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Making a Will



www.utk.co.uk


certainty.co.uk
the National Will Register

UNDERSTANDING | TRUST | KNOWLEDGE

What is a Will?

A Will is a legal document which allows an individual to decide how their assets should be passed on after their death and to appoint guardians for their children under 18.

Why should this concern me?

There are a number of reasons including the following:

- The intestacy rules, which decide how a person's assets will pass on death where there is no Will, may have a very different effect from that which you would want, especially where your wife/husband/civil partner outlives you and your assets are fairly significant.
- Unless you have appointed guardians for your children under 18 in your lifetime in writing, a Court Order is likely to have to be obtained to provide for this appointment, so that someone has parental responsibility for the children.
- A Will enables you to appoint Executors to administer your assets and those persons will have authority to do so immediately after your death. If you have no Will, someone, usually your next of kin, will have to decide of their own accord to take responsibility for seeing that your assets are administered in compliance with the intestacy rules. This person will have no authority to deal with your estate until such time as the Grant of Letters of Administration has been obtained, which is the document giving that person power to administer the assets, and this process can take several months.
- The fact that you have not specified the destination of your assets and who should administer them can often lead to bitter disputes, both over the division of the assets and also over who should be the Administrator, and the process for appointing the Administrator can operate on a very arbitrary basis, depending on who makes the application first.
- Making a carefully designed Will can enable you or your heirs to save inheritance tax, particularly where reliefs may be available.



- You can express any funeral and burial/cremation wishes which may help to ensure that these are followed. Similarly, your Will allows you to alert your family to the existence of a list dealing with the distribution of your personal possessions, of which they may not otherwise be aware.
- You may wish to ensure that your assets are protected for the benefit of your family, for instance, against potential claimants on family break down or from outside the family, or so that the assets can grow in value while the persons who are to have them are under age, by including trusts in your Will.
- You may be concerned that your husband, wife or partner may need longterm residential or nursing care after your death. You may fear that the costs of this care would severely deplete the estate ultimately passing to your children or other beneficiaries. A trust in a Will can be used to protect assets, ensuring that they pass down to the next generation or chosen beneficiaries.
- You may also want, through the use of trusts, to ensure that, if your husband, wife or partner were to start a second family after you have died, your assets still pass to your own family, even though your husband, wife or partner has the use or enjoyment of them during their lifetime.

A Will can bring you significant peace of mind in knowing that you have put in place your wishes for the future. Our specialist Solicitors will meet with you personally to discuss your proposed Will and any related issues, such as how to put in place safeguards if you should ever lose mental capacity or suffer a serious physical disability, and to consider the implications of long term care. They will provide you with a record of these discussions and a written explanation of the Will provisions, as well as taking you through the completion of your Will and offering you a free Will registration with Certainty.

If you wish to discuss this with us, please contact one of our specialist Solicitors.