

*Originating Summons for Maintenance out of Estate of
Deceased Former Spouse*

In the District Court of
Hong Kong held at

In the Matter of an Application by _____ under section 38 of the Matrimonial Causes Ordinance

Between
and

Applicant
Respondent

Let _____ of _____ attend before the Court on _____ day, the
_____ day of 19____, at _____ o'clock, on the hearing of an application by _____ that
provision for her maintenance be made out of the estate of _____ of _____, who died on the day
of _____ 19____, on the ground that he has not made reasonable provision for her maintenance after his
death.

Dated this _____ day of _____ 19____.

This summons was taken out by _____ [the solicitor for] the above-named applicant.

To the respondent.

TAKE NOTICE THAT—

[Rule 101(1)]

Originating Summons for Alteration of Maintenance Agreement after Death of One of the Parties

In the District Court of
Hong Kong held at

In the Matter of an Application by _____ under _____ section 37 of the
Matrimonial Causes Ordinance

Between
and

Applicant
Respondent

Let _____ of
attend before the Court on _____ day, the _____ day of 19____, at _____ o'clock, on the
hearing of an application by _____ that the agreement made on the _____ day of
_____, 19____, between the applicant and _____ who died on the _____
day of _____ 19____, should be altered as shown in the affidavit accompanying this summons so as to
make different [or contain] financial arrangements.

Dated this _____ day of _____ 19____.

This summons was taken out by _____ [the solicitor for] the above-named applicant.

To the respondent.

TAKE NOTICE THAT—

1. A copy of the affidavit to be used in support of the application is delivered herewith.
2. You must complete the accompanying acknowledgment of service and send it so as to reach the Court within 8 days after you receive this summons.
3. *[If the respondent is a personal representative of the deceased:* You must also file an affidavit in answer to the applicant's application containing 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 the amount of the estate duty (if any) and interest thereon, and the persons or classes of persons beneficially interested in the estate, with the names and addresses of all living beneficiaries and stating whether any beneficiary is an infant or incapable, by reason of mental disorder, of managing and administering his property and affairs.]

[Or, if the respondent is not a personal representative of the deceased: You may also file an affidavit in answer to the application.]

[Add, in either case: The affidavit must be filed by sending or delivering it so as to reach the Court within 14 days after the time allowed for sending the acknowledgment of service. At the same time you must send a copy of the affidavit to the [solicitor for the] applicant.]

4. If you intend to instruct a solicitor to act for you, you should at once give him all the documents which have been served on you, so that he may take the necessary steps on your behalf.

(L.N.325 of 1982; 21 of 2005 s. 36)

(L.N. 325 of 1982)