



STEP BAHAMAS CONFERENCE 2023

A COMPLETE GUIDE TO PROBATE APPLICATIONS AND PROCEDURE

The Hon Madam Justice Camille Darville Gomez
Justice of the Supreme Court
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SESSION OBJECTIVES

At the end of this presentation you should be able to:

- 1) Identify four types of grants of representation;
- 2) Identify the documents that must be submitted in order to apply for a grant of representation
- 3) Recognize the circumstances where you would apply for each type of grant of representation.

TYPES OF GRANTS OF REPRESENTATION

- (1) Grant of Probate
- (2) Grant of Letters of Administration with the Will Annexed
- (3) Resealing
- (4) Grant of Letters of Administration

WHO HAS DIED?



Edmond was married with two children and was shot one evening getting money out of a ATM machine. He has a will and left his wife as the executrix. He owns property jointly with his wife, has life insurance in favour of his wife and a bank account.

Answer the following questions:

(A) Type of Grant: (i) Grant of Probate

(ii) Grant of Letters of Administration

(B) What are the assets in his estate?

WHO HAS DIED CONT'D

Gary just finished school and had no children. He was killed in a traffic accident going to work one morning. He owns no land but has a bank account and a job. He has no will.

Answer the following questions:

(A) Type of Grant:

(i) Grant of Probate or;

(ii) Grant of Letters of Administration or;

(iii) Grant of Letters of Administration with the Will annexed.

(B) What are the assets in his estate?

WHO HAS DIED CONT'D

Lester has three children by three women and lives at home with his mother. He was shot and killed at a nightclub. He has life insurance, owns the property in his sole name where he resides with his mother and has a bank account. He has no will.

Answer the following questions:

(A) Type of Grant:

(i) Grant of Probate or;

(ii) Grant of Letters of Administration or;

(iii) Grant of Letters of Administration with the Will annexed

WHO HAD DIED CONT'D

Michelle has one teenage son and owns a business. She recently found out she had cancer and so she made a holograph (handwritten) will. She gave everything to her son but did not name an executor.

Answer the following question:

Type of Grant:

(i) Grant of Probate; or

(ii) Grant of Letters of Administration; or

(iii) Grant of Letters of Administration with the Will annexed

GRANT OF PROBATE

- Deceased died leaving a Will
- Application made by Executor
- Bahamian or non-Bahamian Will (Affidavit of Law required)



LA WITH THE WILL

Main characteristics

- i. Applicant NOT Executor;
- ii. Applicant can be: donee of POA held by Lawyer or someone else on behalf of the Executor, beneficiary where Executor deceased;
- iii. Bahamian or non-Bahamian Will (will require Affidavit of Law)

RESEALING

Foreign Grant already issued;

Applicant is the Personal Representative to whom the Grant has been issued (or done of the Power of Attorney of that person);

Only applies to Grants issued in the USA or a Commonwealth Country.

LETTERS OF ADMINISTRATION

Need to consider the date of death of Deceased:

- 1) Prior to the Inheritance Act (commencement date is February 1, 2002)
- 2) Post the Inheritance Act



DOCUMENTS TO BE FILED

- (1) Petition
- (2) Oath (save for Resealing)
- (3) Administration Bond (save for a Grant of Probate)
- (4) Return (to list personal property such as shares, bank accounts etc)
- (5) Will
- (6) Death certificate/Marriage certificate/birth certificate(s) (certified copy and translated in English)
- (7) Evidence of ownership of property
- (8) Renunciation(s) (if required)