Probate and Estate Administration

At Berrys Solicitors, we understand that the loss of a loved one can be an emotionally challenging time, and dealing with the legal aspects of their estate can feel overwhelming. Our dedicated solicitors specialise in probate and estate administration, providing compassionate and comprehensive services to guide you through this complex process.

Probate and estate administration involves managing the affairs of a deceased person and ensuring that their assets are distributed according to their wishes. Our experienced solicitors, Chrsitopher Berry and Mathew Berry, have in-depth knowledge of probate law and can assist you with every aspect of the process.

Our involvement in probate matters includes, but is not limited to:

- Providing you with a dedicated and experienced probate solicitor to work on you matter.
- Supplying information to you and those involved with the transaction.
- Ascertaining the assets and liabilities of the deceased.
- Realising the assets.
- Corresponding with Asset offices.
- Assessing value of estate & reporting to Executors on size of Estate.
- Taking instructions from Executors on preparation of Grant application.
- Calculating taxes due and ensuring HMRC compliance.
- Applying and obtaining a grant of representation.
- Collecting the assets of the deceased.
- Paying debts, taxes and administration expenses.
- Selling assets, if necessary, to realise cash for the purpose of the administration.
- Transferring the assets to those entitled.
- Preparing & Producing estate accounts showing income and capital separately and seeking approval to same.
- Providing statements of income and income tax paid to beneficiaries with an income entitlement.
- Distribution of the Estate.

In essence, we provide a full estate administration and legal service.

Legal Fees

When we are dealing with Probate and estates administration matters, our charges are based on the amount of time which is spent dealing with your matter. We do not base our charges on a percentage of the value of the estate.

Dealing with the administration of an estate can take between 8 and 60 hours of work at our hourly listed within our instruction letter and terms of business (£139.00 – £282.00) (plus VAT) (inc VAT £166.80 - £338.40). Please refer to our Terms of Business for further details on how these costs are calculated.

The total legal fees can be estimated at between £2,000.00 and £20,000.00 (in more complex estates) (plus VAT at the prevailing rate at 20%) and any disbursements.

The exact cost will depend on the individual circumstances of the matter. For example, if there is one beneficiary and no property, costs will usually be at the lower end of the range. If there are multiple beneficiaries, a property and multiple bank accounts, costs will be higher.

Other factors which affect the amount of time involved and the costs estimate include, but are not limited to:

- Whether there is a valid will
- The contents of the will e.g. are there any trusts
- The number of and location of beneficiaries
- Whether there are any minor beneficiaries or beneficiaries with a disability
- If the firm is appointed to act as Executors
- The number of properties
- The number of bank or building society accounts
- The number of shares and investments
- Whether there are any business or agricultural assets
- Whether there are other intangible assets
- Whether there are any assets held abroad
- Whether Inheritance Tax is payable
- Whether the estate has to be registered with HMRC as a complex estate
- Whether a search for assets if necessary
- If the deceased was subject to a Lasting Power to Attorney or Deputyship Order
- Whether there are any outstanding income tax issues
- Whether the deceased made any gifts
- Whether DWP open an investigation into the deceased's assets

Disbursements

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 more efficient process. Likely Disbursements which will be payable are: -

1. Probate application fee of £300.00 plus copies at £1.50 per copy
2. HM Land Registry Office Copies - £7.00 per copy E.g. Title register
3. Publication of Trustee Notice in Law Gazette & Local Paper: in the region (estimate) of £435.00 plus VAT (inc VAT £522.00)
4. CHAPS transaction fee of £45.00 plus VAT (inc VAT £54.00)
5. Property Valuation Fee of £100.00 plus VAT (Approximate) (inc VAT £120.00)
6. ID Verification Service £7.20 plus VAT per individual (inc VAT £8.64)
7. Bankruptcy Search of £6.00 per individual

Value Added Tax (VAT)

Please note – regarding Value Added Tax (VAT) this is a tax charged at the prevailing rate of 20% of the specific fee referred to. For instance if a listed fee above is listed as 'plus VAT' this means that the listed Fee will have an additional VAT sum added to this fee. For example, if an hourly rate fee of £282.00 is applicable to your matter, VAT of 20% will apply meaning the fee inclusive of VAT would total £338.40. This applies throughout our fees listed herein.

Possible Additional Costs

This includes, but is not limited to:

- Inheritance Tax.
- Dealing with the sale or transfer of any property in the estate.
- Deed of variation
- If there are disputes/claims against the estate
- Registration of Trusts
- Ongoing managements of trusts
- Tax returns
- Deeds of Appointment
- Intestacy (No Valid Will)
- Seeking and identifying possible further beneficiaries

How long does the Probate/ Estate Administration take?

On average, estates are dealt with within 6-12 months.

Typically, obtaining the grant of probate from HMCTS probate takes approximately 16 weeks. However, the time frame in which HMCTS probate deal with such application does vary hugely.

Collecting assets can take between 4-8 weeks. Once this has been done, we review the case and advise on any tax payable for the administration period and we can then distribute the assets, which normally takes 4-6 weeks. If we are acting as Executors then it is likely that we will not be able to distribute until six months after the date of the grant of probate.

If you wish to discuss your case or instruct us to deal with your matter, please contact our office and we will proceed as expeditiously as possible.