

PROBATE

All our fees and disbursements are subject to VAT which changes from time to time but currently is 20%. Our services quoted are for straight forward probate matters which run smoothly from the start of the procedure to the end.

If the matter is straight forward then the steps we will need to take.

There are six main stages of probate:

- Valuing and collating the estate
- Paying inheritance tax (if applicable)
- Applying for grant of probate (or letters of administration if there is no Will)
- Informing interested parties
- Gathering the estate assets (liquidate if required) and then paying any debts from the estate
- Distributing the estate in line with the Will or rules of intestacy if there is no Will

Below, we will take you through each of these stages in more detail.

Stages of probate in England and Wales

1. Valuing and collating the estate

The first thing to do is to ensure that the deceased's assets, possessions and property are secured and make sure there is adequate insurance cover for them. You will also need to find the Will. It may be necessary at this point to take steps, perhaps by contacting suitable probate solicitors, to verify the document's validity. Begin to make a detailed inventory of all assets and arrange a valuation of the estate, including any houses, chattels (general possessions), stocks, shares, investments, life insurance policies, artwork and all other personal items. Collate all documentation and paperwork relating to assets, including any bank statements, passbooks for savings accounts, share and stocks certificates, property deeds, insurance policies, NSA accounts and more.

The personal representatives should register the death with all asset and liability holders; you will need to send each one a copy of the death certificate

2. Paying Inheritance Tax (if applicable)

The current Inheritance Tax threshold stands at £325,000, and if the estate is not subject to Inheritance Tax, it will be necessary to complete form IHT205. More information about Inheritance Tax can be found on the HMRC website.

In the event that there is not enough money to cover Inheritance Tax and probate fees, a loan may be required. In some cases, it may be possible to pay the Inheritance Tax in instalments. Inheritance Tax must be paid within 6 months of the date of death and before the Grant of Representation can be applied for.

3. Applying for grant of probate (or letters of administration if there is no Will)

In order to obtain the Grant of Representation, it is necessary for the personal representative to swear an oath that all information they have given the Probate Registry is true to the best of their knowledge. Completed forms need to be sent to the Probate Registry together with the original Will, the death certificate and the IHT form.

4. Informing interested parties

Once the executors have received the Grant, usually within ten working days, copies should be sent to all asset holders together with a request to release any funds.

A statutory advertisement for creditors and other claimants should be placed in the Gazette and local press.

5. Gathering the estate assets (liquidate if required) and then paying any debts from the estate

Another important step in the probate process is settling accounts with all asset and liability holders - you will need copies of the grant of representation to do this. Any monies due to the deceased should be collected. Usually, it is necessary to open a bank account on behalf of the estate (the Executor's Account) and any owed money to the estate that is then collected can be paid into the account.

Income tax forms and capital gains tax forms for the period of administration should be completed. If any assets are due to be sold, this is the stage at which to sell those assets. Any debts should now be settled. There is a set order of priority for whom should be paid first:

1. Any remaining Funeral expenses
2. Any taxes that are due
3. Creditors, such as loans, mortgages, and outstanding debts
4. If there is a will, and once all creditors are paid, the beneficiaries can then receive their legacies. If there is no Will, then the estate is distributed according to the Rules of Intestacy.

The final estate accounts should be prepared.

6. Distributing the estate in line with the Will or rules of intestacy if there is no Will

Once the residuary beneficiaries have approved the estate accounts, the executors can distribute the estate in line with the Will, or the Rules of Intestacy if there is no Will. The Executor's bank account can now be closed.

There may be many reasons which take a probate matter out of the ordinary and these might include things like a missing beneficiary, an issue with the Will, a challenge to the Will, a pandemic, no close family members who can assist with knowledge, a beneficiary who continues to harass the Executors, an estate which has to be investigated because of lack of knowledge from family members as to what is in the estate. This list is not exhaustive but does provide some examples which would take the matter from ordinary to a more time consuming matter and therefore effect time limits and the overall costs.

Time scales are always subject to matters outside our control because we are relying on third parties these include a number of institutions including the courts, financial organisations, tracing organisations and they will without doubt affect timescales for the matter to complete.

For a normal and straightforward probate we would estimate 3 - 8 months would be a reasonable estimation but this is provided that we have all the information we need upfront.

For more complex matters for some of the reasons quoted or other reasons outside of our control above, it can take 3 – more than 36 months for matters to complete.

It is very difficult to be able to give a total cost at the outset of any probate as without having all the asset and other information it is not possible to provide a completely accurate estimate. However, our current hourly rates range between £200 and £230 per hour plus VAT depending upon the level of seniority and experience of the team member. It is very possible during the course of an estate administration that work will be carried out at different hourly rates to ensure that the work is carried out as cost effectively for you as possible.

Value element A charge reflecting the value of the assets we are dealing with in administering the Estate will be included. The value is a reflection of the importance of the matter and consequently the responsibility of the firm and individuals. The value element therefore also varies depending upon whether or not we are appointed Executors or Trustees, and is set out below.

Fursdon Knapper not acting as an Executor	
Value of gross Estate less the residence	1%
Value of the Deceased's share of the residence	0.5%
Fursdon Knapper acting as Executors	
Value of gross Estate less the residence	1.5%
Value of the Deceased's share of the residence	0.75% - 4.5%

The exact costs will depend entirely up on the individual circumstances of the matter. We have set out below some approximate costings based upon typical estates, but an estate could fall within the ranges given. For example, if there is one beneficiary and no property, costs will be at the lower end of a range, but if there are multiple beneficiaries, a property and multiple assets, costs may be at the higher end.

Example 1 – a typical estate where:

- The estate is solvent and valued at less than the current nil rate band amount (£325,000)
- There is no more than one property
- There are no more than 5 bank or building society accounts
- There are no other intangible assets
- There are no more than 5 debts of the estate
- There are up to 4 residuary beneficiaries
- There are up to 4 legatees
- There are no disputes between beneficiaries on division of assets (if disputes arise this is likely to lead to an increase in costs)
- There is no inheritance tax payable and the executors do not need to submit a detailed inheritance account (IHT400) to HMRC
- There is no claim made against the estate.

We anticipate that the costs for such an estate (including work carried out on hourly rates and the value element) will be between £1,950 and £7,950 plus VAT. In addition, there will be expenses that are incurred on your behalf (known as disbursements) which are listed below.

Example 2 – a typical estate where some or all of the below applies:

- There is a valid Will
- The estate is solvent and valued at between the current nil rate band amount (£325,000) and £1million
- There are no more than 3 properties
- There are no more than 10 bank or building society accounts
- There are other intangible assets such as shares or investments
- There are no more than 10 debts of the estate
- There are up to 8 residuary beneficiaries
- There are up to 8 legatees
- There are no disputes between beneficiaries on division of assets (if disputes arise this is likely to lead to an increase in costs)
- There is inheritance tax payable and the executors need to submit a detailed inheritance account (IHT400) to HMRC
- There is no claim made against the estate

We anticipate that the costs for such an estate (including work carried out on hourly rates and the value element) will be between £7,950 and £19,950 plus VAT. In addition, there will be expenses that are incurred on your behalf (known as disbursements) which are listed below.

Example 3 – a typical estate where some or all of the below applies:

- There is a valid Will
- The estate is valued at in excess of £1million
- There are multiple properties
- There are multiple bank or building society accounts
- There are other intangible assets such as shares or investments
- There are multiple debts
- There are multiple residuary beneficiaries
- There are multiple legatees
- There may be business or agricultural assets
- There may be associated trust assets
- There are no disputes between beneficiaries on division of assets (if disputes arise this is likely to lead to an increase in costs)
- There is inheritance tax payable and the executors need to submit a detailed inheritance account (IHT400) to HMRC
- There is no claim made against the estate

We anticipate that the costs for such an estate (including work carried out on hourly rates and the value element) will be in excess of £20,000 plus VAT. In addition, there will be expenses that are incurred on your behalf (known as disbursements) which are listed below. In estates where there is no valid Will (known as an intestate estate) it is expected that additional work caused by the intestacy would be a further £1500-£2500 plus VAT in addition to the costs listed above. The following fees will be in addition to the costs listed for any of the example estates listed above:

- Oath fees (£5 per executor with an additional £2 per executor per Will or codicil)
- Probate Court fees (£155 plus 50 pence per copy grant required)
- Land registry fees for Office Copy Entries (if required) (£3 plus VAT per property)
- Inheritance tax, for an indication as to the likely Inheritance Tax charge
- Asset search fee (approximately £165 plus VAT)
- Statutory notices (approximately £165 plus VAT)
- Bankruptcy searches (£2 plus VAT per person, per search – each person likely to need 2-3 searches during the estate administration)
- Conveyancing fees for land transaction and related Land Registry Fees (see our separate conveyancing pricing pages)
- Costs of obtaining death certificates, marriage certificates etc (£11-£35 for the first certificate)
- Valuation fees for shares, property and contents (variable but likely to be of the order of £200-£300 per valuation)
- Cost of clearance of a property (if required) – variable

- Accountant's fee for preparing a tax return (if required) (approximately £350-£750 plus VAT)
- Cost of a Certainty Will Search (between £45.60 – £238 plus VAT dependent upon search opted for)
- Income tax for estate administration period, capitals gain tax, stamp duty. For further details on these taxes please see [Self Assessment tax returns: Returns for someone who has died - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/self-assessment-tax-returns-returns-for-someone-who-has-died)
- Property insurance costs (variable depending upon the value of the property)
- Insurance such as for missing assets or beneficiaries (rarely required, and dependent upon the case)
- Tracing agent fee for missing beneficiaries.

In the event that additional work is required for any reason, or an unforeseen complexity arises that means that the above pricing structure is no longer appropriate we would advise you of this at the outset, or as the situation arises.