



# Wills

Helping you achieve complete piece of mind by retaining control, minimising risk and maximising inheritance for your loved ones



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## Why use Estate Planning?

It's the most natural desire in the world to want to protect your loved ones - in life, and after you've gone. Making a Will, Lasting Powers of Attorney and using Trusts (Estate Planning) is one of the most important things you will ever do. It is vital that you choose someone with the necessary knowledge, expertise and experience to help you.

When you develop your estate plan with us, we will ensure the assets and wealth you accumulate during your lifetime remain within your family and with your loved ones after you pass away. This ensures that your spouse / partner, children, grandchildren, friends and other beneficiaries have both certainty and security for the future.

With a rich heritage stretching back nearly two decades, we have helped thousands of clients and their families to maximise the inheritance received by the people they love, ensuring their estate goes to the right people, at the right time, and in the right way.



## Client charter

We are one of only a few Will writers to have a Client Charter. This ensures we're bound to the strictest levels of service. Our promises to you include that we will:

- Be professional and personal
- Listen to you
- Communicate with you in plain English
- Offer fair, transparent pricing
- Keep your case and information confidential
- Help you understand your options
- Make appropriate recommendations
- Provide a prompt and efficient service
- Provide best quality legal advice
- Be with you every step of the way

### Our fees

We offer a range of pricing that is both fair and transparent. Our fees are VAT inclusive, and we will advise you of our fees and charges before you decide what to do. We will always inform you if there are any unusual or additional charges.

## Identifying your Objectives

Before you can decide which option is right for you and your family, you will need to assess your current circumstances and wishes and clearly identify your short-term and long-term estate planning objectives. You need to consider the following questions:

### 1. Do you even need a Will?

If your estate is very small (under £5,000, although most banks etc. will transfer up to £20,000 / £25,000), probate may not be needed.

For most people, the answer is yes

### 2. Do you want to be in control of who receives your assets/wealth?

In other words, do you want to say who will benefit i.e. where your estate (your home, savings, investments, business, possessions - everything you own) will go.

### 3. If you are a couple, do you want to protect each other in the first instance?

Do you want to make sure your spouse or partner is looked after and financially provided for during the remainder of their lifetime, after you have passed away?

For most people, the answer is yes

## 4. Do you want to minimise threats and maximise the inheritance received by your chosen beneficiaries?

The principal threats to your beneficiaries receiving what you hope to pass down to them are:

### A. Inheritance Tax

Everyone currently receives a basic allowance of £325,000 (relating to any assets) and an allowance of £175,000 (relating to your home, which is conditional). Inheritance Tax is charged at 40% on the excess (but only on second death for married couples and civil partners).

### B. Probate Fees and Delays

The average cost of probate is around £9,000. Probate usually takes 12-18 months and can be stressful and will delay inheritance.

### C. Sideways Disinheritance

This happens when a surviving spouse/partner enters into a new relationship after first death. There are a number of ways in which assets can pass sideways to the new spouse or partner and end up going down the wrong bloodline, to the wrong children and grandchildren, partially or fully disinheriting your children and grandchildren.

### D. Care Fees

You cannot plan to deliberately avoid paying care fees, but planning may be done for legitimate reasons which mitigates and puts you in control of care fees.

For most people, the answer is yes

## 5. Do you want your beneficiaries' inheritance protecting against long-term threats?

Once you have maximised your loved ones' inheritance, you may wish to protect it long-term against a number of threats that may happen. If an inheritance is received directly, it can be lost as a result of:

- **Sideways Disinheritance**  
As at 4C above, but as a result of your child passing away before their spouse or partner and the spouse / partner remarrying etc.
- **Marriage and Divorce**  
Where an inheritance is received absolutely and there is a subsequent divorce, the inheritance is taken into account in the divorce settlement, and some of it will go to a former son-in-law or daughter-in-law.
- **Financial Problems**  
Where a beneficiary has financial issues, the creditors can attach to, and take any inheritance received to pay the debt.
- **Inheritance Tax**  
Any Inheritance Tax received becomes part of the beneficiaries' taxable estate for IHT immediately.
- **Means Tested Benefits (including care fees)**  
Are lost as a result of receipt of an inheritance.

For most people, the answer is yes

All of the above threats / risks / problems can be avoided using Trusts, either in your will (set up **after** your death) or a Lifetime Trust (set up **during** your lifetime with assets you transfer into your Trust now).

## Trusts are not complicated and involve just three elements:

### 1. Assets

Directed into Trust by your Will after your death or assets transferred into Trust during your lifetime. These are held by the Trustees (who manage your Trust).

### 2. Trustees

Appointed by you, and usually including your spouse / partner for a Will Trust or you in the case of a Lifetime Trust.

### 3. Beneficiaries

Decided by you and subject to the rules that you set out in your Will or Lifetime Trust Deed (the rule book).

- In a Lifetime Trust, you are in control of all three elements, and retain 100% control during your lifetime
- You can be the Settlor (the person setting up the Trust) and Trustee and Beneficiary

## Why you must have a Will

**It's the most natural desire in the world to want to protect your wealth for your loved ones. A Will is a legally binding document that helps you do this. It sets out your wishes in relation to the distribution of your assets after your death.**

Death is a subject that many people don't want to discuss, but your Will is probably the most important legal document you will ever make. It's effect is not only realised until after you have passed away, so it is vital your Will is built around you and you're wishes and objectives. A well written Will puts you in control, it can minimise risk and disinheritance threats and maximise inheritance for your loved ones. Most people acknowledge the importance of having a Will, however 60% of us do not even have a basic Will, let alone an estate planning Will. A properly written Will can help protect wealth for future generations.

Without a Will in place, the Intestacy rules apply and the state writes your Will for you: nobody wants that.

### Common misconceptions

There are many misconceptions around having or not having a Will. These include:

- **'I don't need a Will, my partner will inherit everything automatically'**  
**Incorrect:** under the rules of Intestacy, partners have no legal rights.
- **'I have a Will so probate will not be needed'**  
**Incorrect:** unless your estate is very small, you will need to go through probate. Having a Will in place makes it easier.
- **'I have already made a Will, so I'm OK'**  
**Incorrect:** you should review your Will every 3-5 years to make sure it is still fit for purpose and meets your current circumstances and wishes.
- **'I made a Will before I got married so I don't need to do anything'**  
**Incorrect:** once you marry, your previous Will is revoked and is no longer valid.

### What happens if I don't make a Will?

If you don't have a Will, the state writes one for you. You have no control over what happens. The Laws of Intestacy will automatically apply when you die. Intestacy tries to balance the rights of your spouse and children / loved ones, therefore inheritance is fixed in terms of how much each party receives, so someone always loses out.

If you do not have a Will:

- Your wishes are not known and cannot be respected
- The law writes your Will for you. You have no control over the distribution of your estate. It will almost certainly not reflect your wishes
- Your spouse's inheritance is limited. Partners get nothing. Children inherit automatically at 18
- Winding up your estate will likely be more difficult, more time consuming and more expensive for those left behind, creating unnecessary problems and stress

### What having a Will means for you

A Basic Will is only for basic circumstances. It leaves everything to your spouse or partner, or directly to named beneficiaries if you're single, and distributes what is left, but only after you have passed away (but at least you avoid the intestacy process, and your wishes are known and respected).

With a basic Will in place, you can:

- Avoid the unnecessary delays, legal costs and stress of Intestacy
- Ensure that your money / wealth passes to those you wish
- Choose your own Guardians for any children under the age of 18
- Nominate your own Executors and Trustees
- Make monetary gifts to loved ones (for example to grandchildren) or leave sentimental items to specific beneficiaries
- Make your funeral wishes known

## If you require greater certainty and protection

### **Will trusts** (see page 14 for more information)

Most modern Wills have at least one Will Trust in them. A Will Trust can offer protection against some of the major disinheritance threats (Sideways Disinheritance, Care Fees, Inheritance Tax, Probate and the seven beneficiary disinheritance threats).

By combing the way you own assets (especially your home) with the use of Will Trusts you can:

- Mitigate the potential impact of future relationships and sideways disinheritance post first death
- Mitigate the potential effect of long-term care fees
- Protect a young person's inheritance from financial immaturity
- Protect a vulnerable person's inheritance from themselves, third parties and loss of means tested benefits, whilst still allowing them access to their inheritance

- Double the Inheritance Tax allowance for unmarried couples
- Minimise Inheritance Tax for business owners
- Protect beneficiaries from numerous risks

### **Lifetime Trusts** (see page 17 for more information)

A lifetime trust can protect all of your estate against disinheritance threats. By placing your assets within the protective wrapper of a Lifetime Trust you can:

- Avoid probate fees, saving thousands of pounds
- Avoid the stress and delay of probate for your loved ones
- Protect all your property and other assets from Sideways Disinheritance
- Mitigate the impact of care fees on beneficiaries' inheritance
- Protect your beneficiaries from the seven disinheritance threats

## Do not let the state write your Will

### With a Will you can:

- Achieve complete **piece of mind** that your wishes are known and will be followed
- **Make life easier** for your loved ones after the inevitable happens

**Your initial consultation is without cost or obligation.**

Please call us on: **07967 670 838**

or email us at: **enquiries@epseminars.co.uk**

# Trusts

**Most peoples wishes are to keep their hard earned wealth (property, investments and savings) within their own family and loved ones after their death. Without appropriate planning there are many disinheritance threats diverting inheritance away from your chosen beneficiaries.**

In these modern times we now have far more wealth than ever before. In addition, family dynamics have become increasingly diverse and fragmented. This all means that the threats to passing your assets down to your chosen beneficiaries have also dramatically increased. Estate Planning should be a vital part of your financial planning toolkit. Simply having a basic Will in place is no longer enough, especially if you want to be certain of achieving your long-term wishes and objectives.

## Trusts are used to protect:

**Assets** ensuring they end up with the right people at the right time.

**Beneficiaries** ensuring they enjoy the full benefit of their inheritance.

Trusts are not a new concept: they have been used for over 800 years to protect and preserve family wealth and ensure the right people inherit (and the wrong people do not). They are no longer just for the wealthy. Trusts are now available for anyone wanting to protect and preserve assets for their loved ones.

These types of Trust are common and useful for planning for numerous reasons because the assets pass to the Trust, and not directly into your beneficiaries' estates.

## By using Trusts you can:

- Achieve complete peace of mind by minimising risk and maximising inheritance

Make life much easier for your loved ones after you've passed away

Trusts are an ideal tool for asset protection. There are different types of trust for different threats / issues.

## What is a Trust

### A Trust is a simple legal arrangement where:

**Trustees** chosen by you (managers of the Trust) hold some **Assets** chosen by you, held on behalf of some **Beneficiaries** chosen by you.

There are only two times at which a Trust can be created, either on your death (a Will Trust) or during your lifetime (a Lifetime Trust).

The rules the Trustees must follow are in your Will (for a Will Trust) or Trust Deed (for a Lifetime Trust). Trustees become the legal owners of the Trust Fund, but they hold them entirely for the benefit of the beneficiaries named in the Will Trust / Trust Deed and must act in the best interests of the beneficiaries at all times.



## Will Trust - set up after your death

Without appropriate advance planning, all assets remain in your own personal name so your wealth is exposed to unnecessary risk. The majority of modern Wills have Trusts in them. The most common types used are:

- **Protective Property Trust:** Used to protect your share of the family home from sideways disinheritance and care fees. Sideways disinheritance can happen after first death if the survivor remarries, lives with a new partner, owns property jointly, has no Will or has the wrong Will. Your children could be disinherited. It can also protect your share against the threat of long-term care fees.
- **Children's Trust:** Used to protect children's inheritance against financial immaturity. Delays the age of inheritance whilst still allowing access to the Trust Fund for their education, maintenance and benefit.
- **Inheritance Tax Planning Trusts:** Used to mitigate IHT for unmarried couples or business owners.
- **Vulnerable Beneficiaries Trust:** Used to protect vulnerable beneficiaries from:
  - Wasting their inheritance
  - Unscrupulous third parties
  - Loss of means tested benefits

## Lifetime Trust - set up during your lifetime

A Lifetime / Family Trust is set up now and assets are transferred into it now. You can retain access and control. It is used to protect your wealth from numerous disinheritance threats or 'what ifs'. The principle benefits of a Lifetime Will include:

- Mitigating the cost (average about £9,000) of probate
- Mitigating the delays / stress (12-18 months) of probate
- Protection of 100% of your home from sideways disinheritance
- Protection for beneficiaries in the event of the marriage, divorce and loss of inheritance
- Protection for beneficiaries in the event of early death, thereby avoiding sideways disinheritance in your beneficiaries' estates
- Protection against financial hardship or insolvency of a beneficiary
- Avoidance of Inheritance Tax in beneficiaries' estates
- Protection against excluded beneficiaries
- Protection for unreliable beneficiaries
- Potential protection from loss of means tested benefits (including care fees)

Using Trusts can achieve maximum protection with complete flexibility. They can be used as a long-term financial planning tool, as most Trusts can last up to 125 years, if needed.

## Find out how a Trust could benefit your family

The earlier you start planning, the more effective it will be. Your initial consultation is without cost or obligation. Once you know your estate planning options, you can make informed decisions. Knowledge is power.

Please call us on: **07967 670 838**

or email us at: **[enquiries@epseminars.co.uk](mailto:enquiries@epseminars.co.uk)**





**For more information, please contact our dedicated team  
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