

# Contested Estate Intake Checklist

Queensland family provision claims and will disputes — what to gather before your first appointment

## **The deceased and the will**

- ☐ Full name, date of death and last address of the deceased
- ☐ Death certificate (or funeral director's certificate if not yet issued)
- ☐ A copy of the last will and any earlier wills or codicils you hold
- ☐ Details of the solicitor or firm that prepared or holds the will
- ☐ Whether a grant of probate or letters of administration has been applied for or issued, and the date
- ☐ Whether the estate has been advertised (notice of intention to apply for probate)

## **The people involved**

- ☐ Name and role of the executor or administrator, and their solicitor if known
- ☐ Family tree: spouse or de facto, former spouses, all children (including step and adopted), and dependants
- ☐ Details of any person financially supported by the deceased at the date of death
- ☐ Any person the deceased described as a dependant former husband, wife or civil partner
- ☐ Beneficiaries named in the will and what each is to receive
- ☐ Any known disputes, estrangements or prior promises about the estate

## **Time limits — critical**

- ☐ Notice of intention to make a family provision claim: within 6 months of the date of death
- ☐ Application filed in court: within 9 months of the date of death
- ☐ Diarise both dates now. Late applications need the court's leave and are not guaranteed
- ☐ If you are the executor: do not distribute before 6 months from death, and not before 9 months if on notice of a claim

## **The estate assets and liabilities**

- ☐ Real property: addresses, titles, ownership type (sole, tenants in common, joint tenants) and estimated values
- ☐ Bank accounts, term deposits, shares and managed funds with approximate balances
- ☐ Superannuation: fund, balance, and any binding death benefit nomination (super is often not estate property)
- ☐ Life insurance policies and named beneficiaries
- ☐ Business or company interests, trusts, and any loans owed to or by the deceased
- ☐ Motor vehicles, boats and significant personal property
- ☐ Debts, mortgages, funeral expenses and tax liabilities
- ☐ Assets given away in the years before death, and any joint assets that passed by survivorship

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## Your circumstances (if you are making a claim)

- ☐ Your relationship to the deceased and how it changed over time
- ☐ Your age, health, and any disability or care needs
- ☐ Your income, assets, debts and living expenses — a simple one-page summary is enough
- ☐ Your dependants and their needs
- ☐ Financial or non-financial contributions you made to the deceased or their property
- ☐ Care you provided to the deceased, and over what period
- ☐ Any gifts, loans or advances you already received from the deceased
- ☐ Anything the deceased said or wrote about provision for you

## If you are the executor defending a claim

- ☐ Written notice of the claim, and the date it was received
- ☐ The estate's up-to-date asset and liability schedule
- ☐ Any statement the deceased left explaining the terms of the will
- ☐ The will file notes or solicitor's file, if obtainable
- ☐ Records of any distributions already made
- ☐ Beneficiaries' views on settling, and whether any are under a disability
- ☐ Whether estate funds are available for costs, and whether the estate is insolvent

## Practical next steps

- ☐ Do not sign a deed of family arrangement or release before advice
- ☐ Preserve documents, emails and messages — do not delete anything
- ☐ Expect mediation: most Queensland family provision claims settle before trial
- ☐ Ask about costs early — costs do not automatically come out of the estate
- ☐ Book a consultation: Coastside Law, 0423 868 846