

WHY SHOULD I MAKE A WILL?

If **YOU** want to decide what happens to your property after you die, you should make a Will.

Without one, the State directs who inherits. This could mean a brother or sister who you have not spoken to for many years or a cousin you did not know existed could inherit your entire estate.

It is particularly important to make a Will if you are not married or are not in a registered civil partnership. This is because the law does not automatically recognise so-called "common law" husbands or wives as having the same rights as married couples and civil partners. As a result, even if you've lived together for many years, your partner may be left with nothing if you have not made a Will. Whilst a claim could be made under the Inheritance (Provision for Family and Dependents) Act 1975 do you really want them to have to go to Court at such a time if an agreement cannot be reached?

A Will is also vital if you have children or dependants who may not be able to care for themselves. Without a Will there could be uncertainty about who will look after or provide for them if you die. This is last thing your children would want at such a traumatic time. We can also advise you on how inheritance tax affects what you own.

You should also consider taking legal advice about making a Will if:

- several people could make a claim on your estate when you die because they depend on you financially e.g. children from more than one marriage or relationship; disabled relatives;
- you want to include a trust in your Will (perhaps to provide for young children or a disabled person, save tax, or simply protect your assets in some way after you die);
- your permanent home is not in the UK or you are not a British citizen;
- you live here but you have overseas property; or
- you own all or part of a business.

Once you have had a Will drawn up, some changes to your circumstances - for example: marriage, civil partnership, separation, divorce or if your civil partnership is dissolved - can make all or part of that Will invalid or inadequate. This means that you must review your Will regularly to take account of any major changes in your life which could affect your Will.

Using a solicitor

Although it is possible to write a Will without a solicitor's help, this is generally not advisable as there are various legal formalities you need to follow to make sure that your Will is valid. Without the help of an expert, there's a real risk you could make a mistake, which could cause problems for your family and friends after your death and cost a great deal of money to rectify. We are sure you would prefer your loved ones to benefit rather than lawyers or even the Government.

What information will we need to know?

What you own:

Details of everything you own, including property, cars, personal valuables, stocks and shares, bank accounts, insurance policies, any businesses you own, and pensions.

Who gets what?

Bridgeman Kettle Solicitors

257 Queensway
Bletchley, Milton Keynes
MK2 2EH

Tel. 01908 376321
Fax. 01908 643771
Email. info@bridgemankettle.com

Who do you want to leave these assets to? How do you want to divide your property between your loved ones, friends or charities? Are there any conditions you want to attach to these gifts (e.g. that young people must reach a particular age before they are paid money you have left them)?

Family and other beneficiaries:

Details of your family and status. Are you divorced or has your civil partnership been dissolved? Have you remarried or entered into a new civil partnership? Or are you living with someone without being married to them or being their civil partner? Do you have any children or any other dependants? Anyone who depends on you financially can ask a court to review your Will if they feel you have not provided properly for them. If you give us relevant details, we can tell you about any legal pitfalls.

Guardians:

If you have any children that may still be under 18 when you die, you may need to name someone as their legal guardian.

Other wishes:

Do you have any particular wishes for your funeral? Do you want to be buried or cremated? Are there any other instructions? For example, if you want to be an organ donor this can be included in your Will. However, it is also a good idea to record your wishes on the organ-donor register, or to carry an organ-donor card.

Executors of your will:

You must also name the people you want to appoint as 'executors' of your Will - the people who carry out the administration of your will after your death. These could be:

friends or family members, or a professional such as your solicitor. A good combination would be a friend or family member and a professional. Ideally, you should choose someone who is familiar with financial matters. Make sure you ask your executors whether they are happy to take on this duty as there could be long-term responsibilities involved, particularly if you include a trust in your Will. It is a good idea to ask someone younger than you are.

Signing the Will

Once the Will has been drawn up it is not effective until it has been signed. There are several rules affecting the signature process which, if not followed correctly, will make your Will invalid. For example, witnesses and their husbands, wives or civil partners cannot benefit under the Will. Most people use staff at our office to act as their witnesses to avoid this problem.

Where to keep the Will

It is important to keep your Will in a safe place and tell your executors or a close friend or relative where it is. People usually ask us to store their original Wills and they retain a copy to put with their papers at home. We do not charge for this service.

Keeping your Will up to date

You should review your Will at least every five years and after any major life change such as getting separated, married or divorced, having a child or moving house. It is best to deal with any major changes by getting a new Will drawn up. But it is also possible to make minor changes (or 'codicils') to your existing Will.

Costs

Bridgeman Kettle Solicitors

257 Queensway
Bletchley, Milton Keynes
MK2 2EH

Tel. 01908 376321
Fax. 01908 643771
Email. info@bridgemankettle.com

Charges for drawing up a Will can vary between solicitors. They also depend on how complicated your will may be.

But remember that cost should not be the only consideration. It is equally important to find a solicitor who is approachable and whose advice you understand.