

CONSENT OF AFFECTED PERSON

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]

DECLARATION OF CONSENT BY AFFECTED PERSON

Name

Address

Occupation

Date

I declare:

1. I am over the age of 18 years, am not an undischarged bankrupt and have not assigned or encumbered any interest that I may have in the estate of the abovenamed deceased.
2. I have read and understood copies of the following documents which relate to the application for a grant of probate (or administration) in relation to the estate of the deceased:
 - (a) Summons (or Statement of Claim);
 - (b) Affidavit of Executor (or Affidavit of Applicant for Administration); and
 - (c) (where the informal testamentary document is not annexed to the abovementioned documents a document purporting to embody the testamentary intentions of the deceased which is not executed in accordance with the formal requirements of the [Succession Act 2006](#) (or where still relevant, the [Wills, Probate and Administration Act 1898](#)),
3. Copies of the documents referred to in paragraph 2 are annexed hereto and marked "A" and "B" (or to "C" if applicable) respectively.
4. I consent to the Court:
 - (a) declaring whether it is satisfied that the deceased intended the document (identify informal testamentary document in respect of which consent is given) to constitute:
 - (i) a will of the deceased;
 - (ii) an amendment of a will of the deceased; or
 - (iii) the revocation of a will of the deceased, and
 - (b) making the declaration in my absence and without my becoming a party to the proceedings or having any opportunity to put forward argument or evidence.
5. In this consent "will" extends to a testament and to a codicil and to any appointment by will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament or devise of the custody and tuition of any child, and to any other testamentary disposition.

Signature of person giving
consent

Signature of witness

AFFIDAVIT OF WITNESS TO AFFECTED PERSON'S CONSENT

Name

Address

Occupation

Date

* [to be made before someone other than the affected person]

I [#say on oath #affirm]:

1. The above document was signed in my presence on *(date)* by *(name of person consenting)*.
2. The signatures are respectively that of *(name of person consenting)* and my signature.

#SWORN #AFFIRMED at

Signature of witness to
affected person's consent

Name of witness to this
affidavit

Address of witness to this
affidavit

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 to this
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>]