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Making a Will - Your Last Will and Testament ^[1]

Make or review your will with us and enjoy peace of mind



^[2]

Did you know that almost 80% of the adult population will die *without* making a will?

If this happens to you, unfortunately you leave your friends and family with a host of decisions to make on your behalf and even more importantly, with pressing issues to sort out.

If you have a family who rely on you to support them and you die without having made proper provision you may leave them unable to pay the mortgage or other household bills. They will not be able to access your money until "a grant of representation" is granted which, without a will, may take many months.

My husband and I made our wills and we were more than happy with the quick and efficient service we received.

Mr and Mrs Watson, Birmingham

Writing a Will will ensure that upon your death your loved ones will have been considered and your wishes and intentions accurately and clearly recorded.

Contact our experienced team today ^[2].

Importance of Making a Will

Aside from the obvious issues about deciding who you would like to inherit your property, there are many other things to take into consideration when you are thinking about making a will.

Are you married or in a civil partnership?

If you are the main provider in the household and you die without making a will, your

partner and children could suffer.

Aside from coping with the grief of losing their partner they will not be able to:

- Access any accounts in your sole name or
- Conduct any business in your name until they have been appointed administrator.

This means that if the mortgage was paid from an account held in your sole name, the mortgage will not be paid.

Write a Will to Protect your Mortgage

If the mortgage is in your name then your bank or building society will be unable to discuss this with your spouse or partner; this applies to all household bills. Your partner will not only have to cope with the grief from losing you, they will also have financial worries to cope with.

This can be easily avoided by making a will, so why put your spouse or partner through this? For more information [contact our experienced team today](#) [2].

Have you re-married?

Did you realise that your ex-husband or wife may still be able to make a claim on your estate?

Did you realise that divorce does not revoke your will?

Did you realise that marriage or re-marriage will revoke your will unless it specifically states otherwise.

Write a Will to Protect your Children

If you had children from a previous relationship or marriages then you must make another will if you want to ensure they are provided for after your death.

Protect your children and new spouse by utilising our will writing services. [Contact us today](#) [2] to ensure you have all of your assets covered.

Are you Single?

If you are single you may think that there is no point in making a will but:

- Who will sort out your affairs?
- Who will make your funeral arrangements?
- Who will make sure that your dearest friends get what **you** wanted them to have?

Make a friend an Executor of your Will

You may have a friend who is prepared to make all these arrangements but unless you give

them the authority to do so, by making them an executor in your will, they will be unable to deal with your estate.

Contact us today ^[2] **about writing your will, then you and your friends can be prepared.**

Do you have pets?

Maybe you have dogs, cats, horses or even fish, they all need looking after. They need to be fed, watered and homed. What will happen to them if you don't decide and leave instructions in your will.

Write a will and ensure that your pets are cared for. Contact us today ^[2].

Who inherits if I Don't Make a Will?

When you die without having left a valid will, the rules of intestacy apply. These rules dictate who can deal with the administration of your estate, who will benefit and how it will be divided.

If you don't have a will the intestacy rules decide who inherits your assets, depending on your personal circumstances. The following rules are for deaths on or after 1 February 2009 in England and Wales:

If you're married or in a civil partnership and there are no children

Your husband, wife or civil partner will automatically inherit everything.

If you're married or in a civil partnership with children

Your husband, wife or civil partner will *not* automatically inherit everything although they will receive:

- Personal items, eg: household articles and cars (not business items)
- £250,000 tax free - or the whole of the estate if it was less than £250,000
- Half of the remaining balance goes to the spouse.

The remainder of the estate will be shared equally by the children at 18 or younger if they marry under that age.

If you are unmarried and not in a civil partnership but are living together

If you are not married or registered civil partners, **your partner will *not* be entitled to *any* share of your estate.**

In this event, their only option is to make a claim, through the courts, under the Inheritance

(Provision for Family and Dependants) Act 1975. To do this they will have to prove that they were dependent on you for financial provision.

Needless to say, if you have not made provision this can lead to legal costs which are likely to deplete your estate. In addition if the deceased left children the surviving partner would have to pursue the matter through the courts to obtain any share of the Estate.

If you have no surviving spouse/civil partner

The estate is distributed as follows:

- To surviving children in equal shares (or to your grand children if your children died before you)
- If no children or grandchildren survive you then to parents (in equal shares if both alive)
- If no surviving parents, then any brothers and sisters will get an equal share (or their children if the brothers/sisters died before you)
- If there are no brothers or sisters then to half brothers or sisters (or their children if the half brothers/sisters died before you)
- If none of the above then to grandparents (equally if more than one)
- If no grandparents to aunts and uncles (or their children if they died before you)
- If none of the above, then to half uncles or half aunts (or their children if they died before you)
- **To the Crown if there are none of the above.**

The complicated rules above leave you with no control over how your estate will be divided and who will benefit. You should therefore consider the following:

- **Would you rather your friends or charities benefited in the event of your death?**
 - If you do not make a will your friends will not benefit.
 - If you are left with no family, the whole estate passes to the Crown - the Chancellor of the Exchequer or the Duchee of Cornwall receives it

If you don't have a will and you do leave loved ones behind it will take much longer to sort out your affairs, causing further distress to your family at a time when this is least needed.

Make your Will to Plan Funeral arrangements

Some people have very strong feelings about how they would like their funeral to be conducted, for example whether you would like to be buried or cremated. You can make all these decisions and state your wishes in your will. This will ensure that your wishes are known to your loved ones.

Professional Will Writing services

At Sydney Mitchell our team of experienced will writers are here to assist you and your family at this difficult time so that they do not suffer hardship and most importantly that your wishes

are written down in such a way that they will be carried out after your death.

Every member of our approachable and sympathetic Wills, Trusts and Probate Department [3] will advise you and help answer any questions you may have about writing a will. You will also find information in our publication "Why make a will?" [4] and for information on what happens if you die without a will, see our intestacy flowchart [5]. [6]

If you are looking to make a will, call our experienced team for comprehensive legal advice on 0121 746 3300 or fill in our online enquiry form [2].

Links

[1] <https://www.sydney-mitchell.co.uk/services-individuals/wills-and-probate/making-will>

[2] <https://www.sydney-mitchell.co.uk/contact>

[3] <https://www.sydney-mitchell.co.uk/about-us/our-people/wills-trusts-probate>

[4] https://www.sydney-mitchell.co.uk/sites/default/files/attachments/sam_charlotte_-_why_make_a_will.pdf

[5]

https://www.sydney-mitchell.co.uk/sites/default/files/attachments/intestacy_flow_chart_sydney_mitchell_1.pdf

[6]

https://www.sydney-mitchell.co.uk/sites/default/files/attachments/intestacy_flow_chart_sydney_mitchell_2.pdf