

MAKING A WILL DOS AND DON'TS

DO ✓

1. Take the time to make a will

one in three people die without ever having made a will.



2. Use a professional

seek professional legal advice from a **qualified and regulated solicitor**, covered by the Solicitor's Regulation Authority.



3. Choose your executors well

exercising your estate in accordance with your instructions after you die can be a demanding task and should be left with a **responsible and capable person**.



4. Appoint guardians for your children

if you are the last living parent and you die leaving a child under age 18, a guardian will be appointed by the court if **you haven't specified** a guardian in your will. Specifying a guardian will ensure that your **wishes are followed** when it comes to your children.



5. Ring fence your share of your estate

if your share of your estate is ring fenced then if you die, your share of your estate will **ultimately pass to your children** after your partner's death, regardless of whether your partner remarries.

6. Ensure your will is signed and witnessed

your will must be signed by you as well as witnessed by **two independent witnesses**.

7. Take care of your will

ensure your will is somewhere where it **can be found** and where it can be accessed without probate. Let your executor know where it is.



8. Review your will when circumstances change

you should review your will whenever there is a **change in your circumstances** e.g. marriage, divorce, separation, children, property purchase, as changes to your circumstances can make your will invalid or inadequate.



9. Look out for the WIQS quality mark

the Law Society's Wills and Inheritance Quality Scheme (WIQS) is the **recognised quality mark** for legal experts in drafting wills and dealing with your estate after your death.



10. Use the Law Society's Find a Solicitor service

this database of more than **140,000 solicitors** enables you to search for a qualified and regulated solicitor by geography and expertise. Visit solicitors.lawsociety.org.uk

DON'T ✗

1. Use DIY kits

unless you are extremely confident and your estate is very simple, **DIY kits are not recommended**.

The DIY process is full of pitfalls and errors are easy to make.



2. Assume that unmarried couples have the same legal rights as married couples

if you live with a partner but are not married or in a civil partnership, and do not leave a will, then your assets will **pass automatically to the closest blood relatives** – often children, parents or siblings. This could result in your partner struggling to manage financially at a time when they are also dealing with grief.

3. Assume that if you're married your partner will get everything

whilst your partner will inherit your personal possessions and the first £250,000 of your estate, **what's left will then be divided** between your spouse and your children.



4. Run the risk of leaving your children with nothing

if you leave your share of your estate to your partner, but don't ring fence it for your children upon his/her death, then if your partner remarries the **whole estate** could then pass to the new spouse's family.



5. Assume that your family can take care of things without a will

without a will your family will lack the power to make **many important decisions** and they will be bound by what the law dictates.

Also, whilst your family may be very close now, grief and money bring many strong emotions to surface and, without a will, families can be destroyed.

6. Only have your spouse as an executor

if your spouse is your sole executor, if you both die together then **neither of you will have a living executor**. Always appoint a default or substitute executor in case your spouse is unable to carry out your wishes.



7. Have your will witnessed by beneficiaries

witnesses **cannot legally benefit** from a will they have witnessed. Your witnesses should therefore be people who will not inherit anything under the will.

8. Amend your will after it has been signed and witnessed

the only way you can make a valid change to a signed will is to **prepare a codicil** (this enables you to make small changes to your existing will) or prepare a new will.



9. Fail to keep your will up to date

if you fail to keep your will up to date it could result in you dying without your **most recent wishes** being accurately reflected in your will and, if your circumstances have changed, you run the risk of your will being invalid.



10. Store your will in a bank safety deposit box

the bank **can't open your safety deposit box** until the executor gets probate (permission from the court to administer your affairs) and probate can't be granted without the will.

