

# Probate Pricing Information



Please see below our fees in respect of probate work in relation to uncontested cases where all the assets are in the UK. This includes both testate and intestate and taxable and non-taxable estates.

If you would like further information regarding the probate process, please see:

<https://www.legalchoices.org.uk/legal-choices/got-a-legal-issue/i-need-to-apply-for-probate>

**We can help you through this process in one of or a mixture of the following ways:**

1. We can generally advise you on an hourly rate basis of the process of administering an estate and acting as a personal representative; answer specific questions and sign post and guide you through the process of obtaining a Grant of Representation
2. We can obtain the Grant of Representation on your behalf to include the probate application and HMRC form for a fixed fee based on the information and instructions you provide to us.
3. We can deal with the whole administration of the estate to include ascertaining the assets and liabilities in the estate before applying for the Grant of Representation, all enquiries with HMRC, dealing with the deceased tax affairs up to the date of death and during the administration period, undertake the collection and distribution of assets, settling liabilities and making payments to beneficiaries, preparing a full set of estate accounts.

**As part of our fixed fee (as (b) above) we will:**

- Provide you with a dedicated and experienced probate solicitor to work on your matter
- Generally, advise you of the process of administering an estate and acting as a personal representative
- Identify the legally appointed executors or administrators and beneficiaries
- Accurately identify the type of Probate application you will require
- Obtain and complete the relevant documents required to make the Probate application to include the relevant HMRC forms and drafting the statement of truth
- Make the application to the Probate Court on your behalf
- Obtain the Grant of Representation and securely send you the Grant together with the number of Office Copies you will require.



## Fee \* (subject to exclusions below) for obtaining a Grant of Probate or Letters of Administration (where there is no valid Will)

| Type of application | Inheritance Tax Form used | WB costs  | Link for further explanation  |
|---------------------|---------------------------|---|---|
| Grant only          |                           | MIN £1400<br>+VAT                                 | <a href="https://www.gov.uk/government/publications/inheritance-tax-claim-to-transfer-unused-nil-rate-band-for-excepted-estates-ih217">https://www.gov.uk/government/publications/inheritance-tax-claim-to-transfer-unused-nil-rate-band-for-excepted-estates-ih217</a> |
| Grant only          | IHT 400                   | MIN £2500<br>+VAT (Typical ranges £2500 to £7500) | <a href="https://www.gov.uk/government/publications/inheritance-tax-inheritance-tax-account-ih400">https://www.gov.uk/government/publications/inheritance-tax-inheritance-tax-account-ih400</a>   |
| Renunciation        |                           | £375 + VAT  |   |

If any taxes are payable in the Estate these costs will be in addition to our costs for administering the Estate.

We are unable to provide an estimate for any tax that may be payable.

Please see <https://www.gov.uk/inheritance-tax> for further information in relation to Inheritance Tax.

The amount of tax payable will depend on the value of the worldwide estate, including gifts and assets put into trust in the 7 years prior to death, less exemptions and reliefs available.

For help valuing an estate please see <https://www.gov.uk/valuing-estate-of-someone-who-died>

## Disbursements (costs in addition to the above)

|                       |                  |   |
|-----------------------|------------------|---|
| Probate Fee           | £300             | Plus £16 per office copy Grant (one per asset usually)  |
| Swear fees            | From £5          | An additional £2 per exhibit, eg: Will attached   |
| Statutory Notices     | £207.67          | These are posts in the London Gazette which protect against unexpected claims from unknown creditors. We can also post in a local newspaper; this also helps to protect against unexpected claims |
| Certainty Will Search | From £45.60      | This is advisable in an intestate estate  |
| Bankruptcy Fee        | £6 + VAT (£7.20) | Per beneficiary   |
| Smart Search          | £10 + VAT (£12)  | Per executor and beneficiary  |

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.

### \*Exclusions

If any of the following apply to your circumstances, these will be in addition to the above costs and will be chargeable at an hourly rate or agreed fee:

- Deed of Variation
- Assents or Transfers of property
- Administration of Will Trusts
- Registration of Will Trusts with HMRC
- Contentious Probate Issues
- Sale of estate property (fixed fee, dependent upon property sale value)

### How long will this take/timescales

On average obtaining a grant of representation based on the information provided can take between 1-3 months to prepare the paperwork. Typically, obtaining the grant of representation takes 2-12 weeks from the probate registry.

### Estate Administration

We structure our Estate Administration charges according to the complexity of the matter and then charge according to our Tier System detailed below. Please see in our table below the estimated time it will take to deal with the different tiers of estates, together with our hourly rate for each.

The exact cost will depend on the individual circumstances of the matter. For example, if there is one beneficiary and no property, costs will be at the lower end of the range. If there are multiple beneficiaries, a property and multiple bank accounts, costs will be at the higher end.

We will handle the full process for you.

### Disbursements (costs in addition to the above):

| Tier | Level of Administration   | Costs per hour | Time estimates in hours | Total costs estimate            | Estimated Length of time for completion |
|------|---|----------------|-------------------------|---------------------------------|---|
| A    | Simple estate: this is where there is a valid will, there is not more than one property, there are no more than 5 bank or building society accounts; there are no other intangible assets; there are 1- 5 beneficiaries; there are no more than 5 liabilities; the estate is solvent; there are no disputes between beneficiaries on division of assets (if disputes arising this is likely to lead to an increase in costs), there is no inheritance tax payable and the executors do not need to submit a full account to HMRC and there are no claims made against the estate. | £250p/h        | 20-30 hrs               | £5,000 + VAT<br>- £7,500 + VAT  | 12-18 months                            |
| B    | Simple estate: this is where there is a valid will, there is not more than one property, there are no more than 5 bank or building society accounts; there are no other intangible assets; there are 1- 5 beneficiaries; there are no more than 5 liabilities; the estate is solvent; there are no disputes between beneficiaries on division of assets (if disputes arising this is likely to lead to an increase in costs), there is no inheritance tax payable and the executors do not need to submit a full account to HMRC and there are no claims made against the estate. | £295p/h + VAT  | 20 - 40 hrs             | £5,900 + VAT<br>- £11,800 + VAT | 12 -24 months                           |

|   |  |            |            |   |                |
|---|--|------------|------------|---|----------------|
| C | Advanced estate: includes the work involved in a simple and standard estate but also where there are more advanced issues to consider such as more than one property; appropriations; more than 10 beneficiaries; potentially exempt transfers; missing beneficiaries, foreign assets. | £340 + VAT | 30 -60 hrs | MINIMUM<br>£10,200 +<br>VAT -<br>£20,400 +<br>VAT | 18 - 36 months |
| D | Complex estate: will include estates which are taxable and estates over £1 million; and other complex areas such as business property and agricultural relief claims; estates with areas requiring several areas of expertise  | £380 + VAT | 45-150 hrs | MINIMUM<br>£17,100 -<br>£57,000                   | 18- 36 months  |

Please refer to the information on the following pages for detailed explanation as to the work involved in each of the tiers set out above.

Please note that if Wilson Browne are the Executors of the estate, then due to the additional duties arising from the Executor role, the estate will fall into either Tier 3 or Tier 4.

### Potential additional costs

- If there is no will or there is substantial investigation work that needs to be carried out prior to obtaining the grant of representation, then the estate is likely to fall towards the upper end of the tier structure.
- We will provide interim bills and updates on costs throughout the administration of the estate. If we believe we will not be able to complete the administration of the estate within the costs estimates given, then we will advise you of the reasons why and provide you with a new estimate before proceeding further
- We can only categorise the estate within our tier system from the information we know about and sometimes assets or circumstances arise that may impact the tier structure that the estate falls within
- Costs for the exclusions mentioned above do not form part of the costs for dealing with the administration of the estate such as: dealing with the sale or transfer of any property; deeds of variation and administering Will trusts.
- Will trusts (other than bare trusts) are required to be registered with HMRC on the Trusts Registration Service. Additional charges will apply.

### How long will this take/timescales:

On average, the probate papers can be prepared within 1 - 6 months of instruction (the lower end for the simple and standard estates (tier A & B) and the higher end for the advanced and complex estates (tier C & D).

Typically, obtaining the grant of representation takes a minimum of 16 weeks.

Collecting assets then follows, which can take between 3-10 weeks.

Once this has been done, we can either distribute the assets or make an interim distribution in the estate, which normally takes 4-8 weeks. It can take a further 4-12 weeks to finalise the estate matters and produce detailed estate accounts.

### Are there circumstances where the administration could take longer?

Typically, the estates that take longer than the estimated time scales are estates that include the following:

- Requisitions from HMRC
- Missing beneficiaries
- Disputes between beneficiaries or executors
- Caveats lodged at the probate registry
- Claims against the estate including claims by the DWP
- Assets that are difficult to sell such as property or shares
- Registration of trusts or estates at HMRC
- Taxation of estates
- Tax paid by instalments
- Mental incapacity or death of executors or beneficiaries
- Foreign assets or beneficiaries
- Insolvent estates or bankrupt beneficiaries

### Tier A - Simple Estate

- Applying for Grant
- Collecting and distributing the assets - limited to cash assets only (including NS & I} i.e. no shares/investments
- No more than 5 beneficiaries (in total including Residual beneficiaries and Legatees none charitable}
- One house (not including managing property post death - e.g. insurance, utility bills, security checks)
- No mortgage on the house
- Estate Account
- 10 beneficiaries (legatees and Residual Beneficiaries including charities)
- Charitable Residual Beneficiaries
- Wilson Browne as Executors
- Gifts where more investigation required e.g:
  - Gifts out of income
  - Substantial gifts
- Disputes between Executors and/or beneficiaries
- Appropriations
- Foreign beneficiaries
- Missing beneficiaries
- Lifetime trusts – deceased created or beneficiary
- More than one property

### Tier B - Standard Estate

In addition to Tier 1

- Managing property e.g. to include Insurance and utilities
- Dealing with income tax and CGT during administration period (under HMRCs informal procedure) ie: no need to complete tax returns
- Statutory Notices
- Vast quantity of paperwork to ascertain Assets and Liabilities
- Mortgage on property
- Life insurance
- 5 - 10 beneficiaries
- Arranging funeral
- Registering death
- House clearance
- Collecting personal belongings

### Tier C - Advance Estate

- Selling Property e.g. Dealing with agents/ Clearance/ Inspections
- Shares
- OEICS
- Unit Trusts
- Non-cash investments
- Dealing with tax matters on a formal basis with HMRC e.g:
  - completion of tax returns
  - Income tax/capital gains tax returns up to date of death
  - Income tax/capital gains tax in administration period
- Genealogists
- Gifts during lifetime eg: cash gifts, gifts out of surplus income
- Will trusts - life interest and Right of Occupation (first and second death}
- Minor beneficiary trusts

### Tier D - Complex Estate

- Business Property Relief
- Agricultural Property Relief
- IHT400 - chargeable estate
- Downsizing Residential Nil Rate Band
- Foreign assets
- Discretionary trusts
- 36% IHT
- Quick succession relief
- Estates in excess of £1million (gross value)
- Business interests
- Complex estates with areas requiring several areas of expertise e.g.
  - existing tenants; dissolved companies
  - continuation of business affairs
  - winding up a company
  - 1975 Act Claims
  - pre-existing litigation
  - non-regulated loan agreements

If you need support with Probate, our Private Client team are here to support. For any further information, please visit our website

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