

DICKINS HOPGOOD CHIDLEY LLP

solicitors

When friendly legal advice is needed



THE ADMINISTRATION OF ESTATES (PROBATE)

When a person dies someone has to deal with their affairs and decide what will happen to the things they owned. This can be distressing and it can also be difficult and confusing.

The executors are the people appointed in a Will to deal with the estate of the person who has died. An administrator is the person who deals with the estate of a person who has died without a Will (intestate). They can both be called personal representatives.

Executors can arrange the funeral and take charge of the house and possessions unless it automatically passes to a joint owner. If there are sufficient assets the executors will have to apply for **PROBATE**.

If there is, or could, be Inheritance Tax the executors must report the value of the estate to the Capital Taxes Office. If the estate is not liable to IHT the executors must still complete a form giving details of the assets and certain gifts made by the person who died.

Probate (probate of the will) gives the executors the right to deal with the assets and property of the dead person eg bank accounts, savings, property.

Executors are responsible to the beneficiaries of the Will and to the Probate Court. Administrators apply for Letters of Administration and must follow the 'rules of entitlement' which govern who gets what from the estate of a person who has died intestate.

Instructing a solicitor to act for you if you are an Executor or Administrator has the following advantages: -

1. It reduces the distress of dealing with the property and assets of a close relative or friend.
2. Applications for Probate by solicitors save the lay executor or administrator having to attend an interview at the District Probate Registry.
3. A solicitor advises on whether or not Inheritance Tax is payable and if it is how and when it must be paid. Inheritance Tax is complicated and in most cases you will need specialist legal advice.
4. Financial institutions have different requirements to be met before they will release the deceased's assets which a solicitor will be familiar with.
5. Administering an estate can be lengthy and complicated. A solicitor will be used to the complexity and be able to commit the time needed to sort out the estate.
6. A solicitor can deal not only with Inheritance Tax but also with income tax and capital gains tax arising during the administration of the estate.

**For more information contact
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