

Probate costs

Private Wealth



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Introduction

Our current fees estimate up to applying for the Grant of Probate/Letters of Administration (the Grant) ranges from approximately £3,500 plus VAT to £5,000 plus VAT for an excepted estate. For a non-excepted estate the estimated range would be £5,000 plus VAT to £10,000 plus VAT up to applying for the Grant but may be higher depending on certain factors (see below). Non-excepted estates which are subject to inheritance tax would likely be in the higher of this range.

For higher value estates, estates with more than one property, multiple asset types, international aspects, complex inheritance tax issues including agricultural and business property relief or if disputes are involved, our fee estimate may be above £10,000 + VAT and we would provide our estimate upon receipt of all the information.

We will let you know as soon as possible where instructions fall within the guide. We may be able to offer a no obligation free initial meeting at the outset.

Please note that the above estimates would be in relation to the work required up to applying for the Grant only. Once the Grant has been obtained, we would be happy to quote for the post-probate work in relation to the administration of the estate based upon the level and complexity of the work required. Please discuss this with your advisor for more information.

Hourly rates for work undertaken in the Exeter office & team members

Name	Status	£ (per hour)
Amanda Rainford	Partner	£520 plus VAT
Frank Cook	Partner	£520 plus VAT
Sophie Critchley	Senior Associate	£390 plus VAT
Scott Cann	Associate	£370 plus VAT
Laura Mathews	Associate	£370 plus VAT
Justyna Peacock	Associate	£320 plus VAT
Kate Elston	Associate	£320 plus VAT
Antonia James	Associate	£320 plus VAT
Emma Luscombe	Paralegal	£265 plus VAT
Charlotte Andrews	Paralegal	£265 plus VAT
Holly Sagar	Paralegal	£265 plus VAT
Kyla Farnican	Paralegal	£220 plus VAT
Dominique Lansiquot	Paralegal	£220 plus VAT
Jenny Ecart	Paralegal	£220 plus VAT

This team is based in our Exeter office at The Senate, Southernhay Gardens, Exeter, EX1 1UG

Anticipated disbursements

Court Fee	£300 and £1.50 for each additional copy
Statutory Adverts	Approximately £200 - £300 plus VAT depending on where placed

Inheritance Tax (IHT) payments

The IHT return must be submitted within 12 months of the death. IHT is due on the personal property elements of the estate on application for probate. IHT on the real estate elements may be payable in ten annual instalments. The first instalment is usually payable with the IHT on the personal elements. Interest will run on unpaid inheritance tax starting on the 1st day of the month which falls six months after the end of the month of death.

Timings

As a guide we would suggest allowing 6 - 9 months to obtain the Grant of Probate with precise timings depending on the availability of the information from third parties. Please note that the Probate Court's estimated timeframe for issuing the Grant following submission is 16 weeks. This will likely be extended for paper applications which are required in certain circumstances.

Additional work outside scope

Throughout the process of obtaining the Grant additional legal work may be identified which may include but not limited to the following:

- IHT mitigation advice
- Deeds of variation
- Advice on trusts contained within the will
- Negotiations with the District Valuer
- Dealing with HMRC enquiries
- Potential challenges by those not provided for
- Assets, debts and issues coming to light after instructions begin.

In this document

Please find in the following pages:

- Steps to the administration of an estate, and a
- Probate questionnaire

Steps for administration of an estate

The following is an outline of the usual steps to be taken to administer the estate of the deceased.

The Grant of Representation

When a person dies, his or her assets cannot be dealt with until his personal representative can prove that the deceased is the person entitled to deal with them. This is done in the case where someone leaves a Will by obtaining a court order proving the Will (**the Grant of Probate**), or if there is no Will, by the personal representative showing that he or she is one of the persons entitled to the estate under the rules of intestacy (a Grant of Letters of Administration).

If there is a Will, all appropriate enquiries should be made to ensure that the deceased made no subsequent Will, as it is the **last** Will that must be acted upon.

What information is needed to apply?

The application for the Grant of Representation must show the value of the deceased's estate at the date of death, and it is therefore necessary to value the estate at that date. This involves writing to the various asset holders to obtain up-to-date information, together with notes of accrued interest, dividends due, etc. Where there are other valuable items such as jewellery and art, it may also be necessary to obtain a professional valuation in this respect.

Once all valuations have been received, we can prepare the necessary papers to apply for the Grant. All assets holders need to see this before being able to release or deal with accounts and holdings in the deceased's name.

What forms need to be completed?

There will be papers to be signed and sworn at this stage. The papers consist of a Legal Statement and an inheritance tax account. The Legal Statement states the value of the estate and the personal representative's entitlement to the Grant.

The inheritance tax account gives details of the assets at the date of death and must be signed by the personal representative.

All the papers can be sent to you with full instructions if it is not convenient for you to call at our offices.

Timescales and payment of inheritance tax

Once the papers have been signed, if appropriate the inheritance tax account is sent to the Revenue. If inheritance tax (**IHT**) is payable, a proportion of it must be paid when applying for the Grant, and we shall advise the client of the amount. In broad terms the cash or investment elements of the IHT is payable immediately but the IHT regarding land or property can usually be paid in instalments.

Once the Revenue have formally acknowledged receipt of the account or if no tax is payable, we must wait at least 30 working days to receive HMRC's unique probate code (sent by 2nd class post), before we can then make the application to the Probate Court, and the Grant of Representation will be issued, usually within 16 weeks, but the timescale is at the discretion of the Court.

What is the procedure once the Grant is obtained?

Once the Grant of Representation is received, if you wish to instruct us in the further post-probate estate administration, we will register the Grant with the asset holders, and the monies from various accounts, insurances, etc. can be collected.

We normally recommend that any balance of monies available after debts are paid is held on our client account. Access can then be had to these deposits to meet any further expenses arising during the period of administration, and which at the same time ensures that monies held continue to earn interest on behalf of the estate until the administration can be completed. Often, it is possible to make interim distributions to residuary beneficiaries at this time and we can assess what amounts might be appropriate, taking into account the likely costs and expenses of administering the remainder of estate, whilst retaining a fund for other issues which might arise.

At this stage the district valuer may raise enquiries or indeed HM Revenue & Customs may also review the inheritance tax account with a view to considering capital gains tax matters and we will deal with their questions.

Once all matters in connection with the administration have been dealt with, i.e. assets collected in, property (if any) sold or transferred, tax matters settled, etc., the estate can be wound up in readiness for distribution in accordance with the terms of the Will or laws of intestacy. Before disposing of any personal effects, care must be taken to ensure that they are not subject to any credit finance, rental or other type of loan agreement.

At this stage, final accounts will be prepared by us showing all matters that we have dealt with on the client's behalf, and detailing how the estate is to be distributed. After the accounts have been approved first by the personal representatives, the final distribution can be made, including the payment of any closing interest accrued.

We are also able to provide information about independent financial advisers to beneficiaries.

Safeguards

We take this opportunity to set out a number of safeguards which you should consider carefully for your own protection as personal representative, because in general, unless there is some contrary provision in the Will, the personal representative may be required to make good out of his own pocket any loss which arises as a result of unauthorised acts, even if carried out in good faith.

1. The insertion of advertisements in a local newspaper and in the London Gazette. This gives formal notice of the death to any creditors, who must then come forward within two months from the date of the advertisements. If no claims are made known to the personal representative within this time, the creditors are barred from claiming the debt from you (if you have distributed the estate before the claim is made), although they might be able to claim against the beneficiaries. If these advertisements are not made, you would almost certainly be personally liable for any debts, even after final distribution of the estate. The advertisement also prevents you from being liable to any beneficiary under the Will about whom you are unaware, i.e. an illegitimate child; again, that beneficiary may be able to claim against the other beneficiaries.
2. The Inheritance (Provision for Family and Dependants) Act 1975. Where any person (whether a member of the family or not) claims that he or she has in any way been financially dependent upon the deceased and feels that the proposed distribution of the estate does not make proper provision for him or her, then a claim can be made against the estate under the Act. Such a claim can normally only be made within six months from the date of the Grant of Representation. The Court will then notify the Personal Representatives or their agents of any claim within three months. Any claim should therefore have been made known within ten months from the date of the Grant. During that period, however, you as personal representative would remain personally responsible for settling any such successful claim. Unless you feel that there is no possibility whatsoever of such a claim being made, we think that you should consider holding up distribution of at least part of the estate until the period has expired should the circumstances demand it.

We should mention that where any partners of this firm are personal representatives, we always insert statutory notices in the London Gazette and a local paper.

Please therefore consider these matters very carefully, and let us have your written instructions as to whether you require any of these precautions by completing the form attached and return it to us. These notes are for your information and retention.

In relation to:

I, as personal representative of the above-named deceased, instruct Trowers & Hamlins LLP as follows concerning the safeguards available in the administration of the estate

(Please tick appropriate boxes and then sign below)

	Required	Not required
1. Insertion of adverts	<input type="checkbox"/>	<input type="checkbox"/>
2. Allow ten months period from date of grant for claims under Inheritance Act	<input type="checkbox"/>	<input type="checkbox"/>

Signed:

Dated:



Probate questionnaire

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Please complete the questionnaire in as much detail as possible, and if further space is required for your answers, use the additional information form at the end of this questionnaire.

1 Personal information of the deceased

Title: Mr/Mrs/Miss/Ms/Other		Surname:	
Forenames:		Occupation:	
Any other names used in financial documents?		Date, town and country of birth:	
Date of death:		Place of death:	
Marital status:	Date and place of marriage/civil partnership (to include name of church/registry office):		
Had the deceased or their spouse been married more than once?			
If the deceased was a widow, widower or surviving civil partner please confirm the date the predeceasing spouse or civil partner died. We will contact you if we need more information.			

Please provide a copy of the Death Certificate as soon as possible.

2 The family of the deceased

Please confirm who survived the deceased:		Spouse or civil partner <input type="checkbox"/> Yes <input type="checkbox"/> No	
Any brothers or sisters <input type="checkbox"/> Yes <input type="checkbox"/> No		Any parents <input type="checkbox"/> Yes <input type="checkbox"/> No	
How many children survived the deceased?		How many grandchildren survived the deceased?	

3 **The Will**

Does the deceased have a Will? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If not, then please speak to us as different rules apply in these circumstances.	
Date of the Will:	Date of any Codicil(s):
Is there a Letter of Wishes or Memorandum to accompany to the Will? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Where is the original Will and/or any Codicils or Letter of Wishes? <input type="checkbox"/> Trowers & Hamblins LLP <input type="checkbox"/> Other (please specify)	
If you have the original Will, please forward it and any Codicils or Letter of Wishes or Memorandum to us by hand or secure post.	
Do not pin, staple or clip such documents in any way.	
Is there a possibility that a later Will was made? <input type="checkbox"/> Yes <input type="checkbox"/> No	

4 **The executors**

Please confirm the correct names and current addresses of all executors

4.1 **First named executor**

Title: Mr/Mrs/Miss/Ms/Other	Occupation:
Surname:	Full Postal Address:
Full Forenames:	
Relationship to deceased:	
Tel No. (Home/Daytime):	Mobile:
Email Address:	
National Insurance number if acting:	

4.2 Second named executor

Title: Mr/Mrs/Miss/Ms/Other	Occupation:
Surname:	Full Postal Address:
Full Forenames:	
Relationship to deceased:	
Tel No. (Home/Daytime):	Mobile:
Email Address:	
National Insurance number if acting:	

4.3 Third named executor

Title: Mr/Mrs/Miss/Ms/Other	Occupation:
Surname:	Full Postal Address:
Full Forenames:	
Relationship to deceased:	
Tel No. (Home/Daytime):	Mobile:
Email Address:	
National Insurance number if acting:	

4.4 **Fourth named executor**

Title: Mr/Mrs/Miss/Ms/Other	Occupation:
Surname:	Full Postal Address:
Full Forenames:	
Relationship to deceased:	
Tel No. (Home/Daytime):	Mobile:
Email Address:	
National Insurance number if acting:	

Are any of the Executors unable or unwilling to take up their appointment Yes* No

* If yes, please give details below or in the additional information section.

5 **Professional advisors**

The deceased's professional advisors may need to be contacted in order to ascertain further information about the deceased's assets for distribution.

Accountant	Financial advisor
Name:	Name:
Firm Name:	Firm Name:
Address:	Address:
Telephone:	Telephone:
Email:	Email:

If there are other professional advisors whom the deceased used, e.g. stockbroker then please provide us with their details in the additional information form.

6 **Assets**

The personal representatives need to establish the assets and liabilities of the estate at the date of death. Unless otherwise agreed, we will write to the institutions on your behalf and can obtain valuations from them.

Please complete this section to the best of your ability as HM Revenue and Customs may impose penalties if full disclosure is not made. If you are unsure as to how any question should be answered please contact us.

6.1 **Land and Property**

Please list the land and property owned by the deceased

Address (including postcode):	
Solely or jointly owned: <input type="checkbox"/> Solely <input type="checkbox"/> Jointly owned with: If owned jointly, please confirm % share _____ %.	Freehold or leasehold: <input type="checkbox"/> Freehold <input type="checkbox"/> Leasehold
Mortgage outstanding? <input type="checkbox"/> Yes <input type="checkbox"/> No If outstanding, please provide lender's details	Lender's name: Telephone number: Mortgage number:
Location of title deeds:	
Estimated value: £	
Is the property occupied? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, please confirm who occupies the property and whether there is a tenancy agreement in place.	
Is the property insured? <input type="checkbox"/> Yes Please confirm insurer name and whether the insurance company has been notified. <input type="checkbox"/> No	

If the deceased owned more than one property please confirm details in the additional information section.

6.2 Foreign assets

Details of Land/Account/Investment (including country)	Jointly owned?	Value (£)

Did the deceased make a separate foreign Will? Yes No

If so please confirm where it is held

6.3 Personal assets

Cash (not in bank)	£ Held by	
Personal chattels	Furniture	£
	Jewellery	£
	Art	£
	Other (e.g. hobby equipment such as cameras, etc.)	£
Car	Make and model	
	Approximate value	£
	Registration number	
	Mileage	
	Condition of car	
Has the insurance company been notified?		<input type="checkbox"/> Yes <input type="checkbox"/> No

6.4 **Banks and Building Societies**

Bank/building society	Account number and sort code	Balance at date of death (£)	Sole or joint? If joint please confirm who is joint owner

6.5 **Life Policies**

Name of company	Policy number	Policy payable to (please tick)		
		Estate	Someone else (or written in trust)	Continues after death

If the deceased paid premiums on a policy for anyone else please confirm this and provide details in the additional information section.

6.6 **Stocks, Shares and Unit Trusts**

Did the deceased hold stocks and shares in a managed portfolio <input type="checkbox"/> Yes <input type="checkbox"/> No		
If the deceased held shares in a managed portfolio please confirm the name and the address of the stockbroker and provide us with a latest valuation statement if you have it.	Name:	
	Address:	
Location of certificates	<input type="checkbox"/> Stockbroker <input type="checkbox"/> Other	
List of individual holdings if not held in a managed portfolio). Please include any AIM and EIS shares in this section.	Company	Number of shares and type
If the deceased held shares in a private limited company please provide the details in the additional information section		

6.7 **National Savings and Premium Bonds**

Holder number (premium bonds)	Amount (£)	
Holder number (investments, if different)		
Investment type (e.g. growth bonds)	Account number	Value (£)

6.8 **Pensions and Annuities**

Name of provider	Address	Pension number
Will any payments made under a pension scheme or policy continue after death? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Will a lump sum be payable under a pension scheme/personal pension policy as a result of the deceased's death? If yes, please give details in the additional information section. <input type="checkbox"/> Yes <input type="checkbox"/> No		
Was the deceased in receipt of	State Pension	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Attendance Allowance	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Any other benefit	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have the Pension Service been notified of the deceased's death?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If the deceased held a private/occupational pension and left a surviving widow or civil partner, has a pension been applied for on their behalf? <input type="checkbox"/> Yes <input type="checkbox"/> No		

6.9 **Business Interests**

Did the deceased have a business or an interest in a company or Partnership business? Were they a director of a company? If so please provide details below.	
Company name (and company number if you have it)	
Address	
Type of business	Deceased's interest
Value (estimated) £	
Who prepares accounts for the business?	
If the investment was in a partnership, or family company please list the other partners or shareholders	

6.10 **Agricultural Interests**

Did the deceased have an interest in any farming business or own land that was used for agricultural purposes? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If the deceased owned an interest in a farming business please confirm whether this was as sole trader, partner or by way of a limited company and confirm the details of the other co-owners (if any)	
Who prepares the farming accounts	
Does the farming partnership have a preferred land agent? <input type="checkbox"/> No <input type="checkbox"/> Yes please provide details	
If the deceased owned land used for agricultural purposes please confirm the following details:	
How long was land owned by the deceased?	
What farming activities take place on the land?	
Who farms the land?	
Did the deceased carry out any farming activities personally?	

6.11 **Trusts**

If the deceased at the time of death was entitled to a life interest, annuity or other interest in a settled property or trust we need to know the details. Equally, if the deceased had benefited from such a trust but had given up their interest in the 7 years prior to their death we need to know this too.	
Name of Trust	
Details of trustees/solicitors/accountants who manage the Trust.	
Value of Trust (estimated)	£
Nature of interest (e.g. life interest)	

6.12 **Debts due to the deceased**

Please include information here regarding any debt that was owed to the deceased's estate. If there was more than one debt, please include this in the additional information section	
Date of loan	
Name of borrower	
Original value of loan	
Amount outstanding at the date of death	
What evidence is there to support the loan?	
Additional details such as whether the debt was secured and whether interest was charged	

6.13 **Other assets**

Please confirm details of any other assets due to the estate such as refunds, rebates, interests on other unadministered estates or other monies due to the estate
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7 **Gifts within 7 years of death**

Did the deceased receive any inheritance or gift in excess of £3,000 in the last 7 years? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Did the deceased make any gifts or other transfers of value within 7 years of death (to anyone other than their spouse/civil partner or charity) <input type="checkbox"/> Yes <input type="checkbox"/> No For each gift please provide the details below:			
Date of gift	What was the gift (e.g. cash or jewellery)	Value of gift at time it was made (£)	Who received the gift and what was their relationship to the deceased?
Did the deceased establish any trust or settlement within the last 7 years or transfer assets into an existing settlement <input type="checkbox"/> Yes (please provide details in additional information section) <input type="checkbox"/> No			
Did the deceased make gifts out of excess income? <input type="checkbox"/> Yes <input type="checkbox"/> No			

8 **Liabilities**

8.1 **Funeral expenses**

Please provide us with receipts or copy invoices

		Who is to pay or has paid?	
Funeral directors (we can arrange for the bank to settle the funeral account if there are sufficient funds and we receive an original invoice).	Name:		
	Address:		
	Estimate of charges:		
Memorial stone	Name:		
	Address:		
	Estimate of charges:		
Other funeral expenses	Type	Cost	
	Funeral flowers		
	Funeral wake		
	Death certificates		
	Newspaper notices		
	Other (please add details)		

8.2 Debts owed by the deceased

Inland Revenue need to be advised of debts outstanding at the date of death of death such as money spent on their behalf, loans or overdrafts or debts the deceased guaranteed on behalf of another person.

If you answer yes to any of these questions we may have further questions for you

Money spent on the deceased's behalf Did any person spend money on the deceased's behalf which are claimed as a liability at the date of death? <input type="checkbox"/> Yes <input type="checkbox"/> No
Did the deceased have any outstanding loans from close friends and relatives? <input type="checkbox"/> Yes <input type="checkbox"/> No
Are there liabilities claimed that are related to a life assurance policy or investment bond? <input type="checkbox"/> Yes <input type="checkbox"/> No
Did the deceased guarantee any debts on behalf of another person? <input type="checkbox"/> Yes <input type="checkbox"/> No

8.3 Other liabilities

Please provide details of any other liabilities that you are aware of such as outstanding loans, credit cards, business debt, care home fees, utility bills etc.

Nature of liability	Amount owed (£)

9 **Income tax**

Did the deceased complete an income tax return? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Deceased's tax office	
Tax reference (10 digit UTR)	
National Insurance number	
Who will deal with the income tax to the date of death?	<input type="checkbox"/> Trowers & Hamlins LLP <input type="checkbox"/> Other (please specify)
Are there any tax matters outstanding?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details in additional information section

10 **Beneficiaries**

We need to know the names, addresses, contact details of all beneficiaries in the Will. If the beneficiaries are under 18 please confirm their age and appropriate contact details for a parent/guardian.	

