

# **Charles Clarke & Co**

## **Fees for probate and other estate administration tasks**

---

### **Introduction**

As a practice, we aim to ensure that anyone wishing to use our services has the information they need to make an informed choice of legal services provider, including understanding what the costs will be.

### **Why instruct Charles Clarke?**

We have two Partners who deal with applications for Probate, Letters of Administration and estate administration namely Barry Edwards and Emma Clarke. Both are experienced Solicitors in this field. Barry Edwards qualified as a Solicitor in 1976 and Emma Clarke in 2009. Both have worked in the legal profession throughout their lives and have dealt with many applications for Grants over the years.

From our conveniently situated ground floor offices in High Street, Penzance our approach to clients dealing with probate is one of empathy, friendliness and efficiency.

The death of a loved one is an extremely distressing and confusing time that also brings up an array of important duties and decisions to be made. In such instances, you can turn to Barry & Emma to help you deal with your loved one's estate and financial matters. We will take responsibility for informing all necessary companies and providers that your loved one has passed away. We will provide you with an accurate breakdown of the assets and liabilities for the estate. Papers will then be drafted to apply for probate to gather the estate's assets, discharge the liabilities and pay any legacies to beneficiaries.

We can also deal with estates when a person has not left a valid will and has died 'intestate'.

### **How long does it take and what does it cost?**

Obtaining a Grant of Representation and dealing with an administration of an estate can be complicated; it can take many months to complete and complex cases can take over a year to ensure everything is done properly. Every estate is different, and so it can be very hard to quantify probate costs.

The work can vary from very straightforward estates with only one or two small value assets and one beneficiary, to complicated estates where there is inheritance tax to pay, multiple beneficiaries and assets held with numerous organisations as well as property and land to sell or transfer. However, to assist our clients, we have set out below an indication of the likely costs involved in probate and administration of estate matters along with an indication of the potential timescales.

Here is an example for a typical, straightforward transaction and we work on the assumption that

- There is a valid will and we have the original
- There are a few bank account and savings accounts
- There is one property
- No debts;
- No likelihood of the estate being insolvent;
- No significant lifetime gifts;
- No shareholdings;
- No trusts to be established
- No dispute between the beneficiaries on the division of the assets;

- No Inheritance Tax payable and the Executors do not need to submit a full IHT return to HMRC;
- No requirement to use the transferable nil rate band or residence nil rate band;
- No other intangible assets;
- No claims made against the estate;
- No agricultural or business element to the estate;
- No foreign element to the estate.

#### **Factors that would increase the costs of your matter for example**

- Not having a valid will or trying to locate a missing will
- Not having all of the paperwork available or having incorrect information that needs investigation and correction;
- Completing lengthy Inheritance tax forms
- Paying inheritance tax
- Third parties not responding to our communications promptly;
- Dealing with unusual, foreign or complex assets or items.
- Dealing with lots of shares

If there is no will or the estate consists of any share holdings (stocks and bonds) or assets with more than three different organisations, there are likely to be additional costs that could range significantly depending on the estate and how the assets are to be dealt with. Dealing with the sale or transfer of any property in the estate is not included in the above costs.

In light of the above, we work on an hourly charge basis

#### **Hourly rates**

<b>Qualification</b>	<b>Hourly rate charged</b>
Barry Edwards Senior Partner Solicitor	£295.00 per hour (£59 vat) <i>(includes time spent on attendances, preparation, perusal, drafting, travel)</i> Letters and emails out charged at £29.50 per item (£5.90 vat) Telephone calls in and out at £25.00 per call (£5 vat) Letters in and emails in charged at £20.00 per item (£5 vat)
Emma Clarke Partner Solicitor	£250.00 per hour (£50 vat) <i>(includes time spent on attendances, preparation, perusal, drafting, travel)</i> Letters and emails out charged at £25.00 per item (£5 vat) Telephone calls in and out at £20.00 per call (£4 vat) Letters in and emails in charged at £15.00 per item (£3 vat)

#### **How does VAT work?**

VAT is currently charged at 20% and will be added to the fees as set out above. Our hourly rate is broken down into units of 6 minutes for time spent so for example, 30 minutes at £250 per hour will be £125.00 plus VAT (VAT being £25.00)

In addition, where there is a VAT element on a disbursement you will be advised as you will be liable to pay it as with all disbursements.

If you are uncertain as to VAT please ask.

**Our VAT number is 344810662**

### **What are Disbursements?**

Disbursements are costs relating to the matter that are payable to third parties such as the Probate Registry. Whilst the list below is not exhaustive it can include the following usual disbursements on an application for a Grant namely:

<b>Description</b>	<b>Typical cost</b>
Probate Application fee if the value of the estate is OVER £5,000.	£300.00 (No vat)
Probate Application fee if the value of the estate is UNDER £5,000	No fee (No vat)
Office copies of the Grant of Probate	£1.50 per copy(no vat)
Bankruptcy search fee	£1.00 per beneficiary (no vat)
Land registry search fee	£3.00 (no vat)
Copy Death Certificate	£12.50 per certificate (no vat)
A will search	£65.00 - £140 (inc VAT)

It is difficult to determine how long an application for probate will take. For a straightforward probate we estimate it could take between 6 - 10 hours of our chargeable time.

At an hourly rate of £250.00 for example, for 6 hours our fees would be £1,500 + (£300 vat) or for 10 hours our fees would be - £2,500 + (£500 vat).

At an hourly rate of £295.00 for example, for 6 hours our fees would be £1,770 + (£354 vat) or for 10 hours our fees would be - £2,950 + (£590 vat)

Disbursements will be charged in addition as set out in the table above.

## **What is Estate Administration?**

### **Applying for the grant, collecting and distributing the assets**

#### **What the service includes**

- Identify the legally appointed executors or administrators and beneficiaries
- Accurately identify the type of Probate application you will require
- Obtain the relevant documents required to make the application and liaise with all relevant organisations
- Complete the Probate Application and the relevant HMRC forms
- Draft a Statement of Truth for you to sign
- Make the application to the Probate Registry on your behalf
- Obtain Grant of Probate and office copies
- Deal with closure of accounts, collect in estate funds and pay any liabilities
- Prepare a final estate account and distribute the estate to the beneficiaries

### **Application for Grant of Probate only**

It may be that you decide you only want us to obtain the Grant for you and thereafter you will finalise winding up the estate yourself (closing accounts/paying beneficiaries etc). We are happy to assist with this.

In this scenario, we will be instructed to obtain the Grant of Probate only, that no inheritance tax return will be completed and submitted to HMRC and all financial information will be supplied by the Executor. Following that we will

- Identify the legally appointed executors or administrators and beneficiaries
- Accurately identify the type of Probate application you will require
- Obtain the relevant documents required to make the application
- Complete the Probate Application and the relevant HMRC forms
- Draft a Statement of Truth for you to sign
- Make the application to the Probate Registry on your behalf
- Obtain the Grant of Probate and securely send copies to you

All disbursements will be the same as set out above.

Please feel free to telephone to discuss your particular matter with one of our Partners.