

# **INFORMATION RE DOCUMENTS TO BE FILED**

## **FOR LETTERS OF ADMINISTRATION**

Pursuant to Practice Direction 1 of 2020 (Electronic Filing in Civil Proceedings Temporary Arrangements) at paragraph 25, dispenses with the requirement for publication, where the notice is filed electronically with the Registry of the Supreme Court of the NT.

Where a notice required to be published under rule 88.09(1) of the Rules is electronically filed, the Proper Officer must publish the electronic notice on the Court's website as soon as practicable after the notice is filed. Please send notice to [ProbateOfficer.NT@nt.gov.au](mailto:ProbateOfficer.NT@nt.gov.au).

The application cannot be lodged until two weeks have elapsed from the date of the publishing the notice.

Before coming to the Supreme Court to lodge the application, you must contact the Public Trustee's Office (Tel no: 8999 7271) to check that they do not have a will made out by the deceased, even if you know that they do not have one it is still a requirement as you will be swearing on oath that you have done so.

This information is not intended to be a substitute for legal advice. This information is designed to help you with a simple application for a letters of administration. This information does not cover all the various situations that can arise when applying for a letters of administration and the information and documents that may be required in the application may vary from case to case.

The forms in this application will need to be downloaded and edited to insert relevant information and to delete any instructions or inapplicable words before printing. They must be printed out, signed and witnessed as necessary, and lodged at the Registry with the payment form.

There is a filing fee for this application, please contact the Probate Officer to find out the current filing fee.

If you are unsure of whether you need to, or are entitled to, apply for a grant of probate in the Northern Territory, please seek legal advice from a qualified solicitor.

For any general queries, please call the Probate Officer on **(08) 8999 6562 - Darwin** or **(08) 8951 5727 - Alice Springs** or [ProbateOfficer.NT@nt.gov.au](mailto:ProbateOfficer.NT@nt.gov.au).

Furthermore, there are additional requirements set out in Practice Direction 1 of 2020. Please see link below.

[https://supremecourt.nt.gov.au/\\_data/assets/pdf\\_file/0007/810187/Practice-Direction-1-of-2020-amended-Electronic-Filing-in-Civil-Proceedings-Temporary-Arrangements.pdf](https://supremecourt.nt.gov.au/_data/assets/pdf_file/0007/810187/Practice-Direction-1-of-2020-amended-Electronic-Filing-in-Civil-Proceedings-Temporary-Arrangements.pdf)

## **IMPORTANT DISCLAIMER**

**Registry staff cannot help complete forms or examine documents prior to filing and provide any legal advice. It is recommended that you seek the services of a qualified and independent legal professional to ensure the proper finalisation of any estate.**

# INFORMATION RE DOCUMENTS TO BE FILED

Please note the information below:

- Please ensure that you print out the prescribed forms single sided on A4 paper.
- If the deceased died more than six months ago then an **Affidavit of Delay** will be required giving reasons for the delay.
- The back sheet is the page within the forms where the text appears to right side from the centre fold of the page. See page 3 of the forms. The back sheet of all documents has to state the applicant's name, address and telephone number which must be in the Northern Territory. If the applicant resides interstate then the address must be care of an agent in the NT.
- If the deceased was by known by a different name this must be referenced throughout application including the NT News advertisement. The "*also known as*" name can be found on the back page of the death certificate. Please listed as follows eg. "**JOHN SMITH** also known as **JOHNNY SMITH**".
- Affidavits are required to be signed in the presence of an authorised witness such as a Justice of the Peace or Commissioner for the Oaths.
- Consent to Administration must be signed by a relative living in the Territory who is entitled but is not applying for a grant of administration. The Affidavit of Witness to Consent is sworn by the person who witnessed the consent being signed. We only need Consent to Administration from relatives living in the Territory such as mother, father, brother, sister etc.

# **INFORMATION RE DOCUMENTS TO BE FILED**

## **THE DOCUMENTS TO BE FILED ARE:**

### **APPLICATION**

#### **AFFIDAVIT OF DEATH**

- Please provide a certified copy of the death certificate. Please annex the copy of the death certificate to this affidavit.
- If the deceased was by known by a different name this must be referenced throughout application including the NT News advertisement. The “*also known as*” name can be found on the back page of the death certificate.  
Please listed as follows eg. “**JOHN SMITH** also known as **JOHNNY SMITH**”.

#### **AFFIDAVIT OF APPLICANT**

#### **AFFIDAVIT OF IDENTITY**

#### **AFFIDAVIT OF ASSETS AND LIABILITES**

In the Inventory of Property you must disclose full details of assets/liabilities of the estate. For example:

- Properties – List the address;
- Details of Bank Accounts: name of bank, account number and branch;
- Insurance/Superannuation: name of company/policy numbers
- Shares: name of share, quantity and value;
- Motor Vehicles: make, model and registration number
- Persons Entitled – Distribution of the estate must be in compliance with Schedule 6 of the Administration and Probate Act.

#### **AFFIDAVIT OF PUBLICATION AND SEARCH**

Please annex a copy of the notice of intended application.

#### **OATH OF OFFICE.**

#### **LETTERS OF ADMINISTRATION**

#### **CONSENT TO ADMINISTRATION AND AFFIDAVIT OF WITNESS TO CONSENT.**

Only required if the next of kin resides in the NT.