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## **Service Information and Fees**

### **Probate and Administration of Estates**

#### **1 Introduction**

As part of our professional rules, we aim to ensure that anyone wishing to use our services has the information they need to make an informed choice of legal services provider, including understanding what the costs may be.

#### **2 Why instruct Ewings & Co Solicitors**

From our offices located in Penge, South London, Ewings & Co Solicitors offer a friendly and efficient service in helping you to plan for the future. Our approach to clients is one of friendliness and efficiency. You can be assured of receiving a quality service as our practice is accredited against the Law Society Lexcel standard. Our services include advice about preparing a Will, creating a Lasting Power of Attorney, estate planning or the creation of Trusts. We are also able to assist with estate administration after a loved one has died. We understand that this is a very difficult time and our aim is to make the administration of an estate as easy for our clients as possible. We are regularly instructed by executors to administer and distribute estates or the firm itself is appointed as the executor.

Occasionally clients feel comfortable distributing the estate themselves and seek our assistance in obtaining the Grant of Probate only. We can also help in situations when someone dies without a Will or where a Will has not been located. The administration of an estate in these circumstances is often more complicated but it is our aim to make this as straightforward for you as possible.

To assist our clients, we have set out below an indication of the likely costs involved in Probate matters along with an indication of the timescales.

#### **3 Estate Administration: Applying for the grant, collecting and distributing the assets**

### **3.1 What the service includes**

We can act for you in some of, or in the whole of, the process of the administration of an estate of a deceased person. The process includes the following:

- Establishing whether the deceased person left a valid Will;
- If the deceased person did not leave a valid Will advising on the Rules of Intestacy;
- Preserving and establishing the nature of the estate;
- Collecting information required to complete the Return of Estate Information for HMRC for Inheritance Tax and make application for the Grant of Representation;
- Completing the Return of Estate Information for IHT for HMRC;
- Making the application for the Grant of Representation;
- Receiving the Grant of Representation;
- Collecting in or arranging the transfer of estate assets;
- Settling all liabilities of the estate;
- Ensuring protection for the personal representatives inclusive of placing of Trustee Act 1925 Section 27 Notices and observing time limits under the Inheritance (Provision for Family and Dependants) Act 1975;
- Completion of all matters with HMRC in respect of Inheritance Tax;
- Completion of all matters with HMRC for the deceased's taxation up to the date of death;
- Completion of all matters with HMRC in respect of taxation for the administration period;
- Preparing interim and final estate accounts;
- Taking instructions on payment of legacies, interim and final distributions in accordance with the terms of the Will or the Rules of Intestacy.

### **3.2 Basis of our charges**

Our charges will be calculated mainly on the basis of time spent dealing with the matter. Time spent will include meeting with the personal representatives and perhaps others; time spent travelling e.g. to register the death or visit the deceased's property; considering preparing and working on papers; correspondence and making and receiving telephone calls. A list of this firm's categories of staff and their charge rates and their rates for routine letters emails and telephone calls are set out below. These do not include VAT which will be added to the bill.

Our charges will also contain an element based on the value of the estate. This is because the value is a reflection of the importance of the matter and consequently the responsibility of this firm. Therefore in cases where we are acting for personal representatives we will also charge 1% of the gross value of the estate (excluding any residence in which the deceased resided where the rate will be 0.5%). If the Partners in this firm are appointed as executors we will charge 1.5% of the gross value of the estate (excluding any residence in which the deceased resided where the rate will be 0.75%).

No administration of an estate is exactly the same, and as such our fees will reflect the individual nature of each estate. For example, dealing with an estate

comprised of a wide variety of assets and liabilities will be more complex and time consuming than dealing with an estate with a small number of assets and liabilities. Likewise, dealing with an estate with several beneficiaries will be more complex than dealing with an estate with only one beneficiary. As a result, we cannot give you a reliable estimate of the cost entailed in acting in the administration of an estate until we have full details of the deceased's estate. It may take some time to establish the extent and nature of the estate.

In addition, the circumstances existing at the date of the person's death will impact on the costs of dealing with the estate. For example, if a person dies leaving a valid Will and there is no doubt that it is the last Will and testament of the deceased then less enquiries will have to be made than if it is not known whether the deceased left a valid Will and searches have to be made as to whether there is a valid Will. If there is no valid Will then enquiries would need to be made as to beneficiaries under the intestacy and to identify the proper persons entitled to administer the estate.

However, we can advise that our prices typically range from £3,000 to £30,000 in respect of the administration of an estate depending on the nature of the estate and its complexities. We have included a worked example below to illustrate how we charge for the work.

### 3.3 Our charging rates

For meetings, discussions and other work progressing the administration of an estate the hourly charging rates (excluding VAT) of our solicitors and legal staff are:

Status of Caseworker	Charging Rate (excl. VAT)	Charging Rate (incl. VAT)
Partners	£320.00	£384.00
Consultants	£320.00	£384.00
Senior Associate Solicitors/Legal Executives – more than 8 years qualified	£300.00	£360.00
Associate Solicitors and Legal Executives – more than 4 years qualified	£260.00	£312.00
Associate Solicitors and Legal Executives – less than 4 years qualified	£240.00	£288.00
Trainees and Paralegals	£160.00	£192.00

If less than an hour is involved we can calculate the time spent in units of 6 minutes (1 unit = 10% of the hourly rate).

Telephone calls, letters and emails are treated differently. Telephone calls (made and received by us) are recorded in units of 6 minutes. Short and routine letters and emails (written and received) are recorded at 6 minutes each. Longer letters and emails and telephone calls are charged on the basis of time spent.

### 3.4 Example of anticipated charges and expenses

It is difficult to be precise about the anticipated costs as the exact cost will depend on the individual circumstances of the matter. Therefore, we have set out below the estimated costs of a typical, straightforward transaction. For this example we have assumed:

- There is a valid will
- An estate in which there are no more than three bank accounts;
- No more than one property in the sole name of the deceased;
- No debts;
- No likelihood of the estate being insolvent;
- No significant lifetime gifts;
- No shareholdings;
- No trusts to be established;
- No dispute between the beneficiaries on the division of the assets;
- No Inheritance Tax payable and the Executors do not need to submit a full IHT return to HMRC;
- No requirement to use the transferable nil rate band or residence nil rate band;
- No other intangible assets;
- No claims made against the estate;
- No agricultural or business element to the estate;
- No foreign element to the estate.

Administration of estates work is normally charged on a time spent basis.

Description	Cost
Estimated time required 16 hours at an hourly rate of £320.00 (Partner/Consultant)	£5,120.00
Value Element of the Estate - Residence at £500,000.00 at 0.5%	£2,500.00
Gross Value of Estate, Excluding Deceased's Residence at £200,000.00 at 1%	£2,000.00
<b>Our Total Costs</b>	<b>£9,620.00</b>
+ VAT at 20%	£1,924.00
<b>TOTAL PAYABLE + disbursements (see below)</b>	<b>£11,544.00</b>

There will also be certain additional expenses (these are known as disbursements) such as Court fees and charges for the official copies of the Grant of Representation documents which we shall be obtaining for you from the Court. Examples of other disbursements are fees paid to an outside agency to obtain valuations for example Chartered Surveyors fee for valuing a house or flat owned by the deceased; fee paid to a Valuer for valuing the personal effects and contents of the deceased; a share valuation fee; an administration fee payable to Registrars of companies. This list is not exhaustive but you will be advised of disbursements as the matter progresses.

Description	Typical costs
Probate application fee	£273.00

Office copies of the Grant of Probate	£1.50 per copy
Bankruptcy-only Land Charges Department searches	£2.00 per beneficiary
Section 27 Trustee Act notice fee (this protects the Trustees against creditors)	£300.00 - £400.00
Land Registry fees depending on the value of the property and whether it has been registered before. Please note that higher-value unregistered property can cost up to £680 and properties over £1M even more	£30.00 - £400.00
Land Registry search fees	£3.00
Copy Death Certificate and any other Certificates required	£11.00 per Certificate

### 3.5 Factors that would increase the costs of your matter

- Not having all of the paperwork available or having incorrect information that needs investigation and correction;
- Third parties not responding to our communications promptly;
- Dealing with unusual, foreign or complex assets or items.

### 3.6 Potential additional costs

If there is no will or the estate consists of any share holdings (stocks and bonds) or assets with more than three different organisations, there are likely to be additional costs that could range significantly depending on the estate and how the assets are to be dealt with. Dealing with the sale or transfer of any property in the estate is not included in the above costs.

Until such time as we have full details of the estate it is difficult to estimate how many hours of work will be necessary to complete the matter. However, we will do our best to provide you with an estimate of the time likely to be spent and, during the course of the administration, will advise you of the costs incurred together with providing interim bills of costs.

We can give you a more accurate quote once we have more information.

### 3.7 How long will this take?

We are unable to provide you with a time estimate for the administration of the estate until such time as we receive full details of the estate. However we can advise you that the average administration of an estate will take between six months to two years, or even longer in certain circumstances.

## 4 Application for Grant of Probate only

### 4.1 What the service includes

We will:

- Provide you with a dedicated and experienced probate solicitor to work on your matter;

- Identify the legally appointed executors or administrators and beneficiaries;
- Accurately identify the type of Probate application you will require;
- Obtain the relevant documents required to make the application;
- Complete the Probate Application and the relevant HMRC forms;
- Draft a Statement of Truth for you to sign;
- Make the application to the Probate Registry on your behalf;
- Obtain the Grant of Probate and securely send copies to you.

## 4.2 Basis of our charges

Our charges will be calculated mainly on the basis on time spent dealing with this matter. Time spent will include meeting with you and perhaps others. Any time spent travelling considering preparing and working on papers; correspondence; and making and receiving telephone calls. We charge the value element if it is appropriate. Our overall Bill of Costs will be fair and reasonable and so, if we do limited work we may not charge the value element, and simply charge on the basis of time spent to make the bill fair and reasonable. This is assessed case by case.

## 4.3 Our charging rates

A list of this firm's categories of staff and their charge rates and their rates for routine letters and telephone calls are set out below. These do not include VAT which will be added to the bill.

Status of Caseworker	Charging Rate (excl. VAT)	Charging Rate (incl. VAT)
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## 4.4 How long will this take?

It is difficult to estimate with any precision how long such a matter will take due to a wide variation in the time for HMCTS to deal with applications. HMCTS state the average time for the issue of the grant is 16 weeks from the date of the application but warn it can take longer if additional enquiries have to be made.

## 5 Our team

Our Probate Team comprises:

### **Dympna Ewings** **Solicitor - Partner**

Dympna has over 30 years' experience in Private Client work specialising in Wills and Probate, Lasting Powers of Attorney and Court of Protection and Elderly Client matters. She has worked in this area of work since qualifying as a solicitor and has helped thousands of families and individuals.

Dympna graduated with a History Degree from Queens University Belfast. She initially worked as a Social Worker with the NSPCC before completing the Common Professional exam and Solicitors Final exam obtaining First Class Honours and qualifying as a solicitor in 1988. She continues to undertake professional development by attending courses and training sessions on an annual basis.

Dympna is a member of the Court of Protection's professional Deputies. She is an accredited Member of the Association of Lifetime Lawyers and a Deputy member of the Professional Deputies Forum.

### **Jonathan Duff** **Associate Solicitor – Head of the Probate Department**

Jonathan specialises in Court of Protection and Elderly client matters. He qualified as a solicitor in 2008. He has extensive experience of all types of property and affairs applications in the Court of Protection and manages the financial affairs of numerous clients with severe cognitive impairments and complex needs. He has also conducted proceedings and appeared on behalf of the Deputy in matters in the Court of Protection.

Jonathan is an Associate Member of the Association of Lifetime Lawyers and an Associate member of the Professional Deputies Forum

### **Ron Shockness** **Consultant Solicitor**

Ron joined Ewings & Co. after a long, highly respected career as a lawyer within local government; most recently as Principal Solicitor to the Adult and Children's legal team at London Borough of Bromley, advising on public law, childcare and Court of Protection matters.

Ron is a skilled advocate and has conducted numerous public law family proceedings up to the High Court, as well as proceedings in the Court of Protection. He is a member of Law Society Children Panel.

### **Charlotte Ekong** **Trainee Solicitor**

Charlotte is a graduate of the University of Southampton and has undertaken her professional exams with the University of Law.

She joined Ewings & Co. in October 2022 and began her training contract in September 2023 and is working exclusively in the probate department. Charlotte is already a valuable member of the team.

**Libbi Murphy**  
**Paralegal**

Libbi is a graduate of Nottingham University. She commenced work as a Paralegal within the team in January 2024.