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FORM NO. W1.2b

Affirmation or Affidavit by Administrator with Will

(Application by Attorney of Sole Executor)¹

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”)

I, A.B., (occupation), of (address), do hereby *[solemnly and sincerely affirm] [make oath] and say as follows:

1. The Deceased died at (place of death) on (date of death) at the age of years, having made and executed *his/her last Will dated The Deceased died domiciled in

2. (a) The Deceased appointed C.D., now aged years, the sole *executor/executrix in the Will.

2. (b) The Deceased named *[the following person the sole beneficiary] [the following persons the beneficiaries] in the estate:

<u>Name</u>	<u>Now Aged/Date of death if applicable</u>
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C.D.

E.F.

3. By a Power of Attorney dated, C.D. nominated and appointed me *his/her lawful attorney to apply for and obtain from the Court of First Instance of the High Court of the Hong Kong Special Administrative Region a grant of letters of administration (with the Will annexed) of the estate of the Deceased limited for *his/her use and benefit until further representation be granted. C.D. is now residing outside Hong Kong.

*4. (a) The true name of the Deceased was

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- (b) The Deceased made and executed the Will in the name of
- (c) The Deceased held (particulars of the asset) in the alias of
- (d) In fact the aforesaid names refer to the same person, the Deceased.

*5. To the best of my knowledge, information and belief, there is no other property real or personal under any title whatsoever, which by law devolves to and vests in the personal representatives of the Deceased, in respect of which estate duty is payable to the Government of the Hong Kong Special Administrative Region upon the death of the Deceased, than those set out in the Estate Duty Commissioner's *[Provisional] Schedule of Property filed herein so far as at present can be ascertained. The *[provisional] principal value of the estate amounts to \$..... *[including death gratuity in the sum of \$..... and an ex-gratia payment in the sum of \$..... payable to the estate by the Government of the Hong Kong Special Administrative Region] [including the Mandatory Provident *[Fund] [Funds] payable to the estate in the sum of \$..... *(and \$..... respectively)] [apart from a claim for (nature of claim) the amount of which is unknown].

*5. I have been exempted from the provisions of section 14 (6) of the Estate Duty Ordinance (Chapter 111) as indicated in the Certificate of Exemption dated the day of, 20..... under the hand of the Estate Duty Commissioner filed herein. The principal value of the estate amounts to \$..... *[including death gratuity in the sum of \$..... and an ex-gratia payment in the sum of \$..... payable to the estate by the Government of the Hong Kong Special Administrative Region] [including the Mandatory Provident *[Fund] [Funds] payable to the estate in the sum of \$..... *(and \$..... respectively)]. To the best of my knowledge, information and belief, there is no other property real or personal under any title whatsoever, which by law devolves to and vests in the personal representatives of the Deceased, beyond that to which reference has already been made in the Statement in lieu of Affidavit tendered to the Estate Duty Commissioner pursuant to the issue of the Certificate of Exemption. A verified copy of the Statement in lieu of Affidavit is filed herein.

6. I believe the paper writing shown to me and marked "A" by me to contain the true and original last Will of the Deceased, and I will administer according to the law all the estate which by law devolves to and vests in the personal representatives of the Deceased and I will exhibit a true and perfect inventory of all and singular the estate and effects and render a just and true account thereof whenever required by law so to do.

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7. *[No minority interest] [Minority interest³] arises under the Will.
8. *[No life interest] [Life interest³] arises under the Will.
9. I am applying as the lawful attorney of C.D. the sole *executor/executrix named in the Will for letters of administration (with the Will annexed) of the estate of the Deceased limited for the use and benefit of C.D. until further representation be granted.

AFFIRMED/SWORN, etc. (see Form No. F2.1)

Notes:

- (1) This form is for application by the lawful attorney of the sole executor/executrix named in the Will of the Deceased who died before 11th February 2006.
- (2) *Delete or adapt as appropriate.
- (3) If minority/life interest arises under the Will, the application shall be made in compliance with section 25 of the Probate and Administration Ordinance (Cap.10) that a co-administrator/co-administratrix is required.