THE PROBATE RULES

(Section 9)

G.Ns. Nos.
10 of 1963
107 of 1963
369 of 1963

PART I
PRELIMINARY PROVISIONS (rules 1-3)

1. Citation

These Rules may be cited as the Probate Rules.

2. Interpretation

In these Rules, unless the context otherwise requires–

"Act" means the Probate and Administration of Estates Act *(1);

"certified copy" means a copy examined against the original, marked as certified by the Registrar, Deputy Registrar, District Registrar or District Delegate and sealed with the seal of the Court;

"Minister" means the Minister responsible for legal matters;

"petitioner" means the person applying for grant of probate or letters of administration;

"prescribed fees" means the fees prescribed in the Second Schedule to these Rules;

"Registrar" means the Registrar of the High Court and includes a Deputy Registrar and a District Registrar;

"sealed" means sealed with the seal of the Court.

3. Jurisdiction of District Delegates and Magistrates

Where a District Delegate or a magistrate exercises jurisdiction under the Act then, subject to the limitations imposed by the Act and these Rules, all acts and things directed or allowed to be produced to, lodged or filed with, and all communications directed or allowed to be addressed to or signed and sealed by the court or a Judge or the Registrar under these Rules shall be done by, produced to, lodged or filed with, signed or sealed by and addressed to such District Delegate or magistrate.

PART II
GENERAL PROVISIONS (rules 4-23)

4. Use of forms in First Schedule

The forms in the First Schedule to these Rules, where applicable, and where they are not

applicable, forms of a like character, with such variations as circumstances may require, shall be used. When such forms are applicable any costs occasioned by the use of more prolix forms shall be borne by or disallowed to the party using the same, unless the court shall otherwise direct.

Proceedings (rules 5-8)

5. How entitled

(1) Every proceeding in court under the Act shall be dated and be entitled "Probate and Administration" with the name of the court and the matter to which it relates. Numbers and dates may be denoted by figures as prescribed in Form 1 set out in the First Schedule.

(2) The first proceeding in every matter shall have a distinctive number assigned to it by the Registrar, and all subsequent proceedings in the same matter shall bear the same number.

6. Written proceedings

All proceedings in court shall be written or printed, or partly written and partly printed, on paper of foolscap size; but no objection shall be allowed to any document on account of its being written or printed on paper of other size.

7. Copies

(1) Where the Registrar is satisfied that in any particular case the original will or other document lodged with a petition for grant is not, by reason of its physical condition, satisfactory for purposes of record, he may require a photographic copy or an engrossment to be produced in addition to the original document.

(2) A copy produced under paragraph (1) of this rule shall reproduce the punctuation, spacing and division into paragraphs of the original document.

8. Translation in English

Where any document required under these Rules to be filed with an application or otherwise produced to the court is in any language other than English there shall be attached to such document a translation thereof in English made by a person competent to translate the same and verified by such person by affidavit in the form prescribed in Form 2 the First Schedule.

Notices, Process and Orders (rules 9-12)

9. Notices to be in writing

All notices required by the Act or these Rules shall be in writing unless the Act or these Rules otherwise provide or the court shall in any particular case otherwise order.

10. Process to be sealed

All summons, notices, citations, orders, warrants and other process issued by the court

shall be sealed.

11. Copy of order to be served on petitioner

Where under the Act or these Rules the court makes an order requiring a petitioner to file in or produce to the court any affidavit or other document then, unless such order was made by the court in the presence of the petitioner, a certified copy of the order shall be served upon him.

12. Advertisement in *Gazette*

(1) Whenever the *Gazette* contains any advertisement relating to any matter under the Act the Registrar shall file with the proceedings in the matter a memorandum in the Form 3 set out in the First Schedule referring to and giving the date of such advertisement.

(2) The memorandum by the Registrar shall be *prima facie* evidence that the advertisement was duly inserted in the issue of the *Gazette* mentioned in it.

Service (rule 13)

13. Method

Service of any petition, notice of application, affidavit, caveat, citation, appearance or order of the court required by these Rules or by the court to be served on any party shall be by personal service:

Provided that the court may in any case grant leave for substituted service in such manner as it may direct.

Chamber Applications (rules 14-19)

14. Applications to be *ex parte*

(1) Every application required to be made under these Rules by chamber summons shall, unless otherwise provided, be made *ex parte*:

Provided that, where any party other than the applicant is affected by the application, the court may adjourn the hearing of the application and order that a notice of the application and a copy of the affidavit filed in support thereof be served upon such party.

(2) A chamber summons shall be in the form prescribed in Form 4 set out in the First Schedule.

(3) The notice referred to in the proviso to paragraph (1) shall be in the form prescribed in Form 5 set out in the First Schedule.

15. Length of notice

Where under these Rules or by an order of the court a notice of an application or a copy of an application and copies of any affidavits supporting it are to be served on any party, then, unless the court otherwise directs, such notice and such copies shall be served on such party not less than eight days before the date fixed for the hearing of the application

and such party shall have the right to file a counter-affidavit and to appear and be heard at the hearing of the application.

16. Counter-affidavit

Where a respondent intends to use affidavits in opposition to an application, he shall deliver copies of such affidavits to the applicant not less than two days before the day appointed for the hearing.

17. Hearing

Every chamber summons shall, unless the court otherwise directs, be heard by a Judge in chambers.

18. Filing affidavits

Every affidavit to be used in supporting or opposing any application shall, unless the Judge otherwise directs, be filed with the Registrar not later than the day before the day appointed for hearing.

19. Costs

On any application filed under these Rules the court may make such order or orders as to costs as it deems fit.

Records and Registers (rules 20-21)

20. Record of the court register of wills

(1) All proceedings of the court shall remain on record in the court, and so as to form a complete record of each matter, and they shall not be removed for any purpose except for use by an officer of the court, or by special direction of a Judge:

Provided that the original will shall be removed from the record by the Registrar immediately after the grant and shall be preserved in a safe provided for the purpose.

(2) Where the original will is removed from the record under paragraph (1) of this rule, a certified copy of the will shall be placed on the record.

(3) Wills deposited in a safe shall be numbered consecutively in each court in which they are so deposited and a register of such wills shall be maintained.

21. Register of grants

Every court having power under the Act to issue grant of probate or letters of administration either general, special or limited, or to appoint an administrator, shall keep a register in which shall be entered–

(a) the serial number of the proceedings;

(b) the name of the deceased;

(c) the date of the deceased's death;

(d) the gross value of the estate;

(e) the date of the grant or appointment of the administrator;

(f) the name of the executor or administrator to whom the grant has been made;

(g) whether inventory filed;

(h) whether account filed;

(i) the date when administration completed;

(j) whether any unclaimed assets and how dealt with;

(k) whether caveat filed and by whom; and

(l) if the proceedings became contentious, the number of the suit and the result of the same.

Copies and Search (rules 22-23)

22. Office copies

(1) Office copies of petitions, wills, codicils, grants, affidavits, citations, orders or other proceedings shall be supplied by the Registrar to any person applying for the same and paying the prescribed fees.

(2) The office copies shall, except as to figures, be fairly written at length and be sealed and delivered without any unnecessary delay.

23. Search

(1) Search of the proceedings under the Act or any register maintained under these Rules shall be granted to any person applying for the same and paying the prescribed fee.

(2) Search shall be granted only between the hours 8.30 a.m. to 11.30 a.m. on weekdays.

PART III
PROTECTION OF ESTATES PENDING GRANT (rules 24-25)

24. Appointment of receiver

(1) An application for appointment of a receiver under section 10 of the Act shall be made by chamber summons supported by an affidavit or affidavits showing–

(a) the date of the death of the deceased;

(b) the domicile of the deceased;

(c) whether the deceased died testate or intestate;

(d) whether an application for grant of probate or letters of administration has been made to any court and if so by whom;

(e) the names and addresses of person entitled to inherit the estate;

(f) the estimated gross value of the estate;

(g) the description and value of the property in respect of which the application is made;

(h) the reasons for making the application; and

(i) except where the proposed receiver is the Public Trustee or the Administrator-General, that the person proposed to be appointed as receiver is a fit and proper person to be so appointed.

(2) An affidavit made under this rule shall be in the form prescribed in Form 6 set out in the First Schedule.

(3) An order appointing a receiver shall be in the form prescribed in Form 7 set out in the First Schedule.

25. Sale by receiver

(1) An application by a receiver under section 11 of the Act for an order of sale of any property shall be by chamber summons supported by an affidavit setting out the reasons for making such application.

(2) An order of sale shall be in the form prescribed in Form 8 set out in the First Schedule.

PART IV
RENUNCIATION BY EXECUTORS (rules 26-27)

26. Renunciation

Where an executor renounces his right to probate in writing such renunciation shall be in the form prescribed in Form 9 of the First Schedule.

27. Citation to accept or renounce executorship

(1) An application for a citation directed to the executor or executors renounce appointed by a will calling upon him or them to accept or his or their executorship shall be made by chamber summons supported by an affidavit in the form prescribed in Form 10 set out in the First Schedule, setting out the grounds for such application.

(2) A citation under paragraph I shall be in the form prescribed in Form 11 set out in the First Schedule and shall be served upon the persons named in the citation.

(3) The court issuing the citation shall fix the period within which the persons cited may enter an appearance.

(4) An appearance shall be in the form prescribed in Form 12 set out in the First Schedule and a copy thereof shall be served on the persons who applied for the citation.

(5) Where a person cited makes default in appearance within the time limited for such appearance the Registrar shall endorse on the court record a certificate to that effect.

(6) Where a person cited has entered an appearance but has failed to apply for probate within the period of thirty days from the date of his appearance, the citor may apply to the court by chamber summons supported by an affidavit for an order fixing the time within which the person cited shall apply for grant of probate and Such order shall be in the form prescribed in Form 13 set out in the First Schedule.

(7) A copy of the chamber summons under paragraph (6) and of the affidavit in support thereof shall be served upon the person cited.

(8) Where the court makes an order limiting the time within which a person cited shall apply for grant of probate, and such person has failed to apply for grant of probate within such time, the citor may apply in writing for an order that the person cited shall be deemed to have renounced his right to probate.

PART V
REVOCATION AND ALTERATION OF GRANTS (rules 28-29)

28. Rectification of grant

(1) An application for rectification of a grant under section 48 of the Act may be made by chamber summons supported by an affidavit setting out the grounds for such application.

(2) An order for rectification shall be in the form prescribed in Form 14 set out in the First Schedule.

29. Revocation of grant

(1) An application for revocation or annulment of a grant under section 49 of the Act shall be made by chamber summons supported by an affidavit setting out the grounds for such application.

(2) Notice of an application made under paragraph (1) and a copy of the affidavit filed in support thereof shall be served on the person or persons to whom the grant was made.

(3) An order revoking or annulling a grant shall be in the form prescribed in Form 15 set out in the First Schedule.

(4) When the court has made an order revoking or annulling a grant the Registrar shall cause a notice in the form prescribed in Form 16 set out in the First Schedule to be served, in such manner as he may think fit, upon the person or persons to whom the grant was made requiring him or them forthwith to deliver up the probate or letters of administration to him.

PART VI
PRACTICE AND PROCEDURE IN GRANTING PROBATE AND LETTERS OF

ADMINISTRATION (OTHER THAN SMALL ESTATES) (rules 30-84)

A. Application for Grant (rules 30-53)

General

30. Grant in additional name

Where it is necessary in a grant to describe the deceased by some name in addition to his true name, the petitioner shall together with his petition file an affidavit giving the true name of the deceased and the reason for the inclusion of the other name in the grant.

31. Delay in application

(1) In any case where probate or administration is for the first time applied for after expiration of three years from the death of the deceased, the petition shall contain a statement explaining the delay.

(2) Should the explanation in the petition be unsatisfactory the Court may require such further proof of the alleged cause of delay as it may think fit.

32. Grant to sole administrator

Where an application for letters of administration with or without the will annexed is made by an individual alone such individual shall file together with his petition, in addition to the other documents required to be filed under these Rules, an affidavit in the form prescribed in Form 17 set out in the First Schedule showing that there is no minority or life interest arising under the will or on the intestacy. Such affidavit shall be deposed to by a person able to depose to the facts stated therein.

Probate

33. Petition for probate

(1) A petition for grant of probate shall be in the appropriate form prescribed in Forms 18, 20, 21 and 22 set out in the First Schedule and shall be accompanied by the following documents–

(a) the last will of the deceased and all codicils thereto and, when necessary, a translation thereof;

(b) subject to the provisions of rule 63, a certificate of death of the deceased signed by a competent authority;

(c) an affidavit as to the deceased's domicile at the time of his death; and

(d) the executor's oath.

34. Verification

(1) Verification of a petition by an attesting witness shall be in the form prescribed in

Form 19 set out in the First Schedule.

(2) An application for an order to dispense with verification of a petition for grant of probate by one of the witnesses to the will shall be made by chamber summons supported by affidavit.

(3) The affidavit filed in support of an application under paragraph (2) of this rule shall state the grounds upon which the order is applied for and shall also state what other evidence, if any, of due execution of the will the petitioner can produce.

(4) Where the court makes an order dispensing with verification of a petition for a grant of probate by one of the attesting witnesses it may require the petitioner to produce such other evidence on affidavit as it may consider necessary for the purpose of being satisfied that the will was duly executed by the testator.

(5) An application under this rule shall be filed together with the petition and all other documents required to be lodged therewith:

Provided that, where the court refuses to make an order dispensing with verification of the petition by an attesting witness, the petition and the will shall be returned to the petitioner for verification by such witness to be endorsed therein.

35. Oral wills

(1) Where a petitioner applies under section 25(3) of the Act for grant of probate of an oral will he shall file with his petition the following documents in addition to the documents required to be filed under these Rules–

(a) an affidavit by a person having personal knowledge of the terms of the will setting out such terms and the circumstances under which he became aware of the same; and

(b) subject to the provisions of rule 71, consents in writing to the application for grant from the persons who, if the testator had died intestate, would have been entitled to a share in the estate.

(2) The petition for grant shall give all the facts and describe all the circumstances which may raise a presumption that the testator was a person entitled in law to make an oral will.

(3) The court may require the petitioner to produce further evidence by affidavit or otherwise for the purpose of satisfying itself of the existence of the will, its terms or the circumstances under which it was made.

36. Wills lost or destroyed

(1) Where a petitioner applies under section 25 of the Act for grant of probate of a will which has been lost, misplaced or destroyed and of which no copy or draft is available he shall file with his petition the following documents in addition to the documents required to be filed under these Rules–

(a) an affidavit as to the due execution of the original will by one of the witnesses who

attested the original will or, if no such witness is conveniently available, from any other person who was present when the will was made or who can testify as to the facts which may raise a presumption in favour of due execution;

(b) an affidavit of the contents of the will from any person having personal knowledge of such contents;

(c) an affidavit proving the existence of the will after the death of the testator or, where the will has been destroyed, the circumstances of such destruction; and

(d) subject to the provisions of rule 71, consents in writing to the application for grant from the persons who, if the testator had died intestate, would have been entitled to a share in the estate.

(2) The court may require the petitioner to produce further evidence by affidavit or otherwise for the purposes of satisfying itself as to the existence of the will, its contents or the circumstances in which it was lost, misplaced or destroyed.

37. Probate of copy or draft of will

(1) Where a petitioner applies under section 25 for grant of probate of a copy or draft of a will he shall file with his petition in addition to the documents required to be filed under these Rules an affidavit or affidavits–

(a) showing that the copy produced is an accurate copy of the original will; and

(b) proving the existence of the will after the death of the testator or, where the will has been destroyed, the circumstances of such destruction or where the original is in possession of a person outside Tanzania, that such person has refused or neglected to deliver it up.

(2) The court may require the petitioner to produce further evidence on affidavit or otherwise for the purpose of satisfying itself as to the existence of the original will, the accuracy of the copy or the draft or the circumstances of loss or destruction.

38. Codicil propounded after probate

(1) Where a codicil is propounded after grant of probate and such codicil does not revoke or alter the appointment of the executors who proved the will, such executors may obtain probate of the codicil upon filing a petition for grant supported by the codicil and such petition shall be in the form prescribed in Form 23 set out in the First Schedule.

(2) Where a codicil is propounded after grant of probate and such codicil revokes or alters the appointment of the executors who proved the will, any person named as an executor in the codicil, or, if there be no such person and the codicil has revoked the appointment of the executors under the original will, any person entitled to letters of administration with the will annexed, may apply for grant of probate of the original will and the codicil or letters of administration with the will and the codicil annexed, as the case may be.

(3) An application for grant of probate or letters of administration under paragraph (2) of

this rule shall be by way of petition in the form prescribed in Form 24 or 25 set out in the First Schedule, whichever is appropriate, setting out the date of the grant of the probate of the original will or of letters of administration with the will annexed and the circumstances under which discovery of the codicil was made and such application shall be supported by the consents of the executors who proved the will and by the documents required by those Rules to be filed with an application for grant of probate or letters of administration with a will annexed with the exception, of the testator's death certificate and the affidavit as to his domicile.

Letters of Administration

39. Petition for letters of administration

A petition for letters of administration shall be in the form prescribed in Forms 26 or 27 set out in the First Schedule, whichever is appropriate, and shall be accompanied by the following documents–

(a) subject to the provisions of rule 63 a certificate of death of the deceased signed by a competent authority;

(b) an affidavit as to the deceased's domicile;

(c) an administrator's oath;

(d) subject to the provisions of rule 66, an administration bond;

(e) a certificate as to the financial position of the sureties;

(f) subject to the provisions of rules 71 and 72, consent of the heirs; and

(g) in the case of an application for a grant to a sole administrator, an affidavit as required by rule 32.

40. Petition for letters of administration with the will annexed

A petition for letters of administration with the will annexed shall be accompanied by the will and the documents referred in rule 39.

41. Codicil propounded after grant of letters of administration with will annexed

Where a codicil is propounded after grant of letters of administration with the will annexed and an application is made for grant of probate of the codicil or grant of letters of administration with the codicil annexed the provisions of rule 38 shall apply *mutatis mutandis*.

42. Grants to trust corporations

(1) Where a trust corporation, other than the Public Trustee, applies for a grant, all petitions, applications, oaths, affidavits and other documents whatsoever required to be executed or sworn under these Rules by a proposed executor or administrator may be executed or sworn by any officer of the corporation authorised for the purpose by the corporation and such person shall lodge into the court, a copy of the resolution of the

corporation so authorising him.

(2) A petition for a grant by a trust corporation shall be in the form prescribed in Form 28 set out in the First Schedule and shall contain an averment that the corporation is a trust corporation within the meaning of the Act.

(3) Where the Public Trustee applies for a grant he shall state in the body of the petition that the application is made by him as the Public Trustee.

43. Grants to attorneys

An application for grant of letters of administration by a lawfully constituted attorney of a person residing outside Tanzania shall be in the form prescribed in Form 29, 30 or Form 30A set out in the First Schedule and such attorney shall file with his petition for grant the power of attorney constituting him as such attorney and unless such power of attorney can, under section 94 of the Evidence Act, be presumed to have been executed and authenticated as provided by the said section, the court may require further proof of its due execution.

44. Grant during minority

A petition for grant of letters of administration with or without the will annexed by a guardian of a minor or some other person on behalf of a minor under section 36 of the Act shall be in the form prescribed in Form 31 set out in the First Schedule and shall state in what manner, if any, the petitioner is related to such minor and shall be accompanied by a certificate as to the date of the birth of the minor issued by a competent authority, or, where such certificate is not available, by an affidavit from a person able to depose to the date of the birth of the minor.

45. Grant during unsoundness of mind

A petition for grant of letters of administration with or without the will annexed for the use and benefit of a person of unsound mind under section 37 of the Act shall be in the form prescribed in Form 32 set out in the First Schedule and shall state in what manner, if any, the petitioner is related to such person and shall be accompanied by the following document–

(a) where the person of unsound mind has been committed to a mental hospital under the provision of the Mental Diseases Act *(2), a certificate as to his mental condition by the medical officer in charge of such hospital, or, in any other case, an affidavit as to the mental condition of such person from a medical practitioner under whose care and treatment such person is; and

(b) where the care of the estate of the person of unsound mind has been committed to the petitioner by a competent authority, a certified copy of the order of such authority.

46. Grant in respect of unadministered assets

A petition under section 46 of the Act for grant of letters of administration in respect of

unadministered estate upon the death of a sole or sole surviving executor or a sole or sole surviving administrator shall be in the form prescribed in Form 33 set out in the First Schedule and shall describe and state the value of the estate remaining unadministered and shall be supported by a certificate of the death or an affidavit as to the death of the executor or the administrator and by an affidavit stating that such executor or administrator was the sole or sole surviving executor or administrator, as the case may be.

47. Cessate grant

A petition for the grant of letters of administration upon the expiry of a limited grant shall be in the form prescribed in Form 34 set out in the First Schedule and shall contain a statement showing that the grant originally made has expired and shall describe and state the value of the portion of the estate remaining unadministered.

48. Grant to a creditor

Where a creditor of the deceased applies for a grant of letters of administration under section 33(3) of the Act the petition shall state the amount of the debt and how the same arose.

49. Procedure

A petition for grant under any of the rules 42 to 48 (inclusive) shall, subject to the provisions of any such rule and any exception made by these Rules, be in the same form and be accompanied by the same documents as are required in the case of a petition for a general grant:

Provided that no affidavit as to domicile of the deceased or certificate as to his death shall be required in the case of a petition for grant under rule 46 or 47.

50. Grant *pendente lite*

An application for appointment of an administrator under section 38 pending the determination of any proceedings shall be by chamber summons supported by an affidavit in the form prescribed in Form 35 set out in the First Schedule, setting out the particulars of the proceedings, the gross value and nature of the estate of the deceased, the date of the death of the deceased and a statement as to the fitness of the proposed administrator and shall, subject to the provisions of these Rules, be accompanied by the proposed administrator's oath in the form prescribed in Form 36 set out in the First Schedule and administration bond in the form prescribed in Form 37 set out in the First Schedule.

51. Grant for collection preservation of property

(1) Where an application for letters of administration under section 39 and of the Act is made by a person who has already lodged in the Court a petition for a grant in respect of the same estate, such application shall be made by chamber summons supported by an affidavit in the form prescribed in Form 38 set out in the First Schedule setting out grounds for such application.

(2) In any other case an application for letters of administration under section 39 of the

Act shall be by way of a petition setting out, in addition to the particulars required to be given in a petition for a grant of letters of administration under section 33 of the Act the grounds for such application.

(3) A petition under paragraph (2) shall be in the form prescribed in Form 39 set out in the First Schedule and shall, subject to the provisions of these Rules, be accompanied by the following documents–

(a) subject to the provisions of rule 63, a certificate of the death of the deceased;

(b) an affidavit as to the deceased's domicile;

(c) the proposed administrator's oath in the form prescribed in Form 40 set out in the First Schedule; and

(d) an administration bond in the form prescribed in Form 41 set out in the First Schedule.

52. Letters of Administration for a suit

An application for letters of administration for the purpose of becoming or being made a party to a suit under section 40 of the Act shall be by way of chamber summons supported by an affidavit setting out full particulars of the probate or letters of administration, if any, originally granted in respect of the same estate and the grounds upon which such application is made.

53. Letters of administration of trust property

(1) An application for letters of administration limited to trust property under section 41 of the Act shall be made by petition in the form prescribed in Form 42 set out in the First Schedule, stating–

(a) the date and place of the deceased's death;

(b) whether the deceased died testate or intestate and, if testate, the names and addresses of the executors named in the will or, if intestate, the name and addresses of the relatives;

(c) whether a grant of probate of the will or letters of administration of the estate of the deceased has been made to or applied for by any person and if so, the particulars of the grant or application and the name and address of the grantee or applicant;

(d) description and value of the trust property;

(e) description of the trusts to which the property is subject; and

(f) reasons why a grant of letters of administration limited only to the trust property is required.

(2) A petition under paragraph (1) of this rule shall be accompanied by the following documents–

(a) subject to the provisions of rule 63, a certificate as to the death of the deceased, except where such certificate is already in possession of the court;

(b) the last will and testament of the deceased except where such will and testament is already in possession of the court;

(c) an administration oath in the form prescribed in Form 43 set out in the First Schedule;

(d) an administration bond in the form prescribed in Form 44 set out in the First Schedule;

(e) a certificate as to the financial position of the sureties, if any; and

(f) subject to the provisions of rules 71 and 72, the consent of all the beneficiaries under the trust (except where the petitioner is the sole or the sole surviving beneficiary).

(3) The provisions of these Rules relating to the consent of heirs shall apply to the consent of the beneficiaries required under this rule.

B. Documents Accompanying Application (rules 54-72)

Wills

54. Marking of wills

Every will in respect of which an application for a grant is made shall be marked by the signatures of the petitioner and the witness to the will verifying the petition, or, where verification by such witness has been dispensed with, the deponent of any affidavit filed under paragraph (4) of rule 34:

Provided that where there is no space on the original will for signatures required by this rule or where the original will is in such a condition that compliance with this rule might result in the loss of the will, a photographic copy of the will may be marked in lieu of the original document.

55. Attempted revocation

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 by affidavit or such other evidence as the court may direct.

56. Evidence as to due execution

Where a will contains no attestation clause or the attestation clause is insufficient or where it appears to the court that there is some doubt as to the due execution of the will, then, unless the will is such as is not required to be signed by the testator or attested by witnesses to constitute a valid disposition of the testator's property, the court may, before admitting it to proof, require an affidavit as to due execution of the will from one or more of

the attesting witnesses or, if no attesting witness is conveniently available, from any other person who was present at the time the will was executed.

57. Where no witness available

Where an affidavit required under the preceding rule cannot be obtained or cannot be obtained without undue delay or expense, the court may , upon an application by the petitioner made by chamber summons supported by an affidavit, admit evidence, on affidavit or otherwise, 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.

58. Blind or illiterate testator

Before admitting to proof a will which appears to have been signed by a blind or illiterate 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 may require the petitioner to produce an affidavit from any person it may think fit for the purpose of satisfying itself that the testator had such knowledge.

59. Interlineation

(1) Where there appears in a will any obliteration, interlineation, or other alteration which is not authenticated in the manner prescribed by the Indian Succession Act, 1865 as applied in Tanzania, or by the re-execution of the will or by execution of a codicil, the court shall require the petitioner to produce an affidavit from any person it may think fit to show whether such obliteration, interlineation or alteration was present at the time the will was executed.

(2) After considering the evidence produced under paragraph (1) of this rule the court shall give directions as to the form in which the will is to be proved:

Provided that this rule shall not apply to alterations which appear to the court to be of no practical importance.

60. Where date of the will doubtful

Where there is doubt as to the date of a will the court may require the petitioner to produce an affidavit from such person as it may think fit, for the purpose of establishing the date of the will.

61. Production of deed paper, referred to in will

If from any mark on a will it appears to the court 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 court may require the document to be produced and may require the petitioner to file an affidavit from any person it may think fit for the purpose of satisfying itself whether such document is entitled to probate.

62. Unsigned or unattested will

In any case in which it is not necessary that a will should be signed by the testator or

attested by witnesses to constitute a valid testamentary disposition of the testator's property, the testamentary disposition must be clearly proved by affidavit.

Other Document

63. Death certificate

(1) The death certificate shall specify the date, the place and the cause of the death of the deceased and shall be signed by a person having authority to sign the same.

(2) Where the deceased died outside Tanzania a death certificate from a competent authority at the place where he died shall be filed.

(3) Where, for any reason beyond the control of the petitioner, a death certificate is not available, the petitioner shall file in lieu there of an affidavit from a person who saw the remains of the deceased being interred or cremated or an affidavit from a medical practitioner, duly registered as such in the country where the deceased died, who pronounced the death of the deceased.

64. Affidavit as to the deceased's domicile

The affidavit as to the deceased's domicile shall be in the form prescribed in Form 45 set out in the First Schedule and shall be sworn or affirmed by a person who knew the deceased personally and shall state the facts upon which the court may infer the deceased's place of domicile.

65. Oath

The oath of the executor or the administrator shall be in the form prescribed in Form 47 set out in the First Schedule and shall be sworn or affirmed before a person before whom an affidavit may be sworn or affirmed.

66. Administration Bond

(1) Every administration bond shall, except when the court otherwise orders, be given in double the amount of the gross value of the property for which the grant is to be made and shall be in the appropriate form prescribed in Forms 48 or 49 set out in the First Schedule. The bond shall be signed by the administrator and the sureties, who, except where the court otherwise order, shall be two in number. The signatures of the administrator and the sureties shall be attested by a person before whom an affidavit may be sworn.

(2) No administration bond shall be required to be filed on a petition for a grant of letters of administration by the Public Trustee or the Administrator-General.

(3) No surety shall be required on a petition for a grant of letters of administration by a trust corporation (other than the Public Trustee) except where the court otherwise directs.

(4) Unless otherwise directed by order of the court, no person shall be accepted as a surety unless he is resident in Tanzania.

(5) Where a corporation (other than a trust corporation) has executed a bond as a surety,

there shall be filed an affidavit in the form prescribed in Form 50 set out in the First Schedule made by a proper officer of the corporation to the effect that it has power to act as surety and has executed the bond in the manner prescribed by its constitution and shall contain sufficient information as to the financial position of the corporation to satisfy the court that its assets are sufficient to satisfy all claims which may be made against it under the bond.

67. Order dispensing with bond or sureties

(1) An application for an order dispensing with a bond or sureties or both or for an order accepting one surety instead of two shall be made by chamber summons supported by an affidavit giving reasons why the order applied for should be made.

(2) An application under paragraph (1) of this rule shall be lodged together with the petition and all other documents required to be lodged therewith except the administration bond.

68. Assignment of administration bond

(1) An application under section 68 of the Act for an order to assign an administration bond shall be by way of petition in the form prescribed in Form 51 set out in the First Schedule, signed by the applicant and his advocate, if any, and verified by the applicant.

(2) A copy of the petition shall be served upon the administrator and each of the sureties.

(3) The petition shall be heard and determined in chambers on a date and at a time appointed by the Registrar.

(4) A notice of the hearing date in the form prescribed in Form 52 set out in the First Schedule shall be served on the petitioner and each of the persons upon whom a copy of the petition is required to be served.

(5) An order assigning a bond shall be in Form 53 set out in the form prescribed in the First Schedule.

69. Certificate of surety's financial position

(1) A certificate as to a surety's financial position shall be in the form prescribed in Form 54 set out in the First Schedule and shall be attested by a person before whom an affidavit may be sworn.

(2) No certificate as to a surety's financial position shall be required where the surety is a corporation.

70. Sureties to to justify in certain cases

In the following cases the surety or sureties shall file a justification of their security in the form prescribed in Form 55 set out in the First Schedule–

(a) where any person takes out letters of administration in default of the appearance of a person cited to accept or refuse a grant who has not been personally served with

the citation; or

(b) where application is made for grant of probate or administration for the use and benefit of an infant or a person of unsound mind:

Provided that this rule shall not apply in any case in which no sureties are required under the Act or these Rules or by order of the court, or where the court on an application by a petitioner dispenses with justification from any surety.

71. Consent

(1) Where an application for the grant of letters of administration is made on an intestacy the petition shall, except where the court otherwise orders, be supported by written consent of all those persons who, according to the rules for the distribution of the estate of an intestate applicable in the case of the deceased, would be entitled to the whole or part of his estate.

(2) Where the deceased died testate and an application is made for the grant of letters of administration with the will annexed, written consent shall, unless the court otherwise orders, be required of the following persons–

(a) the universal or residuary legatee; and

(b) such person or persons, being beneficiaries under the will, as would have been entitled to the whole or part of the testator's estate had the testator died intestate.

(3) Where a person whose consent is required is an infant or a person of unsound mind consent may be given on his behalf by his guardian.

(4) Consent shall be in the form prescribed in Form 56 set out in the First Schedule and shall be signed by the person or persons giving the same and attested by any person before whom an affidavit may be sworn.

72. Where consent not available

(1) Where a person whose consent is required under these Rules refuses to give such consent, or if such consent cannot be obtained without undue delay or expense, the petitioner shall, together with his petition for grant, file an affidavit giving the full name and address of the person whose consent is not available (where such name and address are known) and giving the reasons why such consent has not been produced.

(2) Where an affidavit under paragraph (1) is filed, the court may make an order either dispensing with such consent or requiring a citation in the form prescribed in Form 57 set out in the First Schedule to be served upon the person whose consent is not available.

(3) Where the court makes an order under paragraph (2) of this rule requiring service of a citation the Registrar shall call upon the petitioner to pay the prescribed fees for such citation and service and upon receipt of such fees shall cause the citation to be served.

(4) The Court may at any time and for sufficient reason shown vary, alter or rescind any order made under this rule or make such order in lieu of an order requiring personal service

of citation as it may deem fit.

C. Citations (rules 73-76)

73. Order for citation to issue

Where an application for grant of probate or letters of administration with or without the will annexed is required to be made by way of petition, on receipt of such petition and such other documents as are required to be filed therewith the Registrar shall submit the same to a Judge in chambers, who, if he is satisfied that the application and the supporting documents are in order and no further evidence or proof is required, shall endorse on the record an order directing the Registrar to publish a general citation:

Provided that where the application is made under section 38 or section 39 of the Act, the Judge may dispense with General citation and may order the letters of administration applied for be granted forthwith.

74. Where an application by chambers is required

Where an application for grant of letters of administration is required to be made by chamber summons then at the hearing of such application the court may, if it thinks necessary in the interest of the estate, make an order for publication of a general citation prior to the grant being made.

75. General citation

A general citation shall be in the form prescribed in Form 58 set out in the First Schedule and shall be exhibited in some conspicuous part of the court house and published in the *Gazette* and such other newspaper or periodical (if any) as the Judge may direct.

76. Grant where citation published

Where a general citation is required to be publish by these Rules or by the court no probate of a will or letters of administration shall be granted until after the expiration of fourteen clear days from the date of the last publication of such citation and unless no caveat or objection has been lodged during that period.

D. Production of Documents and Examination by Court (rules 77-81)

77. Application for order to produce testamentary paper

(1) An application under section 60(1) of the Act for an order directing any person to produce any testamentary writing or paper shall be by chamber summons supported by an affidavit setting out the reasons for such application.

(2) Where the court is satisfied that reasons exist for belief that the alleged paper or writing is in the possession of or under the control of the person named in the application it shall direct the Registrar to issue a summons in the form prescribed in Form 59 set out in the First Schedule requiring such person to produce and bring into the court such paper or writing within the period specified in the order.

(3) Where any paper or writing purporting to be testamentary is produced before the court under this rule or rule 78 the court may make such order with regard to its custody as it may deem fit.

78. Application for examination

(1) An application under section 60(2) of the Act for examination of any person alleged to have any knowledge of any testamentary paper or writing or of an oral will shall be by chamber summons supported by an affidavit setting out the reasons for such application.

(2) Where the court is satisfied that reasons exist for the belief that the person named in the application has knowledge of the alleged testamentary paper or writing or oral will it shall direct the Registrar to issue a summons in the form prescribed in Form 60 set out in the First Schedule requiring such person to appear before it on the day named in the summons to answer such questions as may be put to him by the court.

(3) Examination of any person appearing in court pursuant to an order made under this rule shall be on oath unless the court otherwise directs.

79. Penalty for default

A person summoned under rule 77 or 78 shall be liable for the same penalties for default as are prescribed in the Civil Procedure Code *(3) in relation to witnesses summoned to give evidence or produce documents.

80. Examination of the petitioner

Where under section 61 of the Act the court requires to examine the petitioner in person on oath the Registrar shall appoint a date and time for such examination and shall serve a notice of the same in the form prescribed in Form 61 set out in the First Schedule on the Petitioner.

81. Further evidence

Where under section 61 of the Act the Court requires further evidence of any of the matters stated therein it shall direct whether such evidence is to be furnished by affidavit or otherwise.

E. Contentious Proceedings (rules 82-83)

82. Caveat and procedure subsequent thereto

(1) A caveat shall be in the form prescribed in Form 62 set out in the First Schedule and shall be attested by a person before whom an affidavit may be sworn.

(2) An application under section 59(2) of the Act for a citation to a caveator shall be in writing in the form prescribed in Form 63 set out in the First Schedule.

(2A) Where a petitioner fails to make an application under section 59(2) of the Act within thirty days after the petition or the caveat has been lodged, whatever is the later, the Registrar shall cause a notice in the form prescribed in Form 63A set out in the First

Schedule to be served upon the petitioner requiring him to lodge such application within a further period of twenty-one days from the date of the service of the notice.

(2B) Where a notice under paragraph (2A) of this rule has been served upon a petitioner and he fails to lodge an application under section 59(2) of the Act within twenty-one days from the date of the service thereof, his petition shall be deemed to have been withdrawn.

(2C) Service of a notice under paragraph (2A) of this rule shall be by personal service either on the petitioner or his advocate through whom the petition was lodged or by registered post.

(2D) Where a petition is deemed to have been withdrawn under the provisions of paragraph (2B) of this rule it shall be open to the petitioner to apply to the court for the restoration of the petition and where it appears to the court that it is just and equitable to restore the petition it shall make an order restoring the petition upon such terms as to costs or otherwise as it deems fit:

Provided that no petition shall be restored under this paragraph so long as any grant by any court in Tanzania of probate or letters of administration of the estate concerned in favour of any other person is subsisting.

(2E) An application for the restoration of a petition shall be by chamber summons supported by an affidavit giving reasons why the order applied for should be made and shall be accompanied by an application under section 59(2) of the Act.

(2F) A copy of an application for the restoration of a petition and a copy of the affidavit lodged in support thereof shall be served upon the caveator.

(3) Upon receipt of an application under paragraph (2) the Registrar shall issue a citation in the form prescribed in Form 64 set out in the First Schedule to the caveator calling upon him to state, within a period of thirty days from the date of the service of the citation upon him, whether he supports the grant of probate or letters of administration to the petitioner, and, if he does not, requiring him to enter an appearance.

(4) Appearance by a caveator shall be in the form prescribed in Form 65 set out in the First Schedule and shall be accompanied by an affidavit stating the right and interest of the caveator and the grounds of the objection to the petitioner's application for grant.

(5) A copy of the appearance and the affidavit filed under the preceding rule shall be served upon the petitioner.

(6) Where a caveator enters an appearance the proceedings shall be numbered as a suit and the Registrar shall appoint a date upon which the suit shall be listed before a Judge in Court for such orders as to pleadings and date of the hearing as the Judge may make.

83. Contentious proceedings before a District Delegate

Where an application for grant of probate or letters of administration has been made to a District Delegate in respect of an estate the gross value of which exceeds fifteen thousand shillings and a person who has filed a caveat against such application has entered an appearance, the District Delegate shall upon receipt of the appearance and the affidavit in

support thereof forward the record of the proceedings to the Registrar who shall proceed as required by paragraph (6) of rule 82.

F. Grants (rule 84)

84. Form and signature of grants

Every grant of probate or letters of administration with the will annexed shall be in the appropriate form prescribed in Form 66, 67, 68, 69, 70, 71, 72, 73, 74 or 75 set out in the First Schedule and shall be signed by the Registrar and sealed.

PART VII
ADMINISTRATION OF SMALL ESTATES (rules 85-95)

85. Application

An application for appointment of an administrator under Part VII of the Act shall be by petition in Form 76 set out in the First Schedule.

86. Written wills

Where the deceased has left a written will, a petition under rule 85 shall be accompanied by the original will and, unless oral evidence in support of the petition is to be given, by an affidavit as to its due execution from one of the attesting witnesses or by an affidavit testifying as to such matters which may raise a presumption in favour of the due execution of the will.

87. Oral wills

Where the deceased made an oral will or where the written will has been lost or destroyed and no draft or copy thereof is available then, unless oral evidence in support of the petition is to be given, the petition shall be accompanied by an affidavit of a person having personal knowledge of the terms of the will setting out such terms, the circumstances under which he became aware of the same and such other facts which may raise a presumption in favour of the validity of the alleged will.

88. Copy of will

Where only a copy of a will is available the petition shall be accompanied by an affidavit showing the correctness of the copy, validity of the original will and reasons why the original will has not been produced.

89. Where application by by person other than executor named in will

(1) Where an application for appointment of an administrator is made someone other than the person or persons named in the will of the deceased as executor or executors thereof the application shall be supported by written consent of such executor or executors.

(2) The provisions of the rules relating to consent of the heirs shall apply to consent of executors under this rule.

90. Further proof

In all cases in which the court is in doubt as to any matter relating to any will it shall call for such further evidence, on affidavit or otherwise, as it shall consider necessary.

91. Death certificate, evidence as to domicile and undertaking

Every petition under this part shall be accompanied by a certificate as to the death of the deceased, an affidavit as to the domicile of the deceased and an undertaking to administer the estate faithfully in the form prescribed in Form 77 set out in the First Schedule.

92. Security

Where the court makes an order requiring an administrator of a small estate to furnish security it shall specify what form such security shall take.

93. Appointment

An appointment of an administrator of a small estate shall be in Form 78 set out in the form prescribed in the First Schedule.

94. Rules not to apply

The provisions of Parts IV, V and VI of these Rules (other than the provisions of rules 30, 31, 32, 63, 77, 78, 79 and 80) shall not apply to proceedings under Part VIII of the Act.

95. Appeals

Appeals under section 83 of the Act shall be in accordance as nearly as may be with the provisions of the Civil Procedure Code *(4) and rules of court governing appeals and subject to the same fees, so far as the same shall be applicable.

PART VIII
ESTATE ADMINISTERED IN ACCORDANCE WITH CUSTOMARY LAW AND CUSTOM (rule 96)

96. Application

An application under section 88 of the Act shall be by chamber summons supported by an affidavit setting out grounds for such application and showing whether any proceedings in respect of the estate have been filed or are pending in any court.

PART IX
RESEALING (rules 97-104)

97. Jurisdiction

All proceedings under Part X of the Act shall be commenced in the High Court at Dar-es-Salaam and all necessary papers shall be lodged with the Registrar.

98. Application

An application for sealing of a probate or letters of administration shall be by chamber summons supported by an affidavit and accompanied by the probate or letters of administration and a copy thereof.

99. Publication of notice

Notice of an application under rule 97 shall be in the form prescribed in Form 79 set out in the First Schedule and shall be published in the *Gazette* and no order shall be made thereon until the expiration of fourteen days after such publication.

100. Objections

Any person wishing to object to an application for sealing of a probate shall have the right to appear and be heard at the hearing of the application.

101. Inventory and valuation

An inventory and valuation of property in respect of which the application is made must be lodged with the Registrar not less than seven days before the date fixed for the hearing of the application.

102. Certification of copy

The Registrar on receiving probate or letters of administration under rule 97 shall cause the copy lodged therewith to be compared with that to be produced to the court and on its conforming therewith shall endorse a certificate to that effect upon the copy which shall be retained by the court.

103. Order

Upon the court making an order for sealing a probate or letters of administration the Registrar shall endorse thereon under the seal of the court a certificate in the following terms–

"Sealed in the High Court of Tanzania by order of the Court dated .....

Registrar".

104. Original to be returned to applicant

The probate or letters of administration, when sealed by the High Court, shall be returned to the person who produced the same:

Provided that all court fees, costs and charges incidental thereto have first been paid.

PART X
EXECUTORS AND ADMINISTRATORS (rules 105-113A)

105. Direction to executors or administrators

An application to the court for directions to an executor or administrator in regard to the estate or in regard to the administration thereof shall be by chamber summons supported by

an affidavit giving full particulars of the directions sought and reasons for the same.

106. Inventory

An inventory required to be exhibited by an executor or an administrator under section 107 of the Act shall be in Form 80 set out in the First Schedule.

107. Accounts

An account of the estate required to be exhibited by an executor or an administrator under section 107 of the Act shall be in Form 81 set out in the First Schedule and shall contain a statement showing in what proportion and to whom the residue is proposed to be paid.

108. Notice annexed to grant

There shall be annexed to every probate and letters of administration a notice in the form prescribed in Form 82 set out in the First Schedule drawing the attention of the executor or the administrator to the provisions of section 107 of the Act and rule 109 of these Rules.

109. Application for extension of time to file inventory or account

(1) An application for extension of time to exhibit an inventory or account shall be made by chamber summons supported by an affidavit stating the reasons for such application.

(2) An application under this rule shall be made before the expiry of the period within which the executor or the administrator is required by the court to file the inventory or account.

110. Final requisition

(1) Where an executor or administrator fails to exhibit an inventory or account within the period specified in section 107 or within the time last appointed by the court, the court shall make an order requiring him to exhibit such inventory or account within such further period as it may think fit and the Registrar shall cause a notice in the form prescribed in Form 83 set out in the First Schedule to be served upon the executor or administrator notifying him of the order of the court and the consequences of non-compliance therewith.

(2) Service of the notice under this rule shall be by personal service or, where in the opinion of the Registrar personal service cannot be effected or cannot be effected without undue delay or expense, by registered post or by affixing a copy of the notice in some conspicuous place in the court house and also some conspicuous part of the house in which the executor or the administrator is known to have last resided or carried on business or personally worked for gain.

111. Notice to creditors

Every executor and administrator empowered to distribute the assets of the deceased shall, within sixty days of his appointment, cause a notice in the form prescribed in Form 84 set out in the First Schedule to be published in the *Gazette* requiring any person having any claim against such assets to inform such executor or administrator within such time, not

being less than two months from the date of the notice, as may be fixed in the notice.

112. Payment into court on account of minor

(1) Where under section 124(1) of the Act any other law for the time being in force an executor or administrator pays any money or security or delivers any thing into the court to the account of a person entitled to such money, security or thing under the will or on intestacy, he shall at the time of making such payment or delivery, file an affidavit stating–

(a) the court which granted the probate or letters of administration;

(b) the number of the proceedings in which and the date on which the grant was made;

(c) the name, age and address of the last known address of the person to whose account the payment or delivery is being made;

(d) the reasons why payment or delivery into court is being made;

(e) where the payment or delivery is being made to the account of a minor entitled under a will, whether there is any direction in the will to pay or deliver the legacy to any person on behalf of the minor, and if so, why such payment or delivery cannot be made; and

(f) the amount of the money or particulars of the security being paid or the description and value of the thing being delivered into the court.

(2) Where any money or security is paid or thing is delivered into the court under this rule, the Registrar shall, on the receipt of the money, security or thing and of the prescribed fee, cause a receipt to be issued for the money, security or thing so received to the executor or the administrator paying or delivering the same.

113. Investments of legacies

(1) Where under section 121 of the Act an executor or an administrator is required to invest any sum of money, he shall invest such sum as follows–

(a) in any manner authorised by law for the investment of trust funds; or

(b) by way of fixed deposit with a bank approved by the Minister; or

(c) in the savings bank which is deemed to be duly constituted; or

(d) in such other security as the court may approve on application of the executor or administrator.

(2) An application for approval under paragraph (1)(d) of this rule shall be by chamber summons supported by affidavit.

(3) Where under section 124 of the Act any sum of money is paid into the court to the account of a minor legatee, such sum of money shall, unless the court otherwise directs, be invested in purchasing securities authorised by law for investment of trust funds.

113A. Applications for payment

An application for payment or transfer to any person of any money or security or thing paid or delivered into court in accordance with the provisions of rule 112 shall be by way of chamber summons and all persons who appear to be interested in the money or security or thing shall be served with notice of the application unless the court shall otherwise direct.

PART XI
MISCELLANEOUS PROVISIONS (rules 114-118A)

114. Will of living persons deposited with High Court

(1) Wills of living persons may be deposited in the Registry of the High Court at Dar-es-Salaam.

(2) Wills to be deposited under this rule shall be delivered either personally to the Registrar by the testator or his agent or sent to him by registered post.

(3) Every will delivered or sent to the Registrar under this rule shall be in a sealed envelope.

(4) Where the testator himself deposits his will, he shall be required to sign his name, or acknowledge his signature in the presence of the Registrar, to an endorsement on the envelope in which the will is enclosed in the Form 85 set out in the First Schedule.

(5) Where the testator sends his will to the Registrar by registered post or by the hand of an agent the envelope shall be endorsed as required by the preceding paragraph and the endorsement shall be signed by the testator and attested by a person before whom an affidavit may be sworn.

(6) Where the Registrar receives a will under this rule he shall deliver to the testator or his agent or send to the testator by registered post a certificate of the deposit in the Form 86 set out in the First Schedule.

(7) Sealed packets containing wills received under this rule shall be numbered consecutively and a register of such packets shall be maintained.

(8) All sealed packets containing wills received under this rule shall be preserved in a safe to which only the Registrar shall have access.

(9) On the death of a testator who has deposited a will under this rule an executor named as such on the endorsement on the envelope, or where no such executor is living or all such executors have renounced, then any person entitled to letters of administration with the will annexed under section 29 of the Act may apply in writing to the Registrar for a copy of the will.

(10) An application under the preceding paragraph shall be accompanied by the following–

(a) a certificate as to the date of the death of the testator or, where such certificate is

not available, such evidence as to his death as is admissible under rule 63;

(b) the certificate of deposit in respect of the will issued under paragraph (6) of this rule or, where such certificate has been lost or destroyed, an affidavit as to the circumstances of such loss or destruction;

(c) an affidavit from the applicant stating–

(i) that he is the executor named in the will; or

(ii) that all the executors named in the will have renounced or are dead and that he is a person entitled to letters of administration with the will annexed.

(11) The Registrar may, if he thinks it necessary, require an applicant under paragraph 9 to attend and acknowledge before him or a District Registrar or the Deputy Registrar that he is an executor named in the will or a person who may reasonable be considered as entitled to letters of administration with the will annexed.

(12) On receipt of an application under paragraph 9 and upon being satisfied as to the identity of the applicant the Registrar shall open the envelope containing the will and cause it to be copied.

(13) The copy of the will shall be certified by the Registrar as being a true copy of the original document deposited in the Registry and shall be delivered to the person applying for the same upon payment by him of the prescribed fee.

(14) Where under this rule a will has been deposited in the Registry at Dar-es-Salaam, application for grant of probate of the will or for letters of administration with the will annexed or for appointment of an administrator shall be accompanied by a copy of such will certified by the Registrar as provided in paragraph (13) of this rule, and the petition for grant or application for appointment shall state that the original will is in the custody of the Registrar of the High Court at Dar-es-Salaam.

(15) On receipt of an application for grant or appointment of an administrator under the preceding rule the court to which such application has been made shall certify to the Registrar that such application has been received, and upon receipt of such certificate the Registrar shall send the original will to the court to which the application has been made, and such court shall deal with the original will in the same manner as though it had been lodged by the applicant together with the application.

(16) Where under paragraph (14) of this rule a certified copy of the will is lodged with an application for grant of probate or letters of administration, such certified copy shall be marked as required by rule 54 in lieu of the original document.

(17) Where under paragraph (15) of this rule the Registrar parts with the possession of a will which has been deposited with him he shall place in the safe in lieu of the original document a certified copy of the same.

115. Returns by District Delegates and Magistrates

(1) At the end of every month every District Registry, District Delegate and District Court,

exercising jurisdiction under this Act and these Rules, shall submit to the Registrar of the High Court at Dar-es-Salaam returns of grants and appointments made in such District Registry or by such District Delegate or District Court during the month.

(2) The returns under paragraph (1) of this Rule shall show–

(a) the date and number of the application;

(b) the name and address of the applicant;

(c) the name and address of the deceased and the place and date of his death;

(d) the gross value of the estate;

(e) the nature of the grant or appointment made;

(f) the name and address of the person to whom the grant has been made or who has been appointed administrator;

(g) the name of the Judge, District Delegate or Magistrate issuing the grant or making the appointment.

115A. Defective application

(1) Where it appears to the court that any petition or application or any document filed therewith is defective in substance or form it may make an order–

(a) requiring the petitioner or applicant or his advocate to file a fresh petition, application or document amended in such respects as may be specified in the order or to show cause why no such amended petition, application or document should be required; or

(b) requiring the petitioner or applicant or his advocate to show cause why the petition or application should not be rejected.

(2) Where the court makes an order under paragraph (1) of this rule the Registrar shall cause a notice to be served on the petitioner or applicant or his advocate directing him–

(a) to file an amended petition, application or document or to apply for a date to be fixed for him to show cause why such amended petition, application or document should not be required, within the time specified in the notice; or

(b) to appear on the date specified in the notice to show cause why the petition or application should not be rejected, as the case may be:

Provided that the time for filing an amended petition, application or document shall not be less than fifteen days from the date of the service of the notice upon the petitioner or applicant or his advocate.

(3) Service of a notice under the preceding paragraph shall be by personal service or by registered post.

(4) If a petitioner fails to comply with an order of the court made under this rule his petition or application in respect of which the order is made or to which the document in respect of which the order is made relates, may be rejected by the court but such rejection shall not be a bar to the petitioner or applicant filing a fresh petition or application in respect of the same matter.

116. Effect of non-compliance with rules

Non-compliance with any of these Rules, or any rules amending or replacing the same, shall not render any proceeding void unless the court shall so direct, but such proceeding may be set aside either wholly or in part, as irregular, or amended or otherwise dealt with in such manner and upon such terms as the court may think fit.

116A. Return of documents and refund of fees in case of withdrawal or rejection

(1) Where any petition or application is withdrawn by petitioner or applicant or is deemed to have been withdrawn under the provisions of rule 82 or is rejected under the provisions of rule 115A the Registrar shall return to the petitioner or applicant upon his request in writing any of the documents required by these Rules to be filed with such petition or application.

(2) The petitioner or applicant, whose petitioner or application has been withdrawn, or is deemed to have been withdrawn or is rejected, shall not be entitled to a refund of any court fees paid by him in respect of such petition or application except where the court for special reasons otherwise orders.

117. Court fees and revocation

(1) The fees specified in the Second Schedule hereto shall be leviable in respect of the several matters and proceedings mentioned therein.

(2) [Omitted: The subrule revokes Head V of the Schedule to the Court Fees Rules *(5).]

118. Remission of fees

(1) The Court may for reasons of poverty or other good cause remit in whole or in part the fees or any of the fees payable under these Rules.

(2) An application for remission of fees under this rule shall be by way of chamber summons supported by an affidavit giving grounds for such application.

(3) Where the Court makes an order remitting any fee wholly or in part it shall record its reasons for doing so.

(4) No fee shall be payable on an application under this rule.

118A. Revocation

[Revokes the Probate (Resealing) Rules.]

FIRST SCHEDULE
FORMS

FORM 1
HEADING OF DOCUMENTS FILED UNDER THE RULES

(Rule 5)

IN THE HIGH COURT OF TANZANIA

(or IN THE COURT OF DISTRICT DELEGATE OF ..... DISTRICT) AT .....

PROBATE AND ADMINISTRATION

CAUSE NO. ..... OF 20.....

In the Matter of the Estate of the Late .....

and

In the Matter of Application for .....
By .....
.....

FORM 2
AFFIDAVIT VERIFYING TRANSLATION OF A DOCUMENT

(Rule 8)

(Title)

I, C.D. of ..... make oath and say as follows–

1. That I am well acquainted with (Kiswahili) and English languages and have had experience in translation of documents from (Kiswahili) into English (*state qualifications, ii any*).
.....
.....

2. That the paper writing marked "A" is a true and faithful translation of .....
.....
(*descriptions of the document translated*) marked B which is in (Kiswahili) language.

Sworn, etc.

FORM 3
MEMORANDUM OF ADVERTISEMENT

IN *GAZETTE*

(Rule 12)

(Title)

I, ... the Registrar of the High Court, hereby certify that the following advertisement appeared in the *Gazette* of ..... (*date of publication*) as G.N. ..... (*here state the number of the notice*) a copy whereof is annexed hereto.

Date: ....
Registrar

FORM 4
CHAMBER SUMMONS

(Rule 14)

(Title)

Made under section ..... of the Probate and Administration of Estates Act (or Rule ..... of the Probate Rules)

LET ALL PARTIES (*or where application is ex parte*, LET THE PARTY) concerned appear before His Honour the Sitting Judge in Chambers on the ..... day of ..... 20..... at ..... o'clock in the forenoon or so soon thereafter as Counsel (*or the Applicant*) can be heard on an application for: .....
.....
..... *(Set out the orders applied for)*

The affidavit of ..... hereunto annexed will be read in support of the application.

Dated this ..... day of ..... 20.....

.....
Registrar

This summons has been taken out by .....

FORM 5
NOTICE OF APPLICATION

(Rule 14(2))

(Title)

To: .....

WHEREAS C.D., of ..... has filed an application applying for (*state the orders applied for*) ....

AND WHEREAS the Court has made an order that notice of the application be served upon you.

TAKE NOTICE that the aforesaid application will be heard by a Judge in chambers at ..... in the ..... noon on ..... day of ..... 20..... A copy of the affidavit filed in support of the application is annexed hereto.

Your attention is invited to rules 16 and 18 of the Probate Rules.

Dated this ..... day of ..... 20.....

.....
Registrar

FORM 6
AFFIDAVIT IN SUPPORT OF APPLICATION FOR APPOINTMENT OF RECEIVER PENDING GRANT

(Rule 24)

(Title)

I, ... of ..... make oath and say as follows–

(1) That A.B. ..... (full designation) late of (full address) ..... deceased, died on ..... at .....

(2) That the said deceased was at the time of his death domicile in .... (A *clause should be added showing the grounds upon which the assert is made*).

(3) That the said deceased died testate having made and duly executed a Will dated ..... (and Codicils dated ..... respectively (or that the said deceased died intestate).

(4) (Here state if any application for grant of probate or letters of administration made and, if made, state to which Court, date of the application, the name of the applicants and the cause number.)

.....
.....
.....
.....
.....

(5) The following persons are entitled to inherit the deceased's estate:

.....
.....
.....
.....
.....
.....

(Give full names and addresses)

(6) That the total value of the estate is likely to be in the region of Shs. .....

(7) That an order for appointment of a receiver is sought in respect of the following property:

.....
.....
.....
.....

(Description of the property)

(8) That there is danger that the said property may be wasted because (*give reasons*).

.....
.....

(9) That I have known C.D., the proposed receiver, for the last ..... years.

(10) That the said C.D. is a person of respectability and integrity and of good credit and I verily believe that he is a fit and proper person to be appointed receiver.

Sworn, etc.

FORM 7
ORDER APPOINTING RECEIVER PENDING GRANT

(Section 10, rule 24)

(Title)

Upon application of C.D. and upon reading the affidavit of C.D. in support thereof and upon hearing X.Y., advocate for the said C.D., the Court DO HEREBY APPOINT R.S. .... (*full designation and address*) to receive .... (*description of the property*) until such time as a grant of probate of the Will (or letters of administration of the estate) of A.B., deceased, shall have been made to some person AND IT IS ORDERED that the said R.S. do on or before ..... give security as such receiver by ..... (*form of security*) 1(6) and do submit his account of the said property on ..... and pay into the Court the amount due from him upon such account.

Dated at ..... this ..... day of ..... 20.....

By Court,

.....
Registrar

FORM 8
ORDER FOR SALE OF PROPERTY

(Section 11, rule 25)

(Title)

Upon application of C.D., the receiver of .... (*state the property of which the applicant is receiver*) appointed by the Court on ..... (*date of appointment*) and upon hearing X.Y., advocate for the said C.D., the COURT DO HEREBY ORDER the said C.D., to sell the said property by public auction (or private treaty, *as the case may be*) and deposit the proceeds of such sale into this Court (*or state any other manner in which the Court directs the proceeds to be disposed of*).
.....
.....
.....
.....
.....

Dated at ..... this ..... day of ..... 20.....

By Court,

.....
Registrar

FORM 9

RENUNCIATION OF PROBATE

(Rule 26)

(Title)

WHEREAS A.B., of ....., deceased, died on the ..... day of ..... 20....., at ...., having made and duly executed his last Will and testament, bearing date the ..... day of ..... 20....., and thereof appointed the undersigned C.D., sole executor.

Now I, the said C.D., do hereby renounce all my right and title to the probate and execution of the said Will.

Signed by the said C.D. this ..... day of ..... 20..... in my presence ..... (witness) ..... (Address) .....

FORM 10
AFFIDAVIT IN SUPPORT OF APPLICATION FOR CITATION TO ACCEPT OR RENOUNCE EXECUTORSHIP

(Rule 27(1))

(Title)

I, C.D., of ..... make oath and say as follows–

1. That A.B., of ..... deceased, died on the ..... day of ..... 20..... having made and duly executed his last Will and testament bearing date the ..... day of ..... 20..... and thereof appointed X.Y. sole executor.

2. That the said X.Y. has not as yet applied for grant of probate of the said Will nor has any other person applied for letters of administration with or without the Will annexed of the estate of the said deceased.

3. That I am ..... (*relationship with the deceased*).

4. That I am desirous of obtaining letters of administration of the estate of the said deceased.

5. That the estimated gross value of the estate of the said deceased is likely to be in the region of Shs. .....

Sworn, etc.

FORM 11
CITATION TO ACCEPT OR RENOUNCE EXECUTORSHIP

(Rule 27(2))

(Title)

To: .....

WHEREAS it appears by the affidavit of C.D. sworn/affirmed the ..... day of ..... 20..... that A.B., of ..... died on the ..... day of ..... 20....., at .... having made and duly executed his last Will and testament dated the ..... day of ..... 20....., and thereof appointed you, the said X.Y., executor.

Now this is to command you, the said X.Y., that within ..... days after service hereof on you, inclusive of the day of such service, you do cause an appearance to be entered by you in the High Court Registry at ..... and accept or refuse probate of the said Will. And take notice that, in default of you so appearing you shall be deemed to have renounced your right and title to the execution of the said Will.

Dated at ..... this ..... day of ..... 20.....

.....
Registrar

FORM 12
APPEARANCE TO CITATION

(Rule 27(4))

(Title)

CITATION DATED THE ..... day of ..... 20.....

Name of the deceased: .....

Name and address of the citor: .....

Interest of the citor as shown in the citation: .....

Name and address for service of the person cited: ....

Interest of the person cited: .....

ENTER AN APPEARANCE for the above-named person cited: .....

Dated at ..... this ..... day of ..... 20.....

.....
(Signature of person cited or his advocate)

FORM 13
ORDER TO APPLY FOR PROBATE WITHIN LIMITED TIME

(Section 19, Rule 27(6))

(Title)

Upon application of C.D., of ..... and upon reading the affidavit of C.D., in support thereof and upon hearing, etc., IT IS HEREBY ORDERED that X.Y., of ..... being the person (one of the persons) named as executor in the Will of .... bearing date the ..... day of ..... 20..... do apply to this Court for grant of probate of the said Will and that if he shall fail so to do within ..... days from the date of this order he shall be deemed to have renounced his right thereto.

Dated at ..... this ..... day of ..... 20.....

By Court

.....
Registrar

FORM 14
ORDER FOR RECTIFICATION OF GRANT

(Rule 28)

(Title)

Upon reading the application of C.D., ... of ..... and upon reading the Affidavit of the said C.D. in support thereof and upon hearing, etc. etc., IT IS ORDERED that the grant of probate (or letters of administration) of the Will (or of the estate) of A.B., deceased, made by this Court on the ..... day of ..... 20..... unto (the name of the grantee) be and is hereby rectified in the manner following–

Dated at ..... this ..... day of ..... 20.....

By Court

.....
Registrar

FORM 15
ORDER REVOKING GRANT

(Rule 29)

(Title)

Upon reading the application of C.D., of ..... and upon reading the affidavit of the said C.D. in support thereof and upon hearing, etc., IT IS ORDERED that the grant of probate of the Will (or letters of administration of the estate) of A.B., deceased, made by this Court on the ..... day of ..... 20..... unto (*the name of the grantee*) BE AND IS HEREBY REVOKED (or DECLARED TO BE NULL AND VOID) to all intents and purposes in the law whatsoever.

Dated this ..... day of ....., 20.....

By Court

.....
Registrar

FORM 16
NOTICE TO SURRENDER PROBATE OR LETTERS OF ADMINISTRATION

(Rule 29)

(Title)

WHEREAS by an order dated the ..... day of ..... 20..... the court has revoked the grant of Probate of the Will (or letters of administration of the estate) of A.B., deceased, granted unto you on the ..... day of ..... 20.....

You are hereby required to deliver up the said Probate (or letters of administration) forthwith to me failing which proceedings may be instituted against you under section 51(2) of the Probate and Administration of Estates Act..

Dated at Dar-es-Salaam this ..... day of ..... 20.....

.....
Registrar

FORM 17
AFFIDAVIT TO ACCOMPANY PETITION FOR GRANT BY SOLE ADMINISTRATOR

(Rule 32)

(Title)

I, ...
of .....
hereby make oath and say as follows–

1. That C.D. has petitioned to this Honourable Court for grant of letters of administration of the estate of A.B., deceased, who died intestate on the ..... day of ..... 20..... at Dar-es-Salaam.

2. That no minority or life interest arises under the said intestacy.

3. That (*here state the grounds upon which the assertion in paragraph 2 is made*).
.....
.....
.....

Sworn, etc.

FORM 18
PETITION FOR PROBATE

(Section 55)

(Title)

1. I, C.D., of .....
hereby petition this Honourable Court for probate of the Will of A.B., deceased, who died at ..... on the ..... day of ..... 20.....

2. The writing hereunto annexed and marked "A" is the last Will and testament of the said A.B. and was duly executed by him.

3. This petition is made by me as the person named in the said Will as the executor thereof and I believe that the gross assets which are likely to come to my hands will be (*state amount and nature of the assets)*.
.....
.....

4. The said deceased at the time of his death had a fixed place of abode at .....
..... and/or property within the jurisdiction of this Honourable Court.

5. The said deceased was a ..... (*state nationality*) and professed the ..... religion.

6. No proceedings for the grant of probate or letters of administration, or otherwise for the administration of the estate of the said deceased have been commenced before any Court or authority, whether inside Tanzania or outside it. (*Where such proceedings have been commenced specify the nature of the proceedings and the country and the Court where commenced.)*
.....
.....
.....

7. AND I, the said C.D., the petitioner above-named, declare that what is stated above is true to the best of my knowledge, information and belief.

Dated at ..... this ..... day of ..... 20.....

.....	.....
Signature of Advocate (if any)	*Signature of Petitioner*

FORM 19
VERIFICATION OF PETITION FOR PROBATE

(Section 57(2) and Rule 34)

(Title)

I, ...
one of the witnesses to the last Will and testament of the testator mentioned in the petition for probate made by ..... and dated the ..... day of ..... 20..... hereby declare that

I was present and saw the testator affix his signature/mark thereto (or that the said testator acknowledged the writing annexed to the above petition to be his last Will and testament in my presence).

Dated at ..... this ..... day of ..... 20.....

.....	.....
Signature of the Witness to the declaration	*Signature of person verifying*

FORM 20
PETITION FOR PROBATE OF ORAL WILL

(Section 25 and Rule 35)

(Title)

I. C.D., of ..... hereby petition this Honourable Court for probate of the Will of A.B., deceased, who died at .....on the ..... day of ..... 20.....

2. The said deceased made an oral Will, the terms whereof and the circumstances in which it was made are stated in the affidavit of ..... dated the ..... 20..... annexed hereto and marked "A".

3. The said deceased was (*here set out the facts and describe all the circumstances which may raise a presumption that the testator was a person entitled in law to make an oral Will*).
.....
.....
.....
.....

4. This petition is made by me as (*here state the interest of the petitioner*).
.....
.....

5. The said deceased left surviving him the following relatives who, had the deceased died intestate, would have been entitled to share in the estate (*give names and addresses of all such persons*).
.....
.....
.....
.....
.....

6. I believe that the gross assets which are likely to come to my hands will be (*state the amount and the nature of the assets*).
.....
.....
.....

7. The said deceased at the time of his death had a fixed place of abode at .... and/or property within the jurisdiction of this Honourable Court.

The said deceased was a ..... (*state nationality*) and professed the ..... religion.

8. No proceedings for the grant, etc., (*as in Form 18)*.

9. AND I, the said C.D., the petitioner above-named, declare that what is stated above is true to the best of my knowledge, information and belief.

Dated at ..... this ..... day of ..... 20.....

....
(Signature of Advocate (if any) *Signature of Petitioner*

FORM 21
PETITION FOR PROBATE OF LOST WILL

(Section 25, Rule 36)

(Title)

Petition will be in the same form as petition for probate of an oral Will save that paragraph (2) will be as follows:

The said deceased made and duly executed his last Will and testament bearing date the ..... day of ..... 20..... At the time of the death of the said deceased the said Will was whole and unrevoked, but since the death of the said deceased the said Will has been lost and cannot be found (*or where will destroyed state circumstances in which destroyed*).

.....
.....
.....
.....

Annexed hereto and marked "A" is an affidavit of ..... stating contents of the said Will of the deceased.

FORM 22
PETITION FOR PROBATE OF COPY OR DRAFT WILL

(Section 25, Rule 37)

(Title)

Petition will be in the same form as petition for probate of an oral Will save that paragraph (2) will be as follows:

The said deceased made and duly executed his last Will and testament, bearing date the ..... day of ..... 20.....

At the time of the death of the said deceased the said Will was whole and unrevoked, but that since the death of the said deceased the said Will has been lost and cannot be found (*or where the Will was destroyed state circumstances in which destroyed*).

.....
.....
.....

The paper writing annexed hereunto and marked "A" is the draft (*or copy*) of the said last will and testament of the deceased. The said draft *(or copy)* was found (*state where and the circumstances in which it was found).*
.....
.....
.....

FORM 23
PETITION FOR PROBATE OF CODICIL WHERE PETITION MADE BY SAME EXECUTOR

(Section 26, Rule 38)

(Title)

WHEREAS (1) On the ..... day of ..... 20..... this Honourable Court granted unto me, C.D., the petitioner, probate of the Will bearing date the ..... day of ..... 20..... made and executed by A.B. deceased, who died at ..... on the ..... day of ..... 20.....

(2) On the ..... day of ..... 20..... the writing hereunto annexed and marked "A" was discovered (*state circumstances of discovery*).
.....
.....
.....

(3) The said writing bearing date the ..... day of ..... 20..... is a codicil of the said Will of the deceased and was made and duly executed by him.

(4) The said writing does not purport to revoke my appointment made by the said Will as executor thereof.

NOW I, C.D. the petitioner, hereby petition this Honourable Court for grant of probate of the said codicil.

AND I, the said C.D., declare that what is stated herein above is true to the best of my knowledge, information and belief.

Dated at ..... this ..... day of ..... 20.....

....
(Signature of Advocate (if any)) *Signature of Petitioner*

FORM 24
PETITION FOR PROBATE OF CODICIL APPOINTING NEW EXECUTOR

(Section 26, Rule 38)

(Title)

WHEREAS (I) on the ..... day of ..... 20..... this Honourable Court made a grant of probate of the Will of A.B., deceased, unto ....

(2) On the ..... day of ..... 20..... the writing hereunto annexed and marked "A" was discovered (*state circumstances of discovery*).
.....
.....
.....

(3) The said writing bearing date the ..... day of ..... 20..... is a codicil of the said Will of the said deceased and was made and duly executed by him.

(4) The said writing revokes the appointment of the said .... as executor and appoints me, C.D., the petitioner, as executor of the Will of the said deceased.

NOW I, the said C.D., the petitioner, hereby petition this Honourable Court that the said grant of probate of the said Will of the deceased made to .... be revoked and that the probate of the said Will and of the codicil be granted to me.

(1) The gross assets which are likely to come to my hands will be (*state amount and nature of the assets*).
.....
.....
.....

(2) The said deceased at the time of his death had a fixed place of abode at .... within the jurisdiction of this Honourable Court.

(3) No proceedings, etc. (*same as paragraph 6 in Form 18)*.

(4) AND I, the said C.D., the petitioner above-named declare that what is stated above is true to the best of my knowledge, information and belief.

Dated at ..... this ..... day of ..... 20.....

.....	.....
(Signature of Advocate (if any)	*Signature of Petitioner*

FORM 25
PETITION FOR LETTERS OF ADMINISTRATION WITH THE WILL AND CODICIL ANNEXED WHERE CODICIL REVOKES APPOINTMENT

OF EXECUTOR UNDER THE WILL WITHOUT APPOINTING NEW EXECUTOR

(Title)

WHEREAS (1) On the ..... day of ..... 20..... this Honourable Court made a grant of probate of the Will of A.B., deceased, unto .....
.....

(2) On the ..... day of ..... 20..... the writing hereunto annexed and marked "A" was discovered (*state circumstances of discovery).*
.....
.....
.....

(3) The said writing bearing date the ..... day of ..... 20..... is a codicil of the said Will of the said deceased and was made and duly executed by him.

(4) The said writing revokes the appointment of the said .....
..... as executor of the said Will and appoints no other person as such executor.

NOW I, C.D., of .....
hereby petition to this Honourable Court that the said grant of probate of the said Will of the deceased made to the said .....
be revoked and that letters of administration of the estate of the said deceased be granted to me.

(1) I, the said petitioner, am .....
.....
(*here set out the interest of the petitioner*) and there is no person who had right to the grant of letters of administration of the estate of the said deceased with the Will and codicil attached prior to my right to such grant.

(2))

(3))

(4)) as 6, 7, 8, 9, and 10 in Form 26.

(5))

(6))

FORM 26
PETITION FOR LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED

(Section 55(1))

(Title)

1. I, C.D., of ..... hereby petition this Honourable Court for a grant of letters of administration of the estate of the late A.B. who died at ..... on the ..... day of ..... 20.....

2. The writing hereunto annexed and marked "A" is the last Will and testament of the said A.B. and was duly executed by him.

3. The following persons are named in the Will as the executors thereof: (*give full names, designations and addresses of such persons*)
.....
.....
.....
.....
.....

4. *(Here set out reasons why probate cannot or should not or has not been granted to the persons named in the Will as executors. See section 29)*
.....
.....
.....

5. I, the said petitioner, am (*here set out the interest of the petitioner*) and there is no person who has right to the grant of letters of administration of the estate of the said deceased with the Will annexed prior to my right to such grant.
.....
.....
.....

6. I believe that the gross assets which are likely to come to my hands will be (*state amount and nature of the assets*).
.....
.....
.....

7. The said deceased at the time of his death had a fixed place of abode at .....
.....
and/or property within the jurisdiction of this Honourable Court.

8. The said deceased was a ..... (*state nationality*) and professed the ..... religion.

9. No proceedings for the grant of probate or letters of administration or otherwise for the administration of the estate of the said deceased have been commenced before any Court or authority, whether inside Tanzania or outside it. (*Where such proceedings have been commenced specify the nature of the proceedings and the country and the Court where commenced.)*

.....
.....
.....

10. AND I, the said C.D., the petitioner above-named, declare that what is stated above is true to the best of my knowledge, information and belief.

Dated at ..... this ..... day of ..... 20.....

....
(Signature of Advocate (if any) *Signature of Petitioner*

FORM 27
PETITION FOR LETTERS OF ADMINISTRATION WHEN THE DECEASED DIED INTESTATE

(Section 56)

(Title)

1. I, C.D., of ..... hereby petition this Honourable Court for a grant of letters of administration of the estate of the late A.B. who died at ..... on the ..... day of ..... 20.....

2. The said deceased left surviving him the following relatives: (*Give their full names, designation and their residences*).

.....
.....
.....
.....
.....

3. This petition is made by me as (*state the right in which the petitioner claims*).

.....
.....

4. I believe that the assets which are likely to come to my hands will (*state amount and nature of the assets*).

.....
.....

5. The said deceased died intestate and due and diligent search has been made for a Will but none has been found.

6. The said deceased at the time of his death had a fixed place of abode at ..... and/or property within the jurisdiction of this Honourable Court).

7. The said deceased was a ..... (*state nationality*) and professed the ..... religion.

8. No proceedings for the grant of probate or letters of administration or otherwise for the administration of the estate of the said deceased have been commenced before any Court or authority, whether inside Tanzania or outside it. (*Where such proceedings have been commenced specify the nature of the proceedings and the country and the Court where commenced).*
.....
.....
.....

9. AND I, the said C.D., the petitioner above-named, declare that what is stated above is true to the best of my knowledge, information and belief.

Dated at ..... this ..... day of ..... 20.....

.....	.....
Signature of Advocate (if any)	*Signature of Petitioner*

FORM 28
PETITION FOR GRANT BY TRUST CORPORATION

(Rule 42)

(Title)

A Petition for a grant of probate or letters of administration by a trust corporation should follow, with necessary variations, the forms of petition for grant given above. The first paragraph should, however, be as follows–

..... being a trust corporation within the meaning of the term defined in the Probate and Administration of Estates Act hereby petition this Honourable Court for ..... (*state whether probate or letters of administration) of the ..... (Will or estate as the case may be*) of the late A.B., who died at ..... on the ..... day of ..... 20.....

And the last paragraph should be as follows–

AND I ..... being ..... (*state office held in the corporation*) and having been duly authorised by the aforesaid corporation to sign this petition on its behalf hereby declare that what is stated in this petition is true to the best of my knowledge, information and belief.

FORM 29
PETITION FOR GRANT OF LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED TO AN ATTORNEY OR EXECUTOR

(Section 30, Rule 43)

(Title)

1. I, C.D., of ..... hereby petition this Honourable Court for a grant of letters of administration of the estate of the late A.B., who died at ..... on the ..... day of ..... 20.....

2.)

) as in Form 26.

3.)

4. The said ..... (*name of the executor giving power*) as such executor aforesaid has, by the power of attorney hereunto annexed and marked "B" bearing date the day of ..... 20..... appointed me to be his attorney for him and in his behalf to apply for and obtain a grant of letters of administration to the estate of the said deceased with a copy of the said Will annexed.

5. *(If there are two or more executors named in the Will and only one of them has appointed the petitioner his attorney state why grant has not, cannot or should not be made to the remaining executors.)*

6.)

7.)

8.) as in Form 26.

9.)

10.)

I, the said petitioner, therefore, pray that letters of administration with the said Will of the said deceased may be granted to me for the use and benefit of the said .... as such executor as aforesaid limited until he shall obtain a grant to himself from this or any Court in Tanzania having jurisdiction in that behalf.

Declaration and attestation as above.

FORM 30
PETITION FOR GRANT OF LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED BY AN ATTORNEY OF PERSON ENTITLED TO SUCH GRANT

(Section 31, Rule 43)

(Title)

1.)

2.) *as in Form 26.*

3.)

4.)

5. .... (*name, designation and address of person giving power of attorney*) is ..... (*state the interest of the person*) and there is no person who has a right to the grant of letters of administration of the estate of the said deceased with the will annexed prior to the right of the said .... to such grant.

6. The said ..... as such person entitled to letters of administration of the estate of the said deceased as aforesaid has by the power of attorney, etc. etc. (*as paragraph 4 of Form 29*).

7.)

8.)

9.) as paragraphs 6, 7, 8, 9 and 10 in Form 26.

10.)

I, the said petitioner, therefore, pray that letters of administration with the said Will of the said deceased may be granted to me for the use and benefit of the said .... limited until he shall himself obtain such letters of administration granted to him by this or any Court in Tanzania having jurisdiction in that behalf.

Dated, etc. .....

FORM 30A
PETITION FOR GRANT OF LETTERS OF ADMINISTRATION ON INTESTACY BY ATTORNEY OF PERSON ENTITLED TO SUCH GRANT

(Section 34, Rule 43)

(Title)

1.)

2.) as in Form 27.

3. .... (*name, designation and address of person giving power of attorney*) who as ..... (*state interest of such person in the estate*) is entitled to a grant of letters of administration of the estate of the said deceased is residing at .... and there is no person equally entitled or having prior right to such grant residing within Tanzania.

4. The said ..... (*name of the person giving power of attorney*) as such person entitled to letters of administration of the estate of the said deceased as aforesaid, has by the power of attorney hereunto annexed and marked "B" bearing date the ..... day of ..... 20....., appointed me to be his attorney for him and on his behalf to apply for and obtain a grant of letters of administration of the estate of the said deceased.

5.)

6.)

7.) as paragraphs 4, 5,6 7, 8, and 9 in Form 27.

8.)

9.)

I, the said petitioner, therefore, pray that letters of administration of the estate of the said deceased may be granted to me for the use and benefit of the said .... limited until he shall himself obtain such letters of administration granted to him by this or any court in Tanzania having jurisdiction in that behalf.

Dated, etc. .....

FORM 31
PETITION FOR GRANT DURING MINORITY

(Section 36, Rule 44)

(Title)

1. I, C.D., of ..... hereby petition this Honourable Court for a grant of letters of administration of the estate of the late A.B., who died at ..... on the ..... day of ..... 20.....

2.)

) as in Form 26.

3.)

(If no Will substitute the following for 2 and 3:

2. The said deceased at the time of his death left surviving him the following relatives: ....

3. The said ..... (*name of the minor*) as ..... (*relation with the deceased*) of the said deceased is entitled to a grant of letters of administration of the said deceased).

4. The said ..... (*name of the minor*) is ..... years old and as such is a minor in law. Annexed hereunto and marked ..... is a certificate (*affidavit*) as to the date of the birth of the said ..... (*name of the minor*).

5. This petition is made by me as ..... (*relationship with the minor*) of the said ..... (*name of the minor*) for him and on his behalf.

6.)

7.)

8.) as in Form 26.

9.)

10.)

I, the said petitioner, therefore pray that letters of administration with the said Will (or of the said estate) of the said deceased may be granted to me for the use and benefit of the said (name of minor) limited until he shall attain the age of majority and shall obtain a grant to himself from this or any other court in Tanzania having jurisdiction in that behalf.

Dated, etc. .....

FORM 32
PETITION FOR GRANT DURING UNSOUNDNESS OF MIND

(Section 37, Rule 45)

(Title)

1.)

2.) as 1, 2, and 3 in Form 31.

3.)

4. The said ..... (*name of the person of unsound mind*) is a person of unsound mind and annexed hereto and marked ..... is a certificate as to the mental condition of the said .... issued by ..... (or is an affidavit as to the mental condition of the said ..... sworn by .... (*name and qualifications of the Medical Practitioner*).

5. *(State whether care and management of estate has been committed to any person and if so attach a copy of the Order.)*
.....
.....

6. This petition is made by me as (*state whether person to whom management has been committed or relationship with the person of unsound mind*).
.....
.....

7.)

8.)

9.) as 6, 7, 8, 9, and 10 in Form 26.

10.)

I, the said petitioner, therefore, pray that letters of administration with the said Will (or of the said estate) of the said deceased may be granted to me for the use and benefit of the said (name of the person of unsound mind) limited until he shall become of sound mind and shall obtain a grant to himself from this or other Court in Tanzania having jurisdiction in that behalf.

Dated, etc. .....

FORM 33
PETITION FOR GRANT IN RESPECT OF UNADMINISTERED ASSETS

(Section 46, Rule 46)

(Title)

I, C.D., of ..... hereby petition this Honourable Court for grant of letters of administration of the estate of A.B., deceased, who died at ..... on the ..... day of ..... 20.....

2. The said A.B., by his Will bearing date the ..... appointed X.Y. of ..... to be executor thereof.

3. On the ..... day of ..... 20..... this Honourable Court granted unto X.Y., probate of the said Will of the said deceased.

(*Where the deceased died intestate substitute the following for 2 and 3*:

On the ..... day of ..... 20..... this Honourable Court granted unto X.Y., of ..... letters of administration of the estate of the said A.B.)

4. Annexed hereto and marked ..... is a certified copy of the said grant of probate (*or letters of administration*) made to the said X.Y.

5. The said X.Y., died at....., ... on the ..... day of ..... 20..... leaving part of the estate of the said A.B. unadministered.

6. The said A.B., deceased, left surviving him the following relatives .....
.....
.....
.....
..... (*state full names and residence*).

7. This petition is made by me as ..... (*state the interest of the petitioner*).

8. I believe that the gross assets of the unadministered estate of the said A.B., deceased, which are likely to come to my hands are (*state the value and the nature of such assets*).
.....
.....
.....

9. The said A.B., deceased, at the time of his death had a fixed place of abode at ..... and/or property within the jurisdiction of this Honourable Court.

10. The said A.B., deceased, was ..... (*state nationality*) and professed ..... religion.

11. No proceedings, save as stated in this petition, for the grant of probate or letters of administration or otherwise for the administration of the estate of the said A.B., deceased, have been commenced before any Court or authority whether inside Tanzania or outside it.

12. AND I, the said C.D., the petitioner above-named, declare that what is stated above is true to the best of my knowledge, information and belief.

I, the said petitioner, therefore pray that letters of administration of so much of the estate of the said A.B., deceased, as remains unadministered, be granted to me.

Dated, etc. .....

FORM 34
PETITION FOR CESSATE GRANT, THE EXECUTOR HAVING ATTAINED MAJORITY

(Section 47, Rule 47)

(Title)

I, C.D., of ..... hereby petition this Honourable Court for grant of letters of administration of the estate of A.B., deceased, who died at ..... on the ..... day of ..... 20.....

1. The said A.B., by his will bearing date the ..... appointed me, the said petitioner, to be the executor thereof.

(*If the deceased died intestate paragraph 2 should be in the following form*:

2. The said A.B. died intestate and I as .... (*interest of the petitioner*) was entitled to letters of administration of the estate of the said A.B.)

3. At the time of the death of the said A.B. I was a minor being then. ..... years old.

4. On the ..... day of ..... 20..... this Honourable Court granted unto X.Y., letters of administration of the estate of the said A.B., for my use and benefit and until I should attain the age of ..... years.

5. On the ..... day of ..... 20..... I attained the age of ..... years and the said letters of administration granted to the said X.Y. have consequently ceased and expired leaving part of the estate of the said A.B. unadministered.

6. I believe that the gross assets of the unadministered estate of the said A.B., deceased, which are likely to come to my hands are (*state the value and nature of such assets*).
.....
.....
.....
.....

(complete as in Form 33)

FORM 35
AFFIDAVIT TO LEAD TO GRANT *PENDENTE LITE*

(Section 38, Rule 50)

(Title)

I, X.Y., of ..... hereby make oath and say as follows:

(1) That A.B., deceased, died at ..... on the ..... day of ..... 20.....

(2) That the said A.B. made and duly executed his last Will and testament bearing date the ..... day of ..... 20.....

(or That the said A.B. died intestate leaving surviving him the following relatives (*state names and residents of the relatives*):
.....
.....
.....
.....
.....

(3) That there is now pending in this Honourable Court proceedings (*state the reference and nature of the proceedings*).
.....
.....
.....
.....

(4) That the estate of the said deceased is comprised of: (*State nature and value of the estate.*)
.....
.....

(5) (*State reasons why it is necessary to appoint an administrator pending determination of the proceedings*.)
.....
.....
.....
.....

(6) That I have known the said C.D. the proposed administrator, for ..... years last and that he is a person of respectability and a proper person to be appointed administrator.

Sworn, etc.

FORM 36
OATH OF ADMINISTRATOR *PENDENTE LITE*

(Rule 50)

(Title)

I, C.D., of ..... hereby make oath and say that I will well and faithfully administer the estate of the above-named deceased, pending the determination of Civil Suit No. ..... of ..... between .... (*parties*) now pending in this Honourable Court, save distributing the said estate, under the directions and control of this Honourable Court, and that I will exhibit a full and true inventory of the said estate in this Court whenever directed by the Court so to do or failing such direction within six months from the date of the grant to be made to me and will also render a true account of my administration to this Court whenever directed by the Court so to do or failing such direction within one year from the date of the grant.

Dated at ..... this ..... day of ..... 20.....

Sworn, etc.

FORM 37
BOND OF ADMINISTRATOR *PENDENTE LITE*

(Rule 50)

(Title)

KNOW ALL MEN BY THESE PRESENTS that we, C.D. (the intended administrator) of ....., E.F. (1st surety) of ..... and G.H. (2nd surety) of ..... are jointly and severally bound unto ..... in the sum of shillings ..... to be paid to the said ..... or to any Judge of the above Court for the time being for the payment of which we bind ourselves and each of us and our heirs, executors, administrators and assigns.

Dated at ..... this ..... day of ..... 20.....

Now the condition of this obligation is such that if the above-named C.D., the person proposed to be appointed administrator of the estate of A.B., deceased, pending determination of Civil Suit No. ..... of ..... now pending in this Honourable Court, do make a full and true inventory and exhibit the same in this Court whenever directed by this Court so to do or failing such direction within six months from the date of the grant to him and further do render a true account of his administration to this Court whenever directed by this Court so to do or failing which within one year from the date of the said grant and do obey all orders and directions made or given by this Court respecting administration of the said estate by him, then this obligation shall be void and of no effect or else shall remain in full force and virtue.

Signed, etc.

FORM 38
AFFIDAVIT TO LEAD TO GRANT LIMITED TO COLLECTION AND PRESERVATION

(Section 39, Rule 51(1))

(Title)

I, C.D., of ..... hereby make oath and say as follows–

(1) That A.B., deceased died, at ..... on the ..... day of ..... 20.....

(2) That the said A.B. duly made and executed Will bearing date the ..... day of ..... 20..... and appointed me, the said deponent executor thereof (or The said A.B. died intestate leaving surviving him the following relatives (*state names and residence of the relatives*)).
.....
.....
.....
.....
.....

(3) That I have applied to this Honourable Court for probate of the Will of the said deceased (*or letters of administration of the estate of the said deceased*).

(4) That the estate of the said deceased is comprised of (*state nature and value of the properties*).

.....
.....
.....

(5) That it is necessary for the purpose of preserving the said properties of the said deceased that, pending grant of probate (or letters of administration) to me, I be granted letters of administration limited for the purpose of collecting the properties of the said deceased and doing such acts as may be necessary for their preservation and also the following acts: (*state for what particular acts authority is sought*).

.....
.....
.....
.....

Sworn, etc.

FORM 39
PETITION FOR GRANT LIMITED TO COLLECTION AND PRESERVATION

(Section 39, Rule 51(2))

(Title)

I, C.D., of ..... petition this Honourable Court for letters of administration limited to collection and preservation of the estate of A.B., deceased, who died at ..... on the ..... day of ..... 20.....

2.)

3.) as in Form 38.

4. The estate of the said deceased is comprised of (*state nature of the properties and their value*).

.....
.....
.....
.....
.....

5. For the purpose of preservation of the said properties it is necessary that the estate of the said deceased be administered pending grant of probate (*or letters of administration*).

6. This petition is made by me as (*state interest of the petitioner*).
.....
.....

7. *(State reasons why no application for grant of probate of the Will or letters of administration of the estate of the deceased has been made and what steps, if any, are being taken to obtain such grant.)*
.....
.....
.....
.....
.....

8.)

9.) *as paras 7, 8, and 9 in Form 26*

10.)

11. Declaration as in Form 26.

I, the said C.D., therefore pray that letters of administration of the estate of the said deceased limited for the purpose only of collecting property of the said deceased and doing such acts as may be necessary for the preservation of the same and also the following acts: ..... (*state for what particular acts authority is sought*) and until further representation be granted but no further or otherwise be granted to me.

Dated, etc.

FORM 40
OATH BY ADMINISTRATOR APPOINTED TO COLLECT AND PRESERVE

(Rule 51(3))

(Title)

I, C.D., of ..... hereby make oath and say that I will well and faithfully administer the estate of the said deceased, for the purpose only of collecting the property of the said deceased and doing such acts as may be necessary for the preservation of the same and also the following acts: .....
..... (*state for what particular acts authority is sought*) and until further representation shall be granted but no further or otherwise, and that I will exhibit (*complete as in Form 36*).

FORM 41

BOND BY ADMINISTRATOR APPOINTED TO COLLECT AND PRESERVE

(Rule 51(3))

(Title)
(The first paragraph as in Form 37)

Now the condition of this obligation is such that if the above-named C.D., the person proposed to be appointed administrator of the estate of A.B., deceased, for the purpose only of collecting the property of the said deceased and doing such acts as may be necessary for the preservation of the same and also the following acts: .... (*state for what particular acts authority is sought*) and until further representation be granted, but no further or otherwise, do make a full and true inventory (*complete as in Form 37*).

FORM 42
PETITION FOR LETTERS OF ADMINISTRATION OF TRUST PROPERTY

(Section 41, Rule 53)

(Title)

1. I, C.D., of ....., petition this Honourable Court for letters of administration limited to the property described hereinafter of which property A.B., deceased, who died at ..... on the ..... day of ..... 20....., was the sole (surviving) trustee.

2. The said A.B. duly made and executed his last Will and testament bearing date the ..... day of ..... 20..... and appointed X.Y., of .... executor thereof (or The said A.B. died intestate leaving surviving him the following relatives (*state names and residences*).
.....
.....
.....
.....
.....

3. By a grant made on the ..... day of ..... 20..... this Honourable Court granted probate of the said Will (or letters of administration of the estate) of the said deceased to the said X.Y. *(Where no such grant has been made state whether proceedings for obtaining such grant is pending in any court in the country.)*
.....
.....
.....

4. The following property was vested in the deceased at the time of his death, as trustee (*give description and value of the property*).
.....
.....
.....

5. *(Give description of the trust and names and addresses of the beneficiaries. A copy of the instrument creating the trust should also, where possible, be annexed to the Petition.)*
.....
.....
.....
.....
.....

6. *(Give reasons why the executor of the Will or the general administrator will not or cannot administer the trust property.)*
.....
.....
.....

7. The said deceased at the time of his death had a fixed place of abode at .... and the said property is situated within the jurisdiction of this Honourable Court.

8. The said deceased was a ..... (*state nationality*) and professed the ..... religion.

9. No proceedings for the administration of the said trust property have been commenced before any Court or authority, whether inside Tanzania or outside it.

10. *Declaration*:

FORM 43
OATH BY ADMINISTRATOR OF TRUST PROPERTY

(Section 41, Rule 53)

(Title)

I, C.D., of ..... hereby make oath and say that I will well and faithfully administer according to law .... (*describe the property)* which property was held by A.B., deceased, as trustee and that I will exhibit (*complete as in Form 36 substituting the words "the said property" for the words "the said estate"*).

FORM 44

BOND BY ADMINISTRATOR OF TRUST PROPERTY

(Section 41, Rule 53)

(Title)

(The first paragraph as in Form 37)

Now the condition of this obligation is such that if the above-named C.D., the person proposed to be appointed administrator of .... (*describe the property*), which property was held by A.B., deceased, as trustee, do make a full and true inventory (*complete as in Form 37*).

FORM 45
AFFIDAVIT AS TO DOMICILE

(Rule 64)

(Title)

I,C.D., of ..... make oath and say that I knew and was well acquainted with A.B., of .... deceased, who died on the ..... day of ..... 20..... at .....

I further say that the said deceased was at the time of his death domiciled in .... (*A clause should be added showing the grounds on which the assertion is made.*)

Sworn, etc.

FORM 46
ADMINISTRATOR'S OATH

(Section 66, Rule 65)

(Title)

I, C.D., of ..... hereby make oath and say that I will well and faithfully administer the estate of the above-named deceased person, by paying first his just debts and then distributing the residue of his estate according to the law, so far as the said assets will extend, and that I will make and exhibit a full and true inventory of the said property and credits in this Court within six months from the date of the grant to be made to me or within such further time as the Court may from time to time appoint, and will also render a true account of my administration to this Court 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.....

Sworn, etc.

FORM 47
EXECUTOR'S OATH

(Section 66, Rule 65)

(Title)

I, C.D., of ..... hereby make oath and say that I will faithfully administer the property and credits of the above-named deceased, and in any way concerning his Will, by paying first his debts and then the legacies therein bequeathed so far as the said assets will extend, and then distributing the residue (if any) of his estate according to law, and that I will make and exhibit a full and true inventory of the said property and credits in this Court within six months from the date of the grant to be made to me or within such further time as the Court may from time to time appoint, and also render a true account of my administration to this Court 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.....

Sworn, etc.

FORM 48
ADMINISTRATION BOND WITH SURETIES

(Section 67, Rule 66)

(Title)

KNOW ALL MEN BY THESE PRESENTS that we, C.D. .... (*the administrator*) of ..... E.F. ..... (*1st surety*) of ..... and G.H. (*2nd surety*) of ..... are jointly and severally bound unto ..... in the sum of shillings ..... to be paid to the said ..... or to any Judge of the above Court for the time being for the payment of which we bind ourselves and each of us and our heirs, executors, administrators and assigns.

Dated at ..... this ..... day of ..... 20.....

The condition of this obligation is such that if the above-named C.D., the intended administrator of all and singular the property and credits of A.B., deceased, do make a full and true inventory of the said property and credits and exhibit the same in this Court within six months from the date of the grant to him, or within such further time as the Court may from time to time appoint, and do well and truly administer the said property and credit according to law; and further do render to this Court a true account of the said property and credits within one year from the date of the said grant or within such further time as the Court may from time to time appoint, and all the rest and residue of the said property and credits which shall be found remaining upon the said administrator's account shall deliver and pay unto such person or persons, respectively, as shall be lawfully entitled to such residue, then this obligation shall be void and of no effect or else shall remain in full force and virtue.

Signed and delivered by the within named)
.....)

in the presence of)
.....)

.....
Signature of persons giving bond

.....
Signature of witness

FORM 49
ADMINISTRATION BOND WITHOUT SURETY

(Section 67, Rule 66)

(Title)

KNOW ALL MEN BY THESE PRESENTS that I, C.D., of .... am bound to ..... in the sum of shillings ..... to be paid to the said ..... or to any Judge of the above Court for the time being for the payment of which I bind myself and my heirs, executors, administrators and assigns.

Dated at ..... this ..... day of ..... 20.....

Now the condition of this bond is such that if I, the said C.D., do faithfully administer the property and credits of the said deceased and do make a full and true inventory of the said property and credits and exhibit the same in this Court within six months from the date of the grant to be made to me, or within such further time as the Court may from time to time appoint, and also do render to this Court a true account of the said property and credits within one year from the same date, or within such further time as the Court may from time to time appoint, and all the rest and residue of the said properties and credits which shall be found remaining upon my accounts shall deliver and pay unto such person or persons, respectively, as shall be lawfully entitled to such residue, then this obligation shall be void and of no effect or else shall remain in full force and virtue.

Signed, etc.

FORM 50
AFFIDAVIT WHERE CORPORATION IS SURETY

(Rule 66(5))

(Title)

I, X.Y., of ....., make oath and state as follows–

1. That I am now, and have been since the ..... day of ..... 20..... ..... (*office held in the corporation*) of ..... (*name of corporation*).

2. That the said Company is registered in Tanzania under the Companies Act and its registered office is at ....

3. That the objects for which the said company is established include guaranteeing the performance and discharge by administrators of their duties and obligations.

4. That the said Company has executed a bond in the sum of shillings ..... guaranteeing the performance and discharge by C.D., the intended administrator of the estate of A.B., of his duties and obligations as such administrator. The said bond is annexed hereto and marked "B".

5. *(State information regarding the Company's financial position to satisfy the Court that its assets are sufficient for the settlement of claims and demands in respect of its guarantees.)*
.....
.....
.....
.....
.....

6. That the said bond has been executed in the manner prescribed by the articles of the association of the said Company and complies with all the requirements prescribed by the said articles for execution of such bonds.

7. That no petition or other proceeding is pending in any Court for the purpose of winding up the said Company.

Sworn, etc.

FORM 51
PETITION FOR ASSIGNMENT OF ADMINISTRATION BOND

(Section 88, Rule 68)

(Title)

To: ..... (*the Court to which petition addressed*).

THE HUMBLE PETITION OF F.G., of .....
SHEWETH that–

(1) On the ..... day of ..... 20..... this Honourable Court granted unto C.D., of ..... letters of administration of the estate of A.B., deceased, who died at ..... on the ..... day of ..... 20.....

(2) The said C.D. and (*give names and address of the sureties*) by a bond dated the ..... day of ..... 20..... duly executed by them and filed in the above matter bound themselves jointly and severally and their heirs, executors, administrators and assigns unto ..... in the sum of shillings .....

(3) The condition of the said bond was such that if the said C.D. did faithfully administer the property and credits of the said deceased and did make a full and true inventory of the said property and credits and exhibit the same in this Court within six months from the date of the grant to be made to him, or within such further time as the Court might from time to time appoint, and also did render to this Court a true account of the said property and credits within one year from the same date, or within such further time as the Court might from time to time appoint, and all the rest and residue of the said property and credits which were found remaining upon his accounts would deliver and pay unto such person or persons, respectively, as were lawfully entitled to such residue, then the said obligation would be void and of no effect or else would remain in full force and virtue.

(4) (*here state particulars of the breach*) .....
.....
The Petitioner, therefore, prays that this Honourable Court make an order assigning the said bond to M.N., of ..... and declare the said M.N. entitled to sue and recover thereon as trustee of all persons interested in the estate of the said deceased, the full amount recoverable in respect of the aforesaid breach of its condition.

AND the Petitioner further prays for such other orders as this Honourable Court may think just.

Dated at ..... this ..... day of ..... 20.....

....
(Signature of Advocate (if any) *Signature of Petitioner*

To be served on: (Here give names and addresses of the administrator and the sureties upon whom copies of the petition are to be served.)
.....
.....
.....
.....

FORM 52
NOTICE OF HEARING OF PETITION

(Rule 68(4))

(Title)

TAKE NOTICE that the above petition will be heard in this Court in chambers on the ..... day of ..... 20..... at ..... o'clock in the ..... noon.

Dated at ..... this ..... day of ..... 20.....

.....
Registrar

FORM 53
ORDER ASSIGNING BOND

(Section 68, Rule 68)

(Title)

Upon reading the petition of F.G., of ..... and upon hearing, etc., and upon being satisfied that the engagement of the bond dated the ..... day of ..... 20..... and executed by .... *give names of persons who executed the bond*) has not been kept, in that ..... (*set out the breach*) IT IS HEREBY ORDERED that the said bond be and is hereby assigned to ..... of ..... who shall be entitled to sue and recover thereon, as trustee for all persons interested in the estate of A.B., deceased, the full amount recoverable in respect of the aforesaid breach of its condition.

IT IS FURTHER ORDERED (*here state orders for security and costs if any*). ....

Dated at ..... this ..... day of ..... 20.....

By Court.

.....
Registrar

FORM 54
CERTIFICATE AS TO SURETY'S FINANCIAL POSITION

(Rule 69)

(Title)

I, ... of .... (*state address and occupation*) hereby certify that I have known (*name of the surety*) ..... for ..... years past and I believe that he is well and truly in a position to meet his obligation under the bond of shillings ..... executed by him in the above cause.

Dated at ..... this ..... day of ..... 20.....

....
Witness *Signature*

FORM 55
JUSTIFICATION OF SURETIES

(Rule 70)

(Title)

We, E.F., of ..... and G.H., of ..... jointly and severally make oath and say that we are the proposed sureties on behalf of C.D., the intended administrator of the estate of the said A.B., deceased, in the sum of shillings ..... for his faithful administration of the said estate, and I, the said E.F., for myself further make oath that I am, after payment of all my debts well and truly worth in real or personal estate the sum of shillings ..... and I, the said F.G., for myself further make oath that I am, after payment of all my debts, well and truly worth in real or personal estate the sum of shillings. .....

Sworn, etc.

FORM 56
CONSENT

(Rule 71)

(Title)

I, ... of ..... being ..... (*state relation with the deceased or the right under the Will*) and as such entitled to a share in the estate of the said deceased, hereby of my own free will give my consent to (*name of the intended administrator*) applying for and obtaining grant of letters of administration of the estate of the said deceased.

Dated at ..... this ..... day of ..... 20.....

Signed by the said ..... this ..... day of ..... 20.....

FORM 57
CITATION WHERE CONSENT NOT AVAILABLE

(Rule 72(2))

(Title)

WHEREAS C.D., of ..... has petitioned to this Court for letters of administration of the estate of A.B., deceased.

AND WHEREAS it has been disclosed to this Court that you have an interest in the estate of the said deceased.

YOU ARE HEREBY CITED to come and see the proceedings if you think fit before the grant is made.

Objections to the grant should be filed on or before the ..... day of ..... 20.....

Dated at ..... this ..... day of ..... 20.....

.....
Registrar

FORM 58
GENERAL CITATION

(Rule 75)

(Title)

All persons claiming to have any interest in the estate of the above-named deceased are hereby cited to come and see the proceedings if they think fit before the grant of probate (*or letters of administration*) is made to the above-named petitioner.

Objections to the grant should be filed on or before the ..... day of ..... 20.....

The Will of the said deceased is deposited and open for inspection at the Court.

Dated at ..... this ..... day of ..... 20.....

.....
Registrar

FORM 59
SUMMONS TO PRODUCE TESTAMENTARY PAPER

(Section 60, Rule 77)

(Title)

To: .....

WHEREAS it appears to this Court that a certain paper or writing being or purporting to be testamentary, to wit ..... (*describe the paper*), bearing date the ..... day of ..... 20..... of A.B., deceased, late of ..... who died at ..... on the ..... day of ..... 20..... is now in your possession or under your control.

YOU ARE HEREBY COMMANDED to produce, bring into and leave at this Court the said paper or writing within ..... days after service hereof on you, inclusive of the day of such service.

This summons has been issued on the application of: (*state name and address of the applicant*).
.....
.....
.....
.....
.....

Given under my hand and the seal of the Court, this ..... day of ..... 20.....

.....
Registrar

FORM 60
SUMMONS TO PERSON HAVING KNOWLEDGE OF WILL

(Section 60, Rule 78)

(Title)

To: .....

WHEREAS it appears to this Court that you have knowledge of a certain paper or writing being or purporting to be testamentary, to wit (*describe the paper*) (*or of an oral Will*) of A.B., deceased, late of ....., who died at ..... on the ..... day of ..... 20.....

YOU ARE HEREBY COMMANDED to appear before this Court on the ..... day of ..... 20..... at ..... o'clock in the ..... noon for the purpose of being examined respecting the said paper or writing (*or the said oral Will*).

If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in the Probate Rules.

This summons has been issued on the application of .....
.....
..... (*state name and address of the applicant*).

Given under my hand and the seal of the Court this ..... day of ..... 20.....

.....
Registrar

FORM 61
NOTICE REQUIRING ATTENDANCE OF PETITIONER

(Section 61, Rule 80)

(Title)

To: .....

Take notice that you are required to attend before this Court on the ..... day of ..... 20..... at ..... o'clock in the ..... noon for the purpose of being examined upon oath respecting your application for probate of the Will (or letters of administration of the estate) of A.B., deceased, late of ..... who died at ..... on the ..... day of ..... 20.....

Dated at .....this ..... day of ..... 20.....

.....
Registrar

FORM 62
CAVEAT

(Section 58, Rule 82)

(Title)

Let nothing be done in the matter of the estate of A.B., deceased, who died at .... on the ..... day of ..... 20..... without due notice to ..... (*name of the caveator*) whose address of service is .... (*state address of service*).

Dated at .....this ..... day of ..... 20.....

(To be signed by the caveator or his advocate)

FORM 63
APPLICATION FOR CITATION TO CAVEATOR

(Section 59(2), Rule 82(2))

(Title)

To: The Registrar,
.....
.....

C.D., being the person who has petitioned to this Honourable Court for grant of probate of the Will (*or letters of administration of the estate*) of A.B., late of ..... deceased, who died at .....on the ..... day of ..... 20..... hereby applies that a citation under section 59(2) of the Probate and Administration of Estates Act may be issued to ..... of ..... who has entered a caveat in the estate of the said deceased.

Dated at .....this ..... day of ..... 20.....

.....
(*To be signed by the Petitioner or his advocate)*

FORM 63A
NOTICE OF PETITIONER

(Rule 82(2A))

(Title)

To:
.....
.....
.....

WHEREAS you have petitioned this court for a grant of probate of the will (or letters of administration of the estate) of ....., deceased.

AND WHEREAS there is lodged in this court a caveat by .... against a grant of probate of the will (or letters of administration of the estate) of the said deceased.

AND WHEREAS you have so far failed to apply for the issue of a citation to the said caveator under section 59(2) of the Probate and Administration of Estates Act.

TAKE NOTICE that unless you apply for a citation as aforesaid within twenty-one days after service hereof, inclusive of the day of such service, your petition will be deemed to have been withdrawn.

Dated at ..... this ..... day of ..... 20.....

.....
Registrar

FORM 64
CITATION TO CAVEATOR

(Section 59, Rule 82(3))

(Title)

To: .....

WHEREAS on the ..... day of ..... 20..... you lodged into this Court a caveat in the estate of A.B., late of ..... deceased, who died at ..... on the ..... day of ..... 20.....

YOU ARE HEREBY CITED within thirty days after service hereof, inclusive of the day of such service–

(1) to file into this Court a statement as to whether you support the grant of probate of the Will (*or letters of administration of the estate*) of the said deceased to C.D., of ..... who has petitioned this Court for such grant; or

(2) if you do not support such grant to the said C.D., to enter an appearance to the said petition of the C.D., supported by an affidavit setting forth what right or interest you have in the estate of the said deceased and the grounds of your objections to the application of the said C.D., for the grant.

AND TAKE NOTICE that in default of your so doing your said caveat shall be deemed to have been withdrawn and no further caveat may be entered by you or on your behalf.

Dated at .....this ..... day of ..... 20.....

.....
Registrar

FORM 65
APPEARANCE BY CAVEATOR

(Section 59, Rule 82(4))

(Title)

CAVEAT dated the ..... day of ..... 20.....

Name of the deceased: .....

Name and address of the petitioner: .....

Name and address of the caveator: .....

ENTER AN APPEARANCE for the above-named caveator .....

Dated at ..... this ..... day of ..... 20.....

.....
(*Signature of the caveator or his advocate)*

(*A copy of this appearance and of the accompanying affidavit of the said caveator to be served upon the petitioner above-named.)*

FORM 66
GRANT OF PROBATE

(Section 24, Rule 84)

(Title)

BE IT KNOWN that on the ..... day of ..... in the year ..... the last Will of ..... late of ..... deceased, who died at ..... on the ..... day of ..... 20....., a copy whereof is hereunto annexed, was proved before this Court, and that administration of the property and credits of the said deceased and in any way concerning ..... Will, is

HEREBY GRANTED to ..... the ..... in the said Will named, he having undertaken to administer the said property and credits and to make a full and true inventory of the said property and credits and exhibit the same in 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 said 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.....

By the Court,

.....
Registrar

FORM 67
GRANT OF LETTERS OF ADMINISTRATION WITH WILL ANNEXED

(Section 29, Rule 84)

(Title)

BE IT KNOWN that letters of administration, with Will annexed, of the property and credits of ..... late of ....., deceased, who died at ..... on the ..... day of ..... 20..... are HEREBY GRANTED to .... the ..... of the deceased he having undertaken to administer (*complete as in Form 66*).

FORM 68
GRANT OF LETTERS OF ADMINISTRATION WITHOUT WILL

(Section 33, Rule 84)

(Title)

BE IT KNOWN that letters of administration of the property and credits of late of .... who died at ..... on the ..... day of ..... 20..... are HEREBY GRANTED to ..... the ..... of the deceased, he having undertaken to administer (*complete as in Form 66*).

FORM 69
GRANT OF LETTERS OF ADMINISTRATION TO ATTORNEY

(Section 30 or 31, Rule 84)

(Title)

BE IT KNOWN that letters of administration, with Will annexed, of the property and credits of ..... late of ....., deceased, who died at ..... of the ..... day of ..... 20..... are HEREBY GRANTED to ..... the attorney of ..... being the executor named in the said Will, (*or being a person entitled to a grant under section 29 of the Probate and Administration of Estates Act*) for the use and benefit of the said ..... limited until he shall obtain a grant in respect of the estate of the said deceased to himself from this or any Court in Tanzania having jurisdiction on that behalf, the said .... (*name of the attorney*) having undertaken to administer (*complete as in Form 66*).

FORM 70
GRANT OF LETTERS OF ADMINISTRATION DURING MINORITY

(Section 36, Rule 84)

(Title)

BE IT KNOWN that letters of administration (*with Will annexed*) of the property and credits of ..... late of ....., deceased, who died at ..... on the ..... day of ..... 20..... are HEREBY GRANTED to ..... for the use and benefit of ..... who is a person entitled to such grant (*or the executor named in the Will*) but who is precluded from obtaining such grant (*or probate of the said Will*) by reason of his minority, limited until the said ..... shall attain the age of majority and shall obtain a grant in respect of the said estate to himself from this or any Court in Tanzania having jurisdiction in that behalf, the said ..... having undertaken to administer (*complete as in Form 66*).

FORM 71
GRANT OF LETTERS OF ADMINISTRATION DURING UNSOUNDNESS OF MIND

(Section 37, Rule 84)

(Title)

BE IT KNOWN that letters of administration (*with Will annexed*) of the property and credits of ..... late of ....., deceased, who died at ..... on the ..... day of ..... 20..... are HEREBY GRANTED to ..... for the use and benefit of ....., who is a person entitled to such grant (*or the executor named in the said Will*) but who is precluded from obtaining such grant (*or probate of the said Will*) by reason of the unsoundness of his mind, limited until he shall become of sound mind and shall obtain a grant in respect of the said estate to himself from this or any Court in Tanzania having jurisdiction in that behalf, the said .... having undertaken to administer (*complete as in Form 66*).

FORM 72
GRANT IN RESPECT OF UNADMINISTERED ASSETS

(Section 46, Rule 84)

(Title)

WHEREAS on the ..... day of ..... 20..... the Court granted ..... probate of the Will (*or letters of administration of the estate*) of ..... late of ..... deceased, who died at ..... on the ..... day of ..... 20.....

AND WHEREAS the said (*name of the original executor or administrator*) died at ..... on the ..... day of ..... 20..... leaving part of the estate of the said deceased unadministered.

BE IT KNOWN that letters of administration of so much of the estate of the said ....., deceased, as remains unadministered are HEREBY GRANTED to ..... he having undertaken to administer (*complete as in Form 66*).

FORM 73
GRANT *PENDENTE LITE*

(Section 38, Rule 84)

(Title)

WHEREAS ..... late of ..... deceased, died at ..... on the ..... day of ..... 20.....

AND WHEREAS there is now pending in this Court .... (*state the title of the proceedings,* concerning .... (*state the nature of the dispute*).

BE IT KNOWN that letters of administration of the property and credits of the said deceased pending the determination of the said proceedings and subject to the provisions of section 38 of the Probate and Administration of Estates Act are HEREBY GRANTED to ..... he having undertaken to administer the said property and credits, save distributing the same, under the directions and control of this Court, and to exhibit a full and true inventory of the said estate in this Court whenever directed by the Court so to do or failing such direction within six months from the date of this grant and also to render to this court a true account of his administration of the said property and credits whenever directed by this court so to do or failing such direction within one year from the date of this grant.

Dated at ..... this ..... day of ..... 20.....

By the Court,

.....
Registrar

FORM 74
GRANT LIMITED TO COLLECTION AND PRESERVATION

(Section 39, Rule 84)

(Title)

BE IT KNOWN that letters of administration of the estate of .... late of ....., deceased, who died at ..... on the ..... day of ..... 20..... limited for the purpose only of collecting the property of the said deceased and doing all such acts as may be necessary for the preservation of the same and also the following acts: (*state the particular acts for which authority has been granted*) and until further representation in respect of the said estate be granted but no further or otherwise are HEREBY GRANTED to ..... (*where application for grant has been made by a petition under Rule* 51(2) add: the said ....

..... having undertaken to exhibit a full and true inventory of the said estate in this Court whenever directed by the Court so to do or failing such direction within six months from the date of this grant and also to render a true account of his administration of the said estate to this Court whenever directed by the Court so to do or failing such direction within one year from the date of this grant).

Dated at ..... the ..... day of ..... 20.....

By the Court,

.....
Registrar

FORM 75
GRANT LIMITED TO TRUST PROPERTY

(Section 41, Rule 84)

(Title)

BE IT KNOWN that letters of administration limited to the property described in the schedule hereto which property was held by ..... late of ..... deceased, who died at ..... on the ..... day of ..... 20..... as trustee are HEREBY GRANTED to ..... he/she having undertaken (*complete as in Form 66 substituting the words "the said property" for the words "the said estate'*).

SCHEDULE

(describe the trust property)

Dated at ..... this ..... day of ..... 20.....

By the Court,

.....
Registrar

FORM 76
APPLICATION FOR APPOINTMENT OF ADMINISTRATOR OF SMALL ESTATE

(Rule 85)

(Title)

I, C.D., of ..... hereby apply to be appointed administrator of the estate of A.B., late of .... deceased, who died at ..... on the ..... day of ..... 20.....

2. The writing hereunto annexed and marked "A" is the last Will and testament of the said A.B. (or, if the deceased made an oral Will: The said deceased made an oral Will the terms whereof and the circumstances in which it was made are stated in the affidavit, of ..... dated the ..... day of ..... 20..... annexed hereto and marked "A" or, if the deceased died intestate: The said deceased died intestate and due and diligent search has been made for a Will but none has been found).

3. The said deceased left surviving him the following relatives (*give names and addresses of the relatives*).

.....
.....
.....
.....
.....
.....

4. This application is made by me as (*state the right or interest of the applicant in the estate. If the application is made by someone other than the person named in the Will, if any, as executor, and no consent of such person is available, a paragraph should be added here giving name an address of such executor and reasons why consent has not been obtained).*
.....
.....
.....
.....

5. I believe that the gross assets which are likely to come to my hands will be (*state amount and nature of the assets*).
.....
.....
.....
.....

6. The said deceased at the time of his death had a fixed place of abode at
.....
and/or property within the jurisdiction of this court.

7. The said deceased was ..... (*state nationality*) and professed the ..... religion.

8. No proceedings for the grant of probate or letters of administration or appointment of an administrator or otherwise for the administration of the estate of the said deceased have been commenced before any Court or authority whether inside Tanzania or outside it.

Dated at ..... this ..... day of ..... 20.....

....
Signature of the Advocate (if any) (*Signature of the Applicant)*

FORM 77
UNDERTAKING BY ADMINISTRATOR OF SMALL ESTATE

(Section 76, Rule 91)

(Title)

I, ... hereby solemnly and sincerely declare that I will well and faithfully administer the estate of the above-named deceased person, by paying his just debts and distributing the residue according to law.

Dated the ..... day of ..... 20.....

....
(Witness) (*Signed)*

FORM 78
APPOINTMENT OF ADMINISTRATOR OF SMALL ESTATE

(Section 76, Rule 93)

(Title)

BE IT KNOWN that C.D., of ..... is hereby appointed administrator of the estate of A.B., late of ..... deceased, who died at ..... on the ..... day of ..... 20..... the said C.D., having undertaken well and faithfully to administer the said estate.

A copy of the Will (*or a statement of the contents of the oral Will*) executed (*made*) by the said deceased is annexed hereto.

Given under my hand and the seal of the Court this ..... day of ..... 20.....

.....
Resident Magistrate

FORM 79
NOTICE OF APPLICATION FOR RESEALING

(Rule 99)

(Title)

Notice is hereby given that an application has been made to this Court for sealing of the Probate (*or Letters of Administration*) of the estate of A.B., late of .... deceased, who died at ..... on the ..... day of ..... 20....., granted to C.D., of .... by .... (*the Court and country which made the grant*) and that the said application will be heard at this Court by a Judge in chambers on the ..... day of ..... 20..... at ..... o'clock in the forenoon.

Dated at ..... this ..... day of ..... 20.....

.....
Registrar

FORM 80
INVENTORY OF ESTATE

(Section 107, Rule 106)

(Title)

Date of Grant: .....

ASSETS

Item No.	*Description of Property*	*Value*
	Immovable properties	
	Cash in hand	
	stocks and Shares	
	Insurance Policies	
	Interest in Business	
	Book debts	
	Furniture	
	Personal effects	
	Other Properties	
	Total	

LIABILITIES

Item No.	*Description*	*Value*
	Names of Creditors	
	Mortgages	
	Other Debts	
	Death bed Expenses	
	Funeral Expenses	
	Total	

I, ... the administrator (*executor*) of the estate of the said ..... hereby certify that the foregoing inventory of the said estate is true to the best of my knowledge, information and belief.

Dated at ..... the ..... day of ..... 20.....

.....
Signature of Executor or Administrator

Filed in Court this ..... day of ..... 20.....

.....
Registrar

FORM 81

ACCOUNTS OF ESTATE

(Section 107, Rule 107)

(Title)

Date of Grant: *Receipts* *Value*

1. Estate as per inventory
2. Estate realised Shs....
3. Gain (or loss) on realisation _____
   Gross Estate: _____

Payment *Value*

1. Funeral Expenses
2. Debts
3. Administration expenses
4. Net estate available for distribution

Total _____

The aforesaid residue of ..... has been (*or will be*) divided amongst the following person entitled to the same:

Name of person entitled *How entitled* *Amount*

I ..... the administrator (*or executor*) of the estate of the said ..... hereby certify that the foregoing accounts are true to the best of my knowledge and belief.

Dated the ..... day of ..... 20.....

.....
Signature of Executor or Administrator

Filed in court this ..... day of ..... 20.....

FORM 82
NOTICE TO BE ANNEXED TO PROBATE AND LETTERS OF ADMINISTRATION

(Rule 108)

NOTICE

The attention of the persons(s) to whom this grant has been made is invited to the following section of the Probate and Administration of Estates Act and the following rules of the Probate Rules.

Rule 107:

(1) An executor or administrator shall, within six months from the grant of probate or letters of administration, or within such further time as the court which granted the probate or letters may from time to time appoint or require, exhibit in that court an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person to which the executor or administrator is entitled in that character, and shall in like manner, within one year from the grant or within such further time as the court may from time to time appoint, exhibit an account of the estate, showing the assets which have come to his hands and in the manner in which they have been applied or disposed of.

(2) If the administration is not completed within one year from the grant of probate or letters of administration, the executor or administrator shall at intervals of not more than six months, or within such further time as the court which granted the probate or letters may from time to time appoint or require, and on the completion of the administration, exhibit in the like manner an account showing the assets which have come into his hands and the manner in which they have been applied or disposed of since the last account was exhibited.

(3) If an executor or administrator, on being required by the court to exhibit an inventory or account under this section, omits to comply with the requisition within the time limited in the requisition for compliance therewith, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months.

(4) If an executor or administrator exhibits an intentionally false inventory or account under this section he shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding seven years.

(5) Any beneficiary under a Will, person entitled to a share under an intestacy or unsatisfied creditor shall be entitled to inspect the inventory and accounts of an executor or administrator.

Rule 109:

(1) An application for extension of time to exhibit an inventory or an account shall be made by a chamber summons supported by an affidavit stating reasons for such application.

(2) An application under this rule shall be made before the expiry of the period within which the executor or the administrator is required by the Court to file the inventory or account.

Rule 111:

Every executor and administrator empowered to distribute the assets of the deceased shall within sixty days of his appointment cause a notice to be published in the *Gazette* requiring any person having any claim against such assets to inform such executor or administrator within such time, not being less than two months, from the date of the notice, as may be fixed in the notice.

FORM 83
REQUISITION TO FILE INVENTORY OR ACCOUNT

(Rule 110)

(Title)

To: .....

WHEREAS under s. 130 of the Probate and Administration of Estates Act you as executor (*or administrator*) of the estate of the above-named deceased were required to exhibit in this Court an inventory (*or an account*) of the said estate by the ..... day of ..... 20..... which you have failed to do.

AND WHEREAS on the ..... day of ..... 20..... the Court made an order requiring you to exhibit such inventory (*or account*) within ..... days after service hereof upon you inclusive of the day of such service.

NOW TAKE NOTICE that unless you exhibit an inventory (*or an account*) as required by the said last mentioned order of the court, you will be liable to be prosecuted for the offence under Section 107(3) of the Act.

Dated at ..... this ..... day of ..... 20.....

.....
Registrar

FORM 84
NOTICE TO CREDITORS

(Rule 111)

NOTICE is hereby given that all persons claiming debts or liabilities affecting the estate of the above-named ..... deceased, who died at ..... on the ..... day of ..... 20..... and probate of whose Will (*or letters* of administration of whose estate) was (*were*) granted to us (*me*) by the (*Court*) on the ..... day of ..... 20....., are hereby required to send in their claims to us (me) at the following address within ..... from the date of the publication of this notice at the expiration of which time we (I) shall proceed to hand over the assets to the persons entitled thereto having regard only to the claims of which we (I) shall then have had notice.

.....
(Names and Address of the Executors or Administrators)

FORM 85
ENDORSEMENT ON ENVELOPE CONTAINING WILL OF LIVING PERSON

(Rule 114)

This sealed packet contains the last Will and testament (*or codicil to the last Will and testament, or last Will and testament and codicil thereto*), bearing dates respectively ..... (*here state the dates of all the papers enclosed*) of A.B., of ..... where C.D., of ..... is appointed executor and the same are brought into the registry of the High Court of Tanzania for safe custody, there to remain deposited until after my decease. I undertake to notify the said executor of his appointment as such and of the deposit of the aforesaid document.

Dated this ..... day of ..... 20.....

(*Attestation*)

.....
(*Signature of the person depositing Will*)

FORM 86
CERTIFICATE OF DEPOSIT OF WILL

(Rule 114)

This is to certify that on the ..... day of ..... 20..... A.B., of ..... deposited in this registry a sealed packet and that the endorsement on the said packet states that it contains the last Will and testament (*or codicil to the last Will and testament, or last Will and testament and codicil thereto*) bearing dates respectively ..... (*state the dates of the documents shown on the endorsement*).

Given under my hand and the seal of the Court this ..... day of ..... 20.....

.....
Registrar

SECOND SCHEDULE
COURT FEES PRESCRIBED UNDER RULE 117 OF THE PROBATE RULES

A: PROCEEDINGS BEFORE THE HIGH COURT OR DISTRICT DELEGATE

		Shs. Cts.
1.	On filing application for Probate or letters of administration where such application is required to be made by petition	45.00
2.	On filing application for Probate or letters of administration where such application is required to be made by chamber summons	15.00
3.	On filing application for resealing of a grant	45.00
4.	On filing every administration oath or executors oath	25.00
5.	On filing every security	45.00
6.	For every grant issued where application for such grant was made by petition	30.00
7.	For every grant issued where application for such grant made by chamber summons	15.00
8.	On filing inventory or account	30.00
9.	For every citation or summons issued	3.00
10.	On filing a caveat	15.00
11.	On filing every summons, motion or application not otherwise provided for	15.00
12.	On filing every affidavit or other documents not otherwise provided for	6.00
12A.	On filing an amended petition, application or other document	6.00
13.	For every order or decree	6.00
14.	For insertion in the *Official Gazette* or other newspaper or periodical of any citation or other notice, in addition to the cost of publication	6.00
15.	For inspection of any record or document lodged in the court or for reference to the archives	6.00
15A.	On making payment of a sum of money or security or delivering a thing into the court to the account of a person entitled to the same under a will or on intestacy	5 percent of the amount so paid or on the declared value of the thing so delivered.
16.	On depositing a sealed packet containing a Will or codicil of a living person under s. 161 of the Act	100.00

17.	For certificate of a deposit of a Will or codicil under s. 161 of the Act	5.00

For all other acts, matters and proceedings not specifically provided for above, such fees as are payable in respect of similar acts, matters or proceedings in civil suits shall be payable.

B: PROCEEDINGS BEFORE DISTRICT COURTS

1.	On filing application for appointment of an administrator and other documents required to be filed therewith including the fee for the issue of an appointment.	5 percent on the gross value of the estate, not exceeding Shs. 150/=.
2.	For all other acts, matters and proceedings.	Same fees as are payable for similar acts, matters and proceedings before the High Court.

Endnotes

1 (Popup - Popup)

Cap. 352

2 (Popup - Popup)

Cap. 98

3 (Popup - Popup)

Cap. 33

4 (Popup - Popup)

Cap. 33

5 (Popup - Popup)

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6 (Popup - Popup)

No security shall be required where the receiver is the Administrator-General or the Public Trustee.