

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'*)'.]

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*)

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*)

Note The inventory must list each item of property in the deceased person's estate with sufficient detail to identify the property.

Property owned solely by the deceased person

Description of property	Estimated value (\$)
<p><u>ACT Assets</u></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;">Gross value of property in ACT</p>	
<p>ACT liabilities</p> <p style="text-align: right;">Net value of property in ACT</p>	
<p><u>Assets held outside ACT</u></p> <p>Real estate</p> <p>Other assets</p> <p><u>Liabilities outside ACT</u></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 (\$)