

# Supreme Court Rules 1937—Form 2.11

(see o 72 r 14)

## Affidavit of application for administration

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 deceased person died on (*date*).
- 2        I am at least 18 years old \*[and I am the (*relationship*) of the deceased person].
- 3        I believe that the deceased person is (*name as in death certificate*) mentioned in the certificate of registration of death annexed and marked 'A'.
- 4        I believe that the deceased person did not leave a will and I am not aware of the existence of any other document claiming to contain the testamentary intentions of the deceased person\*[except for (*description of document*)].

- 5 The following steps have been taken to find out whether the deceased person left a will and whether there is any other document claiming to contain the testamentary intentions of the deceased person:
- (description of searches, enquiries, etc)*
- 6 At the time of \*[his/her] death the deceased person was \*[not married/ married to (*name of spouse*)].
- 7 At the time of \*[his/her] death the deceased person \*[was/was not] living in a domestic partnership<sup>1</sup> \*[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].
- 8 \*[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)]*
- 9 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)]*
- 10 The deceased person\*[left/did not leave] property in the ACT.
- 11 \*\*[I believe that the deceased person considered that \*[his/her] domicile was in the ACT. The reason for my belief is (*state the reason*).]
- 12 The following \*[person is/people are] entitled to share in the administration or distribution of the estate:
- (for each person—state name, address, age, relationship to the deceased person and entitlement—supporting certificates or other documents to be annexed and marked eg 'B')*

- 13     \*[The following people listed in paragraph 12 who are at least 18 years old have consented to me making this application, and copies of their written consents are annexed and marked ‘(insert letter, eg ‘C’):’]
- 14     \*[The following people listed in paragraph 12 who are at least 18 years old have been served with notice of the application:]
- 15     \*[I have not been able to find the following people listed in paragraph 12:]
- 16     \*[I am a creditor of the estate. Particulars of the debt are \*[as follows: (*particulars of debt*)/ set out in the annexed document marked ‘(insert letter, eg D)’.]
- 17     I am not an undischarged bankrupt and I have not assigned or encumbered my interest in the estate.
- 18     An inventory of all property in the ACT of the deceased person of which I am presently aware is annexed and marked ‘(insert letter, eg E)’. I will disclose to the Court any other property in the ACT of the deceased person that comes to my notice.
- 19     The estate has a gross value of \$ (*amount*).
- 20     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 a true account of my administration of the estate to the Registrar.
- 21     Notice of intention to make this application was published on (*date*) in the (*name*) which is a daily newspaper published and circulating in the ACT. A copy of the notice as published is annexed and marked ‘(insert letter, eg F)’.

*(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)*

*Note 1* A **domestic partnership** is defined in the Legislation Act, s 169 as a relationship between 2 people, whether of a different or the same sex, living together as a couple on a genuine domestic basis.

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Annexure '*(insert letter, eg E)*'

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

<u>Description</u>	<u>Estimated or known value</u>
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<i>(description sufficient to</i>	<i>\$(amount)</i>
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*identify property)*

Total	\$
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