



ESTATE PLANNING SERVICES



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*“ But in this world nothing can be said to be certain, except death and taxes. ”*

**- Benjamin Franklin -**

## ABOUT US

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### WHO ARE WE?

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National Will Writers is a membership organisation for Solicitors, Will Writers, Estate Planning Professionals, Independent Financial Advisers, Accountants, and Mortgage Brokers.

### WHAT DO WE DO?

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We offer extensive training, technical support, and resources to our accredited members, and assist in providing fully comprehensive estate planning services to their clients.



### PEACE OF MIND

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Our members are committed to the highest standards in the industry and adhere to our strict Code of Conduct, ensuring their clients always receive a high quality, professional service.

All estate planning services provided to our member's clients are overseen and completed by our qualified professionals and protected by our professional indemnity insurance up to the value of £2 million.



THE INDUSTRY STANDARD

## WHY CHOOSE OUR MEMBERS?

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### **STRINGENT APPLICATION PROCESS**

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Our members are only accepted after a stringent application process.



### **STRICT CODE OF CONDUCT**

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Our members adhere to our strict Code of Conduct.



### **HIGHEST STANDARDS**

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Our members are committed to the highest standards in the industry.

OUR MEMBERS OFFER A HIGHLY TAILORED APPROACH, PROVIDING CRUCIAL AD



## CONTINUOUS TRAINING

Our members continue to train and undergo assessment on an annual basis.



## TECHNICAL SUPPORT

Our members receive technical support to ensure they offer the best service to their clients.



## STATUTORY CANCELLATION PERIOD

Our members offer a statutory cancellation period of 14 days in accordance with the Consumer Contract Regulations.

SERVICE AND DELIVERING KEY SERVICES TO ENSURE YOUR WISHES ARE FOLLOWED



## WILLS

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ARE YOU A **STATISTIC?**

IN THE UK,  
**60%**  
OF OUR ADULT  
POPULATION  
**HAVE NOT  
GOT A WILL**



YOUR LOVED ONES  
COULD BE VULNERABLE!







87%

OF FAMILY AND FRIENDS LOSE INHERITANCE  
AS A RESULT OF NO WILLS OR INVALID WILLS

52%

OF EXISTING WILLS ARE OUT OF  
DATE AND NO LONGER VALID

83%

OF 45-65 YEAR OLDS  
HAVE NOT MADE WILLS

## WITHOUT A VALID WILL

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Did you know, if you die without a valid Will, you have died “intestate” and **your Estate shall be distributed in accordance with the Law of Intestacy. This means:**

- ✗ **The Government dictates who will administer your Estate,** and they may not be the people you trust the most with your loved one’s inheritance.
- ✗ **Delays in administering your Estate,** as there are 6 months in which claims can be made against the Estate.
- ✗ **The Government dictates who will benefit from your Estate,** as well as how much and what they are entitled to.
- ✗ **Unmarried partners are at risk of inheriting nothing** from your Estate, and could be forced out of your shared home.
- ✗ **Your children may not inherit your Estate,** or their entitlement may be so much that it forces the sale of your family home and other assets to meet their inheritance.
- ✗ **Your minor children may be put into care by Social Services** whilst the Court decides who shall look after them. 77% of parents who have minor children have not made a Will, and of those who have, a further 31% have not named Guardians.
- ✗ **High potential for (otherwise preventable) arguments and distress** for your loved ones during what is already a very difficult, emotional time.
- ✗ **Your business may be forced to cease trading,** with a potentially catastrophic effect on the value of it.

BEWARE, A STANDARD WILL ALONE DOES NOT PROTECT YOUR E

# DON'T BE A STATISTIC

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Your Will is perhaps the most important document that you will ever write.

Making a Will is the only way to ensure that your wishes are carried out after your death, and **with a well-drafted Will you can:**

- ✓ **Choose who will benefit from your Estate,** as well as what and how much they are entitled to.
- ✓ **Safeguard your children's futures** by appointing Guardians to look after them if they are under 18.
- ✓ **Appoint people you trust** to act as Executors and administer your Estate.
- ✓ **Mitigate Inheritance Tax liabilities** on both your Estate and your Beneficiaries' Estates.
- ✓ **Leave legally binding gifts of money or personal items** to loved ones and charities.
- ✓ **Spare your loved ones unnecessary time and fees** during probate.
- ✓ **Exclude certain people** from benefiting from your Estate.
- ✓ **Protect your business,** and appoint people you trust to continue it.

STATE OR GUARANTEE THAT YOUR BENEFICIARIES WILL INHERIT!



## ROLES WITHIN YOUR WILL

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### 1 EXECUTORS

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**These are the people responsible for the administration and distribution of your Estate.**

Their role is complex and time-consuming, and they are personally liable for any mistakes they make during the administration of your Estate. From unpaid tax and missed debts, to incorrect distributions – HMRC, organisations, companies, and your Beneficiaries shall expect full payment of monies owed from your Executors. For this reason, you should take careful consideration of who you appoint, and we would always recommend appointing a Professional Executor – be it solely, or to work jointly with a family member or friend.

### 2 GUARDIANS

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**These are the people legally responsible for looking after your minor children.**

Your Will is the only place you can nominate Guardians, so it is important you do so. If you don't – and there is no surviving parent with parental responsibility – your children may be put into care by Social Services whilst the Court decides who shall look after them, and the decision may not be what you or your children would have wished. It is a common misconception that godparents, blood relatives, or close family friends will automatically become Guardians – they won't unless nominated within your Will. You should take careful consideration of who you nominate, and ensure adequate financial provision is made to assist your nominated Guardians in raising and caring for your children.

### 3 BENEFICIARIES

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**These are the people who will benefit from your Estate.**

There can be one or more Beneficiaries, such as a whole family or a class of people, and each may benefit from the Estate in a manner of different ways.



# TRUSTS

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## WHAT IS A TRUST?

A Trust is a formal transfer of assets (such as property, shares, and cash) to a small group of people (usually two or three) known as Trustees, with instructions that they hold the assets for the benefit of others known as Beneficiaries.

Trusts have been used by families for centuries to protect assets and wealth. It is a common misconception that Trusts are only for the rich. With their plethora of benefits and the dangers of having a standard Will, Trusts can be incredibly beneficial to all.

## WHAT ARE THE BENEFITS?

There are many different types and variations of Trusts, each with their own unique benefits. **Trusts can:**

- ✓ **Give you guarantees** that a standard Will cannot.
- ✓ **Give you control of your assets and wealth**, even after you die. You can specify the terms of a Trust precisely, controlling when and to whom distributions may be made.
- ✓ **Ensure the only people that benefit** from your Estate are the people you choose.
- ✓ **Protect your legacy.** A properly constructed Trust can help protect your Estate from sideways disinheritance, divorce settlements, your beneficiaries' creditors, or from beneficiaries who are too young, inept, or incapacitated to manage their own affairs.
- ✓ **Allow you to give the benefit of an asset** (such as a house) to someone for a specific period of time.
- ✓ **Protect your privacy.** Probate is a matter of public record, but Trusts can allow assets to pass outside of Probate and remain private.
- ✓ **Mitigate Generational Inheritance Tax**, stopping HM Revenue and Customs repeatedly taxing money that has already been taxed, and ensuring inheritance is maximised for your loved ones.














## WHAT ARE TRUSTEES?

**Trustees are the legal owners of the Trust property and funds.**

As Trust funds do not belong to the Trustees personally – they are holding the funds for the Beneficiaries – the law places heavy duties and a high standard of care upon Trustees.

In many ways, the duties on Trustees are onerous and a lay person should give careful consideration to accepting an appointment as Trustee.

**A Trustee's duties include:**

-  **Reading and understanding the Trust Instrument** (the settlement or Will setting up the Trust).
-  **Complying with the terms of the Trust.** The Trustees will be liable for breach of Trust if they do not comply with the express terms of the Trust and the law relating to the Trust. In case of breach, the Beneficiaries may be able to take the Trustees to Court for full compensation.
-  **Acting unanimously,** unless there is an express power in the Trust instrument for decisions to be reached by majority.
-  **Taking reasonable care** in exercising their powers as a Trustee.
-  **Acting fairly between Beneficiaries,** considering the interests of the Beneficiaries and making a decision on reasoned grounds.
-  **Not making decisions through malice or discriminating** against any one particular Beneficiary.
-  **Providing information and accounts** to the Beneficiaries on request.
-  **Acting without reward.** The general rule is that a Trustee cannot charge for their services unless they are a professional Trustee.
-  **Not making a personal profit from the Trust.**

BEWARE, WITHOUT A TRUST YOU RISK YOUR ASSETS BEN

## WE CAN HELP

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Working in partnership with the UK's leading Trust Corporations, we can take on the responsibilities of, and assume all the potential liabilities from your Trustees.

From the simplest to the most complex of Trusts, we can handle everything you can think of (and all the things you might not have considered), including:

- ✓ **Setting up Trusts.**
- ✓ **Registering Trusts with HM Revenue and Customs' Trusts Office.**
- ✓ **Completing annual Income Tax returns.**
- ✓ **Producing annual Trust accounts.**
- ✓ **Completing 10 year anniversary tax work.**
- ✓ **Liaising with other Trustees.**
- ✓ **Advising Trustees on their powers and duties.**
- ✓ **Advancing capital to Beneficiaries.**
- ✓ **Distributing income to Beneficiaries.**
- ✓ **Bringing Trusts to an end when required.**

And all for a guaranteed fixed price, with no hidden extras or additional administration charges.

NEFITING STRANGERS RATHER THAN YOUR LOVED ONES!

# LASTING POWER OF ATTORNEY

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## WHAT IS A LASTING POWER OF ATTORNEY?

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In the event that you became incapacitated, who would you want to look after your health, welfare, property, and financial affairs? Your family and friends, or the Local Authority?

A Lasting Power of Attorney is a legal document giving one or more people, known as Attorneys, the legal authority to make decisions on your behalf should you lack mental capacity at any point in the future.

## TYPES OF LASTING POWER OF ATTORNEY

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There are 2 types of Lasting Power of Attorney, and you can choose to make one or both:



### HEALTH AND WELFARE

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This can be used to give an Attorney the power to make decisions about matters such as:

- Your daily routine (washing, dressing, eating, etc.)
- Medical care.
- Moving into a care home.
- Life-sustaining treatment.

It can only be used when you are incapacitated and unable to make decisions for yourself.



### PROPERTY AND FINANCIAL AFFAIRS

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This can be used to give an Attorney the power to make decisions about matters such as:

- Managing bank or building society accounts.
- Paying bills.
- Collecting benefits or a pension.
- Continuing your business.
- Selling your home.

It can be used as soon as it's registered (with your permission) or when you are incapacitated and unable to make decisions for yourself.



## WITHOUT A LASTING POWER OF ATTORNEY

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Nobody likes to think that they may lose capacity, but the unfortunate reality is that many people do. **If you become incapacitated without making and registering one or both Lasting Power of Attorney:**

- ✗ It is too late to make one.** You must be mentally capable to make a Lasting Power of Attorney, so if you do not have one by the time you really need it, then it is too late.
- ✗ All of your financial arrangements will be frozen.**
- ✗ Loved ones will be denied access to your bank accounts,** even if they are a joint-account holder.
- ✗ Loved ones must submit an application to the Court of Protection** to be appointed as a Deputy.
- ✗ The Deputyship application process can take over 9 months and is very costly.**
- ✗ You do not choose your own Deputy or have any input,** so they may not be the person you Trust the most to make vital decisions on your behalf. There is also a possibility that the Court may appoint a Court Official to act as your Deputy. If this happens, more costs will be incurred.
- ✗ Only one Deputy can ever be appointed at any one time.** If a change of Deputy is required, the entire application process starts again and incurs additional fees.
- ✗ Deputies must be supervised by the Court of Protection,** so annual supervision fees of up to £800 per year are payable.

IF YOU CARE ABOUT WHAT HAPPENS TO YOUR ESTATE AFTER YOU DIE, YOU



# DON'T LOSE EVERYTHING

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A Lasting Power of Attorney is one of the most important documents that you will ever have.

**Making a Lasting Power of Attorney is the only way to:**

- ✓ **Appoint and empower people you trust** to act as Attorneys and make decisions on your behalf.
- ✓ **Save your loved ones time and thousands of pounds** making a retrospective Deputyship application to the Court of Protection.
- ✓ **Enforce legally binding conditions and restrictions** on those making decisions on your behalf.
- ✓ **Ensure decisions can be made immediately** after you become incapacitated.
- ✓ **Ensure your loved ones can access vital bank accounts/funds.**
- ✓ **Spare yourself and your loved ones unnecessary distress** during an already difficult time.

SHOULD CARE EQUALLY - IF NOT MORE - ABOUT IT WHILST YOU'RE ALIVE!

# FUNERAL PLANS

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**Funeral costs continue to rise higher than annual UK inflation.**


You might be surprised to hear that, **while the average cost of a funeral in 2004 was £1,920, today the same funeral costs £3,693. At this rate, the average cost of a funeral could be over £6,700 in 2025, and over £12,200 in 2035.**

Do you want to protect your Estate and your loved ones from these rising costs, and secure your ideal funeral at today's prices? Do you want to have control over the formalities of your funeral service?

**Working in partnership with the UK's leading pre-paid funeral plan providers, our members offer a variety of different funeral plans and payment options to suit your needs.**

- ✓ **Providers are registered and regulated** by The National Association for Pre-paid Funeral Plans and The Funeral Planning Authority.
- ✓ There are **no age restrictions or medicals, and acceptance is guaranteed.**
- ✓ You have the flexibility to **choose and create your ideal funeral**, whatever your needs.
- ✓ You can **pay in full or by instalments with low monthly payments.**



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- ✓ Your funeral is **fully paid for and secured at today's prices**, regardless of future price increases.
  - ✓ Your money is **held in a solid, stable, and secure independent Trust** for its protection and future growth.
  - ✓ There are **no hidden extras or additional administration charges** for loved ones to deal with.
  - ✓ **Better financial option than depositing money into a low interest savings account** to pay for future funeral costs.
  - ✓ **Better financial option than an insurance policy**, which you keep paying into until you die, with no guarantee that it will cover the cost of your funeral.
  - ✓ **Loved ones are spared the emotional and financial burden** of organising your funeral, with all the decisions and problems this can entail, at a time when they can least cope.



# PROBATE

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## WHAT IS PROBATE?

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Probate is the process of sorting out a deceased person's legal and tax affairs. Everything from bank accounts, belongings, and property to debts, pensions and Inheritance Tax. It can be extremely complex and is required after every death where the deceased has either an Estate in excess of £5,000, stocks or shares, property or land, or certain insurance policies.

Probate is still required when there is no Will, although the process is known as Estate Administration.

The responsibility for Probate lies with the Executors of your Will, who often appoint a Professional company to deal with the Probate and Administration of the Estate on their behalf.

## WE CAN HELP

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Working in partnership with the UK's leading Probate and Estate Administration Specialists, we can take on the responsibilities of, and assume all the potential liabilities from your Executors.

From the simplest Estate through to multi-million pound legacies, we can handle everything you can think of (and all the things you might not have considered), including:

- ✓ **Completing all Inheritance Tax forms.**
- ✓ **Applying for the Grant of Probate.**
- ✓ **Income Tax work for the year of death.**
- ✓ **Specialist buildings insurance.**
- ✓ **Setting up and managing Trusts written in a Will.**
- ✓ **24/7 online case tracking.**
- ✓ **Redirecting post.**
- ✓ **Registering unregistered properties.**
- ✓ **Arranging for a pet to be re-homed.**
- ✓ **Cancelling or transferring utilities.**
- ✓ **Distributing funds to Beneficiaries.**
- ✓ **Producing Estate accounts.**

And all for a guaranteed fixed price, with no hidden extras or additional administration charges.

You will be allocated a dedicated Personal Estate Adviser who will see the process through from start to finish, and be on-hand to answer your queries and offer advice. They'll never be watching the clock, they'll give you all the time you need. Your Personal Estate Adviser shall handle everything on your behalf so that you and your loved ones have complete peace of mind.

Why interrupt the healing process and set your loved ones up for unnecessary stress and anxiety at what will already be an emotional and stressful time? Let us help them move on.

# SECURE STORAGE

## ARE YOU AT RISK?

Do you store your Will in:

- That pile of paper on the kitchen table?
- That file bursting with miscellaneous documents?
- A drawer in your bedroom?
- The “fireproof” safe in your wardrobe that only offers up to an hour of protection at best?
- A loved one’s home?

If so, your Will is at risk of becoming lost or damaged, be it as a result of an accident, or even an intentional act of destruction by a loved one who doesn’t like the content.

**It is crucial that your Executors know exactly where they can find your Will.** You don’t need us to tell you that it’s an emotional and distressing time when a loved one dies, so the added stress of frantically searching for a misplaced/lost Will is something they could do without.

**Your Will is a legal document, and there are legal implications should it be misplaced or lost.**

**The Probate Registry Office will only accept original Wills:**



**If only an older Will can be found**, then that shall be used to distribute your Estate, no matter how out of date it is.



**If no Will can be found**, then you shall be deemed to have died intestate, and your Estate shall be distributed in accordance with the Law of Intestacy, increasing the stress and burden on your loved ones.

Why spend the time, energy, and money making provisions to protect your loved ones and your Estate, to then not protect the documents protecting them?

From Wills and Trusts, to Lasting Power of Attorney, we offer lifetime secure storage of all documents written by us and our members.

We ensure and verify that all documents have been signed, dated, and witnessed correctly before placing them into secure (climate controlled and fireproof) storage with a renowned, national Trust Corporation.





# TALK TO US TODAY

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YOUR NATIONAL WILL WRITERS MEMBER IS:

IF THERE ARE NO DETAILS ABOVE, PLEASE CONTACT US ON:



0800 246 5875



[enquiries@nationalwillwriters.co.uk](mailto:enquiries@nationalwillwriters.co.uk)



[www.nationalwillwriters.co.uk](http://www.nationalwillwriters.co.uk)