

Guide to Making a Will and Our Standard Fees



BLANDY & BLANDY
solicitors

Guides & Advice

Guide to Making a Will

Why should I make a Will?

A Will is a legal document which states how you wish your estate to be distributed after your death. Making a Will enables you to:

- Make provision for your wife or husband
- Appoint guardians for your children if you are the surviving spouse, and establish trust funds to look after their financial future
- Provide for any specific wishes you may have regarding the bequest of certain items of property or sums of money to friends, relatives or charities
- Plan the distribution of your estate advantageously for tax purposes
- State your wishes regarding your funeral arrangements
- Appoint executors to carry out the terms of your Will, ensuring that you do not leave such a task to a friend or relative who may find the whole matter rather bewildering

What happens if I don't make a Will?

Strict rules have been laid down by Act of Parliament stating who inherits your property if you die without making a Will (known as "intestate"). This may well turn out to be unfair, illogical and not as you would have wished.

For example, a spouse does not automatically receive the whole of the estate. If your children or parents are still alive, your spouse will only receive a proportion, with the remainder going to your children or even,



in certain situations, your parents. This can have the most unfortunate and inconvenient consequences for everyone, often causing serious financial problems and embarrassing family disputes.

Am I wealthy enough to need a Will?

You do not have to be wealthy to need a Will. Indeed some of the most complicated problems arise from the smallest of estates. However, your estate could be worth much more than you think.

What should I do now?

If you want to make a Will, you should contact us to arrange to come in and discuss your wishes. We can deal with it by correspondence if you prefer.

Following our meeting we will send you a draft Will for you to consider. As soon as you have agreed the draft, we will prepare an engrossed Will ready for signature. To prevent any mistakes being made on the signing of the Will, it is preferable that you come to the office to execute it. However, alternative arrangements can be made where necessary.

Who will carry out my wishes?

You can choose to have between one and four executors to ensure that the terms of your Will are carried out and that the whole of your estate is properly administered. You can have whoever you like as an executor, provided they are over 18 years old and are preferably living in the UK. It is advisable however, to ask the person beforehand if they would be prepared to act as your executor.

You can appoint your solicitor to be your executor and be assured that he/she is fully trained to take on the wide variety of technical and administrative problems that may arise. In practice, this in no way diminishes the involvement of your family and can in fact ease the burden on someone who, because of your death, may not be able to face dealing with a lot of paperwork straight away.

Is making a Will expensive?

The majority of Wills are fairly straightforward and it is therefore not expensive to have one drawn up. Even if a complicated Will costs you a little more you can be sure it is a good investment, which buys peace of mind for you and your family.

Will tax have to be paid on my estate?

Maybe - with current property prices and the likely value of your life assurance policies together with any other personal possessions, this can very quickly mount up to quite a considerable sum. There is a common misconception that only the very rich are likely to be affected by Inheritance Tax.

Is my Will out of date?

There are certain circumstances which will automatically change your Will; marriage will automatically revoke an existing Will and a divorce makes gifts to your ex-spouse and his or her appointment as your executor invalid. In these circumstances there may be unforeseen results and it would be much safer to make a new Will.

You may however simply wish to make an addition to the Will, or a deletion from it. Where the alteration is a minor one, you can add what is known as a "codicil", rather than making a completely new Will. We will advise you on the most appropriate method of accommodating any changes.

In any event you should review your Will at least every five years or so. If your personal circumstances have changed significantly since you last made a Will you should make an appointment to review whether it continues to be appropriate

Some of the most common reasons for people wishing to revise their Will are;

- If any of your named executors or beneficiaries have died, you may need to choose new ones
 - If you have sold or otherwise disposed of items or assets
- specifically gifted in your Will, you may wish to ensure that the beneficiary still inherits something



- If you are cohabiting, you may wish to make specific provision for your partner who will not otherwise have the same rights concerning your Estate as a spouse. Inheritance Tax may be a particular concern as your partner will not benefit from the 'spouse exemption'
- If your children have reached the age of majority since the date of your last Will, or if you now have grandchildren you wish to benefit

Can I make my own Will?

You can buy a Will from a stationers and write out your own, but this can often prove to be false economy. It may not save time or money in the end and may well cause serious complications for your family. Any mistakes you make, or important matters you leave out, will only be known after your death, which is, of course, too late. Many of the mistakes are made when it comes to signing and witnessing the Will, which if done incorrectly invalidates the whole Will. Worse still, a badly drawn Will could result in your estate going to the wrong people, which could cause untold hardship or distress.

Information required to prepare your Will:

Executors

Decide who you would like to appoint as your executor(s) and ask them if they would be willing to act. Many clients choose to have a solicitor as an executor, together with a responsible member of their family.

Beneficiaries

Consider for whom you would like to make financial provision and compile a list of their full names and addresses and the age of anyone under 18.

Guardians

If you have children under the age of 18 you should consider appointing one or more guardians to be responsible for their welfare and upbringing. Please ask these people if they are willing to act.

Specific gifts and legacies

Consider anyone else to whom you may wish to give property or a specific sum of money. You might like to consider gifts to charities as well as to individuals.

Funeral arrangements

Consider whether you have any specific wishes concerning burial or cremation. These can be included in your Will, although you might like to inform your next of kin of any such wishes as well.

Inheritance Tax planning

Did you know that in 2005/6 the Inland Revenue collected £3.3 billion in Inheritance Tax? Each person can currently give away up to £325,000 on their death, tax free. This is known as the 'Nil-Rate Band'. Anything over this figure will be taxed at 40%, unless it passes to an 'exempt' beneficiary.

A surviving spouse is an exempt beneficiary, so all assets passing to your spouse will be entirely exempt from Inheritance Tax. For most married couples, the main concern will therefore be the Inheritance Tax payable on the second death, and how to limit this liability that the next generation would otherwise be faced with. If the value of your estate is above the Nil-Rate Band, on death, Inheritance Tax may be chargeable on the estate. This threshold is usually changed each year by the Finance Act. Tax is also charged on certain gifts made during your life.

The key to lessening tax liabilities is to commence planning as early as possible - it is another misconception that Inheritance Tax planning is only for the elderly. Unless you take early steps, the major beneficiary of your estate could be the HM Revenue & Customs.

Where appropriate, incorporating Discretionary Trusts in your Wills can maximise any Inheritance Tax reliefs that may be available. Some trusts are particularly useful for unmarried couples where the 'Spouse Exemption' mentioned above is not applicable. Other methods of Inheritance Tax planning include:

- Making use of annual lifetime gift exemptions
- Making gifts during your lifetime which may be exempt from Inheritance Tax if you survive a further seven years
- Financial Services packages, such as life policies, designed to cover your liability
- Gifts to charities under your Will

Standard Fees

Type	What it means	Single	Mirror
Basic Will	A Basic Will including: <ul style="list-style-type: none"> • Funeral wishes • Universal gift to spouse/partner (if applicable) • Appointment of guardians • Appointment of Executors • Personal chattels* • Simple gift of residue * includes blank memorandum	£150 +VAT	£200 +VAT
Wills containing additional gift/legacies	As Basic Will, except with additional legacies	£200 +VAT	£275 + VAT
Wills containing more complex provisions	As Basic Will, but with more involved gifts of residue and/or “long stop” provisions	£250 +VAT	£350 +VAT
Wills containing straight forward Trusts	As Basic Will, including a life interest trust of property or a simple life interest of residue	£350 +VAT	£500 + VAT
Wills containing more complex trust structures	Wills based on our more comprehensive Will containing one or more of the following: <ul style="list-style-type: none"> • Nil Rate Band Discretionary Trusts • Life interest trusts with overriding powers of appointment • Full Discretionary Trusts 	£650 + VAT	£850 + VAT
Memo of wishes	Relating to Funeral wishes, personal chattels or discretionary trusts	£100 +VAT	
Memo of Severance	For each property (plus Land Registry fees if applicable)	£100 + VAT	

•Mirror Wills are in identical terms, except for the name of the Testator and the price quoted is for two Wills.

•The above costs may vary depending upon the number and complexity of the gifts to be included, but this will be discussed and the costs agreed with you at the outset. These standard fees are subject to review. The fees applicable will be confirmed when we receive your instructions

•These standard fees are subject to no unforeseen work being required. If you require extensive meetings/correspondence which we would not normally engage in, or request that we travel to visit you at home, our usual hourly rates will apply to that extra time

•This Guide should be read in conjunction with our standard terms of business. If you have not yet received a set or you would like to receive another set of those terms of business please call us and we will send you one.

Glossary of Terms

Administrator - A person appointed when either no Will can be found or there no executor to carry out the intentions of the Will.

Assets - Generally everything that you own.

Beneficiary - Someone who will inherit from the Will, a trust or under the intestacy laws.

Chattels - Personal belongings, including jewellery, furniture, wine, pictures, books and cars.

Codicil - A document making a change to an existing will. It must comply with the same formalities as the will.

Estate - The property, money and chattels of a person who has died.

Executor - A person appointed in the Will to administer the estate.

Guardian - Someone appointed to look after the interests of a child under the age of 18.

Inheritance Tax - Tax payable on the transfer of assets either during a person's lifetime or on his/her death.

Intestate - A person who dies without making a valid Will.

Legacy - A gift under the terms of a Will.

Life Interest - The right to enjoy either money or property for life (or for a specified time or until a specific event occurs). The Will sets out what should happen to the gift when the life interest ends.

Residue - What is left of the estate after the payment of all debts, administration expenses, inheritance tax and any legacies under the Will.

Testator - The person who makes the Will.

Trust - An arrangement set up by Will or deed appointing trustees to hold money or property for the benefit of beneficiaries.

Trustee - The person who holds property on behalf of another person and is responsible for administering the trust assets.

Contact

If you would like further details of our Wills service, please contact a member of our team on:

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