



Bequest Assist

Call the
Probate Police!



Disclaimer

This presentation contains general advice only. The advice contained within should not be relied upon without seeking professional advice pertaining to your unique circumstances.





10-15%

Additional Gifts in Wills income

When moving from reactive to proactive estate
management.



- Annual Gifts in Wills income of \$500,000 = an extra \$50,000-\$75,000
- Annual Gifts in Wills income of \$1 million = an extra \$100,000-\$150,000
- Annual Gifts in Wills income of \$5 million = an extra \$500,000-\$750,000
- Annual Gifts in Wills income of \$15 million = an extra \$1.5 million -\$2.25 million

The Excessive Fees



- Charity was 100% beneficiary of \$74,000 simple estate
- Solicitor was also executor and charged \$23,000 in fees (including professional fees for non-professional work)
- No charging clause in the Will

- Asked on what basis the fees were being charged (no charging clause)
- Ultimately accepted a 15% discount which returned \$3500 to charity
- Could have pushed for more (but small size estate)

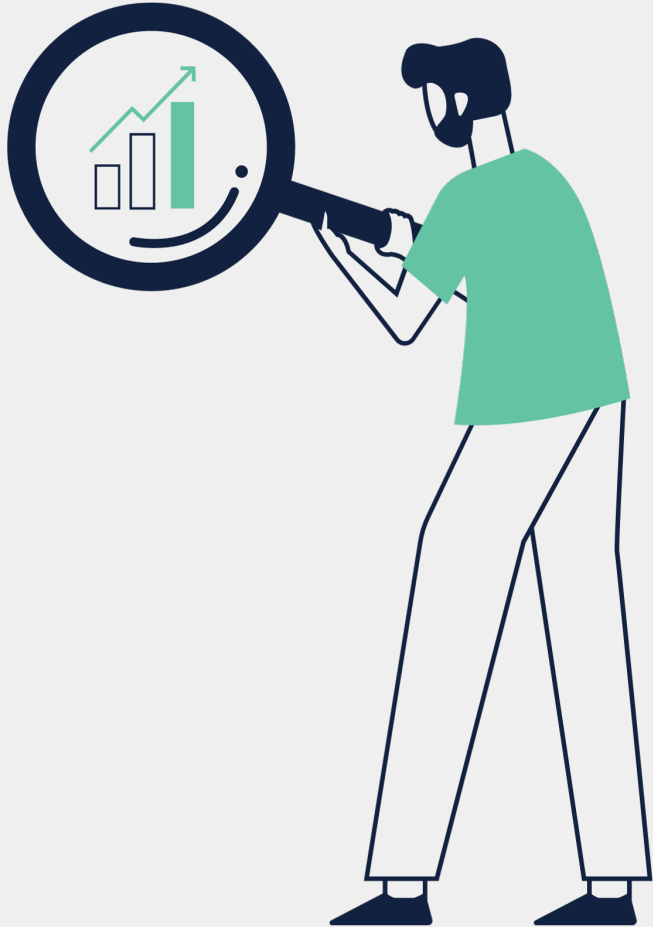




Take action:

- Legal fees should not be more than 2% of estate value (unless small)
- Extra attention when solicitor (or their firm) is also executor
- Read the charging clause
- Ask questions (or for itemised invoices)

The Disappearing Will



- Bequestor had reconfirmed to multiple charities
- No gift to charity in final Will
- Prior Will not notified to court/beneficiaries
- Charities teamed up to find prior Will
- Suspicious circumstances

Take action:

- Good notes from living donors improves outcomes later
- Have a process after a confirmed bequestor passes away
- Team work makes the dream work
- There are avenues to search for wills



The Life Tenancy Fraud






- Will established trust with income to life tenant
- Life tenant died in 2000 but income paid into her bank account until 2020
- \$502,000 overpaid + fees for trustee
- Settlement reached but not all funds recovered





Take action:

- Check in on life estates every 1-2 years
- Try to note the life tenant's age and conditions of tenancy
- Can track obituaries/probate yourself
- Identify any that are at risk

LI Property/Trust Value		Caveat filed?	Select	
If life estate, address of property		Life tenant details		
Type of life interest				

The 23 year estate

- Public Trustee
- Deceased died 2001
- Overseas property
- No progress for two decades!
- Refund of fees requested

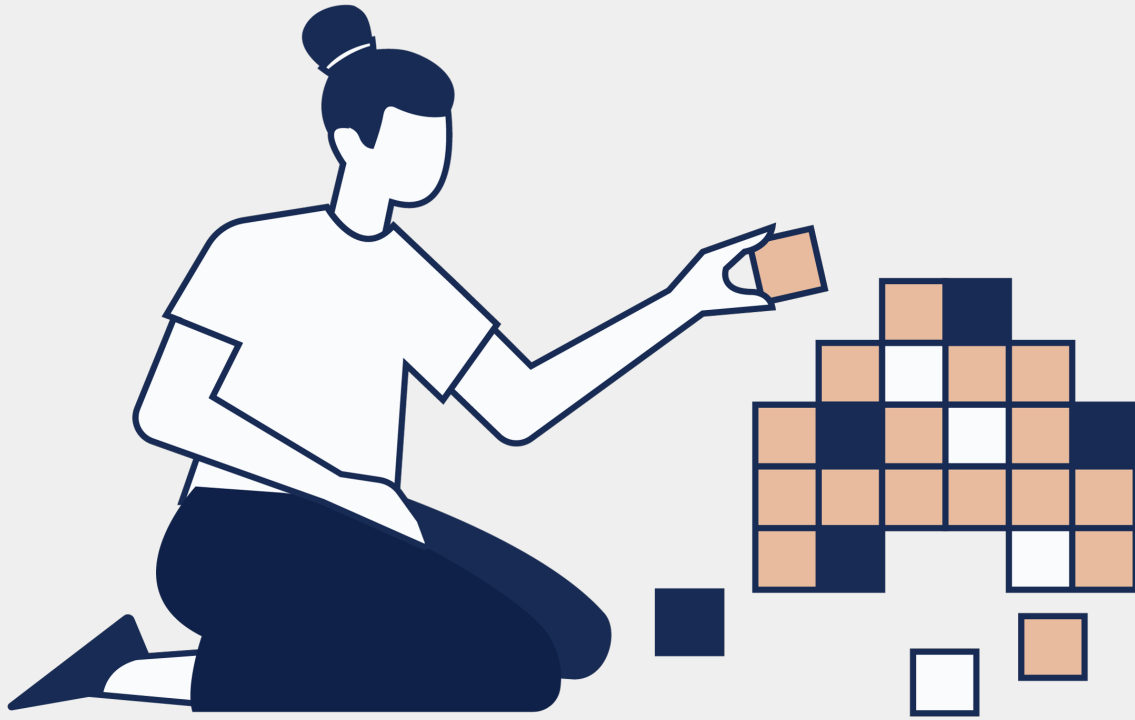




Take action:

- Flag overseas assets
- Flag estates that take longer than 3 years
- Update every 6 months
- Request fees be waived

The Estate Within An Estate



- Settled FPC with son
- Estate finalised, but then discovered deceased was a beneficiary of another estate
- Secondary estate distributed direct to son
- Executor had retired
- \$4000 ultimately reclaimed

Note red flags:

1. Final payment coming in late for some reason
2. Retiring executor
3. Estate paying into an estate



The Missing Dividends

- Executor and solicitor both overwhelmed by work and uncommunicative
- Large share portfolio but would not seek advice
- Charities 100% beneficiaries



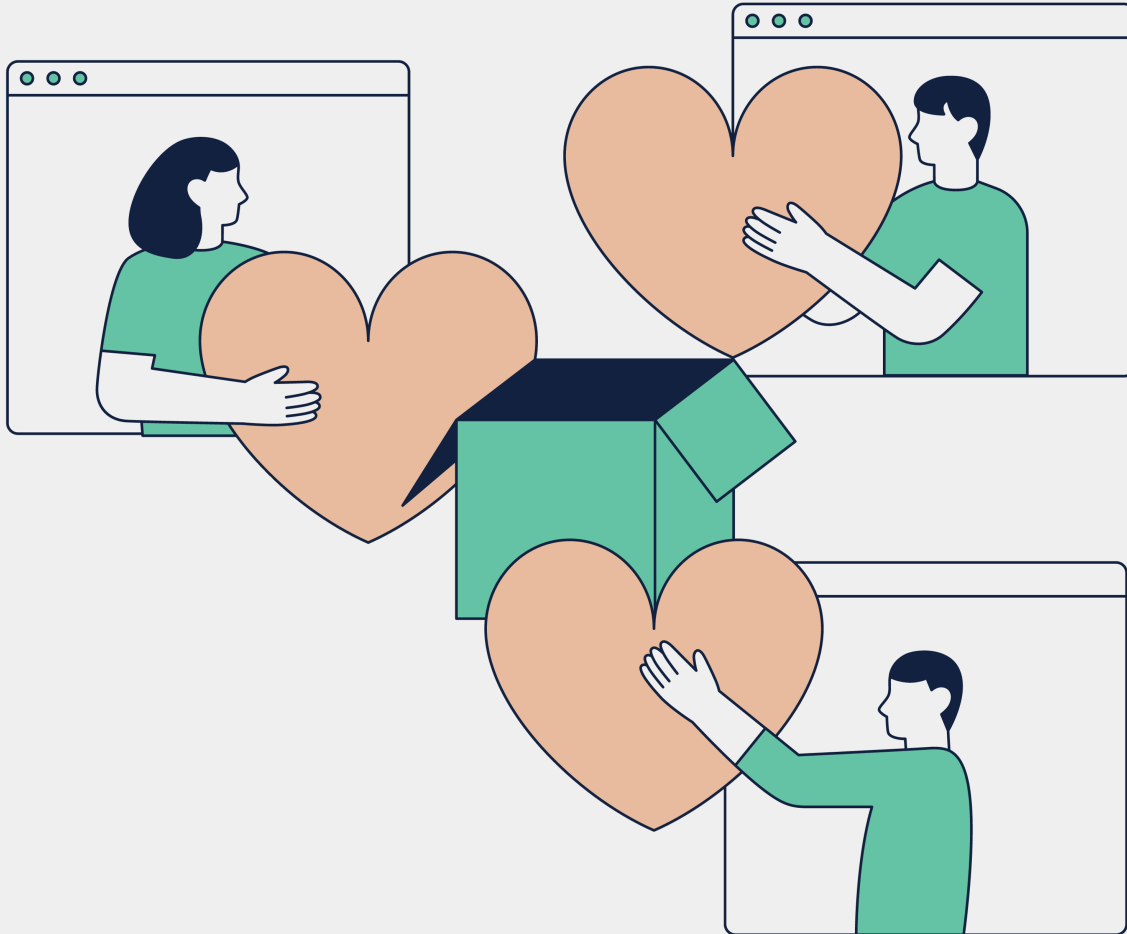
- Share hunting revealed unclaimed shares and dividends
- Now: persuade executor to take action

JM | INVESTMENTS



Take action:

- When one red flag is raised, double check everything



Overall takeaways:

- Work with other charities
- Try to catch flags before they become problems
- Ask questions until you are satisfied

Include A Charity and Bequest Assist 2023 Gifts in Wills Report

BEQUESTOR DATA ANALYSIS

**What 3,000 bequests tell us about the people
who leave them, and the effect on the future**



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July 2023
