



**HULL & HULL LLP**

Barristers and Solicitors

*Trust Experience™*

### **Court Status Certificates**

Sometimes, following a change or devolution in executorship, we run into the question of how we should properly document a new estate trustee's authority to administer an estate.

While we may sometimes consider there to be a need to apply for a certificate of appointment of succeeding estate trustee by filing a fresh application (and there are circumstances that may necessitate filing such an application), there is another process appropriate in many circumstances that is considerably more straightforward and cost efficient that estate solicitors should keep in mind.

The purpose of a court status certificate is to confirm the authority of one or more individuals to act as estate trustee, much like a certificate of appointment of estate trustee. Typically, however, a court status certificate is issued when a certificate of appointment has previously been granted and there is a subsequent change in estate trustees.

The *Rules of Civil Procedure*, [RRO 1990, Reg 194](#), provide that a court status certificate may be granted in the following circumstances:

- Where an estate trustee has died and:
  - there is a devolution in executorship as a result; or
  - one or more surviving estate trustees survive the deceased estate trustee and continue to be authorized to act in their absence;
- an estate trustee has been removed by court order and another appointed in their place;  
or
- no change in estate trustees has occurred but the estate trustee(s) require documentation confirming their continued authority to act.

A request for a court status certificate is to be made in writing. As set out under Rule 74.14.2, the requirements vary depending on which scenario applies. For example, if the estate trustee who has already been issued a certificate of appointment of estate trustee with a will has died and the executorship devolves to the estate trustee of the appointed estate trustee's estate, court-certified copies of both certificates of appointment and an affidavit, setting out the circumstances authorizing the new estate trustee to act, with proof of death for the deceased estate trustee attached as an exhibit, are required.