



## ADVICE

### FUNCTION

Both your Last Letter and your Will need to be in a safe but accessible place. It may be that you keep them in the family safe or hidden somewhere so that prying eyes are unable to see such private documents. No matter what you decide regarding their location, it is imperative that someone knows where to find them. Many families have a secure documents box, a place where all such valuable items are secured. So along with your passports and marriage licence you can add your Last Letter and the Will.

### CONSIDERATIONS

It is important to consider the state of mind that will prevail with close members of your family so apart from your immediate family knowing what to do in the event of your passing, you might consider that a trusted friend be appointed to act as your trustee or Executor. Their role would be to ensure that your last wishes were adhered to and that the worry of arranging your final affairs was not left to your immediate family.

### MISCONCEPTIONS

Despite a constant stream of information from many avenues not least that of the media, many people do not have a Will and are unaware that if they do not appoint a beneficiary, then the estate would go to the Government if no direct family was identified at the time of that persons passing. The other important factor to keep in mind is that if you were to divorce and not make a will or change the will you may presently have, then your ex wife or husband may be able to claim against your estate.

### THE SIMPLE WILL

Making your Will is a simple and uncomplicated process. The template and instructions that you receive is self explanatory and should you need any advice or assistance in completing the document, we would be happy to assist. We do have a confidential consultant who is able to manage this process of writing the Will to your instruction should you so wish and we would be happy to introduce you to that service provider if you feel that you would prefer an experienced consultant complete the document on your behalf.

If as a married couple you would like to have a mirrored Will so that you both have Wills that reflect mutual and identical outcome, then this would be supplied free of charge.

### WHAT MAKES A WILL LEGAL

There are several legal formalities you are required to adhere to if your will is to be valid and legal. It is for this reason that most people agree that employing a solicitor to help you make a will is a sensible decision. You can do it yourself, and as long as you follow all the legal requirements, then it will be perfectly valid. However, if you are not qualified in the laws governing wills it may be best to let an expert help.

One of the main problems with making your own will is less a case of it being legal and more a case of it being clear and unambiguous. Solicitors have made a lot of money from badly worded wills, which are then contested by family members who feel they have been wronged. In Dickens' novel, Bleak House, the fictitious case of Jarndyce v Jarndyce is a fine example of a will that was bitterly contested for many years with neither side gaining much ground.

The legal requirements for a will are actually quite easy to comply with, so there is little excuse not to. If your will is found to be invalid after your death, however, your estate will be distributed according to certain rules in law, and not necessarily according to your will. For that reason alone it is wise to ensure that your will is fully legal and perfectly valid before you die. Notwithstanding this a solicitor can assist with advice to minimise tax liability.

The person who writes a will must be at least 18 years of age. There is no upper limit to the age you can be as long as you are deemed to be of sound mind when the will is written. Being of sound mind also means that you have to be aware of exactly what a will is, and who the people are and their relationship to you that are stated as your beneficiaries. Your will must be written without you being under pressure. In other words, you must write it by your own volition. The final act of making your will legal is when you sign the will, which must be done before the two witnesses of your will.

One of the common mistakes made by people who insist on making their own will without the assistance of a solicitor is to have a spouse as one of the witnesses. This does not make the will invalid, but it prevents the spouse from inheriting under the will. This, of course, will come as a great shock to the surviving spouse at exactly the worst time possible; they have lost a partner and their rightful inheritance both at the same time.

When you use a solicitor to draft a will you will be advised of all the pitfalls, and indeed of any possible savings that can be made. Inheritance Tax, for example, can be largely avoided, and quite legally too, with the right measures in place. This is not usually something that the average person making their own will and trying to save some money will be aware of.

A will is a very important document; whether you leave a tiny amount or a huge fortune, the same rules apply. If you have taken time to craft a will that lays out in detail who will get what, it must be worth your time to ensure that the will is legal and binding in the eyes of the law. It will not be you, but your intended beneficiaries, who stand to suffer if it is not.

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