

Things to Think About

What we offer: -

- Information & advice on the various documents & services available including Inheritance Tax.

What we don't offer: -

- Advice on aspects of taxation, tax planning, the welfare system & welfare benefits, insurance products & any other financial or legal matters unconnected with the documents & services we offer.

Don't worry if any of this seems confusing or overwhelming.

We will talk through it all when we meet taking as much time as you need.

PROFESSIONAL EXECUTORS & TRUSTEES

Please note that we strongly recommend that you appoint professional executors/trustees. If you chose not to do this we strongly recommend that your executors/trustees take professional advice in discharging their duties. Even in simple situations a failure to take appropriate decisions & at the right time can result in a higher tax liability.

Please think about.....

- In making your will what is important to you? For example, are you concerned about minimising tax, minimising any care fees that may be payable or preserving your estate for your children?
- Who are likely to be mentioned in your Will? Please have full names, addresses & telephone numbers available.
- Who do you want to be responsible for sorting out your affairs after your death & making sure that what your Will asks for comes about - your Executor(s)? Note that no one can be forced to act as your executor.
- With your permission we will write to the executors/trustees/guardians/Attorneys as appropriate mentioned in your documents to give them advice on what is expected of them. The letter will, of course, mention your name(s). If you don't want us to do this please tell us at the appointment.
- Do you want to make specific gifts in your Will, of jewellery, for example? We will need a full description of the gifts.
- Do you want to make a gift to a charity?
- For children under 18 who do you want to look after them - their Guardian(s)? Again, note that no one can be forced to act as guardian.
- Consider what you want to happen if you die, if both you & your partner die together & if you your partner & your children all die together.
- If you want to leave anything to people under the age of 18 then you may need to leave the gift in a Will Trust & decide at what age should they receive your gift? Your executors normally also act as trustees to manage the trust fund. Note that no one can be forced to act as trustee.
- Do you want your Will to record your choice between burial & cremation & whether you want parts of your body to be used for medical purposes?
- Do you have a pre-arranged funeral plan? If so, the details should be included in your Will. If not, & you are interested in a plan now is an ideal time to sort it out & include the details in your Will. We can help.

Willcare.....

Until we meet we can't know just which of our services you need or which may be appropriate to your circumstances. All of our services are set out in the enclosed leaflet. You will see that Willcare makes all of our services available to you in a cost effective package.

- How would you feel if when your document is needed it can't be found or it has been damaged, destroyed or tampered with? We will store your document safely & securely giving you complete peace of mind.
- You will receive a copy of your document to remind you of what it says together with a receipt for the original.
- How would you feel if when your document is needed it's out of date & hasn't kept pace with the inevitable changes to your family & circumstances? We will send you a regular reminder to make sure that this won't happen.
- You get a discount each & every time you decide to update your document.

GENERAL PROTECTION TRUSTS (GPT)

- Residential Care Fees. For spouses or civil partners after the first death if the survivor needs residential health care then potentially almost all of the survivors' wealth could be used up paying for it. A GPT can ensure that whatever is placed in the trust on first death is protected.
- If all your assets, including life insurances & any pension fund pay-outs at the time of your death, add up to more than about £300,000 you may be liable for Inheritance Tax. Spouses/civil partners can 'pass on' un-used Nil Rate Band to their spouses/civil partners on their death. Only one NRB can be passed on in this way. So widows/widowers who re-marry can't pass on the up to two NRB's they may have the use of on their death. In these & other circumstances GPT's can save IHT.
- A GPT can also give IHT savings if the assets transferred into the trust are expected to grow in value at a faster rate than the anticipated future increase in the NRB. A house & land will often fall into this category!
- Keeping Assets 'Safe for the Children'. After first death the survivor can benefit from assets held in the GPT but whatever happens to the survivor, e.g., re-marriage or bankruptcy, the assets in the GPT are protected. If, for example children, should ever suffer divorce the former spouse cannot claim any assets that are held in a GPT.
- Keeping Control of Assets Out of 'Unsuitable' Hands. A GPT can keep assets safe from, e.g., children who may fritter the money away, whilst still allowing those children to benefit from the assets in a controlled way.
- Unmarried Partners. A GPT can make the most of the Inheritance Tax (IHT) allowances available to unmarried partners & minimise IHT payable on second death.
- Business & Agricultural Assets. Reliefs are available for business & agricultural assets that eliminate or substantially reduce IHT. Using a GPT can preserve that benefit so that it is not lost to people who in later life might sell their business or agricultural assets before death.
- Children with Special Needs. If you look after children with special needs GPT's can be an effective way of providing for them in a way that does not stop any benefits the state or local authority may offer.

Lasting Power of Attorney

- A Lasting Power of Attorney gives the right to make decisions, perhaps to a friend or relative, about almost any aspect of your property or financial affairs or in matters of your personal welfare. For example, if you fear that you may not be able in the future to make decisions, perhaps, due to a progressive illness.
- If you have elderly people who rely on you for help then a Lasting Power of Attorney is needed to protect both them & you. If this document is arranged now, it can save so many difficulties for your family but unfortunately most people leave it until it is too late.
- When the Lasting Power of Attorney is needed it must be registered with the Office of the Public Guardian. The registration process can be onerous & costs money, but this pales into insignificance compared to the process of appointing a Receiver for a patient who is mentally incapable & who has NOT got a Lasting Power of Attorney. This can take many months, cost a fortune & the Receiver then has to account to the Public Guardianship Office annually for all of the income & expenditure of the patient. To rub salt into the wound, the Office of the Public Guardian also take a percentage of the annual income for the privilege of overseeing the accounts.
- If you are interested in writing a Lasting Power of Attorney then we can talk through all the details when you meet our representative.
- In the meanwhile, you will need to appoint a Certificate Provider in your Lasting Power of Attorney. Please think about whom you may choose to appoint. It needs to be someone who is not any part of your family; ideally a friend who has known you for at least two years and who is willing to sign your document just once to say that they know you, they think you are sane and sensible and as far as they know you have not been forced or persuaded into making a Lasting Power of Attorney. Once they have signed the once their job is done.