

Common Requisitions

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TABLE OF ABBREVIATIONS

Guide	Guide to Non-Contentious Probate Practice
IEO	Intestates' Estates Ordinance (Cap.73)
NCPR	Non-Contentious Probate Rules (Cap.10A)
Oath	The Oath as required by NCPR, r.6
PD	Practice Direction (issued by the Chief Justice for the conduct of court proceedings)
S.F.	Specified Form (Gazette No.4/2006 pursuant to NCPR, r.2A(1) for use in connection with the rules under the NCPR in accordance with NCPR, r.2A)
T & C	<i>Tristram & Coote's Probate Practice</i> , RR D'Costa, P Teverson and T Synak, Butterworths, LexisNexis All references to T & C in this Common Requisitions, unless a different edition is stated, are references to the 31st Edition

Section 1 – Title
(Please refer to A1 of Part 4 of the Guide)

Number	Text
1.1	The name(s) of the deceased in the title of the Oath and the affirmations as well as the Estate Duty Papers are different. Please amend as appropriate. (The Estate Duty Papers may be released in the usual way, if so requested.)
1.2	As the deceased held no property in his/her alias, please advise whether it is necessary to include the alias in the grant. If it is necessary, please state in the Oath the reason for the inclusion of the alias in the grant to be issued (para 42 of the Guide). If it is not necessary, please amend the respective title of the Oath and S.F. N2.1 filed at [] as well as the preamble of S.F. N4.1 filed at [] by deleting the alias. Please redraw S.F. N2.1 and S.F. N4.1 for the purpose, if necessary.
1.3	Please observe para 45 of the Guide regarding the description of the deceased's marital status.
1.4	The deceased's full address should be stated. Please comply with para 44 of the Guide.
1.5	To show the correct (proper writing of the) Chinese name of the deceased.
1.6	To show the name/late address of the deceased in English transliteration at [].

Section 2 - Originating Paragraph of the Oath

Number	Text
2.1	To show the occupation of the applicant.
2.2	To add "jointly and severally" before "solemnly and sincerely affirm/make oath".
2.3	To show the correct address of the applicant.
2.4	To show the temporary address of the applicant.
2.5	To show the Chinese name, if any, of the applicant.

Section 3 – Contents of the Oath: Paragraphs 1 & 2
(Please refer to A2 of Part 4 of the Guide)

Number	Text
3.1	Please amend as proposed in pencil.
3.2	Para 1 - to show the correct date of death of the deceased.
3.3	Para 1 - to show the correct place of death of the deceased.
3.4	Para 1 - to show the place where the deceased died domiciled.
3.5	To show (a) whether the deceased died on an unknown date; (b) the date he/she was last seen alive (or last known to be alive); and (c) the date and place where his/her dead body was found in accordance with page 164 (para.4.152) of T & C, 31st Edition.

3.6	Since the deceased is survived by his/her parent(s), it would appear that the deceased's sibling is not entitled to the estate (IEO, s.4(4)). Please therefore amend by deleting any reference to sibling from para 2 of the Oath.
3.7	Please state whether the deceased had any siblings during his/her lifetime other than the one(s) set out in para [] of the Oath.
3.8	Under the per stirpes rule [IEO, s.5 and para.6.169 of T & C,31 st Edition], the issue of the predeceased will also be entitled to the estate. Therefore please state if the predeceased had any issue, and if so, please include such issue in para [] of the Oath.
3.9	Please state whether the predeceased [NAME] had any children or issue during his/her lifetime other than the one(s) set out in para [] of the Oath.
3.10	To include in para [] of the Oath the description of lawful husband/lawful (kit-fat) widow and relict/son/daughter of the deceased who has since deceased.
3.11	Please state by whom the issue were begotten to the deceased.
3.12	Please state whether the deceased had any children or issue during his/her lifetime other than the one(s) set out in para [] of the Oath.
3.13	(i) Please provide the particulars of the natural and lawful parent(s) of the deceased, since the deceased died without issue and the value of the estate exceeds \$1,000,000.00 (IEO, s.4(4)). (ii) Subject to (i) above, please also amend para [] of the Oath to state the applicant's capacity and entitlement to the grant being applied for (paras 94-97 of the Guide).
3.14	(i) Please consider deleting from para [] of the Oath the particulars of the issue of the deceased, since the value of the estate does not exceed \$500,000.00 (IEO, s.4(3)). (ii) Subject to (i) above, please also amend para [] of the Oath to state the applicant's capacity and entitlement to the grant being applied for (paras 94-97 of the Guide).
3.15	It is observed that [NAME] is described as the son/daughter of the deceased, and yet he/she has not been included in para [] of the Oath. Please clarify and consider if it is necessary to amend the Oath.
3.16	According to the age as set out in para [] of the Oath, it would appear that [NAME] was/were born before the deceased's marriage with [NAME]. Please consider whether it is necessary to amend para [] of the Oath so that his/her/their relationship with the deceased is to be correctly stated (para 60 of the Guide).
3.17	Subject to the above, please amend the Oath by setting out the particulars of the cohabitation of the applicant and the deceased prior to their marriage. (The particulars should include the place and date of commencement of the cohabitation and whether any children were born during their cohabitation.)

Section 4 - Will

Number	Text
4.1	Please state in the Oath the correct description of the applicant with reference to NCPR r.19.
4.2	Please state in the Oath the name of the applicant as described in the Will (para 163 of the Guide).
4.3	Please state respectively the name and age of the beneficiaries named in the Will.
4.4	Please state whether there is any residuary legatee and devisee holding in trust for any person named in the Will.

4.5	Please state whether there is any residuary legatee or devisee for life named in the Will.
4.6	Please state whether there is any residuary legatee or devisee named in the Will.
4.7	Please file an affidavit by one of the two attesting witnesses to prove the due execution of the Will. (The original Will, which will be marked as exhibit, may be released in the usual way.)
4.8	Please file an affidavit to prove the handwriting and signature / plight and condition of the Will of the deceased. (The original Will, which will be marked as exhibit, may be released in the usual way.)
4.9	Please file an affidavit verifying the existence of the other Will(s) of the deceased. An attested copy of the other Will(s), if any, should be exhibited to the affidavit (T & C, para 3.197). (The original Will, which will be marked as exhibit, may be released in the usual way.)
4.10	Since no person has been expressly nominated as an executor in the will, please submit why the applicant can be regarded as the executor of the Will of the deceased. (You may wish to consider T & C, para 4.19 regarding executor according to the tenor.)
4.11	Please confirm in writing whether the Will of the deceased only consists of [no.] pages as it is not wax bound.
4.12	Please confirm in writing whether the Will search has included a search among the title deed of the deceased's property that he/she had used as his/her residence, and if so, whether any Will has been found.
4.13	Since there is no express restriction in the Will that the Will is intended to deal only with the property mentioned in the Will, please provide evidence of contrary intention of the testator in order that the executor can apply for a limited grant (para 159 of the Guide).
4.14	Please state in the Oath whether the original Will has been proved in an overseas court and further state whether it is being kept there and cannot be removed.
4.15	Since the original Will is lost, please file an ex-parte application by filing an affidavit for the Registrar's order to admit the copy Will to proof as the last Will of the deceased until the original or a more authentic copy can be proved. Folio [] does not appear to be a regular ex-parte application as it does not state the order applied for (paras 148 and 149 of the Guide).
4.16	Please file an affirmation by a person who is able to account within his personal knowledge as to how the two staple holes/clip marks/punch holes at the top of each page of the Will came about. Please further clarify whether there were any codicil or testamentary papers attached to the Will (para 136 of the Guide).
4.17	Alterations are noted in the [] line in the will. Since these alterations do not seem to have been initialled or signed by the deceased, or witnessed by anyone, please therefore file an affidavit to account for these alterations and to state whether such alterations were made prior to the execution of the Will by the deceased (paras 137 to 140 of the Guide).

Section 5 – Marriage

Number	Text
5.1	Please confirm whether the deceased was the lawful kit-fat wife of the applicant/[NAME]. If not, please file a photocopy of the marriage certificate.

5.2	Para [] of the Oath refers. Please state the place, date and mode of the deceased's marriage.
5.3	Para [] of the Oath refers. Please state whether the deceased/applicant was ever married to any person other than the applicant/deceased.
5.4	Please state whether the applicant has any lawful wife or concubine other than the deceased. (If yes, please provide the particulars of such lawful union by amending the Oath.)
5.5	Please further state whether the deceased had any lawful wife/concubine other than [NAME].
5.6	Para [] of the Oath refers. Please state whether the deceased had any concubine.
5.7	Para [] of the Oath refers. Please state whether the applicant has any concubine.
5.8	Since it is averred that the deceased's customary marriage was contracted in Mainland China after 1.5.1950 (the date on which the Marriage Law there commenced, requiring registration of a valid marriage), please therefore state why it is alleged that the deceased's customary marriage could be a valid marriage and that the applicant may apply in the capacity of the lawful husband/lawful kit-fat widow and relict of the deceased.
5.9	Please file an affidavit to prove the concubinage of the deceased with [NAME] (IEO, s.13).
5.10	Please confirm whether the deceased/ [NAME] was accepted by the lawful kit-fat wife as the applicant's/the deceased's concubine (IEO, s.13).
5.11	The affirmation at [] refers. Please further provide particulars showing the date, place and formality or any particular form of ceremony of the alleged union of concubinage, and further state whether the deceased/ [NAME] was accepted by the lawful kit-fat wife and recognized by the family members generally as the concubine of the deceased/[NAME].
5.12	Please file an affidavit by, preferably the cohabitee, or if the cohabitee is not available, a person who has direct knowledge of the cohabitation to prove the co-habitation of the deceased with [NAME].
5.13	Since it is averred that the marriage did not take place in Hong Kong and no marriage certificate can be produced, please file evidence (such as expert evidence) to prove the validity of the marriage by stating the fact that the marriage was valid in accordance with the law in force at the time and in the place where the marriage was performed (IEO, s.3(d)).

**Section 6 – Capacity of the Applicant
(Please refer to A5 of Part 4 of the Guide)**

Number	Text
6.1	Please state the applicant's capacity and entitlement to the grant being applied for (paras 94-97 of the Guide).
6.2	As the value of the estate was under \$500,000, the surviving spouse is entitled to the whole estate of the deceased. Hence, the applicant does not appear to be entitled to the estate as one of the persons entitled to share in the estate notwithstanding the renunciation of the spouse of the deceased. Please therefore reconsider the application, and you may wish to consider NCPR, r.21(4).

6.3	Since the value of the estate does not exceed \$500,000, and the deceased died after 3.11.1995, the surviving spouse (the applicant in this case) would appear to be “the only person now entitled to the estate”. Thus please re-consider the entitlement of the applicant in paragraph 2 and the concluding paragraph of the Oath. (paras. 94-97 of the Guide and para. 6.391 of T & C, 31st Edition).
6.4	Since the deceased’s spouse who has since deceased was beneficially entitled to the <u>whole estate</u> of the deceased (the value of the estate was under \$500,000.00), it would appear that the applicant is not in the position to apply for the grant without obtaining a leading grant to the estate of the spouse (para 186 of the Guide).
6.5	Since the deceased leaves no surviving spouse and issue but parent(s), the applicant, being the brother/sister of the deceased, does not appear to be entitled to the deceased’s estate notwithstanding the renunciation of the deceased’s parents (IEO, s.4(6)). Please consider.
6.6	It appears that the applicant, being the lawful parent of the deceased, is not entitled to the grant being applied for (para 222/ para 229 of the Guide).
6.7	Please file expert opinion on Tsing Law to show the applicant’s capacity and entitlement to the grant being applied for.
6.8	Please confirm whether [NAME] consents to the grant being limited for the use and benefit of the infant(s).
6.9	Please state the usual limitation for the use and benefit of the infant(s).
6.10	Since it is confirmed that [NAME] is a mentally incapacitated person (“MIP”) within the meaning of the Mental Health Ordinance (Cap 136), please consider making an application for the appointment of a committee empowering the latter to apply for a grant for the use and benefit of the said MIP under Part II of the said Ordinance.
6.11	Since this application is not made by the executor but by his lawful attorney, the applicant is not entitled to apply for grant of probate but only letter of administration with Will annexed (PAO, s.35). Please consider withdrawing the present application and issue a fresh one.

Section 7 – Domicile

Number	Text
7.1	Please state in the Oath the place where the deceased was domiciled at his/her death.
7.2	To prove the assertion of domicile in Hong Kong, please file a copy of the deceased's permanent HKID card (para 52 of the Guide).
7.3	Since the deceased died domiciled outside Hong Kong, NCPR, r.29 applies (Section B of Part 7 of the Guide).
7.4	Since the deceased died before 1.3.2009, common law applies. Thus a married woman’s domicile is dependent upon her husband’s. Please therefore state in the Oath the domicile of her husband at the time of her death (para 51 of the Guide).
7.5	Since the deceased was a minor and died after 1.3.2009, his/her domicile is to be determined by the "most closely connected test" as set out in ss.4 and 11 of the new Domicile Ordinance (Cap 596). Please amend the Oath by setting out all the connecting factors.
7.6	Since minority/life interest arises, the ex-parte application for an order under NCPR, r.29 should be made by two applicants (PAO, s.25). Please consider seeking leave from

	the Probate Master by letter to withdraw this ex-parte application, and file a fresh ex-parte application by not less than two persons.
7.7	Since the country as set out in para [] of the Oath has no uniform system of law, please therefore amend the said paragraph by stating the particular province, state or other judicial division, as the case may be (para 47 of the Guide).

Section 8 – Filing, Authentication and Translation of Documents

Number	Text
8.1	Please file the death certificate of [].
8.2	Please file a copy of the marriage certificate of the deceased.
8.3	Please file a copy of the birth certificate of the applicant/deceased.
8.4	Please file a court certified or sealed copy of the Certificate of making Decree Nisi Absolute (Divorce) (Form 6) to prove the dissolution of the marriage of the deceased.
8.5	Please file a copy of the HKID card of the deceased.
8.6	Please file a photocopy of the death/birth/marriage certificate of [NAME] with an endorsement as required by PD20.1, para 12.
8.7	Please file a full set of the copy Will for annexure to the grant to be issued. (Page(s) of the copy Will filed is/are missing.) (The original Will may be released in the usual way.)
8.8	Please file a copy of the Will without any marking for fiat of the Registrar (NCPR, r.9).
8.9	(i) Please lodge an engrossment of the Will showing the correct [e.g. identity card no.] for fiat of the Registrar (NCPR, r.9 and T & C, para 3.267). (ii) Subject to (i) above, please file a copy of the fiat copy Will (together with a certified English translation).
8.10	Please file a fresh copy Will without any marking on the back sheet for annexation to the grant to be issued. (The original Will may be released in the usual way.)
8.11	Please file a better copy of the Will of the deceased for annexation to the grant to be issued. (Please note that part of the contents of the copy Will filed has been covered by the ribbon tied to the will.) (The original Will may be released in the usual way.)
8.12	The [] certificate should be duly authenticated. (The signature and/or seal of the issuing authority of the [] certificate should be certificated by a proper authority (or foreign minister office, as the case may be) of that country or territory and whose signature and/or seal should in turn be authenticated by the Chinese Embassy there.)
8.13	Please obtain a Certificate of Apostille indorsed on the [] certificate. (The Certificate of Apostille should certificate the signature and/or seal of the issuing authority of the [] certificate.)
8.14	Please file an English translation of the [] certificate at folio [] prepared by a competent person conversant in both languages together with the usual translator's declaration in the format as set out in Form 12, A6.17 at p. 1537 of T & C, 31 st Edition (para. 112(2) of the Guide). [() may be released in the usual way.]
8.15	When enclosing a cover letter together with the documents intended to be filed in answer to the requisitions, in the letter, please identify (by describing the nature of the document) each of the documents to be filed with reference to the specific requisitions (by using the same requisition numbering) you are seeking to answer or wish to rely on

	in support of your answers.
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Section 9 – Estate Duty Papers/S.F. N2.1 & S.F. N4.1

Number	Text
9.1	Please file the duplicate copy of the Schedule of Property.
9.2	Please file the duplicate copy of the Certificate of Exemption.
9.3	Please file an additional certified true copy of the Schedule of Property issued by the Estate Duty Office.
9.4	Since all the Estate Duty Papers filed do not add up to the total aggregate, it appears that the Estate Duty Papers filed is incomplete. Please therefore file the other missing part(s).
9.5	Please explain by letter why the original Estate Duty Papers issued by the Estate Duty Office were not filed. If available, the original should be filed instead of the certified copies.
9.6	Please state the correct principal value of the estate. (Please note that the value of s.10A property should be included.)
9.7	Please provide a copy of a letter from the relevant Government Department showing the sum to be paid by the Government to the estate. (Consideration will be given to para [] of the Oath and the amount of the court fees to be paid after this requisition is complied with.)
9.8	Please advise by letter whether there is any other money payable by the Government to the estate apart from the death gratuity.
9.9	Please confirm the value of the estate disposed of by the Will.
9.10	Please state the reason for the application for the nil grant.
9.11	The name of the deceased as shown in the title of the affirmations is different from the name as shown in the Estate Duty Papers. Please amend as appropriate. (The Estate Duty Papers may be released in the usual way.)
9.12	In addition to filing the completed S.F N4.1 and the original inventory list of the safe deposit box that must be annexed to it, please also note that a photocopy of the completed S.F. N4.1 together with the annexed inventory list is also required to be filed (for the purpose of annexing to the grant).
9.13	Please confirm by letter whether the value of the estate as stated in S.F. N4.1 exceeds \$500,000/\$1,000,000.
9.14	Please redraw S.F. N4.1, stating [].
9.15	Subject to the satisfactory answer to Requisition No. [], please redraw S.F. N2.1 by attaching thereto a fresh S.F. N4.1 as an exhibit.
9.16	Subject to the satisfactory answer to Requisition No. [], please file a copy of S.F. N4.1 so that it can be annexed to the grant.

Section 10 – Rules 7 and 8

Number	Text
10.1	Please comply with NCPR, r.7 and para 42 of the Guide.
10.2	Please comply with para 42 of the Guide by amending [].
10.3	Please comply with NCPR, r.8. (The original Will may be released in the usual way.) (Please note that the applicant shall mark the Will with an endorsement stating: "This is the original Will of, deceased marked 'A' by me referred to in my Affirmation/Oath for Probate/Administration (with Will annexed) dated". The solicitor or the Commissioner for Oaths before whom () was affirmed shall also mark the Will with an endorsement stating: "This is the exhibit marked 'A' as referred to in the Affirmation/Affidavit of.....made on.....before me,.....")

Section 11 – Minority / Life Interest

Number	Text
11.1	Please confirm whether minority or life interest arises under the Will.
11.2	Please state in the Oath whether any minority or life interest arises under partial intestacy.
11.3	It appears that minority interest arises in this application as there is/are person(s) below the age of 18 having an immediate beneficial interest in view of the fact that the value of the estate exceeds \$500,000.00. Please clarify (para 90 of the Guide).
11.4	It appears that a life interest arises in this estate. Please clarify (para 92 (1) (a)/(b) /(2) of the Guide).
11.5	Since the value of the estate is below \$500,000.00, the spouse would be the only person entitled to the intestate estate. Thus, minority interest does not arise. Please therefore clarify why it is so averred in the Oath.
11.6	Please confirm whether life/minority interest arises under the intestacy, and if so, please so state in the Oath. The words “and/or” are ambiguous.
11.7	Subject to Requisition No.[] above, you may wish to withdraw this application and file a fresh one by two applicants (PAO, s.25). Leave to withdraw should be sought from the Registrar by letter.

Section 12 – Specified Form

Number	Text
12.1	Please comply with para 36 of the Guide in the future when preparing the Oath.
12.2	Please amend para [] of [] in accordance with para [] of the S.F. [].

Section 13 – Nomination

Number	Text
13.1	In the Oath, you are required to refer to the Nomination that has been filed at folio []. When referring to the Nomination, please set out the date and the particulars of the Nomination. For easy reference, paras 2 and 3 of the Nomination (as appeared in the S.F. L3.2) can be recited in the Oath except these words “AND WHEREAS” as stipulated in the S.F.[].
13.2	Since the adult issue is also entitled to share in the estate together with the surviving spouse, he/she may apply for a grant as one of the persons entitled to share in the estate. No nomination is required. Please consider and seek the Registrar's leave by letter to withdraw the nomination at [].
13.3	Para [] of the Nomination at [] refers. Please state the correct description/entitlement of the 2nd named applicant.
13.4	<p>(i) Please state the relationship of the person nominated with the minor.</p> <p>(ii) If the person nominated is not within the categories of persons listed in the brackets (i.e. the grand-parent or aunt/uncle), and if there are such persons competent and willing to take a grant, please state why they are not nominated. Please further state the fitness of the person nominated to act as the co-administrator.</p> <p>OR</p> <p>(ii) If the person nominated is not the older sibling, please state why such sibling is not nominated. Please further state the fitness of the person nominated to act as the co-administrator.</p>

Section 14 – Renunciation

Number	Text
14.1	To state in the Oath the particulars of the renunciation at folio [].
14.2	A written renunciation is required to be signed by the person renouncing and attested by a solicitor or person before whom an Oath may be sworn (PAO, s.29(2)). The existing renunciation does not comply with s.29(2). Please file a fresh renunciation properly executed by the renunciant.
14.3	The renunciation of probate in the court of the country of domicile of the deceased by an executor is not sufficient to clear off his right to probate in Hong Kong (T & C, para 12.86).
14.4	Before leave is granted to withdraw the whole application, please file an ex-parte application to retract the renunciation executed by [NAME] (PAO, s.31).
14.5	Madam Deputy Registrar [] has made an order in terms of para [] of the ex-parte application on [DATE]. Please lodge a draft order for approval.
14.6	Please file the retraction of [NAME].

Section 15 – Power of Attorney

Number	Text
15.1	Please state in the Oath the particulars of the power of attorney at [] and whether the donor is residing outside Hong Kong.
15.2	Please state in the Oath the usual limitation for the use and benefit of the donor.
15.3	Grants to attorneys will only be issued if a person entitled to a grant resides outside Hong Kong (NCPR, r.30). It does not seem to be the case in this application. Please show entitlement.

Section 16 – Affirmation of Identity

Number	Text
16.1	Please file an affidavit of identity in accordance with S.F. M2.1.
16.2	Please amend the affidavit of identity in accordance with S.F. M2.1.
16.3	Please identify the applicant with reference to the description of the relationship as stated in para [] of the Oath.
16.4	Since the deponent of the affidavit of identity has only known the applicant for a period of less than 5 years, the Registrar is not satisfied that such proof is sufficient. Please note the requirement of 5 years as specified in Note (2) of S.F. M2.1.

Section 17 – Proposed Amendment /Future Reference

Number	Text
17.1	Please consider adopting the amendments as shown in pencil in [].
17.2	Please confirm by letter the proposed amendments as shown in pencil in [].

Section 18 – Caveat

Number	Text
18.1	Please be informed that a caveat (HCCA []/201) has been entered against the sealing of a grant in respect of the deceased's estate. If you wish to obtain a copy of the caveat, please send in your request in writing and make payment of the prescribed charges (i.e. \$4 per page). Further, please dispose of the caveat in accordance with NCPR, r.44.
18.2	A warning to caveator has been issued on [] under HCCA []/201 . Please comply with NCPR, r.44(11) and consider issuing a summons for directions under the "HCCA" file (Not the "HCAG" file).
18.3	An appearance has been entered on [DATE] under HCCA [] / 201 . Please comply

	with NCPR, r.44(11) and (12) by issuing the appropriate application under the “HCCA” file (except where a probate action is commenced).
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Section 19 – Resealing

Number	Text
19.1	Each and every page of the Will annexed to the foreign grant should bear the seal or be certified by the court. Please comply. The foreign grant may be released in the usual way.
19.2	Each and every page of the foreign grant should bear the seal or be certified by the court. Please comply. The foreign grant may be released in the usual way.
19.3	Please file a photocopy of the foreign grant which should be duly attested by a solicitor or two clerks of a solicitors' firm for the record of the court. (Each and every page of the photocopy foreign grant for the file record should be duly attested by a solicitor or two clerks of a solicitors' firm in Hong Kong.) The foreign grant may be released in the usual way (para 241(1) of the Guide).
19.4	Each and every page of the photocopy foreign grant for the file record should be duly attested by a solicitor or two clerks of a solicitors' firm in Hong Kong. Please comply. (The photocopy foreign grant may be released in the usual way.)
19.5	Please confirm that the grant of representation issued by the foreign court is still valid and has not been revoked.
19.6	Please amend para 2 of the Oath by specifying the occupation of the grantee.
19.7	The grant to be resealed by the Hong Kong court must be in identical terms to the foreign grant, including the name of the deceased (para 241(3) of the Guide). Please therefore amend either the Estate Duty Papers or the foreign grant, or redraw S.F. N3.1 and N.4.1. (The relevant documents may be released in the usual way.)
19.8	Please clarify why the applicant can apply to reseat the foreign grant issued by a court of probate in a country or place not specified in PAO, Schedule 2 of s.49A.

Section 20 – Surety

Number	Text
20.1	Please provide sureties' guarantee as required by NCPR. r38(1) (paras 121 to 123 of the Guide).
20.2	Since trust property is involved, please provide sureties' guarantee.
20.3	Please confirm in writing whether the applicant is ordinarily resident in Hong Kong.
20.4	For the purpose of fixing the amount of the guarantee to be entered by the sureties, please file an updated valuation report from a surveyor or the valuation obtained from a major licensed bank incorporated in Hong Kong in respect of the landed property (or properties) as set out in the Schedule of Property / Schedule of Assets and Liabilities.
20.5	For the purpose of fixing the amount of the guarantee to be entered by the sureties, please confirm in writing the amount of award likely to be obtained in the event that the civil claim is successful.

20.6	For the purpose of fixing the amount of the guarantee to be entered by the sureties, please confirm in writing the current value of the estate with reference to the value of each item set out in the Schedule of Assets and Liabilities. For assets that require valuation, please provide a record of updated transaction report(s), bank statement(s) or valuation report of a surveyor (including the valuation obtained from a major licensed bank incorporated in Hong Kong), as the case may be.
20.7	Please file documents proving the assets of the proposed sureties.
20.8	Upon the evidence that has been filed, the Probate Master has directed that the amount of the guarantee to be entered by the sureties shall be in the sum of HK\$ [].
20.9	The proposed sureties who have deposed in the affirmation at [] have been accepted by the Registrar. Please draw up a draft Surety's Guarantee for our approval.
20.10	Please pay the filing fees of \$145 for the Surety's Guarantee.

Section 21 – Grant Amendment

Number	Text
21.1	Please file an affidavit by the grantee(s) in support of the application for amendment. S.F. M4.2 should be used.
21.2	Please pay further court fees of \$[].
21.3	Please pay \$10.00 on praecipe in respect of the fees for the endorsement of the amendment on the copy Schedule of Property.
21.4	Please provide a further guarantee for the sum of \$[] to be entered by the sureties.
21.5	Please file an affidavit by the grantee(s) to support your ex-parte application to amend the name of the deceased by using S.F. M4.1.
21.6	Please pay \$ [] on praecipe in respect of the fees for the alteration ordered on [] to be made in the grant.
21.7	Since the value of estate is currently exceeding \$500,000.00, minority interest arises under intestacy. Please file an ex-parte application by the applicant by the consent of the person proposed to be added as personal representative to obtain the Registrar's order to allow the adding of an additional personal representative (NCPR, r.24).
21.8	Please file the consent of the person proposed to be added as personal representative.
21.9	The proposed amendment marked in pencil in paragraph [] of [] is waived on this occasion. Please note for future reference.
21.10	Please lodge the original grant for endorsing the amendment.
21.11	If the original grant is lost, you will be required to file an affidavit by the grantee(s) to apply for an order by the Registrar for the issuance of a duplicate grant. In the affidavit, please include an undertaking that the applicant(s) would return the duplicate grant to the court forthwith when the original grant is found.
21.12	Please file a certified copy of the Schedule of Property/Schedule of Assets and Liabilities (S.F. N4.1) dated [] for it to be annexed to the duplicate grant.
21.13	Please apply in writing for a certified and sealed copy of the Will for it to be annexed to the duplicate grant.
21.14	Please pay \$217 on praecipe in respect of the fees for the issuance of the duplicate grant as well as the engrossing charges.
21.15	Before consideration is given to the application for amendment, please confirm in writing whether the value of the estate of the deceased was at the date of the death less

	than \$500,000.00.
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Section 22 – Others

Number	Text
22.1	It is noted the deceased died in [YEAR]. In view of the delay in making this application, please explain for such a delay in writing.
22.2	Please confirm in writing whether the 2nd named applicant is also legally aided. If so, please file the said applicant’s legal aid certificate.
22.3	Please adduce evidence showing the attempt and effort the [] has made to obtain the certificate of [] before submitting any request to the Probate Master for waiving the requirement.
22.4	To state whether the lawful widow/husband of the deceased who died after the deceased has taken out a grant of representation to the estate of the deceased.
22.5	Since the deceased died before 1.3.2009, common law applies. Thus the domicile of a married woman is dependent on her husband’s (para 51 of the Guide). Please therefore state the place of domicile of the lawful husband of the deceased at the date of her death.
22.6	Please follow Item B of Part II of PD 20.2 for an application for revocation of grant.
22.7	Where there are two applications lodged in the same estate a grant cannot be issued until one of the applications is either refused or withdrawn (para. 2.68 of T & C, 31 st Edition). Since there is another application for the same estate (HCAG [] / []), please take the necessary step as per above.

* * * The End * * *