

**Common Form 66 - ORDER FOR POSTPONEMENT OF REALISATION
OF REAL ESTATE**

Judicial Officer(s): The Honourable Justice
His/Her Honour Judge
[Master of the Supreme Court]

Date of application:[DD/MM/YYYY]

Application made by:[Party] [Name]

Date(s) of hearing [if any][DD/MM/YYYY]

Date of order:[DD/MM/YYYY]

Appearances:Solicitor/Counsel for the Plaintiff(s)
.....Solicitor/Counsel for the Defendant(s)
.....Solicitor/Counsel for [Other Parties]

Recitals [if any]:

[By consent] **THE COURT ORDERS that:**

1. Until the determination of this order or an order is made for the realisation and administration of the real estate of [Name] late of [Address] [Occupation] deceased the Plaintiff may:
 - (a) postpone the realisation of the real estate of the deceased namely the land comprised in Certificate of Title Register Book Volume [No] Folio [No] (the land) until the infant child (ren) of the deceased shall [all] have attained the age of 18 years.
 - (b) occupy the dwelling house erected on the land as a home for *herself/himself* and the infant child (ren) of the deceased.
2. During the continuance of this order the Plaintiff shall:
 - (a) insure the premises presently erected upon the land to their full insurable value against loss or damage by fire storm and tempest;
 - (b) maintain the premises in good and substantial repair and condition;
 - (c) duly and punctually pay and discharge all rates taxes charges and other outgoings accruing due in respect of the land; and
 - (d) pay the premiums necessary for keeping and maintaining the improvements insured in accordance with the provisions of this order.
3. By way of security for the share of the infant child (ren) in the estate of the deceased the Plaintiff do, forthwith upon the making of this order, deposit with Public Trustee the duplicate

Certificate of Title in relation to the land and the policy or policies of insurance issued in respect of the premises.

- 4. The Plaintiff as administrator of the estate of the deceased be not bound by Section 65 of the Administration and Probate Act 1919 as regards the land unless and until this order is determined pursuant to paragraph 1 hereof.
- 5. Upon the deposit of the duplicate Certificate of Title any surety to the bond given to Public Trustee upon the granting of Letters of Administration by this Court to the plaintiff be discharged.
- 6. Service of the summons on all persons in existence having any beneficial interest in the estate of the deceased or the subject matter to which the summons relates be dispensed with.
- 7. The sum of \$[Amount] the Plaintiff's costs of the application be paid out of the estate of the deceased.
- 8. The Plaintiff, Public Trustee and any other person interested may apply for further orders and directions.

[Other text, if applicable]

[Fit for counsel, if applicable]

[Reproduction of Court Seal] This order is authenticated by.....
for Registrar

Computer File Reference.....