

## SETTLEMENT CHECKLIST

***This document must be completed in full where settlement of the proceedings has occurred and orders are being sought under the Act.***

***Please ensure that all original affidavits (not already filed) and the exhibits to any affidavit to be relied upon, and/or to which reference is made in this document, are delivered to the Associate of the Family Provision List Judge at the time that Consent Orders are delivered/handed up.***

### **NAME OF MATTER/SUPREME COURT FILE NO:**

1. Name of the Deceased:
2. Date of death of the deceased:
3. Date of Will:
4. Grant of Probate or Administration:
5. Value of estate:
6. Any Notional estate and, if so, its value:
7. Relationship of the Plaintiff to the deceased:
8. Relationship of the Defendant to the deceased:
9. Beneficiaries named in Will and relationship to the deceased:
10. Interest of any minor beneficiary affected and how:

### **FORMAL MATTERS**

11. Date of commencement of proceedings:
12. If the application has not been commenced in time has an order extending time been sought in the Summons?
13. Identify Plaintiff's Affidavits (and exhibits) to be relied upon:
  - a. Is a copy of the Will/Probate/Letters of Administration in evidence:
  - b. Paragraphs setting out assets and liabilities of the Plaintiff and any person with whom he or she is cohabiting:
  - c. If approval of a release is sought, identify affidavits setting out matters to be considered by the Court in determining application for approval (see s 95(4) Succession Act, 2006):
14. Has the Notice of Eligible Persons been served:

15. Identify Defendant's Affidavits (and exhibits) to be relied upon:
16. Has the prescribed notice been served on persons referred to in Practice Note SC Eq 7:
17. Identify evidence of service of notices on eligible persons and/or beneficiaries:
18. Who is to bear the burden of provision being made:
19. Evidence of consent of persons who, or who may be adversely affected, by the provision being made:
20. If approval of a release is sought, identify affidavits setting out matters to be considered by the Court in determining application for approval (see s 95(4) Succession Act, 2006):
21. If the Plaintiff or any beneficiary is a person under a legal incapacity, is there evidence by the tutor and her, his or its advisor stating that the compromise is beneficial to the person under a legal incapacity:
22. If a trustee is to be appointed, has his, her, or its, consent been obtained and if so, is there evidence of his or her good fame and character:
23. Are there any matters that should be brought to the attention of the Court:
24. If the proceedings also include disputed claims for Probate, which claims have been resolved, have the Probate Guidelines, so far as they relate to proof of service of notice of proceedings and applications for approval of settlement agreements been complied with, identifying the relevant documents:

DATED:

Counsel/Solicitor for Plaintiff  
Print name

Counsel/Solicitor for Defendant  
Print name