



Frequently Asked Questions

1. When you visit me at home to create the Will is it a complicated process and are there lots of forms to fill in?

We make the meeting very straightforward: we never use jargon and we explain every point clearly in a friendly way. There are no forms for the clients to complete – just a few signatures needed at the end of the meeting.

2. What information should I prepare for the first meeting?

Just the names, addresses and telephone numbers for Executors, Guardians (if appropriate) and Beneficiaries.

3. Do we need to arrange witnesses?

Our first meeting is designed to understand your wishes and to give you advice: no witnesses are required for this. We always visit a second time to deliver the Wills (and/or LPAs) to make sure that they are signed and witnessed according to the Law. For Will signing, 2 independent witnesses are required and they:-

- ✓ Must not be mentioned in the Will anywhere
- ✓ Must not be a relative of the person making the Will
- ✓ Must be aged 18 or above on the day that the Will is signed

4. I have seen a home visit service advertised at £20 – will it be OK?

Unfortunately, every industry has its unscrupulous companies. Usually such offers are scams which will cost you dearly in the long run. The most common scam is to insist that their Company are nominated as your Executor and then they charge your estate a very high rate for their services. Common sense says that £20 is not a realistic price for a genuine home visit service from a professional Will-writing company (such as Legal Services UK Ltd.).

5. What about the Will packs that you can buy on the High Street for £15?

DIY packs are fine if you use them for relatively simple requirements and as long as you follow the instructions carefully. They usually do not cater for any Trusts (which may be appropriate for you) or for any complication that may arise. Remember that once you have gone it is too late to sort out any shortcoming or error on a DIY Will.

6. How long does a Will last once it has been signed and witnessed?

A Will remains valid for an unlimited period of time. It is valid until revoked. This can happen as described in the situations below:

- ✓ By destroying it - physically destroying your Will usually revokes it. A Will can be destroyed by another person, but it must be at the request of the testator. Accidental damage of a Will doesn't revoke it but there might be difficulty in proving that it is valid.
- ✓ Rubbing out or cutting off the signature of the testator or witnesses may be enough to revoke the Will. Crossing out the Will or writing 'revoked' across may not be adequate. If part of a Will is destroyed, only that part of the Will is revoked.
- ✓ By making a new Will - This revokes your old Will. But remember if you don't destroy your old Will, it might come back into force if your new one is revoked or lost.
- ✓ By marriage (in England and Wales but not in Scotland) - unless your Will states that it is made with your approaching marriage in mind. Your Will is automatically revoked by marriage – whether you wish it to be or not.

7. **What is included in my estate?**

Your estate is everything you own at the time of your death (that is in your sole name) after all your outstanding liabilities have been settled, including probate costs, inheritance tax (if applicable) and funeral expenses.

Your estate does not include any joint asset (such as money in a joint account or a property owned by Joint Tenancy or shares owned jointly). Also not included, life insurance policies in joint names and those where you have already nominated who the beneficiary should be on your death. From your employment, your death in service benefit and pension is also not normally included as these are held in trust for whomever you may have already nominated.

8. **Should I appoint Guardians?**

If you have children under the age of 18 you should appoint a Guardian or Guardians and your Will is the best place to do this. They could be appointed to act on your death or only once you and your partner have both passed away.

If you and your partner are unmarried and have joint children and if the father is not on the children's birth certificate then the mother of the children will need to appoint the father as her first choice of guardian as, under current law, he does not have any automatic rights to the children if she passes away first.

If you have children over 18 and one or more under 18 then you can appoint an older child as guardian of the younger.

9. **Who in society is the most vulnerable without a Will?**

The most vulnerable are people who live together but are not married – Will law does not recognise partners and nothing (other than jointly owned assets) would pass to the other if one passed away intestate. Also vulnerable are people who are separated but not yet divorced - as without a Will in place, assets would pass to the surviving spouse.