

Application for alteration of maintenance agreement after the death of one of the parties under section 36 of the Matrimonial Causes Act 1973/ paragraph 73 of Schedule 5 to the Civil Partnership Act 2004

| To be completed by the court | |
|------------------------------|----------|
| Name of court | Case No. |
| Name of Applicant | |
| Name of Respondent | |

(please tick appropriate boxes)

If completing this form by hand please use **black ink and BLOCK CAPITAL LETTERS**

An application by (name)

under ☐ section 36 of the Matrimonial Causes Act 1973
☐ paragraph 73 of Schedule 5 to the Civil Partnership Act 2004

Between (the Applicant(s))

and (the Respondent(s))

To (Respondent)(s)

of (address)

You are required to attend a hearing before a District Judge

at the (full name of court and address)

on (date) at (time)

On the hearing of an application by

that the agreement made on / /

between ☐ the Applicant (and)

☐ (name of deceased)

who died on / / (and)

☐ the Respondent

should be altered as shown on the statement in support verified by a statement of truth accompanying

this application so as to ☐ make different

☐ contain
financial arrangements.

The court has jurisdiction on the following basis to deal with these procedures

Special assistance or facilities if you attend Court

If you are required to attend court during these proceedings will you need any special assistance or facilities?

☐ Yes (please supply details below) ☐ No

I attach a statement containing the following information in support of my application –

The statement must include the following information:

- whether the deceased died domiciled in England and Wales
- the place at and date on which the parties to the maintenance agreement formed their marriage or civil partnership
- the name of every child of the family and any other child for whom the maintenance agreement makes financial arrangements (“interested child”)
- the date of birth of any interested child who is still living and the place where and person with whom any such child is living
- the date of death of any interested child
- whether there have been any proceedings dealing with the agreement, marriage, civil partnership or interested children and, if so, a summary of those proceedings including the date and effect of any orders made
- whether there have been any previous proceedings by the Applicant against the deceased’s estate under the Inheritance (Provision for Family and Dependants) Act 1975 and, if so, the date and effect of any orders made
- in the case of an application by the surviving party, the Applicant’s means
- in the case of an application by the deceased’s estate –
 - the surviving party’s means so far as they are known
 - full particulars of the value of the deceased’s estate for probate after providing for the discharge of the funeral, testamentary and administration expenses, debts and liabilities (including inheritance tax and interest), and
 - the people (including names, addresses and details of any child or protected party) or classes of people beneficially interested in the estate and the value of their interests so far as ascertained
- the facts alleged by the Applicant as justifying an alteration in the agreement and the nature of the proposed alteration.

Where the application is made after the expiry of six months from the date on which representation to the deceased’s estate was first granted, the application must state the grounds including the reasons for the delay on which the court’s permission to make the application is sought.

continued over the page ➞

The Applicant must file the following documents with the application:

- a copy of the maintenance agreement verified by a statement of truth
- an official copy of the grant of representation to the deceased's estate, and
- an official copy of every testamentary document upon which they propose to rely.

You should attach this form to a completed Form A1 when issuing your application.

Dated

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This application was issued by

| |
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*[Name and address of [Solicitor for] the above named Applicant(s)]

*delete as appropriate

Statement of Truth

*delete as appropriate

*[I believe] [the Applicant believes] that the facts stated in this application and attached statement are true

*I am duly authorised by the Applicant to sign this statement

Print full name

| |
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Address for service

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Name of Applicant's
solicitor's firm

| |
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Signed

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(Applicant) (Litigation friend)
(Applicant's solicitor)

Dated

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Position or office held
(if signing on behalf of firm
or company)

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Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified by a statement of truth.