

## **THE ADMINISTRATION OF ESTATES (SMALL ESTATES) (SPECIAL PROVISIONS) ACT.**

Statutory Instrument 156—1.

### **The Administration of Estates (Small Estates) (Special Provisions) (Probate and Administration) Rules.**

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## **THE ADMINISTRATION OF ESTATES (SMALL ESTATES) (SPECIAL PROVISIONS) ACT.**

Statutory Instrument 156—1.

### **The Administration of Estates (Small Estates) (Special Provisions) (Probate and Administration) Rules. (Under section 8 of the Act.)**

*Preliminary.*

#### **1. Citation.**

These Rules may be cited as the Administration of Estates (Small Estates) (Special Provisions) (Probate and Administration) Rules.

#### **2. Interpretation.**

In these Rules, unless the context otherwise requires—

- (a) “administrator” means a person appointed by a court to administer the estate of a deceased person when there is no executor;
- (b) “executor” means a person appointed by the last will of a deceased person to execute the terms of the will;
- (c) “guardian” means a surviving parent of an infant or a person appointed by will to be guardian of an infant;
- (d) “personal representative” means the person appointed by law to administer the estate or any part of the estate of a deceased person;
- (e) “probate” means the grant by a court authorising the executor named in the testator’s last will to administer the testator’s estate.

*Noncontentious probate and administration business.*

#### **3. Application for probate or letters of administration.**

(1) An application for probate shall be in Form 1A of the First Schedule to these Rules with the will annexed.

(2) An application for letters of administration shall be in Form 1B

of the First Schedule to these Rules.

(3) After a will has been deposited in court by an applicant, it may not be delivered to the applicant or to any other person unless (in special circumstances) the magistrate so directs.

(4) A person may apply by himself or herself or through an advocate for a grant by tendering his or her application in Form 1A or 1B of the First Schedule to these Rules to the court.

- (5) An application for probate or letters of administration—
- (a) shall be subscribed by the applicant in the presence of a magistrate or by his or her advocate, if any; and
  - (b) shall be verified by at least one of the witnesses who is in a position to testify to the authenticity of the signature of the testator in the manner provided in Form 1A of the First Schedule to these Rules or to the like effect.

#### **4. Evidence of death; other information to be supplied to court.**

(1) Every applicant shall produce a certificate or such other evidence of the death of the deceased to the satisfaction of the court.

(2) Every applicant shall supply all information necessary to the court to enable the papers leading to the grant to be prepared by the court, and the court shall be responsible for embodying that information in proper form free of charge.

#### **5. Duty of court on receiving application for grant.**

(1) On receiving an application for a grant of probate or letters of administration, the court shall issue a notice in Form 2 of the First Schedule to these Rules.

(2) A court shall not allow any grant to issue until all inquiries which it may deem fit to make have been answered to its satisfaction, and for that purpose the court may—

- (a) examine the applicant in person, upon oath or solemn affirmation;
- (b) require further evidence of the due execution of the will, or the right of the applicant to the letters of administration, as the case

- may be;
- (c) require further evidence of the identity of the deceased or of the applicant for the grant, as the case may be, beyond that contained in the application; or
  - (d) issue summons calling upon all persons appearing in the application to have any interest in the estate of the deceased to appear before the court before the grant of probate or letters of administration.
- (3) Except for special reasons stated on the record, no grant of probate or of letters of administration with the will annexed shall issue within fifteen days of the death of the deceased, and no grant of administration shall issue within thirty days of that death.

#### **6. Translation of will to be annexed to application.**

Where the will is written in any language other than English, there shall be a translation of the will annexed to the application by a translator of the court, or by any person competent to translate it, and the translation shall be verified by that person in the following manner,

“I, \_\_\_\_\_, declare that I read and perfectly understand the language and character of the original, and that the above is a true and accurate translation of the original”.

#### **7. Marking of will; annexing of will to application.**

(1) Every will in respect of which an application for a grant is made shall be marked by the signatures of the applicant and the magistrate, and shall be annexed to the application for probate.

(2) Where the court is satisfied that compliance with this rule might result in the loss of the will, it may allow a copy of the will to be marked and annexed to the application in lieu of the will.

#### **8. Execution of the will of blind or illiterate testator, etc.**

Before admitting to proof 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 other reason, gives rise to doubt as to the testator having had knowledge of the contents of the will at the time of its execution, the court

shall satisfy itself that the testator had such knowledge.

**9. Attempted revocation of will.**

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

**10. Order of priority for grant where deceased left a will.**

The persons entitled to a grant of probate or administration with the will annexed shall be determined in accordance with the following order of priority—

- (a) the executor;
- (b) any residuary legatee or devisee holding in trust for any other persons.

**11. Order of priority for grant in case of intestacy.**

(1) The persons entitled to a grant of letters of administration shall be determined in accordance with the following order of priority—

- (a) the children of the deceased;
- (b) the surviving spouse;
- (c) the father or mother of the deceased;
- (d) brothers and sisters of the whole blood, or the issue of any deceased brother or sister of the whole blood who had died during the lifetime of the deceased and any persons entitled by virtue of any enactment to be treated as if they were the children of the deceased; or
- (e) the issue of any such child of the deceased,

except that any person entitled to a grant of letters of administration under paragraphs (a) to (d) of this subrule may, with the consent of persons entitled in the same degree in writing, authorise any person entitled in the next degree under those paragraphs to apply for the grant.

(2) If no person in any of the classes mentioned in subrule (1)(b) to (d) of this rule has survived the deceased, then, the persons hereafter described shall be entitled to a grant in the following order of priority—

- (a) brothers and sisters of the half blood or the issue of any deceased brother or sister of the half blood who had died during the lifetime of the deceased;

- (b) grandparents;
- (c) uncles and aunts of the whole blood, or the issue of any deceased uncle or aunt of the whole blood who had died during the lifetime of the deceased; or
- (d) uncles and aunts of the half blood, or the issue of any deceased uncle or aunt of the half blood who had died during the lifetime of the deceased.

(3) In default of any person entitled to a grant under this rule, the Administrator General shall be entitled to a grant if he or she claims *bona vacantia* on behalf of the State.

(4) The personal representative of a person in any of the classes mentioned in subrules (1) and (2) of this rule shall have the same right to a grant as the person whom he or she represents.

(5) When a person who is entitled to a grant under this rule fails to apply for the grant within three months after the death of the deceased, then, the person entitled in the next degree may apply for the grant.

*Procedure for contentious probate and administration business.*

## **12. Institution of probate action.**

(1) Where a person desires to institute a probate action, that is to say, an action—

- (a) to prove a will;
- (b) to settle the right of two contending claimants to obtain a grant of administration; or
- (c) for the revocation of probate or letters of administration previously granted,

he or she shall state in a plaint the nature of the interest of the plaintiff in the estate of the deceased to which the action relates.

(2) The plaintiff's claim shall be served upon the defendant incorporated in a summons issued under rule 15 of these Rules.

(3) A plaint for an action for the revocation of the grant of probate or letters of administration of the estate of a deceased person shall not be issued unless a citation in Form 4A of the First Schedule to these Rules has been issued or the probate or letters of administration, as the case may be, has or

have been lodged in court.

### **13. Contents of plaint.**

(1) Where the plaintiff in a probate action disputes the interest of a defendant, he or she must allege in his or her plaint that he or she denies the interest of that defendant.

(2) In a probate action in which the interest, by virtue of which a party claims to be entitled to a grant of letters of administration, is disputed, the party disputing that interest must show in his or her plaint that if the allegations made in the plaint are proved he or she would be entitled to an interest in the estate.

(3) Any party who pleads that at the time when a will, the subject of the action, was alleged to have been executed the testator did not know and approve of its contents must specify the nature of the case on which he or she intends to rely, and no allegation in support of that plea which would be relevant in support of any of the following other pleas, that is to say—

- (a) that the will was not duly executed;
- (b) that at the time of the execution of the will the testator was not of sound mind, memory and understanding; and
- (c) that the execution of the will was obtained by undue influence or fraud,

shall be made by that party unless that other plea is also pleaded.

### **14. Counterclaim.**

A defendant to a probate action who alleges that he or she has any claim or is entitled to any relief or remedy in respect of any matter relating to the grant of probate of the will or letters of administration of the estate of the deceased person which is the subject of the action must add to his or her defence a counterclaim in respect of that matter.

### **15. Summons.**

(1) Prior to the date fixed for the hearing of a probate action, summonses shall be issued by the court requiring attendance at the time and place specified in the summonses of the plaintiff and the defendant and such other persons as may be required.

(2) Every summons shall, if practicable, be served personally on the person summoned by delivering it or tendering it to him or her.

(3) Every person upon whom a summons is served shall sign or put his or her mark, in recognition of the receipt of the summons, upon the back of the original of the summons, and, if he or she refuses to do so, the person who has effected service of the summons shall record in writing that refusal.

(4) Where, without sufficient excuse, any person upon whom a summons has been issued fails to appear in obedience to the summons, the magistrate, on proof of the proper service of the summons in reasonable time before the hearing date, may issue a warrant to bring that person before the court at a time and place to be specified in the warrant.

(5) When, pursuant to subrule (4) of this rule, a person is brought before the court under a warrant, and his or her evidence is not taken immediately, the court may, on his or her furnishing a security to the satisfaction of the court for his or her appearance at the hearing of the action, order that person to be released from custody and, on his or her failing to furnish security, order him or her to be detained in custody for production at the hearing of the action.

(6) Where it is not practicable to effect personal service of a summons, service of the summons may be made—

- (a) by leaving the duplicate of the summons for the person summoned with some adult member of his or her family or with his or her servant residing with him or her or with his or her employer;
- (b) by affixing the duplicate of the summons to some conspicuous part of the house in which the person summoned ordinarily resides and also to some conspicuous place in the court; or
- (c) by publishing the contents of the summons in a local newspaper circulating in the area,

and thereupon the summons shall be deemed to have been duly served.

## **16. Caveats.**

(1) Any person who wishes to ensure that no grant is sealed without notice to himself or herself may enter a caveat by completing Form 3A of the First Schedule to these Rules.

(2) Except as otherwise provided by this rule, a caveat shall remain in force for thirty days from the date on which it is entered and shall then cease to have effect, without prejudice to the entry of a further caveat with the permission of the court.

(3) The court shall not allow any grant to be sealed if it has knowledge of an effective caveat in respect of the grant.

(4) A caveator may be warned by the issue from the court of a warning in Form 3B of the First Schedule to these Rules, and every warning shall be served on the caveator.

(5) A caveator who has not filed a statement or shown cause against the sealing of a grant as required by this rule may at any time withdraw his or her caveat by giving notice to the court in which it was entered, and the caveat shall thereupon cease to have effect. The court shall immediately give notice of withdrawal of the caveat to the other party to the action.

## **17. Citations.**

(1) Every citation shall issue from the court and shall be settled by a magistrate before being issued in the appropriate Form 4 of the First Schedule to these Rules.

(2) The citor shall enter a caveat before issuing a citation.

(3) Every citation shall be served personally on the person cited unless the court, on good cause shown, directs some other mode of service, which may include notice by advertisement.

(4) Every will referred to in a citation shall be lodged in court before the citation is issued, except where the will is not in the citor's possession and the court is satisfied that it is impracticable to require it to be lodged.

(5) A person who has been cited to appear may, within twenty-one days of service of the citation upon him or her inclusive of the day of the service, or at any time thereafter if no application has been made by the citor for a grant, file a statement in court in duplicate. The court shall thereafter serve on the citor a copy of the statement.

## **18. Citation to accept or refuse or to take a grant.**

(1) A citation to accept or refuse a grant may be issued at the instance of any person who would himself or herself be entitled to a grant in the event of the person cited renouncing his or her right to the grant.

(2) A citation calling on an executor who has intermeddled in the estate of the deceased to show cause why he or she should not be ordered to take a grant may be issued at the instance of any person interested in the estate at any time after the expiration of thirty days from the death of the deceased.

(3) If the time limited for filing a statement has expired and the person cited has not filed the statement, the court may grant letters of administration to the citor.

(4) If the person cited has filed a statement but has not applied for a grant, or has failed to prosecute his or her application, the court may issue a summons to compel his or her attendance.

## **19. Citation to propound a will.**

(1) A citation to propound a will shall be directed to the executors named in the will and to all persons interested under the will and may be issued at the instance of any person having an interest contrary to that of the executors.

(2) If the time limited for appearance has expired and no person cited has filed a statement, or if no person who has appeared proceeds with reasonable diligence to propound the will, the court may proceed with the application of the citor for an order for a grant as if the will were invalid.

## **20. Service of process outside limits of jurisdiction.**

(1) Service of the summons caveat or citation out of the jurisdiction of the court may be made with the leave of the court.

(2) Where a summons caveat or citation is to be served at any place outside the limits of its jurisdiction, the court shall forward it to the court within the jurisdiction of which it is to be served.

(3) On receipt of a summons caveat or citation forwarded to it under

the provisions of this rule, the court shall immediately endorse on the summons caveat or citation an order for its service and make the necessary arrangement for such service without delay.

*Miscellaneous.*

**21. Grant of probate or letters of administration to be under seal of court.**

Where it appears to a court that probate of a will or letters of administration to the estate of a deceased person with or without a copy of the will annexed shall be granted, it shall grant the probate or letters of administration under the seal of the court in the appropriate Form 5A or 5B, as the case may be, of the First Schedule to these Rules.

**22. Grants where two or more persons entitled in same degree.**

(1) A grant may be made to any person entitled to it but with notice to other persons entitled in the same degree.

(2) Unless the court otherwise directs, administration shall be granted to a living person in preference to the personal representative of a deceased person who would, if living, be entitled in the same degree and to a person not under disability in preference to an infant entitled in the same degree.

**23. Grant to swear a declaration.**

Every person who is granted probate or letters of administration shall swear and sign a declaration in Form 6 of the First Schedule to these Rules.

**24. Grants on behalf of infants.**

(1) Where the person to whom a grant would otherwise be made is an infant, administration for his or her use and benefit until he or she attains the age of twenty-one years shall be granted—

- (a) to the guardian of the infant, if any; or
- (b) if there is no such guardian and the infant has attained the age of sixteen years, to any next of kin nominated by the infant.

(2) Any person nominated under subrule (1)(b) of this rule may represent any other infant whose next of kin he or she is, being an infant

below the age of sixteen years entitled in the same degree as the infant who made the nomination.

**25. Grants where infant is coexecutor.**

(1) Where one of two or more executors is an infant, probate may be granted to the other executor or executors not under disability, with power reserved of making the like grant to the infant on his or her attaining the age of twenty-one years.

(2) An infant executor's right to probate on attaining the age of twenty-one years may not be renounced by any person on his or her behalf.

**26. Renunciation of probate and administration.**

(1) Renunciation of probate by an executor shall not operate as renunciation of any right which he or she may have to a grant of administration in some other capacity unless he or she expressly renounces that right.

(2) Unless the court otherwise directs, no person who has renounced administration in one capacity may obtain a grant of administration in some other capacity.

(3) A renunciation of probate or administration may be retracted at any time on the order of a court, but only in exceptional circumstances may leave be given to an executor to retract a renunciation of probate after a grant has been made to some other person entitled in lower degree.

**27. Amendment and revocation of grant.**

(1) If the court is satisfied that a grant should be amended or revoked, it may make an order accordingly.

(2) Except in special circumstances, no grant shall be amended or revoked under this rule except on the application or with the consent of the person to whom the grant was made.

**28. Administration bond.**

Every person to whom a grant of letters of administration is made shall give

a bond in Form 7 of the First Schedule to these Rules to a magistrate to enure for the benefit of the magistrate for the time being, with one or more surety or sureties, engaging for the due collection, getting in, and administering the estate of the deceased.

**29. Assignment of administration bond.**

The court may, on application made for that purpose, and on being satisfied that the engagement of any such bond has not been kept, and upon such terms as to security or providing that the money received be paid into court, or otherwise as the court may think fit, assign the bond to some person, his or her executors, or administrators, who shall thereupon be entitled to sue on the bond in his or her own name as if the bond has been originally given to him or her; and that person shall be entitled to recover on the bond, as trustee for all persons interested, the full amount recoverable, in respect of any breach thereof.

**30. Filing of original wills of which probate or administration with will annexed granted.**

Every magistrate shall file and preserve all original wills of which probate or letters of administration with the will annexed may be or are granted by him or her and all other documents relating to probate or administration among the records of the court. Such wills may be inspected only in accordance with such directions as the Minister may issue in writing.

**31. Filing of final accounts.**

On the completion of the administration of an estate, an executor or an administrator shall file in court the final accounts relating to the estate by filling Form 8 of the First Schedule to these Rules.

**32. Fees.**

The fees specified in the Second Schedule to these Rules shall be payable in respect of the matters specified in that Schedule.

**33. Directions by chief magistrate.**

A magistrate grade II may, on application to him or her for probate of a will, refer any question touching the construction of a will before him or her to the

chief magistrate for directions.

**34. Forms.**

The forms in the First Schedule to these Rules, or forms to the like effect, may be used in the cases to which they refer with such variations as circumstances may require.

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## SCHEDULES

### *First Schedule.*

rules 3, 5, 12, 16,  
17, 21, 23, 28, 31 and 34.

### **Forms.**

rule 3(1).

Republic of Uganda

Form 1A.

Application for Probate.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of

Magisterial Area at \_\_\_\_\_

In the matter of the estate of the late \_\_\_\_\_

of \_\_\_\_\_

and

In the matter of an application for probate by \_\_\_\_\_

I, \_\_\_\_\_  
of \_\_\_\_\_, apply to this honourable court for  
a grant of probate of the will of late \_\_\_\_\_

who died at \_\_\_\_\_ on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_.

The writing annexed to this application is his or her last will and testament  
and was duly executed.

The late \_\_\_\_\_ is survived by  
\_\_\_\_\_

The deceased left \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The deceased \_\_\_\_\_ at the time of his or her death had a fixed place of abode at \_\_\_\_\_ within the local limits of the jurisdiction of this honourable court.

This application is made by me as executor named in the will of the late \_\_\_\_\_, and I believe that the value of the estate is likely to be \_\_\_\_\_ shillings.

And I, \_\_\_\_\_, the applicant solemnly and sincerely declare that what is stated in this application is true to the best of my knowledge and belief, and I make this solemn declaration conscientiously believing it to be true and by virtue of the provisions of the Statutory Declarations Act.

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Signature of Applicant

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Signature of Advocate (if any)

Date

Declared at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Before me \_\_\_\_\_  
Magistrate

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Date

I, \_\_\_\_\_, one of the witnesses to the last will and testament of the testator mentioned in the above application, solemnly and sincerely declare that I was present and saw the testator affix his or her signature (mark) to the will/the testator acknowledged the writing annexed to the above application to be his or her last will and testament.<sup>1</sup> I testify that the signature affixed to the last will and testament of \_\_\_\_\_, deceased, is the true signature of the testator. And I make this solemn declaration conscientiously believing it to be true and by virtue of the provisions of the Statutory Declarations Act

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Signature of Witness

Date \_\_\_\_\_

Declared at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Before me \_\_\_\_\_  
Magistrate

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<sup>1</sup>Delete whichever is inapplicable.

rule 3.

Republic of Uganda

Form 1B.

Application for Letters of Administration.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of

Magisterial Area at \_\_\_\_\_

In the matter of the estate of the late \_\_\_\_\_

of \_\_\_\_\_

and

In the matter of an application for letters of administration by

I, \_\_\_\_\_  
of \_\_\_\_\_, apply to this honourable court for a grant of letters of administration to the estate of the late \_\_\_\_\_

who died at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
The late \_\_\_\_\_ is survived by

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(names  
of the members of his or her family and other relatives and their addresses)

The deceased left \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(here state property left)

The deceased \_\_\_\_\_ at the time of his or her death had a fixed place of abode at \_\_\_\_\_

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within the local limits of jurisdiction of this honourable court.

This application is made by me as \_\_\_\_\_  
(executor/widow/son, etc.<sup>1</sup>) of the late \_\_\_\_\_,  
and I believe that the value of the estate is likely to be \_\_\_\_\_  
shillings.

And I, \_\_\_\_\_, the applicant  
solemnly and sincerely declare that what is stated in this application is true  
to the best of my knowledge and belief, and I make this solemn declaration  
conscientiously believing it to be true and by virtue of the provisions of the  
Statutory Declarations Act.

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Signature of Applicant

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Signature of Advocate (if any)

Date \_\_\_\_\_

Declared at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Before me \_\_\_\_\_  
Magistrate

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Date

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<sup>1</sup>State applicant's relationship to the deceased.

rule 5.

Republic of Uganda

Form 2.

Notice of Application.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of  
\_\_\_\_\_  
Magisterial Area at  
\_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_

In the matter of the estate of the late \_\_\_\_\_  
\_\_\_\_\_  
of \_\_\_\_\_,  
Uganda

and

In the matter of an application for probate/letters of  
administration<sup>1</sup> by \_\_\_\_\_  
(executor/widow/son, etc.<sup>2</sup> of the deceased)

To Whom It May Concern:

Take notice that an application for probate of the will/letters of  
administration<sup>1</sup> to the estate of the late \_\_\_\_\_  
has been lodged in this court by \_\_\_\_\_  
executor of the will/widow/son, etc.<sup>2</sup> of the deceased.

This court will proceed to grant probate of the will/letters of administration<sup>1</sup>  
if no caveat is lodged with this court within fourteen days from the date of  
publication of this notice, unless cause is shown to the contrary.

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<sup>1</sup>Delete whichever is inapplicable.

<sup>2</sup>State applicant's relationship to the deceased.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Magistrate

rule 16.

Republic of Uganda

Form 3A.

Caveat.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of  
Magisterial Area at \_\_\_\_\_  
\_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_\_

In the matter of the estate of the late \_\_\_\_\_  
\_\_\_\_\_

of \_\_\_\_\_, Uganda  
and

In the matter of an application for probate/letters of  
administration<sup>1</sup> by \_\_\_\_\_  
(executor/widow/son, etc.<sup>2</sup> of the deceased)

Let no grant be sealed in the estate of the late \_\_\_\_\_  
(full name)

of \_\_\_\_\_ who died on the  
\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_, at \_\_\_\_\_  
without notice to \_\_\_\_\_

\_\_\_\_\_  
(name or names of  
party or parties by whom or on whose behalf caveat is entered) of  
(address).

<sup>1</sup>Delete whichever is inapplicable.

<sup>2</sup>State applicant's relationship to the deceased.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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Signature

rule 16.

Republic of Uganda

Form 3B.

Warning to Caveator.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of \_\_\_\_\_  
Magisterial Area at \_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_\_

In the matter of the estate of the late \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, of  
\_\_\_\_\_, Uganda  
and

In the matter of an application for probate/letters of administration<sup>1</sup> by  
\_\_\_\_\_ (executor/widow/  
son, etc.<sup>2</sup> of the deceased)

To \_\_\_\_\_ of  
\_\_\_\_\_, a party who has entered  
a caveat in the estate of \_\_\_\_\_,  
\_\_\_\_\_, deceased.

You are warned within twenty-one days after service of this warning upon you,  
inclusive of the day of that service—

- (a) to file in this court a statement setting forth what interest you have in  
the estate of \_\_\_\_\_, deceased, contrary  
to that of the party at whose instance this warning is issued; or
- (b) if you have no contrary interest but wish to show cause against the  
sealing of a grant to that party, to state your reasons therefor.

And take notice that in default of your so doing the court may proceed to issue a  
grant of probate/letters of administration<sup>1</sup> notwithstanding your caveat.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Magistrate

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<sup>1</sup>Delete whichever is inapplicable.

<sup>2</sup>State applicant's relationship to the deceased.

rules 12, 17.

Republic of Uganda

Form 4A.

Citation to Accept or Refuse Probate.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of  
\_\_\_\_\_  
Magisterial Area at  
\_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_\_

In the matter of the estate of the late \_\_\_\_\_

of \_\_\_\_\_, Uganda  
and

In the matter of an application for probate/letters of  
administration<sup>1</sup> by \_\_\_\_\_ (executor/  
widow/son, etc.<sup>2</sup> of the deceased)

To \_\_\_\_\_  
of \_\_\_\_\_

Whereas it appears by the statement on oath of \_\_\_\_\_,  
sworn \_\_\_\_\_, 20 \_\_\_, that \_\_\_\_\_  
of \_\_\_\_\_  
died on \_\_\_\_\_, 20 \_\_\_, at \_\_\_\_\_  
having made and duly executed his or her last will and testament dated on the  
\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_, (now remaining in this court)  
and in it named you, \_\_\_\_\_, sole  
executor (and residuary legatee and devisee in trust).

And whereas it further appears from that statement on oath that  
\_\_\_\_\_ is one of the  
residuary legatees and devisees named in the will.

Now this is to command you, \_\_\_\_\_,

<sup>1</sup>Delete whichever is inapplicable.

<sup>2</sup>State applicant's relationship to the deceased.

that within twenty-one days after service of this citation on you, inclusive of the day of that service, you cause a statement to be filed in this court, and accept or refuse probate of the will, or show cause why letters of administration, with the will annexed, of all the estate which by law devolves to and vests in the personal representative of the deceased, should not be granted to \_\_\_\_\_.

And take notice that, in default of your so appearing and accepting and extracting probate of the will, this court will proceed to grant letters of administration, with the will annexed, of the estate to \_\_\_\_\_, your absence notwithstanding.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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Magistrate

rule 17.

Republic of Uganda

Form 4B.

Citation to Accept or Refuse Probate/Letters of Administration with Will:  
Executor and Residuary Legatee, Etc., Cited by Legatee or Creditor.  
*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of  
\_\_\_\_\_  
Magisterial Area at  
\_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_

In the matter of the estate of the late \_\_\_\_\_

of \_\_\_\_\_, Uganda  
and

In the matter of an application for probate/letters of  
administration<sup>1</sup> by \_\_\_\_\_  
(executor/widow/son, etc.<sup>2</sup> of the deceased)

To \_\_\_\_\_ of  
\_\_\_\_\_ and  
\_\_\_\_\_ of \_\_\_\_\_

Whereas it appears by the statement on oath of \_\_\_\_\_,  
sworn \_\_\_\_\_, 20 \_\_\_, that \_\_\_\_\_  
of \_\_\_\_\_  
died on \_\_\_\_\_, 20 \_\_\_, at \_\_\_\_\_  
having made and duly executed his or her last will and testament dated on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_, and in it named you,  
\_\_\_\_\_, sole executor and you,  
\_\_\_\_\_, residuary legatee and devisee.

And whereas it further appears from the statement on oath that  
\_\_\_\_\_ is a legatee or  
devisee named in the will of the deceased.

<sup>1</sup>Delete whichever is inapplicable.

<sup>2</sup>State applicant's relationship to the deceased.

Now this is to command you, \_\_\_\_\_  
and \_\_\_\_\_, that within twenty-one days  
after service of this citation on you, inclusive of the day of that service, you  
cause a statement to be filed in this court, and accept or refuse probate of the  
will, or show cause why letters of administration, with the will annexed, of  
all the estate which by law devolves to and vests in the personal  
representative of the deceased, should not be granted to

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And take notice that, in default of your so appearing and accepting and  
extracting probate of the will, this court will proceed to grant letters of  
administration, with the will annexed, of the estate to  
\_\_\_\_\_, your absence notwithstanding.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

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Magistrate

rule 17.

Republic of Uganda

Form 4C.

Citation to Bring in Administration: Administrator or Interest Disputed.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of  
\_\_\_\_\_  
Magisterial Area at  
\_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_

In the matter of the estate of the late \_\_\_\_\_  
of \_\_\_\_\_, Uganda  
and

In the matter of an application for probate/letters of  
administration<sup>1</sup> by \_\_\_\_\_  
(executor/widow/son, etc.<sup>2</sup> of the deceased)

Citation to bring in administration: administrator's interest  
disputed in the estate of \_\_\_\_\_, deceased,  
between \_\_\_\_\_, plaintiff  
and  
\_\_\_\_\_,  
defendant

To \_\_\_\_\_  
of \_\_\_\_\_

Whereas it appears by the statement on oath of \_\_\_\_\_,  
sworn \_\_\_\_\_, 20 \_\_\_\_, that letters of administration of all the  
estate which by law devolves to and vests in the personal representative of  
\_\_\_\_\_, late of \_\_\_\_\_, deceased, were  
on \_\_\_\_\_, 20 \_\_\_\_, granted to you by this court at  
\_\_\_\_\_

<sup>1</sup>Delete whichever is inapplicable.

<sup>2</sup>State applicant's relationship to the deceased.

\_\_\_\_ thereof as the lawful brother and one of the persons entitled to share in the estate of the deceased.

And whereas it is alleged in the statement on oath that you are not one of the persons entitled to share, and that the deceased died a widower leaving \_\_\_\_\_ his lawful son<sup>3</sup> and the only person entitled to his estate, and that the letters of administration ought to be called in, revoked and declared null and void in law.

Now this is to command you, \_\_\_\_\_, that within twenty-one days after service of this citation on you, inclusive of the day of that service, you bring into and leave in this court at \_\_\_\_\_ the letters of administration in order that \_\_\_\_\_ may proceed in due course of law for the revocation of the letters of administration.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Magistrate

If you, \_\_\_\_\_, neglect to obey this order by the time limited in it, you will be liable to process of execution for the purpose of compelling you to obey the order.

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<sup>3</sup>Insert whichever is applicable.

rule 17.

Republic of Uganda

Form 4D.

Citation to Bring in Administration: Will Set Up in the Estate.  
*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of  
\_\_\_\_\_  
Magisterial Area at  
\_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_

In the matter of the estate of the late \_\_\_\_\_  
of \_\_\_\_\_, Uganda  
and

In the matter of an application for probate/letters of  
administration<sup>1</sup> by \_\_\_\_\_  
(executor/widow/son, etc.<sup>2</sup> of the deceased)

Citation to bring in administration: will set up in the estate of  
\_\_\_\_\_, deceased,  
between \_\_\_\_\_, plaintiff  
and  
\_\_\_\_\_,  
defendant

To \_\_\_\_\_ of  
\_\_\_\_\_

Whereas it appears by the statement on oath of \_\_\_\_\_,  
sworn \_\_\_\_\_, 20 \_\_\_, that letters of administration of all  
the estate which by law devolves to and vests in the personal representative  
of \_\_\_\_\_ late of \_\_\_\_\_, deceased, were  
on \_\_\_\_\_, 20 \_\_\_, granted to you by this court at  
\_\_\_\_\_.

\_\_\_\_\_

<sup>1</sup>Delete whichever is inapplicable.

<sup>2</sup>State applicant's relationship to the deceased.

And whereas it is alleged in the statement on oath that the deceased made and duly executed his or her last will and testament dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_, (now remaining in this court), and thereof appointed \_\_\_\_\_ executor, and that the letters of administration ought to be called in, revoked, and declared null and void in law.

Now this is to command you, \_\_\_\_\_, that within twenty-one days after service of this citation on you, inclusive of the day of that service, you bring into and leave in this court at \_\_\_\_\_ those letters of administration in order that \_\_\_\_\_ may proceed in due course of law for the revocation of the letters of administration.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Magistrate

If you, \_\_\_\_\_, neglect to obey this order by the time limited in it, you will be liable to process of execution for the purpose of compelling you to obey the order.

rule 17.

Republic of Uganda

Form 4E.

Citation to Bring in Probate: Intestacy Alleged.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of  
\_\_\_\_\_  
Magisterial Area at  
\_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_

In the matter of the estate of the late \_\_\_\_\_

of \_\_\_\_\_, Uganda  
and

In the matter of an application for probate/letters of  
administration<sup>1</sup> by \_\_\_\_\_  
(executor/widow/son, etc.<sup>2</sup> of the deceased)

In the estate of \_\_\_\_\_, deceased,  
between \_\_\_\_\_, plaintiff  
and  
\_\_\_\_\_ defendant

To \_\_\_\_\_  
of \_\_\_\_\_

Whereas it appears by the statement on oath of \_\_\_\_\_,  
sworn \_\_\_\_\_, 20 \_\_\_\_, that probate of the  
alleged last will and testament of \_\_\_\_\_,  
late of \_\_\_\_\_, deceased,  
was on \_\_\_\_\_, 20 \_\_\_\_, granted to you by this court, and that the  
deceased died a bachelor, leaving \_\_\_\_\_  
\_\_\_\_\_, his lawful father.

And whereas it is alleged in the statement on oath that the deceased died

<sup>1</sup>Delete whichever is inapplicable.

<sup>2</sup>State applicant's relationship to the deceased.

intestate, and that the same probate ought to be called in, revoked and declared null and void in law.

Now this is to command you, \_\_\_\_\_, that within twenty-one days after service of this citation on you, inclusive of the day of that service, you bring into and leave in this court at \_\_\_\_\_ the aforesaid probate in order that \_\_\_\_\_ may proceed in due course of law for the revocation of the probate.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

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Magistrate

If you, \_\_\_\_\_, neglect to obey this order by the time limited in it, you will be liable to process of execution for the purpose of compelling you to obey the order.

rule 17.

Republic of Uganda

Form 4F.

Citation to Bring in Probate or Administration: Another Will to Set Up.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of  
\_\_\_\_\_  
Magisterial Area at  
\_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_

In the matter of the estate of the late \_\_\_\_\_  
\_\_\_\_\_  
of \_\_\_\_\_, Uganda  
and

In the matter of an application for probate/letters of  
administration<sup>1</sup> by \_\_\_\_\_  
(executor/widow/son, etc.<sup>2</sup> of the deceased)

In the estate of \_\_\_\_\_, deceased,  
between \_\_\_\_\_, plaintiff

and  
\_\_\_\_\_,  
defendant

To \_\_\_\_\_ of  
\_\_\_\_\_

Whereas it appears by the statement on oath of \_\_\_\_\_,  
sworn \_\_\_\_\_, 20 \_\_\_\_, that probate of the alleged last will  
and testament, dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, of  
\_\_\_\_\_, late of \_\_\_\_\_, deceased, was on  
\_\_\_\_\_, 20 \_\_\_\_, granted to you by this court at  
\_\_\_\_\_.

<sup>1</sup>Delete whichever is inapplicable.

<sup>2</sup>State applicant's relationship to the deceased.

And whereas it is alleged in the statement on oath that the deceased made and duly executed his or her last will and testament dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_, (now remaining in this court), and in it appointed \_\_\_\_\_ executor, and that the probate ought to be called in, revoked, and declared null and void in law.

Now this is to command you, \_\_\_\_\_, that within twenty-one days after service of this citation on you, inclusive of the day of that service, you bring into and leave in this court at \_\_\_\_\_ the aforesaid probate in order that \_\_\_\_\_ may proceed in due course of law for the revocation of the probate.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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Magistrate

If you, \_\_\_\_\_, neglect to obey this order by the time limited in it, you will be liable to process of execution for the purpose of compelling you to obey the order.

rule 21.

Republic of Uganda

Form 5A.  
Probate.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of

Magisterial Area at \_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_

I, \_\_\_\_\_, magistrate of \_\_\_\_\_ Magisterial Area, make known that on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, the last will of \_\_\_\_\_, deceased, late of \_\_\_\_\_, a copy of which is annexed hereto, was proved and registered before me, and that administration of the property and credits of the deceased, and in any way concerning his or her will, was granted to \_\_\_\_\_, the executor named in the will, he or she having undertaken to administer the property and credits, and to make a full and true inventory of the property and credits to this court within six months from the date of this grant, or within such further time as the court may from time to time appoint, and also to render to this court a true account of the property and credits within one year from the same date, or within such further time as the court may from time to time appoint.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Magistrate

rule 21.

Republic of Uganda

Form 5B.

Letters of Administration.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of

Magisterial Area at \_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_

I, \_\_\_\_\_, magistrate of \_\_\_\_\_ Magisterial Area, make known that on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_, letters of administration (with or without<sup>1</sup> the will annexed) of the property and credits of \_\_\_\_\_, late of \_\_\_\_\_, deceased, are granted to \_\_\_\_\_ the father/son/widow, etc.<sup>1</sup> of the deceased \_\_\_\_\_ he or she having undertaken to administer the property and credits of the deceased, and to make a full and true inventory of the property and credits to this court within six months from the date of this grant or within such further time as the court may from time to time appoint, and also to render to this court a true account of the property and credits within one year from the same date, or within such further time as the court may from time to time appoint.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Magistrate

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<sup>1</sup>Delete whichever is inapplicable.

rule 23.

Republic of Uganda

Form 6.  
Declaration.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of \_\_\_\_\_  
Magisterial Area at \_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_\_

In the matter of the estate of the late \_\_\_\_\_  
of \_\_\_\_\_, Uganda

and

In the matter of an application for probate/letters of administration<sup>1</sup> by  
\_\_\_\_\_  
*(executor/widow/son, etc.<sup>2</sup> of the deceased).*

I, \_\_\_\_\_ of \_\_\_\_\_,  
solemnly and sincerely declare that \_\_\_\_\_, late of \_\_\_\_\_,  
died \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_, testate/intestate<sup>1</sup>, that I am  
\_\_\_\_\_ of the deceased, that I will faithfully administer the estate and  
effects of the deceased by paying his or her just debts and distributing the residue  
of his or her estate and effects according to his or her will/customary law<sup>1</sup>, and that  
I shall make a true and perfect inventory of all and singular that estate and effects  
and render a just and true account thereof whenever required by law so to do.

Sworn to at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Applicant

Sworn at \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Magistrate

---

<sup>1</sup>Delete whichever is inapplicable.

<sup>2</sup>State applicant's relationship to the deceased.

rule 28.

Republic of Uganda

Form 7.

Administration Bond.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

I n t h e M a g i s t r a t e ' s C o u r t o f

Magisterial Area at \_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_\_

In the matter of an application for probate/letters of administration<sup>1</sup> by \_\_\_\_\_  
\_\_\_\_\_  
(executor/  
*widow/son, etc.<sup>2</sup> of the deceased).*

In the matter of the estate of \_\_\_\_\_ deceased

Know all men by these presents that I/we<sup>1</sup>, \_\_\_\_\_

\_\_\_\_\_,  
am/are<sup>1</sup> bound unto \_\_\_\_\_  
esquire, the magistrate of \_\_\_\_\_  
of \_\_\_\_\_ Magisterial Area, in the  
sum of \_\_\_\_\_ shillings to be paid to \_\_\_\_\_  
esquire, the magistrate or to any magistrate of the above court for the time  
being, for which payment well and truly to be made I/we<sup>1</sup>,  
\_\_\_\_\_

\_\_\_\_\_,  
bind myself/ourselves/my/our heirs, executors and administrators<sup>1</sup> firmly by  
these presents.

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

The condition of this obligation is such that if \_\_\_\_\_  
\_\_\_\_\_,  
\_\_\_\_\_

<sup>1</sup>Delete whichever is inapplicable.

<sup>2</sup>State applicant's relationship to the deceased.

the intended administrator of all and singular the personal effects of \_\_\_\_\_, deceased, do when lawfully called upon for that purpose make a true and perfect inventory of those personal effects, and do well and truly administer them according to law, and do make a just and true account of that administration whenever required by law so to do, and do deliver and pay unto such person or persons as shall be entitled to it the rest and residue of the personal estate and effects; and if it shall hereafter appear that any will was made by the deceased, and the executor or executors or other persons named in the will apply for probate of the will, if \_\_\_\_\_ being thereunto required to deliver up the letters of administration (probate of the will being first granted) in a magistrate's court then, this obligation to be void and of no effect or else to remain in full force and virtue.

Signed and delivered by the within-named \_\_\_\_\_

\_\_\_\_\_  
in the presence of \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Magistrate

rule 31.

Republic of Uganda

Form 8.

Report of Final Accounts.

*The Administration of Estates (Small Estates) (Special Provisions)  
(Probate and Administration) Rules.*

In the Magistrate's Court of

Magisterial Area at \_\_\_\_\_

Administration Cause No. \_\_\_\_\_ of 20 \_\_\_\_

In the matter of the estate of the late \_\_\_\_\_  
of \_\_\_\_\_

I, \_\_\_\_\_  
of \_\_\_\_\_,  
the father/son/widow, etc.<sup>1</sup> having been granted probate/letters of  
administration<sup>2</sup> on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to  
administer the estate of the late \_\_\_\_\_ of  
\_\_\_\_\_ who died at  
\_\_\_\_\_ on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, and having undertaken to administer the estate  
of the late \_\_\_\_\_  
of \_\_\_\_\_ and to make a full and true inventory of the  
property and credits and to render to this honourable court a true account of  
the property and credits, hereby render the final accounts of the distribution  
of the property and credits to this honourable court.

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<sup>1</sup>State applicant's relationship to the deceased.

<sup>2</sup>Delete whichever is inapplicable.

The distribution of the estate was carried out as follows:

Person	His or her relationship to the deceased	Share taken
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

And I, \_\_\_\_\_, solemnly and sincerely declare that what is stated in this final account is a true and accurate account of the distribution of the property and credits of the late \_\_\_\_\_, deceased, to the best of my knowledge and belief, and I make this solemn declaration conscientiously believing it to be true and by virtue of the provisions of the Statutory Declarations Act.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Advocate (if any)

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Before me \_\_\_\_\_  
Magistrate

Date \_\_\_\_\_

\_\_\_\_\_

*Second Schedule.*

rule 32.

**Fees.**

	Shs.
1. Fee on application for probate or letters of administration	20 5
2. Fee on settling a citation	10
3. Inspection of a will or any other record	10
4. Certified copy	

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**History:** S.I. 104/1972.

**Cross Reference**

Statutory Declarations Act, Cap. 22.

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