

# DON'T LEAVE IT TO LUCK

We won't make a fuss out of making a will.



**QualitySolicitors**  
Brennans



## A guide to help you

We know how important it is for you to take care of those you leave behind by having a properly written will in place, but at the same time we also know how complicated it can all seem. We're here to make things as simple and stress-free as possible. In this guide we've given you the key things we think you need to know when it comes to making a will. But if there's anything we've not covered or you want to know more about, please get in touch, we're always happy to help.



### Your will writing solicitors, at your service

All of our wills are individually prepared by local expert lawyers, giving you complete peace of mind that they are legally valid and that your wishes will be followed. We offer three different types of wills as well as other related services and it's up to you how much detail you want to include. We can help with simple arrangements through to more complicated financial planning requirements.



### We are local

All of our services can be tailored to your personal circumstances and all requirements can be discussed face to face with your lawyer – that's the nice thing about being local. Please call us on **0191 262 5133** for your Free First Advice.



**Jane Hucknall**  
Principal



**Claire French**  
Solicitor



## A QualitySolicitors Guide

Disclaimer: this guide is provided for information purposes only. We have done our best to ensure that the information contained in this guide is correct as of 04.04.2014. It applies only to England and Wales. However, the guide has no legal force and the information may become inaccurate over time, due to changes in the law. It is not possible to cover every situation or point in this type of guide and some of the information is over-simplified. The information in this guide does not constitute legal advice and we will not be liable to you if you rely on this information. Before you take any action, you should find out how the law applies to you and your particular situation by taking legal advice as soon as possible (to avoid any deadlines that may apply). Please get in touch as we offer a range of affordable services and options.



## Planning ahead – the steps involved



### Decide who gets what

Whether this is your first will or you're updating an earlier one, it is only by having an up to date will that you can decide who gets what. You will also have other important decisions to make, such as your funeral wishes and guardianship for any children you have. One of our specialist lawyers will guide you through what you can cover in your will and make sure your aims are achieved. To help you prepare, see the checklist on page 5.



### Legal responsibility for carrying out your wishes in your will

As part of the will making process you're able to appoint someone you trust to have responsibility (and legal liability) for carrying out the wishes set out in your will. To save placing a burden on your family we can offer to do this for you. We'll guide you through your options.



### Optional extra: appoint a Lasting Power of Attorney (LPA)

As well as having a will, you should consider if you need the extra legal protection of an LPA. Without an LPA your partner or family cannot automatically take over if anything happens to you so that you are no longer able to make decisions for yourself. Having an LPA means that you can appoint someone now - someone you trust to make those decisions for you (if the time comes).



### Amendments and approvals

As part of our service we'll give you your draft will (and LPA if you decided to have one). Your lawyer will ensure you fully understand them and whether you want to make any changes so that they reflect your wishes. Your solicitor will ensure you fully understand it and that you're happy it reflects your wishes. This is your chance to ask any questions you have and make any alterations needed.



### Signing

To avoid problems for your family, we'll ensure you sign your will (and LPA if you're also having one) properly. We'll also make sure they are witnessed correctly. This is essential; if mistakes are made it can make your will invalid. We consider this to be an important part of our service to you.



### Secure storage

Finally, we offer free secure storage of your will. With us there are none of the annual charges you get with other companies. Our service means that the latest version of your will can be easily found when the time comes.





## What happens if you don't have a will?

Many people don't realise that without a will in place, the law decides how their money and possessions are distributed (following the intestacy rules). You lose the right to choose. The result may not be what you would have wanted or may cause future legal problems for those you love.

Use the list below to see some of the problems that might affect your situation without a valid will in place then ask yourself how it might apply to your situation?



### No will

**You give up the right to decide what happens to everything you own** if you do not have a will. Instead the intestacy rules apply and you will also have no say over who is appointed to distribute your property under these rules.



### Will is not valid

**None of your wishes may end up being carried out** if your will is made without using a solicitor who has ensured it is legally valid. Instead either an older will or the intestacy rules are likely to be applied.



### Not married

**Your partner may get nothing** under the intestacy rules if you and your partner are not married or not in a registered civil partnership. This applies however long you have been together. This may force them to bring a legal challenge.



### Separated not divorced

**Your ex-partner may get up to £250,000 of your estate** (£450,000 if you have no children). This can happen under the intestacy rules if you had been married or in a civil partnership and have separated but not divorced or had a judicial separation.



### Home over £250k

**The family home may have to be sold** rather than be left for your family to live in it. This can happen under the intestacy rules if your home is part of your estate and is worth more than £250,000 (after mortgage). It is then worth more than your husband/wife/civil partner is allowed to receive under these rules.



### Key people left out

**Your friends and your favourite charity don't get anything.**

Even your children and grandchildren may get nothing under the intestacy rules.



### Legal problems for family

**There can be huge legal problems for your family.** With no valid will, those left out may need to take legal action to apply for financial provision. Sometimes without legal action the intestacy rules can even mean your assets go to the government ('the Crown').



## Your Checklist

To help you prepare to plan ahead (will and Lasting Power of Attorney)

### Personal belongings:

Your will is where you choose any personal items that you would like to give to the people you care about.

We will need:

- a. Details of the gift
- b. Their full names, addresses and dates of birth

### Gifts of money or property:

Decide if there are any gifts of money that you would like to give. Again we'll need:

- a. Details of the gift
- b. Their full names, addresses and dates of birth

### Everything else:

After any gifts made by you, payment of tax, debts and your funeral costs, you need to decide who you would like to receive everything else. This is usually your partner, charity or your children.

### Replacement wishes:

With your gifts to your partner or children (or anyone else), you may want to set out who should get their gift if they die before you. For example a gift to a child is often then shared equally between their children (your grandchildren).

### Charity:

If any of your gifts above are to go to a charity you will need to double check the name and address (as many charities have similar names).

### Total value:

To help us give you the best advice, it is helpful if you can list the main items you own with an approximate value.

### Guardian for children:

If you have children under 18 you can decide who you would like to appoint as guardian to look after them if both you and their other parent were to die. This is usually a trusted close relative. You will need to discuss this with them as they would need to have the capability to take on this role.

### Your funeral wishes:

You can use your will to give your preference for burial or cremation and any religious requirements. Whilst it does not bind your executors, it highlights the importance of appointing people you trust to carry out your wishes.

### Legal responsibility for carrying out your will:

You will need to appoint an executor to administer your will after you've died, this is someone you trust to ensure your wishes are followed. Most people choose two executors. You need reliable people who would work well together and be able to cope with this important legal responsibility. It can be quite a burden, so we would be happy for you to appoint your QualitySolicitors firm to do this for you, perhaps working alongside a trusted friend or relative. We can explain the costs involved – so that you know your affairs are left in a safe pair of hands. If you have anyone in mind, we will need their name and address.

### Lifetime decisions – your finances, medical treatment and where you live:

Your will covers your wishes for when you die. However as an optional extra we recommend that as well as your will you also put legal protection in place in case of accident or illness. This is to ensure your wishes are carried out if you were unable to make decisions for yourself whilst still alive. This can cover important decisions about your finances, where you live and your medical treatment. The separate document to your will is known as a 'Lasting Power of Attorney'. In it you get to appoint someone you trust to step in to make those decisions for you. Without it your partner or family do not automatically have the legal power and instead the court steps in. It costs extra now but can save money in the long run. Most people find it important.

Don't worry if you haven't made all of these decisions yet – that's what our service is all about – helping you to understand the options and make the decisions that are right for you.



## Frequently asked questions

### Do I really need a will?

At QualitySolicitors, we believe every adult should have a properly prepared will. They are a cost effective method of planning and the only way you can decide what happens to your property, money and personal possessions after you die. It also means you can make decisions about what happens to your children (appointing a guardian if they are under 18). You are also able to decide what they will each receive. This is especially important, if like so many of us you have complex family arrangements.

### What happens if I die without a will?

If you were to die without having made a will, everything that you own will be divided up under quite old fashioned rules (called the 'intestacy rules') that do not always reflect modern family arrangements and wishes. Without a will you also give up the right to decide who will be appointed to distribute your property and possessions. See for yourself how these could affect you and your loved ones in the list we've provided on page 4.

### Do I need to use a firm of solicitors to prepare my will?

There are lots of options when it comes to having a will prepared. You could do it yourself using a kit or use the services of a solicitor, an unregulated will writer, a bank or even a supermarket. The costs involved tend to be more or less the same whoever you use. There are many problems your loved ones could face if your will is not drafted properly, these can include:

- **Your wishes may not be carried out as you wanted them because of badly worded or unclear instructions.**
- **Your will may not benefit from advice on new changes in the law.**
- **Your will could be open to legal challenge.**
- **Unnecessary payments of inheritance tax.**
- **Your will won't be legally valid.**

So we believe it makes sense to use the services of an expert firm of solicitors, like QualitySolicitors, who use their legal skills to avoid these problems. The other difference you get using QualitySolicitors is your will would be properly prepared to suit your particular circumstances and wishes, not just using standard wording that may not be exactly what you had wanted.

### I have my own business – can I use my will to protect it?

You can use your will to protect your business in the following ways:

- If you are a sole trader then you should consider putting into your will the right for those who carry out your wishes to continue trading and use your resources. This could mean maximising the value of the business rather than your death causing a forced immediate sale.
- If you are in partnership with other people and there is no partnership agreement in place, then your death may simply bring the partnership to an end forcing a sale of the business. This would not be in the best interests of your partners and could also result in those benefiting from your will having to pay inheritance tax. We can arrange for you to receive advice on having a partnership agreement that does not create a situation where the partnership comes to an end and has to be sold in the event of your death.
- If you have business interests we can advise on whether they qualify for business property relief that will save inheritance tax and if it makes financial sense to leave your business interests in a legal vehicle known as a trust.

### Do I really need a Lasting Power of Attorney (LPA) as well as a will?

Your will is where you decide what will happen to your money, possessions and property when you die. However a Lasting Power of Attorney allows you to decide who should look after your money, possessions and property for you whilst you are alive. By having an LPA you have the chance to appoint someone you trust (perhaps your partner, a close friend or relative) to make decisions about your medical treatment or where you live, if you ever lose the ability to make those decisions for yourself through illness (like dementia or Alzheimer's) or an accident. Many people don't realise that your partner or family cannot simply take over the role of making decisions for you, unless you have already appointed them in an LPA. So, without an LPA, the court of protection would appoint an official to make those important decisions for you. Your relatives would then face a long and expensive legal process to become appointed. Having an LPA in place avoids this and is one less burden for your partner or friends and family at an already distressing time and can save money. Young or old, we think every adult should have an LPA.



## How we can help

### Free First Advice



- ✓ **Free First Advice** from your local QualitySolicitors when you're thinking about making a will – we'll give you expert help to work out which type of will is best for your circumstances.
- ✓ **Free will health check**, if you already have a will – we offer to review it to make sure it covers your needs and requirements.
- ✓ **Receive a clear fixed price, with a guarantee of no hidden costs.**

### Protector – tailored to your needs



- ✓ You decide who gets what – leave personal possessions or money to family, friends or charity.
- ✓ Decide at what age any children should benefit such as 18 or 21.
- ✓ Set out any funeral wishes.
- ✓ Appoint a guardian to take responsibility for children under 18.
- ✓ Choose who you'd like to appoint to make sure your will is followed.
- ✓ Free signing service at our offices to ensure your will is valid.
- ✓ Free lifetime secure storage.

### Protector Plus – everything covered by a protector will, but also more complex issues such as:



- ✓ Issues concerning step-children or a second marriage.
- ✓ The protection of gifts to ensure they go to your children of a previous relationship.
- ✓ Giving a gift to someone just for their lifetime – such as your house.
- ✓ Dealing with complex business or asset structures.
- ✓ Provision for the on-going care for someone with a disability or who needs protection.
- ✓ Reducing the risk of your property being used for the cost of care.
- ✓ Excluding someone who would otherwise expect to be included.
- ✓ Reducing the risk of your will being challenged or a family dispute (perhaps with medical evidence or a statement).

### Financial Protector



- ✓ **If you have assets (including property) over the inheritance tax starting point (£325,000 in April 2014) or own a business then this will may be right for you:**
- ✓ Detailed advice on using your will to minimise the inheritance tax payable.
- ✓ Capital gains tax planning.
- ✓ Structuring of your estate and its eventual distribution to maximise what is left to the people you choose – often saving thousands of pounds.
- ✓ Tax issues relating to your business or agricultural property.
- ✓ Protecting property from passing outside your family due to divorce, remarriage or bankruptcy.

### Lasting Power of Attorney (LPA)



Having one or both types of Lasting Power of Attorney (LPA) will give you the reassurance that your wishes will be respected if you were unable to make decisions for yourself due to illness or accident. It can be as important as having a will.

**You choose who to appoint (without an LPA the court will appoint an official to take over to make crucial decisions for you – your partner or family do not have this automatic right):**

- ✓ Property and financial affairs LPA: how your money is spent, running your bank accounts, investments and even selling your property.
- ✓ Health and welfare LPA: where you live and who you see. Also what you eat and the medical treatment you receive.



## Who are QualitySolicitors?

### Your local legal experts

With 200 branches across the UK, our solicitors are local, approachable and professional – all of them meeting rigorous quality standards to be part of our network. Everything we do is designed to make life easier and less stressful for you when dealing with your legal matter. You can count on us to be professional, easy to get hold of and to keep you fully informed of what we're doing and the progress of your case. We're also open on Saturdays. So whatever else is going on in your life, dealing with QualitySolicitors won't be a hassle.



#### QualitySolicitors offer the following key promises:



Direct lawyer contact



Free First Advice



Saturday openings\*



No hidden costs



Same-day response

\*Contact your local office for availability on Saturdays




#### Next steps

The first step is to get your fixed price quote. Whether you are buying or selling (or both), we recommend that you do this early on so that we can advise you how to get everything ready and in place. This will enable us to then act quickly and secure the sale. Call for a fixed price quote on **0191 262 5133** You'll speak with a friendly legal assistant who will take your details and will also check if you have any deadlines or special requirements.



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