SUPREME COURT OF QUEENSLAND

REGISTRY: *(Place)*

NUMBER:

In the [Will/Will and Codicil/Estate of] (*name of deceased including any aliases in which assets are held)* deceased

Last address: *(insert last address of deceased)*

[Address in will – if different]: *(insert address in will)*

**AFFIDAVIT TO BE USED WHEN THE WILL IS NOT DATED AND NO ONE CAN DEPOSE TO THE ACTUAL DATE OF EXECUTION**

*(Full name of deponent)* of *(residential or business address)[[1]](#endnote-1)* states on oath [or: solemnly and sincerely affirms and declares]:

1. I am the sole executor [or as the case may be] named in the document purporting to be and contain the last will of the deceased, who died at (*as per certificate of death*) on or about *(date),* a clear copy of which is exhibit # to this affidavit.
2. The will begins with the words *(insert opening words of will)* and ends with the words *(insert closing words of will)* and is signed by *(name of deceased)*.
3. I refer to the fact that the blank spaces originally left in the will for the insertion of the day and month of the date of signing have never been supplied [or that the will is without date (or as the case may be)].
4. I have made inquiry of (*name*), the solicitor of the deceased, and I have also made a diligent and careful search in all places where the deceased usually kept his/her papers of importance and in his/her place of safe custody, in order to ascertain whether the deceased had or had not left any other will. I have been unable to discover any other will.
5. I believe that the deceased died without having left any will, codicil, or testamentary paper whatsoever, later than the will a clear copy of which is exhibit # to this affidavit.

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

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|  |  |
| --- | --- |
| …………………………………………..  Deponent | …………………………………………..  Witness |

***At the end of the body of the affidavit:***

***[If this affidavit is being sworn in accordance with the Oaths Act 1867 requirements before a special witness (either remotely and/or using electronic signature/s) DO NOT USE the contents below. INSTEAD use Form 001A Special Witness Jurat for Uniform Civil Procedure Rules 1999 forms.] \****

***\*delete instructions***

|  |
| --- |
| **The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.**  **I understand that a person who provides a false matter in an affidavit commits an offence.** |

|  |  |  |  |
| --- | --- | --- | --- |
| **SWORN / AFFIRMED** by    …………………………………….  [insert full name of deponent]  at……………………………….  [insert place where deponent is located] | )  )  )  )  )  )  )  ) | …………………………………….  [signature of deponent]  …………………………………….  [date] |  |

|  |  |  |
| --- | --- | --- |
| **BEFORE ME:**  …………………………………….  [insert full name of witness]  …………………………………….  [insert type of witness][[2]](#endnote-2)  …………………………………….  [insert witness’s place of employment]\*[[3]](#endnote-3)  *\*delete if not applicable* | )  )  )  )  )  )  )  )  )  )  )  ) | ..………………………………….  [signature of witness]  …………………………………….  [date] |

[who certifies that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit. (*If required: see R. 433(1)*]*.*

[who certifies that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit, but was physically incapable of signing it. *(If required: see R.433(2)*]*.*

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

1. If more than one deponent, continue with the name, address and description of each other deponent. [↑](#endnote-ref-1)
2. Insert the witness’s capacity that makes them eligible to witness the affidavit under s16A Oaths Act 1867. For example, lawyer, justice of the peace, commissioner for declarations [↑](#endnote-ref-2)
3. For example, the name of the law practice for the lawyer, 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 [↑](#endnote-ref-3)