

Where your claim seeks revocation of a grant of probate or letters of administration, every person who is entitled to, or claims to be entitled to, administer the estate under the grant, must be made a party to the claim.

#### Claim form

- The claim form must contain a statement of the nature of the interest of the claimant and of each defendant in the estate.
- If you dispute another party's interest in the estate you must state this and set out your reasons.
- If you contend that
  - at the time when a will was executed the testator did not know of and approve its contents,
  - a will was not duly executed; or
  - at the time of the execution of a will the testator was not of sound mind, memory and understanding; or
  - the execution of a will was obtained by undue influence or fraud,

you must set out the contention specifically and give particulars of the facts and matters relied upon.

#### Statement of truth

This must be signed by you, by your solicitor or your litigation friend as appropriate. Proceedings for contempt of court may be brought against a person who signs a statement of truth without an honest belief in its truth.

#### Address for documents

Insert in this box the address at which you wish to receive documents if different from the address you have already given under the heading 'Claimant'. The address must be in England and Wales. If you are willing to accept service by DX, fax or e-mail, add details.

#### Documents to be filed

You must file any testamentary document of the deceased person which you have in your possession or control **with** your claim form.

A testamentary document means a will, a draft of a will, written instructions for a will made by or at the request of, or under the instructions of the testator and any documents purporting to be evidence of the contents, or to be a copy, of a will which is alleged to have been lost or destroyed.

In addition you must file written evidence about the documents which should be in the form annexed to the Practice Direction to Part 57. It must be signed by you personally (and not your solicitor) or by your litigation friend.

You may only file your claim form without the testamentary documents or evidence about them if the court gives permission. It will normally do this only in cases of urgency. For example, where you wish to apply for the immediate appointment of an administrator pending the determination of your claim and it is not possible to obtain the documents immediately.

If the court gives permission it will expect you to give an undertaking to lodge the documents by a specific date.

#### Inspection of testamentary documents

Except with the permission of the court, no party is allowed to inspect the testamentary documents or written evidence lodged or filed by another party until they have lodged their testamentary documents and filed their evidence.