

## **MAKING A WILL: YOUR QUESTIONS ANSWERED**

These are some of the most common questions asked by our clients when they are considering making a Will. We have tried to provide simple and clear answers to all of them but if there is a question you have which is not answered below or you would like to talk to someone about making a Will please **contact us**.

### **What happens if you do not have a Will when you die?**

If you do not have a Will you are said to have died “intestate”. If this happens, the law sets out who should deal with your affairs and who should inherit your estate (property, personal possessions and money).

Regardless of your wishes, your spouse or civil partner will not automatically inherit the whole of your estate. Some may go to other relatives. There is no provision for unmarried partners even those who may have been cohabiting prior to your death.

### **What is an executor?**

An executor (or executrix if female) is the person you name in your Will to carry out your wishes after you die.

### **Who can be my executors?**

Anyone over the age of eighteen. You can appoint a family member or close friend or a professional person such as a Solicitor. The most important thing is to choose someone you can trust and who you feel will be able to do the job. It is also a good idea to speak to the person you want to appoint before naming them.

### **Can an executor be a beneficiary of my Will?**

Yes, but they must not act as a witness to your signature.

### **When does my Will become legal?**

The Will must be signed, dated and witnessed correctly to be legally valid.

### **Who can be my witnesses?**

Anyone over the age of eighteen who is not mentioned in the Will or related by blood or marriage to anyone named in the Will.

### **Do I need to appoint guardians?**

If you have children under the age of eighteen it is advisable to appoint guardians. Your Will is the only place where you can nominate a guardian so it is important to do so.

### **What does “residue” mean?**

Your residue or residuary estate is the money left over once all debts, funeral expenses, taxes and legacies have been paid.

### **Where should I store my Will?**

You can store your Will anywhere however it is important that it is kept in a safe place. We offer free secure storage of Wills and other important documents to our clients and will provide you with a photocopy to keep at home with your records.

We are also members of the National Wills Database which is a register designed to help executors find Wills. Please **contact us** if you would like further information about this.

### **How can I amend my Will?**

You can amend your Will at any time provided that you have sufficient capacity to do so. We recommend that our clients consider their circumstances every five years or so as a matter of course to enable them to keep their Wills up to date.

If your circumstances have changed recently and you think you need to update your Will please **contact us**

### **Can I cancel my Will?**

A Will is cancelled or revoked by any of the following: if it is deliberately destroyed by you; if a subsequent Will is prepared; marriage (although a Will can be written in contemplation of marriage which would not be revoked by the marriage itself).

Your Will can also be used to make charitable donations, make decisions regarding any personal items or pets you own at your death, leave specific gifts or legacies to friends and family, and to inform your executors of any wishes you have regarding funeral arrangements etc.

**The only way to ensure that your estate is dealt with as you would wish for it to be is to make a Will.**