

A GUIDE TO PROBATE

ATTLEBOROUGH | AYLSHAM | DEREHAM | DISS | NORWICH | WATTON | WYMONDHAM

When someone dies there can be a lot of work involved in dealing with the administration of their estate. It is likely to be an emotional time and being faced with a complicated legal process can be daunting. This guide aims to explain the steps that executors or administrators must follow so that you know what you are required to do.

Our team of helpful and friendly solicitors are here to guide you through the process of dealing with the financial affairs of a loved one that has passed away. We can assist you at every step in the process by offering support and advice.

In this guide we will cover:

- Next steps – what to do when someone dies
- What is "probate"?
- The role of an Executor/Administrator
- The administration process
- Inheritance Tax
- Applying for the "Grant of Representation"
- Finalising the estate
- How much will it cost?
- How long will it take?

We are here to help

If you need any help answering any of the questions on this form, get in touch with us on the below:

Attleborough – 01953 453143

Aylsham – 01263 732123

Dereham – 01362 692424

Diss – 01379 641221

Norwich – 01603 677077

Watton – 01953 882864

Wymondham – 01953 606351

✉ info@spiresolicitors.co.uk

Next Steps - What to do when someone dies

Register the death

You will need to register the death within 5 days of your loved one passing away with the registrar in the area that they died. For Norfolk call 0344 800 8020, for Suffolk call 0345 607 2060.

When you attend your appointment, you will need:

- Documentation from a medical practitioner confirming cause of death or confirmation that this has already been sent to the registrar
- The following information
 - Date of death
 - Place of death
 - Full names
 - Sex
 - Maiden name or any other names
 - Date of birth
 - Place of birth
 - Occupation
 - Usual address
 - Details regarding the spouse or civil partner of the deceased (if any)
 - NHS number (if known)

Probate Checklist

- ☐ Register the death
- ☐ Arrange the funeral
- ☐ List of all assets & liabilities in the estate
- ☐ Check if you need to pay Inheritance Tax
- ☐ Apply for Probate

Following the appointment you can purchase death certificates which are **£12.50 each**. You will also receive the relevant forms in order to arrange the funeral or these will be sent to your funeral director of choice directly.

The registrar will give you details about the Tell Us Once service which notifies all the government offices of the death and we recommend you do this.

Arrange the funeral

You should check whether there is a funeral plan in place.

The funeral can be paid by the estate prior to all other debts and prior to obtaining the Grant. If you have specific queries about the payment of funeral costs, please contact us for guidance.

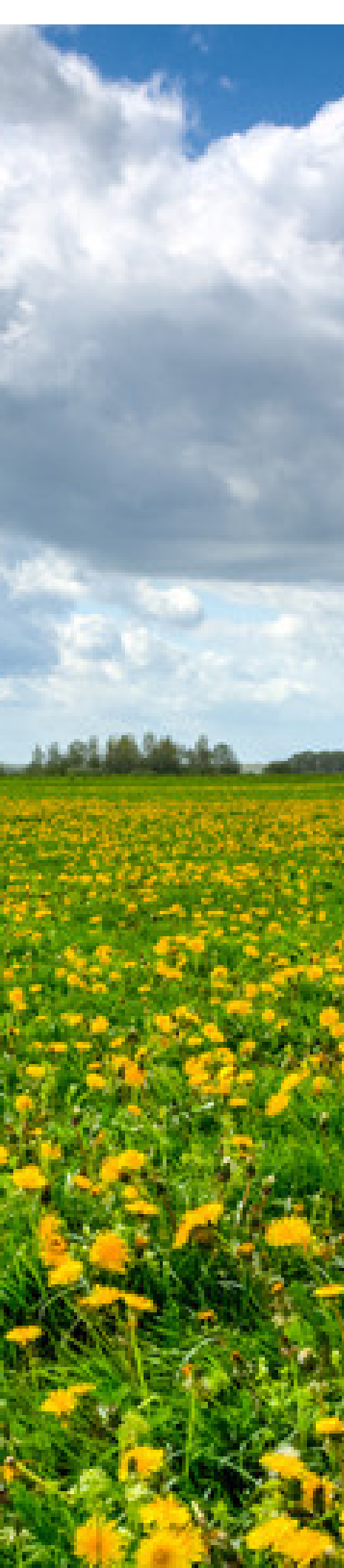
Check if you need to pay Inheritance Tax

Find out more on page 3

Apply for Probate

Find out more on page 3





What is "probate"?

Probate is a term commonly used to describe the legal process of dealing with the estate of someone who has died.

What is the role of Executor/Administrator?

Executors and Administrators are responsible for administering the estate of someone who has died. They are known collectively as Personal Representatives. The responsibilities can be divided into legal requirements, administration requirements and tax requirements. The role carries considerable responsibility and liability.

Personal Representatives can claim, transfer, sell or distribute any of the deceased's assets, they may have to apply for a Grant of Representation.

The Probate Process

Personal Representatives have a duty to settle all liabilities, gather in all assets and distribute the estate according to the law. Depending on the size of the estate and what it is comprised of, it may be necessary to apply for a Grant of Representation to deal with some assets. A Grant of Representation is a collective term for both a Grant of Probate and a Grant of Letters of Administration (as well as some other more technical types of Grant). It also proves the submitted Will as being the official final Will of the deceased.

If the deceased has a Will, the Executor will apply for a Grant of Probate. The Grant is a legal document which confirms that the Executor has the authority to deal with the deceased's assets.

If the deceased didn't leave a Will, the person entitled to the estate (usually a close relative of the deceased's) can apply to the Probate Registry to deal with the estate. In this case, they apply for a "Grant of Letters of Administration" and once granted they will have authority to administer the estate.

In both cases, the Grant is obtained following an application to the Court.

Once you have the Grant of Representation, the Personal Representatives will be able to proceed with the administration of the estate. This will involve registering the Grant with institutions the deceased held assets with in order to collect them and settle any liabilities owing.

Our dedicated team are able to advise and support the personal representatives with their responsibilities. With the benefit of our experience we can ensure that the administration proceeds as effectively and quickly as possible.



Inheritance Tax

The personal representatives will need to work out whether there is any inheritance tax (IHT) to pay. IHT is complex and we would advise seeking professional advice if you are unsure about the position. In particular, we would advise you to seek professional advice if the estate is over the value of £325,000 for a single person or £650,000 for the survivor of a marriage or civil partnership

At Spire our dedicated team will be able to help you value the deceased's estate and complete the inheritance tax return for you, ensuring the estate benefits from all the tax allowance available.

Finalising the Estate

Once the Executors or Administrators are satisfied that they have completed the administration or made provision for any outstanding matters, they can distribute the estate to the residuary beneficiaries.

Residuary beneficiaries are entitled to receive estate accounts detailing all capital assets and income received by them in the course of the administration and all payments made on behalf of the estate.



How much does it cost?

Every estate is different, and our costs are tailored to the specific needs of each case. Our fees for Grant of Representation applications typically start from £1,350.00 plus VAT, but the final cost will depend on your particular requirements. We will discuss your circumstances in detail and provide a clear estimate of costs based on the work involved.

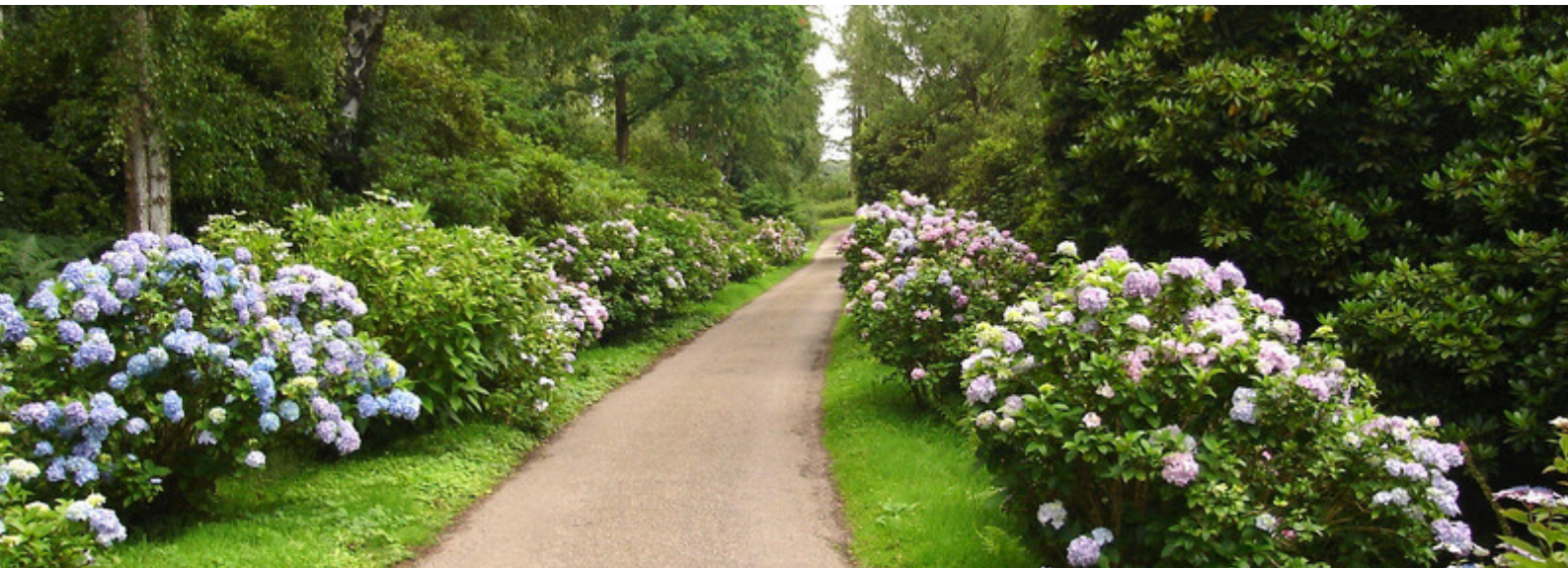
If you would like us to take the burden off your hands and deal with the administration of your loved-one’s estate on your behalf, we are happy to assist. We would usually charge at an hourly rate for time spent on the matter which can range depending on the level of work involved. We will do our best to accurately estimate the time costs and keep you updated as the matter progresses. Our hourly charge rates range from £165 – £325 + VAT, depending on the qualification of the staff member involved. For example, using an average of £310 + VAT per hour, if an estate took 10 hours of our time to finalise, our costs would be £3,100.00 + VAT.

There are also third-party fees to pay as part of the administration process which are referred to as disbursements. For example:

Grant of Representation application fee (if the net value of the estate exceeds £5,000	£526.00
Copies of the Grant of Representation	£2.00 (each)
Copy documents from the Land Registry	£7 (each including VAT)
Bankruptcy searches	£7 (each including VAT)
Statutory notices (the costs vary depending on location of death)	Approximately £300.00
Asset and liability search	£250.00

How long does it take?

Like the cost, the time it takes will be dictated by the size and the complexity of the estate. Timescales can vary significantly. At the time of publication, The Probate Registry is taking approximately 16 weeks to issue grants of probate if applied for correctly. It may take longer if they need to raise any further enquiries.



What should I do next?

We understand that it is a difficult time and the responsibility of being a personal representative can be onerous. Our legal advisors at Spire Solicitors can provide tailored advice to guide you throughout the probate application and administration of the estate in accordance with the law.

If you would like assistance or have any questions regarding the Probate process, please get in touch:



info@spiresolicitors.co.uk



01603 677077



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