

## TRANSPARENCY – ADMINISTERING AN ESTATE

Pursuant to Rule 1.3(b) of the SRA Transparency Rules “*the collection and distribution of assets belonging to a person following their death, where these are within the UK and the matters are not contested*” we are obliged to set out the following information:

- What is administering the Estate?
- What is a Grant of Probate?
- How do I obtain a Grant of Probate?
- What work is required to administer an Estate?
- What work is chargeable?
- How are fees our calculated?
- How much will our fees be?
- Will there be other costs?
- How long could this process take?
- Are there any limitations to the service?
- Who will carry out the work?
- What other information do I need to know about?

### *What is administering the Estate?*

Administering the Estate means to collect in any assets which were owned by a deceased person, dealing with any liabilities the deceased may have had, and distributing the assets in accordance to the terms set out in a Will or under the rules of intestacy. Administering the Estate can be undertaken once the Grant of Probate has been received.

### *What is a Grant of Probate?*

Probate is the legal right to deal with someone’s property, money and possessions (their “estate”) when they die. Probate has to be applied for through the Probate Registry

### *How do I obtain a Grant of Probate?*

The process of applying for Probate is similar, whether or not there is a Will, and whether or not the estate is liable for inheritance tax. Once it has been established as to the nature and value of the deceased’s assets and liabilities, forms are required to be completed and submitted to the Probate Registry and HMRC, if applicable – the forms will depend on whether inheritance tax is applicable. Once satisfied, the Probate Registry will issue the Grant of Representation (Grant of Probate if there is a Will or Grant of Letters of Administration if there is no Will).

### *What work is required to administer the Estate?*

If we are instructed to “administer” the Estate will likely include, but not limited to, the following:

- Calling in assets;
- Settling all debts, liabilities and expenses;
- Bringing the deceased’s lifetime tax affairs up to date;
- Paying legacies and distributing the estate to appropriate beneficiaries;
- Reporting to HMRC regarding the taxation of the administration period for the estate;
- Finalising the Estate Accounts

### *What work is chargeable?*

Before you incur legal fees with us, you will be given concise information about our terms and conditions which will include a description of how we work and how we apply our charges. Typically, we charge for:

- Attendances (both on the telephone and in person)
- Preparing correspondence (which may include emails and faxes)
- Receiving and considering correspondence (which again may include emails and faxes)

- Preparing, amending, finalising and engrossing documents

### *How are fees our calculated?*

We calculate our fees with reference to an hourly rate. As is typical in the legal profession, this hourly rate is split into ten 6-minute units and work is charged at time cost rounded up to the nearest unit.

### *How much will our fees be?*

The exact cost will depend on the individual circumstances of the matter and whether you want us to obtain the Grant of Probate for you as well as administering the Estate.

**Grant only:** For non-taxable Estates, your likely legal fees to establish the size, nature and value of the Estate, to complete the appropriate forms, deal with any inheritance tax, and make the application to the Probate Registry could be in the region of £3,500.00 to £5,000.00 plus VAT and disbursements. For taxable Estates, your likely legal fees could be in the region of £5,000.00 to £7,500.00 plus VAT and disbursements.

**Administration of Estate:** Your likely legal fees for obtaining the Grant of Probate/Letter of administration and administering the Estate could be in the region of £5,000.00 to £10,000.00 plus VAT and disbursements. If the estate is of high value or complex, your legal fees could exceed £20,000.00 plus VAT and disbursements.

Please note that this is based on the deceased's assets being within the UK and the estate is not being contested – we do not undertake work relating to contested estates or conveyancing.

Where K J Smith Solicitors are appointed as Executors in a Will, the Directors' appointed as Executors will also charge for the time spent, including but not limited to signing documents, reviewing paperwork, and making various decisions regards the assets of the Estate.

This information is not intended to be a fixed price. A more bespoke estimate as to your likely legal fees will be provided once we have had discussions with you and know more about the deceased and the Estate.

VAT at 20% is added to our fees – the above figures do not include VAT.

### *Will there be other costs?*

In addition to our legal fees, you could incur the following, but not limited to, disbursements:

- Application for Probate - £300.00
- Additional copies of Probate - at £1.50p each
- Bankruptcy searches - £6.00 per beneficiary
- Office Copy Entries - £7.00 plus VAT per property
- The London Gazette (to place notice) - £100.00 to £250.00 plus VAT
- Local Newspaper (to place notice) - £50.00 to £200.00 plus VAT

Disbursements are costs related to your matter that are payable to third parties, such as court fees. We handle payment of the disbursements on your behalf to ensure a smoother process.

## *How long could this process take?*

To apply for the Grant of Probate/Letters of Administration only could take approximately 4-8 months.

To administer the whole Estate could take approximately 6-18 months, and depends on the size and complexity of the estate

## *Are there any limitations to the service?*

We are unable to assist with cases where there is a dispute regarding the ownership of assets, or a dispute regarding the validity of a Will. This is known as “contentious probate” and the “Find a Solicitor” tool on the Law Society’s website will assist you in finding a legal services provider local to you who can assist.

We do not undertake conveyancing work and therefore we would direct you to a conveyancing firm of solicitors.

## *Who will carry out the work?*

We have a team of experienced lawyers dedicated to “Private Client” work which encompasses Will drafting, probate, administration, arranging Lasting Powers of Attorney and Deputyship. Please see the <https://www.kjsmith.co.uk/our-people> of our website for more information. In summary the team includes:

<a href="#">Karen Harvey, Eleanor Towsey, Mark Gibbon</a>	Directors	Their hourly rate is £380.00 plus VAT
<a href="#">Elizabeth Head*</a>	Senior Solicitor	Her hourly rate is £310.00 plus VAT
<a href="#">Johanna Jones*</a>	Senior Solicitor	Her hourly rate is £310.00 plus VAT
<a href="#">Rachelle Moore</a>	Associate Solicitor	Her hourly rate is £285.00 plus VAT
<a href="#">Lauren Hemmings</a>	Paralegal	Her hourly rate is £165.00 plus VAT
<a href="#">Holly Ward</a>	Legal Secretary	Their hourly rate is £95.00 plus VAT

\*members of STEP

The team is often assisted by the firm’s Trainee Solicitor who carries an hourly rate of £195.00 plus VAT. Please note that the individual with overall responsibility for the legal services provided by this firm is Karen Harvey.

## *What other information do I need to know about?*

Please note that whether we are acting as Executors in the Administration of an Estate, or are acting for you as Executor(s) of the Estate, we require the assets of the Estate to be gathered/paid into our Client Account for the correct and orderly settling of liabilities (including our fees) and distribution to the beneficiaries. We reserve the right to take any sums that we are holding on account towards any fee invoice that we have rendered. Invoices will be raised as appropriate junctures. Please note that you will be asked to make an initial payment on account which can be reimbursed from the estate funds.

All advice we provide throughout the course of your matter is based on our understanding of the law as it applies at the time it is given, and to the facts you have told us about or any documents you have shown us. We cannot be liable for any incorrect advice provided on the basis of inadequate or insufficient information.

For more information about the SRA Standards and Regulations please [click here](#).

K J Smith Solicitors is a trading name of KJS Solicitors Ltd.

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SRA number 555749.