



PROTECTING YOUR LOVED ONES

AFTER YOU'RE GONE

DEBENHAMS • OTTAWAY
SOLICITORS



WHAT HAPPENS IF YOU DIE WITHOUT MAKING A WILL

If you die domiciled in England and Wales without leaving a Will your estate will be distributed according to the Rules of Intestacy.

This leaflet gives a brief overview of intestacy but the rules are complex and legal advice should always be taken.

The flowcharts, to the left and right, provide a guide as to who gets what.

Your estate for intestacy purposes does not include jointly held assets.

We can help you to draw up your Will so it properly reflects what you want and most importantly that it is legally valid.

If you would like to know more about our wills service, please contact:

jeh@dolegal.co.uk

01727 837161

MARRIED/CIVIL PARTNERSHIP

START

Is your estate worth more than £250K?

No

Spouse takes all.

Yes

see note 1

Do you have children?

Yes

Spouse takes personal chattels + £250k + life interest in half remainder. Children receive balance and first half on death of spouse.

No

Do you have parents?

Yes

Spouse takes personal chattels + £450k + half remainder absolutely. Parents get balance.

No

Do you have brothers/sisters?

Yes

Spouse takes personal chattels + £450k plus half remainder. Brothers and sisters take balance.

No

Spouse takes all.

NOTES

- 1 Half-siblings will only inherit if there are no full-siblings. Step-siblings or step-children do not inherit unless legally adopted.
- 2 Children/grandchildren/great-grandchildren benefit 'per-stirpes' e.g. where a person who would have benefited pre-deceases you leaving two surviving children, the share is divided between those children equally.

SINGLE/WIDOWED

START

see note 1

Do you have children?

Yes

Shared equally between them, or if any are deceased their share goes to their children.

see note 2

No

Do you have grandchildren?

Yes

Shared by them, split equally between the branches of the family.

see note 2

No

Do you have parents?

Yes

Shared equally between them.

No

Do you have brothers/sisters?

Yes

Shared equally between them (or to the children of any brother or sister who has died previously).

No

Do you have grandparents?

Yes

Shared equally between them.

No

Do you have uncles/aunts?

Yes

Shared equally between them (or to the children of any uncle or aunt who has died previously).

No

Crown/
Duchy of Cornwall/
Duchy of Lancaster
gets everything.

Dying without a Will means your loved ones may end up without the immediate support they require. For peace of mind, the only way to guarantee that assets pass according to your wishes is to put a Will in place.

IF YOU DIE WITHOUT A WILL:

- Your spouse/civil partner may not inherit everything that you own, leading to financial hardship.
- Couples living together but unmarried will not be entitled to a share of their deceased partner's assets and may lose entitlement to remain in the family home.
- Your child could end up being cared for by someone you did not intend, or receiving a large amount of money at too young an age.
- Friends/charities/god-children/step-children will not benefit. Relations you would not want to benefit, may receive benefits.

IF YOU MAKE A WILL YOU CAN:

- Ensure your family is provided for in the way you choose.
- Provide for your unmarried partner and anyone else you choose, including charities.
- Appoint guardians of your choice in the event that both parents die before a child reaches 18.
- Defer a child's inheritance until after age 18 and choose trustees to look after the child's interests.
- Reduce the tax your estate will incur by careful drafting of the Will.
- Provide for Trusts in your Will to protect your assets on divorce, or from creditors, or to keep the assets out of assessment for means-tested benefits.
- Control conflicts on the death of a spouse with children from previous relationships.

DON'T FORGET KEEP YOUR WILL UP TO DATE

You should check it...

- after divorce, end of a civil partnership, re-marriage or forming a civil partnership
- after the birth or marriage of children or grandchildren
- after moving house
- after the death of a beneficiary
- every few years

You should also consider
registering your Will.

St Albans

Ivy House
107 St Peter's Street
St Albans
Hertfordshire
AL1 3EW

DX 6105 St Albans

Tel: 01727 837161

Fax: 01727 830506

Radlett

48 Watling Street
Radlett
Hertfordshire
WD7 7NN

DX 89550 Radlett

Tel: 01923 857171

Fax: 01923 854840

DEBENHAMS ♦ OTTAWAY

SOLICITORS

www.dolegal.co.uk

Regulated by Solicitors Regulation Authority