

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

20 No.

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

AFFIDAVIT OF EXECUTOR

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

1. I am the abovenamed plaintiff.
2. I am seeking to obtain Probate of the Will of the abovenamed *[name]* late of *[address]* Victoria, *[occupation]* 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 death certificate]* 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 of Will]* 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: *[full name and current address of proving and non-proving Executors]*.
9. The Will was executed in the presence of *[name]* now of, *[current residential address]* and *[name]* now of *[current residential address]*.

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- 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. No other application has been made by me for a grant of representation in respect of the estate of the deceased.
- 13. If I obtain Probate 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.

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 _____ Plaintiff
at *[place]*
on *[date]*

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.