

**Applicant creditor's petition for administration
of deceased person's estate**

No. _____ of 20____

Federal Court of Australia

District Registry: [State]

Division: General

In the matter of [name of debtor or bankrupt estate]

[Name of Applicant(s)]

Applicant[s]

[Name of Respondent(s)]

Respondent[s]

To [legal personal representative of the deceased respondent debtor or other person as directed by the Court under subsection 244 (9) of the Bankruptcy Act 1966]

of [address]

Hearing of this petition

This petition has been set down for hearing by the Court at the time, date and place shown in the Notice of Filing and Hearing attached.[Note: The Court will insert the Notice of Filing and Hearing as a coversheet when this petition is accepted for filing.] If you or your lawyer do not attend, then the Court may deal with the petition in your absence and make an order for the administration of the estate of the deceased respondent debtor.

You must file and serve a notice of appearance (Form B4) in the Registry before attending Court or taking any other steps in the proceeding.

Opposing this petition

If you wish to oppose this petition, you must:

- (a) file a notice of appearance (Form B4);

Filed on behalf of (name & role of party)

Prepared by (name of person/lawyer)

Law firm (if applicable)

Tel _____ Fax _____

Email _____

Address for service
(include state and postcode)

- (b) file a notice stating grounds of opposition to the petition (Form B5) and an accompanying affidavit supporting the grounds;
- (c) serve a copy of each document on the applicant creditor at the address for service stated below not less than 3 days before the date for the hearing of this petition stated on the attached coversheet (Notice of Filing and Hearing); and
- (d) attend at the Court on the date for the hearing.

The Petition

The applicant creditor, [name and address of applicant creditor], applies to the Court for an order of administration in bankruptcy of the estate of the late [name of deceased respondent debtor] who died on [date of death].

1. The estate of the deceased respondent debtor owes the applicant creditor the amount of [\$ amount] for [statement of reason for the debt]. This debt is a liquidated sum payable immediately or at a certain future time.
2. [*Either]The applicant creditor does not hold security over the property of the deceased respondent debtor.

[*or]

The applicant creditor holds security over the property of the deceased respondent debtor to the value of [\$ amount] and consisting of [statement of particulars of security], and:

- [*]is willing to surrender this security for the benefit of creditors generally if a sequestration order for administration of the estate in bankruptcy is made;
 - [*or]the value of the property is [\$ amount], which leaves an unsecured debt of [\$ amount].
3. At the time of the respondent debtor's death, the respondent debtor: [Select one or more as appropriate and delete the others]
 - [*]was personally present in Australia;
 - [*]was ordinarily resident in Australia;
 - [*]had a dwelling house or place of business in Australia;
 - [*]was carrying on business in Australia either personally or by an agent or manager;

- [*]was a member of a firm or partnership carrying on business in Australia by means of partners or agent or manager.
4. [Also state any details of the status of any authorisation to administer the deceased person's estate.]

Applicant creditor's address for service

The Applicant creditor's address for service is:

Place:

Email:

Date: [eg 19 June 20..]

Signed by [Name]
[Insert capacity eg Applicant / Lawyer for the Applicant]

[Note If there is more than 1 creditor, this form may be appropriately amended.]

[*delete if inapplicable]