

# WHERE THERE'S A WILL...

Many people put off making a Will as it requires contemplation of death. However it is the most certain thing in your life that one day you will die and this factor must be faced.

Failing to make a Will could mean that your assets are distributed against your wishes and can also result in anguish for survivors, delays in distributing assets and possible Inheritance Tax complications.

The Law sets out the rules where there is no Will and does not take into account the Deceased's particular wishes or relationships.

The Law can be inflexible where you have step-children or you are part of an unmarried couple living together. The Law makes no provision for surviving partners where there is no Will and it can be difficult to establish contributions and intentions where one partner has died. Therefore, it is important at the outset to record the ownership of property and in particular the amount of each share. It is essential that couples living together both make Wills particularly because of the lack of protection referred to above. If one or the other already has a Will then this should be checked to ensure it is appropriate for the couple's present circumstances, especially where one or both of the partners has pre-existing obligations such as children from a previous marriage or relationship.

Remember making a Will can be an on-going process and periodic reviews are advisable. There are events that mean a review of your Will is vital:

- Where your marital status changes
- Someone close to you dies
- A new addition to your family
- A substantial overall change in your financial position
- If your Executors need to be changed
- If you change your mind about the instructions contained in your Will

One of the fastest growing areas of litigation in this country is disputes about Wills. Such disputes fracture families and can be extremely costly to the estate. The best way to avoid such disputes is to draft a Will showing CLARITY:

- i) Include in your Will what you want to give and who you want to give it to.
- ii) Explain in a side letter (or other document) the reasoning behind the exclusion of individuals or the disparity between what is to be left to individuals.
- iii) If in doubt, SAFETY FIRST, always seek legal advice.

If a dispute does arise, seek legal advice at an early stage.

For more information about Wills, or what to do if there is a dispute about an estate, please feel free to contact our specialist lawyers at Alison Fielden & Co The Gatehouse Dollar Street Cirencester GL7 2AN 01285 653261 [www.alisofielden.co.uk](http://www.alisofielden.co.uk).