



Probate and Estate Administration

A death in the family is an extremely emotional time. Our experienced advisers will sympathetically and expertly guide you through the administration process and many of the problems and worries which occur.

When a person dies, someone has to deal with their affairs.

We will advise you and act in administering the estate for you.

This will include matters such as advising you on ways to reduce inheritance tax, completing HMRC tax returns, obtaining a grant of probate, collecting in the assets, paying debts and distributing the estate to those entitled.

If the person who has died leaves a will

If the person who has died leaves a will, it will usually name one or more people to act as the executors of the will - that is, to administer their estate.

If you are named as an executor of a will you may need to apply for a grant of probate.

A grant of probate is an official document which the executors may need to administer the estate. It is issued by a section of the court known as the Probate Registry.

If there is no will

If there is no will (known as dying intestate) the process is more complicated. An application for a grant of letters of administration (an official document, issued by the court, which allows administrators to administer the estate) will need to be made.

The person to whom letters of administration is granted is known as the administrator. The administrator is the person who has the legal right to deal with the affairs of the person who has died, and is determined by a set order of priority. The administrator will usually be a close relative of the person who has died, if there is one. There may be more than one person who has an equal right to do this. We will be able to provide you with information on the set order of priority.

When is a Grant of Probate needed?

A grant of representation is not always needed, for example, if the person who died has left less than £5,000 in total, or owned everything jointly with someone else.

Usually, a grant of representation will be needed when the person who has died left:

- more than £5,000;
- stocks or shares;
- a house or land;
- certain insurance policies.

Responsibilities of personal representatives

Personal representatives are responsible for making sure that the estate is administered correctly. If there is a will, the personal representative must make sure that the wishes of the person who has died, as set out in their will, are followed. If there is no will, you must follow the rules of intestacy (set out in the Administration of Estates Act 1925). We can explain these rules to you.



Inheritance tax

Personal representatives are also responsible for finding out if inheritance tax is due as a result of a person's death. If it is, the personal representative has to make sure that it is paid. Whether inheritance tax needs to be paid can depend on:

- how much the property and belongings of the deceased person were worth when they died;
- the value of any gifts that they gave before they died, and who they gave these gifts to;
- the value of certain trusts from which the deceased person benefited; or
- which people benefit under the will or under the rules of intestacy (the beneficiaries).

Likely timescales

Dealing with the affairs of someone who has died can take a long time. It is not unusual for it to take up to a

year, perhaps longer if things are not straightforward. Many organisations may be involved in the process, for example, banks, building societies, insurance companies and HM Revenue & Customs.

Cost

The cost of dealing with the estate is usually paid from the estate. We can act on a fixed cost or hourly rate basis to suit you. We will always tell you what the costs are likely to be before carrying out any work

What to do when someone dies – a quick checklist:

1. **Contact us for an initial discussion.**
We will provide initial advice free of charge and guide you through the first steps that need to be taken.
2. **Register the death**
3. **Find the Will** (check with us as we may hold the original)
4. **Make the funeral arrangements**
(There may be certain specifications detailed in the Will regarding things like type of burial, music and flowers)
5. **Collect together all appropriate financial papers** (e.g. bank statements, bills and share certificates)

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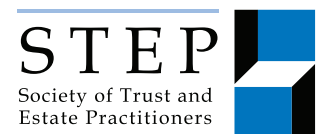
Rupi Kaur leads the Estate Planning team at Broomfields Solicitors. She is a Solicitor with many years experience and is a member of the Society of Trust and Estate Practitioners (STEP) which is the worldwide professional association for practitioners dealing with family inheritance and succession planning.

At Broomfields Solicitors we pride ourselves on providing a friendly and sympathetic service to clients and aim to give clear, straightforward advice and to develop long-term relationships with clients. We are committed to putting you first and advising on the best solutions available for you.

A substantial part of our work involves helping you plan for what life may bring your way. Our areas of expertise include:

- Wills and Trusts
- Lasting Powers of Attorney
- Tax Planning and Wealth Preservation
- Advice for the Elderly
- Probate and Estate Administration
- Conveyancing
- Commercial and Commercial Property Work
- Dispute Resolution

Please contact us if you require any advice in these areas.



Rupi Kaur is a full member of STEP

This document is intended to provide general information only and does not constitute advice. Please contact us if you require advice or assistance on any specific matter. The law and practice noted in this document is stated as at March 2018.