

T G BAYNES

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S O L I C I T O R S

MAKING A WILL

GUIDANCE NOTES ON PREPARING TO MAKE YOUR WILL WITH T G BAYNES

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GUIDE TO MAKING AN EASYWILL®

This guide is intended to assist you in making a Will. We hope you find this Information Guide helpful but it is only intended to give a brief outline of the topic and should not be relied on as a basis for action. We would be happy to give you more detailed advice based on your individual circumstances.

We have developed a simple streamlined Will which we have called EasyWill and references in this guide are to that service where appropriate. The benefit to you is that we can normally produce such Wills immediately and conclude matters on your first and only appointment.

There are certain eligibility criteria which you must be able to satisfy and these are explained fully in the guide.

GENERAL ADVICE

Making a Last Will and Testament is essential if you want to ensure your loved ones are provided for and your wishes are followed after your death. Should you fail to make a Will, or the Will cannot be located then you are classed as 'Intestate' and your estate will pass by the rules of intestacy.

We understand that this can be a stressful and confusing process for many people. This is why we try to minimise the use of legal language and make your Will as easy to read as possible.

WHAT DO I NEED TO PUT IN MY WILL?

There are a number of things to consider when making a Will, such as;

Appointing Executors – you can appoint professional executors such as a firm of solicitors or personal executors, as in family members or friends. Your executor must be over 18 and responsible enough to deal with the estate.

Your executors collect in the estate, pay any debts owing and the costs of administering the estate and then distribute the estate.

It is wise to appoint at least two executors in case one of them is unable or unwilling to act. It is a case of 'hoping for the best and preparing for the worst'.

Funeral Wishes – these are not legally binding in your Will; they are mere wishes. However many people like to include their preference for either burial or cremation.

Guardians for minor children – should you have children under the age of 18 then it is wise to appoint guardian. The guardian will only be needed should there be no surviving parent.

Specific Gifts – if you wish to leave specific items then this can be done in your Will. It can be items such as jewellery or a painting. Although there is no legal limit to the number of such gifts, you are limited to making six gifts if you are making an EasyWill.

Cash Sums - these are gifts of money that are paid before the residuary estate. For example (£100 to every grandchild). Again whilst there is no legal limit you are restricted to making six gifts in EasyWill.

What you would like to happen with the remainder of the estate – once your funeral, tax and any cash gifts have been paid this leaves what is called your residuary estate. You must decide who you would like this to go to and how it is to be divided.

What happens if a beneficiary dies before you – should one of your beneficiaries die before you then you are able to make provision for their share to be re-distributed to a substitute beneficiary.

WHAT HAPPENS ONCE I HAVE SIGNED MY WILL?

Upon completion of your Will we offer to store your original documents in our secure storage at no extra cost. We will then send you signed copies and a letter confirming our storage of your Will.

We also offer a complimentary registration service with the leading online Wills register – Certainty.co.uk. The content of your will remains confidential but it allows your loved ones to find out which Solicitor holds your Will using the online search service, in case they do not know when the time arrives.

WHEN SHOULD I REVIEW MY WILL?

Keeping your Will up to date is vital! You should aim to review your Will every 5 years, although you should seek advice more quickly should there be a significant change in your life, e.g.

- death of a beneficiary
- you may get married or divorced
- you may become a parent or grandparent
- you may wish to change your executors and/or guardians

As you get older, your priorities change and you will need different things from your Will. We offer advice on inheritance tax, powers of attorney and Trusts.

WHAT IS THE COST OF MAKING AN EASYWILL?

Our fees are as follows;

- 1) for a single EasyWill - £200.00 plus vat
- 2) for mirror EasyWills - £300.00 plus vat

These fees will only apply to EasyWills.

Please tick the boxes below to make sure you qualify for an EasyWill

- I do not own property abroad
- The value of my estate does not exceed £325,000 (or £650,000 if married or in a civil partnership and I am able to use their allowance) ¹
- I am leaving all my residuary estate to my partner/spouse or a named beneficiary or group of beneficiaries (e.g. my siblings).
- If a beneficiary within a group dies before me their share of residue passes to their children or surviving members of the group
- I do not wish to create a Trust other than where one or more of the beneficiaries is/are under age in which case the Trust will be limited to the period until that beneficiary reaches a specified age not exceeding 25.
- I understand that any property which I own jointly with anyone else may not necessarily be dealt with under my Will ²
- If I own any property jointly my spouse or civil partner is the only other co-owner

¹ The amount increases to £425,000 or £850,000 respectively where you own a property as your main residence and are leaving it to your children. In calculating the value of your estate you have deducted all debts and liabilities owed by you. If you hold any property jointly with anyone else (e.g. a house in joint names) you have included only your share of the net value of the asset.

² Joint or co-owned property may pass automatically to the other co-owner or co-owners depending upon how this was set up when the property was acquired. It is important to establish how any co-owned property is held if you do not know. We can advise you on this as it may be appropriate for you to consider altering the basis of such ownership during your lifetime but this will fall outside the terms of EasyWill. Only tick this box if you do not require further advice in connection with co-owned property and do not want us to check the position at the Land Registry

Should you require more complex Wills, Trusts or in-depth tax and inheritance tax advice, our fees will be significantly more.

Please also now complete the information at the end of this guide, sign and date it and return it to us at least 3 working days prior to your appointment. A copy of the guide is supplied for you to retain.

WHAT DO I NEED TO BRING TO MY INITIAL APPOINTMENT?

Should you have existing Wills, please either bring the original or a copy with you.

The firm also requires sight of two forms of Identification to satisfy Money Laundering Regulations. Please bring one piece of photo identification e.g. passport and one piece of non-photo identification e.g. a utility bill (dated within the last 3 months)

The Firm’s Will Instruction Form PDF can be found on our website which you may wish to fill in prior to your appointment.

Details	Self	Spouse/Partner (Mirror Wills Only)
All first names		
Surname		
Title (Mr, Mrs, Ms Etc.)		
Full Address		
Date of Birth		
Telephone No: Home		
Telephone No: Work		
Email Address		

Signed Signed

Dated Dated