

Common Form 59 – ORDER CONFERRING POWER OF SALE

(Section 59B Trustee Act)

Judicial Officer(s): The Honourable Justice
His/Her Honour Judge
[Master of the Supreme Court]
Master

Date of application:[DD/MM/YYYY]

Application made by:[Party] [Name]

Date(s) of hearing [if any]:[DD/MM/YYYY]

Date of order:[DD/MM/YYYY]

Appearances:Solicitor/Counsel for the Plaintiff(s)
.....Solicitor/Counsel for the Defendant(s)
.....Solicitor/Counsel for [Other Parties]

Recitals [if any]:

[By consent] **THE COURT ORDERS that:**

1. Power be conferred on the Plaintiff (s) as trustee (s) of the Will of [Full Name, Address and Late Occupation] deceased pursuant to section 59B of the Trustee Act 1936 to sell by public auction or private contract for such price and upon such terms as the trustee(s) may deem expedient the land comprised in Certificate of Title Register Book Volume [No] Folio [No] together with the improvements thereon.
2. Subject to the payment of the costs provided for by this order the Plaintiff (s) hold the residue of the moneys arising from the sale upon the same trusts and subject of the same powers and provisions in all respects as those contained in the Will of the deceased concerning such trust property.
3. The costs of all parties of and incidental to the application in this matter be taxed or agreed as between solicitor and client and paid out of the net proceeds of sale.
4. The parties may apply for further orders and directions.

[Other text, as appropriate]

[Fit for counsel, if appropriate]

[Reproduction of Court Seal] This order is authenticated by.....
for Registrar

Computer File Reference.....