

## Form 3.13                      Affidavit of applicant for administration—no will

*Court Procedures Rules 2006*

(see r 3010 (Grant of representation—supporting affidavit for application))

In the Supreme Court of the Australian Capital Territory

Probate jurisdiction

No P                      of (*year*)

In the estate of (*full name of deceased person, including any known alias*), late of (*last address*), deceased

On (*date*), I (*full name of person making affidavit*) of (*home or business address or place of employment*), \*[say on oath/solemnly affirm]—

1. The deceased person died on (*date*).
2. I am an adult \*[and the (*relationship*) of the deceased person].
3. I believe that the deceased person is (*name stated in death certificate*) named in the death certificate annexed and marked '(*insert letter, eg 'A'*)'.
4. I believe that the deceased person did not leave a will.
- \*5. I am not aware of the existence of any document claiming to contain the testamentary intentions of the deceased person.

OR

- \*5. I am \*[aware of the existence/in possession] of a document claiming to contain the testamentary intentions of the deceased person. \*[That document is annexed and marked '(*insert letter, eg 'B'*)'].]

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Filed for the applicant\*(s) by:

(*the address for service and telephone number (if any) of the applicant\*(s) or, if the applicant\*(s) \*[is/are] represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor*)

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6. I have taken the following steps to find out whether there is any other document claiming to contain the testamentary intentions of the deceased person: *(list steps taken)*.
7. The deceased person \*[was/was not] survived by a spouse, *(name)*, when the deceased person died.
8. At the time of \*[his/her] death, the deceased person \*[was/was not] in a domestic partnership \*[with *(name of domestic partner)*. The domestic partnership had been continuous for *(state the number of months, or years and months, stating which)* before the death of the deceased person].
- \*9. The deceased person's domestic partner is the parent of the following \*[child/children] of the deceased person who \*[was/were] under 18 years old when the person died:  
*(list all children of the deceased person and the person's domestic partner, stating each child's full name and date of birth)*
10. The deceased person \*[did not have any children./had the following \*[child/children:]]  
*(list all children of the deceased person, stating each child's full name, date of birth and, if applicable, date of death)*
11. The following \*[person has/people have] a beneficial interest in the estate:

Name	Address	Age/date of birth	Relationship to deceased person	Beneficial interest % or \$

[(*Name of supporting certificates*)/(*documents*)] are annexed and marked '*(insert letter, eg 'C')*'.]

*Note* The *Administration and Probate Act 1929*, s 49 (Distribution of intestate estate) and sch 6 (Distribution of intestate estate on intestacy) state who is entitled to an interest in the estate of a person who has died intestate and how that estate is to be distributed.

- \*12. The following people mentioned in paragraph 11 who are at least 18 years old have consented to me making this application: (*names*). Copies of their written consents are annexed and marked ‘(*insert letter, eg ‘D’*)’.
- \*13. The following people mentioned in paragraph 11 who are at least 18 years old have been served with notice of the application: (*names*)
- \*14. I have not been able to find the following people mentioned in paragraph 11: (*names*)
- \*\*15. I believe that the deceased person considered that \*[his/her] domicile was in the ACT. The reason for my belief is (*reason*).
- \*16. I am a creditor of the deceased person. The amount of the debt I am owed by the deceased person is \$ (*state amount*). The particulars of the debt are \*[as follows: (*particulars of debt*)/set out in the annexed document marked ‘(*insert letter, eg ‘E’*)’.]
- 17. I am not an undischarged bankrupt and I have not assigned or encumbered my interest in the estate.
- 18. The deceased person \*[left/did not leave] property (whether real or personal) in the ACT.
- 19. An inventory of all property of the deceased person of which I am presently aware is annexed and marked ‘(*insert letter, eg ‘F’*)’ . I will disclose to the Court any other property of the deceased person that comes to my notice.
- 20. The estimated gross value of the deceased person’s property (both real and personal) in the ACT is \$ (*amount*).
- 21. The estimated net value of the deceased person’s property (both real and personal) in the ACT is \$ (*amount*).
- 22. If I am granted administration of the estate of the deceased person, I will administer the estate according to law and, if required, I will give an account of my administration to the Court.
- 23. Notice of intention to make this application was published on (*date*) in the (*name of newspaper*), a daily newspaper circulating generally in the ACT. A copy of the notice as published is annexed and marked ‘(*insert letter, eg ‘G’*)’.

\*23. I have received the following responses to the publication of the notice from creditors of the estate: *(include brief details of the responses and identify the creditors who gave the responses)*.

\*24. The reason\*(s) why this application is made, for the first time, more than 6 months after the date of the deceased person's death \*[is/are] *(reason\*(s))*.

\*[Sworn/Affirmed] by *(full name)*:

*(signature of person making affidavit)*

at *(place)* in the presence of:

*(signature of person before whom affidavit is made)*

*(full name of person before whom affidavit is made)* of *(address)*

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

*Note* If the affidavit is longer than a page, the person making the affidavit and the person taking the affidavit must sign or initial each page of the affidavit (see r 6715 (1) (Affidavit—taking of)).

\**omit if, or whichever is, inapplicable*

\*\* *omit if deceased person left property in the ACT*

## Inventory of the property of the estate of (*name of deceased person*)

### Property owned solely by the deceased person

Description of property	Estimated value (\$)
<p><b><u>ACT Assets</u></b></p> <p>Real estate</p> <p>Money in financial institutions</p> <p>Shares in companies</p> <p>Motor vehicles</p> <p>Personal belongings</p> <p>Other assets</p> <p style="text-align: right;"><b>Gross value of property in ACT</b></p>	
<p>ACT liabilities</p> <p style="text-align: right;"><b>Net value of property in ACT</b></p>	
<p><b><u>Assets held outside ACT</u></b></p> <p>Real estate</p> <p>Other assets</p> <p><b><u>Liabilities outside ACT</u></b></p>	

### Property owned jointly by the deceased person with other people

*Note* This property does not form part of the deceased person's estate.

Description of property	Estimated value (\$)