
Q&A: What happens when someone dies – with or without a Will...

Probate

“My husband/wife/father/mother has just died. What do I do now?”

If you have ever had to make that call, you will know how overwhelmingly complicated and unfamiliar everything seems, just at a time when you feel least able to cope with it all.

When you have to make that call, you need someone on the other end of the line who is knowledgeable, experienced, professional, sensitive and patient. That is why you should call Colemans.

“Probate” is the usual shorthand description of the process of winding up the estate of someone who has died. This can involve:

- Registering the death
- Arranging the funeral and arranging payment for the funeral directors
- Identifying and valuing all assets and liabilities of the estate, including gifts made up to 14 years earlier
- Completing and filing a 16 page Inheritance Tax return with up to 23 schedules
- Arranging funds to pay any tax due
- seeking out the latest Will or, if there is none, then identifying and tracing the next of kin
- Applying for a grant of probate of the Will or letters of administration of the estate
- Collecting and securing assets
- Settling debts
- Preparing and filing a final Income Tax return
- Sometimes dealing with a challenge to the validity of the Will or a claim against the estate
- Looking at the scope for varying the terms of the Will or of a previous Will or Trust to reduce tax liability or to shelter assets
- Drawing up accounts of the process
- Distributing the net estate to the correct beneficiaries.
- Most of this can wait, but some steps are vitally urgent, and some have deadlines attached. A call to Colemans will sort out your priorities and set your mind at rest.

Because we do not charge a percentage of the value of the estate, but only for the time we actually spend, we can be very flexible and you can use as much or as little of our help as you choose.

Some of the probate process is time-consuming but not technical – it is a matter of knowing what to do and then of attention to detail. We always encourage and help you to do as much of the work as you want to do and feel comfortable doing yourself. Sometimes, after we have sat with a client for an hour over a cup of coffee, analysing the circumstances and explaining what has to be done, the client will then go and deal with much of the administration without further help from us.