

OATH OF ADMINISTRATOR *PENDENTE LITE*

SUPREME COURT 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]

Form PROB23

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.

