

**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 I am [we are] the applicant[s] for a grant of probate [administration] in the estate of A.B. late of [*address*] deceased.
- 2 To the best of my [our] knowledge information and belief the Statement annexed hereto and marked "A" is a true statement of the assets and liabilities of the deceased wherever situated known to me [us] at the time of making this application.

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 Assets

- A Assets of the deceased situated in South Australia must be shown in the Statement under the heading “*Assets within South Australia*”. If there are assets situated outside South Australia then these assets must be shown separately under the heading “*Assets outside South Australia*”, and the location of such assets must be given. It is sufficient for the purposes of satisfying this requirement that the location of the asset be identified by the State or Territory (if situated within the Commonwealth of Australia) or the name of the country (if situated outside the Commonwealth of Australia).
- B Where the deceased was not at the date of death domiciled in Australia disclosure is only required in respect of assets situated in Australia and liabilities that are a charge on those assets or which arose in Australia – Refer to section 121A(2a) and 7(a) of the Act
- C The known or estimated market value of each asset must be given in the Statement. The value to be given is the gross value at the date of death, provided that where the deceased died more than 12 months before the date of the application for a grant the gross value as at the date of application is to be used. If the asset has not been valued by a licensed valuer or is not otherwise fixed (e.g. cash in a bank account) then the source of the estimated value must be disclosed, e.g.:

(furniture) “*executor’s estimated value.....\$8,000.00*”
(shares) “*value as per (name of newspaper and date)*”

or

“*value as per information
supplied by company secretary\$ 447.68*”

If the asset has been valued by a licensed valuer that value together with the name of the valuer must be disclosed, e.g.:

(real estate) “*Valuer-General’s valuation.....\$85,000.00*”
(antiques) “*(name of licensed valuer)
valuation\$15,000.00*”

It is not necessary to furnish evidence of values unless the Court or the Registrar under rule 76 so directs.

- D The assets disclosed should be listed and identified in the Statement under the headings and sub-headings below and in the order in which they are given **but the Statement should not show a heading or a sub-heading if the deceased did not have property of that description**. The headings and sub-headings are:
- a Real Estate
(state title reference and address)
- b Personal Estate

- (1) Refund of accommodation bond or licence to occupy
(supply particulars of provider, location of accommodation and amount due)
- (2) Leasehold property
(supply particulars of property and name of lessor, expiry date, etc.)
- (3) Property held on Crown Licence
(supply details, e.g. licence no., expiry date, etc.)
- (4) Rents due or accrued
(indicate property and state rental period for which rents are due or accrued)
- (5) Furniture, household effects, watches, jewellery
(supply known or estimated total value of the above and indicate where situated)
- (6) Motor vehicles and boats
(supply details, e.g. make, registration no., etc.)
- (7) Money in hand, home or other premises
(give particulars and amounts)
- (8) Money in Bank, *Building Society, Credit Union or Financial Institution, fixed and other deposits, loans secured and unsecured
(give name and location of bank, account no., and balance as at date of death)

[***Note:** money in a share account in a Building Society may be treated as a deposit for the purpose of disclosure]

- (9) Life assurance policies and bonuses
(state name of company, policy no., and amount due or surrender value)
- (10) Shares (listed and unlisted), options or convertible notes in Companies
(state name of company, number and class of shares, etc.)
- (11) Stapled securities (listed and unlisted)
(state name of stapled security, number of securities and other details including basis of valuation)
- (12) Inscribed stock, bonds and debentures, unsecured notes, units in unit trusts, and futures and other similar contracts
(supply details)
- (13) Annuities
(supply details including name of fund manager and basis of valuation)
- (14) Mortgages (plus accrued interest)
(state name of mortgagor, registered number (if registered), property over which secured and amount due)
- (15) Debts due to the deceased, worker's compensation and similar entitlements
(supply details of debt, etc)

[**Note:** where there is a bare chose in action, such as a claim for damages, the details must be stated but no value should be

ascribed to the chose in action and the statement of assets and liabilities should include an undertaking to make such disclosure. If the claim subsequently succeeds and a definite money figure is obtained an affidavit complying with rule 8(2) must be lodged.]

- (16) Property held in trust for the deceased, property and investment trusts, money in off-shore accounts, off-shore trusts and off-shore investments (supply details)
- (17) Interest in deceased estate
(state name and date of death of deceased person and name of trustee(s) and nature of interest)
- (18) Rural assets:
[**Note:** under this heading use general descriptions where possible]
 - (a) Crops, growing or harvested
(supply details and known or estimated value)
 - (b) Wool
(supply details, e.g. number of bales of wool on hand and/or amount due from sale thereof, also entitlement to wool market support refunds [if any])
 - (c) Grain in pools
(supply details, e.g. identify pool, the quantity of grain held in pool and known or estimated value)
 - (d) Grain on hand, seed, fertilizers and sundries
(supply details)
 - (e) Fruit on hand or in store
(supply details)
 - (f) Bulk handling tolls
(supply details of tolls standing to the credit of the deceased)
 - (g) Livestock
(supply details, e.g. number and description)
 - (h) Farming implements, plant and equipment
(supply a brief but not detailed summary of items)
- (19) Interest in a farming partnership or as a share farmer
(advise the deceased's interest at date of death in partnership or as share farmer)
- (20) Interest in a partnership or joint venture
(supply details)
- (21) Plant, machinery, tools and equipment
(supply a brief but not detailed summary of items)
- (22) Trade, business or profession
(advise nature of trade etc., and provide known or estimated values of business assets)
- (23) Salary, wages, commissions, director's fees and payments in lieu of leave or other benefits

(supply name of employer or company, give details of benefits)

- (24) Taxation credits
(supply details, e.g. Provisional Tax, group certificates, etc.)
- (25) Entitlement under a medical benefits or hospital fund (including refund of contributions)
(supply details)
- (26) Superannuation (if payable to the estate)
(supply details)
- (27) Property over which the deceased had a general power of appointment exercised by his will
(supply details)
- (28) Other property not included above e.g. library, paintings, coins and stamps, antiques and other collectables, gold and silver in specie, etc.
(supply full details of all other personal chattels and effects)

2 Liabilities

- A Liabilities must be listed in the Statement under the headings “secured” or “unsecured”.
- B The amount of each liability must be stated (with a brief description) or, if the amount is not known, an estimate of the amount must be stated. It is not necessary to furnish evidence of values unless the Court or the Registrar under rule 76 so directs.
- C Funeral expenses should not be disclosed – such expenses are not a liability of the deceased.

3 Balance of the estate

State the balance at the end of the Statement as follows:

Summary of Assets and Liabilities

Assets	\$ _____
Liabilities	\$ _____
Net Estate disclosed	\$ _____

- 4 Property held by the deceased as joint tenant should not be included in the Statement.
- 5 Accretions to the estate arising out of an asset existing at the date of death should not be disclosed (see section 121A(7)(b) of the Act).
- 6 Property held by the deceased as trustee for which evidence of disclosure is required may be included in the Statement under the heading “Property held in trust by the deceased” but the value of such property must not be included in the value of the estate assets.
- 7 The following is an example of the form in which the statement is to be prepared:

“A”
STATEMENT OF ASSETS AND LIABILITIES
of the estate of A.B. late of [address] deceased

	Estimated or known value (see Note 1C above)
A Assets within South Australia	\$
(1) Real estate	
An estate in fee simple in the whole of the land comprised in Certificate of Title Register Book Volume Folio situate at [address of property] Valuer-General's valuation	500,000.00
<i>or</i>	
An estate in fee simple in one undivided moiety in the whole of the land comprised in Certificate of Title Register Book Volume Folio situate at [address of property] Valuer-General's valuation for the whole of the real estate \$500,000.00	
Value of deceased's one undivided moiety	\$250,000.00
(2) Personal estate	
Refund of accommodation bond from Resthaven	
Original accommodation bond	\$380,000.00
Less portion unpaid	200,000.00
Less retention 5 months @ \$318	1,590.00
Less interest	5,219.44
Total to be repaid	173,190.56
Plus prepaid maintenance fees	710.32
Plus balance of personal account	232.95
	\$174,133.83
(3) Furniture and household effects contained in the dwelling house at[address] Executor's estimated value	8,000.00
(4) Motor Vehicles Sedan (Registration No) Executor's estimated value	7,000.00
(5) Money in hand	200.00
(6) Money in Bank, Building Society, etc.	
(a) Current account [name of bank] at [e.g. Glenelg] Branch, A/c No	1,800.00

	Estimated or known value (see Note 1C above)
(b) Savings Account [<i>name of bank</i>] at [e.g. Glenelg] Branch, A/c No	
- Balance as at date of death	5,620.11
(c) Building Society [<i>name of building society</i>] at [e.g. Adelaide] Branch, A/c No.	
- Balance as at date of death	8,721.00
(7) Life assurance policy and bonuses [<i>name of company</i>] Policy No.	
Amount due	16,000.00
(8) Shares in Companies	
300 ordinary .50c shares in [<i>name of company</i>]	\$210.00
198 ordinary \$2.00 shares in [<i>name of company</i>]	\$237.68
Market value as per [<i>name of newspaper and date</i>]	447.68
(9) Taxation Credits	
Provisional Tax in respect of financial year ending 30 th June	200.00
(10) Medical Benefits	
Medibank Private - Refund of contributions	20.00
(11) Other property not included above	
(a) contents of Safe Deposit Box No [<i>name of Bank, Trustee Co. etc</i>] at [<i>address</i>]	
2 Gold ingots	\$1,000.00
3 Austrian Ducats	200.00
6 Gold sovereigns	300.00
10 Elizabethan sovereigns	200.00
1 Silver ingot	300.00
	<u>\$2,000.00</u>
Value as per	
(b) 2 oil paintings by [<i>name</i>] on loan to [<i>name of gallery</i>]	\$2,000.00
Value as per	
(c) Stamp collection in the possession of [<i>name and address</i>]	\$1,000.00
Value as per	
	5,000.00

		Estimated or known value <i>(see Note 1C above)</i>
B Assets outside South Australia		
(1)	Shares in companies 1,000 ordinary \$1.00 shares in [name of company] Market value as per [ASX (or <i>name of newspaper or as the case may be</i>) and date]	<u>1,400.00</u>
	Total value of assets	<u>\$\$\$\$\$\$\$\$\$\$</u>
C Liabilities		
1 Secured		
(1)	Memorandum of Mortgage No registered over Certificate of Title Volume Folio Mortgagee [name]	
	- Principal	\$35,000.00
	- Accrued Interest	3,000.00
		38,000.00
2 Unsecured		
(1) (motor vehicle repairs)	300.00
(2) (credit card)	700.00
(3) (personal loan)	2,200.00
		<u>3,200.00</u>
	Total value of liabilities	<u>\$41,200.00</u>
D Summary of Assets and Liabilities		
	Assets	\$\$\$\$\$\$\$\$\$\$
	Liabilities	<u>41,200.00</u>
	Net Estate disclosed	<u>\$\$\$\$\$\$\$\$\$\$</u>