

“ Plain speaking legal advice ”

**Where There is a Will There is a Way-
To get it Wrong.**

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You may have seen adverts for ‘legally drafted wills’ for as little as £49. You may even have been accosted in a shopping centre by ‘professional will writers’ offering incredibly attractive deals to sort out your affairs.

But your inheritance is not something to handle on the cheap, because all too often you get what you pay for. There are no professional qualifications required to set up as a ‘will writer’ – you could do it yourself tomorrow, if you wanted – and, unlike with solicitors, there is no requirement to hold insurance or contribute to a compensation fund in the event of things going wrong.

Of course, some will writers know what they are doing, but many wills we have seen are amateurish and clearly drafted using a mixture of a computer program and cut and paste. The Law Society has recently launched a campaign to warn consumers against using unregulated, unqualified and uninsured will writers.

What is the true cost?

The Law Society conducted research which uncovered badly drafted wills that render the deceased’s estate wholly or partially intestate (ie, the will isn’t even valid), poor tax planning and ‘vanishing wills’, as well as hidden charges which inflate the advertised price of the will. Sadly, all of these findings chime with our own experience of seeing wills drafted by non-solicitors.

The research found that some will writers were advertising low-cost wills, but that in reality the customer was given a much larger bill at the end of the process. In some cases, will writers were appointing themselves as executors and offering related legal services for which they were not trained or regulated, such as powers of attorney, obtaining probate, conveyancing and even tax advice, at an additional cost.

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To make matters worse, we have seen wills containing trusts which are defective or in which tax-planning provisions are included but no steps have been taken to ensure that the client's affairs are arranged so as to tie in with the will – such as severing joint ownership of the matrimonial home – and thereby defeating their purpose.

Often the excessive charge is masked behind a hefty 'storage fee', which the clients are told to pay for their will to be lodged with the firm concerned. But then other cases involved the will writing company being wound up and disappearing with all of their clients' will documents, or family members being left out of a will against the wishes of the client.

We know of one will writing firm which required payment in advance (i.e. before the testator had died!) for handling the probate. Fortunately it has now been forced to close.

A report recently by the former Conservative cabinet minister Lord Hunt of Wirral concluded that will writing should become a regulated activity because of the need to increase consumer protection. His review received evidence of occasions where simple mistakes had led to unjust outcomes without any recourse for consumers.

How best to proceed

Will writing should be left to the professionals – solicitors, who are qualified, regulated and insured to handle it.

If you already have a will – and only about 40% of the population do – we offer a free will review service to ensure that it still meets your wishes and family circumstances, as well as any changes in tax law. It may well be that no change is needed and we will happily tell you if so. You can then go home in confidence and not a penny poorer.

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If either you do not have a will or your existing will needs amending, we will provide a guide to our charges and then at a meeting a firm quote to which we will stick. Advice on inheritance tax and family provision form part of the service on any will, and we will also advise on trusts were appropriate.

And we won't charge you a penny for storage.

This is too important an issue to get wrong. A survey of 3,000 people earlier this year revealed that a remarkable 10% had been locked in dispute following a death in the previous six months. You don't want this to be your family, so trust the professionals.

For specialist advice please contact a member of our Private Client team.

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