

Unofficial Consolidation of *Probate Regulations* Amendments in effect on and after April 1, 2024

NEW Provisions

11(11) An affidavit in Form 2 or another affidavit made under this Section in support of an application for a grant of probate or administration with the will annexed must have the original will or codicil attached and marked as an exhibit to the affidavit.

11A(3A) An affidavit in Form 2A must have the original holograph will attached and marked as an exhibit to the affidavit.

Amendments to Existing Provisions (changes are highlighted)

5(4) Each registrar shall perform the following duties: ...

- (h) attach the affidavit exhibiting the original of any will to the duplicate of the grant retained by the registrar; ...

12(3) The original of the English translation of a will referred to in subsection (1) or a document referred to in subsection (2) together with the original will or document must be attached to the application for a grant respecting the will and marked as exhibits to the affidavit in Form 3.

36 An application for a grant of probate shall be accompanied by

- (a) the original will exhibited in the following applicable proof of execution of the will:
 - (i) for a will other than a holograph will, an affidavit of execution of the will in Form 2 or such other evidence of due execution of the will as is required under Section 11, or both,
 - (ii) for a holograph will, an affidavit in Form 2A or such other evidence of due execution of the will as is required under Section 11A, or both;

Note: Section 36(c) is repealed, and its provisions blended into subsection (a).

38 An application for a grant of administration with will annexed shall be accompanied by

- (a) the original will exhibited in the following applicable proof of execution of the will:
 - (i) for a will other than a holograph will, an affidavit of execution of the will in Form 2 or such other evidence of due execution of the will as is required under Section 11, or both,
 - (ii) for a holograph will, an affidavit in Form 2A or such other evidence of due execution of the will as is required under Section 11A, or both;

Note: Section 38(c) is repealed, and its provisions blended into subsection (a).

Transition Provisions

76 (1) An affidavit completed, dated and sworn on or before March 31, 2024, is valid for filing with the registrar if it meets the requirements of the Act and the regulations in force on March 31, 2024.

(2) If an application for a grant includes an affidavit that is completed, dated and sworn after March 31, 2024, that does not attach the will as an exhibit in accordance with these regulations, the registrar may issue a notice of rejection in Form 17 by ordinary mail to the applicant.

Forms affected

Form 2 - Affidavit of Execution of Will or Codicil

Form 2A - Affidavit Proving Execution of Holograph Will

Form 3 - Affidavit Verifying Translation

Form 8 - Application for a Grant of Probate

Form 8A - Application for a Grant of Probate (Corporate Applicant)

Form 10 - Application for a Grant of Administration with the Will Annexed

Form 10A - Application for a Grant of Administration with the Will Annexed (Corporate Applicant)

Form 11 - Application for Extra-Provincial Grant of Probate

Form 11B - Application for Extra-Provincial Grant of Administration with the Will Annexed

Form 17 - Notice of Rejection

Form 20 - Grant of Probate

Form 22 - Grant of Administration with the Will Annexed

Form 23 - Extra-Provincial Grant of Probate

Form 23A - Extra-Provincial Grant of Administration

Form 23B - Extra-Provincial Grant of Administration with the Will Annexed

Form 37 - Personal Representative's Affidavit - Accounting Not Required

NEW: Affidavit explaining Circumstances – non-mandatory template that provides option for transition

Affidavit of Execution of Will or Codicil
(S. 11)

I, _____ name of witness _____, of _____ street and postal address, place, province/state, country _____,

make oath/affirm and say:

1. On _____ month and day _____, year _____, I was present and saw the _____ will/codicil _____ executed by _____ name of testat(or)(rix) _____ that is attached to this affidavit and marked Exhibit "A".
2. Name of testat(or)(rix) _____ executed the document in the presence of me and _____ name of other witness, street and postal address, place, province/state, country _____. We were both present at the same time, and signed the document in the testat(or)(rix)'s presence as attesting witnesses.

Sworn before me at _____,)
in the Country of _____,)
Province of _____, on _____,)
_____, 20____)
_____)
_____)
A Barrister of the Supreme Court of Nova)
Scotia, Notary Public, Registrar of Probate or)
Deputy Registrar of Probate)

Signature of witness

Note: if the testat(or)(rix) was blind or signed by making his or her mark, add the following paragraph:

3. Before its execution, the document was read over to the testat(or)(rix) _____, who was blind/signed by making his/her mark . The testat(or)(rix) indicated that he/she understood the contents.

Warning: A beneficiary or the spouse of a beneficiary should not be a witness to a will.

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Affidavit Proving Execution of a Holograph Will
(Section 11A)**

I, _____ name of deponent, of _____ street and postal address, place, province/state, country, make oath and say:

1. (a) I was well acquainted with the deceased, _____ name of deceased. I frequently saw the deceased write and sign their name and I am well acquainted with the deceased's handwriting and signature.

OR

(b) I am well acquainted with _____ name. I have frequently seen _____ name write and sign their name and I am well acquainted with their handwriting and signature.

[Choose (a) or (b) and delete the other.]

2. I have carefully examined the document dated _____ date that is attached to this affidavit and marked Exhibit "A".

3. I believe the whole of the document including the signature to be in the handwriting of (name of signor).

Sworn before me at _____,)
in the Country of _____,)
Province of _____, on)
_____, 20____)
_____)
_____)
A Barrister of the Supreme Court of Nova)
Scotia, Notary Public in and for the)
Province of Nova Scotia, Registrar of)
Probate or Deputy Registrar of Probate)

Signature

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Affidavit Verifying Translation
(S. 12(1))**

I, _____ name of translator _____, of _____ address

make oath and say:

1. I can read, write, and speak English and _____ translated language _____ fluently and I am competent to translate documents from either language to the other.
2. I have carefully examined the original document(s) dated _____ month and day , _____ year , which is/are written in the _____ translated language _____ language and which purport(s) to be the:
 - (a) last will
 - (b) last will and codicil(s)
 - (c) document referred to in will or codicil: [specify document]

_____ of the deceased and _____ is/are _____ attached to this affidavit and marked Exhibit "A".
3. Exhibit "B" to this affidavit is the original of my translation of Exhibit "A" to this affidavit into English and it is accurate.

Sworn before me at _____,)
 in the Country of _____,)
 Province of _____, on)
 _____, 20____)
 _____)
 _____)
 _____)
 _____)
 A Barrister of the Supreme Court of Nova)
 Scotia, Commissioner of Oaths in and for the)
 Province of Nova Scotia, Notary Public in and)
 for the Province of Nova Scotia)

 Signature of translator

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for a Grant of Probate
(S. 33(1))**

I, name in full _____, of _____ street and postal address _____, place _____, in the County of _____ county _____, Province of _____ province _____, postal code _____, applicant, **make oath and say:**

1. name of deceased _____ late of _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia, occupation _____, died on or about _____ month and day _____, 20____, at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of _____ province _____, and at the time of death the residence of the deceased was

(a) at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia.

OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

2. To the best of my information and belief

- (a) the deceased was/was not of the age of majority at the time the will was made and was/was not married and was/was not a registered domestic partner at that time;
- (b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]
- (c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;
- (d) neither name of witness _____ nor name of witness _____, the witnesses to the attached will and codicil(s), is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [If so, give details.]
- (e) the deceased was predeceased by [List the names, addresses and dates of death respectively of predeceasing beneficiaries named in the will, predeceasing spouse(s) and predeceasing child(ren).] _____;
- (f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]

- (g) the will or codicil(s) exhibited in the affidavit in proof of execution of a will/ affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances attached to this application is/are the true and original last will and codicil(s) of the deceased;
- (h) no other application has been made for a grant of probate or administration of this estate; and
- (i) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is:

(i) real property less encumbrances\$
(ii) personal property (gross value)\$
Total: \$

which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased.

[Do not include real property outside Nova Scotia or real property held in joint tenancy, or insurance, RRSP's, RRIF's, pensions, superannuation or annuities payable to a named beneficiary. Do not include a mobile home in real property.]

- 3. The real property of the deceased is situate at _____ place in Nova Scotia _____ .
- 4. I am the executor of the deceased named in the will or codicil(s) exhibited in the affidavit in proof of execution of a will/ affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances attached to this application.

[If any executor named in the attached will or codicil(s) is not applying or is reserving the right to apply, provide explanation.]

- 5. I will faithfully administer the property of the deceased by
 - (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds me;
 - (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property, the value of which has not been disclosed in the inventory, within 30 days of when I learn of it;
 - (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the Court, upon a determination being made as to the value of that asset;
 - (e) rendering a true account of my executorship whenever required by law to do so; and
 - (f) distributing all the property of the deceased according to law.
- 6. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.

7. I request that the court issue a grant of probate to the applicant.

Sworn before me at _____, in the)
County of _____, Province of Nova)
Scotia, on _____, 20__.

)
)
)
)
)

A Barrister of the Supreme Court of Nova Scotia,)
Commissioner of Oaths in and for the Province of)
Nova Scotia, Notary Public in and for the Province)
of Nova Scotia.

Signature of applicant

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for a Grant of Probate (Corporate Applicant)
(S. 33(1))**

I, _____ trust officer _____ on behalf of _____ trust company _____ of
_____ street and postal address _____, _____ place _____, in the County of _____ county _____,
Province of _____ province _____, _____ postal code _____, applicant,

make oath and say:

1. I am authorized to make this application for a grant of probate on behalf of _____ trust company and that _____ trust company is the executor named in the will or codicil(s) exhibited in the affidavit in proof of execution of a will/ affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances attached to this application. [If any executor(s) named in the attached will or codicil(s) is/are not applying, provide explanation.]

2. _____ trust company is authorized to administer estates in the Province of Nova Scotia.

3. name of deceased late of _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia, occupation _____, died on or about _____ month and day, 20 _____, at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of _____ province, and at the time of death the residence of the deceased was

(a) at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia.

OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

4. To the best of my information and belief

(a) the deceased was/was not of the age of majority at the time the will was made and was/was not married and was/was not a registered domestic partner at that time;

(b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]

- (c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;
- (d) neither name of witness nor name of witness, the witnesses to the will and any codicil(s) exhibited in the affidavit in proof of execution of a will/ affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances attached to this application, is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [If so, give details.]
- (e) the deceased was predeceased by [List the names, addresses and dates of death respectively of predeceasing beneficiaries named in the will, predeceasing spouse(s) and predeceasing child(ren).] ;
- (f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]
- (g) the will and codicil(s) exhibited in the affidavit in proof of execution of a will/ affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances attached to this application is/are the true and original last will and codicil(s) of the deceased;
- (h) no other application has been made for a grant of probate or administration of this estate; and
- (i) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is:

- (i) real property less encumbrances\$
- (ii) personal property (gross value)\$

Total: \$
 which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

5. The real property of the deceased is situate at place in Nova Scotia .
6. trust company, will faithfully administer the property of the deceased by
 - (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds it;
 - (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when it learns of it;
 - (d) undertaking to pay the Minister of Finance and Treasury Board the taxes payable under the *Probate Act* with respect to any asset that passes to trust company as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
 - (e) rendering a true account of its executorship whenever required by law to do so; and
 - (f) distributing all the property of the deceased according to law.

7. trust company will surrender to this court the grant to be issued to it whenever so required by the court or the registrar.

8. I request that the court issue a grant of probate to the applicant.

Sworn before me at _____,)
in the Country of _____,)
Province of _____, on)
_____, 20____)

[trust company]

A Barrister of the Supreme Court of Nova Scotia, Commissioner of Oaths in and for the Province of Nova Scotia, Notary Public in and for the Province of Nova Scotia)

per: _____
Signature of trust officer

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for a Grant of Administration with the Will Annexed
(S. 33(3))**

I, _____ name in full _____, of _____ street and postal address _____, _____ place _____, in the County
of _____ county _____, Province of _____ province _____, postal code _____, applicant,

make oath and say:

1. The executor named in the will and any codicil(s) exhibited in the affidavit in proof of execution of a will/ affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances attached to this application is unable to take out probate because [give explanation]

2. I am _____ relationship of applicant _____ to the deceased and am therefore entitled to make this application.

[Attach Form 12, 14 or 15 renunciation/nomination/consent from persons having a prior or equal right to apply.]

3. _____ name of deceased _____ late of _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia, _____ occupation _____, died on or about _____ month and day _____, 20 _____, at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of _____ province _____, and at the time of death the residence of the deceased was

(a) at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia.

OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

4. To the best of my information and belief:

(a) the deceased was/was not of the age of majority at the time the will was made and was/was not married and was/was not a registered domestic partner at that time;

(b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]

(c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;

- (d) neither name of witness nor name of witness , the witnesses to the will and any codicil(s) exhibited in the affidavit in proof of execution of a will/ affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances attached to this application, is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [If so, give details.]
- (e) the deceased was predeceased by [List the names, addresses and dates of death respectively of predeceasing beneficiaries named in the will, predeceasing spouse(s) and predeceasing child(ren).] ;
- (f) the deceased died leaving the following heirs: [List the names and addresses of heirs.] ;
- (g) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]
- (h) the will and codicil(s) exhibited in the affidavit in proof of execution of a will/ affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances attached to this application is/are the true and original last will and codicil(s) of the deceased;
- (i) no other application has been made for a grant of probate or administration of this estate; and
- (j) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is:

- (i) real property less encumbrances\$
- (ii) personal property (gross value)\$

Total: \$
 which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

5. The real property of the deceased is situate at place in Nova Scotia .
6. I will faithfully administer the property of the deceased by:
- (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds it;
 - (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within three months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when it learns of it;
 - (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;

- (e) rendering a true account of my administration whenever required by law to do so; and
- (f) distributing all the property of the deceased according to law.

7. I will surrender to this court the grant to be issued to it whenever so required by the court or the registrar.

8. I request that the court issue a grant of administration with the will annexed to the applicant.

Sworn before me at _____,)
 in the Country of _____,)
 Province of _____, on)
 _____, 20__)

 A Barrister of the Supreme Court of Nova)
 Scotia, Commissioner of Oaths in and for the)
 Province of Nova Scotia, Notary Public in and)
 for the Province of Nova Scotia)

 Signature of applicant

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for a Grant of Administration with the Will Annexed
(Corporate Applicant)
(S. 33(3))**

I, _____ trust officer _____ on behalf of _____ trust company _____ of _____ street and postal
address _____, _____ place _____, in the County of _____ county _____, Province
of _____ province _____, postal code _____, applicant,

make oath and say:

1. I am authorized to make this application for a grant of administration with the will annexed on behalf of _____ trust company _____ under subsection 32(4) of the *Probate Act* and have attached the applicable renunciations and/or consent(s).

[Attach Form 12, 14 or 15 renunciation/nomination/consent from persons having a prior or equal right to apply.]

2. _____ trust company _____ is authorized to administer estates in Nova Scotia.

3. The executor(s) named in the will and any codicil(s) exhibited in the affidavit in proof of execution of a will/ affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances attached to this application is/are unable to take out probate because: _____ [give explanation] _____.

4. _____ name of deceased _____ late of _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia, _____ occupation _____, died on or about _____ month and day _____, 20____, at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of _____ province _____, and at the time of death the residence of the deceased was

(a) at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia.

OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

5. To the best of my information and belief

- (a) the deceased was/was not of the age of majority at the time the will was made and was/was not married and was/was not a registered domestic partner at that time;
- (b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]
- (c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;
- (d) neither name of witness nor name of witness, the witnesses to the will and any codicil(s) exhibited in the affidavit in proof of execution of a will/ affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances attached to this application is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [If so, give details.]
- (e) the deceased was predeceased by [List the names, addresses and dates of death respectively of predeceasing beneficiaries named in the will, predeceasing spouse(s) and predeceasing child(ren).] ;
- (f) the deceased died leaving the following heirs: [List the names and addresses of heirs.] ;
- (g) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]
- (h) the will and any codicil(s) exhibited in the affidavit in proof of execution of a will/ affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances attached to this application is/are the true and original last will and codicil(s) of the deceased;
- (i) no other application has been made for a grant of probate or administration of this estate; and
- (j) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is

(i) real property less encumbrances\$

(ii) personal property (gross value)\$

Total: \$

which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

6. The real property of the deceased is situate at _____ place in Nova Scotia .
7. _____ trust company will faithfully administer the property of the deceased by
- (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds it;
 - (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property, the value of which has not been disclosed in the inventory, within 30 days of when it learns of it;
 - (d) undertaking to pay the Minister of Finance and Treasury Board the taxes payable under the *Probate Act* with respect to any asset that passes to _____ trust company as the personal

representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;

- (e) rendering a true account of its administration whenever required by law to do so; and
- (f) distributing all the property of the deceased according to law.

8. trust company will surrender to this court the grant to be issued to it whenever so required by the court or the registrar.

9. I request that the court issue a grant of administration with the will annexed to the applicant.

Sworn before me at _____,)
in the Country of _____,)
Province of _____, on)
_____, 20____)

[trust company]

A Barrister of the Supreme Court of Nova)
Scotia, Commissioner of Oaths in and for the)
Province of Nova Scotia, Notary Public in and)
for the Province of Nova Scotia)

Per: _____
Signature of trust officer

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for Extra-Provincial Grant of Probate
(S. 33(4))**

I, _____ name in full _____, of _____ street and postal address, place, province/state, country _____, applicant,

make oath and say:

1. name of deceased _____, late of _____ place, province/state, country _____, occupation _____, died on or about _____ month and day, 20 _____, at _____ place, province/state, country _____ and at the time of death the residence of the deceased was outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.
2. The deceased died testate leaving a will and codicil(s) in which the applicant was named as executor.
3. A grant of probate [or as the case may be], was granted in the estate of the deceased on _____ month and day, 20 _____, by the _____ name of court _____, being the court having jurisdiction in testamentary matters in _____ province/country _____, where the deceased was resident at the date of death, and the applicant is the executor named in it.
[If otherwise give details.]
4. The grant is still in full force and effect and the applicant has not been discharged by the court.
5. To the best of my information and belief
 - (a) the deceased was/was not of the age of majority at the time the will was made and was/was not married and was/was not a registered domestic partner at that time;
 - (b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]
 - (c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;
 - (d) neither _____ name of witness _____ nor _____ name of witness _____, the witnesses to the attached will and any codicil(s), is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [If so, give details.]
 - (e) the deceased was predeceased by [List the names, addresses and dates of death respectively of predeceasing beneficiaries named in the will, predeceasing spouse(s) and predeceasing child(ren).] ;

- (f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [if there are, give details.]
- (g) the will and any codicil(s) attached to this application and marked Exhibit "A" is/are copies of the original last will and codicil(s) certified by the court that issued the grant of probate [or as the case may be] ;
- (h) no other application has been made for a grant for this estate in Nova Scotia;
- (i) the fair market value of all the assets of the deceased in Nova Scotia that the deceased died possessed of or entitled to, that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy and for which an extra-provincial grant is applied for is

- (i) real property less encumbrances\$
- (ii) personal property (gross value)\$

Total: \$
 which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

6. The real property of the deceased is situate at _____ place in Nova Scotia _____ .
7. I will faithfully administer the property of the deceased by
 - (a) paying the just debts of the deceased and all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds me;
 - (b) filing with the court a full and true inventory of all assets of the deceased in the Province in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when I learn of it;
 - (d) undertaking to pay the Minister of Finance and Treasury Board the taxes payable under the *Probate Act* with respect to any other asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
 - (e) rendering a true account of my executorship whenever required by law to do so; and
 - (f) distributing all the property of the deceased according to law.
8. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.

9. I request that the court issue an extra-provincial grant of probate to the applicant.

Sworn before me at _____,
[county, province/state, country]

on _____, 20__

[Title]

)
)
)
)
)
)
)

Signature of applicant

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for Extra-Provincial Grant of Administration with the Will Annexed
(S. 33(4))**

I, name in full, of street and postal address, place, province/state, country, applicant,

make oath and say:

1. name of deceased, late of place, province/state, country, occupation, died on or about month and day, 20, at place, province/state, country and at the time of death the residence of the deceased was outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.
2. The deceased died leaving a will and codicil(s) in which no executor was named or in which the named executor has renounced or has since died.
3. A grant of administration with the will annexed [or as the case may be], was granted in the estate of the deceased on month and day, 20, by the name of court, being the court having jurisdiction in testamentary matters in province/country, where the deceased was resident at the date of death, and the applicant is the administrator named in it. [If otherwise give details.]
4. The grant is still in full force and effect and the applicant has not been discharged by the court.
5. To the best of my information and belief
 - (a) the deceased was/was not of the age of majority at the time the will was made and was/was not married and was/was not a registered domestic partner at that time;
 - (b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]
 - (c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;
 - (d) neither name of witness nor name of witness, the witnesses to the attached will and any codicil(s), is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [If so, give details.]
 - (e) the deceased was predeceased by [List the names, addresses and dates of death respectively of predeceasing beneficiaries named in the will, predeceasing spouse(s) and predeceasing child(ren).] ;

- (f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [if there are, give details.]
- (g) the will and any codicil(s) attached to this application and marked Exhibit "A" is/are copies of the original last will and codicil(s) certified by the court that issued the grant of administration with the will annexed [or as the case may be] ;
- (h) no other application has been made for a grant for this estate in Nova Scotia;
- (i) the fair market value of all the assets of the deceased in Nova Scotia that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy and for which an extra-provincial grant is applied for is

- (i) real property less encumbrances\$
- (ii) personal property (gross value)\$

Total: \$
 which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

- 6. The real property of the deceased is situate at _____ place in Nova Scotia .
- 7. I will faithfully administer the property of the deceased by
 - (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds me;
 - (b) filing with the court a full and true inventory of all assets of the deceased in the Province in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when I learn of it;
 - (d) undertaking to pay the Minister of Finance and Treasury Board the taxes payable under the *Probate Act* with respect to any other asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
 - (e) rendering a true account of my administration whenever required by law to do so; and
 - (f) distributing all the property of the deceased according to law.
- 8. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.

9. I request that the court issue an extra-provincial grant of administration with the will annexed to the applicant.

Sworn before me at _____,
[county, province/state, country]

on _____, 20____

[Title]

)
)
)
)
)
)
)

Signature of applicant

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Notice of Rejection
(S. 40)**

Date: _____ **Registrar/Deputy Registrar** _____

Your application is returned for the following corrections:

- () Not our probate district, correct probate district is _____.
- () 15-30 day survivorship clause specified in will - grant will be issued after such period.
- () Indicate by covering letter the number of certified copies of the grant and certificates of status required.

Application for grant (Form _____)

- () Complete address with postal code and phone number of applicant required.
- () Application incomplete - the following is missing _____.
- () Status/right of applicant to apply incorrect/incomplete; must clear off other executors, alternate executors or other persons having prior or equal right to apply (e.g. predeceased, renounced, sole, residuary beneficiaries, etc.).
- () Documents enclosed are wrong/incomplete (e.g. codicils; renunciations; originals not enclosed).
- () Signature of applicant missing.
- () Date/place of death of deceased or residence of deceased missing.
- () Name of deceased must correspond with that shown in will/codicil/extra-provincial grant - use "aka" or "referred to in the will/codicil as".
- () Complete addresses required for all interested parties who benefit under an intestacy.
- () Provide names of all predeceased children and indicate if they left any surviving children. (Note: identify surviving children and give complete addresses.)
- () Indicate any minor children on an intestacy.
- () Indicate any missing persons.
- () Indicate any incompetent persons.
- () Name all predeceased siblings, identify their surviving children, give complete names and addresses and indicate if any are minors, where an intestacy applies.
- () Provide any memorandum or other document referred to in paragraph no. ____ of will/codicil.
- () Name of applicant does not correspond with that shown in will/codicil/extra-provincial grant - use "aka" or "referred to in the will/codicil/ extra-provincial grant as".

Other:

Affidavit other than for Affidavit of Service (Form _____)

- Affidavit missing/not sworn.
- Original will and any codicil(s) is/are not referenced in, attached to and marked as an exhibit to an affidavit.
- Change wording to “codicil”.
- Explain any interlineations, alterations, obliterations in will/codicil - indicate whether these were made before due execution of will/codicil.
- Date of will/codicil incorrect.
- Name of attending witness # _____ missing.
- Notarial seal missing.
- Signature missing.
- Signature of barrister/notary public/registrar/deputy registrar missing.
- Affidavit not sworn before a barrister, notary public, registrar, deputy registrar.

Renunciations/nominations (Form _____)

- Renunciations from _____ missing.
- Form incorrect, should use Form _____.
- Nomination from _____ missing.
- Consent from Public Trustee missing.
- Renunciation from Public Trustee missing.

Security requirement (Form _____)

- Need security/consent to dispense with security.
- Need affidavit of justification.
- Affidavit of justification is incomplete; require _____.
- Bond is incorrect; signature of _____ missing.
- Amount of bond incorrect.
- Other:

Notice of grant (Form _____)

- Residue not wholly disposed of in will: *Intestate Succession Act*, please notify heirs on intestacy.
- Notice was not sent to the following: _____.
- Notice to _____ is missing.
- Other:

Affidavit of service of notice (Form _____)

- Affidavit of service missing.
- Beneficiaries (names) not served.

- () For each beneficiary served, name and address of service, date and method service and name of document served, must be clearly stated in the affidavit.
- () Attach notices to beneficiaries and mark same as exhibits to the affidavit.
- () Need affidavit regarding missing or unascertained beneficiaries.

Inventory (Form _____)

- () Mark “Nil” or an amount in each section.
- () Calculation error: (Explanation: _____.)
- () Include Nova Scotia land only.
- () Give value of assets as at date of death.
- () Require detailed description of property under each heading (e.g. shares, GIC, term deposit, CSB, bank account numbers and location, civic address of land).
- () Document incomplete; signature of _____ missing.
- () Affidavit not taken.
- () Other:

Notice of objection (Form _____)

- () Incomplete.
- () Other:

Note: an affidavit must be re-sworn if changes have been made to it.

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Grant of Probate
(S. 43(1))**

This court grants probate of the will (and codicil(s)) exhibited in the affidavit in proof of execution of a will/
affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances that is attached to this grant
and marked Schedule "1" and administration of the estate of _____ name of deceased _____, late
of _____ place of residence _____ in the Probate District of _____ name of district _____, who died on _____ month and
day _____, year _____, to _____ name and address of personal representative _____, who has sworn to faithfully
administer the estate by paying the just debts of the deceased and the legacies contained in the
will (and codicil(s)) and paying the lawful expenses and distributing the residue (if any)
according to law.

[Indicate any limitation.]

The personal representative shall file a full and true inventory of the assets of the deceased
within 3 months after the date of this grant, and shall render a just and true account of the
executorship when required by law to do so.

Issued on _____ month and day _____, 20 _____.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Grant of Administration with the Will Annexed
(S. 43(3))**

This Court grants administration of the will (and codicil(s)) exhibited in the affidavit in proof of execution of a will/affidavit attesting to the authenticity of the signature of the deceased/affidavit explaining circumstances that is attached to this grant and marked Schedule "1" of the estate of _____ name of deceased _____, late of _____ place of residence _____, in the Probate District of _____ name of probate district _____, who died on _____ month and day _____, 20____, to _____ name and address of personal representative _____, who has sworn to faithfully administer the estate by paying the just debts of the deceased and the legacies contained in the will (and codicil(s)) and paying the lawful expenses and distributing the residue (if any) according to law.

[Indicate any limitation.]

The personal representative shall file a full and true inventory of the assets of the deceased within 3 months after the date of this grant, and shall render a just and true account of their administration when required by law to do so.

Issued on _____ month and day _____, 20____.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Extra-Provincial Grant of Probate
(S. 43(4))**

This Court grants probate of the will (and codicil(s)), a certified copy of which is attached to this grant and marked Schedule "1", and administration of the estate located within the Province of Nova Scotia, of _____ name of deceased, late of _____ place of residence, in _____ province or country who died on _____ month and day, 20____, to _____ name and address of personal representative, the personal representative of the deceased's estate.

The Schedule attached to this grant and marked Schedule "2" is a certified copy of the grant of _____ type of grant issued by the _____ name of foreign court on _____ month and day, 20____, being the court having jurisdiction in testamentary matters in _____ province or country, where the deceased was resident at the date of death, to _____ name of personal representative, the personal representative of the estate, and that grant is now in full force and effect.

The personal representative has sworn to faithfully administer the estate in the Province by paying the just debts of the deceased and the legacies contained in the will (and codicil(s)) and paying the lawful expenses and distributing the residue (if any) according to law.

The personal representative shall within 3 months after the date of this grant file a full and true inventory of the assets of the deceased located in the Province, and shall render a just and true account of their executorship when required by law to do so.

Issued on _____ month and day, 20____.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Extra-Provincial Grant of Administration
(S. 43(4))**

This court grants administration of the estate located within the Province of Nova Scotia, of _____ name of deceased _____, late of _____ place of residence _____, in _____ province or country _____, who died on _____ month and day _____, 20____, to _____ name and address of personal representative _____, the personal representative of the deceased's estate.

The Schedule attached to this grant and marked Schedule "1" is a certified copy of the grant _____ type of grant _____ issued by the _____ name of foreign court _____ on _____ month and day _____, 20____, being the court having jurisdiction in testamentary matters in _____ province or country _____, where the deceased was resident at the date of death, to _____ name of personal representative _____, the personal representative of the estate, and that grant is now in full force and effect .

The personal representative has sworn to faithfully administer the estate within the Province by paying the just debts of the deceased and paying the lawful expenses and distributing the residue (if any) according to law.

The personal representative shall within 3 months after the date of this grant file a full and true inventory of the assets of the deceased that are in the Province, and shall render a just and true account of their administration when required by law to do so.

Issued on _____ month and day _____, 20____.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Extra-Provincial Grant of Administration with the Will Annexed
(S. 43(4))**

This court grants administration of the will (and codicil(s)), a certified copy of which is attached to this grant and marked Schedule "1", and administration of the estate located within the Province of Nova Scotia, of _____ name of deceased, late of _____ place of residence, in _____ province or country who died on _____ month and day, 20____, to _____ name and address of personal representative, the personal representative of the deceased's estate.

The Schedule attached to this grant and marked Schedule "2" is a certified copy of the grant _____ type of grant issued by _____ name of foreign court on _____ month and day, 20____, being the court having jurisdiction in testamentary matters in _____ province or country, where the deceased was resident at the date of death, to _____ name of personal representative, the personal representative of the estate, and that grant is now in full force and effect.

The personal representative has sworn to faithfully administer the estate in the Province by paying the just debts of the deceased and the legacies contained in the will (and codicil(s)) and paying the lawful expenses and distributing the residue (if any) according to law.

The personal representative shall within 3 months after the date of this grant file a full and true inventory of the assets of the deceased that are in the Province, and shall render a just and true account of their administration when required by law to do so.

Issued on _____ month and day, 20____.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Personal Representative's Affidavit - Accounting Not Required
(S. 54)**

I, _____ name of personal representative _____, personal representative of this estate
make oath and say:

- Each of the following persons is an unpaid beneficiary under the will of _____ name of
deceased _____, is 19 years of age or older, is mentally competent and has signed a
consent in Form 38 indicating their agreement that an accounting to the court of the
administration of this estate is not required, which consents are attached as follows:

Name:
Name:
Name:
- All required releases in Forms 36 and 36A are attached to this affidavit and marked Exhibit
"A".
- There are no persons other than those named in the paragraph above who are entitled to
share in the distribution of this estate.
- The notice of grant has been served, the inventory has been filed, the estate has been
advertised in the Royal Gazette for a period of 6 months, a copy of which is attached to this
affidavit, and all claims known to me have been paid or otherwise dealt with and all debts
and expenses are paid, in accordance with the *Probate Court Practice, Procedure and
Forms Regulations*.
- I have distributed/will distribute the residue of this estate in accordance with the law.

Sworn before me at _____, in the)
County of _____, Province of)
Nova Scotia, on _____, 20____.)
)
)
)
_____)
A Barrister of the Supreme Court of Nova)
Scotia, Commissioner of Oaths in and for the)
Province of Nova Scotia, Notary Public in and)
for the Province of Nova Scotia.)

Signature of personal representative

[The text and signature areas of this form may be adapted as required where there is more than one personal representative.]

Probate District:
Probate Court File No.:

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

Affidavit explaining Circumstances

I, _____, name in full, _____, of _____, street and postal address _____, _____, place _____, _____, county _____, Province of _____, province _____, postal code _____, applicant, make oath and say:

1. I am the applicant in the application for a grant of probate/grant of administration with the will annexed/extra-provincial grant of probate/ extra-provincial grant of administration with the will annexed for the deceased named in the will or codicil(s), the original of which is/are attached to this affidavit and marked Exhibit "A".
2. The affidavit of execution of will or codicil/attesting to the authenticity of the signature of the deceased or providing the circumstances of the execution of the will/proving execution of a holograph will is attached to this affidavit and marked Exhibit "B". This affidavit was sworn before April 1, 2024, and did not have the original will attached as an exhibit.
3. Provide other additional circumstances, if any.

Sworn before me at _____,)
 in the Country of _____,)
 Province of _____, on _____,)
 _____, 20____)
)
)
 _____)
 A Barrister of the Supreme Court of Nova)
 Scotia, Notary Public, Registrar of Probate or)
 Deputy Registrar of Probate)

Signature of applicant