

## **SUSAN HOWARTH SOLICITORS LIMITED**

### **THE ADMINISTRATION OF AN ESTATE - YOUR QUESTIONS ANSWERED**

The death of a loved one is a time of great emotional upset which can often be made worse by the need to deal with sorting out what happens to the money, property and possessions of the person who has died. This task is called the Administration of an Estate.

More often than not this task falls on the immediate family which can be an added emotional burden at a difficult time. In the case where a person has died leaving money or property or has left quite specific instructions about what happens on their death or worse still had died without a will, dealing with the estate can be complicated and time consuming.

#### **What is a Grant of Representation ?**

When someone dies their bank accounts are frozen, their house cannot be sold or their possessions given out to family and friends until permission has been given. This permission is a Grant of Representation given by the Probate Registry and the person or people who are acting on behalf of the family are the Personal Representatives.

#### **If The Deceased Person has Left a Will**

If the deceased had left a will they will have named Executors to act as Personal Representative and it is their role to apply to the Probate Registry for the Grant of Probate. Once the Grant is made the representatives can go ahead with the distribution of the assets according to the wishes of the deceased as laid out in their will.

#### **If the Deceased Person has not left a will**

If the deceased died without leaving a Will ("Intestate") the nearest relative or relatives apply for a Grant of Letters of Administration. Once this has been issued the representatives can go ahead with the distribution of the assets but because there is no will this must be done according to the Law which identifies who can benefit and to what extent.

#### **Can I Deal With a Probate or Letters of Administration Myself?**

Yes. There is no legal requirement to get professional help. Applying for a Grant of Probate can be quite straight forward and where there is limited money or property involved you can apply for the Grant yourself and then distribute the assets. Even where the estate is simple, you might like to take advice on any issues you might be unsure about.

However if the estate is more complicated and time consuming you can choose to appoint a professional help such a solicitor. If you do so, make sure you choose a solicitor who is experienced in this area of law. This is important when it comes to dealing with things like the tax due on the estate.

#### **If I Use a Solicitor How Long Does It Take?**

The actual Grant of Probate/Letters of Administration can take between 2 - 12 months depending on the circumstances. However the distribution of all the assets can significantly

add to the time taken depending on a variety of factors. Your solicitor will be able to give you an estimate of the time scales involved at the outset.

### **How Much Will It Cost?**

Our fees are based on an hourly charge depending on the category of lawyer involved. At the outset your solicitor should provide you with an anticipated estimate of the overall cost.

### **Why Should I Use Susan Howarth Solicitors ?**

We are a well established Cheshire firm with a reputation for its caring and sensitive approach to clients. We understand the emotional issues that arise when a loved one dies. We have the experienced staff to take away all the anxiety and pressure associated with the paperwork and legal issues.

**We would be happy to advise you in detail about dealing with the administration of an estate, the procedure involved and the costs. Please contact us on 01606 48777 for more information or to make an appointment.**