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TIMEFRAMES FOR PROBATE – INFORMATION FOR CLIENTS Walsh West Private Client Legal 2021

What is the timeframe for probate? How long does probate take?

Timeframes for probate

Obtaining the Grant of Representation and administering an estate typically takes 9-12 months to complete.

Probate typically takes 9-12 months to complete. However, it can sometimes take longer if, for example, there is a property to sell, complex Inheritance, Income or Capital Gains Tax affairs to resolve or there are complications regarding the personal representatives or beneficiaries of the Estate.

Your Probate Case Manager will be in close contact with organisations such as HM Revenue & Customs, HM Court Service, the Department for Work and Pensions and all relevant financial institutions during the Estate administration. They will also work to make sure that progress with these organisations is achieved as quickly as possible.

As every Estate is different, your Case Manager will keep you updated and inform you of the likely timescales to carry out the administration of the Estate. Below is an outline of the typical timeframes for administering an Estate without complex affairs:

Month 1:

Starting your case

On receipt of your case, your Case Manager will carry out a detailed legal review of the Estate to clarify the issues that will need addressing in order to apply for the Grant of Representation. They'll let you know if they need anything else from you before we start valuing assets and liabilities in the Estate to get a Grant of Representation.

Months 3 to 6:

Applying for the Grant of Representation



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In order to apply for the Grant of Representation it is necessary to have:

- contacted all identifiable financial institutions in order to accurately verify and value the Estate
- completed the relevant Inheritance Tax forms and finalised the Inheritance Tax position with HM Revenue & Customs (HMRC) (whether there is Inheritance Tax to pay or not)
- completed all documentation necessary for the court application, including checking the validity of the Will or accurately applying the Rules of Intestacy where no valid Will exists

Typically, it takes three to six months to complete all the necessary legal, tax and administration work, submit the application and receive the Grant of Representation from the court.

Months 6 to 9:

Interim Distributions to the Beneficiaries:

Once the Grant of Representation has been received, adverts are placed in the London Gazette and a local paper. These adverts have a two month notice period within which creditors of the Estate can claim for any debts. This significantly reduces the risk of future claims by creditors against the Estate or we can help you with protecting yourself and the Beneficiaries through insurance cover.

After this period, provided we have funds available and no outstanding debts, it is usually possible to distribute a proportion of the Estate to the Beneficiaries.

Months 9 to 12:

Final Distributions to the Beneficiaries

Claims can still be made against the Estate in the six months following the receipt of the Grant of Representation by anyone who believes they are entitled to benefit. It is important to ensure that all potential claims on the Estate are resolved before the final distributions are made.

Assuming that there are no claims and everything proceeds smoothly, we can usually finalise all the legal, tax and administration work and complete the distribution of the Estate within 9-12 months.

When cases may finish sooner



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Because every Estate is different, the above timescales are just estimates based on our experience of dealing with many thousands of Estates over the years. Your Case Manager will be happy to give you a more specific time estimate based on the facts of your case.

The good news is that, if the circumstances of the Estate are straightforward, we may be able to accelerate certain aspects of the work (such as the application for the Grant of Representation) and finish the Estate Administration sooner than we have said above. This might happen if, for example, there is no property in the Estate, or if there is a property and it either gets transferred to a Beneficiary or sells very quickly.

For initial advice about Estate Planning including Lasting Powers of Attorney, Wills, Trusts and Probate; call our team on 0203 488 7503, 01992 236 110 or contact us by email at welcome@walshwestcca.com or via our website www.walshwestcca.com.