## **For Reference Only**

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#### FORM NO. W1.4b

# Affirmation or Affidavit by Administrator with Will (No Executor Appointed)<sup>1</sup>

# 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")

|                           |         | (marital status), deceased (the Beccased)   |  |
|---------------------------|---------|---|--|
| and s                     | sincere | I, A.B. *[in the Will called], (occupation), of (address), do hereby *[solemnly ely affirm] [make oath] and say as follows: |  |
| 1.                        |         | The Deceased died at (place of death) on (date of death) at the age of years,   |  |
| havir                     | ng ma   | de and executed *his/her last Will dated The Deceased died domiciled  |  |
| in                        |         |   |  |
|                           |         |   |  |
| 2.                        | (a)     | The Deceased did not appoint any executor in the Will.  |  |
|                           |         |   |  |
| 2.                        | (b)     | The Deceased named *[the following person the sole beneficiary] [the following  |  |
|                           |         | persons the beneficiaries] in the estate:   |  |
|                           |         | Name Now Aged/Date of death if applicable   |  |
|                           |         | A.B.  |  |
|                           |         | C.D.  |  |
|                           |         |   |  |
| 3.                        |         | The Deceased did not name any residuary legatee or devisee holding in trust for any   |  |
| other person in the Will. |         |   |  |
|                           |         |   |  |
| 4.                        |         | The Deceased did not name any residuary legatee or devisee for life in the Will.  |  |
|                           |         |   |  |
| <b>*</b> 5.               | (a)     | The true name of the Deceased was   |  |
|                           | (b)     | The Deceased made and executed the Will in the name of  |  |
|                           | (c)     | The Deceased held (particulars of the asset) in the alias of  |  |
|                           |         |   |  |

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(d) In fact the aforesaid names refer to the same person, the Deceased.

| *6. 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].   |  |  |  |
|  |  |  |  |
| *6. 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   |  |  |  |
| principal value of the estate amounts to \$*[including death gratuity in the sum o                     |  |  |  |
| \$ 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.   |  |  |  |
|  |  |  |  |
| 7. 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.   |  |  |  |

8. \*[No minority interest] [Minority interest³] arises under the Will.

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- 9. \*[No life interest] [Life interest³] arises under the Will.
- 10. I am applying as the \*[sole residuary legatee and devisee named in the Will] [one of the residuary legatees and devisees named in the Will] for letters of administration (with the Will annexed) of the estate of the Deceased.

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

#### **Notes:**

- (1) This form is for application by a residuary legatee and devisee named in the Will of the Deceased who died before 11th February 2006.
- \*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.