

AFFIDAVIT CONFIRMING SERVICE OF NOTICE OF PROCEEDINGS

COURT DETAILS

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

TITLE OF PROCEEDINGS

[First] plaintiff **[name]**

#Second plaintiff #Number of
plaintiffs (if more than two)

[First] defendant **[name]**

#Second defendant #Number of
defendants (if more than two)

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

FILING DETAILS

Filed for	[name] [role of party eg plaintiff]
#Filed in relation to	[eg plaintiff's claim, (number) cross-claim] [include only if form to be eFiled]
#Legal representative	[solicitor on record] [firm]
#Legal representative reference	[reference number]
Contact name and telephone	[name] [telephone]
Contact email	[email address]

[on separate page]

AFFIDAVIT

Name

Address

Occupation

Date

I [#say on oath #affirm]:

1 #I am [role of deponent].

2 I am over the age of 16 years.

3 Persons who are adversely affected are: under the [will] / [informal document] dated [date] [or under intestacy] are:

	Name of adversely affected person	Interest of person [beneficiary / executor / relationship to deceased on intestacy]	Served Personally	Served by other means	Party to proceedings
1			[✓]	[or✓]	[or✓]
2			[✓]	[or✓]	[or✓]

[Add rows to include all adversely affected persons]

[Repeat paragraph 3 for each testamentary document propounded including any documents propounded in the alternative]

4 On [date] [name of affected person] was served **personally**, in accordance with rule 64 of Part 78 of the *Supreme Court Rules 1970* (SCR), with a Notice of Proceedings (approved form 140) pursuant to rule 57 of Part 78 SCR:

- a. [Name of affected person] was served at [address of service] by [name of person who served documents]. I have sighted the Affidavit of Service of [Name of person who served documents] and will file it if requested to do so by the Court. [If the documents were not served personally provide evidence confirming that the person is in receipt of the above documents, or is a party to proceedings].
- b. Annexed to the Notice of Proceedings was a copy of the [Statement of Claim/Cross-Claim/Summons] and [will/informal document] dated [date].

[Repeat paragraph 4 for each adversely affected person served]

- 5 [All persons adversely affected by the [Plaintiff's/Cross-Claimant's] application are on notice of the proceedings] OR [The following adversely affected persons are not yet on notice of the proceedings]:

	Name of adversely affected person	Interest of person [beneficiary / executor / relationship on intestacy]
1		
2		

[Add rows or delete the table if appropriate]

- 6 Annexed and marked "A" is a Notice of Proceedings, without attachments, served on [name of one of the persons served] as an example of the notice which was served on all adversely affected persons above.

#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.*
- 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)[†]

Signature of witness _____

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

* The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

† "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](#).]