



THOMPSONS NI

## Making a will

Please find your will questionnaire  
and explanatory notes enclosed



# Thompsons Solicitors' postal will-making service

## About Thompsons Solicitors

Thompsons Solicitors understands the concerns people have about dealing with the law. More than 90 years of representing the interests of working men, women and trade union members has allowed us to develop a friendly, approachable service.

## Thompsons Solicitors will making service

Making a will need not be complicated. We offer this service for each member and their partner; whether married or not and for partners of the same sex. This service can help you safeguard the interests of your family, friends and dependants – **and you don't even have to visit us**. Using our questionnaire, we can draft your will from the information you provide.

The will questionnaire can be completed by either a single person (please give the details under the columns headed 'Yourself') or by a couple (please complete both columns 'Yourself' and 'Your partner').

It is important for both partners to make wills because you may die together. In any event, you should provide for what should happen when you both die.

The word "partners" is used in this document to refer to all partners, whether married or unmarried, regardless of gender or sexuality.

## What does making a will involve?

A legally drawn up will is a written statement of your wishes. It enables you to make important decisions that affect your family and friends after your death. Decisions such as:

- Who inherits your estate (i.e. everything you own)?
  - Your beneficiaries
- Who will act as guardians of your children?
- Who carries out your wishes? – your executors (and your executors may act as your trustees if your will creates a trust).
- Why would you create a trust?
- Which charities are to benefit from your estate?

All of these issues can be incorporated in a will. A properly drafted will can spare your family and friends a great deal of unnecessary work and heartache at a time when they are least able to cope with it. It also reduces the possibility of your will being invalid or contestable.

You can alter your will or cancel it at any time, but we will charge you for any alterations at the reduced rate agreed with your union.

## Who will carry out my wishes when I die?

Executors are people who administer – or execute – your affairs and being an executor does not prevent the person from also being a beneficiary of your estate. Husbands and wives or partners can appoint each other as first executors and two (or more) additional executors, such as adult sons and daughters or professional people, to act as your substitute executors in the event of both deaths. Please consider the appointment of your executors with care. The duties imposed by law on executors and trustees can be time consuming and can lead to personal liability.

## What happens if someone dies without making a will?

- Everything you own will be divided up under fixed rules decided by law, not by you. These are known as Intestacy Rules.
- You leave your relatives and friends with the difficult task of sorting out your affairs.

One of the most common misconceptions is that if you die without a valid will, all of your estate will automatically go to your surviving partner. This isn't the case. Your partner could even end up with insufficient money to remain in the family home.

The law does not provide for unmarried partners or children who are not biological children of the parents (other than adopted children) and if you have no surviving blood relatives then your estate goes to the Crown.

## What arrangements should I make for my children?

You should consider appointing a legal guardian to look after children who are under 18. When a parent dies, the surviving parent normally becomes the legal guardian. But you may die at the same time, in which case it would be wise to appoint another member of your family or a close friend as a legal guardian.

Your trustees have power to pay money to the guardians for the maintenance, education and general welfare of your children.

*Please note: Unless the mother appoints him, an unmarried father will not automatically become the guardian of his natural child on the death of the mother.*

## I don't want to leave anything to my family

You don't have to leave anything to your family in your will, but if you do not make suitable financial provision for members of your immediate family or other people financially dependent on you, they may be able to contest your will and claim a share of your estate.

## Witnessing the will

There are strict legal formalities that have to be complied with when signing your will. We will give you clear and detail instructions of those requirements.

The individuals may also need to act as trustees: for example, where money needs to be held in trust for children under the age of 18 or where any other type of trust arises under your will.

## Can I ensure my partner does not leave the assets inherited by him/her under my will to someone who I would not like to inherit those assets?

This can be ensured by giving your partner only a limited interest in your estate. This will mean that both your will and the administration of your estate will become more complicated and that your estate will have to be held by your trustees upon trust.

Examples include giving the right to live in your home to your partner during your partner's lifetime (or perhaps until your partner's (re) marriage); giving your partner the right to the income generated from the remainder of your estate during your partner's lifetime (or until your partner's (re)marriage).

This may involve work which falls outside the will's scheme and is something for which we may have to charge extra.

## Assets that may not be covered by your will

- **Death benefits under a pension scheme** are usually distributed at the discretion of the pension fund trustees. You should therefore let them know of your wishes. Often, they will require you to complete a nomination form indicating who you would like to benefit. We would advise you to review your nominations annually.
- **Life assurance policies**, if written in trust, are payable to the named person(s), whatever your will may say. We would advise you to check these annually.
- **Assets in joint names** may pass to the survivor. If you wish to leave your share of jointly-owned assets to someone other than your co-owner, you may need to take steps to divide the ownership of those assets. If, for example, the jointly-owned asset is your home, you should have the wording of the title deeds checked. Normally, the title deeds are worded in such a way that your share would automatically pass to the other owner on your death. This requires conveyancing work such as drafting a declaration of ownership. This work falls outside the wills scheme. Thompsons NI has expertise in this area, should you require this additional service.

## If I divorce or remarry, does it affect my will?

- A divorce treats a former spouse as if they were omitted from the will. No gift will pass to them, and even if they are named as executors they cannot act as such. However, the rest of the will remains valid.
- Marriage and remarriage are somewhat different. A marriage usually cancels any previous will.
- As a result, you could find you have no will at all and the Intestacy Rules would apply.
- If you have set a date for a wedding, please inform us so that an appropriate clause can be included in the will to prevent your will being cancelled.
- If you are married and co-habit with a new partner without getting divorced, do make sure you make provision for your new partner and any children. Otherwise, the legal spouse might be able to inherit under a will you have made and not cancelled, or under the Intestacy Rules.

## Civil partnerships

The dissolution of a civil partnership has the same effect on the partners' wills as divorce does for married couples. The formation of a civil partnership revokes the partner's will, unless made in contemplation of their civil partnership. If you are (or are about to be) in a civil partnership, please tell us.

## If I should become mentally infirm later in life, can I arrange for a relative or friend to look after my affairs?

This is possible by way of Enduring Power of Attorney, which is a separate legal document that should not come into effect until you

are incapable of managing your own affairs. You cannot make provision for this in your will, but it is a service that Thompsons NI can provide for an additional fee.

## Where should I keep my will?

You can lodge this with your bank or somewhere else that is safe. Ensure you tell an executor where it is.

## When should I change my will?

You do not need to make a new will if anyone named in it changes address – you can simply leave a note of the new details with your will. We advise that you should review your will every two to five years, and especially when there is any major change in your life, such as marriage, separation, divorce, remarriage, a death or birth in the family.

We are always happy to discuss changes in your will and will rewrite your will at the reduced rate agreed with your union.

## The financial checklist

We suggest that you make a list of all of your assets, which should include: your home, life policies, your savings, car and other effects. At the same time, make a similar list of all your liabilities, such as mortgage, overdrafts and other debts, to work out the approximate value of your estate. We have included a financial checklist to assist you.

## Inheritance tax

Inheritance tax, or IHT, is levied on a person's estate when they die. It is charged if your estate is valued at above a certain threshold. Our service does not include tax advice.

## And finally...

Thompsons NI is a trading name of Thompsons Solicitors (Northern Ireland) LLP and is regulated by the Law Society of Northern Ireland. It has associated offices across England, Scotland and Wales as Thompsons Solicitors, which is a trading name of Thompsons Solicitors LLP and is regulated by the Solicitors Regulatory Authority.

We are an equal opportunities firm and all our services are available equally, regardless of sex, race, age, disability, sexual orientation or religious belief.

We comply with the Solicitors' Introduction and Referral Code, published by the Law Society of England and Wales, and any solicitor we refer you to will be an independent professional who will provide you with impartial and confidential advice. You are free to choose another solicitor.

Please complete the enclosed questionnaire, giving the full forenames and full addresses in block capitals of everyone you wish to mention – eg Rebecca Ann Windsor not Becky A. Windsor. Your application will be returned if not properly completed. Return the questionnaire, together with the financial checklist if appropriate, to: Thompsons NI Solicitors, 4th Floor, City Exchange, 11-13 Gloucester Street, Belfast, BT1 4LS.

# Questionnaire

DO NOT COMPLETE this form BEFORE READING the explanatory notes. All information provided will be treated as strictly confidential. Please complete in BLOCK CAPITALS, giving full names, addresses and the relationship to you of each person mentioned. PLEASE TICK THE APPROPRIATE BOX WHERE NECESSARY.

**1. Which service do you require?**

☐ Single will

☐ Mirror wills

**2. Do you wish to deal with this application by:**

☐ Post

☐ Email (please provide email address \_\_\_\_\_)

**3. Do you need your will prepared urgently for medical reasons?** If yes, please state reasons:

## Your personal details

**4. Your details**

Sex: ☐ Male ☐ Female

Title: ☐ Mr ☐ Mrs ☐ Miss ☐ Dr ☐ Other (please specify \_\_\_\_\_)

Surname: \_\_\_\_\_

First name(s): \_\_\_\_\_

Home address: \_\_\_\_\_  
\_\_\_\_\_

Home tel no: \_\_\_\_\_

Work tel no: \_\_\_\_\_

**Your partner's details (only complete if you have selected mirror wills)**

Sex: ☐ Male ☐ Female

Title: ☐ Mr ☐ Mrs ☐ Miss ☐ Dr ☐ Other (please specify \_\_\_\_\_)

Surname: \_\_\_\_\_

First name(s): \_\_\_\_\_

Home address: \_\_\_\_\_  
\_\_\_\_\_

Home tel no: \_\_\_\_\_

Work tel no: \_\_\_\_\_

## Your estate

**5. Is your home:**

☐ rented ☐ owned in your sole name ☐ owned jointly with partner as 'joint tenants' ☐ owned jointly with partner as 'tenants in common'

**6. If your property is owned jointly with someone other than your partner, please state their name and confirm whether it is owned as joint tenants or tenants in common:**

**7. Do you have any assets outside Northern Ireland?**

☐ No ☐ Yes (please specify country \_\_\_\_\_)

**8. Have you made a will in another country?**

☐ No ☐ Yes (please state where and when, and attach a copy if possible)

## Your personal circumstances

### 9. Are you:

☐ Single ☐ Married ☐ Living with partner ☐ Civil partnership ☐ Separated ☐ Widowed

### 10. If you are intending to marry or enter into a civil partnership in the near future, please provide the full name of your future husband/wife/civil partner

Yourself

Your partner

### 11. Is there anyone you do not want to benefit from your will? (eg former partner or children)

☐ Yes ☐ No

If yes, state full name, address and full reasons why:

☐ Yes ☐ No

If yes, state full name, address and full reasons why:

### 12. Do you have any disability that makes reading or signing your will difficult? If yes, please give details



## Your executors

### 13. Who do you wish to be the executor(s) of your will?

☐ Your partner (please state full name)

But if they die before you, the person(s) named below:

Name:

Address:

Relationship:

Name:

Address:

Relationship:

☐ The person(s) named below

Name:

Address:

Relationship:

Name:

Address:

Relationship:

☐ Your partner (please state full name)

But if they die before you, the person(s) named below:

Name:

Address:

Relationship:

Name:

Address:

Relationship:

☐ The person(s) named below

Name:

Address:

Relationship:

Name:

Address:

Relationship:

## Guardians

Yourself

Your partner

### 14. Do you wish to appoint guardians for any children you have aged under 18? Please limit to two

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship: \_\_\_\_\_

## Gifts to family and friends

### 15. Do you wish to leave any particular items to particular people? (eg wedding ring to daughter, car to grandson) Please provide details

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Current age: ☐ under 18 ☐ over 18

Details of gift: \_\_\_\_\_

Bequest to be made: ☐ on my death ☐ on partner/husband/wife's death ☐ on both deaths

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Current age: ☐ under 18 ☐ over 18

Details of gift: \_\_\_\_\_

Bequest to be made: ☐ on my death ☐ on partner/husband/wife's death ☐ on both deaths

### 16. Do you wish to leave sums of money to particular people? (eg £500 to nephew) Please provide details

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Current age: ☐ under 18 ☐ over 18

Details of gift: \_\_\_\_\_

Legacy to be made: ☐ on my death ☐ on partner/husband/wife's death ☐ on both deaths

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Current age: ☐ under 18 ☐ over 18

Details of gift: \_\_\_\_\_

Legacy to be made: ☐ on my death ☐ on partner/husband/wife's death ☐ on both deaths

## Gifts to charity

### 17. Do you wish to leave a sum of money to charity? Please provide details

Name of charity: \_\_\_\_\_ Registered charity number: \_\_\_\_\_

Address: \_\_\_\_\_

Details of gift: \_\_\_\_\_

Legacy to be made: ☐ on my death ☐ on partner/husband/wife's death ☐ on both deaths

Please attach extra sheets if necessary.

Please remember to give all information in BLOCK CAPITALS

## Your will

### Yourself

**18. Please choose from the following options: I do not have a partner and wish to leave my estate to my children, friends, family members and/or charities. Please provide details below:**

I wish to leave my estate to my:

☐ Partner but if they die before me, to my children in equal shares. If any of my children die before me, their share is to pass to my grandchildren

☐ Partner but if they die before me, to other family members, friends and/or charities. Please provide details below:

☐ None of the above. Please provide details:

### Your partner

I wish to leave my estate to my:

☐ Partner but if they die before me, to my children in equal shares. If any of my children die before me, their share is to pass to my grandchildren

☐ Partner but if they die before me, to other family members, friends and/or charities. Please provide details below:

☐ None of the above. Please provide details:

### 19. Funeral instructions:

☐ Buried ☐ Cremated ☐ No preference

☐ Buried ☐ Cremated ☐ No preference

**20. Do you wish to donate any organs of your body for transplantation or therapeutic purposes (including organ transplant)? This does not cover medical research, which can only be arranged prior to death with a teaching hospital.**

☐ Yes ☐ No

☐ Yes ☐ No

## Union details

(Your application will not be processed unless this section is fully completed)

Please confirm the union you belong to:

Membership number:

Union sector: ☐ Health ☐ Education ☐ Local government ☐ Fire service ☐ Finance ☐ Transport ☐ Clerical ☐ Police staff  
☐ Water ☐ Utilities ☐ Other (please provide details):

Union area (the part of the country your union office is located):

☐ London ☐ North ☐ North East ☐ Midlands ☐ Wales ☐ West  
☐ East ☐ South ☐ South East ☐ South West ☐ Northern Ireland

Union branch:

## Declaration

I declare that the above information is correct and that I wish my will(s) to be drawn up in these terms

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

# Financial checklist to value your estate

This information is received in strict confidence and will not be disclosed to anyone outside of Thompsons NI.

WE MAY NOT PROCESS YOUR APPLICATION IF THIS CHECKLIST IS NOT COMPLETED.

Property and capital assets (approximate values in £s only required)	Yourself		Your partner	
	Your share of Joint property	Sole property	Your share of Joint property	Sole property
Own home	£	£	£	£
Other houses, land or buildings	£	£	£	£
Household contents	£	£	£	£
Cars, boats etc	£	£	£	£
Jewellery	£	£	£	£
Fine art/antiques	£	£	£	£
Lump sums due (ie damages, inheritance, redundancy)	£	£	£	£
Bank and building society accounts	£	£	£	£
National savings and premium bonds	£	£	£	£
Stocks and shares	£	£	£	£
Unit trusts	£	£	£	£
Life policies (please indicate whether they cover any mortgages or other loans)	£	£	£	£
Death benefits under a pension arrangement	£	£	£	£
Assets of any sort held outside Northern Ireland (please state where held). If you have a will relating to foreign property please enclose a copy)	£	£	£	£
Other assets	£	£	£	£
Total assets	£	£	£	£

Liabilities				
Home mortgage	£	£	£	£
2nd mortgage or further advance	£	£	£	£
Bank loans	£	£	£	£
Overdraft	£	£	£	£
Credit card debt	£	£	£	£
Other debts	£	£	£	£
Total liabilities	£	£	£	£

NET estate				
Total assets	£	£	£	£
Less total liabilities	£	£	£	£
Current value of your estate	£	£	£	£

Have you given full names and addresses?

Thompsons Solicitors' will-making service for trade union members

Now send this form to: Thompsons NI Solicitors, 4th Floor, City Exchange, 11-13 Gloucester Street, Belfast, BT1 4LS.

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