

Estate Administration and Probate Services from J H Powell & Co Solicitors Price and Service Information (December 2018)

This document is designed to give you an overview of the process of administering a deceased person's estate and obtaining a Grant of Probate, to explain how J H Powell & Co's fees for assisting with the administration of estates are calculated, and to summarise the third-party costs ('disbursements') which you will incur. It is published in accordance with the Solicitors Regulation Authority Transparency Rules.

Our Estates & Probate Team

The following members of the firm are available to assist you with the administration of an estate:

- Guy Potter - Guy qualified as a solicitor in 1982 and has been a partner at the firm since 1988.
- John Fleming – John has practised as a solicitor since 1968 and is now one of the firm's consultants.
- Peter Collinson – Peter qualified as a solicitor in 1975 and is now one of the firm's consultants.
- Lucy Walsh - Lucy qualified as a solicitor in 2002 and has been a partner at the firm since 2013.
- Alex Porter-Wallis – Alex is the firm's probate clerk and has assisted clients with estates and probate matters for 30 years at a number of firms in Nottinghamshire and Derbyshire.

One of our trainee solicitors can also assist with the administration of an estate, under the supervision of one of our solicitors:

- Faith Hill - Faith studied Law at the Open University and Nottingham Law School.
- Manpreet Ark - Manpreet studied Law at the University of Leicester and has a Masters degree in Law from the University of Nottingham.

Our Fees

Our fees for the administration of an estate will depend on the individual circumstances of the matter, and the size and complexities of the estate.

Our fees are calculated according to both the amount of time we spend on your matter and the value of the estate. In our experience, our fees to administer a relatively simple estate tend to come to between 0.5% and 2% of the gross value of the deceased person's estate (e.g. the value of the assets before the deduction of liabilities).

Certain estates are more complex than others, and in such case our fee will include an additional element based on the time spent on the administration of the estate and the nature and extent of the estate's assets and liabilities.

Where possible, we will provide you with an estimate of our fees once we have a clear idea of the value of all of the assets in the estate. It is our practice to send you an initial bill for our fees shortly after we have obtained Grant of Probate (when the estate is in funds) and a final bill when the administration of the estate has been completed.

Our estate administration fees do not include our fees for assisting you with a sale of a property owned by the deceased person. Please refer to our separate Residential Property Services – Price and Service Information for details of the conveyancing process and our fees.

1. Fees based on the time spent on your matter

Part of our fees for the work that we carry out for you are calculated according to the amount of time we spend on your matter, based on our hourly charging rates which are as follows:

Partners and Solicitors with 8 or more years of PQE	£235 + VAT per hour
Solicitors with 4-8 years of PQE	£195 +VAT per hour
Solicitors with up to 4 years PQE	£160 +VAT per hour
Trainee Solicitors & Probate Clerks	£130 +VAT per hour

‘PQE’ means post- qualification experience – the number of years someone has been a qualified solicitor. Where we refer to VAT throughout this document, this is currently at the rate of 20%.

2. Fees based on the value of the estate

We also calculate part of our fees in accordance with the value of the estate, namely 0.5% of the value of any real property (i.e. houses or land if not sold as part of the administration of the estate) and 1% of the total gross value of the rest of the estate (i.e. excluding the value of the real property).

Where we calculate part of our fees in accordance with the value of the estate, we will normally reduce our hourly charging rate by 20% when also calculating the part of our fee which is based on the time we have spent on the matter.

In some very simple estates we will charge purely on the time we have spent on the matter.

3. What constitutes a ‘simple’ estate?

A ‘simple’ estate is usually one where:

- There is a valid will
- There is no more than one property
- There are no more than 4 bank or building society accounts
- There are no shares or intangible assets
- There are no beneficiaries other than direct descendants
- There are no disputes between beneficiaries regarding the division of assets
- There is no inheritance tax payable and the executors do not need to submit a full account to HM Revenue and Customs
- There are no claims made against the estate

4. What constitutes a more ‘complex’ estate?

When we assist you with the administration of a more ‘complex’ estate, our fees will exceed those for administering a ‘simple’ estate. A more ‘complex’ estate is likely to be one where one or more of the following apply:

- There is no will or no valid will
- Inheritance tax is payable
- There are many different assets

- There are many beneficiaries, some of whom are charities, or cannot be located
- The estate is insolvent (i.e. its liabilities exceed its assets)
- The deceased person owned shares
- There are assets outside England and Wales
- There are disputes between the executors and the beneficiaries
- HM Revenue and Customs or the Department for Work and Pensions investigate the estate

Third Party Costs

As part of your matter you may also be required to pay fees to organisations other than J H Powell & Co (known as 'disbursements'). We will handle the payment of the disbursements on your behalf to ensure a smoother process. At the outset of any matter we will give you an estimate of what these disbursements are likely to include. These are in addition to our own fees as detailed above.

As a general guide, these disbursements often include the following:

- Probate application fee - currently £155 plus 50p per copy of the Grant of Probate required
- £7 commissioner's fee for swearing of the executor's oath (per executor)
- Bankruptcy-only Land Charges Department searches (£2 per beneficiary)
- Posts in The London Gazette and a local newspaper where necessary to protect against unexpected claims from unknown creditors – around £200

If Inheritance Tax is due to HM Revenue and Customs in respect of the estate, we will advise you of the exact amount payable.

What services are included in the administration of an estate?

The administration of any estate will include the following services, and these are included in our fees for assisting you with a more 'simple' estate as set out above:

- Locating the will and advising you on its contents
- Assisting you with the investigation of the assets and liabilities of the estate
- Valuing the estate
- Preparing the executor's oath
- Preparing and advising you on the 'Return of Estate Information' to HMRC
- Applying for a Grant of Probate
- Registering the Grant of Probate with the asset holders (e.g. banks/building societies)
- Gathering in the assets or arranging for them to be transferred to the beneficiaries
- Paying the liabilities of the estate
- Paying any legacies due under the will
- Dealing with any liabilities due to or from the Department for Work and Pensions
- Preparing an estate account for approval by the executors
- Distributing the assets in the estate

In contrast, the following services are not usually required in the administration of a 'simple' estate as set out above. They may be required in the administration of a more 'complex' estate, for which our fees are likely to be higher:

- Preparing a full inheritance tax return for HMRC
- Obtaining valuations of multiple assets
- Preparing a deed of variation of the will
- Preparing an income tax return for the estate
- Insuring or clearing a property
- Registering a death or arranging a funeral

How long does it take to administer an estate?

In our experience, it often takes around 3 months to administer a 'simple' estate, not including the sale of the deceased person's house. More 'complex' estates can take longer to administer.

Any further questions

If you have any further questions about the process of administering an estate, and the services we can offer, please contact us using the details set out below and a member of the firm will be happy to speak to you.