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**Probate Officer**

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# HOW TO AVOID REJECTION

## Structure of the Probate Office

1. Seat office
2. General office
3. Rules office
4. Personal applications section

# HOW TO AVOID REJECTION

Post/DX/drop box

an  
post



# HOW TO AVOID REJECTION

## 3 Step checking process



# HOW TO AVOID REJECTION

## Probate Office statistics

- New applications on hands
- Re submitted applications on hands
- Queried cases on hands

# HOW TO AVOID REJECTION

## Types of applications

- Probate
- Will annexed
  - Intestacy
- De Bonis Non

# HOW TO AVOID REJECTION

The non-assessment process

# HOW TO AVOID REJECTION

Expedites



# HOW TO AVOID REJECTION

Seeking updates



# HOW TO AVOID REJECTION

Testamentary capacity

Assisted decision making

# HOW TO AVOID REJECTION

There's no mention of Probate in the Constitution



# HOW TO AVOID REJECTION

Just because you are a beneficiary doesn't mean you are entitled

# HOW TO AVOID REJECTION

If you don't know, don't guess,  
and definitely don't bluff

# HOW TO AVOID REJECTION

Just because they are your client doesn't mean they are entitled

# HOW TO AVOID REJECTION

Take proper instructions

# PROBATE

- Instituted executor
- Substituted executor
- Universal legatee and devisee
- Residuary legatee and devisee
- Substituted residuary legatee and devisee



# PROBATE

It always starts with the Will



# INTESTACY

Succession Act

Rules of the Superior Courts

# INTESTACY

Marital status

Single

Married

Divorced

Separated

Nullity

# INTESTACY

Children or issue

# INTESTACY

If in doubt, prepare a family  
tree

# INTESTACY

- Died intestate and I am the lawful daughter/son
- Died intestate a bachelor and I am a lawful nephew
- A married man leaving him surviving three lawful daughters

# INTESTACY

- Died intestate a widow without parent and we are the lawful brother and sister
- Died intestate and I am a lawful sister

# Will annexed

Remember the terminology

Did the universal or residuary legatee or devisee survive or pre decease

Title grant

Can't bypass a living Executor



# De Bonis Non

Almost a one hundred per cent  
error rate



# HOW TO AVOID REJECTION

Complex cases

# FOREIGN APPLICATIONS

Sealed and certified Will

Foreign divorces

Affidavits of Law

# HOW TO AVOID REJECTION

Jurats

# HOW TO AVOID REJECTION

## Administration Bonds

Acceptance is so much better than rejection

