

PROBATE DEPARTMENT

Why Make A Will?

If you do not make a Will your “estate”- all of your investments, property, cash & personal belongings - will pass to your next-of-kin (*if you have any*) according to fixed rules.

- Not all of your estate will necessarily go to your spouse.
- If your home is worth more than £125,000 and in your name then it will not automatically pass to your spouse.
- Unmarried partners are not next-of-kin and will not receive anything automatically.
- If you have no next-of-kin the whole of your estate will pass to the Government.

If you do not want this to happen to your assets then you must make a Will. This is the only way to ensure that the people you care about are protected and that your wishes are carried out. Making a Will means that you have made all the decisions about how your affairs will be taken care of after your death, rather than leaving it to chance.

A Will can deal with other important decisions as well as arranging for the distribution of assets: -

- You can appoint the people you chose to be responsible for dealing with the administration of your estate (*Executors*). Up to 4 Executors can act and they can be family, friends or professional advisors. There is usually no legal reason why someone receiving a benefit under the Will cannot also be an Executor (*provided they are over 18 and mentally competent*) but it is often advisable to have an independent person appointed. LHP Law can be appointed to act either alone or with any other person. This does not cost you anything extra now & can speed up the administration of your estate when the time comes.
- You can appoint Guardians to take personal care of your children whilst they are under 18. This is of particular importance if you are concerned that your children should be brought up in a particular way and (*if you have more than one child*) to ensure that they are kept together.
- You can decide at what age your children should inherit from your estate. The general law specifies 18, but many people feel happier if they know that their children will not have control of what could be very large amounts of money until they are 21 or even 25.
- Your Will can provide for Trustees to look after any share of your estate for your children and the Will can also include all the powers that the Trustees would need to look after your children and their share of the estate in the most efficient and sensible way until each child is old enough to inherit.

- Your Will can include details of your funeral instructions & any wishes you may have in relation to organ donation.
- A Will can minimise the amount of Inheritance Tax which may be due on the value of your estate whilst still providing for your surviving spouse.
- A Will can be written so as to ensure that as much as possible of your estate passes to your family and is not available to a local authority should your surviving spouse need residential or nursing home care after your death.

Writing a Will can cause a lot of worry to people who have never made one before but the process at LHP Law is very straight-forward and we aim to give you all the advice, assistance and explanation that you need.

Writing a Will with our professional assistance is not a difficult or stressful matter.

Your Will may be the most important document you will ever sign so it is vital that you get it right. The financial security of your family could depend upon it. A badly written Will can be as dangerous as no Will at all, and family disputes over home-made Wills are notorious.

If you would like more information please do not hesitate to contact us.

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