



'Fake News' about wills and estates

There are many misconceptions about wills and estates. This is not surprising, given that we live in an era where world events often 'trend' on social media before being reported in the news.

The internet has become a quick, easy and accessible way to obtain information. However, not all online information is reliable or accurate, and so-called 'fake news' can spread just as quickly as fact.

What are some of the most common myths involving wills and estates?

1. A will is 'watertight'

Some people wrongly believe that their will cannot be varied or challenged after their death. However, this can occur in a number of ways and there is no guarantee that the terms of a will are going to be carried out.

In fact, in a 2018 survey carried out by Direct Line, one in four people said they would bring a legal challenge against a loved one's estate if they were unhappy with the content of their will. Whilst there are ways to try to minimise the risks of a claim being made, for example, ensuring that the will makes 'reasonable financial provision for certain relatives or financial dependants', preventing a claim is not always possible. Learn more [here](#).

2. Common law marriage

Cohabiting partners sometimes believe that they have a 'common law' marriage which comes with certain legal rights. However, in England & Wales, that is not the case.

Under the [Intestacy Rules](#), in the event of your death, if you are unmarried and you do not have a will, your partner will not automatically receive anything from your estate. Although, your partner may be able to later bring a claim against your estate (in certain circumstances), or receive your share of any jointly owned property, there is no guarantee that will occur.

3. Wills don't have to be updated

A will usually reflects your circumstances at the time it is made. So, if you made a will when you are single and have no children, your will is unlikely to make any provision for your spouse or children, if you later marry and

start a family.

Charities named in an old will may also cease to exist or change their name and as a result, gifts to them might fail. It is vital that as your personal circumstances change, you review your will to see whether or not it still reflects your current circumstances and wishes.

4. Cheapest is best

As with most things, you usually get what you pay for. This doesn't mean that only more expensive wills are effective, rather that you should be aware the quality and costs of will services varies greatly. The reason for this is that the will-writing industry is unregulated in England & Wales. As a result, some will services might be ineffective or they may not provide you with any recourse if things go wrong.

Hidden costs can be an issue. Remember, it is not only the costs of preparing a will, but also how much your estate could pay if you appoint someone to act as your executor who will charge for that service. Check what the costs will be and consider whether or not these are reasonable.

Also, research the quality of the service provided and the company's complaints policy. For example, solicitors are regulated and have insurance, but not every will service has to have insurance or is scrutinised in the same way.

5. You can leave your estate to anyone

This is slightly more complex. In England & Wales you can usually leave your estate to whoever you like. However, this can have consequences, for example, it may prompt a [will to be challenged](#) or [claims to be made against an estate](#).

So, why bother to make a will at all?

It's important to remember that many wills are admitted to probate each year without any problems occurring.

A will records your wishes in the event of your death and does not just deal with your assets. It can also contain funeral wishes or direct who will care for any minor children. By understanding what might go wrong, you can consider how to limit any risks and also plan for the future.

What if I have concerns about a will or an estate?

If you think that you may have a claim against an estate or have any concerns about a will, it is also important to raise these issues and obtain specialist legal advice as soon as possible. In some cases, the time limit involved can be as little as 6 months from the date of the grant of probate. Our [Disputed Wills and Estates Team](#) deal

with claims involving wills and estates.