

Who should I appoint as my Executors?

Executors are the people appointed by you in your Will to carry out your instructions. You can appoint up to four Executors, but it is wise to appoint at least two. You can also appoint Reserve Executors, should your first choice be unwilling or unable to act. Anyone over the age of 18 can act as an Executor. An Executor can also be a beneficiary; in many family cases an Executor is often the wife/husband of the Testator (the person making the Will). If an Executor is a professional person or firm (e.g. solicitor or bank) then provision must be made in the Will for their charges by adding a 'charging clause'.

Who should I appoint as my Trustees?

Trustees are the people that look after any assets that are placed in trust as a result of your Will. A trustee will hold assets for the benefit of someone else (or a group of people). The trustee will hold these assets and distribute them to the beneficiaries in line with will/trust. For example, you may wish to leave money to money to children under the age of 18. In these circumstances your trustees would usually be expected to manage the money for the children and distribute any funds for them as required (for example to pay for school fees) until they reach the age at which they take control over the funds themselves. (This can any age between 18-25).

Who should I appoint as Guardians of my minor children?

You should appoint Guardians if you have children under 18 years of age. The appointment of Guardianship allows you to decide who should be responsible for your children's welfare. You should also give consideration as to the age of the Guardians, do they have a good relationship with your children, do they have the same views regarding how your children should be educated etc?

Can my Executors also be Guardians?

Yes, it is quite usual for Guardians to also be Executors.

Do I have to list everything that I own in my estate?

No, but if you want specific objects or certain amounts of money to go to certain people, then you should list these. However, what you do not identify in your estate (everything else not listed, whatever it may be), is dealt with through distribution of the residue. It is important when leaving gifts, that you give the full name of the recipient and a full description of the gift.

Do gifts and legacies have to be under a certain value?

No. A gift can be of any value.

Can I leave a gift to a charity?

Yes, but you need to give the full name, address and registered number of that charity.

What would happen if the person I've left a legacy to dies before I do?

Normally, the legacy would lapse and then it becomes part of the residue of your estate unless you give instructions to the contrary.

What is the residue?

The residue is everything that remains after specific bequests (if any) and after payment of all debts, taxes and expenses. There is no need to itemise the residue, you can simply decide what proportion each beneficiary is to receive, if you are naming more than one. For example, you may wish to leave the residue to your spouse and then for it to pass on to your children. If perhaps you do not wish your children to benefit in equal shares you can state what proportion each child is to receive. If you are single, or do not have any children you may wish to leave the residue to other named beneficiaries, for example, 50% to Mr A and the remaining 50% to be shared equally between Mrs B and Miss C.

Can I make provision in my Will for any funeral requests or medical donation?

Yes. You can state whether you wish to be buried or cremated and you have make clear any particular wishes you have. Alternatively, if you have no preference this can also be included. You are also able to have a clause added stating any particular medical donation, however it is always a good idea to let close relatives know of your particular wishes.

Am I able to cancel my Will?

You can always cancel your Will by either destroying the original or by making a new Will. Please note that getting married also cancelled your existing Will (although getting divorced does not).

What should I do with my Will?

You should always keep your Will in a safe place as your Executors will need the original. We offer a storage facility at a very reasonable cost with additional advantages.