



PRACTICE NOTE 1 of 2020

(published pursuant to Rule 5(12) of the *Probate Rules 2015*)

Supplementary Probate Rules 2015

1. The Forms incorporated into the Uniform Civil Rules 2020 are **not** to be used for applications filed with the Probate Registry.
2. **The Forms in the Supplementary Probate Rules 2015 are still to be applied.**
3. If you require a sealed order, the Form titled “Order – Supreme Court of South Australia Testamentary Causes Jurisdiction” is to be used.
4. If you require an interlocutory application for matters in the Testamentary Causes Jurisdiction, the Form titled “Interlocutory Application – Supreme Court of South Australia Testamentary Causes Jurisdiction” is to be used.
5. Both Forms can be downloaded from the Courts Administration Authority website.

Registrar of Probates

ORDER

SUPREME COURT OF SOUTH AUSTRALIA
TESTAMENTARY CAUSES JURISDICTION

PROB-XX-XXXXXX

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

In the Estate of **[NAME OF DECEASED]** (Deceased)

[NAME]
First Applicant

[NAME]
First Respondent

[NAME]
First Interested Party

Hearing

Hearing Location: *[suburb]*
[Hearing date]

[Presiding Officer]

Appearances

[Applicant/Appellant Appearance Information]
[Respondent Appearance Information]
[Interested Party Appearance Information]

Recitals

[Notes from Record of Outcome]

Date of Order:

Terms of Order

It is ordered that:
Orders in separately numbered paragraphs.

1.

Warning below only displayed if wholly or partly non-monetary order

To the parties against whom orders are made: WARNING

If you disobey this order, you will be in **contempt of court** and liable to **imprisonment and/or a fine** or other punishment and any other person who knows of this order and does anything that helps or permits you to disobey this order may be similarly punished.

Court use only

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Registrar

INTERLOCUTORY APPLICATION

SUPREME COURT OF SOUTH AUSTRALIA
TESTAMENTARY CAUSES JURISDICTION

PROB-XX-XXXXXX

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

In the Estate of **[NAME OF DECEASED]** (Deceased)

[NAME]
First Applicant

[NAME]
First Respondent

[NAME]
First Interested Party

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor If any	Law Firm	Solicitor

Application Details

Mark appropriate sections below with an 'x'

This Application is for
Nature of application in one sentence

If applicable
This Application is made under
Act and section or other particular provision

The above named party seeks the following orders:
Orders sought in separately numbered paragraphs
1.

This Application is made on the grounds set out in the accompanying affidavit sworn by *[full name]* on *[date]*.

If applicable
This application is urgent on the grounds set out in the accompanying affidavit sworn by *[full name]* on *[date]*.

If applicable
This application is by consent. The consent is evidenced as attached.

If applicable
This application is made ex parte because:
Grounds

To the other parties: WARNING

This Application will be considered at a hearing at a date and time to be set by the Court.

If you wish to oppose the application or make submissions about it:

- **you must attend the hearing** and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders **you must file and serve on all parties an affidavit at least 2 days before the hearing date** unless ordered otherwise.

If you do not do so, **orders may be made against you** without further warning including orders as to costs.

Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

[] Supporting Affidavit (mandatory)

[] If other additional document(s) please list them below:

Note to Parties

There are usually cost penalties for making an unsuccessful application or resisting a successful application.