

Applying for the Grant of Probate or Letters of Administration, collecting and distributing the assets, paying liabilities including inheritance tax and legacies

There is no getting away from it this is a terrible time for you, but we try to do our best to make it easier for you. Clients often say that when they have handed over all the paperwork in a loved one's Estate to us that they feel as though a great burden has been lifted from their shoulders. It is a very responsible and time-consuming role acting as an Executor (appointed under someone's Will) or Administrator (next of kin where there is no Will) and you are personally liable for your actions. Some people think that where there is a Will there is no need for Probate. Probate or Grant of Letters of Administration (where there is no Will) is the Personal Representative's proof that they have the power/authority to deal with the assets in the Estate. An official copy of the Grant must be produced to each financial institution to release the asset eg Land Registry for properties, bank and building societies. The latter have a discretion as to how much they will release without sight of the Grant, and they undertake a risk assessment. Some banks eg Lloyds will release up to £50,000 without asking for a Grant. You can extract a Grant personally. The Probate Registry charges a fee which is currently £300.

We can act for you:-

- Where there is a Will (must be valid eg signed in accordance with the Law)
- Where the original Will has been lost and a copy needs to be proved
- Where the original Will has been altered or marked
- Where the original Will was not bound and consists of separate sheets of paper
- Where there is no Will
- Where the Executor dies before completely administering a Deceased's estate
- Whatever assets are in the Estate; we can even assist if there are assets overseas although we may have to liaise with a lawyer in the foreign country
- Where there are debts to repay eg mortgage or equity release
- Where there are businesses or farms involved, and Business Property Relief or Agricultural Relief is applicable
- Where there are properties or shares to be sold or transferred
- Where there are bonds or life policies to claim
- Where there are products (eg premium bonds, income bonds, accounts) with ns&i (National Savings)
- Where there are ISAs and arrange for transfer of ISA allowances to surviving spouses
- Where there is no inheritance tax to pay
- Where there is inheritance tax to pay
- Where there is all or some of the nil rate band allowance to transfer from the estate of a predeceased spouse(s)
- Where you need to claim charitable exemption or reduced inheritance tax rate from 40% to 36%
- Where a trust has been set up; whether it is discretionary or a life interest – tenants in common
- Where you want to appoint assets out of a Trust
- Where direct descendants need to claim all or part of deceased's residence nil rate band even when there has been downsizing after 8th July 2015

- Where there is all or some of the residence nil rate band allowance to transfer from the estate of a predeceased spouse(s)
- Where inheritance tax is due, calculate the amount, arrange payment and obtain a clearance certificate
- Where too much inheritance tax is paid on shares or property which are subsequently sold for less than originally declared to HMRC
- Where the Department for Work & Pensions reclaim benefits
- Where the Beneficiary wishes to redirect their inheritance if they anticipate that they will have an inheritance tax liability on their death to avoid 7 years lifetime gifting rules
- Where the Beneficiary wishes to disclaim their inheritance
- Where the Beneficiary wishes to give up their life interest so that the ultimate Beneficiaries inherit sooner rather than on their death
- Where there have been cumulative lifetime gifts made of less than £325,000 within 7 years of death of death
- Where there have been cumulative lifetime gifts made of more than £325,000 within 7 years of death of death and tapering relief applies
- Where there has been a gift with a reservation eg the deceased carried on receiving the rent of a gifted rental property
- Where there have been regular lifetime gifts out of surplus income
- Where there are private and occupational pensions and annuities

Estimates

We will provide you with an Estimate of our professional charges at the outset. The questions we will ask are:

- How many Executors or Administrators are there?
- Roughly how much is the Estate worth excluding the home?
- If there is a home in the Estate how much approximately is that worth?
- If there are properties in the Estate are they being sold or transferred?
- How many different financial institutions are involved? Eg. There could be 3 accounts with Santander, 2 accounts with the Halifax and 1 account with Nationwide. Although there are 6 accounts for us to deal with there are only 3 financial institutions.
- Are there any shareholdings? If so, how many different companies are involved?
- How many beneficiaries are there?

The exact cost will depend on the individual circumstances of the matter. See examples below.

We will handle the full process for you apart from the preparation of income/capital gain tax returns when we usually engage the services of an Accountant who will make a separate charge. Hargreaves Gilman does not specialise in contentious or litigious matters so if a dispute arose between beneficiaries or clients or the validity of the Will is challenged (on the grounds of mental incapacity of the deceased, undue influence, lack of understanding when the Will was signed or suspicious circumstances) or a claim for insufficient provision under a 1975 Act was brought against the Estate you would have to consult another firm of Solicitors.

Disbursements and Expenses

- Probate application fee of £300 for the first official copy Grant of Representation plus £16 each additional official copy
- Electronic ID checks for Personal Representatives, Beneficiaries and the person who has died. These cost £6.25 + VAT per person if we meet you and we have seen your original ID or £9 + VAT per person for a facial recognition ID check. We also undertake a check against the person who has passed away for £6.25 + VAT.
- Bankruptcy search fees £6 + VAT for Personal Representatives and Beneficiaries each person

Fixed Fees

There may be parts of the administration of the Estate which we undertake on a fixed fee basis as they are not applicable in every Estate:-

- Deed of Variation (where a Will or the Intestacy Rules are rewritten within 2 years if all parties agree, have capacity and are over 18 years); typically £950 + VAT of £190 totalling £1,140
- Deed of Assent (where the beneficiary wishes to be registered at the Land Registry as proprietor of the home); typically £650 + VAT of £130 + land registry fee based on scale 2 electronic submission if already registered at the land registry Land Registration fees. We submit applications via the portal.
- Deed of Renunciation (where the named Executor does not wish to be involved); typically £250 + VAT of £50 totalling £300
- Power of Attorney (where the named Executor wishes to appoint an Attorney to act); typically £250 + VAT of £50 totalling £300
- Deed of Appointment (where assets are being appointed out of a Trust); typically £650 + VAT of £130 totalling £780
- Deed of Appropriation (where a Beneficiary wants to have a particular asset transferred to them rather than it be sold and take their share of the sale proceeds); typically £650 + VAT of £130 totalling £780
- Deed of Indemnity (where Beneficiaries indemnify Executors against any costs and claims on distribution of an Estate); typically £500 + VAT of £100 totalling £600

Example – Simple Estate

Estate comprising House £200,000 (to be registered into names of 2 beneficiaries), bank account of £10,000; and one Executor and two beneficiaries.

<u>Estimate for Administration of Estate</u>	£3,000.00	
<u>Fixed Fee: Deed of Assent</u>	<u>£650.00</u>	
Fees:		£3,650.00
VAT @ 20%		£730.00
<u>Disbursements and Expenses</u>		
Probate Registry fee	£300.00	
Land Registry fees (inc. VAT)	£38.40	
Bankruptcy search fees x 3 people (inc. VAT)	£21.60	
Electronic ID check (facial recognition) x 4 people (incl. VAT)	<u>£43.20</u>	
		<u>£403.20</u>
Grand Total inc VAT		<u>£4,783.20</u>

Example – Complex Estate – Form IHT400 plus Supplementary Pages

Estate of House £400,000, bank accounts with 3 financial institutions totalling £650,000; four shareholdings, two Executors and six Beneficiaries (two of whom are also the Executors). Deed of Variation to amend terms of the Will.

<u>Estimate for Administration of Estate</u>	£6,325.00	
<u>Fixed Fee: Deed of Variation</u>	<u>£950.00</u>	
Fees:		£7,275.00
VAT @ 20%		£1,455.00
<u>Disbursements and Expenses</u>		
Probate Registry fee		
incl. 6 official copies @ £16 each	£396.00	
Land Registry search fee (incl. VAT)	8.40	
Bankruptcy search fees x 6 people (incl. VAT)	43.20	
ID checks x 7 people (incl. VAT)	<u>£72.30</u>	
		<u>£519.90</u>
Grand Total inc VAT		<u>£9,249.90</u>

Completion of the more involved HM Revenue & Customs Form IHT400 and supplementary pages is more time consuming. Where there are more assets or complex assets eg shares to be sold or transferred or more beneficiaries to correspond with the time required will be increased and this is reflected in our Estimate. Where inheritance tax is payable we will make the necessary arrangements for sufficient funds (provided there is enough in the deceased's bank accounts) to be released to pay the tax direct to HMRC's bank account.

Additional disbursements may be recommended as follows depending on the circumstances:-

- £160 approx. Post in The London Gazette – Protects against unexpected claims from unknown creditors.
- £80 approx. Post in a Local Newspaper – This also helps to protect against unexpected claims
- £252 (incl. VAT) approx. Search to ascertain Assets and Liabilities in the estate via our provide, Estatesearch
- £19.80 (incl. VAT) approx. to send documentation to the Probate Registry (where there is a Will) and HMRC (where IHT400 is required)
- £72 (incl. VAT) to £200 (incl. VAT) approx. to undertake a Will search to establish if there is a Will or that any Will is the latest one
- £84 (incl. VAT) approx. if we need to undertake any foreign bankruptcy searches against beneficiaries
- £48 (incl. VAT) approx. if we need to transfer funds abroad to a beneficiary's nominated bank account

Our Conveyancing Solicitors will act on behalf of the Executor or Administrator in the sale transaction for which separate fees will be charged.

Stages and Time Scales involved in the administration of an Estate

Please see General Stages in Administration of Estates in the Timescales tab of our website

Extraction of Grant of Probate or Letters of Administration

We can undertake extraction of the Grant of Representation whether there is a Will or not on a fixed fee basis.

Where the value of the Estate is less than £325,000 (the current IHT threshold) or less than £3,000,000 and there is no inheritance tax to pay because of spouse, civil partner or charity exemption

£1,250 + VAT £250 = £1,500

Where the value of the Estate is less than £650,000 (twice the current IHT threshold) and we can claim unused nil rate band allowance from a predeceased spouse

£1,400 + VAT £280 = £1,680

Where there is inheritance tax to pay or the estate is worth more than £650,000 and you need to claim a residence nil rate band allowance and/or transfer of a late spouse's unused allowances to wipe out the inheritance tax liability a HMRC Form IHT400 and supplementary pages is required

£1,600 + VAT £320 = £1,920

Where there is inheritance tax to pay we will arrange for this to be paid in full direct from the deceased's funds in addition to preparation and submission of IHT400 and online probate application. **Please note that this service is unavailable where inheritance tax is to be paid in instalments. We will act for you in the administration of the Estate. We will provide you with this Estimate upon request**

£2,000 + VAT £400 = £2,400

Plus, the Probate Registry fee of £300 (+ £16 per official copy) and ID checks against the Personal Representatives

Where there are complex situations eg non-UK domiciled deceased, foreign assets, unregistered Trusts or if the Grant is not a Grant of Letters of Administration or Probate eg Grant of Letters of Administration with Will annexed/Grant de bonis non, or where the original Will has been lost or damaged or has not been validly executed these fixed fees will be adjusted according to the amount of time judged to be devoted to extraction of the Grant of Representation.

As part of our fixed fee we will:

- Provide you with a dedicated and experienced probate solicitor to work on your matter
- Identify the legally appointed executors or administrators
- Accurately identify the type of Probate application you will require
- Obtain the relevant documents required to make the application
- Complete the Probate Application and the relevant HMRC forms
- Make the application to the Probate Registry on your behalf
- Obtain the Grant and official copies and pass to you to administer the Estate in accordance with the terms of the Will or Intestacy Rules

Once you have provided us with the valuation of the assets and the amount of outstanding debts including the funeral expenses, a copy death certificate, two forms of ID for you and the deceased's national insurance number we can complete the relevant HMRC form and probate application within 10 working days. Once you have signed the papers, we submit the probate application; it usually takes up to 12 weeks to receive the Grant. If the HMRC forms have to be submitted to the Revenue this process takes longer as HMRC have to issue us with a code (even if there is no inheritance tax payable) which takes 25 working days. We provide this code to the Probate Registry. The 12 weeks commences once we receive acknowledgement from the Probate Registry.

We hope that you find this information easy to follow but if not please telephone on 0161 443 1711 to make an appointment to see Juan Moliner Casani so he can explain to you, what you need to suit your circumstances and what the likely costs are. If you then decide not to instruct Hargreaves Gilman you have not incurred any costs.

Solicitors

Director/Supervisor/Head of Private Client Department: **Deborah Millington**

deborahmillington@hargreavesgilman.com

Qualified in September 1992 and specialised exclusively in this area of the law ever since with experience in drafting Wills, Deeds of Variation, Assents, Gifts of residential properties, Deputyship applications, preparation of Powers of Attorney and administration of Estates

Set up Hargreaves Gilman in December 2002.

Tony Learoyd (tonylearoyd@hargreavesgilman.com)

Qualified in June 2015 and specialised exclusively in this area of the law ever since with experience in drafting Wills, Deeds of Variation, Assents, Gifts of residential properties, Deputyship applications, preparation of Powers of Attorney and administration of Estates.

Joined Hargreaves Gilman in November 2016.

Wills & Probate Paralegal

Juan Moliner-Casani

juanmoliner@hargreavesgilman.com

Completed his Law degree in July 2024 whilst employed as a Probate Paralegal from June 2024. His Solicitors Qualifying Exam course commenced in June 2025.

Joined Hargreaves Gilman in February 2025.

Wills & Lasting Powers of Attorney Practitioner and Probate Paralegal

Chloe Louise Marsland

chloemarsland@hargreavesgilman.com

Completed her Law Degree (First Class Honours) and Master's degree (Distinction).

Specialised as a Wills & LPA fee earner from February 2024.

Joined Hargreaves Gilman in May 2025.

Assistant

Gwyn Hughes (gwynhughes@hargreavesgilman.com)

Joined Hargreaves Gilman in July 2003.

Please telephone the office on 0161 443 1711 to make an appointment to see one of our specialists.