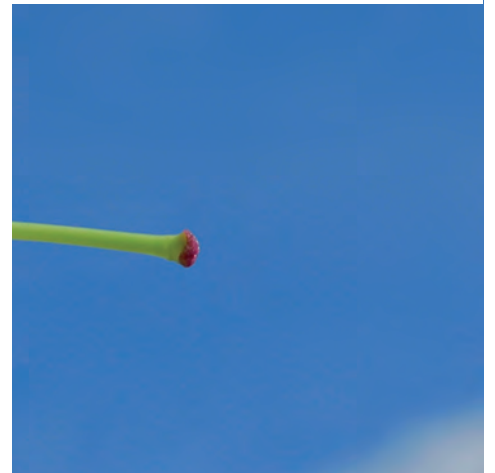


Fentons Solicitors LLP

A Leading UK Personal Injury Firm



Wills and Probate

Our team

Fentons Solicitors LLP can assist you as personal representative in making an application to the probate registry and in administering the estate.

ACTING AS EXECUTOR OR ADMINISTRATOR

The role of the executor and administrator is essentially the same - to ensure that all of the deceased's assets are collected, any liabilities paid, and that the remaining assets are distributed to the correct beneficiaries. The Grant of Probate or Letters of Administration will be required to obtain the assets in the estate.

If there is more than one executor or administrator, all decisions must be agreed by both.

The personal representatives will also need to liaise with HM Revenue and Customs in respect of all Inheritance Tax, Income Tax and Capital Gains Tax due from the estate.

LEGAL COSTS AND TIMESCALES

Costs vary depending on what is involved in each estate, but Fentons will provide you with a clear and comprehensive quote at the time of instruction.

The process can take a long time - even a simple estate can take several months to administer. But the Fentons Solicitors Wills and Probate department is here to help you through the procedure and make it as quick, simple and problem-free as possible.

Our expert team can help you make the right decisions to ensure your estate passes to exactly who you want it to

The Wills and Probate department at Fentons Solicitors LLP

Making a will is essential if you want to ensure that in the event of your death, your estate is distributed in accordance with your wishes. The Fentons Solicitors Wills and Probate team can help you through the procedure and make it as quick, simple and problem-free as possible.

WHY MAKE A WILL?

If you die without leaving a will, your estate is administered under the laws of intestacy and not necessarily how you would have distributed it. There is a common misconception that if you are married or in a civil partnership, all of your estate automatically passes to your spouse or civil partner on your death. But this is not the case.

It is also important to make a will if you live with your partner, as living together does not give your partner any automatic entitlement to your estate on your death.

The laws of intestacy dictate how much of your estate is passed to your spouse and children. If you have no spouse or children, your estate is distributed to your closest relatives in accordance with a strict order. If you have no surviving relatives your estate passes to the Crown, Duchy of Lancaster, or the Duchy of Cornwall.

CHOOSING EXECUTORS

When making your will you need to think about who will administer your estate after your death. These people are known as your executors. Your executors can be any person over the age of 18. You can have up to four people acting together in this capacity and you can even include your solicitor as one of the executors to assist in the administration process.

MAKING YOUR WISHES KNOWN

You will need to decide who will inherit your estate on your death. You can include gifts of money or specific items to individuals or groups, and if you include a gift to a young person you can specify a particular age for their inheritance. You may also wish to leave a legacy to a charity and can use your will to arrange this.



The Fentons Solicitors Wills and Probate team can help you through the procedure and make it as quick, simple and problem-free as possible

CHOOSING AND NAMING GUARDIANS

If you are the parent of a child or children under the age of 18, you should consider using your will to appoint a legal guardian.

The appointment of a guardian will only be effective if at the date of your death, there is no surviving parent or person with parental responsibility. It is important that you obtain the consent of the people you select before naming them in your will.

INHERITANCE TAX

Fentons Solicitors can offer advice and guidance relating to the complex issue of Inheritance Tax. Our expert team can help you make the right decisions to ensure your estate passes to exactly who you want it to, and help you make the necessary arrangements to take advantage of the rules regarding tax-free allowances.

UPDATING YOUR WILL

You should regularly review the contents of your will to ensure that it remains effective and suits your requirements. Major changes can occur in your personal circumstances, which may require changes in your will. You should also consider changes in the law, which may also affect the contents of your will.

COSTS OF MAKING A WILL

Straightforward wills are generally prepared on a fixed cost basis. Fentons can provide you with a clear and comprehensive quote at the time of instruction.

You should regularly review the contents of your will to ensure that it remains effective and suits your requirements

What is probate?

Probate is the name given to the process of legally establishing the validity of a will when a person has died. When someone passes away it is necessary to deal with their assets and liabilities, and probate specialists can help guide you through the process at this most difficult time.

PERSONAL REPRESENTATIVES

The people responsible for the administration of a deceased person's estate are known as the personal representatives. In many cases an application will need to be made to the probate registry to ensure that the right person is appointed to this role.

If the estate is small, usually below £5,000, or if all assets are held jointly, it is unlikely that an application to the probate registry will be required.

IF THE PERSON WHO HAS DIED HAS LEFT A WILL

If the deceased left a will, it will usually include a specific appointment of one or more people to administer their estate, known as the executors.

The executors have the right to administer the estate and are likely to need to apply to the Probate Registry for a Grant of Probate. This is the document that confirms their appointment as executors.

IF THE PERSON WHO HAS DIED DID NOT LEAVE A WILL

If the deceased did not leave a will, then the estate must be dealt with under intestacy rules. These rules dictate who is entitled to administer the estate – usually the next of kin – who will be referred to as the administrators.

The administrators will have to apply to the Probate Registry for a Grant of Letters of Administration to allow them to administer the estate. Where the closest relative to the deceased is a child, at least two people will have to act as administrators on their behalf. Entitlement to act as an administrator is determined by a strict order.

There is a common misconception that if you are married or in a civil partnership, all of your estate automatically passes to your spouse or civil partner on your death. This is not the case

Call on our expertise

OUR EXPERT TEAM IS HERE TO HELP YOU

Our friendly, helpful team of experts is on hand to offer you all the information and advice you might need, and to guide you through the process of making a will and dealing with probate law issues.

For free initial advice or to discuss your own needs further, simply give us a call or send us an e-mail:

GO ONLINE AND EMAIL YOUR
QUESTIONS TO US FOR FREE ADVICE

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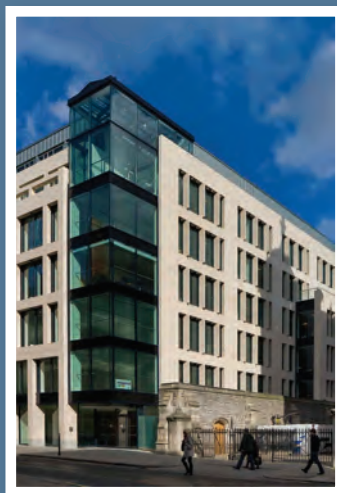
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