

FORM P39
(Rule 25- 13(5))
CERTIFICATE

General Notes

Pursuant to Rule 25-13(5), if the court directs the registrar to conduct an inquiry, assessment or accounting under subrule 25-13(3)(b), unless the court otherwise orders, the registrar must certify the result of the inquiry, assessment or accounting by issuing the *Form P39 – Certificate*.

If filed under Rule 18-1(9), the *Certificate* is binding, subject to appeal, on the persons interested in the estate who:

- had notice of the inquiry, assessment, or accounting;
- consented to the accounts or the remuneration; or
- are the subject of an order made under Rule 18-1(20)(b).

Notes: Rule 18-1(9) provides that a party to whom this *Certificate* is provided under subrule may file that *Certificate*.

Rule 18-1(20)(b) provides that in any case in which it appears that it is impracticable for any reason to serve a person with a notice of order under subrule (18), “the court may order that that person be bound by any order made to the same extent as if the person had been served with notice of the order...”

Preparation

This Certificate may be set out in a separate document or may be endorsed on the *Bill of Costs*.

- ① Insert the commencement date (see *Form P40*). The commencement date may be:
 - the date of death; or
 - the effective (cut-off) date of a previous accounting.
- ② Insert the effective date of the account from the *Statement of Account* attached to *Form P40 – Statement of Account Affidavit*.
- ③ Insert the conditions.
- ④ Insert the amount of the remuneration to the personal representative.

FORM P39 (RULE 25- 13(5))

No. _____
{Location} Registry

In the Supreme Court of British Columbia

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

CERTIFICATE

I CERTIFY that the results of the inquiry, assessment or accounting ordered under Rule 25-13(3)(b) are as follows:

1. The accounts of {NAME OF PERSONAL REPRESENTATIVE} being the executor/administrator of the estate of {LEGAL NAME OF DECEASED}, covering the period ① {dd/mmm/yyyy} to ② {dd/mmm/yyyy}, which accounts are attached to the affidavit of {NAME} sworn {dd/mmm/yyyy} are approved

② as presented

③ subject to {describe condition(s)}

2. {NAME OF PERSONAL REPRESENTATIVE} receive the sum of ④ \$_____ as remuneration.

3. The costs of the passing of the accounts of {NAME OF PERSONAL REPRESENTATIVE} be payable from the estate as {special costs/specified basis}.

4. This certificate is binding on the beneficiaries without further order of the court.

Date: {dd/mmm/yyyy}.

Registrar