

PROBATE
APPLICATIONS

Do you need to act as an Executor of a recently deceased estate?

Along with Estate Planning, Duncan.Legal also offers Probate & Estate Administration services.

Let us help you with an application for Probate and guide you in the steps of Estate Administration.

Although the process is a little slower at the moment with COVID-19 restrictions in place, it is still possible to obtain a Grant of Probate from the Supreme Court of Victoria.

Without the Grant, you are unable to administer an Estate.

Call us today to get started.

Tel: 9077 7731
Or Email:
reception@duncanlegal.com.au

**SHOULD MY VULNERABLE FAMILY MEMBER
MAKE A WILL / POWER OF ATTORNEY?**

At Duncan.Legal this is one of the most frequently asked questions for families managing disability.

The answer depends very much on an assessment of the following things:

1. Does the person own significant property in their own name?
2. Does the person know what property they own and have their own ideas about who is should be bequeathed to?
3. Does the person understand the nature of a Will and POA documents?
4. Does the person understand that signing a document means they agree to the contents of that document?
5. Does the person have mental capacity to provide instructions about their property and their wishes (independently, or with support) to a legal advisor?

If the answer is “yes” to all of these questions, then it is most likely that your vulnerable family member can make a Will and Powers of Attorney.

If the answer is “no”, then there are a number of other options. Applications can be made to the Supreme Court of Victoria on behalf of a person lacking capacity to make a **Statutory Will** if there is significant property and special personal circumstances that makes this necessary. Otherwise a person would die **intestate** (without a Will). There is a special hierarchy set out in the *Administration and Probate Act* as to who would inherit their estate and how it would be dealt with. There are also special rules that enable small estates (those valued less than \$109,350) to be dealt with by a court officer (instead of a solicitor) avoiding the need for many of the formal processes and with less expense.

In working with your family member we would need to meet that person alone for a short time to ascertain that they are acting voluntarily and are under no duress.

At Duncan.Legal we are sensitive to a person’s abilities and work flexibly to best support that person to provide their instructions.

Call us on 9077 7731 for further information.

The Australian Government is trialing a DSP 'pre-claim' guide.

If you or someone with a disability that you care for are considering applying for the DSP, there is a handy on-line tool that may prevent you from spending hours filling out forms only to discover that you or they are ineligible.

The pre-claim guide will take you through a number of simple steps where you can check that all the criteria to be eligible to receive the DSP, can be met. The guide can be found by searching 'DSP pre-claim guide'.

Payment Instalment Plans



Duncan.Legal understands that the current economic climate is difficult but we also know the importance of ensuring that your Wills and Powers of Attorney are up-to-date.

To ease the costs of Estate Planning at this time, Duncan.Legal is providing the option of Payment Instalment Plans. Instalments can be made **weekly, fortnightly or monthly** by arrangement, at a rate that you can comfortably manage.

Call us today to find out more....

Estate Planning & COVID-19 Measures

Duncan.Legal remains open for business as usual, operating within the current mandated COVID-19 parameters. We are readily contactable by email & telephone, or by video conferencing technologies (Zoom/Facetime/Skype) by arrangement.

As an essential service, we are able to continue to meet with clients face-to-face where necessary, particularly when executing your documents.

We have a large conference room where social distancing is easily managed for appointments. Hand sanitiser, masks and gloves are also available for your comfort and the conference room is sanitised prior to every appointment.

Located in a quiet suburban street, parking is readily available and our premises are disability friendly.

If we can be of service at this uncertain time, please do not hesitate to make contact.

Stay well!

ABOUT US

Duncan.Legal is a small law firm based in Surrey Hills. We offer personalised, caring service with an interest in assisting families with disability. Each of us are parents of children with autism and bring our life experience to our work. Over half of all our clients have disability in their family.

We invite you to consider Duncan.Legal when you need advice with your Estate Planning.



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