

Legal Fee Information for Uncontested Probate

Introduction

Probate is the process of administering the estate of a deceased person and the legal right to deal with someone's money, property and possessions when they die. It involves gathering details of a deceased person's assets, paying their debts and taxes and distributing what is left to those who are named as beneficiaries, in the Will or to their next of kin if there is no Will. The process is court supervised as the Grant of Probate (if there is a Will) or Grant of Letters of Administration if there is no Will or no valid Will) is made by a court. If a person dies without leaving a Will they die intestate and their estate passes in accordance with statutory provisions set out in legislation made by the government.

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

We can help you through the difficult process by obtaining the Grant of Probate or Letters of Administration on your behalf.

Below we provide you with information on our Legal Fees, disbursements and the length of time it is likely to take to complete your matter. The Probate Registry are currently experiencing considerable delays in processing matters so this will impact on the time it takes to finalise your matter.

Legal Fees and Disbursements

The fees of Isherwood and Hose 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 and will depend on the work you instruct us to carry out for you.

If you wish us to obtain the Grant of Representation for you by either a Grant of Probate or a Grant of Letters of Administration in an uncontested case whether you provide us with the details of the assets and liabilities and we are completing the application to submit to the court we would charge a fixed fee of £550.00 plus Vat of £110.00 and a Probate fee of £273 being a **total fee of £933.00**

- Our average standard legal fee for acting in an uncontested probate matter is between £1,000.00 - £2,000.00 + VAT of £200.00-£400.00 (**a total of £1,200.00 - £2,400.00 Inc. VAT**). Below we detail what services are covered in our standard fee.
- Our hourly rate for handling an uncontested probate matter is £160.00 + VAT of £32.00. (**a total of £192.00 Inc. VAT**)
- We will charge the sum of £20.00 + VAT of £4.00 (**a total of £24.00 Inc. VAT**) for Electronic money transfers.
- VAT will be payable on our fees, and most disbursements and we will clearly confirm which disbursements carry VAT in our formal quotation or as we advise you to incur them.

The exact cost will depend on the individual circumstances of the matter. For example, if there is one beneficiary and no property, costs will be at the lower end of the range. If there

are multiple beneficiaries, a property and multiple bank accounts, costs will be at the higher end.

We will handle the full process for you. Our Standard Fee estimate above is for estates where: -

- There is a valid Will, or no Will but the beneficiaries are known.
- There is no more than one property.
- There are no more than £325,000 in bank or building society accounts.
- There are no other intangible assets.
- There are 1 - 2 beneficiaries.
- There are no disputes between beneficiaries on division of assets. If disputes arise this is likely to lead to an increase in costs.
- There is no inheritance tax payable and the executors do not need to submit a full account to HMRC.
- There are no claims made against the estate.
- There is no foreign property.

If at any stage our fees change, we will notify you and discuss the reason for any changes before incurring them. This will typically occur if you change your instructions, or your case becomes complex due to unforeseen circumstances.

Disbursements

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

You will be provided with a full list of disbursements in our formal quotation. If you need to incur any further disbursements during your case, you will be notified in advance of the reason why these are payable and the amount. Typical disbursements will include: -

- Probate application fee (Probate Court Fee: £273). There is no fee payable if the value of the estate is less than £5,000.00.
- Copy Grant fees are £1.50 per copy.
- Bankruptcy only Land Charges Department searches £2.00 per beneficiary.
- Land Registry Fee: £3.00 - £6.00).

How long will this take?

On average, estates that fall within this range are dealt with within 6 – 12 months. Typically, obtaining the grant of probate takes 16 - 22 weeks.

Collecting assets then follows, which can take between 6 - 12 weeks. Once this has been done, and all debts paid, and the administration accounts approved we can distribute the assets, which normally takes 3 - 4 weeks.

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 any relevant HMRC forms.
- Drafting the statement of Truth to submit to the Probate Registry.
- Making the application to the Probate Court on your behalf.
- Obtaining the Probate and securely sending two copies to you.
- Collecting and distributing all assets in the estate.

Potential additional costs

Further potential costs may arise where: -

- 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.
- If any additional copies of the grant are required, they will cost £1.50 (1 per asset usually is required).
- Dealing with the sale or transfer of any property in the estate is not included.

The following fee earners will deal with Uncontested Probate

Moira McLachlan – Partner (COFA) – Solicitor

Moira qualified in 1984 and has vast experience in conveyancing, family law including divorce, separation, financial settlements and private law children's matters. She also undertakes matters relating to probate and Lasting Power of Attorneys.

Questions

If you wish any further information relating to our services and our fees, please contact us on 01706 621311 or email us at office@isherwoodandhose.co.uk.