

Supreme Court Rules 1937—Form 2.9

(see o 72 r 6)

Affidavit of applicant for probate

In the Supreme Court of the Australian Capital Territory
Probate jurisdiction

No P _____ of (*year*)

In the estate of (*name*), late of (*last address, occupation*), deceased

On (*date, eg 14 June 2005*), I (*name, address and occupation*) *[say on oath/solemnly affirm]—

- 1 The document dated (*date*) signed in the margin by me and by the person before whom this affidavit is sworn is, I believe, the last will of the abovenamed deceased.
- 2 I am *[the/an] executor named in the will and I have attained the age of 18 years.
- 3 I believe that the will has not been revoked and I am not aware of the existence of any other document purporting to embody the testamentary intentions of the deceased *[except for (*description of document*)].
- 4 My means of identifying the will are (*means of identification*).
- 5 The attesting witnesses to the will are (*name*) and (*name*).
- 6 *[The other executor/s named in the will *[is/are] (*name/s and, if known, address/es*).
- 7 *[The reason/s why the other executor/s named in the will *[is/are] not applying for probate *[is/are] (*reason/s*)].

- 8 The deceased died on (*date*).
- 9 I believe that the deceased is (*name as in certificate*) referred to in the certificate of registration of death annexed and marked ‘A’.
- 10 The deceased *[did/did not] marry after the will was made *[namely, to (*name*) on (*date*)].
- 11 *[The deceased’s marriage to (*name*) was terminated after the will was made, namely, on (*date*)].
- 12 *[The deceased had attained the age of 18 years when the will was made./ The will was made in reliance on the *Wills Act 1968*, section 8.]
- 13 The deceased *[left/did not leave] property within the Australian Capital Territory.
- 14 **[I believe that the deceased considered that *[his/her] domicile was in the Australian Capital Territory. The reason for my belief is (*reason*).]
- 15 An inventory of all property of the deceased of which I am presently aware is annexed and marked ‘B’. I will disclose to the Court any other property of the deceased which comes to my notice.
- 16 The estate has a gross value of \$ (*amount*).
- 17 If I am granted probate of the will of the deceased I will administer the estate according to law and if required I will give a true account of my administration of the estate to the Registrar.
- 18 Notice of intention to make this application was published on (*date*) in the (*name*) which is a daily newspaper published and circulating within the Australian Capital Territory. A copy of the notice as published is annexed and marked ‘C’.

(*signature of person making affidavit*)

*[Sworn/Affirmed] at

before me:

(signature of person before whom affidavit is taken)

[Justice of the Peace/Barrister/Solicitor/(other)*]

**(delete if, or whichever is, inapplicable)*

*** (delete if deceased person left property in the ACT)*

Annexure 'B'

Inventory of property

of the estate of *(name)* of *(last address, occupation)*, deceased

Description Estimated or known value

(description sufficient to \$

identify property)

(amount)

(total)

Endnote

- 1 This form was originally in the *Supreme Court Rules 1937*. Under the *Court Procedures Act 2004* A2004-59, pt 8, the form became a form approved under that Act.

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