

Probate Fees

Legal fees can range from between £3,000 to £20,000 or more (+VAT).

The estimates given below are based on a number of assumptions, and if any one of these turns out not to be the case, then additional time will have to be spent and therefore the costs will escalate, as charges are based on time spent.

1. There is a valid will and no missing beneficiaries – so no costs as regards tracing the family tree to establish beneficiaries under the Rules of Intestacy.
2. There are no family disputes, no allegations of undue influence or similar.
3. There are no disputes between executors.
4. There is not more than one property.
5. There are clearly identified assets, such as bank accounts and shareholdings.
6. There are no more than 4 beneficiaries and no beneficiaries lack capacity.
7. There are no trusts in the Will.
8. Property is UK based

A straightforward probate, with no inheritance tax to pay, which meets the above would be around £3,000+VAT. The sale of the property will be dealt with by the property department, and they will provide a fixed fee for this work.

A more complex estate, with inheritance tax to pay and therefore a full return to HMRC will require much more work.

If the estate has a portfolio of shares, a number of bank accounts, , then even if all the assumptions referred to above are correct, the cost is likely to be between £5,000 to £8,000 but will vary depending on complexity.

Again, property sales will be handled by an external team and billed separately.

Add an off-shore trust and you're looking at a further £2,000 to £5,000. There will be additional costs if the shares are to be sold or transferred, as these are dealt with by a share dealing company and there are fixed prices provided for this work up front, calculated on the number of companies as well as the number of shares.

If foreign grants are needed there will be an additional cost for the lawyers dealing with the probate in the jurisdiction.

If additional tax advice is required or a Deed of Variation is appropriate, then this will be charged out our normal hourly rates, in addition to the costs referred to above.

Matters that Affect Fees

The following are examples of what can cause fees to escalate:

- Missing paperwork
- Waiting for a response from the client – or any of the financial institutions – and having to send additional chasing letters.

- A certain amount of time is factored in but having to call a bank 5 times and write 4 letters just to get information is excessive and would need to be charged for.
- Where inheritance tax issues arise, particularly when the facts have not been made clear at the outset. A good example of this is where numerous gifts have been made by the deceased or trusts have been established and these arrangements need to be included in the Return to HMRC.

Disbursements (expenses we incur on your behalf to a third party).

- **Court Fees** – this is the fee that has to be paid to the Court in order that a Grant can be issued.
 - **Solicitors fee** – £155
 - **Each copy of the Grant** – £1.50
- These may vary from time to time as court fees increase. (Fees quoted at 2018 rates).

Please bear in mind that where there are a number of bank accounts and/or a variety of shareholdings, it is often necessary to order plenty of copies, as, although we do ask banks etc to return the original to us, this can take some time and so hold up the administration.

FAQ

Q: What is overseas lawyers need to be involved?

A: Then, as stated above, we will be asking for not only hourly rates or a fixed fee, but also for the court costs, whether we will need to obtain additional documents from the English Court to be used abroad, whether there will need to be translations of documents and so forth, so that we have a complete set of disbursements to show the client for their approval.

Q: What if we can't find a will?

A: If it is necessary to instruct tracing agents, where, for example, there is no Will and so a family tree is needed for the distribution of the estate under the rules of intestacy, we would instruct Estates Research to do this for us. Before doing so, we would pass to them such information as has been made available to us by the client and ask them to provide a fixed fee for client approval.

Q: What if travel is involve?

A: Then the reasonable costs of travel (including hourly rates) would need to be borne by the client.

Q: What if the estate is complex or valuable?

A: In complex estates, where one of the major assets is a property, it is usually necessary to have a red book valuation prepared by a valuer/surveyor, particularly where the property is worth in excess of £1,000,000. A copy of the valuation would be given to HMRC with the IHT400.

We have a number of surveyors that we use on a regular basis, and we will require them to provide a cost quotation before they begin their report.

Q: What if I need Counsel's advice?

A: Occasionally, it is necessary to instruct Counsel. The Barrister's Clerk will be asked to quote the brief fee after receiving an outline of the matter and of the advice sought. This aspect of the administration will be discussed in detail with the client beforehand and all fee quotes (which will bear VAT) and written advice will be provided to the client.

Remember: Most disbursements (Costs) and Fees carry VAT except for Court Fees

What will happen next if you instruct us?

1. As a first step, we will ask you to complete a probate questionnaire – this will ask for details of the people involved and the assets of the estate.
2. We can then look at the details you have provided to get an idea of the complexity or otherwise of the estate, and in particular if there are any inheritance tax issues. We will then specify an hourly rate, to which VAT will be added.
3. Our fees are calculated on the amount of time spent on the matter, not as a percentage of the value of the estate
4. The answers to the questionnaire should highlight particular issues, such as the need to instruct overseas lawyers, which will necessitate separate costs, such as finding suitable foreign lawyers to provide an hourly rate or a fixed price.
5. We, and any other professionals that we think we will need to involve, will give you an estimate of the costs of doing the work, or a fixed fee.
6. We can provide you with a monthly or quarterly timesheet, showing fees to date, based on work done and time spent. We also recharge disbursements (please see above), such as court fees and these are shown separately on the bill.
7. We usually issue a bill when the papers are submitted to HMRC and /or the Probate Registry.
8. We will update the estimate you have been given from time to time, particularly if unforeseen circumstances occur, such as a family dispute.
9. The more help you can give us in providing details of bank accounts, share portfolios, contact details for IFAs and accountants employed by the deceased etc, the better, as it means we can work more quickly and therefore the costs to you will be less. We will provide with you a note before the first meeting, setting out what we require you to bring with you, again with a view to saving time and effort for us both.
10. If there is a property to be sold, a member of the property department will provide you with a fixed fee for acting in the matter.

Feel free to discuss any concerns you have; whether about fees, timing, or the probate process in general, and we will do our best to answer these concerns.

Please also bear in mind that we are in the hands of HMRC and the Probate Registry, and whilst we will do our best to give you a timetable, estimating when you can expect certain matters to be dealt with, this will be based on current response times from Government departments. We cannot guarantee that these estimates will be met, however.