

Will Instruction Form



Important points to note

This document is to record your wishes in respect of the Will you wish to make; it is not the actual Will.

Where couples wish to make Wills, it is usually the case that their wishes mirror each other and it is therefore possible to use this form for those mirror instructions. It may be that the questions asked here do not cover all of your requirements, particularly if your estate is of sufficient value to attract Inheritance Tax. The schedule of assets and liabilities is designed to help you calculate the value of your estate, and to help us give you the best advice on estate planning.

You may wish to include a Trust Fund in favour of your family, especially where children are still young, or there is a disabled family member. Another popular type of trust is where someone is given a life interest – that is the right to occupy a house or to receive income from investments for the rest of their life – but the capital value of the asset is held for others. An example would be where the surviving spouse can remain in the matrimonial home for the rest of their life and on their death the house passes to the children by virtue of the Will of the first spouse to die. It is important that you raise any wishes to discuss the possible use of trusts when you meet with us.

The cost of a Will depends upon the complexity of your requirements and the final document. If you have any concerns at all about your circumstances, please do not hesitate to raise them with us.

Have we acted for you in the past? Yes No

If not who introduced you to us?

Do you have an existing Will? Yes No

(If yes, we may need to see a copy of it)

Details About You

Full Name:

Full Name of your spouse or partner:

Address:

Phone number:

Email address:

Date of birth:

National Insurance Number:

Place of birth:

Date of marriage (if applicable):

Place of marriage:

Your spouse or partner's date of birth:

Full names and dates of birth of your children:

Full names and dates of birth of your Grandchildren:



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Are you a single person or, if married or in a relationship, are your instructions in respect of a single Will?

Are you married or in a relationship and are these instructions in respect of mirror Wills?

Are you unmarried / widowed / not in a civil partnership? (Only couples who have entered a formal marriage or civil partnership can benefit from the "surviving spouse" exemption for Inheritance Tax)

If you are widowed please provide the full name of your late spouse/civil partner and the date of death:

if so, did their estate pass to you (and was there a Grant of Probate)?

Are you intending to marry or enter into a civil partnership in the near future. Yes No

If yes, is this Will to remain effective after the event has taken place. Yes No

If yes, please provide the full name of your intended:

Have you divorced from your spouse / civil partner or are you intending to do so in the near future?

Is anyone likely to make a claim against your estate?

If you are intending to cut out of your Will a member of your family or someone who has been named in an earlier Will or who might for any reason expect to inherit from you, please read the following carefully:

Anyone who is dependent on you – for example a former spouse or civil partner, a child or other family member, or any other person who has an expectation of inheriting from your estate – but who is to be excluded from your Will, may be able to make a claim against your estate. Without any evidence as to your reasons for excluding that person from your estate, your Executors may not be able to defend and carry out your wishes. We would need from you a statement as to your reasons for excluding that person. In addition to allegations of undue influence from beneficiaries, one of the claims that is often made by a disgruntled non-beneficiary is that of the testator's lack of mental capacity to understand what they are doing in making the Will and the consequences of the terms of the Will. To overcome this it would be necessary for your doctor to provide a letter confirming that you do indeed have the mental capacity to make a Will and that you fully understand the nature and effect of the Will and the consequences of it. The legal definition of testamentary capacity has recently been extended to include a requirement that the testator's mind has not been erroneously poisoned against the excluded family member. We could not "force" you to visit your doctor to obtain such a letter but we would strongly recommend that you do so.

Are you excluding someone from your estate?

Yes No

If yes, please provide details of that person's full name and relationship to you, and your reasons for excluding them from benefiting from your estate or for reducing their inheritance. This note is to enable us to advise you on the matter and does not replace the need for a written statement which would usually be kept with the Will.



Is a beneficiary in need of the protection of a Trust Fund?

Is anyone who might benefit from your estate physically or mentally Disabled?

Yes No

Is anyone who might benefit from your estate in financial difficulties or do they have financial problems.

Yes No

If yes, please provide details of that person's full name, their relationship to you and the nature of their difficulty.

Do you want to allow your spouse or partner to live in the family home for the rest of their life but to protect your share of the capital for your children? It may be necessary to change the way in which you own your house from Joint Tenants to Tenants in Common.

Yes No

Are your children or grandchildren of an age that you consider to be too young or immature to inherit what could be a very large amount of money so that their inheritance should be looked after until they are older?

Yes No

Your Estate

Assets in another country

The Will that is being prepared for you will revoke all former Wills or testamentary dispositions made by you, including any that you may have made in another country. If you do own assets in another country and have made a Will in respect of those assets, it is important we know so that your new Will is written in a way that does not revoke your foreign Will. Also, although an English Will can cover your Worldwide assets, not every country will accept your English Will as a valid document under their laws of inheritance. It is important that you speak to a lawyer in the country where you own assets to make sure those assets will pass exactly as you want them to.

Do you own assets abroad?

Yes No

If yes, please provide details of those assets and their approximate value:

Do you have a Will in another country?

Yes No

If yes, it is a good idea to let us have a copy of that Will.

Are you living or do you intend to live permanently outside England or Wales?

Yes No

If yes, please give details.



Your UK Assets

Please provide details of your assets and their approximate value. Use space for notes at the end of the questionnaire if insufficient space for details here. (N.B. Channel Islands & Isle of Man are not part of the UK. Use Foreign Assets section)

	You (£)	Spouse/Partner (£)	Jointly owned (£)
Your main residence			
<i>Tenants in Common or Joint Tenants?</i>			
Any other properties			
<i>Tenants in Common or Joint Tenants?</i>			
Bank accounts			
Building Society accounts			
NS&I Premium Bonds			
NS&I other investments			
Quoted stocks and shares and Unit Trusts			
Business interests			
ISAs & PEPs			
Cars & vehicles			
Jewellery			
Household contents			
Life policies or Death in Service benefits			
Pension death benefits <i>Are these in trust? Have you nominated beneficiaries?</i>			
Interest in a Trust			
Estimated Inheritance you may receive?			
Other assets			



Your Will

Specific & Pecuniary legacies

This is the term for gifts of specific items or particular sums of money from your estate to named individuals, particular groups of people or charitable organisations.

Charitable legacies

Please list any amounts that you wish to leave to charities giving details of the name of the charity including the registered charity number (if known) and the amount of the gift or a clear description of the item to be gifted. In the case of mirror wills, please indicate whether the gift is to take place on the first or the second death, or on both deaths.

Non-charitable legacies

Please list any sums of money or particular items you wish to leave to friends, relatives or other individuals, giving their full name and address and whether they are related to you. In the case of mirror wills, please indicate whether the gift is to take place on the first or the second death, or on both deaths. If the gift is to a child, please indicate the age at which they should inherit the gift if other than 18.

It is often simpler to leave your personal items to your Trustees to distribute in accordance with any wishes that you have made or will make known to them. You can then prepare and update a Letter of Wishes from time to time without the formality of re-executing your Will every time. If that's the case, please discuss your wishes with us.

Would you like to leave your possessions in accordance with a letter of wishes? Yes No

Residuary Estate

After the payment of your funeral costs, any debts you have left, the costs of administering your estate and any legacies, the remainder can be divided between your chosen residuary beneficiaries.

If you are married or in a civil partnership, do you want the whole of your estate to pass to your spouse or partner?

Yes No

If your spouse or partner should die before you, do you want your estate to be divided equally between your children?

Yes No

If one of your children were to die before you leaving children of their own, do you want their share of your estate to pass to their children (your grandchildren)?

Yes No

At what age would you like any minor beneficiaries to inherit? 18 21 25 other

If your estate is not passing to your children as above or in the event of a total family disaster, meaning that none of your chosen beneficiaries are alive at your death, give details of who then is to receive your estate (your 'disaster beneficiaries').

Beneficiary Name			
Address			
Age if under 18			
Relationship to you			
% or share of your estate			



If a beneficiary has died before you, do you want their share of your estate to pass to their children?

If a charity is to benefit from your estate, be it as a specific gift or part of your residuary estate, then that gift is made free of Inheritance Tax. Where a gift of 10% or more of your whole estate is given to charity, then if Inheritance Tax is payable on the remaining value of your estate the rate charged is reduced from 40% to 36%. You may wish to ensure that at least 10% of your estate passes to charity and, depending on the value of your estate and the sums involved, this could be beneficial to your non-charitable beneficiaries.

Executors

Executors are the people who "prove" your Will and make sure that what you have said in the Will regarding the distribution of your estate happens.

Trustees

Trustees are the people who look after and manage any trust funds until such time as they can be distributed to your beneficiaries.

Executors and Trustees can be the same people but they do not have to be if you want to separate the "jobs". No more than 4 people can act as Executors and Trustees and, where assets or funds are being held for young people or in a trust, then you should not have fewer than 2 Trustees.

Would you like Herrington Carmichael Trust Corporation to act as your Executors and Trustees? This could be the partners of the firm, acting alone or jointly with Family Members.

Yes No

If yes, is a joint appointment required with other Executors.

For married couples or civil partners, do you want your spouse to act as an Executor?

Yes No

On the death of the survivor of you, or if the survivor does not want to act, or you are not appointing a spouse as your Executor, please give details of who you want to appoint as your Executors and Trustees:

1. Full name:

Address:

Relationship to you:

2. Full name:

Address:

Relationship to you:

3. Full name:

Address:

Relationship to you:

4. Full name:

Address:

Relationship to you:



Guardians

Guardians are the people that you appoint to have parental responsibility for your infant children. (Please ask them first!)

1. Full name:

Address:

Relationship to you:

2. Full name:

Address:

Relationship to you:

Funeral Wishes

It is possible to include funeral wishes in your Will. You should bear in mind that it is not uncommon for a Will to be read after the funeral by which time it may be too late! Please ensure, if you wish to include specific funeral instructions, either in your Will or in a side letter to be kept with the Will, that your Executors and/or family are aware of this and of your wishes generally.

You: Buried Cremated

Any special instructions?

Your spouse/partner: Buried Cremated

Any special instructions?

Do you have a pre-paid funeral plan? Yes No

If yes, please provide details of the plan and the funeral directors:

Notes

Below are set out various notes that may assist you in making your decisions:

Executors:

- It is a good idea to check with your proposed executors that they are willing to act for you in that capacity.

Guardians:

- Acting as a guardian can be expensive. It is possible to increase the powers of the Trustees to allow them to make payments (at their discretion and within certain limits) to the guardians so that they do not suffer financially through acting as guardians to any infant children. If you want to consider this please let us know.

Legacies:

- Unless you have specified a higher age or otherwise, legacies to children who are minors cannot usually be paid to them until they attain the age of 18 years. Until they reach that age the money will be held by the Trustees and invested.

Remainder of your estate:

- You need to consider where you want your estate to pass if your 'first choice' beneficiaries should have died before you.
- Where would your estate pass if there was a tragic accident that killed you and your children?
- You need to consider how far 'down the line' you need to go before the possibility of all your chosen beneficiaries dying before you is too remote to be concerned about.
- If the 'Solutions' shown above do not fit your particular circumstances, please provide details under 'Your Notes' below.



Funeral Wishes:

- If you wish to leave detailed instructions in respect of your funeral, this can be included separately in a Letter of Wishes.
- It is possible to pre-pay your funeral through a Funeral Plan. If you have such a plan, please ensure that you executors are aware of its existence and where the plan documents are kept.

Inheritance Tax:

- For married couples or those in civil partnerships it is now possible to transfer any portion of the Nil Rate Band for tax that was unused on the first death, to be used on the death of the surviving spouse/civil partner.
- If you consider that Inheritance Tax may be a problem in your estate, we will be happy to discuss with you any possible solutions.

Addresses:

- Apart from your address, and sometimes that of your executors, we generally do not include addresses in a Will for close family members, who can be identified by their relationship. Frequently people have moved house and the addresses are out of date. You may wish to leave a list of addresses or other contact details with your Will that can be updated as and when necessary.

Please note that a Will does not come into effect until you die. Legislation and changes to tax law can affect how your estate passes on your death. Your Will can be changed at any time and we recommend that it be reviewed at least every 5 years to take into account any changes in your circumstances and/or any legal or taxation changes.

Your Notes

Please attach any notes that may be helpful in preparing your Will. Please also use this page if there is not sufficient space for all the details in the previous sections (you should indicate to which section any addition details may apply).

