

Legal Fee Information for Uncontested Probate

Probate is the court-supervised process of gathering a deceased person's assets, paying debts and taxes, and distributing what is left to those who are named as inheritors, in the Will.

Uncontested probate is where there is no dispute over the Will and distribution of assets.

Below we provide you with information on our Legal Fees, disbursements, and the length of time it will take to complete your matter.

Legal Fees and Disbursements

Legal Fees are the amount you will be required to pay for all of the work performed by us in actioning your instructions, from commencement of your case to conclusion.

Our charges are based on the time we spend dealing with your matter on an hourly rate basis. We will charge an hourly rate of £275 - £350 + VAT (£330 - £420 Inc. VAT) which will depend on the experience and qualification of the case handler as follows: -

- Head of Department/ Associate Solicitor - £ 350 + VAT (£420 Inc. VAT)
- Assistant Solicitor £275 + VAT (£330 Inc. VAT)
- Trainee Solicitor £150 + VAT (£180 Inc. VAT)
- Paralegal £95 + VAT (£114 Inc VAT)

We always provide individual fee estimates prior to undertaking any work and would be very happy to discuss your specific requirements in order that we can do this.

This fee guide is for a very simple estate where:

- There is a valid will
- There is no more than one property
- There are no more than two bank or building society accounts at the same bank
- There are no other intangible assets
- There are 1-3 beneficiaries
- There are no disputes between beneficiaries on division of assets.
- There is no inheritance tax payable and the executors do not need to submit a full account to HMRC
- There are no claims made against the estate.

We will handle the full process for you. As part of our fee, we will:

- Provide you with a dedicated and experienced probate solicitor to work on your matter
- Identify the legally appointed executors or administrators and beneficiaries
- Accurately identify the type of Probate application you will require
- Obtain the relevant documents required to make the application
- Complete the Probate Application
- Draft a legal statement for you to sign
- Make the application to the Probate Court on your behalf
- Obtain the Probate
- Collect and distribute all assets in the estate

We anticipate this will take between 6 and 20 hours work at £275-350 per hour + VAT (£330 - £420 Inc. VAT), depending on the fee earner. Total costs estimated at: £2,100-7,000 +VAT (£2,520 - £8,400 Inc. VAT).

Electronic money transfer fee where applicable £20 + VAT (£24 Inc. VAT).

The exact cost will depend on the individual circumstances of the matter. For example, if there is one beneficiary and no property, costs will be at the lower end of the range. If there are multiple beneficiaries, a property and multiple bank accounts, costs will be at the higher end.

If at any stage our fees change, we will notify you and discuss the reason for any changes. This would typically occur if you change your instructions or your case involves an unforeseen complexity.

Our average fees assume that:

- a. The transaction is concluded in a timely manner and no unforeseen complication arise.
- b. All parties to the transaction are co-operative and there is no unreasonable delay from any parties providing documentation.

Disbursements and Other Costs

Disbursements are costs related to your matter that are payable to third parties. We handle the payment of the disbursements on your behalf, to ensure a smoother process.

You will be provided with a full list of disbursements in our formal quotation. If you need to incur any further disbursements during your case, you will be notified in advance of the reason and the amount.

Typical disbursements will include: -

- Probate application fee of £273 with £1.50 per court sealed copy of the grant
- Bankruptcy-only Land Charges Department searches (£2 per beneficiary)
- Placing Section 27 Trustee Act Notices in The London Gazette and a newspaper close to where the deceased – Protects against unexpected claims from unknown creditors. From £200+VAT (£84.00 Inc. VAT)

How long will this take?

On average, estates that fall within this range are dealt with within 6-12 months. Typically, obtaining the grant of probate takes 12 - 32 weeks depending on how long it takes to obtain information. Collecting assets then follows, which can take between 8-20 weeks. Once this has been done, we can distribute the assets, which normally takes 2-8 weeks. This is based on no income tax returns being required.

As you will appreciate, the above is for a very simple estate. Although happy to take on more basic estates, our firm specialises in more complex estates including:-

- Intestacies
- Completing the longer IHT400 inheritance tax forms including transferable nil rate band, residence nil rate band and transferable residence nil rate band pages
- Preparing estate income and capital gains tax returns
- Tax planning and preparing deeds of variation
- Applying 10% to charity clauses and drafting deeds of variation to increase legacies to charity

to obtain the lower 36% IHT rate

- Establishing and running will trusts
- Advising on how to source IHT funds
- Negotiating complexities within families
- Assets in multiple jurisdictions
- Family businesses
- Liaising with other professional advisers for the estate

Stages of the Process

The precise stages involved in an uncontested probate vary according to the circumstances. We have set out the key stages of a standard transaction: -

- Providing you with a dedicated and experienced probate solicitor to work on your matter
- Undertaking regulatory checks
- Identifying the legally appointed executors or administrators and beneficiaries
- Accurately identifying the type of Probate application you will require
- Obtaining the relevant documents required to make the application
- Completing the Probate Application and the relevant HMRC forms
- Drafting a Legal Statement
- Making the application to the Probate Court on your behalf
- Obtaining the Grant of Probate
- Collecting and distributing all assets in the estate

Potential additional costs

Further potential costs may arise where: -

- If there is no will or the estate consists of any share holdings (stocks and bonds) there is likely to be additional costs that could range significantly depending on the estate and how it is to be dealt with. We can give you a more accurate quote once we have more information.
- If any additional copies of the grant are required, they will cost £1.50 + VAT (£1.80 inc VAT) (1per asset usually).
- Dealing with the sale or transfer of any property in the estate is not included.

Fee Earners

The following fee earners handle Uncontested Probate matters:

1. Nicola Hibbert, Head of Department and Associate Solicitor, qualified in 2011 and specialises in all Private Client matters. Nicola is a member of the Society for Trusts and Estate Practitioners (STEP) and is a fully accredited member of Solicitors for the Elderly.
2. Tessa Manisty, Associate Solicitor, qualified in 2010 and specialises in all Private Client matters, with a particular focus on Trusts. Tessa is also a member of STEP.

Questions

If you have any questions relating to our services and our fees, please contact us on +44 (0)20 7925 2244 or email us at office@plslex.com.