

Rowlinsons

SOLICITORS



27 Reasons to
Make a Will...
and why you need to do it now



For further information please contact Rowlinsons on
01928 735 333 and ask to speak to Donna Eland or Nikki Barnes.
Alternatively, please e-mail reception@rowlinsons.co.uk



Benefits of using Rowlinsons

- Approachable down to earth service.
- Free initial no-obligation consultation.
- No need for a face to face appointment - we can take your will instructions by telephone or using our detailed questionnaire (available to download from our website).
- Extended opening hours - appointments available until 7.00pm on Tuesdays and Thursdays and 9.00 - 12.30 on Saturdays.
- Direct Telephone and Email access to the solicitor handling your will.
- Rowlinsons offer a full executor service and if required you can appoint Rowlinsons to be the executor of your estate on your death.
- We offer a Free 5-yearly Will review service.
- Free Will and Deeds Storage.
- Free registration of your Will on the Certainty National Wills Register.
- Our facilities include ground floor meeting rooms and free customer parking.
- We offer competitive prices and excellent value for money.

Rowlinsons Solicitors offer a specialist will writing and estate planning service. Our friendly professional staff will discuss your requirements and advise you on the best way to achieve your desired results. We can also provide specialist advice on inheritance tax planning and trusts.

We understand the anxieties people have about making a will and will help to guide you through the process efficiently and in a relaxed and friendly environment.

We are an accredited member of the Law Society's Wills and Inheritance Quality Scheme (WIQS). This is a quality kitemark for firms who follow best practice procedures in relation to wills and estate administration advice.

Our team is headed by Donna Eland, a solicitor who specialises exclusively in this field of law. Donna is also a member of the Society of Trust and Estate Practitioners (STEP), a specialist society for professionals in this field. In 2008 Donna received a prestigious STEP award for outstanding achievement, beating solicitors from all over the country. This truly confirms Rowlinsons status as leading practitioners in the region for this area of work.

So, why make a will...?

Formalities

1. To choose your own Executors

When you make a will you appoint Executors to deal with your affairs after you die. Making a will gives you the opportunity to select your own Executors; if you do not have a will the law states who will take on this role. You should ensure that your Executors are trustworthy and are capable of handling your affairs after your death. As this is a traumatic time for your family, some people prefer to appoint a professional executor such as a solicitor.

2. To make known your funeral wishes

It is not essential to state your funeral wishes in your will however this is a good way of letting your family know if you do have a personal preference, for example as to whether to be buried or cremated, or whether you wish to have a religious ceremony. It can be a great relief to your family if they feel they are carrying out your last wishes, and it can also prevent family arguments if your wishes are made clear.

'Making a will was something that we put off and put off, but Rowlinsons made the whole process easy and smooth. Within a week or so our wills had been prepared, signed and were registered on the Certainty National Wills Database - something that we had never heard of before. Rowlinsons even gave us a Certificate of Registration for our own files. Rowlinsons have given us peace of mind that our estate will be distributed exactly as we wish once we are gone and we are very grateful for their very professional approach.'

John B, Cheshire

Making Gifts

3. To pass on specific gifts such as jewellery, furniture or family heirlooms

If you have possessions which you would like to pass to particular family members or friends you can do so in your will. Including specific gifts in your will can help to avoid family arguments over who should receive your possessions after your death.

4. To pass on financial gifts ('legacies')

If you wish to leave gifts of money to specified people you can do so in your will. These gifts are called legacies. You can choose how much you wish to leave, and you can also state where the gift should pass if your chosen beneficiary has died before you. For example, you may leave £1000 to your brother, but state that if your brother dies before you the gift should instead be divided amongst his children.

5. To leave gifts to charity

Many people support their favourite charities in their lifetimes, and charities are equally grateful for legacies left to them in wills. You could consider leaving gifts of money or even personal belongings or property to charity. Gifts to UK registered charities are also free of inheritance tax.

6. To dispose of foreign property

If you own land or investments abroad you need to take specific advice in the relevant country as their laws may determine where your property must pass if you die. Ideally, you should make two wills; one in the UK dealing with your UK assets, and one in the foreign country dealing with anything you own there.

To protect your business interests

7. To deal with the running of your business after your death

If you do own a business it is essential to consider practically how the business would be affected by your death. Could it continue to operate without you? Could it be sold so that your family benefit from the sale proceeds? If so, who will run the business in the time between your death and its sale? Business people should give consideration to including powers in their will for their Executors to run their business. Alternatively you can appoint separate Executors specifically to deal with your business whilst your personal executors deal with the rest of your estate.

You should discuss with your business partners the advantages of each making a will and obtaining "Key man" cover or insurance. Rowlinsons can offer you further advice on this.

8. To pass on your business if you die

If you run your own business, whether as a sole trader, partnership or company shareholder, you will need to decide what will happen to the business or your share of the business if you die. Do you wish to leave it to your family, or to your business partner(s)?

9. Land used by the business

If your business owns land, you should take the opportunity to review how the land is owned, and who it would pass to in the event of your death. This may be something you should specifically address in your will.

10. Tax Planning

The value of your business may be eligible for up to 100% relief from inheritance tax and making a will is an ideal opportunity to take professional advice on your particular financial circumstances this could save you thousands!

To provide for your family

11. To appoint legal guardians for your children

If you have young children you can include a clause in your will stating who you would wish to look after the children if you die before they reach 18. Appointing a guardian is an important decision, and it is essential to choose someone you trust to raise your children as you would wish. By appointing a guardian yourself you can avoid potential arguments between different sides of the family as to who should take on this responsibility.

12. To provide for your children's maintenance and education

If you die leaving young children, you will naturally want to provide carefully for their future. Children cannot inherit money until they are 18, so your estate would need to be left in trust for them until they are old enough to inherit it. You can also increase this age limit in your will, to provide that they will only inherit your estate when they reach perhaps 21 or even 25. Whilst the funds are held in trust, you can include provisions in the will stating what your trustees can use the money for; so it is still available for the children's benefit but it remains under the control of the trustees until the children reach the age you have stated.

13. To make sure your own children do not lose out

Family life can be complicated, and we often see people who are married or in a relationship but have children from a previous relationship. Often they want to provide for their new partner, but are concerned that their children could lose out as a result. Careful will planning can deal with this scenario and protect all parties involved.

14. To decide who you would like to look after your pets if you die!

Many people worry about what would happen to their pets if they die. You can indicate in your will who you would prefer to look after your pets for you, and you can even leave a gift of a sum of money to cover the costs of their care. If you have nobody you would wish to look after your pet, several animal charities run specialist schemes designed to solve this problem.

15. To prevent your residence being sold while someone still needs it

If you own a property in which other people, such as your children or elderly parents also live, you can include provisions in your will to prevent the property being sold whilst they still wish to live there. Alternatively, you can allow a fixed time period (such as two years) which would be sufficient for them to find alternative accommodation.

16. To make provision for an elderly or disabled relative

If you help to look after an elderly or disabled relative in your lifetime, it is natural to be concerned about what would happen to them in the event of your death. With proper advice, you can set up a trust fund in your will to help provide for them financially.



To avoid dying Intestate

17. To control where your estate passes

If you do not leave a will the law states who would inherit your estate if you die. This is known as dying 'intestate'. Without a will you have no control over this.

The rules of intestacy provide a list of relatives who are entitled to your estate in strict order. Even if you are married, your whole estate does not pass automatically to your husband or wife. Ultimately, this can mean that family members you do not know or do not get on with could end up inheriting your estate. If you want to be sure who will benefit from your estate you need to leave a will.

18. To provide for your partner if you are not married

If you are not married but have a partner, the intestacy rules do not provide for your partner if you die intestate. This can leave bereaved partners in financial difficulty. It is therefore essential in these circumstances to make a will.

19. To avoid stress, upset and expense for family members

The administration of an estate can be more complex (and consequently more expensive) if you die intestate. Making a will allows you the opportunity to make your wishes clear on a variety of issues, such as who you wish to appoint to deal with your estate for you, your funeral wishes, who you wish to leave gifts to, and how you wish the remainder of your estate to be distributed.

A will need not be complex, but a well drafted will can save your closest family and friends a lot of heartache.

Tax Planning

20. To reduce your liability for inheritance tax

Inheritance tax is a significant concern for many people, primarily because of the rapid rise in house prices in recent years.

If you are married or in a registered civil partnership then making a will is the ideal opportunity to seek advice on inheritance tax planning, as there may be options you could include in your will or even in your lifetime which could save thousands of pounds in tax following your death.



Will Review

21. To reflect changes in family circumstances

Significant family milestones such as births, deaths, or children coming of age are the perfect opportunity to review your will. For example, it is not uncommon for parents to make a will leaving their estates to their named children. If a further child is subsequently born it is essential to change the will to ensure that the new child would also benefit.

22. Marriage or Civil Partnership revokes your existing will

Many people do not realise that wills are automatically cancelled if you get married or register a civil partnership. If you do marry or register a civil partnership therefore it is essential to review and update your will immediately afterwards or, even better, take advice beforehand.

23. Divorce or dissolution of a civil partnership affects your will

If you have a will but subsequently get divorced or dissolve a civil partnership then you should review your will to take account of your new circumstances.

24. If you move house

Whilst a change of address does not invalidate your will, it is good practice to tell the solicitor who is storing your will that you have moved in case they need to contact you.

Moving house is an ideal opportunity to review your will as your financial and other circumstances may have changed, or you may wish to state in the will where your share of the property would pass if you died.

25. If you no longer own specific items mentioned in your will or have acquired new ones since your last will was made

You can leave gifts of personal possessions in your will, such as your favourite items of jewellery or household items. If you no longer own these at the date you die, for example because you have sold them or already given them away, the gift will 'fail'. This could leave the intended beneficiary under your will disappointed. If you have left specific gifts in your will it is therefore a good idea to review the will regularly to make sure it is still appropriate.

26. To update a home-made will

There are many 'DIY' will kits available on the high street. Provided the formalities for preparation and signature of the will are followed then it is possible to make the will yourself, however the law in this area is extremely complex. If your home-made will is defective, this will not be discovered until after your death, when a great deal of time and money may be wasted in trying to sort out the problem.

Having your will prepared by a solicitor who specialises in this field will ensure that these problems do not arise. A solicitor will take full details about your family and financial circumstances and your wishes, and will be able to advise you fully about the implications of your will.

'I am more than satisfied and have already told many friends about the excellent service.'

Thomas F, Frodsham

Finally...

27. To provide peace of mind

There are so many good reasons to make a will we cannot list them all here.

Overall, a properly drafted will gives you the peace of mind of knowing that if the worst happens, your last wishes are clearly known, so that your family will be provided for and your estate can be properly administered.

If you already have a will but need to make minor changes to it these can be made using a codicil, which formally alters your existing will.

Having a will prepared by a solicitor may be less expensive than you think – we would be happy to provide you with our charges for the preparation of wills on request.



WHY WAIT ... ACT NOW!

WILL CHECKLIST

- Select your Executors (usually between 1 and 4 people). They can be people who benefit under your will.
- Decide if you wish to include funeral wishes in the will.
- Obtain the name and address of your chosen guardians if you have young children and ideally obtain their agreement to being appointed.
- Consider if you wish to leave any gifts of cash to named people or charities in the will.
- List any personal items you wish to specifically leave in the will and who they are to be left to.
- Decide who is to inherit the rest of your estate (the`residue`), This can be one person or more than one in varying shares if you wish.
- Consider what would happen if any of the people you have named in the will die before you – do you wish to specify where their gift should go instead?
- If you require inheritance tax planning advice prepare a list of the assets you own and their current values.
- **Phone Rowlinsons Solicitors on 01928 735 333 to make a will appointment**

Ensuring your loved ones can find your Will after you have gone

Rowlinsons are members of the Certainty National Wills Register. If you ask us to store your completed will for you then we will register it on the Certainty National Wills Register at no extra cost to you.

The contents of your will of course remain confidential; registering your will simply records its existence and tags the location of your will. Registration ensures that if your beneficiaries and executors are unaware that you have written a will or forget where it is located then it can easily be found in the event of your death.

A black silhouette of a family walking. From left to right: an elderly man with a cane, a young child, a man, a woman, and another young child. A registered trademark symbol (®) is located to the right of the woman's head.

certainty.co.uk
the National Will Register



Expert legal advice isn't expensive
...it's priceless

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