**AFFIDAVIT WHERE NO AFFIDAVIT OF DUE EXECUTION CAN BE OBTAINED**

SUPREMECOURT OF SOUTH AUSTRALIA

TESTAMENTARY CAUSES JURISDICTION

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

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

1. [*I / We*], the applicant[*s*] for a grant of [*probate / administration*] in the estate of [*name of deceased person*] late of [*address and postcode*] deceased (“the deceased”) [*a copy of the document*] dated [*date*] [*being annexed and marked “A” / the document dated [date] being now produced to me and marked “A”*]

2. [*If applicable*] A grant application in the estate of *[name of deceased person]* deceased was lodged by *[me / us]* in the capacity stated in that application*.*

3. [*Indication that evidence of due execution of the document is not available and why (e.g. both subscribing witnesses have since passed away / cannot be identified / found)*].

4. [*Identify the will and signature and handwriting (if applicable) of the testator*].

5. [*Confirm marital status or relationship status of deceased as at date of death – married / widowed / divorced / registered relationship under Relationships Register Act 2016* (SA) */ domestic partner under Family Relationships Act 1975* (SA)]

6. [*Recite who would be entitled in distribution under Part 5 of the Succession Act 2023* (SA) *had the deceased died intestate*].

7. [*Confirm if the distribution of the estate would be the same if the document were not admitted*].

[*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*]

**Note**

1 See rule 356.6(4) and rule 356.6(5) of Chapter 25 of the *Uniform Civil Rules* *2020*.