

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

Form 6 Guide Affidavit of the Attorney of spouse - Letters of Administration

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 (*Name, occupation¹ and marital status² of attorney of spouse*) of (*address of attorney of spouse*) in the Island of Trinidad, make oath and say as follows:

1. That I desire to obtain Letters of Administration in the estate of (*Name of deceased and all other names by which the deceased was known³*) (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 deceased⁴*) having a fixed place of abode at (*last address of deceased⁵*). 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 attorney of spouse 1*"). I am over the age of 18 years.
2. I am applying in my capacity as the lawfully appointed attorney of the spouse of the deceased.
3. By virtue of a Power of Attorney dated (*date of Power of Attorney*) registered as (*registered number of Power of Attorney*) the spouse of the deceased (*name of spouse*) appointed me her lawful attorney to apply for letters of administration of the estate of the deceased. A certified copy of the Power of Attorney is hereto annexed and marked ("*initials of attorney of spouse 2*").

¹ This is required for male applicants only.

² This is required for female applicants only.

³ 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.

⁴ 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.

⁵ 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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4. The deceased at the time of his death was (*state marital status and occupation*⁶).
5. The deceased and (*state name of spouse*) were married on the (*date of marriage*) at (*place of marriage*) and they are the same persons referred to as (*name of deceased as on marriage certificate*) and (*name of spouse as on marriage certificate*). The marriage certificate is hereto annexed and marked (*initials of attorney of spouse 3*⁷).
6. Shortly after the death of the deceased I made (or caused to be made) diligent search among the papers and effects of the deceased and also in the depository for Wills of living persons in the Registry of the Supreme Court for a Will or other document of a testamentary character of the deceased and found none and verily believe that the deceased died intestate.
7. From searches made in the said Registry it appears that no application for probate or administration has been made previous to this application. (*If a previous application was made before details of previous application and information as to withdrawal or if granted date of revocation of grant to be state*).
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. 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.
10. 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.
11. The statements in the application annexed hereto are true to the best of my knowledge, information and belief.
12. The Inventory hereto annexed and marked (*initials of attorney of spouse 4*⁷) 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 inventory*⁷) as set out in the Inventory to the best of my knowledge, information and belief.

⁶ Occupation required where the deceased was male.

⁷ Value of the estate is to be at the date of death of deceased person.

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13. The letters of administration is required in the names of the deceased as (*state names of deceased*⁸) and in the name of the applicant as (*state names of the applicant*).

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

Before me,

Commissioner of Affidavits⁹

THIS DOES NOT REPLACE WPA FORMS

⁸ 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.

⁹ 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.