

FORM P33
(Rule 25-11(4))
ANSWER TO CITATION

General Notes

An *Answer to Citation* (like a *Citation*) does not need to be filed in the court registry. The person receiving the *Citation* simply needs to serve an Answer in *Form P33* on the citor.

Pursuant to Rule 25-11(5), the person cited (the cited executor) is deemed to have renounced his or her right to apply for probate (in which case, others are allowed to apply in his or her place) if the cited person:

- has not yet obtained an estate grant but:
 - has filed a *Submission* for estate grant and has not delivered a copy of the filed *Submission* to the citor; or
 - has not filed a *Submission* but has delivered the documents with respect to Notice (Rule 25-2(1) in relation of the application; or
- does not obtain probate within six months from the date the *Citation* was served on him or her; or
- refuses to apply for a grant of probate and serves on the citor an *Answer to Citation* in *Form P33*.

A cited person may also answer to the *Citation* by complying with Rule 25-11(4) of the Probate Rules and providing the citor with the documents requested in the *Citation* (see *Form P32 – Citation*).

Preparation

The *Answer to the Citation* may be completed and served either by the cited person (the executor) or by his or her lawyer.

- ❶ No court number is assigned by the Supreme Court to this document, as the citation process occurs outside the registry and the standard style of proceedings is not appropriate.
- ❷ Check the applicable box depending on whether the executor will accept to apply for probate (first option) or refuse to do so (second option).
- ❸ Insert the full address for service. If available, insert a fax number and/or an e-mail address as additional addresses for service.

Processing

The *Answer to the Citation* is not filed in court but must be served on the citor.

①

FORM P33 (RULE 25-11(4))

In the Matter of the Estate of
{LEGAL NAME OF THE DECEASED}, deceased

ANSWER TO CITATION

In answer to the citation to apply for probate, which citation was issued by *{NAME}* and dated *{dd/mmm/yyyy}*.

- ② I will apply for a grant of probate and will obtain that grant within 6 months after the date on which the citation was served or within any longer period that the court may allow.
- ② I refuse to apply for a grant of probate in respect of the document referred to in the citation and understand that, by this refusal, I am deemed to have renounced executorship.

The address for service of the executor is: ③

Street address for service: ③ *{Street and city address for service}*

Fax number address for service (if any): ③ *{Fax number address for service}*

E-mail address for service (if any): ③ *{E-mail address for service}*

Telephone number: ③ *{Telephone number}*

Date: *{dd/mmm/yyyy}*

Signature of

cited person

lawyer for cited persons

{type or print name}.