

What do I do when somebody dies?

Applying for Probate can be both daunting and time consuming

An Executor will need to -

- ✗ Make an exhaustive list of all the assets and debts including utility bills.
- ✗ Settle all the deceased's debts and pay any inheritance tax necessary.
- ✗ Payment of tax becomes your personal responsibility and may leave you open to personal liability or penalties.
- ✗ Arrange for the care of any minor children and pets.
- ✗ Locate all the heirs and distribute the contents of the Will.



What Do I Do When Someone Dies?

The loss of a friend or loved one can be a very stressful time with many people needing to be notified in the first few days. In addition to the immediate tasks you need to attend to, such as arranging the funeral, there is a lot of paperwork to be dealt with and official documents which need to be completed over the next few weeks.

Let Us help

One of the duties you may have to undertake is applying for Probate. This can often be a complex and extremely time consuming process and needs attending to at a time when you may not feel able to perform this task.

Davies Evans & Law can appoint experts in dealing with all aspects of Probate. Their Directors and Principals are Society of Trust and Estate Practitioner (S.T.E.P.) qualified.

Their specialist Probate Team have a sympathetic and patient approach when dealing with bereaved relatives and will happily arrange an initial meeting free of charge, in the comfort of your own home.

Unlike Solicitors and many other Legal companies who charge an hourly rate, they provide a Fixed Fee Probate Service based on the value of the estate, which is quoted in advance of any work being undertaken. This means a considerable saving on the fees you would typically need to pay a high street Solicitor.

As part of their Probate Service their team can also offer you independent advice on the Will itself and may, under certain circumstances, recommend that a Deed of Variation be set up in order to vary the Will. This process would effectively ensure that the beneficiaries of the Will receive as much of their inheritance as possible, protecting it from attack by Care, further Inheritance Tax, Divorce, Creditors and Bankruptcy.

Who do I notify first?

In the first five days it is important that you do the following:

Notify the deceased's family Doctor

- Contact a Funeral Director to commence funeral arrangements (you will need to check any Will for any special requests or Pre-Paid Funeral arrangements which may have already been made)
- Register the death at The Registry Office
- Advise any departments who may have been making payments to the deceased, such as Tax Credits, benefits, pensions etc
- You will also need to contact relatives and people close to the deceased.

As soon as possible you should:

- Contact the Executors of any Will to enable them to start the process of obtaining Probate.
- If there is no Will then you should decide who will apply to sort out the deceased's affairs and apply for Letters of Administration.

Who can deal with the deceased person's estate?

Usually a close relative like a spouse, child or parent will have the legal right to sort out the estate of the person who has died. In order to be able to administer someone's estate you normally need to apply to the Probate Registry for a 'Grant of Letters of Administration'.

If the person who has died leaves a will

In this case one or more 'executors' may be named in the will to deal with the person's affairs after their death. The executor applies for a 'grant of probate' from a section of the court known as the probate registry. The grant is a legal document which confirms that the executor has the authority to deal with the deceased person's assets (property, money and possessions). They



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can use it to show they have the right to access funds, sort out finances, and collect and share out the deceased person's assets as set out in the will.

What if the person who has died hasn't left a will – (Intestacy)

If there is no will, a close relative of the deceased can apply to the probate registry to deal with the estate. In this case they apply for a 'grant of letters of administration'. If the grant is given, they are known as 'administrators' of the estate. Like the grant of probate, the grant of letters of administration is a legal document which confirms the administrator's authority to deal with the deceased person's assets. When someone dies without leaving a will, dealing with their estate can be complicated. It can also take a long time - months or even years in some very complex cases.

When a grant is needed

A grant is almost always needed when the person who dies leaves one or more of the following:

- £5,000
- Stocks or shares
- Certain insurance policies
- Property or land held in their own name or as 'tenants in common'

In most cases above, the bank or relevant institution will need to see the grant before transferring control of the assets. However if the estate is small some organisations may release the money to you at their discretion. To establish whether the assets can be obtained without a grant, the executor or administrator would need to write to each institution informing them of the death and enclosing a photocopy of the death certificate (and will if there is one). The personal representative won't be granted probate until some or all of any Inheritance Tax that is due on the estate has been paid.

Applies to England and Wales. If the person who died lived in Scotland you must apply for a 'grant of confirmation'.

