

BATES WELLS

& BRAITHWAITE

SOLICITORS



A **will** is a legal document in which a person (the testator) declares their intention as to what should happen to their estate after their death, and which is executed in accordance with certain legal formalities.

WHY MAKE A WILL?

By making a will you will have the opportunity to ensure that your wishes are carried out in the event of your death and that your loved ones are looked after.

If you die without making a will your assets will be distributed according to the law rather than your wishes.

DYING INTESTATE

Dying intestate means that you die without having made a valid will and in these circumstances the laws of intestacy determine who will benefit from your estate.

Even if your assets are modest, it is worth noting that the estate of a person who died as a result of an accident will almost certainly benefit from a substantial court or insurance claim and if you have not made a will the proceeds of that claim would pass in accordance with the intestacy rules and may go to people who you would not want to inherit these monies.

DID YOU KNOW?

Even if you have a will:

- Marriage automatically cancels your existing will in most cases.
- Divorce cancels the part of your will that relates to your ex-spouse.
- Separation has no effect upon the validity of an existing will.
- Dying without a will means if you co-habit with your partner they may inherit nothing

BENEFITS OF MAKING A WILL

- You can choose your Executors who are the persons who will administer your estate and carry out your wishes.
- You can choose who will be appointed to act as Guardians for your children under the age of 18 years.
- You can make financial provision for your children's maintenance and education.
- You can choose the age at which your children, grandchildren or any other children will inherit from your estate.
- You can provide in your will that once your estate is finalised, that a trust is set up to look after assets that you want to pass to beneficiaries who are not able to manage their own financial affairs, either because of their age or a disability.
- You can choose whether or not to leave gifts to friends, family or charities.
- You can make provision to protect your estate from the unnecessary payment of inheritance tax.
- You can make plans in your will for future long-term care needs.
- You can make it clear how you would like your body to be disposed of after your death and also make your wishes known regarding the donation of your organs for transplantation.
- By making a will you can potentially help avoid family arguments which quite often arise over who should get personal belongings and what type of funeral should be arranged.
- Without a will potentially there can be long delays in the administration of your estate while the details of your assets and potential beneficiaries are established.
- If you are not married or in a civil partnership, your partner will not automatically inherit from your estate and by making a will you can make sure that your partner is provided for.
- If you have children from a previous relationship you can make sure that notwithstanding the fact that you have a new spouse or partner that your children still benefit from your estate.
- In the event of a common accident whereby there are no survivors of you, your spouse/civil partner and your children you can make provision for who would benefit from your estate in these circumstances rather than potentially only one of your families inheriting your combined estates under the intestacy rules.

SO HOW CAN WE HELP YOU?

If you would like to discuss making a will or need advice on dealing with the administration of an estate after the death of a loved one, please get in touch:

Zoe Southgate

Head of Private Client

Bates Wells & Braithwaite Solicitors

29 Lower Brook Street

Ipswich

Suffolk IP4 1AQ

01473 219282 

www.bates-wells.co.uk 

zoe.southgate@bates-wells.co.uk 

