

**AN CHUIRT CHUARDA
(The Circuit Court)**

County of the City of Dublin

Dublin Circuit

BETWEEN

Plaintiff(s)

-and-

Defendant(s)

AFFIDAVIT OF

I, _____ in the City of Dublin, aged eighteen years and upwards, MAKE OATH and say as follows:

1. I am one of the executors to the estate of the late _____ and I make this Affidavit on behalf of the estate with the consent of the co-executor in the said estate. I make this Affidavit from facts within my own knowledge save where it otherwise appears and where it so otherwise appears I believe the same to be true.
2. The late _____ died at _____ on the _____ day of _____ 2012 having appointed myself and _____ as her executors ("the Executors") by her Will made on the _____ day of _____ ("the Will").
3. Administration of the estate of _____ ("the Deceased") was granted by Grant of Probate on the _____ day of _____ 2012 to the Executors.
4. The residue of the estate of the Deceased was left by clause _____ of the Will to _____ of the Deceased's siblings with the proviso that the children of _____ should take her share equally if _____ did not survive the Deceased.
5. The said _____ did not survive the Deceased and left _____ children including the Defendant _____.
6. After discharging the debts and specific bequests of the Deceased the residue amounted to € _____ according to the distribution accounts. That amount was distributed in accordance with the Will.

7. It has not been possible to locate _____ despite the assistance of his siblings:
- a) By Statutory Declaration sworn on the _____ of _____ and email dated the _____ of _____, _____ sister confirmed that _____ has chosen not to let his family know of this whereabouts and that she last saw _____ on the _____ of _____;
 - b) By Statutory Declaration sworn on the _____ of _____ and by letter dated the _____ of _____ brother _____ acknowledged receipt of his share of the residue and confirmed that he had no knowledge of _____ whereabouts;
 - c) By letter dated the _____ of _____, _____ sister _____ confirmed that she last saw _____ on the _____ of _____ and that she did not know of his whereabouts now;
 - d) By email dated the _____ of _____, _____ other brother _____ confirmed that he last saw _____ in the summer of _____ and knew nothing of his whereabouts now.
8. _____ share of the residue of the Deceased's estate amounts to € _____ due to:
- a) His equal share of the entitlement of his mother _____ under clause _____ of the Will; and
 - b) His per stripes share of his mother's entitlement to the share of _____ who predeceased the Deceased.
9. I am advised by the solicitor for the estate that the share of _____ falls to be distributed as if the Deceased died intestate. I am further informed by the said solicitor that under the Rules for Intestacy the Deceased's siblings take equally with the children of predeceased sibling taking per stripes. The Deceased died having had seven siblings. _____ predeceased the Deceased. In that way _____ became entitled to one fifth of his Mother's seventh share to the residue of the estate of the Deceased.
10. I believe that the Defendant was not married and did not have children and I believe that his closest relatives under intestacy rules are his four siblings.
11. Although this Civil Bill has been issued it cannot be served because the whereabouts of the Defendant cannot be identified.
12. I beg to refer to a copy of the Will dated the _____ of _____, the Grant of Probate dated the _____ of _____, the Statutory Declaration and the e-mail of _____ mentioned above, the Statutory Declaration and letters of _____ mentioned above, the letters dated the _____ of _____, and _____ of _____, from _____ and the e-mail dated the _____ of _____, from _____ and the distribution account mentioned above which are tied to a cover sheet marked with the letters and

number _____ and upon which I have signed my name prior to the swearing hereof.

13. I beg to refer to the advertisement placed in the Daily Mirror on the __ of _____ 2012. No communication has been received from any person to this advertisement.

14. I therefore pray this Honourable Court for directions and an Order concerning the distribution of the residue due to the Defendant including the Orders sought in the Ex Parte Docket prepared by Counsel instructed by the solicitor to the estate.

SWORN by the said

This _____ of _____ 2012
At _____ in the
City of Dublin
Before me a Practicing Solicitor
And I know the Deponent

PRACTICING SOLICITOR

This Affidavit is filed on behalf of the Plaintiffs by:

Signed: _____
John O'Connor
Solicitor
168 Pembroke Road
Ballsbridge
Dublin 4

Filed on the _____ of _____ 2012