

**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 grant of [probate of the will (and codicil or codicils)] [letters of administration with the will annexed of the estate] [letters of administration of the estate] [*or as the case may be*] of A.B. late of [as in grant] deceased who died aton 20... aged years was granted to me by the Supreme Court of the State of at on 20...
- 2 The deceased was at the time of his [her] death domiciled in within the jurisdiction of the said Court [*the last seven words to be struck out if inapplicable*].
- 3 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 of attesting witness*)

[*print name of witness*]

[print title of attesting witness]

[ID number of witness]

Notes

- 1 If the deceased was not at the date of his/her death domiciled within the State in which the original grant was made, the oath must address rule 50(5).
- 2 If an executor predeceased the testator or died since the death of the testator without having taken a grant of probate or has renounced probate it must be so sworn in the oath.
- 3 If the grant was made to two or more executors one of whom has since died the death of the deceased executor must be sworn to in the oath.
- 4 If it is sought to re-seal a grant where the deceased held no property in South Australia except as trustee then the capacity in which the property is so held must be disclosed in the oath.
- 5 An application to re-seal a grant of probate made after the death of the executor to whom it has been granted by his executor will be accepted provided that probate of the will of the deceased executor has been granted or re-sealed in South Australia. The oath in this instance must fully disclose all the events that have happened so that the title of the executor of the deceased executor to re-seal his testator's grant is thereby established.

Modifications to Form 52

(a) ***Oath by attorney of executor or administrator authorised to apply for the sealing of the grant***

[Heading]

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

- 1 A grant of probate of the will [or as the case may be] of A.B. late of [as in grant] deceased who died at on 20... aged years was granted to C.D. by the Supreme Court of the State of at on 20...
- 2 The deceased was at the time of his [her] death domiciled in within the jurisdiction of the said Court [the last seven words to be struck out if inapplicable].
- 3 I am the attorney appointed by C.D. (which appointment has not to the best of my knowledge information and belief been revoked) and am duly authorised to apply to this Court for the sealing of the grant.
- 4 To the best of my knowledge 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].

Notes

- 1 A copy of the power of attorney must be lodged with the application.
- 2 For a form of power of attorney, see Form 59.

(b) ***Oath by a practitioner authorised in writing to apply on behalf of the executor or administrator***

[Heading]

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

- 1 A grant of probate of the will [or as the case may be] of A.B. late of [as in grant] deceased who died at on 20... aged years was

granted to C.D. by the Supreme Court of the State of at
on 20...

2 The deceased was at the time of his death domiciled in within the jurisdiction of the said Court [*the last seven words to be struck out if inapplicable*].

3 I am the person authorised in writing by C.D. to apply on his [her] behalf for the sealing of the grant. The authority is annexed and marked "A". I believe that the signature to the authority is of the proper handwriting of C.D. and that such authority has not been revoked.

4 To the best of my knowledge 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*].

(c) *If leave has been reserved in the grant to another executor to apply for probate the following words must be inserted at the end of paragraph 1:*

"Leave being reserved for G.H. the other executor to apply for probate",

and the following additional deposition must be made in the oath:

"2 That no grant of double probate has been made by the Supreme Court of to the aforesaid executor to whom leave was reserved to apply for probate."