

FACTSHEET ON MAKING A WILL

A Will is one of the most important documents you will sign.

Without a Will it is possible that your property will end up in the hands of people you do not wish to benefit. Most people think that without a Will, if you are married, everything will pass automatically to the surviving spouse. This is not necessarily so and it is vital to have a properly drawn up Will to set down your wishes. Furthermore, the outdated Intestacy Rules (i.e. when you don't have a Will) do not cater for non-married couples, friends, charities or non-blood relatives.

Making a Will without professional help may cause your family to suffer anxiety, disappointment and financial loss if, after your death, it transpires that your Will is ambiguous or uncertain.

Outlined below are some good reasons for making a Will.

1. **Choosing your beneficiaries:** A Will allows you to decide who will benefit from your estate, whether relatives, friends or charities. Without a Will, the outdated Intestacy Rules dictates who will receive your estate:-

- If you are married and your estate is valued at under £250,000, your surviving spouse will inherit everything. If your estate is in excess of £250,000 and you have children, then your surviving spouse will receive only the first £250,000 and all of your personal possessions. The remaining balance is divided into two equal parts, your surviving spouse receives one part and the second part passes directly to your children.
- If there is no surviving spouse then the estate will pass in strict statutory order to blood relatives. In a case where there are no blood relatives (which happens more often than you think), the estate will end up passing to the Crown.

“Did you know that the building of the Royal Courts of Justice was funded solely out of monies from intestate estates?”

2. **Choosing who will deal with your Estate.** You choose who will act as your Executors and Trustees. You may wish long-standing friends or professional advisers to act alongside loved ones to ease the burden. You may not want your family to deal with your estate. Those who inherit under intestacy will also be responsible for administering your estate who may not be someone you would have chosen.

3. **Choosing who will look after your minor children.** If there is no surviving parent and no guardian appointed in a Will, social services will decide who should act as guardian.

4. **Choosing at what age your children will inherit.** Your children cannot receive their entitlement until they reach the age of 18. However, it may be prudent to arrange payment in stages, perhaps at 18, 21 and 25. Before they reach these ages, your Trustees can be given discretion to advance money to your children for education and maintenance. Under the intestacy rules, your children will inherit at 18 irrespective of their circumstances and your wishes
5. **Providing for Children from other relationships.** We can structure your Will to provide for second marriages and children from different relationships.
6. **Choosing preferred funeral wishes.** It can be of great help to your loved ones to know whether you would prefer burial or cremation. If you do not make a Will decisions regarding your funeral will be made by family members.
7. **Choosing who will run your business affairs.** Writing a Will allows you to nominate the right people to safeguard your business interests, especially if they are to provide an income to a surviving spouse. Your family may not wish to run your business and your business partners may not approve of their involvement.
8. **Inheritance Tax Planning.** Since 2007 it is possible for the estate of a surviving spouse to automatically make use of any unused Nil Rate Band from their deceased's spouse's estate. There is also, since April 2017, the residence Nil Rate Band which has come into force. However, careful advice is needed to ensure you are claiming the relief correctly. It is also worth considering other tax planning options and we will consider these at our meeting.

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