



What to Do When Someone Dies

There are many things to arrange when a loved one dies and it can be hard to make important arrangements and decisions at a time when you may be feeling shocked and confused.

This practical guide will outline the legal steps that need to be considered and areas where we can help you with the process. As well as dealing with the legal aspects we can also help with practical matters such as clearing a property of personal and household effects and dealing with the insurance and utility suppliers.

Personal Representatives

A Personal Representative is the person who deals with the administration of the estate.

Who this person is, depends on the following

- ✓ If there is a valid Will it should include details of the person(s) the deceased wanted to act as executors of their Will.
- ✓ If there is no Will, the estate will be administered in accordance with the rules of intestacy.
- ✓ The rules of intestacy provide a 'legal order' of persons who can act as Personal Representatives in descending priority e.g. a) the surviving spouse or civil partner b) the children of the deceased c) the deceased's parents

Grants of Representation

Unless the estate is very small and has no freehold or leasehold property (such as a house or flat) the Personal Representatives will have to obtain a Grant of Representation from the Probate Registry showing their



entitlement to deal with the estate. We will be able to tell you if a Grant is needed, and can handle all the necessary paperwork for you if you wish.

If the deceased left a Will, then an application is made to the Probate Registry for a Grant of Probate; if the deceased did not make a Will and therefore died "intestate", the Personal Representatives have to apply for a Grant of Letters of Administration.

If a Will was left, this will explain who is to inherit the estate. If there was no Will, the law sets out who is entitled to inherit, and we will be able to tell you which members of the family are entitled to the estate and in what proportions.

First Steps

The first stage of our work is to prepare the papers to apply for the Grant. Before applying for the Grant, we will have to provide a detailed valuation of all of the deceased's assets and liabilities at the date of death.

There is a checklist below that includes suggestions about property which the deceased may have owned and bills which may be due to be paid which may not otherwise immediately come to mind.

We would also arrange for payment of all the liabilities, including the funeral account, and other bills. Once this has been done we will write to all of the beneficiaries to inform them of their legacies.

Assets & Liabilities Checklist

- ✓ Freehold/Leasehold Property
- ✓ Bank and Building Society Accounts
- ✓ National Savings Investments - Premium Bonds, Income Bonds, Savings Certificates, Pensioner Bonds
- ✓ Life Insurance Policies
- ✓ Stock Exchange Investments - shares, PEP's, ISA's, Treasury Stock
- ✓ Pensions - state and occupational
- ✓ Cash
- ✓ Car, Jewellery, Antiques, other valuable personal effects
- ✓ Household Utility bills - electricity, gas, telephone, water, council tax, TV rental/licence
- ✓ Home insurance
- ✓ Funeral / Memorial Account
- ✓ Credit Cards or bank loans
- ✓ Mortgage
- ✓ Medical or Residential Care Home/ Nursing Home bills

Inheritance Tax

We can advise you in relation to the Inheritance Tax (IHT) aspects of the estate and, if there is IHT to pay, we can discuss the various ways in which it can be paid.

On current figures, no tax is payable on the first £325,000 of the net estate. Thereafter IHT is payable at the rate of 40%.

There is no tax at all, whatever the value of the estate, on property going to a widow or widower or to a charity. The value of this exempt property is deducted from the value of the whole estate before the tax calculation is done. In this way, gifts to husbands, wives and charities can take an estate out of the tax bracket. If there is likely to be an amount of IHT to pay, we can prepare the relevant Inheritance Tax forms to be submitted to HM Revenue & Customs before applying for the Grant.

Administration of the Estate

Once the Grant has been obtained, we will register the Grant with banks, building societies and other institutions holding the deceased's assets.

Some items may need to be sold and we will discuss this with you. Larger and more valuable items may have to be professionally valued for IHT purposes, and fees for this and other work for the estate will be paid from money in the estate.

The final stages of our work involve obtaining confirmation from HM Revenue & Customs that the deceased's Income Tax position and, if appropriate, Inheritance Tax position, has been finalised. We will then pay out the remaining entitlements to the beneficiaries and complete a set of Estate Accounts covering the administration period for your formal approval.

If appropriate, we may also be involved in setting up any trusts which arise under the Will or on the intestacy. If appropriate we can refer beneficiaries to independent financial advisers to discuss whether and how they would like to invest their inheritance. We can also advise beneficiaries on IHT issues.



Contact us

If you would like to speak to someone about our services or discuss your situation, please contact

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Blandy & Blandy LLP does not assume legal responsibility for the accuracy of any particular statement contained in this guide. In the case of specific problems we recommend that professional advice be sought.

