



ALEXANDER GRACE LAW

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WILLS AND PROBATE

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*Welcome to*  
**ALEXANDER GRACE LAW**

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Alexander Grace Law is based in the North West of England and offers specialist legal advice to their clients.

The Directors James Young and Donnamarie Sturrock, have worked locally for over 10 years, specialising in Property Law and accumulating over 22 years' experience in their field. James and Donnamarie are recognised for their ability to provide straightforward friendly advice and outstanding client care.

At Alexander Grace Law, we have carefully selected a team of like-minded professionals. We take a proactive approach to client care, keeping you fully informed at every stage of your case, enabling you to feel at ease and in complete control. Our team strives to offer our clients the best possible service and experience when dealing with all matters property related.

Alexander Grace Law also has a specialist Private Client department which deals with Wills, Probate, Lasting Powers of Attorney, Estate Planning, Court of Protection work and other related matters.

[www.alexandergrace-law.co.uk](http://www.alexandergrace-law.co.uk)  
[info@alexandergrace-law.co.uk](mailto:info@alexandergrace-law.co.uk)  
Tel: 0800 0315413

# Protect the future of your loved ones.

## WP

### WILLS AND PROBATE

If you want to be sure your wishes will be fulfilled after you die, then it's important you have a Will.

A Will is the only way to make sure your property, savings and possessions ('your estate') go to the people and causes that you care about. It lets you decide how your estate should be distributed.

If you have minor children, a Will lets you direct who will care for them and act as guardian. If you have children from a previous marriage, even if they are adults, your Will can ensure that they receive an inheritance from you, while still providing for your new spouse.

## ABOUT WILLS

A Will is a legal document by which a person expresses their wishes as to how their money and property is to be distributed when they die. It also names the people who are to administer the estate ('Executors').

A Will can also accomplish other things, such as naming guardians for infant children, setting up trusts to protect infant children from inheriting when they are too young, setting up trusts to protect disabled children, or children from previous marriages.

While some Wills are quite straightforward, in other cases a more complex Will might be required to fit your individual circumstances.

## WHY IT IS IMPORTANT TO MAKE A WILL

It is important for you to make a Will for the following reasons:

- If you die without a Will, there are certain rules which dictate how your money, property or possessions should be allocated. This may not be in the way that you would have wished your money and possessions to be distributed
- Upon the death of a person, even the closest of families can fall out over inheritance, which can lead to the breakdown of a family unit. By making a Will, you are making it clear to family members that you have given thought to your estate and considered how your assets will be distributed. Knowing exactly what your wishes are can help to prevent any falling out or argument by family members about inheritance
- Unmarried partners and partners who have not registered a Civil Partnership cannot inherit from each other unless there is a Will, so the death of one partner may create serious financial problems for the remaining partner
- If you have children, you will need to make a Will so that arrangements for the children (such as appointing a legal guardian) can be made if either one or both parents die
- If you have young children, you can use your Will to set up a trust for them to ensure that they do not inherit money when they are too young to handle it sensibly
- If you have a disabled child you can use your Will to set up a trust which will protect them financially
- If you have children from a previous marriage you can use your Will to set up a trust to ensure they receive an inheritance from you while still providing for your new spouse
- It may be possible to reduce the amount of Inheritance Tax payable on death if advice is taken in advance and a Will is made
- If your circumstances have changed, it is important that you make a new Will to ensure that your money and possessions are distributed according to your wishes. For example, if you have separated from your spouse or partner, you may want to change your Will

## REQUIREMENTS FOR A WILL TO BE VALID

There are a number of legal requirements for a Will to be valid. If these legal requirements are not satisfied then a Will can be challenged through the courts. For this reason it is sensible to have your Will prepared by a legal professional who will ensure that all the legal requirements are fulfilled.

## WHAT HAPPENS IF I DON'T MAKE A WILL?

If you don't make a Will, you will die 'intestate' and your estate may not go to the people you want. There are special rules for how your estate will be distributed, these are called intestacy rules.

The intestacy rules can have some surprising consequences:

- Even if you are married or in a Civil Partnership your spouse or civil partner may not inherit everything if you also have children.
- Unmarried partners, including same-sex couples who don't have a Civil Partnership, have no right to inherit if there is no Will.
- If you have no spouse or civil partner and no children, your estate could pass to distant relatives, even if you have never had any contact with them.

## KEEP YOUR WILL SAFE

You must keep your original Will safe and it should be kept with your solicitor.

## LOOKING FOR MORE INFORMATION?

Should you wish to discuss making a Will in more detail, or if you would like to arrange an appointment, please contact our team who will be happy to assist you. While it may be difficult to think about the future, it can also be reassuring to know that you've made your wishes and preferences clear. Our team are here to help in getting you and your loved ones the peace of mind that you have done everything you can to protect them after your death.

## PROBATE AND ESTATE ADMINISTRATION WHAT IS PROBATE?

In England and Wales Probate is the word normally used to describe the legal and financial processes involved in dealing with the property, money and possessions (called the estate) of a person who has died. In fact 'Probate' is only one part of the process of administering somebody's estate after they have died.

Before the Executor named in the Will can claim, transfer, sell or distribute any of the deceased's assets they may have to apply for a Grant of Probate and this is done through the Probate Registry.

A Grant of Probate is a legal document issued by the Probate Registry which confirms that a person's Will has been authenticated by the Probate Registry. It confirms who the Executors are. The Grant of Probate therefore confirms that the Executors have the legal authority to deal with the estate.

The Grant of Probate is sometimes just called 'Probate'.

# WILLS AND PROBATE

## WHAT IF THERE IS NO WILL?

If the deceased died without a Will the law will determine who should receive the estate and also which of the deceased person's next of kin is entitled to administer the estate. In such case, a Grant of Letters of Administration is obtained from the Probate Registry and the deceased's next of kin named in the Grant of Letters of Administration (the Administrator) will then be able to deal with the estate.

## WHAT DOES ADMINISTRATION OF AN ESTATE INVOLVE?

The process of dealing with someone's estate after they die often involves a lot of complicated legal, tax and financial work and can be explained in the stages below:

**Stage 1** – Identifying if there is a valid Will. This can be straightforward or may involve searches and enquiries. If there is no Will it will be necessary to identify who is entitled to administer the estate and inherit the estate according to the intestacy rules. This can be straightforward, or might involve constructing a family tree and tracing missing relatives.

**Stage 2** - Identifying all of the deceased's assets (property, investments and possessions) and all of their liabilities (debts ranging from loans to utility bills), in order to determine the value of their estate. This will involve contacting financial institutions for up to date valuations and may involve obtaining professional valuations of property or personal possessions.

**Stage 3** – Submitting the Inheritance Tax return and applying to the Probate Registry. If a Grant of Probate or Letters of Administration is needed then it will be necessary to submit an Inheritance Tax return. This is required whether or not there is tax due. The Inheritance Tax return is submitted with the application

to the Probate Registry for the Grant of Probate or Letters of Administration. If Inheritance Tax is due, then arrangements must be made for this to be paid from the deceased person's estate.

**Stage 4** - After the Grant of Probate or Letters of Administration has been issued by the Probate Registry, the process of liquidating the deceased's assets can begin. This might include selling property, closing bank accounts, collecting in the proceeds of investments and life insurance policies, etc.

**Stage 5** - Settling the deceased person's liabilities, paying the final estate administration expenses, accounting to HMRC for any further Inheritance Tax.

**Stage 6** - Distributing the remaining estate according to the Will or the intestacy rules. Estate accounts will also need to be prepared to document all payments into and out of the estate, and show the balance left for distribution to the beneficiaries.

If you are the Executor or Administrator of an estate you have a legal responsibility to ensure that the estate is properly administered. This can be an onerous task. It can be especially difficult if you were closely related to the person who has died and are therefore dealing with coming to terms with your loss.

Here at Alexander Grace Law we have sympathetic and experienced staff who can help you with all or part of the process of administration of the estate. We are happy to undertake the whole process or you may wish us simply to deal with the Inheritance Tax return and application to the Probate Registry. We are happy to discuss your individual requirements.

# [WP] LEGAL TEAM

[www.alexandergrace-law.co.uk](http://www.alexandergrace-law.co.uk)



**Donnamarie Sturrock**  
Director (FILEX)

[dms@alexandergrace-law.co.uk](mailto:dms@alexandergrace-law.co.uk)



**James Young**  
Director (Solicitor)

[jy@alexandergrace-law.co.uk](mailto:jy@alexandergrace-law.co.uk)



**Kate Kendall**  
Chartered Legal Executive

[kk@alexandergrace-law.co.uk](mailto:kk@alexandergrace-law.co.uk)



**Aimee Gannon**  
Business Development Manager

[ag@alexandergrace-law.co.uk](mailto:ag@alexandergrace-law.co.uk)

## SPECIALIST ADVICE

Alexander Grace Law offers a carefully selected team who take a proactive approach in Property Law, giving you the best possible service and experience concerning all matters property related.

- PROBATE
- ADMINISTRATION OF THE ESTATE
- ESTATE PLANNING
- TAX ADVICE
- WILL WRITING
- ADVICE ON TRUSTS
- LASTING POWERS OF ATTORNEY
- COURT OF PROTECTION SERVICES
- AFFAIRS OF THE ELDERLY
- RESIDENTIAL PROPERTY
- COMMERCIAL PROPERTY



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[WWW.ALEXANDERGRACE-LAW.CO.UK](http://WWW.ALEXANDERGRACE-LAW.CO.UK)

# *Need help with Wills and Probate?*

Talk to us. We can help you.

Call : 0800 0315413

Email : [info@alexandergrace-law.co.uk](mailto:info@alexandergrace-law.co.uk)

## Expert Legal Team

At Alexander Grace we have decades of experience in all Will related matters

## Expert Advice

Here to ensure that your matter runs as quickly and as smoothly as possible, whether you are using us for our property or Will expertise

## Legal Support

We can support you as a business or individual with any Will enquiries

## Insights

Arrange an appointment to hear our extensive experience in all different property types



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