

**Will: half to wife, husband or partner and half to children**

# Last Will and Testament

- I, [full name] of [home address] revoke all earlier wills and declare this to be my Last Will and Testament.

## 2. Interpretation

In this will, unless the ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ :

- ### **3. I appoint as my executors and trustees:**

my [husband/wife/ [ ] [ ] [ ] [ ] ]. [ [ ] [ ] [ ] [ ] ]:

AND/OR

my [son/daughter], [name];

AND/OR

my friend, [name];

AND/OR

my [accountant] [name] ■ ■ ■ ■ [ ■ ■ ■ ■ ■ ■ ■ ].

If any executor is unable or unwilling to act or dies before proving my will, then I appoint [name] OR [any child] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] / [REDACTED] [REDACTED].

4. [If my [wife / husband / partner] dies before me] I appoint [name] of [address] and [name] of [address] as Guardians of any of my children under eighteen years of age.

- 5. I make** the following gifts of money:



[Name 1]

[Name 2]

[Name 3]

- 5.2. £5,000 to my [ ]

- 6. I make the following gifts of Personal Property:**

- 6.1. to my [relationship and name]. my [ █ █ █ █ █ █ █ █ █ █ █ █ █ █ █ █ ]

- 6.2. to my [relationship and name]. my [ █ █ █ █ █ █ █ █ █ █ █ █ █ █ █ █ ]

- 6.3. to my [relationship and name]. my [ █ █ █ █ █ █ █ █ █ █ █ █ █ █ █ █ ]

- 7. I make the following gifts of real property:**

**8.** I give all the remainder of my real property and Personal Property to my trustees to pay all the expenses of my estate and all my debts, including any mortgage and taxes due whether as a result of my death or otherwise. My trustees shall then hold all such remaining property on the following trusts:

8.2. As to my remaining [REDACTED], [REDACTED] [REDACTED]  
[REDACTED].

**9.** If my [wife / husband / partner] does not survive me by 60 days, the following provisions shall take effect.

OR

9.3. I direct my Executors to appoint the Guardians of [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## 10. Trust provisions



## **11. General power and intention**



## **12. Relationship with Beneficiaries**

## Trustees may:

### **13. Wide powers to manage the Trust Fund**



## **14. Real property acquisition and management**

### Trustees may:

## **15. Other powers**

A trustee may:



## **16. Children under 18 years of age**

## **17. Liability of trustees**

#### A trustee:



## **18. Other Trust provisions**

## **19. Accounts**



.....

20. [REDACTED], [REDACTED]  
[REDACTED], [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

*OR*

I direct that if any of my beneficiaries, other than my own children, shall be under sixteen years old at the date of my death, all money due to him may be paid to his parent or guardian for his benefit. If he has attained the age of sixteen years it may be paid to the beneficiary himself. In either case, that payment shall discharge my trustees.

21. In calculating the entitlement of any beneficiary on my death, no account shall be taken of any gift made in my lifetime.

*OR*

[REDACTED]  
[REDACTED], [REDACTED]  
[REDACTED].

22. Any reference in my will to a “partner” is a reference to a person with whom someone is living at the date of my will, and implies no business relationship. If I refer to a wife or husband as a beneficiary, I wish to include any person who has lived as if married to a beneficiary for a minimum of two years.

23. An executor or trustee, who is in business or is a director of a company in business, may charge for work done by him or his firm or company, in connection with the winding up of my estate and the administration of any trust including work not necessarily requiring professional assistance.

24. I wish my body to be buried at [place]

*OR*

[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED].]

*OR*

OR

Date signed:

..... , .....

**Signed by testator:**

Witness 1 Name:

**Address:**

Witness 2 Name:

**Address:**

## **Example letter of intent**

#### To my family and my executors

1. [ ] , [ ]  
[ ] / [ ] / [ ]  
[ ] / [ ]  
[ ] .  
[ ] , [ ]  
[ ] .  
[ ] , [ ]  
[ ] / [ ]  
/ [ ]  
[ ] / [ ] .

2. [ ]  
[ ] 21 , [ ]  
[ ] .  
[ ] , [ ]  
[ ] .

.....

..... , .....

Dad

## Explanatory notes:

**Will: half to wife, husband or partner and half to children**

## General notes

## **1. Links to articles on our website**

These notes should contain the information you need to complete your will. We hope we have provided the right balance of detail to length. However, we know some people will want some extra information and therefore within these notes we refer to our online guide, which can be found on our website at <http://www.netlawman.co.uk/ial/writing-a-will>.

## **2. Names and relationships**

## **Use your full name**

Use full names throughout the document. Do not use abbreviations. For example, when naming yourself, use "William" instead of "Bill" if "■ ■ ■ ■" ■ ■

## Aliases

## **Naming professional advisors**

**Specify relationships as well as names**

Describe beneficiaries by their relationship to you, and give their full name and their address. For example: "My niece Annabel Robinson of 44 Acacia Avenue, Upper Downtown, SP56 4QX". This will help your executors to contact them easily and immediately. But don't worry about new [REDACTED]

## Classes of people

## **Adopted family members**

## **Step children and the family of non-**

Step children and relatives by marriage are not taken as being automatically included in a class. For example, a reference to the class "my children" will not include your second husband's children regardless of your emotional relationship. If you want to include your step children or your wife's niece as a beneficiary, you will have to say so explicitly, for example "my children and the children of my husband and his first wife". Of course, if such a person was supported by you as a [REDACTED], [REDACTED]  
[REDACTED] " [REDACTED] " [REDACTED]  
[REDACTED] ( [REDACTED] ) [REDACTED] 1975

### 3. Gender of nouns

## **4. Inheritance tax**

## **Use of tax avoidance schemes**

# **Who pays the inheritance tax?**

In most cases, Net Lawman wills do not provide for tax to be payable out of a gift. In addition to not knowing what the rate of tax will be on your death or what will be the personal circumstances of your beneficiaries (whether they will be able to find the money to [REDACTED]), [REDACTED]

Your only consideration will therefore be to remember that any tax liability will be payable out of [REDACTED].

## **5. Letters of intent**

However, some of the things you want to say are best not said in your will - for any number of reasons. These things could be wishes or instructions to your executors, guardians or beneficiaries. You can do this by leaving one or more "letters of intent".

### **Wishes as to your children's upbringing**

**Confidential information**

## How to use a gift

## Care of a pet

Remember that whatever you say, it is not ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ .

## **6. Trust powers and provisions**

## **Amending trust powers in a Net Lawman will**

## **7. Marriage and divorce**

## In anticipation of marriage

## On divorce

## 8. The importance of correct signing (“attestation”)

Signing and witnessing your will is critically important. It is a good idea to arrange the format of your will so that all the signatures are printed out on a single sheet of paper.

Your will must be signed:



If there is a possibility that your will might be contested after your death on grounds that you were not sound of mind when you attested it, ■ ■ ■

Do not drink alcohol or take drugs that could affect your judgment ■ ■ ■

Correct attestation is such an important part of creating a will that we encourage you to read our longer article on the subject:

<http://www.netlawman.co.uk/ia/sign-will>

## 9. Signing and page management

However, you must not:



## Paragraph specific notes

## 1. Revocation of earlier wills

We have an article on <http://www.netlawman.co.uk/ia/revoking-will> that provides further information.

## 2. Interpretation

### **3. Executors and trustees**

## Executors

Your executors manage your estate after your death by collecting in all your assets, paying the bills and distributing the remainder to your beneficiaries.

We have an article on the role and responsibilities of executors at <http://www.netlawman.co.uk/ia/role-executors-will>.

## **Who to choose as your executors?**

You can appoint up to 12 people as your executors.

Executors can decline your request to take up their position, so it is a good idea to ask each person at the time you write your will whether he or she is happy to be an executor and to make sure that he or she knows what the responsibility entails. We provide a series of articles on probate that you could ask him or her to read to understand what work is involved. You can find the first at <http://www.netlawman.co.uk/ia/overview-of-probate>.

To safeguard against the scenario where none of the named executors can or wants to take up the position, you can use the “`any`” placeholder, followed by a comma, followed by the list of executors.

## Trustees

## **Trustee powers**

We have an article on <http://www.netlawman.co.uk/ia/choosing-executors-trustees-guardians> that might be useful further reading.

## 4. Guardians

.....  
.....

We have an article on <http://www.netlawman.co.uk/ia/choosing-executors-trustees-guardians> that might be useful further reading.

## **5. Gifts of money (legacies)**

## Leaving gifts to executors

## **Abatement**

For example: You leave £10,000 to your brother John, £10,000 to each of your three children and any remainder to your cousin. You die with £30,000 in

£ 10 , 000 , £ 20 , 000 .

## **Legacies and gifts to charities**

## **6. Gifts of personal property (bequests)**

“Personal Property” means all things capable of ownership, including personal possessions, intellectual property, financial instruments and choses in ( ) .

**Consider descriptions that don't disclose value**

## **Beware of accidentally making the same gift twice**

# Foreign property

## Possessions of which you dispose in your lifetime

It may happen that you sell or give away some possession during your lifetime which you have given to someone in ■■■■■ . ■■■■■  
■■■■■ , ■■■■■  
■■■■■ , ■■■■■  
■■■■■ , ■■■■■  
■■■■■ .

You might like to read our article <http://www.netlawman.co.uk/ia/property-leave-will>.

## 7. Gifts of real property

This paragraph allows you to make specific ■■■■■ ,  
■■■■■ . ■■■■■  
■■■■■ , ■■■■■ .

The gift of ■■■■■ .  
■■■■■ .

### Co-owned property - important

Many people own their home as 'joint tenants' with a ■■■■■ - ■■■■■  
■■■■■ ■■■■■ . ■■■■■ , ■■■■■  
■■■■■ ■■■■■ - ■■■■■ .

If you want to leave your share of your home or another property in your will, you must have severed the joint tenancy. You can do this using [a tenants in common agreement](#) (also known as a deed of severance, but it is not necessary for it to be a deed).

You can find out more at <http://www.netlawman.co.uk/ia/co-ownership-property>

## 8. Survival by your spouse

In this will, we have made two ■■■■■ : ■■■■■  
■■■■■ ■■■■■ ■■■■■ , ■■■■■  
■■■■■ ■■■■■ ■■■■■ .

Even if you and your spouse die as a result of the same event, you will not necessarily die at the same time. That means that the will ■■■■■ ,  
■■■■■ ■■■■■ ■■■■■ ,

( )  
,  
60 ,  
,  
. . ,  
.

This paragraph . . .

- 8.1. You should decide whether you wish to give to your spouse your share in your home [REDACTED] ( [REDACTED]  
[REDACTED], [REDACTED]  
[REDACTED] . [REDACTED] [REDACTED] ( 2012 / 13 ), [REDACTED]  
[REDACTED]  
[REDACTED].
  - 8.2. The rest of your [REDACTED]  
[REDACTED] ( [REDACTED]  
[REDACTED] ).
  - 8.3. Leave this provision as is.

## **9. Creation of a Trust Fund**

This paragraph relates to the following statement:

10. Leave this paragraph as is.
  11. **General power and intention**

This opens unfettered general [REDACTED] 2000.

## **12. Relationship with Beneficiaries**

### **13. Wide powers to manage trust fund**

## **14. Real property acquisition and management**

## 15. Other powers

**16. Children under 18 years of age**

To the inconvenience of everyone concerned with children, Parliament chose to use one of the most common words in our language to be given a ■ ■ ■ ■ ■

These provisions will [REDACTED]



## **17. Liability of trustees**



## **18. Other Trust provisions**

## **19. Accounts**

In the context of the wide powers and freedom given in these [redacted]  
[redacted]  
[redacted]  
[redacted]

#### **20. Gifts to children that are not your own**

## **21. Gifts made in your lifetime**

## **22. Clarification of the term "partner"**

## **23. Payment to professionals**

#### **24. Funeral service, burial and cremation**

Strictly, you do not legally own your own dead body and, therefore, cannot specify what should happen to it. However, if you make your wishes clear in your will, it is most likely that your executors and relatives will carry out them out. We have an article on <http://www.netlawman.co.uk/ia/donating-organs-body>.

## After editing your will

## 1. Print it

The witnesses must not be beneficiaries.

If you do not get this right, your will may be invalid. We recommend you re-read the general notes to this document and also our article at:  
<http://www.netlawman.co.uk/ia/sign-will>.

**2. Write a .....  
■**

You can expand on your wishes by writing a .....  
....., .....  
.....  
.....

Net Lawman provides a .....  
.....

See the .....

## End of notes