

In order to avoid the possibility of making a Will which could be set aside as being invalid or having the Will wrongly interpreted, we strongly recommend that you contact us.

Why should I make a Will?

Many people delay making a Will. This can be for many reasons. No one likes to think about death, particularly their own. However, dying without a Will often leads to a lot of confusion, distress and sometimes financial hardship for the deceased's family.

What is an executor?

The choice of executor is very important as your executors will be responsible for collecting in your estate and dealing with its distribution according to law.

Being an executor can involve a lot of work and responsibility so you should consider whether the person identified is suitable and whether they are willing to act.

An executor's responsibility starts from the time of death.

Executors can also be beneficiaries.

Although you may choose as many executors as you wish, only four will be appointed to act by the Probate Registry at any one time.

You can appoint a professional executor, such as a solicitor. This may be advisable in circumstances such as family disputes, complicated or large estates, or estates which create trusts.

What do I need to consider?

- Funeral details, such as cremation or burial. This can save your family additional worry at a very difficult time.
- Executors.
- Guardians for minor children. This is especially important if only one parent is alive.
- Estimate the value of your estate.
- Inheritance Tax.
- Persons whom you wish to benefit from your Will and if they were to die whom it should pass to.
- Review your Will at least once every 3 to 5 years or as circumstances change.

What problems can occur with mistakes in Wills if not advised by appropriately qualified legal professionals?

- Failure to dispose of all of the estate.
- Being unaware of the rights of certain family members and dependants to make a claim against the estate if reasonable financial provision has not been made for them.
- Failure to consider the impact of divorce and/or remarriage.
- Will being signed and witnessed incorrectly.
- Second marriage situations and appropriate provisions.
- Will being witnessed by a beneficiary or their spouse which will make any gift to them legally ineffective.

How can I change an existing Will?

If you want to change a Will, you can either revoke (cancel) the old Will and make a new one or add a codicil to the original Will.

A codicil is a supplement to the Will which details amendments or additions and must be signed and witnessed in the same way as the original Will.

If you marry, remarry or enter into a registered civil partnership, this will invalidate a previously existing Will. Divorce does not automatically invalidate a Will.



What happens if I do not make a Will?

If you die without making a Will, then your estate will be intestate, and therefore your estate will be distributed in accordance with the Intestacy Rules laid down by Parliament in 1925, as amended.

The basic situation is that if you leave a spouse or registered civil partner and children, your partner will inherit the first £125,000 of your estate and all your personal possessions, with any excess over £125,000 passing as to one-half in trust to pay the income arising to your surviving spouse or registered civil partner for life and on his or her death the capital of that sum to pass to such of your children, or the children of any of your children who die before you, who survive you and if more than one equally between them at 18 years, and as to the remaining one-half for your children equally upon attaining the age of 18 years with the issue of any deceased child standing in his, her or their parent's place.

If you do not leave children or other issue but you leave a surviving spouse or registered civil partner and a surviving parent or parents or brothers and sisters of the whole blood or their issue if any has died before you, then your surviving spouse or registered civil partner will be entitled to the first £200,000 and all your personal possessions and then the remainder will be shared as to one-half to your spouse or registered civil partner and as to the other one-half between your surviving parents or brothers and sisters of the whole blood or their issue as applicable.

If you do not leave a spouse or registered civil partner, your estate will pass to other relatives in a certain specified statutory order.

If you do not have any surviving specified relatives, your whole estate will go to the Crown or the Duchy of Cornwall.

If you would like more information, please contact:

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