



Renaissance Legal

Helpful definitions

Personal representative

an executor of the estate of a deceased person who left a will, or the administrator of an intestate estate.

Grant of Probate

a legal document confirming the Executor's the authority to deal with the deceased's estate.

Assets

the items of value in the estate. For example, property, land, buildings, cash and savings.

Liabilities

any debt to be deducted from the assets, including household bills or balances on credit cards.



Estate Administration

It is sometimes useful to understand the procedure involved in winding up the estate of someone who had died. We have set out the various stages below to help you understand what to expect and what we are doing for you. Of course this is only intended to be a general guidance - Each estate is different, stages are reached at different times and the order set out below might vary.

1. Once we have been formally instructed as your solicitor we will need a registrar's copy of the Death Certificate for each asset. We will also need details of all of the assets and liabilities of the deceased together with bank books, stock and share certificates, insurance policies, bonds, and title deeds where appropriate.

We will contact all of the asset holders and creditors to inform them of the death and request current balances or values. This information takes several weeks to come through.

Helpful definitions cont.

Beneficiary

the person(s) who will benefit from the assets held in trust

Legacy

a gift of personal property or money left to a beneficiary in a Will

2.If the deceased owned a property that will remain vacant until transfer or sale we will need details of the utilities so that we may inform them of the death. It would be helpful to have current meter readings where appropriate. We will also need details of the buildings and contents insurance.

A valuation of the property (and land) may be necessary and we can contact an Estate Agent to arrange this for you if you would like.

3.If the deceased had a business interest we will need a value of that interest together with copies of the most recent accounts. It will be necessary to correspond with the accountant who deals with the business accounts.

4.You may need to place a statutory notice in a local newspaper and in the London Gazette. This informs people of the death and requests any persons who are owed money from the estate to come forward within 2 months from the date of the notice. We will discuss this with you if it is appropriate to the estate.

5.In most cases a Grant of Representation will be needed before being able to claim/transfer/sell assets of the estate.

Once we have received all of the information concerning the assets and liabilities we will help prepare the papers to obtain a Grant of Representation. This may involve completing complex tax forms which may take some time. Once completed, the Personal Representative will need to sign the papers.

6.Inheritance Tax should be paid within 6 months of the death unless (generally speaking) it is on property, in which case the tax may be paid by 10 annual equal instalments. However, interest will be payable on these instalments. If Inheritance Tax is payable we can assist in getting a loan to pay this if it is needed.

7.We will contact beneficiaries to confirm their full names and addresses and to inform them of their benefit under the Will or intestacy.

8.Please let us have details of any person who believes they should be a beneficiary of the estate or who believes they should be entitled to more from the estate. Any potential claimant will have 6 months from the date the Grant of Representation is issued to make a claim. In some cases it is suitable to delay distribution of the Estate until this period has passed.

9. It usually takes between 2 and 5 months to get to this stage.

10.We will then prepare forms to deal with the assets once the Grant of Representation is issued. This might include closure forms for bank accounts and transfer forms for stocks and shares.

11. When the Grant of Representation is issued we will register it with the asset holders and claim/transfer/sell the assets. If there are stocks and shares to be sold we will contact a stockbroker to handle the sales.

12. At this time we would usually render an interim bill to you for the work carried out on your behalf. If you wish we will keep you informed of our work in progress at, say, monthly intervals and issue bills every, say, 3 months.

13. At all times we will, if suitable, consider the capital gains tax consequences of selling any assets to avoid or minimise a tax bill.

14. If necessary, we will consider whether there are ways in which you can reduce the estate's liability to inheritance tax by rewriting the Will or intestacy distribution and will explain the implications of doing so to you.

15. We will liaise with the Accountants regarding personal tax returns to date of death and the estate's return for the administration period. We will forward all the information required to them to complete the returns.

16. If necessary, we will liaise with HM Revenue & Customs concerning any changes in values of assets and will notify them of assets that have not previously been reported. HM Revenue & Customs may raise questions with us which we will reply to on your behalf.

17. We will arrange for payment of legacies to the beneficiaries, and make interim distributions should you wish us to.

18. If a property is to be transferred we will liaise with a Conveyancer to deal with this.

19. If the property is to be sold we will liaise with Estate Agents and a Conveyancer to facilitate this.

20. We will arrange for the settlement of all liabilities from funds received.

21. We will obtain clearance from all Inheritance Tax matters from HM Revenue & Customs. This will confirm that all Inheritance Tax has been paid.

22. Once administration of the Estate is completed we will prepare accounts setting out the assets and liabilities held at the date of death, giving details of any increases or decreases on realisation, income received during administration and the final balances due to be distributed. On approval of these we will make the final distribution. It usually takes between 6 and 12 months to get to this stage.

23. Should any beneficiary require investment advice we can arrange for one of the Independent Financial Advisors.

24. At this stage we will report the administration period income to HM Revenue & Customs and provide the residuary beneficiaries with tax certificates.

Administration of the estate will then be concluded. Our file will be placed in store where it will be held for 12 years. We will discuss with you the return of any personal papers relating to the deceased.

Questions?

If you would like to discuss this further then please call us on 01273 610 611 or email us at info@renaissancelegal.co.uk

This information sheet is intended as guidelines for clients and other readers. It is not a substitute for considered advice on specific issues. Any action taken depends upon your individual circumstances. Consequently, we cannot accept any responsibility for action which may be taken as a result of reading this information sheet or for errors or omissions contained in this information sheet.