

AN INTRODUCTION TO PROBATE

Factsheet



When a person dies someone has to deal with the winding up of their estate, i.e. their money, property, other assets etc. The person who will deal with the estate will either be appointed in the Will, in which case he or she is known as an Executor or, if there is no Will then an Administrator is appointed.

It is the role of the Executor/Administrator to collect in all the money, pay all the debts including any inheritance tax due and distribute the estate to those entitled to it under the Will or the Rules of Intestacy. In order for the Executor/Administrator to do this they will first need to obtain what is known as a Grant of Representation from the Probate Registry of the High Court. This is a legal document authorising them to deal with the estate.

Obtaining this Grant of Representation can be a complicated and daunting task especially at a time when you have lost a loved one. However, with our help, the process can be relatively straight forward and quick! In addition, there could be further complications eg:

- A dispute over past taxes;
- Ambiguities in the wording of the Will, so you aren't sure what it means;
- Disputed claims, such as a spouse who says property left to someone else is community property;
- Problems with disputed debts or unfinished contracts (such as the sale of a business that wasn't completed);
- A significant amount of property left to a minor who needs to have a guardian appointed;
- If the estate doesn't have enough assets to pay all the debts.
- There are off-shore investments and/or property overseas.

Why Use Coles Miller Solicitors?

We offer a number of services within our probate department providing flexibility to our clients so that they can decide on the service that suits them best. A good reason to use Coles Miller Solicitors is to avoid the additional fees that the Probate Registry charge if you make the application for the Grant of Representation personally. It is also important to have a solicitor to advise you if there is a house or other property as you will need a solicitor to deal with the Land Registry for you.

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**Coles
Miller**
Solicitors LLP



The main probate services we offer are as follows:

1. The Whole Administration Process

This service is for those who want to instruct us to deal with the whole administration of the estate, which will involve us writing to all asset holders, preparing a schedule of assets and liabilities, submitting all the relevant tax forms and probate papers to obtain the Grant of Representation and also distribute the estate.

2. Obtain the Grant of Representation for you

If you have already gathered all of the details as to the deceased's assets and you simply need us to obtain the Grant on your behalf then this is the service for you.

3. Support Service

This enables you to feel confident to apply for the Grant of Representation yourself and only contact us on an 'as and when' basis.

By having us involved in the process in whatever capacity you decide, we can also provide you with advice as to inheritance tax planning to include advice on agricultural and business relief which could result in you and your family saving tax in the long run. We can also give specific advice on lifetime estate and nursing care planning.

What Should I do now?

Please think about your requirements and contact us, for just a preliminary discussion by telephone or for a short meeting at no cost to you.

Found this information useful and
want to know your next steps?



01202 673011



info@coles-miller.co.uk



www.coles-miller.co.uk

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