



ABOUT WILLS

Why bother?

If you don't make a will:

- No-one is automatically appointed your executor (the person who winds up your estate) and a family member has to apply to the court to be appointed executor. This increases expense and there is a legal requirement to take out insurance which can be expensive.
- Your spouse doesn't necessarily get everything in your estate
If you are not married or in a civil partnership your partner has no automatic entitlement to any share of your estate, but has to apply to the court
- The law governs who gets what and, unless all those entitled to a share agree, this can't be changed
- If your estate falls partly or wholly to children, they are entitled to payment in full when they are just 16

What can I control in my will?

You can appoint your executor – the person who administers your estate

You can appoint a guardian in your place to make decisions about the care and welfare of your children under 16, along with any surviving parent

You can delay payments to children until they are older, by using a Trust

You can provide for your spouse to live in your home for life, and then for it to pass to someone else

You can ensure that particular items of your possessions go to the person(s) you want to have them after your death

You can provide for your spouse to have all or most of your estate (but see below)

If you are not married but living with a partner, you can provide for your partner and avoid the need for an application to court after your death.

You can do some tax planning, and consider planning for the possibility that you or your spouse may need nursing home care in the future.

What can't I control in my will?

You can't prevent your children and/or your spouse or partner making a claim against your estate even if you don't include them in your will

You can't usually control what people do with the money or things you leave to them, unless you set up a trust

If the title to your home contains a "survivorship" then the house usually passes automatically to the co-owner when you die, regardless of what your will says. You should get legal advice about whether this applies to you, and whether it should be changed

You need good legal advice to make a will which disposes of your estate just as you wish, and which makes effective tax planning for those you leave behind. Talk to us also about planning for the possibility of planning for the costs of nursing home care in the future.