Form 118 (version 3)
SCR Part 78 rule 12
(SCR Form 97)

AFFIDAVIT OF EXECUTOR

COURT DETAILS	
Court	Supreme Court of New South Wales
Division	Equity
List	Probate
Registry	Sydney
Case number	Write the case number – you can find this on your published Notice of Intended Application.

TITLE OF PROCEEDINGS	
	The estate of **[name of deceased]** Write the name of deceased. Late of: Write the name of the suburb/town, state/country where the deceased lived.

FILING DETAILS	
Filed for	**[name/s]** plaintiff[s] Write the names of every person applying for probate before the word 'plaintiff[s]'.
#Legal representative	[solicitor on record] [firm] Delete this section or leave blank if you do not have a lawyer.
#Legal representative reference	[reference number] Delete this section or leave blank if you do not have a lawyer.
Contact name and telephone	[name] [telephone] If you are representing yourself, write your name and telephone number here.
Contact email	[email address] Write your email address if you have one.

SAMPLE

AFFIDAVIT

Name	Write the name of the person making the affidavit.
Address	Write the address of the person making the affidavit.
Occupation	Write the occupation of the person making the affidavit.
Date	Write the date the affidavit is signed and witnessed.

I [#say on oath #affirm]: (delete whichever option does not apply)

1. The document dated *(date)* write the date of the will and signed in the margin by me and by the person before whom this affidavit is sworn is, I believe, the last will of *(name)* *write the name of deceased*, late of *(place, occupation)* *write the suburb the deceased lived in and the deceased's occupation*, the deceased, and I am not aware of the existence of any other document purporting to embody the testamentary intentions of the deceased *[where applicable* except for *(specify document)]* *If there is a codicil document add the words "except for" and specify any codicil document here*.
2. My means of identifying the will are *(state these)* *Write an explanation of how you recognise the signature on the will as the deceased's signature and your relationship to the deceased*.
3. The attesting witnesses to the will are *(name)* and *(name)* *Write the name of the witnesses to the will*.
4. The deceased died on *(date)* write the date of death as recorded on certificate of registration of death aged *(number)* *write the age of the deceased at the time of death* years and I believe that the deceased is *(name in certificate of registration of death)* *write the full name of the deceased* referred to in the certificate of registration of death which is annexed and marked ``A'' write the letter of the annexure.
5. The deceased *{*did *or* did not*}* *select one* marry after the will was made *[where applicable* namely to *(name)* on *(date)]*. If the deceased married after the will then write the name of the spouse and the date of marriage, for example "The deceased was married to…on…"
6. The deceased left assets within New South Wales.
7. I am the executor named in the will and I am over 18 years of age.
8. *[Where applicable (name)* one of the executors named in the will *{*died on *(date)* as evidenced by the death certificate annexed and marked ``...." *or* renounced probate of the will on *(date)}.]* If one of the executors died before the deceased, write their name and date of death followed by the words "as evidenced by the certificate of registration of death annexed and marked 'B'". If the executor has renounced probate, write the name of the executor followed by the words "renounced probate of

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the will on … (date)".

9. If I am granted probate of the will of the deceased:

(a)I will administer the estate according to law; and

(b)I will:

(i) verify and file; or

(ii) verify, file and pass,

my accounts relating to the estate of the deceased within 12 months from the date of grant if so required by the Court.

10. *Delete whichever option does not apply:*

#Where a notice of the application was published on the New South Wales On-line Registry website Notice of this application was published on the New South Wales On-line registry website on *(date)*. Write the date the notice was published.

#Where the deceased resided at the date of his or her death in the State and the notice was published before 21 January 2013 Notice of this application was published on *(date)* in the *(name)*, which is a newspaper circulating in the district where the deceased resided at the date of the deceased's death, evidenced by the tear sheet annexed and marked ``....".

or

#Where the deceased did not reside at the date of his or her death in the State and the notice was published before 21 January 2013 Notice of this application was published on *(date)* write the date of publication in the *(name write the name of the newspaper)*, which is a Sydney daily newspaper, as evidenced by the tear sheet annexed and marked ``...." write the letter of the annexure.

11. The names, ages and entitlements of the persons entitled in distribution of the estate of the deceased are-*(state these)*. List the full names, ages and entitlements of each beneficiary as described in the deceased person's will.

12. A statement of all assets of the deceased of which I am presently aware is annexed and marked ``...." write the letter of the annexure. I will disclose to the Court any other asset which comes to my notice.

13. The liabilities of the deceased of which I am presently aware are as follows:

Record the debts of the deceased's estate, as well as the estimated or known value in the secured column (if the debt is attached to the asset, for example a home loan) or in the unsecured column (if the debt is not attached to any asset, for example a credit card).

Date	Name of creditor, etc.	Description of liability	Estimated or known amount	
			Secured	Unsecured
(date liability incurred eg 3-8-93 (date)	*(name)* *Write the name of the*	*(description)* Provide a brief description of the	$ (amount) Write the	$(amount) Write the

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B

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Write the date of the debt	*creditor here*	debt here, for example, credit card debt	amount owed here	amount owed here
(add a row for each liability) *Add a row for each separate debt*				

14. The estate has a gross value of $ *(amount)* *Write the total value of all assets, which should be the same as the inventory of property* and a net value of $ *(amount)* *write total value of the assets minus the total debts*.

15. I am not aware of any circumstances which raise doubt as to my entitlement to a grant of probate of the will of the deceased *[where applicable* except for *(specify matter)]*. If applicable, add the words "except for" and explain the circumstances.

16. *Insert paragraph regarding your use of generative artificial intelligence (AI) and fill out what applies to you, for example:*

    Generative artificial intelligence was not used to generate:

    a. this affidavit.

    b. any annexure/exhibit to this affidavit prepared or created to the deponent's knowledge for the purposes of these proceedings. Delete if this does not apply.

    c. [where applicable] other than annexure/exhibit marked [insert] in accordance with leave granted by [name of decision maker] and [date]. Delete if this does not apply.

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#SWORN #AFFIRMED at Select one:	Write the name of the suburb the affidavit is sworn or affirmed at.
Signature of deponent	The person who made the affidavit must sign in front of the prescribed witness.
Name of witness	Write the full name of the prescribed witness.
Address of witness	Write the address of the prescribed witness.
Capacity of witness	[#Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public] Delete whichever option does not apply.

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**) The witness must select one from options 1 and 2 to verify the identity of the person making the affidavit:

1. #I saw the face of the deponent. [OR, delete whichever option is inapplicable]

   #I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.[1]

2. #I have known the deponent for at least 12 months. [OR, delete whichever option is inapplicable]

   #I have confirmed the deponent's identity using the following identification document:

	Identification document relied on (may be original or certified copy)[2] Witness must specify what type of identification document they sighted to confirm the identity of the person who made the affidavit.
Signature of witness	The prescribed witness signs here

The executor and witness must also sign each page of the affidavit.

[1] [The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[2] ["Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011 or refer to the guidelines in the NSW Department of Attorney General and Justice's "Justices of the Peace Handbook" section 2.3 "Witnessing an affidavit" at the following address: http://www.jp.nsw.gov.au/Documents/jp%20handbook%202014.pdf]

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B

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