

# PROBATE OFFICE – LODGING FEE as at 1 July 2019



In the matter of the Will/Estate of \_\_\_\_\_ deceased.  
(Please complete)

Lodging fees payable on all applications for Probate and Administration are calculated on a sliding scale based on the sworn gross value of the Victorian estate. Applicants or their solicitors must complete this form by printing [X] in the appropriate box below.

The form together with the relevant fee must be presented at the Probate Counter when commencing a proceeding.

## Application for Probate and Administration:

For estates with a gross value less than \$500,000  
(fee \$62.20)

For estates with a gross value of \$500,000 or more but less than \$1 million  
(fee \$333.20)

For estates with a gross value of \$1 million or more but less than \$2 million  
(fee \$622.00)

For estates with a gross value of \$2 million or more but less than \$3 million  
(fee \$1,362.50)

For estates with a gross value of \$3 million or more  
(fee \$2,103.00)

\_\_\_\_\_  
Signed by Plaintiff or Solicitor

**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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**ORIGINATING MOTION FOR A GRANT OF  
LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED**

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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]*

E-mail: *[e-mail address]*

Tel: *[number]*

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This is an application by the abovenamed plaintiff for the grant by this Honourable Court of administration of the estate of the abovenamed deceased with the Will dated *[date]* annexed.

Particulars of this application are as follows:

(1) of the deceased

*[complete particulars]*

Surname:

Given Names:

In the Will called:

Last residential address:

Last known occupation:

Date and place of birth:

Date and place of death:

(2) of the plaintiff(s)

*[complete particulars]*

Surname:

Given names:

In the Will called:

Residential address:

Occupation:

Relationship to deceased:

This application is made by the plaintiff as *[set out the capacity in which the Plaintiff applies for example the sole beneficiary named in the said will]*

Signed by Plaintiff or Solicitor \_\_\_\_\_

**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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(3) of the plaintiff(s) *[complete particulars]*

- Surname:
- Given names:
- In the Will called:
- Residential address:
- Occupation:
- Relationship to deceased:

(4) of the plaintiff(s) *[complete particulars]*

- Surname:
- Given names:
- In the Will called:
- Residential address:
- Occupation:
- Relationship to deceased:

Signed by Plaintiff or Solicitor \_\_\_\_\_

*[The Originating Motion must be signed by the plaintiff, or their solicitor.  
Typewritten signatures are not acceptable. The second page of this originating motion is  
only necessary where there is more than one Plaintiff]*

**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 OF PUBLICATION OF NOTICE AND SEARCHES**

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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]*

E-mail: *[e-mail address]*

Tel: *[number]*

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

1. I am *[the deponent must be a person authorised under Rule 2.05(2) of the Supreme Court (Administration and Probate) Rules 2014]*.
2. I have this day made a search and found no Will of the deceased is deposited in the Office of the Registrar.
3. I have this day searched in the Office of the Registrar and found that:
  - (a) no caveat has been lodged in this matter;
  - (b) no application for Probate or Administration or for sealing of a foreign grant in this matter has been made to or been granted by this Court and no Election to Administer has been filed by a trustee company.
4. This application was fully advertised on the Supreme Court website on *[date of publication]*. Now produced and shown to me and marked "D" is the advertisement.

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]*

\_\_\_\_\_  
Plaintiff

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.

**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)

**ADVERTISEMENT EXAMPLE  
LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED**

This advertisement must be published on the Supreme Court Website www.supremecourt.vic.gov.au. Please read the guidance notes and view the transaction demonstration if using the probate online advertising website for the first time. The advertisement must be published on the Supreme Court website at least 14 clear days before the application is filed. Please note that the status of all executors named in the Will must be accounted for in the advertisement.

RE: [name] deceased.

Take notice that [name] the {set the character in which the Plaintiff applies. For example – the residuary beneficiary or as the case may be} named in the will of [name] deceased, late of [address], will 14 days after the date of publication of this advertisement apply to the Supreme Court of Victoria for a grant of administration of the estate with the will dated [date] annexed [name] the named executor having [set out the reason why the executor is not applying. For example – having renounced probate thereof or as the case may be].

Name, address and email address of Plaintiff or Solicitor

\* After publishing your advertisement online, you are required to print out the advertisement and write, stamp or type the exhibit note below onto your advertisement.

This is the Advertisement marked "D" referred to in the affidavit of [name] sworn on [date]

Before me:

Witness Full Name  
Address  
Qualification

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**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 OF ADMINISTRATOR**

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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]*

E-mail: *[e-mail address]*

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.

**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)

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]*
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 or nil]*
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.

**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)

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.

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]*

\_\_\_\_\_  
Plaintiff

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.

\_\_\_\_\_



**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)

**INVENTORY OF ASSETS AND LIABILITIES**

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]*

This is the Inventory marked "C" referred to in the affidavit of *[name]* sworn on *[date]*

Before me: \_\_\_\_\_  
Witness Full name  
Address  
Qualification

**VICTORIAN ASSETS**

REAL ESTATE

*[Address and title particulars. Property held by the deceased as a joint tenant should not be included]*

TOTAL OF REAL ESTATE: \$ *[amount]*

PERSONAL ESTATE

*[Describe each item sufficiently to identify it. For example, when listing bank accounts set out the names and addresses of the bank, account numbers and the holding at the date of death. The value of each item of property must be stated or, if the value is unknown, an estimate of value may be stated. It is not necessary to furnish evidence of value unless the Registrar so requires]*

TOTAL OF PERSONAL ESTATE: \$ *[amount]*

TOTAL VICTORIAN ASSETS: \$ *[amount]*

**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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*(brought forward)*

TOTAL VICTORIAN ASSETS: \$ [amount]

**ASSETS OUTSIDE VICTORIA**

REAL ESTATE

TOTAL OF REAL ESTATE: \$ [amount]

PERSONAL ESTATE

TOTAL OF PERSONAL ESTATE: \$ [amount]

TOTAL OF EX-VICTORIAN ASSETS: \$ [amount]

TOTAL GROSS VALUE: \$ [amount]

**LIABILITIES (*wherever situate*)**

*[State only known liabilities of the deceased at the date of death. It is not necessary to furnish evidence of the amount unless the Registrar so requires. As a general rule funeral, burial, cremation and testamentary expenses are incurred after death and accordingly would not be included as liabilities]*

TOTAL LIABILITIES: \$ [amount]

APPLICANT'S SIGNATURE: \_\_\_\_\_

**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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**ORDER OF THE REGISTRAR FOR A GRANT OF LETTERS OF ADMINISTRATION WITH  
THE WILL ANNEXED**

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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]*

E-mail: *[e-mail address]*

Tel: *[number]*

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ORIGINATING PROCESS: Originating Motion filed by the plaintiff on *[leave blank]*

HOW OBTAINED: Under Section 12(1) of the Administration and Probate  
Act 1958

ATTENDANCE: Nil

OTHER MATTERS: The Registrar is of the opinion that the Court would grant  
Letters of Administration with the Will annexed in this  
proceeding

THE REGISTRAR ORDERS THAT:

Letters of Administration with the will annexed of the estate of the abovenamed deceased  
are granted to *[name]* of *[address and occupation]* the *[state the basis of the entitlement to  
administration. For example – the residuary beneficiary or as the case may be]* the named  
executor having *[set out the reason why the executor is not applying. For example – having  
renounced probate thereof or as the case may be]*.

DATE MADE AND AUTHENTICATED: *[leave blank]*

REGISTRAR OF PROBATES

# In the Supreme Court of Victoria

## Probate Jurisdiction

In the Will and Estate of *[name]* late of *[residential address]*  
Victoria, *[occupation]*, deceased.

**Be It Known** that on

Letters of Administration with the Will annexed (a true copy of which is annexed) of the estate of the abovenamed deceased who died on *[date]* were granted to *[name]* of *[residential address]* Victoria, *[occupation]* the *[state the basis of the entitlement to administration. For example – the residuary beneficiary or as the case may be]* the named executor having *[set out the reason why the executor is not applying. For example – having renounced probate thereof or as the case may be]*.

**BY THE COURT -**

Parchments are to be printed on durable white paper of a paper weight between 135 gsm and 160 gsm. You can purchase parchment paper from the Law Institute of Victoria bookshop. Please delete this text before printing.

**REGISTRAR OF PROBATES**

ISSUED TO:  
*[Name and address of lodging party]*

Code: *[Solicitors code]*

**In the Supreme Court of Victoria**  
**Probate Jurisdiction**

**In the Will and Estate of** MICHAEL JOHN SMITH late  
of 210 William Street, Melbourne, Victoria, Horticulturalist, deceased.

**Be It Known** that on

Letters of Administration with the Will annexed (a true copy of which is annexed) of the estate of the abovenamed deceased who died on 1 January 2000 were granted to **JOAN ELIZABETH SMITH** of 210 William Street, Melbourne, Victoria, Medical Practitioner the residuary beneficiary named in the Will, **JAMES LAWRENCE SMITH** the named executor having predeceased the deceased.

**BY THE COURT -**

**EXAMPLE OF COMPLETED PARCHMENT**

**REGISTRAR OF PROBATES**

ISSUED TO:  
Joan Elizabeth Smith  
210 William Street  
Melbourne VIC 3000