

## Grant of Probate & Administering an Estate fees



No two probate cases are the same. They are as individual as the person whose estate we are being asked to help with.

The cost of obtaining probate will inevitably depend on the complexity of the deceased's financial circumstances and the level of support you require from KPL.

Factors that could make a case more complex include:

- Issues relating to jointly owned property
- Whether there are any issues relating to capacity at the time the Will was executed, or undue influence being applied on the person making the Will
- Issues relating to domicile
- Whether any aspects of the Will are likely to be disputed by people who think they should have been provided for
- Dealing with missing beneficiaries
- The terms of the deceased's Will or Intestacy (if there is no Will)
- The amount of assets and liabilities comprised in the estate
- The complexity of the assets comprised in the estate such as foreign property, agricultural or business assets.
- Lifetime gifts made by the deceased
- Trusts in the Will or other trust arrangements
- Formal Tax returns being required by HMRC
- Historic Capital Gains Tax and Income Tax issues of the deceased
- Claims made against the estate by DWP and other professional bodies/government agencies

### How much will obtaining probate cost?

Our fees will reflect the particular requirements of the estate. Because of this, it is very difficult to provide a reliable estimate of the costs relating to your individual circumstances until we have more details about the estate and have had a look at the Will (if any) to ascertain whether it is simple, medium or a high complexity estate.

With a view to provide increased cost certainty to our clients, we are able to offer a fixed fee service for Grant of Probate applications. We can also provide an indication of costs for dealing with the full Administration of an estate. Please see below for more information. We have several regulatory requirements to verify the identity of the executors and beneficiaries of an estate and perform due diligence checks which are designed to help prevent fraud and money laundering. We have put in place significant anti-fraud checks to protect our clients and these are charged at £30 (inclusive of VAT) per person.

## **Grant of Probate only service**

Some clients only require assistance with obtaining the Grant of Probate as thereafter the Executors will deal with the Administration of the estate. This is our most cost effective way to assist in obtaining a Grant to deal with a simple estate.

### **Key Stages for Grant of Probate service only**

If we are instructed under this service we will prepare for you the Executors Oath (or Oath for Letters of Administration – if there is no Will) based on the financial information provided to us by you.

Clients will need to provide us with a full list of the assets and liabilities in the estate. This will require date of death valuations for all items.

We will also require from you the deceased's National Insurance number and Tax Office and details of all gifts in excess of £3,000 that have been made within the last seven years.

We will complete an Inheritance Tax Return based on the information provided.

The draft Probate papers (consisting of the Oath and Inheritance Tax Return) will then be sent to you for your approval before the final Probate papers are signed.

Once we receive the Grant of Probate we will write to the Executors releasing the sealed Grants of Probate which will allow them to continue with the estate administration. This will mark the end of our involvement in the matter.

Please note the following actions are excluded under our Grant only service:

- Administration of the estate to include obtaining the date of death valuations or encashment following the issue of the Grant of Probate
- Detailed Tax Planning Advice or Deeds of Variation
- Transferring or selling any land or property
- Preparation of Estate Accounts
- Dealing with Income or Capital Gains Tax matters which occurred before death or during the period of the estate administration
- Contentious Probate Matters such as disputes between beneficiaries on the division of assets or claims being made against the estate
- Dealing with assets of a pre-deceased spouse
- The Administration of any trust or registration of the trust with HMRC
- Correspondence with beneficiaries of the estate
- Locating missing beneficiaries
- Regular visits to the deceased's property for insurance purposes
- Dealing with foreign assets

The above work, if required, can of course be undertaken and we can provide a quotation for you.

## **Fees For A Grant Only Probate**

**Where there is no Inheritance Tax payable:**

Where VAT is referred to below please note that this will be charged at the applicable rate, which is currently 20%.

Where the estate is a simple one, and it allows us to use a Form IHT 205 based on the value of the estate and assets comprised in the estate, our fee will be fixed at £1,500 (plus VAT).

Where a Form IHT 205 is required with an IHT 217 (Transferable Nil Rate Band Claim from a former spouse or civil partner) our fee will be £1,750 (plus VAT).

Where a full Inheritance Tax return is required using form IHT 400 and accompanying schedules our fee will be fixed at £2,500 (plus VAT).

#### **Where there is Inheritance Tax payable:**

Where a full Inheritance Tax return is required using form IHT 400 and accompanying schedules our fee will be fixed at £3,500 (plus VAT).

#### **Disbursements**

Probate Court Fees and other disbursements added to this fee

- Probate application fee of £155;

There may also be disbursements which are costs related to your matter that are payable to third parties, such as:

- Extra copies of the Grant of Probate. These are often applied for at the time the application for Probate is made and each copy is an additional £1.50 each.
- There is a fee payable of £5 for each named executor to swear the Executors Oath and an additional £2 for each Will/Codicil.
- Bankruptcy - Land Charges department bankruptcy searches cost £2 per beneficiary of an estate and it is likely that a minimum of two searches will need to be carried out against each beneficiary during the estate administration.
- Land Registry Fee - £6 for any land owned to include Office Copies and title plan.
- Statutory Notices - In both the London Gazette and local newspaper - £200 (approximately).
- Unclaimed asset search - fee dependant on provider.
- Certainty Will Search - £109 (inclusive of VAT) if required. This is a search for the whereabouts of the Will of the deceased if unknown.

#### **Potential additional costs**

If there is no will or the estate consists of any share holdings (stocks and bonds) there is likely to be additional costs that could range significantly depending on the estate and how it is to be dealt with. We can give you a more accurate quote once we have more information.

Dealing with the sale or transfer of any property in the estate is not included.

- Bank transfer administration fee                      £40 (+VAT) (per transfer)
- ID checks fee    £20 (+VAT) (per person)

#### **Full Estate Administration Service**

If clients wish to instruct KPL to deal with the entire Probate process then our work will include the following (which are not included under the Grant of Probate only service):

We will assist you in administering the estate. This includes:

- Making enquiries of all asset holding bodies
- Obtaining all necessary valuations
- Confirming details of liabilities

- Communicating with Personal Representatives, legatees and beneficiaries
- Preparation of the Inheritance Tax return
- Preparation of the papers leading to the application for the Grant of Representation
- Realising assets (excluding any land/property)
- Making interim distributions if appropriate for beneficiaries
- Settling liabilities and legacies
- Preparing and balancing final estate accounts and ultimately attending to the distribution of the final funds due to each of the beneficiaries
- Finalising the income tax affairs of the deceased for the estate administration period and issuing tax certificates to beneficiaries (if required). If the deceased had an accountant who supported them with this during their lifetime it can be cost effective for them to finalise the deceased's tax affairs. The period of administration is a separate tax period and must be reported to HMRC. It may be possible to make an informal return. If the estate income and capital gains tax is complex then a formal return will be required. Again, this can be prepared by an appointed accountant.

As a guide, the fees for a full estate administration will range from £4,500 - £9,500 (plus VAT) for a straightforward estate not consisting of complex assets, while fees for more complex estates can exceed £20,000 (plus VAT). The range is based on blended hourly rates. Our hourly rates range between £120 - £250 per hour (plus VAT).

Please note that Probate Court fees and disbursements and the costs associated with the selling or transfer of property are payable in addition to any costs set out above.

However, we at KPL are happy to support clients in each stage of the process and we often work with clients at any early stage to identify non-legal tasks that do not necessitate our involvement to establish if these can be completed by clients themselves or family members.

We would need to meet with clients in the first instance to review the Will (or family tree if an Intestacy) and discuss how the estate's assets and liabilities are made up. We can then provide you with a fee estimate which we believe the estate administration will cost including disbursements.

### **How long will my matter take?**

The time that it takes from taking your initial instructions to the final Grant of Probate depends largely on how quickly the required information is provided.

In our experience a full estate administration can take between 6-12 months to conclude but this will depend on each estate administration owing to the types of assets involved.

We cannot guarantee how long the Probate Registry will take to return the Grant of Probate. However, following the submission of the papers to the Probate Registry we would anticipate being in receipt of the Grant of Probate within 28 days.

### **Who will be dealing with my matter?**

Our team has a wealth of experience in Estate Administration matters and delivers a high-quality legal service. Work is supervised by Bozena Kuplinska who is a solicitor and director at KPL Solicitors. She is supported by paralegals and other support staff. Full details of the experience and qualifications of our team are available on our website <https://kplsolicitors.com/people/> including the types of work normally undertaken <https://kplsolicitors.com/services/>

### **Next steps**

If you would like to instruct us, or to learn more about our Wills and Probate services, please email your enquiry to us at [info@kplsolicitors.com](mailto:info@kplsolicitors.com) or call on 0203 875 5090 for further information.