

The Surrogate Reform Committee, the Surrogate Rules Advisory Committee (SRAC) and Justice Digital have been hard at work in our efforts to modernize and streamline the process of applying for Surrogate Court grants.

With the assistance of the Law Society, we circulated information about the digital application process and a first draft of the Application for a Grant of Probate in September and asked for feedback and input from the profession.

We thank all of those of you who responded. The overall response was very positive and the variety of comments reflect the breadth of issues and concerns that we face in Surrogate practice. Not surprisingly, some of you expressed entirely contradictory views, leading to lively debates for the committees.

### **The Role of the Court**

The following comments reflect the views of the Surrogate Reform Committee.

The key theme that has come of the discussions is that we need to be clear about what the role of the Court is, and what it is not, in reviewing Grant applications.

The Court **should** ensure that all interested persons are identified and that they are served. To ensure that is the case, the list of beneficiaries and persons who may potentially have an interest has been moved from the GA 2 Notice to the GA 1 Application, and the applicant is asked to identify whether or not there are any persons falling in each category of interested persons (such as specific beneficiaries or FMS claimants). If there are people in a particular category, then information as to names and addresses will be required. If there are no people in a particular category, then on the digital version, no further questions will appear, and on the paper version, it is proposed that the applicant will be able to delete the remaining questions dealing with that category of interested persons. The applicant is also required to identify any interested persons for whom capacity is in issue.

The Court will review the Will and the GA 1 to ensure that all interested persons named in the Will are identified in the GA 1.

At the time of the Grant Application, the Court **should not** ask the applicant for a theoretical distribution plan so the Court Clerks will not review the Inventory. The Court does not supervise the administration of the estate, unless asked by one of the parties to do so, so the Inventory is not necessary for the Court to fulfil its function in reviewing the Grant Application. The Court does want to ensure that the Inventory has been prepared and served on the residuary beneficiaries and potential claimants, as they are the persons who are entitled to that information. Therefore the new rules will require that the

Inventory be served, and it will be filed as an exhibit to the proof of service. The Court **will not** review the contents of the Inventory, and that is clearly stated on the form.

### **Property owned jointly by the deceased with an adult child**

Many of you asked that property jointly owned by the deceased and adult children should be identified on the Inventory as this is a frequent issue. Given the decision in *Pecore* we agree that there is a presumption of resulting trust, but the Applicant may not have access to full information about jointly owned property which might support or rebut the presumption. The proposed compromise is to require the Applicant to disclose the information to the best of the Applicant's knowledge and belief at the time of the Application, and the proposed form of the new Grant would authorize a personal representative to obtain information about joint assets or beneficiary designations other than joint ownership or beneficiary designations in favour of a spouse or adult interdependent partner.

### **Service**

One of the tremendous improvements of the digital process is that it will allow the Court to serve the beneficiaries and interested persons with notice of the Application via email, and to know whether the email has been received. Once the link in the email is clicked by the beneficiary or interested person, service will have occurred. Law firms will be able to check the status of service on-line through a secure Court webpage which only the applicant law firm will be able to access. If the email from the Court to the beneficiary or interested party is not clicked after a specified period of time, then we will serve via recorded mail or acknowledgment as we currently do.

A digital notice form is being developed for the digital applications, and for paper applications, we will have a new form, and will continue to serve by registered mail, as is currently the practice.

### **New Additions**

In our current Surrogate Forms, there are a number of quasi 'stand alone' forms that may or may not form part of the Grant Application, such as the Application to Dispense with a Bond for a non-resident personal representative. With the advent of the digital platform, we have the opportunity to consolidate many of those sorts of forms into the main GA 1. The section dealing with each particular issue will start with a question as to whether that section is applicable or not. If the answer is no, then no further information is collected. On the paper version, the balance of that section can be deleted. If the answer is yes, then the required information is set out, and the 'stand alone' form is no longer necessary.

We have also revised many of the forms which currently must be signed in the presence of a witness who then attends before a Commissioner to swear an NC 11 Affidavit of Witness. The forms themselves

have been revised so that the form itself is an affidavit or declaration to be signed before a Commissioner, thus reducing one step.

### **Your Continued Input**

The current version of the Application documents is available ([click here](#)). We welcome your thoughts and comments about this new version. Please forward your comments via email to [surrogatereform@sagecounsel.com](mailto:surrogatereform@sagecounsel.com). Thank you in advance.

Lois MacLean, Q.C.

(on behalf of the Surrogate Reform Committee -- The Hon. Mr. Justice Jones, The Hon. Mr. Justice Little, David Koski, Shelley Waite, Malkit Atwal, Shelly Chamaschuk, Victoria Jones and Rob Anderson)

**Table of concordance with the new proposed GA forms with the current NC forms**

<b>Proposed GA Form</b>	<b>Replaces current NC Form(s)</b>
GA 1 grant application	NCs 1, 2, 3, 4, 5, 6, 25, 28, 29, 30, 31, 32, 33,
GA 2 inventory	NC 7
GA 3 notice	NCs 19, 20, 20.1, 21, 22, 23, 24,
GA 4 notice to Public Trustee	NC 24.1
GA 5 affidavit of service	NC 27
GA 6 grant	NCs 36, 37, 38, 39, 40, 41, 42, 42.1
GA 7 notice the grant has issued	NEW FORM
GA 8 affidavit of witness to will	NC 8
GA 9 affidavit of handwriting of deceased	NC 9
GA 10 affidavit verifying translation of non-English will	NC 10
GA 11 renunciation of personal representative priority	NCs 12, 14, 15
GA 12 reservation of right to apply for grant	NC 13
GA 13 nomination and consent to appointment of personal representative	NC 16
GA 14 affidavit to dispense with a bond, approve other security or reduce amount of security	NCs 17
GA 15 consent to waive bond or other security	NC 18

Table of concordance as of 18 December 2020

GA 16 notice to creditors and claimants	NC 34
GA 17 statutory declaration of publication	NC 34.1
GA 18 statutory declaration by creditors and claimants	NC 35
GA 19 renunciation of trusteeship	NC 12.1
GA 20 report of clerk to justice	NC 26
GA 21 affidavit of fiduciary	NC 6.1 + NEW FORM
GA 22 certificate of valid grant	NC 49
GA 23 affidavit of witness to signature	NC 11
GA 24 application for an order appointing a trustee of a minor's property	NC 43
GA 25 affidavit on application for an order appointing a trustee of a minor's property	NC 44
GA 26 minor's consent to appointment of trustee(s)	NC 45
GA 27 notice to parent or guardian of application to appoint a trustee of a minor's property	NC 46
GA 28 notice to Public Trustee of application to appoint a trustee of a minor's property	NC 46.1
GA 29 response of parent or guardian to application to appoint a trustee of a minor's property	NC 46.2
GA 30 order appointing a trustee of a minor's property	NC 48

Table of concordance as of 18 December 2020

## SURROGATE RULES, AR 130/95

The following chart lists sections of the *Surrogate Rules*, AR 130/95 as they are currently enacted and indicates how they will need to change in order to accommodate the proposed new grant application forms put forward by the Surrogate Forms Committee. In addition, a new Rule or Rules will be required to authorize the Court to deal with applications for a grant made on the digital service established by the Minister of Justice in consultation with the Chief Justice of the Court of Queen’s Bench.

<b>Rule #</b>	<b>Current Wording</b>	<b>Reason for change</b>	<b>Additional Comments</b>
1(g)	“form” means a form in Schedule 3;	“form” will also mean the electronic forms	
6(1)	An application for a grant must be filed at the judicial centre that is closest by road to the location where the deceased resided on the date of death unless the court permits otherwise.	If applications are being submitted electronically to a central repository, the closest judicial centre by road is no longer relevant	Clerk will assign the judicial centre
6(2)	If the deceased resided outside Alberta immediately before dying, an application for a grant may be filed at the judicial centre that is closest by road to a location in Alberta where the deceased had property on the date of death.	If applications are being submitted electronically to a central repository, the closest judicial centre by road is no longer relevant	Clerk will assign the judicial centre
10(4)	A grant may be in any of forms NC 36 to NC 42, as appropriate, or in any other form that is appropriate to the nature of the grant.	Form names have changed	Will now be GA 7
13(1)(a)	13(1) An applicant for a grant of probate or a grant of administration with will annexed (a) must file the following forms: (i) Form NC 1; (ii) Form NC 2; (iii) Form NC 3 Schedule 1; (iv) Form NC 4 Schedule 2; (v) Form NC 8; (vi) Form NC 5 Schedule 3;	Form names have changed  New regime does not contemplate Form GA 2 (Inventory) and GA 3 being filed  Rules 13(1)(a), 13(1)(b), 13(2)(a) and 13(2)(b) can be combined	See table of concordance for form numbers

	<p>(vii) Form NC 6 Schedule 4;  (viii) Form NC 7 Schedule 5;  (ix) Form NC 19;  (x) Form NC 27; (see note below)</p>	<p>Applicant is applying for a grant (type of grant will no longer be specified)</p> <p>Recommend changing surrogate service procedure to bring it in line with civil procedure:  File application first, then serve the filed application on those entitled to service</p>	<p>Suggested new wording: An applicant for at grant</p> <p>(a) must file the following forms:  (i) Form NC 1;  (ii) Form NC 2;  (iii) Form NC 3 Schedule 1;  (iv) Form NC 4 Schedule 2;  (v) Form NC 8;  (vi) Form NC 5 Schedule 3;  (vii) Form NC 6 Schedule 4;  (viii) Form NC 7 Schedule 5;  and  (ix) Form NC 19.</p>
13(1)(b)	<p>13(1) An applicant for a grant of probate or a grant of administration with will annexed</p> <p>(b) if the circumstances require, must file the following forms:  (i) Form NC 20;  (ii) Form NC 17;  (iii) Form NC 22;  (iv) Form NC 23;  (v) Form NC 24;  (vi) Form NC 12;  (vii) Form NC 14;  (viii) Form NC 24.1;  (ix) Form NC 25;  (x) Form NC 20.1.</p>	<p>Rules 13(1)(a), 13(1)(b), 13(2)(a) and 13(2)(b) can be combined</p>	
13(2)(a)	<p>13(2) An applicant for a grant of administration or a limited grant of administration</p> <p>(a) must file the following forms:</p>	<p>Rules 13(1)(a), 13(1)(b), 13(2)(a) and 13(2)(b) can be combined</p>	

	<ul style="list-style-type: none"> <li>(i) Form NC 1;</li> <li>(ii) Form NC 2;</li> <li>(iii) Form NC 3 Schedule 1;</li> <li>(iv) Form NC 5 Schedule 3;</li> <li>(v) Form NC 6 Schedule 4;</li> <li>(vi) Form NC 7 Schedule 5;</li> <li>(vii) repealed AR 132/2000 s3;</li> <li>(viii) Form NC 27;</li> </ul>		
13(2)(b)	<p>13(2) An applicant for a grant of administration or a limited grant of administration</p> <p>(b) if the circumstances require, must file the following forms:</p> <ul style="list-style-type: none"> <li>(i) Form NC 17;</li> <li>(ii) Form NC 22;</li> <li>(iii) Form NC 23;</li> <li>(iv) Form NC 24;</li> <li>(v) Form NC 15;</li> <li>(vi) Form NC 16;</li> <li>(vii) Form NC 24.1;</li> <li>(viii) Form NC 25;</li> <li>(ix) Form NC 21.</li> </ul>	Rules 13(1)(a), 13(1)(b), 13(2)(a) and 13(2)(b) can be combined	
13(3)	<p>An applicant for a grant who is an attorney entitled by law to make the application must file the following forms and any relevant forms referred to in subrule (1) or (2):</p> <ul style="list-style-type: none"> <li>(a) Form NC 28;</li> <li>(b) Form NC 29.</li> </ul>	Form names have changed	These forms are now amalgamated into GA 1
13(4)	<p>An applicant for a grant of double probate must file the following forms and any relevant forms referred to in subrule (1):</p>	Form names have changed	These forms are now amalgamated into GA 1



	(a) Form NC 30; (b) Form NC 31.		
13(5)(a) and (b)	An applicant for an order to re-seal a foreign grant of probate or administration or an ancillary grant must file the following forms and any relevant forms referred to in subrule (1) or (2): (a) Form NC 32 application; (b) Form NC 33 affidavit;	Form names have changed	These forms are now amalgamated into GA 1
13(7)	If a will or a person authorized by a will appoints a person to hold property in trust, an acknowledgment of trustee(s) in Form NC 6.1 signed by the trustee(s) of each trust must be filed.	Form names have changed  It will be the PR's responsibility to obtain a signed GA 6.1 from a trustee prior to dispersing funds to that trustee, but the GA 6.1 is not required to be filed with the grant application	See table of concordance for form numbers
13(8)	If a person referred to in subrule (7) does not wish to or cannot act as trustee in respect of the property, the person must renounce in Form NC 12.1 or by a method approved by the court.	Form names have changed	See table of concordance for form numbers
13(9)	The personal representative must not make a distribution to a trustee of any property that is subject to a trust under a will until after (a) an acknowledgment of trustee(s) in Form NC 6.1 signed by the trustee(s) has been filed, and (b) all persons who, under the will, have a right to trusteeship that is prior or equal to the right of the trustee(s) referred to in clause (a) have renounced their rights to act as trustee in Form NC 12.1 or by a method approved by the court.	Form names have changed  It will be the PR's responsibility to obtain a signed GA 6.1 from a trustee prior to dispersing funds to that trustee, but the GA 6.1 is not required to be filed with the grant application	See table of concordance for form numbers

<p>New Rule (potentially Rule 13.1)</p>	<p>New</p>	<p>A new Rule or Rules will be required to authorize the Court to accept and deal with applications made using the digital service established by the Minister of Justice in consultation with the Chief Justice of the Court of Queen’s Bench. The digital service will require the applicant to submit the same information that would be required on a paper application, but will incorporate differences in how the application is made and served and how the grant will issue. The new Rule or Rules must authorize the Court to deal with applications made on the digital service and to issue grants in respect of them notwithstanding any variance or inconsistency between the requirements of the digital service and anything in the rules. It may provide that to the extent the requirements of the digital service vary or are not consistent with the rules, the requirements will prevail in respect of applications made using the digital service.</p>	<p>The following requirements will be incorporated into the digital service and differ from the rules relating to paper applications:</p> <ul style="list-style-type: none"> <li>• a scanned copy of the will and codicil, if any, must be submitted with the application. The original will and codicil, if any, must be delivered to the Court subsequently;</li> <li>• applicants using the digital service will be required to certify statements identical to those contained in Part 5 of the GA 1 Form, rather than swear or affirm them. Specifically, they will certify that: the information in the application is true to the best of their knowledge and belief; they believe the will and codicils, if any, attached to the application are the last will and codicils made by the testator; they know of no reason why the will and codicils should not be admitted to probate and they will carry out their</li> </ul>
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			<p>duties as personal representative as stated.</p> <ul style="list-style-type: none"> <li>• where email addresses for beneficiaries and others entitled to notice of the application are provided, notices will be generated by the digital service and emailed to them. The platform will record when the recipient of the email has clicked on the link to the notice that is embedded in the email and no affidavit of service will be required to prove service on anyone served in this manner.</li> <li>• When an application is approved, the grant will be issued in digital form.</li> </ul>
16(1)	If possible, the applicant, the person before whom the applicant’s affidavit is sworn and the justice must each mark the will, and any codicil, in such a way that the will is identified for the purposes of the application and of any affidavit respecting the application.	The applicant will no longer be swearing an affidavit.	Consider whether the requirement for the applicant, commissioner, and justice to mark the back of the will/codicil should be continued in the paper process.
16(3)	A witness to a will must prove that the signing formalities were observed by providing an affidavit in Form NC 8 and the original will must be an exhibit to the affidavit.	Form name has changed	Form NC 8 is now Form GA 8
16(4)	If a will is a holograph will, a person other than the applicant, unless otherwise ordered by the court, must	Form name has changed	Form NC 9 is now Form GA 9

	prove the deceased's handwriting by providing an affidavit in Form NC 9.		
16(6)	An affidavit referred to in subrule (5) may be in a form other than Form NC 8 if it is sworn before these Rules come into force.	Form name has changed	From NC 8 is now Form GA 8
16(8)(a)	<p>16(8) The following may be used to mark a will for identification under this rule:</p> <p>(a) respecting Schedule 2 of the application:</p> <p>This is the will referred to in Schedule 2 and is exhibit A to the affidavit of _____, a witness to this will.</p> <p>_____</p> <p>(Applicant's Signature)</p> <p>_____</p> <p>(A Commissioner for Oaths in and for Alberta)</p> <p>_____</p> <p>(Justice of the Court of Queen's Bench of Alberta)</p>	References to Schedules are omitted under the new regime. It will now be section 2 of Form GA 1.	Consider whether the requirement for the applicant, commissioner, and justice to mark the back of the will/codicil should be continued in the paper process.
18	If a will is written in a language other than English, the applicant must give an affidavit in Form NC 10 verifying the will's translation into English.	Form name has changed	Form NC 10 is now Form GA 10
19(a)	<p>If both witnesses to a will are dead or neither witness can give an affidavit for any reason, the applicant may establish proof that the formalities required for a will to be valid were observed by an affidavit</p> <p>(a) in Form NC 9 attesting to the authenticity of the signature of the deceased, or</p>	<p>Form name has changed</p> <p>The applicant will certify that the signature is that of the deceased.</p>	Form NC 9 is now Form GA 9

21	<p>21 If the deceased was under 18 years of age at the time the will was made, the applicant must prove that the deceased at that time</p> <ul style="list-style-type: none"> <li>(a) had a spouse or adult interdependent partner,</li> <li>(b) was a member of <ul style="list-style-type: none"> <li>(i) a regular force as defined in the <i>National Defence Act</i> (Canada), or</li> <li>(ii) another component of the Canadian Forces and was, at the time of making the will, placed on active service under the <i>National Defence Act</i> (Canada),</li> </ul> </li> <li>(c) was authorized to make, alter or revoke a will by an order of the court under section 36 of the <i>Wills and Succession Act</i>, or</li> <li>(d) in respect of a will made before the coming into force of the <i>Wills and Succession Act</i>, was a person described in section 9(1)(c) or (3) of the <i>Wills Act</i>.</li> </ul>	The new forms do not require “proof”, merely a statement as to which exception applies	No change to paper process
23(1)	<p>23 The court may require formal proof of a will under Part 2 or any other proof satisfactory to the court, if</p> <ul style="list-style-type: none"> <li>(a) no witness is available to swear the necessary affidavit,</li> </ul>	Confirmation or certification would be sufficient, unless otherwise ordered by the court	No change to paper process
26(1)(a)	<p>26(1) An applicant must serve notice of any application for a grant</p> <ul style="list-style-type: none"> <li>(a) in Form NC 19, Form NC 20 or Form NC 21 to the persons listed in Form NC 6 as filed,</li> </ul>	Form names have changed	<p>These forms are now amalgamated into GA 2 and GA 4</p> <p>Form NC 6 is now GA 2 and GA 4</p>
26(1)(a.1)	<p>26(1) An applicant must serve notice of any application for a grant</p> <p>...</p> <ul style="list-style-type: none"> <li>(a.1) in Form NC 20.1 to the appropriate persons, if any, and</li> </ul>	Form names have changed	See table of concordance for form numbers
26(1)(b)	<p>26(1) An applicant must serve notice of any application for a grant</p> <p>...</p>	Form names have changed	See table of concordance for form numbers

	(b) in Form NC 22, Form NC 23, Form NC 24 or Form NC 24.1 to the appropriate persons, if any.		
26(1.2)	Where section 12(1)(c) of the <i>Estate Administration Act</i> requires the applicant to serve notice on the Public Trustee, the applicant must serve the Public Trustee with a notice in Form NC 24.1 and any other applicable documents referred to in that form.	Form name has changed	See table of concordance for form numbers
26(3)	A person may be served under this rule by (a) leaving the document with the person, (b) sending the document by recorded mail addressed to the person, or (c) giving the document to a lawyer who is authorized to accept and who, in writing, accepts service on behalf of the person.	Methods of service contemplated to change	Service of online applications will be via portal email or registered mail. Paper applications will require registered mail service
26(4)	If a person is required to be served under this rule, proof of the service must be filed in Form NC 27.	Form name has changed Recommend changing surrogate service procedure to bring it in line with civil procedure: File application first, then serve the filed application on those entitled to service	See table of concordance for form numbers
27	If an applicant knows of a particular beneficiary but does not know the identity or address of the beneficiary, the applicant must file an affidavit in Form NC 25 to that effect with the application.	Form name has changed The applicant would need to confirm or certify rather than filing an affidavit	Form NC 25 is now part of either Form GA 1 or GA 2
29(1)	A non-resident personal representative may apply	Form name has changed	See table of concordance for form numbers

	(a) to dispense with a requirement under rule 28(1) to provide a bond or other security, (b) for approval of security other than a bond, or (c) to reduce the amount of a bond or other security by filing an affidavit in Form NC 17.		
29(2)	An applicant under this rule may file a beneficiary's consent to dispensing with a bond or other security in Form NC 18 in support of the application.	Form name has changed	See table of concordance for form numbers
30	<b>30(1)</b> Any person interested in an estate may apply to the court for an order that a bond or other security be required from a resident personal representative despite rule 28(2) if the personal representative is not named as executor in the will. <b>(2)</b> Any person interested in an estate may apply to the court for an order requiring a non-resident personal representative to provide a bond or other security despite rule 28(2), whether or not an application is made under rule 29.	Bond requirement is now in Form GA 1	
32(1)	If a personal representative named in a will does not wish to or cannot apply for a grant of probate, the personal representative must renounce in Form NC 12 or by a method approved by the court.	Form name has changed	See table of concordance for form numbers
32(2)	Before a grant of administration may be issued to an applicant, all those who rank higher or equal to the applicant under section 13(1)(b) of the <i>Estate Administration Act</i> must renounce their rights to apply for a grant in form NC 14 or NC 15 or by a method approved by the court.	Form names have changed	See table of concordance for form numbers
33(1)	A person entitled to a grant of administration or a grant of administration with will annexed may nominate, in	Form name has changed	See table of concordance for form numbers

	Form NC 16, a person to be the personal representative for the purpose of applying for the grant.		
33(2)	A person expressly authorized in a will to appoint a personal representative may nominate, in Form NC 16, a person to be the personal representative for the purpose of applying for a grant of administration or probate.	Form name has changed	See table of concordance for form numbers
34(1)(a)	34(1) If all the personal representatives named in a will do not apply for a grant of probate at the same time, the personal representatives who do not apply (a) must reserve their right to apply later by filing Form NC 13 at the time the initial grant of probate is applied for, and	Form name has changed	See table of concordance for form numbers
34(1)(b)	34(1) If all the personal representatives named in a will do not apply for a grant of probate at the same time, the personal representatives who do not apply ... (b) may apply by filing Forms NC 30 and NC 31 for a grant of double probate at any time after filing Form NC 13.	Form names have changed	See table of concordance for form numbers
37(4)(b)	37(4) An applicant under subrule (1), (2) or (3) ... (b) must file an affidavit attesting to the details of the original grant and to the death or resignation of the personal representative.	If filed electronically, the applicant would confirm or certify rather than file an affidavit	No change to the paper application. Currently this would be a non-digital application
38(1)(b)	38(1) If a personal representative publishes a notice to claimants, the personal representative ... (b) may use Form NC 34, and	Form name has changed	See table of concordance for form numbers
38(1)(c)	38(1) If a personal representative publishes a notice to claimants, the personal representative ...	Form name has changed	See table of concordance for form numbers



	(c) may file proof of publication in form NC 34.1.		
40	If a personal representative has notice of a claim against the estate, the personal representative may require the claimant to verify the claim using a statutory declaration in Form NC 35.	Form name has changed	See table of concordance for form numbers
41(1)	41(1) If security is held by a claimant wholly or partly to secure a claim against the estate and (a) the claimant does not give a value to the security, or (b) a dispute arises between the claimant and the personal representative regarding the value of the security, the personal representative may, by filing an application in Form C1 and an affidavit in Form C2, apply to the court for an order under this rule.	If filed electronically, the applicant would confirm or certify rather than file an affidavit	Form for Contentious Matters (“C” forms) have not yet been addressed. No change to the paper application. Currently this would be a non-digital application
45(1)(d)	45(1) The clerk must ... (d) send any rejection notice in Form NC 26 to the applicant.	Form name has changed	See table of concordance for form numbers
49	The clerk may issue a certificate in Form NC 49 that a grant or other document is in force.	Form name has changed	See table of concordance for form numbers
50(a)	An application for an order under section 10 of the <i>Minors’ Property Act</i> appointing one or more persons as trustee of a minor’s property may be commenced by filing the following documents with the court: (a) an application in Form NC 43;	Form name has changed  If this would be filed electronically, the applicant would confirm or certify rather than filing an affidavit	No change to the paper application  Currently this would be a non-digital application
50(b)	An application for an order under section 10 of the <i>Minors’</i>	Form name has changed	See table of concordance for form numbers

	<p><i>Property Act</i> appointing one or more persons as trustee of a minor's property may be commenced by filing the following documents with the court:</p> <p>...</p> <p>(b) an affidavit in Form NC 44;</p>	The applicant would need to confirm or certify rather than filing an affidavit	
50(c)	<p>An application for an order under section 10 of the <i>Minors' Property Act</i> appointing one or more persons as trustee of a minor's property may be commenced by filing the following documents with the court:</p> <p>...</p> <p>(c) if the minor is 14 years of age or older, the minor's consent in Form NC 45, unless the court, under section 14(3) of the <i>Minors' Property Act</i>, allows the application to be made without the minor's consent;</p>	Form name has changed	See table of concordance for form numbers
50(d)	<p>An application for an order under section 10 of the <i>Minors' Property Act</i> appointing one or more persons as trustee of a minor's property may be commenced by filing the following documents with the court:</p> <p>...</p> <p>(d) if the minor has a parent or guardian who is not an applicant, an affidavit of service in Form NC 27 regarding</p>	<p>Form name has changed</p> <p>The applicant would need to confirm or certify rather than filing an affidavit</p>	Form NC 27 is now Form GA 5

	<p>service of the documents required to be served under rule 51(1) on the parent or guardian, unless the court, under rule 51(2), dispenses with the requirement to serve the parent or guardian;</p>		
50(e)	<p>50 An application for an order under section 10 of the <i>Minors' Property Act</i> appointing one or more persons as trustee of a minor's property may be commenced by filing the following documents with the court:</p> <p>...</p> <p>(e) an affidavit of service in Form NC 27 regarding service of the documents required to be served under rule 51(3) on the Public Trustee.</p>	<p>Form name has changed</p> <p>The applicant would need to confirm or certify rather than filing an affidavit</p>	<p>Form NC 27 is now Form GA 5</p> <p>No change to the paper application. Currently this would be a non-digital application</p>
51(1)(a)	<p>51(1) An applicant for a trusteeship order must serve each parent or guardian of the minor, other than an applicant, with the following documents:</p> <p>(a) notice to the parent or guardian in Form NC 46</p>	<p>Form name has changed</p>	<p>See table of concordance for form numbers</p>
51(1)(c)	<p>51(1) An applicant for a trusteeship order must serve each parent or guardian of the minor, other than an applicant, with the following documents:</p> <p>...</p> <p>(b) a draft order in Form NC 48 that is clearly marked as a draft.</p>	<p>Form name has changed</p>	<p>See table of concordance for form numbers</p>
51(3)(a)	<p>51(3) An applicant for a trusteeship order must serve the following documents on the Public Trustee:</p> <p>(a) a notice to the Public Trustee in Form NC 46.1;</p>	<p>Form name has changed</p>	<p>See table of concordance for form numbers</p>
51(3)(c)	<p>51(3) An applicant for a trusteeship order must serve the following documents on the Public Trustee:</p> <p>...</p>	<p>Form name has changed</p>	<p>See table of concordance for form numbers</p>

	(c) a draft order in Form NC 48 that is clearly marked as a draft.		
51(5)	A parent or guardian required to be served under this rule may respond by filing a notice in Form NC 46.2 stating whether the parent or guardian	Form name has changed	See table of concordance for form numbers
51(8)	Where this rule requires service of a document on the Public Trustee, the document must be served by recorded mail addressed to the Public Trustee.	Will service on OPT via portal be possible?	No change to paper process
51(9)	(9) Where this rule requires service of a document on any person other than the Public Trustee, the document may be served by (a) leaving the document with the person, (b) sending the document by recorded mail addressed to the person, or (c) giving the document to a lawyer who is authorized to accept and who, in writing, accepts service on behalf of the person.	Will service on OPT via portal be possible?	No change to paper process
53	An applicant may apply to dispense with the requirement for a bond or other security by filing an affidavit respecting the matters referred to in rule 52(4).	The applicant would need to confirm or certify rather than filing an affidavit	No change to paper application
60(1)	60(1) Service may be made on a person (a) personally or by recorded mail in the case of a commencement document, (b) by ordinary mail delivery or electronic transmission in the case of documents other than commencement documents, (c) if documents filed in the matter give an address for service, at that address, or (d) by serving a lawyer who is authorized to accept service on behalf of a person.	Service question – add service through portal?	No change to paper application
60(2)	Proof in Form NC 27 that a person has been served must be	Form name has changed	Form NC 27 is now Form GA 5

	filed with the court.		
70.9(2)(a)	Subject to subrule (3), a personal representative of a deceased's estate who receives a request under section 95(2)(b) of the <i>Wills and Succession Act</i> must provide the family member or other person making the request with the following financial information if it is or may reasonably be expected to be in the possession of the personal representative: (a) an inventory of property and debts in Form NC 7;	Form name has changed	Form NC 7 is now Form GA 3
Schedule 2, Rule 1(1)	Requires a fee to be paid to the Court for issuing a grant. The fee is on a sliding scale that increases with the net value of the property in Alberta.	Revise the rule to require the fee to be paid at the time the application is filed and possibly change the sliding scale to a flat fee.	Charging a fee at the time of filing is justified as work is done by the Court on an application whether or not a grant is issued. Also, requiring the fee to be paid at the time the application is filed would be consistent with practice in other civil matters. The rationale for changing the sliding scale to a flat fee is that the amount of work required by the Court is often not proportionate to the value of estate. In addition, implementing a flat fee would eliminate the need to collect additional fees or refund a portion of the fee if the value of the estate changes as a result of an updated inventory being filed, especially when the value of one more of the assets is not known at the time the application is filed. For small estates, where the PR is of limited means, the guidelines

			allowing fees to be waived could be revised to allow a clerk to waive the fees under Rule 44.1.
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# Grant Application

**Court** Court of Queen's Bench of Alberta  
(Surrogate Matter)

Court File Number

**Judicial Centre**

Court Stamp

**Estate Name**

## PART ONE – THE DECEASED AND APPLICANT(S) FOR APPOINTMENT

### 1. Information about the Deceased

Full Legal Name	
Other Names Known By	<input type="checkbox"/> Not applicable
Date of Birth	
Date of Death	
Last Habitual Residence	
Did the Deceased own property in Alberta?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Did the Deceased leave a will?	<input type="checkbox"/> Yes <input type="checkbox"/> No

### 2. Information about the person(s) applying for appointment as Personal Representative (the "Applicant(s)")

Full Legal Name	
Other Names Known By	
Applicant Address	
E-Mail Address	
Address for Service	<input type="checkbox"/> Use Address Shown Above <input type="checkbox"/> Use Law Firm's Address

Add another Applicant

Estate of \_\_\_\_\_  
Law Firm LLP  
Address  
City, Alberta Postal Code  
Attention: Lawyer File No. \_\_\_\_\_

**2.1. Applicant's Law Firm** Not applicable

<b>Law Firm Name</b>
<b>Applicant(s) Represented by this Law Firm</b> (Required if Applicants are represented by different law firms)
<b>Law Firm Address</b>
<b>Responsible Lawyer</b>
<b>Lawyer's E-Mail Address</b>
<b>Lawyer's File Number</b>
<b>E-Mail Address</b>

 Add another Law Firm**3. Qualification(s) of the Applicant(s)****3.1. Priority among Applicants where a will exists** Not applicable because the Deceased did not leave a will

Section 13(1)(a) of the *Estate Administration Act* states that, unless the Court orders otherwise, the priority to be given to an applicant for a grant, if a will exists, is as follows, in descending order of priority:

- (i) to a personal representative named in the will, unless that person is incapable of acting or unwilling to act;
- (ii) to a personal representative appointed by the person expressly authorized in the will to appoint a personal representative;
- (iii) to a residuary beneficiary named in the will;
- (iv) to a life tenant of the residue named in the will;
- (v) to a beneficiary under an intestacy if the residue is not completely disposed of in the will;
- (vi) to a beneficiary receiving a specific gift in the will;
- (vii) to a contingent beneficiary of the residue in the will;
- (viii) to a contingent beneficiary of a specific gift in the will;
- (ix) to the Crown in right of Alberta.

Where a will exists, section 13(2) of the *Estate Administration Act* requires that between applicants of equal priority, preference must be given to a resident of Alberta unless the Court, on application, rules otherwise.

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Section 13(4) of the *Estate Administration Act* permits the persons who are entitled to administer the estate to nominate a person to administer the estate if the deceased died leaving a will but did not appoint a personal representative or if the personal representative named in the will is incapable of acting or willing to act.

Section 14 of the *Public Trustee Act* states that where a person dies anywhere leaving property in Alberta and a minor or a represented adult for whom the Public Trustee is trustee has an interest in the estate, the Public Trustee has the same priority to apply as the minor or the represented adult for whom the Public Trustee is trustee would have if they were an adult of full legal capacity. In addition, where a person dies anywhere leaving property in Alberta and a minor or a represented adult for whom the Public Trustee is trustee has an interest in the estate, the Public Trustee has priority to apply over any person who is not a resident of Alberta in the following circumstances:

- (i) the deceased did not leave a will;
- (ii) the deceased's will does not appoint an executor; or
- (iii) any executors appointed by the deceased's will have renounced their right to apply, have died or cannot be located.

<b>Does the Applicant have priority to apply over all other persons named as personal representative in the will?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Explain in Part Three below why the Applicant is applying if the Applicant is not the person with priority to apply.</i>	
<i>If the Applicant's priority to apply is dependent upon the renunciations and/or nominations of other persons, identify those persons renouncing and/or nominating below and attach completed forms of Renunciation (GA11) and/or Nomination (GA13) as appropriate.</i>	
<b>Is the Applicant 18 or older?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Section 13(5) of the Estate Administration Act requires the Court to grant authority to administer the estate to another person the Court considers appropriate if the sole executor named in a will is a minor. On becoming an adult, the executor named in the will may be granted the authority to administer the remainder of the estate.</i>	

### Possible revocation of appointment due to change in Applicant's relationship with the Deceased

Section 25 of the *Wills and Succession Act* revokes the appointment of an individual as personal representative in certain circumstances where the relationship between the deceased and the applicant has changed unless the Court, in interpreting the will, finds otherwise.

<b>At any time on or after February 1, 2012, and after the will was made, was the marriage of the Applicant to the Deceased terminated by a divorce judgment?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>At any time on or after February 1, 2012, and after the will was made, was the marriage of the Applicant to the Deceased found by a court to be void?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>At any time on or after February 1, 2012, and after the will was made, had the Applicant ceased to be the adult interdependent partner of the Deceased?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to any of the above questions is "Yes", the Applicant's appointment as personal representative will be deemed to have been revoked by operation of law unless the Court, in interpreting the will, finds that the Deceased had a contrary intention.</i>	
<i>If the Applicant believes the Deceased had a contrary intention, the Applicant must apply to Court for an order interpreting the Deceased's will before proceeding further. Notice of the application must be served upon the person(s) who have the next highest priority to apply for the grant.</i>	

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**Renunciations** Not applicable

Name of Person Renouncing

Attach Completed Renunciation Form (GA11)

 Add another Renunciation**Nominations** Not applicable

Name of Person Nominating

Attach Completed Nomination Form (GA13)

 Add another Nomination**3.2. Priority among Applicants where no will exists** Not applicable because the Deceased left a will

Section 13(1)(b) of the *Estate Administration Act* states that, unless the Court orders otherwise, the priority to be given to an applicant for a grant, if no will exists, is as follows, in descending order of priority:

- (i) to the surviving spouse or surviving adult interdependent partner;
- (ii) to a child of the deceased person;
- (iii) to a grandchild of the deceased person;
- (iv) to a descendant of the deceased person other than a child or grandchild;
- (v) to a parent of the deceased person;
- (vi) to a brother or sister of the deceased person;
- (vii) to a child of the deceased person's brother or sister if the child is a beneficiary under the intestacy;
- (viii) to the next of kin of the deceased person determined in accordance with sections 67 and 68 of the *Wills and Succession Act* who are beneficiaries under the intestacy and are not otherwise described above;
- (ix) to a person who has an interest in the estate because of a relationship with the deceased person;
- (x) to a claimant;
- (xi) to the Crown in right of Alberta.

Where no will exists, section 13(2) of the *Estate Administration Act* requires the following preferences be given, unless the Court, on application, rules otherwise:

- (i) that between applicants of equal priority, preference must be given to a resident of Alberta; and
- (ii) that as between a surviving spouse and a surviving adult interdependent partner, preference be given to the surviving spouse or surviving adult interdependent partner who lived with the deceased person immediately or most recently before the deceased person's death.

Section 13(4) of the *Estate Administration Act* permits the persons who are entitled to administer the estate to nominate a person to administer the estate if the deceased died intestate.

Section 14 of the *Public Trustee Act* states that the Public Trustee has the same priority to apply as a minor or a represented adult for whom the Public Trustee is trustee would have if they were an adult of full legal capacity. In addition, the Public Trustee has priority to apply over any person who is not a resident of Alberta in the following circumstances:

- (i) the deceased did not leave a will;
- (ii) the deceased's will does not appoint an executor; or
- (iii) any executors appointed by the deceased's will have renounced their right to apply, have died or cannot be located.

<b>Does the Applicant have priority to apply where no will exists?</b> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
<p style="text-align: center;"><i>Explain in Part Three below why the Applicant is applying if the Applicant is not the person with priority to apply.</i></p> <p style="text-align: center;"><i>If the Applicant's priority to apply is dependent upon the renunciations and/or nominations of other persons, identify those persons renouncing and/or nominating below and attach completed forms of Renunciation (GA11) and/or Nomination (GA13) as appropriate.</i></p>

**Renunciations**

Not applicable

<b>Name of Person Renouncing</b>	Attach Completed Renunciation Form (GA11)
----------------------------------	---

Add another Renunciation

**Nominations**

Not applicable

<b>Name of Person Nominating</b>	Attach Completed Nomination Form (GA13)
----------------------------------	---

Add another Nomination

#### 4. Bonding of the Applicant(s)

The *Surrogate Rules* require that unless at least one of the Applicants resides in Alberta, the Applicant(s) must either provide a bond or obtain permission from the Court to proceed.

Is at least one of the Applicants resident in Alberta?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", the Applicant may proceed without a bond.</i>	
<i>If the answer to the above question is "No", the Applicant must either provide a bond or obtain the Court's permission to proceed without a bond or with reduced or alternate security.</i>	

##### 4.1. Providing a bond

If a bond is required, the *Surrogate Rules* require that the bond be from an insurer licensed under the *Insurance Act* to undertake fidelity insurance as defined in in the *Classes of Insurance Regulation*. The amount of the bond must be equal to the gross value of the Deceased's estate.

Not applicable because a bond is not required

What is the gross value of the Deceased's estate?
Amount of Bond
Name of Bonding Company <span style="float: right;">Attach Bond</span>

##### 4.2. Obtaining the Court's permission to proceed without a bond or with reduced or alternate security

The Court may, in its discretion, permit the Applicant to proceed without a bond, by providing a bond for a reduced amount, or by providing other security approved by the Court. The Applicant(s) may request the Court's permission to proceed by completing the section below.

Not applicable because a bond is not required

What is the gross value of the Deceased's estate?
<i>Select one of Options A, B or C listed below</i>
<input type="checkbox"/> <b>A. The Applicant is requesting the Court's permission to proceed without a bond.</b>
<i>Explain in Part Three (Other Information for the Court's Consideration) why the Applicant has made this proposal.</i>
<input type="checkbox"/> <b>B. The Applicant is requesting the Court's permission to reduce the amount of the bond.</b>
<b>What bond amount does the Applicant propose?</b>
<i>Explain in Part Three (Other Information for the Court's Consideration) why the Applicant has made this proposal.</i>
<input type="checkbox"/> <b>C. The Applicant is requesting the Court's permission for approval of security other than a bond.</b>
<b>What alternate security does the Applicant propose?</b>
<i>Explain in Part Three (Other Information for the Court's Consideration) why the Applicant has made this proposal.</i>

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#### 4.3. Consents of Beneficiaries

The Court will take into consideration whether some or all the beneficiaries have consented to the Applicant's proposal to proceed without a bond, to proceed with a reduced bond amount, or to proceed with alternate security.

Not applicable because a bond is not required

<b>Name of Beneficiary</b>	Attach Beneficiary's Consent to Waive or Reduce Bond (GA15)
----------------------------	---

Add another Beneficiary's Consent to Waive or Reduce Bond

#### 5. Information about the will (and codicil(s) if any)

Not applicable because the Deceased did not leave a will

<b>Date of will</b>	
<b>Date(s) of codicil(s)</b>	<input type="checkbox"/> Not applicable
<b>Does the will refer to a document that may form part of the will?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to the above questions is "Yes", the Applicant must either attach the document to this application or explain in Part Three (Other Information for the Court's Consideration) why it is not attached.</i>	
<b>Does the Applicant know of any other document that may form part of the will?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to the above questions is "Yes", the Applicant must either attach the document to this application or explain in Part Three (Other Information for the Court's Consideration) why it is not attached.</i>	
<b>Was the Deceased at least 18 when the will was made?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to the above question is "No", please answer the following questions:</i>	
Did the Deceased have a spouse or adult interdependent partner when the will was made?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Was the Deceased a member of a regular force as defined in the <i>National Defence Act</i> (Canada)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Was the deceased a member of another component of the Canadian Forces placed on active service under the <i>National Defence Act</i> (Canada) when the will was made?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Was the Deceased authorized to make a will by an order of the Court under section 36 of the <i>Wills and Succession Act</i> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Did the Deceased marry or enter into an adult interdependent partner agreement after the date of the will and before February 1, 2012?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", please answer the following questions:</i>	
Is there a declaration in the will that it is made in contemplation of the Deceased's marriage or entry into an adult interdependent partner agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Was the will made in exercise of power of appointment of real or personal property that would not in default of the appointment pass to the heir, executor, or administrator of the testator or to the persons entitled to the estate of the testator if the testator died intestate?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Estate of \_\_\_\_\_  
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 Address  
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## PART TWO – PERSONS REQUIRING NOTIFICATION

### 6. Beneficiaries

Grant applicants are required by the *Surrogate Rules* to serve notice in prescribed form on persons who are beneficiaries of the deceased's estate.

#### 6.1. Beneficiaries - Specific Gifts

The following persons are beneficiaries who are to receive a specific gift in the will. These beneficiaries receive only specified amounts of money or specific property items. They do not share in the residue of the estate.

Not applicable because the Deceased did not leave a will

<b>Full Legal Name</b>	
<b>Name in Will (if different than above)</b>	<input type="checkbox"/> Not applicable
<b>Gift</b>	
<b>Has this Gift Adeemed?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Does this person have capacity to make decisions respecting financial matters?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is this person represented by either an attorney or trustee?</b>	<input type="checkbox"/> Yes - by an Attorney <input type="checkbox"/> Yes - by a Trustee <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the person's attorney or trustee.</i>	
<i>If the answer to the above question is "No", this person does not have legal capacity to be served.</i>	
<b>Name of Attorney or Trustee</b>	<input type="checkbox"/> Not applicable
<b>Was this person a minor on the Deceased's date of death?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the Public Trustee (GA4)</i>	
<b>Is this person still a minor?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the minor's guardian(s)</i>	
<b>Complete Address for Service</b>	
<input type="checkbox"/> This is the Attorney's Address	
<input type="checkbox"/> This is the Trustee's Address	
<input type="checkbox"/> This person does not have legal capacity to be served	
<input type="checkbox"/> This person cannot be located	
<b>E-Mail Address</b>	
<input type="checkbox"/> This is the Attorney's E-mail Address	
<input type="checkbox"/> This is the Trustee's E-mail Address	

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_

Add another Beneficiary of a Specific Gift**6.2. Residuary Beneficiaries**

The following persons are residuary beneficiaries of the deceased's estate:

 Not applicable because the deceased did not leave a will

<b>Full Legal Name</b>	
<b>Name in Will (if different than above)</b>	<input type="checkbox"/> Not applicable
<b>Gift</b>	
<b>Does this person have capacity to make decisions respecting financial matters?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is this person represented by either an attorney or trustee?</b>	<input type="checkbox"/> Yes - by an Attorney <input type="checkbox"/> Yes – by a Trustee <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the person's attorney or trustee.</i>	
<i>If the answer to the above question is "No", this person does not have legal capacity to be served.</i>	
<b>Name of Attorney or Trustee</b>	<input type="checkbox"/> Not applicable
<b>Was this person a minor on the Deceased's date of death?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the Public Trustee (GA4)</i>	
<b>Is this person still a minor?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the minor's guardian(s)</i>	
<b>Complete Address for Service</b>	
<input type="checkbox"/> This is the Attorney's Address	
<input type="checkbox"/> This is the Trustee's Address	
<input type="checkbox"/> This person does not have legal capacity to be served	
<input type="checkbox"/> This person cannot be located	
<b>E-Mail Address</b>	
<input type="checkbox"/> This is the Attorney's E-mail Address	
<input type="checkbox"/> This is the Trustee's E-mail Address	

 Add another Residuary Beneficiary

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_

### 6.3. Beneficiaries on Intestacy

The following persons are beneficiaries on intestacy:

Not applicable because the Deceased's entire estate is disposed of by will

<b>Full Legal Name</b>
<b>Relationship to Deceased</b>
<b>Gift</b>
<b>Applicable Section of the <i>Wills and Succession Act</i></b>
<b>Does this person have capacity to make decisions respecting financial matters?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is this person represented by either an attorney or trustee?</b> <input type="checkbox"/> Yes - by an Attorney <input type="checkbox"/> Yes – by a Trustee <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the person's attorney or trustee.</i>
<i>If the answer to the above question is "No", this person does not have legal capacity to be served.</i>
<b>Name of Attorney or Trustee</b> <input type="checkbox"/> Not applicable
<b>Was this person a minor on the Deceased's date of death?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the Public Trustee (GA4)</i>
<b>Is this person still a minor?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the minor's guardian(s)</i>
<b>Complete Address for Service</b>
<input type="checkbox"/> This is the Attorney's Address
<input type="checkbox"/> This is the Trustee's Address
<input type="checkbox"/> This person does not have legal capacity to be served
<input type="checkbox"/> This person cannot be located
<b>E-Mail Address</b>
<input type="checkbox"/> This is the Attorney's E-mail Address
<input type="checkbox"/> This is the Trustee's E-mail Address

Add another Beneficiary on Intestacy

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_



## 7. Void Gifts

Not applicable because Deceased died without leaving a will

<b>Are there any Void Gifts?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to any of the following questions is "Yes", the gift to that intended recipient is void.</i>	
Did a beneficiary act as a witness to the signature of the Deceased on the will?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Did the spouse or adult interdependent partner of a beneficiary act as a witness to the signature of the Deceased on the will?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Answer the following questions <u>only</u> if the will was made on or after February 1, 2012.</i>	
Was the will signed on the Deceased's behalf by a beneficiary?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Was the will signed on the Deceased's behalf by the spouse or adult interdependent partner of a beneficiary?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Did a beneficiary act as an interpreter who provided translation services in respect of making the will?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Did the spouse or adult interdependent partner of a beneficiary act as an interpreter who provided translation services in respect of making the will?	<input type="checkbox"/> Yes <input type="checkbox"/> No

### 7.1. Intended Recipients of Void Gifts

The following persons are intended recipients of void gifts:

Not applicable because Deceased died without leaving a will

<b>Full Legal Name</b>	
<b>Name in Will (if different than above)</b>	<input type="checkbox"/> Not applicable
<b>Gift</b>	
<b>Complete Address for Service</b> <input type="checkbox"/> This is the Attorney's Address <input type="checkbox"/> This is the Trustee's Address <input type="checkbox"/> This person does not have legal capacity to be served <input type="checkbox"/> This person cannot be located	
<b>E-Mail Address</b> <input type="checkbox"/> This is the Attorney's E-mail Address <input type="checkbox"/> This is the Trustee's E-mail Address	

Add another Intended Recipient of a Void Gift

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_

## 8. Revoked Gifts

Not applicable because Deceased died without leaving a will

<b>Are there any Revoked Gifts?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to any of the following questions is "Yes", the gift has been revoked, unless the Court, in interpreting the will, finds that the Deceased had a contrary intention.</i>	
At any time on or after February 1, 2012, and after the will was made, was the marriage of the intended recipient to the Deceased terminated by a divorce judgment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
At any time on or after February 1, 2012, and after the will was made, was the marriage of the intended recipient to the Deceased found by a court to be void?	<input type="checkbox"/> Yes <input type="checkbox"/> No
At any time on or after February 1, 2012, and after the will was made, had the intended recipient ceased to be the adult interdependent partner of the Deceased?	<input type="checkbox"/> Yes <input type="checkbox"/> No

### 8.1. Intended Recipients of Revoked Gifts

The following persons are intended recipients of revoked gifts:

Not applicable because Deceased died without leaving a will

<b>Full Legal Name</b>
<b>Name in Will (if different than above)</b> <span style="float: right;"><input type="checkbox"/> Not applicable</span>
<b>Gift</b>
<b>Complete Address for Service</b> <input type="checkbox"/> This is the Attorney's Address <input type="checkbox"/> This is the Trustee's Address <input type="checkbox"/> This person does not have legal capacity to be served <input type="checkbox"/> This person cannot be located
<b>E-Mail Address</b> <input type="checkbox"/> This is the Attorney's E-mail Address <input type="checkbox"/> This is the Trustee's E-mail Address

Add another Intended Recipient of a Revoked Gift

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_

## 9. Persons with Potential Claims against the Estate – Part 5 of the *Wills and Succession Act*

Grant applicants are required by section 11(1) of the *Estate Administration Act* to serve a copy of the grant application and a notice pertaining to the rights of family members under Part 5 of the *Wills and Succession Act* on the following as applicable:

### 9.1. Spouses

Grant applicants must serve a copy of the grant application and a notice pertaining to the rights of family members on the deceased's spouse unless the spouse is entitled to receive the deceased's entire estate.

Not applicable

<b>Full Legal Name</b>	<input type="checkbox"/> Also a Beneficiary <input type="checkbox"/> Receives Entire Estate
<b>Does this person have capacity to make decisions respecting financial matters?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is this person represented by either an attorney or trustee?</b>	<input type="checkbox"/> Yes - by an Attorney <input type="checkbox"/> Yes – by a Trustee <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the person's attorney or trustee.</i>	
<i>If the answer to the above question is "No", this person does not have legal capacity to be served.</i>	
<b>Name of Attorney or Trustee</b>	<input type="checkbox"/> Not applicable
<b>Complete Address for Service</b>	
<input type="checkbox"/> This is the Attorney's Address	
<input type="checkbox"/> This is the Trustee's Address	
<input type="checkbox"/> This person does not have legal capacity to be served	
<input type="checkbox"/> This person cannot be located	
<b>E-Mail Address</b>	
<input type="checkbox"/> This is the Attorney's E-mail Address	
<input type="checkbox"/> This is the Trustee's E-mail Address	

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_

## 9.2. Adult Interdependent Partners

Grant applicants must serve a copy of the grant application and a notice pertaining to the rights of family members on the deceased's adult interdependent partner unless the adult interdependent partner is entitled to receive the deceased's entire estate.

Not applicable

<b>Full Legal Name</b>	<input type="checkbox"/> Also a Beneficiary <input type="checkbox"/> Receives Entire Estate
<b>Does this person have capacity to make decisions respecting financial matters?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is this person represented by either an attorney or trustee?</b>	<input type="checkbox"/> Yes - by an Attorney <input type="checkbox"/> Yes – by a Trustee <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the person's attorney or trustee.</i>	
<i>If the answer to the above question is "No", this person does not have legal capacity to be served.</i>	
<b>Name of Attorney or Trustee</b>	<input type="checkbox"/> Not applicable
<b>Complete Address for Service</b>	
<input type="checkbox"/> This is the Attorney's Address	
<input type="checkbox"/> This is the Trustee's Address	
<input type="checkbox"/> This person does not have legal capacity to be served	
<input type="checkbox"/> This person cannot be located	
<b>E-Mail Address</b>	
<input type="checkbox"/> This is the Attorney's E-mail Address	
<input type="checkbox"/> This is the Trustee's E-mail Address	

### 9.3. Adult Children Unable to Earn a Livelihood by Reason of Physical Disability

Grant applicants must serve a copy of the grant application and a notice pertaining to the rights of family members on each child of the deceased who, on the date of the deceased's death, was an adult who was unable by reason of physical disability to earn a livelihood.

Not applicable

<b>Full Legal Name</b>	<input type="checkbox"/> Also a Beneficiary <input type="checkbox"/> Receives Entire Estate
<b>Name in Will (if different than above)</b>	<input type="checkbox"/> Not applicable
<b>Does this person have capacity to make decisions respecting financial matters?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is this person represented by either an attorney or trustee?</b>	<input type="checkbox"/> Yes - by an Attorney <input type="checkbox"/> Yes – by a Trustee <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the person's attorney or trustee.</i>	
<i>If the answer to the above question is "No", this person does not have legal capacity to be served.</i>	
<b>Name of Attorney or Trustee</b>	<input type="checkbox"/> Not applicable
<b>Complete Address for Service</b>	
<input type="checkbox"/> This is the Attorney's Address	
<input type="checkbox"/> This is the Trustee's Address	
<input type="checkbox"/> This person does not have legal capacity to be served	
<input type="checkbox"/> This person cannot be located	
<b>E-Mail Address</b>	
<input type="checkbox"/> This is the Attorney's E-mail Address	
<input type="checkbox"/> This is the Trustee's E-mail Address	

Add another Adult Child

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_

#### 9.4. Adult Children who are Full-Time Students

Grant applicants must serve a copy of the grant application and a notice pertaining to the rights of family members on each child of the deceased who

- (i) was, on the date of the deceased person's death, at least 18 but less than 22 years of age, and
- (ii) as a full-time student (determined in accordance with the *Family Law Act*) was unable to withdraw from the deceased parent's charge.

Not applicable

<b>Full Legal Name</b>	<input type="checkbox"/> Also a Beneficiary <input type="checkbox"/> Receives Entire Estate
<b>Name in Will (if different than above)</b>	<input type="checkbox"/> Not applicable
<b>Does this person have capacity to make decisions respecting financial matters?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is this person represented by either an attorney or trustee?</b>	<input type="checkbox"/> Yes - by an Attorney <input type="checkbox"/> Yes - by a Trustee <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the person's attorney or trustee.</i>	
<i>If the answer to the above question is "No", this person does not have legal capacity to be served.</i>	
<b>Name of Attorney or Trustee</b>	<input type="checkbox"/> Not applicable
<b>Complete Address for Service</b>	
<input type="checkbox"/> This is the Attorney's Address	
<input type="checkbox"/> This is the Trustee's Address	
<input type="checkbox"/> This person does not have legal capacity to be served	
<input type="checkbox"/> This person cannot be located	
<b>E-Mail Address</b>	
<input type="checkbox"/> This is the Attorney's E-mail Address	
<input type="checkbox"/> This is the Trustee's E-mail Address	

Add another Adult Child

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_

### 9.5. Adult Children Unable to Earn a Livelihood by Reason of Mental Disability

Grant applicants must serve a copy of the grant application and a notice pertaining to the rights of family members on the attorney or trustee of each adult

- (i) who is a child of the deceased person,
- (ii) who was an adult on the date of the deceased person's death, and
- (iii) who is unable to earn a livelihood by reason of mental disability.

Not applicable

<b>Full Legal Name</b>	<input type="checkbox"/> Also a Beneficiary <input type="checkbox"/> Receives Entire Estate
<b>Name in Will (if different than above)</b>	<input type="checkbox"/> Not applicable
<b>Does this person have capacity to make decisions respecting financial matters?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is this person represented by either an attorney or trustee?</b>	<input type="checkbox"/> Yes - by an Attorney <input type="checkbox"/> Yes - by a Trustee <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the person's attorney or trustee.</i>	
<i>If the answer to the above question is "No", this person does not have legal capacity to be served.</i>	
<b>Name of Attorney or Trustee</b>	<input type="checkbox"/> Not applicable
<b>Complete Address for Service</b>	
<input type="checkbox"/> This is the Attorney's Address	
<input type="checkbox"/> This is the Trustee's Address	
<input type="checkbox"/> This person does not have legal capacity to be served	
<input type="checkbox"/> This person cannot be located	
<b>E-Mail Address</b>	
<input type="checkbox"/> This is the Attorney's E-mail Address	
<input type="checkbox"/> This is the Trustee's E-mail Address	

Add another Adult Child

### 9.6. Minor Children, Grandchildren and Great-Grandchildren of the Deceased

Grant applicants must serve a copy of the grant application and a notice pertaining to the rights of family members on the Public Trustee, if the deceased person is survived by

- (i) a child who was a minor on the date of the deceased person's death, or
- (ii) a grandchild or great-grandchild who was a minor on the date of the deceased person's death and in respect of whom the deceased person stood in the place of a parent on the date of the deceased person's death.

Not applicable

Minor's Full Legal Name	<input type="checkbox"/> Also a Beneficiary <input type="checkbox"/> Receives Entire Estate
Minor's Date of Birth	
Minor's Relationship to the Deceased	<input type="checkbox"/> Child <input type="checkbox"/> Grandchild <input type="checkbox"/> Great-grandchild

Add Another Child, Grandchild or Great-grandchild

### 9.7. Guardians

Grant applicants must serve a copy of the grant application and a notice pertaining to the rights of family members on each guardian of

- (i) a child who was a minor on the date of the deceased person's death, or
- (ii) a grandchild or great-grandchild who was a minor on the date of the deceased person's death and in respect of whom the deceased person stood in the place of a parent on the date of the deceased person's death.

Not applicable

Guardian's Full Legal Name	
Minor's Full Legal Name	
Minor's Date of Birth	
Minor's Relationship to the Deceased	<input type="checkbox"/> Child <input type="checkbox"/> Grandchild <input type="checkbox"/> Great-grandchild
Guardian's Address for Service	
Guardian's E-Mail Address	

Add Another Child, Grandchild or Great-grandchild

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_



## 10. Persons with Potential Claims against the Estate – *Family Property Act*

### 10.1. Spouses

Grant applicants are required by section 11(2) of the *Estate Administration Act* to serve a copy of the grant application and a notice pertaining to the rights of a spouse under the *Family Property Act* on any spouse (as defined in that Act) unless that spouse is entitled to receive the deceased's entire estate.

Not applicable

Full Legal Name	<input type="checkbox"/> Also a Beneficiary <input type="checkbox"/> Receives Entire Estate
Does this person have capacity to make decisions respecting financial matters?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is this person represented by either an attorney or trustee?	<input type="checkbox"/> Yes - by an Attorney <input type="checkbox"/> Yes – by a Trustee <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the person's attorney or trustee.</i>	
<i>If the answer to the above question is "No", this person does not have legal capacity to be served.</i>	
Name of Attorney or Trustee	<input type="checkbox"/> Not applicable
<b>Complete Address for Service</b> <input type="checkbox"/> This is the Attorney's Address <input type="checkbox"/> This is the Trustee's Address <input type="checkbox"/> This person does not have legal capacity to be served <input type="checkbox"/> This person cannot be located	
<b>E-Mail Address</b> <input type="checkbox"/> This is the Attorney's E-mail Address <input type="checkbox"/> This is the Trustee's E-mail Address	

## 10.2. Former Spouses

Grant applicants must also serve a copy of the grant application and a notice pertaining to the rights of a spouse under the *Family Property Act* on any former spouse if that former spouse has a right to make a claim against the deceased's estate under the *Family Property Act*.

The *Family Property Act* requires that an application by a spouse or former spouse for a family property order be commenced not later than two years after such of the following as may be applicable:

- (iii) the date upon which the decree nisi is issued in divorce proceedings
- (iv) the date upon which a declaration of nullity of marriage has been made with respect to the marriage person's death
- (v) the date upon which a judgment of judicial separation has been granted to one of the spouses, or
- (vi) the date upon which a declaration of irreconcilability has been made under the *Family Law Act*.

Not applicable

<b>Full Legal Name</b>	<input type="checkbox"/> Also a Beneficiary <input type="checkbox"/> Receives Entire Estate
<b>Does this person have capacity to make decisions respecting financial matters?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is this person represented by either an attorney or trustee?</b>	<input type="checkbox"/> Yes - by an Attorney <input type="checkbox"/> Yes - by a Trustee <input type="checkbox"/> No
<i>If the answer to the above question is "Yes", notice is to be served on the person's attorney or trustee.</i>	
<i>If the answer to the above question is "No", this person does not have legal capacity to be served.</i>	
<b>Name of Attorney or Trustee</b>	<input type="checkbox"/> Not applicable
<b>Complete Address for Service</b>	
<input type="checkbox"/> This is the Attorney's Address	
<input type="checkbox"/> This is the Trustee's Address	
<input type="checkbox"/> This person does not have legal capacity to be served	
<input type="checkbox"/> This person cannot be located	
<b>E-Mail Address</b>	
<input type="checkbox"/> This is the Attorney's E-mail Address	
<input type="checkbox"/> This is the Trustee's E-mail Address	

Add Another Former Spouse

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_

### 10.3. Adult Interdependent Partners

Grant applicants are required by section 11(2.1) of the *Estate Administration Act* to serve a copy of the grant application and a notice pertaining to the rights of an adult interdependent partner under the *Family Property Act* on any adult interdependent partner (as defined in that Act) unless that adult interdependent partner is entitled to receive the deceased's entire estate.

Not applicable

<b>Full Legal Name</b>	<input type="checkbox"/> Also a Beneficiary <input type="checkbox"/> Receives Entire Estate
<b>Does this person have capacity to make decisions respecting financial matters?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is this person represented by either an attorney or trustee?</b>	<input type="checkbox"/> Yes - by an Attorney <input type="checkbox"/> Yes - by a Trustee <input type="checkbox"/> No
If the answer to the above question is "Yes", notice is to be served on the person's attorney or trustee.	
If the answer to the above question is "No", this person does not have legal capacity to be served.	
<b>Name of Attorney or Trustee</b>	<input type="checkbox"/> Not applicable
<b>Complete Address for Service</b>	
<input type="checkbox"/> This is the Attorney's Address	
<input type="checkbox"/> This is the Trustee's Address	
<input type="checkbox"/> This person does not have legal capacity to be served	
<input type="checkbox"/> This person cannot be located	
<b>E-Mail Address</b>	
<input type="checkbox"/> This is the Attorney's E-mail Address	
<input type="checkbox"/> This is the Trustee's E-mail Address	

### 10.4. Former Adult Interdependent Partners

Grant applicants must also serve a copy of the grant application and a notice pertaining to the rights of an adult interdependent partner under the *Family Property Act* on any former adult interdependent partner if that former adult interdependent partner has a right to make a claim against the deceased's estate under the *Family Property Act*.

The *Family Property Act* requires that an application by an adult interdependent partner or former adult interdependent partner for a family property order be commenced not later than two years after the date the applicant knew, or in the circumstances ought to have known, that the applicant had become a former adult interdependent partner.

For purposes of the *Family Property Act*, a person becomes the former adult interdependent partner of another person when the earliest of the follows occurs:

- (i) the adult interdependent partners enter into a written agreement that provides evidence that the adult interdependent partners intend to live separate and apart without the possibility of reconciliation
- (ii) the adult interdependent partners live separate and apart for more than one year and one or both of the adult interdependent partners intend that their relationship as adult interdependent partners not continue
- (iii) one of the adult interdependent partners marries a third party

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_

- (iv) in the case of an adult interdependent partner referred to in section 3(1)(a) of the *Adult Interdependent Relationships Act*, the adult interdependent partner enters into an adult interdependent partner agreement referred to in that Act that is valid under that Act with a third party, or
- (v) one or both of the adult interdependent partners have obtained a declaration of irreconcilability under the *Family Law Act*.

Not applicable

<b>Full Legal Name</b>	<input type="checkbox"/> Also a Beneficiary <input type="checkbox"/> Receives Entire Estate
<b>Does this person have capacity to make decisions respecting financial matters?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is this person represented by either an attorney or trustee?</b>	<input type="checkbox"/> Yes - by an Attorney <input type="checkbox"/> Yes – by a Trustee <input type="checkbox"/> No
. If the answer to the above question is “ <b>Yes</b> ”, notice is to be served on the person’s attorney or trustee.	
If the answer to the above question is “ <b>No</b> ”, this person does not have legal capacity to be served.	
<b>Name of Attorney or Trustee</b>	<input type="checkbox"/> Not applicable
<b>Complete Address for Service</b>	
<input type="checkbox"/> This is the Attorney’s Address	
<input type="checkbox"/> This is the Trustee’s Address	
<input type="checkbox"/> This person does not have legal capacity to be served	
<input type="checkbox"/> This person cannot be located	
<b>E-Mail Address</b>	
<input type="checkbox"/> This is the Attorney’s E-mail Address	
<input type="checkbox"/> This is the Trustee’s E-mail Address	

Add Another Former Adult Interdependent Partner

## 11. Persons Declared by the Court to be Missing Persons under the *Public Trustee Act*

Grant applicants are required by section 12(1)(c)(iii) of the *Estate Administration Act* to serve notice in accordance with the *Surrogate Rules* on the Public Trustee if the Court has declared that person to be a missing person under the *Public Trustee Act*.

Not applicable

<b>Full Legal Name</b>		
<b>Person’s Interest in Estate</b>	<input type="checkbox"/> Beneficiary of a Specific Gift	<input type="checkbox"/> Potential Claimant – Family Maintenance and Support
	<input type="checkbox"/> Residuary Beneficiary	<input type="checkbox"/> Potential Claimant – <i>Family Property Act</i>
	<input type="checkbox"/> Intended Recipient of Void Gift	<input type="checkbox"/> Intended Recipient of Revoked Gift
	<input type="checkbox"/> Beneficiary on Intestacy	

Add another Person Declared by the Court to be a Missing Person

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_

## 12. Persons not notified

The *Estate Administration Act* and/or the *Surrogate Rules* require the following persons to be notified; however, for the reasons given below, the following persons have not been notified.

Not applicable

Full Legal Name		
Person's Interest in Estate	<input type="checkbox"/> Beneficiary of a Specific Gift	<input type="checkbox"/> Potential Claimant – Family Maintenance and Support
	<input type="checkbox"/> Residuary Beneficiary	<input type="checkbox"/> Potential Claimant – <i>Family Property Act</i>
	<input type="checkbox"/> Intended Recipient of Void Gift	<input type="checkbox"/> Intended Recipient of Revoked Gift
	<input type="checkbox"/> Beneficiary on Intestacy	
Reason for Not Notifying	<input type="checkbox"/> This person does not have legal capacity to be served	
	<input type="checkbox"/> This person cannot be located	
	<input type="checkbox"/> Other	

Add another Person not notified

## PART THREE – ATTACHMENTS AND OTHER INFORMATION FOR THE COURT'S CONSIDERATION

### 13. Attachments

The following attachments form part of this Grant Application.

<input type="checkbox"/> Death Certificate or Funeral Director's Statement of Death
<input type="checkbox"/> Will
<input type="checkbox"/> Codicil(s)
<input type="checkbox"/> Affidavit(s) of Witness to Will or Codicil (GA8)
<input type="checkbox"/> Affidavit(s) of Handwriting (GA9)
<input type="checkbox"/> Affidavit(s) Verifying Translation of a non-English Will (GA10)
<input type="checkbox"/> Memorandum
<input type="checkbox"/> Renunciation(s) (GA11)
<input type="checkbox"/> Nomination(s) (GA13)
<input type="checkbox"/> Bond
<input type="checkbox"/> Consent(s) to Waive Bond (GA15)
<input type="checkbox"/> Other (Describe Below)

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address \_\_\_\_\_  
 City, Alberta Postal Code \_\_\_\_\_  
 Attention: Lawyer File No. \_\_\_\_\_

**14. Other Information for the Court's Consideration (formerly Special or Unusual Circumstances)**

**PART FOUR – VALUE OF DECEASED'S ESTATE IN ALBERTA**

**15. Information about the Value of the Deceased's estate in Alberta**

This information is used only to calculate the applicable Court fee for issuing the grant. Beneficiaries and other interested parties will receive more detailed information about the Deceased's estate in the Inventory that will be served upon them by the Applicant.

- |   |
|---|
| <input type="checkbox"/> \$10,000 or under<br><input type="checkbox"/> Over \$10,000 but not more than \$25,000<br><input type="checkbox"/> Over \$25,000 but not more than \$125,000<br><input type="checkbox"/> Over \$125,000 but not more than \$250,000<br><input type="checkbox"/> Over \$250,000 |
|---|

**PART FIVE – OATH AND AFFIRMATION BY APPLICANT(S)**

**16. Oath or Affirmation**

The Applicant  swears or  solemnly affirms as follows:

- 16.1. All information contained in this Application is true to the best of my knowledge and belief.
- 16.2. I believe the original will (and codicil(s) if any) attached to this Application are the last will (and codicil(s) if any) made by the Deceased. I do not know of any later wills or codicils. I know of no reason why the attached will (and codicil(s) if any) should not be admitted to probate.
- 16.3. I acknowledge that I am required by law to carry out the core tasks of a personal representative, which include
- (a) identifying the estate assets and liabilities,
  - (b) administering and managing the estate,
  - (c) satisfying the debts and obligations of the estate, and
  - (d) distributing and accounting for the administration of the estate.

I further acknowledge the core tasks of a personal representative may include those activities described in the Schedule to the *Estate Administration Act*.

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address \_\_\_\_\_  
 City, Alberta Postal Code \_\_\_\_\_  
 Attention: Lawyer File No. \_\_\_\_\_

- 16.4. I acknowledge that I am required by law to perform my role as personal representative
- (a) honestly and in good faith,
  - (b) in accordance with the Deceased’s intentions and with the will and codicils, and
  - (c) with the care, diligence and skill that a person of ordinary prudence would exercise in comparable circumstances where a fiduciary relationship exists.

I further acknowledge that I may be required by law to exercise a greater degree of skill if because of my profession, occupation or business, I possess or ought to possess a particular degree of skill that is relevant to the performance of my role of personal representative and that is greater than that which a person of ordinary prudence would be expected to exercise in dealing with the property of another person.

- 16.5. I undertake to give notice of this Application to all persons entitled to receive notice according to law.
- 16.6. I undertake to provide an Inventory of the Deceased’s assets and liabilities to all persons entitled to receive one according to law. If the value of any asset or debt listed in the Inventory provided by me is described as “To Be Determined”, I undertake to provide an amended Inventory to persons entitled when updated information becomes available.
- 16.7. I acknowledge that as personal representative, I am required by law to distribute the estate as soon as practicable.
- 16.8. I will not distribute any property to a fiduciary until the fiduciary has signed an Affidavit of Fiduciary (GA21) which I undertake to retain.
- 16.9. I will faithfully administer the Deceased’s estate according to law and will give a true accounting of the administration to the persons entitled to it when lawfully required.

SWORN OR  AFFIRMED BEFORE A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF ALBERTA AT \_\_\_\_\_, ALBERTA ON [MONTH] \_\_\_\_\_, 2020.

\_\_\_\_\_  
A Commissioner for Oaths in and for Alberta:

Appointment Expiry Date:

Please provide \_\_\_\_\_ certified copies.

\_\_\_\_\_  
Estate of \_\_\_\_\_  
Law Firm LLP  
Address  
City, Alberta Postal Code  
Attention: Lawyer File No. \_\_\_\_\_

COURT USE ONLY	
<b>ORDER: ISSUE A GRANT</b>	Type of Grant to Issue
	<input type="checkbox"/> <b>PROBATE</b>
	<input type="checkbox"/> <b>ADMINISTRATION</b>
	<input type="checkbox"/> <b>ADMINISTRATION WITH WILL ANNEXED</b>
	<input type="checkbox"/> <b>OTHER:</b>
	<input type="checkbox"/> <b>CONDITIONS AND LIMITATIONS:</b>

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

\_\_\_\_\_  
Date

Estate of \_\_\_\_\_  
Law Firm LLP  
Address  
City, Alberta Postal Code  
Attention: Lawyer File No. \_\_\_\_\_



# Inventory

Estate Name:

Date of Death:

## NOTICE TO READER

The Applicant has prepared this Inventory to the best of their ability using information the Applicant believes to be accurate and complete. Where the value of an item has been described as "To Be Determined", the Applicant has undertaken to provide an amended Inventory when updated information becomes available.

The Court does **not** review the content of this Inventory. It is your responsibility to satisfy yourself with the accuracy and completeness of this Inventory. Concerns about this Inventory should be put to the Applicant.

## Summary

Date of Death Values of Deceased's Assets & Liabilities	Amount
Total Assets Owned by the Deceased	\$0.00
Total Jointly Owned Assets that form part of the Deceased's Estate	\$0.00
Total Liabilities (excluding mortgages)	\$0.00
Net Value of Estate	\$0.00

## I. ASSETS OWNED BY THE DECEASED

### 1. LAND AND MINERALS

Not applicable

Municipal Address or Legal Description		<input type="checkbox"/> Within Alberta <input type="checkbox"/> Outside Alberta
Estimated Gross Value	\$0.00	
Mortgages and Other Financial Encumbrances	\$0.00	
Estimated Net Value		\$0.00

Add another Land and Minerals Item

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address  
 City, Alberta Postal Code  
 Attention: Lawyer File No. \_\_\_\_\_

**2. BANK & INVESTMENT ACCOUNTS** Not applicable

<b>Financial Institution</b>	
<b>Description</b>	<input type="checkbox"/> Within Alberta <input type="checkbox"/> Outside Alberta
<b>Balance</b>	\$0.00

 Add another Account**3. SHARES IN PUBLIC OR PRIVATE COMPANIES** Not applicable

<b>Company</b>	
<b>Description</b>	<input type="checkbox"/> Within Alberta <input type="checkbox"/> Outside Alberta
<b>Value</b>	\$0.00

 Add another Company**4. ANNUITIES, PENSIONS AND BENEFIT PLANS PAYABLE TO ESTATE** Not applicable

<b>Annuity/Pension/Benefit Provider:</b>	
<b>Value</b>	\$0.00

 Add another Annuity, Pension or Benefit Plan**5. LIFE INSURANCE PAYABLE TO ESTATE** Not applicable

<b>Life Insurance Provider:</b>	
<b>Value</b>	\$0.00

 Add another Life Insurance Policy**6. HOUSEHOLD GOODS AND PERSONAL EFFECTS** Not applicable

<b>Item</b>	<input type="checkbox"/> Within Alberta <input type="checkbox"/> Outside Alberta
<b>Estimated Value</b>	\$0.00

 Add another Household Goods/Personal Effects Item

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address \_\_\_\_\_  
 City, Alberta Postal Code \_\_\_\_\_  
 Attention: Lawyer File No. \_\_\_\_\_

**7. OTHER PROPERTY**

Not applicable

<b>Item</b>	<input type="checkbox"/> Within Alberta <input type="checkbox"/> Outside Alberta
<b>Estimated Value</b>	\$0.00

Add another Property Item

---

<b>TOTAL ASSETS OWNED BY THE DECEASED</b>	\$0.00
---	--------

---

## II. ASSETS OWNED JOINTLY BY THE DECEASED AND PERSONS OTHER THAN A SPOUSE OR ADULT INTERDEPENDENT PARTNER

The Applicant has identified the assets listed below as being jointly owned by the Deceased and persons other than their spouse or adult interdependent partner. Although the Applicant has prepared the following list to the best of their ability using available information, readers are cautioned the list may not be complete as not all information about the Deceased’s jointly owned property is necessarily available to the Applicant.

Succession to a deceased person’s jointly owned assets is governed by the common law. Jointly owned assets may either form part of the deceased person’s estate or they may pass outside the deceased person’s estate by right of survivorship to the surviving joint owners. Entitlement is generally determined by ascertaining the deceased person’s intentions where possible and by applying certain legal presumptions. Entitlement in each situation depends on its facts.

The Applicant is required to take a position whether assets owned jointly by the Deceased and persons other than a spouse or adult interdependent partner form part of the Deceased’s estate or if ownership of those assets pass to the surviving joint owner(s).

Although the Applicant is required by this Inventory to take a position on whether assets jointly owned by the Deceased form part of the Deceased’s estate, the Applicant’s positions on these matters are not determinative. Persons taking issue with the positions taken by the Applicant are encouraged to consult their own lawyers immediately.

### 1. JOINTLY OWNED LAND AND MINERALS

Not applicable

<b>Municipal Address or Legal Description</b>		<input type="checkbox"/> Within Alberta <input type="checkbox"/> Outside Alberta <input type="checkbox"/> Joint Asset passes outside of Estate <input type="checkbox"/> Joint Asset forms part of Estate
<b>Joint Owner(s) (if known)</b>		
<b>Estimated Gross Value</b>	\$0.00	
<b>Mortgages and Other Financial Encumbrances</b>	\$0.00	
<b>Estimated Net Value</b>		\$0.00

Add another Jointly Owned Land and Minerals Item

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address \_\_\_\_\_  
 City, Alberta Postal Code \_\_\_\_\_  
 Attention: Lawyer File No. \_\_\_\_\_

**2. JOINTLY OWNED BANK & INVESTMENT ACCOUNTS**

Not applicable

<b>Financial Institution</b>	
<b>Description</b>	<input type="checkbox"/> Within Alberta <input type="checkbox"/> Outside Alberta  <input type="checkbox"/> Joint Asset passes outside of Estate <input type="checkbox"/> Joint Asset forms part of Estate
<b>Joint Owner(s) (if known)</b>	
<b>Balance</b>	\$0.00

Add another Jointly Owned Account

**3. JOINTLY OWNED SHARES IN PUBLIC OR PRIVATE COMPANIES**

Not applicable

<b>Company</b>	
<b>Description</b>	<input type="checkbox"/> Within Alberta <input type="checkbox"/> Outside Alberta  <input type="checkbox"/> Joint Asset passes outside of Estate <input type="checkbox"/> Joint Asset forms part of Estate
<b>Joint Owner(s) (if known)</b>	
<b>Value</b>	\$0.00

Add another Jointly Owned Shares Item

Estate of \_\_\_\_\_  
 Law Firm LLP  
 Address \_\_\_\_\_  
 City, Alberta Postal Code \_\_\_\_\_  
 Attention: Lawyer File No. \_\_\_\_\_

**4. JOINTLY OWNED HOUSEHOLD GOODS AND PERSONAL EFFECTS**

Not applicable

Item	<input type="checkbox"/> Within Alberta <input type="checkbox"/> Outside Alberta  <input type="checkbox"/> Joint Asset passes outside of Estate <input type="checkbox"/> Joint Asset forms part of Estate
Joint Owner(s) (if known)	
Estimated Value	\$0.00

Add another Jointly Owned Household Goods/Personal Effects Item

**5. OTHER JOINTLY OWNED PROPERTY**

Not applicable

Item	<input type="checkbox"/> Within Alberta <input type="checkbox"/> Outside Alberta  <input type="checkbox"/> Joint Asset passes outside of Estate <input type="checkbox"/> Joint Asset forms part of Estate
Joint Owner(s) (if known)	
Estimated Value	\$0.00

Add another Jointly Owned Property Item

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<b>TOTAL JOINTLY OWNED ASSETS THAT FORM PART OF THE DECEASED'S ESTATE</b>	<b>\$0.00</b>
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**III. LIABILITIES**

Not applicable

<b>Description</b>	
<b>Estimated Value</b>	\$0.00

Add another Liability

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<b>TOTAL LIABILITIES</b>	\$0.00
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**IV. NET VALUE OF ESTATE**

<b>NET VALUE OF ESTATE</b>	Total Assets + Total Jointly Owned Assets that form part of the Deceased's Estate - Total Liabilities	\$0.00
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# Grant

Court File Number

**Court** Court of Queen’s Bench of Alberta  
(Surrogate Matter)

**Judicial Centre**

Court Stamp

**Estate Name**

There are no previous grants issued in the estate of [name of deceased]. OR This order revokes the previous grant issued in the estate of [name of deceased] on [date of previous grant].

And therefore, by order of the Honourable [Justice’s name], dated [date], the Court has granted [probate of the attached will/codicil/list OR administration] of all the deceased’s property to [name of applicant/personal representative], the personal representative of the estate of [name of deceased].

This grant has the following conditions or limitations:

[none] OR [list conditions or limitations]

The personal representative has the authority to inquire into all joint assets and beneficiary designated assets of the deceased except those assets owned jointly with a spouse or adult interdependent partner and beneficiary designations in favour of a spouse or adult interdependent partner.

Justice of the Court of Queen’s Bench of Alberta

Date

Estate of \_\_\_\_\_  
Law Firm LLP  
Address  
City, Alberta Postal Code  
Attention: Lawyer File No. \_\_\_\_\_



# Notice of Grant Issuing

**Court** Court of Queen's Bench of Alberta  
(Surrogate Matter)

**Judicial Centre**

**Estate Name**

Court File Number

Court Stamp

The Court has issued a grant of [probate OR administration] to [name of applicant/personal representative], personal representative of the estate of [name of deceased].

The grant of [probate OR administration] issued on [date].

This notice is served on all parties outlined in the GA 1 form.

**Personal Representative**

**Date**

Estate of \_\_\_\_\_  
Law Firm LLP  
Address  
City, Alberta Postal Code  
Attention: Lawyer File No. \_\_\_\_\_

# Affidavit of witness to a will

Testator's Name  
as shown in will:

Witness's name  
as shown in will:

Exhibit A                      Original will dated

---

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

1. I am one of the witnesses to the last will of the testator, \_\_\_\_\_.
2. The will is dated \_\_\_\_\_ and is marked as Exhibit A to this affidavit.
3. The testator, the other witness to the will and I were all present together when the testator and the witnesses signed the will.
4. Before the testator signed the will, the testator made the following changes to it:
  - a.

SWORN OR  AFFIRMED BEFORE A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF ALBERTA AT \_\_\_\_\_, ALBERTA ON [MONTH] \_\_\_\_\_, 2020.

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A Commissioner for Oaths in and for Alberta:  
Appointment Expiry Date:

Estate of \_\_\_\_\_  
Law Firm LLP  
Address  
City, Alberta Postal Code  
Attention: Lawyer File No. \_\_\_\_\_

# Affidavit of handwriting of deceased

Deceased's  
Name as shown  
in will:  
Witness's name:

Exhibit A                      Original will dated

---

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

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

SWORN OR  AFFIRMED BEFORE A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF ALBERTA AT \_\_\_\_\_, ALBERTA ON [MONTH] \_\_\_\_\_, 2020.

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**A Commissioner for Oaths in and for Alberta:  
Appointment Expiry Date:**

Estate of \_\_\_\_\_  
Law Firm LLP  
Address  
City, Alberta Postal Code  
Attention: Lawyer File No. \_\_\_\_\_

# Affidavit verifying translation of a non-English will

Deceased's  
Name as shown  
in will:  
Witness's name:

Exhibit A           Original non-English will dated  
Exhibit B           Translation

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

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

**SWORN OR  AFFIRMED BEFORE A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF ALBERTA AT \_\_\_\_\_, ALBERTA ON [MONTH] \_\_\_\_\_, 2020.**

**A Commissioner for Oaths in and for Alberta:  
Appointment Expiry Date:**

Estate of \_\_\_\_\_  
Law Firm LLP  
Address  
City, Alberta Postal Code  
Attention: Lawyer File No. \_\_\_\_\_

# Renunciation

Estate Name

Name

Complete Address

---

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

1. I am a person that may apply to the Court of Queen's Bench of Alberta for a grant under section 13(1) of the *Estate Administration Act* to administer the estate of \_\_\_\_\_ (the "deceased").
2. I do not wish to serve as the deceased's personal representative.
3. I renounce my entitlement to apply for a grant.
4. I have not intermeddled in the deceased's estate.

SWORN OR  AFFIRMED BEFORE A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF ALBERTA AT \_\_\_\_\_, ALBERTA ON [MONTH] \_\_\_\_\_, 2020.

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A Commissioner for Oaths in and for Alberta:  
Appointment Expiry Date:

# Nomination

Estate Name

Name

Complete Address

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

1. I am a person that may nominate a person to administer the estate of \_\_\_\_\_ (the "deceased") under section 13(4) of the *Estate Administration Act*.
2. I nominate \_\_\_\_\_ to apply for a grant.

SWORN OR  AFFIRMED BEFORE A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF ALBERTA AT \_\_\_\_\_, ALBERTA ON [MONTH] \_\_\_\_\_, 2020.

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A Commissioner for Oaths in and for Alberta:  
Appointment Expiry Date:

# Beneficiary's Consent to Waive or Reduce Bond

Deceased's  
Name as shown  
in will:

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

- 1. I am aware that \_\_\_\_\_ (the "applicant") will apply to the Court for a grant.
- 2. I have an interest in the administration of the estate of \_\_\_\_\_ (the "deceased") because I am a beneficiary.
- 3. I consent to a grant being issued to the applicant on the following basis:
  - without bond or other security.
  - with a bond in the reduced amount of \* \* \*
  - with the following security in the amount of \* \* \* instead of a bond:

SWORN OR  AFFIRMED BEFORE A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF ALBERTA AT \_\_\_\_\_, ALBERTA ON [MONTH] \_\_\_\_\_, 2020.

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A Commissioner for Oaths in and for Alberta:  
Appointment Expiry Date:

Estate of \_\_\_\_\_  
Law Firm LLP  
Address  
City, Alberta Postal Code  
Attention: Lawyer File No. \_\_\_\_\_

# Affidavit of Fiduciary

Estate Name:

<b>Name of Beneficiary</b>	
<b>Name of Fiduciary</b>	
<b>Type of Fiduciary</b>	<input type="checkbox"/> Named in the will as a trustee <input type="checkbox"/> Named by the personal representative who is authorized in the will to appoint trustee(s) <input type="checkbox"/> Named by _____ who is authorized in the will to appoint trustee(s) <input type="checkbox"/> Attorney appointed in a Power of Attorney <input type="checkbox"/> Trustee appointed by Court order <input type="checkbox"/> Trustee appointed by deed of trust

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

1. I am receiving property from the Estate in my capacity as a fiduciary.
2. I acknowledge that as a fiduciary:
  - (a) The property I receive from the Estate may only be used by me in accordance with the terms of my appointment as a fiduciary.
  - (b) I must keep adequate records of my administration of the property I receive from the Estate unless the terms of my appointment as a fiduciary provide otherwise.
  - (c) I cannot borrow or take a benefit from the property I receive from the Estate unless the terms of my appointment as a fiduciary provide otherwise.
3. I am not a bankrupt individual pursuant to the *Bankruptcy and Insolvency Act (Canada)*.
4. I am at least 18 years of age.

SWORN OR  AFFIRMED BEFORE A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF ALBERTA AT \_\_\_\_\_, ALBERTA ON [MONTH] \_\_\_\_\_, 2020.

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A Commissioner for Oaths in and for Alberta:  
Appointment Expiry Date: