

FORM 74C
THE KING'S BENCH

_____ Centre

**REQUEST FOR LETTERS OF ADMINISTRATION
WITH WILL ANNEXED**

IN THE ESTATE OF _____
(name of deceased)

(I/We), _____ of _____, _____,
(name(s) of executor(s)) (city/town) (province/territory)

hereby request that letters of administration with the will annexed of the property of the deceased be issued to (me/us), and in support of (my/our) request, (I/we) (severally) MAKE OATH AND SAY:

1. THAT _____, died on _____,
(name of deceased) (date of death)
At the time of death, the deceased was habitually resident in _____,
(city/town)

(province/territory)

2. THAT the deceased made their last will on _____. Marked as Exhibit "A"
(date of will)
to this Request is (the last will/a copy of the last will) of the deceased.

3. THAT at the time of death, the deceased: *(choose all statements below that apply)*

had never married

was married to: _____
(name)

was divorced from: _____
(name)

was predeceased by their spouse: _____
(name)

(Note: complete paragraph 4 only if the deceased died on or after June 30, 2004.)

4. THAT at the time of death, the deceased: *(read the explanatory notes following paragraph 4, then choose all statements below that apply)*

had never cohabited with a common-law partner

was cohabiting with their common-law partner _____
(name)

- was separated from their common-law partner, _____,
(name)
but their relationship had not been terminated.
- had a common-law relationship with _____ that had
(name)
been terminated.
- was predeceased by their common-law partner _____
(name)

If, at the time of death, the deceased had one or more common-law partners, specify the date(s) when (the/each) relationship began and, if applicable, the date(s) when the partners separated or the common-law relationship terminated.

If, at the time of death, the deceased had a spouse in addition to one or more common-law partners, also specify the date of the marriage, and, if applicable, the date when the spouses separated.

If the deceased died on or after June 30, 2004, read the note below and then complete paragraph 4, choosing all statements that apply.

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 them 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.

5. Choose all applicable statements:

- That no executor is named in that will (or codicil).
- That _____, the executor named in the will, has renounced all right and title to the probate and execution of the will (and codicil).
- That the executor named in the will, _____, has predeceased _____.
(name of deceased)

6. That the deceased was of the full age of majority (18 years or 21 years – if the will is dated before 1971) at the time of the execution of the will, and did not marry since then.

7. THAT to the best of my knowledge and belief: *(choose statement below that applies)*

- the within identified will is the only unrevoked will of the deceased.
- there is another unrevoked will of the deceased; the particulars of which and the source of my information regarding same are as follows: *(applicant to provide details including date and place of execution of additional will)*

8. THAT the deceased died possessed of, or entitled to immovable property worth \$_____ and moveable property worth \$_____, true particulars of which are set out in the inventory and valuation attached hereto as Exhibit "B".

9. THAT particulars of the Manitoba residents over the age of majority having equal or prior superior right to letters of administration of the estate are as follows:

Name	Relationship to deceased

10. THAT (I am/we are each) of the full age of 18 years and (my/our) habitual residence(s) (is/are) above correctly stated, (I/we) claim to be entitled to Letters of Administration of the estate as:

(relationship to deceased)

11. THAT (I/we) do solemnly declare that (I/we) will faithfully administer the property of the deceased according to the law and render a full and true account of (my/our) administration when lawfully required.

(SEVERALLY) SWORN (OR AFFIRMED)
BEFORE ME in _____, Manitoba
this ___ day of _____, _____.

A Notary Public/Commissioner for Oaths in
and for the Province of Manitoba

Signature of Deponent

My Commission expires: _____

NOTE

If the deceased was a registered "Indian" under the *Indian Act* (Canada) and was resident on a reserve at their death, Rule 74 does not apply and you will need to file a Request for Administration with the Federal Government.