

WILLS QUESTIONNAIRE GUIDANCE

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Introduction

Your Will is one of the most important documents you will ever prepare. By taking the step to make a Will, you are ensuring that you are providing for the people you care about and protecting your assets.

The glossary at the end contains explanations and definitions of some of the terminology used throughout this document.

Please read this guidance booklet carefully before completing your Wills Questionnaire as many of the frequently asked questions are answered.

If there are sections of this booklet or Questionnaire that you do not understand how to complete or that you require further guidance in completing, please contact one of our advisors anytime between 8am and 7pm Monday to Friday and they will be happy to assist you with any queries you may have. If after speaking with our advisors you are still not sure how to proceed, then please write down what you want to do in your own words and send it to us. We will then be able to go through your instructions over the phone with you to ensure we understand your wishes and make sure that your Will achieves those wishes in the simplest and most effective way.

We understand that making a Will can be a stressful process and we are here to make that process as simple and worry free as possible so if you have any concerns please do not hesitate to contact us.

Section 1 & 2 - Wills Questionnaire

Completing Section 1 & 2 of the Questionnaire

At the top of the Wills questionnaire it should have your file reference number and the name of the person dealing with your case. Please complete your union membership number on the form. This is then all the information needed should you have any difficulties with completing the form and call us for help.

Personal Details

Please complete this remembering to include middle names and full addresses.

Other names

If you or your partner have been known by any other names, particularly if you still have assets in these names, it is very important that you provide us with this information as we will need to include any other names in your Will so that these assets can easily be dealt with by your Executors.

Please also ensure that you provide us with the relationship and full names including middle names for yourself and anyone you want to include in your Will to help us correctly identify the people you want to benefit.

Permanent Resident in England and Wales

We need to know this information because inheritance and tax laws in different countries can sometimes automatically apply if you are a permanent resident in that country. In order to advise you properly about your Will and be able to correctly identify when you will need to seek the advice from an overseas lawyer in respect of your assets, we need to know which country you are resident in.

The Will that we draft for you will cover property and assets in England and Wales only and so if you have any assets abroad, it is very important that you seek advice from a solicitor specialising in that jurisdiction.

Contact Preferences

We will try to contact you using your preferred contact method and at particular times that you specify, however this will not always be possible and we may have to call or write to you outside of these times. If we do contact you at a time that is not convenient, we will leave a message if you cannot answer or will make an alternative telephone appointment with you to call back at a more convenient time.

If you wish to contact us by telephone, you can do so by calling 0300 333 0303 between 8am and 7pm Monday to Friday and a member of the Wills team will be glad to assist you.

Your Partner

You need to include the details of your partner or spouse on your form but if you and your spouse or partner are making mirror Wills, they will need to complete their own form as well with their own instructions.

Section 3 – Children

All children

It is important that you provide us with the full names of all of your children, even if you are choosing not to include them in your Will. The reason for this is that we need to know has a potential claim against your estate when we draft your Will so that we can advise you correctly and ensure that you are minimising the risk of your Will being contested. We also can ensure that children aren't being unintentionally excluded.

You should note that stepchildren are not covered by the Intestacy Rules and as such if you wish for them to benefit from your estate, you will need to make a Will including them. Even though you may consider them to be your children, there is an important legal distinction between your biological children and your step children and so we would be grateful if you could indicate on the form the exact relationship of your children to you.

Claims against your estate are discussed in more detail in Section 13.

Children from Previous Relationships

We need to know their full details including any middle names along with confirmation of whether they are from your current relationship or a previous relationship. The reason we need this information is because further advice may be required where you have children from a previous relationship or where you are excluding one or more of them. This will be discussed further at Section 13.

Married Children

Please ensure that if your children have changed their names for any reason for example marriage, that you include their full married name rather than their maiden name. If any of your children are due to be married while your Will is being finalised, please advise us of this as providing they are married before your Will is signed, we can include their married name in your Will.

If they or any of your other beneficiaries change their names or address after your Will is signed, you do not need to change your Will to amend this.

Completing Section 3 of the Questionnaire

Please provide the detail requested at section 3 on page 2. If your children were born to you and your current partner, please leave the final column blank. Any children that are from a previous relationship, please tick the final column.

Section 4 - Funeral Wishes

You should be aware that funeral wishes are not binding in a Will. Your Executors can ignore your instructions if they wish to. You should also bear in mind that it is likely that your Executors will not retrieve or read your Will until after your funeral has been arranged. As such, if you have specific wishes, it is a good idea to notify your family and Executors of what these wishes are now so that they are aware of them in time to give effect to them.

If you have extensive funeral or burial wishes, you should include these in a separate document that is stored with your Will rather than in the body of your Will itself. Another reason you may wish to include your funeral or burial wishes in a separate document is that your Will becomes a public document that can be seen by anyone after probate is granted. You may not wish for your personal wishes to be in the public domain so putting them in a separate document keeps them private.

Completing Section 4 of the Questionnaire

Please tick your chosen preference in section 4 of the questionnaire. If you have no specific requirements or wishes beyond this and you have no funeral plan in place then you can just leave the remainder of section 4 blank.

If you do not wish to include any funeral wishes or you have not yet decided what you want, then please tick 'no preference'.

Section 5 - Executors

What is an Executor

Your Executor is the person that will deal with your money and property after you die and make sure that the wishes you have set out in your Will, are followed.

Who can be an Executor

They have an important role and one that come with responsibility so you should think carefully about who you wish to appoint. Your chosen Executor should be someone who you trust and who you believe will do a good job when dealing with your finances and following your wishes.

Your Executors must be 18 or over and they can also benefit from your Will.

You can appoint a single Executor or you can appoint multiple Executors to act together. We would advise if you appoint a single Executor, that you also appoint at least one substitute Executor.

How Many Executors?

You must include at least one Executor but ideally you should include more than one. If you chose to have a single person, you should consider appointing a substitute in the event that your first choice is unable or unwilling to act or if they die before you. If you do not appoint a substitute Executor then when you die, your executor will be the next default choice under the Intestacy Rules or it can be someone benefitting under your Will.

If your Will includes any gifts to Minors or any Trusts then you will need to have at least 2 Executors/Trustees as this is a legal requirement.

Overseas Executors

You should think very carefully before appointing an Executor who lives overseas. The reason for this is that your Executor will be responsible for collecting in your money, paying any Debts and then distributing it to your Beneficiaries. There is likely to be lots of paperwork involved in this and forms that need to be signed and returned to various banks or other companies. From a practical point of view, it can delay the administration of the estate if papers are having to be sent abroad, particularly if they are acting with another Executor based in the UK as papers will need to be sent to both Executors for completion.

Appointing Unionline as Executor

Unionline are happy to be appointed as main or substitute executors in respect of your Will. As professionals we are used to dealing with estates of all complexities and will be able to carry out the administration work promptly and efficiently. Unlike lay executors, we have considerable experience

of carrying out this kind of work and we are familiar with the forms and procedures involved. We will charge fees in respect of the work that we carry out which will be charged at an hourly rate and will be capped at between 3% of your gross estate depending on the complexity of your case.

Other Factors to Consider

You should bear in mind the age of your Executors. Obviously no-one knows who will outlive them but you are more likely to be outlived by people younger than you and less likely to be outlived by older generations. It's therefore not advisable to appoint your parent as your sole executor with no substitute.

Completing Section 5 of the Questionnaire

Please ensure that you provide full names including middle names and addresses for each of your Executors. We refer to them in your Will using their relationship to you so please also include this on the form.

Please put the same number in the order column for any Executors you wish to act together or consecutive numbers for any that are substitutes.

If you have already provided us with the addresses of your executors above in sections 2 or 3 then you do not need to write them out again here.

For example:

You wish to appoint your spouse as your first executor and then your daughters as your joint substitute executors acting together. You would complete the questionnaire as follows:

Full Name (Including middle names)	Address (if not already stated above)	Relationship to you	Order	Tick if substitute
Jeffery Hall		Husband	1	<input type="radio"/>
Sarah Lucy Hall		Daughter	2	<input checked="" type="checkbox"/>
Jennifer Mary Hall		Daughter	2	<input checked="" type="checkbox"/>

If in the example above you wished to appoint Jeffery as your main executor, Sarah as your first substitute and Jennifer as your second substitute so they each acted alone, you would put a '3' in the order column for Jennifer.

Section 6 - Guardians

The guardianship appointment is so that if your child's other parent, or another person who has parental responsibility for your children have died before you, are deemed unfit, or are unable or unwilling to act as the legal guardian were no longer around, you can choose who will look after your children when you die. You should note that a Guardianship appointment in your Will is not binding, however it is persuasive and Social Services will try to follow your wishes unless there is a good reason not to.

No Guardian

If you chose not to appoint a Guardian in your Will, you should be aware that should anything happen to you and your child's other parent or guardian then the choice of who cares for them will be left with Social Services.

Overseas Guardians

Before appointing Guardians who live overseas then you should consider whether this is practical. If your children are older and at school, they may not want to move abroad and leave their friends and their school. They may not speak the language and it could disrupt their education. It will also not necessarily follow that your chosen Guardians will be able to move to the UK to look after your children as immigration laws governing who can move to the UK and on what basis are very strict.

Multiple Guardians

We would also advise against appointing multiple Guardians to act jointly who do not live together as this can again be problematic from a practical point of view. Choosing who the child would live with could cause arguments and result in Social Services having to get involved. The easier way to deal with appointing more than one Guardian is to appoint one as a substitute for the other in the event that they cannot act.



Completing Section 6 of the Questionnaire

Please ensure that you provide full names including middle names and addresses for each of your Guardians. We refer to them in your Will using their relationship to you so please also include this on the form.

Please complete the form in the same way as you did for the Executors above.

Please put the same number in the order column for any Guardians you wish to act together or consecutive numbers for any that are substitutes.

If you have already provided us with the addresses of your Guardians above in sections 2 or 3 then you do not need to write them out again here.

Section 7 - Specific Gifts

Specific gifts can be either gifts of property or money. You should note that it is generally not possible to leave conditional gifts other than where it involves the gift being conditional on the beneficiary reaching a certain age. If you choose to leave a gift in your Will, you should be happy for that gift to be given regardless of the circumstances at the time.

Description

It is important that your Executors are able to correctly identify the items you are leaving. Please therefore ensure that you give a detailed description. If for example you own multiple gold watches and you wish to leave these to different people, it is important that you use different identifying features for each gift. Saying 'my grandmother's gold watch' is only useful if your executors are likely to know which watch belonged to your grandmother. A better description would be 'my gold Rolex watch with diamonds on'

Pets

You can leave your pets to be looked after by a specified person however you should be clear that there is no obligation on the beneficiary to look after your pet. If you are intending to leave someone money as a thank you for looking after your pet, you should also be mindful of whether you would still want them to receive this money if they refused to look after your pet.

Distribution

When leaving a class gift for example 'all my jewellery' or 'all of my gardening equipment' to be divided between multiple people, you should think about whether you wish for this to be divided by number of items or by value.

For example if you have £1000 worth of jewellery consisting of 30 items to be divided equally between your two children, do you wish for them to receive 15 items each or £500 worth each as it is unlikely that 15 items will be worth exactly £500.

Deceased Beneficiary

You should also decide what you want to happen if the person you have left the gift to dies before you. Would you want the specific item to pass to any children they have left or would you want it to form part of your residuary estate. You can indicate this at Section 11 of the questionnaire.

Completing Section 7 of the Questionnaire

Please include the full name of the person you wish to receive the gift and specify their relationship to you. We use this to describe them so it is important that we have this information. Please then give as detailed a description as possible of the item(s) you wish to leave and specify how you wish for it to be divided if it is to more than one person.

Section 8 – Money Bequests

This covers any specific amounts of money you wish to leave in your Will. This can be an amount to a specific person, an amount to everyone in a class of people or an amount to be divided between a class of people. For example:

- *£500 to my sister Mary Evans*
- *£500 to each of my grandchildren*
- *£500 to be divided between any grandchildren living at my death*

You should ensure where you are leaving money to a class of people that you are clear about how the distribution is to be made. Does each person in the class get the stated amount or is there a single amount to be divided between everyone in the class. You may not know how many people will be in the class at the time you die and so you should take this into account when leaving the gift and ensure that there will be sufficient money available in your estate to cover all gifts.

As with the specific gifts above, you should decide what you would want to happen to this gift if the person to receive it dies before you. As with above, it is not advisable or possible to dictate what someone does with the money once they have received it so contingent gifts are not advised as the contingency will most likely fail.



Completing Section 8 of the Questionnaire

As with the specific gifts, you should ensure that you write the full name including middle name of the person you wish to benefit from the gift. You should include their relationship to you and also the amount you wish to give them.

Section 9 – Gift of your House

Care Fees

If you are concerned about paying care home fees later in life then you may wish to consider gifting your share in your property to your children.

Care fees have to be paid in full where the value of your assets exceed £23,250. If your total assets are valued between £23,250 and £14,250 then you will pay a contribution towards your care costs. If your assets are valued below £14,250 then your care will be fully funded by the Local Authority.

If you are a couple living together in a home you jointly own and one of you needs to go into care, your main home will not be considered when the Local Authority assess your finances providing the other joint owner is still living there. However once your spouse dies, if you then have to go into care, the local authority will take your house into consideration.

If you own your property as joint tenants (the property automatically passes to the survivor if one of you dies) then you could consider severing your tenancy. This means that instead of the house automatically passing to your spouse on your death, you can choose to leave your share in the house to another family member for example, your children. By doing this, you can ensure that your surviving spouse will only ever own their half of the property. The local authority will therefore only be able to claim half of the value of your property and that the other half is preserved for your children.

Occupation Rights

When severing your tenancy, you should ensure that you give your spouse or the other joint owner an occupation right to your half of the property in your Will allowing them to continue living in the property for as long as they choose.

You may also wish to leave an occupation right to someone other than a joint owner, for example if you have an elderly relative living with you for whom you wish to provide accommodation for until they die.

Severing your Tenancy

There are circumstances in which you may wish to sever your tenancy without leaving an occupation right. An example of this could be if you are in the process of getting a divorce. You may wish to ensure that if anything happens to you before your divorce is finalised and any joint property sold or transferred into sole names, that your share will definitely go to your children. We can prepare the necessary documentation in respect of this even without the other joint owners consent.

Please note, these services incur an extra charge and are not covered by the free simple Wills procedure. Fees range from £60-£360 including vat depending on the level of work you require. For a quotation, please contact us.

Completing Section 9 of the Wills Questionnaire

If you wish to leave your share in your property to someone else and you wish to include an occupation right, please tick the first box and include the details of the person you wish to leave an occupation right to. If you do not wish to leave an occupation right, then please just leave this box blank.

If you wish to sever your tenancy and leave your share in the property to people other than the joint owner, please tick the next box and include the details of the people you wish to leave your share to. If you already own as tenants in common, please cross through the words [sever the tenancy on my property] and simply insert the names of the people you wish to leave your share to.

If you do not know how you own your property, we can obtain office copies for your property anyway and can advise you further in respect of this.

Once we receive your completed questionnaire back, we will contact you with a no obligation quote of how much the service you have requested will cost.

Section 10 - Residuary Estate

Your Residuary Estate is everything left over after your debts have been paid and your specific gifts and money bequests have been paid out.

Even if you believe that you have already distributed everything you own in the preceding sections, it is important that you still include residuary beneficiaries as it is likely that you will have something that doesn't fit into the gifts you have already made and we need to ensure that all of your assets are disposed of under your Will.

Substitute Beneficiaries

We strongly advise that you include substitute beneficiaries who will receive your assets in the event that your main beneficiary(ies) die before you. If you fail to include a substitute beneficiary, your assets will simply pass under the Intestacy Rules (detailed below).

Completing Section 10 of the Wills Questionnaire

We have included boxes for the most common options and if you wish to choose one of these, then please do so. For the first 2 options, you do not need to include any further information.

Where your instructions differ from the first 2 boxes, please detail in the table who you would like to leave your assets to and in what shares.

Section 11 – Other Information

Completing Section 11 of the Questionnaire

If there is any other information you think we should know in order to draft your Will or understand your instructions, please detail it here.

You can also include here whether you would like any specific gifts, money bequests or residuary gifts to go to a beneficiary's child should the beneficiary die before you. You can leave different instructions for different gifts.

Consideration should be given to the age people are to inherit gifts. Minors under the age of 18 cannot receive money gifts and this will have to be held in trust for them until their 18th birthday, however you can opt to increase this age if you choose. Please be aware that increasing the age a person can receive a gift can have tax implications.

Section 12 – Asset Information

Completing Section 12 of the Questionnaire

Please note that the reason we request asset information is to assess your estate for inheritance tax purposes. Please try to be as accurate as possible, however it is not possible to give exact figures. An approximate figure to the nearest £50 will be sufficient. If it appears that you are close to the inheritance tax thresholds when we receive your Questionnaire, we will contact you.

Section 13 - Excluding People from your Will

If you wish to exclude someone from your Will who would usually expect to benefit then there is the possibility that person could try and contest your Will after you die. The case could end up being assessed by a judge and it will then be up to the judge to decide whether or not they think the challenge is lawful and justified. If they believe that it is, they can either override the entire Will or they can just override a particular clause depending on the nature of the challenge. If the entire Will is declared invalid then either your previous Will would apply or if you had not made a previous Will, then the Intestacy Rules would apply.

For details on what would happen under the Intestacy Rules, please see Appendix 2.

Contesting a Will

A person cannot contest your Will just because they don't like what you have decided to do. There are set grounds on which a person can contest your Will:

- testamentary capacity;
- lack of valid execution;
- lack of knowledge and approval;
- undue influence;
- fraudulent wills and forged wills; and
- rectification and construction claims;
- If they have a claim under the Inheritance (Provision for Family and Dependents) Act 1975

Testamentary Capacity

In order for your Will to be valid, you must understand that you are making a will and the effect of that will, know the nature and value of your estate; understand the consequences of including and excluding certain people under your will; and not be suffering from any 'disorder of mind' which may influence your views. This means that if someone believes that you did not meet these criteria at the time you made your Will then they can challenge the Will on the basis of this.

Lack of Valid Execution

In order for a Will to be valid, it must meet the requirement of Section 9 of the Wills Act 1837. If a Will has not been executed (signed) in accordance with these rules then a person can bring a challenge on the basis that the Will has not been executed properly and as such is not a valid Will. The legal presumption is that a will has been validly executed unless there is evidence to the contrary.

Lack of Knowledge and Approval

To make a valid Will, you must be fully aware of the contents of the Will you are making and be satisfied that the Will reflects your instructions accurately. A challenge can be brought if there are concerns that the person making the Will was not aware of or didn't fully understand what was in their Will or that there were suspicious circumstances in which the Will was prepared.

Undue Influence

If someone believes that you were under pressure from a third party to prepare your Will in the terms that you have, they can bring a challenge on this basis. The evidence required to succeed in such a claim is of a very high standard to the extent that you will be required to show that there was no other reasonable theory to explain the gifts you have made.

Fraudulent and Forged Wills

If there are concerns that your Will was not genuinely made by you or that it has been forged or altered before or after you signed it then a challenge can be brought on this basis. A challenge can also be brought where a Will has been made on the basis of false information, for example if your son falsely tells you that your daughter has stolen money from you and on this basis you exclude your daughter from your Will to the benefit of your son. This exclusion has been based on a fraud and as such could be a ground for a challenge from your daughter.

Rectification and Construction Claims

Where there has been an error in your Will, rectification can often be an option. For example where a clerical error was made by the person drafting your Will or where the drafter didn't fully understand your instructions and has therefore misrepresented them in your Will, it can be challenged on this basis. In these circumstances, before a professional negligence case is brought against the drafter, an order for rectification is often sought which enables the drafter (or the company the drafter worked

for) the opportunity to rectify the mistake and effectively correct the Will back in line with your instructions after you have died. A construction claim is one whereby clarification of a vague or ambiguous clause in a Will is sought.

Claims under the Inheritance (Provision for Family and Dependents) Act 1975

We note from your instruction booklet that you are divorced. Please be aware that should your ex-spouse be financially dependant on you at the time of your death then your ex-spouse may be entitled to make a claim against your estate in accordance with the provisions of the Inheritance (Provision for Family and Dependents) Act 1975.

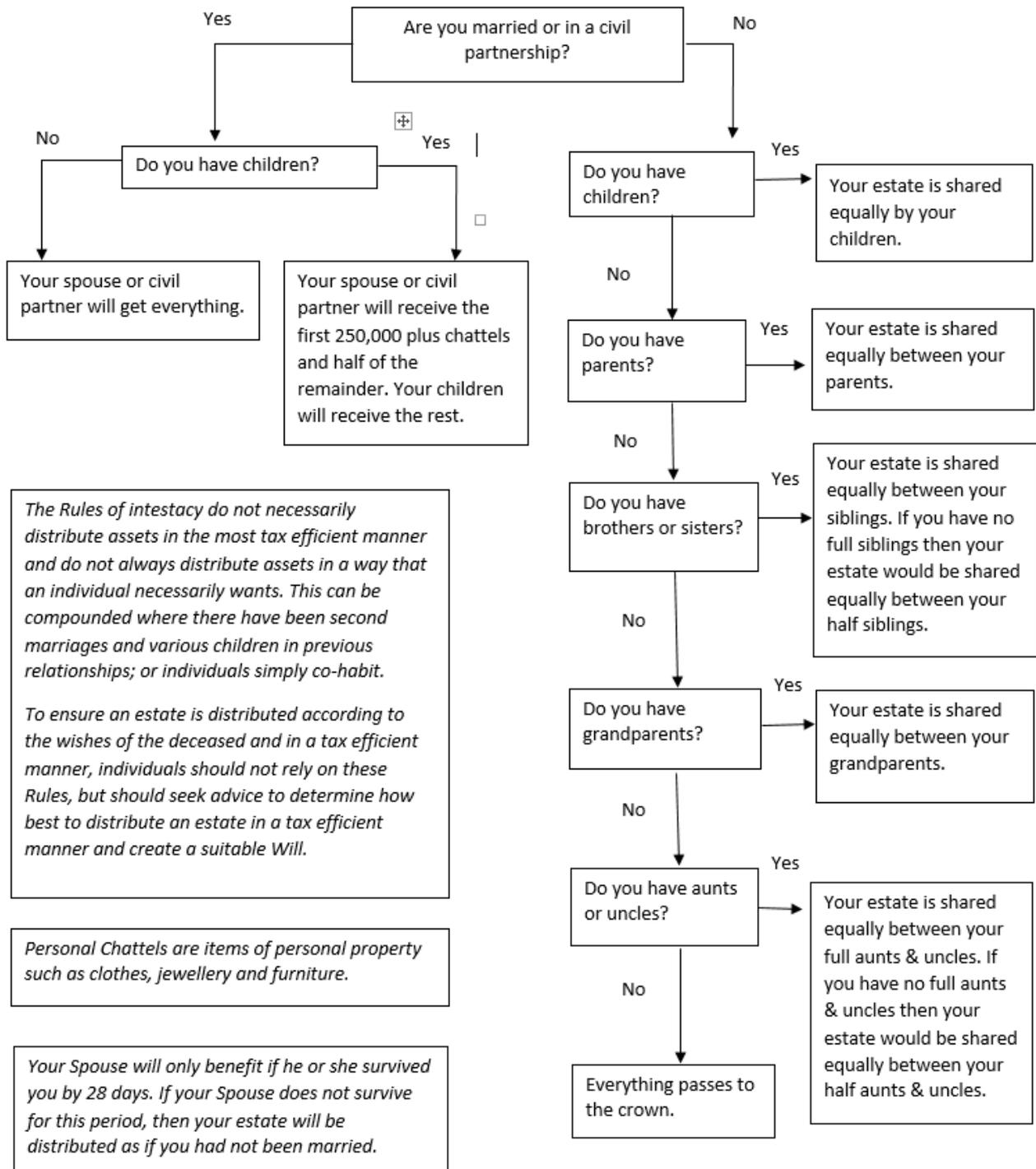
Also you should be aware that if you still hold any assets jointly with your ex-spouse then these assets may pass automatically to the surviving joint owner on your death rather than in accordance with the terms of your Will. Should you wish to discuss this further then please do not hesitate to contact us.

Appendix 1 - Glossary

Asset	Anything you own. This can be in the form of money in the bank; shares; investments; real property and land; personal property such as jewellery, furniture clothes, art etc; vehicles.
Beneficiary	Someone who is benefiting from your estate. This can be either a specific item or amount of money or it can be someone who you have decided should receive a share of your Residuary Estate.
Debt	This includes any money that you owe on the date you die. This does not need to be long terms unpaid debts, it can just be a utility bill that falls due after you die including utility usage from before your death or overpayments of pensions or benefits which can occur where a payment is made after you die but before the DWP are notified of your death. These are settled out of your Estate.
Grant of Probate Grant of Letters of Administration	A Grant of Probate is a document that your Executors may apply for after you die in order to be able to deal with your estate. Some Estates will not require a Grant of Probate for example if they only consist of joint property passing to the other joint owner or small amounts of money in the bank. If however you have shares, investments, property that needs selling or large sums in the bank then your Executors will need to apply for a Grant of Probate. A Grant of Letters of Administration is the equivalent document where a person dies without leaving a Will.
Estate	The total value of your Assets before any Debts including Inheritance Tax are deducted.
Guardian	This is someone you appoint to look after your children in the event that you die before they turn 18. If the child's other parent or anyone else with Parental Responsibility is still alive then they will look after the children but if everyone with Parental Responsibility has died then your guardians will step in and look after your children.
Executors	The person or people you have chosen to be responsible for collating the information about your Assets and your Debts, collecting in your money, paying any debts and then distributing your assets as per your instructions in your Will.
Expression of Wishes	A document that you prepare at the same time you make your Will that explains your reasons why you have excluded someone from your Will or left your estate in unequal shares.
Inheritance Tax	This is the tax payable on any Estate valued over the current allowance of £325,000 per person. Tax is usually payable at a rate of 40%. There are various reliefs and other exemptions available which we will discuss with you further should your Estate exceed this amount.
Intestacy Rules	These are a set of rules in place that govern what happens if you don't have a Will. They prescribe the order of people who will benefit and it is this same order that will apply if your chosen Executor(s) are unable to act.
Joint Tenants	This is where you own property jointly with another person and if one of you dies, that persons share automatically passes to the surviving

	joint owner. If you own property jointly but are not sure whether you own as Joint Tenants or Tenants in Common, then it is most likely that you will own as Joint Tenants. We can check this for you for a £3 charge.
Minor	Person under the age of 18 years old.
Net Estate	What is left from your Estate to distribute after your Assets have been collected in and your Debts have been paid off.
Parental Responsibility	Adults with legal responsibility for looking after your children. Mothers always have Parental Responsibility unless this has been removed by a Court or an adoption order. Fathers will have Parental Responsibility if they were married to the mother at the time of the child's birth; if they are named on the birth certificate and the child was born after 1 December 2003 or if they have a Parental Responsibility Agreement or Order in place. Other people such as Grandparents can have Parental Responsibility if ordered by a Court or by agreement with the mother.
Per Stirpes	This means that if a Beneficiary in your Will dies before you their children will get their share
Residuary Estate	The pot of money available to distribute to your Beneficiaries after all your money has been collected in, your debts have been paid and your specific gifts have been distributed.
Severing your Tenancy	This is where you change your Joint Tenancy into a Tenancy in Common.
Specific Gifts	Particular items or amounts of money that you want to go to a specific person
Tenants in Common	This is where you own property with another person and if one of you dies, they have the choice of who they leave their share to, it doesn't have to be the other joint owner. If you hold joint property in unequal shares, you will also own as Tenants in Common.
Trust	This is an arrangement whereby a person (Trustee) holds and manages property as its notional owner for the good of one or more Beneficiaries
Trustee	These are the people who will manage any Assets which are held within a Trust created by your Will. These are assumed to be the same people as your Executors.
Will	This is the document that we will draft for you outlining your wishes so that your Executors know where you want your money to go when you die. This is a legally binding document once signed that replaces any previous Will that you have made.

Appendix 2 - Intestacy Rules Flowchart



The Rules of intestacy do not necessarily distribute assets in the most tax efficient manner and do not always distribute assets in a way that an individual necessarily wants. This can be compounded where there have been second marriages and various children in previous relationships; or individuals simply co-habit.

To ensure an estate is distributed according to the wishes of the deceased and in a tax efficient manner, individuals should not rely on these Rules, but should seek advice to determine how best to distribute an estate in a tax efficient manner and create a suitable Will.

Personal Chattels are items of personal property such as clothes, jewellery and furniture.

Your Spouse will only benefit if he or she survived you by 28 days. If your Spouse does not survive for this period, then your estate will be distributed as if you had not been married.