

WHEN SOMEONE DIES

Do I need a solicitor?

It is possible to deal with a small estate yourself. But if the estate contains any asset worth more than about £5,000 you will probably need legal assistance to deal with it. You will always need a solicitor if there is a house involved.

What should I do before seeing a solicitor?

Register the death and get at least two copies of the death certificate. You will receive a special form of death certificate to send to the Department of Work and Pensions to claim any state benefits which may be due. Sometimes people make provision in their will for burial or cremation, so look at the will before arranging the funeral.

If there is a will, it will appoint executors to administer the estate. If there is no will, the next of kin of the deceased can act to administer the estate, but this requires an application to the court to be appointed as executor.

Make sure that any house and/or car is made secure and inform the insurers of the death, especially if a house is left vacant. You may not operate any bank accounts, use any bank cards or sell any assets prior to the appointment of an executor.

After the funeral, arrange to see one of our solicitors. We will tell you what to bring with you.

What will Stevenson & Marshall do?

We will arrange to obtain valuations of all the deceased's assets and property. We will deal with all correspondence on your behalf. We will prepare a full inventory of the estate ready for submission to the local court. If Inheritance Tax is due we will calculate this and present the inventory to HM Revenue & Customs. The court issues "Confirmation" which is the formal document entitling the executor to collect in the estate. We will arrange for the assets to be sold or transferred to beneficiaries, any debts paid and the funds distributed in accordance with the terms of the deceased's will. We will draw up an account for approval by you as the executor.

What will it cost?

The legal costs depend on the value of the estate and the work involved in administering it. We submit our file to the local Auditor of Court who assesses the appropriate fee for the work done. We will provide you with details of how our fees are calculated before the work begins. In addition, there will be court dues to be paid, and any other expenses of administration – including any tax which is due.