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 Of Plight & Condition & Finding**

*(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 the last will of the deceased, who died at (*address as per certificate of death)* on or about the *(date),* a clear copy of which is exhibit # to this affidavit*.*
2. The will is dated (*date*).
3. 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).*
4. *(Recite the finding of the will, and the various obliterations, interlineations, erasures, and alterations (if any) and the general plight and condition of the will, or any other matters requiring to be accounted for, and clearly trace the will from the possession of the deceased in his or her lifetime up to the time of making the affidavit).*
5. The will is now in all respects in the same state, plight, and condition as when it was found (*or as the case may be*).

***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)