

# Jayne Humphreys

## Consulting Principal

Bachelor of Arts (UNSW)  
Diploma of Law (LPAB)  
Advanced Diploma in Financial Planning (in progress)  
Masters of Applied Law Wills & Estates (in progress)



Email: [jlh@nexuslawyers.com.au](mailto:jlh@nexuslawyers.com.au)  
Telephone: +61 (2) 9016 0141

## Areas of expertise

Wills & Estate Planning  
Estate Administration  
Business Succession & Asset Protection

## Previous engagements

Stephenson Harwood, London  
Kingsley Napley, London  
WMD Law, Sutherland Shire, Sydney  
JL Humphreys & Associates

## Overview

Jayne is a Consulting Principal whose main area of practice area is Wills and Estates. Jayne has over 15 years' experience in law and has been specialising in estate planning and estate administration since 2003.

Jayne is committed to providing clients with balanced and affordable legal solutions.

Her early experience in law was in commercial litigation and dispute resolution with London firms, Stephenson Harwood and Kingsley Napley. In Sydney, Jayne has developed a reputation as a highly skilled, professional and compassionate lawyer.

## Expertise

Jayne is a full member of STEP - the Society for Trust & Estate Practitioners.

Her expertise includes:

- Wills and complex Estate Planning
- Planning for the future: Powers of Attorney & Enduring Guardianship
- Probate and Estate Administration
- Business Succession planning and Asset Protection

## Wills & Estate Planning

- Jayne understands that estate planning is more than just about making a will. It is a process of considering your family circumstances and the assets you have and working out the most effective way to implement your testamentary wishes.
- A simple will is often adequate but may not be the best way to deal with your assets upon your death.
- A testamentary trust in your will is a more specialised and comprehensive tool that gives your beneficiaries greater flexibility for tax planning and asset protection.
- When considering your circumstances Jayne can advise on certain aspects of estate planning that are not covered by your will including jointly owned assets, superannuation interests and existing trust entitlements.
- Particular issues can arise for blended families and protections can be put in place to ensure that your wishes will be enforced and respected after your death. Jayne knows that often these are very sensitive and private matters and always operates professionally but also compassionately and sensitively.
- Jayne takes a holistic approach to estate planning. She will liaise with your accountant, financial advisor and other professionals to ensure that everyone is on board with what you are trying to achieve for your family.

## Planning for the Future

- Jayne can advise and assist to implement important strategies to ensure your future needs are met during your lifetime.
- An Enduring Power of Attorney is an important legal document giving someone you trust the ability to manage your affairs in the event that you become ill or incapacitated.
- An Appointment of Enduring Guardian is another important document in which you nominate someone to make health and lifestyle decisions for you if you are no longer able to make those decisions for yourself. Jayne can assist with the preparation of these documents along with Advanced Health Care Directions that will ensure your wishes are implemented.
- If there are concerns about decisions being made by or for a loved one regarding their financial affairs or health care, Jayne can assist with an application for guidance and orders from the NSW Civil and Administrative Tribunal Guardianship Division (previously known as the Guardianship Tribunal).



[www.nexuslawyers.com.au](http://www.nexuslawyers.com.au)



# Jayne Humphreys

Consulting Principal

## *Expertise cont'd ...*

### Applying for Probate and Estate administration

- If you have been named as the executor of a will or estate it is important to know what your duties and responsibilities are.
- A Grant of Probate or Letters of Administration from the Supreme Court are required before an executor can deal with a deceased person's assets. There are some exceptions to this if an estate is small or comprises mainly jointly owned assets.
- There is a formal process for applying for Probate or Letters of Administration and the rules of the Court must be followed. Jayne is experienced in the preparation and filing of the documents required in support of an application in both simple and complex estates.
- During the administration of an estate the role of an executor includes calling in the assets of the deceased person and distributing those assets in accordance with the person's will or the rules of succession.
- The executor must ensure all debts and liabilities are paid from the estate prior to distribution and may be required to submit estate accounts. The administration of an estate can become complex when assets are difficult to value, documents have been lost or beneficiaries are missing.
- Jayne can advise and assist executors in their role to ensure a smooth and timely administration.

### Disputed estates

- Jayne can advise potential beneficiaries of their right to bring a claim against an estate under the Succession Act (often referred to as Family Provision claims).
- Only certain eligible persons can commence a claim against an estate if they feel they have not been adequately provided for. There are time limits for such a claim to be commenced.
- It is the role of the executor of the estate to defend such a claim and reach settlement if possible, having regard to the overall size of the estate and the entitlements of any competing beneficiaries.
- Whilst it is difficult to prevent a claim against an estate there are steps that can be taken to minimise the likelihood of a claim being successful. Careful estate planning gives consideration to strategies to avoid dispute.

### Business succession planning and asset protection

- When starting or growing your business you need to think about the best business structure that suits you and your goals. Are you a sole trader or in partnership with another person? Do you need a company or family trust structure to provide asset protection and tax minimisation strategies?
- If you are running a business – have you thought about who will take over for you if you suddenly become sick and need time out, and of course when you die? Business succession planning is the process of documenting who will take over and how.
- Jayne can assist with setting up business structures for asset protection and effective tax planning. She can also advise on business succession agreements to give effect to your business succession plan.