

Probate and Estate Administration

Product disclosure statement



Application for a Grant

Plus	On the spot	Guided DIY
<p>This package offers an application for Probate or Letters of Administration by our experienced probate lawyers, personalised advice on how to administer the estate and a customised step-by-step guide to explain exactly what to do next.</p> <p>Services:</p> <ul style="list-style-type: none"> • An application for Probate by an executor named in the Will or, in the case of intestacy, an application for Letters of Administration by a beneficiary of the estate • Preparing consent notices, as required • Signing and witnessing your application • Court filing and giving you the Grant • A conference with our expert probate lawyers to give you personalised advice on how to administer the estate • A customised step-by-step guide summarising our advice. <p>Allow 2 hours for the conference.</p> <p>Probate: \$1,995 Letters of Administration: \$2,495</p>	<p>Easy, fast and convenient - we'll prepare your application and you'll sign it, all during one appointment with one of our expert probate lawyers.</p> <p>Services:</p> <ul style="list-style-type: none"> • An application for Probate by an executor named in the Will or, in the case of intestacy, an application for Letters of Administration by a beneficiary of the estate • Preparing consent notices, as required • Signing and witnessing your application • Court filing and giving you the Grant <p>Allow 45 minutes for the appointment.</p> <p>Probate: \$995 Letters of Administration: \$1,495</p>	<p>Unlike services offering kits or templates, our expert probate lawyers will prepare your application and send it to you to sign. Get started anytime using our online form.</p> <p>Services:</p> <ul style="list-style-type: none"> • An application for Probate by an executor named in the Will or, in the case of intestacy, an application for Letters of Administration by a beneficiary of the estate • Preparing consent notices, as required • 15 minute telephone call with our experienced team • Instructions for you to sign and file your application at the Court <p>Probate: \$595 Letters of Administration: \$895</p>

Exclusions

- Disbursements – see below
 - Complex applications, including: proving an informal Will or a copy of a Will, evidence about the Testator's testamentary capacity
 - Enquiries to locate or negotiate with beneficiaries required to give consent
 - Preparing a response to any requisition notice issued by the court
- We will give you a quote for these services if required.

If you choose not to proceed with the application or are unable to give us sufficient instructions at your conference, you must pay our consultation fee of \$385.

Other services	\$ (inc GST)
Application for resealing a foreign Grant of Probate	770
Affidavit of due execution of the witnesses to the Will (per witness)	550
Surety guarantees and affidavits of justification (2 sureties)	1,100
Translation of death certificate	330
Arrange for the translation of the death certificate and the execution of a supporting affidavit by the translator.	

Estate administration

Services	\$ (inc GST)
Concierge estate administration package	POA
Our Concierge package provides a complete estate administration service. We'll finalise the estate quickly, effectively and at a fixed price. Services included in this package:	
<ul style="list-style-type: none"> Advertising for creditors as required by the <i>Trustees Act WA 1962</i> Notifying the Australian Taxation Office, applying for a tax file number and completing a straightforward estate tax return Liaising with up to 4 financial institutions to close the estate's bank accounts in Western Australia Redeeming any aged care accommodation bond Completing a transmission application for real estate in WA Making a claim for superannuation death benefits entitlements from up to 3 superannuation funds Paying the estate's liabilities as authorised by you Verifying the identity of the beneficiaries Arranging interim and final distributions 	
Exclusions:	
<ul style="list-style-type: none"> Administering assets or liabilities outside Western Australia Arranging the sale of real estate 	
Consultations for legal advice (up to 60 minutes)	385
Survivorship application	550
Application by personal representative (transmission application)	550
Transfer of Land to beneficiaries	880
Prepare a Transfer of Land to give effect to the terms of the Will, Administration Act or Deed of Family Arrangement and arrange for it to be signed by all parties	
Attend to the assessment and payment of transfer duty	
Complete a verification of identity for each of the parties to the Transfer	
Complete an Electronic Advice of Sale to notify the government authorities of the change of ownership	
Lodge the Transfer at Landgate for registration	
Liaise with encumbrance holder to withdraw encumbrance on a certificate of title	330
Application to replace a lost duplicate certificate of title	550
Advertisement for creditors pursuant to the Trustees Act WA 1962	550
Deed of Family Arrangement	POA
Application to pass the estate's accounts at the Supreme Court of Western Australia	POA

Disbursements	\$ (inc GST)
Supreme Court filing fee for application for Probate or Letters of Administration	370.00
Landgate certificate of title search	26.70
Landgate application registration fee	178.20
Office of State Revenue transfer duty (transfer pursuant to a Will or the Administration Act)	20.00

Advertising fees	At cost
Translation fees	At cost

Timed services

Where you engage us on a timed basis for other advice or assistance not described elsewhere in this statement, we will charge you:

For the time that we spend (calculated in increments of 1 minute or part thereof) at these maximum hourly rates (exclusive of GST):

Legal practitioner director	\$500
Lawyers (admitted for more than 5 years)	\$450
Junior lawyers (admitted for less than 5 years)	\$350
Accountant	\$270
Articled clerks and law undergraduates	\$220

For the following fixed charge activities at these fixed rates (inclusive of GST):

Photocopying and printing per page	\$0.165
Scanning and registering documents per page	\$0.165
Cataloguing documents per document	\$5.50

We will give you an estimate of our charges for any timed services on request.

Note

Executors and administrators are entitled to be indemnified from the estate for their legal costs, provided those costs are reasonable. Contact us if you require further advice.

Terms and conditions

1 Definitions

In this statement the following terms have the following meanings:

Court	Supreme Court of Western Australia, Probate Registry;
services	the services described in the preceding tables;
we, our and us	BR Legal Pty Ltd (ACN 640 502 307) trading as Birman & Ride and Perth Probate Centre (ABN 79 640 502 307);
you	the person(s) or entity(ies) receiving this statement.

2 Agreement

- 2.1. We will supply you the services described herein upon the terms set out in this statement.
- 2.2. Part 10 of the *Legal Practice Act 2008* applies to this agreement.
- 2.3. You will be deemed to accept an offer to provide services from us by:
 - 2.3.1. signing and returning our authority to act;
 - 2.3.2. instructing us or allowing us to undertake work on your behalf; or
 - 2.3.3. paying to us any money that we request.
- 2.4. If there is more than one of you, all of you are jointly and severally liable to discharge your obligations to us and to pay our bills and any one of you will be deemed to have the authority of all of you to instruct us.

3 Billing and terms of payment

- 3.1. You must pay our charges on the earlier of:
 - 3.1.1. the date you sign your application; or
 - 3.1.2. 14 days of us giving you a bill.
- 3.2. Upon our request you must pay into our trust account monies on account of our anticipated fees and disbursements. If we incur any disbursement, we do so as an agent for you.
- 3.3. You authorise us to apply any monies that we hold on trust for you:
 - 3.3.1. to pay disbursements; and
 - 3.3.2. in payment of any monies payable by you to us (i.e. in satisfaction of your bills);
 in respect of the services or any other matter where you are liable to pay us monies or where we need to incur disbursements for you.
- 3.4. We may render you bills at frequencies of not less than one week for the value of the work that we have completed. In the case of fixed-price Services, the value of the work completed will be calculated as a reasonable proportion of the total Services. We may bill you for disbursements when they are incurred.
- 3.5. In the absence of an agreement to the contrary, lawyers' charges are regulated by the *Legal Practitioners (Non-Contentious Probate Costs) Determination 2013* (WA) (**Costs Determination**). Our charges in this agreement may exceed those allowed by the Costs Determination. Upon request we will provide you with a copy of the Costs Determination.

4 Legal costs - your rights

- 4.1. The law of Western Australia applies to legal costs in relation to this matter.
- 4.2. You have the right to:
 - 4.2.1. negotiate a costs agreement with us;
 - 4.2.2. receive a bill from us;
 - 4.2.3. request an itemised bill after you receive a lump sum bill from us;
 - 4.2.4. request written reports about the progress of our service (for which we will charge you) and the charges incurred (at no cost to you);
 - 4.2.5. within 12 months of receiving a bill, apply for our charges to be assessed;
 - 4.2.6. apply for any cost agreement you enter into with us to be set aside;
 - 4.2.7. accept or reject any offer we make for an interstate costs law to apply to this matter;
 - 4.2.8. notify us that you require an interstate costs law to apply to your matter;
 - 4.2.9. be notified of any substantial change to the matters disclosed in this offer; and
 - 4.2.10. make a complaint under Part 13 of the *Legal Profession Act 2008*.
- 4.3. For more information about your rights, please read the fact sheets *Legal Costs Your Right to Know* and *Your Right to Challenge Legal Costs*. You can ask us for a copy, obtain them from the Legal Practice Board or download them from the websites of the Legal Practice Board or the Law Society of Western Australia.
- 4.4. Before entering into an agreement with us you should consider obtaining independent legal advice as to the terms of this document.
- 4.5. You may contact your file manager to discuss legal costs.

5 Authority to release information

- 5.1. You authorise us to release your personal information and copies of documents relating to the services to any person if it is reasonably necessary for us to do so in supplying the services to you.
- 5.2. We use a range of internet-based services hosted by third parties (**cloud computing service providers**) in delivering services and in the management and marketing of our business. You consent to us disclosing confidential information to our cloud computing service providers. We undertake reasonable due diligence prior to using any cloud computing service provider including data security and prevention of unauthorised access.

6 Termination

- 6.1. You may terminate this agreement at any time by notice to us.
- 6.2. We may terminate this agreement by notice to you if:
 - 6.2.1. you fail to give us adequate instructions or if you instruct us to do anything which is unethical or unlawful;
 - 6.2.2. you fail to pay us monies on account of our charges or disbursements when we reasonably request you to do so;
 - 6.2.3. you fail to pay our bills to you on time; or
 - 6.2.4. we are acting for more than one party and a conflict arises.
- 6.3. If either party terminates the agreement you must pay a reasonable amount for the work that we have completed.