

FORM P35
(Rule 25-12(2))
REQUISITION FOR SUBPOENA

General Notes

Pursuant to Rule 25-12, a person may apply to the court for a *Subpoena* requiring a person to deliver to the probate registry:

- a testamentary document;
- an authorization to obtain estate information;
- an authorization to obtain resealing information;
- an estate grant, a foreign grant;
- a resealed foreign grant; and
- a certified or notarial copy of such a documents.

The *Requisition for a Subpoena* is brought by filing:

- a *Form P35 – Requisition for Subpoena*; and
- an affidavit in support of the request.

Preparation

The *Requisition for Subpoena* may be completed and filed either by the person requesting the Subpoena document or by his or her lawyer.

- ❶ If this *Requisition* commences a proceeding (that is the *Citation* was not filed in the probate registry), leave the number blank and the probate registry will assign it a number. If this *Requisition* is filed with respect to an application in an existing proceeding, complete the number already assigned to the proceeding.
- ❷ List documents to be delivered.
- ❸ Describe document(s) being filed with *Requisition*. For example, if the evidence is an affidavit, describe it as follows: “First/Second Affidavit of {*Name of person making Affidavit*} made {*Month/Day/Year*}”.
- ❹ Complete the address for service if the filing of this requisition starts a proceeding. If available, insert a fax number and/or an e-mail address as additional addresses for service.

Processing

If an affidavit has been prepared as evidence in support of the application, file it with the *Requisition for Subpoena*.

The registrar may endorse a copy of the *Form P35* with a notation that the person to whom the subpoena was directed has not, within a specified period:

- delivered to the registry the document referred to in the subpoena; or
- provided to the registrar an affidavit indicating that the document referred to in the subpoena is not in the person's possession or control and setting out what knowledge the person has respecting that document.

FORM P35 (RULE 25-12(2))

No. **1** _____
{Location} Registry

In the Supreme Court of British Columbia

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

REQUISITION FOR SUBPOENA

Filed by: ***{NAME OF PERSON(S)}***

Required: A subpoena requiring *{NAME}* to deliver to the registrar the following document(s): **2**

1. This requisition for subpoena is filed under Rule 25-12(2).
2. Attached to this requisition for subpoena is a draft of the subpoena required.
3. The evidence in support of the application is **3**

4 This requisition for subpoena is filed by *{NAME}* whose address for service is as follows:

Street address for service: ***{Street and city address for service}***
 Fax number address for service (if any): ***{Fax number address for service}***
 E-mail address for service (if any): ***{E-mail address for service}***
 Telephone number: ***{Telephone number}***

Date: ***{dd/mmm/yyyy}***.

 Signature of
 filing person
 lawyer for filing persons

{type or print name}