

Information for solicitors and executors

Will and Codicil

Where the gift is a residuary share (percentage or share of an estate) in the estate, please forward a copy of the will and any codicil(s) to enable us to confirm entitlement to:

[Avon Wildlife Trust, 17 Great George Street, Bristol, BS1 5QT](#)

Assets and liabilities

We appreciate it is not always possible to know the size of an estate immediately, but it helps if we know the details of the assets and liabilities.

Inheritance tax

All registered charities are exempt from Inheritance Tax. Where an estate is partially exempt and partially chargeable, there are complex rules for attributing the incidence of Inheritance Tax. Experience has shown that this is the area in which difficulties are most often encountered.

If you are in any doubt as to how the Inheritance Tax is calculated or how it is to be reflected in the account, we're happy to help. Please note that where 10% or more of the estate is bequeathed to charity, the Inheritance Tax reduces to 36%.

If Inheritance Tax is payable, we would like the Personal Representatives to please provide a copy of their Inheritance Tax calculations and confirm whether a transferable nil rate band is being claimed.

Estate Accounts

At the finalisation of the administration, please forward a copy of the Estate Accounts for approval, to satisfy the requirements of Section 25 of the Administration of Estates Act.

Should you require any assistance with regards to preparation of the Accounts, please do not hesitate to contact us.

Sale of Stock Exchange Investments

We would be grateful if the Personal Representatives could appropriate the Avon Wildlife Trust's share of any stock exchange investments into our name in the executors' books and sell them on our behalf acting as bare trustee.

This avoids any possible liability to Capital Gains Tax on the disposal.



Sales of Property and land

We recommend that the Personal Representatives obtain the recommendations of at least two reputable Estate Agents when determining a property's Probate value. When an agent is chosen, please forward a copy of the sales particulars for our file. It would help if the Personal Representative could investigate whether the property/land has any development potential. This is to give the Executors time, if necessary, to appropriate the property into the name of the charitable beneficiaries prior to sale, to utilise the charitable exemption from Capital Gains Tax. As and when a suitable offer is received, please provide the Agents' written recommendation of acceptance for our records.

Capital gains tax

In a rising market or where other factors have significantly increased the value of property/land over and above the Probate value, there is the potential for HMRC to raise an assessment for Capital Gains Tax (CGT).

Please can the personal representatives advise in good time if there is potential for a CGT liability so that we can:

- assist in avoiding the needless incursion of CGT
- provide assistance with the Deed of Appropriation, if required
- organise a Section 119 Valuation, if appropriate

Please note the Executors only need the consent of the residuary beneficiaries to appropriate and the Deed of Appropriation only needs to be signed by the Executors as Bare Trustees.

Income tax

As a registered charity, we are able to reclaim from the HMRC all income tax paid during the administration of the estate.

This includes our share of tax paid on bank and building society interest. A tax deduction certificate on form R185 (Estate Income) should therefore be supplied at the end of the administration.

Please also provide any income tax calculations with the estate accounts.

We are more than happy to provide assistance, if needed, in preparing the required certificates.

Please note, we cannot claim back tax on dividend payments.

**For further information about estate administration please
email accounts@avonwildlifetrust.org.uk**

