

**EXAMPLE – TO BE USED FOR REFERENCE PURPOSES ONLY**

**Form 16-11A**  
(Rule 16-11)

COURT FILE NUMBER  
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN  
JUDICIAL CENTRE            REGINA  
IN THE ESTATE OF        JOHN SMITH, DECEASED

THIS IS EXHIBIT "A" OF THE  
AFFIDAVIT OF ANNA SMITH,  
SWORN/AFFIRMED BEFORE ME  
THIS 20<sup>TH</sup> DAY OF JUNE, 2022.  
*Timothy Peters*  
A Commissioner of Oaths in and for  
Saskatchewan Being a Court Official

**APPLICATION FOR GRANT OF PROBATE**

The application of ANNA SMITH, of Regina, Saskatchewan states that:

1 JOHN SMITH, late of Regina, Saskatchewan, deceased, died at Regina, Saskatchewan, on or about the 21<sup>st</sup> day of March, 2022, and at the time of death resided in Saskatchewan.

2 The deceased made a Last Will and Testament dated the 1st day of December, 2021, and was at the time of making the will of the full age of 75 years.

3 The following beneficiaries, and no other persons, are entitled to share in the estate of the deceased:

NAME AND ADDRESS	RELATIONSHIP
ANNA SMITH, Regina, Saskatchewan	DAUGHTER
BENJAMIN SMITH, Regina, Saskatchewan	SON

4. Every person named as a beneficiary survived the deceased.

5 No beneficiary is now under the age of 18 years, and no child under the age of 18 years survived the deceased, and no posthumous child has been or will be born to the deceased.

6 The deceased was not survived by any dependent adult who is a beneficiary of the estate or may have a claim against it under *The Dependants' Relief Act, 1996* or *The Family Property Act*.

7 The deceased was 76 years of age at death.

8 The deceased was widowed at death.

9 The deceased did not, after execution of the will, marry or cohabit in a spousal relationship continuously for two years.

10 After making the will and before his death, the marriage of the testator was not terminated by a decree absolute or final judgment of divorce nor was it found to be void or declared a nullity by a court in a proceeding to which the testator was a party nor did the testator and his or her spouse, who were not legally married, cease to cohabit in a spousal relationship for at least 24 months.

**11** The applicant is one of executors named in the will and is of the full age of 18 years. The other executor, named in the will, being Benjamin Smith having renounced his right to probate. (see attached form 16-16)

**12** Neither witness to the will is a beneficiary or the spouse of a beneficiary named in the will.

**13** The value of the estate for the purpose of local registrar's fees is \$ **502,500.00**.

**14** No other application for grant has been made to this Honourable Court to prove the will or for Letters of Administration with Will Annexed, to the best of the applicant's information and belief. Therefore, the applicant requests that probate of the will of the deceased may be granted by this Honourable Court.

DATED at Regina, Saskatchewan, this 20<sup>th</sup> day of June, 2022.

Anna Smith

#### CONTACT INFORMATION AND ADDRESS FOR SERVICE

**If the party is self-represented:**

Name of party:	Anna Smith
Address for service:	Apt 8, 32 Albert Street, S4T 08P
Telephone number:	306-520-1234
Fax number (if any):	n/a
E-mail address (if any):	annasmith@gmail.com

**Form 16-13A**  
(Subrule 16-13(2))

**AFFIDAVIT OF APPLICANT FOR PROBATE  
(OR ADMINISTRATION WITH WILL ANNEXED)**

I, **ANNA SMITH**, of Regina, Saskatchewan make oath and say/(affirm) that:

**1** Attached to this affidavit and marked as **Exhibit "A"** is my application for grant of probate of the Last Will and Testament of **JOHN SMITH**, late of Regina, Saskatchewan, and all the allegations of fact contained in the application are true.

**2** I believe the document attached to this affidavit and marked as **Exhibit "B"** to contain the original last will and testament of the deceased.

**3** Attached to this affidavit and marked as **Exhibit "C"** is a statement (in Form 16-14) showing all the property owned by the deceased at the time of death; that statement truly and correctly, in so far as it has been possible to ascertain, sets forth all the property of the deceased showing the fair market value at death.

**4** I will faithfully administer the property of the testator by paying the just debts and the legacies contained in the will (and codicil, if any) so far as to it (or them) bound by law; and I will exhibit under oath (or affirmation) a true and perfect inventory of the estate, and render a full and just account of my executorship within two years after the grant of letters probate or whenever required by law to do so.

SWORN (OR AFFIRMED)  
BEFORE ME  
at Regina , Saskatchewan,  
this 20<sup>th</sup> day of June, 2022.

Timothy Peters

Commissioner for Oaths  
for Saskatchewan  
Being a Court Official

Anna Smith

**Form 16-19A**  
(Subrule 16-19(1))

**AFFIDAVIT OF EXECUTION OF WILL**

I, ROBERT LEBLANC, of Regina, Saskatchewan, make oath and say/affirm that:

1. I knew JOHN SMITH of Regina, Saskatchewan.

2 On or about the 1<sup>st</sup> day of December, 2021, I was present and saw the document annexed to this affidavit and marked as Exhibit "A" signed by JOHN SMITH, as the same now appears, as and for his last will and testament.

3 The document was signed by JOHN SMITH in the presence of me and of EMMA JACKSON, of Regina, Saskatchewan, who were both present at the same time, at which time we, in the presence of JOHN SMITH, and in the presence of each other, attested and subscribed the document as witnesses.

4 Before the execution of the will by the testator, the will was read over to the testator by me and the testator had knowledge of its contents and appeared perfectly to understand the same.

SWORN (OR AFFIRMED) BEFORE ME  
at, Regina, Saskatchewan,  
this 1<sup>st</sup> day of June,  
2022.

ELIZABETH OLSEN

Robert Leblanc

\_\_\_\_\_  
Commissioner for Oaths  
for Saskatchewan  
My Commission Expires: 01/02/2023

## LAST WILL and TESTAMENT

THIS IS THE LAST WILL AND TESTAMENT of me, JOHN SMITH, of the City of Regina, in the Province of Saskatchewan.

I HEREBY REVOKE all wills and testamentary dispositions of every nature and kind heretofore made by me.

1. I NOMINATE, CONSTITUTE, AND APPOINT my son, BENJAMIN SMITH, of Regina, Saskatchewan, and my daughter, ANNA SMITH, of Regina, Saskatchewan, the Executors and Trustees of this my Last Will and Testament, and hereinafter refer to them as "my Trustees".

IN THE EVENT my son, BENJAMIN SMITH and my daughter, ANNA SMITH are unable or unwilling to act as appointed, I, in the alternative, NOMINATE, CONSTITUTE AND APPOINT, MARIE TREMBLAY, of Regina, Saskatchewan, to be the Executrix and Trustee of this my Last Will and Testament, and hereinafter refer to her, as "my Trustee".

2. I GIVE, DEVISE, AND BEQUEST all of my property, both real and personal, of every nature and kind and wheresoever the same may be found, including any property over which I may have a general power of appointment to my Trustees upon the following trusts namely:
  - a) To ensure the payment of all my just debts, funeral and testamentary expenses as soon after my death as may conveniently be possible;
  - b) To distribute all the rest of and residue of my estate to BENJAMIN SMITH and ANNA SMITH in equal half- shares.

For the purpose of the orderly distribution of my estate in accordance with the provisions of this my Last Will and Testament, I AUTHORIZE my Trustees, to sell, call in, and convert into money any and every part of my estate upon such terms as my Trustees, in my Trustees' uncontrolled discretion, deems fit and proper, or to retain any part of my estate in the form in which it may be at the time of my death, my Trustees shall not be held responsible for any loss occasioned by reason of my Trustees in good faith so doing. My Trustees may invest the monies realized in investments authorized for life insurance companies in Canada to the authorized trustee securities.

IN TESTIMONY WHEREOF I have to this my Last Will and Testament, written upon this and the preceding page of paper, subscribed my name this 1<sup>st</sup> day of December, 2021.

SIGNED, PUBLISHED AND  
DECLARED by the said  
JOHN SMITH, the testator, as and for  
his Last Will and Testament, in the  
presence of us, both present at the  
same time, who at his request and in  
his presence and in the presence of  
each other, have hereunto,  
subscribed our names as witnesses.

*John Smith*

*Robert Leblanc*

NAME: ROBERT LEBLANC

1234 Victoria Avenue  
Regina, Saskatchewan, S4R 5T0  
ADDRESS

Solicitor  
OCCUPATION

*Emma Jackson*

NAME: EMMA JACKSON

1234 Victoria Avenue  
Regina, Saskatchewan, S4R 5T0  
ADDRESS

Legal Assistant  
OCCUPATION

THIS IS EXHIBIT "A" OF THE AFFIDAVIT  
OF ROBERT LEBLANC,  
SWORN/AFFIRMED BEFORE ME THIS 1st  
DAY OF JUNE, 2022.

*Elizabeth Olsen*

A Commissioner of Oaths in and for  
Saskatchewan

My Commission Expires: 01/02/2023

THIS IS EXHIBIT "B" OF THE AFFIDAVIT OF  
ANNA SMITH, SWORN/AFFIRMED BEFORE ME  
THIS 20<sup>TH</sup> DAY OF JUNE, 2022.

*Timothy Peters*

A Commissioner of Oaths in and for  
Saskatchewan Being a Court Official

BACK OF ORIGINAL WILL

**Form 16-14**  
(Subrule 16-14(1))

COURT FILE NUMBER \_\_\_\_\_

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE REGINA

IN THE ESTATE OF JOHN SMITH, DECEASED

THIS IS EXHIBIT "C" OF THE  
AFFIDAVIT OF ANNA SMITH,  
SWORN/AFFIRMED BEFORE  
ME THIS 20<sup>TH</sup> DAY OF JUNE,  
2022.

*Timothy Peters*

A Commissioner of Oaths in and  
for Saskatchewan Being a Court  
Official

**STATEMENT OF PROPERTY**

*(If the application is for an initial grant of probate or administration in Saskatchewan [see subrule 16-14(1)], this statement should show all the real and personal property of the deceased at the time of death at its value at the time of death.)*

**PART I**  
**SCHEDULE OF ASSETS**

**A Real Estate**

Legal description:

**Lot 3 Blk/Par 3 Plan 3243 Ex 5**

Value at date of death: \$ 500,000.00

Less amount owed on loan, mortgage or  
agreement for sale (in excess of any amount  
of insurance payable to discharge the loan,  
mortgage or agreement):

\$ 100,000.00

Deceased's Equity: \$ 400,000.00

**B Mortgages (Payable to deceased)**

Dated: \_\_\_\_\_

Parties: \_\_\_\_\_

Terms: \_\_\_\_\_

Balance owing at date of death: \$ \_\_\_\_\_

**C Agreements for Sale (Payable to deceased)**

Description: \_\_\_\_\_

Dated: \_\_\_\_\_

Parties: \_\_\_\_\_

Terms: \_\_\_\_\_

Balance owing at date of death: \$ \_\_\_\_\_

**D Stocks and Shares**



Company: \_\_\_\_\_

Certificate No.: \_\_\_\_\_

Number of shares: \_\_\_\_\_

Value at date of death: \$ \_\_\_\_\_

**E Bonds and Debentures**

Number: \_\_\_\_\_

Coupons due or accrued interest: \$ \_\_\_\_\_

Face value: \$ \_\_\_\_\_

Total value: \$ \_\_\_\_\_

**F Bank Accounts, Cash on Hand**

**1 Bank: ABC Bank**

Branch: 4233 Rochdale Boulevard, Regina SK

Savings Account No.: \_\_\_\_\_

Accrued interest: \$ \_\_\_\_\_

Principal: \$ \_\_\_\_\_ \$ \_\_\_\_\_

Chequing Account No.: 44645563453 \$ 100,000.00

**2 Cash on Hand: \$ \_\_\_\_\_**

**3 Uncashed Cheques Payable to the Estate  
(with particulars):**

CPP Death Benefit \$ 2,500.00 \$ 102,500.00

**G Life Insurance Payable to the Estate**

Company: \_\_\_\_\_

Policy Number: \_\_\_\_\_

Value at date of death: \$ \_\_\_\_\_

**H Annuities, Pensions, Superannuation, RRSPs,  
Payable to the Estate**

Description: \_\_\_\_\_

Value at date of death: \$ \_\_\_\_\_

**I Miscellaneous Personal Property:**

Description: \_\_\_\_\_

Value at date of death: \$ \_\_\_\_\_

**TOTAL VALUE OF ESTATE:**

**\$ 502,500.00**

## PART II

### A Property Held Jointly (*with right of survivorship*)

#### 1 Real estate

Legal description: \_\_\_\_\_

Registered owners: \_\_\_\_\_

Value at date of death: \$ \_\_\_\_\_

#### 2 Bank accounts

Description: \_\_\_\_\_

Joint owners: \_\_\_\_\_

Value at date of death: \$ \_\_\_\_\_ \$ \_\_\_\_\_

### B Insurance (*Payable to a named beneficiary*)

Company: 123 Insurance Company

Policy Number: 534343224

Designated Beneficiaries: Anna Smith & Benjamin Smith

Value at date of death: \$ 350,000.00

### C Pensions and Annuities (*Payable to a named beneficiary*)

Description: \_\_\_\_\_

Designated Beneficiary: \_\_\_\_\_

Value at date of death: \$ \_\_\_\_\_

### D Real Property Outside Saskatchewan

Legal description: \_\_\_\_\_

Location: \_\_\_\_\_

Value at date of death: \$ \_\_\_\_\_

### E Personal Property Outside Saskatchewan (*Where deceased died domiciled outside Saskatchewan*)

Description: \_\_\_\_\_

Value at date of death: \$ \_\_\_\_\_

## NOTICE

There is a rebuttable presumption that property held by a deceased with an adult child in joint names with right of survivorship is held in a resulting trust for the benefit of the beneficiaries of the deceased's estate. (See *Pecore v Pecore*, 2007 SCC 17, [2007] 1 SCR 795.)

# ***QUEEN CITY FUNERAL HOMES LTD.***

2343 ALBERT STREET, REGINA, SASKATCHEWAN, S4S 5M9

TELEPHONE: 306-987-2343 FAX 306-987-2344

WEBSITE: QUEENCITYFUNERALHOME.CA

## **FUNERAL DIRECTOR'S CERTIFICATE OF DEATH**

NAME: JOHN SMITH

DATE OF DEATH: MARCH 21, 2022

AGE: 76

DATE OF BIRTH: MARCH 1, 1946

PLACE OF DEATH: REGINA, SASKATCHEWAN

NAME OF INFORMANT: ANNA SMITH

RELATIONSHIP: DAUGHTER

We certify the above to be a true statement from our records. Dated  
in Regina, Saskatchewan, on the 31<sup>st</sup> day of March, 2022.

*Lillian Cook*

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Registrar  
Queen City Funeral Home Ltd.

**Form 16-7**  
(Rule 16-7)

COURT FILE NUMBER \_\_\_\_\_

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE REGINA

IN THE ESTATE OF JOHN SMITH, DECEASED

**CERTIFICATE THAT NO PERSONS UNDER THE  
AGE OF EIGHTEEN YEARS INTERESTED**

This is to certify that:

1 Letters Probate for the estate of JOHN SMITH, late of Regina, Saskatchewan, were granted to ANNA SMITH, of Regina, Saskatchewan, by the Court of Queen's Bench for Saskatchewan on the \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

2 As appears by the records in my office, no person under the age of 18 years is interested in the estate of the deceased.

DATED at Regina, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.



\_\_\_\_\_  
Deputy Local Registrar

**Form 16-7**  
(Rule 16-7)

COURT FILE NUMBER \_\_\_\_\_

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE REGINA

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2 As appears by the records in my office, no person under the age of 18 years is interested in the estate of the deceased.

DATED at Regina, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.



\_\_\_\_\_  
Deputy Local Registrar