

Things to Consider When Making Your Will

Knowing what to consider when making or changing your will can be a bit overwhelming. Here are a few points you may want to consider ahead of writing your will.

Guardians

If you have young children you should appoint one or two individuals to look after them in the event of you and your partner dying before they reach the age of eighteen. You should tell your solicitor if you have been divorced, or were not married when any of the children were born.

Assets

You should think about all your assets and their values. Your assets include houses, bank/building society accounts and shares.

If your assets, including your property, accumulate to more than £325,000 then you could save money by inheritance tax planning in your will. This could include leaving a gift to your favourite charity, or charities, in your will.

Gifts of your possessions (Specific legacies)

Think about any particular items you want to give to particular individuals, or whether you would like individuals to choose themselves. If this is to be a lengthy list, you could include it in a letter to accompany your will.

Cash Gifts (Pecuniary Legacies)

Think about any gifts you want to make of set sums of money. This could be to individuals, or to your favourite charity, or charities. If you are supporting a charity, it would be useful to provide the solicitor with the registered charity number and telephone number.

Residuary Legacies

Are there any gifts you'd like to make where you want someone to have the benefit of something you own (such as your house) for the rest of their life, after which someone else (or a charity) is to have the item? These are called Reversionary Legacies.

Think about what you want to happen to everything else that you own. This is called residue and gifts of residue are called Residuary Legacies.

The value of whatever else you own is arrived at after your funeral costs and any expenses such as final gas bills, tax and the costs of administering your estate have been paid, and after the gifts of money and possessions referred to above have been made.

When deciding who should have what is left, think in terms of percentages, making sure that the shares you give add up to 100%. A share of residue may well be more valuable to the person you give it to than a gift of a fixed amount since it will not be eroded by inflation.

Funeral Wishes

You will also need to consider what will happen if any of the individuals named in your will die before you. What would you want to happen to the gift they would have received?

You might want to think about your funeral wishes. This can be difficult to think about, but doing so now can make things easier for your loved ones when the time comes. Matters to consider are:

- Do you wish to be buried or cremated?
- Where would you like your ashes or body to be scattered

or buried?

- Do you wish to donate your body to medical science?
- Do you wish for a specific ceremony?
- Do you wish to request that donations are made to a specific charity in place of flowers?
- Do you wish for the cost of the memorial to be deducted from the estate?
- Detailed wishes, if you have any, can be set out in a letter and kept with your will

Lasting Power of Attorney

Whilst making your will it is important to consider what happens should you lose the ability (physical or mental capacity) to deal with your own financial affairs, and decisions regarding your health.

If you do not have a Lasting Power of Attorney in place when something happens (and you are unable to deal with either your finances or health) then your next of kin will be required to apply to the court of protection. This is a very expensive process. Whilst making your will, you should consider setting up a Lasting Power of Attorney to prevent these additional complications, stress and costs. You can talk to your will writer about this.