



## WHAT TO DO FOLLOWING A BEREAVEMENT

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## WHAT TO DO FOLLOWING A DEATH

The death of someone close is a distressing occasion; there are decisions to make and procedures to follow which are unfamiliar to many people. With our long and extensive experience in dealing with such matters at Larken & Co. we aim to help with some of the difficulties experienced. We hope this brief guide will be of use.



One of the first tasks will be to formally **register** the death at the local Registry of Births Deaths and Marriages. You may find it useful to take along the deceased's birth and marriage certificates if these are available. When someone dies at home who has not recently been examined by a doctor, a **post mortem** may be carried out to identify the cause of death, and this will have to be undertaken before the death is registered. An **inquest** may follow an accident or sudden death, with a brief hearing allowing release of the body for burial/cremation and the main hearing taking place at a later date. The Registrar will ask if there is to be a burial or cremation, so do check any instructions left by the deceased, e.g. in his Will.



The deceased may have made a **Will**. This may be a home-made Will left with the deceased's papers or deposited with a Bank. If a Will has been drawn up by Solicitors, the original is often stored in the firm's strong room for safe keeping. The deceased will usually have a copy with the Solicitor's details on the cover page.

**An Executor/Administrator is personally responsible to ensure the Estate is correctly distributed and debts paid - let Larken & Co. help you to get it right.**

A Will generally appoints **Executors** to collect all the **assets** on the **Estate**, pay bills and distribute legacies. Unless the total value of the estate is under £5,000 the Executors will have to apply to the Probate Registry for a **Grant of Probate**. This confirms their appointment and is also used as evidence showing why the Executors are dealing with assets which they do not own. In large or complex estates, or where the deceased has made gifts within 7 years of this death, an Inland Revenue account may have to be prepared and **Inheritance Tax** paid before the Grant of Probate can be issued. When all assets have been collected in and the debts and legacies paid, the remaining estate, called the **residuary estate**, is distributed in accordance with the terms of the Will.



If there is no Will, or no surviving executors, an application is made for **Letters of Administration**. The **Administrators** carry out the same duties as Executors although they have no power to deal with the estate until Letters of Administration have been issued. This may cause difficulties if the deceased was involved in running a business. There are strict rules governing who can apply as an Administrator.

**A surviving spouse cannot deal with assets in the deceased's sole name (including bank or building society accounts) until Letters of Administration are granted.**

A person dies **intestate** when he/she does not leave a valid Will. Perhaps no Will has been made. A home-made Will may not be correctly signed or witnessed, or the main beneficiary may have died without any provision being made for a substitute. With an intestacy the estate must be distributed according to regulations laid down by Parliament. These not only determine which beneficiaries are entitled to a share of the estate, but also limit the amount which can be paid to the deceased's spouse. Difficulties (including tax liabilities) may arise where family members decide to share an estate in different proportions to what is laid down under such regulations.



It is possible to obtain a Grant of Probate or Letters of Administration, without involving Solicitors. All Executors/possible Administrators must go to the Probate Registry together to swear the papers. Accurate valuations of assets and liabilities must be obtained to avoid paying incorrect probate fees and tax. Where overseas assets were owned by the deceased, it may be necessary to apply for a foreign grant. Any unpaid debts after the estate has been distributed may result in a claim against the Executor/Administrator personally.



An estate may appear to involve little more than closing a few accounts, and although this will be the case in more simple circumstances, there are many more complex issues involved which may not immediately be apparent to the lay Executor or Administrator. Our involvement may avoid a costly mistake being made. At Larken & Co. we are happy to talk with Executors and discuss how much (or how little) help is needed. It is our aim to ensure the Estate administration progresses as sensitively smoothly and as quickly as possible, and we will not incur, or recommend the Executors incur, unnecessary expense.



If you want to talk with one of our Solicitors experienced in estate and trust administration, or have any queries concerning your Will, please do not hesitate to contact Mr. J. D. Kitchen, Mrs. D. K. Ryan, Mrs K M Smith or Mrs C M P Watson on Newark (01636) 703333.



*This pamphlet is intended as a general guide only. Our advice should be sought on specific issues.*

Use this check list when deciding what your Solicitor will need to deal with an estate - not all will apply in every case, but if in doubt, bring it along with you:

- Original Will (if not held by Solicitor)

- Death Certificate
- Social Security Death Certificate, Pension/Allowance Books
- Property Deeds (if not held by Solicitor)/Mortgage account details
- Bank/Building Society passbooks, Cheque books, Statements
- National Savings passbook, Premium Bonds, Savings Certificates etc.
- Credit Cards
- Share Unit Trust certificates, statements
- Annuity payment details
- Bank Safe deposit receipts
- Inland Revenue tax form/ notification of coding
- Employees Pension/Salary payslip
- Life Insurance Policy, premium payment book
- Funeral Account (if received)
- Outstanding Bills
- Last accounts for Water Rates, Council Tax, Gas, Electricity, Telephone etc.
- Details of gifts made by the deceased within 7 years of death - how much and to whom
- Names, addresses and ages (if known) of beneficiaries