

Estates Under \$10,000

Section 47 of *The Court of Queen's Bench Surrogate Practice Act* has a simplified procedure for estates with a value of less than \$10,000, 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*" and may also be referred to as summary administration of a small estate.

STEP 1 Decide who will be appointed administrator. *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 and then brothers and sisters and then to nieces and nephews. According to *The Court of Queen's Bench Surrogate Practice Act*, the administrator must be a resident of Manitoba. Note that the Court has discretion in whom to appoint as administrator.

STEP 2 **Get the forms and fill them out.** You will need copies of the forms you must file with the court. The forms are specified by Queen's Bench Rule 74.

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

If you have access to a computer and Internet access, you can get the forms online at the Province of Manitoba website. You can fill in the forms on computer and print them out or print the forms and fill them out in handwriting. http://web2.gov.mb.ca/laws/rules/forms_e.php

You may print neatly in pen on the printed forms and cross out information that is not applicable (see the precedents at the back of this guide). Text in court documents can be printed, typewritten, or handwritten legibly. Only one side of the paper is to be used. Use figures for dates, numbers and sums.

Application for Order and Administration Order Section 47 (estate under \$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*

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 and date of death of the deceased 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 does not exceed \$10,000 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, it requires 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, 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.