*(Insert Court File No.)*

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| FORM 74.1E |
| *Courts of Justice Act* |
| ONTARIO |
| **SUPERIOR COURT OF JUSTICE** |

APPLICATION TO AMEND SMALL ESTATE CERTIFICATE

IN THE ESTATE OF *(insert name of deceased)*, deceased,

I *(or name of Corporation)* was issued a Small Estate Certificate, dated *(insert date)*, for the above-noted estate.

In the application for a Small Estate Certificate I *(or name of Corporation)* declared the total value of the assets of the deceased at the date of death to be *(insert $ value).*

After the Small Estate Certificate was granted, I *(or name of Corporation)* discovered additional estate assets.

These additional estate assets, listed in the Supplementary Statement of Assets below, and the value of the estate assets listed in my original application for a Small Estate Certificate result in a total aggregate estate value of *(insert $ value)*.

This total estate value is not more than $150,000, the prescribed value for a small estate.

I *(or name of Corporation)* have not been granted an Amended Small Estate Certificate for this estate.

I *(or name of Corporation)* am asking the court to amend my Small Estate Certificate.

I *(or name of Corporation)* will provide an accounting of the additional estate assets when requested by any party who is served with this application and will comply with any court order requesting same.

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| SUPPLEMENTARY STATEMENT OF ESTATE ASSETS |

List only the *additional* assets that you discovered were owned by the deceased at the date of death. Do *not* list the assets that were included in your application for a Small Estate Certificate. Insert as many rows as required.

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| PART 2 – REAL PROPERTY*(the value of the real estate should be net of encumbrances such as mortgages. Do not include any real estate in Ontario that is held jointly and passes by survivorship or any real estate outside Ontario.)* | **Value** at date of death |
|  | **$** |
|  | **$** |
|  | **$** |
| Total value of all additional real property | **$** |

|  |  |
| --- | --- |
| PART 3 – PERSONAL PROPERTY*(such as household effects, bank accounts, investments, etc. The personal effects can be treated as one entry. Do not include money or property held jointly and passing by survivorship or money or property to which a person is entitled under a beneficiary designation under, for example, a life insurance contract, a registered pension plan, a registered retirement savings plan, a registered retirement income fund, a locked-in retirement account or a tax free savings account. Do not include bank account numbers.)*  | **Value** **at date of death** |
|  | **$** |
|  |  |
|  |  |
| Total value of all additional personal property | **$** |
| TOTAL ADDITIONAL VALUE OF ESTATE(total additional real property + total additional personal property) | **$** |

I will: *(If corporate applicant revise to indicate “the corporate applicant will”)*

[ ]  send or give a copy of this Application form to:

1. each person entitled to share in the distribution of the estate, including charities and contingent beneficiaries;
2. the Office of the Children’s Lawyer if any of the persons with an interest in the estate are under the age of 18 and the parent or guardian of that person;
3. the Office of the Children’s Lawyer if any of the persons who may be entitled to an interest in the estate are unborn or unascertained; and
4. the Guardian or Attorney for any adults who meet the definition of “incapable” as set out in Part 6 of the Application form. If I wrote “None” in the Guardian or Attorney section of Part 6, I will also send a copy of this Application form and a copy of the Will and any codicil(s) if there is a Will and any codicil(s) to the Office of the Public Guardian and Trustee.

*(If you are the sole beneficiary of the estate, it is not necessary to check this box. Please explain in the last line.)*

[ ]  also send or give the following documents together with this Application form. If the Application must be sent or given to or in respect of:

1. a person entitled only to a specified item of property or a stated or determinable amount of money, an extract of the part or parts of the Will or codicil relating to the gift, or a copy of the Will and codicil(s), if any;
2. any other beneficiary, a copy of the Will and of any codicils; and
3. the Children’s Lawyer or Public Guardian and Trustee, a copy of the Will and of any codicils, together with a statement of the estimated value of the interest in the estate of the adult described in the application as lacking capacity or the minor, as the case may be, if that value is not disclosed in this Application form.

[ ]  file this Application form. I understand that I must wait to file the application and supporting documents at least 30 days after I send the Application form to each person entitled to share in the distribution of the estate and the Office of the Children’s Lawyer and the Office of the Public Guardian and Trustee, if applicable.

 The application will be filed with the Superior Court of Justice in the court location where:

 [ ]  the deceased resided

 [ ]  the deceased owned property

 [ ]  other. Explain: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

If you did not check off all the boxes for the Applicant Declarations, provide the reason:

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

*(Reproduce this section for multiple applicants.)*

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| Applicant Name: |  |
| **Contact Information:** |  |

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| --- | --- |
| Street address |  |
| City or town |  |
| Province/State |  |
| Postal code/Zip code |  |
| Country |  |
| E-mail address, if any: |  |
| Telephone number |  |
| If corporate applicant, name of trust officer: |  |

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*(Complete this section if the filer is not the applicant)*

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| **Filer Name:** |  |
| **Filer’s Firm Name**, if any: |  |
| **Contact Information:** |  |

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| --- | --- |
| Street address |  |
| City or Town |  |
| Province/State |  |
| Postal code/Zip Code |  |
| Country |  |
| E-mail address |  |
| Telephone number |  |
| Law Society Number, if any: |  |

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*(If there is more than one applicant, attach a separate sheet for additional affidavits.)*

I MAKE OATH AND SAY (or AFFIRM) that the information contained in this application and in any attached schedules is true, to the best of my knowledge and belief.

Sworn or Affirmed before me: [ ]  in person OR [ ]  by video conference

***Complete if affidavit is being sworn or affirmed in person:***

by *(insert name of applicant)* at the *(City, Town, etc.)* of *(insert name of city, town, etc.)* in the *(County, Regional Municipality, etc.)* of *(insert name of County, Regional Municipality, etc.)*, on *(insert date)*.

*Use one of the following if affidavit is being sworn or affirmed by video conference:*

***Complete if applicant and commissioner are in same city or town:***

by *(insert name of applicant)* at the *(City, Town, etc.)* of *(insert name of city, town, etc.)* in the *(County, Regional Municipality, etc.)* of *(insert name of County, Regional Municipality, etc.)*, before me on *(insert date)* in accordance with [O. Reg. 431/20](https://www.ontario.ca/laws/regulation/r20431), Administering Oath or Declaration Remotely.

***Complete if applicant and commissioner are not in same city or town:***

by *(insert name of applicant)* at the *(City, Town, etc.)* of *(insert name of city, town, etc.)* in the *(County, Regional Municipality, etc.)* of *(insert name of County, Regional Municipality, etc.)*, before me at the *(City, Town, etc.)* of *(insert name of city, town, etc.)* in the *(County, Regional Municipality, etc.)* of *(insert name of County, Regional Municipality, etc.)*, on *(insert date)* in accordance with [O. Reg. 431/20](https://www.ontario.ca/laws/regulation/r20431), Administering Oath or Declaration Remotely.

This *(insert date)* day of *(insert month)*, *(insert year).*

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| Signature of Commissioner | Signature of Applicant(or if applicant is a corporation, signature of Trust Officer) |

***Notice to Applicant***: Information provided on this form related to the payment of estate administration tax will be forwarded to the Ministry of Finance pursuant to clause 39(1)(b) and 42(1)(c) of the *Freedom of Information and Protection of Privacy Act.* This includes the name of the deceased, name and address of estate trustee(s), value of the estate and any undertakings and tax payments made or refunded. This information will be used by the Ministry of Finance to determine the value of the estate and the amount of estate administration tax payable. Questions about the collection of this information should be directed to the Senior Manager – Audit, Compliance Branch, 33 King Street West, PO Box 625, Oshawa ON L1H 8H9, 1-866-668-8297.

RCP-E 74.1E (September 1, 2021)

NOTICE

You are receiving a copy of the attached court application because you may have an interest in the estate of the deceased person named in the application.

**PLEASE NOTE:**

1. You have a right to oppose the application, by filing with the Superior Court of Justice a Notice of Objection ([Form 75.1](http://ontariocourtforms.on.ca/static/media/uploads/courtforms/civil/75_01/rcp-75-1-e.pdf)) in accordance with Rule 75.03 of the [*Rules of Civil Procedure*](https://www.ontario.ca/laws/regulation/900194),R.R.O. 1990, Reg. 194.
2. If you do not file a Notice of Objection to the application, a Small Estate Certificate may be issued to the applicant(s). The Certificate may be issued to the applicant as early as 30 days after they sent you this notice. This Certificate would authorize the applicant(s) to act as the estate trustee/s and give them the authority to administer the estate.
3. You may wish to consult with a lawyer about the role and responsibilities of an estate trustee. One responsibility of the estate trustee is to provide an accounting of the estate administration when requested by any party who is served with this application or required by court order to do so.
4. You may also wish to consult with a lawyer concerning your interest in, or rights against, the estate. If you choose to make a claim, you must do so within the time limit imposed by any relevant court rule, legislation or court order.
5. The *Rules of Civil Procedure* and the court forms are available on the internet at:

Rules of Civil Procedure*:* <https://www.ontario.ca/laws/regulation/900194>

Court Forms: <http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/pre-formatted-fillable-estates-forms/>

[Notice of Objection Form](http://ontariocourtforms.on.ca/static/media/uploads/courtforms/civil/75_01/rcp-75-1-e.pdf) 75.1:<http://ontariocourtforms.on.ca/static/media/uploads/courtforms/civil/75_01/rcp-e-75-1-1120.doc>

1. General information about estates is available on the Ministry of the Attorney General website at:

Justice Ontario: <https://www.attorneygeneral.jus.gov.on.ca/english/justice-ont/estate_planning.php>

How to Apply for Probate in Ontario: [https://www.attorneygeneral.jus.gov.on.ca/english/estates/how\_to\_apply\_for\_probate.php#](https://www.attorneygeneral.jus.gov.on.ca/english/estates/how_to_apply_for_probate.php)

Probate of a Small Estate: <https://www.ontario.ca/page/probate-small-estate>