

**IN THE SUPREME COURT OF VICTORIA  
IN ITS PROBATE JURISDICTION**

20 No.

In the matter of the Will and Estate of *[name]*

Deceased

Application by *[name]*

Plaintiff(s)

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**AFFIDAVIT**

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Date of document:

Filed on behalf of the plaintiff.

Prepared by: *[name and  
address of lodging party]*

Ref:

DX:

CODE: *[solicitor code]*

Tel: *[number]*

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I *[name]* of *[address]*, Victoria *[occupation]* make oath and say that:

1. I am the abovenamed plaintiff.
2. I am seeking to obtain Letters of Administration with the Will annexed of the estate of the abovenamed *[name]* late of *[address]* Victoria deceased.
3. I am over the age of 18 years.
4. The deceased died on *[date]* leaving property in Victoria; and I believe the deceased is *[name as set out in certificate of registration of death]* referred to in the certified copy of death registration now produced and shown to me marked "A".
5. The deceased left a Will dated *[date]* which is unrevoked and which is now produced and shown to me marked "B".
6. At the date of execution of the Will the deceased was over the age of 18 years.
7. After the date of execution of the Will:
  - (a) the deceased did not marry;
  - (b) no marriage of the deceased ended within the meaning of Section 16A(2) of the **Wills Act** 1958; and
  - (c) the deceased was not divorced within the meaning of Section 14(4) of the **Wills Act** 1997.
8. The names and residential addresses of the executors appointed by the Will are *[complete if applicable and state the reason why the executor is unable to apply for example – executor has renounced probate]*

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Witness

In the matter of the Will and Estate of [name]

Deceased

Application by [name]

Plaintiff(s)

**AFFIDAVIT**

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9. The Will was executed in the presence of [name] now of [current residential address] and [name] now of [current residential address] .
10. The deceased left:
- |   |             |
|---|-------------|
| Real estate in Victoria to the value of     | \$ [amount] |
| Personal estate in Victoria to the value of | \$ [amount] |
| Real estate elsewhere to the value of       | \$ [amount] |
| Personal estate elsewhere to the value of   | \$ [amount] |
| Liabilities totalling                       | \$ [amount] |
11. Now produced and shown to me marked "C" is the Inventory of such assets and liabilities.
12. Those entitled to share in the estate who are under 18 years of age or are otherwise not capable of managing their own affairs are [name]
13. I am [state the basis of the plaintiff's entitlement to administration for example – the residuary beneficiary] under the Will of the deceased and as such I am entitled to apply for Letters of Administration with the Will annexed of the estate.
14. No other application has been made by me for a grant of representation in respect of the estate of the deceased.
15. If I obtain Letters of Administration with the Will annexed I undertake to the Court that I will:
- (a) well and truly collect and administer the estate of the deceased according to law;
  - (b) if required by the Court or by the Registrar, make and file or cause to be made and filed in the Court, a true and just account of the administration of the estate; and
  - (c) if required by the Court, deliver up the grant to the Court.

Sworn by  
the deponent  
at [place]  
on [date]

.....  
Plaintiff