

# Sladen **drives** Legal **results**



Principal Lawyer

## Edward Skilton

### Business Law



Edward is a Principal Lawyer in the business law area, with a particular focus on equity, trusts and succession.

The focus of his dispute practice is on protecting vulnerable beneficiaries and others negatively affected by the decisions of the incumbent controllers of estates and trusts. He represents plaintiffs and defendants in the County Court and Supreme Court in matters relating to:



- The removal and replacement of executors and trustees of estates and trusts;
- Applications for judicial interpretation of trust instruments, for example where there is a dispute as to whether a trustee had the power to do what has purportedly been done;
- Disputes regarding the validity of wills;
- Applications to have wills brought into Court; and
- Applications for provision / further provision from deceased estates for example where spouses / partners (or alleged partners) or children of the deceased person claim a greater share of the estate than that which they are entitled to pursuant to the deceased's will.



Edward also advises in relation to the payment of superannuation death benefits including disputes regarding eligible recipients, trustee decisions and validity of documents.

On the planning side, Edward prepares complex estate plans and is particularly interested in assisting the owners of private business groups transfer the business to the next generation, as distinct from a sale to third parties. Edward has a particular interest in agri-business, fresh produce, catering, design / fit out and construction industries. He works with families to develop and execute plans to transition equity and / or management of businesses to the next generation using a combination of legal structures and non-legally binding family agreements such as a family constitution or charter. Sometimes the transition to the family is a back-up plan where a sale to an external purchaser does not materialise but most frequently Edward is instructed by families determined to ensure that the business survives into the next generation. He consults to families on a short term project basis to assist in achieving specific goals and also over a longer term when the objective is often to hold key stakeholders accountable to action points through continued dialogue and family council meetings.



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His dispute resolution experience is often drawn upon to help clients head off future disputes with sensible and timely structuring and planning. From time to time this will mean tweaking plans in response to changing circumstances.

Where there are concerns about a person's ability to make decisions about their own finances (including business and investment assets) and care, Edward advises and represent clients in relation to administration and guardianship applications in the Victorian Civil and Administrative Tribunal. He also advises in relation to applications for Court made wills for people who lack the mental capacity to change their will, including in circumstances where potential beneficiaries of the current will have asset protection concerns.

Edward regularly presents to clients and professional groups on topics relating to estate and business succession planning, administration and related disputes. Recent topics include trust splitting and variations, buy-sell agreements and testamentary capacity. A current list of topics he would be pleased to present on can be supplied upon request.

#### **Ed's areas of practice include:**

- Family estate succession planning
- Administration and disputes
- Business structuring and succession planning
- Asset protection
- Trusts

#### **Professional associations and awards:**

- Admitted to practice in England and Wales and Victoria
- Listed in Doyles Guide, Recommended Wills, Estates and Succession Planning Lawyers, Victoria since 2019

#### **Edward Skilton**

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