CHAPTER 3

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I. INTRODUCTION TO PRE-APPLICATION MATTERS IN ESTATE GRANTS: SCOPE OF THIS CHAPTER [§3.1]

This chapter focuses on some matters to be considered before the lawyer prepares the documents necessary to apply for a grant of probate or administration. It discusses the valuation of assets and liabilities and the preparation of an inventory of assets and liabilities. It also deals with searches for testamentary documents, documents that will be required for all applications for estate grant (for example, the Form P1 notice under s. 121 of the *Wills, Estates and Succession Act*, S.B.C. 2009, c. 13 (the "*WESA*")), and other documents that may be needed in certain circumstances (for example, renunciations and consents).

The chapter describes law and procedures under the *WESA* and Part 25 (Rules 25-1 to 25-16) and Appendix A.1 of the Supreme Court Civil Rules, B.C. Reg. 168/2009.

II. INVENTORY OF DECEASED'S ASSETS AND LIABILITIES [§3.2]

The personal representative should create an inventory, with values, of the deceased's assets and liabilities at the date of death. It is advisable to keep a complete record of all the assets that pass on the deceased's death; ideally, the personal representative should know about assets that do not pass as part of the estate as well as those that do.

The uses of the inventory are discussed at "Purpose of Inventory of Deceased's Assets and Liabilities" in this chapter. One method of keeping such a record is the form of inventory included in this manual. See also "Valuation of Deceased's Assets" in this chapter. For discussion of probate fees and the situs of assets, see chapter 7 (Probate Fees).

See "Lawyer's Instructions and Retainer Agreement with the Personal Representative" in chapter 1 for a discussion of retainer agreements.

See the Forms and Precedents section for:

- Sample Inventory—Estate Grant