

FORM 74A

REQUEST FOR PROBATE OF WILL

THE QUEEN'S BENCH

_____ Centre

IN THE ESTATE OF _____, deceased.

I (We) _____ of the _____ of _____, in Manitoba, _____ (occupation(s)) hereby request that probate of the last will of the deceased be granted to me (us) (or as the case may be) based on the following information:

1. THAT _____, late of the _____ of _____, in Manitoba, died on the _____ day of _____, _____, having duly made (his/her) last will on the _____ day of _____, _____, which is identified by (my/our) signature(s).
2. THAT at the time of (his/her) death, the deceased [choose all statements below that apply]
 - had never married
 - was married to: _____ (name)
 - was divorced from: _____ (name)
 - was predeceased by (his/her) spouse: _____ (name).

(Note: complete paragraph 3 only if the deceased died on or after June 30, 2004.)

3. THAT at the time of (his/her) death, the deceased [read the explanatory notes following paragraph 3, then choose all statements below that apply]
 - had never cohabited with a common-law partner
 - was cohabiting with (his/her) common-law partner: _____ (name)
 - was separated from (his/her) common-law partner, _____ (name), but their relationship had not been terminated
 - had a common-law relationship with _____ (name) that had been terminated
 - was predeceased by (his/her) common-law partner: _____ (name).

NOTE: For the purposes of this Form,

"common-law partner" of a deceased person means

(a) a person who, with the deceased, registered a common-law relationship under section 13.1 of *The Vital Statistics Act*, or

(b) a person who, not being married to the deceased, cohabited with him or her in a conjugal relationship

(i) for a period of at least three years, or

(ii) for a period of at least one year and they are together the parents of a child.

"termination of a common-law relationship" means

(a) where the common-law relationship was registered with Vital Statistics (under section 13.1 of *The Vital Statistics Act*), the dissolution of the relationship has been registered with Vital Statistics; or

(b) where the common-law relationship was not registered with Vital Statistics, the parties to the common-law relationship have lived separate and apart for a period of at least three years.

4. THAT the deceased was of the full age of 18 years at the time of the execution of the will, and did not marry since then.
5. THAT I (we) _____ am (are) the executor(s) named in the said will and am (are) of the full age of 18 years, and _____ residence(s) and occupation(s) is (are) above correctly stated.
6. THAT I (we) have not released my (our) rights to be an executor.
7. THAT the deceased died possessed of, or entitled to, immoveable property worth \$_____ and moveable property worth \$_____, true particulars of which are set out in the attached inventory

DATED this _____ day of _____, _____.

(signature)

I CERTIFY that no other request or notice of application in respect to the property of the deceased has been received by me, that no caveat against a grant of probate or administration of the property of the deceased has been received by me, and that no will of the deceased has been deposited in the Court of Queen's Bench.*

DATED this _____ day of _____, _____.

Deputy Registrar

FILE

IN THE QUEEN'S BENCH
IN THE ESTATE OF

_____, Deceased

REQUEST FOR PROBATE
LET PROBATE ISSUE AS REQUESTED

Date _____, _____.

Justice of the Court of Queen's Bench.

Filed _____, _____.

Deputy Registrar

Filed by:

Lawyer:

Telephone No.:

* (If caveat filed, certify that a notice to caveator has been filed and served and that no probate action has been commenced within 30 days after service.)