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

REQUEST TO FILE AN APPLICATION FOR A SMALL ESTATE CERTIFICATE
OR AN AMENDED SMALL ESTATE CERTIFICATE

*In the Matter of the Estate of (insert name of deceased), deceased, (insert applicant name)*, is applying for a Small Estate Certificate.

I request the filing with the Superior Court of Justice of the following documents which are attached to this Request:

[ ]  Application for a Small Estate Certificate, sworn or affirmed on *(insert date)* [Form 74.1A]

[ ]  Draft Small Estate Certificate [Form 74.1C]

OR

[ ]  Application for an Amended Small Estate Certificate, sworn or affirmed on *(insert date)* [Form 74.1E]

[ ]  Draft Amended Small Estate Certificate [Form 74.1F]

[ ]  Copy of the Small Estate Certificate that was issued by the court in the original application.

AND

[ ]  Proof of death, dated *(insert date of the document)*

[ ]  Deceased’s Will, dated *(insert date)* *(select only if applicable)*

[ ]  Deceased’s codicil, dated *(insert date)* *(select only if applicable)*

[ ]  Bond *(select only if applicable)*

[ ]  Affidavit/s *(select only if applicable)*

[ ]  A Draft Order seeking to:

[ ]  Dispense with a bond [ ]  Defer taxes [ ]  Other:

[ ]  For a request to dispense with a bond:

[ ]  Applicant's Affidavit [ ]  Consents of beneficiaries

[ ]  For an order under s. 4(1) of the *Estate Administration Tax Act, 1998*:

[ ]  Applicant's Affidavit

[ ]  Applicant's Affidavit and Undertaking pursuant to s. 4(3) of the *Estate Administration Tax Act, 1998*

[ ]  Other:

|  |
| --- |
| Applicant Declarations: *(select all that apply)* |

[ ]  I sent or gave a copy of the sworn/affirmed Application [Form 74.1A or 74.1E] to: *(check all that apply)*

[ ]  each person entitled to share in the distribution of the estate, including charities and contingent beneficiaries.

[ ]  the Children’s Lawyer on behalf of the estate beneficiaries who are under the age of eighteen years and/or on behalf unborn and unascertained persons who may have an interest in the estate by *(insert* *email, mail, courier, or by hand delivery)* on *(date)* together with a copy of the Application, a copy of the Will or Codicil, if any.

[ ]  the parents/guardians of persons under the age of eighteen years who may have an interest in the estate.

[ ]  the guardian or attorney for any adults who meet the definition of “incapable” as set out in Part 6 of the Application form.

[ ]  the Public Guardian and Trustee for any adults who meet the definition of “mentally incapable” and there is no guardian or attorney specified in Part 6 of the Application form by *(insert email, mail, courier, or by hand delivery)* on *(date)*,together with a copy of the Application, a copy of the Will or Codicil, if any.

*(If you are the sole beneficiary of the estate, it is not necessary to check the box above. Please explain in the last line of paragraph 2.)*

[ ]  Along with a copy of the sworn/affirmed Application, I sent or gave:

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), along with the applications sent to 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 entire Will (and codicil(s), if any), along with the applications sent to the beneficiaries other than the persons set out in number i,
3. a copy of the entire Will (and codicil(s), if any), 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 the Application form, along with the application sent to the Children's Lawyer or the Public Guardian and Trustee.

[ ]  I did not send or give the application to one or more person(s) and charities named in the Will as beneficiaries or who are members of a class of beneficiaries under the Will or are entitled to share in the distribution of the estate under an intestacy pursuant to the *Succession Law Reform Act*. The reasons are as follows:

|  |  |
| --- | --- |
| Name of person *(as it appears in Will, if any)* | Reason the application was not sent or given to the person |
|  |  |
|  |  |

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

[ ]  The documents above were sent or given to these persons by email, mail, courier, or by hand-delivery in accordance with rule 74.1.03 of the *Rules of Civil Procedure*.

[ ]  At least 30 days have passed since the date that I sent the documents above to these persons.

[ ]  I am *(or insert “the applicant is”)* the sole beneficiary of the estate and therefore it is not necessary to send the application to any other person.

[ ]  The estate is valued in the Application at $*(insert amount)*, and the estate administration tax payable is $*(insert amount)*, consistent with the [Estate Administration Tax Calculator](https://www.attorneygeneral.jus.gov.on.ca/english/estates/calculate.php) amount (available on Ministry of Attorney General website).

[ ]  The estate administration tax, payable to "Minister of Finance", paid by

[ ]  certified cheque [ ]  bank draft [ ]  solicitor’s cheque,

was sent/delivered to the court office below on *(insert date)* by

[ ]  mail [ ]  courier [ ]  in person

[ ]  Additional information:

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

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

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

|  |  |
| --- | --- |
| Name: |  |
| Role: *(applicant/lawyer/trust officer for corporate applicant)* |  |
| Mailing address: |  |
| E-mail address *(if available)*: |  |

|  |  |  |
| --- | --- | --- |
|  |  |  |
| DATE: | Signature of applicant/lawyer/trust officer for corporate applicant |
| Court Address |
|  |

RCP-E 74.1B (January 1, 2025)