

FORM P41
(Rule 25-14(1))
REQUISITION – ESTATES

General Notes

If there is already a court file with respect to this estate, Rule 25-14 allows later applications that are related to the initial application for probate or administration to be filed in the same court file. *Form P41 – Requisition* is used for subsequent applications. Having a single court file related to all matters involving an estate makes it easier for the court and the public to find all relevant information related to that estate.

Form P41 may also be used to commence a new proceeding with respect to the estate (see Part 8 of the *Supreme Court Civil Rules* [Applications]), in which case Rule 17-1 applies instead of Rule 2-11 and (2)(a) and (b). The subsequent filings relating to the same estate will have the same court number.

Application under Rule 25-14(1) may be for an order:

- (a) altering or dispensing with *Notice* (under Rule 25-2(14));
- (b) granting administration with or without will annexed in circumstances in which the right to be appointed as the administrator is contested;
- (c) revoking an authorization to obtain estate information, an authorization to obtain estate information, or an authorization to obtain resealing information or the resealing of a foreign grant;
- (d) removing or substituting a personal representative, or if different, the holder of an authorization to obtain estate information, or the holder of an authorization to obtain resealing information;
- (e) discharging a personal representative, or if different, the holder of an authorization to obtain estate information, or the holder of an authorization to obtain resealing information;
- (f) passing over an executor;
- (g) appointing an administrator of an estate under section 132 of WESA [Special Circumstances] for the appointment of an administrator of an estate (despite sections 130 and 131 of WESA);
- (h) removing or renewing a *Notice of Dispute*;
- (i) that a foreign grant of probate or administration not be resealed;
- (j) requiring security (bond) for the administration of an estate;
- (k) varying or substituting security for the administration of an estate;

- (l) directing that security be assigned to a person named in the order;
- (m) respecting production, delivery or filing of:
 - (i) a testamentary document;
 - (ii) a certified or notarial copy of an authorization to obtain estate information;
 - (iii) an estate grant;
 - (iv) an authorization to obtain resealing information; or
 - (v) a resealed foreign grant;
- (n) that a document, or a writing or marking on a testamentary or other document be fully effective as though it had been made as:
 - (h) a Will or part of a Will of a Deceased;
 - (ii) a revocation, alteration, or revival of a Will of a Deceased; or
 - (iii) the testamentary intention of a Deceased;
- (o) for the passing of accounts;
- (p) fixing and approving the remuneration of a personal representative; or
- (q) subject to subrule (2), respecting any other matter concerning an authorization to obtain estate information or an authorization to obtain resealing information or a grant of probate or administration with or without will annexed, an ancillary grant, a resealing, or the office of personal representative, other than a question or matter covered by Rule 2-1(2)(c) or (d).

Note: Applications seeking orders under Sections 30, 33, 58 and 59 of WESA for spousal homes and will deficiencies are brought pursuant to subrule 25-14(2) by **Form P42 – Notice of Application (Spousal Home or Deficiencies in Will)**.

Continued...

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Preparation

This Requisition may be signed by the person who is filing it or by his or her lawyer.

- ❶ If this Requisition commences a proceeding, 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 Copy the number of the Rule on which you are relying for this application.
- ❸ List all documents filed in support of the application, for example:

“(a) Affidavit No. __ of {NAME OF PERSON} made {date};” etc.
- ❹ Complete the address for service if the filing of this requisition starts a proceeding. Insert the address for service. If available, insert a fax number and/or an e-mail address as additional addresses for service.

Processing

As this application deals with contentious matters, the processing (such as service) is not covered at this time. However, if there is demand, we shall include it in the future.

Rule 25-14(8) states that the court may, on its own motion or on application, give directions concerning the procedure to be followed in any matter under Part 25 and may give directions respecting any of the following:

- (a) the issues to be decided;
- (b) who the parties will be, including directions for the addition or substitution of a party;
- (c) how evidence may or must be presented;
- (d) summary disposition of any or all issues in the matter;
- (e) the trial of any or all of the issues in the matter;
- (f) pleadings;
- (g) examinations for discovery and discovery of documents;
- (h) service or delivery of a notice, process, order, or document on any person;
- (i) dispensing with service or delivery;
- (j) representation of any person or interest.

FORM P41 (RULE 25-14(1))

No. ① _____
{Location} Registry

In the Supreme Court of British Columbia

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

REQUISITION – ESTATES

Filed by: {PERSON(S)}

Required:

1. The rule or other enactment relied on is ② {set out rule or enactment relied on}.
2. Attached to this requisition is a draft of the order required.
3. The evidence in support of the application is:
 - (a) ③.

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

- Street address for service: ④ {Street and city address for service}
- Fax number address for service (if any): ④ {Fax number address for service}
- E-mail address for service (if any): ④ {E-mail address for service}
- Telephone number: ④ {Telephone number}

Date: {dd/mmm/yyyy}.

Signature of

- filing person
- lawyer for filing persons

{type or print name}