

Generally speaking, a Will contains some or all of the following features:

- 1. Burial / Cremation wishes.** An individual may have specific wishes with regard to whether or not they are cremated or buried and where they would like this to take place.
- 2. The appointment of Executors.** Executors are those individuals appointed under a Will to take legal responsibility for the conduct of the affairs of someone who has died.
- 3. The appointment of Guardians.** Guardians are in effect substitute parents for children under the age of eighteen years.
- 4. Specific legacies.** Specific gifts of money or property to named individuals, charities etc.
- 5. Gift of residue.** The residue of an estate is what is left over after payments of debts, funeral expenses, administration expenses, specific legacies etc.

You may find the following glossary of terms helpful in understanding the language of Wills:

**'Testator':** The person making a Will. If the person making a Will is female then she may be known as the Testatrix.

**'Beneficiary':** A person who receives a benefit under a Will.

**'Chattels':** Personal and household possessions eg. furniture, pictures, cars, ornaments etc. (NOT money or land).

**'Estate':** The grand total of everything that an individual owns.

**'Executors':** Those persons appointed in a Will to look after affairs of the Testator when they have died. It may be that an individual only appoints one Executor but in certain cases more than one is required.

**'Legacy':** A specified sum of money or something else left to someone in a Will.

**'Residue':** What remains after specific legacies and the payment of all debts, funeral expenses etc. From this word we get the expression "Residuary Beneficiary". A residuary beneficiary is the person or one of the people who is entitled to receive whatever is left over after payment of all other legacies and debts.

**'Inheritance Tax':** The tax on estates that may be payable on an individual's death depending on the size of their estate.

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## A guide to writing your Will

This is an aid to help you write or amend a Will, and hopefully it will give you some ideas about what you want in your Will. It is not a legally binding document and is simply a starting point in the process of making a Will.

When you come to meet us to discuss your Will you may want to bring this along with you, but it is not essential as we will go through all the options available to you when we meet.

# Ellis-Fermor & Negus



## EXECUTORS

Remember, your Executor(s) will be responsible for collecting in the assets of your estate, paying debts, funeral expenses and taxes, and distributing the balance of your estate in accordance with your instructions. They will also become Trustees of any parts of the estate for beneficiaries who are underage.

Your Executors should be people you know, trust and whom you believe will be willing and capable of accepting the responsibility when the time comes - don't forget that things can change a lot in the years ahead and dealing with an estate can be an onerous task. You may appoint up to four Executors, but it is more usual to appoint just two (although it may be even appropriate to appoint just one). If you wish you can appoint partners in Ellis-Fermor & Negus to be your Executors. Below are a number of options for you to consider:

(a) I wish my Spouse / Partner to act as my Executor but if they die before me I wish the partners in Ellis-Fermor & Negus to act as my Executors

(b) I wish my Spouse / Partner to act as my Executor but if they die before me I wish the persons named below to act as my Executors

(c) I wish just the persons named below to act as my Executors

(d) I wish the persons names below to act as my Executors, but if all of them are unable / unwilling to act, then I wish the partners in Ellis-Fermor & Negus to act as my Executors

(e) I wish just the partners in Ellis-Fermor & Negus to act as my Executors

(f) I wish the partners in Ellis-Fermor & Negus and the persons named below to act as my Executors

Executor 1: .....

Executor 2: .....

Executor 3: .....

Executor 4: .....

It is essential to let your Executors know they have been appointed

## If you are married or living with someone ....

1. Is your Partner to inherit everything you own? Y  N   
If you answer "Yes" we will appoint them sole executor unless you specify otherwise.
2. If you answer "No" what do you want your Partner to inherit?

## GUARDIANS

If you have any children who are under 18 years of age, who is / are to be their Guardian(s) ?

GUARDIAN 1 (& their relationship to you, if any)

.....

GUARDIAN 2 (& their relationship to you, if any)

.....

It is essential to let the Guardians know they have been appointed

## LEGACIES

Do you wish to give a sum of money or any items (eg jewellery, furniture, or the like), to any person or charity? Also is the gift to take effect even if your Spouse / Partner is still living?

1. Name: .....

Money / Item .....

Before Spouse / Partner's death? Y  N  N/A

2. Name: .....

Money / Item: .....

Before Spouse / Partner's death? Y  N  N/A

3. Name: .....

Money / Item .....

Before Spouse / Partner's death? Y  N  N/A

4. Name: .....

Money / Item .....

Before Spouse / Partner's death? Y  N  N/A

## RESIDUE

If you have children, are your children to inherit everything in equal shares? Y  N

Are they to inherit at age 18 or 21 or some other age?  
Please specify age .....

For taxation reasons we do not recommend an age greater than 25

How is the residue of your estate to be divided?

Name .....

Share % .....

Name .....

Share % .....

Name .....

Share % .....

If you have children and they die before you, leaving children of their own, ie. your grandchildren, are they to inherit the share your son / daughter would have inherited if they had survived?

Y  N

Who is to inherit if you and your children die together and you have no surviving grandchildren?

Name .....

Share % .....

Name .....

Share % .....

If you or your Spouse/Partner have children from a previous marriage or relationship and there are now also children from your present marriage or relationship you should consider their position very carefully.

## FUNERAL INSTRUCTIONS

State your preference for cremation or burial and indicate any specific instructions, eg. place of burial, details of reserved plot, scattering of ashes:-

Cremation  Burial

Special Instructions