

FORM 74A  
THE KING'S BENCH

\_\_\_\_\_ Centre

**REQUEST FOR PROBATE**

IN THE ESTATE OF \_\_\_\_\_  
*(name of deceased)*

(I/We), \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_,  
*(name(s) of executor(s)) (city/town) (province/territory)*

hereby request that probate of the last will of the deceased be granted to (me/us) (or as the case may be), 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 their death, the deceased: *(choose all statements 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 their death, the deceased: *(read the explanatory notes following paragraph 4, then choose all statements 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: \_\_\_\_\_  
(name)  
that had been terminated.

was predeceased by their common-law partner: \_\_\_\_\_  
(name)

*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. 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.

6. THAT to the best of my knowledge and belief:

The within identified will is the only unrevoked will of the deceased;

**OR**

There is another unrevoked will of the deceased, the particulars of which and the source of my information regarding same are as follows: *(provide details including date and place of execution of additional will)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. THAT (I am/we are) the executor(s) named in the said will and (am/are each) of the full age of 18 years, and (my/our) residence(s) (is/are) above correctly stated.

**OR**

7. THAT (I am/we are) the alternate executor(s) named in the said will and (am/are each) of the full age of 18 years, and (my/our) residences are above correctly stated. The named executor(s) having (renounced or predeceased or as the case may be).

8. THAT (I/we) have not released (my/our) rights to be an executor.

9. 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 inventory and valuation attached to this Request as Exhibit "B".

10. 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) executorship 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.