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Probate Progress Guide

This leaflet is designed to guide you through the probate process in order to keep you updated at each key stage of the administration. In this guide the word Probate covers both types of grant – grant of probate, when there is a Will, and letters of administration, when there is not a Will.

This summary guide details the six key stages and indicates how long we expect each one to take. These timeframes are estimates only as delays can be caused by matters out of our control. We shall of course chase outstanding replies as and when necessary bearing estimated costs and timeframes in mind at all times.

Stage 1

- Following our initial meeting we shall check all the documents in our possession and identify what issues need addressing. It is often the case that following this meeting you, the client, are required to provide further information i.e. details of all or further assets etc. To help keep everything moving forward it is important that you provide the information and respond to any requests made by us as quickly as possible.
- We will deal with all client care issues; terms of business, identification, money on account etc.
- We will contact your funeral director, if required by you, to confirm that we are administering the case and will request them to send the funeral bill to us for payment. Please note that payment or reimbursement will only cover the costs directly related to the funeral service itself.
- We then write to all the asset and liability holders, such as banks, building societies, share registrars, estate agents, accountants and all companies linked to utilities, credit cards and loans as agreed with you.

The purpose of these letters is to request confirmation of the value of the account at the date of death. This will provide us with the information we require when completing the tax return form during the following stages.

Stage 2

- This stage is focused on the replies from the asset and liability holders. The timeframe for this is dependant on the response time from the companies involved, which for some can take

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up to 5 weeks. We will endeavour to contact these companies on a regular basis to chase outstanding information.

- Once we have received all the replies, we can confirm that the estate is solvent and then determine which probate forms need to be completed.
- In certain cases it will be necessary at this stage to place a statutory advertisement for creditors and other claimants in the London Gazette. The decision will depend on the particular circumstances of each case. The advertisements serve to protect personal representatives against unknown debts or claims which may come to light after they have distributed the estate.

The advertisements give potential creditors two months for making a claim against the estate.

Stage 3

- We will complete the relevant inheritance tax form, either IHT205 or IHT400 together with supporting schedules, depending on whether or not the case is subject to inheritance tax.
- If the estate is subject to inheritance tax, the payment of tax needs to be made before we can apply for probate. In these circumstances it is common for a short term loan to be arranged. We shall discuss this in more detail if the need arises.
- The probate registry requires an Oath signed by the executors, together with the Will (where there is one) to accompany the IHT form. We will at this stage prepare such Oath.
- The Oath must be signed at an independent solicitor's firm. Once this is done we will send the probate application and accompanying documentation to the probate registry.

Depending on the complexity of the case and how quickly everyone responds to our correspondence, the above will normally take between 8 and 16 weeks.

Once we have received the Grant of Probate we shall advise you accordingly and take any further instructions.

Many executors, at this stage, decide to proceed with the distribution of legacies and payment of debts themselves. If this is the case we shall cost the file accordingly and arrange for payment and closure of the file.

Some executors however then go on to instruct us to proceed to collect in all monies and make distributions as appropriate.

If this is the case a further cost and time estimate will be provided

Stage 4

- If we are instructed to continue once we have received probate, we will send off the sealed copies and relevant forms to all of the asset holders, asking them to pay or transfer the assets.

- If stocks and shares are being sold or transferred, we will complete the appropriate forms.
- We will inform the estate agent and/or conveyancing solicitor that probate has been received and that the transfer or sale can proceed.
- If the estate is subject to inheritance tax, we will arrange to obtain the inheritance tax discharge certificate.
- We will complete the tax returns for the period between 6th April to the date of death for the period of administration.

The timeframe for this is dependant upon the repose time from the companies involved. We actively chase all the asset holders, however it may take several weeks before we receive payment.

Stage 5

- Dealing with disputes that may arise such as; people who believe they should inherit from the estate and therefore claim under the Inheritance (Provision for Family and Dependants) Act 1975, asset holders, like insurance companies, who refuse to pay the sum insured, or creditors who overcharge.
- We will identify who is entitled to benefit from the estate.
- We will continue to chase up any outstanding payments from asset holders in order to move to the next stage as quickly as possible.
- We will arrange for payment of any bills.

Stage 6

- We will prepare the estate account which will summarise the realised assets, liabilities, administration expenses, interest and tax paid, together with the value of each beneficiary's inheritance. The executors will approve these accounts by signing and returning them to us.
 - Once the signed estate accounts have been received we will be able to make payments to the beneficiaries.
 - Once the beneficiaries receive their inheritance and in Inland Revenue confirm that they have cleared the case, the administration of the estate is complete and the file will be closed and archived.
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