

INFORMATION RE DOCUMENTS TO BE FILED

FOR LETTERS OF ADMINISTRATION

The first step is electronically file the Notice of intended application for publication on the Court's website. The Notice can be found on page 1 of the prescribed forms. Once you have completed the Notice, please send this page in PDF format to ProbateOfficer.NT@nt.gov.au.

Please note the application and supporting affidavits cannot be lodged until two weeks have elapsed from the date of the publishing the notice.

Before you 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 via email 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.

Furthermore, there are additional requirements set out in Practice Direction 3 of 2020. Please see link below.

https://supremecourt.nt.gov.au/_data/assets/pdf_file/0008/957185/Practice-Direction-3-of-2020-Electronic-Filing.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.

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Please note the information below:

- Please ensure that retain the formatting of the prescribed form and print out the 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.
- 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.
- Please ensure that the Gross total value of assets is reflected in the Grant and Affidavit of Applicant.
- **Next of kin**, in relation to a deceased person, means those persons, other than a spouse or de facto partner of the deceased person, who would be entitled to take an interest in the estate of the deceased person if he or she had died intestate.

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THE DOCUMENTS TO BE FILED ARE:

APPLICATION

AFFIDAVIT OF DEATH

- Please annex a true 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 Notice. 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

The amount of each asset/liability shall be stated in an affidavit filed or, if the amount is not known, an estimate of the amount shall be stated.

Persons Entitled – Distribution of an intestate estate must comply with Schedule 6 of the Administration and Probate Act.

AFFIDAVIT OF PUBLICATION AND SEARCH

- Please annex a copy of the notice of intended application.
- Please conduct probate search prior to signing this affidavit.

OATH OF OFFICE.

AFFIDAVIT OF WITNESS TO CONSENT & CONSENT TO ADMINISTRATION

- Consent to Administration must be signed by the next of kin that resides 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.

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