

PROBATE



LET ADLINGTON LAW HELP WITH YOUR PROBATE NEEDS

When you lose a loved one, few imagine the complexities that can often follow whether or not that person has died leaving a Will.

The Probate process can be time consuming and, at times, confusing.

Adlington Law have a team of experienced private client lawyers who are happy to help you at this time, providing a sympathetic ear and a dedicated service to enable you to deal with Probate with as little stress and inconvenience to you as possible, safe in the knowledge that the deceased's estate has been administered accordingly to the law.

Adlington law
Private client specialists

WHY DO I NEED A GRANT OF PROBATE?

If a person has died leaving an estate which is valued over £5000 then usually it is going to be necessary to obtain either a Grant of Probate or a Grant of Letters of Administration (both are called Grants of Representation).

Grants of Representation provide a person with legal authority to deal with a deceased's property, assets and money after they have passed away. This is known as the deceased's estate.

There are occasions where a Grant may not be required. This can usually occur where a person's estate is valued at less than £5000 or where Banks may authorise the release of funds to a person who shows they have the appropriate authority to close an account and deal with assets.

In addition, if the person's only asset was a property and that property has been placed into Trust prior to their death then the Trustees will be able to deal with the property without the need to obtain a Grant.

WHAT IS THE DIFFERENCE BETWEEN A GRANT OF PROBATE OR LETTERS OF ADMINISTRATION?

Both a Grant of Probate and a Grant of Letters of Administration give the person who receives the Grant the legal authority to deal with the estate of the deceased. However, they are issued in different circumstances.

The Grant of Probate will be issued to the named Executor or Executors in the Will of the deceased. This is the person or persons whom the deceased entrusted to deal with their wishes upon their death. Once issued, the personal representatives are under a duty to call in all assets and distribute them according to the deceased's wishes.

The Grant of Letters of Administration is issued where the deceased failed to leave a Will dealing with their wishes.

Where a Grant of Letters of Administration is required, the deceased's next of kin is the person who should apply for the Grant. If the deceased was married then it will normally be the spouse who will apply for the Grant. However, where the deceased is not married, then there are strict provisions as to who is entitled to what, pursuant to the Intestacy Rules. These rules have very strict provisions with regard to who is entitled to an intestate estate and if you are faced with a situation of intestacy, we would recommend that you take legal advice immediately to avoid any future liability resting with you for the incorrect distribution of an estate.

For more information or guidance on any of these topics, please do not hesitate to contact one of our friendly team today on 01257 686386.

WHAT DO I NEED TO OBTAIN PROBATE?

There are some things which have to be done before a Grant can be applied for. You must:

1. Provide an original Death Certificate.
2. Ascertain whether or not there is a valid Will available for the deceased (there are searches which can be carried out to determine whether there is a Will, if this is not readily available).
3. Contact every institution who the deceased was associated with, eg. Banks, Building Societies, Insurance Companies, Utility Companies, Share Dealings, Memberships etc. Obtain a full breakdown of all assets and liabilities of the deceased, to determine the full value of the estate.
4. Ensure all application forms are fully completed with full and accurate information relating to the deceased's estate and ensure that all Executors or persons authorised to act as Administrators have checked the documentation and signed where appropriate.
5. Swear an Oath in front of a legally qualified third party.

Sometimes, the process of obtaining all the documentation required and contacting third parties can be straightforward, if the estate is relatively small or if the deceased person had taken steps prior to their death to put all of their affairs into order. However, commonly, this can be a laborious and time consuming process which people just do not have the time for in their busy lives.

Adlington Law are able to help with this process. By simply providing us with as much information as possible, we will do the rest and deal with the collation of the assets and estate accounts on your behalf.

Please contact our private client department today on 01257 686386 for a friendly discussion to see whether or not we can help you make the whole process far more straightforward.

WHAT HAPPENS IF I DO NOT OBTAIN A GRANT OF PROBATE?

If you decide that you will not deal with this now, you could potentially open yourself up to liability in the future. Liability could extend to Beneficiaries who did not receive their due entitlement under the terms of the Will or under the Rules of Intestacy, or to the HMRC who may have been owed significant tax had the estate been dealt with correctly. Any liability to HMRC would also incur significant interest for the period during which someone has unwittingly benefited from the estate.

Please do not open yourself up to financial liability. Get in touch today and find out exactly what your rights and responsibilities are.

Contact Adlington Law Private Client Department on 01257 686386 or email your enquiry to enquiries@adlingtonlaw.co.uk and one of our team will get back to you as soon as possible.



Other Services available:

- Wills
- Funeral Plans
- Equity Release
- Trusts
- Family Law
- Lasting Powers of Attorney
- Personal Injury

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