

## Administration of Estates

Losing a loved one can be one of the most difficult times of your life and we understand that.

We are here to help you through the process and can assist you with as much or as little as you like. We can help apply for the Grant of Representation (commonly known as probate) or we can deal with the administration of the whole estate from start to finish.

If someone has died without leaving a Will then the estate will need to be administered in accordance with the laws of intestacy and this may sometimes include tracing missing relatives.

Dealing with an estate can be very time consuming and problems do often arise especially if the estate is large or complex or if there has been a breakdown in family relationships.

## Trusts

Trusts can be used to protect assets and beneficiaries and may include property trusts, discretionary trusts and personal injury trusts.

It is very important to understand the different administration and taxation issues when creating a trust and that the type of trust is right for your circumstances.



## Why use Timms?

With four offices across the East Midlands: Derby; Swadlincote; Burton upon Trent and Ashby de la Zouch, our breadth of experience and knowledge allows us to provide a diverse range of services from residential and commercial conveyancing, employment law, childcare law, family law and private client law to personal injury and clinical negligence.

We pride ourselves in our friendly, approachable manner whilst maintaining a professional practical relationship with our clients.

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**Timms**  
SOLICITORS

**Private  
Client  
Services**

a guide to our Private  
Client Services



## Introduction

Our friendly and knowledgeable Wills and Probate team have almost 70 years combined experience guiding and advising clients on Wills, Powers of Attorney, Court of Protection Applications, Administration of Estates and Trusts.

We tailor our work to meet your individual requirements and have a professional, yet approachable, team of qualified Solicitors, Legal Executives and support staff.

A number of our team are fully accredited members of Solicitors for the Elderly and we also have a team of trained Dementia Friend Champions.

**This leaflet summarises some of the private client services that we offer. More detailed guides can be found in our receptions or at [www.timms-law.com/wills-and-probate/](http://www.timms-law.com/wills-and-probate/) or by request by telephoning 01332 364436.**

building relationships since 1892

## Wills

If you don't have a Will in place then the laws of intestacy set out who will benefit from your estate when you have gone. By making a Will, you can decide who administers your estate and also who will care for your children. You get to choose who will inherit your money and assets and in what proportions. A Will can also include funeral instructions.

It is always advisable to have a professionally drafted Will to ensure your wishes are carried out effectively.

## Protecting your assets

Through the use of Trusts in your Will, it is possible to protect assets from the effects of long-term care fees, your spouse or partner re-marrying or for children from a previous relationship.

Trusts can also be included to provide for vulnerable beneficiaries such as a child with a mental or physical disability, whilst protecting their benefits.

If you already have a Will in place, then you should check that it still accurately reflects your wishes and circumstances and is up to date.

We write hundreds of Wills each year, each based on the client's own personal circumstances and requirements.

## Lasting Powers of Attorney (LPA)

An LPA allows you to appoint someone you trust as your Attorney to make decisions on your behalf should you become physically or mentally incapable of making decisions yourself. There are two types of LPA.

A Property & Financial LPA allows your Attorneys to make decisions about your money, property, investments, pensions and benefits. They can also use your money to look after your home and pay for care.

A Health & Welfare LPA allows your Attorneys to make decisions about your care including life sustaining treatment and where you live. This type of LPA can only be used if you no longer have the mental capacity to make your own health and welfare decisions.

A professionally prepared LPA can also include instructions and guidance for your Attorneys to ensure that your wishes are followed.

## Court of Protection Applications

If someone loses their mental capacity and they have not made an LPA then an application to the Court of Protection for a 'Deputyship Order' may be necessary.

The Court of Protection is a Court that has jurisdiction over the property, financial affairs and personal welfare of people who do not have the mental capacity to make decisions for themselves.

A deputyship application is a lengthy process and, once appointed, the deputy will be asked to provide the Court with an annual report setting out what decisions they have made on behalf of the person who lacks capacity. If the application relates to property and finances then the Court will also require a breakdown of the person's finances.

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