

Probate/administration quote

Probate is the legal process involving the distribution of a deceased person's property and other assets in accordance with the terms of their will.

If a person dies not having made a will (intestate), their property and assets are divided according to rules laid down by law. These rules are referred to as the rules of intestacy. The distribution in that case is referred to as an administration.

When making a will, a person usually appoints one or two people to deal with their estate when the time comes. These people are then 'executors' of the estate. If no executor has been appointed in the will, or if a valid will was not made, an 'administrator' is appointed, who will have a role similar to an executor's role.

When a person dies, the person's assets are frozen. No one can deal with any of the assets of the estate until the State's Probate Office has been given the details of the estate. The solicitor will prepare the papers for the Probate Office. When they are satisfied with the information, the Probate Office will issue a document called a grant of probate or grant of administration. This gives authority to the executor, or if there is no executor, the administrator, to proceed to deal with the estate.

The solicitor, as the executor's or administrator's agent, is then free to gather in the assets, to pay any debts due, and to distribute the remainder to the people named in the will or, if no valid will, to those who are entitled by law to a share in the estate.

If you are the executor or administrator, you can greatly assist the solicitor working on your case by providing as much detailed information as possible from the beginning.

The quotation

This scheme provides that the firm(s) you select will give you a quotation in writing for their professional fees for a straightforward probate or administration, if the answers to the Get a Quote questionnaire indicate that the probate or administration is likely to be a straightforward one. The quotation may be broken down to show a separate quotation for obtaining the grant of probate/administration and for the distribution of the estate. The sale of any property will be a separate matter.

The quotation may be for a specific fee or based on an hourly rate. If the quotation is for an hourly rate, you will be given an estimate of the total number of hours the firm is likely to spend working on your probate/administration.

VAT

You will also be told the rate of VAT that you will have to pay on the firm's fees.

Outlays

Finally, you will be told the amount of outlays that may be payable to third parties during the transaction. If these amounts are not yet known, you will be given the firm's best estimate.

Limits to the firm's quotation

At present, you, as the proposed executor/administrator, may know relatively little about the deceased's assets. If you instruct a firm and they then get detailed information about both the

deceased and their assets, it may be that your transaction is more complicated than had been indicated by your initial information. New issues may also arise during the course of the probate or administration. At the end of the summary of the questions (see below), examples are given of some complex issues that might arise. If this happens, a new, separate quotation will be given for the additional work. **In that case, the final fees will be the total of both quotations if your first quotation was for a particular amount.** If the quotation was for an hourly rate, the estimate of the number of hours of work the firm will have to do will have to be increased. You should budget for this possibility.

The firm's contract for legal services

- Before you proceed to instruct a firm, you can enquire about any standard terms of business being used by the firm.
- After you instruct a firm, the firm is required by law to give you written details again about the costs and outlays in your particular case. If there is no new information at that point indicating that the probate/administration will not be straightforward, the costs information will be the same as the quotation the firm gives you now.

The solicitor's work

Information the solicitor will need from you – details of executor/administrator and deceased:

- Name(s), address, telephone number, email address and occupation of the executor(s)/ administrator(s).
- Check relationship, if any, to the deceased.
- Name(s), PPS numbers, addresses and occupation of the deceased.
- Date of birth, date of death and place of death of deceased.
- Check domicile of deceased at date of death.
- Check if deceased was ordinarily resident in Ireland at date of death.
- Death certificate for deceased.

The solicitor's work for a probate/administration might include the following:

Marital/civil status and family details

- Check the deceased's marital/civil status.
- Check details of deceased's children.
- Check other relevant family relationships.

Actions in relation to the will, if any

- Get original will.
- Examine and read the will.
- Get the names and addresses of the beneficiaries.
- Check if any of the beneficiaries are deceased and when they died.
- Notify the named executors, if not already in contact.

Executor's/administrator's account

- Advise the executor/administrator whether an executor's/administrator's bank account should be opened.

List assets and arrange valuations

- Bank or other accounts – get confirmation of bank account balances.
- Residential or other property – get valuation.

- Land, if any – get valuation.
- Shareholdings – get share certificates and arrange valuations.
- Identify personal property, such as car, jewellery, antiques, and so on – get valuations as necessary.
- Check if deceased was a farmer – get valuations.
- Check if deceased owned a business – get valuations.
- Insurance policies – get details.
- Pensions/gratuities – get details.

Joint assets

- Identify assets in joint names.
- Check circumstances of joint ownership.
- Check the intention of the joint owners for the assets following the death of one of them.

Foreign assets

- Deal similarly with any foreign assets under any of the above headings.
- Check if a foreign grant of probate/administration will be necessary.

Income and health insurance

- Get information about income.
- Get information about health insurance.

Ask for and note the debts/liabilities of the deceased

- Funeral and wake expenses, and headstone costs.
- Identify all debts or potential liabilities, including guarantees.
- Identify deceased's accountant, if any.
- Details of income tax.
- Identify other taxes that may be due.
- Identify mortgages and amounts due.
- Identify if mortgage protection policies are in place, and if they were signed over to the lender(s).

Capital acquisitions tax

- Contact beneficiaries and obtain their PPS numbers.
- Apply for new PPS numbers, where necessary.
- Establish the relationship of the beneficiaries to the deceased and enquire regarding previous gifts and inheritances.

Complete the Revenue Commissioner's form and apply for a grant of probate/administration

- Complete and review the schedule of assets (Revenue form CA24).
- Complete probate/administration forms.
- Obtain an insurance bond, if required.
- Arrange for all the documents to be signed, and sworn where necessary.
- Lodge all the documents in the Probate Office.

Issue of grant of probate/administration from the Probate Office

- Answer any queries raised by the Probate Office.

- Receive and review grant.
- Order official copies of the grant, as necessary.

Collecting in the assets

- Collect in all the balances on bank accounts or other accounts.
- Arrange for the sale of the following, as necessary:
 - Any land and residential, or other, property,
 - Shares,
 - Personal property, such as car, jewellery, antiques, and so on.
- Deal with insurance policies.
- Deal with pension/gratuities.

Establishing the net value of the estate

- Check all the deceased's tax affairs are up-to-date and obtain tax clearances.
- Discharge all debts.
- Prepare solicitor's bill, to be included in the final account of the deceased's estate.
- Prepare the final account of the deceased's estate and establish the estate's net value.
- Send the executor(s)/administrator(s) the final account and obtain their approval of the account.

Distribution of the estate

- Distribute the estate as provided for in the will or, if no will, in accordance with the law. Where there is a will, this will include:
 - Paying gifts and legacies provided for in the will,
 - Transferring assets, in accordance with the will.
- Deduct solicitor's costs and outlays, as per the executor's/administrator's account.
- Distribute the balance in accordance with the will or, if no will, in accordance with law.

Closing the file

- Close the file.
- Diary forward for file destruction.

Summary of questions for probate/administration

- Contact details - name, email, phone, postal address
- If deceased made a will, whether it has been found, the number of beneficiaries and the executors appointed, if any. If no will, your entitlement to take out a probate/administration.
- The deceased's marital/civil status.
- Predeceased spouses or partners.
- Details of deceased's children, if any.
- The deceased's assets.
- The deceased's debts/loans.

Disclaimer

The quotation for professional fees will not include additional work that might arise because of the deceased's particular circumstances. Examples would include the following, but there could also be other additional work:

- Sale of any house or other property. We can quote separately for this - see [information about sale of property quotations](#).
- Disputes among family members or others about the terms of the will.
- Advices in relation to potential litigation against the deceased's estate.
- Dealing with outstanding debts, including mortgage arrears or social welfare liabilities.
- Taxation advice and/or services, including dealing with arrears.
- Missing beneficiary who must be traced.
- Litigation to interpret some wording in the will.
- Missing share certificates.
- Litigation against the deceased's estate.

List of participating firms

To contact a legal firm of your choice, select from the [list of participating firms](#).

You can make an appointment to go through the full questionnaire with them by phone or at the firm's offices.

Questionnaire

If you would prefer to complete the questionnaire now, open and save the [full Probate questionnaire here](#).

Please note you should save the questionnaire to your PC or mobile device before completing and/or printing it.

You can then send the completed questionnaire to your [choice of firms](#).

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