

**Q. What is Probate?**

**A.** Probate is the process of dealing with the assets and liabilities of someone who has died. Probate, technically, is the term used when there is a Will as Grant of Probate must be obtained from the Probate Registry. When there is no Will, a Grant of Letters of Administration is required, and the rules of intestacy apply (see on reverse). The Grant of Representation is the general term for a Grant of Probate (where there is a Will) and Grant of Letters of Administration (where there is no Will).

**Q. Do you still need a Grant of Representation even if there is a Will.**

**A.** The requirement for a Grant of Probate is dependent on the type of assets within the estate. The existence of a Will does not dictate whether a Grant is required. The Grant of Representation is the document issued by the Probate Registry confirming the legal authority to deal with the estate of the deceased.

**Q. How do I know if I need a Grant?**

**A.** As a general rule, if a person died and they owned property a Grant of Representation will be needed to sell the property. Additionally, if they have assets in their sole name a Grant of Representation will be needed if the value is over a certain amount. Each financial institution has different requirements and thresholds for needing a Grant of Representation, so it is not possible to say when a Grant will be required before contacting the individual banks etc. The requirement for a Grant will become evident when you try to deal with the assets and the banks etc. may state they need sight of a Grant before they will release the balance of the bank account.

**Q. Do I need a Solicitor to obtain a Grant of Representation?**

**A.** No, it is possible to make an application directly to the Probate Registry. Some estates can be very complex, especially if inheritance tax is involved, or there are disputes within the family or there are a lot of beneficiaries. Additionally, the time you are required to act as an executor is very quickly after the death, so this can be a very emotional time and therefore difficult. If you would like any advice about this, or need help dealing with an estate, please do not hesitate to contact us.

**We understand that every family is different and that is why our advice will always be tailored to your personal circumstances. If you have any other questions please do not hesitate to contact our expert team.**

**CONTACT US ON  
01670 512 336**

to make an appointment  
with one of our specialist  
Private Client team.

This is not legal advice; it is intended to  
provide information of general interest  
about current legal issues.



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# RULES OF INTESTACY. WHAT HAPPENS IF YOU DIE WITHOUT MAKING A WILL?

