

Subject - Practical - II
Roll No. - BDPA 2351
LL.B - 2nd Semester

Q1) Affidavit for change of Name :-

Ans:-

- 1) Name correction Affidavit is a document in which a person given sworn statement / declaration about his real / actual name along with a incorrect name ~~is~~ in a particular document.
- 2) Here are the steps involved to get the Name correct - make an Affidavit for correction of Name & make it Notarized. there are following case of the Affidavit for change of Name :-

a) How to create an ~~an~~ affidavit for change of Name ? :-

- i) The name change is more or less a three step process that can be finished in ~~in~~ little time if followed judiciously. The ~~the~~ 2 primary & most important step in the process is the preparation of the affidavit.

2) Since it may be difficult to get an appointment from a magistrate. You can

approach a Notary Signature, which is equally valid.

3) following example are i.e. affidavit of domicile, marriage change of Name, heirship, & many more : Therefore, these affidavit will NOT expire because there is no expiry date for the affidavits that has signature properly & publishes with accurate evidence : There is no period of validity to an affidavit.

Format :-

I ----- SLO, WLO, DLO,

RLO

IN RE: CHILD'S NAME

AFFIDAVIT OF CONSENT TO NAME CHANGE

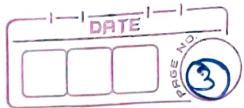
STATE OF ARKANSAS)

(COUNTY OF PULASKI)

ss

Veracity

COMES Now, the undersigned & states on oath,



- 1) I [FATHER'S NAME], the biological father
of [current Name of child] consent
to the name change of this child from
[current Name of child] to [New Name
of child]
- 2) I am over the age of eighteen (18) years
and resident of _____ Country - Arkansas.

FURTHER YOUR AFFIANT SAYETH NOT.

NAME:

ADDRESS,

PHONE NUMBER.

SUBSCRIBED AND SWORN TO, before me
this 18-09-16 day of NYC. A.B.C..

Notary public

my Commission expires:

Q 3) Power of Attorney :-

Ans- The person who empowers, is the principle & the to whom the power is conferred is the Agent. There are ~~four~~ two kinds of power of Attorney.

a) General Power of Attorney

b) Special power of Attorney.

c) Special or Limited power of Attorney

d) Springing Durable Power of Attorney.

a) General Power of Attorney :-

i) The general power of Attorney is a broad mandate that gives an agent a lot of power to handle the affairs of a principal.

ii) The agent or the person is charged with handling several tasks. The tasks include buying or disposing of real estate or even entering into contractual relationship on the principal's behalf.

b) Special Power of Attorney :-

i) The durable type

of power of attorney is only effective during the period a person wished to get someone else act on his or her behalf.

Ex if the principal becomes comatose, but would prefer that the spouse be the agent, it can be specified in the form of a special power of attorney, allowing a person to authorize another individual to make legal decisions on their behalf.

ii) Limited & special Power of Attorney :-

1) An individual looking to limit how much the agent can do should choose limited or special power of attorney.

2) Before signing to notary a limited power of attorney, a person needs to be as detailed as possible about how much the agent should handle.

3) If an individual is not clear what should fall under the special power of attorney, it is best to speak to a legal counsel.

- a) Durable Power of Attorney & i) The durable power of Attorney
is only effective during the period a person wished to get someone else act on his or her behalf.
- 2) A Non-durable power of Attorney will end the moment it is revoked or when the expiration date specified arrives.
- 3) However, what will happen in such case the principal would prefer that the power of Attorney remain active even if he or she became unable to communicate.



Q 2>

Will [Sec. 2(h)]:-

will means the legal declaration of the intention of a testator with respect to his property which (intention) he desires to be carried into effect after his death.

Essentials Characters of valid will -

- i) Legal declaration :- the document purporting to be a will or testament must be legal.
- ii) Disposition of the property :- The declaration should be regarding the disposition of the property of the testator. If there is no reference to the disposal of the property the document shall not amount to a will.
- iii) The testator must be the owner of the property
- iv) Document intended to take effect after the death of testator.
- v) Document is revocable during the life-time of the testator (Revocability)
- vi) Will may be conditional.

Kinds of will

1) Joint will :- A joint will is a will made by two or more testators contained in a single document.
e.g.- Leo Seguera v/s Magdalene

2) Mutual will :- In this where each testator disposes of his property to others, the will are termed mutual wills. They are revocable during the life-time of either with notice to the other.

3) Holograph will :- A will which is written by the testator himself is a holograph will. It is recognised by Scotch law & can be proved as a will although not attested.

e.g.— See Goods of Elliot, 4 Cal. 106. The law makes a great presumption of genuineness in favour of a holograph will. Ajit Chandra v/s Achil Chandra (1960)

4) Privileged wills :- Any soldier being employed in an expedition or engaged in actual warfare or an airman so employed or engaged or any mariner being at sea, may if he has completed the age of 18 years dispose of his property by a will.

5) Unprivileged wills :-

Every testator, not being a soldier employed in an expedition or engaged in actual warfare, or an airman so employed or engaged; or a mariner at sea; shall execute his will,

Construction of wills :- Following rule of will which construct

A) Construction of words :- While construing the will, it is necessary that the language of the will, the word and expression used in the will must be understood in their true sense.

i) Wording of will :- It is not necessary that any technical word or terms of art be used in a will (but only that the wording be such that the intentions of the testator can be known therefrom).

- No technical word necessary.
- Arm - Chair Rule - The duty of the court is to endeavor to ascertain the intention of the testator. That intention has to be gathered primarily from the language of the document, which is to be read as whole.

Q 4) Codicil to will ?

- Amt
- 1) A codicil is a testamentary or supplementary document similar but not necessarily identical to a will.
 - 2) In some jurisdiction it may serve to amend rather than replace a previously executed will. In other, it may serve as an alternative to a will.
 - 3) Think of the codicil as a way to keep your will up to date & reflective of your current wishes.
 - 4) There are a number of circumstances that can precipitate the need for a codicil to a will.
 - 5) Whatever your motivation is, here are several things you can do with a codicil.
 - a) Change your Executor →
 If the executor you named in your original will passes away or you feel they are no longer fit to manage your affairs, you can name someone else during using a codicil. You can also add a co-executor if you feel so inclined.

- b) Update beneficiary :- Add new beneficiary to your will with a codicil. You can also name new contingent beneficiaries.
- c) make note of a new familial or financial circumstances :- Instances when the guardians you named for your children pass away or become unfit. You can use a codicil to update your guardianship wishes. You can also create a codicil to protect your beneficiary if there are significant tax consequences not covered by your will.
- d) Revised end of life wishes :- If you or anyone covered in your will wants to modify their funeral or burial arrangements for any reason, a codicil can ratify those wishes.

Accountable Receipts—

- 1) A receipt in which a person admits that goods or money were delivered to the person & the person is obliged to deliver all or part of the goods or money to a third person.
- 2) It is a written & signed acknowledgement by the recipient of payment for goods, money in payment of debt, or receiving assets from the estate of someone who has died & Property & real estate law.
- 3) It is the meaning, given by the law of contracts in some jurisdiction, accountable is the receipt issued for advance payment (or installment) made on the base of previously signed agreement. There are following types of receipt:

- Sales Invoice
- Purchase Invoice
- Travel Invoice
- Expense Invoice.
- Tax returns for Self Assessed Taxes, etc.

Draft of Accountable Receipt

01-01-20 Date

To "The owner (s) of body corporate
which own flat _____ floor _____ Block _____
meeting of the owners of
— X42 — Name of Building

Date & time of the meeting — am / pm
— ,

I hereby acknowledgement receipt of the
instrument of proxy lodged by you.

As the convenor of the meeting. I shall
determine the validity of the instrument
in accordance with section 3(10) (e) (ii) of
the building management ordinance.

Name of the convenor of
the meeting:

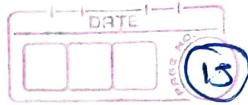
Signature of the convenor
of the meeting,

Vakalatnama For City civil court

District Court:-

- 1) A Vakalatnama is a document in writing appointing a lawyer or pleader to represent the clients matter in a court of law.
- 2) If the Vakalatnama has been duly executed & signed by you then your lawyer to receipt of it through court can appear in the case & represent you. In this you can get your sign notarized so there is no objection to it. The good Vakalatnama should be contain the following:

- a) The date the Vakalatnama would be executed
- b) The name of the case / case which the advocate being appointed.
- c) The name of the court / court which the advocate is being appointed.
- d) The name of the person authorizing the Advocate / Advocates.



Draft of Vakalatnama for city civil Court or
District Court:

VAKALATNAMA

IN THE ~~CIVIL~~ CIVIL COURT OF INDIA

In the matter of :

Appellant (Petitioner)

versus

I/we, _____ Respondent

Petitioner(s) Appellant(s) Respondent(s) in
the above petition / suit / Appeal / Reference
do hereby appoint a retainer Shri _____

Name of the Advocate

Advocate

of the civil court to act & appear for
me/us in the above suit / Appeal / Petition
Reference & on my/our behalf to conduct
& prosecute the same & all proceeding
that may be taken in respect of
any application can be attended by my
appointing advocate in pursuance of this
authority.

Dated this _____ day of _____ 2011

Name of Advocate

Plaintiff(s) Appellant/Petitioner

To,

The Registrar,
Civil Court of India,
New Delhi - 110001

Dated this the _____ day of — 2014

Your faithfully,

Name of Advocate
Advocate of petitioner.
Code No.