

Why you should put your affairs in order.....



A lot of us are reluctant to talk about or plan for what will happen when we die, but if, like one in three people, you die without a Will, you risk leaving your family and loved ones nothing but confusion, and potential legal battles.

Dying without a Will can mean that your family and loved ones may not get what you would have wished.

“Modern family life has become very complex so drawing up your Will becomes more important than ever” says Sheila Glyn-Owen, partner at **Phillips Solicitors** specialising in Wills and Probate “We currently live in a very complicated society where the traditional convention of ‘married with two children’ is only one type of family – this means that the division of assets when someone dies is not easy. For someone who gets divorced and then remarries, often with children from the first marriage, the process of the division of assets in the absence of a Will is governed by law and can lead to potential family discord. If you are unmarried but cohabiting with your partner, don’t assume that you will be

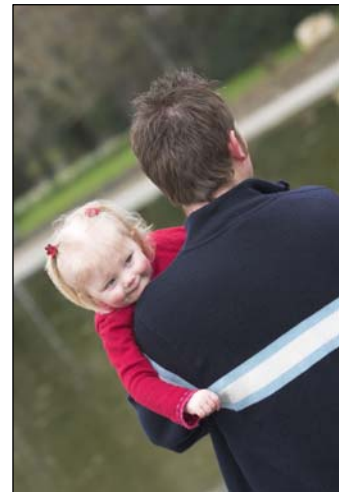
treated as common law husband and wife, because this will not be the case. There are rigid rules as to who inherits when you die without a Will and a partner can be disinherited by children, siblings, or even an uncle or aunt, unless you have made provision for your partner in a Will.”

Do-it-yourself Wills, downloadable from the Internet, are now common but beware, this is not a cheap option as your Will could be challenged or disregarded altogether if not properly executed.

A badly made Will can cost your relatives thousands of pounds in legal fees alone.

You should always seek independent legal advice from a solicitor to ensure that your dependants are provided for in the event of your death, especially if your affairs are complicated by second marriages, step children, property or a potential inheritance tax liability.

If you have made a Will, don’t forget to update it regularly because normal life changes such as marriage, divorce, property, children and inheritances could all affect your Will.



Another risk to avoid

Should become mentally or physically incapable of managing your own affairs as a result of an accident, or perhaps injury, then you need to have in place a Lasting Power of Attorney (LPA) which effectively appoints the person you would like to take charge of your affairs if you cannot deal with them yourself. If you don’t have an LPA and you find that you become unable to manage your affairs, then the Office of the Public Guardian could appoint a deputy to act for you, which might be a family member but sometimes may be a solicitor or local authority official and this will involve considerable expense. There are two kinds of LPA, one covers property and financial affairs while the other relates to your health and welfare. An ideal time to consider an LPA is when you are making or revising your Will.



“So” concludes Sheila, “by drawing up an LPA you can arrange to have your affairs managed during your lifetime if you become unable to do so yourself; and by making a properly drawn-up Will you can decide what will happen to

your property and possessions after your death. That way you can ensure that your loved ones are properly provided for and that they have less to worry about when the time comes.”

Call Sheila on 01256 460830 or email: sglyn-owen@phillips-law.co.uk

We’re local, in Basingstoke, and we’re open on Saturday mornings too, by appointment.

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