**THE KING'S BENCH**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Centre**

IN THE ESTATE OF:

deceased

**REQUEST FOR LETTERS OF ADMINISTRATION**

|  |
| --- |
|  |
|  |
|  |

(Name, address and telephone number of party filing)

**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:

|  |  |  |  |
| --- | --- | --- | --- |
| *Name* | *City/province/Country of residence* | *Relationship to deceased person* | *Age (if under 18 years old)* |

*(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 immoveable property worth $                                       , and moveable property worth $                                        , true particulars of which are set out in the inventory and valuation attached hereto as Exhibit “A”.

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 , .  Deputy Registrar for King’s Bench, or a  Notary Public/Commissioner for Oaths in and for the Province of Manitoba  My Commission expires: |  | Signature of Deponent |

**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.