

Probate & Wills Legal Service & Costs.

Our team of probate practitioners, led by solicitors, are specialists in the administration of estates. All of our matters are conducted by a qualified solicitor with support from administrative staff and colleagues as appropriate.

We advise on the process of administering estates. We can assist with specific stages of the process where required although more usually we deal with the full administration process. We do that either as professional executors or as the solicitors instructed by the personal representatives.

We have extensive experience in a range of complex matters potentially involving:

- business and agricultural property relief
- farms & landed estates
- foreign assets, beneficiaries, tax affairs and domicile generally
- charity beneficiaries
- missing beneficiaries
- complex tax matters
- negotiations with HM Revenue & Customs

Overview of Key stages

The work involved in the administration of estates often includes the following:

- Identifying and contacting the legally appointed executors or potential administrators and the likely beneficiaries.
- Where a will exists - considering the actions which will be necessary to satisfy the probate court of the validity of the will.
- Where a will does not exist – clarifying who is entitled to apply to administer the estate
- Notifying asset holders of the death and obtaining necessary information regarding the asset values.
- Obtaining market values of properties and their contents as at the date of death.
- Considering the availability of any potential property reliefs.
- Obtaining details of the debts owed by the deceased at death and all funeral costs
- Applying all available reliefs and exemptions for inheritance tax which apply

- Considering the implications of discretionary trusts, their effect on the inheritance tax liability and actions which could be undertaken to maximise the reliefs and exemptions claimed.
- Completing the relevant HM Revenue & Customs inheritance tax forms and preparing tax calculations.
- Preparing the relevant statement of truth for executors/administrators
- Securing the release of funds or other assets to pay inheritance tax prior to the application for the grant.
- Submitting the appropriate application to the Probate Court.
- Obtaining the grant and advising when it has been issued.
- Settling of estate debts.
- Transferring any specifically gifted items to the named beneficiaries.
- Consider with the executors and residuary beneficiaries the transfer or encashment of holdings in any investment portfolio and transfer or sale of property involving consideration of the capital gains tax situation of the estate and the beneficiaries.
- Dealing with the assent of properties to trustees or to beneficiaries and registering as appropriate at the Land Registry.
- Collecting in of all the estate assets, e.g. closure of bank and building society accounts, encashment of premium bonds, arranging the transfer or sale of shareholdings.
- Negotiation with H M Revenue & Customs and potentially the District Valuer to finalise the figures on which inheritance tax is calculated.
- Arranging payment of any further tax payable.
- Undertaking bankruptcy searches for individual beneficiaries and arranging payment of legacies.
- Drafting documents to conclude discretionary trusts where this is the agreed way forward.
- Preparation of income tax returns for the administration period and date of death if applicable.
- Preparation of estate income certificates if any beneficiaries receive estate income.
- Preparation of the estate accounts and summaries as an ongoing process.

How long will it take?

The work required varies significantly from for different estates. No two estates are the same.

The amount of work required depends on a number of factors. These can include but are not limited to the specific wishes of the deceased, the extent and nature of the assets involved and the work required to value, realise & distribute those assets.

By way of guidance:

- For simple estates where no property is involved it typically takes 6 to 12 months to fully complete the whole of the administration.
- For moderately complex estates it typically takes 1 to 2 years to fully complete the whole of the administration.

- For complex estates involving property, trusts and complex taxation issues it will usually take more than 2 years to fully complete the whole of the administration.

Please remember that the time taken can be less, but it can also be considerably more. Our team will always strive to progress estate administration as expeditiously as possible in the individual circumstances that present at the time.

How much will it cost?

Our fees are payable from the estate, not by the executors or administrators personally.

Our costs are based on hourly rates which reflect the experience, skills and qualification of the person conducting the work. Our hourly rates range from £120 to £300 per hour plus VAT.

The cost of any matter will be dictated by the hourly rate and the amount of time required to follow your instructions and complete the necessary work.

The actual cost of administering an estate will therefore vary significantly depending on the factors referred to above.

For example; the cost of administering an estate that includes complicated tax affairs, no will and significant assets both in the UK and abroad will be significantly more than those with a valid will leaving everything to a surviving partner.

The cost can be as little as approximately £1200 plus VAT and disbursements. In the case of complex estates costs can be measured in tens of thousands of pounds.

Factors that effect the cost estimate or fixed fee

The following list is not exhaustive. We hope it provides an indication of the factors that may affect the costs of administration:

- the extent to which you intend to deal with part of the process yourself
- alterations to wills affecting validity
- missing, badly drafted or no will
- missing or deceased executors/beneficiaries
- capacity issues relating to executors and/or beneficiaries
- conflict between executors
- conflict between executors and beneficiaries
- the need to register death and arrange a funeral

- the need to visit property to collect valuables and paperwork
 - arranging unoccupied property insurance
 - missing share certificates
 - complex research required to claim reliefs and exemptions for inheritance tax
 - assets held outside of the UK
 - existing trust funds in which the deceased has an interest
 - capital gains tax considerations on sale of assets in the estate
 - existing conditionally exempt property held by the deceased and claims to conditionally exempt items and the creation of heritage maintenance funds
 - dealing with the sale or transfer of any property in the estate
 - revaluing assets and dealing with appropriations
 - advice on discretionary trusts
 - negotiations with HM Revenue & Customs on the inheritance tax liability
 - preparing and filing administration period income tax returns
 - the existence of any business interests
 - whether you want us to prepare detailed estate accounts detailing the assets and liabilities of the estate and all transactions thereafter until the estate is distributed
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Our fees

To provide you with an idea of likely fees we have set out some examples below.

Example One: Straightforward probate

In circumstances involving:

- a valid original will with no issues about its validity
- one property registered at the Land Registry in the sole name of the deceased with no mortgage
- one bank with no more than two accounts in the sole name of the deceased
- some premium bonds and savings certificates held with National Savings & Investments
- no other assets either solely or jointly owned
- a spouse as the sole beneficiary
- no inheritance tax payable and the executors do not need to submit a full inheritance tax account to HM Revenue & Customs

Our fees can be expected to be in the range of £1,200 to £6,000 plus VAT and disbursements (see below) to obtain the grant of probate and fully administer the estate thereafter.

Example Two: Moderately complex probate

In circumstances involving:

- the deceased being a widower
- a will which has no issues regarding its validity, and which contains specific gifts and cash legacies and then leaves 50% of residue to distant relatives and the remaining 50% to named charities
- two executors

- a large house in the country with 25 acres of land
- 2 accounts with one bank and up to 3 accounts with different building society accounts
- stocks and shares managed by a stockbroker
- lifetime gifts made by the deceased
- the specific gifts and cash legacies to up to 5 individuals and all being free of inheritance tax
- the estate is estimated to be of a value where inheritance tax is payable (although exemptions may be available) and the executors will need to submit a full inheritance tax account to HM Revenue & Customs

our fees can be expected to be in the range of £6,000 to £12,000 plus VAT and disbursements (see below) to obtain the grant of probate and fully administer the estate thereafter.

Example Three: Complex probate

In circumstances involving:

- a will that contains alterations in pen which have not been initialled by the deceased or the witnesses
- more than two executors who live in different areas of the country or abroad
- the deceased being a widower but living with a long-term partner
- the deceased having more than 3 children by marriage
- a dispute between the long-term partner and the children
- Multiple properties one of which is rented to a business of which the deceased is a partner
- a large number of bank and building society accounts some of which require identification
- some valuable chattels
- complex lifetime gifts made by the deceased which need to be investigated and quantified
- stocks and shares which are all held in certificated form, some of the share certificates missing and dividend cheques being uncashed
- one or more trusts which need to be aggregated for the purposes of the inheritance tax calculation
- a large holding of premium bonds
- legacies to more than 8 individuals and more than 4 charities with the residuary estate left on discretionary trusts
- the estate is estimated to be of a value where inheritance tax is payable (although exemptions may be available) and the executors will need to submit a full inheritance tax account to HM Revenue & Customs

our fees can be expected to be in the range of £12,000 to £30,000 plus VAT and disbursements (see below) to obtain the grant of probate and fully administer the estate.

Disbursements

Disbursements are costs related to your matter that are payable to third parties and are not included in our fee estimates. The disbursements normally payable include:

- the court fee payable when applying for a grant of representation – this is currently £155 plus 50p for each office copy requested but is due to be increased shortly and will be banded depending on the value of the estate
- bankruptcy-Land Charges Department searches (£2 per beneficiary)
- the fees payable for s27 Trustee Act notices placed in the London Gazette and a local newspaper to protect personal representatives against unexpected claims from unknown creditors – estimated at £170

Our fees generally

The exact cost of administering an estate can be very difficult to predict and will depend on the exact circumstances.

You might prefer to do some of the work yourself and instruct us on issues with which you would like help.

You might like to agree fees with us for specific stages of the process.

You might prefer to try and agree a fixed fee with us to avoid uncertainty over the fees that could be incurred.

As a result we encourage you to contact a member of our team to discuss the likely costs of dealing with your matter based upon your specific circumstances.