

LETTERS OF ADMINISTRATION CHECKLIST

Petition

- The petition must include the full name of the deceased and his/her last address
- The full names of all applicants must be stated on the petition
- There can be up to a maximum of 4 applicants
- All applicants must sign the petition in the presence of a Justice of the Peace who must also sign and date the petition
- The petition must state the date of the deceased's death
- The petition must state that the deceased left no Will
- The petition must show the applicants' right to apply for a grant of letters of administration – the petition must therefore include details of the relationship of each of the applicants to the deceased. The petition must state whether the deceased was survived by a spouse and children (if not, the petition must state so as well as stating that the deceased was not survived by any other categories of relatives which would have had a prior claim to the actual beneficiaries) and must also give the full names (and relation to the deceased) of all potential beneficiaries (pursuant to the Intestacy Ordinance). Generally, if an applicant is not a beneficiary (under the Intestacy Ordinance) or the attorney of a beneficiary, that person has no right to apply for the grant.
- The petition must include short particulars of the deceased's estate to include properties, money, shares, business interests etc.
- The petition must contain an estimate of the value of the estate.
- The petition must contain a request for the grant of letters of administration and a statement verifying that the contents of the petition are correct to the best of the petitioner's knowledge

Affidavit verifying the Petition

- The affidavit must be sworn by all applicants before a Justice of the Peace who must sign and date the affidavit
- The affidavit must confirm that the contents of the petition are correct
- The affidavit must explain any delay in applying for the grant of letters of administration – this is required if the petition is filed more than 6 months after the date of death
- The affidavit must exhibit copies of the following documents:
 - Death certificate of the deceased
 - Proof of identity of the applicants and the beneficiaries and of their status (e.g. the wife of a deceased should provide a marriage certificate, a child of the deceased should provide a birth certificate etc.)
 - Documentary evidence of the contents of the estate (e.g. extracts from the Land Registry for all real property, bank statements or letters from the manager for money in bank accounts, certified copy share certificates for shares etc.)
- In addition to the copies attached to the affidavit, the **originals** of all of the documents listed above **must** be lodged with the application
- The affidavit exhibit front sheets must be signed and dated by the Justice of the Peace

Declaration as to the faithful administration of the estate

- The declaration must be signed by all applicants in the presence of a Justice of the Peace who must sign and date the document

Inventory

- The inventory must list all property (real and personal) of the deceased
- The inventory must include the value of the estate

- The inventory must be signed by all the applicants in the presence of a Justice of the Peace who must sign and date the form

Administration Bond

- The usual practice is for the value of the Administration Bond to be at least double the value of the estate
- The Administration Bond must be signed by all the applicants and a surety before a Justice of the Peace who should sign and date the form

Consents

- Forms of consent must generally be provided by all beneficiaries who are not applicants – the only exception is that children of a surviving spouse would not have to give consent for their parent to apply for the grant of letters of administration. The forms must have the full name of the person providing the consent and must be signed by them in front of a Justice of the Peace who must sign and date the form. If a beneficiary cannot be found or is unwilling to provide a consent, an affidavit must be sworn to that effect.

Miscellaneous

- Check that all names on the birth and death certificates, and on the application match exactly. Any discrepancies must be explained by affidavit evidence

Fees

- A fee of \$315 is required