

**AFFIDAVIT OF APPLICANT FOR ADMINISTRATION FOR THE
PURPOSES OF #THE *FAMILY PROVISION ACT 1982* or #CHAPTER
3 OF THE *SUCCESSION ACT 2006***

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity
List	Probate
Registry	Sydney
Case number	

TITLE OF PROCEEDINGS

The estate of **[name of deceased]**
Late of:

FILING DETAILS

Filed for	[name/s] plaintiff[s]
#Legal representative	[solicitor on record] [firm]
#Legal representative reference	[reference number]
Contact name and telephone	[name] [telephone]
Contact email	[email address]

AFFIDAVIT

Name

Address

Occupation

Date

I [#say on oath #affirm]:

1. I am (*state relationship to deceased*) of (*name, occupation*) late of (*place*) who died on (*date*) aged (*number*) years and I believe that the deceased is (*name in 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.

or

The document dated (*date*) and signed in the margin by me and by the person before whom this affidavit is sworn is a copy of the { last will or document purporting to embody the testamentary intentions} of the deceased.

or

I believe that the deceased left a { will or document purporting to embody the testamentary intentions of the deceased} but no copy of it is available.

3. I am not aware of any proposal by any other person to make an application for a grant.

or

I believe that (*name*) of (*address*), proposes to make an application for a grant.

4. [*If applicable*] I intend to make an application under #the *Family Provision Act 1982* or #Chapter 3 of the *Succession Act 2006* on behalf of (*name, address and occupation*).
5. (*State the facts showing that—*
(a) if the plaintiff intends to make an application under the Family Provision Act 1982 or Chapter 3 of the Succession Act 2006 on behalf of another person—that person; or
(b) otherwise—the plaintiff,
is an eligible person within the meaning of the Family Provision Act 1982 or section 57 of the Succession Act 2006
6. A copy of an affidavit which {has been *or* will be} sworn and which I intend to file in the family provision proceedings is annexed and marked "B".
7. #Where a notice of the application was published on the New South Wales On-line

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

Registry website Notice of this application was published on the New South Wales On-line registry website on *(date)*. *or*

#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 ``....".

8. 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)*].

#SWORN #AFFIRMED at

Signature of deponent

Name of witness

Address of witness

Capacity of witness [#Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public]

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

1. #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
2. #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

Signature of witness

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 refer to the guidelines in the NSW Department of Attorney General and Justice's "[Justices of the Peace Handbook](#)" section 2.3 "Witnessing an affidavit" at the following address: <http://www.jp.nsw.gov.au/Documents/jp%20handbook%202014.pdf>]