

# PROBATE VALUATIONS

## Terms & Conditions

### 1. General conditions

- 1.1. Personal Property (Chattels) refers to assets that are not permanently attached to land or buildings. They include antiques and fine art, furnishings, collectables and appliances. Personal Property does not include part interest in land and buildings, plant and equipment or an operational entity or part thereof as regards trading potential.
- 1.2. Fees are usually calculated on the basis of an hourly rate applied to work carried out at the property and any subsequent additional research required. A minimum charge will apply to all valuations. A fixed fee for a Valuation Report may on occasion be agreed with the Client.
- 1.3. Market Values reflect likely hammer prices and do not include commissions or other potential expenses often associated with buying or selling Personal Property (Chattels) at auction.

### 2. The Valuation Report

- 2.1 **The Valuer shall provide to the Client a report setting out his opinion of the value of the relevant interest in the Personal Property (Chattels).**
- 2.2. The Valuation Report is principally based upon the Valuer's opinion taking into account the degree and conditions of examination. A valuation is the opinion of a general Valuer or a Valuer in a specialist field acting with reasonable care and skill. A valuation is not a guarantee of value or the price payable or receivable in respect of an item.
- 2.3. The Valuation Report is the copyright of **Probate Valuations** and will be provided for the stated purposes and for the sole use of the named Client. It will be confidential to the Client and their professional advisers. The Valuer accepts responsibility to the Client alone that the report will be prepared with the skill, care and diligence reasonably to be expected of a competent Valuer, but accepts no responsibility whatsoever to any person other than the Client himself. Any such person relies upon the report at their own risk.
- 2.4. Neither the whole nor any part of the report or any reference to it may be included in any published document, circular or statement nor published in any way without the Valuer's written approval of the form and context in which it may appear.
- 2.5. Client details and Valuation Reports will not be released to any third parties without the Client's express permission except as required by law.
- 2.6. Comparables, where appropriate, will be sought and recorded on the Valuer's notes.
- 2.7. The Valuation Report is only valid on the valuation date stated.
- 2.8. All monetary values will be quoted in £ sterling unless specifically stated.

### 3. The extent of the Valuer's investigations and nature and source of information relied upon

- 3.1. It is the instructing Client's responsibility to disclose all property to be valued and to ensure that it is included in the Valuation Report.
- 3.2. It is the instructing Client's responsibility to disclose any material involvement in the Personal Property and provide **Probate Valuations** with a statement of any previous involvement.
- 3.3. Where items are not available for inspection and the Valuer therefore relies on photographs and or information supplied by the client, this will be stated in the Valuation Report. The Valuer shall, unless otherwise expressly agreed, rely upon information provided to him by the Client or the Client's legal or other professional advisers. It is the responsibility of the Client or the Client's legal or other professional advisers to ensure this information is accurate and advise the Valuer if it is not.

### 4. Definition of Market Value

- 4.1. Market Value is defined in RICS (Royal Institution of Chartered Surveyors) Valuation - Professional Standards as: 'The estimated amount for which an asset or liability should exchange on the valuation date between a willing seller in an arm's length transaction after proper marketing and where the parties each acted knowledgeably, prudently and without compulsion' (RICS, VS3.2, 2012, p.30).
- 4.2. Market Value in accordance with Section 160 of The Inheritance Tax Act 1984 and Section 272 of The Capital gains Tax Act 1992 is defined as: 'The price which the property might reasonably be expected to fetch if sold in the open market at that time, but that price must not be assumed to be reduced on the grounds that the whole property is to be placed on the open market at one and the same time' (RICS, UKGN3.2, 2012, p.268).

### 5. Inheritance Tax Valuation (in accordance with Section 160 of The Inheritance Tax Act 1984 at Market Values)

- 5.1. It is the instructing Client's responsibility to disclose any specific bequests of Personal Property (Chattels) under the terms of a Will.
- 5.2. Where the Valuer is made aware of specific bequests in a Will, these items will be noted under a separate heading in the valuation report.
- 5.3. It is the instructing Client's responsibility to disclose whether any gifts of personal property (Chattels) have been made within seven years of the date of death. Any such items must be included in the Valuation Report.
- 5.4. It is the instructing client's responsibility to make sure that all the Personal Property (Chattels) in an Estate are made available to the Valuer and are included in the Valuation Report.
- 5.5. The Client must inform the valuer where the Personal Property (Chattels) have been subject to a previous valuation as HMRC (Her Majesty's Revenue and Customs) may compare older Valuation Reports for Inheritance Tax and Insurance with the new valuation and may request explanations for any discrepancies especially in relation to values. Where possible older Valuation Reports should be made available.