

# INFORMATION RE DOCUMENTS TO BE FILED

## FOR RESEAL OF PROBATE/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](mailto: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.

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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 grant of probate. This information does not cover all the various situations that can arise when applying for a grant of probate 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](mailto: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](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.
- 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 for service in the NT and telephone number. If the applicant resides interstate then the address must be care of an agent in the NT.
- 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.
- It is important to bear in mind that the particulars of the deceased shown in the death certificate and in the will must be compatible. For example if in the will the testator is shown as "Margaret Mary Smith of 7 Cavenagh Street Darwin, Clerical Assistant" and the death certificate shows "Maggie Smith of 10 Mitchell Street, Darwin, home duties" the heading on each document should reflect those differences as shown hereunder.

THE ESTATE of the late **MARGARET MARY SMITH** (also known as **MAGGIE SMITH**) late of 10 Mitchell Street, Darwin in the Northern Territory of Australia but formerly of 7 Cavenagh Street, Home Duties but formerly Clerical Assistant, deceased.

- The person applying for probate will be the executor(s) named in the original will. If the executor has changed their name after the will was executed (for example change of name by marriage), please include the following "MARY CITIZEN referred to in the will as MARY BEST".

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

1. APPLICATION.

2. AFFIDAVIT OF APPLICANT.

3. AFFIDAVIT OF ASSETS AND LIABILITES.

In the Inventory of Property you must disclose full details of assets/liabilities of the estate that are in this jurisdiction. 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.

4. AFFIDAVIT OF PUBLICATION AND SEARCH

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

5. RESEAL with THE ORIGINAL GRANT/EXEMPLIFICATION OF GRANT/ELECTRONIC GRANT.