



**SYNERGY LEGAL**  
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# *Understanding Probate: A Simple Guide*

## **What is Probate?**

Probate is the legal process through which a deceased person's will is validated by a court. It involves the administration of the deceased's estate, ensuring that the deceased's debts are paid and the remaining assets are distributed according to the will.

If there is no will, the estate is distributed according to the laws of intestacy.

In New South Wales, the Supreme Court is responsible for granting probate, which gives the executor the authority to manage and distribute the estate.

## **When is Probate Required?**

In New South Wales, probate is usually needed when:

- The deceased owned real estate solely in their name.
- Financial institutions require it before releasing substantial amounts of funds.
- The estate includes significant assets, such as shares or large investments.

## **Who Handles Probate?**

The executor named in the will is responsible for applying for probate. If there is no will, the Supreme Court of NSW appoints an administrator, usually the closest next of kin.

## **What is an Executor?**

An executor is the person named in a Will who is responsible for managing the deceased's estate. Their duties include applying for probate, collecting and distributing assets, paying debts and taxes, and ensuring the estate is administered according to the Will. If no executor is named or the appointed executor is unable to act, an administrator may be appointed by the Court.

# The Probate Process

## 1 *Gather Necessary Documents*

Obtain the death certificate and the original will (if applicable).

## 2 *Estimate the Estate's Value*

Identify and value assets and liabilities.

## 3 *Contact Us*

Organise an initial consultation with our offices to discuss probate process, costs and filing requirements.

## 4 *Apply for Probate*

We will prepare all necessary legal documents and assist you with an Application for Probate to the Supreme Court of NSW.

## 5 *Pay Estate Debts*

Once Probate has been granted, we will assist you in settling outstanding bills, loans, and taxes before distributing assets to the nominated beneficiaries.

## 6 *Distribute the Estate*

Once all outstanding Estate debts have been paid, we will assist you in organising the transfer of the remaining assets to beneficiaries as outlined in the will or according to intestacy laws.

## 7 *Lodging the Application*

The completed probate application is submitted to the Supreme Court, along with the required filing fee. The Court's review process typically takes 20 working days. If further information is needed, the Court will issue a requisition, which must be addressed before probate is granted.

### How Long Does Probate Take?

- The process typically takes 4 to 8 weeks once the application is lodged.
- Delays can occur if the will is contested or if there are complications in valuing the estate.

### What Are the Costs?

- **Court Filing Fees** - Vary depending on the estate's value.
- **Legal Fees** - Legal fees are predetermined by the Supreme Court of NSW.
- **Other Expenses** - Such as valuation fees and debt repayments

## What If There's No Will?

When someone dies without a will (intestate), the estate is distributed according to the Succession Act 2006 (NSW).

## Need Assistance?

Probate can be a complex process, but you don't have to handle it alone. If you need help, contact our office for professional guidance and support.

## How We Can Help

Our experienced probate team provides comprehensive support throughout the entire probate process, ensuring compliance with legal requirements and minimising stress for executors and beneficiaries.

We understand that dealing with a loved one's estate can be overwhelming. Our compassionate and knowledgeable team is here to support you every step of the way, ensuring the process is handled efficiently and legally.

For expert probate guidance, contact our office today for a free 15 minute initial consultation to obtain costs.



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**Contact Us Today**

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