

Calibrate Law

Probate Services – Applying for Grant of Probate, collecting and distributing assets

The Service	<p>Applying for Grant of Probate, collecting and distributing assets.</p> <p>As part of this service we will:</p> <ul style="list-style-type: none">• Provide you with a dedicated and experienced probate solicitor to work on your matter• Identify the legally appointed executors or administrators and beneficiaries and identify the terms of the Will• Accurately identify the type of probate application required• Arrange for posting on the Gazette and in the local newspaper• Complete the Probate Application and the relevant HMRC Forms and gather all required evidence and documentation• Draft a legal Statement of Truth for the Executors• Make the application to the Probate Court on your behalf• Attend to any inheritance tax, capital gains tax and income tax liabilities in the estate• Collect and distribute all assets in the estate
Average timescales	<p>Based on our experience, the following estimates are a useful guide as to the various timeframes depending on the complexity of your matter:</p> <p>A straightforward estate with no property to sell and a single bank account may take as little as 3 months.</p> <p>The majority of estates in England & Wales take around 6 – 9 months after probate has been granted.</p> <p>Straightforward estates where there is an inheritance tax liability will usually take between 12 – 18 months.</p> <p>Executors can place a deceased notice in the Gazette and local papers to ensure there are no creditors to the estate. The minimum time subsequently given for people to come forward is 2 months.</p> <p>The sale of a property can cause delays to the administration. Another common cause of delay is a potential beneficiary being missing.</p> <p>Likewise, dealing with certain foreign assets can extend the timeframe quite significantly.</p> <p>If a dispute arises in the estate, or is threatened to arise, the PRs should not distribute or wind up the estate. The administration must be delayed while the PRs attend to the claim.</p>

	<p>It is important to note that there are several factors which effect the complexity of an estate and some of these can extend the timeline considerably before beneficiaries can receive their inheritance.</p>
<p>Fee Information</p>	<p>We prefer to provide our clients with a clear estimate or fixed costs, where possible, to ensure transparency and scope for financial planning from the outset.</p> <p>We know how frustrating it can be to be given a wide-ranged estimate and for those costs to increase, as is often the case.</p> <p><u>Administration of a typical estate:</u> Our legal fees will be in region of £5,000 to £12,000 plus VAT.</p> <p>Examples of fees being at the lower end of the estimate provided are as follows:</p> <ol style="list-style-type: none"> 1. There is a legally valid Will. 2. The assets in the estate are UK assets only. Foreign assets will include shareholdings or investment accounts being managed outside of the UK. 3. The deceased did not transfer a pension within the 2 years before he or she died. 4. There is no more than one property / land. 5. There are no claims brought against the estate. 6. There are no business interests (or claims for Business Property Relief or Agricultural Property Relief). 7. There is no Inheritance Tax payable. 8. There is no Income Tax or Capital Gains Tax payable. 9. There are no disputes amongst beneficiaries regarding the division of the estate's assets. <p>There will of course be examples where the fee is even <i>lower</i> than the above estimates – for example, if there is one bank account, a property in joint names and everything passes to the spouse/civil partner under the Will. A situation such as this may cost as little as £3,000 plus VAT.</p> <p>Examples of issues which <i>increase</i> the fees:</p> <ol style="list-style-type: none"> a. Foreign assets – for example those requiring a re-seal of the Grant; or requiring the apostilling of UK documents. b. The deceased having business assets – particularly those in private, unlisted companies. c. Intestacies (where the deceased died without making a Will or having made an invalid Will). d. Multiple properties. e. Multiple assets and investments; Private, unlisted company shareholdings.

	<ul style="list-style-type: none"> f. Complex inheritance tax matters such as those needing to be negotiated with HMRC (for example, disputes over pensions or trust interests; or claims for ‘gifts out of residual income’ made by the deceased). g. There being existing disputes against the estate, or disputes that arise following death. These can include beneficiary-disagreements as to the distribution of assets. h. The existence of complicated trust interests. i. Variations of the estate (say, by Deed of Variation). j. Complex debt structures. k. Income tax and Capital Gains tax liabilities and issues to consider. <p>This is not intended to be an exhaustive list.</p> <p>When we have a full picture of the estate we will be in a position to provide you with the fee estimate or fixed fee. If significant matters crop up during the estate’s administration we may need to increase the fee.</p> <p>Expenses – otherwise known as ‘disbursements’ – such as newspaper notices, probate registry fees, land registry fees are in addition to our legal fees and are set out below.</p>
<p>Hourly Rate Fee Information</p>	<p>We will confirm the fee-earners’ hourly rates along with an estimate of the range of fee you may be expected to pay based on your specific matter/ instructions.</p> <p>You should note that we will charge £320 plus VAT per hour for each hour engaged on your matter by our Wills, Trusts and Probate solicitor. Georgina Sinha is an associate solicitor at the firm and is 5 years qualified. Hourly rates are reviewed in January each year.</p> <p>The Wills, Trusts and Probate team may be assisted by others in the Tax & Legacy team, or other members of the firm. The current hourly rates of our solicitors and executives are as follows:</p> <p>Managing Partner/Solicitor - £450.00 plus VAT per hour Partner/Solicitor -£350.00 plus VAT per hour Assistant Solicitor - £275.00 plus VAT per hour Trainee Solicitors/Paralegals- £175.00 plus VAT per hour</p> <p>Fixed fees will always be offered to you where possible.</p> <p>Routine letters or emails that we write and receive, and routine calls that we make and receive will be charged as units of 1/10th of an hour. Other letters, emails and calls will be charged on a time basis.</p> <p>If your instructions require us to work outside normal office hours, we reserve the right to increase the level of the hourly rates. You will be notified in writing of any increased rate.</p>

	<p>In addition to the time spent, we may consider a number of factors which include:</p> <ul style="list-style-type: none"> • the complexity of the issues • the speed at which action must be taken • the expertise or specialist knowledge which the case requires and • if appropriate, the value of the property or subject matter involved. <p>We expect these factors to be adequately covered by the hourly rates set out above. The rates may be higher if, for example, the matter becomes more complex than expected; we will notify you of this.</p>		
<p>Alternative, limited fixed fee option</p>	<p>If you would prefer to undertake the bulk of the estate administration yourself yet require our assistance with only the IHT forms for HMRC and the probate application to the relevant Probate Registry, we are able to offer a fixed fee of either:</p> <ul style="list-style-type: none"> • £2,500 plus VAT for the IHT205 (form/application required for 'simple/excepted estates') and Statement of Truth; or • £4,500 plus VAT for the IHT400 (form required for estates worth over £1m or those with an inheritance tax liability) and Statement of Truth <p>The fee covers an initial meeting and our completion of the IHT forms and Statement of Truth only. The personal representatives will be responsible for providing us with the probate values of all assets and with settling all liabilities and taxes and distributing the estate.</p> <p>Please note that beyond this we will not be able to provide you with any legal advice in relation to the estate under these fixed fees: if you require advice on the income tax, capital gains tax and inheritance tax liabilities, executor-duties and responsibilities, the process of administering an estate, distributing to beneficiaries etc, we can provide this if we are instructed on the entire administration. This is not a ploy to reap higher fees but is rather the best way we can provide a full and dedicated service to you: we cannot provide valuable ad hoc advice if we are not aware of all elements of the estate.</p>		
<p>Likely disbursements (these are costs related to your matter that are payable to third parties. We handle the payment of the</p>	<p>Examples of typical expenses incurred in administering an estate are as follows:</p> <table border="1" data-bbox="491 1861 1385 1995"> <tr> <td data-bbox="491 1861 938 1995">Probate Registry application fee</td> <td data-bbox="938 1861 1385 1995">£155* Please see the comments below about the government's intentions to increase these.</td> </tr> </table>	Probate Registry application fee	£155* Please see the comments below about the government's intentions to increase these.
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disbursement on your behalf to ensure a smoother process)

Court sealed copies of the Grant of Probate	£0.50 each
Bankruptcy land charges searches	£3 each
Newspaper and London Gazette postings (for protection against unexpected claims from unknown creditors and claims)	Usually from £100
Valuation fees (e.g. antiques)	Various
Land Registry title documents – obtained for all properties	£3.00

Because of these disbursements, we will always require payment to be made on account of at least £500 to cover these.

Government increase to probate fees:

The government intend to increase probate court fees quite significantly. These fees will be banded in line with the value of the estate passing under the Grant and are set to be as follows:

Estate's value:	Fee:
Up to £50,000	£0
£50,000 - £300,000	£250
£300,000 - £500,000	£750
£500,000 - £1m	£2,500
£1m - £1.6m	£4,000
£1.6m - £2m	£5,000
Above £2m	£6,000

Please note that these fees are not yet in force but are due quite soon. A date has not yet been confirmed.

Potential Additional Costs

As set out above, the following factors may increase costs and cause delays to the estate, both in relation to fixed fee and hourly rate matters:

- A missing or damaged will
- Disputes with / by beneficiaries
- Probate becomes contentious
- Failure to locate a beneficiary
- The death or incapacity of an Executor
- Dispute with HMRC or the District Valuer in relation to a property's probate value
- Loss of share certificates
- Dealing with a company or business of the deceased
- Finding a buyer for a property that needs to be sold
- Significant capital gains made by the estate incurring capital gains tax liabilities
- Dealing with overseas / foreign assets
- Estates with multiple beneficiaries (e.g. more than 10, including or not including charities)

- The variation of a will by a Deed of Variation
- Preparation of multiple tax returns
- Investigations launched against the estate by the DWP (Department for Work and Pensions)

We are able to provide you with a more bespoke estimate, however where you opt for fees based on an hourly rate typically the average cost may exceed the fixed fee options available.

We always provide our clients with a fee estimate at the start of each new matter, therefore if you would like a bespoke estimate for your particular matter/ case please contact us to discuss.

If your case does have unexpected complications, we will always inform you, including any additional fees that may apply, so that you can make an informed decision as to how to proceed.