



Probate, Trusts and Wills

Points for the mature mover to consider

As Benjamin Franklin said 'There are only two certainties in life - Death and Taxes'. Whilst we can not do anything about the former we can try and assist with the later and make life easier in other ways.

There are a number of issues that most people either do not consider or decide to put off until they become necessary.

Whilst that is understandable the problem we find is that clients always put off until tomorrow the things they really ought to do today!

Overleaf are some points that you ought to consider as part of the moving process

These are very much bullet points but if you need more information please ask your conveyancer to arrange to send you more information

Wills - why bother?

There are a lot of excuses that we tell ourselves to justify not making a Will. The most common are: I don't have anything to leave; it will all pass to my husband/wife/partner; my family know what I want or it's too complicated.

Even if you think you have nothing now, this may not be strictly true. You may have life insurance, a pension policy or acquire assets in the near future or have cherished personal possessions you want to ensure go to the people you want them to.

- ◆ A Will could save you tax
- ◆ These days with second marriages and extended families it is more important to ensure that what you want to happen does happen
- ◆ There may be the ability to make arrangements to reduce the possibility of paying care home fees in the future





Living Wills

These can be used so that if in the future you need someone to make decisions about your care and quality of life they can do so and it will help to ensure that your wishes are carried out.

- ◆ Peace of mind that your wishes as to care are carried out
- ◆ Peace of mind as to the level of medical intervention
- ◆ You should also consider Lasting Powers of Attorney

Power of Attorney

A Power of Attorney is a formal way to grant additional legal authority to make decisions to another person or persons. The person granting the authority is known as the Donor

There are two types of Power of Attorney; a General Power of Attorney (GPA) and a Lasting Power of Attorney (LPA). There are then two forms of LPA, one for Property and Affairs, and one for Health and Welfare. You can have one or the other, or both.

The GPA is normally used for a limited period of time and simple decisions. The authority granted will cease immediately if the Donor is no longer mentally capable of supervising their Attorney and for that reason a Lasting Power would be recommended.

A Lasting Power is costly but:

- ◆ It can be used instead of a Living Will and deal with provision and type of care
- ◆ It is a lot less expensive and distressing than an application for a Court of Protection Order

Possible saving of Nursing Home Fees

In certain circumstances it may be possible to arrange matters so that potentially:

- ◆ Nursing home fees may not be payable
- ◆ Or fees may only be payable on one owner's share of the property

However, this needs careful consideration as there could be problems if a share in the property is left directly to children.

Benefit Advice

If need be our experts in the Probate Wills and Trusts Department can advise on the availability and types of benefits available such as attendance allowances carer allowance and pension credits.

Investment Advice

Whilst we cannot give investment advice, we have links with several Independent Financial Advisers who have a proven track record in this field and can advise on a range of investment tools and annuity plans.

Advice on care homes

We deal with a lot of care homes on a regular basis and are happy to let you have our opinion on a home. That way you will no longer need to be nice to your children as they may not be choosing your care home.



For further advice or information please contact a member of our Probate, Trusts & Wills team at enquiries@mayowynnebaxter.co.uk
Offices at Brighton 01273 775533, Eastbourne 01323 730543, Lewes 01273 477071 and Seaford 01323 891412

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