



## **When Someone Dies**

### **A Guide**

Vance Harris have acted for personal representatives for over 40 years. We provide a personal, approachable and sympathetic service at a difficult time for clients.

#### **What to do when someone dies**

This practical guide will outline the legal steps which need to be considered, and areas where we can help you with the process. As well as dealing with the legal aspects we can also help with practical matters such as clearing a property of personal and household effects and dealing with the insurance of the buildings and contents and utility suppliers.

#### **First Steps**

There are many things to arrange when a loved one dies, and it can be hard to make important arrangements and decisions at a time when you are probably feeling shocked and confused.

The first stage of our work is to prepare the papers to apply for the Grant. Before applying for the Grant, we will have to provide a detailed valuation of all of the assets and liabilities in the Estate.

There is a check list in this guide which includes suggestions about property or assets which the person who has died may have owned and which may not otherwise immediately come to mind, and bills which may be due to be paid.

We would also arrange for payment of all the liabilities, including the funeral account, and other bills. Once this has been done we will

write to all of the beneficiaries to inform them of their legacies.

The Probate department at Vance Harris will be able to tell you if a Grant is needed, and we can handle all the necessary paperwork for you.

If the person who has died left a Will, then an application is made to the probate Registry for a Grant of Probate. If the person who has died did not make a Will the Administrators have to apply for a Grant of letters of Administration.

If a Will was left, it will set out who is to inherit the estate. If there was no Will, the law sets out who is entitled to inherit, and we will be able to tell you which members of the family are entitled to the estate and in what proportions.

#### **Executors — Administrators sometimes called Personal Representatives**

These are the people who deal with the administration of the estate. Who they are depends on the following:

If there is a valid Will it should contain an appointment by the person who has died of Executors.

If there is no Will, the law lays out who can act as Administrators who will usually

be close relatives of the person who has died.

## Grants of Representation

Unless the estate is very small and has no freehold or leasehold property (such as a house or flat) the Executors and Administrators will have to obtain a Grant of Representation from the Probate Registry showing their entitlement to deal with the estate.

## Assets and Liabilities Checklist

- Freehold/Leasehold property
- Bank and Building Society accounts
- National Savings Investments—Premium Bonds, Income Bonds, Savings Certificates, Pensioner Bonds
- Life Insurance policies
- Stock Exchange Investments—Shares, PEPs, Treasury Stock, ISA's
- Pensions—State and Occupational
- Cash
- Car, Jewellery, Antiques, other valuable personal effects
- Household Utility bills—electricity, gas, telephone, water, council tax, TV rental/licence
- Home Insurance
- Funeral/Memorial account
- Credit cards or bank loans
- Mortgage
- Personal debts and Nursing home bills

## Costs

Charges depend on what is involved in administering the estate. It is often not possible to know immediately what may be

involved and how much advice and help is needed.

We will tell you what the costs are likely to be before carrying out any work. Remember that the cost of dealing with the estate is usually paid from the estate.

## Inheritance Tax

Personal representatives are also responsible for finding out if inheritance tax is due as a result of a person's death. If it is, the personal representative has to make sure that it is paid to the Inland Revenue (Capital Taxes Office). Whether inheritance tax needs to be paid can depend on:

How much the property, assets and belongings were worth when the person died.

The value of any gifts that the person who died gave before they died, and who they gave those gifts to.

The value of any trusts.

## Administration of the Estate

Once the Grant has been obtained we will register this with banks, buildings societies and other institutions holding the assets of the person who has died.

The final stages of our work involve finalizing the Income tax and Inheritance tax position if appropriate, paying out the entitlements to the beneficiaries and completing a set of Estate Accounts.

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