

PROBATE GLOSSARY

Administrator	A person appointed by the Court, by an official document called letters of administration, to administer a deceased estate that has no executor. This may be because there is no will, the will did not appoint an executor, or a named executor is unwilling or unable to act.
Caveat	A warning placed on the Court file that prevents the Court from granting probate or administration.
Chattels	Personal property, as distinct from real estate. Money, securities and property used for business purposes are excluded from the definition of chattels.
Executor	A person appointed by the will to administer the estate. A will may appoint more than one executor.
Exemplification	An official extract of the grant issued with the Court's seal. It is often required if the original grant is lost or a sealed copy is needed to deal with foreign assets.
Grant of letters of administration	A document issued by the Court where the deceased has not left a will.
Grant of probate	A document issued by the Court when there is a will. A grant of probate certifies that the will is the last and valid will of the deceased person and confirms the authority of the executor named in the will to administer the estate.
Grant of representation	A grant, by the Supreme Court, of probate or of letters of administration.
Informal administration	Administration of estate assets without a grant of representation.
Intestacy	Occurs when a person dies without having made a valid will, or where their will fails to effectively dispose of all of their property. Intestacy can be partial, where only some of the deceased person's property is effectively disposed of by will, or total, where none of the deceased person's property is effectively disposed of by will.
Issue	A person's children, grandchildren, great-grandchildren and other direct descendants down this ancestry line.
Joint tenancy	Common ownership of property when all co-owners (or co-tenants) together own the whole piece of property, each having an undivided share. See also <i>Survivorship</i> and <i>Tenancy in common</i> .

Next of kin	A person's closest blood relatives. A deceased person's estate is distributed to their surviving partner(s) and next of kin on intestacy.
Office copy	A photocopy of the original grant, endorsed by the Court.
Personal representative	The common term that refers to either an executor appointed by a will, or an administrator appointed by the Supreme Court, to administer the deceased person's estate.
Probate	The process by which the Court approves that the will is valid and that the executor(s) can act on the will.
Real property	Land and interests in land, otherwise known as real estate.
Registrar of Probates	An officer of the Supreme Court appointed under the <i>Supreme Court Act 1986</i> (Vic) to exercise the power of the Court in making grants of representation.
Residuary estate	The remainder of the estate after debts and liabilities are paid, and specific gifts and legacies are distributed.
Statutory will	A will authorised by the Court for a person who is alive but lacks the testamentary capacity required to make a valid will for themselves.
Survivorship	A right in relation to property held by two or more people as joint tenants. Where a co-owner (or co-tenant) dies, their share in the property passes to the surviving co-owner(s). It cannot be given by will. See also <i>Joint tenancy</i> .
Tenancy in common	A type of co-ownership where multiple parties own distinct interests in the same piece of property. The share owned by a tenant in common forms part of their estate. See also <i>Joint tenancy</i> .
Testamentary capacity	The mental capacity required to make a valid will. To have testamentary capacity, a person must be of sound mind, memory and understanding, and must understand the nature and effect of making a will.

The Supreme Court acknowledges the Victorian Law Reform Commission's Succession Laws Report (August 2013) as the basis for some terms used in this glossary.