



**HULL & HULL LLP**  
Barristers and Solicitors

### Tips for a Successful Probate Application

Many of our readers will be familiar with the contents of an application for a Certificate of Appointment of Estate Trustee with a Will, as outlined within Rule 74.04 of the [Rules of Civil Procedure](#). However, even where such an application may contain all of the necessary documents, it may be rejected by the Court because of some deficiency or other error in the manner in which the documents are compiled. When this happens, there may be a delay in the issuance of a Certificate of Appointment (and, as a result, the administration of the estate) while the documents are amended, re-filed, and processed by the Court.

Outlined below are a few practical tips that may be of assistance in preparing a successful application for a Certificate of Appointment of Estate Trustee with a Will:

- The original will should be marked (on the back of the document) as Exhibit A to the applicant's affidavit. However, the stamp should not overlap with the section of the page on which the signatures of the testator and witnesses appear on the other side.
- The Notice of Application, along with a copy of the Will, needs to be served by regular mail on the beneficiaries. The Notice of Application should be marked as Exhibit A to the Affidavit of Service and the date appearing at the end of the Notice should match the date of service identified within the Affidavit of Service.
- A copy of the Will should be included in addition to the original copy of the document.
- The original signed Affidavit of Execution (to which the original Will should be marked as Exhibit A) and originals of any other supporting documentation, such as a renunciation of a named estate trustee, should be filed.
- Proof of death must now also be filed as part of the application. Either an original or notarial copy of the death certificate is typically accepted. Our previous Solicitor's Tip on this recent addition to the documents required for an application for a Certificate of Appointment is available [here](#).
- Probate fees should be paid by way of a bank draft, certified cheque, or solicitor's trust cheque payable to the Minister of Finance.
- Back-pages with the contact information of the applicant or his or her solicitor should be appended to each of the application documents, including the draft Certificate of Appointment.
- While not part of the application materials, it can be helpful to prepare a spreadsheet outlining the assets of the estate as at date of death (with the data obtained from supporting documentation), to ensure consistency between the contents of the application and the Estate Information Return, to be filed.