

CAYMAN ISLANDS



Succession Law

PROBATE AND ADMINISTRATION RULES

(2008 Revision)

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Consolidated and revised this 13th day of May, 2008.

Note (not forming part of the Rules): This revision replaces the 2001 Revision which should now be discarded.



CAYMAN ISLANDS



Succession Law

PROBATE AND ADMINISTRATION RULES

(2008 Revision)

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SCHEDULE

FORMS

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**APPLICATION FOR LETTERS OF ADMINISTRATION WITH THE
WILL ANNEXED**

AFFIDAVIT

APPLICATION FOR LETTERS OF ADMINISTRATION

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AFFIDAVIT OF ATTESTING WITNESS

INVENTORY OF ESTATE

GRANT OF PROBATE

LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED

LETTERS OF ADMINISTRATION

LETTERS OF ADMINISTRATION *DE BONIS NON*

CAVEAT

OBJECTION TO CAVEAT

WARNING TO CAVEATOR



CAYMAN ISLANDS



Succession Law

PROBATE AND ADMINISTRATION RULES

(2008 Revision)

PART I - INTRODUCTORY

Citation

1. These rules may be cited as the Probate and Administration Rules (2008 Revision).

Definitions

2. In these rules —

“**application**” means an application to a court for probate or letters of administration, and includes an application made under section 10;

“**Clerk**” means the Clerk of the Court and includes every person lawfully acting under his authority;

“**court**” means a court having jurisdiction under these rules and includes any person presiding thereover;

“**grant**” means a grant of probate or of letters of administration;

“**magistrate**” has the meaning ascribed to it in the *Summary Jurisdiction Law (2006 Revision)*;

“**oath**” means the oath or affirmation required to be taken by every applicant for a grant;

“**old rules**” means the rules in force prior to the 6th June, 1977;

“**probate action**” means an action, other than a non-contentious action, for the grant of probate of the will or of letters of administration of the estate of a deceased person, for the revocation of a grant or for a decree pronouncing for or against the validity of an alleged will;

“**Registry**” means the Probate Registry established by rule 3;

“**small estate**” means an estate of a value of two thousand dollars or less; and

“**will**” includes codicil.

The Registry

3. There is established the Probate Registry located at the Court House, George Town, under the management of the Clerk, which said Registry is merged with and constitutes a continuation under these rules of the probate records established by and managed under the old rules.

The Clerk

4. (1) The Clerk shall keep filed in the Registry all applications and grants and all matters connected therewith intituled under the name of the relevant estates with the relevant applications and serially numbered from the beginning to the end of each year chronologically according to the date of each first application.
- (2) The Clerk shall cause notice to be published in the Gazette of every application filed in the Registry relating to a person who died domiciled in the Islands, which notice shall include the —
 - (a) name of the deceased;
 - (b) date of the application;
 - (c) name of the applicants;
 - (d) date of death; and
 - (e) estimated total value of the estate.
- (3) The Clerk shall record applications made subsequent to a first application in a book called the “Subsequent Application Book” which shall show —
 - (a) the file number of the relevant estate;
 - (b) particulars of the first and any other applications; and
 - (c) the date and time of the application now recorded.

Compliance with s. 18

5. When the Clerk transmits documents to the Public Recorder under section 18 he shall retain and file in the Registry the copies thereof required by that section to be made.



Registry to be public

6. In the case of files relating to deceased persons domiciled in the Islands at the time of death, members of the public having an interest in an estate shall have access to such files during prescribed business hours through the Clerk who shall produce for inspection any document relevant to that estate and make and supply office copies thereof upon payment by applicants of the prescribed fees in that behalf.

Business hours

7. The Registry will be open for public business between the hours of 10.00 until noon and 14.00 until 16.00 on every weekday excluding Saturdays and Public Holidays.

Forms

8. Forms used for the transaction of business under these rules are prescribed in the Schedule.

PART II - NON-CONTENTIOUS MATTERS

Application of this Part

9. This Part deals with applications for grants the right to which is undisputed and the lodging of caveats against grants.

Filing applications

10. Applications shall be filed in the Registry by delivery to the Clerk and shall (save in the case of applications in respect of small estates) be dealt with in Chambers by a Judge of the Grand Court.

Applications, how made

11. Applications which may be made by personal attendance or through the post may be made by the applicant in person or by an attorney-at-law acting on his behalf and no person other than an attorney-at-law may act for reward as agent for an applicant.

Certain applications to be kept pending

12. Personal applications shall not be proceeded with if —
 - (a) it becomes necessary to bring the matter before the court on motion or by cause;
 - (b) an application made by an attorney-at-law on behalf of the applicant has not been withdrawn; or
 - (c) the court otherwise directs.

Documents to be filed with applications

13. Applications shall be accompanied by —
- (a) a certificate of the death of the deceased or such other evidence of death as the Clerk may require; and
 - (b) such other documents as may be necessary to enable the grant to be made sworn on affidavit, if appropriate, before a Justice of the Peace.

Personal applications

14. Where an application is made personally, the applicant shall supply all information necessary to enable the papers leading to the grant to be prepared by the Clerk, or the applicant may prepare such papers himself and lodge them for approval unsworn.

Limitation of Clerk's functions

15. The Clerk shall not give legal advice to a personal applicant other than for the purpose of embodying in proper form the applicant's instructions for the grant.

Judge to be satisfied before issue of grant

16. A Judge shall not issue any grant until all inquiries which he sees fit to make have been answered to his satisfaction, and a Judge may require proof of the identity of the deceased or of the applicant beyond that contained in the oath.

Earliest time for issue of grant

17. In the absence of the leave of the Court in that behalf, no grant of probate or administration with the will annexed shall issue within twenty-one days of the death of the deceased and no grant of administration shall issue within twenty-eight days.

Applications to be supported by affidavits

18. Every application shall be supported by an oath in a form applicable to the circumstances of the case, which shall be contained in an affidavit sworn by the applicant and by such other papers as these rules may require.

Declaration as to prior rights and minor interests

19. On an application for a grant of administration, the oath shall state whether, and if so in what manner, all persons having a prior right to a grant have been cleared off, and whether any minority or life interests arise under the will or intestacy.

Contents of oath

20. The oath in support of the application shall state to the full extent of the applicant's knowledge and belief —



- (a) whether there was land vested in the deceased which was settled previously to his death otherwise than by his will and which remained settled notwithstanding his death;
- (b) the deceased's domicile at death;
- (c) any name, other than an addition to his true name, by which the deceased was known in connection with the ownership of any property (to be specified) at the time of his death.

Will to be retained in Registry

- 21.** After a will has been deposited it shall be retained in the Registry, unless a Judge otherwise directs, until transferred to the Recorder under section 18.

Marking of wills

- 22.** Every will in respect of which an application for a grant is made shall be marked by the signature of the applicant and the person before whom the oath is sworn and shall be exhibited in any relevant affidavit required by these rules:

Provided that the Clerk may allow a photographic copy of a will to be marked and exhibited in lieu of the original.

When copies of wills allowed

- 23.** Where any original will cannot be satisfactorily reproduced by photographic or other facsimile copying process or the will contains alterations not admissible to proof, the Clerk may require an engrossment suitable for reproduction by photographic or other means to be lodged, and such engrossment shall —
- (a) reproduce the punctuation, spacing and paragraphing of the original will; and
 - (b) indicate any pencilled records in the original will by underlining them in red in the reproduction.

Proof of wills improperly attested

- 24.** Where it appears to a Judge that there is some doubt as to the due execution of a will by lack of any sufficient attestation clause or other reason, the Judge may require an affidavit of execution from one or more of the attesting witnesses or, in the unavailability of such witness, from any person who was present at the execution.

Evidence in absence of attesting witness

- 25.** (1) If no affidavit can be obtained in accordance with rule 24, a Judge may accept evidence on affidavit from any person to show that the signature on the will is in the handwriting of the deceased or of any other matter which may raise a presumption in favour of the due execution of the will.

- (2) The Judge may, after considering the evidence —
 - (a) refuse probate and mark the will accordingly; or
 - (b) adjourn the matter for further consideration on the motion of the applicant in that behalf.

Blind or illiterate testators

- 26.** Before admitting to proof of a will which appears to have been signed by a blind or illiterate testator or by another person by direction of the testator, or which for any reason gives rise to doubt as to the testator having had knowledge of the contents of the will at the time of its execution, a Judge shall satisfy himself that the testator had such knowledge.

Alterations and omissions

- 27.** (1) Where there appears in any will any obliteration, interlineation, or other alteration which appears to a Judge to be of practicable importance and is not authenticated in the manner prescribed by section 16 of the *Wills Law (2004 Revision)* or by re-execution of the will by the execution of a codicil, the Judge shall require evidence to show whether the alteration was present at the time the will was executed and shall give directions as to the form in which the will is to be proved.
- (2) If, from any mark on the will, it appears to a Judge that some other document has been attached to the will, or if a will contains any reference to another document in such terms as to suggest that it ought to be incorporated in the will, the Judge may require the document to be produced and may call for such evidence in regard to the attaching or incorporation of the document as he may think fit.
- (3) Where the date of the execution of a will is in doubt a Judge may require evidence to establish such date.

Apparent attempt at revocation

- 28.** Any appearance of attempted revocation of a will by burning, tearing or otherwise, and every circumstance leading to a presumption of revocation by the testator, shall be accounted for to a Judge's satisfaction.

Supplementary affidavits

- 29.** A Judge may require an affidavit from any person upon any of the matters referred to in rule 26, 27 or 28.

Application of s. 6 of Wills Law (2004 Revision)

- 30.** Nothing in rule 26, 27 or 28 shall apply to a will which it is sought to establish otherwise than by reference to section 6 of the *Wills Law (2004 Revision)* but the terms and validity of such will shall be established to the satisfaction of a Judge.



Foreign law

- 31.** Evidence of the law of a country outside the Islands may be given on affidavit or otherwise by a legal practitioner who is qualified and authorised to practice and has practised in the relevant foreign jurisdiction.

Priority where will is propounded

- 32.** The person or persons entitled to a grant of probate, or administration with the will annexed, are, in order of priority —
- (a) the executor;
 - (b) any residuary legatee or devisee holding in trust for any other person;
 - (c) any residuary legatee or devisee for life;
 - (d) the ultimate residuary legatee or devisee, or, where the residue is not wholly disposed of by will, any person entitled to a share in the residue not so disposed of or his personal representative;
 - (e) any specific legatee, devisee, creditor or his personal representative;
 - (f) any contingent legatee, devisee or beneficiary; or
 - (g) any person having no interest under the will of the deceased who would have been entitled to a grant if the deceased had died wholly intestate.

Priority in case of intestacy

- 33.** Where the deceased died wholly intestate, the persons having a beneficial interest in the estate entitled to a grant of administration are, in order of priority —
- (a) the surviving spouse;
 - (b) the children of the deceased including any persons entitled by any enactment to be treated as the children of the deceased born in lawful wedlock, or the issue of any such child who has died in the lifetime of the deceased;
 - (c) the father or mother of the deceased;
 - (d) the brothers and sisters of the whole blood or the issue of any of them who is dead;
 - (e) the persons next entitled under section 29; or
 - (f) if all the above persons have been cleared off, any creditor of the deceased or a person who may have a beneficial interest in the estate in the event of an accretion thereto:

Provided further that the persons mentioned in paragraphs (a) to (e) shall be preferred to the personal representative of a spouse who has died without taking a beneficial interest in the whole of the estate of the deceased as ascertained at the time of the application for the grant.

Rights of assignees

34. (1) Where all the persons entitled to the estate of the deceased (whether under a will or on intestacy) have assigned their whole interest in the estate to one or more persons, the assignee or assignees shall replace, in the order of priority for a grant of administration, the assignor or, if there are two or more assignors, the assignor with the highest priority.
- (2) In any case where administration is applied for by an assignee, a copy of the instrument of assignment shall be lodged in the Registry.

Joinder of representation

35. An application to join with a person entitled to a grant of administration a person entitled in a lower degree or a person having no right thereto shall, in default of renunciation by all persons entitled in priority to such last-mentioned persons, be made to a Judge and shall be supported by an affidavit by the person entitled, the consent of the person proposed to a joined as personal representative and such other evidence as the Judge may require:

Provided that the Judge may, in any event, join with a person entitled to administration —

- (a) a person nominated by the guardian of an infant beneficiary; and
- (b) a trust corporation authorised by law to conduct trusteeship business.

Two or more persons entitled in the same degree

36. (1) A grant may be made to any person entitled thereto without notice to others entitled in the same degree.
- (2) Disputes between persons entitled to a grant in the same degree shall be brought before a Judge by summons and no relevant grant shall be sealed until such summons is finally disposed of.
- (3) Unless a Judge otherwise directs, administration shall be granted to a living person in preference to the personal representatives of a deceased person who, if living, would be entitled to the same priority.
- (4) No rule of priority shall operate to prevent a grant being made to any person to whom a grant may or may not be required to be made under any law.
- (5) Save as specifically provided by these rules, the rules of priority shall apply only to persons dying domiciled in the Islands.

Grants in respect of non-domiciled deceased

37. (1) Subject to subrule (3), where the deceased died domiciled outside the Islands, a Judge may order that a grant be made —
- (a) to the person entrusted with the administration of the estate by the court having jurisdiction at the place where the deceased died domiciled;



- (b) where there is no person so entrusted, to the person beneficially entitled to the estate by the law of the place where the deceased died domiciled or, if there is more than one person so entitled, to such of them as the Judge may direct; or
 - (c) if in the opinion of the Judge the circumstances so require, to such person as the Judge may direct.
- (2) A grant made under paragraph (a) or (b) of subrule (1) may be issued jointly with such person as the Judge may direct if the grant is required to be made to not less than two administrators.
- (3) Without any order made under subrule (1) —
- (a) probate of any will that is admissible to proof may be granted —
 - (i) if the will is in the English language, to the executor named in it; or
 - (ii) if the will describes the duties of the named person in terms sufficient to constitute him executor according to the tenor of the will, to that person;
 - (b) where the whole or substantially the whole of the estate in the Islands consists of immovable property, a grant in respect of the whole estate may be made in accordance with the law that would have applied if the deceased had died domiciled in the Islands; and
 - (c) the rules of priority shall apply to a case to which this subrule applies.

Persons under disability

- 38.** Where the person to whom a grant would otherwise be made is under a disability, a Judge may make a grant to a guardian, committee, trustee or attorney of such person and may make provision for such grant to be limited to such time as such person remains under disability, and thereafter until such person makes application for the grant to be transferred to him, and in exercise of its powers under any law may make one or more such appointments for such purpose.

Trust corporations

- 39.** Where a trust corporation applies for a grant it shall do so through a duly authorised officer appointed by it in that behalf and there shall be filed in the Registry a certified copy of a resolution appointing such officer, either for the purpose of the particular grant or generally until further notice.

Administration bond

- 40.** (1) Every administration bond shall be in the prescribed form and shall be executed by the administrator or administrators and one or more sureties whose signatures and seals (as the case may be) shall be attested by a person authorised by law to administer oaths,
- (2) No bond is required in an application for probate.



When surety not required

- 41.** No sureties shall be required in the case of an application for administration —
- (a) by a trust corporation authorised by law to conduct trusteeship business;
 - (b) by a servant of the Crown acting in such capacity;
 - (c) where the deceased left no estate; or
 - (d) limited to the prosecution or defence of an action.

Resealing foreign grants

- 42.** An application under section 23 for the resealing of probate or administration granted in a country to which that section applies shall be made by the person to whom the grant was made or by any person authorised in writing to apply on his behalf, and on any such application —
- (a) a Judge may require that the application be advertised in such manner as he may direct and be supported by an oath sworn by the person making the application;
 - (b) where the grant is one of administration, a bond in the prescribed form shall be given by the applicant unless a Judge decides to dispense therewith;
 - (c) there shall be lodged a copy of the will, if any, to which the application relates certified as correct by or under the authority of the court which made the grant; and
 - (d) upon resealing of the grant, the Clerk shall send notice thereof to the court which made the grant.

Amendment or revocation of a grant

- 43.** If a Judge is satisfied that a grant should be amended or revoked, he may make an order accordingly:

Provided that, except in special circumstances, no grant shall be amended or revoked under this rule except upon application or with the consent of the person to whom the grant was made.

Caveats

- 44.** (1) Whoever wishes to ensure that no grant is sealed without notice to himself may enter a caveat in the Registry.
- (2) A caveat is entered by a person (“the caveator”) completing a prescribed form and posting or lodging it with the Clerk.
- (3) A caveat may be lodged by an attorney-at-law on behalf of a named caveator.
- (4) A caveat shall cease to operate six months after lodgment without prejudice to the right to lodge a further caveat or caveats.



- (5) The Clerk shall keep a chronological record of caveats and shall make a search therein upon the receipt of every application and before the sealing of any grant.
- (6) No grant shall be sealed in respect of which an operative caveat has been lodged on or before the day previous to the day of sealing.
- (7) Objection may be lodged against a caveat by the objector lodging with the Clerk a warning in the prescribed form requiring the caveator to declare his interest in the relevant estate, and the Clerk shall serve such warning upon the caveator.
- (8) A caveator, not having a contrary interest, but wishing to show cause against the sealing of the grant shall, within eight days of the despatch to him of a warning, lodge, at the Registry, a summons for directions with copy thereof to the objector.
- (9) Should the caveator fail to lodge a summons for directions timeously in accordance with subrule (8), the caveat shall be deemed to be vacated unless the court otherwise directs.
- (10) Upon the receipt of a summons for directions, the Clerk shall cause the matter to be set down for hearing by the court and notify all parties in that behalf.
- (11) A caveator having an interest contrary to the objector may, within eight days of the service of the objection upon him, inclusive of the day of such service, enter an appearance in the Registry by service in the prescribed form and service of a sealed copy thereof upon the objector.
- (12) A caveat in respect of which an appearance to a warning has been filed shall remain in force until the commencement of a probate action.
- (13) The commencement of a probate action, whether or not arising out of a caveat shall operate to prevent the sealing of the relevant grant until the court otherwise directs.

Citations

- 45.** (1) A citation is a notice which may be directed by the citor to the person cited calling upon him to accept or refuse a grant.
- (2) The citor is a person who would be entitled to a grant in the event of the person cited renouncing his right thereto.
 - (3) Every citation shall issue from the Registry and shall be settled by the Clerk before issue.
 - (4) Every averment in a citation shall be verified by affidavit.
 - (5) The citor shall issue a caveat prior to issue of the citation.
 - (6) Every citation shall be served personally upon the person cited unless a Judge permits some other mode of service.



- (7) Every will referred to in a citation shall be lodged in the Registry unless the Clerk is satisfied that such will is not within the control of the citor.
- (8) A person cited shall, within eight days of service upon him of the citation, enter an appearance in the Registry in the prescribed form and, in the event of his failure so to do, the citor may apply to a Judge —
 - (a) for a grant to himself; or
 - (b) for an order that a note be made upon the file that the person cited has not appeared and that his right to a grant has ceased.
- (9) A citation calling upon an executor who has intermeddled with the estate to show cause why he should not be ordered to take a grant may be issued by any person interested in the estate after the expiration of six months from the death of the deceased or at the expiry of proceedings as to the validity of the will, whichever is the later.
- (10) In the case of a citation under subrule (9) and in default of an appearance within eight days by the person cited, the citor may apply to a Judge by summons (which shall be served upon the person cited) for an order requiring such person —
 - (i) to take a grant within a specified time: or
 - (ii) for a grant to himself or some other person specified in the summons.
- (11) A person cited may apply for a grant on filing an affidavit showing that he has entered an appearance, and has not been served by the citor with notice of an application for a grant to himself or another specified person.
- (12) A citation to propound a will shall be directed to the executors named in the will and to all persons known to be interested thereunder and may be issued at the instance of any citor having an interest contrary to the executors or such other persons.
- (13) If the time limited for appearance has expired and no person cited has entered an appearance, or if no person who has appeared proceeds with reasonable diligence to propound the will, the citor may apply on motion for an order for a grant as if the will were invalid.

Address for service

- 46.** All caveats, objections, citations and appearances shall contain an address for service within the jurisdiction.

Leave to swear to a death

- 47.** An application for leave to swear to the death of a person in whose estate a grant is sought may be made to a Judge and shall be supported by an affidavit setting out the grounds of the application and containing particulars of any policies of insurance.



PART III - SMALL ESTATES

Dispensing with certain formalities

- 48.** In dealing with applications in respect of small estates, the functions of a Judge in Chambers may be performed by a magistrate in Chambers, and the magistrate may, at his discretion and, until any caveat or citation is filed, waive wholly or in part the requirements of rules 15, 19, 20, 31, 32, 33, 35 and 40.



SCHEDULE

FORMS

Form P.A. 1

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration Application No.

In the Estate of

deceased

APPLICATION FOR GRANT OF PROBATE OF A WILL

Succession Law

section 3 (7)

(2006 Revision)

I/WE,

of

being the executor (s) named in the last

will of the late formerly of

surviving the deceased, being over the age of eighteen years and not having renounced probate, which said will was made at on

and the said will, at the time of the death of the deceased, having been found lying at in the custody

of , which said will, together with the certificate of death, is annexed hereto, hereby apply for a grant of probate of the said will to me/us and I/we enclose herewith my/our affidavit (s) in that behalf and I/we undertake that in the event of such grant being made to me/us, I/we will —

- (a) within six months of the grant to me/us of probate of the said will I/we will prepare a true inventory of the said estate and exhibit and file the same in the Probate Registry; and
- (b) within one year of such grant to me/us, I/we will administer the said estate according to the tenor of the will and the directions, if any, of the courts and file in the Probate Registry a general account accounting for the whole of the assets of the said estate.

Date



Form P.A. 2

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration Application No.

In the Estate of

deceased

AFFIDAVIT OF EXECUTOR(S)

I/WE

of
being applicant(s) for a grant of probate of the will of the late
make oath and say as follows —

I/We believe that —

- 1. *(here supply the particulars supplied by rule 20)*
- 2. etc.

the net value of the deceased's estate is approximately \$

I/We make this affidavit in support of my/our application in the premises.

What is stated above is true.

Sworn before me this

day of _____, 20__ .

Justice of the Peace/Notary Public



Form P.A. 3

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration Application No.

In the Estate of

deceased

APPLICATION FOR LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED

I/WE

of

hereby apply for a grant of letters of administration with the will annexed of the estate of the late _____ of _____ who died at _____

on _____ having left a will which at the time of the death of the deceased was found lying at _____

in the custody of _____ which said will makes no provision for the appointment of an executor (*or as the case may be*) and which said will, together with the certificate of death, is annexed hereto, and in support of my/our application in the premises, I/we enclose herewith my/our affidavit(s) in that our behalf and in the event of a grant being made to me/us —

BOND

And I/we declare myself/ourselves (and our successors) to be jointly and severally bond unto the Financial Secretary of the Islands in the sum of \$ _____

Dated the _____ of _____, 20____, and sealed with my/our seal(s).

The condition of this obligation is that if the above-named do, when lawfully called upon in that behalf, make or cause to be made a true and perfect inventory of the said estate and do exhibit the same in the Probate Registry whenever lawfully called upon so to do and do well and truly administer the said estate according to law and the tenor of the will and do make or cause to be made a just account and distribution account thereof whenever lawfully so required, then this obligation shall be void and of no effect, but shall otherwise remain in full force and effect.

Signed, sealed and delivered by the within named in the presence of —

Justice of the Peace/Notary Public



Form P.A. 4

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration Application No.

In the Estate of

deceased

AFFIDAVIT

(by applicant(s) for grant of administration with the will annexed)

I/WE

of

being applicant(s) for a grant of administration with the will annexed of the estate of the

late

make oath and say as follows —

I/We believe that —

1. (*here supply the particulars required by rule 20*), the net value of the deceased's estate is approximately \$ _____, my/our interest in the said estate is _____.

the other persons known to me/us having an immediate or contingent interest in the said estate are, in order of priority-

Names

Addresses

Relationships to the deceased

I/We make this affidavit in support of my/our application in the premises.

What is stated above is true.

Sworn before me

this

day of

, 20

.

Justice of the Peace/Notary Public



Form P.A. 5

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration Application No.

In the Estate of

deceased

APPLICATION FOR LETTERS OF ADMINISTRATION

Succession Law

section 3(7)

(2006 Revision)

I/WE —

of

hereby apply for a grant of letters of administration of the estate of the late

who died at _____ intestate

And I/we annex hereto my/our affidavit(s) in support of my/our application and the certificate of death of the late _____.

BOND

And I/we declare myself/ourselves (and our successors) to be jointly and severally bound unto the Financial Secretary of the Islands in the sum of \$ _____.

Dated this _____ day of _____, 20____, and sealed with my/our seal(s).

The condition of this obligation is that if the above named do, when lawfully called upon in that behalf make or cause to be made a true and perfect inventory of the said estate and do exhibit the same in the Probate Registry whenever lawfully called upon so to do and do well and truly administer the said estate according to law and do make or cause to be made a just account and distribution account thereof whenever lawfully so required and, if, hereafter any will of the deceased may be propounded, to yield up the letters of administration to the Probate Registry, then this obligation shall be void and of no effect, but shall otherwise remain in force and effect.

Signed, sealed and delivered by the within named in the presence of —

Justice of the Peace/Notary Public

The above form is to be appropriately adjusted to meet the case of —

- (a) *execution of a corporation;*
- (b) *application for executorship according to the tenor of the will;*
- (c) *applications limited “de bonis non”, “ad colligenda bona”, etc.; and*
- (d) *application for resealing.*



Form P.A. 6

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration Application No.

In the Estate of

deceased

AFFIDAVIT BY ADMINISTRATOR(S)

I/WE

of administration of the estate of the late as follows —

being applicant(s) for a grant of make oath and say

I/WE believe that —

- 1. *(here supply the particulars required by rule 20);*
- 2. the net value of the deceased’s estate is approximately \$ my/our interest in the said estate is ;
- 3. the other persons known to me/us having an immediate or contingent interest in the said estate are, in order of priority-

Names	Addresses	Relationships to the deceased
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I/We make this affidavit in support of my/our application in the premises. What is stated above is true.

Sworn before me this _____ day
of _____, 20____.

Justice of the Peace/Notary Public



Form P.A. 7

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration

No.

In the Estate of

late of

deceased

AFFIDAVIT OF ATTESTING WITNESS

(rule 24)

I, _____ of _____ whose postal
address is _____ make oath that I am one of the subscribing
witnesses to the last will and testament of the said
late of _____ deceased, the said will being now hereunto annexed
bearing date the _____ day of _____,
20_____, and that the said testator executed the said will on the day of the date thereof
by signing his name at the foot or end thereof, as the same now appears thereon in the
presence of me
the other subscribed witness thereto both of us being present at the same time and we
thereupon attested and subscribed the said will in the presence of the said testator.
Sworn at
this _____ day of _____, 20_____,
before me.

Justice of the Peace/Notary Public



Form P.A. 8

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration

No.

In the Estate of

late of

deceased

AFFIDAVIT OF ATTESTING WITNESS

(rule 25)

I, _____ of _____ make oath and say that I witnessed the execution of the last will and testament of the above deceased, the said will bearing the date _____, *having been produced to me and that I saw the deceased execute the said will by signing his name at the foot or end thereof and saw _____ and _____ subscribing witnesses to the said will being both present at the time of execution thereof attest and subscribe the same in presence of the testator.

Sworn at
 this _____ day of _____, 20____,
 before me.

 Justice of the Peace/Notary Public

** or as the case may be*



Form P.A. 9

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration

No.

In the Estate of

late of

deceased

INVENTORY OF ESTATE

Succession Law

(section 16)

(2006 Revision)

A true declaration of all and singular the personal estate and effects of

late of in the Island of deceased, who died
 on the day of , 20 , which have at any time since the death,
 come to the hands, possession or knowledge of
 made and exhibited on the corporal oath of the said
 as follows, to wit- \$

First-This declarant says that the deceased was at the time of his death possessed or entitled to .

Lastly-This declarant saith that no personal estate or effects of or belonging to the said deceased have at any time since his death come to the hands, possession or knowledge of this declarant, save as is hereinbefore set forth.

On the day of , 20 , the said was duly sworn
 to the truth of the above inventory before me at
 in the Island of .

 Justice of the Peace/Notary Public



Form P.A. 10

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration

No.

In the Estate of

late of

deceased

GRANT OF PROBATE

BE IT KNOWN that on the _____ day of _____, 20____, the last will and testament a true copy hereof is hereunto annexed of late of _____, of the Island of _____ who died on or about the _____ day of _____, 20____, was proven and registered in the said court and that administration of all the estate which by law devolves and vests in the personal representative of the said deceased was granted by the aforesaid court to the executor named in the will, he having been first sworn well and faithfully to administer the same, by paying the just debts of the deceased and the legacies contained in his will and to exhibit a true and perfect inventory of all and singular the said estate and effects, of the said deceased, and to render a just and true account thereof whenever required by law so to do.

Dated this _____ day of _____, 20____.

 Clerk of the Court



Form P. A. 11

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration

No.

In the Estate of

late of

deceased

LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED

BE IT KNOWN that on the _____ day of _____, 20____, letters of administration with the will annexed of all the estate which by law devolves on and vests in the personal representative of _____ late of _____, of the Island of _____ who died on or about the _____ day of _____, 20____, having previously made and executed his last will and testament bearing date the day of _____ were granted by the said court of _____ of _____ in the Island of _____, he having been first sworn well and faithfully to administer the same by paying the just debts of the said deceased and the legacies contained in the said will and distributing the residue of his estate and effects according to law, and to exhibit a true and perfect inventory of all and singular the said estate and effects, and to render a just and true account thereof whenever required by law so to do.

Date.

Clerk of the Court



Form P.A. 12

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration

No.

In the Estate of

late of

deceased

LETTERS OF ADMINISTRATION

BE IT KNOWN that on the _____ day of _____, 20____, letters of administration of all the estate which by law devolves on and vests in the personal representative of _____ late of _____ in the Island of _____ who died on or about the _____ day of _____, 20____, intestate were granted by the said court to _____ of _____ in the Island of _____ the _____ of the said intestate, he having been first sworn well and faithfully to administer the same by paying his just debts and distributing the residue of his personal estate and effects according to law, and to exhibit a true and perfect inventory of all and singular the said estate and effects, and to render a just and true account thereof whenever required by law so to do.

Date.

Clerk of the Court



Form P.A. 13

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration

No.

In the Estate of

late of

deceased

LETTERS OF ADMINISTRATION *DE BONIS NON*

BE IT KNOWN that _____ deceased, died on or about the day of _____, 20____, intestate and that since his/her death, to wit, on the day of _____, 20____, letters of administration of all the estate which by law devolves on and vests in the personal representative of the said deceased was committed and granted to _____ (lawful _____) of the deceased, by the Grand Court of the Cayman Islands on the _____ day of _____, 20____, which grant now remains on record, who after intermeddling in the estate and effects, died on or about the _____ day of _____, 20____, Letters of administration *de bonis non* of the said estate and effects so left unadministered were granted by the court to _____ (lawful _____) be having been first sworn well and faithfully to administer the same by paying the just debts of the said intestate and distributing the residue of his estate and effects according to law, and to exhibit a true and perfect inventory of the said estate and effects so left unadministered, and to render a just and true account thereof whenever required by law so to do.

Date.

Clerk of the Court



Form P.A. 14

CAYMAN ISLANDS

IN THE GRAND COURT
Probate and Administration

Cause No.
No.

CAVEAT

Let no grant be sealed in the estate of the late _____ of
, 20____, without notice to _____, who died on the _____ day of _____,
Dated this _____ day of _____, 20____.
Signed. _____
Address for service. _____



Form P.A. 15

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration

No.

OBJECTION TO CAVEAT

TO The Clerk of the Court

Enter a warning, on my behalf in respect of the caveat lodged by _____ on the
day of _____, 20____, in the above cause.

Dated.

Objector

Address for service.



Form P.A. 16

CAYMAN ISLANDS

IN THE GRAND COURT

Cause No.

Probate and Administration

No.

WARNING TO CAVEATOR

TO _____ of
a party who has entered a caveat in the estate of the late _____.

You are hereby warned, within eight days after service hereof upon you, inclusive the day of such service —

- (a) to enter an appearance in person or by your attorney-at-law in the Probate Registry setting forth what interest you have in the estate of the above-named; or
- (b) to issue and serve a summons for directions showing cause against the issue of a grant in the premises.

In default of you so doing, the court may issue a grant notwithstanding your caveat.

Dated.

Clerk of the Court

Issued at the instance of _____.

**Publication in consolidated and revised form authorised by the Governor in Cabinet
this 13th day of May, 2008.**

Carmena Watler
Clerk of Cabinet

