

Estates Up to \$10,000

There is a simplified procedure for estates \$10,000 in value, or less, whether there is a will or not. This is called an “**Order under Section 47 of The Court of Queen's Bench Surrogate Practice Act.**” It may also be called **summary administration of a small estate.**

STEP 1 If there is a will and an executor, the executor can apply for the order. If there is no will, or no executor, decide who will apply for the order. *The Intestate Succession Act* sets out the priority of claims to an estate by the deceased's next-of-kin. The first right goes to a spouse or common-law partner, then to an adult child, then to parents, then brothers and sisters, then grandparents and nieces and nephews. The administrator must be a resident of Manitoba. Note that the Court has discretion about appointing administrators.

STEP 2 **Get the forms and fill them out.** You will need copies of the forms you must file with the court.

Pre-printed forms are available at the Court office, but there is a fee.

You can get the forms online at the Province of Manitoba website:

http://web2.gov.mb.ca/laws/rules/forms_e.php

You will need forms 74BB and 7CC.

You can fill in the forms on computer and print them out, or print the forms and fill them out in handwriting. If you are filling them out by hand, print neatly in pen.

Cross out any information that does not apply.

Use only one side of the paper.

Use figures for dates, numbers and sums.

Application for Order and Administration Order Section 47 (estate up to \$10,000.00) - 74BB -74CC

[74BB Request for Order under Section 47 of the Court of Queen's Bench Surrogate Practice Act](#)

[74CC Order under Section 47 of the Court of Queen's Bench Surrogate Practice Act Examples of Exhibit Stamp](#)

STEP 3 **Fill out the forms**
[74BB Request for Order under Section 47 of the Court of Queen's Bench Surrogate Practice Act](#)

The person who files this form (the applicant) identifies:

- his or her relationship to the deceased,

- occupation,
- residence,
- the location of death
- date of death, and
- also lists the name, address, kinship and age of any other surviving next of kin.

If there is a will, it is attached to the application as an exhibit.

The form includes a declaration that the property of the deceased is not over \$10,000 in value and describes what real and personal property the estate includes.

The form also includes a declaration that the applicant will:

- faithfully administer the property of the deceased,
- pay the debts and funeral expenses,
- distribute any residue according to law and
- render a full and true accounting of the administration if required to do so.

You must sign this document (and an exhibit stamp on the will, if there is one) in front of a Notary Public or Commissioner for Oaths.

[74CC Order under Section 47 of the Court of Queen's Bench Surrogate Practice Act](#)

This form is very simple to complete. You just need to provide simple information about the deceased and the applicant.

STEP 4 Go to the Court of Queen's Bench and file the forms.

You do not need to make an appointment. Just go to the Court of Queen's Bench Office nearest where you live with the documents and filing fee.

Estate matters at The Court of Queen's Bench in Winnipeg at 408 York are dealt with in Room 100C. (This is just a section of the long counter where all incoming matters are handled. As you enter the court, turn right and look for the sign that says Wills and Estates).

You will take a number for service and then a clerk will take your forms and fees and they will be reviewed and dealt with by Court staff and a Master or a Judge.

STEP 5 Pay the filing fee of \$70.00. You can pay by Visa, Mastercard, cash, or cheque or money order, made payable to the Minister of Finance. If your documents are not in the proper form they may be rejected. In that case you will have to pay a \$5.00 Rejection Fee.