

# JOHN BIRKBY & CO

## GUIDE TO PROBATE FEES

Our costs will vary depending on whether you wish us simply to obtain the grant of probate, or letters of administration (if there is no Will) or to administer the whole estate.

Our fees are based upon the amount of work which is involved. The work will normally be carried out by Fiona Goode, the firm's Principal and experienced solicitor, at a rate of £240 per hour including VAT.

### **Grant of Probate/Letters of Administration (only)**

If you would like to carry out the estate administration yourself, and simply instruct us to obtain the grant of probate we anticipate this will take between 3-4 hours work at £240 per hour giving total costs estimated at £720 - £960.

In addition, there will be disbursements not included above of:

- Probate registry fees of £155 minimum to a maximum of £6,000
- £0.50 for each additional sealed copy of the grant

These fees include meeting with you to take instructions. Preparing the probate application and short IHT205 Inheritance tax form, submitting the completed paper work to the Probate Registry. Sending out to you the issued grant of probate and sealed copies.

### **These fees are based upon: -**

- There being no issue as to the validity of the Will or if no will all the beneficiaries under the intestacy are known and confirm their agreement to the proposed grant being issued
- You provide us with a schedule of the estate assets, how they are owned, and their value at the initial meeting or shortly thereafter
- You provide details of any declarable gifts made by the deceased during the last 7 years of their life at the initial meeting or shortly after that meeting
- The gross value of the estate including any declarable life time gifts does not exceed £325,000 or £650,000 when the deceased was a surviving widow/widower (and no part of the nil rate band has been utilised)
- The deceased was domiciled in England and Wales and did not own any foreign assets
- There is no dispute regarding the estate that we are to be involved with
- You deal with all other aspects of the administration yourself
- There are no enquiries by the DWP with regard to pension credit or other payments (any additional work will be calculated based on the time we spend working on this)

Once you have provided us with the information we need, we would hope to have prepared the probate application within one month and in general the probate registry will issue the grant of probate within a further month.

If you wish us to carry out any further work in addition to that set out above please discuss this with us.

### **Grant of probate/letters of administration and estate administration**

If you wish we can assist with all aspects of the estate administration for you. This includes identifying the executors or administrators (if there is no will), obtaining relevant information about the assets and debts of the estate, completing the probate application and relevant HMRC forms, drafting the oath for you to swear, making the application to the Probate Registry, obtaining the Grant of Probate or Letters of Administration, collecting in the assets, paying any known debts and distributing the assets in the estate.

As a guide we anticipate this will take between 10 – 20 hours work at £240 per hour (including VAT). Our total legal fees will be in the region of £2,400 - £4800 plus disbursements (payments to third parties). This does not include any charges for the sale of property which will be charged in accordance with our normal conveyancing fees.

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

If inheritance tax is payable upon the estate our costs will be higher as additional work will be involved in completing the full IHT forms. If income is received during the administration of the estate there will be income tax returns to complete for which an additional fee based upon the time spent will be charged.

**We will handle the whole process for you. The above indication of our costs is for estates where:**

- There is a valid will or the beneficiaries under an intestacy (where there is no will) is a surviving spouse or children and all potential beneficiaries are in agreement with how the estate will be administered
- There is no more than one property
- There are no more than 5 bank or building society accounts
- There are no more than 4 beneficiaries
- There are no disputes between beneficiaries on the division of assets. If disputes arise this is likely to lead to an increase in costs
- There is no inheritance tax payable and the executors do not need to submit a full account to HMRC
- No claims are made against the estate.

**Potential additional costs include:**

- If there is no will ascertaining the beneficiaries
- If the estate includes any share holdings (stocks and bonds) there are 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
- Dealing with the sale or transfer of any property in the estate is not included
- Completing full Inheritance tax return and arranging the payment of Inheritance tax
- Completing HMRC income tax returns

**The main disbursements payable in addition to our legal fees include: -**

- Probate application fee which is currently £155 (but is likely to increase in April 2019 substantially depending upon the value of the estate to a maximum of £6,000)
- Additional copies of the grant at a cost of £0.50 each (1 per asset)
- Land charges bankruptcy search £2 per beneficiary.
- Trustee Act notices in both the London Gazette and local newspaper. These depend upon the local newspaper used but for Oldham will be about £150
- House clearance
- Empty property insurance
- Mileage if we are required to check on an empty property
- Indemnity fees if original share certificates are missing

**How long will this take?**

Assuming that everything proceeds smoothly we would normally expect in the position to meet with you to submit the application for probate approximately 2-3 months after our initial meeting where no inheritance tax is payable or 4-5 months after our initial meeting where inheritance tax is payable. We normally receive the grant of probate within a month of it being submitted to the Probate Registry.

Once we have received the grant of probate, we will collect the assets and pay any debts. It can take a further 3-6 months to conclude the administration of the estate.

There may be factors which delay the completion of the administration including selling a property, negotiations with HMRC and delays in obtaining instructions either from beneficiaries or from the Department for Work and Pension. Where the deceased received pension credit, even if the estate is relatively small, the DWP will usually request a breakdown of the estate and this can add considerably to the length of time it takes to finalise the administration.

JOHN BIRKBY & CO  
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