

Digesting the Polites Family Feud – what is a Grant of Ad Colligenda Bona

If you have been following the dispute relating to one of the wealthiest families in South Australia, you might have been aware that in July 2025, the Court of Appeal of South Australia have dismissed George Polites' request for a stay of an order granting an application for letters of administration ad colligenda bona in respect of the estate. So what exactly is this Grant, and why did George Polites want to appeal it?

The Estate

Florence Polites, widow of Adelaide property magnate Con Polites, passed away in March 2024 at 102 years old. She left behind a sprawling real estate empire—including nearly 50 properties across Adelaide and in Sydney's Double Bay and Paddington—transferred into a complex corporate structure valued at approximately AUD 27 million. Although her estate was estimated to have more than AUD 1.5 million in assets, accumulating debts exceeding AUD 4.4 million rendered it technically insolvent—a deficit of over AUD 2.8 million. George Polites, as the executor, has not sought a grant of probate and does not intend to do so. His position is that he has fully administered the estate and that it is insolvent.

Legal Action:

Markas Salkanovic, Florence's grandson, initiated legal proceedings in 2024 on the grounds that:

1. For the purpose of enabling him to bring a claim for further provision from the estate, especially in light of the new legislation that came into effect on 1 January 2025; and
2. Investigate the executor's assertions that the estate is insolvent and as to the debt that underpin that insolvency.

In December, Salkanovic secured a court appointment of an independent administrator—a lawyer to investigate the estate while proceedings unfolded via a Grant of Ad Colligenda Bona.

George Polites, Florence's son and the executor, sought to appeal the decision to appoint the administrator to conduct the investigation, arguing that his mother's living expenses had depleted the estate, and denying any misconduct. The Hearing for the appeal is listed for later this month.

Understanding Grants of Letters of Administration *Ad Colligenda Bona*: Emergency Estate Protection

In estate law, delays in granting full probate or letters of administration can create critical risks—especially when an estate contains assets vulnerable to loss, damage, or devaluation. To prevent such harm, courts may issue a special type of emergency authority: a **grant of letters of administration *ad colligenda bona***.

What is a Grant *Ad Colligenda Bona*?

A grant *ad colligenda bona*—Latin for "to collect the goods"—is a limited and urgent form of letters of administration. It allows a suitable person to take control of the deceased's assets solely for the purpose of collecting, preserving, and, where necessary, disposing of them to prevent loss. The grant does **not** permit distribution of the estate or full administration. It is a **temporary protective measure**.

Such grants are commonly made when:

- A sale of property needs to be completed to avoid a contractual breach.
- A business must be managed to maintain its value.
- A loan or mortgage payment must be made to prevent default.

In each case, the objective is **asset preservation**, not inheritance distribution.

When and How Are These Grants Issued?

Grants *ad colligenda bona* are usually sought in emergencies—often when:

- There is a delay in the standard probate process.
- The estate includes "wasting assets" (e.g., perishable goods or a business).

- Disputes between beneficiaries and executors make immediate action necessary.

Courts typically require:

- A clear explanation of the emergency.
- Evidence of the delay in obtaining the usual grant.
- Justification for the applicant's suitability.

If the delay was caused by the applicant, a credible explanation must be given.

Who Can Be Appointed as Administrator?

The court will consider the context carefully when choosing the administrator. In uncontested situations, a family member or interested party may be appropriate. However, in **contentious matters**—where there are allegations of dishonesty, misappropriation, or a breakdown of trust between executors and beneficiaries—an **independent administrator** is usually appointed.

The goal is to ensure **impartiality and confidence** in the administration of the estate. Appointing a party's solicitor, for example, would likely be deemed inappropriate in a disputed case.

Judicial Authority and Precedents

The court's authority to issue such grants derives from both statute and long-established common law. Notable decisions—such as *Re Cohen* [1975] VR 187 and *Estate of Rowell* [2006] SASC 313—affirm the court's power to act when necessary to prevent asset deterioration.

In *Re Cohen*, the court held that where circumstances prevent a full grant and the estate requires urgent protection, it is empowered to authorise limited administration until normal probate can proceed.

If you are experiencing an estate dispute and require advice on what avenues you can take, please contact one of our expert estate lawyers today.