



### WHO IS TREETHORPE?

## WHAT DO WE DO? **OVER 10 YEARS** We identify and trace the legitimate and lost owners, heirs or beneficiaries of forgotten or unclaimed assets and estates. 2.500 In the last ten years, working with private individuals, company secretaries, people helped asset custodians, local authorities and solicitors, we have helped over 2,500 ordinary people benefit from over £17 million worth of assets; assets they themselves had either long since forgotten about, or through our involvement, they £17 MILLION have received a share of an unknown asset worth of assets or estate they were legally entitled too.

#### HOW?

We achieve this through genealogy research and utilising our asset discovery expertise. Through our experience in historical probate research and in locating people, we build comprehensive family trees — which can often require a combination of our team's expertise and our clients' family knowledge to be truly successful.

Our asset discovery investigations ensure that we maximise the value of the asset or the estate in question — whether this is through identifying unknown bank accounts, shareholdings, insurances policies, and the like or by ensuring all past recoverable income (i.e. historical dividends) is recovered.

#### WHAT CAN YOU EXPECT?

For most of our clients we simply bring financial gain, for others, financial gain coupled with a greater understanding of their family history through the family trees we create as part of our work. For a few we simply bring that element of 'closure' or the answer to that 'mystery' that exists within the family.

We aim to deliver an outstanding professional service, no matter what the circumstances or how challenging the case may be; our client satisfaction is extremely important to us — being Client Focussed is one of our three corporate values. We take pride in the fact the feedback we receive from our clients remains consistently high; we have maintained a 90% plus overall satisfaction rate of either 'Extremely' or 'Very Satisfied' for our service for over five years.

Being professional is the second of our corporate values. We are immensely proud of how we develop and support those that work for us. They are the heartbeat of Treethorpe and integral to each client receiving the service they deserve for placing their trust in us.

We have held our **Investors in People** recognition since 2009. Our most recent review (Dec 2016) provided an independent assessment and affirmation of the positive and professional culture we promote and abide by, for both the benefit of our employees and clients.







Additionally, Treethorpe is one of the founding members of the **Association** of Probate Researchers, itself a Recognised Body by the Professional Paralegal Register organisation; formed to provide a regulatory framework for Paralegals who work outside the legal services regulator.

WHO IS TREETHORPE?

#### **OUR COMMITMENT**

Integrity is the third of our corporate values.

As a Limited Company (617 2161) we take our legal and regulatory responsibilities and obligations extremely seriously. We are **Registered** by the **Financial Conduct Authority** (reference 535904) for our insurance quotation and arrangement service, as well as being an approved **Data Controller** (ref Z11938iX).

The previously referred to **Association** of **Probate Researchers**, was formed in 2016 to help bring regulation to the professional probate research industry.

The Association is approved as a Recognised Body for Probate Research by the Professional Paralegal Register; described as the fourth arm of the legal profession who seek to provide a regulatory framework designed to match the perceived or real risk attached to the work that Paralegals do.

Until now the area of probate research has been unregulated; many amateurs and hobbyists have and continue to enter the profession with very little experience, particularly over the last five years or more as awareness of the industry has grown through media exposure and commercial broadcasting shows.

This growth has unfortunately attracted fraudulent and dishonest individuals, where ultimately it is the beneficiary who suffers; the very people our profession committed to help.

The Association seeks to address this, with its main aims being to:

- 1. Protect the consumer (beneficiaries) from rogue probate research firms or individuals
- Ensure that the services provided by its members are delivered in a professional, competent and compliant manner.
- **3.** Promote the advancement of ethical standards within probate research through education.

Because of this Association, all our people are either Registered or Regulated Paralegals for Probate Research; enabling us to offer greater independent care and protection to our clients.



#### **OUR SERVICE**

Our all-encompassing service and how we deliver is key to ensuring our clients feel they have received value from engaging our service.

We appreciate we are often dealing with family and friends during a very emotional and upsetting time and so aim to help and support them wherever and however we can.

Some examples of what we can and do as part of our service:

- Break the news to close family members (to them or other family members on their behalf) as sensitively as we can
- ✓ Organise funerals or memorial services
- ✓ Conduct historic and detailed genealogy research worldwide if necessary
   to trace, locate and identify all entitled beneficiaries
- ✓ Mediate between fractured families
- ✓ Undertake extensive asset discovery enquiries to maximise the Estate value
- ✓ Determine all liabilities of the Estate including HMRC and DWP related commitments
- Undertake house clearances
- Respectfully deal with the personal possessions passing on those treasured family items like photographs to family members
- ✓ Arrange property sales and auctions for those assets and possessions
- Challenge excessive third-party disbursement fees if the situation allows
- ✓ Act as the Personal Representative at the family's request
- Facilitate the application for the Grant of Representation or Probate; all the requisite HMRC paperwork and legal documentation for submission to the Probate Registry is undertaken by our legal services associate
- Provide an interpreter and alternative language documentation
- ✓ Undertake all the administrative requirements in settling the estate
- Provide detailed Client Statement of Accounts to all beneficiaries.
- ✓ Formally identify and validate all beneficiary claims ahead of any distribution of funds
- ✓ Put estranged families back in touch (after expressed consent from all parties)
- Refer the bereaved to the UK's leading bereavement charity for support in understanding their loss and coping with their grief

Over 75% of our clients (between January 2016 and August 2017) have expressed their appreciation of our service and told us it represented either Good or Excellent value.

For all matters where personal liability is a potential risk there are ways to ensure that this risk is significantly

When using our services you will be supported in discharging your responsibilities as Personal Representative with minimal risk; both directly through the actions we take and through the involvement

It is to the legally appointed Personal Representative that Treethorpe will look to for all instruction regarding the estate, including, though not limited to, the disposal of assets and any personal possessions of the deceased and the obtaining of any available insurance.

BEING A PERSONAL REPRESENTATIVE OR NEXT OF KIN 10/11

#### THE VALUE OF OUR SERVICE

Below we describe how our service benefits both the entitled beneficiaries and Personal Representatives or Next of Kin — from the 'pre' Probate work of genealogy research, tracing people, and our asset discovery work, through to the use of our professional associates and 'after' Probate 'service.

### DUTIES AND RESPONSIBILITIES OF A PERSONAL REPRESENTATIVE

- Ensuring reasonable enquiries and searches to locate any missing beneficiaries are made

   including enquiries of all relevant persons associated with the estate and conducting a search of birth, death and marriage records, the electoral roll, Social Security and immigration records, to support your findings
- Identifying and collecting the deceased's assets
- Establishing what debts are due and enforceable against the estate and ensuring that they are paid in the order set out under law
- Considering insurance to cover the possibility of any missing beneficiary returning or a previously unknown missing beneficiary coming forward
- Considering insurance to cover the prospect of a Will/later Will being discovered, or of the Will being contested
- Ensuring the requisite public notifications have been published

### TREETHORPE SERVICE — WHAT OUR FEE ENSURES

- Tracing, locating and identifying all beneficiaries of the estate
- Validating the blood line of the family tree through the use of forensic genealogy and provision of official certificates
- Liaising with all identified beneficiaries regarding their entitlement
- Establishing and validating the assets and liabilities of the deceased and disclosing this information to the Personal Representative(s) known as 'Full Disclosure'
- Arranging for a quotation for Missing Beneficiary Insurance
   — 'comfort' policy or 'known'. (See Jargon: Further Explained, for more information)
- Arranging for a quotation for Missing Will Insurance (See Jargon: Further Explained, for more information)
- Arranging the placement of any required notifications or searches for claimants under Trustee Act 1925 s.27 (See Jargon: Further Explained, for more information)

### DUTIES AND RESPONSIBILITIES OF A PERSONAL REPRESENTATIVE

- Making arrangements for submission of the relevant paperwork, and any subsequent payment required, in relation to inheritance tax, income tax and capital gains tax
- Making arrangements for the relevant paperwork to be submitted to the Courts for a Grant of Probate or a Grant of Letters of Administration

### TREETHORPE SERVICE — WHAT OUR FEE ENSURES

### **Ensuring our Professional Associates:**

- Confirm all paperwork required by the Court is properly prepared and presented — eliminating the need for Personal Representative attendance at the Probate court
- Prepare any requisite tax submission paperwork and arrange payment through the estate where due
- Provide quotations for Missing Beneficiary and Missing Will Insurance
- Conducting reasonable searches to establish whether or not the beneficiaries to the estate are bankrupt
- Preparing a clear and accurate account of the administration of the estate
- Distributing the deceased's estate in accordance with the terms of the will and/or the rules of intestacy; taking into account Trustees Act 1925 s.27 and Inheritance (Provision for Family and Dependants Act 1975)

















FOR A FULL LIST OF TREETHORPE'S AFTER PROBATE SERVICE — PLEASE READ ON



BEING A PERSONAL REPRESENTATIVE OR NEXT OF KIN 12/13

#### TREETHORPE'S AFTER PROBATE SERVICE



Recovery of all assets due to, or of, the estate; including any previously unclaimed past recoverable income



Preparing Client
Statement of Account
— per beneficiary and
for the estate overall



Recovery of any remaining personal possessions/family/ historical documents
— where available



Arrange payment of identified liabilities in accordance with current legislation



Arrangement of Missing Beneficiary Insurance/Will Insurance



A Memento — Provision of a copy of your Family Tree



Formal identification of all beneficiaries



Distribution of estate to all beneficiaries



### THE STORY OF MR M'S ESTATE

The estate of Mr M started out very differently; the referral itself coming from a recommendation about our service from a Local Authority. The referrer was not able to give us any financial information about Mr M, but had found a photocopy of his, and his wife's, mirror Wills amongst the personal possessions.

We traced the Executor named within them. She was Mr M's step-daughter, who told us she had both original Wills and confided to us that she had been struggling to find any assets in either of her parents' names. As a result, despite her step-father having passed away more than two months before, a funeral had yet to take place. She was ultimately struggling with the sheer pressures and responsibilities of having to administer not one but two estates, whilst trying to afford and arrange a funeral.

We offered to work on her behalf and assist her in her duties as the Executor — stepping in when no-one else had provided her with the support she needed.

To learn more of Mr M's financial standing at the time of his death, we approached various sources, learning that a Court of Protection Order was being sought in the process. As part of these investigations, and of us doing more than our usual asset re-unification enquiries, we started to build a picture of what the finances of both Estates were.

We identified £30,000 of fees and debts owed; more importantly for our client we identified a staggering £150,000 in assets. Our successful liaison with one of the custodians of the assets on her behalf meant our client could claim funds from them prior to the Grant of Probate being awarded; this enabled her to arrange and pay for the long overdue funeral.

Through Treethorpe's involvement, the Executor, her brother and two named charities each received a legacy of approximately £20,000. Our service enabled us to support our client by:

- Ensuring the outstanding debts were settled,
- Liaising with the DWP whilst they looked at whether they were owed anything from the estate,
- Assisting in identifying personal possessions and above all
- Providing peace of mind

This case is a great example of where Treethorpe has successfully located and recovered assets that might have otherwise gone completely unclaimed. What's more we could help someone with a complicated process and unlock the finances to enable a funeral to take place.

Whilst a lot of what we do is about research and finding ways to recover lost assets, there is almost always a very human story behind our work.

# FREQUENTLY ASKED QUESTIONS AND ANSWERS

#### WHY IS TREETHORPE INVOLVED?

For most estate cases, the matter has been referred by a local authority or the last organisation/body responsible for the care of the individual whilst they were alive.

Typically, they have no details of any living relatives, or the details they do hold are sketchy/historic. Sometimes their communication efforts have received no response, or the health/circumstances of the deceased themselves was such that details of family were not known or could not be recalled.

### HOW DO WE KNOW THERE IS NO WILL?

We make every reasonable effort to establish whether the deceased ever organised their affairs through a valid Will. All personal possessions and paperwork available to us (and those in whose care they were in) are reviewed — not just for a Will but also for any indication that they have been in correspondence with any legal body.

The Will Search services of Certainty
— the National Will Register — are
used for all estates with a value over
£5,000; the level of service requested
is determined by the value of the estate.

For estates under £5,000 a search can be undertaken at the request of the Personal Representative or Next of Kin.

### WHAT ARE THE RULES OF INTESTACY?

When a person dies without leaving a valid will, their property (the estate) must be shared out according to certain rules. These are called the 'rules of intestacy'. A person who dies without leaving a will is referred to as an intestate person.

Only married or civil partners and certain close relatives can inherit under the rules of intestacy.

If someone makes a Will which is proven legally invalid, the rules of intestacy decide how that estate will be shared out, not the wishes expressed in the Will.

For more information about the rules and how they are applied within a family tree please visit our website: treethorpe.com/Intestacy\_Flowchart.pdf

#### **ARE YOU AN HEIR HUNTER?**

We do not use that expression to describe ourselves or our service.

Our Probate Research estate work originates from referred cases. On behalf of our clients', Treethorpe, and any professional associates we instruct, undertake all the necessary actions and work required to administer an estate and distribute the funds to the entitled beneficiaries.

### HOW LONG DOES THE PROCESS TAKE?

Probate can be obtained quite quickly, particularly where there is a clear Will, a relatively small estate, and/or the whereabouts of all the entitled beneficiaries are known.

However, it can take much longer, sometimes over a year, for the estate to be distributed after the Probate has been granted — though on average this is usually about six to nine months.

Factors which can influence the time taken between obtaining Probate and undertaking the distribution of the estate to beneficiaries are:

- Complex family trees where there are many beneficiaries to be traced, located and verified
- International research and tracing is required for family members
- Difficulties establishing title to assets within the estate and the selling of them in general
- Determining whether there are any liabilities owed to HMRC or the DWP
- Decisions made by the Personal Representative or Next of Kin to protect their personal liability when acting in this capacity

### WHY HAVE WE ASKED FOR A NEXT OF KIN AS OPPOSED TO A PERSONAL REPRESENTATIVE FOR THE ESTATE?

For some estates, typically though not limited to, those under £5,000 in value, there is no requirement to obtain a Grant through the Probate Registry to recover the assets within the estate. On these occasions Treethorpe will ask an entitled beneficiary to be the 'Next of Kin'.

It is to this individual that both instruction and authority will be taken for disposal of any personal possessions, recovery of any assets and the taking out of any available insurance.

### WHAT IF I DO NOT WANT TO BE AN EXECUTOR?

If you are named as an Executor in a Will (or are an Executor by Succession) and you do not wish to act in this capacity, or wish to appoint Treethorpe or another party to act you are able to formally renounce your role. Such documentation, called a 'Deed of Renunciation' can be provided by Treethorpe through its legal services associate.

This does not affect your entitlement as a beneficiary under the Will.



In many cases the individual approached to act in either of these capacities will be the one closest to the deceased in accordance with the rules of intestacy. In some cases, this may not be appropriate, and/or the individual is unwilling to act. Treethorpe will always try to work with the family members to reach a majority agreement before engaging our legal services associate. In some circumstances, this may not be possible, particularly where there is a need to act quickly to protect the assets within the estate. In all situations Treethorpe will act impartially and in the best interest of the estate itself.

FREQUENTLY ASKED QUESTIONS AND ANSWERS

In certain circumstances, a member of the Treethorpe team can and will act in this capacity — this is usually where the beneficiaries are located overseas, there is family discord or the beneficiaries themselves are unwilling/unable to undertake such responsibility on behalf of themselves and/or others.

### CAN I STOP BEING A PERSONAL REPRESENTATIVE?

Personal Representatives, whether appointed in a Will or determined by the rules of intestacy, have a choice whether to act.

If a Personal Representative does not wish to act in that capacity, then they must make a prompt decision to that effect as there are precise rules covering the circumstances whereby a Personal Representative may choose not to act, particularly if the administration of the estate has already started.

However, once probate is granted, the appointment and associated liabilities remain in perpetuity and cannot be renounced without Court approval.

### WHAT IS THE GRANT OF REPRESENTATION?

It is a document produced by the Probate Registry at the High Court which shows all those concerned, for example banks and building societies, that money or other items previously belonging to the deceased can safely be handed over to the Personal Representative(s).

To obtain the Grant of Representation the Personal Representative(s) must complete the requisite HMRC declarations (detailing the assets and liabilities of the estate) and submit a form of Oath by which they promise (known in legal terms as 'to swear') that they will administer the estate properly and in accordance with the law. The Oath will include the details of the deceased (i.e. their name and when and where they died) and will also state nature of the relationship between the person swearing the Oath and the deceased.

In making the application to the Probate Registry the Court will charge a fee which is payable by the estate.

### WHY IS THE GRANT OF REPRESENTATION REQUIRED?

The assets/funds/property owned by the deceased are often held or managed by an institution, such as a bank or registrar. While most custodians will allow for lower value assets to be transferred without the need to obtain a Grant, those assets over a certain value will require a higher standard of evidence to ensure that the claimant is the legally entitled party. This will have been proven by the court and evidenced by the Grant.

The value threshold at which this is applied varies between institutions, typically starting at £5,000.

Treethorpe will use the best information held to determine whether a Grant of Representation will be required, based on our industry knowledge and experience.

### WHAT IS MEANT BY THE EXPRESSION 'GETTING PROBATE'?

Probate means 'proof' that a Will is valid, though given most people die without leaving a Will the term has come to be used about all estates.

Where a Will is proven by an Executor, he or she will obtain a Grant of Probate.

Where there is no Will and the Deceased died 'intestate', an administrator's grant is called 'Letters of Administration'.

Both types of Grant have the same purpose and effect.

## DOES A PERSONAL REPRESENTATIVE HAVE TO GO TO COURT?

The Grant of Representation is issued by the Probate Registry of the High Court. However, this does not mean that they must appear in Court.

It could involve a visit to the local Probate Registry to meet an Officer of the Court to go through the papers applying for the Grant of Representation and to make sure that everything is in order.

Personal Representatives can instruct firms like Treethorpe, and its Legal Services associates, to assist in the application for the Grant of Representation. They will deal with all the matters arising with the Court and the Personal Representative's attendance at Court will not be necessary.

FOR MORE INFORMATION

- TREETHORPE.COM

# JARGON: FURTHER FXPI AINFD



### MISSING BENEFICIARY INDEMNITY INSURANCE

Missing Beneficiary Indemnity Insurance is an insurance policy designed to protect and indemnify the Executor, Administrator, Trustee and the beneficiaries traced, should any unknown or missing beneficiary come forward after the distribution of the estate.

Without a policy, the claimant could look to the Executor, Administrator, Trustee and/or beneficiaries for compensation.

The premium can be paid as a reasonable expense in the administration of an estate.

This insurance is usually considered only as the research and tracing of the Wills and descendants comes into its final stages. It can be used for 'comfort'; where all beneficiaries are believed to have been traced and identified, or 'known' where individuals have been identified but cannot be traced.

Treethorpe look to the Personal Representative or Next of Kin for the decision to obtain the insurance on behalf of the estate, and will inform all beneficiaries of the decision made. Any beneficiary in receipt of all or part of a Deceased's estate may seek to arrange individual cover; which Treethorpe may be able to assist with if approached.



### **SEARCHES AND ADVERTISEMENTS: TRUSTEE ACT 1925 S.27**

By ensuring the appropriate notices and searches for claimants have been published/undertaken and the minimum period has elapsed, Executors, Administrators and Personal Representatives can protect themselves from possible personal liability following any claims by creditors or beneficiaries for which they received no notification.

Costs can be paid as a reasonable expense in the administration of an estate.





#### **MISSING WILL INSURANCE**

Insurance cover is available to Executors, Administrators and Personal Representatives in relation to claims from unknown beneficiaries following a Will (or a later Will to the one used in probate) being discovered or presented after distribution of an estate. Undertaking a Missing Will search will be a pre-requisite of obtaining this insurance.

The premium can be paid as a reasonable expense in the administration of an estate.

Treethorpe look to the Personal Representative or Next of Kin for the decision to obtain the insurance on behalf of the estate, and will inform all beneficiaries of the decision made. Any beneficiary in receipt of all or part of a Deceased's estate may seek to arrange individual cover; which Treethorpe may be able to assist with if approached.



#### **SIX MONTH TIME LIMIT**

The Inheritance (Provision for Family and Dependants Act) 1975 gives Personal Representatives' protection provided they wait until the expiry of six months from the Grant of Representation before distributing the estate. Though in certain circumstances the court can permit an out-of-time application to be made beyond the usual six months.

Similarly, if the Personal Representative(s) wait for the same period before distributing the estate, they suffer no personal liability if the court then makes an order permitting an out-of-time application to have the deceased's Will rectified under s.20 of the Administration of Justice Act 1982.

In neither case are the successful applicants denied the right to recover assets from all beneficiaries who received them.

Should the Personal Representative or Next of Kin elect to:

- Take out the Missing Beneficiary Indemnity Insurance
- Take out the Missing Will Insurance
- Wait six months before distributing of the estate

And has ensured (through Treethorpe) that all required notices have expired without claim and any liabilities to HMRC and the DWP have been satisfied, then the risks have been minimalised to their fullest; in protection of not only the Personal Representative or Next of Kin themselves but for all beneficiaries of the estate.

#### THE STORY OF EVELYN'S ESTATE

In January 2016, we organised our first ever memorial service on behalf of the family. Evelyn, the deceased, had passed away in October 2014. Already a widow she had no children and the referrer was unaware of who the next of kin were.

We started working on the case in January 2015. The forensic probate research required was significant; through months of genealogy research we identified Evelyn had been born in 1923, married in 1951, was one of two children, and that her brother also had no children, having sadly been killed during WW2.

This meant we needed to look at Evelyn's grandparents — on her father's side there were eleven children and on her mother's seven. We therefore had 16 'lines' to build from the births of all these aunts and uncles of Evelyn — who were all children in the late 1800's and early 1900's.

By June 2015 we had established that, of the just over four hundred people identified by our research, one hundred and six were living and under the rules of intestacy were entitled to a share of Evelyn's Estate. We also by this point had a Personal Representative agreed for both sides of the family and could start progressing the application for the Grant of Probate and start the recovery of the assets and payment of any debts identified.

Part of the recovery of assets meant arranging for Evelyn's property to be sold. This entailed many visits by us, and initially the Personal Representatives themselves, so that the treasured personal possessions and family mementoes could be recovered and kept safely and then the remaining possessions

could be donated to charity, sold at auction, the property could be cleared and the garden tidied ready for sale.

The extent of the family size meant that not many of the family we spoke with, personally knew Evelyn. Knowing where her husband was laid to rest we, with the support of the Personal Representatives, organised a memorial service and arranged for her ashes to be interred with her husband's.

Over 70 people attended the service to pay their respects and we took with us a pictorial illustration of the family trees so they could see how they all fitted in together — we even had two people attend who worked together and had not even realised they were related.

It was a very long process to finalise this Estate, there were IHT submissions, Self-Assessment Tax returns to be completed, as well as selling the property and recovering the liquid assets. There were also a few beneficiaries that were challenging to trace, but we got there, and by December 2016 we were distributing the final amounts to the beneficiaries (having made an interim payment whilst we waited for HMRC to confirm all liability to them had been met); with the final individual benefiting from his share as late as June 2017.

One of the Personal Representatives acknowledged the service we had provided by saying 'I appreciate the friendly but professional approach of Garry and Richard. Being one of the Personal Representatives, I appreciate the amount of work over a period of around 2 years that has been done. Many thanks to all.'













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