



Guide to the Probate Process

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Administration of the estate

This guide sets out the procedure for administering an estate, explains some commonly used terms and contains a checklist of the documents and information required to administer the estate.

The Steps in administering the estate are as follows:

1. Quantifying the Estate

The executors must make all reasonable enquiries to establish the value of all assets and the extent of all liabilities in the estate as at the date of death. If any Inheritance tax is due, an appropriate amount must be paid before the Grant of Representation can be obtained.

2. Obtaining the Grant of Probate/Grant of Letters of Administration

Once the estate has been quantified, and the tax paid, the Personal Representatives swear an Oath which is submitted to the Probate Registry. If there are no queries, the Grant of Representation is normally issued within two or three weeks.

3. Administrating the Estate

Once the Grant of Representation has been obtained the Personal Representatives can collect in the assets of the estate, pay any liabilities and deal with any tax or other issues arising.

4. Distributing the Estate

When all of the liabilities have been established and paid and the net estate established, the assets can be distributed to the beneficiaries of the estate.

Useful Terms

Estate

The assets and liabilities of the deceased person.

Grant of Representation

This document issued by the Probate Registry gives the Personal Representatives the authority to act in the estate. Where there is a Will this is known as the **Grant of Probate**.

Where there is no Will or there is a Will but the named executors do not act a **Grant of Letters of Administration** is issued.

Intestacy

This arises where there is either no Will or the Will is invalid. A partial intestacy arises where there is a valid Will but it fails to dispose of the whole estate.

Personal Representatives

This is a generic term for the people who are administering the estate. These people are known as executors or administrators.

Probate Checklist

The following items and information are required

Death Certificate

At least one original is needed.

The Will

The Will and any codicils (or confirmation where the originals are held).

Passbooks, statements and other relevant title documents are required for the following, whether held in the **SOLE** name of the deceased or **JOINTLY** with any other person: -

Assets

1. Bank, Building Society or any other type of account held.
2. National Savings Bank, National Savings Certificates, Premium Bonds or similar assets.
3. Insurance policies, annuity or any other pension policies.
4. Any uncashed cheques payable to the deceased.
5. Certificates for any stocks, shares or unit trust holdings or statements relating to any non-certificated holdings.
6. Details of any credit balances held re: gas, electricity or other utility services.
7. Council Tax paperwork.
8. Details of all personal goods including jewellery, motor vehicles, house contents or any other personal assets held.
9. DSS pension or other benefits paperwork and details of any occupational pensions.
10. Any other assets in the name of the deceased not covered by the above.
11. Details of any business in which the deceased had an interest either as sole proprietor, partner or as Director/Shareholder

Liabilities

1. Funeral account (if this is payable from the Estate) or confirmation that this was covered by insurance.
2. Headstone bill or estimate.
3. Invoices for any funeral catering expenses or any other expenses relevant to the funeral.
4. Credit card debts/statements.
5. Gas, electricity, council tax, water rates or any other similar liabilities.
6. Any other debts whatsoever owed by the deceased at the date of death.
7. Details of any litigation or claim against the deceased or details of any potential claim against the deceased for any matter.

House

1. Title deeds (or confirmation as to where these are held).
2. Details of any mortgage against the property including name and address and roll number.
3. House insurance (buildings and contents) – name and address of insurer and policy number.

Tax Returns

1. Name, address and reference of Tax Office where any Tax Returns were submitted.
2. Details of whether any tax rebate or liability is due at the date of death.
3. The name of the deceased's accountants, if any.

Gifts

1. Details of any gifts exceeding £3,000 per annum in any one year during the last seven years.
2. Has the deceased inherited from another person's estate in the last 5 years?

Trusts

1. Details of any Trust in which the deceased had an interest at the date of death or during the preceding seven years.
2. Details of any Trust created by the deceased in any year during the fourteen years preceding the death.

Contacts

If you have any queries please do not hesitate to contact a member of our dedicated team.

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