

Probate/Letters of Administration Cost Guide (February 2019)

This cost guide is based on probate work in relation to uncontested cases where all the assets and beneficiaries are in the UK. This includes both testate and intestate and non-taxable estates.

Instructions:

Full Estate Administration

(Applying for the grant, collecting and distributing the assets)

We anticipate this will take between 16 and 40 hours work at between £126 - £225 per hour. Costs of time estimated at £2,115 - £9,000 +Vat.

In addition to the hourly charging rate above, we charge a "Value Element" which reflects our responsibility in fully administering the estate of the deceased. The Value Element is calculated at a rate of 1.25% of the estate value excluding any freehold/leasehold property. Such property will attract a Value Element charge of 0.75% of the probate value but this will be reduced to 0.4 % if Barnes Marsland Conveyancing Department act in the sale of such property.

For example:

Where cash assets of £50,000 the charge would be £625 + Vat

Where cash assets of £50,000 plus a property value at £150,000 the charge would be £1750 + 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.

We will handle the full process for you. This estimate is for estates where:

- There is a valid will or it is an intestacy situation where family members are clearly identified and known
- There is no more than one property
- There are clearly identified stocks and shares
- There are no other intangible assets
- All beneficiaries are clearly identified and known
- There are no disputes between beneficiaries on division of assets or Executors/Administrators as to the manner of administration of the estate. If disputes arise this is likely to lead to an increase in costs
- There is no inheritance tax payable and the executors/administrators do not need to submit a full account to HMRC
- There are no claims made against the estate

Disbursements not included in this fee:

- Probate application fee of £155 plus 50p for each Office Copy of the Grant (1 per asset usually) [* *See note below*]
- Bankruptcy-only Land Charges Department searches (£2 per beneficiary – at the outset and on any distribution)
- £83.40 inc. Vat – Statutory Notice to Creditors in The London Gazette – Protects against unexpected claims from unknown creditors.
- £102.03 inc. Vat (Thanet papers only) - Statutory Notice to Creditors in a Local Newspaper (The cost depends on the local Newspaper in question) – This also helps to protect against unexpected claims.

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

Potential additional costs

- 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 vary significantly depending on the estate and how it is to be dealt with. We can give you a more accurate estimate once we have more information.
- Dealing with the sale or transfer of any property in the estate is not included.

How long will this take?

On average, estates that fall within this range are dealt with within 6 - 10 months. Typically, obtaining the grant of probate takes 4 – 6 months. Collecting assets then follows, which can take between 1 – 2 months weeks. Once this has been done, we can distribute the assets, which normally takes 1 – 2 months.

Instructions:

Grant only fixed fee (Applying for the Grant only)

We can help you through this difficult process by obtaining the Grant of Probate or Letters of Administration on your behalf. We will not undertake the collecting and distributing of assets and will rely on you to provide the information required to enable us to prepare the Probate/Administration application.

We will handle the full process for you. This estimate is for estates where:

- There is a valid will or it is an intestacy situation where family members are clearly identified and known

- There are no disputes between Executors/Administrators as to the manner of the administration of the estate.
- 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

How much does this service cost?

Basic Application (no additional Inheritance Tax forms required)

TOTAL: fixed fee of £845 + Vat.

This includes: obtaining the grant only.

Breakdown of costs:

Legal fees £845

Vat on legal fees £169

Disbursements not included in this fee:

- Probate court fee of £155 plus 50p for each Office Copy of the Grant (1 per asset usually) [* *See note below*]

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

As part of our fixed fee we will:

- Provide you with a dedicated and experienced fee earner 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 and the relevant HMRC forms for you to sign
- Draft a statement of truth, for you to sign (*Regulations to replace Oaths with Statements of Truth came into force on the 27th November 2018*)
- Make the application to the Probate Court on your behalf
- Obtain the Probate and make available for personal collection at our offices or make arrangements to securely send these to you for which there will be an additional charge.

We will provide additional services as indicated below, if required:

Inheritance Tax Forms

Additional Inheritance Tax forms required to claim transferrable Nil Rate Band or Residential Nil Rate Band (submitting at the same time as the basic application)

If you wish us to deal with this, we will charge an additional £150 + Vat

Creditors Advertisement

This gives any legitimate creditor a period of two months (from the date the notice is placed in the paper) to come forward to make a claim against the state and this notice will protect the Executors/Administrators. Unless you are the sole Executor and sole beneficiary we strongly recommend that this advertisement is placed in the paper otherwise you could be personally liable to such a creditor.

If you wish us to deal with this, we will charge an additional £75 + Vat plus the following Disbursements:

- £195 Post in The London Gazette – Protects against unexpected claims from unknown creditors.
- Post in a Local Newspaper (The cost depends on the local Newspaper in question) – This also helps to protect against unexpected claims.

Bankruptcy searches

We always undertake bankruptcy searches against the names of the Legatees and Beneficiaries for the protection of the Executors/Administrators. These bankruptcy searches should be made at the outset. They should also be made before any legacies, money or assets are paid to any beneficiary and before distributions are made.

If you wish us to deal with this, we will charge an additional £75 + Vat plus the following Disbursement:

- Bankruptcy-only Land Charges Department searches (£2 per beneficiary – at the outset and on any distribution)

Assent/Placing property into beneficiary(s) names

The charge will be dependent on the number of beneficiaries, accessibility of them for identification purposes and nature of the Title of the property.

If you wish us to deal with this, we will charge between £150 - £300 + Vat plus the following Disbursement:

- Land Registry Fee £40 - £120 dependent on value of property

How long will this take?

On average, estates that fall within this range are dealt with within 3 - 6 months. Typically, obtaining the Grant of Probate/Letters of Administration takes 3-6 months.

** In 2017 the Government put forward proposals to increase Probate Court fees (paid on the obtaining of the Grant of Probate/Administration). Those proposals failed. However, on the 7th February 2019, a Statutory Instrument was passed to allow Probate Court fees to be charged according to a sliding scale of charges rather than the flat fee payable of £155 (plus 50p for each copy of the Grant); when applications are made through a firm of Solicitors.*

The Statutory Instrument will now go before the House of Commons chamber where, barring a formal objection and subsequent vote against the proposals, it will be passed. The changes would come into force in April 2019 and the following fees would be payable based on the value of the Estate for any Applications for a Grant of Probate/Administration made.

<i>Estates with a value of less than £50,000</i>	<i>Nil</i>
<i>Estates with a value £50,000 - £300,00</i>	<i>£ 250.00</i>
<i>Estates with a value £300,00 - £500,000</i>	<i>£ 750.00</i>
<i>Estates with a value £500,000 - £1m</i>	<i>£ 2,500.00</i>
<i>Estates with a value £1m-£1.6m</i>	<i>£ 4,000.00</i>
<i>Estates with a value £1.6m-2m</i>	<i>£ 5,000.00</i>
<i>Estates with a value above £2m</i>	<i>£ 6,000.00</i>

For any new instructions taken we have to warn you that it will not be possible for us to submit the Application for the Grant prior to the likely date for the Fees Order to be implemented.