



We're here to help.

FAQs:  
Making a will

[www.howellslp.com](http://www.howellslp.com)

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## I should get in touch with the Wills & Probate team if I want to:

- Make a will
- Make sure that what I own passes to the right people
- Make sure that someone is appointed to take care of my children if I die
- Make sure that someone is appointed to sort things out when I am gone
- Make sure that my friend, xxxx, gets my collection of yyyy
- Make sure that someone does not receive anything from my estate (your estate is everything you own when you pass away)

## What happens first?

We will arrange for you to come to our offices, where we will ask you to provide us with your personal details, together with details of everything you own: your home, savings, shares, car, etc. We will then discuss whom you would like to pass your estate to, how old you would want them to be before they receive it, for example, 18, 21.

If you have a child or relative who has special needs, we can discuss whether you would like to put some money aside for them, to be given to them as and when they need it.

If your estate might have a tax liability, we can talk about how to ensure that the smallest amount possible is paid.

## What happens next?

Once we have all the information, we will then prepare an instruction sheet that will list everything you have told us. We will send this to you, together with a draft of your will, for your approval, asking you to contact us to discuss any changes you might wish to make and to arrange for you to come and see us again to sign the will.

## How long will it take to complete my will?

It shouldn't take more than two weeks from the first time you come to see us, to you signing the completed document. If your particular situation is complicated or unusual, we may need to see you again, which could mean that it will take a little longer.

## What happens when my will has been completed?

The original of your will is stored securely by us. A copy is sent to you to keep.

## How much will it cost me?

It is not always easy to say how much it will cost. Our 'simple' wills start at £110 + VAT. More complex wills may incur extra charges for the additional work that will be carried out. Most people think that their will is going to be a 'simple' one, but that is rarely the case, in part because of the more complex family arrangements which are more common today, but also because, when we meet, we may bring up issues which you would not have known about, and which could influence how you instruct us.

We will always discuss costs with you before we do any further work, ensuring that you are fully aware from the outset how much it will cost you. Where possible, we try to 'fix' our fees, so that you have the certainty of knowing exactly how much is involved.

## Who will be responsible for helping me make my will?

A named person will be responsible for making your will. Normally, this person will be a solicitor. Where a Legal Assistant is responsible, that person is always supervised by a solicitor.

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## Common misconceptions about wills

Common reasons for people not making a will tend to be due to misconceptions about the law and who will be entitled to what if you were to pass away without a will in place. Some of these are highlighted below, so if you find you could be in one of these situations it is important to make a will to protect your assets and the people you love.

- A couple cohabit for 25 years. He has children from a previous marriage. They regard themselves as common law husband and wife. He dies without a will. In law, his children are entitled to his estate - the surviving partner would get nothing.
- A homemade will leaves everything to a friend. When it was signed, there were two witnesses, but they were never together at any time during the process of signing the will, nor did they meet afterwards to acknowledge that each of them had been witnesses. When a query arose about the will, statements were needed from the witnesses, and it then became known how it had been witnessed. The will was held not to be valid, the friend didn't get anything, and distant cousins were entitled to everything.
- A couple marry, they have each been married before, and each have children from those marriages. They didn't get around to making a will. When the wife died, her assets passed to her husband. When he died, his assets passed to his children. The children from the wife's first marriage got nothing.
- A couple divorce. The husband is wealthy and there was a disabled child from the marriage. When the husband dies, he makes a will leaving everything to his new wife. The child has to claim against the estate in order to ensure that he receives something.