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Have you suffered a bereavement?

The loss of someone close to you can be difficult to cope with and often the formalities and paperwork involved in dealing with their affairs can seem daunting.

If you are named as an Executor in a Will or your relative did not leave a Will and you are unsure what to do we can advise you and help you through the process.

After a person dies, someone has to handle their affairs e.g. deal with their money and property. This is called administering the estate and the individuals responsible for this are called personal representatives (PRs)

If the person left a valid Will it should name Executors and those people are the PRs of the estate. If there is no Will the person is treated as dying intestate and the role of PR can be taken on by any person entitled to a share of the estate i.e. the next of kin. This type of PR is known as an administrator.

The PRs have to administer the estate according to the terms of the Will or, if there is no Will, following the rules set out by law for administering intestate estates.

The administration of an estate involves collecting in the assets in the estate and then ensuring that all liabilities are paid. The remaining assets should then be distributed to the beneficiaries.

If a person leaves an estate of less than £5,000 the PRs can usually collect in the assets without the need for a Grant of Representation. If the estate is larger it is generally necessary for a grant to be taken out.

The grant is legal confirmation that the PRs are entitled to administer the estate. Banks, insurance companies, other financial institutions and the Land Registry

will require sight of the grant before they will allow PRs to encash or transfer assets.

There are various types of grant, the main two being Grants of Probate (where there is a Will) and Grants of Letters of Administration (where the person died intestate). The application for the grant is made to the Probate Registry.

If there are substantial assets in an estate the PRs are responsible for finding out whether Inheritance Tax is payable. Part, or in some cases all, of the Inheritance Tax has to be paid before the grant of representation can be issued.

There are certain exemptions and reliefs available for Inheritance Tax and it is important that PRs get advice about the position if it seems that there could be a liability.

In most cases the administration of an estate is straightforward and can be dealt with quickly. However, it can sometimes be a more complex affair involving many organisations. In the latter case it can sometimes be difficult to give a likely timescale for the administration to be finalised especially if there are any disputes or claims against the estate.

Sometimes people feel unhappy about the way the estate is to be divided. In certain circumstances a claim could be made against the estate if a dependant has not been left reasonable financial provision.

If you would like advice or assistance with the administration of an estate please contact -

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