

June 14, 2022



COURT OF QUEEN'S BENCH OF ALBERTA

ANNOUNCEMENT

AMENDMENTS TO SURROGATE RULES AND FORMS

FORM ACC 12 AND FORM C 6

These two forms were not amended by Order in Council 356/2021 and will continue to refer to NC forms after June 14, 2022. This guidance is being provided as NC forms will no longer be accepted for grant applications submitted after June 14, 2022.

The ACC 12 is the Release which a personal representative may ask beneficiaries to sign. The note at the bottom of the form says it requires an affidavit of execution and advises that NC 11 be used. The NC 11 was not replaced by a GA form. For Releases signed after June 14, 2022, personal representatives can use a generic affidavit of execution or the "Affidavit of Execution / Affidavit of Witness to Signature" form posted at <https://cfr.forms.gov.ab.ca/form/CTS12277>

The C 6 is the affidavit sworn by the personal representative on an application to obtain formal proof of a will. It refers to a number of NC forms in paragraphs 3, 4 and 5. For formal proof applications made after June 14, 2022, it may be appropriate for the personal representative to base their affidavit on the revised C 6 form appended to this announcement.

COURT FILE NUMBER	_____
COURT	Court of Queen's Bench of Alberta (Surrogate Matter)
JUDICIAL CENTRE	_____
ESTATE NAME	_____
PROCEDURE	Formal proof of will
DOCUMENT	Affidavit by personal representative(s)
DEPONENT(S) NAME(S)	_____
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	_____

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE INFORMATION IN THIS AFFIDAVIT AND IN THE ATTACHED SCHEDULES IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

Applicant(s)

1. The applicant(s) as shown in the Application are the personal representatives named in a will of the deceased dated ____.

Formal proof of will proceedings

2. It is alleged that the will dated _____ is invalid because _____.

Documents Attached

3. The following documents are part of this affidavit or have been previously filed with the court.
 - 3.1 GA1 Grant Application
 - 3.2 C 7 Previous wills
 - 3.3 Original will(s) of the deceased dated _____
 - 3.4 Affidavit(s) of witness to will(s)

I have personally prepared or carefully read the documents that are part of this affidavit and to the best of my knowledge the information in them is accurate and complete.

Notices

4. The applicant(s) have served GA3 Notice(s) to Beneficiaries and Other Interested Parties as required and in the manner prescribed by the *Surrogate Rules*.
5. The deponent(s) believe that while the deceased was alive, the deceased kept the will dated _____ in _____ where it was found at the date of death.
6. After the deceased's death, the applicant(s) obtained the will from _____ and kept it in their or their lawyer's possession until filed with the court.
7. If this will is formally admitted to probate, the applicant(s) will faithfully administer the estate of the deceased according to law and will give a true accounting of their administration to the persons entitled to it when lawfully required.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A COMMISSIONER FOR OATHS AT _____,
ALBERTA ON _____

Deponent

*A Commissioner for Oaths
in and for Alberta*