



Your guide to
Probate.



National **Firm.** Local **Values.**

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The administration of an estate can be a stressful time

When someone we love dies, we face one of the most difficult times of our lives. The responsibility of acting as their executor (where there is a Will) or administrator (when there is no Will) during that period there can be a lot to deal with.

The administration of an estate can be a time consuming, at times stressful, and often complex process. Depending on the record keeping of the deceased and the intricacy of their estate, the administration may involve a considerable amount of work.

GWlegal can provide you with sympathetic yet helpful and professional support during this time. We can obtain a Grant of Probate or Letters of Administration if required, deal with the Inland Revenue and generally administer the estate as smoothly and efficiently as possible. If you are involved in the administration of an estate, whether as a beneficiary or as a personal representative, why not contact us to see if we can be of assistance.

If you do not need us to help you we will say so, and we will be happy to spend time in pointing you in the right direction.

If you do need our help, we will explain exactly what is required and tell you, as best we can at that time, the likely costs of instructing us to act on your behalf.



Your First Steps

01/ Register the death

The death must be registered by the Registrar of Births, Deaths and Marriages for the sub-district in which the death occurred. You will be able to find the contact details of the Registrar in the phone book, from a local doctor, the council, post office or police station or by using the following link to the HM Courts & Tribunals website:
www.hmcourts-service.gov.uk/infoabout/civil/probate/registries.htm

The death must be registered within 5 days so you must go and see a Registrar as soon as possible. The Registrar will ask you for a copy of the medical certificate and a copy of the deceased's birth certificate. You will also be asked to confirm the full name, last address, occupation, spouse's or civil partner's name and any pension or benefits of the deceased.

The Registrar will then issue you with a Certificate for Burial or Cremation so that you can begin to organise the funeral, and a Death Certificate.

02/ Arrange the funeral

If you are sure that the death does not have to be reported to the Coroner then you can organise the funeral.

It is advisable to locate the deceased's Will, as often the Will contains the wishes of the deceased and specifically details whether the deceased wished to be buried or cremated. It may also give other details of how the deceased wished their funeral to be arranged.

If you arrange the funeral you will be responsible for paying the bill however you should be reimbursed out of the estate at a later date.



Your First Steps Continued

03/ Locate the Will and gather together all the deceased's documents

When doing this you need to ensure that the Will is not altered in any way, even a small thing such as re stapling a Will can cause problems.

Gather together all the documents which confirm any assets that the deceased had. Assets include, savings accounts, life policies, share certificates, pension policies and premium bonds certificates, to list just a few. It is also a good idea to make a list of all the deceased's personal possessions such as jewellery, paintings or collections, which will need to be valued, for sale or given to the relevant beneficiaries at a later date.

Also gather together all the documents which confirm any liabilities that the deceased had including receipts for funeral expenses, mortgages and bills.

04/ Inform all necessary persons about the death

It is best if you can inform the relevant persons about the death as soon as possible. GWlegal will notify all interested parties as part of its role in administering the estate.

The list below is not exhaustive but it is a good idea to contact the following people:

- H.M.Revenue and Customs (HMRC) and The Department of Work and Pensions (DWP)
- The deceased's employer
- Any landlord or tenants
- Banks, building societies and insurance companies
- Doctors and dentists
- All companies who were supplying the deceased with a service

05/ Contact GWlegal

One of our staff will be able to talk you through step by step what needs to be done now and answer queries that you may have. We will give you information on legal procedures and provide helpful and practical advice.



Obtaining the Grant of Representation

We can deal with the whole process from start to finish



GWlegal can obtain a Grant of Probate or Letters of Administration if required, deal with the HMRC and generally administer the estate as smoothly and efficiently as possible. We can deal with the whole probate process from start to finish.

Probate is the term applied to the process of winding up the estate of somebody who has died. A person or people (up to four) are responsible for ensuring that the deceased's assets and liabilities are dealt with in accordance with the Will, or if there is not a Will, in accordance with the rules of intestacy. If there is a Will they are known as executors and if there is no Will they are called administrators; collectively they are known as personal representatives.

The personal representatives will need to obtain a 'Grant of Representation' from the Probate Registry. A Grant of Representation is a legal document which is proof that the person named in it is entitled to handle the deceased's estate. For example, the personal representative will be able to use the Grant to withdraw funds from bank accounts.

There are three main types of Grant of Representation:

- 01 / **Probate:** this is issued to one or more executors named in the deceased's Will
- 02 / **Letters of Administration (with the Will annexed):** this is issued when there is a Will but there is no executor named or when the executors are unable or unwilling to apply for the grant
- 03 / **Letters of Administration:** this is issued when the deceased has not made a Will, or any Will made is not valid

Obtaining the Grant of Representation

GWlegal can assist with obtaining a Grant of Representation as well as dealing with the estate of the deceased

Is it always necessary to apply for Probate?

Occasionally a Grant of Representation is not needed. This is when the person who died left very little money and/or assets.

You do not normally need to obtain a Grant when:

- 01 / Everything the deceased owned was held in joint names with someone to whom the deceased's share passes automatically (normally a husband or wife)
- 02 / Bank or building society accounts that the person had contain less than £5000 (though banks and building societies do have the right to insist on a Grant)

You will normally need to apply for a Grant when:

- 01 / Bank or building society accounts contain more than £5000
- 02 / Stocks or shares were owned
- 03 / Property was owned (unless it was owned as a joint tenancy and so passes automatically to the other owner)



Administering the Estate

Once the death has been registered and you hold the death certificate the following briefly explains what is involved when administering an estate:

01 / Determine the value of the deceased's estate

To determine the value of the estate all the deceased's assets need to be added up and liabilities have to be deducted. The resulting figure is the value of the estate.

02 / Obtain consent from the Probate Registry to administer the estate

You will need to complete forms and return them to the HMRC so that they can work out whether any inheritance tax is payable. If it is then it is the executor's responsibility to pay this tax from the estate. The necessary probate forms must also be completed.

03 / Identify and validate the entitlement of beneficiaries

These will be set out in the Will or if no Will was left there is a statutory list of entitlement under the intestacy laws. If a person dies without making a Will then this is known as 'dying intestate' and the estate will have to be distributed in accordance with the laws of intestacy.

04 / Distribute the balance of the estate

GWlegal can help by carrying out the administration for you (our legal costs would usually be deducted from the estate of the deceased.)



The Law of Intestacy

Without a Will, the Law decides who receives the assets

Where there is no Will, the Intestacy Rules decide who receives the deceased's assets on their death. Most people assume that when they die, their spouse or civil partner will receive all of their assets, but this is not the case.

If, for example, you die intestate and you have children, your spouse will only be entitled to a statutory legacy of £250,000.00, your personal possessions, and half the remainder. Your children will receive the other half, in equal shares if you have more than one child (when they reach the age of 18 years). If you are married without children, your spouse receives the whole estate.

If you are not married, or do not have a Civil Partner, then in the absence of children, your parents will inherit your estate. If they do not survive you, then your siblings or remoter relatives will inherit. This may not be what you would have wanted, especially if you have an unmarried partner or step-children who you wanted to provide for.

The relatives of the deceased will inherit in the following order:

- 01 / Surviving spouse**
- 02 / Children of the deceased**
- 03 / Parents of the deceased**
- 04 / Brothers or sisters of the deceased**
- 05 / Half brothers or sisters of the deceased**
- 06 / Grandparents of the deceased**
- 07 / Uncle or Aunts of the deceased**
- 08 / Half Uncles or Aunts of the deceased**
- 09 / The Government**



Our Fees

We charge £275.00 plus VAT per hour plus a percentage based on the value of the estate. The maximum percentage that we add to our basic charge amounts to 1.5% and this will always depend on the complexity of the matter and whether we feel that the particular case merits the full addition of 1.5% of the gross estate (excluding any residence in which the deceased resided where the rate there, will be 0.75%).

Please remember that where possible all legal costs are paid out of the estate of the deceased.

We also charge for disbursements expended such as Court fees and charges for the official copies of the Grant documents, which we shall be obtaining for you from the Probate Court.

We will provide you with regular updates on the costs incurred and the estimated final costs figure so that you need not worry about getting an unexpected bill at the end.



If our dedicated team of experts can offer any assistance we'd be delighted to hear from you



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