

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

In the matter of the deceased estate of **John David Citizen** (in the will called **John Citizen**) (also known as **John Citizen**)

Application by **James Daniel Citizen** (in the will called **James Citizen**) and **Jane Danielle Citizen** (in the will called **Jane Citizen**)

Plaintiff(s)

AFFIDAVIT OF EXECUTOR

Date of document:	1 January 2020	Phone:	(03) 8600 2006
Filed by:	James Daniel Citizen 20 Fake Street, Melbourne, Victoria, 3000	Email:	jamesdanielcitizen@email.com

I, James Daniel Citizen (in the will called James Citizen), 20 Fake Street, MELBOURNE, Victoria, 3000, Doctor and Jane Danielle Citizen (in the will called Jane Citizen), 1 Fake Street, MELBOURNE, Victoria, 3000, Psychologist affirm/make oath and say that:

1. I am the abovenamed plaintiff.
2. I am seeking to obtain probate of the will of John David Citizen (in the will called John Citizen) (also known as John Citizen) late of 1 Fake Street, MELBOURNE, Victoria, 3000, Pensioner, deceased.
3. I am over the age of 18 years.
4. The deceased died on 1 May 2019 leaving property in Victoria; and I believe the deceased is the person referred to in the certified copy of death registration now produced and shown to me marked "A".
5. The deceased left a will executed on 1 January 2016 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 legally ended within the meaning of Section 16A(2) of the *Wills Act 1958* or Section 14(4) of the *Wills Act 1997*.
8. The executors appointed by the will are:

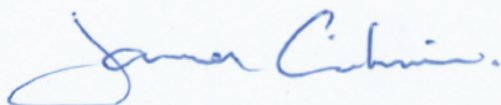
Proving:

James Daniel Citizen (in the will called James Citizen), 20 Fake Street, MELBOURNE, Victoria, 3000, Executor appointed in the will.

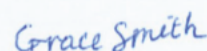
Jane Danielle Citizen (in the will called Jane Citizen), 1 Fake Street, MELBOURNE, Victoria, 3000, Executor appointed in the will.

Non Proving:

Sue Citizen, Leave reserved to apply later.
9. The will was executed in the presence of Jacinta Citizen, now of 25 Fake Street, GREENSBOROUGH, Victoria, 3088 and Graham Citizen, now of 6 Fake Street, ESSENDON, Victoria, 3040.







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10. The deceased left:
- Real estate in Victoria to the value of \$700,000.00
 - Personal estate in Victoria to the value of \$19,500.00
 - Real estate elsewhere to the value of \$500,000.00
 - Personal estate elsewhere to the value of \$210,234.00
 - Liabilities totalling \$212.00
11. Now produced and shown to me marked "C" is the inventory of 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/affirmed by:

James Daniel Citizen

at Melbourne

on 11/1/2020

Before me

Grace Smith

A person authorised under section 19(1) of the Oaths and Affirmations Act 2018 to take an affidavit.

Grace Smith
2-6 Fake Street, Melbourne,
Victoria, 3000.
An Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law
(Victoria)

Sworn/affirmed by:

Jane Danielle Citizen

at Melbourne

on 11/1/2020

Before me

Grace Smith

A person authorised under section 19(1) of the Oaths and Affirmations Act 2018 to take an affidavit.

Grace Smith
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Plaintiff(s)

CERTIFICATE IDENTIFYING EXHIBIT

Date of document:	1 January 2020	Phone:	(03) 8600 2006
Filed by:	James Daniel Citizen 20 Fake Street, Melbourne, Victoria, 3000	Email:	jamesdanielcitizen@email.com

This is the exhibit marked "A" now produced and shown to James Daniel Citizen and Jane Danielle Citizen at the time of swearing/affirming their affidavit on: 1/1/2020

Grace Smith

[Signature of authorised witness]

Grace Smith
2-6 Fake Street, Melbourne,
Victoria, 3000.
An Australian Legal Practitioner
within the meaning of the Legal Profession
Uniform Law (Victoria).

Grace Smith

[Signature of authorised witness]

Grace Smith
2-6 Fake Street, Melbourne,
Victoria, 3000.
An Australian Legal Practitioner
within the meaning of the Legal Profession
Uniform Law (Victoria).

James Daniel Citizen

[Signature of James Daniel Citizen]

[Signature of Jane Danielle Citizen]

Exhibit "A"

Certified copy of death registration

VICTORIA
AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1996

REGISTRATION NUMBER

11079/2020

DEATH CERTIFICATE - CAUSE OF DEATH

DECEASED	<p>Family name Given name Other given name(s) Also known as Date of death Place of death Date of birth / Age Sex Place of birth Place of residence Usual occupation Relationship status at death</p>	<p>CITIZEN John 01 May 2019 Royal Melbourne Hospital, Parkville 01 January 1950 / 69 Years Male Melbourne, Victoria 595 Collins Street Melbourne VIC 3000 Accountant Married</p>
RELATIONSHIP(S)	<p>Full name Place Year / Age</p>	<p>1) Marriage Sue CITIZEN Melbourne, Victoria 1960</p>
CHILDREN	<p>In order of birth names and ages</p>	<p>James 34 Years, Jane 30 Years</p>
PARENTS	<p>Full name Family name at birth (if different) Occupation Full name Family name at birth (if different) Occupation</p>	<p>Mary CITIZEN Accountant John CITIZEN Accountant</p>
MEDICAL	<p>Cause of death Duration of last illness</p>	<p>Heart failure 6 Hours</p>
	<p>Name of certifying Medical Practitioner or Coroner</p>	<p>Doctor CITIZEN</p>
BURIAL or CREMATION	<p>Date Place Funeral director</p>	<p>03 May 2019 Melbourne General Cemetery Funerals VIC</p>
INFORMANT	<p>Name</p>	<p>Sue CITIZEN</p>
REGISTRATION	<p>Date</p>	<p>25 May 2020</p>
ENDORSEMENT		<p>Not Any</p>

I certify this to be a true
copy of the original document
shown to me, this...².....day of
January 2020

Grace Smith
Grace Smith
2-6 Fake Street, Melbourne,
Victoria, 3000.
An Australian Legal Practitioner
within the meaning of
the Legal Profession
Uniform Law (Victoria)

THE BACK OF THIS DOCUMENT CONTAINS A HISTORY OF CHANGES OF NAME AND CORRECTIONS.
Before accepting copies, sight undated original. The original has a coloured background.

REGISTRY OF BIRTHS,
DEATHS AND MARRIAGES

I hereby certify that this is a true copy of particulars recorded in a
Register in the State of Victoria, in the Commonwealth of Australia.



MELBOURNE

15 June 2022

Nina O'Connor
Registrar

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Plaintiff(s)

CERTIFICATE IDENTIFYING EXHIBIT

Date of document:	1 January 2020	Phone:	(03) 8600 2006
Filed by:	James Daniel Citizen 20 Fake Street, Melbourne, Victoria, 3000	Email:	jamesdanielcitizen@email.com

This is the exhibit marked "B" now produced and shown to James Daniel Citizen and Jane Danielle Citizen at the time of swearing/affirming their affidavit on: 1/1/2020

Grace Smith
[Signature of authorised witness]

James Daniel Citizen
[Signature of James Daniel Citizen]

Grace Smith
2-6 Fake Street, Melbourne,
Victoria, 3000.
An Australian Legal Practitioner
within the meaning of the Legal Profession
Uniform Law (Victoria).

Grace Smith
[Signature of authorised witness]

Jane Danielle Citizen
[Signature of Jane Danielle Citizen]

Grace Smith
2-6 Fake Street, Melbourne,
Victoria, 3000.
An Australian Legal Practitioner
within the meaning of the Legal Profession
Uniform Law (Victoria).

Exhibit "B"

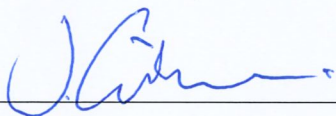
Will executed on 1 January 2016

This is the last will of **John Citizen** of 1 Fake Street, Melbourne, Victoria.

1. I revoke all wills and other testamentary dispositions that I have previously made.
2. I appoint **Sue Citizen, James Citizen** and **Jane Citizen** to be the executors and trustees of this will.
3. I give everything I own, wherever such assets may be, to **Sue Citizen** of 1 Fake Street, Melbourne, Victoria absolutely provided that they survive me by 30 days.
4. If **Sue Citizen** fails to survive me by 30 days, I give everything I own, wherever any such assets may be, to those of my children who survive me by 30 days and who reach the age of 18 years and, if more than one, as tenants in common in equal shares.

Dated **1 January 2016**

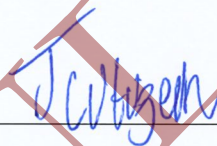
Signed by **John Citizen** in the presence of both of us being present at the same time and we attested their signature in the presence of them and each other.



John Citizen



Signature of first witness



Signature of second witness

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Plaintiff(s)

CERTIFICATE IDENTIFYING EXHIBIT

Date of document:	1 January 2020	Phone:	(03) 8600 2006
Filed by:	James Daniel Citizen 20 Fake Street, Melbourne, Victoria, 3000	Email:	jamesdanielcitizen@email.com

This is the exhibit marked "C" now produced and shown to James Daniel Citizen and Jane Danielle Citizen at the time of swearing/affirming their affidavit on: 1/1/2020

Grace Smith
[Signature of authorised witness]

James Daniel Citizen
[Signature of James Daniel Citizen]

Grace Smith
2-6 Fake Street, Melbourne,
Victoria, 3000.
An Australian Legal Practitioner
within the meaning of the Legal
Uniform Law (Victoria).

Grace Smith
[Signature of authorised witness]

Jane Danielle Citizen
[Signature of Jane Danielle Citizen]

Grace Smith
2-6 Fake Street, Melbourne,
Victoria, 3000.
An Australian Legal Practitioner
within the meaning of the Legal
Uniform Law (Victoria).

Exhibit "C"

Inventory of assets and liabilities

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Plaintiff(s)

INVENTORY OF ASSETS AND LIABILITIES

Date of document:	1 January 2020	Phone:	(03) 8600 2006
Filed by:	James Daniel Citizen 20 Fake Street, Melbourne, Victoria, 3000	Email:	jamesdanielcitizen@email.com

Victorian Assets

Real Estate

1 Fake Street, Melbourne, Victoria, 3000 (Certificate of Title Volume: 12345 Folio: 678) \$700,000.00

TOTAL OF REAL ESTATE: \$ 700,000.00

Personal Estate

Bank Account Commonwealth Bank, Melbourne BSB: 123 Account Number: 456789 \$7,500.00

Motor Vehicles Holden Commodore Registration: ABC 123 \$12,000.00

TOTAL OF PERSONAL ESTATE: \$ 19,500.00

TOTAL VICTORIAN ASSETS: \$ 719,500.00

Assets outside of Victoria

Real Estate

143 Fake Street, Sydney, NSW (Certificate of Title Volume: 98767 Folio: 231) \$500,000.00

TOTAL OF REAL ESTATE: \$500,000.00

Personal Estate

Bank Account Bank of Queensland, Brisbane BSB: 321 Account Number: 78907 \$210,234.00

TOTAL OF PERSONAL ESTATE: \$ 210,234.00

TOTAL OF ASSETS OUTSIDE OF VICTORIA: \$ 710,234.00

TOTAL GROSS VALUE OF ESTATE: \$ 1,429,734.00

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Liabilities (*wherever situate*)

Credit card Commonwealth Bank Credit Card- VISA	\$212.00
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TOTAL LIABILITIES: \$ 212.00

EXAMPLE
ONLY