

ESTATE ADMINISTRATION

When a person dies leaving a will, certain legal procedures have to be followed before the estate can be validly distributed to beneficiaries. The will should appoint someone as executor who is responsible for completing the process.

This fact sheet does not consider the legal procedures involved where someone dies without a valid will. Please contact us if you have any questions about such a situation.

View can assist adopting a similar approach as set out in this toolkit, via the 'letters of administration' process.

THE EXECUTOR

The main duties of an executor include:

- 1 finding the last will
- 2 arranging for disposal of the body
- 3 obtaining the death certificate
- 4 ascertaining the deceased's assets and liabilities
- 5 obtaining probate if required
- 6 paying the deceased's debts, income tax, duties and funeral expenses
- 7 distributing the remaining assets according to the terms of the will.

WHAT IS PROBATE?

Probate is an order from the Supreme Court confirming that the will is the last valid will of the deceased, and providing the executor legal authority to collect and distribute the estate in accordance with it.

Probate may not be required for a will where estate assets have a nominal financial value (for example less than \$15,000) or when all substantive assets are held as joint tenancies.

THE ADMINISTRATION PROCESS

The diagram below is a summary of the broad steps required in the administration of a deceased estate.

