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STEPHENS & SON

SOLICITORS

MAKE A WILL – AND REST IN PEACE

Shakespeare wrote, “Where there’s a will, there’s a way” – and it was never more true than today.

Those of us who have come across the chaos which ensues when somebody dies intestate invariably have woeful tales to tell of ‘what went to whom’ – and why.

With intestacy rules having changed recently, the picture is likely to become even more confusing.



Although the people who inherit under the rules have not changed, the amounts involved have. If you are married with children, the first £250,000 of your estate will now go to your surviving spouse, with the rest divided among your children.

However, the picture gets much more complex if you don’t have a spouse or civil partner, or children – as surviving parents and siblings are then brought into the equation. Ultimately, half-brothers and sisters and cousins can fall into the frame if there is no closer next of kin.

Medway Solicitor Caroline Brooks-Johnson of Stephens & Son LLP, said: “Too many people still think that it doesn’t matter to them what happens to their estate once they are dead and gone. In reality, it can be a costly and time-consuming process for surviving relatives to deal with intestacy and all too often it leads to family disputes and bitter arguments.”

Making a will and keeping it up-to-date is the only sure fire way of ensuring your legacy is left to those whom you want to inherit. Long lost cousins that you fell out with more than 20 years ago, often emerge from the woodwork when there's no will to be found.

Caroline said: "If you die without a valid Will your estate will be administered in accordance with the intestacy rules. This is a statutory 'pecking order' which dictates who gets what from your estate and who is entitled to administer that estate."

By their very nature the intestacy rules must be general and it therefore stands to reason that they will not be suitable for everyone. For example:

- They do not always ensure that a surviving spouse inherits the whole estate
- They do not recognise cohabitants in any way
- They do not recognise step children
- They can result in the payment of unnecessary tax
- They can add to the costs of estate administration

"Making a Will and avoiding the intestacy rules is therefore an important way of making sure your wishes are carried out and your family is not left with unnecessary heartache and financial problems," said Caroline.

A Will can be used to encompass not only who you would like to administer your estate upon your death and to list your beneficiaries, but also to appoint guardians of children under 18, make personal gifts (of jewellery, for example), set out your funeral wishes, incorporate tax saving measures and deal with a whole host of business and family matters.

"Choosing not to make a Will and leaving matters to surviving family is the worst kind of legacy," said Caroline. "Ensuring you have a current, valid Will is the only way you can truly rest in peace!"

Stephens & Son LLP, established in 1793 and situated in Railway Street, Chatham, offers a comprehensive range of specialist legal services to individuals and businesses in Kent. Specialist teams, which include a dedicated inheritance department, are

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committed to providing clear, practical advice and an efficient and courteous service. For further information contact Caroline Brooks-Johnson on 01634 811444 or email cmbj@stephens-son.co.uk (www.stephens-son.co.uk).