

SRA TRANSPARENCY FEES

ESTATE ADMINISTRATION – PROBATE & INTESTACY

In order to help the public make an informed choice on the appropriate firm of solicitors to undertake estate administration, the Solicitors Regulation Authority (SRA) requires all solicitors' firms who carry out uncontested probate work to set out details of the fees they would charge.

For all matters, including uncontested probate work, we operate a transparent cost structure and will agree the scope of any work to be undertaken and our applicable hourly rates with our clients prior to any commitment.

WHO WILL DEAL WITH MY MATTER?

Sharon Witcombe is a Consultant Solicitor at Avon & Somerset Family Law and she will be responsible for dealing with your matter. Sharon has over sixteen years post qualification experience in delivering high quality work in all matters relating to wills and estate administration. She has been working in this area since she qualified and has helped over one thousand families and individuals.

Sharon advises on all aspects of probate and estate law and has experience in dealing with both simple and complex estates including high value estates and estates with overseas assets.

WHAT IS ESTATE ADMINISTRATION?

Estate administration is the process of collecting in all of the deceased's assets such as money, property, shares, then settling all liabilities such as funeral and estate expenses, debts and any liabilities before distributing to the beneficiaries. Distribution is carried out either in accordance with the deceased's Will or the Intestacy Rules, if no valid will exists.

HOW MUCH WILL IT COST ME?

The cost of dealing with the administration of an estate can often depend on the complexity of your circumstances and the level of assistance you require from Avon and Somerset Family Law. No estate is exactly the same, and our fees will reflect the complexity of the deceased's affairs. For example, estates comprising simple assets with a small number of beneficiaries will cost less to administer than estates comprising complex or business assets, multiple heirs and those establishing will trusts for multiple beneficiaries.

At Avon & Somerset Family Law we only charge an hourly rate unlike some other firms and organisations that charge a percentage of the value of the estate (a value element) in addition to an hourly rate.

We can help you through this difficult process and offer a number of options to assist you with probate and estate administration. These options will be tailored to your own requirements.

Our terms and conditions will be set out in our client care letter issued in accordance with our professional rules.

1. GRANT ONLY SERVICE

Our Grant only service can be a cost-effective way to obtain a Grant of Probate or Letters of Administration for a simple estate. In practice this means that we will:

- Provide you with a dedicated and experienced probate solicitor
- Identify the executor(s) or administrator(s) and beneficiaries

- Accurately identify the type of probate application you will require
- Obtain from you details of the assets and liabilities in the estate
- Complete the HMRC form (IHT 205) using the information provided by you
- Draft the Oath for you to swear or affirm
- Make the application to the Probate Registry on your behalf
- Obtain the Grant of Probate/Letters of Administration and forward the sealed office copies to you

You will then be responsible for collecting in the assets and distributing them in accordance with the Will or Intestacy Rules.

The fee estimate below is for estates where:

- There is a valid Will
- The estate does not consist of more than three shareholdings and/or other investments
- There are no more than five bank and/or building society accounts
- There is no more than one property
- There are no assets or liabilities abroad
- There are no intangible assets
- There are no business interests
- There are no farm interests
- There is no claim for the residence nil-rate band
- There is no claim for the transferable nil-rate band
- There is no inheritance tax payable
- The executors/administrators are not required to submit a full IHT 400
- There are no caveats entered at the Probate Registry
- There is no dispute between the beneficiaries or third parties and no claims made against the estate
- The Probate Registry do not request an affidavit

Our legal fees for the above service are normally £850.00 plus VAT (£170.00)*

***See (a) below for costs, fees and disbursements which could be applicable to this matter and not included in the estimate above and see (b) below for examples of issues which could arise and would result in an increase to our legal costs. Please also refer to the disbursements (directly below) which are applicable to the Grant only application.**

DISBURSEMENTS IN ADDITION TO OUR LEGAL FEES

Disbursements are expenses related to your matter that are payable to third parties, such as court fees. We handle the payment of any disbursements on your behalf to ensure a smoother process and confirm that *these fees are normally requested on account (i.e. before there is any requirement to pay them)*. The following disbursements would apply to a Grant only application.

- **PROBATE APPLICATION FEE** which is currently £155 plus 50 pence for each sealed office copy. **Please note that changes to the probate application fee are being introduced in April 2019 which will lead to an increase in the application fees for all estates worth more than £50,000. We will update our website at the relevant time.**
- **OATH FEES** which are currently £5.00 per executor/administrator. There is also an additional £2.00 per executor/administrator for each document annexed to the Oath (e.g. a Will or Codicil). **Please note that changes to the application process are currently being implemented which may change this fee. We will update our website at the relevant time.**

HOW LONG WILL THE GRANT ONLY APPLICATION TAKE?

We can normally obtain the Grant within four weeks to six weeks from the date of your instructions provided you are able to provide all of the relevant information at the outset**

**See (c) below for a list of factors which could cause a delay to a Grant only application.

2.FULL ESTATE ADMINISTRATION WHERE NO INHERITANCE TAX IS PAYABLE AND A FULL HMRC ACCOUNT (IHT400) IS NOT REQUIRED

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

We will handle the full process for you and as part of our service we will:

- Provide you with a dedicated and experienced probate solicitor who will meet with the executor(s)/administrator(s) to discuss the administration of the estate and prepare a plan of action
- Once we have discussed the administration of the estate with you we will provide you with a written estimate and description of the services we will need to provide in order to ensure the timely administration of the estate
- Identify the legally appointed executor(s) or administrator(s) and beneficiaries
- Write to all financial institutions where the deceased held assets and liabilities
- Where instructed to do so arrange for two valuations of land owned by the deceased
- Where instructed to do so place statutory notices
- Notify all the beneficiaries that they are due to inherit from the estate once the Grant has been issued, obtain the beneficiaries identification bank details and check their bankruptcy status
- Notify all the legatees in the estate (if applicable)
- Compile a Schedule of Assets and Liabilities in the estate
- Draft the Oath for executor(s)/administrator(s) and provide the executor(s)/administrator(s) with guidance and instructions for checking the same
- Draft the IHT 205
- Meet with the executor(s)/administrator(s) either in person or via a conference call to discuss the Oath and IHT 205
- Submit the Oath and IHT 205 to the Probate Registry
- Obtain the Grant of Probate/Letters of Administration
- Collect in the assets and discharge any liabilities
- Distribute the assets in accordance with the terms of the Will or the Intestacy Rules
- Prepare final Estate Accounts

The fee estimate below is for estates where:

- There is a valid Will
- The estate does not consist of more than three shareholdings and/or other investments
- There are no more than five bank and/or building society accounts
- There is no more than one property
- There are no assets or liabilities abroad
- There are no intangible assets
- There are no business interests

- There are no farm interests
- There is no claim for the residence nil-rate band
- There is no claim for the transferable nil-rate band
- There is no inheritance tax payable
- The executors/administrators are not required to submit a full IHT 400
- There are no more than five beneficiaries and/or legatees
- There are no caveats entered at the Probate Registry
- There is no dispute between the beneficiaries or third parties and no claims made against the estate
- The tax return for the administration period can be completed on an informal basis or is not required

We estimate that a matter such as the one described in 2 above would take on average between twenty and thirty hours work at an hourly rate of £195.00 per hour plus VAT (£39). **On this basis we would estimate our legal costs to be £3,900.00 - £5,850.00 plus VAT (£780.00-£1,170.00)***

***See (a) below for costs, fees and disbursements which could be applicable to this matter and are not included in the estimate above and see (b) below for examples of issues which could arise and would result in an increase to our legal costs. Please also refer to disbursements (directly below) which are applicable to this matter.**

DISBURSEMENTS IN ADDITION TO OUR LEGAL FEES

Disbursements are expenses related to your matter that are payable to third parties, such as court fees. We handle the payment of any disbursements on your behalf to ensure a smoother process and confirm that *these fees are normally requested on account (i.e. before there is any requirement to pay them)*. The following disbursements would apply to an estate where we are undertaking the full administration and a full HMRC account (IHT 400) is not required

- **PROBATE APPLICATION FEE** which is currently £155 plus 50 pence for each sealed office copy. **Please note that changes to the probate application fee are being introduced in April 2019 which will lead to an increase in the application fees for all estates worth more than £50,000. We will update our website at the relevant time.**
- **OATH FEES** which are currently £5.00 per Executor/Administrator. There is also an additional £2.00 per Executor/Administrator for each document annexed to the Oath (e.g. a Will or Codicil). **Please note that changes to the application process are currently being implemented which may change this fee. We will update our website at the relevant time.**
- **BANKRUPTCY SEARCHES** which are currently £2.00 per beneficiary.

HOW LONG WILL THE ADMINISTRATION OF THE ESTATE TAKE?

The time this takes can vary considerably. Estates that fall within this range are normally dealt with within three to six months.** Typically, obtaining the Grant takes six to ten weeks. Collecting in the assets then follows, which can take between four and ten weeks. Once, this has been done, we can distribute the assets, which normally takes two to four weeks.

****See (c) below for a list of factors which could cause a delay to the administration of an estate.**

3. FULL ESTATE ADMINISTRATION WHERE A FULL HMRC ACCOUNT(IHT400) IS REQUIRED

We will handle the full process for you and as part of our service we will:

- Provide you with a dedicated and experienced probate solicitor who will meet with the executor(s)/administrator(s) to discuss the administration of the estate and prepare a plan of action
- Once we have discussed the administration of the estate with you, we will provide you with a written estimate and description of the services we will need to provide in order to ensure the timely administration of the estate
- Identify the legally appointed executor(s) or administrator(s) and beneficiaries
- Write to all financial institutions where the deceased held assets and liabilities
- Where instructed to do so arrange for two valuations of land owned by the deceased
- Where instructed to do so place statutory notices
- Notify all the beneficiaries that they are due to inherit from the estate once the Grant has been issued, obtain the beneficiaries identification bank details and check their bankruptcy status
- Notify all the legatees in the estate (if applicable)
- Compile a Schedule of Assets and Liabilities in the estate
- Draft the Oath for executor(s)/administrator(s) and provide the executor(s)/administrator(s) with guidance and instructions for checking the same
- Draft the IHT 400 and supporting documents
- Source the payment of inheritance tax (if applicable)
- Meet with the executor(s)/administrator(s) either in person or via a conference call to discuss the Oath and IHT 400
- Submit the IHT400 to HMRC
- Submit the Oath and IHT 421 to the Probate Registry
- Obtain the Grant of Probate/Letters of Administration
- Collect in the assets and discharge any liabilities
- Distribute the assets in accordance with the terms of the Will or the Intestacy Rules
- Prepare final Estate Accounts

The fee estimate below is for estates where:

- There is a valid Will
- The estate does not consist of more than three shareholdings and/or other investments
- There are no more than five bank and/or building society accounts
- There is no more than one property
- There are no assets or liabilities abroad
- There are no intangible assets
- There are no business interests
- There are no farm interests
- There are no more than five beneficiaries and/or legatees
- There are no caveats entered at the Probate Registry
- There is no dispute between the beneficiaries or third parties and no claims made against the estate
- The tax return for the administration period can be completed on an informal basis or is not required

We estimate that a matter such as the one described in 3 above would take on average between thirty and forty hours work at an hourly rate of £195.00 per hour plus VAT (£39). **On this basis we would estimate our legal costs to be £5,850.00 - £7,800.00 plus VAT (£1,1700.00-£1,560.00)***

***See (a) below for costs, fees and disbursements which are not included in the estimate above and could be applicable to this matter and see (b) below for examples of issues which could arise and**

would result in an increase to our legal costs. Please also refer to the disbursements (directly below) which are applicable to this matter.

DISBURSEMENTS IN ADDITION TO OUR LEGAL FEES

Disbursements are additional to our legal fees. Disbursements are expenses related to your matter that are payable to third parties, such as court fees. We handle the payment of any disbursements on your behalf to ensure a smoother process and confirm that *these fees are normally requested on account (i.e. before there is any requirement to pay them)*. The following disbursements would apply to an estate where we are undertaking the full administration and a full HMRC account (IHT 400) is required

- *PROBATE APPLICATION FEE* which is currently £155 plus 50 pence for each sealed office copy. **Please note that changes to the probate application fee are being introduced in April 2019 which will lead to an increase in the application fees for all estates worth more than £50,000. We will update our website at the relevant time.**
- *OATH FEES* which are currently £5.00 per executor/administrator. There is also an additional £2.00 per executor/administrator for each document annexed to the Oath (e.g. a Will or Codicil). **Please note that changes to the application process are currently being implemented which may change this fee. We will update our website at the relevant time.**
- *BANKRUPTCY SEARCHES* which are currently £2.00 per beneficiary.

HOW LONG WILL THE ADMINISTRATION OF THE ESTATE TAKE?

The time it takes can vary considerably. Estates that fall within this range are normally dealt with within six to nine months.** Typically, obtaining the Grant takes ten to sixteen weeks. Collecting in the assets then follows, which can take between ten and twelve weeks. Once, this has been done, we can distribute the assets, which normally takes four to eight weeks.

****See (c) below for a list of factors which could cause a delay to the administration of an estate.**

(a) COSTS, FEES AND DISBURSEMENTS WHICH COULD BE INCURRED AND ARE NOT INCLUDED IN THE ESTIMATES IN 1,2 and 3 ABOVE

- Any outstanding debts and liabilities of the deceased (e.g. loans, credit cards, mortgage) and funeral and wake expenses.
- Fees paid to third party valuers relating to land, personal belongings (e.g. house contents or vehicles) shares, business or farming interests.
- Property clearance and costs of selling contents and personal belongings at auction.
- Legal fees for the sale or transfer of property and land and any agents' fees or HM Land Registry fees on transfer.
- Any taxes payable (e.g. Inheritance Tax, Income Tax, Capital Gains Tax).
- Any insurance required during the estate administration (e.g. unoccupied property insurance).
- S.27 advertisements are generally in the region of £170-£250 inclusive of VAT for advertisements in the London Gazette and a local newspaper. This protects executors who are non-beneficiaries against unexpected claims from unknown creditors.
- Certainty Will search to check for the existence of a Will is generally in the region of £114 inclusive of VAT.
- HM Land Registry Office Copies of the Title Register are currently £3 inclusive of VAT.

We add that the above is not an all-inclusive list of the costs, fees and disbursements which could be incurred and are not included in the fee estimates in 1, 2 and 3 above. Where applicable, we will give

you a quote once we have the information and we will agree any additional costs, fees or disbursements with you before proceeding.

(b) ISSUES WHICH WOULD RESULT IN AN INCREASE TO THE LEGAL COSTS IN 1,2 and 3 ABOVE

- A search for a lost Will or there is no Will.
- An impediment or technical issue in respect of the Will that prevents the Probate Registry from issuing the Grant quickly or indeed at all.
- Overseas assets and liabilities.
- A delay in the executors/administrators/beneficiaries returning paperwork to us.
- Enquiries raised by the Probate Registry.
- The estate consists of a large number of shareholdings or investments.
- The estate involves digital assets or assets where there is difficulty in obtaining passwords or otherwise accessing relevant information.
- HMRC raises an enquiry into the Inheritance Tax Return
- Intangible assets
- If a Caveat is entered at the Probate Registry which will require removal
- If there is missing documentation (e.g. share, marriage, birth certificates or insurance policies)
- If there are any business assets or interests in farms
- If there were any lifetime gifts made in excess of the annual allowances
- If the deceased had any interests in a trust
- Creation of a trust under the Will or Intestacy Rules
- If we are required to claim reliefs and exemptions from Inheritance Tax
- If we are required to establish and claim the nil rate band
- If we are required to establish and claim the residence nil rate band
- Claims against the estate by relatives, beneficiaries, creditors, HMRC, DWP or other third parties.
- Disputes between the executors, trustees and/or beneficiaries.
- The title to any residential property is unregistered or leasehold or the deeds to a residential property have been lost
- Beneficiaries or executor of the estate are insolvent and/or cannot be quickly and easily located
- The deceased's income tax affairs were not in order

We add that **(b)** above is not an exhaustive list of situations which would lead to an increase in our legal costs. In all cases where additional legal costs are likely to arise, we will give you an accurate quote once we have the information and agree any additional fees with you.

(c) FACTORS WHICH COULD CAUSE A DELAY TO THE TIMESCALES ESTIMATED IN 1,2 and 3 ABOVE

- A large number of assets and liabilities in the estate (e.g. an extensive share portfolio).
- Overseas assets and liabilities.
- A delay by the asset holders in dealing with requests for information and providing account closure forms.
- A delay in the executors/administrators/beneficiaries returning the paperwork to us.
- A delay by those to whom the estate owes a liability in dealing with requests for information on the liability and providing discharge information.
- Any delays by the Probate Registry in dealing with the application of the Grant and any requisitions raised by the Probate Registry.
- Any delays by HMRC in dealing with the tax returns and any requisitions raised by HMRC

- A search for a lost Will.
- An impediment or technical issue in respect of the Will that will prevent the Probate Registry from issuing a Grant quickly or indeed at all.
- Claims against the estate by relatives, beneficiaries, creditors, HMRC, DWP or other third parties.
- There are disagreements between the executors, trustees and/or beneficiaries.
- The title to any residential property is unregistered or leasehold or the deeds to a residential property have been lost.
- Beneficiaries or executor of the estate are insolvent and/or cannot be quickly and easily located
- Intangible assets

We add that **(c)** above is not an all-inclusive list of the factors which could cause a delay to the estimated timescales in 1, 2 and 3 above. Where applicable, we will notify you of any delays and provide you with a revised timescale.

For a quotation in relation to any estate please contact Sharon Witcombe on 01934 533130/07477612366 or by email sharonwitcombe@asflsolicitors.co.uk