

Probate and Estate Administration



A team of personal lawyers in Berkshire
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Client

Introduction

"Probate" is the term applied to the general act of winding up the estate of somebody who has died. An estate is wound up by executors – those named in the deceased's Will – or by administrators – those appointed by statute where there is no Will or no appointment made by the Will.

The executors or administrators are responsible for wrapping up the deceased person's affairs. Normally this involves gathering in their assets e.g. getting money out of bank accounts, selling shares and property etc., paying off any outstanding debts, and then distributing the estate. If they left a Will it should be distributed according to that Will; if not then there are rules that decide who should get what.

If the person who has died leaves a Will

The executors apply for a 'grant of probate' from a section of the court known as the Probate Registry. The grant is a legal document, which confirms that the executor has the authority to deal with the deceased person's assets (property, money and possessions). They can use it to show they have the right to access funds, sort out finances, and collect and share out the deceased person's assets as set out in the Will.

If the person who has died didn't leave a Will

If there is no Will, a close relative of the deceased can apply to the probate registry to deal with the estate. In this case they apply for a 'grant of letters of administration'. Like the grant of probate, the grant of letters of administration is a legal document, which confirms the administrator's authority to deal with the deceased person's assets.

Applying for probate requires time and patience and can be a complex process, particularly if the estate is large, family matters are complicated, there is a second marriage or if business interests or a trust is involved. It is also legally and administratively onerous. Therefore dealing with the paperwork and technicalities involved in administering the estate may be the last thing you want to do at this difficult time. We can help you in this process.

How the Probate Application Works

The first step is to check if the deceased has left a Will and obtain all of the deceased paperwork.

The next step is to write to each company that the deceased held assets with (such as banks) or had any debts with (such as utility companies) to provide us with values at the date of death.

Following this we would prepare the relevant Inheritance Tax forms and report the value of the Estate to HMRC. We would pay any inheritance tax at this point (if applicable).

Following the above, we can make an application for the Grant of Probate.

We would then collect in all of the assets, pay off any debts, provide you with estate accounts which breaks down all the money in the Estate and then distribute to the people named in the Will, also known as the beneficiaries.