



MACROBERTS

PROFESSIONAL FEES

Executry administration

The below information sets out our pricing guidance for executory administration matters where:

- There is a valid, uncontested Will; and
- All of the assets of the estate are situated within Scotland.

Legal Fees

Various factors can affect the complexity of estate administration work. It is therefore difficult to predict at the outset what may be involved in the administration of a particular estate and to provide a definitive estimate of our charges for all the work involved. Unless we agree alternative arrangements with you in writing, the charges for our services will therefore be based on the time spent on the matter at our hourly rates of between £170 to £350 plus VAT.

The following table provides an estimate of charges based on our experience of estates of average complexity and size. The gross estate is the total value of the deceased's assets (including any interest in jointly held assets) at the date of death.

Gross Estate Value	Estimated Fee (excluding VAT)
Up to £500,000	3% of estate value (subject to a minimum of £3,000)
£500,001 to £1,000,000	3% on first £500,000 plus 2% on balance
Over £1,000,000	2.5% on first £1,000,000 plus 2% on balance

These figures are only intended as a guide, as the exact fee will depend on the individual circumstances of each estate. For example, if there is one beneficiary, one bank account and no property, the fees will be at the lower end of the range. Alternatively, if there are multiple beneficiaries, multiple assets and a property, or complex issues, the fees will more likely be at the higher end of the range.

The above figures not include:

- VAT (currently charged at 20%) which will be added to the invoice; and
- Any disbursements incurred on your behalf (see anticipated disbursements below).

The applicable hourly rate will depend on the degree of experience of the individual or individuals who deal with the administration of the estate. A number of factors are taken into account to determine the correct individuals for each file, including the size and complexity of the estate.

We periodically review our hourly rates and if they alter, we will advise you of this.

Fee Assumptions

Our estimated range of charges, above, assumes that:

- There is a valid, uncontested Will
- All of the estate assets are situated within Scotland;
- There is only one property which does not need to be sold (if there is a property which requires to be sold, our Real Estate colleagues would be delighted to provide an estimate of the costs involved, which are charged separately)
- There are no more than two bank or building society accounts;
- There are no other moveable assets – i.e. stocks and shares and/or other investment assets
- There are no more than two beneficiaries
- There are no disputes in relation to the Will and/or between executors and/or beneficiaries on any matters relating to the estate
- There are no claims made against the estate by any individual, beneficiary or third party
- There is no Inheritance Tax payable on the estate and the estate is an Excepted Estate, so that a full Inheritance Tax Account (Form IHT400 and its supplementary schedules) is not required
- There are no business and/or agricultural assets in the estate and no advice is required as to the availability (or not) of any associated reliefs from tax
- There are no income tax and/or capital gains tax issues to attend to in relation to the estate
- No investment advice is required
- There are no trusts created under the Will

If you feel that an estate may be more complex and may not fall within the estimated fee range provided above, please contact us and we would be delighted to provide you with a bespoke estimate.

What is included in the fee?

Our estimated range of charges, above, is intended to cover all the work required to administer the estate of the deceased (see *Fee Assumptions*, above), including obtaining Confirmation, ingathering and distributing the estate in accordance with the terms of the Will. This may include some or all of the following:

- Investigating details of the deceased's assets and liabilities as at the date of death
- Informing beneficiaries of their entitlements under the Will
- Preparation of the Confirmation (Probate) application, including Form C1 and Form C5, based on the information provided by you
- Submitting the application to the relevant Sheriff Court in order to obtain Confirmation
- Exhibit the Confirmation and account closure form(s) to asset holders, and ingathering the sums due
- Settling the estate liabilities from estate funds (limited to the funeral account, utility bills, outstanding council tax and the deceased's care cost invoices, if provided by you)
- Distribution and/or transfer of the estate to the beneficiaries
- Preparation of simple Estate Accounts

Anticipated disbursements

Disbursements are costs from third parties (eg court fees) and these do not form part of our Legal Fees. We can arrange payment of the disbursements on your behalf but may require you to put us in funds to do this first. We would expect to incur the following disbursements during the administration process:

- Confirmation Dues of £266 (for estates valued at up to £250,000) or £532 (estates valued over £250,000) payable to the Scottish Courts Service in order to issue the principal Confirmation
- Individual Certificates of Confirmation cost a further £8 each if ordered when applying for Confirmation (the court fees are reviewed periodically and may therefore increase)

How long does it take to complete the administration process?

The timescale will always depend on the individual circumstances of the estate. Generally, executry matters can take between six months and two years to complete, but the timescale may be longer if complex issues arise or if the Court, HMRC or asset holders delay the process.

By way of example, if there is one beneficiary, one bank account and no property, the timescale will be at the lower end of the above range. Alternatively, if there are multiple beneficiaries, multiple assets and HM Revenue & Customs reporting requirements, the timescale will more likely be towards the higher end of the above range.

Stages of the estate administration process

The precise stages involved in the investigation, ingathering and distribution of an estate will vary depending on the circumstances. We will keep you advised as matters progress, however, it may be useful for us to outline the three key stages of the process:

<i>First Stage</i>	<ul style="list-style-type: none"> • Writing to all potential asset holders and creditors to obtain the value of assets and the extent of liabilities, on the basis of information provided by you • Writing to all beneficiaries to notify them of their entitlements under the Will
<i>Second Stage</i>	<ul style="list-style-type: none"> • Preparing the application for Confirmation and abbreviated Inheritance Tax return) and arranging approval and signing by the executors • Completing the associated bank or building society account closure form(s) on behalf of the executors and arranging signing • Lodging the Confirmation application with the Sheriff Court
<i>Third Stage</i>	<ul style="list-style-type: none"> • Exhibiting the Confirmation to asset holders with the completed withdrawal/closure form(s) • Ingathering cash from banks or building societies into our client account on your behalf • Arranging settlement of outstanding estate liabilities and requesting written confirmation from each institution that no further payments are required from the estate • Distributing the estate to the beneficiaries • Completion of simple Estate Accounts detailing our dealings with the funds of the estate

Private Client team

Our dedicated Private Client Team will deal with the administration of the estate on your behalf. If you instruct us, you will be provided with the names of the individuals who will be acting for you, including the Partner responsible for overall supervision of your file.

Contact Us



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About Us

MacRoberts is one of Scotland's leading law firms with a history and heritage tracing back over 150 years. Through the delivery of high-quality, innovative and practical solutions for clients, along with an impressive ability to adapt to the contemporary commercial landscape, we have maintained a position of leadership and prestige in the Scottish legal sector and beyond.

Our strength comes from our collaborative relationships and connections – we have an extensive network of clients and contacts throughout Scotland, as well as strong links to the wider UK and international markets.

We are more than just lawyers – we are industry experts with unrivalled commitment to the sectors in which our clients operate. In this era of digital revolution and economic difficulty, we have risen to the challenge in the same way we have done for more than 150 years – with sophistication, passion and expertise