



2009

PROBATE Laws of Probate and Administration.

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ABOUT NANYANG LAW LLC

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We specialize in a variety of work such as corporate, intellectual property, chancery, litigation and corporate secretarial services.

As a result, our clients range from public listed companies to venture capital firms to individuals with specific needs.

We will be happy to meet you to discuss your needs and see how best your interests can be protected. We take this opportunity to reiterate our vision statement which is to provide quality and timely legal services, which adhere to the highest standards of integrity and excellence, delivered in a professional, responsible and client-oriented manner.

We look forward to being of assistance to you.

FOREWORD

Dear friends, partners and clients,

This article seeks to answer that question by applying the laws of Probate and Administration in Singapore to a hypothetical scenario.

The aim of this exercise is to give an overall picture of certain issues that arise when a person dies without making a will. It should be noted that this article does not deal with Muslim estates wherein separate considerations apply.

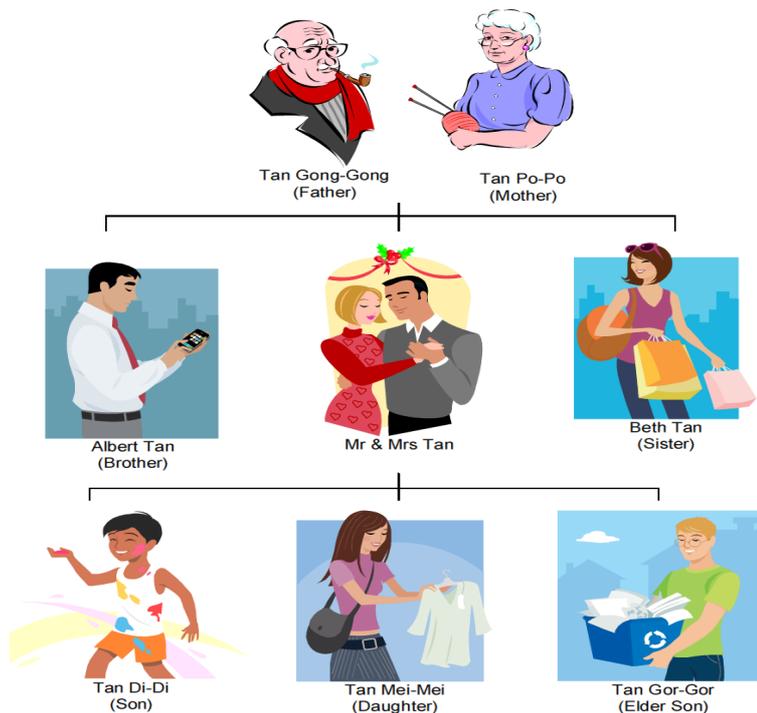
Should readers require advice on specific issues, we will be happy to answer any queries.

Happy reading!

Ng Kim Tean
Chairman

1. Introduction

A large number of us would have likely considered what becomes of our assets upon our demise. Some of us might also wonder how we came about our inheritances on the death of a parent or relative. It is common knowledge that this usually happens when the asset or property has been bequeathed to us by will. What happens when a person dies without making one however?





2. Grant of Letters of Administration

Upon Mr. Tan's death (and he does not leave a will), any person who is authorized to deal with and distribute Mr. Tan's assets (known as personal representative of Mr. Tan) will need to apply to the Court for a **Grant of Letters of Administration** (i.e. a legal document that grants a personal representative the right to deal with and distribute assets of a deceased intestate).

This personal representative can be any of the following persons, and in order of priority:

- 2.1 Mrs. Tan (Spouse)
- 2.2 Tan Di-Di, Tan Mei-Mei and Tan Gor-Gor (Mr. Tan's 3 children)
- 2.3 Tan Gong-Gong and Mrs Tan Po-Po (Mr. Tan's parents)
- 2.4 Albert Tan and Beth Tan (Brothers or Sisters)

If there is more than one person applying to be the personal representative of Mr. Tan's assets (also known as Mr. Tan's estate), the Court will have discretion to grant to any one or more of them.

For example, if Tan Di-Di, Tan Mei-Mei and Tan Gor-Gor all apply to be the personal representatives of Mr. Tan's estate, the Court may grant Letters of Administration to either Tan Di-Di, Tan Mei-Mei and Tan Gor-Gor or grant to them jointly. Please note that the law limits the number of personal representatives to 4 members.

3. Personal Representative

If Mrs. Tan wishes to be the personal representative, she should approach a lawyer to assist in applying for the Grant of Letters of Administration. She should submit to the lawyers the following information/documents:

- 3.1 Original Certificate of Extract issued by the Registrar of Births & Deaths; or Death Certificate issued by the authority from the country of death if Mr. Tan died outside Singapore (including official translation if the document is not in the English language);
- 3.2 the particulars of Mr. Tan;
- 3.3 the value of Mr. Tan's estate;
- 3.4 whether she wishes to appoint a co-Administrator as explained in paragraph 3 above (for e.g. her brother-in-law, Albert Tan or her daughter, Tan Mei-Mei)

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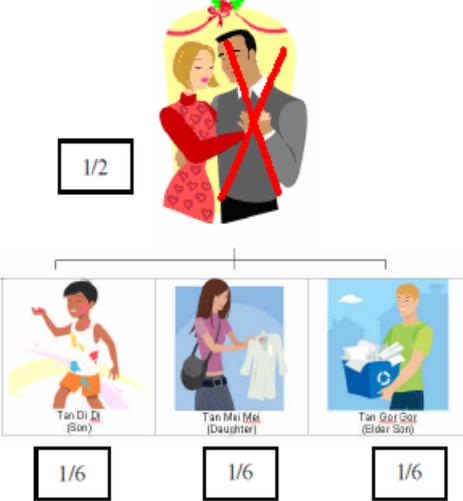
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4. Distribution Rules

Upon successful application, Mrs. Tan will be Administrator of Mr. Tan's estate and may deal with and distribute his assets accordingly.

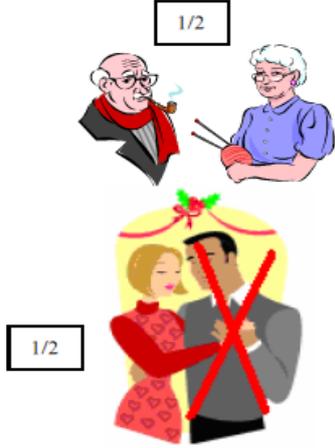
Generally, distribution of assets is governed by the **Intestate Succession Act**, which lists several rules of distribution tabled below:

Outcome	Illustration
<p>If Mr. Tan dies leaving only Mrs. Tan, Mrs. Tan shall inherit all of Mr. Tan's assets.</p>	
<p>If Mr. Tan dies leaving Mrs. Tan and the 3 children, Mrs. Tan shall inherit 1/2 of Mr. Tan's assets; and each child shall inherit 1/6 of Mr. Tan's assets.</p>	

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<p>If Mr. Tan dies leaving Mrs. Tan and no children, but a father or mother, then Mrs. Tan inherits $\frac{1}{2}$ of Mr. Tan's estate, and Tan Gong-Gong and Tan Po-Po shares in the other $\frac{1}{2}$.</p>	
<p>If Mr. Tan dies leaving no wife, children or parents, his brothers and sisters or the children of his brothers and sisters shall share in his estate in equal portions between them. In this case Albert and Beth will each share in $\frac{1}{2}$ of Mr. Tan's estate.</p>	

4. Conclusion

The above paragraphs therefore summarise the processes involved in the distribution of a deceased's estate if he does not leave a will. Who will distribute, and how the estate will be distributed have been expounded on to assist you in your understanding of the administration process.

Should you have any further queries please do not hesitate to contact us at 63240040.

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