

Submission No. 12

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- 2 APR 2013

BY:

Gary Fisher

Victorian Law Reform Commission
Level 3, 333 Queen Street
Melbourne Victoria 3000

24.3.13

Consultation Paper: Re Executors

Review Succession Laws

Re: My experience with the Legal Profession

Please find enclosed correspondence to the Attorney
Generals Mr Robert Clark dated 11-12-11 and the
15.2.12 outlining my dealings with Solicitors after
my father's death, and you will find them self
explanatory of the way Solicitors and Barristers use
of the situation of a person in grief for the own
monetary gain

Supreme Court Action was instigated and
funded by a Solicitor to remove the 3 Executors
being 3 of 6 Beneficiaries unable to agree to bind
the estate as per the will. The Solicitors and Executors
in question failed to follow the Orders set by the
court

Any queries please phone

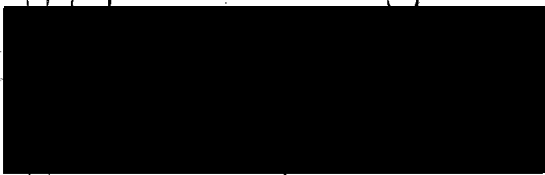
Yours faithfully

COPY

RECEIVED
 Department of Justice
 19 DEC 2011
 Dept
 Record No
 File No

RECEIVED
 AGU/C2951
 12 DEC 2011
 OFFICE OF THE
 ATTORNEY GENERAL

The Attorney Generals
 AH:- Mr Robert Clark
 Gary - Pave Kruger



Dear Sir

I am writing to you with concerns as to the handling of my father's Estate by a number of Solicitors due to the 3 Executors being unable to act and agree upon, to administer the Estate as per the will

Supreme Court was instigated by a solicitor on my behalf to remove the 3 Executors and in doing so, said he would fund the application and the costs to be the responsibility of the dominating parties.

The matter was referred to Mediation by the Court, which was not notified by the Mediator whether it had concluded or not as ordered.

The proposal between myself and the Executors was broken by them within 24 hrs.

No agreement was ever reached between the 3 Executors to administer the Estate according to law.

I was notified that the court hearing set for July was to be adjourned to the 3rd week of September. The court was not notified or any appearance made.

The Estate was administered by a solicitor on behalf of 2 Executors and 2 Beneficiaries being the clients of said solicitor. In doing so, he paid expenses to his clients unsubstantiated by receipts duplication of expenses, payment of executors commission not stated in the will or agreed upon by all beneficiaries.

2.

After the Estate was administered, the solicitors involved requested that consent orders be signed and forwarded to the Court. When I declined to sign, my acting solicitor stated in writing that "I would not be paying them to proceed and submitted a discontinuance to act" with the court.

If a will is a legal document which we are requested to have and have it done by a solicitor, is this how the legal profession ensure that the said wishes are carried out?

There were some 7 solicitors involved in this matter and I ask the question: How would an estate be administered without the consent of the court or by 2 of 3 executors?

I request that the offence that has been committed be handled by your office.

I look forward to hearing from your office and discussing the documents I have in relation to this letter.

Yours faithfully


Gerry Kruger

Office of The Attorney - General
GPO Box 123
Melbourne Vic 3001.

G + P Kruger

15.2.12.

Dear Sir

Ref NO: CD/12/24384

Thank you for your letter dated 27.1.12 from your office.

As you are aware by my letter, (11.12.11) an application was in place for the removal of the 3 Executors due to that they were acting independently and were unable to bind the Estate in accordance with the Will.

The Legal Practitioner in question administered the Estate on behalf of 2 of 3 Executors knowing that the 3 Executors could not bind the Estate as per in accordance with the Will and then requesting consent orders to be signed by the 3rd Executors Solicitor and the Solicitor acting on my behalf.

Due to the fact I would not sign the Consent Orders my Solicitor submitted to the Court a Discontinuance to act on my behalf. Without notification to me the Court Administrately filed the application.

This matter has previously been submitted to the Legal Services Commissioner by the 3rd Executor and myself on several occasions and dismissed under Section 4.2 1.0 of the Legal Profession Act. I have previously sought advice from the Legal Community Centre and I am now requesting the assistance of the Attorney General being "The Chief Law Office of Government and minister responsible for Organisation of Justice"

Surely an offence has been committed as to the following actions by Solicitors and Executors :-

- A/ Administrating an Estate whilst under Direction of the Court
- B/ Are Solicitors and Executors exempt from following orders of the Court?
- B/ Is it a fact Executors have no control of an Estate whilst it is under Direction of the Court

If as you state, your office does not investigate these matters, would you please advise us who is the Governing Body that would be able to attend to this matter to ensure these people are dealt with so such a thing does not occur again or is this how the Justice System works, if so the public have a right to know

Yours faithfully
Pue + Gary Kruger