

Your Legal Questions

Jenny Brading
Solicitor



Q. My Mother has died and I've been told by her bank that I need a Grant of Probate. What is this and what do I need to do? My Mother has a Will appointing me as Executor.

A. As you have already discovered just because your Mother made a will appointing you the Executor does not mean that you can automatically access her bank accounts and investments. Your appointment as Executor must be formally approved by the Probate Registry. The Probate Registry is a Court that deals with legal matters after someone has died. There are formal steps that need to be taken to apply for the Grant but once you have obtained it you will be able to deal with all of your Mother's investments and property.

To apply for the Grant of Probate you can either contact the Probate Registry and make a personal application or you can instruct a Solicitor to apply for the Grant for you. If you make a personal application you will have to attend before a member of the Probate Registry staff for a personal interview. If you instruct a solicitor they will be able to make the formal application for you.

Before you can apply for the Grant of Probate you will need to ascertain the full value of your late Mother's estate as at the date of her death. In addition to the assets you will also need to have full details of any debts that may be outstanding - such as credit card bills or electricity bills etc.

Sometimes, if the assets are modest they can be released without a grant but this will generally be determined by the asset holder.

Acting as an Executor can be challenging and I would always advise you to get advice from a Solicitor however simple your Mother's estate may appear to be.

Jenny Brading is a Solicitor & Trust and Estates Practitioner and a member of Solicitors for the Elderly.

Direct dial 01934 637931
brading@powellslaw.com