

IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTION NO. 3 OF 2008

**APPLICATIONS FOR GRANTS OF PROBATE, LETTERS OF
ADMINISTRATION OR RESEALING OF GRANT IN RESPECT OF
DEATHS OCCURRING ON OR AFTER 15 FEBRUARY 2008**

1 The Honourable the Chief Justice has directed that, following the abolition of estate duty for deaths occurring on or after 15 February 2008, applications for grants of probate, letters of administration or resealing of grant in respect of such deaths shall comply with the following directions. These directions are not applicable to deaths that occurred prior to 15 February 2008.

Schedule of Assets

2 In addition to the supporting documents enumerated in Paragraph 129(2)(b) of *The Supreme Court Practice Directions (2007 Ed)*, applicants have to file two copies of the Schedule of Assets listing the property comprising the estate of the deceased.

3 One copy of the Schedule of Assets is to be filed under the cover of an affidavit, which includes the following averment:

“The contents of the **Schedule of Assets** exhibited herein as [insert exhibit number] are true and accurate in every particular to the best of my knowledge and belief. The deponent does not know or have any reason to believe that any of the contents of the Schedule of Assets is false.”

4 A separate copy of the Schedule of Assets (without an affidavit) is to be filed with the Court to be annexed to the grant. A specimen Schedule of Assets can be found in Form 30A of Appendix A of the *Supreme Court Practice Directions (2007 Ed)*. No court fees will be charged for the filing of the Schedule of Assets.

5 The Schedule of Assets may be included in the supporting affidavit filed in accordance with Order 71, Rule 5. If the Schedule of Assets is so included in the

supporting affidavit, the supporting affidavit must include the averment referred to in paragraph 3 above.

Amendment of Schedule of Assets

6 Where an applicant seeks to amend the Schedule of Assets filed under the cover of an affidavit, a supplementary affidavit exhibiting the amended Schedule of Assets is to be filed with the Court. The applicant must also file a separate copy of the amended Schedule of Assets to be annexed to the grant. The supplementary affidavit shall provide reasons to explain why an amendment is necessary and has to include the averment referred to in paragraph 3 above.

7 Where the amendment to the Schedule of Assets is sought following the grant, the applicant must obtain leave of Court to amend the Schedule of Assets.

8 The Court may reject any document which does not comply with these directions.

9 This practice direction will take effect on 18 September 2008.

10 This practice direction should be included in *The Supreme Court Practice Directions (2007 Ed)* immediately before the first page of the table of contents. Instructions for effecting the amendments to *The Supreme Court Practice Directions (2007 Ed)* are contained in the Appendix hereto.

Dated this 17th day of September 2008



FOO CHEE HOCK
ACTING REGISTRAR
SUPREME COURT

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- 2) The existing page ix to be replaced with the attached page ix.
- 3) The existing page PART XVI-1 to be replaced with the attached page PART XVI - 1.
- 4) The existing pages PART XVI - 3 to PART XVI - 6 to be replaced with the attached pages PART XVI – 3 to PART XVI – 6.
- 5) The existing page A - 1 to be replaced with the attached page A – 1.
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129. Applications for grants of probate, letters of administration or resealing of grant

- (1) An application for the grant of probate, letters of administration or resealing of grant made on or after 1 January 2006 under Order 71, Rule 5 of the Rules of Court shall be made by originating summons with supporting affidavit. The supporting affidavit shall exhibit a Statement in Form 172 of Appendix A of the Rules of Court, a certified true copy of the will and all other supporting papers.

Filing of originating summons and supporting documents

- (2) The following directions apply to the filing of the originating summons and supporting documents:
 - (a) The originating summons and the Statement shall be submitted by entering the relevant information in the appropriate electronic template without attaching the documents in portable document format (PDF).
 - (b) The following supporting documents must be electronically filed in the same submission as related documents, but separately from the originating summons:
 - (i) in all cases, a certified true copy of the death certificate of the deceased;
 - (ii) where there is a will, a certified true copy of the will;
 - (iii) in the case of a resealing of a grant, a sealed certified true copy of the foreign grant;
 - (iv) in the case of a Muslim estate, a certified true copy of the inheritance certificate; and
 - (v) any other documents in support of the application required under the Probate and Administration Act (Cap. 251, 2000 Rev Ed), the Rules of Court or by the Court;
 - (c) In relation to deaths occurring on or after 15 February 2008, two copies of Schedule of Assets listing the property comprising the estate of the deceased must be filed. One copy

is to be filed under the cover of an affidavit which includes the following averment:

“The contents of the **Schedule of Assets** exhibited herein as [insert exhibit number] are true and accurate in every particular to the best of my knowledge and belief. The deponent does not know or have any reason to believe that any of the contents of the Schedule of Assets is false.”

A separate copy of the Schedule of Assets (without an affidavit) is to be filed with the Court. A specimen Schedule of Assets can be found in Form 30A of Appendix A of these Practice Directions.

- (d) No Court fees will be charged for the filing of the documents referred to in sub-paragraphs (2)(b) and (2)(c).
- (e) After the originating summons and Statement are filed, the original death certificate, original will, original inheritance certificate and sealed certified true copy of the foreign grant (if any) must be submitted to the Legal Registry of the Supreme Court by 4.30 p.m. on the next working day for verification. Where the original will has been retained in the custody of a foreign Court, then a sealed certified true copy of the will by that foreign Court must be submitted in place of the original. After verification, the original will shall be retained by the Legal Registry in order to comply with Order 71, Rule 47A.

Filing of supporting affidavit

- (3) The following directions apply to the filing of the supporting affidavit:
 - (a) The affidavit is to be filed within 14 days after filing the originating summons according to Order 71, Rule 5.
 - (b) The following documents must be exhibited to the affidavit:
 - (i) in all cases, the Statement, which shall be exhibited first; and
 - (ii) the supporting documents referred to in sub-paragraph 2(b) above.

- (c) The supporting affidavit may include the Schedule of Assets referred to in sub-paragraph 2(c) above. If so included, the supporting affidavit shall include the averment referred to in sub-paragraph (2)(c).
- (d) The Statement which is to be exhibited in the affidavit shall be the copy accepted by the Court through the Electronic Filing Service (EFS).
- (e) The affidavit must include the following averment:
“The deponent avers that the Statement exhibited herein as [insert exhibit number] is the same Statement that was generated by the Electronic Filing Service and no changes have been made. The contents entered into the Electronic Filing Service which now appear in the Statement, are true and accurate to the best of my knowledge and belief.”
- (f) No Court fees will be imposed for the filing of the supporting affidavit.

Amendment of originating summons, Statement or Schedule of Assets

- (4) Where an applicant seeks to substitute the name of the administrator(s), add in further administrator(s) or to amend the name of the deceased appearing in the originating summons:
 - (a) An application must be made by way of summons to amend the originating summons. The proposed amendments to the originating summons should be annexed to the summons application.
 - (b) Where the application is granted, the party shall file the amended originating summons by entering the amendments into the electronic template within 14 days of the order or within the time directed by the Court.
 - (c) The relevant amendments shall also be correspondingly entered into the electronic template of the Statement by the filing party at the same time that the amended originating summons is filed.

- (d) A supplementary affidavit verifying the information contained in the amended Statement must be filed containing the averment described in sub-paragraph (3)(e) and stating the reasons for the amendment, within 14 days of the order or within the time directed by the Court.
- (5) Where an applicant seeks to amend the Statement exhibited to the supporting affidavit and corresponding amendments are not required to be made to the originating summons, the amendments shall be entered into the electronic template of the Statement. The applicant shall file his supplementary affidavit exhibiting the amended Statement within 7 days and stating the reasons for amendment.
- (6) Where an applicant seeks to amend the Schedule of Assets filed under the cover of an affidavit, a supplementary affidavit exhibiting the amended Schedule of Assets is to be filed with the Court. The applicant must also file a separate copy of the amended Schedule of Assets to be annexed to the grant. The supplementary affidavit shall provide reasons to explain why an amendment is necessary, and shall also include the averment referred to in sub-paragraph (2)(c).
- (7) Where the amendments described in sub-paragraphs (4), (5) and (6) are sought following the grant, the applicant must obtain leave of Court to amend the originating summons and/or the Statement and/or the Schedule of Assets (as the case may be). The new grant shall not be extracted until after the filing of the amended originating summons and supplementary affidavits, if any, as well as the entry of the relevant amendments into the electronic template of the Statement.
- (8) The Court may reject any document which does not comply with the above directions.

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30A.

Para. 129(2)

Schedule of Assets

[This form is to be annexed to an affidavit and filed separately with the Courts as well. It will be annexed to the grant of representation.]

IN THE HIGH COURT OF
THE REPUBLIC OF
SINGAPORE

IN THE ESTATE OF:
(Name), ID no., deceased

SCHEDULE OF ASSETS

Deceased's Property in Singapore	Market Value as at Date of Death (S\$)
Deceased's Movable Property outside Singapore (for deceased person domiciled in Singapore at date of death)	Market Value as at Date of Death (S\$)
Total (S\$)	