PRESENTER



Alison Gilbert, Brookfields, Auckland

Alison is a key member of Brookfields' Trust and Management Services Team. She provides specialist legal advice on estate planning, the establishment and management of trusts and related asset management structures, relationship property and elder law. Alison is a member of the Minister of Justice's reference group on the reform of the law of trusts. She is the chair of the New Zealand branch of the Society of Trust and Estate Practitioners, which is the principal professional body for trust and estate practitioners worldwide. She is also the secretary and a trustee of the Life Education Trust South East Auckland. Alison is also the lead author of Lexis Nexis Law of Succession - Practical Guidelines.

The statements and conclusions contained in this paper are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.

CONTENTS

ENDURING POWERS OF ATTORNEYS, THE PPPR ACT, WILLS AND ESTATES.	1
INTRODUCTION	1
PPPR- CHANGES AHEAD: WHAT THESE MEAN FOR PRACTITIONERS	1
CAPACITY TO SIGN AN ENDURING POWER OF ATTORNEY	
Solicitor's duty	
OBTAINING A MEDICAL ASSESSMENT	6
NEGLIGIBLE RISK OF CONFLICT	7
REVOCATION	
Undue Pressure	
RECENT WILL/ESTATE CASES	
DEBTS OWED TO THE ASSET	
PRODUCING THE WILL/TESTAMENTARY DOCUMENTS	
Executor neglects to Prove the will	
Removal of an Executor	
Removal of executor because of mental incapacity	
Removal where there is a conflict	
Removal where an executor cannot be contacted	
Section 21 not available when estate administration completed	