

A practical guide to preventing Debt Recovery & navigating the process

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Webinar housekeeping

- All attendees will be on mute and their cameras turned off for the entire webinar.
- We have BD tech support live to assist with any technical issues.
- Use the chat function for any comments/technical issues.
- Use the Q&A function for specific questions related to the webinar content - Questions will be addressed at the end of the webinar.
- There will be a post webinar survey link sent at the end of the webinar, we value attendee feedback, presentation slides will also be sent to all attendees.
- This webinar is being recorded.

Disclaimer

The information contained in this presentation is intended as **general commentary only** and should not be regarded as legal advice.

Should you require specific advice on the topics or areas discussed, please contact the presenters directly.

Webinar overview

- How to pursue debts from deceased estates
- How to pursue attorneys who are misusing the funds of a resident and how to stem the bleeding
- Debt prevention and mitigation strategies
- Debt recovery procedure



Pursuing Financial Attorneys

- **VCAT Applications**
 - Remove attorneys
 - Appoint administrators
 - Compensation orders
- **Who can apply to VCAT**
 - Attorney
 - Family member
 - Anyone with a special interest
- **Tips**
 - Review Enduring Powers of Attorney carefully and have them on file
 - Determine who is responsible and who you will need to deal with

Pursuing Debts from Estates

- Probate or Letters of Administration
- What happens when an executor doesn't apply for Probate?
 - Section 15 application
- Pursuing executors personally and tracing assets to them



Strategies to Prevent/Mitigate Debt Recovery

- **Entering into a Resident Agreement**
 - Ensure that the Agreement is thoroughly completed
 - Assess the capacity of the Resident
- **Methods to secure payment**
 - Charges
 - Guarantees
- **Ongoing relationship with the Resident**
 - Direct Debits
 - Clear communication

Debt Recovery

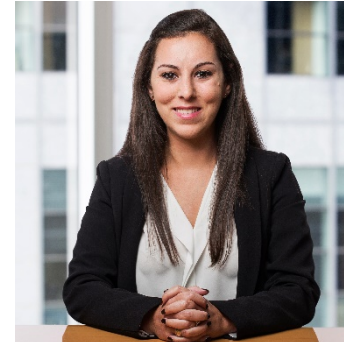
- **Debt Recovery Procedure**
 - Informal, written reminders or personal phone calls
 - Letter of demand
 - Ensure that you have documentation support the demand i.e. Resident Agreement, account statement
 - Referral to Solicitors/debt collector
- **Institute Proceedings**
 - Tribunal
 - Magistrates' Court
 - Supreme Court



Q&A – Your Russell Kennedy Contacts



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Conclusion/key takeaways – how can we help:

- Documenting files is key, particularly making sure you know who is financially responsible for managing payment of resident's fees
- Death does not end the obligation to repay debt
- Webinar feedback survey – please complete and thank you for joining us





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