

“ Plain speaking legal advice ”

Practical Property Issues

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What practical steps should an Executor take in relation to any property in the deceased's Estate?

You have been appointed Executor of an Estate which includes property – so what responsibilities do you have in your role as Executor towards that property? Part of an Executor's duty to the beneficiaries of the Estate is to protect the assets, and there are some very important initial steps you should take to safeguard property.

Whilst the below is **not an exhaustive list**, it does cover the main initial steps that need to be taken. We can do the steps below for you. Please liaise with us to ensure that one of us will be carrying out the work:-

- You should notify the local police that the property is empty and therefore vulnerable. The police will note the address on their system and endeavour to make special trips to that property where possible to ensure it remains secure.
- All portable valuables should be removed from the property, and stored somewhere safe in the interim, as such items in an empty property are easy prey.
- Please do not dispose of anything in the property until you have consulted us. Executors have been known to step on the toes of beneficiaries by, for example, discarding some old books that they thought were general rubbish, but were in fact of immense sentimental value to one of the beneficiaries. You may be in breach of your duty of care towards the beneficiaries of the Estate if you start disposing of items without their approval and consent.
- The contents of the property may need to be valued for probate purposes; we can advise you whether or not this is the case. If the contents do require valuing, then a valuer should be instructed to attend the property and value the items. Steps must be taken **immediately** to remove all items of value (both monetary and sentimental) where possible from the property. The items should be stored in a safe or kept in a secure location (perhaps in your own home) until the items are distributed in accordance with the terms of the Will.

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- Notify the Insurance Company that the property is now empty and unoccupied (or as the case may be). This is something that we normally do for you as part of administering the Estate. Often at this point you may wish to cancel the contents (but not the buildings) element of the insurance – provided valuables have been removed from the property. Unfortunately, even if you wish to keep the contents cover active, the insurance policies frequently contain caveats for unoccupied properties meaning that the contents element is largely removed in any event.
- The insurance provider will then usually send out a revised policy schedule with details of the cover. In particular you must **familiarise yourself with the un-occupancy provisions** and take any necessary steps to ensure these are complied with. This may involve instructing a locksmith to attend the property to fit secure bolts and/or locks to any windows and doors.
- Often, to comply with the insurance policy for unoccupied houses, the property must be inspected at regular intervals (check the policy). By having a regular presence at the property, not only does this help ensure the insurance requirements are complied with, but it also has the advantage of reducing the property's vulnerability as a potential target for vandalism/ theft and the like.
- Another usual requirement in the insurance un-occupancy terms is that the heating be left on low during the winter months.
- During winter months pipes can burst if the water is still on, due to the water freezing in the pipes and so forth. The damage caused by escaping water, leaks and bursting pipes can be catastrophic and the insurance may not cover such damage (unless all required conditions have been complied with). You should therefore arrange for a plumber to drain-down the water at the property or switch off the stopcock.
- You should try to determine which utility companies the deceased used – be it British Gas, South East Water, Southern Electric and so forth. The utility companies should be advised of the death. They will usually send a final bill in the name of the deceased (based on readings you have given them, if applicable) and then open a new account in your name as the Executor of the Estate for all bills thereafter.

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- As touched on above, you should take gas and electric readings at the property as soon as possible following the date of death, and give these to the relevant utility companies. The meters should then be read on a fairly regular basis and sent to the utility companies so that bills are based on accurate (rather than estimated) readings. If the property is to be sold you should take a final meter reading on the day of Completion and send it to the relevant utility companies, with instructions to send the final account in the Executor's name.
- It is a good idea to contact the Post Office and arrange to have the deceased's mail re-directed: This can be to your address, or to ours- if we are dealing with the administration of the Estate for you.
- Perhaps the deceased had milk or newspapers delivered to the door? It is wise to have these arrangements cancelled as soon as possible – as 'going off' milk, or piles of newspapers on the door-step will be an unwanted advert to the world that the property is currently empty.
- There may be a gardener who regularly tends to the garden. Again, you should contact the gardener to cancel the arrangement. Alternatively (particularly in the height of summer) you may decide to instruct the gardener to continue maintaining the garden. This is particularly worthwhile if you intend to market the property; as a well kept garden can help facilitate a sale.
- Are there any pets at the property? If so you must contact the local animal welfare organisation, such as the Cats Protection or Dogs Home Battersea, to make arrangements for the pet to be taken in by the organisation and ultimately re-homed. If there was a cat or dog at the property there may also be a cat/dog flap. It is important to take steps to have the flap sealed up as soon as possible.
- If you have any concerns that there are squatters on the premises, do not attempt to remove them yourself: Contact us immediately.

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