

## What is a Grant of Probate?

A Grant of Probate is a document from the Supreme Court of New South Wales that recognises the Will as being legally valid. It allows the Executor to manage the Estate of a deceased person in accordance with that person's Will. We will advise the Executor if it is likely that a Grant of Probate will be required based on the nature of the Estate.

## Who can apply?

The Executor or Executors (if more than one) of the Will are responsible for applying for Probate. If the first nominated Executor has died or is unable to apply, the substitute Executor will be able to make the application.

## What are the first steps?

We will meet with the Executor to discuss the Will and obtain details of the assets and liabilities. We will write to the asset holders and creditors to determine the full extent of the Estate. If we do not hold the original Will, we will assist the Executor to obtain the original Will. We will also need the original death certificate.

## What happens next?

We will file a Notice of Intended Application for Probate online. The application for Probate should be filed with the Court within 6 months from the date of death. If more than 6 months has passed, the Court will require an affidavit stating the reason for the delay and we can assist to draft that document. We will prepare all required documents and meet with the Executor to sign the documents. The documents will then be filed with the Supreme Court of New South Wales. The Court processing times for applications are published on the Court's website. Once we have the Grant of Probate, we will write to the asset holders to close bank accounts, sell or transfer any Real Property and pay outstanding debts.

## What are the final steps?

Once all assets have been collected and debts have been paid, we prepare documents to distribute the Estate. This usually occurs within 12 months from the date of death, unless a claim is made on the Estate. We will write to the beneficiaries and obtain their bank details to make the distributions.

## What does it cost?

The professional fees a solicitor can charge for obtaining a Grant of Probate are regulated by legislation and is based on the value of the Estate. In addition to the professional fees are the Court's filing fee on the Notice of Intended Application and the Application for Probate. We are required to provide the Executor with a Costs Agreement and Disclosure so the total estimate of fees is known. That Costs Agreement will also include our fees for acting on the administration and distribution of the Estate.