|  |
| --- |
| FORM 74B.1 |
| *Courts of Justice Act* |
| ONTARIO |
| **SUPERIOR COURT OF JUSTICE** |
| IN THE ESTATE OF *(insert name),* deceased. |

LAWYER’S CERTIFICATE OF SERVICE OF

APPLICATION FOR A CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE

I, *(insert name),* a lawyer licensed by the Law Society of Ontario, certify that:

1. I am the lawyer for the applicant for a certificate of appointment of estate trustee in the above-noted estate.
2. This is a certificate of service for an: *(select one)*

[ ]  Application for Certificate of Appointment of Estate Trustee with a Will

[ ]  Application for Certificate of Appointment of Estate Trustee with a Will Limited to the Assets Referred to in the Will

[ ]  Application for Certificate of Appointment of Estate Trustee without a Will

1. I: *(select one)*

[ ]  served the above-noted Application myself.

[ ]  caused *(insert name of person who served)* to serve the above-noted Application, and I am satisfied that service was effected.

1. I *(or insert name of person who served)* served the above-noted Application on:
2. each person entitled to share in the distribution of the estate, including charities and contingent beneficiaries;
3. 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 a parent or guardian of those persons;
4. 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
5. 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 *(or insert name of person who served)* served on the Office of the Public Guardian and Trustee 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).
6. The above-noted Application was served on each of the above persons by email, mail, courier or personal service in accordance with the *Rules of Civil Procedure*.

*(If applying without a Will,* ***delete*** *or* ***strike*** *paragraph 6.)*

1. I have attached or caused to be attached to each Application the following:
	1. 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), in the case of an application served on or in respect of a person entitled only to a specified item of property or stated or determinable amount of money,
	2. a copy of the Will (and codicil(s), if any), in the case of an application served or in respect of any other beneficiary,
	3. a copy of the Will (and codicil(s), if any) and a statement of the estimated value of the interest of a minor or an adult described in the application as lacking capacity, as the case may be, if that value is not disclosed in the application form, in the case of an application served on the Office of the Children’s Lawyer or the Office of the Public Guardian and Trustee.

*(If paragraph 7 does not apply,* ***delete*** *or* ***strike*** *it.)*

1. The following persons and charities specifically named in the Will are not entitled to be served for the reasons shown below:

|  |  |
| --- | --- |
| Name of person *(as it appears in Will, if any)* | Reason not served |
|  |  |
|  |  |

*(If not applicable,* ***delete*** *or* ***strike*** *paragraph 8. Complete this section if the application has not been served on persons who are named in the Will or who are members of a class of beneficiaries under the Will or are entitled under an intestacy pursuant to the* Succession Law Reform Act.*)*

1. The following persons 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 any)* | Reason not served |
|  |  |
|  |  |

To the best of my knowledge and belief, subject to paragraph 8 (if applicable), the persons named in the application are all the persons who are entitled to share in the distribution of the estate.

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

I certify that the information contained in this certificate of service is true, to the best of my knowledge and belief.

|  |  |  |
| --- | --- | --- |
|  |  |   |
| Signature of Lawyer | Date |

|  |  |
| --- | --- |
| Lawyer’s name: |  |
| Lawyer’s firm: |  |
| Lawyer for: |  |
| Law Society of Ontario #: |  |
| **Contact information** |  |
| Street address: |  |
| City or town: |  |
| Province: |  |
| Postal code: |  |
| Country: |  |
| E-mail address: |  |
| Telephone number: |  |

RCP-E-74B.1 (August 1, 2022)