

# Making a Will?

The most important things  
to consider



# Before your appointment

## Will Writing

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**Making a will for the first time can seem daunting and often a reason people put off doing it!**

**We are here to help you every step of the way, to answer any questions or concerns you have and to provide advice and guidance on your personal situation.**

**Before we meet, please read through this guide and give some thought to your wishes.**

# Things to consider

## Will Writing

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### Executors

You will need to appoint up to four people to be named as Executors in your will. Executors are responsible for obtaining probate after your death and ensuring that the wishes stated in your will are carried out. They will ensure that any debts are paid off, any specific gifts are distributed in accordance with your wishes, any business matters are dealt with and that all beneficiaries receive what is due to them under your will. Executors are usually able to claim for any time and expenses they incur, as a result of carrying out the role, from your Estate.

It is advisable to appoint more than one Executor as the role can sometimes be quite demanding, often at an already emotional time. Executors can also be beneficiaries. If you would prefer to appoint a professional Executor because your affairs are complex, we would be happy to discuss this with you.

### Trustees

Trustees are responsible for looking after any money or possessions placed in Trust (for example, for your children). Trustees are often, but not always, the same people as the Executors.

### Guardians

This is something which often delays people making a will as they find it difficult to decide who would be the best person to care for their children. Your decision is much better than making no decision as it can avoid interim court orders or in extreme cases, the court granting temporary parental responsibility to a local authority.

Guardians only step into act if all people with parental responsibility have died. While Grandparents can seem an obvious choice, their age and health are certainly factors to consider. We encourage you to choose the people who will give your children a similar upbringing to you, in terms of the environment, nurture, love and support. You may specify wishes for the upbringing of your children (i.e. that you would like them to remain living in the local area, attend the same schools, or would like them to maintain close contact with certain family members).

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### **Pets**

Our non-human companions can sometimes get overlooked when drawing up a will. If you have pets, give some thought on who you would entrust them to.

### **Specific gifts**

You may wish to give certain pieces of jewellery, sentimental items or family heirlooms to particular members of your family or friends. If this is the case, make a note of anything which is important to you.

### **Distributing your estate**

Your 'estate' is just a way of defining everything you own, after any individual gifts have been made and debts or expenses have been settled. We will encourage you to think about your wider family and friendship groups, so that if something tragic happened to all of your immediate family, there would be contingency arrangements detailed in your will.

### **Funeral wishes**

Detailing wishes for your funeral in your will is optional, but if you do have thoughts on whether, for example, you would prefer to be cremated or buried, whether you would like your organs to be donated or if you have views on the type of service you would prefer these can be included in your will. You may have a pre-paid funeral plan in place and this can be documented in your will.

If you have been considering a pre-paid funeral plan and would like some information on how they work, we would be happy to explain them to you. Even if you do document your wishes in your will, we would strongly recommend that you speak to your family about your wishes, as sometimes you will isn't looked at before a funeral is arranged.

### **Charitable donations**

When making a will, people sometimes want to include gifts to charities close to their hearts. There can be inheritance tax benefits in doing this and we would be happy to discuss this with you.

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### **If you own a business**

Is this a business that could be left to someone on your death, or is your business 'you'? If you own a specialist business, you may want to consider stating that a particular person steps in to manage this business, while leaving the value of the business to someone else. If you have a limited company and there are other shareholders, do you have a shareholder agreement in place? – if so, what has been agreed in respect of those shares if a Director dies? If you need advice on any aspect of your business, we can put you in touch with Accountants, Financial Advisers or Legal Advisers.

### **Trusts**

Trusts can be a useful thing to include in your will if, for example, one of your beneficiaries is vulnerable and may need money to be looked after and managed for them.

Another concern people have is that their children may 'miss out' on an inheritance if they leave everything absolutely to their spouse/partner on the understanding that when the spouse/partner dies, the children will receive an inheritance. There have been cases in the news where the spouse or partner remarries. Marriage is one of the few things that invalidate a will, so they would need to make a new will. If they set up a new will on the same basis as the original will in that they leave their assets to the new spouse or partner, on the understanding that the assets will go to their children after this, there is nothing to stop that new spouse re-writing their own will after the death of their spouse and your children would be completely cut out.

By including a trust in your will, possibly around your family home, if this is your biggest asset, it would ensure that on your death, your children become the beneficial owners of your share of the property, but your spouse or partner would own their own share and have the right to remain in the home for their lifetime or until they re-marry if you would prefer.

There is an additional cost for trusts and we would be happy to discuss your individual situation, questions and concerns at our meeting.

# Still feeling unsure?

## Will Writing

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The important thing is, don't worry if you are still feeling unsure about some of these matters as we are very experienced in helping make wills that reflect their wishes, no matter what their situation.

*Please contact us if you would like to arrange an appointment to make a will.*

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# Heritage Estate Planning

*For peace of mind that you've  
planned for the future*

