

CAMERON JONES HUSSELL & HOWE LTD

SOLICITORS

WILLS

INTRODUCTION

Cameron Jones Hussell & Howe Ltd is a local Firm providing a comprehensive range of legal services to the general public. We aim to provide an effective and efficient service in a friendly and approachable manner, and to combine modern ideas and technology with the traditional values of a family practice.

MAKING A WILL

Making a Will is a simple and effective way of making sure that your wishes are understood and acted upon should anything happen to you. It is an important step to take to make sure that your affairs are properly in order. You owe it to your family and those close to you not to cause the distress and uncertainty that can arise if you leave no Will. In spite of this, the majority of adults have not made a Will for a variety of reasons. Here are some of them:

"I don't need a Will – if I die everything will go to my wife/husband".

This is not always true. If your Estate is over a certain size, and you have children, they also have a statutory right to a claim on your assets. The statutory rules may not divide up your Estate in the way that you wanted. Furthermore if your family disagree about the distribution of your Estate or are not happy about the statutory rules, they could bring claims under the Inheritance (Provision for Family and Dependents) Act 1975 to claim reasonable provision from your Estate.

You may of course not want everything to go to you spouse. A Will enables you to leave legacies and bequests to friends, neighbours, charities and others who have helped you or been important to you. They will receive nothing unless you make a proper Will to benefit them.

If your Estate is over the Inheritance Tax threshold, then there could be distinct tax disadvantages in leaving everything to your wife or husband. Proper tax planning could involve gifts to the children or into trust on your death. Considerable savings in tax could be made through a well drafted Will.

"I don't need to see a Solicitor – I can get a Will form from W.H. Smith"

Making your own Will is risky. Firstly, in order to be valid, a Will has to comply with a number of technical requirements. Two witnesses are required, and the Will must be signed in the right order and in the right place. Failure to observe the correct formalities could render the Will invalid.

Secondly, in all but the simplest cases, knowledge of the legal and tax implications of Will making are essential. Failure to draw up the Will properly could lead to disastrous consequences for your family.

It is vital to obtain proper help and advice from a Solicitor experienced in Will making in order to ensure that there are no unpleasant surprises after your death.

"I am too young to make a Will – I'll make one later".

We all hope that we will live a long and happy life and that we will have plenty of time to consider a Will in our retirement years. Unfortunately, people do die young. If you have young children, you can make a Will appointing a guardian or guardians, to ensure that your children are brought up by someone of your choice. You can also establish Trusts for the benefit of children under the age of eighteen. Remember that people who die when they are still working often receive significant lump sums on their deaths and a Will can make clear how those sums are to be dealt with.

"I haven't anyone I wish to leave my money and property to".

If you don't have any close relatives, it is important to decide who you would like to benefit from your Estate whether it is friends or perhaps charities. If you do not make a Will, then your Estate will pass to the closest relatives available and it may take a lot of time and expense tracing them. If you have no relatives or friends that you would like to benefit from your Estate then you could always consider leaving money to charity. A properly drawn up Will is essential for achieving this.

"I don't have anything much to leave".

Even if you have very modest assets, it is still important to ensure that those close to you receive what you intend them to receive. In any case, you may not have much now, but you may well acquire assets at some time in the future.

"It's too much trouble and I have a busy life. I'll do something about it later on".

Making a Will is in fact very simple. All you need to do is to contact us to make a suitable appointment. We will then advise you as to how you should proceed and take your instructions. A draft of the Will, will then be prepared for you to read over at home. If you are happy with the draft we will then prepare what is known as an engrossment i.e. a final form of the Will and invite you to call back to the office to execute this. We will provide you with the necessary witnesses and ensure that the Will is signed and witnessed properly. You will then be given a copy of the Will to keep and we will retain the original for safe custody.

CONDUCT OF THE MATTER

The Will Writers in the practice are John Hussell, Richard Howe and David Hussell. Both are solicitors in the firm with considerable experience in dealing with Wills. One of them will be pleased to take your instructions and advise you on all aspects of your Will including advice on trusts and tax as necessary. We will also endeavour of answer any questions you have. In most straightforward cases, we aim to have the whole process completed within seven days.

Please help us to help you by responding promptly to any letters that we send to you and by making appointments when requested to do so. Please try to avoiding calling at the office without an appointment, as it may not always be possible to see you in those circumstances. In the unlikely event that you telephone the office and are unable to speak to the person dealing with the matter, please ensure that our Receptionist has clear instructions as to whether you will phone again or wish to be called back. Please leave your name, phone number and any details of when you will be unavailable.

COSTS

We have a standard fee for a simple Will for one person and a standard fee for "mirror Wills" i.e. Wills for husband and wife which leave everything to each other on first death, and then to the same persons which will be set out in our costs letter/terms of business letter. If, having taken your instructions and advised you, we feel that a higher fee is appropriate due to the complexity of the matter or the length of time that it is likely to take, a higher fee may be appropriate and this will either be agreed with you or you will be given the basis upon which the fee is to be calculated. We will not depart from our standard fees without advising you first and obtaining your agreement. We will usually charge more if the Will involves Inheritance Tax planning or the setting up of complicated Trusts.

We also make a call-out charge if you wish us to visit you at home, in hospital, or elsewhere to make a Will. This charge will depend upon circumstances and the distance involved.

If you do have any concerns about the costs you may have a right to object to the bill by applying to the court for an assessment of the bill under Part III of the Solicitors Act 1974. Details are available upon request.

IDENTIFICATION

It is our standard practice these days to request all clients to provide satisfactory evidence of identity. We enclose herewith a list of the items which are acceptable for establishing this.

COMPLAINTS

We do of course very much hope that you will not have cause to complain about the services which you receive from us. If you do however have any concerns about the way in which your matter is being handled, the costs presented to you or about our services generally, we should be grateful if you would please in the first instance

contact the Fee Earner having the overall conduct of the matter in order to discuss your complaint. Should we be unable to resolve any complaint raised by you by this method, then we will ask you to put the complaint in writing to our Senior Solicitor, John Hussell. He will then deal with the complaint from that point, providing you with full details of our complaints procedures. If your complaint is regarding a matter that he has conducted, then Mrs Sally Kingsbury will deal with the complaint. If you are not satisfied with our handling of your complaint you can ask the Legal Ombudsman at www.legalombudsman.org.uk to consider the complaint. Normally, you will need to bring a complaint to the Legal Ombudsman within six months of receiving a final written response from us about your complaint.

The Legal Ombudsman may not consider a complaint about the bill if a client has applied to the court for assessment of the bill.

CONCLUSION

We hope that the above notes and observations are helpful to you and will assist you in understanding how we deal with Wills. Please retain for reference and if you have any comments or observations about our services, then please do not hesitate to let us know.

NOTE

It has been assumed for the purpose of this guide that your Estate does not exceed the Inheritance Tax threshold which is currently £325,000 for a single person and £650,000 for a married couple. If your Estate does exceed that figure (and remember that the value of your house will be included) then we recommend that you consult us about the Inheritance Tax implications involved and seek our advice about a tax efficient Will. We have prepared a separate leaflet dealing with these matters.

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This leaflet is intended as a guide for existing clients of Cameron Jones Hussell & Howe Ltd. It is not intended to be a detailed statement of the law nor does it obviate the need to take appropriate legal advice.