

Why make a Will?

Decide who inherits your possessions, property and money

If you don't have a Will the government decides this for you, and it's done according to some rather old rules called the Laws of Intestacy which were drawn up in the 1920s. This means that your spouse (husband or wife) might end up sharing your wealth with your children or parents. It also almost certainly means that your partner gets nothing at all if you are unmarried. By having a Will you stipulate exactly how your Estate (all your possessions, assets) is distributed and in what proportions. What's the point of accumulating it all over your lifetime, if someone else decides how it is given away? In doing this you might also avoid unnecessary arguments and squabbles between family members or relatives.

Reduce the amount of money your Estate pays to the Taxman

A major benefit of a professionally drafted Will is the fact that it can significantly reduce or even eradicate your Inheritance Tax bill - meaning that there is much more money to pass to those you care about. This is primarily done by establishing Trusts which take advantage of the IHT Tax Free allowance that all people have (your Nil Rate Band). You can also avoid funds being seized by local authorities should a partner require long term care.

Appoint Guardians for young children

Nominating specific Guardians in your Will to look after young children is very important - and if you don't the authorities will do so on your behalf. This is unlikely to coincide with your own wishes and may be hugely upsetting and disruptive for your children. It can also sometimes mean that a partner (if you are unmarried) does not automatically become Guardian to children, even though they may be the father.

Set up Trusts for the benefit of children or to protect funds from being wasted

Setting up a Trust can have a number of significant benefits. Firstly it is a very good way to ensure that funds are not inherited by a beneficiary when they are too young to make best use of them. Basic terms can be put in place to prevent the beneficiary wasting the money or assets you have given them. Establishing Trusts also allows you to make secure financial provision for mentally disabled or handicapped children.

Leave a legacy to Charity or make provision for a family pet

Writing your Will provides you with the opportunity to leave a legacy to your favourite Charitable organisation (this would be free of tax) or make provision for the care of a much loved family pet, should no one be available to look after it.

Make provision for your funeral

You may have quite specific ideas about what you would like to happen when you die. First and foremost, do you wish to be buried or cremated? Where you want your funeral to be held, and do you want specific hymns to be sung and readings to be given?

Who do you want to act as Executor and Trustee?

These people will ensure that the instructions contained within your Will are carried out — so most important of all, they need to be trustworthy and reliable. They'll also need to have the time to carry out the sometimes lengthy and onerous probate process. It's helpful if they can be close at hand too. Many couples will appoint their spouse, but there should be at least one if not two alternatives. We recommend the appointment of a professional executor such as The Universal Trust Corporation (UTC). Not only can this avoid conflicts of interest (especially when acting as Trustee) it also means that delays will not occur because a private Executor is unable or does not wish to act. Whoever you select, please ask their permission first.

Choosing Guardians for your Children

Writing a Will is one of the only ways you can choose Guardians for your children. If you don't then the Law Courts will select them for you and it's unlikely that their choice will correspond with your own. So if you have children under the age of 18 (or are thinking of starting a family) you'll need to provide at least two names. Please obtain permission beforehand.

Your Funeral Wishes

It makes a great deal of sense to provide details of what you wish to happen to your body upon your death, although it is not a requirement in your Will. Please think about whether you wish to be buried or cremated, include details of the location and any other details you feel may be relevant. Please also take this opportunity to think about whether you would like your organs to be donated on death - if so please arrange to carry the appropriate organ donor card.

Gifts

Please make a list of any specific gifts you wish to make in your Will, e.g. jewellery, a car, furniture etc. Ensure that you give an exact description so that there can be no confusion. It's also important to establish whether you own your house as 'Tenants in Common' or 'Joint Tenants' (check with your mortgage provider). Also think about the unthinkable - should all the beneficiaries in your Will die before you, who would inherit? Perhaps you may wish to name a charitable body.

Writing Your Will

Storage

Please don't go to the trouble of drafting your Will only to throw it in a drawer or under the stairs. It's a vitally important document and may become invalid if damaged - so have a think about somewhere safe to keep it. We have a secure storage facility should you require it.

Other important information to prepare

It would be extremely helpful when taking your Will Instruction if you could also prepare the following:

1. List and approximate the value of all the assets in your Estate. This should include all property such as your home and its contents, any business interests, investments, insurance policies, overseas properties, pension rights etc;
2. Think about who should initially inherit the majority of your Estate and also the order of succession;
3. Consider the consequences if any of your beneficiaries were to die before you, and any alternative instructions that should therefore be included;
4. Try to ascertain the FULL names and addresses of all those mentioned in your Will, including postcodes.

Points to consider

So that we can give you the best advice possible in light of your specific situation and concerns, please complete the following section

Is it important to me that:

- My Executors and Trustees

- should know exactly what their role will entail Yes No
- should have access to professional help if required Yes No
- will be able to easily locate my Will and other important documents in the event of my death or disability Yes No

- My Will and other important documents are secure from fire, theft or damage and cannot fall into the wrong hands Yes No

I am concerned about:

- Protecting my Children's (or other beneficiaries') inheritance should my Spouse or Partner remarry or enter into a new relationship after my death Yes No

- My house being sold by hostile creditors or to fund the costs associated with infirmity in later life, at the expense of my family or friends Yes No

- The value of my insurance policies or investments being included in my Estate and therefore increasing Inheritance Tax liability Yes No

I want to:

- Guarantee that if I become physically or mentally incapacitated, people I trust will be legally empowered to manage my financial affairs Yes No
- Make a statement in advance regarding my Medical treatment in case I should be unable to communicate my wishes later Yes No
- Make sure that my Funeral is arranged in advance in accordance with my wishes Yes No
- Ensure that anyone NOT named in my Will is unable to make a successful claim upon my Estate Yes No