

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

S PRB [*Application No.*]

In the matter of the deceased estate of [*name*]

Application by:

[*Plaintiff's name*]

Plaintiff(s)

**AFFIDAVIT BY INDEPENDENT WITNESS PROVIDING EVIDENCE AS TO DOMESTIC
PARTNER RELATIONSHIP**

Date of document:

Filed on behalf of the Plaintiff

Prepared by: [*name and
address of lodging party*]

Ref: [*solicitors only*]

CODE: [*solicitors only*]

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

Tel: [*number*]

Guidance for completing this affidavit

This affidavit should be completed by a person who knew the deceased and the person claiming to be the deceased's domestic partner.

This affidavit should only include things that you personally saw, heard or experienced. Do not include information that is based only on what another person told you or things that you assume to be true. Give specific examples and dates if you can.

If you heard the deceased or the partner say something that is relevant, explain when and where you heard it and who else was present.

Complete the information requested wherever you see words in square brackets []. Before the document is signed, remove this guidance section and any instructions or examples in the document.

Complete only the parts in paragraph 5 that you can give evidence about from your own personal knowledge. Delete any part that does not apply.

I, [*insert your name and address*], [*occupation*] affirm/make oath and say that:

1. I knew [*insert full name of the deceased*] ("the deceased") since approximately [*date*] and have known [*insert full name of the partner*] ("the partner") since approximately [*date*].

2. I am *[relationship to deceased/partner]*.
3. Between approximately *[date]* and *[date]* I had regular contact with the deceased and the partner, usually *[frequency of contact e.g. on a weekly basis]*.
4. I saw them in a variety of settings including *[detail whether social occasions/family gatherings/at their home/workplace/community activities]*.
5. During the period that I knew them, I personally observed the following matters concerning their relationship:
 - (a) Living arrangements: *[Describe any occasions when you visited their home. Explain what you saw that made you believe they lived together]*.
 - (b) Social and public aspects of the relationship: *[Describe occasions when you saw them together as a couple at family events, social events or in public]*.
 - (c) Family relationships: *[Describe any interactions you observed involving children, stepchildren or other family members]*.
 - (d) Care and support provided to each other: *[Describe occasions on which you observed them provide care or support to one another (for example, during illness, appointments, family difficulties or daily life)]*.
 - (e) Household and domestic arrangements: *[Describe any household activities you observed them undertaking together (for example, shopping, cooking, cleaning, maintaining the home or caring for pets)]*.
 - (f) Other observations relevant to their relationship: *[Provide details]*.
6. The facts set out above are matters that I personally observed or experienced.

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
the deponent
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.