

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

20 No.

In the matter of the Will/Estate of [name] Deceased
Application by [name] Plaintiff(s)

SURETY'S GUARANTEE – AFFIDAVIT OF JUSTIFICATION

Date of document:

Filed on behalf of the plaintiff.

Prepared by: [name and
address of lodging party]

Ref:

DX:

CODE: [solicitor code]

E-mail: [e-mail address]

Tel: [number]

I [Surety's name] of [Surety's address and occupation] make oath and say that—

1. I am over 18 years of age and under no legal disability.
2. After payment of all my debts and liabilities I am well and truly worth in real and personal property [or as *the case may be*] not less than the sum of \$*
3. Particulars of my property and the values thereof are as follows:

[NOTE—*In setting out the property realty must be distinguished from personalty, and a separate gross value for each particular parcel or item thereof must be stated.*

(a) *When realty, the allotment, parish, street, etc. the area of land, whether there are buildings on the land, should be stated with sufficient accuracy to identify the land.*

(b) *When personalty, the following particulars should be given, for example—*

- 1) *Description of lease and number of years to run.*
- 2) *Number of shares in bank, building society, trading company etc.*
- 3) *Money on deposit or current account, giving name and address of bank, society etc.*
- 4) *Money lent on mortgage and registered number of same.*
- 5) *Household furniture and where kept.*
- 6) *Stock in trade of a business and premises wherein kept.*

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

20 No.

In the matter of the Will/Estate of [name] Deceased
Application by [name] Plaintiff(s)

SURETY’S GUARANTEE – AFFIDAVIT OF JUSTIFICATION

- 7) *Farming implements, &c, where kept, and grain, quantity and where stored.*
- 8) *Policy of life insurance, number of years in force with surrender value, and age of the life assured at time of making this affidavit.*
- 9) *Live stock, number and kind and where depastured or kept.*
- 10) *Good book debts only.*

[Cash in hand and depreciating assets such as furniture and motor vehicles are generally not accepted nor are persons who can only justify to life insurance or superannuation policies.]

4. Particulars of my debts and liabilities are as follows:

[Set out particulars].

5. That I am not surety in any other matter *[or if a surety in any other matter state in what matter and to what amount].*

The contents of this affidavit are true and correct and I make it knowing that a person making a false affidavit may be prosecuted for the offence of perjury.

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

Surety’s signature

Before me: _____
Witness Full Name
Address
Qualification
A person authorised under section 19(1) of the *Oaths and Affirmations Act 2018* to take an affidavit.