

**Order for Directions – Estate List Proceedings – Applications – Motions – Sample Terms**

Issue	Comments	Sample Clause
<p>Accounting of former Attorney; Estate Trustee</p> <p>Tracing Order</p>		<p><b>THIS COURT ORDERS</b> that the Respondent file accounts of the Estate of ● and an Application to pass accounts, in accordance with Rules 74.15 - 74.18 of the <i>Rules of Civil Procedure</i>, in the Court office within ● days after this Order is served for ● from the date of the within Order.</p> <p><b>THIS COURT ORDERS</b> that a tracing Order shall be and hereby is granted in accordance with the provisions of the <i>Rules of Civil Procedure</i>, Rules 44 and 45, and Section 104 of the Courts of Justice Act, as deemed necessary and appropriate by the (applicants/ respondents) to ascertain assets for recovery in respect of (person ● attorney for property ● Estate Trustee)</p> <p><b>THIS COURT ORDERS</b> that the Attorney (person) shall pass accounts in accordance with Sections 42 of the <i>Substitute Decisions Act</i>, S.O. 1992, c 30 as amended (“SDA”) and Rules 74.16, 74.17, and 74.18 of the <i>Rules of Civil Procedure</i> for the period of time when (person) was acting as attorney, pursuant to Continuing Powers of Attorney for Property dated ( ) and Personal Care (dated ), or otherwise acting as a fiduciary, until the period ending (date) ● or until the date of the within Order.</p>

<p>Substitute Decisions Act Accounting matters</p>		<p><b>THIS COURT ORDERS</b> that leave of this Honourable Court, be and is hereby granted to the (applicants) to bring this application pursuant to Section 42(1) of the <i>Substitute Decisions Act</i>, S.O. 1992, c 30 as amended .</p>
<p>Addresses for all Respondents not known</p>		<p><b>THIS COURT ORDERS</b> that the Estate Trustee During Litigation shall search through all the records of the Deceased and provide to the Applicants any and all contact information relating to those Respondents not yet served. The Estate Trustee During Litigation shall take all reasonable steps to obtain those addresses for service if same are not available through the Deceased's books and records. The costs of the search to obtain the addresses shall be borne by the Estate.</p>
<p>Affidavit of Documents</p>		<p><b>THIS COURT ORDERS</b> that the Moving Parties/Applicants and the Respondent shall serve and file Affidavits of Documents and attend and submit to Examinations for Discovery in accordance with the <i>Rules of Civil Procedure</i>.</p>
<p>Certificate of Pending Litigation</p>		<p><b>THIS COURT ORDERS</b> the local registrar for the County of ● in the Province of Ontario to issue a Certificate of Pending Litigation against the real property known municipally as ● and having a legal description of ● registered in the name of ●.</p> <p><b>THIS COURT ORDERS</b> that a Certificate of Pending Litigation be and hereby is granted, subject only to the filing of the required papers giving effect to the registration of the same, and such Certificate of Pending Litigation shall be filed against title on the property referred to ● legally described as ● and defined herein as (identify property) and the costs of effecting the same shall be borne by ● person ● estate ● attorney</p>

<p>Consolidation of Other Proceedings</p>		<p><b>THIS COURT ORDERS</b> that the application brought by ●, File No. ● is hereby consolidated and joined with the within proceedings.</p>
<p>Constructive Trust Claim</p>		<p>● affirm and ● denies that the Deceased, at the time of her death, had a beneficial interest in the assets of her spouse, ●, common law spouse ●, including, but not limited, to his shares in the company, ●, titled owner of the house property known as ● and legally described as ● as in ●, or otherwise known as ● by way of constructive trust, resulting trust, trust, unjust enrichment, quantum meruit, or otherwise, such interest having devolved to the Deceased's Estate upon her death.</p>
<p>Constructive Trust Unjust Enrichment Resulting Trust</p>		<p><b>THIS COURT ORDERS</b> that the parties to the proceedings and the issues to be tried are as follows: ( x ) affirms and ( y ) deny that ( x ) is entitled to relief from the estate of the deceased for unjust enrichment, constructive or resulting trust, trust, and/or quantum meruit, such relief claimed to be equal to the value of the ( x ) contribution to the real property owned by the deceased, including household property, and to be calculated either in the form of damages, or the transfer of any said remaining properties, and/or from the estate of the deceased to the ( x ).</p>
<p>Costs</p>		<p><b>THIS COURT ORDERS</b> that the costs of and incidental to the (applicants) in the bringing of this application, shall be paid on a full indemnity, solicitor and client basis by (person ● estate of the deceased ● Estate Trustee ● Attorney ).</p>
<p><i>De bene esse</i> examination</p>		<p><b>THIS COURT ORDERS</b> that a <i>de bene esse</i> Examination of ● be conducted and videotaped for use at the trial of this action, such examination to take place within one month of the date of this Order.</p>

<p>Deemed Undertaking</p>		<p><b>THIS COURT ORDERS</b> that Rule 30.1.01(3) of the <i>Rules of Civil Procedure</i> shall not apply to the use of evidence, or information obtained, by the parties in the within Application.</p> <p><b>THIS COURT DECLARES</b> that Rule 30.1.01(3) of the <i>Rules of Civil Procedure</i> does not apply to the evidence obtained pursuant to this Order Giving Directions herein.</p>
<p>Estate Trustee during Litigation ("ETDL")</p>		<p><b>THIS COURT ORDERS</b> that ● be and is hereby appointed Estate Trustee During Litigation without security, of all singular property of the Estate of ●, pending the final resolution or settlement of the litigation herein and that a Certificate of Appointment of Estate Trustee During Litigation be issued to ● subject to the filing of the necessary Supporting Application.</p>
<p>ETDL Fee Agreement and Consent</p>		<p><b>THIS COURT ORDERS</b> that subject to further review by the Court, if necessary, the Estate Trustee During Litigation, shall receive out of the assets of the Estate of ● reasonable remuneration, which shall be calculated on the basis of the consent and fee schedule attached hereto as Schedule "A".</p>

ETDL Powers

**THIS COURT ORDERS** that the Estate Trustee During Litigation be and is hereby authorized to exercise those powers given by law to an administrator including such powers under the *Estates Act* R.S.O. 1990 c.E. 21 as amended and without limiting the generality of the foregoing, the Estate Trustee During Litigation is hereby specifically authorized to do the following:

- (a) to obtain an appraisal of any Real Property comprising an asset of the Estate and to sell any such Real Property;
- (b) subject to any list or memorandum of ●, to sell any articles of personal, domestic or household use or ornament comprising of the assets of the Estate including Consumable Stores and all automobiles and accessories thereto; and
- (c) that the Estate Trustee During Litigation shall be at liberty to appoint an agent or agents and pay such agent or agents from the Estate, and seek such assistance from time to time as they may consider necessary, for the purpose of performing their duties hereunder.

**THIS COURT ORDERS** that all property and assets forming part of the Estate of the deceased shall be and are hereby vested in the Estate Trustee During Litigation from the date of the Order Giving Directions herein.

Examination for Discovery		<p><b>THIS COURT ORDERS</b> that the Moving Parties and the Respondent shall serve and file Affidavits of Documents and attend and submit to Examinations for Discovery in accordance with the <i>Rules of Civil Procedure</i>.</p>
Examination of Non-parties		<p><b>THIS COURT ORDERS</b> that the parties are hereby granted leave pursuant to Rule 31.10 to examine for discovery the solicitor who prepared the Will of ●, the costs of the examination to be reserved to the Trial Judge.</p> <p><b>THIS COURT ORDERS</b> that the parties are hereby granted leave to apply to the Court on proper notice pursuant to Rule 31.10 to examine for discovery the solicitor or such other individual, who prepared the Will of ● whose identity is unknown as of the date of this Order, and the costs of the examinations shall be reserved to the Trial Judge.</p> <p><b>THIS COURT ORDERS</b> ... to examine for discovery the non-party witnesses herein listed as follows:</p>
Family Law Act		<p><b>THIS COURT ORDERS</b> that a time period with respect to the commencement of an application pursuant to Section 5 (2), Section 6, and 6(1) of <i>The Family Law Act</i>, RSO 1990, shall be and hereby is extended to ● days following the determination of the validity of the Last Will &amp; Testament of the deceased, ● or following an accounting of the deceased assets pursuant to the <i>Rules of Civil Procedure</i>, ● or for a period of ● days allowing sufficient time to assess the calculation necessary to determine if an election under Section 5(2) of the <i>Family Law Act</i> will be made.</p> <p><b>THIS COURT ORDERS</b> that the date by which the</p>

(applicant/person) is entitled to file an Election in the office of the Estate Registrar for Ontario pursuant to Section 6(10) of *The Family Law Act*, RSO 1990, shall be and is hereby extended to ● (x) days following the determination of (x).

**THIS COURT ORDERS** that a time period with respect to the commencement of an application pursuant to Section 5 (2) of *The Family Law Act*, RSO 1990, be and hereby is extended to (x) days.

- (i) Having regard to the terms of the Last Will and Testament of ● deceased, (the "deceased") dated ● and the evidence of the Parties and evidence arising from the within proceedings, was the deceased separated from her spouse, ● as at the date of her death on ●? ;
- (ii) If the answer to (i) above is Yes, on what date did the deceased and ● separate?;
- (iii) If the answer to (i) above is Yes, and if the answer to (ii) is a date more than 6 years prior to the date of death of the deceased, has the limitation period for the bringing of an equalization claim expired pursuant to Section 7(3) of the *Family Law Act*?
- (iv) If the limitation period under Section 7(3) of the *Family Law Act* has expired, should the limitation period be extended pursuant to Section 2(8) of the *Family Law Act*?

<p>(v) If the limitation period has not expired, or if it is extended pursuant to paragraph (iv):</p> <ul style="list-style-type: none"><li>(a) What is the date of separation?</li><li>(b) What is the "Valuation date"?</li><li>(c) What is the Net Family Property of the deceased?</li><li>(d) What is the Net Family Property of ●?</li><li>(e) What is the equalization amount of the net family properties?</li><li>(f) Should there be a variation of the equalization payment pursuant to Section 5(6) of the <i>Family Law Act</i>?</li></ul> <p>Does ● have a quantum meruit, unjust enrichment, constructive, resulting trust, or trust interest in the property known as ●?</p> <p>Is ● barred from advancing such claims by way of the Limitations Act, 2002, S.O. 2002, not having advanced such claims at (a) above, during the lifetime of the deceased?</p>		
<p><b>THIS COURT ORDERS</b> that a forensic accounting shall be conducted of (incapable person ● deceased) finances and property from the period commencing (date) through the period (date) as deemed necessary and appropriate by the Parties ● by the Applicant with costs to be determined by the Judge disposing of this matter, but paid at first instance</p>		<p>Forensic Accounting</p>

		by ● out of the assets of ● the incompetent person, ● the deceased. .
Further Directions		<b>THIS COURT ORDERS</b> that the parties are hereby granted leave to move for further directions as may appear advisable or necessary.
Hearing/Trial		<b>THIS COURT ORDERS</b> that the issues be tried without a Jury in Toronto, Ontario at a date to be fixed by the Registrar, and the records shall consist of this Order Giving Directions and any other Order For Directions made by this Court. Following the mediation in this proceeding any party shall be at liberty to set this proceeding down for trial without the consent of the other party.
Interim administrator /Estate Trustee		<b>THIS COURT ORDERS</b> that (x) be appointed as the interim ● Administrator ● Estate Trustee of the Estate of the deceased, and that (x) shall forthwith conduct an investigation to ascertain what assets and debts properly form part of the Estate of the deceased with all powers granted by the within Order to compel information from third parties who are authorized to give such information to the ● Administrator ● Estate Trustee, as is the deceased had requested provision of same.
Irrevocable Direction In respect of Real Estate/Property		<b>THIS COURT ORDERS</b> that (person) shall provide an irrevocable direction to the purchaser/purchaser's solicitor in respect of the sale of the property known as (address) and legally described as (parcel details), registered in the names of (person), which irrevocable direction directs that the full proceeds of the sale, save and except for monies deducted in respect of commissions, taxes, GST, and legals associated therewith, shall be paid into the trust account of (a solicitor...) and the form of the irrevocable direction shall be executed in the form attached to the Order herein.

Mediation

**THIS COURT ORDERS** that the parties attend for a Mediation before a Mediator pursuant to Rule 75.1 of the *Rules of Civil Procedure* and makes the following Directions:

- (a) the issues to be mediated are those set out in the Order Giving Directions herein;
- (b) the Moving Parties and the Respondent are designated parties with the Moving Parties having carriage of the Mediation and the Respondent responding to it;
- (c) the Notice of Mediator giving the date, place, and time of the Mediation shall be served on the designated parties by an alternative to personal service pursuant to Rule 16.03 of the *Rules of Civil Procedure*;
- (d) the fees of the Mediator shall be paid out of the Estate of ●; and
- (e) any matters arising out of the mediation requiring further direction of the Court shall be referred to me or such other Judge who is available.

**THIS COURT ORDERS** that the parties referred to herein, within ● days of the date of the Order herein, or in the alternative, within ● days of the parties obtaining copies of all medical, financial, solicitors records and report, shall attend for mediation before ●, pursuant to Rule 75.1 of the *Rules of Civil Procedure* and the following directions apply to such Order:

<p>Non-Dissipation Injunction</p> <p>Clauses and</p>		<ul style="list-style-type: none"><li>• or in the alternative, within 60 days of the parties obtaining copies of all medical, financial, solicitors records and reports, shall be required to attend a mediation, prior to Examinations for Discovery, and in accordance with Rules 75.1 of the <i>Rules of Civil Procedure</i> and the following directions apply to such Order:</li></ul>
		<p>None of the assets of the Estate or the Deceased shall be invested, expended or dissipated or otherwise dealt with except with the prior written consent of all of the parties by their solicitors. [name of executor] shall not transfer funds from, draw cheques on, direct payment from or withdraw funds from, bank account no ● without the prior written consent of the Parties by their solicitors. Investment of the assets of the estate of the deceased shall be determined by the Parties, jointly, failing which, said assets shall be invested in Guaranteed Investment Certificates or Term Deposits, cashable after 30 days on the written instructions of counsel for the Parties.</p> <p><b>THIS COURT ORDERS</b> that (x) shall be restrained from dissipating, selling, transferring, disposing of, or encumbering, any real or personal property that was once the property of the deceased, or that can be traced from property which was originally or previously owned by the deceased and the within Order shall be filed with any relevant entity to enforce the terms of the within Order.</p>

<p>Non-Dissipation Clauses and Injunction</p>		<p><b>THIS COURT ORDERS</b> that ● in her capacity as Estate Trustee of the Estate of the deceased, and the Estate shall not encumber, sell, transfer, or dispose of the ●, with the Municipal address ●, until such time as the within issues have been finally resolved or determined and until further order of this Court.</p> <p><b>THIS COURT ORDERS</b> that ● in her capacity as Estate Trustee of the Estate of the deceased, and the Estate shall not distribute any of the property or assets of the Estate of the deceased to the beneficiaries, until such time as the within issues have been finally resolved or determined and until further order of this Court.</p> <p><b>THIS COURT ORDERS</b> that ● Defendant shall provide to Counsel for the Estate Trustee any and all papers and property which belonged to the deceased and which now belong to the Estate within twenty (20) days of the date of this Order Giving Directions and in advance of the within ordered mediation.</p>
<p>Production of Medical Records</p>		<p><b>THIS COURT ORDERS</b> that the Estate Trustee During Litigation be and is hereby entitled to compel production of all medical records and files relating to ● from any person or institution in possession of such medical records, in the same manner and to the same extent as ● would have been able, if he were alive, and that all productions received be produced to the other parties on request. The charges for the production of the records and files shall be paid from the</p>



<p>Productions of Financial Records</p>	<p>Limit to relevant time period</p>	<p><b>THIS COURT ORDERS</b> that the Estate Trustee During Litigation be and is hereby entitled to compel production of all financial records and files relating to the assets held prior to death or under attorneyship either solely or jointly by ● with another from any financial or banking institution or agency whether in Canada, or the United States, or elsewhere, in the same manner and to the same extent as ● would have been able, if he was alive, and that all productions received be produced to the other parties on request. The charges for the production of the records and files shall be paid from the Estate by the Estate Trustee During Litigation, and the final determination as to payment of such costs and expenses shall be reserved to the Trial Judge.</p>
<p>Representation Order</p>		<p><b>THIS COURT ORDERS</b> that subject to obtaining consent of ●, ● be and is hereby appointed to represent the following persons' interest in the Estate of the Deceased: [name individuals]</p> <p><b>THIS COURT ORDERS</b> that if such consent is not obtained within ● days of the date of this Order, any of the parties hereto may bring a motion for further directions as to such representation upon two (2) days notice to all counsel herein.</p>
<p>Scheduling</p>		<p><b>THIS COURT ORDERS</b> that the parties hereto shall adhere to the following scheduling for :</p> <ul style="list-style-type: none"> <li>● responding affidavits to be served:</li> <li>● defence where statement of claim is to be served:</li> </ul>

		<ul style="list-style-type: none"> <li>● return of motion date is to be:</li> <li>● affidavit of documents to be exchanged:</li> <li>● Mediation prior to Examinations to be conducted on:</li> <li>● Examinations for Discovery to be conducted of ● (persons)</li> <li>● Examinations of Non-Party witnesses to be conducted of:</li> <li>● the <i>de bene esse</i> examination of ● to be conducted on:</li> <li>● the Pre-Trial of this matter to be conducted on:</li> <li>● mediation to be conducted ● on (date)</li> <li>● the issues to be mediated are those set out in the within Order Giving Directions.</li> </ul>
<p>Service of Proceeding outside of Ontario</p>		<p>This Notice of Application is served outside of Ontario without leave of the Court pursuant to Rule 17.02 [applicable subsections] of the <i>Rules of Civil Procedure</i>.</p>
<p>Service within Ontario</p>		<p><b>THIS COURT ORDERS</b> that service of this Order shall be effected upon all Parties with a known or discovered financial interest in the Estate, other than the Respondents, by personal service or by an alternative to personal service.</p> <p><b>THIS COURT ORDERS</b> that this Order Giving Directions shall be served by regular mail on the following persons: [name individuals].</p>

<p>Substituted Service</p>		<p><b>THIS COURT ORDERS</b> that service of this Order upon all parties with a known or discovered financial interest in the Estate, other than the Respondents, is dispensed with.</p> <p><b>THIS COURT ORDERS</b> substituted service of the Notice of Application, Notice of Motion, returnable on (date), the Order of Justice ( ) dated be served ( ) upon ( person) by way of leaving the said documents in the mail box, or sending the documents by ordinary mail to (address), and that an Order that adequate service has now been effected by the terms of this Order, with all further documents to be mailed to (person) at this address.</p> <p><b>THIS COURT ORDERS</b> that service shall be and hereby is dispensed with in respect of any persons other than the parties named herein, specifically dispensing with the requirements for service of all those with a financial interest in accordance with Rule 74.18(3) of the <i>Rules of Civil Procedure</i></p>
<p>Validated Service</p>		<p><b>THIS COURT ORDERS</b> that service upon ("person") of the application record, motion record returnable (date) is hereby validated pursuant to Rule 16.08 of the <i>Rules of Civil Procedure</i>, because copies of these documents were left with (person) at (address) on (date).</p>
<p>Solicitor-Client Privilege issues</p>		<p><b>THIS COURT ORDERS</b> that any claim of privilege and duty of confidentiality respecting solicitors, or financial advisor or banking records reposing in the Estate of ● in respect of the deceased ● incapable ● be and is hereby waived.</p>

		<p><b>THIS COURT ORDERS</b> that no solicitor and client privilege or duty of confidentiality shall attach to matters as between the deceased and his solicitors relating to any of the legal files of the deceased.</p>
<p>Privilege</p>		<p><b>THIS COURT ORDERS</b> that any claim in respect of the deceased, of solicitor/client privilege, financial advisor/client privilege, or any other professional privilege, including medical privilege, or the duty of confidentiality relating to the instructions for, making of, or execution of, any of the deceased's testamentary or personal documentation, financial documentation, or documentation relating to property, real estate, or a corporation of the deceased, inclusive of any privacy regulations and legislation which may prohibit the obtaining of such information, including personal; health information in respect of the deceased, documentation in respect of the deceased governed by the Personal Information Protection and Electronic Documents Act (the "PIPEDA"), and the Personal Health Information Protection Act (the "PHIPA"), shall be and hereby is waived by the Order Giving Directions herein.</p>
<p>Statement of Assets</p>		<p><b>THIS COURT ORDERS</b> that the Respondent shall, within ● days of the date of this Order, deliver to the solicitor for the Moving Parties and file with the Court a Statement of the Assets of the Estate of ●, setting out the nature and value of the Estate as at the date just prior to the date of death of ● and each of the assets to be administered by ● ("the Estate Trustee During Litigation").</p>

<p>Stay of Distribution</p>		<p><b>THIS COURT ORDERS</b> that there shall be and hereby is an Order directing a stay of the distribution of the assets of the Estate of ● the deceased ● or the incapable person ● until ● , and the within Order effecting same shall be served on the following:</p>
<p>Trial of an Issue: Will Challenge</p> <p>Interim Support – Dependents</p> <p>The "SLRA"</p> <p>Application for Interpretation</p>		<p>(Propounder) affirms, and (Challengers) deny that (deceased) had testamentary capacity on the date of execution (or giving of instructions for) of the Will;</p> <p>(Propounder) affirms, and (Challengers) deny that (deceased) had knowledge of and approved the contents of the Will;</p> <p>(Challengers) affirm, and (propounder) denies that the making of the Will was procured by undue influence;</p> <p>(Challengers) affirm, and (propounder) denies that the Will was made under suspicious circumstances; and</p> <p>(Propounder) affirms, and (Challenger) deny that the Will was duly executed by ●.</p> <p>The (x) affirms and the (y) deny that the (x) is entitled to support and interim support pursuant to Part V of the <i>Succession Law Reform Act</i>, and a determination of the quantum thereof.</p> <p>The Courts opinion and advice as to the interpretation of the following words and phrases used in the Last Will and Testament of the deceased, ● the Codicil dated:</p>

<p>Triable Issues (SDA)</p>		<p><b>THIS COURT ORDERS</b> that the parties to the proceedings and the issues to be tried are as follows:</p> <ul style="list-style-type: none"><li>a) issues relating to the misappropriation of assets belonging to (incapable person). Such assets having been misappropriated between (year), and amounting to (amount)</li><li>b) issues relating to the misappropriation of assets in the further amount of in or about (amount) (the "disputed assets");</li><li>(c) issues relating to the (Respondent ● Attorney) breach of fiduciary duty, including damages for breach of fiduciary duty and negligence for failure to:<ul style="list-style-type: none"><li>(i) maintain a proper standard of care and skill;</li><li>(ii) disclose breaches of trust and fiduciary duty;</li><li>(iii) maintain and keep accounts in accordance with the <i>Substitute Decisions Act, 1992</i> (the "SDA"), and in particular as set out in the regulations to the SDA 1992, Section 2 Ontario Regulation 100/96;</li><li>(iv) maintain and keep accurate accounts in accordance with the SDA and in particular as set out in the regulations to the Ontario Regulation 100/96, sections 5 and 6;</li></ul></li></ul>
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		<p>(v) disgorge any benefit obtained by his breach of fiduciary duty and breach of duty of loyalty;</p> <p>(vi) to act in the best interests of (incapable person) , the grantor of the Powers of Attorney;</p> <p>(vii) for falsification of accounts;</p> <p>(viii) for incorrect recording of accounting entries;</p> <p>(ix) for breach of section 32 (1) of the SDA and in particular failure to exercise powers granted to an Attorney, diligently, honestly, with integrity and in good faith and on behalf of (incapable person) benefit; and</p> <p>(x) for breach of section 66 (4.1) of the SDA</p> <p>(d) issues relating to the mismanagement of (incapable person) assets;</p> <p>(e) issues relating to rescission and restoring (incapable person) to his/her original financial position as at (date), including issues of damages for loss suffered in accordance with, but not limited to S.104 of the Ontario <i>Courts of Justice Act</i>;</p> <p>(f) issues relating to the misconduct of the fiduciary;</p> <p>(g) issues relating to damages suffered by (incapable person) as a result of breach of fiduciary duty and negligence</p>
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<p>Triable Issues for Dependents Support</p> <p>Dependants' Relief</p> <p>Succession Law Reform Act</p>		<p>including loss of capital from investment income, interest, including interest calculated in accordance with the <i>Courts of Justice Act</i>, sections 127, 128, 129 and 131;</p> <p>(h) issues relating to the repayment of all monies misappropriated together with calculations thereon for interest, costs, expenses, loss of investment and income opportunity; and</p> <p>(i) issues relating to the misappropriation of assets belonging to (incapable person) by (respondent ● attorney) which must be repaid as a debt owed and which are impressed with a trust in favour of (incapable person).</p>
		<p><b>With respect to the Dependant Support Claim of the applicant (person):</b></p> <ol style="list-style-type: none"> <li>1. <b>Is the Applicant (Person) a dependant of the deceased and a person to whom the deceased was under legal obligation to provide adequate and proper support immediately before his death or a person whom the deceased was actually providing support immediately before his or her death?</b></li> <li>2. <b>If the answer to (1) is 'yes', did the deceased in his/her Last Will &amp; Testament (and Codicil) make adequate and proper provision for the support of (person)</b></li> <li>3. <b>If the answer to (2) is 'no', then what provision, if any, should the Court make out of the Estate of the deceased for the proper and adequate support of (person)</b></li> </ol>

		<p>With respect to the dependant support claim of the Applicant:</p> <ol style="list-style-type: none"> <li>1. Are the applicants dependants of the deceased and persons to whom the deceased was under legal obligation to provide adequate and proper support immediately before his death?</li> <li>2. If the answer to (1) is 'yes', did the deceased in his/her Last Will and Testament make adequate and proper provision for the support of (person);</li> <li>3. If the answer to (1) is 'yes', what assets shall be clawed back in pursuant to S. 72 of the <i>Succession Law Reform Act</i> RSO 1990 (the "SLRA") for the adequate and proper support of ● a dependant.</li> <li>4. If the answer to (2) is 'no' them what provisions, if any should the Court make out of the Estate of the deceased for the adequate and proper support of (person)</li> </ol>
<p>Dependant's Support Dependant's Relief Succession Law Reform Act</p>		<p><b>THIS COURT DECLARES that the (x) (applicant) claim for support in accordance with Part V of the Succession Law Reform Act shall be preserved, and that any time limitation in particularizing such claim, shall be abandoned by virtue of these proceedings, and in any event, any such claim shall be brought within six (6) months of the date of determination of ●the Will challenge ● define date ● interpretation etc.</b></p>

These Precedent Clauses for inclusion in a draft Order Giving Directions are not meant to be exhaustive. Other clauses that may also be typically considered, amongst others, that might relate to pleadings, return of Certificate of Appointment, inter vivos transfers, litigation administrator (Estate Trustee)for deceased, the Children's Lawyer (minor, unborn, unascertained), the Public Guardian and Trustee and/or trusts.