

the estate. This is called renouncing. To renounce, you fill in a form called a form of renunciation. You can download the form of renunciation from [www.gov.uk](http://www.gov.uk). You then file the form at a probate registry, together with the will. This means that someone else could then apply for letters of administration.

The time it takes to get probate or letters of administration varies according to the circumstances. It may only take three to five weeks if there are no complications, inheritance tax is not payable, the estate is straightforward and all forms are filled in properly. However, in more complicated cases, it may take much longer.

### **Jointly-owned property:**

Couples may jointly own their home. There are two different ways of jointly owning a home. These are beneficial joint tenancies and tenancies in common.

If the partners were beneficial joint tenants at the time of the death, the surviving partner will automatically inherit the other partner's share of the property. **There is no need for probate or letters of administration unless there are other assets that are not jointly owned.** However, if the partners are tenants in common, the surviving partner does not automatically inherit the other person's share. Probate or letters of administration will be needed so the personal representative can pass it to whoever will inherit the share of the property, according to the will or the rules of intestacy.

If there is a mortgage on the property:

If the property is to be inherited by someone and there is still an outstanding mortgage on it, the mortgage company will either require the mortgage to be paid immediately, or ask the person who inherits the property to take over the mortgage. If there is a mortgage on the property, there might be a life insurance policy, an endowment policy, or mortgage protection policy which will pay the outstanding mortgage if the person with the mortgage dies. In this case, you should write to the company, asking for a final statement. If the property is to be sold, the mortgage will be paid out of the sale of the property.

Joint bank accounts:

Couples may also have joint bank or building society accounts. If one dies, all the money will go to the surviving partner without the need for probate or letters of administration. The bank may need to see the death certificate in order to transfer the money to the other joint owner.

Probate or letters of administration may still be needed if there are other assets or bank/building society accounts that are not jointly owned.

If the amount of money is small:

The estate may be made up of a relatively small amount of money held:

- in a bank or building society account
- in a pension fund
- by an insurance company.

If, after the funeral expenses have been paid, the amount of money held by the organisation is under a certain amount, they might be prepared to release it to you without you having to apply for probate or letters of administration. This amount may vary from one organisation to another, so you will need to check with each one. Some banks and building societies will release quite large amounts without the need for probate or letters of administration. Also some banks and