

CONTENTS

1. LIFTING THE VEIL OF MYSTIC ON LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED AND ON INTESTACY	1
2. LETTERS OF ADMINISTRATION WITH WILL ANNEXED	3
INTRODUCTION	3
REASONS THAT NECESSITATE THIS TYPE OF APPLICATION	3
<i>Refer Appendix A – Rule 27.25 Circumstances which lead to necessity for this type of application ...</i>	3
<i>No executor named in the will.....</i>	3
<i>Predeceased the will-maker – survived the will-maker but died before obtaining a grant of probate.</i>	3
<i>Renounced their right and title to probate of the will</i>	3
<i>Mentally incapable of applying for a grant of probate</i>	3
<i>Refer Appendix B – Ideal appointment clause in will.....</i>	4
<i>The named executor cannot be found.....</i>	4
<i>The named executor fails or refuses to apply for a grant of probate and refuses to renounce</i>	4
<i>The named executor is a minor</i>	4
ENTITLEMENT TO THE GRANT	5
THE APPLICATION	5
<i>Form PR1AA</i>	5
<i>Refer Appendix D – Precedent form of application.....</i>	5
<i>Paragraph 1</i>	5
<i>Paragraph 2 – The grounds</i>	6
THE AFFIDAVIT	6
<i>Form PR2</i>	6
<i>Paragraphs 1-5</i>	6
<i>Paragraph 6</i>	6
<i>Paragraph 7</i>	6
<i>Paragraph 8</i>	6
<i>Paragraph 9</i>	6
<i>Paragraph 10</i>	6
<i>Paragraphs 11-12</i>	6
<i>Paragraphs 13-15</i>	7
<i>Paragraph 16</i>	7
<i>Paragraph 17</i>	7
<i>Paragraphs 18-20</i>	7
<i>Paragraph 21</i>	7
<i>Paragraph 22</i>	7
THE EXHIBIT NOTE ON THE WILL AND OTHER	7
<i>Refer Appendix F – Precedent form of exhibit note for will and other.....</i>	7
THE SEALED ORDER	8
<i>Refer Appendix G – letters of administration with will annexed – form PR8.....</i>	8
3. LETTERS OF ADMINISTRATION ON INTESTACY.....	9
INTRODUCTION	9
ENTITLEMENT TO THE GRANT	9
THE APPLICATION	10
<i>Form PR1AA</i>	10
<i>Refer Appendix J – Precedent form of application.....</i>	10
<i>Paragraph 1</i>	10
<i>Paragraph 2</i>	11
<i>Paragraph 3</i>	11
<i>Paragraph 4</i>	11
4. THE AFFIDAVIT	13
FORMS PR3 TO PR 6	13
<i>Forms</i>	13
5. STATUS OF CHILDREN ACT INQUIRIES.....	15
SUBSEQUENT MARRIAGE.....	15

<i>Search of Registrar-General's records</i>	15
<i>Further inquiries</i>	16
DISPENSING WITH THE MAKING OF THE INQUIRIES	16
<i>No useful purpose would be served</i>	16
<i>Undue delay</i>	16
<i>Immediate grant of administration required</i>	16
<i>Appendix O – extract from Dobbie explaining effect of sections</i>	16
<i>Swearing to faithfully administer the estate</i>	16
<i>Appendix P – paragraph in affidavit swearing to administer estate</i>	17
EVIDENTIAL MATTERS PERTAINING TO THE SPECIFIC RELATIVE.....	17
<i>Refer Appendix K – Affidavit by spouse civil union partner or de facto partner – PR3</i>	17
<i>Relationship with deceased still exists at time of death</i>	17
<i>Choice of option A or B under s 61 of the Property (Relationships) Act 1976</i>	17
<i>Refer Appendix Q – [Form of choice of option]</i>	17
<i>Refer Appendix L – affidavit by child of deceased – PR4</i>	18
<i>Refer Appendix M – affidavit for grant of letters of administration to parent of deceased PR5</i>	18
<i>Refer Appendix N – affidavit for grant of letters of administration to brother or sister of deceased PR6</i>	18
<i>Effect of separation/Matrimonial agreement on intestacy</i>	18
<i>Consents of other beneficiaries</i>	19
<i>Refer Appendix R – form of consent</i>	19
<i>Refusal to give consent</i>	19
<i>Dispensing with notice or consent</i>	19
<i>Application for grant of administration to stranger</i>	19
6. APPENDIX A – 27.25 CIRCUMSTANCES WHICH AFFECT THE APPOINTMENT OF THE NAMED EXECUTOR	23
7. APPENDIX B – IDEAL APPOINTMENT CLAUSE IN WILL	25
8. APPENDIX C – 27.26 PRIORITY OF POTENTIAL ADMINISTRATORS FOR PURPOSE OF RULE 27.25	27
9. APPENDIX D – APPLICATION FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED	29
10. APPENDIX E – AFFIDAVIT FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED	35
11. APPENDIX F – EXHIBIT NOTE FOR WILL	43
OTHER DOCUMENTARY EXHIBITS.....	43
12. APPENDIX G – THE SEALED ORDER	45
13. APPENDIX H – 77 SUCCESSION TO REAL AND PERSONAL ESTATE ON INTESTACY	51
14. APPENDIX I – 27.35 ORDER OF PRIORITY FOR GRANT IN CASE OF INTESTACY	55
15. APPENDIX J – APPLICATION WITHOUT NOTICE FOR LETTERS OF ADMINISTRATION	57
16. APPENDIX K – AFFIDAVIT BY SPOUSE CIVIL UNION PARTNER OR DE FACTO PARTNER – PR3	61
17. APPENDIX L – AFFIDAVIT FOR GRANT OF LETTERS OF ADMINISTRATION TO CHILD OF DECEASED – PR4	67
18. APPENDIX M – AFFIDAVIT FOR GRANT OF LETTERS OF ADMINISTRATION TO PARENT OF DECEASED PR5	71
19. APPENDIX N – AFFIDAVIT FOR GRANT OF LETTERS OF ADMINISTRATION TO BROTHER OR SISTER OF DECEASED PR6	75
20. APPENDIX O – EXTRACT FROM DOBBIE EXPLAINING EFFECT OF SECTIONS	79
DOBBIE PARAGRAPH 34.13.....	79
DOBBIE PARAGRAPH 34.13.....	80

21.	APPENDIX P – PARAGRAPH IN AFFIDAVIT SWEARING TO ADMINISTER ESTATE.	81
22.	APPENDIX Q – NOTICE OF CHOICE OF OPTION.....	83
23.	APPENDIX R – FORM OF CONSENT.....	87