

Client Information Sheet: Probate Services for uncontested Estates

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 THB Solicitors?

At THB Solicitors we offer an expert 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 and the firm itself is often appointed as Executors.

Occasionally clients feel comfortable distributing the estate themselves and decide to 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.

Our Probate Team

Member	Qualification/Position	Year of Qualification	Offices Covered
Carly Dartnell	Solicitor, Partner & Head of Department	2012	Shoeburyness & Benfleet
Emma Blakesley	Solicitor	2017	Chelmsford & Braintree
Lauren Springate	Solicitor	2022	Chelmsford & Braintree

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. Please note that VAT is charged, at a rate of 20%, on all of our fees.

Probate: Application for Grant only

We can assist you by obtaining the Grant on your behalf on a fixed fee basis. To do this you would need to provide us with the relevant financial information including details of the assets and liabilities of the Estate.

What the service includes

We will:

- Provide you with a free 30 minute consultation to discuss the matter in detail
- Provide you with a dedicated and experienced probate solicitor to work on your matter throughout
- Identify the legally appointed executors or administrators and beneficiaries
- Accurately identify the type of Probate application you will require and advise on Inheritance Tax (including whether it will be payable)
- Collect the relevant documents and information from the Executor to complete the application
- Complete the Probate Application and the relevant HMRC forms
- Draft a statement of truth for you to swear
- Make the application to the Principal Probate Registry on your behalf
- Obtain the Probate and any sealed copies required
- Arrange, if required, for the free storage of the original Grant

Please note that this service does not include contacting the beneficiaries, collecting in any of the assets or any work associated with the transfer or sale of Properties although we will be happy to provide you with a detailed quotation if required.

Anticipated charges and expenses

Application for a Grant of Probate where there is a valid Will and no Inheritance Tax is payable	Legal Fees: £795.00 - £995.00 VAT: £159.00 - £199.00 TOTAL: £954.00 - £1,194.00
Application for a Grant of Probate where there is a valid Will and no Inheritance Tax is payable but an Inheritance Tax Return (IHT400) is required	Legal Fees: £1,000 - £1,200 VAT: £200.00 - £240.00 TOTAL: £1,200 - £1,440
Application for a Grant of Probate or Letters of Administration where there is no Will or where part of the Will fails and no Inheritance Tax is payable	Legal Fees: £795.00 - £995.00 VAT: £159.00 - £199.00 TOTAL: £954.00 - £1,194.00
Application for a Grant of Probate or Letters of Administration where Inheritance Tax is payable	Legal Fees: £1,200 - £1,500 VAT: £200.00 - £300.00 TOTAL: £1,400 - £1,800

In addition to the above the following (VAT free) disbursements¹ are payable for all Estates:-

Probate court fee of £273.00²

Court fee for additional sealed copies – £1.50

Bankruptcy searches at £2.00 per name

Office Copy Entries (where there is a Property) at £3.00 per Title

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.

² Court fee correct as at January 2024.

Potential additional costs

There may be additional costs if it is necessary to prepare a full, complex Inheritance Tax 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, such applications are dealt with and finalised within 4 – 8 weeks. Typically, obtaining the grant of probate takes 3-4 weeks however, the Probate Registry are currently dealing with a backlog of applications and so the estimated wait time approximately 16 weeks depending on the complexity of the application.

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

What the service includes

We will act for you in the full administration of the Estate to include:

- Providing you with a free 30 minute consultation to discuss the matter in detail
- Providing you with a dedicated and experienced probate solicitor to work on your matter
- Identifying the legally appointed executors or administrators and beneficiaries
- Accurately identifying the type of Probate application you will require
- Obtaining the relevant documents required to make the application and liaising with all relevant organisations
- Completing the Probate Application and the relevant HMRC forms
- Drafting a legal oath for you to swear
- Making the application to the Probate Court on your behalf
- Obtaining the Probate
- Dealing with closure of accounts, collecting in estate funds and paying any liabilities
- Preparing a final estate account and distributing the legacies to beneficiaries

Anticipated charges and expenses

On average, most estates can be completed within 8 to 25 hours work and our charges are calculated in line with the Law Societies guidance and reflect the level of expertise of each Solicitor

Carly Dartnell	£240.00 plus VAT (£48.00) per hour = £288.00
Emma Blakesley	£210.00 plus VAT (£42.00) per hour = £252.00
Lauren Springate	£160.00 plus VAT (£32.00) per hour =

	£192.00
Trainee Solicitors, paralegals & other fee earners	£120.00 plus VAT (£24.00) per hour = £144.00
Support staff e.g. paralegals, secretaries	£60.00 plus VAT (£12.00 per hour = £72.00)

Please note, where we are appointed to act as Executors of an Estate will be charge an additional value element of 1% of the gross estate (plus VAT). The gross value will be calculated as the value submitted to Probate.

We will handle the full process for you. This above applies for estates where:

- There is a valid will
- There is no more than one property
- There are no more than 5 bank or building society accounts
- There are no other intangible assets
- There are 1-9 beneficiaries
- There are no disputes between beneficiaries on division of assets. If disputes arise this is likely to lead to an increase in costs
- There are no claims made against the estate

In addition to the above the following (VAT free) disbursements¹ are payable for all Estates:-

Probate court fee of £273.00²

Court fee for additional sealed copies – £1.50

Bankruptcy searches at £2.00 per name

Office Copy Entries (where there is a Property) at £3.00 per Title

Post in The London Gazette – Protects against unexpected claims from unknown creditors – to be advised

Post in a Local Newspaper – This also helps to protect against unexpected claims – to be advised

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.*

² *Court fee correct as at May 2023.*

The exact costs will depend on the individual circumstances of the matter. For example,

- 1) Mr Smith dies, leaving a valid Will, appointing his wife as his sole Executrix and beneficiary. There is a property, in joint names, one joint bank account and two sole name ISAS with a total value of £150,000 with two different banks. The ISA providers both require a Grant of Probate.

We would anticipate that the administration of this estate would take approximately 5 hours.

- 2) Mrs Jones dies, a spinster without children. She leaves a valid Will benefitting friends, family members and several charities. Her estate holds a main residence worth £500,000. She has several bank accounts, pensions, and some shares in Jersey. Her total estate is valued at £2 million pounds.

We would anticipate that the administration of this estate would take approximately 16 – 20 hours.

Potential additional costs

- If there is no Will
- If the estate consists of any shareholdings (stocks and bonds) there are likely to be additional costs that could range significantly depending on the estate and how it is to be dealt with.
- If additional advice is required in relation to Capital Gains Tax or Income Tax liabilities arising during the estate administration
- If there are any assets held outside of England and Wales
- If there are any claims made against the estate or disputes between Executors or beneficiaries on the division of assets

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 that fall within this range are dealt with within 6-12 months.

A member of our Private Client Team will be happy to give you a personalised quotation during our free 30 minute consultation.