

# WILL QUESTIONNAIRE



Please specify whether these instructions relate to:

- Single Will
- Mirror Wills for a co-habiting couple
- Mirror Wills for a married couple/civil partnership

*NB: References to civil partnerships in these instructions apply to civil partnerships registered on or after 5 December 2005*

## 1.1 Your Personal Details

Title: Mr/Mrs/Miss/Ms/Other	Occupation:
Surname:	Full Postal Address:
<b>Full</b> Forenames:	
Any other name used in financial documents/accounts:	Town and country of birth:
Date of Birth:	Marital Status:
Tel No. (Home/Daytime):	Mobile:
Email Address:	

## 1.2 Your Spouse / Partner's Details

Title: Mr/Mrs/Miss/Ms/Other	Occupation:
Surname:	Full Postal Address:
<b>Full</b> Forenames:	
Any other name used in financial documents/accounts:	Town and country of birth:
Date of Birth:	Marital Status:
Tel No. (Home/Daytime):	Mobile:
Email Address:	

Have either of you made a Will before?  Yes  No

Where are the Will(s) held?

Once completed, do you wish your original Will to be stored by us?

Yes  No

If not, where do you wish it to be stored?

Name	Address

### 1.3 Your Personal Circumstances

Are you married to your partner?  Yes  No

If you are unmarried, do you intend to marry or enter into a registered civil partnership in the near future? \*  Yes  No

If yes, is the Will to be effective ONLY after the marriage or registered civil partnership has taken place? \*  Yes  No

Are you separated, legally or otherwise, from your spouse or are you intending to become separated in the near future? \*  Yes  No

Do you have a spouse or partner who will NOT be included in your Will? \*  Yes  No

Have either of you or your Partner been married before? \*  Yes  No

Do either of you pay toward the maintenance of any person who will NOT benefit under your Will? \*  Yes  No

Does the Will have to be read to you because of impaired vision?  Yes  No

Does the Will have to be read to you because you do NOT understand written English?  Yes  No

Do you consider yourself to be permanently resident in England or Wales?  Yes  No

Are either of you a beneficiary under a current trust? \*  Yes  No

\* If you have answered 'Yes' to one of more of the questions marked with an asterisk then please provide details in Section 12 (Additional Information).

### 2. Details of Children

Child's full name	Date of birth
1.	
2.	
3.	
4.	
5.	

If any of the above children are or have been born outside marriage, are adopted, are a step child, or have a mental or physical impairment in any way please provide us with further details in Section 12 (Additional Information).

### 3. Your Estate

Please enter below the APPROXIMATE current value of your assets and your spouse's/civil partner's/partner's assets. Please also list any outstanding liabilities such as loans or mortgages:

<u>Assets</u>	<u>Owned by You</u>	<u>Owned by your Spouse/Partner</u>	<u>Owned Jointly</u>
Main Residence	£	£	£
Any other property or land	£	£	£
Bank/Savings Accounts	£	£	£
Investments	£	£	£
National Savings Products	£	£	£
Life Assurance/ Insurance policies	£	£	£
Foreign Assets	£	£	£
Are you a beneficiary under a Trust? Please add values	£	£	£
Pensions	£	£	£
Other (please specify)	£	£	£

#### Liabilities

Mortgage	£	£	£
Others (e.g. loans, credit cards etc)	£	£	£

Any Gifts made by you/ your partner exceeding £3,000 per annum?  Yes\*  No

\* If yes, please provide details in Section 12 (Additional Information).

## 4. Executors

An executor is the person or persons you appoint in your Will to wind up and distribute your estate.

It makes sense to choose someone who is younger than you (although over 18 years) and in good health. Normally there are one or two executors, but you can appoint up to four. Some people decide to appoint the solicitor who prepares their Will as an Executor, to act alone or jointly with a member of their family or a friend. We would be happy to act as executor if you would like. A beneficiary can also act as executor.

Please indicate who you wish to appoint as your executors.

Spouse/Civil Partner/Partner

Archers Solicitors

Other (please state below):

Full name and address of First Executor:	Full name and address of Second Executor:
Relationship to you:	Relationship to you:
Full name and address of Third Executor:	Full name and address of Fourth Executor:
Relationship to you:	Relationship to you:

Substitute Executors

Full name and address of First Substitute:	Full name and address of Second Substitute:
Relationship to you:	Relationship to you:

## 5. Funeral Instructions

Any instruction you give to your executors regarding your funeral wishes are not legally binding, although they should always try to abide by your wishes. However, it is sensible to tell your next of kin your funeral wishes or where they can find a letter of wishes, as the Will is often not looked at until after the funeral

You	Burial	<input type="checkbox"/>	Cremation	<input type="checkbox"/>
Your Spouse/Partner	Burial	<input type="checkbox"/>	Cremation	<input type="checkbox"/>

<b>Special Instructions</b> (please complete if you have any particular preferences).
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If your requirements are very detailed or complicated then it may be worth leaving separate instructions to the person or persons who are likely to carry out your arrangements and keep a copy with your Will(s) or consider a pre-paid funeral plan.

## 6. Guardians of Minor Children

If you have any children who are under 18 years of age you may wish to consider appointing guardians to look after them in the event of the death of you (and your spouse/partner).

### Details of Guardian(s)

Full name of First Guardian:  Relationship to you:	Full Postal Address:
Daytime Tel No:	
Full Name of Second Guardian:  Relationship to you:	Full Postal Address:
Daytime Tel No:	

You should ask the people you are appointing as Guardians to ensure that they are prepared to take on the responsibility before they are named in the Will.

## 7. Gifts

Many people wish to make gifts of money or special items. These are called 'legacies'. What is left is then known as 'residue'

### 7.1 Specific Gifts

Please list any gifts of specific items, such as personal items, jewellery or furniture, that you wish to make in your Will.

Alternatively you may wish to use the option of leaving items to beneficiaries in a separate note written after you have signed your Will. If you are going to do this, please tick here

**NB** Please note that if either an informal letter or Memorandum of Wishes is prepared by you, Archers Solicitors can take no responsibility for its legal validity or effect. If you are in any doubt, we advise that you make a Codicil to your Will instead.

	ITEM	RECIPIENT'S FULL NAME	ADDRESS	RELATIONSHIP TO YOU
1.				
2.				
3.				
4.				

### 7.2 Gifts of Money

Please list any gifts of money that you wish to make in your Will. Unless you specify otherwise, a child will receive their gift at age 18. It is possible to postpone this until they are older, although, depending on the size of the gift, there may be some tax to pay.

If you would like more information, please contact us to discuss this further.

	AMOUNT £	RECIPIENT'S FULL NAME	ADDRESS	RELATIONSHIP TO YOU	WHEN TO TAKE EFFECT? (if mirror Wills)
1.					On 1st Death* On 2nd Death* Both Deaths*
2.					On 1st Death* On 2nd Death* Both Deaths*
3.					On 1st Death* On 2nd Death* Both Deaths*
4.					On 1st Death* On 2nd Death* Both Deaths*

\* Please circle as appropriate

Note: Please continue with further details for sections 7.1 or 7.2 using the space provided in Section 12 if necessary.

## 8. Nil Rate Band Discretionary Trusts

This section is for married couples and civil partners only.

An amount of £325,000 of an estate can be passed on free of Inheritance Tax ((IHT) Nil Rate Band). IHT is charged at 40% on anything over the amount of £325,000. However, transfers between spouses and civil partners are exempt so no tax is paid on the death of the first person.

To ensure that the maximum IHT saving is made you need to use both nil rate bands, which can now be transferred to the surviving spouse to use upon their death.

Alternatively you can use a discretionary trust and this is often needed in situations such as second marriages, re-marriage of the surviving spouse or children that cannot be trusted to use their inheritance wisely.

Please speak to us about what you think you would like to do and we can tell you if it is possible.

We would like to include discretionary trusts in our Wills.  Yes  No

## 9. The Residue of Your Estate

The 'residue' of your estate, usually the bulk of it, is what is left after payment of debts, taxes, gifts, and funeral expenses.

The possibilities are endless, but we have identified the 5 most common ways of dealing with the residue of an estate. Read them carefully and choose **ONE** which best suits you. If you are in doubt, say so and we will advise.

### SELECT ONE ONLY AND PROVIDE FURTHER INFORMATION IN BOX PROVIDED:

1. I wish to leave all the residue of my estate to my spouse/partner, but if he/she dies before me, to the people named overleaf in equal shares.
2. I wish to leave all the residue of my estate to my spouse/partner, but if he/she dies before me, to the people or organisations named overleaf in the percentages indicated.
3. I wish to leave all the residue of my estate to the person(s) or organisations listed overleaf in the percentages indicated.
4. I wish to leave all of the residue of my estate on trust for my spouse/partner so that he/she is entitled to the income / right to occupy the property for life in order to protect the capital for my ultimate beneficiaries (often preferred if second marriage/partnership).
5. I would like to discuss leaving all or the residue of my estate on a discretionary trust.

If you have ticked either option 2 or 3, please remember, the totals must add up to 100%.

<b>% OF RESIDUE</b>	<b>RECIPIENT'S NAME (AND AGE IF APPLICABLE)</b>	<b>ADDRESS</b>	<b>RELATIONSHIP TO YOU (if any)</b>	<b>If this person dies before you, do you want any children they may have to inherit their share?</b>
				YES / NO / N/A
				YES / NO / N/A
				YES / NO / N/A
				YES / NO / N/A
				YES / NO / N/A
<b>100%</b>				

Don't forget that the totals must add up to 100%

\* Please continue in Section 12 (Additional Information) if necessary.

**SUBSTITUTE OR RESERVE BENEFICIARIES**

Should you and your immediate family be involved together in an accident and your deaths occur close together, please indicate below to whom your estate should pass.

\* Please continue in Section 12 (Additional Information) if necessary.

## 10. Possible Claims against your Estate

Any person who is financially dependent on you at the time of your death may make a claim against your estate after you have died. Therefore if you exclude someone from your Will who may have a claim on your estate it is usually a good idea to write a letter to explain the reasons and have it stored with your Will

This section should be completed if any of the categories of the persons named below are to be left out of your Will or you are only making a token or nominal gift to them.

- Spouse/Civil Partner
- Ex-Spouse/Civil Partner who has not remarried (if not prevented from making a claim under the terms of the divorce or dissolution)
- Biological children
- Anyone for whom you have accepted financial responsibility (e.g. by financial payments or other support such as rent free accommodation)

Please advise us in the space below with details of the people who may claim that they have been excluded from your Will as an oversight. You should also indicate if the exclusion was mutually agreed. Please continue on a separate sheet if necessary.

<b>Notes</b>
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## 11. Your Professional Advisors

<b>My Accountant is:</b> Name: Firm Name: Address:  Telephone: Email:	<b>My Financial Advisor is:</b> Name: Firm Name: Address:  Telephone: Email:
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## 12. Additional Information

Please use the space provided below for any special instructions or information you feel may be relevant for the preparation of your Will(s)

### 13. Declaration

#### Preparation and signing of your Will

IMPORTANT - Your Will(s) cannot be prepared until this declaration has been signed.

I/We confirm that I/we am/are over the age of 18 years and am/are of sound mind.

I/We certify that the information given in this form is true and complete and correctly represents my/our wishes and is to be used as a basis for preparing my/our draft Will(s).

In addition to appointments, legacies and distribution of residue I/we agree to my/our Executors and Trustees having normal powers to aid the administration of my/our estate(s). I/We know of no other trusts or constraints which would prevent my/our estate(s) being distributed as I/we have requested.

I/We understand that Archers Law may contact me/us to confirm my/our instructions.

PLEASE NOTE:

- An additional charge will arise after your Will(s) have been prepared should you make any alterations to your wishes that necessitate us in substantially redrafting your Will(s). Therefore please check carefully that this form does reflect your wishes and nothing has been left out.
- Archers Law reserve the right to make an additional charge if the nature of the instructions are such, that time over and above what they would consider to be reasonable for preparing your Will(s) is expended in completing the same. You will be advised of the estimated additional charge before any work is undertaken.

This form was completed by: Me  or on my behalf by (state name) .....

Your signature: ..... Date:.....

Your Spouse/Partner's signature:..... Date:.....

The above terms are in addition to our Client Engagement Letter and Terms of Business which will be issued to you.

We will use the information you have provided to prepare a draft Will for your consideration and approval.

**Please return the completed questionnaire to:**

Archers Law  
78 New London  
Road Chelmsford  
Essex CM2 0PD  
T: 01245 216888

