



Being an Administrator of an Estate

Why Choose Us?

We have been doing Estate matters for our clients for over 110 years.

We have significant experience in the area of Estates and the requirements of the Supreme Court of New South Wales

What is an administrator?

If you are a relative entitled to the whole or part of the estate of the deceased, we can apply to the Supreme Court for Letters of Administration; once granted, these make you a personal representative of the deceased. An administrator is very similar to an executor under a Will.

There are rules laid down by law (known as “the laws of intestacy”) about how assets are to be distributed when there is no Will. Briefly, a surviving spouse receives the whole estate if there are no children. If there are children and a spouse there is a formula for dividing the estate.

What are an administrator’s responsibilities?

In general terms, an administrator’s duty is to take charge of the deceased’s assets and property, see that the funeral and administration expenses as well as debts and taxes are paid and finally to distribute the assets to the beneficiaries in accordance with the laws of intestacy.

What is Letters of Administration?

A Grant of Letters of Administration is an order of the Supreme Court saying that the administrator has the right to administer the estate. Most assets cannot be transferred to the beneficiaries without a Letters of Administration. For example, land cannot be transferred without a Letters of Administration and banks usually require a Letters of Administration to close a bank account in the name of the deceased.

What if the estate is small?

Banks and building societies have different rules, which allow access to the deceased’s funds without a grant of Letters of Administration if the estate is very small. Where the estate is small, that is less than \$50,000, no court fees are payable if an application for Letters of Administration is necessary.

How do I apply for a Grant of Letters of Administration?

Baldock Stacy & Niven will assist you in applying for a Grant of Letters of Administration. We will:

- advertise the application in a prescribed form in a local newspaper.
- lodge a formal application with the Court with an affidavit containing
 - proof that you have advertised the application
 - some details about the deceased
 - a death certificate
 - details of the assets and liabilities of the deceased
 - details of the beneficiaries

Contact Us

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Baldock Stacy & Niven has a history going back more than 110 years to the firm's founding in 1891. The firm now has 3 partners and numerous employed solicitors and has offices in Parramatta and Orange.

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What do I do after Letters of Administration is granted?

Once Letters of Administration are granted, the administrator collects the deceased's assets and takes steps to pay the funeral and administration expenses and any debts, which the deceased owed. **Baldock Stacy & Niven** will do this on your behalf.

When all assets have been identified and, if necessary, sold to raise cash, and all debts have been paid, the remainder of the estate can be distributed to the beneficiaries after the administrator has published a second notice requiring anybody with a claim against the estate to provide particulars of the claim within one month.

How long does the whole process take?

Because of the requirements for two advertisements and the notice periods required, a Grant of Letters of Administration usually takes about 12 weeks and the whole estate is usually distributed within 4 to 6 months. Sometimes where there are complicated estates they may take up to one year.

How will Baldock Stacy & Niven help me?

Baldock Stacy & Niven can:

- Inform you in detail about the rights and responsibilities of an administrator;
- Prepare and help you to complete the forms needed to apply for Letters of Administration;
- Assist you to identify and collect the deceased's assets;
- Advise you on the possibility of tax liability;
- Advise you about the legal order in which debts must be paid and the remaining assets distributed;
- Help you draw up a statement of assets for collection and distribution to the beneficiaries

How much does a Grant of Letters of Administration cost?

The costs of the legal work of and incidental to obtaining the grant of Letters of Administration, up to delivery of the grant of Letters of Administration by the court, are regulated by the Supreme Court as to the maximum amount chargeable.

We will give you a costs disclosure document after we first see you in relation to the estate. Costs are on a sliding scale and are based on the value of the estate.

What should I do now?

Baldock Stacy & Niven is unable to do anything until an official Death Certificate has been issued by the Registry of Births Deaths and Marriages.

- ❖ **Firstly** you should find out and make a list of everything the deceased owned or was entitled to. The list could include a home, car, money, bank or building society accounts, furniture, household appliances, jewellery, shares and other investments, insurance policies, superannuation, and holiday pay from work. In addition, if the estate is to be divided between a number of beneficiaries, the assets may have to be valued.
- ❖ **Secondly** you should make an appointment to see **Baldock Stacy & Niven** when the original death certificate is available.

DISCLAIMER

This Guide is not a substitute for legal advice and is only of general informational value. It has been prepared to help you understand the legal aspects of being an administrator. It is not intended to set out the exact procedures for applying for a Grant of Letters of Administration. You should not rely on the contents of this Guide without first obtaining our advice.