

CAVEAT

COURT DETAILS

Division	Equity
List	Probate
Registry	Sydney
Case number	

TITLE OF PROCEEDINGS

The estate of **[name of deceased]**
Late of:

FILING DETAILS

Filed for	[name/s] caveator
#Legal representative	[solicitor on record] [firm]
#Legal representative reference	[reference number]
Contact name and telephone	[name] [telephone]
Contact email	[email address]

CAVEAT

I require that:

No grant of probate or reseal be made in the estate of *(name)* late of *(place)*, *(occupation)* who died on *(date of death)* without prior notice to me.

or

No grant be made in the estate of *(name)* late of *(place)*, *(occupation)* who died on *(date of death)* unless I am given the opportunity to be heard on the question of whether a declaration as to the Court's satisfaction under section 8 of the [Succession Act 2006](#) (or where still relevant, section 18A of the [Wills, Probate and Administration Act 1898](#)) should be made in respect of a document made by the deceased.

or

Any will (or where applicable, the will dated *(date)* (or otherwise identify the will)) of *(name)* late of *(place)*, *(occupation)* who died on *(date of death)* be proved in solemn form.

My interest is: *(state caveator's interest)*

SIGNATURE

#Signature of legal representative

#Signature of or on behalf of party if not legally represented

Capacity [eg plaintiff, solicitor on record, contact solicitor]

Date of signature

Notes

Delete whichever options are inapplicable.

This 1st paragraph is appropriate where the caveator wishes to make a general objection to grant or reseal.

The 2nd paragraph is appropriate where the only issue is whether an appropriate declaration should be made under section 8 of the [Succession Act 2006](#) (or where still relevant, section 18A of the [Wills, Probate and Administration Act 1898](#)) (relating to testamentary documents and amendments to testamentary documents which are not executed in accordance with the formal requirements of the Act concerned).

The 3rd paragraph is appropriate where the caveator wishes to put the validity of the will beyond doubt or wishes to challenge the will on the ground it was not duly executed in accordance with the formal requirements for execution of wills. A person wishing to challenge a will by raising issues such as testamentary capacity, undue influence or fraud, should file a general caveat using paragraph 1

FURTHER DETAILS ABOUT CAVEATOR

Caveator

Name

Address

[The filing party must give the party's address.]

#[unit/level number] #[building name]
 [street number] [street name] [street type]
 [suburb/city] [state/territory] [postcode]
 #[country (if not Australia)]

#Frequent user identifier [include if the plaintiff is a registered frequent user]

#Contact details for caveator acting in person

Address for service

[The filing party must give an address for service. This must be an address in NSW unless the exceptions listed in UCPR 4.5(3) apply. State "as above" if the filing party's address for service is the same as the filing party's address stated above.]

#as above
 #[unit/level number] #[building name]
 [street number] [street name] [street type]
 [suburb/city] [state/territory] [postcode]

Telephone

#Fax

Email

#Legal representative for caveator

Name [name of solicitor on record]

Practising certificate number

Firm [name of firm]

#Contact solicitor [include name of contact solicitor if different to solicitor on record]

Address
 #[unit/level number] #[building name]
 [street number] [street name] [street type]
 [suburb/city] [state/territory] [postcode]

DX address

Telephone

Fax

Email

Electronic service address [#email address for electronic service eg service@emailaddress.com.au #Not applicable]