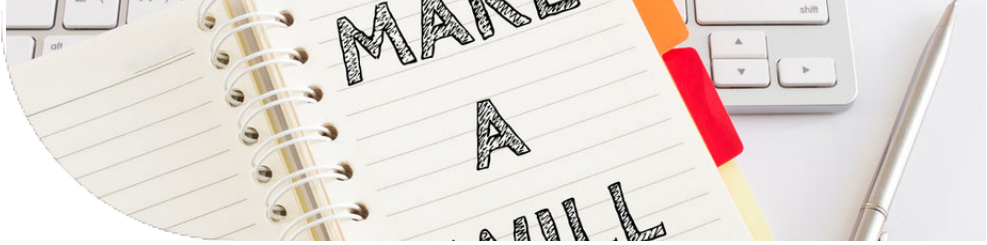

AUTHOR / KEY CONTACT

Parisa Jones
Partner

parisa.jones@la-law.com
01202 786267

Considerations When Writing a Will

Writing a will for the first time can be a daunting task. Many people put it off for that reason, but it's essential for everyone to make a will, even if you consider yourself to own little of value. Dying without a will is known as dying intestate, and the law decides what happen to your property and other assets, which can be costly and time consuming for your family.

If you have children, it is also vital to have a legal record of who would look after them in the event of your death and ensure they are looked after financially. These can be uncomfortable things to think about, but once a will is in place, you know it's done and your wishes will be carried out if the unthinkable happens.

So, what should you consider when writing a will? Here are some important points to consider before making your first will or updating an existing will.

Assets and debts

Make a list of your assets and debts. This will include your home, or your share of it, and your furniture, car, antiques, jewellery, and so on. You should also list bank and building society accounts, with approximate balances, and the value of any other investments, such as life assurance policies and pension benefits. Any money you owe, for example on a mortgage or any hire purchase agreements, or credit cards should be on a list of debts. We must know whether or not any mortgage will be covered by life assurance in the event of your death.

Executors

Your will must appoint executors. These are the people who sort out your affairs when you die. You should usually appoint at least two executors. It does not matter whether your executors benefit from your will or not. What is important is that your executors are people whom you trust to handle the responsibility involved. It is very common to appoint a spouse or partner as an executor but it may be useful for a relative, family friend or professional to act instead, or in addition. The partners at Lester Aldridge are always happy to accept appointment as executors. Whoever is dealing with your affairs after your death will probably need to employ solicitors to help them and it is often effective for the solicitors themselves to be the executors.

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Guardians

If you have children under the age of 18 at your death, you can appoint guardians to act after your death. If your partner does not have legal parental rights for your children, you may wish to appoint him or her as guardian. You may also wish to appoint guardians to care for your children if you both die. Where you are appointing guardians, the guardians must be aware of your wishes for each child's future.

Gifts

Is anybody (for example, godchildren or grandchildren) to receive a specific sum of money or any specific assets, such as jewellery or particular pieces of furniture?

Charities

Do you wish to benefit any charities? Please remember any regular charitable payments will cease automatically on your death.

Who is to inherit?

You must consider who is to receive the bulk of any money, property or any other assets which you leave. If this is to be your spouse or partner, what is to happen if you both die together in a car accident? Alternatively, what if you and your children die together? While uncomfortable it is to consider these circumstances, it is important to establish what you would want to happen.

When are children to receive their share?

Are you happy for your children, or any other children who may receive gifts under the will, to inherit outright at 18, or would you prefer them to be a little older, say 21 or 25?

Funeral wishes

Is your body to be buried or cremated? Have you any specific wishes about your funeral?

Names and addresses

You should bring with you a list setting out the full names (including middle names!) and addresses of everybody to be referred to in your Will.

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How we can help

For something as important as writing a will, it is crucial to use an experienced lawyer. At Lester Aldridge, we have a specialist Wills & Estates team who can help you with care and understanding to make your will. For more information, please contact us on online.enquiries@LA-law.com or call on 01202 702612.

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