## TEMPLATE AFFIDAVIT

## 20XX No.

**Supreme Court of Nova Scotia**

**IN THE MATTER OF: The Public Trustee Act, R.S.N.S. 1989, c.379**

**- and -**

**IN THE MATTER OF: The Application of the NOVA SCOTIA BARRISTERS'**

**SOCIETY, on behalf of certain of its members, for an Order to have undistributed trust funds transferred to the Public Trustee pursuant to s.28 of the *Public Trustee Act***

***Affidavit of [LAWYER]***

***sworn on [DATE]***

I [make oath/affirm] and give evidence as follows:

1. I was the solicitor for [name of client]. I was entrusted with funds for the provision of legal services on [date].
2. I have held the sum of $ [amount] in trust since \_\_\_\_\_[date], and have endeavoured to return the said sum to [name of client] without success.
3. I have made several efforts to return the funds to [name of client], which include

[*e.g. sending X number of letters on X dates to the client’s last known address, doing Property Online and 411 searches to identify the client’s contact information, etc*.]

1. There are no conditions to which the funds are subject.
2. I have requested the Nova Scotia Barristers' Society to make an application, on my behalf, to have the unclaimed trust funds paid to the Public Trustee, pursuant to s.28(1) of the *Public Trustee Act*, and I request this Honourable Court to grant an Order authorizing the transfer of the funds of \_\_\_\_\_\_\_\_\_\_\_\_[name of client] held in trust by me, to the Public Trustee.

*Sworn to*/*Affirmed* before me )

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| on |  | , 20 | ) |
| At | , |  | )  )  )  ) |
| Signature |  |  | Signature of Affiant |