

# A Guide to the PROBATE PROCESS

WITHIN 1-2 WEEKS  
OF DEATH

## What is a Grant of Probate?

Applying for a Grant of Probate is the formal process of proving the last Will of a deceased person. The Executors named in the Will apply for the Grant and are then held responsible for administering the estate and distributing assets in accordance with the terms of the Will.

## Determine assets and liabilities

Once the death certificate is received, the Executors must begin to ascertain the assets of the estate. The Executors will then have an initial meeting with Beck Legal and provide their findings with respect to the deceased's assets. From here, Beck Legal will contact all asset holders and obtain the necessary valuations where appropriate.

The Executor must ensure appropriate levels of insurance over estate assets are maintained during the administration of the estate.

WITHIN 3-4 MONTHS  
OF DEATH

## Prepare probate documents

Once the value of the estate assets have been ascertained, Beck Legal will prepare the necessary documents for the probate application, including the required notices and affidavits. Once completed and signed by the Executors the application is then sent to the Supreme Court of Victoria for lodging.

WITHIN 3-4 WEEKS  
FROM DATE OF LODGING

## Probate granted

Once the Grant of Probate has been issued by the Supreme Court, the Executor is then able to deal with the assets of the estate.

## Redeem assets

The Executor is required to call in all assets of the estate, such as closing off the deceased's bank accounts, redeeming any superannuation policies and selling any estate property (unless specifically gifted to certain beneficiaries). Beck Legal will attend to this redemption process on behalf of the Executor.

## Pay liabilities

Once the assets have been called in, the Executor must attend to payment of all of the deceased's outstanding liabilities and attend to lodging all final tax returns with the Australian Taxation Office.

WITHIN 6-12 MONTHS  
OF DEATH  
*unless complications arise*

## Distribute estate

Once all assets of the estate have been redeemed and there are no further outstanding liabilities owing, Beck Legal will prepare a detailed administration statement on behalf of the Executor and attend to distributing all assets of the estate to the named beneficiaries in accordance with the terms of the Will.