

What is a Grant of Probate and when do you need it?

A **Grant of Probate** is a generalised term for describing a legal process that follows when a person dies with a Will and an estate that requires administering due to the level of money and property in the estate.

Sometimes people die without a Will and this is called obtaining a **Grant of Letters of Administration** in accordance with the Intestacy Rules. You can read a description of the Intestacy Rules to see how they might apply to the estate you are administering by [clicking here](#).

Often the term 'obtaining a Grant' or 'Probate' is used to describe both of these processes more generally.

If there is a solely held piece of land in the estate or significant financial assets, then a Grant will be needed. If the land is held with another person or entity sometimes Probate will not be needed. One important factor is where money is held. It can very much depend on the individual's location of assets with which banks and financial institutions, as all their guidance is different. Some banks require a Grant if assets are more than £5,000, whereas others require a Grant after £50,000. Give us a call and we can offer more guidance and advice to you if it applies to the estate you are administering. We do not charge for this preliminary information and advice about the likelihood that a Grant is needed.

Where do I start?

Lots of people don't know where to start in administering an estate. We are happy to offer some initial guidance to work out with you whether this is a role you wish to do on your own or with guidance and support. There are risks involved in administering an estate, and the rules and practice change frequently, which is why a lot of people gain professional support. It can also be really tough dealing with the loss of a loved one alongside these financial responsibilities.

What risks exist to Executors and Beneficiaries?

Every estate is different, and you may not have embarked on this role before.

To name but a few, the potential risks involved in the process are as follows:

- You are personally liable for the distribution.
- What happens if you do not locate all the assets?
- There can be disputes and it can be difficult dealing with multiple people and institutions.
- Sometimes unknown risks exist to a layperson that professionals know how to gain insurance to mitigate against.
- If you distribute to someone who has financial charges against them or bankruptcy, then you can be personally liable.
- There can be various complex tax liabilities.

- People can bring claims on estates for reasonable provision. A complex set of laws exist around these - if you distribute too prematurely, it can render the estate in difficulty.
- You are personally responsible for keeping estate accounts and accounting to all beneficiaries.

How do you charge and work with Executors/Beneficiaries?

When we talk to Executors and Beneficiaries about administering an estate, we break the estate down into three distinct areas.

Part A	Ascertaining the value of the estate
Part B	Preparing the HMRC paperwork and Probate application
Part C	Collecting in the estate and distributing it to the Beneficiaries

Sometimes people need help with one or more of these areas. We will fit in with you in terms of where you need help or support. Sometimes we complete a full service of Parts A, B and C. However, sometimes people just need help with one area.

For example, if you instructed us to complete a full administration, this would include Part A, B and C. Whereas, if you instructed us on a Grant only basis, then this would just be Part B.

Charges

The charges we quote do vary from one estate to another as very few estates have exactly the same assets within them and require the same work.

Team Hourly Rates

The hourly rates of our Wills & Probate team vary depending on their years of qualification and general experience. These will always be set out in our terms of business.

General hourly rates for the fee earner's time will apply for any specific advice offered outside of any agreed fixed fees.

Rebecca Harbron Gray	£300.00 plus VAT (£360 inc VAT)
David Dewar	£300.00 plus VAT (£360 inc VAT)
Catherine Walker	£230.00 plus VAT (£276 inc VAT)
Joseph Timlin	£230.00 plus VAT (£276 inc VAT)

Josef Lythe	£230.00 plus VAT (£276 inc VAT)
Georgia Allen	£150.00 plus VAT (£180 inc VAT)
Simoon Brown	£150.00 plus VAT (£180 inc VAT)
Alex Russell	£85.00 plus VAT (£102 inc VAT)

We always agree our fees in our Client Care Letter issued at the outset of any instruction. VAT will always be added to our fees.

Part A: Ascertaining the value of the estate

Ascertaining the estate value at the outset is important as it is required for the HMRC paperwork and Court declarations.

Sometimes when people pass away their assets are held in one or two places, whereas other people have extensive share portfolios and bank accounts. This does affect the time taken for us to ascertain the value of the estate.

The best way for you to get an accurate quote is to summarise what help you need, and we can then provide a bespoke quote to you for the work required. To give you an idea of what that quote might look like, here are some typical examples:

If there were between one and three bank accounts, this may take no more than one hour of time to ascertain values. At the costliest hourly rate, this would equate to £300 plus VAT (£360 inc VAT).

Whereas, if there were 10 bank accounts and a share portfolio, this would be more likely to take five to seven hours. At the costliest hourly rate, this would equate to £1,500 - £2,100 plus VAT (£1,800 - £2,520 inc VAT).

Part B: Preparing the HMRC paperwork and Probate Application

During this part of the process, we have some fixed fees that apply:

Court Application (no IHT form)	£550.00 plus VAT (£660 inc VAT)
Court Application and IHT 400 (no tax to pay)	£995.00 plus VAT (£1,194 inc VAT)
Court Application (tax to pay)	£1,295.00 plus VAT (£1,554 inc VAT)

Part C: Collecting in the estate and distributing it to the Beneficiaries

The complexity of closing accounts and going on to distribute does vary too, which is why we give a quote with knowledge of the work required. The more assets and beneficiaries there are, the more time will be needed.

Here are some examples by way of guidance, but to get an accurate quote please give us a call.

In an estate with five assets all passing to a surviving spouse, the time estimate may be three to four hours. At the costliest hourly rate, this would equate to £900 - £1,200 plus VAT (£1,080 - £1,440 inc VAT).

In an estate with five assets, various legacies, and residuary gifts to four charities, the estimate would be closer to £1,800 - £2,400 plus VAT (£2,160 - £2,880 inc VAT).

In an estate with one property, three bank accounts and two beneficiaries, the time estimate may be five to six hours. At the costliest hourly rate, this would equate to £1,500 - £1,800 plus VAT (£1,800 - £2,160 inc VAT). There could also be additional costs associated with the property depending on the circumstances surrounding the retention or sale of it.

No two estates are the same and we react accordingly to the estate's value.

What other charges might apply?

Assent of a Property	From £250.00 plus VAT (£300 inc VAT)
Deed of Variation	From £250.00 plus VAT (£300 inc VAT)
Change of Trustees	From £250.00 plus VAT (£300 inc VAT)

We always complete an ID check per client/Executor and Beneficiary:

ID check*	£10.00 plus VAT (£12 inc VAT)
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Some of the disbursements we may encounter are as follows:

Probate application fee	£300.00
Probate court search fee	£1.50 per caveat and per download of document required
Land Registry property check	£3.00 per document
Bankruptcy check**	£2.00 per spelling of the name

Death certificate	from £12.00 (varies per local authority and timescales)
Will search	Prices vary
OPG search	Free
Insurance	Prices vary
Statutory advertisements	From £250.00 plus VAT (£300 inc VAT)
Assets searches	From £160.00 plus VAT (£192 inc VAT)

There can also be many third-party fees due to estate agents, stockbrokers, financial advisers, accountants, asset valuers, or if a barrister's opinion was ever needed, for example on a dispute etc.

What factors might increase the costs?

Some common factors that will increase the administrative time needed in any estate are as follows (*Please note this is not an exhaustive list*):

- An Intestacy and us being required to liaise with more Beneficiaries.
- A need for insurance to protect the estate.
- Lost Beneficiaries.
- A large number of Beneficiaries.
- Overseas properties.
- Agricultural or business interests.
- Delays with third parties that need to be chased.
- House clearances.
- Managing and insuring unoccupied properties.
- Involvements of Trusts.
- A dispute of some nature in the estate between Executors or Beneficiaries/third parties.
- Frequency of correspondence on the estate with Beneficiaries and Executors. If many people need frequent contact, this will increase the overall fees.
- A Department for Work and Pensions/HMRC claim or investigation.
- A hand made Will which needs to be interpreted.

*Sometimes we need to do foreign ID checks too. These can increase the cost of the ID check.

**Sometimes we need to do foreign bankruptcy checks too. These are more expensive, usually starting from £50 plus VAT (£60 inc VAT), and vary per country.