



# **ADMINISTRATION OF ESTATES INITIAL CONSULTATION**

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# Identification



1. Explain need and requirement for identification
2. Obtain copy of Driver's License or other photo identification.

# Purpose of Consultation

- To obtain information so to be able to advise as to what tasks have to be done to administer the estate.
- To answer Client's questions
- To explain the details of the tasks that must be done to complete the administration of the estate
- To obtain instructions from the Client as to what tasks the Lawyer will do and cost, and what tasks the Client will do.
- To explain the court application "applying for probate" and calculate the probate fee.
- To obtain Client authorizations to discuss the assets with financial institutions.
- To provide the Client with a notarial copy of Will if necessary and to discuss dealing with the bank to receive money and pay bills.
- To discuss the ancillary issues of advertising for creditors, income tax, Executor's compensation, and claims against the estate.
- To discuss the accounting and distribution of the estate
- To provide and explain Client's Administration of Estates Manual
- To explain Lawyer/Client process and timing
- To provide Client with Client checklist of what to do, and Lawyer/staff "To Do" checklist
- To introduce Client to LSP estate assistant

# Review Will and Questionnaires with Client

1. Confirm Client has authority to act as Estate Trustee
2. If there is no Will, confirm Client has first right to be appointed Estate Trustee
3. Review forms Client filled out and note what information is still needed

# Assets, Debts and Benefits Information

1. Complete LSP Asset, Debt and Benefits Information Form, and provide to Client
2. Discuss what information about assets still needs to be obtained
3. Discuss whether probate is necessary based on nature and value of assets
4. Calculate probate fee if necessary

# Tasks Needed to be Completed

1. Go through each task on the Task Form to explain what tasks need to be done
2. Be instructed as to who will do what task
3. Calculate legal fees associated with tasks and method of payment

# Applying for Probate

Explain what probate is

Explain what is involved in obtaining probate

Explain obligation to beneficiaries

Ensure have all or will get all the information needed to apply for probate



# Authorizations

Explain and obtain authorizations to financial institutions to get information and give instructions to pay probate and legal fees

# Estate Bank Account



Explain need for setting up an estate bank account

Provide notarial copy of the Will for establishment of bank account

Explain bill paying by financial institutions

# Advertising for Creditors

- Advise as to when advertising for creditors is necessary
- Decide whether to advertise for creditors

# Income Tax

- Explain how deceased is taxed in year of death
- Decide who will look after tax returns
- Explain tax clearance certificates

# Executor's Compensation



- Explain general rule
- Decide if compensation will be taken

# Claims Against the Estate

- Investigate whether any claims against the estate and how they will be dealt with
- Investigate Dependant Relief and Family Law Act claims

# Accounting and Distribution of the Estate

1. Explain the need and how to keep accounts
2. Decide who will keep accounts
3. Discuss how and when estate will be distributed
4. Discuss whether there is a need for obtaining releases from beneficiaries

# LSP Client Administration of Estate Manual

1. Give LSP's Client Administration of Estates Manual
2. Explain what is in LSP's Client Administration of Estates Manual
3. Review LSP's 'New Client Memorandum'

# LSP Process



Explain what further Client appointments are necessary and when they will be

Explain reporting letters and fees



# Client Checklist

- Produce Client “To Do” checklist

# Lawyer/Staff Checklist



- Produce Lawyer/Staff “To Do” Checklist



# ESTATES ASSISTANT

- Introduce Client to Estates Assistant

# Requisition to Open File Form



Complete Requisition to Open File Form

Provide LSP Magnet