

Your Guide to Administering an Estate



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When a person dies, someone has to decide what is to happen to their belongings and make the necessary arrangements. This is known as administering their estate.

If the person who died made a Will, the Will usually says who is to administer the estate. The person(s) chosen and named in the Will are called Executors.

If the person who died didn't make a Will, known as dying intestate, there are rules about who has the legal right to administer the estate. It is usually a close relative, if there is one, and that person is known as the Administrator.

If you are acting as an Executor or an Administrator:

You need to:	Shoosmiths can:
Register the death. This has to be done with the Registrar of Deaths in the area in which the death took place, and should be dealt with as soon as possible, because funeral arrangements cannot be finalised until it is done.	Register the death in cases where there are no known family.
Find out if, and when, the person last made a Will, and obtain a copy. Check it for funeral wishes.	Search the National Will Register for you to find a Will. This register is called Certainty.
If required, assist with the funeral arrangements.	
Collect all of the deceased persons papers together (such as pension book, bank statements, bills, any share certificates).	Provide you with a list of the papers to collect
Locate current addresses for people and organisations that are going to inherit. Sometimes called the heirs or beneficiaries.	Arrange for people to be traced professionally on a 'no trace, no charge' basis if individuals can not be found easily.
Establish if the deceased person employed any professional advisors such as accountants, managing agents of property.	Contact them for you and obtain any required information.
Wind up the estate yourself or instruct a solicitor, such as Shoosmiths, to help you. Where the person died leaving more than £5,000, stocks and shares, a house, land or certain insurance policies then this usually involves:	
1. Applying to a part of the Courts called the Probate Registry for a document called a Grant which recognises you as the person authorised to deal with the estate. If you choose to make the application yourself you will have to go to the Probate Registry for an interview.	Prepare the Application for you to sign, and, once signed, apply on your behalf to the Court for the Grant. It is called a Grant of Probate (in the case of a Will) or a Grant of Letters of Administration (if there is no Will).
2. Notify appropriate authorities of the death, such as the Department for Work and Pensions (formerly the Departments of Social Security and Education and Employment.)	Do this for you

You need to:	Shoosmiths can:
<p>3. Ascertain the extent and value of the deceased persons assets and liabilities, obtaining valuations where necessary.</p>	<p>Do this for you.</p> <p>If you don't have an accountant Shoosmiths can deal with the Inland Revenue and complete the final Income tax and Capital Gains tax returns.</p>
<p>4. Establish if any inheritance tax is due, calculating how much and paying it to HM Revenue and Customs.</p>	<p>Complete the tax forms, advise how you can finance any tax due and arrange the payment.</p>
	<p>Help you plan ahead, and, if appropriate, make interim distributions to the people who are going to inherit so that they do not have to wait until you have completed everything.</p>
<p>5. Sell any assets that have to be sold, such as a house or shares.</p>	<p>Arrange house clearance or specialist sales. Supply Home Information Packs and carry out any conveyancing required to sell a property. Obtain the forms which you need to sign to arrange the sale of stocks and shares and submit them on your behalf.</p>
<p>6. Collect other assets in, such as money in bank accounts.</p>	<p>Contact banks, building societies and other people. Provide you with the forms you need to sign to collect assets in, such as the bank forms to close bank accounts.</p>
<p>7. Pay bills.</p>	<p>Do this for you.</p>
<p>8. Distribute what is left in accordance with the persons wishes in their Will or the rules of intestacy.</p> <p>Occasionally this requires advertising in the Press for potential heirs to come forward.</p>	<p>Complete official Estate Accounts for you to sign which detail all of the deceased person's assets and liabilities, and show items and amounts available to be distributed.</p> <p>Arrange any advertisements that are required to protect you.</p>
<p>9. Resolve any disputes that may arise.</p>	<p>Deal with any dispute, or claim made against the estate for you. Sometimes people are unhappy with the content of a Will or the effect of the intestacy rules and you may wish to have this resolved "at arms length" rather than handle it yourself.</p> <p>Occasionally disputes need to go to Court and Shoosmiths can deal with this if it happens to you.</p>

For more information please contact:



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