

**FORM 65 CCC**

**PETITION FOR PROOF IN SOLEMN FORM (Caveator)**

Court File No. S1 ES \_\_\_\_\_

CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT (Estates Section)

IN THE MATTER of the Estate of  
**AB**, late of \_\_\_\_\_,  
\_\_\_\_\_ County, in the  
Province of \_\_\_\_\_, Deceased,  
Testate/Intestate.

The petition of \_\_\_\_\_ (*caveator*), of \_\_\_\_\_, \_\_\_\_\_ County, Province of  
Prince Edward Island, HUMBLY SHOWS:

1. That your Petitioner is the (*identify relationship*) of (*deceased*), who died on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_, in \_\_\_\_\_ County, Province of Prince Edward Island, having a fixed place of abode at \_\_\_\_\_, \_\_\_\_\_ County, aforesaid;
2. That (*deceased*) allegedly executed *his/her* Last Will and Testament dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a true copy of said Will being attached hereto and marked Exhibit "A";
3. That the alleged Last Will and Testament of (*deceased*) was proved and probated in common form by Letters Probate on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to (*executor*);
4. That your Petitioner is requesting for proof in solemn form of law of the said Will and for its validity to be determined;
5. That your Petitioner believes that the Testator, at the time of making the alleged Will, did not have testamentary capacity to make a Will and/or was unduly influenced in the disposition of his estate and/or did not have the requisite knowledge and approval of the contents of the alleged Will and/or was unduly influenced or defrauded in the making of the alleged Will and desires to have the validity of the Will determined by this Honourable Court and accordingly requests that the said Will be proved in solemn form.
6. That the heirs, devisees, legatees and next-of-kin of the late (*deceased*) are listed as follows and all are of the age of majority:  
*(names and mailing addresses of next-of-kin)*
7. That the grounds for this application for proof in solemn form of the alleged Last Will and Testament of (*deceased*) is to determine the validity of the Will.

WHEREFORE your Petitioner requests that this Honourable Court may be pleased to issue a Citation or to cause the same to be issued to the Executor, \_\_\_\_\_, directing that on a certain day the said Will be proved in solemn form or otherwise as the Court may direct.

DATED at Charlottetown, Queens County, Prince Edward Island, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
*(caveator)*

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PROVINCE OF PRINCE EDWARD ISLAND  
SUPREME COURT OF PRINCE EDWARD ISLAND (Estates Section)

NO. S1-ES

IN THE MATTER of the Estate of  
**AB**, late of \_\_\_\_\_,  
\_\_\_\_\_ County, in the  
Province of \_\_\_\_\_, Deceased,  
Testate/Intestate.

**AFFIDAVIT**

I, (*caveator*), of \_\_\_\_\_, \_\_\_\_\_ County, Province of Prince Edward Island,  
MAKE OATH AND SAY:

1. THAT I am the Petitioner in the foregoing petition and have signed the same.
2. THAT the statements and allegations contained in the Petition attached hereto are true to the best of my knowledge, information and belief.

SWORN to before me at \_\_\_\_\_ )  
Prince Edward Island, this \_\_\_\_\_ )  
day of \_\_\_\_\_, \_\_\_\_\_ )

\_\_\_\_\_  
A COMMISSIONER FOR TAKING )  
AFFIDAVITS IN THE SUPREME COURT )

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