

Wills and Probate: Common Local and Foreign Issues

by
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Mr. Samuel Li is the Sole Proprietor of Samuel Li & Co., Solicitors & Notaries. He qualified as a solicitor in Hong Kong in 1983. He passed the Notarial Examination in 1995 and was admitted as a Hong Kong Notary Public.

Samuel now focuses on notarial practices. In the preceding 20+ years as a Hong Kong Notary Public, he has an excellent track record in providing notarial services to clients including overseas government, and world's leading brand companies. More than 70 countries and regions on world's 5 continents have accepted Samuel's notarised documents.

Samuel has presented 40 seminars to professionals to demonstrate notarial practice, with total audience exceeding 3,485.

Samuel is the author of the soon released notarial book named "Notarial Services in Hong Kong: General Principles, Values and Practice".

Samuel has received 14 Pro Bono Legal Services Awards & Professional Volunteer Service Awards respectively from the Home Affairs Bureau of the HKSAR, The Law Society of Hong Kong and Hong Kong Council of Volunteering in recognition of his promoting legal knowledge and professional volunteering services to the public. In 2014, Samuel was nominated by the Hong Kong Law Society to participate in the Second Leadership Bauhinia Volunteer Award competition organized by the Agency for Volunteer Service.

The objective of this seminar is to identify and so as to minimise the risks in the preparation and execution of wills.

"Litigation over disputed wills is sadly on the rise and costs can easily swallow up the whole of modest to moderate estates. Just as bad as the financial waste, are the irreconcilable rifts and misery that bitter family disputes can cause ..." per Sir Andrew Morritt.

The Court of Appeal commented "In view of the importance that the Court attaches to a will which has been executed before a solicitor in this way, proper groundwork should be undertaken by the solicitor who is charged with this task ...".

With the aim to minimize the associated risks, this seminar will focus on the classic Banks v Goodfellow criteria and "the Checklist"; the golden rule and the guidance of the Court of Appeal which are relevant particularly to the infirm and elderly testators; and there will be case studies of 3 decisions of the Court of Appeal.

As people are more mobile, this seminar will include, in the foreign context the "international wills" and the notarisation of wills.

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Part A - Wills & Probate

- What is a will?
- Propounding Wills
 1. Execution of Wills
 2. Testamentary Capacity
 - MMSE Test
 - Serial 7 Test
 - Banks v Goodfellow Test
 - The Checklist
 - The Golden Rule
 - The Guidance of the Court of Appeal
 3. Knowledge & Approval
 4. Testamentary Freedom & Rationality
 5. Instructions
 - 2nd rule of Barry v Butlin (1838) 2 Moo PC 480
 6. Other Issues
 - Common brain impairment causes
- Case Studies
 1. Chiu Man Fu v Chiu Chung Kwan Ying (CACV 40/2012, 18 June 2013)
 2. Re Estate of Au Kong Tim ([2018] 2 HKLRD 864; CACV 177/2017 20 April 2018)
 3. {Choy Po Chun v Au Wing Lun (HCAP 7/2010, 4 July 2017)}
 4. Re Estate of Wong Yin Sheung [2019] HKCA 452
- Review of Wills
- Storage of Wills

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Part B - Foreign Elements

- International Wills
- Notaries in continental jurisdictions
- Notaries in Hong Kong
- Authentication of Wills

Part C - Key Take Away

Questions & Answers

Code:	EVT000000449	Level:	Intermediate
Date:	8 October 2024 (Tuesday)	Language:	Cantonese (Course Materials in English)
Time:	14:30 - 17:45 (Reception starts at 14:00)	Accreditation(s):	LSHK 3.0 RME Elective Hours LSHK 3.0 CPD Points
Venue:	<i>Option of:</i> (1) Online via Zoom; or (2) Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	Please Contact Us for Details



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