

## Notes & Guidance when taking Will Instructions to include on the Instruction sheet

### Single Will - Executors

The Testator (the person making the Will) should appoint 2 Executors to ensure that if one Executor is unwilling or unable to act.

### Mirror Will - Executors

**It is usual practice when establishing Mirror Wills to** appoint each other to act as Executors .

The Testator (person making the Will) should appoint 2 Executors to ensure that there is a reserve if one Executor is unwilling or unable to act.

### Choosing and appointing Executors

The choice of Executors is a very important part of making a Will. We strongly recommend that more than one Executor is appointed. You should consider that the role carries some legal liability for the Executors, they will need to deal with the day to day administration of the estate, making an exhaustive list of all assets and settling all debts and utility bills prior to obtaining the Grant of Probate and distributing the estate. They would even have to arrange for the care of any minor children and pets and so this must be someone that you trust to carry out your wishes.

### Beneficiaries

A Beneficiary is a person or organization such as a charity who you wish to benefit (inherit) from your estate

### Reserve Beneficiaries - for both Single & Mirror Wills

Reserve Beneficiaries are appointed should all the main beneficiaries not survive the Testator.

### Note on Legacies

We **DO NOT** recommend that Pecuniary Legacies (specific gifts of money ) be included in a Will but are reflected as a % of the total estate in the Beneficiaries section ( this is because Legacies are taken from the deceased's estate **first** which may mean that there might be insufficient residue left for the main beneficiaries, or that the legacy fails.

Where clients wish to leave specific items such as Jewellery/Ornaments etc to specific people these should be listed on the blank Memorandum of Wishes sheet(s) which are sent out with your Wills.

If the legacy forms part of any Mirror Will , the Testator should state whether or not the legacy is on first death or second death on **BOTH** Memorandum of wishes (MOW), if applicable.

E.g. Oil painting of 3 ships to be left to our daughter, Carol Smith on second death. This should appear in **both MOW**.

But, jewellery belonging to the wife would probably be left to the daughter on first death and would only appear in **HER** Memorandum of Wishes.

Full instructions will be detailed on the MOW sent to the clients.

### **Children/Minors**

If the client has confirmed that they would like their children to inherit and they are minors (under the age of 18) they need to decide at what age they would like them to do so - between ages 18-25.

A child's Trust will be automatically included in the Will for minors.

### **Guardians**

If children are under the age of 18 they will require **Guardians appointing** in the Will. Guardians take on the role of parent to your children. Failing to name guardians in your Will means that the care of your minor children will be decided by the Courts. You should ensure that those persons you would want to bring up your children are willing to do so. It is wise to consider the age of the guardians and to appoint two in case one cannot act. You should make financial provision for your children to enable their guardians to raise them. Assets in the Will can be used for the benefit of the children controlled by the Trustees.

### **Funeral Wishes**

We do not include detailed Funeral wishes in a Will as these are **NOT legally binding** and if included in a Will can be missed, dependant on when the Will is read. It is recommended that a separate letter detailing any specific funeral requests is addressed to your Next of Kin/Executor to be opened on your death.

To register please visit [www.willmakerdirect.co.uk](http://www.willmakerdirect.co.uk)



For Enquiries & Software Support please contact the Software Helpline on **01926 514 397** or email [enquiries@willmakerdirect.co.uk](mailto:enquiries@willmakerdirect.co.uk)