



**Dootsons**  
SOLICITORS



**Wills & Trusts**

## Probate and Administration of Estates

A Grant of Probate (issued to executors where there is a Will) or a Grant of Letters of Administration (where there is no Will, usually issued to next of kin) may be required by a bank or other financial institution holding assets before it is able to release funds. A Grant is also always required where there is a property in the estate. The Grant, which is made by the Probate Court, confirms the authority of the executor or administrator to act in the estate.

Two documents are submitted to obtain a Grant:-

- The Oath for Executors/Administrators.
- An Inheritance Tax form which contains full details of all the assets in the estate together with any reportable gifts made within seven years before the date of death and where necessary also includes an Inheritance Tax calculation.

The role of an executor or administrator (both referred to as the Personal Representative) carries with it a number of legal responsibilities.

There is a liability to ensure that all debts are ascertained and discharged. It is advisable for any Personal Representatives to advertise for creditors to avoid the risk of any claim against them personally for payment of a debt that comes to light after distribution of the monies in the estate.

An executor has to be sure that the available Will is the most up-to-date Will and if there is any doubt about this a search can be made with solicitors and banks located in the area where the deceased lived.

It may be necessary to trace beneficiaries if their whereabouts are unknown and to use tracing agents for this purpose.

Where there is no Will the law dictates which family members share in the estate. Where the deceased had a large family it can be difficult and time consuming to locate all entitled individuals and draw up a comprehensive family tree. On occasions it may be necessary to obtain the assistance of a genealogist.

### Wills & Trusts Services

- Wills & Estate Planning
- Lasting Powers of Attorney & Registration of Enduring Powers of Attorney
- Trusts
- Deeds of Variation
- Probate & Administration of Estates Service
- Court of Protection applications

For further information on our Wills & Trusts services please contact:

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### Offices

Leigh  
Culcheth  
Newton



STEP members

Rebecca Stringfellow

Family

Mediation

Wills & Trusts

Conveyancing

Commercial

Litigation

Employment



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## Probate and Administration of Estates continued

Before distribution an Estate Account is required to be prepared showing all payments and receipts, all assets of the estate, the income received during the administration period and also detailing how the estate is divided.

The Personal Representative needs to ensure that none of the beneficiaries have a Bankruptcy Order against their name as in such a situation the Personal Representative is under a duty to pay the share due to that person's Trustee in Bankruptcy.

If you are an executor or administrator and need assistance in fulfilling your liabilities we will be happy to help and provide a quotation for the work required.

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