

What to do on the death of a loved one...

When a loved one passes away, it can be difficult to know what to do next. Here is a short guide to point you in the right direction.

Step one – find the Will

- + The Will is usually kept with the deceased's important papers at home, or with their solicitor or bank. Make sure you find the most recent Will, as well as any Codicils that amend the Will, and that all the documents are originals. Significant problems can arise if a more recent Will is discovered later.
- + The Will will tell you who the deceased wanted to deal with their estate (the appointed executor(s)), who their beneficiaries are, and sometimes their funeral wishes.
- + If a Will cannot be found, there are rules (the Intestacy Rules) that tell you who can deal with the estate and who will inherit it, but you need to make sure you have carried out the proper searches to protect yourself.

Step two – register the death and arrange the funeral

- + Contact the funeral director you trust to look after your loved one and their funeral wishes.
- + Remember to check if the Will contains any specific funeral instructions.
- + Check to see if a prepaid funeral plan has been purchased or if the funeral has been pre-arranged.
- + You usually have to register the death within 5 days by appointment at the local Register Office. Use this handy guide to find out who should register the death, where to go and what to take – [Register a death - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/register-a-death). The medical certificate confirming the cause of death will be issued by the doctor or hospital, and is usually sent directly to the Registrar.
- + It is easier to deal with the estate if you buy enough death certificates to send one to each financial organisation. It is also a good idea to use the Tell Us Once service, which the Registrar will tell you about.

Step three – immediately check who has keys to the property

- + If you are the executor, find out who has keys to the property/properties and retrieve them.
- + If you're not sure, change the locks to avoid the risk of valuable items or documents going missing.

Step four – immediately check the house and contents insurance

- + Check the terms of the insurance cover are suitable, and inspect all properties to ensure they are secure, that there are no obvious problems, and that perishables have been removed.
- + Notify the insurance company about the death as soon as possible, especially if the property is unoccupied. The insurance company may add conditions, which you need to follow to make sure you are not personally liable for loss in the event of damage, fire or theft.

- + It is advisable to settle any outstanding premiums, which you can later reclaim from the estate. This is to ensure that any policies do not lapse.

Step five – notify all organisations of the death

- + Send all banks, financial institutions and utility companies the death certificate and details of who to contact about the estate.

Step six – do you need Probate?

- + Probate is the term we use to describe the authority the executors need before they can transfer the deceased's assets to the beneficiaries. This authority comes from the Probate Registry and is called a Grant of Representation, or a Grant of Probate.
- + You do not always need a Grant; it will depend on what assets the deceased owned. A Grant will be required to deal with all property/land and some other assets, such as shares and bank accounts, depending on their value. Each company/organisation has their own financial limit of the amount they will release without a Grant.

Step seven – obtaining a Grant of Probate

- + First, you will need to find out what assets and debts the deceased had, and how much they were worth at the date of death. Then you can work out whether any Inheritance Tax is payable, what reliefs are available, and what forms/information need to be sent to HM Revenue and Customs.
- + If there is Inheritance Tax to pay, you need to deal with that first.
- + In most cases, you can submit an application for Probate online at www.gov.uk ([Applying for probate: Apply for probate - GOV.UK \(www.gov.uk\)](http://www.gov.uk)). Check the guidance carefully because there are some situations when you will need to apply on paper.
- + Don't forget, you can appoint a solicitor or probate expert to make the application for you.

Step eight – consider taking specialist advice

- + If, at any stage, you feel lost or overwhelmed, please talk to a probate expert, who can help you with the next steps. Their costs will usually be paid from the estate.
- + Bennett Griffin LLP have a team of Probate specialists who can provide advice and assistance. We would be pleased to provide you with a no-obligation quotation for any work you would like us to carry out for you.

To discuss your LPA, Will or Estate Planning contact our expert team today

01903 229999

info@bennett-griffin.co.uk

Bennett Griffin LLP
1 Liverpool Gardens
Worthing, West Sussex
BN11 1TF