

THE DEATH OF A LOVED ONE IS A VERY TRAUMATIC EXPERIENCE WHICH ULTIMATELY HAPPENS TO US ALL AT SOME POINT IN OUR LIVES. WE AIM TO REDUCE THE ASSOCIATED STRESS AND ANXIETY BY PROVIDING CLOSURE FOR YOU AS SOON AS PRACTICABLE.

DO I NEED LEGAL ADVICE?

If you have been appointed Executor of a Will or are the next of kin of a deceased person you may be required to administer that persons estate.

Estate administration can be a confusing and frustrating process that involves dealing with a number of issues that people generally don't need to deal with. At **Cooke & Hutchinson** we are able to help guide you through this process.

WHAT IS AN EXECUTOR?

An Executor is a person who has been appointed to ensure that the wishes set out in the deceased person Will are carried out upon their death.

WHAT ARE MY DUTIES AS EXECUTOR?

The duties of an executor may include:

- Attending to funeral arrangements;
- Locating and examining the Will;
- Locating and advising beneficiaries of their entitlements pursuant to the Will;
- Verifying , valuing and collecting assets of the deceased person;
- Paying debts and tax liabilities of the deceased person from funds in their estate;
- Investing surplus funds for the benefit of beneficiaries;
- Proving the Will – obtaining a Grant of Probate from the Supreme Court of Queensland;
- Seeking instructions from beneficiaries;
- Dealing with disputes over the provisions of the Will;
- Handling other specific bequests;
- Obtaining income and land tax clearances;
- Transferring real property;
- Preparing final income tax returns for the deceased and the estate;
- Making a final distribution of assets in the estate to beneficiaries

WHAT IS PROBATE?

Probate is recognition by the Supreme Court of Queensland that a Will is the last legally valid Will of a deceased person.

The recognition of the Court allows the executor to take control of the estate assets.

Executors who are able to administer the remainder of the estate themselves often require legal assistance to deal with the technicalities of applying to the Supreme Court for a Grant of Probate.

HOW CAN WE HELP YOU?

We at **Cooke & Hutchinson** have numerous years experience in estate administration. We can help you in the following ways:

- Ensure that the deceased's Will naming you as executor is the deceased's last will;
- Obtain a Grant of Probate or Letters of Administration (as the case may be) from the Supreme Court of Queensland;
- Notify the relevant Government Authorities of the death of the deceased person;
- Advise you of ways in which you can limit the costs of administering the estate;
- Advise of the possibility of claims against the estate;
- Defend claims against the estate;
- Collect assets payable to the estate
- Pay liabilities owed by the estate from estate funds collected
- Advise beneficiaries of their entitlements;
- Make a final estate distribution

DO I HAVE A CLAIM AGAINST THE ESTATE?

Part 4 of the *Succession Act* 1981 (Qld) allows a dependent of a deceased person to bring a claim against a deceased persons estate.

Notice of a claim **must** be given to the executor of the estate within six (6) months of the date of death and your application **must** be brought within nine (9) months of the date of death.

ESTATE ADMINISTRATION

If you believe you have a claim against a deceased estate the skilled and experienced staff at **Cooke & Hutchinson** will be pleased to assess your potential claim and if appropriate assist you with your application.

NEED A SOLICITOR

We invite you to telephone us on 3284 9433 to discuss any of the information contained in this report.

The information contained in this report is merely a guide and is not meant to be a detailed explanation of the law relating to this subject. We recommend that you see us about any particular legal problem.