SUPREME COURT OF QUEENSLAND

REGISTRY:

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 Supporting Probate Application**

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

1. A clear copy of the true and original last will [and codicil] of the deceased, the original of which is filed herewith, is the document which is exhibit ## to this affidavit.
2. The deceased died at *(address as per certificate of death)* on (*date*) leaving an estate in Queensland.
3. The deceased’s certificate of death is exhibit ## to this affidavit.
4. *(Where the cause of death or other evidence suggests lack of testamentary capacity)* [To the best of my knowledge, information and belief, the deceased had testamentary capacity at the time of executing his/her will.] *(If the deponent is aware of any circumstance which might give rise to any apparent doubt as to testamentary capacity, that circumstance must be disclosed)*.
5. [The marriage between the deceased and the applicant has not been dissolved or annulled].

[The civil partnership between the deceased and the applicant has not been terminated or found to be void].

[The de facto relationship between the deceased and the applicant had not ended].

1. I am/we are identical with *(name/s)* named as executor/s in the will [and codicil] *(or as the case may be, explaining why persons with a prior claim are not applying).*
2. I know of no other matter which might bear on my standing as a fit and proper person to realise and administer the estate as required by the *Succession Act 1981* and the *Uniform Civil Procedure Rules 1999*.

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

Page 1

|  |  |
| --- | --- |
| …………………………………………..  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)