**Instruction form – Grant of probate, reseal of probate or letters of administration**

***To submit instructions:*** email – solutions@viewlegal.com.au

***Contact details***

|  |  |
| --- | --- |
| **Contact and firm name** |  |
| **Email address** |  |
| **Postal address** |  |
| **Phone** |  |

***Details of deceased***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Full name** |  | | | |
| **Last address** |  | | | |
| **Gender** | **Female  Male** | | | |
| **Any known alias or other name in which assets are held** | | |  | |
| **Date of death** | |  | | |
| **Date of birth** | |  | | |
| **Age on death (e.g. 86 years)** | |  | |
| **Last known occupation** | |  | |
| **If the application for probate is later than 6 months after death, what is the reason for the delay?** *\*NSW probate only* | |  | |
|  | |
|  | |
| **Family Tree (please provide an overview of immediate family members of the Deceased)** | |  | |
|  | |
| **Marital status of deceased (repeat any as necessary)** | | **Single**  **married to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **divorced from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_**  **widowed**  **in a significant relationship with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **Other (please specify)** | |

***Application details***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **(If applicable) In which State has probate already been obtained in?** | ACT | NSW | NT | QLD |
| SA | TAS | VIC | WA |

|  |  |
| --- | --- |
| **(If applicable) Date of original grant of probate:** | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

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| **In which state should probate be obtained in?**  Note: In considering which state probate should be obtained in, have any third parties confirmed which state the grant needs to be obtained in? | | ACT | | | | | NSW | NT | | | | QLD | |
| SA | | | | | TAS | VIC | | | | WA | |
| **Is any asset owned by the deceased in any other state?** | | | | | | | | | | | **Yes  No** | | |
| **If Yes, which state/s:** | | ACT | | | | NSW | | | NT | | | | QLD |
| SA | | | | TAS | | | VIC | | | | WA |
| **Also if Yes, do you want additional advice as to the most appropriate state to seek probate in?** | | | | | | | | | | | **Yes  No** | | |
| **Is there a Will?** | **Yes – Date of last Will: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  No** | | | | | | | | | | | | |
| **If No:**  **Why does the applicant think they have priority to apply for a grant (i.e. what was their relationship to the deceased?)** | | |  | | | | | | | | | | |
| **If Yes:** | | | | | | | | | | |  | | |
| **Full name of Witness 1 to the Will** | | |  | | | | | | | | | | |
| **Current address of Witness 1 to the Will** *(\*Vic/WA probate only)* | | |  | | | | | | | | | | |
|  | | | | | | | | | | |  | | |
| **Full name of Witness 2 to the Will** | | |  | | | | | | | | | | |
| **Current address of Witness 2 to the Will** *(\*Vic/WA probate only)* | | |  | | | | | | | | | | |
|  | | | | | | | | | | |  | | |
| **Date of any codicils:** | | |  | | | | | | | | | | |
|  | | |  | | | | | | | | | | |
| **If there are any codicils:** | | | | | | | | | | |  | | |
| **Full name of Witness 1 to codicil 1** | | |  | | | | | | | | | | |
| **Current address of Witness 1 to codicil 1** *(\*Vic/WA probate only)* | | |  | | | | | | | | | | |
|  | | | | | | | | | | |  | | |
| **Full name of Witness 2 to codicil 1** | | |  | | | | | | | | | | |
| **Current address of Witness 2 to codicil 1** *(\*Vic/WA probate only)* | | |  | | | | | | | | | | |
|  | | | | | | | | | | |  | | |
| *Copy the section above for each additional codicil and provide details of witnesses* | | | | | | | | | | | | | |
|  | | | | | | | | | | |  | | |
| **At the time of making the Will (and any codicils), was there any confirmation of testamentary capacity obtained (i.e. doctor’s certificate)? If yes, please provide us with a copy** | | | | | | | | | | | **Yes  No** | | |
| **Was the deceased married or in a civil union at the time the Will (or any codicils) was executed?** | | | | | | | | | | | **Yes  No** | | |
| **Did the deceased get married, enter a civil union or divorce after the date of the Will (and any codicils)?** | | | | | | | | | | | **Yes  No** | | |
| **If Yes, provide details including date:** | | | | |  | | | | | | | | |
|  | | | | | | | | |
| **Is there anyone who could potentially be dissatisfied with the distribution of the estate and might seek to challenge it?** | | | | | | | | | | **Yes  No** | | | |
| **If Yes, please provide details:** | | | |  | | | | | | | | | |
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***Where there is a will - Executor details***

***Include details of all executors named in the Will, including if deceased or renouncing***

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| --- | --- | --- | --- |
| **Will all executors who are named in the Will apply for the grant of probate?** | **Yes  No** | | |
|  |  | | |
| **Executor 1 - Full name** |  | | |
| **Any alias or other names executor is known by** |  | | | |
| **Date of birth** |  | | | |
| **Address** |  | | |
| **Email address** |  | | |
| **Relationship to deceased** |  | | |
| **Occupation** |  | | |
| **Mobile number** |  | | |
| **Is Executor 1** | **Applying for probate as executor** | **Renouncing**  **Reason for renunciation:** | |
|  | |
| **Deceased** |  | |
|  | |
|  |  | | |
| **Executor 2 - Full name** |  | | |
| **Any alias or other names executor is known by** |  | | | |
| **Date of birth** |  | | | |
| **Address** |  | | |
| **Email address** |  | | |
| **Relationship to deceased** |  | | |
| **Occupation** |  | | |
| **Mobile number** |  | | |
| **Is Executor 2** | **Applying for probate as executor** | **Renouncing**  **Reason for renunciation:** | |
|  | |
| **Deceased** |  | |
|  | |
|  |  | | |
| **Executor 3 - Full name** |  | | |
| **Any alias or other names executor is known by** |  | | | |
| **Date of birth** |  | | |
| **Address** |  | | |
| **Email address** |  | | |
| **Relationship to deceased** |  | | |
| **Occupation** |  | | |
| **Mobile number** |  | | |
| **Is Executor 3** | **Applying for probate as executor** | **Renouncing**  **Reason for renunciation:** | |
|  | |
| **Deceased** |  | |
|  | |
| **Executor 4 - Full name** |  | | |
| **Any alias or other names executor is known by** |  | | | |
| **Date of birth** |  | | | |
| **Address** |  | | |
| **Email address** |  | | |
| **Relationship to deceased** |  | | |
| **Occupation** |  | | |
| **Mobile number** |  | | |
| **Is Executor 4** | **Applying for probate as executor** | **Renouncing**  **Reason for renunciation:** | |
|  | |
| **Deceased** |  | |
|  | |
| ***\* NSW probate only:* Can the executors applying for probate each confirm that the signature on the Will (and any codicils) is that of the deceased?**  The executor should be able to identify the signature of the deceased on the Will and explain how they are able to identify the signature (e.g. they have seen the deceased sign on several occasions and can confirm the signature is that of the deceased). | | | **Yes  No** |

***No will -- Administrator details***

***Include details of all administrators who wish to apply for the grant***

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| --- | --- |
| **Administrator 1 - Full name** |  |
| **Any alias or other names administrator is known by** |  | |
| **Date of birth** |  | |
| **Address** |  |
| **Email address** |  |
| **Relationship to deceased** |  |
| **Occupation** |  |
| **Mobile number** |  |
|  |  |
| **Administrator 2 - Full name** |  |
| **Any alias or other names administrator is known by** |  | |
| **Date of birth** |  | |
| **Address** |  |
| **Email address** |  |
| **Relationship to deceased** |  |
| **Occupation** |  |
| **Mobile number** |  |
|  |  |

***Estate value***

|  |  |
| --- | --- |
| **Gross value of the estate:** | **$** |
| **Net value of the estate:** | **$** |

***Beneficiary details***

*\* NSW probate applications only*

|  |  |  |
| --- | --- | --- |
| **Name of beneficiary** | **Age of beneficiary (if under 18)** | **Entitlement under Will** |
|  |  |  |
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***High level overview of property of the deceased***

*\* Qld and NT applications only.*

*For QLD and NT applications, please provide a high level overview of the assets of the deceased.*

|  |  |  |  |
| --- | --- | --- | --- |
| **Description of assets** | **Ownership** | **Location of asset (VIC, QLD, NSW etc)** | **Estimated or known value** |
|  | Totally owned by deceased  Joint tenancy ownership  Tenants in common |  |  |
|  | Totally owned by deceased  Joint tenancy ownership  Tenants in common |  |  |
|  | Totally owned by deceased  Joint ownership  Tenants in common |  |  |

***Inventory of Property within the state of probate application***

*\* NSW/VIC/WA/TAS probate applications only.*

*For NSW probate, only NSW property is required to be provided in the probate application. The probate filing fees to be paid are based on the value of the NSW assets.*

*For VIC, WA and TAS probate, assets within and outside the state must be provided in the probate application. In this table, only list assets located within the state of the probate application.*

*Please describe each asset sufficiently to identify it.*

*The following details should be included:*

* *Bank account: Copy of the statement as at date of death for all financial institution accounts*
* *Shares: Full name of company, number of shares held, value of shares at date of death and register the shares are held on*
* *Motor Vehicle: Make, model, year and value*
* *Personal Belongings: Jewellery, watches, trinkets and items of personal adornment, include value and who valued by. Unless there is something of unusual value (antique furniture, expensive jewellery, etc), it is generally sufficient to describe these simply as "furniture and personal effects"*
* *Accommodation Bond: Name and address of Aged Care Facility (provider) (or equivalent) and bond refund value*

|  |  |  |
| --- | --- | --- |
| **Detailed Description of assets** | **Ownership** | **Estimated or known value** |
|  | Totally owned by deceased  Joint tenancy ownership  Tenants in common |  |
|  | Totally owned by deceased  Joint tenancy ownership  Tenants in common |  |
|  | Totally owned by deceased  Joint tenancy ownership  Tenants in common |  |
|  | Totally owned by deceased  Joint tenancy ownership  Tenants in common |  |

***Inventory of Property outside the state of probate application***

*\* VIC/WA/TAS probate applications only.*

*In this table, only list assets outside the state of the probate application.*

*Please describe each asset sufficiently to identify it.*

*The following details should be included:*

* *Bank account: Name of bank, branch, account number, type of account (e.g. term deposit) and balance of account*
* *Shares: Full name of company, number of shares held, value of shares at date of death and register the shares are held on*

|  |  |  |
| --- | --- | --- |
| **Detailed Description of assets** | **Ownership** | **Estimated or known value** |
|  | Totally owned by deceased  Joint tenancy ownership  Tenants in common |  |
|  | Totally owned by deceased  Joint tenancy ownership  Tenants in common |  |
|  | Totally owned by deceased  Joint tenancy ownership  Tenants in common |  |
|  | Totally owned by deceased  Joint tenancy ownership  Tenants in common |  |

***Liability details***

*\* NSW/VIC/WA/TAS/NT probate applications only*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date** | **Name of creditor, etc.** | **Description of liability** | **Estimated or known amount** | |
|  |  |  | **Secured** | **Unsecured** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

***Division 7A Debts***

|  |  |  |
| --- | --- | --- |
| **Are any Division 7A debts owing by the deceased to a company?** | | **Yes  No** |
| **If Yes, provide full details** |  | |
|  |  | |

***Fact Find for any additional information or comments***

*If you have chosen Concierge or Comprehensive packages, set out here any further information and any queries to be addressed by a specialist lawyer in a conference call or web-enabled meeting*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Package Choice***  *(if relevant)*   |  |  |  | | --- | --- | --- | | Concierge  *Complete the Fact Find* | Comprehensive  *Complete the Fact Find* | Compliance |   ***Delivery method***   |  |  | | --- | --- | | Email only  Regular Post (add $39) | Express Post (add $89)  Tracked Post (add $59) | |

***Payment details***

If you haven’t already, please complete your payment for this service via our online payment gateway here: <https://viewlegal.com.au/product/online-solutions>

Unless otherwise advised by View Legal, we will not process the instructions in this form until we have received payment.

***Notes:***

|  |  |
| --- | --- |
| **Please confirm you have reviewed and responded on all point below** | **Yes  No** |

1. Please post the following **original** documents to View Legal Pty Ltd, GPO Box 681, Brisbane, Queensland, 4001 and scan copies to [solutions@viewlegal.com.au](mailto:solutions@viewlegal.com.au):
   1. (if any) probate grant received in other jurisdiction (if View does not already hold this)
   2. the last Will (please ensure no clips or markings are made on the document)
   3. any codicils (please ensure no clips or markings are made on the document)
   4. death certificate
2. Please provide copies of the following:
   1. any confirmation of testamentary capacity obtained (i.e. doctor’s certificate) at the time of making the Will (or any codicils)
   2. most recently available ASIC search and constitution for any companies in which the deceased owned shares at the date of death
   3. rates notice and title search for any properties owned by the deceased at the date of death
   4. trust deed and unit certificates for any unit trusts in which the deceased own units at the date of death
   5. copy of any trust deed where the deceased was named in any role (eg beneficiary, trustee, principal)
   6. copy of any superannuation nominations or reversionary pension documents
   7. statement of assets and liabilities as at date of death
3. All executor applicants must be over 18 years of age, willing to act and not under any legal disability including insolvency
4. Please confirm if the deceased could not read and understand and speak English when the Will (and any codicils) were made
5. Please provide any other information you believe relevant
6. The View Legal Costs Agreement applies to any engagement of View Legal
7. The order receipt received from our website also serves as a Tax Invoice, GST included. Please retain a copy for your tax records.

View Legal Pty Ltd ABN 39 168 702 707