

ESTATE GRANT CHECKLIST

Date: _____

File No: _____

RE: The Estate of _____

Checked by: _____

Your application has not been approved for the reasons set out below.

RETURN THIS CHECKLIST WITH YOUR SUPPLEMENTARY MATERIAL

1) SUBMISSION FOR ESTATE GRANT:

- ☐ 1. Style of Proceedings
- ☐ 2. Type of Grant
- ☐ 3. Dated and signed
- ☐ 4. Part 1 - Information about the deceased
- ☐ 5. Part 2 - Information about the applicants
- ☐ 6. Part 3 - Documents Filed
- ☐ 7. Part 4 - Schedule improperly completed
- ☐ 8. Filed prior to 21 day notice period, provide copy of entered order shortening notice

2) VALIDITY OF WILL:

- ☐ 1. Time has not elapsed for executor to apply
- ☐ 2. Not signed by will-maker
- ☐ 3. Attestation Clause (s. 37 *Wills, Estates and Succession Act*)
- ☐ 4. Witnessed by at least two witnesses (s. 37 *Wills, Estates and Succession Act*)
- ☐ 5. Alterations, interlineations, erasures (Rule 25-3(20)-(21))
- ☐ 6. Appearance of the will (Rule 25-3(22))
- ☐ 7. Document referred to in the will not filed (Rule 25-3(23))
- ☐ 8. Original e-will is not locked. Provide evidence confirming the will is unaltered (Rule 25-3(22.1))

3) WILL

- ☐ 1. Original will, codicil, certified copy of foreign grant, etc. not filed
- ☐ 2. Copies of will (physical/electronic), codicil, etc. provided and no explanation provided in the materials as to why copies be admitted to probate.

4) WILLS SEARCH:

- ☐ 1. Wills Search to include all versions of name being used in the application, the testamentary document(s) and name used on any real property
- ☐ 2. Wills Search reveals more recent will.

5) AFFIDAVIT OF APPLICANT (Form P3, P4, P5, P6 and P7):

- ☐ 1. Not authorized to submit a Form P3 affidavit pursuant to Rule 25-3(6). Provide a Form P4.
- ☐ 2. Provide reasons why named executor/alternate is not the applicant
- ☐ 3. Specify paragraph of section 131 of the *Wills, Estates and Succession Act* that applies to the applicant
- ☐ 4. Specify paragraph of section 130 of the *Wills, Estates and Succession Act* that applies to the applicant
- ☐ 5. Application by attorney. Provide evidence of power of attorney
- ☐ 6. All of the persons to whom the foreign grant was issued must apply for an estate grant
- ☐ 7. Provide affidavit in Form P8 from all applicants that did not swear the main affidavit of applicant
- ☐ 8. S.56(2) *Wills, Estates and Succession Act* where applicable (appointment of spouse revoked)
- ☐ 9. Digital reproduction of e-will submitted require P4 and P45 affidavits (Rule 25-3(a.1)(iii) & (iv))
- ☐ 10. Other:

6) AFFIDAVIT OF ASSETS AND LIABILITIES

- ☐ 1. Must be in Form P10 (for domiciled estates grant)
- ☐ 2. Must be in Form P11 (for non-domiciled estate grant)
- ☐ 3. Statement of Assets, Liabilities and Distribution must be marked as Exhibit A to the affidavit (exhibit stamp not properly marked/dated/signed)
- ☐ 4. Statement of Real and Tangible Property Outside of BC must be marked as Exhibit B to the affidavit (exhibit stamp not properly marked/dated/signed)
- ☐ 5. Part I, Real Property:
 - ☐ include full legal description
 - ☐ if more than one owner show how title is held
 - ☐ value at death is market value
 - ☐ show any mortgage against property (unless life insured)
- ☐ 6. Part II, Tangible Personal Property:
 - ☐ name the assets are held in (when more than one person)
 - ☐ identification number of the asset should be included
 - ☐ show any liabilities that charge or encumber personal property of the deceased
- ☐ 7. Part III, Intangible Personal Property:
 - ☐ show any liabilities that charge or encumber the personal property of the deceased.
- ☐ 8. Gross Value of the Estate
 - ☐ total of Parts I, II & III, less any secured debts that charge or encumber the property of the deceased.
- ☐ 9. Other:

7) AFFIDAVIT OF DELIVERY

- ☐ 1. Must be in Form P9
- ☐ 2. Notice in Form P1 not attached as exhibit
- ☐ 3. Require proof of delivery of documents set out in Rule 25-2(1.1) (will/foreign grant)
- ☐ 4. Specify method of service used
- ☐ 5. Serve those persons entitled to notice:
 - ☐ executor or alternate executor whose right to apply is prior or equal to the applicant
 - ☐ each beneficiary under the will
 - ☐ each person that would be an intestate successor under Division 1 of Part 3 of the WESA
 - ☐ each person that is an intestate successor under Division 1 of Part 3 of the WESA
 - ☐ each creditor of the deceased whose claim exceeds \$10,000
 - ☐ if the deceased was a Nisga'a citizen, the Nisga'a Lisims government
 - ☐ if the deceased was a member of a treaty first nation, the treaty first nation
 - ☐ person entitled to notice by court order
 - ☐ person that filed a citation on the intended applicant
- ☐ 6. Service by e-mail, fax or other electronic means not effective, re-deliver notice in accordance with Rule 25-2(1)(b)
- ☐ 7. Affidavit does not indicate in what capacity the person was served with the documents on behalf of the person entitled to delivery (For example, parent/guardian/committee)
- ☐ 8. Serve BC Public Guardian and Trustee with a copy of the notice and the documents referred to in Rule 25-2(1)(b) on behalf of minors/and or mentally disordered persons (Rule 25-2)
- ☐ 9. Electronic will, require confirmation no person demanded the will in original form or if access was given (Rule 25-2(1.1) and paragraph 5 of the P9)
- ☐ 10. Other:
- ☐ 10. Exhibit A - NOTICE OF PROPOSED APPLICATION IN RELATION TO ESTATE
 - ☐ Exhibit stamp not properly marked/dated/signed
 - ☐ Notice not in Form P1
 - ☐ Incorrect location of registry
 - ☐ Incorrect type of estate grant selected
 - ☐ Does not indicate a copy of the will (physical/electronic) was provided
 - ☐ Other:

8) PUBLIC GUARDIAN AND TRUSTEE – COMMENTS

- ☐ Pursuant to s. 124 of the *WESA*, provide the written comments of the PG & T or copy of court order authorizing the issuance of a representation grant before the PG & T gives written comments.

9) RENUNCIATIONS:

- ☐ 1. Original renunciation (Form P17) is required and must be witnessed
- ☐ 2. Person must sign their own renunciation or provide affidavit of signatory setting out their authority to sign on behalf of the person.
- ☐ 3. Provide affidavit of deemed renunciation (Form P34)
- ☐ 4. Other:

10) ORDERS:

- ☐ 1. Order required for (Apply in accordance with Rule 25-14)

11) PROBATE FEES:

12) OTHER:
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