

Fact Sheet

What is a grant of Letters of Administration?



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Letters of Administration are granted where someone dies without leaving a Will or a Will has been left but there are no executors capable of proving the Will (applying for Probate).

Typically, this tends to occur when the executors:

- renounces the role of executor leaving the majority beneficiary/s to apply for Letters of Administration;
- dies before the deceased or before proving the Will and any Codicils (additions or supplements to the Will);
- are incapable, unable or unwilling to prove the Will and any Codicils;
- are a minor; or
- cannot be located.

Where there is no executor capable of proving the Will, it will usually be the Administrator appointed by the grant of Letters of Administration who deals with the deceased's estate.

Do I need to apply for a grant of Letters of Administration?

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

Any jointly owned assets of a deceased are transferred to the surviving joint owner/s, with the survivor only needing to prove the death of the other joint owners.

Who can seek Letters of Administration in Victoria?

You must be the deceased's closest next of kin in the following order of priority:

- lawful spouse or domestic partner;
- children, excluding step-children, but including children adopted by the deceased;
- grandchildren;
- parents;
- brothers or sisters;
- remoter next of kin (for example, cousins); and
- if none of the above, then a trustee company such as Equity Trustees Limited may be appointed.

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

In order to apply for Letters of Administration you will need the following:

- original death certificate;
- details of the deceased's assets and liabilities; and
- details of the people who are entitled to share in the deceased's estate.

What is the role of an Administrator?

An Administrator's responsibilities include:

- Gathering the deceased's assets, paying liabilities and managing the relevant tax affairs;
- Defending the estate during any legal proceedings;
- Distributing the estate in accordance with the rules of intestacy (See our *Intestacy Guide*); and
- act prudently and diligently in the administration of the estate.

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

With over 40 years' experience, our team offer new clients a complimentary consultation of up to 30 minutes to get to know and understand you and your needs, to allow us to provide you with the best advice regarding your circumstances.

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



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