

Statutory Instrument No. 38 of 1971

DEATH DUTIES PROCLAMATION

[CAP. 84]

PRESCRIBED FORMS NOTICE, 1971

IN EXERCISE of the powers conferred by section 41 of the Death Duties Proclamation, I, *Francis Xavier Mary Rooney*, Master of the High Court of Botswana, hereby prescribe the following forms --

FORM A

AFFIDAVIT BY AN EXECUTOR OF AN ESTATE WHERE THE DECEASED WAS NOT ORDINARILY RESIDENT IN BOTSWANA ON THE DATE OF HIS DEATH

I, _____, do hereby solemnly swear that I am duly appointed Executor/Trustee of the Estate of _____ and make Oath and say as follows:

- 1) THAT I am duly appointed Executor/Trustee of the Estate of _____ who died at _____ on the _____ day of _____ 19____.
- 2) THAT the said _____ was at the time of his death a domiciliary resident in _____.
- 3) THAT the Liquidation and Administration Account filed herein under the provisions of the Administration of Estates Proclamation contains a full description of the Assets of the deceased which form part of his Botswana Estate and are chargeable with death duties under the provision of the Death Duties Proclamation.
- 4) THAT the said account includes a true and accurate description and valuation of the real and personal property of the Estate situated within Botswana including any limited interest in such or any part of it being secured upon immovable property by Bond registered within Botswana or recoverable by right of mortgage in the Courts of Botswana.
- 5) THAT the said account includes for the purpose of death duties a true and accurate description of all Botswana property exceeding in value the sum of R200 (peso) and a *debita operatus carta* for the deceased and including effect within two years immediately prior to his death.

Deceased

Sworn before me _____

at _____ on the _____ day of _____ 19____

Commissioner of Deeds

FORM B

AFFIDAVIT BY AN EXECUTOR OF AN ESTATE WHERE THE THE DECEASED WAS ORDINARILY RESIDENT IN BOTSWANA ON THE DATE OF HIS DEATH

I, _____ of _____
make Oath and say as follows:

- (1) THAT I am duly appointed Executor Testamentary/Dative of the Estate of _____ who died at _____ on the _____ day of _____ 19____.
- (2) THAT the said _____ was at the date of his death ordinarily resident in Botswana.
- (3) THAT the Liquidation and Administration Account filed herein under the provisions of the Administration of Estates Proclamation contains a full description of the Assets of the deceased which form part of his Estate and are chargeable with death duties under the provisions of the Death Duties Proclamation.
- (4) THAT the said account includes a true and accurate description and valuation of the immovable property of the deceased situated within Botswana and all the movable property of the deceased wheresoever situated including any limited interest in such immovable or movable property or any debt secured upon immovable property by Bond registered in Botswana and every debt recoverable by right of action in the Courts of Botswana.
- (5) THE said Account includes a true and accurate description and valuation of all stocks and/or shares owned by the deceased in any Company wherever the said Company was registered.
- (6) THAT the said account includes for the purpose of death duties a true and accurate description of all property exceeding in value the sum of R200 passing under a *donatio inter vivos* made by the deceased and taking effect within two years immediately prior to his death.

Deponent

Sworn before me _____ at _____ on the _____
day of _____ 19____.

Commissioner of Oaths

Dated the 5th day of March, 1971.

F.X. ROONEY,
Master of the High Court