



# A GUIDE TO MAKING A WILL

## Who should make a Will

Death is something most of us would rather not think about and maybe this is why over 70% of us die without having a valid Will.

If you care about what happens to your property after you die, you should make a Will. Without one, the State directs who inherits, so your friends, relatives and favourite charities may get nothing.

It is particularly important to make a Will if you are not married to your partner. This is because the law does not automatically recognise partners as having the same rights as husbands and wives. As a result, even if you've lived together for many years, your partner may be left with nothing if you have not made a Will.

A Will is also vital if you have children or dependants who may not be able to care for themselves. Without a Will there could be uncertainty about who will look after or provide for them if you die.

You should also consider taking legal advice about making a Will if:

- Anyone could make a claim on your estate when you die because they depend on you financially;
- Your permanent home is not in the UK or you are not a British citizen;
- You live here but you have overseas property; or
- You own all or part of a business

## Why use a solicitor

Although it is possible to write a Will without a solicitor's help, this is generally not advisable as there are various legal formalities you need to follow to make sure that your Will is valid. Without the help of an expert, there's a real risk you could make a mistake, which could cause problems for your family and friends after your death.

## What we will need to know

Once you decide that you want to make your Will, there are various matters you need to think about.

- Who do you want to appoint as your Executors? These are the people who will deal with all the paperwork after your death. Executors can ask solicitors to help them with this.
- Do you want to give gifts of money or particular items to anyone, or make a gift of money to your favourite charity?
- Who is to inherit your estate? This includes all your savings, your investments, your personal possessions, your house, any life insurance policies and anything else you may own after payment of your funeral account and any debts.
- Are your children grown up? If not, who will look after them if both you and your husband/wife/partner die?
- Do you want or need advice about Inheritance Tax, which is a Tax that you can be liable to pay on anything that your beneficiaries inherit, if the amount inherited is above a certain threshold? The rules governing this have now been altered, but in doing so have been made more complicated, so it is important that the correct advice is sought.

## Signing the Will

Once the Will has been drawn up it is not effective until it has been signed. There are several rules affecting the signature process that, if not followed correctly, will make your Will invalid. For example, witnesses and their husbands and wives cannot benefit under the Will. Many people use our staff to act as their witnesses for this reason.

## Where to keep the Will

It is important to keep your Will in a safe place and tell your Executors or a close friend or relative where it is. We will be happy to store your Will for you in a fire-proof safe at no cost. At the same time we will provide you with a copy of the Will for your records.

## Keeping your Will up to date

Once you have made a Will, keeping it up to date is vital to ensure it still reflects your wishes and takes into account any changes in circumstance. If you marry, your Will is automatically invalid. We would recommend that you should review your Will every three to five years. Below are listed some of the other reasons you may need to review your Will:

- Getting separated, married or divorced
- Having a child, or grandchildren
- Moving house
- Financial changes
- Changes in the law

It is best to deal with any major changes by getting a new Will drawn up. It is also possible to make minor changes (or Codicils) to your existing Will.

## Costs

It is not as expensive or complicated to make a Will as you may think. We offer a fixed fee for preparing a Standard Will where you leave everything to your husband/wife/partner or to your children if your husband/wife/partner dies before you do. If your requirements are more complicated, we will be able to let you know at our first meeting how much it is likely to cost.

## How to contact us

If you would like to make a Will, we welcome enquiries and consultations by telephone, letter and e-mail, or why not call in to one of our offices and ask for further information.

We will then send you full details of the service we offer and let you have a questionnaire for you to complete and bring with you to our first meeting (or if you do not like filling in forms, we can complete it together when we meet).



**Chard Street**  
**Axminster**  
**Devon**  
**EX13 5DS**  
**Phone 01297 32345**

**29 Broad Street**  
**Lyme Regis**  
**Dorset**  
**DT7 3QE**  
**Phone 01297 443777**

**36A Fore Street**  
**Chard**  
**Somerset**  
**TA20 1PT**  
**Phone 01460 63336**

**Email: [enquiries@scottrowe.co.uk](mailto:enquiries@scottrowe.co.uk)**

**Website: [www.scottrowe.co.uk](http://www.scottrowe.co.uk)**