

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]** and **summons for revocation** filed **[date]**

HOW OBTAINED: On return of the **summons for revocation**

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]**.
- B. On **[date]**, a **grant** of **[insert details]** was made to the plaintiff(s) in this proceeding.
- C. By the summons for revocation, the plaintiff(s) now seek for the grant to be revoked on the grounds that the deceased left **[later] testamentary document(s)** (the **revocation application**).
- D. The plaintiff(s) depose that the **[later] testamentary document(s)** were discovered **[brief summary of circumstances giving rise to the discovery.]**
- E. A new application for a grant of representation of the **[later] testamentary document(s)** has been commenced, being **[S PRB #####]** (the **new application**).
- F. The Court is informed that the new application now awaits the outcome of the revocation application.

- G. The plaintiff(s) have given notice of this application to [names]. The Court is satisfied that there are no other persons or entities adversely impacted by this application for whom notice is required.
- H. The solicitors on record for the plaintiff(s) are [firm name] (a firm).
- I. [optional, please see the below notes regarding costs] By way of affidavit filed in this proceeding, [name] of [firm name] has consented to an order that the firm pay the costs of this proceeding, without any recourse to the estate.
- J. The Court has read the affidavits filed in this proceeding as at [date] and the exhibits thereto.
- K. By orders of the Honourable Justice [name] made [date], the proceeding was referred to the Judicial Registrar for hearing and determination.
- L. This order is signed by the Judicial Registrar pursuant to r 60.02(1) of the *Rules*.

THE COURT ORDERS THAT:

1. The grant of [insert] made to the plaintiff(s) on [date] be revoked and the Registrar of Probates shall cancel such grant.
2. The hearing listed for [date] is vacated.
3. [cost orders]

DATE AUTHENTICATED:

[insert]

Lawyers for the plaintiff(s)

Notes on this template:

- *This template has been prepared for revocation of an electronic grant of representation only.*
- *Where a revocation is sought on the basis of the discovery of testamentary document(s) and the existence those documents ought reasonably have been discovered by way of ‘routine’ searches (such as title and ancillary searches of real estate of the deceased) prior to the initial application for the grant, the Court is to be addressed on whether the practitioner/firm who prepared the initial application*

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Drafting notes are in blue font.**

ought bear the costs of seeking that the grant be revoked as a preliminary consideration.

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