

**SUPREME COURT OF WESTERN AUSTRALIA  
PROBATE REGISTRY**

**PLEASE READ THIS IMPORTANT INFORMATION ABOUT REQUISITIONS**

- Your application is defective in some way or there is a factor that requires further evidence. A Registrar of the Supreme Court has issued the attached requisitions under the *Non-Contentious Probate Rules 1967* ('NCPR'). The Registrar will not make a grant of probate or administration until you satisfactorily answer all requisitions.
- If you do not clearly understand the requisition, or you are not sure what you need to do to answer it, you should seek the advice of a practising lawyer experienced in probate matters.
- Staff of the Probate Registry are prohibited from providing legal advice to answer the requisition. This forbids the pre-examination or correction of documents by staff at the counter, or the provision of advice to applicants for this purpose.
- Do not ask for legal advice from a non-qualified person, as the most likely result will be a waste of your time and the Court's. Only a qualified lawyer or a trustee company may act as your agent in relation to your application, or charge you to prepare documents for it.
- The requisition may suggest that you obtain legal advice. If it does, you should not ignore that: the Registrar will have had a particular reason in each case to suggest it.
- If you need to seek legal advice and have not kept copies of your documents, then you will need to obtain copies from the Court. The charge for photocopying is \$1.85 per page.
- Unless the requisition says otherwise, you must answer it by a supplementary affidavit. A letter is not sufficient. A statutory declaration is not an affidavit. A requisition requires a specific response by a supplementary affidavit prepared for this particular purpose. This means that the supplementary affidavit must deal with the subject of the requisition only – not reiterate previous information supplied in a previous affidavit as well. You will not be able to purchase such an affidavit and legal advice from a solicitor should be sought if you are unable to prepare an affidavit. Affidavits which repeat the contents of previous affidavits may be rejected by the Registrar.
- Any affidavit must comply with the provisions of the *Supreme Court Rules* (particularly Order 37 and Order 69) and the *NCPR*. If you are not sure what those requirements are, you should obtain legal advice.
- Registry staff will only speak with you or your duly appointed legal practitioner and not with any other person claiming to act on your behalf.
- Copies of the *Non-Contentious Probate Rules 1967* (and any other legislation) may be purchased from the State Law Publisher at 10 William Street, Perth.

If you do not understand this Requisition Notice from the Registrar of the Supreme Court of Western Australia or how to prepare the necessary documents to answer the Requisition, then you should seek legal advice from a solicitor who is competent in Probate and Succession Law.

Registry Staff are not permitted to recommend individual solicitors. The Citizens Advice Bureau at 25 Barrack Street, Perth, Telephone (08) 9221 5711 also has a legal service which may either be able to assist you or refer to you to a Probate and Succession Law solicitor.

The Registrar is a Judicial Officer of the Supreme Court who exercises the powers of a Judge in Chambers in and about the granting of probate and administration. The Registrar will not allow a grant to issue until all inquiries that he or she may see fit to make have been answered to her or his satisfaction.

**If you have not kept copies of your documents.**

Hand this notice to your solicitor, who can then make arrangements with the Probate Registry to purchase copies of the necessary documents; or

Telephone the Probate Registry and advise the day and time you intend to collect your copies, which will be prepared in advance. Photocopying charges are \$1.85 per page. Generally there are six pages comprising the affidavit, motion and death certificate, plus all of the further pages in the Will. Please allow for these fees when forwarding any postal remittance.

Please note that an Applicant needs to personally attend the Registry to pay for and collect the copies of documents. If an Applicant is not able to personally attend, then an Applicant may remit the requisite photocopying fees by mail to allow postage of the copies, or instruct a solicitor to attend to this matter on his/her behalf.

CLERKS IN THE SUPREME COURT ARE ONLY PERMITTED TO PROVIDE PROCEDURAL INFORMATION AND ARE NOT PERMITTED TO PROVIDE ADVICE TO EXPLAIN OR INTERPRET REQUISITION NOTICES OR ASSISTANCE AND COACHING FOR THE DRAFTING OR COMPLETION OF AFFIDAVITS OR OTHER COURT DOCUMENTS.

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**DESCRIPTION OF ASSETS AND LIABILITIES**

All material assets and liabilities of an estate must be described in sufficient detail to allow certain identification. The detail depends on the type of asset or liability. The following is a guide to the description of the most common classes.

**LAND**

Street addresses and at least Certificate of Title Volume and Folio numbers.

**ACCOUNTS WITH BANKS AND OTHER FINANCIAL INSTITUTIONS**

The name of the bank or other institution, the branch, the name and type of the account, and the account number, together with the balance at either the date of death or the date of the statement (specify which).

**SHARES AND OTHER MARKETABLE SECURITIES**

The company, number of shares and the value of each share at a specified date. Note that the location of shares is determined by the location of the share registry in which the shares are recorded. If the registry is in Melbourne, for example, the shares should be shown as being located outside Western Australia.

**MOTOR VEHICLES**

Make, model, year of manufacture and registration number.

**FURNITURE AND PERSONAL EFFECTS**

Unless there is something of unusual value (antique furniture, expensive jewellery, etc) it is generally sufficient to describe these simply as "furniture and personal effects". Items or collections of unusual value should be identified and valued separately, e.g., "Collection of 6 Hasselblad cameras, with 9 lenses and various accessories \$9,500."

**DEBTS OWING TO THE ESTATE**

The amount, the debtor, and the nature of the debt, e.g. "personal loan".

**MORTGAGES**

If the deceased owed money on a mortgage, specify whether the amount is owed wholly by the estate, or was a debt owed by the deceased and other persons.

**HOUSEHOLD DEBTS**

As a general rule, no requisition will be raised seeking details of small debts such as telephone accounts or pharmacy accounts. These may be described together, such as "Sundry Debtors \$416.89". Or there may be separate categories such as "Medical and Pharmacy Accounts \$367.90; Utilities - \$125.45". Applicants may however regard it prudent to list each debt separately, and of course there is no objection to this.