



Probate

When someone dies leaving a valid will, the process by which that person's property is collected in and distributed according to the terms of the will is called probate. However when a person dies without leaving a will, the process by which that person's assets are collected in and distributed is called administration. A person who dies without leaving a will is referred to as dying 'intestate'. In such a case a person's estate is distributed according to a strict legal order rather than in the way that person may actually have wished their possessions to pass.

Grant of Probate

There are a number of stages involved in applying for a grant. To begin with the death needs to be registered with the various institutions and the value of the assets at the date of death needs to be ascertained along with details of all liabilities the deceased may have. Once this information is to hand, the inheritance tax return can be completed and the oath drafted in order to apply for the grant.

If any tax is due, it then needs calculating and paying. The oath then needs to be sworn by the executors or administrators to confirm they agree to deal with the estate in the way required by law. The necessary documents are then submitted to the probate registry. Once the grant is received the assets can be collected in and, if necessary, any property can be sold. Finally all debts are paid and assets/monies can be transferred to the appropriate beneficiaries.

We can deal with all this for you.

Value of the Estate

When someone dies leaving assets of less than £5000 this is called a small estate. In the case of a small estate there is no need to obtain a grant. Institutions holding such small sums of money or other property on behalf of the deceased will usually be willing to release such money or property upon sight of that person's death certificate.

Alternatively, however, when a person holds shares or other investments or has policies or accounts holding more than £5000 such asset holders will usually need to see a grant.



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Property

If the deceased owned a property you may need to arrange for the property to be sold. We are able to assist you in arranging valuations, preparing your Home Information Pack and then dealing with the conveyancing.

Grant of Probate

Where the deceased did not leave a valid will the rules of intestacy apply. This means there are strict legal rules to determine who deals with the estate and who inherits what. The grant of letters of administration may be applied for in the following order:

- Surviving spouse
- Children of the deceased or the issue of any child who has predeceased
- The deceased's parents
- The deceased's brothers or sisters of the whole blood or any issue of those who have predeceased
- The deceased's brothers or sisters of the half blood or any issue of those who have predeceased
- Grandparents
- The deceased's uncles or aunts of the whole blood or any issue of those who have predeceased
- The deceased's uncles or aunts of the half blood or any issue of those who have predeceased
- The treasury solicitor
- A creditor of the deceased

If under the intestacy there will be a minority or life interest then two personal representatives will be required.

When a person does not leave a will, the people who will inherit and the amount they will inherit varies depending on their relationship to the deceased, according to strict legal rules. This is a complicated area of law in which we will be happy to help.

At your Appointment

When you see the solicitor they will need certain information in relation to the estate.

- The death certificate
- The will (if there was one) or details of where one may be kept
- Details of any assets, such as passbooks, bank account details, life insurance policies, share certificates etc

Watson Esam can also help you with

- Business law
- Employment law
- Family law
- Personal injury
- Claims and disputes
- Debt recovery
- Professional negligence
- Contested probate
- Bankruptcy
- Insolvency
- Property matters
- Charities/voluntary organisations
- Wills and trusts
- Probate
- Inheritance tax planning
- Powers of attorney



WATSON ESAM
Solicitors

18 Paradise Square Sheffield S1 1TY Tel: 0114 275 3350 Fax: 0114 276 8277
Email: enquiries@watson-esam.co.uk Web: www.watson-esam.co.uk