|  |  |  |  |
| --- | --- | --- | --- |
| **Notice to Beneficiaries and Other Interested Parties** | |  | Court File Number |
|  |  |  | {{estate.court\_file}} |
| Court | **Court of Queen’s Bench of Alberta (Surrogate Matter)** |  |  |
|  | **Clerk’s Stamp** |
| Judicial Centre | **{{estate.centre}}** |  |
| Estate Name | **{{deceased.name}}{% if deceased.aka\_name and deceased.aka\_name|length > 0 %} also known as {{deceased.aka\_name|merge(“a, b and c”)}}{% endif %}** |  |
| Address for Service and Contact Information for Party Filing this Document | Address   |  | | --- | | **{{firm\_name}}{% if firm\_name2 %}, {{firm\_name2}}{% endif %}**  **{{office.street}}** |   City or Town Province Postal Code   |  |  |  |  |  | | --- | --- | --- | --- | --- | | **{{office.city}}** |  | **AB** |  | **{{office.postal}}** |   Phone Email Address   |  |  |  | | --- | --- | --- | | **{{lawyer.phone}}** |  | **{{lawyer.email}}** | |  |
|  |
|  |
|  |
|  |
| Name of Recipient of Notice | **{{notice\_language}}** |  |  |
|  | | | |

The *Estate Administration Act* and the *Surrogate Rules* require grant applications to notify beneficiaries and certain other parties with interests in the Deceased’s estate. You are one of the persons entitled to be notified.

You can contact the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}},

{%p if estate\_option('ga3\_applicant') == 'lawyer' %}

|  |
| --- |
| **{{lawyer.name\_on\_docs}}, solicitor for {{cfa.pr\_active\_list}}** |
| name(s) of applicant(s) or lawyer(s) |

|  |  |  |  |
| --- | --- | --- | --- |
| at | **{{firm\_name}}{% if firm\_name2 %}, {{firm\_name2}}{% endif %}** | , | **{{lawyer.phone}}** |
|  | name of law firm(s), if applicable |  | Phone |

{%p for party in active\_pr\_list %}

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| {{party.full\_name}} |  |  |  |  |
| Name(s) of Applicant(s) |  | Date yyyy-mm-dd |  | Signature |

{%p endfor %}

{%p else %}

{%p for party in active\_pr\_list %}

|  |
| --- |
| **{{party.full\_name}}** |
| name(s) of applicant(s) or lawyer(s) |

|  |  |  |  |
| --- | --- | --- | --- |
| at |  | , | **{{party.phone\_on\_file}}** |
|  | name of law firm(s), if applicable |  | Phone |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| {{party.full\_name}} |  |  |  |  |
| Name(s) of Applicant(s) |  | Date yyyy-mm-dd |  | Signature |

{%p endfor %}

{%p endif %}

for any further information you may need.

1. **Beneficiary – Non-residuary Gifts**

{%p if party.is\_ben and "N" in party.ben\_code and not party.void\_gift and not party.revoked\_gift %}

Not applicable

You are named as a non-residuary beneficiary in the will of the Deceased.

The Will gives you

|  |
| --- |
| **{%p for gift in party.gift\_list %}**  **{%p if 'Non-Residual' in gift.type %}**   * **{{gift.gift}}{% if gift.trust %} ({{gift.trust}}){% endif %}**   **{%p endif %}**  **{%p endfor %}** |

A grant has been applied for by the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}.

Once the Court issues the grant, the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}} must collect in the estate property, pay the debts, complete the administration of the estate and anything else required of the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}. The {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}} will then be able to distribute your gift to you if it is not needed to pay the debts and expenses of the estate. Distribution of the estate may be delayed if a claim is made against the estate under the *Family Property Act* or Part 5 of the *Wills and Succession Act*.

Applicants have certain duties under the *Estate Administration Act*, including requirements to communicate regularly with beneficiaries and to maintain proper financial records. If you believe that the {{cfa.prs\_plural|text\_merge(“Applicant is/Applicants are”)}} not complying with any of their duties under that Act, first try to resolve the matter through discussion with the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}. If you are unable to resolve the matter, you or your lawyer may apply to the Court, which may provide a remedy if it is satisfied that the {{cfa.prs\_plural|text\_merge(“Applicant is/Applicants are”)}} not complying with their duties.

{%p else %}

Not applicable

{%p endif %}

1. **Residuary Beneficiary**

{%p if party.is\_ben and "R" in party.ben\_code and not party.void\_gift and not party.revoked\_gift %}

Not applicable

You are named as a residuary beneficiary in the will of the Deceased.

The Will gives you

|  |
| --- |
| **{{party.residual\_gift}}{% if party.residual\_trust %} ({{party.residual\_trust}}){% endif %}** |

A grant has been applied for by the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}.

Enclosed with this notice are copies of the grant application (Form GA1) and the inventory (Form GA2) prepared by the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}. The inventory is for your information and reference. **It is your responsibility to satisfy yourself as to the accuracy and completeness of the inventory. The Court does not review the content of the inventory.**

Once the Court issues the grant, the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}} must collect in the estate property, pay the debts, complete the administration of the estate and anything else required of the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}. The {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}} will then be able to distribute your gift to you if it is not needed to pay the debts and expenses of the estate. Distribution of the estate may be delayed if a claim is made against the estate under the *Family Property Act* or Part 5 of the *Wills and Succession Act*.

Applicants have certain duties under the *Estate Administration Act*, including requirements to communicate regularly with beneficiaries and to maintain proper financial records. If you believe that the {{cfa.prs\_plural|text\_merge(“Applicant is/Applicants are”)}} not complying with any of their duties under that Act, first try to resolve the matter through discussion with the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}. If you are unable to resolve the matter, you or your lawyer may apply to the Court, which may provide a remedy if it is satisfied that the {{cfa.prs\_plural|text\_merge(“Applicant is/Applicants are”)}} not complying with their duties.

{%p else %}

Not applicable

{%p endif %}

1. **Beneficiary on Intestacy**

{%p if party.is\_ben and "I" in party.ben\_code %}

Not applicable

The Deceased died without leaving a will. Part 3 of the *Wills and Succession Act* determines which relatives of the Deceased inherit the estate. You are one of the relatives entitled to inherit the Deceased’s estate.

The Act entitles you to receive

|  |
| --- |
| **{{party.residual\_gift}}** |

A grant has been applied for by the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}.

Enclosed with this notice are copies of the grant application (Form GA1) and the inventory (Form GA2) prepared by the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}. The inventory is for your information and reference. **It is your responsibility to satisfy yourself as to the accuracy and completeness of the inventory. The Court does not review the content of the inventory.**

Once the Court issues the grant, the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}} must collect in the estate property, pay the debts, complete the administration of the estate and anything else required of the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}. The {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}} will then be able to distribute your gift to you if it is not needed to pay the debts and expenses of the estate. Distribution of the estate may be delayed if a claim is made against the estate under the *Family Property Act* or Part 5 of the *Wills and Succession Act*.

Applicants have certain duties under the *Estate Administration Act*, including requirements to communicate regularly with beneficiaries and to maintain proper financial records. If you believe that the {{cfa.prs\_plural|text\_merge(“Applicant is/Applicants are”)}} not complying with any of their duties under that Act, first try to resolve the matter through discussion with the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}. If you are unable to resolve the matter, you or your lawyer may apply to the Court, which may provide a remedy if it is satisfied that the {{cfa.prs\_plural|text\_merge(“Applicant is/Applicants are”)}} not complying with their duties.

{%p else %}

Not applicable

{%p endif %}

1. **Intended Recipient of Void Gift**

{%p if party.is\_ben and party.void\_gift %}

Not applicable to this notice recipient

You are named as a beneficiary in the will of the Deceased.

A grant has been applied for by the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}.

The will gives you

|  |
| --- |
| **{%p for gift in party.gift\_list %}**   * **{{gift.gift}}{% if gift.trust %} ({{gift.trust}}){% endif %}**   **{%p endfor %}** |

{% if "N" in party.ben\_code %} {% else %} {% endif %}This is a specific gift.

{% if "R" in party.ben\_code %} {% else %} {% endif %}This is a residuary gift. Copies of the grant application (Form GA1) and inventory (Form GA2) prepared by the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}} are enclosed.

The gift made to you is void because:

{% if party.void\_reason == “Witness to the Will” %} {% else %} {% endif %}You are a witness to the will.

{% if party.void\_reason == “Spouse/AIP of Witness to the Will” %} {% else %} {% endif %}At the time the will was made, you were the spouse or adult interdependent partner of a witness to the will.

{% if party.void\_reason == “Signed the Will on behalf of the Deceased” %} {% else %} {% endif %}The will was made on or after February 1, 2012 and you signed the will on behalf of the Deceased.

{% if party.void\_reason == “Spouse/AIP of person who signed the Will on behalf of the Deceased” %}{% else %} {% endif %}The will was made on or after February 1, 2012 and you were the spouse or adult interdependent partner of a person who signed the will on behalf of the Deceased.

{% if party.void\_reason == “Interpreter who provided translation services to make the Will” %} {% else %} {% endif %}The will was made on or after February 1, 2012 and you were an interpreter who provided translation services in respect of making the will.

{% if party.void\_reason == “Spouse/AIP of interpreter” %} {% else %} {% endif %}The will was made on or after February 1, 2012 and you were the spouse or adult interdependent partner of an interpreter who provided translation services in respect of making the will.

You may make an application to the Court to validate the gift made to you.

You must begin any application within 6 months after the date the Court issues the grant. The personal representative is required to notify you using Form GA7 when the Court issues the grant.

You may wish to consult with your own lawyers for advice on how to proceed.

{%p else %}

Not applicable to this notice recipient

{%p endif %}

1. **Intended Recipient of Revoked Gift**

{%p if party.is\_ben and party.revoked\_gift %}

Not applicable to this notice recipient

You are named as a beneficiary in the will of the Deceased.

A grant has been applied for by the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}.

The will gives you

|  |
| --- |
| **{%p for gift in party.gift\_list %}**   * **{{gift.gift}}{% if gift.trust %} ({{gift.trust}}){% endif %}**   **{%p endfor %}** |

{% if "N" in party.ben\_code %} {% else %} {% endif %}This is a specific gift.

{% if "R" in party.ben\_code %} {% else %} {% endif %}This is a residuary gift. Copies of the grant application (Form GA1) and inventory (Form GA2) prepared by the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}} are enclosed.

Unless the Court, in interpreting the will, finds the Deceased had a contrary intention, the gift to you is deemed to be revoked by section 25 of the *Wills and Succession Act* because:

{% if party.revoked\_reason == “Divorced” %} {% else %} {% endif %}At a time on or after February 1, 2012, and after the will was made, your marriage to the Deceased was terminated by a divorce judgment.

{% if party.revoked\_reason == “Void Marriage” %} {% else %} {% endif %}At a time on or after February 1, 2012, and after the will was made, your marriage to the Deceased was found by a court to be void.

{% if party.revoked\_reason == “Ceased to be AIP of Deceased” %} {% else %} {% endif %}At a time on or after February 1, 2012, and after the will was made, you ceased to be the adult interdependent partner of the Deceased.

You may apply to the Court to have the will interpreted if you believe the gift to you should not be revoked.

You may wish to consult with your own lawyers for advice on how to proceed.

{%p else %}

Not applicable to this notice recipient

{%p endif %}

1. **Family member with a potential claim against the estate under Part 5 of the *Wills and Succession Act***

{%p if party.claimant\_act in [“WSA”, “Both”] %}

Not applicable to this notice recipient

You may be entitled to make a claim for maintenance and support from the Deceased’s estate.

Part 5, Division 2 of the *Wills and Succession Act* allows the following persons to apply to the court to receive more or all of the estate:

* a spouse or adult interdependent partner of the Deceased;
* a child of the Deceased who is under 18 years at the time of the Deceased’s death;
* a child of the Deceased who is at least 18 years of age at the time of the Deceased’s death and unable to earn a livelihood by reason of mental or physical disability;
* a child of the Deceased who, at the time of the Deceased’s death, is a least 18 but under 22 years of age and unable to withdraw from their parents’ charge because the child is attending school full-time;
* a grandchild or great-grandchild of the Deceased
  1. who was under 18 years of age at the time of the Deceased’s death,
  2. in respect of whom the Deceased, during life, demonstrated a settled intention to treat as the Deceased’s own child,
  3. whose primary home, since birth or for at least 2 years immediately before the grandparent’s death, was with the grandparent, and
  4. whose primary financial support, since birth or for at least 2 years immediately before the grandparent’s death, was provided by the grandparent.

The Court can change the distribution of the estate and give you more of all of the estate if the Court decides you are a qualified applicant and the circumstances warrant it.

You should begin your application to change the distribution of the estate within 6 months after the date on which the Court issues the grant. After that, the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}} may distribute the estate property and you can only apply to change the distribution if the Court lets you. You can then only ask for some or all of the property in the estate that is still undistributed at that time. The personal representative is required to notify you using Form GA7 when the Court issues the grant.

Enclosed with this notice is a copy of the grant application (Form GA1) and the inventory (Form GA2) prepared by the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}. The inventory is for your information and reference. **It is the responsibility of the beneficiaries and other parties receiving this notice to satisfy themselves as to the accuracy and completeness of the inventory. The Court does not review the content of the inventory.**

If you want to take this further, you must act immediately. You may wish to consult a lawyer for advice on how to proceed.

{%p else %}

Not applicable to this notice recipient

{%p endif %}

1. **Person with a Potential Claim Against the Estate under the *Family Property Act***

{%p if party.claimant\_act in [“FPA”, “Both”] %}

Not applicable to this notice recipient

You may have a claim under the *Family Property Act* on the property in the estate. This must be addressed before the estate can be distributed.

The *Family Property Act* gives rights to a spouse, adult interdependent partner, former spouse, or former adult interdependent partner in certain circumstances and the law requires that notice be given to you because you are the spouse, adult interdependent partner, former spouse, or former adult interdependent partner and you have not been given all the property in the estate.

You must begin any application within 6 months after the date on which the Court issues the grant. The personal representative is required to notify you using Form GA7 when the Court issues the grant. However, there are other time limits in the *Family Property Act* which may mean that you have **less** than 6 months.

Enclosed with this notice is a copy of the grant application (Form GA1) and the inventory (Form GA2) prepared by the {{cfa.prs\_plural|text\_merge(“Applicant/Applicants”)}}. The inventory is for your information and reference. **It is your responsibility of the beneficiaries and other parties receiving this notice to satisfy yourself as to the accuracy and completeness of the inventory. The Court does not review the content of the inventory.**

You may wish to consult a lawyer for advice on how to proceed.

{%p else %}

Not applicable to this notice recipient

{%p endif %}