

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

SUPREME COURT OF SOUTH AUSTRALIA  
TESTAMENTARY CAUSES JURISDICTION

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

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[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*.