

## What happens after someone dies? A guide for clients

### Registering the death

The registrar will need the following information about the deceased: full name; last address; date and place of birth and death; occupation; and, in the case of a married woman, her maiden name.

The registrar will also want to know whether the body is to be buried or cremated. If it is to be cremated, the registrar will issue a green form which must be given to the funeral director.

A white death certificate is issued free of charge. On the back is a questionnaire concerning benefits which may be payable to the deceased's next of kin. The registrar will offer to issue a "certified copy" of the death certificate for a small fee. We will need one certified copy.

### Arranging the funeral

The deceased may have expressed wishes about his funeral, either in the will or privately to relatives. The will should be checked before any arrangements are made. Matters which have to be considered include:

- Is the deceased to be buried or cremated?
- Did the deceased have any connection with a church? If so, the minister of that church will normally conduct the funeral. If not, and the deceased is to be cremated, the service can be conducted by the duty clergyman at the crematorium.
- If there is to be a funeral in a church, it may be necessary to make decisions concerning hymns and readings.
- How many mourners are likely to be present at the funeral? This will affect the choice of venue.

The funeral director will normally assist with these matters, and, if appropriate, will arrange for notice of the funeral to be placed in the local or national press.

The funeral director's bill will be paid from the estate and can be sent direct to us.

### Administering the estate – overview

When someone dies leaving a valid will, their "estate" (that is, all the property they owned) passes to their executors. The executors are duty bound to get in the assets of the estate and distribute it in accordance with the will. Although the executors' authority

comes from the will, it is necessary for them to apply to the court for a “grant of probate”. This is a formal document confirming to the outside world that the executors have authority to deal with the deceased’s estate.

The legal position is slightly different if someone dies “intestate” (without leaving a valid will). An application will have to be made, usually by a surviving spouse or relative, for a “grant of letters of administration”. This gives the applicant legal power to deal with the deceased’s assets as an “administrator”. The administrator is obliged to get in those assets and distribute the estate according to the “intestacy rules”, which govern who gets what when someone dies without a will.

Executors and administrators are known collectively as “personal representatives”. Those who are entitled to the estate, under the will or intestacy rules, are called “beneficiaries”.

If the estate is very small, it may be possible to proceed without a grant of probate or letters of administration.

#### Administering the estate – procedure

At the end of this guide there is a checklist of the information we need to begin dealing with the estate. If you supply us with all relevant papers (e.g. bank statements, pass books, share certificates, utility bills) we can obtain valuations of the assets and collect details of all liabilities.

When we have sufficient information we prepare an Inland Revenue account if necessary. Whether an account is necessary depends on various things including the value of the estate and whether the deceased held an interest in trust property. We also prepare the oath to be sworn by the personal representatives.

Before submitting the application for probate or letters of administration, the personal representatives have to pay some or all of the inheritance tax. The deceased’s bank accounts are “frozen” after death, so money in them is not usually available for this purpose. A temporary loan may have to be arranged and repaid when the deceased’s assets become available. We can sometimes negotiate with the deceased’s bank to obtain access to funds prior to the grant.

Having paid the inheritance tax, we submit the application for probate or letters of administration. The grant will normally be received three or four weeks later.

When the grant has been issued we send copies of it to the various institutions holding the deceased’s assets (e.g. banks) and ask them to release those assets or transfer them to the beneficiaries.

On receipt of closing balances of bank accounts we repay any inheritance tax loan and discharge all debts and funeral expenses.

At the beginning of the administration we will have informed the Inland Revenue of the death and asked whether the deceased's income tax affairs are complete up to the end of the previous tax year. If appropriate we request a tax return for the period to the date of death. The deceased's income tax affairs must be finalised before the administration can be completed.

Some weeks after the grant has been issued, if the estate is one upon which inheritance tax is payable the Capital Taxes Office will begin to ask for further information to supplement the information set out in the Inland Revenue account. The values stated in that account have to be negotiated and agreed with the Capital Taxes Office. The most usual reason for delay in the administration of estates is difficulty in finalising the inheritance or income tax liability.

When sufficient assets are available and all debts have been cleared, we ask the executors (if there is a will) to authorise the payment of any legacies. It may also be possible to make interim payments to the residuary beneficiaries (meaning the beneficiaries who are entitled to what is left).

When the inheritance and income tax liabilities have been ascertained it is usually possible to complete the administration of the estate. We prepare estate accounts for approval by the personal representatives. Once they have been approved we make the final payments to the residuary beneficiaries.

When we send out the estate accounts we also ask the executors or administrators to approve our charges for our work. These charges are calculated in accordance with our terms of business. In some cases we may ask the personal representatives to approve interim bills as the matter progresses.

#### Checklist of information we require

1. Did the deceased leave a will?
2. If the deceased did not leave a will, who are his surviving relatives? (A family tree would be helpful.)
3. Please provide details of all property owned in the deceased's sole name. For example:
  - Houses/land
  - Bank accounts
  - Building society accounts
  - Co-operative bank accounts
  - Savings certificates
  - Shares

- Cars and/or other motor vehicles
  - Premium bonds
  - National Savings income bonds
  - Life insurance policies
  - Unit trusts
  - Personal Equity Plans (PEPs)
  - Individual Savings Accounts (ISAs)
  - Business or agricultural property
  - Foreign property
  - Other property
4. Please provide details of any assets owned jointly by the deceased (e.g. joint accounts, any jointly-owned house).
  5. Was the deceased entitled to any superannuation benefits, e.g. an occupational pension?
  6. Was the deceased a beneficiary under a trust?
  7. Did the deceased make any significant gifts within the seven years prior to his death? (This information is needed for inheritance tax purposes.)
  8. Did the deceased leave any debts? (For example: a mortgage, bank loan, credit card debt or any outstanding bills for gas, electricity, water, council tax, income tax etc.)
  9. Please provide the address of the deceased's tax office and his tax reference number, or details of his accountant if applicable.
  10. What was the deceased's council tax reference number?
  11. Did the deceased have a buildings, home contents or motor insurance policy? If so please provide details.
  12. What was the deceased's state pension number?
  13. What are the current addresses of all beneficiaries mentioned in the will (and their full names if those are not stated in the will)?
  14. Please tell us the dates of birth of any beneficiaries who are minors (under 18).

15. Have any beneficiaries died before the deceased? If so please provide details including the dates of death.
16. If the deceased's spouse died before him, please tell us the date of death of the spouse. Please also provide a copy of the spouse's will and any deed of variation and details of any lifetime gifts made by the spouse.

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