

THIS FORM IS A GUIDE. IT DOES NOT REPLACE THE FORMS IN THE WILLS AND PROBATE ACT

**Form 3 Guide Affidavit of residuary beneficiary - Letters of Administration with Will
Annexed**

*Attorney's Name
Bar Number
Address
Phone Number
Fax Number
Email Address*

REPUBLIC OF TRINIDAD AND TOBAGO

**IN THE ESTATE OF
NAME OF DECEASED
(INCLUDE ALL NAMES BY WHICH THE DECEASED WAS KNOWN)
(DECEASED)
late of
(Address (use last place of abode)
Deceased**

I (*Name¹, occupation² and marital status³ of residuary beneficiary*) of (*address of residuary beneficiary*) in the Island of Trinidad, make oath and say as follows:

1. That I desire to obtain Letters of Administration with Will Annexed in the estate of (*Name of deceased as on the will and all other names by which the deceased was known⁴*) (hereinafter called "the Deceased"), who died at (*place of death as appears on the death certificate*) on the (*date of death as appears on the death certificate*) (*domicile of deceased⁵*)⁵ having a fixed place of abode at (*last address of deceased*)⁶. The Deceased is the same person as (*Name of deceased as appears on the death certificate*) named in the Death Certificate hereto annexed and marked ("*initials of residuary beneficiary 1*"). I am over the age of 18 years.
2. I am applying in my capacity as *the/one of the* residuary beneficiary(ies) named in the last will and testament of the Deceased.

¹ Where there are variations to the applicant's name, either in spelling or the way it appears on documents or the will e.g. Jane Smith is applying but Janet Smith appears on the will, an affidavit of alias by an independent person (who is either older than or close in age to the applicant) is to be filed.

² This is only required for male applicants.

³ This is only required for female applicants.

⁴ Where there are typographical errors (e.g. Basdaye/Basdai/Basday/Basdaie) in the deceased's name appearing on documents or otherwise, all typographical errors must be stated (and searched) and each must be properly explained by the applicant i.e. an explanation is required to account for the differences.

Where there are different names for the deceased and no nexus between the names (e.g. Basdeo Persad also called Andre Jones) an affidavit of alias by an independent person (who is either older than or close in age to the deceased) is to be filed.

⁵ If the deceased was not domiciled in Trinidad and Tobago, an affidavit of law is required to be filed. The words "domicile" and "fixed place of abode" are synonymous, therefore a person cannot be domiciled in Trinidad and Tobago with a fixed place of abode in another country.

⁶ If the deceased person was most recently living in an institution, the address of the institution can be used as the last place of abode but you **must** indicate what was his last residential address e.g. "John Smith late of Vitas House 239 James Street, Port-of-Spain **formerly** of 1234 Abercromby Lane, Port-of-Spain".

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3. ⁷The deceased did not name an executor in his will.

OR

The executor (*name of executor*) has renounced his rights to administer the estate of the deceased. The renunciation of the executor dated the (*date of renunciation*) is hereto annexed and marked ("*initials of residuary beneficiary 2*").

OR

The executor (*name of executor*) died on *the (date of death of the executor to be stated)* after the deceased without obtaining a grant of probate of the estate of the deceased. The death certificate of the executor is hereto annexed and marked ("*initials of residuary beneficiary 2*").

OR

The executor (*name of executor*) died on *the (date of death of the executor to be stated)* before the deceased and the deceased did not name a new executor. The death certificate of the executor is hereto annexed and marked ("*initials of residuary beneficiary 2*").

4. ⁸There are no other residuary beneficiaries named in the will of the deceased.

OR

The other **residuary beneficiary(ies)** has consented to me making this application⁹. The consent of the other residuary beneficiary(ies) is hereto annexed and marked ("*initials of residuary beneficiary 3*"). (Consents to be annexed where applicable).

AND/OR

The other residuary beneficiary(ies) reside outside the jurisdiction at (*address of residuary beneficiaries to be provided where known*) and have been notified of this application.

AND/OR

The other residuary beneficiary(ies) died on the (*give particulars of death stating date and place*). The death certificate of the residuary beneficiary(ies) is hereto annexed and marked ("*initials of sibling of deceased 3*").

5. The paper writing hereto and marked by me and exhibited to the affidavit of the (*name of attesting witness*) as (*exhibit number or letter*)¹⁰, in my solemn belief contains the last Will and testament (*and codicil if applicable*) of the deceased (*Name of Deceased*) dated the (*state date of will and codicil if applicable*).

6. No application for probate or administration had been made previous to this application and no Will of the Deceased other than that for which probate is now sought is deposited in the depository for Wills of living persons in the Registry. (*If a previous application*

⁷ Please choose the most applicable situation and delete paragraphs where necessary.

⁸ Please choose most applicable situation and delete paragraphs where necessary.

⁹ If the applicant is unable to obtain the consent of the other residuary beneficiary(ies), proof of notification is to be filed i.e. a copy of the letter sent along with the original registered mail receipt from the post office.

¹⁰ Exhibit number or letter shall correspond with the exhibit number or letter as stated in the attesting witness affidavit.

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was made details of previous application and information as to withdrawal or if granted date of revocation of grant to be stated).

7. The deceased at the time of his death was (*state marital status¹¹ and occupation¹²*).
8. The reason for the delay in filing the application is due to (*this is only to be done if 3 years has elapsed since the death of the deceased.*)
9. The plight and condition of the will is to be explained *if applicable*.
10. *If the witnesses to the will cannot be found to state what attempts have been made to find the witnesses or if witnesses are deceased this is to be stated and death certificates are to be filed. To state whether anyone else beside the applicant was present and if yes, an affidavit of due execution to be done by that person. If no, an affidavit by someone other than the applicant to be done to verify the signature of the deceased and either of the witnesses. If no one can verify the signature of either witness then the consent of all the persons who would benefit from the estate under intestacy is to be obtained and filed.*
11. I will duly get in and administer the estate of the said Deceased and pay the Deceased's just debts and distribute the rest of his estate according to law.
12. I will file in the Registry within 12 calendar months from the date of the grant a statement and account verified by my affidavit of my administration of the estate of the Deceased.
13. The statements in the application annexed hereto are true to the best of my knowledge, information and belief.
14. The Inventory hereto annexed and marked ("*initials of residuary beneficiary 4*") is a true inventory of the particulars of the estate of the Deceased and the value of all the real and personal estate and effects of the Deceased for and in respect of which a grant is required and is exclusive of what the Deceased may have been possessed of and entitled to as trustee for any other person or persons and not beneficially, and is also exclusive of the property in the said inventory specified as being incapable of immediate valuation. The gross value as at the date of death thereof altogether is (*same value as on the inventory¹³*) as set out in the Inventory to the best of my knowledge, information and belief.

¹¹ This is required if the deceased was female.

¹² This is required if the deceased was male.

¹³ Value of the estate is to be at the date of death of deceased person.

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15. The letters of administration with will annexed is required in the names of the deceased as (*state names of deceased*¹⁴) and in the name of the residuary beneficiary as (*state names of the residuary beneficiary*).

SWORN to at *Place sworn*)
) Residuary beneficiary's signature
)
This day of _____ 20 ____ .)

Before me,

Commissioner of Affidavits¹⁵

¹⁴ Only state the names in which you would like the grant to be issued, this may or may not include all the names in which the search was done.

¹⁵ Please note the Commissioner of Affidavit is to sign, date and stamp all exhibits according to the exhibit numbers as set out in the affidavit. The Commissioner of Affidavits is also to initial all insertions and corrections made to every document filed.