File No:

(Court Use Only)

**Form 27** | Affidavit

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| **AFFIDAVIT** |

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| **LAND COURT FILE NUMBER:** |
| Click to enter file number. |

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| --- |
| **In the matter of:** |
| **Applicant** / **Appellant name:** |
| |  | | --- | | Click to enter applicant / appellant. | |
| **v** |
| **Respondent’s name:** |
| |  | | --- | | Click to enter respondent. | |

|  |
| --- |
| **DETAILS:** |
| **Affidavit by:** |
| |  | | --- | | Click to add full name. | |
| **Sworn/Affirmed on:** |
| |  | | --- | | Click to enter a date. | |

| **INDEX OF AFFIDAVIT:[[1]](#footnote-1)** | | |
| --- | --- | --- |
| (To add additional rows, please click the plus button on the bottom right hand corner of the table to add additional documents to the list) | | |
| **Document Number** | **Document Name** | **Number of Pages** |
| Click to enter text. | Click to enter text. | Click to enter text. |

***Footnotes are to assist in the completion of this form and should be deleted once complete.***

| **AFFIDAVIT** |
| --- |

I, **[insert full name]**, of **[insert residential or business address],** **[insert occupation or other description]**, state on oath / do solemnly and sincerely affirm and declare that:

1. I am etc.
2. Exhibit A to this affidavit is etc.
3. Please enter your text in this space using numbered paragraphs.

***If the affidavit extends over more than one page, at the foot of the first and every other page:***

|  |  |
| --- | --- |
| …………………………………………..  **Click to select whether you are the Deponent or a Substitute Signatory** | …………………………………………..  Witness |

|  |
| --- |
| **This document is SWORN/AFFIRMED\* by:** *(\*please select whether sworn or affirmed)* |
| **Full Name (of deponent / substituted signatory):** *(\*please select whether you are the deponent or a substituted signatory)* |
| |  | | --- | | Click to enter name. | |
| **Location (of deponent):** |
| |  | | --- | | Click to enter location. | |
| **Description (of deponent):** |
| |  | | --- | | Click to enter text. | |
| **Date:** |
| |  | | --- | | Click to enter a date. | |
| *(this form may be signed via digital ID in the space provided below, otherwise please print the form and sign it by hand)*  **Click to select who the signatory is** |
|  |
| **IN THE PRESENCE OF:** |
| **Full Name (of witness):** |
| |  | | --- | | Click to enter name. | |
| **Type of witness:[[2]](#footnote-2)** |
| |  | | --- | | Click to select the type of witness. | |
| **Name of law practice / witness’s place of employment\*:[[3]](#footnote-3)** *(\*please delete if not applicable)* |
| |  | | --- | | Click to enter name. | |
| **Date:** |
| |  | | --- | | Click to enter a date. | |
| *(this form may be signed via digital ID in the space provided below, otherwise please print the form and sign it by hand)* |
|  |

| **DEPONENT’S DECLARATION:** |
| --- |
| **I have read, understood and declare the following:** |
| The contents of this affidavit are true and correct. Where the contents of this affidavit are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief and, if contained in a document, I have attached that document to this affidavit.  I understand that it is a criminal offence to provide a false matter in an affidavit, for example, the offence of perjury under section 123 of the Criminal Code. |
| **I state that:** |
| This affidavit was made in the form of an electronic document.[[4]](#footnote-4)  This affidavit was electronically signed.[[5]](#footnote-5)  This affidavit was made, signed and witnessed under part 6A of the *Oaths Act 1867.[[6]](#footnote-6)* |
| **WITNESS’S DECLARATION:** |
| ***If the deponent is unable to sign the affidavit:*** |
| |  |  | | --- | --- | |  | I certify that this affidavit was read in the presence of the deponent who seemed to understand it, and signified that they made the affidavit.[[7]](#footnote-7) | |  | I certify that this affidavit was read in the presence of the deponent who seemed to understand it, and signified that they made the affidavit, but was physically incapable of signing it.[[8]](#footnote-8) | |  | A substitute signatory signed for and at the direction of the deponent.[[9]](#footnote-9) | |
| ***For special witnesses only:*** |
| |  |  | | --- | --- | |  | I am a **special witness** under the *Oaths Act 1867*. *(see section 12 of the Oaths Act 1867)* | |  | This affidavit was made in the form of an electronic document.[[10]](#footnote-10) | |  | This affidavit was electronically signed.[[11]](#footnote-11)  This affidavit was made, signed and witnessed under part 6A of the *Oaths Act 1867* – I understand the requirements for witnessing a document by audio visual link and have complied with those requirements.[[12]](#footnote-12) | |

| **CERTIFICATE OF EXHIBIT:** |
| --- |
| Bound and marked **A – Z** are the exhibits in this affidavit ofClick to add full name sworn / affirmed on  Click to enter a date.   |  |  | | --- | --- | | …………………………………………..  **Click to select whether you are the Deponent or a Substitute Signatory** | …………………………………………..  Witness  ***(\*the same person who witnessed the affidavit)***  Click to select the type of witness. | |

| **INDEX OF EXHIBITS:[[13]](#footnote-13)** | | |
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| (To add additional rows, please click the plus button on the bottom right hand corner of the table to add additional documents to the list) | | |
| **Document Number** | **Document Name** | **Number of Pages** |
| Click to enter text. | Click to enter text. | Click to enter text. |

| **PROCEDURE FOR FILING** | | |
| --- | --- | --- |
| You or your representative must file this **Affidavit** in the Land Court. Please submit this completed **Affidavit**, which may be sent via email to [landcourt@justice.qld.gov.au](mailto:landcourt@justice.qld.gov.au) or: | | |
| In Person:  **Land Court Registry**  Level 8  363 George Street  BRISBANE QLD 4000 | By Post:  **The Registrar**  Land Court Registry  GPO Box 5266  BRISBANE QLD 4001 | By Fax:  **The Registrar**  Land Court Registry  (07) 3738 7434 |

1. If you are **not** filing this affidavit electronically, you may delete this section. If you are filing this affidavit electronically, please see r 435(12) for what must be included in this index. [↑](#footnote-ref-1)
2. Insert the witness’s capacity that makes them eligible to witness the affidavit, including as a special witness under section 16C or part 6A of the *Oaths Act 1867*. For example, Australian legal practitioner, lawyer, justice of the peace, commissioner for declarations, notary public, a justice of the peace or commissioner for declarations approved by the Chief Executive under section 12(2) of the *Oaths Act 1867*, government legal officer, etc. [↑](#footnote-ref-2)
3. For example, the name of the law practice for the Australian legal practitioner, the name of the government department of the government legal officer, the name of the law practice for a justice of the peace who witnesses documents for a law practice, etc. [↑](#footnote-ref-3)
4. Tick this box if you electronically signed the document or if you physically signed the document over audio visual link and then sent a scanned copy of that document to the witness. [↑](#footnote-ref-4)
5. Tick this box if you or your substitute signatory electronically sign the document using an accepted method under the *Oaths Act 1867.* Do not tick this box if you signed the document on paper. [↑](#footnote-ref-5)
6. Tick this box if the affidavit was made over audio visual link. [↑](#footnote-ref-6)
7. Tick this box if you consider that the deponent is incapable of reading the affidavit and the affidavit was read or otherwise communicated to the deponent in accordance with *Uniform Civil Procedure Rules 1999*, rule 433(1). Note that if you tick this box, the only signature on this affidavit should be your signature. [↑](#footnote-ref-7)
8. Tick this box if you consider that the deponent is physically incapable of signing the affidavit and the affidavit was read or otherwise communicated to the deponent in accordance with *Uniform Civil Procedure Rules 1999*, rule 433(2). Note that if you tick this box, the only signature on this affidavit should be your signature. [↑](#footnote-ref-8)
9. Tick this box if the deponent directed a substitute signatory to sign for them. [↑](#footnote-ref-9)
10. Tick this box if you electronically signed the document or if you physically signed the document and sent a scanned copy of that document to the deponent. [↑](#footnote-ref-10)
11. Tick this box if you electronically sign the affidavit using an accepted method under the *Oaths Act 1867.* Do not tick this box if you signed the affidavit on paper. [↑](#footnote-ref-11)
12. Tick this box if the affidavit was made over audio visual link. [↑](#footnote-ref-12)
13. If you are filing this affidavit electronically, you may delete this section. If you are **not** filing this affidavit electronically, please see r 435(9)-(11) for what must be included in this index. [↑](#footnote-ref-13)