

How can a legal professional help?

Our Wills & Probate team have many years experience in dealing with the administration of estates and we understand just how difficult this time can be for the loved ones left behind.

We are able to offer a full estate service where we deal with the entire estate from start to finish – including the sale of any property.

Alternatively, we can just obtain the Grant for you or deal with any part of the estate that you wish. We are able to work on an hourly charging basis or on a fixed fee basis or a mixture of both.

Sometimes professionals will be appointed as executors in the Will. Our job is to make the process as simple and efficient as possible.

Our Wills & Probate team offer expert advice on:

- Wills
- Powers of Attorney
- Care for the Elderly
- Court of Protection Applications
- Administration of Estates / Probate
- Intestacy
- Inheritance Tax Planning and Asset Protection
- Trusts



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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**What to
do when
someone
dies**



What are the first steps that need to be taken?

Losing a loved one can be one of the most difficult times of your life and this guide is designed to provide you with some practical advice.

Firstly you will need to take steps to register the death.

This will usually be dealt with by a relative or someone who was present at the death. It can however be done by an official or anyone who has taken responsibility for arranging the funeral. The death is usually registered at the Registry Office but can sometimes be done at the hospital.

If a coroner is involved then an interim death certificate may be issued until all investigations have been completed.

Other steps include arranging the funeral and ensuring that the deceased's property and possessions are safe and secure and that adequate insurance is in place. If the deceased left a Will then it is important to locate the original document

Who deals with the estate?

If the deceased left a Will then the executors named in the Will are usually responsible for dealing with the estate.

If there is no Will then the laws of intestacy set out who is entitled to administer the estate – these people are known as administrators. Executors and administrators are collectively known as 'personal representatives'.

Many personal representatives choose to instruct solicitors to act on their behalf in the administration of an estate – particularly if a Grant of Representation is required or if the estate is complex or there are family difficulties.

What is a Grant of Representation?

A Grant of Representation is a document issued by the Court confirming who has the authority to administer the estate. If there are executors then it is a 'Grant of Probate' and if there are no executors then it is a 'Grant of Letters of Administration'. There are also other types of Grant but these are the two most common.

A Grant is always required if the deceased held property and will often be required if the deceased held shares or bank accounts over a certain value.

A Grant may not be required if the deceased only owned joint assets as these automatically pass to the surviving joint owner(s). A Grant may also not be required if the deceased held assets under a certain value.

What is involved in administering an estate?

The personal representatives will need to ascertain the assets and liabilities in the estate. This will involve contacting the deceased's banks, building societies etc. and will sometimes involve carrying out a missing asset search. Any property will also need to be valued.

The deceased's pension scheme providers or current or former employers will also need to be contacted to see if there are any payments due to the estate.

Once all of the financial information has been established, it may then be necessary for the personal representatives to apply for the Grant of Representation and to pay any inheritance tax that may be due.

Once the Grant has been issued, the personal representatives can then start to collect in the estate assets such as closing bank accounts, selling property etc and arranging for any liabilities to be paid.

Once all of the assets have been collected in and the liabilities paid, the estate can then be distributed in accordance with the Will or laws of intestacy.

How long does the process take?

It is possible to obtain a Grant of Representation in a matter of weeks if the estate is straightforward and there is no tax to pay. However the process often takes a number of months to complete – particularly if there is a property to sell.

Other problems may also arise such as a missing beneficiary or if there is a dispute over the Will or the deceased's personal belongings.