

YOUR WILL

NOTES

Use this form to help you prepare for your meeting with your Solicitor by reading over the various points and making notes of anything you wish to ask about. You should also make notes about the information that your Solicitor will need in order to advise you and prepare the Will. If the space provided is insufficient, please make separate notes and bring them with this form to the meeting.

- I. **YOU:** Your Solicitor will need to know your full name, including any middle or maiden names, your occupation (if any), and home address.

If you have your own business this will require careful consideration in the preparation of a Will. A business is subject to special tax rules and there may be agreements with partners or shareholders or directors which will affect how you can deal with the business in your Will. Your Solicitor will need as much information as possible.

It may also be of assistance, particularly if the question of death duties is of concern, to have an idea of the size and content of your estate. Remember not only obvious things like a house and savings or investments, but also insurances, pension rights, and the liabilities such as mortgages or personal loans.

- II. **YOUR FAMILY:** In order to advise you with regard to the possible claims that the immediate relatives might make on your estate, your Solicitor will need to know something about your family: whether or not you are married, have children or grandchildren, brothers or sisters, and the like.

Adopted children for almost all purposes are treated in exactly the same way as natural children, but it is prudent to explain the position to your Solicitor.

Illegitimate persons now have full inheritance rights to the estates of their relatives. In the same way, where someone who is illegitimate dies, his or her relatives have the same rights they would have in the case of a legitimate person.

- III. **YOUR EXECUTORS:** Your Solicitor will need the full names and addresses of your proposed Executors. These are the people you will want to oversee the administration of your estate and to give effect to your wishes. You will want to have confidence in them. You can appoint any number but it is unusual to have more than three. A beneficiary can be appointed as an Executor although the position must be made clear. Professional advisers can be appointed. In Scotland it is not common to Solicitors to charge for being Executors but Banks and other commercial organisations often make substantial charges on the estate for acting as Executors. These charges are in addition to the cost of administering the estate.

- IV. **INDIVIDUAL LEGACIES & BEQUESTS:** You may not want to leave any cash legacies or gifts, but if you do your Solicitor will need to know the full names and addresses of the beneficiaries. If you are leaving money to a church or charity it is useful if you have details of any treasurer or clerk and information about whether or not you want the charity to use your money in a particular way.

- V. **SPECIAL PROVISIONS:** If you want your Will to deal with any special situations, such as a trust, you will want to discuss this with your Solicitor before making any final decision. It will help, however, if you have thought out exactly what it is you want to happen, the people that are to be involved, and what you expect the outcome to be.

If you want to make provision for young children you will want to take special care. You may wish to specify who is to look after the children until they come to full age and who is to look after the money until they are at least 16 (or older if you wish). You can say that the money is only to be spent on certain things, such as their welfare or education.

- VI. **RESIDUARY BENEFICIARIES:** These are the beneficiaries who receive the residue of the estate, i.e. what is left after dealing with your other wishes. The residuary beneficiaries normally get most out of the estate, so it is likely that they will be your spouse or children or a person or organisation, such as a charity, which means a great deal to you. Once again your Solicitor will need to know full names and addresses. If there is to be more than one beneficiary it is useful to think of dividing the estate into portions rather than specific amounts, e.g. each to get one third, or one to get two thirds and the other one third.

After all, no-one knows in advance exactly how much any estate will be worth.

- VII. **OTHER MATTERS:** Remember to tell your Solicitor if you have any special wishes regarding your funeral, the appointment of guardians to children aged under 16 years, or some other matter.
