Other Considerations

Specific Gifts - decide now if you wish to leave any other members of your family or friends a special gift.

Pecuniary Legacies - this is the term for a gift of money, again give some thought as to anyone, other than your spouse or children, who you may wish to leave a legacy to, this also can include gifts to your favourite charity (if a charity try and have the address and registration number available).

Residuary Legacy - this covers all the remainder of your estate, and in the case of a married couple passes 'each to each other' and then on to any children in equal shares upon the death of the survivor.

Long Stop - also described as the 'total calamity or disaster' clause, so called because these beneficiaries will only inherit if all those named as your residuary beneficiaries fail to survive you.

Funeral Wishes - you may choose to ignore this section. For those that wish to leave specific instructions, such as cremation or burial and whether flowers or donations are to be given. It must be pointed out that whatever your request, these are only a wish and not binding on your executors to carry them out if they are unable to.

AND FINALLY - whatever you have put in your Will - it is personal only to you - make sure that your executors can find it when the time comes. Tell them where you keep your Will and how they can get access to it.

SWW Members are:

- Regularly trained
- Fully Insured
- Adhere to the SWW code of practice

For more information about how the SWW can help you please contact us on: 0800 838270 or visit www.willwriters.com

Your Local Member:

Making Your Will

Some Important pre-appointment decisions

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The Society of Will Writers, Chancery House,
Whisby Way, Lincoln, LN6 3LQ
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A Public Information Leaflet

Having taken the decision to make your Will, possibly for the first time, there are a few points you should consider before committing yourself to an appointment with a professional Will Writer.

The Consultants job is to take your instructions and translate these into your Will, creating a document which accurately reflects your wishes.

The Will needs to be understood by your executors and most importantly, The Probate Court, to ensure that it is proved quickly to minimise any problems which may occur causing delays and possible hardship to your loved-ones.

There are some important questions which you need to consider before meeting with your Consultant. By having many of the answers available it will leave more time to discuss the other important issues which may arise during the consultation.

1. The Appointment of Executors and Trustees

You do not need to appoint other 'professionals' to act as an executor or trustee of your estate unless there is the likelihood of a Trust arising.

In many cases it would be sufficient to appoint your spouse or partner together with a member of your family, a prime beneficiary or close friends to act, remember:

An executor can also be a beneficiary.

If you do need to appoint a professional executor, you could consider appointing a trust corporation, such as the SWW Trust Corporation or a solicitor to act on your behalf. Your consultant will be able to advise you on the best choice given your circumstances and give a guide to the fees they are likely to charge.

2. Appointment of Guardians

Only if you have minor children (under the age of 18 years) will you need to appoint guardians.
It may be helpful to make at least one guardian a joint trustee, they do have a right to money from your estate to help towards the cost of bringing up your children. If you wish to restrict the amount to which they are entitled, it may be wise to leave the money in trust, again your consultant will be able to advise on the suitability of such a scheme.

If you have disabled children who are likely to require specialist care either at home or in the care of the Local Authority, a trust will be required to ensure that adequate funds are available for their future. There are several Trust Companies run by charities which can help, the Society can give you individual advice in these circumstances.

3. Property

How you hold your property will determine how it passes on your death. As 'Joint Tenants' your share will pass to the survivor automatically and cannot pass by your Will.

If you wish to pass your 'interest' in the property to your children or others, you should hold your property as 'Tenants in Common'. Your consultant will advise you on how this can be done; by holding your property as tenants in common you are free to dispose of your individual shares via your Will and to who you wish.

'Severing a joint tenancy' as it is called can protect part of your estate from the unforeseen, such as protecting your share of your estate should your spouse or partner marry or remarry after your death, or should you or your spouse or partner go into full time residential care.