

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

Form 9 Guide Affidavit of the sibling of the 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 (*Name¹, occupation² and marital status³ of sibling of deceased*) of (*address of sibling 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 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*) having a fixed place of abode at (*last address of deceased⁶*). 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 sibling of deceased 1*"). I am over the age of 18 years.
2. The deceased at the time of his death was a (*occupation of the deceased*).⁷
3. I am applying in my capacity as brother/sister⁸ of the deceased.

¹ Where there are variations to the applicant's name, either in spelling or the way it appears on documents e.g. Jane Smith is applying but Janet Smith appears on the marriage certificate, 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 required for male applicants only.

³ This is required for female applicants only.

⁴ Where there are typographical errors (e.g. Basdaye/Basdai/Basday/Basdaic) 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".

⁷ This is required if the deceased was male.

⁸ Brothers and sisters of the whole blood have preference over brothers and sisters of the half blood.

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4. ⁹The deceased at the time of his death was a (*Bachelor/Spinster*).
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 sibling of deceased 2”*).

OR

The deceased at the time of his death was a widower. 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 sibling of deceased 2”*). 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 sibling of deceased 3”*).

OR

The deceased was married at the time of his death. 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 sibling of deceased 2”*). 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 sibling of deceased 3”*).

5. ¹⁰The deceased at the time of his death did not have any children.

OR

The child(ren) of the deceased has renounced his rights to administer the estate of the deceased¹¹. The renunciation of the child(ren) dated the (*date of renunciation*) is hereto annexed and marked (*“initials of sibling of deceased 4”*).

AND/OR

The deceased had (*number of children*). The child(ren) 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 child(ren) of the deceased is hereto annexed and marked (*initials of sibling of deceased 4”*).

6. The deceased was born to his parents (*state names of parents as it is on the birth certificate*) on the (*state date of birth*) at the (*state place of birth*) and is the same person referred to as (*state only the names of the deceased that is on the birth certificate*). The

⁹ Please choose one marital status and delete all others.

¹⁰ Please choose the most applicable situation(s) and delete paragraphs where necessary.

¹¹ Where the deceased died leaving only minor children, the Guardian of the children to apply for the grant. The Guardian of a minor child cannot renounce the right of the minor child to administer the estate.

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deceased's birth certificate is hereto annexed and marked (*"initials of sibling of deceased 5"*).

(If the deceased'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 deceased) is to be filed with the birth certificate of the deceased annexed to it).

(If the applicant and deceased are related through their father and the name of the father of the deceased does not appear on the birth certificate of the deceased or applicant or both, 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 deceased is adopted, the adoption order is to be annexed).

7. I was born to my parents (*state names of parents as it is on the birth certificate*) 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*). My birth certificate is hereto annexed and marked (*"initials of sibling of deceased 6"*).

8. The parents of the deceased were married on the (*date of marriage*) at (*place of marriage*). They are the same persons as (*names of parents as is on the marriage certificate*). The marriage certificate of the parents of the deceased is hereto annexed and marked (*"initials of sibling of deceased 7"*) *if applicable. Certificate of no record required only where marriage certificate is not produced and marriage is alleged.*

9. ¹²The parent(s) (*name of parent*) has renounced his rights to administer the estate of the deceased. The renunciation of the parent(s) of the deceased dated the (*date of renunciation*) is hereto annexed and marked (*"initials of sibling of deceased 8"*).

AND/OR

The parent(s) 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 parent(s) of the deceased is hereto annexed and marked (*initials of sibling of deceased 8"*).

10. ¹³The deceased did not have any other siblings.

OR

The deceased had (*number of siblings*). The other siblings of the deceased are (*state names*). The sibling(s) of the deceased died on the (*give particulars of death stating date and place*). The death certificate of the sibling(s) of the deceased is hereto annexed and marked (*initials of sibling of deceased 9"*).

AND/OR

¹² Please choose the most applicable situation(s) and delete paragraphs where necessary.

¹³ Please choose the most applicable situation(s) and delete paragraphs where necessary.

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The other sibling(s) has consented to me making this application¹⁴. The consent of the other sibling(s) is hereto annexed and marked (*"initials of sibling of deceased 9"*) if applicable.

AND/OR

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

11. 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.
12. 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*).
13. 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*).
14. 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.
15. 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.
16. The statements in the application annexed hereto are true to the best of my knowledge, information and belief.
17. The Inventory hereto annexed and marked (*"initials of sibling of deceased 9"*) 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 inventory¹⁵*) as set out in the Inventory to the best of my knowledge, information and belief.

¹⁴ If the applicant is unable to obtain the consent of the other siblings living in Trinidad and Tobago, proof of notification is to be filed i.e. a copy of the letter and consent sent, along with the original registered mail receipt from the post office.

¹⁵ Value of the estate is to be at the date of death of deceased person.

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18. The letters of administration is required in the names of the deceased as (*state names of deceased¹⁶*) 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 Affidavits¹⁷

¹⁶ 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.

¹⁷ 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.