

AFFIDAVIT OF APPLICANT FOR ADMINISTRATION

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity
List	Probate
Registry	Sydney
Case number	Write the case number – you can find this on your published Notice of Intended Application

TITLE OF PROCEEDINGS

The estate of **[name of deceased]**
Write the name of the deceased

Late of:
Write the name of the suburb/town, state/country where the deceased lived

FILING DETAILS

Filed for	[name/s] plaintiff[s] Write the names of every person applying for administration
#Legal representative	[solicitor on record] [firm] Delete or leave this section blank if you do not have a lawyer
#Legal representative reference	[reference number] Delete or leave this section blank if you do not have a lawyer
Contact name and telephone	[name] [telephone] Write your name and telephone number
Contact email	[email address] Write your email address, if you have one

AFFIDAVIT

Name Write the full name(s) of everyone applying for administration
 Address Write the address of everyone applying
 Occupation Write the occupation of everyone applying
 Date Write the date the affidavit was signed and witnessed

I [#say on oath #affirm]: Delete whichever option does not apply

1. I am (*state relationship to deceased*) write your relationship with the deceased of (*name, occupation*) write the name and occupation of the deceased late of (*place*) write the suburb the deceased lived in who died on (*date*) write the date the deceased died aged (*number*) write the age of the deceased in years years and I believe that the deceased is (*name in certificate of registration of death*) write the name in the certificate of registration of death referred to in the certificate of registration of death which is annexed and marked "A".
2. I believe that the deceased did not leave a will or document purporting to embody the testamentary intentions of the deceased [*where applicable except for (specify document)*]. If there is any document that you believe shows the deceased's intentions, write it here.
3. (*State what searches have been made for a will or document purporting to embody the testamentary intentions of the deceased.*)
 Explain what searches you have carried out to locate the will
4. The names, ages, relationship to the deceased and entitlements of the persons entitled in distribution of the estate of the deceased are: (*state these*).
 List the names, ages and relationship to the deceased
5. (*State the facts establishing that the persons named in paragraph 5 are the persons entitled in distribution of the estate. Annex appropriate certificate evidence*). Write why the people listed at paragraph 4 are entitled to the estate. You should include appropriate evidence, such as birth certificates and marriage certificates.
6. The deceased left assets within New South Wales.
7. I am not an undischarged bankrupt, I have not assigned or encumbered my interest in the estate and I am over 18 years of age.
8. If I am granted administration of the estate of the deceased:
 - (a) I will administer the estate according to law; and
 - (b) I will:
 - (i) verify and file; or
 - (ii) verify, file and pass,
 my accounts relating to the estate of the deceased within 12 months from the date of

grant if so required by the Court].

9. *#Where a notice of the application was published on the New South Wales On-line Registry website* Notice of this application was published on the New South Wales On-line registry website on *(date)*.
- #Where the deceased resided at the date of his or her death in the State and the notice was published before 21 January 2013* Notice of this application was published on *(date)* in the *(name)*, which is a newspaper circulating in the district where the deceased resided at the date of the deceased's death, evidenced by the tear sheet annexed and marked "..." or
- #Where the deceased did not reside at the date of his or her death in the State and the notice was published before 21 January 2013* Notice of this application was published on *(date)* in the *(name)*, which is a Sydney daily newspaper, as evidenced by the tear sheet annexed and marked "...".

Delete the #paragraph that does not apply.

10. A statement of all assets of the deceased of which I am presently aware is annexed and marked "C". I will disclose to the Court any other asset which comes to my notice.
11. The liabilities of the deceased of which I am presently aware are as follows:

Record the debts of the deceased's estate, as well as the estimated or known value in the secured column (if the debt is attached to the asset, for example a home loan) or in the unsecured column (if the debt is not attached to any asset, for example a credit card).

LIABILITIES

Date	Name of creditor, etc.	Description of liability	Estimated or known amount	
			Secured	Unsecured
<i>(date liability incurred eg 3-8-93 (date))</i>	<i>(name)</i> Write down the name of the creditor here	<i>(description)</i> Provide a brief description of the type of liability, for example, credit card debt	\$ (amount) Write the amount owed here	\$(amount) Write the amount owed here
<i>(add a row for each liability)</i> Add a row for each separate debt				

12. The estate has a gross value of \$ *(amount)* write the total value of all assets, which should be the same as the inventory of property and a net value of \$ *(amount)* write the total value of the assets minus the total debts.
- #13. The names, ages and relationship to the deceased of the persons who, if the deceased had not left a de facto spouse, would have been entitled in distribution of

the estate are *(state these)*. Delete paragraphs 13 and/or 14 below if the applicant is not the de facto spouse

- #14. *(State the facts establishing that the persons named in paragraph 14 are the persons who would have been entitled in distribution of the estate. Annex appropriate certificate evidence.)*
15. I am not aware of any circumstances which raise doubt as to my entitlement to a grant of administration of the estate of the deceased *[where applicable except for (specify matter)]*. Include anything you are aware of that might mean you are not entitled to a grant of administration.

#SWORN #AFFIRMED at

Signature of deponent	The person making the affidavit signs here
Name of witness	Write the full name of the witness here
Address of witness	Write the witness' address here
Capacity of witness	[#Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public] Delete whichever option does not apply

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**): The witness must select one from options 1 and 2 to verify the identity of the person making the affidavit:

- #I saw the face of the deponent. [OR, delete whichever option is inapplicable]
#I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.¹
- #I have known the deponent for at least 12 months. [OR, delete whichever option is inapplicable]
#I have confirmed the deponent's identity using the following identification document:

Identification document relied on (may be original or certified copy)²

Witness must specify what type of identification document they sighted to confirm the identity of the person who made the affidavit.

Signature of witness	The prescribed witness signs here
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The executor and witness must also sign each page of the affidavit.

¹ [The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

² ["Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011 or JP Ruling 003 - Confirming identity for NSW statutory declarations and affidavits, footnote 3.]

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B