

Making a Will in Scotland

 THOMPSONS
solicitors for life

About Thompsons

Thompsons understand the concerns people have about dealing with the law. Over more than 70 years of representing the interests of working men and women and trade union members, we have developed a friendly, approachable service.

About the THOMPSONS Will-making service

Making a Will need not be complicated if you use Thompsons streamlined will-making service. We offer one free will for each union member and his/her partner (whether married or not and for partners of the same sex). The free service can help you safeguard the interests of your family, friends and dependants and you don't even have to visit us! Using our questionnaire, we can draft your will from the information you provide.

What does making a will involve?

A will is a legal document detailing how your assets will be distributed after your death.

It allows you to decide:

- Who carries out your instructions -- YOUR EXECUTORS.
- Who inherits your estate (i.e. everything you own) YOUR BENEFICIAIRES.
- Who will look after your children if they are under the age of 16 - GUARDIANS

You can alter your will or cancel it at any time, but we will charge for any alterations you require at the reduced rate agreed with your union.

Who will administer my estate when I die?

Your Executors, being a person or persons over the age of 16 years of age, who you nominate to administer your estate. Beneficiaries can act as Executors and spouses/civil partners/partners can appoint each other. It is important however to also nominate an alternative Executor in case your chosen Executor should die before you. Please consider the appointment of your executors with care as the individuals may also need to hold the funds for an underage beneficiary.

Even when a will appoints an Executor, a Confirmation may have to be obtained from the local sheriff court. In addition Inheritance Tax and Inland Revenue returns may need to be completed listing full details of assets. Thompsons can provide you with the help and support you need at this time. For details of our

unique service please telephone FREEPHONE 08000 898181 or TEXT 'Executry' to 60155.

Guardians

If you have children under sixteen years of age you should consider appointing a Legal Guardian. When a parent dies the surviving parent normally becomes the Legal Guardian (although this may not apply to unmarried fathers). However, you may die at the same time, in which case, it is wise to appoint another member of your family or close friend as a Legal Guardian. The Executors have power to pay money to the Guardians for the maintenance, education and general welfare of your child.

What happens if someone dies without making a will?

- Everything you own will be divided up under fixed rules decided by law, not by you.
- You leave your relatives and friends with the difficult task of sorting your affairs.

One of the most common misconceptions is that if you die without a valid will all of your estate will automatically go to your surviving partner. This is not the case. Your partner could even end up with insufficient money to remain in the family home. The law does not provide for step-children and a surviving un-named co-habitee has to apply to the court to claim anything from a deceased's partner's estate. If you have no surviving blood relatives then your estate goes to the Crown.

I don't want to leave anything to my family. Despite the existence of a valid will, a spouse and children (and representatives of any predeceasing children) have twenty years from your date of death to claim a share of your estate, even if they are not included in the Will. These rights can only be claimed on the net moveable estate (i.e. not land or buildings). The amount claimed depends on who survived.

- Spouse/civil partner only, no children -- 1/2 of net moveable estate
- Children (incl. representatives) only, no spouse/civil partner -- 1/2 net moveable estate
- Spouse/civil partner and children (incl. representatives) -- 1/3 to spouse/civil partner, 1/3 to children equally.

Even if a spouse, civil partner or child are included in the will, they can elect to claim the above right instead of their entitlement under the will. It may sometimes be possible to minimise your moveable estate in order to reduce any possible claim, however this may not always be advisable and further advice may be required.

Can I ensure that my partner does not leave the assets inherited by him/her under my will to someone whom I would not like to inherit those assets?

This can be ensured by giving you partner only a limited interest in your estate. This will mean that both your will and the administration of your estate will be more complicated and that your estate will have to be held by your trustees upon trust. Examples include giving the right to live in your home to your partner during your partner's lifetime (or perhaps until your partner's (re)marriage); giving your partner the right to the income generated from the remainder of your estate during your partner's lifetime (or until your partner's (re)marriage). This may involve work which falls outside the will scheme and for which may have to levy an additional charge. There may also be continuing administration fees when the Trust has been set up and possible tax charges.

Assets which may not be covered by your Will.

- **Death benefits under a pension scheme** are usually distributed at the discretion of the pension fund trustees. You should therefore let them know of your wishes. Often they will require you to complete a nomination form indicating whom you would like to benefit.
- **Life Assurance Policies** if written in trust, are payable to the named person(s), whatever your will may say.
- **Assets held in joint names** may pass to the survivor. If you wish to leave your share of jointly owned assets to someone other than your co-owner, you may need to take steps to divide the ownership of those assets. If, for example, the jointly owned asset is your home you should have the wording of the title deeds checked. Normally, the title deeds are worded in such a way that your share would automatically pass to the other owner on death. This

requires conveyancing work such as drafting a declaration of ownership. This work falls outside the wills scheme and for which we may have to levy an additional charge.

If the property concerned is a joint bank or building society account you could perhaps transfer your share to a new account in your sole name so that you can leave that money to someone other than your co-owner.

If in later life I should become mentally infirm, can I arrange for a relative or friend to look after my affairs?

This can be arranged by way of a **Power of Attorney** which you can specify should not come into effect until you are incapable of managing your own affairs. You cannot make provisions for this in your Will.

Where should I keep my Will?
Thompsons will store your Will.

When should I change my Will?
You do not need to make a new will if anybody named in it changes address – you can simply leave a note with the new details with your will.

We advise that you should review your will when there is any major change in your life, such as marriage, separation, divorce, re-marriage, a death in the family.

We are always happy to discuss changes in your will and will re-write your will at the reduced rate agreed with your union.

Foreign Property

If you hold foreign property it may be necessary to also make a Will in the country where the assets are held. Please contact us for further advice.

And finally...

Please complete the enclosed questionnaire giving full names and full addresses in block capitals of everyone you wish to mention e.g. Elizabeth Anne Windsor *not* Betty A Windsor. Your application will be returned if not properly completed. Return the questionnaire to Thompsons at the address on the covering letter



Now that you're making a Will, you *really* must think about creating a Power of Attorney

A Power of Attorney is simply a legal document you sign now, appointing someone you trust to make decisions on your behalf if you become unable to make these decisions for yourself.

A relative or loved one can't just "step in" – without a Power of Attorney they face an expensive and lengthy court process just to be allowed to deal with your affairs.

A Power of Attorney is just as important as a Will – everyone should have one.

Tick this box if you wish to create a Power of Attorney

(we will create your Power of Attorney using the information you provide in the following pages)

OR CALL US NOW ON
0800 081 0071

WILL QUESTIONNAIRE

All information provided will be treated as strictly confidential and none of the persons named will be contacted.

PLEASE READ THE ATTACHED NOTES

Your Will is **FREE**, however we can offer you discounted rates on the following premium services:

Please tick appropriate box(es):

- I wish to complete my Questionnaire over the telephone
- I require my Will urgently
- I would like to create a Power of Attorney
- I would like to create a Living Will (Advance Medical Directive)

1. Union name:

2. Union membership number:

3. Your Full Name:

4. Your Permanent Address:

5. Telephone No: Home:

Work:

6. Date of Birth:

7. Marital Status:

Single

Divorced

Married/Civil Partnership

Widowed

Partner

8. E-mail address:

9. Full Name of Spouse/Partner:

10. Spouse's/Partner's Date of Birth:

11. Date of Marriage

12. Your children from this relationship

(if any, please state their full names, addresses and dates of birth. An additional page is attached if required):

13. Have you been married before?

Yes

No

If Yes, please provide name of former spouse/civil partner:

14. Do you have any other children from any previous relationships?

Yes

No

If Yes, please provide their full names, dates of birth and addresses if not living with you (an additional page is attached if required):

15. If you are separated from a spouse or civil partner but not divorced do you have a Legal Separation Agreement Yes No

If yes, please provide us with a copy when returning the completed questionnaire.

16. Have you made a Will before? *If Yes, Please provide a copy of this Will.* Yes No

17. Have you made any lifetime gifts of over £3,000? Yes No

Executors

18. Who do you wish to appoint as your Executor(s) to deal with your estate when you die?

NOTE: your executor(s) must be 16 years-old or older

Please provide full names, addresses, dates of birth and their relationship to you (an additional page is attached if required):

19. Should your Executor die before you, who would you wish to appoint as a replacement Executor?

Please provide full names, addresses, dates of birth and their relationship to you. (an additional page is attached if required):

Legacies

20. Do you wish to leave any specific items to any particular person? (e.g. a watch, jewellery, etc.) Yes No

If Yes, please provide details of the item(s), full names, addresses and relationship to you (an additional page is attached if required):

21. Do you wish to give a specific amount to any particular person/charity Yes No

If Yes, please provide details of the sums, full names, addresses and relationship to you (an additional page is attached if required):

Residue (i.e. your entire estate except for anything given away in Q.20 and/or Q.21 above)

22. If you have a spouse/civil partner/partner, do you wish them to inherit the whole of your estate Yes No N/A

23. If you have answered No or N/A to Question 22 which person(s) do you wish to inherit the remainder of your estate?

Please provide full names, addresses and relationship to you.

24. If the Residuary Beneficiary/Beneficiaries shown in questions 22 and 23 die before you, who do you wish to benefit from your estate?

Please provide full names, addresses and relationship to you.

25. If leaving the Residue of your Estate to your children, do you wish *their* children (i.e. your grandchildren) to benefit from your estate should they die before you?

Yes No

Guardians

26. If you have children under 16 have you decided who should act as Guardian to look after them if you and your Spouse/Civil Partner/Partner died at the same time, or in the even of your death if you are a single parent?

Insert names, addresses and their relationship to you (an additional page is attached if required):

Other Information

27. Do you wish to donate any organs of your body for transplantation? Yes No

28. Do you have any specific requests concerning burial or cremation? Yes No
 Burial Cremation

FINANCIAL CHECKLIST

This information is received in strict confidence and will not be disclosed to anyone outwith Thompsons.

WE MAY NOT BE ABLE TO PREPARE YOUR WILL WITHOUT THIS INFORMATION

PROPERTY & ASSETS	APPROXIMATE VALUE (£)	
	Value	Mortgage Remaining
Your home		
	Your share of joint property	Sole property
Other houses, land or buildings		
Household contents		
Bank account(s)		
Jewellery		
Stocks/shares		
Lump sums due (e.g. damages, redundancy, etc.)		

ADDITIONAL INFORMATION

Please quote question number beside each additional piece of information

NOW RETURN THIS FORM TO:

**Thompsons Solicitors
 Berkeley House
 285 Bath Street
 Glasgow G2 4HQ**