Estates - Fact Sheet

Normally a grant of probate, if there is a will, or a grant of letters of administration, if there is no will, is needed to administer the estate of a deceased person and until a grant has been obtained the assets are frozen, except jointly owned assets which automatically pass by law to the survivor. Estate details are needed for tax purposes. We outline below the normal sequence of events for our work in probate matters.

1. Obtaining full details of the value of all assets and liabilities of the deceased. Usually, a formal value of furniture and personal effects is required but we will advise you if an estimated valuation is sufficient. Similarly, we will advise you if a valuation of a house or other property is required. Values of all jointly held assets are also needed.
2. Preparing papers to apply for probate.
3. Signing of probate papers by the personal representatives. Normally we will have a meeting with them at this stage but if they live away this can be dealt with by post.
4. Applying to the Probate Registry for probate including paying registry fees. If inheritance tax is payable on the estate, either all or a proportion of the tax needs to be paid at this stage.
5. Probate is normally issued about three to four weeks after the application.
6. Register probate and collect in cash assets.
7. Pay funeral account, if not already released from an account earlier, and all other bills.
8. Settle with HM Revenue & Customs income tax to date of death and deal with any other outstanding matters.
9. In cases where the deceased had been receiving means tested benefits, Department of Works and Pensions enquiries will need to be answered concerning the deceased’s assets.
10. Pay legacies.
11. Obtaining inheritance tax clearance certificate if appropriate.
12. Make interim payments to residuary beneficiaries if possible and required.
13. Arranging transfer of any property to beneficiaries including registering with HM Land Registry and fees.
14. Completing income tax returns to cover all income and capital gains arising during administration.
15. Prepare final estate accounts and send these to the personal representatives for approval.
16. Make final payment to the residuary beneficiaries.

Our work will be carried out by a solicitor of the firm assisted by experienced support staff.

Normally we will issue bills for our charges at intervals during the estate administration depending on the length of time needed to complete the estate. This will keep the personal representatives informed about charges. Interim bills and a final bill on completion of the administration will be sent to the personal representatives for information. Any bills should be paid within 30 days and we reserve the right to charge interest on any accounts unpaid within that time. However, our accounts are of course mainly payable out of the estate and, in the event of us holding estate funds in excess of the amount of our bill, we will deduct this amount from the money held.