

20 Common Errors in the filing of applications

S/N	Document where Error Occurs	Description and Remediation of Error
1	Certified True Copy of Will	<p>Issue: The Certified True Copy (“CTC”) of the Will is not certified in accordance with the Practice Directions.</p> <p>Remediation: Please certify the copy of the will in accordance with Paragraph 208(4)(c) of the Family Justice Courts Practice Directions 2024. The copy of the will is to be certified on every page unless approval has been obtained for the certification to be on a cover page.</p>
2	Affidavit of Due Execution	<p>Issue: The Will was signed in a different language or using a thumbprint and information regarding who interpreted the will to the Testator and whether the Testator had knowledge of the contents of the will at the time of its execution is not available. It is unclear whether witnesses are spouses of beneficiaries.</p> <p>Remediation: Please file an affidavit of due execution in accordance with Part 6, rules 6 and 10 of the Family Justice (Probate and Other Matters) Rules 2024 and Paragraph 210 of the Family Justice Courts Practice Directions 2024.</p>
3	Affidavit of Foreign Law	<p>Issue: An affidavit of foreign law is not filed for applications where deceased died domiciled outside Singapore and the application is not for probate of a will in English or the grant is not limited to immovable property in Singapore.</p> <p>Remediation: As the deceased died domiciled outside Singapore, please file an affidavit of foreign law or certificate of notary in relation to foreign law in accordance with Paragraph 211 of the Family Justice Courts Practice Directions 2024. The Registry is unable to process the application without the affidavit of foreign law.</p>
4	Resealing of Foreign grant	<p>Issue: The complete set of the CTC of the foreign grant as e-filed should be submitted at the counter for verification. Often, the translation is not submitted at the counter or not e-filed with the CTC of the foreign grant.</p> <p>Remediation: Please refer to Part 3, rules 13 and 14 of the Family Justice (Probate and Other Matters) Rules 2024. Unless formal translation has been exempted under Paragraph 218 of the Family Justice Courts Practice Directions 2024, the CTC of the Grant issued by the foreign</p>

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		<p>court is to be filed with the English translation of all the non-English words (including the stamps). Please attach the translation to the copy of the original document when filing the document.</p> <p>If the translation is not certified by a court interpreter and if there is no dispensation of authentication of the translation through a Civil Procedure Convention under Part 3, rule 14 of the Rules, please file the affidavit of a person qualified to translate the document to verify the translation. The person making the affidavit should state his or her qualifications in relation to translation and verify that the translation provided is an accurate translation of the document in question. The affidavit is to be filed under the document title "AFFIDAVIT OF TRANSLATOR" by [date in 2 weeks].</p>
5	Resealing of Foreign grant	<p>Issue: The foreign grant is incomplete e.g. no will is filed with a foreign grant of probate.</p> <p>Remediation: The CTC of the Death Certificate is not required to be filed. The foreign grant must be filed as a complete set with the will and both documents are to be duly certified by the foreign court.</p>
6	CTC Foreign Grant	<p>Issue: The CTC of the Foreign grant is not certified by the Foreign Court</p> <p>Remediation: Please file the CTC of the foreign grant which has been certified and sealed by the court issuing the grant with the relevant translations. Under section 47 of the Probate & Administration Act 1934, the Registry can re-seal the certified copy of the foreign grant, sealed with the seal of the court granting the same. The Registry cannot accept copies of grants with certifications and seals from persons other than the issuing court.</p>
7	CTC Foreign Grant	<p>Issue: There is no court seal on the CTC of the foreign grant (embossed or ink).</p> <p>Remediation: Section 47 of the Probate & Administration Act 1934 provides that "the probate or letters of administration so granted, or a certified copy thereof, sealed with the seal of the court granting the same, may, on being produced to and a copy thereof deposited in the General Division of the High Court, be sealed with the seal of the Family Justice Courts." Pursuant to section 47 of the Act, the Registry can only accept a certified copy of the</p>

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		<p>foreign grant sealed with the seal of the court granting the same for applications for resealing.</p> <p>Please comply with the requirements of Paragraph 208(4)(g) of the Family Justice Courts Practice Directions 2024 if the grant was issued by the foreign court or authority in an electronic format. The digitally verifiable sealed foreign grant is to be downloaded from the website of the foreign court or authority with the certification by a solicitor on a covering page that is to be attached to the foreign grant stating “The undersigned has verified that this document is the electronic sealed foreign grant downloaded from [state the website of the foreign court or authority] and the authenticity of this document.”</p>
8	Documents not in English language	<p>Issue: The original document is not in the English language or has words which are not in the English language. There is no accompanying translation or the translation is not in compliance with the Rules.</p> <p>Remediation: Please refer to Part 3, rules 13 and 14 of the Family Justice (Probate and Other Matters) Rules 2024 and Paragraph 218 of the Family Justice Courts Practice Directions 2024. Please attach the translation to the copy of the original document when filing the document. If the translation is not certified by a court interpreter and if there is no dispensation of authentication of the translation through a Civil Procedure Convention under Part 3, rule 14 of the Rules, please file the affidavit of a person qualified to translate the document to verify the translation. The person making the affidavit should state his or her qualifications in relation to translation and verify that the translation provided is an accurate translation of the document in question. The affidavit is to be filed under the document title “AFFIDAVIT OF TRANSLATOR” by [date in 2 weeks].</p>
9	Originating Application (type of application)	<p>Issue: Wrong application was filed, prayer not correctly phrased e.g. Letters of Administration instead of Letters of Administration During Infancy were filed when all the beneficiaries are minors.</p> <p>Remediation: <u>See example below.</u></p> <p>If the only beneficiary is a minor, please consider if an application under section 21 of the Probate and Administration Act 1934 read with Part 6, rule 24 of the Family Justice (Probate and Other Matters) Rules 2024</p>

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		should be made. Please file a fresh application using the “LA – During Infancy” template if the applicant is making an application under section 21 of the Act.
10	Originating Application (information/supporting documents)	<p>Issue: Information is incomplete/erroneous or supporting document is not filed.</p> <ul style="list-style-type: none"> a. The relationship and capacity of the applicant is wrong or missed out (especially for applications involving attorneys/infants). Remediation: Please state the "Relationship to the Deceased/Capacity" in Section B in accordance with Paragraph 208(11)(f) of the Family Justice Courts Practice Directions 2024. b. The declaration on bankruptcy is not stated under “Any Other Relevant Information in support of the Originating Application”. c. The declaration on bankruptcy is ungrammatical. d. Co-Administrators are not included in the bankruptcy declaration. <p>Remediation: In addition, please refer to Form 162 (a) or (b) of the Family Justice Courts Practice Directions 2024. The Applicant is to state whether the Applicant / proposed Co-administrator is or is not an undischarged bankrupt under “Any Other Relevant Information in support of the Originating Application”. If the Applicant / proposed Co-administrator is an undischarged bankrupt, please provide the details of the order of court granting permission for the bankrupt to act as a personal representative.</p> <p>Remediation: For the above errors in (a) to (d) which require amendment of the Originating Application prior to the issuance of a grant or memorandum of resealing, the applicant may receive a note through the checklist – “Please file a request for permission to amend the Originating Application in accordance with Paragraph 217 of the Family Justice Courts Practice Directions 2024. The draft amended Originating Application must be annexed to the request. Please check the documents and ensure all necessary amendments, besides the ones highlighted by the Registry, are included in the Request.”</p>

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		<p>e. Marital status – The applicant does not file the CTC of the divorce certificate with the Originating Application to confirm that the Deceased was divorced.</p> <p>Remediation: Please file the Certified True Copy of the Decree Nisi Absolute/Final Judgment, Certificate of Making Interim Judgment Final or the document confirming that the Deceased was divorced under “Certified True Copy of Divorce Certificate”.</p> <p>f. The Applicant does not provide the CTC of the death certificate of next-of-kin who are usually beneficiaries of the estate or provide the details of the death of these next-of-kin.</p> <p>Remediation: If the [state relevant next-of-kin] died before the deceased, please state the particulars under “Particulars of Spouse and Other Next-of-kin who are Deceased” and file the certified true copy of the death certificates or an affidavit confirming when the [state relevant next-of-kin] died, the source of the Applicant’s information and why the Applicant Is unable to furnish the relevant death certificates. The Applicant may exhibit any other evidence of death (e.g. obituary, image of tombstone/niches etc), if available.</p>
11	Originating Application (prior rights)	<p>Issue:</p> <ol style="list-style-type: none"> Prior rights have not been cleared Prior right in relation to the estate of a deceased spouse has not been addressed. <p>Remediation:</p> <ol style="list-style-type: none"> As there are prior rights, please clear the prior rights in accordance with the Probate and Administration Act 1934 and the Family Justice (Probate and Other Matters) Rules 2024. Please refer to Paragraph 208(12)(a) of the Family Justice Courts Practice Directions 2024. Prior rights are generally to be cleared in accordance with sections 3 and 4 of the Act in the following manner: <ul style="list-style-type: none"> (i) orally by the person renouncing or by his or her solicitor, on the hearing of any probate application or probate action; (ii) in writing in Form 166 of Appendix C of the Practice Directions signed by the person so

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		<p>renouncing and attested to either by a solicitor or by any person before whom an affidavit may be sworn; or</p> <p>(iii) by way of an order for deemed renunciation obtained in citation proceedings.</p> <p>The Applicant also has to establish a capacity for making the application for a grant.</p> <p>b. Where the applicant is one of the lawful children of the deceased and a beneficiary with a right to apply for a grant as a next-of-kin and the spouse of the deceased who had a prior right has died after the death of the deceased –</p> <p>Please comply with Paragraph 208(12)(b) of the Family Justice Courts Practice Directions 2024. The Applicant may address the interests of the late spouse who died after the Deceased by filing -</p> <p>(i) the written renunciation of the executor named in the will of the spouse;</p> <p>(ii) the written renunciation of the personal representatives of the estate of the spouse (if the grant in relation to the estate of the spouse has been extracted); or</p> <p>(iii) the consents of all the beneficiaries of the estate of the spouse and an affidavit to confirm that the spouse died intestate and who are the beneficiaries of the estate of the spouse.</p>
12	Originating Application (name of deceased)	<p>Issue: Deceased's name is not stated correctly (e.g. Deceased's name appears as "a @ b" in the death certificate but instead of entering the deceased name as "a @ b", the applicant enters the Deceased name as "a" and "b" separately as an alias name)</p> <p>Remediation: Please refer to Part 6, rule 4 of the Family Justice (Probate and Other Matters) Rules 2024. Please state the deceased's true name or name in the official records under "Name". Please state the other names used to register property under "Alias Name". If the deceased 's official name is in the "XXX@YYY" format, please state the full official name under "Name".</p> <p>If alias names are stated, please also state the properties held under the alias names. Unless there are compelling reasons, the official name of the deceased used in the government records should be stated as the true name.</p>

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13	For Muslim estates	<p>Issue: For applications for a Grant of Letters of Administration for Muslim estates, the details of the pre-deceased parents are often omitted. The applicant must account for the parents as they are usually beneficiaries of Muslim estates.</p> <p>Remediation: The Applicant is to confirm whether the Deceased's parents died before the deceased. If so, the Applicant is to file the certified true copy of the death certificates of the Deceased's parents.</p> <p>If the Applicant is unable to provide the name of the parents and the date of death or the death certificates of the parents, the Applicant is to -</p> <ol style="list-style-type: none"> state the details as "Unknown" under the "Particulars of Spouse and Other Next-of-kin who are Deceased" file an affidavit in relation to the death of the parents when filing the Originating Application stating when the parent died, the source of the Applicant's information and why the Applicant is unable to furnish the relevant death certificates. <p>If the parents survived the deceased, they would be beneficiaries of the estate. Please file the amended/revised Inheritance certificate and file a request for permission to amend the list of beneficiaries in the Originating Application.</p>
14	CTC death certificates of next-of-kin	<p>Issue: Death certificates are not scanned into the system. Law practices often upload photographs of the death certificates or CamScanner documents.</p> <p>Remediation: Please scan the actual certified true copy of the death certificate. The copy which has been filed should not be photographed.</p> <p>'Scanned with CamScanner' should not appear in documents being filed in Court. Please refile.</p>
15	Supporting Affidavit/ Supplementary Affidavit for Schedule of Assets	<p>Issue: The averment for the Schedule of Assets is not in accordance with Paragraph 212(5) of the Family Justice Courts Practice Directions 2024. There is error in the averment clause for Originating Applications. Law practices are still using the old format (with the word "Statement").</p> <p>Remediation: Please refer to Paragraph 212(5) of the Family Justice Courts Practice Directions 2024 for the required averment/declaration for the Schedule of Assets.</p>

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		The Applicant is to affirm a fresh affidavit with the required averment/declaration.
16	Filing amended Originating Application	<p>Issue: Applicant does not state the details of the permission granted in the “Is leave of court required?” section when filing the amended document.</p> <p>Remediation: Please answer “Yes” to the question “Is leave of court required?” and provide the details of the permission granted for amendment of the document.</p>
17	Amendment a. Request to amend through an Other Hearing Related Request prior to the grant being issued	<p>Issue: The draft amended document is not attached to the Request.</p> <p>Remediation: The draft amended originating application must be annexed to the request in accordance with Paragraph 217(1) of the Family Justice Courts Practice Directions 2024. Please refile your request with the draft.</p>
	b. Summons (amendment/revocation)	<p>Issue: The draft amended documents are not attached to the summons.</p> <p>Remediation: The draft amended Originating Application/ Schedule of Assets/Grant have not been annexed to summons in accordance with Paragraph 217(7) and (8) of the Family Justice Courts Practice Directions 2024. Please file the draft documents under “Other Supporting Document” by [date].</p>
	c. Summons for Dispensation of sureties	<p>Issue: The consents of adult beneficiaries are often not filed.</p> <p>Remediation: Please file the consents in accordance with Paragraph 215(4) of the Family Justice Courts Practice Directions 2024 by [date].</p>
18	Schedule of Assets	<p>Issue: The manner of holding is not stated for immovable properties and bank accounts (e.g. whether the deceased held the immovable property as a sole owner or a surviving joint-tenant).</p> <p>Remediation: Please file the Schedule of Assets in accordance with Paragraph 212(4) of the Family Justice Courts Practice Directions 2024.</p>
19	Other Hearing Related Request	<p>Issue: An “Other Hearing Related Request” is filed for an extension of time or to request for refixing instead of the REQUEST FOR EXTENSION OF TIME/RE-FIXING.</p>

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		<p><u>Remediation:</u> Such Requests are not rejected. The applicant may receive a note “Please file a REQUEST FOR EXTENSION OF TIME/RE-FIXING in the future if the applicant is requesting for an extension of time.”</p>
20	Administration Bond	<p><u>Issue:</u> No red seal(s).</p> <p><u>Remediation:</u> Please refer to Form 168 of the Family Justice Courts Practice Directions 2024. Please file the Administration Bond with a red seal affixed for each applicant or surety.</p>