

# Checklist – Passing the Accounts of an Estate in Probate Court

Review the guide *Dealing with an Estate at Probate Court* before completing the Application for Passing the Accounts of an Estate. Decide if you will need a hearing.

Complete **Form 39**, Application to Pass Accounts by a Hearing

OR

**Form 40**, Application to Pass Accounts without a Hearing

To complete these forms, you must attach the following additional documents. Some have standard forms for you to use and some do not:

- the accounts of the estate (check with the Probate Court for a sample form and to obtain a copy of the guide *How to Prepare the Final Account of the Personal Representative*)
- signed releases - **Form 36**
- statement of commission sought
- solicitor's bill of costs to be taxed, including interim solicitors bills
- proposed order on passing accounts – **Form 41**

Make one copy of all paperwork showing money going into and money coming out of the estate. This includes receipts and releases for debts paid, expenditures made, and distributions made by the estate. This also includes a copy of the bank or other financial statements or documents relating to the administration of the estate.

File at Probate Court the Application for Passing the Accounts and the additional documents referred to above. Include, also, the copies of receipts, releases, and bank or other financial statements and documents referred to above.

Contact the Probate Court to schedule a date and time for the Registrar of Probate to examine the accounts. The Registrar will allow **at least 45 days** from the date on which the Application was filed.

Serve the following documents on each “person interested in the estate” **at least 30 days** before the date on which the accounts will be examined:

- a copy of the filed Application, **Form 39** or **Form 40**
- a copy of the filed accounts of the estate
- a blank copy of **Form 42**, Notice of Objection

“Person interested in the estate” is defined on the back of this page. Requirements for serving documents are also given.

Complete **Form 43**, Affidavit of the Personal Representative – Passing Accounts, and file it **at least 10 days** before the date scheduled for examining the accounts.

**Note:** If a completed **Form 42**, Notice of Objection, is subsequently filed at the Probate Court, the passing of the accounts of an estate will take place by way of a hearing on the scheduled date.

**“Person interested in the estate”** is defined in the Regulations to the Probate Act, section 52. Serve the documents on each of the following persons, if applicable, unless they have signed release **Form 36**:

- residuary beneficiary
- unpaid non-residuary beneficiary
- person entitled to share in the distribution of the estate on an intestacy
- life tenant
- for a person under a disability, the trustee, guardian, court-appointed guardian, or attorney appointed under the Powers of Attorney Act
- for a missing person or unascertained person, the trustee, guardian, court-appointed guardian, or attorney appointed under the Powers of Attorney Act
- if the Public Trustee Act applies, the Public Trustee
- unpaid claimant or creditor who has filed a claim in accordance with section 48
- unreleased security

### **Serving documents**

There are 3 acceptable methods of serving documents in Probate Court: personal service, registered mail, and service on a lawyer authorized to accept service on behalf of the person.

If you must serve a document on a person who is under 19 (legally an infant) or a mentally incompetent person, serve the document on their parent, guardian, court appointed guardian, or attorney under the Powers of Attorney Act.