

Reducing legal costs after someone dies

When someone dies, there's much more to deal with than coming to terms with grief.

From funeral arrangements and registering the death to notifying friends, family and employers, a bereaved person's to-do list can quickly grow.

One thing that can be a surprise is the legal process. Officially known as Confirmation in Scotland, this is an essential legal process that follows most deaths. Nevertheless, with just 21% of the Scottish public aware of what probate or confirmation is and what it entails, the associated costs and complexities can catch people off guard, leading to additional stress at an already difficult time.

What is probate or confirmation?

Probate – or confirmation – is the legal process that gives someone the legal right to administer someone else's estate. Someone's 'estate' means all their property, personal possessions, money and other assets owned by them on the date of their death.

If the person left a Will, someone will be nominated as their executor. This person (and there may be more than one) is entitled to apply for confirmation from the local Sheriff Court where the person lived at the time they died.

If there is no Will (and no executors), the duty will usually fall with the deceased person's closest family member. In the event that there is no Will, the estate will be distributed in

accordance with the law, but the process is more complicated as an executor first needs to be appointed.

The Sheriff Court process can take from a few days to a few months, depending on many factors. If the estate is worth more than £36,000 the court cannot provide any help or guidance with the process and the only course of action is to appoint a solicitor.

The unexpected costs of probate

Around 86% of Scots say they are unsure about how much the legal process costs, leading many to rely on the service of solicitors. While 11% said they would look for support with this potentially complex process online, 65% said they would consult a solicitor in the event of a family member's death, despite the fact that 90% of people also underestimate the cost of hiring a solicitor, by thousands of pounds.

Obtaining confirmation or probate when conducted by a solicitor can range up to £8,000 for an estate that needs probate (more than £270,000), yet 55% of respondents still believed it would cost less than £1,000.

Solicitors typically charge fees based on a percentage of the estate's value or at an hourly rate as set down by law accountants and the Law Society of Scotland, perhaps as high as £400/hour. These costs can quickly accumulate. Additionally, third party costs and VAT will be added, making the overall expense difficult to budget for and predict.

A cheaper alternative

Anyone dealing with these legalities themselves, without the help of a solicitor, eliminate these costs – not to mention expediting what can become a lengthy process.

In around 90% of cases it's perfectly possible to cut out the middleman, as a solicitor is only absolutely necessary when

the estate is valued at £36,000 or more or no Will has been left by the person who died. There are also other complications when it would be recommended to hire a solicitor, such as when an estate has complex tax arrangements or there are other contentious issues.

Dealing with probate without a solicitor can help some people process their grief, as it makes them feel they have more of a role in ensuring that their family member's wishes are carried out. On the other hand, however, dealing with probate can be challenging to navigate without external guidance.

The Sheriff Court will be very helpful in dealing with the commissary procedure and there is a useful information page [here](#).

Engaging a solicitor provides the expertise needed to ensure the probate process is carried out correctly. However, this expertise comes at a cost which might outweigh the benefits in the more straightforward cases. DIY probate can minimise these costs, but requires thorough research of the legal procedure.

The middle-ground solution

Specialised probate support services exist as a cost-effective middle-ground option. These services allow people to deal with probate themselves, guided by the support of a probate expert without having to learn the entire process themselves, and without a solicitor's price tag.

Independent support services – like [My Probate Partner](#) – are experts in Scottish confirmation procedures and are able to provide guidance each step of the way, for a fixed and accessible fee. This ensures that you know what to expect, in terms of both minimising the risk of errors to ensure the smooth administration of the estate, and avoiding unexpected financial burdens.

Dedicated experts will tailor their support to your individual

circumstances, understanding that each probate case is unique and thus providing personalised assistance based on the complexity of the estate and your desired level of involvement.

Probate peace of mind

Navigating the probate process in Scotland can be challenging, but with the right support, it doesn't have to be stressful – and it most certainly doesn't have to be a financial burden.

<https://www.myprobatepartner.co.uk>



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