

Finding *the will* to do it

**Jane Ellison-Bates
reflects on plucking up
courage to make a will**

Up to press I haven't been struck down by a bus, so now I'm feeling a little embarrassed that I put off making a will for so long, under the superstition that it might instantly tempt some dreadful fate to befall me.

I met Irene Chenery through the fundraisers Ribble Valley & White Rose Ladies, which she and her practise partner, Carol Maher jointly chair. Their company, Chenery Maher are solicitors, but not like you imagine. Not stuffy and serious, but fun and committed to the work they do and for all the right reasons. Irene was horrified when I let it slip in conversation one day that I hadn't made a will.

I'm separated, but not divorced, from my husband and was potentially creating a scenario where my 12 year old son could feasibly fail to inherit any of my assets. I duly made an appointment to meet with Irene to face up to being a grown up with responsibility, and to finally draw up a will. I was anxious my son shouldn't inherit any capital until he is of an age to be trusted with it. Irene helped me to establish a trust to ensure that although he would be provided for in the interim, he would not have direct access himself to his inheritance until then.

She also helped me to think about who I want to take care of him if I die in the next few years.



Before making your will, make sure your solicitor sits down with you and talks to you. Your solicitor needs to understand what it is that you are really trying to achieve. When you make a will, you need to have confidence that the solicitor you instruct cares about making what you want, happen. Any solicitor can just do what you tell them; only caring solicitors will take the time to make sure they really understand what it is you are trying to achieve and help you put that into effect in the most tax efficient manner.

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The importance of making a Will cannot be underestimated. Most people are aware of the need to make a Will but put it off because they think that it will be difficult, expensive or because they do not want to "tempt fate". A Will is your opportunity to say how your assets and affairs should be dealt with if anything happens to you. This can include important things such as who will be responsible for your children or a business. A Will is a way of putting your affairs in order and making things easy for those left behind. If there is no Will it can leave relatives very confused and uncertain about what will happen and how they will be provided for, at a time when they are most vulnerable. If you do not make a Will then there are set rules for distributing assets - a spouse or civil partner does not necessarily inherit everything and children may inherit at a much younger age than you would want. A Will can also be used to arrange your affairs to provide for young children or vulnerable adults (whether disabled, wayward or going through marital problems), to plan for long term care or to save inheritance tax. It can also be invaluable in situations where people have re-married and want to provide for a new spouse whilst still ensuring that assets ultimately pass to their children.

Many people have insurance policies to safeguard their assets or to provide for their family if anything were to happen. Making a Will is another way of providing peace of mind and reassurance for you and your family.

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Like Jane, many people feel that making a will tempts fate. However failing to do so can be disastrous for loved ones and leave them financially insecure. Making a will can resolve this and other issues, such as ensuring that our children are cared for by the people we trust to do so.

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One of the things that had been bothering me was who would be my executor. Irene explained that, as my solicitors, Chenery Maher could be appointed as Joint Executors of my will, which seemed eminently sensible.

What to do about my business was another aspect that had been worrying me. Irene was able to talk through with me how keeping the business going might work in practical and legal terms until my son is old enough to inherit it and make decisions about its future.

So that was it. All sorted out. As I drove away I felt immensely relieved and was almost halfway home before I started stressing about the possibility that I might instantly crash the car!



For more information on making a will, Chenery Maher Solicitors can be contacted on 01200 422264, or visit their website on www.chenerymaher.co.uk