



## Article

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by Ben Holden, solicitor specialising in Wills and Probate

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### What are the risks if I do my Mother's probate myself?

'It is entirely possible to apply for probate and deal with an estate, without seeing a lawyer, but it's not without risks' warns Ben Holden, one of our solicitors at Phillips specialising in Wills and Probate.

'Many professionally drafted Wills contain trusts to save tax, to avoid those who inherit paying care fees and to reduce the likelihood of potential disputes. In some cases they can be very complicated. We have noticed an increase among people, who have tried to do Probate themselves, only to return to us to seek advice when mistakes have been made or they've found the paperwork too tricky' says Ben.

'A minority of families apply for Probate themselves and if they have both the time and the confidence, they may derive satisfaction from taking responsibility for completing the financial affairs of their loved one. But do be careful because some areas are complex and it can normally take between 6-9 months.

To avoid costly mistakes we suggest you come and see us and especially if any of the following apply:

- Part or all of the estate will be subject to Inheritance Tax
- There is no Will and the deceased was married with children and the estate is over £250,000
- Irrespective of whether there is a Will or not, a part of the estate is to pass to children under the age of 18
- The deceased has left money or property in a Trust, owned a business or was a partner in a business
- The deceased owned land or property that has an unregistered title or is abroad
- Someone is due to benefit from a 'life interest' in the estate



- The estate is insolvent
- You think there is a Will but you have not been able to find it
- There is some doubt about the validity of the Will, or it's likely to be contested
- You don't know where the beneficiaries live

'Remember that solicitors are qualified, regulated and insured and there to guide you through difficult and complex issues, especially during what can often be distressing times' concludes Ben, 'so If you are at all uncertain do speak to our Wills and Probate solicitors'

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