

Crossroads
Care Surrey



The making your will guide

crossroadscaresurrey.org.uk

Have you thought about your legacy?

For many people, it is important that upon their death, their estate is distributed to family, close friends and the charitable causes they care about the most. Having a will can ensure your wishes.

This guide is designed to help you through the process of writing a new will or adding to, or amending your existing will.

We will also explain how to leave a gift for family, friends or a charity in your will, the different types of legacy gift and how leaving a legacy gift can potentially reduce the amount of inheritance tax payable against your estate.

The information in this booklet is for guidance only and we would always recommend that you seek the advice of a solicitor before making or amending your will.

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For further guidance on will-making or to find out more about leaving a gift to Crossroads Care Surrey in your will, contact us:

legacy@crossroadscaresurrey.org.uk 01372 869 970

Why it's important to leave a will

What is a will?

A will is a legal document containing instructions as to what should be done with your money and property after your death. With this in mind, it is very important that you seriously consider writing a will to express how you would like your estate to be distributed and to whom.

Why do I need one?

If you die before making a will, any wishes about how you would like your estate to be shared may not be followed. This known as becoming 'intestate' and a series of rules known as the 'intestacy rules' will be used to determine how your estate is to be distributed. To find out more about intestacy rules, visit:

www.gov.uk/inherits-someone-dies-without-will

A written will:

- Can help your spouse receive their inheritance without a lengthy process.
According to the intestacy rules, if you are married or in a civil partnership with no children, your spouse should receive your entire estate. However, without a will your spouse will be required to apply for a 'grant of letters of administration' – a lengthy process involving an interview with the probate registry and a great deal of bureaucratic form filling.
- Allows unmarried partners to provide for and protect each other.
Under intestacy rules, if you are in a long-term relationship but are not married, your partner will not be entitled to anything from your estate. That includes any of your possessions that might hold sentimental or special memories for you both.
- Offers the opportunity for a step-parent to provide for their stepchildren.
Under intestacy rules, your stepchildren have no entitlement to your estate, no matter how close a relationship you have with them.
- Can provide protection to any children less than 18 years of age by appointing a guardian legally responsible for their care if there is no second parent to do so.
- Can potentially provide tax benefits to your estate depending on who you leave your estate to.
- Gives you the opportunity to leave charitable gifts should you wish to be so.

It is never a pleasant experience contemplating your own death, but leaving a will is a very sensible way of planning for the future to protect your loved ones.

Where to start

The first step in considering your will is to make a list of all your assets such as property, cash, investments, vehicles and any other valuable possessions.

There is a useful checklist on page 10 to help you do this.

➤ Property

For many people, the most expensive possession they will ever own is their own home. If you own your home jointly with your spouse, civil partner or partner, it is very important that you understand before making your will whether you own your home as joint tenants or tenants in common.

A joint tenancy is a special form of ownership by two or more persons of the same property. The individuals, who are called joint tenants, share equal ownership of the property with equal rights. Joint tenancy creates a right of survivorship, meaning the surviving owner automatically receives the deceased owners share of the property.

As **tenants in common** you can own different shares of the property. If you die, unlike joint tenancy, property doesn't automatically go to the other owners. You can pass on your share of the property in your will as there is no right of survivorship.

If you are unsure, for a small fee the land registry is able to provide documentation to show whether you own your home as a joint tenant or a tenant in common. To obtain this information you will need to complete an "official copies of documents" application on the land registry website: www.landregistry.gov.uk for an "official copies of documents" application form.

Choosing your beneficiaries

You can choose anyone you wish to benefit from your will. It may seem obvious, but it is important to choose your beneficiaries with care and name them in your will as explicitly as possible.

If you leave a gift for an individual, use their full name and full last known address.

If you leave a gift for charity, give the full name and address of that charity and its registered charity number. This information can be found on the charity commission website:

www.charitycommission.gov.uk

if you have any dependants, you should be aware that the inheritance (provision for family and dependants) act 1975 requires that, wherever possible, you should leave your dependants sufficient funds. If you do not do so, your dependants could attempt to make a claim on your estate via the act.

If you have a particular reason as to why you would not want to leave your dependants anything, it is advisable to create a "letter of wishes" in which you can explain your reasoning. A solicitor can help you do so.

Choosing your executor(s)

An executor is the person or persons named in your will who is responsible for handling your estate and making sure that your wishes are carried out after you die.

An executor's duties include ensuring that all debts, bills, funeral expenses and taxes are paid from your estate and that all your beneficiaries receive what you intended them to inherit.

It's important to choose your executor(s) carefully. You might want to choose a friend, a family member, or a professional, such as your solicitor or accountant. Or you could choose a combination of two or more of these.

Preparing your will

There is no obligation in law to hire a professional to write your will or to use a will-writing service, but the legal and financial consequences of any error or oversight in the process can be quite serious so you might see the cost of the legal fees as a wise investment.

For some people, the idea of visiting a solicitor to discuss issues such as their personal wealth and eventual death is a daunting prospect, and can be enough to find excuses to put off making a will until another day.

To make the process of leaving a will as easy as possible, we have teamed up with the Goodwill Partnership who are specialists in writing wills. Find out more about how they can guide you through making a will in the comfort of your own home.

[The Goodwill Partnership](#)

Signing your will

It is crucial to follow the correct procedures when signing your will otherwise your will may be declared invalid.

We suggest that you follow this procedure to be confident that your will is valid:

The testator (the person whose will it is) and two witnesses must be in the same room at the same time for the whole process of signing and witnessing the will.

The first person to sign must be the testator and they should sign in the sight of both witnesses.

Each witness should then sign in the sight of the testator and the other witness.

Storing your will

Once your will is correctly signed and witnessed, it is a legal document. It is important to store your will safely and inform your executor (or executors) where it can be found if your will was prepared by your solicitor, it is usually possible to ask them to store the original safely and give you a copy, free of charge.

Making changes to your will

After you have made your will, you may change it at any time. People often consider updating their will after a change of circumstances, such as:

- A marriage or divorce
- The birth of a child
- A major change in financial circumstances
- The death of a partner or other beneficiary
- A change of mind

To change your will, you cannot simply write changes on the existing document.

There are two valid ways to change your will:

- By making a codicil for small changes
- By making a new will and revoking the old one for major changes

Your solicitor will be able to offer you guidance on the best way of making changes that meet your new requirements.

Crossroads Care Surrey:

Since 1985, Crossroads Care Surrey has been helping carers across the county through providing professional care services in the home and community to support loved ones with care needs, enabling unpaid carers to have respite time away to look after themselves so they can keep caring.

Right now, we're helping more than 900 families with professional care services including regular respite breaks, end of life care and activity centres in the community.

As we look to the future, we hope to expand our support even further. There are more than 119,000 unpaid carers in Surrey and we want to be there for any unpaid Carer asking for help.

By leaving a gift in your will, you can help to ensure that Crossroads Care Surrey continues to make a positive and life-enhancing difference for those who care.

Why I left a legacy:

"I knew my father had dementia for a few years prior to him being diagnosed with vascular dementia. Living 300 miles away in London, I could not always be there for my mother as his main carer.

On every visit back home, I could clearly see the toll caring was having on my mother's health and well-being, so I helped mum financially to get the regular help and support she needed which made a big difference; allowing her to have a few simple hours each week to visit a friend or go for a swim which she loved to do.

My mother cared for my father for 15 years before he died. She was able to get help, but for many carers, the support is simply not there, or affordable.

I've chosen to leave a legacy to Crossroads to help unpaid carers to be able to keep living healthy and happy lives whilst they are caring."

John, aged 57

Your Legacy could...

If you are considering a legacy gift to support unpaid carers, here are some examples of how your legacy can make a big difference.

Your legacy could:

- **HELP** - Give carers important respite time away from caring to look after their own health & well-being.
- **CREATE** – support groups and helplines for carers to protect the wellbeing of families affected by health issues or disability.
- **TRAIN** - Provide enhanced training courses for new care professionals to develop skills to support 'end of life' care.
- **TACKLE** – the effects of social isolation and loneliness in by regularly contacting unpaid carers with a befriending call.
- **PARTNER** – working in collaboration with partner organisations to support additional services, like over-night care services, giving carers the opportunity for a short break away.



- **FUTURE** – provide educational and technological solutions to support carers whilst they are caring.
- **ESTABLISH** - more support for parents and young carers including educational resources for children with care needs.
- **EDUCATE** - employers to be more understanding of employees who balance work and caring for a loved one.
- **REASSURE** - that Crossroads Care Surrey will be there for their loved ones if they need support.

Consider inheritance tax issues

By remembering Crossroads Care Surrey in your will you may be able to reduce the taxable value of your assets and lower the amount of inheritance tax due on your estate.

The inheritance tax (IHT) threshold changes from time to time so to make sure you know the most recent threshold, visit:

www.gov.uk/inheritance-tax

If the total value of your estate is above this threshold, the amount over the threshold could be subject to IHT. Married couples and civil partners can combine their tax allowances which allow the surviving spouse or civil partner to benefit from any unused portion of their spouses or civil partner's allowance as well as their own.

If you leave your main residence to your son, daughter or grandchildren, your IHT threshold will increase for the most up-to-date threshold amount, visit:

www.gov.uk/inheritance-tax

As Crossroads Care Surrey is a registered charity, a gift to us, or any registered charity in your will, would be exempt from IHT. The gift will be deducted from your estate before IHT is calculated, and so reduce the amount of IHT payable.

There is further incentive if you can leave Crossroads Care Surrey 10 percent or more of your taxable estate as the IHT rate charged against your estate will be reduced from 40 per cent to 36 per cent.

A solicitor, accountant or tax advisor will be able to give more detailed advice and guidance on tax efficient giving. You could also visit the government. Money advice service at:

www.moneyadviceservice.org.uk

For further information please go to:

www.gov.uk/inheritance-tax

Useful information for your solicitor

If you choose to leave a gift to Crossroads Care Surrey, please make sure that you use the full name, address and charity registration number:

Name: Crossroads Care Surrey

Address: 121 Kingston Road, Leatherhead, Surrey, KT22 7SU

Charity Registration Number: 1125048

Simple wording errors in a will can cause confusion and delay in carrying out your wishes.

For the convenience of a solicitor who may be helping you draw up your will, here are some examples of useful and accurate wording covering the types of legacy gift you can make to our charity.

Types of legacy gift

A pecuniary gift is a gift of a fixed amount of money.

If you are considering making a pecuniary gift to Crossroads Care Surrey, we would suggest the following wording in your will:

'I give to Crossroads Care Surrey, registered charity number 1125048, of 121 Kingston Road, Leatherhead, Surrey, KT22 7SU the sum of £_____ and I direct that (I) the proceeds may be used for the general purposes of Crossroads Care Surrey and (II) a receipt signed by a person for the time being authorised by the trustees of Crossroads Care Surrey shall be a good and sufficient discharge to my executor'.

A residual gift is a gift if all or part of your net estate.

Net estate: calculated by taking the value of your estate and deducting any of your debts, funeral and testamentary expenses.

If you are considering making a residual gift to Crossroads Care Surrey, we would suggest the following wording in your will:

‘I give Crossroads Care Surrey, registered charity number 1125048, of 121 Kingston Road, Leatherhead, Surrey, KT22 7SU _____% of the residue of my net estate absolutely and I direct that (I) the proceeds may be used for the general purposes of Crossroads Care Surrey and (II) a receipt signed by a person for the time being authorised by the Trustees of Crossroads Care Surrey shall be a good and sufficient discharge to my executor’.

A reversionary gift (otherwise known as a will trust) is in effect a postponed gift.

By making a reversionary legacy, you are leaving your estate, or part of it, in trust for the benefit of a particular person (the life tenant) during their lifetime. They benefit from using the assets or receiving the income from them, during their life. On their death, the trust is usually wound up and the remaining capital is distributed to the chosen beneficiaries (Called remainderman beneficiaries) such as Crossroads Care Surrey.

- *A contingent gift depends upon the occurrence of an event which may or may not happen.*

An example is a bequest to a charity which applies only if other beneficiaries named in the will die before the testator (the person who made the will).

- *A specific gift is a gift that need not be in the form of money.*

It enables you to leave specific assets such as property, stocks and shares or other valuables if you so wish.

Gifts in memoriam

Gifts in memoriam can be requested in your will if you would prefer mourners to make a donation to Crossroads Care Surrey rather than sending flowers.

The following wording will make sure that your wishes are met:

‘I request my Executor to ensure that instead of flowers at my funeral, donations are made to Crossroads Care Surrey, Registered charity number 1125048, of 121 Kingston Road, Leatherhead, Surrey, KT22 7SU’.

Thank You...

Legacy gifts in wills have helped carers in Surrey with:

- Sensory equipment for the Children’s Club
- New day centres in local community settings
- Digital technology to offer telephone befriending

If you have left a gift to Crossroads Care Surrey in your will and would like to share your story, please email:

legacy@crossroadscaresurrey.org.uk. Thank you.

If you leave a gift to charity in your will, there is no legal obligation to inform the charity of the details of the gift, but we are always interested in the story behind your gift. If you have left a gift to Crossroads Care Surrey and wish to inform us that you have done so, you can contact us at the following:

Crossroads Care Surrey, 121 Kingston Road, Leatherhead, Surrey, KT22 7SU

legacy@crossroadscaresurrey.org.uk

01372 869 970

Checklist of assets

You may wish to complete this form and take it with you when you discuss making or changing your will with your solicitor.

What you own (your assets)

You should include your share of any property, money or possessions owned jointly with any person, including with your husband or wife.

Home (main residence).....	£.....
Other property.....	£.....
Household contents (insurance value).....	£.....
Valuables (insurance value).....	£.....
Furniture/antiques (insurance value).....	£.....
Jewellery (insurance value).....	£.....
Vehicles (resale value).....	£.....
Savings and cash (incl. bank and building society accounts).....	£.....
Stocks and shares (market value).....	£.....
Total.....	£.....

Other investments

Pension benefits* (check with your pension provider).....	£.....
Any other investments.....	£.....
Life insurance* (check with your insurance provider).....	£.....
Any other assets.....	£.....
Total.....	£.....

What you owe (your liabilities)

Mortgage.....	£.....
Bank loans.....	£.....
Hire purchase agreements.....	£.....
Bank overdrafts.....	£.....
Credit cards.....	£.....
Tax owed.....	£.....
Any other bills.....	£.....
Total.....	£.....

The value of your estate (total assets minus total liabilities)

You may also be interested in our power of attorney factsheet. To find out more, visit: legacy@crossroadscaresurrey.org.uk