

A probate and estate administration guide

*next steps
following a
bereavement*

For free advice, call Southeast Legacies on 020 8114 7111

This guide is designed to help you understand the probate process, as well as providing you with a useful checklist.

Probate

When someone passes away, depending on what assets they had, probate may be required.

To transfer or sell some of these assets, a grant of representation will sometimes be needed.

Depending on whether there is a will, a grant of probate or letters of administration will be obtained.

Usually when applying for probate, an executor or administrator will deal with both the Inland Revenue and the UK Probate Court and sometimes the Land Registry. If inheritance tax is due, the first payment must be made six months from date of death.

Is probate required?

Following a funeral, it will be time to start thinking about probate.

If there is an executor named in a valid will, they will be appointed to deal with the estate.

If there is no will, the rules of intestacy apply and an administrator will be appointed (see page 4).

Contact us on 020 8114 7111 to find out whether a grant of probate is required or to locate a will.

The 'tell us once' service

This scheme notifies many government organisations at once of a death.

It is not available in all areas, so please check with the registrar.

Securing property and assets

Ensure any property and assets are secure. Only the personal representatives may enter the property and access any of the deceased's belongings and assets. Ensure insurance companies are aware of any properties that are empty.

Locating a valid will

A will can be stored either at home, with a local firm or bank, or in a safe storage facility. We can carry out a will search to ascertain if a will exists and insure against a subsequent will being found after the estate has been distributed.

If probate is required

The following pages provide an outline of the probate process. If you require help with some or all of this, please contact us on 020 8114 7111.

You will need several copies of the death certificate, which can be obtained from the register office.

Dying without a will

If someone dies intestate (without a valid will), the rules of intestacy apply.

The order in which their direct descendants inherit is as follows:

- Spouse (if they survive you by 28 days or more)
- Children (including those formally adopted but not stepchildren)
- Parents
- Brothers/sisters of the whole blood or their issue (children, their children, etc.)
- Brother/sisters of the half blood or their issue (children, their children, etc.)
- Grandparents
- Maternal and paternal aunts and uncles of the whole blood or their issue (children, their children, etc.)
- Maternal and paternal aunts and uncles of the half blood or their issue (children, their children, etc.)
- The Crown

For any help with an intestacy, contact us on 020 8114 7111.

Valuing an estate

Valuing an estate helps calculate if inheritance tax needs to be paid to HMRC.

You must value any property, money and possessions (the “Estate”) of the person who has died. Valuations must be in writing, at date of death and include all assets owned in both sole and joint names. This will include bank accounts, ISAs, personal possessions, mortgages, loans, credit cards, investments, bonds, etc.

You will also need to contact utility and telecoms providers regarding any outstanding debts.

Write to each of these organisations to request the value of each of these assets/debts when the person died. When writing to them, include a copy of the death certificate.

You must also consider gifts over a certain value made by the deceased in the seven years prior to their death.

Inheritance tax (IHT)

An accurate picture of all assets and debts will be used to calculate any inheritance tax due to HMRC.

IHT forms can then be submitted to HMRC for verification. These vary according to the size of the estate and its complexity. Reliefs and allowances can be applied to mitigate any inheritance tax payable.

Inheritance tax is due 6 months from date of death. In cases where a property is to be sold, this can sometimes be paid in instalments, but the first payment is still at the end of the sixth month following the death.

Probate registry

Send the probate registry the applicable forms and supporting documentation. Once the documentation is received and validated, an applicant will be invited to swear an oath, after which a grant of representation will be produced.

This grant will be used to release any assets over a certain value (including property from the Land Registry).

Advertising for creditors

Place a section 27 of the Trustee Act 1925 notice in the London Gazette and local newspapers to ensure sufficient effort has been made to locate creditors prior to distribution of the estate.

Property

If a property must be sold, arrange for the clearance, retaining any items gifted in a will.

Obtain meter readings and market the property for sale.

If there are charitable beneficiaries, you may need a RICS valuation.

If the property is to be transferred, this must be done through the Land Registry using the appropriate forms.

Make sure that any properties you are dealing with are insured.

Debts

Settle any outstanding debts like mortgages, utilities or subscriptions.

Legal payments and beneficiaries

Pay any legacies according to the will (where appropriate). If the will is old, you may have to locate beneficiaries who have moved address, or their children if the beneficiary has passed away (if the will contains a clause to this effect).

Remember charitable beneficiaries have a different tax position to a lay beneficiary and the distribution must be calculated accordingly.

Estate accounts and residue

After legacies have been paid, estate accounts can be prepared for the beneficiaries. A copy should be retained for your records. The residue of the estate should then be distributed.

Indemnity

It is possible to obtain missing will and/or missing beneficiary insurance to cover any subsequent claim to the estate in light of a new will or a beneficiary making a claim.

Contact us

If you have read this guide and would like to speak to us about your options, please call us on 020 8114 7111.

We are located in Petts Wood, Kent, and can travel to anywhere across London and the Southeast to meet you to discuss your case.

For more information, please visit our website at southeastlegacies.co.uk.



Southeast Legacies
28 Chatsworth Parade
Petts Wood
Kent BR5 1DE

020 8114 7111

contact@southeastlegacies.co.uk