

Abby lost more than she first thought

“ When Dave collapsed in front of me I thought it was the worst thing that could happen – but I was wrong. He hadn’t made a will and I ended up with nowhere to live.

We met through my work. He was really easy to talk to and had a larger-than-life smile. He’d lost his wife two years before, to cancer. He had two grown up daughters, Sarah and Natalie.

After a while, we moved in together, and we had nine very happy years and two sons, Jon and Danny. Then one evening he collapsed. He died before the ambulance arrived.

I had stopped working when Jon was born as Dave made enough for the both of us. We had talked a couple of times about making a will; he knew what he wanted but never wrote it down.

Because we weren’t married and he hadn’t made a will everything was divided equally between the four children. I was left with nothing.

Sarah and Natalie applied to become the administrators of his estate, which means they have control over *my* boys’ inheritance until they are 18. I had nowhere to live because our family home was not in our joint names. I had no money, and nowhere to go.

I didn’t imagine things could get any worse. Then one day I came home to find a note from my step daughters. They had taken all of Dave’s belongings: his clothes, photos, even the watch I’d given him for his 45th birthday. The note also said they and their grandmother, Dave’s mother, were arranging his funeral. They would not accept any suggestions or offers of help. There was nothing I could do.

I tried to talk to Sarah and Natalie about what Dave had wanted but they weren’t interested. So I took some legal advice and made a claim



under the Inheritance Act 1975. It’s a claim against Dave’s estate for some money for myself and for the right for the boys and me to live in our house. It feels weird, but my opponents have to be my sons as well as Sarah and Natalie.

The money I’ve asked for is much less than Dave would have wanted; but it will only take more time, effort and hostile negotiation, to get any more. The legal costs will come to over £20,000 as it is. Money I could have used to bring up the boys, if only Dave had made a will. ”

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Introduction

Two thirds of people in the UK never get round to making a will. Most of us mean to, but never quite get round to it. Many of us also assume that, if the worst did happen, the law would ensure our belongings went to our loved ones anyway. But unfortunately this is not the case for many of us, particularly for unmarried couples.

If you're not married to your partner (or have not formed a civil partnership) and you die before you make a will, your partner won't automatically inherit anything from you. It doesn't matter how long you were together. It doesn't matter how committed you were. Instead, the law dictates that everything will go to your nearest blood relative, regardless of your wishes. In fact, if you don't leave a will, the Crown is more likely to automatically inherit from you than your partner!

Not just for the rich

Many of us tend to assume that wills are just for rich people, with plenty of money to leave and an extended bickering family to fight over it. But they aren't. It's important that you make a will for other reasons:

- In your will you give particular people the right to sort out your affairs. This isn't exactly a fun job but many people find it a comfort when they are grieving, as it's the last thing they can do for their loved one. Other people find it difficult and stressful. This is why it is better for you to make the choice. Without a will, it will automatically be your nearest relative. See 'Who will sort everything out if you die?' on page 5 for more details.

- If you have children under 18, you need to make sure that you've appointed a guardian to look after them if you (and anyone else with Parental Responsibility) die, and ensure they will be provided for financially.
- In your will you can state any wishes you may have about your funeral and who you want to be involved. This might be very important if your blood relations don't like or accept your partner.
- You can leave some types of tenancy to people in your will, to protect your loved ones from having to find a new home after your death. See our Housing & Living Together leaflet for more details.
- It's also important to bear in mind that none of us know how we will die. Your family may be entitled to compensation, a death-in-service payment, or an insurance pay-out. If you don't make a will, this too will go to your blood relatives, not your partner.



Sticky situations

There are a number of sticky situations that frequently happen because people don't make a will. The most common occur when:

- **You are still 'technically' married to somebody else**

If you are separated but not yet divorced from your husband, wife, or civil partner, *they* will inherit the bulk of your estate. They would get your personal possessions and at least the first £250,000 (plus a life interest in half of anything that is left) – even though you'd probably want this to go to your current partner or your children. Your children will only get something if your estate is worth more than £250,000. And your unmarried partner, as always, will get nothing. If you have no children, your ex would get the first £450,000 and half of anything that is left.

- **You have children, a partner, and aren't married**

If you have children (and aren't married, or are divorced) the whole estate will be divided between your children. This may seem good on the face of it, but could cause real problems between your children and your partner. The children would own any savings, your personal belongings, and possibly even the home; your partner would have no right to anything. If your children are still under 18 they wouldn't be able to negotiate a change, so your partner would face the choice of fighting them for a share of your estate in court, or get nothing.

We might like to think our partner and children will always treat each other in the way we would like, but we can never be sure what will happen in the future. Even if you wanted your children to inherit the whole of your estate, there are better ways of doing it – perhaps a trust that would ensure your partner had some income, or the right to stay in the home for the rest of his/her life.

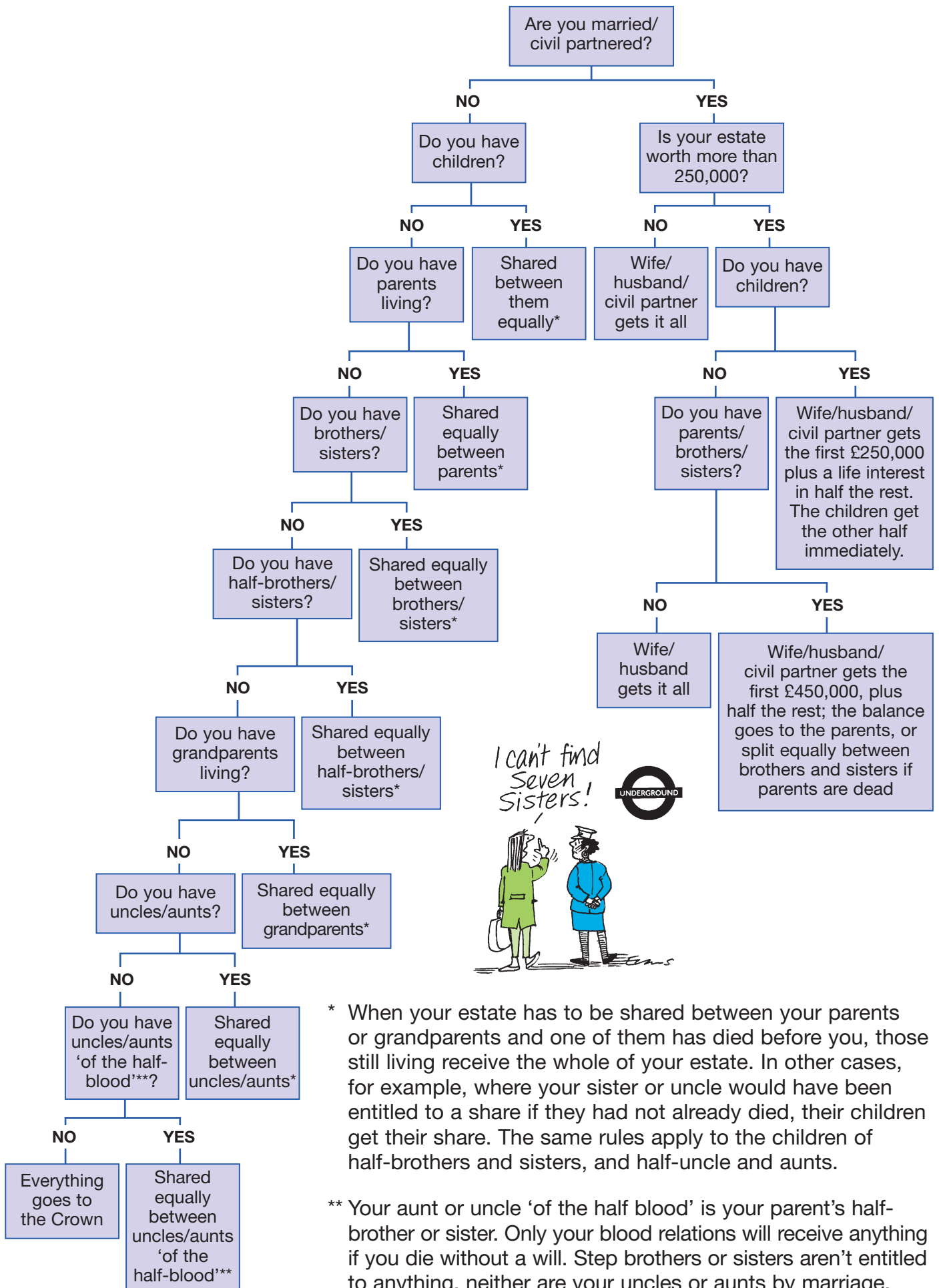
- **You have step-children**

All your biological and adopted children are treated equally in the eyes of the law, so they will all inherit from you whether they come from a current or previous relationship. Your partner's children are not included, no matter how much you may think of them as "yours". If you would like them to have a share in your estate, you need a will.

- **You haven't appointed a guardian**

If you have children under the age of 18, and are the only person with Parental Responsibility for them, you need to appoint a guardian. If you don't do this, it will be very hard for people to know what you wanted to happen. With all the goodwill in the world, your family and friends could fight over what to do and damage their relationships, and your kids could end up being raised by someone who you wouldn't have chosen. See 'If you have young children' page 8.

Where will your property go, if you don't make a will?



* When your estate has to be shared between your parents or grandparents and one of them has died before you, those still living receive the whole of your estate. In other cases, for example, where your sister or uncle would have been entitled to a share if they had not already died, their children get their share. The same rules apply to the children of half-brothers and sisters, and half-uncle and aunts.

** Your aunt or uncle 'of the half blood' is your parent's half-brother or sister. Only your blood relations will receive anything if you die without a will. Step brothers or sisters aren't entitled to anything, neither are your uncles or aunts by marriage.

Who will sort everything out if you die?

If you don't leave a will, the law will also appoint someone to sort out your estate and organise your affairs. This may not seem important, but it can be. This person also has the right to organise your funeral. The law does not recognise an unmarried partner, and instead this right will go to your husband, wife or civil partner, if you have one (even if you are separated but not divorced). If you are not married or in a civil partnership, your adult children or adult grandchildren will be given the job. If your only children are under the age of 18, their other parent might be given the job (even if you are no longer together). If you don't have any children, it will be your parents, or if they have died, your brothers or sisters, or half-brothers and sisters. After that, comes your grandparents, your aunts and uncles (not by marriage), or their children if you have no living aunts and uncles. If you have no relatives at all, the state will sort out your affairs.

Inheritance Tax

Unmarried couples do not have the exemption that allows married couples or those who have registered a civil partnership, to pass any amount of money or assets to one another without having to pay Inheritance Tax. Instead, Inheritance Tax has to be paid on anything above the nil-rate band (currently £325,000 for 2010–11). Add up the value of everything you own, including your share of things you own jointly with your partner. If it comes to near £325,000 you need to think about ways to minimise your tax liability. Read our separate Inheritance Tax guide for more detail about how Inheritance Tax works, and what action you can take to avoid leaving your partner with a huge Inheritance Tax bill to remember you by.

How to make a will

DIY or solicitor?

Once you have decided you need a will you must then decide who will make it. You have three options: you can go to a solicitor, to a will writing company (perhaps via the internet), or you can do it yourself.

If you are considering a DIY will you must assess, as honestly as you can, how complicated it will be and whether you are likely to be able to do it without help. Will it be like putting up shelves or will it be like installing a new central heating system? You wouldn't have an unqualified person install a central heating system in your house. But you might be capable of putting up a shelf yourself. Some people, however, should never pick up a hammer!

Judge your needs and will making abilities in the same way. If you have complicated circumstances to deal with involving different families, a large estate that may be liable to Inheritance Tax, or an ex-husband, ex-wife or ex-civil partner, still receiving maintenance, you should almost always pay someone else to prepare your will. If you want to leave everything to your partner, it might be fairly simple. If you decide to do it yourself you must make sure you understand what is needed.

Many solicitors warn against the dangers of making your own will. One lawyer describes making your own will as "like taking a razor blade to your own appendix". The advantage of using a solicitor is that they can discuss your circumstances

and explain the best way to achieve your wishes, in a tax efficient way. They must also carry indemnity insurance in case they get something wrong. A good will writing service may be able to do the same, but you should check that they have indemnity insurance. If you write your will yourself, the first time any mistakes will be spotted will probably be after you've died – when you can no longer put them right, or explain what you meant.

Whichever route you take, you will be in a stronger position if you understand the issues. Before you make an appointment or open your will-making kit, read the rest of this chapter and use the checklist to help you think through what you want to do.



COMPLEX WILLS REQUIRE A PROFESSIONAL.

Who can you pay to write a will for you?

Solicitors

Solicitors mostly charge a flat fee for preparing a will, and often offer a “mirror will” package that writes a will for you and one for your partner, and costs less than doing them separately.

Some solicitors will charge in the region of £150 to do a straightforward will, but if your circumstances are complicated and you need help with tax planning, it will usually cost more because the job will take longer. Bigger firms usually have higher charges.

Look in the Yellow Pages under Solicitors. Most firms say what they do in their entry. Don't be afraid to compare prices – ring several companies and ask for quotes. In order to get an accurate quote you will need to explain how simple or complicated your will is going to be.

Will writers

Will writers will usually charge a flat fee for a will. The standard of these organisations varies considerably. Most are competent but you need to be sure about what would happen if they get it wrong, or fail to point out a problem. They are not always cheaper than solicitors and they don't have to carry indemnity insurance, which is compulsory for solicitors. Some companies make their money by persuading you to appoint them (or an associated firm) as your executors, for which they charge a substantial fee.

Banks

Some banks also advertise their will writing services. They hope that they will be able to persuade you to appoint them as your executors. This is because they will charge you a large fee for their services as executors as well as for writing the will. Be wary of banks.

When you own things jointly

It is important to understand jointly owned possessions as they can be held in two very different ways. A jointly owned house, for instance, can be held as a "joint tenancy" which means that when one of the owners dies their share will pass automatically to the survivor, whatever the will says. If it is held as a "tenancy in common" the share of the first to die passes according to their will or, if there is no will, the rules of intestacy.

The deeds of a flat will show whether the owners are joint tenants or tenants in common, but if the joint property is a bank account it may not be clear what sort of joint ownership was intended. If you share a bank account or property with someone else you need to decide what is to happen if one of you dies. Does the dead partner's share go to the survivor or does it go with the rest of their estate? How is their share calculated? You need to put it into writing, sign the agreement and each keep a copy.

If it seems complicated, take legal advice before you sign the agreement. Whatever the agreement you reach, you should make sure that the deeds or details of the bank account match your agreement.



What's in a will?

Who gets what?

Wills need to set out who you want to get what in clear and unambiguous language. They should list gifts of specific items or amounts (if you are leaving a property to someone, make sure you say if the mortgage is to go with the property, or if it is to be paid off from other money), and set out how anything that is left over ("the residue") is to be shared. It should also cancel earlier wills, appoint your executors, and appoint guardians for your children (if necessary).

Executors

You need to appoint one or more executors to organise your funeral and to 'administer' your estate. This involves working out what you own and what you owe, closing your various accounts and gathering in all your money, paying the debts, and then distributing what is left in the way you have set out in your will. Sometimes there will be very little to do, but sometimes it will take a lot more work. The people you choose don't have to carry out these duties personally – many executors will ask a firm of

solicitors to help them with the more difficult bits, the cost of which can come out of the estate.

You need to think about who you will choose. It is sensible to have two executors, in case one dies before you. One can be your partner if you wish. If you are leaving property to children under 18 you need at least two executors who, after they have administered your estate, will carry on as trustees to look after the money or property for the children until they reach 18 or 21.

Banks offer to be executors, but be aware that they will charge a hefty fee for this service.

Your wishes

The final paragraphs of the will set out the powers of your executors and any directions for your funeral or other wishes you have, perhaps for the care of your pets etc.

Witnesses

When you have written your will, in order for it to be valid, you must sign it in front of two witnesses, who should then sign and write in their full names and addresses.

Both your witnesses should be present at the same time and all three of you should see each other sign. Neither of your witnesses should be going to receive anything from your will (nor should they be the husband or wife of somebody who will). Then the will should be dated.



If you have young children...

If you have young children and are the only adult with Parental Responsibility you need to appoint a guardian in case you die.

If there is another adult with Parental Responsibility he/she will continue to have Parental Responsibility after your death, and would be the obvious person to be the children's guardian. But they may die before you, or this might not be what you want to happen. For instance, if your partner plays a bigger role in your children's lives than their other parent, you might feel that it was better for your children to stay living with your partner.

Who has Parental Responsibility?

The mother always has Parental Responsibility for her children.

Her unmarried partner will not have this unless:

He is the child's biological father and he:

- marries the mother, or
- is named as the father on the birth certificate, and the birth was registered after 1.12.2003, or
- has made a Parental Responsibility Agreement with the mum which is then registered at the court, or
- applied to the court for a Parental Responsibility Order, because the mother refused to make an agreement.

She is the second female parent (of a child conceived on or after 6th April 2009), and her details are on the birth certificate.

If your partner is not the child's father or second female parent, he/she can get Parental Responsibility by applying to the court for a residence order. See LivingTogether's Children section for more details.

Cally was thirty nine when she was diagnosed with leukaemia, and this threw her into a panic about what would happen to her two children if she died. She was divorced from their dad, Mickey, and he had moved to Cornwall to work. Cally stayed in Manchester and started to live with Hanif who had been a very caring stepfather to the children for seven years. Though Mickey kept in touch and the children had holidays with him, Hanif was much more like their real dad and she thought that they would be better off staying with him.

She had long and rather tearful discussions with Mickey about what to do and he agreed with her. Cally wrote her will and appointed Hanif the children's guardian. To make it even more certain, she followed her solicitor's advice and she and Hanif applied to the court for a residence order, as this brings Parental Responsibility with it. Mickey wrote to the court to say that he agreed to this and in this way Hanif, Mickey and Cally all shared Parental Responsibility.

After Cally's death, the court confirmed Hanif's appointment as guardian, and the children continued to visit Mickey as before.

If you appoint a guardian in your will it may stop any disputes between families. Having said that, if someone felt the child was not being properly cared for, it could be disputed. Appointing a guardian as part of your will also enables you to set out what financial help should be given to the guardian.

If you decide to make a will leaving money or property for children who are under 18 you will have to set up a trust for them.

You need to choose sensible people to look after the children's money for them. The trustees do not have to be the same as the guardians that you chose. You will leave a sum of money to your trustees "on trust" for your children until they reach 18 or 21: you can decide what age you think is suitable.

You can either fix the amount each child gets or make it "discretionary", which means it will be up to the trustees to decide what each child should get and when they should get it.

We would strongly recommend that you don't make a home-made will if you need to do this.

I don't want Uncle Lalit as a guardian - I want Brad Pitt!



Keisha had three children from her first marriage. Their father, Ben, died when the youngest was only 15 months. Three years later, Keisha started to live with Stu.

Keisha thought that if she died Stu would be the best person for the children to live with because he had been like a father to all of them. But she had inherited a lot of money from the children's dad and wanted to make sure that it went to the children.

She named Stu as the children's guardian in her will. She appointed him as one of the trustees and Ben's sister, Jenny, as the other. She thought that this would make sure that Ben's family did not lose touch with the children. She knew that Stu and Jenny got on well together and that they would both have the children's best interests at heart. At the same time she made sure that Stu had enough money to look after the children if she died before they were grown up; after all, he was being asked to take on a big responsibility.

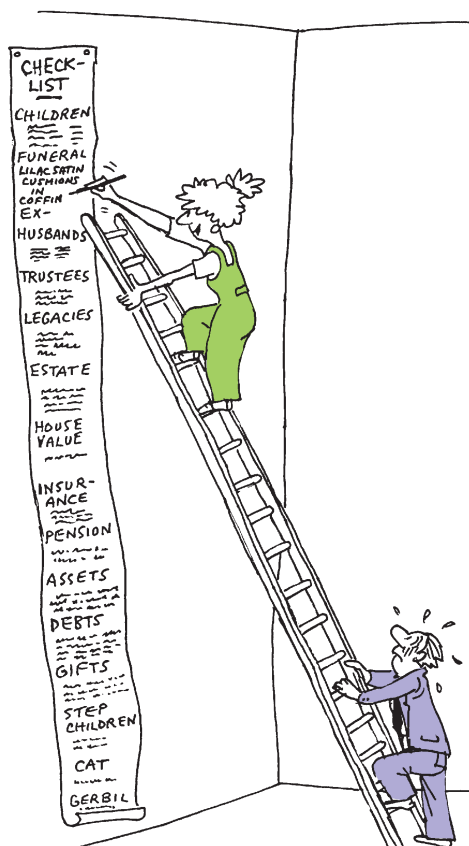
Before you start checklist

Before you start, whether you will write the will yourself or not, you will need to have made a few decisions, and gathered several bits of information. If you choose to use a solicitor, use this checklist before the appointment – it will save you time and money.

- **Your personal details:**
Name
Address
Date of birth
- **Your partner's details:**
Name
Address
Date of birth
- **Your children's details:**
Names
Addresses
Dates of birth
- **Details of any stepchildren whom you support:**
Names
Addresses
Dates of birth
- **Details of any ex-spouse:**
Full name
Address
- **Details of any maintenance you are paying**
- **Your wishes about your funeral, burial, or cremation**

- **Details of the people you want to be executors and/or trustees and/or guardians:**
Names
Addresses
Have you discussed this with them?
- **Any money or property that you want to leave to a particular person**
- **How you want to divide the rest of your estate**
- **Approximate value of your house and the amount(s) of any outstanding mortgage(s)**

- **Details of any life insurance policies:**
Company
Policy number
Are they written in trust for another person?
What will they pay on your death?
- **Information about your pension arrangements:**
Company
Policy number
Will you get a death-in-service benefit?
Have you nominated this in favour of anyone?
On your death will they pay out an income, and to whom?
- **A list of all your major assets**
- **Are you expecting to inherit from your parents at some point?**
- **A list of all your major debts**
- **A list of any large gifts that you have made in the last seven years**



IF YOUR SOLICITOR'S
CHECK-LIST IS LONG
GET HIM OR HER TO
HOLD THE LADDER.

I now pronounce you man and wife!



Marriage, civil partnership, and divorce

If you get married or register a civil partnership it will cancel any previous will. It is a good idea therefore to make another will immediately after your wedding or partnership ceremony. Better still, you can make a will in “contemplation” of your marriage/civil partnership, which explicitly says that it won’t be cancelled as you walk down the aisle.

If, after having made a will, you get divorced (or end your civil partnership), your will is still valid, except for any bequest you made to your ex-husband/wife/civil partner, which becomes void.

After death

If you are the executor

If you have been appointed in your partner’s will to be an executor, your first task is to organise the funeral.

Your second task will be to apply to the probate registry for a ‘grant of probate’. This is the legal document that gives you power to deal with the estate.

You may choose to instruct a solicitor to do this for you. If you do, the costs will be deducted from the estate and if the job is not done properly it will be the solicitor’s fault (providing the executor has made proper enquiries and been honest about all of the assets and debts of the deceased, including any life-time gifts).

If you decide to make the application personally, the probate registry will help you (with the application; they won’t help with collecting and distributing the assets). It is your responsibility to track down all the assets and “liabilities” (perhaps pension or benefit payments that shouldn’t have been made or tax that is owed because of a previous miscalculation). You must also settle any Inheritance Tax, which is usually paid before probate is granted.

At the end of that procedure you will be issued with a single page document called a “grant of probate” (or, in the case of an intestacy, a “grant of letters of administration”). On the production of this document to banks, companies, the land registry and any other organization holding money

or assets on behalf of the deceased, you will be able to request payment or transfer.

Once you have collected all the assets you must pay all the debts (debts do not disappear when someone dies). If you fail to do this before you distribute the estate you may be held personally liable for any shortfall.

The next job is to distribute what is left according to the will, or according to the law if there is no will. Even if the result seems grossly unfair, as the executor you have no discretion in the matter. If the will says that the estate is to go to a relative with whom the deceased had fallen out, that is what must happen. There is no scope for the executor to decide to make a payment to a more deserving person (unless the estranged

relative agrees). If you don't give the money to the right person, you are personally liable. This means that you could be made to pay them the money they are owed out of your own pocket.

Those who do decide to handle all this themselves should be aware that there are some quite complicated provisions to follow if one of the beneficiaries has already died. If that beneficiary is closely related to the deceased, his/her children will share that gift, but if not, it will go with the "residue" of the estate unless the will specifically states that the children will inherit if their parent has already died.

If you think the will is unfair

If your partner has died and the whole of his/her estate has gone to a brother or sister he or she rarely saw, what can you do? Whether caused by a will or by a lack of one, if the estate appears to go to the 'wrong' person, it may be possible to change it by negotiation and agreement.

If all the beneficiaries are adults, the law says that they can make an agreement with other beneficiaries as well as those who do not benefit from the estate. This agreement can re-write the will or the effects of the intestacy and that agreement is then treated as a will made by the deceased.

Tim died without a will, leaving his partner Paula with nothing. All his property went to his sister Lara under the intestacy rules. But Lara felt that this was not fair. She agreed with Paula that instead, nearly all of the estate should go to Paula. Paula refused to take all of it, so they settled on Lara having 25% and Paula having the rest. They got a solicitor to draw up the papers.

If any of the beneficiaries are under 18, any agreement that affects what share they will have must be approved by the court.

Making an agreement does not involve the court but all parties should take legal advice so they have an idea of what order a court might make. In that way a solution can be achieved at a fraction of the cost and with much less stress than taking it to court.

The agreed changes must be completed within two years of the death.

If you cannot agree

If you cannot make an agreement you may have the option of taking legal action.

You should think very carefully before doing this. The words "It's not the money, it's the principal I'm fighting for" are often followed by a long and

expensive battle over the money. And the costs eat into (or even eat up) the estate. It's also important to bear the emotional costs in mind. There will be a winner and a loser, and it may be very hard to get back onto friendly terms afterwards.

If you have lived with your partner for more than two years prior to his or her death, or if you were being wholly or partly looked after financially by him or her when they died, you may be eligible to make a claim against the estate under the Inheritance (Provision for Family and Dependents) Act 1975.

You must make your claim **within 6 months** of the grant of probate or grant of letters of administration. Your chance of success and, if successful, the amount of your share of the estate, will depend on your circumstances, the circumstances of the others involved, and the value of the estate. There are no certainties.

Claims against the estate are not DIY territory. Take legal advice at an early stage.

If you are not eligible for legal aid you will have to find a way to finance your application. If you are successful in the proceedings the court will normally make an order for your costs to be paid out of the estate but that will, of course, reduce the estate.

Questions answered

Q I have lived with my partner for seven years. Although I pay towards the mortgage the house is in his name. He says there is no need for him to make a will because, if he dies, I will get everything as his next of kin. Is this true?

A Absolutely not! It doesn't matter how long you've been together, if he dies without having made a will you will have serious problems. Get him down to a solicitor immediately, otherwise everything he owns will go to someone else when he dies and you will have to fight to get even your mortgage payments refunded.

Q My partner has a good job and a company pension. I am an artist but I also do the housekeeping while she is at work. We have made wills but I have no pension arranged. My partner says that she thinks I will be entitled to half her pension if she dies before me. Is that true?

A It may be true but you should both check the small print. Not all pensions continue paying to a surviving spouse on death and even fewer will continue paying to unmarried partners. Whatever you are told, make sure you get it in writing from the pension provider. See our pensions leaflet for more details.

Q I own a house jointly with my partner as tenants in common. If he dies, will I be able to stay there?

A Probably not, unless the person who inherits his share agrees that you can. In order for you to inherit his share he will have to leave it to you in a will. If he would like someone else to inherit from him, he could make a will giving you the right to remain in the house for life or for an agreed period. And you could do the same. However, it will mean that those expecting to get half when one of you dies will have to wait.



IF ALL ELSE FAILS A PARTNER MAY MAKE A CLAIM AGAINST THE ESTATE WITHIN 6 MONTHS OF THE GRANT OF PROBATE.

Q I am divorced but I have two children. I used the money from my divorce settlement to pay off the mortgage on my new partner's house (which is still in my partner's name). I live together with my two children, my partner, and his two children. We have not made wills. What would happen if he died?

A You would have a tricky mess to sort out. If your partner is also divorced, his children would get all his assets including the house. You should be able to recover the money with which you paid off the mortgage but that, of itself, would not entitle you to a share in any increase in the value of the house since you moved in.

What is worse is that you could be forced to move out of the house. If you claimed against the estate your opponents would be your partner's children and they, (if under 18) would not be able to agree to any compromise solution.

You should discuss with your partner how to treat your repayment of the mortgage. Is it a gift or a loan or are you purchasing a percentage of the whole property? If you were intending to acquire a share in the property you should make sure that a document is prepared as evidence of that arrangement or, better still, have your name put onto the deeds.

Jargon buster

The jargon	What it means
Administrator	The person who sorts out your estate if you have died without making a will. See 'Who will sort everything out if you die?' on page 5 for more details.
Assets	The things you own; cash, investments, houses, things, etc.
Beneficiary	Someone who receives property or money from the estate.
Bequest	Money or property left to a specific person in a will.
Brothers and sisters of the half blood	Brothers and sisters who have one parent in common.
Brothers and sisters of the whole blood	Brothers and sisters who have the same parents.
Child	The biological offspring of a person or a child formally adopted by that person (but not a step child).
Estate	Everything that you own when you die. Property that you own jointly as a joint tenant does not form part of your estate (but its value is included when calculating the Inheritance Tax bill) because it passes directly to your surviving co-owner.
Executor	The person appointed by the will to administer your estate.
Inheritance Tax	The tax you have to pay if the value of the estate, plus certain lifetime gifts made by the deceased and the value of any trust from which the deceased was benefiting, exceed a certain threshold (£325,000 for 2010–11).
Intestate	A person who dies without having made a will.
Issue	All the descendants of a person: their children, grandchildren and so on.
Legacies	Money or property left to a specific person in a will.
Letters of administration	A document granted by the probate registry which entitles the administrator to gain access to the assets of the deceased.

(continued)

(continued)

The jargon	What it means
Life interest	A right left to you in a will that stops when you die. For example, the right to live in a house for your lifetime, or the right to income from an investment for your life (you have no right to the capital). When you die the house or investment etc becomes the property of the ‘remainderman’ named in the will. The person who is given a life interest is called the ‘life-tenant’.
Next of kin	Strictly speaking, the person entitled on intestacy but it can be used in a rather more general way to mean a close relation.
Personal representative	A general name for administrators and executors.
Probate of the will	A document granted by the probate registry which entitles the executor to gain access to the assets of the deceased.
Probate registry	The government office which deals with applications for probate and letters of administration. The principal registry is in London but there are district registries in most cities and some large towns.
Remainderman	The person who receives the asset when a life interest comes to an end.
Residue	What is left to distribute from the estate once all the debts and taxes have been paid. If the deceased’s will left any specific amounts to individuals or organizations they will be paid like debts. What is left is the residue.
Testator	The person who makes a will.
Trust	Money or property looked after by a trustee on behalf of another person or group of people.
Trustees	People who look after assets on behalf of someone else (i.e. children until they are 18 or where there is a life interest).
Uncles and aunts of the half blood	Uncles and aunts who share one parent with your mother or father – your parents’ half-brothers and/or sisters.
Uncles and aunts of the whole blood	Uncles and aunts who have the same parents as your mother or father – your parents’ brothers and/or sisters.
Will	The document which says what is to happen to your money and property when you die, and which needs to be completed with certain formalities.

Helpful addresses, books and websites

The Principal Probate Registry

42/49 High Holborn

London WC1V 6NP

Tel: 020 7947 6939

Monday–Friday 10am–4.30pm

www.hmcourts-service.gov.uk: you can download forms and information leaflets here

HM Revenue and Customs

www.hmrc.gov.uk

Inheritance Tax and Probate helpline

0845 302 0900 Monday–Friday 9am–4.30pm

The Law Society

113 Chancery Lane

London WC2A 1PL

Tel: 020 7242 1222

www.lawsociety.org.uk

The Land Registry

32 Lincoln's Inn Fields

London WC2A 3PH

Tel: 020 7917 8888

Books

Which Books

Including:

Wills and Probate

What to do when someone dies

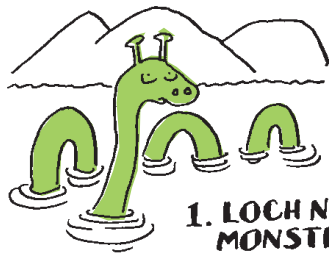
Giving and Inheriting

www.which.co.uk

*-and in addition to my bequest,
I wish to be buried upside-down in
an hexagonal wickerwork coffin on
top of Silbury Hill with my dog
Bentley howling 'My Way'.*



THREE THINGS THAT DON'T EXIST.



1. LOCH NESS MONSTER



2. CATS' NINE LIVES



3. COMMON LAW MARRIAGE

This leaflet is one of a series produced by Advicenow's LivingTogether campaign. Other titles in the series include:

- Living Together Agreements
- Housing & LivingTogether
- LivingTogether & Inheritance Tax
- Pensions & LivingTogether
- Benefits & LivingTogether
- What about the kids?
- How to get Parental Responsibility for your partner's children
- Breaking up checklist

The LivingTogether Campaign applies to **England and Wales** only. The law in Scotland and Northern Ireland is significantly different.

The law is complicated and everyone's situation is different. Always get advice.

The LivingTogether campaign aims to increase awareness and understanding of the legal issues around living together. We explain exactly what rights couples living together *really* have, and show you practical ways you can protect yourself and your partner.

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The LivingTogether campaign is led by Advice Services Alliance in partnership with One Plus One (www.oneplusone.org.uk) and is funded by the Ministry of Justice.

Advice Services Alliance (ASA) is the co-ordinating body for UK advice services. ASA members include AdviceUK, Age UK, Citizens Advice, DIAL UK, Law Centres Federation, Shelter and Youth Access. ASA works with its membership and government to develop policy on delivery of legal and advice services; champions the development of high quality information, advice and legal services; and provides supporting services to advice networks.

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