COURT FILE NUMBER

COURT

JUDICIAL CENTRE ESTATE NAME DOCUMENT

PARTIES

PERSONAL REPRESENTATIVE

BENEFICIARIES (RESIDUARY)

BENFICIARIES (NON-RESIDUARY)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT:

DATE ON WHICH ORDER WAS MADE:

LOCATION OF HEARING:

NAME OF JUDGE WHO MADE THIS ORDER:

# Court of Queen's Bench of Alberta (Surrogate Matter)

**Edmonton**

# Order approving sale of property

**Edmonton**

**The Honourable Justice**

THE COURT HAS:

Heard the submissions of counsel on behalf of the Applicant as to why this application should be expedited in preference to other applications already before the court;

Reviewed the Application for a Grant of [Probate/Administration] (the “Grant”) filed in this application;

Reviewed the Residential Purchase Contract (“the Contract") dated \_\_\_\_\_\_\_\_\_\_\_\_ to sell the property municipally described as \_\_\_\_\_\_\_\_\_\_\_ and legally described as \_\_\_\_\_\_\_\_\_\_\_ (the "Lands");

Noted the consent of all beneficiaries and any other parties interested in the Estate who may be affected by the sale of the Lands;

Noted that the provisions of the *Dower Act* RSA 2000 c. D-15 do not apply to the sale of the Lands, or that the deceased’s spouse has consented to the sale of the Lands;

Noted that no minors have any interest in the estate, or the Public Trustee has consented to the sale;

Noted that any Will or other testamentary instrument does not require the personal representative to hold the Lands in trust for any beneficiary *in specie*

AND SO THE COURT ORDERS:

1. [The Personal Representative named in the application], who is named as the Personal Representative in the Application for the Grant is authorized to accept the Contract selling the Lands to [name the parties];
2. [The Personal Representative] may take such steps as are necessary to conclude the sale of the Lands on the terms and conditions set out in the Contract;
3. Upon written confirmation from the Personal Representative’s lawyer [name of firm] that it has received or is satisfied that it will receive the necessary payment from the Purchaser pursuant to the Contract, the Registrar of Land Titles shall cancel the existing certificate of title to the Lands and shall issue a new certificate of title in the name of:

<>

(or such other transferee as directed by the Personal Representative’s counsel in correspondence sent to the Registrar of Land Titles at the time this order is submitted for registration);

1. The Registrar of Land Titles shall comply with this order forthwith notwithstanding Section 191(1) of the *Land Titles Act*.
2. The Personal Representative’s lawyer [name of firm] shall distribute the sale proceeds from the Lands as follows:
	* by paying any outstanding property taxes and/or condominium fees owing on the Lands as required by the statement of adjustments prepared by them;
	* by paying out any registered financial encumbrances that need to be discharged pursuant to the Contract;
	* by paying the real estate commission and the GST relating to the Contract;
	* by paying the Personal Representative’s solicitor’s fees, disbursements and GST relating to the sale of the Lands; and
	* by holding the remainder in the [law firm] trust account pending further order of the court or written instruction from the Personal Representative following the issuance of the Grant;
3. If for any reason [the law firm], prior to the issuance of the Grant, ceases to act or is discharged as counsel, [the law firm] shall pay the net sale proceeds from the sale of the Lands into court.
4. This Order does not affect the liability or fiduciary obligations of [the applicant] as Personal Representative of the Estate of \_\_\_\_\_\_\_\_\_.
5. This Order shall be served upon any persons interested in the Estate as may be disclosed in the Application for the Grant.

JUSTICE OF THE COURT OF QUEEN'S BENCH OF ALBERTA