

❧ ADMINISTRATION WITH WILL ANNEXED ❧
❧ APPLICATION PURSUANT TO S. 131(c) OF WESA ❧

When a person dies after March 31, 2014 leaving a Will, and the executor named in the Will renounces executorship or is unable or unwilling to apply for a grant of probate (or if no executor is named in the Will), the Court may grant administration with Will annexed to one or more of the following persons in the following order of priority:

- a beneficiary who applies having the consent of the beneficiaries representing a majority in interest of the estate, including the applicant; or
- a beneficiary who applies not having the consent of the beneficiaries representing a majority in interest of the estate;

However, if neither criteria can be met, pursuant to section 131(c) of WESA, the court may grant administration to any other person the court considers appropriate to appoint, including, without limitation, and subject to the Public Guardian and Trustee's consent, the Public Guardian and Trustee.

Note: For pre-WESA deaths, it is the appropriate sub-section of section 6 of the *Estate Administration Act* that applies instead of s. 131(c) of WESA.

In this case, **Form 35 – Order** and **Form P41 – Requisition** – are required – see below.

You should list these documents in paragraph 7 of **Form P2 – Submission for Estate Grant**.

ORDER

FORM 35 (RULES 8-4(1), 13-1(3) AND 17-1(2))

No. _____
{location} Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA
RE: ESTATE OF {NAME OF DECEASED}, DECEASED

ORDER MADE AFTER APPLICATION

BEFORE } ◆ THE HONOURABLE JUSTICE }
 } }
 } ◆ or AJUDGE OF THE COURT }
 } or }
 } ◆ ASSOCIATE JUDGE } {dd/mmm/yyyy}
 } or AN ASSOCIATE JUDGE OF THE }
 } COURT }

ON THE APPLICATION of {NAME OF APPLICANT} without a hearing and on reading the materials filed by {NAME OF LAWYER};

THIS COURT ORDERS that:

- 1. {NAME OF APPLICANT} be appointed as administrator of the Estate of {FULL NAME OF THE DECEASED WITH ALL ALIASES} pursuant to ◆s. 131(c) of the Wills Estates and Succession Act, SBC 2009. ◆for pre-WESA deaths: s. 6(◆) of the Estate Administration Act.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

Signature of
 party lawyer for {NAME OF APPLICANT}

{NAME OF LAWYER}

BY THE COURT

Registrar

FORM P41 - REQUISITION

FORM P41 (RULE 25-14(1))

No. _____
{*Location*} Registry

In the Supreme Court of British Columbia

In the Matter of the Estate of {*NAME OF DECEASED*}, Deceased

REQUISITION – ESTATES

Filed by: {*NAME OF APPLICANT*}

Required:

1. The rule or other enactment relied on is Rule 25-14 and section 131(c) of the *Wills, Estates and Succession Act*. **for pre-WESA deaths:** s. 6(♦) of the *Estate Administration Act*.
2. Attached to this requisition is a draft of the order required.
3. The evidence in support of the application is the application for a grant of administration with will annexed.

This requisition is filed by {*NAME OF APPLICANT*}, whose address for service is as follows:

Street address for service: {*address*}
Fax number address for service (if any): {*fax number*}
E-mail address for service (if any): {*email*}
Telephone number: {*Tel. number*}

Date: {*date*}

Signature of
 filing person
 lawyer for filing person
{*NAME OF LAWYER*}