

FORM 74.6

*Courts of Justice Act*

AFFIDAVIT OF SERVICE OF NOTICE

ONTARIO

**SUPERIOR COURT OF JUSTICE**

IN THE ESTATE OF \_\_\_\_\_ (*insert name*) \_\_\_\_\_, deceased.

AFFIDAVIT OF SERVICE OF NOTICE

I, (*insert name*), of (*insert city or town and county or district of residence*), make oath and say/affirm:

1. I am an applicant for a certificate of appointment of estate trustee with a will in the estate.
2. I have sent or caused to be sent a notice in Form 74.7, a copy of which is marked as Exhibit "A" to this affidavit, to all adult persons and charities named in the notice (except to an applicant who is entitled to share in the distribution of the estate); to the Public Guardian and Trustee if paragraph 6 of the notice applies; to a parent or guardian of any person less than 18 years of age and to the Children's Lawyer if paragraph 4 of the notice applies; to the guardian or attorney of any person referred to in paragraph 5 of the notice, and to the Children's Lawyer if paragraph 7 of the notice applies, in each case by personal service by email or by mail or courier to the person's last known address.
3. I have attached or caused to be attached to each notice the following:
  - (A) In the case of a notice sent to or in respect of a person entitled only to a specified item of property or 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).
  - (B) In the case of a notice sent to or in respect of any other beneficiary, a copy of the will (and codicil(s), if any).
  - (C) In the case of a notice sent to the Children's Lawyer or the Public Guardian and Trustee, a copy of the will (and codicil(s), if any) and a statement of the estimated value of the interest of the person represented.
4. The following persons and charities specifically named in the Will are not entitled to be served for the reasons shown:

<b>Name of person (as it appears in will, if applicable)</b>	<b>Reason not served</b>
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*If paragraph 4 does not apply insert "Not Applicable."*

5. The following persons named in the Will or being a member of a class of beneficiaries under the Will may be entitled to be served but have not been served for the reasons shown below:

**Name of person (as it appears in will, if applicable)**

**Reason not served**

*If paragraph 5 does not apply insert "Not Applicable."*

6. To the best of my knowledge and belief, subject to paragraph 5 (if applicable), the persons named in the notice are all the persons who are entitled to share in the distribution of the estate.

**Sworn or Affirmed before me:** (select one):  in person OR  by video conference

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

at the (City, Town, etc.) of ..... in the (County, County, Regional Municipality, etc.) of ..... on (date).

Commissioner for Taking Affidavits (or as may be)

\_\_\_\_\_  
*Signature of Commissioner (or as may be)*

\_\_\_\_\_  
*Signature of Deponent*

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

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

by ..... (deponent's name) at the (City, Town, etc.) of ..... in the (County, Regional Municipality, etc.) of ....., before me on ..... (date) in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely. ....

Commissioner for Taking Affidavits (or as may be)

\_\_\_\_\_  
*Signature of Commissioner (or as may be)*

\_\_\_\_\_  
*Signature of Deponent*

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

by ..... (deponent's name) of (City, Town, etc.) of ..... in the (County, Regional Municipality, etc.) of ....., before me at the (City, Town, etc.) of ..... in the (County, Regional Municipality, etc.) of....., on ..... (date) in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely. ....

Commissioner for Taking Affidavits (or as may be)

\_\_\_\_\_  
*Signature of Commissioner (or as may be)*

\_\_\_\_\_  
*Signature of Deponent*