



— Private Client —

Understanding Probate and Estate Planning



YOUR FREE GUIDE

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What is probate and how does it work

OCG Private Client

In this guide we've provided you with everything you need to know to navigate probate.

We understand this can be a tricky and emotional time, and we want to make the process as simple as possible for you. We hope this guide provides you with a useful reference to the entire probate process and answers any questions you may have.

Why OCG Legal?

We have a specialised Private Client department which handles all our individual clients, meaning we can provide a personal service with a single point of contact. We have curated a team of experts, headed up by our Head of Private Client, Tim Crook who has over 20 years of experience working on complex probate cases.

You are in safe hands.

How does it work?

Each client is an individual with different requirements, so we offer an initial face-to-face meeting to enable us to be fully aware of your needs. We believe in advising professionally, whilst engaging with empathy and understanding.

Meet Our Private Client Team



Tim Crook
Head of Private Client

Tim is a Private Client Solicitor with over 20 years' experience working with high-net-worth individuals, family offices, trustees and private banks. He has extensive UK and offshore experience across tax, wealth structuring and estate planning.



Iram Raza
Paralegal

Iram is an experienced Private Client paralegal who specialises in estate administration, Will and Lasting Power of attorneys. She is currently working towards qualifying as a solicitor within the private practice, continuously refining her skills and expertise to provide legal services to our clients.



Alex Bricioc
Estate Planning Paralegal

Alex graduated with a First Class Honours in her LLB undergraduate degree in 2021. Having joined OCG Legal in August 2022, Alex has since been working as a paralegal within the Estate Planning team. Alex has recently started my journey towards qualifying as a Trusts & Estate Practitioner and she also aims to become a solicitor within the private practice.



Lorena Pelea
Estate Planning Advisor

Lorena has been with the company since August 2021 and she is currently working towards qualifying as a solicitor and a TEP through the Society of Trusts and Estates Practitioners (STEP). Lorena assists the Head of Estate Planning with drafting Wills, Expressions of Wishes, Lasting Powers of Attorney and Business Documents (Shareholders Agreements, Partnership Agreements and Letters of Trust).



Kirsty West
Legal Administrator

Kirsty brings a solid background to our team, with a decade of experience in property management and real estate under her belt. She's now looking to grow professionally in the field of estate planning. Kirsty is a crucial part of our Estate Planning team, handling a variety of legal admin tasks.

Want to meet our other legal teams? Click [here](#)



Q&A – What is Probate?

What is a Grant of Probate?

This is a legal document which proves the authority of the court to administer the estate of an individual who has left a valid Will. It may be needed to settle debts, sell assets and collect proceeds from organisations held in the deceased's name such as banks.

Once probate has been granted the deceased person's assets can then be dealt with. The Will states how the assets should be distributed. If the deceased person did not leave a Will, then the intestacy rules will apply, and Letters of Administration will be issued.

When is probate needed?

Probate is usually needed when the organisation requires authority to dispose of an asset or to deal with a property that doesn't automatically pass by survivorship by joint tenancy.

What is Estate Administration?

Estate administration is where the estate's personal representatives are responsible for the deceased assets and liabilities from the date of death. They are responsible for following the law and the terms of the Will (if any) to ensure that the estate is correctly distributed.

Do I need probate for a small estate?

This depends on the size of the estate and the value of individual assets. If the estate is small, with no property and less than £5000 in the bank, then probate is unlikely to be needed.

What do I need to do to apply for probate?

If there is no inheritance tax to pay and the person died on or before 31st December 2021, then you must submit the IHT205, together with the probate application (PA1P). However, if the person died on or after 1st January 2022, then the legal statement is completed online.

If there is inheritance tax to pay, then form IHT400 and form IHT421 is completed with supplementary IHT documents, depending on the assets.



8 STAGES OF PROBATE

At OCG Legal we break down the probate process into eight easy-to-understand stages so the whole process is clear from the very start

1

Contacting asset holders: Your solicitor will speak to the executors/ administrators and discuss the contents of the estate. We will then liaise with the organisations to obtain the date of death valuations. These are needed for inheritance tax purposes and for preparing the probate application.

2

Applying for the Grant: When applying for the Grant, the appropriate HMRC inheritance tax form and the statement of truth for the executors or administrators will accompany the application.

3

Grant is received: This is the document that gives formal authority for the Executors or administrators to collect in the assets of the estate and pay any liabilities

4

Place Estate notices: Statutory advertisements are placed so that any 3rd party creditors may come forward if they have a claim or an interest in the estate.

5

Registering the Grant: OCG Legal register the Grant with the financial institutions and complete all the closure forms for the executor's/ administrator's signature to have the accounts closed.

6

Paying Estate Liabilities: Once the assets of the estate have been collected in, we can arrange for any liabilities to be settled from the proceeds.

7

Paying legacies to the beneficiaries: Any specific gifts of money or items are made to the beneficiaries, and we can deal with any property or shareholding transfers that are required. Where the person has died without a will, intestacy rules will be applied.

8

Distribution: We will prepare a detailed set of Estate Accounts for the Executors/Administrators approval. The balance of the estate will then be distributed to the residuary beneficiaries to complete the administration of the estate.





DISPUTES DURING ESTATE ADMINISTRATION

The emotional loss of a loved one can create tension, dispute, and distress in families. Planning and communication can ensure that you can get through the probate process without disputes.

Tips for navigating the process:

- 1. Make sure that you have a clear checklist** – Having a clear list of tasks you need to complete during probate will help manage the estate and you'll be able to keep track and check you've dealt with everything.
- 2. Make use of professionals** – Professionals will be able to take on the burden of administering the estate to ease the process for you. If you would like our assistance, then please contact us [here](#).
- 3. Keep assets safe** – You are responsible for all the physical assets; you need to know where they are and keep them insured.
- 4. It takes time** – Most institutions take at least two weeks to reply to enquiries. Once all information has been collated and the application submitted the Probate Registry normally takes 6-8 weeks to issue a Grant and if HMRC is involved it can take some more time.
- 5. Communication** – If there is a claim against the estate or a dispute between beneficiaries, it is important to clearly communicate this at the onset with your solicitor so that the correct legal advice can be given. The executors/administrators should try to encourage the disputed parties to come to a mutual agreement. However, this is not always possible therefore further independent legal advice will be needed. This will delay the process of distributing the estate.

What to ask your probate solicitor?

Probate can be a stressful time, so knowing the right questions to ask will help put your mind at ease. Here we have gathered the most useful questions to ask your solicitor:

What documents should I bring to my first meeting?

Some solicitors may require more paperwork than others so, we recommend bringing more than necessary in case it is required.

What is their expertise?

As you will be working closely with your solicitor, you want to ensure that you have a good feeling about them and that you trust them. Ask your solicitor how long they have been practising.

What are their rates?

Lawyers can be expensive. Don't be afraid to communicate clearly about the budget and ask for clarity about their rates, potential fees and payment terms.

Who will be handling the case?

You have every right to know who is working on your case and be able to meet them as there will most likely be more than one person. Any good solicitor should be able to give you direct and easy answers.

How do they plan on handling the estate?

Get an idea of how to tackle the probate process. Ask them how they are going to cope with any issues if they occur. Despite probate not being a set length of time, ask your solicitor for an estimated end date.

What is their availability?

Ask your solicitor how long it typically takes them to respond to a phone call or email. Ideally, you'd like a lawyer who gets back to you within 24 hours.



LEGAL REPRESENTATION

While some people are comfortable handling probate on their own, it's advisable to consult a specialist in certain situations, such as when dealing with a complex estate or if the terms of the Will are unclear. Having a solicitor is also a good way to mediate between families.

Using a Solicitor

Solicitors have the experience and the expertise to deal with all the procedural requirements involved in probate in a professional way.

Solicitors have professional experience and can mediate between family members or deal with third parties.

How much does probate cost and what does a solicitor charge?

To apply for the Grant, ***the application fee is £300 at the time of writing.***

There will be legal fees to administer the estate. Some probate specialists and solicitors charge an hourly rate, while others charge a fee that's a percentage of the value of the estate. This fee is usually calculated depending on the value of the estate, plus VAT. ***If you would like to see our fees, please [click here](#).***



PRIVATE CLIENT SERVICES FROM OCG LEGAL

Our friendly Private Client Team are here to support you on a wider variety of legal matters, including:

Probate and Estate Administration

We provide professional assistance to ease the burden of handling a loved one's estate. We can provide advice on cross-border issues from an English law perspective.

Trust Services

We create lifetime trusts and advise on existing ones, help reduce trust tax liability through income/capital appointments, or even close trusts

Trustee Support Service

We assist trustees with their obligations by providing trust documentation, facilitating the appointment of new trustees, and handling retirements.

Bespoke Estate Planning

We facilitate succession planning for business or property, review asset bases, and help meet short-term and long-term objectives while providing for financial dependants.

Inheritance Tax (IHT) Advice

We offer solutions to reduce IHT exposure using gifts, trusts, asset protection, tax allowances, and Business Relief.

Bespoke Will Drafting & Review

We ensure your estate aligns with your wishes, protect assets through trusts, and provide advice on potential 'Inheritance Act' claims.

Lasting Powers of Attorney (LPA)

We create LPAs to protect you in case of mental incapacity, covering Health and Welfare, and Property and Financial affairs, ensuring clear legal authority for your chosen attorneys. Business owners should consider a Property and Finances LPA essential.

Want our help? Contact us today

Telephone

01724 840 400

Email

enquiries@ocglegal.co.uk

Opening Hours:

9:00am – 5:00pm



www.ocglegal.co.uk

