

## Probate

### What is probate?

Probate is the administration of a person's estate upon death. This can be a complicated and time-consuming task. Essentially it is the process of collecting together someone's money and property after they have died and distributing it to their beneficiaries.

The process is carried out by the deceased's personal representatives. If the person has made a will, the personal representatives will be the executors named in the will. When someone dies intestate, the personal representative – usually a close relative – is known as an administrator.

### What does an executor or administrator do?

If you act as an executor or administrator, you will need to:

- collect information on all of the deceased person's assets and debts
- close their accounts and sell or encash their assets
- ensure that all their debts and taxes – including inheritance tax – are paid
- prepare the final accounts for the estate
- distribute the estate to the beneficiaries in accordance with either the will or the intestacy rules.

[For useful information about an administrator's duties, please see our free client guide.](#)

### How long does the process take?

This depends on how complex the estate is and where the assets are located. A period of 6 to 12 months is not unusual, but it can sometimes be 18 months or longer.

### Should you get help?

Administering the estate of someone who has died is a heavy responsibility and involves much more work than most people imagine. It also involves a degree of personal risk: if you make a mistake, you are likely to be personally liable. For this reason, most executors choose to appoint solicitors to help and advise them.

Montague Lambert offers a dedicated probate service to lift the burden from your shoulders and ensure that you do not leave yourself vulnerable to legal action by the deceased person's creditors, family or beneficiaries.

For more information please contact our wills and probate specialist Eilish Adams.