

Your Legal Questions

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Q My old school friend has left me £3000 in her Will - when can I expect to receive it?

A. There is no general rule as circumstances will vary from one person's estate to another's.

If the estate is fairly modest it may be possible for the Executor to collect the assets without the need to obtain a Grant of Probate. This will generally only apply if there is no property and the overall value of the estate is relatively small. If Probate is not required then it would be reasonable to anticipate payment of your legacy within a matter of months.

On the other hand if a Grant is required it will take considerably longer. In order to obtain the Grant the Executor will have to establish the value of assets owned by your friend at the date of her death and the amount of any debts or liabilities. Depending upon the size of the estate there may also be Inheritance Tax to pay. Until the Grant has been issued the Executor will only be able to draw upon your friend's assets for the purpose of paying the funeral account and possibly Inheritance Tax and probate court fees.

Where a grant is required, even in a more straight forward estate, I would anticipate that it would be 6-8 months before you could reasonably anticipate payment of your legacy. If the estate is not straight forward or is perhaps dependent upon assets being sold such as a house it may take a great deal longer.

If the Executor has not been able to pay the legacy within one year from the date that your friend died you will then be entitled to interest from the anniversary date until payment.

Don't be afraid to ask the Executor direct.

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

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