

8. Affidavit of executor or administrator with the will

An application for probate or for letters of administration with the will annexed shall be supported by an affidavit (accompanied by the will and any other instrument of a testamentary nature) setting forth —

- (i) that the applicant (if a natural person) has attained the age of 18 years;
- (ii) the death of the testator, and the date and place of his death;
- (iii) that the testator has left a will, the date thereof, that the will is unrevoked, whether there is any codicil thereto, and that any codicil sought to be proved is unrevoked;
- (iv) that the testator did not marry after the time of execution of the will, and had then attained —
 - (a) the age of 21 years, where his death occurred before 1 July 1970, or
 - (b) the age of 18 years, where his death occurred on or after that date;
- (v) the names of the executor and of the subscribing witnesses to the will and the true place of abode (if reasonably ascertainable) of each of them at the time the affidavit is sworn;
- (vi) that the testator left estate within Western Australia;
- (vii) that the applicant, if given a grant, will administer the estate according to law;
- (viii) that no application for probate or administration in the matter has previously been made, or if there has been a previous application, the full particulars thereof; and
- (ix) in the case of an application for letters of administration with the will, the reason why the executor (if any) does not apply and the capacity in which the applicant claims to be entitled, and also, where the applicant is a natural person, the gross value of the estate in Western Australia.

[Rule 8 amended in Gazette 18 December 1970 p.3815; 20 October 1972 p.4159.]