



*EXTRAORDINARY*  
**OFFICIAL GAZETTE**  
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6<sup>th</sup> June, 2011

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**PROBATE AND ADMINISTRATION OF ESTATES  
RULES, 2011**

**Arrangement of Rules**

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**Rule**

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OFFICE OF THE ATTORNEY GENERAL AND  
MINISTRY OF LEGAL AFFAIRS

S.I. No. 50 of 2011



**PROBATE AND ADMINISTRATION OF ESTATES ACT, 2011**  
(No. 1 of 2011)

**PROBATE AND ADMINISTRATION OF ESTATES RULES, 2011**

In exercise of the powers conferred by section 76 of the Probate and Administration of Estates Act, 2011, the Rules Committee makes the following Rules —

**PART I - PRELIMINARY**

**1. Citation.**

These Rules may be cited as the Probate and Administration of Estates Rules, 2011.

**2. Interpretation.**

(1) In these Rules —

“Act” means the Probate and Administration of Estates Act, 2011<sup>1</sup>;

“caveat” means a notice in writing to the Registry that no grant of representation is to be sealed in the estate of a deceased person without notice to the caveator;

“caveator” means a person who wishes to show cause against the sealing of a grant;

“court” means the Supreme Court;

“grant of probate” means a grant issued by the court to administer the will of a deceased person;

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<sup>1</sup>No. 1 of 2011.

**“probate action”** means an action, other than a non-contentious action for —

- (a) the grant of probate of the will or of letters of administration of the estate of a deceased person;
- (b) the revocation of a grant; or
- (c) for a decree pronouncing for or against the validity of an alleged will;

**“Registrar”** means the Registrar of the Supreme Court;

**“Registry”** means the registry of the Probate Division in the Supreme Court situate in New Providence and includes a sub-registry;

**“sub-registry”** means a registry of the Probate Division situate elsewhere than in New Providence.

- (2) A form referred to by number means the form so numbered in the *First Schedule* to these Rules with such variations as may be necessary in a particular case.

## **PART II - NON-CONTENTIOUS PROBATE BUSINESS**

### **3. Scope of Part II.**

This Part sets out the procedure for —

- (a) making an application to obtain a grant of —
  - (i) probate of a will;
  - (ii) letters of administration with will annexed; and
  - (iii) letters of administration, of an estate, of a deceased person, where there is no dispute as to the right of the applicant to obtain such a grant;
- (b) making an application to reseal a foreign grant;
- (c) lodging a caveat against a grant of probate or administration and warning the caveator; and
- (d) issuing a citation.

### **4. Mode of making application.**

- (1) Any application made under these Rules may be made —
  - (a) by the applicant in person;
  - (b) by counsel and attorney-at-law on behalf of the applicant; or

- (c) in the case where the intended applicant is out of the jurisdiction, by a person authorised by a power of attorney, who may appear either in person or by counsel.
- (2) An application made under paragraph (1)(a), shall not be made by any person (other than a counsel and attorney-at-law) acting or appearing to act as the applicant's agent or adviser.
- (3) A person who contravenes paragraph (2) commits an offence.
- (4) No personal application shall be proceeded with if —
  - (a) it becomes necessary to bring the matter before the court by action or summons, unless the judge so permits;
  - (b) an application has already been made by counsel and attorney-at-law on behalf of the applicant and has not been withdrawn; or
  - (c) the judge so directs.
- (5) No legal advice shall be given to a personal applicant by any officer of a registry.
- (6) Once a will has been deposited in a registry by a personal applicant, it may not be returned to the applicant or to any other person unless a judge otherwise directs.

**5. Order of priority for a grant where deceased left a will.**

The person or persons entitled to apply for a grant of probate in respect of the estate of a deceased person is to be determined in accordance with the following order of priority —

- (a) the executor;
- (b) any residuary legatee or devisee holding in trust for any other person;
- (c) any other residuary legatee or devisee (including one for life); or
- (d) where the residue is not wholly disposed of by the will, any person entitled to share in the undisposed of residue in accordance with the rules of intestacy (including the Attorney-General when claiming *bona vacantia* on behalf of the Crown), provided that —
  - (i) unless the court otherwise directs, a residuary legatee or devisee who has a vested interest is to be preferred to one entitled on the happening of a contingency;
  - (ii) where the residue is not in terms wholly disposed of, the court may, if it is satisfied that the testator has nevertheless disposed of the whole or substantially the whole of the known estate, allow a grant to be made to any legatee or devisee entitled to, or to share in, the estate so disposed of,



without regard to the person entitled to share in any residue not disposed of by the will;

- (e) the personal representative of any residuary legatee or devisee (but not one for life, or one holding in trust for any other person) or of any person entitled to share in any residue not disposed of by the will;
- (f) any other legatee or devisee (including one for life or one holding in trust for any other person) or any creditor of the deceased provided that, unless the court otherwise directs, a legatee or devisee whose legacy or devise is vested in interest shall be preferred to one entitled on the happening of a contingency;
- (g) the personal representatives of any other legatee or devisee (but not one for life or one holding in trust for any other person) or of any creditor of the deceased.

## 6. How to apply for a grant of probate.

- (1) An executor who is entitled to obtain a grant of probate in respect of the estate of a deceased person must within twelve months of the death of the deceased —
  - (a) file a petition in Form 1; and
  - (b) pay the prescribed fees set forth in the *Second Schedule* hereto.
- (2) The applicant must file, and where appropriate lodge, at the Registry in support of the application —
  - (a) the original will and two photostat copies thereof;
  - (b) where required, an order of the court admitting to proof the will as contained in a photostat copy or a reconstruction of the will;
  - (c) an affidavit of an attesting witness in proof of the due execution of the will in Form 2, and if both attesting witnesses are dead or if from any other circumstances no affidavit can be obtained from either witness, recourse may be had to other persons (if any) who may have been present at the execution of the will or such other supporting evidence that may assist the court as may be required under rule 18(4);
  - (d) evidence of the death of the deceased in accordance with rule 14;
  - (e) an oath of the executor in Form 3 stating —
    - (i) the date and place of death of the testator;
    - (ii) the domicile of the testator at death;
    - (iii) that the deceased died testate;
    - (iv) the entitlement of the applicant to the grant of representation

- for which the applicant is applying;
- (v) an undertaking to administer the estate according to law;
  - (vi) in the Schedule thereto —
    - (aa) in Part A, a description of all the personal estate and effects of the testator and the estimated value of same to be attached to the grant applied for; and
    - (bb) in Part B, a description of the real estate of the testator identifying the boundaries thereof, and stating whether there is any structure thereon, along with proof of ownership or, if such information is unavailable, such other evidence or explanation as may be acceptable to the court;
  - (f) an affidavit evidencing the result of the search for any prior grant of representation;
  - (g) where appropriate, an affidavit of delay;
  - (h) where appropriate, a power of attorney;
  - (i) evidence of the identity of the applicant; and
  - (j) where appropriate, a resolution in accordance with section 38 of the Act.
- (3) Where, on an application, power to apply for probate is to be reserved to such other of the executors as have not renounced probate, the oath must state that notice of the application has been given to the executor or executors to whom power is to be reserved and a copy of such notice and proof of service thereof shall be exhibited to the oath.
- (4) Where an application is made for probate by one or more, but not all of the executors named in the will and power is not reserved to the other executors, the applicant must clear off the other named executors by exhibiting to the oath —
- (a) evidence of the death of the executor(s);
  - (b) a deed of renunciation made by the executor(s) in Form 13; or
  - (c) an order of the court entitling the applicant to pass over such person(s).
- (5) A certificate as to grant of probate may, upon application and payment of the prescribed fee, be issued in Form 4.
- (6) Where the court after considering the evidence is satisfied that a will was not duly executed, the court shall refuse probate and mark the will accordingly.

**7. Order of priority for a grant of letters of administration with will annexed.**

- (1) The person or persons entitled to apply for a grant of administration with the will annexed in respect of the estate of a deceased person is to be determined in accordance with the order of priority as set out in rule 5.
- (2) The applicant for a grant of administration with the will annexed must clear off all persons who have a prior right to that grant.

**8. How to apply for letters of administration with will annexed.**

- (1) A person who seeks to obtain a grant of administration with the will annexed in respect of the estate of a deceased person must within twelve months of the death of the deceased —
  - (a) file a petition in Form 1; and
  - (b) pay the prescribed fees set forth in the *Second Schedule* hereto.
- (2) The applicant must file, and where appropriate lodge, at the Registry in support of the application —
  - (a) the original will and two photostat copies thereof;
  - (b) where required, an order of the court admitting to proof the will as contained in a photostat copy or a reconstruction of the will;
  - (c) an affidavit of an attesting witness in proof of the due execution of the will in Form 2 and if both attesting witnesses are dead or if from any other circumstances no affidavit can be obtained from either witness, recourse may be had to other persons (if any) who may have been present at the execution of the will or such other supporting evidence that may assist the court as may be required under rule 18(4);
  - (d) evidence of the death of the deceased in accordance with rule 14;
  - (e) an oath of the administrator in Form 5 stating —
    - (i) the date and place of death of the testator;
    - (ii) the domicile of the testator at death;
    - (iii) the marital status of the testator;
    - (iv) whether the testator left issue;
    - (v) that the deceased died testate;
    - (vi) the entitlement of the applicant to the grant of representation for which the applicant is applying;
    - (vii) an undertaking to administer the estate according to law;
    - (viii) in the Schedule thereto —

- (aa) in Part A, a description of all the personal estate and effects of the testator and the estimated value of same to be attached to the grant applied for; and
  - (bb) in Part B, a description of the real estate of the testator identifying the boundaries thereof, and stating whether there is any structure thereon, along with proof of ownership or, if such information is unavailable, such other evidence or explanation as may be acceptable to the court;
- (f) an administration bond in Form 6, in accordance with section 21(2) of the Act in double the amount of the personal estate and effects of the deceased and if the estate is —
    - (i) under ten thousand dollars, in addition to the applicant, one surety will be required;
    - (ii) over ten thousand dollars, in addition to the applicant, two sureties will be required, unless in a particular case, the court may approve of only one surety;
  - (g) an affidavit evidencing the result of the search for any prior grant of representation;
  - (h) where appropriate, an affidavit of delay;
  - (i) where appropriate, a power of attorney;
  - (j) evidence of the identity of the applicant; and
  - (k) where appropriate, a resolution in accordance with section 38 of the Act.
- (3) The provisions of rules 10(4), (6), (7) and (8) shall apply *mutatis mutandis* to an application under this rule.
  - (4) Where necessary, the applicant must clear off any named executor, beneficiary or residuary legatee by exhibiting to the oath —
    - (a) evidence of the death of the executor, beneficiary or residuary legatee;
    - (b) a deed of renunciation of executorship made by such person; or
    - (c) an order of the court entitling the applicant to pass over such person(s).
  - (5) A certificate as to grant of letters of administration with the will annexed may, upon application and on payment of the prescribed fee, be issued in Form 7.

**9. Order of priority for grant in case of intestacy.**

- (1) The person or persons entitled to apply for a grant of administration in respect of the estate of a deceased person is to be determined in accordance with the following order of priority —
  - (a) the surviving spouse of the deceased;
  - (b) a child of the deceased and where no such child of the deceased is willing or able to act, grandchildren of the deceased;
  - (c) the father or mother of the deceased;
  - (d) a brother or sister of the deceased and where no such brother or sister is willing or able to act, children of any brother or sister of the deceased;
  - (e) a grandparent of the deceased;
  - (f) an uncle or aunt of the deceased and where no such uncle or aunt is willing or able to act, children of any uncle or aunt of the deceased.
- (2) In default of any person having a beneficial interest in the estate, the Attorney-General shall be entitled to apply for a grant if he claims *bona vacantia* on behalf of the Crown.
- (3) If all persons entitled to apply for a grant under the foregoing provisions of this rule have been cleared off, a grant of representation may be made to a creditor of the deceased or to any person who, notwithstanding that he has no immediate beneficial interest in the estate, may have a beneficial interest in the event of an accretion thereto.

**10. How to apply for letters of administration.**

- (1) A person who seeks to obtain a grant of letters of administration of the estate of a deceased person must within twelve months of the death of the deceased —
  - (a) file a petition in Form 1; and
  - (b) pay the prescribed fees set forth in the *Second Schedule* hereto.
- (2) The applicant must file, and where appropriate lodge, at the Registry in support of the application —
  - (a) evidence of the death of the deceased in accordance with rule 14;
  - (b) an oath of the administrator in Form 8 stating —
    - (i) the date and place of death of the deceased;
    - (ii) the domicile of the deceased at death;
    - (iii) the marital status of the deceased;
    - (iv) whether the deceased left issue;
    - (v) that the deceased died intestate;



- (vi) the entitlement of the applicant to the grant of representation for which the applicant is applying;
  - (vii) an undertaking to administer the estate according to law;
  - (viii) in the Schedule thereto —
    - (aa) in Part A, a description of all the personal estate and effects of the deceased and the estimated value of same to be attached to the grant applied for; and
    - (bb) in Part B, a description of the real estate of the deceased identifying the boundaries thereof, and stating whether there is any structure thereon, along with proof of ownership or if such information is unavailable, such other evidence or explanation as may be acceptable to the court;
  - (c) where required, an affidavit of heirship in Form 9;
  - (d) an administration bond in Form 10 in accordance with section 21(2) of the Act in double the amount of the personal estate and effects of the deceased and if the estate is —
    - (i) under ten thousand dollars, in addition to the applicant, one surety will be required;
    - (ii) over ten thousand dollars, in addition to the applicant, two sureties will be required, unless in a particular case, the court may approve of only one surety;
  - (e) where appropriate, an affidavit of delay;
  - (f) an affidavit evidencing the result of the search for any prior grant of representation;
  - (g) where appropriate, a power of attorney;
  - (h) where required, evidence of the identity of the applicant;
  - (i) where required, the certificate of the Attorney-General under rule 18(1)(d).
- (3) The applicant must clear off any person entitled to apply for a grant of representation in priority to the applicant by the filing of —
- (a) evidence of the death of such person;
  - (b) a deed of renunciation made by that person in Form 14; or
  - (c) an order by the court entitling the applicant to pass over such person(s), but need not obtain the consent of any person in any lower degree of priority.
- (4) Where more than one person is entitled to a grant of administration in the same degree, the applicant shall file a renunciation in Form 14 made by each of the person(s) equally entitled to apply and such form must state

that the person(s) consents to the grant being issued by the court to the applicant.

- (5) With respect to an application for a grant of administration in relation to the estate of a deceased person —
- (a) whose place of residence had been on a Family Island; or
  - (b) where the estate of the deceased person or any part thereof is situate on a Family Island,

the Registrar shall cause public notice of the application in Form 11 to be sent to the Family Island Administrator within fourteen days of filing with a written request that he will cause the same to be affixed for publication in a conspicuous place near to the principal door of the police court or magistrate's office for a period of at least six days.

- (6) The Family Island Administrator shall within seven days of the last day of publication forward to the Registrar —
- (a) a notification of the receipt of such notice; and
  - (b) a copy of the notice that was published.
- (7) A grant in respect of the estate of a deceased person —
- (a) whose place of residence had been on a Family Island; or
  - (b) where the estate of the deceased person or any part thereof is situate on a Family Island,

shall not be issued unless the court is satisfied that notice of the application has been duly advertised in such Family Island in accordance with rule 10(6).

- (8) The Registrar shall give notice to the Attorney-General in respect of an application of the estate of a deceased person, who at the time of his death was —
- (a) a bachelor or a spinster; or
  - (b) a widower or widow,
- without issue.
- (9) A certificate as to a grant of letters of administration may, upon application and payment of the prescribed fee, be issued in Form 12.

## **11. How to apply for resealing of a grant.**

- (1) A person who seeks to obtain the resealing of a grant of probate, letters of administration (with or without the will annexed) or any other testamentary paper or any duplicate or certified copy thereof issued by a court outside of the jurisdiction in accordance with section 26 of the Act, must —

- (a) file a petition in Form 1; and
  - (b) pay the prescribed fees set forth in the *Second Schedule* hereto.
- (2) The applicant must file and where appropriate, lodge at the Registry in support of the application —
- (a) two copies of such document in the Registry duly certified by the respective court that issued the grant;
  - (b) an affidavit stating —
    - (i) the domicile of the deceased at death;
    - (ii) the date and place of death of the deceased;
    - (iii) where the deceased left personal estate and effects in The Bahamas, a description of the estate and the estimated value of such estate;
    - (iv) where the deceased left real estate in The Bahamas, a description of the real estate identifying the boundaries thereof, and stating whether there is any structure thereon, along with proof of ownership or if such information is unavailable, such other evidence or explanation as may be acceptable to the court; and
    - (v) the current value of the real estate within The Bahamas;
  - (c) the original death certificate of the deceased or a certified copy thereof;
  - (d) where required, evidence of the identity of the applicant;
  - (e) where appropriate, an affidavit of law;
  - (f) where appropriate, a power of attorney.

**12. How to apply for a grant in respect of a paper issued in a civil law jurisdiction.**

- (1) A person who seeks to obtain a grant of representation in respect of any paper or any duplicate or certified copy thereof issued by a court in a civil law jurisdiction in accordance with section 27 of the Act, must —
- (a) file a petition in Form 1; and
  - (b) pay the prescribed fees set forth in the *Second Schedule* hereto.
- (2) The applicant must file, and where appropriate lodge at the Registry in support of the application —
- (a) an oath (in Form 3, 5 or 8) stating —
    - (i) where the deceased left personal estate and effects in The Bahamas, a description of the estate and the estimated value of such estate;

- (ii) where the deceased left real estate in The Bahamas, a description of the real estate identifying the boundaries thereof and stating whether there is any structure thereon, along with proof of ownership or if such information is unavailable, such other evidence or explanation as may be acceptable to the court;
- (iii) the current value of the real estate within The Bahamas;
- (b) where appropriate, an administration bond in Form 10 in accordance with section 21(2) of the Act in double the amount of the personal estate and effects of the deceased and if the estate is —
  - (i) under ten thousand dollars, in addition to the applicant, one surety will be required;
  - (ii) over ten thousand dollars, in addition to the applicant, two sureties will be required, unless in a particular case, the court may approve of only one surety; and
- (c) an affidavit of law stating the name of the person entitled to administer the estate in that civil law jurisdiction and stating the specific provision of the applicable civil law or code in support thereof;
- (d) the original paper issued by the respective authority in that jurisdiction or a duly certified copy thereof;
- (e) where applicable, the original will of the deceased and two certified copies thereof; or where it can be proven to the satisfaction of the Registrar that the original will is lodged in a court in that jurisdiction, two certified copies thereof;
- (f) the original death certificate of the deceased or a certified copy thereof;
- (g) where applicable, the original marriage certificate of the deceased or a certified copy thereof;
- (h) where applicable, the original birth certificate of each child of the deceased or a certified copy thereof;
- (i) where appropriate, a power of attorney; and
- (j) evidence of the identity of the applicant.
- (3) Any document —
  - (a) which is not written in the English language; or
  - (b) not being an original,
 lodged pursuant to paragraph (2) shall be duly translated by a certified translator, whose status must be notarized by a notary public; the status of

which must be authenticated by the designated authority with an attached Apostille.

### **13. How to apply for a grant of representation in a small estate.**

- (1) An executor or administrator who is entitled to obtain a grant of representation in respect of a small estate of a deceased person in accordance with section 42 of the Act must within twelve months of the death of the deceased file —
  - (a) a petition in Form 1;
  - (b) evidence of the death of the deceased in accordance with rule 14;
  - (c) an oath of the administrator in either Form 3, 5 or 8 stating —
    - (i) the date and place of death of the deceased;
    - (ii) the domicile of the deceased at death;
    - (iii) where appropriate, the marital status of the deceased;
    - (iv) where appropriate, whether the deceased left issue;
    - (v) that the deceased died testate/intestate;
    - (vi) the entitlement of the applicant to the grant of representation for which the applicant is applying;
    - (vii) an undertaking to administer the estate according to law;
    - (viii) in the Schedule thereto —
      - (aa) in Part A, a description of all the personal estate and effects of the deceased and the estimated value of same to be attached to the grant applied for; and
      - (bb) in Part B, a description of the real estate of the deceased identifying the boundaries thereof, and stating whether there is any structure thereon, along with proof of ownership or if such information is unavailable, such other evidence or explanation as may be acceptable to the court;
  - (d) an affidavit evidencing the result of the search for any prior grant of representation.
- (2) Upon the filing of an application for a grant of representation in a small estate, the Registrar shall cause the applicant to be interviewed, to ascertain any additional documents, if any, that must be filed in support of the application.
- (3) The Registrar may in his discretion waive wholly or in part any of the requirements under these Rules.
- (4) Where the court grants an application in a small estate, the Registrar shall notify the applicant that the grant was issued.



- (5) A judge shall sign the grant and a duplicate copy thereof prepared by the Registrar and cause the same to be issued to the applicant.
- (6) A certificate as to grant of the representation may be issued in Form 4, 7 or 12.

#### **14. Proof of death.**

- (1) The applicant for a grant of representation under rule 6, 8 or 10 must prove the death of the deceased by exhibiting a certified copy of the death certificate of the deceased to the oath.
- (2) If a certified copy of the death certificate is not available, the applicant must file an affidavit —
  - (a) from the relevant authority exhibiting a copy of the medical certificate of death;
  - (b) from the director of the respective funeral home which cremated or prepared the body of the deceased for burial or effected such burial in addition to an affidavit from two persons unrelated to the deceased who were present at the funeral of the deceased, stating the fact that they were present at the funeral of the deceased and the date that they saw the body interred.
- (3) If evidence under paragraph (1) or (2) is not available, the applicant must apply to the court for directions as to the form which evidence of death should take.

#### **15. Affidavits.**

- (1) An affidavit intended to be used before the court must first be filed in the Registry.
- (2) An affidavit may be sworn before a licensed notary public, a justice of the peace or any person by law authorized to administer an oath.

#### **16. Marking of wills.**

- (1) Subject to paragraph (2), every will in respect of which an application for a grant of representation is made shall be —
  - (a) marked by the signature of the applicant and the person before whom the oath is sworn; and
  - (b) exhibited to the oath or any affidavit as to the validity, terms, condition or date of execution of the will which may be required under these Rules.

- (2) Where the original will is not available, the court may allow a photostat copy of the will to be marked or exhibited in lieu of the original document.

**17. Renunciation of probate or administration.**

- (1) An executor who wishes to renounce his right to apply for probate of a will must do so in Form 13.
- (2) An executor who renounces his right to apply for probate does not thereby renounce any right to a grant of administration unless that executor expressly renounces that right.
- (3) A person entitled to a grant of administration and who wishes to renounce his right to apply for administration must do so in Form 14.
- (4) Where the right to apply for probate has been renounced, any person who subsequently applies for a grant must exhibit the original of such renunciation to the oath.

**18. Registrar on receiving application for grant.**

- (1) In respect of the filing of every application, the Registrar shall cause notice of the application to be placed in a conspicuous place in the Registry for a period of not less than fourteen days from the date of the filing of the application in the Registry.
- (2) The Registrar shall not allow any grant of representation to issue —
  - (a) in any case —
    - (i) in which there is contention, until the contention is disposed of;
    - (ii) in which it appears to him that a grant ought not to be made without the directions of a judge;
  - (b) in the case of probate, within fourteen days after the death of the deceased person unless the court directs otherwise on motion in open court;
  - (c) in the case of a deceased person—
    - (i) whose place of residence had been on a Family Island;
    - (ii) where the estate of the deceased person or any part thereof is situate on a Family Island,unless notice in the form prescribed has been given in accordance with rule 10(5);
  - (d) in the case of the estate of a deceased person who died intestate, who at the time of death was a bachelor or spinster, or a widower or

- widow, without issue, until the Attorney-General has signified by certificate the course he intends to take;
- (e) until all the inquiries which the Registrar may see fit to make, have been satisfactorily answered.
- (3) The Registrar may require a person applying for a grant of representation to issue a witness summons to any person who may be able to assist in addressing any inquiry made by the Registrar pursuant to paragraph (2) (e).
  - (4) Where an affidavit of due execution is not available from any of the attesting witnesses, the Registrar may —
    - (a) require notice of the application to be given to any person who may be prejudiced by the will; and
    - (b) require such other supporting evidence by affidavit that he deems necessary.
  - (5) Where —
    - (a) a will appears to have been executed —
      - (i) by a blind or illiterate person; or
      - (ii) by another person at the direction and in the presence of the testator; or
    - (b) there is any other reason to raise doubt as to the testator having had knowledge of the contents of the will,the Registrar must satisfy himself that the testator had such knowledge.
  - (6) Where a will contains any reference to another document in such terms as to suggest that the document ought to be incorporated into the will, the Registrar shall require such document to be produced and may call for such evidence with regard to the incorporation of the document as the Registrar may think fit.
  - (7) Where the Registrar considers that the appearance of the will suggests attempted revocation by burning, tearing or by other means, the Registrar may require evidence to displace any presumption of revocation.
  - (8) Where there is a doubt as to the date on which a will was executed, the Registrar may require such evidence as appears to the Registrar to be necessary to establish the true date of execution.
  - (9) Where the Registrar is not satisfied with any evidence provided pursuant to subparagraph (8), the Registrar shall refer the application to a judge for directions.

## 19. Alterations.

- (1) Where the will or codicil contains obliterations, alterations or interlineations, the applicant must file an affidavit of plight and condition in Form 15 showing that the obliterations, alterations or interlineations were present when the will or codicil was executed unless such obliterations, alterations or interlineations—
  - (a) are deemed by the Registrar to be trivial and of no practical importance;
  - (b) are evidenced by the initials of the testator and attesting witnesses; or
  - (c) have been confirmed by the re-execution of the will or by the execution of a codicil.
- (2) The court must give directions as to the form in which the will is to be proved.

## 20. Issue of grants.

- (1) Once —
  - (a) all the documents considered by the Registrar to be necessary in respect of an application have been filed;
  - (b) the time mentioned in any public notice required under these Rules has expired, if applicable; and
  - (c) no caveat has been entered or is still in force,a judge shall upon —
  - (i) the necessary bond having been duly executed; and
  - (ii) the payment of the prescribed fees,sign the grant and a duplicate copy thereof prepared by the Registrar.
- (2) Where the court grants an application, the Registrar shall cause the applicant to be notified that the grant was issued.
- (3) Once —
  - (a) a grant of probate or letters of administration with will annexed is issued; or
  - (b) a foreign grant is resealed,the Registrar shall —
  - (i) transmit the duplicate copy of the grant to the Registrar of Records, who, after recording, shall return the same to the Registrar of the court for filing; and
  - (ii) in respect of subparagraph (b), seal such document and

without delay give written notice of such sealing to the court, Registry or office from which such document has issued.

- (4) A judge may require such evidence as he may think necessary for —
  - (a) proof of identity;
  - (b) further proof of any fact stated in any document; or
  - (c) any other purpose, and the judge shall direct whether the evidence shall be given on affidavit or viva voce.
- (5) Where a judge decides not to grant an application, the Registrar shall notify the applicant of such decision together with the grounds therefor.
- (6) Where after a grant of representation has been made, it shall transpire that the applicant had, in the oath or affidavit filed with the petition made an error in the estimated value of the personal estate and effects of the deceased, the Registrar may require the grantee to return the grant for rectification by the judge, who may make an order —
  - (a) for further payment of any fees; and
  - (b) in the case of a grant of administration, for more security by way of bond or otherwise as the circumstances of the case shall require.

## **21. Grants to attesting witnesses.**

Where a gift to any person fails by reason of section 10 of the Wills Act (*Ch. 115*) such person shall not have any right to a grant of representation as a beneficiary named in the will, without prejudice to his right to a grant in any other capacity.

## **22. Filing of return.**

- (1) In accordance with section 22 of the Act, the applicant or personal representative of the estate of a deceased person shall cause to be filed a duly completed return in respect of the true value of the personal estate and effects of the deceased in Form 16 —
  - (a) upon the filing of the petition where the true value of the personal estate and effects of the deceased is obtainable; or
  - (b) within —
    - (i) six months after the date of the grant of representation, where the estate of the deceased is situate on New Providence;
    - (ii) nine months after the date of the grant of representation, where the estate of the deceased or any part thereof is situate on any of the Family Islands.



- (2) A warrant of appraisal directing any person to ascertain the value of the personal estate of the deceased in accordance with section 23 of the Act shall be in Form 17.

### **23. Standing searches.**

- (1) Any person who wishes to be notified of the issue of a grant may enter a standing search for the grant by lodging at the Registry a notice in Form 18.
- (2) A person who has entered a standing search will be sent a copy of any grant which corresponds with the particulars given on the Form and which —
  - (a) issued not more than twelve months before the entry of the standing search; or
  - (b) issues within a period of six months after the entry of the standing search.
- (3) Where an applicant wishes to extend the said period of six months, he may lodge at the Registry at which the standing search was entered written application for an extension.
- (4) An application for an extension must be lodged within the last month of the period of six months, and the standing search shall thereupon be effective for an additional period of six months from the date on which it was due to expire.
- (5) A standing search which has been extended may be further extended by the filing of a further application for extension subject to the same conditions as set out in paragraph (4).

### **24. Lodging a caveat.**

- (1) Any person who wishes to show cause against the sealing of a grant of representation may enter a caveat in Form 19 at the Registry giving an address for service.
- (2) Where a caveat is entered in any sub-registry, the caveat shall be forwarded to the Registry to be entered in the register of caveats.
- (3) A caveat shall remain in force for six months from the date on which it was entered and may on application by the caveator be extended for a further period of six months.
- (4) The Registrar shall maintain a register of caveats entered in any registry and upon receiving an application for a grant by the Registry shall cause a search of the register to be made and also before a grant of representation is sealed.

- (5) The Registrar shall not allow a grant to be sealed (other than a grant *ad colligenda bona*) if the Registrar has knowledge of a subsisting caveat.
- (6) No caveat shall operate to prevent the sealing of a grant on the day on which the caveat is entered.
- (7) A caveator who has not entered an appearance to a warning may at any time withdraw his caveat by giving notice —
  - (a) by letter to that effect to the Registry at which the caveat was entered and the caveat shall thereupon cease to have effect; and
  - (b) to any person warning the caveator by serving a copy of such letter on the person.

#### **25. Warning to caveator by interested parties.**

- (1) Any person claiming to have an interest in the estate of a deceased person may cause to be issued from the Registry a warning in Form 20 against the caveat, and the person warning shall —
  - (a) state the interest of the person in the estate of the deceased;
  - (b) file an affidavit of service of the warning in Form 21; and
  - (c) require the caveator to give particulars of any contrary interest in the estate.
- (2) The Registrar shall issue the warning and the person warning the caveator must serve the warning on the caveator at the address for service given in accordance with rule 24(1).

#### **26. Opposing a grant.**

- (1) Where the caveator has an interest contrary to that of the person warning, the caveator may —
  - (a) within eight days of service of the warning upon him (inclusive of the day of such service) or at any time thereafter if no affidavit has been filed under paragraph (7) enter an appearance at the Registry in Form 22;
  - (b) serve forthwith a copy of the appearance on the person warning.
- (2) Where the caveator has no interest contrary to that of the warning, but wishes to show cause against the sealing of a grant to that person, he may within eight days of service of the warning upon him (inclusive of the day of such service), or at any time thereafter if no affidavit has been filed under paragraph (7), issue and serve a summons for directions in Form 23.
- (3) On the hearing of any summons for directions under paragraph (2), the Registrar may give a direction for the caveat to cease to have effect.

- (4) Any caveat in force when a summons for direction is issued, shall remain in force until the summons has been disposed of unless the caveat has been withdrawn or the court orders that the caveat cease to have effect.
- (5) The issue of a summons under this rule shall be notified forthwith to the Registry.
- (6) A caveator who has not entered an appearance to a warning may at any time withdraw his caveat by giving notice at the Registry at which it was entered and the caveat shall thereupon cease to have effect and where the caveat has been so withdrawn, the caveator shall forthwith give notice of that withdrawal to the person warning.
- (7) If no appearance has been entered by the caveator or no summons has been issued by him under this rule, the person warning may at any time after eight days after service of the warning upon the caveator (inclusive of the day of such service) file an affidavit at the Registry as to such service and the caveat shall thereupon cease to have effect provided that there is no pending summons under paragraph (2) of this rule.
- (8) Unless the court by order made on summons otherwise directs, any caveat in respect of which an appearance to a warning has been entered shall remain in force until the commencement of a probate action.

## **27. Probate actions.**

- (1) Where a probate action is commenced —
  - (a) the plaintiff must give notice of the action —
    - (i) to every caveator, other than the applicant in that action whose caveat remains in force; and
    - (ii) to any subsequent caveator;
  - (b) the court may make the costs for filing a caveat and warning the caveator, costs in the action;
  - (c) unless the court otherwise directs, the action shall operate to prevent the sealing of a grant until an application for a grant is made by the person shown to be entitled thereto by the decision of the court in such action.
- (2) Upon an application for a grant of representation being made by the person shown to be entitled by the decision of the court in the action, any caveat —
  - (a) entered by the applicant in the action; or
  - (b) in respect of which notice of the action has been given under paragraph (1)(a), shall cease to have effect.

- (3) If the parties reach an agreement at any time after the appearance has been entered, either the caveator or the person warning may issue a summons for the discontinuance of proceedings and the court may order that —
  - (a) the proceedings be discontinued;
  - (b) the grant of representation be issued to the caveator or the person warning;
  - (c) the caveat cease to have effect; and
  - (d) the payment of costs be made.

**28. Citation to accept or refuse a grant.**

- (1) Any person who would be entitled to a grant in the event of the person cited renouncing his right to a grant, may issue a citation to accept or refuse a grant in Form 24.
- (2) Where power to make a grant to an executor has been reserved, a citation calling on the executor to accept or refuse a grant may be issued at the instance of —
  - (a) the executors who have proved the will or the survivor of them;
  - (b) the executors of the last surviving executors who have proved the will; or
  - (c) any person who would himself be entitled to a grant if the person cited renounced his right.
- (3) Where an executor has commenced administration of an estate of a deceased prior to obtaining probate, a citation calling on him to show cause why he should not be ordered to take a grant, may be issued by any person interested in the estate at any time after the expiration of six months from the death of the deceased provided that no citation to take a grant shall issue while any proceedings as to the validity of the will are pending.
- (4) A person cited who is willing to accept or take a grant may after entering an appearance, apply *ex parte* by affidavit to the court for an order for a grant to himself.
- (5) If the time limited for appearance has expired and the person cited has not entered an appearance, the citor may in the case of a citation —
  - (a) under paragraph (1) of this rule, apply to the Registrar for an order for a grant to himself;
  - (b) under paragraph (2) of this rule, apply to the Registrar for an order that a note be made on the grant that the executor in respect of whom power was reserved has been duly cited and have not

appeared and that all his rights in respect of the executorship have wholly ceased; or

- (c) under paragraph (3) of this rule, apply to a Registrar by summons (which shall be served on the person cited) for an order requiring such person to take a grant within a specified time or for a grant to himself or to some other person specified in the summons.
- (6) An application under paragraph (5)(c) shall be supported by an affidavit showing that the citation was duly served.
  - (7) If the person has entered an appearance but has not applied for a grant under paragraph (4) of this rule, or has failed to prosecute his application with reasonable diligence, the citor may in the case of a citation —
    - (a) under paragraph (1) of this rule, apply by summons to the Registrar for an order for a grant to himself;
    - (b) under paragraph (2) of this rule, apply by summons to the Registrar for an order striking out the appearance and for the endorsement on the grant of such a note as is mentioned in paragraph (5)(b); or
    - (c) under paragraph (3) of this rule, apply by summons to the Registrar for an order requiring the person cited to take a grant within a specified time or for a grant to himself or to some other person specified in the summons, and the summons shall be served on the person cited.

### **29. Citation to propound a will.**

- (1) A citation to propound a will shall be directed to the executors named in the will and to all persons interested thereunder, and may be issued at the instance of any citor having an interest contrary to that of the executors or such persons.
- (2) If the time limited for appearance has expired, the citor may in the case where —
  - (a) no person has entered an appearance, apply to the court for an order for a grant as if the will were valid and such application shall be supported by an affidavit showing that the citation was duly served; or
  - (b) no person who has entered an appearance proceeds with reasonable diligence to propound the will, apply to the court by summons, which shall be served on every person cited who has entered an appearance, for such an order as is mentioned in sub-paragraph (a).

### **30. Citations.**

- (1) Before issuing a citation, the citor must —



- (a) enter a caveat;
  - (b) prepare a draft citation;
  - (c) verify the draft citation by a draft affidavit of the citor; and
  - (d) upon payment of the prescribed fee, lodge at the Registry the draft citation and draft affidavit.
- (2) The citor must lodge at the Registry with the draft citation and draft affidavit —
  - (a) every will referred to in the citation unless —
    - (i) it is not in the possession of the citor;
    - (ii) the Registrar is satisfied that it is impracticable for it to be lodged;
  - (b) consents, renunciations and any other relevant documents;
  - (c) the praecipe for citation in Form 25.
- (3) Upon satisfaction of the requirements under paragraph (1), the citation shall be settled and sealed by the Registrar and the citor shall collect the citation and affidavit.
- (4) Unless the court otherwise directs, the citor shall —
  - (a) serve the citation personally on the person cited; and
  - (b) endorse the certificate of service on the citation.
- (5) A citation against all persons in general is served by the publication of the citation in the Gazette.
- (6) Where substituted service is necessary, the citor may apply *ex parte* on affidavit to the Registrar by leaving at the Registry —
  - (a) a sealed copy of the citation;
  - (b) an affidavit showing cause; and
  - (c) if appropriate, a draft of the abstract of citation to be advertised.
- (7) The Registrar may —
  - (a) direct some other mode of service; or
  - (b) if appropriate, settle the abstract of citation for advertisement.
- (8) Where the Registrar directs service by advertisement, the Registrar may determine —
  - (a) the mode of advertisement, unless the advertisement is to be made outside of The Bahamas;
  - (b) the date and the number of issues for the advertisement; and
  - (c) the time for appearance after the date of the last insertion.
- (9) The citor shall carry out the directions of the Registrar as to substituted service or otherwise and will file in the Registry —

- (a) the sealed citation along with —
  - (i) every will referred to in the citation unless —
    - (aa) it is not in the possession of the citor;
    - (bb) the Registrar is satisfied that it is impractical for it to be lodged;
  - (ii) the affidavit deposed to by the citor;
  - (iii) consents, renunciations and any other relevant documents;
  - (iv) the praecipe for citation; and
  - (v) the draft citation settled by the Registrar;
- (b) the settled draft; and
- (c) the advertisements showing the name of the newspaper and the date of issue.

### **PART III - CONTENTIOUS PROBATE PROCEEDINGS**

#### **31. Scope of Part III and Interpretation.**

- (1) This Part sets out the procedure for obtaining —
  - (a) a grant of —
    - (i) probate of a will;
    - (ii) letters of administration,  
of the estate of a deceased person;
  - (b) a revocation of a grant referred to under paragraph (a);
  - (c) a decree pronouncing for or against the validity of an alleged will, not being an action which is non-contentious or common form probate business.
- (2) In this Part —
  - (a) a reference to an “Order”, is a reference to an Order of the Rules of the Supreme Court;
  - (b) a “will” includes a codicil.

#### **32. Application for contentious probate.**

A person who seeks to begin a contentious probate action must do so by writ issued out of the Registry and indorsed with —

- (a) a statement of the nature of the interest of the plaintiff and of the defendant in the estate of the deceased to which the action relates; and

- (b) a memorandum signed by the Registrar showing that the writ has been produced to him for examination and that two copies of the will have been lodged with the Registrar.

### **33. Parties to an action for revocation of grant.**

A person who is entitled or claims to be entitled to administer the estate of a deceased person under or by virtue of an unrevoked grant of probate of his will or letters of administration of his grant shall be made a party to any action for revocation of the grant.

### **34. Lodgement of grant for revocation.**

- (1) Where, at the commencement of an action for the revocation of a grant of —
  - (a) probate of the will; or
  - (b) letters of administration,of the estate of a deceased person, the probate or letters of administration as the case may be, have not been lodged in court, then —
  - (i) if the action is commenced by a person to whom the grant was made, he shall lodge the probate or letters of administration in the Registry within seven days after the issue of the writ;
  - (ii) if any defendant to the action has the probate or letters of administration in his possession or under his control, he shall lodge it or them in the Registry within fourteen days after the service of the writ upon him.
- (2) Any person who fails to comply with paragraph (1) may, on the application of any party to the action, be ordered by the court to lodge the probate or letters of administration in the Registry within a specified time; and any person against whom such an order is made shall not be entitled to take any step in the action without the leave of the court until he has complied with the order.

### **35. Affidavit of testamentary scripts.**

- (1) Unless the court otherwise directs, the plaintiff and every defendant who has entered an appearance in a probate action must swear an affidavit —
  - (a) describing any testamentary script of the deceased person, whose estate is subject of the action, of which he has any knowledge or, if such be the case, stating that he knows of no such script; and
  - (b) if any such script of which he has knowledge, is not in his possession or under his control, giving the name and address of the

person in whose possession or under whose control it is or, if such be the case, stating that he does not know the name or address of that person.

- (2) Any affidavit required by this rule must be filed, and an office copy thereof and any testamentary script referred to therein which is in the possession or under the control of the deponent must be lodged in the Registry within fourteen days after the entry of appearance by a defendant to the action or, if no defendant enters an appearance therein and the court does not otherwise direct, before an order is made for the trial of the action.
- (3) Where any testamentary script or any part thereof required by this rule to be lodged in the Registry is written in pencil, then, unless the court otherwise directs, a photostat copy of that script, of the page or pages thereof containing the part written in pencil, must also be lodged in the Registry and the words which appear in pencil in the original must be underlined in red ink in the copy.
- (4) Except with the leave of the court, a party to a probate action shall not be allowed to inspect an affidavit filed, or any testamentary script lodged by any other party to the action under this rule, unless and until an affidavit sworn by him containing the information referred to in paragraph (1) has been filed.
- (5) In this rule, "testamentary script" means —
  - (a) a will or draft thereof;
  - (b) written instructions for a will made by or at the request or under the instructions of the testator; or
  - (c) any document purporting to be evidence of the contents, or to be a copy, of a will which is alleged to have been lost or destroyed.

### **36. Default of appearance.**

- (1) Order 13 shall not apply in relation to a probate action.
- (2) Where any of several defendants to a probate action fails to enter an appearance, the plaintiff, upon filing an affidavit proving due service of the writ, or notice of the writ, on that defendant may, after the time limited for appearing, proceed with the action as if that defendant had entered an appearance.
- (3) Where the defendant, or all of the defendants, to a probate action, fails or fail to enter an appearance, then, unless on the application of the plaintiff the court orders the action to be discontinued, the plaintiff may after the time limited for appearing by the defendant apply to the court for an order for trial of the action.



- (4) Before applying for an order under paragraph (3) the plaintiff must file an affidavit proving due service of the writ, or notice of the writ, on the defendant and, if no statement of claim is indorsed on the writ, he must file a statement of claim in the Registry.
- (5) Where the court grants an order under paragraph (3), it may direct the action to be tried on affidavit evidence.

### **37. Service of statement of claim.**

The plaintiff in a probate action must unless —

- (a) the court gives leave to the contrary; or
- (b) a statement of claim is indorsed on the writ,

serve a statement of claim on every defendant who enters an appearance in the action and must do so before —

- (i) the expiration of six weeks after entry of appearance by that defendant; or
- (ii) eight days after the filing by that defendant of an affidavit under rule, whichever is the later.

### **38. Counterclaim.**

- (1) Notwithstanding anything in Order 15 rule 2(1), a defendant to a probate action who alleges that he has any claim or is entitled to any relief or remedy in respect of any matter relating to the grant of probate of the will, or letters of administration of the estate, of the deceased person which is the subject of the action must add to his defence a counterclaim in respect of that matter.
- (2) If the plaintiff fails to serve a statement of claim, any such defendant may, with the leave of the court, serve a counterclaim and the action shall then proceed as if the counterclaim were the statement of claim.

### **39. Contents of pleadings.**

- (1) Where the plaintiff in a probate action disputes the interest of a defendant he must allege in his statement of claim that he denies the interest of that defendant.
- (2) In a probate action in which the interest by virtue of which a party claims to be entitled to a grant of letters of administration is disputed, the party disputing that interest must show in his pleadings that if the allegations made therein are proved he would be entitled to an interest in the estate.
- (3) Without prejudice to Order 18 rule 6, any party who pleads that at the time when a will, the subject of the action, was alleged to have been executed

the testator did not know and approve of its contents, must specify the nature of the case on which he intends to rely, and no allegation in support of that plea which would be relevant in support of any of the following other pleas, that is to say —

- (a) that the will was not duly executed;
- (b) that at the time of the execution of the will the testator was not of sound mind, memory and understanding; and
- (c) that the execution of the will was obtained by undue influence or fraud,

shall be made by that party unless that other plea is also pleaded.

**40. Default of pleadings.**

- (1) Order 19 shall not apply in relation to a probate action.
- (2) Where any party to a probate action fails to serve on any other party a pleading which he is required by these Rules to serve on that other party, then unless the court orders the action to be discontinued or dismissed, that other party may after the expiration of the period fixed by or under these Rules for service of the pleading in question, apply to the court for an order for trial of the action; and if an order is made the court may direct the action to be tried on affidavit evidence.

**41. Discontinuance and probate dismissal.**

- (1) Order 21 shall not apply in relation to a probate action.
- (2) At any stage of the proceedings in a probate action the court may on the application of —
  - (a) the plaintiff; or
  - (b) of any party to the action who has entered an appearance therein,order the action to be discontinued or dismissed on such terms as to costs or otherwise as it thinks just, and may further order that a grant of probate of the will, or letters of administration of the estate, of the deceased person, as the case may be, which is the subject of the action, be made to the person entitled thereto.
- (3) An application for an order under this rule may be made by motion or summons or by notice under Order 25, rule 7.

**42. Compromise of action: trial on affidavit evidence.**

Where, whether before or after the service of the defence in a probate action, the parties to the action agree to a compromise, the court may order the trial of the action on affidavit evidence.



**43. Application for order to bring in will, etc.**

- (1) An application for an order under section 33 of the Act shall be for an order requiring a person to bring a will or other testamentary paper into the Registry or to attend in court for examination.
- (2) An application under paragraph (1) shall be made by summons in the action, which must be served on the person against whom the order is sought.
- (3) An application for the issue of a subpoena under section 32 of the Act shall be for the issue of a subpoena requiring a person to bring into the Registry a will or other testamentary paper.
- (4) An application under paragraph (3) may be made *ex parte* and must be supported by an affidavit setting out the grounds of the application.
- (5) An application under paragraph (3) shall be made to the Registrar who may, if the application is granted, authorise the issue of a subpoena accordingly.
- (6) A person against whom a subpoena is issued under this rule and who denies that the will or other testamentary paper referred to in the subpoena is in his possession or under his control may file an affidavit to that effect.

**44. Administration *pendente lite*.**

- (1) An application under section 6 of the Act for an order for the grant of administration may be made by summons.
- (2) Where an order for a grant of administration is made under section 9 of the Act, Order 30, rules 2, 4, and 6 and (subject to subsection (2) of the said section) rule 3, shall apply as if the administrator were a receiver appointed by the court.

**PART IV - MISCELLANEOUS**

**45. Deposits to credit of a deceased person.**

The manager of a bank may, in accordance with section 40 of the Act, pay any sum not exceeding in total two thousand five hundred dollars standing to the credit of a deceased person without the production of a grant of probate or letters of administration.

**46. Fees.**

- (1) All fees payable under these Rules shall be paid to the court and placed in the Consolidated Fund.
- (2) The court may upon application issue a certificate in Form 26 certifying any fees payable in respect of an application.

**47. Repeal.**

- (1) The Probate Rules<sup>2</sup> are hereby revoked.
- (2) Order 68 of the Rules of the Supreme Court<sup>3</sup> is hereby revoked.

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<sup>2</sup>Supplementary Vol., Subsidiary Legislation Omitted From the 2000 Edition, IX-12.

<sup>3</sup>Sub. Leg. Vol. II, Ch. 53 - 299.

FIRST SCHEDULE

FORM 1

PETITION

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)* late of *(state full address)*, deceased.

Application is hereby made for a GRANT OF [state nature of grant sought] in respect of the real and personal estate and effects of *(state full name)* late of *(state full address)*, deceased.

Dated the      day of      , 20 .

.....  
(Print name of applicant)

.....  
(Signature of applicant)

To: The Registrar of the Supreme Court.

FORM 2

AFFIDAVIT OF ATTESTING WITNESS IN PROOF OF THE DUE EXECUTION OF A WILL OR CODICIL

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)* late of *(state full address)*, deceased.

I, *(state full name)*, of *(state full address)* in the island of *(state name of island)* *(state occupation)* make oath and say [do solemnly, sincerely, and truly declare and affirm] that -

1. I am one of the attesting witnesses to the last will and testament [or codicil as the case may be], of *(state full name)*, late of *(state full address)*, deceased.
2. The said will [codicil] dated the    day of                   , 20    is hereto annexed and marked "A".
3. The deceased executed the said will [codicil] on the    day of the date thereof, by signing his/her name [at the foot or end thereof], as the same now appears thereon, in the presence of *(name of the other witness)* and me, both of us being present at the same time, and we thereupon attested and subscribed the said will [codicil] in the presence of the said testator.....

Name of witness

Sworn at .....on the ..... day of ..... 20.

BEFORE ME

FORM 3

OATH OF AN EXECUTOR

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)*, late of *(state full address)*, deceased.

I/We,

- A. *(full name of executor)* of *(address)*, *(occupation)*
- B. *(full name of executor)* of *(address)*, *(occupation)*
- C. *(full name of executor)* of *(address)*, *(occupation)*
- D. *(full name of executor)* of *(address)*, *(occupation)*

make oath and say [do solemnly and sincerely declare and affirm] that —

1. I/We believe the annexed paper writing marked "A" to contain the true and original last will and testament [and/or codicil] of the deceased *(name of deceased)* who died on the        day of        20    , at *(state full address)* domiciled *(state name of place of domicile)*.
2. The annexed document marked "B" is a certified copy of the death certificate of the deceased.
3. To the best of my knowledge, information and belief the said *(state name of deceased)* at the date of [his][her] death was seised in fee simple in possession *(give particulars of description of land)*.
4. I/we am/are the executor(s) [one of the executors] therein named.
5. Notice was given to the executors to whom power has been reserved namely *(state full names)* on the        day of        20.

6. The [certified copy of the death certificate of] [deed of renunciation of probate made by (*name of executor who has died or renounced probate*)] is annexed and marked "C".

7. I/We undertake that in the event that such grant being made to me/us, I/we shall, (*where such information is not obtainable upon the filing of the petition*), within —

- (a) six months after the date of the grant of representation, where the estate of the deceased is situate on New Providence;
- (b) nine months after the date of the grant of representation, where the estate of the deceased or any part thereof is situate on any of the Family Islands.

cause to be filed a duly completed return in respect of the true value and personal effects and estate of the deceased in accordance with Form 16.

8. I/We will well and faithfully administer the real and personal estate and effects of the deceased, pay his/her just debts and the legacies contained in his/her will [or will and codicil], and distribute the residue of his/her estates according to law.

9. I/We will exhibit a true and perfect inventory of all and singular the said real and personal estates and effects and render a just and true account thereof, whenever required by law so to do;

10. I/We will pay the just debts of the deceased owing at the time of his decease.

11. To the best of our/my knowledge, information and belief, the whole of the property of the said deceased to be affected by the grant applied for, is comprised or referred to in the Schedule annexed to this affidavit and the personal estate and effects of which the said deceased died possessed, are under the value of (*specify sum*) dollars.

.....  
Names of Executor(s)

Sworn at                      on the              day of .....20 .

BEFORE ME,  
REGISTRAR/NOTARY PUBLIC



SCHEDULE

PART A

ESTIMATED VALUE OF PERSONAL ESTATE AND EFFECTS OF DECEASED

\$

Household goods, linen, wearing apparel,  
books, plate, jewels, etc.

Money in possession of the deceased  
at the time of his/her death.

Amounts deposited in a bank —  
(Provide full information on account(s))  
    with interest (fixed savings, annuities or other  
                    interest accruing accounts)  
    without interest

Money out on mortgage or loan

Other securities, stock in trade, farming stock, and implements of  
husbandry  
(List articles and individual value)

Other personal estate not comprised under the foregoing heads  
(List articles and individual value)

TOTAL ESTIMATED VALUE OF PERSONAL  
ESTATE AND EFFECTS

\_\_\_\_\_

PART B

REAL ESTATE OWNED BY THE DECEASED

*(State here a description of the real estate of the deceased identifying the boundaries thereof, how the property is held (whether held as sole owner or tenant in common) and provide a copy of proof of ownership or if unavailable, such other evidence or explanation as may be acceptable to the court)*

*Lot No. 336 Bay Street, in the City of Nassau*

*Approximately 20ft. by 200ft.*

*Occupied by John Brown*

*OR*

*Land with dwelling house therein known as "Jumper Estate", on Farm Road, Southern District of the Island of New Providence.*

*Approximately 2 acres. Occupied by Samuel Smith.*

*OR*

*Farm land called "The Grove Estate", at Tarpum Bay, in the Island of Eleuthera.*

*Approximately 20 acres. Leased to Joan Doe.*

*OR*

*Vacant land at "Camperdown" in the Island of Andros.*

*Approximately 40 acres.*

FORM 4

CERTIFICATE AS TO GRANT OF PROBATE

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)* late of *(state full address)*, deceased.

BE IT KNOWN that—

1. On the     day of     , 20     the last will and testament [and codicil] of *(state full name)* late of *(state full address)* deceased who died on the     day of     , 20     at *(state full address)* was proved and registered in this court.

2. Administration of all the real and personal estate and effects of the said deceased was granted by this court to *(state name of executor(s))*, the sole executor *(or as the case may be)* named in the said will, he/she/they having been first sworn well and faithfully to administer the same according to law and to render a just and true account thereof whenever required by law so to do.

3. The grant is in full force and effect and has not been revoked.

Dated the     day of     20     .

.....

JUDGE

FORM 5

OATH FOR AN ADMINISTRATOR WITH THE WILL

IN THE SUPREME COURT

20 /PRO/npr/00

PROBATE DIVISION

In the Estate of *(state full name)* late of *(state full address)*, deceased.

I, *(state full name of intended administrator)*, of *(state full address)*, *(occupation)* in the island of *(state name of island)* make oath and say that —

1. I believe the paper writing (or the paper writings) hereunto annexed and marked by me to contain [the true and original last will and testament] [or a copy of the true and original last will and testament] [or the last will and testament with codicil(s)] of the deceased *(state full name)*, late of *(state full address)* who died on the *(state date)* day of *(state month)*, 20 in the island of *(state name of island)*, domiciled in *(state name of place of domicile)*.

2. The deceased died *(state status of deceased, e.g. spinster, widower)* survived by *(state full names of survivors)*.

3. *(State name of executor)*, *(insert his/her relationship, if any, to the deceased)* the sole executor therein named, survived the said deceased, and is since dead without having taken probate thereof *(or recite the facts as they may be)*.

4. I am the *(insert the relationship to deceased, if any)* residuary legatee in trust named therein *(or recite the facts as they may be)*.

5. I/We undertake that in the event that such grant being made to me/us, I/we shall, *(where such information is not obtainable upon the filing of the petition)*, within —

- (a) six months after the date of the grant of representation, where the estate of the deceased is situate on New Providence;
- (b) nine months after the date of the grant of representation, where the estate of the deceased or any part thereof is situate on any of the Family Islands.

cause to be filed a duly completed return in respect of the true value and personal effects and estate of the deceased in accordance with Form 16.

6. I will well and faithfully administer the real and personal estate and effects of the deceased, pay his/her just debts and the legacies contained in his/her will [or will and codicil(s)], and distribute the residue of his/her estates according to law.

7. I will exhibit a true and perfect inventory of all and singular the said real and personal estate and effects and render a just and true account thereof, whenever required by law so to do;

8. The testator died at *(state name of place)* on the      day of      20      .

9. The said testator at the time of his death had a fixed place of abode at *(state full address)*.

10. To the best of my knowledge, information and belief, the whole of the property of the said deceased to be affected by the grant applied for, is comprised or referred to in the Schedule annexed to this affidavit and the personal estate and effects of which the said deceased died possessed, are under the value of *(specify amount)* dollars.

Sworn at      on the      day of      20      .

.....  
Print name of Intended Administrator(s)

.....  
Signature of Intended Administrator

BEFORE ME

REGISTRAR/NOTARY PUBLIC

SCHEDULE

(SAME SCHEDULE AS IN FORM 3)

FORM 6

ADMINISTRATION BOND FOR AN ADMINISTRATOR WITH THE WILL

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of (*state full name*) late of (*state full address*), deceased.

BE IT KNOWN, that —

1. We,

- (a) (*state full name, full address and occupation of each administrator*);
- (b) (*state full name, full address and occupation of each bondsman*),

are jointly and severally bound unto the Honourable Chief Justice in the sum of (*state full amount in words and numbers*), to be paid to the said Chief Justice, for which payment well and truly to be made we bind ourselves, our heirs, executors and administrators.

2. If (*state full name*) the intended administrator(trix) with the will annexed of all the real and personal estate and effects of the said (*state full name of deceased*), late of (*state full address*) deceased, who died on the        day of        20        , do, when lawfully called on in that behalf —

- (a) collect and get in the estate of the deceased and to administer it according to law;
- (b) make or cause to be made a true and perfect inventory of all the said estate and effects of (*state full name of deceased*), which have or shall come to his hands, possession or knowledge;
- (c) cause the inventory so made to be exhibited into the Registry of the Supreme Court whenever required by law so to do;



- (d) pay the debts of the said deceased which (*name of deceased*) did owe at his/her decease;
- (e) pay the legacies contained in the said will annexed to the said letters of administration, as far as the said estates and effects will thereto extend, and the law charge him;
- (f) make or cause to be made a just and true account of his said administration when he shall be thereunto lawfully required;
- (g) deliver the rest and residue of the said real and personal estate and effects and pay unto such person or persons as shall be by law entitled thereto, then this obligation shall be void and of no effect, or else to remain in full force and virtue.

Dated the            day of            , 20

(*signature*).....(Seal)

Type name of Bondsman

(*signature*).....(Seal)

Type name of Bondsman

Signed, sealed and delivered by the within named (*state name of bondsmen*) in the presence of :

REGISTRAR/NOTARY PUBLIC

FORM 7

CERTIFICATE AS TO GRANT OF LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)*, late of *(state full address)*, deceased.

BE IT KNOWN, that —

1. *(State full name)* late of *(state full address)* deceased, who died on the..... day of 20 at *(state full address)* and who at the time of his death had a fixed place of abode at *(address)*, made and duly executed his last Will and Testament [and codicils thereto] and did therein name *(name of executor)* *(or did not therein name any)* executor *(or as the case may be)*.

2. On the day of 20 , a grant of letters of administration with the said will annexed of all the real and personal estate and effects of the said deceased was granted by the court to *(full name of administrator(s))*, the *(state the capacity in which the grant is taken)* of the deceased, he/she having been first sworn well and faithfully to administer the same according to law and to render a just and true account of all the real and personal estate of the said deceased whenever required by law so to do.

3. The grant is in full force and effect and has not been revoked.

Dated the day of 20 ..

\_\_\_\_\_  
JUDGE

FORM 8

OATH OF ADMINISTRATOR

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of (state full name)late of (state full address), deceased.

I, (full name of intended administrator), of (state full address),(occupation) make oath and say (do solemnly, sincerely and truly declare and affirm) that -

1. (Full name of deceased), late of (state full address) deceased, died intestate on the day of 20 in (state place of death), a (state status of deceased, e.g. spinster, widower and, where necessary, clear off any class entitled in priority to the applicant(s), e.g. "without issue or parent"), domiciled in (state name of place of domicile).

2. That the deceased died (state marital status) leaving (state name of spouse and issue here).

3. The annexed document marked "A" is a certified copy of the death certificate of the deceased.

4. I am the lawful (state relationship to deceased showing entitlement to grant) of the deceased and to the best of my knowledge information and belief there is no other person entitled in priority to share in his/her estate by virtue of any enactment.

5. I/We undertake that in the event that such grant being made to me/us, I/we shall, (where such information is not obtainable upon the filing of the petition), within —

- (a) six months after the date of the grant of representation, where the estate of the deceased is situate on New Providence;
- (b) nine months after the date of the grant of representation, where the estate

of the deceased or any part thereof is situate on any of the Family Islands. cause to be filed a duly completed return in respect of the true value and personal effects and estate of the deceased in accordance with Form 16.

6. I will well and faithfully administer the real and personal estate and effects of the deceased, pay his/her just debts and the legacies contained in his/her will [or will and codicils], and distribute the residue of his/her estate according to law.

7. I will exhibit a true and perfect inventory of all and singular the said estate and effects, and render a just and true account of my administration, whenever required by law so to do.

8. The said deceased died at *(state name of place)* on the      day of      20      .

9. The said deceased at the time of his death had a fixed place of abode at *(state name of place)*.

10. To the best of my knowledge, information and belief, the whole of the property of the said deceased to be affected by the grant applied for is comprised or referred to in the Schedule annexed to this affidavit, and the personal estate and effects of which the said deceased died possessed are under the value of *(state amount)* dollars.

SCHEDULE

(SAME SCHEDULE AS IN FORM 3)

Sworn at      on the      day of      20      .

.....  
Print name of Intended Administrator

.....  
Signature of Intended Administrator

BEFORE ME  
REGISTRAR/NOTARY PUBLIC

FORM 9

AFFIDAVIT OF HEIRSHIP

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)* of *(state full address)*, deceased.

I, *(state full name, full address and occupation)* make oath and say that —

1. I am *(state age)* years old.
2. I have known the late *(state name of deceased)* for *(state number of years)*.
3. The said *(name of deceased)* died on the *(specify the date of death of the deceased)*

*(Give particulars here stating whether deceased died without any issue or died leaving a wife/husband, children, brother or sisters (as the case may be).*

4. I make this affidavit for the purpose of establishing that *(name of persons)* is/are the heirs-at-law of the said *(name of deceased)*.
5. The contents of this affidavit are correct and true.

Sworn at                      on the                      day of                      20

BEFORE ME

FORM 10

ADMINISTRATION BOND FOR LETTERS OF ADMINISTRATION

IN THE SUPREME COURT

20 /PRO/npr/00

PROBATE DIVISION

In the Estate of *(state full name)* late of *(state full address)*, deceased.

BE IT KNOWN, that We —

- (a) *(state full name, full address and occupation of each administrator)*;
- (b) *(state full name, full address and occupation of each bondsman)*,

are jointly and severally bound unto the Supreme Court in the sum of *(state full amount in words and numbers)* to be paid to the said Supreme Court, for which payment well and truly to be made we bind ourselves, our heirs, executors and administrators.

The CONDITION of this obligation is such, that if *(state full name)* *(state the capacity in which the applicant is applying for e.g. the intended administrator(trix))* of all the real and personal estate and effects of the said deceased do, when lawfully called upon in that behalf —

- (a) to collect and get in the estate of the deceased;
- (b) to make or cause to be made a true and perfect inventory of all the said estate and effects of *(state full name of deceased)*, which have or shall come to his hands, possession or knowledge or into the hands and possession of any other person for him/her;
- (c) to cause the inventory so made to be exhibited into the Registry whenever required by law so to do;
- (d) to well and truly administer according to the law the real and personal estate and effects of the deceased at the time of his death which at any time after shall come into the hands or possession of the said *(full name of administrator)* or into the hands or possession of any other person or persons for *(state full name of administrator)*;
- (e) to pay the debts of the said deceased which *(state full name of deceased)* did owe at his decease;



(f) to make or cause to be made a just and true account of his said administration when he shall be thereunto lawfully required;

(g) to deliver and pay the rest and residue of the said real and personal estate and effects unto such person or persons as shall be by law entitled thereto,

and if it shall hereafter appear that any last will and testament was made by the said deceased and the executor or executors, or other persons therein named, do exhibit the same into the said court, making request to have it allowed and approved accordingly, if the said *(state full name of intended administrator)* being thereunto required do render and deliver the said Letters of Administration *(approbation of such testament being first had and made)* in the said court, then this obligation shall be void and of no effect, or else to remain in full force and virtue.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ .

.....(Signature)(Seal)

(Type Name of Bondsman)

.....(Signature)(Seal)

(Type Name of Bondsman)

.....(Signature)(Seal)

(Type Name of Bondsman)

Signed, sealed and delivered by *(state name of bondsmen)* in the presence of :

REGISTRAR/NOTARY PUBLIC

FORM 11

PUBLIC NOTICE OF APPLICATION IN THE PROBATE DIVISION OF THE  
SUPREME COURT

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)*, late of *(state full address)*, deceased.

IT IS HEREBY NOTIFIED, for the information of those it may concern, that *(state full name)* of *(state full address including name of island)* has made application at the PROBATE DIVISION of the Supreme Court, for a grant of *(state nature of grant)* in respect of the real and personal estate of *(state full name)* late of *(state full address)*, deceased.

This advertisement is published from the        day of        20        to the day of        , 20        and NOTICE IS HEREBY GIVEN that the application will be heard by the court at the expiration of 21 days from the last date hereof.

Dated this        day of        20

.....  
NB: *A copy of this notice shall be returned to the Registrar by the Family Island Administrator within seven days of the last day of publication pursuant to rule 10(6).*

FORM 12

CERTIFICATE AS TO GRANT OF LETTERS OF ADMINISTRATION

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)*, late of *(state full address)*, deceased.

BE IT KNOWN that —

1. On the        day of        20    , a grant of Letters of Administration of all the real and personal estate and effects of *(full name of deceased)*, late of *(state full address)* deceased, who died intestate on the        day of        20    , at *(state full address)* was granted by the court to *(full name of administrator(s))* of *(state full address)*, the *(state relationship)* of the said deceased, he/she having been first sworn well and faithfully to administer the same according to law and to render a just and true account of all the real and personal estate of the said deceased whenever required by law so to do.
2. The grant is in full force and effect and has not been revoked.

Dated the        day of        , 20

.....  
JUDGE

FORM 13

RENUNCIATION OF PROBATE

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)* late of *(state full address)*, deceased.

1. *(State full name)* of *(state full address)* deceased, died on the        day of  
20        having made and duly executed his last will and testament, bearing date the  
day of        20        and thereof appointed the undersigned *(state full name)* *(sole*  
*executor, beneficiary or residuary legatee and devisee {in trust})* *(or recite the facts as*  
*the case may be)*:

2. I, the said *(name of person entitled to apply)* of *(state full address)* do hereby  
declare that I have not inter-meddled in the estate of the said deceased, and will not  
hereafter inter-meddle therein with intent to defraud creditors.

3. I do hereby renounce all my right and title to probate and execution of the said  
will [or to letters of administration *(with or without the said will annexed as the case*  
*may be)*] of the estate of the said deceased.

.....

Signature of person entitled to apply

Signed by the said *(name of person entitled to apply)* as a deed this day        of        20  
in the presence of :

.....

(Witness' name, address and occupation)

FORM 14

RENUNCIATION OF ADMINISTRATION

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)* late of *(state full address)*, deceased.

1. *(State full name of deceased)* of *(state full address)* deceased, died on the  
day of 20 intestate, a widow, leaving *(state full name)*, her *(state  
relationship)* and the only person entitled to her estate *(or a person entitled)* *(or recite  
facts as the case may be)*:

2. Now I, the said *(state full name of person entitled to apply)* of *(state full  
address)* do hereby renounce all right and title to letters of administration of the estate  
of the said deceased.

3. I the said *(state full name of person entitled to apply)* as aforesaid hereby  
consent to a grant of letters of administration in the estate of the said *(state full name of  
deceased)* deceased, being granted by the Supreme Court to my said *(state relationship  
to the applicant)* of *(state full address)*.

.....

Signature of person entitled to apply

Signed by the said *(name of personal entitled to apply)* as a deed this      day of  
20      in the presence of

.....

(Witness' name, address and occupation)

FORM 15

AFFIDAVIT OF PLIGHT AND CONDITION AND FINDING

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)* late of *(state full address)*, deceased.

I, *(state full name)*, of *(state full address)* make oath and say that —

1. I am the sole executor named in the last will and testament of *(state full name)* of *(state full address)* deceased, [or recite the facts as the case may be] the said will bearing date the      day of      20      being now produced to me and marked 'A'.
2. Having viewed and perused the said will and particularly observed [here recite the various obliteration, interlineations, erasures, and alteration (if any), or describe the plight and condition of the will, or any other matters requiring to be accounted for, and set forth the finding of the will in its present state, and if possible, trace the will from the possession of the deceased in his lifetime up to the time of making the affidavit] the same is now in all respects in the same state, plight and condition as when found [or recite facts as the case may be] by me as aforesaid.

Sworn at                      on the                      day of                      20

BEFORE ME

FORM 16

RETURN OF THE VALUE OF THE PERSONAL ESTATE AND EFFECTS OF DECEASED

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)* late of *(state full address)*, deceased.

RETURN of the value of the personal estate and effects of *(state full name)* late of *(state full address)*, deceased.

\$

Net sales of a portion of the personal estate or effects of the deceased, sold at auction on the day of 20 as per account sales annexed

\_\_\_\_\_

Articles sold by the Executor/ Administrator at private sale *(here specify articles)*

\_\_\_\_\_

Articles specifically bequeathed and appraised as follows *(here name articles)*

\_\_\_\_\_

Articles taken by the Executor/ Administrator at their appraised value *(here name articles)*

\_\_\_\_\_

Amount of money in possession of the deceased at the time of death

\_\_\_\_\_

Sums collected by the Executor/ Administrator since death

\_\_\_\_\_

Debts still due to the estate,



considered as good and separate,  
estimated at

\_\_\_\_\_

Amount deposited in the Bank at  
the time of the death of the  
deceased where interest accrues  
(Specify all accounts including bank account no.  
e.g. fixed, savings, annuities, or other interested  
accruing accounts.)

\_\_\_\_\_

Amount deposited in the Bank, where  
no interest accrues

\_\_\_\_\_

Total value of the estate of the deceased on which  
fees are chargeable

\_\_\_\_\_

\_\_\_\_\_

I, (state full name)(Executor/Administrator) of the last will and testament of the  
deceased (state full name), declare that the foregoing contains, to the best of my  
knowledge and belief, a true account of the value of the personal estate of the said  
(state full name).

Declared before me this            day of            20

REGISTRAR/NOTARY PUBLIC

®

FORM 17

WARRANT OF APPRAISEMENT

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/(cpr/npr)/00

In the Estate of *(state full name)* late of *(state full address)*, deceased.

I HEREBY DIRECT you,

(a) *(State full name of appraiser)*.....;

(b) *(State full name of appraiser)*.....,

- (i) to make a just and true inventory and appraisal of the value of the personal estate or any part thereof of *(state full name of deceased)*, late of *(state full address)*, deceased which was produced by *(name of executor or administrator)*;
- (ii) to make a return setting forth the nature and value of the same and to file same in the Registry; and
- (iii) to make a declaration as to the truth of the return before the Registrar/notary public in the attached Memorandum.

GIVEN under my hand and seal at New Providence, the            day of            20    .

JUDGE

To: *(state full names)*

MEMORANDUM

This      day of      20      , personally appeared before me      being  
of the Appraisers appointed to appraise the personal estate of (*name of deceased*), late  
of (*state full address*), deceased, who solemnly declared that they have made a just and  
true inventory and appraisal of all and the personal estate of the said deceased,  
which was produced by (*name of executor or administrator*), of the estate of the said  
deceased, and that the return made by them and certified under their hands is a true and  
perfect inventory and appraisal of such personal estate.

Declared to before me this      day of      , 20      by the within named

---

Name of Bailiff

In the presence of

REGISTRAR

FORM 19

CAVEAT

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)* late of *(state full address)*, deceased.

LET NO GRANT be sealed in the estate of *(state full name)* deceased, who died on the day of 20 of *(state full address)* without notice to *(name of party by whom or on whose behalf caveat is entered)*.

Dated the        day of        20

.....  
(Caveator or his Attorney)

(Address for service)

[Attorney for the said caveator or name and address of the caveator if done in person]

FORM 20

WARNING TO CAVEATOR

IN THE SUPREME COURT

20 /PRO/npr/00

PROBATE DIVISION

To *(state full name)* of *(state full address)* a party who has entered a caveat in the estate of *(state full name)*, deceased.

1. You have eight days *(starting with the day on which this warning was served on you)* —

- (a) to enter an appearance either in person or by your Attorney, at the *(state name and address of the Registry in which the caveat index is maintained)*, setting out what interest you have in the estate of the above-named *(state full name)* of *(state full address)*, deceased, contrary to that of the party at whose instance this warning is issued; or
- (b) if you have no contrary interest but wish to show cause against the sealing of a grant to such party, to issue and serve a summons for directions by a judge or a Registrar of a district probate Registry.

2. If you fail to do either of these, the court may proceed to issue a grant of probate or administration in the said estate notwithstanding your caveat.

Dated the            day of            20

Issued at the instance of *(state full name)* and dated the    day of            20 or as the case maybe, setting out the name and interest of the person warning and the date of any will, with specified codicils, if any, under which the interest arises] whose address for service is *(state full address)*, [Attorney for C.D. or in person]

.....

Signature

FORM 21

AFFIDAVIT OF SERVICE OF WARNING AND NON-RECEIPT OF  
SUMMONS FOR DIRECTIONS

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/npr/00

In the Estate of *(state full name)* late of *(state full address)*, deceased.

I, *(state full name)(state residence or address of place of work)*, *(state occupation)* of *(state full address)*, make oath and say as follows —

1. On the        day of        20    , I duly served *(state name of party)* of *(state full address)*, with a true copy of the warning now hereunto annexed marked "A " by [delivering to and leaving the said copy with a clerk of *(state name of firm)* at their office being the address for service of the caveator herein].
2. No summons for directions under rule 26(2) of the Probate Rules has been received by me.

Deponent's signature

BEFORE ME,

*(State occupation or capacity of person administering the oath)* of *(state full address)*.

FORM 22

APPEARANCE TO WARNING OR CITATION

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/cpr/00

To: [The Registry]

Caveat No. or Citation] dated the      day of      20

1. *(State full name and address of deceased) of person warning [or citor]*  
*(Here set out the interest of the person warning or citor as shown in the warning or citation).*
  
2. *(Full name and address of caveator) [or person cited]:*  
*(Here set out the interest of the caveator or person cited and state the date of the will, if any, under which such interest arises).*

Enter an appearance for the above-named caveator [or person cited] in this matter.

Dated the      day of      , 20

.....  
(Signature)

(Address for service)



FORM 23

SUMMONS FOR DIRECTIONS BY CAVEATOR WISHING TO SHOW CAUSE  
AGAINST GRANT

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/cpr/00

In the Estate of *(state full name)* late of *(state full address)*, deceased.

Let *(state full name)*, the person warning, or his attorney-at-law, attend before *(state full name of Judge or Registrar of the Supreme Court as the case may be)* *(specify the location of court)* on the       day of       20       at       o'clock on the hearing of an application on the part of       , the caveator, for directions of the Judge or the Registrar under rule 26(2) of the Rules.

*(If, in addition, the caveator seeks a specific order, include in the summons details of the order sought.)*

Dated the       day of       , 20       .

REGISTRAR

FORM 24

CITATION TO ACCEPT OR REFUSE PROBATE

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/cpr/00

To *(state full name)* of *(state full address)*

1. TAKE Notice that *(state full name)* has stated in an affidavit, sworn on the day of 20 , that *(state full name)* of *(address)* died on the day of 20 domiciled in the Commonwealth of The Bahamas, [continue to recite according to the circumstances of the case, e.g.): having made and duly executed his last will and testament dated the day of 20 now remaining in the Registry, and therein named you the said *(state full name)* sole executor [and residuary legatee and devisee in trust]]
2. [AND WHEREAS it appears from the said affidavit that *(state full name)* is one of the residuary legatees and devisees named in the will!]

NOW THIS IS TO COMMAND YOU, *(state full name)*, that within 8 days after service hereof on you, inclusive of the day of such service, you do cause an appearance to be entered in the Registry at *(state full address)*, and accept or refuse probate of the said will, or show cause why letters of administration, with the said will annexed, of all the estate which by law devolves to and vests in the personal representative of the deceased, should not be granted to the said *(state full name)*.

3. AND FURTHER TAKE NOTICE that, in default of your so appearing and accepting and extracting probate of the will, the Court will proceed to grant letters of administration, with the will annexed, of the estate to the said *(state full name)*, your absence notwithstanding.

Dated the            day of            20

(Signature)

REGISTRAR

This citation was served by *(state full name)* on the within named *(state full name)* at *(state full address)*, on the            day of            20

(Signature)

FORM 25

PRAECIPE FOR CITATION

IN THE SUPREME COURT  
PROBATE DIVISION

20 /PRO/cpr/00

In the Estate of *(state full name)* late of *(state full address)*, deceased.

Citation for *(state full name of person to be cited)*.

Dated the            day of            , 20

Name of Attorney and address for service

REGISTRAR

FORM 26

CERTIFICATE OF AMOUNT OF FEES PAYABLE

IN THE SUPREME COURT

20 /PRO/cpr/00

PROBATE DIVISION

In the Estate of *(state full name)* late of *(state full address)*, deceased.

I hereby certify that the amount payable for fees to the Treasury in respect of the personal estate of *(state full name of deceased)* late of *(state full address)*, deceased, is the sum of *(state amount in words and numbers)*.

REGISTRAR

## SECOND SCHEDULE

(Rule 46)

### COURT FEES\*

	\$
Where the assessed value is \$50,000.00 and under	(Nil)
Where the assessed value exceeds \$50,000.00 but does not exceed \$100,000.00	100.00
Where the assessed value is \$100,000.00 but does not exceed \$300,000.00	200.00
Where the assessed value is \$300,000.00 but does not exceed \$600,000.00	400.00
Where the assessed value exceeds \$600,000.00	800.00
For every original will	3.00 <i>per page</i>
For lodging a caveat against a grant	50.00
For every warrant of appraisement, warrants of arrest, etc.	25.00
For every certificate issued by the Registrar	10.00
For every warning to a caveator	3.00
For every citation	10.00
For every Praecipe	5.00
For every appearance to a warning or Citation	3.00
For every return of a grant of representation or resealing	100.00
For any other document not otherwise provided for	3.00
For the deposit or substitution of a will for safe custody	25.00

For recording a grant	3.00
For settling any document in the Registrar's Office	6.00
For every search	10.00 <i>per hour</i>
For every standing search	15.00
For every receipt given for a document lodged in the Registrar's Office	1.00
For every copy of any document of and under 10 pages	.50 <i>per page</i>
For every additional folio	.50 <i>per page</i>

\* These fees include and are consistent with the fees for probate matters under the Supreme Court Rules.<sup>4</sup>

**Made this 1<sup>st</sup> day of June, 2011.**

**Signed  
SIR MICHAEL BARNETT  
Chairman  
Rules Committee**

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<sup>4</sup>See Supreme Court (Amendment) Rules, 2010 – S. I. No. 94 of 2010.