

Expertise

Executorship and probate services

Bedell Cristin Executors Limited is a company owned by the law firm Bedell Cristin, which provides professional executor, delegate and lasting power of attorney services to its private clients.



History

The law firm was established by George Bedell at 21 Hill Street St Helier in 1939. George then went on to form a partnership with prominent Jersey lawyer, Dick Cristin. Over the years, the firm has amassed thousands of records of wills held for its private clients, with its partners often acting as executor and taking responsibility for clients' estates. Our partners were also called upon to act as curators for incapacitated, elderly or otherwise vulnerable clients and to take responsibility for managing their estates.

In 1989, the partners incorporated Bedell Cristin Executors Limited through which the provision of executor services continued but with the added advantages of continuity and uninterrupted service that a company can provide.

Modern approach

We currently retain more than 3,500 original wills. To make the wills easier to access, we have now created electronic copies of all of the original wills, which can be retrieved instantly through our wills custody system.

Since the Capacity and Self-Determination Law came into force in 2018, Bedell Cristin Executors Limited is able to provide delegate (formerly curatorship) and lasting power of attorney services for incapacitated, elderly or otherwise vulnerable clients. We can now manage clients' estates during their lifetime, as well as after death as executor.

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May I thank you for the professional and patient way in which you guided a legally naive 83 year old through the intricacies of Jersey law. It has been much appreciated.

PRIVATE CLIENT

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Thank you for making what initially seemed quite complicated, a smooth and easy process.

PRIVATE CLIENT

The Team

Bedell Cristin Executors Limited

**SEVYN KALSI**

Partner

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Sevyn is a Director and Jersey Advocate. As a private client specialist, he is experienced in advising individuals and families on succession and safeguarding generational wealth, and is one of the leading experts in the Island.

**DONNA WITHERS**

Counsel | Head of Wills and Probate

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Donna is a qualified English Solicitor and has been looking after private client estates for many years. She is passionate about protecting the wealth and welfare of vulnerable clients. She has been appointed delegate by the Royal Court for our private clients and has day-to-day oversight of their affairs. As a member of the Jersey Law Society sub-committee on capacity, succession and estate planning, she is recognised for her expertise, having been invited to speak on ITV Channel News, BBC Radio Jersey and at several industry events.

**CLAIRE SCOTT**

Associate

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Claire is an associate in Bedell Cristin's Private Client practice and advises on Jersey Wills, lasting powers of attorney and probate matters. She qualified as a solicitor in Scotland in 2019, is a member of the Society of Trust and Estate Practitioners and Association of Tax Technicians and relocated to Jersey in 2024.

**EMA FRANCISCO**

Associate

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Ema is an associate in the Private Client team. Ema undertook her legal training in Jersey and qualified a Solicitor of the Senior Courts of England and Wales in September 2023. Her practice includes providing advice to Jersey residents and high-net-worth clients on Jersey wills, lasting powers of attorney and probate matters, as well as advising on a wide range of asset protection and succession planning structures.

**MARTINE HEYS**

Wills and Probate Administrator

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Martine has over forty years' legal experience with Bedell Cristin, having worked in the family, criminal, property and probate departments. She has responsibility for ensuring the integrity of our wills custody system and assists in the administration of estates.

**LORI ABRAHAM**

Wills and Probate Assistant

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Lori has more than 40 years' experience as a legal secretary in Jersey. She assists clients with retrieval of wills from our custody system and arranging appointments to update their wills. She also ensures that our wills are secure and provides administrative assistance to the team.

Executorship and Probate Services

How we can help

It is not necessary to have a professional executor in your will, however it may be helpful if your beneficiaries are not willing or able to handle the responsibilities of probate and estate administration, or if the assets in your estate are complex. As executor of a will, Bedell Cristin Executors Limited will be responsible for:

Family communication

Everyone deals with bereavement differently. Some people are not ready to deal with legal matters until after the funeral, whereas many others like to keep busy and understand the legal processes that are required. We are happy to meet with your main beneficiaries at any stage to advise them about your will and the legal and administrative processes required.

Funeral

Although it is more common for arrangements to be made by the family, we can help or instruct the funeral director as required in the circumstances.

Personal effects

Again, it is more common for family members to safeguard your personal effects, however, we have the facility to take small valuable items into our safe-keeping (up to a certain value), or we can arrange safe-keeping with a trusted expert such as a jeweller or art dealer with appropriate insurance. When the time comes we can arrange clearance of your home, sale of personal effects, delivery to beneficiaries or donations to charity in accordance with the terms of your will and the wishes of your beneficiaries.

Schedule of assets and liabilities for probate

Upon death, assets in your sole name are frozen and it is unlawful to deal with them before obtaining a Grant of Probate from the Royal Court. The first step to obtaining Probate is to value the estate. Unless your family prefer to do so, we will visit your home to retrieve

your financial papers. We will request valuations of your assets and liabilities for Probate by writing to the asset holders or instructing experts such as estate agents or auctioneers.

Obtaining probate

Once the estate has been valued, we will arrange payment of the stamp duty, prepare the Oath for Executor and attend personally at the Royal Court to swear the Oath.

Administering your estate

Once the Grant of Probate has been obtained, Bedell Cristin Executors Limited will have legal authority to administer your estate. We will then give formal notification to your beneficiaries of the gifts due to them. The main beneficiaries will also receive a copy of the schedule of assets and liabilities for Probate. We will open a designated executor bank account, collect in your assets and pay your liabilities. We retain cash balances on interest earning deposit. It may be that some of your assets are to be retained and transferred to your beneficiaries, such as private company shares, in which case we will consult with your beneficiaries on the administration of these assets.

Interim estate accounts

Early in the administration, once we have collected most of your assets and paid most of your liabilities, we will prepare and provide full interim estate accounts to your main beneficiaries to keep them informed of the progress in the administration so that they have an idea of when they will receive their final inheritance.

Income tax

The executor is responsible for preparing your final tax return in respect of your income received up to the date of death, and also returns for income received during the course of the administration (such as bank interest). If you have an accountant who prepares your tax returns, or if your tax affairs are complex, we will instruct your accountant to prepare the returns. When all of the returns have been submitted and the tax due is agreed with the States of Jersey tax office, we will request a letter of clearance from the tax office by way of confirmation that your tax affairs are finally settled.

The year and a day

There is a legal notice period of a year and a day from the date of the Grant of Probate within which your will could be challenged or unknown creditors or claimants could make a claim against the executor. Therefore, it is unlikely that we will make distributions before the end of this period.

Final estate accounts and distributions to beneficiaries

If you have made legacies of certain sums of money or assets, we will distribute these first. We will then prepare final estate accounts and request that your main beneficiaries confirm that they are satisfied with them before making payment to them which marks the conclusion of the administration of the estate.

Delegate* and Lasting Power of Attorney services

*(formerly Curator)

It is possible that you might one day find yourself unable to manage your affairs by reason of ill-health, old age or injury. Since the Capacity and Self-Determination Law was introduced in 2018, Bedell Cristin Executors Limited is able to accept appointments as delegates or lasting powers of attorney for financial and property affairs.

Lasting power of attorney ("LPA").

It is now possible to appoint an individual or company of your choosing (an "attorney") to make decisions for you and act on your behalf in relation to your property and financial affairs. Subject to any restrictions or conditions that you specify in the LPA, the scope of an attorney's power is wide. The advantage that an LPA has over an ordinary power of attorney is that it survives the supervening incapacity of the donor of the LPA. It allows your attorneys to deal with your financial affairs, for example to pay your bills, sell your property or investments and operate your bank accounts. Unless you specify otherwise in your LPA, your attorney can use your LPA with your consent while you still have capacity to make financial decisions yourself. If you allow your attorney to make decisions whilst you retain mental capacity, it does not mean

that they automatically take all financial decisions for you, it just means that they can take these decisions if you allow them to at the time. This can be helpful if you are unwell or are on holiday for an extended period of time.

Delegates

If a person loses capacity to manage their own financial affairs and they do not have an LPA, the Royal Court will appoint a delegate (formerly curator) for them. A delegate must prepare and submit annual accounts, plans and reports to the Royal Court and may need to ask for the Court's permission to do certain things. The law limits what attorneys and delegates can do and how they must act. The most important rule is that an attorney or delegate is only allowed to act in your best interests and must have regard for your wishes and feelings. They must also have regard to the Code of Practice, keep accounts,

receipts and records.

It is most common for a family member to be appointed as attorney or delegate, but there are often good reasons for a professional such as Bedell Cristin Executors Limited to be appointed. If your affairs are complex or high value, as professionals we can exercise a high level of skill and care. We are able to be impartial and so there will be no conflict of interest, and we will be able to exercise our powers solely in your best interests.

Every client is different, so as your attorney or delegate, we can do as little or as much for you as you want or need. From dealing solely with certain assets or discrete parts of your estate, to managing all of your household bills and liaising with your family and health care professionals, our attorney or delegate service will be driven by your needs and tailored to your wishes.



I must say it was a pleasure to work with Donna. She is a consummate professional and I was constantly surprised by her ability to connect and communicate with her client who suffered a severe cognitive impairment. She acted with the utmost integrity and was tenacious in ensuring that our client's best interests and welfare were paramount to all concerned.

CLIENT'S SOCIAL WORKER



... with Donna Withers overseeing the client's financial affairs it brought a peace of mind for both the client and the bank that both a professional and courteous approach was being applied. We would have no hesitation in recommending the elderly client fiduciary service...

CLIENT'S PRIVATE BANKER