

FORM 74.40

*Courts of Justice Act*

ORDER TO BENEFICIARY WITNESS

*(Heading in accordance with Form 59A)*

IN THE ESTATE OF *(insert name)*, deceased.

ORDER TO BENEFICIARY WITNESS

A motion for this order has been made by *(insert name of moving party)*. From an affidavit made by *(insert name of maker of affidavit)*, it appears that *(insert name of moving party)* has made an application for a certificate of appointment of estate trustee with a will, that you are a beneficiary under the will or codicil dated *(insert date)* and that you or your spouse witnessed the will or codicil or signed for the testator.

1. THIS COURT ORDERS THAT if you wish the court to find that neither you nor your spouse exercised any improper or undue influence on the testator, you must make a motion, within ..... days after this order is served on you, asking the court to make that finding.

2. THIS COURT ORDERS THAT if you do not make such a motion within that time, the applicant may proceed to obtain a certificate of appointment of estate trustee with a will, bearing a note stating that your benefits under the will are void under section 12 of the *Succession Law Reform Act*.

.....  
Registrar

Address of court office

TO: