



Will and Test
made by me

Important Note

This questionnaire deals with the distribution of an individual's estate.

Under the law of England and Wales an individual is, generally, allowed to leave his or her estate to whomever he or she wishes.

However, the Inheritance (Provision for Family and Dependents) Act 1975 gives the Court powers to vary a Will if it considers that the Will has failed to make reasonable provision out of the estate to someone who was financially dependent on you.

The following could have a right to claim against an individual's estate:

1. A spouse/partner - details to be supplied in Sections 1 & 2
2. Children - details to be supplied in Section 3
3. A former spouse who has not remarried and has financial dependence - details to be supplied in Section 4
4. Step-children - details to be supplied in Section 4 or Section 3 if this questionnaire is used for Mirror Wills
5. Any other dependents financially maintained by you - details to be supplied in Section 4

When completing the questionnaire you should consider the possible needs of the persons named in Sections 2, 3 and 4.

There may be very good reasons why you might not wish to provide for individuals falling within these categories, (i.e. you have already made sufficient financial provisions during your lifetime) but if you choose to exclude from your estate someone who might reasonably expect to benefit, you may wish to write a letter, addressed to the Executors, explaining why you have excluded that person. This letter can then be produced as evidence in defence against any claim on the estate.

Mirror Wills

Will Drafting Services shall draft two Wills, one for each spouse/partner, in identical but reciprocal terms. For example, enabling each to leave everything to the other with a larger gift in favour of the children, charity or others.

The Mirror Wills concept only works if both spouses or partners have identical testamentary wishes and Will Drafting Services cannot offer the Mirror Wills scheme to spouses or partners who wish to make different gifts under respective Wills. If either spouse has children from a different relationship it will be necessary to make single Wills - please call our helpline if in doubt.

Notes

These notes are numbered to correspond with the questions appearing in the Will Questionnaire. Please read the relevant notes before answering the questions. All notes are relevant at the time of print of the latest questionnaire dated 10/12.

SECTION 1 - Personal Details

Supply the fullest information you can. Please also provide details of any other name by which you are known professionally, socially or otherwise, or any other name in which you hold any property.

The address should be the address at which you reside. It does not affect the Will if you change your address after it has been made.

Section 2 - Details of Spouse/Partner

Please also complete details of any other name by which your spouse/partner may be known.

Your spouse/partner's address should be the address at which they currently reside.

The Will becomes invalid upon marriage or a civil partnership agreement UNLESS the Will is expressly made in contemplation of marriage or a civil partnership agreement to the person specified in the Will.

Section 3 - Details of Children

Please provide the names, dates of birth and addresses (if possible) of all your natural children and any adopted children.

You should note that for the purposes of a Will the general term "children" does not include step-children. If there are step-children and they are to benefit equally with your natural children, this is possible and is provided for in Section 9.

NB. Please be sure to include details of all the natural and adopted children of each partner (i.e. If one or both partners has children from a former marriage or relationship details should be included here). Please indicate for each child which spouse/partner is the parent. Write "BOTH" if the child is of both partners.

VERY IMPORTANT

DETAILS OF ALL CHILDREN SHOULD BE INCLUDED EVEN IF YOU DO NOT WISH THEM TO BENEFIT UNDER THE TERMS OF THE WILL.

Illegitimate and Adopted Children

The law provides that any reference to "child" or "children" automatically includes illegitimate and adopted children.

If you wish to exclude illegitimate and adopted children from benefiting equally with natural lawful children, answer "yes" to this question. Naturally this will also exclude illegitimate and adopted grandchildren.

SECTION 4 - Other Dependents

In this section please set out fully the names and addresses of persons (other than your spouse/partner and children) who are financially dependent on you.

This information is useful when considering how to dispose of the estate (particularly in the light of the Inheritance (Provision for Family and Dependents) Act 1975), as mentioned in the Important Notes section on page 1.

SECTION 5 - The Executors

The Executors are people chosen to look after the affairs after death. They deal with the obtaining of the Grant of Probate, the calling in of and sale (if necessary) of any assets, the settlement of debts and the distribution of the estate according to the terms of the Will.

The selection of Executors should be considered extremely carefully. There should be full confidence in their competence and they should preferably have some knowledge of the personal circumstances.

It is recommended that no less than two Executors be appointed and that Reserve Executors be appointed to cover the possibility of one or more of the Executors predeceasing you. (Thus, if one of the first choice Executors dies before you, the first named alternative Executor can replace him or her).

IT IS PERFECTLY LEGAL FOR AN EXECUTOR TO BE A BENEFICIARY UNDER A WILL. Indeed, it is often a good idea for a major beneficiary (eg. Your spouse/partner) to be one of the Executors as this makes an incentive for the estate to be administered as quickly as possible.

SECTION 6 - Guardians of Minor Children

Guardians may be appointed in a Will for children under the age of 18 years.

It is suggested that up to two guardians be appointed. They can act jointly if required. It is important that you discuss the matter with those you intend to appoint as guardians to ensure that they are prepared to take on the responsibility.

Appointment of Guardians

- 1. Married Couples:** For married couples the appointment of guardians will only take effect after the death of the second surviving parent.
- 2. Divorced/Separated Couples:** The appointment of guardians can only take effect after the death of the second parent. However, where one parent has a Residence Order in his/her favour at the date of death the appointment of guardians by this parent can be effective on his/her death and the guardians so appointed can act jointly with the surviving parent. Please note that a child's guardian is not automatically entitled to have that child living with him/her. Disputes between guardians and the surviving parent are usually settled by the Court.
- 3. Unmarried Fathers:** Unmarried fathers who have not acquired parental responsibility cannot make a valid appointment of guardians and they will not automatically become the guardian of their children on the mother's death.

Unmarried fathers wishing to acquire parental responsibility can do so:

- (i) By entering into a written agreement to share parental responsibility with the mother
- (ii) By applying to the Court for parental responsibility
- (iii) By being appointed as a guardian of the child by the mother
- (iv) By marriage to the mother

An unmarried father does already have parental responsibility if the child is born after 1/12/2003 and the father is named on the birth certificate.

Having acquired parental responsibility, the unmarried father can make a valid appointment of guardians.

- 4. Unmarried Mothers:** Where there is no other parent with parental responsibility, the appointment of guardians will take effect on the mother's death. If the surviving father has acquired parental responsibility however, the appointment of guardians will take effect only after his death (unless the mother has a Residence Order in her favour). Legal advice needs to be sought further if this does not cover your personal circumstances and/or you are still unsure.

SECTION 7 - Specific Legacies

A Specific Legacy is a gift of a particular specified asset.

In this section you should set out the full names and addresses of the persons to whom you want to give specific items. Please provide a concise and accurate description of the items to be given. You may wish the specific legacies to take effect only if your spouse/partner does not survive, i.e. only after both partners have died.

Example:

Full description of item being given	Name and address of beneficiary	Relationship to whom	Whose Will? ie: both, Mr or Mrs
My: Collection of china dolls	Joe Someone of Somewhere Cottage, Anywhere Street, Nowhere	Brother	Mr

SECTION 8 - Cash Legacies

In this section you should set out, in words, the amount of money that is to be left to any particular individual or charity whose name and address should also be supplied. If you leave money to a charity you also need to supply the Registration Number of that charity. You may wish the cash legacies to take effect only if your spouse/partner does not survive you, i.e. only if both partners have died.

Example:

Full description of item being given	Name and address of beneficiary	Relationship to whom	Whose Will? ie: both, Mr or Mrs
Two Hundred Pounds	Joe Someone of Somewhere Cottage, Anywhere Street, Nowhere	Brother	Mr

SECTION 9 Option 1 - Gift of Residuary Estate

The Residuary Estate is what is left of the estate once the Executors have paid all the debts, settled any inheritance tax, distributed any legacies and met all the costs of administering the estate.

- (a) It is likely that you will want your surviving spouse or partner to receive all of the Residuary Estate. If so, simply tick this option.
(b) You need to consider the possibility that your spouse or partner may die before you; if in this event you want your children to receive the Residuary Estate (divided equally between them if you have more than one child), tick this option.

If you leave your Residuary Estate to all your children in EQUAL SHARES and a child predeceases you, that child's share can pass to his/her children equally.

- (c) Please also consider, do you want step-children to be included in the definition of children? i.e. all children of both partners to share equally.

SECTION 9 Option 2 - Gift of Residuary Estate

Only complete this section if Option 1 of Section 9 was not ticked.

- (a) **If you have children you may wish them to receive all of the Residuary Estate. If so, simply tick this option. If you leave your Residuary Estate to all your children in EQUAL SHARES and a child predeceases you, that child's share can pass to his/her children equally.**
(b) Do you want step-children to be included in the definition of children?

SECTION 9 Option 3 - Gift of Residuary Estate

If you want your Residuary Estate to be distributed unequally or between persons (or charities) not previously mentioned in Section 9 then please name the beneficiaries, supply their addresses and state what share they are to receive of the Residuary Estate.

Example:

Full Name	Address	Relationship to whom	At what age?	Share **
Joe Someone	Somewhere Cottage, Anywhere Street, Nowhere	Brother	18	100%

**Please ensure that the shares total 1 or 100%

SECTION 10 - The Ultimate Gift over Clause

You may wish to make provision to deal with the possibility of none of the beneficiaries whom have been previously specified surviving you. In this section you should set out the name of the charities or individuals you wish to benefit in this event.

SECTION 11 - Funeral Wishes

The funeral wishes are not legally binding on the family and Executors and it is not strictly necessary to make wishes in a Will. However, often people prefer to include such details in their Wills to be certain that their wishes are known. In this section please indicate which of the four options best match the wishes.

You are advised to make sure that your wishes are communicated in advance to your family and Executors so that action may be taken immediately on death. In particular you are advised to make sure you inform your family and Executors of any specific additional funeral arrangements.

If you wish to donate your body for medical research you should complete and carry with you an up-to-date Donor card.

Additional Services

LIFETIME INTEREST IN A PROPERTY

This allows you to leave a property to someone whilst at the same time leaving a lifetime interest in the property for someone else. i.e. leaving the property to your children but allowing another non beneficiary the right to live at that property for life.

'NIL RATE BAND' DISCRETIONARY TRUST

This instructs the executors to set up a discretionary trust for the use of the Nil Rate Band allowance. **Appointment of at least two executors/trustees in addition to your spouse is required.**

LASTING POWER OF ATTORNEY

This is required when a power of attorney is requested that is desired to be used even beyond mental incapacity.

SEVERANCE OF JOINT TENANCY

To be used when a property is the likely asset used for a Nil Rate Band discretionary trust.

Additional Notes and Information

This box is to be used for making any notes which are not covered in the Questionnaire.

Will Drafting Services

This must be signed and dated by the you to allow us to act upon the instructions taken.

Credit Card/Debit Card Payments

Please make all numbers as clear as possible and ensure the signature matches the card. Please also ensure the security code on the reverse of the credit or debit card is recorded.

Storage of Wills Direct Debit

Please complete all the relevant details. The direct debit instruction will not commence until we have received the original Wills to be placed in safe storage. This also allows us to ensure the Wills are correctly signed.

Services we Offer

- Wills
- Estate Protection Trust Wills
- Severance of Tenancy
- Lasting Powers of Attorney
- Prepaid Funeral Plans
- Probate & Executor Services
- Storage of Wills and Other Valuable Documents
- Lifetime Trusts
- Free Re-writes Available
- Advanced Directives

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