

**UNADMINISTERED ESTATE/DE BONIS NON APPLICATION FORM – SECONDARY/SUBSEQUENT GRANT**

**Submit only pages 1 and 2 of this form with your application**

Return address for applying firm of Solicitors:

|  |  |
| --- | --- |
| Firm: | Enter the firm name |
| Address 1: | Enter firm address line 1 |
| Address 2: | Enter firm address line 2 |
| Town: | Enter town name |
| County: | Enter County name |
| Country: | Enter Country name |
| Eir Code: | Enter Eir Code |

Name of Deceased: Enter Name of Deceased

Date of Death: Enter Date of Death

This document sets out the requirements for all applications for a second/subsequent grant.

Note: If the previous grant was revoked and cancelled or was a limited for a purpose and did not allow administrator to administer the estate (e.g., an *ad litem*), this would not be a De Bonis Non Application.

WE RESERVE THE RIGHT TO RETURN ALL PAPERS IN FULL IF THE APPLICATION FAILS TO MEET THE REQUIREMENTS SET OUT ON PAGE 2. THE REJECTED APPLICATION WILL BE TREATED AS A NEW FILE WHEN RE-SUBMITTED WITH A NEW DATE OF LODGEMENT AND WILL BE SUBJECT TO THE CURRENT WAIT TIME FOR NEW APPLICATIONS.

The papers should be reviewed in full by the lodging solicitor and then resubmitted.

For further information on our requirements, see [courts.ie/de-bonis-non-applications](https://courts.ie/de-bonis-non-applications), the accompanying Guidance Notes, and Law Society of Ireland publication ‘Wills, Probate and Estates’, Chapter 10.

**Certification by Firm of Solicitors with carriage of the Administration of this Estate**

[ ]  I am the Solicitor/Legal Executive/Law Clerk with responsibility for this application.

[ ]  I certify that I have read and completed the attached information guide and that all documents which are required have been furnished herein.

[ ]  I further certify that they have been duly sworn and completed in accordance with law.

Solicitors Firm: Enter Solicitor Firm
Individual overseeing application: Enter Individual overseeing application (BLOCK CAPITALS)

Email: Enter Email

|  |  |
| --- | --- |
| **Stamp Fees here (Cheques not acceptable)** | **For Probate Office Use Only** |
|  | **Case Officer:****Fees received (Date):** \_\_\_\_/\_\_\_/\_\_\_\_\_\_\_\_\_\_\_**Amount Paid:**  |

|  |  |
| --- | --- |
| **Documents Required in all Unadministered estate applications**: |  |
| Original Grant or Sealed & Certified Copy of Will and Grant and undertaking on headed paper to lodge same if the original should become available. |[ ]  Original Oath & Bond Form **(no copies required)** Oath and Bond must be sworn and executed before the same Commissioner**.** See [here](#Content_6) if applying to DPR. |[ ]
| Court Fees stamped on page 1 of this document. |[ ]  For deaths prior to 1st January 1967, Separate Bond witnessed by Commissioner before whom Oath was sworn. |[ ]
| Notice of Acknowledgment (Probate) Revenue Form. If deceased died prior to 5/12/2001 , we require appropriate stamped Revenue Form A3C ([link](https://www.revenue.ie/en/gains-gifts-and-inheritance/guide-to-completing-an-inland-revenue-affidavit/index.aspx)) and original Certificate for the High Court. |[ ]   |  |

DE BONIS NON REQUIREMENTS. To be completed by individual overseeing application.

|  |  |  |  |
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|  | For District Probate Registry applications see [here](#Content_6). | Solicitor to check | Office Use |
|  | I am enclosing the documents required in all De Bonis Non applications (see above). |[ ] [ ]
|  | I have reviewed [Guidance Note 1](#Content_1) and am lodging this application in the Probate Office or relevant District Probate Registry |[ ] [ ]
|  | The deceased died domiciled in the Republic of Ireland. OR - The deceased died domiciled outside of the Republic of Ireland and I have read [Guidance Note 5](#Content_5) and enclose an Affidavit of Law or Grant of Representation from the deceased’s country of domicile at date of death. |[ ] [ ]
| Oath | I have reviewed [Guidance Note 2](#Content_2) and the relevant facts concerning the previous Grant or Grants in this estate are set out correctly in Part B of the Oath. |[ ] [ ]
|  | I have reviewed [Guidance Note 2](#Content_2) and the reason why the previous Grant(s) is/are no longer operative is set out correctly in Part B of the Oath. |[ ] [ ]
|  | I have reviewed precedents on the Courts website and [Guidance Note 2](#Content_2) and the Applicants entitlement to apply is set out correctly in Part B of the Oath. |[ ] [ ]
|  | Oath covers all relevant names and addresses in Part A and corresponds with all other documents and I have read [Guidance Note 2.1](#Content_21) in this regard. |[ ] [ ]
|  | I have read [Guidance Note 4.2](#Content_42) and there are no immoveable assets which are unadministered:OR – I enclose a current valuation for the deceased’s unadministered immoveable estate. |[ ] [ ]
|  | Gross Irish Estate recited in Part A of the Oath corresponds exactly with the Gross Irish Estate on ROS or on the Revenue Form and all figures reflect the current value of the estate.Or – if deceased died before 1/6/59, the Gross Irish Estate recited in Part A of the Oath gives deceased’s personal estate only. |[ ] [ ]
|  | All Probate Officer's Orders – if any – have been recited by date and effect in the Oath, and all supporting documents returned by the Probate Rules Office are enclosed with the application. |[ ] [ ]
|  | All Court Orders – if any – have been recited by date and place of issue in the Oath and an attested copy of same is enclosed. |[ ] [ ]
|  | Any Renunciations/Powers of Attorney are cited by date in the Oath and marked by applicant and Commissioner. |[ ] [ ]
|  | An original or sealed & certified copy of any Grants of Representation being relied on to establish entitlement has been enclosed, and any such Grants are cited by date and place of issue in the Oath. |[ ] [ ]
|  | Oath correctly describes Will being proven as a Sealed & Certified Copy Will or Original Irish Grant of Probate/Letters of Administration with Will Annexed including a certified copy will – if any. |[ ] [ ]
|  | Jurat complies with all requirements set out in SI 95/2009 and I have read [Guidance Note 2.2](#Content_22) in this regard. |[ ] [ ]
| Bond | I have read [Guidance Note 3](#Content_3) and the appropriate Bond has been executed and the bond has been dated, signed, sealed & delivered. |[ ] [ ]
|  | Bond is witnessed by the independent Commissioner before whom the Oath was sworn (Order 79 Rule 29). |[ ] [ ]
| Will | I am enclosing **one** solicitor certified copy of the will – if any**.** See [here](#Content_6) if applying to DPR. |[ ] [ ]
|  | The Applicant(s) and Commissioner before whom the Oath was sworn have marked the Original Grant/Sealed & Certified Copy of the Original Will and Grant. |[ ] [ ]
| Fee | The correct fee of €150 for a DBN application has been stamped on page 1 of this document. |[ ] [ ]
| Revenue Form |  I am enclosing the completed Notice of Acknowledgment (Probate) Revenue Form.OR – for deaths before the 05/12/2001, I am enclosing a copy of the correct Revenue Form A3C based on deceased’s date of death, stamped by Revenue together with original Revenue Certificate for the High Court |[ ] [ ]
|  | The Version of the Notice of Acknowledgment (Probate) Revenue Form submitted – if any – corresponds with the Version on ROS. |[ ] [ ]
|  | I have uploaded a legible PDF of the Will – if any – to ROS with no commas in the file name.  |[ ] [ ]
|  | I have read [Guidance Note 4](#Content_41) regarding Revenue Forms and unadministered estate and the form has been filled in so as to comply with [Guidance Note 4](#Content_41). |[ ] [ ]
|  | I would like a copy of a number of documents and enclose the necessary form. Link to form: [Order Form](https://courts.ie/acc/alfresco/114d1844-9ef0-491b-86ff-affd57b22d84/Probate%20Office%20Order%20Form.docx/docx/1) |[ ] [ ]

**Important Guidance Notes for Certifying your Application.**

These notes are to assist you in completing the certification sheet. Please read these carefully so that your application meets all of the requirements set out. Only pages 1 and 2 of this form need be submitted with your application. The Guidance Notes are for information only.

**1 Jurisdiction (S 37 of the Succession Act 1965)**

If the original/first grant in an estate issued before 1/1/67, any applications for second or subsequent grants must be made to the Probate Office in Dublin.

If the original/first grant in an estate issued on or after 1/1/67, any applications for second or subsequent grants must be made to the Office or Registry from which the original/first grant issued.

The Probate Office in Dublin cannot process applications for second or subsequent grants where the original/first grant issued from a District Registry on or after 1/1/67.

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If the previous grant was revoked and cancelled or was a limited for a purpose and did not allow administrator to administer the estate (i.e., an *ad litem*), a new application may be made to the Probate Office or the appropriate District Registry.

**2 Oath and Bond for Administrator (Oath and Bond combo Precedent Form in SI 590/2020) – setting out the correct title for the Applicant.** If deceased died intestate, use Form No 5 and if they died testate, use Form No 4 Administrator with Will.

**Setting out the correct entitlement of the applicant to apply is a key component of the Oath and is the responsibility of the applicant(s) and the lodging solicitor.**

In all cases, the Oath must recite the date and place of issue of the previous Grant(s) in this estate. It must also set out how the legal personal representative was entitled to extract the Grant. This is always recited on the Grant itself.

Secondly, the Oath must explain why that previous Grant is no longer operative. Reasons may include but are not limited to:

1. The legal personal representative has since died. Their date of death must be recited in the Oath.
2. The Grant was limited for the benefit of someone who has since died. Their date of death must be recited in the Oath.
3. The Grant was limited for the benefit of a minor who has since come of age. Their current age must be recited in the Oath.
4. The Grant has been revoked by order of the Court. The date and place of issue of that order must be recited and an attested copy of the Order must be enclosed.
5. The Grant has been revoked by order of the Probate Officer. The date of the Probate Officer’s Order must be recited.

Note: if the previous Grant has been revoked, then any new application is either a *De Bonis Non* application or an unadministered Probate. If the previous grant was revoked and cancelled, the new application should be a Probate, Intestacy or Will Annexed application as appropriate, with the Oath reciting the fact of the previous grant and its having been revoked and cancelled.

Lastly, the Oath must set out the applicant’s entitlement. The applicant must either a) have a legal interest in the estate at the date of death, b) be lawfully authorised to act on behalf of someone or the estate of someone who would otherwise be entitled to apply, or c) be appointed by Order of Court to extract the Grant. Further guidance on setting out entitlement may be found in the Agreement Documents for Probate, Intestate and Will Annexed applications.

**In summary**, legal entitlement is fixed at the date of death, and when setting out entitlement for a second/subsequent grant, the Oath must always: i) recite the details of the previous grant(s), ii) explain why the previous grant is no longer operative, and iii) set out the applicant’s entitlement in the usual manner.

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**2.1 Details in Part A:** The sworn Oath is the key document – it should set out all relevant facts as to title and be capable of being read on its own. We rely on the Oath alone for the details which will appear on the face of the Grant. Part A must contain:

* The name of the deceased and any variation of same, last address of the deceased **and** any former addresses referred to in the will.
* The correct date and place of death as recited on the death certificate.
* The applicant’s details, including personal address, whichmust correspond with the Revenue Form supplied.
* Gross Irish Estate, which must match the figure on the Revenue Form lodged.
* Entitlement must be set out in full in Part B of the Oath.

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**2.2 Jurat on the Sworn Oath must be fully completed.** The Jurat must be strictly in accordance with the requirements set down in SI 95/2009 – **faulty jurats are a common cause of queries by the Probate Office so care must be taken in the completion of same**. In particular, the Jurat must include:

* Sworn by ... On (date)... At (Place)... Before me (a commissioner for oaths/practicing solicitor) And I know the deponent **or**
* If the deponent is not known to the commissioner, they must be identified by a named third party, who the commissioner states is known to him/her. The identifier must certify **in writing** as to their knowledge of the deponent on the oath **or**
* The deponent(s) must be identified by a document e.g., a passport or a driver’s licence. The jurat must indicate the type of document **and the unique reference number of same**.
* Oaths must be current, i.e. sworn within 1 year. If more than 1 year has elapsed since the date of swearing, the Oath must be resworn.

Please follow the below link to our website to access the required precedent Oath for Will Annexed De Bonis Non [here](https://services.courts.ie/docs/default-source/default-document-library/courts-documents/forms/probate/will-annexed/oath_of_administrator_with_will_annexed_including_bond_single8f060a56-4544-40f5-a0b9-0dc06a3f33a2.docx?sfvrsn=f2c4dc5e_1) or Intestate De Bonis Non [here](https://courts-ie-aut.sitefinity.cloud/docs/default-source/default-document-library/courts-documents/forms/probate/de-bonis-non/oath-of-administrator-including-bond-dbn-%28single-applicant%29.docx?sfvrsn=c7aa2539_3).

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**3 The Bond**

**The Bond at Part C** must be signed, sealed and delivered before the same Independent Commissioner who administered the Oath at Part B (Order 79 Rule 29 of the Rules of the Superior Courts). If multiple parties execute the Bond, the first line must read “We, the above named applicants, are each liable…” Bonds must be dated and affixed with a red seal.

Please note that there is a specific bond precedent to be used where the deceased died before 1/6/59  [Link](https://courts.ie/acc/alfresco/4788af4d-b301-41d9-bad1-b89715c25367/Form%207%20-%20Adm%20%28I%29%20Bond%20Death%20prior%20to%2001.06.59.doc/doc/1), and a different specific bond for deaths between 1/6/59 and 31/12/66  [Link](https://courts.ie/acc/alfresco/5ab75827-2625-47ba-a417-892f43d1a026/Form%205%20-%20Adm%20%28I%29%20Bond%20Death%20between%2001.06.59%20and%2031.12.66.doc/doc/1). For all deaths after 31/12/66, the Bond as set out in SI 590 of 2020 and at Part C of the Oath/Bond form must be completed.

Note: if the applicant is an executor applying to administer the unadministered estate, no Bond is required.

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**4.1 *DE BONIS NON* Revenue Forms.**

If the deceased died on or after 5th December 2001, you must complete the Notice of Acknowledgment (Probate) form through ROS. Grant type must be “Second/Subsequent Grant”. The value of all immoveable assets must be current value (i.e. value within the last year), based on a current valuation which must be lodged with the application.

For deaths prior to 5th December 2001, the appropriate Revenue Form A3C must be completed and lodged with Revenue. A copy stamped by Revenue must be lodged with the application, together with the original Certificate for the High Court. Again, for applications in respect of unadministered estates, the value given for the immoveable assets must be current value (i.e. value within the last year), based on a current valuation which must be lodged with the application.

All fields must be filled in correctly. In particular, Question 2(iii) on page 1 of the A3C requires the details of the original grant in this estate.

Please note that **for deaths before 1/6/59**, Form D1 listing the deceased’s immoveable assets must specify the tenure of the immoveable property, i.e. freehold or leasehold. Before 1/6/59, the grant only issued in respect of personal property (which includes leasehold but not freehold assets). If there is no unadministered personal property, a nominal figure (usually €10) must be given for personal estate on the Form A3C. The same nominal figure must be given as the Gross Irish Estate in Part A of the Oath, and the penal sum on the Bond is twice this nominal figure.

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**4.2. Current Market Valuation**

A valuation is always required for second/subsequent grants where there is unadministered immoveable estate in deceased’s name. The valuation should describe the properties in the same way that they are described in the Revenue Form. The valuation need not be overly detailed – it should be a single page – and need not include photos, condition reports, or other superfluous details, but must provide the overall current value of the property and the share owned by the deceased.

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**5.** **Domicile Abroad – requirements**

All applications in respect of estates where the deceased was domiciled outside of the Republic of Ireland must be made to the Probate Office in Dublin.

When a person dies domiciled outside of the jurisdiction, the application must show entitlement under both the law of domicile and Irish Law, unless a Probate Officer’s Order has been obtained to limit the application to the Immoveable estate (governed by Irish Law) or the Moveable estate (governed by the Law of the Country of Domicile). Please see our website at [courts.ie/taking-action/probate/court-orders](https://services.courts.ie/taking-action/probate/court-orders) for the procedure and requirements for same.

Entitlement under Irish Law is proven by setting out entitlement in the Oath.

Entitlement under the Law of Domicile may be proven by lodging a Sealed & Certified Copy of a Grant and Will which has issued in the Country of Domicile, or a valid Affidavit of Law. Further information, including our requirements for an Affidavit of Law, may be found here: [courts.ie/foreign-domicile-application](https://www.courts.ie/foreign-domicile-application). Note: the Copy Will and Grant must each be Sealed (i.e. impressed with a Court Seal or affixed with a Holographic Seal as appropriate) and Certified by the Probate Court in the country of domicile from where the grant issued.

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**6. District Probate Registries**

When applying to one of the District Probate Registries, you must include two certified copies of the will (if any) and one copy of the Oath in addition to all other requirements.

If the deceased was domiciled outside of the Republic of Ireland, the application must be made to the Probate Office in Dublin.

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