

What You Need To Know

Who We Are

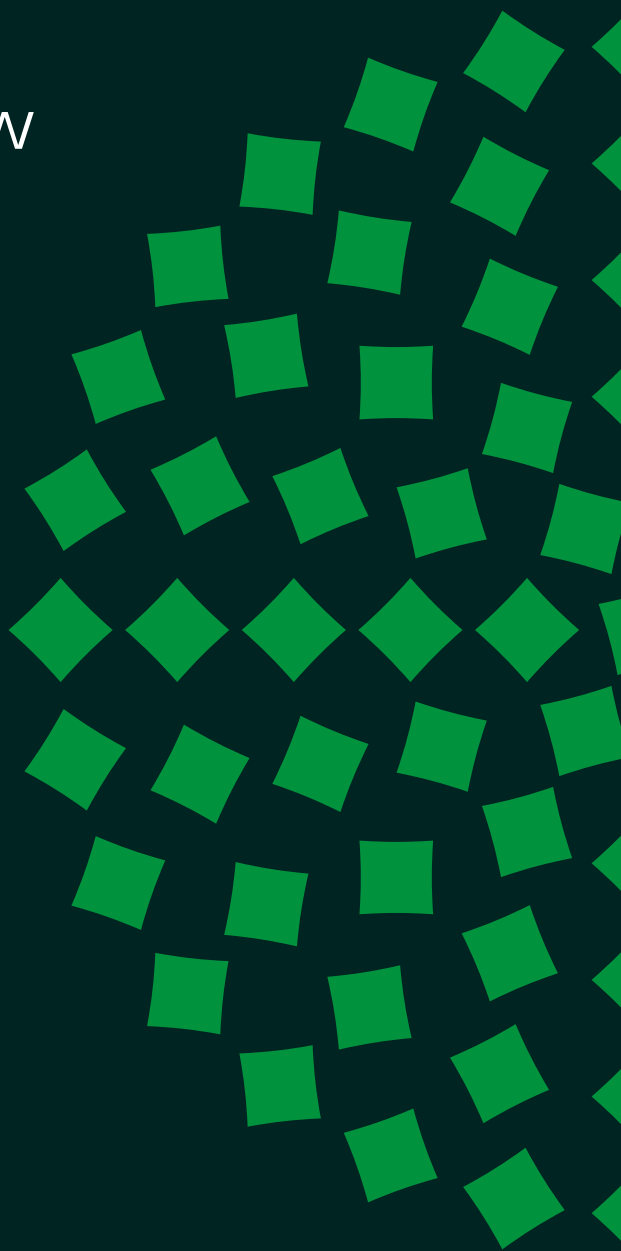
Our Services

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Incorporated in 2007, Treethorpe works with various institutions such as local authorities, care homes, solicitors, company secretaries and private individuals.

We offer a valuable service in tracing and validating the entitlements of rightful beneficiaries and dealing with estates on behalf of the family or Personal Representative.

In other cases, we may work on behalf of our clients to recover a sole asset that they had either forgotten about or was not previously dealt with as part of the estate administration.

Our credentials

Treethorpe take our legal and regulatory responsibilities seriously and are registered as a limited company with Companies House (reg. 617 2161).

We are also registered with the **Financial Conduct Authority** (reg. 535904) for our insurance quotation and arrangement services as well as being an approved Data Controller with the **Information Commissioner's Office** (reg. Z119381X). A full copy of our privacy statement is sent as part of our initial correspondence to you and can also be found on our website.

Our staff members are either registered or regulated by the **Chartered Institute of Legal Executives (CILEX)** or working towards this. CILEX is the professional association and governing body for Chartered Legal Executive Lawyers, other legal practitioners and paralegals. Their role is to enhance the role and standing of their members within the legal profession.

What can you expect from us

Treethorpe are experts in genealogical research.



Our asset discovery investigations also ensure that we maximise the asset or estate value. By undertaking this, we regularly discover unknown bank accounts, life insurance policies and other assets which were unknown when we initially took on the case.



What really sets us apart from other companies is the fact that we offer to undertake both the genealogical research and the actual estate administration as part of our service. If we are instructed for the estate administration, this means that you would have a dedicated Case Manager throughout the entire process rather than being referred to a third party if we are instructed for the estate administration.



Our client satisfaction rates speak for themselves, with a 90% or more of our clients saying that they were 'Extremely' or 'Very Satisfied' with our service. We also utilise 'reviews.co.uk', where clients can leave their feedback on the service that we have provided.



We are proud to have held our Investors in People recognition since 2009, with our last review earning us a 'Gold' accreditation. By investing in our staff and promoting a positive and professional culture, this helps to promote the best outcomes for both our employees and our clients.

Treethorpe is proud of the all-encompassing service that we provide to our clients.

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

Despite every case being unique, we have provided some core examples of the services we typically provide for our clients:

- ✔ Conducting historic and detailed genealogical research (UK and worldwide) to trace the entitled beneficiaries and/or executors.
- ✔ Making the requisite searches to confirm that a Will (or a later Will) does not exist.
- ✔ Breaking the news to the family that their relative has passed away.
- ✔ Organising the funeral and/or memorial service.
- ✔ Undertaking a detailed asset discovery search to maximise the value of the estate.
- ✔ Determining the estate debts, including liaising with DWP and HMRC regarding any payment owed to them.
- ✔ Respectfully dealing with any personal possessions for the family, passing on any items of sentimental value and valuing any items of monetary value which will form part of the estate.
- ✔ Arranging for a s.27 notice to be placed to invite any unknown creditors to make a claim against the estate.
- ✔ Acting as the dedicated point of contact for the estate and mediate between fractured families.
- ✔ Overseeing the process of obtaining the Grant of Representation (in conjunction with our legal services) and arranging for any applicable Inheritance Tax to be paid to HMRC.
- ✔ Undertaking house clearances and arranging insurance for the property.
- ✔ Overseeing the sale of the house including clearance, marketing and conveyancing.
- ✔ Preparing the Estate Account and providing an individual Client Statement of Account to all beneficiaries.
- ✔ Obtaining quotes for (known and/or unknown) Missing Beneficiary Insurance, Missing Will Insurance and Unknown Dependant's Insurance.
- ✔ Carrying out appropriate identity checks for beneficiaries.
- ✔ Validating each beneficiary's claim to the estate by reviewing their birth certificate. This prevents false claims.
- ✔ Offering to put any estranged family members back in contact (with their consent).

Acting as the Personal Representative or Next of Kin

To administer an estate, a Personal Representative — or in some cases — a Next of Kin will need to be appointed.

A Personal Representative can either be:

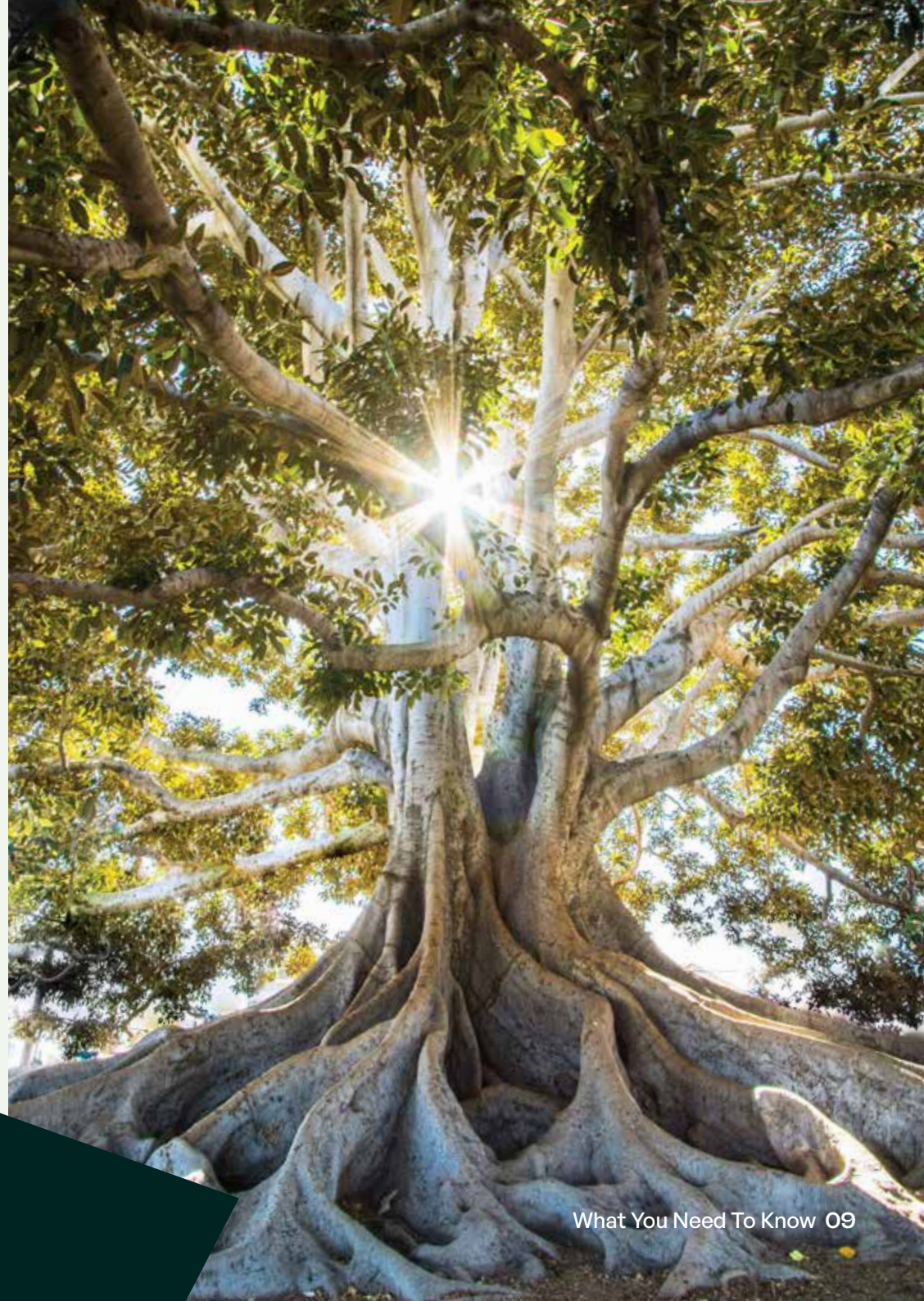


An Executor who administers the estate when there is a Will.



An Administrator who administers the estate when there is no Will, or the Will did not appoint any Executors.

We may have approached you to ask if you are happy to take on this role.



What does the role entail?

The Personal Representative has the legal authority to administer the estate in accordance with the law. They are expected to put the interests of all beneficiaries before their own and act in the best interests of the estate as a whole.

They are ultimately liable for any mistakes made when acting as the legal representative to the estate. As such, they can be held personally liable for any financial loss resulting from a breach of their duty under certain circumstances.

Given the complexities of estate administration, the Personal Representative is entitled to obtain professional assistance and charge any expenses to the estate. If instructed for the estate administration, Treethorpe will support you throughout the process of carrying out your duties as the Personal Representative.

We have provided you with an overview of what is involved in acting as the Personal Representative. As part of our estate administration service, Treethorpe helps mitigate the time commitment and associated risk involved in undertaking this role.

Treethorpe will look to the Personal Representative for all instructions regarding the estate, including, but not limited to instructing us to do the Estate administration work, the disposal of assets and the obtaining of any available insurance.

Duties and responsibilities of a Personal Representative

Treethorpe's Service

Ensuring that all reasonable enquiries have been made to locate all the beneficiaries who would be entitled to a share in the estate under the 'Rules of Intestacy' or who are the named beneficiaries in the Will.	Conducting genealogical research to identify, trace and validate the beneficiaries through official certificates.
Making enquiries to ensure that a Will has not been missed.	Making enquiries with care homes, banks, friends and family etc regarding any possible Will. Conducting a Certainty Will Search via the National Will Register (where appropriate).
Identifying and recovering the deceased's assets.	Conducting a thorough financial investigation to search for any additional bank accounts, pensions, insurance policies and property that the deceased may have owned.
Dealing with the deceased's personal possessions.	Preparing an inventory of the personal possessions and either ensuring that they are gifted as per the terms of the Will or formally valued and included as part of the estate.
Establishing what debts are due and enforceable against the estate, ensuring that these are paid in the order set out under the law.	Ensuring that all debts are validated and placing a s.27 notice (where appropriate) to give any creditors a chance to claim against the estate.
Obtaining a Grant of Administration/ Probate for the estate if required.	Preparing the necessary paperwork through our in-house solicitor and submitting the application to the Probate Registry on your behalf.
Considering insurance to cover the possibility of any known missing beneficiaries or a previously unknown beneficiary coming forward.	Obtaining a quote for Missing Beneficiary Insurance.

Duties and responsibilities of a Personal Representative

Treethorpe's Service

Considering insurance to cover the prospect of a Will/later Will being found.	Obtaining a quote for Missing Will Insurance.
Considering insurance to cover any claims under the Inheritance (Provision for Family and Dependents) Act 1975	Obtaining a quote for Unknown Dependant's Insurance.
Making arrangements for the submission of tax documents to HMRC in respect of any applicable inheritance tax, income tax and capital gains tax.	Preparing any requisite tax submission documents and arranging payment from to HMRC from the estate where needed. We also use support from accountants (where appropriate).
Ensuring the Department of Work and Pensions (DWP) has no claim against the estate.	Providing the requisite information to the DWP and answering any queries that they may raise.
Providing a clear and accurate account of the administration of the estate.	Preparing an Estate Account for the Personal Representative and individual Client Statement of Account for each beneficiary. This document is approved by an accountant.
Conducting reasonable checks to ensure the beneficiaries are not bankrupt and verifying their identity.	Obtaining proof of ID and address for all beneficiaries and conducting checks to ensure they are not bankrupt.
Distributing the estate either in accordance with the terms of the Will or the 'Rules of Intestacy'.	Validating each beneficiary and determining their fractional share in the estate as per the 'Rules of Intestacy' or the terms of the Will.



Frequently asked questions

How did Treethorpe become involved?

Treethorpe typically receive our referrals from institutions such as care homes, local authorities or other organisations where someone has passed away under their care without any known family members.

In other cases, the details held may be incomplete or only the name of a relative is held but no actual contact details. In many cases, there are multiple people entitled to inherit from an estate, but the local authority has only been in touch with one of them.

As part of our service, we research the family tree to confirm who will be entitled to inherit from the estate and ensure that all beneficiaries are contacted.

Are you heir hunters?

Treethorpe would not describe ourselves as being heir hunters. Our work is based on referrals directly from local authorities, care homes and other similar organisations. Many heir hunter firms will typically work off the 'bona vacantia' list — a publicly available list of unadministered estates which have been referred to the government.

This information is then sold to beneficiaries who go away and administer the estate themselves or need to instruct a third-party solicitor to undertake the estate administration for them.

We offer to undertake both the genealogical research/tracing and the estate administration as part of the services that we provide. You will typically have one dedicated Case Manager from beginning to end.

How do you know if there is no Will?

We make all reasonable enquiries to ensure that a Will has not been left. This should typically include going through the deceased's paperwork and also making enquiries with the care home, friends and family members to ask if they have any knowledge of a Will being made.

In the majority of cases, we will undertake a search for a Will using the services of Certainty — the National Will Register — as part of the estate administration. Treethorpe offer all Personal Representatives the choice to undertake this in all events, so this option will also be available to you even if the estate is of a smaller value.

What are the Rules of Intestacy?

When someone dies without leaving a valid Will, they are deemed as having passed away 'intestate' and their estate must be divided in accordance with these legal rules. The rules are different depending on where the person resided and when they passed away.

Only close relatives or their descendants can inherit under the 'rules of intestacy'. They do not take into consideration modern family relationships such as unmarried partners or stepchildren, the family dynamics or the deceased's relationship with their relatives.

Frequently asked questions (cont'd)

How long does the process take?

On average, we would say that cases take at least 9-12 months to complete from when we first contact you. Some cases can be quicker if a Grant of Administration/Probate is not needed to administer the estate.

In other instances, cases take longer than this. Factors which can make cases take longer can include:

- Complex family trees where there are multiple beneficiaries that need to be trace and verified.
- International research/tracing or trying to trace beneficiaries who are 'missing'.
- Higher value estates where there are Inheritance Tax, Income Tax or Capital Gains Tax considerations with HMRC.
- Cases where the DWP or HMRC choose to investigate the estate.
- Cases where there is real estate property which needs to be sold.

What if I don't want to be an Executor?

If you are a named Executor in a Will (or an Executor by Succession) and don't wish to act in this capacity, you are able to formally renounce your role.

Treethorpe's legal counsel will prepare a 'Deed of Renunciation' to facilitate this for you. This will allow another party to take on this responsibility for the estate. If you are also a named beneficiary in the Will, this would not affect your entitlement.

How is the Personal Representative chosen?

For cases where the deceased passed away intestate, we will typically approach the closest family member to the deceased who would be entitled to inherit under the 'rules of intestacy'. In some cases, this may not be appropriate or the person doesn't want to act in this capacity. We will try to make an informed decision on who would be best to act in this role. In all instances, we will act impartially to ensure the best interests of the estate are maintained.

What is a Grant of Representation?

A Grant of Representation is a legal document obtained from the court that proves the legal authority of the person entrusted to deal with a deceased person's estate.

There are three main types of Grants of Representation:

- Grant of Probate — a valid Will has been left and the named Executors wish to act for the estate.
- Letters of Administration — the deceased passed away without a valid Will and an entitled beneficiary under the 'rules of intestacy' applies as the Personal Representative.
- Letters of Administration with Will Annexed — the deceased left a valid Will but the Executor can't act as the Personal Representative or no Executor was appointed.

Treethorpe's in house legal counsel will prepare all of the necessary paperwork to apply for a Grant of Representation. This will include details of the estate assets and debts for HMRC, details of the deceased and in what capacity the Personal Representative is applying. The court will charge a fee for the application, which is payable by the estate.

Why is the Grant of Representation required?

The estate assets will usually be managed by an institution such as a bank, registrar, insurance company etc. Each institution has its own requirements for releasing funds and each of them set their own threshold as to when they will need us to supply them with a Grant of Representation. The value threshold where this applies varies from institution to institution, usually starting at around £5,000.

Where there is real estate property involved, usually a Grant of Representation will always be needed unless it was jointly held.

Can I stop being a Personal Representative?

Whether you are a named Executor in a Will or the closest relative under the 'rules of intestacy', you always have a choice whether or not to act as the Personal Representative.

If you change your mind, we would ask that you let us know as soon as possible. Once the Grant of Representation is awarded, the appointment and responsibilities can't be renounced without court approval.

Frequently asked questions (cont'd)

Do I have to pay anything up front?

Our fees are calculated as a percentage of the value of the Estate. Where we are instructed for the estate administration, we are able to deduct our fees from the Estate funds prior to distribution and there is no requirement for a separate payment from you any sooner. We never ask you to pay us any money upfront.

Treethorpe work on a 'no success, no fee' basis, so if you do not inherit anything from the estate, you do not have to pay any fee to us.

Can I inherit debt from the estate?

The estate is responsible for its own debts, and you cannot inherit any unpaid debts. The exception to this would be if you personally acted as a guarantor or a co-signatory of the debt for the deceased.

If there isn't enough in money in the estate to pay off all the debts, the debts would be paid in priority order. If there are no funds available to pay the debts, these will typically be written off.

I'm interested in my family tree, can you share your research with me?

As part of our service, we provide everyone with a presentational copy of the family tree we have compiled. The family tree will show all of the entitled beneficiaries to the estate. We will also share copies of the various birth, marriage and death certificates that we've ordered as part of our research.

If you are interested in knowing more about your family tree going further back, we also offer an extended family tree service — please speak with your Case Manager if you would like to know more about this.

I don't feel comfortable inheriting from a relative I've never heard of, what will happen to my share?

We appreciate that our contact may have come out the blue for you and it can feel overwhelming to find out that you're receiving an unexpected inheritance.

When a beneficiary decides not to pursue their entitlement, no other party can benefit from their share. The funds will continue to be held in safekeeping until they are claimed.

If you don't wish to receive your inheritance yourself, you can choose to ask us to pay a family member or another party such as a charity, please discuss this with your Case Manager.



Further Information

Missing Beneficiary Indemnity Insurance

Missing Beneficiary Indemnity Insurance is a policy designed to protect the Personal Representative and the estate as a whole should any unknown or missing beneficiary come forward after the estate has been distributed.

Without a policy in place, the claimant could look to the Personal Representative and the beneficiaries for compensation.

There are two types of insurance:



Comfort Policy: Our research indicates that all of the beneficiaries have been identified and traced. This policy provides cover in the scenario that a beneficiary has been missed and makes themselves known at a later date.



Known Missing: There are beneficiary(ies) that we have identified as being entitled to inherit from the estate, but that we have been unable to trace. If the insurance policy is purchased to cover them, then their share can be redistributed in accordance with the 'rules of intestacy'. In the event that they come forward at a later date, the policy will cover them.

Treethorpe will ask the Personal Representative whether they wish to take out this insurance on behalf of the estate. The premium can then be paid from the estate as it benefits all of the beneficiaries. We will confirm to all beneficiaries whether or not we have been instructed to purchase the insurance for the estate.

Any beneficiary in receipt of all or part of an estate may seek to arrange individual cover if they wish. If this the case, they should contact Treethorpe as soon as possible.

Missing Will Insurance

Missing Will Insurance is designed to protect the Personal Representative and the estate as a whole if a valid Will (or a later Will) is found after the estate has been distributed. Undertaking a prior Missing Will search will be needed in order to obtain this insurance.

Treethorpe will ask the Personal Representative whether they wish to take out this insurance on behalf of the estate. The premium can then be paid from the estate as it benefits all of the beneficiaries. We will confirm to all beneficiaries whether or not we have been instructed to purchase the insurance for the estate.

Any beneficiary in receipt of all or part of an estate may seek to arrange individual cover if they wish. If this the case, they should contact Treethorpe as soon as possible.

Further Information (cont'd)

Unknown Dependant's Insurance

Unknown Dependant's Insurance offers the estate protection from claims brought under the Inheritance (Provision for Family and Dependants) Act 1975. These can be made by anyone who was financially maintained by the deceased before they passed away. They can be made if the deceased didn't leave a valid Will and the estate is being distributed as per the 'rules of intestacy' or if the claimant has been left out of a Will or has not left as much as they believe they need.

Claims brought under this act need to be made within six months from the date of the Grant of Representation (though, in exceptional circumstances, this timeframe can be extended with court approval).

Treethorpe will ask the Personal Representative whether they wish to take out this insurance on behalf of the estate. The premium can then be paid from the estate as it benefits all of the beneficiaries. We will confirm to all beneficiaries whether or not we have been instructed to purchase the insurance for the estate.

Any beneficiary in receipt of all or part of an estate may seek to arrange individual cover if they wish. If this the case, they should contact Treethorpe as soon as possible.

Searches and Advertisements: S.27 of the Trustee Act 1925

A notice in accordance with section 27 of the Trustee Act 1925 offers the Personal Representative further protection. This notice protects Personal Representatives from claims against the Estate from any unknown creditors and/or beneficiaries that they have not had any contact from previously.

For most cases, we arrange for this notice to be placed in The Gazette as part of the estate administration. Treethorpe offer all Personal Representatives the choice to undertake this in all events, so this option will also be available to you even if the estate is of a smaller value.

For higher value cases or cases involving real estate property, we will also place a notice in a local newspaper to where the deceased lived.

Six Month Time Limit

Under Section 20(1) of the Inheritance (Provision for Family and Dependants) Act 1975, a personal representative is not made liable for distributing the estate after the end of the six months period from the date the probate was granted. However, this does not mean that someone with a valid claim under the Act loses their right to recover what they are entitled to. If a successful claim is made, the court can order beneficiaries who have already received part of the estate to return some or all of it to ensure a fair distribution.

Similarly, if the Personal Representative(s) waits 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



Take out the Unknown Dependant's Insurance



Wait six months before distributing of the estate



Has ensured (through Treethorpe) that all required notices have expired without any claim being brought forward. All liabilities to HMRC and the DWP have been satisfied.

Then the risks have been significantly minimised; in protection of not only the Personal Representative or Next of Kin themselves but for all beneficiaries to the estate.

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