

WILLS AND PROBATE

Factsheet



Making the best provision for your family or your business now and in the future requires careful financial planning. Here at Coles Miller, we have an experienced team of solicitors and legal advisors, based in all our offices, who specialise in matters associated with Wills and Probate. We understand that dealing with these issues is often difficult and emotional, which is why we treat every case with sensitivity and care, and provide straightforward and practical advice.

Making a Will

Coles Miller cannot stress enough the importance of making a will. At the last count, a staggering 75% of people die without having made plans for their property or possessions. Many think that their estate will automatically go to their next of kin but it's just not that simple. Whatever the size of your estate, you should always leave a clear and legally binding statement of your wishes. Making a will is the only way to guarantee that your wishes are respected after your death. We can discuss with you the best way of ensuring that your intentions for your assets will be carried out.

We believe your will is one of the most important documents that you will ever sign and should be dealt with by specialist lawyers. We will advise you on:

- Appointing executors and trustees to deal with your assets
- What provisions you need to consider for your children
- How to minimise any Inheritance Tax payable on your estate
- What to do if you hold joint property or have a pension plan that pays death in service benefits
- How best to deal with your business assets

In addition to preparing your wills, we can offer an executorship service. Family members or close friends do not always have the time and expertise to carry out the functions of an executor. We are happy to accept appointments as executors either as a firm or jointly with your friends or family.

Probate and Administration of Estates

The loss of a loved one can be a difficult time and dealing with their estate is a personal and sensitive matter. We can guide you through the legal complications of administering estates, which can be an added burden at a time of bereavement. We offer a caring service and deal with all aspects of estate administration including obtaining a grant of probate, running any necessary trust (such as investing money for an infant), and providing beneficiaries with advice on taxation matters.

Personal Affairs

As we grow older we often worry about what will happen to our personal and financial affairs and who will manage them if we become too ill to do so. There are two ways in which relatives or friends can be appointed to take on this role.

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1. Lasting Powers of Attorney

A Lasting Power of Attorney (LPA) is a document that enables other people (the attorneys) to make decisions when you cannot do so yourself. There are two types: one to deal with your property and financial affairs; and one about your health and welfare. Making LPAs gives you reassurance that future decisions will be made by the people you have chosen. Coles Miller can guide you through the process of setting up these documents.

2. Court of Protection

If an individual becomes mentally incapable of managing their own affairs and they have not previously appointed an attorney under an EPA or LPA, an application must be made to the Court of Protection to appoint such a representative. We can assist with your application and help ensure it is promptly processed to enable you to take over the management of the individual's affairs.

Advance Decision

An Advance Decision, previously called a "living will", is a document setting out when you would not want to receive life-prolonging medical treatment if you could not make your own health care decisions. Coles Miller can assist in preparing a document to meet your requirements. Copies will be provided for you to retain and pass to your doctor. Forward planning like this can be comforting to relatives and is normally binding on medical staff.

Care Home Funding

As people's average life span increases, so does the possibility that you may live in a nursing or care home. One of your concerns may be about funding such care and that is good reason to consider planning for this eventuality now. You can get financial help in some situations from the local council and NHS. However the rules regarding funding can be complicated. Coles Miller can help with this matter and offer practical advice.

Personal Taxation

We also provide advice on taxation, post divorce settlements and routine capital taxes planning.

Found this information useful and want to know your next steps?



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