

## Probate Sydney

Probate Sydney is Sydney's Probate service for executors and administrators, providing Grants of Probate at a fixed cost, quickly and hassle free.

If you have been appointed as an executor of a Will, you have been chosen by the deceased as the most trusted person to ensure that their wishes are carried out in accordance with the terms of their last Will and Testament. Often the appointment of executor has been bestowed on a very close loved one, such as the deceased's husband or wife, son, daughter or lifelong friend.

One important role of the executor is to call in the assets of the estate which are then used to pay any estate liabilities before a final distribution to the beneficiaries as set out in the Will. In most circumstances the asset holder (such as the Department of Lands, share registry or aged care facility) will not release the assets without the executor first obtaining a Grant of Probate.

Probate Sydney will ensure you obtain Probate at a fixed cost, quickly and hassle free, to ensure that you meet your obligations as executor in a timely manner.



Find out more or get started

**Call 1300 4 PROBATE**  
(1300 477 622)

or visit our website  
[www.probatesydney.com.au](http://www.probatesydney.com.au)

**Fixed Cost**  
**Quick**  
**Hassle free**

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## Do I need to obtain Probate?

There are legal and practical considerations which will determine whether you as the executor need to obtain Probate.

**Practical:** Many asset holders (such as the Department of Lands, Aged Care Facility or Share Registry) will not release or transfer the assets of the estate until a Grant of Probate is obtained and in these circumstances the executor will have no choice but to obtain Probate.

If the deceased owned only joint assets, then Probate is not required and the assets can be transferred to the surviving joint tenant by completing the appropriate forms.

**Legal:** By obtaining Probate and following the procedure set out in the Probate and Administration Act the executor gains the authority to deal with assets and also protection from any claims of creditors.

## What if there is no Will?

An application for Probate can only be made if there is a validly executed Will. If there is no Will, then a similar application, called 'Letters of Administration' must be made, depending on the same considerations noted above.

## Fees and Costs

The fees and costs to obtain Probate are paid out of the assets of the estate. Probate Sydney do not require any payment until the Grant of Probate is obtained apart from the Court filing fee, which can usually be obtained from the deceased's bank account. The fee charged by Probate Sydney is also calculated on the complexity of the estate and not the value of the estate, which means that simple estates and sole or co-operative executors receive a lower fee.

More information can be found by visiting our website [www.probatesydney.com.au](http://www.probatesydney.com.au) or by contacting Probate Sydney on **1300 4 PROBATE** (1300 477 622).

## What if a solicitor is holding the Will?

In many instances the original Will is retained by the deceased's solicitor for safe keeping.

An executor is not required to engage the services of the solicitor holding the Will and Probate Sydney will organise for the original Will to be collected and held in safe custody until produced to the Court to enable the Grant of Probate.

## How long do I have to apply for Probate?

Applications should be filed with the Court within 6 months from the date of death. If an application is filed outside of this period the Court will require an explanation for the delay to be filed in the form of an affidavit. Probate Sydney will ensure that the application is prepared quickly so that the administration can be completed without delay.

The administration of the estate should be finalised within 12 months from the date of death (this is called 'the executor's year') to avoid interest being claimed by beneficiaries.



## What are my duties as executor?

An executor holds an important position. The executor's duties at law are to finalise funeral arrangements (if not already done), obtain Probate, call in the estate, preserve the estate from waste, pay debts and then distribute the estate in accordance with the Will, or if there is no Will, in accordance with the rules set out in the Succession Act.

Probate Sydney will advise you of these rules and who is entitled to the estate where there is no Will.

## How long does it take?

Applications for Probate cannot be filed until 14 days after the proper notice has been published in the newspaper. Probate Sydney arrange for the notice to be published, arrange all the Probate paperwork and then arrange to meet with you to sign the Probate application.

We then lodge the application and Probate with the Court and generally the sealed Probate is returned within 14 days after filing.

Meetings are strictly by appointment but we can meet with you to sign the application at any of our 10 Sydney office locations – Bankstown, Bondi Junction, Chatswood, Hurstville, Liverpool, North Strathfield, Parramatta, Rockdale, Sutherland and Sydney CBD.