

Application for Grant Checklist

(To be filed when the application is lodged)

IN THE ESTATE OF (name),
Deceased.

Instructions

1. Please read Practice Direction 20.1, the Guide to use the Specified Forms and the Guide to Non-Contentious Probate Practice (“the Guide to NCPP”) before completing this Checklist.
2. You **MUST** complete all sections by putting a tick (NOT a cross) in each of the boxes, unless otherwise stated.
3. If any part of this checklist is not completed as aforesaid, please explain in details under Section K as to why it is so. Requisition will be raised if no or no satisfactory explanation is given. It may also delay processing of the application.
4. *Please delete or adapt as appropriate.
5. Abbreviations used in this Checklist are the same as those in the Guide to NCPP.

Section A – Application Form

(Please refer to Gazette Notice No.4 of 2006 published on 21.1.2006 for the Form number.)

- A1 I confirm that the following Specified Form is appropriate in the present application.
(Please tick one box in the followings.)

Deceased died on or after 11.2.2006

Deceased died before 11.2.2006

L1.1a

L1.1b

L1.2a

L1.2b

L1.3a

L1.3b

L1.4a

L1.4b

L1.5a

L1.5b

L1.6a

L1.6b

W1.1a

W1.1b

W1.2a

W1.2b

W1.3a

W1.3b

W1.4a

W1.4b

Others, if any, please specify _____

- A2 I have advised the applicant(s) to make all reasonable enquiries, to conduct all known searches and to make full and frank disclosure in the above Specified Form (which is an *ex-parte* application) as well as the risk of being prosecuted for perjury, if it contains any incorrect or false information.

Section B – Death of the Deceased

- B1 The death of the Deceased is duly proved by his/her:
(Please tick as appropriate in the circumstances.)

Death certificate

Death certificate duly authenticated

Death certificate duly authenticated together with certified translation

Others, if any, please specify _____

The original of it is filed herein.

Section C – Domicile of the Deceased

(Please tick one box in C1 (a) - (d). Please read paragraphs 47-59 of the Guide to NCPP, if necessary.)

- C1 (a) The Deceased died domiciled in Hong Kong. He/She had a permanent HKID card, a copy of it is filed herein.
- (b) The Deceased died domiciled in Hong Kong notwithstanding that he/she did not have a permanent HKID card. The affidavit/affirmation of _____ is filed herein to support for it.
- (c) The Deceased died domiciled outside Hong Kong in _____. He/She had a foreign passport showing such nationality, a copy of it is filed herein.
- (d) The Deceased died domiciled outside Hong Kong in _____ notwithstanding that he/she did not have a foreign passport showing such nationality. The affidavit/affirmation of _____ is filed herein to support for it.

Section D – Basis of Application

(Please consider carefully the entitlement to a grant by the applicant(s), choose and complete at least one sub-section under (1) to (6), others will be left in blank.)

(1) Rule 19 NCPD

(This sub-section is to be completed when the Deceased died domiciled in Hong Kong leaving a will. Please read paragraphs 150-156 of the Guide to NCPP, if necessary.)

- D1.1 I have gone through the will and consider that the applicant(s) is/are ranked r. 19 _____ under NCPD.
- D1.2 The person(s) enjoying higher priority has/have been cleared off in the following manner.

Person(s) with priority	Name(s) (Some capacities may not exist under the will, if so, state N/A.)	Clearing off by (Proof of death, renunciation, etc.)
r.19 (i)		
r.19 (ii)		
r.19 (iii)		
r.19 (iv)		
r.19 (v)		
r.19 (vi)		

(2) Rule 21 NCPR

(This sub-section is to be completed when the Deceased died domiciled in Hong Kong without leaving a will. Please read paragraphs 60-88 of the Guide to NCPP, if necessary.)

- D2.1 Having regard to the information available, I consider that the applicant(s) is/are ranked r. 21 ____ under NCPR.
- D2.2 The person(s) enjoying higher priority than the applicant(s) has/have been cleared off in the following manner.

Person(s) with priority	Name(s) (Some capacities may not exist, if so, state N/A.)	Clearing off by (Proof of death, renunciation, etc)
r.21 (1) (i)		
r.21 (1) (ii)		
r.21 (1) (iii)		
r.21 (1) (iv)		
r.21 (2) (i)		
r.21 (2) (ii)		
r.21 (3)		
r.21 (4)		

(3) Rule 29 (a) NCPR

(This sub-section is to be completed when the Deceased died domiciled outside Hong Kong.)

(In D3.1, please tick either (a) or (b). Please read paragraphs 242-245 of the Guide to NCPP, if necessary.)

- D3.1 (a) The present application is made pursuant to the order dated _____ made by this court under the *ex-parte* application HCEA _____ of _____.
- (b) The affidavit/affirmation of _____ is filed herein (by way of *ex-parte* application) for an order of this court supporting the present application for grant.
- D3.2 I have examined the court sealed and/or certified foreign *[grant] [order] [decree] filed herein and I consider that the applicant(s) was/were entrusted with the administration (as distinguished from inheritance) of the estate of the Deceased by the court having jurisdiction at the place where he/she died domiciled.

(4) Rule 29 (b) NCPR

(This sub-section is to be completed when the Deceased died domiciled outside Hong Kong.)

(In D4.1, please tick either (a) or (b). Please read paragraphs 242, 243, 246-253 of the Guide to NCPP, if necessary.)

D4.1 (a) The present application is made pursuant to the order dated _____ made by this court under the *ex-parte* application HCEA _____ of _____.

(b) The affidavit/affirmation of _____ is filed herein (by way of *ex-parte* application) for an order of this court supporting the present application for grant.

D4.2 An affidavit/affirmation of law of _____ (who is a *[practicing lawyer with not less than 5 years of post qualification experience in the relevant jurisdiction] [an expert in the area with appropriate academic and/or professional qualification]) is filed herein to support the application.

D4.3 I confirm that, before the preparation of his/her affidavit/affirmation of law, the said foreign expert has been informed by me of the usual requirement of the Hong Kong court. I have also vetted through the said affidavit/affirmation of law and considered that the same has been duly complied with, to my satisfaction.

D4.4 I share the view of the said foreign expert that the concept of grant does not exist in the relevant jurisdiction and that the applicant(s) is/are entitled to administer the estate of the Deceased there.

(5) Rule 29 (c) NCPR

(This sub-section is to be completed when the Deceased died domiciled outside Hong Kong.)

(In D5.1, please tick either (a) or (b). Please read paragraphs 242, 243, 246-253 of the Guide to NCPP, if necessary.)

D5.1 (a) The present application is made pursuant to the order dated _____ made by this court under the *ex-parte* application HCEA _____ of _____.

(b) The affidavit/affirmation of _____ is filed herein (by way of *ex-parte* application) for an order of this court supporting the present application for grant.

D5.2 An affidavit/affirmation of law of _____ (who is a *[practicing lawyer with not less than 5 years of post qualification experience in the relevant jurisdiction] [an expert in the area with appropriate academic and/or professional qualification]) is filed herein to support the application.

D5.3 I confirm that, before the preparation of his/her affidavit/affirmation of law, the said foreign expert has been informed by me of the usual requirement of the Hong Kong court. I have also vetted through the said affidavit/affirmation of law and considered that the same has been duly complied with to my satisfaction.

D5.4 I share the view of the said foreign expert that both r.29 (a) and (b) are not applicable. The applicant(s) should be issued with a local grant because _____

_____.

(6) Other Application(s)

D6.1 The applicant(s) is/are (also) relying on the following to support his/her/their application.
(More than one box may be ticked in the followings.)

- Rule 30 NCPR (Grant to attorneys)
- Rule 31 NCPR (Grant on behalf of person under 21)
- Rule 32 NCPR (Grant where person under 21 co-executor)
- Rule 33 NCPR (Grant in case of mental or physical incapacity)
- Rule 34 NCPR (Grant to trust corporations and other corporate bodies)
- Section 49 PAO (Sealing of grants by Courts outside Hong Kong)
- Section ____PAO/Rule ____ NCPR

Section E – The Applicant(s)

E1 I confirm that the identity of the applicant(s) has been proved to my satisfaction by checking:
(More than one box may be ticked in the followings.)

- Marriage Certificate
- Birth Certificate
- Copy of HKID or other identity document(s)
- Affidavit of Identity in S.F. M2.1
- Others, if any, please specify _____

The original of such document(s) is/are filed herein.

E2 I also confirm that the requirement as to the number of the applicant(s) under s.25 PAO has been complied with.

Section F – The Will

(This section is to be completed when the Deceased died leaving a will, otherwise leave it blank.)
(In F4 - F9, please tick either (a) or (b) therein.)

F1 I confirm that the *[original will] [court certified and sealed copy will] of the Deceased is filed herein.

F2 I confirm that a copy of the will without markings on the back sheet (to be annexed in the grant to be issued) is filed herein.

F3 I confirm that r.8 NCPR for marking of the will has been complied with.

F4 (a) I consider that the will was validly executed and in good order for probate according to the provisions of WO.

(b) S.5 (2) WO application is needed. The affidavit/affirmation of _____ is filed to persuade the court to accept that there is no reasonable doubt that document dated _____ embodies the testamentary intentions of the Deceased.

- F5 (a) I have inspected the will and confirm that the execution of it is prima facie in good order.
- (b) The execution of the will is not in good order on face of it. The affidavit/affirmation of _____ (in S.F. W3.1) is filed herein to explain the circumstances under which the testator duly executed the will.
- F6 (a) I have inspected the will and confirm that the handwriting and signature(s) of the testator thereon do not require elaboration on face of it.
- (b) The will was handwritten and the signature(s) of the testator thereon requires elaboration. The affidavit/affirmation of _____ (in S.F. W3.2) is filed herein to explain the handwriting and signature(s) of the will.
- F7 (a) I have inspected the will and confirm that the plight and condition of it is in good order.
- (b) The plight and condition of the will is not in good order. The affidavit/affirmation of _____ (in S.F. W3.3) is filed herein to explain the obliterations, interlineations, corrections and/or any other matters requiring to be accounted thereon.
- F8 (a) I have inspected the will and confirm that there is no alteration made previously or subsequently to the execution of the same.
- (b) There is/are alteration(s) made previously or subsequently to the execution of the will. The affidavit/affirmation of _____ (in S.F. W3.4) is filed herein to explain the circumstances under which the testator made the alteration(s).
- F9 (a) I confirm that s.23A WO application is not needed.
- (b) S.23A WO application is needed. The affidavit/affirmation of _____ is filed herein for the rectification of [particulars of clerical error and/or failure to understand the instructions of the testator].

Section G – Schedule of Property

(In G1, please tick either (a) or (b).)

- G1 (a) The Deceased died on or after 11 February 2006 and the followings are filed herein:
(Please tick as appropriate in the circumstances.)
- S.F. N2.1
- S.F. N4.1 in duplicate
- Inventory list of Safe Deposit Box, if any, attached to S.F. N4.1
- (b) The Deceased died before 11 February 2006 and the followings are filed herein:
(Please tick as appropriate in the circumstances.)
- Estate Duty Payment or Exemption Certificate + Schedule of Property in duplicate
or
- Estate Duty Exemption Certificate in duplicate + Statement in lieu of Affidavit

Section H – Other documents

(This section may be left in blank if all supporting document(s) have been mentioned above.)

H1 I confirm that the following document(s) has/have also been filed to support the present application.

(More than one box may be ticked in the followings.)

- Renunciation
- Nomination
- Power of Attorney
- Divorce Certificate
- Order
- Others, if any, please specify _____

Section I – Authentication

(In I1, please tick only one box from (a), (b) or (c). Please see footnote 44 at page 45 of the Guide to NCPP, if necessary.)

I1 (a) I confirm that all public documents filed herein are issued by Hong Kong authorities. As such, no authentication is required.

(b) I confirm that all foreign public documents filed herein have been duly authenticated.

(c) I confirm that all foreign public documents filed herein have been duly authenticated except _____

_____.
An affidavit/affirmation by _____ is filed herein to set out the circumstances why the usual requirement cannot be complied with despite reasonable efforts having been spent and that waiver of the same is hereby applied for.

Section J – Requirement of Surety Guarantee

(In J1, please tick either (a) or (b). Please read paragraphs 121–123 of the Guide to NCPP, if necessary.)

J1 (a) I confirm that the applicant(s) has/have been advised that the requirement of surety guarantee will not be raised by the court under r.38 (1) NCPR.

(b) I confirm that the applicant(s) has/have been advised that the requirement of surety guarantee will be raised by the court under r.38 (1) NCPR. The applicant(s) hereby pray(s) for dispensation of this requirement because:
(Please tick as appropriate in the circumstances.)

- The estate has no known creditors or liabilities
- No beneficiary needs such protection
- All beneficiaries consented to the dispensation of such requirement (written consents are filed herein)
- Others, if any, please specify _____

Section K – Other Matters

(You may include in this section any additional information to assist the court, for example, family tree of the Deceased, chronology of events, case(s) to support particular proposition(s), reason(s) why any of the boxes cannot be completed, problem(s) spotted by the solicitor in the application. You may also leave it blank if it is a simple application.)

K1 I set out below other information that will assist the Court to process the present application.

Section L – Confirmation

(The solicitor shall sign in his or her own name, NOT in the firm’s name.)

L1 I, [name of the solicitor-in-charge], solicitor for the applicant(s), having conduct of the present application, confirm that the above are true and accurate to the best of my information and belief.

Signed:	Date:
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