



How is a law firm involved when a family member dies?

When someone dies, legal offices have procedures to follow to ascertain whether the deceased person is a client of theirs. Death notices are usually published in the newspapers and we conduct a search of our records to see if the deceased person holds a will at our firm.

If the family has not already been in touch with our firm, we contact the family to inform them that Govett Quilliam hold a Will for the deceased and to determine whether we hold the last will of the deceased. Family members can check with us to see if the Will contains any funeral directions. Usually nothing else will happen until after the funeral.

The executors are appointed in the Will to carry out the wishes of the deceased. They would usually meet with our estates team to discuss the assets the deceased person held at the date of death and whether it will be necessary to apply for Probate of the estate. Probate is required when there are assets in any one location to the value of more than \$15,000.00 or if the deceased owned property or land. If Probate is not required then the executors can usually deal with assets with a certified copy of the death certificate.

If Probate is required the executors sign an affidavit and documents are filed by Govett Quilliam with the High Court to give the executors the authority to administer the Will.

If the deceased did not leave a Will and had assets as stated above, a close relative applies for Letters of Administration. This is a more complicated application and one which is avoided if a current valid Will exists.

Until Probate or Letters of Administration is granted, bank accounts in the sole name of the deceased are frozen and no withdrawals can be made. Once Probate is received from the Court, bank accounts are closed, credit cards paid, shares either transferred or sold, investments uplifted, bonus bonds uplifted etc. If the deceased owned land or property solely in his/her name then that gets transferred to the executors to be held on behalf of the estate until distribution to the beneficiaries or until the property is sold. Any property owned as joint tenants is transferred to the survivor.

Obviously the timing of distributing estates depends on the assets involved and complexity of each estate. An indication can usually be given as to the timings at the commencement of the administration process. Executors who distribute an estate prior to six months from the granting of Probate can be held personally liable in the case of any claims that were successful, so it is recommended not to distribute prior to this date. Indemnities are often required if distributions are made earlier than the six month period.

Fleur Jones is the Estates Legal Executive for Govett Quilliam and is experienced in this area of law. This is a difficult time in peoples' lives and our estates team are experienced in this area of law and well respected by those we have dealt with in the administration of estates.



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