

Winding Up an Estate

How we can help after death

A person who dies leaves behind everything he or she owns. This is known as an **estate**. The estate has to be transferred to its new owners. This does not happen automatically and it can be complex. HM Revenue & Customs might require tax to be paid.

Destination of an Estate

This depends on whether the person left a Will.

Personal Representatives

These are the persons responsible for administering and distributing an estate.

Who are the Personal Representatives?

If there is a Will they are the **executors**. Otherwise they are known as **administrators**.

Duty of the Personal Representatives

The duty of personal representatives is to obtain a grant of representation from the court. This is a **grant of probate** if they are executors or a **grant of letters of administration** if they are administrators. The grant is an official document which personal representatives can show to anyone who needs proof of their status. Technical procedures need to be followed to obtain the grant of representation.

Inheritance Tax

Inheritance Tax rules can be complicated but the basic idea is that currently an estate of up to £325,000 is exempt from tax. Anything above £325,000 is taxed at 40%. The estate of a surviving spouse, however, may be entitled to the whole or part of a transferable allowance which could exempt up to a further £325,000.

Where does Humphries Kirk come in?

Personal representatives can wind up an estate without legal help but even in the simplest of cases it is not always an easy task. We have knowledge of requirements of the Law and the experience needed for winding up an estate. We can advise the personal representatives what their duty is, the choices they have and the steps they should take. We can give support and advice at any stage of winding up an estate, including finding ways of saving tax. Importantly, we are able to obtain the grant of representation quickly.

Looking after Trusts

The Will, or the administration, may create a continuing trust rather than outright gifts. If a trust does arise this can be complicated and is the responsibility of the **trustees**. The trustees need to understand their duties and powers. We can tell you about your responsibilities.

What to do now

Contact us for more information or advice. This cannot be taken as a detailed statement of the Law but it is intended to give you an introduction. Visit us at www.hklaw.eu