

The Administration of Estates Regulations, 2020

being

Chapter A-4.1 Reg 2 (effective December 1, 2020) as amended
by Saskatchewan Regulations 33/2021.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER A-4.1 REG 2

The Administration of Estates Act

Title

- 1** These regulations may be cited as *The Administration of Estates Regulations, 2020*.

Definitions

- 2** In these regulations:

“**Act**” means *The Administration of Estates Act*; (« *Loi* »)

“**Form**” means a form set out in Part 1 of the Appendix; (« *formule* »)

“**Table**” means a table set out in Part 2 of the Appendix. (« *barème* »)

4 Dec 2020 cA-4.1 Reg 2, s2.

Definition of “spouse”

- 3** For the purposes of the Act and these regulations, “**spouse**” means:

- (a) the legally married spouse of the person; or
- (b) an individual who:
 - (i) cohabited with the person as spouses continuously for at least 2 years; and
 - (ii) at the time of the person’s death was continuing to cohabit with the person or had ceased to cohabit with the person within the 24 months before the person’s death.

4 Dec 2020 cA-4.1 Reg 2, s3.

Fees

- 4(1)** The fees payable to local registrars are the fees set out in Table 1.
- (2)** The fees payable to the registrar are the fees set out in Table 2.
- (3)** The fees set pursuant to subsections (1) and (2) are payable in advance unless other arrangements are made with the official to whom the fees are payable.

4 Dec 2020 cA-4.1 Reg 2, s4.

Notice pursuant to section 4.1 of the Act

- 5** The notice to be filed pursuant to section 4.1 of the Act shall be in Form A.

4 Dec 2020 cA-4.1 Reg 2, s5.

A-4.1 REG 2**ADMINISTRATION OF ESTATES, 2020****Amount and notation for section 7 of the Act**

6(1) For the purposes of subsection 7(1) of the Act, the prescribed amount is \$15,000.

(2) For the purposes of subsection 7(2) of the Act, the prescribed notation is the following:

“The affidavit of value filed in this estate states that the value of the property in this estate does not exceed \$15,000”.

4 Dec 2020 cA-4.1 Reg 2, s6.

Amount for section 9 of the Act

7 For the purposes of subsection 9(1) of the Act, the prescribed amount is \$25,000.

4 Dec 2020 cA-4.1 Reg 2, s7.

Notice to claimants

8 For the purposes of subsection 32(1) of the Act, the notice to claimants is to be published:

- (a) once a week for 2 successive weeks:
 - (i) in a newspaper published nearest to the last residence of the deceased; or
 - (ii) in any other newspaper designated by a judge on an application made without notice by the executor or administrator; or
- (b) for 30 days on the NoticeConnect website.

4 Dec 2020 cA-4.1 Reg 2, s8; 26 Mar 2021 SR 33/2021 s2.

Value of estate

9(1) In this section, “**assets**” means the assets of a deceased person at the date of death.

(2) Subject to subsections (3) and (4), for the purposes of these regulations and subsection 51(2) of the Act, the value of an estate is the value of the deceased person’s property at the date of death.

(3) In calculating the value of the deceased person’s property, there shall be deducted from the value the actual amount owed by the deceased person at the date of death on any loan, mortgage or agreement for sale relating to any real property in excess of any amount of insurance payable to discharge the loan, mortgage or agreement for sale.

(4) The following assets are not to be considered as property of the deceased person in calculating the value of an estate:

- (a) real property held jointly by the deceased person and another person;
- (b) insurance payable to a named beneficiary;
- (c) *Canada Pension Plan* payments to a surviving spouse or child;

- (d) pensions and annuities payable to a spouse, child or any other named beneficiary;
- (e) joint deposit accounts;
- (f) personal property outside Saskatchewan, if the deceased person was domiciled outside Saskatchewan on the date of death;
- (g) real property outside Saskatchewan.

4 Dec 2020 cA-4.1 Reg 2, s9.

RRS c A-4.1 Reg 1 repealed

10 *The Administration of Estates Regulations* are repealed.

4 Dec 2020 cA-4.1 Reg 2, s10.

Coming into force

11(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Administration of Estates Amendment Act, 2020* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Administration of Estates Amendment Act, 2020* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

4 Dec 2020 cA-4.1 Reg 2, s11.

Appendix

PART 1

Forms

FORM A

[Section 5]

COURT FILE NUMBER

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE OF

IN THE ESTATE OF _____, DECEASED

NOTICETO: PUBLIC GUARDIAN AND TRUSTEE, PROPERTY GUARDIAN *OR* PROPERTY ATTORNEY*(as the case may be)*Take notice that _____,
of _____*(mailing address)**(telephone)**(fax)**(e-mail address)*

is making application to the Court for grant of letters _____ in

the estate of the deceased, who died at _____
(place of death)

on the _____ day of _____, 2_____.

And further take notice that the deceased died (in)testate, survived by:

☐ the following competent adults who are entitled to share in the estate:

Name	Address	Relationship to deceased

☐ the following adults who lack capacity or appear to lack capacity and who are entitled to share in the estate:

Name	Address	Relationship to deceased	Date of birth

- ☐ the following adults who lack capacity or appear to lack capacity and who may have a claim against the estate pursuant to *The Dependants' Relief Act, 1996* or *The Family Property Act*:

Name	Address	Relationship to deceased	Date of birth

- ☐ the following persons under 18 years of age who are entitled to share in the estate:

Name	Address	Relationship to deceased	Date of birth

- ☐ the following persons under 18 years of age who may have a claim against the estate pursuant to *The Dependants' Relief Act, 1996*:

Name	Name & address of guardian	Relationship to deceased	Date of birth

And further take notice that the following are attached to this notice:

- (a) a statement of the assets of the deceased as shown on the application;
- (b) a statement of the debts of the estate;
- (c) a copy of the Last Will and Testament of the deceased, if applicable.

DATED at _____, Saskatchewan, this _____ day of _____, 2 _____.
This document was delivered by:

(Firm name)

(Address)

To: _____
(Address of Property Guardian or Property Attorney, if required)

PART 2

Tables

TABLE 1

[Subsection 4(1)]

Local Registrar's Fees

Item	Description	Fee (\$)
1	Application pursuant to section 7 of the Act	300
2	Application for grant of letters probate, letters of administration or letters of administration <i>de bonis non</i> , for double probate, for a cessate grant, or for resealing	200
3	Application pursuant to section 9 of the Act	100
4	Filing a caveat	20
5	Depositing a will	50
6	Certified copy of letters - if will attached	10 additional 1.00 per page
7	Certificate that no minors are interested in the deceased person's estate	25

TABLE 2

[Subsection 4(2)]

Registrar's Fees

Item	Description	Fee (\$)
1	Each search	20 per judicial centre
2	Each certificate	10
3	Examining copies of instruments on file, when prepared by a lawyer, in addition to the fee for a certificate	1.00 per page
4	Photocopy of documents, in addition to the fee for a certificate	1.00 per page

4 Dec 2020 cA-4.1 Reg 2.