

FORM 74FF
 THE KING'S BENCH
 _____ Centre

**REQUEST FOR ORDER UNDER SECTION 47 OF
 THE COURT OF KING'S BENCH SURROGATE PRACTICE ACT**

IN THE ESTATE OF _____
(name of deceased)

I, _____ of _____, _____,
(city/town) (province/territory)
 make oath and say:

1. THAT I am of the full age of 18 years and that my place of residence is above correctly stated.
2. THAT _____, died on _____,
(name of deceased) (date of death)
 At the time of death, the deceased was habitually resident in _____,
(city/town)
 _____.
(province/territory)
3. THAT now produced to me, and marked as exhibit "A" to my affidavit, is the last will of the deceased, _____.
(name of deceased)

OR

3. THAT I have made or caused to be made a careful search in all places where the deceased might have been expected to keep papers, but I have been unable to discover any will and I believe that the deceased died without having left any will.
4. THAT I am the _____ and the deceased
(state your relationship to the deceased or if you are the executor named in the will)
 died with the following persons entitled to a share in their estate:

Name	City/Province/Country of residence	Relationship to deceased person	Age (if under 18)

(Attach a schedule if more space is needed. If a person entitled to share in the estate is not a spouse, child, parent, brother or sister of the deceased person, show how the relationship is traced.)

5. THAT the total value of all property of the deceased does not exceed \$10,000.00, consisting of \$ _____ personal property, and \$ _____ real property (which includes any interest of the deceased in a real property mortgage). The real property is located in the Province of Manitoba and is more particularly described as follows:

(insert full legal description)

6. THAT the interest of the deceased in the above real property devolves (has been devised or sold) to _____ of _____, _____ and I hereby request that the Court order that the deceased's interest in the real property be vested in the said _____.

(name)

(city/town)

(province/territory)

7. THAT I do solemnly swear that I will faithfully administer the property of the deceased, pay the just debts and funeral expenses of the deceased, distribute the residue (if any) according to law and render a full and true account of my administration when required.

8. I make this affidavit in support of a request for an order that the personal property of the deceased be paid or delivered to me and that the deceased's interest in any real property be dealt with as above requested or delivered to me to be disposed of by me as the Court directs.

(Severally) Sworn (or Affirmed)
before me in _____
in the Province of Manitoba
on _____.

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.