

FORM 2

Instructions: use this form when an executor has been named in the will of the deceased.

IN THE NUNAVUT COURT OF JUSTICE

IN THE ESTATE OF _____, deceased.

(If the deceased was known under different names, state the names of the deceased in the following order: 1) name of deceased on his/her will, 2) name of the deceased on his/her death certificate, and 3) any other names of the deceased)

AFFIDAVIT ON APPLICATION FOR PROBATE

I, _____, of the _____ of _____ in Nunavut, _____, (state your occupation), MAKE OATH AND SAY THAT:

1. _____ (state name and aliases of deceased), late of the _____ of _____, in Nunavut, _____ (state occupation), died on or about the ____ day of _____, 20____, at _____, and at the time of (his/her) death had (his/her) residence at the _____ of _____, in Nunavut (or, if residence was outside of Nunavut, add: "but had, at that time, property in Nunavut").

Instructions: fill in paragraph 2 to indicate whether the deceased was married, unmarried, widowed or divorced. Fill in paragraph 3 only if the deceased was living together with a person outside marriage (also known as a 'common-law relationship'). Fill in paragraph 3 even if the deceased was still legally married.

2. The deceased at the time of death was _____ (specify married, unmarried, widower, widow or divorced), and left (him/her) surviving: _____ (list the names, ages and addresses of spouse, children and other persons who are entitled to share in the estate and their relationship to the deceased, and state whether any of these persons are under the age of 19. Also state whether any of these persons who are 19 years of age or over are mentally or physically disabled and therefore cannot earn a livelihood and state the name of any committee appointed for the estate of these persons).

3. Immediately before (his/her) death, the deceased was living, outside marriage, with _____ (state the name, age and address of the person) and they had been cohabiting for a period of _____ (state the number of months or years). The deceased and _____ were together the natural or adoptive parents of _____ (list the name(s), age(s) and address(es) of the child(ren)).

4. _____ (if applicable, name the person who has priority to apply or an equal right to apply for a grant of probate and state the person's address) has _____ (an equal right or priority) to the grant of probate and _____ has _____ (renounced his/her right or consented to the application being made by me).

5. The deceased was predeceased by _____ (for each predeceasing spouse, child or person who would have been entitled to a part of the estate, set out his/her name, date of birth, date of death and his/her relationship to the deceased).

6. The following persons were dependants of the deceased as defined in the *Dependants Relief Act*:
_____ (list names, ages and addresses of dependents).

7. The fair market value of the whole property of the deceased for which the grant of probate is requested is \$ _____, and full particulars of all the property is set out in the Schedule of Assets and Liabilities, which is attached and marked as Exhibit "A" to this affidavit. To the best of my knowledge, information and belief, all the debts and liabilities of the deceased as at the date of death are as set out in the attached Schedule of Assets and Liabilities.

8. I believe that the document (or documents) attached and marked as Exhibit "B" to this affidavit and marked by me with my signature, is the true and original last will (add, if applicable: " and codicil " or " and codicils") of the deceased.

9. The deceased was ____ years of age at the time that the attached will was executed (if the deceased was under the age of 19 years, state whether the deceased was or had been married, or whether the deceased was a member of the Canadian Armed Forces or was a mariner or seaman) and the deceased did (or did not) marry since the execution of the will.

10. I am the executor named in the attached will and have attained the age of 19 years.

11. I do solemnly swear that I will faithfully administer the property of the deceased according to law and shall render a full and true account of my executorship when lawfully required.

12. Neither _____ nor _____ (list names of witnesses to the will) is a beneficiary, or the spouse of a beneficiary, named in the attached will.

13. The beneficiaries entitled to share in the estate are listed in the Schedule of Beneficiaries, which is attached and marked as Exhibit "C" to this affidavit.

14. If the grant is issued to me, I will surrender the grant to the Nunavut Court of Justice whenever the Court requires me to do so.

15. To the best of my knowledge, information and belief, no other application for a grant with respect to the attached will has been made.

SWORN BEFORE ME at

_____, in Nunavut,
(community)

on _____, 20__.
(month, day)

A Commissioner for Oaths in and for
Nunavut*
My commission expires: _____
Print name: _____

Signature of person swearing affidavit

*If this document is sworn outside Nunavut, it must be sworn by a Notary Public.