

Fact Sheet

What is a Grant of Probate?



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When a person dies leaving a valid Will, the executor/s appointed in the Will can apply to the Supreme Court of Victoria for a grant Probate of the Will.

A grant of Probate is a legal document issued by the Court which gives the executor/s authority to deal with the deceased's assets and manage the estate.

Does an executor have to take on the role?

No. Your appointment as an executor is not compulsory and you are able to decline (renounce) the role.

Do all the executors named in the Will have to apply for a grant of Probate?

No. One or more of the executors can apply by themselves.

Is a grant of Probate always required?

A grant of Probate is only required if the deceased held assets in their sole name, such as bank accounts, shares or real estate.

It may not be necessary to obtain a grant of Probate in circumstances:

- where all assets were jointly owned with another person; or
- where the deceased's only assets were personal possessions.

What information do I need to apply for a grant of Probate?

In order to apply for a grant of Probate you will need the following:

- original death certificate;
- the original Will;
- details of the deceased's assets and liabilities; and
- details of the beneficiaries referred to in the Will.

What is the role of an executor?

As an executor you are responsible for administering the deceased's estate.

An executor's responsibilities include:

- Applying for a grant of Probate;
- Gathering the estate assets, paying liabilities and managing the relevant tax affairs;

- Preserving and maintaining the assets of the estate;
- Defending the estate during any legal proceedings; and
- Distributing the estate in accordance with the deceased's Will
- Acting prudently and diligently in the administration of the deceased's estate.

Please also refer to our guide on *I am an executor – what is my role.*

How can Hunt & Hunt help?

Our experienced wills & estate lawyers can assist you from start to end. We understand that this is a challenging time and our lawyers are here to assist you in navigating the complexity of the issues involved in the administration of an estate and provide you with professional legal advice.

Contact Us today

The Wills and Estates team at Hunt & Hunt have over 40 years' experience and would be very pleased to provide you with assistance and answer any of your questions.

Contact us at willsandestates@huntvic.com.au or on (03) 8602 9202.

Book your free 30 minute consultation

We are expert at finding options for you throughout the estate administration process



» Get my free consultation

✉ willsandestates@huntvic.com.au

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