

# **DIPLOMA IN CONVEYANCING**

## **6.1 COURSE PRESCRIPTIONS FOR YEAR TWO**

### **YEAR 2: COURSE 7 – THE ADMINISTRATION OF ESTATES**

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<b>Prescription Title:</b>	The Administration of Estates
<b>Prescription Number:</b>	DC607
<b>Level:</b>	6
<b>Credits:</b>	20
<b>Version:</b>	1
<b>Introduced:</b>	2008
<b>Hours:</b>	<b>Total 200</b>
<b>Prerequisites</b>	Nil

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#### **AIM / PURPOSE**

The purpose of this course is to enable students to gain knowledge in relation to the law of administration of estates with emphasis on the distinction between real and personal property.

#### **DESIRED OUTCOMES**

- a. Define the legal requirements for a valid will and understand the relevant provisions of the Wills Act 2007.
- b. Discuss the operation of the law in relation to estate administration with emphasis in relation to real property.
- c. Discuss and define the application of probate law in relation to the disposition of real property.
- d. Understand and apply the relevant provisions of the Property (Relationships) Act as it applies the administration of estates. To develop a knowledge of family and de facto relationships and its impact on the conveyancing of property.
- e. Understand and apply the procedure of transmission in relation to real property.
- f. Understand and apply the relevant provision of the Te Ture Whenua Māori Act in relation to the administration of Māori land.

#### **LEARNING OUTCOME 1**

Students will be able to define the legal requirements for a valid will and trust and understand the relevant provisions of the Wills Act 2007.

- 1.1 Define a Will and Property in relation to a Will.
- 1.2 Explain who may make a Will.
- 1.3 Explain the legal requirements for a valid Will.
- 1.4 Describe what effect marriage or a civil union has on a Will.
- 1.5 Discuss how testamentary trusts may be created in a Will.

## **LEARNING OUTCOME 2**

Students will be able to discuss the operation of the law in relation to estate administration with emphasis in relation to real property.

- 2.1 Explain how wills are administered.
- 2.2 Explain letters of administration and the processes followed to administer the estate.
- 2.3 Describe the distribution of intestate estates pursuant to the Administration Act 1969.
- 2.4 Describe the administering of estates including the administrator's role to represent real estate, the rights and duties of an administrator as to real estate and the administrator's power to sell real estate

## **LEARNING OUTCOME 3**

Students will be able to discuss the law of probate.

- 3.1 Explain the process involved for a Grant of Probate.
- 3.2 Discuss relevant legislative provisions that impact on the law of Probate including the Administration Act 1969

## **LEARNING OUTCOME 4**

Students will understand and apply the relevant provisions of the Property (Relationships) Act as it applies the administration of estates, and develop a knowledge of family and de facto relationships and its impact on the conveyancing of property.

- 4.1 Differentiate between a marriage, a civil union and a de facto relationship pursuant to the Property (Relationships) Act 1976 as amended.
- 4.2 Discuss the provisions of Part 8 of the Property (Relationships) Act 1976 as amended including:
  - a) A surviving spouse or partner's option to choose a division of relationship property under the Act or claim property via a Will or intestacy.
  - b) The time limit for making such a choice.
  - c) The distribution of estates.
  - d) The effect of choosing a division of relationship property under the act upon a will or intestacy.
  - e) The effect of choosing the provisions of a will or intestacy.
  - f) The classification of property and the definitions of relationship property and separate property.
  - g) The time limits to commence proceedings.

## **LEARNING OUTCOME 5**

Understand and apply the procedure of transmission in relation to real property.

- 5.1 Define the meaning of transmission.
- 5.2 Discuss the application of part 8 of the Land Transfer Act 1952 including:
  - a) the right of a person claiming an interest or estate under a transmission to register the same.
  - b) the procedure on application for transmission.  
Expand

## **LEARNING OUTCOME 6**

Understand and apply the relevant provision of the Te Ture Whenua Māori Act in relation to the administration of Māori land.

- 6.1 Describe the impact of the Te Ture Whenua Māori Act 1993 to the administration and distribution of estates.

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## **CROSS CREDIT**

*Estates Law and Practice* – [New Zealand Law Society Legal Executive Course](#)

## **REQUIRED COURSE TEXTS AND MATERIALS**

*T.A Forsyth. The Law Relating to Trusts, Wills, Executors and Administrators, 5<sup>th</sup> Edition, 2002, Dunmore Press*