

Estates & Probate



Have you been named the Executor of a Will but are not sure what to do? Has a family member passed away and you have questions about the Estate?

Call Edmonton Wills & Estates Probate Lawyer Matthew Feehan today for a **FREE CONSULTATION**. Mr. Feehan is a knowledgeable and experienced lawyer practising in the City of Edmonton for over 25 years. He is immediately ready and willing to help with your estate issues. A simple free phone call today can help you to understand what needs to be done and when.

What is Probate? When does it become necessary to Probate a Will? What is the cost?

Probate (meaning "to prove") is the legal process of confirming the validity of a deceased person's Will, confirming who will act as the Executor for the Estate, determining the assets and debts of the Estate, paying out all debts and taxes, and distributing gifts to Beneficiaries pursuant to the terms of the Will. Depending on the value of the Estate and how assets are held, the Executor may have to apply to the Surrogate Court of Alberta for a formal Grant of Probate. Matthew Feehan can advise on whether an application is required. If so, he will provide a quote for his services before starting the job, and can assist with the process from beginning to end.

What happens when a person passes away without a Will? Who is in charge of the Estate? Who is a Beneficiary? How are the assets distributed?

When a person passes away without a Will, no-one is officially in charge of the Estate and a family member (or other interested person) may have to apply to the Surrogate Court of Alberta for a formal Grant of Administration. If this is the case, Mr. Feehan can help with every aspect of the process. The Beneficiaries of a person who passed away without a Will are determined by the [*Wills and Succession Act*](#) (new as of February 2012) beginning at Paragraph 58. Call Mr. Feehan for your **FREE CONSULTATION** and he will explain exactly who gets what share of the assets based on your specific facts.

How do you determine whether to apply for a Grant of Probate or a Grant of Administration? How long does it take to get the Grant? Who has the right to apply for a Grant of Probate or Grant of Administration? What happens if more than one person wishes to apply?

Determining which Grant to apply for depends on whether the deceased had a Will or not. If there was a Will, the application is for a Grant of Probate. If no Will, one applies for a Grant of Administration. In either case, it takes about two months to get the Grant from the day it is submitted to the Surrogate Court. Putting the application together is a precise and intricate task. Mistakes and inaccuracies in the paperwork can cause significant delays. Accordingly, it is best to have a knowledgeable and experienced probate lawyer assist you. Moreover, the lawyer will be available to provide invaluable advice throughout the process until your job as the Executor is completed.

A properly prepared Will always states who the Executor is, and it is this person who will have the legal right to apply for the Grant of Probate. In cases where there is no Will, the [*Estate Administration Act*](#) applies. Section 13 stipulates who has the legal right to apply for the Grant of Administration and it begins with the spouse or partner of the deceased, then moves to the deceased's children,

grandchildren, parents, siblings, next of kin, then any person having an interest in the estate.