

### O. Reg. 388/23 rule and form amendments

	RCP Rule or Form	Current Wording	Change	O. Reg. 388/23 (Bold purple text = addition; purple line = deletion)	In force
1	74.04 (1)(e) (f)	<p><b>74.04</b> (1) A person may seek a certificate of appointment of estate trustee by filing an application for a certificate of appointment of estate trustee (Form 74A) together with,</p> <p>...</p> <p>(e) a renunciation (Form 74G), from the following persons:</p> <ul style="list-style-type: none"> <li>(i) if there is a will, from every living person who is named in the will or codicil as estate trustee who has not joined in the application and is entitled to do so, or</li> <li>(ii) if there is no will, from every person who is entitled in priority or is in equal right to be named as estate trustee and who has not joined in the application;</li> </ul> <p>(f) if there is no will, or if there is a will but the applicant is not named as an estate trustee in the will or a codicil, a consent to the applicant's appointment (Form 74H) by persons who are entitled to share in the distribution of the estate and who together have a majority interest in the value of the assets of the estate at the date of death;</p>	<p>Replaces reference to "Form 74H" with "Form 74G".</p> <p>This is a consequential amendment to #8.</p>	<p><b>74.04</b> (1) A person may seek a certificate of appointment of estate trustee by filing an application for a certificate of appointment of estate trustee (Form 74A) together with,</p> <p>...</p> <p>(e) a renunciation <b>in</b> <del>(Form 74G)</del>, from the following persons:</p> <ul style="list-style-type: none"> <li>(i) if there is a will, from every living person who is named in the will or codicil as estate trustee who has not joined in the application and is entitled to do so, or</li> <li>(ii) if there is no will, from every person who is entitled in priority or is in equal right to be named as estate trustee and who has not joined in the application;</li> </ul> <p>(f) if there is no will, or if there is a will but the applicant is not named as an estate trustee in the will or a codicil, a consent to the applicant's appointment <b>in</b> <del>(Form 74H)</del> <b>G</b> by persons who are entitled to share in the distribution of the estate and who together have a majority interest in the value of the assets of the estate at the date of death;</p>	April 1, 2024

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2	74.06 (1) (b)(c)	<p><b>74.06</b> (1) An application for a certificate of appointment of estate trustee to succeed an estate trustee with a will or for a certificate of appointment of estate trustee to succeed an estate trustee with a will limited to the assets referred to in the will shall be in Form 74J, and shall be accompanied by,</p> <p>(a) the original certificate of appointment or, if the original certificate has been lost, a copy of it certified by the court;</p> <p>(b) a renunciation (Form 74G) from every living person who is named in the will or codicil as an estate trustee and who has not joined in the application and is entitled to do so;</p> <p>(c) if the applicant is not named as an estate trustee in the will or codicil, a consent (Form 74H) to the application by persons who are entitled to share in the distribution of the remaining estate and who together have a majority interest in the value of the assets remaining in the estate at the date of the application;</p> <p>...</p>	<p>Replaces references to "Form 74H" with "Form 74G".</p> <p>This is a consequential amendment to #8.</p>	<p><b>74.06</b> (1) An application for a certificate of appointment of estate trustee to succeed an estate trustee with a will or for a certificate of appointment of estate trustee to succeed an estate trustee with a will limited to the assets referred to in the will shall be in Form 74J, and shall be accompanied by,</p> <p>(a) the original certificate of appointment or, if the original certificate has been lost, a copy of it certified by the court;</p> <p>(b) a renunciation <b>in</b> <del>(Form 74G)</del>, from every living person who is named in the will or codicil as an estate trustee and who has not joined in the application and is entitled to do so;</p> <p>(c) if the applicant is not named as an estate trustee in the will or codicil, a consent <del>(Form 74H)</del> to the application <b>in Form 74G</b> by persons who are entitled to share in the distribution of the remaining estate and who together have a majority interest in the value of the assets remaining in the estate at the date of the application;</p>	April 1, 2024

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3	74.07 (1)(b)	<p><b>74.07</b> (1) An application for a certificate of appointment of estate trustee to succeed an estate trustee without a will shall be in Form 74J, and shall be accompanied by,</p> <p>(a) the original certificate of appointment or, if the original certificate has been lost, a copy of it certified by the court;</p> <p>(b) a consent (Form 74H) to the application by persons who are entitled to share in the distribution of the remaining estate and who together have a majority interest in the value of the assets remaining in the estate at the date of the application;</p> <p>....</p>	<p>Replace reference to "Form 74H" with "Form 74G".</p> <p>This is a consequential amendment to #8.</p>	<p><b>74.07</b> (1) An application for a certificate of appointment of estate trustee to succeed an estate trustee without a will shall be in Form 74J, and shall be accompanied by,</p> <p>(a) the original certificate of appointment or, if the original certificate has been lost, a copy of it certified by the court;</p> <p>(b) a consent (<del>Form 74H</del>) to the application <b>in Form 74G</b> by persons who are entitled to share in the distribution of the remaining estate and who together have a majority interest in the value of the assets remaining in the estate at the date of the application;</p> <p>....</p>	April 1, 2024
4	74.11 (6)	<p>(6) The following documents shall be filed together with the application:</p> <ol style="list-style-type: none"> <li>1. A draft order (Form 74I).</li> <li>2. A consent to the order (Form 74H) from each person who is entitled to share in the distribution of the estate.</li> </ol> <p>.....</p>	<p>Replaces reference to "Form 74H" with "74G".</p> <p>This is a consequential amendment to #8.</p>	<p>(6) The following documents shall be filed together with the application:</p> <ol style="list-style-type: none"> <li>1. A draft order (Form 74I).</li> <li>2. A consent to the order <b>in</b> (<del>Form 74H-G</del>) from each person who is entitled to share in the distribution of the estate.</li> </ol> <p>.....</p>	April 1, 2024
6	n/a		<p>Updates Table of Forms to</p> <ol style="list-style-type: none"> <li>1) incorporate amended Forms 74F, 74A, 74J, 74.1A and new Form 74G dated Nov. 1, 2023; and</li> <li>2) eliminate Forms 74G and 74H dated Sept. 1, 2021.</li> </ol>		April 1, 2024

7	74F	<p style="text-align: center;">AFFIDAVIT          ATTESTING TO THE HANDWRITING AND          SIGNATURE OF          A HOLOGRAPH WILL OR CODICIL</p> <hr/> <p>I, <i>(insert name)</i>, of <i>(insert city or town and county, district, or regional municipality of residence)</i>, make oath and say/affirm:</p> <ol style="list-style-type: none"> <li>I was well acquainted with the deceased and have frequently seen the deceased's signature and handwriting.</li> <li>I believe the whole of the document dated <i>(insert date)</i>, now shown to me and marked as Exhibit "A" to this affidavit, including the signature, is in the handwriting of the deceased.</li> </ol>	<p>Expands instructions and facilitate disclosure of a deponent's potential conflict of interest in the proceeding to:</p> <ol style="list-style-type: none"> <li>minimize the need for judicial endorsements requiring additional evidence and the associated time to deliver endorsements and;</li> <li>save time and expense associated for applicants to prepare and file supplementary affidavits.</li> </ol>	<p style="text-align: center;">AFFIDAVIT <b>REGARDING</b>          ATTESTING TO THE HANDWRITING AND SIGNATURE OF          A HOLOGRAPH WILL OR CODICIL</p> <hr/> <p>I, <i>(insert name)</i>, of <i>(insert city or town and county, district, or regional municipality of residence)</i>, make oath and say/affirm:</p> <ol style="list-style-type: none"> <li><b>I am the <i>(insert relationship to the deceased or employment role/position)</i>.</b> <del>I was well acquainted with the deceased and have frequently seen the deceased's signature and handwriting.</del></li> <li><b>I have seen or am familiar with the signature and handwriting of <i>(insert name of deceased)</i> <i>(or insert role/expertise in authenticating signature and the handwriting of the deceased)</i>.</b></li> <li><b>I have carefully examined the document</b> <del>believe the whole of the document</del> dated <i>(insert date)</i>, <del>now shown to me attached</del> and marked as <i>Exhibit "A"</i> to this affidavit and <b>believe the whole of the document text, including the signature, is entirely written</b> in the handwriting of <i>(insert name of deceased)</i>, <del>the</del> deceased.</li> <li><b><i>(Check all that apply. Do not delete the statements that do not apply.):</i></b> <ol style="list-style-type: none"> <li><input type="checkbox"/> I am 18 years of age or older.</li> <li><input type="checkbox"/> I am not applying to act as an estate trustee of the estate of <i>(insert name of deceased)</i>.</li> <li><input type="checkbox"/> I am not married to, related to, or have a personal relationship with <i>(insert applicant/s name/s)</i>, the applicant(s) who <i>(is/are)</i> seeking to be appointed as estate trustee(s) of the estate.</li> <li><input type="checkbox"/> I am not named as a beneficiary of the estate in the document attached and marked as <i>Exhibit "A"</i>.</li> <li><input type="checkbox"/> I do not have a spouse who is named as a beneficiary of the estate in the document attached and marked as Exhibit "A".</li> <li><input type="checkbox"/> I do not have a claim to an interest in the estate pursuant to the document attached and marked as Exhibit "A" or under an intestacy.</li> </ol> </li> <li><b><i>(For any of the boxes in paragraph 5 that you did not check, explain here why you have not checked the box. For example, if you are an estate beneficiary explain the efforts you made to find someone else who had knowledge of the signature and handwriting of the deceased and could give evidence. Insert more lines or more paragraphs if needed.)</i></b>  <hr/> </li> <li><b><i>(Provide any other relevant information. For example, explain any circumstances that you are aware of regarding the creation or execution of the document attached and marked as Exhibit A. Or, if you compared the handwriting in the document to another document signed by the deceased, explain and attach the document as an Exhibit. Insert more lines or more paragraphs if needed.)</i></b>  <hr/> </li> </ol>
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8	74G and 74H & new 74G		<p>Eliminates Form 74G Renunciation September 1, 2021 and Form 74H Consent dated September 1, 2021.</p> <p>Combines the content of these two forms in a new Form 74G Renunciation and Consent and provides instructions on when to complete and file the form.</p> <p>Consequential amendments made in 4 rules (#1-4) and 3 forms (#9).</p>		April 1, 2024
9	Form 74A, 74J, 74.1A		<p>Replaces references to Form 74H with references to Form 74G.</p> <p>This is a consequential amendment to #8.</p>		April 1, 2024
10	74.1A	<input type="checkbox"/> the deceased died with a Will or with a Will and one or more codicils. I believe the Will that is attached to this application is the <input type="checkbox"/> deceased's valid last Will. <input type="checkbox"/> deceased's valid last Will dealing with the assets referred to in that Will.	<p>Removes the optional line about a will with the assets referred to in the will since this type of will cannot be probated through a small estates application.</p>	<input type="checkbox"/> the deceased died with a Will or with a Will and one or more codicils. I believe the Will that is attached to this application is the <input type="checkbox"/> deceased's valid last Will. <input type="checkbox"/> <del>deceased's valid last Will dealing with the assets referred to in that Will.</del>	April 1, 2024