

I'm an Executor. What do I need to do?

If you are a named executor of a will, this brief guide will help you understand your role, responsibilities and how we can help you during this difficult time.

What is a grant of probate and why is it needed? A grant of probate is issued by the probate registry. It confirms the executors have the legal authority to deal with the deceased's estate.

A grant of probate will be needed if the deceased owned property (except jointly), stocks and shares, life insurance (not in trust) or exceeds the bank / building society's individual limit (some as low as £5000). Without the grant, you will not be able to access these funds or complete the sale of property (e.g. land or buildings).

Do all estates need probate? No. If they are low value and do not include property, stocks and shares or assets are jointly owned and automatically pass to the surviving joint owner.

What personal responsibility do I have as executor?

You are personally and financially liable for ensuring the correct administration of the estate. It means identifying all of the deceased's assets and debts, paying the right amount of tax, understanding the will, and distributing the estate to the correct beneficiaries.

Can I pay professionals to help me obtain a grant of probate and administer the estate? Yes. Executors often appoint professionals to save themselves time, stress and minimise personal risk. **We offer a no-obligation quote, transparent fees and explain what will happen and when.**



WILLS ETC

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Turn over the page to learn more about what an executor needs to do.

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Here is a brief guide to what actions an executor needs to take:

Executor Tasks

Obtain the death certificate. If the death is unregistered, you need to do this within five days of death. You need several official copies of the death certificate.

Locate the original will/codicils. Is this the last will made by the deceased? It is prudent to undertake a search with the national wills register particularly if you have any doubt or concerns about a potential dispute.

Arrange the funeral. You should try to ensure the deceased's wishes (if known) are carried out. Check if a pre-paid funeral plan or life insurance policy exists. Banks usually transfer funds directly to funeral directors without a grant of probate.

Value the estate. Check the deceased's paper and online records and consider using an asset search service. Identify the value of the deceased's estate (property, savings, investments, possessions, life insurance etc.) and any debts owed (bills, loans etc.).

Professional valuations of property, shares and personal possessions may be necessary. Typically three estate agent valuations will be needed. HMRC may request a chartered surveyor if the estate is close to the inheritance tax (IHT) threshold.

Dealing with an estate that involves a business can be complicated. You will need professional help to value, run or close the business and identify whether Business Property Relief (a valuable IHT relief) is available.

Look after estate property. You are responsible for the property of the deceased. Make sure property and possessions are secure, maintained and adequately insured. Special insurance cover may be required if a property is unoccupied so always notify the insurer.

Pay Inheritance Tax (IHT). It is important to value the deceased's estate promptly. You need to give an accurate value in the IHT return, and if IHT is due, it needs to be paid by the end of the sixth month after the person dies to avoid late payment fines and interest.

IHT needs to be paid before the grant of probate will be issued. Executors need to identify whether the deceased made gifts above exempt amounts within seven years of death or transferred assets into trusts to calculate the available nil-rate band.

Apply for probate. You can apply for a grant of probate online or on paper. To obtain the grant, you must complete the relevant IHT forms.

Pay off debts and recover money owed to the deceased. In addition to paying any outstanding debts, it is advisable to place trustee notices in the London Gazette and local newspapers to allow for any claims by creditors to be made. Following this procedure gives you legal protection as executor.

Distribute the estate and finalise accounts. Once you have the grant, you can distribute legacies to beneficiaries. It is not recommended to do this until six months after the grant is issued to allow for any potential Inheritance (Provision for Family and Dependents) Act 1975 claims. If you distribute earlier, obtain confirmation in writing from beneficiaries that they will pay back if required.

Your estate accounts should include income, expenses and distributions made. You may need to complete income tax and capital gains tax returns and issue receipts (R185 forms) to beneficiaries to complete their personal tax returns.

Does this sound too complicated or time-consuming?

Contact us today for a no-obligation quote