

FORM 74.41

Courts of Justice Act

ORDER TO FORMER SPOUSE

(Heading in accordance with Form 59A)

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

ORDER TO FORMER SPOUSE

Subsection 17 (2) of the *Succession Law Reform Act* provides as follows:

"Except when a contrary intention appears by the will, where, after the testator makes a will, his or her marriage is terminated by a judgment absolute of divorce or is declared a nullity,

- a) a devise or bequest of a beneficial interest in property to his or her former spouse;
- b) an appointment of his or her former spouse as executor or trustee; and
- c) the conferring of a general or special power of appointment on his or her former spouse,

are revoked and the will shall be construed as if the former spouse had predeceased the testator."

A motion for this order has been made by *(insert name of moving party)*, who has also made an application for a 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 _____)*, 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 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 office of the registrar of the court within _____ 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 in your absence and you will be bound by the result.

Registrar

Address of court office

TO :