

# Guide to making a Will

## What is a Will?

A Will is a death instrument and a legal document which shows how you want your estate to be dealt with once you have passed away. For a Will to be valid it must be in writing and must comply with certain formalities.

## Requirements for a valid Will?

You must be over 18 years of age (some exceptions apply if you are in active military service) and must have testamentary capacity (be of sound mind). There are also other formalities which must be followed and which we will discuss and advise you of throughout the drafting process.

## Benefits for creating your Will with us:

- We draft all Wills independently in accordance with your instructions and we do not use any Will packages
- We store all Wills free of charge
- We offer a fixed fee rate
- We can register your Will with the first National Wills Register, Certainty

## Your Solicitor will need to know the following when drafting your Will:

- Executors of your Will – these are the people who will carry out your wishes after your death, these could be family, friends or a professional such as a solicitor (using a solicitor as an executor will incur fees)
- What you own such as property (in the UK and overseas), money, vehicles, savings, bonds/shares
- How you want to leave your assets and who will inherit what?
- Other wishes you may have such as funeral wishes
- Provisions for any children under 18 years of age. You can name legal Guardians for your child/ren, these are the people you will want to look after your child/ren and help them to manage their financial matters after you have gone
- You can also include gifts within your Will

## When you should update your Will:

You should review your Will regularly to make sure it reflects your current wishes when life events occur such as,

- Marriage (as a Will is automatically revoked by marriage)
- Divorce
- Births / Deaths
- Substantial change in financial circumstances

In some cases an old Will can be as unhelpful as having no Will at all, thus it is important to keep your Will updated.

## Why make a Will?

Creating a Will ensures that when you die your estate is shared according to your wishes. It ensures that you have your affairs in order and avoids loved ones having to face unnecessary legal and financial difficulties at a very difficult time.

It is not a legal requirement in the UK to have a Will, however if you do not have one this means that you would pass away intestate and your estate would then be distributed according to the Administration of Estates Act 1925 as amended by the Inheritance and Trustees Powers Act 2014 (ITPA 2014). The effect of this is that your estate would be passed to certain people within your family as of right, and you may not have wanted your estate distributed in such a way.

## Why you should use a Solicitor when creating a Will?

Creating your Will without any legal assistance may lead to mistakes or lack of clarity this could even mean that your Will may be invalid if it is not correctly drafted. It is recommended that a Solicitor assists with the drafting of your Will in order to make life easier for those you leave behind. Your Solicitor will ensure that your Will is correctly drafted and will cover all essential aspects and situations which could arise once you have passed away therefore ensuring that you fully understand how your estate will be dealt with on your passing, particularly if you want a Trust in your Will. Trying to make your own Will could lead to many complications thus to prevent this it is advised that you use a specialist legal professional who is regulated and insured, unlike most other will-writing services.