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FORM NO. M3.2

Surety's Guarantee

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE

IN THE ESTATE of (name) late of (address),
(marital status), deceased (“the Deceased”)

and

IN THE MATTER of Rule 38 of the
Non-Contentious Probate Rules (Cap.10A)

WHEREAS the Deceased died at (place of death) on (date of death), *intestate/testate and A.B., (occupation), of (address), is the (capacity of the applicant in applying for the grant) (hereinafter called “the *administrator/administratrix”) and is now applying to administer the estate of the Deceased:

NOW THEREFORE:

1. We, C.D., (occupation), of (address), and E.F., (occupation), of (address), hereby jointly and severally guarantee that we will, when lawfully required to do so make good any loss which any person interested in the administration *[of the estate of the Deceased] [of the estate of the Deceased and trust property held by the Deceased] [of the trust property held by the Deceased] may suffer in consequence of the breach by the *administrator/administratrix of *his/her duty:

- (a) to collect and get in *[the estate of the Deceased] [the estate of the Deceased and trust property held by the Deceased] [the trust property held by the Deceased] and administer it according to law and, in particular, to pay the debts of the Deceased according to the priorities required by law and, so far as possible having regard to those priorities, proportionately;

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- (b) when required to do so by the court, to exhibit on oath in the court a full inventory of *[the estate of the Deceased] [the estate of the Deceased and trust property held by the Deceased] [the trust property held by the Deceased] and, when so required, to render an account of *[the estate of the Deceased] [the estate of the Deceased and trust property held by the Deceased] [the trust property held by the Deceased]; or
- (c) when so required by the court, to deliver up the grant to the court.

2. The giving of time to the *administrator/administratrix or any other forbearance or indulgence shall not in any way affect our liability under this guarantee.

3. The liability under this guarantee shall be continuing and shall be for the whole amount of the loss mentioned in paragraph 1 above, but our aggregate total liability shall not in any event exceed the sum of \$.....

IN WITNESS whereof we have hereunto set our hands and seals this (date).

SIGNED, SEALED AND DELIVERED, etc. (see Form No. F1.3)

Notes:

- (1) *Delete or adapt as appropriate.
- (2) One surety will suffice if the gross value of the estate does not exceed the sum of \$7,000.00.