

# Remember us in Your Will

## A Legacy Guide



# The LUPUS UK Legacy Guide

The LUPUS UK Legacy Guide does not attempt to offer a comprehensive summary of legacy options nor does it try to make a thorough and exhaustive resume of present law regarding the drawing-up of a will. The Guide is a first step; there is no substitute for taking properly qualified advice on such an important issue.

We hope that you will find the contents of benefit and through the Guide will be encouraged to make a first will or to update an earlier version.

The contents of this Legacy Guide do not necessarily reflect the opinions and views of the Trustees, Officers or staff of the registered charity LUPUS UK.

# Why Make a Will?

Well, many people don't, although they may have meant to. Failure to make a will means more of what you leave might be lost in tax. It may also result in your exact wishes not being carried out and could cause much heartache for members of your family at what is a stressful time in any event.

The intestacy rules were last changed on 1 October 2014. Where a person dies leaving a spouse or civil partner but no children, the spouse or civil partner receives everything.

Where a person dies leaving a spouse or civil partner and children, the spouse or civil partner will receive the first £250,000 together with the personal chattels. The amount above this is divided into two halves, one half to the spouse absolutely and the remaining half goes to the children in equal shares absolutely.

If there is neither a spouse/civil partner, nor children, the assets of the deceased pass in order to the next relatives ie the parents, siblings then their children, and other living relatives. If there are none then the assets go to the Treasury.

Currently, the law does not recognise unmarried partners even if the relationship has endured for a number of years. Sound wills advice is needed in such a situation.

Making a will, always updateable, can help ensure your wishes are met.

Why not take the straightforward steps to ensure that your estate will be distributed as you would wish?

# The Road Not to Take

Yes, buy a will form at the stationers, fill it in quickly and stow it away in the back of the kitchen drawer with all the other papers that you'll be sorting out tomorrow - or next year.

The family has a vague idea where it is, you filled it in correctly (?), signed and dated it (?), had it properly witnessed (?) and all is well with the world. The facts are that DIY wills may be open to misinterpretation, may be ambiguous, and may be full of alterations. Only when the person dies will these and other problems come to light. Bad wills can take a long time to unravel and that time can be very costly.

Wills may be sold by will-writing franchisees, be on computer disc or in book format and many of these have been overseen by advisers who are legally-qualified. However, few such options offer the important face-to-face opportunity to ensure that your wishes are being recorded, laid down clearly for yourself and, ultimately, for your executors and beneficiaries. Try this checklist:

- Do you have a properly drawn-up will already?
- Has your will been properly executed?
- Is your will accurate and up-to-date?
- Was your will written by a qualified professional?
- Is your will securely stored?

# The Preferred Route

If you want to take the professional option, perhaps your family has been turning to the same firm of solicitors over many years, or perhaps you know friends comfortable with their legal advisers?

Should married couples and those in civil partnerships want wills reflecting their joint wishes, it is possible to have mirror (or back-to-back) wills drawn up, often at a lesser charge than two entirely separate wills.

- Writing a will when you are older is better than no will at all. We rarely know what lies ahead and earlier is thus preferable.
- It is always possible to update your will at some future point. Occurrences such as the birth of grandchildren, the death of a beneficiary or changes in your wishes may prompt a will update.
- The Law Society (**020 7320 5650**) or Will Aid (**0300 0309 558**) can offer help in locating an appropriate solicitor in your area.
- Depending on your circumstances, you may need expert wills advice with regard to Inheritance Tax, special clauses in your will, creation of a charitable trust and many other variations.
- Ensure when you sign your will that it is dated, that two witnesses are present at that point and that they sign in their respective capacities. *If a beneficiary of your will is a witness to it, that person does not inherit, nor would his/her spouse.*
- Once your will is completed, lodge it safely at eg your bank or solicitors and keep a copy at home. You may wish to show the copy to your executor(s) to be sure that they are aware of your wishes.

# Legacies

A legacy recorded within your will is a properly-worded statement of your wish to leave monies to named individuals, charities or other organisations.

Clear instructions should be laid down as to the full names of any person who is to inherit, together with the present known address and the sum of money that he or she is to inherit.

This same detail is required if a charity is to be a beneficiary, where it is very important to be sure of its proper and full title, Head Office address and registered charity number. Similar information should be recorded for other organisations that are to benefit under the will.

From 6th April 2012, if you leave 10% or more of your estate to charity then the inheritance tax is reduced from 40% to 36%. Inheritance tax applies to estates valued at over £325,000

Testators often leave fixed sums to family members in their wills. With legacies to charities which may rank after family bequests (ie from the remaining monies) it may be better to record these as 'X%' of the residue of the estate' in the will – in case monies are not then sufficient to pay a previously-stated fixed amount.

Some testators record percentages for all their beneficiaries so that, however large (or small) the net amount for final distribution, those to inherit will receive at least the percentage originally indicated.

Bequests to charities may take different forms:

**A PECUNIARY BEQUEST** where a sum of money is left to be used by the charity as it sees fit.

**A SPECIFIC BEQUEST** where a sum of money is left to the charity but is to be used for a restricted purpose, eg for research.

**A RESIDUARY BEQUEST** where the residue or a percentage of the residue is left to the charity, for restricted or unrestricted use.

# About Lupus and LUPUS UK

Lupus is a demanding illness of the immune system with a wide variety of symptoms and is capable of damaging major organs.

The exact number is not known but more than 50,000 people across the UK are thought to have lupus, mainly women. Diagnosis remains difficult and family doctors are often slow to pick up on the condition and refer patients towards specialist care.

Lupus impacts long-term on the quality of life for patients, and this can also affect their family members, friends and business colleagues.

**LUPUS UK** has supported people with lupus for over twenty-five years and has a number of regional groups operating throughout the United Kingdom.

The charity offers a booklist for patients and publishes a wide range of factsheets, leaflets, posters and brochures which explain the disease and the work of LUPUS UK. A Guide to the Treatment and Diagnosis of Lupus for GPs has been distributed, also a Guide to Lupus for Nurses and Associated Health Professionals.

**‘LUPUS UK News and Views’**, the national magazine, is published three times each year.

**World Lupus Day** is celebrated on May 10th and is a good opportunity to publicise lupus and its impact on the lupus patient.

**Lupus Awareness Month** in October is a highlight of the year when members and regional groups make strong efforts to further public awareness about lupus. A number of other national lupus groups now also use the month of October in this way.

## The Aims of LUPUS UK are



to bring people with lupus together



to educate and support people with lupus



to raise awareness about lupus, particularly within the medical profession



to fund research into lupus, its causes, consequences and treatment



to fund specialist lupus nurses within the NHS

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