Supreme Court Rules 1937—Form 2.10

(see o 72 r 6, o 72 r 12)

Affidavit of applicant for administration with will annexed

In the Supreme Court of the Australian Capital Territory

Probate jurisdiction

AF2005-93

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]—

- 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.
- I have attained the age of 18 years *[and I am (*relationship*) of the deceased].
- I believe that the will has not been revoked and I am not aware of the existence of any other document purporting to embody the testamentary intentions of the deceased *[except for (description of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 executor/s named in the will *[is/are] (name/s and, if known, address/es).

Approved form under Court Procedures Act 2004, s 8

proved form under page 1

- *[The reason/s why the executor/s named in the will *[is/are] not applying for probate *[is/are] (reason/s)].
- 8 The deceased died on (date).
- I believe that the deceased is (*name as in certificate*) referred to in the certificate of registration of death annexed and marked 'A'.
- The deceased *[did/did not] marry after the will was made *[namely, to (*name*) on (*date*)].
- *[The deceased's marriage to (*name*) was terminated after the will was made, namely, on (*date*)].
- *[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.]
- The deceased *[left/did not leave] property within the Australian Capital Territory.
- **[I believe that the deceased considered that *[his/her] domicile was in the Australian Capital Territory. The reason for my belief is (reason).]
- *[I am a creditor of the estate. Particulars of the debt are *[as follows: (particulars of debt)/ set out in the annexed document marked 'B'.]]
- An inventory of all property of the deceased of which I am presently aware is annexed and marked 'C'. I will disclose to the Court any other property of the deceased which comes to my notice.
- 17 The estate has a gross value of \$ (amount).
- If 1 am granted administration of the estate 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.
- 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 'D'.

*[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 'C'

Inventory of property of the estate of (name) of (last address, occupation),

<u>Description</u> <u>Estimated or known value</u>

(description sufficient to identify property)
(amount)
(total)

deceased

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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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