

INFORMATION

Generally, there are several stages involved in the administration of an Estate and these can be summarised as follows:-

1. Ascertaining and obtaining valuations of assets and liabilities comprised in the Estate. This can take at least a month because we are in the hands of the financial institutions. We can also undertake an Asset & Liability search with a third party provider.
2. Preparing the relevant HM Revenue & Customs Account. We will prepare Estate Accounts detailing the assets and liabilities and their values for the Personal Representatives to approve and these figures will be declared to the probate registry on the Legal Statement we prepare. The Personal Representatives state that the value of the Estate is accurate. Where there is tax payable, or we need to claim the Residence Nil Rate Band Allowance and/or unused Nil Rate Band Allowance from a predeceased spouse the preparation of Form IHT400 together with its supplementary pages is required. The Legal Statement is generated by us on the Probate Registry's portal. Some applications have to be submitted through the post rather than online in which case we prepare Forms PA1A (intestacy) or PA1P (Will). If there is inheritance tax payable, we apply for a reference from HMRC. We arrange for you to check and sign the paperwork. Once we have all the financial information this stage takes about 1 – 4½ hours depending on which forms are required
3. Making the necessary application to the Probate Registry. This depends on you and how quickly you sign the documentation. If completion of Form IHT400 was necessary, this is posted to HMRC before we can submit the probate application online or through the post. We must wait 20 to 25 working days before submitting the application so that HMRC can issue us with a unique code to provide to the Probate Registry. If tax is payable, they will only issue the code once they have received the tax. We will submit the relevant form signed by you to the deceased's bank account (provided there are sufficient funds) to request payment of the tax direct to the Revenue's bank account
4. Receiving the Grant of Representation and producing official copies to the asset holders. It usually takes the Probate Registry about 12 to 16 weeks to issue the Grant and about 17 weeks where Form IHT400 was submitted. We produce the Grant to the financial institutions within a week of receiving it. We also inform beneficiaries and you that the Grant has arrived and obtain ID of beneficiaries, and their bank account details in a secure manner. We undertake ID and bankruptcy searches against all beneficiaries. If we are advertising for creditors (at extra cost and via third parties) this is done at this stage. A period of 2 months is given for any creditors to come forward
5. Collecting in the assets. This should just take a week, but unfortunately financial institutions are not that quick in releasing funds after sight of the Grant. Sometimes this can take about 3 weeks. Liquidation of shareholdings/portfolios can take longer
6. Discharging all known liabilities. Once we have collected in sufficient assets to pay all bills at the same time this is done within one week

7. Paying legacies, if any. Once we have collected in sufficient assets to pay all legacies at the same time this is done within one month
8. Producing Estate Accounts to you and the Residuary Beneficiaries for approval. Once we know that all assets are in, and all bills and legacies have been paid we circulate the Accounts which includes any interim or final bill. This stage depends on how quickly you and the Residuary Beneficiaries approve the figures
9. Attending to distribution of the Estate in accordance with the terms of the Will or Intestacy Rules. If there is a house to sell this usually takes longer so we usually attend to an interim distribution of the liquid Estate typically retaining £5,000 to meet future liabilities connected with the property. If there is a service charge to pay then we typically retain the sum of £10,000. Once all approvals of the Estate Accounts have been received distribution to nominated bank accounts is made within a week

The length of time taken to administer an Estate usually depends on how widespread the assets are; the nature of the assets; the number and location of the Beneficiaries and Personal Representatives. Under normal circumstances the administration of the Estate should be completed within six months. Where there a potential risk of a claim under the Inheritance (Provision for Family and Dependants) Act 1975 distribution should not take place until after 6 months of the date the Grant of Representation has expired. In more complex cases and where there is inheritance tax to pay the administration will take longer.

Where we are engaged on a fixed fee basis, all the probate values are provided to us by you, and we extract the Grant of Representation on your behalf only stages 2 and 3 are applicable. Once we receive the Grant and official copies, we pass them to you to complete the remaining stages.

We do not deal with tax issues relating to income tax and capital gains tax. Advice on these taxes must be sought from an Accountant.

We do not undertake any contentious matters in relation to disputes or challenges of the validity of the Will which may arise prior to or during the administration of the estate.

I am sure that we will measure up to your expectations and we will provide you with a fast, friendly and efficient service. If not, let me know and I will remedy the situation.



Deborah Millington - SOLICITOR/PARTNER/SUPERVISOR

LL.B qualified September 1992 and specialising in this area of the law ever since

Other members of this department whom I supervise are:-

Anthony Richard Learoyd LL.B Solicitor qualified June 2015 and specialising in this area of the law ever since

Juan Moliner-Casani LL.B Wills & Probate Paralegal specialising exclusively in Probate since May 2023

Chloe Louise Marsland LL.B & LPC (Legal Practice Course) LL.M (Masters) Wills & LPAs Practitioner and Probate Paralegal specialising exclusively in the preparation of Wills and Lasting Powers of Attorney since February 2024

We are all assisted by Gwyneth Hughes who has been a legal secretary with Hargreaves Gilman since July 2003