Probate Claim
Notes for claimant on completing a claim form

Please read all these guidance notes before you begin completing the claim form. The notes follow the order in which information is required on it.

Court staff can help you fill in the claim form and give information about procedure once it has been issued. But they cannot give you legal advice. If you need legal advice, for example about the likely success of your claim, you should contact a solicitor or a Citizens Advice Bureau.

If you are filling in the claim form by hand, please use black ink and write in block capitals.

The claim form and all subsequent court documents relating to the probate claim must be marked at the top:

'In the estate of *[name]* deceased (Probate)'

Copy the completed claim form and the defendant's notes for guidance so that you have one copy for yourself, one copy for the court and one copy for each defendant. Send or take the forms to the court office with the appropriate fee. The court will tell you how much this is.

You must fill in the heading of the form to indicate the court where you want the claim to be issued. In London, you can issue your claim at the Royal Courts of Justice. The heading will be:

'In the High Court of Justice Chancery Division'

Outside London, you can only issue your claim in Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester, Newcastle upon Tyne or Preston. This will be either in the District Registries; the heading will be :

'In the High Court of Justice Chancery Division District Registry'

or

in the county court; the heading will be:

'In the County Court'

As the person issuing the claim, you are called the 'claimant'; the person you are suing is called the 'defendant'.

Claimants who are under 18 years old or patients within the meaning of the Mental Health Act 1983, must have a litigation friend to issue and conduct court proceedings on their behalf. Court staff will tell you more about what you need to do if this applies to you.

You must provide the following information about yourself and the defendant according to the capacity in which you are claiming and in which the defendant is being sued. When claiming or being sued as:-

An individual

All known forenames and surnames, whether Mr, Mrs, Miss, Ms or other (e.g. Dr) and residential address (**including** postcode, telephone and fax number or e-mail address) in England and Wales.

Where the individual is Under 18 write '(a child by "Mr Joe Bloggs" his litigation friend)' after the child's name. If the child is conducting proceedings on their own behalf write '(a child)' after the child's name.

A patient within the meaning of the Mental Health Act 1983 write '(by "Mr Joe Bloggs" his litigation friend)' after the patient's name.