

Your Complete Guide to Wills



This guide is designed to help you understand the importance of Wills and how JR Levins can help you plan for the future. We'll break down legal terminology, answer common questions and provide practical advice. Making your will may be something you've been putting off or you haven't gotten around to yet, and although it can seem difficult, it's fairly easy. Or perhaps, you already have a will but haven't thought about updating it for a while.

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What is a Will?

A Will is a legal document that outlines your wishes for what should happen to your money, property, and possessions after you pass away. It ensures your loved ones are taken care of and helps avoid unnecessary stress or disputes. You can also include your funeral wishes and any special instructions.

Why Do I Need a Will?

A Will isn't just for people with large estates or complicated finances. It's for anyone who wants to make sure their wishes are respected, and their loved ones are looked after.

Here's why a Will matters:

- You stay in control – You decide who inherits your money, property and possessions.
- You protect your family – You can appoint guardians for children and make sure vulnerable relatives are cared for.
- You avoid disputes – A clear Will helps prevent arguments and confusion.
- You reduce delays – Your executor can act immediately, without waiting for court approval.
- You plan for tax – A well-written Will can help reduce inheritance tax and protect your estate.
- You can plan for care home fees – It may be possible to protect some of your assets from ever increasing care home fees.



Even if you think you don't have much to leave, a Will can still make a big difference. It's about ensuring peace of mind, for you and those you care about.

What Happens If I Don't Have a Will?

If you die without a Will, you're said to have died intestate. This means the law decides who inherits your estate, not you.

Here's what that could mean:

- Your spouse or civil partner may not receive everything if you have children.
- Unmarried partners get nothing - even if you've lived together for years.
- Stepchildren, friends, and carers are excluded unless named in a Will.
- Children from previous relationships may inherit unexpectedly, causing tension.
- Your estate may be taxed more heavily, especially if assets aren't passed efficiently.

The rules of intestacy follow a strict legal order. They don't consider unmarried couples, personal relationships, promises, or your wishes. This can lead to delays, legal costs and emotional stress for your family.

What Do I Need to Include in My Will?

To make your Will clear and effective, here's what you should include:

- Your executor(s) – These are the people who will carry out your wishes and manage your estate. Choose someone you trust.
- Your beneficiaries – Who do you want to inherit your money, property, and possessions? Be specific to avoid confusion.
- Specific gifts (optional) – You can leave particular items (like jewellery or heirlooms) or sums of money to named individuals.
- The residue of your estate – This is what's left after debts, taxes, and gifts are paid. Decide who should receive this.
- Contingency plans – What happens if a beneficiary dies before you? You can name backup beneficiaries.
- Charitable donations – If you'd like to leave something to a charity, include their full name and registered number.



The clearer your Will, the easier it is for your loved ones to follow your wishes without stress or confusion.

How Do I Choose an Executor for My Will?

Your executor is the person (or people) responsible for making sure your Will is followed. It's an important role, so choose carefully.

- Pick someone who is organised, trustworthy, and able to handle paperwork and decisions. Many people choose a family member or close friend. You can also appoint a solicitor, especially if your estate is complex.
- Talk to them first. Make sure they understand what's involved and are happy to take it on. Executors can inherit from your Will, but they're not usually paid unless they're professionals. You can also leave a gift on the condition that someone acts as your executor.
- You can appoint up to four executors. Having more than one can help share the responsibility and ensure someone is available if another can't act. You can mix family and professionals, but not all solicitors offer joint executor services—check with us first.



JR Levins can act as your professional executor, or we can help guide your chosen executor through the process.

How Do I Update My Will?

Whether you've moved house, welcomed a grandchild, or lost a loved one, it's important to keep your Will up to date so it reflects your current wishes.

You should review your Will:

- Every 2-5 years
- After major life events (marriage, divorce, birth, death, inheritance)

Changes - like changing beneficiaries or dividing your estate differently, usually require a new Will. Your new Will should clearly state that it replaces all previous versions.

Never write or undo (tear apart) your original Will – it could make it invalid. JR Levins can help you update your Will properly and securely.



Updating my will was important after the birth of my beautiful new grandson! – Kath, 62

Can I Exclude Someone from My Will?

Yes, you can. In England and Wales, you're legally allowed to leave your estate to whomever you choose. This is called testamentary freedom.

However, excluding someone can be sensitive and may lead to legal challenges, especially if they are a close relative.

Consider seeking legal advice especially if the person you're excluding is financially dependent on you.

Can Someone Challenge My Will If I Exclude Them?

Yes, certain people can challenge your Will under the Inheritance (Provision for Family and Dependents) Act 1975. This law allows individuals who were financially dependent on you to apply for 'reasonable financial provision' from your estate.

You can't stop someone from making a claim, but you can:

- Write a new Will with clear wording
- Include a Letter of Wishes explaining your decision
- Get professional advice to ensure your Will is robust

What Is Inheritance Tax and How Can a Will Help?

Inheritance Tax is a tax that might be charged on everything you own when you pass away, including your house, savings, and belongings. In the UK, this tax is usually 40%, but only on the part of your estate that's worth more than £325,000.

You might be able to increase this limit up to £500,000 if you leave your home to your children or grandchildren. Anything you leave to your spouse, civil partner, or a charity is usually tax-free.

A professional solicitor can help you write a Will which reduces the amount of tax your family might have to pay by:

Making sure your money and property go to people or organisations that qualify for tax relief

Using trusts or gifts to help reduce the value of your estate that's taxed

Including gifts to charity, which can lower the tax rate

Will My Pension Be Taxed When I Die?

This is a question we're hearing more often – and with good reason. From April 2027, unused pension funds will be included in your estate for Inheritance Tax (IHT) purposes.

Here's what that means:

- If you pass away with pension savings you haven't used, they may be taxed at 40% if your estate exceeds the IHT threshold.
- Transfers to a spouse or civil partner remain tax-free.
- Your personal representatives (executors) will be responsible for reporting and paying any IHT due on your pension.

Can I Protect My Property From Care Home Fees?

Many people worry about losing their home to pay for care. While there are legal ways to protect your property, it's important to plan carefully and avoid risky strategies.

Here's what you need to know:

- If your assets (including your home) exceed £23,250, you may have to pay for your own care.
- Your home may be excluded from the financial assessment if your spouse or civil partner still lives there.
- You can change ownership to Tenants in Common and include a Property Protection Trust in your Will. This can help ring-fence your share of the home for your children.
- Lifetime trusts and gifting property may be challenged by the council if they believe you're trying to avoid care fees.

What is Deprivation of Assets and Why Does It Matter?

If you give away money or property to avoid paying for care, your local council may treat it as if you still own it. This is called deliberate deprivation of assets.

Examples include:

- Gifting your home to children
- Transferring property into someone else's name
- Spending large sums suddenly or unusually
- Putting assets into a trust

There's no time limit like the 7-year rule for inheritance tax. Legislation allows councils to look back indefinitely and may still include the value of those assets in your care fee assessment.

Book your Will or Power of Attorney appointment today

We understand that talking to a solicitor can feel daunting. That's why we keep things simple and straightforward.

 Visit our website: www.jrlevins.co.uk

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