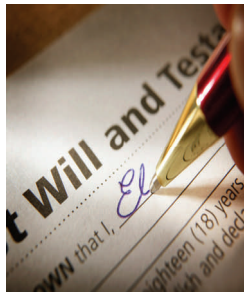




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# Q&S WILLS & ESTATES UPDATE

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## EXECUTOR & TRUSTEE SERVICES

Most people will be involved in a trust at some time in their lives. Perhaps through a family trust, either as trustee or beneficiary. Or perhaps as executor or beneficiary of a will, as deceased estates involve particular duties of trusteeship. And increasing numbers of people are setting up self-managed superannuation funds, which are also a special type of trust.

The implementation of a trust requires important decisions to be made. One important decision is to determine who will manage the trust, either as trustee of a trust or as executor of your will. These are not decisions to be taken lightly.

The duties of a trustee are many and complex, such as: Avoiding conflicts of interest and conflicts of duties, the duty to provide information and accounts to beneficiaries, the duty to invest properly, the duty to distribute the trust funds in accordance with the trust deed or the will and according to law. Failure to act appropriately as trustee can result in costly litigation with the beneficiaries. Trustees who fail in their duties can be sued by the beneficiaries, or can be removed by the Supreme Court.

In some situations the beneficiaries can require the trustee to terminate the trust and transfer to the beneficiaries the funds or property that was held by the trust. A trustee who does not make the correct decision will be exposed to personal liability for any losses suffered by the entitled beneficiaries.

Quinn & Scattini provides professional trustee services. Our experts can be appointed as trustees of your trust or executors of your will. Or you can turn to us for advice in the managing of a trust or deceased estate. If you have been appointed executor of a will, we can manage the estate on your behalf, or we can advise you in carrying out your duties. Our partner, Russell Leneham, is an Accredited Specialist in wills & estates. Russell and his team can assist with all your trust/estate needs.

**Russell Leneham, Wills & Estates Accredited Specialist  
Partner,  
Quinn & Scattini Lawyers**



If you would like to ask any question about this or any other similar issue Russell may be contacted on 1800 999 529 between 8.30am to 5pm Monday to Friday.

***In addition to Wills & Estates services,  
our team of experienced lawyers practice in Business Law, Commercial Litigation,  
Property Law, Conveyancing, Criminal Law and Family Law.***

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