

FORM 74L
THE KING'S BENCH

_____ Centre

REQUEST FOR LETTERS OF ADMINISTRATION

IN THE ESTATE OF _____
(name of deceased)

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

hereby request that letters of administration of the property 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 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 3 only if the deceased died on or after June 30, 2004.)

3. THAT at the time of death, the deceased: *(read the explanatory notes following paragraph 3, 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, _____
(name)
 that had 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.

4. THAT the deceased was never divorced and no marriage of the deceased was ever dissolved or annulled, the deceased was not separated from a spouse or common-law partner and no common-law relationship of the deceased was ever terminated.

OR

[If this statement cannot be made, provide particulars of all applicable statements in the note below]

NOTE: IF THE STATEMENT IN PARAGRAPH 4 ABOVE CANNOT BE MADE, REVIEW THE FOLLOWING THREE STATEMENTS AND ADD PARTICULARS OF THOSE STATEMENTS THAT ARE APPLICABLE:

1. If there has been a dissolution or annulment of a marriage or any termination of a common-law relationship, provide particulars of the dissolution or annulment of marriage or the termination of the common-law relationship.
2. If there has been a remarriage or subsequent common-law relationship, state whether the deceased's former spouse and/or common-law partner was alive at the time of the deceased's death.
3. If at the time of death, the deceased was living separate and apart from a spouse and/or one or more common-law partners, state this fact and whether, in each case
 - during the period of separation, either the deceased or the spouse, or both, filed a petition for divorce and whether such petition is pending or has been dealt with by way of final order at the time the deceased died; or
 - if the common-law relationship of the deceased and their common-law partner was registered under section 13.1 of *The Vital Statistics Act*, the dissolution of the common-law relationship was registered under section 13.2 of that Act before the deceased died; or
 - if the common-law relationship of the deceased and their common-law partner was not registered under section 13.1 of *The Vital Statistics Act*, they had been living separate and apart for a period of at least three years at the time the deceased died; or
 - during the period of separation, either the deceased or the spouse or common-law partner, or both, made an application for an accounting or equalization of assets under *The Marital Property Act* or *The Family Property Act* and whether such application is pending or has been dealt with by way of final order at the time the deceased died; or
 - before the deceased died, the deceased and the spouse or common-law partner divided their property in a manner that was intended by them, or appears to have been intended by them, to separate and finalize their affairs in recognition of their marriage or common-law relationship breakdown.

5. The following persons are entitled to a share in the estate:

<i>Name</i>	<i>City/province/Country of residence</i>	<i>Relationship to deceased person</i>	<i>Age (if under 18 years old)</i>

(Attach a schedule if more space 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 through the spouse, child, parent, brother and sister.)

- 6. THAT (I/we) believe that the deceased died without leaving a will.
- 7. 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(s)) *(relationship to deceased)*

- 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 (I am/we are each) of the full age of 18 years and _____ *(address)*
(is my/are our) habitual residence(s) and (I/we) claim to be entitled to administration of the estate as _____ *(relationship to deceased)*.

- 10. THAT (I/we) 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/we) have been unable to discover any testamentary paper, and (I/we) verily believe that the deceased died without having left any will.

- 11. THAT (I/we) do solemnly swear that (I/we) will faithfully administer the property of the deceased according to 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.