

## Legal Fee Information for Uncontested Probate

### Introduction

Probate is the court-supervised process of gathering a deceased person's assets, paying debts and taxes and distributing what is left to those who are named as inheritors, in the Will.

Uncontested probate is where there is no dispute over the Will and distribution of assets.

Below we provide you with information on our Legal Fees, disbursements and the length of time it will take to complete your matter.

### Legal Fees and Disbursements

Legal Fees are the amount you will be required to pay for all the work performed by us in actioning your instructions from commencement of your case to conclusion.

VAT will be payable on our fees and some disbursements, **currently 20%**, and we will clearly confirm which disbursements carry VAT in our formal quotation or as we advise you to incur them.

If your matter becomes complex (see below) our fees may increase further and we will notify you in advance of any increased costs.

### Application for a Grant of Probate or Letters of Administration only

**Estates Not Liable for Inheritance Tax:** Our average standard legal fee for Obtaining A Grant Of Probate Or Letters Of Administration only where there **is no** inheritance tax is payable in an uncontested probate matter is £1,500.00+VAT (a total of £1,800.00 Inc. VAT) and disbursements.

- Our fees for obtaining a Grant of Probate will be fixed at £1500.00 + VAT (£1,800.00 Inc. VAT) and disbursements (see below). The application for the Grant of Probate will be made based on the information relating to the assets and liabilities of the estate that you provide us with. This estimate is based on current information as presented to us which concludes that this estate does not require a full IHT400 estate account to be supplied to HMRC. If, during the course of our instructions this changes, then we will discuss with you an increased estimate.

**Estates Subject to Inheritance Tax:** Our average standard legal fee for Obtaining A Grant Of Probate Or Letters Of Administration only where inheritance tax **is payable** in an uncontested probate matter is £2,275.00 +VAT (a total of £2,730.00 Inc. VAT).

- Our fees for obtaining a Grant of Probate will be fixed at £2,275.00 + VAT (£2,730.00 inc. VAT) and disbursements (see below). The application for the Grant of Probate will be made based on the information relating to the assets and liabilities of the estate that you provide us with.

Key Stages: As Part of our fixed fee, we will:

- Provide you with a dedicated and experienced probate lawyer to work on your matter,
- Review the documentation that you provide to us,
- Identify the legally appointed executors or administrators and beneficiaries,
- Accurately identify the type of Probate application you will require,
- Complete the Probate Application and the relevant HMRC forms on your behalf and send them to you for signing or sworn,
- Make the application to the Probate Registry on your behalf,
- Obtain the Probate and securely send the sealed copies to you,

### We will not:

Please note, our instructions are limited to obtaining the Grant of probate or Letters of Administration and not dealing with any further work, such as collecting in the assets, paying liabilities and making distributions.

If after the Grant of Probate is received you instruct us to complete any further work, we will advise you of the costs separately.

### **Disbursements**

In addition, there are disbursements which must be paid to third parties. We handle the payment of the disbursements on your behalf and may require a payment on account of these.

- Probate court fee of £300 plus £1.50 for each additional copy of the Grant
- Client ID check £6.00 (no VAT)
- Bankruptcy-only Land Charges Department searches £6.00 per beneficiary (no VAT)
- Bankruptcy & ID check £12.00 per beneficiary (no VAT)
- Office copy entry from Land Charges Department to check ownership of property £7.00 per property (no VAT)

### **Potential/Recommended Disbursements:**

We also advise executors to carry out other processes to protect themselves against claims from creditors once they commence the collecting in and distributing of assets. Such processes include: –

- Placing statutory advertisements in The London Gazette – Protects against unexpected claims from unknown creditors approximately £98 + vat (£117.60 inc. VAT)
- Placing statutory advertisements in a Local Newspaper, again to help protect against unexpected claims approximately £120 - £250 + vat (£144.00 - £300.00 inc. VAT)
- Carrying out financial asset search £195 + vat (£234.00 inc. VAT)
- Search of the Will database with Certainty £140.00 (No VAT)

If you ask us to undertake these things on your behalf, they will increase the basic costs quoted above.

### **How Long Will It Take**

On average, where we are instructed to obtain a Grant of Probate or Letters of Administration only and assuming that the executors are able to provide us with information that enables us to complete the application on your behalf, it can take 4-6 months to obtain a Grant of Probate or Letters of Administration. Each case is different. Currently, the Probate Service will not acknowledge an application until after 8 weeks have passed from the date it was received by them. So much depends on how quickly the information is gathered together to make the application and also the workload of the Probate Service.

Once the Grant has been issued the administration of the estate can start with the gathering in of assets in the estate, for example, monies in deceased's bank account.

### **Application for the grant, collecting and distributing the assets**

We charge for this on an hourly basis and the total cost will depend on the complexity of the estate and how long the matter takes. Their hourly charges are set out below.

#### **Time Element – Hourly Rate**

This is based on our standard hourly rate of £200.00 plus VAT (£240.00 inc. VAT) for unqualified caseworker and £300.00 plus VAT (£360.00 inc. VAT) for qualified caseworker.

However, we estimate that our fees will often be in the region of £3,000 - £5,000 plus VAT (£3,600.00 - £6,000.00 Inc. VAT) plus disbursements. This will be for estates where:

- there is one property in the sole name of the deceased
- there is one bank account
- there are no debts (other than utility bills)
- there is a valid Will appointing executors
- there is a single beneficiary
- there are no complications

## **Value element**

For Uncontested Estate Administration, we further charge an element based on the value of the Estate. The value is a reflection of the importance of the matter and, consequently, the responsibility assumed by the firm.

This will be a maximum of 1% of the gross value of cash assets only. We do not charge a percentage on the value of real estate.

If at any stage our fees change, we will notify you and discuss the reason for any changes. This would typically occur if you change your instructions or your case involves an unforeseen complexity.

Our average fees assume that:

- a) The transaction is concluded in a timely manner and no unforeseen complication arise.
- b) All parties to the transaction are co-operative and there is no unreasonable delay from any parties providing documentation.

## **Disbursements and other costs**

In addition, there are disbursements which must be paid to third parties. We handle the payment of the disbursements on your behalf and may require a payment on account of these.

- Probate court fee of £300 plus £1.50 for each additional copy of the Grant
- Client ID check £6.00 (no VAT)
- Bankruptcy-only Land Charges Department searches £6.00 per beneficiary (no VAT)
- Bankruptcy & ID check £12.00 per beneficiary (no VAT)
- Office copy entry from Land Charges Department to check ownership of property £7.00 per property (no VAT)

## **Potential/Recommended Disbursements:**

We also advise executors to carry out other processes to protect themselves against claims from creditors once they commence the collecting in and distributing of assets. Such processes include: –

- Placing statutory advertisements in The London Gazette – Protects against unexpected claims from unknown creditors approximately £98 + vat (£117.60 inc. VAT)
- Placing statutory advertisements in a Local Newspaper, again to help protect against unexpected claims approximately £120 - £250 + vat (£144.00 - £300.00 inc. VAT)
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- Search of the Will database with Certainty £140.00 (No VAT)

## **Other Costs**

- To comply with anti-money laundering legislation and satisfy our regulatory commitments, we carry out online bankruptcy and identity checks on all clients and, in probate matters, on each beneficiary. Our fee for this is £12.00 per beneficiary (no VAT). This fee is payable on all cases and is in addition to the fees quoted above.
- We will charge the sum of £35.00 plus VAT (a total of £42.00 Inc. VAT) for electronic money transfers.

Disbursements are costs related to your matter that are payable to third parties. We handle the payment of the disbursements on your behalf to ensure a smoother process.

## **Stages of the Process**

The precise stages involved in an uncontested probate vary according to the circumstances. We have set out the key stages of a standard transaction: -

- Providing you with a dedicated and experienced probate solicitor to work on your matter.
- Undertaking regulatory checks.
- Identifying the legally appointed executors or administrators and beneficiaries.

- Accurately identifying the type of Probate application, you will require.
- Obtaining the relevant documents required to make the application.
- Completing the Probate Application and the relevant HMRC forms.
- Drafting a legal oath for you to swear.
- Making the application to the Probate Court on your behalf.
- Obtaining the Probate and securely send two copies to you.
- Collecting and distributing all assets in the estate.

### **We Will Not**

- Deal with the sale or transfer of any property in the estate – please see below\*.
- Please note that this firm does not deal with contested matters and if this should arise a Solicitor who specialises in such matters would need to be instructed and our file sent to them.

### **Potential additional costs**

Unfortunately, it isn't always possible for us to identify any issues that may increase your costs when you first instruct us to act for you. However, our many years of experience means that we know that if the following issues arise, they are likely to increase the legal fees payable and the time the matter will take: –

- 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,
- Where there is property abroad,
- Where there are existing trusts
- Where there is Inheritance Tax (IHT) to pay\*\*
- Where the beneficiaries require incidental advice such as varying the terms of the Will for IHT purposes,
- If there are multiple beneficiaries, properties and multiple bank accounts
- An investigation by the Department of Work and Pensions,
- Where there is a business interest,
- Where we are required to carry out regular inspections of a property,
- Where there are numerous beneficiaries or beneficiaries that cannot easily be traced,
- Where there are many bank and/or building society accounts,
- Where a claim is intimated or brought against the estate,
- Where the executors cannot work together and agree their instructions to us.
- Not having all of the paperwork available, or having missing or incorrect information that needs investigation and correction
- Having to arrange valuations of assets
- Third parties not responding to our communications promptly
- Dealing with unusual or complex assets or items i.e. fine art, timeshares, shares in private companies etc.

\*Additional charges will be incurred if there is a property to transfer or dispose of. We will be happy to offer a fixed fee for any conveyancing transaction.

Estates over £325,000 may be subject to Inheritance Tax at the prevailing rates. \*\*To help you decide whether any Inheritance Tax is likely to be due or not, you can visit:

<https://www.gov.uk/valuing-estate-of-someone-who-died/estimate-estate-value>

At times it may become necessary to increase the cost estimate. This may, for example, be because further large assets and/or foreign assets are discovered, a beneficiary has moved and requires tracing, a party to the proceedings (i.e. a joint Executor) becomes unwilling to co-operate, the estate becomes contested.

As soon as any complications arise we will discuss these with you and agree the fee for the additional work being carried out in advance of any additional work being undertaken.

### **How long will this take?**

It can take 4-6 months to obtain a Grant of Probate or Letters of Administration. Each case is different. Currently, the Probate Service will not acknowledge an application until after 8 weeks have passed from the date it was received by them. So much depends on how quickly the information is gathered together to make the application and also the workload of the Probate Service.

Once the Grant has been issued the administration of the estate can start with the gathering in of assets in the estate, for example, monies in deceased's bank account.

The time it takes for third parties such as banks to respond will then influence how long it will take to finalize the administration of the estate, but generally speaking the administration of a straightforward estate should take 12-24 months.

In some cases where there are professional executors distribution of the net estate to beneficiaries could take longer if and it is common for distribution to be delayed until 10 months after the issue of the Grant.

Obtaining a grant of representation and dealing with the administration of an estate can be complicated; it usually takes several months to make sure everything is done properly.

### **Our Team**

Depending on the type of transaction, complexity and experience required we will allocate the most appropriate member of our private client team to your transaction once you instruct us.

Regardless of who works on your case, they will be supervised by the head of our probate department in the Rainham branch, Abdul Waheed Chaudhry, a Solicitor and Partner of the firm, or head of our probate department in the Strood branch, Steve Vedat Kocak, a Solicitor and Partner of the firm. You can see details on all members of our Private Client [here](#).

### **Questions**

If you have any questions relating to our services and our fees, please contact us by email to [enquiries@vewhitesolicitors.co.uk](mailto:enquiries@vewhitesolicitors.co.uk) or call our Strood Office on [01634 739195](tel:01634739195) or our Rainham Office on [01634 376555](tel:01634376555). You can also complete an enquiry form on our [Contact Us](#) page.