

# PROBATE and ADMINISTRATION OF ESTATES COSTS

## Dealing with the affairs and property after someone has died

This can be a difficult time for all but we can help you, whether we are looking after the Will of the person who has died or not.

The **first step** is to get a Grant of Probate (if a Will has been left) or Grant of Letters of Administration (where no Will has been left). These are basically court orders giving you legal authority to deal with the affairs of the deceased.

There may be Inheritance Tax to pay and this has to be calculated and paid before the Grant of Probate/Letters of Administration are issued.

If all you need is for help with getting a Grant of Probate or Letters of Administration, we can offer a fixed fee for that. Our fees start at **£1,000 plus VAT (£1,200)**. There will be a court fee to pay of **£273.00**. If you want or need extra copies of the Grant of Probate or Letters of Administration then there is a charge from the court of **£1.50** per copy. Court fees to do have VAT added. Sometimes, other fees have to be incurred, for example if the Will is damaged, but this does not happen often. If it applies to you, we will tell you and confirm the fee. Nothing is hidden and you are told what the charges are before you incur them.

**How long does it take?** We are usually able to prepare the HMRC account and Grant application within 15 working days of all the information being provided by you. We aim to lodge these documents at the Probate Registry within a further 10 days after the papers are signed by you, unless full IHT accounts are required by HMRC, in which case we have to wait 20 working days from sending the accounts in before we can lodge documents with the Probate Registry. The Probate Registry are currently processing the applications in approximately 16-20 weeks. When the Grant is received it will be forwarded to you to personally deal with the administration of the estate. We use the digital court portal, where we can.

Once you have got your Grant of Probate/Letters of Administration, it is then time to **administer the Estate**. This means gathering in the assets, paying off the debts and making sure there are no debts that you are unaware of, then paying out what is left in accordance with the terms of the Will/Administration. When we receive your Grant of Probate/Letters of Administration, we will ask you if you want to administer the Estate or if you would like us to do it for you.

**What does it cost to administer the Estate and how long does it take?** This is difficult for us to estimate because it depends what assets there are, how quickly banks and building societies take to respond and if there is a property to sell. If there is a property to sell, we will refer the work to a trusted conveyancer or solicitor. There will be fees to pay for them to do this work; just the same as if you were selling your house. There will be estate agent's fees and solicitors fees. The cost of these depend on the market rates but at the present time, this is around **1% of the market value + VAT** for the agents fees and circa **£1,500** for the solicitor's fees for dealing with the sale. We may need to appoint an accountant to advise on income tax or capital gains tax.

If the property is empty we may need to pay for someone to attend each week for security purposes. We will need to make sure there is insurance cover. These would be **additional costs**.

**There will be additional costs** for advertising for debts by putting Trustee Act Notices in the London Gazette and local newspapers (varies but usually in the region of **£200 to £300 + VAT** and HM Land Registry fees for copy title deeds of **£3.00 + VAT**).

**Who does the work?** Our consultant CILEX Lawyer is Gill Tobin. She is a Fellow of the Chartered Institute of Legal Executives. She is also a STEP registered Trust and Estate Practitioner with over 20 years' specialist experience in this type of work.

Our consultant solicitor dealing with this work is Martin Nossel. He has been a solicitor since 1984. He works with his personal assistant, who has worked with him for over 25 years. You are in safe hands!

**How much does it cost?** The current hourly rate for Gill Tobin or Martin Nossel is £250.00 + VAT. Our charges for full administration of an Estate is 3% of the gross Estate + VAT and disbursements. You can discuss with Gill or Martin whether you would prefer the hourly rate or the fixed percentage rate.

As a general guide, on an hourly rate, the total time spent on administering an average estate is usually between 10 hours (**£2,500 + VAT = £3,000**) and 20 hours (**£5,000 + VAT = £6,000**)

On average, basic estates are dealt with within a year. Typically, obtaining the grant of probate takes around 16 to 20 weeks at least, due to delays at court. Collecting assets then follows, which can take between a further 16-20 weeks. Once this has been done, we can distribute the assets. We generally recommend that you wait at least 6 months after the grant to allow for any claims against the Estate.