



WILLS

Matter

EXCELLING AS EXECUTOR—PART IV

In this edition of Wills Matter we discuss the process of obtaining a 'Grant of Probate', which is the Executor's next task after safeguarding and conducting an inventory the Estate assets and liabilities.

The Executor must obtain the deceased's most recent original Will. To ensure that the most recent Will has been located, a search should be made of the B.C. Vital Statistics Agency.

Next, the Executor must give notice that he or she is applying for the Grant. Notice must be given to all beneficiaries, spouses (including common-law), and next-of-kin (those who would share in the estate if there was no Will). The Estate Administration Act sets out the form of the notice which must be used. To prove that these notices have been given, the Executor must swear a document called the Affidavit of Notice.

The Executor must also prepares a 'disclosure document'. This document sets out, in detail, the liabilities and the assets (including their fair market value) of the deceased which pass to the Executor. Note that assets that do not pass to the Executor need not be shown on the disclosure document (for example, assets held in joint tenancy, or life insurance policies and proceeds, pensions and retirement plans that pass to a surviving beneficiary designated under the policy or plan).

The disclosure document also contains a statement of how the Executor proposes to distribute the estate (which, of course, is governed by the terms of the Will).

The Executor must also swear the Affidavit of Executor. This document attaches both the Will and the disclosure document as exhibits.

The final step is to file the completed application package (including the documents mentioned above and the appropriate probate fees) with the Probate Registry of the Supreme Court of British Columbia. In the next edition of Wills Matter we will discuss what happens after the Grant of Probate has been issued.*

Contact *Fulton & Company's Wills & Estates Team*

if you have any questions regarding wills or estate matters.

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