

FORM 74A
Courts of Justice Act
 ONTARIO
 SUPERIOR COURT OF JUSTICE

APPLICATION FOR A CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE

Tanja Johnson is applying for the following certificate in relation to the estate of the deceased described in Part 1 of this application below: *(select one)*

- Certificate of Appointment of Estate Trustee with a Will
- Certificate of Appointment of Estate Trustee with a Will Limited to the Assets Referred to in the Will
- Certificate of Appointment of Estate Trustee without a Will

PART 1 – INFORMATION ABOUT THE DECEASED

First name	Second name	Third name	Surname
Joachim			vonDehn

Alternate names *(if any are identified in the Will or other document)*:

Joachim			von Dehn

Date of Death	Place of death	Deceased resided in Ontario	Deceased owned property in Ontario	Date of Birth
29 October 2019	Gravenhurst, Ontario	Yes	Yes	7 March 1942

Marital Status

(check all that apply)

- Not married Married Common Law Partner Separated Widowed Divorced

Last Occupation: **Self-employed**

Deceased's Last Address:

Street address	1070 Hewitt Street
City or town	Gravenhurst
County or district	Muskoka District Municipality
Province/State	Ontario
Postal code/Zip code	P1P 1R1
Country	Canada

PART 2 – INFORMATION ABOUT THE DECEASED’S TESTAMENTARY DOCUMENTS

Deceased died with a Will	Date of Will (if any)	Date of Codicil(s) (if any)
No	N/A	N/A

PART 3 – INFORMATION ABOUT THE DECEASED’S SPOUSAL RELATIONSHIPS

1.	<p>Was the deceased married at the time of death?</p> <p>If yes,</p> <p style="padding-left: 20px;">Were the deceased and their spouse separated and at the time of death living separate and apart as a result of the breakdown of their marriage? (<i>Separation is defined in ss. 17 and 43.1 of the Succession Law Reform Act</i>).</p> <p>Give details here or in an attached schedule:</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2.	<p>Is the spouse of the deceased an applicant?</p> <p>If yes,</p> <p style="padding-left: 20px;">a. Has the spouse elected to receive an entitlement under the <i>Family Law Act</i> s. 5?</p> <p>If yes,</p> <p style="padding-left: 20px;">b. Explain why the spouse is entitled to apply. Give details here or in an attached schedule:</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<p><i>Complete question 3 if applying with a Will.</i></p> <p>Did the deceased person marry after the date of the Will and before January 1, 2022?</p> <p>If yes, explain why the will was not revoked by marriage under now repealed sections 15 and 16 of the <i>Succession Law Reform Act</i> (i.e., exceptions to revocation of a will by marriage). Give details here or in an attached schedule:</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	<p><i>Complete question 4 if applying with a Will.</i></p> <p>Was a marriage of the deceased person terminated by a judgment absolute of divorce, death or declared a nullity after the date of the Will?</p> <p>If yes, attach a schedule and give details regarding the termination of a marriage of the deceased person by a judgment absolute of divorce, death or declaration of nullity.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	<p><i>Complete question 5 if applying without a Will.</i></p> <p>Was the deceased person ever legally married?</p> <p>If yes, attach a schedule and provide the following information:</p> <ul style="list-style-type: none"> • Name and current address of the deceased’s spouse and of each former spouse. • Whether any of the marriages was terminated and, if so, the method of termination of each marriage (by divorce, by death or by declaration of nullity). • Name and address of each child of each of the marriages. • Name of each child who died before the deceased and name and address of that deceased’s person’s children, if any. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6.	<p><i>Complete question 6 if applying without a Will.</i></p> <p>Was the deceased person living with a person in a conjugal relationship outside marriage immediately before his or her death?</p> <p>If yes, provide the name and address of the person who was living with the deceased:</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

PART 4 and 5 – STATEMENT OF ASSETS

Identify the total value of assets owned by the deceased at the date of death below.

PART 4 – REAL PROPERTY <i>(The value of the real estate should be net of encumbrances such as mortgages. Do not include any real estate in Ontario that is held jointly and passes by survivorship or any real estate outside Ontario)</i>	Value at date of death
Total value of all real property	\$ 337,500.00
PART 5 – PERSONAL PROPERTY <i>(Examples of personal property include household effects, bank accounts, investments, etc. Do not include money or property held jointly and passing by survivorship or money or property to which a person is entitled under a beneficiary designation under, for example, a life insurance contract, a registered pension plan, a registered retirement savings plan, a registered retirement income fund, a locked-in retirement account or a tax free savings account.)</i>	Value at date of death
Total value of all personal property	\$ 9,500.00
TOTAL VALUE OF ESTATE (Total value of all real property + Total value of all personal property)	\$ 347,000.00

PART 6 – ENTITLEMENT TO APPLY

I am entitled to apply to the court for the above-mentioned certificate because *(check all that apply)*:

- I am 18 years of age or older.
- I am named as an estate trustee in the deceased's Will or codicil dated *(insert date)*.
- I am named as an alternate estate trustee in the deceased's Will or codicil dated *(insert date)*.
- I am appointed as estate trustee pursuant to a court order dated *(insert date)* *(attach court order)*.
- I am not named as an estate trustee in a Will or codicil of the deceased, AND *[Check all that apply below]*
 - I am an Ontario resident.
 - I was legally married to the deceased at the time of death and I have not elected to receive an entitlement under s. 5 of the *Family Law Act*.
 - I was living with the deceased outside of marriage in a conjugal relationship at the time of death.
 - I am the deceased's **daughter**.
 - Other: _____.
- The applicant is a Corporation and the circumstances of the Corporation's entitlement to apply are as follows: _____
(attach additional pages if required).
- The other persons entitled to apply for a certificate of appointment of estate trustee have renounced their right to do so. Identify any other person(s) who have a right to apply: *N/A*
_____. Attach a renunciation (Form 74G) for each of them.
- I am not named as an estate trustee in the Will or codicil, however, consents of persons who together have a majority interest in the value of the assets of the estate at the date of death are attached.

- I am not automatically entitled to apply. I request a court order pursuant to the *Estates Act* section 29(3) granting me a certificate of appointment of estate trustee (i.e., special circumstances). The basis for this request is as follows:

 (attach additional pages if required).

PART 7 – BENEFICIARIES

1. Persons less than the 18 years of age who are entitled to an interest in the estate.

First Name	Surname	Date of Birth	Parent's or Guardian's Name, Address and, if available, E-mail Address	Estimated Value of Interest in Estate
N/A		[DD/MM/YY]		
		[DD/MM/YY]		

2. Persons aged 18 years of age or older who are mentally incapable within the meaning of section 6 of the *Substitute Decisions Act, 1992* in respect of an issue in the proceeding and are entitled to a share of the estate, are listed in the box below.

If these persons who are mentally incapable as defined above have a Guardian or Attorney with the authority to act in the proceeding, provide the Guardian's or Attorney's information below. If these persons do not have a Guardian or Attorney, write "None" in the Guardian or Attorney box.

First Name	Surname	Guardian or Attorney acting under Power of Attorney Name (if any)	Guardian or Attorney Address and, if available, E-mail Address	Estimated Value of Interest in Estate
N/A				

(Estimated value of interest in the estate may be omitted if it is included in a separate schedule attached to the application sent to the Office of the Children's Lawyer or Office of the Public Guardian and Trustee.)

3. Other adult persons or charities who are entitled to an interest in the estate.

First Name	Surname (or charity name)	Address	E-mail Address, if available
Michael (aka Michael von Dehn)	vonDehn	44 Hillcrest Drive, Guelph Ontario, N1E 4W9	mikevondehn@me.com
Tanja	Johnson	88520 McIntosh Line, RR2 Gorrie, Ontario N0G 1X0	tvondehn@yahoo.com
Sean	von Dehn	105-320 Via Chianti Grove Nepean, Ontario K2J 6J6	gnosticwisdom37@gmail.com

4. Unborn or unascertained person may be entitled to an interest in the estate. Yes / No

5. Did a beneficiary or spouse of a beneficiary sign the will or a codicil as a witness or sign for the testator? Yes No N/A

If yes, please explain here or in an attached schedule.

PART 8 – DECLARATIONS *(Check all that apply)*

1. To the best of my knowledge and belief:

- no other person has applied to the court for a certificate of appointment of estate trustee in the deceased's estate.
- the deceased died with a Will or with a Will and one or more codicils. I believe the Will and codicil(s) (if any) attached to this application comprise the:
 - deceased's valid last Will
 - deceased's valid last Will limited to assets referred to in that Will.
- the deceased died without leaving a Will. I have carefully searched for a Will of the deceased and was unable to locate any Will.

2. I will:

(Check all that apply. If you are a corporate applicant, revise to indicate "the corporate applicant")

- serve this Application on:
 - i. each person entitled to share in the distribution of the estate, including charities and contingent beneficiaries *(if you are the sole beneficiary of the estate, it is not necessary to check this box. Please explain in the last line of paragraph 2);*
 - ii. the Office of the Children's Lawyer if any of persons with an interest in the estate are under the age of 18, and a parent or guardian of those persons;
 - iii. the Office of the Children's Lawyer if any of the persons who may be entitled to an interest in the estate are unborn or unascertained; and
 - iv. the Guardian or Attorney for any adults who meet the definition of "incapable" as set out in Part 7 of this Application form. If I wrote "None" in the Guardian or Attorney section of Part 7, I will also

serve on the Office of the Public Guardian and Trustee a copy of this Application form and a copy of the Will and any codicil(s) if there is a Will and any codicil(s).

also serve the following documents together with this Application form if the Application must be served on or in respect of:

- i. a person entitled only to a specified item of property or a stated or determinable amount of money, an extract of the part or parts of the Will or codicil relating to the gift, or a copy of the Will and codicil(s), if any;
- ii. any other beneficiary, a copy of the Will and of any codicils; and
- iii. the Office of the Children's Lawyer or Office of the Public Guardian and Trustee, a copy of the Will and of any codicils, together with a statement of the estimated value of the interest in the estate of the minor or the adult described in the application as lacking capacity or the minor, as the case may be, if that value is not disclosed in this Application form.

file at the Superior Court of Justice this Application form (with originals of the Will and any codicil(s) attached, if any), the proof of death and any required affidavits.

The application will be filed in the court location where:

the deceased resided

the deceased owned property

other (*Explain*): _____.

administer the estate according to the law.

keep records of my administration of the estate, including lists and receipts of the assets and money that I receive on behalf of the estate and all money and assets that I distribute from the estate.

provide an accounting when requested by any party who is served with this application or required by court order to do so.

If you did not check off all the boxes for the declarations in paragraph 2 of Part 8, provide the reason:

This is an application without a Will. There is no Will to be served.

(Reproduce this section for multiple applicants.)

Applicant Name:	Tanja Johnson
Current Occupation, if any:	Registered Nurse
Contact Information:	
Street address	88520 McIntosh Line, RR#2
City or Town	Gorrie
Province/State	Ontario
Postal code/Zip Code	N0G 1X0
Country	Canada
E-mail address, if any:	tvondehn@yahoo.com
Telephone number	
If corporate applicant, name of trust officer:	

(Complete this section if the filer is not the applicant)

Filer Name:	Hala Tabl
Filer's Firm Name, if any:	Miltons Estates Law
Contact Information:	
Street address	200-15 Fitzgerald Road
City or Town	Ottawa
Province/State	Ontario
Postal code/Zip Code	K2H 9G1
Country	Canada
E-mail address	htabl@ontario-probate.ca
Telephone number	613-567-7824 x 229
Law Society Number, if any:	LSO # 59563N

(If there is more than one applicant, attach a separate sheet for additional affidavits.)

I MAKE OATH AND SAY (or AFFIRM) that the information contained in this application and in any attached schedules is true, to the best of my knowledge and belief.

Sworn or Affirmed before me: in person OR by video conference

By Tanja Johnson, of the City of Gorrie, in the Province of Ontario

Before me at the City of Ottawa, in the Province of Ontario

On March 24, 2022

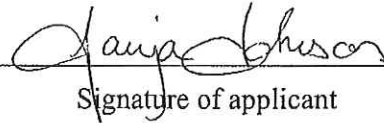
In accordance with O. Reg. 431/20, Administering
Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)



Signature of Commissioner (or as may be)

Hala Tabl, Barrister & Solicitor – Miltons Estates Law



Signature of applicant

Notice to Applicant: Information provided on this form related to the payment of estate administration tax will be forwarded to the Ministry of Finance pursuant to clause 39(1)(b) and 42(1)(c) of the *Freedom of Information and Protection of Privacy Act*. This includes the name of the deceased, name and address of estate trustee(s), value of the estate and any undertakings and tax payments made or refunded. This information will be used by the Ministry of Finance to determine the value of the estate and the amount of estate administration tax payable. Questions about the collection of this information should be directed to the Senior Manager – Audit, Compliance Branch, 33 King Street West, PO Box 625, Oshawa ON L1H 8H9, 1-866-668-8297.

RCP-E 74A (September 1, 2021)

SCHEDULE

Information about deceased's former spouse

- Deceased was married to Olha von Dehn.
- The marriage was terminated by divorce.
- Ms. Olha Von Dehn's address is: 124 Bill Hill Crescent, Maple, ON, L6A 4K7.
- There were no children of this marriage.

Information regarding the deceased's former spouse:

- Deceased was married to Catherine Pamela von Dehn.
- The marriage was terminated by divorce.
- Ms. Catherine Von Dehn's address is: 24 Celia Crescent, Guelph, ON, N1G 4R4.
- There were three children of this marriage.
 - o Tanja Johnson of 88520 McIntosh Line, RR#2, Gorrie, ON, N0G 1X0
 - o Michael von Dehn of 44 Hillcrest Drive, Guelph, ON, N1E 4W9
 - o Sean von Dehn of 320 Via Chianti Grove, Apt 105, Nepean, Ont. K2J 6J6

NOTICE

You are receiving a copy of the attached court application for a certificate of appointment of estate trustee because you may have an interest in the estate of the deceased person named in the application.

PLEASE NOTE:

1. You have a right to oppose the application, by filing with the Superior Court of Justice a Notice of Objection (Form 75.1) in accordance with Rule 75.03 of the Rules of Civil Procedure, R.R.O. 1990, Reg. 194.
2. If you do not file a Notice of Objection to the application, a certificate of appointment of estate trustee may be issued to the applicant(s). This certificate would authorize the applicant(s) to act as the estate trustee(s) and give them the authority to administer the estate.
3. You may wish to consult with a lawyer about the role and responsibilities of an estate trustee. One responsibility of the estate trustee is to provide an accounting of the estate administration when requested by any party who is served with this application or required by court order to do so.
4. You may also wish to consult with a lawyer concerning your interest in, or rights against, the estate. If you choose to make a claim, you must do so within the time limit imposed by any relevant court rule, legislation or court order.
5. The *Rules of Civil Procedure* and the court forms are available on the internet at:

Rules of Civil Procedure: <https://www.ontario.ca/laws/regulation/900194>

Court Forms: <http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/pre-formatted-fillable-estates-forms/>

Notice of Objection Form 75.1:

http://ontariocourtforms.on.ca/static/media/uploads/courtforms/civil/75_01/rcp-e-75-1-1120.doc

6. General information about estates is available on the Ministry of the Attorney General website at:
Justice Ontario: https://www.attorneygeneral.jus.gov.on.ca/english/justice-ont/estate_planning.php
How to Apply for Probate in Ontario:
https://www.attorneygeneral.jus.gov.on.ca/english/estates/how_to_apply_for_probate.php#
Probate of a Small Estate: <https://www.ontario.ca/page/probate-small-estate>