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| FORM 27 | | | |
| AFFIDAVIT OF PLIGHT CONDITION AND FINDING | | | |
| Rule 51 | | | |
| IN THE SUPREME COURT OF TASMANIA | | | |
| PROBATE REGISTRY | | | |
|  | | | |
| In the matter of the Estate of: | | FULL NAME  *[full name of deceased including, in brackets, “in the Will called…” and/or “also known as…” if the name of the deceased differs in the Will or if the deceased is known by any other name]* | |
| Date of death: | | 00/00/0000 | |
| Last known residential address of deceased: | | address  *[full address of the deceased including, in brackets, “in the Record of Death noted as…” if the address of the deceased differs in the Record of Death]* | |
| I, | |  | |
| Full name of deponent: | | FULL NAME | |
| Address of deponent: | | address | |
| \*make oath and say/\*do solemnly and sincerely declare and affirm: | | | |
|  | ………………………………………………………………………………………………… | | |
|  | ………………………………………………………………………………………………..  *[insert contents of affidavit, setting out details of the deponent(s) knowledge of the plight condition and finding of the Will, following the guidance given in the notes at the end of this form]* | | |
| \*SWORN/\*AFFIRMED by | | FULL NAME | |
| at SUBURB OR TOWN in STATE | |  | |
| dated 00/00/000 | | ……………………………………………………. | |
| Before me: | | …………………………………………………….  FULL NAME  \*SOLICITOR/\*JUSTICE OF THE PEACE | |
| NOTES: | | | |
| Please insert details relevant to your application where blue text appears. | | | |
| Text with a \* next to it indicates that it is an option. You must select the applicable option/s and/or delete the \*options which are not applicable | | | |
| If a section of the form does not apply to your application please simply state “not applicable” next to the relevant section. | | | |
| Guidance on completing this form is contained in [square brackets] and *italics*. Please delete the guidance which appears in square brackets and is italicized from your final draft. | | | |
| Otherwise, please do not amend the format or content of this form. | | | |
| TAKE NOTE:  Please refer to Rule 51 when completing this affidavit. Your affidavit should:   1. Confirm who you are. For example: “I am \*the Executor named in the Will/\*one of the attesting witnesses to the Will/\*the daughter of the deceased” 2. Confirm that you have seen the last Will and Testament of the deceased and the condition that it is in. For example: “I have viewed and perused the last Will and Testament of the deceased, bearing the date 00/00/0000 now produced to me and marked “A” and have observed that the Will, consisting of … pages, \*has additional holes/\*is torn/\*is unattached”; 3. Set out how the Will came to be in the condition it is in (if known) and the condition of the Will when it came to be in your possession. For example: “the Will was stapled together when I retrieved it from the deceased’s safe, after the deceased had died. I removed the staple so I could make photocopies of the Will. Once I had made the photocopies I re-stapled the pages of the Will” 4. If possible, trace the Will from the date of its execution by the deceased up to the making of this Affidavit. For example: “I believe, based on the conversations I had with the deceased prior to their death, that the Will was placed in the deceased’s safe shortly after execution and remained there until after the deceased’s death, when I retrieved the Will from the deceased’s safe”   Confirm the state, plight and condition of the Will. For example: “That, in all respects, the Will is now in the same state, plight and condition as when \*executed by the Testator/\*found by me/\* given to me by X/\*retrieved by me”. | | | |