

## **MATTERS TO BE DEALT WITH IMMEDIATELY**

### **LOCATE THE WILL**

Some Wills set out a person's funeral wishes. It is therefore advisable to ascertain the whereabouts of the Will as soon as possible. This is usually (but not always) held by a Solicitor, Bank or Will writing company and a copy can often be found at the deceased's home. If Blythe Liggins holds the original Will, we do not normally disclose the full contents of it to the Executors until we have received an official copy of the death certificate. With the Executors authority further disclosure may be made to the beneficiaries.

### **REGISTER THE DEATH AND OBTAIN COPIES OF THE DEATH CERTIFICATE**

An appointment will be required with the local Registry of Births Deaths and Marriages. To make an appointment you should ring the relevant registry office. The main offices in this area are:-

**Leamington Spa, Riverside House Milverton Hill, Leamington Spa – Tel 01926 428807**

**Southam, The Grange, Coventry Road, Southam CV47 1QB – Tel 01926 812636  
(open Monday and Thursday afternoon and Wednesday morning)**

If your local office is not listed here, please do not hesitate to contact us for further details. You will need to take certain information with you to the meeting, including the deceased's date of birth, place of birth, home address, occupation(s), marital status and form of funeral (whether burial or cremation).

The registrar will provide you with the death certificate and you can purchase copies at a cost of £3.50 for each additional copy required. It is advisable to obtain more than one copy as most institutions will not accept photocopies.

The registrar will also give you a form to hand to the funeral director and a form to be completed in respect of any benefits to which the deceased may have been entitled.

### **ARRANGE THE FUNERAL**

The cost of the funeral will usually be the first thing paid for from the deceased's estate. Most banks and building societies will release money direct to the undertaker to pay for the funeral before the grant of representation has been issued, assuming there is a

sufficient credit balance in the deceased's name. If it appears that the estate will not be big enough to pay for a funeral, it may be possible to obtain help from the Department for Work and Pensions. Pre-paid funeral plans are becoming more popular, so enquiries should be made as to whether the deceased had already purchased such a plan. If so, it is likely that the deceased's solicitor or executors will have been notified of this.

## **SUBSEQUENT MATTERS**

### **ADMINISTER THE ESTATE**

On the death of a person it will often be necessary to obtain from the Probate Registry a legal document known as a Grant of Representation.

Once the death has been registered, all assets held in the deceased's sole name are frozen. Financial institutions such as banks, building societies and insurance companies will not pay out money held in the name of the deceased until they have received proof that they are paying it to the person who is properly authorised to receive it. That proof is provided in the Grant of Representation.

There are various types of Grants of Representation and the correct grant depends on whether or not there is a Will and whether or not the Will validly appoints Executors.

#### **If The Person Dying Has Left A Will**

The Will usually names one or more people to act as the Executors of the Will, whose role is to administer the estate.

If you have been named as an Executor you may need to apply for a Grant of Probate.

#### **If There Is No Will**

If the person has died without having made a Will, this is known as having died "intestate". There is a legal order of precedence of who is entitled to apply to the Probate Registry to administer the estate. This will normally be a close relative such as the spouse or child of the deceased and there may be more than one person who has an equal right. Such a person or persons apply for a Grant of Letters of Administration.

If you are appointed in a Will to deal with the estate of the deceased, you are known as an Executor but if you are administering the estate of someone who has died intestate you are called an Administrator. The Executor or Administrator may both correctly be called a "Personal Representative".

#### **Receiving The Grant Of Representation**

When the Grant has been issued by the Probate Registry to the Personal Representative it will need to be registered with the various banks, building societies and insurance

companies, to collect the money in and settle any outstanding liabilities and administration expenses. Inheritance tax may have had to be paid at the time of application for the Grant. Advice should certainly be sought in this situation.

### **Personal Representatives**

The Personal Representatives are responsible for making sure that the estate is administered correctly. If there is a Will, the Personal Representative must follow its terms and if there is no Will they must follow the rules of intestacy.

The Personal Representatives are also responsible for ascertaining whether there are any taxation issues such as inheritance tax, income tax or capital gains tax.

### **CHARGES**

We will provide you with a written statement of terms and conditions at the start of the matter, which will set out the basis of our charges. We will also provide you with an estimate of the likely maximum charges. It is normally possible for any charges to be deducted directly from the estate.

### **TIMESCALE**

Administering an estate can take a long time and it is not unusual for it to take up to a year, perhaps longer depending on the complexity of the estate and the number of organisations (such as banks, building societies, pension companies etc) involved. The following is a list of points that will need to be taken into account when administering an estate:-

- **The estate cannot be finalised until all claims on it have been dealt with. Individuals, in certain circumstances, have up to six months from the date of the Grant of Representation to bring a claim against an estate.**
- **Whether there is any inheritance tax to pay.**
- **What the Will or the rules of intestacy say.**
- **All income tax, benefits agency and pension files will need to be cleared before the estate can be finalised.**
- **Whether there is any dispute between beneficiaries and the Personal Representatives.**
- **Whether any post death tax planning can be achieved.**