

Administration of Estates

Frequently asked questions (FAQs)

Q. How long will the whole process take?

A. The administration of estates has a notorious reputation for being slow. Some lawyers dealing with a wide range of different types of work may put it to one side in favour of more pressing Court matters. However, our Lawyers specialise solely in this type of work and, whilst work has to be dealt with in priority, other areas of law do not take precedence. The length of the process very much depends on the complexity of the estate and whether other agencies are involved. There may be situations where the estate is concluded subject to one or two outstanding matters. At that stage it would be possible to bring the estate to a conclusion.

In straightforward cases the administration may take only 2 – 3 months. More complicated cases can take considerably longer and could run into years.

Q. How can I help speed up the process?

A. To enable us to complete the task efficiently please supply the information we need and any additional information as quickly as possible. You may also like to assist with the initial steps of the administration (please see separate factsheet "Initial steps").

Q. Can personal representatives be beneficiaries?

A. Yes.

Q. What will it cost and who pays?

A. The fees are generally paid from the estate. If the debts and costs outweigh the assets, the estate is referred to as being insolvent. In these circumstances your Lawyer will explain how the costs and debts of the estate will be settled.

Due to the vast array of types of estates the legal fees involved with the administration of the estate would be considered on an individual basis. Generally, an indication of fees would be given for the work undertaken up to and including the obtaining of the grant of representation. Once the grant has been obtained we will give a further indication of the likely fees involved for the work required to conclude the estate.

Q. If I am named in a Will do I have to act as personal representative?

A. No, there is no obligation for a person to take on the role of personal representative. The position becomes more complicated if they have started the administration. We will be happy to advise you further on this point.

Q. What costs can I claim if I do act as a personal representative?

A. Generally PRs can only recover their “out of pocket” expenses. These could include such things as postage, travel and telephone. It is wise to keep a record of all expenses incurred. PRs cannot, however, expect to be paid for their time.

Q. What happens if there is no Will?

A. If someone dies without leaving a Will they are known as being intestate. The administration is known as an intestacy and is governed by the rules of intestacy. These rules are complex and we will be happy to explain who can deal with the administration (the administrators) and who the beneficiaries will be.

If there is an intestacy, and the deceased has any surviving family, it would help to have a family tree drawn up.