



**Our mission is to protect
ONE MILLION Families
(and 2.4 million children!) with our**

FREE Last Will & Testament Kit

England and Wales only

In a HURRY? Just read the pages 1, 3, 6, 9 and 13!
(you can print out as many copies as you need)

Allied Professional Will Writers Ltd www.APWW.co.uk Regulated by



This is no substitute for proper legal advice – this booklet is intended to help those who genuinely can't afford it or whose affairs are incredibly simple – perhaps 4 in 10 of the population fit into this category, but only proper professional advice can make sure that you are secure. You may *think* your affairs are simple – and you may be wrong, so **use the form at your own risk. Professional advice is always best.**

IF YOU HAVE THE SLIGHTEST DOUBT – contact us to get a proper Will written, or a member of the **Society of Will Writers**, Institute of Professional Will Writers or a solicitor who is also a member of the Society of Tax and Estate Planning Practitioners (STEP) Other local will writers can be found on www.FindaPro.co.uk – but do check that they are members of one of the above organisations.

What is inside? (Vital pages are **bolded**)

- Page 1: **Please read this page...**
- Page 2: 10 Surprising Facts
- Page 3: **How to Fill in the Form**
- Page 4: Glossary: what does this word mean?
- Page 5: **Your Will Form**
- Page 6 and 7: **Sample Forms**
- Page 8: **Just 30 seconds to understand the basics**
- Page 9: Types of Will – more sophisticated Wills
- Page 10: Other important issues
- Page 11: Business owners only
- Page 11: Inheritance Tax / Wills for Business Owners
- Page 12: **Intestacy:** what happens if there is **no valid Will?**
- Page 13: **Peace of Mind – legal planning needs change**

This booklet is sent to you compliments of

who had no input on the content, but felt it might be of interest

Please note that this booklet is copyright and may not be distributed other than exactly as it is, unaltered in any way. Extra (or up to date) copies can be obtained from www.FreeWillForm.co.uk and people using the site will have the option of further free information to help them in their Legal Planning. We are willing to produce tailored versions for some Charities and Financial Advisers.

What does the Free Will Form do?

Page 1

It allows you to leave your estate to a single person, and if that person dies first, then on to your natural children in equal shares. This is fairly standard, but if your family group doesn't fit this template, you need to use one of our paid for services.

English and Welsh resident and born people with children from one relationship only, not business owners, not blind, in first class mental health, not wanting to exclude anyone, not divorced or separated, not wanting to leave specific gifts. That said, sound Legal Planning means that much advice is ideally needed to be reasonably certain that your situation is as simple as you think!

Who should NOT use our free Will Form?

– just a few hints of the most common problem areas.

- Foreign nationals, Scots, Northern Irish, people born or living abroad or their children.
- Divorced or separated people and those about to get married (the Wills need to be re-done as soon as you are married).
- Business Owners – at least you should be able to charge part of the fee as a business expense – even the taxman wants your business to continue of you die or fall ill!
- People with children from different relationships or step children
- Those whose mental competence might be questioned
- Blind people
- Those unable to read or sign, whether through illness, illiteracy or lack of knowledge of English.
- People who have or may change their sex or name
- We strongly suggest that homeowners past retirement age contact us for a fact sheet before using this form. [EMAIL HERE info@APWW.co.uk](mailto:info@APWW.co.uk)
- Those wanting to leave gifts or legacies.
- Those leaving anything to people who may not be able to manage their own affairs or who may become bankrupt (and thus lose everything).
- Those wishing to leave charitable donations (we do produce a version of this form designed for that specific purpose).
- Where any beneficiary may have married unwisely or be liable to divorce: this could have the effect of giving part of your estate to the soon to be ex-partner!
- If you have a mortgage, you would be wise to use our full service if you are not leaving everything to the same person.
- If you wish to leave anything to your children who have been adopted by anyone else.
- If you wish to make a Will under Sharia or any other Law.

More satisfactory alternatives:

1) **Online Will Service** – this is fine if you are reasonably straightforward and happy to work online if it doesn't work for you, we'll credit your fee towards:

2) **EasyLastWill Service** www.EasyLastWill.co.uk – for relatively simple cases – you complete a form and return it to us, with questions if you wish and we produce a Will from that questionnaire, unless the questions indicate that the full service is needed, then we'll credit your fee towards:

3) **Full Service** – you let us have some basic background information, then we arrange for a full discussion by telephone before creating the necessary documents.

4) **Face to Face Service** – this is the most expensive option, and we would recommend that it is only used if option 2 doesn't work for you (it does for most people!) It is not always easy to find quality staff in every part of England and Wales.

If you need information on any of these services, please email info@APWW.co.uk

10 Facts that might surprise you:

Page 2

ONE

Partners get **nothing** without going to Court unless there is a valid Will. There is no such thing as a COMMON LAW husband or wife in Law – even if you have a dozen children together!

TWO

Marriage usually invalidates a Will



THREE

Your wife or husband probably won't inherit everything automatically

FOUR

A very high proportion of Wills don't work because:

- They aren't signed properly
- People who don't like them destroy them when you have died – our system allows no-one but you access while you are alive, and only your Executors when you are dead – keeping a Will in most places offers no such safeguards
- They get damaged – something is pinned to them, or someone writes a note while resting on the Will
- They can't be found when you die (we operate a regular reminder system)

FIVE

Banks and solicitors make a FORTUNE from cheap or free Wills – one simple trick can cost you a substantial proportion of your estate in fees (our free Will form does offer help – if it is needed, but with the **guarantee** that they will walk away if the beneficiaries don't want them to act, charging only for any time spent. Some banks and solicitors will refuse to stand down unless their FULL FEE is paid – for doing no work. On a £300,000 estate, this could be nearly £20,000 for a few minutes work. We encourage families to do what they can themselves, but to use our service if it is needed – typically saving the best part of two thirds of the cost as compared with a bank. Some solicitors charge their full hourly rate for probate work, then collect a commission of up to 1.5% of the total value of your estate as a bonus (and that bonus is more than the fee for our full service!) The current rate for the folk we recommend is just 1.25% - banks often charge 3 times that – check!

SIX

Divorce will only remove your former spouse from your Will (or intestacy) once the Decree Absolute has been granted – many people forget to apply for it unless they want to re-marry.

SEVEN

If you don't have a Will and die with children under 18, then they will go to the surviving parent first, if they have died too, then the Social Services Department will advise the Court where to send them, but almost certainly put them in care immediately until a decision is made.

EIGHT

In theory, keeping a Will in a bank safe deposit box etc is a good idea (if expensive unless you have one already) BUT you Executors may have difficulty gaining access, as they will need to obtain the Will to prove they ARE your Executors!! We have systems for that.

NINE

Intestacy is dying without a Last Will – for some people it won't cause major problems, but it is so easy to do a Last Will that everyone should have one. There is a flowchart towards the back of this booklet – some of your friends will be in for a shock! Why not tell them how to get a free copy of this book?

TEN

Your circumstances will change, as will those of your beneficiaries, as will both the Law and Taxation. So you need to revisit your Will and (other Legal Planning) with regular Reviews (which is why we recommend our **Peace of Mind Service**.)

Do look at the sample forms we have filled in for JOHN JAMES CAMERON BLOGGS and his wife MIRANDA JOSEPHINE BLOGGS. The Bloggs' both completed their Will Forms on the same day, and used their neighbours, Mr & Mrs Taylor to witness both Wills as they were neutral parties who knew them well enough to know they hadn't been pushed into writing the Wills.

- 1) Only a person aged 18 or over can write a Will except for military personnel on active duty.
- 2) Use CAPITAL LETTERS just to be certain that everything can be read (not for signatures though!!) A Will that cannot be easily read may end up being invalidated or dragged through Court. Don't write it or sign it with a pencil or anything else which can be rubbed out – a fountain pen or biro or roller ball will do fine!
- 3) NEVER use anyone as a Witness who could ever be in a position to inherit anything from you or whom might wish to influence you in any way on the contents of your Will – Witnesses are BANNED from inheriting anything at all! It might later be argued that they had put pressure on you to write the Will – and as you will be dead, it will be hard to argue against!
- 4) Witnesses could be called on to give evidence if there is a dispute over your Will (usually by way of a statement) so try to use people who are younger than you and who don't live in faraway places.
- 5) Witnesses cannot be blind (or blind drunk!)
- 6) The Witnesses do not need to see the contents of your Will, but they do need to know they are witnessing your Will.
- 7) The form must be filled in, THEN the person whose Will it is signs in front of the two independent Witnesses, who then sign and add their addresses in front of each other AND the person whose Will they are witnessing. If anyone looks away or leaves the room during this process, the Will may be INVALID!
- 8) If you mess up any part of it – tear the old form up and start again – it must be **perfect** before it is signed, and cannot be altered (except by formal Codicil or a new Will) or you will probably make it invalid.
- 9) Safe Storage is essential, whether you use ours or your own. Be aware that most "safes" will allow documents to incinerate if there is a fire.
- 10) Make sure the right people – your executors – know where the Will is kept and that no one else can get hold of it.
- 11) **Please** do NOT send your completed Will Form back to us **unless** you are joining our Peace of Mind Service and enclose a fully completed Direct Debit whereupon we will be pleased to check that it seems to have been completed correctly, send you a copy, store the original securely, send Storage Certificates for you and your Executors together with a Gold emergency contacts card. You will also receive our annual legal Planning Newsletter and access to our free helpline.



Testator = person whose Last Will it is. Testatrix is just the female version.

Executor = person or persons who will deal with the financial, tax and legal issues after the testator has died. This form allows for up to two, plus a professional reserve, Probate & Trustee Services Ltd who can also advise the family executors if they feel they need help. Only if the family executors cannot do the work, PATS will take over – but they GUARANTEE to stand down if the beneficiaries do not wish them to act, and will then charge only for any work they might have done.

Guardian = the person who would take over responsibility for any under age children for whom the testator has parental responsibility but ONLY if the other parent is also dead.

Witness = two independent witnesses must together watch the testator sign his or her Last Will and then testator and witnesses must watch as each witness in turn signs to confirm the testators signature, and adds their full name and address, before the other witness does the same. The witnesses must know the testator, but they must not be able to benefit directly or indirectly from the Will.

Estate = your estate is what you own – perhaps your home, bank accounts, furniture, debts (no, they don't die with you – your executor has to pay them before he can pay out the rest of your assets). It should be particularly noted that very few life insurance policies actually pay off the mortgage direct, so the house would pass with the mortgage and life insurance would pay out separately. For more information, you can buy our book at www.LegalPlanning.co.uk
Home owners should not use the Free Will Form if they can possibly afford not too, as there are several useful planning devices that can be incorporated into a more sophisticated Last Will.

Will = Last Will and Testament – the terms tend to be used interchangeably.

Intestacy = what happens to your estate if you don't leave a valid Will which is found and acted on.

Deed of Variation = a document which can be used with the agreement of the affected parties to change a Will within 2 years of a death.

Mirror Wills = a pair of Wills (for husband /wife or partners typically) where each "mirrors" the other e.g.: everything to each other and then to the children in equal shares being typical.

Codicil = a document which is specially prepared and signed to modify your Will (but a new one is always safer as Codicils can get lost).

Issue = children and children of children etc – direct blood descendants

Peace of Mind Service = our service to help you keep your Will secure and to provide you with the advice and information to help you to be aware when changes are needed – few people are!

IMPORTANT Do NOT glue tack pin or otherwise attach anything to this Will or amend it after signature

Last Will and Testament

ONLY for those born in England & Wales of English or Welsh parents and permanently resident in England and Wales. This Basic Will leaves everything to one person failing which to your natural children (in Trust if under 18).

Testators full names:

I revoke all former Wills and declare this to be my **Last Will and Testament**

Address:

I appoint as my Executor/s:

	Executor 1	Executor 2
Full name:		
Address:		

In the event that my Executor/s are unwilling or unable to act, or require assistance I appoint Probate & Trustee Services Ltd (trading as the SWW Trust Corporation) as Executor in substitution and sanction payment of their fees.

Guarantee: Should the beneficiaries not wish them to act, they will stand down charging only for any work done.

I leave my estate to:

Full name:

Address

PROVIDED that they survive me by 30 days failing which to my natural children in equal shares

In the event that I die leaving minor children with no surviving parent, then I appoint as **GUARDIAN:**

Full name:

Address:

[NOTE: Two totally independent witnesses (who cannot benefit directly or indirectly under your Will) must jointly see YOU sign this Will. The witnesses must THEN sign to confirm this whilst all of you remain together.]

X..... Date signed and Witnessed: _____

Testator to signs *above* BEFORE and in the presence of BOTH Witnesses

Witness details	Witness 1	Witness 2
Signed first by the Testator in our joint presence, then by each of us in the presence of the testator (signed)	X Witness 1 to sign above	X Witness 2 to sign above
PRINT Witness's FULL name	1. _____	2. _____
PRINT Witness's FULL address		

DISCLAIMER: This Will form is provided without advice or responsibility as a temporary measure in an attempt to avoid the problems that arise from leaving an estate under the **Rules of Intestacy**. It is **strongly recommended** that you join our **Peace of Mind Service** and put in place and maintain a more considered and thorough Last Will and Testament as part of your ongoing legal and tax planning.

Our **Peace of Mind Service** includes **helpline, secure storage, annual review checklist, full information pack and storage certificates for executors, tax and legal planning newsletter** and we also check your form appears to have been completed correctly. Download a form at www.WillCustodian.co.uk or ring us and we will post details to you.

Once this Will has been completed, signed and witnessed **ONLY** if you wish to join our ongoing service in conjunction with www.WillCustodian.co.uk send it with cheque payable to Will Custodian Ltd and direct debit to:



Will Custodian Ltd or Allied Professional Will Writers Ltd


FREEPOST SEAT243 (Staff) Pevensey BN24 5BR 0845 166 8873 (we do not give free advice on these forms unless you are a member of our Peace of Mind Service).

DO NOT RETURN THIS FORM TO US UNLESS A DIRECT DEBIT ACCOMPANIES IT.


Financial Adviser contact:

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We offer both a Full Will Writing Service or an economy one (where you complete a much more comprehensive form and we draft the Will) or an Online Service – details on our site www.APWW.co.uk or on request to info@apww.co.uk

IMPORTANT Do NOT glue tack pin or otherwise attach anything to this Will or amend it after signature	<h1>Last Will and Testament</h1>	
England & Wales ONLY: Basic Will to leave everything to one person failing which to your natural children (if under 18—under the strict trustee laws).		
Testators full names:	JOHN JAMES CAMERON BLOGGS	
I revoke all former Wills and declare this to be my Last Will and Testament		
Address:	27 Bertram Street, Eastbourne BN21 7TT	
I appoint as my Executor/s:		
	Executor 1	Executor 2
Full name:	MIRANDA JOSEPHINE BLOGGS	CHRISTOPHER JOHN BLOGGS
Address:	27 Bertram Street, Eastbourne BN21 7TT	1 Eastern Alley, Norwich NR1 2TB
In the event that my Executor/s are unwilling or unable to act, or require assistance I appoint Probate & Trustee Services Ltd (trading as the SWW Trust Corporation) as Executor in substitution and sanction payment of their fees. Guarantee: Should the beneficiaries not wish them to act, they will stand down charging only for any work done.		
I leave my estate to:		
Full name:	MIRANDA JOSEPHINE BLOGGS	
Address:	27 Bertram Street, Eastbourne BN21 7TT	
PROVIDED that they survive me by 30 days failing which to my natural children in equal shares		
In the event that I die leaving minor children with no surviving parent, then I appoint as GUARDIAN:		
Full name:	CHRISTOPHER JOHN BLOGGS	
Address:	1 Eastern Alley, Norwich NR1 2TB	
[NOTE: Two totally independent witnesses (who cannot benefit directly or indirectly under your Will) must jointly see YOU sign this Will. The witnesses must THEN sign to confirm this whilst all of you remain together.]		
X..... JJC Bloggs Date signed and Witnessed: 1st January 2010		
Testator to signs <i>above</i> BEFORE and in the presence of BOTH Witnesses		
Witness details	Witness 1	Witness 2
Signed first by the Testator in our joint presence, then by each of us in the presence of the testator (signed)	James C Taylor X Witness 1 to sign above	C.A. Taylor X Witness 2 to sign above
PRINT Witness's FULL name	1. JAMES CHARLES TAYLOR	2. CAROL ANNE TAYLOR
PRINT Witness's FULL address	29 Bertram Street, Eastbourne BN21 7TT	29 Bertram Street, Eastbourne BN21 7TT
DISCLAIMER: This Will form is provided without advice or responsibility as a temporary measure in an attempt to avoid the problems that arise from leaving an estate under the Rules of Intestacy . It is strongly recommended that you join our Peace of Mind Service and put in place and maintain a more considered and thorough Last Will and Testament as part of your ongoing legal and tax planning.		
Our Peace of Mind Service includes helpline, secure storage, annual review checklist, full information pack and storage certificates for executors, tax and legal planning newsletter and we also check your form appears to have been completed correctly. Download a form at www.WillCustodian.co.uk or ring us and we will post details to you.		
Once this Will has been completed, signed and witnessed ONLY if you wish to join our ongoing service in conjunction with www.WillCustodian.co.uk send it with cheque payable to Will Custodian Ltd and direct debit to:		
	Will Custodian Ltd or Allied Professional Will Writers Ltd FREEPOST SEA7243 (Staff) Pevensey BN24 5BR 0845 166 8873 (we do not give free advice on these forms unless you are a member of our Peace of Mind Service) DO NOT RETURN THIS FORM TO US UNLESS A DIRECT DEBIT ACCOMPANIES IT.	

We offer both a Full Will Writing Service or an economy one (where you complete a much more comprehensive form and we draft the Will) or an Online Service— details on our site or on request to info@apww.co.uk

<p>IMPORTANT Do NOT glue tack pin or otherwise attach anything to this Will or amend it after signature</p>		<h1>Last Will and Testament</h1>	
<p>England & Wales ONLY: Basic Will to leave everything to one person failing which to your natural children (if under 18—under the strict trustee laws). We offer both a Full Will Writing Service or an economy one (where you complete a much more comprehensive form and we draft the Will) or an Online Service— details on our site or on request to info@apww.co.uk</p>			
<p>Testators full names:</p>		<p>MIRANDA JOSEPHINE BLOGGS</p>	
<p>I revoke all former Wills and declare this to be my Last Will and Testament</p>			
<p>Address:</p>		<p>27 Bertram Street, Eastbourne BN21 7TT</p>	
<p>I appoint as my Executor/s:</p>			
		Executor 1	Executor 2
<p>Full name:</p>		<p>JOHN JAMES CAMERON BLOGGS</p>	<p>CHRISTOPHER JOHN BLOGGS</p>
<p>Address:</p>		<p>27 Bertram Street, Eastbourne BN21 7TT</p>	<p>1 Eastern Alley, Norwich NR1 2TB</p>
<p>In the event that my Executor/s are unwilling or unable to act, or require assistance I appoint Probate & Trustee Services Ltd (trading as the SWW Trust Corporation) as Executor in substitution and sanction payment of their fees.</p>			
<p>Guarantee: Should the beneficiaries not wish them to act, they will stand down charging only for any work done.</p>			
<p>I leave my estate to:</p>			
<p>Full name:</p>		<p>MIRANDA JOSEPHINE BLOGGS</p>	
<p>Address</p>		<p>27 Bertram Street, Eastbourne BN21 7TT</p>	
<p>PROVIDED that they survive me by 30 days failing which to my natural children in equal shares</p>			
<p>In the event that I die leaving minor children with no surviving parent, then I appoint as GUARDIAN:</p>			
<p>Full name:</p>		<p>CHRISTOPHER JOHN BLOGGS</p>	
<p>Address:</p>		<p>1 Eastern Alley, Norwich NR1 2TB</p>	
<p>[NOTE: Two totally independent witnesses (who cannot benefit directly or indirectly under your Will) must jointly see YOU sign this Will. The witnesses must THEN sign to confirm this whilst all of you remain together.]</p>			
<p>X.....M J Bloggs..... Date signed and Witnessed: 1st January 2010</p> <p style="text-align: center;">Testator to signs <i>above</i> BEFORE and in the presence of BOTH Witnesses</p>			
<p>Witness details</p>		Witness 1	Witness 2
<p>Signed first by the Testator in our joint presence, then by each of us in the presence of the testator (signed)</p>		<p style="text-align: center;">James C Taylor</p> <p>X</p> <p style="text-align: center;">Witness 1 to sign above</p>	<p style="text-align: center;">C.A. Taylor</p> <p>X</p> <p style="text-align: center;">Witness 2 to sign above</p>
<p>PRINT Witness's FULL name</p>		<p>1. JAMES CHARLES TAYLOR</p>	<p>2. CAROL ANNE TAYLOR</p>
<p>PRINT Witness's FULL address</p>		<p>29 Bertram Street, Eastbourne BN21 7TT</p>	<p>29 Bertram Street, Eastbourne BN21 7TT</p>
<p>DISCLAIMER: This Will form is provided without advice or responsibility as a temporary measure in an attempt to avoid the problems that arise from leaving an estate under the Rules of Intestacy. It is strongly recommended that you join our Peace of Mind Service and put in place and maintain a more considered and thorough Last Will and Testament as part of your ongoing legal and tax planning.</p> <p>Our Peace of Mind Service includes helpline, secure storage, annual review checklist, full information pack and storage certificates for executors, tax and legal planning newsletter and we also check your form appears to have been completed correctly. Download a form at www.WillCustodian.co.uk or ring us and we will post details to you.</p> <p>Once this Will has been completed, signed and witnessed ONLY if you wish to join our ongoing service in conjunction with www.WillCustodian.co.uk send it with cheque payable to Will Custodian Ltd and direct debit to:</p>			
		<p>Will Custodian Ltd or Allied Professional Will Writers Ltd</p> <p>FREEPOST SEA7243 (Staff) Pevensey BN24 5BR 0845 166 8873 (we do not give free advice on these forms unless you are a member of our Peace of Mind Service)</p> <p>DO NOT RETURN THIS FORM TO US UNLESS A DIRECT DEBIT ACCOMPANIES IT.</p>	

The first two items are crucial:

1) **Wills** - deal with what happens when you die and who inherits your wealth. See page 12 to see what happens to your assets and children if you don't have one! Watch out for Banks and Solicitors trying to become your executor! Be aware that cheap Wills are often a come on to sell expensive services and executorship (which can be worth tens of thousands) – check out the **full** price agenda first! Special Wills can be used to save Community Care Tax, to protect vulnerable children, to preserve your families wealth against going in beneficiaries divorce settlement, or from being lost when the surviving partner remarries and their estate then goes to a new family. And all of this can be accomplished **fairly**.

It is **VITAL that your Legal Planning is up to date and regularly reviewed.**

2) **Lasting Power of Attorney** (a vital part of your planning - they come in Finance and in Welfare "flavours") deal with what happens when you are unable to make decisions or wish others to be able to act for you in welfare or finance matters. Over half of you will lose competence to make such decisions at some time and it is **much** cheaper to be prepared! **VITAL – your husband / wife / partner has NO authority**

3) **Medical Directives/ Advance Directive** – a matter of personal choice

These have become of more consequence recently. They are basically instructions to your Doctors as to how you would wish to be treated if you were unable to communicate your wishes. A Lasting Power of Attorney (Welfare) is a "better" document with wider coverage – e.g. over where you live – but the LPA cannot be used until it is Registered AND you have lost mental competence – and in many cases there may be no time to ask the Court to confirm that, so an Advance Directive in these limited circumstances is a great boon.

4) **General Power of Attorney** – useful on occasion

These deal with Financial matters only, and are relatively simple to produce. They appoint others to manage your finances during your lifetime (or for as long as you specify) PROVIDED you do not lose your ability to make decisions. Should you do so, any actions taken under the General Power of Attorney would be unlawful.

As a rule, a General Power of Attorney would be used in short term situations, and probably should only be left open ended if you are fairly ancient. They can be useful to give immediate power while a Lasting Power of Attorney Finance is going through the registration process, or to delay the cost of registration.

We can prepare such documents: just visit our website below or give us a ring on 0845 166 8873 or email info@APWW.co.uk **Other Important Issues:**

5) **Probate** – the work of sorting out someone's estate after they die

Your Executor is the one who has to gather all the information about your assets and liabilities, going back up to 14 years in some cases (though 7 is usually enough) where Inheritance Tax is a possibility. The Executor must agree any tax liability with the Taxman and pay it before anyone else can benefit. The Executor also pays all the debts, gives out any specific gifts ("legacies") then the balance to those benefiting under the Will or Intestacy.

The Executor is personally liable if any mistakes - probably the worst of which is to fail to track down a beneficiary and pay money out to the wrong people – the Executor may then end up personally liable to compensate the beneficiary who lost out.

Types of Will

1. Normal Family Will

Covers guardians, trusts for children under 18, and all the standard things for a normal family Will as long as there are not too many beneficiaries or complexities. Mirror Wills are a pair of Wills which "reflect" each other and are consequently less than twice the cost of a single Will.

The following items are more sophisticated and will cost more:

2. Right to Reside or Life Interest clause

Sometimes the home is owned by a person who would not wish the current residents to be forced out if they died – e.g. unmarried couples, parents, grandparents or children, or even a friend. A special Trust can give a permanent or temporary right to residence before the property goes fully to its eventual new owners. This can have IHT issues for the person given those rights.

3. Protective Property Trust Wills for home owning couples

The idea is to make sure that the property is owned in equal shares, and that the survivor has a lifetime right of residence. This should protect half of the home from being sold to pay creditors – the most common of which is the Local Council (for Care Fees) whilst allowing the Trustees freedom to top up Care Fees if they wish to.

This structure also has substantial benefits for younger couples where the survivor may remarry and create a new family which will need protection in the event of death, so they leave everything to the new spouse or partner and effectively disinherit the deceased's children, unless a protective Trust is in place. This way everyone is looked after. **Greater protection** is available through the Home Protection Plan, available separately at much higher cost. See www.HomeProtectionPlan.co.uk for more details.

4. Discretionary Trust clause

This can be useful where you want to leave the choice of final beneficiary to (perhaps) your children – who may or may not need the cash. They might prefer to pass it direct to their children or even grandchildren. If a child's marriage is dodgy when you die, the Trustees can lend rather than give the money, so it shouldn't form part of a divorce settlement.

5. Flexible Lifetime Interest Trust Wills in the entire estate

A more advanced version of the Protective Property Trust covering the whole of the deceased persons estate (apart from whatever they give away in their will.) The home would normally be included, but need not be. It is especially useful where the property forms only a part of the value of the estate. Joint home ownership is not required. In certain circumstances, these can create extra Inheritance Tax Savings. Probably the biggest advantage is that they create a Family Bank which can go on making loans and grants for as long as 80 years. We have two versions of the FLIT, one which allows money to be advanced to children as well as the spouse, the other does not just in case the Revenue considers this breaks the IHT rules (though they have indicated that it doesn't at the moment.)

6. Business Will – additional cost depending on complexity

Depending on the type of business, whether or not it has an ongoing value, the family situation and Inheritance Tax issues, special Business Trust Wills can save a fortune, but investigation and review takes a little longer. The key issues are ensuring the business can be managed during ill health, and preserving Business Property Relief after the first death – it is often lost when the business is left to non-qualifying spouse or children. We understand that the Inland Revenue have accepted that the cost of writing a Business Will is a legitimate charge to your Business, and presumably the same would apply to Lasting Powers of Attorney Property & Affairs.

Community Care "Tax"

Page 10

This pernicious tax, administered by your Local Authority to pay Care Home fees **can virtually wipe out your Estate** if you are unlucky enough to need long term Nursing Care through accident, illness or just old age. This tax applies to young people as well as the retired. The longer in advance you plan, the better. Legal Planning and Financial Planning must interact for maximum benefit. But Asset Protection Wills for couples can make an enormous difference to the wealth that flows through to the next generations of your family. This Free Will Form will not help.

Carefully drafted Protective Property Trust Wills (www.ProtectivePropertyTrust.co.uk) or Flexible Life Interest Trust Wills can potentially save half the value of a couples' estate, or a Home Protection Plan (www.HomeProtectionPlan.co.uk) may be used for greater protection or for single people. Check out our free booklet on the subject at:

www.Asset-protection-Secrets.co.uk

Children with different Parents

1) Partner 1 dies, leaving children. Partner 2 re-marries, then dies. The children of the first marriage may get nothing. We can protect against this without causing major problems for the "new" family. Children adopted out of the family are legally excluded unless they are named specifically, similarly unadopted "step" children often miss out on the death of a "parent" not related by blood or marriage – very common with 50% of children born out of wedlock and probably most of the rest with divorced or separated parents. Not a simple area!

2) Children unable to manage their own affairs properly

Many children will never be able to manage their finances properly, and we can set up special Will Trusts to be managed by Trustees who will provide for them out of the trust and avoid (again) handing the cash over to the Local Council. If the children are sufficiently "disabled" there are tax breaks too.

Inheritance Tax Planning

I don't propose to go into a great deal of detail here as there is another book at www.Inheritance-Tax-Secrets.co.uk which is a practical guide to the subject. Ask your financial adviser if they are amongst the select few who have subsidised copies for their clients (ask them to contact steve@apww.co.uk).

1) PROTECTING SHAREHOLDERS, KEY STAFF & PARTNERS

What happens if a shareholder dies? **Who will inherit their shares?** Will the new shareholder have the businesses' interests at heart? Will they consider selling their shares to your major competitor? Can the other shareholders afford to buy them out, if they will sell? Could it **wreck the business** if **a key person dies** or becomes unable to work??

In a partnership, the deceased partners' dependants may be left with nothing.
Call Allied Professional Will Writers and your IFA!

2) BUSINESS PROPERTY RELIEF

For many businesses, Inheritance Tax will NOT be payable on the first death as the owner works in the business and it may well qualify for full exemption from Inheritance Tax.

However, the surviving partner may NOT work in the business and NOT qualify for IHT relief on death a few years later – so 40% tax may become payable on the relevant value of the business or shares.

It is possible to leave the business to a special Discretionary Trust to preserve Business Property Relief until the next generation are working in the business and will soon qualify for Business Property relief in their own right, at which point the business can be transferred to them personally from the Trust.

3) LOSS OF DECISION MAKING CAPABILITY of key person

can wipe out a business in a very short time.

Lasting Power of Attorney Property and Affairs can provide substantial security, and normal General Powers of Attorney may be of benefit when a director / partner is out of touch rather than having lost the capacity to make decisions.

No valid Last Will and Testament found? If you die:

Intestacy = no valid Will (No Will written, not found, damaged or destroyed, not signed and witnessed correctly, deceased beneficiaries etc etc. People are often partially “intestate” as not all of their assets are given away in the Will, as it has not been reviewed regularly.)

Your assets are distributed according to a set of rules laid down by Parliament.

Children under 18 will go where the Court decides, unless there is a surviving parent with parental responsibility. If you are married and die together, the youngest will be assumed to have died last and the oldest estate will ignore the spouse, as will that of the youngest.

Please note that this is a generalisation of complex rules.

“Issue” = children and children of children etc.

Check	If you are MARRIED or civil registered... If Yes...	If No...
1. Is your estate worth more than £250,000?*	Go to step 2.	Everything goes to the spouse
2. Do you have natural or adopted children?	First £250,000* goes to the spouse, plus life interest in half of the rest (the spouse receives <i>income only</i> – if there is any). The balance goes to the children at 18.	Go to 3 below.
3. Do you have parents, brothers & sisters?	First £450,000 goes to the spouse, plus half of the rest. The balance goes to the parents, or brothers and sisters if parents are dead.	Everything goes to the spouse

Do you have (living)...	If you are NOT MARRIED... If Yes...
1. Children? If NO →	Shared equally amongst natural or adopted children, then issue (a partner gets nothing without a Court battle)
2. Parents? If NO →	Shared equally between parents
3. Brothers & Sisters? If NO →	Shared equally between full brothers & sisters then issue then half brothers and sisters and then their issue
4. Grandparents? If NO →	Shared equally between grandparents
5. Parents siblings? If NO →	Shared equally between blood uncles and aunts and then issue
6. None of the above?	Everything goes to the Crown

To make a Full Service Will, call us on 0845 166 8873 (we do NOT provide help completing Free Will Forms, nor do we advise on their suitability. If in doubt, move up to EasyLastWill or Full Service.

If you already have an up to date Will, why not join Will Custodians’ **Peace of Mind Service** which helps to keep your documents safe, secure, and help you to keep them up to date through a Newsletter, Checklist and Legal Helpline.

pms@willcustodian.co.uk or ring 0845 129 8859

Last Will & Testament Sorted? Well done!

Once you have signed your Will....

Will it stay safe, up to date and also be found at the right time?

With our Peace of Mind Service it can!

Otherwise, there is a high risk your thoughtfulness will FAIL to be effective. But **why** pay a bank £35 a year *just* for storage? **YOUR Choice:**

Either Low Risk if you JOIN PMS	Or High Risk if you DON'T JOIN
Keep everything secure, read the annual Newsletter & check list, call the advice line, keep up to date	Potentially waste the money/ time spent so far with lost, damaged or, in time, outdated documents.
Sign: X	Or Sign: X

Peace of Mind Service (PMS) benefits:

Our **Standard Service** includes:

- FREE copies of your documents
- Your **documents checked** to ensure they have been signed properly (or they won't work!)
- Your Will held in our secure, fire resistant store, **safe** from malicious or accidental damage or destruction.
- **Emergency numbers card** included – keep it in your wallet showing where your documents are stored, with your emergency contacts and medical alerts on the back.
- **Annual reminder** to briefly review your Legal Planning, to keep it up to date and relevant.
- **Annual checklist** of personal events that might require updates.
- **Annual newsletter** identifying Legal and Tax issues that may affect you and yours
- **Certificates of Storage** so Executors know where documents are kept and how they can retrieve them. Around 37% of Wills are never found (perhaps “disappeared” by people who do not benefit!)
- **Discounts** when you need to re-write or amend your Will etc.
- **Free** basic Probate Advice for you or your executors.
- The **biggest benefit of all**- our **Helpline**. Query? Don't worry – just call us!
- **Transferable Nil Rate Band** IHT 216 information pack (couples) – save £ thousands.
The new rules on Inheritance Tax are actually a STEALTH TAX – unless you plan ahead.

If you wish to join, please return the fully completed direct debit together with your signed Will/s to:

APWW / Will Custodian
FREEPOST SEA7243
Hankham
Pevensey
BN24 5BR

Please make sure you include your **phone number** and **email address** in case of problems – we will acknowledge receipt.

Peace of Mind Service subscriptions
 can **only** be paid by Direct Debit and rise with inflation (if any) each year.

<p>ONE WILL</p> <p><input type="checkbox"/> Basic £12.95 annually Will Storage, Newsletter & Checklist. Recommended level of service is:</p> <p><input type="checkbox"/> Standard £22.23 annually or £1.95 per month which adds ongoing advice: this does NOT include the full fact finding which would be carried out with our full Will Writing service.</p>	<p>TWO SIMILAR WILLS</p> <p><input type="checkbox"/> Basic £15.95 annually Will Storage, Newsletter & Checklist. Recommended level of service is:</p> <p><input type="checkbox"/> Standard £33.63 p.a. or £2.95 per month which adds ongoing advice:</p>
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Will Custodian Ltd	Instruction to your Bank or Building Society to pay by Direct Debit	
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Please retain the guarantee below

Please fill in the whole form using a ball point pen and send to:
Will Custodian Ltd FREEPOST SEA7243
Pevensey BN24 5BG
 Name and full postal address of your Bank or Building Society:

<p>To: The Manager Bank/Building Society</p> <p>Name of your bank</p> <hr/> <p>Address</p> <p>Address of your bank</p> <p align="right">Postcode</p>	<p>Service User Number</p> <table border="1" style="width:100%"> <tr> <td style="width:16.6%">6</td> <td style="width:16.6%">0</td> <td style="width:16.6%">1</td> <td style="width:16.6%">2</td> <td style="width:16.6%">2</td> <td style="width:16.6%">1</td> </tr> </table> <p>Reference</p> <table border="1" style="width:100%"> <tr> <td>W</td><td>I</td><td>L</td><td>L</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table> <p align="center"><small>FOR WILL CUSTODIAN LTD OFFICIAL USE ONLY</small> <small>This is not part of the instruction to your Bank or Building Society.</small> All subscriptions are subject to our Terms and Conditions available on request on at www.WillCustodian.co.uk</p> <p>Instruction to your Bank or Building Society Please pay Will Custodian Ltd Direct Debits from the account detailed in this Instruction subject to the safeguards assured by the Direct Debit Guarantee. I understand that this Instruction may remain with Will Custodian Ltd and, if so, details will be passed electronically to my Bank/Building Society.</p> <p>Signature(s)</p> <p>r Account holders signature</p> <hr/> <p>Date</p>	6	0	1	2	2	1	W	I	L	L																
6	0	1	2	2	1																						
W	I	L	L																								

Name(s) of Account Holder(s)

Name on your cheque card or book

Bank/Building Society account number

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Branch Sort Code

--	--	--	--	--	--	--	--	--	--	--	--

Your bank account number
Your banks sort code

Please cut off and retain the Guarantee:

<p>The Direct Debit Guarantee should be detached and retained by the Payer.</p> <ul style="list-style-type: none"> This Guarantee is offered by all Banks and Building Societies that take part in the Direct Debit Scheme. The efficiency and security of the Scheme is monitored and protected by your own Bank or Building Society. If the amounts to be paid or the payment dates change Will Custodian Ltd will notify you more than 30 working days in advance of your account being debited or as otherwise agreed. Normally almost a year in advance as reviews take place from 1st April each year for implementation on the first payment on or after 1st April the next year If an error is made by Will Custodian Ltd or your Bank or Building Society you are guaranteed a full and immediate refund from your branch of the amount paid. You can cancel a Direct Debit at any time by writing to your Bank or Building Society. Please also send a copy of your letter to us. 	
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