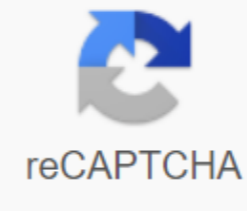




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Renunciation of executor form ontario

Someone near you has just passed away and you found out maybe for the first time (if you said the deceased before their death) that you called a real estate trustee (aka The Artist) either alone or with one or more other people. You have never acted in this capacity before and the task seems daunting, especially shortly after the death of someone you care about. This series of blog posts will walk you through the basics of real estate administration as a real estate trustee; but keep in mind, a normal clause applies: this information applies only to estates administered in Ontario and should only be used as a guide! Talk to your lawyer about your specific situation, as each case is different. First of all, the information here suggests that the deceased died with Will. If they did not have the will at the time of death (i.e. they died intestate), property management is done in accordance with Ontario law and you must seek legal advice accordingly. Originally signed will be deceased and any codicils should be requested as soon as possible as this will dictate how you will act with the real estate management itself. Try contacting the deceased's lawyer (if you know who they are), or search the aptly named files in the home safe or home or office closet. Some people prefer to express their wishes regarding burial, cremation, funeral and memorial services in their will. If family members are unsure of the deceased's wishes for burial, it is best to try to find Will as soon as possible after death. There is no rush to start the probate process (if necessary) and property management, so other than any planning required for a funeral and any other final arrangements, your work as a real estate trustee can wait a bit; but be sure to keep receipts for all funeral expenses and related events, as they can be reimbursed to you if you have not already instructed the bank that they will be paid directly from the deceased's bank account. After a flurry of funerals and/or related events have out of the way, it's time to turn your mind to your role as a real estate trustee. But what if you don't want to be a real estate trustee? You can opt out of the appointment at any time for any reason. This is much easier to do before you start managing the property, in which case you will need to fill out Form 74.11 (Waiver of the certificate of appointment of a real estate trustee (or successful real estate trustee) with Will). If you have started to manage the property and have received a will, a court application is required, under section 37 (1) of the Trustee Act, and the court will have to issue your decision removal as a trustee of the estate. On the other hand, if you choose to act as a real estate trustee, the first step is to start the process of filling out the application for a certificate of appointment of a property trustee with a will. While you can do this yourself, real estate lawyers can provide valuable experience and advice in this and other aspects of your duties as a real estate trustee. You will need to gather information about the deceased, for example: the full name (and any other names under which they were known); Last address Last class Date of birth and date of death marital status at the time of death; and whether the deceased married after the date of their last Will. You will also need to identify the beneficiaries of the property: the people specifically named in the will, or will simply refer to the children of the deceased? You need the names of the beneficiaries and their addresses. Finally, you will also need to begin the process of assessing real estate assets (more on assets in Part 2) All this information will be needed to begin filling out Form 74.4 (Statement on the appointment of a real estate trustee with Will) and Form 74.7 (Notification of the application of the certificate of appointment of a property trustee with a statement). Please note that if there are several people appointed by Will who want to act as a real estate trustee, only one set of these forms should be completed for all real estate trustees. Next time - asset valuation and receipt of a will. Many forms of estates under Rule 74 of the Civil Justice Rules are listed below in a completed format. The formatting is in line with the standards set out in Rule 4. Please note that these forms contain check boxes. To put X in the till: Double click on the box. In the menu that pops up, under the default, click Checked. Click GOOD. Click on the following link to return to the table containing all prescribed forms in accordance with the Civil Procedure Rules. Court forms cannot be filed electronically; they must be printed and filed in hardcopy in the court office. For more information, please visit the Attorney General's website. To calculate the amount of property administration tax that will be paid on a particular property, use a tax calculator on the administration of real estate. For information about real estate and applying for a certificate of appointment as a real estate trustee, visit How to apply for a will in Ontario. WARNING: Any forms shaded by gray in the table below have not yet taken effect. Do not use them before the date in effect, which is listed in the table below. Before the date, in effect, use only the current version of the form, which looks unsized in the table below. Pre-formatted, Filled Estates Forms Form No. Date HTML/PDF Form MS Word Form 74.04 Application for a certificate of appointment of a real estate trustee with will (individual applicant) September 1, 2018 December 21, 2018 rcp-74-4-e.pdf rcp-74-4-e.pdf 74.04.1 The application for a certificate of appointment of a real estate trustee with a will (individual applicant) is limited to the assets mentioned in September. 1, 2018 December 21, 2018 rcp-74-4-1-e.pdf 74-4-1-rev0918-en-unlocked.doc 74.05 Application for a Certificate of Property Trustee's Appointment with Will (corporate applicant) Sept. 1, 2018 December 21, 2018 rcp-74-5-e.pdf 74-5-rev0918-en-unlocked.doc 74.05.1 Application for a property trustee certificate with Will (corporate claimant) Limited assets mentioned in September 1, , 2018 December 21, 2018 rcp-74-5-1-e.pdf 74-5-1-rev0918-en-unlocked.doc 74.06 Affidavit Service Notice (Certificate of Appointment of a Real Estate Trustee with Will) Nov. 1, 2005 June 1, 2006 rcp-74-6-e.pdf 74-6-rev1110-en-unlocked.doc 74.07 Notice of application for a certificate of appointment of a real estate trustee from will be Feb. 1, 2015 January 1, 2016 rcp-74-7-e_2015.pdf 74-7-rev0215-en-unlocked.doc 74.08 Affidavit of Will Performance or Codicil November 1, 2010 November 1, 2010 rcp-74-8-e.pdf 74-8-rev1110-en-unlocked.doc 74.09 Affidavit Certificate of Handwriting and Signature of will's Holograph or Codicil November 1, 2010 November 1, 2010 rcp-74-9-e.pdf 74-9-rev1110-en-unlocked.doc 74.10 Affidavit of the State of the Will or Codicil October 24, 2017 Dec 22 22, 222017 rcp-74-10-e.pdf 74-10-en-formatted_unlocked.doc 74.11 Denial of the right to a certificate of appointment of a real estate trustee (or subsequent real estate trustee) with

Will on November 1, 2010 November 1, 2010 rcp-74-11-e.pdf 74-11-rev1110-en-unlocked.doc 74.12 Consent to appoint an applicant as a real estate trustee from will Be November 1, 2010 November 1, 2010 rcp-74-12-e.pdf 74-12-rev1110-en-unlocked.doc 74.12.1 Agree to appoint an applicant as a property trustee with limited assets, mentioned in February 1, 1 February 2015 January 1, 2016 rcp-74-12-1-e.pdf 74-12-1-rev0215-en-unlocked.doc 74.13 Certificate of appointment of a real estate trustee from will be February 1, 2015 January 1, 2016 rcp-74-13-e_2015.pdf 74-13-rev0215-en-unlocked.doc 74.13.1 Certificate of appointment of a real estate trustee with will be limited assets mentioned in will Be Feb. 1, 2015 January 1, 2016 rcp-74-13-1-e_2015.pdf 74-13-1-rev0215-en-unlocked.doc 74.13.2 Order for Certificate of Appointment (Successful) Property Trustee with Will Limited Assets Mentioned in April 11, 2012 July 11, 2012 rcp-74-13-2-e.pdf 74-13-2-rev0412-EN-unlocked.doc 74.14 Application for a Certificate of Trustee Nomination Without Will (Individual Applicant) September 1, 2018 Dec 21, 2018 rcp-74-14-e.pdf.7 4-14-rev0918-en-unlocked.doc 74.15 Application for a certificate of trustee appointment without will (corporate applicant) September 1, 2018 rcp-74-15-e.pdf 74-15-rev0918-en-unlocked.doc 74.16 Service of (Certificate of appointment of a trustee without will) 1, 2010 November 1, 2010 rcp-74-16-e.pdf 74-16-rev1110-en-unlocked.doc 74.17 Notice of application for a Certificate of Property Trustee's Appointment 1 November 2010 November 1, 1, 2010 rcp-74-17-e.pdf 74-17-rev1110-en-unlocked.doc 74.18 Waiver of prior right to certificate of appointment of a property trustee without will November 1, 20 November 1, 2010 rcp-74-18-e.pdf 74-18-rev1110-en-unlocked.doc 74.19 Agree to appoint an applicant as a property trustee without will November 1, 2010 November 1, 2010 rcp-74-19-e.pdf 74-19-rev1110-en-unlocked.doc 74.20 Certificate of appointment of a real estate trustee without will November 1, 2010 November 1, 1, 2010 rcp-74-20-e.pdf 74-20-rev1110-en-unlocked.doc 74.20.1 Application for a certificate of appointment of a foreign property trustee as a trustee of real estate without will February 1, 2015 July 9, 2015 rcp-74-20-1-e.pdf 74-20-1-rev0215-en-unlocked.doc 74.23 Certificate of appointment of a successful real estate trustee with Will February 1, 2015 January 1, 2016 rcp-74-23-e-version_2.pdf 74-23-rev0215-en-unlocked.doc 74.23.1 Certificate of appointment of Successful Real Estate Trustee with will be limited to the assets mentioned in will be Feb. 1, 2015 January 1, 2016 rcp-74-23-1-e-version_2.pdf 74-23-1-rev0215-en-unlocked.doc 74.27 Applications for confirmation by re-appointment or Certificate of Appointment of a Property Trustee February 1, 2015 July 9, 2015 rcp-74-27-e.pdf 74-27-rev0215-en-unlocked.doc 74.28 Confirmation by re-appointment of a real estate trustee Feb. 1, 2015 January 1, 2016 rcp-74-28-e_version_2.pdf 74-28-rev0215-en-unlocked.doc 75.1 Notice of objection Nov. 1, 2010 November 1, 2010 rcp-75-1-e.pdf 75-1-rev1110-en-unlocked.doc 75-1-rev1110-en-unlocked.doc

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