

IN THE SUPREME COURT OF VICTORIA
IN ITS PROBATE JURISDICTION
TRUSTS, EQUITY AND PROBATE LIST

S PRB 20XX XXXXX

IN THE MATTER of the deceased estate of **NAME**

APPLICATION BY:

FULL NAME(S)

Plaintiff(s)

GENERAL FORM OF ORDER

JUDICIAL REGISTRAR:

DATE MADE:

ORIGINATING PROCESS: Originating motion filed **[date]**

HOW OBTAINED: On return of the **plaintiff(s)’ summons** filed **[date]**

ATTENDANCE: No appearances; orders made on the application of the plaintiff(s) pursuant to r 1.14(2)(b) of the *Supreme Court (General Civil Procedure) Rules 2025 (the Rules)*

OTHER MATTERS:

The below is sample text only, please edit as appropriate.

- A. **[Name] (the deceased) died on [date] leaving a will dated [date].**
- B. **On [date], this proceeding was commenced seeking a grant of probate of the will.**
- C. **The Court is informed that [full name] was named as plaintiff in this proceeding in error.**
- D. **On [date], the plaintiff(s) filed the plaintiff(s)’ summons seeking the [removal] of the [first name] as a party.**
- E. **The solicitors on record for the plaintiff(s) are [firm name] (a firm).**
- F. **In support of plaintiff(s)’ summons, [name] of [firm name] has deposed to the circumstances giving rise to the error and consented to an order that the firm pay the costs of the plaintiff(s)’ summons, without any recourse to the estate.**

G. The Court has read the affidavits filed in this proceeding as at [date] and the exhibits thereto.

H. This order is signed by the Judicial Registrar pursuant to r 60.02(1) of the *Rules*.

THE COURT ORDERS THAT:

1. Pursuant to r 9.06(a) of the *Rules*, [full name] be removed as a plaintiff and the title to the proceeding be amended accordingly.
2. Within 14 days of the date of authentication of these orders and pursuant to r 9.11 of the *Rules*, the remaining plaintiff(s) file an amended originating motion so amended as to give effect to order 1 of these orders.
3. The hearing listed for [date] is vacated.
4. The solicitors on record for the plaintiff(s) pay the costs of the plaintiff(s)' summons, without any recourse to the estate.
5. The plaintiff(s) summons be otherwise dismissed.
6. The proceeding be referred to the Registrar of Probates for determination.

DATE AUTHENTICATED:

[insert]

Lawyers for the plaintiff(s)

Notes on this template:

- *All material in support of the application is to be on affidavit and filed on Redcrest-Probate prior to seeking these orders.*