

What Is Probate?

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Probate is a term commonly used to describe the process of estate administration. When a person dies, somebody has to deal with their estate; by this we mean collecting money, paying off debts and distributing the estate to those people entitled to it.

Dying With A Will?

A Will is the only legally binding document which allows you to name the people that you'd like to look after your affairs, it also sets out who is to benefit from your property and possessions (your estate) after your death. Without a Will your wishes will not be respected and your estate will be distributed in accordance with the law.

In this case one or more 'executors' may be named in the will to deal with the person's affairs after their death. The executor applies for a 'grant of probate' from a section of the court known as the probate registry. This grant is a legal document which confirms that the executor has the authority to deal with the deceased person's assets (property, money and possessions). They can use it to show they have the right to access funds, sort out finances, and collect and share out the deceased person's assets as set out in the will.

Dying Without A Will?

If there was no will created, a close relative of the deceased can apply to the probate registry to deal with the estate. In this case they apply for a 'grant of letters of administration'. If the grant is given, they are known as 'administrators' of the estate.

Like the grant of probate, the grant of letters of administration is a legal document which confirms the administrator's authority to deal with the deceased person's assets.

Do I Need A Grant?

Organisations holding money in the deceased's name need to know to whom that money should be paid too. The grant is their proof that the person named in it may collect the money.

The estate left when a person dies passes to the people named in his or her will. If there is no valid will it passes on to his or her next of kin.

The distribution of the estate to the correct people is the responsibility of the person named in the grant.

The grant is proof to anyone wishing to see it that the person named in it is entitled to collect in and distribute the estate.

A grant cannot be provided until any outstanding Inheritance Tax (IHT) has been paid on the deceased's estate.

When Is Probate Required?

Probate will be needed when:

- Investments worth typically £5000 or more were in the deceased's sole name and the banks, building societies and financial institutions holding these assets ask for a Grant of Probate to be produced to release the funds.
- Property and Shares held in the deceased's sole name need to be transferred or sold.

How Can We Help?

Solomons Solicitors are specialists in the area of Private Client Law, with over 20 years experience we can assist you in all areas of Probate.

If you would like a [free initial consultation](#) to discuss any questions you may have, please feel free to contact us:

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