

**FORM P34**  
**(Rule 25-11(7))**  
**AFFIDAVIT OF DEEMED RENUNCIATION**

**General Notes**

The citor may swear the *Form P34 – Affidavit of Deemed Renunciation* if the person (the cited executor) who has been served with a *Citation* regarding a testamentary document has failed to answer it or give reasons for refusing probate. The cited executor is deemed to have renounced executorship (see *Form P33 – Answer to Citation*).

As a result of this renunciation, the citor or any other person interested in the estate may apply for a grant, an order curing deficiencies in the Will, an order that the testamentary document is a Will proved in solemn form, or a *Subpoena* to require the cited person to file such document in court.

**Preparation**

- ❶ No court number is assigned by the Supreme Court to this document.
- ❷ Insert the appropriate paragraph 2 depending on whether the *Citation* was personally served on the executor by the citor or if someone else had served the executor.
- ❸ Insert the name of the executor who was cited in the *Citation*.
- ❹ Insert this paragraph if you have not received any documents as a result of serving the *Citation*.
- ❺ Insert this paragraph if *Form P33 – Answer to Citation* has been received, stating that the person cited refuses to apply for a grant of probate and understands that, by this refusal, he/she is deemed to have renounced executorship.
- ❻ Insert this paragraph if any of the documents have been received within 14 days of service of the *Citation*, and then complete the subrule reference in Rule 25-11(4)(b) to the documents received by you:
  - (i) *Form P2 – Submission for Estate Grant* and all documents filed therewith; or
  - (ii) *Form P1 – Notice* under Rule 25-1(1); or
  - (iii)(A) *Form P33 – Answer to Citation* stating that the cited executor will apply for a grant of probate and will obtain that grant within six months after the date on which the citation was served.

**Processing**

If you have checked the second box in ❶, prepare an *Affidavit of Service*, either:

- *Form 15* (Rule 4-6(1)) – *Affidavit of Personal Service*; or
- *Form P16* (Rule 4-6(1)) – *Affidavit of Ordinary Service*.

There is no printed precedent for the above *Affidavits of Service* shown in this chapter. However, the appropriate template in electronic form is included on the accompanying CD. If there is an *Affidavit of Service*, it must be filed separately – not as an exhibit to this affidavit.

Attach Exhibit A (*Citation*) and B (*Answer to Citation*).

FORM P34 (RULE 25-11(7))

This is the {1st/2nd/3rd/etc.} affidavit of {Name} in this case and was made on {dd/mmm/yyyy}.

No. \_\_\_\_\_ {Location} Registry

In the Supreme Court of British Columbia

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

AFFIDAVIT OF DEEMED RENUNCIATION

I, {NAME}, of {address}, {Occupation}, SWEAR/AFFIRM THAT:

- 1. Attached to this affidavit and marked as Exhibit A is a copy of the citation I prepared (the "citation") in relation to the estate of {LEGAL NAME OF THE DECEASED}, deceased.
2. On {dd/mmm/yyyy}, at {time of day}, I served {NAME OF PERSON SERVED} with the citation by handing it to and leaving it with that person at {city and country}.
2. In support of this affidavit is filed the affidavit of service dated {dd/mmm/yyyy} of {NAME OF PERSON SWEARING AFFIDAVIT OF SERVICE} in which that person swears that the citation was served on {NAME OF PERSON SERVED}.
3. I have not received service of any of the documents referred to in Rule 25-11(4) and at least 14 days have elapsed since the citation was served on {NAME OF PERSON SERVED}.
3. {NAME OF PERSON SERVED} served on me, under Rule 25-11(4)(b)(iii)(B), the answer to citation that is attached to this affidavit and marked as Exhibit B.
3. {NAME OF PERSON SERVED} served on me the document referred to in Rule 25-11(4) and has not, alone or with others, obtained a grant of probate.

SWORN/AFFIRMED BEFORE ME at {Name of City/Town}, {British Columbia}, this \_\_\_ day of \_\_\_\_\_, 20\_\_
A commissioner for taking affidavits for British Columbia {print name or affix stamp of commissioner}

{NAME}