

Marcus Schivo

Senior Associate

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Marcus Schivo is a Senior Associate in our Wills, Trusts & Estates group. His practice includes advising families and individuals across a wide range of estate matters, including wills, estate planning, estate administration and estate litigation.

Marcus has extensive experience in dealing with complex estate administration and probate matters, having worked on numerous cross jurisdictional estates and urgent limited grants in unusual circumstances.

Drawing on his wealth experience and expertise, Marcus adopts a thorough approach to provide his clients with considered advice that recognises the importance of underlying relationships and tensions.

Expertise

Wills, Trusts & Estates

Significant experience

Marcus' experience includes:

Estate litigation

- Representing executors, claimants, and beneficiaries in family provision proceedings
- Acting for executors and beneficiaries in applications commenced pursuant to s34 of the *Administration and Probate Act 1958 (Vic)* seeking the removal of executors of deceased estates
- Acting for the executor of an estate where extant court proceeding had been settled by the parties following mediation (*Smith v Woods* [2014] VSC 646)
- Acting for the plaintiff in proceeding concerning the application of a Chinese Will in *Grabovic v Yang* [2022] VSC 417
- General estate litigation

Estate advice

- Obtaining simple and complex grants of representation including probate, letters of administration on intestacy, letters of administration ad colligendum bona, and reseals of interstate and overseas grants
- Advising executors, administrators, beneficiaries and third parties in relation to estate administration
- Preparation of Deeds of Family Arrangement
- Application to the State Revenue Office for private rulings and stamp duty exemptions in relation to the transfer of real property

Qualifications

Master of Laws (Applied Law), Majoring in Estate Planning and Wills and Estates,
The College of Law Australia

Bachelor of Laws,
Monash University

Bachelor of Commerce,
The University of Melbourne

Memberships

Law Institute of Victoria

Society of Trust and Estate Practitioners (STEP)

RIGBY COOKE LAWYERS

Significant experience cont.

Estate planning

- Drafting and advising on Wills ranging from simple to complex, including those incorporating life interests and testamentary discretionary trusts
- Advising on and preparing various powers of attorney, including general, enduring (financial and personal) and appointment of medical treatment decision makers
- Advising on various taxation aspects of Wills and estates

Trusts

- Reviewing superannuation trust deeds and advising on death benefit nominations
- Preparation of Binding Death Benefit Nominations
- Reviewing discretionary trust deeds and providing advice
- Preparation of Deeds of Variation and Deeds of Appointment

Other litigation

- Acting for the plaintiffs in defamation proceeding at first instance in *Jeffrey & Anor v Giles* [2013] VSC 268, and on appeal in *Jeffrey & Curnow v Giles; Giles v Jeffrey & Curnow* [2015] VSCA 70