

Sunday, 4 October 2009

Beneficiaries face fees of up to 4.5 per cent on an estate's value

Personal Finance Editor

Major high street banks and Solicitor firms are among companies charging exorbitant fees for acting as executors on customers' wills, an investigation has revealed. People taking up offers of free or discounted will-writing services have been warned their beneficiaries could end up paying "obscene" fees.

An Independent on Sunday inquiry has revealed some major high street banks, solicitors and will-writing firms advise clients to appoint them as executors on customers' wills and levy fees of up to 4.5 per cent on the estate on death. On an estate worth £500,000, that equates to £22,500 – about four times as much as the fees that the best-buy probate firms charge such as, Probate-Helper.co.uk.

Barclays is among the highest-charging group of banks, solicitors and will-writing firms facing criticism. It charges up to 4.5 per cent for acting as an executor. An executor's role is to administer the deceased's assets and ensure they are correctly distributed between beneficiaries and the taxman.

The bank has been criticised for using aggressive tactics to persuade customers to appoint it as executor. "Their game plan is to get you into the branch to talk to the business manager, who really is just a salesman," said Tim Walker.

Barclays defended its actions, saying that it acted as executor only in a minority of cases. "Appointing us to act as the executor of the estate is a decision that clients positively make to help their estate in a difficult time, and in full awareness of our fees. It is certainly not a prerequisite for clients to use the executor service," a spokesman said.

The bank said its fees are fair, considering the amount and quality of work involved. However, critics insist that a fee of 4.5 per cent is very high when compared with that of even the most experienced solicitors, who are able to undertake the same work at about a quarter of what Barclays is charging. Barclays also outsources some probate work to unregulated firms which charges clients with a larger estate a smaller percentage if instructed directly. "Barclays is potentially charging a mark-up of 300 per cent. This is obscene," Mr Walker said. He warned that there were unscrupulous operators offering to write wills. "Wills are now also being written by unqualified people who have no professional ethics whatsoever," he said.

Consumers were also warned that some will-writing companies and banks insist on writing themselves in as a joint or sole executor. "Some solicitors or will-writing companies will add themselves in the first draft as executors in the hope of getting the fees for doing the estate work. But if the testator does not want them to be involved he should ask for them to be taken out before signing," said Charlotte Asbury, a senior paralegal at [MTA Solicitors](#).

A codicil can be added to an existing will to remove unwanted executors. However, it applies only if the person drawing up the will is still alive. For those with a relatively simple estate, family members and close friends are often appointed executor. Solicitors can then be used if complications arise. "Appoint someone you know and trust as your executor and talk through what is expected of them. Make clear that if they find something too complex or simply are too busy, they are free to appoint a solicitor and agree the fees for carrying out the work," said Peter McCarthy from the consumer group [Which?](#).

