*(Court seal)*

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| FORM 74I |
| *Courts of Justice Act* |
| ONTARIO |
| **SUPERIOR COURT OF JUSTICE** |
|  |  |  |
| *(Name of judge)* |  | *(Day and date order made)* |

In the Estate of *(insert name),* deceased.

ORDER IN AN ESTATES PROCEEDING

This is an ORDER *(identify the orders being sought and* ***delete all others****)*

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| For a Certificate of Appointment of Estate Trustee with a Will Limited to the Assets Referred to in the Will under Rule 74.04(1)  |
| For a Certificate of Appointment of Succeeding Estate Trustee with a Will Limited to the Assets Referred to in the Will under Rule 74.06(1) |
| To Accept or Refuse Appointment as Estate Trustee with a Will under Rule 74.15(1)(a) |
| To Accept or Refuse Appointment as Estate Trustee without a Will under Rule 74.15(1)(b) |
| To Consent or Object to a Proposed Appointment of an Estate Trustee under Rule 74.15(1)(c) |
| To File a Statement of Assets of the Estate under Rule 74.15(1)(d) |
| For Further Particulars under Rule 74.15(1)(e) |
| To Beneficiary Witness under Rule 74.15(1)(f) |
| To Former Spouse under Rule 74.15(1)(g) |
| To Pass Accounts under Rule 74.15(1)(h) |
| To Dispense with the Requirement to Post a Bond or Reduce the Amount of a Bond under section 37(2) or 52(3) of the *Estates Act* |
| To Defer Payment of the Estate Administration Tax under section 4(1) of the *Estate Administration Tax Act, 1998* |
| For Other Matters under Rule 74.15(1)(i) |

*(Include the text below if applicable; otherwise, delete the text and the title above it)*

***Order for Certificate of Appointment of Estate Trustee or Succeeding Estate Trustee with a Will Limited to the Assets Referred to in the Will***

An Application for a Certificate of Appointment of *(insert either “Estate Trustee” or “Succeeding Estate Trustee”)*, with a Will Limited to the Assets Referred to in the Will in the Estate of *(insert name of deceased)*, deceased, *(where applicable, insert “made without notice”)*, has been filed with the Court

1. THIS COURT ORDERS THAT a Certificate of Appointment of *(insert either “Estate Trustee” or “Succeeding Estate Trustee”)* with a Will Limited to the Assets Referred to in the Willbe issued for the Will of the deceased dated *(insert date).*

***Order to Accept or Refuse Appointment as Estate Trustee***

A motion for this order has been made by *(insert name of moving party) (where applicable, insert “without notice”)*. From the affidavit *(insert “sworn” or “affirmed”)* by *(insert name)*, dated *(insert date)*, that has been filed it appears that (select **one** and **delete** the other)

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| you are named as estate trustee in a Will or codicil of the deceased. |
| you may have a prior right to be appointed estate trustee without a Will in the deceased’s estate. |

1. THIS COURT ORDERS THAT you must file an application for (*insert either “a small estate certificate” or “a certificate of appointment of estate trustee with a Will” or “a certificate of appointment of estate trustee without a Will”)* in the court office within *(insert number of days)* days after this order is served on you.
2. THIS COURT ORDERS THAT if you do not do so within that time, you shall be deemed to have renounced your right to be appointed as the estate trustee of the deceased’s estate*.*

***Order to Consent or Object to a Proposed Appointment of an Estate Trustee***

A motion for this order has been made by *(insert name of moving party) (where applicable, insert “without notice”)*. From the affidavit *(insert “sworn” or “affirmed”)* by *(insert name),* dated *(insert date)*, that has been filed it appears that *(insert name)* is applying for *(insert either “a small estate certificate” or “a certificate of appointment of estate trustee with a Will” or “a certificate of appointment of estate trustee without a Will”)*, that you are a person with a financial interest in the estate and that your consent to the appointment is being sought.

1. THIS COURT ORDERS THAT if you oppose that person’s appointment as estate trustee, you must file a notice of objection to the appointment of estate trustee, in the form attached as Schedule “A”, with the court office within *(insert number of days)* days after this order is served on you.
2. THIS COURT ORDERS THAT if you do not do so within that time, you shall be deemed to have consented to that person’s appointment*.*

*[Attach as Schedule “A” Notice of Objection]*

***Order to File a Statement of Assets of the Estate***

A motion for this order has been made by *(insert name of moving party) (where applicable, insert “without notice”).* From the affidavit *(insert “sworn” or “affirmed”)* by *(insert name),* dated *(insert date)*, that has been filed it appears that you are an estate trustee of the estate and that you should provide further information about the assets of the estate.

1. THIS COURT ORDERS THAT you must file a description of each asset of the estate and its value at the date of the deceased’s death with the court office within *(insert number of days)* after this order is served on you.

***Order for Further Particulars***

A motion for this order has been made by *(insert name of moving party)*. From the affidavit *(insert “sworn” or “affirmed”)* by *(insert name),* dated *(insert date)*, that has been filed it appears that *(insert details)*

1. THIS COURT ORDERS THAT *(insert details of order)*

***Order to Beneficiary Witness***

A motion for this order has been made by *(insert name of moving party) (where applicable, insert “without notice”).* From the affidavit *(insert “sworn” or “affirmed”)* by *(insert name),* dated *(insert date)*, it appears that *(insert name of moving party)* has made an application for a *(insert either “small estate certificate” or “certificate of appointment of estate trustee with a Will”)*, and that you are a beneficiary under the Will or codicil dated *(insert date)* and that you or your spouse witnessed the Will or codicil or signed for the testator.

1. THIS COURT ORDERS THAT if you wish the court to find that neither you nor your spouse exercised any improper or undue influence on the testator, you must make a motion, within *(insert number of days)* days after this order is served on you, asking the court to make that finding*.*
2. THIS COURT ORDERS THAT if you do not make such a motion within that time, your benefits under the Will are void under section 12 of the *Succession Law Reform Act*, and the applicant will be granted a *(insert either “small estate certificate” or “certificate of appointment of estate trustee with a Will”)* upon the filing of the necessary documentation with the court registrar, and a copy of this order will be attached to such certificate.

***Order to Former Spouse***

A motion for this order has been made by *(insert name of moving party) (where applicable, insert “made without notice”)* in an application for a *(insert “small estate certificate” or “certificate of appointment of estate trustee with a Will”)*. From the application it appears that the Will is dated *(insert date)* *[and that the codicil(s) is* *(are) dated* *(insert date)],* that you are a former spouse of the testator and that your marriage was terminated by a judgment absolute of divorce or declared a nullity after the date of the *(insert “Will” or “codicil”).*

1. THIS COURT ORDERS THAT if you wish to take part in the determination of the question whether the provisions in the Will that affect you are revoked under subsection 17 (2) of the *Succession Law Reform Act*, you must enter an appearance in the court office within *(insert number of days)* days after this order is served on you.
2. THIS COURT ORDERS THAT if you do not do so within that time, the question will be determined by a judge in your absence and you will be bound by the result.

***Order to Pass Accounts***

A motion for this order has been made by *(insert name of moving party) (where applicable, insert “made without notice”)*. From the affidavit *(insert “sworn” or “affirmed”)* by *(insert name),* dated *(insert date)*, that has been filed it appears that *(insert details).*

1. THIS COURT ORDERS THAT *(insert details of order)*.

***Order to Dispense with the Requirement to Post a Bond***

A motion for this order has been made by *(insert name of moving party or applicant in a probate application)* *(where applicable, insert “made without notice”)*. From the affidavit *(insert “sworn” or “affirmed”)* by *(insert name)*, dated *(insert date),* that has been filed it appears that *(insert details)*.

1. THIS COURT ORDERS THAT the requirement of the estate trustee *(insert name)* to post an estate administration bond is hereby dispensed with.

*(OR if there are minor beneficiaries and you seek to reduce the bond amount because the bond cannot be dispensed with:*

1. THIS COURT ORDERS THAT the bond that must be posted by the estate trustee *(insert name)* shall be reduced to the share of the minor beneficiary, *(insert name)*, in the amount of *(insert amount)*.*)*

***Order to Defer Payment of the Estate Administration Tax***

A motion for this order has been made by *(insert name of moving party or applicant in a probate application)* *(where applicable, insert “made without notice”)*. From the affidavit *(insert “sworn” or “affirmed”)* by *(insert name)*, dated *(insert date),* that has been filed it appears that *(insert details)*.

1. THIS COURT ORDERS THAT the payment of the estate administration tax by the estate trustee *(insert name)* is deferred until *(insert deadline for the payment of the estate administration tax. For example*, “immediately upon the issuance of the Certificate of Appointment of Estate Trustee”).

***Order for Other Matters***

A motion for this order has been made by *(insert name of moving party)* *(where applicable, insert “made without notice”)*. From the affidavit *(insert “sworn” or “affirmed”)* by *(insert name)*, dated *(insert date),* that has been filed it appears that *(insert details)*

1. THIS COURT ORDERS THAT *(insert details of order)*.

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| Signature of Judge (or Registrar on behalf of Judge in accordance with an endorsement) |
|  | Address of court office |
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TO: *(insert names and addresses)*

*(Attach a backsheet (Form 4C) in accordance with Rule 4.02 of the* Rules of Civil Procedure*.)*

RCP-E 74I (February 1, 2022)