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## HOW TO ADMINISTER A LOVED ONE'S ESTATE

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Need Help Administering An Estate?  
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Hello,

Welcome to our Seatons guide on how to administer a loved one's estate.

If you have suffered the loss of a loved one and need to administer their estate then I hope this guide will help.

Please take your time to read through this guide very carefully.

In most of the pages we have tried to highlight a key point and set out some specific actions you might consider taking.

If at any point you need help in dealing with the administration of your loved one's estate, then please call us on 0800 310 11 12 or email us at 'adrian@seatons.co.uk' and I would be delighted to arrange a free no obligation chat.

We at Seatons can usually sort matters out for you quickly, easily and at low cost.

We act for clients right across Northamptonshire and England and Wales. Although our offices are in Corby and Kettering, distance is not a problem. We are very happy to attend on clients in the comfort of their own home.

All our clients receive our undivided, specialist attention and an outstanding legal service. We care about our clients. We at Seatons are known as "*the Friendly Professionals*".

I do hope you will find this guide useful.

Warmest regards,

Adrian Chambers  
Seatons Solicitors

Tel : 01536 276322 (Direct Dial)  
0800 310 11 12



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# 1. FEELINGS FOLLOWING THE LOSS OF A LOVED ONE

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## **KEY POINT:**

SERIOUS LOSS IS SOMETHING WHICH WE WILL ALL FACE AT SOME TIME IN OUR LIFE. WHILST EVERYONE'S RESPONSE TO A LOSS IS A VERY INDIVIDUAL EXPERIENCE, THERE ARE SOME COMMON AND SHARED EXPERIENCES THAT MANY PEOPLE WILL SHARE.

## **ACTION:**

COMING TO TERMS WITH A DEATH IS A VERY GRADUAL PROCESS WHICH CAN TAKE A CONSIDERABLE TIME. THERE IS NO RIGHT OR WRONG WAY TO COME TO TERMS WITH A LOSS. THESE THINGS CAN TAKE TIME. SO, DO NOT WORRY IF OTHERS AROUND YOU ARE COPING IN A DIFFERENT WAY.

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## **EARLY THOUGHTS AND FEELINGS AFTER LOSS**

People often describe shock soon after a loss. They may feel numb, panicky, very weepy or unable to cry at all. Some people find it difficult to sleep. Some find themselves completely unable to cope and need a lot of practical and emotional support from those around them.

## **FEELINGS SOME MONTHS AFTER LOSS**

Some people feel a sense of agitation for quite a long time after the death. People may become very active at this time doing things like cleaning out the whole house. This agitation can sometimes amount to panic and symptoms of anxiety such as breathlessness, palpitations, dry mouth, tingling and dizziness. These experiences are not unusual following a death. These feelings may alternate with depression, weepiness, tiredness and low mood.

## **GUILT AND ANGER**

Some people may feel guilt, and review the circumstances of the death, and their relationship with the deceased. They may wonder what they could have done differently which might have helped the situation. This is also common when there has been relief at someone's death following a painful and prolonged illness. It is worth remembering that many people feel relief when suffering ends.

## **OTHER PEOPLES REACTIONS**

Other people's reaction may be difficult for the bereaved person. Sometimes people will be clumsy in what they say or do. Occasionally people will avoid contact with the bereaved person. These reactions are usually because people do not know what to do or say in the face of someone's grief.

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## 2. WHAT TO DO HAVING LOST A LOVED ONE

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### **KEY POINT:**

YOU MAY FEEL GREAT SADNESS AND UNHAPPINESS. THIS IS PERFECTLY NORMAL. YOU WILL NEED TIME TO COME TO TERMS WITH WHAT HAS HAPPENED. TAKE THINGS EASY.

### **ACTION:**

IF YOU FIND YOU CANNOT HANDLE YOUR FEELINGS, START SUFFERING PHYSICAL SYMPTOMS, CANNOT SLEEP OR YOUR WORK SUFFERS, THEN YOU SHOULD SEEK PROFESSIONAL HELP. MAKE AN APPOINTMENT TO SEE YOUR DOCTOR TO DISCUSS MATTERS.

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### **TALK**

Don't bottle up your feelings. Express your emotions. People will want to offer support. Try and accept and appreciate it. Talk things through with family and friends. Do not underestimate the fact that your family will experience similar feelings to yourself. Let them talk things through and express their own feelings. It's amazing how talking things through can help people come to terms with matters.

### **PRIVACY**

Allow time to yourself, to be alone. Take time simply to rest, sleep and think about matters.

### **REGRETS**

You may have regrets possibly even anger. You have to accept that you can't change the past so do not worry or get upset about it. However remember that you can change the future.

### **BALANCE**

Try and get back into a normal lifestyle. Try to keep a sense of balance. Try to appreciate life itself. Be grateful for all the good things that you have had in your life so far, for example your health, family and friends.

### **NEW START**

Your life may never be quite the same again as a result of what has happened and what you may be going through. This is something you have to accept. Try to think of this as an opportunity to make a fresh start in certain areas of your life.

### **SELF-BELIEF**

Sometimes when difficult things happen to us we have to dig deep into our resources and use inner qualities to pull us through. We have to believe in ourselves and show courage, strength, understanding, character and perhaps most of all love. Whatever works for you, try and draw on those qualities to help you through.

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## 3. REGISTRATION OF DEATH

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### KEY POINT:

THE FIRST PRACTICAL STEP YOU NEED TO TAKE IS TO REGISTER THE DEATH

### ACTION:

THIS PROCESS SHOULD NOT BE DELAYED. THERE ARE A NUMBER OF COMPANIES WHO ARE ABLE TO HELP YOU WITH THE ADMINISTRATION IF YOU DO NOT FEEL COMFORTABLE.

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### 3.1 MEDICAL CERTIFICATE

If a person has died due to natural causes and a doctor was treating that person at least 14 days prior to death then the doctor treating can issue a Medical Certificate free of charge. If there was no doctor providing treatment then the Coroner may issue the Medical Certificate.

### 3.2 CORONERS

If the death was not due to natural causes then the Coroner may investigate the circumstances surrounding the death. A Coroner may arrange a post mortem examination. A preliminary hearing will usually be held to identify the body and a Disposal Certificate issued, which can then be released for the funeral to take place. A Cause of Death Certificate will also be issued to allow the death to be formally registered. If the Coroner establishes that the death was not due to natural causes then an Inquest must be held.

### 3.3 REGISTRATION OF DEATH

The death must be registered at the local Registrar of Births Deaths and Marriages. Registration should take place within **5 days**. The Registrar will need to know the following details about the deceased:- Full name and any previous names used; Date and place of death; Date and place of birth; Occupation; Last address; If married full name, date of birth and occupation of the surviving spouse; If they were in receipt of any state pension or benefits.

### 3.4 DOCUMENTS NEEDED

You will need the following documents:- The Medical Certificate of Cause of Death; The NHS medical card of the person who has died (if available); The Birth Certificate of the person who has died; The Marriage or Civil Partnership Certificate of the person who has died (if applicable).

### 3.5 CERTIFICATE FOR BURIAL/CREMATION

Upon receipt of all these documents the Registrar will issue you with the following Certificates, allowing you to start sorting out the affairs of the deceased: - Certificate for Burial or Cremation also known as the 'green form'. This certificate is free of charge and needs to be given to the funeral director as soon as possible, as it gives permission for the deceased to be buried or cremated. In cases where the Coroner is involved, this certificate may not be issued. Instead a separate certificate will be issued directly to the Funeral Director.

### 3.6 DEATH CERTIFICATE

A Death Certificate (known as a certified copy of the death) is issued as legal proof of the death and is required to settle the affairs and estate of the deceased. This is the only form requiring a payment to be made and it is recommended that you purchase several copies, as you will need one each time you deal with a bank, pension company, insurer or any other organisation relating to the financial affairs of the person who has died. Companies such as these will always require an original, not a photocopy of the Death Certificate, although they will almost certainly return it, if you prefer to use it more than once.

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## 4. ARRANGING THE FUNERAL

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### KEY POINT:

AFTER REGISTERING THE DEATH YOU THEN NEED TO ARRANGE THE FUNERAL

### ACTION:

USE AN UNDERTAKER WHO IS REGISTERED WITH THE NATIONAL ASSOCIATION OF FUNERAL DIRECTORS

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#### 4.1 HAVE THE DEATH CERTIFICATE AND DISPOSAL CERTIFICATE READY

Make sure you have obtained the Death Certificate and Disposal Certificate from the Registrar of Births Deaths and Marriages before trying to organise the funeral.

#### 4.1 CHECK THE WILL

The deceased's Will needs to be checked to see if there are any special instructions for the funeral.

#### 4.2 PREPAID FUNERAL PLANS

Check the deceased's paperwork to see if there are any papers that indicate whether the deceased may have prepaid their funeral.

#### 4.3 CHOOSE AN UNDERTAKER

Find a local independent undertaker to organise the funeral.

#### 4.4 WHAT DECISIONS HAVE TO BE MADE ABOUT THE FUNERAL

- Do you want the body to be buried or cremated;
- Where the funeral should start from and when it is to take place;
- Whether there should be a religious service – where it should be held, who should conduct it;
- Whether you want flowers (and what happens to them after the service) or a charity donation;
- Whether to place an announcement of the death in a national or local newspaper;
- If cremated, what should happen to the deceased's ashes;
- Whether you wish for a memorial plaque to be placed anywhere;
- Your chosen funeral director will help and advise you about the formalities and any problems.

#### 4.5 RESPONSIBILITY FOR PAYMENT OF UNDERTAKERS FEES

If you arrange the funeral you must pay for it although you can reclaim the costs from the deceased's estate. If there are insufficient assets in the deceased's estate then an application can be made to the Department for Work and Pensions.

#### 4.6 PAYMENT OF UNDERTAKERS FEES

Often it is possible to contact the bank or building society and present them with the undertakers invoice and the bank or building society will arrange to issue a cheque payable to the undertakers to pay the undertakers' invoice. Also, if you instruct solicitors to deal with the administration of the estate, then they will sometimes arrange to pay the invoice as soon as some funds become available.

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## 5. ACTION CHECKLIST FOLLOWING A DEATH

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### KEY POINT:

THERE ARE A NUMBER OF THINGS YOU HAVE TO DEAL WITH WHILST COMING TO TERMS WITH A LOSS. WHILST THIS IS BY NO MEANS A COMPREHENSIVE LIST WE HOPE THIS CHECKLIST WILL HELP YOU TO MAKE SURE ALL THE ESSENTIALS ARE COVERED.

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### REGISTER THE DEATH

- Collect the Death Certificate
- Make an appointment with the local Registrar
- Collate together all the necessary information to give to the Registrar
- Attend the appointment to register the death

### ARRANGE FUNERAL

- Find a local firm of undertakers
- Arrange funeral/cremation/burial as directed
- Notify time, date and place to family
- Make announcement in local newspaper
- Attend funeral

### CONTACT SOLICITORS

- Contact a local solicitor who specialises in Wills and Probate matters (such as Seatons).

### DECEASED'S HOUSE IF VACANT

- Remove valuables
- Keep heating on or drain water system
- Cancel deliveries e.g. milk, papers
- Redirect mail
- Lodge keys securely, not marked with address
- Confirm that property is insured and notify the household insurers
- Inform landlord if property vacant, if appropriate

### DECEASED'S CAR

- Inform insurers
- Transfer insurance if to be used by family
- Arrange for security if not to be used

### DECEASED'S PET

- Arrange for welfare

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## 6. TELL US ONCE SERVICE

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### KEY POINT:

THE TELL US ONCE SERVICE NOTIFY RELEVANT CENTRAL AND LOCAL GOVERNMENT DEPARTMENTS ABOUT YOUR LOVED ONE'S DEATH.

### ACTION:

CONTACT THE TELL US ONCE SERVICE EITHER OVER THE TELEPHONE OR ONLINE WITHIN **28 DAYS OF THE DEATH.**

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### TELL US ONCE SERVICE

Tell Us Once can help you by informing relevant central and local government departments about the person who has died by a single phone call or online contact. This service is voluntary and there are no fees to access or use the service.

### HOW CAN YOU ACCESS THE SERVICE

You can access Tell Us Once by:

- Telephone – ring the Department for Work and Pensions on 0800 085 7308 and quote your reference number, issued by the Registrar, to start the process;
- Online – log on to Directgov bereavement website: [https://idp-death-tellusonce.direct.gov.uk/en/Death/Enrich/BeforeYou Start](https://idp-death-tellusonce.direct.gov.uk/en/Death/Enrich/BeforeYouStart) and follow the instructions on the screen to complete the process. You must have the reference number issued by the Registrar to access and use the online system.

### INFORMATION YOU WILL NEED TO USE THE SERVICE

In order to use Tell Us Once, you need to have with you the reference number, issued by the Registrar, and the following information about the person who has died:

- Their National Insurance number and date of birth;
- Details of any benefits or services they were receiving;
- Their death certificate;
- Their Driving Licence or Driving Licence number;
- Their Passport or Passport number and town/country of birth.

### WHAT HAPPENS TO THE INFORMATION?

If you decide to use Tell Us Once, the death can be reported to the following services:

- Local Councils - Housing Benefit Office, Council Tax Benefit Office, Council Tax, Collection of payment for Council Services Council Housing, Libraries, Electoral Services, Blue Badges, Adult Services (Social Care for Adults), Children's Services;
- Department for Work and Pensions (DWP) - Pension, Disability and Carers Services, Jobcentre Plus;
- HM Revenue and Customs - Child benefit, Child Tax Credit and Working Tax Credit, Personal Taxation;
- Identity and Passport Service;
- Driver and Vehicle Licensing Agency (DVLA);
- Ministry of Defence, Service Personnel and Veterans Agency - War Pensions Scheme.

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## 7. OTHER ORGANISATIONS TO BE INFORMED

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### KEY POINT:

WHEN A LOVED ONE DIES THERE ARE A VARIETY OF ORGANISATIONS THAT NEED TO BE ADVISED OF THE DEATH.

### ACTION:

USE THE CHECKLIST BELOW TO NOTIFY OTHER ORGANISATIONS OF THE DEATH, AGAIN THIS MIGHT NOT BE A COMPREHENSIVE LIST BUT IT WILL HELP YOU TO COVER ALL OF THE ESSENTIALS.

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### ORGANISATIONS TO BE INFORMED

- Banks and Building Societies
- Investment and Insurance Policies
- Store Cards
- Credit Card Companies
- Hospital and/or family Doctor
- Social Services/District Nurses
- Employer or Professional Association
- Inland Revenue
- Department for Work & Pensions
- Car Insurance – Documents will have to be changed
- Gas, Electric, Water, Telephone and Cable Companies
- Post Office

### ITEMS YOU MAY NEED TO CANCEL

Milk, Newspapers, Lottery Ticket, Appointments, Meals on Wheels, Home Help, Chiropodist, Dentist, Eye Specialist, Hairdresser, Home Care, Gardener.

### ITEMS TO BE RETURNED

- Passport
- Driving Licence
- Vehicle Registration Documents
- Car Insurance
- Television Licence
- Season Ticket and Club Membership Cards
- Library Books and Card
- National Insurance papers

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## 8. ADMINISTERING THE ESTATE

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### KEY POINT:

BEFORE YOU DEAL WITH THE ESTATE ADMINISTRATION, THINK CAREFULLY ABOUT WHETHER YOU WANT TO DEAL WITH THIS YOURSELF OR WHETHER YOU INSTRUCT A FIRM OF SOLICITORS TO TAKE THE STRESS AWAY FOR YOU

### ACTION:

DECIDE WHETHER YOU ACTUALLY DO WANT TO ADMINISTER YOUR LOVED ONE'S ESTATE YOURSELF OR WHETHER YOU WOULD PREFER A FIRM OF SOLICITORS TO DEAL WITH IT. CALL US FOR A FREE NO OBLIGATION CHAT

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### 8.1 INITIAL STEPS AFTER DEATH

When a loved one dies, emotions are obviously running high and it is sometimes difficult to keep a clear head and do the right thing. There are many administrative tasks that need to be carried out. These include registering the death, arranging the funeral, collecting in assets (such as bank accounts, insurance policies, personal possessions), paying debts and expenses (such as funeral account and outstanding loans), and eventually distributing the estate to the correct beneficiaries.

### 8.2 DIY OR DELEGATE?

At an early stage it is useful to consider if you do actually want to take on personal responsibility (including the hassle, stress and time involved) in dealing with the administration of the deceased's estate yourself or alternatively whether you might prefer instructing a firm of solicitors to sort it all out for you (and therefore avoid any hassle stress and time consuming work).

### 8.3 HASSLE v. COST

Often there are all sorts of other matters going on following the death of a loved one, not least coming to terms with the death and going through the bereavement process. It often boils down to whether you and your family want to expose yourself to potential stress, hassle and time that needs to be spent that can go with sorting out the administration of a loved one's estate yourselves? Alternatively, whether you and your family might instead prefer for a firm of solicitors to sort everything out for you, you have peace of mind knowing all the estate administration work is done for you both quickly, correctly (and without the stress and hassle) but of course incur some (relatively low) legal costs.

### 8.4 FREE LEGAL ADVICE

Please forgive the advert at this stage, but we at Seatons can obtain Grants of Probate and deal with the administration of estates in a fast, efficient, convenient manner and provide a personal, professional and friendly service at a lower cost than other solicitors or probate companies. If you need any further information please call us direct on 01536 276300 for a free no obligation chat to see if we can help.

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## 9. WHEN TO SEEK LEGAL ADVICE....

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### KEY POINT:

THERE ARE SOME CIRCUMSTANCES (SET OUT BELOW) WHEN IT IS BEST FOR YOU TO SEEK LEGAL ADVICE

### ACTION:

CALL US FOR A FREE NO OBLIGATION CHAT.

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### 9.1 SEEK LEGAL ADVICE

It is wise to seek legal advice no matter how small and simple the estate may seem at first. This is because a firm of Solicitors will leave no stone unturned when administering the estate. Some small estates can be administered without legal help. However, there are some circumstances set out below when it would be very wise to seek legal help and advice. We find that many people simply do not want the worry and hassle and simply instruct a good firm of solicitors (such as ourselves) to deal with the administration of an estate and do most of the work so you can concentrate on more important things and coming to terms with your loss.

### 9.2 CIRCUMSTANCES WHEN IT IS HIGHLY ADVISED YOU SEEK LEGAL ADVICE

It is always best to seek legal help and advice in the following circumstances:

1. Children under 18;
2. Property needs to be sold or transferred;
3. The estate has a value of over £5,000;
4. The estate may be complicated;
5. Inheritance Tax may need to be paid;
6. The deceased owned a business;
7. Possible dispute or arguments;
8. Any unusual circumstances.

### 9.3 LEGAL FEES

Legal fees are charged on the amount of time it actually takes to administer the estate. These can range from around £600 to £3,000 for most estates. Solicitors will give you an estimate of what they will charge in advance.

Most solicitors' fees are actually very reasonable compared with using other organisations such as banks or other probate companies. It is worth noting that banks, some solicitors and other organisations sometimes charge on a percentage of the value of the estate which can prove to be more expensive than on a time basis.

We at Seatons charge low sensible fees. Call us for a free no obligation chat and estimate.

### 9.4 FREE LEGAL ADVICE

If you have any questions that you feel you can't answer yourself then please call us for a free no obligation chat over the phone where we will do our best to point you in the right direction.

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## 10. WHY USE SEATONS?

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### **KEY POINT:**

CHOOSING THE RIGHT SOLICITOR CAN MAKE A SUBSTANTIAL DIFFERENCE

### **ACTION:**

PLEASE CALL US, FOR A FREE NO OBLIGATION CHAT ABOUT HOW WE CAN HELP YOU.

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We at Seatons aim to provide you with an outstanding legal service.

We are friendly and approachable and care about your legal matter and fight to protect your best legal interest.

We offer low fixed costs and highly competitive prices.

We have offices in Corby and Kettering, Northamptonshire but we act for many clients right across the Midlands, England and Wales. Wherever you live, distance is not a problem.

We can also offer:-

- FREE INITIAL NO OBLIGATION ADVICE on estate administration matters;
- We can help you sort everything out QUICKLY AND EASILY;
- Our lawyers are LEGAL SPECIALISTS;
- We use PLAIN ENGLISH and no legal jargon;
- FASTEST EFFICIENT SERVICE with no delays;
- FIXED, competitive and affordable PRICES;
- PRACTICAL SENSIBLE HELP and information;
- WE CARE ABOUT YOU and fight for you;
- REGULATED by the Solicitors Regulation Authority;
- DISTANCE not a problem.

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## 11. ASCERTAINING THE VALUE OF THE ESTATE

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### KEY POINT:

IT IS IMPORTANT TO ASSESS THE VALUE OF EACH ASSET AND LIABILITY AND TO CALCULATE AN ACCURATE VALUE OF THE OVERALL ESTATE

### ACTION:

PREPARE A SUMMARY LISTING ALL OF THE DECEASED'S ASSETS AND LIABILITIES TO HELP YOU CALCULATE THE OVERALL VALUE OF THE ESTATE

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#### 11.1 OBTAIN ACCURATE VALUATIONS

Once you have identified and carried out a thorough search of the deceased's papers and identified the extent of the deceased's assets and liabilities then the next step is to obtain accurate valuations of these so that you can identify an overall valuation of the estate.

#### 11.2 ASSETS TO VALUE

Assets to value include obtaining valuations of all of the deceased's assets and liabilities, including bank and building society accounts, shares, cars, houses, jewellery and furniture. Information will usually only be released by organisations to the personal representatives if a certified copy of the death certificate is produced.

#### 11.3 SENDING LETTERS

Letters need to be written to all the authorities (such as banks, building societies, insurance and pension companies, National Savings etc) where the deceased had assets or liabilities to obtain details of the amounts owing to or payable from the estate. Claim forms need to be requested along with details of the authorities' own procedures for dealing with matters. All other assets will need to be valued.

#### 11.4 SUMMARY OF ASSETS AND LIABILITIES

Once all the above information is collected then a rough summary of the deceased's assets and liabilities can be prepared. Make sure you indicate whether the asset was held in the deceased's sole name or jointly with another.

#### 11.5 USING SOLICITORS

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf and therefore relieve you of any of the stress, hassle and worry of dealing with the administration of a loved one's estate. We have excellent local and national links with many organisations. If you have any further questions about any part of the process, if we cannot help we will certainly be able to point you in the direction of someone who can.

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## 12. INHERITANCE TAX

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### KEY POINT:

INHERITANCE TAX IS CHARGED AT 40% OF THE DECEASED'S ESTATE IN EXCESS OF £325,000 IF THE ESTATE IS WORTH MORE THAN £250,000 THEN SEEK LEGAL ADVICE JUST IN CASE THERE ARE ANY DISCREPANCIES THAT HAVEN BEEN ACCOUNTED FOR.

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### 12.1 INTRODUCTION

If the net value of the assets are more than £325,000 then Inheritance Tax may be potentially payable. The personal representatives are responsible for arranging to pay any Inheritance Tax on the estate. An account must be sent to the Inland Revenue with full details within 3 months from first acting or within 12 months from death whichever is the later. Generally speaking, there are a number of things that can be done to try and reduce, if not avoid, the payment of Inheritance Tax. However, it is quite a complicated area of law and needs some very careful thought and planning. We can advise on a whole range of measures that can be taken to save and avoid paying Inheritance Tax.

### 12.2 POST DEATH VARIATIONS

Post Death Variations can be made as to the distribution of estates (whether there is a Will or Intestacy) so long as all the adult beneficiaries agree. Variations to children's entitlement under an estate can be made but usually the Court's approval is required. Legal advice should be obtained before making any Post Death Variations. Post Death Variations can be made to save Inheritance Tax.

### 12.3 SPOUSE EXEMPTION

If a married couple with children wanted to leave the whole of their estate to each other, then they would find that there would not be any tax payable on the first death. This is by virtue of there being a "spouse exemption". Any money transferred between husband and wife is not taxable and is exempt. It is therefore on the second death that the assets are transferred to the children and others, and a tax bill may potentially arise if the combined value of the married couple's joint assets is in excess of £650,000.

### 12.4 WRITTEN INTO TRUST

It may well be that there are some insurance or life policies or pensions that can be "written into trust" and then they would not be added into an estate and would be exempt when calculating the Inheritance Tax.

### 12.5 USING SOLICITORS

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf and therefore relieve you of any of the stress, hassle and worry of dealing with the administration of a loved one's estate.

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## 13. WHO IS ENTITLED TO THE ESTATE – WILL

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### KEY POINT:

IF THERE IS A WILL, THAT SHOULD SET OUT CLEARLY WHO IS ENTITLED TO THE ESTATE

### ACTION:

READ IT CAREFULLY TO ASCERTAIN WHO IS ENTITLED TO VARIOUS ASPECTS OF THE ESTATE

---

### 13.1 FIND THE WILL

If there is a Will then you need to find it. It may be with the deceased's papers or stored with their solicitor. If there are difficulties finding a Will then a search can be made with an organisation called **Certainty Will Search**.

### 13.2 READING OF THE WILL

There is no legal requirement to have a formal reading of the Will and it is mainly used by writers to create dramatic effect. Obviously, the Will does need to be read and clearly understood but not in the way that Hollywood or fiction writers suggest.

### 13.3 UNDERSTANDING THE WILL

Wills are not the easiest of documents to understand and if there is any doubt as to the meaning of a Will then legal advice should be obtained.

### 13.4 TAKING CONTROL

The Will should appoint executors. These are the people who have responsibility for dealing with the administration of an estate and collecting in the assets, paying the debts and distributing the balance in accordance with the terms of the Will.

### 13.5 COMPLYING WITH THE WILL

It is of course essential that the contents of a Will must be strictly followed.

### 13.6 LEGACIES

Sometimes people leave legacies such as gifts of money or items to certain beneficiaries.

### 13.7 RESIDUE

This is a common phrase in Wills and refers to what's left after all the debts, legacies and other payments have been made.

### 13.8 DISPUTES

Sometimes the contents of a Will might be disputed by certain people. If that happens then legal advice should be immediately obtained.

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## 14. WHO IS ENTITLED TO THE ESTATE – WHEN NO WILL

---

### KEY POINT:

THE INTESTACY RULES SET OUT HOW AN ESTATE SHOULD BE DISTRIBUTED IF THE DECEASED DID NOT LEAVE A WILL

### ACTION:

THESE RULES ARE COMPLICATED AND YOU NEED TO FULLY UNDERSTAND THEM  
WE RECOMMEND YOU SEEK LEGAL ADVICE

---

#### 14.1 INTRODUCTION

Intestacy rules are complicated and you need to be very careful. If you are in any doubt then please seek legal advice. For these purposes the following apply:

#### 14.2 SURVIVING SPOUSE ALONE - NO CHILDREN/GRANDCHILDREN

If the deceased leaves no children, no grandchildren, no parents, no brothers or sisters of the whole blood, then the surviving spouse will be entitled to the whole estate.

#### 14.3 SURVIVING SPOUSE WITH CHILDREN AND/OR GRANDCHILDREN

If the deceased leaves children or grandchildren and the total value of the estate is less than £250,000 then the spouse gets everything.

If the deceased leaves children or grandchildren and the total value of the estate is more than £250,000 then the spouse takes the personal chattels (household contents, car, jewellery, etc) together with a fixed sum of £250,000 and half the balance of the estate. The children also are entitled to the other half of the estate.

#### 14.4 NO SPOUSE WITH CHILDREN/GRANDCHILDREN

If there is no spouse the children take the whole of the estate in equal shares when they reach the age of 18. If children have already died leaving children of their own then they (i.e. the deceased's grandchildren), will take the share that their deceased parent would have taken had they survived.

#### 14.5 NO SPOUSE/CHILDREN/OTHER RELATIVES

If there is no spouse and no children the other relatives inherit the estate in the following order: Parents, if none then brothers and sisters, if none then half-brothers and half-sisters, if none then grandparents, if none then uncles and aunts of the whole blood, if none then uncles and aunts of the half blood, and if none then finally The Crown or the Duchies of Cornwall or Lancaster.

#### 14.6 USING SOLICITORS

The rules of Intestacy can become very complex, very quickly. We hope this short guide helps in some way but if you do have any more questions then please do not hesitate to contact us for a free no obligation chat.

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## 15. WHO HAS THE RIGHT TO ADMINISTER THE ESTATE

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### KEY POINT:

IT IS IMPERATIVE THAT THE RIGHT PERSON IS TASKED WITH ADMINISTERING THE ESTATE. PLEASE CHECK AND DOUBLE CHECK YOU HAVE THIS RIGHT BEFORE PROCEEDING.

---

### 15.1 PERSONAL REPRESENTATIVES

The person who takes responsibility for the administration and general winding up of the deceased's estate, is called the deceased's Personal Representative. If they have been appointed under a Will they are called Executors. If there is no Will they are called Administrators.

### 15.2 DUTIES AND RESPONSIBILITIES OF A PERSONAL REPRESENTATIVE

A personal representative's responsibilities are not to be taken lightly. Basic duties include acting within the law, complying with the terms of any will, collecting in the estate assets, paying the debts, keeping full accounts, not to profit from their position, to act honestly, reasonably and fairly. Personal representatives cannot normally be held personally liable for any debts of the estate. **However, they can be held personally liable if they are negligent or act dishonestly.**

### 15.3 EXECUTORS

Executors are people appointed by the deceased in their Will to deal with the administration of the estate. Often in wills two executors are appointed and act jointly particularly if there are trusts set up and/or minor children to look after. If there are no executors named in the Will or the named executors are unable or unwilling to apply, the next person entitled to a grant is any person named in the will to whom the deceased gives all or the bulk of his estate.

### 15.4 ADMINISTRATORS

Administrators act and deal with the administration of an estate if the deceased has made no Will. They usually are the deceased's next of kin. The usual order of priority of who should act as administrator is as follows: spouse, then children, then parents, then brothers and sisters of the whole blood (or their issue), then grandparents, then aunts and uncles of the whole blood (or their issue). If no person is appointed then the Treasury or a creditor of the estate can apply for a Grant of Letters of Administration. If this applies to you then you should seek legal advice.

### 15.5 INSURANCE

Personal representatives can be held personally responsible for any losses they may cause to an estate. Therefore it can be useful for personal representatives to consider taking out insurance to provide them with the necessary protection.

### 15.6 USING SOLICITORS

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf and therefore relieve you of any of the stress, hassle and worry of dealing with the administration of a loved one's estate.

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## 16. COLLECTING THE PAPERS TOGETHER

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### KEY POINT:

COLLECT TOGETHER ALL OF THE DECEASED'S PAPERS AND CARRY OUT A THOROUGH SEARCH TO IDENTIFY ALL THE ASSETS AND LIABILITIES

### ACTION:

MAKE SURE YOU HAVE IDENTIFIED ALL OF THE DECEASED'S ASSETS AND LIABILITIES. AND DON'T IGNORE ANY DOCUMENTS, THEY COULD ALL HAVE SOME IMPORTANCE.

---

### 16.1 COLLECT TOGETHER THE PAPERS

As soon as possible after death you should identify where the deceased kept their personal papers and collect them together.

### 16.2 SEARCH

Once you have collected together all the deceased's papers they then need to be carefully examined. Have a good search through the deceased's papers and personal belongings and collect together as full a picture as possible of the assets and liabilities. This can be time consuming but the papers might be kept in several locations and may go back many years.

### 16.3 IMPORTANT DOCUMENTS

Try and gather together a bundle of important documents and keep them separate from the rest of the papers. These documents might include title deeds, insurance policy documents, latest bank statements and latest correspondence with other organisations. You might want to put each asset or debt into a small plastic folder so that you can place any further letters or other documents into the same folder so as to keep everything tidy.

### 16.4 TYPES OF ASSETS AND LIABILITIES

A full list of the assets and liabilities needs to be prepared. You can do this or you can hand the deceased's papers to us and we can sort them all out for you. Common things to check include: banks and building society accounts; insurance policies; pension schemes; stocks and shares; land and property; National Savings accounts; personal assets; jointly held property; funeral account; mortgages and loans; credit card and other debts; Inland Revenue; and Department of Social Security.

### 16.5 USING SOLICITORS

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## 17. FURTHER SEARCHES AND ENQUIRIES

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### KEY POINT:

SOMETIMES IT WILL BE NECESSARY FOR FURTHER SEARCHES AND ENQUIRIES TO BE MADE TO FULLY IDENTIFY THE EXTENT OF THE DECEASED'S ASSETS AND LIABILITIES

### ACTION:

IF IN DOUBT OF THE EXTENT OF ASSETS OR LIABILITIES THEN MAKE FURTHER ENQUIRES

---

### 17.1 FURTHER ENQUIRIES

Sometimes the deceased's personal papers will not contain details of all of the assets and liabilities. It may then be necessary to make further searches and enquiries to try and identify missing assets.

### 17.2 UNCLAIMED ASSETS REGISTER SEARCH

If you are unsure of the extent of the deceased's assets and/or suspect there may be other assets that the deceased held then you or ourselves on your behalf can make an Unclaimed Assets Register Search. The cost is only £25 and you can apply to make a search at [www.uar.co.uk](http://www.uar.co.uk).

### 17.3 BANK AND BUILDING SOCIETY ACCOUNTS SEARCH

You can search for a lost bank or building society account or for National Savings free of charge at [www.mylostaccount.org.uk](http://www.mylostaccount.org.uk). The scheme covers 42 banks, all UK building societies and all National Savings and Investments products as well as the old Post Office Savings Bank accounts.

### 17.4 TRUSTEE ACT NOTICE

If you are not sure of the extent of the deceased's potential debts and liabilities then it may be necessary to advertise for any potential creditors by placing adverts in the London Gazette and in a local newspaper. This gives creditors of the estate the opportunity to contact you and provide details of any potential debts. Once two months have passed from the date of publication the personal representatives administering the estate will not be responsible for any future debts although the debts still remain valid and recoverable from the estate and possibly the beneficiaries.

### 17.5 FORMAT OF A TRUSTEE ACT NOTICE

The typical format would be as follows: TRUSTEE ACT 1925 S27 NOTICE IS HEREBY GIVEN that any person having a claim against or an interest in the estates of the under mentioned deceased persons are required to send written particulars of their claim or interest to the undersigned by (DATE) after which date the personal representatives of the said deceased persons will distribute the assets of such deceased amongst the persons entitled thereto having regard only to the claims and interests of which they have had notice. NAME OF DECEASED who died on (DATE OF DEATH) NAME AND ADDRESS OF EXECUTOR/ADMINISTRATOR DATE.

### 17.6 USING SOLICITORS

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf and therefore relieve you of any of the stress, hassle and worry of dealing with the administration of a loved one's estate.

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## 18. IS A GRANT NECESSARY?

---

### KEY POINT:

SOMETIMES IT IS NOT NECESSARY TO OBTAIN A GRANT OF REPRESENTATION FROM THE COURT

### ACTION:

CONSIDER THE AREAS BELOW AND DECIDE IF YOU STILL NEED TO APPLY FOR A GRANT

---

#### 18.1 INTRODUCTION

Not every estate will need a Grant of Representation. Grants are not usually needed in the following circumstances set out below.

#### 18.2 ESTATES LESS THAN £5,000

If the total net value of the estate is less than £5,000 then the estate is regarded as a “small estate” and can often be administered and distributed without the need to apply for a Grant of Probate (Will) or a Grant of Letters of Administration (no Will) from the Probate Courts.

#### 18.3 JOINTLY HELD ASSETS

Jointly held assets such as joint bank or building society accounts or even jointly held property, will normally automatically pass to the surviving joint owner on death so these assets will be excluded from the deceased's estate and a Grant from the Probate Court will not be necessary.

#### 18.4 ORGANISATIONS OWN POLICIES AND PROCEDURES

Organisations such as banks and building societies, National Savings and insurance companies often have their own procedures in place when dealing with small estates. Small sums of money of up to £30,000 can often be paid and distributed from various institutions without the need to produce a Grant. However different organisations have their own rules and sometimes they may insist on a Grant being obtained from the Probate Court.

#### 18.5 CASH JEWELLERY AND PERSONAL BELONGINGS

Cash, jewellery and personal effects of little or insignificant value can also be distributed without the need for a Grant so long as all the beneficiaries agree.

#### 18.6 ASSETS WRITTEN IN TRUST

Sometimes assets are Nominated or Written in Trust to a named beneficiary in which case the asset might be excluded from the estate and payable direct to the named beneficiary. The beneficiary can usually claim the asset or money directly from the organisation without the need to produce a Grant from the Probate Courts.

#### 18.7 USING SOLICITORS

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## 19. PAYMENT OF DEBTS BEFORE OBTAINING A GRANT

---

### KEY POINT:

SOME PAYMENTS FOR FUNERAL ACCOUNTS AND/OR TO THE INLAND REVENUE MAY NEED TO BE MADE AT AN EARLY STAGE BEFORE A GRANT IS OBTAINED

### ACTION:

MAKE SURE YOU ARE ABLE TO ACCESS SUFFICIENT FUNDS TO PAY THE FUNERAL ACCOUNT AND/OR ANY INHERITANCE TAX

---

### 19.1 PROVIDING FUNDS TO PAY DEBTS

Estate funds to pay costs, disbursements, debts and other liabilities, cannot usually be released until after the Grant of Representation has been received. However, it is possible to make arrangements, with most Banks or Building Societies, for them to make payment of the funeral expenses and or Inheritance Tax out of the deceased's bank or building society account before the Grant of Representation has been obtained subject to evidence being provided.

### 19.2 PAYMENT OF ADVANCE FEES

In order to obtain the Grant, Probate Court fees, other disbursements and Inheritance Tax must first be paid.

### 19.3 LOAN ACCOUNT

If the payment of disbursements for the funeral account and/or of Inheritance Tax cannot be met from estate funds prior to the issue of the Grant, then it is usually possible to organise and set up a loan account to cover these costs from a bank or other financial institution. This of course can result in interest charges being levied against the estate, by the bank.

### 19.4 PAY ANY INHERITANCE TAX DUE

On death the first £325,000 of a deceased's estate is free from Inheritance Tax. However Inheritance Tax is payable at 40% on any excess value of estate over £325,000. Spouses and charities do not have to pay Inheritance Tax. Any gifts made by the deceased seven years prior to death has to be taken into account and tax possibly paid in part on those gifts depending on when the gift was made. Inheritance Tax must be paid *BEFORE* the Court will issue the necessary Grant. It is usually payable 6 months after the month the deceased has passed away. If the tax is paid late then interest will be payable.

### 19.5 PAYING THE FUNERAL ACCOUNT

It is possible to make arrangements, with most banks or building societies, for them to make payment of the funeral expenses out of the deceased's bank or building society account before the Grant of Representation has been obtained subject to a copy of the funeral account being provided.

### 19.6 USING SOLICITORS

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf and therefore relieve you of any of the stress, hassle and worry of dealing with the administration of a loved one's estate.

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## 20. WHAT TYPES OF COURT GRANTS TO APPLY FOR

---

### **KEY POINT:**

THERE ARE DIFFERENT TYPES OF GRANTS OF REPRESENTATION THAT YOU CAN APPLY FOR

### **ACTION:**

MAKE SURE YOU APPLY FOR THE RIGHT TYPE OF GRANT

---

### **20.1 GRANTS OF REPRESENTATION**

If the value of the estate is of a higher value than £5,000, then it may be necessary to obtain a Grant of Representation. This is also called a Grant of Probate (if there is a Will) or a Grant of Letters of Administration (if there is no Will). The Grant of Probate or the Grant of Letters of Administration is the legal authority given by the Courts to enable the deceased's estate to be distributed. Throughout this booklet the term Grant will be used to mean whichever type of Grant of Representation you may need.

### **20.2 DIFFERENT TYPES OF GRANTS**

These are two main types of Grant of Representation:-

### **20.3 GRANT OF PROBATE**

If the deceased leaves a Will, which appoints executors, then they need to apply to the Probate Court for a Grant of Probate to be issued to them. This will give them official authority to administer the estate.

### **20.4 GRANT OF LETTERS OF ADMINISTRATION**

If the deceased did not leave a Will (i.e. where there is an Intestacy), then someone (usually the deceased's next of kin) can apply to the Court for a Grant of Letters of Administration. This will give them official authority to administer the deceased's estate.

### **20.5 USING SOLICITORS**

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf and therefore relieve you of any of the stress, hassle and worry of dealing with the administration of a loved one's estate.

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## 21. APPLYING FOR A GRANT

---

### KEY POINT:

TO OBTAIN A GRANT YOU NEED TO MAKE AN APPLICATION TO THE PROBATE COURT

### ACTION:

WE CAN SORT IT ALL OUT FOR YOU JUST GIVE US A CALL OR EMAIL US

---

### 21.1 OBTAINING A GRANT FROM THE PROBATE COURT

The Grant provides legal authority to the Personal Representatives to administer and distribute the deceased's estate. This is a Grant of Probate, if there is a Will, or a Grant of Letters of Administration, if there is no Will. To obtain a Grant there are various forms to complete, some of which are quite lengthy. It is often best to instruct a solicitor to deal with all the forms for you. The Court will normally require:

- (1) The original Will (if there is one);
- (2) Oath or the application form;
- (3) An account for the Inland Revenue;
- (4) A receipted invoice from the Inland Revenue that any Inheritance Tax has been paid.

Once the Probate Court is satisfied that the application is all in order then it will issue an official Grant along with a number of sealed copies.

### 21.2 TAX FORMS

There are different tax forms to complete depending on the value of the estate and whether or not Inheritance Tax is payable. If no Inheritance Tax is payable then you will need to complete IHT 205. If Inheritance Tax is payable you will need to complete an IHT 400 form although ideally if you believe Inheritance Tax is payable then you really should seek legal advice at that stage.

### 21.3 USING SOLICITORS

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf and therefore relieve you of any of the stress, hassle and worry of dealing with the administration of a loved one's estate. You can if you wish, instruct solicitors such as ourselves to deal with all of this for you and we would be delighted to help. Please call us or email us for a free no obligation chat about how we can help.

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## 22. NEED TO ONLY OBTAIN A GRANT OF PROBATE?

---

### KEY POINT:

IF YOU WANT SOLICITORS TO ONLY OBTAIN THE GRANT ALONE AND DO NOTHING ELSE THEN WE CAN HELP

### ACTION:

DEALING WITH A LOVED ONE'S ESTATE CAN BE TIME CONSUMING AND CHALLENGING PARTICULARLY AS EMOTIONS ARE RUNNING HIGH AND YOU ARE TRYING TO COME TO TERMS WITH YOUR LOSS.

---

Dealing with a loved one's estate can be time consuming and challenging particularly as emotions are running high and you are trying to come to terms with your loss.

We at Seatons Solicitors can guide you through all the complex issues that exist and help you make the right decisions that are best for you and your personal circumstances.

If you just need to obtain a Grant and want to deal with the administration of the estate yourself we can obtain a simple Grant of Probate for you for a fee from £500 plus VAT of £100 plus Court fees of around £160, all totalling around £760.

If you need help on getting the Grant and dealing with the administration of the rest of the estate then we can help on that as well.

We offer:-

- ✓ Free no obligation chat;
- ✓ Low fixed fees;
- ✓ No form filling;
- ✓ Grant within three weeks;
- ✓ Fixed fees from £500 plus VAT and disbursements;
- ✓ Quick, easy, simple;
- ✓ No mistakes – we get it right first time;
- ✓ Fast, friendly service.

Call us for a free no obligation chat on 01536 276300 and ask for Adrian.

### USING SOLICITORS

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf and therefore relieve you of any of the stress, hassle and worry of dealing with the administration of a loved one's estate. You can if you wish, instruct solicitors such as ourselves to deal with all of this for you and we would be delighted to help. Please call us or email us for a free no obligation chat about how we can help.

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## 23. COLLECTING THE ASSETS

---

### **KEY POINT:**

ONCE THE GRANT HAS BEEN ISSUED THEN USE THE OFFICE COPIES TO ARRANGE FOR THE DECEASED'S ASSETS TO BE RELEASED

### **ACTION:**

ORGANISATIONS WHERE THE DECEASED HELD ASSETS NEED TO BE CONTACTED AND ARRANGEMENTS MADE FOR THE ASSETS TO BE RELEASED AND PAID OVER.

---

### **23.1 COLLECTING THE ASSETS**

Once the Grant has been issued by the Court, arrangements can be made to collect in all the deceased's assets. This is done by sending a sealed copy of the Grant to all the relevant organisations that hold the deceased's assets such as banks and insurance companies etc, along with any completed claim forms and account closure forms and requesting that any monies due be paid out. Any other assets such as property can, if necessary, be sold.

### **23.2 PERSONAL POSSESSIONS**

You will need to ensure the deceased's personal belongings are properly distributed between the beneficiaries or alternatively sold and the proceeds split accordingly.

### **23.3 USING SOLICITORS**

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf and therefore relieve you of any of the stress, hassle and worry of dealing with the administration of a loved one's estate.

## 24. PAYING DEBTS

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### KEY POINT:

MAKE SURE THERE ARE SUFFICIENT ASSETS BEFORE YOU START PAYING ANY DEBTS

### ACTIONS:

ONLY PAY OFF THE DEBTS WHEN YOU ARE SURE YOU HAVE SUFFICIENT ASSETS

---

#### 24.1 PAYING THE DEBTS

Any debts and liabilities must be paid from the assets, such as the funeral account, credit card debts, solicitor's costs, Inheritance Tax, etc.

#### 24.2 INSOLVENT ESTATES

If there are insufficient assets to pay off the debts then you may have an Insolvent Estate. If so then you should seek legal advice.

#### 24.3 TRUSTEE ACT NOTICE

If you are not sure of the extent of the deceased's assets, liabilities and overall financial circumstances then it is important to advertise for any creditors by placing adverts in the London Gazette and in a local newspaper. Once two months have passed from the date of publication then you as the Personal Representative administering the estate will not be responsible for any future debts although the debts still remain valid and recoverable from the estate and possibly the beneficiaries.

#### 24.4 FULL AND FINAL SETTLEMENT

It is useful to make sure that any payment sent to creditors is sent in "full and final settlement" to prevent that creditor returning at a later date and demanding more money. Always try and obtain a receipt for payments made.

#### 24.5 INLAND REVENUE

Make sure that formal clearance is obtained from the Inland Revenue that there are no outstanding tax liabilities. It may be necessary to complete an R27 Inland Revenue form providing details of the Deceased's financial affairs for the tax year leading up to death.

#### 24.6 USING SOLICITORS

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf and therefore relieve you of any of the stress, hassle and worry of dealing with the administration of a loved one's estate.

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## 25. INSOLVENT ESTATES

---

### KEY POINT:

AN ESTATE IS INSOLVENT IF THERE ARE INSUFFICIENT ASSETS TO PAY ALL OF THE DEBTS

### ACTION:

IF YOU ARE DEALING WITH AN INSOLVENT ESTATE THEN SEEK LEGAL ADVICE

---

### 25.1 INSOLVENT ESTATES

If there are insufficient assets to pay the debts and liabilities, the estate is treated as being insolvent. An insolvent estate needs to be administered in accordance with the Administration of Insolvent Estates of Deceased Persons Order 1999. There is a set procedure for dealing with these and legal advice is often needed in this situation.

### 25.2 THE SOLVENT ESTATE

An estate is solvent when the assets are sufficient to pay funeral, testamentary and administration expenses and debts and all other liabilities in full.

### 25.3 THE INSOLVENT ESTATE

An estate is insolvent if the assets are insufficient to pay the funeral, testamentary and administration expenses, debts and liabilities in full. It is important for the Personal Representative to be aware that in the case of an insolvent estate, the creditors are entitled to be paid in a strict order of priority which is:

- (a) Funeral, Testamentary and Administration expenses, and then
- (b) Other debts in accordance with a bankruptcy order. For unsecured debts then on a pro rata basis in proportion to the net assets and the value of each individual debt.

This order of priority of payment cannot be varied under the terms of the will or Intestacy Rules or by the Personal Representative. If the Personal Representatives, do not follow the statutory order they will incur personal liability for "superior" debts which have been left unpaid. Therefore, if there is any possibility that the estate may be insolvent then the Personal Representative should observe the statutory order when paying debts.

### 25.4 AN EXAMPLE

If the total assets are say £10,000 and the funeral and testamentary expenses are say £2,000 and there are other unsecured debts of say £16,000 then the funeral gets paid in full and of the remaining balance of £8,000 then creditors that are owed a total of £16,000 will receive 50% of their outstanding debt.

### 25.5 USING SOLICITORS

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf and therefore relieve you of any of the stress, hassle and worry of dealing with the administration of a loved one's estate.

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Need a Grant of Probate?

Need Help Administering An Estate?

Contact Seatons Now

Call: 0800 310 11 12

Email: [adrian@seatons.co.uk](mailto:adrian@seatons.co.uk) [www.seatons.co.uk](http://www.seatons.co.uk)

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## 26. FINALISING ESTATE ACCOUNTS

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### KEY POINT:

WHEN ALL THE ASSETS ARE RECEIVED AND LIABILITIES PAID THEN A SET OF ESTATE ACCOUNTS SHOULD PREPARED

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### 26.1 PREPARING ESTATE ACCOUNTS

When the full extent of the estate is known then the Personal Representatives should prepare final accounts summarising all the assets received, debts and liabilities paid, and where the estate is being distributed.

### 26.2 FORMAT OF ACCOUNTS

There is no set format. However something along the following lines for a simple estate might be sufficient:

ESTATE ACCOUNTS FOR DEREK SMITH DECEASED	
ASSETS	
Anywhere Bank Account - A/C 12345678	£10,000.00
Nowhere Insurance Policy - Number - 567890	£5,000.00
TOTAL ASSETS	£15,000.00
LIABILITIES	
RIP Funeral Account	£3,000.00
Somewhere Loan - Number 0987654	£1,400.00
Miscellaneous Additional Expenses Etc	£350.00
Probate Court Fees (Estimate)	£250.00
TOTAL LIABILITIES	£5,000.00
NET ESTATE FOR DISTRIBUTION	£10,000.00
DISTRIBUTION	
John Smith - 50%	£5,000.00
Delia Smith - 25%	£2,500.00
Eric Smith - 25%	£2,500.00

### 26.3 APPROVAL OF ESTATE ACCOUNTS

It is always good practice to send the draft estate accounts to the main beneficiaries and seek their approval of them so as to avoid any issues in the future.

### 26.4 USING SOLICITORS

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf.

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## 27. DISTRIBUTING TO BENEFICIARIES

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### KEY POINT:

WHEN THE ESTATE ACCOUNTS HAVE BEEN PREPARED AND APPROVED BY THE PERSONAL REPRESENTATIVES (AND IDEALLY THE BENEFICIARIES) THEN DISTRIBUTE THE ESTATE BETWEEN THE BENEFICIARIES

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### 27.1 DISTRIBUTE THE BALANCE OF THE ESTATE TO THE BENEFICIARIES

Once the Personal Representatives have received the Grant they can then collect all of the deceased's assets, pay any outstanding bills, and then distribute the balance in accordance with the deceased's Will, if there was one, or in accordance with the Rules of Intestacy if there was not. The Personal Representatives need to keep a formal account of all the money they have received, paid out and passed on, including interest on any money held since the deceased's death. All the beneficiaries are entitled to see this account.

### 27.2 DISTRIBUTING THE ESTATE

Now the estate can be distributed to the beneficiaries in accordance with the terms of any Will or the Intestacy Rules (see next page). Interim payments can be made to beneficiaries if the Personal Representatives believe it appropriate. If there are minor children under 18 then you should not make payment to them but instead to set up special trusts for them. We recommend you seek legal advice about this.

### 27.3 RECEIPTS

When making payment to beneficiaries then it is important to make sure they sign and return a receipt in the following format "I (Name and Address) acknowledge receipt of the sum of £X in full and final settlement of my share in the estate of XXXX Deceased".

### 27.4 APPROVAL OF ESTATE ACCOUNTS

Also make sure that ideally all the main beneficiaries have approved the estate accounts before distributing the estate.

### 27.5 KEEP RECORDS

Make sure to keep records of everything for at least 6 years.

### 27.6 USING SOLICITORS

Please remember that at any time, you can simply delegate the task of sorting things out to a firm of solicitors such as ourselves who will deal with as much as you want them to on your behalf and therefore relieve you of any of the stress, hassle and worry of dealing with the administration of a loved one's estate.

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## 28. USEFUL ORGANISATIONS

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### KEY POINT:

LISTED BELOW ARE SOME ORGANISATIONS YOU MIGHT FIND USEFUL

### ACTION:

FEEL FREE TO MAKE CONTACT WITH THESE ORGANISATIONS IF YOU NEED ASSISTANCE

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#### CERTAINTY

The Certainty National Will Register and Will search service.

The Chapel, Chapel Lane, Lapworth, Solihull, B94 6EU

Tel (Helpline): 0330 100 3660 Web: <https://www.nationalwillregister.co.uk/>

#### THE BEREAVEMENT REGISTER

[www.the-bereavement-register.org.uk](http://www.the-bereavement-register.org.uk)

#### NATIONAL ASSOCIATION OF FUNERAL DIRECTORS

618 Warwick Road, Solihull, West Midlands, B91 1AA

Tel: 0121 711 1343

[www.nafd.org.uk](http://www.nafd.org.uk)

#### COMPASSIONATE FRIENDS (support for parents following the death of a child at any age)

53 North Street, Bristol, BS3 1EN

Tel (Helpline): 0117 953 9639 Web: [www.tcf.org.uk](http://www.tcf.org.uk)

#### MISCARRIAGE ASSOCIATION

c/o Clayton Hospital, Northgate, Wakefield, West Yorkshire, WF1 3JS

Tel (Helpline): 01924 200 799 Web: [www.miscarriageassociation.org.uk](http://www.miscarriageassociation.org.uk)

#### STILLBIRTH AND NEONATAL DEATH SOCIETY

28 Portland Place, London, W1N 4DE

Tel (Helpline) 0207 436 5881 Web: [www.uk-sands.org](http://www.uk-sands.org)

#### CRUSE BEREAVEMENT CARE

126 Sheen Road, Richmond, Surrey, TW9 1UR

Tel (Helpline): 0207 233 2090 Web: [www.sids.org.uk/fsid/](http://www.sids.org.uk/fsid/)

#### AGE CONCERN

Astral House, 1268 London Road, London, SW16 4ER

[www.ageuk.org.uk](http://www.ageuk.org.uk)

#### NATURAL DEATH CENTRE

Tel: 08712 822 098

[www.naturaldeath.org.uk](http://www.naturaldeath.org.uk)

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## 29. AND FINALLY....

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### PLEASE CONTACT US

If you have read all of this and understood it then you have done well. This guide is designed to provide information and actions to take relating to administering an estate without using a solicitor. You might require specialist legal advice if the value of the estate is in excess of £5,000 or if the circumstances are unusual. We provide professional, friendly help and advice. Please feel free to contact us to discuss further how we can help you.

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### ACTION:

READING THIS GUIDE IS ONE THING BUT AS WITH MOST THINGS IN LIFE IT IS TAKING ACTION THAT MAKES THE DIFFERENCE. PLEASE WRITE DOWN THE ACTIONS YOU INTEND TO TAKE AND WHEN

### ACTIONS TO TAKE

NUMBER	ACTION	BY WHEN	COMPLETED
1	Call Seatons for a free, no obligation chat.	Today	



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