

**APPENDIX “J-1”
AFFIDAVIT AS TO ENTITLEMENT ONLY
(PERSONAL REPRESENTATIVE’S AFFIDAVIT)**

Where the solicitor, rather than the personal representative, mails or delivers the notice, two different affidavits should be sworn. The following affidavit would be sworn by the personal representative and used in conjunction with the solicitor’s affidavit (see Appendix J-2) as to the mailing or delivering of the notice.

No. *[number]*
[location] Registry

In the Supreme Court of British Columbia
Re the Estate of *[name of deceased]*, Deceased

**AFFIDAVIT
(Section 112)**

I, *[name]*, *[occupation]*, of *[city, province]*, MAKE OATH (OR SOLEMNLY AFFIRM) AND SAY THAT:

1. I am the applicant for probate of the last will, dated *[month, day, year]*, *[and codicil(s) dated (month, day, year) and (month, day, year)]* of *[name of deceased]*, deceased.
2. To the best of my knowledge, other than the applicant, the only beneficiaries are:

Name	Last Known Address	Relationship
<i>[names]</i>	<i>[addresses]</i>	<i>[relationship]</i>

- 3A. To the best of my knowledge the only people who would be entitled to share in the estate on an intestacy or a partial intestacy are *[the applicant] [and] [name(s), described in paragraph(s) (number(s))]*.

OR

- 3B. To the best of my knowledge, other than *[the applicant] [and] [name(s), described in paragraph(s) (number(s))]*, the only people who would be entitled to share in the estate on an intestacy or a partial intestacy are:

Name	Last Known Address	Relationship
<i>[names]</i>	<i>[addresses]</i>	<i>[relationship]</i>

4A. To the best of my knowledge the only people entitled to apply under the *Wills Variation Act* with respect to the will are *[the applicant] [and] [name(s), described in paragraph(s) (number(s))]*.

OR

4B. To the best of my knowledge, other than *[the applicant] [and] [name(s), described in paragraph(s) (number(s))]*, the only people entitled to apply under the *Wills Variation Act* with respect to the will are:

Name	Last Known Address	Relationship
<i>[names]</i>	<i>[addresses]</i>	<i>[relationship]</i>

OR

4C. To the best of my knowledge there is no person entitled to apply under the *Wills Variation Act* with respect to the will.

5A. To the best of my knowledge *[name of deceased]* was not survived by a common law spouse as defined in s. 1 of the *Estate Administration Act*.

OR

5B. To the best of my knowledge the following person may be a common law spouse as defined in s. 1 of the *Estate Administration Act*.

Name	Last Known Address
<i>[name]</i>	<i>[address]</i>

6A. To the best of my knowledge *[name of deceased]* was not survived by a spouse from whom *[he/she]* had been separated for not less than one year immediately before *[his/her]* death.

OR

6B. To the best of my knowledge the following person is a spouse from whom *[name of deceased]* had been separated for not less than one year immediately before *[his/her]* death.

Name	Last Known Address
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[name]

[address]

7. To the best of my knowledge there are no other people entitled to share in the estate.

SWORN BEFORE ME)
at *[city, province]*)
[month, day, year])
_____)
A Commissioner for Taking)
Affidavits or a Notary Public)

*[Apply stamp, or type or legibly)
print name of commissioner]*

_____)
[Person swearing affidavit]

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