\_\_\_  
(Occupation(s))

2. The Caveator(s) are interested in this estate and are entitled to file a caveat because they are \_\_\_\_\_.

Grounds for filing this Caveat

3. The grounds on which the Caveator(s) have filed this Caveat are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(This paragraph contains the crucial information that will determine the validity and effectiveness of the caveat. Make it as comprehensive as possible.)

Complete address for service

4. The address for service on the Caveator(s) is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Caveator (or lawyer for Caveator):

\_\_\_\_\_ Date: \_\_\_\_\_  
(Name)

AFFIDAVIT OF CAVEATOR

CANADA )  
NORTHWEST TERRITORIES )  
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:  
(Occupation)

- 1. The statements in this Caveat are within my knowledge and are true.
- 2. This Caveat is not filed for the purpose of delaying or embarrassing any person interested in the deceased's estate.

SWORN BEFORE ME at

\_\_\_\_\_)  
(Community) )  
)  
in the Northwest Territories, on this \_\_\_\_ day ) \_\_\_\_\_  
of \_\_\_\_\_, 20 \_\_\_\_ . ) (Signature of Applicant)

\_\_\_\_\_  
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_  
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_.

Note: This affidavit must be sworn, sworn or made before a person authorized under section 67 of the Evidence Act, and must comply with the requirements of that Act.

The information in this box is completed by the Clerk at the time the document is filed and before it is served.

THIS CAVEAT EXPIRES ON \_\_\_\_\_

\_\_\_\_\_) Date: \_\_\_\_\_  
(Clerk)

WARNING TO CAVEATOR

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

WARNING TO CAVEATOR

To: \_\_\_\_\_
(Name(s) of caveator(s))
\_\_\_\_\_  
(Address(es))
\_\_\_\_\_  
\_\_\_\_\_

You filed a caveat which requires that notice must be given to you of any application that might be made in this estate.

The following applications have been made:

- (a) grant of \_\_\_\_\_;
(b) \_\_\_\_\_.

BE WARNED

If you want to contest this application, you must file a notice of objection to an informal grant on the enclosed Form 48 - Notice of Objection.

You must state that:

- (a) you object to this application; and
(b) the nature of your objection.

THERE IS A DEADLINE FOR FILING YOUR NOTICE OF OBJECTION

If you do not file your notice of objection by the deadline, the court will:

- (a) deal with the application for an informal grant without any further notice to you; and
(b) assume that you consent to the application.

Your notice of objection must be filed with the Clerk within 10 days of the date this warning is served on you.

Personal Representative

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

Address: \_\_\_\_\_
\_\_\_\_\_  
\_\_\_\_\_



**Lawyer for Personal Representative**

Responsible Lawyer: \_\_\_\_\_

Date: \_\_\_\_\_

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

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

\_\_\_\_\_

Fax Number: \_\_\_\_\_

\_\_\_\_\_

File Number: \_\_\_\_\_

NOTICE OF OBJECTION

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in  
the Northwest Territories, deceased.

NOTICE OF OBJECTION

Fill in your name and the other information:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Relationship to deceased)

\_\_\_\_\_  
(Interest in estate)

1. I object to any application by \_\_\_\_\_ that \_\_\_\_\_.  
(Choose one of the following:)

- a will of the deceased dated \_\_\_\_\_ be informally admitted to probate;
- a grant of administration be informally issued.

2. I request an interim order that \_\_\_\_\_.  
(You may choose any of the following or describe the order sought:)

- no informal probate of the will be issued and the will must be formally proved;
- the informal probate of the will dated \_\_\_\_\_ already issued be set aside and the will must be formally proved;
- \_\_\_\_\_ are restrained from exercising any powers of office;
- the court appoints \_\_\_\_\_ as the personal representative(s) pending litigation;
- \_\_\_\_\_ establish their right to priority to apply for grant.

3. In the proceedings, I will seek a final order that:

\_\_\_\_\_  
(You may choose any of the following or describe the order sought:)

- the will dated \_\_\_\_\_ is invalid and a previous will dated \_\_\_\_\_ is formally proved;
- the will dated \_\_\_\_\_ is invalid and the deceased died intestate;
- \_\_\_\_\_ are appointed personal representative(s) and not \_\_\_\_\_, the personal representatives named in the will;
- death has not been proved;
- \_\_\_\_\_ has not complied with the priority to apply for a grant.

4. My reason for this request is: \_\_\_\_\_

(You may choose any of the following or give the reason:)

- the will lacks lawful execution;
- the deceased lacked testamentary capacity to execute will;
- the deceased was unduly influenced or under duress;
- the will was obtained by fraud;
- the will has been revoked;
- the original will is lost or destroyed;
- death has not been proved;
- \_\_\_\_\_ has not complied with the priority provisions of *Estate Administration Rule* \_\_\_\_\_.

5. My complete address for service of any documents in this matter is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. This notice of objection is sent to: (List name(s) and complete address(es) of all persons interested in the estate who must receive notice of the objection.)

\_\_\_\_\_  
\_\_\_\_\_

Objector

\_\_\_\_\_  
(Name) Date: \_\_\_\_\_

APPLICATION FOR FORMAL PROOF OF WILL

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

APPLICATION FOR FORMAL PROOF OF WILL

1. The personal representative(s) named in a will of the deceased dated \_\_\_\_\_ are: (Name(s) of personal representative(s):) \_\_\_\_\_

2. The personal representative(s) request that the Court (a) formally admits this will to probate as the valid last will of the deceased; and (b) issues a grant of probate of this will to the personal representatives named in the will.

3. The personal representative(s) make this request because the validity of the will is in issue.

4. The validity of the will has been attacked on the ground that:

- (You may choose from the following or show the reason given: (a) the will is not the last will; (b) the will lacks lawful execution; (c) the deceased lacked testamentary capacity to execute the will; (d) the deceased was unduly influenced or under duress; (e) the will was obtained by fraud; (f) the will has been revoked; (g) the original will is lost or destroyed; (h) death has not been proved.)

Notices required

5. The following notices are required:

Delete irrelevant notices from or add relevant notices to this list, as appropriate; renumber sub-paragraphs. Paragraphs 5.1, 5.2, and 5.7 are always required.

- (a) to all the beneficiaries of the estate in this will; (b) to all the beneficiaries of the estate in previous wills; (c) to the spouse and other dependants of the deceased, as defined in the Family Law Act and Dependant's Relief Act; (d) to the adult children of the deceased; (e) to the Public Trustee; (f) to the beneficiaries (intestacy); (g) to the personal representative(s) named in previous wills.

6. Notices are sent to:

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*(List name(s) and address(es) of all persons interested in the estate.)*

**Personal Representative**

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

Address: \_\_\_\_\_

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**Lawyer for Personal Representative**

Responsible Lawyer: \_\_\_\_\_ Date: \_\_\_\_\_

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

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

\_\_\_\_\_ Fax Number: \_\_\_\_\_

\_\_\_\_\_ File Number: \_\_\_\_\_

AFFIDAVIT IN SUPPORT OF APPLICATION FOR FORMAL PROOF OF WILL

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR FORMAL PROOF OF WILL

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

Applicant(s)

- 1. The applicant(s) as shown in the Application are the personal representatives named in a will of the deceased dated \_\_\_\_\_.

Formal proof of will proceedings

- 2. It is alleged that the will dated \_\_\_\_\_ is invalid because:
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Schedules Attached

- 3. The following forms are part of this affidavit:
[ ] Form 8 - Schedule 1 - Deceased;
[ ] Form 9 - Schedule 2 - Will;
[ ] Form 11 - Schedule 3 - Personal representative(s);
[ ] Form 12 - Schedule 4 - Beneficiaries;
[ ] Form 13 - Schedule 5 - Inventory;
[ ] Form 24 - Notice of void gift;
[ ] Form 52 - Schedule 2.1 - Previous wills.

Delete Form 52 if inapplicable.
Mark each document as an exhibit in accordance with rule 17 of these Rules and rule 377 and 378 of the Supreme Court Rules.

**Documents Attached**

- 4. The following documents are part of this affidavit: *(Add any further relevant documents to this list.)*
  - Original will(s) of the deceased dated \_\_\_\_\_ ;
  - Form 10 - Affidavit of witness to Will;
  - \_\_\_\_\_ .

**Notices**

- 5. The applicant(s) have served the following notices as required:
  - Delete irrelevant documents from or add relevant documents to paragraph 5.*
  - Form 14 - Notice to Beneficiaries (Residuary);
  - Form 16 - Notice to Beneficiaries (Non residuary);
  - Form 18 - Notice to Spouse of deceased for rights or claims under the *Family Law Act*;
  - Form 19 - Notice to Dependant for rights or claims under the *Dependants Relief Act*;
  - Form 27 - Notice to Beneficiaries (Intestacy).
- 6. The applicant(s) believe that while the deceased was alive, the deceased kept the will dated \_\_\_\_\_ in \_\_\_\_\_ where it was found at the date of death.
- 7. After the deceased's death, the applicant(s) obtained the will from \_\_\_\_\_ and kept it in their or their lawyer's possession until filed with the Court.
- 8. If this will is formally admitted to probate, the applicant(s) will faithfully administer the estate of the deceased according to law and will give a true accounting of their administration to the persons entitled to it when lawfully required.

SWORN BEFORE ME at

\_\_\_\_\_ )  
 (Community) )  
 )  
 in the Northwest Territories, on this \_\_\_\_ day ) \_\_\_\_\_ )  
 of \_\_\_\_\_, 20 \_\_\_\_ . ) (Signature of Applicant)

\_\_\_\_\_  
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_  
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_ .

*Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.*

*If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.*

NOTICE OF HEARING

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

NOTICE OF HEARING

TAKE NOTICE that an application will be made to the presiding judge in Chambers at \_\_\_\_\_ in \_\_\_\_\_, Northwest Territories, on \_\_\_\_ day, \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_ a.m. (or p.m). or so soon after that time as counsel may be heard on behalf of \_\_\_\_\_ for an order that \_\_\_\_\_ (state the relief sought, the rule or enactment relied on and the grounds for the relief)

AND FURTHER TAKE NOTICE that in support of this application will be read \_\_\_\_\_

(set out all affidavits and materials to be used)

DATED at \_\_\_\_\_, Northwest Territories, on \_\_\_\_\_, 20 \_\_\_\_ (Community)

(Signature of solicitor or party)

TO: (Insert name and address of person to be served) Ensure a draft Form 4 - Order is attached.

PARTIES

Names and relationships to estate.

- Applicant(s)
Respondent(s)
Beneficiaries (residuary)
Life tenants
Beneficiaries (non residuary)
Beneficiaries (intestacy)
Trustees for represented adults
Attorney(s) for incompetent adults
Minors
Missing persons
Unpaid claimants
Bonding companies



**DETAILS**

1. The personal representatives named in the deceased's will, dated \_\_\_\_\_, have applied for formal proof of that will. This is necessary because the validity of the will has been attacked on the grounds that \_\_\_\_\_.
2. If the court finds this will to be valid, then the Court will admit the will to probate and the will's provisions will govern the disposition of the estate property that is dealt with in the will.
3. If the court finds this will to be invalid, then the court will consider
  - (a) whether any previous wills of the deceased are valid and govern the disposition of the estate property, or
  - (b) whether the deceased died intestate, that is, without a will - and in that case, the *Intestate Succession Act* will govern how the estate property is apportioned.
4. You are a person interested in the estate as defined in the *Estate Administration Rules* because you are \_\_\_\_\_.
5. Enclosed with this notice is a copy of the application for formal proof of the will of the deceased. This includes copies of the will(s) and a schedule of the inventory of the estate property.
6. The Court process to be followed is in accordance with *Estate Administration Rules*, rules 78 and 79.
7. You may contact: \_\_\_\_\_  
at: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_, for any further information you may need.

Please read the enclosed documents carefully so that you may understand what this application is about.

Applicant(s) or Lawyer(s) for the Applicant(s)

\_\_\_\_\_  
(Applicant's signature)  
(Print name below)

Date: \_\_\_\_\_

SCHEDULE 2.1 - PREVIOUS WILLS

THIS IS EXHIBIT " \_\_\_\_\_ " referred to in the affidavit of

Sworn before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(Signature of Commissioner for Oaths)

A Commissioner for Oaths

(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

SCHEDULE 2.1 - PREVIOUS WILLS

The personal representatives have knowledge about the following wills of the deceased:

For each will, provide the following information:

Will dated: \_\_\_\_\_

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

Location of will at date of death: \_\_\_\_\_

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

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

The original will is attached to this Schedule.

(Information on the deceased's will is already included on Form 9 - Schedule 2 - Deceased's Will. Form 52 - Schedule 2.1 - Previous Wills is only needed if there are previous wills in existence that are relevant to the application. If so, use this form to give details of any previous wills still in existence. There may be one or more previous wills. Change the schedule accordingly.)

NOTICE OF CONTESTATION

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

NOTICE OF CONTESTATION

To: \_\_\_\_\_ (Name)

Complete address of claimant: \_\_\_\_\_

- 1. You have made a claim against the estate of \_\_\_\_\_ for: (a) \_\_\_\_\_ (Description of claim) (b) \$ \_\_\_\_\_ (Amount of claim)

- 2. The personal representative(s) of the estate contest your claim against the estate: \_\_\_\_\_ (Choose either "in whole" or "in part":) \_\_\_\_\_ and will not pay it unless ordered to by the Court.

- 3. You may apply to the Court for a decision on your claim by filing a Form 54 - Notice of Claim with Affidavit in accordance with rule 91 of the Estate Administration Rules.

- 4. You must do this within 60 days after you receive this notice. If you fail to act, your claim may be barred forever.

Personal Representative

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

Address: \_\_\_\_\_

\_\_\_\_\_

Lawyer for Personal Representative

Responsible Lawyer: \_\_\_\_\_ Date: \_\_\_\_\_

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

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

\_\_\_\_\_ Fax Number: \_\_\_\_\_

\_\_\_\_\_ File Number: \_\_\_\_\_

NOTICE OF CLAIM WITH AFFIDAVIT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

NOTICE OF CLAIM WITH AFFIDAVIT

TAKE NOTICE that an application will be made to the presiding judge in Chambers at \_\_\_\_\_ in \_\_\_\_\_, Northwest Territories, on \_\_\_\_ day, \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_ a.m. (or p.m). or so soon after that time as counsel may be heard on behalf of \_\_\_\_\_ for an order that \_\_\_\_\_ (state the relief sought, the rule or enactment relied on and the grounds for the relief)

AND FURTHER TAKE NOTICE that in support of this application will be read \_\_\_\_\_ (set out all affidavits and materials to be used)

DATED at \_\_\_\_\_, Northwest Territories, on \_\_\_\_\_, 20 \_\_\_\_ (Community)

\_\_\_\_\_  
(Signature of solicitor or party)

TO: (Insert name and address of person to be served) Ensure a draft Form 4 - Order is attached.

PARTIES

(Names and relationships to estate.)

- Applicant(s)
Respondent(s)
Beneficiaries (residuary)
Life tenants
Beneficiaries (non residuary)
Beneficiaries (intestacy)
Trustees for represented adults
Attorney(s) for incompetent adults
Minors
Missing persons
Unpaid claimants
Bonding companies

**DETAILS**

**Claimant(s)**

1. The name(s) and address(es) of the claimant(s) are:

\_\_\_\_\_

**Amount of claim(s)**

2. \$ \_\_\_\_\_  
(Nature of claim(s))

3. \_\_\_\_\_

**Grounds upon which claim(s) are based**

4. \_\_\_\_\_  
(Relief sought)

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

**Documents filed with this application**

6. The following documents are filed in support of this application: *Affidavit must always be included (it follows on the next page of this form). Add in any other relevant documents or complete paragraph (b).*

(a) affidavit of the claimant(s);

(b) \_\_\_\_\_.

**Applicable Estate Administration Rules**

7. The following rules apply: *(List Estate Administration Rule numbers on which you rely)*

\_\_\_\_\_

**Applicable statutes**

8. The following statutes are relied upon: *List statutes on which you rely or state "none".*

(a) \_\_\_\_\_;

(b) \_\_\_\_\_.

Claimant

\_\_\_\_\_ Date: \_\_\_\_\_  
(Name)

**AFFIDAVIT**

CANADA )  
NORTHWEST TERRITORIES )  
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:  
(Occupation)

**Applicant(s)**

- 1. The applicant(s) are the claimant(s) of the estate.

**Respondent(s)**

- 2. The respondents are the personal representative(s) of the estate.

**Facts on Which the Application is Based**

- 3. \_\_\_\_\_.

SWORN BEFORE ME at

\_\_\_\_\_  
(Community)  
in the Northwest Territories, on this \_\_\_\_ day  
of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_  
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_.

*Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.*

*If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act).*

RELEASE

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

RELEASE

- 1. I am a person who is beneficially interested or guardian or trustee of a beneficiary interested in the residue of the estate.
- 2. I have received from the personal representative(s) of the estate financial statements covering the period \_\_\_\_\_ to \_\_\_\_\_.
- 3. I approve the financial statements including the schedule of distribution and the schedule of compensation for the personal representative(s).
- 4. I understand that I will receive my share or the beneficiary will receive his or her share of the estate property as shown on the schedule of distribution, once the personal representative(s) have received releases from all the necessary beneficiaries.
- 5. If all the necessary beneficiaries do not sign a release, I understand that the personal representative(s) will apply for a court order approving the financial statements or dispensing with the need to pass accounts formally. The personal representative(s) will then distribute the estate property according to the order.
- 6. Until the financial statements have been approved by all concerned or by the Court, my release will be held in trust.
- 7. In signing this release, I release and discharge the personal representative(s), their heirs, successors, personal representatives and assigns from any further claims by me against the estate and its property and against the personal representative(s) for their management and distribution of the estate to the date of this release.
- 8. This is \_\_\_\_\_  
(Choose either a final or an interim)  
release.

Beneficiary, Guardian or Trustee (state one)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Note: This document requires a Form 68 - Affidavit of Execution

APPLICATION TO PASS ACCOUNTS INFORMALLY

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

APPLICATION TO PASS ACCOUNTS INFORMALLY

TAKE NOTICE that an application will be made to the presiding judge in Chambers at \_\_\_\_\_ in \_\_\_\_\_, Northwest Territories, on \_\_\_\_ day, \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_ a.m. (or p.m). or so soon after that time as counsel may be heard on behalf of \_\_\_\_\_ for an order that \_\_\_\_\_ (state the relief sought, the rule or enactment relied on and the grounds for the relief)

AND FURTHER TAKE NOTICE that in support of this application will be read \_\_\_\_\_

(set out all affidavits and materials to be used)

DATED at \_\_\_\_\_, Northwest Territories, on \_\_\_\_\_, 20 \_\_\_\_ (Community)

(Signature of solicitor or party)

TO: (Insert name and address of person to be served) Ensure a draft Form 4 - Order is attached.

PARTIES

(Names and relationships to estate.)

- Applicant(s)
Respondent(s)
Beneficiaries (residuary)
Life tenants
Beneficiaries (non residuary)
Beneficiaries (intestacy)
Trustees for represented adults
Attorney(s) for incompetent adults
Minors
Missing persons
Unpaid claimants
Bonding companies



**APPLICATION**

1. The applicant(s) request an order

*This following list is a guide only to possible requests; you must tailor your application according to circumstances of your case:*

- (a) *deeming service of all documents on all parties sufficient;*
- (b) *dispensing with a formal passing of accounts for the period \_\_\_\_\_ to \_\_\_\_\_;*
- (c) *determining that the personal representative(s) have fully and satisfactorily accounted to a date to be stated in the order;*
- (d) *setting the fair and reasonable compensation for the personal representative(s) for the accounting period;*
- (e) *directing distribution of the estate;*
- (f) *discharging the personal representative(s);*
- (g) *allowing and directing payment of costs (including disbursements and Goods and Services Tax) of this application to be paid from the residue of the estate;*
- (h) *cancelling the bond;*
- (i) *providing for any other matters which might be required.*

2. Filed with this application are the following:

- (a) Form 57 - Affidavit In Support of Application to Pass Accounts Formally;
- (b) Financial statements;
- (c) Form 55 - Signed releases.

**Cost Proposal**

*Modify as appropriate.*

- 3. (1) Personal representative(s) costs to be paid from the residue of the estate on a lawyer/client basis.
- (2) Respondent(s) costs to be paid as ordered by the Court.

Applicant(s) or Lawyer(s) for the Applicant(s)

\_\_\_\_\_  
(Applicant's signature)  
(Print name below)

\_\_\_\_\_  
(Date)

Please read the enclosed documents carefully so that you can understand what the application is about.

**DETAILS**

- 1. The personal representatives named in the deceased's will, dated \_\_\_\_\_, have applied to \_\_\_\_\_.
- 2. If you consent to or do not oppose the application, you may
  - (a) tick the last box on the notice of objection, then sign and return the notice of objection to the trustee(s);
  - (b) do nothing further; or
  - (c) attend at the hearing and indicate your position to the Court.
- 3. If you oppose any part of the application, you must
  - (a) complete and file the enclosed notice of objection with the court described above five days or more before the hearing, that is by \_\_\_\_\_; and  
*(Fill in date which is the last date for filing the notice to objection.  
Count five days earlier than the hearing date.)*
  - (b) serve a filed copy of the notice of objection on the applicant(s) (their address for service is on the backer); and
  - (c) come to the hearing and tell the judge what part of the accounting you object to and why.

4. If you oppose any part of this application but you do not file and serve your notice of objection
  - (a) you will not be allowed to take part in the proceedings unless the judge specifically agrees to let you;  
and
  - (b) the hearing will still take place even if you are not allowed to take part in the proceedings; and you will be bound by the judge's order.
  
5. In any event, the judge will make an order and a copy of the order will be sent to you later.

Please read the enclosed documents carefully so that you may understand what this application is about.

AFFIDAVIT IN SUPPORT OF APPLICATION TO PASS ACCOUNTS INFORMALLY

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT IN SUPPORT OF APPLICATION TO PASS ACCOUNTS INFORMALLY

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

Applicant(s)

- 1. The applicant(s) is/are the personal representative(s) of the estate.

Respondents

- 2. The respondents are all the persons interested in the estate as defined in the Estate Administration Rules who have not signed releases.

Releases

- 3. The following persons who are residuary beneficiaries of the estate have signed releases indicating their approval of the financial statements, the schedule of compensation for the personal representative(s) and the schedule of distribution:

Release # 1: \_\_\_\_\_ (Name)

Release # 2: \_\_\_\_\_ (Name)

- 4. The other respondent residuary beneficiaries who have all received releases but have not signed them or communicated with the applicant(s) about the financial statements, the schedule of compensation for the personal representative(s) and the schedule of distribution, are
(a) the applicant(s) do not know what position these respondents take.

-OR-
the position of respondent \_\_\_\_\_ is attached or is as follows:

(i) \_\_\_\_\_.

Service of documents

- 5. Copies of the financial statements, the schedule of compensation for the personal representative(s) and the schedule of distribution have been mailed to all the persons interested in the estate either at their last known addresses or in care of their lawyers of record.

6. The respondents will be served in the manner prescribed in the *Estate Administration Rules* with the following:
- (a) Form 56 - Application to Pass Accounts Informally, including any Form 51 - Notice of Hearing issued;
  - (b) Form 57 - Affidavit in Support of Application to Pass Accounts Informally;
  - (c) Form 58 - Notice of Objection or Consent.

**Financial statements**

7. The financial statements
- (a) are an accurate statement of the administration of the estate;
  - (b) show all the property and debts of the deceased that the personal representative(s) have been able to ascertain;
  - (c) show all the property received and debts and claims paid by the personal representative(s);
  - (d) are for the period \_\_\_\_\_ to \_\_\_\_\_;
  - (e) are \_\_\_\_\_ accounting.  
*(Choose either a final or an interim)*

**Claimants**

8. Claimants and amounts not yet paid are
- (a) \_\_\_\_\_.

**Advertising for creditors and claimants**

9. Advertising for creditors and claimants was carried out as follows
- (a) \_\_\_\_\_.

**Distribution**

10. No distribution of the deceased's property has been made except as is reflected in the financial statements.
11. Once the court approves the financial statements, the personal representative(s) undertake to distribute the estate property as set out in the schedule of distribution.

**Compensation**

12. Compensation for the personal representative(s) is based on:
- (a) \_\_\_\_\_.

**Reasons for application**

13. The applicant(s) are applying for this order because:
- \_\_\_\_\_.

**Special matters**

14. \_\_\_\_\_.

SWORN BEFORE ME at

\_\_\_\_\_ )  
(Community) )

in the Northwest Territories, on this \_\_\_\_\_ day )  
of \_\_\_\_\_, 20\_\_\_\_. )

\_\_\_\_\_ )  
(Signature of Applicant)

\_\_\_\_\_ )  
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_ )  
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_.

*Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.*

*If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.*

NOTICE OF OBJECTION OR CONSENT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

Name of Respondent Beneficiary \_\_\_\_\_

NOTICE OF OBJECTION OR CONSENT

To: \_\_\_\_\_  
(Name of applicant)

I object to the following parts of the Application:

Tick the boxes against items if you object; otherwise leave the boxes blank. Describe the item you object to and give your reasons.

Financial statements

[ ] Item numbers

Description \_\_\_\_\_  
\_\_\_\_\_

Reason(s) for objection \_\_\_\_\_  
\_\_\_\_\_

[ ] Distribution schedule

Description \_\_\_\_\_  
\_\_\_\_\_

Reason(s) for objection \_\_\_\_\_  
\_\_\_\_\_

[ ] Compensation schedule

Description

\_\_\_\_\_

\_\_\_\_\_

Reason(s) for objection

\_\_\_\_\_

\_\_\_\_\_

[ ] Manner of administration

Description

\_\_\_\_\_

\_\_\_\_\_

Reason(s) for objection

\_\_\_\_\_

\_\_\_\_\_

Otherwise I consent to this Application.

[ ] No objection

I have no objections to the financial statements for the period \_\_\_\_\_ to \_\_\_\_\_.

Respondent

\_\_\_\_\_ Date: \_\_\_\_\_  
(Name)

APPLICATION TO PASS ACCOUNTS FORMALLY

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

APPLICATION TO PASS ACCOUNTS FORMALLY

TAKE NOTICE that an application will be made to the presiding judge in Chambers at \_\_\_\_\_ in \_\_\_\_\_, Northwest Territories, on \_\_\_\_ day, \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_ a.m. (or p.m). or so soon after that time as counsel may be heard on behalf of \_\_\_\_\_ for an order that \_\_\_\_\_ (state the relief sought, the rule or enactment relied on and the grounds for the relief)

AND FURTHER TAKE NOTICE that in support of this application will be read \_\_\_\_\_

(set out all affidavits and materials to be used)

DATED at \_\_\_\_\_, Northwest Territories, on \_\_\_\_\_, 20 \_\_\_\_ (Community)

(Signature of solicitor or party)

TO: (Insert name and address of person to be served) Ensure a draft Form 4 - Order is attached.

PARTIES

Names and relationships to estate.

- Applicant(s)
Respondent(s)
Beneficiaries (residuary)
Life tenants
Beneficiaries (non residuary)
Beneficiaries (intestacy)
Trustees for represented adults
Attorney(s) for incompetent adults
Minors
Missing persons
Unpaid claimants
Bonding companies



APPLICATION

1. The applicant(s) request an order \_\_\_\_\_ .

(This list is a guide only to possible requests; you must tailor your application according to the circumstances of your case.

- (a) deeming service of all documents on all parties sufficient;
(b) determining that the personal representative(s) have fully and satisfactorily accounted to a date to be stated in the order;
(c) passing the accounts;
(d) setting the fair and reasonable compensation for the personal representative(s) for the accounting period;
(e) directing distribution of the estate;
(f) cancelling the bond;
(g) discharging the personal representative(s);
(h) allowing and directing payment of costs (including disbursements and G.S.T.) of this application to be paid from the estate;
(i) providing for any other matters that might be required.)

2. Filed with this application are the following:

- (a) Form 60 - Affidavit in Support of Application to Pass Accounts Formally;
(b) Financial statements.

Costs Proposal

3. Costs of the personal representative(s) to be paid by \_\_\_\_\_ .

Indicate who the party is to pay the costs. It can be the estate or another party as appropriate.

Applicant(s) or Lawyer(s) for the Applicant(s)

\_\_\_\_\_  
(Applicant's signature)  
(Print name below)

\_\_\_\_\_  
(Date)

DETAILS

- 1. If you consent to or do not oppose the application, you may:
(a) tick the last box on the notice of objection. Sign and return the notice of objection to the trustee(s);
(b) do nothing further; or
(c) attend at the hearing and indicate your position to the Court.
2. If you oppose any part of the application, you must:
(a) complete and file the enclosed notice of objection with the court described above five days or more before the hearing, that is by \_\_\_\_\_ ; and
(Fill in date which is the last date for filing the notice to objection.
Count five days earlier than the hearing date)
(b) serve a filed copy of the notice of objection on the applicant(s). Their address for service is on this application; and
(c) come to the hearing and tell the judge what part of the accounting you object to and why.
3. If you oppose any part of this application but you do not file and serve your notice of objection:
(a) you will not be allowed to take part in the proceedings unless the judge specifically agrees to let you; and
(b) the hearing will still take place even if you are not allowed to take part in the proceedings; and you will be bound by the judge's order.
4. In any event, the judge will make an order and a copy of the order will be sent to you later.

Please read the enclosed documents carefully so that you may understand what this application is about.

AFFIDAVIT IN SUPPORT OF APPLICATION TO PASS ACCOUNTS FORMALLY

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT IN SUPPORT OF APPLICATION TO PASS ACCOUNTS FORMALLY

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT: (Occupation)

Applicant(s)

- 1. The applicant(s) is/are the personal representative(s) of the estate.

Releases

- 2. The following persons are residuary beneficiaries of the estate and have signed releases indicating their approval of the financial statements, the schedule of compensation for the personal representative(s) and the schedule of distribution:

Release # 1: \_\_\_\_\_ (Name)

Release # 2: \_\_\_\_\_ (Name)

- 3. The other respondent residuary beneficiaries, who have all received releases but have not signed them nor communicated with the applicant(s) about the financial statements, the schedule of compensation for the personal representative(s) and the schedule of distribution, are \_\_\_\_\_.

(Choose one of the following:)

- [ ] The applicant(s) do not know what position these respondents take.
[ ] The position of respondent \_\_\_\_\_ is attached or is as follows:

Four horizontal lines for providing details of respondent positions.

Service of documents

- 4. Copies of the financial statements, the schedule of compensation for the personal representative(s) and the schedule of distribution have been given or mailed to all the persons interested in the estate under the Estate Administration Rules either at their last known addresses or in care of their lawyers of record.

5. All persons interested in the estate under the *Estate Administration Rules* will be served in the manner prescribed in the Rules with
- (a) Form 59 - Application to Pass Accounts formally, including any Form 51 - Notice of Hearing issued;
  - (b) Form 60 - Affidavit in Support of Application to Pass Accounts Formally; and
  - (c) Form 58 - Notice of Objection or Consent.

**Financial statements**

6. The financial statements
- (a) are an accurate statement of the administration of the estate;
  - (b) show all the property and debts of the deceased that the personal representative(s) have been able to ascertain;
  - (c) show all the property received and debts and claims paid by the personal representative(s);
  - (d) are for the period \_\_\_\_\_ to \_\_\_\_\_;
  - (e) are \_\_\_\_\_ accounting.
- (Choose either final or an interim)*

**Claimants**

7. Claimants and amounts not yet paid are:
- (a) \_\_\_\_\_.
- (Names and amounts or show None)*

**Advertising for creditors and claimants**

8. Choose one of the following:
- The personal representative(s) did not advertise creditors and claimants.
  - The personal representative(s) advertised for creditors and claimants in \_\_\_\_\_ newspaper on \_\_\_\_\_ and \_\_\_\_\_.
- The \_\_\_\_\_ newspaper circulates in the district where the deceased lived, or carried business or where most of the deceased’s property is located.

**Distribution**

9. No distribution of the deceased’s property has been made except as is reflected in the financial statements.
10. Once the Court approves the financial statements, the personal representative(s) undertake to distribute the estate property as set out in the schedule of distribution.

**Special matters**

11. \_\_\_\_\_.
- (Refer to any matters needing special mention, explanation or direction or show None)*

**Compensation**

12. Compensation for the personal representative(s) is based on: \_\_\_\_\_.
13. *(Choose either of the following:)*
- The personal representative(s) have not pre-taken compensation.
  - The personal representative(s) have pre-taken the following compensation:

SWORN BEFORE ME at

\_\_\_\_\_ )  
(Community) )  
in the Northwest Territories, on this \_\_\_\_\_ day )  
of \_\_\_\_\_, 20 \_\_\_\_ . )

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_  
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_ .

*Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.*

*If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.*

APPLICATION TO REQUIRE ACCOUNTS PASS FORMALLY

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

APPLICATION TO REQUIRE ACCOUNTS PASS FORMALLY

1. The applicant(s) request an order as follows:

Modify as appropriate.

- [ ] requiring the personal representative(s) to pass accounts formally for the period \_\_\_\_\_ to \_\_\_\_\_ in accordance with the Estate Administration Rules;
[ ] deeming service of documents on all parties sufficient.

2. Filed with this application is:

- (a) Form 62 - Affidavit in Support of Application to Require Accounts Pass Formally.

3. The applicant(s) rely on the following provisions of the Estate Administration Rules:

- (a) \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Costs Proposal

4. (1) Costs of the applicant(s) to be paid by \_\_\_\_\_.

Indicate the party who is to pay the costs. It can be the estate or another party as appropriate.

Applicant

\_\_\_\_\_(Applicant's signature) Date: \_\_\_\_\_
(Print name below)

Address for Service

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

AFFIDAVIT IN SUPPORT OF APPLICATION TO REQUIRE ACCOUNTS PASS FORMALLY

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT IN SUPPORT OF APPLICATION TO REQUIRE ACCOUNTS PASS FORMALLY

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

Applicant(s)

- 1. I am/We are persons interested because: (State reasons)
2. I am/We are \_\_\_\_\_ (State why you are interested in estate)

Service of documents

- 3. All persons interested in the estate under the Estate Administration Rules will be served with:
(a) Form 61 - Application to Require Accounts Pass Formally, including any Form 51 - Notice of Hearing;
(b) Form 62 - Affidavit in Support of Application to Require Accounts Pass Formally.

Grounds for application

- 4. I/We request that accounts for the period \_\_\_\_\_ to \_\_\_\_\_ be passed formally because:
(Provide as much detail as possible)

SWORN BEFORE ME at

\_\_\_\_\_ )  
(Community) )

in the Northwest Territories, on this \_\_\_\_\_ day )  
of \_\_\_\_\_, 20\_\_\_\_. )

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_  
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_.

(Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.

If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act).

REPLY TO APPLICATION TO REQUIRE ACCOUNTS PASS FORMALLY

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

REPLY TO APPLICATION TO REQUIRE ACCOUNTS PASS FORMALLY

1. This reply is in answer to the application by \_\_\_\_\_ that accounts be passed formally. (Name)

(Choose one of the following versions of paragraph 2.)

2. The personal representative(s) consent to the application and will apply for a formal passing of accounts for the period \_\_\_\_\_ to \_\_\_\_\_ in accordance with the Estate Administration Rules.

- OR -

2. (1) The personal representative(s) object to the application and they will not apply for a formal passing of accounts.

(2) Filed with this reply is:

- (a) Form 64 - Affidavit of in Support of Objection to Application to Require Accounts Pass Formally; and (b) \_\_\_\_\_.

Costs proposal

3. The costs of the personal representative(s) to be paid by \_\_\_\_\_.

Indicate the party who is to pay the costs. It can be the estate or another party as appropriate.

Personal Representative

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

Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



AFFIDAVIT IN SUPPORT OF OBJECTION TO APPLICATION TO REQUIRE ACCOUNTS PASS FORMALLY

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT IN SUPPORT OF OBJECTION TO APPLICATION TO REQUIRE ACCOUNTS PASS FORMALLY

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

Applicant(s)

1. I am/We are the personal representative(s) of the estate:

Reasons for objecting to making a formal accounting

2. I/We object to the application that accounts be passed formally because:

\_\_\_\_\_  
(Provide as much detail as possible)  
\_\_\_\_\_

SWORN BEFORE ME at

\_\_\_\_\_)
(Community) )
in the Northwest Territories, on this \_\_\_\_\_ day of \_\_\_\_\_ )
\_\_\_\_\_, 20 \_\_\_\_\_. ) (Signature of Applicant)

\_\_\_\_\_  
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_  
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_.

Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act. If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.

ORDER RESPECTING TERMS OF ACCOUNTANT'S ENGAGEMENT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

ORDER RESPECTING TERMS OF ACCOUNTANT'S ENGAGEMENT

BEFORE THE HONOURABLE \_\_\_\_\_ ) \_\_\_\_\_ in the Northwest Territories,
) (Community)
)
) on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

UPON THE APPLICATION OF \_\_\_\_\_, coming on before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and upon hearing \_\_\_\_\_, counsel for the applicant and \_\_\_\_\_, counsel for \_\_\_\_\_.

UPON THE APPLICATION of \_\_\_\_\_, counsel on behalf of \_\_\_\_\_;

UPON hearing \_\_\_\_\_, counsel on behalf of \_\_\_\_\_;

AND UPON having read \_\_\_\_\_, all filed;
(set out all material used in support of application)

- 1. IT IS ORDERED that the accounting firm \_\_\_\_\_ is engaged to provide the following services with regard to the financial statements for the estate of \_\_\_\_\_ for the period \_\_\_\_\_ to \_\_\_\_\_:
a. [ ] to perform a compilation engagement of the financial statements.
b. [ ] to perform a review engagement of
[ ] the financial statements
[ ] the financial statements with a disclosure of the review engagement procedures applied in arriving at the overall negative assurance opinion, with regard to specific items \_\_\_\_\_ in the financial statements
c. [ ] to carry out
[ ] an audit of the financial statements
[ ] specified auditing procedures with regard to items \_\_\_\_\_ in the financial statements or financial information.
2. IT IS ORDERED that all accounting documentation must be made available to the accounting firm.
3. IT IS ORDERED that the accounting firm's fee and necessary disbursements are payable by \_\_\_\_\_.
4. IT IS ORDERED that the accounting firm will report its results to the Supreme Court and the persons interested in the estate by \_\_\_\_\_.

5. IT IS ORDERED that when the accounting firm has completed its review as directed, it will report the results, including all exceptions, irregularities, and other pertinent comments, to the Supreme Court and the persons interested in the estate by \_\_\_\_\_.

6. IT IS ORDERED that, in particular, the accounting firm is directed to review/audit items numbered \_\_\_\_\_ from the estate financial statements and

(a) \_\_\_\_\_.

The accounting firm of \_\_\_\_\_ accepts the terms of this engagement.

Accounting firm

Accountant: \_\_\_\_\_ Date: \_\_\_\_\_

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

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

\_\_\_\_\_ Fax Number: \_\_\_\_\_

\_\_\_\_\_ File Number: \_\_\_\_\_

*FIAT:*

This set of terms of engagement is ordered.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
Clerk

ACCOUNTANT'S REVIEW ENGAGEMENT REPORT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

ACCOUNTANT'S REVIEW ENGAGEMENT REPORT

To the Supreme Court of the Northwest Territories:

1. This report is prepared solely for submission to the Supreme Court of the Northwest Territories, the personal representative(s), and the persons interested in the estate as identified by the Court.
2. I have reviewed the financial statements for the estate of \_\_\_\_\_ for the period \_\_\_\_\_ to \_\_\_\_\_, as ordered by the Supreme Court of the Northwest Territories on \_\_\_\_\_.
3. These financial statements were prepared by the personal representative(s) and provided to the court and to me.
4. My responsibility was to express an opinion on the plausibility of the financial statements based on my review. This review was made in accordance with generally accepted standards for review engagements and accordingly consisted primarily of enquiry, analytical procedures and discussion related to information supplied to me by the personal representative(s).
5. A review does not constitute an audit and consequently I do not express an audit opinion on these financial statements.
6. Based on my review, nothing has come to my attention that causes me to believe that these financial statements are not, in all material respects, in accordance with generally accepted accounting principles.
7. \_\_\_\_\_

Accounting firm: \_\_\_\_\_

Accountant: \_\_\_\_\_

Date: \_\_\_\_\_

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

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

\_\_\_\_\_

Fax Number: \_\_\_\_\_

\_\_\_\_\_

File Number: \_\_\_\_\_

ACCOUNTANT'S AUDIT ENGAGEMENT REPORT

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

ACCOUNTANT'S AUDIT ENGAGEMENT REPORT

To the Supreme Court of the Northwest Territories:

- 1. This report is prepared solely for submission to the Supreme Court of the Northwest Territories, the personal representative(s), and the persons interested in the estate as identified by the Court.
- 2. I have received the financial statements for the estate of \_\_\_\_\_ for the period \_\_\_\_\_ to \_\_\_\_\_, as ordered by the Supreme Court of the Northwest Territories on \_\_\_\_\_.
- 3. These financial statements were prepared by the personal representative(s) and provided to the Court and to me.
- 4. The Court directed me to conduct specified auditing procedures on items numbered \_\_\_\_\_ in the financial statements. My responsibility was to report on the results of applying these procedures, including any errors I found.
- 5. I adopted the following procedures for the review:  
\_\_\_\_\_
- 6. I report as follows:  
\_\_\_\_\_
- 7. These procedures do not constitute an audit and consequently I do not express an audit opinion on these financial statements.

Accounting firm: \_\_\_\_\_

Accountant: \_\_\_\_\_

Date: \_\_\_\_\_

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

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

\_\_\_\_\_

Fax Number: \_\_\_\_\_

\_\_\_\_\_

File Number: \_\_\_\_\_

AFFIDAVIT OF EXECUTION

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the Northwest Territories, deceased.

AFFIDAVIT OF EXECUTION

CANADA )
NORTHWEST TERRITORIES )
TO WIT: )

I, \_\_\_\_\_, of \_\_\_\_\_, Northwest Territories, \_\_\_\_\_, MAKE OATH AND SAY THAT:
(Occupation)

1. On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I was present and saw the document marked as Exhibit "A" to this my affidavit, executed by \_\_\_\_\_
(Name and community of residence)

2. \_\_\_\_\_ executed the document in the presence of myself and
(Name)
\_\_\_\_\_. We were both present at the same time, and signed the
(Name of other witness and community of residence)

document in the presence of \_\_\_\_\_ as attesting witness.
(Name for whom executed)

SWORN BEFORE ME at

\_\_\_\_\_ )
(Community) )
in the Northwest Territories, on this \_\_\_\_\_ day of \_\_\_\_\_ )
\_\_\_\_\_, 20\_\_\_\_. )
(Signature of Deponent)

\_\_\_\_\_
(Signature of Commissioner for Oaths)

A Commissioner for Oaths

\_\_\_\_\_
(Commissioner's stamp or printed name)

My Commission expires \_\_\_\_\_.

Note: If this affidavit is sworn within the Northwest Territories, it must be sworn before a commissioner for taking oaths within the Northwest Territories or other person authorized under section 65 of the Evidence Act.

If this affidavit is sworn outside the Northwest Territories, it must be sworn before a notary public or other person authorized under section 67 of the Evidence Act.