

Probate

Elena Stylianou is Head of the Probate Department and is ultimately responsible for the matter and supervises this department.

Karen South is a Consultant and shall have the day-to-day conduct of your matter. Louise Axon, a qualified Paralegal, may also assist from time to time.

Karen South can usually be contacted by telephone on 020 7404 1995 between 9.30 am and 5.30 pm on weekdays. Louise Axon will be able to help you with any queries if Karen South is not available when you call. You can also contact Karen South via the following email addresses: ks@portner.co.uk and la@portner.co.uk.

We can help you through this difficult process by obtaining the Grant of Probate on your behalf. We will also undertake the collecting and distribution of assets.

This information applies to estates that are not disputed and where the assets are all situated within the UK.

How much does this service cost?

It can be quite difficult to estimate the likely costs that Portner will charge in respect of obtaining a Grant of Representation and administering an estate. The main reason for this difficulty is that there is insufficient information at the outset as to the nature or extent of the estate and any potential problems.

Our charges are calculated in accordance with the Solicitors' (Non-Contentious Business) Remuneration Order 1994. This provides that a solicitor's remuneration for non-contentious (i.e. non-litigious) matters should be such sum as may be fair and reasonable, having regard to all the circumstances of the case. The most important factor to be taken into account is the time spent in dealing with the matter. There are also other factors such as the complexity and importance of the matter, the skill involved, and the need for urgency.

In undisputed matters such as probate, our costs are based on a "time element".

The time element

We have a computerised time-recording system which records the time spent by fee earners on any particular matter. Each fee-earner has an "hourly charging rate" which has been calculated in accordance with the Law Society's published guidelines. The hourly charging rate covers overhead expenses and includes a service increment.

As mentioned earlier, it is impossible to estimate how many hours of work will be needed to obtain the Grant of Probate and to then administer the estate. Each case will depend on its individual facts and unexpected difficulties may arise. Having said that, it may be helpful to give some simple examples to illustrate the amount of time which might be involved in certain cases:

Example 1: A very small estate (with assets that value under £50,000 without a house) would usually take around 10 hours of my time to deal with the paperwork. This is on the understanding that there are no complications and that there is a sole executor who is also the sole beneficiary. So there would be a costs range of up to £3,250 plus VAT.

Example 2: An estate worth between £50,000 and £250,000 (without a house) would usually take around 10-25 hours of my time to deal with the paperwork, depending on the number of beneficiaries and the difficulty in collecting the assets and settling the liabilities. So there would be a costs range of £3,250 to £8,125 plus VAT.

Example 3: An estate worth between £250,000 and £750,000 (with a house and Stock Exchange investments) would usually take around 15-35 hours of my time to deal with the paperwork, depending on the nature of the assets and assuming that there are no major difficulties. So there would be a costs range of £4,875 to £11,375 plus VAT.

Example 4: An estate worth above £750,000 may take a minimum of 60 hours up to possibly 100 hours but an estate of this size will be quoted for according to the assets involved.

Disbursements (Third Party Expenses)

Disbursements are costs related to your matter that are payable to third parties, such as court fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.

Probate Court fee	£215.00
Swearing of the Oath	£7.00 per Executor.
Official Copy fee	£1.50 per copy
Bankruptcy Only	£2.00 per Beneficiary.
Post in the London Gazette	Not exceeding £70.00.
Post in the Local Newspaper	Not exceeding £70.00
Bank Transfer Fee	£10.80 per transfer
Land Registry Fee	% based on property value

We will also need to file a Trust and Estates Return (SA900) with HMRC to the end of the tax year of the date of death. This would be prepared by an Accountant and they make a separate charge to Partner. The cost would be £450-£600 plus VAT depending on the work required in concluding the Tax Returns for the estate.

As part of our fee we will:

- Consider the Will and then start communicating with the various institutions revealed on your Questionnaire.
- The responses from those institutions will then allow us to form the first draft Estate Accounts to give a very rough idea of the total value of the estate.
- Provide you with a dedicated and experienced probate solicitor to work on your matter.
- Identify the legally appointed executors or administrators and beneficiaries.
- Accurately identify the type of Probate application you will require.
- Obtain the relevant documents required to make the application.
- Complete the Probate Application and the relevant HMRC forms.
- Draft a legal oath for you to swear.
- Make the application to the Probate Court on your behalf.
- Obtain the Probate and securely send two copies to you.

- Collect and distribute all assets in the estate.

How long will this take?

The circumstances of each person are unique, so it is difficult to predict how long it will take precisely. There are different stages in the process that lead towards obtaining the Grant and then administering the estate.

Probate can be a complex and time-consuming process which involves many different organisations – who all run to their own specific timetables. There has to be communication with financial institutions, HMRC, pensions, the Department for Work and Pension, the Probate Registry, the beneficiaries and other Government Departments.

For an average estate, probate can take between 6 to 9 months from your initial instruction to us and can take up to 10 to 60 hours depending on all processes involved.

Larger and more complicated estates can take 12 to 18 months to conclude and can take up to 100 hours to reach conclusion.

The first stage in your instructions would be to consider a Probate Questionnaire that we will send you.

Estates which are apparently simple can prove to be complicated and take much more time than is envisaged at the outset. Similarly, a large estate may prove to be straightforward. Difficulties may arise for any number of reasons.

Typical problems which may substantially increase the time taken are:

- a) the need to go through and sort out numerous old papers;
- b) searching for details of lifetime gifts which the deceased may have made;
- c) difficulty in realising assets or in settling tax or other liabilities;
- d) difficulty in tracing beneficiaries or in dealing with beneficiaries who are under age;
- e) foreign property and the need to liaise with foreign lawyers;
- f) trusts in which the deceased had an interest;
- g) agricultural or business property, especially Lloyd's assets which cannot be wound up for at least three years;
- h) there may also be scope for tax planning and consideration of a Deed of variation (varying the effect of the Will or the intestacy rules).

The final estate distribution

There comes a point at which all the assets will have been collected and all the liabilities will have been discharged. The balance of the estate will then be ascertained and can be

distributed or held in trust for the beneficiaries under the terms of the will or the rules of intestacy. When the final distributions have been made, we shall prepare estate accounts setting out full details of the administration of the estate. If the estate or its administration is complex, then it may be possible for the personal representatives to make interim distributions to beneficiaries before the final winding-up.