



Best practice in wills and estates

The role of systems, precedents and processes in wills and estates practice

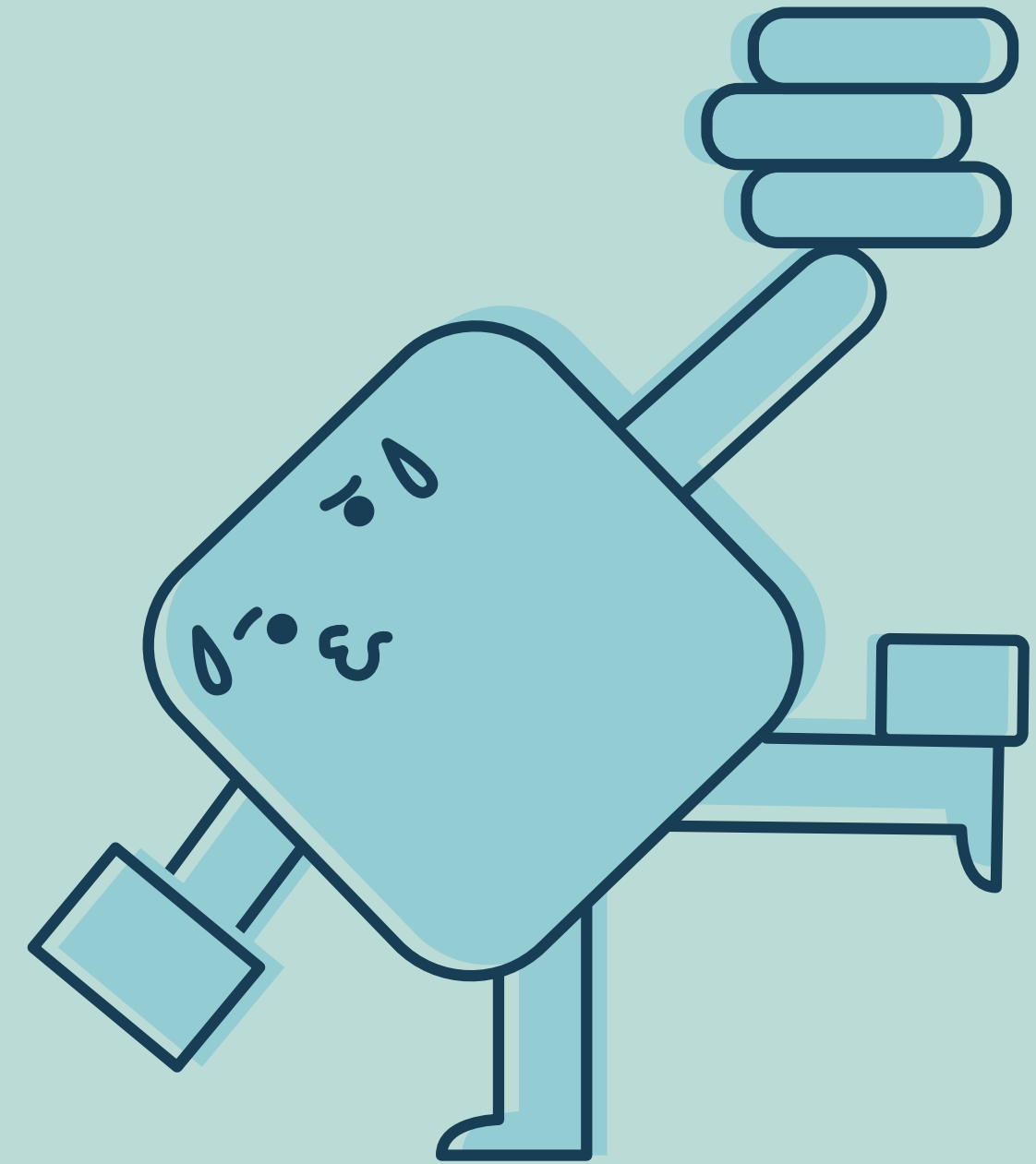
Presented by Gabrielle McManus
Accredited Specialist Wills + Estates
Principal

Disclaimer

This is neither advice, nor the views of LPLC but just information about what we do at McManus & Co that we hope you find helpful!

Managing risks

- Part IV expiry periods
- Wills - every detail is important!
- Estate v non estate assets
- Timeliness - wills and estates
- Legal capacity and elder abuse concerns
- Tax - CGT, land tax and stamp duty
- Distributions of large amounts of \$
- Cyberfraud + fraud



Agenda

1

Setting up for success

2

Working smarter

3

Building a strong team

4

The quality loop

Setting up for success



Onboarding for alignment, not just engagement

TC

Who is the appointment for?	If they are booking on behalf of someone else, ensure you ask about the prospective client's: - capacity - english speaking & reading abilities NOTING that we will need to see the client alone to protect the integrity of their documents
Let us know a little about your circumstances so that we can book you in with the most appropriate lawyer	Do you have: - interest in companies or trusts; - a SMSF; - international executors or beneficiaries or significant assets? - a blended family or are you seeking to leave someone
Let me tell you a bit about how we work	- We operate on upfront, fixed price basis. - The fixed price for your initial meeting with one of our planning lawyers is \$660. During that meeting you will receive advice on your legal position and best next steps, with a lawyer resolving the strategy to meet your estate planning objectives. - The cost of the meeting will be put towards your estate planning if you choose to proceed.

Phone Script

Ask the right questions and gather the right information early

TC

Your Checklist

To make the most of our first meeting, please bring the following information along (or email details to info@mcmanuslawyers.com.au beforehand)

- Your current original physical photo ID (e.g. driver's licence or passport or proof of age card)
- Full names, dates of birth and addresses of people you wish to include
- Approximate values of your assets
- Ownership structure of your assets (eg jointly, separately, by a company)

WHERE RELEVANT TO YOU:

- Most recent superannuation statement

Client Information

Equip clients upfront so they know what to expect and what to bring

TC

CAPACITY

In order for your documents to be valid, you will need to have the required legal capacity. We may ask you to obtain a letter from your treating medical practitioner confirming your legal capacity to validly enter into the documents. Please note that we do this in order to uphold the integrity of your documents and to minimise the risk of claims made by third parties in the future that may cost your estate significant legal fees.

CONFLICT SITUATION

If you are a member of a couple and both parties wish to engage us for their estate planning, you are both required to attend the appointments together. We are bound to act in our clients' best interests and to protect their confidentiality. Separate meetings may give rise to a potential or actual conflict of interest which may result in us having to cease acting for both parties.

If you do not attend together, we will only be able to assist with the estate planning of the first person to engage us.

MEETING WITH YOU ALONE

As part of our standard practice, and to protect the integrity of your estate planning documents, we will take your instructions in the absence of any other person (apart from your spouse if they have engaged us). This process helps ensure that your wishes are expressed freely and voluntarily and reduces the risk of any future allegation of undue influence, pressure, or coercion.

If you require assistance communicating your instructions on account of language or health reasons, we are happy to arrange for an independent interpreter/support worker to assist during the appointment. Please note that the costs associated with engaging the interpreter/support worker will need to be met by you.

Conflict

Policies

Establish clear professional boundaries and expectations



Onboarding for alignment, not just engagement

assets

What was your relationship to the deceased?

When did they pass away?

Is there a Will?

- where is the original Will - are we storing it?
- who is named as the executor(s)? [all seeking to engage us s consult]
- has probate already been obtained?

What kind of assets and liabilities did the deceased have?

- real estate?
- RAD?
- superannuation?
- any SMSF, business, family trust or company interests?
- anything interstate or overseas?

Major asset(s) in Victoria means suitable for us to assist, consult otherwise before booking consult

Has the death certificate issued yet?

Phone Script

Ask the right questions and gather the right information early

Consult

We confirm your consult is booked for Tu

In this 1-hour meeting, we will review you as executor, and outline the process to ac

Preparing for the Consult

To prepare for the consult, we invite you t

1. Review the attached Guide for Le
2. Complete our online induction form

Consult Fee

To ask that you please make payment

Client Information

Equip clients upfront so they know what to expect and what to bring

Professional obligations

As we act for you as LPR EXECUTOR_s of the estate, we are your instructions in this matter and not those of other family members

The beneficiaries are entitled to certain information in respect of the However, other information may be considered confidential and w consent before it can be disclosed to them.

As lawyers, we are bound by strict professional and ethical obligati interest. This includes situations where the interests of one client may to the interests of another client.

Conflict between LPRs Accordingly, if a conflict arises between you, we acting. In these circumstances, you will each need to obtain independ from separate legal practitioners who will act solely in your respective

LPR + Ben (conflict) As we act for you as LPR of the estate, please no provide you with advice in your capacity as beneficiary of the estate as of interest. LPR + Ben (conflict)

In order to keep within our fixed fee, we will communicate with

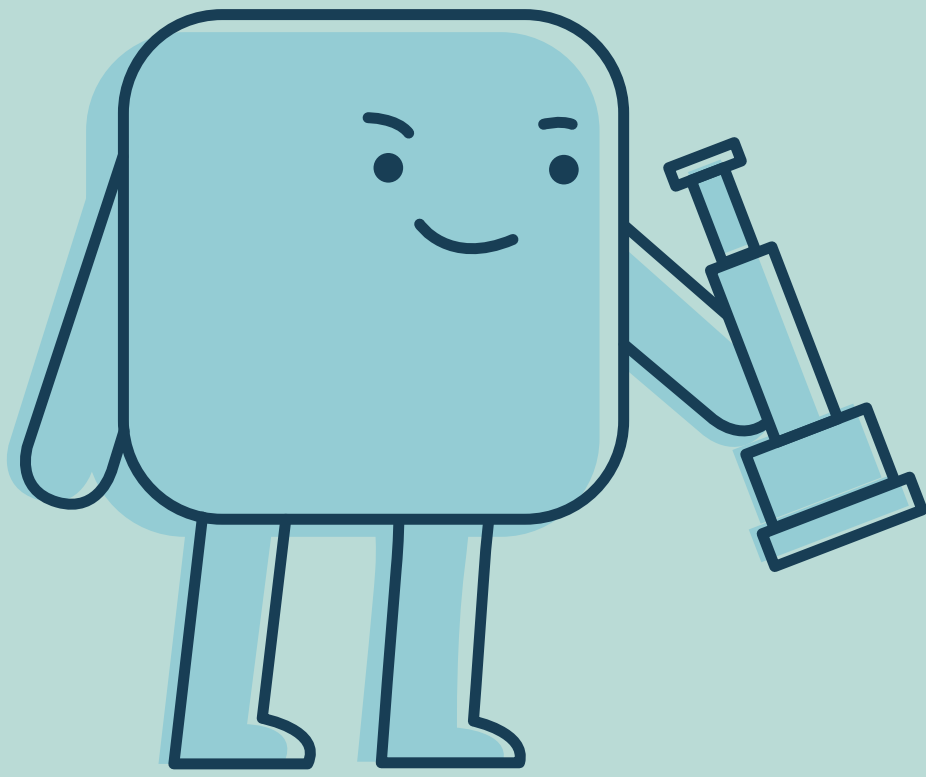
Multiple LPRs? and ask that you cc each other in on any emails to ou

Conflict

Policies

Establish clear professional boundaries and expectations

Online instruction forms for ease and earlier risk spotting



The screenshot shows a web interface for a legal form titled "Your Family". At the top, there is a circular icon of a family. Below it, the heading "Your Family" is centered. The main question is "What is your current relationship status?". There are seven buttons for selection: "Single", "Married", "In a civil union", "In a de facto relationship", "Engaged", "Separated or Divorced", and "Widowed". A mouse cursor is hovering over the "In a de facto relationship" button. Below the buttons are "Previous" and "Next" buttons. At the bottom of the form area, there are four links: "Add more information", "Book an appointment to speak with one of our team", "Your changes are saved automatically", and "Skip this section and come back to it later". Below the form area, there are three sections: "Documents to Bring", "Things to Consider", and "Topics to Address". At the very bottom, there is a footer with navigation links: "Home", "Privacy", "Terms and Conditions", "Tech Support", and "Log In". A small disclaimer is also present at the bottom of the page.

McManus

Ready made + free resources

Preparing your will — instructions for your legal practitioner

To prepare your will we need to know specific information about you, your family and your assets. The information you provide will be kept confidential and only used for the purpose of preparing your will. We suggest you keep a copy of form as the information will assist your executor(s) to identify your beneficiaries, assets and records and some questions have been included for this reason.

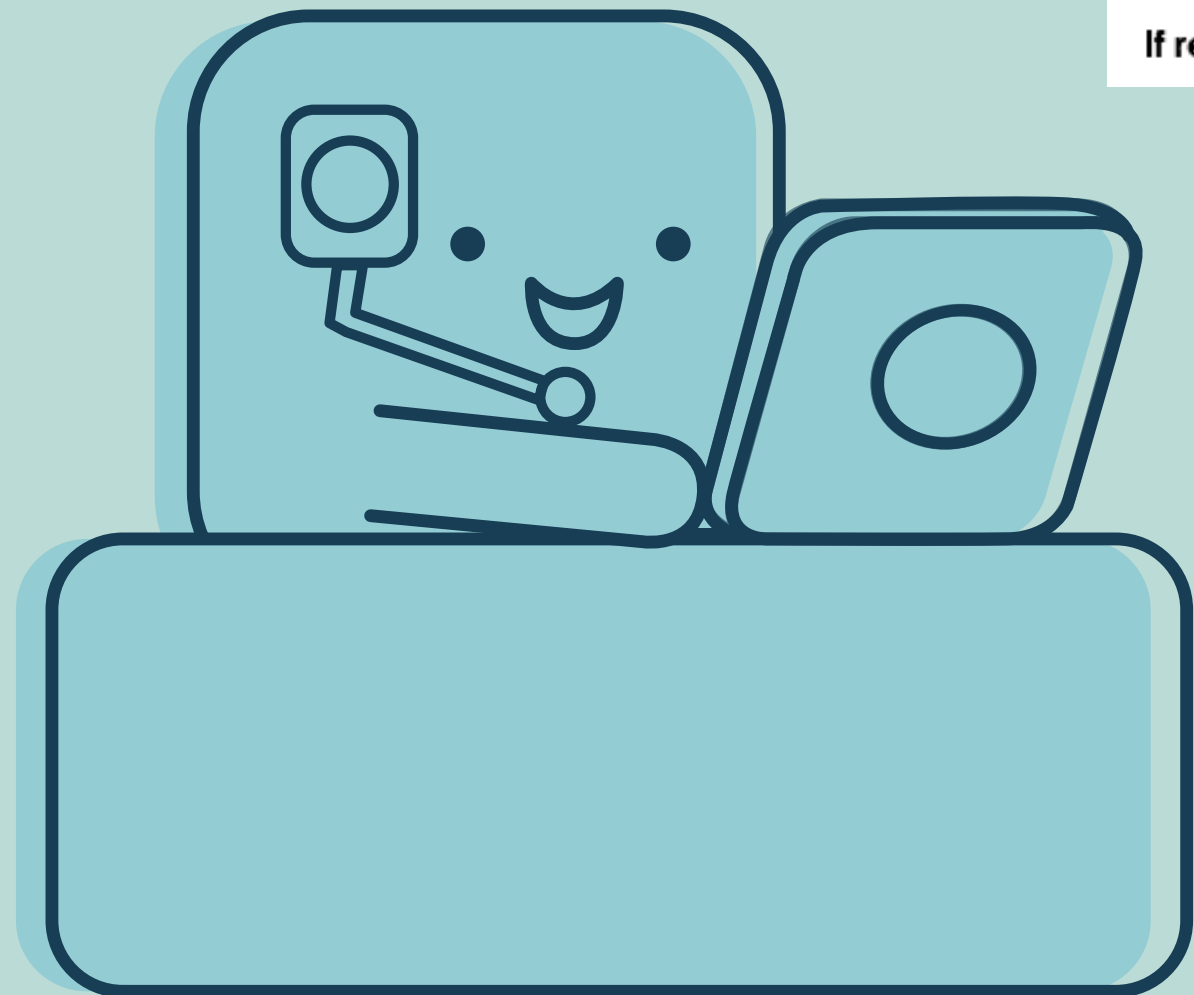
Your personal details

Name on birth certificate	enter your full name
Also known as	enter any other names you are known as
Former name(s)	enter any former names(s)
Residential address	street number and name suburb/town state/territory postcode
Occupation	current occupation
If retired, occupation prior	prior occupation to retirement

LPLC
Instruction
sheet

A guide for executors

LPLC
Client guide



McManus

Working Smarter

Instruction sheets that prompt + guide

Title searches

LPLC Checklist

TC

Assets

Real Estate

No Yes –

Main residence Investment – acquisition date (Choose an item. 20 Sept 1985)

Owned:

Solely With – Jointly Tenants in Common

Where relevant, explained difference between tenants in common & joint tenants (LPLC Diagram [here](#))

If client does not have a copy of the title, strongly recommended client have us conduct title search (third party cost \$12-30) and explained risk. Client instructions: No Yes -

Where client holds an interest in a property and seeks to give it to someone not on title with them, advised title search mandatory (third party cost \$12-30)

Where joint tenancy needs to be severed to achieve their estate planning objectives, advised re process, fees and any complexities -

Cost of title search (int(s) fees -

CHECKLIST

August 2020



LEGAL PRACTITIONERS LIABILITY COMMITTEE

Preparation of wills

Superannuation

- Obtain details of the client's superannuation fund and policy.

- Determine whether the fund has binding, non-binding or no nominations. Review the superannuation fund trust deed if necessary.

- Alternatively, advise the client orally and in writing to contact the superannuation fund and obtain details of the nomination arrangements. This information should be confirmed in writing to the firm before the will is drawn and finalised.

- Give the client an oral and written explanation of what the form of nomination governing the fund means.

- Determine what nomination, if any, the client has made.

- When the will is finalised, confirm in writing whether the superannuation forms part of the estate or not and what steps the client needs to undertake with the superannuation fund in order to achieve his or her desired outcome.

Real Property

- When taking instructions, ask how real property is held.

Capacity, Undue Influence & Risk Management

Any reason to be concerned as to requisite capacity?

No Yes –

If yes, has the client been diagnosed with any conditions that may affect cognitive capacity? Have they undertaken any cognitive testing?

No Yes –

Any reason to be concerned as to undue influence/suspicious circs?

No Yes –

If issues re capacity/undue influence/suspicious circs, insist on prevision of previous EP docs.

Any urgency?

No Yes -

If yes on account of serious health concerns, consider making will on the spot (if possible) or having client sign one page instruction sheet and underneath instructions note that it is the client's intention that the instructions be treated as Will and have client sign. Ideally have two independent witnesses also sign.

All Instructions received from the client(s) directly, and if provided prior via form or email, were verified with the client(s) with open ended questions.

Where client does not have email address, arrangements reached regarding drafts as follows: Choose an item.

Lawyer's Notes on Testamentary Capacity – LIV Guidelines [here](#)

- (1) Understood nature and effect of testamentary act? (*understands that a Will disposes of estate; can be amended while they have capacity*)
 - Yes
 - Red flags, details below:

Urgency

Super

Superannuation

Super Basics

- Does not automatically form part of estate, only way to control it is via BDBN/Reversionary Pension (RP) (where client in pension mode – can nominate spouse, child under 18, child 18-25 and financially dependent, disabled child or financial dependent/interdependent)
- Explained can only nom super dependents (spouse, child, fin. dependant, interdependency, LPR)
- Explained that super trust deed governs how to make a BDBN and each deed different
- Flagged strategic advice of keeping outside of estate if a claim is possible
- Where DTT, flagged possible strategy of nominating estate to enjoy benefits of DTT
- There may be taxation (incl transfer balance cap), Centrelink, Dpt of Veteran's Affairs and other implications to consider when nominating beneficiaries, and we recommend seeking financial advice before making your nomination, we can only provide strategic legal advice.
- Recommended that they review their most recent superannuation statement to ascertain whether they have a binding nomination in place or engage us to review their nomination and provide advice.

Retail/Industry fund

Fund	
<i>Beware of default distribution with Media Super, CBUS</i>	
Current balance	
Phase	Choose an item.

Instruction sheets that prompt + guide

LPLC Checklist

Distributing the estate

- Maintain a check list to ensure that all debts are accounted for and paid before finalising an estate.

- Recommend to executors that the estate not be finalised until all of the tax returns are received and all debts paid.

- Advise executors or administrators orally and in writing of the consequences of distributing within six months of the grant of probate or letters of administration, making it clear that the executor or administrator will bear personal liability if they distribute the estate early and a subsequent claim is made.

- Pay careful attention to the time frame and diarise appropriate dates, including any dates relevant to any notices of intention to issue an application.

- Act promptly in the administration of the estate to enable it to be distributed as soon as possible after the expiry of the first six months.

- Review the details in the will before:
 - instructing the conveyancing clerk to transfer a property to ensure the current interest is transferred
 - paying any money on behalf of infant beneficiaries to ensure there is an entitlement to the money or it hasn't already been paid.

CGT

Real Estate:	2 Smith St, Port Melbourne, Victoria 3207
	<i>Address + Title Particulars + Sole or Joint Proprietor</i>
Acquired by deceased	<input type="checkbox"/> <u>Pre 20 September 1985 (pre CGT)</u> <input type="checkbox"/> Post CGT
Main Residence of deceased at death	<input type="checkbox"/> Yes <input type="checkbox"/> No
Obtained share by survivorship/ <u>dec'd</u> estate	<input type="checkbox"/> No <input type="checkbox"/> Yes – (give details of share received/DOD)

SMSF,
unknown
assets

SMSF:

- If corporate trustee, must review ASIC search and company constitution

- SMSF Trust Name + Trustee Name + Members + SMSF Assets & Liabilities + BDBN?*
- Advised that SMSF assets do not automatically form part of deceased's members estate + trustee must cash the member's benefit as soon as practicable per [Reg 6.21 of SISR](#)
- Must review SMSF Trust Deed for any rules on appointment of LPR as trustee for compliance with [trustee-member rules](#) under [s 17A of SISA](#) (6-month grace period) + how death benefit of member is to be distributed
- If death benefit distributed to the Estate, Executor is responsible for withholding any tax on super paid to a [non super tax dependent](#).
- Explained duty of LPR to call in all available assets, unless all affected beneficiaries provide consent.

Unknown Assets/Liabilities

- If the client considers there may be other assets or liabilities unknown of, do they want us to undertake:
- Unclaimed money search
 - Lost super search
 - Name search for property
 - Name search for ASIC
 - enquires to wider network of banks

Distribution

- Advised LPR that certain '[eligible persons](#)' can make a claim for provision within 6 months of grant
- Recommended waiting 6 months before distributing the estate
- Explained risk that LPR will bear personal liability for a successful claim if they make early distribution and they cannot recoup the distributions from the beneficiaries

Any potential claimants: _____


Early distribution or wait 6 months: _____

Part IV Risks



A cost statement that's about more than just costs



Costs Agreement 

BETWEEN

Law Practice: _____

Client: _____

Matter: _____

PREAMBLE

Division 4 of Part 4.3 of the Legal Profession Uniform Law (Victoria) ("Uniform Law") allows a law practice (us) and you (the client) to agree on how the law practice's charges are to be calculated and paid. It is called a "Costs Agreement", and it may be enforced in the same way as any other contract.

This document is an offer to enter into a Costs Agreement in accordance with the information contained in the Disclosure Statement given to you in compliance with Division 3 of Part 4.3 of the Uniform Law.

If you accept these terms, the Disclosure Statement and this document will make up the complete Costs Agreement between us for this matter.

LPLC LIV CS guidance



	Y	N	N/A
Retainer agreement			
8. Retainer. Is it clear when the retainer commenced and when it ended?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Key Elements in Retainer. Does the written retainer include:			
• Well-defined scope of work (what the practitioner will do)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Excluded work (eg commercial, tax, financial or valuation advice)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The identity of the supervising principal and other team members?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A cyber security warning regarding potential risks (e.g. change to bank details)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• If there is a limited retainer — has the risk of excluded work been identified and explained in writing to the client?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Prompt Opening of File. Has the client file been promptly opened in accordance with firm's requirements or file opening policies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Legislative disclosures. Are all required legislative disclosure documents provided? (e.g. family law disclosures)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

We give you drafts						
You review						
We finalise and meet to sign						

3. Your assets & liabilities and family situation

For us to be able to draft an estate plan that works just as you'd like it to, it's crucial that you provide us with accurate details about your assets and liabilities, including any assets held jointly, any controlling interests in trusts or companies, your superannuation and any life insurance.

If you are unable to provide us with accurate details, please instruct us to make enquiries to ascertain those details. For instance, we always recommend performing title searches on any real estate owned by you to ascertain ownership and title details. However, unless we're instructed to, we won't undertake any independent enquiries.

If you do not request such enquiries, we will prepare your documents based on the information you provide us with regarding asset ownership. We will not be liable for any loss to you or your estate resulting from omissions or inaccuracies in those instructions.

If you'd like us to advise on your companies and trusts, we will need copies of Australian Securities and Investments Commission (ASIC) extracts, company constitutions, trust deeds and the entities' most

What's in and what's out

Confirming critical instructions and reinforcing advice

Your Instructions

Will:

- Executor(s): each other
- Substitute Executor(s):
- Beneficiaries: on the first of you to die, the estate is to pass to the survivor, and on the last of you to die, to your children in equal shares held on trust until 18 years of age
- Back-up Beneficiaries: should a child of yours fail to survive you, their share would pass to their child/ren held on trust until 18 years of age

Enduring Power of Attorney

- Attorney(s): each other

Real estate owned with others

Where there are multiple owners of real estate, it is possible to own the land as:

- tenants in common; or
- joint proprietors.

The manner of holding affects the way the property is dealt with on the death of an owner. You can view an infographic [here](#) which illustrates the below differences:

- tenants in common – a deceased owner's share in the property forms part of their estate;
- joint proprietors – a deceased owner's share passes to the surviving joint owner(s).

Property owned as a joint tenant does not form part of a person's estate until the death of both joint tenants. Upon the death of one joint owner, such property will pass to the surviving owner by the 'rule of survivorship'.



3. WILL YOUR SUPER BENEFITS BE INCLUDED IN THE ASSETS WHICH ARE GIFTED UNDER YOUR WILL?

If you make a BDBN to pay your benefits directly from the super fund to the recipient

If you choose to nominate a loved one in your BDBN to receive your superannuation benefits, then your superannuation benefits (and any life insurance in your superannuation fund) will be paid directly to them from the superannuation fund.

Any direction you leave in your will to gift your superannuation benefits will be irrelevant.

If you have a reversionary pension in place

If your super account is in pension mode and you have nominated a reversionary beneficiary for your pension when you established the pension, then your super benefits will usually pass directly to the person you nominated as your reversionary beneficiary.

If you have both a BDBN and a reversionary pension, it's essential to get legal advice to confirm which will take priority.

If you make a BDBN to pay your benefits to your legal personal representative

If you nominate your 'legal personal representative' in your BDBN, then the superannuation fund will pay your superannuation benefits to the executor of your estate, and then the executor will gift your superannuation benefits in accordance



Precedents to alert clients to risks

Qs that prompt

CGT info

Part IV + distribution

We are pleased to confirm that the Grant of `MATTER.Matter_Type` (Probate) has been issued by the Supreme Court of Victoria. Please find enclosed the electronic Grant for your records.

The purpose of this letter is to provide you with information regarding the estate administration process moving forward.

Family Provision Claims

We reiterate our advice to you that the *Administration and Probate Act 1958* provides that certain 'eligible persons' (definition listed [here](#)) can apply to the Court for an order for provision from an estate on the basis that they consider that `Distribution` (the Will) fails to make adequate provision for their proper maintenance and support.

Usually, an application for such an order must be made within six months after the date of the Grant of `MATTER.Matter_Type` (Probate), which we note expires on `matter.criticalDates.distributionUnderF` (16 September 2026).

Accordingly, our recommendation is that the estate is not disbursed until this period has passed, otherwise you as `CLIENT.File_Name` (executor) `EXECUTOR.All_executors_plural_no` may be held personally liable for any funds already distributed that are not able to be recalled into Court upon a successful claim being made.

`6 month claim period` We confirm your instructions that you would like to await the expiry of this six-month period before the estate is distributed.

If you have any concerns or wish to discuss same, please let us know.

Individual and Estate Income Tax Returns

You are also responsible to ensure that the same is done for the estate. Accordingly, we strongly recommend that you ensure that all taxation requirements for both you `Deceased's Relationship to LPR` (mother) and the estate are completed and any resulting tax liabilities paid before finally distributing the estate.

`CGT assets` As we are unable to provide you with taxation or financial advice, we also recommend that you seek advice from an accountant as to any capital gains tax implications of selling or transferring the estate's shares/real estate and seeking beneficiary preferences before making a decision regarding whether the assets should be sold or retained in their current form and transferred to beneficiaries. We will provide you further guidance on these matters once engaged to act in the administration of the estate. `CGT assets`

If any tax liability remains unpaid or arises from outstanding returns after distribution, you will

Cost Statement

Family Provision Claims

Does the Executor want to distribute the estate within 6 months of the Grant?

No

Real Estate

Who holds the certificate of title?

Fraction each beneficiary receives of residuary estate

one half

Is the LPR the sole beneficiary?

Are there CGT assets in the estate?

Yes

Update Document

Qs that prompt

Diagrams to simplify legal concepts

Owning property as joint tenants or tenants in common: What's the difference?

JOINT TENANTS

Alex and Drew



Owners each hold an undivided share in the whole property

Drew dies



Alex

TENANTS IN COMMON

Alex Drew



Owners separately hold an individual share in the property. E.g. 50/50, 30/70 etc

Drew dies



Alex

Drew's estate

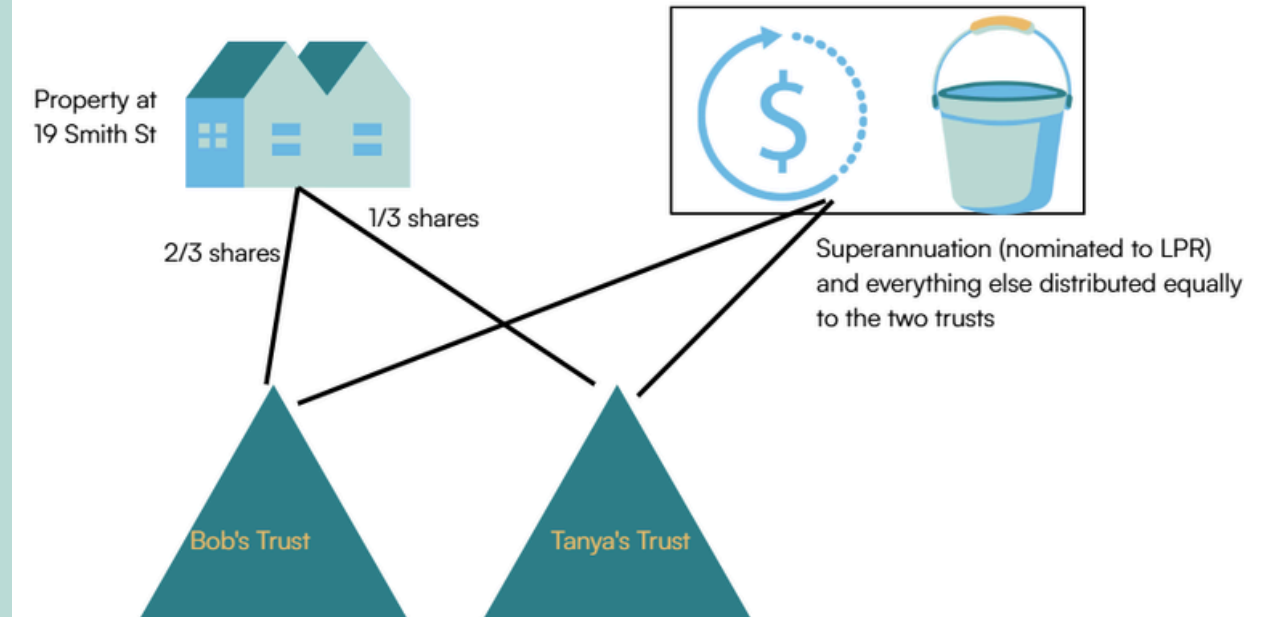
Specific gifts from Donna's estate

- Gold ring to Sam
- Remaining Jewellery to Children equally
- Sculpture works to Evan and if predeceased to Children equally

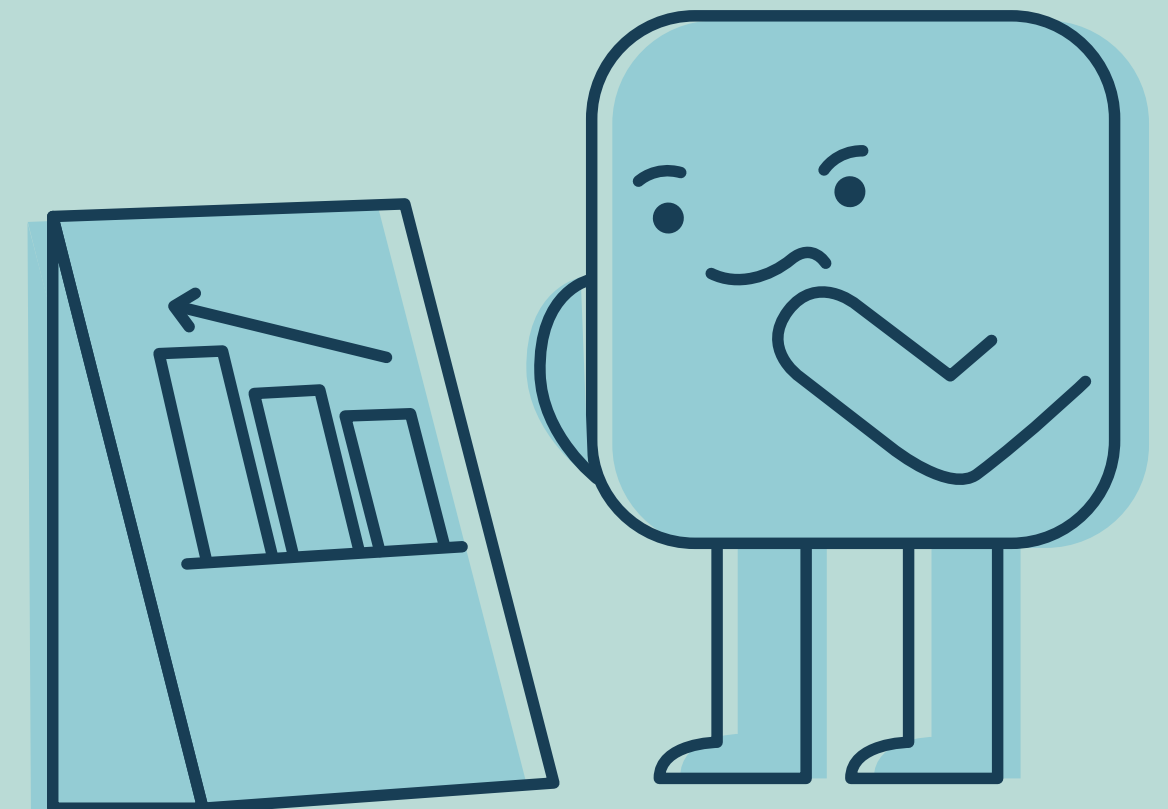
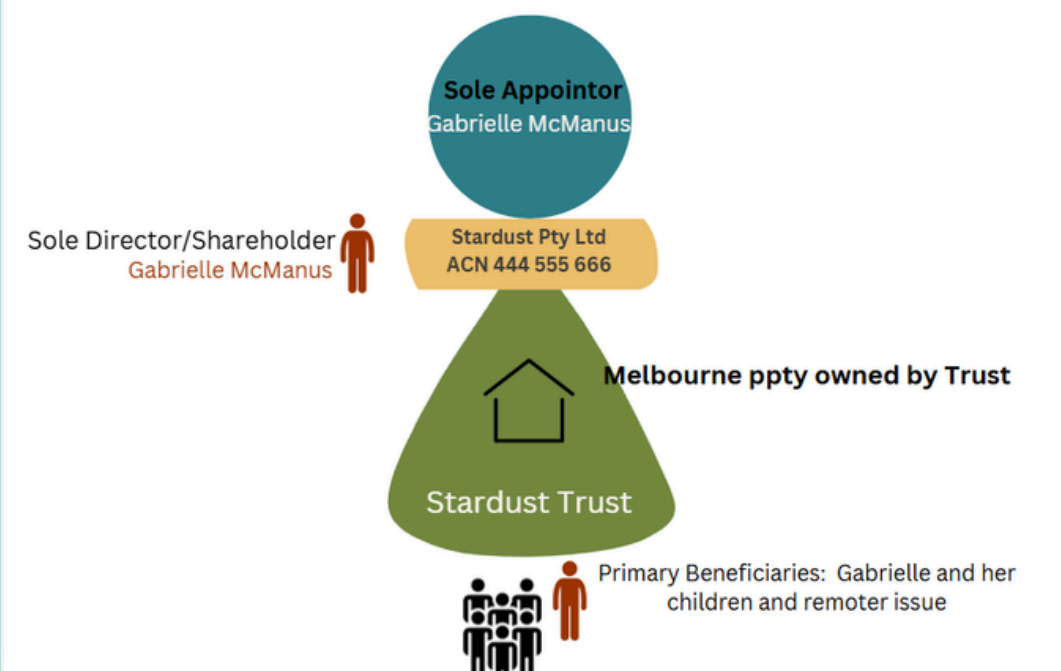
Specific gifts from Bob's estate

- Lexus to Otto and if predeceased to Children equally
- SLK 200 to Peter

Everything else to one another but if deceased then:



Stardust Trust



Spreadsheets for checking dates + maths

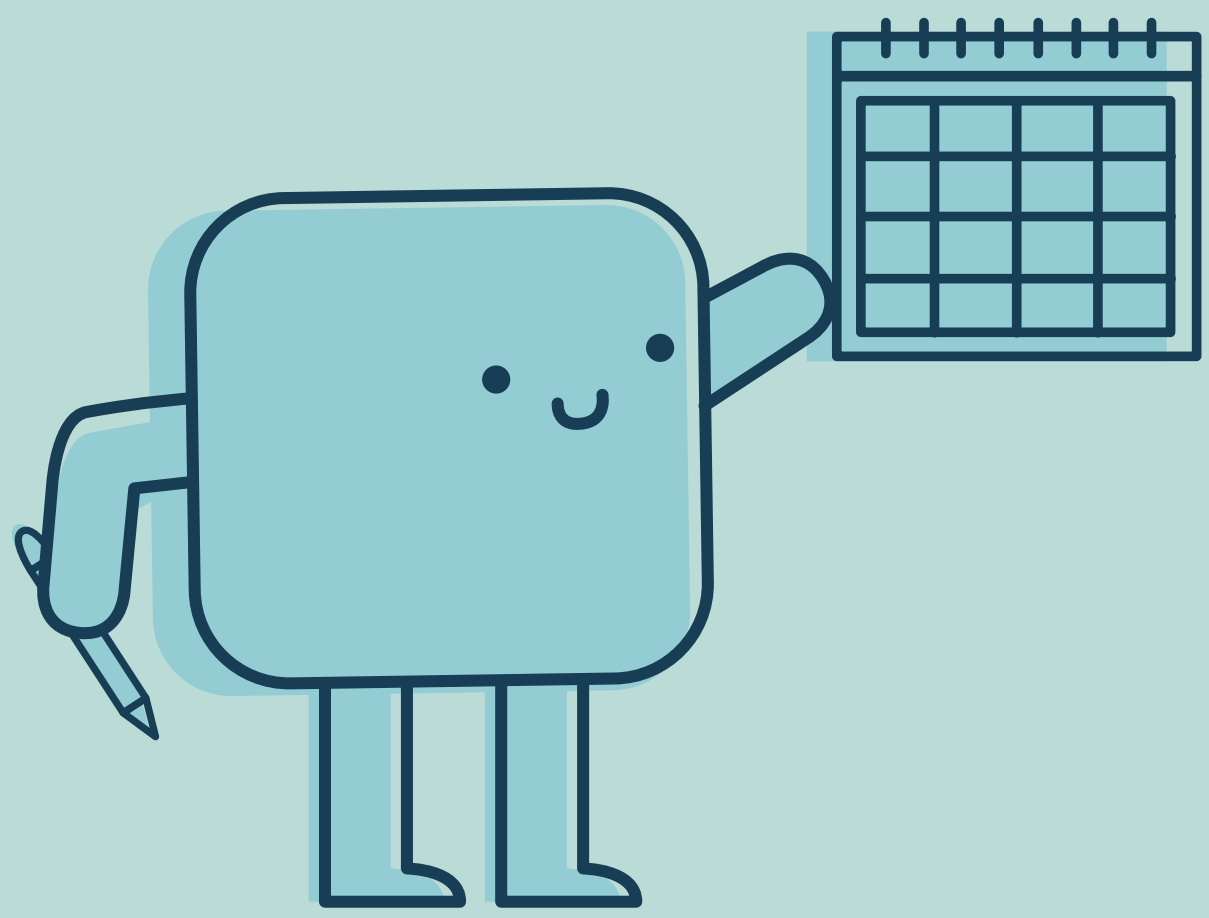
Part IV Period



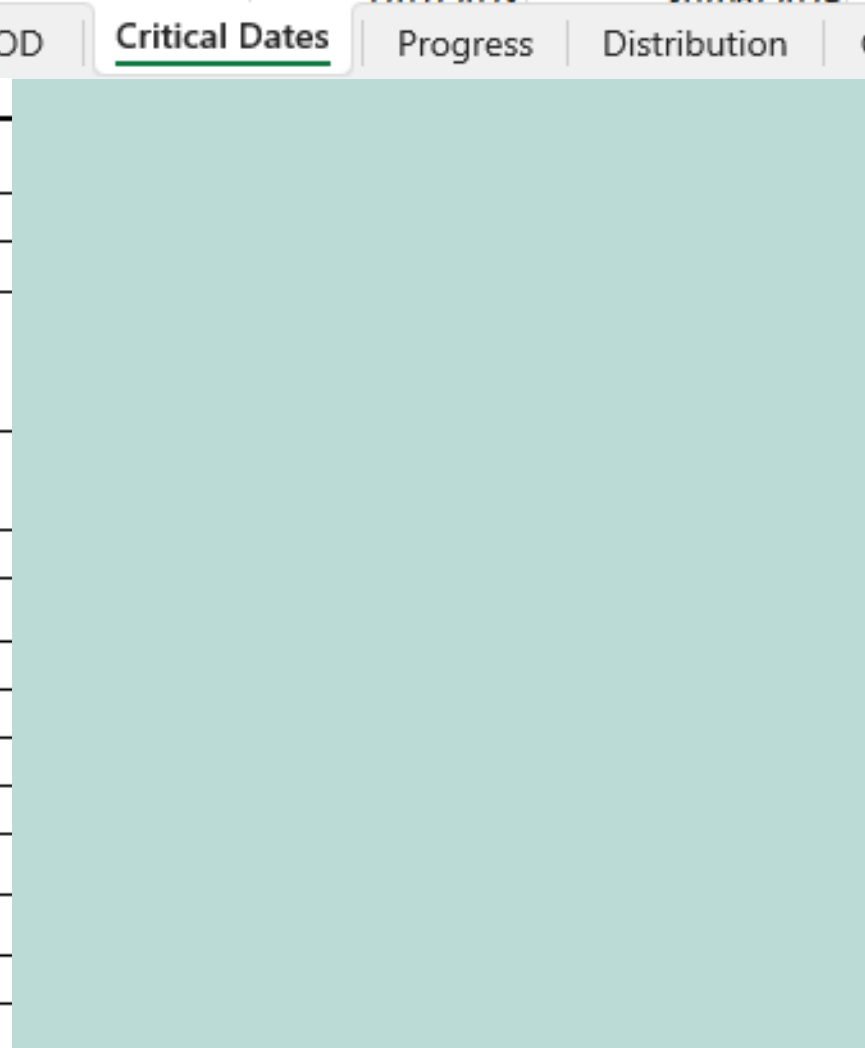
2 year CGT exemption



	A	B	C
Critical Dates			
Date of Death		16/01/2026	
Date of Grant		5/05/2026	
Expiry of 6-Month Part IV Claim Period		5/11/2026	
Expiry of 3-Month Notice of Intention to make Part IV Claim			
1-Year Anniversary of Death (Pecuniary Interest Accrual)		16/01/2027	
WILL ISSUES			
Rectification application		5/11/2026	
Caveat Lodged			
Expiry of Caveat		30/06/1900	
TAX			
Expiry of 2-year CGT Main Residence (MR) Exemption		16/01/2028	
Expiry of Additional 18 Months CGT MR Exemption		16/07/2029	
Expiry of 3-year Land Tax Surcharge Rate Exemption		16/01/2029	
Final Income Tax Year for Deceased		01/07/2021	16/01/2026
1st Concessional Income Tax Year		17/01/2026	30/06/2026
2nd Concessional Income Tax Year		1/07/2026	30/06/2027
3rd Concessional Income Tax Year		1/07/2027	30/06/2028
4th Income Tax Year (Not Concessional)		1/07/2028	30/06/2029



INTERIM DISTRIBUTION		
Balance in Trust Account		\$
Deductions		
Professional fees - Invoice #	\$	-
To remain in trust account for potential future estate liabilities	\$	-
Subtotal		\$
Share of residue to be paid to Beneficiaries		
To [beneficiary name]	\$	-
To [beneficiary name]	\$	-
To [beneficiary name]	\$	-
TOTAL	\$	- \$
Specific Gift under the Will already distributed		
[beneficiary name]	YYYY Make Model	
In-Specie entitlement already transferred to Beneficiary		
[beneficiary name]	Full share of [property address]	





Checklists to ensure nothing's missed

Where there are risks to the estate:

- No current eligible claimants
- I reiterated previous advice given regarding the risk of a part IV claim and client indicated that they understood
 - Yes No – reasons given/questions raised

Assets

- I reiterated previous advice given as necessary re:
- Application of Will to individual assets versus joint assets
 - Assets held by company or trust not part of estate (though shares in company are)
 - superannuation does not automatically form part of estate and discussed necessity of BDBN

EPA

- I explained:
- attorney appointment
 - alternative attorney appointment
 - financial and personal matters
 - matters for which attorney cannot act
 - commencement

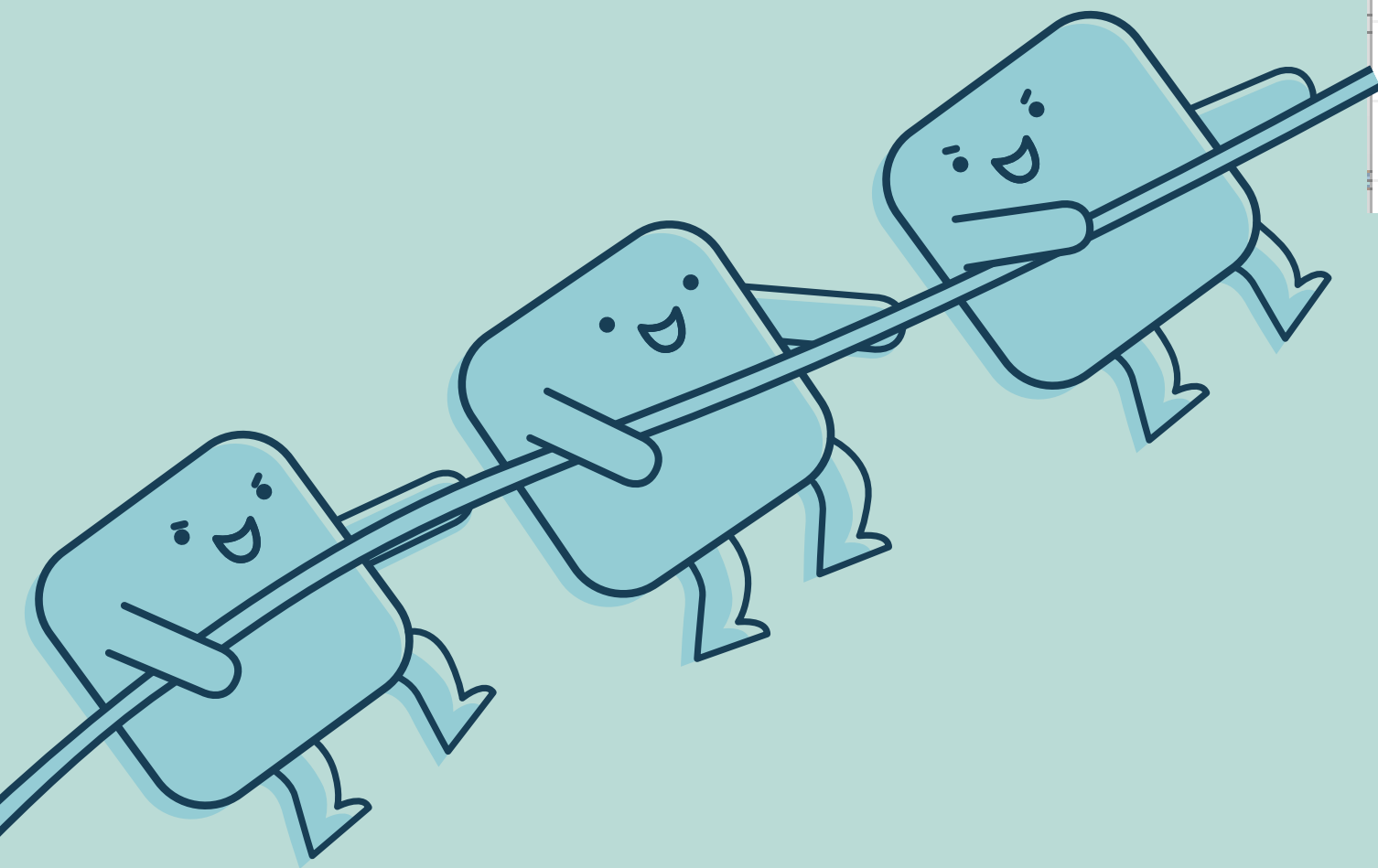
MATTERS TO CONSIDER BEFORE DISTRIBUTION

1. Has the 6-month claim period expired? If not, ensure client signs acknowledgement
2. Is a tax-saving possible to the estate by making a beneficiary specifically entitled to estate income?
3. Are there sufficient funds in trust?
4. Has it been more than 12 months since DOD? Do legacies required interest paid?
5. Can we also pay reasonable estate expense reimbursements at the same time for efficiency?
6. How much (if any) do we need to retain in trust sufficient to cover future estate expenses?
7. Have we verified all account details with the executor by outbound phone call?
8. Is the distribution in acc with the terms of the Will, if not, does it match the terms of a DOFA?

ADDITIONAL MATTERS TO CONSIDER BEFORE FINAL DISTRIBUTION

1. Have all service provider invoiced for work (e.g. has accountant issued invoice)?
2. Have all service provider invoices been paid?
3. If a final distribution, are future estate expenses or assets possible, and if so, have we anticipated this in the client's acknowledgement, direction & release?

Precedent tasks to set the work flow, allocate jobs + provide guidance



Part IV
Deadline

- 01 - Diarise 6-month claim period + update date of Grant in Deceased Estates Master Spreadsheet Date of grant
- 02 - Submit LTX-18 Notice of Commencement with SRO if land involved Date of grant
- 03 - Lodge Transmission Application + send NOA to Council, Water & OC (if applicable). Seek LPR ins... Date of grant

LTX-18

LEAP

Subject **Matter 16649 - 02 - Submit LTX-18 Notice of Commencement with SRO if land involved**

Start date	None	Status	Not Started
Due date	Wed 20/05/2026	Priority	Normal
<input type="checkbox"/> Reminder	None	Reminder Time	None

% Complete 0%

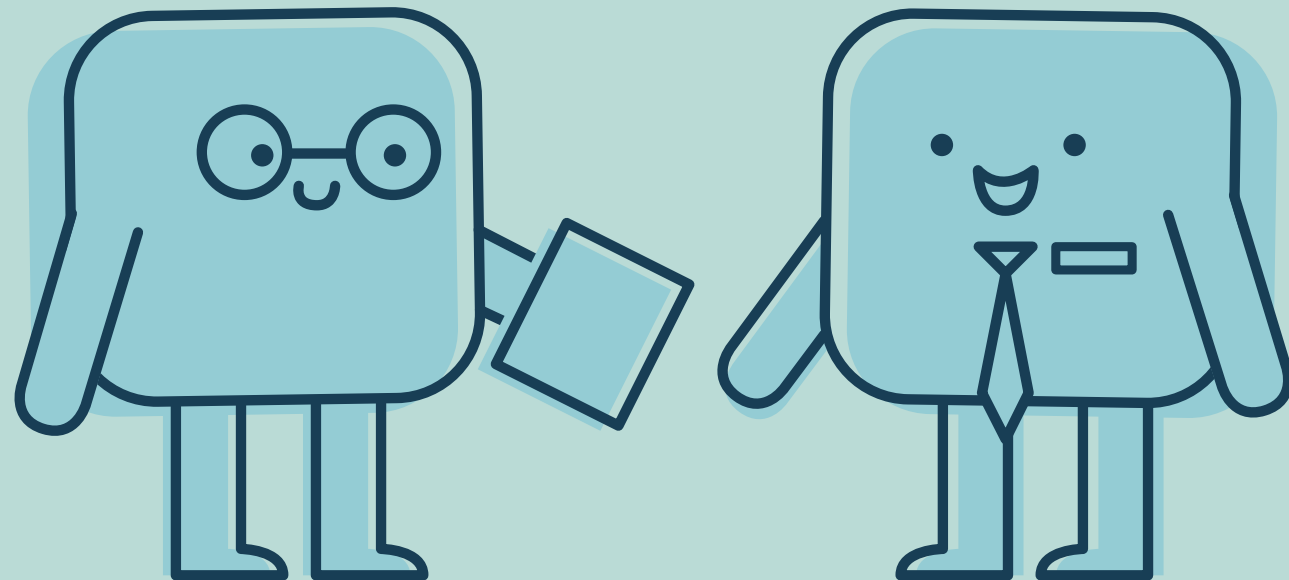
Owner Gabrielle McManus

<https://smartforms.sro.vic.gov.au/s/ltx-trust-18>

<https://www.loom.com/share...>

Building a strong team

Structured induction + ongoing supervision



Week 2 – Supervised File Ownership

Objective: Transition to managing straightforward estate planning & estate administration matters with supervision.

Estate Planning

- Conduct client meeting (with supervisor present)
- Attend signing meetings
- Draft:
 - Cost Statements
 - Wills (mixed complexity), EPOAs, AMTDMs, LOWs
- Manage post-appointment follow up:
 - Seek outstanding instructions

Week 1 – Orientation & Foundations

Objective: Introduce firm culture, systems, and client service expectations. By the end of week 1, be able to independently navigate LEAP and open matters and complete first steps under supervision.

Welcome & Firm Induction

- Introduction to McManus & Co history, values, and 50-year legacy.
- Overview of current strategic direction – specialist wills & estates focus.
- Reporting lines and supervision structure.
- Clear expectations regarding:
 - Client communication standards
 - Risk escalation
 - File management discipline
 - Time recording and billing.
- Office tour & introductions to all team members.

Systems & Technology

- **Logins set up with Office Manager:**
 - LastPass
 - LEAP
 - Outlook/Teams
 - VXT

- Add to your work Dropbox sign – not the me account (instructions)
- Add to LEAP precedent letter (loom video [here](#))
- **Access resources for independent training:**
 - VXT:
 - VXT: *Phone system set-up, voicemail, call routing*
 - LEAP University:
 - [Getting Started](#)
 - [Documents and Correspondence](#)
 - [Office Accounting](#)
 - Loom videos
 - [Uploading scans to LEAP from email](#)



Legal and practical guidance materials the team can access anytime

ADMINISTRATIVE PROCESS FOR ESTATE PLANNING FILES

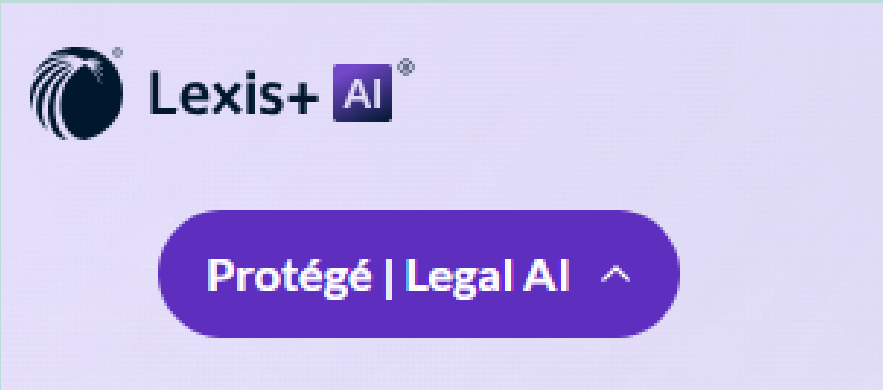
Legend

- Important information
- Location in LEAP matter
- Name of LEAP Precedent
- Loom videos
- LEAP Help Centre resources
- Our custom resources in 14078, 14044 or on the file

Contents

1.	Conduct Conflict Check:	1
2.	Open new matter via LEAP or Settify	2
3.	Move existing correspondence to new matter	2
4.	Review existing correspondence	2
5.	Steps if a Former/Existing Client	2
7.	Edit Table Types:	3
8.	Add Relationship to other Client for Couples	3
9.	Steps if there is a completed Settify Form:	3
10.	Check if initial email has already been sent & whether any further email(s) required	3
11.	Update Acuity as required:	3

- Complex SRO Assessment for ...
- Contacts
- Costs
- Deceased's remains - Disposal...
- Deeds
- Different types of grants (com...
- Duties, Powers and Rights of L...
- Duty and Land Tax for Propert...
- Exec's commission
- Family Law + Deceased Estates
- > Family Provision

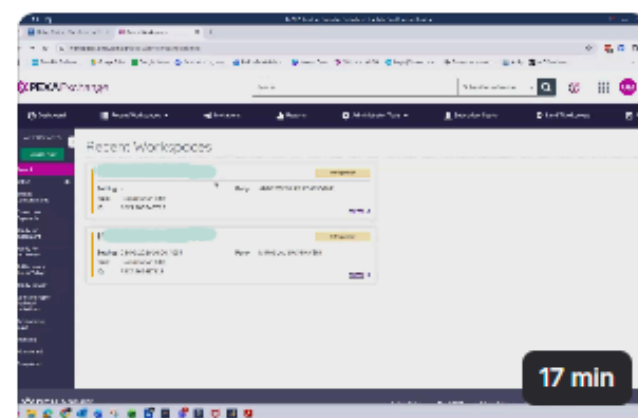


Videos / Wills + Estates

Wills + Estates

Folder

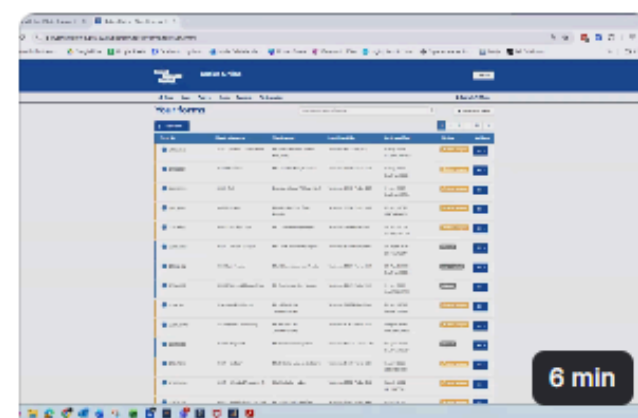
Videos



GM Gabrielle McManus · 7 days
Not shared

(5 May 2026) Setting up a PEXA workspace for transfer outside terms ...

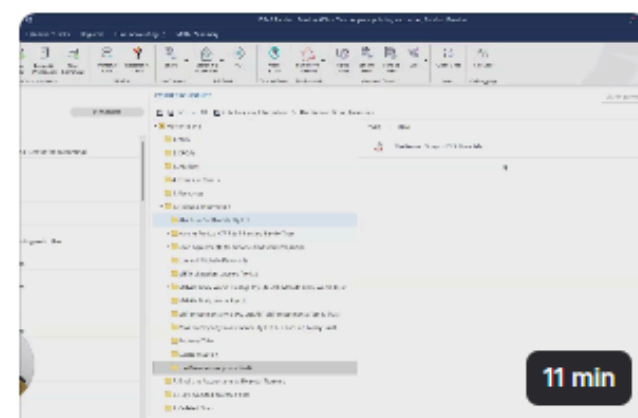
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GM Gabrielle McManus · 7 days
Not shared

DOL form for transfer of property outside terms of will/intestacy (5 May...)

0 0 0



GM Gabrielle McManus · 1 month
Not shared

How to structure EP files involving companies and trusts April 2026

0 0 0



JUST IN CASE LAW PODCAST

VIEW LEGAL PODCAST

JOIN THE LIV SUCCESSION LAW COMMITTEE

HEIR WAVES PODCAST

Resources to stay up to date

LPLC Newsletter

Updates on risk trends, claims insights, and prevention guidance

Professional groups

Peer learning and discussion of current practice issues and trends

Relevant CPD

Ongoing training to maintain skills and stay current with legal developments

STEP AUSTRALIA

ART OF ESTATE PLANNING FB GROUP

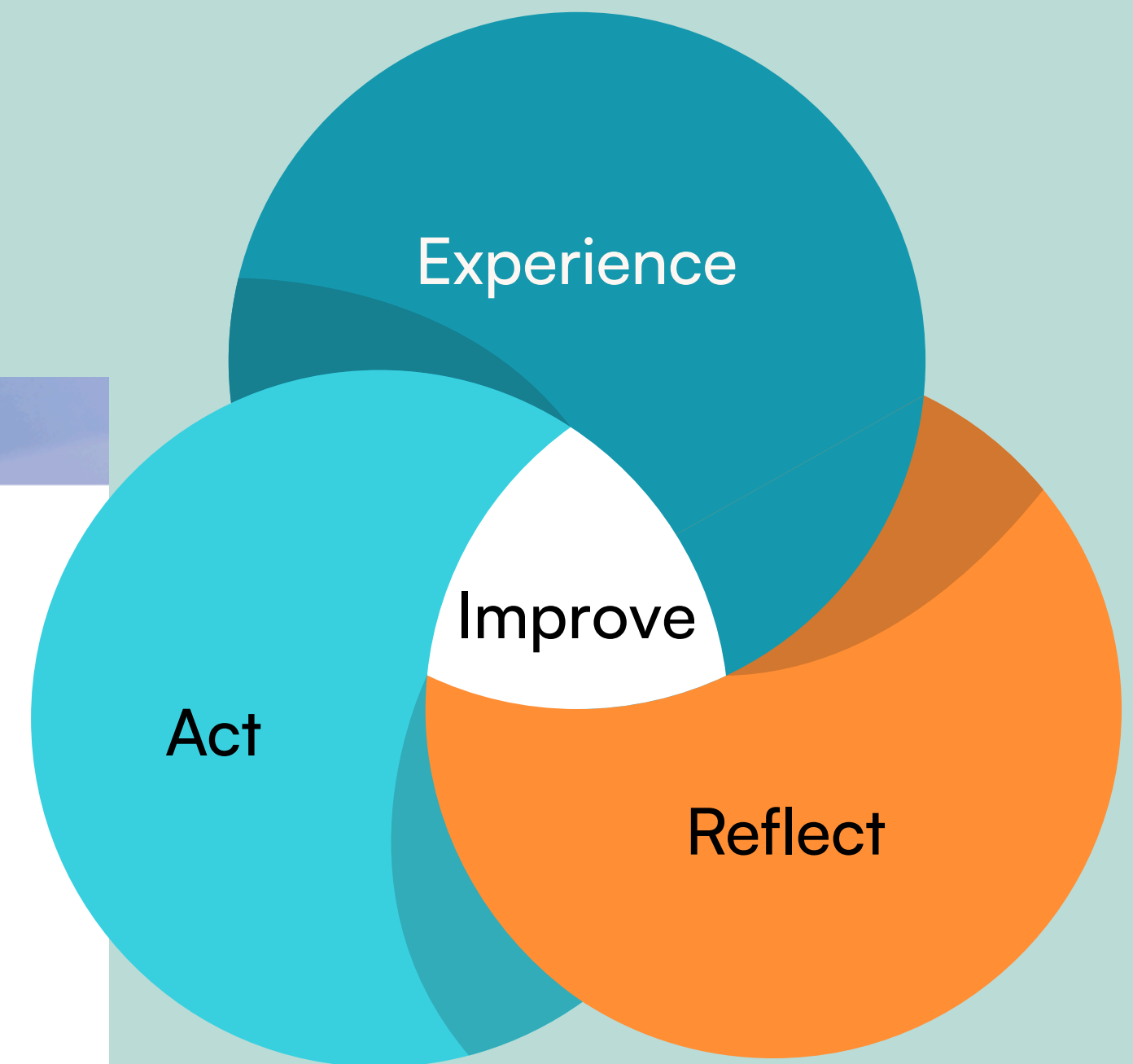
TT PRECEDENTS CLUB

Reflective practice

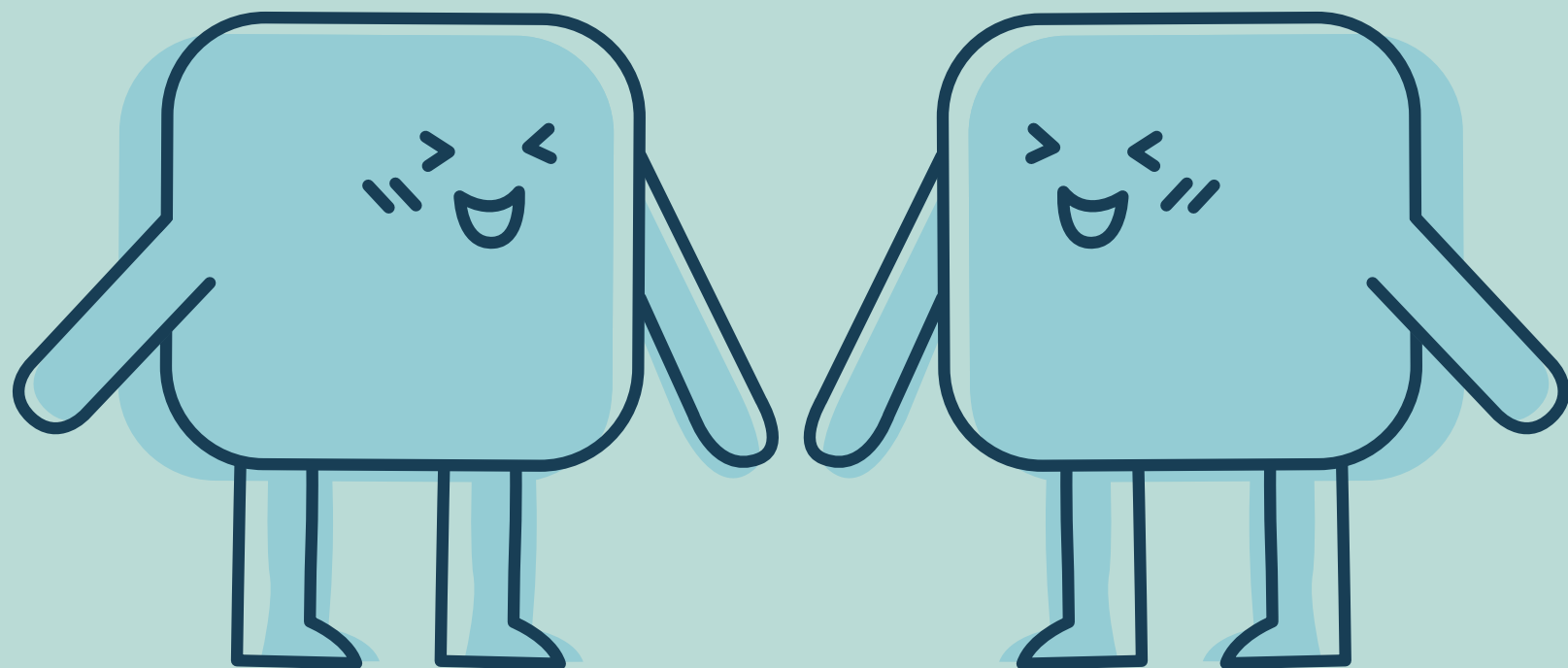
NEXT Estate Planning & Deceased Estates Meeting

To do:

- Follow up whether we have precedent about 'reasonable estate expenses' LK - DONE
- Training re double gifting scenarios - GM
- Effect of proposed changes to budget re DTTs, companies, trusts and CGT - GM



Continuous Improvement



S Succession 14/05 12:03 pm

Share registries info

Hi all, some things I've discovered today about the share registries that may

- **MUFG** charges a **\$55 fee** to transfer shares. The payment form must be card holder (GM).
- **Computershare** does not charge a transfer fee for deceased estates. (I've added this in a comment to the 'Letter to Share Registry enclosing s LPR and beneficiary' precedent letter).
- **MUFG** have said that they will accept forms signed in **blue ink**, even though signatures must be in **black ink**.

AB Angelica Brigandi 12:39 pm

Execution checklist for Restrictive Practices S

Wills & Estates - update in the Estate Planning Execution Ch feel free to update/amend as necessary when you prepare t

ARPSDM
I explained:

- nominee appointment – eligible person
- situation in which they can act for you – incapacity and in facility to make a decision re a restrictive practice
- can only make a decision to consent, or restrictive practice in relation to an care setting as per the Act
- this role does not in matters or in
- what is

LK Lilly Kimpton 5/05 2:45 pm Edited

Interpreter Materials and New Precedent Initial Email

Wills & Estates - Interpreter information leaflet has been created (Ref to 14078 Interpreter Information 2026) to go to estate planning clients where an interp

TH Taylah Hollands 10/02 11:28 am

Updates to Deceased Estate Instruction

Wills & Estates Updates summarised below:

1. Checkboxes to ensure we are checking that LPR confident
2. Added LEAP fields for assets so that this information popul
3. New section on firearms + burial plots
4. New section on entities

WILL/INTESTACY

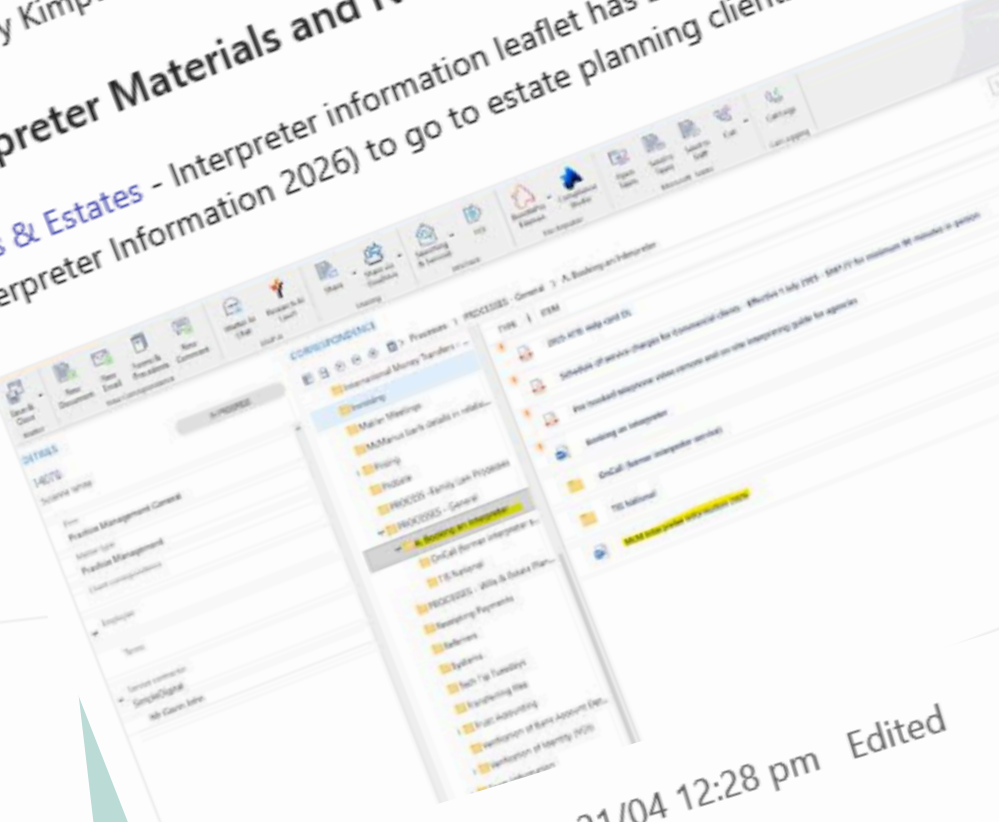
Location of Will:

LPR confident that this is the last Will

Explanation of Will / Intestacy Rules:

Explained that acting as LPR is voluntary

[see more](#)



ML McManus Lawyers 21/04 12:28 pm Edited

Letter of Wishes Precedent Updated

Wills & Estates Clients who electronically receive tick/check the boxes with a simple click. Client tick so should be able to now!

Examples 2022

The Quality Loop

McManus

Thank you!

For more info, visit www.mcmanuslawyers.com.au.