

Introduction

As part of our professional rules, we aim to ensure that anyone wishing to use our services has the information they need to make an informed choice of legal services provider, including understanding what the costs may be.

Why instruct Hathaways Law?

At Hathaways Law, we offer a friendly and efficient service in helping you to plan for the future. That may include advice about preparing a Will, creating a Lasting Power of Attorney, estate planning or the creation of Trusts. We are also able to assist with estate administration after a loved one has died. We understand that this is a very difficult time and our aim is to make the administration of an estate as easy for our clients as possible. We are regularly instructed by executors to administer and distribute estates or the firm itself is appointed as the executor.

Occasionally clients feel comfortable distributing the estate themselves and seek our assistance in obtaining the Grant of Probate only. We can also help in situations when someone dies without a Will or where a Will has not been located. The administration of an estate in these circumstances is often more complicated but it is our aim to make this as straightforward for you as possible.

Likewise, we are also highly experienced in dealing with Inheritance Act claims and in circumstances where the validity of a loved one's Will is in dispute. We offer a committed service and strive to provide grounded and robust advice to ensure that you do not enter into any unnecessary proceedings.

To assist our clients, we have set out below an indication of the likely costs involved in Probate matters along with an indication of the timescales.

Estate Administration: Applying for the grant, collecting and distributing the assets

What the service includes

The administration of an estate usually involves the following:

- Identification and valuation of assets and debts;
- Preparation and submission of the appropriate Inheritance Tax account (and arrangements for payment of tax where applicable);
- Preparation and submission of the application for Probate of the Will;
- Collection of assets (or arranging transfer to beneficiaries, as appropriate);
- Payment of debts due at the date of death and expenses arising as part of the administration;
- Payment of any legacies contained in the Will;
- Attending to any income or capital gains tax requirements (if applicable);
- Preparation of an Estate Account; and
- Distribution of the Estate to the beneficiaries of the Will.

Anticipated charges and expenses

Our costs are calculated on a time spent basis at an hourly rate which varies according to the seniority of the fee earner carrying out the work (currently up to £250.00 plus 20% VAT per hour). We estimate an estate to take between 10 and 15 hours for simple estates, 20 – 40 hours for medium complexity estates and 40+ hours for complex estates.

For your information, the following are factors which may make the estate more complex:

- If we are provided with a large amount of initial financial paperwork and are asked to analyse to identify assets and liabilities (particularly if the paperwork has not been organised);
- Significant gifts having been made in the 7 years before death;
- The existence of any trusts which may impact on the value of the estate for tax purposes;
- Where there are a large number of assets and liabilities to be dealt with;
- Where there are Foreign Assets;
- Where there estate includes one or more interests in a business;
- If there is no will and the deceased had a large family or no immediate family;
- Dealing with complex issues including, but not limited to, applying for inheritance tax exemptions and reliefs (e.g. Business Property Relief, Agricultural Property Relief, Residence Nil Rate Band);
- Dealing with disputes within the family regarding the Will, claims for Financial Provision or regarding the administration of the estate generally; and/or
- If it is necessary to register the estate with HMRC's Trust Registration Service.

Please note that our estate administration costs do not include costs associated with the sale or transfer of property in the estate. This is because it is more cost efficient for this to be dealt with by our Residential Property Department, who will be able to provide a fixed fee quotation once the sale price has been agreed.

Disbursements¹ in addition to this fee include:

- Probate application fee of £300 (no VAT applies)
- Fee of £1.50 (no VAT applies) for each further copy Grant of Probate required
- Land Registry title £6 - £12 plus 20% VAT per property
- Bankruptcy searches of £2.00 plus 20% VAT per beneficiary
- Notices in a local newspaper and The London Gazette, which protects the executors against unexpected claims from unknown creditors of approximately £200.00 per notice (inclusive of VAT)

¹ *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 smoother process.*

How long will this take?

It is difficult to estimate with any precision how long a Probate matter will take as it will be influenced by many factors, some of which are outside of our control. However, on average, estates are normally dealt with within 12-18 months. Typically, identifying assets and liabilities in order to prepare the application for probate takes around 3-4 months. Obtaining the grant of probate takes 4-6 months. Collecting assets then follows, which can take between 1-2 months. Once this has been done, and subject to any further tax returns we required, we can distribute the assets, which normally takes 1-2 months.

Probate (application for Grant only)

What the service includes

We will:

- Identify the legally appointed executors or administrators and beneficiaries;
- Accurately identify the type of Probate application you will require;
- Obtain the relevant documents required to make the application;
- Complete the Probate Application and the relevant HMRC forms¹;
- Make the application to the Probate Court on your behalf; and
- Obtain the Probate and securely send copies to you.

Anticipated charges and expenses

Applications for Grant of Probate only are charged at a fixed fee of £850.00 plus 20% VAT.

Disbursements¹ in addition to this fee include:

- Probate court fee of £300 (no VAT applies); and
- Fees of £1.50 (no VAT applies) per further copy of the Grant required.

¹ *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 smoother process.*

Potential additional costs

There will be additional costs if it is necessary to prepare a full IHT account and we can provide a more accurate quote upon receipt of further information.

How long will this take?

It is difficult to estimate with any precision how long such a matter will take but, on average, it will take us 4-6 weeks to prepare the application for Probate. After the application is submitted, Probate is usually granted within 3-6 months.