



A Q&A about Wills

with Emily Lister

Here's a question for you. How many people in the UK don't have a Will? Incredibly, it's three out of five would you believe. So many myths and untruths surround Wills and often people believe that a private agreement, lovingly made, will be enough to take care of things when we die. Not so; the state gets involved if you don't have a Will. I thought I'd share with you five of the most common questions we're asked at JMP about Wills. See if you know the correct answer.

Q I made a Will five years ago but got married in December 2017. Does this mean that I'll have to re-write my Will?

A Getting married revokes any previous Will. Your assets will now automatically pass on to your spouse who's now your next of kin. That's good to know, isn't it?

Q My partner and I have lived together now for years and believe that a marriage certificate wouldn't change our relationship. Even though we're both independent, we feel that sharing everything is one of those unwritten rules. What does the law say with respect to having a Will?

A If you've not got a Will, the 'Rules of Intestacy' will not recognise your 'Common-Law' partnership. Complex rules will kick in after you die and all of your assets will pass to your next of kin, like your Mum and Dad if they're still alive or else a sibling perhaps. Legally there's no such thing as a 'Common-Law' spouse. If you want to recover any assets, you will need to apply to the Courts.

Q Our kids are under eighteen. Without a Will what would happen to them if, say, we were both killed in a car crash?

A Ughh, what a dreadful thought. It's a rare possibility but worth thinking about. If this were to happen without a Will, your kids would end up in foster care while the courts decide on whom, if anyone is to be their guardian. In a Will you can state who has agreed to take care of them in such a circumstance. Without a Will, money could also be a problem. Make a Will and drive carefully.

Q We are both in a 'second-time-around' marriage (thankfully) and have bought a house together. We do have children from our previous marriages and have had two girls as a married couple ourselves. How does a Will help in this situation?

A If you bought the house as "beneficial joint tenants", the property passes outside your Will and automatically goes to your spouse, in effect disinheriting your children. A safe way to ensure your other children are financially looked after is to own the property as "Tenants in Common" giving both of you an equal share. You can then use your Will to gift your half to whom you choose.

Q I've been thinking about making a Will for ages but have been told that it's mind-bogglingly complicated to do.

A I don't know who told you that, but making a Will is easy. It's like anything in life, the more thought you put into it beforehand, the better a Will is able to serve you. Employ a Will Writer or a solicitor to tie things up properly. At JMP we have a good questionnaire to flag up a number of important points you ought to think about. Completing this saves time when you come to us to put your Will together. It really is that simple. You then forget all about it and get on with living your life.

When it comes to our Will Writing Service, our fixed fee is the fee you pay. There will be no nasty surprises and our fee includes storage of all your Will documents



JMP
solicitors

Autumn Park Business Centre, Dysart Road, Grantham, Lincs NG31 7EU
Main Tel: 01476 565295 My Direct Dial: 01476 539813
E-mail: elister@jmp-solicitors.com
Web Site: www.jmp-solicitors.com