

When a person dies, someone has to deal with their possessions and financial matters and make the necessary amendments. This is known as 'Estate Administration'. Estate administration can be extremely daunting especially when you are also coping with the loss of someone close to you. You might not have come across many of the procedures before. Our experienced team can provide essential support at this difficult time.

You can choose the level of support you would like from us; we can manage the entire estate administration for you, just obtain the Grant of Representation or assist in post-death tax planning through Deeds of Variation.

This guide is intended to help you through this process and give you an overview of what is required as well as how we can help you.

First Steps

Registering the Death

The death must be registered within 5 days of death and this is usually done at the Register Office in the area where the death occurred, although it can be another Register Office if this is not convenient. Funeral arrangements cannot be dealt with until the death has been registered. It is likely that you will need to make an appointment to do this.

The person who registers the death should be: -

- A relative of the deceased; or
- A person who was present at the death; or
- The person who is arranging the funeral.

In order to register the death, you will need the following information: -

- The Cause of Death Certificate (issued by the doctor/hospital);
- Deceased's full name (including maiden name), address, occupation and marital status;
- Date and place of birth;
- Date and place of death; and
- Details of any deceased spouse.

Once registered, you will be issued with the Certificate for Burial/Cremation which you will need to pass to the funeral directors. You will also be issued with the Death Certificate at a cost of £4.00 per certificate. We recommend you get a supply of original certificates and the quantity will depend on how many financial assets the deceased had. You'll need one for each asset.

Sometimes there may be a post-mortem or inquest where a death is reported to the Coroner (usually where a death occurs suddenly or where the deceased has not seen a doctor recently). This may delay the registration process but an interim death certificate is issued which is usually sufficient for probate purposes.

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Funeral arrangements

Once the death is registered, the funeral can be arranged. The costs of the funeral can be paid from the deceased's bank account even if it has otherwise been frozen.

The Legal Process

The Personal Representatives ('PRs') are responsible for administering the estate of the deceased. Where there is a Will, they are called Executors and where there is not a Will, they are called Administrators.

The PRs have a duty to administer the estate in an efficient manner and thereafter distributing it in accordance with the Will or, if there is no Will, then in accordance with rules of intestacy. The rules of intestacy direct that your estate will be passed on to close blood relatives in strict statutory order (please contact us for further information if required).

The immediate issues a PR should deal with are as follows: -

- Locating the deceased's Will (if any);
- Contacting the deceased's bank to freeze the account and to cancel standing orders and direct debits;
- Securing the property, redirecting post and notifying the property insurers of the death;
- Keeping safe any valuables; and securing any car and notifying the insurers of the death;
- Collect together all of the deceased's financial papers such as bank statements, pension information, bills, share certificates etc.

Grant of Representation (Probate/Letters of Administration)

The deceased's assets are frozen on death and any estate over approximately £15,000 will require a Grant of Probate (where there is a Will) or a Grant of Letters of Administration (where there is no Will) in order to release the assets. A Grant of Representation will always be needed where the deceased owned shares.

The process involves notifying each asset holder of the death and ascertaining the value of the assets as at the date of death as well as notifying any creditors and ascertaining any amounts owing as at the date of death. PRs also need to ascertain whether Inheritance Tax is payable, file an Inheritance Tax Return and then file an Oath in order to obtain the Grant of Probate/Letters of Administration.

Next Steps

Once the Grant of Probate/Letters of Administration has been granted, this gives the PRs the authority to deal with the deceased's assets. Assets can then be cashed in or transferred to the beneficiaries. The PRs should consider the wishes of the beneficiaries in this regard as well as having regard to the taxation issues. The PRs must also finalise the deceased's Income Tax affairs with HMRC, by filing a final tax return. At this point, the PRs will pay out any legacies under the Will and

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also consider making interim distributions to the beneficiaries of the estate. Furthermore, the PRs are duty bound to file tax returns for the administration period of the estate reporting any interest received, other income or capital gains in the sale of any asset.

What we do

Estate Administration is usually very time consuming and given that it is coupled with taxation issues, PRs will usually instruct a solicitor to assist. At legalmatters, we are experienced in dealing with the process quickly and efficiently and therefore can relieve the burden for you. Although it is possible to obtain a Grant of Probate/Letters of Administration independently without a solicitor, it can be daunting. An Inheritance Tax Account now has to be filed in almost every case, even if there is no Inheritance Tax to pay.

Furthermore, the PRs will need to attend a personal interview at the Probate Registry. Solicitors can side step this requirement and thus make the process quicker and easier. As well as the estate administration, we can also assist with the following associated issues: -

- Advising and assisting with any post-death Deeds of Variation. It is possible to vary the terms of someone's Will/the rules of intestacy within two years of the date of their death, provided that the affected beneficiaries are all adults and all agree. This is useful in that the beneficiaries can plan for tax, pass assets down through the generations or provide for those persons not included in the Will.
- Dealing with the setting up and administration of any trusts contained in the Will or via a Deed of Variation.
- Help to resolve any issues that may arise e.g. if someone is saying that they are not happy about the content of the Will or the results of applying the Intestacy rules.
- Placing funeral notices.
- Renouncing probate or reserving power to a PR.
- Recommend any financial advice needed for the beneficiaries.
- We provide a fixed fee service.
- We deliver a full asset collection service, fact find on your behalf and provide you access to quality valuation, investment and property services.
- We also offer fixed fee Grant of Probate or Letters of Administration application and submission to Probate Registry.

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