

# Busbys Solicitors

## Caring for our clients

**Specialisation:** As a result of our extensive experience of dealing with the concerns of private clients and their families, **Busbys** are able to give you the most up to date practical solutions to any questions and problems you may have.

**Keeping in touch:** We recognise the importance of keeping in touch. This is not only while we are dealing with any specific matter for you, but also more generally over the years. We see it as integral to our service to you to keep you fully informed of the progress of your case at all times.

**Costs:** There will be no hidden surprises for you when it comes to our charges. We always advise our clients of our charging methods at the outset and keep you updated as matters progress.

**Technology:** Our office is fully equipped with the very latest in modern technology. This enables **Busbys** to enhance our efficiency, accuracy and to respond to your needs as soon as possible.

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## Getting in Touch

People often turn to us when it is too late. If you or your family have questions which are of concern, don't hesitate to contact us. Our experience means we are able to deal quickly and efficiently with any problems that may arise, ensuring that your best interests are taken care of at all times.

Your Will is one of the most important documents you will ever sign. You should seek expert help.

Contact **Sharon Piper**, member of the Society of Trust and Estate Practitioners and a full professional member of Solicitors for the Elderly, who heads our Wills, Probate and Private Client department. Sharon looks forward to helping you. Home and hospital visits can be arranged.

Opening Hours:

Mon-Fri: 9 - 1 & 2 - 5

(at other times by appointment)

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# Busbys Solicitors

## Making a Will



Conveyancing  
Quality

**Lexcel**  
Practice Management Standard  
Law Society Accredited

**IT IS IMPORTANT** for you to make a Will because if you die without a Will there are certain rules which dictate how the money property or possessions should be allocated. This may not be the way that you would have wished your money or possessions to be distributed.

- Unmarried partners and partners who have not registered a Civil Partnership cannot inherit from each other unless there is a Will, so the death of one partner may create serious financial problems for the remaining partner.
- It may be possible to reduce the amount of Tax payable on the Inheritance if advice is taken in advance and a Will is made.
- If your circumstances have changed, it is important that you make a Will to ensure that your money and possessions are distributed according to your wishes. For example, if you have separated and your ex partner now lives with someone else, you may want to change your Will.
- If you are married or enter into a registered Civil Partnership then this will make any previous Will you have made invalid.

#### **IS IT NECESSARY TO USE A SOLICITOR?**

There is no need for a Will to be drawn up or witnessed by a Solicitor. If you wish to make a Will yourself, you can do so. However, you should only consider doing this if the Will is going to be straight forward. There are some circumstances when it is particularly advisable to use a solicitor.

These are where:-

1. You share a property with someone who is not your husband, wife or civil partner.
2. You wish to make provision for a dependent who is unable to care for themselves.
3. There are several family members who may make a claim on the Will, for example, a second wife or children from a first marriage.
4. Your permanent home is not in the United Kingdom.
5. You are not a British Citizen.
6. You are resident here but there is overseas property involved.
7. There is a business involved.

#### **WHO TO CHOOSE AS EXECUTORS?**

It is not necessary to appoint more than one Executor although it is advisable to do so for example in case one of them dies. It is common to appoint two, but up to four executors can take on responsibility for administering the Will after a death. The people most commonly appointed as executors are :-

- Relatives or friends.
- Solicitors or Accountants.
- Banks – you should check the Bank's charging structure carefully, as it can be very expensive when the Bank acts as an Executor in an Estate.

It is important to choose Executors with considerable care as their job involves a great deal of work and responsibility. You should always approach anyone you are thinking of appointing as an Executor to see if they will agree to take on the responsibility. If someone is appointed who is not willing to be an Executor, they have a right to refuse. If an Executor dies, any other surviving Executors can deal with the Estate.

#### **CHANGE OF CIRCUMSTANCES**

When a Will has been made, it is important to keep it up to date to take account of changes and circumstances. It is advisable for you to re-consider the contents of a Will regularly to make sure that it still reflects your wishes.

#### **HOW TO CHANGE YOUR WILL**

You may want to change your Will because there has been a change of circumstances. You must not do this by amending the original Will after it has been signed and witnessed. Any obvious alterations on the face of the Will are assumed to have been made at a later date and so do not form part of the original legally valid Will. The only way you can change your Will is by making :-

1. A Codicil to the Will; or
2. A new Will.

#### **DESTROYING A WILL**

If you want to destroy a Will, you must burn it, tear it up or otherwise destroy it with a clear intention that it is revoked. A simple instruction alone to an executor to destroy a Will has no effect. Although a Will can be revoked by destruction, it is always advisable that a new Will should contain a clause revoking all previous Wills and Codicils. Revoking a Will means that the Will is no longer legally valid.

#### **WHERE TO KEEP A WILL**

Once the Will has been made, it should be kept in a safe place and other documents should not be attached to it. We would advise that a Will is kept with a solicitor. If the Will is kept with the Bank, the Bank may charge you for this service.