

## **Stages in the Preparation of a Will**

1. You meet usually face to face with the Solicitor who takes instructions from you. If you are on your own this will usually take half an hour. If you are a couple this will usually take up to an hour. Please bring your passport or photo driving licence and a recent utility bill or bank statement by way of ID for copying. You will need to come armed with an idea of what your estates comprises eg house, bank accounts etc. and roughly how much you are worth. It is always useful if you have your address book with you so that you can supply full names and addresses of your Executors and Beneficiaries. Your choice of Executors/Trustees is crucial as they are the people empowered to administer your Estate on your death in accordance with the terms of your Will. You need to decide whether you are gifting any specific items eg jewellery and provide a sufficient description of it; whether you wish to gift fixed amounts of money in the form of a legacy so think about figures but the main gift is usually the Residuary Estate. You need to think about whether this passes to one person on your death or passes equally to a number of people or passes in different proportions to a number of people. Your next decision will be what happens to the gift if your named beneficiary dies before you. Also, if any of your beneficiaries are under the age of 18 years you will need to decide at what age they should inherit and who you would like to be testamentary guardians. The Solicitor will advise you depending on your personal circumstances and you will provide your instructions accordingly

2. The Solicitor prepares the draft Will based on your instructions. If you have provided all the relevant information at the initial meeting he will start work within 10 working days. If you still had to provide further information then he will start work within 10 working days of you providing all the information. At your initial meeting you will have indicated whether you are happy to receive the draft Will together with our letter of engagement, an explanation of the clauses in your Will and terms of business via email or through the post. The draft Will is submitted to you for your approval

3. Once you have received your draft Will you telephone the office to make an appointment to sign the original. If there are any amendments required eg someone's name was incorrect you will make these known at this time so that the amendments can be incorporated into the original prior to the date of your next appointment

4. You attend at the office to sign the original of the draft approved by you. The Solicitor goes through each clause with you to ensure that the Will accurately reflects your intentions. It is still possible for you to make minor amendments at this meeting. If major amendments are required then a new draft Will will be sent to you for approval and a third meeting will be necessary to sign the original. Usually there is no extra charge because this has to be done right. However, if the terms of the second draft are significantly different to our initial instructions we do reserve the right to increase our fixed fee and your permission sought. We provide the two witnesses and ensure that the Will is validly signed. We produce the invoice for our professional charges in the agreed sum stated in the letter of engagement. We appreciate settlement at this meeting usually by way of a debit card payment or bank transfer. We are not keen on taking cash or cheques. We provide you with a paper photocopy. We retain an electronic copy of your signed Will and the original is stored free of charge by us. It can be removed by you at any time upon production of ID or after your death by your

Executors upon production of their ID and your death certificate. There is currently no charge for releasing original Wills or Deeds

If you cannot attend at the office due to physical limitations both these appointments can be made at home, in a care home or hospital provided they are local to the office at no extra charge.

If you cannot attend at the office due to your location then it may be possible to just meet face to face on one of these occasions rather than on both.

At the initial meeting the Solicitor will assess your mental capacity and judge whether or not you are able to provide instructions for the preparation of your Will. Please let him know whether you have any diagnosis of Alzheimer's or dementia or are taking any medication which may affect your faculties. Such diagnoses do not mean we cannot take instructions as there are varying degrees of impairment. If he is in any doubt a doctor will have to provide us with a report stating whether or not you have sufficient mental capacity to proceed. We usually obtain your consent to approach your GP and we correspond direct.

Please expect to be seen on your own.

**Anthony Richard Learoyd LL.B** qualified June 2015 and specialising in this area of the law ever since

**You may also be seen by:-**

**James Cox LL.B** qualified March 2021 and specialising exclusively in this area of the law since March 2022

**Deborah Millington - SOLICITOR/PARTNER/SUPERVISOR**

LL.B qualified September 1992 and specialising in this area of the law ever since