

Probate, Trusts and Wills

A quick guide to Probate for Executors and Beneficiaries

When someone dies it is important to ensure that their assets are correctly gathered in and distributed, according to their Will, or if there is no Will, the law. This is the probate process. The person who is appointed by the Will to administer the estate is called the Executor. Where there is no Will the term used is the Administrator, but the role is the same.

The Executor's job is:-

- ◆ To identify who benefits, is there a valid Will, or will the law dictate the distribution?
- ◆ To identify and secure the assets of the deceased (the estate)
- ◆ To identify and settle all debts, including the funeral expenses
- ◆ To get Court authority to administer the estate (often called the Grant of Representation) from the Probate Registry.
- ◆ To pay all necessary taxes, including Income, Capital Gains and Inheritance Tax.
- ◆ To distribute the estate correctly to the beneficiaries named in the Will, or to those entitled where there is no Will.



It's not unusual for the whole process to take at least a year, possibly more, particularly if there is a property to sell.

It is important that the right money is paid to the right beneficiaries in accordance with the deceased's wishes. The Executor must not only account for all the estate funds, but also ensure that any potential claims on the estate have been settled, or dismissed. Claims can be from

creditors, disappointed beneficiaries, or those left out of the Will completely. The

Executor will need to be sure that there is no likelihood of a claim before paying the beneficiaries.

How can we help?

We have a specialist team who can guide you through this whole process, and assist as little or as much as you wish.

For further advice or information please contact a member of our Probate, Trusts & Wills team at enquiries@mayowynnebaxter.co.uk
Offices at Brighton 01273 775533, Eastbourne 01323 730543, Lewes 01273 477071 and Seaford 01323 891412

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