

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 the Grant of Probate), or we can deal with the administration of the whole estate from start to finish for you.

If someone has died without leaving a Will then the estate will need to be administered in accordance with the Laws of Intestacy. Sometimes, this may include tracing missing relatives and beneficiaries, and again, this process is something that we can help you with.

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

Will Trusts

Will trusts can be used to protect assets and beneficiaries due to inherit under the terms of the Will. Some of the more common trusts include, Life Interest Trusts, Discretionary Trusts, Trusts for Minors and Vulnerable Persons Trusts.

It is very important to understand the different administration and taxation issues that may arise when creating a trust and to ensure 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, childcare law, family law, 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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For further information visit
www.timms-law.com



Timms
SOLICITORS

Private Client Services

A guide to our
Private Client Services

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Introduction

Our friendly and knowledgeable Wills and Probate team have over 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, Senior Paralegals, Paralegals and support staff.

A number of our team are fully accredited members of The Lifetime Lawyers Association and we also have several Dementia Friends within the team.

This leaflet summarises some of the private client services that we offer. More detailed information can be found in our offices or at www.timms-law.com/wills-and-probate/ or by request by contacting our team on freephone 0800 011 6666.

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 after death. By making a Will, you can decide who administers your estate, who will inherit from you, who will care for your children and you could include a trust to protect assets or beneficiaries. A Will can also include funeral wishes.

It is always advisable to have a professionally drafted Will to ensure that it is valid and that your wishes can be carried out.

Protecting your assets

By including a trust in your Will, it is possible to protect assets for children of the current or a previous relationship from the effects of long-term care fees or from your spouse or partner re-marrying or changing their Will.

Will 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 that it is up to date.

We write hundreds of Wills each year, each based on our 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 you, your home and to pay for your care both when you have mental capacity but need some practical assistance but also if you go on to lose mental capacity.

A Health & Welfare LPA allows your Attorneys to make decisions about your health, welfare and care, including decisions about life sustaining treatment, 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.

LPAs replaced Enduring Powers of Attorney (EPA) which cannot be made anymore but can still be used. There are requirements to register EPA documents with the Office of the Public Guardian if the person who made the EPA has lost or is losing mental capacity.

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

These applications can be lengthy and costly.

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