

ADMINISTRATION OF NATIVE AND SMALL ESTATES (FORMS AND FEES) RULES, 1953

In exercise of the powers conferred upon him by section 26 of the Administration of Native and Small Estates Ordinance, 1941 [No. 1 of 1941.], and all other powers thereunto him enabling, His Excellency the Governor hereby makes the following rules:-

1. These rules may be cited as the Administration of Native and Small Estates (Forms and Fees) Rules, 1953.
2. Schedules I, II, III and IV of the Ordinance are revoked and the following forms shall be used in place of the forms set out in such Schedules:-

1. **FORM OF APPLICATION.**
(Section 5)

I, of
hereby apply to the Collector of Land Revenue at
for an order ~~for~~ for the distribution/~~that~~ that I be appointed administrator/*Administratrix of the
estate of
of and give the following information
relating to the said estate, which to the best of my knowledge and belief is true and
correct.

1. The deceased died on, 19....., at
2. The family or other relatives of deceased, and their respective residencies, are
.....
3. Applicant claims to be entitled to make this application because he/she is (state
relationship of applicant to deceased, if any, or other grounds for application)

.....

4. The deceased *left no will/*left the attached will.
5. The following is the description and valuation of the property of the deceased:-

\$ cts.

- (a) Cash, household goods, wearing apparel, books, plate, jewels, etc. (state estimated value according to best of applicant's belief)
- (b) Immovable property consisting of (state titles, giving in the case of houses, the marked value of the house as well as the total value of each piece of land)
- (c) Property in public or private Companies, (State the particulars and the value)
- (d) Policies of Life Insurance, money out on mortgage and securities such as bonds, mortgages, bills, notes and other securities for money. (State particulars)
- (e) Book Debts. (Stating whether recoverable or not)
- (f) Stock in trade. (State the estimated value, if any)
- (g) Buffaloes
- (h) Cattle
- (i) Gongs
- (j) Other property not comprised under the foregoing heads

6. The deceased owed the following debts –
7. The deceased's land is subject to the following charge/s, which remain/s unsatisfied –
8. The funeral expenses of the deceased still unpaid amount to –

9. In addition to the property described above the deceased held the following property in trust and not beneficially –

10. (a) I claim that by the *will/*racial law of the deceased his property should be distributed as follows–

(b) I claim that I should be appointed *administrator/*administratrix of the estate.

Hereby declaring the above to be true and correct to the best of my knowledge and belief

.....
(Signature of applicant)

....., 19

Before me,

.....
Collector.

‡ Order under Section 20.

This application relates to a Native Estate and is referred to the *Native Court/*High Court.

.....
Collector.

....., 19

* Cross out whichever of the alternatives is inapplicable.

‡ Delete if inapplicable.

2. NOTICE OF APPLICATION FOR ADMINISTRATION
OR DISTRIBUTION OF AN ESTATE.

ESTATE OF, deceased.

Notice is hereby given that of

*(a) claims to be appointed *administrator/*administratrix of the estate of
.....of, deceased.

*(b) claims to have the estate of of
....., deceased, distributed as follows: -

And the said application will be heard

* by me at the District Land Office, at a./p.m.

* by the Native Court, at 19

Any person having any objection to the above claim may appear at the said hearing to show cause why the said application should not be granted.

All creditors of the deceased are hereby required to appear at the said hearing with the necessary proofs in support of their claims against the estate of the said deceased.

Dated at, thisday of, 19.....

L.E. No.....

N.C. Case No.....

.....

Collector / Native Court.

* Cross out whichever of the alternatives is inapplicable.

3. ORDER OF COLLECTOR OR NATIVE COURT.

Whereas upon the application of
of made to me/us on the
.....day of, 19..... under section 3 of the
Administration of Native and Small Estates Ordinance, 1941, I/We, as is recorded
in *L.E./*N.C. Case No....., have duly enquired into the matter of the
estate of, deceased :

Now *I the Collector/*We the Native Court of
district find that the value of the *Native/*Small Estate of the deceased
..... is \$

And I/We hereby order that:

*(a) of be appointed
*administrator/*administratrix of the estate of,
deceased, and that *he/*she shall execute a bond, *with/*without sureties
for \$..... for the due administration of the said estate;

*(b) deceased's movable property shall be distributed as follows:

*(c) all interests in land registered in the name of
deceased, be registered in the name/s of his lawful successor/s as set forth
hereunder:

(State Title No.)

(Sate name of successor/s and, if more
than one successor, the respective
undivided share of each successor)

Dated at....., this..... day of, 19.....

L.E. No.....

N.C. Case No.....

.....
Collector / Native Court.

4. ESTATE OF, deceased.

ADMINISTRATION BOND.

(Section 13)

I, of, having been appointed by the *Collector/*Native Court of *administrator/*administratrix of the property and credits of late of, deceased, and being required to give a Bond for the due administration of the same, do hereby engage to duly collect, get in, administer and account for the said property and credits and thereupon duly apply for a discharge within one year from the date hereof, and to obtain the approval of the *Collector/*Native Court before making any distribution to the beneficiaries, and in default I bind myself to pay to the *Collector/*Native Court,, the sum of dollars (\$.....).

Dated at, this day of, 19

.....
(Signature)

I, of, hereby declare myself surety (or We, of and of jointly and severally declare ourselves and each of us sureties) for the said that *he/*she will administer the estate of the above-named deceased according to law and his Bond, and in default of *his/*her so doing I bind myself (or we bind ourselves) to pay the *Collector/*Native Court,, the sum of dollars (\$.....).

.....
(Signature or Signatures)

Exempted from Stamp Duty.

* Strike out the phrases not required.

The Following fees shall be charged for the services named:

- | | | |
|-----|--|--------|
| (a) | For an order appointing an administrator under sections 3 and 9 of the Ordinance | \$1.00 |
| (b) | For an order for the distribution of a Native or Small Estate under sections 10 and 21 of the Ordinance | \$1.00 |

Dated at Jesselton, this 14th day of April, 1953.

By His Excellency's Command.

B. J. O'BRIEN,
Chief Secretary.