

Your Legal Questions

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Q My father recently died leaving a house, some shares and savings. My mother died 2 years ago and everything passes to me under his Will. I have done some research on the internet and realise that I will need a grant of Probate. I understand that I can apply for this myself – is this right and are there any risks?

A It is perfectly possible to apply for probate and deal with the administration of your father's Estate without seeing a lawyer but this is not without risks.

Many professionally drafted wills contain trusts to save tax, to avoid those who inherit paying care fees or losing benefits, or to avoid the likelihood of potential disputes. I often have people who return to seek advice when they have made a mistake or find the paperwork too tricky. People are not always aware of the complexities and assume probate work is straightforward. It is true that it can be, but it is just as true that sometimes it is not. In all but the most straightforward cases, I recommend seeking timely specialist legal advice. An experienced practitioner will be able to highlight the varying issues and options, focus upon the important considerations and signpost any dangers. Not only will this enable you to assess whether the task is within your capabilities, but it may actually save you money and worry.

Many Firms offer to work in partnership with the deceased's family to help and support them with the legal and technical work.

There are a number of issues that may be relevant with regard to your father's Estate – Inheritance Tax: if chargeable this can be reduced or avoided by submitting a claim to transfer any unused nil rate band from your late mother's Estate?; Capital Gains Tax :if likely to arise on the sale of any assets and what steps may assist in reducing this?

Saving fees does not always save money.

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