



# Statutory Declaration – Deceased Estate: Probate

## Transfer of Vessel: Probate/Administrator

If transferring a vessel from a deceased estate to a beneficiary under the terms of a will, the beneficiary must supply a Boat Transfer Form and a Statutory Declaration - Deceased Estate: Probate form (completed by the Executor or Administrator of the Estate).

**Note:** Refer to the reverse side of this form for a list of Professions that can witness this Statutory Declaration. Please submit only the original copy of this Statutory Declaration.

### Declaration

I (Declarant's name in full) (Surname) \_\_\_\_\_ (Other names) \_\_\_\_\_  
of (Residential Address) \_\_\_\_\_  
(Suburb) \_\_\_\_\_ (Postcode) \_\_\_\_\_ (State) \_\_\_\_\_  
(Contact Number) \_\_\_\_\_ (Email Address) \_\_\_\_\_

In the State of Western Australia sincerely declare that I have been appointed the: *(please see over for information)*

- Executor Probate** Ref number: \_\_\_\_\_
- Administrator** Letter of Administration Ref number: \_\_\_\_\_

of the estate of: *(Name of the Deceased)* \_\_\_\_\_ and request that the vessel listed below:

### Vessel Details

(Vessel name) \_\_\_\_\_ (Registration Number) \_\_\_\_\_ (Length) \_\_\_\_\_  
(Hull Identification Number) \_\_\_\_\_ (Colour) \_\_\_\_\_

be transferred to:

### Transferee's Details

(Surname) \_\_\_\_\_ (Other names) \_\_\_\_\_  
(Residential address) \_\_\_\_\_  
*(PO Box is not acceptable, registration will not be issued unless residential address is supplied)*  
(Suburb) \_\_\_\_\_ (Postcode) \_\_\_\_\_ (State) \_\_\_\_\_  
(Contact Number) \_\_\_\_\_ (Email Address) \_\_\_\_\_

I make this solemn declaration by virtue of the Oaths, Affidavits and Statutory Declarations Act 2005.

(Declared at) \_\_\_\_\_  
(This) \_\_\_\_\_ (day of) \_\_\_\_\_ (year) \_\_\_\_\_  
(Signature of Declarant) \_\_\_\_\_

**Warning:** It is an offence to provide false or misleading information in this declaration *(maximum penalty - up to three (3) years imprisonment).*

### Declaration Witness

This Declaration must be made before any person before whom, under the *Oaths, Affidavits and Statutory Declarations Act 2005*, a statutory declaration may be made.

#### Declared Before Me:

Surname \_\_\_\_\_ First name(s) \_\_\_\_\_  
Profession Title *(see back of this form)* \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

## Grant of Probate or Letters of Administration

You may be required to apply to the Supreme Court to obtain a Grant of Probate or Letters of Administration. When granted, the applicable reference number must be provided prior to the transfer of a vessel.

### Where necessary you should seek legal advice about your individual situation.

#### Probate

Probate is the process of proving and registering in the Supreme Court the last Will of the deceased. To obtain a grant of Probate, the executor named in the Will must make application to the Probate Office of the Supreme Court. If the application is approved, the executor is given a grant of Probate, which authorises the executor to administer the estate of the deceased according to the terms of the Will.

#### Letters of Administration

If a deceased person does not have a Will (dies intestate), validation of their estate and benefactors is not done with a grant of Probate, but with a similar document known as 'Letters of Administration'. In these circumstances, the Probate Registry refers to the Administration Act 1903 to assess applications. 'Letters of Administration' are also applied for at the Supreme Court.

#### Intestacy

"Intestacy" is where a person dies:

- without leaving a Will; or
- leaving a Will which, for some reason, does not deal with all their property (estate).

The Administration Act 1903 contains the legislative provisions for Probate, administration and the duties on the estates of deceased persons in the above circumstances.

#### Transfer fees apply (*Part VA – Navigable Waters Regulations 1958*)

Documents required:

- a Boat Transfer Form signed by the Executor or Administrator of the estate; and
- this completed Deceased Estate - Statutory Declaration: Probate form.

#### Boat Transfer Form

A Boat Transfer Form must be completed and accompany this Statutory Declaration - Deceased Estate: Probate form before the transfer of registration can be completed.

The Executor/Administrator must record the seller's details as 'Estate of (*insert full name*)' on the Boat Transfer Form and endorse 'Executor' or 'Administrator' above their signature in the seller's signature box. The person who acquires the vessel must pay the transfer fee (*Part VA – Navigable Waters Regulations 1958*).

#### This declaration must be made before any of the following persons:

- Academic (post-secondary institution)
  - Accountant
  - Architect
  - Australian Consular Officer
  - Australian Diplomatic Officer
  - Bailiff
  - Bank Manager
  - Chartered Secretary
  - Chemist
  - Chiropractor
  - Company Auditor or Liquidator
  - Court Officer (Judge, Magistrate, Registrar or Clerk)
  - Defence Force officer (Commissioned, Warrant or NCO with 5 years continuous service)
  - Dentist
  - Doctor
  - Engineer
  - Industrial Organisation Secretary
  - Insurance Broker
  - Justice of the Peace
  - Lawyer
  - Local Government CEO or Deputy CEO
  - Local Government Councillor
  - Loss Adjuster
- or,
- Any person before whom, under the Statutory Declarations Act 1959 of the Commonwealth, a statutory declaration may be made.

Please return completed forms to  
**Boat Registrations, Department of Transport**  
GPO BOX C102, PERTH, WA 6839

For further information please contact Boat Registrations  
on 13 11 56 between 8:30 am and 4:30 pm Monday to Friday or visit us on the web at <http://www.transport.wa.gov.au/imarine>