



Making a Will

Making a will may not be the most cheerful of subjects to think about or something that you think about every day but it is hugely important. By having an up to date valid will, you get to decide who inherits what from your estate, however great or small that estate may be. Your estate is made up of all your possessions, any money or property that you may have.

If you die without having made a will this is called dying intestate. Your next of kin would automatically inherit your estate. Now in many circumstances that would not cause an issue, but there are certain circumstances that cause particular problems.

Potential Issues

1. If you wished for your partner or cohabitee to benefit from your estate, but you were unmarried, they would not receive anything.
2. You may wish for certain items to be given to relatives and may have told people before your death that this is the case. If you do not have a will there is no way of ensuring that these wishes would be followed.
3. If you have dependent children, you can, through your will appoint someone to be their legal guardian upon your death. This is known as testamentary guardianship.
4. You can specify at what age you would wish for any children to receive their inheritance. You may for example decide that age should be 18, or you may prefer for that age to be 25 – dependent upon your views or their situation.
5. By preparing a will you can help to avoid any potential family or friend arguments as your will is specifically about your views.

Will Validity

If you decide to make a will it is important to ensure that the will is legally valid. If you decide to prepare your own will this can cause potential problems. Wills have to be drafted very specifically and carefully to ensure that they are valid. As a result we recommend that you instruct a solicitor to draft a will for you. Generally the cost of preparing a will is relatively inexpensive. If you have a larger estate however implications of inheritance tax would need to be considered.

Simple things to consider

- Who would you wish to be the executor of your will? Executors are the people who put the terms of your will into effect. You can even choose a solicitor to be your executor if you prefer, however they do charge for that service as do other professionals. It is generally recommended that you have two executors.
- What gifts would you like to leave?
- Would you prefer to leave a fixed sum of money or for example a percentage of your estate?
- At what age do you want any children to receive their inheritance?
- Do you wish to include a testamentary guardianship clause?
- With your will you may want to consider having a letter of wishes. Within this letter you can specify more detailed arrangements for example funeral arrangements. One of our supporters who had a stillborn son has specified that she and her husband want their son's effects buried with whichever of them dies last. This may be something you wish to consider.

These questions are not exhaustive, and there are many more complicated things that you can do within your will to ensure that your loved ones are cared for.

Donations

You may decide to leave a charitable donation to The Mariposa Trust within your will. We would be extremely grateful if you did decide to do that. This is not something that we would be aware of, as it is private to you, until the terms of the will are put into effect. A solicitor upon drafting your will would document our details and the gift that you wish to donate. At such time as your will is executed, your donation would then be forwarded to the Mariposa Trust.