

Probate costs and timescales

It is not possible to give a 'one size fits all' quote in relation to the administration of estates, but the following should provide some information to assist in understanding how our fees are structured.

Some estates are complex, and others are simple, (known as 'excepted estates'). With excepted estates there is no requirement to submit a complex inheritance tax return in order to apply for the grant of probate.

The administration of all estates, whether simple or complex, consists of two stages:

- obtaining the grant of representation
- post grant work.

How the work breaks down.

Steps to obtain the Grant of representation is likely to include the following:

- meeting with you to go through the terms of the Will, or explain the intestacy provisions if there is no Will
- identifying the extent of the estate, the assets and liabilities and ascertaining their value in accordance with HMRC's requirements, for inheritance tax purposes (including any charges on properties)
- arranging for personal belongings to be valued
- corresponding with HMRC to confirm the income tax position up to the date of death and computing final lifetime tax returns, if required
- investigating and considering any available inheritance tax reliefs that may be applied to the estate
- preparing the appropriate legal statement for executors/ administrators
- securing the property and ensuring that buildings insurance is maintained
- drafting the appropriate inheritance tax return forms

- arranging for payment of inheritance tax
- submitting statutory notices to notify creditors of the death
- submitting the application to the Probate Registry and receiving the grant.

Our work post-Grant is likely to include:

- selling or collecting in all assets
- settling all liabilities
- finalising the inheritance tax liability and advising on any instalments of tax to be paid
- registering an estate as a 'complex estate' with HMRC
- producing full estate accounts for approval
- advising on and dealing with the distribution of the estate to all the beneficiaries, including on interim distributions.

How much will it cost?

Our hourly rates are as follows:

Solicitor £250 +VAT per hour

Paralegal or trainee solicitor £175 +VAT per hour.

As a very broad benchmark we would expect costs to fall into the following ranges:

- Application **only** for grant of probate in an excepted estate £800 - £1,500 +VAT.
- Application for grant of probate **and** post grant work in an excepted estate £2,000 - £5,000 +VAT
- Application **only** for grant of probate in a taxable estate, or an estate which requires the submission of an IHT400 because of other complexities £2,000 - £6,000 +VAT

- Application for grant of probate **and** full estate administration in a taxable and otherwise complex estate £4,000 - £18,000 +VAT

The final cost will vary depending upon the type of assets involved, the size and complexity of the estate and the terms of the will. For example, if there is one beneficiary and no property and no disputes and no inheritance tax payable, costs will be at the lower end of the range. If there are multiple beneficiaries, multiple properties and/or multiple other assets, costs will be at the higher end. If the deceased dies intestate the cost will also be greater. We will keep you informed as the case progresses as to the costs position.

Additional costs

Additional costs known as disbursements may include the following:

- Probate court fees of £155 per application, with a further £1.50 for each official copy,
- Bankruptcy Land Charges Department searches (£2 per beneficiary),
- £62.15 + VAT to place a notice in The London Gazette (to protect against unexpected claims from unknown creditors), and
- £127.80 + VAT to place a notice in a local newspaper also to help to protect against unexpected claims.
- £3.00 +VAT to search for property information at the Land Registry.

We might also need to instruct third parties who will need to be paid, such as accountants to assist with the income tax return, surveyors to produce valuations of property, auctioneers to value house contents, or a barrister to advice on complex technical points of law. We will always advise you and discuss with you if we feel that the need to instruct a third party has arisen.

Timescales

On average, estates are dealt with within 18 months. Typically, obtaining the Grant of Probate takes 16 weeks. The collection of assets can take between 8-10 weeks. Once this has been done, we can distribute the assets, which normally takes 4 weeks.

