

# Surrogate Checklist

## YOUR APPLICATION IS RETURNED FOR THE FOLLOWING CORRECTIONS

Date \_\_\_\_\_ Clerk \_\_\_\_\_ Estate of \_\_\_\_\_ File # \_\_\_\_\_ Returned Via \_\_\_\_\_

- Not our Judicial District (Rule 6) - File in \_\_\_\_\_.
- 15/30\_\_\_\_day survivorship clause specified in Will - Affidavit on Application should be sworn after such period.
- Please indicate on Form NC 1 or by covering letter the number of certified copies of the Grant required.

### **NC 1 Application For Grant (also Forms NC 28; NC 30; NC 32)**

- Form missing/incorrect Form; should use Form NC \_\_\_\_\_.
- Information incorrect/incomplete \_\_\_\_\_.
- Application not dated/signed/address for service missing by \_\_\_\_\_ Applicant \_\_\_\_\_ Solicitor.
- NC1 continued on 2<sup>nd</sup> page, Estate name must appear on 2<sup>nd</sup> page; order should be Justice of the Court of Queen's Bench of Alberta.

### **NC 2 Affidavit on Application (Forms missing/incorrect form; should use NC \_\_\_\_\_; not sworn/affirmed)**

- Para 1 - status/right of P.R. to apply incorrect/incomplete; must clear off all other executors, or other persons having prior or equal right to apply (e.g. predeceased, renounced, nominated, residuary beneficiary, etc.).
- Documents listed in para #3 wrong/incomplete (e.g. Codicils, Renunciations, Affidavit to Dispense with Bond, Consents, etc.).

### **NC 3 Schedule 1 - Deceased (Form missing/complete all sections)**

- Date/Place of deceased's birth/death missing.
- Name of deceased/family member differs from Will/Codicil - use "aka"
- Require particulars (including name & complete address) of spouse, former spouses, interdependent partner, and all children. Where spouse or former spouse is deceased or divorced include date of death/divorce.
- Require name & address of trustees for any mentally incompetent spouse or adult child. If no trustee appointed, give particulars.
- Where S.34/35 of Wills Act or S.3(4) of Intestate Succession Act applies, give names of all predeceased children & confirm if they left surviving spouse/children (must identify surviving children in Form NC 6).
- Missing wording "all immediate family are over 18 and none of whom is mentally or physically disabled, and by reason thereof unable to earn a livelihood".
- Require names of siblings and predeceased siblings (including names of their children) in order to determine proper distribution and priority to apply.
- If died without a will after "Intestate", add words "After a thorough search of all likely places, no testamentary document of the deceased has been found" (complete wording is required).

### **NC 4 Schedule 2 - Will/Codicil (Form missing/complete all sections)**

- Date of Will/Codicil should be \_\_\_\_\_.
- Explain here (or in NC9) why the witnesses cannot be located and what attempts have been made to locate.
- Clear off and or provide any Memorandum or other documents referred to in clause # \_\_\_\_\_ of Will/Codicil (Rule 22).
  - Interlineations, alterations, erasures or obliterations in Will/Codicil not addressed.
  - Name of witness \_\_\_\_\_ incorrect/adult interdependent partner not addressed.

### **NC 5 Schedule 3 - Personal Representative(s) (Form missing/complete all sections)**

- Status incorrect/incomplete (e.g. Named in Will or Person with priority to apply).
- Name of P.R. \_\_\_\_\_ differs from Will/Codicil - use "aka" or "in will referred to as".
- Indicate names of persons with prior or equal right to apply/give names of persons having renounced.

### **NC 6 Schedule 4 - Beneficiaries (Form missing/complete all sections)**

- Age of beneficiaries missing/specify life estate/in trust for beneficiary \_\_\_\_\_.
- Name of Beneficiary \_\_\_\_\_ differs from Will: use "aka".
- Gift missing for beneficiary \_\_\_\_\_ (if deemed, abated or lapsed, please give full particulars).
  - Nature of gift incorrect/incomplete for Beneficiary \_\_\_\_\_.
- Paragraph # of Will/Section # of the Intestate Succession Act incorrect for beneficiary \_\_\_\_\_.
- Name all predeceased siblings, identify their surviving spouse/children and set out the share of gift each child receives where Sec. 34/35 of the Wills Act or Sec. 6 of the Intestate Succession Act applies.
  - Incorrect distribution pursuant to the Wills/Intestate Succession Act.
  - Require Affidavit regarding Missing or Unknown Beneficiaries (Form NC 25).
  - State amount of property passing as a percentage or fraction unless specific bequest in Will.
- Missing clause "the following gifts are void because the beneficiary is a witness or the spouse/adult interdependent partner of a witness to the will" at the end of NC 6.

### **NC 7 Schedule 5 - Inventory of Property and Debts (Alberta assets(exception Canadian bank account)/debts only/at date of death)**

- Form missing/complete all sections/summary section now deleted from inventory.
- Calculation error - Gross estate value \_\_\_\_\_ Debt \_\_\_\_\_ Net estate value \_\_\_\_\_ (see tape).
  - State where property is located - legal/municipal address are both required.
- Particulars of each asset/debts, including names & addresses of all financial institutions (i.e. shares & \$ per share, GIC, term deposit, CSB, bank a/c #, including interest as of date of death (show principal + interest = value), etc.).
  - Not allowed in Schedule of Debts. \_\_\_\_\_

**PLEASE LEAVE SHEET ATTACHED WHEN RE-SUBMITTING APPLICATION SEE OVER**