

Intestacy

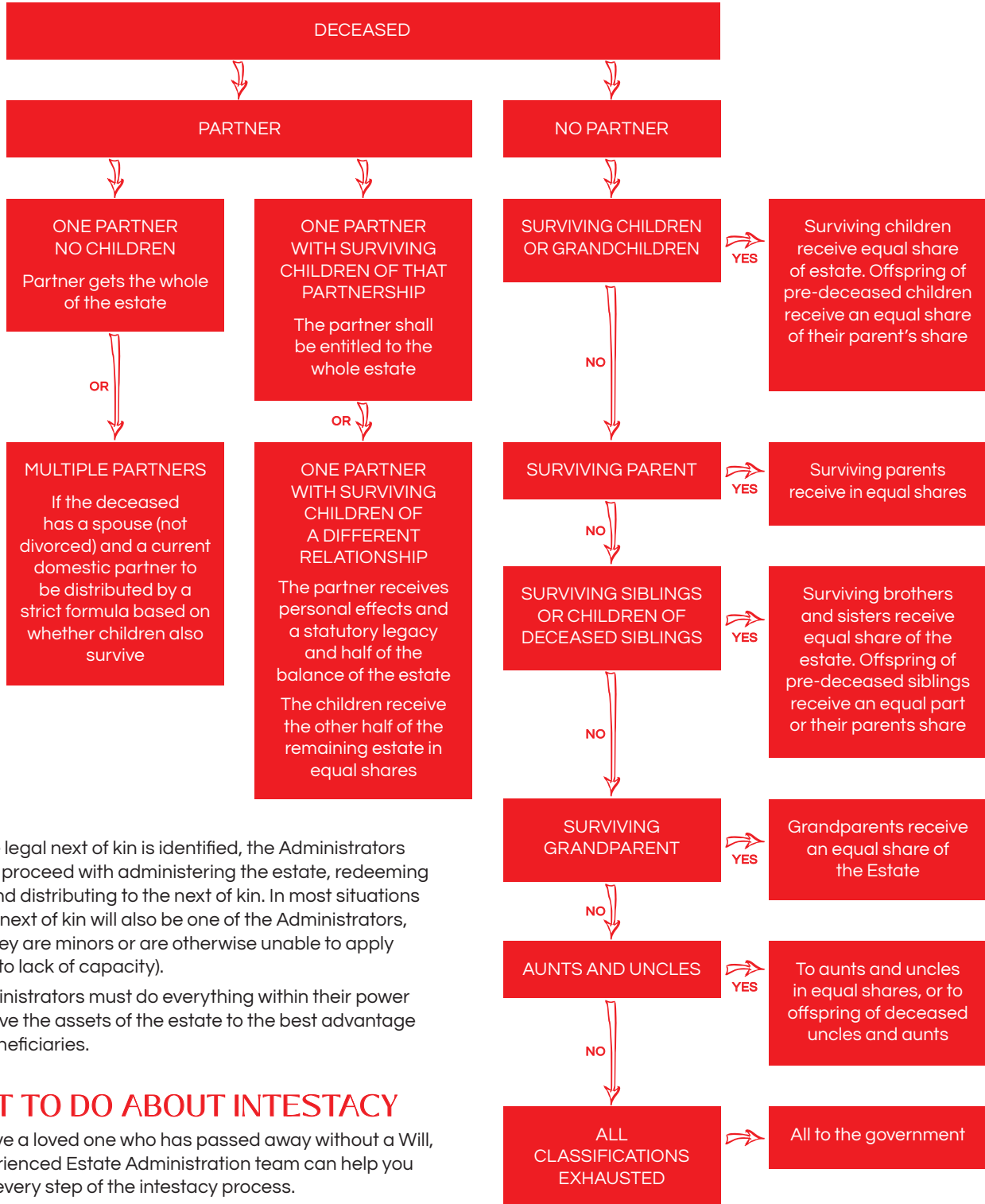
WHAT HAPPENS WHEN SOMEONE DIES WITHOUT A WILL?

If a person passes away without a valid Will, he or she is deemed to have died intestate and the administration and distribution of the estate is determined by a set government formula.

The deceased's closest next of kin are entitled to apply to

the Supreme Court of Victoria to obtain a Grant of Letters of Administration, appointing the legal next of kin as Administrators and giving them the power to deal with the assets of the estate.

An overview of the set government formula is set out in the table.



Once the legal next of kin is identified, the Administrators can then proceed with administering the estate, redeeming assets and distributing to the next of kin. In most situations the legal next of kin will also be one of the Administrators, unless they are minors or are otherwise unable to apply (e.g. due to lack of capacity).

The Administrators must do everything within their power to preserve the assets of the estate to the best advantage of the beneficiaries.

WHAT TO DO ABOUT INTESTACY

If you have a loved one who has passed away without a Will, our experienced Estate Administration team can help you through every step of the intestacy process.