



GUARDIAN

WILLS & PROBATE

SERVICE STANDARDS

TIME ESTIMATES FOR ACTIONING YOUR ENQUIRY (EMAIL LETTER OR CALL) We will always action your email or letter as soon as possible! Notwithstanding, we created this policy to be clear for our clients and other contacts and to better meet their expectations.

Our service standard for replying to correspondence is seven (7) days. Whilst the service standard is our aim, it is not always possible to maintain it. Occasionally, deviations from the standard occur (for example, in any given week the whole firm's attention could be directed to an urgent application to a court or tribunal). Another example can be during holiday periods or if the person with primary conduct of your file is ill (even though most lawyers work irrespective of illness). Despite our service standards, we will typically respond ahead of schedule (within one to two business days).

If we are contacted at 4:00pm or 5:00pm on a Friday, we likely will not respond to you by 8:00am on Monday morning. In fact, according to our standards we may not respond until 4:00pm the following Friday. If your letter or email is marked as urgent, then we will assess whether or not the matter can be expedited.

If you are wanting an update on the progress of your matter, you can click the 'book a consult button' on our firm's website and then select 'existing client-phone update' or 'book a face to face' with the team member of your choice. Sometimes a face-to-face meeting can be more personable and quell any anxiety you may be feeling.

Given every person in our office works on our client's matters 'as a team,' this service standard gives us time to: review the file, check for any recent updates, confer with one another, and then provide you with an accurate response (rather than a piecemeal and inaccurate response).

We expect to give our clients quality service and appreciate your understanding of why we have implemented this policy. If you feel that we are not meeting the expectations set by this policy, please email reception@guardianwills.com.au and we will thoroughly investigate.

This document does not constitute an acknowledgement of service of process, or other court document, unless we specifically have advised you that we have instructions to accept service by email.

TIME ESTIMATES FOR ESTATE PLANNING MATTERS

Our typical service standard to prepare and finalise your estate planning documents is one month from the point in which we receive your instructions. This depends on the complexity of the estate plan and the extent to which you would like detailed customised clauses or trusts. The biggest source of delay in estate planning is having appointed family members returning documents or receiving documents back from the land titles office (Landgate). In some situations, our clients 'strike whilst the iron is hot' and book into sign their wills within weeks of their first appointment. Others need a little chasing.

TIME ESTIMATES FOR NON-CONTENTIOUS PROBATE WORK (SIMPLE)

The typical time frame for us to apply for a grant of probate or letters of administration is one (1) month from the date of your initial instructions. This time frame is an estimate based on a number of presumptions and the estimate is affected by several factors. For example, a properly executed / well-prepared will (without staple holes, pages missing, witnesses' names not stated and the like) together with a client who is able to easily tell us the particulars of the assets and liabilities of the estate can result in us applying for a grant of representation in much less time than one month.

In cases of letters of administration, where the family agrees over 'who will become the administrator of the estate' and returns documents to us quickly we can expedite the application process. Obviously, the time for us to apply for a grant of representation is something that we can actually control. Conversely, we cannot control the response times of banks, superannuation funds, or other institutions. Equally, the Supreme Court of Western Australia's application processing times vary depending on the Court's case load. Historically, grants have taken between 1 - 12 weeks to issue in circumstances where the application is correct or acceptable to the court in all respects.

TIME ESTIMATES FOR ESTATE ADMINISTRATION

It is a common misconception that an estate can be fully administered in a two- or three-month-time frame. Some estates are very simple in terms of the nature of the deceased's assets and liabilities. Others are 'a mess,' and involve dozens of different assets and liabilities, overseas beneficiaries, and the like. In most estates we manage the turn-around time for administering an estate fully (up to the point of distributing the estate's final distribution) is 12 to 18 months. This time frame allows for calling in all of the estates' assets (some banks and super funds take months to finalise the closure of the estates 'accounts), selling realty, paying estate liabilities, publishing public notices, preparing tax returns (for both the deceased and the deceased's trust estate), identifying beneficiaries, and obtaining payment instructions. In very simple estates we have administered them in 3 months or so whereas in some of our massive estates the administration has taken around 2.5 to 3 years to finalise.

TIME ESTIMATES FOR COMPLEX NON-CONTENTIOUS PROBATE

There are some applications for probate or letters of administration which are difficult to make. For example, where the deceased's death certificate states that the deceased died whilst suffering from Dementia or some other cognitive impairment. Alternatively, the Will may not properly appoint an executor, we may be applying for probate of a lost will or for a will which does not meet the formal requirements of validity under the *Wills Act 1970* (WA) (for example a will on a plank of wood, a gyprock wall, or a mobile phone!) These applications, although not contested, can be difficult to complete and usually require detailed evidence gathering. Complex probate applications can take a year or more to complete in some cases.

TIME ESTIMATES IN ESTATE LITIGATION

It is very difficult to give an estimate of how long an estate litigation will go for. In terms of a typical claim under ss6(1) and 7 of the *Family Provision Act 1972* (WA), claims usually take one or two months to commence with an additional two months to progress the matter through case management to mediation. Typically, from the point of taking instructions a Family provision claim can take 6-8 months to get to a mediated outcome and around 18 months to 2 years to get to a fully defended trial. Most other estate related litigation can take up to 18 months to 2 years to resolve based on the nature of the application and the court's availability to set the matter down for trial. It really comes down to the parties! Sometimes matters settle after the very first letter, other times matters drag on concerning complex disputes over property ownership, loans, interpretation, and the like. If a case involves the interests of children or persons with a disability the court will need to approve any settlement reached which can further prolong the process.



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