

AFFIDAVIT AS TO DEFACTO RELATIONSHIP

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity
List	Probate
Registry	Sydney
Case number	

TITLE OF PROCEEDINGS

The estate of **[name of deceased]**
Late of:

FILING DETAILS

Filed for	[name/s] plaintiff[s]
#Legal representative	[solicitor on record] [firm]
#Legal representative reference	[reference number]
Contact name and telephone	[name] [telephone]
Contact email	[email address]

AFFIDAVIT

Name

Address

Occupation

Date

I [#say on oath #affirm]:

1. The deceased left (or did not leave) a wife (or husband).
2. At the time of death of the deceased (and, where either s 61B (3A) (a) of the Probate Act applies (deceased leaving a husband or wife) or s 61B (3B) (a) of the Probate Act applies (no husband or wife but issue) add and for a continuous period of not less than two years prior to the death of the deceased)
 - (a) I was the sole partner with the deceased in a de facto relationship; and
 - (b) I was not a partner in any other de facto relationship.

[Where the deceased left a wife or husband, add; and

 - (c) the deceased did not, during the whole or any part of that period, live with the person to whom the deceased was married.]
3. *(State the facts showing that the deponent is a person for whom the estate of the deceased or part thereof is required to be held in trust, including dates and periods of the relationship, places where the partners lived together, financial and property matters, children and so on).*
4. In this affidavit “de facto relationship” has the same meanings as it has in Section 21C of *the Interpretations Act 1987*. I am aware of the provisions of that section.

#SWORN #AFFIRMED at

Signature of deponent

Name of witness

Address of witness

Capacity of witness [#Justice of the peace #Solicitor #Barrister #Commissioner
for affidavits #Notary public]

And as a witness, I certify the following matters concerning the person who made this affidavit
(the **deponent**):

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

Signature of witness

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>]