

**I would like help in administering an estate.
What should I do next?**

We recommend that you speak to one of our solicitors or legal executives. Our professional advisers have several years experience of administering estates and will be able to explain what needs to be done in each individual case.

We will:-

Meet with you to discuss how we can help (we can arrange home visits if you are unable to get to our office)

Explain what needs to be done to administer the estate

Provide you with our advice on how to proceed and how long the administration might take

Provide you with an estimate of our charges

Consider if there are ways in which Inheritance Tax might be saved

Carry out as much or as little of the administration as you wish

Call us to arrange an appointment to discuss your requirements. We will need details of the estate but will explain on the telephone what you need to bring with you to our first meeting.

Please also visit our website at www.dfjlaw.co.uk where you will find further information about our people, the services that we offer and how to find us.

**Davey
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PRIVATE CLIENT Solicitors

What do I need to do when someone dies?

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**PLEASE ASK IF YOU REQUIRE A LARGE
PRINT VERSION OF THIS LEAFLET**

What do I need to do when someone dies?

When someone close to you dies you can be overwhelmed by all that needs to be done. It can be a daunting task dealing with the administration of an estate. Our team of legal professionals can help by taking some of the burden from you no matter how small or large their estate.

Below are some common questions that people ask us, the answers to which we hope you will find helpful.

Who is responsible for administering the estate?

Although you may be “next of kin” or the partner of the person who has died, you may not necessarily have the legal right to administer their estate. Where there is a Will, the people responsible for administering the estate are called the “executors”. Where there is no Will or there are no executors named in the Will, the people responsible for administering the estate are called the “administrators”. The right to be an administrator is determined by laws known as “the rules of intestacy”. Both executors and administrators may be described as “personal representatives”.

As personal representative what should I do first?

Usually, nothing can legally be done until the death has been registered at the local Register Office. It is by registering the death that you are able to obtain a death certificate. The Registrar makes a charge for each death certificate but it is often sensible to obtain several copies. We can suggest how many you might need.

After you have registered the death you will be able to arrange the funeral.

What is “probate”?

In order to administer an estate it is necessary to provide proof that the personal representative is the person entitled to deal with the estate. The document proving the personal representative’s entitlement is usually called a “Grant of Probate” when there is a Will and “Letters of Administration” when there is no Will. The process of obtaining the Grant of Probate or Letters of Administration is often simply referred to as “obtaining probate”. Why not speak to one of our solicitors or legal executives for advice as to how we can assist you in obtaining probate?

Will I definitely need to obtain probate?

Contrary to what some believe, whether or not you need to obtain probate does not depend on whether or not the person who has died left a Will. It depends on the value and type of assets owned. Even where assets were owned jointly, there are circumstances in which probate will need to be obtained. Please ask one of our legal advisors to explain the rules to you.

What does administering the estate involve?

Administering an estate means sorting out the affairs of the person who has died and involves, amongst other things, ascertaining the extent of all assets and liabilities. The assets need to be collected in and all the debts (including Inheritance, Income and Capital Gains taxes) need to be calculated and paid. It might also involve tracing beneficiaries. The rules of intestacy are complicated and a personal representative must make sure that all beneficiaries receive what they are due. If a personal representative distributes an estate without taking steps to trace a beneficiary under a Will or a relative entitled on intestacy they could be personally liable to pay the beneficiary from their own money. We can help you trace beneficiaries and explain how to limit your liability. Let us know if you need help tracing a beneficiary.

Will there be Inheritance Tax to pay?

Whether or not there will be Inheritance Tax to pay depends on several factors such as the value of the estate, whether or not the person who has died made any gifts during their lifetime and who is to inherit. The rules on Inheritance Tax are complex and you may wish to ask one of our legal advisors to confirm whether or not there will be Inheritance Tax to pay.

How long does it take to administer an estate?

It can take as little as a few weeks or a number of years to administer an estate. It depends on the complexity and extent of the estate and the terms of the Will (if any). In practice, the majority of estates take between 6 months and a year to administer.

Why should I use a solicitor to help me administer the estate?

In bereavement, many people find using a solicitor to help with the administration of the estate practical and timesaving at a point in their lives when things can seem very much more difficult than usual. A solicitor will be able to guide you through the administration process, ensuring that you deal with all the issues required to complete the administration successfully.

If I use Davey Franklin Jones how much will it cost?

How much we will charge depends on what you would like us to do for you. We can assist in the administration as much or as little as you like. We can provide initial advice, apply only for a Grant on your behalf and let you administer the estate or take responsibility for all of the administration. Unlike some other firms, we only charge for the actual time spent in working for you. We will not charge an additional percentage sum based on the value of the estate.