

Probate

No individual is the same and therefore no-one's estate is precisely the same as another. That said, some cases can resemble others. We have therefore divided estates into three broad categories: simple, medium and complex. The pricing estimates we give cover a spectrum of outcomes across these bands, with the simplest cases requiring less legal time with a greater proportion of that time being handled by our most affordable lawyers. By extension, the most complex matters necessitate the investment of legal time and experience and so the price is greater.

Our time will be recorded in 6 minute increments at the hourly charging rates set out below. Our hourly charging rates exclude VAT.

Initial Consultation

£100 - £150

	Hourly Rate
Senior Solicitor	£250
Junior Solicitor	£165 - £185
Trainee Solicitor / Caseworkers	£150

We have separated the estate work we do into three categories:

- Simple
- Medium
- Complex

Simple

Work covered and fees estimate

We can help you through this difficult process by obtaining the Grant of Probate on your behalf. We will also undertake the collecting and distributing of assets. Specifically, we will:

- Provide you with a dedicated and experienced probate solicitor to work on your matter. All matters will be ultimately supervised by one of the KN Probate Team partners;
- Identify the legally appointed executors and beneficiaries;
- Identify the type of probate application you will require;
- Identify all assets and liabilities in the deceased's name as at date of death and communicate all relevant organisations;
- Identify any jointly owned assets and advise how they are inherited;
- Arrange for simple and often estimated valuations of property (residential real estate, personal possessions and listed shares);
- Complete any relevant HMRC forms;
- Where applicable, draft a legal oath for the executors to swear with the original Will, whether in a meeting involving us or local to them;
- Make the application to the Probate Court application on your behalf;
- Obtain the Probate and securely send two copies to you;

- Collect all assets in the estate and pay all proper pre and post death debts;
- Ensure pre and post death income tax and CGT matters are settled;
- Prepare a final estate statement or simple estate accounts and distribute all assets in the estate.
- Ensure timely liaison and correspondence with the executors and where applicable beneficiaries upon the procedure and timeline of the administration.

We suggest this will take between 10 and 30 hours' work at a blended hourly rate across lawyers involved of, say, £250 per hour. Total estate administration costs estimated at £2,500 to £7,500 (+ VAT @ 20%).

The exact cost will depend on the particular circumstances of the matter. For example, if there is one beneficiary and no real estate, costs will be at the lower end of the range. If there are multiple beneficiaries, a real estate property and multiple bank accounts, costs will be at the higher end.

Conditions: This fees estimate is for estates where:

- There is a valid Will and no more than 2 executors who respond promptly and accurately to legal guidance we give.
- There is not more than one residential real estate property.
- There are no more than 4 bank or building society or National Savings accounts.
- There are no more than 4 intangible (or non-physical) assets (e.g. investments).
- There are maximum 5 pecuniary (or defined money sum) beneficiaries and maximum 4 residuary beneficiaries and no other types of legacy.
- It is clear from quick investigation that there is no inheritance tax payable (e.g. insignificant lifetime gifts in the 7 years before death and net assets below £325,000 or £1,000,000 with everything passing to IHT exempt beneficiaries (e.g. the surviving spouse or a charity or charities) and the executors do not need to submit a full account to HMRC.
- There are no disputes between beneficiaries on division of assets. If disputes arise this is will lead to an increase in costs.
- Beneficiaries are easily and quickly identifiable and respond quickly and accurately to compliance requests we make to pay them safely. There are no beneficiary capacity issues (e.g. a beneficiary loses mental capacity or is a minor and it is unclear who has parental responsibility for them) or beneficiary deaths during the administration period.
- There are no claims made against the estate. This would include finalising maintenance arrangements for an ex-spouse of the deceased whether formally under the Inheritance (provision for family and dependants Act) 1975, or informally in family and beneficiary negotiations.
- There are no difficulties in dealing with asset or liability organisations (e.g. compliance issues with banks or protracted correspondence with the local authority on council tax sums due and refundable).
- There is minimal pre-death income tax and CGT work and the estate income tax and CGT work can be settled on the informal basis.

Disbursements (standard extra costs)* excluded, but often payable in addition to this fee:

- Death certificates: £14.00

- Official copies of the Land Registry title of the deceased's real estate: £3 (£3 for the plan too).
- Probate application fee, if value of the estate is more than £5,000: £215.00 - Free if the value is less. Extra copies of the grant of probate £1.50 each.
- Swearing of the oath (per executor): £10.00
- Bankruptcy-only: £2 per beneficiary
- Advertisement in The London Gazette: £73.20+VAT (per notice event) – Protects against unexpected claims from unknown creditors.
- Advertisement in Local Newspaper(s): £215.00+VAT – This also helps to protect against unexpected claims.

Please note that the above disbursements table does not contain an exhaustive list. Additional fees and disbursements will depend on the type of transaction.

**Disbursements are costs related to your matter that are payable to third parties, such as court fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.*

Other possible costs

- If there is no Will; intestacy can involve time consuming research into family ancestry and descendants (we may need to involve third party research organisations whose fees would be supplementary) as well as time spent ensuring there really is no Will.
- If there are any defects in the form of the Will (e.g. it is defaced in some way or only a copy exists), we can generally handle these issues with a specialist application to the Probate Court, but there will be higher fee grade Probate Team lawyer assistance needed and there is an uncertainty factor depending upon what the Probate Court rule upon the document in question; we would advise you on a case by case basis in these situations.
- If there are issues with any investments e.g. missing share certificates or tax reporting complexities (and it usually follows estate accounting complexities); we can give you a more accurate quote once we have more information.
- Any complexities arising from pensions are not included.
- Dealing with the sale or transfer of any residential property in the estate is not included.

How long will this take?

On average, estates that fall within this range are dealt with within 3-6 months from death. Typically, obtaining the grant of probate takes 4-6 weeks. Collecting assets then follows, which can take between 2-4 weeks. Once this has been done, we can distribute the assets and finalise income tax / CGT and provide you with final estate accounts which can take 5-10 weeks, taxation closure for example being outside of our control.

Medium

Work covered and fees estimate

These matters cover the same territory as the Simple cases, but with these extensions:

- There will probably be inheritance tax (IHT) payable. [For more information on this visit HMRC's website](#). Estates requiring IHT guidance additionally involve:
- Assessing lifetime gifting in the 7 years pre-death;
- More in depth liaison with specialist professional valuers of assets to ensure that the HMRC Account is as accurate as possible;
- Compiling all the asset and liability information into the IHT Account using specialist knowledge on how to set this all out to include advice upon: IHT reliefs available and duly claiming the same, how to best raise and pay the IHT and payment structuring options;
- Settling the full balance of IHT on completion of the matter and obtaining IHT clearance;
- Liaising with the deceased's accountant or arranging (with executor or administrator approval) for an accountant to handle the deceased's pre-death and post death income tax and capital gains tax (CGT) affairs are settled;
- Preparing longer and more detailed estate accounts;
- Identify the legally appointed executors and beneficiaries;

We suggest this will take between 25 and 85 hours' work at a blended hourly rate across lawyers involved of, say, £300 per hour. Total estate administration costs estimated at £7,500 to £25,500 (+ VAT @ 20%). Again the exact cost will depend on the particular circumstances of the matter.

Conditions: This fees estimate is for estates where:

The same points as for Simple estates apply, but with these extensions:

- There is a valid Will and no more than 3 executors who respond promptly and accurately to legal guidance we give.
- Alternatively, there is no Will, but it is clear without needing additional family research provided by third parties that the estate is divided between no more than 10 easily identifiable relatives and there are one or two capable family members in closest class of relative under the intestacy rules who are willing and able to act as estate administrators.
- There are no more than 3 residential property interests in the estate;
- There are no more than 10 bank or building society and National Savings accounts.
- There are no more than 10 intangible (or non-physical) assets (e.g. investments) and these are listed or quoted investments.
- There are maximum 10 pecuniary (or defined money sum) beneficiaries and maximum 6 residuary beneficiaries and no other types of legacy.
- The instalment option on payable upon residential real estate is all settled within 2 years of death, whether because the property has been sold and the balance paid on sale completion or because it has been assented to chargeable beneficiaries and those beneficiaries have paid the IHT and interest balance.
- Pre-death income tax and CGT work and the estate income tax and CGT work will be liaised upon together with an accountant (see Medium complexity work covered and fees estimate above).

Disbursements (standard extra costs) excluded, but often payable in addition: from this fee:

As above for Simple estates, but please additionally note these costs could be due:

- Residential real estate professional valuer costs – Chartered Surveyors can charge between £100 and £1,000 plus VAT to value residential real estate interests; we would always seek to save the estate money as far as possible (for example using free estate agency valuations wherever appropriate). We would only ever incur such fees in consultation with the executors / administrators' prior consent;
- Personal possessions professional valuer costs – these can vary from £100 up to say, £1,000 plus VAT. Again we would only ever incur such fees in consultation with the executors / administrators' prior consent;
- Accountancy pre- and post-death income tax and CGT fees and tax these can vary from £500 up to say, £5,000 plus VAT. Again we would only ever incur such fees in consultation with the executors / administrators' prior consent. Any tax payable is separate and would be payable from the estate, but the accountants would advise on this.

Other possible costs

The same points as for simple estates apply, but with these extensions:

- If one or more of the transferable nil rate band, residence nil rate band and transferable residence nil rate band to IHT are claimable, these can require substantial family document research to prove eligibility for such reliefs. If the investigation of these requirements proves difficult, there will be time and cost implications which we would advise you upon as we proceed.
- Deeds of variation executed by estate beneficiaries within two years of the death can elect for the varied legacy to operate for IHT and CGT as if the deceased had provided for the varied legacy by their Will (or this was how the Intestacy Rules operated if no Will). They are often attractive to older beneficiaries who wish to pass their inheritance directly to their children without this being treated as a potentially exempt IHT gift which could impact their own estate planning, or by children who prefer their surviving parent to benefit from the whole estate such that no IHT is payable due to spouse relief. Deeds of Variation are extra to the estate fees; we would discuss this additional service and provide you with a separate e fees estimate on request tailored to your circumstances.
- Dealing with corrective IHT accounts and IHT adjustments due caused by new or adjusted values to existing assets and liabilities which could not have been reasonably discovered in the pre-Grant phase are supplementary to the fees estimate; we would advise you of the price adjustments as and when these become apparent.

How long will this take?

On average, estates that fall within this range are dealt with within 6–24 months from death. The timing up to the Grant is more commonly 3–6 months due to the additional IHT work required.

The longer tail on the matter is due to having to obtain IHT clearance and the frequently encountered need to keep the estate open whilst the executors / administrators wait for the best price to sell the deceased's residential property / properties. Furthermore, the estate cannot be closed for income tax and CGT until all estate assets have been sold or distributed, so there is a knock-on effect on the timeline for obtaining estate income tax and CGT closure.

Complex

Work covered and fees estimate

These matters cover the same territory as the simple and medium cases, but with one or more of these extensions (a non-exhaustive list):

- Special time pressure. This could be caused by the executors / administrators not having taken timely action post death, so the estate assets are now vulnerable to theft, fire, vandalism, squatters or seizure as well as interest and penalties on overdue tax. Alternatively, the deceased could have been mid-real-estate transaction as his or her death, thus necessitating an expedited Grant to complete the sale.
- Will trusts arise under the deceased's Will which the executors need preliminary guidance upon. In due course, if not terminated during the period of estate administration, this Will trust will become a separate trust matter.
- The deceased benefitted from a lifetime trust, the value of which needs to be accounted for in the calculation of overall IHT payable as a result of the death. This lifetime trust matter will be separate to the estate, but the executors / administrators will still need to liaise with the lifetime trust trustees upon the inter-dependant IHT figures and consequently available reliefs both groups are supplying and claiming.
- If the deceased made substantial gifts to persons or trusts other than exempt beneficiaries (usually spouses of charities) in the 14 years before their death, this could cause lifetime IHT to be payable by the recipients and or require liaison with trustees of these lifetime trusts on IHT uplift. If the executors / administrators do not ensure such lifetime IHT is settled, the liability falls on them personally so this is mandatory work.
- The deceased owned foreign (non-England and Wales) assets and / or their estate was subject to foreign debts. Foreign Wills may exist.
- Whether or not the deceased's estate comprised any foreign property, the deceased had international connections necessitating an investigation of their domicile status at death.
- The deceased owned commercial real estate interests. This will involve specialist valuation and there may be business property relief opportunities to IHT depending upon the ownership circumstances.
- The deceased owned UK private company shares or an interest in a small business or partnership which needs to be assessed whether it qualifies for business property relief to inheritance tax.
- If the deceased owned onerous property (e.g. contaminated land) or potentially onerous property such as having been a Lloyds Name or being subject to a professional indemnity run off period as at their death (e.g. they were partners in a law or accountancy firm), specialist guidance is needed on how to manage the on-going post death liability.
- The deceased owned agricultural property which needs to be assessed whether it qualifies for agricultural property relief to inheritance tax.
- The deceased had invested in IHT saving investments such as life insurance bonds, life insurance based discounted gift trusts or AIM share portfolios to attract business property relief.
- The deceased had high value art and / or heritage value assets (i.e. items or real estate with national, scientific, historic, artistic, scenic or architectural interest) - special IHT exemptions and treatment are potentially available for heritage assets.

- If the deceased had a literary estate or was the owner of intellectual property, quantifying and managing the royalty flows will require specialist assistance.
- If the deceased is a high profile person, there are likely to be reputation and Press management issues.
- It is discovered that the deceased needed to correct their lifetime income tax and CGT returns. The magnitude of any extra tax, interest and penalties will depend upon the culpability of the deceased.

We suggest the high complexity cases are the most difficult to estimate fees because of the range of factors that may or may not apply. At the starting end of the high complexity spectrum, where only one or two of the complicating factors above apply in addition to the factors present for a medium complexity estate, this could involve say 35 hours' work at a blended hourly rate across lawyers involved of, say, £350 per hour. Total estimated estate administration costs in this category therefore start at £12,250 (+ VAT @ 20%). However, in the median average high complexity case (rather than the mean average which due to the great variety of cases here is not a helpful guide), where four or five complicating factors intersect, total estate administration costs can amount to between £35,000 and £50,000 (+ VAT @ 20%).

Again the exact cost will depend on the particular circumstances of the matter and we would always negotiate and set this out to the executors / administrators at the outset and keep them apprised of developments impacting the fees estimate as the matter progresses.

Disbursements (standard extra costs) excluded, but often payable in addition: from this fee:

As above for Simple and Medium estates, but please additionally note costs relating to the services below could be due, depending upon how many high complexity factors apply. It is very difficult to quantify the value of such costs, with the level of individuality increasing in proportion to the level of complexity. However, in each we would case obtain prior consent from the executors / administrators and shop around to minimise these:

- Foreign lawyer liaison / foreign accountancy advice and foreign tax and tax related liabilities to include liaison on double-tax relief claims / foreign property expert guidance.
- Commercial real estate specialist valuation services.
- Third party specialist assistance for art / heritage property.
- Accountancy valuation work on private company shares / partnership interest / sole trader assets.
- Accountancy final return and sometimes estate return work to account for chargeable events certificates generated by life insurance bond investments plus the tax these events cause to be payable.
- Accountancy compliance work on lifetime corrective tax work.
- Public relations assistance on managing the Press in high profile deceased estates.

Potential additional costs

As above for disbursements, it is very difficult to quantify the additional time costs, but we would always again obtain prior consent from the executors / administrators and ensure these are provided at competitive market rates.

- Company / Commercial Legal Team assistance in relation to the succession of business property assets.
- The legal costs of any other KN Legal Team we involve with the prior consent of the executors / administrators e.g. Property (real estate) Team; Family Team, Disputes Resolution Team, Criminal Team.

How long will this take?

Estates that fall within this range with only one or two high complexity factors in addition to the medium complexity factors could match that same time frame of being dealt with within 6–24 months from death. In all cases we target obtaining the Grant within 6 months due of the death regardless of the additional IHT work required to minimise interest on IHT which arises after the 6th month post death.

Where trusts and spin-off work such as company / partnership succession issues arise, we would always seek to separate estate administration work as far as possible so that these on-going matters can continue on a standalone basis.

Particularly difficult high complexity factors to close down promptly post death are onerous property or potentially onerous property issues and professional indemnity run-off insurance issues for deceased professionals such as lawyers or accountants. However, where possible, we would again seek to complete all other estate administration work, just leaving these difficult aspects balanced out by sensible estate retentions which retentions can hopefully be distributed when recommended retention deadlines have timed out and hopefully no calls on the retentions have arisen.

