

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

**Form 7      Guide Affidavit of adult child of deceased - 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, occupation<sup>1</sup> and marital status<sup>2</sup> of child of deceased*) of (*address of child of deceased*) 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 known<sup>3</sup>*) (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 deceased<sup>4</sup>*) having a fixed place of abode at (*last address of deceased<sup>5</sup>*). 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 child of deceased 1*"). I am over the age of 18 years.
2. I am applying in my capacity as son/daughter of the deceased. I was born on the (*state date of birth*) at the (*state place of birth*) and I am the same person referred to as (*state only the names of the applicant that is on the birth certificate*) and I was born to the deceased and my mother/father (*state names of parents as it is on the birth certificate*). My birth certificate is hereto annexed and marked ("*initials of child of deceased 2*").

<sup>1</sup> This is required for male applicants only.

<sup>2</sup> This is required for female applicants only.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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*(If the applicant's name is not on the birth certificate a statutory declaration of an independent living person (who is older than or close in age to the applicant) is to be filed with the birth certificate of the applicant annexed to it).*

*(If the deceased is the father of the applicant and his name does not appear on the birth certificate of the applicant, then an order of the Court (Paternity Order) is needed to establish a relationship of father and child. The particulars of the Court order are to be stated and an **office copy** of the Court order to be annexed).*

*(Where the child is adopted, the adoption order is to be annexed).*

3. The deceased at the time of his death was *(state occupation<sup>6</sup>)*.

4. <sup>7</sup>The deceased at the time of his death was a *Bachelor/Spinster*.

**OR**

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 child of deceased 3<sup>8</sup>)*.

5. <sup>8</sup>The spouse *(name of spouse)* of the deceased has renounced his rights to administer the estate of the deceased. The renunciation of the spouse dated the *(date of renunciation)* is hereto annexed and marked *(initials of child of deceased 4<sup>9</sup>)*.

**OR**

The deceased at the time of his death was a *Widow/Widower*. The spouse of the deceased died on the *(give particulars of death stating date and place)* without applying to administer the estate of the deceased. The death certificate of the spouse of the deceased is hereto annexed and marked *(initials of child of deceased 4<sup>9</sup>)*.

**OR**

The deceased at the time of his death was a divorcee. An **office copy** of the decree absolute is hereto annexed and marked *(initials of child of deceased 4<sup>9</sup>)*.

6. <sup>9</sup>The deceased at the time of his death did not have any other children.

**OR**

At the time of his death the deceased was also the father/mother of *(state names of other children<sup>10</sup>) (if the deceased had no other children this is to be stated)*.

<sup>6</sup> This is required if the deceased was male.

<sup>7</sup> Please choose one situation and delete all others. If the deceased was a bachelor or spinster then paragraph 5 is to be deleted.

<sup>8</sup> Where the deceased was married, please choose one of the options at paragraph 5 and delete all others.

<sup>9</sup> Please choose the most applicable situation(s) and delete paragraphs where necessary.

<sup>10</sup> Where the deceased is the **father** of other children, the consent of all children are required once they are acknowledged as children of the deceased, whether or not the name of the deceased appears on the birth certificate.

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*The birth certificate of minor children to be filed (state particulars of minor child as appears on birth certificate) hereto annexed and marked ("initials of child of deceased 5") if applicable.*

7. <sup>11</sup>The other child(ren) of the deceased has consented to me making this application<sup>12</sup>. The consent of the other child of the deceased is hereto annexed and marked (*"initials of child of deceased 5"*).

AND/OR

The other sibling(s) of the deceased reside outside the jurisdiction at (*address of children to be provided where known*) and have been notified of this application.

AND/OR

The other child(ren) of the deceased died on the (*give particulars of death stating date and place*). The death certificate of the child(ren) of the deceased is hereto annexed and marked (*initials of child of deceased 6"*).

8. 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.
9. 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/revocation to be state*).
10. 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*.)
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 child of deceased 7"*) is a true inventory of the particulars of the estate of the Deceased and the value of all the real and

<sup>11</sup> Please choose the most applicable situation(s) and delete paragraphs where necessary

<sup>12</sup> If the applicant is unable to obtain the consent of the other child(ren), 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.

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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<sup>13</sup>*) as set out in the Inventory to the best of my knowledge, information and belief.

15. The letters of administration is required in the names of the deceased as (*state names of deceased<sup>14</sup>*) 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 Affidavits<sup>15</sup>

<sup>13</sup> Value of the estate is to be at the date of death of deceased person.

<sup>14</sup> 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.

<sup>15</sup> 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.