

Form 3.22 Affidavit of justification

Court Procedures Rules 2006

(see r 3047 (Administration bond—affidavit of justification))

In the Supreme Court of the Australian Capital Territory

Probate jurisdiction

No P of (year) (*Court to complete*)

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]—

(*if the surety is an individual, state name, address and occupation; if the surety is a corporation, state the name of the person making the affidavit, the person's position as a proper officer of the corporation and the corporation's name and ACN, eg managing director, ABC Pty Ltd ACN 123 456 789*)

1. *[My/(*if the person making the affidavit is a proper officer of the surety corporation, state the corporation's name eg ABC Pty Ltd's*) net worth (that is, total assets less total liabilities) is more than \$ (*amount*).

(*complete if the surety is an individual*)

*2. My assets are:

- (a) real estate, as follows: (*for real estate, give the property's value and details that identify the property eg street address and district, section and block*); and

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*)

(b) personal property, as follows: *(for personal property, give the property's value and details that identify the property).*

(for personal property, include only items of personal property that significantly contribute to your net worth)

[Examples of personal property and identifying details

- *for shares, the name of the company and the number of shares*
- *for money on deposit or current account with a financial institution, the name of the financial institution, the name of the account holder, the account number and the amount*
- *for a life insurance policy, the name of the insurer, policy number, the number of years in force with surrender value, and age of surety at time of making this affidavit]*

*3. My liabilities are: *(include details of liabilities and amounts, eg mortgage with XYZ Bank over 31 Emmy Street Blueacre for \$100 000).*

*4. I am *[not a surety in any other matter./a surety in the following matter(s): *(state the matter(s) and amount)*]

OR

(complete if the surety is a corporation)

*2. The *(corporation's name)*'s assets and liabilities are as set out in the following financial statements for the last 3 financial years, copies of which are annexed to this affidavit:

(list types of financial statements, dates of the statements and relevant annexure reference eg, balance sheet for 2002–2003 financial year, at annexure A)

*3. *(corporation's name)* is *[not a surety in any other matter./is a surety in the following matter(s): *(state the matter(s) and amount)*].

*[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*