

# GOT A QUESTION ABOUT YOUR WILL? LET US HELP

## WHY DO I NEED A WILL?

The vast majority of people put off making a Will for a variety of reasons, either believing that the people they would wish to inherit will automatically do so, or because they don't think it is relevant to them at this particular time.

The reality is that you can put off making a Will until it is too late and this poses all sorts of problems for the people left behind and could mean that some or all of your inheritance either goes to the wrong person or to the state.

## WHO NEEDS TO MAKE A WILL?

The answer is Everyone. In particular, anyone with dependant relatives, (children under the age of 18, elderly relatives or relatives with a disability who have special needs), anyone who owns property or has any type of asset which you would wish relatives, friends or charities to benefit from.

## BUT WON'T EVERYTHING GO TO MY HUSBAND, WIFE OR PARTNER, MY PARENTS OR CHILDREN AUTOMATICALLY?

This is a common misconception and dependant on the size of your estate, there are set rules which will be applied to determine who inherits and how much if you do not make a Will.

## SO WHAT HAPPENS IF I DON'T MAKE A WILL?

This is called having died Intestate. There are specific rules of intestacy which set out who will inherit and by how much if you do not leave a valid Will, this may not be what you would have wished and in the worst case scenarios where relatives cannot be traced. Your assets will be taken by the Crown.

## IS MAKING A WILL DIFFICULT ?

No. You need to make a list of your property and assets and consider who you wish to benefit from your estate, ensuring provision has been made for dependant relatives. You should also consider who you would want to look after your children (Guardians) if they are still young

## WHAT MAKES A WILL VALID?

It should be in writing, and appoint someone to carry out the instructions of the Will (an Executor) and dispose of possessions/property It must be signed by the person making the Will (the Testator), or signed on the testators behalf in his or her presence and by his/her direction. This must be done in the presence of two witnesses who must sign the Will in the presence of the Testator.

## WHO CAN BE A WITNESS?

Anyone who: Is not blind, Is capable of understanding the nature and effect of what they are doing, Is aged 18 or over.

A witness should NOT be; A beneficiary in the Will, Married to, or be the civil partner of a beneficiary.

In these circumstances the Will remains a valid and legal document, but the gift to the beneficiary cannot be paid.

## CAN I STATE WHAT HAPPENS TO MY BODY IN MY WILL?

Lots of people shy away from discussing their funeral arrangements with family and friends, so making a Will is a good way of letting people know whether you wish to be buried, or cremated and any specific requests you might have for your funeral service. However it should be noted that your Executors are under no obligation whatsoever to carry out funeral wishes in your Will, only way to guarantee this is to set up a Guaranteed Funeral Plan details of which can be included in your Will.



- Everyone should make a Will in particular anyone with dependent relatives, children under 18 etc
- If you don't make a Will this is called having died intestate
- Making a Will isn't difficult and our Consultants are experts at ensuring you get the right advice
- A Will is only valid if it's in writing and signed by the person making it in front of two Witnesses
- A Witness should not be a beneficiary in the Will, Married to or be the Civil Partner of the Testator



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# WHAT ARE THE ROLES & RESPONSIBILITIES OF PEOPLE INVOLVED IN MY WILL?

## WHAT AND WHO IS AN EXECUTOR?

You will need to appoint one or more people to act as executor to your Will. Executors ensure instructions contained within your Will are carried out so they will need to be trustworthy and reliable. Executors will also need the time to carry out the lengthy probate process so it's helpful if they live nearby. Your Executor can still benefit from your Will and they can be your children as long as they are over 18.

## WHAT IS A GUARDIAN AND WHEN DO I NEED TO APPOINT ONE?

A Guardian is the person(s) you choose to look after and bring up your children should anything happen to you and will be responsible for your children until they are 18. Only by writing a Will do you legally appoint a Guardian to look after your children.

## WHAT AND WHO IS A BENEFICIARY?

The person or persons that will benefit from you upon death, although you can list various individual items/cash amounts it is always best to indicate percentages rather than sums of money as unless the beneficiary is named on an insurance policy whereby they will receive the cash value, as you cannot be sure if upon your death sufficient sums are held in your accounts/estate.

## WHAT IS A TRUSTEE AND WHEN DO I NEED ONE?

A Trustee is responsible for protecting, managing and distributing the contents of the Trust to the named beneficiaries. Trustees have legal ownership of the contents of the Trust and a duty of care to look after the assets in accordance with the trust deed and the law

## WHAT IS ATTORNEY AND WHY DO I NEED ONE?

An Attorney appointed under a Property & Financial Affairs LPA is responsible for making any decisions regarding your finances and property including any business you may own. They will manage any accounts you may have.

An Attorney appointed under Health & Welfare LPA is in charge of your personal wellbeing and may be required to make decisions about where you live and what care you receive.

## WHY DO I NEED A WITNESS FOR MY WILL AND WHO CAN DO THIS?

A Witness is the person who verifies the Testator's (the person who is making the Will) signature on the Will and then, signs and prints their name on the Will too. In England & Wales a Will requires the signature of a minimum of two witnesses.

## WHAT IS MEANT BY A PROFESSIONAL EXECUTOR OR TRUSTEE?

A Professional Executor or Trustee removes the responsibility from family and friends, particularly the surviving spouse or civil partner. It relieves friends and relatives of the duty at the time when they will be grieving. In the event of any dispute or difficulties within a family, a professional executor/trustee can remain impartial and fair and ensure that the administration is carried out with.