



Your guide to Probate Matters

The people who sort out a deceased person's estate after they have died are called Personal Representatives. They can also be called Executors if the deceased left a Will or Administrators if the deceased died without a Will (intestate).

If the person has died leaving a Will

If the person who has died leaves a Will, it will usually name one or more people to act as the Executors of the Will.

An Executor's role is to administer the estate.

If you are named as an Executor of a Will you may need to apply for a grant of Probate.

A grant of Probate is an official document which confirms or "proves" the Executor's authority to administer the estate. It is issued by a section of the court known as the Probate Registry.

If the person has died without leaving a Will

This is known as intestacy and the process is more complicated.

The Administration of Estates Act 1925 sets out who can administer the estate. This is usually a close relative of the person who has died and it may be that more than one person has a equal right to administer the estate.

If you have the right to administer the estate you may need to apply to the Probate Registry for a grant of Letters of Administration; this is the official document issued by the court allowing the Administrators to administer the estate.

What is needed to obtain a Grant of Probate or a Grant of Letters of Administration

The Personal Representatives must in all cases establish the value and extent of the deceased's estate and their share of any asset owned jointly (these may pass by way of survivorship depending on how they are owned) and complete the relevant inheritance tax return. They must then swear an oath setting out their authority, the net and gross values of the estate and that they will distribute the estate in accordance with the Will or the Rules of Intestacy.





Your guide to Probate Matters continued...

Time scales

Dealing with the affairs of someone who has died can take a long time. It is not unusual for it to take up to one year and may take longer in some cases. There are many third parties involved in the process, for example, banks, building societies, insurance companies and H M Revenue and Customs.

The estate cannot be dealt with until all claims have been received. Individuals have six months from the date of the grant to make claims against the estate.

Things that may affect the time taken are:

- Whether the financial affairs of the person who has died were in order
- What the person who died owned and where it is
- Whether the person who died had an interest in a business or a farm
- What the Will or the Rules of Intestacy say
- Whether there are any legal disputes
- Whether inheritance tax needs to be paid
- Arguments between family members, beneficiaries or personal representatives can also delay matters. Any disagreements must be resolved before the affairs of the person who has died can be finalised.

**For more information please contact
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