
MILLS · KEMP
& BROWN
S O L I C I T O R S

CLIENT CARE GUIDE TO MAKING A WILL

WHY SHOULD I MAKE A WILL?

There are many advantages to making a Will, not least the peace of mind, which comes from the knowledge that you have put your affairs in order. These are just a few of the reasons why it is a good idea:-

- 1. A WILL ALLOWS YOU TO CONTROL WHO GETS YOUR PROPERTY AFTER YOUR DEATH.** If you have an item of jewellery, for example, or other special possession you can direct to whom it will pass. If you die without a Will the law states that your property will be distributed according to fixed rules called Intestacy Rules and as a result property may be divided and distributed in a way, which you would not expect nor want.
- 2. A WILL ALLOWS YOU TO EXERCISE YOUR OWN CHOICE OF EXECUTORS WHO WILL CARRY OUT YOUR WISHES AND ADMINISTER YOUR ESTATE.** These may be professionals, family members or friends and their appointment is effective from the date of death. If you do not make a Will the law will appoint administrators for you and they will NOT have immediate authority to distribute your estate. Delays can therefore occur.
- 3. A WILL IS AN EFFECTIVE WAY OF LEAVING A SMALL GIFT OR A SUM OF MONEY TO SOMEONE YOU VALUE** - e.g. a grandchild or a close friend or possibly a charity
- 4. A RANGE OF TAX ADVANTAGES MAY FLOW FROM AN APPROPRIATELY DRAFTED WILL.** Inheritance Tax at 40% is payable if the value of your estate is over and above a set figure which is regulated by Parliament and usually revised in the budget each year. There are many ways to avoid or reduce the Inheritance Tax payable. It is therefore advisable to obtain professional guidance from a solicitor who can discuss how to take advantage of the various tax exemptions and available reliefs.
- 5. A WILL CAN INCLUDE A RANGE OF POWERS ADDITIONAL TO THOSE UNDER GENERAL LAW.** These facilitate the administration of the estate and benefit those who are entitled to the monies.
- 6. A WILL ALLOWS YOU TO APPOINT GUARDIANS.** Guardians will look after the interests of your infant children in the unfortunate event of your death.

7. A WILL ALLOWS YOU TO SPECIFICALLY EXCLUDE INDIVIDUALS AND DEFEAT ANY CLAIM THEY MAY HAVE ON YOUR ESTATE.

WHEN SHOULD I MAKE A WILL?

Now! Anyone over the age of 18 years can make a Will. It is always a good time to make a Will but essential when:-

- (a) You marry or re-marry.
- (b) You get divorced or separate from your spouse/partner.
- (c) You set up home, buy a house or have a substantial change in your finances.
- (d) Children or grandchildren are born.

WHEN SHOULD I REVIEW MY WILL?

Once you have made a Will you should review it regularly, say every three years, or sooner particularly if there is a change in your circumstances

It is, however, important that you never make any alterations, deletions or corrections to your Will without consulting a Solicitor, since this may invalidate the Will.

CAN I MAKE A WILL MYSELF?

Yes, but as there are strict legal formalities that MUST be complied with it is always wise to enlist the help of a Solicitor. All too often complications arise with home-made Wills with the unfortunate result that it costs relatives far more to sort out these matters than it would have cost to consult a Solicitor in the first place.

WHAT DO I DO IF I WOULD LIKE TO MAKE A WILL?

Please dial (01226) 210000 or call in at our offices to make an appointment to see a member of our Wills and Probate Department. If you are disabled or are too ill to attend our offices then for a small extra charge we can arrange to visit you at home.

Before your appointment we would advise you to:-

1. Make a list of all your assets and their approximate values e.g. house, car, jewellery and money in banks and building societies. We also recommend that you identify which assets are in your sole name and which assets you own jointly with another person.
2. Consider who you would like to administer your estate after your death and any Guardians you might like to appoint. Once you have decided upon these matters then it is advisable (but not a legal requirement) to check that these individuals would be happy to act.
3. Decide who is to benefit under your Will and if they should receive specific legacies (e.g. jewellery or car or money) or a share or percentage of your total assets.