**Memorandum of Wishes**

To the Executors of my Will dated (‘my Will)

I appreciate that I cannot fetter your discretion in any way, but I set out below the guidelines upon which I would wish you to adopt in distributing my personal chattels. Accordingly, I am making this Memorandum to record whom I wish to receive the articles specifically mentioned or otherwise described below and any other Wishes I have.

Signature(s)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:

**DELETE THESE NOTES ONCE YOUR DOCUMENT IS CREATED**

**Notes to help.**

A “MOW” is a simple document written as if you are giving instructions to your Executors to execute your Will exactly as you’d like, and for the Trustees to explain how you would like trust(s) managed. Essentially, it’s designed to avoid any doubt as to your wishes.

It can detail what you want, what you don’t want, and how you’d like your wishes carried out. It should be written to avoid ambiguity within the Will and written in your words. It needs to be simple and clear to understand, with no legal jargon. Imagine as if you could be there telling your Executors how you’d like everything to happen.

If you have excluded anyone from the Will, ideally, you should say why. Be factual, not emotional. This may be read by a Judge if the Will were challenged, and he/she simply needs to understand your actions to support your exclusion.

This is **not** a legal document but once signed and dated it supports the Will to show you have written it and when. It can be updated and re-signed at any time without a witness. It goes hand in hand to support your Will to ensure your wishes are followed as closely as possible.

The “font” doesn’t matter, so feel free to change anything you like, but the first paragraph is usually expected as shown.

If you’re having a Mirror Will, write the document together as if both of you are talking, especially if your wishes differ in certain areas. If the wishes are very different, write them individually to avoid confusion.

**Areas to consider in a Memorandum of Wishes.**

1. **Personal Memorandum of Wishes.** You may already have a Memorandum of Wishes created to accompany your trusts within your Will. You can add additional wishes as you desire; it’s all about how you want it to be in the end. Knowing what you want also helps the poor Executor, so it makes their lives a lot easier, knowing they’re doing the right thing by you and not guessing or making assumptions.
2. **Funeral** – Do you want a special funeral in some way, a Woodland burial, an Eco coffin, etc? Are there specific bits of music you’d like or a passage read? Do you want a religious or non-religious ceremony? Do you want a minimal funeral, or all out? Party/Wake afterwards at home/pub/hotel? Do you want flowers or donations to a charity? Specific inscription on a headstone? Type of clothes worn?
3. **Post-funeral period** – How you’d like your beneficiaries helped/supported/looked after.
4. **Business considerations** – How you’d like the business run or closed. Who would you like to run/help run the business? If there is a business, you will have been explicitly asked what you’d like to happen with it to go into your Will– i.e., anything not written down as to how it’s set up/clients, etc. Location of documents/insurances / rental agreements/leases etc.
5. **Trust(s)**—How you want the Trustees to manage the funds. What do you feel is acceptable for payments out of the trust, and what do you consider unacceptable? For example, £100 or £1000 for a birthday or Christmas gift. Driving lessons, First car, House deposit, Round-the-World gap year, Marriage costs?
6. **Anything special** you want to say to your beneficiaries (usually children) or anyone else.
7. **Possessions** – How you’d like your possessions bequeathed and to whom unless specified in the Will and any special instructions to them. For example, Fred to get my BMW and to keep it clean or sell it or My wedding ring and jewelry to be given to my daughter, or All the contents of the garage to be split however the executors wish, or even Aunty Mabel always wanted the pink vase that I hated, please don’t let her have it…
8. **Property** – Although outlined in your Will, it makes it easier to hear in your words regarding how you want your property used. For example, “I’d like my wife NAME to live in the property as long as she wants and be able to move if desired. Then I’d like the property sold by my trustees and the proceeds split equally between my beneficiaries (Ideally your children for tax purposes).
9. **Social Media -** What do you want to happen with your accounts, if any? Should you keep your photos online or take them down? Should you close your accounts or keep them open? Facebook already has a facility to nominate a person to take control of your account in the event of your death; others will follow.
10. **Extras** – It is not required nor expected, but you may wish to pay your executors a small amount for their good deed (and it is a good deed). If so, just specify what you might like. Trustees shouldn’t receive payments except for out-of-pocket expenses, and if you have a professional Trustee, they will charge the trust for their time. However, if you wish to give a yearly retainer for their services (if they’re friends) then that’s fine.
11. **Lasting Powers of Attorney –** This should be how you would like to be looked after when you can’t make your own decisions. This is a guide for your Attorney, so they know exactly what you want and also what you don’t. Remember, you may be in a home and feel out of control, and this is where if your attorney “knows” what YOU want, they can make it happen. Although the attorney will have your best interest at heart, if they don’t know they might not do it, or resort to “I think this is what they want”. They don’t have to follow these instructions, but they would be hard pushed to ignore them. For the money side of things, again, you can specify what you’d like to happen, that special thing that made you feel good that you may not be able to ask for then. All in all, if it’s something that would make your life better, jot it down.
12. **Financials Sheet IMPORTANT** One of the most complex parts of the Executor's role is finding all the relevant information on the financial position. It is of immense help to provide a comprehensive list of accounts, account numbers, sort codes, plan numbers, contact details, and who. This vastly shortens the task and removes the need to investigate the financials to ensure the Probate application is correct. Usually, the latest copy is kept with the Will (not physically attached to the Will in any way) as things change over the years. This should be kept safe to avoid any potential for theft, fraud etc, ideally in secure storage.
13. **Validity:** A Memorandum of Wishes, is NOT a legal document, but if it is signed individually by all parties and dated, it is treated as such in any legal situations that may arise. It can be updated as often as you like as things change. It can be a deciding document where an attack on the Will is taking place, and is used by the Judge to help with their ruling. ***PLEASE*** create your own document to coincide with the signing “Execution” of the Will, as it is often “put off” by clients. The best thing about the “MOW” is that it’s ***free***!
14. **Storage** It is worth considering the storage of all the relevant documents in an intrinsically safe environment. This has many benefits over a “black box under the stairs” like fire, loss, water damage, tampering etc. You will know these documents are not only safe but easily accessible by your executors and anyone you choose, nobody else. There is a small yearly fee for this.

We hope this has been a valuable tool to help you write your Memorandum of Wishes and a Financial Position statement. If you have any suggestions, please let us know as everyone is an individual, and these suggestions were made from our experience with clients like you.

Next page – Financial Sheet

The following sheets are to make the role of being your executor easier, as you won’t be here to ask where things are. We suggest this is kept separate from the Memorandum of Wishes in a sealed and signed (across the envelope flap to help identify if the envelope has been tampered with).

If the documents are securely stored, this cannot happen and will only be available to your executors when you pass.

***Financial Sheet***

***Keep this part in a signed sealed envelope for security***

**Updated**

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| --- | --- | --- | --- | --- | --- |
|  | **Institution** | **Sort Code Reference** | **Account Policy No.** | **Online****Access?** | **Paperwork****Location** |
| 1 | **Lloyds Bank** | **10-20-30** | **12345678** | **Y** | **Filing cabinet** |
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This sheet is just an example, please amend it to suit your needs.

Contact with the institutions usually requires a death certificate and a certified copy of the Will.

Please keep this list with the Will in a secure storage location and keep it up to date. No need to sign this as it is for the Executors reference. Item 1 for example only!

**Location of statements/Provider information**

*Where anything useful is kept for account information*

***Storage Company Ref No. 1234-5678 Tel 0121 705 1234 (for example)***

**Online Resources,**

**Social Media, Email accounts, Mobile Accounts**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Item** | **Username** | **Password** | **Keep/Close** | **Download Files Photos?** |
| 1 | **Facebook** |  |  |  |  |
| 2 | **Twitter** |  |  |  |  |
| 3 | **TikTok** |  |  |  |  |
| 4 | **Linkedin** |  |  |  |  |
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