

EXECUTOR'S OATH AFTER PRONOUNCING FOR A WILL IN SOLEMN FORM

SUPREME COURT OF SOUTH AUSTRALIA
TESTAMENTARY CAUSES JURISDICTION

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

I, [full name, address, postcode and occupation of deponent], [swear on oath / do truly and solemnly affirm] that:

- 1 [Name of deceased] late of [address and postcode] deceased ("the deceased") died at [suburb] [postcode] on [date] aged [number] years.
- 2 The deceased made and duly executed their last will and testament dated [date] [or as the case may be] ("the will") and thereof appointed me executor.
- 3 On [date] the Honourable [Justice/Associate Justice [Surname]] in action [file number] pronounced for the force and validity of the will a true copy of the sealed order being annexed and marked "A".
- 4 I believe the testamentary document now produced to and marked by me to contain the will of the deceased.
- 5 I am [relationship to deceased] of the deceased and the executor as described in the will.
- 6 I will:
 - (a) collect, get in, and administer according to law the estate of the deceased; and
 - (b) if required to do so by the Court, produce to the Court a full statement and account of my administration of the estate.
- 7 The deceased died possessed of assets in the State of South Australia.

[Sworn/Affirmed] by the abovenamed deponent at [place and postcode] on [date].

.....
[signature of deponent(s)]

before me

.....
[signature of authorised witness]
[print name of witness]
[print title of authorised witness]
[ID number of witness]

Notes

- 1 The oath must clear off other persons having a prior entitlement to the grant – see rule 356.2(4) and rule 356.3 of Chapter 25 of the *Uniform Civil Rules 2020*.

Form PROB22

- 2 The oath must include a deposition reciting any grant of letters of administration pendente lite that issued during the course of the substantive proceedings.
- 3 Where an application for a grant of letters of administration is made following a judgment in a probate action pronouncing against the force and validity of a document purporting to be the last will of the deceased, the details of the order must be recited in the oath and a true copy of the order must be annexed to the oath.