



PROBATE AND ESTATE ADMINISTRATION

DETAILED PRICING GUIDE

Directors: Paul David Clark^{TEP} and Rebecca Jane Spall
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England and Wales (company registration number 12071294).
Registered address: Oak House, 3 Swan Bank, Congleton, Cheshire, CW12 1RY
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How we categorise our work

We categorise our work based on the complexity of the estate. We use four main categories:

- Excepted
- Standard
- Complex
- Specialist

The category an estate will fall into will largely depend on the value of the estate, type of assets, the Inheritance Tax position and whether there are any complicating factors such as there being no will (Intestacy) or assets in foreign countries. It also takes into account the work involved.

We further sub-divide into different levels. The most straightforward estate we deal with is an Excepted Estate Level 1 and the most complex is a Specialist Estate.

This pricing guide is intended as a guide only. Each estate is unique and we will confirm the category and level before we start work.

Excepted Estates

Only excepted estates can be considered to be an excepted estate. If the estate is not excepted, we would not consider it to be a excepted estate. It is important to note that we do not consider all excepted estates to be excepted estates for our categorisation purposes as there are other factors that may increase the complexity.

An example of an excepted estate would be an estate where the gross value of the assets of the estate do not exceed £325,000 and the estate meets HMRC's definition of an excepted estate. As part of our service, we will confirm whether an estate meets the criteria for an excepted estate. As a summary, the estate of a UK domiciled person is excepted if it meets any of the following criteria:

If the person died before 31 December 2021:

The estate value is below the Inheritance Tax threshold at the time the person died.

The person that died left everything to a surviving spouse or civil partner living in the UK or to a qualifying charity and the estate is worth less than £1 million.

If the person died after 1 January 2022:

The estate value is below the Inheritance Tax threshold at the time the person died the estate is worth £325,000 or less and any unused threshold is being transferred from a spouse or civil partner who died first.

The person that died left everything to a spouse or civil partner living in the UK or to a qualifying charity and the estate is worth less than £3 million.

We sub-divide our excepted estates into four levels:

Level 1

This is where a Will has been left and everything passes to a surviving spouse or civil partner. The assets consist of one property and accounts held with one or two different banks.

Example

A person died leaving a Will that leaves their entire estate to their surviving spouse. The estate consists of a house and one bank account. All assets are located in England. The estate value is £300,000.

Level 2

This is where a Will has been left and everything passes to a surviving spouse or civil partner.

Example

A person died leaving a Will that leaves their entire estate to their surviving spouse. The estate consists of a house, investments and two bank accounts. All assets are located in England. The estate value is £300,000.

Level 3

This is where there is no Will (Intestacy) and all of the estate passes to a surviving spouse or civil partner. There is one property and accounts held with one or two different banks.

Example

A person died without leaving a Will. The estate passes to the surviving spouse. The estate consists of a house, investments and two bank accounts. All assets are located in England. The estate value is £300,000.

Level 4

This is where there is a Will and part or all of the estate passes to someone other than a surviving spouse or civil partner.

Example

A person died leaving a Will. The estate is divided between the surviving spouse and their children. The estate consists of investments, bank accounts and a house. All assets are located in England. The estate value is £350,000.

Standard Estates

A Standard Estate is the starting point for all non-excepted estates and cross border estates. We also consider more complicated excepted estates to fall into this category. If an estate does not contain factors that make it complex or specialist, then it will be a standard estate.

We sub-divide our standard estates into 3 levels:

Level 1

This is usually an estate where no Inheritance Tax is due and a reduced IHT400 can be submitted. This usually applies if an estate passes entirely to a surviving spouse or charity.

There is a valid Will or there is no Will and the estate passes to someone other than the surviving spouse.

If there is a partial Intestacy or a claim made against the estate, we will consider the estate to become Level 2 even if there is a Will and all other factors make it Level 1.

Example

A person died leaving a Will. Their entire estate passes to charity. The estate consists of investments, bank accounts and a property. The deceased benefited from assets held in trust that now pass to their children. The estate value is £550,000 and the assets held in trust are valued at £300,000. There is no Inheritance Tax due. All assets are located in England.

A person died Intestate (without a Will). The deceased was widowed and their children inherit the entire estate. The estate consists of investments, bank accounts and a house. All assets are located in England. A claim for transferable Nil Rate Band is required. The estate value is £350,000.

Level 2

This is usually an estate where no Inheritance Tax is due but a full IHT400 is required. It is also the starting point for excepted estates that we do not consider to be an excepted estate.

If there is a claim made against the estate, we will consider the estate to become Level 3 even if all other factors make it Level 2.

Example

Non-excepted estate: An unmarried person died leaving a Will. The estate passes to the deceased's children with small gifts left to charity. The estate consists of investments that qualify for Business Property Relief, bank accounts and private pensions. The estate value is £550,000. There is no Inheritance Tax due to Business Property Relief on the investments. All assets are located in England.

Excepted estate: An unmarried person died leaving a Will. The estate passes to five of their friends. The estate consists of a house and bank accounts. Spall Clark are named as executors and need to deal with matters such as arranging house clearance and valuations of contents. The estate value is £325,000. There is no Inheritance Tax due. All assets are located in England.

Level 3

This is usually an estate where Inheritance Tax is due. It also includes excepted estates which we consider to be too complex to be an excepted estate.

Example

Non-excepted estate: A widow died leaving a Will. The estate passes to the deceased's children. The estate consists of investments, bank accounts and private pensions. The estate value is £1,100,000. All assets are located in England.

Excepted estate: An unmarried person died leaving a Will. The estate passes to ten different residuary beneficiaries including a mix of charities and friends. The estate consists of a house and bank accounts. Spall Clark are named as executors and need to deal with matters such as arranging house clearance and valuations of contents. The estate value is £400,000. There is no Inheritance Tax due as a result of charity exemption. All assets are located in England.

Complex Estates

A Complex Estate is an estate that usually (but not always) has one or more of the following factors:

An estate value of between £2m to £3m

Inheritance Tax paid by instalments

Lifetime gifts have been made in excess of annual exemption

Trusts that form part of the taxable estate (for example Interest in Possession)

Pensions that form part of the taxable estate

Business Property Relief on investments

A claim for more than one Transferrable Nil Rate Band is required.

Quick Succession Relief applies

An interest in another estate

A deceased who has never been domiciled or resident in England

A spouse / civil partner with a different domicile or residence to the deceased

A Double Taxation Treaty applies

We sub-divide our complex estates into 3 levels:

Level 1

This is usually an estate where no Inheritance Tax is due and a reduced IHT400 can be submitted.

There is a valid Will.

If there is a partial Intestacy or a claim made against the estate, we will consider the estate to become Level 2 even if all other factors make it Level 1.

Example

The deceased died leaving a Will. The entire estate pass to the spouse. The estate consists of bank accounts, private pensions and two properties. Assets were held in trust that now to children. The value of assets in trust amount to £300,000. The estate value is £1,800,000. There is no Inheritance Tax due. All assets are located in England.

Level 2

This is usually an estate where no Inheritance Tax is due but a full IHT400 is required.

AIM shares that qualify for Business Property Relief.

If there is a claim made against the estate, we will consider the estate to become Level 3 even if all other factors make it Level 2.

Example

The deceased died leaving a Will. There are legacies left to six grandchildren, a gift of the Residence Nil Rate Band to children and the remainder of the estate passes to the deceased's spouse. The estate consists of bank accounts, private pensions and two properties. Lifetime gifts were made in excess of the annual allowance. The estate value is £1,500,000. There is no Inheritance Tax due. All assets are located in England.

Level 3

This is usually an estate where Inheritance Tax is due.

Transfers or changes to pensions during the two years prior to death.

Quick Succession Relief

Lifetime gifts have been made in excess of annual exemption

Example

The deceased died leaving a Will. There are legacies left to six grandchildren, a gift of the Residence Nil Rate Band to children and the remainder of the estate passes to the deceased's spouse. The estate consists of bank accounts, private pensions and two properties. There is also a property in Spain. Lifetime gifts were made in excess of the annual allowance. The estate value is £1,700,000. There is no Inheritance Tax due.

Specialist Estates

A Specialist Estate is where there are factors that require specialist advice and expertise from more than one member of our team. A Specialist Estate is usually (but not always) an estate that has one or more of the following factors:

- Estate value of £3,000,000 or greater.
- A mixture of exempt and non-exempt beneficiaries that means 'grossing up' is required.
- Non-domiciled or non-resident deceased who was previously resident or domiciled in England.
- Business Property Relief applies on a trading business
- Gifts out of surplus income have been made
- Taper relief on gifts applies.
- Extended backwards shadow applies.
- Two or more foreign jurisdictions
- Cross border estate where there is no Will (intestacy)
- Double Taxation Relief applies and there is no Double Taxation Treaty

An example of a specialist estate is an unmarried person died leaving a Will. There are gifts to twenty different beneficiaries including a mix of charities and individuals. The estate in England consists of investments, bank accounts, a trading business, private pension and a property. The deceased transferred their pension in the two years before they died. There is a property and bank account located in France with another property and bank account in Spain. The estate value is £4,800,000. There is Inheritance Tax due and 'grossing up' is required for Inheritance Tax purposes.

Our services

We usually deal with the entire administration from start to finish and we are also able to deal with an application for a Grant of Representation as a standalone service. On occasion we may be to deal with additional parts of an estate administration, for example placing a Financial Asset Search or S27 Trustee Act notices.

Our solicitors who deal with Probate matters are Paul Clark^{TEP}, Melissa Howman and Natasha Yelland.

Paul is the managing director of Spall Clark Solicitors and has overall responsibility for all probate matters. He is a solicitor with 10 years post qualification experience. He is a full member of STEP and is a member of the Law Society Private Client Section advisory committee.

Melissa is a solicitor with 8 years post qualification experience. She is an affiliate member of STEP and an accredited member of the Association of Lifetime Lawyers.

Natasha is solicitor with 3 years post qualification experience. She is an associate member of STEP.

We have outlined the fees and timescales for each stage of the process below.

Grant only

We will deal with the Grant application which includes completion of the application via online portal or by post (depending on circumstances), completion of the Inheritance Tax return (if required) and all correspondence with HMRC and the Probate Registry.

The personal representatives are responsible for obtaining and verifying the information required for the grant application and for completing the remainder of the estate administration.

How much will it cost?

Excepted Estates

Level 1 - £1,700 plus £340 VAT (total of £2,040)

Level 2 - £2,000 plus £400 VAT (total of £2,400)

Level 3 - £2,200 plus £440 VAT (total of £2,640)

Level 4 - £2,500 plus £500 VAT (total of £3,000)

Standard Estates

Level 1 - £3,500 plus £700 VAT (total of £4,200)

Level 2 - £4,500 plus £900 VAT (total of £5,400)

Level 3 - £5,500 plus £1,100 VAT (total of £6,600)

Complex Estates

Level 1 - £6,500 plus £1,300 VAT (total of £7,800)

Level 2 - £7,500 plus £1,500 VAT (total of £9,000)

Level 3 - £8,500 plus £1,700 VAT (total of £10,200)

Specialist Estates

Bespoke – from £10,500 plus £2,100 VAT (total of £12,600)

Additional Work in addition to Grant only

Placing Statutory Notices to Creditors or an Estate Search - £495 plus £99 VAT (total of £594).

All other additional work is charged at an hourly rate. Due to the nature of the additional work required, we will provide you with a bespoke quote and confirm the estimated fee before starting work.

Hourly rates are as follows:

£350 plus £70 VAT (total of £420) - Paul ClarkTEP

£300 plus £60 VAT (total of £360) – Melissa Howman

£250 plus £50 VAT (total of £300) – Natasha Yelland

Example of other additional work that may be required

Writing to two banks to obtain probate valuations and closure forms. Reviewing response from banks and providing to client. Estimate of two hours work. At Melissa Howman's rate it would be £600 plus £120 VAT (total of £720).

What our legal fees do not include (other costs that you may be expected to pay)

Our legal fees do not include Inheritance Tax and this is paid from the estate of the person that has died.

£526 – Probate Registry – Grant application fee

£2.00 – Probate Registry – Copy Grant fee (per copy)

Please note, there may be other fees due and we will always notify you before we start work if there are other fees due.

How long will it take (estimated timescale)?

Excepted Estates

Overall we would expect excepted estates to take between nineteen and twenty one weeks to complete. The stages in the application process are as follows:

Stage One – 6 to 8 weeks

1. Review documentation provided by the personal representatives
2. Prepare papers to apply for probate
3. Review and signing of probate papers by the personal representatives.

Stage Two – 13 weeks

1. Apply to the Probate Registry for probate including paying registry fees.
2. Probate is normally issued twelve weeks after the application has been submitted.
3. The grant is sent to you with copies of the grant application documents.
4. You will deal with the remainder of the estate administration.

All other estates

All other estates (non-excepted estates) require a formal Inheritance Tax return to be submitted to HMRC as part of the Probate application process even if no Inheritance Tax is due.

Overall we would expect all other estates to take between twenty five and twenty nine weeks to complete. The stages in the application process are as follows:

Stage One – 6 to 8 weeks

1. Review documentation provided by the personal representatives
2. Prepare Inheritance Tax return including calculating any Inheritance Tax reliefs and exemptions such as Spouse Exemption and Business Property Relief.
3. Review and signing of Inheritance Tax return by the personal representatives.

Stage Two – 19 to 21 weeks

1. Pay Inheritance Tax (if required)
2. Submit the Inheritance Tax return to HMRC
3. HMRC usually provide the code required to submit the Probate application within 4 weeks.
4. Prepare papers to apply for probate
5. Review and signing of probate papers by the personal representatives.
6. Apply to the Probate Registry for probate including paying registry fees.
7. Probate is normally issued twelve weeks after the application has been submitted.
8. The grant is sent to you with copies of the grant application documents.
9. You will deal with the remainder of the estate administration.

Estate Administration

We will deal with the entire estate administration from start to finish which includes identifying assets, completion of the Probate application, collecting in assets and distributing the assets.

How much will it cost?

Excepted Estates

Level 1 - £4,000 plus £800 VAT (total of £4,800)

Level 2 - £4,500 plus £900 VAT (total of £5,400)

Level 3 - £5,000 plus £1,000 VAT (total of £6,000)

Level 4 - £5,500 plus £1,100 VAT (total of £6,600)

Standard Estates

Level 1 - £6,500 plus £1,300 VAT (total of £8,000)

Level 2 - £8,500 plus £1,700 VAT (total of £10,200)

Level 3 - £11,000 plus £2,200 VAT (total of £13,200)

Complex Estates

Level 1 - £15,500 plus £3,100 VAT (total of £18,600)

Level 2 - £17,500 plus £3,500 VAT (total of £21,000)

Level 3 - £21,000 plus £4,200 VAT (total of £25,200)

Specialist Estates

Bespoke - from £25,000 plus £5,000 VAT (total of £30,000)

Additional Work in addition to our estate administration fee

All other additional work is charged at an hourly rate. Due to the nature of the additional work required, we will provide you with a bespoke quote and confirm the estimated fee before starting work.

Hourly rates are as follows:

£350 plus £70 VAT (total of £420) - Paul ClarkTEP

£300 plus £60 VAT (total of £360) – Melissa Howman

£250 plus £50 VAT (total of £300) – Natasha Yelland

Example of additional work that may be required

Preparing instructions to counsel for their legal opinion on validity of a Will, reviewing advice and reporting to client. Estimate of five hours work. At Melissa Howman's rate it would be £1,500 plus £300 VAT (total of £1,800).

What our legal fees do not include (other costs that you may be expected to pay)

Our legal fees do not include Inheritance Tax and this is paid from the estate of the person that has died.

Other costs that are likely to be paid in most cases

£526 – Probate Registry – Grant application fee

£2.00 – Probate Registry – Copy Grant fee (per copy)

£300 (estimate) – Trustee Act Notices to Creditors (estimate)

£252 – Estate Search - Financial Asset Search

Please note, there may be other fees due and we will always notify you before we start work if there are other fees due.

Other costs that may be due on some but not all estates

£7 – Land Registry title check fee (per property title).

£20 up to £1,105 – Land Registry fees for transferring or assenting the property (dependent on property value).

£200 (estimate) – Notarised or Apostilled documents (this applies to cross border / international matters).

Other professional fees that may be due on some but not all estates

Accountant's fees for dealing with business tax returns, personal tax returns to the date of death and trust registration.

Auctioneer fees if selling personal possessions or household contents.

Property clearance fees.

Share registrar fees for lost share certificate indemnity.

Solicitor fees for selling a property.

Solicitor fees for selling a business.

Stockbroker fees for transferring or selling shares.

Please note, the fees for other professionals will be confirmed before they are instructed.

How long will it take (estimated timescale)?

Excepted Estates

Overall we would expect an excepted estate to take between eight to eleven months to complete. The stages in the administration are as follows:

Stage One – 2 to 3 months

1. Determine if there is a valid will and identify the executors and beneficiaries
2. Obtain full details of the value of all assets and liabilities of the deceased including any lifetime gifts. Often a formal value of furniture and personal effects is required but we will advise you if an estimated valuation is sufficient. Similarly, we will advise you if a valuation of a house or other property is required. Values of all jointly held assets are also needed.
3. Place a financial asset search with estate search (if required)
4. Prepare papers to apply for probate
5. Review and signing of probate papers by the personal representatives.

Stage Two – 3 to 4 months

1. Apply to the Probate Registry for probate including paying registry fees.
2. Probate is normally issued twelve weeks after the application has been submitted.

Stage Three – 2 to 3 months

1. Register the grant of representation, obtain and complete relevant account closure forms.
2. Place advertisements for statutory notices to creditors (if required).
3. Collect in bank or building society account proceeds and NS&I holdings
4. Pay funeral account, if not already released from an account earlier, and all other bills.
5. Contact Department of Works and Pensions to settle state benefits such as pensions.
6. Arrange for property to be sold or transferred

Stage Four – 1 month

1. Prepare final estate accounts for approval by the executors.
2. Once the personal representatives have approved the accounts, we will send the accounts to the beneficiaries for their approval.
3. Contact HMRC to confirm that the estate administration has been completed.
4. Make final payments to beneficiaries

All Other Estates

Overall we would expect all other estates to take between twelve and twenty months to complete. The stages in the administration are as follows:

Stage One – 2 to 3 months

1. Determine if there is a valid will and identify the executors and beneficiaries
2. Obtain full details of the value of all assets and liabilities of the deceased including any lifetime gifts. Often a formal value of furniture and personal effects is required but

we will advise you if an estimated valuation is sufficient. Values of all jointly held assets are also needed.

3. Place a financial asset search with estate search (if required).
4. Liaise with foreign lawyers (if required)

Stage Two – 4 to 6 months

1. Prepare Inheritance Tax return including calculating any Inheritance Tax reliefs and exemptions such as Spouse Exemption and Business Property Relief.
2. Review and signing of Inheritance Tax return by the personal representatives.
3. Pay Inheritance Tax (if required)
4. Submit the Inheritance Tax return to HMRC
5. HMRC usually provide the code required to submit the Probate application within 4 weeks.
6. Prepare papers to apply for probate
7. Review and signing of probate papers by the personal representatives.
8. Apply to the Probate Registry for probate including paying registry fees.
9. Probate is normally issued twelve weeks after the application has been submitted.

Stage Three – 2 to 4 months

1. Register the grant of representation, obtain and complete relevant account closure forms.
2. Place advertisements for statutory notices to creditors (if required).
3. Collect in bank or building society account proceeds and NS&I holdings
4. Deal with investments
5. Pay funeral account, if not already released from an account earlier, and all other bills.
6. Contact Department of Works and Pensions to settle state benefits such as pensions.
7. Deal with business assets (if required)

Stage Four – 1 month

1. Prepare interim estate accounts and send these to the personal representatives and beneficiaries for approval.
2. Pay legacies and make interim payments to residuary beneficiaries if possible and required.
3. Arrange the transfer of any property to beneficiaries including registering with HM Land Registry and fees.

Stage Five – 3 to 6 months

1. Submit Inheritance Tax adjustments to HMRC for example corrective account or submit loss relief claim (if required).
2. Instruct accountant to deal with income tax returns to cover all income and capital gains arising during the estate administration.
3. Obtain Inheritance Tax clearance certificate.
4. Prepare final estate accounts for approval by the executors.
5. Once the personal representatives have approved the accounts, we will send the accounts to the beneficiaries for their approval.
6. Obtain Inheritance Tax clearance certificate.
7. Make final payments to the residuary beneficiaries and provide them with a set of final estate accounts.
8. Send copies of all the important estate documents to the personal representatives.