



# What you need to know about Wills and Probate



## Background

Wills and probate law covers all the legal issues around pre and post death matters. This includes making a will, contesting a will, revising a will, applying for probate, distributing the estate, trust advice, Court of Protection / Deputyship Applications, Lasting Powers of Attorney and wills and tax planning.

When a loved one dies there is often a lot to sort out. Beyond the practicalities of registering the death and arranging the funeral there are important legal and financial matters to tie up and that is where we can help. We're here to support you through the process. Our clients always come first and we deliver affordable, first-class legal advice with exceptional levels of customer service.



*"Thank you for the excellent service you have provided in drafting our Wills."*



## How TV Edwards can help

Many of our lawyers are renowned legal experts; they train the profession, and they publish. Together our teams provide the legal support and expertise to help clients manage their affairs as quickly and cost-efficiently as possible.

We also provide peace of mind with our fixed fee quotes.

## Our Expertise

Our team of lawyers are recognised experts who work to the highest standards delivering practical, good quality advice on a diverse range of issues. We help and support hundreds of bereaved individuals and families each year.

We explain things clearly and simply, we discuss options and alleviate concerns. It's about working around you. We're here to guide you through the process from beginning to end.

**Call us on:** 0203 440 8300

**Email:** [enquiries@tvedwards.com](mailto:enquiries@tvedwards.com)

## Making a Will

Allows you to decide how your estate should be distributed following your death.

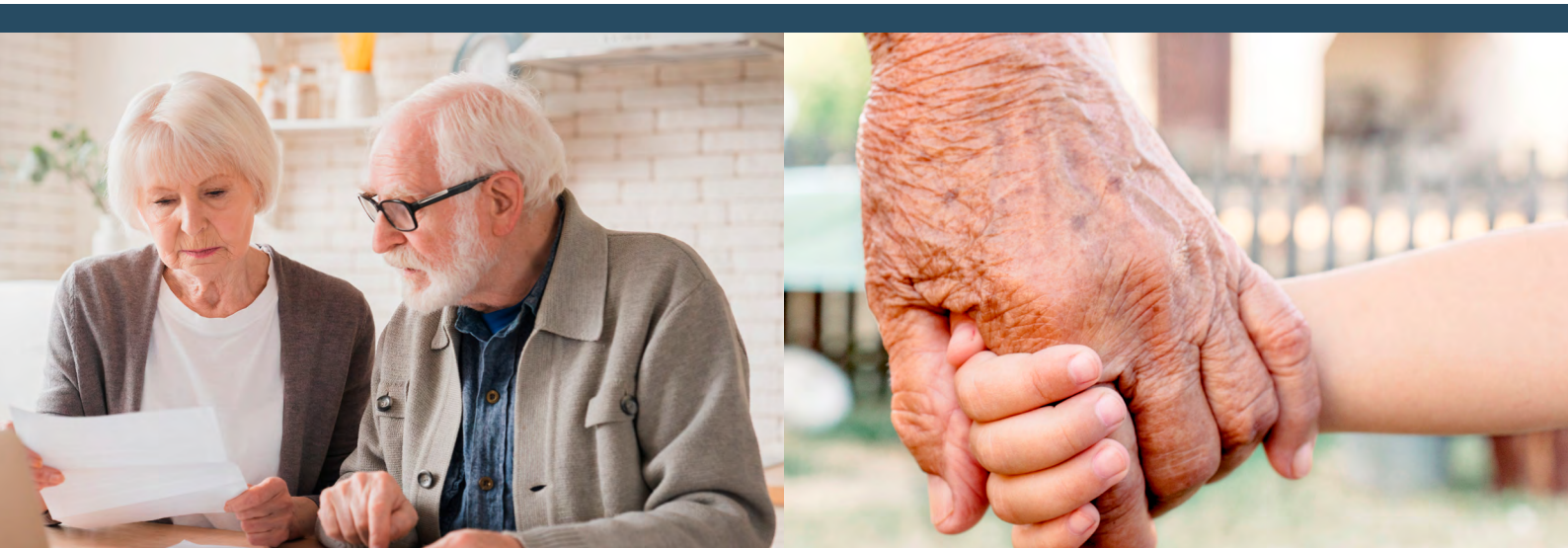
For example, how do you want your estate to be distributed? Who should be responsible for making your funeral arrangements and administering your estate? Would you like to include a legacy to a charity or a friend or loved one who would not inherit if you do not make a Will?

We help to make will writing easy, offering a complete range of Will writing and probate services. We also provide peace of mind with our fixed fee quotes.

Our team has experts in wills, probate, trusts, estate planning and tax. We regularly deal with complex and high-value estates involving international assets and we understand the unique challenges these can present.

With effective planning, a Will can also make sure your loved ones are provided for in a tax-efficient manner.

If you don't make a Will, the law will divide your estate according to what is known as the rules of intestacy. These rules are very rigid and may not provide for your loved ones in the way in which you would have wanted or in a tax efficient way.



## Contesting a will

Sadly this is sometimes necessary. Generally, there are 5 grounds for contesting a persons Will:

- The deceased lacked the requisite mental capacity at the time of signing the Will.
- The deceased did not properly understand or approve the content of the Will.
- Undue influence was exerted on the deceased.
- The Will was forged.
- The Will does not reflect the wishes of the deceased due to a clerical error or misunderstanding as to the deceased's intentions.

If you think that any of the above grounds for contesting a Will apply, it is advisable that you seek advice as soon as possible.

## Updating a will

We advise our clients to review their Wills every 5-7 years and always after a major life event such as purchasing property, marriage or civil partnership, starting a family or relationship breakdown.

There are two ways in which you can change your Will:

- You can make an amendment in a separate document which is called a codicil. The codicil needs to be signed and witnessed in the same way that a Will is.
- Alternatively, you can write a new Will. The new Will should state that it revokes all previous Wills and codicils. Once you have completed your new Will, you should destroy your old Will and any old codicils.



## Applying for probate

Dealing with the affairs of a loved one after death can often be overwhelming. The grieving process is difficult enough as it is without the additional work required to administer the estate of the person who has died.

Our probate team is here to help guide you through the process of probate so that you can effectively and efficiently deal with your loved ones estate.

We will advise you on how the estate should be administered (whether there is a Will or not), assist with completing the necessary forms and then if required we will collect in all assets and settle all liabilities prior to distributing the estate to the beneficiaries.

**Distributing a deceased's estate** If you are the executor of someone's Will or if you have chosen to act as administrator it is your responsibility to act according to the Will of the deceased person or the rules of intestacy. You may need a legal document, known as a Grant of Probate or a Grant of Letters of Administration, which gives you the authority to administer the estate of the deceased person.

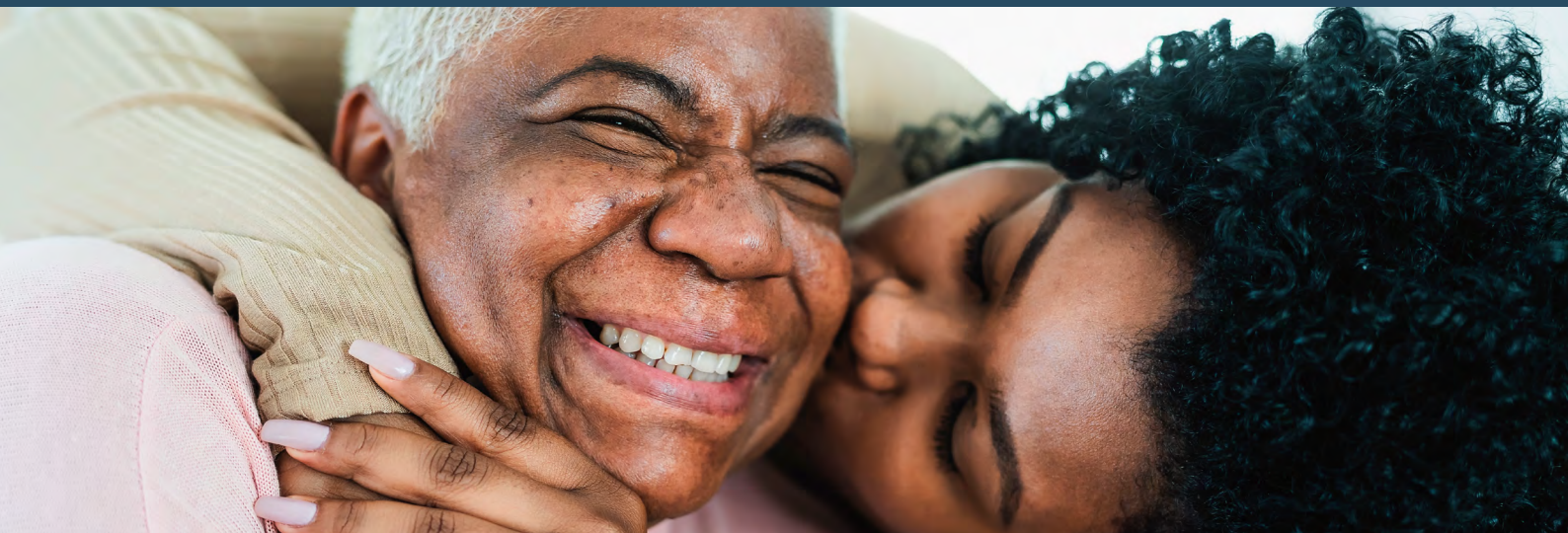
## Trust Advice

There are several reasons why it may be beneficial to create a trust in a Will. For example, if you want to leave money to someone who cannot manage their finances or is in receipt of means tested benefits or if you want funds to be used only for a specific purpose.

You can appoint one or more people to be the trustee/s, and they will control the money or assets (the trust property) which is to be used for the benefit of the person/s you have chosen (the beneficiaries).

## The Court of Protection / Deputyship Application

The court of protection exists to look after the best interests of those who lack the mental capacity to make certain decisions for themselves. The court has the power to determine if a person lacks capacity and decide what actions to take including the appointment of lay and professional deputies to act on the individual's behalf.



## Lasting Powers of Attorney

We can also help you make a Lasting Power of Attorney (LPA) allowing you to appoint one or more people to make decisions on your behalf. Making a Power of Attorney gives both you and your family peace of mind should you lose the ability to manage your affairs in the future.

There are two types of LPA:

- Gives the attorney authority regarding the donor's property and financial decisions.
- Gives the attorney authority regarding the donor's health and care decisions (this type of LPA can only be used when the donor lacks capacity).

## Will and Inheritance Tax

Inheritance tax is often referred to as a voluntary tax as there are steps which can be taken before death to reduce, or potentially even mitigate entirely, a liability arising through careful planning and the making of a Will.

You may know how you want to leave your estate but not the tax implications that this will have. We strongly advise that you take advice about your individual circumstances and consider the tax implications when making or reviewing a Will.



## We can help

Established in 1929, TV Edwards is recognised for its experience, expertise, and customer service. Our first-class legal services have been recognised with industry awards. We provide a kind, empathetic, client-focused approach and deliver bespoke, pragmatic advice, meaning that we deliver exceptional levels of customer service.

Our large, handpicked team has a wide range of skills and experience across all aspects of Will and probate law that we use to bring clarity and resolution to your case.

Our advice is clear and independent, and based on many years' experience.



## Contact

Call us on: 0203 440 8300

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[tvedwards.com](https://www.tvedwards.com)

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