



**COUNTY COURT OF VICTORIA**

250 William Street

MELBOURNE VIC 3000

DX 290078 Melbourne

Phone: +61 3 8636 6510

[www.countycourt.vic.gov.au](http://www.countycourt.vic.gov.au)

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## Introduction

- 1 This Practice Note applies to the Family Property List, and in particular:
  - (a) Testators Family Maintenance applications pursuant to Part IV of the *Administration and Probate Act 1958*, as amended by the *Justice Legislation Amendment (Succession and Surrogacy) Act 2014*; and
  - (b) Domestic Partnership proceedings pursuant to the *Relationships Act 2008*.
- 2 The aim of the Court is to resolve all cases quickly and cost-effectively, consistent with the demands of justice, and the requirements of the *Civil Procedure Act 2010*.

## Management of the Family Property List

- 3 Her Honour Judge Kings is in charge of the Family Property List.
- 4 When the Judge is unavailable, application can be made to the Judge in Charge of the Common Law Division.
- 5 The Judge administers proceedings before trial, working together with the Directions Group. This includes listing administrative mention dates and directions hearings when required.

## Correspondence in the Family Property List

- 6 All correspondence in the Family Property List must be sent to the Directions Group **by email**. However, self-represented litigants are permitted to send correspondence by email, post or facsimile.
- 7 Correspondence must comply with the Directions Group Guidelines published on the [Registry Services – Civil Directions Group](#) webpage.
- 8 After correspondence is received, it will be logged online at [Court Connect](#).

## **Self-represented Litigants**

- 9 Self-represented litigants will find helpful resources on the County Court webpage, [‘Going to Court?’](#).

## **Overarching Framework of the Civil Jurisdiction**

- 10 The civil jurisdiction of the Court is managed within the framework of:
- (a) the *County Court Civil Procedure Rules* (2008) (Vic), particularly Order 34A; and
  - (b) the *Civil Procedure Act* 2010 (Vic).
- 11 Parties must familiarise themselves with the requirements of the Rules and the legislation.

## **Commencing Proceedings in the Family Property List**

### **Commencing a Testators Family Maintenance proceeding**

- 12 A Testators Family Maintenance proceeding is commenced by originating motion (see Order 13 of the *County Court Miscellaneous Rules* 2009). It is not necessary to file a summons with the originating motion.
- 13 The supporting affidavit in a Testators Family Maintenance proceeding must contain the information required by Order 13 of the *County Court Miscellaneous Rules* 2009.

### **Commencing a Domestic Partnership proceeding**

- 14 A Domestic Partnership proceeding can be commenced by writ and statement of claim, or by originating motion with a supporting affidavit (see Order 4 of the *County Court Civil Procedure Rules* 2008). It is not necessary to file a summons with the originating motion.

### **Request to Enter a List form**

- 15 Together with the originating documents, the plaintiff, at commencement, must file a *‘Request to Enter a List’* form to enter the case in the Family Property List.

16 The case will remain in that List until it is finalised, except by order of the Court.

### **Pre-trial Proceedings in the Family Property List**

#### **Administrative Mention procedure**

17 When a defendant files a notice of appearance, the Court will list the case for administrative mention. Parties will receive a notice advising them of the administrative mention date.

18 No appearance is required on the administrative mention date.

19 On the administrative mention date, parties must email to the Directions Group:

(a) Standard directions orders, completed and signed by the parties (see paragraphs 25 - 33 regarding standard orders); **and**

(b) The net value of the deceased estate (or alternatively forward a copy of the Inventory of Assets and Liabilities), or the value of the domestic relationship asset pool.

20 Consent Orders will be checked to ensure they comply with this Practice Note. If the parties do not comply with these requirements, the Court will reject the Orders and set out the actions required by parties in order to comply.

21 If the case is not ready to proceed, the parties must submit consent orders listing a further administrative mention, and provide reasons why the case is not ready.

22 Parties who are unable to agree on consent orders must request a directions hearing by email to the Directions Group (see paragraphs 77-78).

### **Failure to respond to Administrative Mention**

- 23 If parties fail to respond to the administrative mention, the case will be listed for a second administrative mention.
- 24 Failure to respond to a second administrative mention will result in the case being struck out.

### **Standard Directions Orders**

#### **Testators Family Maintenance proceedings**

- 25 Standard directions orders for a Testators Family Maintenance proceeding are annexed to this Practice Note, as follows:
- Annexure A – Orders for judicial settlement conference
  - Annexure A.1 – Orders setting down for trial after attending settlement conference; and
  - Annexure B – Orders for private mediation.

#### **Guidelines for Directions Orders – Testators Family Maintenance proceedings**

- 26 Parties must follow the Practice Note Guidelines when choosing which form of directions orders to submit. Different orders apply, depending on whether the deceased estate is valued at more or less than \$700,000 net.

##### **(a) Deceased estate valued at less than \$700,000 net**

- 27 When the net value of the estate is under \$700,000, parties are to submit orders for a judicial settlement conference (*Annexure A*).
- 28 These orders are designed to save legal costs, and do not immediately set a trial date.
- 29 If the proceeding does not resolve at judicial settlement conference, parties must then submit further orders to set the matter down for trial (*Annexure A.1*). See also paragraph 65 - 70 on setting down for trial.

30 Parties are permitted to submit orders for private mediation when the estate is valued under \$700,000 net. However, the covering email must state that the parties are aware a judicial settlement conference is available, but they consider private mediation is better suited to their case. Orders for private mediation are set out in *Annexure B*.

**(b) Deceased estate valued at more than \$700,000 net**

31 When the net value of the estate is over \$700,000, parties must decide whether to attend a judicial settlement conference or a private mediation before trial. Parties must take into account the complexity of issues in the proceeding and the likely legal costs involved. Parties must submit standard orders as set out in either *Annexure A* or *Annexure B*.

**(c) Regional Circuit Courts**

32 Judicial settlement conferences are held at the County Court in Melbourne. For this reason, parties in regional Court proceedings most often submit orders requesting private mediation (*Annexure B*). However, regional parties are welcome to submit orders requesting a judicial settlement conference at Melbourne if they wish to do so (*Annexure A*).

**Standard directions orders – Domestic Partnership proceedings**

33 Parties must submit standard directions orders in a domestic partnership proceeding. Parties must decide whether to attend a judicial settlement conference or a private mediation before trial. Standard orders are available online at County Court - [Registry Services – Civil Directions Group – Orders](#).

**Beneficiary seeking to be added as a Defendant to Proceedings**

34 A beneficiary of a deceased estate may apply in writing to the Directions Group to be added as a defendant to the proceeding.

35 The Court takes the view that adding beneficiaries as defendants will add cost and complexity to the proceeding, and so it is usually

preferable for the executor of the estate to defend the proceeding alone.

- 36 A beneficiary applying to be added as a defendant must provide cogent reasons why his or her interests cannot be adequately represented in the case by the executor of the estate.

## **Judicial Settlement Conference**

### **Conduct of the Judicial Settlement Conference**

- 37 A judicial settlement conference is chaired by a judge in a conference Courtroom. The Judge, the parties and their legal representatives are seated in a round-table configuration in the body of the Court.

- 38 The objective of a judicial settlement conference is to settle the proceeding or, if this is not possible, to narrow the issues and determine the next steps to bring the matter quickly to trial.

- 39 A party or representative with authority to settle the claim must attend the conference.

- 40 The conference commences in a joint, opening session with the judge. The parties may then separate and conduct private meetings.

- 41 Throughout the same day or afternoon, the parties can request that the judge reconvene a joint session in the conference Courtroom. Such requests will be accommodated wherever practicable, subject to the availability of the conference Courtroom and the judge on the day.

- 42 Discussions at the conference are conducted on a 'without prejudice' basis.

### **Listing times for Judicial Settlement Conference**

- 43 The Court will allocate a date and time for the judicial settlement conference. Session commencement times are at 9.30am, 11.30am and 2.15pm.

44 Parties must notify the Directions Group if their matter requires an all-day conference session.

#### **Venue for Judicial Settlement Conference**

45 Judicial settlement conferences are held at the County Court in Melbourne.

#### **No Court fee for Judicial Settlement Conference**

46 There is no Court fee to conduct a judicial settlement conference.

#### **Position Statements**

47 Position Statements must contain a summary of the case, and for that purpose they should not exceed three pages.

48 The factual material contained in a Position Statement is **not** without prejudice. It may be relied upon at the trial of the proceeding.

#### **The Plaintiff/Claimant's Position Statement**

49 The plaintiff/claimant's position statement must contain the following information:

- (a) Name, age and date of birth;
- (b) Relationship to the deceased;
- (c) Financial details, including employment, income (gross and net amount), assets and liabilities;
- (d) Marital or relationship status;
- (e) Financial details of any spouse or domestic partner, including employment, income, assets and liabilities;
- (f) Other relevant factors under s91A of the *Administration and Probate Act 1958*; and
- (g) A short statement addressing the Court as to s91 of the *Administration and Probate Act 1958*.

## **The Executor/Defendant's Position Statement**

50 The executor/defendant's position statement must contain the following information:

- (a) A calculation of the gross and net value of the deceased estate;
- (b) A brief summary of the defence; and
- (c) Details of any competing interests relevant to the estate of the deceased.

## **Beneficiary – Position Statements**

51 Beneficiaries are permitted but not required to file their own position statements.

52 It is preferable for the executor's position statement to summarise the beneficiaries' positions, rather than filing separate statements from each beneficiary. This practice is intended to save costs.

## **Private Mediation**

53 Rule 50.07 of the *County Court Civil Procedure Rules 2008* applies to the conduct of a private mediation.

## **Settlement of Proceedings**

54 Parties must advise the Court as soon as practicable if their proceeding settles.

### **Application for Approval of Compromise involving minor or person under a disability**

55 Where there is a minor or person under disability, Rule 15.08 of the *County Court Civil Procedure Rules 2008* relates to an application for approval of compromise.

56 An application for approval of compromise must be commenced by email to the [Angela.Spehar@countycourt.vic.gov.au](mailto:Angela.Spehar@countycourt.vic.gov.au). This email must be copied (CC) to [SokeLing.Wong@countycourt.vic.gov.au](mailto:SokeLing.Wong@countycourt.vic.gov.au).

57 The applicant must send via email:

- (a) Proposed terms of order (see Forms 15A and 15B of the *County Court Civil Procedure Rules 2008*); and
- (b) Supporting affidavit(s), including any relevant material such as counsel's memorandum of advice/opinion, and a copy of the terms of settlement.

### **Listing an application for Approval of Compromise**

58 Applications for approval of compromise will ordinarily be listed for an oral application before the Judge in Court. Such applications are listed on Thursdays at 9:30am.

59 In some cases, the application may be determined by the Judge 'on the papers' without an appearance in Court. The Associate to the Judge will notify the parties if the application is determined on the papers and confirm no appearance is required.

### **Fees payable for an application for Approval of Compromise**

60 The applicant must pay the ex parte application fee to the Civil Registry. Refer to the [County Court - Fees webpage](#).

61 Failure to pay the application fee will result in delays processing the application for approval of compromise.

### **Requirement to produce probate parchment to the Court**

62 The personal representative of the deceased estate must produce the Probate parchment to the Court when making an application for approval of compromise.

63 The Associate to the Judge will arrange for the Probate parchment (with Orders annexed) to be delivered to the Supreme Court Probates Office (see s97(3) of the *Administration and Probate Act 1958*, and Rule 13.10 of the *County Court Miscellaneous Rules 2009*).

64 Failure to produce the Probate parchment to the Court will result in delays processing an order for approval of compromise.

## **Setting Down for Trial**

### **Setting down for trial – after a Judicial Settlement Conference in Testators Family Maintenance proceedings**

65 If a testators family maintenance proceeding does not settle at the judicial settlement conference, parties must submit standard directions orders to set the proceeding down for trial (*Annexure A.1*).

### **Court fees for Trial**

66 Setting down for trial orders require the payment of a setting down for trial fee.

67 Failure to pay the setting down for trial fee will result in the trial date being vacated and the matter being listed for a directions hearing. Failure to respond to the directions hearing may result in the case being struck out.

68 Fees are also payable for each additional day of trial. Failure to pay daily hearing fees will delay the hearing of the trial.

69 Refer to the [County Court - Fees webpage for current fees](#).

### **Requirement to produce Probate parchment at trial in Testators Family Maintenance proceedings**

70 At the commencement of trial, the personal representative of the deceased estate must produce the Probate parchment to the Court (see s97(3) of the *Administration and Probate Act 1958*, and Rule 13.09 of the *County Court Miscellaneous Rules 2009*).

## **Interlocutory Issues and Directions Hearings**

71 The Court expects parties to make reasonable attempts to resolve pre-trial or interlocutory issues between them.

72 An interlocutory issue can be resolved 'on the papers' by submitting consent orders to the Directions Group. Parties are encouraged to have orders made 'on the papers' when all parties consent to the terms

of the order, and the nature of the issue can appropriately be dealt with on the papers; for instance, an application to substitute a party.

73 If parties cannot agree on consent orders, or the issue is complex, an interlocutory application can be heard at a directions hearing before the judge.<sup>1</sup>

74 The applicant can list a matter for directions hearing by either:

- (a) filing a summons (when required to do so by the Rules); or
- (b) emailing a request for a directions hearing to the Directions Group.

### **Summons**

75 Certain interlocutory applications must be commenced by summons, in accordance with the Rules.

76 When filing the summons, the applicant must advise an estimate of time required for the directions hearing.

### **Requesting a Directions Hearing by email**

77 When a summons is not required, parties can simply request a directions hearing by email to the Directions Group – [Directions.Group@countycourt.vic.gov.au](mailto:Directions.Group@countycourt.vic.gov.au).

78 The email must include:

- (a) A subject line which states '*Request for Directions Hearing*', together with the Court reference (CI) number;
- (b) A brief statement of issues to be dealt with at the directions hearing;
- (c) The steps taken by the parties to resolve the issues;
- (d) An estimate of the time required for the directions hearing.

This email must be carbon copied to all parties in the proceeding.

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<sup>1</sup> Examples of issues that may be determined at a directions hearing include: non-compliance with orders, and inadequate discovery or answers to interrogatories.

### **Directions hearings listed by the Court**

79 The Court, on its own initiative, will list a directions hearing when the setting down for trial fee is not paid.

### **Listing times for Directions Hearings**

80 Directions hearings in the Family Property List are ordinarily listed on alternate Thursdays at 9.30am.

### **Urgent Interlocutory Applications**

81 If the interlocutory application is urgent, parties must notify Registry staff or the Directions Group at the time the application is filed.

82 For all urgent applications after the Court has risen for the day, or during any vacation, contact the Associate to the Duty Judge on 0419 384 312.

### **Vacating a Directions Hearing**

83 Parties must attend a directions hearing in person, unless advised by the Court that no attendance is required.

84 Applications to vacate a directions hearing must be sent to the Directions Group by 12.00 noon on the day before the hearing is scheduled.

85 To determine if a directions hearing has been vacated, parties are requested to first check online at Court Connect. Alternatively, parties may contact the Court.

### **Interrogatories and Discovery**

86 Interrogatories and discovery will not be permitted in the Family Property List without an application for leave to the judge in charge (see Rule 34A.17 of the *County Court Civil Procedure Rules 2008*).

87 Parties may apply for leave by submitting appropriate consent orders, together with a covering email addressing the need for interrogatories and/or discovery in the case.

88 If parties are unable to agree on such consent orders, they must request a directions hearing by email to the Directions Group.

### **Copies of Court Orders**

#### **Viewing orders on Court Connect**

89 Court orders are available for viewing online at the [Court Connect](#) webpage.

90 Orders are usually logged online at Court Connect within one to two business days of the date of making the Order.

#### **Authenticated orders**

91 An authenticated hardcopy of directions orders is not sent to the parties, except to those who are self-represented.

92 To obtain an authenticated copy of directions orders, the parties must log onto [Court Connect](#), copy and paste the terms of order into an appropriate format, and send hardcopies to the County Court Registry for authentication.

#### **Service of directions orders – Testators Family Maintenance proceeding**

93 For the purpose of serving a copy of directions orders on beneficiaries, the terms of order can simply be copied and pasted from Court Connect and sent to the beneficiary. It is not necessary to send an authenticated copy of directions orders to beneficiaries.

### **Contacting the Court**

Directions Group:  
(03) 8636 6690  
[Directions.Group@countycourt.vic.gov.au](mailto:Directions.Group@countycourt.vic.gov.au)

Associate to Her Honour Judge Kings:  
(03) 8636 6651  
[Angela.Spehar@countycourt.vic.gov.au](mailto:Angela.Spehar@countycourt.vic.gov.au)

For all urgent applications after the Court has risen for the day or during any vacation, contact the Associate to the Duty Judge on 0419 384 312.

**ANNEXURES – STANDARD DIRECTIONS ORDERS IN TESTATORS FAMILY  
MAINTENANCE PROCEEDINGS**

***Annexure A***

**TFM Directions Orders listing for Judicial Settlement Conference**

*Description: Standard directions orders to list for judicial settlement conference in a testators family maintenance proceeding.*

IN THE COUNTY COURT OF VICTORIA  
AT  
COMMON LAW DIVISION  
FAMILY PROPERTY LIST

Proceeding No. CI-

PLAINTIFF:

DEFENDANT:

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Date of Document:	Solicitors Code:
Filed on behalf of:	DX:
Prepared by:	Tel No:
Solicitors:	Ref:

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BEFORE:

TYPE OF ORDER:        In Chambers Order (based on signed Minutes of consent orders dated        )

DATE OF ORDER :  
ORDERS:

1                    By                    , the plaintiff must serve:

(a) the Originating Motion, and

(b) a copy of the text of this Order (including the Schedule)

by pre-paid post on the beneficiaries named in the Will of the deceased whose interests may be affected by the orders sought by the plaintiff.

2                    A Judicial settlement conference will be held on                    at                    before a judge. The conference will be held in open court although the parties may retire for private discussion during the conference. The plaintiff and the defendant must attend the conference. The purpose of the conference is to try and settle the dispute or, alternatively, to make orders setting the proceeding down for trial and determining the appropriate further interlocutory steps.

3                    By 4.00pm on                    , the parties must file and exchange position statements on which the parties intend to rely, setting out in brief summary

the matters set out in paragraphs 47 – 52 of Practice Note PNCLD 2-2015 – Common Law Division – Family Property List.

4 Any position statement on which a party intends to rely is to be filed and served on any beneficiary named in the Will of the deceased, by 4.00pm on .

5 Each of the beneficiaries named in the Will is permitted, but is not required, to:

(a) attend the judicial settlement conference; and

(b) file and exchange a position statement by 4.00pm on .

6 The parties shall co-operate in completing the interlocutory processes so that the action is brought to trial as quickly as possible.

7 The parties must notify the Court in writing if the action settles. Such notification to occur as soon as possible after settlement.

8 The proceeding is listed for a subsequent Administrative Mention on , by which time the parties are to advise the Court in writing whether they are ready to proceed and, if so, whether any orders are sought by consent on the papers for the listing of the proceeding for trial.

9 Failure to comply with the administrative mention by the date specified may result in the proceeding being struck out without further notice.

10 Reserve liberty to the parties to apply to the Judge in charge of the Common Law Division, Family Property List for further directions upon giving reasonable notice to all other parties.

11 Reserve costs.

\_\_\_\_\_  
Judge

### **SCHEDULE**

Dear ...

**Estate of ....., deceased**

**Proceeding No. CI- ..-..... in the County Court of Victoria**

We have been authorised by the Court to notify you that a proceeding has been commenced by Mr/Ms ....., who is the ..... son/daughter of the deceased, by which he/she is seeking provision out of the deceased's estate. The proceeding is brought pursuant to Part IV of the *Administration and Probate Act* 1958. We are Mr/Ms .....’ solicitors.

The proceeding was commenced against Mr/Ms ....., who is an executor named in the deceased's Will and to whom probate of the Will has been granted by the Supreme Court of Victoria.

If the Court accepts the plaintiff's claim, the effect might be to reduce or extinguish your entitlement as a beneficiary under the deceased's Will. To protect your interests, the Court ordered that you have leave to apply to be added as a defendant to the proceeding. Any such application must be made on reasonable notice to the Court and the parties to the proceeding.

A copy of the Court's Order made on ..... and other relevant documents are attached for your information. Court orders can be viewed online at the County Court website, via 'Court Connect'.

Copies of any of the documents referred to in the Order including the plaintiff's affidavit and the deceased's Will may be inspected by arrangement with the writer. If you wish to take advantage of your opportunity to apply to be added as a defendant to the proceeding, it is suggested that you seek advice from a solicitor as soon as possible and show this letter and the enclosed documents to the solicitor.

The Court has authorised us to inform you that although legal costs incurred by a party to a proceeding of this type are usually allowed by the Court out of deceased's estate, it is unlikely that more than one set of legal costs of separately represented parties with the same or a similar interest will be allowed.

Yours faithfully

**Annexure A.1**

**Standard TFM Directions Orders - Setting Down for Trial After  
Judicial Settlement Conference**

*Description: Standard directions orders after judicial settlement conference, setting down for trial in a testators family maintenance proceeding*

IN THE COUNTY COURT OF VICTORIA  
AT  
COMMON LAW DIVISION  
FAMILY PROPERTY LIST

Proceeding No. CI-

PLAINTIFF:

DEFENDANT:

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Date of Document:	Solicitors Code:
Filed on behalf of:	DX:
Prepared by:	Tel No:
Solicitors:	Ref:

---

BEFORE:

TYPE OF ORDER: In Chambers Order (based on signed Minutes of Consent Orders dated )

DATE OF ORDER :

ORDERS:

- 1 The proceeding is set down for trial on as a cause before a judge sitting alone (estimate sitting days).
- OR**
- 2 The proceeding is fixed for trial at not before the circuit commencement date of , to be heard as a cause (estimate days).
- 3 The setting down for Trial fee must be paid by the plaintiff by . In default, the defendant may pay the fee within 21 days. Otherwise the hearing date will be vacated.
- 4 Any application to vacate the trial date must be made to the Judge in Charge of the Common Law Division, Family Property List at least 30 days before the trial date.
- 5 By , each party must issue any subpoenas under Order 42A.
- 6 Court Books must be prepared by the parties (either jointly or separately), served 7 days prior to trial, and filed at the commencement of the trial with the Judge's Associate.
- 7 Reserve liberty to apply to the Judge in charge of the Family Property List for further directions upon reasonable notice to all other parties.
- 8 Reserve costs.

**Annexure B**

**Standard TFM Directions Orders for Private Mediation**

*Description: Standard directions orders to list for private mediation in a Testators Family Maintenance proceeding.*

IN THE COUNTY COURT OF VICTORIA  
AT  
COMMON LAW DIVISION  
FAMILY PROPERTY LIST

Proceeding No. CI-

PLAINTIFF:

DEFENDANT:

---

Date of Document:	Solicitors Code:
Filed on behalf of:	DX:
Prepared by:	Tel No:
Solicitors:	Ref:

---

BEFORE:

TYPE OF ORDER: In Chambers Order (based on signed Minutes of consent orders dated )

DATE OF ORDER :  
ORDERS:

- 1 The proceeding is set down for trial on as a cause before a judge sitting alone (estimate days).
- 2 The plaintiff must pay the setting down for trial fee on or before . In default, the defendant may pay the fee within a further 21 days. If the fee is not paid, the trial date is vacated.
- 3 Any application to vacate the trial date is to be made at least 28 days prior to the trial date.
- 4 By , the plaintiff must serve copies of:
  - (a) the Originating Motion; and
  - (b) this Order including the Schedule thereto

by pre-paid post on the beneficiaries named in the Will of the deceased whose interests may be affected by the orders sought by the plaintiff, namely:

- (a)

(b)

(c)

- 5 The parties shall cooperate in completing the interlocutory processes so that the proceeding is brought to trial as quickly as possible.
- 6 By 4:00pm on \_\_\_\_\_, any affidavit on which the plaintiff intends to rely is to be filed and served on the defendant/s, including any beneficiary joined as a defendant.
- 7 By 4:00pm on \_\_\_\_\_, any defendant must file and serve any affidavit upon which they intend to rely on all other parties. Any affidavit by the defendant-executor should address the financial position of the estate and such other information in light of the allegations made by the plaintiff in his/her affidavit and must be updated not less than 10 days before the trial.
- 8 By 4:00pm on \_\_\_\_\_, any further affidavit on which the plaintiff intends to rely in reply is to be filed and served on the defendant.
- 9 By \_\_\_\_\_, the parties must have otherwise completed the mediation of the dispute, and must comply with procedures referred to in paragraph 53 of Practice Note PNCLD 2-2015 - Common Law Division – Family Property List.
- 10 The parties must notify the Court in writing if the proceeding settles. Such notification to occur as soon as possible after settlement.
- 11 Reserve liberty to apply to the Judge in charge of the Family Property List for further directions upon reasonable notice to all other parties.
- 12 Reserve costs.

\_\_\_\_\_  
Judge

### **SCHEDULE**

Dear....

**Estate of ....., deceased**  
**Proceeding No. CI- ..-..... in the County Court of Victoria**

We have been authorised by the Court to notify you that a proceeding has been commenced by Mr/Ms ....., who is the .....son/daughter of the deceased, by which he/she is seeking provision out of the deceased's estate. The proceeding is brought pursuant to Part IV of the *Administration and Probate Act* 1958. We are Mr/Ms .....’ solicitors.

The proceeding was commenced against Mr/Ms ....., who is an executor named in the deceased's Will and to whom probate of the Will has been granted by the Supreme Court of Victoria.

If the Court accepts the plaintiff's claim, the effect might be to reduce or extinguish your entitlement as a beneficiary under the deceased's Will. To protect your interests, the Court ordered that you have leave to apply to be added as a defendant to the proceeding. Any such application must be made on reasonable notice to the Court and the parties to the proceeding.

A copy of the Court's Order made on ..... and other relevant documents are attached for your information. Court orders can be viewed online at the County Court website, via 'Court Connect'.

Copies of any of the documents referred to in the Order including the plaintiff's affidavit and the deceased's Will may be inspected by arrangement with the writer. If you wish to take advantage of your opportunity to apply to be added as a defendant to the proceeding, it is suggested that you seek advice from a solicitor as soon as possible and show this letter and the enclosed documents to the solicitor.

The Court has authorised us to inform you that although legal costs incurred by a party to a proceeding of this type are usually allowed by the Court out of deceased's estate, it is unlikely that more than one set of legal costs of separately represented parties with the same or a similar interest will be allowed.

Yours faithfully