Buss Murton Law

Bereavement **Guide**

A practical guide to help you navigate the next steps

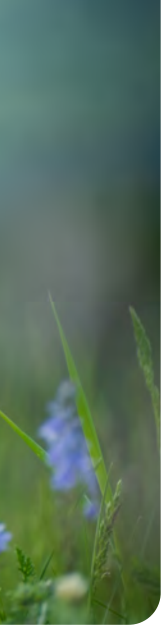
We Are Sorry for Your Loss

Losing someone close to you is one of life's most difficult experiences.

Alongside the emotional impact, there are often practical and legal matters to deal with, which can feel overwhelming at an already challenging time.

This guide provides an overview of some of the steps that may need to be taken following a death and explains key terms you may come across, including Wills, probate and trusts.

Every situation is different. Take things one step at a time and remember that support is available when you need it.



The First Few Days

Immediate Priorities

You may need to:

- Inform family and close friends
- Register the death
- Obtain several official copies of the death certificate
- Arrange the funeral or memorial

Secure Property and Important Documents

Make sure any property, possessions and important paperwork are safe and accessible. This may include:

- Ensuring the deceased's home is secure
- Looking after vehicles and valuable personal belongings
- Gathering important documents, such as the Will, insurance policies and financial records
- Making a note of bank accounts, pensions and utility providers
- Locating details of online accounts and subscriptions where possible

Do not worry if you cannot find everything straight away. Many organisations can help you obtain information when it is needed.

Practical Steps

The 'Tell Us Once' Service

Once a death has been registered, you may be given a reference number to use the Government's **Tell Us Once** service.

This free service allows you to notify several organisations at once, including:

- HM Revenue & Customs (HMRC)
- Department for Work and Pensions (DWP)
- Driver and Vehicle Licensing Agency (DVLA)
- The Passport Office
- Your local council

Important Documents

Try to locate:

- The Will
- Property deeds
- Bank and savings information
- Insurance policies
- Pension details
- Any trust documentation

Understanding Wills

If There Is a Will

A **Will** sets out who should inherit a person's estate and who they would like to appoint to deal with it after their death.

The person named in the Will to deal with the estate is called the **Executor.**

In many cases, the Executor may need to apply for probate before they can deal with certain assets.

If There Is No Will

If someone dies without leaving a valid Will, this is known as dying **intestate**.

In these circumstances, someone may need to apply for legal authority to deal with the estate. This is usually called **Letters of Administration.**

The person appointed to deal with the estate is known as the **Administrator.**

The estate will then be distributed according to the **rules of intestacy**, which determine who inherits.

These rules may not reflect what the deceased would have wanted and can sometimes lead to unexpected outcomes, particularly where there are unmarried partners, stepchildren or more complex family arrangements.

Understanding Probate

Probate is the legal process of dealing with a person's estate after they have died.

In some cases, this involves applying for a **Grant of Probate**, which gives the Executor authority to deal with certain assets and carry out the wishes set out in the Will.

Probate may involve:

- Confirming the Will is legally valid
- Identifying assets and liabilities
- Paying debts and taxes
- Distributing the estate

Does Every Estate Need Probate?

Not always.

Whether probate is required depends on factors such as:

- The value of the estate
- How assets are owned
- Whether assets have named **beneficiaries**
- Whether assets are held in trust

Some assets may pass automatically to another person without the need for probate.

The Probate Process

There is no single process for every estate, but probate often falls into five broad stages.

1. Gather Information

Review the Will, financial paperwork and other relevant documents to establish what the estate includes.

2. Apply for Probate

Apply for the legal authority needed to deal with the estate.

If there is a valid Will, this is usually called a **Grant of Probate**. If there is no Will, it may involve **Letters of Administration.**

3. Notify Relevant Parties

Inform beneficiaries, banks, financial institutions and other relevant organisations.

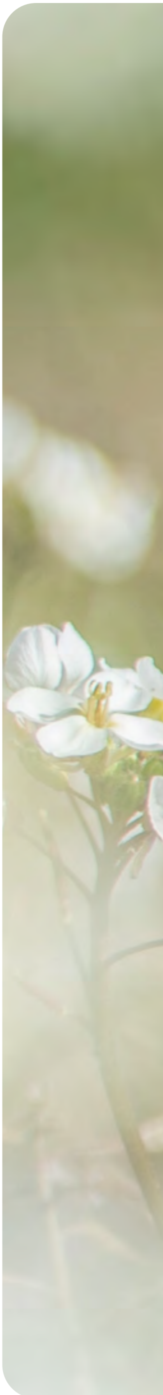
HMRC may also need to be contacted where inheritance tax or other tax matters apply.

4. Administer the Estate

Collect assets, pay debts and expenses, deal with tax matters and keep clear financial records.

5. Distribute and Finalise the Estate

Once debts, expenses and tax matters have been dealt with, the remaining estate can be distributed to those entitled to inherit.



Understanding Trusts

What is a Trust?

A **trust** is a legal arrangement where assets are held and managed by one or more **Trustees** for the benefit of others, known as **beneficiaries.**

Some people create trusts during their lifetime as part of their estate planning. Trusts may also be created by a Will.

What Happens After a Death?

If a trust exists, the Trustees may need to:

- Gather and protect trust assets
- Notify beneficiaries
- Deal with tax and administrative matters
- Manage and distribute assets in accordance with the trust

Trust administration is usually carried out privately, but Trustees still have important legal responsibilities.

Common Questions

How long does probate take?

Every estate is different. The timescale will depend on the size and complexity of the estate.

What is inheritance tax?

Inheritance tax may be payable on some estates, depending on their value and circumstances. If you are unsure whether it applies, professional advice can help.

What if I cannot find the original Will?

If you cannot locate the original Will, it is important to seek legal advice before taking further steps.

Do beneficiaries inherit debts?

No. Debts are usually paid from the estate before assets are distributed to beneficiaries.

Can a Will be challenged?

In some circumstances, disputes can arise about a Will or the administration of an estate. If concerns arise, it is sensible to seek legal advice early.

Do I need a solicitor?

Not every estate requires a solicitor. However, professional guidance can help avoid delays, errors and unnecessary stress.

Key Terms

Estate
Everything a person owns and owes at the time of their death.

Will
A legal document that sets out what should happen to a person's estate after their death.

Executor
The person named in a Will who is responsible for dealing with the estate.

Probate
The legal process of dealing with a person's estate after they have died.

Grant of Probate
The legal document that gives an Executor authority to deal with an estate, if there is a valid Will.

Letters of Administration
The legal document that gives an Administrator authority to deal with the estate, if there is no valid Will.

Administrator
The person appointed to deal with the estate when there is no valid Will.

Intestate
The legal term for when someone dies without leaving a valid Will.

Intestacy
The legal rules that determine who inherits when someone dies without leaving a valid Will.

Trust
A legal arrangement where assets are held and managed for the benefit of others.

Trustee
The person responsible for managing assets held in a trust.

Beneficiary
A person or organisation entitled to inherit from an estate or benefit from a trust.

Estate Accounts
Are records showing what the estate included, what has been paid out, and how the remaining assets have been distributed.

How We Can Help

Our Private Client team can assist with:

- Probate and estate administration
- Trust administration
- Advice for Executors, Administrators and Trustees
- Inheritance tax and HMRC matters
- Estate accounts and financial records

We aim to provide clear advice, practical guidance and compassionate support throughout the process.

Preparing for Your First Meeting

If available, it can be helpful to bring:

- The death certificate
- The Will
- Identification documents
- Details of assets and liabilities
- Any questions or concerns you would like to discuss

If you do not have everything, do not worry. We can guide you through what may be needed.

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This guide is intended for general information only and does not constitute legal advice. Estate administration, probate and trust matters vary, and professional advice should be sought before taking action.