

Probate & Letters of Administration

INFORMATION FACT SHEET

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Probate

is where a person had died leaving a Will that nominates a particular person as executor. The Court will prove that Will and grant probate to the executor.

Letters of Administration

is where a person has died leaving no valid Will. The Court may grant letters of administration to an appropriate person, usually a beneficiary of the deceased's estate.

Letters of Administration with the Will Annexed

is where a person has died leaving a Will that does not name an executor or where the executor is unwilling or unable to act. The Court may grant letters of administration (with the Will annexed) to an appropriate person, such as a beneficiary of the deceased's estate.



Before signing an application for probate or letters of administration -

- Ensure that you have the original, signed Last Will and Testament of the deceased (the Supreme Court of Western Australia will not accept a photocopy) (if applicable).
- Ensure that you have the original Death Certificate issued by the Registry of Births, Deaths and Marriages.
- Organise an authorised witness. In this case, an authorised witness is a Justice of the Peace, a public notary (within the meaning of the Public Notaries Act 1979) or a lawyer who has held a practice certificate for at least two (2) years.
- Organise payment of the Supreme Court of Western Australia filing fee in the sum of \$370.00.

How to complete an application for probate or letters of administration -

- The person making the application and the authorised witness must sign at the bottom of each page of the document and then again on the last page.
- On the last page, the person making the application must print the place (address) at which the application was signed and the date on which the application was signed.
- The authorised witness must affix their stamp setting out their qualification as an authorised witness on the last page under their signature.
- The person making the application and the authorised witness must also sign the back cover of the original Will (or in a place which does not interfere with the text of the Will) (if applicable). The authorised witness must again affix their stamp. By signing the Will, you confirm to the Supreme Court that you believe that the Will is the only true and correct Will of the deceased in respect to which the application is made.