
Pre-Application Matters in Estate Grants

- I. Introduction to Pre-Application Matters in Estate Grants: Scope of This Chapter [§3.1]**
- II. Inventory of Deceased's Assets and Liabilities [§3.2]**
 - A. Purpose of Inventory of Deceased's Assets and Liabilities [§3.3]
 - B. Content of Inventory of Deceased's Assets and Liabilities [§3.4]
 - 1. Obtaining Information About Assets and Liabilities [§3.5]
 - 2. Property That Passes to the Personal Representative [§3.6]
 - 3. Property That Does Not Pass to the Personal Representative [§3.7]
 - 4. Liabilities of the Deceased [§3.8]
 - C. Form of Inventory of Deceased's Assets and Liabilities [§3.9]
- III. Valuation of Deceased's Assets [§3.10]**
 - A. Purpose of Valuation of Deceased's Assets [§3.11]
 - B. General Principles of Valuation of Deceased's Assets [§3.12]
 - C. Relevant Date for Valuation of Deceased's Assets [§3.13]
 - D. Use of Appraisers for Deceased's Assets [§3.14]
- IV. Types of Property Described in an Inventory of Deceased's Assets and Liabilities [§3.15]**
 - A. Real Estate: Inventory of Deceased's Assets and Liabilities [§3.16]
 - 1. Fee Simple (Estate Inventory) [§3.17]
 - 2. Agreements for Sale (Estate Inventory) [§3.18]
 - a. Purchaser's Interest [§3.19]
 - b. Vendor's Interest [§3.20]

3. Monies Owed to the Deceased and Secured by Mortgage [§3.21]
4. Leasehold Interests (Estate Inventory) [§3.22]
5. Real Estate on First Nations Reserve Lands [§3.23]
- B. Personal Property: Inventory of Deceased's Assets and Liabilities [§3.24]
 1. Cash (Estate Inventory) [§3.25]
 2. Cheques Uncashed at Date of Death (Estate Inventory) [§3.26]
 3. Money on Deposit (Estate Inventory) [§3.27]
 4. Life Insurance (Estate Inventory) [§3.28]
 5. Annuities, Pensions, and Death Benefits (Estate Inventory) [§3.29]
 - a. Canada Pension Plan and Old Age Security Benefits [§3.30]
 - b. Pension Plan Refunds [§3.31]
 - c. Registered Plans [§3.32]
 - d. Death Benefits from Unions, Benevolent Social Groups, Etc. [§3.33]
 6. Book Debts and Promissory Notes (Estate Inventory) [§3.34]
 7. Bonds, Stocks, Shares, and Other Securities for Money (Estate Inventory) [§3.35]
 - a. Bonds [§3.36]
 - b. Stocks [§3.37]
 - c. Gold or Silver [§3.38]
 8. Intellectual Property (Estate Inventory) [§3.39]
 9. Digital Assets (Estate Inventory) [§3.40]
 10. Household Goods and Personal Effects (Estate Inventory) [§3.41]
 11. Other Tangible Personal Property (Estate Inventory) [§3.42]
 - a. Automobiles and Other Vehicles [§3.43]
 - b. Manufactured Homes [§3.44]
 - c. Vessels [§3.45]
 12. Time-Share Interests (Estate Inventory) [§3.46]
 13. Interests in Businesses (Incorporated and Unincorporated) (Estate Inventory) [§3.47]

- 14. Interests in Estates and Trusts and Other Beneficial Interests (Estate Inventory) [§3.48]
- C. Debts and Liabilities: Inventory of Deceased's Assets and Liabilities [§3.49]
- D. Safety Deposit Boxes: Inventory of Deceased's Assets and Liabilities [§3.50]
- V. Searching for Testamentary Documents [§3.51]**
 - A. Requirement to Make Diligent Search for Testamentary Documents [§3.52]
 - B. Wills Notice Search [§3.53]
 - C. Affidavit of Applicant—Forms P3 to P5 [§3.54]
- VI. Notice Required Under Section 121 of the WESA [§3.55]**
 - A. Requirement to Give Notice in an Application for Estate Grant [§3.56]
 - B. Who Must Be Given Notice in an Application for Estate Grant [§3.57]
 - 1. Specific Issues Pertaining to Beneficiaries Under the Will [§3.58]
 - C. Methods of Giving Notice in an Application for Estate Grant [§3.59]
 - 1. Delivery Under Rule 25-2 [§3.60]
 - 2. Notice to Deceased Persons [§3.61]
 - 3. Notice to Missing Persons [§3.62]
 - 4. Notice to Minors [§3.63]
 - 5. Notice to Mentally Incompetent Persons [§3.64]
 - 6. Notice to Unborn and Unascertained Contingent Beneficiaries [§3.65]
 - D. Formal Requirements of Notice in an Application for Estate Grant [§3.66]
 - 1. Form of Notice—Form P1 [§3.67]
 - 2. Notice Requirements—Public Guardian and Trustee [§3.68]
 - 3. Confirmation of Delivery—Form P9 [§3.69]
- VII. Corporate Personal Representatives: Pre-Application Matters [§3.70]**

VIII. Renunciations and Consents in Estate Grants [§3.71]

- A. Renunciation of Probate [§3.72]
 - 1. Formal Requirements—Form P17 [§3.73]
 - 2. Deemed Renunciation—Form P34 [§3.74]
 - 3. Withdrawal of Renunciation [§3.75]
- B. Consent to Applications for Grant of Administration [§3.76]
 - 1. Who Must Consent to Application for Administration [§3.77]
 - 2. Consent of Minors and Mentally Incompetent Persons [§3.78]
 - 3. Form of Consent to Application for Administration [§3.79]
- C. Renunciation and Consent to Applications for Grant of Administration with Will Annexed [§3.80]

IX. When Security Is Required for an Estate Grant [§3.81]**X. Administration by the Public Guardian and Trustee [§3.82]****XI. Affidavits That May Be Required for Estate Grants [§3.83]**

- A. Affidavits to Explain Missing Attachments to, or Alterations to, a Will or Codicil [§3.84]
 - 1. Missing Attachments to Will or Codicil [§3.85]
 - 2. Alterations to Will or Codicil [§3.86]
 - a. Alterations Made Before Execution [§3.87]
 - b. Alterations Made After Execution [§3.88]
 - c. Curative Powers [§3.89]
 - 3. Erasures to Will or Codicil [§3.90]
- B. Affidavit of Execution of Will [§3.91]
- C. Proof of Date of Execution of Will [§3.92]
- D. Affidavit of Execution Where the Will-Maker Signs by Mark or Through Another Person, Is Blind or Illiterate, or Does Not Understand the Language in Which the Will Was Prepared [§3.93]
- E. Affidavit of Proof of Death [§3.94]

XII. Arrangement for Payment of Probate Fees [§3.95]

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