**OATH OF ADMINISTRATOR
*PENDENTE LITE***

SUPREMECOURT OF SOUTH AUSTRALIA

TESTAMENTARY CAUSES JURISDICTION

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

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

1 [*Full name of the deceased*] late of [*address and postcode*] died at [*suburb*] [*postcode*] on [*date*] aged [*number*] years (“the deceased”).

2 There is now pending in the Court an Action (“the Action”) [*file number*] concerning the validity of the will of the deceased dated [*date*].

3 By order of the Honourable[*Justice [Surname] / Associate Justice [Surname] / Registrar of Probates*] dated [*date*] it was ordered that letters of administration of the estate of the deceased be granted to me pending the Action. A true copy of the sealed order is annexed and marked “A”.

4 Pending the Action I will:

(a) under the control and direction of this Court collect, get in and administer according to law the estate of the deceased and will not distribute the estate;

(b) if required to do so by the Court, produce to the Court a full statement and account of my administration of the estate;

(c) if required to do so by the Court, deliver up to the Court any prior grant that may have issued in this action;

(d) deliver at the office of Public Trustee of the State of South Australia within six calendar months from the date of administration being granted to me a statement and account verified by my declaration of all the estate of the deceased and of my administration of such estate pending the Action.

5 The deceased died possessed of assets in the State of South Australia as disclosed on the Electronic System.

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

……………………………………..

[*signature of* *deponent*]

before me ……………………………………..

[*signature of authorised witness*]

[*print name of witness*]

[*print title of authorised witness*]

[*ID number of witness*]

**Notes**

1 The application seeking an order for the appointment of an administrator pendente lite is to be made in the substantive Action involving the determination of the validity of the will.

2 If the order obtained contains any limitations, then the form of oath must be varied accordingly.

3 Refer section 92(2) of the *Succession Act 2023* (SA) regarding the inclusion of standard deposition 4(c) in the oath. The oath may need to be varied accordingly.

4 The grant of administration ceases on the determination of the substantive Action and not upon the issue of a grant in substitution.