

**SOUTH AUSTRALIA  
IN THE SUPREME COURT  
TESTAMENTARY CAUSES JURISDICTION**

**In the Estate of A.B. deceased**

I [full name, address and occupation of deponent] SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM [delete whichever is inapplicable] THAT:

- 1 A.B. late of [address] deceased died intestate [clear off all persons having a prior entitlement to the grant using the appropriate wording contained in the Table to rule 11(7)].
- 2 I am a [here describe the applicant as in rule 14] of the deceased\*.
- 3 [(If it is the case) The other person/people entitled in distribution is/are (use name and relationship to show entitlement)].
- 4 I will:
  - (a) collect, get in and administer according to law the estate of the deceased;
  - (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 the grant of administration;
  - (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.
- 5 The deceased died at ..... on ..... 20... aged ..... years.
- 6 The deceased died possessed of assets in the State of South Australia [where the deceased died before 1 July 1987, add: as disclosed in the annexed inventory and annex Form 54].

Sworn/Affirmed [delete whichever is inapplicable]

by the abovenamed deponent

at *[place]*

on *[date]*

.....

*(signature of deponent)*

before me

.....

*(signature and title of attesting witness)*

*[print name of witness]*

*[print title of attesting witness]*

*[ID number of witness]*

**\*Note**

If a parent of the deceased is described as the “only” person entitled, evidence must be given as to the death of the other parent during the lifetime of the intestate.

## Modifications of Form 44

- (a) ***Oath for administration to surviving spouse where there are other persons entitled to share in the estate by virtue of section 72G(1)(b)(i)(B) and/or section 72H(2) of the Act***

[Heading]

I [full name, address and occupation of deponent] SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM [delete whichever is inapplicable] THAT:

- 1 A.B. late of [address] deceased died intestate.
- 2 I am the [widow] [widower] and one of the persons entitled to share in the estate of the deceased.
- 3 I will: [complete as in Form 44].

- (b) ***Oath for administration to surviving spouse where the value of the intestate estate does not exceed the prescribed amount and there is no domestic partner entitled to share in the estate by virtue of section 72H(2) of the Act but there are issue who may become entitled to share in the estate under section 72G(1)(b) of the Act in the event of an accretion to the estate resulting in the value of the intestate estate exceeding the prescribed amount***

[Heading]

I [full name, address and occupation of deponent] SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM [delete whichever is inapplicable] THAT:

- 1 A.B. late of [address] deceased died intestate.
- 2 I am the [widow] [widower] and the only person now entitled to the estate of the deceased.
- 3 I will: [complete as in Form 44].

### Note

“Prescribed amount” is defined in section 72G(2) of the Act

- (c) ***Oath for administration to surviving spouse who under section 72G(1)(a) of the Act is entitled to the whole of the estate - there being no domestic partner entitled to share in the estate under section 72H(2) of the Act***

[Heading]

I [full name, address and occupation of deponent] SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM [delete whichever is inapplicable] THAT:

- 1 A.B. late of [address] deceased died intestate.
- 2 I am the [widow] [widower] and only person entitled to the estate of the deceased.
- 3 I will: [complete as in Form 44].

**(d) Oath for administration to domestic partner where the deceased is survived by a spouse and/or issue**

[Heading]

I (full name, address and occupation of deponent) SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM (delete whichever is inapplicable) THAT:

- 1 A.B. late of [address] deceased died intestate.
- 2 By an order dated the ..... day of ..... 20.. made by the ..... Court at ..... under the *Family Relationships Act 1975*, I was declared the domestic partner of the deceased as at the date of his [her] death (a true copy of the sealed order being annexed hereto and marked "B").
- 3 I am the domestic partner and one of the persons entitled to share in the estate of the deceased.
- 4 I will: [complete as in Form 44].

**(e) Oath for administration where the value of the intestate estate does not exceed the prescribed amount - son or daughter applies on renunciation of surviving spouse**

[Heading]

I [full name, address and occupation of deponent] SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM [delete whichever is inapplicable] THAT:

- 1 A.B. late of [address] deceased died intestate leaving C.D. his [her] widow [widower] and the only person now entitled to the estate who has renounced letters of administration of the estate of the deceased.

2 I am a son [daughter] of the deceased and a person who may become entitled to share in the estate of the deceased in the event of an accretion thereto.

3 I will: [complete as in Form 44].

### Note

“Prescribed amount” is defined in section 72G(2) of the Act

**(f) Oath for administration where the value of the intestate estate exceeds the prescribed amount - son or daughter applies on renunciation of surviving spouse**

[Heading]

I [full name, address and occupation of deponent] SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM [delete whichever is inapplicable] THAT:

1 A.B. late of [address] deceased died intestate leaving C.D. his [her] widow [widower] and one of the persons entitled to share in the estate who has renounced letters of administration of the estate of the deceased.

2 There is no person adjudged under the *Family Relationships Act 1975*, to have been a domestic partner of the deceased as at the date of his [her] death.\*

3 I am the son [daughter] and one of the persons entitled to share in the estate of the deceased.

4 I will: [complete as in Form 44].

### Notes

\* This deposition is required in order to clear off the prior entitlement of a domestic partner to the administration of the estate.

“Prescribed amount” is defined in section 72G(2) of the Act

**(g) Oath for administration to child or other issue having beneficial interest**

[Heading]

I [full name, address and occupation of deponent] SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM [delete whichever is inapplicable] THAT:

1 A.B. late of [address] deceased died intestate a [widow] [widower] without any other person entitled in priority to share in her [his] estate by virtue of any enactment.

2 I am a son [daughter] and only person entitled to the estate [or one of the persons entitled to share in the estate] of the deceased.

or

2 I am a grandson [granddaughter] (being the son [daughter] of E.F., son [daughter] of the intestate who died in the lifetime of the intestate) and the only person entitled to the estate [or one of the persons entitled to share in the estate] of A.B. deceased.

3 I will: [complete as in Form 44].

**Note**

Where the applicant's title to the administration depends upon establishing paternity the application should be supported by evidence of the claim to the relationship. Refer to section 7 of the *Family Relationships Act 1975*.

**(h) Oath for administration to adopted child**

[Heading]

I [full name, address and occupation of deponent] SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM [delete whichever is inapplicable] THAT:

1 A.B. late of [address] deceased died intestate a widower without any other person entitled in priority to share in his estate by virtue of any enactment.

2 By an order dated ..... 20... made by the Court at ..... under the *Adoption of Children Act 1966*, [or as the case may be] I was duly adopted by the deceased and E.F. his wife and that the said order is still subsisting, a certified extract under the hand and seal of the Principal Registrar of Births, Deaths and Marriages relating to the adoption [or as the case may be] is annexed and marked "B".

3 I am the son [or daughter] and only person entitled to the estate [or one of the persons entitled to share in the estate] of the deceased.

4 I will: *[complete as in Form 44]*.

**(i) Oath for administration to child where the deceased has died divorced**

*[Heading]*

I *[full name, address and occupation of deponent]* SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM *[delete whichever is inapplicable]* THAT:

1 A.B. late of *[address]* deceased died intestate a divorced man *[a divorced woman]* without any other person entitled in priority to share in his *[her]* estate by virtue of any enactment.

2 The marriage between the said A.B. deceased and X.Y. was dissolved by order of the Family Court of Australia *[or the Federal Magistrates Court or the Federal Circuit Court or as the case may be]* made on ..... 20... . A true copy of the order is annexed and marked "B".

3 The deceased did not subsequently remarry.

4 I am a son *[or daughter]* and the only person entitled to the estate *[or one of the persons entitled to share in the estate]* of the deceased.

5 I will: *[complete as in Form 44]*.

**(j) Oath for administration to father or mother**

*(Heading)*

I *[full name, address and occupation of deponent]* SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM *[delete whichever is inapplicable]* THAT:

1 A.B. late of *[address]* deceased died intestate a widower *[widow]* *[single person]* *[\*divorced man]* *[\*divorced woman]* without issue or any other person entitled in priority to share in his *[or her]* estate by virtue of any enactment.

2 I am the father *[mother]* and only person entitled to the estate *[or, where both parents of the deceased are living, one of the persons entitled to share in the estate]* of the deceased.

3 I will: *[complete as in Form 44]*.

## Notes

- \*1 If the deceased died intestate divorced see paragraphs 2 and 3 in modification (i) above for the additional wording required in the oath.
- \*2 Where the applicant's title to the administration depends upon establishing paternity, see note to modification (g) above.

### (k) *Oath for administration to brother or sister*

[*Heading*]

I [full name, address and occupation of deponent] SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM [*delete whichever is inapplicable*] THAT:

- 1 A.B. late of [address] deceased died intestate a widower [widow] [single person] [divorced man\*] [divorced woman\*] without issue or a parent or any other person entitled in priority to share in his [or her] estate by virtue of any enactment.
- 2 I am a brother [sister] and the only person entitled to the estate [*or as the case may be*] of the deceased.
- 3 I will: [*complete as in Form 44*].

## Note

\*If the deceased died intestate divorced see paragraphs 2 and 3 in modification (i) above for the additional wording required in the oath.



**Form 44**

**Oath of administrator**

**SOUTH AUSTRALIA  
IN THE SUPREME COURT  
TESTAMENTARY CAUSES JURISDICTION**

**In the Estate of A.B. deceased**

I [*full name, address and occupation of deponent*] SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM [*delete whichever is inapplicable*] THAT:

- 1 A.B. late of [*address*] deceased died intestate [*clear off all persons having a prior entitlement to the grant using the appropriate wording contained in the Table to rule 11(7)*].
- 2 I am a [*here describe the applicant as in rule 14*] of the deceased\*.
- 3 [*If it is the case*] The other person/people entitled in distribution is/are (*use name and relationship to show entitlement*).
- 4 I will:
  - (a) collect, get in and administer according to law the estate of the deceased;
  - (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 the grant of administration;
  - (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.
5. The deceased died at ..... on ..... 20... aged ..... years.
- 6 The deceased died possessed of assets in the State of South Australia [*where the deceased died before 1 July 1987, add: as disclosed in the annexed inventory and annex Form 54*].

Sworn/Affirmed [*delete whichever is inapplicable*]

by the abovenamed deponent

at [*place*]

on [*date*]

.....  
(signature of deponent)

before me

.....  
(signature and title of attesting witness)

[print name of witness]

[print title of attesting witness]

[ID number of witness]

**\*Note**

If a parent of the deceased is described as the “only” person entitled, evidence must be given as to the death of the other parent during the lifetime of the intestate.