

## Probate and Administration of Estates

### How Long Will the Work Take and Who Will Carry Out the Work?

#### How Long Will It Take?

There are a number of factors which will affect how long the process takes, it is therefore very difficult to give an estimation of time scales. The factors which will affect the time that the transaction will take includes the complexity of the estate, how quickly third parties provide us with the relevant information, how quickly HMRC takes to provide a receipt for the payment of inheritance tax and how quickly the Probate Registry take to issue the Grant of Probate or Letters of Administration.

We will always do our best to ensure that matters take no longer than absolutely necessary as we are aware of how frustrating it can be for a beneficiary to be waiting for an estate to be finalised. Please do bear in mind that often the time taken will be dictated by factors outside of your or our control.

For a simple probate matter, estates are usually dealt with within 3-6 months. Typically:

- obtaining the Grant of Probate can take 4-8 weeks
- collecting assets then follows, which can easily take 2-6 weeks but in many cases much longer.

Once everything has been done, we can prepare the estate accounts and distribute the assets. This can take 2-4 weeks.

Please bear in mind that more complex estates can take a considerably longer time as there are potentially tax issues which arise, and delays often result when dealing with HMRC.

Factors that can make a matter take longer include:

- Issues with the validity of the will;
- Claims of competing wills;
- Lack of cooperation from family, executors and beneficiaries;
- Where enquiries need to be made to identify beneficiaries;
- Obtaining the death certificate and/or arranging the funeral;

- Issues relating to the property of the deceased person including house clearance problems, the need to make insurance claims or problems with overseas properties;
- Complicated estates involving complex financial planning;
- Foreign assets – especially where a grant needs to be obtained in another country before the property can be dealt with;
- Businesses with which the deceased was involved or farming assets;
- Complex trusts;
- Missing beneficiaries;
- Property sales; and
- Deeds of variation of the terms of a will.

You should also be aware that we cannot finalise an estate until we know that all claims on the estate have been received. Those who wish to make a claim on an estate have six months from probate to make such a claim. Finally, if the deceased person died without having made a will and there is what is called an intestacy, then the process will take even longer as we will need to establish who the beneficiaries are.

#### **Who Will Deal with the Work?**

Your transaction will be handled by our probate team. The team is headed up by David Ratcliffe who was admitted as a solicitor in 1986 and has been in private practise since. He has dealt with many areas of law since qualification but now specialises in Wills, estate planning, Lasting Powers of Attorney and the administration of estates.