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Part II Regulations under the Regulations Act

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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 55/2010

Made: March 30, 2010 (O.I.C.)

Filed: March 31, 2010

Pharmacare Tariff Regulations

Order in Council 2010-143 dated March 30, 2010

Amendment to regulations made by the Minister of Health and the Governor in Council pursuant to clause 13(1)(c) and subsection 17(3) of the *Health Services and Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Health dated March 15, 2010, and pursuant to Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, is pleased, effective on and after April 1, 2010, to

- (a) pursuant to subsection 17(3) of the Act, amend the *Pharmacare Tariff Regulations*, N.S. Reg. 337/2007, made by the Minister of Health and the Governor in Council by Order in Council 2007-393 dated July 13, 2007, in accordance with the extension of the tariff made by the Minister of Health pursuant to clause 13(1)(c) of the Act, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation; and
- (b) approve the authorization by the Minister of Health of payments in respect of the extension of the tariff referred to in clause (a), in accordance with clause 13(1)(c) of the Act.

**In the matter of an amendment to the *Pharmacare Tariff Regulations*,
N.S. Reg. 337/2007, made pursuant to Section 13 and subsection 17(3)
of Chapter 197 of the Revised Statutes of Nova Scotia,
1989, the *Health Services and Insurance Act***

- and -

**In the matter of an extension of the tariff of fees established by the Minister of Health
pursuant to clause 13(1)(c) of the *Health Services and Insurance Act*
with respect to pharmacare**

Order

I, Maureen MacDonald, Minister of Health for the Province of Nova Scotia, pursuant to clause 13(1)(c) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, do hereby establish that the tariff of fees to be paid in respect of the pharmacare tariff as set out in the *Pharmacare Tariff Regulations*, N.S. Reg. 337/2007, is extended from March 31, 2010, to July 1, 2010, as set out in Schedule "B", and I hereby authorize payments in respect of the tariff.

This Order is effective on and after the making by the Governor in Council of the amendments to the *Pharmacare Tariff Regulations*, N.S. Reg. 337/2007, set forth in Schedule "B".

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, March , 2010 [sic].

Sgd.: *Marilyn More on behalf of*
Honourable Maureen MacDonald
Minister of Health

Schedule "B"

**Amendment to the *Pharmacare Tariff Regulations*
made by the Minister of Health and the Governor in Council pursuant to Section 13 and subsection 17(3)
of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act***

Subsection 4(1) of the *Pharmacare Tariff Regulations*, N.S. Reg. 337/2007, made by the Minister of Health and the Governor in Council by Order in Council 2007-393 dated July 13, 2007, [is amended] by striking out "March 31, 2010" wherever it appears and substituting "July 1, 2010".

N.S. Reg. 56/2010

Made: April 7, 2010

Filed: April 8, 2010

Proclamation, S. 4, S.N.S. 2009, c. 20

Order in Council 2010-167 dated April 7, 2010

Proclamation made by the Governor in Council

pursuant to Section 4 of

*An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act,
to Increase Safety for First Responders and Others*

The Governor in Council on the report and recommendation of the Minister of Transportation and Infrastructure Renewal dated March 9, 2010, and pursuant to Section 4 of Chapter 20 of the Acts of 2009, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, to Increase Safety for First Responders and Others*, is pleased to order and declare by proclamation that Chapter 20 of the Acts of 2009, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, to Increase Safety for First Responders and Others*, do come into force on and not before May 1, 2010.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann E. Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 4 of Chapter 20 of the Acts of 2009, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, to Increase Safety for First Responders and Others*, it is enacted as follows:

- 4** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 20 of the Acts of 2009, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, to Increase Safety for First Responders and Others*, do come into force on and not before May 1, 2010;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 20 of the Acts of 2009, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, to Increase Safety for First Responders and Others*, do come into force on and not before May 1, 2010, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour the Honourable Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 7th day of April in the year of Our Lord two thousand and ten and in the fifty-ninth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 57/2010

Made: April 7, 2010

Filed: April 8, 2010

Children and Family Services Regulations

Order in Council 2010-168 dated April 7, 2010
Amendment to regulations made by the Governor in Council
pursuant to Section 99 of the *Children and Family Services Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated March 16, 2010, and pursuant to Section 99 of Chapter 5 of the Acts of 1990, the *Children and Family Services Act*, is pleased to amend the *Children and Family Services Regulations*, N.S. Reg 183/91, made by the Governor in Council by Order in Council 91-954 dated August 15, 1991, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 7, 2010.

Schedule "A"

**Amendment to the *Children and Family Services Regulations*
made pursuant to Section 99 of Chapter 5 of the Acts of 1990,
the *Children and Family Services Act***

- 1 The *Children and Family Services Regulations*, N.S. Reg. 183/91, made by the Governor in Council by Order in Council 91-954 dated August 15, 1991, are amended by repealing Section 14 and substituting the following Section:

Child-caring facilities

- 14 (1) A person proposing to renovate a building or buildings for the purpose of operating a facility shall first obtain the approval of the Minister, in writing, for the proposed renovation.
- (2) A person seeking approval under this Section shall submit to the Minister an application as prescribed by the Minister and such other information as the Minister may require.
- (3) The Minister may refuse to approve the renovation of a facility where the information provided is incomplete or the Minister determines that the proposed renovation(s) will not meet the needs of the children for whom it is intended.
- 2 The regulations are further amended by repealing Form I.

N.S. Reg. 58/2010

Made: April 1, 2010

Filed: April 9, 2010

Prescribed Petroleum Products Prices

Order dated April 1, 2010
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*

Order**NSUARB-GAS-W-10-14****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Peter W. Gurnham, Q.C., Chair**Order**

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended March 31, 2010, are:

Grade 1 Regular gasoline	57.8¢ per litre
Ultra-low-sulfur diesel oil	58.3¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	57.8¢ per litre
Grade 2	60.8¢ per litre
Grade 3	63.8¢ per litre
Ultra-low-sulfur diesel oil	58.3¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	nil
Ultra-low-sulfur diesel oil:	plus 0.3¢ per litre

And whereas a winter blending adjustment of plus 0¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., April 2, 2010.

Dated at Halifax, Nova Scotia, this 1st day of April, 2010.

Sgd: *Elaine Wagner*
Clerk of the Board

Schedule “A”

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on April 2, 2010**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 13% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	64.1	10.0	15.5	89.6	105.8	107.5	105.8	999.9
Mid-Grade Unleaded	67.1	10.0	15.5	92.6	109.2	110.9	109.2	999.9
Premium Unleaded	70.1	10.0	15.5	95.6	112.5	114.2	112.5	999.9
Ultra-Low-Sulfur Diesel	64.9	4.0	15.4	84.3	99.8	101.5	99.8	999.9
Zone 2								
Regular Unleaded	64.5	10.0	15.5	90.0	106.2	107.9	106.2	999.9
Mid-Grade Unleaded	67.5	10.0	15.5	93.0	109.6	111.3	109.6	999.9
Premium Unleaded	70.5	10.0	15.5	96.0	113.0	114.7	113.0	999.9
Ultra-Low-Sulfur Diesel	65.3	4.0	15.4	84.7	100.2	101.9	100.2	999.9
Zone 3								
Regular Unleaded	65.0	10.0	15.5	90.5	106.8	108.5	106.8	999.9
Mid-Grade Unleaded	68.0	10.0	15.5	93.5	110.2	111.9	110.2	999.9
Premium Unleaded	71.0	10.0	15.5	96.5	113.6	115.3	113.6	999.9
Ultra-Low-Sulfur Diesel	65.8	4.0	15.4	85.2	100.8	102.5	100.8	999.9

Zone 4								
Regular Unleaded	65.0	10.0	15.5	90.5	106.8	108.5	106.8	999.9
Mid-Grade Unleaded	68.0	10.0	15.5	93.5	110.2	111.9	110.2	999.9
Premium Unleaded	71.0	10.0	15.5	96.5	113.6	115.3	113.6	999.9
Ultra-Low-Sulfur Diesel	65.8	4.0	15.4	85.2	100.8	102.5	100.8	999.9
Zone 5								
Regular Unleaded	65.0	10.0	15.5	90.5	106.8	108.5	106.8	999.9
Mid-Grade Unleaded	68.0	10.0	15.5	93.5	110.2	111.9	110.2	999.9
Premium Unleaded	71.0	10.0	15.5	96.5	113.6	115.3	113.6	999.9
Ultra-Low-Sulfur Diesel	65.8	4.0	15.4	85.2	100.8	102.5	100.8	999.9
Zone 6								
Regular Unleaded	65.8	10.0	15.5	91.3	107.7	109.4	107.7	999.9
Mid-Grade Unleaded	68.8	10.0	15.5	94.3	111.1	112.8	111.1	999.9
Premium Unleaded	71.8	10.0	15.5	97.3	114.5	116.2	114.5	999.9
Ultra-Low-Sulfur Diesel	66.6	4.0	15.4	86.0	101.7	103.4	101.7	999.9

N.S. Reg. 59/2010

Made: April 8, 2010

Filed: April 9, 2010

Prescribed Petroleum Products Prices

Order dated April 8, 2010

made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*

Order**NSUARB-GAS-W-10-15****In the Matter of the *Petroleum Products Pricing Act*****- and -**

**In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Roberta J. Clarke, Q.C., Member**Order**

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board ("Board") considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended April 7, 2010, are:

Grade 1 Regular gasoline	60.0¢ per litre
Ultra-low-sulfur diesel oil	60.7¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	60.0¢ per litre
Grade 2	63.0¢ per litre
Grade 3	66.0¢ per litre
Ultra-low-sulfur diesel oil	60.7¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	0.0¢ per litre
Ultra-low-sulfur diesel oil:	plus 1.1¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., April 9, 2010.

Dated at Halifax, Nova Scotia, this 8th day of April, 2010.

Sgd: *Elaine Wagner*
Clerk of the Board

Schedule “A”

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on April 9, 2010**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 13% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	66.3	10.0	15.5	91.8	108.3	109.9	108.3	999.9
Mid-Grade Unleaded	69.3	10.0	15.5	94.8	111.6	113.3	111.6	999.9
Premium Unleaded	72.3	10.0	15.5	97.8	115.0	116.7	115.0	999.9
Ultra-Low-Sulfur Diesel	68.1	4.0	15.4	87.5	103.4	105.1	103.4	999.9
Zone 2								
Regular Unleaded	66.7	10.0	15.5	92.2	108.7	110.4	108.7	999.9
Mid-Grade Unleaded	69.7	10.0	15.5	95.2	112.1	113.8	112.1	999.9
Premium Unleaded	72.7	10.0	15.5	98.2	115.5	117.2	115.5	999.9
Ultra-Low-Sulfur Diesel	68.5	4.0	15.4	87.9	103.8	105.5	103.8	999.9
Zone 3								
Regular Unleaded	67.2	10.0	15.5	92.7	109.3	111.0	109.3	999.9
Mid-Grade Unleaded	70.2	10.0	15.5	95.7	112.7	114.4	112.7	999.9
Premium Unleaded	73.2	10.0	15.5	98.7	116.1	117.7	116.1	999.9
Ultra-Low-Sulfur Diesel	69.0	4.0	15.4	88.4	104.4	106.1	104.4	999.9

Zone 4								
Regular Unleaded	67.2	10.0	15.5	92.7	109.3	111.0	109.3	999.9
Mid-Grade Unleaded	70.2	10.0	15.5	95.7	112.7	114.4	112.7	999.9
Premium Unleaded	73.2	10.0	15.5	98.7	116.1	117.7	116.1	999.9
Ultra-Low-Sulfur Diesel	69.0	4.0	15.4	88.4	104.4	106.1	104.4	999.9
Zone 5								
Regular Unleaded	67.2	10.0	15.5	92.7	109.3	111.0	109.3	999.9
Mid-Grade Unleaded	70.2	10.0	15.5	95.7	112.7	114.4	112.7	999.9
Premium Unleaded	73.2	10.0	15.5	98.7	116.1	117.7	116.1	999.9
Ultra-Low-Sulfur Diesel	69.0	4.0	15.4	88.4	104.4	106.1	104.4	999.9
Zone 6								
Regular Unleaded	68.0	10.0	15.5	93.5	110.2	111.9	110.2	999.9
Mid-Grade Unleaded	71.0	10.0	15.5	96.5	113.6	115.3	113.6	999.9
Premium Unleaded	74.0	10.0	15.5	99.5	117.0	118.7	117.0	999.9
Ultra-Low-Sulfur Diesel	69.8	4.0	15.4	89.2	105.3	107.0	105.3	999.9

N.S. Reg. 60/2010

Made: April 13, 2010

Filed: April 14, 2010

Proclamation, S. 65, S.N.S. 2006, c. 46

Order in Council 2010-172 dated April 13, 2010

Proclamation made by the Governor in Council

pursuant to Section 65 of

An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act

The Governor in Council on the report and recommendation of the Minister of Finance dated March 19, 2010, and pursuant to Section 65 of Chapter 46 of the Acts of 2006, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that clause 1(1)(g), subsection 1(2) and Section 41 of Chapter 46 of the Acts of 2006, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, do come into force on and not before April 30, 2010.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann E. Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 65 of Chapter 46 of the Acts of 2006, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, it is enacted as follows:

65 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that clause 1(1)(g), subsection 1(2) and Section 41 of Chapter 46 of the Acts of 2006, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, do come into force on and not before April 30, 2010;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that clause 1(1)(g), subsection 1(2) and Section 41 of Chapter 46 of the Acts of 2006, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, do come into force on and not before April 30, 2010, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour the Honourable Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 13th day of April in the year of Our Lord two thousand and ten and in the fifty-ninth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 61/2010

Made: April 13, 2010

Filed: April 14, 2010

Proclamation, S. 11, S.N.S. 2008, c. 35

Order in Council 2010-173 dated April 13, 2010
Proclamation made by the Governor in Council
pursuant to Section 11 of the
Child Pornography Reporting Act

The Governor in Council on the report and recommendation of the Minister of Justice dated March 24, 2010, and pursuant to Section 11 of Chapter 35 of the Acts of 2008, the *Child Pornography Reporting Act*, is pleased to order and declare by proclamation that Chapter 35 of the Acts of 2008, the *Child Pornography Reporting Act*, do come into force on and not before April 13, 2010.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann E. Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 11 of Chapter 35 of the Acts of 2008, the *Child Pornography Reporting Act*, it is enacted as follows:

- 11** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 35 of the Acts of 2008, the *Child Pornography Reporting Act*, do come into force on and not before April 13, 2010;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 35 of the Acts of 2008, the *Child Pornography Reporting Act*, do come into force on and not before April 13, 2010, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 13th day of April in the year of
Our Lord two thousand and ten and in the fifty-
ninth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 62/2010

Made: April 13, 2010

Filed: April 14, 2010

Child Pornography Reporting Regulations

Order in Council 2010-174 dated April 13, 2010
Regulations made by the Governor in Council
pursuant to Section 9 of the *Child Pornography Reporting Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated March 24, 2010, and pursuant to Section 9 of Chapter 35 of the Acts of 2008, the *Child Pornography Reporting Act*, is pleased to make regulations respecting the mandatory reporting of child pornography, in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after April 13, 2010.

Schedule “A”

**Regulations Respecting Child Pornography Reporting
made by the Governor in Council pursuant to
Section 9 of Chapter 35 of the Acts of 2008,
the *Child Pornography Reporting Act***

Citation

1 These regulations may be cited as the *Child Pornography Reporting Regulations*.

Definitions

2 In these regulations,

“Act” means the *Child Pornography Reporting Act*;

“police department” means any of the following law enforcement agencies:

- (i) a municipal police department established in accordance with clause 36(1)(a) of the *Police Act*,
- (ii) an amalgamated police department established in accordance with Section 84 or 85 of the *Police Act*,
- (iii) the Royal Canadian Mounted Police.

Reporting entities

3 Each police department is designated as a reporting entity for the purpose of receiving reports under Section 3 of the Act.

N.S. Reg. 63/2010

Made: April 13, 2010

Filed: April 14, 2010

Probate Court Practice, Procedure and Forms Regulations

Order in Council 2010-175 dated April 13, 2010
Amendment to regulations made by the Governor in Council
pursuant to Section 106 of the *Probate Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated March 24, 2010, and pursuant to Section 106 of Chapter 31 of the Acts of 2000, the *Probate Act*, is pleased to amend the *Probate Court Practice, Procedure and Forms Regulations*, N.S. Reg. 119/2001, made by the Governor in Council by Order in Council 2001-450 dated September 17, 2001, to correct a number of deficiencies identified by the Registrars of Probate and to ensure that probate matters are administered in an efficient manner, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after April 13, 2010.

Schedule “A”

**Amendment to the *Probate Court Practice, Procedure and Forms Regulations*
made by the Governor in Council under Section 106 of Chapter 31
of the Acts of 2000, the *Probate Act***

- 1 The *Probate Court Practice, Procedure and Forms Regulations*, N.S. Reg. 119/2001, made by the Governor in Council by Order in Council 2001-450 dated September 17, 2001, are amended by repealing subsection 11(8).
- 2 (1) Subsection 31(3) of the regulations is repealed and the following subsection substituted:
 - (3) A person who is entitled to a grant under Section 32 of the Act may apply for a grant of administration with the will annexed of the testate person’s unadministered property in either of the following circumstances:
 - (a) the personal representative of the testate person is discharged or removed;
 - (b) the executor of the testate person is discharged or removed.
- (2) Clause 31(4)(b) is amended by striking out “death or discharge” and substituting “death, discharge or removal”.
- 3 Section 41 of the regulations is amended by repealing subsection (2) and substituting the following subsection:
 - (2) For the purposes of subsection (1), a mobile home is deemed to be personal property.
- 4 Section 44 of the regulations is amended by
 - (a) striking out “20” in subsection (1) and substituting “30”; and
 - (b) adding “serving notice of the grant and” in subsection (3) immediately after “the time for”.
- 5 Section 48 of the regulations is amended by

- (a) adding the following subsection immediately after subsection (1):
 - (1A)** A creditor or claimant must file an affidavit of service in Form 5 with the court within 10 days of serving a notice of claim.
 - (b) adding the following subsection immediately after subsection (3)
 - (3A)** A personal representative must file an affidavit of service in Form 5 with the court within 10 days of serving a notice of contested claim.
 - (c) striking out “creditor or claimant” in subsection (4) and substituting “creditor, claimant or personal representative”.
- 6 Section 51 of the regulations is amended by
- (a) repealing subsection (1) and substituting the following subsection:
 - (1)** The personal representative of an estate may apply for an order declaring the estate to be insolvent after the estate has been advertised for the required period of time in accordance with subsection 63(1) of the Act, by filing an affidavit in Form 34 and making an application for an order passing the accounts of the estate in accordance with Section 55.
 - (b) repealing subsections (2), (3) and (4).
- 7 Subsection 52(1) of the regulations is amended by
- (a) striking out the period at the end of clause (i) and substituting a semicolon; and
 - (b) adding the following clause immediately after clause (i):
 - (j) personal representative.
- 8 Section 54 of the regulations is amended by adding “and the applicable releases in Forms 36 and 36A” immediately after “Form 37”.
- 9 Section 55 of the regulations is amended by
- (a) repealing clause (1)(c) and substituting the following clause:
 - (c) all applicable signed releases in Forms 36 and 36A; and
 - (b) adding “or proctor” immediately after “representative” in subsection (4); and
 - (c) adding the following subsection immediately after subsection (4):
 - (4A)** The proctor may file an affidavit in Form 43 respecting the duties performed by the proctor.
- 10 Section 56 of the regulations is amended by adding the following subsection immediately after subsection (3):
- (4)** Despite subsection (1), upon application by an interested person, the court may allow an application less than 18 months from the date of the grant.

11 Clause 66(1)(b) of the regulations is repealed and the following clause substituted:

(b) not less than 10 days before the hearing, serve a copy of the notice of objection filed pursuant to clause (a) on all of the following people:

- (i) the personal representative,
- (ii) each person interested in the estate,
- (iii) the applicant;

12 (1) The regulations are amended by repealing Forms 8, 8A, 9, 9A, 10, 10A, 11, 11A, 11B, 19, 20, 23, 23A, 23B, 24, 25, 26, 27, 28, 29, 31, 32, 37, 39, 40, 41, 43, 44 and 45 and substituting the attached Forms 8, 8A, 9, 9A, 10, 10A, 11, 11A, 11B, 19, 20, 23, 23A, 23B, 24, 25, 26, 27, 28, 29, 31, 32, 37, 39, 40, 41, 43, 44 and 45.

(2) The regulations are further amended by adding Form 36A in the form attached.

[Note to readers: The words in brackets in the probate court forms below are *not* editorial corrections. They are part of the regulations.]

Form 8 Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application for a Grant of Probate
(S. 33(1))**

I, _____, name in full _____, of _____, street and postal address _____, place _____, in the County of _____ county _____, Province of _____ province _____, postal code _____, applicant,

make oath and say:

1. _____ name of deceased _____ late of _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia, _____ occupation _____, died on or about _____ month and day _____, 20____, at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of _____ province _____, and at the time of death the residence of the deceased was

(a) at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia.

OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

2. To the best of my information and belief

(a) the deceased _____ was/was not _____ of the age of majority at the time the will was made and _____ was/was not _____ married and _____ was/was not _____ a registered domestic partner at that time;

(b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]

(c) the deceased _____ did/did not _____ marry and _____ was/was not _____ a registered domestic partner after the deceased's will was made;

(d) neither _____ name of witness _____ nor _____ name of witness _____, the witnesses to the attached will and codicil(s), is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [If so, give details.]

- (e) the deceased was predeceased by [List the names, addresses and dates of death respectively of predeceasing beneficiaries named in the will, predeceasing spouse(s) and predeceasing child(ren).] ;
- (f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]
- (g) the attached will and codicil(s) is/are the true and original last will and codicil(s) of the deceased;
- (h) no other application has been made for a grant of probate or administration of this estate; and
- (i) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is:
 - (i) real property less encumbrances \$
 - (ii) personal property (gross value) \$
 - Total: \$
 which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

3. The real property of the deceased is situate at _____ place in Nova Scotia .

4. I am the executor of the deceased named in the attached will or codicil(s).
[If any executor named in the attached will or codicil(s) is not applying or is reserving the right to apply, provide explanation.]

5. I will faithfully administer the property of the deceased by
- (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds me;
 - (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property, the value of which has not been disclosed in the inventory, within 30 days of when I learn of it;
 - (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the Court, upon a determination being made as to the value of that asset;
 - (e) rendering a true account of my executorship whenever required by law to do so; and
 - (f) distributing all the property of the deceased according to law.

6. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.

7. I request that the court issue a grant of probate to the applicant.

Sworn before me at _____ ,)
 in the County of _____ , Province)
 of Nova Scotia, on _____ , 20 ____ .)
 _____)
 A Barrister of the Supreme Court of Nova Scotia,) Signature of applicant
 Commissioner of Oaths in and for the Province of)
 Nova Scotia, Notary Public in and for the Province)
 of Nova Scotia)

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

Form 8A
 Probate District:
 Probate Court File No:

**IN THE COURT OF PROBATE FOR NOVA SCOTIA
 IN THE ESTATE OF _____, Deceased
 Application for a Grant of Probate (Corporate Applicant)
 (S. 33(1))**

I, _____ trust officer _____ on behalf of _____ trust company _____ of _____ street and postal address _____, _____ place _____, in the County of _____ county _____, Province of _____ province _____, _____ postal code _____, applicant,

make oath and say:

1. I am authorized to make this application for a grant of probate on behalf of _____ trust company and that _____ trust company is the executor named in the attached will or codicil(s). [If any executor(s) named in the attached will or codicil(s) is/are not applying, provide explanation.]

2. _____ trust company is authorized to administer estates in the Province of Nova Scotia.

3. _____ name of deceased late of _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia, _____ occupation _____, died on or about _____ month and day _____, 20 _____, at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of _____ province _____, and at the time of death the residence of the deceased was

(a) at _____ place _____, in the County/Municipality of _____ county/municipality _____, Province of Nova Scotia.
 OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

4. To the best of my information and belief

(a) the deceased _____ was/was not _____ of the age of majority at the time the will was made and _____ was/was not _____ married and _____ was/was not _____ a registered domestic partner at that time;

(b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]

(c) the deceased _____ did/did not _____ marry and _____ was/was not _____ a registered domestic partner after the deceased's will was made;

(d) neither _____ name of witness nor _____ name of witness _____, the witnesses to the attached will and codicil(s), is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [If so, give details.]

(e) the deceased was predeceased by _____ [List the names, addresses and dates of death respectively of predeceasing beneficiaries named in the will, predeceasing spouse(s) and predeceasing child(ren).] _____;

(f) there _____ are/are no _____ marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]

(g) the attached will and codicil(s) _____ is/are _____ the true and original last will and codicil(s) of the deceased;

(h) no other application has been made for a grant of probate or administration of this estate; and

(i) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is:

- (i) real property less encumbrances \$ _____
- (ii) personal property (gross value) \$ _____

Total: \$ which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

- 5. The real property of the deceased is situate at place in Nova Scotia .
6. trust company, will faithfully administer the property of the deceased by
(a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds it;
(b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
(c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when it learns of it;
(d) undertaking to pay the Minister of Finance the taxes payable under the Probate Act with respect to any asset that passes to trust company as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
(e) rendering a true account of its executorship whenever required by law to do so; and
(f) distributing all the property of the deceased according to law.
7. trust company will surrender to this court the grant to be issued to it whenever so required by the court or the registrar.
8. I request that the court issue a grant of probate to the applicant.

Sworn before me at ,)
in the County of , Province)
of Nova Scotia, on , 20 .) [trust company]
)
) per: _____
) Signature of trust officer
)
A Barrister of the Supreme Court of Nova Scotia,)
Commissioner of Oaths in and for the Province of)
Nova Scotia, Notary Public in and for the Province)
of Nova Scotia)

Form 9
Probate District:
Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF , Deceased
Application for a Grant of Administration
(S. 33(2))

I, name in full, of street and postal address, place, in the County of
county, Province of province, postal code, applicant,

make oath and say:

1. name of deceased, late of place, in the County/Municipality of county/municipality, Province of Nova Scotia, occupation, died on or about month and day, 20 , at place, in the County/Municipality of county/municipality, Province of province, and at the time of death the residence of the deceased was

- (a) at place, in the County/Municipality of county/municipality, Province of Nova Scotia.
- OR
- (b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

2. I have caused a diligent and careful search to be made for a will, any codicil thereto or testamentary paper of the deceased but have been unable to discover any.

3. (a) I am relationship of applicant to the deceased and am therefore entitled to make this application.

[Attach Form 13 renunciation from each person having a prior or equal right to apply.]

OR

(b) I am the nominee applicant under subsection 32(4) of the *Probate Act* and am entitled to make this application.

[Attach Form 15 renunciation/nomination/consent from persons having prior or equal right to apply.]

[Choose (a) or (b) and delete the other.]

4. To the best of my information and belief

- (a) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner [circle one], and left the following person(s) who are entitled by law to share in the estate: [List the names, addresses, age, relationship to deceased of each heir.]
- (b) the deceased was predeceased by the following person (s) who would have been entitled by law to share in the estate: [List the names, addresses and dates of death respectively of each predeceasing heir.]
- (c) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]
- (d) no other application has been made for a grant of probate or administration of this estate; and
- (e) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is

- (i) real property less encumbrances \$
- (ii) personal property (gross value) \$

Total: \$

which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

5. The real property of the deceased is situate at place in Nova Scotia.

6. I will faithfully administer the property of the deceased by

- (a) paying the just debts of the deceased and all taxes payable in respect of the estate of the deceased;
- (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
- (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when I learn of it;
- (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
- (e) rendering a true account of my administration whenever required by law to do so; and
- (f) distributing all the property of the deceased according to law.

- 7. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.
- 8. I request that the court issue a grant of administration to the applicant.

Sworn before me at _____)
 in the County of _____, Province of _____)
 of Nova Scotia, on _____, 20____.)
 _____)
 _____)
 A Barrister of the Supreme Court of Nova Scotia,) Signature of applicant
 Commissioner of Oaths in and for the Province of)
 Nova Scotia, Notary Public in and for the Province)
 of Nova Scotia)

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

Form 9A
Probate District:
Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Application for a Grant of Administration (Corporate Applicant)
(S. 33(2))

I _____ trust officer on behalf of _____ trust company, of _____ street and postal address _____, _____ place
 _____, in the County of _____ county, Province of _____ province, _____ postal code, applicant,

make oath and say:

1. I am authorized to make this application for a grant of administration on behalf of _____ trust company under subsection 32(4) of the *Probate Act* and have attached the applicable renunciations and/or consent(s). [Attach Form 13 renunciation or Form 15 renunciation/nomination/consent from persons having a prior or equal right to apply.]
2. _____ trust company is authorized to administer estates in Nova Scotia.
3. _____ name of deceased, late of _____ place, in the County/Municipality of _____ county/municipality, Province of Nova Scotia, _____ occupation, died on or about _____ month and day, 20____, at _____ place, in the County/Municipality of _____ county/municipality, Province of _____ province, and at the time of death the residence of the deceased was
 - (a) at _____ place, in the County/Municipality of _____ county/municipality, Province of Nova Scotia.
 - OR
 - (b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]
4. A diligent and careful search has been made for a will, any codicil thereto or testamentary paper of the deceased but none have been discovered.
5. To the best of my information and belief

- (a) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner [circle one] , and left the following person(s) who are entitled by law to share in the estate: [List the names, addresses, age, relationship to deceased of each heir.]
- (b) the deceased was predeceased by the following person(s) who would have been entitled by law to share in the estate: [List the names, addresses and dates of death respectively of each predeceasing heir.]
- (c) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]
- (d) no other application has been made for a grant of probate or administration of this estate; and
- (e) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is
 - (i) real property less encumbrances \$
 - (ii) personal property (gross value) \$
 Total: \$

which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

6. The real property of the deceased is situate at _____ place in Nova Scotia .

7. trust company will faithfully administer the property of the deceased by
- (a) paying the just debts of the deceased and all taxes payable in respect of the estate of the deceased;
 - (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when it learns of it;
 - (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any asset that passes to trust company as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
 - (e) rendering a true account of its administration whenever required by law to do so; and
 - (f) distributing all the property of the deceased according to law.

8. trust company will surrender to this court the grant to be issued to it whenever so required by the court or the registrar.

9. I request that the court issue a grant of administration to the applicant.

Sworn before me at _____ ,)
 in the County of _____ , Province)
 of Nova Scotia, on _____ , 20 _____ .) [trust company]
 _____) per: _____
 A Barrister of the Supreme Court of Nova Scotia,) Signature of trust officer
 Commissioner of Oaths in and for the Province of)
 Nova Scotia, Notary Public in and for the Province)
 of Nova Scotia)

Form 10
Probate District:
Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF , Deceased
Application for a Grant of Administration with the Will Annexed
(S. 33(3))

I, name in full, of street and postal address, place, in the County of county, Province of province, postal code, applicant,

make oath and say:

1. The executor named in the attached will or codicil(s) is unable to take out probate because [give explanation]

2. I am relationship of applicant to the deceased and am therefore entitled to make this application.

[Attach Form 12, 14 or 15 renunciation/nomination/consent from persons having a prior or equal right to apply.]

3. name of deceased late of place, in the County/Municipality of county/municipality, Province of Nova Scotia, occupation, died on or about month and day, 20, at place, in the County/Municipality of county/municipality, Province of province, and at the time of death the residence of the deceased was

(a) at place, in the County/Municipality of county/municipality, Province of Nova Scotia. OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

4. To the best of my information and belief:

(a) the deceased was/was not of the age of majority at the time the will was made and was/was not married and was/was not a registered domestic partner at that time;

(b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]

(c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;

(d) neither name of witness nor name of witness, the witnesses to the attached will and codicil(s), is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [If so, give details.]

(e) the deceased was predeceased by [List the names, addresses and dates of death respectively of predeceasing beneficiaries named in the will, predeceasing spouse(s) and predeceasing child(ren).] ;

(f) the deceased died leaving the following heirs: [List the names and addresses of heirs.] ;

(g) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]

(h) the attached will and codicil(s) is/are the true and original last will and codicil(s) of the deceased;

(i) no other application has been made for a grant of probate or administration of this estate; and

(j) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is:

(i) real property less encumbrances \$

(ii) personal property (gross value) \$

Total: \$

which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

- 5. The real property of the deceased is situate at _____ place in Nova Scotia _____ .
- 6. I will faithfully administer the property of the deceased by
 - (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds me;
 - (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property, the value of which has not been disclosed in the inventory, within 30 days of when I learn of it;
 - (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
 - (e) rendering a true account of my administration whenever required by law to do so; and
 - (f) distributing all the property of the deceased according to law.
- 7. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.
- 8. I request that the court issue a grant of administration with the will annexed to the applicant.

Sworn before me at _____ ,)
 in the County of _____ , Province)
 of Nova Scotia, on _____ , 20 ____ .)
 _____)
 A Barrister of the Supreme Court of Nova Scotia,) Signature of applicant
 Commissioner of Oaths in and for the Province of)
 Nova Scotia, Notary Public in and for the Province)
 of Nova Scotia)

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

Form 10A Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Application for a Grant of Administration with the Will Annexed
(Corporate Applicant)
(S. 33(3))

I, _____ trust officer of _____ trust company of _____ street and postal address _____, _____ place _____, in the County of _____ county, Province of _____ province, postal code _____, applicant,

make oath and say:

1. I am authorized to make this application for a grant of administration with the will annexed on behalf of _____ trust company under subsection 32(4) of the *Probate Act* and have attached the applicable renunciations and/or consent(s).

[Attach Form 12, 14 or 15 renunciation/nomination/consent from persons having a prior or equal right to apply.]

2. _____ trust company is authorized to administer estates in Nova Scotia.

3. The executor(s) named in the attached will or codicil(s) is/are unable to take out probate because:
 [give explanation] _____

4. _____ name of deceased late of _____ place, in the County/Municipality of _____ county/municipality, Province of Nova Scotia, _____ occupation, died on or about _____ month and day, 20____, at _____ place, in the County/Municipality of _____ county/municipality, Province of _____ province, and at the time of death the residence of the deceased was _____

(a) at _____ place, in the County/Municipality of _____ county/municipality, Province of Nova Scotia.

OR

(b) outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

[Choose (a) or (b) and delete the other.]

5. To the best of my information and belief

(a) the deceased was/was not _____ of the age of majority at the time the will was made and was/was not _____ married and was/was not _____ a registered domestic partner at that time;

(b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]

(c) the deceased did/did not marry and was/was not _____ a registered domestic partner after the deceased's will was made;

(d) neither _____ name of witness nor _____ name of witness, the witnesses to the attached will and codicil(s), is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [If so, give details.]

(e) the deceased was predeceased by _____ [List the names, addresses and dates of death respectively of predeceasing beneficiaries named in the will, predeceasing spouse(s) and predeceasing child(ren).] ;

(f) the deceased died leaving the following heirs: [List the names and addresses of heirs.] ;

(g) there are/are no _____ marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]

(h) the attached will and codicil(s) is/are the true and original last will and codicil(s) of the deceased;

- (i) no other application has been made for a grant of probate or administration of this estate; and
- (j) the fair market value of all the assets of the deceased that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy, is

(i) real property less encumbrances \$
(ii) personal property (gross value) \$
Total: \$

which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

6. The real property of the deceased is situate at _____ place in Nova Scotia .
7. _____ trust company will faithfully administer the property of the deceased by
- (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds it;
 - (b) filing with the court a full and true inventory of all assets of the deceased in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property, the value of which has not been disclosed in the inventory, within 30 days of when it learns of it;
 - (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any asset that passes to _____ trust company as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
 - (e) rendering a true account of its administration whenever required by law to do so; and
 - (f) distributing all the property of the deceased according to law.
8. _____ trust company will surrender to this court the grant to be issued to it whenever so required by the court or the registrar.
9. I request that the court issue a grant of administration with the will annexed to the applicant.

Sworn before me at _____)
in the County of _____, Province)
of Nova Scotia, on _____, 20____.) [trust company]
_____)
_____) per: _____
A Barrister of the Supreme Court of Nova Scotia,) Signature of trust officer
Commissioner of Oaths in and for the Province of)
Nova Scotia, Notary Public in and for the Province)
of Nova Scotia)

Form 11
Probate District:
Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF , Deceased
Application for Extra-Provincial Grant of Probate
(S. 33(4))

I, name in full, of street and postal address, place, province/state, country, applicant,

make oath and say:

- 1. name of deceased, late of place, province/state, country, occupation, died on or about month and day, 20, at place, province/state, country and at the time of death the residence of the deceased was outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.
2. The deceased died testate leaving a will and codicil(s) in which the applicant was named as executor.
3. A grant of probate [or as the case may be], was granted in the estate of the deceased on month and day, 20, by the name of court, being the court having jurisdiction in testamentary matters in province/country, where the deceased was resident at the date of death, and the applicant is the executor named in it. [If otherwise give details.]
4. The grant is still in full force and effect and the applicant has not been discharged by the court.
5. To the best of my information and belief
(a) the deceased was/was not of the age of majority at the time the will was made and was/was not married and was/was not a registered domestic partner at that time;
(b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]
(c) the deceased did/did not marry and was/was not a registered domestic partner after the deceased's will was made;
(d) neither name of witness nor name of witness, the witnesses to the attached will and any codicil(s), is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [If so, give details.]
(e) the deceased was predeceased by [List the names, addresses and dates of death respectively of predeceasing beneficiaries named in the will, predeceasing spouse(s) and predeceasing child(ren).];
(f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]
(g) the attached will and codicil(s) is/are copies of the original last will and codicil(s) certified by the court that issued the grant of probate [or as the case may be];
(h) no other application has been made for a grant for this estate in Nova Scotia;
(i) the fair market value of all the assets of the deceased in Nova Scotia that the deceased died possessed of or entitled to, that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy and for which an extra-provincial grant is applied for is
(i) real property less encumbrances \$
(ii) personal property (gross value) \$
Total: \$

which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

6. The real property of the deceased is situate at _____ place in Nova Scotia .
7. I will faithfully administer the property of the deceased by
 - (a) paying the just debts of the deceased and all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds me;
 - (b) filing with the court a full and true inventory of all assets of the deceased in the Province in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when I learn of it;
 - (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any other asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
 - (e) rendering a true account of my executorship whenever required by law to do so; and
 - (f) distributing all the property of the deceased according to law.
8. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.
9. I request that the court issue an extra-provincial grant of probate to the applicant.

Sworn before me at _____ ,)
 [county, province/state, country] ,)
 on _____ , 20 _____ .)
 _____)
 _____)
 [Title] _____) Signature of applicant)

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

Form 11A
 Probate District:
 Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____ , Deceased
Application for Extra-Provincial Grant of Administration
(S. 33(4))

I, _____ name in full _____ , of _____ street and postal address, place, province/state, country _____ , applicant,

make oath and say:

1. _____ name of deceased _____ , late of _____ place, province/state, country _____ , occupation _____ , died on or about _____ month and day _____ , 20 _____ , at _____ place, province/state, country _____ and at the time of death the residence of the deceased was outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.

2. The deceased died intestate.
3. A grant of administration [or as the case may be] , was granted in the estate of the deceased on month and day , 20 , by the name of court , being the court having jurisdiction in testamentary matters in province/country , where the deceased was resident at the date of death, and the applicant is the administrator named in it.
[If otherwise give details.]
4. The grant is still in full force and effect and the applicant has not been discharged by the court.
5. I have caused a diligent and careful search to be made for a will, any codicil thereto or testamentary paper of the deceased but have been unable to discover any.
6. To the best of my information and belief
- the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]
 - the deceased left the following person(s) who are entitled by law to share in the estate: [List the name, address, age and relationship to deceased of each heir.] ;
 - the deceased was predeceased by the following person(s) who would have been entitled by law to share in the estate: [List the name, address and date of death of each predeceased heir.] ;
 - there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]
 - no other application has been made for a grant for this estate in Nova Scotia;
 - the fair market value of all the assets of the deceased in Nova Scotia that the deceased died possessed of or entitled to, that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy and for which an extra-provincial grant is applied for is

(i) real property less encumbrances	\$
(ii) personal property (gross value)	\$
Total:	\$

 which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]
7. The real property of the deceased is situate at place in Nova Scotia .
8. I will faithfully administer the estate of the deceased by
- paying the just debts of the deceased and all taxes payable in respect of the estate of the deceased;
 - filing with the court a full and true inventory of all assets of the deceased in the Province in Form 29 within 3 months after the date of the grant;
 - disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when I learn of it;
 - undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any other asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
 - rendering a true account of my administration whenever required by law to do so; and
 - distributing all the property of the deceased according to law.
9. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.
10. I request that the court issue an extra-provincial grant of administration to the applicant.

Sworn before me at _____,)
 [county, province/state, country] _____,)
 on _____, 20____.)
 _____)
 [Title] _____) Signature of applicant)

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

Form 11B Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Application for Extra-Provincial Grant of Administration
with the Will Annexed
(S. 33(4))

I, _____ name in full, _____ of _____ street and postal address, place, province/state, country, _____, applicant,

make oath and say:

1. _____ name of deceased, late of _____ place, province/state, country, _____ occupation, died on or about _____ month and day _____, 20____, at _____ place, province/state, country and at the time of death the residence of the deceased was outside Nova Scotia and the deceased had, at such time, property in Nova Scotia.
2. The deceased died leaving a will and codicil(s) in which no executor was named or in which the named executor has renounced or has since died.
3. A grant of administration with the will annexed _____ [or as the case may be], was granted in the estate of the deceased on _____ month and day _____, 20____, by the _____ name of court, being the court having jurisdiction in testamentary matters in _____ province/country, where the deceased was resident at the date of death, and the applicant is the administrator named in it. [If otherwise give details.]
4. The grant is still in full force and effect and the applicant has not been discharged by the court.
5. To the best of my information and belief
 - (a) the deceased _____ was/was not of the age of majority at the time the will was made and _____ was/was not married and _____ was/was not a registered domestic partner at that time;
 - (b) the deceased, at the time of death, was married / unmarried / a widower / a widow / separated / divorced / a registered domestic partner; [circle one]
 - (c) the deceased _____ did/did not marry and _____ was/was not a registered domestic partner after the deceased's will was made;
 - (d) neither _____ name of witness nor _____ name of witness, the witnesses to the attached will and any codicil(s), is a beneficiary or the spouse of a beneficiary named in the will or any codicil(s); [If so, give details.]
 - (e) the deceased was predeceased by _____ [List the names, addresses and dates of death respectively of predeceasing beneficiaries named in the will, predeceasing spouse(s) and predeceasing child(ren).] ;

- (f) there are/are no marriage contracts, separation agreements or court orders that affect the appointment of the applicant as personal representative of the estate of the deceased; [If there are, give details.]
- (g) the attached will and codicil(s) is/are copies of the original last will and codicil(s) certified by the court that issued the grant of administration with the will annexed [or as the case may be] ;
- (h) no other application has been made for a grant for this estate in Nova Scotia;
- (i) the fair market value of all the assets of the deceased in Nova Scotia that the deceased died possessed of or entitled to that pass by a will or wills or that are transferred or will be transferred to a trust under a will or wills, whether or not the trust is described in the will as being separate from the estate, or that pass upon intestacy and for which an extra-provincial grant is applied for is
 - (i) real property less encumbrances \$
 - (ii) personal property (gross value) \$
 Total: \$
 which includes all insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to the estate of the deceased. [Do not include real property outside Nova Scotia, real property held in joint tenancy or insurance, RRSPs, RRIFs, pensions, superannuation and annuities payable to a named beneficiary.]

6. The real property of the deceased is situate at _____ place in Nova Scotia .

7. I will faithfully administer the property of the deceased by
- (a) paying the just debts of the deceased, all taxes payable in respect of the estate of the deceased and the legacies contained in the attached will and codicil(s) so far as it or they extend and the law binds me;
 - (b) filing with the court a full and true inventory of all assets of the deceased in the Province in Form 29 within 3 months after the date of the grant;
 - (c) disclosing to the court the existence of any asset and any encumbrance on real property the value of which has not been disclosed in the inventory within 30 days of when I learn of it;
 - (d) undertaking to pay the Minister of Finance the taxes payable under the *Probate Act* with respect to any other asset that passes to me as the personal representative of the deceased and has not previously been disclosed to the court, upon a determination being made as to the value of that asset;
 - (e) rendering a true account of my administration whenever required by law to do so; and
 - (f) distributing all the property of the deceased according to law.

8. I will surrender to this court the grant to be issued to me whenever so required by the court or the registrar.

9. I request that the court issue an extra-provincial grant of administration with the will annexed to the applicant.

Sworn before me at _____ , _____)
[county, province/state, country] , _____)
 on _____ , 20 ____ . _____)
 _____)
 _____)
 [Title] _____) Signature of applicant _____)
 _____)

[Note: the text and signature areas of this form may be adapted as required where there is more than one applicant.]

Form 19 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Security–Personal Bond and Affidavit of Justification
(S. 42(1)(b))

The principal in this security is _____ name of personal representative .

The surety in this security is _____ name of surety .

The obligee in this security is the registrar of the Probate Court for the Probate District of _____ name of district , Province of Nova Scotia acting for the benefit of creditors and persons entitled to share in the estate of the deceased.

The principal and the surety are jointly and severally bound to the registrar of the Probate Court for the Probate District of _____ name of district , Province of Nova Scotia, in the amount of \$ _____ , to be paid to the registrar, for which payment we bind ourselves and each of us, our heirs, executors, administrators and assigns.

The duties of the principal are

- (a) to make and file with the court a full and true inventory of the property of the deceased that has or may come into the knowledge and/or possession of the principal;
- (b) to administer all such property according to law;
- (c) to pay the debts of the deceased;
- (d) when lawfully required, to render a proper and full account of the administration of the estate; and
- (e) to distribute to the persons entitled, all property remaining after payment of the debts of the deceased and the costs of administration of the estate.

The primary obligation under this security belongs to the principal. The principal is liable under this security for any amount found by the court to be owing to any creditors of the estate and persons entitled to share in the estate to whom proper payment has not been made.

The surety, provided they have been given reasonable notice of any proceeding in which an order or decision may be made against the principal for failure to perform the obligations of this security shall, on order of the court and on default of the principal to pay any final amount made against the principal in the proceeding, pay to the registrar the amount of any deficiency in the payment by the principal, but the surety shall not be liable to pay more than the amount of the security.

Signed at _____ place , Nova Scotia, on _____ month and day , 20 _____ .

Signature of witness

Signature of principal

Signed at _____ place , Nova Scotia, on _____ month and day , 20 _____ .

Signature of witness

Signature of surety

Affidavit of Justification

I name of surety , of full address , occupation ,

make oath and say:

1. I am the proposed surety on behalf of the principal in this security of the property of name of deceased , deceased, named in this security, for the faithful administration of the property of the deceased.
2. My residence and occupation are correctly stated above and I have property of a value equal to the amount of \$ over and above all encumbrances and over and above what will pay my just debts and every sum for which I am now bail, or for which I am liable as surety or endorser or otherwise.
3. I am of the age of majority.

Sworn before me at , in the)
 County of , Province of)
 Nova Scotia, on , 20 .)

 Barrister of the Supreme Court of Nova Scotia,)
 Commissioner of Oaths in and for the Province)
 of Nova Scotia, Notary Public in and for the)
 Province of Nova Scotia.)

 Signature of surety

Notes: This form of security may be adapted for use by an administrator with will annexed or a non-resident executor or administrator.

The text and signature areas of this form may be adapted as required where there is more than one principal or surety.

Form 20 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF , Deceased
Grant of Probate
(S. 42(1))

This court grants probate of the attached will (and codicil(s)) and administration of the estate of name of deceased , late of place of residence in the Probate District of name of district , who died on month and day , year , to name and address of personal representative , who has sworn to faithfully administer the estate by paying the just debts of the deceased and the legacies contained in the will (and codicil(s)) and paying the lawful expenses and distributing the residue (if any) according to law.

[Indicate any limitation.]

The personal representative shall file a full and true inventory of the assets of the deceased within 3 months after the date of this grant, and shall render a just and true account of the executorship when required by law to do so.

Issued on _____ month and day _____, 20____.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 23 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Extra-Provincial Grant of Probate
(S. 43(4))

This Court grants probate of the will (and codicil(s)), a certified copy of which is attached and marked as Exhibit "A", and administration of the estate located within the Province of Nova Scotia, of _____ name of deceased, late of _____ place of residence, in _____ province or country who died on _____ month and day _____, 20____, to _____ name and address of personal representative, the personal representative of the deceased's estate.

The exhibit attached and marked as Exhibit "B" is a certified copy of the grant of _____ type of grant issued by the name of foreign court _____ on _____ month and day _____, 20____, being the court having jurisdiction in testamentary matters in _____ province or country, where the deceased was resident at the date of death, to _____ name of personal representative, the personal representative of the estate, and that grant is now in full force and effect.

The personal representative has sworn to faithfully administer the estate in the Province by paying the just debts of the deceased and the legacies contained in the will (and codicil(s)) and paying the lawful expenses and distributing the residue (if any) according to law.

The personal representative shall within 3 months after the date of this grant file a full and true inventory of the assets of the deceased located in the Province, and shall render a just and true account of their executorship when required by law to do so.

Issued on _____ month and day _____, 20____.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 23A Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Extra-Provincial Grant of Administration
(S. 43(4))

This court grants administration of the estate located within the Province of Nova Scotia, of _____, name of deceased, late of _____, place of residence, in _____, province or country, who died on _____, month and day, 20____, to _____, name and address of personal representative, the personal representative of the deceased's estate.

The exhibit attached and marked Exhibit "A" is a certified copy of the grant _____, type of grant, issued by the _____, name of foreign court, on _____, month and day, 20____, being the court having jurisdiction in testamentary matters in _____, province or country, where the deceased was resident at the date of death, to _____, name of personal representative, the personal representative of the estate, and that grant is now in full force and effect.

The personal representative has sworn to faithfully administer the estate within the Province by paying the just debts of the deceased and paying the lawful expenses and distributing the residue (if any) according to law.

The personal representative shall within 3 months after the date of this grant file a full and true inventory of the assets of the deceased that are in the Province, and shall render a just and true account of their administration when required by law to do so.

Issued on _____, month and day, 20____.

 Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 23B Probate District: Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Extra-Provincial Grant of Administration with the Will Annexed
(S. 43(4))

This court grants administration of the will (and codicil(s)), a certified copy of which is attached and marked as Exhibit "A", and administration of the estate located within the Province of Nova Scotia, of _____, name of deceased, late of _____, place of residence, in _____, province or country, who died on _____, month and day, 20____, to _____, name and address of personal representative, the personal representative of the deceased's estate.

The exhibit attached and marked as Exhibit "B" is a certified copy of the grant type of grant issued by name of foreign court on month and day, 20, being the court having jurisdiction in testamentary matters in province or country, where the deceased was resident at the date of death, to name of personal representative, the personal representative of the estate, and that grant is now in full force and effect.

The personal representative has sworn to faithfully administer the estate in the Province by paying the just debts of the deceased and the legacies contained in the will (and codicil(s)) and paying the lawful expenses and distributing the residue (if any) according to law.

The personal representative shall within 3 months after the date of this grant file a full and true inventory of the assets of the deceased that are in the Province, and shall render a just and true account of their administration when required by law to do so.

Issued on month and day, 20.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 24
Probate District:
Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF, Deceased
Notice to Beneficiaries (Residuary)
(S. 44(1)(a))

TO: Name:
Complete address:

You are named as a residuary beneficiary in the last will* of name of the deceased.

Probate of the will was granted on date of grant.

The personal representative of the estate will collect the estate property, pay the debts, and complete the administration of the estate and do anything else required of them.

You can contact name of personal representative at address, phone number, for any further information you may need.

Signature of personal representative or lawyer for personal representative

Date

Name:
Complete address:
Telephone:
Fax:
E-mail:

* Enclosed with this notice is a copy of the will.

[The text and signature area of this form may be adapted as required where there is more than one personal representative.]

Form 25
Probate District:
Probate Court File No:

**IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Notice to Beneficiaries (Non-Residuary)
(S. 44(1)(b))**

TO: Name: _____
Complete address: _____

You are named as a beneficiary in the last will* of _____ name of deceased .

The will gives you _____ description .

Probate of the will was granted on _____ date of grant .

The personal representative of the estate will collect the estate property, pay the debts, and complete the administration of the estate and do anything else required of them.

You can contact _____ name of personal representative at _____ address , _____ phone number , for any further information you may need.

Signature of personal representative or lawyer for personal representative

Date

Name:
Complete address:
Telephone:
Fax:
E-mail:

* Enclosed with this notice is a copy of the relevant portion of the will.

[The text and signature area of this form may be adapted as required where there is more than one personal representative.]

Form 26
 Probate District:
 Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Notice to Heirs (Intestacy)
(S. 44(1)(c))

TO: Name: _____
 Complete address: _____

_____ name of deceased died without leaving a will. In this circumstance, the provisions of the *Intestate Succession Act* determine which relatives of the deceased inherit the estate. You **may be** one of these relatives, and you **may be** entitled to inherit under this estate.

Administration of the estate was granted on _____ date of grant .

The personal representative of the estate will collect the estate property, pay the debts, and complete the administration of the estate and do anything else required of them.

You can contact _____ name of personal representative at _____ address , _____ phone number , for any further information you may need.

 Signature of personal representative or Date
 lawyer for personal representative

Name:
 Complete address:
 Telephone:
 Fax:
 E-mail:

[The text and signature area of this form may be adapted as required where there is more than one personal representative.]

Form 27
 Probate District:
 Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Notice to Persons Who May Have Statutory Rights
(S. 44(1)(d))

TO: Name: _____
 Complete address: _____

You **may be** entitled to share in the distribution of the estate of _____ name of deceased under the *Matrimonial Property Act, Testators' Family Maintenance Act* and/or *Vital Statistics Act*.

A grant of _____ type of grant was issued on _____ date of grant, 20 ____ .
Enclosed with this notice is a copy of the grant.

If you want to take this further, you should consult a lawyer immediately. **You must make your application within 6 months from the date the court issued the grant.** Please sign and return this form to the undersigned to show that you have received this notice.

Signature of personal representative or
lawyer for personal representative

Date

Name:
Complete address:
Telephone:
Fax:
E-mail:

I acknowledge receipt of this notice and of a copy of the grant in this estate.

Signature of addressee
[Name of addressee and complete address—please print]

Date

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 28
Probate District:
Probate Court File No:

**IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Affidavit of Service—Notice of Grant
(S. 44(2))**

I, _____ name of personal representative, of _____ street and postal address, place, province/state, country, _____

make oath and say:

1. I am the personal representative for the estate of _____ name of deceased .

_____ As personal representative(s), I/we waive service of the notice of the grant.
[Check, if appropriate.]

2. I have served on each of the following, who are the persons who have or may have an interest in this estate, a notice of grant, copies of which are attached as Exhibit “A” to this my affidavit.

Notice Form # Name Address Date served

[Attach a separate sheet of paper if necessary.]

3. I have been unable to serve the following persons:

Notice Form #

Name

Address

Reason not served

[Attach a separate sheet of paper if necessary.]

4. To the best of my knowledge, the persons named in paragraph(s) 2 and/or 3 are the persons who have or may have an interest in this estate.
5. I undertake to advise the court as soon as I have ascertained or found the persons listed in paragraph 3 or any additional persons who have or may have an interest in this estate and to provide the court with copies of the notices served on those interested persons.

Sworn before me at _____,)
 in the County of _____,)
 Province of Nova Scotia,)
 on _____, 20____.)

 A Barrister of the Supreme Court of Nova Scotia,)
 Commissioner of Oaths in and for the Province)
 of Nova Scotia, Notary Public in and for the)
 Province of Nova Scotia)

 Signature of personal
 representative

[The text and signature area of this form may be adapted as required where there is more than one personal representative.]

Form 29 Probate District: Probate Court File No:
--

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Inventory
 (S. 45)**

Note: attach a schedule for any type of property for which there is insufficient space.

Part I: Real Property in Nova Scotia (includes mortgage interests, and vendors' and purchasers' interests in agreements of purchase and sale, and the complete address of the real property) Less: [list mortgage(s), balance owing and name(s) of mortgagee(s)] Less: [list encumbrances and balance owing] Total of real property value	Value at Death \$
Part II: Personal Property (all assets except real property) Bank accounts, cash on hand 1. Bank: Branch: Savings account: Accrued interest:	Value at Death

Principal: Chequing account: 2. Cash on hand: 3. Uncashed cheques (with particulars): Subtotal value bank accounts, cash on hand:	\$
Life insurance payable to the estate Company: Subtotal value life insurance:	\$
Bonds and debentures Number: Coupons due or accrued interest: Subtotal value bonds and debentures:	\$
Stocks and shares Company: Number of shares: Subtotal value stocks and shares:	\$
Annuities, pensions, superannuation, RRSPs, RRIFs payable to the estate Description: Subtotal value annuities, pensions, superannuation, RRSPs, RRIFs:	\$
Household goods, personal effects, vehicles, boats Description: Subtotal value household goods, personal effects, vehicles, boats:	\$
Business interests Description: Subtotal value business interests:	\$
Miscellaneous property not before mentioned Description: Subtotal value miscellaneous property:	\$
Total personal property value	\$
Total value of estate	\$

Affidavit

I, _____, name of personal representative, the personal representative of this estate **make oath and say:**

1. The inventory of this estate is to the best of my knowledge, information and belief, a true statement of all the assets of the deceased at the date of death, and shows the fair market value of those assets.
2. I shall file a further inventory with the court within 30 days after any additional real or personal property comes into my possession or knowledge or where any valuation in this inventory appears to me to have been made in error.
3. The value of the deceased's estate for the purpose of subsection 87(1) of the *Probate Act* and Section 41 of the *Probate Court Practice, Procedure and Forms Regulations*
 - (a) is unchanged from the date of the grant.

- (b) has changed to \$_____ but no adjustment is required to the probate tax payable on the estate.
- (c) has changed to \$_____ and a payment of probate tax in the amount of \$_____ shall be made to reflect this change.
- (d) has changed to \$_____ and a refund of probate tax in the amount of \$_____ is hereby applied for to reflect this change.

[Note: choose the applicable option in paragraph 3 and delete the others.]

Sworn before me at _____,)
 in the County of _____,)
 Province of Nova Scotia,)
 on _____, 20____.)
 _____)
 A Barrister of the Supreme Court of Nova Scotia,) Signature of personal
 Commissioner of Oaths in and for the Province) representative
 of Nova Scotia, Notary Public in and for the)
 Province of Nova Scotia)

[The text and signature area of this form may be adapted as required where there is more than one personal representative.]

Form 31 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Request for Advertisement
(S. 47)

To: The Royal Gazette Part I
 Office of the Royal Gazette
 Department of Justice
 PO Box 7
 Halifax, Nova Scotia B3J 2L6

Please advertise the estate information noted below in the *Royal Gazette Part I* for a period of 6 months. A cheque in the amount of \$_____ is enclosed. [Note: Fees for advertising are set out in the *Royal Gazette Part I Fees Regulations* under the *Communications and Information Act*.]

1. Name of deceased:
2. Place of residence of deceased at date of death:
3. Name of personal representative [Note whether executor or administrator.] :
Address:
4. Name of lawyer representing estate:

Address:

5. Date of grant of probate/administration:

NOTE: All persons having legal demands against this estate must file a notice of claim in Form 32 within 6 months from the date of the first advertisement.

All persons indebted to the estate must make immediate payment to the personal representative noted.

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 32 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased

Notice of Claim
(S. 48(1))

To: Probate Court
[address]

The applicant makes the following claim(s) against the estate:

1. Amount of claim(s): \$ _____ .
2. Nature of claim(s): _____ .
3. Grounds upon which claim(s) is/are based:
4. Relief sought:

A copy of this notice of claim shall be served on the personal representative of this estate within the advertising period prescribed by subsection 63(1) of the Act.

Signature of applicant/claimant or lawyer for applicant/claimant	Date
--	------

Name:
 Complete address:
 Telephone:
 Fax:
 E-mail:

[The text and signature area of this form may be adapted as required where there is more than one applicant/claimant.]

Form 36A Probate District: Probate Court File No:

IN THE SUPREME COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Release regarding specific gift
(S. 52(2))**

- I am _____, of _____, in the
name of beneficiary place of residence
 County of _____, Province of _____.
County province
- I have received _____, from the personal representative of this estate.
type of request
- I release _____, the personal representative of this estate
name of personal representative
 and their heirs, successors, personal representatives, and assigns from all claims and demands by me against the property of the estate, and against the personal representative for their administration and management and distribution of the estate.

Signature of beneficiary

Date

Signature of witness
[name of witness; please print]

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 37 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Personal Representative's Affidavit-
Accounting Not Required
(S. 54)**

I, _____, personal representative of this estate
name of personal representative

make oath and say:

- Each of the following persons is an unpaid beneficiary under the will of _____, name of deceased
 is 19 years of age or older, is mentally competent and has signed a consent in Form 38 indicating their

agreement that an accounting to the court of the administration of this estate is not required, which consents are attached as follows:

Name:
Name:
Name:

- 2. All required releases in Forms 36 and 36A are attached.
3. There are no persons other than those named in the paragraph above who are entitled to share in the distribution of this estate.
4. The notice of grant has been served, the inventory has been filed, the estate has been advertised in the Royal Gazette for a period of 6 months, a copy of which is attached to this affidavit, and all claims known to me have been paid or otherwise dealt with and all debts and expenses are paid, in accordance with the Probate Court Practice, Procedure and Forms Regulations.
5. I have distributed/will distribute the residue of this estate in accordance with the law.

Sworn before me at
in the County of
Province of
on , 20 .

A Barrister of the Supreme Court of Nova Scotia,
Commissioner of Oaths in and for the Province of
Nova Scotia, Notary Public in and for the
Province of Nova Scotia

Signature of personal
representative

[The text and signature areas of this form may be adapted as required where there is more than one personal representative.]

Form 39
Probate District:
Probate Court File No:

IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF , Deceased
Application to Pass Accounts by a Hearing
(S. 55(1)(a))

I, name of applicant , am a personal representative of this estate/person interested in this estate .

The applicant requests an order [check the appropriate box(es) below]

- deeming service of all documents on all parties sufficient
passing the accounts of the estate for the period to
setting the commission for the personal representative on settlement of the estate
taxing a solicitor's bill of costs
directing distribution of the estate
directing the release of any security or cancellation of any bond

- directing payment to the trustee, guardian, court appointed guardian, attorney appointed under the *Powers of Attorney Act* or the Public Trustee if appointed, for a person under a disability, missing person or unascertained person
- declaring the estate insolvent
- discharging the personal representative
- providing for any other matter that may be required

The applicant has filed with this application [check the appropriate box(es) below]

- accounts
- signed releases
- statement of commission sought
- solicitor's bill of costs, to be taxed

The applicant will file an affidavit of the personal representative in Form 43 not less than 10 days before the date set for passing the accounts. [Delete if not applicable.]

Signature of applicant or lawyer for applicant

Date

Name:

Complete address:

Telephone:

Fax:

E-mail:

[The text of this form may be adapted as required where there is more than one applicant.]

Notice: This application for the court to pass accounts will be heard by the Registrar of Probate for the Probate District of name of probate district and address of court

Date:

Place:

Time:

Please read the application and attached documents carefully so that you understand what the application is about.

If you consent or do not oppose the application, you **may**:

- (a) check the last box on the notice of objection (Form 42) and return it to the personal representative; or
- (b) do nothing further.

If you intend to contest any part of the application, you **must**

- (a) complete and file the notice of objection with the court not less than 10 days before the date set for passing the accounts;
- (b) serve a copy of the completed notice of objection on the personal representative of the estate or on the lawyer for the personal representative at the address given on the application form; and
- (c) come to the hearing on the date set out in the box above and tell the registrar what you object to and why.

If you oppose any part of the application but you do **not** file and serve the notice of objection

- (a) you will be taken to have consented to the administration of the estate by the personal representative as recorded in the accounts and other documents filed with the application;
- (b) you may only make representations at the hearing with the permission of the court; and
- (c) the passing of the accounts by the court will take place even if you are not allowed to make representations to the court or do not appear, and you will be bound by the order of the court.

In any event, the court will make an order and a copy of the order will be available to you at the Court of Probate.

Form 40 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF _____, Deceased

**Application to Pass Accounts Without a Hearing
(S. 55(1)(a))**

I, _____, name of applicant, am the personal representative of this estate.

The applicant requests an order: [check the appropriate box(es) below]

- deeming service of all documents on all parties sufficient
- passing the accounts of the estate for the period _____ to _____
- setting the commission for the personal representative on settlement of the estate
- taxing a solicitor's bill of costs
- directing distribution of the estate
- directing the release of any security or cancellation of any bond
- directing payment to the trustee, guardian, court appointed guardian, attorney appointed under the *Powers of Attorney Act* or the Public Trustee if appointed, for a person under a disability, missing person or unascertained person
- declaring the estate insolvent
- discharging the personal representative
- providing for any other matter that may be required

The applicant has filed with this application

- accounts
- signed releases
- statement of commission sought
- solicitor's bill of costs, to be taxed

The applicant will file an affidavit of the personal representative in Form 43 not less than 10 days before the date set for passing the accounts.

Signature of personal representative
or lawyer for personal representative

Date

Name:
Complete address:
Telephone:
Fax:
E-mail:

[The text of this form may be adapted as required where there is more than one personal representative.]

Notice: This application for the court to pass accounts will be reviewed by the Registrar of Probate for the Probate District of _____
name of probate district and address of court

Date:

Place:

Time:

Please read the application and attached documents carefully so that you understand what the application is about.

If you consent or do not oppose the application, you **may**:

- (a) check the last box on the notice of objection (Form 42) and return it to the personal representative; or
- (b) do nothing further.

If you intend to contest any part of the application, you **must**

- (a) complete and file the notice of objection with the court not less than 10 days before the date set for passing the accounts;
- (b) serve a copy of the completed notice of objection on the personal representative of the estate or on the lawyer for the personal representative at the address given on the application form; and
- (c) come to the hearing on the date set out in the box above and tell the registrar what you object to and why.

If you oppose any part of the application but you do **not** file and serve the notice of objection

- (a) you will be taken to have consented to the administration of the estate by the personal representative as recorded in the accounts and other documents filed with the application;
- (b) you may only make representations at the hearing with the permission of the court; and
- (c) the passing of the accounts by the court will take place even if you are not allowed to make representations to the court or do not appear, and you will be bound by the order of the court.

In any event, the court will make an order and a copy of the order will be available to you at the Court of Probate.

Form 41 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Order on Passing Accounts
(S. 55(1)(d))

UPON READING the application of _____ name of personal representative/person interested in estate _____, and the affidavit and the accounts filed;

AND UPON FINDING

The assets and liabilities of the deceased at the time of death are correctly described in the accounts.

The receipts and disbursements including the amount distributed to each beneficiary, are correctly described in the accounts.

The debts of the deceased that have been allowed are correctly described in the accounts and have been paid in full.

The lawyer's bill of costs has been taxed and allowed.

[Here report on any matter of special interest or importance as to the accounts of the personal representative, or any other matter that may be of assistance to the Registrar.]

IT IS ORDERED that the accounts are passed as a full and final accounting and the personal representative is hereby discharged.

IT IS ORDERED that the _____ name of surety(ies) _____ is/are hereby released as _____ a surety/sureties _____.

[Delete if inapplicable.]

IT IS ORDERED that the sum of \$ _____ is allowed as commission to the personal representative.

IT IS ORDERED pursuant to Section 83 of the *Probate Act* that this estate is insolvent.

IT IS ORDERED that the personal representative dispose of and distribute the sum of \$ _____ in accordance with the law.

Issued on _____ month and day _____, 20 _____.

Registrar of Probate

[The text of this form may be adapted as required where there is more than one personal representative.]

Form 43 Probate District: Probate Court File No:
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IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased
Affidavit of Personal Representative or Proctor—Passing Accounts
(S. 55(4))

I _____, of _____, the personal representative or proctor of the estate

make oath and say:

- The accounts on file with the court are a true and accurate statement of the administration of this estate. [If otherwise, explain.]
- I have served a copy of the Application (Form 39 or 40), the accounts, and the Notice of Objection (Form 42), on each person interested in the estate under Part III of the *Probate Court Practice, Procedure and Forms Regulations*.
- Each of the following persons interested in the estate has signed a release, all of which are attached as follows:

Name:
Name:
- A release has been served on but has not been received from each of the following persons interested in the estate:

Name:
Name:
- No Notice of Objection has been received by the personal representative or proctor.
OR
Notice(s) of Objection _{has/have} been received from:

Name:
[Choose one option and delete the other.]
- Notice of the grant was sent to each person interested in the estate in accordance with Section 43 of the *Probate Act* and subsection 44(1) of the *Probate Court Practice, Procedure and Forms Regulations* and Form 28 is on file with the court.
- The estate was advertised in the manner prescribed by subsection 63(1) of the *Probate Act* and Section 47 of the *Probate Court Practice, Procedure and Forms Regulations*, for a period of 6 months beginning

date _____.

8. All the debts of the deceased of which I have knowledge have been paid except for debts owing to the following claimants and creditors, which remain unpaid:

Name	Amount Claimed
------	----------------

[Set out reasons why claim(s) not paid.]

9. No distribution of the deceased’s property has been made except as is reflected in the accounts filed with the court.

10. Upon approval by the court of the accounts, the personal representative or proctor undertakes to distribute the estate property as set out in the statement of distribution.

Sworn before me at _____,)
 in the County of _____,)
 Province of Nova Scotia, on _____)
 _____, 20____.)

 A Barrister of the Supreme Court of Nova Scotia,)
 Commissioner of Oaths in and for the Province of)
 Nova Scotia, Notary Public in and for the)
 Province of Nova Scotia)

 Signature of personal
 representative or proctor

[The text and signature areas of this form may be adapted as required where there is more than one personal representative or proctor.]

Form 44 Probate District: Probate Court File No:
--

**IN THE COURT OF PROBATE FOR NOVA SCOTIA
 IN THE ESTATE OF _____, Deceased**

**Notice of Taxation–Bill of Costs
 (S. 61(2))**

To: _____ personal representative/persons interested in estate

This is to notify you that the bill of costs of _____ name of lawyer in connection with this estate has been set down for taxation before the registrar on _____ month and day, 20____, at _____ time at _____ location of taxation.

You are entitled to receive this notice at least 30 days before the date of the taxation.

If you want to take part in this taxation, you or your lawyer must come to court on the date and time set out in this notice.

If you do not attend either in person or as represented by your lawyer, the taxation will proceed in your absence.

Enclosed is a copy of each of the bills of costs to be taxed.

Signature of lawyer

Date

Name:

Complete address:

Telephone:

Fax:

E-mail:

If you consent to the bill(s) of costs, please sign this form and return it to the lawyer

Form 45
Probate District:
Probate Court File No:

**IN THE COURT OF PROBATE FOR NOVA SCOTIA
IN THE ESTATE OF _____, Deceased**

**[title of proceeding]
Notice of Application
(S. 64(3)(a))**

The applicant _____ name and show their interest in the estate has applied to the _____ registrar or judge of the Probate Court of Nova Scotia, at the Probate District of _____ name of district, _____ street address, Nova Scotia for _____ name the type of application/order sought to be heard on _____ day, _____ month and day, _____ year, at _____ time a.m/p.m.

The affidavit of _____ name of applicant in Form 46, a copy of which is attached to this Notice of Application, is filed in support of this application. Other materials may be filed and will be delivered to you or your lawyer before the hearing.

NOTICE:
If you contest any part of the application you must complete and file a notice of objection in Form 47 with the court, and then serve the notice of objection on the applicant and the personal representative.

If you do not file and serve a notice of objection you will not be entitled to any notice of further proceedings and you may only make representations at the hearing with the permission of the registrar or judge.

If you do not come to the hearing in person or as represented by your lawyer, the court may give the applicant what they want in your absence. You will be bound by any order the court makes.

Therefore, if you contest any part of this application, you or your lawyer must file and serve a notice of objection in Form 47 and come to the hearing.

Signature of applicant/lawyer for applicant

Date

Name:
Complete address:
Telephone:
Fax:
E-mail:

Note: If there are persons interested in the estate who are missing or unascertainable, the Applicant must serve the Public Trustee with this notice.