|  |
| --- |
| INFORMATION FORM: Application for Estate Certificate (Probate) |
|  |
| 1. Filer Information |
| Name of filer: |       | Law firm *(if applicable)* |       |
| Address: |       | City: |       | Province: |       | Postal code: |       |
| Email address: |       | Phone number: |       |
|  |
| 2. Information about the deceased and court location |
| Deceased's name: |       | Date of death: | [Click to enter a date] |
| Deceased’s address: |       | City/Town: |       | Postal code: |       |
| The application is being filed with the Superior Court of Justice in:  | [select application type from this dropdown list] |
|  |
| 3. Individual documents being filed with this application in PDF: *(check all that apply)* |
| [ ]  | Application:[click here and select application type from this dropdown list] |
| [ ]  | Draft Certificate: [click here and select application type from this dropdown list], with a copy of the will, if any, including any codicils, attached to it |
| [ ]  | Notarial copy of Death Certificate (from Registrar General or funeral director) or court order declaring person died |
| *For an Application for Certificate of Appointment or Confirmation of Appointment of Estate Trustee (****Form 74A or 74J****):* |
| [ ]  An Affidavit of Service (Form 74B) or Lawyer’s Certificate of Service (Form 74B.1)[ ]  Renunciation from estate trustee named in the Will or other person entitled to apply (Form 74G)[ ]  Consents to the Application (from beneficiaries who together have a majority interest in the value of estate assets) (Form 74H) |
| *For an Application for a Small Estate Certificate or Amended Small Estate Certificate (****Form 74.1A or 74.1E****):*  |
|  | [ ]  A Request to file Application (Form 74.1B)  |
| *For an Application for Certificate of Appointment with a Will (****Form 74A, 74J, and 74.1A****):* |
|  | [ ]  Copy of Will and/or Codicil(s) *(the original Will/Codicil must be sent to the court)* |
|  | [ ]  Affidavit of Execution of Will or Codicil (Form 74D or 74.8 if executed before Jan 1, 2022)  |
|  | [ ]  Affidavit of Condition of Will or Codicil (Form 74E or 74.10 if executed before January 1, 2022) |
|  | [ ]  Affidavit Attesting to the Handwriting and Signature of a Holograph Will or Codicil (Form 74F), if required |
| *For an Application for a Certificate of Appointment or Confirmation of Appointment of Estate Trustee (****Form 74J****):*  |
|  | [ ]  A certified copy of the foreign grant under the seal of the court that granted it (*the original certified copy must be sent to the court*)[ ]  A nomination (Form 74K) of the applicant by the estate trustee appointed in the foreign jurisdiction |
| *For an Application seeking a judge’s order (****Form 74A, 74J, and 74.1A****):*  |
| [ ]  | Draft order (Form 74I)to dispense with bond | [ ]  | Draft order (Form 74I) to defer tax payment | [ ]  | Draft order (Form 74I) for:  |
|  *If draft order is seeking to dispense with a bond, indicate whether the documents below are being filed:* |
| [ ]  Applicant’s Affidavit | [ ]  Consents of all beneficiaries (Form 74H) | [ ]  Other: |  |
| *If draft order is seeking to defer tax payment per s. 4(2) of the* Estate Administration Tax Act*, indicate whether the documents below are being filed:* |
| [ ]  Applicant’s Affidavit  | [ ]  Other: |
| *If draft order is seeking any other order, indicate whether documents below are being filed:* |
| [ ]  Applicant’s Affidavit  | [ ]  Other: |

|  |
| --- |
| 4. Court file number, tax payment, original documents (Will, Codicil, Bond, etc.) |
| [ ]  | Was a paper application and/or supporting documents filed or submitted to the court?  |
|  | If yes, it was submitted on | [Click to enter a date] | by: [ ]  mail [ ]  courier [ ]  in person  |
| [ ]  | Was a court file number assigned for this application? If yes, please indicate court file number:  |
| [ ]  | The original documents and certified copies (i.e., Will, Codicil, Bond, Ancillary Certificate etc.) were delivered to the court office on [Click to enter a date] by: [ ]  mail [ ]  courier [ ]  in person  |
| [ ]  | The estate is valued in the application at $ |       | , and the estate administration tax payable is |
|  | $ |       | consistent with the amount calculated using the [Estate Administration Tax Calculator](https://www.ontario.ca/page/calculating-estate-administration-tax) |
| [ ]  | The estate administration tax, payable to "Minister of Finance", paid by: |
|  | [ ]  | certified cheque | [ ]   | bank draft |  |
|  | was delivered to the above-noted court office on [Click to enter a date] by: [ ]  mail [ ]  courier [ ]  in person |
| *For Form 74J Applications for a Certificate of Succeeding Estate Trustee or a Certificate of Estate Trustee during Litigation,* the filing fee of $138 will be paid by: |
|  | [ ]  | certified cheque | [ ]  | bank draft | [ ]  | solicitor's cheque |
|  | was delivered to the above-noted court office on [Click to enter a date] by: [ ]  mail [ ]  courier [ ]  in person |
| [ ]  | I am seeking to pay the estate administration tax deposit based on an estimated value of the estate and have indicated this is Part 9 of Form 74A or 74.1A or Part 7 of Form 74J. |
| [ ]  | **I will attach (or I have attached) a copy of this form to any documents/payments that I send to the court by mail, courier or in person.** |
| 5. Certificate Delivery  |
| If the Certificate requested is granted, I request an issued Certificate:  |
| [ ]  in electronic format immediately by email  | [ ]  in paper format which I will pick up at the above-noted court office  |
| 6. Declarations |
| By submitting this form to the court, I acknowledge that: |
|  | This form and the attached documents are being submitted for the purpose of filing a probate application with the Superior Court of Justice pursuant to rule 74 or 74.1 of the *Rules of Civil Procedure.* |
| 1. [ ]
 | If requested by the Registrar, I will provide a paper copy of any document that I submitted by email within the timeline requested by the Registrar. |
| 1. [ ]
 | The court or registrar may send any communication or document by email, including a Registrar’s Notice, Certificate of Appointment, court orders and endorsements pursuant to rule 4.12 of the *Rules of Civil Procedure.* |
|  | I will receive an electronic Certificate of Appointment unless I have requested a Certificate in paper format. |
| 1. ~~[ ]~~
 | Documents that I am submitting by email will be relied upon by court staff rather than any earlier paper document submissions (if applicable).  |
| 1. [ ]
 | The names of the deceased/trustee/beneficiaries in each document are exactly the same as stated in the Will/Codicil, or "also known as" names are indicated on all documents.  |
|  | If not, provide the reason:  |       |
| 1. [ ]
 | All of the documents that I am submitting contain the same date of death and the same date of the Will/Codicil *(if applicable)*. |
|  | I have complied with the document filing requirements established by the *Rules of Civil Procedure* and the [Consolidated Civil Provincial Practice Direction dated June 15, 2023](https://www.ontariocourts.ca/scj/practice/consolidated-civil-pd/#_Toc136336829), Part IV, paragraph 88.  |
| **Additional Information:**  |       |
| **To learn more about applying for probate visit:**<https://www.ontario.ca/page/apply-probate-estate> <https://www.ontario.ca/page/probate-small-estate> |