

MTA SOLICITORS LLP
PROBATE FEES AND WORK

Wills and General Advice

Categories:-General Advice

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| 1. Advice re content, form and detail of will | £250.00 per hour |
| 2. Advice re Inheritance Tax | £250.00 per hour |
| 3. Advice re preservation of property and Trusts | £250.00 per hour |
| 4. Advice re disposition of property | £250.00 per hour |
| 5. Advice re variation of will | £250.00 per hour |

Preparation of will

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| 1. Single simple will (no tax advice) | £180.00 |
| 2. Mirror Will (no tax advice) | £200.00 |
| 3. Single will (with tax advice) | £250.00 |
| 4. Mirror Will (with tax advice) | £250.00 |
| 5. Single will with exclusion clause and letter of wishes | £275.00 |
| 6. Mirror will with exclusion clause and letter of wishes | £295.00 |
| 7. Simple codicil | £35.00 |
| 8. Codicil altering will with tax implications | £135.00 |

Charges work required of an exceptional nature including but not confined to the following:-

Emergency Attendance

The requirement to attend at hospital in an emergency to take instructions from a seriously or terminally ill client at short notice which can and is most likely to include the necessity for the fee earner if he/she accepts the instructions to re-attend to witness the execution of the will/ This of course will require the fee earner to alter his or her present appointments to cater for this emergency.

Language and Assets Abroad

The inability of the client to converse in English which requires the use of an interpreter or some other mechanism to ensure the client understands the significance of the document they are signing.

This can include dealing with clients who have assets outside the UK and the necessity to include those assets in the will in accordance with their instructions.

Attendance on Client who is shielding due to the pandemic and home visits.

On occasions home visits are required either to take instructions or to execute the prepared will and this may arise due to the age and infirmity of the client and / or as in the recent pandemic the need to cater for the needs of the shielding client. The extent of the work required for these situations are unique to each individual situation. If a range is required then between £300 - £600.00.

The issue of duress and undue influence

It is difficult to categorise the types of cases where it is felt there is an element of duress and undue influence on the potential Testator. In certain circumstances an independent person is required to sit in the consultation to verify the instructions given and if needs be to exclude the persons who it is felt are affecting by either duress or undue influence the instructions given. In addition a full file note is required together with a detailed examination of the reasons why the Testator giving the instructions he or she is.

If a range is required then it is between £300 and £600.

Inheritance and provision for Family and Dependents Act

There are situations where the client requires the exclusion of certain members of the family or dependents who would be in a position to make a claim under this Act. Advice is given but the client is insistent that such exclusions are made in the will. Where this is the case, a letter of indemnity is required to be prepared and all the circumstances recorded. It is difficult to determine the costs as each case is unique but if such a range is required then that is between £300-£600.00.

Lack of Capacity

This includes the cases where there is a doubt as to the capacity of the client and the requirement to contact and obtain definite confirmation of that capacity from a medical practitioner. It used to be the case that most General Practitioners would provide a medical report regarding capacity. This is becoming rare as most GP are unwilling to provide such an endorsement which then requires an approach to a psychiatrist or mental health practitioner

with subsequent discussion regarding fees, provision of medical records and a direct meeting with the client all of which requires time and effort to set up and this needs to be reflected in the bill. It is impossible to provide an indication of the likely fees as this is dependent upon the fees required by the medical practitioner which may vary considerably. If a range is required then this is between £250.00 plus the fees of the expert.

If the range of the fees of the expert is required this can be within the range of £400 - £3000. If there is a need to obtain medical records armed with an authority from the client then there is an additional disbursement of £50.00 for the cost of the medical records.

VAT

Value added Tax is charged at applicable rates currently 20%.

Preferential Rates.

Discounts are offered to friends and family of the firms employees and partners. This is typically 10% but may be more in specific circumstances. These discounts are also offered to long standing and existing clients of the firm and are at the discretion of the partner. Further, if the client is able to provide work for the firm through existing or new contacts then a discount can be offered. If a range is required this can be typically between 10-25%.

Probate and the Administration of Estates.

There cannot be one fee that fits all cases as all Estate are unique and there are numerous factors which can affect the fees.

If a range is required then these are listed below.

£1000.00- £2500.00

Simple Grant of Probate where there is no Inheritance Tax and only bank accounts

Letters of Administration where there is no inheritance Tax and only bank accounts

Such work includes preparing all documentation for the purpose of filing the Inland Revenue Account, collecting and identifying assets and writing to the various institutions to obtain figures of the monies in the account as at the date of death. Once Probate or Letters of Administration have been received then collecting the relevant monies and distributing the assets in accordance with the terms of the will or the Rules of Intestacy in addition to paying any liabilities of the Estate.

The disbursements applicable are the Probate fees required at the prevailing rate by the Court and the cost if necessary of obtaining copies. If death certificates are required then the cost of these need to be added to the account as a disbursement if not already obtained,

If a Trustee Act Notice is required there is an extra fee of £300.00 for the placing of the adverts and the disbursement for the advert itself.

Probate or Letters of Administration where Inheritance Tax is not payable but an Inheritance Tax account (IHT400 with schedules) is needed to be filed. This could arise in many circumstances including but not exclusively the following:-

- a). Where the amount of the Estate exceeds the single allowance but the joint allowance of the Deceased and the former spouse of the Deceased (who has also died) does not exceed the extent of the Estate. Therefore where there is a need to file an IHT 400 and but also a need to file with the account the necessary Schedules being the Transfer of the Nil Rate Band Relief.
- b). Where the amount of the Estate exceeds the single or joint allowance but there is further relief provided by the application of Residence Nil Rate Band Relief and where the application of that relief obviates the need to pay IHT. This necessitate the completion of the Form IHT 400 together with all the applicable Schedules.
- c). Where the amount of the Estate exceeds the IHT Limit but with the application of Agricultural Relief or Business Relief there is no Tax payable. This necessitates the completion of the relevant schedules as well as the IHT 400 and the submission of these to the Capital Taxes Office and possibly a narrative explaining how the reliefs apply together with any supporting evidence.
- d). Where there is a need to list previous disposals or gifts so as to adjust the IHT applicable and research is required to investigate the applicability of any gifts in seeking relief.
- e). Where there is a need to obtain specific valuations of works of art or property belonging to the Deceased in order to submit the relevant account to the Inland Revenue. This may require specific contact with Estate Agents, Fine Art Valuers or Auctioneers and include home inspections and attendances. The costs of these disbursements is impossible to quantify as it depends on the fees of the expert who is instructed. If a range is required then this can be between £300.00 and £2000.00 but may be more dependent as some experts base their fee on the value of the item they are inspecting.
- f). Where there is a need to take into account foreign assets in the IHT calculation, which is very likely to need a valuation of these assets abroad and also the need to take account of the Law in the country where the assets are situated. There will most likely be an accounting for tax in the country where the assets are situated and therefore there will be a need to consider the possibility of Double Taxation and the reliefs that are applicable. It is virtually impossible to be accurate in any quotation for the likely costs as this will depend on numerous factors but if a range is required then this can be between £500-£5000.
As to disbursements this is an unknown factor as there is more than likely the need to instruct a foreign lawyer to obtain the equivalent there of a Grant of Probate or Letters of Administration. Alternatively in some jurisdictions (eg Republic of Ireland) the authorities will not release finds without a Grant of Probate being obtained and therefore there will be a necessity to instruct a foreign lawyer to obtain such a Grant. Again it is impossible to predict what these costs are likely to be but if a range is required this could be anything from £1000.00 to £5000.00.
- g). Where there is a need to trace beneficiaries either where in the will the beneficiary has pre-deceased the Testator or where in an Intestacy situation the beneficiaries need to be locate

in accordance with the Intestacy Rules. The costs of this will depend upon whether such searches require expert assistance such as a Genealogist or the provision of a family tree and in more extreme cases where the family of the Deceased is abroad and have had little or no contact with the Deceased throughout his or her life which requires the agency of either a foreign lawyer or enquiry agent. The costs involved in tracing such individuals is dependant to a large extent upon how easy they are to find. If a range is required this could be anywhere between £2000-£10,000 usually gravitating towards the higher figure.

h). Cases where IHT Tax is payable. There are so many variables here it is impossible to be more specific. There can be cases where the Estate is required to pay tax but does not have the resources to do so unless there is a sale of some assets in which case it is necessary to reach some form of accommodation with the Revenue. Alternatively the sale of some assets earlier than is desirable would be needed and that may require some claim for relief on loss of sale of either property or shares needs to be made to the Revenue after the tax has been paid. If a range is required then this could be anywhere between £2000-£10,000 with some further adjustment to these figures being needed on provision of all the information. If charitable gifts have been made then there can be attendant reliefs if they form a portion of the Estate.

I). Insolvent Estates. The scale of the charges is dependent upon the work carried out by contacting the various Creditors to see what arrangements can be made for a lesser figure to be paid and accepted so as to enable Probate to be obtained otherwise it would not be worthwhile for the Estate to be proved.

m). Where the Executors do not wish to become involved in the day to day administration of the Estate and either wish to Renounce requiring an application to the Court either to appoint another Executor to be appointed or the firm to assume that role which may include obtaining insurance on the Deceased's property. The firm could assume that role which may involve all matters including the clearing of the property, sale of the contents by auction, provision of the funeral and disposal of the assets from the start of the process to its conclusion. If a range is required this can be between £2000-£20,000 together with any disbursements which may be applicable.

Probate where the Solicitor is the Executor

If we as a firm are nominated to be the Executor then there is a special responsibility and in that regard we do not bind ourselves to a fixed fee. The charges applied will be the hourly rate referred to above together with a percentage of the net value of the Estate gravitating between 1- 5 & %.

Disbursements

Court fees are not subject to VAT but most other disbursements are. The applicable rate at present is 20% but if the disbursements relate to foreign assets then the VAT is fixed by the country where the work is carried out.

Powers of Attorney

The fee is £450.00 plus vat at 20% plus the cost of each power which is at present £82.00 per power.

Fee Earner

The work will be carried out by Michael Taylor the principal of the firm who has more than thirty years experience of work in this field.