

PROBATE AND ADMINISTRATION RULES

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REPUBLIC OF VANUATU

Succession, Probate and Administration Regulation 1972, Queen's Regulation No.7
of 1972

PROBATE AND ADMINISTRATION RULES No. of 2003

To set out the procedure in probate and administration matters.

The Rules Committee makes the following Rules under section 66 of the Judicial Services and Courts Act No 54 of 2000 and the Queen's Regulation No. 7 of 1972.

PART 1 – PRELIMINARY

Title

1.1 These Rules are the Probate and Administration Rules.

Purpose

1.2 The purpose of these Rules is to set out the procedures to be used in probate and administration proceedings brought in the Supreme Court.

Application of the Civil Procedure Rules

- 1.3 (1) If these Rules do not make provision for a matter relating to a proceeding, the Civil Procedure Rules apply to that matter.
- (2) In particular, the Civil Procedure Rules apply to contested proceedings, as set out in Rule 3.2.

Overriding objective and case management

- 1.4 (1) The Supreme Court must give effect to the overriding objective, as set out in the Civil Procedure Rules, when it:
- (a) does any act under these Rules; or
 - (b) interprets these Rules.
- (2) In particular, the Court must actively manage cases brought under these Rules, as set out in the Civil Procedure Rules.

[NOTES: 1. The “overriding objective” is set out in R. 1.2 of the Civil Procedure Rules.
2. Case management is set out in R.1.4 of the Civil Procedure Rules.]

Interpretation

- 1.5** (1) Some words used in these Rules have a particular meaning. These are defined as follows:

“applicant” means the person who makes an application.

“contested proceedings” means proceedings where an application for probate or administration is opposed.

“Court” means the Supreme Court.

“foreign probate or administration” means probate or administration granted in a Commonwealth country or territory.

“Queen’s Regulation” means the Succession, Probate and Administration Regulation 1972, Queen’s Regulation No. 7 of 1972.

“will” includes a codicil to a will.

- [NOTES: 1. The Attorney-General may certify that a country or territory is a Commonwealth country or territory. See Queen’s Regulation 2.3.]
2. The making of a will is dealt with in the Wills Act (Cap. 55).
3. The following terms are defined in the Queen’s Regulations and have the meaning given to them by those Regulations: “administration”, “estate”, “intestate”, “personal representative”, “probate”.]

- (2) The Notes in these Rules do not form part of the Rules and are for information only.

Forms

- 1.6** (1) A reference to a Form by number is a reference to the form identified by that number in the Schedule at the end of these Rules.
- (2) If these Rules do not require a particular Form to be used, the equivalent form in the Civil Procedure Rules is to be used, but with the heading of the Forms in these Rules.

PART 2 – APPLYING FOR PROBATE AND ADMINISTRATION

Application of Part 2

2.1 This Part deals with:

- (a) applying for grants of probate and letters of administration of estates of deceased persons; and
- (b) the grant, if there is no opposition to the application.

[NOTES: 1. The executors named in the will are entitled to probate. The Queen's Regulation sets out who is entitled to administration. See Regulation 7.
2. Part 3 of these Rules deals with the procedure where an application is opposed.]

Application for probate

2.2 (1) An application for the grant of probate of the will of a deceased person must:

- (a) set out:
 - (i) the name, last address and occupation of the deceased; and
 - (ii) the date of death; and
 - (iii) the name and address of the applicant; and
 - (iv) an address for service of documents; and
- (b) if not all executors are applying, state why the applicant is applying for the grant; and
- (c) have with it the original will; and
- (d) have with it a copy of the death certificate or other proof of death; and
- (e) have with it a sworn statement by the applicant in support of the application.

(2) The application must be in Form 1.

(3) The sworn statement must be in Form 2.

(4) If there is more than one executor, each executor applying for probate must make a sworn statement in Form 2.

(5) If not all executors are applying for probate, the applicant must:

- (a) obtain a sworn statement from any executor not applying, setting out why he or she is not applying; or
- (b) if this is not practicable, include in his or her sworn statement the reasons why it has not been obtained.

[NOTE: 1. For requirements about a valid will, see the Wills Act (Cap.55.).
2. The sworn statement should be in accordance with the Civil Procedure Rules. See Rule 1.3.]

Application for administration

- 2.3** (1) An application for the grant of administration of the estate of a deceased person must:
- (a) set out:
 - (i) the name, last address and occupation of the deceased; and
 - (ii) the date of death; and
 - (iii) the name and address of the applicant; and
 - (iv) an address for service of documents; and
 - (b) state why the applicant is applying for the grant; and
 - (c) have with it a copy of the death certificate or other proof of death; and
 - (d) have with it a sworn statement by the applicant in support of the application.
- (2) The application must be in Form 3.
- (3) The sworn statement must be in Form 4.

Application for administration with the will annexed

- 2.4** (1) An application for the grant of administration of the estate of a deceased person with the will annexed must:
- (a) set out:
 - (i) the name, last address and occupation of the deceased; and
 - (ii) the date of death; and
 - (iii) the name and address of the applicant; and
 - (v) an address for service of documents; and
 - (b) have with it the original will; and
 - (c) state why the applicant is applying for the grant; and
 - (c) have with it a sworn statement by the applicant in support of the application.
- (2) The application must be in Form 5.
- (3) The sworn statement must be in Form 6.

[NOTE: For requirements about a valid will, see the Wills Act (Cap.55).]

Advertisement

- 2.5** (1) After an application has been filed, the applicant must cause an advertisement to be broadcast on the radio in the area where the deceased lived and carried on business.

- (2) The applicant must also do any other things reasonably necessary to bring the application to the knowledge of anyone who:
 - (a) is entitled to any property of the deceased; or
 - (b) may oppose the grant applied for; or
 - (c) is a creditor of the deceased.

- (4) The advertisement must:
 - (a) state that the applicant has applied for probate or administration of the estate of the deceased person, as the case requires; and
 - (b) give the applicant's name and an address for service of documents; and
 - (c) state that anyone who is opposed to probate or administration of the estate being granted to the applicant must file a Response in an office of the Supreme Court within the time stated in the advertisement; and
 - (d) state that if no-one files a Response, the Court will grant the probate or administration to the applicant; and
 - (e) state that anyone who thinks they are entitled to property of the deceased, or that the deceased owed them money, must contact the applicant or his or her lawyer.

- (4) The advertisement must be broadcast on 3 working days in the same week, at least once in a morning and once in an evening.

- (5) The advertisement must:
 - (a) be broadcast in Bislama; and
 - (b) be in Form 7.

- (6) For subrule (2) the applicant may, for example:
 - (a) cause the advertisement to be published in a newspaper circulating in Vanuatu or elsewhere; and
 - (b) cause the advertisement to be broadcast or published in English or French as well as Bislama.

If no Response filed

- 2.6** (1) If no response is filed and served on the applicant within 28 days after the advertisement was last broadcast, the applicant must file a sworn statement:
- (a) stating that the advertisement was broadcast; and
 - (b) giving details of the dates and times when it was broadcast; and
 - (c) attaching a copy of the text that the applicant believes was broadcast; and
 - (d) if the applicant did any other things to comply with subrule 2.5(2), stating what was done and attaching a copy of any information published.
- (2) A sworn statement must be in Form 8.

Grant if application not opposed

- 2.7 (1) After the sworn statement about the advertisement is filed, the Court may grant the probate or administration applied for if a person does not oppose the application by filing a response.
- (2) The grant of probate must be in Form 9, and the grant of administration must be in Form 10 or 11.

PART 3 – OPPOSING AN APPLICATION FOR PROBATE OR ADMINISTRATION

Response

- 3.1** (1) A person who opposes the grant of probate or administration to the applicant must file a response within 28 days after the advertisement required by Rule 2.5 was last broadcast or published.
- (2) A response must:
- (a) state that the person opposes the grant of probate or administration to the applicant; and
 - (b) state the person to whom probate or administration should be granted; and
 - (c) set out the address that is the person's address for service of documents; and
 - (d) be in Form 12.

Application of Civil Procedure Rules to opposition proceedings

- 3.2** (1) After a Response has been filed, the procedure to be used is the procedure set out in the Civil Procedure Rules, unless:
- (a) these Rules provide otherwise; or
 - (b) the Court orders otherwise.
- (2) In particular, the Civil Procedure Rules apply as if:
- (a) the application is a claim; and
 - (b) the applicant is the plaintiff; and
 - (c) the respondent is the defendant.
- (3) A document filed in the Court under the Civil Procedure Rules as applied by this Rule must have the same heading as in the forms in Schedule 1 to these Rules.
- (4) The fees set out in Schedule 1 of the Civil Procedure Rules are payable.

Grant of probate and administration

- 3.3** Where the Court grants probate or administration in contested proceedings:
- (a) the grant of probate must be in Form 9; and
 - (b) the grant of administration must be in Form 10 or 11.

Caveats

- 3.4** (1) A caveat must be in Form 13.
- (2) An application to withdraw a caveat must be in Form 14.

- [NOTES: 1. Regulations 47 and 48 of the Queen's Regulations deal with caveats.
2. The caveat may be applied for any time before the probate or administration is granted. See R. 47(1).
3. R. 47(2) requires a caveat to contain the name of the person filing it and an address within Port Vila for services of notices.
4. An application to withdraw a caveat is to be made as an application under the Civil Procedure Rules – see Rule 3.2 above.
5. The Queen's Regulation sets out who can file a caveat, and how the Court may order it to be withdrawn. See Regulations 47 and 48.]

PART 4 – RESEALING AND ACCOUNTS

Resealing of probate or administration

- 4.1** An application to reseal a foreign probate or administration must:
- (a) be in Form 15; and
 - (b) have with it the original probate or administration, and a copy; and
 - (c) have with it a sworn statement in Form 16.

[NOTES: 1. The Queen’s Regulation deals with resealing probate and administration granted in a Commonwealth country. See Regulation 46.
2. A resealed probate or administration has the same effect as if it had been granted under those Regulations, and the duties and liabilities of its personal representatives are the same. See Regulation 46(2).]

Accounts

- 4.2** (1) The Court may order that a personal representative file accounts.
- (2) The Court may make the order:
- (a) on application by a beneficiary, a creditor or any other person with an interest in the estate, or on its own initiative; and
 - (b) when it grants probate or administration, or at any other time.

[NOTES: The Queen’s regulation deals with filing accounts by personal representatives. See Regulations 40 and 41.]

Form of accounts

- 4.3** (1) Accounts filed must list:
- (a) the property of the deceased; and
 - (b) the debts; and
 - (c) the funeral expenses; and
 - (d) the income of the estate; and
 - (e) if property has been sold, the proceeds of the sale; and
 - (f) any other amounts received by the personal representative; and
 - (g) any amounts paid by the personal representative:
 - (i) in paying debts; and
 - (ii) in bequests; and
 - (iii) otherwise in administering the estate.
- (2) The accounts must be signed by the personal representative.
- (3) A person with an interest in the estate may inspect the accounts and obtain copies.

PART 5 – MISCELLANEOUS

Court fees

- 5.1** (1) The fees set out in Schedule 2 are payable.
- (2) Rule 4.12 of the Civil Procedure Rules applies to fees payable under these Rules.

Commencement

- 5.2** These Rules come into operation on the 1st day of August 2003.

Transitional

- 5.3** (1) These Rules apply to an application filed on and after the commencement date.
- (2) These Rules apply to a continuing proceeding to the exclusion of the old Rules.
- (3) In the application of these Rules to a continuing proceeding:
- (a) every step to be taken in the proceeding on and after the commencement date must be taken under these Rules; and
 - (b) the Court may give all directions necessary for the application of these Rules to the proceeding.
- (4) In this Rule:
- “commencement date” means the date these Rules come into operation.
- “continuing proceeding” means a proceeding started before the commencement date, and includes:
- (a) an application that is not opposed; and
 - (b) a caveat.
- “old Rules” means the Succession, Probate and Administration Rules No. 1 of 1974, as in force immediately before the commencement date.

Repeal

- 5.4** The Succession, Probate and Administration Rules No. 1 of 1974, made under the Queen’s Regulation, are repealed.

SCHEDULE 1

FORMS

FORM 1 APPLICATION FOR PROBATE

R. 2.2

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P ____ OF ____

IN THE ESTATE OF

Deceased's name

Applicant's name

Applicant's lawyer's name or
Applicant's address

APPLICATION FOR PROBATE

In the estate of _____ late of _____ ,
deceased's name last address, occupation
who died on _____ .
date of death

1. I _____ apply for probate of the will dated _____
applicant's name date of will

[and codicils dated _____] of the above deceased to be granted to
date of codicils

_____, the executors named in the
names of executors

will [and codicils].

[If not all executors are applying:]

2. I am applying for probate because _____
give reasons

3. The address for service of documents is: _____
applicant's address or applicant's lawyer's address

Signature of applicant

date

FORM 2 SWORN STATEMENT - PROBATE

R. 2.2

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P____ OF ____

IN THE ESTATE OF

Deceased's name

SWORN STATEMENT

I, _____ of _____,
name of person making statement address and occupation

swear the following is true:

1. The document dated _____ signed in the margin by
date of will
me and by the person before whom this sworn statement is made is, I believe, the last will of the deceased.

2. I am [the/an] executor named in the will and I have reached 18 years of age.

3. I believe the will has not been revoked.

4. I do not know of any other later will.

5. The will came into my possession _____.
state how will came into person's possession

6. The witnesses to the will are _____ and
name of first witness

name of second witness

[If there are other executors:]

7. The other executors named in the will are _____

[If all executors are not applying for probate:]

8. _____ are not applying for probate.
names of executors not applying

9. The deceased died on _____ .
date of death

10. I believe the deceased is _____ referred to in
name as in death certificate or other proof of death
the death certificate or other proof of death attached and marked "A".

- 11. The deceased did not marry after the will was made.
- 12. The deceased had reached 18 years of age when the will was made.
- 13. The deceased left property in Vanuatu.

OR

13. I believe the deceased was at the time of death domiciled in Vanuatu. I believe this because _____.
reasons for believing this

14. An inventory of all property of the deceased that I now know about is attached and marked "B". If I find out about any other property of the deceased I will tell the court about it.

15. The estate has an estimated gross value of VT _____ .
value of estate

16. If the Court grants probate to me I will administer the estate according to law and I will give a true account of my administration to the Court if it asks me to.

17. I realise that if I do not administer the estate according to law I may be liable to a fine or imprisonment.

SWORN by _____)
 _____)
 _____)
name of person making statement)

signature of person making statement

on _____
date

BEFORE ME

Signature of witness

Commissioner for Oaths OR Notary Public

ATTACHMENT B

Inventory of property of the estate of _____
of _____ deceased.
name of deceased
last address and occupation

DESCRIPTION

ESTIMATED OR KNOWN VALUE

Description sufficient to identify property

VT
amount

TOTAL VT

FORM 3 APPLICATION FOR ADMINISTRATION

R. 2.3

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P____ OF ____

IN THE ESTATE OF

Deceased's name

Applicant's name

Applicant's lawyer's name or
Applicant's address

APPLICATION FOR ADMINISTRATION

In the estate of _____ late of _____ ,
deceased's name last address, occupation

who died on _____ .
date of death

1. I _____ apply for administration of the estate of
applicant's name

the above deceased to be granted to me.

2. I am applying for administration because _____
give reasons

3. The address for service of documents is: _____
applicant's address or applicant's lawyer's address

Signature of applicant

date

FORM 4 SWORN STATEMENT - ADMINISTRATION

R. 2.3

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P ____ OF ____

IN THE ESTATE OF

Deceased's name

SWORN STATEMENT - ADMINISTRATION

I, _____ of _____,
name of person making statement address and occupation

swear the following is true:

1. The deceased died on _____ .
date of death
2. I am applying for administration because _____
give reasons
3. I know of no valid will left by the deceased.
4. I believe the deceased is _____ referred to in
name as in death certificate or other proof of death

the death certificate or other proof of death attached and marked "A".

5. The persons entitled to the deceased's property are:

give details of persons entitled and relationship, attaching birth etc certificates as necessary

6. The deceased left property in Vanuatu.

OR

6. I believe the deceased was at the time of death domiciled in Vanuatu. I believe this because _____
reasons for believing this

7. An inventory of all property of the deceased that I now know about is attached and marked "B". If I find out about any other property of the deceased I will tell the court about it.

8. The estate has an estimated gross value of VT _____ .
value of estate

FORM 5 APPLICATION FOR ADMINISTRATION WITH THE WILL ANNEXED

R. 2.4

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P____ OF ____

IN THE ESTATE OF

Deceased's name

Applicant's name

Applicant's lawyer's name or
Applicant's address

APPLICATION FOR ADMINISTRATION WITH THE WILL ANNEXED

In the estate of _____ late of _____ ,
deceased's name last address, occupation
who died on _____ .
date of death

I _____ apply for probate of the will dated _____
applicant's name date of will

[and codicils dated _____] of the above deceased to be granted to
date of codicils

names of executors

the executors named in the will [and codicils].

The address for service of documents is: _____
applicant's address or applicant's lawyer's address

Signature of applicant

date

FORM 6 SWORN STATEMENT – ADMINISTRATION WITH THE WILL ANNEXED

R.2.4

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P____ OF ____

IN THE ESTATE OF

Deceased's name

SWORN STATEMENT – ADMINISTRATION WITH THE WILL ANNEXED

I, _____ of _____,
name of person making statement address and occupation

swear the following is true:

1. The document dated _____ signed in the margin by
date of will
me and by the person before whom this sworn statement is made is, I believe, the last will of the deceased.

2. I have reached 18 years of age.

[If applicant is a beneficiary]

3. I am a beneficiary named in the will.

OR

[If applicant is a creditor]

3. I am a creditor of the deceased because _____
give reasons

OR

[If applicant is applying for another reason]

3. I am applying for administration because _____
give reasons

4. I believe the will has not been revoked.

5. I do not know of any other later will.

6. The will came into my possession _____.
state how will came into person's possession

7. The witnesses to the will are _____ and
name of first witness

name of second witness

8. The executors named in the will are _____

9. The executors are not applying for probate because _____.

10. The deceased died on _____ .
date of death

11. I believe the deceased is _____ referred to in
name as in death certificate or other proof of death

the death certificate or other proof of death attached and marked "A".

12. The deceased did not marry after the will was made.

13. The deceased had reached 18 years of age when the will was made.

14. The deceased left property with Vanuatu.

OR

14. I believe the deceased was at the time of death domiciled in Vanuatu. I believe this because _____ .
reasons for believing this

15. An inventory of all property of the deceased that I now know about is attached and marked "B". If I find out about any other property of the deceased I will tell the court about it.

16. The estate has an estimated gross value of VT _____ .
value of estate

17. If the Court grants administration to me I will administer the estate according to law and I will give a true account of my administration to the Court if it asks me to.

OR

[If administration being granted for a limited purpose]

17. If the court grants administration to me for _____ ,
purpose

I will administer the estate for that purpose according to law and I will give a true account of my administration to the court if it asks me to.

18. I realise that if I do not administer the estate [for that purpose] according to law I may be liable to a fine or imprisonment.

SWORN by _____)
)
)
 name of person making statement)

signature of person making statement

on _____
date

BEFORE ME

Signature of witness

Commissioner for Oaths OR Notary Public

ATTACHMENT B

Inventory of property of the estate of _____
name of deceased
of _____ deceased.
last address and occupation

DESCRIPTION

ESTIMATED OR KNOWN VALUE

Description sufficient to identify property

VT
amount

TOTAL VT

FORM 8 SWORN STATEMENT – ADVERTISEMENT IF NO RESPONSE FILED

R. 2.6

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P ____ OF ____

IN THE ESTATE OF

Deceased's name

SWORN STATEMENT

I, _____ of _____,
name of person making statement address and occupation

swear the following is true:

1. I am applying for _____ of the estate of
probate OR administration

name of deceased of _____
last address, occupation

2. I caused an advertisement about this to be broadcast on the radio on
_____ at _____, and on
date of first broadcast time
_____ at _____, and on
date of second broadcast time
_____ at _____.
date of third broadcast time

3. A copy of the advertisement that I believe was broadcast is attached marked "A".

4. The receipt for the broadcasting of this advertisement is attached.

SWORN by _____)
_____)
name of person making statement) signature of person making statement

on _____
date

BEFORE ME

Signature of witness
Commissioner for Oaths OR Notary Public

FORM 9 – GRANT OF PROBATE

R.2.7, 3.3

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P ____ OF ____

IN THE ESTATE OF

Deceased's name

PROBATE

In the estate of _____ late of _____ ,
deceased's name last address, occupation
who died on _____ .
date of death

PROBATE of the will dated _____ [and codicil dated _____]
date of will date of codicil

of the above deceased is granted to _____
names of executors

the executors named in the will [and codicil].

A true copy of the will [and codicil] is annexed.

The sworn value of the estate is under VT _____
total value of estate

Date _____

Signature of Judge

Seal of Court

FORM10 – GRANT OF ADMINISTRATION

R.2.7, 3.3

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P____ OF ____

IN THE ESTATE OF

Deceased's name

ADMINISTRATION

In the estate of _____ late of _____ ,
deceased's name last address, occupation
who died on _____ .
date of death

ADMINISTRATION of the estate of the above deceased is granted to

names

The sworn value of the estate is under VT _____
total value of estate

Date _____

Signature of Judge

Seal of Court

**FORM 11 – GRANT OF ADMINISTRATION WITH THE WILL
ANNEXED**

R.2.7, 3.3

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P ____ OF ____

IN THE ESTATE OF

Deceased's name

ADMINISTRATION WITH THE WILL ANNEXED

In the estate of _____ late of _____ ,
deceased's name last address, occupation
who died on _____ .
date of death

ADMINISTRATION with the will dated _____
date of will

[and codicil dated _____] annexed of the estate of the above deceased
date of codicil

is granted to _____
name

A true copy of the will [and codicil] is annexed.

The sworn value of the estate is under VT _____
total value of estate

Date _____

Signature of Judge

Seal of Court

FORM 12 RESPONSE

R.3.1

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P____ OF ____

IN THE ESTATE OF

Deceased's name

Respondent's name

Respondent's lawyer's name or
Respondent's address

RESPONSE

In the estate of _____ late of _____ ,
deceased's name last address, occupation
who died on _____ .
date of death

1. _____ has applied for
applicant's name

probate OR administration OR administration with the will annexed
in the above estate.

2. I _____ of _____
respondent's name address

oppose the grant being made to _____
name of person being opposed

because _____
reasons

3. Probate OR administration OR administration with the will annexed should be
granted to _____
name of person to whom grant should be made

4. The address for service of documents is: _____
respondent's address or respondent's lawyer's address

signature of applicant

date

FORM 13 CAVEAT

R.3.4

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P____ OF ____

IN THE ESTATE OF

Deceased's name

Caveator's name

Caveator's lawyer's name or
Caveator's address in Vila

CAVEAT

In the estate of _____ late of _____ ,
deceased's name last address, occupation
who died on _____ .
date of death

1. I _____ of _____
caveator's name address

claim an interest as _____
state relationship with deceased or nature of interest

in the estate of the deceased.

2. I demand that nothing be done in connection with the estate without notice to me.

3. My address for service is _____
address in Vila for service of documents

signature of caveator

date

FORM 14 APPLICATION TO WITHDRAW CAVEAT

R.3.4

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P____ OF ____

IN THE ESTATE OF

Deceased's name

Caveator's name

Caveator's lawyer's name or
Caveator's address in Vila

APPLICATION TO WITHDRAW CAVEAT

In the estate of _____ late of _____
deceased's name last address, occupation
who died on _____
date of death

I _____ of _____
caveator's name address

apply to withdraw the caveat I filed on _____
date caveat filed

signature of caveator

date

FORM 15 APPLICATION FOR RESEAL OF FOREIGN GRANT

R. 4.1

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P____ OF ____

IN THE ESTATE OF

Deceased's name

Applicant's name

Applicant's lawyer's name or
Applicant's address

APPLICATION FOR RESEAL OF FOREIGN GRANT

In the estate of _____ late of _____ ,
deceased's name last address, occupation
who died on _____ .
date of death

1. I _____ apply for
applicant's name

probate of the will

OR

administration of the estate

of the above deceased granted by the _____
full name of court and country

to _____ , to be sealed with the seal of this Court.
names

2. The address for service of documents is: _____
applicant's address or applicant's lawyer's address

Signature of applicant or applicant's lawyer

date

FORM 16 SWORN STATEMENT – RESEAL OF FOREIGN GRANT

R. 4.1

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

PROBATE CASE NO P____ OF ____

IN THE ESTATE OF

Deceased's name

SWORN STATEMENT

I, _____ of _____,
name of person making statement address and occupation

swear the following is true:

1. Probate of the will OR administration of the estate of the deceased was granted by _____
full name of court and country

to me on _____
date

OR

to _____ on _____
name date

The grant has not been revoked. A copy of the grant is attached marked "A".

2. I am [the/a] person to whom probate OR administration was granted.

OR

2. I am authorised under a power of attorney by the executor OR administrator of the deceased to make this application. I have not received any notice of revocation of the power of attorney. A copy of the power of attorney is attached marked "B".

3. The deceased left property in Vanuatu.

4. An inventory of all property of the estate I now know about is attached and marked "C". If I find out about any other property of the deceased I will tell the court about it.

5. The estate has an estimated gross value of VT _____ .
value of estate

6. If the Court reseals the probate OR administration I will administer the estate according to law and I will give a true account of my administration to the Court if it asks me to.

SCHEDULE 2

FEES

	VT
Application for probate or administration where the value of the estate is VT 500,000 and above	VT50,000
Response	VT10,000
Resealing probate or administration	VT10,000

[NOTE: The fees payable under the Civil Procedure Rules are payable in contested proceedings; See R.3.2 of these Rules.]
