

Will Search Information Guide



A practical guide to conducting a Certainty Will Search

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Things to consider]

Executors and Personal Representatives (a person responsible for distributing the deceased's estate) can be held personally financially liable for loss to the estate due to the executor's actions or lack of action, which affects one or more beneficiaries, which could have been reasonably avoided, even if the loss was caused by a genuine mistake.

Therefore, it is vitally important as a first step when distributing the estate to undertake a Will Search using The National Will Register. This demonstrates steps were taken to understand if a Will exists (even if you believe a Will was never written by the deceased) or if you are in possession of a Will that you are using the very last Will written and a later unknown Will does not exist.

What is a Certainty Will Search?]

The National Will Register is a trusted partner of The Law Society of England and Wales and provides a Will search service called Certainty Will Search.

Wills are normally written by solicitors or Will writers and the original copy is usually held with them.

If you are searching for a Will prior to the estate being dealt with by probate then you should undertake a Certainty Will Search. A Certainty Will Search checks for Wills that have been registered on The National Will Register and searches for Wills that have not been registered.

At least 20% of Certainty Will searches locate Wills for estates claimed to be intestate or later Wills that revoke the Will presented/held and believed to be the last Will. Over 8.9 million Wills are in The National Will Register system and additionally Certainty Will Search searches for Wills that have not been registered (see 'What Type of Will Search Should I Use?').

What type of Will search should I use?

There are three types of Certainty Will Searches. A Certainty Will Search is an allowable disbursement from the estate and therefore the cost of the search can be reclaimed from the estate.

- 1. Will Register Search** - *A Will Register Search is recommended if you are in possession of a Will Registration certificate or believe that the Will you are looking for was registered*
 - a. Will Register Search** - Checks The National Will Register to see if the Will is registered

- 2. Will Search Combined** - *A Will Search Combined performs three key searches to look for Wills that have been registered and for Wills that have not been registered*
 - a. Will Register Search** - Checks The National Will Register to see if the Will is registered
 - b. Will REACH Search** - Performs a REACH search which is a nationwide, geographically targeted search for Wills that have not been registered amongst The National Will Register member and non-member law firms and Will Writers (members of Will Writing organisations IPW and SWW)
 - c. Missing Will Noticeboard** - Places a notice on the Missing Will Notice Board that is issued to The National Will Register member solicitors
 - d. Missing Will, Trustee Indemnity Insurance quotation** - Provides a quotation if required

- 3. Will Search Protect** - *A convenient way to carry out a Will Search and other items that may be required when distributing an estate. It performs a Will Search Combined, places a Section 27 Notice and obtains a quote for Missing Will/Trustee Indemnity Insurance*
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 - b. Will REACH Search** - Performs a REACH search which is a nationwide, geographically targeted search for Wills that have not been registered amongst The National Will Register member and non-member law firms and Will Writers (members of Will Writing organisations IPW and SWW)
 - c. Missing Will Noticeboard** - Places a notice on the Missing Will Notice Board that is issued to The National Will Register member solicitors
 - d. Probate Depository Search** - Obtain a copy of the Grant of Representation and a Will only if a grant is applied for. If the grant has not been applied for then the Probate Registry would not be aware of the Will
 - e. Probate Registry Search** - An enquiry to see if a copy of the Grant of Representation has been applied for and if so we request a copy of the Will used
 - f. Section 27 Notice** - Protects against any claims from creditors and/or beneficiaries that they have not had any notice of at the time that they convey or distribute the property in question
 - g. Notice Placed in a Local Newspaper** - Available at an additional fixed cost of £215 +vat per newspaper. Contact the Will Search team to place

NB You will receive a Will Search Report when your search has completed. Please retain this for your records as it provides evidence that you undertook the necessary search and helps protect the Executor or Personal Representative should a claim be made. *Please retain your receipt from the search as it is an allowable disbursement from the estate and therefore the cost of the search can be reclaimed from the estate.*

Stages of a Certainty Will Search

STEP 1

Certainty Will Search Starts

Upon successful completion of the Will search form, the Certainty Will Search starts.

STEP 2

Positive Match is Made

If there is a positive match as a result of a search of The National Will Register or REACH the law firm or Will writing organisation are notified.

STEP 3

Searcher Provides Documentation to Custodian

The person searching for the Will is to provide documentation such as proof of ID and a Death Certificate to the organisation holding the Will.

STEP 4

Positive Match is Confirmed

If conditions are met to disclose the existence of the Will, the custodian shall arrange for the Will to be repatriated with the searcher.

STEP 5

Upon conclusion, a Will Search Report is issued with the outcome of your Certainty Will Search to demonstrate this step taken in the estate administration process.

How do I start the search?

There are a number of options available to start a search:

- Email – complete the attached form and email to search@certainty.co.uk
- Online – visit our website www.nationalwillregister.co.uk
- Phone – contact us on **0330 100 3660**
- Post – complete the attached form and return to the address below

Additional search services you may find useful

SECTION 27 NOTICE

A Section 27 Notice: Section 27 of the Trustee Act 1925 (included in a Will Search Protect) enables Trustees or Personal Representatives to protect themselves from liability against any claims from creditors and/or Beneficiaries that they have not had any notice of at the time that they convey or distribute the deceased's assets, provided that the notice placed complies with the requirements.

THE DEATH NOTIFICATION SERVICE

You can use The Death Notification Service for free. It has been created to allow you to notify of a person's death to a number of banks and building societies (financial institutions) at the same time, removing the stress and time associated with contacting each organisation individually.

Members of this service include: Bank of Scotland, Barclaycard, Barclays, Cahoot, Clerical Medical, First Direct, Halifax, HSBC, Lloyds Bank, M&S Bank, Nationwide Building Society, Natwest, Royal Bank of Scotland, Santander, Scottish Widows, The Mortgage Works, UCB, Home Loans Ltd and Rothesay Life.

EXPERIAN'S UNCLAIMED ASSETS REGISTER

With billions of pounds of financial assets lying unclaimed you can quickly source these lost assets using Experian's Unclaimed Asset Register (UAR).

For a small fee, you can create an online account and search the register for your lost money.

To use any of the additional search services, call The National Will Register on 0330 100 3660.

Glossary

Estate – The assets of the deceased

Estate is Testate – When a Will has been located

Grant of Probate – If the person left a Will, you will require a ‘Grant of Probate’

Estate is Intestate – When there doesn’t appear to be a Will

Letters of Administration – If the person died without a Will, you may require a ‘Letter of Administration’

Probate Registry – Where a Grant of Probate or Letters of Administration are issued

Wills that are found at the Probate Registry – The Will used/being used to issue a Grant of Probate (this may not be the last Will. If you feel a later Will exists you should use a Certainty Will Search)

The National Will Register – Where Wills are registered by solicitors, lawyers, Will writing professionals and members of the public

Certainty Will Search – A service provided by The National Will Register that checks Wills that are registered and also for Wills that have not been registered

The information contained in this guide is meant for information purposes only and you should seek your own legal or professional advice where applicable.



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