



BEREAVEMENT GUIDE

What to do after someone has died

A death in the family is always an emotional and distressing time.

It is even more stressful if you are unsure about all the things that you need to sort out and do not know how or where to begin to get it all done. When a loved one dies, it is often difficult to know where to start when dealing with the financial affairs of the deceased.

On a practical basis, it makes sense to contact your Solicitor as soon as possible after a death has occurred. We, as Solicitors, can check if we have ever prepared a Will for the deceased. This may contain funeral arrangements and we can discuss these with you.

5 Important things to do after someone has died

1. Register the death (within 5 days, unless an Inquest and/or Post Mortem is necessary) with the Registrar for the area where it occurred.
2. Advise family/friends of the death, arrange the funeral in accordance with any known wishes (which are sometimes expressed in the Will) and (optionally) arrange Obituary Notices in the local/national press.
3. If there is an unoccupied property, secure it and ensure that the main services - Gas, Electric, Water are safe. Have mail delivery stopped or re-directed if necessary.
4. Check insurance of important assets e.g., house/flat and contents and make sure the cover is sufficient. In the winter, make sure the property is frost protected. Make sure any empty dwelling house or flat is secured and remove valuable items and bank books etc as soon as possible. Also check the insurance of any car owned by the deceased.
5. Establish the whereabouts of any current Will appointing you as Executor. If there is no Will, or no Executor appointed, you may administer the Estate if you are the next of kin. A solicitor will be able to advise you about this.

Dealing with the financial side of things

The person who deals with everything owned by the person who died is known as the 'Personal Representative' (also known as the 'Executor' if they are named as such in the Will), or the 'Administrator' if there is no Executor named or no Will. The Personal Representative is responsible for paying all the deceased's debts, taxes and expenses including funeral expenses. They normally make the payments from the Estate, not from their own income or savings. Only when these duties are finished can the Personal Representative distribute the Estate. When someone dies, their Estate has to be properly administered. This involves identifying their assets and liabilities and dealing with them in accordance with the deceased's wishes, set out in a Will, or if the deceased did not leave a Will in accordance with the intestacy rules provided by the law.

If the value of all of the assets in the sole name of the deceased exceed £5,000.00 it is almost certain that the Personal Representatives will need to obtain a 'Grant of Representation' (otherwise referred to as a Grant of Probate or Grant of Letters of Administration) from the Probate Court. These are legal documents which give the Personal Representative permission to pay the bills and deal with the Estate and in effect, place all of the deceased's assets in the temporary ownership of the Personal Representative. Also see our 'Guide to Probate' on this subject.

If the value of all of the assets in the sole name of the deceased are less than £5,000.00 then you may be able to deal with matters using the 'Small Estates Procedure' by liaising direct with the asset holder (e.g. the bank).

As a general rule, joint assets such as joint bank or building society accounts will pass by survivorship to the co-owner once the bank have had sight of the death certificate.

Useful Check-list of items to bring to your appointment with your Solicitor

- Certified copies of the Death Certificate (more than one if possible).
- Copy of the Will (if any).
- The original house Deeds (if the deceased owned a house or details of the Lender if the property is mortgaged).
- Bank statements and Building Society passbooks (including details of any joint accounts).
- Details of any PEPs, ISAs and stocks and shares (including the share certificates).
- Life assurance policies.
- Names & addresses of the deceased's Accountant, Stockbroker and/or Financial Adviser (if any).
- Car insurance details (if you are insured to drive the car under the deceased's name you will cease to be legally insured).
- Household insurance details (Buildings & Contents).
- Social Security Benefit details.
- Utility details - Gas, Electric, Water, Telephone, Cable and Council Tax.
- Details of the deceased's employer and/or occupational pension(s).
- HM Revenue & Customs papers to settle the deceased's tax affairs up to the date of death (if appropriate).
- Details of any foreign assets (e.g. time-share properties or bank accounts held in the Channel Islands).
- Details of any property held jointly by the deceased and any other person.

How can Martineau help?

- We can investigate and establish the size and nature of the assets and liabilities of the estate.
- We can draft the Oath to lead to the Grant of Probate/Letters of Administration.
- We can deal with the preparation of the Inheritance Tax Account and the calculation and payment of Inheritance Tax, including arranging a bank loan to pay the tax if necessary.
- We can deal with all taxation issues relating to the estate, for example Capital Gains Tax and Income Tax.

- We can register the Grant with the various asset holders, collect in the assets and discharge the liabilities.
- We can deal with the distribution of the estate to the beneficiaries named in the Will.
- We can deal with the correct distribution of the estate to the beneficiaries in accordance with the order of priority laid down by the laws where the deceased has died intestate, i.e. without leaving a valid Will.
- We can prepare Estate and Distribution Accounts.
- We can advise on varying legacies and gifts from the estate (see our Guide to Deeds of Variation).
- Trusts often arise under the terms of a Will or Intestacy and we can advise on the administration of these.
- We also have a number of local professional contacts, for example accountants and financial advisers with whom we can liaise on behalf of the Personal Representatives or beneficiaries where necessary.

Why you should seek professional help

Dealing with a person's legal affairs is not straightforward and complications can often arise.

By seeking professional advice you can save time, worry and money at a difficult time. Should you have any queries then we shall be pleased to help.

This guide is based upon the law as at October 2009. For advice in relation to your specific circumstances, please contact any of the Lawyers in the Private Capital Group or either of the contacts below.

Key Contacts

Keith Dudley

Partner & Head of Private Client
Direct Dial: 44(0)870 763 1474
Email: keith.dudley@martineau-uk.com

Ian Flavell

Partner
Direct Dial: 44(0)870 763 1485
Email: ian.flavell@martineau-uk.com

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